

CABINETS, QUOTAS, IRON CIRCLES AND THE SECOND FLOOR: FORMAL AND INFORMAL ORGANIZATION OF THE EXECUTIVE BRANCH IN CHILE¹

By Peter M. Siavelis
Wake Forest University

I). INTRODUCTION

Juan Linz's seminal work on presidentialism initiated a long and productive debate on the virtues of different formulas for structuring executive-legislative relations. Fundamentally, Linz and others who followed along the same line of analysis (Valenzuela 1994; Mainwaring 1993, among many others) contended that some of the problems of governability in Latin America could be tied to its regime structure, particularly where presidentialism and multiparty systems coexisted. As this long debate has unfolded scholarly consensus has emerged that it is not presidentialism *per se* that promotes instability and problems of governability, as the seminal works on the "perils of presidentialism" suggested. Rather, scholars have noted that the workability of presidential systems is profoundly influenced by the complete institutional constellation of presidentialism, including the relative strength of the president, cabinet authority and other electoral variables (Shugart and Carey 1992), whether presidents can consistently rely on legislative majorities or near majorities (Mainwaring and Shugart 1997), the combination of the types of presidents with different types of legislatures (Morgenstern and Nacif 2002; Cox and Morgenstern 2002), and creative mechanisms presidents can use to implement their policy making strategies (Amorim Neto 2006).

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However, despite the richness of these studies, one of the areas that has been less analyzed is the potential for the structure of the executive branch itself to affect the functioning and potential success of presidential systems. The significance of the distribution of ministerial portfolios for the performance of governments has been extensively analyzed in the literature on parliamentary democracies (Laver and Shepsle 1990; Austen-Smith and Banks, 1990). Less has been written on the significance of portfolio distribution in presidential democracies.² While coalitions as institutions are the political hearts of many parliamentary systems, they are not often associated with presidential governments. There is a good deal of literature that attests to the disincentives for coalition government in presidential systems (Valenzuela 1994; Stepan and Skach 1993; Mainwaring 1993). However, coalitions are much more central to presidential systems than has been acknowledged. For example, in her study of nine Latin American presidential systems between 1958 and 1994, Deheza shows that 69 out of a total of 123 governments were coalitions characterized by the multiparty distribution of ministerial portfolios (1997: 67).

While some studies are breaking important ground on the significance of the distribution of ministerial portfolios, there is virtually no work outside of the United States on the less formal aspects of the structure of the executive branch. In particular, presidents often build or rely upon informal networks of supporters and advisors that help them structure relations with congress, protect their image, and navigate difficult political waters by providing presidents avenues of influence and power that are informal in nature. It is understandable that there is very little work in this area, given that networks of advisors are informal in nature, their influence is difficult to measure, and that presidents themselves seek to mask the influence of these networks for a variety of political reasons. Therefore the only way to practically analyze the influence of these informal networks is a case study.

² Exceptions to this general rule include Lanzaro's (2001) collection of essays, Deheza's (1997) and Amorim Neto (2000) cross national studies, and country studies by Altman (2000) and Siavelis (2006). In general the Brazilian case is the best accounted for given the centrality of multiparty cabinets and the extensive work of Amorim Neto (2000).

This chapter presents such a case study for Chile, analyzing both the distribution of cabinet portfolios and the less formal aspects of executive branch structure. It begins with an in-depth analysis of the formal distribution of ministerial portfolios during the first four post-authoritarian Chilean governments. It underscores how crucial the formal distortion of portfolios was to the success of the democratic transition and democratic consolidation. However, it also analyzes how this very cabinet structure also came to undermine governments. In particular, two fundamental elements transformed the central significance of shared cabinet portfolios to democratic success. The first was the movement away from the very sensitive context of the transition, and the decreased need for purposive cross-party coalition building in order to successfully govern. This led gradually to a growth in the perception that cabinet sharing represented an effort to simply divide governing spoils among parties, and the development of what gradually came to be referred to derisively as government by *cuoteo*. The second element that undermined the effectiveness of governing by cross-party consensus in the executive branch was the gradual shifting of responsibility away from advisors *within* executive branch institutions and *toward* more informal networks of advisors. The paper then moves to an analysis of the informal structure of the executive branch for each of the four post-authoritarian presidents. It underscores how informal organization of the executive branch helps to determine whether more formal portfolio distribution can achieve the goals of cross-party consensus building, for which cabinet sharing schemes are designed.

Though fundamentally a case study, there are important theoretical lessons that can be taken away from the Chilean case which are summarized in the conclusion. Most importantly, this study suggests that formal and informal variables related to the structure of cabinets and other executive branch institutions can counteract some of the most negative effects of poorly designed presidential systems, both in terms of the incentives for very strong presidents to cooperate, and the negative incentives created by the uncomfortable combination of presidentialism and multiparty systems. However, this study also provides an additional empirical and theoretical contribution. It underscores that the structuring and interaction between formal portfolio distribution and the real locus of control in terms of the informal networks on which presidents rely is

also crucial to the functioning of presidentialism and has important implications for the potential success or failure of presidents.

II). PRESIDENTIAL CABINETS AND THE SUCCESS OF CHILEAN DEMOCRACY

The victory of rightist candidate Sebastian Piñera in the Chilean 2009-10 presidential election³ brought to an end what is likely the longest, and certainly one of the most successful coalitions in Latin American history. The center-left Concertación coalition which governed Chile from 1990-2010 oversaw one the most successful democratic transition on the continent, and in regional perspective presided over governments with some of the best records of democratic governability. This is an interesting outcome given that the comparative institutional literature suggests that Chile's exaggerated presidential system, majoritarian electoral formula, the timing and sequencing of elections, and other institutional variables combine for a very undesirable configuration, and should create disincentives for cooperation and political accommodation (see Jones 1995; Mainwaring and Shugart 1997).

The formal sharing of ministerial cabinet portfolios (or what Chileans have come to refer to as the *cuoteo*) has been central to the success of both the democratic transition and post-authoritarian governments in Chile. Fundamentally, the distribution of cabinet portfolios achieved three goals. The structure of the cabinet 1). Provided important incentives for coalition formation and maintenance; 2). Facilitated governing and inter-branch relations; 3). Performed a key legitimating function in the eyes of the public (though this would eventually be undermined and gradually help lead to the end of the coalition itself).

³ This was a two-round election with the first round on December 13, 2009 and the second on January 17, 2010.

Coalition Formation and Maintenance

One of the most unusual aspects of the transition to democracy in Chile was the reality that the institutional structure bequeathed to democratic authorities in 1989 was not of their own design. Democratic authorities inherited a constitution essentially written by Pinochet and his advisors, which established an exaggerated presidential system combined with a small magnitude legislative election system with only two members per district (known as the binomial system) (Siavelis 2000). This created an extraordinarily strategically complex situation for opposition parties. The Concertación coalition that formed at the onset of democracy in opposition to Pinochet and the parties of the right comprised 17 parties none of which could claim majority status. Party elites knew that divisiveness and squabbling could be fatal to governing, and in turn, to the integrity of the democratic transition itself. In this sense, the central dilemma that Chilean political elites faced was a complex game where the future of democracy depended on ability to govern, the ability to govern relied on coalition maintenance, and coalition maintenance depended upon the ability of political elites to construct mechanisms to provide for the widespread and fair representation of parties in government and policymaking. At the same time, because the legislative election system provided only two seats per district, parties had to devise a mechanism to distribute candidacies among the many parties of the Concertación. While party mergers have decreased the number of significant political parties to 5, holding together a diverse coalition of parties, none of which had a majority, remained the central challenge for the Concertación.

How was the actual cabinet formation and portfolio distribution process used to provide incentives for coalition formation and maintenance? Concertación leaders struck an informal agreement that endured throughout all of the post authoritarian governments from the Patricio Aylwin administration (1990-1994) until the Bachelet administration (2006-2010). Fundamentally, this agreement assured that in each ministry the cabinet minister was from a different party than the vice minister. What is more, throughout the ministries, and particularly “political” ministries, each of the post-authoritarian administrations has also

sought to balance the representation of the complete constellation of members of the Concertación coalition in the upper level staffs of each of the ministries. However, presidents have not only had to maintain a balance of party forces in determining the appointment of ministers and vice ministers. Different party factions also appeal to the president to place a range of officials from each of the several different party factions of the coalition's constituent parties in positions of power (La Tercera 2000; El Mercurio 2000). This form of distribution for ministerial portfolios and high-level staff has also built trust, by insuring widespread party input into governmental decision-making.

Rehren (2006) correctly underscores that this was a key departure from the pattern that had characterized the distribution of cabinet portfolios in Chile's last socialist government, where entire ministries were controlled by a single party, or what Rehren calls "vertical feudalism." In contrast, in distributing parties across ministries, the Concertación provided a pattern of "horizontal integration" which prevented the establishment of ministries as tools for the distribution of party patronage. Therefore, cabinet portfolio sharing was a central component of a multi-faceted power sharing arrangement whose elements in combination consistently reinforced the incentive to remain together as a coalition.

Governing and inter-branch relations

Chile returned to democracy with a weak congress, and an extremely strong executive. Chile's president is the most important legislative actor in the country, and is universally recognized as a "co-legislator." Presidents have wide latitude to control the legislative process, broad urgency powers, a monopoly on the presentation of legislation having to do with social policy or expenditures, and effective decree power in budgetary affairs (Siavelis 2000: 11-31). The comparative literature suggests that this constellation of executive powers is problematic in terms of democratic governability, and may provide disincentives for inter-branch cooperation with potentially negative consequences for presidents' ability to govern (Shugart and Carey 1992). This is the case primarily because executives are tempted to bypass congress and impose their

own agendas when they lack majorities, or to abuse their privileges and simply compel congress to cooperate where they can rely on majorities.

However, in post-authoritarian Chile, if presidents had simply relied on their powers and enforced their own partisan agendas it is likely that legislation would have failed. Therefore, because different ministries were made up of a variety of parties, all parties had some input into the legislative process and through a variety of mechanisms could ensure that legislation was acceptable to the full range of parties within the coalition. Under the Aylwin Administration a series of inter-ministerial commissions were formed to ensure the coherence of the government's program and legislative agenda given the multiparty scope of the coalition. Ministerial commissions are made up of high-level ministry officials in different ministries working in similar areas that require coordination. For example, officials from the Ministry of the Interior and the Ministry of the Economy necessarily need to coordinate with the Ministry of Planning when determining spending priorities and budgets. However, in informal terms, these inter-ministerial commissions also serve as crucial mechanisms of communication. While coordinating their various activities, ministers and officials from distinct parties share information on the nature and status of activities of the government, providing widespread party input, ensuring both coordination and coalition-reinforcing trust. As will be shown below, when real decision making power later tended to become concentrated in one of the president's favored ministries, consultative mechanisms often broke down, sometimes with very negative consequences.

Presidents have also established a number of informal consultative mechanisms, though these mechanisms were at their height during the Aylwin administration and gradually became less influential. Informal meetings between the representatives of the executive branch and legislators have been the norm. Legislators of governing parties meet with Ministers, Sub-secretaries and high-level officials within the ministries working in the same substantive area to discuss what type of legislation is necessary and should be incorporated into the executives' program.⁴ Also, at the beginning of legislative sessions,

⁴ Interview Carlos Carmona, April 23, 1993.

officials of the executive branch meet with members of congress to decide what the most important legislative priorities for the year will be. Representatives from ministries and legislative committees in the same substantive areas continue to meet after the proposal stage to discuss aspects of bills later in the legislative process. In cases where particularly important legislation is being considered, like the annual budget, the president often meets with legislators of the committee discussing the legislation. Presidents in the post-authoritarian period have also met weekly with the *jefes de bancada* of the various parties of the Concertación to discuss the legislative agenda for the week.⁵

All of these mechanisms, however, are based on the principal of extensive cross-party influence and are rooted in an assumption that the constituent parties of the Concertación would have an input in policy formulation. Without a sharing of cabinet portfolios, this promise of true cross party policy formulation and implementation would have been impossible, and presidents would have likely been much less successful in passing legislation.

Portfolio Sharing as a Public Legitimizing Function

Virtually nothing has been written on the public face of cross-party portfolio sharing. That is to say, few have explored how the distribution of portfolios sends a public, political message about the values, goals and intentions of the government. In Chile, this public view of portfolio sharing was central to the initial success of this formula of governing, not to mention its eventual downfall.

In light of the very success of *Concertación* governments it is easy to forget the atmosphere that reigned in 1990 as democratic authorities inherited power for the first time in almost twenty years. During the initial election the right campaigned on a platform suggesting that the victory of the Concertación would represent a return to the chaotic years of the *Unidad Popular* government of Salvador Allende (1970-73), which ended in the disastrous military coup of September 11, 1973. Part of this chaos was one where parties selfishly and single mindedly pushed their own agendas within the framework of the *UP* coalition. Pinochet often spoke of the evils of political parties and of venal party

⁵ Interview Cesar Ladrón de Guevara, April 28, 1993

leaders pushing their own agendas and this was a constant subtext used by the parties of the right in campaigns against the Concertación. Parties of the right consistently underscored that electing the Concertación (and later when Ricardo Lagos ran, a Socialist government) would represent a return to a formula where selfish partisan squabbling would get in the way of governing Chile.

Following the return of the democracy, the first General Secretary of Government, Edgardo Boeninger recognized this risk, noting the importance of party cooperation. In a then confidential internal memo circulated among the highest levels of the Concertación. He wrote “The fear of a military regression, and the understanding of the risk of such an event occurring, will be directly determined by the level of conflict that exists between political parties.” (Boeninger 19990). Unity was transformed into something near an ideology in the governing alliance

In this sense, as the Concertación moved into office, it sought to paint a picture of consensual party government, where petty partisan squabbles would not get in the way of governing. By constructing cabinets with cross-party representation the Concertación projected a public image of moving beyond the interests of party to put the interests of the democratic transition first.

Subsequent administrations have also used the *cuoteo* as a public relations tool (or less cynically to use the cabinet appointment process to send a message about the values, goals and orientations of the government). The Frei administration largely used the cabinet appointments to send a very similar message of unity to that which characterized the Aylwin administration. However, after two governments the attitude toward the *cuoteo* itself began to change towards a more negative one in the eyes of the public, a reality discussed in more detail later. This change was largely a function of the fact that the novelty of the Concertación had begun to wear off and the delicacy of the democratic transition beginning to wane. With this transformed and more negative view of the *cuoteo* beginning to develop, presidents turned its use towards other public relations ends. This began with the Lagos administration that for the first time focused on cabinet portfolio distribution as a way of

sending a message of that his government would be one of “new faces” in terms of appointing a number of young people to his cabinet. The average age of cabinet ministers appointed by Lagos was 47.5, and women entered the upper levels of the Chilean government. He also sought to send a message regarding gender parity, putting 5 of the 16 ministries under the direction of women.

This attempt to use the mechanisms of cabinet appointments to remake the Concertación’s image reached its height under the Bachelet administration. Part of Bachelet’s razor thin victory in the presidential election was based on her promise to remake the Concertación by introducing a *gobierno ciudadano* or citizens’ government. As part of this campaign she pledged to appoint a cabinet with an equal number of men and women ministers. She also pledged even more clearly to appoint “new faces” to these positions promising that the same ministers who served before would not serve again, or that “*nadie se va a repetir el plato.*” Together these promises were an effort to send a strong symbolic message that there would be a renovation of political elites, which proved very popular with the electorate. Although Bachelet filled party quotas in ministerial and undersecretary positions, finding new faces, who were also women, and whom she trusted that also fit the party bill proved extremely challenging. The result was that President Bachelet appointed a cabinet that theoretically respected *cuoteo* rules but did not contain the people that the party presidents would have liked. This later translated into more difficulties and open conflict among the coalition when it came to governing. What is more, Bachelet’s appointments and frequent subsequent cabinet shake ups reinforced the gradual erosion in the public’s perception of the *cuoteo*.

Thus, at first the strategy of using portfolio distribution as a public relations tool proved successful. The *cuoteo* was designed as an informal institution aimed at assuring the widespread and complete representation of all parties in the coalition. Without this representation and voice, parties would have had little incentive to remain loyal to the coalition, it would have likely fallen apart, and Chile would not be the textbook successful democratic transition that it is today. In addition to all of the positive outcomes with respect to the actual outcomes of governing, survey data suggest that the Concertación also achieved a public

relations victory in the initial years of the democratic transition with extraordinarily high levels of public support.

Indeed, as the years passed, the Concertación itself and the arrangements which made it work have eroded in popularity. In essence, despite the centrality of the *cuoteo* to the success of the democratic transition, the *cuoteo* has come to be viewed derisively by the Chilean public. Public opinion data suggests that increasingly the public perceives that ministerial positions are not awarded based on the talents or experience of would-be ministers, but rather on the exigencies of party politics. Chileans increasingly view the *cuoteo* as a form of *politiquería* and as a way to insure political positions for politicians, some of whom have been unsuccessful in winning elections. Rather than a measure to build and maintain the coalitions, the *cuoteo* has gained a reputation as a form of corrupt deal-making. Indeed, Carey and Siavelis (2005) show that political positions within the public administration are often given as consolation prizes to those who are willing to run under the coalition banner in risky electoral districts. Perhaps more seriously, from the level of the cabinet (and especially the recent cabinets of President Bachelet) down to the level of public administration, the *cuoteo* has been blamed for government incompetence given the lack of preparation of officials appointed for partisan reasons. In November of 2008, several politicians on the right called for elimination of the *cuoteo* in the Ministry of Health because of a series of errors and irregularities in the nation's hospitals (Renovación Nacional 2008).

This reality is also reflected in public opinion survey data. While there is little public opinion data available that surveys popular opinion of the *cuoteo* per se, dissatisfaction with the generalized way of conducting politics is evident. When asked to name the two principal defects of political parties, the top three responses were “they are not transparent” (36%), “they are always the same...there is no turnover” (33%) and “they pass out government position among themselves” (31%) (CEP 2007).

Citizen disgust with the politics of *cuoteo* was also reflected in the rhetoric surrounding the 2009 presidential campaign. Throughout the campaign, center-right candidate Sebastián Piñera made repeated critical references to the

Concertación's *cuoteo* as a mechanism that placed partisan identification above qualifications. Following his victory in the second round of the election, Piñera was asked whether, given the reality that two parties form the nucleus of his *Coalición por el Cambio* alliance, he would rely on some sort of *cuoteo* to distribute cabinet seats. He responded that power sharing was one thing, but "*otra cosa muy distinta es el cuoteo político, que significa poner en cargos de alta responsabilidad a personas no por su capacidad, sino porque algún padrino o cacique lo impone.*" He went on to argue that "*Nuestra intención es designar un gobierno amplio y diverso, sin cuoteo ni repartija política, sino buscando los mejores.*" (Sepulveda 2009).

As Piñera moved to appoint his cabinet after the election, the tendency to use appointments as a public relations tool continued. Piñera avoided the use of any sort of *cuoteo* appointing individuals from both the UDI and RN without any discernible numerical pattern. Indeed, he even appointed Concertación stalwart Jaime Ravinet (former Christian Democratic mayor of Santiago) to head the Ministry of Defense. In addition, in the press Piñera was lauded for appointment a cabinet that privileged the technical over the political (Navia 2010). In this sense, Piñera was using the appointment process to send a strong message that the old rules of the *cuoteo* would no longer apply. Tellingly, Piñera immediately faced criticism in the press from his own party and the UDI that his ministers lacked any real political experience. Piñera's central dilemma was, of course, that if he appointed a series of well known political faces he would be criticized for a business-as-usual cabinet, and if he did not he would face criticisms for appointing political neophytes, which eventually happened. In an effort to stem such criticism Piñera moved to appointed a series of undersecretaries from the political world. In this sense, though the actual use of a formula or *cuoteo* was absent from the cabinet appointment process for Piñera, he still manipulated cabinet appointments to both make a public relations point and to position himself in a more comfortable political position.

III). THE CUOTEO'S DEMISE AND THE END OF THE DEMOCRATIC TRANSITION

Therefore what started out as an ingenious formula for governing that simultaneously sent a very positive public relations message has both deteriorated in effectiveness and begun to send a negative message. In addition, the *cuoteo's* genesis and maintenance is fundamentally tied to the democratic transition. Chileans were more likely to accept these relatively unresponsive, elite-centered arrangements when the democratic transition was perceived as delicate and the threat of military intervention real. Without the threat of military intervention, the *raison d'être* of the *cuoteo* has disappeared. However, the challenge is finding an alternative way to structure the executive branch.

In this sense, the way out of *cuoteo* politics is quite complex. The puzzle for Chilean elites still is rooted in the fundamental tension between presidentialism and multiparty systems—given this combination within the context of Chilean government the puzzle is how to govern without some sort of power sharing formula. There are strong incentives pushing for such power sharing arrangements because Chile remains a multiparty system where no single party can muster a majority to govern. As has been noted throughout this paper, the cross party representation and cross party checks on power that have existed since the return of democracy have allowed presidents to govern.

If the Concertación falls apart in light of its recent electoral defeat after twenty years in power, it is difficult to imagine that presidents can govern without legislative majorities or near majorities. Some sort of creative formula for governing will have to be devised in order to avoid legislative deadlock. Certainly presidents have other tools within their legislative toolbox in order to advance their legislative agendas. However, the beauty of the *cuoteo* was that it *institutionalized* (albeit informally) a power sharing arrangement that both channeled the interest of disparate parties and prevented single party domination—both of which have proven to be key to presidential success.⁶

⁶ On informal institutions and the distinction between informal and formal ones see Helmke and Levitsky (2006).

Nonetheless, the dynamics of legislative-executive relations in Chile cannot be understood solely through formal analysis of portfolio distribution. The informal networks of advisors that presidents built around themselves also form a fundamental part of the story of how executive-legislative relations were structured, the dynamics of each of the post authoritarian government, and the relative success of presidents. These informal networks also affected how successful formal portfolio sharing proved to be.

IV. INFORMAL NETWORKS AND THE STRUCTURING OF THE EXECUTIVE BRANCH

Almost nothing has been written on informal networks of advisors in presidential systems beyond the United States (for an exception on Mexico see Mendez 2007). In the US literature, it has been recognized that presidential staff, and in particular the role of chief of staff, are central actors on which the president relies politically and to promote his agenda, it also recognized that the central role and influence of staff and advisors varies from president to president (Neustadt 1990).

Something similar can be said of Chile, and the choices made by presidents with respect to who was in their real inner circles had an important effect on how the formal process of governing was undertaken by each successive president. For the purposes of this paper it is useful to think about the informal structuring of the executive branch along two dimensions which help to determine the qualitative nature and relative success of the first four post authoritarian presidents. The first, is how real and extensive the inter-party consultative mechanisms of each president were. The second, is the real power and location (both physically and within the policy process) of the most intimate and trusted advisors of the president. These two elements obviously interact, and that is part of the point of this paper. If the presidents most trusted advisors are embedded within the structures of the *cuoteo*, it is more likely that substantive policy will be subject to the broad based consultative mechanisms that have been tied to the success of Chilean democracy. If they are not,

presidents are more likely to make policy in a more isolated fashion and without the use of widespread consultation.

One of the great ironies of the *cuoteo* is that it narrows the range of choices of presidents with respect to whom they can appoint to various cabinet and subsecretary positions. The range of choice is even smaller when age and gender are also taken into account as part of the *cuoteo* meaning cabinets become a multivariate puzzle that presidents have to solve. The nature of this puzzle often obliges the appointment of certain ministers that may not be favored, or more importantly, trusted by president. When this happens, presidents may respect the *cuoteo*, but then put together their own informal networks of advisors outside the ministries on which they can rely and which they use to negotiate their legislative initiatives and relations with other political actors.

This paper argues that the relationship between informal networks and formal cabinet appointments is crucial to how each government functioned. In particular, as the four post authoritarian governments unfolded, presidents gradually came less to rely on advisors within the formal structures of government (and particularly ministers) and more on informal networks outside the ministries, which ultimately eroded the legitimacy and effectiveness of the post-authoritarian formula for structuring the executive branch.

Patricio Aylwin (1990-1994)—Governing in SEGPRES

Patricio Aylwin was extraordinarily successful in guiding Chile through the sometimes tense moments of the democratic transition. The *cuoteo* for cabinet portfolios was born under Aylwin, and cabinets were extraordinarily stable. There were very few cabinet changes, and the core and most important ministries remained in the hands of the same ministers during the entire Aylwin administration. Despite the centrality of the portfolio sharing to the success of the his government, it is undeniable that Aylwin did privilege his own Christian Democratic Party within the context of the *cuoteo*. The most important ministries were given to some of Aylwin's most trusted and long-standing Christian Democratic confidants. Edgardo Boeninger headed the Ministry

General of the Presidency (SEGPRES), Enrique Krauss was put in charge of the Ministry of the Interior, and Alejandro Foxley was appointed as Minister of Hacienda. An important exception to this general rule was the central role played by Enrique Correa, a Socialist who headed up the General Secretariat of Government (SEGGOB). However, the fact that these ministries were in the hands of primarily Christian Democrats is less significant than the fact that these were also the president's most intimate personal confidants and advisors. Thus, the pattern for Aylwin, unlike subsequent presidents, was to firmly place his most intimate advisors, *within* the ministries and at the heart of government rather than on the outside. Aylwin was able to embed his trusted confidants within the policy making process in a way that subsequent presidents could (or would) not.

The incorporation of intimate advisors into the governing team in the ministries underwrote the success of Aylwin's administration in several ways. It sent a message within the ministries that the various parties were connected and not isolated from the president and influential people surrounding him. It sent a public message that the president's most important and intimate advisors were concerned with governing, rather than protecting the president politically (an issue that will be a later as a criticism of the Lagos administration). Finally, it provided the informational wiring the president needed to govern successfully and keep a potentially fractious multi-party coalition together.

How was this done? Fundamentally, Aylwin and his advisor's developed a formula for governing with the Secretary General of the Presidency (SEGPRES) at its core. Aylwin created the ministry, charging it with four principal responsibilities: 1). Advising the president and ministers of state on political issues, 2). Overseeing the effective policy coordination among ministries and parties to assure coherence and government effectiveness, 3). Helping to elaborate and guide legislation through the legislative process, 4). Undertaking research and analysis to facilitate the crafting and passage of legislation.

While SEGPRES may seem just another ministry, a simple component part of the whole *cuoteo*, it was functionally something quite more in two important respects. First, Aylwin made it the nerve center of his government and

appointed his most intimate advisor as its head. Edgar Boeninger remained in charge during the entire Aylwin Administration. Boeninger's name is well known and mentioned frequently when the success of the Aylwin administration is discussed. Boeninger's successors in SEGPRES under later presidents are much less known, mostly because the profile of SEGPRES was lower, given that later presidents' most influential advisors were located outside of the ministries.

Second, even though SEGPRES was in the hands of Christian Democrats, the ministry was wired to represent the entire array of political parties within the Concertación. When drafting legislation SEGPRES convened and included representatives from any ministry with potential interest in legislation, and these were ministries that were often under the direction of other ministers with distinct party credentials. A pattern of inter-party consultative policy making reached its height during the Aylwin government. SEGPRES also structured meetings and consultations with the *jefes de bancada* of the various parties of the Concertación to allow for wider party input into legislation. Aylwin himself pointed to both the central role of SEGPRES and the importance of cross party negotiations with parties in the congress.

“Ahora, el trabajo de los Ministros, Secretario General de la Presidencia, Secretario General de Gobierno, es decir, Edgardo Boeninger y Enrique Correa, me ayudó mucho, porque ellos tenían una gran capacidad de contacto y estaban muy bien organizados, entonces, hubo una relación humana que facilitó una buena relación política con los ministerios y las bancadas parlamentarias afines.”⁷

Thus, the pattern for Aylwin, unlike subsequent presidents, was to firmly place his most intimate advisors, *within* the ministries and at the heart of government rather than on the outside. At the same time, this informal network of advisors was firmly connected to and immersed in the business of governing. This provided crucial information that facilitated the ability of Aylwin to govern, and to

⁷ Interview with author, August 20, 2008, Santiago.

maintain the Concertación coalition. While this seems the optimal design of the executive branch, it is essential not to ignore context. Despite profound political issues that needed settling as the transition unfolded, it is undeniable that the Aylwin experienced something of a honeymoon, where his political decisions and appointments rarely came into question.

Eduardo Frei (1994-2000)—*El Círculo de Hierro*

Eduardo Frei's presidency was characterized by evolution in the two major elements this paper focuses on, towards less direct incorporation of Frei's most intimate advisors in the Ministries, and a less consultative pattern of government than his predecessor.

Frei maintained the general outlines of the *cuoteo* throughout his administration, and while experiencing more cabinet turnover than Aylwin, cabinet appointments were characterized by roughly the same level of turnover of those of his successor Ricardo Lagos (but fewer than Bachelet). Perhaps misunderstanding the lessons and structure of the Aylwin's cabinets, Frei initially appointed prominent party (and partisan) leaders from the Concertación's the most important constituent parties to three key political Ministries (the PS's German Correa in Interior, the PPD's Victor Manuel Rebolledo in SEGGOB, and the PDC's Genaro Arriagada in SEGPRES). While this strategy would seem to make sense within the bounds of the *cuoteo*, the fact that these men were drawn from the high level leadership positions of their parties and were considered party stalwarts before Concertación stalwarts meant that they lacked the spirit of party "*transversalidad*" that characterized Aylwin's appointees (Cavallo 2008). When the dangers of excessive partisanship became apparent, Frei instituted a cabinet shake-up within six months, appointing a number of intimate personal confidants to the most important ministries.

Though Frei did respect the general rules of the *cuoteo* in appointing a new cabinet, the manner in which the cabinet shake up was announced and the people he eventually appointed say something about his vision of the relationship between formal and informal advisors. While as has been noted,

Aylwin did appoint close advisors to key positions in the cabinet, he continued to maintain a very consultative pattern in decision making, and did rely on the real advice and input of ministers and sub secretaries outside of this inner circle. Frei on the other hand came to rely so much on four key advisers who were also close friends (Carlos Figueroa, Raul Trancoso, Edmundo Pérez Yoma, and Genaro Arriagada) that this group became derisively known as the “*círculo de hierro*” or the iron circle. It was widely acknowledged that rather than the inter-ministerial form of decision making that characterized the Aylwin government, that it was really Frei’s “*círculo de hierro*” which was the power behind the throne (Siavelis 2000). This was reflected in a Santiago newspaper’s cartoon that noted that rather than appointing a “*gabinete de excelencia*,” that Frei had really appointed a “*gabinete de Su Excelencia*” (Latin American Weekly Report, 1994, 20). In this sense, though Frei did appoint his inner circle to formal cabinet positions, the ministries they headed became more and more the hermetic sources of policy and advice for the president.

In addition rather than incorporating key actors from the Concertación who might have been in the past (or in the future) competitors for the presidency, like former Finance Minister and former President of the Christian Democratic Party, Alejandro Foxley, or the Socialist Leader who challenged Frei for the presidency, Ricardo Lagos, these national leaders were relegated to minor positions in Frei’s Administration. Foxley was passed over for a cabinet appointment after he refused to accept a series of offers that were much less than his prestige and popularity should have elicited, and Lagos was appointed to the less than glamorous position of Minister of Public Works.

In addition to leadership style concerning the structure of formal and informal advisors, analysts have underscored the reality that Frei’s decision making style was also much more “presidential” and much less consultative (Garrido 2003; Siavelis 2000: 67-68). Despite his family’s long trajectory in politics, Frei emerged from the business world, and was criticized early for his management style, which was less consultative and more authoritarian than that of Aylwin. Frei’s decision to appoint what amounted to an internal cabinet, and to do so with very little consultation, reflects this style of leadership. Indeed, he came very close to endangering the very existence of the Concertación when he

decided to replace Socialist Minister of the Interior Germán Correa with Christian Democrat Carlos Figueroa without consulting the leadership of the Socialist Party.

In this sense, and in terms of the argument set out here, Frei departed from Aylwin's pattern, gradually transforming the *cuoteo* into more of an effort at window dressing rather than the consultative mechanism it was under Aylwin. Frei moved towards a less consultative pattern of policy making and a less consultative structure within the executive branch—a tendency which interestingly will continue and intensify under subsequent presidents. Aylwin's spirit of transversalidad and policy making by widespread and multiple points of input was replaced by a reliance on a smaller number of intimate (and Christian Democratic) advisors (Garretón 2001). While these advisors were formally in the ministries, they were less interested in the cross-party consultative mechanisms and more interested in facilitating Frei's exertion of strong executive power and protecting him politically.

Ricardo Lagos (200-2006)—*El Segundo Piso*

Ricardo Lagos once again maintained the basic outlines of the *cuoteo* in ministerial appointments, but did devise a different formula for structuring relations between the cabinet and his informal network of advisors. It is important to note that the changing political context of the time transformed the ministerial appointment calculus. For the first time since the transition the *cuoteo* itself was coming increasingly under fire, with public characterizations shifting from considering the mechanisms as a key consultative arrangement to considering it a form of *politiquería*. For this reason, Lagos campaigned specifically on a platform of appointing “new faces” to his cabinet and promised to take into account considerations of age and gender. As noted above, the *cuoteo* and the constraints of finding individuals without long professional trajectories in power, limited the choice of Lagos and the extent to which he could appoint trusted advisors to the most important cabinet positions. Lagos' solution was different than both Aylwin and Frei's. Lagos opted to carefully ensure *transversalidad* in terms of formal party representatives within the ministries. In this way he could to simultaneously accommodating parties within

the *cuoteo* and take into account issues of gender and age. However, in order to solve the problem that these same ministers were not the intimate advisors that he thought he could rely on, he opted for the appointment of series of advisors *outside* the ministries to both coordinate government policy and protect the president's image.

The most important innovation of the Lagos presidency was the appointment of this outside team of technocrats and trusted personal advisors that served as a kind of super-cabinet, known as the *Segundo Piso* (or "Second Floor" named after the location of their offices in the presidential palace in close proximity to the president's office). These advisors directed policy and were charged with overseeing cabinet ministers to assure that ministries were following the president's instructions. Ernesto Ottone and Eugenio Lahera are usually recognized as key leaders of the *Segundo Piso*, along with Carlos Vergara and Guillermo Campo. The office gained almost mythic status during the Lagos administration to the extent that "*cuesta imaginarlo sin discusiones acaloradas o humo de cigarrillo desparranándose entre computadores y sillones.*" (Gómez 2006). The intellectual power of the group appointed to the *Segundo Piso* is without question. However, the rationale for its existence points to the very difficulty with *cuoteo* politics that has been identified throughout this paper: it is difficult to reconcile *cuoteo* politics with the kind of intimate advisors and trust that presidents often seek. As Brahm notes, during his government, Lagos "*se atribuyó la existencia de este grupo a su 'carácter desconfiado' de los partidos, mientras que otros defendían la necesidad de proveer...una identidad al gobierno frente a la existencia de gabinetes nombrados 'por cuoteo'*" (Brahm 2010)

The development of the *Segundo Piso* represented a turn away from the traditional way to organize the executive branch in another way. One of the most important innovations of the Lagos government was the increasing concern of the government with managing the president's image. Frei was certainly not known for his charisma, and some analysts contend that part of his difficulty in governing (and, indeed, his inability to beat Piñera in the 2009 election) grew out of his inability to manage his government's personal image. This resulted for one analysts in a government that was characterized by "*la*

política de blindaje” (Cavallo 2008). Lagos sought to prevent this problem. Therefore, for the first time since the transition part of the mission of the *Segundo Piso* was to proactively manage the image and message of president Lagos with an eye to cultivating support and popularity of the president and his administration (Ruiz-Tagle n.d., p. 1).

All power was not concentrated in the *Segundo Piso*, however, At the same time Lagos moved to strengthen the Ministry of Interior and the Ministry of Hacienda, forming what became a policy making and government management troika that undertook the functions SEGPRES performed during the Aylwin government (Aninat and Rivera 108-109). With this structure the sectoral ministries decreased in power and influence and with this decrease in power came less and less inter-ministerial coordination.

While this was a creative method to solve the problem of respecting the *cuoteo* while still being able to rely on trusted advisors, it was not without problems. First, and as well be discussed later, the existence of the *Segundo Piso* played into accusations of the imperial leadership style of Lagos. Critics contended that the *Segundo Piso* amounted to a “*gobierno paralelo*” or was made up of “shadow ministers” (Brahm 2010). These criticisms were raised to such a level one critic noted notes that “*El Segundo Piso...suele tener bastante más importancia que el mismo ministerio en la toma de decisiones, naturalmente, no tiene nada que ver con los partidos.*” (Baño 2007: 15)

Second, this type of organization had concrete consequences for policy design and implementation (and arguably policy failure). Because policy design and implementation were designed in coordination between the *Segundo Piso* and only a few key ministries (mostly Hacienda and Interior) the widespread input and buy-in into policy that characterized the Aylwin government were missing. Beyond damaging inter-ministerial relations, this policymaking pattern also allowed certain ministries to dominate so that their agendas and concerns drive policy. For example, while the crisis in the implementation of the Transantiago transport reform (a signature Lagos policy) occurred under Michelle Bachelet’s watch, Aninat and Rivera go as far as to tie some of the roots of the spectacular and damaging failure of the policy to the domination of the Ministerio de

Hacienda and *Segundo Piso* and the lack of inter-ministerial input and coordination in the design and implementation of the program (Aninat and Rivera 2009: 1)

Third, the *Segundo Piso's* specifically public relations efforts have also come under fire. While there was undoubtedly a problem with the Frei Administration in managing the image of his government, the *Segundo Piso* may have gone too far in “managing” the image and policies of the government. Ruiz-Tagle contends that the Lagos government depended much more than its predecessor on what he terms a style of “*gobernar por titulares*” or governing by headlines, where the way the message was delivered at times was more important than the message itself (nd, p. 1).

Lagos' leadership style itself also reduced the extent of cross ministerial consultation and provision of real input for all of the parties in the coalition. Lagos continued a trend started by Frei that shifted the real locus of power from consultation among ministers toward a more powerful and centralized decision making process where decisions came from La Moneda (the presidential palace). In a presidential system final decisions, of course, rest with the president. However, it is important to consider how extensively different arguments are considered and whose arguments ultimately hold sway when trying to understand the real locus of power in decision making. When taking these considerations into account, the decision making structure was much less consultative in the case of Lagos than in the case of his predecessors and Lagos and his close advisors usually prevailed. (Aninat y Rivera 2009; Cavallo 2008).

Michelle bachelet (2006-2010)—new faces and gender parity

In terms of the configuration and design of executive branch consultative structures it is important to bear in mind that the political moment, the experience and relative success of recent presidents, and political campaigns themselves shape the decisions of presidents when putting together cabinets and advisory networks. Michelle Bachelet's presidency is emblematic of this reality.

Bachelet's candidacy itself reflects the political moment the Concertación faced in the lead up to the 2005 presidential election. The Concertación had ruled Chile for sixteen years and was beginning to show signs of internal and external exhaustion. Increasingly the Concertación was characterized in the press as entrenched, elitist and only offering more of the same. In this sense, the Concertación's selection of Bachelet was a stroke of genius. From the most basic perspective choosing Bachelet would counteract the perception that the coalition was exhausted by finding a new, fresh and dynamic face. Because Bachelet was not a career politician, she was perceived as coming from outside the entrenched political class and the beleaguered Concertación. Further in a country with notoriously male-dominated politics her gender reinforced her image as an exciting new face with the potential to make history in Chile and region-wide by being the first popularly elected woman president in South America with no ties to a male politician. Finally, her experience as Chile's first female Defense Minister, and the reality that she and her family had been victims of the military regime made a refreshing testament to Chile's long sought-after reconciliation. Tapping on these characteristics, the Concertación identified her as the candidate most likely to be able to fend off the charge that the coalition had developed into nothing more than an elitist "politics-as-usual" force for the status quo.

Therefore, by balancing continuity with change, packaging the old in a new container and choosing a politician with a reputation for consensus building, the Concertación found a complete recipe for success in Bachelet's candidacy. However, the campaign itself hedged Bachelet in with respect to the organization of the executive branch, both formally and informally. First, in order to reinforce her novelty as a female candidate, Bachelet pledged that her cabinet would be made up of 50% women. Second, in order to underscore the idea of renovation in the government alliance, she pledged that her cabinet would be made up of new faces, and that "*nadie se va a repetir el plato,*" indicating that those who had served as minister would not serve again. Finally, in direct opposition to the idea that the *Segundo Piso* under Lagos had come to represent a "parallel government," Bachelet promised that, because mechanisms such as these that circumvent normal executive power reek of

elitism and cronyism, there would be no visible Second Floor during her term in office.

In making these three sets of promises simultaneously Bachelet created the worst of all worlds for herself, leaving her with neither a competent ministerial team with the experience and formal connections that would allow them to successfully coordinate policy among parties nor a circle of private advisors that she could trust. The combination of having to satisfy the *cuoteo* with the promises regarding new faces, *repetición del plato*, and gender, made the calculus of appointment so complex that it was mathematically difficult to achieve the goals she herself set out. As Navia (2007: 7) notes, she had to be sure that not only were one-half of her ministers and sub-secretaries women, but all of the women could not be solely from the Socialist Party or Christian Democratic Party, but had to be roughly equally divided. In addition, her pledge to appoint new faces *and* women, made the pool of candidates quite small. Because women had been shut out of the upper levels of government so long in Chile, most of those with any experience had already served, and would really not qualify as new faces. In the end the first cabinet was made up of primarily political neophytes without the traditional party connections that had facilitated party coordination in the past.

The situation on the *Segundo Piso* was little better. Bachelet did technically have a *Segundo Piso*, however, its structure and charge were different than under the Lagos administration. Bachelet, rather than relying on the members of the *Segundo Piso* as her intimate and more general political advisors, instead organized work around a formula where each individual advisor was charged with a particular issue area. This combination meant that the *Segundo Piso* under Bachelet “*tuvo casi nula influencia, que fue fragmentado y cumplió un escaso rol de coordinación...*” (Brahm 2010).

The combination of inexperienced ministers and the lack of a strong team of political advisors created very early problems as the first two years of the Bachelet government were ones characterized by one crisis after another. Months after taking office massive student protests erupted quickly ending Bachelet’s honeymoon. Her government and ministers inability to see the crisis

coming belied Bachelet's own assertion that her government was "in touch" with "real" Chilean and imbued with a new mission of "*poder ciudadano*." Almost immediately on the tails of student protests, allegations of ineptitude and wrongdoing in the major reorganization of Santiago's transport system known as the Transantiago Plan emerged as the program launch proved a disaster, with stranded commuters, long lines, and over-packed busses and metros . The Transantiago debacle led to the most serious and sustained political crisis of the Concertación. Though Bachelet assumed responsibility for what happened, advisors also suggested that her government had inherited the problems of the ill-fated transport reform from the Lagos administration. Indeed, in terms of the interests of this paper, some contended that Lagos' decision making style, lack of consultation, and excessive reliance on the Hacienda ministry were partly to blame for the badly designed program (Aninat and Rivera 2009)

Only three months after taking office, the president had to make her first cabinet changes, and the subsequent years of her government were characterized by almost constant ministerial turnover. In particular, and in contrast to the Aylwin Administration in particular, the political team within the cabinet (the Ministers of Interior, Government and the Presidency) has been unstable and weak. With every cabinet change, Bachelet increasingly abandoned gender parity, new faces were replaced by old, and Bachelet's final cabinet looked very much like traditional Concertación cabinets.

So, in terms of the framework for thinking about the relationship between the formal distribution of portfolios, and the informal networks of advice on which presidents rely, Bachelet had the worst of all worlds. She was unable to rely on a trusted team of advisors, and the extent of formal interparty and inter-ministerial coordination was hampered by the lack of experience and political connections of her initial appointees. Bachelet left the presidency with some of the highest public opinion approval numbers of any president in Chilean history. However, most analysts explain these numbers as a result of her personal popularity and the able economic management of her closest minister, Minister of Hacienda Andrés Velasco, in the final months of her administration rather than four years of efficient and consensual interparty policy making.

V). CONCLUSION

Contrary to a large body of work which points to the difficulties associated with multiparty presidential democracy, the Chilean case demonstrates that creative power sharing mechanisms within the executive branch can mitigate the problems of tied to the “difficult combination” of multi-partism and presidentialism (Mainwaring 1993). As this paper has shown, the distribution of ministerial portfolios across parties was central to coalition formation and maintenance, facilitated governing and inter-branch relations and performed a key legitimating function in the eyes of the public. In this sense this chapter fits into a larger developing literature on the virtues and possibilities of governing with multiple parties within presidential systems.

However, this paper breaks newer ground in two areas that are central to understanding the significance of such party sharing arrangements. Multiparty cabinet portfolio distribution can be a key element in performing all of the functions outlined here, and they may be particularly useful in giving relevant parties a stake in democracy in the context of democratic transitions. However, the Chilean case also shows that arrangements like the *cuoteo* can deteriorate in effectiveness if the public begins to view them as a way to distribute political spoils among party elites rather than a mechanism to protect democracy. If power sharing arrangements outlive their usefulness the potential for the development of *partidocracia* exists, as the Venezuelan case demonstrates dramatically.

Second, this paper also breaks new ground is in analyzing the interplay between the formal distribution of cabinet portfolios and the less formal networks of presidential advisors. This key, but overlooked, variable can help determine the success of portfolio sharing arrangements. The central irony is that the process of sharing cabinet portfolios limits the range of potential presidential appointees, so presidents may be tempted to rely on advisors outside of ministries. On the one hand, these less formal networks of advisors may be key and intimate aids of the that help to protect the president and aid in the promotion of his/her agenda. On the other hand, however, these networks of advisors exist outside the executive branch and participate less in the policy

process. The influence of informal networks (often tied more closely to the president and his or her party) may undermine the very principle of cross party consultation on which the distribution of cabinet portfolios is based. In addition, in terms of public perceptions, there may be a cost to working primarily with advisors outside of executive branch structures. Perhaps keeping real cross party consultation is crucial to maintaining benefits associated with formal power sharing arrangements, as opposed to window dressing and having real authority somewhere else which may undermine the very purpose for which cabinet sharing schemes are designed.

Concertación politicians recognized the difficulties associated with politics by *cuoteo*. However, there were strong disincentives among politicians to eliminate the *cuoteo* given how central it was to maintaining the coalition. Fundamentally for multiple parties to compete and to win under the binomial election system pre-electoral alliances had to be formed. These pre-electoral alliances, in turn, make single party non-coalition presidential candidates impossible. From a policy perspective this necessitated a certain process of consensus building and negotiated policy outcomes. From a practical perspective this required complex power sharing arrangements at the elite, cabinet, and electoral levels which could only be negotiated by powerful party actors.

There are additional less tangible variables that also contribute to the maintenance of the *cuoteo*. Undoubtedly the transitional model of politics was successful, and regularized patterns that are successful in the past tend to be repeated. Until a new political model is devised, elites continue to rely on what has worked in the past. The Concertación had never gone down to a defeat in national elections until the victory of Sebastián Piñera in 2010, and as such had no occasion to reflect on a model that, up until defeat, had been sufficiently effective to win over voters. What is more, without these types of power sharing arrangements it will be difficult to continue to operate as a coalition in the future, meaning parties (none of which are currently capable of generating majority support) will have to govern alone, with all of the difficulties this entails. In addition, the *cuoteo* is also reinforced by the existence of a parliamentary election system that obliges parties to form electoral alliances to win. Deals struck in the executive branch are tied to a wider dynamic of coalitional deals

related to presidential candidacies and joint legislative lists. Negotiation of the *cuoteo* and continued maintenance of the *cuoteo* was one of the most important glues that help keeps this electoral alliance together and there are very strong disincentives to eliminating it.

With defeat two immediate questions arise. The first is the formula that Piñera will rely upon to distribute cabinet positions. As noted, he has specifically discounted the possibility that the distribution of cabinet seats will be based on any party quota, given the negative public image the *cuoteo* has. It is true that his *Coalición por el Cambio* coalition is made up of two parties. The Concertación consistently relied on *cuoteo* politics to share power that, in turn, provided that presidents would be able to use them to also structure consensus and build legislative majorities. Piñera will have to discover some mechanism to do this. In addition, he will have to grapple with the difficulty of trying to reconcile his personal and private side of advising (or what might be his *Segundo Piso*) with the formal structure of the executive branch and portfolio distribution.

The second question is, of course, whether the Concertación coalition, which is still made up of numerous parties, will remain together when out of government without the strong coalitional glue that came with a politics of power sharing. At the very least, if the coalition hopes to return to government it will have to devise a new formula to govern in 2014; one that takes account of both formal portfolio distribution *and* the structuring of the informal network of advisors that invariably follow a president to power.

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