From Data to Demos:
Public Consultation and the Logic of Will-Confirmation in Constitution-Making

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Abstract

Constitutions are assumed to express the will of the people, yet are crafted by elites under institutional constraints and strategic incentives. This tension is especially evident during public consultation, where drafters must interpret noisy, contradictory input as a coherent public will. While research shows elites leverage public input to negotiate preferred outcomes, less is known about their behind-the-scenes interpretive processes. This paper introduces "will-confirmation"—a cognitive process whereby constitutional drafters interpret public input as aligning with their existing preferences. Drawing on elite interviews from Chile's 2021-22 Constitutional Convention and Cuba's 2018-19 Drafting Commission, I demonstrate how will-confirmation operates across regime types by reconciling citizen preferences with elite objectives. In Chile's pluralistic context, drafters selectively embraced input that resonated with their transformative vision, while in Cuba's controlled environment, curated feedback reinforced ideological continuity. In both cases, public input served as a symbolic resource to validate drafters' authority and their constitutional projects.

Keywords: Public consultation; constitution-making; political elites; will-confirmation.

Word count: 11,997

1 Introduction

Constitution-making is often imagined as a dialogue—a democratic exercise that articulates the will of the people.[1] Public consultation is thus central to the legal fiction[2] that citizens are co-authors of the new social contract. This narrative lends constitutional projects an aura of popular legitimacy, even as the actual practice of consultation often functions less as a constraint than as a license to negotiate elite political settlements.[3] Constitution-making remains a high-stakes endeavor where drafters navigate competing interests, shifting alliances, and past legacies to structure future political competition.[4] By engaging with citizen demands, drafters reinforce their authority, positioning themselves not merely as decision-makers, but as faithful interlocutors of the collective will.

This paper introduces will-confirmation—a process through which political elites involved in constitution-making interpret public input in ways that align with their preexisting visions of what a new constitution should be. I examine how drafters' perceptions of public input—and their evaluations of consultation processes—reveal patterns of selective interpretation. These patterns are shaped by psychological mechanisms such as confirmation bias and motivated reasoning, which both reinforce and enable strategic behavior, including the justification of preferred proposals. Through this process, raw citizen input is transformed into narratives about the demos or popular will—portraying the public as demanding institutional continuity or endorsing transformational change—that conveniently validate drafters' preferred constitutional outcomes. This dynamic reveals not only how drafters experience consultation subjectively, but also explains their selective use of public input during deliberations, a practice best characterized as cherry-picking.[5]

While confirmation bias and motivated reasoning are well-established in political behavior research,[6] they remain largely absent from constitutional design scholarship.[7] This gap stems from treating constitution-making as an exceptionally deliberative moment presumed to transcend everyday political cognitive distortions.[8] Yet constitution-making—characterized by partisan conflict, uncertainty, and long-term stakes[9]—creates ideal conditions for these psychological tendencies, particularly when drafters interpret public preferences that are often vague, contradictory, or ambiguous. Under pressure to construct a legitimizing "will of the people," drafters engage in will-confirmation, becoming the architects—not conduits—of the *pouvoir constituant*, interpreting public input in ways that validate their constitutional preferences while framing these preferences as organic reflections of the collective interest.

This paper extends previous research by moving beyond public-facing rhetoric to examine how drafters privately interpret and internalize public consultation. Earlier studies demonstrate a clear relationship between elite control and the use of consultation across democratic and authoritarian regimes,[10] as well as the selective invocation of public input to support specific proposals during deliberation.[11] Here, the focus shifts to the behind-the-scenes cognitive and emotional dynamics of consultation—how constitutional actors process citizen input in ways that resonate with their own institutional visions and political commitments.

To investigate these dynamics, this study draws on 37 in-depth interviews in Chile (30) and Cuba (7). The sample focused on drafters—those actors responsible for preparing constitutional texts for their respective countries: former members of the Chilean Constitutional Convention (2021–22) and the Cuban Drafting Commission (2018–19). These two countries offer valuable comparative insights due to their contrasting political contexts and consultation designs—one pluralistic and contentious, the other controlled and hierarchical. This contrast enables a nuanced analysis of how political elites in democratic and authoritarian settings interpret, internalize, and selectively deploy public input in the constitution-making process—shaped not only by institutional context, but also by the degree of elite consensus over constitutional outcomes.

By analyzing how constitutional drafters interpret public input, I argue that constituent power is not merely enacted—it is absorbed, rationalized, and refracted through the psychological frames of those empowered to construct it. Scholars must disabuse themselves of romantic conceptions of constituent power, lest they mistake "the normative basis for a constitution's claim to authority" for "an actual aggregate entity in the real world."[12] Public consultation, then, is not only a stage to bring this fiction to life,[13] but also a screen that frames the performance—allowing drafters to project their own preferences onto the image of the people.

2   Public Consultation and Elite Cognition

If public consultation is the gold standard for constitutional legitimacy, an emergent literature now questions its empirical value.[14] Rather than serving as a neutral channel for translating public preferences into constitutional design, consultation often functions as a strategic tool for elites to justify outcomes, deflect criticism, and bolster partisan support. Research shows drafters engage in "cherry-picking"—selectively invoking public input to support preferred constitutional outcomes.[15] Across regime types, consultation mechanisms appear most prevalent where a coalition of elites enjoys significant control over the constitution-

making process—and, by extension, the interpretation of citizen input.[16]

These findings echo critiques from public policy scholarship, where consultation is frequently described as a managed process structured more to meet procedural expectations than to produce substantive change.[17] Public input is frequently filtered, selectively integrated, or dismissed—especially when it threatens elite preferences or institutional stability. Structural factors such as limited outreach, compressed timelines, and technical complexity concentrate influence among well-resourced actors, undermining the egalitarian promise of consultation.[18] In some cases, consultation even serves to avoid blame or neutralize dissent rather than incorporate citizen voices.[19]

Despite these insights, most existing research focuses on the external uses of consultation—how elites invoke public opinion to frame, justify, or communicate their decisions. Far less attention has been paid to the internal dimensions of elite interpretation: how political actors process, evaluate, and make sense of public input during decision-making.[20] This internal dynamic is crucial to understanding consultation as a cognitive resource that shapes how elites perceive their own authority and the legitimacy of political outcomes.

Psychological research has established that information processing is shaped by cognitive biases. Confirmation bias leads individuals to favor information aligning with prior beliefs,[21] while motivated reasoning captures how ideological commitments guide the evaluation of evidence.[22] The false consensus effect, furthermore, leads individuals to overestimate how widely their views are shared,[23] while processing fluency makes familiar information seem more valid or representative.[24] Even when humans encounter information that contradicts their prior commitments, cognitive dissonance can lead them to reinterpret that input in ways that minimize psychological discomfort.[25]

Political elites are particularly susceptible to these biases in the high-stakes, uncertain environment of constitutional design.[26] Paradoxically, "constitution-making generally emerges in conditions that are likely to work against good constitution-making".[27] Tight deadlines, partisan competition, and elevated public expectations constrain attention and reduce the capacity for deliberative processing.[28] Under such pressure, public input affirming elite preferences is more likely to be remembered, cited, and integrated, while conflicting or ambiguous feedback is easily dismissed.[29]

The internal cognitive processes of elites remain underexplored. Most studies emphasize institutional design or strategy rather than how elites interpret, internalize, and reflect on public input. Interview-based

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research is especially limited, often struggling to move beyond surface-level descriptions of intent.[30] As Vrydagh[31] notes, decision-makers have few incentives to acknowledge disregarding citizen feedback. Yet understanding how elites filter meaning from complex input is critical for explaining how consultation actually influences constitutional debates and outcomes.

This paper addresses that gap by examining elite reasoning as cognition rather than merely strategy. It argues that public consultation is a site of psychological work where elites interpret input in ways that reinforce their own sense of authority as arbiters of the collective will.

3   Will-confirmation

Public consultation in constitution-making produces a cognitive process I term "will-confirmation," whereby drafters interpret citizen input in ways that affirm their existing constitutional preferences. Unlike cherry-picking, which describes the external rhetorical use of consultation, will-confirmation captures the internal psychological process through which elites come to perceive their decisions as legitimate reflections of popular will. This involves "filter[ing] input from the public through their already formed understanding of what the constitution should do".[32]

Through will-confirmation, elites perceive their constitutional preferences as aligned with public sentiment—even when this alignment must be constructed from ambiguous or contradictory input. This process transcends mere belief maintenance; it represents a form of top-down meaning-making that transforms disparate citizen contributions into a coherent expression of collective purpose. Whereas confirmation bias describes the general tendency to seek information confirming prior beliefs,[33] will-confirmation is domain-specific: it operates exclusively when political elites interpret public input to make decisions in the name of the people they claim to represent. It also differs from the false consensus effect[34]—while the latter involves individuals simply projecting their own views onto others without external validation, will-confirmation addresses how elites must confront actual citizen feedback and data generated by formal consultation mechanisms within high-stakes institutional settings.[35] This concept thus captures both the vertical nature of constitutional decision-making and the deliberate cognitive work through which officials construct legitimizing narratives from diverse public voices, thereby reinforcing their authority to make constitutional decisions.

Will-confirmation inverts traditional understandings of will formation. While the literature portrays will

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formation as a bottom-up, deliberative process—where citizens collectively express or construct constitutional preferences through inclusive participation and discursive consensus[36]—will-confirmation reveals its opposite: a top-down process where elites reconstruct public input to align with pre-existing commitments.

This distinction becomes crucial during constitutional replacement. While citizens may clearly desire change (the "whether" question), their specific preferences on content (the "how" question) often remain diffuse and underdetermined. Unlike discrete constitutional amendments, constitutional replacement presents citizens with a complex "package deal",[37] creating interpretive space that drafters must fill. Will-confirmation then captures how elites navigate this indeterminacy, establishing both the boundaries of the "sphere of constitutional justice"[38] and whose voices count in resolving constitutional questions. Elites do not merely respond to the public will—they actively construct and legitimize particular versions of it.

Will-confirmation operates differently across regime types. In fragmented democratic settings, where newcomers establish new orders, elites rely on public input to stabilize contested authority and build coalitions. The diversity of feedback creates interpretive ambiguity, enabling drafters to reconcile conflicting demands with transformative goals. Through this cognitively demanding process, they reframe partisan positions as mandates from a sympathetic public.

In authoritarian regimes, consultation is centrally controlled, with official summaries curating an image of consensus on regime principles and carefully managing dissensus on non-existential issues. Political elites encounter minimal interpretive friction; they absorb feedback as affirmation that the public remains aligned with the existing leadership. Will-confirmation here reinforces ideological continuity and regime legitimacy, as elites interpret input as confirming their constitutional vision already reflects popular will.

Across contexts, the driving factor is the "psycho-legal need"[39] to resolve the dissonance between the ideal of popular authorship and the reality of elite design. In the absence of clear, coherent public demands, drafters draw coherence from contradiction, affirmation from ambiguity, and legitimacy from perceived alignment. Will-confirmation is the cognitive process that enables this reconciliation. This is the quiet power of public consultation: not merely to perform legitimacy, but to instill it—first and foremost in the minds of those who wield it.

4 Materials and Methods

4.1 Research questions

My analysis is guided by two research questions: (1) How do drafters perceive and evaluate the influence of public input on constitutional debates and decision-making? (2) How do they retrospectively make sense of the consultation process, and what lessons do they draw from it? Their retrospective accounts reveal not just strategic calculations, but deeper cognitive frameworks that may remain invisible during the heat of the drafting process. This study examines—in the drafters' own words—how public consultation is interpreted, debated, and rationalized, both as a strategic tool and as a mode of self-validation at the boundary between constituent and constituted power.

4.2 Data Collection

This study draws on 37 semi-structured interviews with individuals involved in the constitution-making processes of Chile and Cuba. My core sample consisted of constitutional drafters—members of Chile's Constitutional Convention (2021–22) and Cuba's Drafting Commission (2018–19)—who were directly responsible for evaluating and incorporating public input. To supplement these perspectives, I also interviewed technicians, academics, and deputies involved in the consultation process.

This study employs a "parallel demonstration of theory" approach,[40] drawing on Chile and Cuba as contrasting cases of democratic and authoritarian constitution-making. These cases represent ideal types with divergent levels of political contestation,[41] enabling a theory-building analysis of how public input is interpreted across institutional contexts.[42] While Chile's Convention operated amid elite fragmentation and public scrutiny, Cuba's Drafting Commission functioned in a centralized, tightly controlled environment. By holding the presence of formal consultation constant across both cases, I use a most different systems design[43] to isolate how variation in political context, institutional structure, and elite incentives shapes the internal legitimation dynamics theorized as will-confirmation.

Interviews averaged 56 minutes and were conducted between November 2024 and January 2025—most in person, with a smaller number over Zoom. Interviewees were identified through purposive sampling, a strategy well-suited to elite populations,[44] and supplemented by snowball referrals.[45] I prioritized ideological variation in Chile and positional variation in Cuba to capture diverse perspectives. As others have noted,

Location	Drafters	Technicians	Academics	Deputies	Total
Chile	27	3	0	0	30
Cuba	2	1	3	1	7
Total	29	4	3	1	37

Table 1: Interviewees Across Countries

elite recruitment depends on persistence, social capital, and "a fair bit of luck",[46] especially in politically sensitive environments.[47]

Interviews followed a structured guide (see Appendix A.3 and A.4) organized around the design of consultation mechanisms, the use and interpretation of public input, and retrospective evaluations of the process. In Chile, I was able to ask openly about intra-elite dynamics and rhetorical strategies. In Cuba, where U.S.-based researchers face greater scrutiny,[48] I framed questions more cautiously, emphasizing procedure and reflection over critique.

Following the model of "rigorous subjectivity",[49] I adopted a reflexive, dialogic approach—presenting myself as a respectful outsider seeking to understand, not judge. This strategy helped reduce social distance and elicited candid responses, particularly in Chile.[50]

All interviewees were assured anonymity and are referenced using gender-neutral pronouns and broad descriptors. Where appropriate, I provide role-based identifiers to situate quotations while preserving confidentiality.[51]

4.3 Data Coding

Interviews were audio recorded, and transcriptions were generated using WhisperX, an automatic speech recognition tool optimized for multilingual audio.[52] The final dataset consists of 510 single-spaced pages—425 from Chile and 85 from Cuba—analyzed using NVivo.

I employed abductive flexible coding,[53] combining structured theoretical coding with openness to refinement. Rather than beginning from a blank slate—as in traditional grounded theory[54]—abductive analysis starts with provisional categories informed by theory and iteratively adjusts them through engagement with data.[55] This approach allows testing and revision of conceptual frameworks while remaining attuned to unexpected insights.

My coding structure was guided by two core research questions probing the internal dynamics of legiti-

mation—how drafters interpret and reflect on public input in shaping their choices. I developed a preliminary coding scheme rooted in my theoretical framework of will-confirmation, which captures how elites process public input in ways that affirm their existing commitments and constitutional preferences. This scheme was constructed before formal coding began but treated as provisional, balancing theoretical grounding with empirical responsiveness.

The structure of the coding scheme reflects the two research questions, with one parent code for each. Each parent code is subdivided into several theoretically informed child codes:

Table 2: Research Questions and Coding Framework

Category	Description
RQ1: Interpretation of Public Input	
Perceived Alignment	Descriptions of citizen input as confirming drafters' prior beliefs or decisions.
Perceived Impact	Statements about how public input shaped debates or constitutional provisions.
Cognitive Filtering	Descriptions of simplifying, prioritizing, or selectively making sense of ambiguous or overwhelming input.
Boundary-Setting	Reflections on which voices or issues were treated as relevant to the constitutional process.
RQ2: Retrospective Evaluation of Consultation	
Retrospective Validation	Affirmations that consultation enhanced the legitimacy or moral authority of the process.
Emotional Reinforcement	Expressions of pride, reassurance, or affective validation derived from citizen input.
Lessons Learned	Evaluations of what worked, what didn't, and what should be improved in future consultation.
Critique of Consultation	Negative reflections on the consultation's fairness, structure, or political utility.

I began coding with interviews from constitutional drafters, who were the primary subjects of this study. I then extended my analysis to interviews with technicians, academics, and deputies to identify areas of overlap and divergence.

Importantly, this study does not attempt to infer drafters' intentions or assess their sincerity. Instead, it focuses on how public input is cognitively processed and retrospectively framed—revealing the psychological mechanisms through which elites perceive alignment between citizen feedback and their own con-

stitutional decisions. The coding scheme thus supports a theory-driven but empirically grounded account of will-confirmation as a process of internal legitimation that connects elite reasoning with the symbolic authority of "the people."

5 Results

5.1 Chile

Chile's 2021–22 Constitutional Convention featured one of the most extensive participatory processes in modern constitution-making.[56] Yet framing this as a triumph of participatory democracy overlooks how unevenly public input was interpreted within the Convention.[57] Consultation functioned as a vehicle for will-confirmation: a filter through which delegates interpreted popular sentiment in ways that reinforced their existing positions.

While participatory roots extended to President Michelle Bachelet's 2015–16 "pre-constituent" process,[58] it was the *estallido social* that transformed participation from a "normative ideal"[59] into a political imperative. Despite broad endorsement of participation in principle, its implementation emerged in an ad hoc fashion. The Convention established various mechanisms, including public hearings, self-convened meetings, and territorial weeks.[60] Delegates divided—often along independent versus party lines—over whether mechanisms should be *vinculante* ("binding") or merely *incidente* ("advisory").

The most consequential mechanism—the *iniciativa popular de norma* ("popular norm initiative," or IPN)—allowed citizens to submit proposals that, with sufficient signatures, were guaranteed discussion in the appropriate commission. Ten interviewees identified the IPN as the most important participatory tool, both symbolically and substantively. Of approximately 6,100 IPNs submitted, 77 reached deliberation, alongside over 1,700 public hearings.[61]

Within thematic commissions, delegates faced both the practical challenge of volume and the cognitive challenge of interpreting contradictory demands. Even in this pluralistic context, will-confirmation often prevailed: citizen input was readily embraced when it aligned with existing ideological frameworks—and easily dismissed when it conflicted.

5.1.1 Interpretation of public input

Members of the Constitutional Convention—particularly those from the newly elected, largely independent left-wing supermajority—often interpreted citizen input through the lens of their own convictions. Many interviewees described a widespread perception that the citizen discontent fueling the *estallido* aligned deeply with the supermajority's "re-foundational" agenda.[62] Will-confirmation operated not just as a cognitive shortcut, but as an interpretive stance: treating resonance as proof of popular support while filtering dissonance as peripheral or politically suspect.

Some delegates framed this alignment in representational terms, suggesting that proposals they supported were already embedded in their electoral platforms. As one prominent member of the *Lista del Apruebo* electoral pact[63] (later *Apruebo Dignidad*) put it:

> People say we did whatever we wanted inside the Convention... but you always have to remember—we were elected based on our platform. What we did was bring that into the Convention... We weren't inventing anything. The assemblies had already sketched out a framework, and we brought that in as a program... (CL␣18)

In this view, public input did not reshape deliberation so much as validate an agenda embraced by the left-wing supermajority. This alignment was especially important given that 104 of 155 members (67%) were independents—making the core challenge less about ideological negotiation than translating shared values into a coherent text.

This sense of continuity was especially common among activist sectors, who saw themselves less as traditional representatives and more as instruments for implementing demands from the 2019 uprising. Indeed, many independents elected to the Convention emerged directly from movements that had mobilized during the *estallido*. As one delegate from *Apruebo Dignidad* stressed: "We wanted to advance what the people wanted, whereas the right promoted what their sector wanted to preserve" (CL␣06).

This created a feedback loop where external input often mirrored internal priorities. A *Lista del Apruebo* delegate described how "activists on the inside would overshadow what was coming from outside" (CL␣25)—articulating how alignment between drafters and citizen input was baked into the Convention's composition. As actors who once led street-level mobilization took up institutional roles as spokespeople for broader social movements, the line between participation and representation blurred.

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Yet some drafters later recognized that apparent consensus inside the Convention may have been an echo chamber. Reflecting back, another member of *Lista del Apruebo* offered this reassessment:

> Now, the thing about the public hearings—I see it differently now. At the time, I didn't realize it, but now I understand that those public hearings... the people who showed up were us. It was the same people who had voted in favor—those 76% who voted for a new constitution, for a constitutional assembly, etc. That's who showed up. (CL_20)

A delegate from *Independientes No Neutrales* similarly described the difficulty of engaging participants beyond the "40% that had voted to elect us" (CL_05), referring to the turnout.

What emerged was a kind of ideological enclosure—held together by shared affinities and reinforced through entangled, and occasionally conflicting, networks of activism and representation. Participation signaled legitimacy not by introducing diverse views, but by echoing familiar ones. Will-confirmation operated less as a deliberate strategy than as a cognitive habit: drafters treated aligned input as inherently representative, while disregarding dissonant views.

If perceived alignment reassured drafters, cognitive filtering helped them cope with the volume and heterogeneity of public input. Confronted with a deluge of citizen input, members relied on tacit heuristics to judge which voices were credible and which proposals worth pursuing. Even procedurally legitimate contributions often failed to register due to the Convention's compressed timeline and fragmented structure. As one *Lista del Apruebo* drafter acknowledged:

> In the end, I'm really proud of what we did, because we managed to innovate and roll out these mechanisms. But they were important in and of themselves—not necessarily because they had an impact. ... There was no opportunity for those mechanisms to actually influence anything. When would they have even read the report? I don't think anyone read it—not because they weren't interested, but because there wasn't time. (CL_28)

Participation and drafting proceeded on parallel tracks, rather than in sustained dialogue. Of 1,719 public hearings, for example, only 1,180 were fully systematized before drafting concluded.[64] The Convention's decentralized model meant some commissions had far greater capacity to engage with citizen input than others.[65]

These procedural issues reinforced selective uptake, with drafters often using political alignment as a proxy for credibility. One commission secretary put it bluntly: "I'd say there were majority political considerations. Basically, they would take up the [proposals] they liked... But the rest? No. Zero criteria. Zero legal or democratic criteria. Zero. It was all about political convenience" (CL_17).

Nowhere was this filtering more visible than in responses to *Con Mi Plata No*, a popular initiative defending Chile's privatized pension system that received the highest number of signatures (60,850). Despite this support, it was widely dismissed by the left-wing supermajority. One delegate from *Apruebo Dignidad* offered a stark rationale:

> That *Con Mi Plata No* received that many votes, in my personal opinion, in no way obligated us—not legally, of course, but not even ethically or otherwise—to treat that as something binding or necessary to include in the constitutional proposal. (CL_01)

Another prominent *Apruebo Dignidad* member dismissed the initiative as irrelevant, framing public backing as both expected and immaterial:

> There are 40,000 people in Chile who support a system of individual retirement accounts. Big news, huh? ... But why should the fact that I learn this in the Convention—something I already knew—that there are at least 40,000 people in Chile willing to make three clicks to defend the AFP system—why should that lead me to defend the AFP system? ... If the AFP association paid 40,000 people to do it, they absolutely could have. I have no idea. But the basic point is: why should I change my vote because of that? (CL_12)

This quote captures will-confirmation at its most unyielding. For this drafter, public input that contradicted their convictions was not merely unpersuasive—it was, at best, irrelevant, and at worst, fraudulent. In contrast, some delegates on the right treated the initiative not as a threat, but as a signal of collective priorities worth acknowledging. As one delegate reflected: "The fact that this initiative received the most votes—even if, numerically, it wasn't very representative—showed that there was a certain sensitivity" (CL_27). As research on constitutional participation shows, how elites respond to citizen input sends powerful signals about the fairness and credibility of the process.[66]

One opposition delegate from *Vamos por Chile* recalled how this pattern of dismissal affected multiple popular initiatives:

> Popular initiatives... were debated for three minutes and then immediately rejected... *Con Mi Plata No*, the preferential right of parents to educate their children, freedom of choice in health care or education... they were voted down without any real analysis. What the people had to say didn't matter much to them, because they already had their own proposals—and they believed they represented the people. (CL_24)

For the left-wing supermajority, participation functioned less as an external check than as an internal resource for refining priorities. It helped members recognize red lines and move from ideological agreement to textual consensus, but rarely extended across partisan lines. As one delegate from *Apruebo Dignidad* put it:

This quote makes explicit what was otherwise implicit in many dismissive responses: for some drafters, legitimacy flowed not from public input but from their own convictions and identity as representatives of "the people." When repeated across proposals and commissions, this behavior sent strong signals—first to opposition colleagues, then to the broader public, especially through a media landscape dominated by right-leaning outlets.[67] Cognitive filtering in Chile was less about enforcing ideological uniformity than about managing a fragmented, high-volume, and polarized process.

For the left-wing supermajority, participation functioned less as an external check than as an internal resource for refining priorities. It helped members recognize red lines and move from ideological agreement to textual consensus, but rarely extended across partisan lines. As one delegate from *Apruebo Dignidad* put it:

> [Public participation] helped build consensus and understand each sector's red lines. That was really useful. But when it came to actually developing the proposal... it was very difficult, because that's where all the nuances come in... It was more about balancing among objectives we were already putting on the table. (CL_09)

A clear example of public input shaping elite consensus was the right to housing initiative. As one delegate from *Independientes No Neutrales* noted (CL_05), its popular legitimacy helped resolve internal disagreements over scope and wording. However, as a delegate from *Lista del Pueblo* observed, this openness was selective: "I think a mistake was made there...that logic, from my point of view, should have been applied to all the initiatives—not just the ones that came from our side" (CL_07). These reflections show how

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perceived ideological alignment conditioned the impact of public input. Proposals like the housing norm helped the left-wing majority refine and legitimize goals they already supported. Meanwhile, opposition initiatives—no less procedurally valid—were denied comparable deliberation.

In contrast, the Convention's right-wing minority—lacking veto power and marginalized within the Convention's deliberative structures—saw citizen participation not as a tool for coordination, but as one of the few remaining paths to political recognition. As one *Vamos por Chile* delegate explained:

> I had proposals... that I submitted simultaneously through civil society organizations, as Popular Initiatives. I thought, well, maybe this way at least they'll read it. Because anything I submitted inside was rejected in advance, even before its content was considered. So I used Popular Initiatives as a kind of shield. I told myself, well, if this has no chance inside, maybe dressed as a Popular Initiative it will be taken more seriously. (CL_26)

For these delegates, citizen participation became a representational proxy—an indirect method for advancing minority views in a process they could not otherwise influence. While the left filtered public input inward to build internal consensus, the right filtered it outward—using selective participation to "present issues that we felt were popular among civil society" (CL_15).

This strategy, however, was not purely deliberative; it also documented exclusion and laid the groundwork for future critiques of the constitution-making process. In Chile's media landscape—marked by concentrated ownership and center-right editorial lines[68]—these signals were amplified into a powerful narrative of procedural marginalization. Will-confirmation thus cut across ideological lines, transforming into a public performance—one increasingly perceived by the broader public as evidence of a Convention rigid in posture and closed to dissent. One delegate from the opposition made explicit how this unfolded:

> All of these direct participation tools... were mechanisms that the left... thought would benefit them. And the opposition... saw an opportunity and tried to influence those spaces as much as possible. So, for example, during the public hearings, we would invite a ton of people to come. And when they weren't allowed to speak, they'd go to the press and say, 'They didn't let us speak.' That kept building the impression that they were only listening to those they wanted to hear. Later on, with the Popular Initiatives, we made sure to promote them and get people to

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sign. The opposition... took advantage of all this. And yes, we knew that this would feed into the rejection at the end (CL_27).

The failure to meaningfully engage dissenting input did more than alienate political rivals—it created conditions for the opposition to reshape public perceptions of the entire process. Mechanisms intended to democratize constitution-making thus came to symbolize its closure. Public input shaped deliberations not through the direct translation of citizen preferences, but as a cognitive resource—filtered, interpreted, and selectively internalized across factions. The left used it to consolidate internal coherence; the right, to claim symbolic recognition. This asymmetrical politics of impact—underpinned by will-confirmation—ultimately undermined both the credibility of participation and the trust essential for cross-ideological consensus.

5.1.2 Retrospective assessments

The retrospective assessments of Chilean Constitutional Convention members reveal evolving perceptions about public consultation since the draft's rejection in September 2022. While delegates reaffirmed the legitimacy of their participatory model, they expressed a deep ambivalence, oscillating between pride in participatory innovations and candid acknowledgment of structural failures. Their reflections reveal how will-confirmation evolved from an interpretive stance during the process into a retrospective lens through which delegates made sense of public consultation and its connection to the Convention's outcome.

Time constraints emerged as the most commonly cited limitation. Across ideological lines, delegates identified the one-year drafting deadline as undermining both public engagement and cross-bloc dialogue. As one member of *Lista del Pueblo* explained:

> There was very little time, they only gave us a year. We didn't get to really know each other... Everything was done under pressure... We worked under the gun, we worked and worked on everything that was required of us, and in the end, we were moving so fast that we forgot about the feelings of the colleague next to us, who maybe came from a different political sector, but also wanted to do things right. (CL_13)

For many drafters, the failure was not simply limited time to review proposals, but the absence of relational infrastructure needed for meaningful interpretation. One member of *Apruebo Dignidad* reflected, "We were in a kind of tunnel where we fed off each other, where we didn't have organized outside groups monitoring what was happening" (CL_04).

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Despite sustained interaction with civil society, the Convention often engaged the public on its own terms, feeding on its own assumptions rather than treating participation as a genuine check on elite reasoning. This insularity extended beyond procedural pressures to the very structure of elite interaction. A delegate from *Independientes No Neutrales* described the participatory mechanisms as sites of parallel monologues:

> That was the most serious failure of the Convention. There was no dialogue—neither among the convention members, nor through citizen participation... But that could have meant that, after hearing from five people, the members of the commission would then discuss what we'd heard among ourselves, you know? But that didn't happen. Everyone listened—and then just went back to their own position. (CL_22)

These reflections underscore a key paradox: while public consultation clearly expanded the discursive scope of the constitutional process compared to the country's past experiences, it did little to generate mutual recognition or alter elite understandings. Will-confirmation took hold in siloed form—drafters interpreted citizen input through partisan filters, rarely confronting competing interpretations. The result was a participatory process rich in symbolism but thin in cross-ideological traction, ultimately reinforcing fragmentation rather than bridging it.

This sense of disillusionment extended beyond procedural flaws to the core assumptions underpinning participation itself. Some delegates directly confronted the foundational myths that had shaped the Convention's participatory approach. For many, the issue was the mistaken belief that the public was unified, politically awakened, or ready to co-author a new constitutional order. As another delegate from *Independientes No Neutrales* reflected:

> I believe the Chilean uprising wasn't a leftist uprising, as people thought... I don't believe in this idea that "Chile woke up." ... I'm of the view that conditions precede thought. People think according to the conditions they live in—not the other way around... There were many who believed that... the popular will was going to lead us to a better future. Well, I had my doubts. (CL_14)

This reflection punctures a central myth of the participatory process: that the 2019 uprising revealed a cohesive, progressive public ready to steer constitutional change. Instead, this mobilization is framed as

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reactive—a symptom of material conditions rather than a sign of shared political consciousness. A process premised on an awakened citizenry—rather than one still grappling with institutional distrust, fragmented demands, and a lack of clear leadership[69]—was ill-equipped to generate shared meaning at the pace required. Participation, in this view, cannot substitute for ideological mediation, institutional scaffolding, or the deliberative time necessary to build either.

Others echoed this sense of misalignment between the Convention's ideals and the public it sought to represent. As one *Lista del Pueblo* drafter noted:

> Because at the end of the day... we truly believed that a large part of our citizens, our people, understood how challenging and meaningful it was to have this constitutional text... What had more impact was the continued insistence that the individual perspective matters more than the collective one—and that's brutal. (CL_19)

For them, the failure of the constitutional project reflected a deeper cultural rift—a pervasive individualism at odds with the Convention's ethos of solidarity and collective transformation. The disappointment here is not procedural but existential: not that the public wasn't heard, but that it didn't respond in kind.

For some, disillusionment hardened into skepticism toward universal participation itself. As one *Lista del Apruebo* delegate later reflected, their belief in broad-based democratic engagement began to falter:

> My original position was that everyone should participate. And of course, people now say to me, "Oh, now that you lost, you're no longer interested in everyone voting." Yes, the truth is, I have my doubts about universal participation... My position today is that those who are interested should participate. When someone who isn't interested is forced to vote, they often vote against everything—it's a vote of resentment, a rejection of the process. It's an uninformed vote. It has the same weight as the one next to it, but not the same substance. (CL_18).

These comments reveal a shift from democratic idealism to a more exclusionary logic—one that questions the value of universal participation in light of the perceived irrationality or resentment of voters. This represents will-confirmation in its boundary-setting mode; when participation yields the "wrong" result, the scope of legitimate participation itself is revised rather than reconsidering the drafters' own assumptions.

Right-wing opposition members recalibrated differently. Initially skeptical of consultation, some came to see it as politically consequential—if not for shaping the text, then for revealing blind spots. Indeed, one

opposition delegate stressed that popular initiatives were the "main factor" that "determined the outcome of the plebiscite" (CL_24).

Yet even this retrospective embrace came with important caveats. Citizen input, they argued, was useful only so long as it remained subordinate to the authority of elected representatives. As another *Vamos por Chile* delegate reflected:

> I think the great lesson is that citizen participation is very valuable, but it has to be administered in the correct doses. An excess of citizen participation can paradoxically harm the process. If you're going to elect convention members to write a constitution, then make sure citizen participation complements and legitimizes the work of those members—but doesn't replace it, doesn't compete with it. Because it can't. (CL_15)

In other words, public consultation had not only failed to legitimize the Convention—it had, in the eyes of some, eroded institutional credibility by fueling unrealistic expectations. This tension between participatory affirmation and institutional control helps explain why participation often functioned more as expressive ritual than substantive influence during the Convention process. One of the Convention's commission secretaries noted this quality of participation:

> What emerged was more of a space for catharsis... I think many of those associations or groups weren't particularly interested in having their contributions translated into actual text. There was more of a need to be heard. Just being invited to the commission was enough. (CL_10)

This assessment characterizes consultation as a process of emotional release—performative yet politically necessary, even when substantively disconnected from decision-making. What emerged was a culture of expressive participation,[70] where being heard was the end in itself—an aspiration shaped as much by elite expectations as by public demand.

This expressive politics of listening was directed not only outward toward the citizenry, but inward as well. Catharsis served not just the people, but the drafters themselves. Many of whom sought reassurance that they were faithfully representing those who had mobilized in the streets. Legitimacy did not stem from procedural deliberation or institutional authority, but from a deeper identification with "the people" they believed themselves to embody.

Several interviewees acknowledged that participation often provided emotional reinforcement rather than democratic friction—a way to feel validated, not challenged. As one delegate from *La Lista del Pueblo* reflected candidly:

> In the end, we're driven a lot by ego and by the need to reconfirm that what we're doing is right... What I gained when I went into spaces that weren't aligned with me was recognition, you know?... But in spaces I already knew, all I got was reconfirmation that I was great. So of course, if you're an artist, you're going to sing to the audience that wants to hear you—you're not going to go sing to people who don't. (CL_29)

This quote captures the affective core of will-confirmation in the Convention: the pursuit of resonance not to refine proposals through dialogue, but to reaffirm identity and maintain narrative coherence. This wasn't just a personal impulse—it was a political orientation, shaping how drafters saw themselves and their institutional role. As another *Lista del Apruebo* delegate explained, citizen participation mattered less for its deliberative impact than for how it affirmed drafters' self-understanding:

> I don't think citizen participation... was truly determinative in the process. I think it mattered more in the self-understanding of many convention members who came from social movements. That was their link to citizen participation—being social activists. So they brought their cause into the constitutional debate. And, well, many of them also brought in voices to represent that cause. (CL_08)

This reflection highlights a distinctive feature of the Chilean process: civil society was not merely consulted—it was already inside the institution. Many drafters did not view themselves as representatives of civil society; they saw themselves as direct extensions of it. The same actors who once demanded constitutional change from the streets now occupied the deliberative arena—interpreting public input through the lens of shared identity and political mission.

Over time, however, some drafters came to question the assumptions underpinning the convergence of activist identity and institutional authority. In retrospect, a few recognized that the participatory process had drawn primarily from an ideologically committed base, rather than from a representative cross-section of Chilean society. As one *Apruebo Dignidad* delegate acknowledged:

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It was the super-convinced [who participated]... And in reality, we never saw that it was just a

small group getting excited—while most of the country either didn't know, didn't understand,

or had this vague idea in their heads of what the Convention was... I also had this idea that the

more participation there was, the more people would feel ownership of the process... But that

didn't happen. (CL_04)

This quote captures the central irony of Chile's participatory turn: more participation did not lead to broader legitimacy. The belief that procedural inclusion would foster shared ownership gave way to a sobering realization—that consultation had become a closed loop, reinforcing the convictions of those already aligned with the process while failing to engage or persuade the broader public.

This realization led some drafters to reconsider not just the reach, but the depth of participation. If participation simply reaffirmed the worldview of those in power, it ceased to function as a space for genuine deliberation. As one member from *Lista del Apruebo* reflected, the problem was not the volume of citizen input, but its selective processing:

Citizen participation has to be uncomfortable... if you have a Convention that's very feminist,

you're also going to have public input that's anti-abortion... You have to find space for that.

And we didn't do that either. So the issue wasn't really citizen participation itself—it was how

the political body processed it so that it could have real weight (CL_28).

Together, these reflections suggest that the real cost of will-confirmation was not just ideological closure—it was the expansion of blind spots. By treating public input as part of the performance rather than signals from the audience, drafters overlooked early signs of disaffection. Participation became legible only when it aligned with their convictions, making it difficult—if not impossible—to detect the fractures that would later become fatal.

Through emotionally charged appeals, symbolic performances of listening, and identity-based claims to representative legitimacy, drafters transformed public input into a resource for reaffirming their normative priors. Unlike the more centralized and ideologically coherent Cuban case, Chile's will-confirmation manifested through parallel monologues, each faction convinced of its own representative truth. The Convention's drafters became self-styled embodiments of the people's will—activists turned authors—less invested in processing dissent than in fulfilling a perceived mandate. And when those monologues failed to converge,

the project they sustained unraveled—not for lack of participation, but for lack of a shared grammar to make that participation matter.

5.2 Cuba

The "popular consultation" during Cuba's 2018–19 constitution-making process was a tightly managed participatory exercise.[71] To frame it as mere window dressing, however, would obscure the deeper functions of the process: to validate elite consensus and identify manageable zones of dissensus. In this sense, the consultation operated as a vehicle for will-confirmation, reinforcing political priors under the guise of participatory responsiveness.

The groundwork for the consultation was laid years earlier, in 2013, when then-president Raúl Castro convened a group of Communist Party officials to explore constitutional reform. One of my interviewees—a high-ranking Council of State official—acknowledged that "the process was closed, it was secret" (CU_03) in order to manage public expectations. This group identified sensitive issues and shaped how they would later be presented to the public. Although officially framed as a response to the socioeconomic reforms of the 2010s,[72] the most consequential decisions were made well before the public was consulted.

More than 133,000 meetings were held across the country, producing hundreds of thousands of comments.[73] These were processed manually by a team of legal professionals affiliated with the Communist Party, who distilled them into 9,595 standardized proposals. Though presented as a technical exercise, this systematization served a distinctly political function: filtering public input through a controlled interpretive apparatus while projecting an image of responsiveness.

5.2.1 Interpretation of public input

In Cuba's constitutional reform process, will-confirmation manifested through elite perceptions of fundamental alignment between the ruling coalition's goals and public preferences. The consultation functioned not merely as a channel for citizen input, but as a stage where citizens could perform values already embedded in the draft. As one Central Committee member explained, the process helped surface "possible points of conflict" within the party-state leadership that could be safely opened to public discussion (CU_03). This selective resonance—where public input validated elite priorities—lent the consultation its interpretive power.

The Cuban drafters emphasized a structural symmetry between public and elite deliberation. Public

opinion was seen not as a challenge to regime authority but as evidence of ideological cohesion flowing from top to bottom. One Drafting Commission member captured this perspective:

> The debates that were happening in the drafting commission were later also reflected in the [National] Assembly, in the people. In other words, everything was interconnected. (CU_01)

In a political system that privileges ideological cohesion over contestation, the appearance of consensus between state and society is foundational. This framing positioned public consultation as confirmation that core constitutional debates had already occurred—quietly, internally, and on ideologically acceptable terms. Another Commission member noted that issues raised by the public largely echoed elite deliberations:

> So, I mean, those debates—those debates in society—were also reflected in the parliamentary debate and in the commission's debate, in many respects. Some of them were clarified... not just on the issue of marriage, exactly, on other topics as well. On the issues of age, term limits, the structure of provincial government, etc.—all of that. (CU_03)

Unlike in pluralistic systems, Cuba's consultation did not function to absorb novel or oppositional demands. Instead, it broadcast internal deliberations outward. Input was structured around topics pre-selected by leadership, ensuring that resonance between public and elite discourse emerged from a managed process where only ideologically compatible proposals were filtered upward.

This perception of alignment was articulated clearly by a Cuban professor who followed the process closely:

> I believe the leadership understood—and even appreciated—the fact that there was a synergy between their intention to modify elements of the country's design and the public's interest in seeing those changes realized. That was the main point of articulation in terms of consensus. (CU_02)

For Cuban elites, consensus was not merely a communicative strategy but a foundation of regime stability. Consultation renewed the revolutionary project through managed mass engagement, confirming ideological boundaries rather than expanding them. Will-confirmation operated as an interpretive stance treating alignment as self-evident and positioning consensus as a starting point rather than an outcome. As one

drafter described, the process was nothing less than a "political process that helped strengthen the foundations of the Cuban Revolution" (CU_01).

While perceived alignment affirmed drafters' constitutional vision, cognitive filtering allowed them to define coherence and manage contradictions. The consultation's design performed filtering in advance through institutional structures like the National Processing Team—approximately 100 prosecutors, judges, and legal experts handpicked by the Drafting Commission. This team reviewed tens of thousands of meeting minutes and condensed them into 9,595 standardized proposals, operating under the authority of the Center for Sociopolitical Opinion Studies within the Communist Party's Central Committee.

These proposals then went to the working group responsible for recommending acceptance or rejection. Working group members described an interpretive process prioritizing coherence with guiding principles over frequency or popularity of suggestions:

> So, those thematic groups did the initial work. And then they would go to the executive group... like, okay, why are you proposing this? Because we had to go back again... to the Drafting Commission: why this yes, and why this no, and why this yes and this too—without any prejudice. And not based on numbers, because it could be that something... quantitatively has support, but that's a mistake. There were some proposals that came from only a few people, but they made sense... [given] the logic of the project, the principles, with what was being drafted. (CU_03)

This logic of "fit" maintained the appearance of openness while constraining which inputs could shape the draft. The Drafting Commission claimed that 50.1% of standardized proposals were incorporated,[74] yet the Working Group evaluated proposals for ideological coherence rather than following fixed rules of aggregation:

> We had to analyze all the proposals, but for us, the fact that a proposal came from just one person was never a limitation—on the contrary. If it's what that person was proposing, well, we considered that it had value. (CU_06)

This approach allowed drafters to embrace ideologically aligned proposals while sidelining others regardless of popularity, creating a filtering mechanism that presented itself as methodologically rigorous while reproducing the boundaries of permissible reform.

Proposals touching the symbolic foundations of the revolutionary state—particularly the Communist Party's role—were met with resistance. These moments revealed the limits of will-confirmation; when public input conflicted with regime ideology, it was excluded. One interviewee recalled debates about the Party's constitutional position:

> For example, the draft of the constitution established a special position for the Communist Party within the country's political structure... one that even seemed to place the Party above the Constitution itself. This sparked a strong debate... especially among segments of the population with greater political education and deeper engagement in these issues... Although this issue was raised in the National Assembly, it was ultimately not accepted by the official structure. In fact, key public defenders of the constitutional project... forcefully upheld the idea of the Party's primacy. (CU_02)

This critique, raised by politically active segments like academics, was notably absent from official results, televised debates, and elite interviews. At most, one drafter acknowledged "objections to the Communist Party" (CU_03), but only to demonstrate the consultation's apparent openness—not to address the substance of the critique. Even dissent was reframed as evidence of legitimacy, showing all views were ostensibly heard while excluding certain ideas from decision-making.

Will-confirmation thus shaped where public input could meaningfully influence outcomes. Citizen proposals had greater impact in areas where elite consensus was less stable. The clearest example was Article 68 on same-sex marriage, which one drafter called the consultation's "star paragraph" (CU_03). This provision attracted 25% of citizen opinions and organized opposition from evangelical churches.[75]

However, influence was mediated by technocratic expertise. The decision to remove the provision and defer it to the Family Code was guided by legal professionals in the working group—30 members including eight from the Drafting Commission and 22 experts from various branches of law. These were not independent watchdogs but ideologically aligned actors with interpretive authority. As one group member explained:

> Well, [I was chosen] because the Drafting Commission requested that the working group include representation from civil society organizations... And one of the demands of [our 2017 congress] was precisely that jurists have greater participation in legislative processes—that is,

through our scientific societies... And starting in 2018, when the popular consultation process began... I was assigned the task of joining the group. (CU_06)

During exchanges between the working group and the Drafting Commission, "almost all" of their proposals on how to handle the same-sex marriage issue were accepted, forming the basis for "another important [consultation] process that we had in 2022, which was that of the Family Code" (CU_06). These professionals interpreted public feedback not only for ideological consistency but also for legal and procedural feasibility. Their authority stemmed not from distance from the regime, but from proximity to it—and from their ability to translate societal friction into technically sound, politically palatable compromise.

Indeed, two Drafting Commission members described removing the same-sex marriage provision as a strategic response to preserve the broader legitimacy of the project. One of them reflected:

> We had to find a solution that could strike a balance for everyone, the most balanced solution possible—or the one with the least impact on the project. And the solution we arrived at was to move the subject to the new Family Code, which would also be approved through popular consultation and referendum, so that no one could say we imposed it through parliamentary means. (CU_03)

Public input was thus most consequential not where the regime had ideological certainty, but where "there was not unanimity" (CU_03). In these spaces of elite uncertainty, input could be strategically reframed rather than rejected outright, preserving the constitutional project without triggering open rupture.

In sum, Cuba's incorporation of legal experts functioned not as a concession to pluralism, but as a strategy substituting professional diversity for political dissent. Public impact was real—but aligned with elite priorities, constrained by institutional design, filtered through ideological interpretation, and mediated by regime-loyal experts to affirm the ruling coalition's constitutional vision. This strategic accommodation exemplifies will-confirmation in an authoritarian context: rather than challenging elite prerogatives, public consultation provided a controlled mechanism through which drafters could selectively interpret, defer, or incorporate citizen input while maintaining the narrative of popular authorship—all within ideological parameters that preserved the regime's foundational commitments and revolutionary legitimacy.

5.2.2 Retrospective assessments

The retrospective assessments from Cuban drafters and interviewees reveal how the consultation has been memorialized and ideologically framed since its completion. In keeping with will-confirmation in authoritarian contexts, these reflections reinforced the legitimacy of both process and outcomes—not as a deliberative exercise but as an affirmation of revolutionary continuity. Rather than examining constraints or contradictions, interviewees portrayed the consultation as a uniquely participatory moment that reaffirmed the Revolution's ideological foundations while demonstrating Cubans' capacity to act, under institutional guidance, as constituent agents.

Cuban interviewees notably avoided critiques of the process. When confronted with suggestions of muted public criticism, drafters emphasized participants' apparent freedom to express views without fear:

> No one [was persecuted] because of their opinion—it would be contradictory. But, well, since people say that in Cuba you can't speak, and that when you do, you can be arrested—there were people who stood up and said whatever they wanted. No one was summoned or called in to ask, 'Why did you say this?' No, everyone gave their opinion, even some that were contrary to the project and its concepts. 'I don't agree with the Party, I don't agree with this.' (CU_03)

This claim contradicts documented instances of arbitrary political arrests before and during the consultation,[76] including state security forces arresting opposition activists preparing to participate in a constitutional reform workshop.[77] Yet such realities were absent from drafters' accounts, which systematically privileged incidents affirming revolutionary legitimacy while omitting those threatening it—exemplifying will-confirmation's selective, confirmatory approach.

Instead of addressing controversy, drafters emphasized the consultation's transformative power. A sense of triumphalism pervaded conversations, echoing the celebratory tone used in official venues like the National Assembly.[78] One drafter characterized the process:

> I believe it demonstrated the strength of a people as drafters [constituyente]... We couldn't find examples in the world of an entire people becoming drafters. And I believe the way it was done showed that you're not just writing a constitution, you're doing something more transcendent than a constitution itself. You're carrying out a political process of formation, of learning, of

legal education for the population... so that people also feel like protagonists of the changes and main transformations of a country. (CU_01)

This framing presents the consultation not as a deliberative process with limitations, but as a historic achievement—an orchestrated moment of civic transformation where the people fulfilled their revolutionary role under leadership guidance. What emerges is the emotional and ideological investment Cuban drafters placed in co-authorship. Yet the empowerment described is didactic: people were invited not to challenge the constitution but to be formed by it. This reflects how will-confirmation extends beyond filtering input to constructing meaning retrospectively. The consultation is remembered for symbolizing a moment where elite vision and popular participation fused into a narrative of unity, education, and revolutionary continuity.

This perspective is also evident in the drafters' assessments of their own work and role in this state-society exchange:

We did a lot of work... so that people could see that this didn't fall on deaf ears, that it was actually analyzed. That's why we had to say, 'Look, comrade, here's this, this, and this. Why did we choose this one? Because this one is coherent, because this one—exactly.' (CU_03)

The explicitly pedagogical framing is striking. The goal was not merely to register input but to explain which proposals were taken up and why. Drafters positioned themselves as both interpreters and instructors, responsible for distinguishing what was "coherent" within the constitutional framework. Public engagement was valued not for producing new political alternatives but for allowing leadership to clarify and reaffirm the project's ideological contours. Will-confirmation operates here in the retroactive production of legitimacy, where responsiveness is demonstrated through explanation rather than revision.

This pedagogical posture reveals a deeper conviction: the consultation was designed not merely to collect input but to shape understanding—a moment of political education where citizens would grasp the coherence, legitimacy, and necessity of the revolutionary framework. One law professor described this as "co-responsibility" between citizen and representative, but the relationship envisioned was not one of equal agency:

For many years we have understood the exercise of political rights as those called for by the institutions... but we haven't quite understood it as something we ourselves can initiate. And

people say, 'But I'm saying this against the system.' Gentlemen, in what country in the world is acting against the system legalized? Open your eyes! One thing is a public demonstration, and another is—open your eyes! So, it depends on the dynamic or what is appropriate in relation to the electoral process in each historical moment. And so, we got used to being the ones who are called upon. (CU_05)

This quote captures a central tension. While drafters remember the consultation as a rare moment of political openness, the parameters were never truly open. Cubans had been invited to participate only on terms set from above. The consultation may have widened expression but stopped short of empowering autonomous initiative. The sharp distinction between legitimate critique and "acting against the system" illustrates how civic engagement was framed within limits designed to protect the regime's ideological core. Will-confirmation operated not just through content management but through shaping political identity itself—where citizens could engage but not oppose, speak but not dissent.

Civil society actors—especially legal professionals—played a central role in political socialization. Positioned between state and society, they served as intermediaries translating the revolutionary project into accessible terms and determining which proposals could be assimilated without disrupting ideological foundations. One such actor explained it this way:

Those popular debates—if you're on the ground and you listen to them—you can interact with them. They help you grow, without a doubt; they help you to support people, and they even allow you to see which ideas are prevailing the most, so that, from within the political dynamic, you can take the measures that are best. (CU_05)

Here, civil society functions not as a counterweight to state authority but as an instrument of its extension—embedded in the political apparatus and mobilized to assess public sentiment, preserve consensus, and guide citizens toward the "best" conclusions. Socialization became central to managing reform without disrupting continuity—an ongoing process of ideological reinforcement through vetted intermediaries who listen, support, and uphold interpretive boundaries.

The incorporation of such actors was viewed as a key takeaway from the 2018 consultation. Reflections emphasized methodological "perfection"—refining how input was gathered, interpreted, and legitimized.

Several linked these lessons to the 2022 Family Code consultation, which legalized same-sex marriage and continued managed participation.

For two of my interviewees—one involved in the 2018 working group, the other in the 2021 process, the most consequential innovation was expanded specialized consultations bringing experts into the process:

> In relation to the 2018 popular consultation, the university and academics in general were involved in the specialized consultations that were conducted prior to the general population's consultation. In many cases, we facilitated the debate spaces—not so much as moderators, but rather as specialists who could clarify doubts and explain certain legal concepts expressed in the draft text that were difficult to understand. (CU_04)

This effort was systematized through professional networks:

> All of us in the legal profession got involved. The call went out through our municipal offices so we could go explain [the draft] in the communities. (CU_06)

These professionals functioned as institutional translators making the state's vision intelligible while interpreting public input affirmatively. By 2021, specialized consultations had become formalized in the regime's participatory model. President Miguel Díaz-Canel himself noted: "With the specialized consultations and with what people begin to say as they learn more, we're going to achieve a more robust and quicker consensus".[79]

The inclusion of civil society was frequently cited as evidence of democratic deepening, but functioned less as pluralism than as a mechanism for reproducing elite consensus through institutionally vetted voices. As one legal expert explained:

> It's been very positive—the inclusion of civil society's perspective in this Drafting Commission, and in later ones as well. Not just in the consultation itself, which was important, but also within the drafting commissions. That there be a diversity of perspectives. We're doing that... because that diversity is important... And I think it's also something that came through in the Constitution and that has since been carried forward into other legislative projects. (CU_06)

This "diversity" referred to professional affiliation and technical expertise—all from within the regime's trusted orbit. Civil society actors were not adversarial participants but stewards of the revolutionary project,

deployed to interpret, explain, and reinforce its terms. Their role was to deepen the appearance of consensus within a constrained space of constitutional possibility.

This exemplifies will-confirmation in practice. Rather than rejecting participation, the regime instrumentalized it through strategic incorporation of professionals who extended its representational reach without ceding interpretive control. These figures formed the front line of ideological legitimation—explaining complexity, filtering dissent, and reaffirming coherence. In rendering public input legible, they allowed drafters to see themselves as legitimate mediators of constituent power rather than mere gatekeepers. This self-perception transformed elite decision-making into the realization of popular will—structured, clarified, and aligned with revolutionary principles. The result was a choreography of constitutional consensus fusing ideological continuity with the symbolic weight of mass participation.

6 Discussion

The Cuban and Chilean constitution-making processes offer contrasting yet instructive models of how political elites interpret and deploy public input. In both cases, public consultation became a mechanism through which elites reaffirmed their normative commitments and legitimated their constitutional visions. But the pathways to that confirmation were profoundly shaped by differences in political context, institutional structure, and elite self-understanding.

In Cuba, public consultation functioned as a tightly managed exercise in ideological reaffirmation.[80] Input was systematized by vetted legal professionals and filtered through party-aligned institutions. Drafters framed themselves not as deliberators, but as instructors—educating the public rather than inviting them to shape the vision. Will-confirmation operated through structured interpretation: public input was processed to appear consistent with revolutionary values and returned as evidence of mass alignment. The outcome was not public debate, but a choreographed performance of civic consensus.

Chile pursued an ambitious experiment in participatory constitutionalism—pluralistic, open, and saturated with consultation mechanisms.[81] Yet Chilean drafters relied on informal practices shaped by ideological affinity and activist identity. Many saw themselves as extensions of the social movements that had catalyzed the process. Will-confirmation emerged not through bureaucratic filtration but through internal resonance: public input was embraced when it affirmed the normative vision already shared by the majority, and marginalized when it did not. Civil society was not an external interlocutor but an embedded network,

reinforcing rather than challenging elite self-understanding.

What distinguishes these cases is not the presence or absence of democratic procedure, but the form of interpretive control. This dynamic reflects the logic of will-confirmation: the tendency of political elites to interpret public input in ways that affirm their own constitutional preferences and transform those preferences into claims about the collective will. Drafters are not merely conduits of constituent power[82]—they are its authors, crafting narratives that cast their preferred outcomes as expressions of public demand. In both cases, constituent power was not enacted—it was projected, providing further evidence that the theory "can barely apply on its own terms to the realities of contemporary constitution-making".[83]

These findings reveal that will-confirmation is not tied to regime type, but to the representational voids that consultation is called upon to fill. Scholars have suggested that public consultation may "substitute for representation",[84] particularly where an unelected body controls drafting or in contexts with limited electoral traditions.[85] This study extends that claim by showing how consultation operates as a compensatory device across democracies and autocracies. In Cuba, consultation substituted for ideological pluralism, offering a controlled channel that preserved elite consensus. In Chile, it substituted for elite cohesion, providing a rhetorical resource to navigate polarization and instability. In both cases, elites resorted to consultation to fill representational gaps their political systems could not resolve.

Comparing representation across regime types may seem provocative, yet as Przeworski[86] contends, "representation is a dynamic relation in which the representatives anticipate the reactions of the represented to their leadership." When interpretive authority is monopolized by elites, consultation becomes performative rather than reciprocal. The result is not dialogue,[87] but a projection that transforms elite preferences into a fiction of co-authorship. This "make-believe"[88] is rooted in cognitive and institutional patterns that harmonize otherwise cacophonous voices in the name of legitimacy.

This suggests that the "crisis of representation" in modern democracies[89] may not be confined to democratic regimes alone. Rather, it reflects a broader tension: how elites construct authority without stable mechanisms for "upward transmission of popular demands".[90] Representation is a performative claim by political actors seeking validation by portraying certain voices as emblematic of "the people".[91] In Chile, drafters interpreted aligned input as confirmation of activist credentials; in Cuba, drafters reframed consultation as proof of revolutionary consensus. Both illustrate that while legitimation needs differ across systems,[92] the underlying imperative transcends regime type.

That consultation became a vehicle for representative claims under such divergent arrangements suggests these cases may foreshadow constitutional politics to come. As one Chilean drafter observed (CL_12), their process resembled "the ones we'll see in the future"—not transitions from dictatorship to democracy, but crises emerging from within democracy itself. Cuba is also experiencing "this moment of crisis—of representation—where the elite has become permanently disconnected from the population" (CU_02). If Chile's rupture emerged from eroded democratic trust, Cuba's came from exhausted revolutionary legitimacy. These cases signal a shift in global constitution-making—from institutional founding to representational reckoning—as regimes confront the challenge of sustaining legitimacy in increasingly skeptical societies.

Future research should explore how configurations of elite cohesion and ideological pluralism shape the interpretation of public input across regime types. Scholars might extend this framework to other participatory arenas where elites interpret contested input under high stakes—mini-publics, climate assemblies, or truth commissions—to examine whether will-confirmation permeates everyday democratic practices. Attention to how citizens perceive these interpretive patterns[93] could illuminate pathways through which consultation fosters trust or breeds disenchantment.

Advancing this research agenda requires a more clear-eyed view of constitution-making across regime types. In authoritarian contexts, scholars must look "beyond window dressing"[94] to examine how consultation functions within systems of ideological control—where ruling parties maintain elite cohesion[95] and structure citizen engagement through sophisticated epistemic filtering.[96] Particularly important is understanding how technocratic intermediaries legitimize central authority by managing participation in ways that reinforce regime coherence without relying on coercion.

Similarly, in democratic settings, while consultation is frequently celebrated as deliberative and inclusive,[97] such processes can nonetheless be deployed to justify elite-driven outcomes.[98] While scholarship has focused on procedural design and institutional quality,[99] scholars must examine how elite identities, civil society networks, and cognitive frameworks determine which citizen voices are amplified and which are marginalized—revealing patterns of will-confirmation across different political systems.

This study therefore urges scholars to look beyond formal consultation architecture and attend to the cognitive frames through which input is filtered and repurposed. Constitution-making is where "interest, passion, and reason"[100] collide—shaped as much by political psychology as by institutional design. By foregrounding these interpretive practices, we gain insight into how political elites transform public input

into legitimizing narratives of popular will.

At the heart of this transformation is the challenge of legibility. Public input must be rendered legible to be actionable, a process that often distorts complexity. As Scott[101] reminds us, "the categories used by state agents are not merely means to make their environment legible; they are an authoritative tune to which most of the population must dance." Constitution-making elites similarly craft representations of "the people"—not to discover authentic preferences, but to stabilize their own authority.

By casting a subset of the public as protagonists in a narrative of "the people," drafters satisfy not just citizens' need for representation, but their own "psycho-legal need"[102] for validation. The process of interpreting citizen demands allows them to see their decisions not as impositions of elite preference, but as fulfillment of popular will. Constitutional consultation is thus as much about self-validation as public legitimacy.

Perhaps, then, the answer to the representational void is not more elaborate participatory mechanisms, but a disruption of the interpretive habits that reduce constituent power to elite projection. Public consultation cannot realize its democratic potential unless elites are willing to confront, rather than confirm, the complexities of citizen voice. The fiction of popular authorship remains central to constitution-making. But unless the interpretive frame shifts—from confirmation to contestation, from resonance to recognition—the fiction of co-authorship risks cementing itself as farce.

Notes

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A   Interview Methods Appendix

To adhere to best practices in interview research, I outline my methodology and summarize the data collected for this study. The following appendix follows the structure recommended by Bleich and Pekkanen,[103] ensuring transparency in sample selection, interview procedures, and data management.

A.1   Sample Frame

In Chile, my sample frame included former members of the 2021–2022 Constitutional Convention, along with a small group of secretaries who provided technical assistance, particularly in processing public consultation data. In Cuba, it comprised former members of the Drafting Commission appointed by the National Assembly of People's Power and members of the working group ("Grupo de Análisis"), responsible for evaluating proposals generated from the consultation results. To supplement this sample, I also interviewed a select group of academics from the University of Havana who closely followed the constitution-making process.

A.2   Format of Interviews

For interviewees within my sample frame, I conducted semi-structured interviews divided into five general sections: (1) introduction; (2) creation of consultation mechanisms; (3) consideration of public input in negotiations; (4) use of public input in debates; and (5) conclusion. For supplementary interviewees, the structure served as a flexible guide rather than a strict framework, allowing for a more open-ended discussion. Interviews were expected to last 30–40 minutes, though some ran shorter and several extended well beyond that timeframe. Interviews were recorded using the RØDE Wireless PRO system for in-person conversations and Zoom's built-in recorder for remote interviews.

In both Chile and Cuba, interviews followed this structure but were adapted to fit the political context. Given Cuba's closed political system and the sensitivity of certain topics, questions on disagreement, critiques of the process, and strategic uses of public input were framed to avoid direct confrontation, instead emphasizing coordination, consensus, and practical application. In contrast, Chilean interviews incorporated more open-ended and direct questions, enabling explicit discussions of conflict and elite strategy. Below, I provide the full set of interview questions for both countries.

A.3 Interview questions for Chile

Introduction

1. Could you briefly introduce yourself? What is your name? What do you do?

2. What motivated you to participate in the Constitutional Convention?

Questions about Public Participation Mechanisms

1. How were the mechanisms for citizen participation in the Convention created?

    (a) What was the process for selecting and designing these mechanisms?

    (b) Was it more of a top-down or bottom-up decision?

2. Was there consensus among Convention members regarding the decisions made about these mechanisms?

    (a) If not, what were the main points of disagreement?

3. What was the public's opinion on the participation mechanisms that were implemented?

Questions about Incorporating Public Opinion in Debates and Negotiations

1. How were the results of public consultation (e.g., hearings, IPNs, etc.) introduced and discussed during the Constitutional Convention?

    (a) Did this occur in plenary sessions, commissions, or informal discussions?

2. Could you provide examples of how citizen input influenced debates or changed the course of certain proposals?

    (a) Were there specific topics where public opinion had a notable impact?

3. Was there a formal mechanism for evaluating public opinion, or was it up to each member's discretion to determine its relevance?

    (a) Were some voices given more weight than others?

4. Were there challenges in integrating public opinion into decision-making?

    (a) Did some members selectively use public opinion to support their positions?

Questions about the Use of Public Consultation as a Rhetorical Tool

1. How were the results of public consultation used to build consensus during negotiations?

    (a) Were there specific examples where consultation results helped overcome major disagreements among Convention members?

2. Did you observe any members using public opinion as a rhetorical tool during negotiations?

    (a) For example, did anyone cite public support to promote or block certain provisions?

3. How did the use of public opinion vary among different factions or coalitions within the Convention?

    (a) Were some groups more inclined to reference public opinion than others?

4. In what ways did citizen contributions help legitimize controversial decisions during the process?

Conclusion

1. In your opinion, what were the most important lessons from the 2021-22 Convention regarding the incorporation of public opinion in constitution-making?

    (a) Is there anything you think would be done differently in a future process?

2. Do you believe the public consultation process met the expectations set at the beginning?

A.4   Interview questions for Cuba

Introduction

1. Could you briefly introduce yourself? How did you become a member of the Drafting Commission for the Constitution?

2. What specific role did you play within the Commission?

Questions on the Design of the Popular Consultation

1. From the Commission's perspective, how were the mechanisms for gathering public opinion designed?

2. In your opinion, what were the most important factors in organizing the popular consultation?

3. To what extent were previous experiences, such as the 1976 consultation, considered when designing the 2018 process?

4. Were there aspects of the consultation methodology that stood out for their value in the drafting process?

Questions on the Analysis Group

1. Could you describe the role of the Analysis Group in the evaluation process of the proposals generated by the National Processing Team?

2. What general principles guided the evaluation of proposals arising from the consultation process?

Questions on the Drafting Commission

1. How were the consultation results and the recommendations of the Analysis Group discussed within the Drafting Commission? What method was used?

2. Was there any topic or area where a strong consensus emerged in the proposals?

3. Do you recall any case where the proposals generated significant debate or discussion within the Commission?

4. Were there moments when public opinion stood out for its impact on the constitutional text?

5. What types of citizen interventions were most useful in enriching the debates?

Other Questions

1. How did the Commission and the Assembly coordinate to ensure that the priorities gathered in the consultation were reflected in the final text?

2. In your experience, how were different perspectives harmonized within the Commission and the National Assembly when interpreting public contributions?

3. In what ways did the popular consultation strengthen the legitimacy of the constitutional process?

Conclusion

1. In your opinion, what are the main lessons that could be drawn from the 2018 popular consultation for future constitution-making processes, both in Cuba and in other countries?

2. What aspects of the process do you think could be improved in the future?

A.5   Interview methods table

Table 3: Interview methods for Chile

Interviewee	Status	Source	Format	Length	Recording	Transcript
Category 1						
Convention member 1	Conducted via Zoom 10/22/24	Sample frame	Semi-structured	47 mins	Video recording	Posted
Convention member 2	Conducted via Zoom 11/08/24	Sample frame	Semi-structured	55 mins	Video recording	Posted
Convention member 3	Conducted in person 11/08/24	Sample frame	Semi-structured	58 mins	Audio recording	Posted
Convention member 4	Conducted in person 11/11/24	Sample frame	Semi-structured	1 hr 20 mins	Audio recording	Posted
Convention member 5	Conducted via Zoom 11/11/24	Sample frame	Semi-structured	47 mins	Video recording	Posted
Convention member 6	Conducted in person 11/11/24	Sample frame	Semi-structured	55 mins	Audio recording	Posted
Convention member 7	Conducted in person 11/12/24	Sample frame	Semi-structured	1 hr 3 mins	Audio recording	Posted
Convention member 8	Conducted via Zoom 11/14/24	Sample frame	Semi-structured	52 mins	Video recording	Posted
Convention member 9	Conducted in person 11/14/24	Sample frame	Semi-structured	1 hr 5 mins	Audio recording	Posted
Convention member 10	Conducted in person 11/15/24	Sample frame	Semi-structured	50 mins	Audio recording	Posted

Interviewee	Status	Source	Format	Length	Recording	Transcript
Convention member 11	Conducted in person 11/15/24	Sample frame	Semi-structured	35 mins	Audio recording	Posted
Convention member 12	Conducted in person 11/19/24	Sample frame	Semi-structured	35 mins	Audio recording	Posted
Convention member 13	Conducted via Zoom 11/19/24	Sample frame	Semi-structured	46 mins	Video recording	Posted
Convention member 14	Conducted via Zoom 11/19/24	Sample frame	Semi-structured	58 mins	Video recording	Posted
Convention member 15	Conducted via Zoom 11/20/24	Sample frame	Semi-structured	57 mins	Video recording	Posted
Convention member 16	Conducted in person 11/20/24	Sample frame	Semi-structured	29 mins	Audio recording	Posted
Convention member 17	Conducted via Zoom 11/21/24	Sample frame	Semi-structured	49 mins	Video recording	Posted
Convention member 18	Conducted in person 11/22/24	Sample frame	Semi-structured	1 hr	Audio recording	Posted
Convention member 19	Conducted in person 11/25/24	Sample frame	Semi-structured	53 mins	Audio recording	Posted
Convention member 20	Conducted via Zoom 11/27/24	Sample frame	Semi-structured	25 mins	Video recording	Posted
Convention member 21	Conducted via Zoom 11/27/24	Sample frame	Semi-structured	54 mins	Video recording	Posted
Convention member 22	Conducted via Zoom 11/30/24	Sample frame	Semi-structured	1 hr 40 mins	Video recording	Posted

Interviewee	Status	Source	Format	Length	Recording	Transcript
Convention member 23	Conducted via Zoom 12/03/24	Sample frame	Semi-structured	1 hr 10 mins	Video recording	Posted
Convention member 24	Conducted via Zoom 12/05/24	Sample frame	Semi-structured	49 mins	Video recording	Posted
Convention member 25	Conducted via Zoom 12/05/24	Sample frame	Semi-structured	55 mins	Video recording	Posted
Convention member 26	Conducted via Zoom 12/10/24	Sample frame	Semi-structured	1 hr 10 mins	Video recording	Posted
Convention member 27	Conducted via Zoom 12/17/24	Sample frame	Semi-structured	1 hr 2 mins	Video recording	Posted
Convention member 28	Accepted 10/03/24; then no response	Sample frame				
Convention member 29	Accepted 10/17/24; then no response	Sample frame				
Convention member 30	Accepted 11/12/24; then no response	Sample frame				
Convention member 31	Accepted 12/13/24; then no response	Sample frame				
Convention member 32	Declined 10/12/24	Sample frame				

Interviewee	Status	Source	Format	Length	Recording	Transcript
Convention member 33	Declined 10/26/24	Sample frame				
Convention member 34	Declined 11/08/24	Sample frame				
Convention member 35	No response	Sample frame				
Convention member 36	No response	Sample frame				
Convention member 37	No response	Sample frame				
Convention member 38	No response	Sample frame				
Convention member 39	No response	Sample frame				
Convention member 40	No response	Sample frame				
Convention member 41	No response	Sample frame				
Convention member 42	No response	Sample frame				
Convention member 43	No response	Sample frame				
Convention member 44	No response	Sample frame				

Interviewee	Status	Source	Format	Length	Recording	Transcript
Convention member 45	No response	Sample frame				
Convention member 46	No response	Sample frame				
Category 2						
Secretary 1	Conducted in person 11/12/24	Referred by Convention Member 7	Open-ended	1 hr 3 mins	Audio recording	Posted
Secretary 2 and 3	Conducted via Zoom	Referred by Convention Member 7	Open-ended	42 mins	Video recording	Posted
30 interviews	**13 in person, 17 via Zoom, 16 no response, 2 declined**	**27 sample frame, 2 additional**	**27 semi-structured, 2 open-ended**	**26 hours 24 minutes**	**13 audio recordings, 16 video recordings**	**29 transcripts posted**

Table 4: Interview methods for Cuba

Interviewee	Status	Source	Format	Length	Recording	Transcript
Category 1						
Drafting Commission Member 1	Conducted in person 01/14/2025	Sample frame	Semi-structured	1 hr 19 mins	Audio recording	Posted
Drafting Commission Member 2	Conducted in person 01/15/2025	Sample frame	Semi-structured	1 hr 11 mins	Audio recording	Posted
Drafting Commission Member 3	No response	Sample frame				
Category 2						
Academic 1	Conducted in person 01/14/2025	Substitute in sample frame	Semi-structured	41 mins	Audio recording	Posted
Academic 2	Conducted in person 01/15/2025	Substitute in sample frame	Semi-structured	1 hr 6 mins	Audio recording	Posted
Academic 3	Conducted in person 01/16/2025	Substitute in sample frame	Semi-structured	1 hr 11 mins	Audio recording	Posted

Interviewee	Status	Source	Format	Length	Recording	Transcript
Category 3						
Technician 1	Conducted in person 01/15/2025	Sample frame	Semi-structured	1 hr 11 mins	Audio recording	Posted
Technician 2	No response	Sample frame				
Technician 3	No response	Sample frame				
Category 4						
Deputy 1	Conducted in person 01/08/25	Supplementary, referred by friend	Open-ended	45 mins	Concurrent notes	None
Deputy 2	No response	Supplementary				
Deputy 3	No response	Supplementary				
7 interviews	**7 in person, 5 no response**	**3 sample frame, 3 substitutes, 1 supplementary**	**6 semi-structured, 1 open-ended**	**7 hours 24 minutes**	**6 audio recordings**	**6 transcripts posted**

A.6 Coding Scheme Definitions

Table 5: Coding Definitions for RQ1, Interpretation of Public Input

Child Code	Definition
Perceived Alignment	Moments where drafters describe public input as consistent with their own values, priorities, or normative commitments—suggesting that public sentiment "confirmed" their constitutional preferences.
Perceived Impact	Statements about whether and how public input shaped or influenced specific debates, decisions, or proposals in the constitution-making process.
Cognitive Filtering	Descriptions of how drafters selectively made sense of contradictory, ambiguous, or overwhelming public input—simplifying or prioritizing elements that aligned with their beliefs or goals.
Boundary-Setting	Instances where drafters discuss determining which issues or voices "counted" as relevant to constitutional debates—reflecting how they implicitly or explicitly drew the boundaries of legitimate public input.

Table 6: Coding Definitions for RQ2, Retrospective Evaluation of Consultation

Child Code	Definition
Retrospective Validation	Reflections on the consultation process that affirm its value, effectiveness, or legitimacy—even if the process was highly managed or symbolic. Often framed as positive reinforcement of elite choices.
Emotional Reinforcement	Expressions of pride, confidence, or moral satisfaction that drafters derived from engaging with public input—regardless of its concrete policy impact.
Lessons Learned	Insights about what worked, what didn't, and what should be improved in future consultation efforts. May include procedural, political, or normative takeaways.
Critique of Consultation	Negative reflections on the design, execution, or consequences of the consultation process. May include complaints about bias, overload, inefficacy, or lack of clarity.

A.7 Challenges and constraints

I faced several challenges and constraints during my fieldwork. These limitations are particularly evident in the discrepancy between the number of interviews conducted in Chile (30) and Cuba (7)—a reflection of differences in political openness, institutional accessibility, and researcher positionality in each setting. While my research design prioritized interviews with constitutional drafters in both countries, the feasibility of securing these interviews was shaped by factors beyond my control.

In Chile, the political environment and institutional transparency surrounding the Constitutional Convention facilitated relatively easier access to drafters. The Convention was a highly publicized, participatory process, and many former delegates were active in academia, civil society, or public discourse both before and after the collapse of the 2022 constitutional draft. As a result, Chilean interviewees were generally receptive to discussing their experiences, and networking opportunities—particularly through academic and policy-oriented circles—allowed me to build connections quickly and efficiently. By contrast, Cuba's constitution-making process was tightly controlled by the party-state, making access to members of the Drafting Commission significantly more challenging. Cuban officials and elites tend to be far more cautious about engaging with foreign researchers, particularly those affiliated with U.S. institutions.

To facilitate access, I conducted pre-dissertation fieldwork in both countries during July–August 2023, where I engaged with academics, journalists, and activists who helped embed me in relevant networks. Most interviews were arranged via informal channels like WhatsApp, in line with patterns documented in elite research.[104] It was only through personal referrals, trust-building, and careful framing of interview questions that I was able to secure access to two key members of the Drafting Commission.

When conducting elite interviews, particularly in authoritarian contexts, it is crucial to prioritize quality over quantity. Access is often limited, but the insights of a few key informants can be highly valuable. Fortunately, this aligns with the logic of purposive sampling.[105] The 33-member Cuban Drafting Commission was significantly smaller than the 155-member Chilean Constitutional Convention, meaning that securing even a handful of interviews provided meaningful insight into the decision-making process. While this smaller sample size necessarily limits the range of perspectives represented, the centralized nature of Cuban decision-making means that these interviews with high-ranking officials still capture key insights from those at the center of the process.

During my first 10 days in Cuba, I pursued multiple avenues to connect with members of the Drafting Commission. Ultimately, it was only through a personal reference that I gained access to my first contact within the Commission. This interviewee, in turn, insisted that I speak with another Commission member due to their expertise on public consultation. Both of these interviewees were, and remain, members of the Central Committee of the Communist Party of Cuba, with one being a leading figure within the Drafting Commission. Given the highly centralized nature of decision-making in Cuba, it is likely that their perspectives reflect the broader consensus within the Commission. As a result, these interviews may have been sufficient to reach saturation. While additional interviews with other Drafting Commission members may have introduced minor variations, the highly centralized nature of Cuban decision-making suggests that major divergences in perspective were unlikely. To my knowledge, I am the first foreign researcher to secure direct, on-the-record interviews with them.

Timing, however, was not on my side. I conducted my fieldwork during the final months of the previous U.S. administration, with potential policy changes regarding Cuba on the horizon. While this did not present any risks to my research in Chile, concerns about possible changes to regulations regarding academic travel to Cuba influenced my research timeline. To ensure I completed my fieldwork before any policy shifts could complicate travel or research logistics, I concluded my trip shortly before the transition. This constraint further underscores the importance of the interviews I was able to conduct, as future opportunities for similar fieldwork may be affected by shifting diplomatic relations. At the same time, it highlights the broader reality of conducting research in geopolitically sensitive contexts—where access is shaped not only by domestic conditions but also by the foreign policy landscape of the researcher's home country.

The discrepancy in the number of interviews between Chile and Cuba is not merely a function of researcher effort but rather a reflection of structural barriers to elite access in an authoritarian setting. In Chile, the open political environment, decentralized institutions, and active participation of former drafters in public discourse created a research-friendly environment. In Cuba, however, state control, elite caution, and restricted institutional access significantly limited the number of interviewees I could recruit. While these constraints affected the scale of data collection, they also highlight an important methodological insight—conducting elite interviews in closed political systems requires not only patience and persistence but also a creative approach to trust-building and recruitment strategies.