

# *Internal Dynamics of Regime Change: Chile's Constitutional Transition to Democracy, 1983–1989*

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Chile was the last of the Latin American military regimes to return to democratic rule after sixteen years of dictatorship under General Augusto Pinochet. The emphatic victory of the 17-party Opposition coalition, the Democratic Concertación, in the Presidential and Congressional elections of 14 December 1989 also signalled the end of “bureaucratic–authoritarian” regimes in Latin America.<sup>1</sup> The victory came towards the end of the so-called “democratic decade” when the prospects of democratization seemed to be very bright. The new President, Patricio Aylwin, inherited from his predecessors an economy widely regarded as the healthiest in Latin America, albeit one in which there were increasing inequalities between the rich and the poor. Nevertheless, in a country where democracy had been the rule rather than an exception and the authoritarian experience a deviance from the normal, the transition was seen as a sign of better things to come.

Elsewhere in Latin America, the euphoria generated by the wave of democratization (or transitions, to be more precise) in the 1980s was giving way to deep reservations about the stability of the “fragile”, “nascent”, “newly emergent” democracies in the face of the accompanying economic crisis, the most severe in the region since the Great Depression. Scholars were already beginning to refer to the 1980s as the “lost decade”.<sup>2</sup> The

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<sup>1</sup> To use O'Donnell's famous characterization. See Guillermo O'Donnell, *Modernization and Bureaucratic–Authoritarianism: Studies in South American Politics* (Berkeley, Calif.: University of California Press, 1973).

<sup>2</sup> Almost all Latin American countries returned to some form of democratic rule during the decade in the midst of rapidly deteriorating economic conditions. The decade is commonly referred to as both the “democratic decade” and the “lost decade”. Peter Smith's characterization—“a crucial era of transition”—perhaps sums up the period better. Peter H. Smith, “Crisis and Democracy in Latin America”. *World Politics* (Baltimore, Md), vol. 43, no. 4, July 1991, p. 609.

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“disorganization of the Latin American economies”<sup>3</sup> had begun even before mid-1982, when Mexico announced that it was not going to continue to pay its foreign debts. It may be noted that the efficacy of the import-substitution industrialization strategy, operational in Latin America since the 1930s, was called into question in countries like Argentina, Chile, and Uruguay from the mid-1970s onwards. The demise of authoritarian regimes in the subsequent decade may have been hastened by the severity of the region’s economic predicament and, possibly, also by the exhaustion of both the economic and political aspects of the State-centred matrix.<sup>4</sup> Regime change, i.e., transition from authoritarian to democratic rule, and the restructuring and readjustment policies were part of the package of “chaotic adjustment” one witnessed in Latin America in the 1980s.<sup>5</sup>

The persistence of the economic crisis through the 1980s was seen as representing “one of the most common threats to democratic stability”.<sup>6</sup> While some studies on the relationship between economic crisis and democratic politics and on the policy capabilities of democratic and authoritarian Governments in times of economic adversity suggest that the Latin American democracies could outlive the continuing period of crisis,<sup>7</sup> the 1990s may indeed prove inimical to the survival of democracy. The course of events in Central America, Colombia, Peru, and Venezuela gives credence to the view that democracy is by no means guaranteed in the Latin American context.<sup>8</sup>

Our purpose in this article is to take the Chilean transition as a case study, and to show that neither economic factors nor “long-term historic processes” are enough by themselves to help us in understanding Latin American politics.<sup>9</sup> The possible outcomes of the ongoing political and economic processes are numerous, and only a thorough examination of the nature of

<sup>3</sup> José Alvaro Moisés, “Democracy Threatened: The Latin American Paradox”, *Alternatives* (Boulder, Colo.), vol. 16, no. 2, spring 1991, p. 143.

<sup>4</sup> On the exhaustion of the State-centred matrix, see Marcelo Cavarozzi, “Beyond Transitions to Democracy in Latin America”, *Journal of Latin American Studies* (London), vol. 24, pt 3, October 1992, pp. 665–84.

<sup>5</sup> Cavarozzi uses the phrase “chaotic adjustment”. *Ibid.*, p. 678.

<sup>6</sup> Larry Diamond and Juan J. Linz, “Introduction: Politics, Society and Democracy in Latin America”, in Larry Diamond, Juan J. Linz, and Seymour Martin Lipset, eds, *Democracy in Developing Countries. Volume 4—Latin America* (Boulder, Colo.: Lynne Rienner Publishers, 1989).

<sup>7</sup> See, for example, Karen L. Remmer, “Democracy and Economic Crisis: The Latin American Experience”, *World Politics*, vol. 42, no. 3, April 1990, pp. 315–35; and “The Political Impact of Economic Crisis in Latin America in the 1980s”, *American Political Science Review* (Washington, D.C.), vol. 85, no. 3, September 1991, pp. 777–800. See also John W. Sloan, “The Policy Capabilities of Democratic Regimes in Latin America”, *Latin American Research Review* (Albuquerque, N.M.), vol. 24, no. 2, 1989, pp. 113–26.

<sup>8</sup> On Venezuela, see George Philip, “Venezuelan Democracy and the Coup Attempt of February 1992”, *Government and Opposition* (London), vol. 27, no. 4, autumn 1992, pp. 455–69.

<sup>9</sup> Cavarozzi argues that “long-term historic processes” and the “exhaustion of the State-centred matrix” offer a better explanation of the “post-transition dilemmas and the difficulties of constructing a stable democratic political order”. See Cavarozzi, n. 4, p. 667.

the transition in a given country may provide clues, if any, to the course of events during the 1990s. We agree that any study of a transition should be carried out within the broad framework of democracy as a coherent system of social relations, politics, and government, and not as something independent or outside its scope, but we must remember that a transition constitutes in itself an *independent* variable in the determination of the ensuing political system.<sup>10</sup>

A *transition to democracy* is an inevitable stage in the process of *democratization* and needs to be distinguished from the preceding *demise of authoritarian rule* and the following *consolidation of democracy*. The demise of authoritarian rule does not by itself lead to the creation of a *democratic government* (transition to democracy) or further to that of a *democratic regime* (consolidation of democracy). Again, the fact that there *is* a democratic government may suggest that authoritarian rule has ended, but one often finds that it has been followed by a “restricted” or “protected” democracy, i.e., one in which authoritarian trends continue to exercise a decisive influence on policymaking. There is no guarantee that a democratic government will be followed by a democratic regime, and thus the transition phase ends with the inauguration and succession of the democratic government. At this stage the process of democratization has taken only the first step towards its goal. In that sense the presence of a democratic government may be treated as one of transitional democracy, a situation within the transition phase where the possibilities of consolidation of democracy are remote.<sup>11</sup> We see transition and consolidation as distinct phases, and yet they must be dealt with as essentially selfnurturing processes.<sup>12</sup> The unfolding of either could create conditions conducive to, or obstructive of, the process of democratization. The process could suffer reverses and never attain the desired result. Whether a transition occurs as a result of ideological aspirations and political leadership<sup>13</sup> or as an outcome of the debt-cum-development crisis, or whether it originates “from above” or “from below” or from “external factors” or from a combination of all three,<sup>14</sup> there is no doubt that they exercise a decisive influence on the process of democratization.

<sup>10</sup> Alfred Stepan, “Paths towards Redemocratization: Theoretical and Comparative Considerations”, in Guillermo O’Donnell, Philippe C. Schmitter, and Laurence Whitehead, eds, *Transitions from Authoritarian Rule: Prospects for Democracy* (Baltimore, Md: Johns Hopkins University Press, 1986), pt 3.

<sup>11</sup> Smith criticizes the notion of “transitional democracy” introduced by Stallings and Kaufman. See Smith, n. 2, p. 621. See also Barbara Stallings and Robert Kaufman, eds, *Debt and Democracy in Latin America* (Boulder, Colo.: Westview Press, 1989).

<sup>12</sup> Moisés, n. 3, p. 153.

<sup>13</sup> Guillermo O’Donnell and Philippe C. Schmitter, “Tentative Conclusions about Uncertain Democracies”, in O’Donnell, Schmitter, and Whitehead, n. 10, pt 4, p. 18.

<sup>14</sup> Manuel Antonio Garretón, “Problems of Democracy in Latin America: On the Process of Transition and Consolidation”, *International Journal* (Toronto, Ont.), vol. 43, summer 1988, p. 366.

Though this article is concerned with transition alone, a brief consideration of the concept of democratization seems nevertheless to be in order. Manuel Antonio Garretón differentiates between democratization and transition. He defines the former as a process leading towards the creation of a *democratic society*, and says that the latter merely implies a change of regime.<sup>15</sup> One feels that it may be a little premature at this stage to expect a transformation of society in Latin America although, ideally, democratization ought to encompass such a structural change. Any attempt to force a dramatic change is likely to impede the process of consolidation of political democracy. The first task of democracy, therefore, is to consolidate, but, as stated earlier, this may not happen at all. Admittedly, the process of creation of a democratic regime and a democratic society may occur simultaneously, but it is the establishment and consolidation of the former that seems to offer the best prospects for a social transformation. In other words, a movement towards social democracy is likely to occur when there is consolidation of political democracy first, i.e., when the procedures and practices commonly associated with liberal democracy begin to exhibit continuity and regularity over a period of time.<sup>16</sup> This process is already under way. The manner in which the Presidents of Brazil and Venezuela were eased out of office augurs well for democracy in Latin America.

It is a little too early to generalize about the ongoing political processes, keeping in mind the vitality and resilience shown by the countries of Latin America in the face of acute economic problems. If recent events are any indication, it may be argued, with some caution, that there is no serious threat yet to democracy.<sup>17</sup>

### Crisis of the Chilean Regime

It was soon after General Pinochet succeeded in introducing a new Constitution in 1981 that the first signs of the economic crisis appeared.<sup>18</sup> From the second half of 1981 onwards, a series of economic reverses exposed the

<sup>15</sup> *Ibid.*, pp. 359–60.

<sup>16</sup> The procedures and practices commonly associated with a liberal democracy would include free and open elections, choice between competing leaders, fair competition, protection to civil liberties, and unhindered political participation.

<sup>17</sup> On “democratic/political goods”, see Pedro-Pablo Kuczynski, *Latin American Debt* (Baltimore, Md: Johns Hopkins University Press, 1988); and Albert O. Hirschman, “The Political Economy of Latin American Development: Seven Exercises in Retrospection”, *Latin American Research Review*, vol. 22, no. 3, 1987, p. 28.

<sup>18</sup> Manuel Antonio Garretón, *Dictaduras y Democratización* (Santiago de Chile: FLACSO, 1984); and “Military Regimes, Democracy, and Political Transition in the Southern Cone: The Chilean Case”, in George A. Lopez and Michael Stohl, eds, *Liberalization and Redemocratization in Latin America* (Westport, Conn.: Greenwood Press, 1987), pp. 191–208.

fragility of the authoritarian free-market model. The decline in the international prices of copper reduced export earnings even as import costs shot up with the price increase announced by the Organization of Petroleum Exporting Countries (OPEC) in 1979. Combined with a sharp rise in international interest rates, these external factors wreaked havoc on the Chilean economy. Within Chile, an exchange-rate policy known as the *tablita* established an exchange rate of 39 pesos to the dollar in June 1979. In the next two years, as the dollar appreciated against European currencies, it was found that the Chilean peso was grossly overvalued. With a low uniform tariff of 10 per cent, imports increased more than threefold between 1978 and 1981. The “Chicago boys” continued to believe that the crisis was temporary and would last only a few months.<sup>19</sup> Instead there was a near-total collapse of agriculture, industry, and, most notably, the unregulated private financial structure. The Finance Minister, Sergio de Castro, was finally sacked in April 1982. Chile then embarked on a process of “chaotic adjustment”, with one Finance Minister after another trying to restore a semblance of sanity to the country’s economic system.

It would be tempting to argue that it was the economic crisis which plunged the military regime into a political crisis. One must, however, consider the fact that the economic policies of the Government were closely associated with the authoritarian nature of the Pinochet regime which had allowed such policies to be implemented without any hindrance. The weaker sections of Chilean society were made to bear the brunt of the free-market experiment, and increasing numbers of people were economically and socially marginalized. In the absence of any political space, this fostered discontent, which threatened to mount a serious challenge to authoritarian rule in general and economic policies in particular.

The political crisis of the regime appeared at two levels—as a crisis of military rule and as a general national crisis.<sup>20</sup> Both were related to the failure of the military Government to depoliticize and restructure Chilean society in order to end what was known as *Estado de Compromiso* (“The Compromise State”).<sup>21</sup> The former was the essence of the exclusionary

<sup>19</sup> The “Chicago boys” were Chilean economists trained at the Catholic University of Chile and the University of Chicago who adhered to the anti-Statist, monetarist prescriptions favouring free market associated with the new orthodoxy/Chicago School of Milton Friedman and Friedrich von Hayek on the economic side, and the Cold War, national security, and Right-wing populist rhetoric emphasizing, among other things, law and order, on the political side.

<sup>20</sup> Garretón, “Military Regimes, Democracy, and Political Transition in the Southern Cone: The Chilean Case”, n. 18, p. 197.

<sup>21</sup> “The ‘Compromise State’ succeeded the oligarchic State . . . drew diverse social actors together . . . around the issue of industrialization. Some sectors of society were excluded . . . no one sector was able to attain the clear hegemony that had occurred in the oligarchic period.” Garretón, “Problems of Democracy in Latin America: On the Process of Transition and Consolidation”, n. 14, p. 362. Also see Cavarozzi, n. 4, p. 671.

social project of the regime designed to give rise to a “new social institutionality”. A conscious and concentrated effort was made to demobilize the “popular sectors”<sup>22</sup> and to depoliticize the State so that it would be the market and not political parties which would define the relationship between the State and civil society. This in turn led to a legitimacy crisis, one in which there was “no legitimacy of any project, of any authority, or of any mechanism for conflict resolution in the various social spheres”; and to a representation crisis “as far as the societal transformations that occurred made the representation of society by traditional political actors difficult and as far as there did not exist an arena where this representation could be exercised”.<sup>23</sup>

The very nature of authoritarian rule made the Pinochet regime vulnerable to pressures for regime change especially after the collapse of the economic model. The international isolation of Chile and the worldwide repudiation it faced at a time when most Latin American countries were switching, or were on the verge of switching, to some form of democratic rule made the Pinochet regime stick out like a sore thumb in the Latin American and international community of nations. The first protests against the regime in 1983 confirmed that the military and its civilian advisers had failed in their attempt to carry out the “historic project to refound society”. The issue of a return to democracy became the most important item on the agenda of national politics. The subsequent period was characterized by the growth and consolidation of an opposition movement, the fragmentation of the regime’s supporters, the decomposition of State leadership, and the resultant incoherence of the policies of the regime.

The earliest protests were ignited by groups which the regime had tried its best to control through a series of repressive policies. The labour unions bore the brunt of the regime’s unrelenting attack on the Left although it had strong organizational links not only with the Communists and the Socialists but also with the Radicals and the Christian Democrats—parties which had welcomed the *coup* of 1973. There were a large number of arrests and disappearances. Besides, the unions were handicapped by the prohibition of strikes (till 1978), the banning of the Confederación General del Trabajadores (CGT, or the General Confederation of Workers

<sup>22</sup> “Popular sectors” refers to the disadvantaged groups in highly segmented, unequal societies which are, in the Latin American context, necessarily heterogeneous. They include not only the organized working class but also workers with more or less regular employment but lacking functional or class organization, the unemployed seeking employment, people associated with the informal or underground economy, the lumpen proletariat, the peasantry, and the all-important groups of youth and women. See Philip Oxhorn, “The Popular Sector Response to an Authoritarian Regime: Shantytown Organizations since the Military *Coup*”, *Latin American Perspectives* (Thousand Oaks, Calif.), issue 67, vol. 18, no. 1, winter 1991, pp. 66–91.

<sup>23</sup> Garretón, “Military Regimes, Democracy, and Political Transition in the Southern Cone: The Chilean Case”, n. 18, p. 197.

and the restriction on forming unions (which were allowed only at the plant level). The Labour Plan of 1978 established a new legal framework for labour organizations and collective bargaining to circumscribe labour-union activity further.<sup>24</sup> However, labour unions and smaller organizations in the *poblaciones* (“shantytowns”) have always proved more resilient than political parties against State repression. Early in the 1980s they replaced the outlawed and dissolved political parties as the most visible opposition to dictatorship.

The efforts of the Coordinadora Nacional Sindical (CNS, or the National Trade Union Coordinating Committee), a loose grouping of Leftist Christian Democratic unions within labour unions, bore fruit when a small demonstration was held in Santiago early in 1983. The leadership of the most powerful union, Confederación Trabajadores del Cobre (CTC, or the Federation of Copper Workers), passed into the hands of a young Christian Democrat named Rodolfo Seguel, who instrumented the formation of a new united labour confederation, the Comando Nacional de Trabajadores (CNT, or the National Workers’ Command). The more moderate elements in the Opposition also came together and published a “democratic manifesto” in March 1983. It was, however, the copper-miners who led the first protests against the regime.

On 11 May 1983 a demonstration was held in Santiago to protest against authoritarian rule in general and against the economic policies of the regime in particular. It was a great success. The success of the protest in fact far exceeded the expectations of its organizers in that it found support even from the middle classes and the upper middle classes—groups which had previously supported the regime. A second, larger protest was held in June 1983. This prompted the regime to take swift action. Seguel and other leaders were arrested and charged with disturbing the peace. The CTC retaliated by calling for an indefinite strike and demanded release of its leaders. The Minister of the Interior, Enrique Montero, immediately ordered censorship of all news related to strikes, protests, etc., fired all striking workers and union leaders, closed down union headquarters, and banned meetings or assemblies in mining communities. The awesome power of the authoritarian regime soon succeeded in breaking up the national strike. Meanwhile Chile’s political parties took the initiative and moved centrestage. Their leaders assumed charge of the movement.<sup>25</sup>

Chile was now facing a situation reminiscent of the last few months of

<sup>24</sup> On the Labour Plan, see Decree Laws 2756, 2757, 2758, and 2759 of 29 June 1979. Also see Luis M. Barrera and J.S. Valenzuela, “The Development of Labour Movement Opposition to the Military Regime”, in J.S. Valenzuela and Arturo Valenzuela, eds, *Military Rule in Chile* (Baltimore, Md: Johns Hopkins University Press, 1985).

<sup>25</sup> On political parties under military rule, see Arturo Valenzuela and J.S. Valenzuela, “Political Oppositions under the Chilean Authoritarian Regime”, in J.S. Valenzuela and Arturo Valenzuela, eds, *Military Rule in Chile: Dictatorship and Opposition* (Baltimore, Md.: Johns Hopkins University Press, 1986).

the Allende period, when a minority Government had tried to rule over a majority opposed to its programmes. The similarities between 1973 and 1983 did not end there: the banging of pots and pans by housewives to indicate food shortages and economic hardships during the Allende years became a popular form of protest. The Pinochet Government imposed an evening curfew to coincide with the hours of protest on 12 July 1983. Nevertheless, the clatter of pots and pans could be heard through the working-class neighbourhood of La Velledor to the middle-class La Reina and upper-class Vitacura. However, it must be emphasized that, in contrast with the Allende Government, the Pinochet regime was a highly repressive Government. It was perhaps the most repressive regime in contemporary Latin America. (It was easily the worst on that count in Chilean history.) It sought to institutionalize “protected democracy” on the basis of a Constitution prepared by its adherents.

By July–August 1983 the protests spread to the provincial cities of Valparaíso and Concepción and became truly a mass movement. One message of the protests was clear—that Pinochet should leave and that the process towards a transition to democracy should begin. This was easier said than done: Pinochet stood firm in the way of *any* change. Besides, as we shall see, the Opposition was not able to speak with one voice; it failed to evolve a coherent strategy to oust the dictator. The traditional “three-thirds” split of the electorate re-emerged once the regime yielded the minimum ground necessary for the creation of a political space.<sup>26</sup> Each of the three blocs—the Leftists, the Centrists, and the Rightists—moved towards defining their own respective positions with respect to the potentialities of the political situation. Some sections of the Opposition perceived a mere transition to democracy; others felt that the expected demise of authoritarian rule would present an opportunity not merely to consolidate and stabilize democratic rule but to carry out a more profound structural transformation and move beyond political democracy.<sup>27</sup> The Opposition was also hampered by the “split between the social and political spheres” which translated “into a separation between parties and social movements”.<sup>28</sup>

<sup>26</sup> Since the 1930s, each of the three blocs in Chilean politics—the Leftist, the Centrist, and the Rightist—have returned approximately one-third of the vote in every election. This has led to the formation of a coalition Government of either the Centre–Left or the Centre–Right, the political arrangement taking place either prior to the elections or after the results are declared.

<sup>27</sup> As noted by Garretón, a transition to democracy came to have three different meanings: to the regime, it meant the institutionalization of “protected democracy”; to the moderate Opposition, it meant a restoration of political democracy; and to the Left, it denoted “social democracy”. See “Democracia, crisis y transición política en Chile”, in Garretón, *Dictaduras y Democratización*, n. 18.

<sup>28</sup> Rodrigo Baño, *Lo social y lo político: un dilema clave del movimiento popular* (Santiago de Chile: FLACSO, 1987). Cited in Paulo J. Krischke, “Chile Reinvents Democracy”, *Latin American Research Review*, vol. 25, no. 3, 1990, p. 223. See also Alex E. Fernández Jilberto, “Military Bureaucracy, Political Opposition, and Democratic Transition”, *Latin American Perspectives*, issue 67, vol. 18, no. 1, winter 1991, pp. 33–65; and Oxhorn, n. 22.

Ten years of harsh authoritarian rule had destroyed the traditional relationships between political parties and social organizations and movements and made the task of converting the social discontent of the majority into an effective political force very difficult and complicated.

### **Negotiation versus Mobilization**

The situation soon grew sufficiently alarming for Pinochet to appoint a Right-wing civilian, Sergio Onfré Jarpa, as Minister of the Interior to initiate a "dialogue" with the non-Marxist Opposition on the subject of a transition to democracy. Pinochet even hinted that he might allow Congressional elections before 1989, the year prescribed by the Constitution.<sup>29</sup>

The dialogue between Jarpa and the leaders of the Opposition was facilitated by the formation of Alianza Democrática (AD, or the Democratic Alliance), a coalition of seven parties, in August 1983.<sup>30</sup> It was the first major initiative taken by the Opposition parties to sink their ideological differences and grievances, which dated back to the highly charged political scenario of the Allende years, and to forge a united front to pressurize the regime into restoring democracy at the earliest. Once the Partido Demócrata Cristiano (PDC, or the Christian Democratic Party) abandoned a "road of its own" and assumed the role of a political bridge, other parties too opted for the line of ideological moderation and showed an increasing willingness to compromise. The AD included the Partido Radical (PR, or the Radical Party), the Partido Social Democracia (PSD, or the Social Democratic Party), the Republicans, and a section of the Socialists led by Carlos Briones and Ricardo Lagos. The AD represented approximately 50 per cent of the electorate and set as its goal a return to democratic rule at the earliest.

The appointment of the Jarpa Cabinet was undoubtedly the result of the crisis of military rule that we have talked about, but it would be unfair to see it as an *apertura* ("an opening" or "liberalization").<sup>31</sup> The beginning of the dialogue did facilitate the participation of political parties in the political process, but it also lent substance to the Government's new democratic rhetoric.<sup>32</sup> The crisis of the regime and the consequent national protests achieved at the most a precarious political space which worked to Pinochet's advantage in dealing with the Opposition and in adhering to the stages of

<sup>29</sup> See Transitory Provisions in the *Political Constitution of the Republic of Chile, 1980* (New Delhi: Embassy of the Republic of Chile).

<sup>30</sup> The Alianza was the first Centre-Left coalition after the Frente Popular in 1938.

<sup>31</sup> See Garretón, "Military Regimes, Democracy, and Political Transition in the Southern Cone: The Chilean Case", n. 18, p. 198.

<sup>32</sup> To quote Pinochet, "What I have dismissed in the past is politicking and politicization, and therefore the politicians who have fallen into these vices. I respect and admire many great Chilean politicians and have given proof of that fact." Augusto Pinochet, "Mensaje a la Nación", *El Mercurio* (Santiago de Chile), 12 September 1983. Cited in Jiliberto, n. 28, p. 42.

transition prescribed by the Constitution.<sup>33</sup> There is no doubt that the *abertura* was a *reward* for the Opposition but only a *strategy* so far as Pinochet and his supporters were concerned.

Jarpa's appointment was a clever ploy by Pinochet to make up for loss of civil support and to reconsolidate his rule. In the face of mounting pressure by the Opposition and by sectors which were previously pro-regime, the dialogue gave Pinochet some breathing space. Jarpa represented that section of the Right which feared that an escalation of protests might lead to a sudden and violent termination of the regime and a swing towards a Leftist Government.<sup>34</sup> They favoured a controlled political opening which would involve legalization of parties and holding of Congressional elections before 1989 in order to diffuse the social tensions and thereby preserve the privileges guaranteed by the Constitution. Unlike Opposition leaders who sought a transition to democracy/"social democracy", the Jarpa faction wanted to ensure a transition to "protected democracy". By asking Jarpa to begin talks with the Opposition, Pinochet also pacified an emerging dissident movement within the Right and sought to destroy the fragile unity of the Opposition. He isolated that section of the Opposition which was willing to talk from the one which was not and meted out to each the treatment it deserved.<sup>35</sup>

The AD leaders took a calculated risk in entering into talks with Jarpa. Being representative of a broad coalition of forces closer to the centre of the political spectrum, they felt that they should accept the "bait" of negotiations. This gained them favour with the "moderates" but eroded their support among those on the Left who were sceptical of the advances made by Pinochet. Jarpa had three separate dialogues with the AD leaders in September and October 1983 under the auspices of the new Archbishop of Santiago, Cardinal Francisco Fresno, but these came to nought. The AD leaders then called for an end to talks with the Government and moved towards coordinating a joint strategy with the more radical sections of the Opposition which had formed the *Movimiento Democrático Popular* (MDP, or the Popular Democratic Movement).

<sup>33</sup> According to the Constitution, a single candidate would be chosen by the junta (consisting of the Commanders-in-Chief of the armed forces) for an 8-year term from 1989 to 1997 subject to ratification in a yes-no plebiscite. If that candidate were to be defeated, then there would be free and competitive Presidential and Congressional elections within a year from the day of the plebiscite.

<sup>34</sup> Jarpa's support came from the newly formed *Movimiento de Unidad Nacional* (MUN, or the Movement for National Unity), consisting mostly of members of the old *Partido Nacional* (PN, or the National Party) who favoured a political opening.

<sup>35</sup> For example, the regime enacted a far-reaching anti-protest law that held leaders of a protest criminally responsible for any violence. The *Centro Nacional de Investigaciones* (CNI, or the National Centre for Investigations) and the *carabineros* carried out frequent raids into the shantytowns in and around Santiago and other cities to flush out radical dissenters.

The failure of the dialogue only confirmed the worst for the AD leaders. To be fair, the Opposition in general and the AD in particular were confronting at this stage a no-win situation. If they opted for accelerated popular mobilization, they would run the risk of the protest movement being “hijacked” by the extreme Left. This would not only allow Pinochet to turn the screws but also lead to a realignment of a large section of the middle class on the side of the regime. Such a scenario would not only be disastrous but selfdefeating.

The MDP was formed in September 1983 as a Leftist alternative to the protest movement. Led by the Partido Comunista (PC, or the Communist Party) and consisting of the Socialists, the Movimiento de Izquierda Revolucionaria (MIR, or the Movement of the Revolutionary Left), and the Frente Patriótico Manuel Rodríguez (FPMR, or the Manuel Rodríguez Patriotic Front), which was the armed wing of the PC, the MDP was able to draw support from the more marginalized sections of Chilean society. The Chilean Communists had accepted and advocated the route of insurrection from 1980 onwards, but in view of the then political realities they had felt it expedient to assume a rather conciliatory stance.<sup>36</sup> They also preached the unity of all Opposition forces, a proposition that cut across the ideological divide with the PDC.<sup>37</sup> The MDP gained in momentum once it became clear that the AD’s strategy of negotiating a transition had yielded no results. By the end of 1983 the MDP was in a position to challenge the “hegemony” of the AD over the protest movement. The fact that both the AD and the MDP sought the removal of Pinochet did not automatically unite them for the common cause. Their past political experience continued to dictate their policies and decisions. At stake were their different perceptions of democracy, their visions of the post-Pinochet Chile. The unity of the Opposition thus remained elusive.

Pinochet played a waiting game through most of 1984 as the Opposition tried to reorganize support to present itself as a viable alternative to dictatorship. The FPMR’s terrorist activity allowed Pinochet to draw those who preferred “order and progress” to his side. In October 1984, when MDP-backed protests intensified and Leftist violence increased, Pinochet used the PC’s involvement as an excuse to declare a state of siege for ninety

<sup>36</sup> The Chilean Communists, though avowedly Marxist–Leninist and pro-Moscow, had always compromised their ideological stance to accommodate democratic culture in the country. After Pinochet came to power, the Left generally and the Communists in particular became the prime target in the regime’s effort to eradicate the “Marxist cancer”. Fragmented and shattered by the collapse of democracy, the PC ultimately changed its tune in 1980.

<sup>37</sup> The Left could not possibly forgive the Christian Democrats for their support to the *coup* of 1973. The Allende Government was formed only after a post-election coalition of the Unidad Popular and the PDC. The arrangement came apart in less than three years. The Christian Democrats, though “reformists” themselves, objected, among other things, to the undemocratic and dictatorial style of functioning of the Leftist parties and the assault on private property.

days. He extended the state of siege twice, once in February 1985 and again in May 1985, on the pretext of saving the country from Communist subversion. Jarpa was sacked early in 1985, and the regime closed its doors to any further dialogue with the Opposition. It was only when the United States threatened to withdraw support for Chile's case for World Bank loans that the state of siege was lifted and replaced by a state of emergency.

The imposition of the state of siege proved that Pinochet was in no mood to relent. Backed by the armed forces, particularly the 50,000-odd strong army, he stuck to the legitimacy provided by the Constitution. Neither the AD's mobilization-cum-negotiation strategy nor the extreme Left's insurrectionary methods produced a retreat. The state of siege saw renewed political repression. The regime came down heavily in particular on the Bloque Socialista (or the Socialist Bloc), an alliance of the Socialists and others on the Left.<sup>38</sup> The lifting of the state of siege did not signal the end of political repression; the state of emergency and other supplementary decrees only enabled Pinochet to continue his reign of terror.

In a sense both Pinochet and the extreme Left were trying to sabotage all possibilities of a peaceful resolution of the Chilean imbroglio. This was ironical inasmuch as the armed forces and the Left had never crossed swords to the detriment of democracy (till 1973 of course). The Chilean Left was a prominent actor in national politics, and the Socialists and the Communists (though at loggerheads with each other) adhered to the rules of electoral politics. The armed forces on their part exemplified professionalism. Only one President in the twentieth century had been a man in uniform—Colonel Carlos Ibáñez. The armed forces had, by and large, refrained from playing a direct role in national politics and had stood by the Constitution of 1925. It was Eduardo Frei's "Revolution in Liberty" (1964–70) and Salvador Allende's "Peaceful Road to Socialism" (1970–73) that had hardened the attitude of each of the "three-thirds", the hyper-mobilization, extreme social polarization, and the determination of the United States to oust a Marxist from power culminating in the *coup* of 1973.

Once the Communists decided in 1980 to advocate "all means", the stage was set for an open confrontation in the streets and shantytowns of Santiago. This confrontationist stance benefited both sides. The Communists could count on Pinochet's intransigence to gain leverage from the moderate Left and thus raise a call for insurrection as the only means of getting rid of the dictator; and the General could point to the increasing violence and raise the spectre of a Communist takeover to regroup middle-class supporters and justify State-sponsored terrorism.

<sup>38</sup> The Bloque Socialista or the Socialist Bloc attempted to unify the Socialists who were in alliance with newer parties such as the Movimiento de Acción Popular Unitaria (MAPU, or the United Popular Action Movement), the Izquierda Cristiana (or the Christian Left), some radicals, and workers and peasants.

## The Acuerdo

However, there were by mid-1985 a few positive developments that led to the signing of the Acuerdo Nacional para la Transición a la Plena Democracia (or the National Accord for the Transition to Full Democracy). We have already seen the ideological moderation shown by the Christian Democrats and the Socialists to forge a united front against the regime, the AD being a concrete expression of the new orientation of the Socialists in a democratic direction<sup>39</sup> and of the willingness of the Christian Democrats to form alliances and act as a political bridge. Even more important was the emergence of a Right that was critical of the political aspects of military rule and defined a position independent of the regime.<sup>40</sup> The Nacionalistas and the MUN<sup>41</sup> criticized the state of siege, saying that they preferred to run the risk of a return to competitive politics rather than acquiesce in the *status quo*. The imposition of a state of siege also made Cardinal Fresno dissociate himself from the Government and sponsor the Acuerdo meeting. More alarming from the regime's point of view was the development of "a type of mobilization that partially overcame the purely agitational aspect of the protests and which was tied to a dimension of social and political organization of the corporative demands".<sup>42</sup>

Pinochet's intransigence began to bother some sections of the armed forces as well. Air Force Commander Fernando Matthei warned that if a transition to democracy did not begin soon, "we will end up destroying the armed forces more efficiently than any Marxist infiltration can".<sup>43</sup> A scandal involving the *carabineros* ("national police") further tarnished the image of the regime and lent strength to the protest movement. In March 1985 three well-known Communist leaders were kidnapped and murdered.<sup>44</sup> The judge concerned, José Canovas Robles, implicated fourteen members of the *carabineros*, forcing the Chief of Police, General Cezar Mendoza (also a junta member loyal to Pinochet), to resign.

<sup>39</sup> The AD Socialists also attempted to form a Frente Civica which failed by mid-1985.

<sup>40</sup> See Edgardo Boeninger, "The Chilean Road to Democracy", *Foreign Affairs* (New York), vol. 64, no. 4, spring 1986, pp. 812-32.

<sup>41</sup> On the MUN, see n. 34.

<sup>42</sup> Garretón, "Military Regimes, Democracy, and Political Transition in the Southern Cone: The Chilean Case", n. 18, p. 203. For example, the first free elections to the student body at the University of Chile after 1973 were held in October 1984. The results were as follows: AD—45 per cent; extreme Left—20 per cent; Right—26 per cent; and independents—9 per cent. Data collected by Academia de Humanismo Cristiano, Santiago de Chile: Cited in Michael Monteón, "Chile under the Dictator", *Socialist Review* (San Francisco, Calif.), nos 87-88, vol. 16, nos 3-4, May-August 1986, p. 207.

<sup>43</sup> Cited in Peter D. Bell, "Democracy and Double Standards: The View from Chile", *World Policy Journal* (New York), vol. 2, no. 4, fall 1985, p. 785.

<sup>44</sup> The three activists were: José Manuel Parada, a sociologist; Manuel Guerrero, the head of the Teachers' Union Association of Chile; and Santiago Nattino, a distinguished graphic artist.

The Acuerdo (August 1985) was the result of a call for national reconciliation given by Cardinal Fresno. It evoked a positive response from each of the three blocs and was signed by all parties which were members of the AD, the PN, and the MUN, as also by two parties of the Left. It was undoubtedly the most significant achievement of the Opposition. It was first and foremost a pact on the rules of governing and demanded Constitutional reforms, including changes in the procedures laid down for effecting Constitutional amendments<sup>45</sup> and in the system of Presidential succession. It also insisted on popular election of all legislators and the President. It, further, asked for legalization of all political parties (except insurrectional ones), end to political repression, and re-establishment of civil liberties, civil rights, workers' and unions' rights, and university autonomy. It tried to allay the fears of the armed forces by spelling out that only regular courts (and not special tribunals) would try anyone accused of human rights violations and that, unlike in Argentina, there would be no witch-hunt of military personnel charged with crime.

The one major failing of the Acuerdo was that it excluded the Communists and important sections of the Socialists. Given the traditional importance of these parties in Chilean politics and their continuing influence, particularly among the weaker sections of society, this was unwise inasmuch as it tended to fragment the Opposition and reinforce the divisive tendencies. Besides, there was no clear "transitional proposal". All that the signatory parties had done was to reach "partial agreement"<sup>46</sup> on a strategy concerning deadlines and methods. The parties of the Right insisted on a negotiated transition and moderated their stance *vis-à-vis* Pinochet; the General, they felt, should continue in office till 1989. On its part the AD sought to combine negotiations with social mobilization so as to bring down the Government before its prescribed term. The Acuerdo was also vague about other issues. For example, it promised respect for private property but asked the Government to subsidize sectors that created employment and to generate a mixed economy. It said nothing about taxes or foreign debt.

There is no doubt that, for all its limitations, the Acuerdo was a first if hesitant step by the Opposition in the right direction. General Matthei and a number of officers from the armed forces supported it. Forces that were previously pro-regime like the Nacionalistas were now said to constitute a "semi-Opposition".<sup>47</sup> The Catholic Church moved beyond mere denunciation and defence of human rights to assume the role of a mediating institution, bringing together elements from all the three blocs.

Both Pinochet and the extreme Left reacted typically to the Acuerdo. Pinochet reaffirmed that there would be no change from the timetable

<sup>45</sup> This is discussed later in this article.

<sup>46</sup> Garretón, "Military Regimes, Democracy, and Political Transition in the Southern Cone: The Chilean Case", n. 18, pp. 203-4.

<sup>47</sup> *Ibid.*, p. 203.

spelt out in the Constitution and that the question of any negotiation on that issue did not arise. The extreme Left, being excluded from the Acuerdo, did not see it as an event of consequence. Pinochet denounced the alliance of the “democrats” and the “Marxists”; the Left condemned the “sellout” to the statusquoists. Not surprisingly, despite a highly successful (and peaceful) rally in Santiago under the slogan “Chile Demands Democracy” three months after the signing of the Acuerdo, Pinochet was able to destroy the agreement by focussing on what it was not than on what it was. The signatories of the Acuerdo, the AD in particular, were not able to present themselves as an alternative to military rule. The ambiguity of the Acuerdo confirmed this. The timetable for transition remained a highly debatable and controversial issue. Pinochet successfully played off one faction of the Opposition against the other. The Acuerdo faded away within a few months, having achieved little in real terms.

The Opposition tried again. In April 1986, two hundred social organizations came together to form what was called *Asamblea de la Civilidad* (AC, or the Assembly of Civil Organizations). This represented the highest level of unity achieved after 1973. Popular mobilization reached a peak, which was due largely to the concerted efforts of the AD and the MDP to create conditions (once again) favourable to an offensive against Pinochet. The AC threatened a national strike on 2–3 July 1986 if the “Demand of Chile” was not met. This assault too betrayed the same old failing. The Opposition once again fell easy prey to Pinochet’s carrot-and-stick policy.

The protests turned violent once again, with the demonstrators clashing with the police in several places. Pinochet again pointed to the Communist threat. The discovery of a large arms cache off the Chilean coast in August 1986, followed by an unsuccessful assassination attempt on Pinochet himself by the FPMR early in September 1986, confirmed his allegation. The Centrist and Rightist parties seemed to have lost control of the movement and chose to retreat, allegedly under US pressure. Their withdrawal from the protests took the sting out of the movement. Following the assassination attempt, Pinochet reimposed a state of siege and launched another offensive against the Left on the one hand and pressurized the Centrists and the Rightists to accept his political agenda on the other. The AD’s decision to retreat was hardly inconsistent with the strategy it had adopted after 1983. With the time for the plebiscite not too far off, political realism and pragmatism ruled the day. It was not a decision in favour of the regime. Rather the decision was intended to protect and promote the interests of the middle class, which constituted their major support.<sup>48</sup> These sectors felt more comfortable negotiating with the regime, especially whenever they sensed even a remote chance of a mass movement led by the Left overthrowing the Government. The economy was already showing signs of

<sup>48</sup> “. . . what took place was an expansion of the middle sectors.” Jilberto, n. 28, p. 45. We have taken the liberty of using “middle class” instead of “middle sectors”.

recovery; and the “reformed” free-market model seemed to offer better prospects than an unknown, possibly a Socialist, one. By 1986-end it was certain that Chile’s transition would be a constitutional one with the Centre moving towards accommodation with both the moderate Left and the Right and choosing to combat the regime on its own ground.

### Plebiscite of 1988

The plebiscite was to decide whether Pinochet (or any other candidate nominated by the junta) would take office for an 8-year term or Congressional and Presidential elections would be held to elect a new President and Congressmen.<sup>49</sup> Not all sections of the Opposition accepted plebiscite as their first option to steer Chile towards democratic rule. Optimists continued to hope that Pinochet would somehow fall despite the easing of pressure as a consequence of a smart recovery of the economy and the split between the moderate AD and the more radical MDP. By 1987 it was quite clear that the only realistic option before the Opposition was to make the best of whatever opportunities came its way. The plebiscite appeared to give the Opposition an outside chance of getting rid of Pinochet. Given the regime’s dismal record in holding fair elections,<sup>50</sup> the Opposition was initially uncertain if its participation would serve any purpose other than that of legitimizing “protected democracy”. Even presuming that the Opposition won in the plebiscite, there was no guarantee that Pinochet would accept the result and quit.

By early 1988 the Opposition was of the view that the plebiscite represented an invaluable tool to beat Pinochet at his own game. While aware of the inherently undemocratic and unequal nature of the contest, it abandoned any plan it may have had of finding an alternative to the plebiscite. In February 1988 it formed the Command for the No to urge the Chilean people to vote against Pinochet. After all, democratic forces in Brazil and Uruguay had used the Government’s own rules to bring military rule to an end. The Opposition was also aware of the changing regional and international scenarios. The 1980s had indeed been a “democratic decade”

<sup>49</sup> See n. 29.

<sup>50</sup> In the wake of a major offensive by the Carter Administration on human rights abuses in Chile, Pinochet called for a Yes or No vote early in 1978 on the following resolution: “In the face of international aggression unleashed against the Government of the Fatherland, I support President Pinochet in his defence of the dignity of Chile, and I reaffirm the legitimate right of the Republic to conduct the process of institutionalization in a manner befitting its sovereignty.” The Government claimed that 75 per cent of the electorate voted Yes. The regime held a second plebiscite on 11 September 1980 to ratify the new Constitution. This time, the Government claimed 67 per cent electoral support. Both the plebiscites, needless to say, were held without any guarantees of freedom, secrecy, or fairness. The Opposition was barely allowed to participate.

for Latin America, with the United States favouring democracy so long as the Marxists and the Communists were kept out of power.

The Command was led by the PDC and included the Ricardo Nunez faction of the Socialists, represented by Ricardo Lagos, and the newly formed Partido por la Democracia (PPD, or the Party for Democracy), the PSD, and the Partido Humanista (PH, or the Humanist Party).<sup>51</sup> In all there were seventeen parties, ranging from the moderate Left to the moderate Right (represented by a faction of the PN). These had one specific aim—to defeat Pinochet at the polls. The PC, the MIR, and other, smaller parties of the extreme Left condemned the decision to “participate in the legality of the regime” and kept away from the Command. The PDC President, Patricio Aylwin, served as the spokesman of the Command and struck a note of reconciliation right from the beginning of the campaign to gain support of the broad spectrum of forces opposed to Pinochet. The effort paid off when the Clodomiro Almeyda faction of the Socialists and Luis Maira’s Izquierda Cristiana (Christian Left) joined the No to give valuable support from the traditional Left. Several prominent individuals and other organizations, including the Central Unitaria de Trabajadores (CUT, or the United Workers’ Central), the Central Democrática de Trabajadores (CDT, or the Democratic Workers’ Central), students’ and teachers’ unions, human rights organizations, and those in the *poblaciones* played a role secondary to that of political parties.

The Yes camp was dominated by Pinochet and drew support from the armed forces,<sup>52</sup> the property-owning classes, entrepreneurs, business groups, and parties of the Right like the Unión Democrática Independiente (UDI, or the Independent Democratic Union) and the Renovación Nacional (RN, or the National Renovation).<sup>53</sup> Unlike in the case of the Command, political parties played a relatively marginal role for the Yes, indicating not only Pinochet’s confidence but his continued distrust and lack of faith in politics, politicians, and political parties.

There was a significant divide in the Yes between those who supported the then politico-economic system as a whole and those who were unequivocal supporters of Pinochet. For Jarpa’s RN, a vote for the system was to be preferred to a vote for Pinochet, whereas the Avanzada Nacional (National Advance, an ultra Right/neo-Fascist group) and Jaime Guzmán’s

<sup>51</sup> The PPD was formed in 1988 to facilitate registration of voters for the plebiscite. It then came to serve as an umbrella party for the Leftist parties, particularly the Socialists. The PH appealed to the younger voters concerned with ecological and environmental issues.

<sup>52</sup> The armed forces attained an enviable status under Pinochet’s rule. See Monteón, n. 42, pp. 99–100. The armed forces also stood behind Pinochet because they felt that he would be their best guarantor in any situation where the armed forces came under fire as an institution or otherwise for human rights abuses.

<sup>53</sup> The RN was formerly the MUN. See n. 34.

UDI were ardent supporters of both “institutionalized authoritarianism” and Pinochet.<sup>54</sup> This divide was certainly evident when the junta members sat down to nominate the regime’s candidate for the plebiscite. The RN as well as two junta members preferred a civilian candidate, but Pinochet imposed his own candidacy.

The Opposition believed that it could defeat Pinochet in a fair contest. Its first task, then, was to convince all Chileans of the need to get their names included in the electoral rolls. Registration began in February 1988. It was the pro-regime supporters who registered first. Slowly, as a result of unrelenting persuasion by the No and the improving political climate, more and more people came forward.<sup>55</sup> When registration finally closed on 30 August 1988, the day Pinochet was nominated as the regime’s candidate (and the day of the plebiscite had been fixed for 5 October), a record number of 7,435,913 voters (or 92.1 per cent of the eligible voters) had registered.<sup>56</sup> The Opposition parties were also required to register as parties to legalize their status. According to Government regulations, every party was required to gather approximately 33,000 signatures.<sup>57</sup> It was not easy to do so since many Chileans continued to live in fear and did not want to be identified with any specific Opposition party for fear of reprisals by Government officials and militant pro-regime supporters. Three parties of the Command—the PDC, the PPD, and the PH—and two pro-regime parties—the Avanzada Nacional and the RN—finally registered.

The Government seemed to possess all the advantages in the campaign. It had already begun a daily bombardment of “public service” television spots from 1987 to paint a negative image of the Opposition. The regime used the resources of the Government—as, for example, public works—to bolster its campaign. Financial support also came from the monied classes. The Yes controlled most of the newspapers, radio stations, and television channels and enjoyed a definitive financial and media lead over the Opposition. The regime placed emphasis on two themes—order and progress—to mobilize support for the Yes. Pinochet began to appear on television and

<sup>54</sup> The RN was committed to a conservative agenda of private enterprise and anti-Communism; the Avanzada Nacional was committed to Pinochet as a *caudillo* (“chief”) while the *gremialistas* (“corporativists”) of Jaime Guzmán’s UDI were associated closely with the policies of the Pinochet regime. Guzmán was in fact one of the principal authors of the Constitution of 1980.

<sup>55</sup> The Catholic Church played an important role in the registration process. It organized two national registration drives in 1988: “Bethlehem”, which focussed on civic education; and “Cruzada Civica”, a larger effort to convince people that they should register and vote without fear.

<sup>56</sup> With as many as 22,131 *mesas* (“polling tables”), the Opposition needed thousands of *apoderados* (“poll watchers”) to observe the balloting, scrutinize the count, and obtain an official certificate of the results. Only the registered parties could assign *apoderados*. This made both voter registration and party registration extremely important.

<sup>57</sup> For the Organic Constitutional Law on Political Parties, see Law No. 18603. Published in *Diario Oficial de la República de Chile* (Santiago de Chile), 23 March 1987.

in public: he presented a kinder, gentler version of himself, a grandfatherly figure in civilian garb upholding the highest of morals. At another level, pro-regime supporters used intimidation to keep the supporters of the No as little visible as possible.<sup>58</sup>

The No campaign was hampered by the limited political space available to it. The continued imposition of several states of exception allowed for conditions of “atmospheric fraud” in the months leading to the plebiscite. The major obstacle the No forces had to remove was *fear*: fear of Pinochet, fear of the extreme Left, and fear of the unknown. The fight against the “fear factor” received a major boost when Ricardo Lagos turned to the camera to address Pinochet during a television programme and charged him with seeking “eight more years of torture, assassinations, and human rights violations”.<sup>59</sup>

The state of emergency was lifted in the month preceding the plebiscite (24 August 1988). The regime allowed all remaining exiles (about four hundred) to return home after 1 September 1988. Finally, in token of its commitment to the Opposition that the plebiscite would be a valid expression of public opinion, it gave the No fifteen minutes of late night television spots. A survey made after the plebiscite showed that 93 per cent of the registered voters watched these spots. Their superior technical quality played a major role in convincing the voters that the Opposition could be trusted to address the people’s grievances and economic problems.<sup>60</sup>

It was absolutely essential to ensure that the extreme Left did not disrupt the plebiscite. Although the PC finally agreed in June 1988 to vote for the No and to abstain from violence, young militants often disrupted efforts by the Opposition to persuade voters to register themselves. The FPMR broke away from party control to wage an urban sabotage campaign on its own. The PC’s position on the plebiscite was not very clear. Veteran leader Volodia Teitelboim caused a stir when, upon his return to Chile, he called for street demonstrations to protest a Yes victory or to demand the immediate formation of a provisional Government in the event of the No winning.<sup>61</sup>

During the last few days preceding the plebiscite, Opposition leaders constantly urged voters to keep calm and refrain from indulging in any aggressive act. Aylwin himself went on air on the Opposition radio station *Cooperativa* on the day of the plebiscite to urge supporters to vote early, to go home, and to stay off the streets until the results were officially declared.

<sup>58</sup> For example, many actively involved No campaigners received death threats; workers were pressurized by employers to vote Yes; Government officials tried to buy off *pobladores* (“inhabitants”) with employment programmes, housing improvements, and increase in social services.

<sup>59</sup> *New York Times*, 30 June 1988.

<sup>60</sup> Brockbank and associates, *Estudio Nacional de Opinión Pública de Chile* (Santiago de Chile: September 1988). This was prepared for the Centre of Public studies.

<sup>61</sup> Teitelboim later withdrew his statements, but the damage had been done.

These measures were necessary because Government officials spread rumours that the extreme Left was planning to mount a violent campaign of protest to condemn the Yes vote on the night of the plebiscite. Some pro-regime supporters even planned to provoke a violent reaction from the Left in order to discredit the Opposition and possibly give a pretext for the regime to nullify the plebiscite in the event of a vote against them.<sup>62</sup>

On 5 October 1988, 97 per cent of the registered voters or 90 per cent of the eligible population (the highest percentage in Chilean history) turned out to vote. The voting went off peacefully without any untoward incident, much to the relief of the Opposition. The counting of votes was a matter of equally serious concern; so much so that a system of parallel count had been devised to ensure a fair result. The Command, the PDC, and the Comité para Elecciones Livres (CEL, or the Committee for Free Elections)—each devised a vote count of its own; so did the “Independents for the Yes”. The counting of votes began in the evening, and within a few hours the CEL count gave a clear lead to the No. Official reports were hesitant and mainly reported results from areas where the Yes was dominant. There is evidence that the Government seriously considered a plan to issue a statement to the effect that the Yes had almost certainly won and calling upon supporters to celebrate the Yes victory in Santiago. The intention was to force a clash between the supporters of the Yes and the No and then reimpose a state of siege and quash the entire polling exercise.<sup>63</sup>

The Government continued to delay the announcement of the results beyond midnight, thus aggravating the tension. There were behind-the-curtains deliberations and decisions by the “democratic Right” which ruled out the possibility of Pinochet cancelling the entire exercise. Most significant was the unwillingness of the Commanders of the Air Force, the Navy, and the police to entertain the idea of going against the Constitution. The Undersecretary of the Ministry of the Interior, Alberto Cardemil, finally announced at 2 p.m. that the No had won. The final results were as follows:

No—3,967,579 votes (54.71 per cent);

Yes—3,119,110 votes (43.01 per cent).

The stage was now set for the Presidential and Congressional elections.

It may be argued that the military regime made two, perhaps three, mistakes that cost it dearly. First, it is likely that if the regime had opted for Presidential and Congressional elections rather than a plebiscite, the Opposition would have remained split and found it difficult to resist

<sup>62</sup> See “Report by the International Commission of the Latin American Studies Association to Observe the Chilean Plebiscite”, reproduced in the *Bulletin of Latin American Research* (Oxford, England), vol. 8, no. 2, 1989, pp. 275–302.

<sup>63</sup> *Ibid.*

contesting the elections as individual parties. The split between the AD and the MDP was one of the main features of the 1983–89 period, and it seems that the plebiscite allowed the Opposition to channelize its energies to defeat Pinochet as the first and necessary step, the differences within taking a backseat.

Second, since the military rulers were not well versed in the art of politics, they needed to give more prominence to politicians of the Right to play the game they detested. The political climate in 1988 was far too democratically charged for manipulations of the sort that occurred in the plebiscites of 1978 and 1980.

Lastly, Pinochet erred in forcing his candidacy. No doubt he was the most recognizable personality of the Yes, but that turned out to be a liability. Being closely identifiable with the military–authoritarian regime and its excesses, Pinochet aroused deep passions among a large number of Chileans, including the moderate Right.

It is difficult to understand why Pinochet went in for a fair plebiscite in the first place. To some extent he was a victim of his own cunning. However, it is important to understand that the military regime had to go ahead with the plebiscite in order to legitimize the Constitution. In that sense the voting exercise was a necessity for the regime. For the armed forces at large, it was not important whether Pinochet won or lost. Rather, as a disciplined professional organization that swore by the Constitution, the military could scarcely bring itself to violate it. Its loyalty to the Constitution far exceeded its personal loyalty to Pinochet. And, in order to gain the legitimacy that it needed, it was important that participation by the Opposition was on the higher side, and only a degree of fairness could achieve that. Besides, the presence of hundreds of foreign observers as well as international pressure, importantly from the United States, acted as a deterrent to any design to make a mockery of the plebiscite.

### **Democracy at Last!**

The political situation in Chile was, in the period after the plebiscite, at an unenviable stage. On the one hand the designs of a dictator had been thwarted by peaceful means, and the country could now hope to effect a change of political regime, a primary condition both for a transition to democracy and for overall democratization. On the other hand it was almost certain that the country would be taking a step towards “protected/restricted democracy” irrespective of the results of the elections. The strategy of negotiating a transition had obvious limitations. Unlike elsewhere in Latin America, the Chileans were left with a Constitution that put severe checks on any far-reaching political, economic, or social reform. Moreover, the Constitution gave the armed forces an unprecedented role in national politics. The timetable and the basic mechanisms of transition

were also maintained. Although some modifications were made to the laws of the time, these were fashioned by both the Government and the Opposition. They were thus diluted versions of what the latter desired.

The Constitution allows Pinochet to remain Commander-in-Chief of the Army until 1997, as also to make the armed forces virtually independent of civilian control through a law known as *Ley Orgánica de las Fuerzas Armadas* ("Organic Law of the Armed Forces"). Article 90, for example, provides that the President select his commanders only from out of a list of five senior officers submitted by the High Command. Except in "special" cases, the commanders enjoy independence from the President, who is, further, not entitled to retire or promote officers and to make assignments. Article 90 also makes the armed forces the "guarantor of institutional authority". Articles 39–41, which are related to "states of Constitutional exception", enhance executive authority and authorize suspension of civil rights and liberties. The concept of "national security" subordinates Governmental and private action to the needs of "internal order". It is evident that severe checks are imposed on any incoming Government. Further, a Government needs four different kinds of majority to enact reforms. For laws related to *ley orgánica* of the armed forces, to the party system, and to the electoral law, Constitutional reform needs the support of at least four-sevenths of the Congress or of twentyseven Senators and sixtyeight Deputies. For laws related to the basic ways of amending the Constitution, to civil–military relations, and to the role of the National Security Council (*reformas de las bases institucionales*),<sup>64</sup> the support of two-thirds of the Congress or of thirtyone Senators and eighty Deputies is required. No wonder then that Pinochet declared that he would leave office with Chile tied and tied well (*atado, y bien atado*).<sup>65</sup>

The presence of these formidable barriers to complete democratization notwithstanding, there came about a few reforms at the pre-election stage itself, owing largely to the willingness of important Government sectors to ensure a smooth transition. The powers of the National Security Council were reduced; it was to be equally balanced between civilians and military officials. Also it lost its virtual veto power over controversial legislations.<sup>66</sup> The number of elected Senators was increased from twentysix to thirty-eight to reduce the role of the nine nominated Senators. The ban on

<sup>64</sup> The National Security Council placed military officers permanently in positions where they had to perform legislative and administrative functions. The designees of the Councils were also included as Senators.

<sup>65</sup> Cited in Brian Loveman, "¿*Mission Cumplida?* Civil–Military Relations and the Chilean Political Transition", *Journal of Interamerican Studies and World Affairs* (Coral Gables, Fla), vol. 33, no. 3, fall 1991, p. 42.

<sup>66</sup> Loveman notes that the Constitutional reforms of June 1989 merely modified the language of Article 96 of the Constitution to reduce the scope of the National Security Council's authority. They did not convert the National Security Council into an executive advisory body as the *Concertación* had intended. See Loveman, *ibid.*

Marxist parties was rendered applicable only to those parties which continued to espouse political violence.

The electoral laws, however, remained untouched by any "contamination" They were designed to permit an unfair representation of the Right in the Congress and add to the nine nominated Senators. The regime had thus ensured a "Constitutional block" in the way of any politico-institutional change. The rules for electing a President were simple enough. If there were more than two candidates and no candidate secured more than 50 per cent of the vote, there would be a runoff ballot. The rules for electing Congressmen were, however, complicated. First, Congressional districts were manipulated such that rural areas (which had a small population) returned more members than urban areas. The reason was obvious: the regime enjoyed greater support in the countryside than in urban areas. Second, each constituency was to return two members, for the Senate and the Chamber, although the voter had only one vote in either case. It was thus necessary for parties to form broad alliances to present joint lists. The regime believed that the Opposition would not be able to sustain any worthwhile coalition for Congressional seats and that each party would prefer to present its own candidates. Members were to be elected by a peculiar count. A coalition had to gain twice the number of votes of the next most voted list to return both members; if it gained less, the next most voted list would return the other member.

It became imperative for the Opposition to remain united so as to return the maximum number of Congressmen possible. The parties in the Opposition formed what they called the *Concertación de Partidos por la Democracia* ("Convergence of Parties for Democracy") consisting of the same parties that were part of the No. To maximize its presence in the Congress, the *Concertación* prepared joint lists in accordance with the combined electoral strength of the two strongest parties in a given constituency. Members were thus selected from the PDC, the PPD, and the two Socialist parties (the Almeyda and the Arrate faction) as well as from the PH, the Partido Radical, and the Centrist-Rightist party, the Partido Alianza de Centro (PAC, or the Alliance of the Centre Party). The process of preparing joint lists went off relatively smoothly; so was the selection of the Presidential candidate, Aylwin. There was some debate on the relationship between the *Concertación* and the extreme Left, the PC in particular, since it had decided to contest the elections. The PDC was opposed to any form of alliance with the Communists and the members of the *Concertación*, including the Socialists; the *Izquierda Cristiana* stood by this decision, however reluctantly. The extreme Left formed another coalition called the Partido Amplio de Izquierda Socialista (PAIS) which also included some members of the *Concertación*. Overall, the *Concertación* presented remarkable cohesion, coherence, and, above all, political maturity in its approach to the elections.

As for the Government, it was, as stated earlier, on unfamiliar ground

when it came to politics. There were two major factions. One was led by the RN, which identified itself with the economic policies of the regime but not with all its political aspects; and the other was led by the UDI, which identified itself closely with the regime. The two struck a discordant note on several issues ranging from the choice of the Presidential candidate and joint lists to the nature of civil–military relations. The two parties formed an electoral pact called *Democracia y Progreso* (“Democracy and Progress”), but the RN made no secret of the fact that it could be on common ground with the *Concertación* on several issues. Though the largest party on the Right, the RN was not able to field Jarpa as the Presidential candidate. The regime’s choice was Hernán Büchi, the Finance Minister, who had put the economy back on the rails after the crash of 1981–83. Büchi was no politician. He made no attempt to hide his reluctance to take on the job. To make things worse for the Right, a wealthy business man named Francisco Javier Errázuriz also jumped into the fray on a Right-wing populist platform. The cleavages within the Right appeared again at the time of preparing joint lists. The exercise was conducted with a great deal of acrimony. The final lists were submitted only hours before the closure of the electoral registration offices. As was the case with the Presidency, independents from the Right also filed their nominations with the support of either the RN or the UDI. To that extent, the advantage to be gained from the then electoral laws was somewhat offset, with more than two candidates of the Right contesting in several districts.

The Opposition campaign took off on a note of confidence. The *Concertación* prepared a 48-page programme which touched upon almost every conceivable matter of national concern. It accorded the highest priority to Constitutional reforms as well as to reforms in *leyes orgánicas*. It also pledged to establish the truth about human rights. It made two things clear: (a) Individuals would be liable for prosecution, not the armed forces as an institution; and (b) trials would be conducted by civil courts, not by special tribunals. All efforts were to be made to have the Amnesty Law of 1978 annulled.<sup>67</sup> On the economic front, the *Concertación* proposed to continue with the free-market export-led growth model but promised to pay the “social debt” through increased expenditure in the social sector and income redistribution policies.

The 16-page programme of the Right seemed patchy and offered little that was different from the past. It emphasized the need to consolidate the “new democracy”, to evolve a social and economic policy that would better the life of all Chileans, and to create an educational system to prepare

<sup>67</sup> Decree Law 2191: *Concede Amnistia a las personas que indica por los delitos que senala* (19 April 1978). The decree extended amnesty for certain stipulated crimes between 11 September 1973 and 10 March 1978. It was upheld by the Supreme Court and represented an obstacle in the way of prosecuting human rights violators.

Chile for democracy and raise its international status so as to enable it to play a leading role in international affairs. The programme seemed contradictory in that it promised a million new jobs, higher salaries, etc., all of which were contrary to the principles of the regime's economic policies. In any case economic policy was not really the issue in the elections: the Concertación had already agreed to adhere to the broad outlines of the free-market model. The elections revolved round the issue of democracy, with each "one-third" attempting to concretize its own conception of democracy.

After being snubbed by the Chileans in the plebiscite, Pinochet took over the role of a senior statesman presiding over the changes that were taking place. The defeat was a personal loss, but it was clear that he was leaving behind a "new Chile".<sup>68</sup> It must be emphasized that the armed forces, including the Air Force, the Navy, and the *carabineros*, for all their differences with Pinochet, stood committed to the Constitution, the Amnesty Law of 1978, and their institutional prerogatives. Moreover, the armed forces were convinced that they were right in doing what they did. On his part Pinochet threatened dire consequences if any of his men were touched, implying that it would be difficult to punish those involved in human rights violations. The Right, including the RN, was aware that its fortunes were ultimately tied to Pinochet and the armed forces and that they were ultimately the real guarantors of their economic interests.

The results of the elections throw further light on the kind of transition that occurred in Chile. Aylwin received 55.18 per cent of the vote, compared with Büchi's 29.39 per cent and Errázuriz's 15.43 per cent. The Right thus more or less polled as many votes as it had in the plebiscite, indicating that the plebiscite results had not pushed voters to the Opposition. The over 40 per cent vote also served to remind everyone that no Government could afford to ignore the interests of that "one-third". The results of the Congressional elections are given in Table 1.

The strong representation of the Right in the Congress was undoubtedly the result of the strange electoral rules. In nine Senatorial and thirteen Chamber seats, candidates of the Concertación finished first and second but returned only one member, the second in each case being one from the Right. The strong showing of the Right added nevertheless to the stability of the democratic order; for it gave them the confidence (and Congressional berths) to maximize their interest within a democratic framework. The RN had reason to rejoice; so had the UDI, which managed to get its leader Jaime Guzmán elected. The combined vote of these two parties was in fact better than what the Right had achieved in the 1960s.

The radical parties of both the Left and the Right met with no success at

<sup>68</sup> "Mission accomplished", proclaimed Pinochet on national television. Cited in Loveman, n. 65, p. 42.

Table 1

	<i>Senate</i>	<i>Chamber</i>
<b>Concertación and the PAIS</b>		
Partido Demócrata Cristiano (PDC)	13	38
Partido por la Democracia (PPD)*	04	17
Partido Radical (PR)	02	05
Pacto de Alianza de Centro (PAC)	00	01
Partido Social Democracia (PSD)	01	01
Partido Humanista (PH)	00	01
Partido Radical Socialista Democrático (PRSD)	01	00
Partido Socialista Almeyda (PSA)	01	06
Izquierda Cristiana	00	01
Independents	00	01
Total	22	71
<b>Democracia y Progreso</b>		
Renovación Nacional (RN)	06	29
Unión Demócrata Independiente (UDI)	02	11
Independents	08	08
Total	16	48

**Note:** \* The PPD includes members of the Partido Socialista Arrate (PSA).

the polls. The PC could justifiably blame the electoral rules for its worst performance ever. There were also other factors, however, which weighed against the Communists. Having decided to contest the elections at a relatively late stage, the Communists did not give themselves enough time. The extended period of State repression had taken its toll at the grassroots level. Moreover, the breakdown of the Soviet Union and the profound changes occurring in Eastern Europe forced an ideological revision on the PC. Specifically, the PC needed to reassess its role in Chilean politics.

The Socialist parties and other, smaller ones of the Left confronted a different kind of problem. The Left-of-Centre orientation of those parties in the Concertación put pressure on the PDC for reform. The Concertación on the other hand did not have sufficient presence in the Congress to pass any legislation without the support of the Right. There was little that these Leftist parties could be expected to show by way of results to its supporters. This raised questions about the durability of the Concertación over a period of time and the nature of the relationship between the Leftist parties and the PDC. The continued existence of the PPD, its relationship with the Socialist parties in particular, was another aspect that merited

attention. Since the former was created to function as an umbrella party to register voters, it had clearly outlived its purpose.

The election results clearly set the guidelines for the 4-year transitional term of the Aylwin Government. The Concertación had insufficient representation in the Congress to pass any significant legislation without the support of the moderate Right. The RN could be expected to cooperate on certain political issues only on a give-and-take basis. Any "deal" would certainly warrant a stricter allegiance to the free-market model. To that extent, bargaining, negotiations, pacts, alliances, etc.—the all-important tools of democratic politics—returned to the political arena. The PDC was left to play a difficult and delicate balancing role to keep democracy going.

Two issues stood out at the root of the process of democratization in Chile—human rights and social justice. The incumbent Government was morally obliged to find out the "truth" about the heinous crimes committed by the military during the period 1973–89. Arrests, tortures, assassinations, etc. had been routine in Pinochet's Chile. The Government had to explore possibilities of punishing the guilty or, at the minimum, bind up the wounds of those who had suffered. The domineering presence of the armed forces was a stumbling-block in the Government's way. Besides, while the Aylwin Government was committed to continue the free-market, export-led growth model, it was also obliged to expand the social functions of the State, particularly in areas such as health, education, and social security.

Even as the Aylwin Government enters its last year in power, it is clear that the future of the coalition will depend on the progress made by the Concertación, specifically on the human rights issue and social justice, irrespective of success or failure in areas other than those discussed above. As this article does not go beyond 1989, the 4-year term of Patricio Aylwin does appear to be one which will decide the course of Chilean politics in the years to come. At the moment there is little doubt that Chile remains a *democradura* ("limited democracy").<sup>69</sup>

It has been argued at the beginning of this article that it is the nature of transition which seems most likely to provide answers to the ongoing democratization process in Latin America. In the Chilean case there is besides an important historical reality which was very visible during the elections. In that sense there did not really occur a shift from the past but merely a consolidation of the "three-thirds". Democracy in Chile is not under any serious threat until "exceptional" conditions of extreme polarization are recreated. Both the extreme Left and the extreme Right are outside of any significant political influence in decisionmaking. The alliance of the Centrist forces with the moderate Left and Right—or, in other words,

<sup>69</sup> See O'Donnell, Schmitter, and Whitehead, n. 10.

the support of two of the three blocs—is a necessary condition for democracy in Chile. This has been the basis of Chilean democracy since the 1930s.<sup>70</sup> There seems little likelihood of future Governments not following the same pattern. Political realignments may occur, as they did prior to 1973, but as long as the *status quo* is maintained, Chilean democracy will live on.

**September 1993**

<sup>70</sup> Pushkar, “The Struggle for Democracy in Chile, 1983–1986” (unpublished M. Phil. dissertation, School of International Studies, Jawaharlal Nehru University, New Delhi, 1991).