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Nation

Chile: Institutional Constraints, Party Transformation, and Political Exclusion

In Chile, state interests have radically changed over the past thirty-five years, oscillating violently in 1973 from democratic socialism under President Salvador Allende to authoritarian capitalism under the dictatorship of General Augusto Pinochet. With the defeat of Pinochet in the 1989 plebiscite, the dictator was finally forced to step down and Chile witnessed yet another transition from seventeen-year dictatorial rule back to civilian democracy. It appeared that after years of national repression and the exclusion of the popular sectors, political parties would be re-introduced as essential links between the nation and the state and as representatives of distinct national interests. However, the opposite has occurred. Fifteen years after the return of democracy, the Chilean nation is starkly separated from the policy apparatus, Chileans have less faith in the political system as a means of bringing about change and reform than in 1990, popular participation has decreased, and political apathy is on the rise. What caused this phenomenon? A variety of interwoven political and institutional factors have prevented the consolidation of a representative democracy in Chile. Institutional constraints left behind by the outgoing military regime, failed attempts by civilian leaders to establish their authority over the military, and drastic changes in the function of political parties as representative links between national interests and state policies have impeded Chile's

democratic transition. Together, these factors have led to the further alienation of the popular sectors and the exclusion of the nation from the political process.

The *Concertación* and the Negotiated Transition:

The root of the problem can be traced to the nature of the transition to democracy that occurred in 1990. In the late 1980's, a powerful oppositional force formed to end the seventeen-year dictatorship of General Augusto Pinochet: the *Concertación*. This powerful 17-party coalition spanned the political spectrum from the moderate center to the socialist left and promised to be the long-awaited answer to those sectors of society that had been so deeply hurt by Pinochet's repressive policies. Pinochet had severely curtailed collective action under his regime, but the poor *pobladores* of the popular sectors had succeeded in undermining him through the formation of soup kitchens, youth groups, religious groups, and self-defense groups that were not controlled by the state. These groups were the source of mass protests between 1983 and 1986 that inspired a growing oppositional force to the dictator and made possible the reemergence of party elites (Posner Local, 65). In this way, the oppositional *Concertación* party coalition was born from the collective mass mobilization of society, becoming the anti-Pinochet and anti-military representatives of civilian democracy.

However, in the negotiations between the *Concertación* and Pinochet over the nature of the transition towards democracy, the *Concertación* coalition made a series of concessions to the military that would deeply affect their future ability to make the political system more accessible to the masses and to subordinate the military to civilian

control. These concessions seriously hurt the *Concertación's* ability to consolidate democracy during the 1990's and during the 2000-2004 presidency of Ricardo Lagos. First, the members of the *Concertación* accepted the military's highly undemocratic 1980 Constitution, which included a plethora of anti-democratic stipulations that would make the democratic transition—as well as the ability to diminish the military's power—extremely difficult¹. Second, they agreed to demobilize the very same masses who had created the opposition movement and inspired the reemergence of their own party elites, the same elites who were then negotiating with Pinochet² (Posner Popular, 60). In demobilizing its grassroots popular opposition movement, the *Concertación* alienated the popular sectors from the political process, an alienation which has not been mended and which has, in fact, only worsened (61).

In this transitional pact between the *Concertación* coalition and the Pinochet regime, the antidemocratic components arranged into the negotiations made future social and economic reform very gradual and even peripheral under the three *Concertación* administrations that would govern in the post-authoritarian period. The popular sectors that originally fought for a return to democracy—the same masses subsequently demobilized by the *Concertación* elites—would eventually become highly disenchanted and frustrated with the *Concertación's* failure to incorporate them into the political system. The democratic change they sought when mobilizing themselves against Pinochet was pushed aside by the *Concertación* governments, whose democratic transition was largely one of continuity and not change. Indeed, the military regime essentially kept its institutions in the same exact form as they had built them, military autonomy from civilian control continued unabated, and the demobilized grassroots

constituents became almost equally as excluded from the political process under the newfound democracy than they had been under Pinochet (63).

In this way, the concessions that the *Concertación* coalition made to the military regime to ensure the democratization process became the very same institutional constraints that prevented its consolidation.

Institutional Constraints to Democracy

In continuing to operate under the 1980 Constitution, the *Concertación* coalition inherited an institutional system plagued by undemocratic components, leading to the overrepresentation of the political right in Chile and the subsequent continued representation of military interests to the detriment of national, popular ones. In this fashion, institutional constraints have led to the failure of the *Concertación* governments to open up the political system to popular participation or to represent the interests of those national sectors ignored by the military regime.

The political system in Chile has been divided into two coalitional blocs since the transition towards democracy, one being the *Concertación* and the other being the opposing right-wing bloc, composed of two important right-wing political parties, the *Renovación Nacional (RN)* and the *Unión Demócrata Independiente (UDI)*. The 1980 Constitution favors the rightist coalition in Chile, the opposition coalition to the *Concertación*. The rightist coalition views the military as the pillar of Chilean macroeconomic prosperity and an essential component of any successful democratic transition. Its members support all of the neoliberal reforms put in place during Pinochet

regime and rigidly back the 1980 Constitution—especially its un-democratic elements which give them disproportionate power. Similarly, they promote the same dictatorial role of the military in socioeconomic development in Chile, fighting to give the military the same influence in non-military spheres³ that it enjoyed during the dictatorship (Fuentes, 13).

One of the most blatant overrepresentations of the right in the Constitution of 1980 is manifest in the “Binomial Electoral System” established for congressional elections in both the Chamber of Deputies and the Senate. Under this system, any party or political pact that earns 33.4% of the popular vote is guaranteed a congressional seat in any electoral district (Posner Popular, 74). Although this may seem reasonable, it actually leads to a gross overrepresentation of the right. Before the Pinochet dictatorship, every electoral district had been represented by one single seat in Congress. Whoever received the majority of the vote won the seat. However, because the Chilean right had only approximately 40% of popular support during the dictatorship, they had difficulty winning the majority vote, and therefore had trouble winning Congressional seats in many districts. Ingeniously, Pinochet modified the constitution to create a “binomial” system, giving two seats to every district. In this new system, any party or party coalition that received at least 33.4% of the vote was guaranteed one of the two seats, a threshold that guaranteed representation of the right in many districts even when they did not receive the majority of the vote. Therefore, for the majority winner to actually receive both seats in Congress, they would have to receive at least 66.7% of the vote—an almost impossibly high electoral threshold. Not coincidentally, the 33.4% threshold is still roughly equivalent to the popular support of the right in Chile today, and has been since

the transitional period. The “binomial” electoral system is a gross overrepresentation of the right in Congress and is still in place, continuing to effectively diminish the representation of popular sector interests (Siavelis Coalitions, 79).

This system has also added yet another undemocratic component to the political system: the necessity of coalition formation and the resultant unaccountability of congressmen to their constituents. To battle the overrepresentation of the right, the center and left have been forced to remain tied to the *Concertación* coalition, being forced to stay within this established political alliance to win congressional seats. Within the binomial electoral system, the electoral thresholds are incredibly high, so parties must join coalitions to be represented. For this reason, the Socialist Party and the centrist Christian Democratic Party find themselves in the same *Concertación* coalition even despite different ideologies and platforms. The same pattern of coalition formation can be seen in the presidential elections, where center-leftist parties are once again tied to the *Concertación* coalition in order to prevent the election of right-party candidates to the presidency (87).

Coalition formation makes Chile’s system both non-proportional and unrepresentative. Before the dictatorship, Chile’s system allowed for freer competition; now, parties are forced to join coalitions to be represented at all; any single party is entirely incapable of winning a majority because of the high electoral thresholds (89). This eliminates competition, reducing it to two competing coalitionist blocks. For this reason, the *Concertación* political elites are more accountable to electoral pacts and elite consensus than to their constituents. Political elites are forced to put social programs

aside in favor of negotiating elite alliances, becoming unaccountable to their citizens and further alienating popular constituents from the policy system (74).

This has also greatly changed the nature of coalition formation in Chile, which has been a tradition in the Chilean political system. Before the 1973 coup that overthrew Socialist President Allende and marked the beginning of the Pinochet regime, coalitions were formed before elections to win them and quickly broke apart. The electoral thresholds for winning seats in congress were much lower and coalition formation was not as vital for achieving representation (87). However, the current “bipolar” coalition dynamic that has stayed in place since the formation of the *Concertación*-versus-rightist-bloc system at the end of the dictatorship has been the longest-lasting coalition in Chile’s history. The core parties of both coalitions have remained the same through four congressional elections and three presidential elections, marking a fundamental change in Chile’s traditional political system. In its longevity, this bipolar formation has become institutionalized as cabinet posts are given out to reinforce trust between the various coalitional parties, which are ideologically separated (the *Concertación*, in particular, spans the political spectrum from the moderate center to the socialist left) (86). Thus, the political system also institutionalizes the unaccountability of congressman to their constituents in favor of elite negotiation to win electoral majorities.

Yet another institutional constraint to democracy and to the representative power of Congress is the disproportionate power given to the president over the legislature. Article 62 of the constitution grants the president “exclusive initiative” over certain areas of legislative policy, including the political and administrative division of the country and the financial administration of the state. Basically, the “exclusive initiative” power gives

the president almost single-handed control over the budget. The budget he proposes cannot be increased or redistributed by Congress; its expenditures can only be reduced (Siavelis President, 16).

Also, the president has control over the legislative agenda and can set “urgencies” for what he wants to be discussed. With this power, the president can suspend all other proposals in favor of what he declares urgent of “*discusión inmediata*”, or immediate discussion (17). Additionally, the president can call the legislation in for emergency sessions where only executive proposals can be discussed. This is frequently used as a means of delaying legislative proposals originating from the congressmen themselves. Designed as an emergency measure, urgent priority has been used quite frequently by the *Concertación* presidents. President Patricio Aylwin, the first *Concertación* president of the democratic transition (1990-1994), used the urgency measure in 59% of his proposals to Congress (18).

Similarly, the president’s veto power, although not a line-item power, allows him to modify the central components of any proposal submitted by Congress and is extremely difficult for Congress to reverse. With a required 2/3 congressional majority to override, Congress is faced with an obstacle to passing their proposals, making any proposal that the president doesn’t like extremely hard to pass. Consequently, executive proposals coming from the President get passed into law while legislative proposals do not (19). The Aylwin administration offers a good example of how the president’s extreme authority overrides congress. During his presidency, Aylwin proposed 637 executive proposals, 404 of which became law. Congressional legislators, on the other hand, made 529 proposals, only 36 of which became law (24). Approximately 63% of

the president's proposals succeeded, while only 7% of congress' proposals went into effect. Also, of the 36 proposals that the legislators did succeed in passing, over half of them were insignificant, 14 of them dealing with the construction of monuments, national holidays, or giving honorary citizenship to non-Chileans (25). Obviously, the institutional system does not favor adequate representation of popular constituents because congressmen have little power to actually get their proposals passed.

Similarly, the Senate is skewed by the presence of designated senators. The 38 elected senators are accompanied by 9 "*designados*" that are not elected by the populace but instead by the president, the president's advisory National Security Council, or by other means of governmental appointment (20). For example, Pinochet became a "senator for life" in 1998, an appointment he granted to himself in the 1980 Constitution. This further limits democratization in the institutional system (Orellana, 189).

The binomial electoral system, exaggerated presidentialism, and designated senators all deeply constrain the process of democratization and are institutional constraints to the further participation and representation of national, popular interests. However, they are not the only factors that have prevented the democratization process in Chile. Equally important, the *Concertación* governments have failed in subordinating the military to civilian authority, a necessary step to the furthering of the democratic transition. A combination of institutional constraints, judicial decisions, and failure of *Concertación* leaders to take a firm stand against the military have left the army with a great deal of power in Chile, giving them an invincibility that deeply hurts the evolution of democracy.

Failure to Subordinate the Military

When Pinochet found out that he had lost the 1988 plebiscite and realized that he could no longer avoid turning over military rule to civilian leaders, he replied, “don’t forget that in the history of the world, there was a plebiscite, in which Christ and Barabbas were being judged, and the people chose Barabbas” (Constable, 12)⁴. This attitude, which outlines the opinion of the army that military involvement in non-military spheres is best for the people even despite national opinion *against* it, has not changed. Even after fifteen years of democratic transition, Chile has one of the most extreme cases of military involvement in its political system in Latin America (Fuentes, 15). The institutional framework left by the outgoing military regime has remained the same, and the military’s influence has undermined the legal and institutional transition towards civilian rule. The constraints left by the 1980 constitution regarding the military are incredibly important in preventing their subordination, but they are not the only factors that have prevented the consolidation of democratic, civilian authority. Equally as important, the ambiguity of the *Concertación* governments’ civilian leaders towards the military and the continual support of the military by the judicial branch—particularly on cases related to human rights abuses—have contributed to the failure of civilian administrations to make the full transition from military to civilian authority (8).

Traditionally, the military is born from a country’s need to fight external threats and remains subordinated, accepting civilian authority over policy decisions. In Chile’s case, however, the army remains unsubordinated, exercising both direct and indirect intervention in politics that disrupt the democratization process (Fuentes, 6). This is

partly due to the many institutional constraints left by the outgoing military regime that ensured its future autonomy from civilian rule. For example, the year before being ousted, the military regime passed a law, the *ley Rosende*, that replaced the oldest members of the Supreme Court with younger Pinochet supporters that would live longer and thus uphold the military's prerogatives for a longer period of time in the future democracy (Portales, 52). Similarly, the Constitution of 1980 was modified to guarantee the continuation of military autonomy and to prevent civilian authorities from diminishing military power.

The 1980 Constitution and Military Autonomy

First, the Constitution of 1980 states that the President cannot directly remove the commander-in-chief of the army. This has a direct impact on the continued military autonomy that Chile has experienced throughout the transition. If the president attempts to remove the commander-in-chief, he must receive approval from the National Security Council, an advisory board also created by the 1980 Constitution that exercises control over the president and which is largely made up of members of the military. This National Security Council, being both created by the military and made up of several its members, is unlikely to favor the President over the commander-in-chief, and therefore limits the President's control over the army. At the same time, the president cannot promote or remove officers without approval from the commander-in-chief, who he cannot dismiss. Consequently, the president has almost no control over the makeup of the military, giving the army almost complete autonomy from his authority. Before the 1973

coup, of course, the president could remove the commander-in-chief of the army or any other officer without these limitations (Fuentes, 15).

The creation of the National Security Council (NSC) by the 1980 Constitution also impacts the democratic institutional framework in other ways. The National Security Council itself is composed of the President of the country, the president of the Senate, the president of the Supreme Court, the national *Contralor*, the director of the national police, and three commanders-in-chief of the army. Because the NSC can be summoned by any two members, the president is often called in against his will to address military issues, giving the military an upper-hand in political matters over the president instead of vice-versa. Apart from acting as an “advisory” council to the president, the NSC designates 4 of the 9 appointed senators every eight years (Chilean senators serve eight-year terms), and these four senators must be either ex-commanders-in-chief of the army, ex-army members who served under the commander-in-chief, or former directors of the national police. Therefore, 4 of the 9 unelected senators in the Chilean senate are direct representatives of the military. This greatly skews the representation of both military interests and the interests of the right-wing sectors of society in the senate (16).

The 1980 Constitution also requires Codelco, the state-owned National Copper Corporation (and one of the few national industries not to be privatized by the military regime) to give 10% of its yearly export earnings to the military. Aside from this, military officers enjoy their own pension and health insurance systems and a high level of autonomy from civilian courts; these provisions, including the separation of military courts from civilian ones, are all incorporated into the Constitution of 1980. Equally as important, the Amnesty Law of the Constitution for all political crimes committed

between 1973 and 1978 secures the military officers' invincibility from being punished for the gross human rights abuses committed during these initial years of "societal cleansing"(15).

Civilian-Military Conflicts in the Post-Authoritarian Period

As will be discussed, the combination of the *Concertación's* failure to subordinate the military as well as their failure to provide means of popular participation were both contributing factors to the public disenchantment and political apathy that began in the mid-1990's. However, despite the harsh institutional limitations that the 1980 Constitution placed on the democratic system, the Constitution alone cannot be blamed for the failure of the *Concertación* governments to achieve military subordination. The responses of *Concertación* presidents and authorities to four specific civil-military conflicts in the 1990's, coupled with the judiciary's support for the military during these episodes, has contributed to the strengthening of military autonomy.

Two of these civil-military conflicts occurred during the first *Concertación* presidency of the democratic transition, that of Christian Democrat Patricio Aylwin (1990-1994). Although Aylwin was openly confrontational with the military in an attempt to effectively subordinate them, his efforts would prove largely unsuccessful; in fact, by the end of his term, he would find himself intimidated by the military and conceding to their demands. He did have certain successes, however, such as taking advantage of a key mistake that the military had made about their military budget in the 1980 Constitution. The budget law that they wrote stated that the armed forces must

receive at least the same budget as it did in 1989, adjusted for inflation. Unfortunately for them, the economy grew faster than inflation, so this 1989 budgetary value has respectively decreased (16). Accordingly, Aylwin set the 1989 rate as a maximum instead of a minimum, freezing the military budget at the 1989 rate. Aylwin also avoided meeting with the National Security Council at all costs in an attempt not to legitimize it (22).

Despite these gains, several factors would undermine Aylwin and ultimately lead to his failure to subordinate the military. The lack of a congressional majority to back his proposals was one such factor. In 1993, Aylwin attempted to propose a law that would modify the constitution's policy on the promotion and removal of officers, but he lacked the majority support in the senate and the bill was killed (16).

Similarly, Aylwin's policy on human rights abuses was confrontational but not effective in bringing about justice for the military's crimes. The issue of human rights, which among others had affected the poor, leftist sectors of society and the popular sectors living in the shantytowns around Santiago, was an incredibly controversial national issue. Aylwin created the Commission on Truth and Justice, which released a document known as the *Informe Rettig*, offering a detailed account of cases of human rights violations during the dictatorship (Orellana, 179). With its release in 1991, he also asked all responsible for the 1973 breakdown of democracy to ask for forgiveness before the country. The army, in response, attacked the document's "historical perspective" and declared that no member of the army should feel remotely obligated to ask for forgiveness for having committed a "patriotic mission" that saved the country (Weeks Long, 383). Despite these attempts to hold the military accountable for its past abuses, Aylwin did not attempt to remove the Amnesty Law from the constitution, deeming it

“politically impossible” (Fuentes, 20)⁵. Most importantly of all, however, in preventing Aylwin from holding the military accountable for past abuses and recognizing the authority of civilian government was direct military intimidation. In 1993, Aylwin would make the decision to definitively end all pending human rights cases—completely contradicting his previous attempts to hold the army accountable—after being directly intimidated into doing so by the military.

The reasons for this intimidation dated back to the first true civil-military conflict, the *Ejercicio de Enlace*, that came in December 1990, some months after Aylwin had taken office as the first *Concertación* president. The root of the confrontation was the establishment of a congressional commission to examine a case of corruption involving Pinochet’s son, who had sold a munitions company illegally and then received checks worth a sum of three million dollars for doing so. Furthermore, the “*cheques*” case scandal implicated Pinochet himself as well, who was most likely well informed about the transaction. After Aylwin’s Minister of Defense, Patricio Rojas, declared that the government would set up a date for Pinochet’s resignation from his post as commander-in-chief of the army in light of the new accusations against him⁶, Pinochet declared a state of highest alert and ordered all troop garrisons to their barracks. The ex-dictator later stated that the *acuartalamiento* was an “exercise of security and coordination”, but it was really an army uprising intended to intimidate and threaten the government so it would cease investigations into the controversial *cheques* case. It worked. The next month, the congressional commission’s report omitted any direct reference to General Pinochet and the case was suspended (22).

In 1993, another military defiance occurred and succeeded in intimidating Aylwin when the 1991 commission sent their report of the *cheques* case—now dubbed the “*pinocheques*” case—to the State Defense Council (similar to the US attorney general’s office). When the State Defense Council made the decision to send the case to the judicial branch, the army once again took this as political attack against Pinochet. Forty-two senior generals met in the armed forces building across from *La Moneda* (Chile’s White House), declaring yet another state of alert and ordering all officers to stay in their garrisons in combat uniform for five days. The military’s demands were met. The *cheques* case was transferred to a lower court and the Aylwin government sent a bill to Congress that would definitively close all pending human rights cases, which had also been demanded by the military. This second serious civil-military conflict, referred to as *El Boinazo*, had effectively intimidated Aylwin into conceding to the military and contradicting his previous efforts to bring about justice for human rights abuses (25)⁷.

Even worse, these two incidents had strengthened military autonomy and prevented the Aylwin government from establishing itself as an authority over the armed forces—a further block to the democratic process and to the reconciliation of those national sectors hurt by the dictatorship. However, the next president, Eduardo Frei (1994-2000) would give even more concessions to the military. When the State Defense Council once again decided to send new information about the *cheques* case to the judicial branch, there was yet another military confrontation. Three-hundred officers visited Coronel Pedro Espinoza in prison, a man recently incarcerated for having plotted in the assassination of Salvador Allende’s former Minister of Foreign Affairs, Orlando Letelier. Letelier was killed in Washington DC in 1976 by US-citizen Michael Townley,

who had collaborated with Pinochet's secret police. This three-hundred-man military visit came only months after the army had defied orders to incarcerate another general implicated in the same international crime, General Manuel Contreras, former chief of the Chilean National Intelligence Service (DINA), who had also masterminded the assassination of Letelier. Six days before he was supposed to go to jail, the army had moved Contreras from his house in Southern Chile to a naval hospital in Talcahuano, saying he needed medical attention. Pinochet later declared that this military defiance of civilian authority was to postpone the "unjust" imprisonment of Contreras, who wasn't actually forced to go to jail for another four months (31).

In both cases, the military had proven that it was entirely autonomous to the democratic governments and that it was practically invincible to attacks on its power. Frei responded by conceding to the military's demands. Not only did he allow the army to participate in the custody of both prisoners (they were allowed to build a special jail, *Punta Puelco*, for their custody), but he improved the armed forces' salary for the next year and asked the Security Council to permanently suspend the *cheques* case for "reasons of the state" (32)

The democratic governments' failure to establish their authority over the military had further blocked the democratization process and the reconciliation of those national sectors hurt by the dictatorship. However, what proved to be even more important in excluding the popular sectors from the political process was the change in the nature of the *Concertación* itself. Although it had at least attempted to stifle the military's autonomy, the leaders of the *Concertación* governments directly continued many of the military's economic and social programs. Particularly, they continued the military's

policy of depoliticization of society and did everything within their power to keep collective action minimal within the new democracy, further alienating the popular sectors from the political process.

The *Concertación* and Depoliticization: the Continuation of the Military's Legacy

The further exclusion of the national sectors repressed by the Pinochet regime has been aided by fundamental changes in the nature of the political parties that form the *Concertación*, which—despite claiming to be the opposition to the right and the military—have largely continued the military's programs and their anti-collective approach towards Chilean society. Before the 1973 coup, political parties and leaders had been ideological promoters of popular participation. In the new democracy, the parties' goals for society have become more aligned with the military regime's goals, particularly when it comes to their continued efforts to maintain the depoliticization of society and the anti-collective policies set by the Pinochet regime. This fundamental change is born from the *Concertación*'s desire to maintain political stability and not allow the same societal polarization to occur that led to the collapse of democracy in 1973, viewing mobilization of the popular sectors as a risk not worth taking.

In reflection of this change, it is worth noting that even the Socialist Party declares that ideological polarization and the overpoliticization of society were the factors that led to the breakdown of democracy in 1973 and that maintaining the depoliticization of society is the only way to ensure both macroeconomic and political stability in the new democracy. Luciano Valle, the National Secretary of Social

Organization for the Socialist Party, admitted that the party currently has no formal component dedicated to popular education or organization, and that it has completely done away with its traditional role as a grassroots organizer (Posner Local, 74). This radical change in the Socialist Party's platform is also reflected by Socialist President Ricardo Lagos, elected president as the candidate for the *Concertación* in 2000 and who will serve until 2006. Lagos, while claiming to promote a "shared vision" of society based on inclusion and compromise, has continued the contradictory objectives of the previous administrations of Presidents Aylwin and Frei: all three administrations have vocally addressed the need to be more politically inclusive and decrease the income distribution gap, yet in practice have actually promoted continuity and not change, stressing "competitiveness rather than protectionism" and "limiting social demands to what is economically and politically feasible" (Murray, 426). Although Lagos' campaign platform was the most radical of all of the *Concertación* governments, his policies have largely proved to be lip-service, as he is equally as committed as his Christian Democrat *Concertación* predecessors to the allocation of resources based on Pinochet's neoliberalist model, which is entirely based on the free global market (432).

The *Concertación's* continuation of the military regime's anti-collective policies is most visible at the local level of government. Their continuation of Pinochet's efforts to eliminate political participation at the local level of municipal government is one of the greatest restraints that the popular sectors face and one of the most restrictive aspects of Chile's new democracy. For those sectors so severely repressed and alienated during the Pinochet regime, the elimination of avenues of participation at the local level uproots all

collective efforts that could provide them with institutional vehicles for change and representation.

One of the most important obstacles to participation at the local level today is the indirect election of mayors, a continuation of the military regime's legacy of non-elected local government officials. Only days after the 1973 coup, General Pinochet passed *Ley 25*, a law that abolished local municipal councils and designated a military-appointed mayor as the sole authority in each municipality (Posner Local, 63). This state appointment of mayors made them accountable to the military regime and not to their constituents, eliminating the connection between grassroots activists, parties, and local government (64). Suddenly, the highly mobilized popular sectors had no means of influencing the state and lost the power to act collectively. Indeed, Pinochet's goal was to permanently exclude them from politics and even from society. Through the anti-collective restructuring of every facet of society, Pinochet could create the political stability needed to revolutionize the economy under his neoliberal model. However, the return of democracy did not change these institutional policies, particularly at the local level. The renewed hope that the *Concertación* governments would reestablish the inclusion of society at the local level was soon betrayed by the *Ley Orgánica Constitucional de Municipalidades* in 1992, which—although more democratic than the regimes municipal laws—still upheld the indirect election of mayors.

In line with the legacy left by the military regime's local institutions, the indirect election of mayors makes them more accountable to political parties and pacts than to their constituents, and even leads to a situation in which the public's vote has little to do with who actually gets elected. The 1992 Municipal *Ley* states that candidates must

receive 35% of the vote to win the mayoral elections, an extremely difficult threshold in the Chilean political system, where so many parties propose candidates. Even the Christian Democrats, with the largest following, usually receive less than 25% of the vote. When this happens, the municipal council selects the mayor from its own members, regardless of how the public voted. Therefore, mayors are elected from pacts formed by the municipal council members, the end result of which often has little to do with who the people actually voted for (68).

Another continuation of the military regime's institutions at the local level exists within the mayor's "advisory" council. The same *Ley 25* passed on September 25, 1973 established the *Consejos de Desarrollo Comunal y Social*, or CODECOS, an advisory council to the mayor and a puppet institution for local participation. CODECOS had no real power; all members were appointed by the state, they had no actual influence over the decision-making process, and they lacked any means of actually making the mayor accountable to his constituents. This puppet institution was continued under the new democracy by the 1992 *Ley Orgánica Constitucional de Municipalidades*, which replaced CODECOS with a new advisory board to the mayor, CESCO (Community Economic and Social Channels). As a modified version of the CODECOS boards, CESCO similarly has no actual means of imposing sanctions or ultimatums on the mayor and therefore has no real power to influence his decisions. Although its members are now elected from the local *juntas de vecinos*, or neighborhood associations, these associations are equally as unrepresentative because of their own constrained powers and low participation levels (69).

The *juntas de vecinos*, or neighborhood associations, offer yet another example of the anti-collective policies of both the military regime and the *Concertación* governments. The *juntas de vecinos* were created in 1968 under President Eduardo Frei⁸ in his program of *Promoción Popular*, or Popular Promotion, which was intended to broaden the support base of his administration in a corporatist manner while controlling it, a policy that backfired when the *juntas* became overly politicized and spiraled out of the state's control (76). However, in their original form, the 1968 *Ley de Junta de Vecinos* granted these neighborhood associations the ability to draw up urban plans and budgets, distribute and sell necessities, remove trash, manage local transportation, and license the sale of alcoholic beverages. The military severely curtailed these privileges, and when Pinochet realized he would have to transfer power to civilian authorities at the end of his regime, he passed a modifying law in 1989 that ensured that the *juntas de vecinos* would not regain what they had lost. The 1989 *Ley 18.899*, denied all of the previous powers given to the *juntas* in the 1968 law, literally giving them no responsibilities. It also encouraged the formation of competing associations in the same neighborhoods and thus fragmented them to diminish their power (70). This law continues to the present and has not been changed by the *Concertación* governments, providing yet another example of the *Concertación's* direct continuation of the military regime's institutions.

The result of the exclusion of the popular sectors from these neighborhood associations is profound. Grassroots leaders from Santiago estimated in 2001 that only about one percent of the population of the community participated in the neighborhood associations, whereas 15-20% of the *pobladores* participated in local mobilization even

during the dictatorship. The leaders viewed this as a direct result of the failure of the *Concertación* governments to allocate more resources and privileges to the *juntas*. Now, grassroots organizers have little reason to have faith in municipal government or political parties as a means to bring about change in their communities. The depoliticization implemented by the *Concertación* governments has succeeded in preventing ideological extremism, yet it has also completely cut the ties between the popular sectors and political parties, denying them access to the political system (70).

In an interview that political analyst Paul Posner conducted with neighborhood leaders in the Santiago *población* La Pincoya in 2001, he captured the powerful words of community organizer Jorge Molina, which encapsulate the problem of depoliticization and political exclusion at the local level:

“After the transition, the *juntas de vecinos* did not organize. The people of the *población* did not see them as presenting solutions to their problems. The communities have no money and the political leaders are not preoccupied with the people’s concerns. The connection with people at the base does not exist—the *juntas de vecinos* do not represent anyone! This is part of the overall process of depoliticization and disarticulation. The leaders of the *Concertación* realized that the powerful popular organizations that helped to oust Pinochet could be used against them. So they tried to weaken and disarticulate the popular organizations. They come to the *poblaciones* only when they need votes” (71)

The Result: Political Apathy, Voter Abstention, Declining Support for the *Concertación*

The continuation of these institutional restrictions on participation at the local level is a reflection of the *Concertación* governments’ intention to maintain the depoliticization of society as established by the military regime. When combined with their acceptance of the military’s neoliberal economic model, the continuation of the institutional constraints provided by the 1980 Constitution, and their ultimate failure in subordinating the military to civilian rule, the Chilean public is faced with a democratic

transition that has largely been one of continuity and not change. Frustrated and disenchanted, the Chilean public has become increasingly apathetic politically, the result of which could prove fatal for the *Concertación* governments if changes are not made to make the political system more inclusive.

On December 11, 1993, *Concertación* candidate Eduardo Frei won 58% of the vote over the right's Arturo Alessandri (24%) for the presidency, marking the highest electoral majority in a presidential election since 1931. However, this would be the last electoral landslide that the *Concertación* would experience. By 1996, the polls showed that although Chile ranked high in Latin America for economic performance, it ranked incredibly low in citizen satisfaction. The 1996 Latinobarómetro survey of 17 Latin American countries measuring respective degrees of democracy found Chile to be ranked almost last at 15th, with only Mexico and Guatemala seen as less democratic. Only 27% of Chileans were satisfied with democracy in Chile, in comparison to the 75% who reported being satisfied in the beginning of the democratic transition in 1990. Similarly, only 10% of the Chileans interviewed believed that democracy had been fully accomplished (Posner Popular, 59). By the next year's 1997 Parliamentary Elections, the Chilean state was shocked by the record-high non-participation of 41.5% of the national electoral population. More than one million registered Chileans did not vote despite compulsory voting laws, another million and a half were still unregistered, there were 300,000 votes left blank, and 950,000 votes were considered null for containing obscenities or other inapplicable comments (Orellana, 189).

This low voter turnout of only 58.5% of the electoral population in 1997 stands in stark contrast to the 97.72% participation of registered voters during the 1988 plebiscite,

in which the Chilean population definitively said “NO” to the continuation of Pinochet’s power. In 1988, the blank and null votes made up only 2.5% of the votes cast, a percentage that by 1997 had increased to over five times its 1988 level (Avila, 374)). It must be noted that much of the *Concertación*’s difficulty in reforming the 1980 Constitution has been from its lack of majority in Congress, yet it has contributed to pushing away 41.5% of the electoral population from participating in congressional elections. This 41.5% is well above the threshold necessary to override the misrepresentation of the right by the binomial electoral system and could contribute to the democratization of many of Chile’s institutional limitations by giving the *Concertación* a majority in Congress.

However, the *Concertación* has not succeeded in re-inspiring this disenchanting portion of the population. By the end of the 1990’s, few Chileans identified themselves with political parties because the parties discouraged participation and were not accountable to their constituents. The rise in apathy, specifically among the grassroots constituents, led to increased voting abstention and nullification in municipal elections at the local level as well. Chileans no longer believed that local leaders were responsive to their communities, as the *Concertación* governments had continued the military regime’s programs of depoliticization and anti-collective policy that discouraged common, national identification or action. The *Concertación* began to lose votes and decline in elections due to the lack of support from the popular sectors while, ironically, the rightist pact began to gain municipal seats (Posner Political, 74). In the 2000 presidential elections, *Concertación* president Ricardo Lagos barely beat the rightist presidential candidate Lavín, mayor of the Santiago municipality *Las Condes*, who won 47.5% of the vote.

Lavín's prospects for the 2005 presidential election, and therefore the prospects for the right, look even more promising (Panagopoulos, 56).

The *Concertación* leaders must reconnect themselves with the popular sectors and provide more avenues of participation in order to make any substantial change to Chile's wavering democratic transitional process. Their failure to subordinate the military or truly change the military's governmental institutions at both the state and local level has pushed them towards electoral decline. The very depoliticization that they have fought so hard to maintain is the very same poison that may cost them their last shreds of voter support. If the democratic transition is ever to actually be accomplished and if any of the military regime's programs are actually to be changed, the *Concertación* coalition must work harder to make the political system more inclusive.

¹ It must be noted that the *Concertación* did not accept the 1980 Constitution with open arms, but rather because they viewed it as an initial step in the process of democratic transition. The transition was not the end result for them and they did not therefore accept the Constitution entirely willingly, but rather as an initial stepping stone in a process that would lead to constitutional reform. Therefore, it could be argued that they accepted the Constitution because they saw no other option at the time.

² These negotiations between the *Concertación* and the Pinochet regime involved meetings over the mutual design of another plebiscite that occurred in 1989, in which the Chilean population voted "yes" to a package of Constitutional Reforms to the Constitution of 1980 that had been agreed upon by both sides. Pinochet wanted to make changes to the Constitution that would ensure the continuation of their Amnesty Law for human rights abuses under the new democracy as well as other reforms that would solidify the institutions that he had put in place under his military regime. The *Concertación* also wanted to change many aspects of the 1980 Constitution, but largely failed. In the end, the negotiations over these "*leyes de amarre*" led to the formation of constitutional reforms that benefited the Pinochet regime over the *Concertación* coalition, which virtually accepted all of the undemocratic aspects of the 1980 Constitution as well as the new reforms proposed by Pinochet. While the reforms solidified the Dictator's seventeen years of institutional design, the *Concertación* gained relatively little from them (Orellana, 173).

³ such as education, health, and environmental issues

⁴ It is interesting that Pinochet would have used such a biblical reference in his favor, considering that the Catholic Church in Chile was a meeting point for the opposition and had contributed to his fall:

Biblical Reference:

Mark 15: 1-15:

Jesus Before Pilate

¹Very early in the morning, the chief priests, with the elders, the teachers of the law and the whole Sanhedrin, reached a decision. They bound Jesus, led him away and handed him over to Pilate.

²"Are you the king of the Jews?" asked Pilate.

"Yes, it is as you say," Jesus replied.

³The chief priests accused him of many things. ⁴So again Pilate asked him, "Aren't you going to answer? See how many things they are accusing you of."

⁵But Jesus still made no reply, and Pilate was amazed.

⁶Now it was the custom at the Feast to release a prisoner whom the people requested. ⁷A man called Barabbas was in prison with the insurrectionists who had committed murder in the uprising.

⁸The crowd came up and asked Pilate to do for them what he usually did.

⁹"Do you want me to release to you the king of the Jews?" asked Pilate, ¹⁰knowing it was out of envy that the chief priests had handed Jesus over to him. ¹¹But the chief priests stirred up the crowd to have Pilate release Barabbas instead.

¹²"What shall I do, then, with the one you call the king of the Jews?" Pilate asked them.

¹³"Crucify him!" they shouted.

¹⁴"Why? What crime has he committed?" asked Pilate.

But they shouted all the louder, "Crucify him!"

¹⁵Wanting to satisfy the crowd, Pilate released Barabbas to them. He had Jesus flogged, and handed him over to be crucified.

⁵ To Aylwin's credit, and especially considering his lack of majority in Congress, reversing the Amnesty Law would have been incredibly difficult.

⁶ Pinochet had retained his post as commander-in-chief even after the transition towards democracy

⁷ The issue of the military's acknowledgement of human rights abuses in Chile took a drastic turn less than two weeks ago, when the current commander-in-chief of the army, General Cheyre, stated on November 5, 2004 that "the Chilean army has taken the tough, but irreversible, decision to assume responsibilities as an institution for all of the punishable and morally unacceptable acts of the past." This marks a definitive break in the attitude of the army as demonstrated above during the 1990's. President Ricardo Lagos responded that "the Chilean army is completing a process of integrating itself into today's democracy". It appears that he is right, as a new generation of army generals who did not participate in the crimes of the Pinochet regime are rising in the military and openly making efforts to distance themselves from Pinochet's name and legacy. See Badal, Ignacio. "Chile military admits widespread rights abuses" *Reuters Foundation: Alertnet*: November 5, 2004. <http://www.alertnet.org/thenews/newsdesk/N05348372.htm>.

This came ten days before the November 15, 2004 announcement by Ricardo Lagos of the completion of a massive governmental report, the National Commission on Political Detention and Torture, which outlines the methods of torture and abuse used during the Pinochet Regime. The extensive report documented interviews from some 37,000 victims who had been imprisoned during the Pinochet Regime, and is expected to be released to the Chilean public at the end of November. Both events contribute to the necessary closure of such a painful era. See "Chile: President says report was 'painful'" *United Press International*: November 15, 2004. <http://washingtontimes.com/upi-breaking/20041115-070636-7718r.htm>

⁸ Eduardo Frei Mantalvo, the father of 1994 President Eduardo Frei Ruiz-Tagle and also a Christian Democrat

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