CHAPTER THREE

CHILE:
PERPETUAL TRANSITION UNDER THE SHADOW
OF PINOCHET

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Introduction

In order to understand the current political situation in Chile and the need for constitutional change, some historical references are necessary. Once independence from Spain was consolidated, and after a period of great instability, Chile managed in 1833 to establish a presidential regime as enacted by the Constitution. This governed the country from that year until 1925. A new Constitution was then enacted and kept in force until 1973. During those 140 years there were two civil wars, one in 1851 and one in 1891. And three international wars: the war against Peru and Bolivia from 1837 to 1839; the war against Spain in 1865 and 1866; and a second war against Peru and Bolivia between 1879 and 1884. However, there was only one institutional collapse, that of 1924. The overall time in which different elected presidents who normally concluded their mandate imposed state of exception (state of siege or extraordinary laws) did not go beyond twelve and a half years.1

It is true that the democratic standards prevailing in 1833, 1924 and 1973 were not those that can be demanded currently. Human rights compliance presented important omissions. Nevertheless, the political stability and the lack of real dictatorships2 that were enjoyed allowed for the emergence, during those 140 years, of a powerful illustrated middle class in the 19th century and a combative working class in the 20th century. This did not impede the occurrence of massacres and

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1 Unpublished research by the author.
2 The only dictatorship prior to Pinochet was that of General Carlos Ibáñez del Campo from 1927 to 1931.
atrocities, which are well recorded within our history. The levels of political participation increased rapidly and, in the 1960s and 70s, the peasant class emerged as a new political actor in Chilean politics.

It is very possible that it was the Chilean political right that presented the best democratic record in the, by then convulsed, Latin American region. Chilean armed forces had lost since 1931 practically all the influence they had held historically. However, the fear due to the emergence of the peasant class, the triumph of the Cuban Revolution, the successful electoral results obtained by the Left, and the open political intervention from the United States, made the right wing parties totally abandon their prior acceptance of the democratic game. This led them to knock on the doors of the barracks.

Then, in 1966 the two historically right wing political parties, the Conservative and the Liberal parties, merged with Nazi groups in order to found the National Party. Their doctrinarian and programmatic fundamentals proposed: 1) the instatement of an ‘organic democracy,’ a key concept within the Spanish version of fascism (1936–1975); 2) ‘incorporation of the Armed Forces into national development,’ meaning their incorporation into Government; and 3) ‘defend freedom of work and private initiative as the only dynamic elements in the economic process,’ leaving for the state the sole role of ‘liberating private work from entanglements and bureaucratic obstacles, tributary excesses and from all forms of legal persecutions and destabilizations’ (Correa et all, 2001).

This is when the current Constitution enacted in 1980 was initially designed. Three years later, in 1969, the same political right wing, with the support of fascist elements in the military, murdered the Commander in Chief of the Army, René Schneider, a true believer in democracy. This constituted the first terrorist act in Chilean history. The objective was to impede the Senate from ratifying Salvador Allende’s election in the polls. Four years later, in 1973, those who conspired and introduced terrorism in 1966 and 1969 gave Chilean democracy its final mortal blow, bombarding La Moneda Presidential Palace and establishing one of the bloodiest dictatorships in Latin America.

The same day, 11 September 1973, Parliament was dissolved, the necessary states of exception were decreed, and the universities were disrupted. The most dramatic situation was the reaction of the Supreme Court of Justice who on that day proclaimed its ‘intimate complacency’ with the purposes of the Military Junta perpetrating the coup.