

Chile 1997–1998: the revenge of incomplete democratization

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Since 1997 it has been increasingly clear that Chile's apparent consensus was an illusion and the highly praised Chilean model of 'double transition', to a market economy and to democracy, has been showing signs of weakness. Some diagnosed an impasse; others even failure. Intellectuals opposed to the Concertación de Partidos por la Democracia—the governing coalition formed by the Christian Democrats, Radical Party, Socialist Party and Partido por la Democracia (PPD)—had until then maintained a perplexed silence, while any potential criticism from the intellectuals close to the Concertación was silenced by the official political class, including the government and the right-wing opposition.

At least two critical elements were pointed out.

The context: unfinished democratization

In the first place, it was questioned whether a real consensual democracy would be claimed to exist where agreement was reached on only adaptive and pragmatic matters, while the greater issues were obscured or simply excluded from debate. The big issues were plentiful and pressing: the constitutional issue, human rights, politics and the armed forces, the authoritarian enclaves (constitutional and legal norms which prevent or limit the exercise of popular sovereignty, such as nominated senators, an electoral system which gives a power of veto to a minority, quorums preventing any constitutional change, etc.), the socio-economic and redistributive model, the reduction of the leading role of the state and the weakness of decentralization, regionalization and local democratization processes, labour relations, the sustainability of the development model. While these matters remained unaddressed, there could hardly be any credible talk of consensus. In truth, debate and consensus have been restricted to just three points: the end of the dictatorship, the attack on poverty and the need to give educational priority to the lower and middle levels. Nothing else. And even in the last two areas, consensus seems limited to the enunciation of policies, without going on to their content or implementation.

Secondly, it was questioned whether the country really was still in a state of 'transition'—an idea used by government and opposition alike to head off deeper debate on any issue, on the pretext that it might endanger the 'stability' or 'governability' of a transition which in fact had not moved a single step forward or backward since the election of the first democratic government and the reform which allowed for municipal elections in 1992. This idea of permanent transition with no end in sight allowed the left outside the Concertación to deny that there was any difference between democracy and the dictatorship it had replaced, and consequently to reject its whole strategy, starting with the plebiscite it had never really liked.

In fact, the political transition in Chile was unleashed with the results of the 1988 plebiscite, which precluded in a moment all possibility of a regression to authoritarianism, in spite of the clearly undemocratic intentions of civilian and military Pinochetism; and it ended with the inauguration of the first democratic government in 1990. Some called this the 'government of transition' and two years later said the transition had ended, only to claim the opposite a little later in the face of incipient challenge from military movements. But to mark the end of the transition in 1990 is not to say that the political regime and the society had reached full democracy. On the contrary, the transition was an incomplete one, resulting in a low-quality, restricted democracy, full of authoritarian enclaves. The task ahead was not to continue with a transition that was already finished, nor to consolidate the new post-authoritarian regime—which was indeed already consolidated, in so far as no authoritarian regression was possible—but profoundly to reform this regime and generate an authentic political democracy, where it is no longer the *de facto* powers or political minorities who fix the limits of popular will and sovereignty. In other words, the unsolved problems left by the transition had to be resolved.

From the beginning of the 1990s, many of us were saying openly that if these problems were not resolved, they would impede any attempt to face the future and would take their revenge by becoming permanently present. These elements of criticism were developed and expressed in published form from an early stage; however, the silence of left-wing critics outside the Concertación, and the predominant climate of self-satisfaction within the coalition and among the right-wing opposition, prevented them from becoming generalized into a national debate which has emerged only in the past two years.

The crisis unleashed with Pinochet's detention in London in October 1998, which finds its antecedents in his transition from commander in chief to lifetime senator, has been but a demonstration of the problems inherent in the Chilean political democratization. They have indeed taken their revenge.

Changes in the army and Pinochet's senatorship

Pinochet's exit from his role as commander in chief of the armed forces after almost twenty-five years had a double meaning. The first element lay in the

successful operations conducted by the government to allow for Pinochet's replacement, at the end of his constitutionally designated term, by a general not tightly linked to the Pinochetist nucleus or to those most strongly identified with the military regime, as General Ricardo Izurieta seems to be. It will be some time before we know the exact political cost of this for the government, and what concessions had to be made to Pinochetism to achieve it. The symbolic concessions, at least, while never stipulated or explicitly stated, were evident enough. They are illustrated in the government's rejection of the constitutional accusation against Pinochet, presented in Chile by congressmen of the Christian Democratic Party, as well as in its claim of an alleged diplomatic immunity granted to Pinochet on his trip to London, and the resistance to having him tried outside Chile for crimes against humanity in consequence of his detention in London in October 1998.

The second element was that the ex-dictator, backed by a constitutional mandate, became a lifetime senator, an act of great symbolic violence against an as yet incomplete democratization process. This violence is not diminished by the fact that the appointment was known about and written into the constitution. The Chilean political class could not avoid this happening, but had to give a signal of its disapproval. This was done through demonstrations when the former dictator took possession of his new charge and, above all, through the constitutional accusation presented by some Christian Democratic representatives, after the government had opposed it and with an intensely polarized debate at the heart of their own party, given its party leadership's disapproval of the initiative. The Socialist Party always supported the accusation and the PPD did so later on. Thus the governmental bloc suffered a deep division in relation to the very principle that had enabled the coalition to be formed, namely, opposition to Pinochet. This conflict would recur at the end of the year when Pinochet was detained in London.

The constitutional accusation was an attempt to impeach Pinochet as lifetime Senator. The main argument was that his behaviour as Commander-in-chief under the Aylwin government affected national security. Those within the Concertación and the government who opposed the constitutional accusation, which for legal reasons had to be limited to Pinochet's action during the democratic period, advanced two kinds of reasons. The first was of a juridical type and the second political, in the sense of putting the whole of the transition and the two democratic governments under trial. They fell squarely into the same line of argumentation as the right, and never understood that the central issue was a symbolic and political demonstration of something that allowed for no confusion: the repudiation of Pinochet, by the country as by the world's public opinion. The government made the mistake of intervening to halt the presentation of the accusation and then to prevent its approval, when the minimum of common sense would have prescribed keeping outside an issue in which its approval or rejection had no institutional relevance, remaining aloof so that it could arbitrate later if necessary.

The defeat of the initiative accentuated the uncertainty about how the country was to escape from an institutional predicament which blocks democratization and permanently pulls the country backwards, into a past that permeates all present and future concerns. The government announced a constitutional reform in the direction of broadening the functions of the plebiscite or referendum, so that the citizenry could resolve for itself the issue of the authoritarian enclaves, mainly the designated senators and the electoral system; but it failed to implement it.

The government's mistakes at this juncture will have profound effects.

The twenty-fifth anniversary and reconciliation

The issue discussed above is bound to another one which came to its peak in September 1998: the symbolic 25th anniversary of the September 1973 military coup, which ended the socialist government of the Unidad Popular and the life of President Salvador Allende, destroyed Chilean democracy and imposed a military dictatorship led by Pinochet for 17 years.

The greater issue, beyond the ideological debate over the Unidad Popular, the military coup and the Pinochet dictatorship, is whether the country has now achieved its reconciliation, or remains divided and fractured as it was in relation to those three landmarks. Despite confrontation between the centre and the left in 1973, the two sectors have established a solid social and political alliance since 1988, which is expressed, among other things, in two successive coalition governments. Thus the real problem is the reconciliation between the armed forces and the minority on the political right, on the one side, and the broader society on the other.

There are new factors affecting the answer to this question. First is the changes in the leadership of the army, with a new generation assuming command, more focused on institutional and professional issues than on a political stance, although it is always supportive of the coup and military government and, in particular, of Pinochet. The second is the strongly defined positions of the new Catholic church authorities in respect of human rights, especially about the need for information about the fate of the disappeared. Third, some of the decisions by the courts allow investigations to be made into human rights violations which occurred under the Pinochet regime, even by-passing the amnesty law. Finally, there is the discussion around the legal project to abolish the 11 September holiday, which, after a tied vote in the Senate, culminated in an agreement promoted by Pinochet himself and the president of the Senate to replace this celebration in the future with one on another date consecrated to national unity. All of these elements in one way or another invoke the question of national reconciliation. Although the concept is unclear and each one has its own interpretation it is evident that, whatever its meaning, in September 1998 a more favourable climate seemed to herald some headway in this matter.

The two basic requirements without which real progress in this matter is impossible, are, first, the release of information by the persons and institutions

responsible about the fate of the victims of human rights violations under the dictatorship, and some kind of sanction to prevent the perpetrators escaping with impunity; and second, the recognition by the armed forces of their institutional responsibility in the crimes and violations of human rights, beginning with what occurred on 11 September 1973. Both are still very far from happening. Perhaps at some future point, after a definitive separation of all the military implicated in those crimes and violations, there could be some gesture from the armed forces. It seems harder that this step be taken by the Pinochetist right, whose members see in the military dictatorship and the preservation of its symbols, its inherited institutionality and its socio-economic and political model, their only historical foundation and seal of identity.

From lifetime senator to prisoner

Pinochet's arrest in London under accusations of genocide, torture and state terrorism is an expression and catalyst of all the problems reviewed above. From the first moment it could be seen that Chilean public opinion, in contrast to the media and the political class, was not affected in its outlook by the detention; according to polls, it had no influence on voting intentions. On the contrary, previous stances were confirmed, the most widespread being the certainty of Pinochet's guilt and the need for justice in matters of human rights. From this general position, two sentiments started to emerge, opening the possibility of two courses of action for the political class.

The first of these, greatly in the majority according to the polls, was one of happiness and satisfaction, with some feeling that there was finally a possibility of justice and of putting an end to impunity. This mood was captured by the President of the Socialist Party in the phrase 'a smile runs through Chile'. One must remember that, according to surveys, through the last eight years of democratic rule about 70 per cent of Chileans have considered that the violations of human rights under the dictatorship should be clarified or punished, and feel frustration because it has not yet happened. They are of course not willing to risk a regression concerning what they have conquered so far, but they do not see any risk of that in Pinochet's detention and, though they preferred that justice be meted out in Chile, regarded its application in a foreign country with approval, recognizing the impossibility of pursuing it at home. This position was established in the country with the first intervention of the Archbishop of Santiago: 'These things happen because justice has not been made in the country.'

Although important political sectors linked to the Concertación, as well as the left wing outside it and all the human rights organizations and victims' groups in one way or another expressed this sentiment, no clear leadership acknowledged by all these elements emerged; nor did a coherent policy that could account for both the ethical principle and the requirements of a state position. Consequently, the stance that did emerge—in favour of utilizing the

situation for the advancement of justice, the end of impunity and an effective political democratization—was reduced to a sentiment that lost credibility in politics, and to a disillusioned ethical criticism of the positions and actions of the government. From the perspective of social actors, it was the relatives of the victims and the organizations and figures related to human rights who became the more radical proponents of a position that posed the end of impunity as the only issue at stake. Among the political actors outside the Concertación, the Communist Party assumed a line which, together with demanding the trial of Pinochet, anywhere, denounced the deficiencies of a transition with which it had never agreed and which, in any case, marginalized the party from any official political presence. Within the Concertación, the Socialist Party attempted to maintain a balance between an ethical position and its endorsement of the changing discourses and behaviours of the government, ending up trapped in this tension and blurring the profile of its central position.

The second sentiment, firmly in the minority, experienced Pinochet's detention as a tragedy and verbalized it as an assault on national sovereignty. Behind this lay a terror of the end of impunity and the reappearance of the phantoms of responsibility for the violations and crimes committed under the dictatorship, which had been suppressed by the successes of the socio-economic model and resurfaced only intermittently, as when the Rettig Commission was created in 1990, or with the arrests in the case of Orlando Letelier's assassination, to mention only two examples. This position was summed up in an elemental demand: Pinochet must return at any cost and without any conditions, so that all may return to page one. This position had an intense emotional character, bordering on fanaticism and fascist and xenophobic stances, as expressed in the demonstrations and attacks against the embassies of Spain and Britain, in the collective hysteria of trips to London to accompany Pinochet, and in the intense pressure on the government to take on Pinochet's defence and to isolate the dissident socialist sectors.

The leadership and articulation of this position were represented on the more Pinochetist right by the Unión Demócrata Independiente (UDI), which had recently been criticized by Pinochet as disloyal for distancing itself from him for electoral reasons. It dragged along in its wake, without exception, all of Renovación Nacional, whose leader, Andrés Allamand, had been defeated in his attempt to give the right some autonomy from Pinochetism, resulting in his temporary relegation to the political margins. The other main actor in the expression and conduct of this line was the armed forces—some elements of which had expressed the opinion that Pinochet's trip to London was a mistake—which now put pressure on the government and turned the issue into a state concern, making declarations, promoting frequent meetings of the High Command and the National Security Council to manifest their consternation and uneasiness, criticizing some government sectors and parties, especially the Socialist Party, and demanding that the government undertake the defence and return of Pinochet. In some cases, especially in the navy, retaliatory measures

against Britain and Spain were demanded, and were indeed taken in the form of revision of military relations with those countries.

The social base of this position consisted of sectors of the upper class, articulated around the Pinochet Foundation, and the entrepreneurial world, which made public proclamations of support to Pinochet and travelled to visit him in London while privately manifesting its preoccupation with finding a quick end to the crisis so that economic relations with Spain and Britain and the country's image of economic stability could remain unaffected.

Given the social and political limits of this position, then, it would not have been possible to amplify and project it, even to the point of showing to world public opinion a country divided in two, without the action of the media, whose distributed information was always distorted and partial. The printed media came out especially hard in Pinochet's defence, with *El Mercurio* acting as the leader of opinion. We should not forget that private television and printed media are in the hands of sectors opposed to the government, while some few radio stations are more inclined towards it and the public media (TV and one newspaper) are absolutely neutralized, either politically or because of reduced circulation.

The government was trapped between these positions, and, albeit in terms more moderate and ambiguous than those used by the right, ended in effect leading the position in favour of Pinochet's defence and immediate return, although it claimed only to defend a juridical principle. This, through the most visible contradictions, robbed it of all credibility. Its first reaction, that this was a purely juridical issue and that neither the state, national sovereignty nor democratic stability was at stake, was followed with a painstaking defence of what had been its first mistake: giving a special mission to Pinochet, unconstitutional given his status as lifetime senator, and in full awareness, besides, that this granted him no immunity whatsoever. This was followed with a contradictory statement affirming the principles of immunity and sovereignty and simultaneously disclaiming any defence of Pinochet's impunity.

Later on, pressure from the right and the military pushed the government to redefine the problem and take a part in Pinochet's defence, although using arguments that sought to present the case in a different light, leaving the thesis of diplomatic immunity aside to focus on an immunity of state and the territoriality of jurisdiction, and abandoning all reference to the issues of impunity and the need for justice. Before the perplexity of the international community, unable to understand the government's position, and the internal pressures of the Socialist Party, it gave contradictory instructions to its juridical representatives in London regarding the immunity as head of state argued by Pinochet's personal defence, and timidly proposed to become a party in the legal suits presented against Pinochet in Chile. This belated reaction flies in the face of the almost unanimous perception that it will not be possible to try Pinochet in Chile because of the immutable position of the juridical power on the matter, the pressure of the armed forces and the laws of amnesty, the legal status of

parliamentary representatives and other institutional obstacles. Little by little, the government lost the confidence of the right, totally marginalized itself from public opinion and its own bases of support and, although in the exclusive realm of the Pinochet affair, in fact ended up co-governing with the military, when in reality none of their pressure seriously threatened institutional stability, as was publicly affirmed by the government itself.

Conclusions

Whatever shape the denouement of the Pinochet affair turns out to take, we may extract the following conclusions.

First, it became evident that there is in fact very little consensus in Chile. There is certainly none on the vital issues of the human rights violations under the dictatorship, reparation, justice, impunity, reconciliation; nor on the way in which these issues have been dealt with so far or will be in the future. It became evident that the unresolved problems of the past are problems of the present and future, for they mark the country's social coexistence and political life.

Second, it became evident that the political right is nothing other than the faithful expression of Pinochetism and that all ideas, projects or positions within it are subordinate to this essential truth. Its vision of a crushed or violated national sovereignty where humanity almost unanimously celebrated an opportunity for justice and civilization was supported by those in power in economics, media and the judiciary. It is maybe the only case in the world of a strong social and political sector and the armed forces defending, justifying and proudly identifying with actions of the past which are judged by the rest of the country, and most of the rest of humanity, as crimes and violations of basic human principles and norms.

Third, the government made all the mistakes it could have, from granting a late special mission to Pinochet which gave him no immunity, through its contradiction in initially affirming that it was not a state concern, did not affect the transition or democratic stability and was not a political issue, to ending up organizing political operations for 'Pinochet's return to Chile' and affirming it was an issue of national sovereignty. Thus the right's 'destabilization' discourse is legitimized and military pressure in the matter is accepted. The government's timid initial posture of advancing towards reconciliation through justice was fatally weakened in being wholly undifferentiated, except in some aspects of the way it was expressed, from the essential position of the right and civilian and military Pinochetism: that Pinochet return to Chile unconditionally. Thus, it lost all political autonomy and was left without a basis for future choices in this situation. In effect, whether Pinochet wins or loses in the London trial, the government will have suffered a defeat. If Pinochet wins, he himself, the military and the right will reap the triumph. If he loses, the government will explicitly have been defeated in the political and juridical field, and will not be able to reclaim the advancement this result would mean for justice and for the country.

Finally, this episode has produced the widest distance and deepest gap between the political class, responding self-referentially and introvertedly to the situation, and a public opinion that watched perplexed as the former got entangled in the issues of national sovereignty, spun a double discourse and was incapable of representing the demand for justice of the great majority of Chileans and, of course, of all of humanity. It will be hard to explain to this public opinion—to Chilean society, that is—why, when a crucial problem has not been and will not be able to be resolved in Chile, and when the majority of the country and of humanity express their will to resolve it in the advancement of civilization, justice and the dignity of the country, its political class falsely and proudly wields the argument that ‘we solve our own problems’. Who in their right mind could believe it?