

Transition to Democracy in Chile as a Rational Action Strategy

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I approach the transition to democracy in Chile from a game theory perspective. Strictly speaking, game theory is a subset of rational choice that uses algebraic terms to explain social phenomena using the rational actor paradigm. Just as rational choice approaches do, game theory assumes that people behave rationally and strategically. As Saiegh and Tommasi point out, “in game theoretical approaches, individuals must choose the best way to reach their goals taking into account not just the conditions under which they can act but also the equally rational and strategic behavior of other individuals” (1998:16). The assumption that individuals behave rationally and strategically informs the theoretical framework used here to understand transition to democracy in Chile. This definition of rationality suggests that individuals’ actions and decisions are based on self-interest. As Saiegh and Tommasi discuss, “the most beneficial advantage [of game theoretical approaches] is being able to anticipate. In the tradition of political thought, Machiavelli realized early on that powerful propositions about human behavior could be made with the assumption of a uniform human nature, and that those propositions could help us better understand human behavior and, moreover, could help us manipulate it” (1998: 12).

The claim that we can assume rationality in human behavior has been the object of controversy and criticism. Although economists have embraced it as a working paradigm, other social scientists have been far more skeptic about rational choice. Political science has been sharply divided over the use of rational behavior as a valid assumption to understand human action. Particularly when applied to case studies, critics of rational choice question the validity of using assumptions derived from observed behavior in the United States and other industrialized nations to understand social phenomena elsewhere. When discussing this approach to the Chilean transition, rational choice critics would ask, for example, why would the military, business leaders and political parties in Chile ‘act rationally’? How can we know ahead of time what is in their best interest? And, are there differences between acting rationally in Chile and other places, or in Chile at different times?

Rational choice, as Elster points out (1986: 1), is a normative theory. It tells us what we should do to achieve our objectives. As opposed to moral theory, it does not contain conditional imperatives. Rational choice tells us that in order to know what to do, we first must know what to believe with regard to all relevant matters that will affect our decisions. For that reason, Elster concludes that rational choice theory must be informed by a theory of rational beliefs. Although rational choice has been embraced to a limited but significant extent in the U.S. and Europe, it has not received due attention among Latin American scholars and Latin Americanists. Because of its ties with economics and because of the conservative and neo-liberal preferences of most economists in the region, rational choice theory has been characterized as a conservative scheme designed to undermine the effect of

collective action and social change. In short, rational choice has been discarded as a legitimate tool more on ideological grounds than on its predictive ability. True, some have argued that, “behavior in industrialized countries was *different* than in Latin America” (Saiegh and Tommasi 1998: 29). Although that claim has often been accompanied with empirical evidence, “the differences in behavior [are] not the result of cultural or social differences but instead, and precisely, the result of different beliefs and options that individuals were faced with” (Saiegh and Tommasi 1998: 29).

By using rational choice to approach the transition to democracy in Chile, I seek to explain how these tools can help us understand within a simple and general framework the political developments in the country since 1973. My goal is to provide a model for transition to democracy that maximizes the ability to explain events and developments and, at the same time, is simple and straightforward. By analyzing the crucial actors’ rational strategies—or strategies that can be understood from a rational choice perspective—I seek to explain the Chilean transition as it evolved. I claim with Przeworski (1991) that transitions to democracy are agreed upon by political elites. The actors that I consider here are the **military**, **business leaders** and **opposition political parties**. The political parties that supported the regime are omitted because they were, by choice or force, subjected to the interests of the military and business leaders. None of the three groups is perfectly homogenous. Although some of the differences within groups matter, I will initially start the analysis with the three actors and occasionally introduce some heterogeneity (which could be interpreted as making the model more empirically verifiable) within groups. The basic premise of the analysis, with or without heterogeneity remains the same: transition to democracy in Chile takes place when at least two of the three actors agree to change the status quo from dictatorship to democracy.

I decline to utilize those analyses that focus on other social actors—such as neighborhood, labor or women’s organizations (Oxhorn 1995, Roberts 1995, Schneider 1995)—because those groups do not heavily influence the terms in which the negotiations between elites take place. The military, business leaders and opposition political parties, not civil society, sit down—literally or symbolically—at the negotiating table. I do not suggest that social groups fail to play a role in bringing about conditions that facilitated the negotiations between the three elite groups. In fact, the negotiating position of the opposition political parties improved substantially when social protests erupted and strikes caused social turmoil in Chile in the early 1980s.

By using a game theory approach rather than other transition models (Malloy and Selligson 1985, Schmitter and Whitehead 1986, Valenzuela and Valenzuela 1986, Garretón 1986, 1987, 1990, O’Donnell 1988, 1998), I obtain some benefits and incur in some costs. When I reduce the number of relevant actors to three (military, business leaders and opposition political parties) homogeneous players, I overlook some crucial dynamics within each group. Valenzuela (1991) Arriagada (1988) and most recently Huneus (2001) for instance, analyze the way in which Pinochet emerged and positioned himself as the leader within the Junta and the military government. My approach fails to grasp those important subtleties. In reducing the number of actors, I risk underestimating the role that some key moments and actors played in facilitating the transition. The rich historical analyses found in the work of Cavallo, Salazar and Sepúlveda (1990), Constable and Valenzuela (1991)

and Chavkin (1989)—among many others—make my approach look oversimplified. However, it must be noted that many long, detailed analysis of the Pinochet years and the transition to democracy in Chile over emphasize the long-term significance of some not-so-crucial events. For example, Cavallo, Salazar and Sepúlveda (1990: 471-502) give so much importance to a decision by the Constitutional Tribunal ruling in favor of the opposition months ahead of the plebiscite and to an unauthorized concession statement made by a Junta member in the night of the plebiscite that it might be implied that the transition would not have occurred had not been for those two unrelated events.

My analysis does not rely on specific events or decisive moments. Instead, the transition is explained by rational and conscious choices made (although not necessarily explicitly) by the three actors. There was a transition to democracy because at least two of the three actors decided that democracy was more convenient than the dictatorial status quo and they acted accordingly, modifying the strategies and actions. In this framework, the role of some events becomes less relevant. The televised political campaign by the opposition before the plebiscite (Tironi 1990, *La campaña...* 1989 and Tomic 1988) is much less relevant than the decision of the military to accept democracy with provisions to protect human right violators. To put it in more provocative terms, Pinochet's electoral defeat in the plebiscite helped the transition to democracy as much as it secured the continuity of the economic policies implemented by his regime and originally denounced by the opposition.

My approach does not fully capture the internal differences within the business elite over the economic model imposed by the dictatorship—O'Brien and Roddick (1983), Vergara (1985), Fontaine (1988), Edwards and Cox-Edwards (1991), Silva (1991) and Valdés (1995) have convincingly shown the internal disputes within the business sector and the difficulties the dictatorship faced when implementing its neo-liberal economic program—nor can it identified the continuities and differences that the neo-liberal model had with previous Chilean economic history and how it was initially implemented incrementally to respond to existing structural deficiencies (Drago 1998). This approach does not fully grasp the differences within the opposition parties and the arduous road those groups had to go through to finally form a common opposition (Zaldívar 1983, Valenzuela and Valenzuela 1986, Vodanovic 1988, Politzer 1989, Garretón 1991, Tulchin and Varas 1991 and Caviedes 1991) and to stay unified after 1990 (Siavelis and Valenzuela 1997, Fuentes 1999). Although reducing the opposition political parties to a single and unified actor might seem more extreme than doing the same with the military and business elite, when analyzing the set of preferences over the three criteria identified in this study, such simplification proves useful.

A rational choice approach to the Chilean transition has some advantages. By utilizing stylized facts to describe the events, I can concentrate on the simple, yet powerful, variables that can be derived from the interaction of players and criteria. Social scientist ought to explain social phenomena not just describe it. As Elster (1986) points out, the objective is to explain the most with the fewest possible explanatory variables. In statistics we learn that when we throw in more explanatory variables, our model will always become more robust. The challenge is always to maximize robustness while minimizing the number of explanatory variables. Although this approach does not rely on statistics, I had a similar

goal in mind. In addition, the rational choice approach outlined here provides for a general framework to understand both the events that led to the 1988-1989 plebiscite and elections and to the political developments that took place in Chile after 1990.

The Model

I have identified three criteria over which the three actors had utility functions. The criteria are **type of government**, **human rights** and **economic model**. The type of government is represented by a dichotomy: authoritarian and democratically elected government. The human rights criterion is also a dichotomy: impunity for past human rights violations and no impunity. The economic model criterion is a dichotomy between predominance of market and predominance of the state as central economic actors. The three actors seek to maximize their utility function, that is, they make choices that, according to their beliefs about the state of the world and about what others will do, will help them achieve their most preferred outcomes. The maximization of the utility function can be simply noted as:

$$\text{Max } [U(X)] = (R^*, HR^*, EM^*)$$

Where R is the type of regime (dictatorship or democracy), HR is the status for human rights violators (impunity or no impunity) and EM is the economic model (neo liberalism or state intervention). 'X' represents each of the three players (military, business elite and opposition parties). R*, HR* and EM* are the preferred outcome for each player in each one of the three criteria. Although the utility functions for the three players include the same three variables, each player has different preferences over type of regime, human rights and the economic model. To simplify the model, I will simply rank the preferences for the three actors without specifying intensity of preferences.

$$U(\text{Opposition Parties}) = F(R, HR, EM) \text{ where } R > HR > EM$$

$$U(\text{Military}) = F(HR, R, EM) \text{ where } HR > R > EM$$

$$U(\text{Business Elite}) = F(EM, R, HR) \text{ where } EM > R > HR$$

Opposition political parties valued the choice over type of government more than the choice over human rights. In their ranking of preferences, the choice over the economic model placed third. Reaching power is a fundamental objective of political parties in general (Sartori 1976, Hardin 1982, Scully 1992). Given the authoritarian nature of the Chilean regime (Garretón 1986, 1991), the return to electoral politics was a necessary condition for parties to fulfill their goals. Human rights were more important than the economic model for political parties for at least two reasons. While the opposition parties denounced the negative effects of the neo-liberal economic policies (Bitar 1980, Maira 1980, Foxley 1983, 1987, Aylwin 1984, Martner 1987), once growth and other positive results became the norm after 1984, the demands to immediately abandon the economic model were gradually replaced by calls to make the model more distributive. The oppressive nature of the regime, particularly towards the political parties that supported the Allende government—but increasingly also against Christian Democratic Party activists towards the late 1970s—cost the lives of many opposition party leaders and activists.

Although the opposition parties' concern with human rights violations was a matter of ethics and morals, it must also be understood as concern for the losses of rank-and-file members.

For the military, the outcome of the human rights criterion was more important than either the type of regime or the economic model. Because the military were directly involved and responsible for human rights violations (America's Watch 1983, Verdugo and Orrego 1983, Mockenberg and Jiles 1986, Harrington and González 1987, Arriagada 1988, Verdugo 1989 and Ahumada et al. 1990), their chief concern lied with preserving the self-imposed immunity. The type of government is also high in their rank of preferences, but protecting their immunity is more important than staying in power. A military dictatorship does not guarantee immunity per se, and immunity can be achieved and maintained with any type of government. The sudden and temporary reversal of the neoliberal economic model as a result of the 1982-1984 crisis is evidence that the military were more than willing to alter the economic model if that meant that they could stay in power (O'Brien and Roddick 1983, Valenzuela 1991, Silva 1991, Falcoff 1989, Cavallo, Salazar and Sepúlveda 1990, Bosworth, Dornbusch and Labán 1994 and Walton 1985).

Naturally, for the business elite, the economic model was more important than either human rights concerns or the type of government. In addition, because business leaders, for the most part, were not directly involved in human rights violations nor were excessively apologetic of military abuses, impunity over human rights violations was less important to them than the continuation of the regime that had adopted the economic model favored by the business elite.

The three actors had their most preferred outcome in each one of the three criteria. The opposition parties preferred democracy in the type of regime, no impunity in human rights violations and state-intervention in the economic model. The military preferred impunity in human rights, dictatorship to democracy and neo-liberal policies rather than state intervention in the economic model. The business elite preferred neo-liberal policies over state intervention, dictatorship over democracy and were indifferent with regards to human rights violations. Thus the best possible outcome for each actor was:

Max U (Opposition) = (R*, HR*, EM*) = (democracy, no impunity, state intervention)

Max U (Military) = (R*, HR*, EM*) = (impunity, dictatorship, neoliberalism)

Max U (Business Elite) = (R*, HR*, EM*) (neoliberalism, dictatorship, indifference on HR)

The status quo during the military dictatorship was the following:

S.Q. (Regime Type, HR, Economic Model) = (dictatorship, impunity, neo-liberalism)

The military had the best outcome, as their most preferred choices constituted the status quo in each variable. The business leaders also obtained their most preferred choices in the two criteria that mattered to them (economic model and type of regime). The opposition parties did not get any of their most preferred outcomes in any of the three criteria. As with any other game theory approach, actions by the players can change the

existing status quo. Yet, actions involve costs and benefits. Each player considers the costs and benefits of acting unilaterally to attempt to change the status quo and the costs and benefits of doing nothing to change the status quo. In order to change the status quo in any of the three criteria, two of the three players must agree to do it.

The game of the transition to democracy in Chile is one where the costs and benefits of the status quo change for at least one of the three actors. When the pay-off structure changes for that actor, maintaining the status quo becomes more costly than unilaterally moving to change it. The change in the costs and benefits of maintaining the status quo for one actor is a necessary and sufficient condition for transition to democracy to exist in Chile. Because democracy is defined in terms of the type of government, the transition—in its classic sense—takes place when a change in only one of the three criteria considered in this analysis occurs. But the fact that the three players consider the three criteria in their utility function makes the other two criteria contingent upon the choices of players over the type of regime.

The central component of the approach resides in the cost and benefits of maintaining the status quo for each of the three players. Some of those costs are endogenous to the players, other costs are exogenous and beyond their control and influence. Among the exogenous costs we can identify international pressure to hold elections, internal mobilization of social actors, economic shocks from abroad and transitions in neighboring countries. The mobilization of social actors, such as labor unions, neighborhood organizations and student federations, is not independent of the political parties, but the actions of political parties is not sufficient to generate mobilization. Opposition political parties would have preferred social mobilization to occur before it did, but it was the economic crisis what triggered social mobilization, not the political parties. The organizational ability of political parties facilitated the social mobilization as parties provided a structure for social protest to be expressed. But political parties are not sufficient for social mobilization to exist, an economic crisis (or some other type of crisis) is a necessary component for social protest.

In the same line, the political transitions undergoing in neighboring countries, starting with Argentina's defeat in the Falkland Islands, and the change in attitude on the part of the United States toward non-democratic Latin American regimes are exogenous variables that independently affect the costs and benefits of maintaining the status quo for each of the three actors. When the United States sends clear signals that it would favor a transition to democracy in Chile, the costs of maintaining the status quo increase for the military and business elite. The change of attitude of the United States is not sufficient to explain the Chilean transition, but it does explain a change of attitude on the part of the business elite to negotiate a change in the status quo. In addition, it also facilitates the effort by the opposition political parties to change the status quo as it increases the benefits and reduces the costs of altering the status quo for the three actors.

The costs (c) and benefits (b) for the military, business elite and opposition parties in maintaining the status quo is expressed in the following individual and mutually independent calculations. If the left-hand term is greater than the right-hand term, the military chooses to maintain the status quo and rejects efforts to change it.

For the military:
(b – c) (dictatorship) > (b – c) (democracy)
(b – c) (impunity) > (b – c) (no impunity)
(b -c) (neo-liberalism) > (b – c) (state intervention)

A similar calculation is made by the business elite and the opposition political parties. A change in the status quo occurs only if two players agree on any of the three criteria. A change in any of the three criteria does not imply that the other two criteria must change as well. For example, for opposition parties, the order of preferences over regime type was **(b – c) (democracy) > (b – c) dictatorship**. A change in the costs of democracy could have made them unilaterally change their order of preferences. If the opposition parties anticipated that democracy would bring about a civil war, their order of preferences might have well changed enough to value dictatorship more than democracy. In fact, one could argue that such calculation is what led the Christian Democratic Party to initially support the 1973 military coup.

With this structure, the entire rational choice game rests upon the strategies to change the costs and benefits of maintaining the status quo and therefore the pay-off structure for the other players. Because the military and the business elite are already obtaining their best outcomes with the status quo existing after the 1973 coup, it was in the best interest of the opposition parties to act strategically so that the pay-off structure for the military and business elite could change in such a manner as to convince one of them to alter the status quo of type of government from dictatorship to democracy.

None of the three players could unilaterally affect the other players' payoff structure. That is, none of the three players could directly influence the costs and benefits of maintaining the status quo for the other two players. But the players could strategically act to take advantage of exogenous cleavages that from time to time could alter the pay-off structure of other players. These cleavages might be 'real' or 'imagined', but they need to be sufficiently credible to lead the other actors to update their pay-off structures and thus lead them to change their preferences away from the status quo.

For the status quo to change, at least two players must agree to modify it. Thus, if two players agree to change the economic model, the old status quo will be void and a new one will be adopted only for that criterion. Although this logic might seem oversimplifying, two examples will show how powerful this intuition is. The 1982 economic crisis led the military government to consider the possibility of abandoning its neo-liberal economic program. The government even initiated an informal dialogue with the moderate opposition. One of the essential demands of the Christian Democratic Party (PDC)—a leader in the opposition—was a change in the economic policies (Foxley 1983, 1987, 1988a, Zaldívar 1983, Valdés 1983, Aylwin 1984, Arellano and Cortázar 1986). Had the dictatorship accepted the PDC demand, the military would have unilaterally moved to modify the status quo on economic policies. That would have challenged the strong military-business elite alliance on which the government had based its support up to that

point. That in turn would have opened the possibility of a dialogue between the opposition parties and the business elite to alter the status quo in the other two criteria (type of government and human rights). Conversely, the dictatorship could have offered the opposition parties some concessions on human rights and/or type of government to prevent an opposition parties-business elite alliance that could end up with a status quo that disfavored the military in the other two relevant issues.

The second example applies to the reaction by the business elite and the opposition political parties to the popular protests that occurred during the 1983-1985 period. If both actors had agreed on a basic set of economic policies for a transition government, the business elite could have withdrawn its support for the government and a transition to democracy could have occurred. Yet, the opposition political parties could not credibly commit themselves to the neo-liberal economic policies and therefore the business elite continued to support the dictatorship even though the cost of maintaining the status quo in the type of government criterion had increased significantly. Note that the opposition political parties, by credibly committing themselves to neo-liberal economic policies, would have obtained their most preferred outcome in two of the three categories. They would have obtained a transition to democracy and they could have made progress on human rights issues. Yet, because there was no credible commitment on the part of the opposition political parties, the business elite did not move to alter the status quo. The National Accord—a joint declaration by several political parties, including some associated with the political right—was a step in that direction, but the ideological distance that separated the business elite from the opposition political parties rendered that effort fruitless. The rejection of the neo-liberal economic model was a cornerstone of the political agenda of the Christian Democratic and Socialist parties (Bitar 1980, Centro de Estudios Latinoamericanos 1981, Foxley 1983, 1987, Martner 1987, Maira 1988, Arrate and Hidalgo 1989, Garretón 1989) and therefore the outcome (**democracy, no impunity, neo-liberal economic policies**) was unacceptable for the opposition. The lack of trust between the business elite and the opposition parties (Constable and Valenzuela 1991, Drake and Jaksic 1995) and the close links developed between the military and the business elite made that outcome all but impossible. Nonetheless, the Chilean transition, as it played out after 1989, broadly represents that status quo. The process of democratic consolidation (democracy rather than dictatorship) has taken place alongside the consolidation of the neo-liberal model and the weakening of the ‘impunity’ status quo in favor of ‘no impunity.’ (Petras and Leiva 1994, Collins and Lear 1995, Moulián 1997, Jocelyn-Holt 1998).

The transition can be understood as a game where those who are not satisfied with the status quo attempt to modify it through the tools they have at hand. Social protests in and of itself cannot generate a change in the status quo. They help to change the pay-off structure of the players as protests increase the costs of maintaining the dictatorial status quo. But protests only help if the additional costs for the military and the business elite also entail benefits for the political parties. It is because opposition political parties can take advantage of the negotiating leverage they get when people mobilize against the dictatorship that social protests matter in bringing about the transition to democracy.

Political parties need to convince either the dictatorship or the business elite that is convenient for them to change their preference over one of the three criteria to be able to modify the entire status quo. They can only do this by altering the pay-off structure. But the

costs and benefits are not endogenous to individual actors. The military cannot unilaterally alter the cost of dictatorship, immunity on human rights violations or economic policies for the business elite and the opposition political parties. Some of the costs are randomly drawn. Economic shocks abroad, transitions to democracy elsewhere, the demise of Communism, a change in U.S. foreign policy or technological developments (such as television or the Internet) change the pay-off structures of the three actors.

Social mobilization against the dictatorship, led by labor unions, neighborhood organizations or the Catholic church, altered the pay-off structure for the three players as it increased the cost of maintaining the status quo for the military and the business elite. Yet, one cannot attribute social mobilization to political parties nor can one assume that parties will defend the interests of the protesters when negotiating with the business elite or with the military. Moreover, opposition parties were interested in increasing the social mobilization against the dictatorship since shortly after the coup but failed. One cannot claim that political parties were behind social mobilization against the dictatorship. The parties contributed to its development, but the triggering factors for the mobilization to take place lied elsewhere. In that sense, the popular sector (Oxhorn 1995) played a determining role in altering the pay-off structure for the three players but it did not directly participate as a player in the transition game. It did not in part because the 'popular sector' cannot act as an organized entity. The popular sector is comprised of many different organizations and individuals who find it difficult to coordinate their actions. Although there are components of collective action (Hardin 1982) in the popular sector, that collective action becomes an organized and effective movement when the 'political entrepreneurs' (to use Hardin's words) get involved in coordinating those activities.

It should be noted that the utility function of the opposition political parties is not the same as that of the popular sector. Social organizations seek respect for human rights, economic and social policy changes (Oxhorn 1991, 1995, Roberts 1995, Schneider 1991, 1995, M. Valenzuela 1991, Aman and Parker 1991). That is, for the popular sector, **HR > Regime Type and Economic Policy > Regime Type**. Although in the public discourse of social organizations, respect for human rights and a change in economic policies were associated with a change in the regime type (Oxhorn 1995, Schneider 1995), the dictatorship could have survived with a change in economic policies and less impunity for human rights violations. Yet, because the negotiations for the transition to democracy occur between the three above mentioned actors and not with the popular sector, the difference in the utility function of the opposition political parties and the popular sector (whose representation the opposition parties claimed to have) entailed the seeds of disenchantment on the part of the popular sector with the opposition political parties. Eventually in the negotiations, the popular sector's preferences would be replaced by the opposition political parties' (Petras and Leiva 1994, Oxhorn 1995, Collins and Lear 1995, Moulián 1997).

Key Political Events

Transitions to democracy are only possible when democracy is not the type of regime ruling a country. For that reason, it is useful to understand the game of transition as one that begins with the September 11, 1973 military coup. The status quo prior to that day

was:

S.Q. (August 1973) = (R, HR, EP) = (democracy, no impunity, state intervention)

There are countless detailed and well-documented studies of the social, economic and political tensions that characterized Chile in the years prior to 1973 (García 1977, Roxborough, O'Brien and Roddick 1977, Valenzuela 1978, Garretón and Moulián 1983, Fleet 1985, Winn 1986, Falcoff 1989, Angell 1993, Collier and Sater 1996). They describe and analyze the deep institutional crisis leading up to the democratic breakdown. Although there were tensions and conflicts in Chile before the 1973 coup, this stylized description of the status quo is useful to understand how it changed after the military takeover. In fact, the military themselves defined the coup in terms of a radical change in the status quo as they characterized it as a heroic act to save Chile from self-destruction (*Declaración de Principios* 1974, Pinochet 1983, 1990, Domic 1988, Whelan 1989). Together with a change in the regime type from democracy to dictatorship, the status quo on human rights and economic policies also changed in 1973. The 1991 Rettig Report on Human Rights Violations is widely accepted as the official account of human rights violations that resulted in the deaths of more than 3000 Chileans. Additional reports and accounts have attempted to quantify human rights violations that occurred during the Pinochet dictatorship. The status quo of the economic policies also changed with the military takeover. The move to revert the nationalization process pushed for by Allende is one of the most important decisions made by the military government immediately after the coup. It was an early indication of the new role the state would play in the Chilean economy (Vergara 1985, Edwards and Cox-Edwards 1991). Although the formal adoption of the neo-liberal economic policies took place later on, the decision to reduce state participation in the economy was made clear soon after the coup. The new, post-coup status quo was

(R, HR, EP) = (dictatorship, impunity, neo-liberalism)

That is the status quo that opposition political parties sought to change. As many have stressed (Jocelyn-Holt 1998, Alexander 1978, Valenzuela and Valenzuela 1976, Valenzuela 1978, Fleet 1985 and Scully 1992), the number of parties that oppose the dictatorship increased as the military consolidated its power. Although the Christian Democratic Party did not openly support the coup, leading figures of the party justified it in well-circulated letters (Jocelyn-Holt 1998, Aylwin 1998). Even though the role of the PDC in facilitating the success of the coup is still a hotly debated issue, in late 1973 the party was not officially an opposition party. That is not the situation of the Communist, Socialist and other leftist parties. Those parties immediately became the target for prosecution and repression by the military government. The opposition to the military was initially formed exclusively by the Allende Popular Unity government parties.

As the former president and Christian Democratic leader Patricio Aylwin (1998) has stated in a controversial but also misunderstood book, the belief—shared by many in the PDC—that a period of dictatorial government would serve Chile well did not mean that Christian Democrats justified or could even anticipate the nature and extent of human rights

violations that characterized the military dictatorship. In the past, Chile had military dictatorships that sought to bring about peace and order and whose goal was to restore democratic rule (Collier and Sater 1996). What Aylwin meant to suggest is that a short-term military dictatorship was believed to be necessary to restore democratic rule as it happened before. It would be unfair to blame that the Christian Democratic passive support—or lack of opposition—for the military coup was responsible for the massive human rights violations that occurred after 1973.

It cannot be denied that the Allende government had led the country to a deep political, social and economic crisis. Beyond the considerations about the U.S. militant opposition to the Allende government, the conservative parties' efforts to destabilize the economy and to cause social turmoil, and the outright opposition by conservative forces to the radical changes proposed by Allende, Chile was in a deep political, social and economic crisis by mid 1973. One should not blame the Christian Democrats from wishing to put an end to the social and political chaos, but one should not ignore the inability of the party's leadership to anticipate and to quickly react to accusations of human rights violations.

The active participation of the Armed Forces in the systematic and organized patterns of human rights violations led the military government to commit itself to the defense of impunity for human rights violators. Although the military government initially expressed its intent to restore order and democratic rule (1974), the active involvement of military personnel in human rights violations led the government to uphold the doctrine of impunity. Despite the fact that only a small number of military personnel were involved in human rights violations, the Armed Forces made impunity a central component of their utility function. In fact, it was more important for the military to protect human rights violators than to defend military dictatorship over democracy as their favorite type of government. That consideration becomes clear when we analyze the military priorities in the post 1988 negotiations. Ranked in order of preferences, the military have accepted to consider reducing the power of the military-packed National Security Council and the independence of the high commands of the Armed Forces, but they have ruled out any possibility of discussing an overturn of the 1978 Amnesty Law. The military had a utility function where impunity outscored economic policies and type of regime as the central priority.

The business elite welcomed the military coup and the dismantling of Allende's nationalization plan. The adoption of the neo-liberal economic policies in the years after the coup consolidated the good relations between the dictatorship and the business elite. Although many business leaders initially supported the military exclusively based on their opposition to the Allende government, the economic policies of the dictatorship favored an important segment of the business elites. True, the changes in economic policies also brought about deep changes in the composition of the business elite in Chile. Yet, in general more business leaders benefited from the economic policies than were affected by them. The nature and composition of the business elite changed after the 16 years of the Pinochet dictatorship, but the new business elite was more strongly pro-Pinochet towards the end of the dictatorship than immediately after the 1973 military coup. During the Pinochet dictatorship, the business elite's utility function was clearly defined as:

(EP, R, HR) = (neo-liberalism, dictatorship, indifference over HR)

For the business elite, the economic model criterion was always more important than the regime type or human rights criteria. If forced to choose between the autonomy of the Central Bank and the 1978 Amnesty Law, the business leaders would clearly prefer the first because the business elite is clearly more concerned with economic policies than with protecting immunity for human rights violators.

The 1980's Protests

The first important shift in the pay-off structure for any of the three players took place when the PDC openly joined the opposition to the Pinochet dictatorship. This move was the result of both strategic considerations and deeply held beliefs about protecting human rights and restoring democratic rule. By early 1979, when Pinochet successfully organized his first national plebiscite, the PDC had already defined itself as an opposition party. Being in the opposition, however, did not mean that the PDC and the parties that had supported Allende were ready to coordinate and join efforts against the dictatorship. The alliance between the PDC and the Socialists (PS) is the result of the PDC's realization that they could not succeed in a unilateral effort to end the dictatorship and the PS's ideological shift, the so-called 'socialist renewal'. The death of Eduardo Frei Montalva in 1982 and the strength of the Pinochet dictatorship made the PDC more likely to join with the rest of the opposition (Zaldívar 1983, Arriagada 1986, Aylwin 1984, 1988, 1998, Falcoff 1989 and Boeninger 1997). The internal split within the Socialist Party facilitated the ideological renewal of the moderate wing. The moderate socialists slowly moved to the ideological center and thus facilitated the formation of an alliance with the PDC (Arrate and Hidalgo 1989, Walker 1990, Garretón 1990, 1991, Díaz Verdugo 1998). That alliance between the PDC and PS set the foundation of what would later become the *Concertación de Partidos por la Democracia*.

Initially, that alliance sought to force the fall of the dictatorship (Valdés 1983, Arrate 1986, Díaz Verdugo 1998), but differences over the type of government that should replace the dictatorship made it difficult for the opposition to credibly form a government alternative. While moderate socialists and Christian Democrats grouped in one front, the remaining socialists and communists grouped around the Democratic National Movement (MDP). In addition, several smaller groups sought to oppose the dictatorship through armed struggle. Eventually, the group formed by moderate socialists and Christian Democrats would position itself as the most credible opposition alternative to the regime.

The acceptance by the opposition of the so-called Aylwin thesis served as a catalyst for the formation of the Concertación. Aylwin and others suggested, in the early 1980s, that the opposition should accept Pinochet's 1980 Constitution as valid and bring about the restoration of democracy within the boundaries established in it (Aylwin 1988, 1998, Boeninger 1997). Although originally rejected on ideological and strategic grounds, the Aylwin thesis was eventually accepted as popular mobilization failed to bring down the military dictatorship. When Pinochet successfully escaped an assassination attempt in 1986

(Verdugo and Hertz 1990), the Aylwin thesis was broadly accepted as the most viable way to restore democratic rule. Although some groups continued to oppose the Aylwin thesis (Teitelboim 1988, MIR 1990, Sandoval 1990), the creation of the Concertación in 1988 represented the symbolic acceptance of the Aylwin thesis by the most important political actors in the opposition.

If the 1980 plebiscite represented the moment when the PDC decisively joined the opposition, the social protests that erupted in 1982 as a result of the economic crisis served as the triggering force that led Christian Democrats and moderate socialists to join forces in the opposition. Although the economic crisis and not the joint effort by the PDC and PS fueled the social protests against the dictatorship, those parties successfully positioned themselves as the leaders of the opposition and reaped the benefits of popular discontent with the regime. An alliance between the two parties would not have been sufficient to trigger social mobilization against the dictatorship. To the contrary, it is social mobilization against the dictatorship what encourages moderate socialists and Christian Democrats to form a political alliance.

Just as the opposition alliance was being formed, the military and business elite strengthened their ties and made it unlikely for the business elite to unilaterally negotiate a transition with the opposition parties. After reaping the benefits of the neo-liberal economic policies, the initial government reaction in the wake of the 1982 crisis weakened the support of the business elite for the military dictatorship. The social protests and the popular discontent with the government led Pinochet to temporarily adopt economic policies that significantly departed from those adopted during the previous years. The government intervention in the banking industry exacerbated tensions between the military and the business elite to its worst level ever. Yet, it also served as the defining moment to seal the alliance between both groups. Rather than abandoning the business elite and seeking support in the moderate opposition, the military dictatorship decided to protect the economic interests of the business sector. Conversely, the business elite chose to support the government and oppose any effort by the opposition parties to put an end to the military dictatorship. As a result, the so-called 'explosion of the majority' (De la Maza and Garcés 1985) in the 1982-1984 period had to distinct effects. On the one hand it facilitated the formation of a united front by the opposition political parties, most notably the moderate socialists and the PDC. On the other hand, it strengthened the alliance between the military and the business elite in defense of the status quo of dictatorship, immunity for human rights violators and neo-liberal economic policies.

The 1988 Plebiscite

As it is widely agreed upon, the social mobilization against the dictatorship weakened the government but failed to depose it (Garretón, Boeninger 1997, Jocelyn-Holt 1998, Aylwin 1998). When Pinochet escaped an assassination attempt in 1986, the chances of forcing Pinochet out outside the framework established in the 1980 was all but abandoned. The opposition parties embraced the idea that Pinochet could be defeated within the legal framework established in the 1980 Constitution. To achieve that, the opposition parties had to convince the military and the business elite that the decision over

the type of government should be made by the electorate rather than by a coalition of two of the three elite players. The success of the opposition parties is precisely their ability to move the choice over the type of regime out of the game between the three players and transform it into a decision made by the electorate. This change of strategy eventually allowed them to place their most important variable in the hands of the electorate. Yet, the cost of that negotiation entailed an acceptance by the opposition parties that the choice over the other two criteria—immunity for human rights violators and economic policies—would not be made by the electorate. In other words, the new status quo after the social mobilization of the 1980s was the following:

Status Quo: (R, HR, EP) = (dictatorship/democracy, impunity, neo-liberalism)

Where the choice over regime type would be made by the electorate. By making the choice of regime type contingent upon a popular vote, the opposition political parties successfully positioned the type of government as the most important criterion for the electorate. The 1988 plebiscite should be understood within that framework. It was a defining moment insofar as one of the three criteria of the status quo would be modified by a popular vote. Yet it only meant that the type of regime, and not the economic policies or the human rights issue would be determined in 1988. In that sense, the three players agreed to, so to speak, toss a coin to determine what type of regime the country would have. That was an improvement for the opposition parties because it increased the chances of going from dictatorship to democracy. It was also an improvement for the military and the business elite as it guaranteed them their most preferred outcome in the two issues that were most important for them, immunity for human rights violators and neo-liberal economic policies respectively.

The 1988 plebiscite changed the status quo on the type of regime. With Pinochet's defeat, the electorate determined that the new type of regime status quo would be a democracy. By having the electorate choose the type of regime, the three players explicitly or implicitly agreed to significantly alter the pay-off structure of a change in the type of regime in the future. Given that the electorate, and not a bilateral move by two players, had determined that the new regime status quo would be a democracy, a bilateral move to revert from democracy to dictatorship would bring about huge costs for the players that attempted such a move. Thus, in a sense, the new status quo after the 1988 plebiscite had some unique characteristics. One of the criteria was entrenched and could not be changed, the type of regime. The new status quo would be:

Status Quo = (R, HR, EP) = (*democracy*, impunity, neo-liberalism)

The transition game continued after 1988, but it only applied to the other two criteria, human rights and economic policies. Although the current characteristics of the democratic government as determined in the 1980 Constitution are detrimental for the free exercise of many individual rights and give an overwhelming political and veto power to the military and the conservative political parties, the 1988 plebiscite is fundamental as it made it explicit that Chileans preferred a democracy over dictatorship. By accepting the

1980 Constitutions and all its provisions, the opposition parties compromised many of the democratic principles they had long defended and stood for. Yet, they also forced the military and business elite to commit credibly to accept democracy as the new entrenched status quo type of government. In that sense, we can understand the 1988 plebiscite as the most important moment of the transition to democracy in Chile. The ongoing debates over the need to reduce the stringent rules that give the military excessive influence over political institutions should be understood not as transitional but as democratic consolidation issues. On the contrary, the discussions over human rights issues and the economic policies should continue to be understood as transitional issues. The human rights status quo and the economic policies status quo have not been determined by the electorate in any plebiscite. Instead, they were imposed upon the electorate by the close alliance between the military and the business elite.

The 1989-2001 Transition

In the 12 years that have elapsed after 1988, Chileans have witnessed intense and often emotional debates between the old opposition parties (The *Concertación* government after 1990), the military and the business elite. The political groups that supported the military during the Pinochet dictatorship have served as the negotiating representatives of the military after 1988. And the discussion has centered on the human rights and economic policy issues, not on the type of regime.

True, there have been moments when it seemed as if the foundations of the democratic order were challenged. During the early 1990s, there were two such moments. In the 1991 *ejercicios de enlace* and the 1993 *boinazo*, the military expressed their discontent by mobilizing troops and sending soldiers in their combat fatigues to the streets of Santiago. They were actions intended to send the signal that the military was seriously considering reverting the process of democratic consolidation and going back to military rule. Yet, in both cases the discontent expressed by the military had more to do with a defense of the Army as an institution than with an attack of democratic order itself. Moreover, it should be noted that in both occasions, the mobilization was restricted to the Army and not to the entire Armed Forces (Rojo 1995, Otano 1995, Cavallo 1998, Cooper 1998). In addition, at least in one occasion, personal accusations against General Pinochet and one of his sons for corruption triggered the reaction by the Army.

The concessions made by the Aylwin government—and the Frei government on other issues—to reduce tensions with the military can be understood on tactical and strategic grounds. But the belief that the government made concession because democracy as the type of government for the country was in danger is mistaken (Cavallo 1998: 76-85). Any show of force by the Army was a non-credible threat against democracy as the type of government. A successful military coup was in impossibility in the early 1990. For that reason, if the government had maintained its original position of allowing the Chamber of Deputies to investigate illegal businesses conducted by high officials of the Army and Pinochet's son, the show of force by the Army in the *ejercicios de enlace* and the *boinazo*, would have not resulted in a democratic breakdown. True, had the government not addressed the concerns of the military, the discontent by the Army would have made it

difficult for the government to focus its energy and policy initiatives in reducing poverty and fostering economic growth. Besides, while addressing the concerns of the military, the Aylwin government also made important symbolic gestures to the more leftist groups within the Concertación—see for example Joignant’s study (1999) of the symbols in the official Allende funeral. The government responded to the Army’s discontent because it did not want to convert civilian-military relations into a major political issue and not because it feared that democracy was at risk. Be it for the international climate in favor of democracy as a system of government, for the popularity of democracy over dictatorship as the system of government of choice of the population (CEP 1990, CERC 1993, 1994) or because the political climate among the elites in Chile in the early 90s was substantially healthier than in 1973, the chances of a successful military coup were extremely unlikely. In terms of cost-benefit analysis, the three players—the military, business elite and Concertación parties—had the same beliefs:

$$B - C_{\text{(dictatorship)}} > B - C_{\text{(democracy)}}$$

Given that Pinochet lost, should we conclude that it was a mistake on Pinochet’s part to allow for a free and fair plebiscite to take place in 1988? It is widely agreed upon that Pinochet truly believed that he could win the plebiscite if turnout was sufficiently low so that his supporters could carry the day. In that sense, Pinochet’s decision to accept a free and fair plebiscite was a rational choice. As Elster notes, rational decisions need to be consistent with one’s goals and beliefs. Similarly, the Concertación’s belief that the plebiscite had only determined Pinochet’s fate and not the type of government Chile would have might partially explain the concern expressed by many within the Concertación when the *Ejercicios de enlace* and the *Boinazo* took place.

The post-1988 Transition: Human Rights and Economic Policies

Although the type of regime was determined by the outcome of the 1988 plebiscite, the status quo over the human rights issue and the economic policies were left undecided. Chilean politics after 1988 have been marked by profound ideological and strategic debates over these two issues. True, issues of democratic consolidation have also captured the attention of politicians and policy makers, but those should be understood in the context of larger democratic consolidation issues in the region and the entire world. The debate over the status quo on human rights and the economic policies was inherited from the transition to democracy debate. In one of those two issues, economic policies, the debate has been minimized as the Chilean economy experienced a healthy expansion during the first decade after the dictatorship (Drago 1998). The debate over the other issue has proven much more problematic for the successful completion of transition to democracy in Chile.

When the Aylwin government took office, the implementation of the economic policy promises made during the campaign (Aylwin 1988, Foxley 1988b, Ominami 1988, Concertación de mujeres 1990) took center stage. The tax reform adopted in 1990 provided more fiscal resources to finance the aggressive social spending program of the

Concertación (Foxley 1993, Cavallo 1998: 57-66). The government was able to combat widespread poverty that affected more than half of the population. New resources were also available to increase health and education spending (Foxley 1993, Boeninger 1997). But the *Concertación* did not attempt to radically alter, or abandon, the neo-liberal economic policies implemented by Pinochet. The agreement between the outgoing military dictatorship and the incoming *Concertación* government in late 1989 over the appointment of the governing board of the soon-to-be independent Central Bank was the symbol of the *Concertación*'s commitment to sticking to a neo-liberal economic program (Boeninger 1997, Cavallo 1998). Although the *Concertación* ideologues and those responsible for the Aylwin's economic policies insist in pointing to the differences between Pinochet's and Aylwin's economic programs (Foxley 1993, Boeninger 1997, Aylwin 1998), it cannot be denied that the fundamentals of Pinochet's neo-liberal economic model were honored by the successive *Concertación* governments (Moulián 1997, Jocelyn-Holt 1998). However, the success of the *Concertación* in extending the benefits of the economic expansion beyond the wealthy Chileans should not be minimized. Chile's *Silent Revolution* (Lavín 1987) was the product of the policies implemented during Pinochet's dictatorship, but the credit for making more Chileans share its benefits belongs to the *Concertación*'s governments.

Of the three criteria over which the three major actors of Chilean politics played the transition game, the economic policies was the only issue where a widespread consensus was generated toward the late 1980s (*Concertación* 1993, Boeninger 1997, Aylwin 1998). Although influential studies have questioned the success of the neo-liberal economic model (Collins and Lear 1995, Petras and Leiva 1994, Moulián 1997), the three elite political actors in the Chilean transition have not departed from their support for the neo-liberal economic policies. Similarly, the Chilean electorate has not expressed support for candidates who campaign to change the economic model. Just as the electorate decided in the 1988 plebiscite that democracy would be the type of government Chile would have, the positive results of the economic policies in the 1990s rendered challenges to the economic policies status quo irrelevant. Recent economic troubles in Chile—with high levels of unemployment and slower economic growth—might in the medium-term fuel criticisms against the economic policies, but despite the slowdown of Chile's economy in the late 1990s and early 2000s, the status quo of neo-liberal economic policies has remained in force.

The only criterion where the status quo has been subjected to a significant level of volatility is the human rights issue. The first years of the Aylwin government were marked by revelations about human rights abuses committed during the dictatorship. The formation of an investigative body—the so-called Rettig Commission—was a partial government response to bring some closure to the human rights issue. The resistance on the part of the military to cooperate with the Rettig Commission, the unmet demand for justice by the relatives of those who were killed during the dictatorship and the Chilean Judiciary's unwillingness (or inability) to investigate the causes of death of thousands of Chileans during the dictatorship made it impossible for the government to close the issue with the report released by the Rettig Commission.

The government of Eduardo Frei (1994-2000) inherited an unsolved human rights

problem. In fact, the first major crisis of the Frei government had to do with dealing with the human rights violations legacy. As a result of a judge's ruling on a triple homicide committed in 1985 by the intelligence unit of the Carabineros police, shortly after taking office, president Frei asked for the resignation of the commander in chief of the Carabineros police. The general decided to use his constitutional prerogative and declined the call to resign. The authority of the president over the armed forces was symbolically weakened. Later, the sentencing of former secret police chief General Manuel Contreras also provoked a crisis within the government. Eventually Contreras served his sentence in a custom-made prison, but the tensions generated by the sentencing evidenced that human rights problems—rather than type of regime or economic policy issues—were the most important source of conflicts between the three actors of the Chilean transition.

The decision by Pinochet to stay as Chief of the Army provoked additional tensions in the already delicate arena of civilian-military relations. It is likely that Pinochet chose to stay to protect human rights violators within the armed forces. In fact, one of Pinochet's most famous warnings about the transition dealt with his concern over the fate of military personnel involved in human rights violations, when the former dictator declared that the state of law (democracy) was contingent upon the protection of *his men*. The intricate structure of legal instruments designed to protect human rights violators have rested upon an Amnesty Law passed by the dictatorship in 1978. The Amnesty Law was the cornerstone of the immunity status quo on human rights issues. But after 1989, several reforms adopted to consolidate democracy helped weakened the fortified legal protection framework for human rights violators. The 1997-98 judicial reform completed a long and profound reform process initiated in 1990.

Pinochet's retirement from the army in March of 1998 and his arrest in London in October of 1998 provided the window of opportunity needed to change the status quo on the human rights issue. Without Pinochet's arrest, none of this would have been possible, but Pinochet's arrest was not sufficient for the change in the status quo on human rights violations to take place. Without a judicial reform in Chile, without the reforms made to strengthen democratic institutions and without the persistent effort by relatives and advocates of human rights victims, Pinochet's arrest in London would not have been sufficient to generate a change in the immunity status quo on the human rights criteria. In addition, the commitment on the part of the advocates of human rights victims was fundamental in achieving Pinochet's arrest in London.

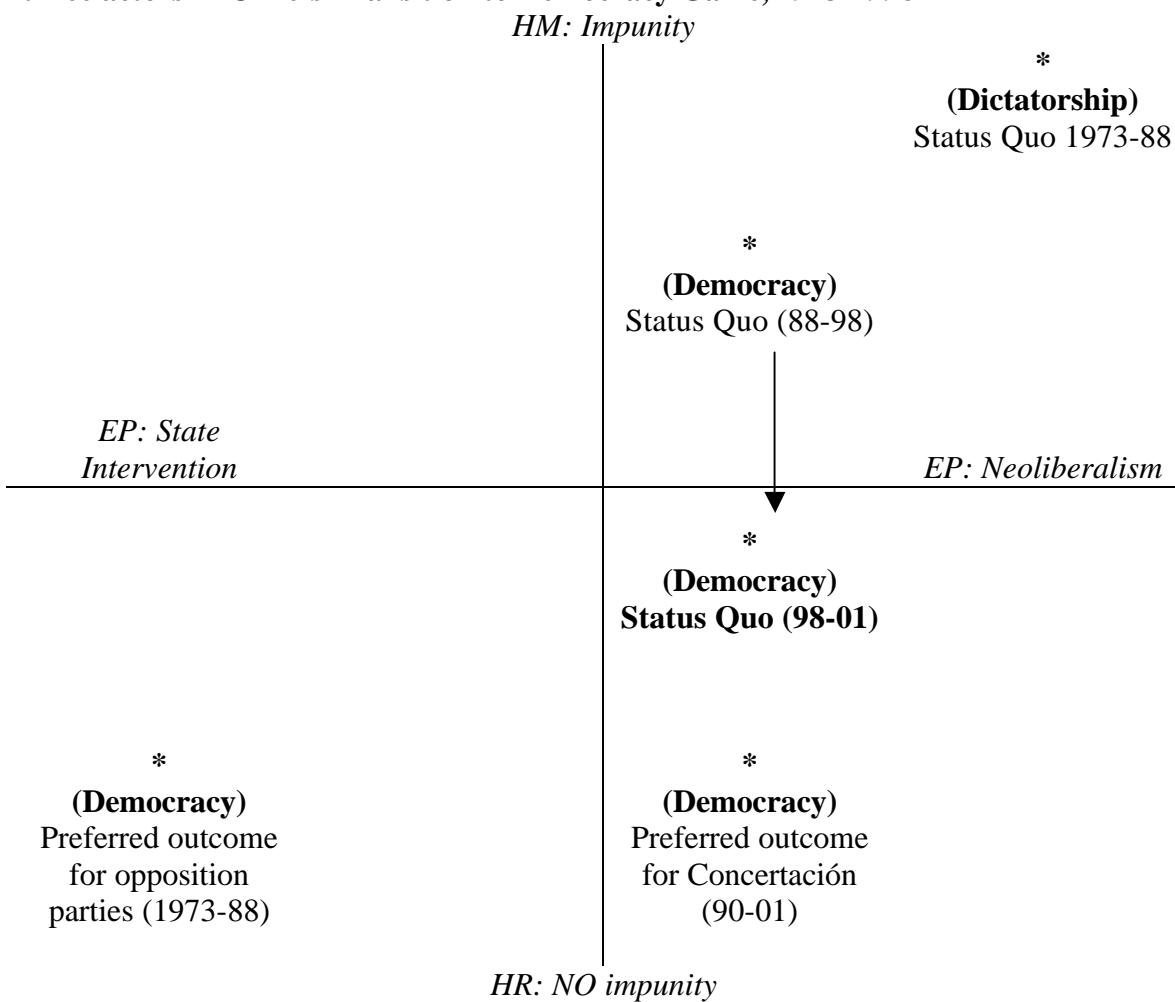
The arrest of Pinochet in October 16, 1998 in London radically changed the pay-off structure of the three main political actors and it also represented an opportunity for an additional, fourth, political actor to enter the game of transition as an independent player. Because the conservative parties political alliance chose to support a presidential candidate, Joaquín Lavín, who publicly stated his belief that Pinochet should be tried for human rights violations, the conservative parties departed from their traditional stand of sticking to the priorities of the military. Independently of the choice made by conservative parties, the pay-off structure for the military and business elite also changed. Both groups were willing to make concessions on the immunity status quo in the human rights issue provided that the government aligned with them in working to bring Pinochet back to Chile. Those concessions included a partial revocation of the 1978 Amnesty Law, the official

acknowledgment by the armed forces of killing supporters of the Allende government and the acceptance that Pinochet would lose his parliamentary immunity and be tried in Chile if released from his house arrest in London on humanitarian grounds.

Conclusion

Although very slowly, the process of democratic consolidation has advanced in Chile as several constitutional reforms have weakened the power of the military and increased the political attributions of elected officials. One can criticize the lack of speed in the process of consolidation, but one cannot deny that such process is taking place. The process of democratic consolidations begins with Pinochet's defeat in the 1988 plebiscite, when the choice over the type of government is clearly made by the electorate. The other two criteria have followed quite different development. While the status quo of the economic policies has been strengthened by the positive economic results, the status quo in the human rights issues has been constantly challenged and radically altered after 1998. The arrest of General Pinochet did not put in jeopardy the type of government—that issue was settled in 1988—but it did open a window of opportunity to change the human rights status quo. In that sense, while the type of regime was determined by the electorate in a plebiscite and the success of the neo-liberal economic model made it the only game in town, the arrest of General Pinochet in London facilitated the change in the human rights status quo from immunity to, if not no immunity, at least far less immunity.

Figure 1. Graphic Representation of the Status Quo Changes and Preferences of the three actors in Chile's Transition to Democracy Game, 1973-1998



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