

**The Military and Politics:  
Weaknesses in Chilean Democracy**

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# **Military and Politics: Weaknesses in Chilean Democracy<sup>1</sup>**

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## **Introduction**

Many studies have been written about the institutional constraints upon Chilean democracy, and all of them have concluded that the constitutional framework and the political context inherited from the military regime have constrained the democratic government's ability to democratize the country. As these studies have shown, the military's prerogatives are perhaps the most obvious examples of these limitations. In terms of democratic consolidation, some scholars have argued that "until the interlocking system of nondemocratic prerogatives is removed or greatly diminished, the Chilean transition cannot be completed and, by definition, Chilean democracy cannot be consolidated" (Linz and Stepan 1996: 210).

Thus, when we ask about the causes for the maintenance of military autonomy in Chile, the answer is usually to those military prerogatives. In normative terms, most studies stress the need to restore civilian control over military, that is, to achieve the military subordination by changing these initial limitations in order to permit the consolidation of democracy.

After seven years of formal democracy in Chile, we need to rethink this approach for several reasons. First, this vision tends to be unidimensional, because it only measures civil-military relations in terms of greater or lesser prerogatives achieved by the armed forces. An analysis of the current process of democratization needs to consider additional factors, such as changes in the balance of power among the main actors of the political system. The second weakness of this approach is that it tends to consider civil-military relations in terms of two "poles" --civilian vs. armed forces-- without considering the existence of cleavages within the armed forces and within civilian sectors. In the case of Chile, for instance, we need to examine the existence of informal coalitions between some civilian political sectors and some sectors of the military. The third criticism is related to the concept of subordination. The normative approach emphasizes the need to accomplish an objective subordination; that is, to change the law in order to reduce military prerogatives and strengthen civilian prerogatives over the armed forces. However, the mere existence of a law is not a guarantee of the armed forces' subordination. The establishment of constitutional laws that reinforce civilian control over the military is only a necessary, but not sufficient, condition for the subordination of military institutions. Finally, this approach focuses on the reduction of the military prerogatives but not on the behavior of civilian groups supporting these prerogatives. The study of civilian perceptions of the armed forces' role in democracy would help us to understand the types of coalitions that civilian and military groups can make in specific circumstances.

Given these considerations, the analysis of civil-military relations in Chile must consider not only the initial conditions of military prerogatives, but also the preferences of the political elite that are expressed, on the one hand, in the attitudes of elites about the role of the armed forces in democracy, and on the other hand, in the interaction between the armed forces and civilian actors in a democratic environment.

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Preferences reflect actors' material interests. Preferences also reflect power interests and, finally, preferences can show certain cultural values that are dominant in specific groups of society. This paper examines not only the military's prerogatives, but also elite perceptions about the functions the armed forces should have in a democracy. These perceptions are expressed in the elite's discourse and the decisional process by which the new democratic authorities have dealt with the armed forces.

The core of the argument of this paper is that civil-military conflicts in Chilean society are not between military officers and democratic authorities, but between civilians that share values and interests with the military and civilians that demand a stronger subordination of the military. In other words, the explanation for the maintenance of the military's autonomy can be found in the political system rather than in the military institutions themselves.

There are many ways to analyze preferences. In this case we are interested in, first, analyzing how the armed forces and new democratic governments create mechanisms for dialogue and interaction. I will argue these daily processes of interaction have shaped contemporary civil-military relations in Chile. In 1990, while the new civilian government stressed civilian authority over the military, the armed forces stressed their autonomy from the government. Since then, the way the government and the military have interacted have transformed civil-military relations. As we will see, the government has accepted the armed forces as a "political actor," and the armed forces have accepted some additional restraints. This evolving institutional framework has shaped politics and strategies of political actors but, at the same time, actors are in a constant process of "learning by doing." Thus, political calculations and short-term decisions have also shaped civil-military relations, generating informal mechanisms of conflict resolution.

In this process, two factors have become clear: first, some political parties accept and defend the ideal of a "protected democracy," in which the armed forces have a significant role in the political system. Second, a characteristic of civil-military relations in the Chilean democracy has been the generation of informal mechanisms to resolve central issues related to the military autonomy.

The second way to analyze preferences is to focus on the level of elite unity about the role of the armed forces. A unified elite that rejects military intervention in politics may inhibit military intervention in politics, while a fragmented elite may permit the creation of anti-democratic coalitions between the armed forces and some sectors of civil society.

This paper begins with a brief discussion of the theoretical approaches to the analysis of civil-military relations, then turns to analyze the initial conditions of Chilean democracy, emphasizing military autonomy and the principles of the transition. That is followed by a discussion of civil-military relations during the first seven years of democratic governments and an analysis of how these governments have resolved civil-military conflicts.

## **I. The Armed Forces and Democracy: Theoretical approaches**

As scholars have analyzed why the armed forces intervene in politics and what the effect of this intervention is on the process of democratization in Latin America, three general approaches have crystallized: the first studies the behavior of the armed forces, the second focuses on the political system and elite behavior, and the third looks at short-term decisions made by political actors.

The most common tendency of the first approach is to analyze the initial conditions of democracy in terms of the political strength of the military. In this approach, the objective is to consider the balance of power between the new democratic governments and the armed forces, usually by focusing on *military institutional prerogatives* and *military contestation*. The former is defined as “acquired rights or privileges, formal or informal, to exercise effective control over its internal governance, to play a role within non-military areas within the states apparatus, or even to structure relationships between the state and political or civil society” (Stepan 1988: 93). The second term refers to disputes between the military and the new government in such key areas as the legacy of human-rights violations, the control over the structure and mission of the military, and the military budget (Stepan 1988: 68).

This approach often focuses on the military’s ideology. Brian Loveman, for instance, explains the military intervention in politics in Latin America through the ideology of “antipolitics”; that is, the military’s distaste of politics as something negative, chaotic, unstable and corrupt. The ideology of antipolitics implies values of order, obedience, authority and stability, all values inherited, he says, “from Hispanic socioeconomic elites.” These values have been supplemented in this century by new elements, such as anticommunism, patriotism and nationalism (Loveman, 1989: 5). The Cold War encouraged this view by providing the general framework for the development of the national security doctrine in many countries of Latin America. In particular, United States policy toward the region emphasized the communist threat, and the armed forces throughout Latin America promptly responded by shifting the focus of its military strategy from external threat perceptions to internal threats of political instability, poverty, and socialism.<sup>2</sup>

In Loveman’s opinion, antipolitics ideology is not new and did not always originate within the military: “the depolitization of politics and the establishment of an administrative regime to forge an organic, hierarchically structured polity provided a crucial ideological link between civilian propertied interests and military modernizers” (Loveman, 1989, 4). Other authors using this first approach have analyzed military institutions. For example, Norden’s study of military rebellions in Argentina from 1983 to 1989 emphasizes professionalism, mechanisms of socialization, training, and bureaucratic organization (Norden 1996).

The second perspective focuses on the political system and the behavior of civilian elites. Some studies have explained military intervention in politics as a problem of an imbalance of power between civilian and military institutions: the weaker that civilian institutions are, the more likely the military will intervene in politics (Lowenthal 1986). However, some authors have questioned this relationship. In the case of Venezuela, Aguero argues, a simultaneous process of strengthening of civilian and military institutions occurred during the 1960s. Rather than concentrating on the balance among institutions, Aguero suggests a relative emphasis: “the analysis should focus on the deterioration of political institutions, especially in terms of their loss of legitimacy and conflict-solving capacity” (Aguero 1995: 218). This process of deterioration would explain, for instance, the military coups in Argentina (1976), Brazil (1964), and Chile (1973). In a more general context, Sartori suggests that the effectiveness of democracies depends on the relative absence of ideological polarization and societal fragmentation (Sartori 1976). Clearly, stable governments are more likely to exist in societies without deep political, socioeconomic or cultural cleavages.

This second approach uses the level of elite unity as a central dimension to explain military intervention in politics: “[civilian] elite agreement in rejecting the use of the armed

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<sup>2</sup> A discussion of these topics in Schoultz, 1987; Stepan, 1988; Rouquie, 1982.

forces as an avenue for gaining access to power undoubtedly lessens the chances for successful military plots” (Aguero 1995: 219). Thus, this perspective considers civilian cohesion or level of consensus among the principal actors as crucial for preventing or rejecting military intervention: the more unified the political elite, the less likely a successful military intervention.

The third approach focuses on pragmatic or conjunctural dilemmas. The military’s participation in politics depends not only on the balance of power among actors and the unity of the elite, but also on the short-term political calculations that actors make. Whenever structural conditions define a macro-scenario in which actors are involved, day-to-day decisions will shape the relationship among the actors (O’Donnell and Schmitter 1986: 5). Specifically, in the case of Latin America, new democratic governments had to learn how to deal with a military that preserved important power resources, and new governments usually made decisions based upon conjunctural circumstances. In this context, “power structures and institutional mechanisms established or reaffirmed during regime transitions are not immutable,” because human actions, electoral competition and specific actors’ interests generate strong pressures for “politicians to assert civilian interest and diminish military influence” (Hunter, 1997: 141). As we will see, in the case of Chile the informal acceptance of the military as a “political actor” has led to the development of informal mechanisms of conflict resolution.

These three perspectives, which focus on different processes (the military, the political system, and short-term decision-making processes), give us complementary tools to understand civil-military relations, because they stress different mechanisms for achieving the consolidation of democracy. The first perspective in general emphasizes the need for an objective subordination of the armed forces. This subordination could be accomplished by amending or repealing laws that inhibit civilian supremacy over the military. Samuel Huntington explains two ways to achieve this goal: involving the military in institutional, class, and constitutional politics (subjective control) or maximizing military professionalism within the armed forces (objective control). In Huntington’s opinion, the latter is a more effective option because, by recognizing the autonomy of military professionalism, it means “making them the tool of the state” (Huntington 1957: 83).

Huntington’s ideal of civilian control would be extremely difficult to create in Latin America because military institutions have historically been involved in politics, and an increase in military professionalism has decreased civilian control over military issues. In nearly all Latin American countries, the armed forces have had governmental experience, but civilians have never known what happens inside military institutions. This difference between the ideal of subordination and the reality of military intervention in politics explains why some scholars focus on the delimitation of civilian and military functions in a democratic context. As Kohn argues “the best way to understand civilian control, to measure its existence and evaluate its effectiveness, is to weigh the relative influence of military officers and civilian officials in decisions of the state” (Kohn 1997: 143). In this context, reforming laws and redefining civilian and military prerogatives is the first step to achieving the goal of the military subordination.

The second perspective emphasizes the development of civilian capabilities in controlling the military. One of the problems of Latin American governments has been the acceptance of the notion that “military issues” are for “military people.” Recently, scholars have stressed not only the need for an objective subordination of the military, but also for an active presence of civilians in military and defense spheres. Civilian supremacy over the military is related to the capacity of democratic governments to develop general policy without the military’s interference, and this

capacity includes defining objectives and the general organization of national defense, as well as the formulation and conduct of defense policy (Aguero 1997a: 178, Varas 1994).

Finally, the short-term analysis perspective in general stresses aspects related to the creation of a “culture of subordination,” that is, the effective use of institutional mechanisms of conflict resolution, and slow movement toward an objective subordination of the armed forces. This approach therefore also reveals some important failures in civilian control over the military because it focuses on short-term policies, and students such as Hunter discover in the case of Brazil that “civilian authority remains underdeveloped in a number of substantive policy areas” (Hunter, 1997: 142-143).

In sum, the consolidation of democracy is not simply a problem of more or lesser military prerogatives. In the case of Chile, the high level of military prerogatives has focused the academic debate on the reduction of such privileges (Hunter 1997, Linz and Stepan 1996). However, in this paper I will argue that it is necessary to analyze the three different dimensions of civil-military relations, and the interaction among them. First, we need to analyze the initial conditions of democracy, including normative considerations and the balance of power among actors. Second, we have to analyze the political decisions that actors have made in the daily process of democratization. Finally, we need to observe the political system, considering in this case the level of elite unity.

## **II. Chile: Initial Conditions, Civil-Military Interactions, and Elites.**

Our objective is to discuss whether civil-military relations are affecting the consolidation of democracy in Chile and to explain why the maintenance of this military autonomy. We begin by analyzing military prerogatives: the resources and political tools that civilian and military actors had at the beginning of the transition to democracy. Then we will consider how political calculations and specific decisions have subsequently shaped civil-military relations, analyzing three critical moments in which civilian authorities had to deal with military uprisings. Finally, to measure elite unity --our third dimension-- we will analyze the elite discourse about the role of the armed forces in democracy.

### **Initial conditions**

On March 11, 1990, the new democratic government of Patricio Aylwin was inaugurated. Because the new democratic framework was highly constrained, and because the armed forces maintained significant power resources and political influence, to understand the transition we must examine the nation's political and institutional circumstances: the political constraints refer to the principles of the transition, while the institutional limits refer to prerogatives that the armed forces retained.

#### *Principles of the Transition.*

The Chilean political transition began in 1987 when the principal parties opposing the dictatorship (Christian democrats, Socialists, *Radicals*, and the Party for Democracy (PPD)) agreed to participate in a constitutionally mandated plebiscite in which people had to decide whether Pinochet's government should continue for another eight years. Since that time, the political discourse of the transition has been dominated by some political “principles” that all actors have accepted, including the military actors. These principles are basic ideas that served as

guidelines during the period of transition and later, during the establishment of democracy. These political principles are:

Respect of the institutional framework. Although opposition parties rejected the Constitution that was imposed in 1980 by the military dictatorship, they accepted the framework it established. Therefore, the new democratic government had to apply norms that it had rejected in its program. For instance, Aylwin's government did not agree to the constitutional provision that permitted the commander-in-chief of the armed forces to remain in charge for eight additional years, but democratic authorities had to accept this constraint because it was part of the Constitution they swore to respect in 1990.

Governability-stability. The second principle refers to the objective of a stable, peaceful transition to democracy. Political leaders knew that citizens wanted a peaceful transition. Stability was (and still is) a central goal in the first and second democratic governments. As we will see later, the principle of stability often has been more important than other objectives such as justice, accountability, or responsibility.

Consensus. The third essential principle is consensus. The main difference between Chile before 1973 and after 1990 is that political parties were conscious of the need to advance to democracy using consensual mechanisms of conflict resolution. In the thinking of civilian actors, consensus will prevent instability. However, consensus is a tricky word in Chile. On the one hand, consensus was perceived by political actors as a useful tool to achieve democracy. For instance, the main parties of the opposition agreed to establish a coalition government (the *Concertación*) based on a consensual program among center and moderate leftist parties.<sup>3</sup> In this case, consensus implied abandoning ideological differences and building a common platform. On the other hand, the strength of right-wing parties in Congress and the existence of nine appointed senators have obliged the ruling *Concertación* to reach agreements with right-wing sectors in order to obtain approval of proposals for political, economic, and social change. In this case, consensus merely implies negotiation with the opposition. The right has the majority in the Senate and forty-five percent of the seats in the Chamber of Deputies and so any proposal for change could be blocked by the opposition.

These three concepts helped to define political behavior after 1990. As we will see, the concept of stability has been central in civil-military relations.

### *Military prerogatives*

Three dimensions of military prerogatives were established in several laws during the military regime.<sup>4</sup>

Political autonomy: Political autonomy refers to the limitation of civilian authorities in the following areas:

- The President cannot directly remove the commander-in-chief of the armed forces. Before 1973, the President could remove any officer, including the head of the armed forces. The 1980 Constitution permits the commander-in-chief to stay in office for four years. The President can only remove him with the

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<sup>3</sup> The *Concertación* was created in 1989 and was composed by 16 political parties, including the Christian Democrats, Socialists and others with center and moderate leftist tendencies. This coalition does not include the Communist party.

<sup>4</sup> These laws were the Constitution of 1980, the organic law of the armed forces (1989), and specific laws about military justice privileges. For complete legal analysis, see: García and Montes, 1994.

approval of the National Security Council, in which the armed forces hold half of the votes.<sup>5</sup>

- The President cannot promote or remove officers of the armed forces without the commander-in-chief's approval.
- The armed forces have a minimum budget established by constitutional law. Additionally, the armed forces receive ten percent of the annual earning from copper exports by the National Copper Corporation (*Codelco*). This special budget can only be used for military acquisitions.
- The armed forces have special pension and health insurance systems.
- Military justice has a high level of autonomy in relation to civilian courts.

All these prerogatives are defined by constitutional laws, making them difficult to modify or even to discuss in Congress, given the opposition's majority in the Senate. President Aylwin in 1993 and President Frei in 1995 sent bills to Congress in order to modify some aspects related to the promotion and removal of officers; in both cases, the Senate refused to discuss this issue.

There are two situations in which civilians have some options of "control" over the military. The first situation is the President's veto power in the promotion of military officers. President Aylwin rejected the promotion of officers allegedly involved in human right violations. President Frei recently used the same right in the case of an officer who worked in the National Intelligence Service (DINA) between 1973 and 1978. The second situation is related to the military's budget. The law specifies that the armed forces must receive at least the same budget as in 1989, plus the yearly rate of inflation. Democratic governments have given the military the exact budget of 1989 (plus the yearly inflation rate) converting this minimum to a maximum. Moreover, the economy has grown (in real terms) more than the yearly inflation. Thus, the armed forces have received, in real terms, less money than in 1989, among other things, this affects directly the salary of officers.

Professional and doctrinaire autonomy: The second area of autonomy refers to the high level of professional and doctrinal autonomy of the armed forces. There is no civilian interference in the armed forces' training programs. Since 1990, the armed forces have created their own programs, have changed their logistical structure, and have developed a policy of military weapons replacement with minimal civilian influence (Varas and Fuentes, 1994).

Institutional involvement: Finally, the 1980 Constitution defined the institutional involvement of the military, changing the traditional role that the armed forces had before 1973. First, the 1980 Constitution created the National Security Council (NSC) which advises the President on national security issues. Moreover, this Council has the right to designate four of the nine appointed senators every eight years. The NSC is composed of the President, the President of the Senate, the President of the Supreme Court, the national *Contralor*, and the three commanders-in-chief of the armed forces and the director of the national police. In theory the NSC should be the institution called upon to resolve civil-military conflicts. However, its composition (half military and half civilians) and responsibilities have created tension, rather than civil-military harmony.

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<sup>5</sup> In the case of the commanders-in-chief who in 1990 were in office, the law established an exception. General Augusto Pinochet in the army, General Fernando Matthei in the air force, and Chief of the *Carabineros* Rodolfo Stange could stay in office for eight years. However, only General Pinochet exercises this privilege for the eight years.



The designation of appointed senators is another mechanism of institutional involvement of the armed forces. The President directly designates two senators, the Supreme Court selects three, and the NSC the other four. The latter four must include only ex-commanders-in-chief, former directors of the national police, or ex-under- commanders-in-chief. The original idea of the 1980 Constitution was to include "neutral members" in the Senate; however, the current process of designating appointed senators has led to a high degree of politicization.

The 1980 Constitution also mandates that an ex-President who governed more than six years has the right to be appointed senator for life. General Pinochet exercised this right last March, and he is the only one who fulfills this condition.

In 1990, citizens did not know if these new institutions would work. The armed forces had achieved a high level of autonomy and a high level of institutional involvement in the political system. How did these constraints affect civil-military relations? What was the reaction of the new democratic government to military autonomy? How did the armed forces use their privileges? In the next section, we explore these questions.

### **III. Civil-Military Interactions**

#### **Learning by Doing**

The Aylwin administration began with a high level of uncertainty about civil-military relations and engaged in a continuing process of "learning by doing." While the armed forces had to adjust to the democratic game, the new government had to accept the military autonomy established by the constitutional provisions analyzed above. The agenda of civil-military issues included a set of more obvious topics that always would be on the surface of the relationship such as human rights, corruption, and transfer of armed forces properties to civilian organizations. However, all these topics were embedded in a more profound discussion about the subordination of the military to civilian authorities.

The military not only wanted to maintain their privileges for practical reasons, but also to demonstrate that they retained their autonomy and political influence in the new institutional framework. On the other side, the new civilian government believed it was important to demonstrate its supremacy over the military. If the law did not permit that, the only option for the government was to demonstrate its autonomy through specific gestures, norms of protocol and symbols. For instance, the day of the inauguration ceremony, President Aylwin refused to receive the symbol of presidential power (*la banda presidencial*) directly from General Pinochet as the democratic tradition specified. In the first military parade in the new era of democracy, the officer in charge did not ask the President for authorization, breaking the tradition of subordination to the President. Two months later, President Aylwin used the right of veto to "freeze" this officer's career. There are many examples of this game of power between the army and the government during the first years of democracy. If the government did not have the legal instruments to subordinate the armed forces, political symbols would be used to show "who gives orders in this house." The struggle for power among actors took place at different levels, including legal accusations, legal initiatives, public pronouncements, challenges to norms of protocol, and formal gestures made in special circumstances.

The second characteristic of civil-military relations at this time was the different attitude assumed by the armed forces with the air force and the navy adopting a non-belligerent attitude in comparison with the army. Two circumstances contributed to create this situation: the lower level of involvement of these institutions in the military regime, and the early change of the

commanders-in-chief in the navy (February, 1990) and the air force (July, 1991). In general, the navy and the air force resolved their conflicts with the government through institutional mechanisms; that is, by consulting the minister of defense.

In contrast, army-government relations went through two stages that coincide with the two democratic governments. During the Aylwin administration (March 1990 - March 1994), army-government relations were focused on the problem of human rights and the political dilemma of military subordination vs. military autonomy. First, the government's objective was to uncover the truth, and achieve the reconciliation of the country. One of the first measures of Aylwin's administration was to create the Commission of Truth and Reconciliation (*Comisión Verdad y Reconciliación*) to investigate human rights violations committed between September 1973 and March 1990.

The Commission was composed of well-known persons; the idea was to establish a pluralistic Commission in order to produce a consensual report. Moreover, the Commission only examined specific human rights violations (those that resulted in death) and did not have judicial responsibilities. The final report, called the *Rettig* Report, was made public in March, 1991, and it included a register of more than two thousand missing persons and a recommendation of moral and material reparation to the relatives of the victims. The impact of this report was to reduce civil-military tensions, because after the publication of the report the public's interest in this topic lowered, and the reduction of public's interest affected the visibility of this issue on the political agenda.

The second objective of the human rights' agenda of the government was justice, but in this case there were no effective results. The main problem was the existence of more than one thousand pending trials for the disappearance of people between 1973 and 1978. In 1979, the military regime established an amnesty law for all cases of human rights violations in this period. However, judges could not apply this amnesty because another law explicitly said that judges could close cases only when the body is found. This situation generated the following paradox: cases remain open until the missing bodies are found, but, if the body is found, the judge must immediately close the case because of the amnesty law. Thus, the current legal framework inhibits justice and keeps many cases open. Different actors have advocated distinct solutions to this conflict: the military and the more conservative right-wing sectors want to redefine the law in order to close all pending cases; at the other extreme, leftist sectors and the association of missing persons' relatives (*Agrupación de familiares de detenidos-desaparecidos*) have demanded to find the bodies and to punish the guilty, that is, the abolition of the amnesty law. Finally, as we will see later, the government have tried to conciliate both positions without success.

The third objective of the human rights agenda was the reconciliation of the country. The first part of the Commission of Truth and Reconciliation's report suggests a "consensual" interpretation of the Chilean political context in 1973. Nevertheless, one month after the Commission made public this report, the armed forces individually expressed their own perspectives of the Chilean breakdown of democracy.

The report of the Army was the most polemical because it directly rejected "the wrong historical perspective of the *Rettig* Report" and noted its "fundamental disagreement" over the report's concepts and topics. Additionally, the army said that there were no reasons for anyone to seek a pardon because the military action of 1973 was "a patriotic mission" (Ejército, 1991). The last statement was a direct response to President Aylwin, who had called to all responsible

for the breakdown of democracy in Chile to ask for pardon before the country. Thus, at least two perspectives of the past remained irreconcilable.<sup>6</sup>

The second stage in army-government relations began with the Frei administration (March 1994 - 2000). First, the new government had the initial goal of reducing the confrontation with the army by focusing the agenda upon professional topics. The *Concertación's* program tended to stress defense policy and the modernization of the armed forces, rather than human rights violations (Program, 1994). In fact, the strategy of the Frei administration was to postpone the discussion of institutional reforms (i.e., subordination of the military) until the period 1998-2000 because of the composition of the Senate. The second reason for this change was the designation of Edmundo Pérez Yoma as minister of defense who, unlike the previous Minister, Patricio Rojas, did not have a personal antipathy toward General Pinochet.

Despite this new approach, army-government conflicts did not decline. First, leftist sectors of the government's coalition did not agree to postpone the discussion of political and institutional reforms until the second half of the government. From their perspective, the issue of the appointed Senators was central in the process of democratization of the country. Second, in 1995 the Supreme Court sentenced one ex-general and one ex-colonel to jail terms in one of the most salient cases of human rights violations in Chile. This situation raised human rights as a priority in the political agenda of 1995, and at the end of that year, human rights and the political discussion of the institutional autonomy of the armed forces were still the two principal aspects of Congressional debates.

### **Three crises in democracy**

One way of analyzing conflicts of power among these political actors is to focus on political crises:

- Why does the crisis emerge?
- Who are the main actors?
- How does the conflict evolve?
- What are the mechanisms of conflict resolution?
- Who is the winner?

The following pages answer these questions in each of three crises, and then raise some comparative conclusions about these situations.<sup>7</sup>

#### *“Ejercicio de Enlace”*

December 19, 1990, 18:00. The news reported a strange movement of troops in garrisons throughout the country. The TV showed officers in combat-clothes entering these garrisons. At this time, the minister of defense asked the minister of the interior if he had any information about what was going on, because he did not know about the troop movement. After midnight, the minister of defense officially announced that the situation in the country was “normal.” However, in a later statement, the minister of the interior said that this information was only “formal” because “neither public opinion nor the government knew what was going on in the country, and this situation is not reasonable in any democratic government.”<sup>8</sup> At 10:00 AM on

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<sup>6</sup> See Estudios Públicos 1991. Las Fuerzas Armadas Chilenas. Respuesta de las Fuerzas Armadas y de Orden al Informe de la Comisión Nacional de Verdad y Reconciliación. Special number.

<sup>7</sup> I have described these crises in chronological terms in a previous article. See Fuentes, 1996.

<sup>8</sup> Minister of Interior's report to the Chamber of Deputies, January 24, 1991.

December 20 the department of public relations of the army reported that the action was an “exercise of security and coordination” (*ejercicio de seguridad y enlace*) and all the objectives were achieved. President Aylwin immediately called General Pinochet in order to “obtain an explanation for the unusual measures of the army.”<sup>9</sup>

Why did this action take place? The first general answer would be the high level of tension between the army and the government, but a more detailed analysis would be based on additional important facts. Before the crisis, the government and the army had established informal negotiations in order to resolve a case of corruption (known as the “*cheques*” case<sup>10</sup>) that a special commission of Congress was investigating. During the military government, General Pinochet’s son sold a defense industry to the army under what appeared to be irregular conditions. The antecedents of this transaction might have involved General Pinochet, two former under commanders-in-chief of the army, four ex-generals, and one general in active service. One of the main objectives of the Congressional commission was to determine if General Pinochet was informed about the transaction.

In early December, President Aylwin, the Minister of Communications Enrique Correa, the Minister of the Presidency Edgardo Boeninger, right-wing Senator Sergio Onofre Jarpa, Army General Jorge Ballerino, and Colonel Carlos Molina had informally talked about the resignation of General Pinochet to avoid his involvement in this case. However, few days before the military uprising, President Aylwin decided that the minister of defense, Patricio Rojas, should guide all negotiations with the army. Then, Minister Rojas met with General Ballerino, and told him that the government wanted to establish a specific date for General Pinochet’s resignation. This situation was interpreted by the army as undue pressure against General Pinochet, and it generated the crisis. Later, Minister Rojas recognized that the army’s uprising occurred because of “misunderstandings in the conversations [between the army and the government] about options of solution in several cases that involved military officers.”<sup>11</sup>

After the crisis, the government initiated new negotiations principally between Minister Correa and General Ballerino in order to resolve the “*cheques*” case. The central topic was Pinochet’s involvement in the case, however and here the final resolution depended on the Congressional commission. If the investigation by Congress revealed that General Pinochet knew about the irregular transfer of this industry, deputies could ask for a judicial prosecution.

The final report of the commission of January 1991 omitted a direct reference to Pinochet. The president of the commission, Jorge Schoulssohn, explained later that “the report is very clear because it is possible to infer the degree of knowledge of general Pinochet in this case. However, the final report was edited in order to preserve a unanimous result.”<sup>12</sup> The consensual report implied that in the conclusion deputies avoided involving General Pinochet in the case. Citizens had to read between lines, because there was not an explicit charge against General Pinochet, giving the problem to the courts. Hence, the outcome of the first crisis was clearly favorable to the army.

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<sup>9</sup> A detailed story of this crisis in *Hoy*, December 24, 1990.

<sup>10</sup> It was called the “*cheques*” case because the army paid checks to General Pinochet’s son for an irregular transaction.

<sup>11</sup> *La Epoca*, December 20, 1990.

<sup>12</sup> *Hoy*, February 4, 1991.

### *“El Boinazo”*

May 28, 1993. The senior leaders of the army (forty-two generals) met in the armed forces building in front of the presidential palace (*La Moneda*) to analyze the army's relation with the government. All the generals wore combat-clothes. After the meeting, the army declared a “state of alert” (“*estado de alerta*”) and in the next five days all officers throughout the country stayed in their garrisons wearing combat-clothes. President Aylwin was on an official visit to northern Europe. During these five days, the minister of the interior, Enrique Krauss, and the minister of communication, Enrique Correa, met with General Pinochet and his advisers several times to resolve the crisis. The President was informed daily about this military uprising.<sup>13</sup>

The main reason for this action was also the “*cheques*” case. In 1991, the report of the Congressional commission was sent the State Defense Council (*Consejo de Defensa del Estado*). On April 24, 1993, the Council decided to present the case to the judicial branch. The government and the army had agreed to reduce the level of publicity of this case, but on May 28 a government newspaper (*La Nación*) published the news as a headline. The army saw this as the beginning of a political campaign against General Pinochet.

Although the crisis was sparked by the “*cheques*” case, during the resolution of the conflict the army issued new demands. Among others, the army demanded a lower profile for the “*cheques*” case, the approval of more than one hundred administrative decrees pending in the Ministry of Defense, the resolution of conflicts in the army's industrial corporation (*Famae*), the definitive closing of human rights cases pending in the courts, and the resignation of the minister of defense.

The government accepted some of the military's demands, but clearly rejected others. The “*cheques*” case was transferred to another court in order to reduce publicity; the government approved pending administrative decrees and created a commission to resolve specific problems of the army's industry corporation; the government sent a bill to Congress in order to resolve the human rights cases; and the government refused to ask for the resignation of the minister of defense. A few weeks later, however, the undersecretary of the army was moved to other position in the government.

At the end of Aylwin's administration, army-government relations were less tense than in 1990. The government had created informal mechanisms to resolve conflictual situations with the army, and the minister of defense was not included in these informal mechanisms. But neither the problem of subordination nor of human rights issues was resolved.

### *Resolution of the Letelier trial*

May 30, 1995. The Supreme Court sentenced ex-General Manuel Contreras, former chief of the National Intelligence Service (DINA), and Colonel Pedro Espinoza to seven and six years in prison, respectively. Both were charged as the intellectual authors of the assassination of Orlando Letelier. In 1976, an American citizen who worked for DINA had killed Allende's former minister of foreign affairs, Orlando Letelier, in Washington D.C.

The country experienced two moments of tension as a product of this sentence. On June 13, days before the Supreme Court issued the final order to arrest Contreras, the army moved Contreras from his house in the south of Chile to the naval hospital in Talcahuano. This action surprised both public opinion and the government. The latter did not know where Contreras was. A few hours later, the army explained that Contreras needed medical attention, and that the navy for “humanitarian reasons” had agreed to admit Contreras to its hospital.

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<sup>13</sup> Some aspects of the crisis were published by *Hoy*, June 7 and 14, 1993.

As General Pinochet declared, the main reason for this action was to postpone the imprisonment of Contreras because the army considered this verdict "unjust." Additionally, the military wanted Contreras and Espinoza to stay in a "secure, honorable and peaceful place,"<sup>14</sup> in other words, the army wanted special conditions of imprisonment for Contreras and Espinoza. While Contreras stayed in the naval hospital in the south of Chile, Espinoza went to prison on June 19 without major problems. The government had built a special prison at Punta Peuco (to the north of Santiago) for officers sentenced in cases of human rights.

The second moment of tension came on July 22, when more than three hundred officers went to visit Espinoza in a "peaceful" demonstration against the government. This action, called *el Peucazo*, was on Sunday and all officers went to the prison wearing civilian clothes. Thus, the action did not violate any norm, but it represented a warning to the government.

According to the press at that time, two factors generated this situation: the perception by the military that some political parties were creating a campaign to discredit them, and the reactivation of the "*cheques*" case by the State Defense Council. Two days before the *Peucazo*, the Council had decided to send new material about the *cheques* case to the judicial branch.

The minister of defense suspended his trip to the first Summit of the Americas in order to handle this conflict. The army's demands in this case were a political solution to the *cheques* case; a definitive solution of pending human rights trials; a presidential pardon of Contreras and Espinoza when they had served half of their sentences; the creation of a special military unit to hold Contreras and Espinoza; and an increase in the military budget.<sup>15</sup>

The government's response was to agree that the army could participate in the custody of the prisoners in combination with prison police officers; an improvement of the salary of the armed forces for the next year; and, most important, the presidential petition to the State Defense Council in order to suspend actions in the *cheques* case for "reasons of state." Contreras finally went to jail on October 21, 1995.

Additionally, President Frei proposed several bills to Congress that included the following subjects: an expedited handling of human rights trials pending in the courts; reform of the organic law of the armed forces in order to permit the removal of high officers by the President; reform of the composition of the National Security Council, adding the participation of the president of the Chamber of Deputies; abolition of appointed senators; and reform of the Constitutional Tribunal reducing the right of the National Security Council to name some of the members of this tribunal.

The strategy of the government was to negotiate in Congress the reduction of military prerogatives by offering the carrot of resolving the human rights issue. However, Congress approved none of the proposals. While some sectors of the right-wing parties rejected the attack on military autonomy and the attempt to abolish appointed senators, the socialist party rejected the human rights bill because it implied, in its opinion, a formal amnesty. Thus, while army-government relations improved after the imprisonment of Contreras and Espinoza, neither the human rights issue nor the problem of subordination was resolved.

### *Some common features*

What can we learn about these crises? First, democracy in Chile was not in danger in any of these military actions. Each case was more a demonstration of power rather than an attempt

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<sup>14</sup> General Pinochet, *La Tercera*, June 15, 1995.

<sup>15</sup> *El Mercurio*, July 30, 1995.

against democracy. The consequences of these "unusual" actions, as Aylwin's government defined them, can be explained by returning to our original questions:

### Why did these crises emerge?

The common feature in all these crises was the "*cheques*" case, the only case that directly affected General Pinochet. It was the main reason for army's protests. Below this reason, in 1993 and 1995 was the army's concern about the "definitive" resolution, via the amnesty, of the human rights cases pending in the courts. As we mentioned above, the legal framework contradictions of this issue requires the negotiation of some legal solution in Congress. Aylwin and Frei unsuccessfully tried to resolve the situation by proposing an interpretation of the amnesty law. Neither the more conservative right-wing parties sectors nor leftist sectors in Congress would accept their proposed "consensual" solution.

Also present in the army's actions, it was the problem of subordination. In each case, symbols, gestures (and "clothes") were ways to demonstrate insubordination or supremacy, depending of the actor.

### Who were the actors of the crises?

One salient characteristic of the Chilean transition to democracy has been the development of informal networks among governmental, political and military actors. The key-word here is "confidence." The establishment of confidence among some specific actors has permitted them to resolve conflicts. In the case of Aylwin's government, Ministers Correa, Krauss, and Boeninger had a relevant role in the resolution of conflicts. Some other politicians also helped to resolve conflicts by initiating the first contacts between the army and the government. Senators and deputies of right-wing parties, the Christian Democrats and the Socialist party participated in these informal networks. Additionally, the army developed more confidence with some specific actors.<sup>16</sup>

It is also interesting to analyze the unity of the armed forces in these conflicts. The army led in all the conflicts. General Pinochet controlled everything directly. There were no internal divisions or explicit divergences among officers in the army. Moreover, in 1990 the army created an Advisory Committee to handle the relationship with mass media and political sectors. This Committee linked the army and the government during the Aylwin administration.<sup>17</sup> The more prominent role of the ministry of defense during the Frei administration has reduced the role of the Army's Advisory Committee in the resolution of conflicts.

### How did the conflicts evolve?

In all cases the timing of the conflict was imposed by the army surprising civilian actors. The military also controlled the flow of information. For instance, in the "*Ejercicio de enlace*" and the transfer of Contreras to the naval hospital, the government did not know what was going on with the military, the silence of the army was an effective strategy to threaten the government.

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<sup>16</sup> Newspapers and magazines have cited for example, Senator Sergio Onofre Jarpa (Renovación Nacional), Francisco Prat (Renovación Nacional), Arturo Frei (Christian Democrat), deputy Jose Antonio Viera-Gallo (Socialist). In the government, Minister Enrique Correa (Socialist), Minister Edgardo Boeninger (Christian democrat), assistant of the minister of interior Jorge Burgos (Christian democrat), Chairman of the Executive Division of the Presidency Isidro Solís (*Radical*).

<sup>17</sup> The Army Advisory Committee maintained the same structure within the Presidential Secretariat that Pinochet created during the military regime.

After this initial step of "non-information," political actors helped to initiate the dialogue between the army and the government. The army's demands were communicated through informal contacts (generally from the Christian Democracy or *Renovación Nacional*) who talked to ministers. In all the cases the government established an informal negotiation environment in order to resolve the conflict. Finally, in the crises the use of symbols was important to demonstrate insubordination or civilian supremacy. To wear combat-clothes is not illegal, but it is a symbolic threat. After the crises, Pinochet expressed his position through public interviews. This attitude did not violate constitutional norms, but symbolized his autonomy.

President Aylwin was more explicit than President Frei in stressing civilian supremacy over the military. For instance, Aylwin's government expressed public disagreement over the army's uprisings, with the President calling General Pinochet to the Presidential Palace in order to hear the explanations of the military's "unusual behavior." In contrast, President Frei has had a low profile on military issues.

#### What were the mechanisms of conflict resolutions?

As we mentioned before, Aylwin's government created informal mechanisms of conflict resolution. The distrust between his minister of defense and General Pinochet forced Aylwin to create other channels of dialogue. While President Aylwin supported Minister Rojas before, during and after each civil-military conflict, other actors were resolving the crises. Minister of Communication Correa played a key-role in the army-government relationship.

In the Frei administration the strategy has been to centralize civil-military relations in the minister of defense. Although this objective has been successfully achieved, the army's crises in 1995 indicated continuing difficulties. The higher level of confidence between the minister of defense and the commander-in-chief of the army has not been sufficient to eliminate tensions. Personal relationships have contributed to resolving, but have not resolved civil-military conflicts.

#### Who is the winner?

Overall, in these situations we can clearly observe the importance given to the principle of stability. It was always present. In the process of learning by doing, actors have preferred to make concessions rather than to enter "in a road without exit." It is difficult to establish who is the final winner of this game because (a) the results to date could be interpreted on different ways, and (b) no fundamental crisis has get occurred. For instance, one can argue that democratic authorities with low power resources successfully negotiated the imprisonment of the head of military intelligence during the military regime. There are few cases in Latin America in which in a democratic context it has obtained this outcome. Additionally, democratic authorities have conducted a relatively peaceful transition to democracy resolving practical situations of crises. Finally, despite the constrained legal framework, civilian governments have frozen some officers' careers because of their human rights connections. On the other hand, it is also possible to argue that the army has obtained important concessions, such as the closing of the "*cheques*" case, the improvement of officers' salaries, and the freezing of the congressional discussion of institutional reforms. Moreover, in all crises the army has demonstrated that it has had important influence in the final outcomes.

How can we interpret the answer to these question? One interpretation is that the high level of military involvement in politics is the product of the initial conditions, which provided for a high level of military autonomy. It was the best guarantee of a high level of military



involvement in politics. Another interpretation would be that political actors made decisions in particular situations opting for political pragmatism. Political actors were especially sensitive to the dilemma between the goal of "stability" and other principles. For instance, the Aylwin administration agreed to negotiate in Congress a more "consensual" report about the "*cheques*" case in 1991. It also explains why President Aylwin agreed to send a bill to Congress in order to resolve human rights problems, and President Frei agreed to close the "*cheques*" case in 1995. In each case the reason was stability. Actors privileged stability over other principles such as accountability (in the "*cheques*" case) or justice (for human rights violations).

The dilemma of pragmatism vs. ethical principles is always present in transitions to democracy. Focusing on the case of human rights, Garretón explains this situation as one of two intertwined logics. On the one hand, there were the politico-statist logic "which basically centers upon the conquest and maintenance of a democratic regime. Here, the issue of human rights is subordinated to that of democracy, inasmuch as the central concerns are the carrying out and consolidation of the transition from authoritarianism to democracy." On the other hand, there was the ethical-symbolic logic, "which proposes a radical solution suggesting the reconstitution of the situation that existed prior to the massive violation of human rights" (Garretón, 1996: 41). Political actors in Chile had to choose one of these two. While the government opted for the politico-static logic, human rights organizations and some leftist parties opted for the ethical-symbolic logic.

There are three important preconditions that would help us to explain the government's choice. First, the analysis of civil-military interactions reveals the existence of moderate sectors that, breaking traditional ideological patterns of hostility toward the armed forces, agreed to resolve civil-military conflict pragmatically. The objective was to create a successful democracy, and pragmatism was seen as an essential condition to achieve practical goals. Second, this was an elitist method of conflict resolution. Few people knew about the conflicts, the demands and the ways open to resolve each crisis. Public opinion was unimportant in all these situations. Finally, the last condition is the existence of an implicit or explicit civilian-support of the military's demands. As we explained in the introduction, we cannot explain civil-military relations as the interaction between two isolated sectors. All major sectors accepted the military as an "special actor" simply by accepting the Constitution, and this gave the military more confidence to intervene in politics.

#### **IV. Elite Perceptions of the Military**

One of the most salient characteristics of the Chilean transition is the elitism of the decision making process. Public opinion was absent during the crises. Most citizens did not understand the nature and evolution of civil-military conflicts. The elitist process of democratization raises the question of how the Chilean elite perceives democracy and, specifically, the military's role in democracy. Are elites agreed about military intervention in politics? Are there ideological differences about the role that the military should have in democracy?

There are only a few studies of these questions. In a recent work, Felipe Aguero suggests some initial ideas about civilian-elite thinking of the military. Focusing on political leaders, business people, union leaders, and Church officials, he concludes that the main concern of the elite is two aspects of the internal role of the armed forces: the armed forces as a internal security power, and the military involvement's in the development of the country. In the first case,

Chilean elite opinions show, according to Agüero, a deep cleavage between those who consider the military as an independent security power, and those who believe that the military must be subordinated to civilian authorities. There is also a division among the elite in the second case, about the degree of involvement of the armed forces in the development of the country. The various combinations of these two cleavages (internal security power and involvement in development) leads to four possible positions:

Authoritarian position. These actors defend the participation of the armed forces as a “guarantor” of democracy, interpreting rigidly the 1980 Constitution. They also defend current military prerogatives and the institutional framework inherited from the military regime. Moreover, these actors promote an active participation of the military in the development of the country in non-military areas (education, health, protection of the environment, etc.). Agüero argues that the main actors that defend this position are the members of right-wing parties (*Renovación Nacional* and *Unión Demócrata Independiente*) and business organizations.

Neoliberal Authoritarian position. A deviant case of the prior position is the neoliberal authoritarian perspective. In this case, actors defend the participation of the armed forces as an independent power, but without an involvement in development issues. In this category are some liberal right-wing sectors and business people.

Objective Subordination with participation in development. These actors promote an objective subordination of the military and the involvement of the military in the development of the country. Here Agüero distinguishes two internal positions: some sectors accept the participation of the military in the development of the country for pragmatic reasons, that is, because the country has needs and the armed forces have capabilities to help in the development, while other actors perceive the military’s involvement in the development as a constant ideal. The *Concertación*, the Church, and labor leaders defend this position.

Objective subordination. A small sector defends the objective subordination of the military, excluding its participation in development issues. Agüero identifies the Communist party as holding this position.

Agüero’s categorization raises important questions and requires further clarification. For instance, what is the position of the liberal sector of the right-wing party *Renovación Nacional* which supports some institutional reforms in order to subordinate the armed forces? Moreover, we know little about the type of democracy that business sectors support. Another question is the presence of these positions among society. To what extent do citizens support military intervention in politics? There are no answers to these questions yet.

Although he recognizes that he has insufficient sources to evaluate elite thinking about the military, Agüero suggests an interesting conclusion: the cleavage between sectors that consider the military as a independent power on the one hand, and those that desire the subordination of the military on the other, remains the same as in the 1960s. Thus today’s cleavages about the internal role of the armed forces can be considered as a long-term tendency, and then, “it is possible to predict the continuity of this deep cleavage over time” (Agüero, 1997b). The effect of this fragmentation within the elite is the reinforcement of the military’s autonomy, because civilian elites are divided and cannot offer a unified position in response.

## **Conclusion**

This study has stressed that the analysis of civil-military relations needs to be broadened. Certainly we need to analyze the legal framework inherited from the military regime, but the

consideration of this element is not enough to understand the armed forces' autonomy in Chile. The analysis of the behavior of the civil society reveals two important features: first, the civilian elite in Chile is deeply divided about the role of the armed forces in democracy. Second, the political context of the transition has forced democratic authorities to accept the military as a “special political actor.” Thus, the new authorities have created informal channels of conflict resolution in order to guarantee stability and consensus, two central principles of the transition.

What is interesting in the case of Chile is the different approach that two democratic governments that share the same ideology and face the same institutional prerogatives of the military have acted differently in resolving civil-military conflicts. While the first insisted on an objective subordination of the military (at least in the public discourse), the second opted to reduce civil-military conflicts, creating a “civilian leadership” over the military (subjective subordination).

It is too early to evaluate which strategy has been the better. For the moment, we can say that neither the first nor the second strategy has had concrete effects in changing the position of the armed forces in the constitutional framework. Further research must be done in this topic. For instance, it seems to be that the more pragmatical option of the second government has reinforced civil society's demands for less military intervention in politics, for justice, and the resolution of human rights problems. Another open question is why conservative sectors are willing to support these military privileges. Is this a question of legacy, power interests, culture or something else?

The current academic focuses on the consolidation of democracy as a central topic in the third wave of democratization. Some scholars have emphasized the need to create a “culture of citizenship” (Jelin and Hershberg 1996), to strengthen political institutions in terms of values and norms, and to encourage civil society as a crucial actor in consolidating democracy (Diamond et al. 1997). In this paper, I have stressed that another important topic in consolidating democracy is the political definition of the roles of the armed forces. Consolidating democracy implies achieving an extensive political agreement about the role of the armed forces in democracy. Moreover, it implies a permanent political attitude that reduces the military's intervention in politics and expands civilian supremacy over the military.

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