

IN SEARCH OF A NEW PARADIGM IN CIVIL-MILITARY RELATIONS IN LATIN AMERICA: THE CHILEAN CASE

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INTRODUCTION

This article discusses the nature and scope of civil-military relations in the context of the democratic transition occurring in Chile. It is argued that such relations are defined by the dramatic changes in the polity and society introduced by the military dictatorship. One outcome of those changes is that the armed forces have constituted themselves into another power of state, along with the executive, legislative and judiciary. The strains created by an atypical transition have thwarted the development of a truly democratic system. The paper contends that the security establishment in Chile, and possibly in other Latin American countries (Patrice McSherry, 1998; Maxwell Cameron & Philip Mauceri, 1998), has become a pervasive, unelected, political organization which is directly and indirectly involved in governmental functions while also continuing to play its role of “guardian,” “protector,” and “custodian” of the polity and society. In exercising these roles, the military and security apparatuses continue to influence politics and the social and political correlation of forces in ways that undermine the ability of civilian regimes to build and consolidate a democratic society.

THE THEORETICAL FRAMEWORK

The accession to government of the opposition coalition *Concertación*, in 1990, marked the end of a seventeen-year period during which government and politics were monopolized by a military-civilian alliance headed by General Augusto Pinochet. This interregnum of illegitimate and repressive military rule radically transformed Chilean politics and society. It also ensured that the pattern of civil-military relations to develop in a post-dictatorship era would differ from the one that had existed prior to the overthrow of socialist President Salvador Allende in 1973. As Samuel Huntington (1968: 221) maintains, “as society changes, so does the role of the military.” Thus, relations between civilian and military powers ought to be qualitatively different given the economic, social, and political transformations introduced by the military government.

The analysis of civil-military relations must therefore consider the nature, scope, and extent of these changes in society and politics. An understanding of such relations cannot be complete if the scholar's analytical tools correspond to another historical era and context. Chilean society is different today, and the different social and political conditions must be duly considered in the analysis. Failure to acknowledge this leads in turn to a failure in recognizing important methodological limitations in the current analyses of civil-military relations. Specifically, civil-military relations are embedded in a constructed reality which is not *normal* or *typical*. This is the case for a number of reasons. First, the nature of the transition from dictatorship to civilian rule in which the armed forces agreed to relinquish direct control of government on their own terms. The desire to remove General Augusto Pinochet from office coloured the negotiations between the civilian opposition and the military regime regarding the transition from dictatorship to an elected civilian administration. In fact, the more important negotiations over the need to abrogate or substantially reform the authoritarian institutional order enshrined in the 1980 constitution, were superseded by the short-term objective of removing Pinochet from the presidency. This strategic mistake has constrained the civilian government's ability to restore a democratic political system (Jorge Lavandero 1997:103-104) with the capacity to subordinate the military to civilian rule. Second, after acquiring political power, as well as social and institutional privileges, the armed forces, in all likelihood, were not willing to relinquish them (Manuel Antonio Garretón 1989: 208). Third, the military agreed to leave but not before announcing that they had not completed the mission they had embarked on in September 1973, (i.e., the elimination of the "internal enemy"). Fourth, the new civilian government had an understanding of civil-military relations which underestimated the changes that had taken place in the polity and society during the authoritarian period. By stating as its objective the restoration of executive supremacy over the armed forces, the civilian government adopted a principled stand which clashed with the new institutional and practical reality of the country. Although military subordination to civilian rule is essential to democracy, there seemed to have been a collective historical amnesia among government officials who opted to downplay their earlier references to the institutional order

as an undemocratic one. Without a democratic political system the civilian government could not expect to develop a pattern of civil-military relations applicable to democratic regimes. The military, on the other hand, perceived their role and mission in the new institutional order as having expanded to include responsibilities other than the traditional ones of defending national territorial integrity and the preservation of internal order. More specifically, they regard themselves as a power of state, in league with the executive, legislative, and judiciary. Needless to say, this new reality alters the traditional division and balance of power characteristic of Western democracies. Rather than obedience to civilian power, the armed forces, through constitutional and legal designs, constituted themselves into a power of state whose subordination is to the constitution (which they and their civilian advisors drafted) and to the nation (which they *believe* they embody), and not to politicians (for whom contempt is the norm). Fifth, the divergent views of civilian and military actors regarding the legitimacy of the inherited political system where on the one hand, opposition politicians had condemned that political system as undemocratic but agreed to administer it while promising to democratize it, and the armed forces, on the other hand, which are committed to that political system: (i) because it is their creation, (ii) because they *own* it, and (iii) because it is the one that provides the best safeguard that a situation similar to that before the 1973 coup will not repeat itself anytime soon.

These methodological limitations render analyses of civil-military relations a complex task. Traditional explanatory models have lost some of their validity given contemporary developments. Theoretical models which emphasized “military praetorianism” (Samuel Huntington 1968), or a “middle-class military interventionism” (José Nun 1976), or a “new professionalism of internal security and national development” approach (Alfred Stepan 1973), or a “bureaucratic-authoritarian” model (Guillermo O’Donnell 1973), all of which influenced an entire generation of scholars, and should be deservedly recognized, need however a reevaluation. They correspond to another era and to different circumstances. But, if current analyses of civil-military relations are to be of any relevance, superior explanations are necessary. For example, there is a need to explain how civilian governments and the armed forces relate to each other in the post-Cold War era, in the

current democratization period, and in the globalization environment. New explanations which consider these changes can be of great assistance in ascertaining whether those relations are qualitatively different from those in the past, whether democracy in Chile and in the rest of Latin America is viable, and whether military power is being eroded (Wendy Hunter 1997a, 1997b) or sustained (João Martins Filho & Daniel Zirker 1998; Daniel Zirker 1998).

Current analyses of civil-military relations should begin with the recognition that the notion “armed forces” must be replaced with the more inclusive and more accurate term of “security establishment.” The latter comprises more than the “armed forces” in the restricted sense of the word; it includes the military but also police, paramilitary forces and intelligence state agencies engaged in activities that seldom reinforce democratic development. The nature, structure, mission, organization, and functioning of this security establishment, including personnel, resources, lines of communication and the mechanisms for socialization, training, and enforcement demand thorough study and evaluation. The extent to which civilian governments have been successful in reasserting civil supremacy over the security forces (Harold Trinkunas 1998) and, conversely, the ways in which the security forces continue to “supervise” the pace of the democratic transition, and the channels of influence which persist after leaving government (their presence in cabinets, legislatures, national security councils, military-industrial complexes) should also be the subject of closer scrutiny. As well, the analysis must consider the qualitative changes experienced in the relations between the US security establishment and its regional counterparts given the new reality arising from the collapse of the communist threat (military sales and military training to deal with the counterdrug war, new forms of insurgency, the characterization of the new “enemy”). Moreover, the nature of the relationship between transnational business and the security establishment (the growing security concerns resulting from globalization, regionalism, and international finance) must be duly elaborated. Last but not least, the analysis must carefully consider the fact that a theory of the state applicable to Latin America is either non-existent or barely in its infancy and, therefore, comparisons of current regimes with Western liberal democracies must be applied with utmost

caution. Otherwise, the old error of *adopting* alien institutions without a proper *adaptation* to the Latin American reality is likely to be repeated.

New analyses of civil-military relations need also to break free from the tyranny of the old social science language used in explaining them. If the above contention that the armed forces have become a new power of state is accepted, then the customary use of such expressions as “military intervention,” “military withdrawal,” “military retreat,” “return to the barracks,” and even “military supervised democracy” must be challenged. Any discussion that employs such vocabulary will necessarily imply the existence of an artificial separation between “the military” and “the civilian,” thus limiting the development of an integral and encompassing theory of the Latin American state. To assert that the separation between civilian institutions and the security establishment does not allow for a more comprehensive theory of the state does not necessarily imply that such separation is meaningless. It depends on the level of analysis where the researcher is situated. If the analysis is focused on the conjunctural political arena (as most analyses are, unfortunately), the distinction between the military and the civilian has an obvious and considerable importance as the military become crucial political actors. However, if the analysis is placed at a more structural level, such a distinction loses its importance or, more importantly, it may acquire an entirely new meaning.

This alleged separation or isolation of the armed forces from society and politics is a concept with a Western European and North American origin. It does not fully correspond to the Latin American reality. As Alfred Stepan (1971: 7) noticed, the opposite seems to be true. In his study of the Brazilian military, he argued that the latter are an integral part of the political system. Precisely, because the military are not *outside* the political system, but in fact *perform various political functions*, “simple descriptions of ‘ideal’ military institutions which may emphasize such features as military unity or national orientation often conceal more than they reveal about the interactions between the military and the political system.” Or, as José Nun’s structural analysis of the Latin American hegemonic crisis indicates, the study of civil-military relations must be premised on a very specific kind of unity between civil society and the structure of the state (where the military is

situated). As Nun (1977: 468) acknowledges, “it was within that unity that [he] sought to understand the potentialities and limits of the evolution of each, emphasising the pressures that civil society exerted over the state.”

Nun’s and Stepan’s contributions not only broke new ground but they are still relevant, even if the literature on civil-military sometimes overlooks them. As the Chilean case demonstrates in rather clear terms (and Brazil and Uruguay can also be included here), the current political system is not a democracy but a *civil-military regime* in which the task of administering the government is in civilian hands but real power still resides with the security establishment.

The fusion between civilian governments and the military has important implications for the analysis of civil-military relations. Since in the past the expression “civil” was purportedly synonymous with “the civilian government” as opposed to the military establishment, what analyses are to be produced now that “the civil” and “the military” are fused into a civil-military regime in which the ideological affinities between the government and the security establishment are closer than ever before?

Latin America has changed, its governments are no longer the sole concern of the military establishment nor are they the perceived enemy targeted by the security establishment. Rather, the enemy has become “the civilian” in the civilian-military equation. That is, the enemy is not the governments per se, which are after all *public* entities but the vast number of organizations of a private nature encapsulated under the notion of civil society. Current analyses of civil-military relations must, therefore, focus not only on the study of how governments deal with the security establishment but also on how the security establishment relates to and deals with non-governmental organizations, human and civil rights groups, trade unions, peasant organizations, indigenous groups, grassroots movements, student organizations and so on. Civil society organizations remain not only critical of the political power that the armed forces have retained in the democratic transition, but unrelentingly continue their crusade to hold the security establishment accountable for the systematic abuses of human rights during the era of military rule. Similarly, the Latin American security

establishment has already identified the “enemy” as civil society organizations. Its views on national security and internal enemies continue to determine how this security establishment perceives its relations with the government and civil society. As leaked documents of the XVII Conference of American Armies held in Buenos Aires in 1987 indicate, the new enemy, in addition to remaining pockets of armed insurgency in the region, is civil society in its various expressions: human rights organizations, culture, education, liberation theology, and even politically moderate Christian Democratic and Social Democratic parties.¹ Soon after, General Pinochet already identified Chile’s new enemy as the late Italian Marxist intellectual Antonio Gramsci, and denounced his ideas on social and political transformation.² By updating the notion of internal enemy, the armed forces re-emphasized that they are only willing to tolerate certain activities from the government and civilian sectors of society.

As resistance to globalization, free-market economics, neoliberalism, and structural adjustment programs increases from those societal sectors most affected by the increasing social injustice, poverty and marginality that the new development alternatives have engendered, there is reason to believe that the Latin American civil-military regimes will be more forcefully challenged by civil society. Consequently, it is crucial to keep present in the analysis of civil-military relations that the new development alternatives are being implemented *without having resolved the root causes of the social injustice that led to the military counter-revolution* of the recent past. As João Martins Filho and Daniel Zirker (1998) indicate, the unresolved agrarian problem is re-creating the type of land conflict that plagued Brazil before the 1964 coup, except that today the conflict is more acute due to the fact that Brazil’s largest landowners are the armed forces.

The argument above does not imply that old-style military coups are imminent. On the contrary, it is

¹ See: “Armies of the Night,” *Nacla Report on the Americas*, September-October 1988, p. 3; and “National Security is Alive and Well,” *Latin American Weekly Report*, WR-88-36, 15 September 1988, p. 5.

² See: *El Mercurio*, International edition, February 9-15, 1989, p. 2.

possible to argue that military involvement and military coups are likely to assume a different shape and form, as Peru's *Fujimorazo* has already demonstrated.

In what follows, I examine the pattern of civil-military relations in Chile since the return to elected government in order to illustrate how the changes in society demand a different approach to the study of civil-military relations.

CIVIL-MILITARY RELATIONS IN THE POST-DICTATORSHIP ERA

Civil-military relations since 1990 are characterized by the divergent conceptualizations that the elected governments and their military counterparts have of their role in the institutional order that emerged from the 1980 constitution. On the one hand, the government's intention has been to pursue a pattern of civil-military relations in which civilian supremacy over the armed forces could be restored in accordance with the prevailing pre-1973 constitutional and traditional principles. The armed forces, on the other hand, maintain that civil-military relations are to be governed by the 1980 constitution and the legal and practical changes introduced during the military government. Given the gap that separates these views on civil-military relations, the question is whether these divergent views could ever be reconciled.

The government's approach to its relations with the military is exemplified by the contradictory statements made by President Patricio Aylwin (1990-1994) before, during, and after his presidency. They reveal a lack of consistency as well as the absence of a clearly defined military policy, weaknesses also exhibited by his successor, President Eduardo Frei (1994-). Referring to the early years of his administration, Aylwin acknowledged that "an atmosphere of mutual disbelief, distrust, and reciprocal suspicion separated the large majority of civilians from the members of the security and armed forces"³ Asking the commanders-in-chief to resign their posts, as Aylwin requested in assuming office, hardly contributed to narrow the gap that separated civil society from the security establishment. On the contrary, the officers' negative response fueled

³ See: "Aylwin delivers state of nation address," in FBIS-LAT-93-099, May 25, 1993, p.20.

confrontation rather than the reconciliation sought by the president. Aylwin's request is understandable since his framework of reference was an outdated theoretical model, one which ignored that the basic premise of military subordination to civilian rule had been transcended by the practical and legal changes which had thoroughly transformed the political system. The president was firmly anchored in the old Chilean democratic model rather than in the new one of qualified democracy, when he stated:

In order to consolidate our democracy, the Armed Forces must perceive and feel that the people and their authorities understand and support [their] role as national institutions in charge of defending the country. At the same time, the people and state authorities must perceive and feel that *the Armed Forces belong to the entire nation, are essentially professional and hierarchic, and not willful*. Compliance with these conditions demands reciprocal duties. Civilians must respect the Armed Forces' institution and honor, must provide them with the necessary means to comply with their tasks, and must firmly avoid any attempt to use them for sectorial or partisan objectives alien to their purpose. The Armed Forces, *especially their commands, must fully comply with their professional tasks, must remain subordinate to the government, and must scrupulously abstain from any political [activity]*" (author's emphasis).⁴

The Aylwin administration identified a series of problems in the area of civil-military relations and hoped that solutions could be found with the cooperation of the armed forces and the conservative opposition. Some of the kinds of problems faced by the elected government in its relations with the security establishment and some possible solutions are outlined in the following chart:

⁴ See: FBIS-LAT-91-101, May 24, 1991, pp.43-44.

Problems and solutions in establishing a new pattern of civil-military relations in Chile

Problems	Solutions
The military's self-appointed role as custodians of the institutional order	Constitutional amendment to restore the democratic principle of popular sovereignty
The military's autonomy from civilian rule	Constitutional amendment and other legislation to re-establish civilian supremacy over the military
Constitutional restrictions on the executive to remove commanders-in-chief of the armed forces	Constitutional amendment to re-establish executive prerogative regarding retirement of commanders-in-chief of the armed forces
Constitutional right of the military to designate four former commanders-in-chief to the Senate	Constitutional amendment to eliminate the institution of 'designated senators'
Budgetary autonomy of the armed forces	Re-establish budgetary accountability
Self-generation of the officers' corps	Re-establish executive and legislative responsibility over appointments, promotions, and retirements
Outdated national security doctrines held by the armed forces	Creation of a new defense policy
Outdated curricula of military academies	Reform of the curricula of military academies
Unresolved cases of human rights abuses during the military government	Abrogate the 1978 Amnesty Law to investigate, prosecute, and punish military personnel involved in human rights abuses during the military government
Control of the national security council by a military majority	Constitutional amendment to add the Speaker of the Chamber of Deputies to the National Security Council to increase civilian representation
Security and intelligence organizations outside the control of the government	Establishing government control over all security and intelligence organizations

Source: Prepared by the author

The problems identified by the civilian government do not constitute problems from the armed forces' standpoint. With the promulgation of the authoritarian constitution, a new pattern of civil-military relations was established. It has been further entrenched in the Organic Law of the Armed Forces No. 18,948, promulgated on February 2, 1990, only days before the *Concertación* assumed office. In this new legal framework, the armed forces are no longer deemed to be politically non-deliberating organizations, subordinated to civilian authorities, or fiscally dependent on the government's budgetary allocation. In fact, the military framed the constitution and complementary legislation in such a fashion as not only to protect the institution per se, but also the socioeconomic and political regime that the armed forces and their civilian advisors created. Article 91 of the Constitution and Article 1 of Law 18,948 grant the armed forces the explicit right to intervene at any time in defense of the country's national security and the institutional order. Since the decision to intervene to protecting national security and the institutional order (as defined by the military-dominated National Security Council) will be a political judgement that precedes the actual intervention, it logically follows that the armed forces can plot a military coup without violating the constitution. The constitution validated the armed forces' view of being a *reserve power* compelled to act in defense of the country's *great national objectives*. This belief was made explicit by Pinochet: "As an integral part of an authoritarian democracy, it will be necessary to reserve to the institutions of national defense the *legal participation* that belongs to them regarding future security needs. Above and beyond all political contingencies, these institutions should be structured to represent the most permanent part of the nation (author's emphasis)."⁵ This "Pinochet doctrine" permanently binds the armed forces in the defense of the sociopolitical system while simultaneously making them a partner, rather than a subordinate, of the other

⁵ Speech delivered by Pinochet on July 9, 1977, and known as "The Chacarillas Plan." Quoted in Genaro Arriagada (1985: 122).

elected powers of the state.⁶

While political deliberation is permitted and encouraged in the broader political system, the same does not apply internally to the military: both the constitution and the organic legislation state that as armed organizations, the armed forces are “essentially obedient, non deliberating, hierarchical, and disciplined.” In this way, the old Prussian style of blind hierarchical subordination is ensured within military institutions, leaving the top brass unrestricted to challenge government authorities and civilian society. To allow the top echelons in the army to concentrate on purely political matters, i.e., to defend the authoritarian institutional order, Pinochet created the post of deputy-commander (*vice-comandante*) of the army, as well as similar vice-commanderships in all six of the army divisions in the country. These vice-commanders are charged with preserving the internal de-politicization of the institution, leaving the top-ranking officers free to pursue the more political task of overseeing the government’s and civil society’s actions. Moreover, the legal provision that allocated to the armed forces a percentage of the annual proceeds from copper exports was accorded constitutional rank. This makes it almost impossible for congress or the executive to use the annual budget as a lever to control the military.⁷

The military also enhanced their status in Chilean society during the period they controlled the government. They became the most visible sector of the bureaucracy, charged with protecting an elitist, highly stratified, and unjust socioeconomic order. In a sense, they constituted themselves into a surrogate political class, as well as a surrogate middle class. They also shifted their position in society and in the political system. Their functions were also altered (CED 1989): from a small territorial defense force, largely concerned with

⁶ See: “Closer look at the ‘Pinochet doctrine’,” in *Latin American Weekly Report*, WR-88-38, September 29, 1988, p. 2.

⁷ To amend this constitutional clause would require a congressional quorum that none of the two *Concertación* governments have been able to attain. This situation is the result of electoral legislation that allows for an over-representation of the conservative sectors in Congress. In addition, four seats in the Senate are designated for former commanders-in-chief for an eight-year period, with a fifth one reserved for General Pinochet for life.

protecting the state from external aggression, the military became an occupation force of their own society, at war with a diffusely defined “internal enemy.” As Pinochet said: “It is not possible to conceive that the military are called only to intervene in an external conflict, in circumstances in which we are ever surer that the permanent enemies of Western humanity act within each country’s own frontiers.”⁸ In this broader definition of the National Security Doctrine, accompanied with persistent invocations of “apoliticism,” “nationalism,” and “professionalism,” the defense and security establishment became thoroughly politicized, transnationalised, and imbued with a fundamentalist view of self-righteousness.

Three reasons for the persistence of military power influence can be suggested. The first deals with the peculiar nature of the transition. This occurred mainly as a result of the unexpected defeat of Pinochet in the October 8, 1988 plebiscite. This rebuff placed him and the military in the awkward position of having to abide by their own rules while opening the political system to competitive elections in December 1989. Although defeated by the popular will of the electorate and thus forced out of government, the security establishment did not retreat from the state itself. In fact, the Pinochet sectors within the armed forces continue to see their role in terms of the newer modalities associated with the national security doctrine stated above. In many officers’ minds the military’s handing over the reins of government did not signify that the armed forces had completed what they set out to do with the 1973 coup. Since the national objectives were not fully achieved, it follows that the armed forces will continue to exert pressure upon civilian governments to prevent them from interfering with the eventual accomplishment of those goals regardless of how undemocratic they may be. In the words of one of Pinochet’s closest civilian advisers: “To believe that after 15 years the military will be content to return to their barracks is really to live in cloud cuckoo land.”⁹ Second, the military retain

⁸ See: “Closer look at the ‘Pinochet doctrine’,” *Latin American Weekly Report*, WR-88-38, September 29, 1988, p. 2.

⁹ See, “Closer look at the ‘Pinochet doctrine’,” *Latin American Weekly Report*, WR-88-38, September 29, 1988, p. 2.

unrestricted power because of the various constitutional norms that afford them bureaucratic, financial, and judicial autonomy which in turn contribute to distort the balance of power proper of a democratic system. Third, and as a consequence of the previous two factors, military power is strengthened because of the civilian government's inability or unwillingness to implement a meaningful reform of the armed institutions. As Paul Zagorski (1995) notes, failure in this area is due to lack of power and insufficient knowledge about the military. Lack of power results from the *de facto* and *de jure* mechanisms described earlier, while lack of knowledge is a consequence of the different conceptual parameters used by civil society and the military. While civilians employ an essentially political approach in relating to the military, the armed forces operate on the basis of what is eminently a technical approach. Because of the traditional civilian disdain for military affairs, there are few politicians and government officials with knowledge and expertise on defense and strategic matters. As a result, governments have exhibited a distinctive inability or unwillingness to transform the military's tactical retreat "into a strategic reorientation" geared towards a re-conceptualization of the basic premises of national security doctrines.¹⁰ For instance, there have been no successful attempts at reforming the national security-laden curriculum taught in military academies as young cadets continue to regurgitate old-fashion Cold War doctrines along with the expanding definitions of the internal enemy discussed above.

Chile's democratic governments have held power for nearly a decade, but a clear policy vis-à-vis the military is yet to emerge. If there has been a strategy at all, it has been to either follow the path of least resistance, letting the armed forces go about their business as usual in the hope that time will create the conditions conducive to comprehensive military reform, or bend over backwards to appease the security establishment on those occasions when the government deemed that to do otherwise would imperil its own survival. Neither counts as a formal military policy, however, as Aylwin and Frei elected to minimize the

¹⁰ See: Paul Zagorski, *op.cit.* For a more in-depth analysis of the differences that exist between military logic and civilian logic, see also Sergio Marras, *Palabra de soldado*, a collection of interviews with some of the Chilean generals involved in the development of a national security doctrine.

urgency of addressing the problems created by an autonomous security establishment. Aylwin's justification has been, of course, that he was restricted by the anomalous circumstances which characterized the transfer of power. According to the former president: "Our transition *is not a normal one. It hasn't been a normal one.* There hasn't been another one like it in the world. It's like imagining that in Spain democracy would have been established with Franco alive and as head of the army (author's emphasis)." ¹¹ Aylwin and Frei have not advanced beyond expressing wishful-thinking statements about the need to restore the presidential prerogatives regarding the appointment of high-ranking officers, including the commanders-in-chief. In his 1992 State of the Nation Address, Aylwin acknowledged this reality: "The system by which the armed forces' commanders cannot be removed, which does not exist in any democratic country, restricts the head of state's authority by means of a *de facto* situation that, under certain circumstances, may allow force to prevail over law...the restrictions on the president's rightful prerogatives...in fact *subject him to the decisions of his subordinates* (author's emphasis)." ¹²

Since 1990, confrontation with government authorities and civil society sectors have reinforced the public's perceptions that Chilean democracy is held hostage to the security establishment. In May 1991, foreign experts found microphones and other devices at the Ministry of the Interior. The fact that non-Chilean experts on surveillance were invited to dig for the hidden devices at the most important ministerial post in Chile, showed the government's mistrust towards members of the armed forces.¹³ Another incident unfolded in January 1992, when it was publicly disclosed that the army was selling weapons to Croatia without the government's knowledge. The latter's embarrassment reinforced a mounting perception of the armed forces

¹¹ See: "President Aylwin Cited on Military, Economy," FBIS-LAT-91-075, 18 April 1991, p. 24.

¹² See: "President Aylwin's State of Nation Address," FBIS-LAT-92-104, May 29, 1992, pp.23-24.

¹³ See: 'Krauss on discovery of microphones in ministry,' in FBIS-LAT-91-098, May 21, 1991, p. 24.

as unaccountable institutions. In another case, in 1992, a right-wing presidential hopeful, Sebastian Piñera, saw his career destroyed following the broadcast of a private phone conversation surreptitiously taped by the army's intelligence unit. The attempt by government officials to prosecute those involved was confronted by the army brass who, in a display of force, ordered troops under a full state of alert. The incident prompted the then leader of the right-wing *Renovación Nacional* party, Andrés Allamand, to state that he was willing to consider some proposals "to reform the constitution to give the president the power to remove the commanders of the armed forces."¹⁴ General Pinochet, who had retained his post as commander-in-chief of the army, expressed his opposition in Congress to the constitutional amendments which would have restored the presidential prerogative to approve military promotions, and appoint and remove military commanders.¹⁵ In the end, no reforms were undertaken. These incidents, however, offered the government the opportunity to convince sectors of the public of how the professionalism of the armed forces was being corrupted and was disintegrating under General Pinochet. The government succeeded in lending credibility to its recurring argument that it had no control over the manner in which the security establishment conducts intelligence activities. In addition, the government stressed that it had no knowledge of the number of military personnel involved in, and the amounts spent in, carrying out intelligence surveillance operations. The government's subtle campaign to present itself as powerless succeeded in strengthening its case to make the armed forces' accountable to civilian authorities. The government received unexpected support from the US ambassador who voiced his criticisms of the constitutional clauses that prevent the president from removing the heads of the armed forces. According to him, "this is a demonstration that there is not total control over the military power

¹⁴ See: "Army admits wider role in scandal," *Latin American Weekly Report*, WR-92-48, December 10, 1992, p.3.

¹⁵ See: "Lower chamber votes to impeach," *Latin America Weekly Report*, WR-93-3, January 21, 1993, p. 26.

by civilian authorities.”¹⁶

The most critical issue in civil-military relations has been the unresolved question of human rights abuses. As Commander-in-Chief of the armed forces until 1998, General Pinochet went a long way in linking his fate and that of his regime to the institutional survival of the military. When the March 1991 Report of the National Commission on Truth and Reconciliation (Phillip Berryman 1993), an official inquiry into the human rights abuses of the military dictatorship, was released, Pinochet placed the army in a state of alert. This display of force and defiance clearly demonstrated where the real power resided in the democratic transition. The armed forces have also remained contemptuous of the public resentment stemming from the discovery of mass graves with the remains of victims of the dictatorship. Those who thought that Pinochet was the main obstacle to the solution of the human rights question have been forced to reconsider their views. The new commander-in-chief of the army, General Ricardo Izurieta, has also rejected any criticisms of the military’s human rights dismal record.¹⁷ He has stated that his role as commander of the army is not to beg for forgiveness. Neither the right wing, the military, nor General Pinochet, have yet to acknowledge their crimes. They claim that they did not owe any apologies for having *saved* the country from what they describe as Allende’s communist dictatorship. They are still reluctant to atone for the atrocities that they committed and continue their calls to “put the past behind.” Lastly, judicial investigations, whether by civilian or military courts, have served to secure the closing of most cases due to narrow interpretations of the 1978 amnesty law.

The incidents described above impeded Aylwin’s attainment of his goals of “national reconciliation, consolidation and perfection of democracy, and social justice.” On the contrary, there has been an increase in the “atmosphere of mutual disbelief, distrust, and reciprocal suspicion” referred to by the former president.

¹⁶ Quoted in *Derechos Humanos en Chile*, monthly summary published by the Fundación de Ayuda Social de las Iglesias Cristianas-FASIC, Santiago, July 1996, p. 4.

¹⁷ See: “General Izurieta: El Ejército no tiene odios con nadie,” *La Tercera*, July 14, 1998; “Izurieta: Pedir perdón no es misión de su mandato,” *La Tercera*, May 28, 1998, and “Se puede equivocar, pero el Ejército no miente,” *El Mercurio*, July 14, 1998.

Civil-military relations tensed after Pinochet's arrest in England, at the request of a Spanish judge investigating the former Argentine and Chilean dictatorships for crimes against humanity, torture and the disappearance of nationals and foreigners alike.

Pinochet's arrest, the subsequent ruling by Great Britain's House of Lords that he did not enjoy immunity for crimes against humanity, and the British government's decision to proceed with the extradition request, induced the most serious political crisis since the return to civilian rule. The institutional order upon which the political system is based, the economic model it rests upon, the politics of negotiation that sustained it, and the reconciliation it purported to have achieved were seriously questioned. Right-wing politicians and the armed forces exerted pressure upon the government to do its utmost to return Pinochet to Chile. The right-wing launched a tirade against the British and Spanish courts, European social-democratic governments, international communism, human rights activists, imperialism, neo-colonialism, and anyone remotely connected with Pinochet's detention. Veiled threats that the democratic transition was at stake were also made by retired military officers. The centre-left government's own supporters, on the other hand, chastised the Frei's administration for supporting Pinochet's claim that he could not be tried in foreign courts. The resulting political problems begun also to impinge upon the economic model. For many, the instability generated by Pinochet's legal troubles mirrored the pre-1973 coup atmosphere. Pinochet's arrest exposed the fragility of the protected democracy: How firm, strong, and legitimate can a legal and institutional order be if its survival depends on the release of an individual accused of genocide, who is not even the current head of state?

A formal military coup, or even a new, *Fujimoraso*-style coup, seems unlikely at the moment. The danger of one is however real. Military officers voiced their complains that the secret agreements that allowed for the transition to civilian rule, and which granted total impunity to Pinochet and his family, had been broken. They demanded that Frei and his administration re-evaluate the leftist presence in government, especially that of the Socialist Party which they accuse of undermining the government's effort to release Pinochet.

It is important to recall that the armed forces possess a constitutional right to defend the institutional

order. Threats against it are determined by the national security council, which is dominated by the armed forces. Since Pinochet's arrest, President Frei thrice summoned the national security council, apparently at the request of the military (who themselves met on several well publicized occasions). The military has demanded that a political solution be found to save Pinochet from prosecution in Spain. Particularly disconcerting is the extent to which the security establishment, right-wing politicians and some government officials regarded Pinochet's arrest as a threat to the country's sovereignty.¹⁸ If the argument were to be followed to its logic conclusion, it would manifest the absolutist nature of Pinochet's rule: Pinochet *is* the embodiment of the armed forces, the latter *are* the embodiment of the nation, *ergo* Pinochet *is* the nation and any attacks against him are attacks against the nation's sovereignty. As well, the Frei administration's submission of documentation to the British courts, ostensibly to demonstrate that Pinochet was Chile's head of state, legally and juridically legitimized the 1973 coup, and likely extinguished the possibility of ever redressing the crimes committed by the dictatorship.

The Pinochet affair upside is that it has contributed to a growing awareness that the reform of the security establishment and the implementation of a new pattern of civil-military relations are inextricably linked to an authentic political democratization. President Aylwin lamented until the end of his government the constitutional restrictions on presidential power over the military. In noting that "the fact that the Armed Forces and Carabineros commanders cannot be removed, and the National Security Council intervenes in the make up of the Constitutional Tribunal, grants those commanders a political role that is not proper to their functions," Aylwin thus chose to denounce the political system he had administered for four years: "All these things are traces of what the theorists of authoritarianism call protected democracy. They fear democracy, and use these mechanisms to prevent fulfilling the people's will." Acknowledging his lack of progress, he added: "I regret that these reforms have not been approved during my government, because I fear that past experiences

¹⁸ See: "Fuerzas armadas no quieren complicar la situación," *La Tercera*, 27 November 1998.

might happen again. I want to prevent this because I believe the people are capable of governing themselves...without tutors. I hope time will calm the apprehensions of those opposing these reforms. I trust my fellow citizens will think about this very important issue in electing their future representatives.”¹⁹ However, the former president confounded many Chileans when, on the occasion of a 1998 constitutional impeachment attempt against Pinochet by members of Aylwin’s Christian-Democratic party, he declared that although Pinochet had incurred in abuse of power by exerting pressure on his government, his actions did not affect the institutional stability of the democratic regime.²⁰ Contradictory statements such as these illustrate the vicious circle in which the elected governments find themselves: to reform the military and re-establish civilian supremacy involves reforming the constitution; however, reforming the constitution necessitates the armed forces’ assent; and military support is unlikely to be offered since that would involve relinquishing the power which the armed forces amassed through their constitution. To reiterate the article’s argument: President Aylwin’s lamentations are an expression of the fact that power still resides with unelected individuals; in no democracy worthy of the name should a soldier exert pressure upon the government and escape punishment nor should, as Aylwin said, “the president [be] subject to the decisions of his subordinates.”

“Democratic consolidation” has been a slow and frustrating process. Some scholars (Galleguillos & Nef, 1992) assert that what in fact has been consolidated is the 1973 counter-revolution. Democracy is still conditional: an authorized concession by the Pinochet regime to those who defeated him in the 1988 plebiscite. Chile’s road to democracy remains uncertain, despite clear victories for the anti-dictatorial forces in the 1989, 1993 and 1997 elections. Chile presents the paradox of a legitimate government presiding over an illegitimate state, a hybrid with authoritarian enclaves and conspicuously weak representation of civil society. The transition process has been the result of a pact by elites, with the accompanying exclusion of important sectors

¹⁹ See: “Aylwin Delivers State of Nation’s Address,” FBIS-LAT-93-099, May 25, 1993, pp. 22-23.

²⁰ See: “Frei y Aylwin, contrarios a la acusación,” *El Mercurio*, April 9, 1998.

of civil society. In these negotiations and pacts, control over the “rules of the game” was retained by the security establishment and its civilian supporters. These pacts translated into the willing or unwilling acceptance by the elected governments of the constitutional, institutional and socio-economic project conceived by the dictatorship.

The Aylwin and Frei governments, despite declared intentions and popular support, have been constrained by the nature of the regime. In their confrontations with the armed forces, the Supreme Court, and the over-represented right-wing opposition in parliament, their governments have been forced to back down. The overwhelming weight of lifetime Pinochet-appointees in the Supreme Court, the Constitutional Tribunal and the General Comptroller’s Office; the near impossible voting majorities required in both chambers, and the ability of the security establishment to remain autonomous, have frustrated most attempts at substantial reform.

Aylwin’s and Frei’s initiatives, aimed at de-linking the nascent democracy from its authoritarian past, have been persistently defeated by the minority right-wing alliance. The *Concertación* governments have not articulated a clear military policy. Their efforts have focused in distancing Pinochet from his subordinates in the armed forces but this approach has met with limited success, since the majority of military officers continued to offer their unconditional support to the former dictator. The latter, in turn, adamantly proclaimed that his permanence at the helm of the military was necessary in order to protect his troops, a role that he has continued to exercise as a self-appointed senator. Following in Aylwin’s footsteps, President Frei promised to continue the efforts to consolidate democracy in Chile. He made a commitment to persist in the governing coalition’s attempts to re-establish civilian control over the military. However, a military policy has been conspicuously absent from Frei’s agenda. Like Aylwin, he promised constitutional amendments, including the subordination of the armed forces to civilian control, re-establishing presidential powers over military appointments, restoring the right to oversee the armed forces’ annual budget, changing the composition of the national security council, and promulgating a new electoral law. Thus far, other than a moderate reform of

the civil judiciary none of these initiatives achieved any success. As Chileans went to the polls for the third general election in December 1997, the reality was that none of the democratic coalition's desired reforms had been realized in the last eight years. On the contrary, after Pinochet assumed his senate seat in March 1998, the deepest concern of the democratic forces is that there will now be five former military officers in the senate, in addition to the two former senior justices appointed by the staunchly conservative Supreme Court. Five military officers *cum* senators can now "legally" defeat any legislation that would abrogate the 1978 amnesty decree which granted impunity to the members of the security establishment.

CONCLUSION

The nature of the current transition accounts for the incomplete democratization, the effect of which will most likely continue to be an aura of procedural respectability, yet not substantive legitimacy, given to a less than democratic regime. The dictatorship's legacy of national insecurity is too deeply rooted to be managed by an elected government in the short and medium term.

Can Pinochet's legacy be dismantled? As I have suggested, the institutional order enshrined in the 1980 constitution has outlived the security forces' withdrawal from direct government. Reforming the military and altering the aforementioned socioeconomic order was nearly impossible with Pinochet serving as commander-in-chief of the armed forces. For the first time since September 1973, General Pinochet has been without direct command over troops, though his ascendancy over the officers' corps appears to be still quite strong. His successor, General Ricardo Izurieta, was appointed by President Frei, with the approval of the generals' corps. Though the new commander-in-chief of the army is a member of a traditional military family, he is perceived as being rather distant from Pinochet's cronies. This suggests less of a change of pattern in civil-military relations than a rift within the officer corps between Pinochet's sycophants and a bureaucratic faction which grew resentful of Pinochet's neo-patrimonial rule.

The uncertainty, fear and instability that Pinochet's arrest has created in Chile could well be manipulated to establish a new institutional order, with a constitution that subordinates the armed forces to

civilian power and truly democratizes the country's judiciary, and not to entrench Pinochet's authoritarian and protected democracy.

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