



Master Thesis

# Democratic Consolidation in Contemporary Chile



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## Abstract

More than 30 years have passed since Augusto Pinochet stepped down as Commander-in-Chief of the military junta that held power in Chile for 17 years. After the return to democracy, the coalition of centre-left parties, Concertación de Partidos por la Democracia, known as the Concertación, held political power until 2010, when the first right-wing president was elected. This paper analyses the democratic development Chile has undergone since the return to democracy in 1990. The purpose is to determine whether a democratic consolidation has been completed. To answer this question, analyses were performed on five interconnected and mutually reinforcing aspects of Chilean society, as defined by Juan Linz and Alfred Stepan (1996): the civil society, the political society, the rule of law, the usable bureaucracy, and the economic society. In the analysis, the five aspects are examined separately, but come together to conclude on the research question. The analysis is largely based around the Bertelsmann Stiftung 2022 country report on Chile, and no new primary data has been collected. The results indicate the many of the required democratic institutions are present, and function accordingly as a complex system of checks and balances on each other. On the other hand, the Chilean democracy is lacking in a few key areas, including the adherence to democratic norms of conflict-resolution and certain discriminatory practices. Especially the Mapuche indigenous people have been the subject of discrimination throughout Chilean history. Democratic consolidation is more likely to be completed in a multinational setting if there are policies in place to grant inclusive and equal citizenship to all citizens, providing them with the same state-mandated and state-enforced individual rights. To achieve a complete democratic consolidation, the Chilean state would most likely also have to mitigate a number of economic inequalities, as these generate some degree of division in the society. The findings presented in this paper can potentially be used to determine which aspects are most crucial to the democratisation of a non-democratic state, or to avoid democratic reversal in near-consolidated democracies.

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## Introduction

On the 25<sup>th</sup> of October 2019, more than 1.2 million people in Santiago de Chile participated in what has become known as the biggest march in Chile's history. A year later, the 2020 Chilean national plebiscite was held to decide whether to draft a new constitution to replace the controversial 1980 constitution. The vote turned out 78 % in favour of drafting a new constitution, and Chile now face the biggest democratic change since the return to democracy in 1990. The content of this thesis will therefore be revolving around the following research question: To what extent has Chile become a consolidated democracy?

The inspiration for the choice of topic for this thesis originally stems from the 2019 Chilean protests, and especially the following national plebiscite in October of 2020 to decide whether a new constitution should be drafted and the manner in which to do so. The current Chilean constitution was drafted in 1980, during the military dictatorship led by Augusto Pinochet from 1973 to 1990. The constitution has been remedied and reformed multiple times since then but is still perceived by some as the last remains of the authoritarian regime. It seemed therefore that the agreement to finally replace the constitution could indicate two different scenarios: either the Chilean democracy is very nearly sufficiently embedded in society and the new constitution will be the deciding factor to consolidate the democracy; or the democratic consolidation has already happened, and the new constitution is a result thereof. As the preliminary research yielded no results regarding the possible democratic consolidation, it seemed a relevant topic to pursue.

The objective of this thesis will be to determine whether there are enough positive indicators to suggest that a democratic consolidation has been completed. Within the contents will be a presentation of the methodological approach and the chosen theoretical approach, an analysis of the relevant societal aspects, and finally a conclusion to answer the research question postulated above.

## Methodology

The following part contains a presentations and discussion of the methodology behind this thesis, in order to explain how the research was done, and why it was done that way. It also aims to allow readers to evaluate the reliability and validity of the research. This part will therefore contain explanations of the type of research done, how the data was collected, how the data was analysed, and the rationale behind choosing these methods.

### Overview of the methodological approach

The research in this thesis was conducted largely through the use of qualitative methods. The stated research question aimed to describe and assess the characteristics of the Chilean democracy from a democratic consolidation perspective. Due to the turning point of Chilean democracy that is the pending draft of a new constitution, it seemed the opportune time to evaluate the democratic state of the country. To answer this research question, there was a need to find data on the existing democratic institutions in Chile, in order to evaluate whether they contributed to the creation and maintenance of the relevant democratic norms. In this case, there was an initial emphasis on the importance of qualitative data, as they seemed the most appropriate to examine the state of multiple mechanisms to uphold and regulate the Chilean democratic institutions. During the writing process, it became clear that a small amount of quantitative data would also be useful to show the complete picture, and these were therefore added. The majority of quantitative data was presented in the form of statistics on party identification and economic growth in Chile. Most of the data needed for the analysis consisted of secondary data collected by other authors already, and there was therefore no need to further collect primary data. Additionally, the collection of primary data would most likely have been problematic, considering the complexity and broad scope of the regulatory mechanisms and democratic institutions in question.

### Methods of data collection

The material for analysis was collected mostly through internet-based search engines, by searching for key words or phrases connected to social movements, the political system, state administration, bodies of government, and economic development, all in direct relation to Chilean society. Most attention was given to sources of academic quality, such as articles published in

academic journals related to the field of study, including the Journal of Democracy, the Bulletin of Latin American Research, and the Latin American Research Review. Additionally, a selection of reports published by the European Parliament and the Bertelsmann Stiftung foundation were also used for this paper, along with a selection of articles published in news media. The relevant sources were selected on criteria of relevance to the topic of research and reliability of the publisher, as to not further complicate the organisation of data. Besides the data used for the analysis, a collection of sources was also used for the empirical overview presented in the paper. These sources largely consisted of publications made by the Library of the National Congress in Chile, describing aspects of the different presidential periods since the Pinochet regime, such as governmental programmes and proposed legislations, with the addition of a few publications by the online encyclopaedia, Encyclopaedia Britannica.

#### [Bertelsmann Stiftung 2022 Country report – Chile](#)

The Bertelsmann Stiftung 2022 Country report of Chile is given special attention here, as it was especially useful to the analysis. The report is part of the Bertelsmann Stiftung Transformation Index (BTI) 2022, and covers the period from February 1<sup>st</sup>, 2019, to January 31<sup>st</sup>, 2021. The aim of the BTI report, is to assess the transformation toward democracy and a market economy as well as the quality of governance in 137 countries. In this case, the report was essential as it covers a wide area of societal aspects in Chile, such as stability of democratic institutions, political and social integration, and market organisation, and presents them to the reader in a very organised form. The report is structurally divided into three main parts, political transformation, economic transformation, and governance, each with their own focus on different aspects. Additionally, it contains a part describing the history and characteristics of the Chilean transformation and a part describing a potential strategic outlook for Chile. One issue with the report is the extent of topics covered, as some aspects were only described superficially, whereby supplementary sources occasionally were necessary to provide further knowledge for the analysis.

#### [Methods of analysis](#)

The analysis in this thesis was performed with an inductive approach and a focus on qualitative methods. In this case, the methodology mostly consisted in the manner of coding the data and the interpretation of qualitative data. The analysis was structured as a case study, in that it focused on a phenomenon specific to a single case. After collecting the relevant data, a process of coding was

applied to separate the data into components that seemed to be of potential theoretical significance to the overall research question. In this case, the coding was relatively loosely organised and more preoccupied with arranging the data into categories corresponding to the different aspects of the theory: the civil society, the political society, the rule of law, the usable bureaucracy, and the economic society. These categories contained data from a variety of sources, and some portions of data were represented in multiple categories. This categorisation of data was meant to create an overview of the different aspects to be included in the analysis, so as to make the analysis more manageable and attempt to avoid too many repetitions. After separating the data into categories, the process of coding was repeated within the categories, in an effort to further distinguish data that seemed to support the presence of democratic institutions and norms from data that did not. Both datasets were used in the analysis to create a complete picture of the democratic reality in Chile. The categories of data were then analysed in relation to the theory in an attempt to identify tendencies that would either support or reject the notion of democratic consolidation in Chile. After analysing the data specific to each of the categories and the corresponding theory, generalisations were made on the state of democratic norms and institutions in Chile as a whole. As this form of qualitative research is highly dependent on the interpretation of the data to generate conclusions, one should be conscious of maintaining a level of validity to the research.

## Theory

The following chapter consists of a presentation of the different theoretical knowledge applied throughout the paper. Firstly, democratic consolidation theory, as presented by Juan J. Linz and Alfred Stepan in their article, *Toward Consolidated Democracies*, published in *Journal of Democracy* (1996). The thesis introduced by Linz and Stepan, the institutionalisation thesis, argues that consolidation of democracies relies on the presence or creation of five interrelated and mutually reinforcing conditions to society. Additionally, they have an emphasis on the presence of certain democratic norms, institutions in support of democratic elections, and regulations to mediate between the state and market. In this paper it is used to delimit the areas of society which need to be analysed to formulate a conclusion. The theory serves as a guide to identify which parameters are important to consolidate the Chilean democracy, and thereby shapes the analysis accordingly.

### Democratic consolidation

In their paper, Linz and Stepan present three minimal requirements to obtain before democratic consolidation becomes a possibility. The first requirement of a consolidated democracy is the presence of a state. Without the state, there will be no free and authoritative elections, no monopoly on the use of legitimate force, and no rule of law to protect citizens rights. The second requirement is that the democratic transition must have been completed before the democracy can be consolidated. Linz and Stepan argue that free and contested elections, based on broadly inclusive voter eligibility, is a necessary but not sufficient requirement for the completion of democratic transition. However, they point out that in some cases, a government resulting from such elections lack the *de jura* and *de facto* power to implement policies, because the executive, legislative, and judicial power is still constrained by the remains of an authoritarian regime. The third minimal requirement for a democracy, as pointed out by Linz and Stepan, is that the government must rule the nation democratically. This may appear self-explanatory, but if a freely elected government, regardless of the magnitude of majority, infringe the constitution, violate the rights of citizens and minorities, or fail to rule within the parameters of a state of law, then the regimes cannot be democracies (Linz & Stepan, 1996).



With these minimal requirements established, we can then move on to discuss when a democracy can be considered consolidated. Following a transition to democracy, in many cases there are still different tasks to be accomplished, conditions to establish, and attitudes and habits to be cultivated in both the public and the governmental body before the successful consolidation of a democracy. Some scholars attempting to define a consolidated democracy consider every aspect of the regime that would improve the overall quality of a democracy, however, Linz and Stepan argue for a narrower definition, one that nonetheless includes a combination of behavioural, attitudinal, and constitutional dimensions. In short, their perception of a consolidated democracy is a political regime wherein the complex system of institutions, rules, and patterned incentives and disincentives of a democracy has become the only viable option for governance, or simply put, the only game in town. Behaviourally, democracy is the only option when no significant political group attempts to overthrow the democratic regime or promotes domestic or international violence in order to separate from the state. In this case, the behaviour of a newly elected democratic government is no longer preoccupied with avoiding democratic breakdown. Attitudinally, this means that when the vast majority of the people believe that any political change must originate from within the parameters of democratic procedures, even in times of severe economic and political crises, democracy should still be the only option. Constitutionally, democracy becomes the only option, when all political actors recognise that political conflict within the state will be solved according to established norms, and that violations of these norms will be ineffective and costly. In other words, consolidation means that democracy becomes routinised and deeply internalised in the social, institutional, and political sphere (Linz & Stepan, 1996). In summary, the working definition of a consolidated democracy made by Linz and Stepan is the following: Behaviourally, a democratic regime is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources with the intent to secede from the state or create a nondemocratic regime in order to achieve their goals. Attitudinally, a democracy is consolidated when the support for antisystem alternatives is small or relatively isolated from the prodemocratic forces, and when the strong majority of the public agrees that the democratic process and institutions is the appropriate way to govern collective life, even when facing major economic problems or dissatisfaction with the government. Constitutionally, a democratic regime is consolidated when governmental and non-governmental

forces both become habituated to the fact that conflict resolution must be made within the boundaries of specific laws, procedures, and institutions sanctioned by the democratic process (Linz & Stepan, 1996).

However, Linz and Stepan add two important disclaimers to their definition of consolidated democracies. Firstly, when a democracy has been consolidated, it does not eliminate the possibility that it may break down at some point in the future. They argue that such a breakdown most likely will not be related to weaknesses or problems linked to the historic process of democratic consolidation, but to a new dynamic wherein the democratic regime cannot solve certain issues, a nondemocratic alternative regains significant support, or former supporters of the democracy begin behaving in a constitutionally disloyal or semi loyal manner. Secondly, they state clearly that there can be more than one form of consolidated democracy, and that even consolidated democracies can still work to improve their overall quality, for example by improving the economic situation for the state and their citizens, or by deepening popular participation in political and social life of the state. That is to say, within the category of consolidated democracies there is a spectrum from low-quality democracies to high-quality ones. However, their article is not concerned with improving the quality of democracies, but rather understanding the specific task of establishing a consolidated democracy. (Linz & Stepan, 1996).

### Conditions for consolidation

Besides a functioning state, Linz and Stepan present five other interconnected and mutually reinforcing conditions that must be present or crafted before the democracy can be considered consolidated. First, there must be a possibility for the development of a free and lively civil society. Second, there has to be a relatively autonomous political society. Third, all major political actors, especially the government and state apparatus, must be equally and effectively subjected to the rule of law that protects individual freedoms and associational life. Fourth, there must be the conditions for a functional state bureaucracy, usable to the democratic government. And fifth, there has to be an institutionalised economic society (Linz & Stepan, 1996). The following consists of an explanation of the civil and political society and their relation to each other, while the need for a state of law, or Rechtsstaat, a usable state bureaucracy, and an economic society will be explained individually later on.

In this case, the term 'civil society' refers to the arena of the polity where self-organising and relatively autonomous groups, movements, and individuals attempt to advance their interests by expressing their values and creating associations. It's understood that 'civil society' functions as an umbrella term for various social movements and associations from all social strata. Concretely, it will therefore be important to examine whether the social movements and associations in Chilean society contribute to the establishment of democratic norms. On the other hand, 'political society' refers to the arena where political actors compete for the legitimate right to exercise control over the public and the state apparatus. Where a non-democratic regime can be destroyed by the civil society on its own, a fully consolidated democracy also requires the presence of a political society. Linz and Stepan argue that a democratic consolidation is dependent on the citizens recognising the need for the core institutions of a democratic political society, such as political parties, legislatures, and elections. It is therefore important that the political society also contributes to the uphold and create the necessary democratic norms (Linz & Stepan, 1996).

It is also important to note that despite the inherent differences between civil and political society, they do share a complementarity, that at times goes unrecognised. It is not uncommon in a democratic community, that leaders of either civil society or political society adopt a discourse and a set of practices that are hurtful to the normal development of the other. Unfortunately, this means that one of these arenas oftentimes is neglected in favour of the other. As an example, the discourse of 'civil society versus the state' has historically been used in struggles against non-democratic regimes in Eastern Europe as well as Latin America. This proved useful for emerging democratic movements in countries where explicitly political organisations were forbidden, oppressed, or weak, and helped establish the perception of the civil society as a facilitator of democratic resistance and transition. However, the problem emerges during democratic transitions when democratic leaders of the political society argue that civil society has played its part, and therefore should be demobilised to give room for the development of normal democratic politics. Linz and Stepan view this as not only bad democratic theory, but also bad democratic politics. Their argument is that a strong civil society can help start transitions, resist reversals, and consolidate and deepen the democracy, provided it has the capacity to generate political alternatives and monitor the state and government. Therefore, at all stages of democratic transition, as well as consolidation, a strong civil culture is required (Linz & Stepan, 1996). On the

other hand, when the normative preferences and organisational forms applicable to civil society is viewed as the only legitimate style of organisation for the political society as well, it hinders the necessary development of the latter. In some cases, political practices such as institutional routinisation and compromise are disregarded by leaders of the civil society, when in fact they are indispensable to the consolidation of democracy. Democratic consolidation is dependent on the development of norms and procedures of democratic conflict-regulation. Linz and Stepan argue that a high degree of institutional routinisation is a key part of this process. Furthermore, the structuring of compromises and intermediation between civil society and the state are legitimate and necessary tasks of the political society. Therefore, it is important to recognise the false opposition sometimes drawn between these two arenas of the polity. In other words, political society must work to achieve a functional agreement on the many ways democratic power will be crafted and exercised, while the civil society must work to inform, pressure, and periodically renew the political society (Linz & Stepan, 1996).

### The rule of law

In continuation, democratic consolidation requires the necessary degree of autonomy of both civil and political society to be embedded and supported by the third arena of the polity, the rule of law. Simply put, all significant actors, specifically including the democratic government and state apparatus, must be held accountable to, and become habituated to, the rule of law. Linz and Stepan argue that for the types of civil and political society described above, constitutionalism is an essential condition for the rule of law. In this case, constitutionalism is understood to imply a strong consensus regarding the constitution, and especially the commitment to self-binding procedures of government that can only be altered by exceptional majorities, along with a clear hierarchy of laws, interpreted by an independent judicial system and supported by a strong legal culture in civil society (Linz & Stepan, 1996). A state of law, or a Rechtsstaat, ensures that the government, the state apparatus, and the public are equally subject to the law, that areas of legitimate power will be defined and increasingly limited, and that citizens in a nation can legally defend themselves against illegitimate use of power. Therefore, the modern Rechtsstaat is significantly important for the process of democratisation, as without it, citizens would not be able to exercise their political rights freely and independently. Furthermore, the state of law is especially essential for the consolidation of a democracy. It serves as the most important

continuous method to hold elected governments and state agents accountable through a network of laws, courts, and state agencies. In addition, it creates the basis for civil-society norms to not only check the state's illegal tendencies, but also establish interconnecting mechanisms of transparency and accountability. Freely elected governments often, but not always, establish a state of law, but according to Linz and Stepan, it is essential for the consolidation of democracy to establish a law-bound and constraint-embedded state. In their opinion, the more that all institutions of the state function in accordance with the state of law, the better the quality of the democracy (Linz & Stepan, 1996).

Linz and Stepan argue that the rule of law along with constitutionalism must determine which offices to be filled by elections, the procedures to elect these officeholders, and the definition and delimitation of their power in order for the public to accept the outcome of elections and participate in the democratic society. This may prove problematic if the rules are unfair, poorly crafted, or so difficult to change that they become unacceptable to some parts of the population, even if they are enacted by a majority. To use an example given by Linz and Stepan; if an electoral law gives 80 % of the seats in a parliament to a party that wins less than 50 % of the votes, it will most likely be damaging to the democratic consolidation. In the same manner, if a democratic leader chooses to ignore, dismiss, or alter the established institutions on a pretence of democratic legitimacy it will also most likely revert the process of democratic consolidation. (Linz & Stepan, 1996)

In some cases, presidential democracies with tendencies towards populist, plebiscitarian, delegative characteristics combined with a fixed term of office and the exclusion of accountability before the electorate of a no re-election rule, encourage non-constitutional or anti-constitutional behaviour that threatens the rule of law, and by extension the democracy and democratic consolidation itself. A prime minister that exhibits tendencies approaching abuse of power is more likely than a president to be checked by other institutions, such as votes of no confidence by the opposition or the loss of support by their own party. As an example, calling early elections is an option in parliamentarism to solve crisis caused by abusive leaderships, whereas it remains unavailable in a presidentialism (Linz & Stepan, 1996).

## Bureaucracy and economic society

The three beforementioned conditions; a lively and independent civil society, a political society with sufficient autonomy and agreement about procedures of governance, and constitutionalism and a rule of law, are all necessary for the consolidation of a democracy. However, these conditions are more likely to be met in the presence of a bureaucracy, usable by democratic leaders and an institutionalised economic society. The following part contains firstly an explanation of the usable bureaucracy and the relation to the consolidated democracy, and in continuation an explanation of the economic society.

In a democracy, the rights of all citizens should be equally guaranteed and protected. Therefore, a democratic government needs to be able to protect these rights, as well as provide other basic services to the public, by effectively exercising a monopoly on the use of legitimate power within the boundaries of the territory. In order to guarantee these rights and services, a modern democracy needs the effective capacity to command, regulate, and extract tax revenue to pay for police officers, judges, and other basic services. Any new democratic government therefore need a functioning state with a usable bureaucracy. It is also important that the democratic government prioritise services to benefit the population at large, and not discriminate against minorities or disproportionately favour economic growth. Historically, it has been the case in some territories, such as the former Soviet Union or Latin American countries, that no adequately functioning state exists. As a consequence of an insufficient taxing capacity or a weak normative and bureaucratic presence, citizens cannot effectively demand that their rights be respected or demand to receive basic services as promised (Linz & Stepan, 1996).

The final condition needed to support democratic consolidation is based in the economic arena, which Linz and Stepan named “economic society”. They use this term to point out two observations they believe to be both empirically and theoretically true. Firstly, there has never been, and never will be, a consolidated democracy with a command economy, with the possible exception of wartime economies. Secondly, never has there been, and most likely never will be, a modern consolidated democracy with a pure market economy. Linz and Stepan argue that the economic society is a necessity for the modern consolidated democracy because it acts as a mediator between the state and market through socio-politically crafted and accepted norms, institutions, and regulations. The first observation is based on the assumption that a certain

degree of market autonomy and diversity of ownership in the economy is necessary to facilitate the independence and liveliness of civil society that allows it to contribute to the democracy. On the same note, if all ownership of property and decision making about pricing, labour, supply, and distribution is monopolised by the state, the relative autonomy of the political society needed for democratic consolidation cannot exist. The second observation is grounded in three arguments. First, despite neoliberal claims about the self-sufficiency of the market, pure market economies cannot be created or maintained without some degree of state regulation. The market requires legally enforce contracts, regulation of standards, and protection of both public and private property, which ultimately creates a role for the state in the economy. Second, no matter the quality of the market, over time it will almost inevitably experience some degree of market failures that must be corrected for the market to function properly. Therefore, it is important that the state plays some role in the economy, such as establishing and maintaining certain public works and institutions. Third, a democracy requires free public contestation of governmental priorities and policies. If there is no presence of policies to generate government-mandated public goods in areas of education, health, and transportation; no economic safety net; and no alleviation of economic inequality, it would not be possible to sustain a functioning democracy. Therefore, in the hypothetical case of a democracy that began as a pure market economy, the workings of a modern democracy would result in the market economy transforming into a mixed economy, or in other words, the set of norms, regulations, policies, and institutions which Linz and Stepan named the economic society (Linz & Stepan, 1996).

No matter how one approaches the problem of democratic consolidation, the institutionalisation of a politically regulated market is a necessity for the success of the democracy. For this reason, an economic society is needed to establish the set of norms and institutions needed, which then requires a usable bureaucracy to uphold these rules and regulations. Economic deterioration caused by the state's inability to perform these regulatory functions would intensify the problems of economic reform and ultimately the process of democratisation (Linz & Stepan, 1996).

To summarise on the abovementioned ideas, a modern consolidated democracy is defined by the five interrelated arenas described by Linz and Stepan, all of which must have their own primary organising principle in order to function properly. They argue that democracy is more than a system of government, it is rather an interactive system, wherein no arena can properly function

without the support from another, or as is often the case, from all the remaining arenas. In reality, this means the civil society would need the support of a Rechtsstaat that guarantees the citizens their rights, which creates the need for a state bureaucracy to impose legal sanctions on those who illegally attempt to deny others of these rights. Additionally, each arena has an impact on the other arenas within the democratic system. For example, the political society oversees the governmental bureaucracy and produces the regulatory framework that guides and contains the economic society. Therefore, a consolidated democracy consists in the constant mediation between these five principal arenas, which are all influenced by the others (Linz & Stepan, 1996).

### Obstacles to consolidation

In their 1996 article, Linz and Stepan also present two of the most common obstacles to the consolidation of a democracy and attempt to conceptualise their significance and how to overcome them, as to lessen the dangers of democratic disenchantment and help identify obstacle-reducing paths. In this case, they argue that ethnic conflicts in multinational states and disappointment regarding hopes for economic improvement in states undergoing simultaneous political and economic reform are the real problems. Therefore, democratic theorist and crafters must recognise the possibility of multiple perceptions of national identity in the state, and the possibility of prolonged economic reversals after the beginning of the democratisation process. They are, however, convinced that democratic progress can still be had under these conditions (Linz & Stepan, 1996).

In many cases, political thinkers assume that Weberian states, nation-states, and democracy represent the essence of modern politics. This assumption might appear reasonable given the prominence of countries that are Weberian, nation-states, and democracies, such as Germany, France, or Japan. However, in many countries that are not yet consolidated democracies, nation-state policies often assume a different logic than democratic policies. In this case, Linz and Stepan use the term nation-state policy referring to policies aimed at increasing cultural homogeneity, also known as nationalising state policies. Oftentimes, either consciously or unconsciously, the discourse from such a government is centred around the perception of the state being of and for the nation, with an emphasis on a specific segment of the nation. Additionally, in the constitution and in the political practice the dominant nation's language becomes the official language and at times the only acceptable language for state business and education, the dominant religion is



privileged, and the dominant culture is privileged in state symbols, such as flags or national anthems, and in state-controlled socialisation, such as radio or television. Contrarily, Linz and Stepan view democratic policies in the state-making process as those that emphasise a broad and inclusive citizenship with equal individual rights for all segments of the population. However, they also argue that the conflicts between these two kinds of policies can be reduced if nearly all citizens in a state identify with the same subjective idea of the nation, and if that nation is effectively coextensive with the state. This is only possible if there is no significant irredenta outside the state's territory, if there is only one general national identity, and if there is little cultural diversity within the state. Under these conditions, it is possible for state leaders to pursue democratisation policies and nation-state policies simultaneously. This alignment of polis and demos facilitates the establishment of a democratic nation-state and eliminates the problems of "stateness", or maintaining allegiance to the state, and should therefore be considered supportive of democratic consolidation. That being said, under modern circumstances few states begin the process of democratic transition with a high degree of national homogeneity, which tends to intensify the problems of stateness (Linz & Stepan, 1996).

A democracy is characterised by having citizens who participate in managing the state rather than a population that is subject to the government, which during the process of democratic transition puts the relation between demos and polis at the centre of politics. Linz and Stepan present three statements based on the discussion thus far: Firstly, the greater diversity of national, linguistic, religious, or cultural societies within a state, the more complex politics become, since it will be more difficult to agree on the fundamentals of democracy. Secondly, while this does not mean that democratic consolidation of a multinational or multicultural state is impossible, it does create a necessity for especially careful political crafting of democratic norms, institutions, and practices. Thirdly, some methods of dealing with the problems of stateness are fundamentally conflicting with democracy (Linz & Stepan, 1996).

In continuation, Linz and Stepan bring attention to what they perceive as one of the most dangerous assumptions for democracy: "*every state should strive to become a nation-state and every nation should become a state.*" (Linz & Stepan, 1996, s. 23). In their opinion, it would appear impossible for around half the territories of the world that are not now democratic to ever become nation-states and consolidated democracies according to their definition of these terms,

because many of these nondemocratic states are multinational, multicultural, and multilingual. According to Linz and Stepan, the only democratic way to facilitate a homogenous nation-state in structurally embedded multicultural settings is through voluntary cultural assimilation, voluntary exit, or voluntary creation and acceptance of new territorial borders. These methods are empirically and democratically very difficult, and therefore also exceedingly rare. The other possibilities for achieving a homogenous nation-state under these circumstances involve some form of sanctions against the population not speaking the language or participating in the same cultural practices as the dominant population, subtle or otherwise. In modern times, where most significant groups have writers and intellectuals to disseminate national cultures, where communication systems allow migrants to remain connected to their home cultures, and modern democratic norms accept at least some degree of multiculturalism, these sanctions would most likely not be conducive for democratic consolidation, even if in some cases they are not strictly antidemocratic. However, as history has proven, when the dominant population pursues a truly homogenous nation-state, some variant of ethnic cleansing is too often the tempting solution (Linz & Stepan, 1996).

Another challenge to the construction of democratic nation-states comes from the way in which the human population is spatially distributed in the world. In reality, cultural, linguistic, and religious groups are not neatly separated into distinct nationalities occupying a reasonably defined territory. Contrarily, most of these groups exist across national borders, and are often inherently intermixed and overlapping. It must be mentioned that Linz and Stepan are not arguing against democratically crafted dissolutions or territorial divisions, but rather noting that relatively clear cultural boundaries facilitate such separations of nationalities, but for some countries it is not a simple option (Linz & Stepan, 1996).

### Democracy in multinational and multicultural settings

When the USSR was disbanded and split into 15 separate republics, many analysts assumed that it would lead to the creation of new democratic nation-states based on the titular nationalities from before the USSR. During the first elections of the new republics, many of the political leaders chose to focus on nationalist themes, as opposed to democratic themes. One option for lessening the conflicts between titular nationalities and “migrants” is what has been called the “competitive-assimilation game”. Shortly explained, it becomes in the best interest for some working-class

migrants to assimilate to the dominant culture in order to enhance the competitiveness of their children in the new environment. For example, such a method might work for Spanish migrants in the culturally and economically vibrant Catalonia. However, in 1989 in the capitals of both Kazakhstan and Kyrgyzstan, Russians represented more than 50 % of the population, while the titular nationalities made up around 25 %. Under similar circumstances, formed by settler colonialism, it is very unlikely that a nation-state can emerge voluntarily through the process of competitive assimilation. On this background, Linz and Stepan present a hypothesis about consolidation of democracy in a multinational setting: *“The greater the percentage of people in a given state who either were born there or arrived without perceiving themselves as foreign citizens, and who are subsequently denied citizenship in the state (when their life chances would be hurt by such denial), the more unlikely it is that this state will consolidate democracy.”* (Linz & Stepan, 1996, s. 26). In other words, their hypothesis is that in a multinational and multicultural setting, the chances of democratic consolidation are enhanced by state policies that grant inclusive and equal citizenship to all citizens, providing them with the same state-mandated and state-enforced individual rights (Linz & Stepan, 1996).

Multinational states like these have a greater need than other polities to explore different non-majoritarian or non-plebiscitarian formulas. As an example, if there is a strong representation of different groups within the state, federalism could potentially be a valid option. The state and society could also implement a variety of publicly supported communal institutions, such as media and schools in different languages, symbolic recognition of cultural diversity, and a selection of political procedures and devices described by Arend Lijphart as consociational democracy. Typically, proportional representation, instead of large single-member districts with first-past-the-post elections, can facilitate representation of geographically dispersed minorities. However, strict adherents to the political liberalism tradition, with the focus on individual rights and universalism, usually oppose any form of collective rights. Linz and Stepan on the other hand express a belief that combining collective rights for nationalities or minorities with individual rights protected by the state, is the least conflictual solution in a multinational and multicultural state and society. It should also be noted that the specific way of structuring political life in a multinational setting needs to be contextualised in each specific country (Linz & Stepan, 1996).

## Democracy and the quality of life

While Linz and Stepan argue that democratic consolidation is a positive thing, it should be made clear that consolidation does not necessarily result in either a high-level democracy or a high-level society. Regardless of their importance, democratic institutions are still just one set of public institutions affecting the lives of citizens. In the end, the court, the central bank, the police, and public-service agencies are not governed democratically, and their leaders are not elected by the citizens either. Although many of these institutions are administered by publicly elected officials, even in established democracies not all of them are regulated that way. However, these institutions do operate under a legal framework created by elected bodies, and thereby obtain their authority from them. Knowing all of this, the quality of public life serves as a great measurement not only of the democratic or nondemocratic character of the regime, but also the quality of those other institutions. Policy decisions by democratic governments and legislators definitely have an effect on the quality of life, especially in the long run, but no democracy can guarantee the presence of hardworking, honest people in important positions in society. In reality, the overall quality of society is only a function of democracy to a certain extent, but all the different dimensions of society influence the satisfaction of its citizens, including their satisfaction with the government and democracy itself. The feeling that democracy holds the blame for all sort of problems in society is likely to be more prevalent in societies where the contributions of democracy to the quality of life is poorly understood and not highly valued. The more that democrats assure that the achievement of democratic politics will generate goods for society, the greater the eventual disenchantment will be. There are indeed problems specific to the functioning of the state, and particularly to democratic institutions and political processes, that highlight the separation of the quality of democracy from the quality of society. Linz and Stepan, however, state that the quality of democracy can contribute both positively and negatively to the quality of society, but the two should never be confused (Linz & Stepan, 1996).

## Critique of consolidation theory

The process of democratisation, the survival prospects, and authenticity of new democracies has long been a central topic within the fields of social and political theory. The emergence of new democracies in Africa and Latin America since the 1990's has generated much interest in testing whether societies that call themselves democracies are in fact democratic, and whether they will

continue to be democratic in the future. After decades of discussion, there are still differing views on which factors indicate the longevity and legitimacy of a democracy. The research has moved beyond the so-called fallacy of electoralism, the notion that a country becomes democratic simply by having elections, and is instead contemplating how to determine whether a country has become democratic in substance, or merely in form. Currently, the dominant approach is the 'consolidation paradigm', a successor to the 'democratic transition' literature of the 1980's, wherein scholars studied how authoritarian regimes transitioned to 'uncertain' democracies. The next logical step was to study whether the democratic promise of the transition would be realised and sustained, which raised two important questions: whether and under what circumstances the new formally democratic orders would survive as formal democracies, and whether and how they would become 'real' democracies. In other words, the consolidation paradigm intends to explain whether 'uncertain' democracies can become 'certain' by determining both whether they are sure to survive, and the extent to which they have graduated from 'partial' to 'full' democracies. Despite limited attempts to use the notion of 'quality' to determine democratic progress, democratic consolidation remains the dominant approach to evaluate new democracies. However, Steven Friedman argues that the consolidation approach cannot sufficiently determine a 'certain' from an 'uncertain' democracy. In his opinion, it provides no true guidelines to democratic survival, and the attempts to distinguish between the finished product and the democratic aspirants are vague, teleological, and ethnocentric, concerned less with understanding new democracies than determining whether they are proceeding towards an idealised version of North American or European democracy (Friedman, 2011).

Following Friedman, the established literature on consolidation shows greater inclination to use the term rather than to define or critically examine it. The lacking specification of the meaning of consolidation has been noticed not only by critics but also by those who see it as a useful way to understand democratic prospects. With many different understandings of what consolidation actually means, the conceptual fog surrounding the term will only be thicker and thicker the more it spreads through the academic and the political world. If scientific advance is dependent on a common understanding of the term, the study of democratic consolidation is condemned to stagnation, due to its state of conceptual confusion (Friedman, 2011).

The most commonly used definition of the term is most likely the one provided by Linz and Stepan

(1996), wherein they describe a state of political being in which no major political actors consider that there is any alternative to democratic processes in order to gain power, or in other words, that democracy becomes the only game in town. Similarly, Adam Przeworski (1991) defines it as a condition wherein 'no one can imagine acting outside democratic institutions'. Both views identify the attitudes of political actors as the real test for democratic consolidation. Other definitions place more weight on the level of institutionalisation of formally democratic polities as the measurement of consolidation. At first look, these definitions seem to move beyond the attitudes of political actors by focusing on the degree to which opposition parties and institutions are embedded, but ultimately arrive at the same attitudinal definition, that institutions only become institutionalised when the rules that support them are widely shared and deeply rooted in society. Common to all these formulations, is the notion that democratic consolidation is a recognition in society that there is no alternative to democracy. This formulation seems sensible, but Friedman argues that it is less useful than it appears. The relationship between values and beliefs on one hand, and democracy on the other is somewhat contested, and even the measurement of beliefs becomes the source of disagreement. More importantly, it is not unmistakably clear who is meant to regard democracy as 'the only game in town', be it the political elite, citizens, or both (Friedman, 2011).

However, the benefit of using the approach formulated by Linz and Stepan is the mutual reinforcement and interconnectedness of the democratic institutions they deem necessary for consolidation. It is not a question about which parts of society are meant to regard democracy as the only option for governance, but rather a question of whether these institutions effectively establish a trust in the democratic norms and processes necessary to uphold a functioning democracy. Their formulation seems to recognise the potential influence many different arenas of society can have on the prosperity of democracy, and therefore seeks to take as many as possible into consideration. There is an element of balance between the arenas, as clearly exemplified by the relationship between the civil and political society, which if not upheld, might lead to democratic reversal.

## Empirical overview

The following chapter consist in a collection of empirical data on which this paper is roughly based. It contains a brief overview of the different Chilean presidents and their administrations since the return to democracy. The information is presented here to inform the reader about the democratic development that has happened in Chile since the end of the Pinochet regime in 1990. While this chapter does include a section about the Pinochet military dictatorship, it is not a focal point for the paper, and it will therefore not be discussed profoundly, but rather used as a point of departure for the political and democratic development of Chile.

### The Pinochet regime (1973-1990)

On September 11<sup>th</sup>, 1973, the socialist government of Salvador Allende was overthrown by a military junta, led by Augusto Pinochet. Subsequently, Pinochet was named the head of the junta's governing council, until June 1974, when he assumed sole power as president, and relegated the remaining junta to an advisory role. Pinochet was determined to eliminate the leftist movement in Chile and re-establish free-market policies in the economy. The reversals of the Allende government's socialist policies led to lower inflation rates and an economic boom between 1976 and 1979. On a different note, the Pinochet government has been widely condemned for the harsh and violent suppression of, especially leftist, opposition, and in the first three years alone approximately 130.000 people were arrested (Encyclopaedia Britannica, 2021). In 1980, Pinochet intended to legitimise his government by presenting a new constitution for ratification in a plebiscite. However, this plebiscite was not entirely democratic, due to the lack of electoral registers, suppression of opposition, and general suspicion of fraud. Regardless, the constitution was ratified through the plebiscite and became the junta's claim to legitimacy. In this new constitution, it was decided that the junta would agree on a single candidate to be elected for an eight-year term in office. If that candidate was rejected, free and competitive elections for the presidency would be held the following year. At the time, this appeared to be a thinly disguised attempt to ensure Pinochet would hold office for at least a second eight-year term. However, in 1982 massive social protests caused by economic collapse would lead to increased opposition and diminishing support from leaders in the air force, the police, and the navy. Despite decreasing support, Pinochet managed to present himself as the single candidate of the regime, but eventually lost the chance of another eight-year term in the plebiscite in 1988, with 55 % against

and only 43 % in favour of the General. Since there was little support from the military or the powerful business community to overturn the result and continue the authoritarian rule, the next stage would proceed as planned with free elections the following year. After his defeat at the plebiscite, Pinochet ensured his position as Commander-in-Chief of the military by passing a law, the Organic Law of the Armed Forces, which would make the armed forces almost completely independent from public control. In this same period, Pinochet was pressured to make changes to the constitution as a show of good faith to the democracy. Some of these changes include a more balanced composition of civilians to military officials in the National Security Council, lifting of the article 8 which banned “subversive” opinions, the retraction of the president’s power to dissolve the lower house, and making constitutional reforms slightly easier. During the elections a 17-party coalition was formed under the name Concertación de los Partidos por la Democracia [Coalition of parties for Democracy]. The major party in the coalition, The Christian Democrats, selected the former senator and leader of the No-campaign, Patricio Aylwin, as their presidential candidate. He would eventually win the election, receiving 55,2 % of the votes, and be the first democratically elected president in more than 15 years. Pinochet continued as commander of the armed forces until 1998, and eventually became senator for life, as determined for former presidents under the 1981 constitution (Angell & Pollack, 1990) (Encyclopaedia Britannica, 2021).

### [The transition to democracy \(1990-1994\)](#)

Patricio Aylwin assumed the presidential office on the 11<sup>th</sup> of March 1990 as leader of the Christian Democrats and the 17-party coalition. President Aylwin faced the difficult task of meeting the great demand for social and economic improvements for the poorest Chileans while still sustaining the economic growth experienced under the Pinochet regime. Additionally, he inherited the legacy of human rights violations, disappearances and murders, and other crimes committed by the military dictatorship in a system still influenced by the considerable legal and physical force of the military. One Aylwin’s first actions as president was to create the National truth and Reconciliation Commission, mandated to clarify the truth on the most serious human rights violations during the military dictatorship. In 1991, the Organization of American States (OAS) held their annual meeting in Santiago, as a recognition of Chile’s return to democracy, where it was agreed that the OAC would defend democracy if it was threatened in any of the member countries. President Aylwin would also become the first Chilean president to make a



state visit to the US in 30 years. In 1992, then president, Bush cited the Chilean transition to democracy and welcomed closer relations between the two countries. As Aylwin approached the end of his presidential term, he had succeeded in implementing various social and economic reforms. His government had successfully opened Chile's growing economy to the rest of the world and reduced unnecessary regulations of business. Additionally, the government also redistributed more resources to the poor Chileans through social measures, such as increased welfare pensions and higher spending on public health. These improvements were financed by raising taxes and imposing a higher burden on the wealthier part of the population. While the Aylwin administration did implement a variety of economic reforms, they chose not to abandon the neoliberal economic model. Instead of attempting to drastically change the economic model, Aylwin chose to implement gradual changes that would benefit the population on the longer term. Aylwin's presidency was limited to a four-year period under a temporary constitutional provision, and Eduardo Frei Ruiz-Tagle, son of former president and fellow Christian Democrat Eduardo Frei Montalva, was elected for a six-year presidency in 1993, marking the first consecutive democratically elected government in 23 years (COHA, 2010) (Weyland, 1997) (Your Dictionary, n.d.).

### The Concertación years (1994-2010)

Eduardo Frei assumed office on March 11<sup>th</sup>, 1994, replacing the only second Christian Democrat in the history of Chile. An important priority for the new government was economic growth and strengthening Chilean foreign trade. The Frei government managed to generate the highest economic growth in the region in 1995, while also decreasing inflation rates. In 1996, Chile signed an agreement as a member associated with Mercosur, which was part of President Frei's initiative to seek new commercial partners for Chile. Frei also promoted a reform of the educational system, which increased the duration of the school day, raised the salary of teachers, providing teachers with better training, and allowed students the access to information technologies. This was intended to ensure an educational system that would provide equal opportunities for the children and students in Chile. Besides the educational reform, Frei also made infrastructure improvements and introduced the participation of the private sector in public works through the concession system, which led to the modernisation, improvement, and expansion of ports, roads, and air terminals. Additionally, in 1997 he initiated the criminal procedural reform, which was labelled as

“one of the most important in a hundred years”. This initiative, among other things, provided the introduction of the oral trial, the establishment of new courts, and the creation of a National Public Prosecutor. On March 11<sup>th</sup>, 2000, Eduardo Frei ended his presidential term, and was succeeded by the socialist Ricardo Lagos Escobar, beginning the third presidency of the Concertación (Biblioteca del Congreso Nacional de Chile, n.d.) (Icarrito, n.d.).

The Lagos government program was based around the following initiatives: restoration of democracy, reorganisation of the State, creation of jobs, economic growth, and the reincorporation of Chile in the international context. As one of the first things in his presidency, Lagos presented a bill in August 2000, to combat tax evasions and avoidance, so as to not resort to new taxes. Later, in 2001, another law was passed, making it possible to collect more taxes by making the tax collection process more effective. During his presidential term he was commended for the impressive economic growth of Chile and the social and democratic reforms he made possible. Notably, in 2000 Lagos presented his “Letter to the Indigenous Peoples of Chile”, and the following year he created the Truth and New Treatment Commission, which in 2003 proposed a series of policies and measures related to the treatment of the indigenous people in Chile. During his time in office, 4 communes were established, consisting largely of an indigenous population. Lagos also made efforts to comply with the State’s international commitments in the field of human rights by implementing a constitutional reform in 2001 to remove censorship of movies and establish the right to free artistic expression. The Lagos government also made other constitutional reforms, most notably in 2005, when a law was passed to eliminate what was called the authoritarian enclaves of the 1980 constitution. Specifically, it signified the end to the appointment of senators for life, the role of guarantors of the institutionality of the Armed forces and the tenure of their Commander-in-Chief, and reduced the presidential term from 6 to 4 years. Between 2003 and 2005 the Lagos government also signed free trade agreements with a number of Asia Pacific countries, including South Korea, New Zealand, and China, after which Lagos declared that the Chilean economy was open to the world. On March 11, 2006, Lagos stepped down as president, and his former Minister of Public Health and National Defence, Michelle Bachelet Jeria, became the first female president in the history of Chile, and the fourth consecutive president from the Concertación (Biblioteca del Congreso Nacional de Chile, n.d.) (Encyclopaedia Britannica, n.d.).

When Michelle Bachelet was elected president, her first order was to announce the formation of her cabinet, the first in Chilean history with parity between men and women. The Bachelet government program was based around education, social protection, growth and stability, and protection of health and the elderly. During her time in office, she also made efforts to promote women's rights and constitutionally recognise the rights of the Mapuche indigenous people. Soon after taking office, Bachelet implemented measures related to the elderly, such as free care in the public health network and readjustment of basic and welfare pensions. Later, in 2007, she created the Presidential Advisory Council for Pension Reform, to prepare a proposal for reformation of the pension system. However, in April 2006, she faced the beginnings of student demonstrations, known as the Penguin Revolution, who demanded a change in the educational system directly referring to the Constitutional Organic Law on Education (LOCE). The movement, characterised by political transversality, achieved the replacement of the Minister of Education, and began a discussion of educational matters, that led to the creation of the Advisory Council for the Quality of Education, with the purpose of identifying and formulation legal and instrumental reforms to guarantee the right to quality education. In August of 2009, the new Education Law was enacted, although it still contained some portions of the old LOCE. Bachelet's popularity had fallen during the first half of her presidency, largely because of the student demonstrations, but it rebounded in the second half on account of her economic politics. When the price of copper, one of Chile's biggest exports, was at its highest, she directed the government to set aside the profits, which enabled Chile to get through the financial crisis of 2008 comfortably and fund her social programs and pension reforms. In the international sphere, Bachelet was responsible, among others, for participating in the creation of Union of South American Nations (UNASUR) and served as the first president pro tempore between May 2008 and August 2009. When Bachelet ended her term as president of Chile in March 2010, her popularity was at the highest, but as the constitution of Chile does not allow a president to serve two consecutive terms, she was not eligible for re-election (Biblioteca del Congreso Nacional de Chile, n.d.) (Encyclopaedia Britannica, n.d.).

### [The return of the right \(2010-2022\)](#)

Sebastián Piñera Echenique began his presidential term on March 11<sup>th</sup>, 2010, marking the end of 20 years of Concertación leadership, and the first right-wing leader since Pinochet. At the beginning of his presidency, Piñera had to deal with the effects of the earthquake and tidal wave

that hit the central and southern parts of Chile in February of 2010. To do this, he implemented a plan to rebuild housing and public infrastructure. Due to these circumstances, he chose to postpone the proposal for his government program, based around equal opportunities, strengthening confidence in democratic institutions, strengthening of individual rights and freedoms, strengthening the regions and communes, strengthening middle class entrepreneurship, participation in a globalised world, and care for the environment. The year 2011 was marked by social movements, the most notable being those of the Magallanes region, demonstrating the rise in gas prices, and the student movement that demanded equitable access to higher education, the elimination of profit in universities, and an increase in public spending on state universities. In October of 2012, a law was passed that allowed a tripling of the scholarship program for higher education, and the reprogramming of university credit and university tax credit. During the Piñera presidency, Chile experienced an average annual economic growth of 5,3 % and the creation of more than a million new jobs. Additionally, Piñera implemented a subsidy for the hiring of women, generating more than 575.000 jobs during his term in office. In the field of foreign policy, Piñera also signed a number of free trade agreements with countries such as Malaysia, Thailand, and Vietnam, and intensified the existing agreements with China. In April of 2011, the presidents of Mexico, Colombia, Chile, and Peru met in Lima to create the foundation of the Pacific Alliance, an economic and development initiative, in which Piñera served as the first president pro tempore. Despite the continued economic growth, Chile experienced great economic inequality under the Piñera administration, which further fuelled the dissatisfaction with his government. Piñera left office in 2014, and was succeeded by Michelle Bachelet, who assumed her second term in office in March that same year (Biblioteca del Congreso Nacional de Chile, n.d.) (Encyclopaedia Britannica, n.d.).

When Bachelet took office in 2014, she became the first two-time president of Chile since the Pinochet military regime. She took office with the promise of raising taxes on corporations, to reform education, to revise the constitution, and to advance both women's and LGBTQ rights. In concordance with her government program, she sent a bill to congress to implement a tax reform, in order to finance the educational system with permanent revenues and implement other social policies. In May of 2014, Bachelet announced the educational reform, aimed at progressively implementing free university education, elimination of co-payment in subsidised private

education, and to establish standards to ensure the investment of public resources in quality education. Later, in November of 2017, another law was enacted, creating a Public Education System, to end the municipalisation of education by establishing 70 Local Public Education Services, as functional and decentralised public bodies with their own assets and legal person. In March of 2015, Bachelet enacted a law to create the Ministry of Women and Gender Equity. The ministry succeeded in increasing government coverage of nurseries and kindergartens, in an effort to contribute to the financial autonomy of women, and establishing gender quotas in order to increase the representation of women in the National Congress. Additionally, she signed a law on the Civil Union Agreement and sent a bill to the national Congress allowing same-sex marriage, in compliance with the commitment the Chilean state had made to the Inter-American Commission on Human Rights (IACHR) and the Movement for Homosexual Integration and Liberation (Movilh). In April of 2015 she enacted law to replace the binominal electoral system with one of an inclusive proportional character. This law also regulated the right to vote for Chileans abroad, and regulated the autonomy of the Electoral Service, among other things. In the field of labour laws, a law was passed to modernise the labour relations system and guarantee adequate balance between the parties and full respect for the freedom of association in accordance with international agreements. In March of 2015, Bachelet had created the Presidential Advisory Commission against Conflicts of Interest, Influence Peddling, and Corruption. At the end of her term, she sent a bill to the National Congress, based on the result of the Constituent Commission, that sought the discussion of a new constitution, which included community and regional councils, a Citizens Council of Observers, and a Committee of Systematisation. Bachelet finished her second term on March 11<sup>th</sup>, 2018, (Biblioteca del Congreso Nacional de Chile, n.d.) (Encyclopaedia Britannica, n.d.).

Sebastián Piñera started his second term as president of Chile the 11<sup>th</sup> of March 2018. His government program assumed three commitments: to recover unity and confidence in order to generate social and economic progress; strengthen the middle class; and to stand with Chilean families and successfully face the challenges of their lifecycles, such as health, education, and unemployment. Similarly, he established five priority axes: return to growth, create jobs, and improve salaries; carry out significant changes in health, improving access and quality; improve the quality of education for children, youth, and workers; combat crime, drug trafficking, and terrorism; and ensure a new agreement regarding children and older adults. In May of 2018, in

order to eliminate discrimination and inequalities between men and women, Piñera launched the Agenda for the Equality and Dignity of Women, which included a constitutional reform along with a proposal of a number of bills. In the first year of his second term, Piñera faced a number of social demonstrations, including women against discrimination; regional demonstrations against environmental contamination; and students against the profit of universities, indebtedness, and sexist education. At the end of 2018, opinion polling showed that 47 % of those surveyed supported Piñera's presidency. However, a year later the number had dropped to 12 %, the lowest approval rate since the Pinochet regime. In part, this decrease was caused by the protests, which began in October 2019, when demonstrators took to the streets to protest the rising prices of the Santiago subway system. Within a short period of time, the protest had intensified and expanded to include issues such as economic inequality, educational reform, health care, and the creation of a new constitution. As the demonstrations spread and grew more violent, they were frequently met with hard police response. Eventually, Piñera declared a state of emergency and deployed the armed forces to re-establish order in the streets. By the end of November 2019, 20 protesters had died and more than 2.000 had been injured. Faced with the demands that he stepped down as president, Piñera agreed to a national referendum regarding drafting a new constitution, scheduled for April 2020. Before the referendum took place, Chile and the rest of the world was hit by the COVID-19 crisis, and the referendum was therefore rescheduled for October 2020. On the 25<sup>th</sup> of October 2020, the Chilean population voted 78 % in favour of rewriting the Chilean constitution, which dates back to the Pinochet military regime. Piñera's second term as president of Chile ended on March 11<sup>th</sup>, 2022 (BBC, 2020) (Biblioteca del Congreso Nacional de Chile, n.d.) (Encyclopaedia Britannica, n.d.) (Laing & Donoso, 2019).

## Analysis

This part of the paper contains, firstly, a look at the Chilean democracy in the light of the three minimal requirements for the possibility of democratic consolidation, and secondly, the analysis of the five interconnected and mutually reinforcing conditions that must be present or crafted for a democracy to be considered consolidated. These conditions will be examined separately during the analysis, for the sake of clarity, but will ultimately serve to answer the research questions in unison. The analysis will also feature a discussion of the challenges to democratic consolidation specific to Chile

### The minimal requirements for democratic consolidation

The first requirement to ensure the possibility of democratic consolidation is the presence of a functioning state. Without a state, there would be no guarantee of free and authoritative elections, no monopoly on the use of legitimate force, and no rule of law to protect the rights of the citizens. In the case of Chile, there is quite clearly the presence of a functioning state. Firstly, Chile, or the Republic of Chile as it is formally known, is a multiparty republic with two legislative houses, a Senate with 38 members, and a Chamber of Deputies with 120 members, governed by the head of state and government, the president. The constitution of 1981, amended at multiple occasions, dictates these bicameral legislatures to be elected directly by popular vote. However, the latter two bodies remained in recess until the elections of 1989, and the collapse of the Pinochet regime. Since then, the elections of Chile have been in concordance with the amended constitutions (Johnson, 2022). Secondly, in principle, the Chilean government holds the monopoly on the use of legitimate force throughout the territory of Chile, and there is no contestation on the state's authority to enforce laws. Nonetheless, there are examples of challenges to this authority, such as those by smaller groups linked to claims of land or political autonomy for the Mapuche indigenous people of southern Chile. During the last decade, incidents have increased in both frequency and violence, as the groups have shifted their strategy from land occupation to include attacks on property and extortion. Additionally, in 2021, the Temucucui indigenous community, in the Araucanía region, announced the creation of an internal police force, as they did not accept the presence of the Chilean police force within their community. However, these zones of conflict are essentially unconnected pockets in the generally peaceful territory (Bertelsmann Stiftung, 2022).

The second requirement necessary for democratic consolidation is the completion of the democratic transition. For this transition to be completed, Linz and Stepan point to the presence of free and contested elections, with broadly inclusive voter eligibility, and that both the de facto and de jure power in implementing policies remain with the democratically elected government. As established earlier in this paper, Chile has had free presidential elections since 1989, when Pinochet failed to secure another 8-year term as leader of the country. Since then, all elections have been held in accordance with international standards of universal suffrage and anonymous voter ballots. To ensure this, all elections are overseen by the Electoral Service, an autonomous organ of the state, and a functioning system of electoral courts. The polling procedures, such as vote counting, result verification, and complaint resolution are conducted in a transparent and impartial manner and are generally accepted by all actors. Additionally, all political parties and independents who meet the requirements may participate in the elections, and all have the same access to proportionally free advertising space on television and public funding for part of their campaign expenses. However, in 2015, reforms were made to improve the fairness of elections by improving the proportionality of the system used for election of Congress, tightening the rules regarding campaign financing, increasing access to public funding for all parties and candidates, and increasing supervisory powers and constitutional autonomy of the Electoral Service (Bertelsmann Stiftung, 2022). Given the Chilean history of military influence in government policies, it seems even more relevant to question whether or not the true legislative power lies with the government. The 1980 constitution, drafted during the Pinochet regime, established a strong and autonomous military as state executive, in combination with complex checks and balances on other state institutions. The original version of the constitution gave the president the power to dissolve the chamber once per term; the power to nominate ministers, regional representatives, ambassadors, provincial governors, and mayors; the exclusive power to propose bills on issues such as, taxes, social security, and the creation of new public services; and an 8-year term without the possibility of re-election. Furthermore, the constitution effectively reduced the influence of political parties. First, by replacing local elected officials with appointed mayors and the creation of local and regional development councils, wherein military and police officials were guaranteed seats of influence. Second, by establishing a binominal electoral system that forces all parties to collaborate with established coalitions to obtain a seat in congress. And third, by



establishing appointed senators, thereby giving the military even bigger influence in the political system. In other words, the constitution was designed to confine political power with the military, and to make constitutional reform very difficult for future authorities. However, the effective power to govern by the democratically elected political representatives has been guaranteed since the 2005 constitutional reform. The original constitution was first amended after the 1988 plebiscite, when Pinochet lost power. The military regime and the opposition engaged in negotiations about reforming certain aspects of the constitution, of which only a portion was submitted for the national referendum in 1989. These reforms included a slight reduction of votes needed for a constitutional change; the elimination of the executive power to dissolve the chamber; the incorporation of a Comptroller General in the National Security Council (NSC) to help balance the relationship between military and civilians; and an increase in the number of senators from 26 to 38, reducing the proportion of appointed senators from 25.7 % to 19.1 %. This moderate reform allowed the establishment of better conditions for future constitutional reforms. This allowed for the constitutional reform of 2005, which removed the appointment of senators, including lifelong senatorial appointments for former presidents; eliminated several prerogatives of the military; added the power of the president to remove the head of the military and police forces; the substantial reduction of power of the NSC; and reduced the presidential term to 4 years without the possibility of re-election. With the implementation of these constitutional reforms, the legislative powers were once again back with the democratically elected government, and it is fair to say that the democratic transition has been completed (Bertelsmann Stiftung, 2022) (Fuentes, 2011).

The third minimal requirement for democratic consolidation is that the government must rule the country democratically. By this is meant that a freely elected government, regardless of the majority it might hold, that act in conflict with the constitution, violate the rights of citizens or minorities, or fail to rule within the parameters of a state of law cannot be considered a democracy. Since the return to democracy in 1990, the Chilean democratic institutions have been relatively stable and well-functioning, improved over time by the continuous legal and constitutional reforms, expanding their scope and stability while removing the authoritarian remains of the Pinochet regime. In general, the system of democratic institutions is well coordinated and operates within the legal parameters established, and there is no evidence to

indicate that any government since the military regime have knowingly attempted to overrule the constitution or violate the rights of citizens, with the exception of a few controversial cases (Bertelsmann Stiftung, 2022). There have been isolated instances of bribe taking and corruption among elected officials as recently as 2021, when former senator, Jaime Orpis, and Marta Isasi, former congresswoman, were convicted of bribery in a case involving the fish extraction company Corpesca (Doren & Donoso, 2021). Additionally, former president Piñera narrowly escaped impeachment over alleged irregularities in the sale of a mining company during his first term in office (2010-14). Piñera was connected to the sale of the mining company, Dominga, through a company owned by his children, to the businessman, and friend of the president, Carlos Delano, when the Pandora Papers revealed offshore transactions involving major political figures around the world. Piñera was accused of benefitting himself and his family with the sale through information he obtained the exercise of his office and that his involvement had raised the price of the sale. Nevertheless, out of the 29 votes in favour required for impeachment only 24 voted in favour, 18 against and one abstained, wherefore he was ultimately not impeached (Deutsche Welle, 2021). Piñera was also the topic of an impeachment motion in 2019, over allegations that he failed to safeguard human rights during the riots connected to the 2019-2022 Chilean Protests regarding inequality in Chilean society. By October 2020, public prosecutors had received more than 8.000 complaints against state agents, about two-thirds pertaining in categories of “beatings” or “shootings”, the latter referring to the frequent use of rubber bullets against civilians, but also including other abuses, such as death threats and sexual assault. All specialised observers, such as Amnesty International and Human Rights Watch, concluded that these police actions amounted to severe violations of human rights. This impeachment motion, however, was also tossed out, as the Chamber of Deputies found it did not meet the Constitutional threshold for ousting a sitting president. A key argument in this case was that Piñera had not attempted to suppress the demonstrations, but rather to reinstate public order (Sherwood & Ramos Miranda, 2019) (Bertelsmann Stiftung, 2022). The definition of citizenship and the question of who qualifies as citizens is not a prevalent political issue. All citizens are entitled to the same civic rights, and every individual is permitted the right to acquire citizenship without discrimination. The legitimacy of the nation-state is generally accepted throughout all groups in the Chilean society, including most indigenous people. Nevertheless, the question whether the state will redefine itself as a

multinational or plurinational state, following the examples of Bolivia and Ecuador, will most likely be a prominent issue in the creation of the new constitution, as some Mapuche leaders and intellectuals have expressed is necessary for their recognition as equal members of the state (Bertelsmann Stiftung, 2022). As a rule, civil rights are guaranteed under constitutional law and mostly respected by the Chilean state. The Chilean public is protected by mechanisms and institutions established to prosecute and punish violations of their rights. Generally speaking, violations of human rights are rare and usually limited to isolated instances of police brutality or unlawful coercion exercised by officials against persons deprived of liberty. Abuse of office is largely prosecuted, and the courts are generally thorough in investigating corruption. Therefore, Chile can still arguably be considered a democracy, as there are no systematic attempts to govern undemocratically (Bertelsmann Stiftung, 2022).

### Civil society

According to the theory presented by Linz and Stepan, the first condition needed for the consolidation of a democracy, is a free and lively civil society. Civil society, in this case, refers to the arena of the polity wherein self-organising, autonomous groups, movements, and individuals attempt to advance their interests by expressing their values and forming associations. The following will consist of an analysis of different organisations, their presence in society, and whether they have sufficiently strengthened since the Pinochet regime.

Since the end of the Pinochet regime in 1990, the Chilean public have been constitutionally guaranteed and mostly unrestricted in participating in the civil society arena. Freedom of association, assembly, opinion, and press are all guaranteed under the constitution, and have for the most part been respected by all governments since the return to democracy. A wide variety of interest groups concerning themselves with a broad selection of social concerns are present in the Chilean society, including international NGO's, social movements, trade unions, student and indigenous organisations, and professional associations. According to the Map of Civil Society Organizations, in 2020 there were more than 200.000 active organisations of all types, including apolitical, out of which more than half have been formed within the last decade. Especially in recent years, social movements organised in response to specific issues have shown new capacity, and it seems fair to say that at least a lively civil society is present in Chile. Starting with the 2011 student mobilisation and continuing with recent developments surrounding social movements and

the drafting of a new constitution, there has been an increasing consolidation and networking of numerous movements, which are increasingly counterbalancing the established interest groups. This development of social movements seems to indicate the presence of a lively civil society. Among the established interest groups, especially business interests remain relatively strong and well organised through their two main associations, the Confederation for Production and Commerce (CPC) and the Federation of Chilean Industry (SOFOFA). While their power to influence the agenda and public opinion was strongest during the post-Pinochet era, it has been decreasing over time, especially since the 2019 social revolt, which has put this old system under a lot of pressure, and in turn affected the patterns of cooperation. Where vertical cooperation between civil society and interest groups on one side, and the political system on the other, previously took place in a largely non-collaborative, less institutionalised, and top-down political process, horizontal cooperation between these groups has intensified. However, it seems the Chilean public have grown dissatisfied with the current democracy. The Latinobarómetro showed, that in 2018, 41 % of Chileans declared themselves satisfied with the functioning of democracy, while in 2020 it had dropped to an all-time-low of only 18 %. Additionally, the level of trust in democratic institutions is also relatively low, and has been decreasing significantly in the last decade, especially in regard to trust in political parties and Congress, the police and armed forces, public prosecutors, private companies, and public services. Institutions appear to be increasingly perceived as pursuing their own benefits, rather than serving in the interest of the public. Similarly, the Latinobarómetro showed that 86 % of the Chilean public believe the country is governed by a few powerful groups, looking after their own interests only. This appears to be an example of the dichotomy of 'civil society versus the state' that Linz and Stepan expressed concerns about. While a strong and combative civil society is very useful in starting a democratic transition, it can be equally harmful to the consolidation of democracy. As explained, a too heavy emphasis on either the civil or political society can lead to a disproportionate importance on one, and the restriction of the other. In this case, it is more accurately a question of distrust towards the political society (Bertelsmann Stiftung, 2022).

As earlier mentioned, one of the important tasks of the civil society is to inform and pressure the political society and monitor the state and government, wherefore it makes sense to also examine the role of the media. Media organisations in Chile are relatively successful in fulfilling the role of a

watchdog, or the fourth estate as it is commonly known, by reporting on sensitive issues and revealing scandals affecting politicians and institutions. As an example, in 2015 Chilean online newspaper, *Qué Pasa*, reported a story on former president Michelle Bachelet's son and daughter-in-law in relation to a corruption case surrounding a large speculative land deal. The deal was brought to light by the media, and initiated investigations by tax authorities, the public prosecutor's office, and two congressional commissions. Eventually, Bachelet's son, Sebastián Dávalos, chose to resign from his position overseeing government sponsored charitable foundations and social programs as a direct result of the attention on the case (Bonney, 2016) (Sallaberry, 2015). The public access to information has been continually broadened over the years, especially since 2009, when the passing of a transparency law gave citizens extensive rights to information on state institutions, which is frequently used by both press and private citizens. This function as watchdog for the democracy is a highly valued role and is legally protected by the Press Law on Freedom of Opinion and Information and the Exercise of Journalism. However, there have been increasingly frequent instances of violence towards journalists, oftentimes performed by the militarised police force, the Carabineros, often in relation to the coverage of demonstrations. In 2022, The Reporters Without Borders annual World Press Freedom Index ranked Chile 82<sup>nd</sup> out of 180 countries. Compared to the 2021 rank of 54<sup>th</sup>, it shows how press freedom is decreasing in Chile. Even though freedom of press is established by the constitution, it seems the existing laws are not effective in protecting news professionals, and although progress have been made, attacks on journalists remain largely unpunished. In other words, even though the media to some extent fulfil the role of watchdog, and succeeds to inform to public and pressure the political society, more needs to be done to ensure the freedom of press (Cheema, 2022) (Reporters Without Borders, 2022).

The Carabineros are also named as the main obstacle against the freedom of assembly, due to their excessive response to demonstrations. While in theory demonstrations do not need prior authorisation, a 1983 decree requires demonstrators to notify the necessary authorities two days in advance of their events, which may then be denied or rerouted if the demonstrations intend to occupy high-traffic public spaces. When demonstrations are unauthorised in this way, intend to interrupt traffic, or turn violent, the Carabineros are notorious for responding excessively, which is why they have been the subject for reform-debate for years, due to their forceful methods and

high degree of autonomy from civil authorities. A U.N. Special Rapporteur for Chile reported in 2016, that this constitutes a de facto authorisation regime for demonstrations, even though the governments might not practice these rules politically. The Carabineros were also involved in some controversy surrounding the social outburst in 2019, when massive protest broke out across the country, further highlighting the problems surrounding them. According to the Conflict Observatory (COES), 2.700 contentious acts took place in the second half of 2019, over 40 % of which were of violent nature. Although many of the protests were already violent at the beginning, others turned violent due to the perceived brutality of the carabineros (Bertelsmann Stiftung, 2022).

In summary, the proper legal and constitutional parameters are in place to ensure a free and lively civil society in Chile. There are a number of social movements and organisations present to effectively represent most parts of the population, express their social needs, and pressure the political society to meet their demands. Since the return to democracy, the civil society has made great efforts to advance their interests and influence the political society. However, there are occasional infringements on the freedoms of the civil society, especially regarding the freedom of assembly and freedom of press. While there are no particular legislations in place to limit their freedoms, lacking prosecution when these freedoms are unlawfully restricted has resulted in distrust towards the government and certain institutions.

### Political society

In this part of the analysis, the political society, as according to Linz and Stepan, will be the subject of analysis. The political society is described as the arena where political actors compete for the legitimate right to exercise control over the public and the state apparatus. Therefore, the following will consist in an analysis of political actors and their development since the end of the Pinochet regime, in an effort to examine whether they sufficiently contribute to the development of norms and procedures of democratic conflict-resolution.

Political parties have long been key institutions for the development and operation of the Chilean democracy. Their centrality and strength as vehicles for the organisation of policy debates, the structuring of electoral choices, the articulation of interests, the recruitment and advancement of the nation's political leaders, the formation of governments, and the passage of legislations have

all been the exemplary functions of parties in a democracy. Since the late nineteenth century, Chile has had a multiparty system, with about 5 or 6 major parties and up to about 25 smaller ones. The parties were displaced from the circles of power for the first time ever during the Pinochet regime and the strict military rule he implemented to replace the Chilean democracy. However, party leaders and militants managed to maintain or recreate the basic organisational networks that permitted the parties to become vehicles for support or opposition of the authoritarian regime, and subsequently facilitate a rapid resurgence when the transition to democracy began. This quick recovery of the parties has undoubtedly been an advantage to the process of re-democratisation and the reliance on democratic norms in Chile since the 1990's (Valenzuela, 1995).

At the moment, Chilean political parties are institutionalised, their collective interaction constitutes a structured policymaking process, and the party system is generally oriented along a clear left-right continuum. However, at the local level, the political parties participate in small-scale clientelist exchange of favours with voters, which allows for individual politicians to build an electoral base that is independent of their parties and thereby gives them some amount of autonomy. In recent years, the Chilean party system has undergone significant changes, due to the Chilean public increasingly distancing themselves from the established parties. Party identification has dropped from about 80 % of the electorate in 1990, to about 15 % in current times, due to the sharply decreasing trust in parties and electoral turnouts. Both on the right and the left, new parties have attempted to renew the established system and regain the electorate, but with minimal success. Therefore, despite a diverse set of parties across the entire ideological spectrum, a large part of the public feel alienated from the political parties, perceiving them as more self-serving instruments for politicians to gain influence, than representatives of the Chilean society's interests. Since the October 2019 demonstrations especially, the collective attitude has been distinctly anti-party. As a result, no political party or coalition appeared to benefit from the social uprising hereafter, and the 2021 constitutional convention elections had a number of independent candidates and new party coalitions present themselves, resulting in only 62 of 155 seats divided between the two major blocks that have dominated Chilean politics for more than 30 years. However, the shock of both the violent destruction and the peaceful demonstrations forced parties into action. The political agreement to allow a constitutional referendum and constituent

convention was an attempt to give political form to a leaderless and disorganised movement and presented an opportunity to rebuild the political consensus. In addition, all relevant political actors, including the military, seem to accept Chile's democratic institutions and accept democratic means as the best way to solve controversies. Nevertheless, the current political party system shows signs of weak social roots, moderate but increasing polarisation, low to moderate volatility, and increasing fragmentation (Bertelsmann Stiftung, 2022).

While political parties no longer represent the only option to influence legislation, the political leadership regularly considers the interest of civil society actors, recognising their increasing ability to influence the public agenda. Legislative committees also regularly invite relevant civil society groups and experts to express their opinions on proposed legislature. The new social movements now represent significant actors, as participants in the legislative discussion process and are even agenda-setting, as exemplified by the educational reform placed on the agenda by student mobilisation or the pension reform demanded by the public in 2016. Social policies are increasingly implemented through partnerships with NGOs, and civil society actors have a more frequent and important role, through their participation in ad hoc commissions, bringing changes in some major policies where cross-party support is needed. Recent examples include the Council of Observers in Bachelet's constitutional consultation process of 2016, and the 2020 Commission on Public Spending. In the latter case, both experts and representatives of the major NGOs involved, contributed with making suggestions to improve participation, efficiency, and transparency in public spending (Bertelsmann Stiftung, 2022). These examples highlight the ideal nature of the relationship between civil and political society and indicate that this relationship is also present in Chilean society. Although the Chilean public might be leaning more on the influence of the civil society, there is evidence that cooperation between the two is functioning to some extent.

To summarise, Chile has a long tradition of functioning democratic institutions and free elections, with the obvious exception of the 17-year long military rule imposed by Pinochet. There is a broad range of political parties, spanning the entirety of the ideological spectrum. The tendency to participate in party coalitions, at times across the ideological spectrum, and to include civil society in policy debates indicates that there is a tradition of seeking broad political consensus before enacting policies. On the other hand, it seems the political parties are losing their relevance, as



more and more people distance themselves from party affiliation. This decreasing influence of political parties is most likely connected to the distrust in the political elite and the capabilities of governments overall. While the political society attempts to contribute to democratic norms of conflict-resolution, the public seems to be placing a stronger emphasis on the civil society.

### The rule of law

The following part will contain an analysis of the adherence to the rule of law in the Chilean society. More specifically, it will examine whether the significant actors, especially the democratic government and state apparatus, are held accountable to, and become habituated to the rule of law. The rule of law is meant to ensure that the government, the state apparatus, and the public are equally subject to the law; that areas of legitimate power will be defined and increasingly limited; and that citizens can legally defend themselves against illegitimate use of power. Therefore, this part will be centred around protection of rights, constitutional delimitations of state power, and accountability on behalf of the state apparatus and government.

The Chilean constitution guarantees the separation of powers, and generally speaking, all actors comply with the constitutional provisions. In this case, the constitution is designed around a strong president that acts as a key-legislator, and the various branches of government work independently and function as a system of checks and balances on each other. However, a succession of constitutional reforms and a political tradition of seeking agreements between parties, both within and across political coalitions, have strengthened the role of Congress in this system of checks and balances. As an example, the second presidential term of Piñera (2018-2022) was the first time since 1990 for an administration to face a Congress with a clear majority in both legislative houses, which subsequently meant that all bills had to be negotiated with the oppositional parties. Additionally, the autonomous Office of the Comptroller General serves as a further regulation on the actions of the executive, and the Constitutional Tribunal functions as another important independent control of legislation (Bertelsmann Stiftung, 2022). This presence of mechanisms of checks and balances is a healthy sign for the Chilean democracy, as they underline the tradition of democratic institutions. At least in principle, the separation of power indicates an adherence to the rule of law.

Nevertheless, in mid-March of 2020, then president Piñera invoked a state of constitutional exception, the “state of catastrophe and public calamity”, which allowed the government to restrict free movement, through lockdowns and curfews, and some economic freedoms for a period up to a year, while attempting to mitigate and manage the effects of the COVID-19 pandemic. Though Congress had the option to revoke these measures after 180 days, they chose not to do so, as these measures, although drastic, were fully within constitutional legality and had a high degree of consensus surrounding them (Bertelsmann Stiftung, 2022). It is neither the first nor last time the Piñera administration has resorted to invoking a state of constitutional exception or state of emergency. In October 2019, Piñera announced a state of emergency following the social outburst related to the metro fare price rise. As ordained by the constitution, the state of emergency can last up to 15 days, with the option of extending it another 15 days after a congressional vote, and grants the government rights to restrict freedom of movement and assembly. Former president Piñera was criticised for the measures he applied to deal with the demonstrations, leading to the earlier described impeachment motion in 2019 (Bartlett, 2019). Historically, the state of emergency has also been used since the return to democracy in 1990, to deal with the increasingly frequent conflicts with the Mapuche indigenous people, surrounding issues of restoration of ancestral lands, self-determination, and discrimination. As recent as October 2021, Piñera declared a state of emergency in four provinces of the two southern regions, Biobío and Araucanía, and deployed military forces to restore public order, and deal with alleged acts of violence linked to drug-trafficking, terrorism, and organised crime committed by armed groups. Piñera has also been criticised for his response to these conflicts, as a military presence in the regions might escalate the violence and be perceived as yet another instance of discrimination against the Mapuche people. Instead, he was urged to generate an effective and fair policy to solve the problems that exist (France24, 2021). While it is within the legal parameters of the constitution to invoke a state of emergency in the face of massive public disorder, the readiness to do so is alarming in the context of a democratic government. In addition, the frequent forceful intervention in indigenous affairs could be perceived as structurally discriminatory, which puts the concept of equality in the eyes of the law under question.

Chile’s judiciary system is independent and generally performs its oversight functions appropriately. As a rule, it is free from unconstitutional intervention by other institutions and

mostly free from corruption. The system is institutionally differentiated, and there are mechanisms for judicial review of legislative and executive acts. Additionally, the Constitutional Tribunal is one of the most powerful such tribunals in the world. At the same time however, its nomination procedure has been called into question, as the tribunal is increasingly perceived as politicised. Judicial performance and transparency have increased with the reform of the penal code in 2005, which introduced oral procedures, the Office of the Public prosecutor and district attorneys, and strengthened the public defender, but there are still critics of the procedures for internal evaluations of the judiciary and the transparency of its internal processes and judicial decisions. For instance, a recent study detected serious intertemporal irregularities in rulings by the Supreme Court and individual judges, as some of them seemed to randomly change their votes and opinions over time. Generally speaking, abuse of office is prosecuted, courts are usually thorough in investigating corruption, and the judiciary system exhibits full independence, as exemplified by the investigation and sentencing of both public and state agents during the 2019 social outburst (Bertelsmann Stiftung, 2022).

In summary, all the necessary legislations are in place to ensure the rule of law in Chilean society. There is a clear separation of power, the limitations on legitimate power are well defined and within democratic parameters, and most actors comply with the constitutional provisions. However, there are an alarming number of occasions where the government has declared a state of emergency, and thereby overruled the constitutional protection of rights, such as the freedom of assembly. Similarly, there are examples of corruption and other fallacies in the judiciary system, which in combination with the already mentioned violations of rights, indicate that the rule of law is not completely embedded in society.

### Usable bureaucracy

The following part of the analysis will feature an examination of the state bureaucracy in Chile. The beforementioned conditions of civil society, political society, and rule of law are all essential to the consolidation of democracy, and all are more likely to be found in the presence of a usable bureaucracy. In a democracy, the rights of every citizen should be equally respected and protected, and everybody should have the same access to basic services. This part of the analysis will therefore focus on the state's capacity to ensure these rights and services.

For the most part, Chile has a differentiated and well-structured administrative system across the entirety of the territory. In most cases, it covers the basic functions of the state, but also successfully serves the development needs of the country, and Chile's civil service, along with Brazil's, is considered one of the most professionalised in the region. However, due to the highly centralised nature of the Chilean state, the administration exhibits some inefficiencies that arise from lack of funds, expertise, or decision-making power at the lower levels of government, resulting in municipalities having to obtain funds and authorisation from the relevant regional governments. There are shifting levels of management efficiency at the local level, but in spite of some evidence of clientelism and minor corruption, the municipal administrations are relatively capable. Similarly, public institutions appear to be relatively efficient and honest. The tax service is modern and highly efficient, and citizens have near-universal access to the most basic services, such as water and sanitation. Also, the public healthcare system has been highly effective in covering all regions of the country and in improving health outcome even in poor, rural, and indigenous areas, although at times it has been strained for resources. This efficiency was especially noticeable during the COVID-19 pandemic, as the healthcare system showed high levels of centralised territorial coordination, personnel commitment, and resource efficiency to absorb the greatly increasing demand without collapsing (Bertelsmann Stiftung, 2022).

Generally speaking, the government makes efficient use of most available human, financial, and organisational resources. The use of resources is overseen by an autonomous agency, the Office of the Auditor General, which determines the legality of the state administration's actions. It is a widely respected agency, with extensive power and a relatively broad scope. During the mid-1990's, a wide-ranging modernisation process was initiated in public management, which has been progressively deepened since then. One significant agency is the Budget Office (DIPRES) attached to the Ministry of Finance, which approves expenditures according to the budget law, and regularly monitors the efficiency of management. A major study by the Inter-American Development Bank (IADB) throughout 16 Latin American countries in 2018, found that public spending in Chile was the least wasteful in the region. By combining "leakages in transfers", "procurement waste", and "wage bill inefficiency" the study determines that Chile's overall "technical inefficiency" in spending to be only 1,8 % of the GDP, and less than half the regional average of 4,4 % (Bertelsmann Stiftung, 2022).

On the large scale, social safety nets in Chile protect most people from risk and are well-developed and nearly universal. The tendency towards social stratification, a consequence of market principles established during the Pinochet era, has been alleviated over time by stronger state components, but not yet entirely eliminated. Poverty protections are less universal but have seen significant improvements over time and especially so since the 2019 social outburst. The government supplement the wages of low-income, full-time formal workers, guaranteeing them a monthly disposable income of \$440. In addition, there is unemployment insurance with individual compensation accounts, supplemented by a solidarity component, and about 80 other social programs, targeting the socially vulnerable. Although public health spending is comparatively low, with only 4,5 % of GDP, health outcomes are among the best among developing countries. The well-organised public health system in Chile provides at least adequate care for most citizens, including undocumented immigrants. The system of explicit guarantees of timely health care for over 80 serious health problems has been particularly effective in improving access. Additionally, health insurance is almost universal through the national health insurance FONASA, but the wealthiest 15 % of Chileans have private insurance, which provides better facilities and faster access to specialist. This difference in quality and access remains one of the biggest inequalities between rich and poor (Bertelsmann Stiftung, 2022).

Equality of opportunity has improved over time but is still somewhat restricted by persistent economic and social inequalities. A number of legal provisions address discrimination, including the 2012 Law against Discrimination, but the problems are mainly related to social stratification and a legacy of hierarchical social relations. There are significant inequalities regarding education, as the school system appears segregated along socioeconomic lines. As a result, the youth of poorer strata have more difficulty accessing higher education and integrating into the labour market, even though secondary-school completion rates are close to 100 %. Nevertheless, access to higher education has dramatically expanded in the last 30 years, enlarging the professional class significantly. In 2016, Bachelet's government introduced free higher education for students from families belonging to the poorest 60 % of the population, and also prohibited student selection and fee-charging in the approximately 90 % of schools that receive public funding (Bertelsmann Stiftung, 2022).

The indigenous peoples are probably the most marginalised social group in Chile. Historically, they

have faced violence and discrimination, and although there is currently a large number of government programs aimed at promoting their interests and providing opportunities, poverty rates within these communities remain around 50 % higher than the overall average. Chile remains the only Latin American country not to recognise indigenous people in their constitution. The Chilean government did, however, adopt the U.N. Declaration on the Rights of Indigenous Peoples in 2007, and later ratified the International Labor Organization Convention 169. Convention 169 recognises the human rights violations many indigenous peoples have experienced from their own governments, and calls for policies to protect the language, culture, and freedoms of indigenous peoples and tribes. Although indigenous people in Chile still face discrimination, there are policies in place to advance their rights, such as the Intercultural Bilingual Educational Programme, which incorporates a traditional educator in all schools, both rural and urban, with an indigenous enrolment of 20 % or higher (Bertelsmann Stiftung, 2022) (Brablec, 2022).

In summary, Chile's administrative system is well-organised and seems to have a highly effective bureaucracy with sufficient capacities to provide basic services and protect the rights of citizens. There are large scale social policies in place to further develop the areas that might exhibit inefficiencies. Additionally, the welfare system in Chile is one of the best functioning in Latin America, and indicates a sufficient capacity to collect, regulate, and distribute tax revenue. On the other hand, there is still large economic inequalities in the Chilean society, and although efforts are made to mitigate the lingering effects of colonialism, the indigenous people are still largely marginalised.

### Economic society

The following part contains an analysis of the fifth and final condition necessary for the consolidation of a democracy, the economic society. Linz and Stepan describe the economic society as the mediator between the state and market, acting through socio-politically crafted and accepted norms, institutions, and regulations. The economic society is meant to ensure a degree of market autonomy and diversity of ownership in the economy, facilitating an independent and lively civil society able to contribute to the democracy, while simultaneously regulating the market politically in order to generate government-mandated goods and services, and thereby ensuring the relative autonomy of the political society as well. Therefore, the institutionalisation of a

politically regulated market is a necessity for democratic consolidation. This part will therefore focus on examining aspects of the economy, such as the diversity of ownership and politically mandated regulations of the market.

The economic order in Chile has strong institutional foundations. Governmental policies largely focus on the task of general assurance and maintenance of the rules agreed upon, providing neutral organisation of regulations consistent with market competition. Historically, the state's supervisory role has been comparatively weak in some areas, allowing for the concentration of market shares and uncompetitive behaviour by incumbent companies, but the regulatory framework and its enforcement have generally improved over time. Market competition is consistently facilitated at all levels, and administered pricing plays no real role in the country's markets, with the minor exception of some price-cushioning mechanisms in areas such as fuel. The currency is convertible, markets are contestable, there is broad freedom to launch and withdraw investments, there are no significant formal barriers on either entry or exit, and both labour and capital are given a considerable degree of mobility (Bertelsmann Stiftung, 2022).

Nevertheless, the Organisation for Economic Co-operation and Development's (OECD) 2018 Chile Economic Survey reports some permit, licensing, and regulatory restrictions that hinder competition and productivity in a few product and service markets. For instance, the maritime transport and digital service sectors are characterised by some harmful regulations, the former exhibiting tendencies of discrimination against foreign competitors. Chile's relatively small national market means market concentration often becomes an issue, even though the economy is open and exposed to international competition. However, during the last two decades, Chile's anti-monopoly legislation has become increasingly effective. The Tribunal for the Defence of Free Competition (TDLC), created in 2003, is tasked with preventing, correcting, and penalising anti-competitive behaviour in cooperation with the National Economic Prosecution (FNE), an investigative body that presents cases to the TDLC. Together they are responsible for the investigation and resolution of cases involving abuse of dominant market positions, restriction of competition by cartels and/or entities, disloyal competition, and market concentration. Successive legislation improvements, such as the 2009 law that established a leniency system giving cartel participants incentives to defect, have considerably improved the FNE's capacity to detect

collusion. During the last decade, this has led to several high-profile cases of companies being fined for uncompetitive behaviour in a broad range of industries (Bertelsmann Stiftung, 2022).

Private companies are considered the primary engines of economic production and are given all appropriate legal safeguards. Issues such as price control and distortion are almost non-existent. However, the scope of economic activities in which for-profit companies operate in Chile is unusually extensive, including health care, pensions, and until 2015, primary and secondary education. This has generated political controversy, as many Chileans deemed the profit principle in such areas inherently subject. The involvement of private companies in the provision of publicly funded infrastructure, public-private-partnerships, have also sparked controversy, partly due to the lack of transparency in contract renegotiations. Despite these objections, no government has attempted to go back to the former state-run schemes in these areas, relying rather on further improvement on regulations (Bertelsmann Stiftung, 2022). These examples do seem to indicate a stronger emphasis on the well-being of the market rather than the public. It goes to show that economic interests in some cases outweigh the social needs in Chilean society.

Although no significant actors propose the complete replacement of the market economy, many social movements and broad segments of the political left strongly criticise the current economic model. The 2019 social outburst exemplify this, as they became largely a reaction to the current mode of functioning. The Concertación governments (1990-2010) have been criticised for implementing what is perceived as essentially a toned-down version of neoliberalism, still accommodating mostly to business interests. Therefore, Chile's longstanding consensus on the socioeconomic model, which steered most actors since the 1990's, appears to be losing support. Where areas such as taxation levels, free trade treaties, and the use of market mechanisms in the management of natural resources were not contested in the past, they are becoming more commonly debated. Therefore, the composition of the new economic model will most likely be a major issue in the new constitution, even though the core principles of a market economy might not be abandoned completely (Bertelsmann Stiftung, 2022).

To summarise, Chile has one of the best economies in Latin America, generating almost continued economic and social growth since the return to democracy. The economic model has strong institutional foundations, and the regulatory framework and enforcement is improving over time.



At the same time, there are significant economic inequalities in the Chilean society, many of them evident through the highly privatised healthcare and educational systems. These inequalities will most likely hinder the democratic contributions of civil society if they are not rectified.

### Challenges to consolidation

The final part of this analysis will consist in a discussion of the challenges to democratic consolidation specific to Chile. Linz and Stepan present a number of obstacles that make it difficult for a country to achieve this consolidation, such as ethnic conflicts, multinationalism, or simultaneous economic and political reform. This discussion will therefore be centred around these challenges and examine their significance and possible solution.

Even though the Chilean economy has seen a number of minor reforms since the return to democracy, such as increasing the minimum wage or pensions, no significant structural reform has been made to the economic model established during the Pinochet regime. Chile has experienced more than 30 years of almost uninterrupted economic growth, but economic inequality is still prevalent in Chilean society. Many Chileans live with high levels of debt, and therefore end up having to pay more for the same services, such as healthcare and higher education, than the rich who can afford to pay without loans or other forms of financial support. As a result, a portion of the Chilean population feel excluded and ignored by the political power, which is highly concentrated among the country's elite. They feel cheated and exploited by employers, and most importantly, they feel discriminated against in these areas as they struggle with inadequate public services that fail to mitigate the effects of economic inequality. Therefore, even though the Chilean economy is exhibiting annual growth and more policies are created to reduce inequality, a portion of the public has become discontent with the economic model, and to a high extent with the political elite and democratic institutions as well. As a result, the expectations for a better and more secure life have outpaced the opportunities for social mobility the current Chilean economic model delivers. However, in this case it seems not a question of preference between economic and political reform, but rather a question of structurally changing the economic model to combat inequality and strengthen trust in institutions to facilitate the democratic consolidation. It seems evident that these inequalities cannot be overcome by patching up the deficiencies of the economic model through the country's limited fiscal resources. Instead, a significant proportion of contributions to social systems should now go towards sharing risk equally among the population,

so that rich and poor can enjoy the same access and quality in public services. However, structural reforms are difficult to implement, and require a social and political consensus. It should therefore be a significant consideration for the constitutional convention, as a large part of anti-democratic behaviour in Chile originates from economic inequalities (Sehnbruch, 2019) (Tvevad, 2019).

The situation surrounding the Mapuche indigenous people has been an issue since the return to democracy. Their demands for land and better social conditions have regularly given rise to unrest, especially in the La Araucanía region in southern central Chile, where most of the 1.3 million indigenous people live. La Araucanía is the region with the highest poverty rates in Chile, and about a third of the population is Mapuche. Protests and demonstrations, including occupation of farmlands and forest plantations, have resulted in regular outbreaks of violence and conflicts with the Carabineros, which in turn have led to more grievances and protests. Attempts have been made to address these issues by promoting social and economic development, promoting political participation among indigenous people, and by advancing protection of victims of violence. During Piñera's second term in office, another plan was presented to resolve the Mapuche conflict and address the lacking economic and social development in the region. This plan was the result of six months preparations and dialogue led by the minister for social development, Alfredo Moreno, which outlined a number of initiatives, including: a constitutional amendment to recognise Chile's indigenous people; the creation of the Ministry for Indigenous People; a law to establish quotas, promoting the participation of indigenous candidates in elections at all levels; and further promotion of access to land for the indigenous population, including by speeding up the regularisation of their ownership to land. However, it remains to be seen how far the continuation of a climate of violence in the region will affect the dialogue between the government and Mapuche representatives. Indigenous people represent the biggest minority in Chile, close to 12 % of the population, and thereby also the biggest potential national identities outside the Chilean. At the moment, Chile is the only Latin American country to not recognise indigenous people in their constitution, which creates a number of challenges, especially in regard to protection of rights. Therefore, it seems especially important that the constitutional convention address this issue, either by declaring Chile a plurinational or multinational state, or by allowing the indigenous people complete autonomy. It is an issue that most likely will be at the centre of debate, considering that 17 out of 155 seats in the convention have been reserved

exclusively for indigenous people, and additionally, the president of the convention, Elisa Loncón Antileo, is an indigenous woman, the first indigenous person in a position of political influence in Chile (IWGIA, n.d.) (Noriega Zegarra, 2022) (Tvevad, 2019).

## Conclusion

In conclusion, there is evidence to support that at least the minimal requirements for the possibility of democratic consolidation are present in the Chilean society. It is evident that there is a functioning state with a head of government; two legislative houses; and a political constitution to ensure the limitations of governmental power, electoral rules and regulations, and the protection of rights. Since the return to democracy, all elections have been free and contested, and the legislative power have been restored to the elected governments, which strongly indicates that the democratic transition has been completed. As a rule, human and civil rights are constitutionally guaranteed for all citizens, and these rights are largely respected. It should be noted that some violations of rights occur, but they are generally rare and isolated incidents, that tend to be prosecuted. By all accounts, the Chilean state operate in accordance with the functions of a democracy.

Furthermore, the freedom of assembly, association, opinion, and press are all constitutionally guaranteed, and for the most part respected by the government and state agents, allowing for the development of a free and lively civil society. As earlier mentioned, there are a few obstacles to the freedom of press and assembly, but not enough to prevent the civil society from expressing their social demands and pressuring the political society. A strong presence of social movements has ensured that the political society need to include the civil society and seek broad political consensus when debating and enacting policies. At the same time, political parties seem to be losing their relevance, as party affiliation has decreased significantly. This decreasing affiliation is most likely connected to a distrust in the political elite, and a perception that they prioritise own interests before societal interests. While the political society attempts to contribute to the democratic norms of conflict-resolution, the public is placing a stronger emphasis on the civil society.

In continuation, the rule of law is largely guaranteed by the constitutional legislation. There is a clear separation of power and the limitations on legitimate power are well defined and within democratic parameters. There are however specific instances where the rule of law seems to be less prioritised by Chilean governments. Especially the use of a state of emergency when facing conflicts with indigenous people or demonstrators indicates a discriminatory practice of the rule of law.

In general, Chile's administrative system is well organised and has an effective bureaucracy with sufficient capabilities to provide the basic services and protect the rights of citizens. The presence of a relatively well-functioning welfare system indicates sufficient capacities to collect, regulate, and distribute tax revenue to the required areas. There are however large economic inequalities in the Chilean society, which are further accentuated by the privatisation of certain public services, such as education and healthcare. Despite these economic inequalities, the Chilean economy is one of the strongest in Latin America and has succeeded in generating economic and social growth almost continually since the return to democracy. The economic model has strong institutional foundations, and the regulatory framework is improving over time. There is undoubtedly the presence of an economic society that performs some regulatory function between the market and state, but evidently it seems to favour market interests.

To conclude on the research question "To what extent has Chile become a consolidated democracy?", there is a strong argument that all the necessary democratic institutions are present in Chilean society, and that they largely perform their regulatory functions appropriately. On the other hand, there are enough discrepancies regarding norms and processes of democratic conflict-resolution that it cannot be ignored. Even though there is no evidence to suggest the presence of significant anti-democratic actors, it cannot be said that democracy is behaviourally, attitudinally, and constitutionally embedded in Chilean society as the only game in town. Therefore, it must be concluded that the Chilean democracy has not yet completed a full consolidation and remains rather in a state of "near-consolidation".

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