Jaime Guzmán, *Gremialismo*, and the Ideological Origins of the 1980 Constitution

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Abstract

This article seeks to understand the ideological origins of the 1980 Constitution, examining the role that Jaime Guzmán and his movement, *gremialismo*, played in defining the central concepts that characterized Chile's new authoritarian order. It argues that both the definition of a new "protected democracy" and the establishment of a "Subsidiary State" integrated the conceptual proposal that Guzmanian *gremialismo* had formulated ever since its foundation in 1967 and until the military coup d'état in 1973. Divided into four sections, the article first explores the ideological definitions of this early phase of *gremialismo*. Next, it reviews Guzmán's position on whether the Chilean dictatorship should follow a transformational vocation, and delves into the *gremialistas*' concepts of democracy and the State. Understanding *gremialismo* in its own terms allows us to rethink both the democratic—or anti-democratic— character of Guzmán's political project, as well as the relationship between the idea of "Subsidiary State" and neoliberalism.

Keywords: Chile; 1980 Constitution; Jaime Guzmán; *gremialismo*; subsidiarity; Augusto Pinochet's dictatorship

Resumen

Este artículo busca comprender los orígenes ideológicos de la Constitución de 1980, examinando el papel que Jaime Guzmán y el gremialismo jugaron en la definición de aquellos conceptos centrales que caracterizaron al nuevo orden político autoritario. Tanto la definición de una nueva "democracia protegida" como el establecimiento de un "Estado subsidiario" integraron la propuesta conceptual que el gremialismo guzmaniano había formulado en su primera etapa, desde su fundación en 1967 hasta el golpe de

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Estado en 1973. Organizado en cuatro secciones, este artículo explorará las definiciones ideológicas de ese "primer gremialismo," revisará la posición de Guzmán respecto a la definición de una dictadura política con vocación transformadora, para finalmente profundizar en los conceptos de democracia y Estado propuestos por el gremialismo. Comprender al gremialismo en sus propios términos permite repensar tanto el carácter democrático—o antidemocrático—del proyecto político de Jaime Guzmán, así como la relación del Estado subsidiario con el neoliberalismo.

Palabras clave: Chile; Constitución de 1980; Jaime Guzmán; gremialismo; subsidiariedad; dictadura militar de Augusto Pinochet

Jaime Guzmán Errázuriz has been recognized as one of the key civilian advisors of the Pinochet regime and as the "father" of the 1980 Constitution.[1] Although different political and intellectual trends of the political right wing—and even of the Partido Demócrata Cristiano (Christian Democratic Party)—converged in the design of the "new institutional order" ("nueva institucionalidad"), the proposal put forward by Guzmán's *gremialismo* quickly became the structuring axis of the military government's re-foundational political project and the root of the institutional transformations experienced in Chile since September 11, 1973. Indeed, the coup d'état marked a real turning point in Chilean history and launched a significant transformation of the concepts on which the Chilean political order was based. The crisis of the so-called "State of Compromise," characterized by the expectation that the State will generate social welfare, by strong State intervention in the economy, and by the promotion of an "inward"-oriented industrialization through State enterprises,[2] gave way to the "Subsidiary State." This new conception of the State introduced a model based on the reduction of the state apparatus, coupled with a rise in the importance of "intermediate societies," the free market, and private companies.[3] In addition, the Pinochet regime became committed to a transformation of the idea of democracy, characterizing traditional Chilean democracy as "liberal" and "naive," and reorienting it towards a new concept of democracy described as "protected," "authoritarian," and of "authentic participation."[4]

This article will analyze the ideological origins of the 1980 Constitution, examining the role played by Jaime Guzmán and gremialismo in the definition of those key concepts proposed by the military regime. Specifically, we are interested in examining to what extent the content of the "new institutional order" established in the new constitution was redefined on the basis of the ideas of democracy and the State proposed by gremialismo. Although the 1980 Constitution was not exclusively crafted by Jaime Guzmán, it is possible to identify how the ideas of the gremialista leader constituted the main concep-

tual axes of the new constitution. In addition, we will examine a previous but equally significant issue: the role played by Jaime Guzmán in a decision that was taken prior to the drafting of the 1980 Constitution and made it possible for the Pinochet regime to not only introduce institutional transformations in Chile after September 11, 1973, but also to open a path to a new constituent process. Although there is a consensus among specialists regarding the key role played by Jaime Guzmán in defining the bases of the military regime's political project, there is no agreement as to his degree of influence. On the one hand, Renato Cristi highlights the leading role played by Jaime Guzmán and describes him as "the statesman" of the regime, who in practice *decided* "about the content and unity of the State."[5] On the other hand, Belén Moncada contributes an appropriate historical contextualization to this discussion and recognizes that, although Guzmán was the "grey matter" of the dictatorship, the new institutional order cannot be considered exclusively to be the work of Guzmán.[6] Gonzalo Vial Correa maintains a similar stance: although many authors participated in the drafting of the 1980 Constitution, the key figures were Enrique Ortúzar, Jorge Alessandri, Jaime Guzmán, and Sergio Fernández.[7] Similarly, Robert Barros argues that Guzmán became the regime's most influential advisor on institutional matters, at least until 1983.[8] As will be seen, this article assumes that Jaime Guzmán played a leading role—although not an exclusive one—in the definition of the new institutional order. Instead of being the only "father" of the 1980 Constitution, Guzmán can be considered as the main "architect" of the new institutional order.

Although there is no consensus among academics regarding the nature of the military regime's political project, the position of those who point out that it is an essentially anti-democratic project prevails.[9] This article seeks to problematize this last point by arguing that in order to understand the relationship between dictatorship and democracy, it is important to contextualize historically the ideas of Jaime Guzmán, who actively participated in both the ideological dispute over the concept of democracy beginning in the late 1960s and the early 1970s—before the coup d'état—, and the definition of a "new democracy" as the main political purpose of the military dictatorship. Similarly, the formulation of the "Subsidiary State" makes it possible to specify the extent to which the political project of the Pinochet regime sought to establish a "minimal State" or "guardian State" in line with the neoliberal ideology.[10] Unlike other studies, this article argues that, although there was a consensus among gremialistas and "Chicago boys" on the need to reduce the Chilean State's capacity for intervention, Guzmán's understanding of the Subsidiary State allows us to rethink the nature of the concept of State set forth in the 1980 Constitution, beyond the characteristics usually associated with the "neoliberal order."

This article is organized in four sections. The first explains the political diagnosis made by Jaime Guzmán and the gremialistas before the coup d'état, in a first phase that goes from the founding in 1967 of the Movimiento Gremial ("Gremialist" Movement) at the Catholic University of Chile until September 11, 1973. The second examines the position of Guzmán and the gremialistas with respect to the opening of a constituent process, as a key moment in the definition of the dictatorial political project, even before the coup d'état. The final part of the article examines how the political project of the military regime and the 1980 Constitution included the concepts of democracy and the State promoted by gremialismo over a decade earlier. More than forty years after the enactment of the 1980 Constitution and with a new constituent process launched in 2019 in Chile, it is important and timely to re-examine the process of preparing and drafting the constitution that different political currents presently seek to leave behind, from a viewpoint that understands the conceptual proposal of Jaime Guzmán and gremialismo in their own terms.

Jaime Guzmán's political diagnosis in the late 60s and early 70s

Beyond the expression of a nationalist and anticommunist discourse, by September 11, 1973, the Chilean military did not have anything close to a political programme to give direction to a government. Unlike those prior parties and presidents who had reached La Moneda by offering the citizens a vision of the country and a governmental plan, the military had to develop a political programme after taking power. From the very moment of the coup d'état, Jaime Guzmán and the gremialistas were at an advantage when it came to defining the political path and ideological content that would characterize the Pinochet regime from then on. On the one hand, the military's distrust of the political class, which the Armed Forces deemed to be the main responsible for the crisis of democracy, led them to favor support from non-partisan civilian groups from the very beginning.[11] For this reason, although the Partido Nacional (National Party) and the Partido Demócrata Cristiano supported the coup d'état, the most relevant political links between the military regime and the civilian world were limited to a few independent figures, economists, experts, and union organizations, as well as gremialistas and *alessandristas*, most of whom did not come from the political parties. On the other hand, for the Junta, gremialistas had the appropriate credentials to assume responsibilities once the dictatorship began. First, during the government of the Unidad Popular (UP), the gremialistas had led the student movement against the government's educational policies; they did so not from political parties but from the student federations of the Catholic

University of Chile and the Catholic University of Valparaíso.[12] Then, the young gremialistas did not have a history of party militancy and, at the same time, they were capable of offering new political support and specialists to the Pinochet regime, operating as a "power group," as Carlos Huneeus has pointed out.[13] Finally, even before September 11, 1973, they had managed to prepare a new national political diagnosis based on the application of the doctrinal principles of gremialismo.[14] This was a new generation of young people, inheritors of the traditional Chilean right wing, who updated conservative thinking and offered a new system of ideas, disseminating it through new media such as *Portada* and *Qué Pasa* magazines, and even proposed a new political and social project as an alternative to the Christian Democrat and Socialist ones, which by then had already managed to reach La Moneda.

In terms of ideology, since the movement's founding at the Catholic University of Chile in 1967 until the collapse of Chilean democracy in September 1973, the gremialistas had managed to effectively articulate a project opposed to revolutionary change.[15] As part of the student movement opposed to university reform, since 1967 the gremialistas had claimed a vision of the university and society based on the ideas of "university autonomy," "depoliticization" of the "intermediate societies," and the "subsidiary" role of the State. Even though Jaime Guzmán had previously adhered to Catholic corporatism, the establishment of the Movimiento Gremial confirmed a turn to a different doctrine.[16] Indeed, the first cause raised by gremialismo differentiated "social power" from "political power" and considered that the university did not need to resort to ideologies or parties to fulfill its mission and tasks, and that it should, rather, be faithful to perennial ideals that emanated from its own nature. The founding document of the Movimiento Gremial declared that its thinking rested on the idea that "the nature of the University is independent of any ideological or political conception, because it has its own specific purpose as its cause, which is universal and permanent."[17] Although the distinction between "political power" and "social power" had been developed by corporatist authors such as Juan Vázquez de Mella, Osvaldo Lira, and Jaime Eyzaguirre, gremialismo took a turn and distanced itself from Catholic corporatism in central issues, such as the powers of political representation assigned to corporate groups and unions.[18]

The Movimiento Gremial's concepts quickly spread beyond the institutions of higher education, formulating not only a project for the university, but also a project for society. During the 1970 presidential campaign, Jaime Guzmán was one of the main advisors of the independent right-wing candidate Jorge Alessandri. From that position, the gremialista leader extended the differentiation between "political power" and "social power" proposed by the Movimiento Gremial three years earlier. According to Guzmán, and in order to halt the

march of revolutionary projects, a new government should give way to a "true popular participation," capable of channeling the interests of those citizens and organizations existing outside party structures. Indeed, during the presidential campaign, Guzmán told *El Mercurio* newspaper that "the sign of the present times and of the future is popular participation," which was not achieved "through the politicization of the people, but through national integration and with an independent government," and adding that "[i]f social organization is controlled by political parties, popular participation will also be controlled by these."[19] Thus, far from proposing formulas for political representation that disregarded the parties, gremialismo called for an autonomous coexistence of "political power" and "social power."

After Jorge Alessandri's defeat in the elections, Guzmán applied the concepts of gremialismo to his analysis of Allende's victory. The triumph of the UP candidate was not due to a better performance in a particular debate or to the dissemination of a better political project. For Guzmán, Allende's triumph went beyond the success of a "combination of parties" and was explained by the action of "thousands of UP Committees that have their strength in powerful organizations such as unions, *pobladores* movements, and student associations."[20] Guzmán considered that the right wing did not have a capacity for "social penetration" equivalent to that of the UP and that the efforts of the Partido Nacional had been insufficient. For this reason, he considered that Chile required "new forms of social organization, with authentic penetration and a trade union and youth sense," reinforcing the need to extend the social model of gremialismo.[21]

During the UP, Jaime Guzmán emphasized the anti-communist dimension of gremialismo. By defending the autonomy of the "intermediate bodies," which he considered threatened by the UP project, he stressed the relationship between the State and civil society organizations. In this sense, Guzmán identified the principle of subsidiarity as the "doctrinal core" of gremialismo, according to which "the State should not directly absorb the activities that could be carried out by intermediate or grassroots organizations," but should "respect their legitimate autonomy, coordinating and supplementing them for the common good."[22]

In agreement with the aforementioned, the gremialistas opposed Allende's government. They considered that the gremialista project of a "social democracy," based on subsidiarity and social autonomies, was at the other extreme of the UP political project, which they described as totalitarian.[23] Moreover, they declared that theirs was a "vanguard line" in the fight against the UP, and expressed that "with a Marxist Chile, there will be neither free homeland, nor free universities, nor authentically free men."[24] Based on that antithesis between communism and freedom, Guzmán participated in the articulation of a gremialista opposition to the UP through the mobilization of universities, women, truck drivers and

miners, who first expressed their dissatisfaction with the government and later demanded the removal of Allende from the presidency.[25]

By September 11, 1973, Guzmán's ideological proposal had two fundamental definitions that were at the base of the structural transformations demanded by the gremialistas. On the one hand, they formulated the idea of a "social democracy" that distinguished the spheres of "political power" and "social power." According to this distinction, the democratic system should recognize that both political parties and "intermediate bodies"—unions, social organizations, civil society groups—played a complementary and non-exclusive role in channeling social demands to political authority. Secondly, the gremialistas had postulated early on the need to refocus the State's action around the principle of subsidiarity. In fact, they evaluated the course of the State during the twentieth century in terms of subsidiarity and demanded that this principle become the conceptual matrix for future institutional transformations. In 1969, Guzmán had already pointed out that it was urgent to correct "the path of statism" that Chile had followed, emphasizing that the State had been progressively "invading and controlling the most varied fields of the national activity." He further explained that "the great challenge of development is not to seek it at the expense of freedom," adding that '"the subsidiary State' seems to be the contemporary expression of that freedom."[26] In continuity with such statements, in 1972 Guzmán argued that "statist socialism is incompatible with the social-Christian doctrine of the Church," emphasizing that the UP's economic project was contrary to subsidiarity, since it promoted "the nationalization of the generality or all the means of production, and the almost total control of the economy by the State."[27]

By September 11, 1973, both the figure of Jaime Guzmán and gremialista ideas had reached national circulation and offered a response to the country's political situation, integrating in their diagnosis an understanding of democracy and the State. Guzmán, by then one of the leaders of the opposition to the UP, had achieved national fame with his participation in the television program "A esta hora se improvisa" ("At this time of the day, we improvise") on the Chilean TV Channel 13, in addition to participating regularly in radio programmes on national networks. In these media, he gave his opinion on the country's heated political situation, while also promoting gremialismo's ideas. Since then, based on the application and renewal of ideas from the Social Doctrine of the Church and traditional Catholic political thought, gremialismo sought to redefine two central concepts in the national political order, promoting a new understanding of the State and democracy. Following the coup d'état, the military regime would pay close attention to the proposal of the gremialista leader.

Guzmán, constituent power, and the re-foundational option

The decision to begin a new constituent process was one of the first measures taken by the Military Junta once installed in power. Already in its first official meeting after the coup d'état, on September 13, 1973, the heads of the Armed Forces entrusted Jaime Guzmán —then a young law professor at the Catholic University, of only twenty-seven years old—to direct "the study [of] the promulgation of a new Political Constitution of the State."[28] As Jaime Guzmán pointed out in a letter to his mother dated October 15, 1973, in addition to his classes at the Catholic University, he was cooperating full time with the government, "in a commission aimed at drafting a new Constitution."[29] In this letter, he added that he kept "permanent contact with General Leigh, who in my opinion is the most principled member of the Military Junta."[30]

The decision to initiate a constituent process was quickly ratified when the Junta itself formalized the creation of the Constituent Commission headed by lawyer Enrique Ortúzar and with Jaime Guzmán as one of its members.[31] In addition to them, the Commission was composed of lawyers Sergio Díez and Jorge Ovalle, joined a few weeks later by Enrique Evans, Gustavo Lorca, Alejandro Silva Bascuñán, and Alicia Romo. In political terms, the members of the Ortúzar Commission covered the political spectrum of the right wing and Chilean Christian Democracy: Guzmán and Romo came from gremialismo, Díez and Lorca participated in the Partido Nacional, while Ortúzar was close to Alessandrism and Silva Bascuñán was a Christian Democrat. As Barros points out, the Constituent Commission worked "with considerable autonomy from the military government."[32]

The opening of a constituent process was one of the most important decisions taken by the Military Junta, and it allowed the very nature of the dictatorship to be outlined early on. In order to establish a sort of "legal dictatorship," the Junta declared through Decree Law No. 1 of September 18, 1973, that it had assumed "the supreme command of the nation," explaining later that, with this, it had assumed the exercise of three powers: the executive, the legislative and the constituent.[33] The opening of a constituent process by the Junta confirmed the will to transform the institutional regime in force until then. The latter was not a simple decision. On the one hand, the Junta had before it the possibility of forming a momentary and emergency government, which could be the guardian of the Political Constitution of 1925. Immediately after the crisis was over, the Junta could call for elections, and power could once again be exercised by those actors who had up until then been the protagonists of political activity in Chile. This seemed to be the option initially adopted by the Junta, as confirmed by the military orders issued to citizens on September 11. These provisions stated that

the Military Junta was assigned the mission of restoring "order and institutional order," as well as assuming power "for the sole period of time required by the circumstances."[34] In the political scenario, the Christian Democrat leaders expected that the Junta would take this restoring option, which might explain their initial willingness to collaborate with the regime.

The gremialistas, however, promoted the exact opposite position. The dictatorship should be conceived of as a re-foundational and not a restoring government, whose main objective should be the creation of a new institutional order based on the promulgation of a new Constitution. This point of view had already been expressed by the gremialista student federations of the Catholic University of Chile and the Catholic University of Valparaíso before September 11, 1973, in the context of the crisis and polarization of the final months of Salvador Allende's government. The declaration "Hacia una nueva institutionalidad a través de la renuncia de Allende" ("Towards a New Institutional Order Through Allende's Resignation"), dated August 29, 1973 and signed by the student representatives although written by Jaime Guzmán,[35] is a fundamental document in this respect, as it represents the origin of what José Francisco García has called Jaime Guzmán's "revolutionary constitutionalism."[36] Indeed, the declaration proves the support of the gremialistas for the Armed Forces, not only in the latter's taking political command of the country, but also for the possibility of their exercising de facto constituent power. This is a crucial document for several reasons. In the first place, the gremialistas not only declared—as the Chamber of Deputies had already done on August 22 of that year—that the law and the 1925 Constitution had been broken by the UP government, they also considered that the Chilean institutional order, in practice, had died.[37] Secondly, it outlined and declared a democratic position of the gremialista project, recognizing that "Chile is an essentially democratic country" and that, in addition, the country "needs to return to democracy in its entirety." However, it added that such a task did not consist in restoring the democratic regime known up until then: "bearing in mind that the institutional system that has governed us until now has been the subject of varied and accurate criticisms from all sectors of society, it is not appropriate to propose its mere reestablishment." Thirdly, the proclamation demanded Allende's resignation so that, in his place, the Armed Forces would take over the leadership of the country. It added that "only under the leadership of the Armed Forces can Chile gather its best men in the mission of proposing the new institutional order that the country needs to reestablish its democracy."[38]

With the country under the control of the Armed Forces, after the coup d'état, there was a line of continuity in the views of Jaime Guzmán and the gremialistas regarding the mission of the military in power. Guzmán, who had become a prominent advisor to the Military Junta, recommended that they direct

their actions towards the establishment of a re-foundational government, which would open a new historical stage in the country, and whose purpose would be to design a transition towards a new democracy. In a memorandum addressed to the Junta, Guzmán sought to convince the Junta of how the government should take on the political challenge ahead, which presented two alternatives, leaning towards the second one. On the one hand, "either the Junta might limit itself to being a *historical parenthesis* in national life," which implied restoring power to "the same party conglomerates that existed before September 11," or, on the other hand, the Junta "might assume the mission of *opening a new stage* in national history," supported by a civic movement—the gremialistas—that would become "the future support for the current Government and the expression of the citizen majority when the country returns to democracy."[39]

Finally, the Memorandum referred to the transitory nature of the military dictatorship, declared the democratic horizon that should encourage it, and explained the role that the promulgation of a new Constitution would play. Guzmán then pointed out that it was "absolutely clear that the current government is transitory," adding that "Chile is a democratic country and, after a few years of moral, institutional, and economic reconstruction, it will have to return to democracy." Along with emphasizing the transitory nature of the military regime, Guzmán pointed out that, in the future democracy, "political authorities will once again be elected through universal suffrage," and that this would not only be channeled through political parties, but also through "independent currents of opinion." Finally, he added that the main objective of the new Constitution was to purge "our political system of the institutional vices that had facilitated its destruction."[40]

This was one of the political axes that informed the military regime's decision to open a constituent process. This dictatorship was not a restorative one, but one identified with the establishment of a new institutional order. After the first six months of government, in the "Declaración de Principios del Gobierno de Chile" ("Declaration of Principles of the Chilean Government"), a sort of doctrinal document of the dictatorship, the Junta ratified this political line of opting for refoundation and not restoration. The document, largely drafted by Guzmán—and representing at the same time different tendencies of the government—, reiterated that the government's "historic mission" was to give Chile "a new institutional order," aimed —as Guzmán had emphasized in the Memorandum— at "endowing our democracy with solid stability, purging our democratic system of the vices that facilitated its destruction."[41]

Correcting Democracy

The Chilean political and constitutional process of the 1973-1980 period offered Jaime Guzmán the possibility of expressing his system of ideas in a systematic way and of shaping the definition of those fundamental political concepts on which the new Chilean political order would be based. If the original commitment assumed by the military was related to the foundation of a new "protected democracy" that, learning "lessons from the past," would prevent future socialist experiences, Jaime Guzmán incorporated other elements to that concept, adding complexity to the notion of democracy that would support the "new institutional order." He not only proposed the "social democracy" of gremialismo, which distinguished the spheres of action of "political power" and "social power," he also endowed democracy with a series of "pre-political" principles that were at its base, as well as offered historical arguments to emphasize the need to found a "stable democracy." During the 1973-1980 political process, this concept of democracy, with its different scopes, enjoyed semantic stability in the Guzmanian proposal, being formulated throughout the constitutional process—whether within the Ortúzar Commission, before public opinion when explaining the publication of the Constitutional Acts, during the discussion of the preliminary draft of the Constitution in the Council of State, or before and after the constitutional plebiscite of 1980—as well as in the political debate, with the aim of differentiating it both from the opposition's proposals to the regime and from the "hardliner" faction of the government, who supported the establishment of a corporatist model.

Among the civilian collaborators of the Pinochet regime, there was an early consensus on the need to found a new democracy that would nullify the possibility of repeating a socialist experience such as that of the UP. As has been mentioned, this was the main reason for the Military Junta to undertake a "re-foundation" of Chilean democracy and initiate a constituent process. That was the mandate received by the Commission for the Study of the New Constitution, which understood early on that the purpose of its task was to prepare a new Constitution for the establishment of a new democracy.[42] As Sergio Díez explained in the first session of the Commission, on September 24, 1973, it should "be devoted to the study of a new Constitution and not only to introducing patchwork amendments to the current one."[43] The experience of the Unidad Popular was crucial when defining a new democratic model for Chile, as was made clear in the first Memorandum sent by the Ortúzar Commission to the Junta: the constitutional change should "consider the vices or defects that made possible the assumption of power by a minority group (the Unidad Popular), whose policies led to the greatest moral, political, social, and economic chaos in [Chilean] history."[44] In

short, in the constitutional debate within the Ortúzar Commission, there was consensus on the need for protection of the "naive" democracy from totalitarian attempts. As the Ortúzar Commission pointed out in the document "Metas u Objetivos Fundamentales para la Nueva Constitución Política de la República" ("Fundamental Goals or Objectives for the New Political Constitution of the Republic"), dated November 22, 1973, the UP had sought to "destroy democracy and the rule of law […] as a means of establishing a totalitarian system in Chile," for which reason the new constitution should "ensure and strengthen the democratic system and the rule of law," shielding the system from future similar experiences.[45] Such anti-Marxist impetus was systematically expressed in important documents and speeches of the time, such as the "Declaración de Principios del Gobierno de Chile" and Pinochet's Chacarillas Speech in 1977, in whose writing Guzmán played a decisive role. Thus, the final wording of Article 8 of the Political Constitution, which outlawed Marxist-inspired organizations, was, in practice, the obvious result of the regime's anti-communist orientation.

Secondly, the "protected democracy" should not only shield the new institutional order from those groups or political projects inspired by Marxism. It should also protect the existence of a series of essential "pre-political principles," considered as "prior to and superior to the State" and which were the main source of legitimacy of the democratic system. Strictly speaking, the tension between the popular will and these "pre-political" principles, stemming from natural law and not subject to deliberation through the mechanism of democratic majorities, was part of a long-standing discussion within the Catholic Church and its relationship with modernity. Its most famous antecedent was Pope Pius XII's Christmas Allocution of December 24, 1944, that called for "examining the forms by which [a democracy] should be directed if it is to be a true, healthy democracy." The answer was given by Pius XII in the same message: a healthy democracy should be founded on "the immutable principles of the natural law and revealed truth," and it "will resolutely turn its back on such corruption as gives to the state legislature in unchecked and unlimited power".[46] Such a reflection had been part of Guzman's proposal since the 1960s, when, in connection with the discussion on agrarian reform, he considered that the protection of private property, as a principle emanating from natural law, was a fundamental element in shaping a legitimate political order. Thus, the democratic scheme based on the incorporation of natural rights would later be valued by Jaime Guzmán as one of the innovations of the constitutional project, in comparison with the 1925 Constitution. Before the 1980 plebiscite, Guzmán emphasized that for the first time in Chilean history, a constitutional text proposed to establish expressly "that sovereignty recognizes as a limit the essential rights that emanate from human nature," and that these could never be violated, since it was not the State that

granted them "but [that] they arise from the Creator."[47] In another text, Guzmán reinforced this idea stating that "sovereignty is also limited by the rights that emanate from human nature, since these are prior and superior to the State, which only recognizes and regulates their exercise, but does not grant them, and therefore could never legitimately violate them."[48] Among these "pre-political" principles, Guzmán included, for example, the right to life of the unborn, the right of parents to educate their children, freedom of education, the right to property and free initiative in the economic field.[49] Given their importance, such principles were to be subject to strong legal protection. Although there was consensus among the members of the Ortúzar Commission regarding the recognition of these "pre-political" principles, there was not always agreement regarding the modality that such recognition should assume. For example, in the discussion about the right to life, Guzmán was in favor of the existence of a constitutional norm that expressly condemned abortion and euthanasia. In the vote on that article, Guzmán represented a minority position and the constitution simply declared that "the law protects the life of the unborn," without establishing Guzmán's particular proposal.[50]

A third characteristic of the "new democracy" was the distinction between "political power" and "social power" formulated by gremialismo from early on. This distinction had already been explicitly incorporated in the "Declaración de Principios del Gobierno de Chile", which also indicated the different spheres of action in which both powers would operate. According to this "dual power" proposal, political power referred to the "power to decide on matters of general interest to the nation," that is, to the "function of governing the country." Social power, on the other hand, was conceived of as "the power of intermediate bodies to develop with legitimate autonomy towards the achievement of their specific ends," and its existence could be traced back to the colonial period, through the cabildos, and later with the autonomous municipalities in the nineteenth century and labor unionism during the twentieth century.[51] The proposal of the dual autonomous political and social powers was corroborated by Pinochet in the speech of Chacarillas in 1977, in which the most fundamental political definitions of the authoritarian regime were refined. In this regard, Pinochet emphasized that the "new democracy" would be one of "authentic social participation," pointing out that a society is genuinely free to the extent that it respects "a true autonomy of the intermediate groups between man and the State, to pursue their own specific ends."[52] In his speech to the country on September 11 of that year, Pinochet added that he rejected the idea of transforming social organizations "into the sources of generation of future political power, as favored by corporatism, since this would completely distort the mission that corresponds

to each of them," stating that "such hypothesis has been discarded by the new institutional order from the very first moment."[53]

In the context of the political debate of the 1970s, this was a fundamental definition sought by Jaime Guzmán, as it allowed for a differentiation of the political project of the hardliners from that of "*los blandos*" (thus nicknamed for their seemingly softer position). While the former were committed to the establishment of a "political corporatism" and closely followed the Francoist model in Spain or that of Juan María Bordaberry in Uruguay, even proposing the indefinite permanence of Pinochet in power, the latter postulated variations of a "social corporatism," stressing the need for a transition from a dictatorship to a corrected democracy.[54] In this scheme, as Jaime Guzmán pointed out, the distinction between the spheres of "political power" and "social power" was fundamental. In the 1980 article "La definición constitucional" ("The constitutional definition"), Guzmán welcomed the fact that in the project for a new constitution, corporatist formulas were discarded, pointing out that "the basic error of this system consists in believing that the common good is identified with the sum of particular interests" and that "a corporative or 'functional' Parliament, elected by trade unions and regional groups, would leave without any voice or influence whatsoever vast sectors of citizens lacking organizational capacity."[55] In turn, Guzmán stated that corporatism favored the politicization of intermediate societies, "whose autonomy and vitality to constitute an effective social power are directly conditioned to avoid any identification with political power."[56] Three years later, in 1983, Guzmán declared his distance from corporatism—a model admired in his youth, especially through the leader of the Spanish Falange, José Antonio Primo de Rivera—, remarking that "the pretension of dispensing with political parties is only the disguise of the attempt to suppress all ideological pluralism" and adding that "the suppression of ideologies and of the parties that channel them, necessarily hides the thesis of the single ideology and the single party."[57] The constitutional enshrinement of the distinction between "political power" and "social power" would be expressed in different passages of the Constitution. The first article of the text itself reproduced the fundamental nucleus of the gremialista doctrine, declaring that "the State recognizes and protects the intermediate groups through which society is organized and structured and guarantees them adequate autonomy to fulfill their own specific purposes."[58] Finally, Article 54 of the new Constitution disqualified "people who hold a directive position of a trade union or neighborhood nature" from being candidates for deputy or senator.[59]

The 1980 Constitution and the Subsidiary State

The principle of subsidiarity had been present in the Chilean public discussion since the first third of the twentieth century, especially in circles of Catholic intellectuals. It was proposed by the Catholic Church in its encyclicals *Quadragesimo Anno* (1931) and *Mater et Magistra* (1961), maintaining a continuous presence through Chilean debates in magazines such as *Estudio*, *Mensaje*, *and Qué Pasa*. As explained by the Jesuit theologian Johannes Messner, subsidiarity can be understood as a law of priority of responsibilities and competencies that assigns to the individual, families, and intermediate societies the primary responsibility in the realization of their vital functions.[60] In this same line, the encyclical *Mater et Magistra* had established, for example, that "in the economic order first place must be given to the personal initiative of private citizens working either as individuals or in association with each other in various ways for the furtherance of common interests."[61] It is up to the State to direct, stimulate, coordinate, supply, and integrate the work of individuals, but never to absorb it.[62]

Until 1973, subsidiarity had remained at the level of intellectual discussion, without actually structuring a change in the foundations of the Chilean political order. It was precisely Jaime Guzmán who acted as a bridge between the intellectual debate and political action, by applying the subsidiary theory in the change of the concept of State promoted by the Pinochet regime. For Guzmán, the new understanding of the Subsidiary State had two central objectives. On the one hand, that of favoring measures aimed at reducing State power, especially in economic matters; and, on the other, that of specifying the functions to be performed by the State and private parties in the fulfillment of social tasks such as education or health care services. In the ideological debate of the 1960s and 1970s, Guzmán, as well as the "Chicago Boys," identified the traditional action of the Chilean State not only with statism, but also with collectivism. For that reason, a new Subsidiary State had to protect the exercise of freedom and autonomy of civil society from State intervention.

In line with the gremialista approach prior to 1973, Jaime Guzmán argued that one of the key problems of the Chilean development model was its strong statism. This diagnosis did not refer specifically to the UP government, but went further back in Chilean history. For Guzmán, from 1938 to 1973, the keynote had been the growth of State power, which needed to be "reduced to place it within its fair limits," since, during "the last period, its action has exceeded them."[63] Guzmán's criticism of the Chilean State was that as the power of the State increased, people's freedom diminished: an "exaggerated statism" had succeeded in undermining "the freedom of Chileans to decide on those matters that are most directly related to their personal or family destiny," especially in

areas such as "the freedom to choose education" and "the freedom to choose between different health care providers."[64] If the subsidiary option implied a constraint on the power of the State, at the same time it involved a transfer of power to individuals and civil organizations, and also to the market and private companies.

Regarding the provision of education, Guzmán explained that there should be a dynamic relationship between the State and civil society. In this sense, subsidiarity called for a flexible intervention by the State: if civil society, as a priority instance, is not capable of satisfactorily fulfilling the provision of education, then the State is empowered to intervene. Guzmán pointed out that, as paradoxical as it may seem, an educational system in which the State is mostly in charge of providing educational services is perfectly compatible with subsidiarity: "even if the State comes to have an open majority of educational establishments, from a doctrinal or qualitative point of view, that function continues to be subsidiary, because it fills what the priority instances are not able to fill." He added that, this was a qualitative and not a quantitative problem: "if, due to circumstances, it happens that those who have the priority right can extend it, to that same extent *the legitimacy with which the State can act in that field diminishes*." On the contrary, if the intermediate societies—considered as "priority instances" in the fulfillment of educational functions—are not capable of performing such tasks, "the State has not only the right, but the responsibility to take action."[65]

Such a position on subsidiarity was applicable not only to the field of education, but "to all fields of social life," as Jaime Guzmán explained in his political law classes at the Catholic University of Chile.[66] Indeed, if the principle of subsidiarity was to be the organizing criterion for relations between the State and civil society, it was perfectly applicable to other areas, such as health care services or the existence of state-owned enterprises. As a result, a major part of state administration was reformed according to the principles of subsidiarity. Thus, for example, with respect to the Chilean health care system, Guzmán applied the same formula as in the field of education: if at a given moment private initiative is not able to assume health services, the model continued to be subsidiary even when the State assumes these tasks in a majority manner. Guzmán added that "this subsidiarity is being applied as long as the State encourages greater development of private initiative in this area, *allowing it to progressively reduce direct State action*."[67] In this sense, the State's action should not only be limited to directly providing health care services, but should also, in a complementary manner, stimulate private initiative so that it could assume part or all of the future fulfillment of these tasks.

The principle of subsidiarity came to be recognized as the "cornerstone" of the new State, and was present in all the documents in which the Military Junta

expressed its political project. The "Declaración de Principios del Gobierno de Chile", drafted mainly by Jaime Guzmán and published in March 1974, was emphatic in denouncing the domination of the State over the "living forces" of civil society. It stated that "the greater the statism affecting a society, the lesser will be its effective freedom, no matter how widespread the exercise of political rights by citizens," adding that "statism generates a gray, uniform, subdued society without horizons." It considered that the UP government—identified by the Pinochet regime as totalitarian in nature—had been the period in which statism had found its maximum expression, and in those circumstances the action of the State had prevented "the possibility of having a scope of life and activity independent of the State," and ended up "practically denying personal freedom."[68] Regarding the functions to be assumed by the new Subsidiary State, the "Declaración de Principios" pointed out that it "should directly assume only those functions that intermediate societies or individuals are not in a position to properly fulfill," including in this group those activities that are beyond the reach of intermediate societies (national defense, police, foreign relations), or activities of importance for the national collective (strategic enterprises), or that require a general coordination that only the State is capable of fulfilling. "Regarding the rest of the social functions—the document specified—[the State] can only enter to exercise them directly when the intermediate societies that should be in a position to assume them conveniently, fail to do so due to negligence or shortcomings."[69] In the Chacarillas speech, moreover, that subsidiarity was the basis of a democracy of "authentic social participation" that should prevent the "asphyxia of the people by the iron fist of an omnipotent and despotic State."[70]

As for the 1980 Constitution, the term "subsidiarity" is not expressly mentioned in its text. However, as a principle, it structures the Constitution transversally, especially in redefining the relationship between the State and society, the role of private enterprise, the right to education, and social protection. This conception of the State was in open contradiction with the tasks of the State as defined by the 1925 Constitution and the institutional order which, from then until 1973, would be characteristic of the Chilean "Social State." While the 1925 text established, for example, that "public education is a preferential concern of the State," extending into the following decades the ideal of the Teaching State, the 1980 Constitution emphasized the educational role of parents. The text pointed out that freedom is expressed in both the "preferred right" of parents to educate their children—a task in which the State *collaborated*—as well as the right of private individuals to "open, organize, and maintain educational establishments."[71] In the area of health care, the constitution established that it was the State's task to "coordinate and control actions related to health," that "it is the State's preferential duty to guarantee the execution of health actions,

whether they are provided through public or private institutions," and that "each person shall have the right to choose the health system they wish to benefit from, whether state or private."[72] The drafting of those articles that shaped the Subsidiary State was the subject of intense discussions within the Ortúzar Commission. In particular, the members were interested in clarifying which social functions the State should assume directly. Hence, for example, Sergio Diez objected to the implementation of the Subsidiary State in educational matters that Guzmán maintained, not for doctrinal reasons but for its ability to respond to the reality of the country. In Chile, the educational problem was so serious—Diez pointed out—"that there is no real possibility that individuals can confront it in depth and breadth," demanding an active state initiative in educational matters. Finally, Guzmán's approach prevailed, and the principle of subsidiarity integrated into the institutional order a fundamental change in the relationship between the State and civil society, regarding which of these had the priority in assuming the fulfillment of social tasks such as education or health services.[73]

Conclusion

As has been seen, the period 1967-1973 was fundamental in the definition of the gremialista political project. During the crisis of the final months of the Allende government and the subsequent coup d'état, Jaime Guzmán promoted the re-foundational thesis, later persuading the Military Junta to lean towards the creation of a "new institutional order." The constituent process opened by the Junta presented the opportunity for including the gremialista concepts of democracy and State in the new political order. "Protected democracy" referred to a form of government that, in addition to actively rejecting Marxism and excluding it from the political system, incorporated "pre-political" principles that endowed this system of government with legitimacy and were not subject to change through mechanisms of popular sovereignty. The distinction between "political power" and "social power," as an element to be considered in the generation of new political authorities, was integrated from then on into the corrected "new democracy." As for the idea of the State, it is possible to appreciate a distinction between the subsidiary conception and the one promoted by the neoliberal model. Although the understanding and use of "neoliberalism" have been multiple and flexible, its fundamental characteristics refer to "deregulation, privatization and *the abandonment by the State of many areas of social provision*,"[74] as well as the "common belief in the *power of 'self-regulating' free markets* to create a better world."[75] Thus, unlike neoliberalism, subsidiar-

ity does not postulate the disengagement of the State from the tasks of social protection or an abstention of the State in the economy, but, rather, a dynamic relationship between the State and individuals. By means of this distinction, it is understandable that in the interview of Friedrich Hayek conducted by and published in *Realidad* magazine—of which Jaime Guzmán was founder and member of the Editorial Board—they insisted on discussing the role of the State as an agent of wealth redistribution. While the Austrian philosopher considered State intervention in these matters to be negative, the interviewers —including Guzmán—insisted on the need for it, since a high proportion of Chile's population was living in extreme poverty and malnutrition.[76] In this framework, it is possible to understand Guzmán's ideas on the State, stated before and after the constitutional plebiscite of 1980, in favor of a "redistributive state action for the benefit of the poorest."[77]

Notes

1. Renato Cristi, *El pensamiento político de Jaime Guzmán. Autoridad y libertad* (Santiago: LOM Ediciones, 2000), pp. 33-34. Even though Belén Moncada emphasizes that Guzmán played a key role in drafting the 1980 Constitution, she also highlights the role played by Alejandro Silva Bascuñán and Enrique Evans. See Belén Moncada, *Jaime Guzmán. Una democracia contrarrevolucionaria. El político de 1964 a 1980* (Santiago: Ril editores, 2006), p. 194.
2. Rodrigo Henríquez Vásquez, *En Estado sólido. Políticas y politización en la construcción estatal. Chile 1920-1950* (Santiago: Ediciones UC, 2014), pp. 11-12.
3. Bernardino Bravo Lira, "Del Estado Modernizador al Estado Subsidiario. Trayectoria institucional de Chile 1891-1995," *Revista de Estudios Histórico-Jurídicos*, 17 (1995), pp. 230-233. On the links between subsidiarity and the economic field, see Rolf Lüders, "El modelo económico chileno y la subsidiariedad," in Claudio Arqueros and Álvaro Iriarte (eds.), *Subsidiariedad en Chile. Justicia y libertad* (Santiago: IRP/FJG, 2016), pp. 160-164.
4. Junta de Gobierno, *Declaración de Principios del Gobierno de Chile* (Santiago: Editorial Gabriela Mistral, 1974); *Discurso de Augusto Pinochet en el Cerro Chacarillas*, July 9, 1977.
5. Cristi, *El pensamiento político de Jaime Guzmán*, p. 34.
6. Moncada, *Jaime Guzmán. Una democracia contrarrevolucionaria*, pp. 17, 20.
7. Gonzalo Vial Correa, *Chile: cinco siglos de historia. Desde los primeros pobladores prehispánicos, hasta el año 2006* (Santiago: Zig-Zag, 2009), p. 1364.
8. Robert Barros, *Constitutionalism and Dictatorship. Pinochet, the Junta and the 1980 Constitution* (Cambridge: Cambridge University Press, 2002), p. 89.

9. See Cristi, *El pensamiento político de Jaime Guzmán*, p. 12; Isabel Jara Hinojosa, "La ideología franquista en la legitimación de la dictadura militar chilena," *Revista Complutense de Historia de América*, 34 (2008), p. 246.
10. See Renato Cristi, *La tiranía del mercado. El auge del neoliberalismo en Chile* (Santiago: LOM Ediciones, 2021); Daniel Mansuy points out that Guzmán offered a "singular reading" of subsidiarity by "reducing it to a binary question of State intervention or abstention." See Daniel Mansuy, "Notas sobre política y subsidiariedad en el pensamiento de Jaime Guzmán," *Revista de Ciencia Política*, 36: 2 (2016), p. 509. Also Pablo Ortúzar Madrid, "Prólogo," in Pablo Ortúzar y Santiago Ortúzar (eds.), *Subsidiariedad. Más allá del Estado y del mercado* (Santiago: Instituto de Estudios de la Sociedad, 2015), p. 23.
11. Pablo Rubio Apiolaza, *Los civiles de Pinochet. La derecha en el régimen militar chileno, 1983-1990* (Santiago: Dirección de Biblioteca Archivos y Museos, 2013), pp. 74-76.
12. José Manuel Castro, *Jaime Guzmán. Ideas y política 1946-1973. Corporativismo, gremialismo, anticomunismo* (Santiago: Centro de Estudios Bicentenario, 2016), pp. 180-185; Gonzalo Rojas Sánchez, "La forja de una generación," in Gonzalo Rojas, *Chile en épocas de crisis. Estudios sobre partidos, ideologías y libertades* (Santiago: Historia Chilena, 2015), pp. 278-282; Alejandro San Francisco (director), José Manuel Castro, Milton Cortés, Myriam Duchens, Gonzalo Larios, Monserrat Risco, Alejandro San Francisco, Ángel Soto (co-authors), *Historia de Chile 1960-2010. Volume 6: Las vías chilenas al socialismo. El gobierno de Salvador Allende (1970-1973). Segunda parte* (Santiago: CEUSS, Universidad San Sebastián, 2019), pp. 512-515.
13. Carlos Huneeus, *The Pinochet Regime* (Colorado: Lynne Rienner Publishers, 2007), pp. 226-228.
14. Castro, *Jaime Guzmán. Ideas y política*, pp. 170-174.
15. José Manuel Castro, "Jaime Guzmán, el gremialismo y 'lo político' en los largos años 60," in Raúl Burgos, Ricardo Iglesias, and María Fernanda Lanfranco (eds.), *Perspectivas para el estudio de ideas y proyectos políticos en el Chile contemporáneo* (Valparaíso: Ediciones Instituto de Historia, Pontificia Universidad Católica de Valparaíso, 2020), p. 45.
16. Alejandro San Francisco, *Juventud, rebeldía y revolución en los años 60. La FEUC, el reformismo y la toma de la Universidad Católica de Chile* (Santiago: Centro de Estudios Bicentenario, 2017), pp. 151-152.
17. *Declaración de Principios del Movimiento Gremial*, Fundación Jaime Guzmán Archives.
18. Castro, *Jaime Guzmán. Ideas y política*, pp. 114-115. Belén Moncada argues that gremialismo can be understood as a "practical updating" of corporatism. See Moncada, *Jaime Guzmán. Una democracia contrarrevolucionaria*, p. 43. See also José Manuel Castro, "Jaime Guzmán, primer gremialismo y poder social," in Daniela Carrasco and Claudio Arqueros (eds.), *Jaime Guzmán en perspectiva. Once reflexiones sobre su pensamiento y figura* (Santiago: FJG, 2022), pp. 55-72.
19. "Jóvenes alessandristas desbordarán el Caupolicán," *El Mercurio*, June 25, 1970.
20. Jaime Guzmán, "Algo peor que el triunfo de Allende. La democracia chilena sin liderato," *PEC*, Nº 375.
21. Ibid.
22. "Jaime Guzmán y el desafío gremial," *Qué Pasa*, 80 (1972).
23. Ibid.
24. "Comando alessandrista redactó declaración sediciosa de FEUC," *El Siglo*, September 15, 1970.

25. Castro, *Jaime Guzmán. Ideas y política*, pp. 180-188.
26. Jaime Guzmán, "El miedo. Síntoma de la realidad político-social chilena," *Portada*, 2 (1969).
27. Jaime Guzmán, "La Iglesia chilena y el debate político," in Tomás Mac Hale (ed.), *Visión crítica de Chile* (Santiago: Ediciones Portada, 1972).
28. Acta de la Junta de Gobierno Nº 1, September 13, 1973.
29. Letter from Jaime Guzmán to Carmen Errázuriz, October 15, 1973, Fundación Jaime Guzmán Archives.
30. Ibid.
31. Supreme Decree Nº 1.064, *Diario Oficial*, November 12, 1973.
32. Barros, *Constitutionalism and Dictatorship*, p. 90.
33. Decree Law Nº 128, *Diario Oficial*, November 16, 1973.
34. Bando Nº 1 y Bando Nº 5 de la Junta Militar, September 11, 1973.
35. José Manuel Castro, Jorge Soto Vásquez and Alejandro San Francisco's interview with Javier Leturia, Santiago de Chile, July 7, 2016.
36. José Francisco García, *La tradición constitucional de la P. Universidad Católica de Chile. Vol. II: (1967-2010). Ramificación, refinamiento, reconciliación* (Santiago: Ediciones UC, 2020), p. 224.
37. Federación de Estudiantes de la Universidad Católica de Chile and Federación de Estudiantes de la Universidad Católica de Valparaíso, *Hacia una nueva institucionalidad a través de la renuncia de Allende*, Fundación Jaime Guzmán Archives.
38. Ibid.
39. Memorándum del "Comité Creativo" para la Junta de Gobierno, 1973, Fundación Jaime Guzmán Archives. Emphasis in the document.
40. Ibid.
41. Junta de Gobierno, *Declaración de Principios del Gobierno de Chile*.
42. Barros, *Constitutionalism and Dictatorship*, p. 91.
43. Actas Oficiales de la Comisión Constituyente, Session 1ª, September 24, 1973.
44. Actas Oficiales de la Comisión Constituyente, Session 18ª, November 22, 1973.
45. Ibid.
46. Pius XII, *Radio message "Benignitas et humanitas" for Christmas (December 24, 1944)*, https://www.vatican.va/content/pius-xii/en/speeches/1944/documents/hf_p-xii_spe_19441224_natale.html, visited December 22, 2021.
47. Jaime Guzmán, "La definición constitucional," *Realidad*, 2:3 (1980).
48. Jaime Guzmán, "Aspectos fundamentales del Anteproyecto de Constitución Política," *Revista Universitaria*, 2 (1979), p. 91.
49. Jaime Guzmán, "Un texto comprometido con valores fundamentales," *Qué Pasa*, 396, pp. 16-22 (November 1978); Guzmán, "La definición constitucional."
50. Actas Oficiales de la Comisión Constituyente, Session 89ª, November 21, 1974; Actas Oficiales de la Comisión Constituyente, Session 90ª, November 25, 1974.
51. Junta de Gobierno, *Declaración de Principios del Gobierno de Chile*.
52. *Discurso de Augusto Pinochet en el Cerro Chacarillas*.
53. "Mensaje presidencial anual del 11 de septiembre de 1977," *El Mercurio*, September 12, 1977.
54. On the difference between political and social corporatism, see António Costa Pinto and Federico Finchelstein, "The Worlds of Authoritarian Corporatism in Europe and Latin America," in António Costa Pinto and Federico Finchelstein (eds.), *Authoritarianism*

and Corporatism in Europe and Latin America. Crossing Borders (London; New York: Routledge, 2019), pp. 2-3.
55. Guzmán, "La definición constitucional."
56. Ibid.
57. Jaime Guzmán, "50 años de un hermoso discurso equivocado," *El Mercurio*, October 29, 1983.
58. *Constitución Política de la República de Chile* (Santiago: Editorial Jurídica de Chile, 1981), p. 8.
59. Ibid., p. 47.
60. Johannes Messner, *La cuestión social* (Madrid, Rialp, 1960), pp. 363-365.
61. *Mater et Magistra*, n. 51.
62. *Mater et Magistra*, n. 53.
63. Jaime Guzmán, "El camino político," *Realidad*, 1:7 (1979).
64. Ibid.
65. Actas Oficiales de la Comisión Constituyente, Session 141ª, July 24, 1975. Emphasis mine.
66. Gonzalo Rojas Sánchez, Marcela Achurra González, and Patricio Dussaillant Balbontín (eds.), *Derecho político. Apuntes de las clases del profesor Jaime Guzmán Errázuriz* (Santiago: Ediciones Universidad Católica de Chile, 1996), p. 56.
67. Ibid. Emphasis mine.
68. Junta de Gobierno, *Declaración de Principios del Gobierno de Chile.*
69. Ibid.
70. *Discurso de Augusto Pinochet en el Cerro Chacarillas*.
71. *Constitución Política de la República de Chile*, p. 19.
72. *Constitución Política de la República de Chile*, p. 18.
73. Actas Oficiales de la Comisión Constituyente, Session 143ª, August 5, 1975.
74. David Harvey, *Breve historia del neoliberalismo* (Madrid: Ediciones Akal, 2007), p. 7. Emphasis mine.
75. Manfred B. Steger and Ravi K. Roy, *Neoliberalism. A Very Short Introduction* (Oxford: Oxford University Press, 2010), p. xi.
76. "Entrevista a F. von Hayek: La fuerza de la libertad," *Realidad*, 2:24 (1981).
77. Jaime Guzmán, "La definición constitucional," p. 29. See also Jaime Guzmán, "El sufragio universal y la nueva institucionalidad," *Realidad*, 1:1 (1979), p. 41; Jaime Guzmán, "El sentido de la transición," *Realidad*, 3:38 (1981), p. 15.