

Book Reviews

Pablo Ruiz-Tagle, *Five Republics and One Tradition: A History of Constitutionalism in Chile, 1810–2020*. New York: Cambridge University Press, 2021. Appendix, tables, bibliography, index, 305 pp.; hardcover \$110, paperback \$30.

History in Chile has been written mostly by historians and lawyers. In elementary, secondary, and tertiary schools, children in Chile learn about periods of history marked by institutional changes. Often, historical periods are associated to the enactment of new constitutions—1833, 1925, 1980, and probably a new one if the current constitution-writing process eventually arrives at a happy end.

Pablo Ruiz-Tagle's book follows that tradition by offering a constitutional history of Chile based on the legal framework for the political process established in the different constitutions enacted in the country since independence in 1810 and the evolution in how those constitutional principles have been enforced. For Ruiz-Tagle, constitutions are both the result of political processes and a frame that limits and constrains future political and social development.

Making no apologies for his choice of dividing the national history into five republics—in a French fashion—Ruiz-Tagle draws inspiration from Alphonse de Lamartine's *History of the Girondists*, an influential nineteenth-century text that, according to Ruiz-Tagle, also influenced political thought in Chile. For Lamartine, and Ruiz-Tagle, the political and social tensions in society are fought in political institutions. The legislative arena—the bicameral congress, in the case of Chile—is the place where the different factions—eventually, political parties—seek to advance their causes and agendas. The book is not about social movements or how economic developments triggered social and political change. That would be a bottom-up approach that would not suit constitutional scholar Ruiz-Tagle. The book is about how conflicts between elites resulted in constitutional orders that arbitrated political and social conflicts for extended periods of time.

Ruiz-Tagle is a lawyer by training and a professor of constitutional law at the Universidad de Chile (where he also serves as dean of the School of Law) who also holds a Ph.D. in law from Yale University. Following a rich tradition of legal scholars in Chile who write historical texts, Ruiz-Tagle's book also fits into the US tradition of constitutional history that shares a border with political science. Thus, one can find references to Chilean history scholars and to constitutional law scholars, like Bruce Ackerman or Roberto Gargarella. The vast theoretical discussion that Ruiz-Tagle brings to his text helps expand the potential readership of this fascinating description of Chilean constitutional history.

Noncontroversially, Ruiz-Tagle argues in favor of dividing Chilean constitutional history into periods (republics, as he calls them). Unlike other scholars, Ruiz-Tagle's proposed periods are not especially associated with the enactment of new constitutions. The First Republic lasted from 1810 to 1830 and was characterized by the emergence of the nation-state and several ultimately failed constitutional experiments that multiplied in the years after independence. The Second Republic (1830–70)—the authoritarian republic—was characterized by the presence of a strong and increasingly influential state, led by presidents (military and civilian) who used strong presidential powers in the constitution (and tweaked other constitutional prerogatives to further strengthen the presidency) to consolidate the formation of the state and the emergence of a well-defined national identity.

Departing from other historical accounts that associate the end of that period to the 1891 civil war that resulted in the suicide of President Manuel Balmaceda, Ruiz-Tagle identifies the start of the Third Republic (1870–1924) with constitutional reforms that expended the electorate and made elections more competitive. As other historians argue, Ruiz-Tagle also claims that the 1891 civil war allowed Congress to exert more power and weakened the president. Calling it supremacy of the legislative function, Ruiz-Tagle offers a neat description of how the legislature, starting in the 1870s, asserted additional powers that eventually led to the confrontation between Congress and President Balmaceda that triggered the 1891 war. Those reforms allowed Congress to assert a much stronger role—meddling with some presidential prerogatives—in the period that is widely known as the Parliamentary Republic (1891–1924).

Ruiz-Tagle does argue that social conflicts—and popular discontent with the status quo—trigger constitutional changes and pave the way for social processes that lead to the end of one republic and the beginning of the next. But interestingly, the book does not spend much time discussing the causes of the end of the republics. One could presume that the constitutional order might have exhausted itself as it failed to adapt to the new social and technological developments, like the so-called social question in the early twentieth century, with the emergence of a working class associated mostly, but not exclusively, with the mining industry. Thus Ruiz-Tagle formally ignores the period of political instability caused by the 1924 political crisis—which led to the temporary leave of absence of President Arturo Alessandri and the eventual enactment of the 1925 Constitution.

The period between 1924 and 1932 is left out of the five republics in Ruiz-Tagle's arrangement. Since the 1925 Constitution was formally in force, the period of political instability between 1925 and 1932 needs to be accounted for. In fact, the main claim of the text is that constitutions reflect political equilibria between the different parties, factions, and, in a more sociological wording, social cleavages, but also help to enforce the negotiated political pacts that produce new constitutions. In the case of the 1925–32 period, the 1925 Constitution seems to have failed to immediately achieve the objective of restoring social peace and creating a new institutional order.

For Ruiz-Tagle, the Fourth Republic began in 1932 with the return of Arturo Alessandri to the presidency. In my view, that period, which saw the emergence of a competitive multiparty democratic system with increasing levels of political and electoral participation, does not get sufficient attention in the text. The fact that democracy properly emerged under the 1925 Constitution—admittedly at a time when several other countries in the world were also moving toward democratic regimes—is associated with the expansion of social rights. As new groups were incorporated into the political arena, some of their demands became priority issues for the government. Agrarian reform, initiated in the early 1960s and accelerated under the reformist presidency of Christian Democrat Eduardo Frei (1964–70) and revolutionary Socialist (“A Chilean Road to Socialism”) Salvador Allende (1970–73), drastically altered the balance of power and the political equilibrium that had emerged in the years after the enactment of the 1925 Constitution.

Ruiz-Tagle argues that the coup d’état of 1973 destroyed the Fourth Republic, but an equally convincing alternative explanation is that the Fourth Republic’s limitations and shortcomings led to the violent military coup that overthrew Allende and began a 17-year period of authoritarian rule. For Ruiz-Tagle, the 1973–90 period does not merit much attention. As the ten-page chapter on that period is titled “The Dictatorial Imposition of Authoritarian Constitutionalism,” Ruiz-Tagle describes the effort of the Pinochet dictatorship to rule under some notion of a state of law. Fortunately, the weakness of that chapter can be easily complemented by a reading of the late Robert J. Barros’s *Constitutionalism and Dictatorship: Pinochet, the Junta and the 1980 Constitution* (Cambridge University Press, 2002).

For Ruiz-Tagle, the Fifth Republic began with the return of democracy in 1990. The longest section in the book, this chapter—titled “The Neoliberal Republic, 1990 to Date”—is more comparative in its nature and describes several of the features of the Chilean presidential system and some of the constitutional reforms enacted since 1990. The chapter ends by describing the reformed 1980 Constitution as a “Leopard’ Constitution because, despite all the changes realized, it is still the same in its main doctrinal features, and its neoliberal and authoritarian principles” (256).

As the translation of the original Spanish version of the text—*Cinco repúblicas y una tradición. Constitucionalismo chileno comparado* (LOM, Santiago, 2016)—was being finalized and complemented to produce a new text for a more international audience, Ruiz-Tagle added a final reflection on the constitutional moment that began in Chile with the social uprising of October 2019.

Understandably, Ruiz-Tagle was cautiously optimistic about the future of the constitutional convention process that had been agreed on by the main political parties in November 2019. But he was not yet ready to announce the end of the Fifth Republic. Although the constitutional writing process suffered a severe setback with the victory of the reject option in the September 2022 plebiscite, the process is still alive, and will probably result in the enactment of a new constitution in the coming years. It is not clear whether, under Ruiz-Tagle’s criteria, that new constitution will represent the end of the Fifth Republic and the

beginning of a new constitutional historical period or whether it will just be a new set of reforms to the 1980 Constitution, and thus the country will continue to live under the Neoliberal Republic.

The book will be of interest to historians, constitutional scholars, political scientists, and other social scientists. Unfortunately, the book does not draw on the extensive political science literature that looks at the impact of institutional design features on political processes in Chile. The book treats institutions and legal structures as dependent variables that can be explained by the preceding social and political process. But at times, those institutions are implied to be the independent variables that account for social and political developments. For example, the 2019 riots are presented as a popular response to the discontent caused by the imposition of the Neoliberal Republic. But the riots also triggered a constitution-writing moment when the elites sought to appease the rioters. Although treating an institution interchangeably as a dependent and independent variable might lead to some confusion, the focus on constitutional history offers a solid anchor to look at the political history of Chile by discussing how institutions, laws, and legal structures have evolved.

The book would have benefited by looking at the contributions of political scientists who have studied electoral participation, partisanship and party structures, executive-legislative relations, and the actual functioning of political institutions, like the presidency and the legislature, during the period. When and to what extent did the expansion of suffrage alter the political equilibrium? Did political parties that formed in the twentieth century represent the groups that history claims them to have represented? Did voters align themselves along the same multiparty system structure that characterized congressional representation?


As a book on constitutional history, the text is very much a top-down approach to Chilean history. Those looking to find the role of women, indigenous groups, or other underrepresented groups in the political process will not find the text to be useful for their endeavor. Those looking for data-driven analysis and for evidence to back claims made about when and why the country transited from one republic to the next will also be disappointed.

But in the tradition of constitutional history, this text will be a breath of fresh air in the discussion of the evolution of political institutions in Chile and will offer a concise and compelling view for a reader interested in understanding the evolution of Chilean history from the viewpoint of a legal scholar and an institutionalist.

For those unfamiliar with Chilean history, the book will also offer some key insights into the apparent obsession Chileans have with constitutions. By reading Ruiz-Tagle's clearly written and intellectually engaging book, readers will understand why the political elites—but the population as well—in Chile have obsessed for more than 30 years with the fact that the country's political institutions and social contract are based on the text forced on the nation by the Augusto Pinochet dictatorship. Although the constitution has been subject to many changes and modifications since democracy was restored, the fact that it is still Pinochet's constitution accounts for why a majority of Chileans remain firmly

committed to replacing it with one drafted by a democratically elected body. Even if the new democratically produced constitution looks very much like the current text, it will carry a legitimacy of origin that will probably induce Ruiz-Tagle to declare that Chile has entered a new historical period, the Sixth Republic.

Ruiz-Tagle's thought-provoking decision to divide Chilean constitutional history into five periods (republics) is particularly relevant today as Chileans undertake a new try at replacing Pinochet's constitution. Any reader interested in understanding the context of the constitutional debate in Chile will greatly benefit from reading Ruiz-Tagle's *Five Republics and One Tradition*.

Patricio Navia 

New York University, New York, NY, USA

Maxwell A. Cameron and Grace M. Jaramillo, eds., *Challenges to Democracy in the Andes: Strongmen, Broken Constitutions, and Regimes in Crisis*. Boulder: Lynne Rienner, 2022. Tables, figures, 263 pp.; hardcover \$98, ebook \$98.

On December 7, 2022, hours before he was due to face an impeachment vote, Peruvian president Pedro Castillo announced that he would close Congress and form an emergency government until new legislative elections could be held. Alberto Fujimori had done nearly the same thing some 30 years earlier, on April 5, 1992, when he announced on television that he was temporarily dissolving Congress and reorganizing the judiciary. However, whereas Fujimori enjoyed high public approval and the support of the armed forces to carry out his *autogolpe*, or self-coup, Castillo was embroiled in allegations of corruption, suffered from tepid public support, and lacked the institutional backing of the military. Lawmakers widely condemned Castillo's actions and proceeded with the impeachment vote, approving his removal from office by a wide margin.

Challenges to Democracy in the Andes, this superb edited volume by Max Cameron and Grace Jaramillo, examines a range of executive aggrandizement—the weakening of checks on executive power—in the Andes. While Castillo's extreme case transpired after the book's publication, the editors provide a framework that explains both why it occurred and why Castillo failed in his gambit. The editors also use the Andean experience to challenge readers to consider a more nuanced theory of democracy that goes beyond elections and liberalism. As a result, the book wrestles with

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