

# The constitution of society

## Pinochet, postdictatorship and the multitude

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Augusto Pinochet's defenders are not entirely wrong. They realized what was at stake in the judicial battle over the ex-dictator's extradition to Spain, and as such they have been often less distracted than his accusers. At stake was not so much the guilt or innocence of one individual as, rather, the very constitution of Chilean society, perhaps even the constitution of society in general. The issue is simple: is the ground or origin of a postdictatorial society necessarily dictatorship itself? In other words, can there be postdictatorship without a dictator? The broader questions, also raised by the Pinochet case, are equally stark: does the state found society? Or, can there be society without a state? Here I limit myself to attempting, via an analysis of Pinochet's legal defence in the context of recent Chilean history, an answer to the first of these broader questions: I suggest that it is the multitude that founds society. On this view, the multitude is the "defining concept" of modernity, in that it grounds the constitution of popular citizenship;<sup>1</sup> it is also the emergent subject of postmodernity. The pressing political question remains, however, whether or not the multitude can found a society without a state.

A careful reading both of the general's judicial defence and of the statements made to the press by his supporters reveals much about the Chilean postdictatorship. The general has had nothing to hide, hence he hides nothing. Nelson Caucoto, introducing a book made up primarily of quotations from Pinochet and his supporters, argues that 'to get to know Pinochet, all you have to do is read his declarations ... his own words say everything.'<sup>2</sup> More broadly, in the Pinochet case it is the Right who are the demystifiers; the Left have all too often remained stuck with outmoded and inappropriate analyses. In a reversal of Hegelian-

ism, society's masters (those who speak for the state) can claim epistemological superiority; though as they do so, they also reveal their increasingly frustrated impotence (the fear, perhaps, that the state is not in fact society's master).

Pinochet's defence can best be described in terms of melancholic cynicism. It may be the particular fate of postdictatorial melancholy (rather than the postdictatorial *mourning* analysed by Alberto Moreiras)<sup>3</sup> to take shape as a cynicism for which the mystifications of ideology are irrelevant. Slavoj Žižek defines contemporary cynicism in terms of the post-ideological formula 'they know very well what they are doing, but still, they are doing it.'<sup>4</sup> Timothy Bewes specifically links cynicism and melancholy in a definition of cynicism that emphasizes 'a melancholic, self-pitying reaction to the apparent disintegration of political reality.'<sup>5</sup> Dictatorship is perhaps always cynical, both in the sense that dictatorial power is a calculating reliance on force rather than on consent, and in the sense that those subject to dictatorship (such as Vaclav Havel's famous greengrocer) are led to cynicism as a mode of survival.<sup>6</sup> It is with postdictatorship, however, that cynicism becomes melancholic.

Peter Sloterdijk argues that cynicism leads to 'the obvious exhaustion of ideology critique' by simultaneously pre-empting and disregarding its conclusions: critique depends for its effectiveness upon a moment of triumphal revelation, a moment that is forestalled if there is no initial mystification.<sup>7</sup> Critical thought needs then to be reconsidered under the conditions of postdictatorship. This is not to say that critique should be abandoned *tout court*. The end of ideology (if that is what cynicism entails) must provide also the conditions of possibility for post-ideological politics and

post-ideology critique.<sup>8</sup> Too often, the Left falls into its own form of nostalgia and tries to reconstitute lost frameworks of analysis and action. My argument here, by contrast, is that postdictatorial melancholia opens up new terrains of struggle – while also shedding light on old ones that remained always outside the narratives provided by ideological politics.<sup>9</sup>

In this article, I follow some of the suggestions and consequences indicated by the discourse of Pinochet's defenders. I argue that, *contra* talk of society's dissolution or fragmentation, the question of society's constitution is now back on the agenda more firmly than ever.<sup>10</sup> Indeed, the discourse of Pinochet's defence points beyond the concept of *civil* society that has been the theoretical bedrock for social-democratic attempts to understand transitions from authoritarian rule; it points rather to the relation between the state and the fundamental constituent power of the multitude. A focus on the multitude reinforces the analyses of postdictatorship (provided by theorists such as Idelber Avelar, Tomás Moulián, Nelly Richard and Willy Thayer) that argue that there has been no real break between dictatorial and postdictatorial regimes in Chile; but the conclusions it suggests may be somewhat more optimistic.<sup>11</sup> Postdictatorship may condition new forms of thought and new forms of politics, but it is also the last gasp of a process that has been many decades in the unfolding. A cycle of struggle that has lasted thirty-five years or more has now ended; let the new one begin.

### **Pinochet and his friends**

Though desperate to save 'their general' from the terrors of Spanish justice, Pinochet's defenders steadfastly avoided arguing the case that their former head of state was innocent of the charges he faced. This is perhaps the most striking aspect of the general's defence: it was predicated upon his guilt. In response to the October 1999 court decision approving his extradition, Pinochet released a statement that read in part: 'Spain has not produced a single piece of evidence which shows that I am guilty.'<sup>12</sup> The point, however, is that Spain (or, rather, Spanish judge Baltazar Garzón) did not have to prove the general's guilt, not only because that had not been the legal issue (the magistrate's 8 October ruling stressed that it involved no finding as to Pinochet's guilt) but also because his guilt had been assumed by all parties to the process. Indeed, one of the strongest assumptions of Pinochet's guilt can be found in the transcript of a judgement that proves *favourable* to his cause: Mr Justice Collins's states, in the course of agreeing with

the Lord Chief Justice's judgement that Pinochet was immune from extradition proceedings, that 'the whole case ... depends, as I see it, upon establishing that the applicant was acting at the relevant time as head of government and was thus directing the evil regime that is attacked.'<sup>13</sup> The decision of the court, in finding *in favour* of Pinochet, was therefore to *agree* that the general had been 'directing the evil regime that is attacked'. The key to Pinochet's freedom here resided in his guilt. As *La Vanguardia* put it, 'no-one talks as though Pinochet were innocent';<sup>14</sup> or, in the words of *El País*, 'at no point did [Pinochet's legal counsel before the Law Lords, Clare Montgomery QC] speak of 'alleged' crimes of state, presenting rather as facts the accusations made by judge Garzón against the ex-dictator.'<sup>15</sup> *Pace* Pinochet's own protestations of innocence, then, his defenders realized that his only hope for salvation lay in the assumption of his guilt.

The general's defence was predicated upon the argument that torture had been *systematically* practised and was an *integral* part of the state regime headed by Pinochet – and *as such* (and only as such) a policy protected from prosecution by conventions of state immunity. Pinochet's defence team, then, proceeded as though rigorously following the analyses of Michel Foucault or Tomás Moulián: torture in Chile was 'a regulated practice, obeying a well-defined procedure';<sup>16</sup> such cruelty did not arise from 'a passion of the individual carrying it out', being rather 'a deliberate, calculated act'.<sup>17</sup> Or, as Clare Montgomery QC would put it, torture was *functional*.<sup>18</sup> *Only as a deliberate, calculated act could torture be immune from prosecution.* The general's defence was that 'he was entitled to lifelong immunity for torture and murder committed for reasons of state rather than for private gratification.'<sup>19</sup> Pinochet's legal team had, then, to argue for the inherent connection between torture and sovereignty, for the function of cruelty as part of 'a procedure ordered around the formidable rights of the sovereign';<sup>20</sup> rights that, once established, retrospectively ensured the sovereign's immunity from prosecution. More than simply *a* function, then, Montgomery argued on Pinochet's behalf that 'The conduct with which we are concerned are *archetypical* acts of government or sovereign power'.<sup>21</sup> A sovereign power must be able to torture at will; the ability to torture at will must found sovereign power.<sup>22</sup>

What is at stake here, then, is not guilt or innocence but power and its foundation. It should be no surprise that the endless regression implied by this circular mutual foundation of power and sovereignty should lead to the most apparently pedantic of arguments

about dates. Just *when* did Pinochet become head of state? He was not declared sole head of state until 26 June 1974 (and in fact was not declared president of Chile until December 1974); as such, Ernesto Ekáizer commented in *El País*, before then (in the nine months following the coup of 11 September 1973) ‘Pinochet was not a *sovereign* head of state’.<sup>23</sup> The ramifications of this argument led to further discussions not so much of the date at which Pinochet may have been *declared* head of state but of the date at which he was *recognized* as such; at what point did Pinochet’s effective sovereignty become *visible*? The Law Lords thus requested confirmation of the British Foreign Office as to the date on which Britain first recognized the general as head of state – though the answer again merely initiated an interminable regression, producing dates from 26 September 1974 back to 26 October 1973 (when the British government received the credentials of the incoming Chilean ambassador<sup>24</sup>) through to, at the earliest, 22 September 1973. Still, as one of the Law Lords commented, ‘That still leaves eleven days, between the 11th and the 22nd of September.’<sup>25</sup> The logic of this argument found no *terminus ad quem*: it led rather to discussion of murders committed the day of the coup itself (preceding the junta’s first public declaration the night of 11th September) and beyond that to tortures that took place in August 1973 (before the date of the coup itself).<sup>26</sup> If these tortures were also sovereign acts, then logically the sovereignty of the *post-coup* regime in fact *preceded* the coup, and there must have been an (impossible) period in which Chile was home to two sovereign powers; if they were not sovereign acts, then sovereignty would, equally impossibly, seem to have dissolved with the fall of socialist president Salvador Allende.

In the end, the appeal to the originary violence that would have founded the general’s claim as head of state – and so the dictatorial regime’s claim to statehood – had to be short-circuited; the Lords’ final judgement excluded all crimes that took place before Britain signed the International Convention against Torture (December 1988). The Law Lords realized that they would otherwise be in an impossible position in their attempt to fix the origin of state sovereignty, and so the origin of state immunity.<sup>27</sup> If no origin could be found, then, as Lord Browne-Wilkinson put it, ‘we start by saying the only people [the Convention against Torture] can hit are people who can claim state immunity, [which is] a very remarkable state of affairs.’<sup>28</sup> The historic aspect of the Law Lords’ judgement (and what distinguished this judgements from all previous judgements) would be the eventual move

to break the vicious circle that seemed to ensure that those guilty of torture, defined as a state-authorized act of rational cruelty, were precisely those covered by state immunity. Following Foucault, we might say that the primary result of the Law Lords’ decision was to repeat the Enlightenment separation of sovereignty from spectacular power, a separation that (for Foucault) founds the society of discipline. Yet this was only possible through the stratagem of choosing to ignore everything that came before December 1988, so bypassing the question of how and when the dictatorial state’s legitimacy came into being. The court effectively chose to declare the transition *to* dictatorship to be beyond its ken; Pinochet’s defence and the law alike were happier discussing the transition *from* dictatorship. The Pinochet case had thus put the question of the state’s foundation at centre stage, considered it at some length and found that question unresolvable in terms of force, spectacular power or international recognition, and then hurriedly drawn a liberal veil once more over the issue.

### **Transition, the visibility of the state and society**

If Pinochet’s defence insisted upon the irreducible centrality of torture to dictatorial regimes, it also insisted that Pinochet’s immunity to prosecution has been indispensable for postdictatorial social order.<sup>29</sup> The general’s supporters consistently argued that we should consider the effects that his prosecution would produce in Chilean society. The general’s detention, we were told, threatened to destabilize the hard-fought and suddenly precarious process of transition from authoritarian rule negotiated and agreed by all sectors of Chile’s civil society. It was not simply a question of Pinochet’s having initiated this process of democratization, but rather that his presence in the country remained a key factor for the governing *Concertación*’s continued viability.<sup>30</sup> The then Chilean president, Eduardo Frei Ruiz-Tagle, signalled that postdictatorial government had to defend Pinochet to ensure ‘respect’ not simply for Chile’s sovereignty but also for ‘its political transition’;<sup>31</sup> the extradition process threatened to undermine both. Or, as the Chilean foreign minister, José Miguel Insulza, himself formerly an exile from Pinochet’s regime, put it, for ‘reasons of state’ he had to defend Pinochet to maintain the postdictatorial regime’s ‘own institutional position’.<sup>32</sup>

Hence the architects of Chile’s transition, for the first time, articulated the unconscious and unspoken basis for its postdictatorial consensus, ironically for

the sake of preventing Pinochet himself from having to speak under oath in a court of law. Chilean criticisms of the British and Spanish governments' failure to intervene in the judicial process indicated that in Chile itself such intervention would be expected; in other words, that the transition is based upon the collusion rather than the separation of powers between executive and judiciary. Above all, and despite someone like Insulza's protestations, what became clear was that the Chilean democratic pact depended less on the institutions and strength of civil society than it did on the continued integrity and defence of the state and of national sovereignty for which Pinochet himself, as ex-head of state, was not only the symbol but also the living incarnation. The coalition which has ruled Chile since the so-called transition to democracy had always acted and spoken as though its roots derived from the disparate social movements (from neighbourhood organizations to feminist groups) that had confronted Pinochet during the final years of the dictatorship in the name of civil society against the state. Yet now, as much under neoliberal globalization as under populism or Allende's socialism, it became clear that the state remained the decisive and sovereign institution whose continuity was paramount; as much now as before 1989, *l'état, c'était Augusto*.

In other words, the discourse that alleged that civil society founded the legitimacy of the state had now, in the course of Pinochet's defence, been revealed as obscuring an unspoken understanding that it should be the state that founds the legitimacy and coherence of (civil) society itself. In the face of this panorama opened up by Pinochet's detention, it is time to follow the Right's lead and return to social analysis in order to question the dominant social-democratic narratives of democratization by which recent Chilean history has been understood. Thus, in the light of the apparent fragility and irrelevance of civil society revealed by all participants in Chilean political society, and in the light of the Lords' failure to find a ground for the state's sovereignty, the society of the Chilean transition needs to be redescribed and rethought. Indeed, and as a first approach to clear the air, we might venture that recent events in Chile confirm Michael Hardt's thesis that what we see under neoliberalism is less the rolling back of the state from the political domain than what he terms 'the withering of civil society' as the parties, social movements, and non-governmental organizations traditionally associated with civil society abandon any mediating role between the state and the populace to take on roles increasingly defined by and in the service of the state

alone.<sup>33</sup> But again, what grounds the state and what founds society?

Rethinking the Chilean postdictatorship implies a new conception of Latin American neoliberalism and the globalization it claims to embrace, a new conception of the way in which neoliberalism structures or manages contemporary societies, and of globalization's genesis and history. In some senses, however, this would be a first description: neoliberalism fails to offer a self-description, or any self-explanation. It is a regime that, as we have seen, seems to function almost without the need of ideology, for which it substitutes merely the discourses of technical management that do not offer themselves up for interrogation. This ideological deficit is neoliberalism's strength, in that it allows for a sort of invisibility, a resistance to description given that its rule depends on a set of more or less unconscious presuppositions; but this same ideological deficit proves to be also its weakness, as can be seen in the confused reaction in Chile prompted by Pinochet's detention. In contrast to other regimes – most obviously populism – which are endlessly vocal and in which the state endlessly states, producing discourses and constructing its own legitimation, in neoliberalism the state is curiously silent and for this reason if no other can be imagined to have disappeared. This, however, is not necessarily to say it lacks legitimacy: its silent inscrutability, the fact that it goes without saying, provides rather a new form of legitimacy.

In the case of Chile, this inscrutability was famously modelled, as Nelly Richard argues, by the iceberg that formed the centrepiece of the country's pavilion in the 1992 Seville Exposition. As Richard says, the 1992 Exposition became the stage for Chile to renovate its self-conception and international self-presentation upon the heels of the opening to democracy. In Seville, the country marketed itself in terms of style, design and branding, putting forward an identity constituted 'through expression rather than through signification ... through a culture of the "look"' rather than through a culture of discourse.<sup>34</sup> Chile offered itself up as a brand that should be immediately apprehended, rather than a text to be read or interpreted – just as Nike's ubiquitous swoosh offers less any particular meaning than simply a sensation or affect, a feeling that is more or less inarticulable. This is the efficiency towards which advertising aspires: the subliminal, direct access to the unconscious that does not work through an ideological statement which could then be contested. This, Richard suggests, is how neoliberalism operates.

The iceberg itself, a hundred tons towed to Spain from the waters of the Chilean Antarctic – another of globalization’s transnational floes – symbolized Chile’s self-constitution as a brand in the global marketplace. On the one hand, the effort and achievement involved in the process of bringing the iceberg halfway around the world was a hugely successful publicity stunt. On the other hand, as Richard goes on to argue, the iceberg conveyed the notion of Chile as ‘a cold country, with this image of the cold associated with calculation and the efficiency of technical rationality’ as opposed to the conventional image of Latin America as the site of emotive and irrational warmth and exuberance.<sup>35</sup> Chile, by contrast, would be sleek, modern – and, most importantly of all, silent. For ‘the surface of a *natural* monument without history ... outside all time and space, served to erase any reference to the historical Chile of the socialist revolution.’<sup>36</sup> This was a public face that would be scrupulously clean, whiter than white, resistant to dirt, graffiti, or the accumulation of historical detritus. Above all, and invoking perhaps mystery and foreboding, an iceberg is also of course mostly invisible: what can be seen is also only an indication of a larger presence whose force could only be imagined, hardly represented. So the neoliberal state resists representation; but so also does the multitude.

### The great transformation

The current relative quiescence of the social movements that were much remarked upon and studied in the final years of Pinochet’s dictatorship has variously been taken to indicate either consensus and support for the postdictatorship regime (in the regime’s terms, the transformation of those movements into the regime itself), or, by the disaffected Left, the prevalence of depoliticization and apathy.<sup>37</sup> But the astonishing and unprecedented success in Chile of Tomás Moulián’s *Chile actual* suggests otherwise. When a fairly dense and definitely critical sociological and political text published by a university press becomes a bestseller, this might indicate some social desire to penetrate neoliberalism’s inscrutable silence. Truly, as the Chilean Right’s response to Pinochet’s detention also suggests, neoliberalism is perhaps entering a new phase of relative exposure, if we are all to be sociologists now.

Moulián’s book is written precisely to counter what he describes as the ‘compulsion to forget’ that he sees as characteristic of contemporary Chile.<sup>38</sup> More recently, Moulián’s *Conversación interrumpida con Allende*, whose framing fiction is, as the title suggests, a dialogue with Salvador Allende about the state of

postdictatorship society, is also an attempt to recover historical memory.<sup>39</sup> The functional importance of forgetfulness within neoliberalism demands therefore more than simply a sociology; it requires also a historical perspective that understands the democratic transition not as the new start or blank slate that its architects propose, but within the context of at least the last thirty years of Chilean history. The fact that so many of those who demonstrated in Santiago in favour of Pinochet during the House of Lords’ trial were too young to remember properly Pinochet’s regime, let alone to remember Allende’s *Unidad Popular* that allegedly justified *pinochetismo*, can only be understood by reference to what the demonstrators themselves were not in a position to remember.

The semi-conscious repetition or perpetuation of apparently forgotten positions recalls Javier Martínez and Alvaro Díaz’s argument about Chile’s long-term transformation over the past thirty-five years.<sup>40</sup> They argue that what is most striking about Chile’s recent history is the continuity that it exhibits rather than the abrupt switches between extremes or the new and ever more radical beginnings or contrasts that each of the various regimes since the 1960s have claimed to institute.<sup>41</sup> Martínez and Díaz argue for this continuity along two lines. First, they suggest that Frei Montalva’s and Allende’s centre-left and left regimes prepared the way for the transformation towards neoliberalism in that each weakened the traditional, landed oligarchy and finally left a vacuum among the middle-class, commercial elite into which (under Pinochet) could step the new, managerial-technical elite who would introduce and apply neoliberal economic and social policies. Second, they show how Pinochet – again *contra* the neoliberal mantra of rolling back the state in favour of globalization – relied upon the economic power of the state, not simply its repressive apparatuses, benefiting from (and refusing to reverse) Allende’s nationalization of the copper industry to intervene in the economy, most notably during the banking crisis of the early 1980s. Above all, they conclude that the Chilean experience ‘indicates that the opportunities for a successful and radical capitalist transformation are better in those societies that have experienced a previous process of advanced socialization.’<sup>42</sup> The great transformation is constituted by a lengthy but integrated process whereby socialization precedes subsequent, and reactive, capitalist transformation.

Yet Martínez and Díaz do not follow up sufficiently on this insight; and they tend to explain it, if at all, as the consequence of simple functionalism or as political opportunism on the part of the Pinochet





regime (which, famously, came to power with no clear economic or political plan, and so handed over economic control to the so-called 'Chicago Boys', Chilean former students of Milton Friedman). Further, Martínez and Díaz overstress the (sociological and economic) continuities without taking sufficiently into account the political discontinuities between these four widely different types of regime, and without trying to examine the causes of either continuity or discontinuity. In the end, Martínez and Díaz are good at describing an important and underappreciated side to the Chilean transformation, but make little effort to explain it. After all, an irony of history is that, had Allende also suspected this congruence between socialization and radical capitalist transformation, he would not have instituted the reforms that, in Martínez and Díaz's eyes, led almost naturally to Pinochet's neoliberalism. Indeed, this narrative implies an inversion of traditional Marxism, for which capitalist transformation (bringing workers together, uprooting their attachments to the land and localized identities, maximizing the efficiency of the production process, forming joint-stock corporations, and so on) provides the preconditions for a possible subsequent socialization of production. In the transition between Allende and Pinochet, the same (socially constituent) process was continued, but on other (political) terms. This is the complicated transition that has still to be analysed, and its impetus determined. Martínez and Díaz show that the constitution of present-day Chilean society has a forgotten historical depth (it was not fashioned

either in an instant by the coup or over months by civil society); but this is not enough.

In other words, only part of the continuity that is the Chilean great transformation has yet been explained. Whereas the notion of a sharply differentiating transition *from* dictatorship was once the social-scientific consensus, now we can see a rather more significant agreement between leftist critics of the transition (Moulián, Thayer and others) on the one hand and Pinochet and his defenders on the other. The current (cynical) consensus, diametrically opposed to the previous (mystificatory) one, emphasizes the continuities between dictatorship and postdictatorship. However, what is more difficult to explain – and more difficult to admit, for Right or Left – are the continuities observed by Martínez and Díaz in the transition *to* dictatorship (from Allende to Pinochet), a transition characterized by sociological continuity and political reversal mixed. Overall, then, the period from 1964 to the present (the 'great transformation') is characterized by a social continuity at the same time as it contains a sharp discontinuity (the shift from socialization to capitalist transformation) marked by the coup of 1973. What explains the serial continuities that lie behind the decades-long 'great transformation' in Chile? Martínez and Díaz's emphasis is on state policy and the continuity of the policies initiated from above; but the continuity itself remains unexplained, as does its coexistence with the coup. Yet it is this that holds the key to the constitution of Chilean society over the past thirty-five years.

To understand the source not only of the continuity of the social processes described above but also their radically distinct incarnations (or political valencies), we will have to look elsewhere: the state does not of itself explain its own transformations, though it does still have to be explained. And it will not be explained by that nebulous sphere named civil society, which is, in any case, defined in contemporary social science only by its proximity to the state. Civil society (and the profusion of discourse around civil society that has dominated public discourse in Chile more than perhaps in any other Latin American country) proves to be but the alibi of the state, telling us that the state is always elsewhere. Pinochet's defence destroys that alibi, reminding us that the state is still central. All roads in the contemporary political science that is dominant in Chile itself now lead back to the state. It is precisely this sense of the state's centrality, even in what is allegedly the era of globalization and in a country run by a neoliberal elite whose mantra is openness to the international market, that leads to a sense of desperation when the figure defining himself as the state's incarnation is detained in a London clinic or an upmarket Surrey suburb. But if the Pinochet affair demonstrates that we cannot take the state for granted, the Law Lords' difficulties as they tried to establish the state's foundation, and to define the state's allegedly foundational role, indicate that the state itself may be an alibi for some other social force, not yet represented in this scenario. Rather than Martínez and Díaz's top-down account, I will turn now to the forces from below that might have determined some part of recent Chilean history, constituted the society we see now, and been behind some part of its recent drive towards the international openness and globalization that the political elite today deny, at least in matters juridical.

### **Counter-revolution and the multitude**

Rather than talking neutrally of a 'great transformation', then, let us take up Tomás Moulián's terminology of revolution and counter-revolution. Moulián calls the 'capitalist revolution' initiated by Pinochet a counter-revolution in that it was 'a reaction against an ascendant popular movement, it was a movement that at first lacked any positivity being rather overloaded with negativity.'<sup>43</sup> Here, then, Moulián from the outset undoes the concept of democratic transition, bringing together Pinochet's regime and the so-called transition under the rubric of counter-revolution. Indeed, Willy Thayer goes further when he argues that if we are looking for a transition then it is to the dic-

tatorship that we should look, in that the Pinochet regime, in common with the other Southern Cone dictatorships, constituted a transition from state to market.<sup>44</sup> Or rather, we might say, the dictatorship constituted a moment of the state's extreme visibility during which its logic, however, became inscrutable and hence invisible – a combination of total presence and apparently diaphanous irreality performed almost literally in the state tactic of disappearances. With Pinochet's trial, however, the state returns to visibility, if briefly (and if elsewhere – displaced to a Surrey housing estate). The state becomes visible when it is forced once more to act, to respond to a demand that comes from elsewhere. Pinochet's dictatorship responds to the same social pressures that had destabilized Allende's *Unidad Popular*, the 'headlong rush that arose from plebian protagonism, the behavior of the masses who took seriously their role as historical actors and who, on occasions, acted with autonomy.'<sup>45</sup> Moulián blames this same multitudinous autonomy for its lack of realism, 'that brought on the difficulty ... of being able to contain the movement once it had set itself loose.'<sup>46</sup> Pinochet acted to contain this multitudinous movement, which had begun to constitute itself autonomously of the state, and this forced a rapid social transformation as his regime was compelled to accede to the demands that movement pressed forward; Pinochet's regime thus pushed forward the social changes that had been building since Frei's Christian Democrat presidency, but it reversed the political valency of those changes. Hence, combining the notions of counter-revolution and of transition, we can recognize the constructive part the Pinochet regime had to play (against its will, and against the interests of the majority of the rural and commercial bourgeoisie) in the capitalist revolution and in the formation of a new state form – not to mention in the withering of civil society.

Here Paolo Virno's analysis is extremely suggestive. He defines counter-revolution as 'an impetuous innovation of modes of production, forms of life, and social relations that, however, consolidate and set again in motion capitalist command', and on this basis he analyses the neoliberal transformation of Italy – again, effected through state repression in the 1970s.<sup>47</sup> Virno considers neoliberal counter-revolution in the context of Mario Tronti's analysis that capitalist transformation is always the reaction to working-class demands or subversion.<sup>48</sup> In other words, capital refits and improves its means and control of production in response to labour strategies that make the existing regime untenable. In response, then, to demands for

a shorter working day, capital improves the efficiency of the production process and turns from the formal subsumption of pre-capitalist working practices to the real subsumption of labour through the introduction of working practices that are capitalism's own. In this manner, capital responds to working-class demands with revolutionary change, but not on the terms of the working class: exploitation only increases. Likewise, then, Virno sees Italian neoliberalism as a response to demands made by the generation of 1968. Inasmuch as the 1960s counterculture demanded freedom from the strictures of the factory or the office, freedom to leave work or change jobs at will, freedom of lifestyle choice and recreation, neoliberalism responded to all these demands by restructuring capitalist production techniques and work practices but not on the terms in which the demands had originally been made, as these freedoms were translated into the strictures and insecurity of high unemployment, the abolishing of long-term contracts and job security, and consumer products designed for built-in obsolescence and forced impermanence.

The Chilean move to neoliberalism and its positioning within the global market functioned in similar manner. Again, if the social movements of the 1960s and 1970s were demanding freedom from patriarchal landlords, social mobility, the end of national insularity, a sense of regional integration, an increased quantity and quality of available goods and so on, as Martínez and Díaz imply, the Pinochet-led counter-revolution fulfilled these demands, and so continued the great transformation initiated in 1964. But the counter-revolution certainly did not fulfil these demands on their original terms, but rather through a protracted and painful restructuring that enabled capital and the state to maintain their command, even as they lurched from one economic crisis to another. Likewise, if the social movements of the 1980s demanded an end to dictatorship and a renewed national identity within the global system, the *Concertación* responded, but at the price of untouchable impunity for the former regime and the imposition of historical amnesia. The social movements of the 1960s, 1970s, and 1980s were not driven by a desire to aid, accompany and be subsumed into the state (as civil society theory would have it, and as the *Concertación* presents itself); they were a multitude searching for a space of autonomy. Indirectly, then, as they put their demands to the state, in an attack on the state, they also constituted society as the state turned those demands back to that multitude, but in inverted form. To put it simply: all Chilean regimes since the 1960s have been responding to, and

attempting to accommodate, a very consistent set of demands that come from below. The state has had to bend backwards, and in the end to revolutionize social relations, in its attempt to respond to the unbearable pressures exerted by the multitude that so consistently threatens to overrun it. To put it theoretically, we can imagine the multitude faced with the state as being in a homologous position to the proletariat faced with the product of their labour: they have produced society with their constituent power, but it is returned to them as constituted, fetishized, spectacular authority.

This process of neoliberalism in train today, extending marketization to all areas of everyday life, can be seen as the real subsumption of society by capital in response to the demands of two generations of social movements. As Michael Hardt and Toni Negri argue, 'The globalization of the market, far from being the horrible fruit of capitalist entrepreneurship, was actually the result of the desires and demands of Taylorist, Fordist, and disciplined labor power across the world.'<sup>49</sup> One can only qualify this by saying that in Chile, which set the model for the neoliberal counter-revolution elsewhere, those who came to form the multitude were part of an exodus from a still larger set of social groups, not merely the copper and coal miners but also the landless peasants of the South or the students of Santiago.

Against the idea that the Chicago Boys simply instituted their master plan, it is worth emphasizing that globalization and neoliberal reconstruction have not been processes that the political and economic elite entered into lightly or even of their own accord, as is clear from the sacrifices that were required of the Chilean middle classes in terms of the destruction of capital resources, bankruptcy or closure of firms that, however inefficient, were still profitable within the old regime, and the tremendous social re-engineering that the elite themselves also had to undergo to reproduce themselves in technocratic mould. The Pinochet regime can with some justice be described as an attempt equally to discipline the dominant sectors in Chilean society; its economic savagery was also directed against the complacency of the Chilean land-owning class and its industrial and commercial national bourgeoisie, who were no longer in a position to hold back the growing pressures that threatened them from below. Here is the other side of the joke: that in nationalizing much of the banking industry after the financial crisis of 1981, Pinochet showed another side of the Chilean road to socialism; the great transformation has indeed led to an increased socialization of the economy, albeit above all in the



form of the socialization of debt. Hence, again, this was a realization of the demands of Chilean social movements (of the Chilean multitude), if not on their own terms.

In conclusion, we might speculate as to why this transformation was not represented as a response to demands from below – as finally the most efficient of all the state’s post-1964 responses to demands for reform – but was rather imagined to be a necessary correction imposed by a sovereign necessity arriving from outside. Why, in other words, are neoliberalism and, on a global scale, globalization always seen as inhuman, quasi-natural and abstract, but nonetheless irresistible and inevitable forces that take over the nation-state from without? Why do neoliberal technocrats suggest that they are the willing if helpless agents of a shift from state sovereignty to the sovereignty of impersonal international economic forces, when the Pinochet affair demonstrates that national sovereignty and national self-determination remain as inalienable a principle for neoliberals as ever? Why, finally, does neoliberalism not represent its concessions to the pressure for globalization and modernization that comes from below in a style – and in a legitimating manoeuvre – that traditional liberalism, always eager to show a human face, would have done? Perhaps it is because, were these demands and their satisfaction – however distorted – acknowledged, then it would also be that much easier to recognize the liberating possibilities, the new internationalism and the potential elimination of work or of the law of value that neoliberal globalization contains, if in inverted form. If the current process began with a socialization that forced capitalist transformation, that transformation has now aided new forms of socialization that could one day soon demand new, perhaps more violent, capitalist transformation. The question remains as to whether capital will always manage to effect a successful reactive transformation in the face of ongoing pressures from the multitude; in other words, whether the society that the multitude founds will always be dominated by a state, alienated and alienating product of its constitutive power. In the context of the Pinochet case, which led to many extraordinary and unprecedented events and which still (at the time of writing) has the power to surprise, it would be unwise to make any firm predictions.

## Notes

I would like to thank Susan Brook, John Kraniauskas, Alberto Moreiras, and the editors of *Radical Philosophy* for their comments on earlier versions of this article.

1. Paolo Virno, ‘Virtuosity and Revolution: The Political Theory of Exodus’, in Paolo Virno and Michael Hardt,

- eds, *Radical Thought in Italy: A Potential Politics*, University of Minnesota Press, Minneapolis, 1996, p. 201.
2. Nelson Caucoto ‘Presentación’, in Luís A. Salinas, ed., *The London Clinic*, LOM, Santiago, 1999, p. 12. This and all subsequent translations from the Spanish are my own.
3. For postdictatorial mourning, see Alberto Moreiras, ‘Postdictadura y reforma del pensamiento’, *Revista de Crítica Cultural* 7, November 1993, pp. 26–35.
4. Slavoj Žižek, *The Sublime Object of Ideology*, Verso, London, 1989, p. 29.
5. Timothy Bewes, *Cynicism and Postmodernity*, Verso, London, 1997, p. 7.
6. See Vaclav Havel, ‘The Power of the Powerless’, in Jan Vladislav, ed., *Vaclav Havel or Living in Truth*, Faber & Faber, London, 1986.
7. Peter Sloterdijk, *Critique of Cynical Reason*, trans. Michael Eldred, University of Minnesota Press, Minneapolis, 1987, p. 3.
8. Not that either Sloterdijk or Žižek (whose comments on cynicism arise in the context of a discussion of Sloterdijk) would agree that we are in a post-ideological era; they both, rather, are concerned to redefine the concept of ideology, even if they agree that ideology critique as traditionally envisaged is no longer viable (if indeed for Žižek it ever was). As far as I am concerned, however, the forces of control that are now predominant differ sufficiently from those described in terms of traditional conceptions of ideology that it is generally misleading to continue using the term except in a very restricted sense, if at all. It is also for me a moot point as to whether the concept of ideology ever really described well the workings of social discipline; Gilles Deleuze and Félix Guattari suggest that ‘there is no ideology and never has been’ (*A Thousand Plateaus*, trans. Brian Massumi, Athlone, London, 1988, p. 4).
9. Subaltern studies, as I understand it, is also centrally concerned with the way in which narratives of ideological politics negate or deny other forms of struggle. See Ranajit Guha, ‘The Prose of Counter-Insurgency’, in Ranajit Guha and Gayatri Spivak, eds, *Selected Subaltern Studies*, Oxford University Press, Oxford, 1988, pp. 45–86 and Ranajit Guha, *Dominance without Hegemony: History and Power in Colonial India*, Harvard University Press, Cambridge MA, 1997.
10. Examples of talk of society’s dissolution range from left-wing accounts of a disaffected underclass to right-wing critiques of multiculturalism.
11. See Idelber Avelar, *The Untimely Present: Postdictatorial Latin American Fiction and the Task of Mourning*, Duke University Press, Durham NC, 1999; Tomás Moulián, *Chile actual: Anatomía de un mito*, LOM/ARCIS, Santiago, 1997; Nelly Richard, *Residuos y metáforas: ensayos de crítica cultural sobre el Chile de la Transición*, Cuarto Propio, Santiago, 1998; Willy Thayer, *La crisis no moderna de la universidad moderna (epílogo del conflicto de las facultades)*, Cuarto Propio, Santiago, 1996; as well as Moreiras, ‘Postdictadura’.
12. Mark Tran, ‘Pinochet Loses Crucial Round of Court Battle’, *Guardian*, 8 October 1999. This and subsequent references from the *Guardian* and *El País* are taken from those newspapers’ website archives. See [http://www.guardianunlimited.co.uk/Pinochet\\_on\\_trial/](http://www.guardianunlimited.co.uk/Pinochet_on_trial/) and <http://www.elpais.es/>. Unfortunately, *El País*’s Pinochet archive seems now to have been taken down; however, a number of Ernesto Ekáizer’s articles for *El País* (and

- many other documents) can be found online at ‘The Pinochet Page’, <http://www publica.com/pinochet.html>. Most of the legal judgements are also available online; for example, the Law Lords’ judgements can be found at <http://www.parliament.the-stationery-office.co.uk/pa/ld199697/ldjudgmt/ldjudgmt.htm>.
13. ‘In the Matter of an Application for a Writ of Habeas Corpus Ad Subjicendum, Re: Augusto Pinochet Ugarte’, 28th October 1998, paragraph 78.
  14. Quoted in Luís A. Salinas, *The London Clinic*, LOM, Santiago, 1999, p. 95.
  15. Ernesto Ekáizer, ‘La defensa de Pinochet dice que está en juego “la estabilidad política en Chile”’, *El País*, 10 November 1998.
  16. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, Penguin, London, 1991, p. 40.
  17. Moulián, *Chile actual*, pp. 177 and 183.
  18. Sue Quinn, ‘Torture a State Function – Pinochet Defence’, *Guardian*, 26 January 1999.
  19. Michael Birnbaum, ‘Pinochet: The Legal Intricacies’, *Latin American Newsletters*, [http://www.latinnews.com/Pinochet/pinochet\\_eng.htm](http://www.latinnews.com/Pinochet/pinochet_eng.htm).
  20. Foucault, *Discipline and Punish*, p. 47.
  21. Quoted in Quinn, ‘Torture a State Function’; my emphasis.
  22. Note, incidentally, that the debate only concerned *torture*; both sides throughout the judicial process accepted the sovereign right to *murder*. Pinochet did not face extradition for any cases of murder, only (finally) twenty-four counts of torture and one of conspiracy to torture.
  23. Ernesto Ekáizer, ‘Fue genocidio y en 1973 no era jefe de Estado’, *El País*, 31 October 1998.
  24. Ernesto Ekáizer, ‘Londres reconoció a la Junta Militar chilena, pero no al jefe del Estado’, *El País*, 23 January 1999.
  25. Quoted in Ernesto Ekáizer, ‘Los lores piden certificar la fecha en la que Pinochet fue nombrado jefe de Estado’, *El País*, 19 January 1999.
  26. See Clare Dyer, ‘Pinochet’s Future May Hang on a Date’, *Guardian*, 20 January 1999.
  27. See Birnbaum, ‘Pinochet: The Legal Intricacies’.
  28. ‘Chile’s Position on Torture Represents “Remarkable Contradiction in Law”’, *Guardian*, 2 February 1999.
  29. See Ernesto Ekáizer, ‘La defensa de Pinochet dice que está en juego “la estabilidad política en Chile,”’ *El País*, 10 November 1998. This was particularly the position of Pinochet’s British defenders, such as Norman Lamont, but also many newspaper commentaries. The other common British defence of Pinochet, Margaret Thatcher’s line that Pinochet was a friend of Britain’s in that he had aided the country and so saved British lives during the Falklands/Malvinas campaign, was intensely embarrassing to the Chilean government, which had been officially neutral during that campaign, and which at the time of the Pinochet case was renewing its attempts to resolve its remaining border disputes with its neighbour, Argentina. This is yet another example of the way in which the Pinochet legal process induced sudden revelations and confessions on all sides.
  30. The *Concertación* is the coalition of centre and centre-left parties (including the Socialist Party), formed during the last years of the Pinochet regime, whose constant plea is that Chileans should unite to put behind them the political divisions that have allegedly plagued the country for most of the twentieth century, culminating in the post-1973 dictatorship. This unity would be forged by strengthening the institutions of civil society. See Jon Beasley-Murray, ‘Learning from Sendero: Civil Society and Fundamentalism’, *Journal of Latin American Cultural Studies (Travesía)*, vol. 8, no. 1, June 1999, pp. 75–88.
  31. P. Carbajo, ‘El Gobierno de Aznar asegura que no irá en contra de las decisiones judiciales’, *El País*, 20 October 1998.
  32. Francesc Relea, ‘Una clase política desgarrada por “razones de Estado”’, *El País*, 2 November 1998.
  33. Michael Hardt, ‘The Withering of Civil Society’, *Social Text*, vol. 45, no. 14.4, Winter 1995, pp. 27–44.
  34. Richard, *Residuos y metáforas*, p. 166.
  35. Richard, *Residuos y metáforas*, p. 175.
  36. *Ibid.*, p. 174.
  37. For a relatively celebratory write-up of the social movements, see *inter alia*, Philip Oxhorn, *Organizing Civil Society*, Pennsylvania State University Press, University Park PA, 1995; for a more jaded subsequent account, see the same author’s co-edited collection, Philip Oxhorn and Graciela Ducatzenzeiler, eds, *What Kind of Democracy? What Kind of Market? Latin America in the Age of Neoliberalism*, Pennsylvania State University Press, University Park PA: 1998.
  38. Moulián, *Chile actual*, p. 31.
  39. Tomás Moulián, *Conversación interrumpida con Allende*, LOM/ARCIS, Santiago, 1998.
  40. Javier Martínez and Alvaro Díaz, *Chile: The Great Transformation*, Brookings Institute and United Nations Institute for Social Development, Washington and Geneva, 1996.
  41. The successive regimes since the mid-1960s have been Eduardo Frei Montalva’s progressive Christian Democracy (1964–70), Allende’s socialist *Unidad Popular* (1970–73), Pinochet’s dictatorship (1973–89), and the *Concertación* (1989–present), whose presidents have been Patricio Aylwin, Eduardo Frei Ruiz-Tagle (son of the former president), and Ricardo Lagos. Each regime is characterized by a claim to a self-foundation, a new beginning and erasure of the past.
  42. Martínez and Díaz, *Chile: The Great Transformation*, p. 135.
  43. Moulián, *Chile actual*, p. 25.
  44. Thayer, *La crisis no moderna*.
  45. Moulián, *Conversación interrumpida*, p. 97.
  46. *Ibid.*, p. 97.
  47. Paolo Virno, ‘Do You Remember Counterrevolution?’, in Virno and Hardt, eds, *Radical Thought in Italy*, p. 241.
  48. Mario Tronti, ‘Lenin in England’, in Red Notes, eds, *Working Class Autonomy and the Crisis: Italian Marxist Texts of the Theory and Practice of a Class Movement 1964–79*, Red Notes and CSE Books, London, 1979, pp. 1–6.
  49. Michael Hardt and Antonio Negri, *Empire*, Harvard University Press, Cambridge MA, 2000, p. 256.