



**FROM TOWN ASSEMBLIES TO REPRESENTATIVE DEMOCRACY:  
THE BUILDING OF ELECTORAL INSTITUTIONS IN  
NINETEENTH-CENTURY CHILE\***

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## **ABSTRACT**

Scholarship on the origins of democracy has focused on the United States and on West European countries as the cases in which the so-called “first wave of democratization” occurred, while little or no attention has been seriously given to this kind of regime building change that took place in Latin America at the same time.

This paper takes a step in correcting this glaring absence in the literature by analyzing the Chilean experience with rich historical detail. All Hispanic American countries had to find an alternative model to establish legitimate governance after rejecting the Spanish monarchy, and they therefore adopted the general outlines of the then readily available liberal republican constitutional models, drawing them largely from French writers and the US constitution. But a key element of that model had still not been perfected anywhere by the first quarter of the nineteenth century, namely, how to organize electoral institutions. Hence, the main issue of the first wave of democratization has to do largely with the creation of such institutions. The importance of the Chilean case is that it turns out to have been a world pioneer in creating some of the key elements that would later become standard features of electoral systems in modern democracies. Unlike the rest of Latin America, Chile adopted from the very beginning a direct vote for legislative elections based on a broad conception of male suffrage rights with no ethnic or racial exclusions, a modality of secret voting through written paper ballots folded four times over that were to be counted after the polls closed, a method of representation based exclusively on territorial districts that took into account the size of the population in them and, beginning in 1823, a national registry of voters. The electoral calendar was set definitively by the 1828 Constitution, and from 1831 until 1925 it was followed without any interruptions despite a few episodes of armed political conflict.

The paper focuses heavily on the first decades of electoral construction beginning in 1809, and tries to discover and elucidate, largely on the basis of primary sources, the exact moment of origin of each aspect of the electoral system and its political consequences. The paper then explores in a final section how the system evolved until the crucial electoral reform of 1890 that allowed the Chilean regime to transition from a proto-democracy to a democratic regime, albeit one with an incomplete extension of the suffrage given the absence of voting rights for women and for the dwindling half of the population that then was illiterate.

## **RESUMEN**

Los estudios de los orígenes de la democracia han enfocado a Estados Unidos y a países de Europa occidental al de analizar la llamada “primera ola de democratización,” y han prestado poca o ninguna atención seria al mismo proceso de cambio democratizante del régimen político que tuvo lugar contemporáneamente en América Latina.

Este trabajo da un paso correctivo a este gran vacío en la literatura al analizar la experiencia chilena con un gran acopio de detalle histórico. Todos los países latinoamericanos tuvieron que encontrar un modelo legitimante alternativo para sus gobiernos luego de rechazar el de la monarquía española. Por ello adoptaron las nociones generales fácilmente disponibles del constitucionalismo liberal y republicano, tomándolos de autores franceses y de la constitución de EEUU. Pero en ninguna parte se había perfeccionado durante primer cuarto del siglo

decimonónico un elemento clave de ese modelo, i. e., el cómo organizar las instituciones electorales. Por ende, la creación de dichas instituciones fue el tema principal de la primera ola de democratización. La importancia del caso chileno viene del hecho que fue pionero mundialmente en crear algunos de los elementos claves que posteriormente se considerarían definitorios de los sistemas electorales en las democracias modernas. A diferencia del resto de América Latina, Chile adoptó desde el comienzo un sufragio directo para las elecciones legislativas basado en una concepción amplia del acceso al voto sin exclusiones étnicas o raciales, una modalidad de voto secreto a través de papeletas electorales escritas y dobladas cuatro veces que sólo debían contarse después de que se cerrasen las urnas, un método de representación basado exclusivamente en divisiones territoriales que tomaba en cuenta el tamaño de la población respectiva al decidir el número de sus elegidos y, comenzando en 1823, un registro nacional de electores. El calendario electoral fue fijado definitivamente por la Constitución de 1828, y desde 1831 hasta 1925 fue seguido sin interrupción a pesar de algunos episodios de enfrentamientos políticos armados.

El trabajo examina sobre todo las primeras décadas de construcción electoral comenzando en 1809, y trata de descubrir y elucidar, mayormente con fuentes de primera mano, el momento exacto de origen de cada aspecto del sistema electoral, y sus consecuencias. El trabajo explora en una sección final cómo evolucionó el sistema hasta la reforma de 1890. Esta permitió que el régimen político chileno hiciera la transición desde una proto-democracia hacia una democracia, aunque tuviese aún una extensión incompleta del sufragio dada la prohibición tanto del sufragio femenino como de la entonces decreciente mitad de la población masculina que era analfabeta.

In the closing months of 1890 the Chilean Congress adopted a wide-ranging reform with a veto-proof majority that completely revamped the nation's voting procedures. It represented the culmination of a long and contested process, pursued by a succession of opposition leaders, to design electoral institutions that would allow voters to express freely and in an orderly manner their choices at the polling stations. The main problem up until then had been that government interference stacked the electoral results in favor of the dominant political coalition's official lists of candidates. Among other features, the new electoral reform revamped the electoral registry, making it permanent. This liberated voters from having to re-register for each electoral cycle, which occurred every three years for congressional and municipal elections and every five for presidential ones. It also changed completely the manner in which the process of voting was organized in order to ensure the secrecy of the vote that the nation's electoral laws had long demanded. Instead of simply placing a white paper ballot folded twice into a box after identifying themselves to vote reception officials, voters were to be given an officially stamped envelope and obligated to go to a fully isolated booth. It was to be stocked with the ballots of all the parties in the race. After drawing the curtain, voters had to put the ballot of their choice in the official envelope, which they would seal before returning to the vote reception table, where they would drop it into the ballot box. These changes were essential ingredients in finally placing voter options for candidates, and not those of the incumbent authorities, at the center of the process through which political leaders were selected for office, as should occur in every liberal democracy. Indeed, from that moment on Chile could be said to have developed an "incomplete suffrage democracy": incomplete because illiterates (then about half the adult male population) as well as women were barred from voting, but a democracy nonetheless because in all other respects its institutional mechanisms as well as the necessary civic and political freedoms were by then well in place.<sup>1</sup>

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<sup>1</sup> For an elaboration of this term see J. Samuel Valenzuela, *Democratización vía reforma: La expansión del sufragio en Chile* (Buenos Aires: Ediciones del IDES, 1985), pp. 29 et passim. It is based on the notion that the electoral institutions have to be inclusive enough to create a "complete party system," i.e., one that includes viable parties from all major sociopolitical segments in the country.

The 1890 law's objective of securing the secrecy of the vote was one that early 20<sup>th</sup>-century observers viewed as having been fulfilled. See Alejandro Silva de la Fuente, "Voto secreto o voto público,"

This paper examines Chilean electoral institutions from the dawn of independent government to the electoral law of 1890. As occurred elsewhere in the Americas, Chileans attempted from the very beginning of self-rule to legitimize their new political order by resorting to the liberal constitutional theories enshrining popular sovereignty and the separation of powers that were widely diffused by the end of the eighteenth century. This meant placing elections at the very center of the process by which new authorities would be designated and did so in the most radical manner, given that this procedure, following the precedent set by the constitution of the United States, would also extend to the choice of the head of state.

But how were such elections supposed to be conducted? There was no precedent in Chile, nor anywhere else in the Hispanic American world, for a national legislative assembly and therefore no prior experience on how to elect its representatives, nor—obviously—a head of state. However, no one appears to have questioned what was understood then to be the basic mechanism of elections, following the precedents established in Britain, the United States, and France, as well as the sporadic voting that had been conducted in Chilean municipal councils and in various corporations, including religious ones. The national territory had to be divided into districts, men who were qualified to vote had to do so for whomever they wished as long as they also met minimal legal eligibility requirements, and the winners would be those who obtained the largest numbers of votes. This simple majority, or plurality, rule was assumed to be applicable for legislative elections whether a district elected one or more representatives. If a district elected more than one representative given its larger population, this just meant that voters had to cast as many preferences as there were positions to be filled. No one at the time foresaw the sharply different effects on party formation of using a simple majority rule to elect just one or two individuals rather than a larger number of representatives in a district, a point to be elaborated below. Following the then widespread rejection of the notion that “factions” could be organized to press for the election of certain individuals (citizens were supposed to be voting quite naturally for their “betters”), there was to be

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*Revista Chilena* 10, no. 31 (May–September 1920). He notes that the secret vote was a “great conquest” in Chile “more than thirty years ago,” p. 439. All translations in this paper are mine.

no registration of candidates, no campaigning, and not much time between the call for a vote and the actual voting process.

Electoral institutions obviously contain many aspects aside from the division of the national territory into voting districts and the mechanism to transfer vote totals into winners. Regarding these other aspects (such as whether there is a voter registry, a secret or an open vote, an indirect or direct voting process, whether or not individuals have to be residents of a district to be elected as its representatives, or how the electoral authorities who administer the voting process and count the votes are selected), there was little clarity at the beginning of the nineteenth century. The earliest Chilean authorities did not, therefore, derive these additional aspects from models pioneered in other countries but drew them from their imagination while borrowing, in part, from the institutional repertoire offered by the colonial-era open town meeting (*cabildo abierto*). Such town meetings, despite their infrequency, had been the single mechanism to express popular opinions, demands or grievances under the *ancien régime*.

In any setting in which there is an institutional vacuum the very first decisions regarding how to fill it are bound to have a precedent forming impact. This is what occurred with the first Chilean electoral rules signed by the Governing Junta in Santiago on December 15, 1810.<sup>2</sup> Remarkably, they turned out to be closer to a “modern” conception of electoral institutions (except for the exclusion of women) than those that were used in the three previously mentioned countries that had pioneered them. The rules created a direct vote for legislators, unlike the indirect voting mechanism that was common in France and was replicated in the first instructions sent from Spain to Latin America on how to conduct elections. The rules also steered clear of corporate representation and of British style “rotten boroughs.” The new assembly was not supposed to contain any seats for entities such as the church, the army, business concerns, municipal corporations, universities, status groups, or powerful families—which disconfirms long-standing notions in the literature regarding the inevitably “corporatist” and “traditional” political culture of Hispanic America. Similarly, the rules did not

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<sup>2</sup> The electoral ruling of December 15, 1810, appears in *Sesiones de los Cuerpos Legislativos de la República de Chile, 1811 a 1845* (Santiago: Imprenta Cervantes, 1887), vol. 1, pp. 9–11, hereinafter *SCL*. This invaluable source compiled by Valentín Letelier contains all the documents that Chilean legislators apparently examined, referred to, or received when making their decisions, arranging them after the minutes of their sessions.

contemplate giving extra votes, as in Britain, to men whose various statuses gave them the right to vote more than once. They rejected as well the “open” voting procedures (in oral or written modalities) used then in England, the United States, and in primary assemblies in France, opting instead for a “secret ballot” (*cédula secreta*). It was the first such design anywhere for direct national legislative elections and consisted of voting through paper ballots folded four times to conceal voter preferences. And given an attempt to apportion representation according to the size of the population in the districts, the electoral ruling also generated a variety of district magnitudes. Chile’s first assembly elected with these rules opened in mid-1811.

Political turmoil, royal re-conquest, and a difficult war of liberation followed by a dictatorship by the “liberator,” Bernardo O’Higgins, meant that a second phase of defining national electoral institutions did not recommence until the beginning of 1823. The first steps to create an electoral register were taken at that point. This phase culminated in the electoral law of 1828, which had a foundational impact for the rest of the nineteenth century.

A third phase of electoral construction began after a sharply contested election for vice president in 1829 ended in a brief conflagration. Forces hoping to instill a centralist conception of Chilean governance took power. While making very few changes to the formal outline of the electoral institutions, they altered the electoral practices in order to enhance the government’s control over who was able to vote, thereby generating majorities for candidates whom the authorities sponsored. This third phase was marked by the repeated attempts by government opponents of various persuasions to level the playing field for all candidates. It culminated with the electoral law of 1890.

The discussion here will elaborate on the construction and characteristics of the Chilean electoral institutions in each of these three phases. The first two periods will receive particular attention, given that they have not been as yet the object of careful examination.

### **ELECTORAL INSTITUTIONS IN CHILE’S HISTORIOGRAPHY**

From 1811 until the electoral reform of 1890, Chile had twenty-six national legislative, twenty-one municipal, and thirteen presidential elections. In the 1820s there were also at

least six provincial legislative elections. All elections from 1831 to 1890 followed, unflinchingly, the constitutionally mandated calendar for them. This meant that all elected officials, whether municipal councilors, legislators of both houses of congress, or presidents of the republic, either left office or had their mandates renewed through a new electoral process when their constitutionally determined terms of office expired. Considering the fact that the last royalist troops in Chile were only finally defeated in 1826, the period from the end of the wars of independence to the beginning of the regular application of a constitutionally mandated electoral cycle was remarkably brief.<sup>3</sup>

With such a dense and regular record of elections their study could be expected to occupy a large portion of the nation's historiography, but this is not the case. The nineteenth-century historian Diego Barros Arana does mention, albeit with little depth, many elections of the post-independence periods he covered.<sup>4</sup> The next generations of historians did not pursue research on the subject, dismissing the importance of the nation's elections by characterizing their presumed deficiencies in bold strokes.<sup>5</sup> Among the most enduring of these summary judgments, which stem from references in the laws to income or property requirements for the right to vote, is that the electorate was composed mainly of rich people, especially landowners, and that it only expanded under the influence of a rising tide of mine owners, urban entrepreneurs, and middle-class professionals.<sup>6</sup> Curiously, even works devoted to the early formative years of Chilean political institutions and ideas have paid scant if any attention to elections.<sup>7</sup>

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<sup>3</sup> The first set of elections conducted under a constitutional mandate took place in 1829. However, the newly chosen president was deposed by a two-battle, six-month-long civil war (1829–30). New elections were held in 1831 under the provisions of the 1828 constitution, which was still in force. Subsequently, the constitution was reformed significantly by a constitutional convention, resulting in the Constitution of 1833, but the electoral cycle remained synchronized with the 1831 elections.

<sup>4</sup> Diego Barros Arana, *Historia General de Chile* (Santiago: Editorial Universitaria, 2005), vols. VIII to XVI. This is a reprint of work first published between 1884 and 1902. It concludes in 1833. References to elections also appear in his *Un decenio en la historia de Chile, 1841–1851* (Santiago: Imprenta Universitaria, 1906).

<sup>5</sup> This dismissive attitude unites historians regardless of their views. See Mario Góngora, *Ensayo histórico sobre la noción de Estado en Chile en los siglos XIX y XX* (Santiago: Ediciones de la Ciudad, 1981), and Luis Vitale, *Interpretación marxista de la historia de Chile: de Pérez a Balmaceda (1861–1891)* (Frankfurt: Verlag Jugend und Politik, 1975). Ricardo Donoso's *Las Ideas Políticas en Chile* (Santiago: Editorial Universitaria, 1967) devotes a full chapter to electoral matters, pp. 277–316, but focuses mainly on the evolution of electoral laws.

<sup>6</sup> Vitale, *Interpretación marxista*, pp. 86–87. See also, among others, Julio Heise González, *150 años de evolución institucional* (Santiago: Editorial Andrés Bello, 1996, 8<sup>th</sup> edition), pp. 78–79; Ricardo Donoso, *Desarrollo político y social de Chile desde la Constitución de 1833* (Santiago: Editorial Universitaria,

My early work on the subject showed that it was not true that only the wealthy voted.<sup>8</sup> It indicated how elections were conducted, gave figures for the numbers of voters explaining how and why they expanded after the 1874 electoral law, and tied these features to the evolution of party politics at the time. Subsequently I examined the extent to which there was electoral competition, how a broader nonvoting public became involved in it, why the electoral law of 1890 was crafted, and how it reshaped what I called the “choreography of voting.”<sup>9</sup> However, I did not address the two earliest formative periods of Chilean electoral laws and procedures. They are discussed here.

Work by other authors has deepened our understanding of nineteenth-century elections. Rafael Sagredo Baeza has discussed in detail the campaigns for the presidency in the closing decades of the century.<sup>10</sup> Alfredo Joignant has returned to the law of 1874 in order to discuss further the role it played in consolidating both citizenship and the independence of the voters.<sup>11</sup> Although women were not allowed to vote, Erika Maza Valenzuela has shown the extent to which women participated in political and social affairs at the time. She also documents episodes of women voting by taking advantage of an ambiguity in the law of 1874 given that the term “Chileans” could also be understood in a generic sense—and not simply as a reference to Chilean males—and discusses the views of leaders committed to different partisan and religious alignments towards

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1942), p. 69; Julio César Jobet, *Ensayo crítico del desarrollo económico-social de Chile* (Santiago: Editorial Universitaria, 1955), p. 40; Hernán Ramírez Necochea, *Historia del movimiento obrero en Chile. Antecedentes, siglo XIX* (Santiago: Editorial Austral, 1956), pp. 76–77; Norbert Lechner, *La democracia en Chile* (Buenos Aires: Editorial Signos, 1970), p. 35.

<sup>7</sup> Julio Heise González, *Años de formación y aprendizaje políticos, 1810–1833* (Santiago: Editorial Universitaria, 1978) does mention the content of some electoral laws and their authorship but does not examine how they evolved or what happened during the elections themselves. Similarly, Simon Collier, *Ideas and Politics of Chilean Independence, 1808–1833* (London: Cambridge University Press, 1967) examines in detail the political ideologies and divisions between elites at the time but does not look at how they played out in the electoral arena.

<sup>8</sup> Valenzuela, *Democratización vía reforma*.

<sup>9</sup> J. Samuel Valenzuela, “Building Aspects of Democracy Before Democracy: Electoral Practices in Nineteenth-Century Chile,” in Eduardo Posada-Carbó, *Elections Before Democracy* (London: Macmillan-ILAS, 1996); J. Samuel Valenzuela, “La ley electoral de 1890 y la democratización del régimen político chileno,” *Estudios Públicos*, 71 (Winter 1998): 265–98. The expression quoted above appears on p. 275 of this latter source.

<sup>10</sup> Rafael Sagredo Baeza, *Vapor al norte, tren al sur. El viaje presidencial como práctica política en Chile. Siglo XIX* (Santiago: DIBAM, 2001); and Rafael Sagredo Baeza, “Prácticas Políticas en Chile: 1870–1886,” *Estudios Públicos*, 78 (fall 2000): 209–42.

<sup>11</sup> Alfredo Joignant, “El lugar del voto. La ley electoral de 1874 y la invención del ciudadano elector en Chile,” *Estudios Públicos*, 81 (Summer 2001): 245–75.

women's suffrage.<sup>12</sup> And James A. Wood has shown the extent to which artisans were an important component of the electorate ever since the earliest decades after independence.<sup>13</sup>

However, other important publications have continued to ignore the significance of nineteenth-century elections or to reflect long standing incorrect assumptions about them. Germán Urzúa Valenzuela has usefully compiled the voting results of virtually all the legislative, and many of the presidential, elections that have occurred in Chile from 1810 to 1992.<sup>14</sup> Nonetheless, he did not provide much by way of explanation of the figures and repeated, as do Simon Collier and William Sater as well as Verónica Valdivia Ortiz de Zárate, the notion that only the rich used to vote.<sup>15</sup> Gabriel Salazar and Julio Pinto focus on the construction of citizenship and political legitimacy in Chile but hardly discuss, once again, elections.<sup>16</sup> Gabriel Salazar's work devoted to the formation of the Chilean state and its political institutions from 1800 to 1837 does mention some electoral contests and changing legal definitions of voting rights, but it makes no effort to provide a systematic account of their origin, development, numbers of participants, or their connection to the formation of political groupings.<sup>17</sup> In fact, Salazar seems to argue that local open town meetings were better expressions of democratic yearnings than the

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<sup>12</sup> Erika Maza Valenzuela, "Catholicism, Anticlericalism, and the Quest for Women's Suffrage in Chile," Kellogg Institute Working Paper #214 (December 1995); and Erika Maza Valenzuela, "Liberals, Radicals, and Women's Citizenship in Chile, 1872–1930," Kellogg Institute Working Paper #245 (November 1997).

<sup>13</sup> James A. Wood, *The Society of Equality: Popular Republicanism and Democracy in Santiago de Chile, 1818–1851* (Albuquerque: University of New Mexico Press, 2011).

<sup>14</sup> Germán Urzúa Valenzuela, *Historia política de Chile y su evolución electoral (desde 1810 a 1992)* (Santiago: Editorial Jurídica de Chile, 1992).

<sup>15</sup> Simon Collier and William F. Sater, *A History of Chile, 1808–1994* (New York: Cambridge University Press, 1996), use the term "upper class" to characterize the early nineteenth-century electorate, p. 42. Verónica Valdivia Ortiz de Zárate, in her "Estabilidad y constitucionalismo: las sombras de la excepcionalidad chilena," in Claudio Fuentes, ed., *En nombre del pueblo: debate sobre el cambio constitucional en Chile* (Santiago: ICSO-Fundación Böll, 2010), writes that with the Constitution of 1833's "censitary suffrage" the vote could only be exercised "by the property owners, merchants, and professionals that constituted the elite," p. 135. Urzúa Valenzuela also reasserts the notion that suffrage extension against rich landowners required the efforts of a rising middle class, *Historia política*, pp. 72, 87, 185, 233.

<sup>16</sup> Gabriel Salazar and Julio Pinto, *Historia Contemporánea de Chile*, vol. 1, *Estado, legitimidad, ciudadanía* (Santiago: LOM, 1999). The authors simply attribute Chilean political stability in the nineteenth century to the dominant power of economic oligarchies, pp. 34–39. This conclusion overlooks the importance of political regime institutions.

<sup>17</sup> Gabriel Salazar, *Construcción del Estado en Chile (1800–1837). Democracia de los "pueblos". Militarismo ciudadano. Golpismo oligárquico* (Santiago: Editorial Sudamericana, 2005).

attempts to elect representatives for legislative and constituent assemblies during the period he examines.

### THE INITIAL FORMATIVE PHASE

Although efforts to set up a political order based on liberal notions of representative government were triggered in Chile, as elsewhere in Hispanic America, by the Napoleonic invasion of Spain, they did not spring totally out of the blue. Well-educated Chileans were avid readers of the latest constitutional thinking of the time, including that which emanated from the United States. The Philadelphia convention's novel idea of electing a head of state for a period of office certainly provided an attractive solution to the problem of creating legitimate national governments in nations that did not have, or rejected, royal families. Hence, the conceptual frameworks for a sharp shift in political institutions were already present in the minds of influential local elites, and for many of them, even some in the clergy, the task at hand was to put the new notions rapidly into practice. Initially the stated intention was to create a liberal constitutional monarchy, but advocates of constructing a republican system augmented rapidly, especially after the intransigent and highly repressive attempt by the crown to revert back to the *ancien régime* when royal troops retook direct control of Chilean territory in October of 1814.<sup>18</sup>

Most Chilean intellectuals and political leaders were favorably disposed to adopting republican and liberal democratic notions.<sup>19</sup> The “Chilean kingdom” was a poor

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<sup>18</sup> The use of the term “republican” to refer to governments in which all authorities are elected, unlike what occurs in monarchies, originated with the American revolution. James Madison defined it in this manner in *The Federalist Papers* (New York: Mentor Book, 1999), no. 39, p. 209. The term had been used by French 18<sup>th</sup>-century constitutional theorists to refer to regimes that were based on the rule of law. However, the meaning of the term evolved in France toward the American conception. See Claude Nicole, *L'Idée républicaine en France (1789–1924): Essai d'histoire critique* (Paris: Éditions Gallimard, 1994), p. 28; and Pierre Rosanvallon, *La Démocratie inachevée. Histoire de la souveraineté du peuple en France* (Paris: Éditions Gallimard, 2000), pp. 31–32.

<sup>19</sup> The term “democracy” appeared in Chilean discourse early on. The first text referring to it, “Catesismo político Cristiano dispuesto para la instruccion de la Juventud de los Pueblos libres de la America meridional,” signed with a pseudonym, circulated in manuscript form in mid-1810 or early 1811. On pp. 3–4, it defined “democratic” republican governments as those in which “the people rule through the representatives or deputies that it elects. It is the only government that conserves the dignity and majesty of the people. It is the one that best secures...men the original equality in which God raised them. It is the most contrary to despotism....” See [www.auroradechile.cl/newtenberg/681/articles-30595\\_recurso\\_1.pdf](http://www.auroradechile.cl/newtenberg/681/articles-30595_recurso_1.pdf), for a facsimile of the manuscript. Once royal forces were expelled from the center of the country the discussion of the virtues of “democracy” resumed. In *El Censor de la Revolución*, no. 1, 20 April 1820, p. 3, an anonymous article explained once again that “democracy” is the opposite of “despotism” but warned that

backwater of the empire, and at best a stepping-stone for the most ambitious officials seeking to make a career in the Spanish colonial bureaucracy. While some of them did succeed in moving on to more prestigious destinations, many authorities of peninsular origin were considered by well-placed Chileans, as Barros Arana notes, to be incompetent.<sup>20</sup> The last colonial governor before the beginning of the break with Spain, Francisco García Carrasco, was corrupt and inept, and had been removed from office by the pressure of prominent Chileans who accused him of abuse of authority. This validated the notion that individuals had rights that any government had to respect.<sup>21</sup> The practice of buying official positions, particularly in municipal councils, was widespread.<sup>22</sup> But it also provoked controversy, and the abolition of such venal offices began without much dispute soon after the installation of the first legislative assembly in 1811.<sup>23</sup>

Larger social structural characteristics also probably gave greater credence to a discourse stressing formal equality before the law. Slave labor was not an important factor in the nation's domestic economy, and measures to abolish slavery without compensation to slave owners were rapidly adopted.<sup>24</sup> All titles of nobility were also

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one of its possible defects is “the tyranny of the majority”—a notion to be developed later by Alexis de Tocqueville in *Democracy in America*. In *El Liberal*, no. 34, 22 October 1824, p. 2, a commentary noted that the United States had invented, given its large size, a new form of “democracy” that did not exist in antiquity, namely a representative one. However, the article noted that the United States had “the most atrocious tyranny” in an “empire of slavery” and added presciently that this problem would generate “discord among the provinces in the future.” *El Liberal*, no. 44, January 15, 1825, p. 1, indicated that it was contrary to “the spirit of democracy” to have a large number of people “without instruction.” And in presenting its editorial views to readers, *La Década Araucana*, no. 1, July 12, 1825, p. 1, stated that “our intention is to foster and defend all sorts of liberal institutions, representative democracy, and...national unity....” In fact, the use of the term “democracy” in Chile was probably more common than it was in England at the time. In a letter dated January 2, 1828, to his son Mariano, then a Chilean diplomat in London, Juan Egaña warned that “I think that you should talk to them [the British authorities] without revealing the fact that you are a fervent defender of democracy, which in my view they themselves despise...”; José Donoso, ed., *Cartas de don Juan Egaña a su hijo Mariano, 1824–1828* (Santiago: Editorial Nascimento, 1946), p. 85.

<sup>20</sup> See Barros Arana, *Historia General*, vol. VII, p. 239.

<sup>21</sup> García's destitution began with a suit presented by a Chilean aristocrat against him; see Miguel Luis Amunátegui, *La Crónica de 1810* (Santiago: Imprenta Barcelona, 1911), vol. 1, pp. 251–58.

<sup>22</sup> Mario Góngora, *Estudios sobre la historia colonial de hispanoamérica* (Santiago: Editorial Universitaria, 1998), pp. 113–14, notes that council seats in Chile by the end of the 18th century were filled by putting them up for sale or by the choice of other councilors when vacancies occurred. For a general depiction of late colonial Chilean society and administration see Barros Arana, *Historia General*, vol. VII, pp. 227–300.

<sup>23</sup> See *SCL*, vol. 1, pp. 80, 129–30, 132. In 1822 a government decree subjected the renewal of municipal council mandates to the “acclamation of the voters in hall meetings”; *La Gazeta Ministerial*, vol. 3, no. 27 (January 12, 1822), p. 129. Elections for municipal councils began in 1826.

<sup>24</sup> A law approved in 1811 abolished the slave trade, freed all slaves who set foot in Chile, and gave freedom to the children born of slave mothers. A second law in 1823 ended slavery completely.

cancelled, but there were few noble families.<sup>25</sup> By the mid 1820s the notion that all Chileans, regardless of their ethnic or racial origin, had equal civil and political rights was not an object of discussion. Press reports of the time even show, for instance, that political militants of African descent played an active role in mobilizing voters during elections.<sup>26</sup>

Nonetheless, the development of the never-before-tested liberal democratic institutions did not simply unfold automatically from an ideological blueprint in a social structural environment that favored them. Not all the influential actors of the time had the same degree of commitment to liberal democracy, and among those that did, there was still much dispute over the specific form the new institutions had to take. Sharp controversies would emerge, in particular, over whether the country should have a federal or a unitary structure, over state and church relations, and over the extent to which religious minorities should be tolerated. Moreover, with the exception of the quite developed notion of the rule of law drawn from the legalism of Spanish rule and the strength of its courts in Chile, the colonial institutions had virtually nothing in common with the procedures of the representative democracies the patriots tried to build. The new political institutions, including the electoral ones, had to be built from scratch.

### **The First Electoral Regulation for Legislative Elections**

The framers of Chile's electoral law of December 1810 seem to have been drawn from those who were most imbued in the liberal democratic principles of the time.<sup>27</sup> And yet, they did not derive all of its features only from their ideological commitments. Some reflected pragmatic considerations, and others can be traced back to a legal process that began in Santiago when the *Junta Central* of Seville, formed in resistance to the French occupiers, instructed the Hispanic American dominions in January of 1809 to elect delegates to it.

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<sup>25</sup> Titles of nobility were eliminated in 1817. However, landed entails, a subject of some dispute early on, ended without controversy or much notice in 1852.

<sup>26</sup> *El Registro Público*, vol. 1, no. 6, May 26, 1826, p. 73, mentions two such "mulatto" militants. They had close ties to the Church and led a group of voters from a poor section of town. A letter by Juan Egaña refers to two "mulattoes" who organized voters against him; *Cartas de don Juan Egaña*, p. 49.

<sup>27</sup> Barros Arana, *Historia General*, vol. VIII, p. 191, attributes the 1810 electoral ruling to Juan Martínez de Rozas's initiative.

As occurred with all such communications from Spain, the *Junta Central*'s orders were received at Santiago's Real Audiencia, the top court of the land that also registered royal laws or decrees and adapted them to local conditions. The instructions from Seville stipulated that the municipal councilors of the leading town (*capital cabecera*) in each department (*partido*) were to act as the primary voters in the process of choosing the representative who would travel to Spain. The councilors had to select three individuals, with the winner among them to be subsequently drawn by lot. The governor and the court, in turn, were to choose three of the names suggested by each of the towns and determine the single winner by chance as well.<sup>28</sup>

This was, of course, hardly a democratic procedure. But given the fact that the *Junta Central*'s instructions did not specify any details regarding how the councilors were to conduct the election, this opened the possibility for Santiago's Audiencia to fill in the gap, thereby creating legal precedents that would eventually help shape the 1810 electoral law. José Teodoro Sánchez, a Chilean-born lawyer who was part of the legal staff of Santiago's Audiencia, took the lead in suggesting how the councilors should vote.<sup>29</sup> He reasoned that they should be able to elect anyone who was a "resident of the kingdom" even if he did not have a domicile in the district, because in many towns no one had the necessary education or ability to meet the requirements that the Seville decree demanded of the representatives who were to be chosen. Sánchez also suggested that the councilors should vote with secret paper ballots—on normal office paper cut into halves and folded over four times—without any prior discussions among each other. He did so because the yearly elections of mayors by the councilors tended to be full of the "greatest discord" and even "pay offs," which meant that there was a risk that they would not vote judiciously and independently for the most meritorious persons if they had a debate followed by an open vote.<sup>30</sup> The councilors had to vote three times, once for each

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<sup>28</sup> The *Junta Central*'s decree appears in Amunátegui, *La Crónica*, vol. 1, pp. 334–37.

<sup>29</sup> Sánchez's brief appears in Amunátegui, *La Crónica*, vol. 1, pp. 341–44.

<sup>30</sup> Amunátegui, *La Crónica*, vol. 1, p. 342. The Seville decree called for the election of the most "honest, talented, and well educated persons," p. 335. Some of the *Junta Central*-mandated elections in New Spain also used secret paper ballots. See Nettie Lee Benson, "The Elections of 1809: Transforming Political Culture in New Spain," *Mexican Studies/Estudios Mexicanos* 20, 1 (Winter 2004): 1–20. The decision to use paper ballots was taken, however, in local municipalities, and therefore it was less likely to have a precedent-forming national impact as turned out to be the case in Chile.

person to be selected, and all the ballots had to be placed in a jar.<sup>31</sup> However, in approving Sánchez's indications into a binding ruling, the judges of the Audiencia decided that instead of voting three times, the councilors should simply write three names on a single ballot. The winners would be the three individuals who obtained the most votes.<sup>32</sup> There was obviously no awareness at the time that this changed the characteristics of the election from one in which a single person was to be chosen in a process to be repeated three times into one in which the election would mimic a list system of voting. Sixteen municipal councils held these elections, but a final delegate was never chosen.<sup>33</sup>

When the new self-government authorities began to prepare the procedural rules for the legislative and constituent assembly elections they had promised to convene, they undoubtedly examined the 1809 decree from Seville and the Real Audiencia's additions to it. What they did, in a nutshell, was to reject the basic framework of the Seville decree but accept most of the additions to it by Santiago's Audiencia.

While the Seville decree had restricted the franchise to the municipal councilors, the framers of the first Chilean electoral law gave it to "all the individuals who, because of their fortune, employment, talents or qualities, are the object of some esteem in the districts where they reside, as long as they are neighbors and are over twenty-five years of age."<sup>34</sup> The notion of "neighbor" (*vecino*) echoed old Castilian (and Hispanic American) law and referred to individuals who had a continuous residence and a known means of livelihood in a certain area. The vote was also extended to priests, to the *subdelegados*—the local representatives of the national authorities—and to military officers, many of whom did not have the type of residence that would place them in the "neighbor" category.<sup>35</sup> This list of conditions, which did not require literacy, created a potentially ample suffrage. It was not particularly different from that of the First French

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<sup>31</sup> Amunátegui, *La Crónica*, vol. 1, p. 343.

<sup>32</sup> Amunátegui, *La Crónica*, vol. 1, p. 345.

<sup>33</sup> Amunátegui, *La Crónica*, vol. 1, pp. 346–65, examines all these elections. The electoral process did not reach fruition, given that Seville was overrun by French forces.

<sup>34</sup> *SCL*, vol. 1, p. 10.

<sup>35</sup> *Ibid.*

Republic which in 1791 enfranchised men over twenty-five of known domicile and who had employment.<sup>36</sup>

Moreover, while the Seville decree created an indirect form of voting that also included drawing names by lot, the Chilean Junta, dominated by Juan Martínez de Rozas, opted to institute a direct vote for the legislative seats without resorting to any aleatory procedures.<sup>37</sup> This choice followed the British and American practices in this respect, and it was probably motivated as much by a rejection of Spain and its electoral instructions as well as by the conviction that an unadulterated direct vote was more in consonance with the notion that sovereignty resided in the people. As a result, the Chilean electoral regulations of 1810 were the first ones to institute direct elections for legislative assembly seats in Latin Europe or Latin America, a feature that was kept in all subsequent electoral procedures for the lower house of congress in the country.<sup>38</sup>

A matter that created some controversy was whether or not the election should be held only in the capital towns of the country's departments. Following the cue set by the Seville decree, the municipal council of Santiago suggested to the governing Junta in mid-October 1810 that representatives should only be chosen in such towns.<sup>39</sup> However, the electoral regulations issued by the Junta clearly discarded this suggestion, indicating that "the congress is a representative body of all the inhabitants of this kingdom."<sup>40</sup> The vote was therefore placed in the hands of individual citizens, wherever they lived. The norms clarified that the election should be organized by the municipal governments where these existed, but that elsewhere these "functions should be taken over by the

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<sup>36</sup> See Michel Vovelle, *La Chute de la monarchie, 1787–1792* (Paris: Éditions du Seuil, 1972), pp. 177–78. French men were also legally required to pay a tax of three days of labor to qualify as voters, p. 178.

<sup>37</sup> On February 14, 1810, the Council of the Regency sent new instructions to Hispanic America on how to vote for representatives to the legislature that was to convene at Cádiz. They again called for the vote to be held only among municipal councilors, with a chance drawing of the three names with the highest number of preferences; Barros Arana, *Historia General*, vol. VIII, p. 126. Barros Arana says incorrectly that these instructions were "not much different" from the Chilean ones of December 15, 1810, p. 91. No elections for the constituent assembly at Cádiz were held in Chile.

<sup>38</sup> The indirect voting procedures of Spain were probably modeled on those of France. On the earliest French electoral procedures see Vovelle, *La Chute*, pp. 115, 177–78; and Louis Bergeron, *L'Épisode napoléonien. Aspects intérieurs, 1799–1815* (Paris: Éditions du Seuil, 1972), pp. 85–86. Direct elections for legislatures were instituted in France in February 1817, when the right to vote was limited to men over age thirty who paid a hefty tax; A. Jardin and A. J. Tudesq, *La France des notables. L'évolution générale, 1815–1848* (Paris, Éditions du Seuil, 1973), p. 44.

<sup>39</sup> The municipality of Santiago drafted an electoral law for the benefit of the Junta, and this provision was included in it; *SCL*, vol. 1, p. 5.

<sup>40</sup> *SCL*, vol. 1, p. 9.

*subdelegados*, the priest, and [and/or] the highest ranking officer of the militia.”<sup>41</sup> Consequently, it was not the intention of the electoral rules’ framers to create a national congress that would be, as Salazar and Pinto characterized it, “a federation of municipalities (*cabildos*).”<sup>42</sup> Similarly, the Chilean electoral rules of 1810 did not conform to the notion developed by François-Xavier Guerra that early elections in Latin America reflected traditional political cultures associated with the Hispanic “ancien régime,” and not the “modern” conceptions of individual citizenship introduced by liberal democratic constitutionalism.<sup>43</sup> From the very beginning, Chilean electoral norms adopted the notion that representation was based on the preferences of individuals.<sup>44</sup> The adoption of a direct system of voting was obviously fully in consonance with this intention.<sup>45</sup>

While anchoring voting rights on all qualified individuals and not only on the views of those who participated in—or were under the jurisdiction of—municipal corporations was a significant departure with respect to the colonial regime, it was however made less than fully apparent in practice by the fact that the law resorted to the protocol used to convene *cabildos abiertos* in order to stage the voting on election day. According to this protocol, the municipal authorities were to invite the “neighbors” to participate in the meetings through written convocations, for which they had to compose lists of the local inhabitants who were deemed to qualify as such. The potential voters who did not live in areas covered by the jurisdiction of a municipal corporation were also supposed to be invited by the officials who were designated to organize the election in such localities.

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<sup>41</sup> *SCL*, vol. 1, p. 10. It is clear from the rules that its framers intended to write “and/or” when referring to the authorities who would organize the vote where there were no municipal governments. All three of them did not need to be present.

<sup>42</sup> Salazar and Pinto, *Historia Contemporánea*, p. 29. Wood also errs in noting that only municipalities controlled the elections, *Society of Equality*, p. 31.

<sup>43</sup> François-Xavier Guerra, “El soberano y su reino: reflexiones sobre la génesis del ciudadano en América Latina,” in Hilda Sabato, ed., *Ciudadanía política y formación de las naciones. Perspectivas históricas de América Latina* (Mexico: Fondo de Cultura Económica, 1999), pp. 33–61.

<sup>44</sup> In a further confirmation of this notion, the electoral regulations explicitly invalidated the elections of representatives to congress by the municipal councilors in those localities that had gone ahead and held elections prior to receiving them. *SCL*, vol. 1, p. 10.

<sup>45</sup> Beatriz Rojas notes that an indirect system of voting is more compatible with a corporative conception of representation; “Los privilegios como articulación del cuerpo político, Nueva España 1750–1821,” in Magalli Carrillo and Isidro Vanegas, eds., *La Sociedad monárquica en la América hispánica* (Bogotá: Ediciones Plural, 2009), p. 167.

The use of this method to summon voters may seem at first glance to be a reflection of the strength of a colonial tradition. However, open town meetings were very infrequent in 18<sup>th</sup>-century Chile—and elsewhere in Hispanic America—and could therefore hardly be considered much of a tradition. Prior to the *cabildo abierto* of September 18, 1810, that created the Governing Junta in Chile—which was indeed formally convened following the existing rules—the last such event had occurred in Santiago in July of 1776 to discuss taxation policies.<sup>46</sup> Instead, the resort to issuing invitations for the election using the open town meeting procedure probably reflected, quite simply, a practical problem: how to get a significant number of men to participate in the voting process. The then fledgling self-government experience had resulted from initiatives taken entirely within the nation’s top social and political circles, without any pressures from below, and had been presented to the public as the best way to preserve the kingdom for Ferdinand VII. There had not been anything even remotely comparable to the “*cahiers de doléances*” (lists of grievances) movement associated with the 1789 elections for the Third Estate in France, which created so much popular agitation.<sup>47</sup> The dispute with García Carrasco had affected only well connected people. Placing a public notice calling for those who had an established residence to show up to vote for a legislative assembly would have yielded very little response, even in Santiago. No one had ever voted in Chile for a legislative assembly, and this step was akin to taking a leap into the dark.<sup>48</sup> Hence, the framers of the electoral law probably thought that the best course of action was to issue the written invitations to all “neighbors” in order to set the electoral process into motion.

On the day of the election voters had to attend a special mass before casting their ballots in a civic hall, after which they had to participate in a second religious ceremony and a civic celebration. This aspect did follow traditional practices and colonial government instructions: religious expressions had always accompanied solemn civic occasions under Spanish rule. And yet, again, this blending of the vote with religion may also have been due more to practical considerations than to a reflection of deeply

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<sup>46</sup> Amunátegui, *La Crónica*, vol. 2, p. 92.

<sup>47</sup> See Vovelle, *La Chute*, pp. 111–15. In calling for the election, the Louis XVI had asked his subjects to express their hopes and grievances in the electoral assemblies.

<sup>48</sup> Barros Arana, *Historia General*, vol. VIII, p. 193, notices this problem but does not connect it to the lack of popular involvement in the initial stage of the revolutionary political change.

ingrained traditions. Barros Arana indicates that the religious ceremonies were put in place to help encourage participation in the elections by generating public notice and interest, as well to buttress the legitimacy of the new authorities.<sup>49</sup> Priests were encouraged to speak from the pulpit about the political change that was occurring in the country, and to read the public proclamations that emanated from the government.

Although the framers of the 1810 electoral ruling created a territorially based system of representation, they did not carve out any new districts. It is doubtful that new districts could have been drawn at the time, given the imprecise and much disputed population figures that were available. Hence, the electoral rules simply kept in place the pre-existing departments of the colonial state, while assigning the numbers of representatives that each one would elect on the basis of gross estimates of their respective populations. This unwittingly generated uninominal as well as some multimember districts.<sup>50</sup>

On the day of the election, after gathering in the civic hall at the conclusion of the mass, voters had to prove their identities by showing the invitation they had received to participate in the voting. They were then supposed to cast their “secret paper ballots” by giving them, properly folded over, to the president of the vote reception table, who would put them into the ballot box. In this respect the rules followed Sánchez’s addition to the Junta Central’s instructions.<sup>51</sup> Moreover, following once again Sánchez’s suggestion, voters had no obligation to vote for individuals who resided in their districts. They could vote for anyone living in Chile who was over twenty-five years of age, and was of “known talent and prudence.”<sup>52</sup> Voters were also supposed to indicate separately their preferences for titular and alternate representatives. Finally, the electoral rules returned to Sánchez’s suggestion, which had been reversed by the Real Audiencia, that there had to

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<sup>49</sup> Barros Arana, *Historia General*, vol. VIII, pp. 193–94.

<sup>50</sup> The distribution of seats by district appears in *SCL*, vol. 1, pp. 10–11.

<sup>51</sup> A secret ballot had also been used to name the last two members of the Governing Junta in the Santiago *cabildo abierto* that was convened for this purpose on September 18, 1810, and on October 16 when municipal authorities in Concepción decided not to wait for the national electoral rules to be issued before choosing a representative to the national assembly. The minutes of the meeting to elect the Junta appear in Luis Valencia Avaria, *Anales de la República. Textos Constitucionales de Chile y Registro de los Ciudadanos que han integrado los poderes ejecutivo y legislativo desde 1810* (Santiago: Editorial Andrés Bello, second edition, 1986), pp. 3–5. The 450 persons in attendance did not give a clear signal in voting by acclamation for the last two members of the Junta, resulting in the resort to a secret paper ballot vote. The minutes of the October 1810 election in Concepción appear in *SCL*, vol. I, p. 345.

<sup>52</sup> *SCL*, vol. 1, p. 10.

be as many successive ballots to choose one representative at a time as there were positions to be filled, the winners being those who obtained the largest number of votes. And yet the Audiencia's suggestion ultimately prevailed in this matter. Santiago's municipal council took the initiative on January 8, 1811 to elect not six but twelve representatives.<sup>53</sup> Asking voters to write twenty-four ballots to fill all titular and alternate positions would indeed have been very cumbersome. Given this precedent, all subsequent electoral rulings and laws until 1874 would stipulate that each ballot had to list as many names as there were positions to be filled, whether one or more.

### **From Lofty Hopes to Conflictual Outcomes**

Santiago's municipal council stipulated in the written summons that it sent to "nearly nine hundred" citizens asking them to participate in the legislative election that they should prepare two paper ballots before coming to the election hall: one for the twelve titular representatives the council decided to elect, and the other for their alternates.<sup>54</sup>

The consequences of this decision were probably unforeseen when it was adopted. But it did not take long for political operators to realize that if a sizeable number of voters wrote any twelve names they wanted while composing their ballots, the result would probably be a large dispersion of choices. This was particularly the case if, as occurred at the time, there was no campaign of any significant length with well-known candidates for the offices to be filled. With the simple majority rule, some of those who would be elected under these circumstances could actually win despite receiving a very small number of votes. As a result, any group that organized a list of like-minded individuals and instructed groups of voters to take it to the ballot box was likely to elect all of them, especially if the list included at least some prominent individuals to enhance its credibility. Knowing this, those who opposed such individuals would obviously realize that their only chance of winning required doing the same thing. Hence, simple majority elections in one round with multiple candidates on the ballot do generate, and did so quickly in Santiago in 1811, a powerful incentive to create political organizations—that

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<sup>53</sup> *SCL*, vol. 1, p. 12.

<sup>54</sup> *SCL*, vol.1, p. 18. See Barros Arana, *Historia General*, vol. VIII, p. 246, footnote 3, on the number of invitations.

could eventually become on-going parties—that will prepare the lists and try to mobilize voters to support it.<sup>55</sup> The individuals who agree to participate on the same list will presumably have some personal, ideological and/or programmatic affinity with each other, and in the process of competing with the alternative list their commonly shared positions can become more sharply drawn and differentiated from those of their competitors. And so it was: two major lists were quickly formed to compete in Santiago. The election in the district was finally held, after a brief postponement generated by a mutiny of pro-royalist forces, on May 6, 1811. Somewhat over eight hundred voters participated, or about 11 percent of the adult male population of the city.<sup>56</sup>

The competing lists may have acquired distinct names at the time, but if so they did not remain in the surviving documents. Hence, in his account of the election Barros

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<sup>55</sup> The simple majority rule applied to individual candidates has dramatically different consequences depending on whether it is used in single-member or multinominal districts. When used in single member districts it will not incentivize the formation of partisan groupings and will have a tendency to generate centripetal competition. When used in multinominal districts it will generate a powerful incentive to create two lists, generating centrifugal or polarizing tendencies. Repeated elections will tend to sharpen the differences between the lists. The polarization will be exacerbated by the inadvertent winner-take-all effect of the plurality rule, because all individuals on the winning list will usually be elected even if their vote totals may not be exactly the same.

The literature on electoral systems has not focused sufficient attention on this difference and on the party-forming incentives of the plurality rule in multinominal districts. The one exception to this is Josep M. Colomer, “On the Origins of Electoral Systems and Political Parties: The Role of Elections in Multi-Member Districts,” *Electoral Studies*, 26 (2007): 262–73. And yet, Colomer fails to mention that the party-forming effect as well as the polarization that ensues on a national scale is of course much greater as the district size increases, because the proportion of seats in the legislature that are subject to the winner-take-all effect will be magnified as well. The earliest elections in Chile, and in other countries of Hispanic America, were therefore much more party forming—and polarizing—than those of Britain with its two-member districts during the 18th and much of the 19th centuries. Colomer also assumes that the party forming effect of large district magnitude elections with the plurality rule should emerge only gradually. The Santiago election of 1811 shows that its effect in terms of organizing two competing lists is instantaneous, as political operators rapidly do the math to realize the advantages of creating a list—thereby triggering the other one. Moreover, all participants know that the chances of winning are limited to the two lists. Colomer’s paper is also incorrect in classifying Chilean districts as single-member ones and in not realizing (see p. 268) that the party forming effect, including the use of printed ballots, of the plurality rule in multimember districts began in Chile in the 1820s, i.e., before it appeared in Europe.

<sup>56</sup> The minutes of the election stated that “more than eight hundred persons” participated in it; *SCL*, vol. 1, p. 22. Another municipal government document gave the same estimate; Barros Arana, *Historia General*, vol. VIII, p. 247. And a report written by the majority in the congress explained that the minutes of the Santiago election did not include the signatures of the voters, as did some of those of the provinces, because it is “difficult to collect the signatures of nearly eight hundred voters.” *SCL*, vol. 1, p. 56.

It is impossible to know with certitude what percentage of the population voted at the time because there were no reliable census figures. With the Santiago election it is also hard to determine whether one should estimate the proportion of voters on the basis of the population of the city itself (roughly 30 thousand in 1810) or the province (which probably had about 110 to 140 thousand inhabitants). The estimate of the proportion of voters noted above assumes that only men living in the city itself cast ballots in the election of 1811.

Arana chose to label them as the “Radical” and the “Moderate” lists; the supporters of the first dominated the governing Junta, and those of the latter, who won the election, had a majority on Santiago’s municipal council.<sup>57</sup> Given the largely bipolar electoral conflict, the royalist opponents of self-government had no alternative but to support the “Moderates,” if they were allowed to vote.<sup>58</sup>

From the results of the election it is possible to estimate that a little over a third of all men who voted carried the preconfigured winning list, as can be seen in Table 1.<sup>59</sup> Moreover, a little over 70 percent of all the preferences for candidates on the winning list came from voters who cast their ballots with it.<sup>60</sup> The rest of the votes for the winning candidates came from voters who composed their own lists, either by copying some names from other lists or by making up an entirely new one, or used lists prepared by small groups of friends or extended family members. The relatively high proportion of winning candidate votes that came from the standard fixed list showed the effectiveness of composing it by the “Moderate” political operators. And yet, despite this success, given the large dispersion of votes that probably occurred with many candidates receiving a few preferences, those who won all the legislative seats at stake did so by receiving about 48 percent of all the votes that were cast, while those winning as alternates

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<sup>57</sup> Barros Arana, *Historia General*, vol. VIII, p. 243.

<sup>58</sup> Barros Arana, *Historia General*, vol. VIII, p. 247, cites a royalist chronicler on the fact that the “Moderate” list obtained royalist support. Given their sympathy for a military rebellion that forced a postponement of the election, thirty-four royalists, including José T. Sánchez, were explicitly barred from voting; *SCL*, vol. 1, p. 16.

<sup>59</sup> The votes received by winning candidates appear in *SCL*, vol. 1, p. 22. The estimate is based on the following: Given that all those who voted with the winning list of twelve names would obviously add one vote simultaneously to all the winning candidates, it is possible to assume that the number of votes obtained by the lowest vote getter is about equal those of the winning list as a whole. His more popular list mates would obviously get more votes, given the preferences of voters who did not use either the winning or the runner-up ballots. It is impossible to tell whether there were votes with fewer than twelve names on them or preconfigured lists with names that were scratched out. And yet the instructions to voters did indicate that their ballots had to contain twelve names to be valid, and all calculations here assume that this rule was followed in practice. Hence, dividing the votes received by the lowest winning name by the total number of voters—800—generates an upper-range estimate (34.6 percent) for the proportion of voters who cast their preferences by using the winning list. The lowest winning candidate for the titular position received 277 votes, and for the alternate position 232.

<sup>60</sup> This estimate is derived from subtracting the votes received by the winning candidate who obtained the fewest votes (an amount equal to the votes cast using the winning list) from those of his higher vote-getting list mates, dividing the addition of such differences by the total number of preferences (9,600, or the number of voters multiplied by 12), and subtracting this proportion from 100. The April 1811 Santiago voters obviously included a significant proportion who had the ability to prepare a ballot with twelve written names on their own.

obtained about 40 percent.<sup>61</sup> Similarly, as shown in Table 1, there were more ballots cast with a variety of names by individuals who did not use the lists prepared by the two opposing groups, given that they represented 36 percent of the total. Some of the names on them may have contributed to the vote totals of individuals who also appeared on the two lists formed by the opposing political groups. The strategy of preparing fixed, and printed, lists of candidates was repeated in Santiago elections during the 1820s, when its district magnitude was reduced to seven. Table 1 shows that the Santiago electorate became more sharply polarized between the two main competing lists as fewer voters bothered to compose their own, knowing that it was a losing proposition.

TABLE 1

## ELECTIONS IN SANTIAGO PROVINCE OR CITY, 1811–1829

Year	Winning group or party	Total number of voters	Winning ballots cast (%)	Runner-up ballots cast (%)	Other ballots cast (%)	Votes for top vote getter (%)	Names receiving votes (#)
1811 <sup>1</sup>	moderate	~800	35 (277)	29 (232)	36 (291)	74 (594)	?
1823 <sup>2</sup>	conserv.	497					~114
1823 <sup>1</sup>	conserv.	1,392	75 (1045)	10 (139)	15 (208)	80 (1117)	37 <sup>3</sup>
1824 <sup>1</sup>	liberal	1,855	74 (1381)	19 (353)	7 (121)	79 (1468)	46
1825 <sup>1</sup>	conserv.	1,915	58 (1115)	25 (483)	17 (317)	68 (1300)	134
1826 <sup>4</sup>	liberal	~4,200	-	-	-	-	-
1827 <sup>5</sup>	liberal	2,042	-	-	-	-	-
1828 <sup>1</sup>	liberal	5,444	74 (4046)	24 (1,117)	2 (81)	100 (5439)	32
1829 <sup>6</sup>	liberal	~7,400	-	-	-	-	-
1829 <sup>1</sup>	liberal	4,438	77 (3430)	22 (985)	1 (15)	78 (3434)	42

<sup>1</sup> Election of representatives for national legislative and/or constituent assemblies.

<sup>2</sup> Election of representatives for Santiago's provincial legislative assembly. The source mentions that 227 names received at least one vote, but that figure probably included voting for both titular and alternate positions.

<sup>3</sup> Includes only those names receiving six or more votes.

<sup>4</sup> Estimate of numbers of voters drawn from accusations of fraud.

<sup>5</sup> Election for Santiago city's municipal council.

<sup>6</sup> Election for the presidential electoral college.

*Note:* The numbers of voters preceded by the sign ~ are estimates. The rest are either drawn from or calculated from the vote total figures in the sources.

*Sources:* 1811: *SCL*, vol. 1, p. 22; 1823<sup>2</sup>: *Tizón Republicano*, no. 5, March 24, 1823, p. 47; 1823<sup>1</sup>: *SCL*, vol. 8, p. 11; 1824: *SCL*, vol. 10, p. 16; 1825: *SCL*, vol. 11, pp. 298–99; 1826: *El Registro Público*, vol. 1, no. 6, May 26, 1826, p. 79, and *SCL*, vol. 13, pp. 13, 15–16; 1827: *El Independiente*, vol. 2, no. 1, December 22, 1827; 1828: *SCL*, vol. 15, pp. 253–54; 1829<sup>6</sup>: *La Clave de Chile. Periódico Político y Noticioso*, vol. 2, no. 99, June 4, 1829, pp. 395–96; 1829<sup>1</sup>: *SCL*, vol. 17, pp. 311–13.

<sup>61</sup> This percentage is the result of adding all the votes received by winning candidates and dividing this figure by 9,600.

Santiago's first election ever in 1811 turned out to be quite competitive. The voting was held in a large hall with six well-staffed vote reception tables that apparently guaranteed an impartial collection and subsequent counting of the votes. Voters were supposed to give their folded paper ballots to the presiding officer at each vote reception table, who put it in the ballot box. Nonetheless, political operators from both sides could estimate which side was winning. They could see who was voting, and the paper ballots that each side had distributed were perhaps recognizable even when folded, given the different shades of white artisanally produced paper could have. As the voting hours were ending, leaders of the "Radical" list demanded that they be extended and that voter invitations be issued to the officers of a partly African mixed-race (*pardo*) militia. The organizers of the process from the Santiago municipal council accepted this demand despite being supporters of the "Moderate" list; however, they also secured the votes of the newly enfranchised soldiers for their own candidates.<sup>62</sup>

The elections of 1811 were held on different dates across the country—a problem that would persist until the adoption of the Constitution of 1828—and Santiago's was the last one. There are no records for them in other locations, with two exceptions: Concepción and Los Angeles.

Concepción held its election on February 26. It was supposed to choose two titular representatives—a third one had already been elected on October 16, 1810—and three alternates. The proceedings followed the electoral regulations in every respect, or at least this is what was consigned to the minutes of the process, to the point of holding five successive rounds of voting.<sup>63</sup> There were 131 voters (a proportion of the adult male population of the city that was similar that in Santiago), and the winning candidates obtained from a high of 78 percent to a low of 35 percent of the preferences. The election in Concepción provided a telling indication of the effects of having no formally declared candidates, because a total of sixty names received at least one vote, or nearly one such name for every two voters.<sup>64</sup>

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<sup>62</sup> Barros Arana, *Historia General*, vol. VIII, pp. 246.

<sup>63</sup> The minutes of the election appear in *SCL*, vol. 1, pp. 348–49. A third titular representative was considered to be properly elected on October 16, 1810 because the process was carried out with secret ballot votes among the sixty-four individuals who were invited to participate. *SCL*, vol. 1, p. 345.

<sup>64</sup> *SCL*, vol. 1, pp. 348–49.

In Los Angeles 121 duly invited men participated in the election, a high number given the small size of the town. A third of them were military officers. Once the voter assembly was preparing to cast its ballots, someone loudly suggested to vociferous cheers that Bernardo O'Higgins, the town's mayor and the head of the local garrison, should be elected by acclamation. Hence, the secret balloting did not take place.<sup>65</sup>

While issuing written voter invitations could work if all men who met the requirements to vote were indeed invited to participate, in practice it was much more likely that the composition of the resulting "assemblies of voters" would be biased by inviting some to participate while deliberately excluding others. In a democracy citizens who meet the legally specified qualifications to vote obviously have the right to demand their inclusion in the electorate. The electoral ruling of 1810 failed to make any provisions for this possibility. The first corrective measure for this missing element emerged during the course of the process of sending invitations to participate in the election in Santiago. The city's council allowed people who thought they had the requisite qualifications but had not received an invitation to request one during a total of four hours on March 29 and 30, 1811.<sup>66</sup>

The newly elected congress was unable to function normally because of a sharp dispute triggered by the fact that Santiago's municipal council's had elected twice the number of representatives (twelve instead of six) it had been allocated by the December 1810 electoral ruling. The winner take-all-effect generated by the electoral regime only exacerbated the problem. It meant that the "Moderates" gained a super majority in the legislature as they teamed up with some of the provincial representatives of like-minded views. The "Radical" group included leaders who leaned increasingly towards breaking the links to Spain, and they decided not to participate in the new legislative assembly until the Santiago delegation was reduced to the size that had been stipulated originally. The conflict that emerged was therefore one of political views, not one that reflected regional interests or sentiments.

The "Moderates" refused, however, to reduce the size of the Santiago delegation, and with the majority they had in Congress on August 11, 1811, they replaced the

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<sup>65</sup> *SCL*, vol. 1, pp. 25–26. O'Higgins would subsequently become the top commander of the Chilean army in the wars of independence and the nation's first head of state after the break with Spain.

<sup>66</sup> *SCL*, vol. 1, p. 17.

members of the Governing Junta—including Martínez de Rozas who had become the main “Radical” leader—with three individuals who were more aligned with their views. At this point Martínez de Rozas, a lawyer and militia officer, and his friend Joaquín Larraín, a liberal-leaning priest, organized a plot to change the composition of the legislature. But just dropping the Santiago delegation to six representatives was not enough to alter the assembly’s pro-“Moderate” majority. A deeper substitution had to be made: the three deputies who represented Concepción, who were royalists, also had to be removed.<sup>67</sup> Hence, the plot had to involve actions in both cities.<sup>68</sup>

Larraín recruited José Miguel Carrera, a young army officer who had just returned from Spain, to stage a military-backed public demonstration in Santiago on September 4. Its objective was to force the legislature to accept reducing the size of the capital city district’s delegation, as well as the replacement of all but two of its twelve representatives.<sup>69</sup> In order to justify the removal of the Santiago representatives the “Radicals” cast doubts on the validity of the election. They argued that the “Moderates” had received support from “the natural enemies of our liberty and our just cause;” that they had “formed the list of electors...and distributed the invitations to the voters...and did not omit any arbitrary measures...to be elected.”<sup>70</sup> Yet in their place the September 4, 1811, action in Santiago simply named a set of substitute representatives without any electoral formalities.

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<sup>67</sup> The political affiliations of the members of legislature, listed as “royalist,” “indifferent” or “patriot,” appear in Valencia Avaria, *Anales de la República* part 2, pp. 4–8. Barros Arana, *Historia General*, vol. 5, p. 299, notes the “intimate friendship” between Larraín and Martínez de Rozas.

<sup>68</sup> Barros Arana, *Historia General*, vol. V, p. 294 et passim, presents the Santiago and Concepción events as uncoordinated, a simple manifestation of the views of the “peoples.” However, he neglects to notice that Joaquín Larraín had himself “elected” both in Santiago (on September 4) and in Concepción (on September 5) through the elaborately prepared proclamations of the “people,” a coincidence that is hard to believe. Rozas was in Concepción at the time.

<sup>69</sup> The relevant documents appear in *SCL*, vol. 1, pp. 65–67. Carrera exceeded his instructions and substituted one of the names of those to be removed, which the organizers of the conspiracy had to correct. The agreement that put an end to the events therefore includes the enigmatic phrase that Eyzaguirre’s exclusion is rescinded “by the subsequent verbal insinuation of the people,” p. 67.

<sup>70</sup> *SCL*, vol. 1, p. 363. These words, probably written by Martínez de Rozas, appear in a document issued by a Provincial Junta created in Concepción by the Radical group also on September 5, 1811. These and other such accusations understandably had a vague tone to them. With the exception of the election of twice the number of representatives that the electoral ruling had set, the Santiago election of April 6 had apparently been conducted in conformity to all the rules that had been established in December 1810, and had even gone a step beyond them by allowing petitions from uninvited men to participate in it.

Meanwhile, on September 2, in Concepción a gathering of 140 men demanded the convocation of a *cabildo abierto*.<sup>71</sup> The local government authority agreed, and invitations to the “neighbors” were formally issued for a meeting that was held on September 5. It was attended by 183 men and decided to replace the district’s presumably royalist representatives with “Radical” ones, Joaquín Larraín among them, “by acclamation and without the discrepancy of a single vote.”<sup>72</sup>

The September demonstrations and meetings were not simply the expressions of “the people” of different localities acting in what would seem to be instances of direct democracy, as Salazar would have it.<sup>73</sup> They were the product of careful planning and orchestration by small groups of political leaders. This was obviously the case with the September 4 events in Santiago, which did not even follow the formality of inviting “neighbors” to an open town meeting but was, rather, a combination of pressure from civilian groups and military force.

The same well-orchestrated process was also at work in Concepción, where it is possible to trace the names of most of those who participated in the four assemblies that were held. A majority—52 percent—of the signatories of the *cabildo abierto* of October 16, 1810, that chose the royalist Andrés del Alcázar (Count of the Marquina), appeared as well in the electoral assembly of February 26, 1811, that completed Concepción’s slate of representatives with two more “royalists” while apparently following the electoral formalities received from the provisional government. An even greater majority of 68 percent of those who participated in the September 2 meeting that demanded the convocation of the *cabildo abierto* of September 5 showed up at this latter event. However, only 23 percent of those who participated in the February electoral meeting were at the September 5 *cabildo abierto* that unanimously replaced the royalist representatives with the “Radical” choices. Such unanimity presumably meant that the 23 percent who attended both of these meetings were “Radical” supporters who were in the minority in the February electoral assembly.

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<sup>71</sup> The petition approved at this meeting appears in *SCL*, vol. 1, pp. 77–78.

<sup>72</sup> *SCL*, vol. 1, p. 80. The phrase appears in the minutes of the meeting.

<sup>73</sup> Salazar, *Construcción del Estado*, takes this position, which is also consistent with Barros Arana’s views, *Historia General*, vol. VIII, p. 294.

Until the electoral rules established clearly that voting was a right of citizenship, and not something to be done after being invited to an assembly, this sort of confusion which undermined the building of a representative democracy would obviously continue. Borrowing the *cabildo abierto* convocation mechanism to gather voters for the elections was the major flaw of the otherwise quite modern December 1810 electoral ruling, because it apparently set both types of assemblies on the same plane in terms of the legitimacy and interchangeability of their decisions.<sup>74</sup> This can be illustrated by a statement prepared by (or for, rather) the “informal meeting” of September 2 in Concepción. It stated that “if to elect the three deputies [from Concepción district] it was necessary... to consult the general will of the people through a *cabildo abierto*, then through the same means we can discuss and resolve once again the issues that we raise here....”<sup>75</sup> Those issues, according to the 5 September open town meeting, were none other than “to revoke the mandates of the deputies that had been designated before... and to name in their place as deputies and principal representatives to congress” three new ones.<sup>76</sup> Consequently, the Radicals used the overlap that the December 1810 electoral ruling had created between voter assemblies and open town meetings in a manner that annulled what had been construed originally as an “election” without, nonetheless, going through any electoral formalities.

Once reconstituted with the smaller Santiago delegation, the national legislature finally met regularly, in part under the presidency of Joaquín Larraín, with a comfortable Radical majority. However, José Miguel Carrera organized a coup against his erstwhile allies and closed the legislature on December 2, 1811. He was frustrated by the fact that he had not been given an important position in the new political equation he had helped create at Larraín’s behest. The split among pro-independence leaders was profound.

Carrera did not hold any elections; instead he invited Chileans to “subscribe” to a “provisional” constitutional ruling he generated by signing their names in favor or against it. The resulting Carrera dictatorship was unable to meet the challenge posed by royalist armies that invaded the country, and Carrera was forced to resign on October 8, 1813. A

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<sup>74</sup> The *cabildo abierto* format was also followed in towns that did not have municipal corporations.

<sup>75</sup> *SCL*, vol. 1, p. 77. The statement omitted the fact that the February meeting was an electoral assembly, not an open town meeting.

<sup>76</sup> *SCL*, vol. 1, pp. 77–79. The quote draws from parts of a long text without violating the gist of its content.

new governing junta once again called for legislative elections and issued regulations that expanded the requirements to vote. They listed property, income, or occupational statuses (including that of master artisans) as qualifying conditions for the franchise, although none of these specifications can be understood as changing substantially the earlier December 1810 wording that was based essentially on the old *vecino* conception. This kind of more specific language would be repeated in the next rounds of electoral legislation. However, the 1813 rules did restrict very significantly the access to the franchise by adding literacy as a requirement. Eleven representatives were chosen from provincial locations in the center of the country, but the new congress never met.<sup>77</sup> By late 1814 the nation was back under royal control.

## THE SECOND FORMATIVE PHASE

### The O'Higgins Directorship

The recreation of an independent Chilean government began as the pro-independence forces entered Santiago in February of 1817. At that point a hastily formed open town meeting in the city gave all power with the title of Supreme Director to Bernardo O'Higgins, the top-ranking Chilean army officer, after José de San Martín, the Argentine general in charge of the liberating expedition, declined to accept the position. Royalists forces were finally defeated in April 1818, with the exception of those in the extreme South. But a secure independence was not possible without freeing Peru of Spanish control, and the government would be consumed by the effort to fund and carry out the major military campaign that this implied. While O'Higgins paid lip service to representative institutions, he decided that the country was not ready for elections. He simply dictated a provisional constitution and invited all men who were "fathers, had some capital or an occupation" to sign lists either approving or rejecting it, much as Carrera had done.<sup>78</sup> The document had a statement of individual rights, promised judicial independence, and created a "senate" composed of individuals to be named by the Supreme Director. As a result, there was no effort to revisit the electoral regulations.

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<sup>77</sup> See *SCL*, vol. 1, pp. xiii–xv, for the details.

<sup>78</sup> Valencia Avaria, *Anales*, part 1, p. 65.

Nonetheless, the pressure to have an elected legislative and constituent assembly mounted steadily. Opinions expressed in the press frequently reflected an adherence, as noted in a column written in 1820, to “the spirit of the century and the order of nature, which call us to have a liberal and just government.”<sup>79</sup> By 1822 the demands for elections and for a permanent constitution had mounted to the point that O’Higgins felt compelled to act. In May of that year he called for the formation of a legislative assembly, but he stipulated that it would be chosen only by the municipal councilors. In addition, he sent secret letters, that were to be returned to him, instructing his most trusted supporters in the councils all over the country to elect the individuals that he named explicitly in the letters, even if they had to manipulate the composition of the meeting in which the choice was to take place. This process was at odds with the memory of the 1811 election and was just a veiled mechanism to designate the membership of the planned assembly.

The deputies were “elected” as O’Higgins expected, and at the first meeting of the new congress he submitted his resignation with the expectation, as did occur immediately, that the legislators would reject it. At a subsequent session he presented the assembly with the text of a new constitution and asked for its rapid approval.<sup>80</sup> The constitution, enacted at the end of October, called for the Supreme Director to be elected by a two-thirds majority in both the senate and the chamber of deputies. And yet article 84 claimed that the “first election” of the current director to a six-year term would be understood to be the one the “present 1822 legislature” had already made.<sup>81</sup>

This generated rumblings of dissatisfaction. Even the representatives whose election O’Higgins had orchestrated were displeased because article 84 was never really discussed by the assembly, having been approved in a hasty session that had voted on a whole section of the constitution.<sup>82</sup> The discontent grew day by day as rumors regarding the way O’Higgins had manipulated the election of the members of the assembly began to trickle out. General Ramón Freire, the governor of the Concepción region, decided to investigate the extent to which these rumors were true, and to that end he sent letters to all municipal authorities in the area under his authority demanding testimonies from those

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<sup>79</sup> *El Censor de la revolución*, no. 1, 20 April 1820, p. 3.

<sup>80</sup> *SCL*, vol. 6, p. 29.

<sup>81</sup> Valencia Avaria, *Anales*, part 1, p. 65.

<sup>82</sup> In a single morning session the assembly approved forty-five articles. See *SCL*, vol. 6, p. 319.

who had received O'Higgins's orders. These became a flood.<sup>83</sup> The revelation of the brazen extent to which O'Higgins had violated electoral freedom undermined his leadership. Opposition to O'Higgins galvanized from all regions, and he was forced to resign at the beginning of 1823 before a *cabildo abierto* convened in Santiago.<sup>84</sup> A second such meeting named a "Governing Junta" that pretended to be that of the whole nation, and it discarded the 1822 Constitution. After negotiating with Freire for two months, the new junta designated him as Supreme Director. But Freire insisted that the junta could not speak for the country as a whole, given that it had been formed only by a town meeting in Santiago. He demanded to be named by delegates to be chosen by elected provincial assemblies in the three regions of the country.

At that point both forces—the Santiago municipal government elites on the one hand and the military command in Freire's hands—felt compelled to call for nationwide elections. Santiago's top political figures, drawn generally from the upper crust of Chilean society, continued to be the dominant force in its municipality, and they had no reason to fear an electoral process. There had been as yet no groundswell of popular mobilization making demands of any kind, and the 1811 election had shown that the Santiago municipal council's candidate list could win while obtaining even the support of the *pardo* soldiers, i.e., men drawn from the poorest segment of the country. Moreover, the electoral route would generate legitimate legislative authorities whose positions would not depend on the individuals who could yield military force or who occupied the executive office.<sup>85</sup> This was a great advantage for the upper-class merchants, landowners, and lawyers in Santiago given that they had no control over the military.<sup>86</sup> The top army command structure had formerly been in the hands of colonial authorities who were, of course, no longer in place. In addition, the bulk of the professional military officers were

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<sup>83</sup> *SCL*, vol. 6, pp. 12–23.

<sup>84</sup> Chilean historiography fails to link O'Higgins's forced resignation to his violation of the norm of electoral freedom. While sharing this deficiency, the best account is in Salazar, *Construcción del Estado*, pp. 165–83.

<sup>85</sup> The fact that the elites of the time considered elections to be the most solid route to generating legitimate authorities is reflected in a statement by the vice president of the assembly that O'Higgins had designated so deviously. In trying to justify his own and his fellow members' positions in that assembly, he asserted that "the municipalities that have elected us have been originally named by a popular mandate, and therefore no other authority has like them the characteristic of being legitimate." *SCL*, vol. 6, p. 77.

<sup>86</sup> Freire himself insisted with the members of the Junta named by Santiago elites that "neither he, nor the army, are subjected to the Junta." *SCL*, vol. VII, p. 29.

usually stationed in the South and were, exceptions aside, not part of the nation's highest social circles. For its part, the military could not avoid supporting a call for proper national elections after the person who became its top commander, Freire, had himself revealed the questionable legitimacy of O'Higgins's rule by organizing the movement that exposed his manipulation of the electoral process.

The convergence of these two pressures as well as, more generally, the conviction among top elites that the nation had to create a republican representative democracy, explains the fact that national elections were organized at that point even though the wars of independence had not yet concluded. The legislative assemblies that were elected during the 1820s proved to be short lived, but the pressure to return to the electoral route to renew them so as to generate what were seen as proper authorities remained a driving force. For the Santiago elites this was a means of preventing the military from asserting its control over the government using the force of arms. For Freire this was a matter of conviction as well as, to repeat, a derivation of the evidence and arguments he himself used to depose O'Higgins without firing a single shot. The electoral mechanism also ensured that Freire's own supreme rule did not depend only on the good graces of Santiago's leaders; instead he could claim that it was drawn from a decision reached more broadly in the three regions of the country. In sum, the various forces in Chilean politics became committed at the beginning of the 1820s to forging an electoral route to power through representative democratic institutions not only out of conviction but also given the convergence of these contingent circumstances and the rationales they employed to explain their own positions.

### **Revising Electoral Rules, Unsuccessful Legislatures, and Incipient Party Formation, 1822–1827**

On November 22, 1822, during the crisis created by O'Higgins's manipulation of the elections in the municipal councils, Freire issued a call to elect a provincial legislative assembly in Concepción. It met for the first time on December 8, but there are no records regarding its electoral procedures or number of participants. The same is true for a similar provincial assembly that was chosen in the northern Coquimbo region. The creation of these assemblies and Freire's insistence that he be named as Supreme Director by

representatives of all three regions led Santiago authorities to hastily convene a provincial legislative assembly for their own region as well. The Minister of the Interior of the “governing junta” that replaced O’Higgins, Mariano Egaña, was charged with drafting the rules for the election. He and his father Juan were prominent intellectuals aligned with Catholic-conservative opinion of the time.

Mariano Egaña started where the old rules of 1810 and 1813 had left off, ignoring the electoral provisions included in O’Higgins’s 1822 constitution.<sup>87</sup> Egaña’s new regulations created, at least on paper, a more limited access to the suffrage, inspired more by the norms of 1813 than by the vaguer ones of 1810. The right to vote was extended to men who had resided in a district continuously for four years at least. They had to be twenty-four years old, or less if they lived by their own means, and literate. They also had to have *just one* of the following: a property worth more than 2,000 pesos, a business with a turnover of at least 3,000 pesos per year, a higher education degree, a salary or pension from the state of more than 300 pesos per year, an honorable appointment or distinction even if it did not generate income, a past position in a municipal government, an officer rank in the army, *or* an occupation as a master artisan of one sort or another.<sup>88</sup>

And yet, Egaña’s most important innovation was that he eliminated the system of inviting voters to electoral assemblies through written notices, thereby differentiating the electoral institutions from the procedures employed to call a *cabildo abierto*.<sup>89</sup> The representative of the executive in each district was simply instructed to put public notices near churches and other public places calling for all voters to go to the nearest town in their district to vote. The notice had to include all the conditions that allowed someone to qualify as a voter. This was, therefore, the first legal initiative to establish the vote as a

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<sup>87</sup> The rules in O’Higgins’s constitution followed those invented by Juan Egaña in 1812 for a constitution that was never implemented. See *SCL*, vol. 6, p. 333.

<sup>88</sup> *SCL*, vol. 7, p. 14. It is incorrect, as Wood indicates repeatedly, *Society of Equality*, pp. 4, 6, 30, 38, 49, to assert that artisans were legally enfranchised for the first time by the Liberal forces that dictated the 1828 Constitution and its electoral law. This assertion is puzzling because Wood himself also refers to the phrase in the 1813 ruling that enfranchises artisans, p. 30. Wood estimates that there were between four and six thousand artisans in the country, p. 3. They were essential players in the economy and the war effort as they supplied the army with most of its materials. Not all of them were illiterate.

<sup>89</sup> The electoral rules in O’Higgins’s constitution had called for publicizing the list of voters who were to be invited to vote. Individuals who were not on it could then petition municipal authorities to include them. See *SCL*, vol. 6, p. 333. This procedure repeated the one adopted for the 1811 election in Santiago and did not represent a clear break from the *cabildo abierto* system of sending invitations to participants.

right of citizenship that men had to demand, rather than a privilege to be exercised voluntarily when invited to do so.

The basic choreography of the voting process in Egaña's ruling would remain in place until 1828. It began with a presiding officer who was supposed to be chosen by the municipal councilors among their number in the towns where there was a municipality. Where there was none, the presiding officer had to be a local judge or a "neighbor" elected by a majority vote of the electors who first assembled for the voting. He could also be the priest. The presiding officer's first task was supposed to be the formation of an assembly with the voters who showed up right after the opening of the polls. In it, they were supposed to choose eight persons, of whom only four would remain after drawing their names by lot, to act as vote reception and vote counting officials under the continued leadership of the presiding officer. These officials also had the power to decide whether or not the voters had the qualifications that were required to vote. After the votes were counted, they had to prepare the minutes of the election. They then had to send both the ballots and the minutes to the head town in the district to be added with the votes from its various other sections, or prepare a notice to the winner or winners informing them officially of their victory.

Voters had to give their folded paper ballots to the presiding officer at the vote reception table, who had to make sure, judging each by its thickness, that there was only one vote before placing it in a jar located where everyone could see it. The votes had to contain as many names as there were positions to be filled (following the Audiencia's amendment to Sánchez's opinion that Santiago's municipal authorities instituted in 1811). Each voter's name and address was then to be noted by two of the individuals chosen to assist the process on lists that each one was to keep separately. Once the voting was over, the first step in counting the ballots consisted of verifying that both their number and that of the names on the lists coincided. Any discrepancies had to be resolved by the vote reception committee. The election was supposed to be held in a single day, but at the discretion of the local voting officials it could be extended. If so, the ballots were supposed to be counted each day at the close of the voting, and the jar with the votes had to be placed in a larger receptacle with three keys. One had to be kept by the president of the vote reception table, another by one of the officials selected by the early

voters, and the third by one of the voters who was present at the close of the polls for the day. The fact that at the close of the first day of voting the results of the election would be announced publicly could obviously make the next day of voting much more contentious.

Following the simple majority rule applied to individual candidates, the seats in the new provincial assembly were assigned to those who received the highest numbers of preferences, regardless of the list in which their names appeared. Santiago was entitled to seven deputies, Colchagua four, and the rest of the districts either two or one. The rules reiterated (as in Sánchez's 1809 brief) that the men to be elected did not need to be residents of the district that chose them. This notion contributed to generating political leaderships that transcended just one district. Given the strong incentive to create just two main lists of candidates in the two most important multinominal districts, such districts led the way in generating fledgling partisan organizations. But the names of the candidates on these lists could also be put forth in other districts—even uninominal ones. This feature of the electoral institutions was instrumental in contributing to radiate the partisanship and bipolarization that originated in the two largest districts, especially in Santiago, all across the country. Those who won in more than one district could then choose which one to represent, while leaving their sometimes much lesser-known alternates to occupy the other or others.

Egaña's rules were issued on February 22, 1823, and called for the election to take place in ten days.<sup>90</sup> This gave very little advance notice for the process, which actually took place from March 10 to 15 in the various localities of the Santiago region. Most people living in the rural areas probably never even knew that an election took place, since the public announcements were posted in the towns.<sup>91</sup> Given the short notice, the elections understandably drew very few voters. A newspaper contains the only extant report on the Santiago district election, indicating that just 497 ballots were deposited in it, with preferences divided among about 114 names.<sup>92</sup> The report provided no details regarding the two main lists of candidates that in all likelihood competed in it as occurred

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<sup>90</sup> The regulations appear in *SCL*, vol. 7, pp. 14–16.

<sup>91</sup> As a representative noted in a congressional discussion on December 9, 1824, “it is harder to put public notices in the countryside than in the towns, because there is very little population in a large space.” *SCL*, vol. 10, p. 102.

<sup>92</sup> *Tizón Republicano*, no. 5, March 24, 1823, p. 47. This source mentions 227 names, but that includes voting for the alternates. Hence, the estimate above divides that number in half.

in 1811. In Colchagua slightly more than 200 voters participated, and in Valparaíso only about 90. In Quillota there was a big dispute because a judge gave the right to vote to some 30 men while a priest thought that 179 should have been allowed.<sup>93</sup> In Los Andes so few voters came to the polls that “those who did not show up were sent a stern citation ordering them to do so and threatening them with more forceful measures if they did not.”<sup>94</sup>

Once Freire assumed the office of Supreme Director at the beginning of April 1823, he kept Egaña in his position and charged him with preparing the norms to elect a national legislative and constituent assembly. The delegates of the provinces and Freire resolved the question of how many representatives each district should elect, thereby avoiding a repetition of the 1811 conflict over this matter, while Egaña basically reiterated the rules he had written for the Santiago provincial assembly elections, with two exceptions.

Given the paucity of the voting public in the March elections, Egaña probably sought to enhance the number of participants. This would explain why he lowered the voting age to twenty-three and went back, once again, to asking the authorities to make lists of all those who would presumably be eligible to vote in their districts and to issue written invitations to them.<sup>95</sup> However, Egaña kept the notion that voting was “a right” that could be demanded by eligible voters, and he forcefully defended this principle in his instructions to local officials.<sup>96</sup> Local authorities had to post notices listing the requirements to qualify as a voter, and those in charge of receiving the ballots had to assess whether those of uninvited men would be accepted. Egaña also added that in the more populous areas several vote reception tables had to be created, although the final vote count had to be done at a “principal table.” Voters with written invitations in multi-table districts could show up to vote in any of them, but potential voters who did not get an invitation had to go to the “principal table.”

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<sup>93</sup> These two latter fragmentary reports appear in *SCL*, vol. 7, pp. 18-23.

<sup>94</sup> *Tizón Republicano*, no. 5, March 24, 1823, p. 45.

<sup>95</sup> The rules appear in *SCL*, vol. 8, p. 8.

<sup>96</sup> For instance, writing to authorities in Talca on July 11, 1823, Egaña indicated sternly that “not having received an invitation to vote is not an obstacle for any inhabitant who thinks he has a right to vote to try to do so.... No one can be excluded from having free access to the voting table, whether he has an invitation or not.” *SCL*, vol. 7, p. 279.

Elections for a legislative and constituent assembly under these rules were held in June 1823. Again, there was not much advance notice, and the numbers of voters throughout the country continued to be low. In Santiago district only about 1,400 men participated (see Table 1). Although this was the highest recorded turnout for any election in the country until then, it was still a small proportion of the total number of voting-age men in the district.<sup>97</sup> Nonetheless, the legislative elections had a considerable impact on defining the political landscape. The two preconfigured lists that were organized can be estimated to have been used in 85 percent of the ballots that were cast (see Table 1).<sup>98</sup>

The winning list of names included individuals who were close to the church hierarchy, one of whom was a conservative priest. By that time a sharp conflict had emerged between government and church leaders, in part because the former had taken over properties that belonged to religious orders and had issued strict rules affecting the manner in which young people were to be inducted into them. The winning list in the elections was defined as belonging to the “clerical faction” by its opponents. They accused its promoters of proclaiming falsely when mustering votes for it that “whichever other lists may exist were intended to elect men who were going to destroy religion.” They added that some illiterate supporters of the winning list indicated that they had voted “for religion’s sake.” They also noted that at the entrance of one of the vote reception areas, two men, one of whom was a mulatto, were “taking the lists that were not for the clergy and substituting them for those that were.”<sup>99</sup> With these arguments they appealed, unsuccessfully, to the government to annul the election.<sup>100</sup>

This was the first manifestation in a national legislative election of a division between political leaders who identified closely with the Church and those who took

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<sup>97</sup> Santiago district included the city itself and its outlying areas and towns within a line shaped like a horseshoe that went from the Andes mountains towards Colina, Lampa, Calera de Tango, San Bernardo, and back to the Andes. It was thought at the time to have about 114,000 inhabitants. *SCL*, vol. 7, p. 35. Of these—if we accept the number at face value although it probably underestimated the total population—about 28,500 can be estimated to have been men over twenty-three, which would mean that about 4.9 percent of them voted—assuming that there was no ballot stuffing. However, if those voting came mainly from the city itself, which then had about 35,000 inhabitants, then the turnout among adult males would have been about 16 percent. Unfortunately there is no record of the breakdown of the vote by sections of the larger district.

<sup>98</sup> *SCL*, vol. 8, p. 11. Once again, these estimates can be calculated from the raw vote figures, as noted above, given that each voter casts seven preferences.

<sup>99</sup> *SCL*, vol. 7, p. 275.

<sup>100</sup> Freire and Mariano Egaña decided that the complaints were without merit. *SCL*, vol. 7, p. 310.

some distance from it. The first would become part of a group that would be called the “*Pelucones*” and the latter were to be labeled “*Pipiolos*” or Liberals. As this difference deepened, existing newspapers began to take sides and new ones aligned with one or the other appeared, and they began to publish articles that characterized their different positions. A semi-satirical piece published in a Liberal newspaper in 1824 depicted the *Pelucones* not only as religious fanatics who were close to the clergy, but also as richer, wary of any reforms, and nostalgic for the old order with the exception of its subjection to Spain. The *Pipiolos* were viewed as rejecting everything from the old order, supporting the freedom of ideas, religious liberty, and advancement through merit.<sup>101</sup> Both groups opposed the O’Higgins government in its closing phase, but given the bipolarity that was generated by the electoral regime, the supporters of the deposed dictator were forced to gravitate to the *Pelucón* side.

While the multimember districts, particularly Santiago, were the ones that sparked the formation of political organizations to encapsulate the vote, the bipolar partisan split also spread to the single-member ones, as noted above. A complaint signed by seventy-three citizens in the small town of Los Andes in November 1823 reflected this. It argued that as a consequence “of the revolution and of the repeated elections, the peoples are divided into factions, the person who is elected is necessarily partisan, and his exaltation to his position spells the ruin of those who oppose him.”<sup>102</sup> Similarly, in the equally single-member Melipilla district, according to an opposition account of the legislative election of 1824, those who came “to vote said that they did so for the protector of religion Mr. Juan Egaña.... There was a partisan spirit and the plan behind it was clear...there were even printed ballots with the names.”<sup>103</sup> Egaña was the incumbent representative of the district, and his local agents also made sure that they orchestrated the assembly of the first voters who showed up after the polls opened in such a way that they could place themselves as the vote reception and vote counting officials. This particular election generated considerable dispute, and although only sixty-five votes

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<sup>101</sup> *El Liberal*, no. 28, September 4, 1824, p. 4. The article was entitled “Artículo gramatical sobre las palabras pelucones y liberales.” In *El Avisador chileno*, no. 11, October 1, 1824, p. 86, a liberal writer argued in favor of religious toleration of Protestants.

<sup>102</sup> *SCL*, vol. 8, p. 387.

<sup>103</sup> *SCL*, vol. 10, pp. 215–16. The plural refers to the election of the alternate representative as well.

were recorded for Egaña in the town of Melipilla itself, about “five or six hundred persons gathered at the polling site, and a tumult ensued.”<sup>104</sup>

By specifying that they had to come to the polls with their ballots already written, the invitations that were sent to potential voters asking them to participate in the elections also facilitated the spread of partisanship. For instance, in Talca, where the *Pelucones* won the 1824 legislative election, voters had to choose two representatives. They were instructed by the municipal council to come with a piece of paper containing “the names of the two individuals that you wish to elect as deputies, and...the names of two individuals you would like to elect as their substitutes.”<sup>105</sup> But the Talca political operators sent these invitations with two other pieces of paper as well. One contained their preferred list of candidates for the legislature, and the second one contained “the names of the people that should be elected to assist in the process of voting.”<sup>106</sup>

Redefinitions of the requirements to vote after the 1823 general legislative elections relaxed them considerably, most probably, once again, with the intention of increasing turnout. The first changes were incorporated into the Constitution of 1823, written by Juan Egaña, which was enacted December 29 of that year. Among its innovations pertaining to electoral legislation were that literacy would be required in order to vote only after 1840. This formally enfranchised illiterates once again. Moreover, the value of the real estate or business turnover that enabled an individual to vote was drastically reduced to 10 and 17 percent, respectively, of the levels set in Mariano Egaña’s rules.<sup>107</sup> New conditions that allowed men to vote were also added and, once again, it sufficed to meet just one of them in order to be enfranchised. Hence, regardless of property or business ownership, anyone who was able to read and write, *or* was a master artisan, *or* had served in the militia for more than five years, *or* had been of service to the country during the war of independence (at that point still not concluded), *or* was the father of more than six legitimate children could be a voter. The only new limiting stricture was that voters had to be Catholic, but virtually everyone could claim to be so.

<sup>104</sup> *SCL*, vol. 10, pp. 58–59, 215–16.

<sup>105</sup> *SCL*, vol. 7, pp. 270–71.

<sup>106</sup> *SCL*, vol. 7, pp. 270–71. All of these were duly printed.

<sup>107</sup> Article 11 of the 1823 Constitution, in Valencia Avaria, *Anales*, p. 117. The constitution was written by Juan Egaña while his son Mariano took a diplomatic post in London beginning in mid 1823.

Freire made little effort to apply the Constitution of 1823, which he deemed impractical, before it was abrogated by the next legislative assembly that was elected at the end of 1824. Nonetheless, the Constitution of 1823's wording with respect to elections had lasting effects. The property and business turnover values (or their derivative income requirements) were never again raised beyond bare minimum amounts. And the constitution introduced the notion of an electoral registry, albeit indirectly, by referring to a so-called certificate of qualification (*boletín de calificación*). The creation of the voter registry was to become a central element in Chile's nineteenth-century electoral practices, and its development was among the earliest such efforts in the world.

Given that every municipality had a "list of citizens" that was used to send the invitations to voter assemblies and open town meetings, as well as, by then, lists of individuals who had voted in past elections, their names could certainly be collected in order to form a national electoral registry. If voters were to be given a certificate attesting to the fact that they were included in it, then they could vote without having to wait for a missive inviting them to do so or having to justify that they met the requirements to vote on the day of the election.<sup>108</sup> The resulting "certificates of qualification" were to have a uniform national format, specifying the name, registry number, province, county, and parish where the person was registered. Copies of the registry were to be kept by the respective municipal governments and other local authorities, but they were also supposed to be collected in Santiago, according to instructions issued by the senate on May 15, 1824, in order to generate a "Grand National Registry" of voters. To set the process of building the registry in motion the government asked all local authorities in the country to update their lists of citizens and to send a copy to the capital.<sup>109</sup> In addition, on March 16, 1824, the senate decided that vote reception officials should be instructed to write a note, once voters had cast their ballots, on the reverse side of their certificates specifying that they had, indeed, already done so. This was necessary, according to the senators, "in order to prevent the abuse of voting at another table in that same

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<sup>108</sup> See Article 80; Valencia Avaria, *Anales*, part 1, p. 127.

<sup>109</sup> Such authorities were the local representatives of the Executive (*subdelegados*), the town justices (*procuradores generales*), and/or the priests. See *SCL*, vol. 9, p. 337 for a list of such authorities drawn from the registry of Casablanca.

election.”<sup>110</sup> After a short hiatus when voters were supposed to receive as many certificates as there were elections on the following year (see below), this procedure would become a standard practice until 1890.

Excluding the northernmost region, the total number of names collected by the national authorities for the electoral registry came to 7,092.<sup>111</sup> This figure was equivalent to less than 5 percent of the total adult male population in the areas from which the names were drawn (using for this calculation the population figures that the authorities had estimated at that time). The most detailed lists were made in the Curicó area. They show considerable differences in terms of the kind of requirements met by the men included in the lists. Thus, while few men in the country overall had been part of the militia for more than five years, in Santa Cruz 60 percent of all those listed met this condition. A minority of all men could read and write, but only 1 percent of those in Pumanque while up to 44 percent in Curicó could do so. Men in Curicó also included the largest proportion of property owners, at 74 percent, while only 19 percent had property in Pumanque and 32 percent in Santa Cruz. More than half, or 57 percent, of the men listed in Pumanque had six or more children, while in Curicó only 27 percent and in Santa Cruz only 17 percent did so. Surprisingly, only 5 percent of the 729 men on these lists had participated, either as a soldier or a craftsman in the war of independence.<sup>112</sup> This very limited mobilization in the effort to secure independent government probably explains to some extent why participation in the country’s earliest elections was so low.

New elections for a national legislature were held in August 1824. The government revised the electoral norms in ways that reflected the preferences of the new liberal-leaning Minister of the Interior, army Brigadier Francisco Antonio Pinto. He rejected the never applied electoral procedures envisioned by the Constitution of 1823, given that they stipulated that only half of all registered voters, chosen at random, were supposed to vote. He argued that this was contrary to the principle of a direct vote for

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<sup>110</sup> *SCL*, vol. 9, p. 328. A noteworthy detail was that the certificates did not include the voter’s signature, given that so many men on the register could not read or write and that literacy was not to be required until 1840. Signatures were subsequently never added to the certificates.

<sup>111</sup> See *SCL*, vol. 9, pp. 279–91, 330–43, 389–93, 419–23, 433–39, 449–59, 521–26, 552–56, 565–603, and vol. 10, pp. 18–20.

<sup>112</sup> These figures appear in *SCL*, vol. 9, pp. 565–87. The Curicó list includes 81 names; that of Pumanque, 237; and that of Santa Cruz, 126. The districts of Auquenco, Quetequete, and Teno also include high proportions of property holders but low literacy rates.

everyone and would diminish “interest in the elections because no one would be sure whether or not he will actually vote.”<sup>113</sup> Pinto also thought that Mariano Egaña’s electoral ruling had “restricted excessively” the right to vote. Consequently, Pinto’s new rules, cosigned with Freire, lowered the voting age to twenty-one—or younger if married—and enfranchised those who owned or controlled a “productive” property of “any value.”<sup>114</sup> They also permitted voting by anyone who had an occupation “in the sciences, arts, and commerce,” an expression that included artisans, or held public employment, including military officers from sergeants on up as well as secular priests. Moreover, after asserting that many illiterates had been tricked in previous elections into voting for lists whose names they could not read, the new norms also instituted an open and oral form of voting. Each voter’s preferences were supposed to be written next to his name in the list of voters that were composed at each vote reception table.<sup>115</sup> This effectively eliminated the secrecy of the vote as practiced with the folded paper ballots, and *Pelucón* leaders argued vigorously against the change for this reason. They said that it opened the door to the intimidation of voters by people who had some power over them for one reason or another.<sup>116</sup> In all other respects (including the possibility of voting without having received an invitation to do so), the new rules followed Mariano Egaña’s previous electoral regulations.

The Pinto-Freire electoral rules did not mention “certificates of qualification,” but the notion that having one was a requirement to vote had acquired considerable currency by mid-1824. A periodical noted in September of that year that the governor (*intendente*) of Santiago province was going to insist that all voters have such a certificate and that no one was to be admitted into the voting area without it.<sup>117</sup> However, the use of the certificates was, in fact, spotty.<sup>118</sup> No firm procedures were set up to produce them nationally until 1828.

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<sup>113</sup> *SCL*, vol. 10, p. 11.

<sup>114</sup> *SCL*, vol. 10, p. 11.

<sup>115</sup> *SCL*, vol. 10, pp. 11–12.

<sup>116</sup> See the complaint by Domingo Eyzaguirre, a prominent *Pelucón* congressman; *SCL*, vol. 10, p. 17.

<sup>117</sup> *El Avisador chileno*, no. 9, September 16, 1824, p. 71.

<sup>118</sup> For an example of their use, after composing the “list of voters,” see the account of the August 1825 election in Talca in *SCL*, vol. 11, p. 310.

Most minutes of the elections of 1824 collected in *SCL* failed to mention how voters expressed their preferences. Those that did made a point of noting clearly and deliberately that the voting was public and oral.<sup>119</sup> However, it is likely that in multimember districts the vote continued to be done with written lists of candidates (even if they were then read aloud by voters or by vote reception officials when presented by illiterates), not only because this made the process easier but also because of the strong incentive to assemble two opposing lists of candidates generated by the electoral regime.

After the legislature elected in 1824 collapsed under murky circumstances, which included false accusations of attempted murder against prominent liberals, another round of electoral rules, produced for the election in 1825 of a new assembly, stipulated that voters could express their preferences either orally or through secret paper ballots.<sup>120</sup> However, the voter preferences in these elections, held in August, were almost all conveyed with folded pieces of paper.<sup>121</sup> The practice of voting with paper ballots was already too ingrained to be replaced, and it suited the political leaders who composed and printed the ballots for the two main electoral lists that competed in Santiago and beyond.

The 1825 legislature was also unsuccessful. Only the Santiago region chose to send representatives to it, with a *Pelucón* majority. Freire closed the legislature in October 1825 after it tried to replace him as Supreme Director, arguing that the assembly had no right to suspend him because it lacked the representatives from the rest of the country. Freire immediately called for new elections, hoping to convince all three regions of the country to participate in them.<sup>122</sup> He then issued another electoral ruling that reasserted most of the previous stipulations, although it did innovate by asking local authorities to “make sure that all those who are eligible to vote actually do go to the polls on the appointed time and day.” This invited such authorities to exercise some coercion to secure voter turnout. Freire also reiterated that voters had the option of casting secret

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<sup>119</sup> See for example *SCL*, vol. 10, p. 22, p. 58.

<sup>120</sup> Curiously, the electoral ruling of May 26, 1825, signed by Freire, indicated that this dual possibility, i.e., of voting “publicly or secretly,” followed the same “practice” used for the election of representatives for the 1824 legislature. *SCL*, vol. 11, p. 296. This dual possibility was, however, not included in the previous electoral ruling; hence, the wording of this decree confirms that the 1824 voting deviated from the norm at least in some, if not most places.

<sup>121</sup> See the accounts of elections in Talca, San Felipe, Meipilla, for instance; *SCL*, vol. 11, pp. 310–11.

<sup>122</sup> For details of these events, see Barros Arana, *Historia General*, vol. XIV, pp. 401–05.

paper ballots or of announcing their choices publicly.<sup>123</sup> And yet it seems, again, that most ballots were cast with folded papers placed in the electoral jars.<sup>124</sup>

The main change in the results of the election, held in May 1826, was the fact that the numbers of voters appeared to have doubled, judging from the results in Santiago (see Table 1). This increase may have resulted from greater voter mobilization by local authorities following the invitation to do just that in the electoral ruling, although there may as well have been some ballot stuffing. The Liberals won the 1826 contest, even in the Santiago district, and the *Pelucónes* charged that their victory resulted from fraud.<sup>125</sup>

By the mid-1820s the question of whether the country should have a federal or a unitary political structure had become more and more salient as a source of differences of political opinion. This complicated the political landscape that had until then been encapsulated in the Liberal versus *Pelucón* polarity, reflecting attitudes toward the Church as well as, to some extent, class differences. During the course of 1825, support for federalism seemingly increased as the regions appeared to be more successful in organizing their own authorities than was the case with the national government. Given the electoral regime's tendency to stimulate the formation of just two main lists of candidates, the Federalists had to make alliances with the Liberals in order to have a chance of winning against *Pelucón* opinion. The latter favored a unitary republic with a strong central authority. Other pro-centralist political groups were forced, in turn, to join the *Pelucónes'* list even if they were neutral or mildly anticlerical in matters that concerned the church. These were, first, political leaders who supported the return to power of former General O'Higgins from his exile in Peru; second, the Valparaíso merchant Diego Portales and his associates who were called *Estanqueros* on account of the monopoly (or *estanco*) his company had of tobacco, playing cards, and liquor sales in Chile in exchange for paying the national debt owed to British investors; and third, a

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<sup>123</sup> *SCL*, vol. 12, pp. 8–9. The ruling also indicated for the first time that the representatives of each district had to be residents in them. This game-changing provision, intended no doubt to break the influence of leaders aligned with established political groups, was not retained subsequently.

<sup>124</sup> Not all reports of the elections indicate explicitly how ballots were cast, but most refer to counting votes rather than adding preferences. Exceptionally, the minutes of the Chillán election list all the voters, noting that among the 120 who participated only 10 voted by voice vote. *SCL*, vol. 12, pp. 18–19.

<sup>125</sup> *SCL*, vol. 13, pp. 12–13. The *Pelucón* claims of fraud were presented by Domingo Eyzaguirre. He argued that in Renca, a subsection of Santiago province, at the last minute 1,831 votes appeared for the liberals and only 10 for their opponents. Juan Egaña repeats these claims in his letters to his son, adding that without such an infusion of votes the *Pelucónes* would have won. Egaña, *Cartas*, pp. 175, 179.

group of collaborators of the various Freire administrations, until he resigned definitively 1827, who disliked Federalist ideals to the point of opting not to support the Liberal lists that generally had included them previously. Without inserting themselves in the *Pelucón* lists, the leaders of these three additional groups had no chance of being elected to the legislative assemblies and, beginning in 1826, to the municipal councils which used the same electoral system to fill multiple positions. Moreover, their proven ability, influence, connections, and press organs made them assume prominent positions in what became a broader and more diverse *Pelucón* mantle.

Forging agreements over which names would go on the lists on both sides was a difficult process of coalition building, especially in Santiago. The difficulties were reflected in the fact that, for instance, Liberal and Federalist newspapers in the mid-1820s would announce different versions of their preferred lists—the result, no doubt, of the struggle among the different factions that were trying to define it.<sup>126</sup> There were also public meetings within the *Pelucón* group in order to discuss how to put together the list of candidates.<sup>127</sup> By 1824 the press commonly used the word “parties” to refer to the political groups.<sup>128</sup> The candidates on the lists not only had to include a proper balance among the factions that gravitated to them; a list also had to include some well-known and popular names in order to enhance its appeal. This is what explains why, despite the sharply polarized environment between Liberals and *Pelucónes* in the elections of January 1828, both lists included Angel Argüelles, who was a war hero of the campaign

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<sup>126</sup> See for example *El avisador chileno*, no. 9, September 16, 1824, p. 71, and no. 10, September 20, 1824, p. 83. See as well *El Valdiviano Federal*, no. 3, December 15, 1827, p. 4, which states clearly that “following the example of some journalists who have published lists of the individuals who they think are the best suited to decide our destinies, we are also bold enough to recommend as deputies for the next congress from this capital city the following seven citizens....”

<sup>127</sup> See the report on the meeting in Santiago of about eighty organizers of the list seeking to oppose the Liberals in *El Independiente*, vol. 2, no. 2, December 29, 1827, p. 9. The meeting was presided by *Pelucón* leader Domingo Eyzaguirre, but Diego Portales and Manuel Renjifo (the leading *Estanqueros*), “both acted as secretaries,” while Portales wrote the minutes of the meeting. This shows how intimately involved he was in guiding *Pelucón* opinion long before his protagonistic role in the 1829–30 civil war. The meeting elected a committee to compose the list.

<sup>128</sup> See, for example, *Grito del patriotismo*, September 15, 1824, p. 1. The newspaper appealed to the public to reject party divisions and to simply vote for men of “virtue, patriotism, and talent,” p. 7. It was reacting to an article in *El liberal*, no. 28, September 4, 1824, p. 4, that characterized the differences between “*Pelucónes*” and “Liberals,” p. 4. By contrast, *El registro público*, vol. 1, no. 6, May 26, 1826, in a pro-party conception that was ahead of its time, indicated that having opposing lists of candidates “is not strange when there is liberty in popular elections, and we think, like many others, that this is necessary and even appropriate,” p. 72. The liberal list that year was led by the Federalist José Miguel Infante.

to liberate Peru of royalist forces. The fact that both sides were willing to add such a figure to their respective lists, thereby not including someone who was more firmly committed to the incipient parties, indicates that their organizers expected the election to be quite competitive, at least in some important subdistricts of Santiago. Neither could risk having the Argüelles's name on the other list while omitting it from their own.<sup>129</sup>

The period between mid-1826 and the end of 1827, in which Federalists reached their maximum influence, was marred by many disputes in the regions. Some reflected disagreements over provincial boundaries, while others revolved around the many elections that were held at the time for local assemblies, governors, and even priests. This created overlapping and often contradictory authorities. In January 1827 a military revolt by advocates of federalism led by Enrique Campino broke out. All the confusion and unrest generated a backlash, even among figures identified with the Liberal camp, in favor of a unitary rather than a federal system and a yearning for a stronger central authority. General Freire was briefly called back to the presidency to resolve the crisis generated by Campino, but after doing so he resigned once again at the beginning of May, leaving General Pinto, his vice-president, in charge. In the midst of considerable debate over the federalist question, the national assembly approved its own dissolution in June of the same year, which meant that new elections had to be held to name its replacement.

### **From High Hopes to Civil War, 1828–1830**

A November 1827 electoral ruling prepared for the elections of January 1828 made a few minor changes to the prior one. It reiterated the option of voting orally, allowed voting by those who did not have a certificate of registration, and called on the authorities to make

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<sup>129</sup> *El Independiente*, vol. 2, no. 5, January 26, 1828, p. 18, a Liberal paper, shows Argüelles as having been elected by virtue of being on the "Liberal," not the "Opposition" list. However, the "Opposition" list it published showed only six, not the requisite seven, names, and Argüelles's vote total of 5,439 is roughly equal to the sum of the votes received, on average, by candidates on both lists. This is what leads to the conclusion that both sides included the war hero's name on their list. The official report of the election appears in *SCL*, vol. 15, p. 253, but it simply lists the candidates in descending order according to the total number of votes they received, without indicating the name of the list they were on. Argüelles's biography can be seen in [historiapolitica.bcn.cl/resenas\\_parlamentarias/wiki/Ángel\\_Arguelles\\_Valenzuela](http://historiapolitica.bcn.cl/resenas_parlamentarias/wiki/Ángel_Arguelles_Valenzuela). He was appointed governor (*intendente*) of Chiloé in 1831, which indicates that he sided with the *Pelucones* in the 1829–30 civil war.

sure that all those who had such a document did indeed vote.<sup>130</sup> The elections took place in January of 1828 and resulted in an overwhelming victory by the Liberals. The numbers of votes cast more than doubled in Santiago, and at over sixteen thousand nationwide they comprised about 8 percent of the total adult male population (taking the estimates of the number of inhabitants of the time at face value). But were all of these real votes, or did they include those of organized groups voting more than once at different vote reception tables, or even some ballot stuffing?

Opposition leaders claimed as much. In particular, the newspaper *La Aurora*, owned in part by Manuel Gandarillas, a former Freire minister and collaborator who was, nonetheless, a stern opponent of federalism and for this reason supported the *Pelucón* lists after 1827, published a scathing article detailing what its editors saw as all the fraud the Liberals and Federalists had committed in the 1828 contest. It asserted, for instance, that many vote reception tables had been constituted by political operators who arrived before the polls were supposed to open, elected themselves to officiate over the voting process in the initial voter assembly that was supposed to decide this matter, and then used their power to prevent opposition voters from casting their ballots. It also argued that individuals who did not have the right to vote were given voter registration certificates in order to do so and that some had voted more than once in different places.<sup>131</sup> Diego Portales also tried to stoke the general impression that the Liberals had won by using deliberate and massive fraud by publishing newspapers in which he pretended to be a Liberal operative confiding how his party fooled the opposition by resorting to outrageously fraudulent electoral tactics.<sup>132</sup>

While the owners of these newspapers had every reason to exaggerate their claims of fraud by the Liberals and minimize the same kind of tactics in areas where the *Pelucón* lists were dominant, some of the election results were indeed suspicious. For instance, in

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<sup>130</sup> The electoral ruling appears in *SCL*, vol. 15, pp. 175–78.

<sup>131</sup> *La Aurora*, no. 24, January 25, 1828, pp. 4–5, and no. 25, February 9, 1828, pp. 2–3.

<sup>132</sup> See for example *El Almirante*, no. 2, May 27, 1828, p. 1–2.; and *El Hambriento*, no. 5, January 22, 1828, pp. 17–18. In this latter source Portales opens an article on the elections by noting, as if he were a Liberal, that “our success has been complete in those for representatives to the new congress.” He then goes on to make patently ridiculous claims of fraud against the *Pelucónes* and the *Estanqueros*, while asserting that “fortunately” the Liberal side had made some drunken soldiers vote and had printed blank registration certificates in order to make “whomever it was convenient to do so a legal voter.” This tactic was supposedly easy to employ because “the presidents of the tables and the majority of the inspectors were ours.”

Melipilla, where only 65 persons had voted in 1824 (see *supra*), there were 685 votes in 1828 as the Liberal candidate Martín Orjera obtained 382 votes to Juan Egaña's 303. While this overall result makes the election appear to be very competitive, the problem is that Egaña was defeated by Orjera only because the latter obtained 310 of his votes in just one subsection of the district where only 10 votes for Egaña were recorded.<sup>133</sup> In the other three subsections Egaña had won about 80 percent of the votes.

Electoral fraud can be made much more difficult with well-designed electoral institutions, but the system designed by Mariano Egaña in 1823 in fact made it quite easy. The key deficiency of Egaña's conception was that the initial voter assembly, composed of whomever first showed up to vote, was entitled to decide who would control the vote reception and vote counting process. An organized group just had to arrive early, even before the polls were supposed to open, in order to beat its competition and carefully stage the meeting that placed its operators in these key positions. The slow building of the electoral registry that Egaña set in motion would eventually provide an important corrective that would minimize blatant ballot stuffing. However, while the electoral registry was being established, anyone could vote at a district's "principal table" without a certificate of registration, even by pretending not to have one and using a false name after voting with his certificate at another table. Officials at the "principal table" had the legal authority to—in effect—register voters at the same time that they cast their ballot, and with the partisan polarization it was also possible for them to simply ignore the fact that they knew that voters were casting ballots once again under assumed names in order to add votes to their preferred list. The registry itself was not permanent, and everyone had to re-register for the next round of elections, which made the registration certificates completely expendable anyway.

Despite the fraudulent tactics, the numbers of votes that were recorded was not large. Even assuming that the sum of the votes was exactly equal to the number of voters, the resulting electorate was relatively small in comparison to the total population that was eligible to vote. Consequently, with the exception of the richest subsections or parishes of the electoral districts where the elections were genuinely competitive and probably fairer as well, given the density of oversight by operators from both sides, in many areas the

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<sup>133</sup> *SCL*, vol. 15, p. 254.

process was controlled by the political militants for each list. Both sides tried to mobilize small proprietors, tenant farmers, artisans, small merchants, and other popular sector groups in the more urbanized settings that were close to the vote reception areas; but in this game the Liberals had the upper hand over their *Pelucón* rivals at the end of the 1820s.

The Liberals were also critical of the deficiencies in the electoral system, and they used their majority in the legislature elected in 1828 to reform it extensively in ways that would have a lasting impact.<sup>134</sup> The first important modification was the introduction of the notion, contained in articles 3 and 4, that no one could vote without presenting a certificate of electoral registration attesting to the fact that he was listed in the parish book that corresponded to his domicile.<sup>135</sup> With this stricture, the voter registry became a key part of Chilean electoral institutions, and the “principal table” system was abolished. As a result, the usually unexamined assumption that the number of votes that are reported in nineteenth-century elections correspond to the numbers of voters who actually participated in electoral contests tends to hold up better in Chile after 1828 than in other countries at the time. The second important change pertained to the way in which the vote reception officials were designated. They had to be chosen with the same new mechanism established in order to select the voter registration board, namely, by drawing by lot the requisite number of five individuals from a set compiled from four names suggested by each municipal councilor. The selection of the vote reception officials had to be completed eight days before the election was to take place.<sup>136</sup> This ended the second deficiency in Mariano Egaña’s initial construction.

The certificate of registration was to be given in early November before each electoral year to all citizens who took the initiative to register of their own volition. To

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<sup>134</sup> The main authors of the new electoral law were liberal deputies: Melchor Concha, Bruno Larraín, Santiago Muñoz Benzanilla, Francisco de Borja Orihuea, and Melchor José Ramos (who wrote the main report on the law), according to an article in *El Centinela*, no. 3, December 17, 1828, p. 10, a Liberal newspaper. In praising the new law, *El Centinela* noted its importance by saying that “elections are the principal key and constitute the essence of representative government.” Reflecting on the widespread criticism of the electoral practices, *El Centinela* argued that a proper electoral law had to “prevent individuals from voting two or more times...regulate the operation of voting tables, and supervise their operation...and subdivide the voters as much as possible,” p. 10.

<sup>135</sup> The 1828 electoral law is contained in *SCL*, vol. 16, pp. 453–62; its approval by the deputies after the revisions of the senate is noted on p. 503.

<sup>136</sup> See articles 56 and 14 of the law, in *SCL*, vol. 16, pp. 454 and 456. By then, the whole country had been put under the authority a municipal government.

qualify as voters according to the 1828 constitution citizens had to be at least twenty-one years old (or younger if married or serving in a militia). They also had to profess some “science, art or industry” or have some form of employment, productive capital or property from which to derive a living, or have a record of prior service for at least four years as an officer in the army.<sup>137</sup> Literacy was not required. In these respects the Constitution of 1828 followed the ample voting rights of the first electoral ruling of December 1810, as well as those of 1824 dictated by Freire which were kept in place, minor details aside, until 1828. However, the electoral law of 1828 was somewhat more restrictive than these prior rulings. It stipulated that voting rights were denied to “apprentices of mechanical arts and field peons,” in addition to the usual exclusion of the “regular clergy,” domestics, debtors, and soldiers as well as low-ranking officers of the permanent army.”<sup>138</sup>

After the voters completed their electoral registration, each municipality was supposed to compile all the names and generate an alphabetical listing of them (art. 38). Each voter was supposed to be given as many copies of his certificates of registration as there were electoral contests during the course of the following year in which elections were to be held (art. 17). Before accepting a ballot, the vote reception officials had to check each citizen’s name against the electoral registry that corresponded to his respective voting table (art. 58). This was, of course, a major innovation in the choreography of the voting process, which (if properly applied) could do much to prevent fraudulent practices involving multiple voting and the use of false certificates of registration. Citizens were no longer allowed to vote in public and orally; they could only do so through written pieces of paper that were to be folded to hide their content (art. 61).<sup>139</sup> Before depositing their votes, citizens had to turn over their certificates of

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<sup>137</sup> See article 7 of the 1828 constitution in Valencia Avaria, *Anales*, p. 154.

<sup>138</sup> *SCL*, vol. 16, p. 453, article 2. The rationale for the exclusion of apprentices and field peons was not evident, but they were deemed to come under the purview of article 8 of the 1828 constitution. Voters were not supposed to be anyone’s dependents.

<sup>139</sup> By writing against the practice of secret voting through paper ballots, *El Sepulturero*, no. 10, April 15, 1829, pp. 75–77, confirms that this is the way the elections of that year were conducted. Oral and public voting would never again be an accepted practice in the country. *La Lechuza*, no. 2, April 29, 1829, p. 7 contains a brief description of the actual voting choreography in the 1829 elections. It estimated that the process took at least five minutes. Each voter’s name was looked up in the registry and inscribed in the list of those who had voted as part of the minutes of the election at the table. The voter’s folded paper ballot was given to the president of the table for deposit in the jar or box that collected all the votes.

registration, which were to be kept in a separate box on the polling table. Before counting the votes, vote reception officials had to make sure that the total number of registration certificates matched those of the votes placed in the urn, as well as the number of names of the individuals who had voted as recorded by vote reception officials for the purpose of writing the minutes of the election (art. 71).<sup>140</sup> Voting for municipal councilors and deputies continued to be direct, while voting for senators and presidents was to take place in two stages with voters selecting the members of the electoral colleges. A set of complex norms dictated the manner in which the votes were to be safeguarded overnight in what were to be two days of voting.

The Constitution of 1828, approved by the Liberal legislature of that year, did not satisfy the aspirations of the Federalists, because it kept a unitary definition of the main state structure, nor those of the *Pelucos* and other centralists, because it called for the election of provincial assemblies.<sup>141</sup> The Federalist groups protested through force of arms in two unsuccessful rebellions led by Pedro Urriola, an army officer, in mid-1828 and 1829. In the aftermath of the first insurrection relations between the Liberals and the Federalists frayed, to the point that by mid-1829 leading Federalists were withdrawing from active participation in politics or siding (as was the case with Urriola) with the *Pelucos* in an effort to abrogate the constitution. The fact that the Urriola rebellion reached Santiago on the eve of the voting for the lower house elections of early June 1829 explains why the numbers of votes in that election declined (see Table 1), while they increased nationwide to an all time high (see Table 2). These experiences led the governing Liberals to begin to recreate the national, or civic, guards that had been characteristic of the colonial period in order to have stronger means of armed coercion to defeat insurgencies, all of which had originated in the army. The national guards were

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<sup>140</sup> The redundancy of counting the certificates of registration as well as the list of names of those who had voted was eliminated in 1830. The law on certificates of registration of that year stipulated that only one certificate had to be issued, and the electoral law of that same year noted that the certificate had to be returned to the voter once the information on it was checked with the copy of the registry at the voting table (arts. 25–26). *SCL*, vol. 18, p. 563. The electoral law of December 2, 1833 added that voting table officials had to write on the electoral registry itself the fact that a voter had cast a ballot in whatever election it was. See art. 52 of the law in *Boletín de las Leyes y de las Ordenes y Decretos del Gobierno*, Santiago (October 11, 1834), p. 98.

<sup>141</sup> The disappointment of Federalists with the 1828 Constitution can be seen in the lead article of *El Valdiviano Federal*, no. 13, April 9, 1828. It concludes that the “moderate federalism” it creates, according to the Liberals, is just “a central or unitary government” because the provincial legislatures have no more powers than those of the municipalities, and the provinces cannot raise their own funds, p. 2.

composed of civilians, many of them artisans or small property holders in or near towns, who trained on weekends. These troops were encouraged to vote, unlike soldiers up to and including the rank of sergeant, and would play an important part in Chile's nineteenth-century electoral history.

Once the Constitution of 1828 and the electoral law had been approved, the constituent assembly dissolved itself and new elections for local governments, for the lower house of congress, for senatorial electors, and—for the first time ever—presidential and vice-presidential electors were called. The Liberal lists did not do quite as well as they had the year before in these contests, in part because of the growing division between the Liberals and the Federalists. A major crisis that eventually triggered a civil war emerged from the voting results in the vice-presidential election.

Knowing that they could not win the presidency or vice-presidency, the *Pelucones* did not present any of their leaders for these positions, preferring, instead, to support a candidate who also opposed federalism despite being part of Liberal government circles. The constitution stipulated that the top vote getter in the electoral college, in which each elector had to choose two names, would become president and his runner-up the vice president, as long as both had an absolute majority of the vote; if not, the election was supposed to be decided by the newly elected congress.<sup>142</sup> The incumbent President Pinto, who supported the mild centralism of the new constitution, was confirmed in his position with the requisite majority. But the election of the vice president was thrown to congress.

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<sup>142</sup> *SCL*, vol. 18, pp. 71–72.

TABLE 2

THE CHILEAN ELECTORATE IN LEGISLATIVE ELECTIONS, 1811–1888.				
Year	Population	No. of Voters	No. Registered	% of voters in the population
1811 (in urban Santiago, Concepción, & Los Angeles)	Circa 35,000	1,055	-	3.01
1824	371,900		7,092	
1825 (in Santiago, Colchagua, & Talca)	202,000	3,350		1.65
1828	753,000	16,025*		2.12
1829	772,200	22,040**		2.85
1831	810,600	12,360		1.52
1834	869,800	6,702		.77
1837	937,800	9,215***		.98
1840	1,008,718	24,256		2.40
1843	1,084,976	14,285		1.32
1846	1,167,000	24,317		2.08
1849		?		
1852		?		
1855		?		
1858		?		
1861		?	16,340	
1864	1,676,200		22,261	
1867		?		
1870	1,907,700	30,632	43,379	1.60
1873	2,002,600	25,981	49,047	1.29
1876	2,074,800	80,346	106,194	3.87
1879	2,135,500	104,041	148,737	4.87
1882	2,329,500	97,060	146,796	4.17
1885	2,495,600	78,911	122,583	3.17
1888	2,601,800	89,977	134,119	3.46

\* Ten districts report no figures. An estimate of 2,000 votes has been added for them.

\*\*Four districts report no figures. An estimate of 400 votes has been added for them.

\*\*\*Includes a vote total of 1447 observed in 1834 in districts where the vote was conducted in 1837 but no figures were reported.

*Notes:*

The record of vote totals for the years 1849 to 1861 is so spotty that it is impossible to provide figures, although the elections continued.

*Sources:*

Urzúa Valenzuela, *Historia política*, chapters 1–3 and pp. 181–82; *SCL* vol. 9, pp. 279–91, 330–43, 389–93, 419–23, 433–39, 449–59, 521–26, 552–56, 565–603, and vol. 10, pp. 18–20; and Valenzuela, *Democratización vía reforma*, p. 150.

The *Pelucónes* chose to back Francisco Ruiz-Tagle, who also had the support of the incumbent President Pinto and, at least initially, from most Liberals.<sup>143</sup> However, given the *Pelucón* support for Ruiz-Tagle and the evidence of his oblique courting of their votes, Liberals in the congress decided to back Ramón Vicuña. The problem was that Vicuña, given divisions among the Liberals, had received fewer votes in the electoral college than Ruiz-Tagle and Joaquín Prieto, a general from Concepción who was a supporter of O'Higgins's return to the presidency but who, like all *O'Higinistas*, was part of the overall *Pelucón* political matrix. The election of the vice president was of the utmost importance, because it was rumored that Pinto was going to resign, which he soon did. However, a dispute ensued, given the unclear language in articles 72 through 75 of the constitution, over whether the congress had to limit its choices to the two top runners-up to the candidate who took the presidency or whether they could also vote for others.

The Liberal majority in the congress argued, quite plausibly despite the ambiguity in the constitution, that its choice did not have to be limited to the two top vote getters.<sup>144</sup> With fifty-eight senators and deputies voting at the joint session on September 16, 1829, Vicuña obtained twenty-nine votes, Ruiz Tagle twenty-four, Joaquín Prieto two, and the rest were blank. The Liberals proclaimed the election of Vicuña to the vice presidency, but the *Pelucónes* insisted that the members of congress could only vote for either Ruiz Tagle or Prieto. They also disputed the fact that Vicuña's vote total was enough to elect him, because his twenty-nine votes were exactly half the number of voting members present, or one vote short of the required "absolute majority." This issue of interpretation was put to a vote, and a vast majority of fifty-four to four—thereby including opponents of Vicuña—supported the notion that his twenty-nine votes did indeed qualify as the necessary majority.<sup>145</sup> This meant that Vicuña would become president after Pinto's resignation.

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<sup>143</sup> *El Verdadero Liberal*, no. 72, June 19, 1829, p. 4, reported that Pinto had "told all his friends that *they should vote for Tagle*" (emphasis in the original).

<sup>144</sup> Articles 72 to 75 of the constitution did not stipulate clearly that the congress was limited choosing between the two top vote getters. The phrase "those with immediate majorities" (*los de la mayoría inmediata*) would seem to indicate that the congress could vote for other candidates, which is the interpretation the majority in the congress adopted. It was fiercely contested by the *Pelucónes* whose arguments can be seen in *SCL*, vol. 17, p. 401.

<sup>145</sup> *SCL*, vol. 18, p. 81.

And yet leading members of the opposition did not accept this decision, despite the clarity of the final vote over the issue of interpretation. Following a strategy orchestrated by Diego Portales and Juan Francisco Meneses, a *Pelucón* priest, the intransigent opposition appealed to the old *cabildo abierto* modality of inviting people to an assembly in Santiago in order to proclaim a new “Government Junta” on December 24, 1829. The same procedure was employed on January 5, 1830, to elect a “congress” with “all powers.”<sup>146</sup> This was to be the last time, ever, that this *cabildo abierto* procedure was used. Its effect was to create an alternative government backed by General Prieto’s troops. The *Pelucos* won, against Freire, the decisive battle of the civil war that broke out.

To further justify this irregular operation the centralist forces once again claimed that the congressional election of 1829 had been fraudulent. The mandates of the legislators who had confirmed Vicuña were therefore presented to the public as being illegitimate. Judging from the electoral results in the district of Santiago there indeed were, in all probability, important electoral irregularities perpetrated by both sides.<sup>147</sup>

The de facto government created by the centralist forces instituted new changes in the electoral laws and procedures at the beginning of September 1830 with the clear intention of reducing the Liberal vote. These included a return to the notion that the local authorities had to make lists of all the individuals in their jurisdiction who met the requirements in order to vote, rather than honoring voting as a right to be exercised by individuals who took the initiative to register. The governors (*gobernadores*), or subdepartmental local appointees of the Executive, were put in charge of presiding over the process of composing the voter registries. Once the list of “qualified” voters was established, it was to be posted in the public squares for all to see. A new “revisory junta”

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<sup>146</sup> *SCL*, vol. 18, p. 206.

<sup>147</sup> See *SCL*, vol. 17, p. 312. There were competitive elections in only three of Santiago’s parishes, where 28.6 percent of all votes were cast. The *Pelucos* took one with 65 percent of the votes, and the Liberals the other two with 55 percent and 59 percent. In five others, with 60.9 percent of all district votes, one list had an overwhelming advantage with only a sprinkling of votes for its opposition. The *Pelucos* prevailed in only one of them, with 86 percent of the votes. And in the final three, with 10.5 percent of all votes for the district, the Liberal list obtained all the votes. It was therefore easy for the *Pelucos* to spread the idea that there had been fraud in the elections. However, *El Verdadero Liberal*, no. 72, June 19, 1829, p. 4, also complained with the same tone of indignation that the *Pelucos* had “bought qualification certificates, stuffed ballot boxes, and accepted voters without the necessary certificates.” The accusations that went back and forth were partially true depending on which districts they referred to.

was supposed to hear the complaints of the public regarding who had been included or excluded, generating a definitive list of approved voters, who then had to go demand their certificates.<sup>148</sup> Despite these changes, the formal list of requirements in order to be enfranchised was not altered substantially with respect to those included in the electoral rulings of 1826, 1827, or the norms of 1828. Literacy was not mentioned. However, some additional specifications were added, even though they essentially repeated stipulations that were in place already. Among them were that “being a master or journeyman artisan living off his work” permitted the exercise of voting rights, but artisanal apprentices and day peons remained among those who were explicitly excluded.<sup>149</sup>

As it turned out, few men actually went to request their certificates of registration after being included in the lists by government officials.<sup>150</sup> As a result, the local representatives of the Executive petitioned the government to authorize them to ask for and then distribute the certificates. Subsequently, national guard commanders demanded that they also be authorized to present lists of potential voters drawn from their own troops to the registration boards and for permission to withdraw all the resulting certificates.<sup>151</sup> This began what became a common practice in the next decades, namely, of public officials and national guard commanders intervening to secure the electoral registration of their subordinates and keeping the certificates in the months between the registration process and the actual voting.

In 1831, using the mechanisms of the 1828 constitution which was still in force, Prieto was elected president. As can be seen in Table 2, far fewer votes were cast in the general elections of that year than in 1829, even though their number was probably inflated given the fact that the authorities made an effort to register voters and, presumably, to bring them to the polls.

The further decline in the numbers of votes that were cast in 1834 probably resulted from the fact that the electoral law of 1833 (unlike the 1830 law of electoral registration) once again made voting a right that citizens had to demand by registering “in

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<sup>148</sup> *SCL*, vol. 18, art. 26, p. 449.

<sup>149</sup> The rules appear in *SCL*, vol. 18, p. 448–49. The requirements to vote are in article 9.

<sup>150</sup> See for instance a notice to the authorities from a Santiago board saying that few people showed up to get their certificates, *SCL*, vol. 18, p. 522.

<sup>151</sup> See *SCL*, vol. 18, pp. 555–56.

person.”<sup>152</sup> This did not mean that political operatives among public employees and national guard commanders ceased organizing their dependents to register to vote; it just meant they could not do so, at least legally, without their physical presence. The impact of the Liberal abstention from voting during the immediate post–civil war years could therefore be seen most clearly in the elections of 1834.<sup>153</sup>

### INSTITUTIONAL REFORM AND THE STRUGGLE FOR ELECTORAL FREEDOM

The Prieto government set into motion the writing of the Constitution of 1833 as well as the electoral law of that year. Despite the political crisis, as Heise González indicates, the electoral legislation as well as the basic definitions of a representative constitutional government continued along a trajectory that shows more cumulative change than sharp breaks.<sup>154</sup> The electoral calendar was also maintained strictly on schedule. The victorious *Pelucones* were still committed to constructing a political order based on elections as a central formula for legitimating the authorities. Again, this was a mechanism that facilitated civilian control of the state. Freire and many liberal-leaning army officers who had fought on the losing side of the civil war were sent into exile.

The constitution of 1833 was written by a committee chosen by the congress, although its primary authors were Manuel Gandarillas (the former Freire collaborator who rejected federalism) and Mariano Egaña. They consulted as well with Andrés Bello, one of the towering intellectual figures of the nineteenth century.<sup>155</sup> The office of the vice president and the provincial assemblies of the previous constitution were dropped. While this, among other features, increased the power of the presidency, the congress was not reduced to a simple adornment. It continued to be an essential player in co-legislating with the president, with the right to initiate legislation. The lower house was declared the chamber of origin for tax law and the senate for constitutional amendments. The congress held the keys to the purse, given that it was entitled to approve the yearly budget and

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<sup>152</sup> See *Boletín de las Leyes*, (October 11, 1834) art. 14, p. 92.

<sup>153</sup> The abstention of the Liberals is noted by Barros Arana, *Historia General*, vol. XVI, p. 19.

<sup>154</sup> Heise González, *Años de formación*.

<sup>155</sup> For an analysis of Bello’s life and works, see Iván Jaksic, *Andrés Bello: Scholarship and Nation-Building in Nineteenth-Century Latin America* (New York: Cambridge University Press, 2001). Bello’s role in drafting the 1833 constitution is discussed on pp. 94–104.

expenditure laws. A significant new power granted to the congress was the obligation of the president to seek congressional approval for the declaration of states of emergency and for the stationing of regular troops in the Santiago area.

### **The Victor's System of Electoral Management**

The bitterness generated by the civil war and the intensity of political competition in certain elections, including those in Santiago, led the new *Pelucón* government to devise ways to make sure that it would always win the elections. Article 8 of the new constitution did raise the voting age slightly. It also added literacy as a requirement to vote, but a transitory article suspended this until 1840, at which point an interpretive law stipulated that the obligation of knowing how to read and write was only expected of new registrants. The new constitution specified that an electoral law would have to be drawn up every ten years to set the minimum amounts of income or property that were to be required for voting. Its first iteration was enacted in 1834, and it set very low levels of income, which could be met by virtually anyone who had a fixed domicile. In Santiago it sufficed to have a yearly income of two hundred pesos, in the main provinces one of one hundred, and in Valdivia and Chiloé one of sixty. These amounts would not be changed subsequently. They were set at these low levels in order to permit voting by even the most modest of small property holders, artisans, or municipal taxpayers, a good number of whom were enrolled in the national guard. The new law did continue the prohibition, set in 1828, of voting by day laborers in the fields and elsewhere, but it did not exclude the apprentices of “mechanical arts” as the norms of 1828 (*loc. cit.*) had done. In this sense the formal strictures of 1834 were slightly more expansive than the earlier ones they replaced.

The voting choreography itself was not changed. Voters continued to vote with paper ballots, deemed secret because they had to be white and well folded over, placed in jars or urns. Representation for the lower house of congress continued to be apportioned to districts according to the size of their population, making some of them multinominal, and all municipal council positions continued to be elective. Moreover, following the rules set by the constitution of 1828 which remained in place, senators and presidents were to be elected indirectly through an electoral college that met in each province. It was

supposed to have a number of electors equal to three times the representation each province had in the house of deputies and the senate. The vice presidential office was eliminated.

The electoral regime continued as well to be formally the same, assigning seats to those who obtained the highest simple majorities. However, in practice the system evolved into a de facto form of voting for lists of candidates in all but the single-member districts for the house of deputies. When there was electoral competition, it took the form of a contest between two lists.

Between 1830 and 1890 the certificates of registration remained the key gateway to electoral victory. Barring a massive resort to fraud, no list could win unless it made sure that its supporters outnumbered its opponents among those who showed up in November prior to each electoral year to register to vote. This generated a core of politicized individuals, including but not limited to the national guard commanders who served at the discretion of the government, who would specialize in organizing the individuals who would register to vote and then show up to cast their ballots. Such electoral practices, perhaps unwittingly, ended up discouraging broad participation in the contests because the political operators had every reason to be wary of individuals who registered to vote without being part of an organized network.

The *Pelucones* did introduce, however, very significant changes to the electoral system. The first one was not reflected in its formal legal aspects and consisted of the creation by the government of an official list of candidates before each election. This practice was extended to presidential contests as well, such that outgoing presidents in fact ended up choosing who would become their successors. Public employees and members of the national guards were of course expected to support the official lists. The second change did become reflected in the law and pertained to the direct involvement of the governors as the main presiding figures in the municipal council meetings, which decided the composition of the vote registration, revision, and vote reception boards.<sup>156</sup> The municipal councils had assumed this role beginning with the electoral law of 1828 (thereby replacing the voter assemblies that designated the vote reception officials who also could accept unregistered or uninvited voters), but they operated without the

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<sup>156</sup> See *Boletín de las Leyes* (October 11, 1834), articles 1 and 2, pp. 89–90.

involvement or intromission—legally at least—of the direct representatives of the government. Given the fact that the municipal councils were virtually all elected from the official lists of candidates after 1831, the addition of the governor as presiding officer of the council meetings for electoral purposes certainly ensured that the majority of the officials involved in deciding matters pertaining to vote registration, vote reception, and vote counting would be unconditional supporters (at least most of the time) of the government and its official lists. The resulting electorate was composed, therefore, to a large extent of people who were somehow dependents of the government in one way or another. The Liberal congressman and intellectual José Victorino Lastarria complained in 1869 that half of all voters in the country were at the command of the Minister of the Interior, many of them men of modest means.<sup>157</sup> In sum, the electoral system became a mechanism to reproduce, adding a varnish of legitimacy, those who were already in power or those who were selected by those in power to replace them.

Nonetheless, the electoral calendar was maintained unflinchingly, and this meant that all terms of office were respected. The President of the Republic was limited initially to two successive five-year terms, and beginning in 1871, to just one. No president ever attempted to subvert this steadfast constitutional principle.

However, despite what seemed to be a fool-proof system to reproduce through an electoral charade the individuals chosen to fill various offices by those who were already in control of the government, in practice the official list system proved to be much more complex. The changes were set in motion with the victory of Chilean forces in a war against the Peru-Bolivia Confederation that began in 1837. The main leader of that effort, General Manuel Bulnes, was then elected president in 1841, and he successfully sponsored an effort to promote reconciliation between the victors and the losers of the 1829–31 civil war. This meant that leaders identified with both sides were given official positions in the government and that both also found themselves with congressional positions after being included in the official lists of candidates.

The official lists would subsequently never again be formed only from individuals who were clearly supporters of just one party. This had little to do, in the longer term, with Bulnes's efforts to sponsor reconciliation between Liberals and *Pelucos*. It was

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<sup>157</sup> *Boletín de sesiones de la Cámara de Diputados*, session of October 7, 1869, p. 462.

facilitated instead by the rise of new political divisions that fragmented the partisan alignments in such a way that subsequent governments never again reflected only the dominance of one group. With the emergence of these divisions, the fact that the government could reproduce the elected officials through the official lists of candidates was no guarantee that some of them, at a certain point, would not turn against the executive—or vice versa. In the period between 1831 and 1874 on four occasions the presidents ended up facing hostile majorities in one or both legislative chambers as a result of the development of these differences of opinion.<sup>158</sup>

Given the complexity of the divisions among the “elected” officials, the ministers of the interior who assembled the official lists had to be careful to include individuals who represented the various shades of opinion that were expressed in the circles of power, as well as members of prominent families in various localities whose good graces towards the government permitted its local wheels to churn smoothly. This balancing act was such that it even extended to prominent “loose Liberals” like Lastarria, who would always gain a seat in congress through the official lists. He and others like him may have been opponents of the government, but they were useful to have in congress because they counteracted the opinions of congressmen who expressed views in the opposite direction that the government also did not always accept and because their erudition made them indispensable leaders of investigative committees and writers of reports, legislation, or legislative amendments.<sup>159</sup> The powers granted to the congress, as noted above, did not make it a simple rubber stamp, and the terms of office were fixed in such a way that the Executive could not force the dissolution of a legislature it did not like. The congress did become the center of the nation’s political life, not a rubber stamp to the wishes of the executive.

In most districts the official list of candidates ran unopposed. However, the official list was not so latitudinous that all opponents of the government were given a space in it. As a result, some of them did prepare lists to compete against the official one at least in some districts, and with some success, in every single lower house legislative election while the system of official lists was in place from 1831 to 1888. This can be

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<sup>158</sup> For details see Valenzuela, *Democratización vía reforma*, chapter 2.

<sup>159</sup> For details on the complexity of composing the official lists see Valenzuela, *Democratización vía reforma*, pp. 67–71. The official candidate lists of the French Second Empire shared similar features.

appreciated in Table 3. Naturally, the news and commentary regarding the elections at the time centered on the districts with electoral competition, and any dissident list that defeated the official one became an important and noteworthy event. In the 1849 elections an opposition effort led by Manuel Montt that launched dissident lists in five districts and succeeded in four of them was viewed as a defeat of the government in the elections. As a result, President Bulnes even decided to change his administration by giving ministerial posts to Montt and his friends and eventually even named him as his successor to the presidency. Similarly, a president could decide that there was not enough consensus in the country to place his preferred successor on the official list for the next presidential term. This occurred to Montt himself when he reluctantly turned to support José Joaquín Pérez for the 1861–65 term.

When the official list system did not work as expected in certain districts and the government decided not to run the risk of defeat against opponents of the official list, it resorted to more heavy-handed tactics. The documentation detailing these forceful procedures generated by those who lost the elections is easy to find. Paradoxically, districts in which this sort of fraud was attempted or carried out could in fact be those in which the election turned out to be more competitive, and in this sense more “democratic,” than those in which the official list won handily. The proceedings where the elections developed “normally” and the official lists won as expected were unlikely to leave much of a paper trail of complaints and disputes.

TABLE 3

## COMPETITIVENESS OF LOWER HOUSE ELECTIONS IN CHILE, 1823–1888.

Year of Election	Districts Electing at Least One Deputy*	Districts with Electoral Competition		Seats Won by Government Opponents	Number of Districts with Close Elections
		Number	Percent		
1823	15	-	-	-	0
1828	23	17	74	?	6
1829	35	27	77	?	4
1831	32	22	69	4	3
1834	37	18	49	0	2
1837	36	16	44	0	3
1840	38	31	82	9	5
1843	38	19	50	?	1
1846	38	?	?	3	?
1849	38	9	24	4	0
1852	39	4	10	?	2
1855	40	3	7	3	?
1858	43	11	26	15	5
1861	42	5	12	?	1
1864	43	29	67	14	11
1867	51	14	27	6	3
1870	49	13	27	40	3
1873	51	35	69	?	6
1876	55	24	44	37/28**	12
1879	54	7	13	?	1
1882	55	14	25	?	1
1885	63	44	70	4	2
1888	69	?	?	14	?

\*The figures do not always correspond to the total number of districts because there is no information regarding who, if anyone, was elected in a small number of cases. Some districts chose only one deputy, most elected two, and a few elected between three and twelve (the latter being the case in Santiago, although it normally elected six or seven).

\*\*Twenty-eight “Independents” were elected that year in which the lower house had 107 elected members.

*Notes:*

The figures regarding electoral competition here underestimate the extent to which the politics of the time revolved around government to opposition relationships, as explained in the text. Nonetheless:

- “Districts with electoral competition” are those in which there are more candidates than positions to be filled, even if losing candidates obtain only one vote.

- “Close elections” are those in which the difference between the winning candidate with the fewest votes and the losing candidate with the most votes is less than 15 percent of the total vote. In some districts this result occurred between candidacies competing for alternate deputy positions.

*Sources:*

Elaborated from data in Urzúa Valenzuela, *Historia política*, chapters 3 and 4; and in Donoso, *Las Ideas Políticas*, pp. 291, 295, 301, 309, 313, for some information regarding seats won by opponents.

## Unraveling the Government-Controlled Electoral Machine

Given that the government was almost impossible to defeat electorally, on occasion, notably in 1851 and 1859, opponents took the road of armed insurrection. However, they were unsuccessful. As a result, if there was no way to defeat the government through the ballot boxes and no way to do so through armed insurrections, the only course of action was to reform the electoral system in order to reduce the control the authorities had over the electoral processes. This route to change was predicated on the continued normal functioning of the nation's liberal and representative constitutional system rather than on its disruption. It relied on taking advantage of the possibilities the institutions themselves offered in order to stimulate reform from within. And it took advantage of the basic principle upon which the governmental edifice was built: that its legitimacy derived from the choices expressed by the sovereign people through elections.

The development of this strategy was facilitated by the political implosion of the *Pelucón* group. It took place in two moments. The first one led to the recreation of the Liberal Party when the old liberals joined forces with a moderately secular *Pelucón* segment that Bulnes dismissed from his cabinet in 1849 to accommodate Montt and his associates. The second one occurred during the late 1850s. A dispute over a question that involved the authority of the state's highest court over the internal governance of the church, led the most pro-Catholic *Pelucón* segment to form the Conservative Party in opposition to President Montt. The new Conservatives and the equally new Liberals suddenly had a common adversary in Montt, and this led to their uneasy alliance under what was called the "Fusion." Older-style Liberals who did not accept this alliance gravitated together to form the Radical Party, and Montt and his collaborators retreated to a group known as the Nationals. President Pérez found himself leaning towards the "Fusion" soon after he began his government in 1861, and he refashioned his cabinet accordingly.<sup>160</sup> Unlike the earliest period of party formation in Chile, which was driven

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<sup>160</sup> The details of these tectonic moments in the formation of the Chilean party system can be seen in Valenzuela, *Democratización via reforma*, pp. 78–89. See also Timothy R. Scully, *Rethinking the Center: Party Politics in Nineteenth- and Twentieth-Century Chile* (Stanford: Stanford University Press, 1992), pp. 36–38 on the details of the issue that led to the break between Catholic *Pelucónes* and President Montt.

by electoral competition, these changes were forged among political figures in the corridors of power.

The Conservatives were soon displeased with their alliance of convenience with the Liberals. Ultimately, their postures on state-church relations were different, and the Liberals always seemed to have the upper hand. Hence, Conservative leader Manuel José Irarrázaval began to seek ways to reform the electoral system in order to be able to pull his party out of the government while still retaining some hope of gaining seats in the legislature and in municipal councils.

The loose Liberals, such as Lastarria, and most Radicals had for some time followed the same general strategy. In 1869 they had succeeded in eliminating the municipal councils' control over the vote registration, reception, and counting boards, recomposing these boards with individuals drawn by lot from the lists of top municipal tax payers.

The Conservatives decided to break their governing coalition with the Liberals in 1872, but they kept themselves in it in order to have most of their legislative candidates included in the official lists for the upcoming election. However, as soon as the election was over, they withdrew from the government in mid-1874 and started the process of changing the electoral laws with the support of the loose Liberals and, in part, the Radicals. They introduced the "cumulative" vote in legislative elections, which still gave voters as many preferences as there were positions to be filled but allowed them to allocate such preferences to less than a full slate of candidates. This facilitated the election of some candidates opposed to the official list in multinominal districts by boosting their vote totals, even if their supporters had to concentrate all their votes on them, thereby electing, at best, less than the full number of positions. The reform also introduced an incomplete-list system for municipal councils and the electoral college. It would automatically reserve a third of all seats to be filled by the list that obtained the second highest number of votes. In addition, the Conservatives suggested doing away with all mention of income or property levels for voting by proposing the adoption of the notion that "anyone who knew how to read and write should be considered by right to have the income required to vote." This stipulation, strongly opposed by government Liberals, prevented the use of the income and property requirements by local voting

registration authorities to deny voting rights to people who were presumed to be opponents of the government. Although the sums in question were very low, the fact that such requirements were mentioned in the law allowed board members to demand that prospective voters bring documentary proof that showed that they did indeed have the requisite income. Given that many people, particularly in rural areas, did not have an income that would produce a paper trail, this could become quite a stumbling block. Conservative political leaders had a strong political base in Central Valley rural areas, and any increase in voting by this segment of the population would presumably favor them.<sup>161</sup>

And so it did. The surge in the numbers of voters that can be seen in Table 2 is explained largely by this change. Moreover, at the end of Federico Errázuriz's government (1871–76) there was little government intervention, and the election of 1876 became the freest of all during the nineteenth century, as can be seen in Table 3. The government did not bother with creating “official” lists, leaving the public to presume that it simply favored those of the Liberal party, and as a result the numbers of government opponents increased although they are difficult to quantify clearly.

The presidency of the Liberal Domingo Santa María (1881–86), led to a return of government efforts to control the electorate. However, by then the government had fewer resources to do so. The literacy clause had trumped the income and property requirements, the national guard units had drastically reduced their contingents during the War of the Pacific (1879–83, again against Peru and Bolivia), the numbers of voters had greatly increased, and public employees were less prone to follow instructions regarding how to vote. As a result, government electoral interventions turned more crudely fraudulent. As indicated in Table 3, only one district had close levels of competition in 1882 and only two in 1885. The Conservatives even abstained from presenting candidates in 1882, and in 1885 many stayed away from the polls. This explains partly the drop in the numbers of voters that can be appreciated in Table 2 during those years.

Towards the end of the Liberal José Manuel Balmaceda's presidency the Conservatives obtained a second opportunity to change the electoral system. Balmaceda's high-handed ways had alienated most of his erstwhile supporters. This was a time in

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<sup>161</sup> For details on these changes see Valenzuela, *Democratización vía reforma*, chapter 3.

which the Chilean state was awash in export receipts, and the government was using the new funds it obtained on all kinds of projects that were decided by an expanding the civil service bureaucracy while bypassing long-established mechanisms of consultation with legislators and local notables. The labor movement was also beginning to make its voice felt, introducing new tensions and conflicts that Balmaceda confronted with repressive measures. As a result, by the end of 1890 all parties had begun to oppose the government, even if individual leaders within some of them did not. And all began to fear that Balmaceda was, once again, preparing to name a successor to be imposed on the electorate with the kind of crude practices followed by his mentor Santa María.

That was the perfect political context for Irarrázaval to propose reforms he had been developing for a long time. Both the senate and the lower house left the drafting of the 1890 electoral law to him and approved its provisions with a veto proof majority. The resulting reform was silent on the question of access to the vote. Keeping literacy as a precondition was not controversial, and even the labor movement leaders of the time did not oppose this notion. The movement and its associated parties relied on the printed word to spread their message, and by that time just over half of Chilean adult men could read. The 1890 reform completely transformed, as noted in the introduction, the way in which the process of voting was conducted in Chile. In particular, it introduced a secret chamber for voters to place their paper ballots into officially furnished and stamped envelopes. This was an alternative mechanism to the so-called Australian ballot to ensure the secrecy of the vote, and it is still in current use in France and in Argentina.

Little did Irarrázaval or his colleagues know when they approved the new bill in October of 1890 that a confrontation between the congress and the president would lead to a civil war in 1891. If they had, perhaps the non-Conservative members of the legislature would not have bothered with changing the electoral system so drastically. In any event, the implementation of the electoral reform of 1890 and the new political context that emerged after 1891 ended government intervention in the elections and the designation of new presidents by their predecessors. A new “Liberal Democratic” party emerged after the civil war in opposition to a constitutional amendment that gave congress the authority to approve presidential cabinet appointments. The 1890 reform and the electoral freedom it produced permitted this new party, which soon began to claim the

legacy of President Balmaceda as its own, to gain the largest majority in the legislative elections of 1894.

## CONCLUSIONS

By the early nineteenth century leading Chilean intellectual and political figures had certainly absorbed what were then the most modern constitutional theories of the time. They called for the creation of a liberal representative government, with a separation of powers, and authorities that were chosen by the people—the sovereign—through a regular process of elections. In the absence of a credible local family that could aspire to set up a monarchical government, Chilean elites readily adopted the American republican model with an indirectly elected president who served for a fixed term of office. While the conceptual blueprints for this model were quite elaborate, there was little clarity at the time regarding how to set up the electoral system, even though it was an essential element for the legitimation of the new constitutional order. Consequently, as occurred in all other cases that pioneered the development of democratic government, Chilean authorities were confronted with the necessity of devising electoral procedures in order to build the new order without a set template drawn from external experiences. This was the main missing element in the diffusion throughout the western world of the new constitutional theories, for which the story of “first wave” democratizations is largely one that focuses on the construction of the institutions of electoral and political participation. The present paper has focused on the origin of each aspect of the electoral system in one of the least-known cases that pioneered democratization in the nineteenth century. Its magnifying glass has been set to a greater depth of detail on the earliest period of institutional construction between 1810 and 1833—a period that had escaped scrutiny in Chile’s historiography and contains a great complexity of departures. The paper has also reviewed the major changes the electoral system underwent since then.

When they were first set up, culminating in the 1828 electoral law, Chilean electoral institutions were certainly among the most modern for the time, although they followed the worldwide convention of the time in excluding women. They instituted what was conceived to be a secret ballot; gave one vote to all “qualified” citizens regardless of whether they were artisans, capitalists, or lawyers; defined district sizes taking into

account the number of their inhabitants; established direct elections for the lower legislative house of congress; created an electoral registry with procedures to check voters' names against it in vote reception areas; and subjected all governmental and legislative authorities, from presidents to municipal councilors, to electoral renewal. They also established a relatively ample male suffrage, such that the Chilean labor movement never had to fight subsequently for suffrage extension. Initially, voting was to take place in civic halls with men who had been summoned to participate in the process, thereby replicating the procedure that was employed to invite participants to an open town meeting, following the little-used colonial practice. However, the notion that voting was a right of citizenship that men had to demand emerged in 1823 and took hold definitively by 1828.

The electoral regime that the Chilean authorities adopted had some important multimember districts, multiple candidates for electoral colleges and municipal councils, and an individual plurality rule to determine the winners. Such a system was a combustible mix, given that it tended by its very nature to generate the rapid emergence of just two main competing lists of candidates with any possibility of winning. The winner-take-all nature of the contests stimulated a sharp process of political polarization. The losers in such contests were always able to claim, not without evidence, that the elections had included fraudulent practices. However, even if the electoral procedures did indeed contain many irregularities, they did have enduring political consequences and institutional legacies. The most important political effect was that the procedures set in motion from the earliest period stimulated the process of creation of political identities and parties. And their most significant institutional legacy was the creation, from the very beginning, of a political system with a dense calendar of electoral contests that became entrenched in the minds of political leaders as the only possible mechanism to legitimate all national legislative and governmental authorities.

The electoral system had a party-forming impact initially not only because of the exigencies generated for political operators by the simple and individual majority system in the all-important contests with multiple positions to be filled. These partisan divisions spread to other areas of the country, aided by an additional institutional feature of the early electoral rulings, namely, the fact that voters could choose as their representatives

political leaders who did not reside in their districts. This strengthened early party formation by generating a national political class of well-known leaders identified with different policy positions and symbolic attachments.

The first two or three decades of the initiation of a new political institutional system seem to have an important precedent-forming impact, which establishes in particular the prevailing conceptions regarding how legitimate governments can be set up. The remarkable continuity of the Chilean electoral calendar, generating a chain of predictable renewals of government authorities, was certainly aided by the fact that in the early years of the establishment of the republic the top military and civilian leaders of the country showed an enduring commitment to the electoral method as the basis for legitimacy. This commitment was probably the result of personal conviction on the part of key leaders, such as General Freire or the Egañas, father and son. But it was also dictated by the circumstances of the environment in which they competed: for civilian elites the affirmation of the importance of elections as the basis on which to create legitimate authority was an essential tool to undermine the possibility that military officers could claim the presidency by force. As for Freire—the main military player in the earliest period of institutional construction—he rose to power not through armed rebellion but by exposing the gross lack of transparency in the electoral procedures shaped by General O’Higgins. Subsequently, he was driven to support a more open and proper electoral system lest he contradict the earliest basis upon which he forged his political leadership. Moreover, Freire’s insistence on holding an election in all sections of the country in order to affirm his right, or anyone’s right, to occupy the presidency, was a potent argument against the hegemonic pretensions of Santiago elites who pretended to form the national government after constituting their own provincial authorities through elections or town meetings. The most important early civilian leader who showed a disregard for electoral procedures was Diego Portales. However, like O’Higgins he did not leave an enduring institutional legacy. After staging the last incarnation of a grossly manipulative “town meeting” to designate alternative authorities to those that had been elected in 1829, Portales withdrew back to Valparaíso. The constitutional reconstruction of the post-civil war period was carried out primarily by Manuel Gandarillas, the former Freire minister who became a fervent centralist, and by Mariano Egaña, whose moralist

tendencies were checked by the secular-leaning convictions of his colleague. Portales showed little interest in writing laws.

The initial construction of the electoral system was changed substantially with the creation by the victors of the October to April 1829–31 civil war of mechanisms to ensure their subsequent majorities in the polls and by the inception of the officially sponsored electoral list. Without altering the formal, legal definition of the electoral regime, this totally transformed the party-forming dynamics, as they were of course no longer emerging only from the creation by political operators of the candidate lists. This did diminish the incipient “democraticness” of the fledgling liberal representative system. However, the already existing partisan divisions among political leaders were by then such that the official list of candidates was never single-colored. Its diversity was enlarged further after the national reconciliation promoted by General Bulnes as he was sworn into office. Henceforth the single official list became a delicate balancing act of accommodating what were in practice coalition governments. The subsequent stability of the official list system and the continuity of the electoral calendar, were aided by this quite remarkable political latitudinarianism. By 1875 all major nineteenth-century political parties (Liberals, Conservatives, Nationals, and Radicals) had been at one point or another part of coalitions that controlled the government. The process of party formation and reformation obviously continued despite the official list system, this time occurring largely within the circles of power and within the legislatures rather than through electoral competition, even though there always were efforts to compete against the official list in presidential campaigns and in some legislative districts or municipal governments. Chilean history prior to 1890 therefore reveals the opposite pattern to what can be observed in Western Europe regarding the locus of party formation, being first “external” (outside legislatures and in the process of electoral competition) and later “internal” (in legislatures and government circles)—to use Duverger’s terms.<sup>162</sup> The sometimes sharp conflicts that the rise of new forms of partisanship produced led to a few armed uprisings prior to 1860, but these were all unsuccessful. In the end, the only means to ensure that the electorate would become the final arbiter of political differences as expressed in partisan alignments was to reform the electoral system and to end the

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<sup>162</sup> Maurice Duverger, *Les partis politiques* (Paris: Armand Colin, 1951).

official sponsorship of candidates. This finally occurred with the electoral reforms of 1874 and 1890, and perhaps the 1891 civil war. It is of course very difficult to assess whether that war was or was not necessary to ensure the proper application of the 1890 reforms. This is a matter that must remain among the impossible-to-answer “what ifs” of history.

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