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ABSTRACT

In this paper I examine Chile's 1972 initiative to draft a new constitution under President Salvador Allende. I analyze the political and economic circumstances that gave rise to the project and the institutional mechanisms through which the draft sought to advance a socialist economic and political program centered on state ownership of means of production and central planning. I compare the Chilean proposal with the socialist constitutions of the German Democratic Republic and Czechoslovakia. The draft, which was never submitted to a plebiscite, as Allende envisioned, subsequently disappeared and remained unavailable for nearly two decades. Remarkably, the proposal has attracted very limited scholarly attention.

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1. Introduction

On September 4, 1970, Salvador Allende—a physician and long-serving senator—was elected president of Chile with a plurality of 36.6 percent of the vote, becoming the first Marxist to attain the presidency of a Western liberal democracy through free elections. He was backed by the Unidad Popular, a coalition of Marxist and left-wing parties committed to a far-reaching program of nationalization, central planning, and structural transformation of Chile’s economy. Allende famously described this project as “*the Chilean Way to Socialism*”: a transition to socialism pursued through existing democratic and constitutional institutions.

From the outset, however, this strategy generated a fundamental tension. While the Unidad Popular sought to restructure property rights and economic coordination at speed, it operated within a constitutional order—the 1925 Constitution—designed to protect private property, constrain executive discretion, and require legislative approval for major economic reforms. This tension became increasingly acute as the government relied on administrative mechanisms, most notably Decree Law 520 of 1932, to requisition industrial firms. These actions generated profound uncertainty over property rights, depressed investment, and contributed to the economic and political crisis that unfolded in 1972–73.

This paper examines a largely forgotten attempt to resolve that tension: Chile’s 1972 initiative to draft an entirely new constitution explicitly designed to facilitate the construction of socialism. Appointed by President Allende in August 1972, a small commission of progressive jurists was tasked with producing a constitutional draft that would entrench state ownership of strategic sectors, constitutionalize economic planning, and redefine the institutional foundations of political authority. The proposal was to be submitted to Congress and, if necessary, to a national plebiscite. The coup of September 11, 1973, prevented this process from taking place.¹

The central argument of this paper is that the 1972 constitutional project was not merely a political or ideological exercise, but an attempt to solve a credibility problem inherent in socialist economic transformation. By constitutionalizing the structure of property rights and the role of planning, the draft sought to replace discretionary and reversible administrative expropriation with a higher-level commitment mechanism. In this sense, the constitution was intended to function as an instrument of economic precommitment—raising the political and legal cost of reversal and stabilizing expectations among workers, managers, and private economic actors.

¹ Chile’s 1925 constitution contemplated a plebiscite when there was a deep disagreement between the executive and the legislative powers regarding a constitutional reform. See the discussion in Sections 2 and 3 below.

This perspective situates the Chilean case within a broader literature on constitutions as commitment devices. Following Buchanan and Tullock (1962), North and Weingast (1989), and Elster (1988, 1995a,b), constitutions can be understood as mechanisms designed to constrain future political action and enhance credibility. While most of this literature focuses on liberal-democratic settings, its insights are equally relevant for understanding constitutional design under socialism, where the problem is not how to protect markets from the state, but how to make state-led transformation predictable, coordinated, and durable.

The Chilean project is analytically distinctive. Unlike socialist constitutions in Eastern Europe and Cuba, which were adopted under one-party rule and revolutionary consolidation, Chile's 1972 draft attempted to combine socialist economic transformation with pluralist political institutions, including competitive elections, political parties, and an independent judiciary. This hybrid design makes the Chilean case uniquely informative for comparative constitutional political economy.

For many years, the 1972 constitutional draft was believed lost. Members of the drafting commission were imprisoned or forced into exile after the coup. Only in 1993 did Eduardo Novoa Monreal recover working notes that allow a reconstruction of the proposal.² Despite extensive scholarship on the Unidad Popular and Allende's presidency, this constitutional effort has received remarkably little attention. To date, only a handful of works mention it, and none place it at the center of the economic and constitutional crisis of the period.³

This paper fills that gap. I examine Chile's 1972 constitutional project, analyze its institutional design, and compare it with the socialist constitutions of the German Democratic Republic and Czechoslovakia. I show that while the Chilean draft departed from Eastern European models in its political institutions, it converged strongly with them in its economic provisions. This *divergence/convergence* asymmetry reveals the central role of constitutionalized property regimes and planning in socialist governance. Finally, I argue that the logic underlying the 1972 project reappeared -- largely unconsciously -- in Chile's failed constitutional

²The draft was published in 1993 as a thirty-two-page pamphlet under Allende's posthumous authorship, with an introductory essay by Joan Garcés, his Spanish political adviser. I cite this edition as Allende (1993). Unless otherwise indicated, page references to the constitutional draft in this paper correspond to that first edition, published in Madrid. The text has more recently been reproduced and made available online.

³The only works I have identified are a brief paper by González (2020), a book chapter by Bustamante Kuschel (2023), and an essay by Couso (2025). Memoirs by jurists who held senior posts during the Unidad Popular administration make only passing reference to the episode, including those of José Antonio Viera-Gallo (2013) and Enrique Silva Cimma (2000). Despite its title, "Revolutionary Constitutions," Ackerman's (2018) influential book does not deal with Chile's effort, nor does it refer to Salvador Allende as a leading figure in a constitutional moment.

experiment of 2022, underscoring a persistent tension in Chilean constitutional history between social transformation and political consensus.

The remainder of the paper is organized as follows. Section 2 provides historical background on Salvador Allende's government and the Unidad Popular project, together with a brief review of the relevant literature. Section 3 examines the political and institutional circumstances that gave rise to the 1972 constitutional initiative and argues that this episode corresponds to what Elster (1995a) describes as crisis-driven constitution-making. Section 4 analyzes the institutional architecture of the proposed constitution and the mechanisms through which it sought to reshape Chile's economic and political order. Section 5 places the Chilean draft in comparative perspective by examining its similarities and differences with the socialist constitutions of the German Democratic Republic and Czechoslovakia, highlighting the convergence in the constitutional treatment of the economic regime. Section 6 interprets the draft through the lens of constitutional political economy, drawing on the frameworks of Buchanan and Tullock (1962), Elster (1988, 1995a,b), and North and Weingast (1989). I emphasize the role of constitutional design in generating credibility and precommitment. Section 7 briefly considers the failed attempt to adopt a progressive constitution in Chile in 2022 and discusses its relationship to Allende's earlier proposal. Section 8 concludes.

2. The Unidad Popular Socialist Program: Historical Background

The early literature on Salvador Allende's Unidad Popular government was largely partisan. Many contemporary accounts emphasized the role of the United States' economic blockade in producing the economic crisis of the early 1970s, characterized by accelerating inflation, shortages, black markets, and declining real wages. Representative works in this vein include Altamirano (1977), Martner (1988), and Nolff (1993). Debray (1971) provides Allende's own reflections on strategy and objectives.

Over time, however, several members of Allende's cabinet came to acknowledge that the economic policies adopted by the Unidad Popular itself contributed greatly to the crisis. These included unchecked monetary expansion, pervasive price controls, and a sweeping expropriation process that generated severe dislocations and mounting uncertainty. From a legal perspective, these expropriations relied on Decree Law 520, an executive order enacted in 1932 during the brief "Socialist Republic." See, among others, Almeyda (1977), Bitar (2013), Garretón (2023), Ramírez (2023), and Sideri (1979).

A third group of analyses, often written by foreign observers with close knowledge of Chile, sought to interpret the experience in comparative perspective. Rosenstein-Rodan (1974) emphasized the imbalance created by expanding demand without corresponding increases in

production, while Nove (1983) stressed the structural political constraints faced by a government supported by only 36 percent of the electorate. Dornbusch and Edwards (1991) later developed the concept of “macroeconomic populism,” using the Chilean case to show how uncertainty about the pace and scope of nationalization discouraged investment and encouraged defensive short-term behavior by private-sector managers.

Nathaniel Davis (1988), U.S. ambassador to Chile from 1972 to 1974, provides a detailed contemporaneous account of economic policy and political developments, including the efforts of the opposition to destabilize the government and the Nixon administration’s response to Allende. A separate literature examines the military coup of 1973 and the market-oriented reforms implemented under military rule with the assistance of a group of economists known as the “Chicago Boys.” These reforms laid the foundations for a period of rapid growth during the first two decades following the return to democratic rule (Edwards 2023).

A central component of the Unidad Popular program was the expansion of the state sector through a broad process of nationalization. The most visible of these initiatives was the nationalization of the large American-owned copper mines. On July 11, 1971, Chile’s Congress unanimously approved a constitutional amendment that allowed the government to nationalize the copper industry without compensation. The legal argument for not making payments was developed by jurist Eduardo Novoa Monreal, who proposed calculating “adequate compensation” as the book value of company assets minus “excessive profits” obtained since 1955. Once the calculations were completed, Chilean authorities concluded that the American companies not only deserved no compensation but in fact owed the Chilean state substantial sums. For details see Novoa Monreal (1972) and Edwards (2025).

Nationalization in manufacturing posed major legal challenges. Shortly before Allende’s inauguration, Novoa Monreal rediscovered Decree Law 520 of 1932, which provided a legal mechanism through which the government could intervene in private firms. The decree allowed the state to requisition companies that failed to operate at full productive capacity. In practice this meant that government administrators could take over management of the firm, sign contracts, hire workers, set wages, and obtain credit. In several cases unions slowed production or declared stoppages, thereby creating the legal conditions for state intervention. Once a firm had been requisitioned, negotiations with its owners frequently followed, and acquisitions were often financed through credit from the Central Bank or newly issued money. (Garretón 2023).

Through these mechanisms the government rapidly expanded the state-controlled sector of the economy. By 1972 more than 200 manufacturing firms had been incorporated into what the Unidad Popular described as the “social area” of the economy. While these policies were

intended to accelerate the transition to socialism, they also generated growing political and legal resistance. Business organizations, opposition parties, and segments of the judiciary increasingly questioned the legality of the government's actions and sought institutional mechanisms to restrict them. The conflict soon moved from the economic arena to the constitutional domain, where it produced a direct confrontation between the executive and Congress.⁴

3. Constitutional Conflict and the 1972 Constitutional Moment

The most important institutional response to the expansion of nationalization was a constitutional reform introduced in October 1971 by two Christian Democratic senators, Juan Hamilton and Renán Fuentealba. The proposal sought to regulate and restrict the nationalization process by establishing that future expropriations required explicit legislative authorization and prompt compensation paid in cash. It also proposed repealing Decree Law 520 and required the restitution of firms requisitioned after October 14, 1971. More broadly, the reform attempted to define a new constitutional framework for property rights, dividing the economy into a social area, a mixed area, and a private sector. In line with Christian Democratic doctrine, the reform contemplated the creation of workers' managed firms in the Yugoslavian style.⁵

The Hamilton–Fuentealba reform therefore was an attempt to redefine the constitutional framework governing property rights and the scope of executive authority. For the government, accepting the reform would have meant abandoning the legal mechanisms that made the expansion of the social area possible. Congress approved the reform by wide margins. President Allende, however, responded with a series of presidential vetoes rejecting the provisions that he considered most restrictive. Through an additive veto he inserted a list of ninety-one firms that the government claimed should enter the social area. The result was a constitutional confrontation between the executive and legislative branches.⁶

Two central constitutional controversies emerged from this conflict. The first concerned the number of votes required in Congress to override a presidential veto on a constitutional reform. The government argued that a two-thirds majority was required, while the opposition

⁴ Novoa Monreal (1992) provides a detailed analysis of the legal scaffolding of the requisitions program built around Decree Law 520 – the so-called “*resquicios legales*”.

⁵ *Diarios de Sesiones del Senado*, October 19, 1971. The preamble and Hamilton's statement that the dispute concerned “respect for the principle of legality” are reproduced in *Sesiones del Congreso Nacional, Congreso Pleno*, February 19, 1972, pp. 6, 16. For the legislative trajectory of the reform, see Aylwin (2023) and Garretón (2023). See, also, Chile, Senado, *Diario de Sesiones del Senado, Legislatura 314^a extraordinaria*, sesión 15^a (30 de octubre de 1971), Santiago.

⁶ Senator Fernando Ochagavía, from the Partido Nacional, had predicted this outcome at the February 1972 session: “once the reform is approved by Congress, the choice is simple: either the Head of State enacts it, or the citizens decide through a plebiscite.” *Sesiones del Congreso Nacional, Congreso Pleno*, February 19, 1972, p. 16. On the Tribunal's jurisdictional self-limitation, see Silva Cimma (2000) and Verdugo (2017).

maintained that a simple majority was sufficient. The second controversy concerned whether the recently created Constitutional Tribunal had jurisdiction to resolve this dispute.⁷ These disagreements produced a prolonged institutional stalemate. Congress rejected the president's vetoes, while the government insisted that the opposition lacked the necessary majority to override them. When the dispute was eventually referred to the Constitutional Tribunal, the Tribunal ruled, in May 1973, that it lacked jurisdiction over constitutional reforms and could rule only on ordinary legislation. The decision effectively left the dispute unresolved.⁸

By mid-1972 the government thus faced a growing institutional impasse. On the one hand, opposition parties used Congress and the courts to challenge the legality of the nationalization process. On the other hand, radical sectors of the left pressed the government to accelerate the transition to socialism. The most visible expression of this pressure came from the Movimiento de Izquierda Revolucionaria (MIR), which in July 1972 organized a large rally in the city of Concepción demanding sweeping institutional changes and a rapid expansion of expropriations. This meeting became known as the *Asamblea del Pueblo* or People's Assembly⁹

In a letter written to the heads of the Unidad Popular political parties President Allende rejected these demands but acknowledged that the constitutional framework of 1925 was increasingly incompatible with the transformation his government sought to carry out.¹⁰ From the earliest months of his presidency he suggested that plebiscitary mechanisms could be used to resolve conflicts between the executive and Congress. In interviews with Régis Debray and Roberto Rossellini in 1971, Allende explained that if Congress blocked key constitutional reforms, the government could appeal directly to the electorate through a referendum.¹¹

Against this background of institutional conflict and political pressure, Allende convened a group of jurists on August 4, 1972, to begin drafting a new constitution. The intention was to

⁷ For contemporaneous legal analysis of the impasse, see Navarrete (1974) and *Revista de Derecho Público*, vol. 13 (1972), Facultad de Derecho, Universidad de Chile:

<https://revistaderechopublico.uchile.cl/index.php/RDPU/issue/view/3603>.

⁸ In his memoirs, Enrique Silva Cimma, the president of the Tribunal, narrates the process that led to the decision that the tribunal had no jurisdiction. Silva Cimma (2000, p. 334-344).

⁹ *Punto Final*, Nos. 163 and 164. https://punto-final.org/PDFs/1972/PF_164.pdf.

¹⁰ Allende (1972). Newspaper *El Siglo* published articles supporting Allende on August 6 and 13. It accused the far left of dividing workers and helping the opposition. The August 13 article, signed by Jorge Insunza, was titled "The fruits of a provocation."

¹¹ The Debray interview was filmed on January 4–5, 1971; portions were released as the documentary *Compañero Presidente*. The complete transcript appeared in *Punto Final*, March 16, 1971, and in book form as Debray (1971). Kissinger (1979, p. 657) cites the interview as confirming Allende's goal of total seizure of power. Rossellini interview, Italian television, April 1971 (minute 14:30).

present the proposal to Congress and, if necessary, submit it to a plebiscite.¹² The drafting of a new constitutional text thus emerged directly from the institutional impasse created by the confrontation between the government's nationalization program and the constraints imposed by the constitutional order of 1925. The next section examines the structure of the proposed constitution and the institutional mechanisms through which it sought to reshape the relationship between political authority, property rights, and economic planning.

Somewhat surprisingly, given the extensive literature on the legal dimensions of the Unidad Popular period, the 1972 constitutional draft itself has received very limited scholarly attention. The existing studies approach the document from angles distinct from those explored in this paper. González (2020) provides the most direct treatment of the draft, examining it through the lens of ruptures and continuities with the Chilean constitutional tradition and arguing that the proposal should be understood primarily as a defensive instrument designed to neutralize the government's institutional adversaries -- Congress, the Supreme Court, and the *Contraloría* or National Comptroller -- rather than as a coherent revolutionary blueprint. Bustamante Kuschel (2023) interprets the proposal through the framework of "republican populism," situating Allende within a tradition that runs from Machiavelli's conception of liberty as non-domination to McCormick's plebeian republicanism. On this reading, the 1972 project sought to institutionalize popular participation as a structural check on elite power, combining representative and direct democratic elements in a distinctively Chilean idiom. Couso (2025) places the draft within a broader fifty-year arc of Chilean constitutional politics, analyzing it as one of five constitutional moments through the framework of "economic constitutional neutrality." While these contributions offer valuable interpretations of the draft's political and intellectual context, they do not examine in detail its institutional design or the way in which it attempted to address the problem of economic credibility during the transition to socialism. The analysis that follows focuses precisely on these institutional features.

4. A New Constitution for the Revolution: An Overview

The constitutional draft prepared in 1972 represented an attempt to resolve the institutional deadlock that had emerged between the government's program of nationalization and the constraints imposed by the constitutional order of 1925. The proposal sought to reshape the institutional rules governing political authority, property rights, and economic planning in a

¹² Joan Garcés confirmed in the prologue to the published draft that the proposal "was supposed to culminate in a bill before the National Congress, which would be submitted to a plebiscite under the conditions established by the prevailing legality — that is, if a disagreement arose between the will of the Executive and that of the Chambers." Allende (1993, p. 5). On the plebiscite planned for September 11, 1973, see Garcés (2013).

manner that would make the transition to socialism legally sustainable. The Constitutional Committee was chaired by Jorge Tapia, the minister of justice, and included jurists Eduardo Novoa Monreal -- who had played a central role in the nationalization of copper and the requisitioning of manufacturing firms -- Waldo Fortín, Luis Maira, Iván Auger, and Sergio Insunza. Allende's political adviser, Joan Garcés, served as coordinator and liaison between the Committee and the President.¹³

The surviving proposal has no formal preamble, though the pamphlet version contains a short prologue by Garcés. The draft is organized into twelve chapters: (I) State, Government, and Sovereignty; (II) Nationality; (III) Citizenship; (IV) Duties and Rights; (V) Structure of the State and Competence of its Organs; (VI) Government and Administration; (VII) Territorial Administration; (VIII) Political Parties; (IX) Armed Forces; (X) Economic Principles; (XI) Constitutionality and Legality; and (XII) the Judicial Function.

Before examining its provisions, it is useful to recall that the surviving text is incomplete. Articles are not numbered, some sections are fragmentary, and key subjects -- most notably the constitutional amendment procedure -- are missing. In the analysis below, quotations and page numbers refer to the 1993 edition published in Madrid; translations are my own. The discussion is intentionally brief and descriptive, serving only to outline the main features of the surviving draft. The analytical interpretation of its institutional logic is developed in Sections 5 through 7.¹⁴

- At its core, the draft envisions a society grounded in “freedom, equality, solidarity, and justice.” (P. 4). Chile is defined as a “unitary, democratic, and popular state supported by the creative force of the workers,” whose aim is “the end of the exploitation of man by man.” The new legal order is explicitly designed to facilitate the “construction of socialism.” (P. 5).
- The text stresses Chile's aspiration to become “free, sovereign, and economically independent.” (P. 4). It assigns to the state the mission of recovering “economic enclaves under the control of imperial powers.” (P. 4). Although the United States is not mentioned by name, the anti-imperialist thrust is unmistakable and must be

¹³ In interviews conducted in November 2025 and March 2026, Waldo Fortín—who served on the drafting commission—explained that each member oversaw a subcommittee and that the full commission met collectively only once. Eduardo Novoa Monreal received the individual proposals from the commissioners and prepared the consolidated draft. The work proceeded rapidly: the completed text was delivered to President Allende roughly five weeks after the commission had been convened.

¹⁴ I used AI to assist me with the translations. The algorithm does the first pass, and I revise the English text. Occasionally the machine makes serious translation mistakes.

understood within the Cold War context. Despite his occasional criticism of Soviet policies, Allende placed Chile firmly within the socialist world.¹⁵ (P. 4-6).

- The draft preserves the separation of powers. The President is both head of state and head of the government. He holds supreme authority, directs the National Planning System, has control over the Armed Forces, and may dissolve Congress once during the six-year term. (P. 7-9).
- The Armed Forces are described as “professional, hierarchical, disciplined, obedient, and non-deliberative.” (P. 22). The President may dismiss service commanders at will. (Chapter IX). In a continent characterized by frequent coup d’etats and authoritarian regimes, this was a very important provision for the left.¹⁶
- The legislature is bicameral: a Chamber of Deputies, elected by universal suffrage, and a Chamber of Workers, elected only by “workers.” All legislative initiatives originate in this second chamber. Popular initiative allows bills to be introduced by at least 5,000 citizens or by the national labor confederation, *Central Única de Trabajadores* (CUT). (P. 19-21).
- This bicameral arrangement represents a significant departure from Allende’s earlier constitutional proposals. In his 1958 and 1964 presidential campaigns he advocated a unicameral system based on an Assembly of the People. Determining who qualified as a “worker” occupied considerable space in the draft: individuals employing wage labor for private profit and those engaged in “speculative” activities were excluded from the franchise (pp. 19–21).
- Political parties are recognized, and the electoral system must guarantee proportional representation. (P. 21).
- Economic activity is governed by a National Plan. Although centrally designed, the plan incorporates participatory elements at the regional and local levels. The planning office reports to the president and gets inputs from the national federation of unions

¹⁵ The Socialist Party, to which Allende belonged, was critical of the USSR. In particular it strongly rejected the invasions of Hungary and Czechoslovakia.

¹⁶ Throughout most of his presidency, Allende relied heavily on General Carlos Prats González, the commander-in-chief of the army. He resisted pressure from sectors of the Socialist Party to dismiss officers suspected of plotting a coup and forced several generals into retirement only after the failed coup attempt of June 29, 1973 (the Tanquetazo). General César Ruiz was dismissed as head of the Air Force on August 17, 1973. For detailed discussions of Allende’s views on the military and his relationship with senior officers, see Garcés (1977) and Prats (1985).

- (*CUT*). The private sector must operate within the plan's general parameters. (P. 22-25).
- Ownership of the means of production is organized into three areas. The *social area* consists of enterprises of "basic or preeminent character" owned by the state. It includes mining, banking, energy, telecommunications, and other strategic sectors. The *mixed area* encompasses firms combining public and private capital. The *private area* includes small and medium-sized enterprises, with private monopolies prohibited. Several strategic sectors are reserved exclusively for the state. The private sector could only own small agricultural holdings, not more than 40 hectares. (P. 23-25).
 - The right to work is guaranteed, along with a minimum wage sufficient to ensure a "dignified existence" for workers and their families; the minimum wage must be adjusted for accumulated inflation. Citizens have the "duty to work," contributing materially, scientifically, and culturally to collective development. (P. 17-18).
 - Social Security is defined as an "exclusive and primary function of the state," financed by general revenues and based on solidarity. (P. 16). A national health system is established. (P. 16-17).
 - Indigenous groups, including the Mapuche, are guaranteed the right to preserve and develop their cultural identity and language. (P. 16-18).
 - Judicial independence is reaffirmed. Supreme Court justices are chosen by the Chamber of Deputies from presidential shortlists. New "Neighborhood Courts," whose judges are elected by local residents, handle local disputes. Neighborhood judges don't need to be lawyers or have legal training. There is no mention to the role of "socialist legality" in the judicial system, a concept that is central to most socialist constitutions. The National Comptroller (*Contraloría*) traditional function of preventive legal control is eliminated, as Allende believed that it was an undemocratic element of Chile's legal tradition; financial oversight by the *Contraloría* was maintained. (P. 27-30).¹⁷

¹⁷ Neighborhood tribunals were not in the Unidad Popular's electoral program. On January 12, 1971, newspaper *El Mercurio* published a story titled "Experiments with People's Courts," noting that the government was about to submit legislation to congress to create neighborhood tribunals. Similar stories were published by the same paper on January 15, 1971, and May 4, 1972. On November 9, 1972, *Clarín*, a newspaper that supported the government published an article about Fidel Castro's visit to Chile, where it noted that Cuba's neighborhood tribunals that the Unidad popular supported. For a rich collection of

- The text established a long list of rights --14 in total --, including traditional rights such as free speech and freedom of creed, and social rights in the vein of the United Nations' 1948 Declaration of Human Rights; see Section 5.3 for a detailed analysis and evaluation. (P. 11-18).

The constitutional proposal never gained political traction. Coalition party leaders received it coolly, and it was never formally debated. González (2020) argues that the Committee's composition was part of the problem: its members were jurists personally close to Allende rather than representatives appointed by the coalition parties, which meant the draft was perceived as Allende's personal constitutional project rather than a collective expression of the revolutionary coalition. For the more radical factions, moreover, a new constitution could only be legitimate if drafted by an elected Constituent Assembly explicitly incorporating the deliberations of workers, peasants, students, and soldiers. Luis Corvalán, the former Secretary General of the Communist Party, captured the outcome with characteristic terseness in his memoirs: "The following year [1972], a commission of jurists drafted a new Political Constitution of the State. However, the situation had already changed, and it was never even brought up for discussion' (Corvalán 1997, p. 178)."

5. A Comparative Analysis: Chile, the GDR, and Czechoslovakia

A substantial literature in comparative constitutional law and socialist legal studies has examined the institutional design of constitutions in socialist states, particularly those of the Soviet Union and Eastern Europe. Scholars such as Hazard (1969), Markovits (1978), and Butler (1983) analyzed the constitutional foundations of socialist legality, the relationship between party authority and formal constitutional structures, and the institutional role of economic planning. In his influential typology, Loewenstein (1957) characterized the constitutional texts of communist regimes as "semantic constitutions." Later work in comparative legal theory and political economy (Damaska 1986; Kornai 1992) further explored how political arrangements interacted with the functioning of socialist economic systems. Kornai's contribution is particularly relevant for the discussion in this paper, as he delves in detail on economic aspects of constitutions. Since Chile's constitutional initiative dates from 1972, it could not have been discussed by early authors; however, even the later comparative literature does not mention the Unidad Popular government's attempt to draft a new constitution. The episode therefore remains largely absent from the comparative literature on socialist constitutional design. To place the Chilean initiative

newspaper articles on the Unidad Popular see González and Fontaine (1997). Chilean jurists were familiar with Cuba's experience with neighborhood courts even before Allende's election. See, for instance, Fernández (1970).

within this broader institutional context, the discussion that follows compares the 1972 proposal with the constitutions of two socialist countries whose constitutional arrangements have been widely examined in the literature: the German Democratic Republic (GDR) and Czechoslovakia (CSR).¹⁸

Seen through a comparative lens, the overall structure of the 1972 draft reveals both similarities and departures from the constitutions of the GDR and Czechoslovakia CSR. The differences are most visible in the arrangements governing political organization and in what Gargarella (2014) has termed the “engine room” of constitutions -- the core institutional machinery through which political power is produced, constrained, and exercised. The strongest similarities, by contrast, appear in selected economic provisions. In the rest of this section, I provide a comparative analysis between Salvador Allende’s 1972 proposal and the constitutions of the GDR and CSR. Subsection 5.1 focuses on political institutions; Subsection 5.2 examines social rights; and Subsection 5.3 analyzes constitutional provisions governing the economy.¹⁹ Section 6 focuses on the issue of precommitment and credibility, especially regarding the most important economic provisions. In Section 7 I compare Allende’s project with the 2022 new constitutional proposal drafted by a fully elected Constitutional Convention.

5.1 State Structure, the Distribution of Power, and the Role of Political Parties

The following five points highlight both the similarities and differences between the Chilean proposal and the GDR and CSR constitutions regarding the political organization of the state:

- *State structure and sovereignty*: As noted, the Chilean draft preserved a modified separation of powers grounded in Chile’s constitutional tradition. The proposal vested sovereignty in “*the people*,” whereas the CSR and GDR rejected classical separation of powers and concentrated authority in a unicameral legislature representing the “*working people*” as the supreme organ of state power.²⁰

¹⁸An important question is which constitutional models the commission considered when drafting the proposal. In March 2026, I asked Waldo Fortín whether the commission had examined constitutional practices in Cuba or the Mexican Constitution of 1917. He noted that Cuba’s constitution was not formally replaced until 1976. The Mexican Constitution, by contrast, was discussed, particularly in relation to the natural resources and social rights. According to Fortín, Commissioner Sergio Insunza—a member of the Communist Party and President Allende’s last Minister of Justice—drew attention to the constitutional experiences of the German Democratic Republic and Czechoslovakia, the two cases discussed in this paper.

¹⁹ My discussion and quotes of the GDR and Czechoslovakia are based on: (1) German Democratic Republic. “The Constitution of the German Democratic Republic,” approved by plebiscite on April 6, 1968. (2) Constitution of the Czechoslovak Socialist Republic, Third Edition. Orbis, Prague, 1966.

²⁰ Article 2: “All power in the Czechoslovak Socialist Republic shall belong to the working people ...”

- *Executive organization*: Chile proposed a strong, unified presidential system with extensive administrative and political powers, while the CSR and GDR divided executive authority among multiple bodies formally accountable to the legislature but ultimately subordinated to the ruling communist party.²¹ In Chile the President appointed ministers, commanded the armed forces, directed the National Planning System, and could dissolve Congress once during his six-year term; this was not the case in either the GDR or CSR.
- *Legislative design and representation*: Chile adopted an unusual bicameral structure, combining territorial and class representation through a Chamber of Deputies and a Chamber of Workers; by contrast, the CSR and GDR relied on unicameral legislatures operating under principles of democratic centralism. As pointed out earlier, Chile excluded from the franchise to elect the second chamber those who relied on others' labor to make a profit or to speculate.
- *Judiciary and legal autonomy*: The Chilean proposal maintained judicial independence through appointment mechanisms insulated (at least in principle) from ideological control. In contrast, the CSR and GDR judges were explicitly required to interpret law in accordance with "socialist legality."²²
- *Political parties and pluralism*: Allende's draft preserved a pluralist party system with proportional representation, access to state media, and popular legislative initiative; in contrast, the CSR and GDR constitutionally entrenched the communist party as the guiding power. Article 4 of the CSR constitution established that the Communist Party was "the guiding force ... the vanguard of the working class, a voluntary militant alliance of the most active and most politically conscious citizens from the ranks of the workers, farmers and intelligentsia." The GDR constitution also enshrined, in its Article 1, the Marxist–Leninist party as the leading force of the socialist state.

5.2 Social Rights

Chapter IV of the 1972 proposal deals with "Duties and Rights" (*Deberes y Derechos*) and combines Chile's constitutional traditions with the socialist principles, like those enshrined in the GDR and CSR constitutions; see pages 11 through 18 of Allende (1993). The starting point is the 1925 constitution. As in that charter the proposed text assured equality before the law, freedom of speech, freedom of conscience, and the right to gather without previous permission

²¹ CSR constitution, Articles 60 through 66. GDR constitution, Article 48.

²² See, for example, Article 102 of the CSR constitution. GDR, Articles 66, 76, 77, and 78.

(“*Derecho de Asamblea*”).²³ In addition to these traditional rights the proposal explicitly added the social rights defined in the 1948 Universal Declaration of Human Rights. Given Chile’s stage of development in the early 1970s and the financial constraints faced by the government, most of these rights should be understood as “aspirations” and not as strictly “enforceable” through the judicial system. Naturally, aspirations under a socialist regime are different than in a Western democracy.²⁴ In Table 1, I provide a detailed comparison between the fourteen social rights in Allende’s constitutional proposal and in the CSR and GDR constitutions. There is a significant alignment in the three texts. Although (of course) they are not identical, they coincide in orientation and in the type of society they wanted to build and protect.²⁵

[Table 1 around here]

There is only one social right in the Chilean draft that does not appear in the two socialist constitutions. Right No. 6 established the right of educators and schools to determine the orientation of their educational services. The draft ensured that there would be no indoctrination through the curriculum. This provision responded to the need of neutralizing the Catholic Church, which had a very large network of schools throughout Chile and didn’t want the state to suppress the teaching of its social and spiritual doctrine. In contrast, in both the CSR and GDR the content of the educational material was fully determined by the state.

There is also some divergence between Chile and the two socialist nations regarding the right to work and to receive a salary. In Chile, and as a reflection of historical battles of the labor movement and of chronic inflation, the existence of an inflation-adjusted minimum wage was enshrined in the constitution. Although the 1972 draft did not establish the amount of the minimum wage, it did explicitly state that it had to be high enough as to ensure that a working-class family had a “dignified” life. These rights were not explicitly included in the GDR or CSR charters; for further discussion see Section 5.3.²⁶

5.3 The Economy

In Table 2, I present a comparison of eight constitutional norms related to the economy in the three countries under consideration. In the rest of this Subsection, I discuss two of the areas summarized in that Table: central planning and the structure of ownership of the means of production.

²³ Constitución Política de la República de Chile de 1925, arts. 10–12.

²⁴ On the distinction aspirational and justiciable social rights, see Sunstein, (2001): 41–48.

²⁵ Constitution of the CSR (1960), esp. arts. 19–33; Constitution of the GDR (1968/1974), esp. arts. 19–40.

²⁶ Constitution of the CSR (1960), art. 21; Constitution of the GDR (1968/1974), art. 24.

5.3.1 Planning

These three texts reveal a shared conviction that planning was the central instrument for managing the economy during a socialist transformation, yet they differed in scope, institutional design, and participatory expectations.

[Table 2 around here]

Chile's *Sistema Nacional de Planificación* was conceived as a hybrid mechanism that combined central direction with consultative and decentralized elements. The national plan required approval by law, was binding on state entities and was to be drafted in a manner “democratic in its gestation, central in its formulation, and decentralized in its execution.” The CSR constitution adopted a more orthodox model: the state plan -- normally quinquennial -- was promulgated as law, binding on all state organs and economic organizations, and its priorities shaped the annual budget. Planning operated under the doctrine of democratic centralism, which paired central leadership with the “active participation of the working people,” although participation unfolded entirely within the confines of a single-party system. Article 12 of the 1960 CSR constitution determined that “the entire national economy shall be directed by the state plan for the development of the national economy, which shall be drawn up and implemented with the widest active participation of the working people.”²⁷

The GDR's 1968 Constitution also considered a stricter planning system than Chile. Centralized planning extended across “the national economy and all other social spheres,” and coexisted with the “individual responsibility of the socialist commodity producer,” a formulation meant to recognize enterprise-level initiative without diluting the primacy of national directives. Trade unions exercised a “determining role” in planning and management, functioning as transmission belts of state policy; see, for example, Articles 9-16 of the GDR 1968 constitution.

5.3.2 Ownership, Management, and Workers' Participation

The Chilean draft organized the economy into three constitutionally defined areas—social, mixed, and private. As noted, the social area encompassed strategic economic activities. Thirteen sectors were reserved exclusively for the state: mining; banking and insurance; rail, air, and maritime transportation; telecommunications in all its forms; foreign trade; electricity generation, transmission, and distribution; oil and its derivatives; paper, cement, steel, iodine, and chemicals; arms and other defense materials; and the wholesale distribution of essential goods. The mixed area allowed associations between public and private capital, while the private

²⁷ In 1968 the CSR constitution was amended heavily. In the new constitution planning is addressed in Articles 8 and 10.

area protected small and medium-sized firms from nationalization except in cases of abandonment or misuse. Cooperatives were recognized as relevant economic actors and were exempt from certain nationalization provisions. The draft did not provide constitutional protection for Yugoslav-style worker-managed firms—the arrangement favored by the Christian Democratic Party and explicitly incorporated into the Hamilton–Fuentealba reform.

By contrast, the CSR and GDR constitutions organized the economy around state ownership. Both systems vested mineral resources, major industrial enterprises, transport and communications, banking, and insurance in public ownership, and foreign trade was organized as state monopolies. Trade unions functioned as mass organizations supporting planning and enforcing labor discipline. In the GDR small private enterprises were allowed if based solely on the owner's labor (Article 9). Section 2 of Article 7 of the CSR constitution established that “the socialist economic system, in which the means of production are socially owned and the entire national economy directed by plan, ensures, with the active co-operation of all citizens, a major development of production and a continuous rise in the living standard of the working people.”

Article 44 of the GDR defined the role of trade unions The Confederation of Free German Trade Unions was “the all-embracing organization of the working class.” The duty to work was framed as a moral obligation in the socialist economic order.²⁸ The Chilean draft followed a similar path. Unionized workers were led by the *Central Única de Trabajadores* (CUT), which was the sole representative of the working class. The CUT was granted a role in planning and was allowed to propose legislation through the Chamber of Workers.

The Chilean draft also established that work was not only as a right but as a civic duty. This principle was characteristic of socialist constitutionalism, including in the German Democratic Republic and Czechoslovakia. The GDR constitution stated that “Every citizen of the German Democratic Republic has the right to work. Socially useful activity is an honorable duty for every able-bodied citizen.” Similarly, the Constitution of Czechoslovakia declared that “Work is a right and a duty of every citizen capable of working.”²⁹

6. Credibility and the 1972 Constitutional Proposal

Starting with Buchanan and Tullock (1962), modern economic analyses of constitution-making emphasize the role of credibility, precommitment, and institutional constraints.³⁰ Although most of this literature deals with liberal democracies, its insights are helpful for

²⁸ See Article 24 of the GDR Constitution.

²⁹ The 1976 Constitution of Cuba, for example, established that “Work in socialist society is a right, a duty, and a source of honor for every citizen,”

³⁰ Elster (1995a, 1995b, 1988) and North and Weingast (1989).

interpreting socialist or mixed constitutional design such as the one drafted for President Allende in 1972. Indeed, Elster (1988) argued that credibility and commitment provide a useful framework for analyzing the design of constitutions during the transition to a socialist regime.

6.1. Precommitment to Economic Transformation

In Chile's 1972 draft, the central act of precommitment was the constitutional entrenchment of the three property areas. By reserving key economic sectors to the state at the constitutional level, the proposal sought to create an irreversible commitment to national control over the economy's property structure. In the language of Buchanan and Tullock (1962), this move raised the decision threshold for reversing ownership arrangements, thereby constraining future political majorities.

Additional provisions were designed to reinforce this commitment. The explicit constitutional protection of small and medium-sized enterprises from expropriation was intended to reduce the pervasive uncertainty surrounding property rights generated by requisitions under Decree Law 520 --, uncertainty that had depressed investment, innovation, and maintenance in industrial firms. Similarly, the rule that agricultural holdings smaller than forty hectares could not be nationalized functioned as a binding constraint. Until then, limits on agrarian reform had existed only at the statutory level, not in the constitution. From the perspective of North and Weingast (1989), constitutionalizing state ownership can be seen as an effort to enhance the credibility of the government's commitment to a property regime that, while dominated by the state, continued to allow for joint ventures and privately owned firms.

The National Planning System (*Sistema Nacional de Planificación*) further reflected this logic of constrained commitment. While the plan was mandatory only for state entities, private firms were required to operate within the "orientations established" by the national plan. This arrangement sought to preserve a degree of operational flexibility for the private sector while aligning it with broader socialist objectives, echoing Elster's emphasis on balancing control, credibility, and efficiency.

In August 1972, when the constitutional commission began its work, Chilean politics was affected by a credibility crisis. The opposition no longer trusted government promises, even if embedded in the constitution (Aylwin 2023). Christian Democrats and Nationals argued that a government run by Marxist-Leninists would treat commitments to moderation as tactical concessions, to be abandoned once conditions (or the "correlation of forces") allowed it. Compounding this skepticism, and as discussed below, the draft -- at least in the version that has survived -- failed to specify a constitutional amendment mechanism, making it difficult to assess the strength of its precommitment.

6.2 Avoiding the “Suicide Pact”: Balancing Precommitment and Flexibility

In 1949, U.S. Supreme Court Justice Robert H. Jackson coined the term “suicide pact” to describe overly rigid interpretations of a constitution. In the late 1980s and early 1990s, Elster (1988, 1995a, 1995b) and others revived the concept, arguing that constitutions must strike a balance between precommitment and flexibility. The basic idea is that while rigidity can provide a form of “precommitment technology,” an excessively rigid constitution becomes incapable of adapting to crisis and turmoil. For Elster, constitutions should have a “self-binding” character that constrain future politicians from acting opportunistically or chasing short-term impulses. But if the binding is too tight -- too many “immutable clauses” -- the constitution itself could become a “suicide pact.” Whether a charter avoids the “pact” depends on its amendment’s mechanism.

The surviving Chile’s 1972 proposal did not include a chapter on how to amend the constitution.³¹ This means that it is not possible to analyze directly whether it avoided the “suicide pact.” However, the section on the “Constitutional Tribunal” and its role and functions, in Chapter XII, provides some light on what the architects of the proposal had in mind regarding how to amend the charter. A careful reading of this section suggests that the commission would maintain the existing amendment mechanism from 1925, with one exception, related to the presidential vetoes to a constitutional reform approved by congress. The proposed text explicitly established that the Constitutional Tribunal had the jurisdiction to decide on the constitutionality of vetoes on a reform, and on the quorum for overriding presidential vetoes.³² This provision stemmed from the fact that, as discussed above, in 1972 there was a major constitutional debate on whether the Tribunal could rule on this issue. At the end, in May 1973, it decided that it did not have that authority, plunging the country into a serious constitutional crisis that still lingered on the day of the coup. See Silva Cimma (2000); Lagos (1972).

Under this interpretation – the amendment mechanism from 1925 would be maintained – the new Constitution would stay safely away from the “suicide pact.” Articles 108 and 109 of the old charter established significant flexibility for amending the text. The majority of members of each chamber had to vote favorably. If the President vetoed the reform, and Congress superseded the veto, the president could call a plebiscite. Indeed, that mechanism was already in place in 1973, and, as pointed out by Garcés (1993) in the Prologue to the proposed text,

³¹ Under Articles 108–110 of the 1925 Constitution, a reform required an absolute majority of the full membership of each chamber, followed sixty days later by a ratifying vote of the Congress in plenary session. By comparative standards — notably relative to the United States, which requires two-thirds of both chambers plus ratification by three-quarters of the states — this was a relatively accessible procedure. This accessibility explains why Allende repeatedly considered using the plebiscite mechanism as a way out of the constitutional impasse of 1972–1973.

³² I thank Waldo Fortín for emphasizing this point to me.

President Allende did consider submitting the proposal to a referendum. As discussed, that did not happen due to the September 11 coup d'état.

Most accounts agree that by September 10, 1973, Allende had decided to announce the calling of a plebiscite as a way out of the crisis. What remains unclear is the precise subject that would have been submitted to the electorate. According to Joan Garcés, Allende intended to announce the referendum in a speech on September 11, without specifying its content, keeping the question deliberately open (Garcés 1977). Among the possibilities discussed were submitting the 1972 constitutional draft prepared by the Novoa commission, convening a constituent assembly, or shortening the presidential term and calling early elections. (Garcés 2013, 1260/3501).

7. The Return of Transformative Constitutionalism: Chile, 2022

After the coup of September 11, 1973, Allende's constitutional initiative quickly faded from public memory. By the time democracy was restored in 1990, the 1972 draft was rarely mentioned, even in academic circles. In the intervening years, the military regime moved decisively in the opposite direction. The 1980 Constitution, approved in a tightly controlled plebiscite and amended in 1989, established the foundations of a "protected democracy" and entrenched a market-oriented economic order. Although important reforms were introduced in 2005 -- including the elimination of appointed senators and strengthened civilian control over the armed forces -- the core economic and institutional architecture of the Pinochet-era charter remained in place.

It was against this backdrop that the social unrest of October 2019 reopened, for the first time in half a century, the possibility of writing a new constitution from scratch. What began as protests triggered by a modest increase in metro fares escalated into a broad movement against inequality, elite privilege, and the perceived failures of Chile's market-oriented model. After weeks of demonstrations, violence, and institutional paralysis, political leaders converged on a constitutional process as the principal mechanism for restoring legitimacy and social peace.

In October 2020, voters overwhelmingly endorsed the drafting of a new constitution by a fully elected Constitutional Convention. The body elected in May 2021 was unprecedented in Chilean history: it was gender-balanced, included reserved seats for Indigenous peoples, and was dominated by delegates from the far left and political outsiders rather than established parties. Many members explicitly conceived the constitution as an instrument for dismantling the economic and institutional legacy of the military regime and for inaugurating a new social model. As in 1972, constitutional design was viewed not as a framework for political coexistence, but as a vehicle for social and economic transformation.

The draft produced by the Convention proposed a sweeping reordering of Chile's political economy. It expanded the catalogue of social rights, redefined Chile as a plurinational state, weakened traditional checks on political power, eliminated the Senate, strengthened the role of the state in strategic economic sectors, and constitutionalized expansive environmental and Indigenous rights. Although the document differed in important respects from Allende's 1972 proposal -- particularly in its emphasis on plurinationalism and environmental governance -- it shared a common underlying logic: the belief that deep social change could be achieved, and stabilized, through constitutional entrenchment rather than through incremental legislation and political bargaining.³³

In September 2022, the proposed constitution was rejected in a plebiscite by a decisive margin (62–38 percent). Post-referendum analyses across the political spectrum converged on several explanations: the draft was excessively ambitious; it bundled too many transformative objectives into a single constitutional moment; it paid insufficient attention to fiscal sustainability and institutional balance; and it failed to generate a broad social consensus. In short, it suffered from a credibility problem—not unlike the one that confronted Allende's government in 1972.

The parallel is instructive. Available evidence suggests that most (if not all) members of the 2021–2022 Constitutional Convention were unaware of Allende's constitutional proposal, which had remained buried in archives and absent from public debate for decades. Yet many of the ideas advanced in the 2022 draft -- expansive social rights, skepticism toward private property in strategic sectors, and the aspiration to reorder society through constitutional means -- bear a clear family resemblance to the Allende project. In both cases, constitutional design was deployed as a substitute for political consensus under conditions of polarization.

From the perspective developed in this paper, the failure of the 2022 process can be interpreted as a contemporary manifestation of the same tension that undermined the 1972 effort. Constitutions can entrench commitments only when they rest on shared expectations and credible enforcement mechanisms. When they are instead used as instruments of unilateral transformation, they risk becoming focal points of opposition rather than coordination. The recurrence of this pattern, half a century apart, underscores a persistent feature of Chilean constitutional history: the enduring temptation to use constitutions as engines of social change, and the corresponding difficulty of doing so without sacrificing credibility, consensus, and institutional stability.

³³ See Chapter 15 in Edwards (2023).

8. Concluding Remarks

This paper has examined Chile's largely forgotten 1972 constitutional project, situating it within the political economy of the Unidad Popular and comparing it with the socialist constitutions of the German Democratic Republic and Czechoslovakia. Drawing on a rediscovered draft, the analysis shows that Allende's proposal was neither a marginal reform of the 1925 Constitution nor a simple imitation of Eastern European models. Rather, it was a hybrid constitutional experiment that sought to constitutionalize a socialist economic order while preserving elements of democratic politics.

The comparative analysis reveals a key asymmetry. While Chile's draft diverged significantly from Eastern European constitutions in its treatment of political institutions—preserving pluralism, elections, and judicial autonomy—it converged strongly with them in its economic provisions. This divergence–convergence pattern underscores the primacy of economic clauses in Chile's proposed constitutional design: political arrangements could vary, but the constitutionalization of state ownership and planning was non-negotiable.

The failure of the 1972 project was not primarily legal or technical, but political. Drafted by a technocratic commission under conditions of acute polarization, the proposal lacked broad social ownership and never became a focal point for democratic deliberation. As a result, its ambitious commitments were not credible to key political actors, particularly an opposition that viewed constitutional guarantees as tactical rather than binding. The recurrence of similar ambitions in Chile's failed 2022 constitutional process reinforces this interpretation.

TABLE 1: Comparison of Social Rights

Social Right	Allende Proposal (1972)	GDR Constitution (1968)	CSR Constitution (1960)
1. Right to Work	Guaranteed as a right and duty; includes free choice of occupation.	Right and duty to work; includes free selection of employment.	Primary right and duty for every citizen.
2. Minimum Wage / Dignified Life	Explicitly linked to a dignified life (food, housing.); inflation-adjusted.	Pay is based on "quality and quantity" of work output.	Remuneration is according to "quantity, quality, and social importance".
3. Solidarity Social Security	Universal, solidarity-based, state-administered, and funded by general revenue.	State care for old age and invalidity; includes social insurance.	Material security in old age or incapacity; provided by state and organizations.
4. Right to Health	Unified public health service; priority for maternity and childhood.	Right to health protection; free medical aid and benefits provided via insurance.	Right to medical care and health protection.
5. Free/Compulsory Education	Guaranteed from preschool; basic (primary) education is free and mandatory.	Integrated socialist system; free and compulsory ten-year secondary school.	Compulsory free basic education for all children up to age 15.
6. Freedom of Teaching/Pluralism	Explicitly democratic, pluralistic, and prohibits official party orientation.	Education is directed in the spirit of the "scientific world outlook, Marxism-Leninism".	Policy and education are directed in the spirit of Marxism-Leninism.
7. Unionization & Participation	Independent unions; CUT is the "superior class organization"; includes workplace management.	Unions play a "determining role" in planning but function as state "transmission belts".	Unions are part of the National Front; participation in management through state planning.

8. Right to Cultural Life	Right to participate and enjoy artistic, scientific, and cultural life.	State fosters socialist national culture and encourages artistic participation.	Right to recreation and participation in scientific/artistic work.
9. Gender Equality	Equal rights for men and women in all political, economic, and social domains.	Equal rights and status in social, state, and personal life.	Equal status in the family, at work, and in public activity.
10. Rights of Children	Special protection and preferential state attention regardless of origin.	Promotion of youth development; special protection for child development.	Every opportunity for full physical and mental development.
11. Rights of Mothers	Special protections for pregnancy, maternity, and childcare.	Special protection/support for maternity; paid maternity leave.	Special health care during pregnancy and maternity.
12. Rights of Family	State facilitates full development; non-discriminatory Family Code.	Marriage and family are under special state protection.	Marriage and the family are protected by the State.
13. Rights of the Elderly	Guaranteed right to rest and a "peaceful old age".	Right to social care and material security for elderly citizens.	Material security in old age.
14. Indigenous/Minority Rights	Right of Mapuche and other indigenous groups to develop cultural personality and language.	Explicit protection for the "Serb nationality" to cultivate language and culture.	Mother-tongue education and cultural rights for Hungarian, Ukrainian, and Polish minorities.

Sources: Allende (1993), The Constitution of Czechoslovakia; The Constitution of the German Democratic Republic.

TABLE 2: Economic Aspects of Chile's 1972 Proposed Constitutional Draft and Constitutions of GDR and CSR

<u>Dimension</u>	<u>GDR (1968/74)</u>	<u>Czechoslovakia (1960/68)</u>	<u>Chile Draft 1972</u>
<u>Orientation</u>	Socialist economy in a “ <i>socialist state</i> ”; Party-directed; central planning governs all productive activity.	“ <i>Socialist economic system, which excludes every form of exploitation of man by man.</i> ”	Hybrid socialist–democratic model combining planning, worker co-governance, and protected private small and medium enterprises sectors.
<u>Planning</u>	“ <i>Combines central state planning and management of the basic issues of social development.</i> ” State Planning Commission sets binding targets; enterprises operate under plan directives.	Economic activity is organized according to a five year “ <i>state plan for the development of the national economy.</i> ”	Participatory planning through national, regional, provincial, and communal councils; enterprise-level co-determination by workers. Private sector activity has to conform to plan.
<u>Ownership Structure</u>	“ <i>Socialist ownership of the means of production</i> ”; some cooperatives secondary allowed in agriculture; private enterprise nearly eliminated.	“ <i>Two basic forms: state ownership, which is ownership by the people as a whole ... and cooperative [land] ownership.</i> ” Small private firms without hired labor.	Three areas: social (state), mixed, private; SMEs and small agriculture (below 40 hectares) constitutionally protected.
<u>Sectors Reserved for the State</u>	State control assumed over virtually all major industries; in most sectors “ <i>Private ownership ... is inadmissible.</i> ”	Article 8, No.2. defines a list of economic sectors set aside for “ <i>national property.</i> ” It includes “ <i>means of industrial production.</i> ”	Detailed constitutional list that includes copper, iron, nitrates, energy, banking, foreign trade, telecoms, ports, petrochemicals, cement, steel, and other strategic industries.
<u>Banking</u>	State banking system; no private credit; “ <i>The currency and financial system are prescribed by the socialist state.</i> ”	State Bank of Czechoslovakia dominates; no private or cooperative banking.	Banking placed in the social area; Central Bank + state banks; cooperative credit institutions permitted.

<u>Dimension</u>	<u>GDR (1968/74)</u>	<u>Czechoslovakia (1960/68)</u>	<u>Chile Draft 1972</u>
<u>Workers' Participation</u>	Participation mediated through Party-controlled mass organizations; no autonomous co-determination.	Workers participate in the decision-making process mostly through the " <i>Revolutionary Trade Union Movement ... at all levels of management.</i> "	Extensive participation: enterprise co-management in state owned and private enterprises, territorial councils, national development organs; workers elect entire second chamber (<i>Cámara de los Trabajadores</i>).
<u>Wages</u>	Centrally set scales; no bargaining; wage differentiation tied to plan priorities. Some material incentives.	Centrally prescribed norms; wages administered bureaucratically; material incentives allowed. Remuneration " <i>secured by the entire socialist economic system.</i> "	State set minimum wage that allows for a " <i>dignified</i> " family life; it is periodically adjusted for inflation.
<u>Economic obligations</u>	Able body citizens have a duty to work. " <i>The right to work and the duty to work form a unity.</i> "	" <i>Work in the interests of the community shall be a primary duty.</i> "	Work is both a right and a duty.

* The texts in quotation marks and in italics are taken verbatim from the two constitutions and from the 1972 Chile Proposal, as published in the 1993 pamphlet.

Sources: Allende (1993), The Constitution of Czechoslovakia; The Constitution of the German Democratic Republic.

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