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Chile Votes on Free-Market Constitution After Years of Debate

Voters cast ballots on Sunday amid worries about economy, crime wave

By *Ryan Dubé* [Follow](#)

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Fifteen months ago, Chileans resoundingly rejected a constitution that would have upended the country's free-market economy with far-reaching reforms, from increasing environmental oversight in mining to guaranteeing new social rights that would have boosted taxes.

On Sunday, dogged by economic stagnation and worsening crime, Chileans will go in the opposite direction by either approving a new, more conservative constitution that reinforces safeguards for private property or voting to keep the current charter that economists credit with turning the country into Latin America's most affluent country. Either way, Chilean voters will maintain the market model.

"There is a big part of society that does not want radical changes," said Arturo Fernandois, a Chilean constitutional expert and former ambassador to the U.S. "More and more people are realizing that the solution isn't to change the economic model that brought so much development to Chile."

In 2019, mass protests over grievances ranging from low pensions to shoddy schools led to more than 20 deaths and billions of dollars in damage. The country responded with a constitutional assembly that sought to tackle inequality, give priority to the environment over industry, give sweeping rights to indigenous people, and ensure gender parity in state agencies.



Chileans celebrated the rejection of a constitution draft in a 2022 referendum. PHOTO: MARTIN BERNETTI/AGENCE FRANCE-PRESSE/GETTY IMAGES

The upheaval seemed to signal that the country of 20 million people was ready to ditch the economic model enshrined in the 1980 constitution and go with a more left-leaning, progressive charter that would give the state a bigger role in a country that is home to some of the world's largest copper and lithium mines.

Proponents of the process argued that the current constitution is illegitimate because it was written during the military dictatorship of Gen. Augusto Pinochet, even though it has been amended dozens of times and purged of provisions that banned Marxist parties and restricted union activities.

But Chileans today are pessimistic about the state of their country, polls show, with people far more concerned about tackling a rise in violent crime and reviving an economy that used to be a star in Latin America but more recently has been battered by the highest rate of inflation logged in three decades.

With concerns about crime at record highs, about 60% of Chileans want the government to focus on improving security, according to pollster Cadem. About 35% of Chileans say the government should focus on the economy. Just 2% say the government's focus next year should be on gender equality and the environment. Virtually no one wants to resume the constitutional debate, Cadem said.

"Chile is in a very different moment than it was in 2019," said Robert Funk, a political scientist at the University of Chile. "There is a much more reactionary mood in the country than four years ago."

Manuel Rodríguez, an engineer in Santiago, backs the new constitution, hoping its approval would conclude the wrangling over a charter that economists say has stoked investor unease. After taking to the streets in 2019 to protest inequality, he has watched as work has dried up.

“I don’t want more uncertainty, we’re all tired of that,” said Rodríguez. “I want us to be economically stable again.”



Gabriel Boric, Chile’s unpopular leftist leader, held a draft of the new constitution last month. PHOTO: ESTEBAN FELIX/ASSOCIATED PRESS



Chileans elected a council to write a new constitution that was dominated by conservatives led by José Antonio Kast. PHOTO: CRISTOBAL OLIVARES/BLOOMBERG NEWS

Polls show Chileans will likely vote to maintain the current constitution. But the gap has narrowed, with at least one recent poll showing that the new constitution will be approved.

Chile’s shift back to the right reflects a backlash against the leftist establishment elsewhere in Latin America.

In Argentina, libertarian economist Javier Milei was elected president after pledging to dismantle the welfare state and has begun to implement tough austerity measures to tame inflation now at 160%. In Colombia, voters in October elected centrists and center-right politicians to run the biggest cities in a blow to leftist President Gustavo Petro. And in Venezuela, the authoritarian regime faces a serious challenge from an opposition politician chosen in a primary to challenge President Nicolás Maduro in an election that may take place next year.

Chile's new constitutional proposal is a sharp reversal from the initial attempt to rewrite the current constitution. That proposed document was drafted by an assembly of left-wing independents whose prescriptions for governing the country included closing the Senate, weakening judicial independence, and granting indigenous people the right to run their own judicial systems. They also proposed granting rights to nature.

The proposal was seen as too radical by many Chileans and prompted a backlash, particularly from conservatives who said their input was ignored. It was rejected in September 2022, delivering a blow to President Gabriel Boric, a leftist former student protest leader whose disapproval rating is now more than double his level of support.

A few months later, voters elected a new council to draft another constitution. This time, the council was dominated by members of the right-wing Republican Party led by José Antonio Kast, a conservative who lost to Boric in the 2021 election.

“We have a great opportunity, unbeatable, to change the future of Chile,” Kast said recently.



The draft constitution was distributed this week outside a metro stop in Santiago. PHOTO: ESTEBAN FELIX/ASSOCIATED PRESS

But with the new constitution swinging to the political right, many analysts say it fails to unite the country, underscoring deep polarization and the likelihood of more political instability.

The Broad Front, the leftist coalition that Boric helped found, assailed the proposed charter, calling it an “extreme text” that would increase inequality and injustice.

Sunday’s referendum puts left-wing Chileans in an awkward position. Many will cast ballots to reject the new constitution, in essence voting to preserve the current, dictatorship-era charter that they have railed against for years.

“It’s a lot better to maintain what we have now,” said Luz Mary Galaz, a psychology student who protested in 2019.

The government says it won’t launch a third attempt to change the constitution, since polls show Chileans are tired of the debate and increasingly doubt the value of a new charter.

“We embarked on a big experiment that was really the wrong answer to the problem at the time,” said Funk, the political scientist. “The constitutional debates ended up being responses to the political moment, rather than proper discussions about what the country is about, what the political system should be.”

The new, 50,000-word document that is being proposed Sunday contains provisions to reduce political fragmentation, which analysts say has hurt the ability to pass reforms in the National Congress. The proposed charter would provide protections to the unborn, that some experts say could further restrict abortion in Chile, which is already hard to secure.

The text has a strong law-and-order focus, stipulating the constitutional right to safety and creating a national ombudsman’s office to represent crime victims. Immigrants who commit crimes or enter Chile illegally will be expelled, according to another proposed article.

The blueprint describes Chile as a “social and democratic” state that promotes social rights, but it also stresses the need for fiscal responsibility. Government debt has reached nearly 40% of gross domestic product from 3.9% in 2007, according to the International Monetary Fund.

The new charter would cement protections for the private sector’s existing role in healthcare, education and pensions. The rules overseeing mining would be largely untouched, lawyers say. Property taxes on the primary home of taxpayers would be eliminated.

“That isn’t something you would expect in a constitution, it is for the tax code,” said Javier Couso, a constitutional scholar at the Diego Portales University in Santiago. The new draft, he added, is “almost the opposite of the last proposal that was rejected in terms of its ideological orientation.”

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