



Gen. Augusto Pinochet (second from right) with other officials of his military junta. His job was to impose fascist economic policies on Chile, at the behest of the Synarchist financiers.

But it was at the Catholic University Law School in Chile, a hotbed of “Schmittlerian” legal doctrine, where he firmly embraced Carl Schmitt, and deepened his commitment to the free market and economic liberalism, despite the fact that these clashed with the Social Doctrine of the Church he purportedly defended. At the same time that he was studying law, the University of Chicago was setting up the Catholic University’s Economics School as a recruitment and training center for the free-market economists who would later serve the military junta in large numbers. In 1978 and 1981, Guzmán met with the University of Chicago economist Friedrich von Hayek, whose fascist economic theories he wove into his religious philosophy.

In addition to studying Schmitt’s own writings in his law studies, Guzmán became familiar with Schmitt’s Spanish apostles Luis Sánchez Agesta, Alvaro d’Ors, and Gonzalo Fernández de Mora. These jurists used Schmitt’s concept of a “constituting (constitution-making) power*” to justify Franco’s 1936 takeover in Spain and subsequent destruction of that country’s 1931 Constitution. After declaring Chile’s 1925 constitution “dead” shortly after the 1973 coup, Guzmán incorporated the same notion of “originative constituting power” into the junta’s Declaration of Principles, issued on March 11, 1974, the document he wrote that became the guideline for the 1980 Constitution. What “constituting power” meant in reality was that all pre-existing juridical norms or institutional order ceased to exist. Citing “exceptional” circumstance, the Pinochet regime was free to do as it pleased, and enforce its decisions with violence, torture, and murder. Guzmán never had any qualms about denying the junta’s victims access to the courts in defense of their civil rights. Only the President should determine their fate,

he stated.

The operative principle in “constituting power” was described in a 1970 Portada Group editorial in language echoing Thomas Hobbes’s *Leviathan*. The President is someone who stands above parties, classes, and interests, and is invested with broad powers, which allow him to be an impartial arbiter in social conflict. A 1972 article underscored that the ruler is responsible only to God. Legitimacy is therefore based on the community’s handing over all sovereignty to the sovereign. The separation of powers is an impediment to freedom. Nothing can be allowed to interfere in the Executive’s functioning. Sound familiar?

As a group of Catholic University analysts would note in a later study of Portada’s philosophy, the group’s thinking is “the exact opposite of the ideas presented in *The Federalist Papers*, the documents that inspired democracy in the United States.”

*Confusingly termed “constituent power” in technical literature.

Kissinger Offers A Job to Schmitt

After World War II, Carl Schmitt was prohibited from teaching in Germany because he had refused to sign the de-Nazification pledge. Then, in 1953, a letter arrived from a graduate student at Harvard:

I am writing to you at the suggestion of Hans Egon Holthusen to explore the possibility of your collaboration with *Confluence*, a quarterly designed to give European and American intellectuals an opportunity to exchange views on contemporary problems in politics, philosophy and the humanities. . . .¹

(Signed)

Henry A. Kissinger

Schmitt’s reply, if any, has not yet been uncovered.

Twenty years later, when he was virtual co-President with Nixon, the same Kissinger steered the Pinochet coup, and launched the genocide of “Operation Condor” which followed.

1. *Eclectica*, Vol. 19, nos. 79-80, Brussels, 1990, cited in Paul Noack, *Carl Schmitt, eine Biographie* (Frankfurt and Berlin: Ullstein, 1993; paperback, 1996).