



Mónica Madariaga, the Female Lawyer of the Dictatorship: Gender Performance and Professional Ascent in an Authoritarian Regime (Chile 1974-1985)

Mónica Madariaga, la abogada de la Dictadura: *Performance* de género y ascenso profesional en un régimen autoritario (Chile 1974-1985)

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Abstract

This article analyzes the role of gender identity in the political and professional trajectory of the lawyer Madariaga Gutiérrez (1942-2009), legal advisor, minister and ambassador of the Military Junta lead by General Augusto Pinochet between 1974 and 1985. Through a critical discourse analysis of her memoirs, interviews, and interventions in the sessions of the Junta, we argue that a key to her professional and political success in a male-dominated military world was the practice of a masculinized and subordinated gender performance, which simultaneously reproduced and challenged the patriarchal ideology of the military dictatorship. This analysis contributes to re-evaluate the political and legal history of Latin American authoritarian regimes from a gender perspective and adds complexity to the narratives about the inclusion of women in the legal profession.

Keywords: *Female lawyers; dictatorship; gender; authoritarianism; legal profession; Chile.*

Resumen

Este artículo analiza el rol de la identidad de género en la trayectoria política y profesional de la abogada Mónica Madariaga Gutiérrez (1942-2009), asesora jurídica, ministra y embajadora de la Junta Militar encabezada por el General Augusto Pinochet entre 1974 y 1985. Mediante el análisis crítico de discurso de sus memorias, entrevistas y participación en las sesiones de la Junta de Gobierno, se argumenta que una clave de su ascenso profesional y político en un mundo castrense dominado por hombres fue la práctica de una performance de género masculinizada y subordinada, la cual reprodujo pero a la vez tensionó la ideología patriarcal de la dictadura militar. Este análisis contribuye a reevaluar la historia política y jurídica de los regímenes autoritarios latinoamericanos en clave de género y complejiza las narrativas sobre la incorporación de mujeres en la profesión jurídica.

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I. INTRODUCTION

In April 1977, Mónica Madariaga Gutiérrez was appointed Minister of Justice, becoming the first and only woman to join the cabinet of the military dictatorship led by Augusto Pinochet, and the second woman to head the Ministry of Justice in Chile's history. In this role, which she held for nearly six years until 1983, she played a key part in the drafting of influential legal norms such as the 1978 Amnesty Decree-Law—which ensured the impunity of perpetrators of serious human rights violations for decades—and assisted the Military Junta in the final review of the 1980 Political Constitution.

Moreover, her legal and political influence was evident both before and after this appointment. At the beginning of her professional career in the *Contraloría General de la República* (Comptroller General's Office of the Republic), Mónica Madariaga obstructed the advancement of policies promoted by the *Unidad Popular* government by refusing to countersign [*“tomar razón”*] the decrees of President Salvador Allende's government. After the 1973 coup, as personal legal advisor to General Augusto Pinochet, she was the drafter of the initial and final versions of hundreds of decree-laws that formed the legal framework of the dictatorship. Following her tenure as Minister of Justice, she was appointed Minister of Education, and her political career reached an international stage when she was named Chile's ambassador to the Organization of American States (OAS) from 1983 to 1985, at a time when the Chilean dictatorship was under intense international scrutiny.

Finally, starting in 1985, Madariaga began to distance herself critically from Pinochet and the Junta. Through her interviews and statements, she revealed key aspects of the regime's internal workings to the public, contributing to its weakening.

Despite her notable involvement in Chilean and Latin American legal and political history, Mónica Madariaga has played a minimal role in historical studies on the military dictatorship and the legal legacies of authoritarianism at the regional level. What explains this marginalization?

Here, we propose that Mónica Madariaga has been marginalized from historical narratives and legal analyses of the military dictatorship largely because she was a woman. We aim to show why and how the gender dimension influenced how she constructed her position within the military regime. By reintroducing Madariaga to the center of the narrative on the dictatorship's legal structure, we can gain new insights into that period and into the relationship between gender and the legal profession.

Indeed, what explains both the rise and later decline of Madariaga's political figure was her performance of a masculinized professionalism. Drawing on Judith BUTLER's conceptualization of gender as a performative act, we show that, as a civilian woman, to gain respect in a legal world dominated by military men, Madariaga exhibited a professional legal expertise in which she reproduced discourses, practices, and attitudes traditionally associated with masculinity, while simultaneously demonstrating her own subordination to the authority

of the male leaders of the regime.¹ This performance of “subordinated masculinity” was key to her rise in a political and professional environment that was doubly masculinized.

However, her increasing public prominence began to transform her into a troubling figure for a regime that associated the exercise of power with masculine authority. In response, Madariaga’s discourse shifted from subordinated masculinity to female autonomy, marking her political break with Augusto Pinochet. The story of Mónica Madariaga thus exposes one of the many internal contradictions of the dictatorship: it needed women to exercise its power, but by including them in the legal and political arenas, it destabilized the patriarchal discourse that sought to confine them to the domestic sphere.

The methodology used is discourse analysis, primarily focusing on Mónica Madariaga’s discourse through her memoirs and interviews, as well as external perspectives on her position and performance provided by contemporary press coverage and the minutes of the Military Junta sessions, in which she participated regularly between 1974 and 1982.

In the first section, we introduce the figure of Mónica Madariaga within the framework of the bibliographic discussion on gender, law, and dictatorship, and detail the methodology and sources used. Next, we describe the gender discrimination she experienced during her professional ascent. Subsequently, we analyze how her professional and political consolidation resulted from a masculinized and subordinated professional performance. Finally, we show how her break with the Junta was also the result of the paradoxical gender performance she displayed within an authoritarian and patriarchal regime.

II. GENDER, LAW AND DICTATORSHIP: EXPLAINING THE OBLIVION OF MÓNICA MADARIAGA

In 2018, a review of the historiography of the military dictatorship period in Chile argued that this academic production showed a significant imbalance, with some “topics excessively analyzed, others of less impact, and many more, abandoned.”² Among the latter, the author argued that “a field of study on the right-wing, the collaborators of the dictatorship, and its ability to gain support among significant social segments has not been properly established.”³ Although since 2018 there has been a proliferation of publications on the dictatorship—driven by the commemoration of the fifty years since the coup in 2023—the topic of civilian collaborators still attracts less attention compared to other fields.⁴ Furthermore, when this subject has been addressed, both in older and more recent literature, the protagonists have predominantly been men.

In the field of Chilean political history, the main civilian agents of the military regime are the “Chicago Boys”, that is, the group of male economists responsible for the transformation towards the neoliberal model.⁵ In the legal field, the most attention has been given to Jaime Guzmán, and to a lesser extent, the other male members of the Commission

¹ BUTLER (1997); BUTLER (1999).

² VALDIVIA (2018), p. 167.

³ VALDIVIA (2018), p. 187.

⁴ We have identified only five works in the last five years: EDWARDS (2023); PÉREZ (2022); CASALS (2023); ACEITUNO & BARTOL (2021); GONZÁLEZ (2020).

⁵ EDWARDS (2023); PÉREZ (2022); CORREA (2005); HUNEUS (2005); VALDIVIA (2008).

for the Study of the New Constitution (the “Ortúzar Commission”), which drafted the initial version of the 1980 Constitution.⁶

Narratives that emphasize male prominence stem from the fact that the military dictatorship government was a male-dominated space. The patriarchal values derived from the military organization (based on order, strength, and hierarchy), as well as from its conservative right-wing ideology (which held that the primary role of women was motherhood and domestic duties), permeated the entire political apparatus and its repressive system.⁷

However, this should not obscure the significant role that women played in shaping its power structure: indeed, a substantial segment of the female population was key in opposing the government of the *Unidad Popular* and in supporting and legitimizing the 1973 coup.⁸ Consequently, the Military Junta consistently viewed women as a focus of its social, political, and economic transformation policies. The strengthening of their maternal and domestic roles was part of the “regeneration” of Chilean society, for which the state apparatus engaged in a process of control and discipline through the Mothers’ Centers led by “First Lady” Lucía Hiriart as a model of patriotic femininity.⁹ Nevertheless, the dominant gender norms of the time were contradictory and mutable: the domestic and apolitical understanding of women came into conflict with their patriotic role as promoters of the regime.¹⁰ Furthermore, the cult of the mother-woman was unable to suppress women’s sexual and economic liberation, as it collided with a liberalized labor market and sexual consumption that hindered motherhood,¹¹ contributing to the resurgence of the feminist movement in the 1980s.¹²

Despite the growing development of gender historiography on Chilean authoritarianism, the emphasis has been on women as victims of violence and patriarchal policies of the regime, or on their resistance against the dictatorship.¹³ The dimension of the institutional policy imposed by the dictatorship on women has also been explored.¹⁴ However, the way in which female collaborators constructed and understood their own role within the regime, and whether their presence reinforced or destabilized the patriarchal foundations of its power, remains unaddressed.

Meanwhile, the legal field has rendered the role of female lawyers invisible in its development, as it has historically been constructed as a predominantly male space, both in its conceptual frameworks, and in its professional hierarchies and practical functioning.¹⁵ Certainly, comparative studies have shown how female lawyers had to forge a path in this masculinized field and promoted women’s rights.¹⁶ However, much less attention has been

⁶ ATRIA (2013); ATRIA *et al.* (2017); BARROS (2002); CRISTI (2000); RUIZ-TAGLE (2021); TORRES (2023).

⁷ TOWNSEND (2019); VALDÉS (1987); ZAMORA (2008).

⁸ POWER (2002).

⁹ ARANEDA & HERMOSILLA (2018); GREZ (2021); VALDIVIA (2011); VALENZUELA (1987).

¹⁰ ARANEDA & HERMOSILLA (2018); DANDAVATI (2005).

¹¹ VALDIVIA (2011); REYES (2021); PASSMORE (2020).

¹² VALDÉS (1987).

¹³ LANFRANCO (2023); GATICA & MARTÍNEZ (2023); CUBILLOS-VEGA (2023); VARGAS CÁRDENAS (2022); HINER (2021); BASILE (2021); DANDAVATI (2005); DONOSO (2022); GREZ (2021); MOTTA & RANGEL (2020); TOWNSEND (2019).

¹⁴ PASSMORE (2020); GREZ (2021); ARANEDA & HERMOSILLA (2018), HENRÍQUEZ & REIN-VEGAS (2020); CÁRDENAS & VARGAS (2021); VALDIVIA (2011).

¹⁵ AZÓCAR (2015); KAY & HAGAN (1995); MACKINNON (1983); OLSEN (1990); SOMMERLAD (1994).

¹⁶ DE MORAES (2021); DRACHMAN (1998); EPSTEIN & RHODE (2012); GARZA (1996); KAY (2021); KIMBLE (2017); NORRGREN (2013); NORRGREN (2020); SCHANDEVYL (2016); TALLGREN (2023).

given to female lawyers who embraced conservative and/or authoritarian ideologies.¹⁷ In Chile, studies on female lawyers are still emerging, focusing on feminist lawyers or feminized areas of the profession, such as family law.¹⁸

The oblivion of Mónica Madariaga —a lawyer who used her power to consolidate an authoritarian and repressive regime towards women— can thus be explained by her placement in a blind spot in both the historiography of the dictatorship and in feminist historical and legal studies. Escaping both the patriarchal mold and feminist teleology, Mónica Madariaga has been an elusive figure, avoided by the main analytical frameworks of the dictatorial period.

In this article, we argue that the awkwardness and paradoxical role embodied by the figure of Mónica Madariaga reveal new dimensions of authoritarian regimes in Latin America, going beyond the narrative based on the binary opposition between victims and perpetrators and between left and right,¹⁹ and incorporating women into studies on civilian collaborators. Additionally, we add complexity to studies on gender and the legal profession, moving beyond narratives that associate feminization with greater gender equality, and emphasize the complexity of the identity construction of female lawyers.²⁰

To do this, we draw on Judith BUTLER's²¹ concept of “gender performativity,” understanding that gender is not an essential category rooted in the subject's identity, but rather derives from a process of construction through the repetition of acts, gestures, and discourses that constitute, reproduce, and simultaneously subvert the gender norms of a given society. We do not assume that Madariaga possessed a pre-existing gender identity; instead, she constructed it while being conditioned by and simultaneously challenging the dominant gender norms of the social, professional, and political context in which she operated.

To the extent that the process of identity creation largely unfolds through the narrative that subjects construct of their own subjectivity,²² our methodology involves a critical discourse analysis²³ of Madariaga's own testimonies, based on her autobiographical book²⁴ and interviews conducted at various times in her life.²⁵ These texts, which were produced mostly after 1985 (thus, after Madariaga's partial break with the regime and the resurgence of the feminist movement), should not be understood as a reflection of the “reality” of the author's life experience. Rather, Madariaga's discourse about her own past is, in itself, the performative act through which she retroactively constructs her professional, political, and gender identity. As we will see, these discourses produced after 1985 contain elements of critique of the regime and a visibility of gender dynamics that she may not have necessarily perceived while the events she describes were unfolding.

In any case, to contrast Madariaga's discourse, we turn to contemporary sources relative to the events described in her memoirs and interviews. The analyzed press *corpus* includes ten

¹⁷ MOSSMAN (2020); RIBBERINK (2005).

¹⁸ AZÓCAR (2015); ERRÁZURIZ (2019); RODRÍGUEZ (2006).

¹⁹ CASALS (2023).

²⁰ BOURNE & MORRIS (2020); MOSSMAN (2006).

²¹ BUTLER (1988); BUTLER (1997); BUTLER (1999).

²² BRAH (2011).

²³ ACHUGAR (2017); ARENS (1998).

²⁴ MADARIAGA (2002).

²⁵ ARANCIBIA (2003); GONZÁLEZ (1985); MEZA (1986); MARRAS (1988).

media outlets²⁶ from the period between 1977 and 1985, encompassing both pro-regime and opposition press, focusing on four key episodes: Madariaga's appointment as Minister of Justice in 1977, the enactment of the Amnesty Law in 1978, the final month of her tenure as Minister of Education (October 1983), and the year 1985, which marks Madariaga's break with the regime.

Thirdly, 407 sessions of the minutes of the Military Junta were reviewed, from September 5, 1974, to October 25, 1983, covering the period when Madariaga served as legal advisor to the Junta, Minister of Justice, and Minister of Education. Mónica Madariaga made interventions in 176 sessions, or 43%, which indicates her significant influence in the Junta's decision-making process (see Figure 1). These sources provide insights into Madariaga's interactions with the Junta and its legal advisors, and how these interactions shaped the lawyer's discourse and identity construction.

III. THE CHALLENGING RISE OF MÓNICA MADARIAGA: GENDER DISCRIMINATION

In her interviews and memoirs from the mid-1980s, Mónica Madariaga—born in 1942, before women had full suffrage rights in Chile—revealed how gender discrimination shaped her construction of gender and professional identity.

In an interview conducted in 1986, for a book aimed at highlighting the presence of women in national political history, Madariaga included the gender variable as a determining factor in shaping her character and motivations. She recounted that her excellent academic performance not only reflected her insatiable intellectual curiosity but also the insecurity of not fitting the female beauty canon, being constantly compared to her older brother, who “had a very good physical appearance, unlike me. I often heard, ‘What a handsome little boy, it’s a pity the little girl didn’t turn out that way!’ This led me to seek other advantages over him, such as being the top student in high school and later in university.”²⁷

Madariaga completed her law studies at *Universidad de Chile* in the early 1960s, when the percentage of female lawyers was low, though it was gradually increasing: in 1960, the legal profession in Chile had only 10% women, rising to 15% by 1970. Women practicing law typically did so not as litigants in courts but in lower-level positions in public offices.²⁸

Madariaga's career initially followed this same pattern. While still a fourth-year student, and due to the need to support herself and her parents, she obtained a position at the *Contraloría General de la República*—an agency responsible for overseeing state administration, ensuring the legality of its actions and public expenditure—in the lowest rank. From there, however, she advanced “through competitive contest”, having to “win contest after contest, and come in first to be appointed to the third vacancy”, eventually reaching the head of a division within the regulatory body.²⁹ Madariaga thus emphasized the need for women in masculinized fields to excel and surpass men in merit for their abilities to be recognized.³⁰

Therefore, more than her distant kinship with General Pinochet, it was her distinguished professional career in administrative law and her open hostility to the policies of

²⁶ The consulted newspapers were *El Mercurio*, *La Segunda*, *La Tercera*, *Las Últimas Noticias*, *El País*, *La Nación*, and the weekly magazines *Qué Pasa*, *Análisis*, *Solidaridad* and *Ercilla*.

²⁷ MEZA (1986), p. 252.

²⁸ GONZÁLEZ (2018), p. 359.

²⁹ ARANCIBIA (2003); MADARIAGA (2002), p. 18.

³⁰ GLAZER & SLATER (1986).

the *Unidad Popular* government from the opposing trench represented by the *Contraloría* that explain her appointment as legal advisor of the President of the Junta in 1974.³¹

However, the confidence of the Junta's President was not enough to curtail the hostile treatment from the military men who dominated the administrative apparatus of the new regime. Among them, there was great concern about the intrusion of a civilian woman into spaces of power they considered their own. As Madariaga recalled, on her first day arriving at the Diego Portales building —the nerve center of the military government— after being appointed as legal advisor, she discovered that she did not have an office to settle into, despite Pinochet having instructed General Julio Canessa to provide one. Canessa openly expressed his annoyance: “The President is asking me for the impossible. I have no place to put you. Here is my office, and I will move to a hallway. We are not accustomed to working with women.”³² Madariaga ended up “sitting at the end of a table assigned to a soldier who was the secretary of the so-called Casa Militar, responsible for correspondence, vehicles, food, and minor duties of the Presidency.” In that place, a courier soldier rudely questioned her: “And you, are you the secretary of the secretary? If not, what are you doing here?”³³ The humiliating treatment she received from a lower-ranking soldier exemplifies the hostility experienced by the few women working in the dictatorial government.

During her years as Pinochet's advisor, Madariaga had to navigate without the basic support that male advisors of equal or lower rank enjoyed. “I was equipped with a typewriter, since while the orderlies, private secretaries, and other ‘little chickens’ of the system had assigned secretaries, assistants, and official vehicles, I lacked all of this. Just as I had to continue using my 1970 Citroën (an AX 330, which was my pride), I also had to type up my own reports, decrees, and other documents related to my duties.”³⁴

Hence, Madariaga retrospectively described this period as a “purgatory”: “I reached a weight of 49 kilograms at a height of 1.75 meters. That was my sorry figure when I assumed the position of Minister of Justice three and a half years later.”³⁵ And indeed, the photos and press from that time describe her as a “tall and slender”³⁶ woman, illustrating how the pressure she experienced was reflected in her own body.

Discrimination did not cease when she assumed the position of Minister of Justice: “As soon as I took charge of the ministry, Admiral Merino assigned a new position for the Undersecretary [of Justice]. [...] The reason? A woman could not hold the superior position over a high-ranking naval officer. Just like that; stated plainly, without any ambiguity...”³⁷ This example illustrates how the patriarchal military culture scarcely tolerated the presence of a woman in high positions of power.

The regime's civilian lawyers were also skeptical of her professional abilities. Attorney Sergio Diez Urzúa —a member of the Ortúzar Commission— could not hide his astonishment at the expertise demonstrated by the female jurist: “While I was part of a delegation to

³¹ CASTILLO (2021); MARRAS (1988), pp. 61, 64-65.

³² MEZA (1986), p. 254.

³³ MADARIAGA (2002), p. 31.

³⁴ MADARIAGA (2002), p. 34.

³⁵ MADARIAGA (2002), p. 33.

³⁶ “El rostro de la noticia” (1977).

³⁷ MADARIAGA (2002), p. 47.

UNICEF in New York, he told me that if I made a mistake in my speech before the international organization, he would touch my elbow to prompt me to correct it. At the end of my intervention, he said, once again surprised: ‘And I didn’t have to touch your elbow!’³⁸

Contradictorily, yet as part of the same patriarchal culture, Madariaga also recalled that her status as a woman led to attentions and gifts from ‘chivalrous’ colleagues: “I was never without, during those three and a half years of presidential legal advising, the box of chocolates for ‘Secretary’s Day’.”³⁹ A similar situation occurred when she assumed the role of minister, which led to a stereotypical welcome: “The newly appointed Minister was covered with flowers,” the press of the time headlined, then describing her physical attributes and her status as a “single woman” as key aspects of her identity.⁴⁰

Similar forms of benevolent discrimination were repeated in some sessions of the Government Junta: “Here comes lady Minister of Justice,” General Pinochet interrupted on one occasion. “Since we’re just starting and we must be courteous to a lady, we’ll leave this project until the end and now we can consider the one regarding the Judiciary.”⁴¹ Nonetheless, this “chivalry” could turn into an informal treatment that would never have been used among male authorities: when correcting the Minister in front of the other attendees, Pinochet called her by her first name, a practice also repeated by General Matthei in another session.⁴²

We cannot know how Madariaga experienced these situations as they occurred, or if she understood them at the time as gender discrimination. However, from the mid-1980s onward, and already distanced from the regime, she had a clear diagnosis of having suffered from what she described as “*nachista* authoritarianism,”⁴³ stating that “for the military, a woman is never seen as a professional, an equal, but rather as someone who takes care of the children, washes the clothes, cooks, or, at most, becomes a secretary, with a lowercase ‘s’ (private secretaries are always male officers).”⁴⁴

In sum, Monica Madariaga’s professional and political ascent was marked by a double layer of gender discrimination, as both a female lawyer and a civilian confronting the male-dominated professional legal field and the patriarchal culture of the military. In both professional arenas, men questioned her intellectual abilities, obstructed her work, treated her disrespectfully despite her government authority, and displayed patriarchal forms of recognition that undermined her professional role and diminished her political authority.

IV. THE RECIPE FOR SUCCESS: A MASCULINIZED PROFESSIONAL PERFORMANCE

Considering that Mónica Madariaga became known as “the most powerful woman in the regime, perhaps with the exception of Doña Lucía,”⁴⁵ how did she manage to achieve this position in such a hostile environment for women?

In this section, we argue that Madariaga resorted to a performance of subordinated masculinity that allowed her to gain recognition for her legal expertise. In a context where being

³⁸ MADARIAGA (2002), p. 95.

³⁹ MARRAS (1988), pp. 67–68.

⁴⁰ “Taparon con flores a la flamante Ministro” (1977); “El rostro de la noticia” (1977).

⁴¹ JUNTA DE GOBIERNO (1979), p. 4.

⁴² JUNTA DE GOBIERNO (1980a), pp. 37–38; JUNTA DE GOBIERNO (1980b), p. 17.

⁴³ MEZA (1986), p. 254.

⁴⁴ MARRAS (1988), pp. 67–68.

⁴⁵ ARANCIBIA (2003).

a woman was a disadvantage, Madariaga managed to adapt by simultaneously reproducing and subverting the dominant gender norms, which dictated that only men were legitimized to wield legal and political power. This dual exercise of reproduction and subversion involved, on one hand, adopting masculine ways of exercising power in her actions and speeches, and on the other, acknowledging the primacy of male authority, thereby reaffirming her intrinsic subordination.

4.1 A “plumber of the law”: legal advisor to Pinochet (1974-1977)

Mónica Madariaga served as legal advisor to Pinochet during the period of greatest internal conflict within the Military Junta, due to the rivalry between General Pinochet—who was influenced by the neoliberal economists from the School of Chicago—and General Gustavo Leigh—representing the traditional nationalist statism of the Armed Forces.⁴⁶ In this context, it is likely that Pinochet’s decision to seek advice from a civilian woman was driven by the need to have a collaborator who was detached from the power dynamics of the military world, thus ensuring her complete loyalty.

As she recounts, “Little by little, I began to sense an environment of professional respect around me and started being consulted by the regular officials of the system, and especially by the Ministers.”⁴⁷ In another interview, she states that “State Secretaries started coming to consult with me, to process laws, which I would prepare final drafts for. Since I didn’t want to cause any trouble for anyone, I didn’t have a secretary and arranged for them to buy me an electric typewriter with an eraser so I could very quickly prepare my memos and the laws.”⁴⁸

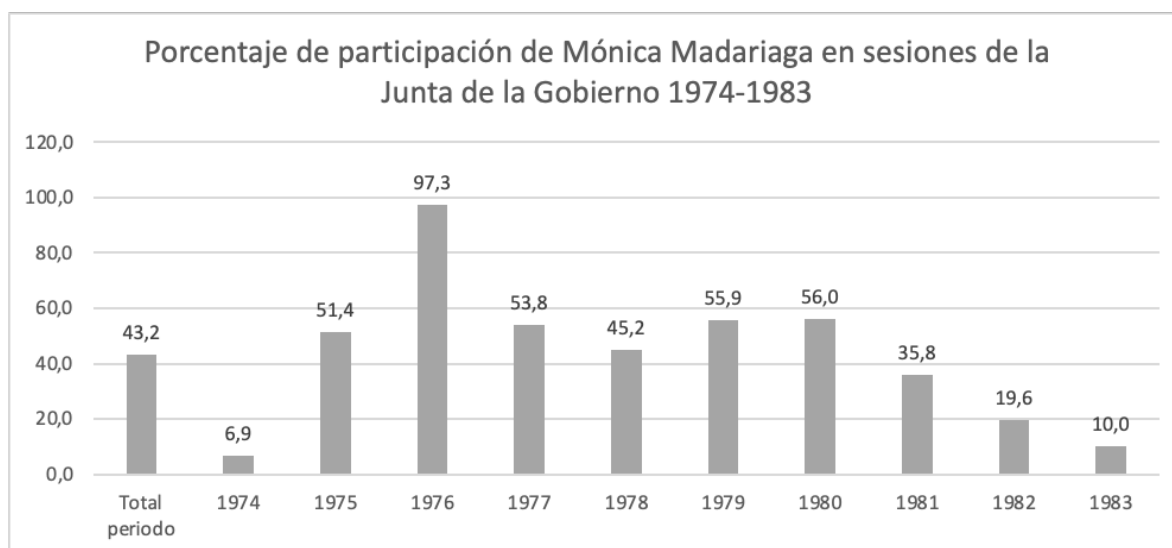
Her ambiguous position is evident here: on one hand, she acknowledges her subordinate role and service to powerful men in the political apparatus of the regime. When she says she “didn’t want to cause any trouble for anyone,” it reflects her modesty and her desire not to occupy space or resources, like a secretary. On the other hand, this situation grants her an autonomy that male advisors lack: her apparent weakness is transformed into strength, as her speed and efficiency allowed her to become a key reference in the legislative process of the dictatorship. Her growing influence is not merely a subjective perception or a retrospective construction; it is manifested in more numerous and extensive interventions in Junta sessions, particularly from 1975, and more notably in 1976.

Figure 1: Percentage of Participation of Mónica Madariaga in Junta de Gobierno Sessions, 1974-1983

⁴⁶ VALDIVIA (2003).

⁴⁷ MARRAS (1988), p. 69.

⁴⁸ MEZA (1986), p. 255.



Source: Military Junta minutes, from September 5th, 1974, to October 25th, 1983. Total: 407 sessions. By “participation,” we mean one or more interventions by the lawyer during a Junta session. The percentage represents the number of sessions in which Mónica Madariaga participated relative to the total number of sessions held each year.

In her interventions in the Junta, Madariaga displayed detailed technical knowledge in administrative and economic law: her opinions were particularly valued on matters such as the restructuring of CODELCO (the State’s copper company), social security, tax and economic issues, legal dimensions of political repression like the State of Emergency (martial law), exile, and the dismissal of state employees who were considered political opponents, the legislative procedures of the Junta, the constitutional acts that established an intermediate constitutional order before the enactment of the 1980 Constitution legislation, and the reform or creation of new administrative bodies and statutes. She rarely intervened in feminized areas of law related to women and children, such as social assistance, family law, mother and child centers, or similar fields. From her early days in the *Contraloría*, her expertise was firmly established in the “masculine” domain of economic and administrative law responsible for managing the power relations between state organs.⁴⁹

Madariaga’s interventions often had a strong technical component rather than an ideological one, and her specific contribution was to transform the political problems of the regime into legal solutions that would maintain the facade of legality for a *de facto* regime. For example, in a discussion about the restructuring of CODELCO, she remarked: “It has been decided as a policy norm, which we lawyers must serve, to allow foreign investment in the copper industry. [...] If the Junta says that the investor needs to be encouraged to come, the Constitution must be modified. [...] If, on the other hand, you want to encourage them less, you need to find a formula [...] whatever the imagination can create. [...] In my opinion, all other problems presented by the Constitution are avoidable.”⁵⁰ This intervention reflects that Madariaga viewed her technical role as adapting the legal system to the Junta’s objectives.

Consistent with her interventions in the Junta, in her autobiography Madariaga claims authorship of hundreds of decrees-laws, some of which were particularly crucial for the

⁴⁹ MADARIAGA (1965); OLSEN (1990); SHIELDS & ELIAS (2022).

⁵⁰ JUNTA DE GOBIERNO (1975a), p. 11.

regime's attempt to establish legal legitimacy, as well as for the policies aimed at transforming the economic system and the state apparatus:

Decrees-laws were my specialty. I drafted them in minutes and already knew how to frame them with the names of 'the four'. Thus, **from my little machine came important texts**, such as the intervention of a militarized board of COPEC (unconstitutional, undoubtedly); the decree that allowed General Pinochet to use the title of President of the Republic (a fact that led to a heated debate within the Junta); the foundations for the exercise of constituent power; [...] the registration with the *Contraloría* and the publication of texts in the Official Gazette; Jorge Cauas's super-ministry of Finance for implementing the 1975 shock plan; among many others that I no longer even remember. [...] **On my desk**, the Junta's statute was perfected after General Pinochet 'yielded' by agreeing to condition almost all his powers on the 'agreement of the Junta' or by 'heeding the Junta.'⁵¹

Again, in a dual movement, Madariaga's discourse reaffirms both her power and her subordination: on one hand, she emphasizes her prominence in relevant political and economic processes of the period, but at the same time, she ensures a certain distance: the active subject is not her, but rather "her little typewriter" or "her desk." Thus, Madariaga's actions are objectified through her work tools, allowing her to assert her dual role as both an object and subject of the Military Junta's will.

The intellectual and legal influence that Madariaga exerted over the Military Junta is evident, for example, in the discussion leading up to the issuance of Decree-Law 1697 of March 12th, 1977, which declared all political parties dissolved. Previously, Decree-Law 78 of October 11th, 1973, had decreed a "recess" for the parties, and in 1976, during the discussion of the constitutional minutes, the issue was raised again. Madariaga played a leading role and revealed a position hostile to their continuation, arguing that "political parties, by their nature, demonstrate a lack of harmony in the integration of society" and "many of the doctrines of the democratic parties promote these [social] antagonisms."⁵² Based on this, she proposed expressly repealing Article 9 of the 1925 Constitution, which states: "[...] All Chileans may freely associate in political parties."⁵³ This radical position was shared only by Pinochet, not by the other Junta members, who chose to maintain the "recess." In the subsequent sessions, Madariaga persisted:

Whenever we talk about a recess, we must mention all these prohibitions, because as long as a living dead person is kept in good health and needs to be provided with sustenance, we must be careful that the dead person does not walk, jump, or leap. Therefore, **it is preferable to eliminate the dead person once and for all**, and that is why, Mr. President, as your personal legal advisor, I advise to you **that the only logical solution is the dissolution of the political parties**. This will resolve all the problems [...]⁵⁴

Madariaga's discourse stands out here for its firmness and severity, attributes stereotypically associated with masculinity: the metaphor of "killing" the parties leaves no doubt about her conviction and overshadows the more doubtful or cautious positions of male advisors

⁵¹ MADARIAGA (2002), pp. 34–35 (bold text added).

⁵² JUNTA DE GOBIERNO (1976a), p. 38.

⁵³ JUNTA DE GOBIERNO (1976a), p. 38.

⁵⁴ JUNTA DE GOBIERNO (1976b), p. 22 (bold text added).

and members of the Junta. After a few months, Madariaga's idea ultimately prevailed and was incorporated into DL 1697 of March 1977, which dissolved all political parties in Chile until 1987.⁵⁵

Despite Madariaga's growing influence on the legal framework of the regime, the lawyer tended to downplay this contribution through statements that portrayed her as merely an executor of the plans imposed by other men, whether civilians or military. For example, recalling her role as a legislative advisor, she notes:

My work was related to the area of state administrative management. [...] My role as an advisor made me a **'plumber of the law,'** where I had to weld pipes, elbows, and loose valves into a network of de-bureaucratization, **in order to facilitate the development of public policies essentially imbued with the libertarian principles of Jaime Guzmán and the Chicago Boys.**⁵⁶

This quote reveals how gender permeates the narrative that Madariaga herself constructs about her contribution to the military dictatorship's program. On one hand, Jaime Guzmán and the "Chicago Boys" appear as the intellectual drivers of the program, while she is portrayed as merely an executor, a modest plumber whose role is to turn the grand ideas of men into concrete realities. In this way, the gendered hierarchy between the "abstract" and "superior" knowledge of men, and the "concrete" and subordinate knowledge of women, is reaffirmed.⁵⁷

On the other hand, it is noteworthy that in her metaphor, Madariaga chooses the subordinate yet masculine figure of the plumber, rather than a female archetype such as a cook, secretary, or nurse. Symbolically, she established her legal legitimacy through a masculinized professionalism, while always acknowledging her subordination to men. This complex gender performance is likely the key to understanding her impressive success in the patriarchal legal world of the military dictatorship.

4.2 Mónica Madariaga, Minister of Justice

In April 1977, Pinochet appointed Madariaga as the first and only female Secretary of State in his government, at the head of the Ministry of Justice, publicly acknowledging the power that the lawyer had acquired within the political apparatus of the dictatorship.

The long period during which Madariaga held her ministerial position in the Ministry of Justice—between 1977 and 1983—was marked by the consolidation of the "Chicago Boys" influence in the regime's economic policy and the establishment of Pinochet's dominance over the Junta with the expulsion of General Leigh in 1978. Additionally, following the international crisis caused by the assassination of Orlando Letelier in Washington D.C. and the subsequent dissolution of the DINA, there was an increasing involvement of civilians in the regime's power structure. Furthermore, the new legal, political, and economic institutional framework was enshrined in the 1980 Political Constitution.⁵⁸

Madariaga's appointment in 1977 came at a time when the Junta was seeking to smooth over its relationship with the Catholic Church due to its criticism of human rights violations. The departure of Renato Damián, Madariaga's predecessor in the Ministry of Justice, was

⁵⁵ It was only with the Law 18.603 of 1987 that the reorganization of political parties was legally permitted.

⁵⁶ MADARIAGA (2002), p. 35 (bold text added).

⁵⁷ OLSEN (1990).

⁵⁸ CAVALLO *et al.* (2008).

the result of his unfortunate remarks about the ecclesiastical hierarchy.⁵⁹ Madariaga's appointment aimed to present a more "cordial" figure, precisely due to her status as a woman.⁶⁰

However, as a way to legitimize her position, Madariaga sought to neutralize the significance of her female identity. Thus, in one of her first interviews as Minister, facing the journalist's question: "Do you consider your appointment to be a recognition of Chilean women?", she replied, "I think so. In a way, and insofar as I am a Chilean woman. But aside from that, I believe that the role a woman fulfills is no different from the role a man performs when it comes to technical and professional functions."⁶¹

Her refusal to receive special treatment due to her status as a woman had already been expressed earlier, during the discussion of the constitutional acts concerning the State Council. In response to the proposal to include a "representative of women" in that body, Madariaga indignantly replied, "What is the point of having a representative of women? It is a form of discrimination that, as a woman, I believe we cannot accept. Why is there no representative of men? Because it is assumed that everyone will be men?"⁶² In other words, by the mid-1970s, Madariaga adopted a masculinized gender equality paradigm: women are recognized to the extent that they assimilate into the masculine mode of exercising power.

At the Ministry of Justice, Madariaga consolidated her power and claimed to have managed the ministry "with absolute and total independence, except in two specific cases [...] where I had to serve other people's ideas."⁶³ However, the limits of this autonomy were blurred. For instance, in the case of the 1978 Amnesty Decree-Law, which aimed to publicly close the "harshest" phase of political repression, the lawyer assumed technical-legal, but not intellectual, authorship of the text. She repeatedly claimed to be "personally" responsible for its drafting but stated that she was executing the guidelines provided by the Minister of the Interior, Sergio Fernández, and the Junta.⁶⁴ This division of roles was illustrated by the media presence of the two ministers at the time the decree was issued: while Fernández took on the political spokesperson role, Madariaga accompanied him to provide technical and procedural clarifications on the law's application.⁶⁵ Thus, Madariaga's relative subordination in her role as an "executor" rather than an ideologue remained in certain aspects of her ministerial work.

A similar dynamic was replicated in the final phase of drafting the Political Constitution of the Republic: although Madariaga played a prominent role, her own account reveals ambiguity regarding her true contribution. On one hand, she describes how, during the process of comparing and reviewing the text proposals from the Ortúzar Commission and the State Council, "Ministers Fernández of the Interior, Sinclair of the Presidential General Staff, and I, from Justice, would meet for twelve hours a day to review the permanent articles."⁶⁶ This highlights her key role in the decisions made about the final text. On the other hand, the lawyer

⁵⁹ "Renunció ayer Ministro de Justicia" (1977); "Intercambio de cartas entre S.E. y el Episcopado" (1977).

⁶⁰ "Gobierno. Ministra." (1977); "Cordial contacto con periodistas prometió Ministra de Justicia" (1977).

⁶¹ "Renunció ayer Ministro de Justicia" (1977).

⁶² JUNTA DE GOBIERNO (1975b), p. 12.

⁶³ MEZA (1986), p. 255.

⁶⁴ MADARIAGA (2002), pp. 61-63; MARRAS (1988), pp. 74-76.

⁶⁵ "Amnistía General" (1978a); "Construir la paz" (1978); "Amnistía General" (1978b).

⁶⁶ MARRAS (1988), p. 82.

distances herself by attributing the intellectual leadership of the constitutional process to other men.

One day, Pinochet asked me to provide the essential guidelines that the final drafting of the constitutional text should follow. Naturally, I once again turned to the intellect and pen of my friend Jaime Guzmán! It is his writing, then, and not mine, that is responsible for the document that today forms part of the political history of our renewed institutional framework.⁶⁷

Once again, we see Madariaga's ambivalence in claiming legal and political prominence in this fundamental milestone of Chile's institutional history, an ambivalence that reflects the delicate balance of exercising authority and subordination in her role, influenced by political variables but also by a gender dimension.

In a similar vein, Madariaga's work at the Ministry of Justice was marked by the incorporation of the work teams and the neoliberal ideology of the Chicago Boys:

At the Ministry of Justice, I needed teams to move forward with my infrastructure projects. [...] All my projects were being blocked at Odeplán because they weren't endorsed by the Chicago Boys. I had to call Miguel Kast, who sent me the complete teams, and so I had to replace the lawyer who was Director of the *Registro Civil* (Civil Registry) with an engineer. I removed the chief lawyer of the *Sindicatura de Quiebras* (Bankruptcy Trustee Office) and put an engineer in his place; I replaced the doctor who was Director of the *Servicio Médico Legal* (Forensic Medicine Service) with an engineer. [...] This was the condition to move the projects forward. They had to be executed by their people, and I needed, above all else, for my sector to grow and modernize.⁶⁸

Once again, we see the relative subordination of Mónica Madariaga—both as a lawyer and a woman—to the dominant group of the “Chicago Boys”—men and engineers. However, this subordination was one of means, not ends, as Madariaga shared the “modernizing” goals of the Chicago Boys. Ideologically, she gradually adopted their same convictions: the virtues of neoliberalism were repeatedly reaffirmed by Madariaga in her later works and memoirs.⁶⁹

As a promoter of a judicial modernization process, the prominence of advisors and civil servants like the Chicago Boys enhanced Madariaga's autonomy in her management of the Ministry of Justice. As she later claimed, “I did what I wanted and said what I wanted.”⁷⁰

To legitimize herself in her position, Madariaga needed to demonstrate her strength and authority. As Minister, she oversaw the application of the death penalty to the so-called “Calama murderers” without any pangs of conscience. In front of the press, she stated, “I trust that the highest penalties will be applied, and if among them is the death penalty, oh! how I would like that to be the sanction.”⁷¹ In the eyes of the public, Madariaga presented a “tough on crime” stance as a way to demonstrate her power.

The notion that a “tough on crime” approach was necessary extended to other areas. For example, Madariaga firmly defended before the Junta the need to toughen the

⁶⁷ MADARIAGA (2002), pp. 95–96.

⁶⁸ GONZÁLEZ (1985), p. 20.

⁶⁹ ARANCIBIA (2003); MADARIAGA (1993); MADARIAGA (2002).

⁷⁰ MEZA (1986), p. 256.

⁷¹ “Calama ¿Una voz en el desierto?” (1981).

requirements for granting parole to mothers convicted of infanticide, as, according to the Minister,

It's better for the law to be excessively strict than to be too lenient, and since this is only about setting a requirement for parole, it is a way of teaching the people not to be killing children and thinking for nine months about eliminating them at the moment of birth. It is a way of telling poor women [...] that they must have some regard for the life of the child that our Constitution protects.⁷²

A similar opinion was expressed in 1976, when the “protection of the unborn” was being discussed, and she opposed the possibility of allowing abortion in cases of rape, stating, “And what fault would that child have?”⁷³ With her discourse of harshness and strictness, the minister imposed an authoritarian paternalism on other women, even more intense than that of the male military legislative advisors, who suggested relaxing this criterion.

In exercising her “masculinized professionalism,” Madariaga showed disdain for non-professional women and limited interest in feminized areas of law. For example, she expressed compassion for her colleague Carmen Grez, who “masterfully navigated the obstacles of directing a bunch of ladies at the *Secretaría Nacional de la Mujer* (National Women's Secretariat).”⁷⁴ Similarly, when recounting an anecdote about a dinner at Pinochet's home in 1978, she expressed condescension towards the figure of the “First Lady,” Lucía Hiriart:

The wives [of the members of the Junta] were a sort of ‘cabinet’ for the First Lady, even though later, I had to officially set it up for her through a supreme decree, including all the Undersecretaries of State. At the start of the meeting, I had been left outside, as Mrs. Lucía wanted me to stay in the living room with the other ladies. They had already begun discussing ‘women's issues’ when the President appeared at the door and said to me:

- Well, aren't you coming?
- Oh! —said his wife-. Go! I forgot that you are a minister...!⁷⁵

Here, the Minister demonstrates superiority over the First Lady by asserting that it is Madariaga who holds the position and power to establish an “official” cabinet. Additionally, the wives are discussing trivial “women's issues”, while Madariaga is urged by Pinochet to join the meeting among men, where the political future of the regime is being discussed.

This moment, which Madariaga claims and recounts with pride in her memoirs, summarizes the surprising professional trajectory of the lawyer. By combining masculinization and subordination, she managed to position herself at the heart of dictatorial power, but her position was uncomfortable because it strained the conservative gender ideology of her leaders. In the following years, this tension would intensify as Madariaga displayed insubordinate attitudes that threatened the patriarchal dictatorial order.

V. “I, AS A WOMAN, MUST RAISE MY VOICE AND SAY ‘HERE I AM, JUDGE ME’”: POLITICAL TREASON AND GENDER SUBVERSION

⁷² JUNTA DE GOBIERNO (1982), pp. 27-28.

⁷³ JUNTA DE GOBIERNO (1976a), p. 60.

⁷⁴ MARRAS (1988), p. 69.

⁷⁵ MADARIAGA (2002), p. 61.

In 1983—a year marked by massive waves of protests resulting from the economic crisis and increasing international pressure against the regime—Madariaga left the Ministry of Justice to assume the Ministry of Education. Her appointment was due to Pinochet's belief that “toughness” was needed in this key Ministry, and Madariaga had more than proven her ability to exercise it.⁷⁶ However, the lawyer held this position for only eight months, as tensions quickly emerged with the rest of the military government due to her increasingly autonomous and outspoken style.

Indeed, this position gave her more direct contact with the public and with union leaders, such as teachers, as well as greater media visibility. This was reflected, for example, in her being the only woman chosen in a list of “Five Most Exemplary Chileans,” according to a survey and report published by *Revista del Domingo* of *El Mercurio* in September 1983. In the statements accompanying this report, respondents referred to her “admirable strength”, “absolute honesty”, “strong will”, “charisma”, “undisputed intelligence”, and “great public service vocation.” They highlighted that she was “dedicated, correct, and very brave”, “very executive, with organizational capacity”, “brilliant”, an example of “consistency, effort, and professionalism”, and had “fortitude and strong will.”⁷⁷ Around the same time, *La Segunda* conducted a similar survey of high school students, during which Madariaga was recognized by the youth as “a representative of Chilean women in positions of great responsibility.”⁷⁸

These flattering epithets demonstrated the public standing that the Minister had achieved at a particularly complex moment for the regime. And although the praise came from pro-regime media, Madariaga's positive public evaluation—based on masculinized attributes such as strength, intelligence, and responsibility—stood in contrast to the sense of crisis in other areas of the government. During the same period, Madariaga appears to have become increasingly distant from the regime's nerve center: indeed, since 1981, her interventions in Junta sessions had become progressively rarer (see Figure 1).

It was in this context that Madariaga began making public statements revealing her critical stance against the military's hegemony in the state apparatus. Her criticisms were directed at the “rector-delegates”, that is, the military officers who had been running public universities for ten years, and whom Madariaga considered unfit for academic positions. This criticism, unacceptable to the military leading circles, combined with the freedoms she promised to mobilized university students and her opposition to several reforms in secondary and higher education, led to her departure from the position.⁷⁹

Despite her boldness, Madariaga still had the trust of General Pinochet, who decided to appoint her as ambassador to the OAS in Washington, D.C., where she assumed the Presidency of the Permanent Council. Her arrival at the OAS coincided with renewed attacks on the government in the international arena, particularly concerning the repression of the massive protest movements.⁸⁰

In this difficult position, and in the context of what she perceived as the “inefficiency” of the Council, Madariaga boasted in her memoirs about having imposed “a strict regime.

⁷⁶ MADARIAGA (2002), p. 118.

⁷⁷ “Los chilenos ejemplares” (1983).

⁷⁸ “¿Quiénes son hoy los ‘ídolos’ de los colegiales?” (1983).

⁷⁹ “Rectores apoyan actuales leyes universitarias” (1983); MADARIAGA (2002), pp. 145–146.

⁸⁰ IACHR (1984), chapter IV; VARGAS VIANCOS (1990).

There were those who called me the other Iron Lady, undoubtedly referring to Thatcher.”⁸¹ Her tenure was quickly marked by recognition from her diplomatic peers. International press reported that “In the last year, despite what has gone on (in Chile), there have not really been any attacks against Chile in the OAS, because she was such a forceful person.”⁸² This recognition—again, based on a masculinized performance—resulted in her election as chair of the OAS Legal and Political Committee, although it was noted that this appointment was made in a personal capacity “and not by virtue of the representation she held” as Chile’s ambassador.⁸³

However, at the same time that Madariaga gained more power and political recognition abroad, her doubts about the methods employed by the regime also grew, gradually leading her to criticize it. She claimed that thanks to her stay abroad, she began to “break out of the bubble” of misinformation imposed by the military regime itself.⁸⁴ Only then would she have become aware of the serious human rights violations committed by the government she had been a part of.

My deep concerns were focused on the information received abroad about the repression unleashed in Chile [...] There was talk of severe torture; of people horrifically mutilated [...] Of bodies thrown into the sea. In short, of situations that, honestly, I believe no civilian who collaborated with the government at ministerial levels, ever had any opportunity to know about. Much less a female minister, who, by her **very feminine nature**, was, of course, **considered an untrustworthy person by the national security agents**.⁸⁵

While the honesty of Madariaga regarding her ignorance of human rights violations is debatable, we emphasize the way in which, in her memoirs, she used her female gender identity—something she had often deemed irrelevant—as a mechanism to distance herself from the atrocities of the dictatorship. By drawing a clear separation between the military and civilian spheres within the regime, her female gender allowed her to distance herself from the reprehensible actions of the military. It is due to her condition as a woman that she could never have had access to the inner circle of the military, and therefore, to their darkest secrets.

In light of this discourse, we can also better understand the emphasis in her accounts after 1985 regarding her subordinate position and her role as a mere “executor” and not an “ideologue” of the regime: her gender-based subordination distances her from the military regime, through which she seeks to lessen her political responsibility.

Moreover, the break between the lawyer and the military regime also had a gender component. Madariaga recounts her final interview with Pinochet in the following way:

He told me that he had very little time to attend to me, as he had to attend a meeting with the ladies of CEMA CHILE [organization of Mothers’ Centers]. I remember firmly replying that I was his ambassador to the Americas, so my observations had some validity. And that, moreover, as President of the Permanent Council of the OAS, I held the rank of a head of state, so we were, in a way, ‘almost’ equals. None of that

⁸¹ MADARIAGA (2002), p. 166.

⁸² GOLDEN (1985).

⁸³ MADARIAGA (2002), p. 167.

⁸⁴ GONZÁLEZ (1985); “Derechos Humanos: el tejado de vidrio de la derecha” (1985).

⁸⁵ MADARIAGA (2002), p. 184 (bold text added).

mattered in the face of the urgency generated by the ladies gathered at CEMA... which led me to leave his presidential offices with a ‘goodbye forever’... punctuated by a door slammed shut.⁸⁶

This narrative not only shows Madariaga’s disdain for women who conform to the stereotype of femininity and domesticity, but also the assertion of her own power by positioning herself “as an equal” with the dictator. In any case, her frustration with Pinochet stems both from their political disagreement and from the lack of respect he shows for the ambassador’s authority, which is compounded by the humiliation of being placed as a second priority to the “housewives ladies” of CEMA.

Her discontent ultimately manifested in an interview where she stated that with Pinochet “we have profoundly diverged in our personal views on matters and ways of governing.”⁸⁷ These statements led to her immediate dismissal, but due to her prominent public profile, they did not prevent her return to Chile.⁸⁸

From that moment on, Madariaga became an important voice among certain “repentant” sectors of the right that distanced themselves from the dictatorship.⁸⁹ In a famous interview in 1985, she revealed and denounced certain practices of the regime and “asked for forgiveness” for her role in it. She then declared: “It will be quite difficult for the institutions of National Defense to face this judgment. That’s why I believe that **as a woman, I must raise my voice** and say, ‘here I am, judge me.’ With this, I want to **set an example of courage**, of presence.”⁹⁰

Here, Madariaga once again performs a masterful use of her gender identity for political purposes: on one hand, she invokes masculine attributes such as courage and presence to highlight the cowardice of the military men who are unable to assume responsibility for their actions. Simultaneously, by speaking “as a woman,” she reaffirms her female identity as a way to differentiate herself from the military and present herself as an alternative and genuinely feminine political leadership.

In 1986, in an interview for a book highlighting female leadership in Chilean history, she expanded on this view by stating that women’s contributions to national life are based on what differentiates them from men, such as the “renunciation... of personalism,” being the one who “creates, generates, and cares,” “the voice of love, understanding, the voice against arrogance.”⁹¹ Abandoning her “masculinized equality” paradigm from the 1970s, in her mid-80s narrative, her political critique of the regime aligns with the discourse of feminine difference. She thus expresses the possibility of transcending male military hegemony and unconditionally affirms her own autonomy.

VI. CONCLUSIONS

During the transition to democracy in the 1990s, the discomfort that Mónica Madariaga caused across all sectors —particularly within the right— led to the failure of her political career and reduced her to a merely anecdotal figure.⁹² Both perpetrator and opponent, loyal and

⁸⁶ MADARIAGA (2002), pp. 183–184.

⁸⁷ “Mónica Madariaga: una mujer que no teme decir la verdad” (1985).

⁸⁸ MADARIAGA (2002), pp. 181–194.

⁸⁹ CÁRDENAS (1985); STEPHENS FREIRE (1985–1986); PAULSEN (1985–1986).

⁹⁰ GONZÁLEZ (1985), p. 20 (bold text added).

⁹¹ MEZA (1986), p. 260.

⁹² CORREA (1991).

traitorous, oppressor and oppressed, masculinized woman and subordinated leader, Mónica Madariaga simultaneously reproduced and subverted the gender norms of the dictatorial patriarchal culture, breaking all the established political categories of the time. As a result, she destabilized the “emblematic memories” of the dictatorship period⁹³ and was consequently forgotten.

Bringing Mónica Madariaga out of oblivion and analyzing her professional and political career through the lens of gender identity and performativity has allowed us to shed light on the paradoxes underlying the construction of the dictatorial legal system. It was not only a *de facto* government that relied heavily on the law to establish its legitimacy⁹⁴ but also a regime of military men who needed the support of civilian women to consolidate its power.⁹⁵ Mónica Madariaga embodied this crucial female support for the military regime in the legal sphere, while she also strained its patriarchal logic, demonstrating that civilian women were as capable as military men of exercising power through an authoritarian legal order.

Indeed, by showing that the key to Mónica Madariaga’s rise lay in the performance of a masculinized and subordinate professionalism, it becomes evident, through this lens, that this was precisely one of the foundations of the patriarchal legal culture under the dictatorship: the law was conceived as a technical tool at the service of exercising violence, which had to conform servilely to the dictates of the military leaders while maintaining a professional appearance of neutrality and autonomy to serve as a tool for legitimizing military power. The patriarchal dimension of law during the dictatorial regime was reinforced by notions of hierarchy and obedience derived from military organization and the valorization of strength and toughness as required attributes for wielding power.

As feminist legal theory has shown, the instrumental conception of law and its attributes of strength, neutrality, autonomy, or objectivity are permeated by gender dynamics that confer superiority upon these categories over their opposites –weakness, partiality, dependence, subjectivity– associated with feminine traits.⁹⁶

The study of Mónica Madariaga’s gender performance sheds light on how this gender conception historically manifested in the legal culture of the dictatorship: the recognition Madariaga received from her peers and the public stemmed from her possession of these masculinized attributes. In her contemporary and retrospective discourses, she appropriated these categories and proudly presented them as the key to her professional advancement.

On the other hand, the research demonstrated the paradoxical dimension and destabilizing character that a woman who mastered the exercise of this masculine legal power could embody. As Madariaga displayed autonomy based on her mastery of the force and technique of law, she became increasingly critical of the regime’s management, precisely at the moment when it began to show signs of weakness. Her final break coincides with the realization abroad that her power transcended that of the dictator she had served blindly until then. At that moment, it became possible to reclaim her female identity as a differentiating element that empowered her, rather than weakened her.

⁹³ STERN (2004).

⁹⁴ BARROS (2002).

⁹⁵ GREZ (2021); VALDIVIA (2011).

⁹⁶ OLSEN (1990).

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