

Democratic Latin America

THIRD EDITION

CRAIG L. ARCENEUX



“This updated and expanded edition of *Democratic Latin America* remains the best textbook available on this important region. Its focus on institutions, joining of concepts with country cases, and coverage of 18 countries makes it an unparalleled teaching tool, while its superb organization and writing style makes it extremely accessible to students.”

—David Pion-Berlin, *Professor of Political Science,
University of California, Riverside*

“Ever since I first had the opportunity to review the first edition of *Democratic Latin America* by Craig L. Arceneaux there has not been a textbook for any of the regions I teach that I am more excited about. It provides a thorough overview of all the major institutional dynamics that you would want students to understand, while also providing detailed examples from individual countries. The latest edition includes valuable new discussions of the peace accords in Colombia, political changes in Cuba, the recent surge in protests all over the region (especially Chile), new examples of executive removals and impeachments, and the evangelical movement. A particularly useful addition is the discussion of neo-populism in Latin America, reflected in the recent elections of López Obrador in Mexico and Bolsonaro in Brazil. Arceneaux provides a thorough overview of the concept of populism and explores its unique Latin American features as well as the characteristics of the current wave of populism in the region.”

—Eduardo Magalhães III,
Professor of Political Science, Simpson College



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Democratic Latin America

The third edition of *Democratic Latin America* retains its classic institutional approach to understand contemporary Latin American politics. Each chapter focuses on a different institution and compares how they are constructed differently across countries. Placing a premium on accessibility, the chapters open with a story and end with a detailed country case study, making use of contemporary examples to feed student interest in current events, with comparison-based tables and box features interspersed throughout to stimulate analysis. Every chapter finishes with a set of questions and recommended readings. This allows for a very practical approach to politics that encourages critical analysis.

Updates to this new edition include:

- updated comparison-based tables and box features to stimulate analysis;
- revised “Country in the Spotlight” to include developments unique to each country; and
- discussions on political change in Cuba, indigenous peoples and political power, neopopulism, impeachment procedures, transitional justice, the 2019 protests, the new militarism, the mobilization of women against violence, LGBT rights, the evangelical movement, and the Colombian peace process.

A clear-eyed look at political institutions to provide a road map to the political activity in a country, *Democratic Latin America* continues to offer an original way of teaching and learning about Latin American politics.

Craig L. Arceneaux is Professor of Political Science at California Polytechnic State University, San Luis Obispo. He is author of *Bounded Missions: Democratization in the Southern Cone and Brazil*, co-author of *Transforming Latin America*, and editor of *The Other World: Issues and Politics of the Developing World*, in addition to various scholarly articles on civil-military relations, democratization, and elections in Latin America.



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Democratic Latin America

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To the victims of the COVID-19 virus, may their legacy for the survivors be a reminder that societies will always live together and governments must always work together.



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Preface

At my university, I have had the privilege to accompany my students on several study abroad programs. Not too long ago, I traveled with a group of students to Cusco, Peru. As those familiar with Latin America well know, protest activity is common throughout the region, but things were particularly turbulent on our trip. A wide range of groups had latched on to a labor protest by a teacher's union to voice their grievances in a series of marches and work stoppages. Students had difficulty getting to classes, roadblocks threatened our weekend excursions, and the prospects for violence were very real. The reaction from my students was the same I had seen from other student groups and even in companions with whom I have traveled in the past. They commented on the passion they saw in Peruvian politics and compared it to the apathy they more typically observed in the United States. For the students, the protests were an exciting, even commendable thing.

I could hardly disagree with these impressions. When people sense injustice, they have every right to respond. And yes, all too often we do not see this spirited behavior in the United States. But it was not that the reactions of my students were incorrect; it was that they were incomplete. I pressed my students to think more deeply about just why Peruvians had decided to take to the streets. What prompted the sense of injustice in the first place? How did Peruvians come to decide that protest was their only option? And how was it that a narrow protest by teachers transformed into a clamor over inflation, unemployment, indigenous rights in the Amazon, workers' conditions – even a call for a new constitution.

With a little prodding, the students soon linked the protest activity to certain features of government such as responsiveness, accountability, representation, and efficiency. A healthy democracy exhibits – and fiercely defends – protest activity. Likewise, a healthy democracy recognizes conflict as an inherent property of politics. But when activism becomes almost routine, such that it rather than government appears to be the central forum for popular expression, this tells us that something is wrong, that government institutions are failing to do their job. It is one thing to celebrate the political

passion we see as groups take to the streets, but the larger question is how government can uphold its commitment as a representative of the people. I advised my students that the answer rests within government institutions. Much like a bridge or a building, there are different ways to construct government institutions and to make improvements so that they are geared toward responsiveness, efficiency, and other valued objectives. The struggle for democracy, then, really is all about institutions.

Democratic Latin America seeks to provide that insight. It covers much of the same history, topics, issues, and concepts found in most introductory texts on Latin America, but it does so from the angle of institutions. It therefore not only provides a fresh look at the region but also does so from a perspective that appropriately represents the prevailing approach in the field of comparative politics.

Other core texts on Latin America tend to leave out or give only brief attention to political institutions. There is a false impression that Latin American political institutions – specifically presidentialism – are little more than a replay of U.S. political institutions and that therefore there is no need to discuss what is already familiar to most people. This is, of course, patently wrong. As I document, political institutions in Latin America are distinct. Presidentialism blends with elements of parliamentarism, both bicameral and unicameral legislatures operate in the region, most countries do not use federalism, the proportional-based electoral systems produce numerous and disparate parties, and the court systems work according to code law rather than common law.

The oversight in most textbooks is curious because it has become fashionable in academic studies to highlight the importance of institutions. But oddly, that same level of appreciation does not find a counterpart in our textbooks on Latin America. This may be due to the long history of colonialism and independent rule in the region – much longer than most other developing areas of the world. It also may be due to the significant influence of the region by the United States. These are no doubt important considerations, and they are not ignored in this text. But in too many texts, they crowd out due attention to institutions and their formative influence on political behavior. Through institutions, students will gain a deeper understanding of the everyday politics they see in Latin America such as the political protests seen by my students in Peru.

Why institutions? Political institutions provide a road map to the political activity in a country. They offer a straightforward introduction to the politics of a country, one that is readily grasped by students. In addition, they help us to highlight practical politics as we uncover variations in institutional design and the consequences for political outcomes. There is no denying that some political actors will at times use informal institutions, or work outside government institutions. But the fact remains that government institutions provide a primary point of reference as political actors, be they inside or outside of government, pursue and protect their interests.

Features

Drawing on examples from the 18 democratic countries of the region that fell under Spanish or Portuguese colonialism (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela), *Democratic Latin America* works through the major political institutions one by one, granting each a separate chapter, but the use of consistent examples and individual case studies provides the country-based detail desired by students and regional specialists who teach courses on Latin America. While discussing the basic design of different institutions, the text also makes extensive references to current political events in the region. It makes ample use of tables and timely data on electoral results, partisan representation in congress, descriptive statistics on different institutions (e.g., powers of the supreme court and size of the armed forces), and more.

Coverage

Chapter 1 begins the book with an introduction to the institutional approach to politics, and then overviews contemporary democratic Latin America. Both institutions and democratic transitions are approached from a theoretical standpoint. The reader is immediately acquainted with the range of democratic development in the region, and the way in which political rights and civil liberties may vary. Chapter 2 provides the background material required to understand institutional development. After a short section on geography and demography, it traces the history of the region from the pre-Colombian period to independence. Among other concepts, it introduces the important concepts of state and nation to provide a basis upon which to assess development in the region. Chapter 3 launches the survey of contemporary institutions with an examination of their constitutional framework. It picks up on the history of the region since independence, and traces questions of political economy over time. Most of all, it pays particular attention to questions of constitutional change.

Chapters 4, 5, and 6 cover the core constitutions of national government. The chapter on executives emphasizes the distinction of presidentialism in Latin America, and special attention is granted to the design and consequences of presidential power. Chapter 5 looks at legislatures, and highlights how underdevelopment often hinders the ability of a congressional chamber to play its part in a balance-of-power system. It also looks at the growing representation of women and the indigenous in legislative assemblies to recognize the liveliness of Latin American political institutions. Chapter 6 does what few other introductory texts on Latin America do. It discusses the role of the judiciary and lays out the differences between common law and code law practices to once again underscore just how differently institutions in

the region work. Here students are asked to think rather deeply about the role of the rule of law in a democratic system, and how judicial institutions can contribute to the rule of law.

Chapter 7 spotlights the focal point of democratic government – elections. It does not simply distinguish between majoritarian and proportional systems, but recognizes that in reality most electoral systems mix these formulas, and it also specifies the other features of electoral systems that affect the distribution of votes. A section on electoral commissions and observation missions raises the point that elections are but one part of a longer electoral cycle that raises democratic concerns throughout. Chapter 8 examines that one institution which stands with one foot in society and one in government – the political party. It identifies the recent rise in social movements and how they have usurped some traditional party functions, but it clarifies the unique contributions that both civil society and parties make in a democracy.

Chapter 9 looks at federalism and unitary government, and the institutions that complete them. Decentralization has been a hallmark of this democratic wave, making the relations between national, regional, and local government pivotal to contemporary issues of democratic consolidation. Finally, Chapter 10 looks at civil-military relations. This is one area that has received attention from other introductory texts on Latin America, but they typically rivet their attention on issues of military intervention given the past history of the region. This chapter is forward-looking and looks expressly at what it takes to construct civil-military relations in a democracy, paying particular attention to the critical role of the ministry of defense and the impact of new military missions.

Pedagogy

As organized, this book strives to answer all the *what* questions that surround political institutions. It is filled with systematic descriptions in a way that encourages comparisons between countries. That is apparent from the organization of the chapters, each of which includes a “Comparing Countries” box that focuses on in-depth cross-national comparison of a specific institutional issue. But it also addresses the *why* and *how* questions that are so important to critical thinking, those questions that probe where political institutions came from, uncover cultural norms and traditions in institutions, and assess the political consequences of institutional choices. By recognizing how institutions both embrace values and attend to problems, it exposes students to normative and practical politics. Each chapter also ends with a “Country in the Spotlight” box that applies the concepts and issues raised in the chapter to a specific case study in detail.

In addition, important terms are highlighted throughout the text, and an effort has been made to ensure that tables and figures do not simply sit aside the narrative, but rather develop and illustrate a significant point. Photos

further enliven the text, and remind the reader that the material is not just an academic exercise – it deals with real-life people and events. Readers will find additional helpful readings in annotated bibliographies at the end of each chapter.

New to This Edition

- Updates to chapter opening vignettes, examples, tables and statistics with references to some of the most recent political developments in Latin America, including the consolidation of the opposition in Venezuela, the removal of Evo Morales in Bolivia, the crisis of representation in Chile, the end of anti-corruption efforts in Guatemala, the rise of the Civic Alliance in Nicaragua, the emergence of neopopulist figures such as Jair Bolsonaro in Brazil and López Obrador in Mexico, the return of Kirchnerismo in Argentina, and the turn from traditional parties in El Salvador
- New sections on political change in Cuba, the peace accords in Colombia, transitional justice in Argentina and Brazil, the neopopulist challenge, and the indigenous in contemporary Latin America.
- Discussions on the 2019 surge in protest activity, and growing dissatisfaction with democracy.
- Additional discussion of removal and impeachment procedures in Latin America.
- Expanded references to the struggle for the rights of women, indigenous, and LGBT groups, and the impact of the evangelical movement.
- Extended reference to the impact of technology, such as social media and protest, the use of crowd sourcing to address government accountability, and web source designs used by public officials to enhance transparency.
- More detailed discussions on the impact of crime, criminal organizations, and corruption, and the emergence of “the new militarism.”

Craig L. Arceneaux



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Acknowledgments

Few books emerge from the hands of one person alone, and this work is no exception. The motivation to write this book came from the many students at California Polytechnic State University, San Luis Obispo, I have encountered over the years while teaching courses on Latin American politics. A number of them – too many to name – provided helpful comments on early drafts of the chapters. For this edition, a special expression of gratitude goes to my two student assistants, Sophie Moore and Alice Sukhostavskiy. I would also like to thank my manuscript reviewers from all editions of the book, including Michelle Bonner, the University of Victoria; Roger Durham, Aquinas College; Ingrid Erickson, University of Florida; Eduardo Magalhães, Simpson College; Scott Morgenstern, the University of Pittsburgh; Gregory Schmidt, University of Texas at El Paso; Sebastian Urioste, the University of Oregon; David Pion-Berlin, University of California Riverside; and Salvador Rivera, SUNY – Cobleskill. Their knowledge of Latin America, students' interests, and pedagogy was evident, and stimulated deep reflections. I have tried to incorporate their suggestions where possible, and I truly hope that the final work lives up to their expectations and that this third edition further addresses their helpful comments. I also would like to acknowledge the contributions of my family, Kathryn and Danielle, who offered – all too often unwillingly – those most precious commodities, time and tolerance. And finally, I would like to extend in advance a note of appreciation to the readers. It is my genuine hope that this book enriches the understanding of Latin American politics by students and enhances the teaching experience of professors, and I welcome any comments from the readers. In closing, I note that any errors of omission or commission remain with the author alone.



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1 An Institutional Approach to Democracy and Democratization in Latin America



Photo 1.1 Statue of Independence Hero General Manuel Belgrano in front of the Presidential Palace (Casa Rosada): Argentine institutions have shaped, embodied, and reacted to the history of the country since independence.

Source: © Shutterstock

Every year international travelers flock to Buenos Aires, Argentina. They are lured by its cosmopolitan charm, famed artistic expressions, and entertaining nightlife. Many come from neighboring Uruguay or Brazil, and many others come from northern horizons on the other side of the world. Their journey is a long one, and most arrive nagged by jet lag and just a bit dazed by the fact that it is no longer summer, but winter – or vice versa. But in many respects Buenos Aires can be approached like other cities, and this provides some comfort to the otherwise flustered traveler. There are taxis, buses, and rental cars for transportation from the airport. Hotels,

2 *An Institutional Approach to Democracy*

restaurants, bars, and shops dot its urban core. Crowds flood its streets in synchronicity with the workday. Street peddlers and musicians struggle to make a living. There are signs of fabulous wealth such as the luxurious flats of Palermo or Recoleta that sit near Audi dealerships and overlook spacious parks. And there are scenes of desperation, found with uncomfortable ease in the working-class streets of La Boca. The inequality is disturbing, but it is also found in most any large city.

Visitors familiar with government institutions in the United States find a superficial sense of familiarity in the large edifices devoted to Congress, the executive branch, and the Supreme Court. There is a separation of powers here too. The congressional palace is laid out in a symmetrical Greco-Roman style, with large fluted columns up front, and a huge dome on top. The U.S. Capitol Building immediately comes to mind. But the subtle differences are unavoidable, and become defining in short order. The dome is copper clad with a green patina finish. It juts upward narrowly to affirm the Italian design in fashion when the architect drafted the blueprints in the 1890s. Statues of majestic birds with their wings spread about a large monument up front. Eagles come to mind – but these are condors. Up Avenida de Mayo one finds the executive building. It is called the Casa Rosada (Pink House), and that seems to mimic the presidential home in the United States, but still it is pink, not white. Moreover, the president of Argentina only works here. His residence is outside the main city area at an estate known as Quinta de Olivos. Finally, these travelers would not be surprised by the stately building that houses the Supreme Court of Argentina. But few would realize that the magistrates inside mete out justice through a code law tradition influenced by France, and thus work very differently than the judges who practice under common law in Great Britain and the United States.

And as it turns out, Buenos Aires is not just like any other city in the world. It has its own history, culture, and rhythm. The tango, gaucho folklore, passionate nationalism, Boca Juniors (or River Plate) soccer team, appreciation for theater, *mate* drink, grilled meat (*asados*), penchant for mass protests, and an immigrant history all mix to produce a unique city and people. Visitors arrive precisely to experience all that is distinctive about Buenos Aires, and Argentina. And most are not so oblivious – they know that the country offers its own history and politics. But few grasp just how and why the history and politics of Argentina have developed as they have. And those who seek to know more rarely consider the makeup of government institutions, because they appear so comparable to those in the United States. But that is a mistake. After all, when Argentines look at the Casa Rosada, they do not mull over the similarity of the name to the White House. They are more likely to reflect on the rose color. Legend has it that the color came about as a compromise after a civil war that pit those seeking a centralized government – represented by the color white – against those hoping to keep power in the regions – represented by the color red.¹ Relations between the federal and regional governments remain very important to contemporary politics in Argentina.

Put simply, the institutions of Latin America are not simple replays of what we see in the United States. The president of Argentina does share a title with the president of the United States, but he holds different powers. Faced with an uncompromising congress, he can appeal directly to the people with a consultation on desired legislation. Although nonbinding, the consultation can pressure congress. And he holds power not only to veto legislation but also to veto only selections of a bill and to sign into law other portions. The president of the United States can take neither of these actions. Federalism, parties, congress, and other institutions found in democracies also work in distinct ways in Argentina, such that knowledge of their details and mechanics provides an engaging doorway to the politics of the country. This is a doorway all too often passed by those that glance at institutional labels – such as president, supreme court, ministry of defense, or election – and presume that politics works the same as in other countries with institutions of the same name. And beyond the practice of politics, a survey of institutions also offers a gateway to the history and culture of a country. This is because institutions are reservoirs of national memory that define what is important and cherished by a people.

Raúl Alfonsín knew the power of institutions. He was the president who followed the brutal military regime that ruled Argentina from 1976 to 1983. This was a regime that had dismissed the entire government and proclaimed that it would enact a “process of national reorganization.” It even referred to itself as “The ‘Proceso’ (Process).” Audacious as they were, the military rulers failed miserably. They lacked all legitimacy such that any institution they proposed could survive only if backed by force. But even as they retreated to the barracks, the armed forces held out hope that some of their legislation and institutional reforms would provide a base for the civilian government that followed. Alfonsín rejected that thought. He campaigned on the promise to reinstate the original Constitution of 1853. It was for civilians alone, through democratic procedures, to decide their government. A return to the founding constitution would affirm a popular commitment to the beliefs and values upon which the country stood – and lay bare the folly of military attempts to compose institutions out of thin air.

Institutions cannot, and do not, just appear from nowhere. They echo the historical, cultural, and political consciousness of a nation. But nations do change over time – sometimes dramatically. A wave of immigration at the turn of the nineteenth century literally remade the Argentine nation. Industrialization after World War II gave the working class a powerful voice. Changes like this take place on a stage created by institutions. Over time immigrants and working-class groups found their way into the electoral system as suffrage expanded and new parties reached out to them. Sometimes the changes overwhelm institutions, and powerful actors move in to assert their control. This happened in Argentina when the armed forces, primed by Cold War attitudes and fearful of working-class mobilizations, intervened in 1976. But as noted, that is a difficult task because institutions have roots, and staying power.

And at other times, actors reassess their institutional stage and take it upon themselves to rearrange the set. This happened shortly after the transition to democracy in Argentina. The president who followed Alfonsín, Carlos Menem (1989–99), pushed constitutional interpretations to their limits as he made ample use of his decree powers to confront an economic crisis, and overhauled the judiciary with sympathetic appointees who would not dare to question his actions. But in one respect, the constitution was crystal clear – it prohibited a second term for the president. This was something Menem dearly desired. Alfonsín, now leader of the opposition, saw an opportunity and met with Menem to negotiate constitutional reforms in 1994. One reform allowed Menem to take another run at the presidency (which he won in 1995), but others reduced executive powers and strengthened judicial independence. Political actors in Argentina worked out their differences through institutional changes.

Political actors may gain opportunities to shape institutions, but today it is nearly impossible for them to craft institutions that plainly and durably reflect their interests. The pressures from history and culture, the interests of opposing political leaders and groups, and the complexity of institutions and their interactions ensure that institutions possess autonomy in the long run. Menem did get his second term, but as part of the compromise he relinquished authority over Buenos Aires – the president would no longer appoint its mayor, nor control its massive budget. And as it turns out, the city provided a political and economic base for Menem's opponents to mobilize. Buenos Aires elected a Menem foe, Fernando de la Rúa, as its first mayor in 1996. He would move on to win the presidency in 1999. Carlos Menem could influence a scene in Argentine politics, but he could hardly control the following act.

And what happens when institutions drift from fundamental expectations and beliefs in society, and begin to lose their legitimacy? De la Rúa took the presidency riding a wave of opposition to Menem that grew as corruption scandals came to light and the economy once again went sour. But he did little to address corruption, and did little more than ask Argentines to tighten their belts as the economic crisis deepened. Worst of all, he prohibited access to savings accounts as a stop gap measure to prevent a run on the banks. De la Rúa's supporters took a hit in congressional elections, and the government stagnated. Protestors took to the streets under the banner *¡Que se vayan todos!* – “Throw them all out!” Rioting erupted, and more than two dozen died in confrontations with police in late December 2001. Mounting protests forced de la Rúa from office, and triggered a succession of four presidents in three weeks. A commitment to hold early elections on the presidency helped to restore the calm. The Argentine example illustrates how social mobilization and protest often act as the mirror image of institutional development. Institutions move politics from the street to the halls of government. But when they fail, the opposite occurs.

It would be up to the winner of the 2003 presidential elections, Néstor Kirchner, to restore confidence in democratic institutions. He removed justices tainted by corruption, overturned amnesty laws that shielded soldiers implicated during the military regime, and stood up to international banks that demanded harsh austerity measures for the Argentine public. He left office as the most popular departing president in the history of Argentina in 2007, when he was succeeded by his wife, Cristina Fernández de Kirchner, who would win another term in 2011. But Fernández reignited memories of Menem as she made ample use of executive decrees to address a declining economy and sidestep a fractured Congress. And disturbing allegations of corruption emerged. Argentines grew suspicious in 2013 when Fernández pushed judicial reforms that limited investigations into government actions and opened the magistrates council, a body that appoints judges, to elections and partisan affiliation. But the Supreme Court was not about to relinquish the independence it formed during Néstor's term. It declared the reform unconstitutional. Fernández's brashness toward institutions did little for her flagging reputation and opened the door for a member of the opposition, Mauricio Macri, to win the presidency in 2016. The Macri Administration and the return of Fernández and the Peronists to the presidency in 2019 are addressed in Chapter 4.

In Argentina and elsewhere, institutions serve as a central forum in the struggle for democracy. Their makeup provides insight into the history and culture of a country. Their rules establish guidelines for political actors to negotiate their differences. Their offices serve as a target for actors seeking political power. Likewise, at any given time a snapshot of institutional offices reveals who has power, and who does not. And their legitimacy reveals the prospects for political instability. Most of all, institutions make for an intriguing subject. It is not only interesting to learn about the manifold ways democratic institutions can be designed. It is practical as well. Latin America is filled with countries on the road toward democratic consolidation – some further than others. Whether or not they succeed will be affected significantly by institutional choices. If we envision democracy as a constellation of institutions, and accept that these institutions can take on different features, we open the possibility of **institutional engineering**. For most countries, success on the road to democracy requires “getting institutions right” – tuning them for the right balance of conflict and consensus required for democratic debate and resolution. This chapter continues with an explanation of just how institutions offer an insightful and pragmatic approach to the study of democracy.

Institutions and the Study of Democratic Politics

There is tremendous interest in the prospects for continued democratization in Latin America. How critical is democracy to stability in Venezuela? What did the 2009 removal of President Manuel Zelaya mean for democracy

in Honduras? Can democracy survive the drug war in Mexico? Would a stronger democracy have prevented many of the problems and controversies surrounding the 2016 Olympics in Brazil? Costa Rica is special, because its democracy has lasted so long. But all this interest in democracy usually does not translate into an interest in political institutions. This is odd, because efforts by the United States to “remake” political regimes in Iraq and Afghanistan enlivened debates over how constitutional design affects the prospects for democracy. Should a country choose parliamentarism or presidentialism? How much authority should be delegated to the lower levels of government? How much autonomy should the judiciary receive? Should the president be granted emergency powers? Should some legislative seats be reserved for minority groups? Of course, countries in Latin America have already selected their institutions. But that just leads us to reflect on the wisdom of those choices, why those choices were made, what the impact might be, and if needed, what room there might be for modifications. Latin America provides a compelling backdrop to these questions given the number of democracies resting at different levels of consolidation.

And numbers matter here. When we study institutions in a comparative context – in this case, across 18 different countries – we expose a range of institutional possibilities and the consequences for political behavior that follow. Hence, while we might all agree on democratic rule, it is another matter to recognize that there are multiple ways of “doing” democracy. For example, in several Latin American countries, a constitutional tribunal can be asked to rule on the constitutionality of a bill before it is passed by congress. In the United States, such action must wait not only until after the bill becomes law but also until after it adversely affects a citizen, who then gains standing to bring the case to court. One might say that there is a question of efficiency here, but there is also a question of political power. Is a court that can rule on the constitutionality of legislation before it is passed more powerful than one that is denied this capacity? Perhaps, but a careful assessment would reveal that it all depends on whether the court can take action on its own – or if it must be prompted to act by some other actor, and it also depends on the conditions under which the request must be made. Are a certain number of legislators required to draft the request, are there time limitations, and, perhaps most importantly, is the ruling binding or advisory? Finally, who appoints these judges? Do short term lengths impair their independence? Different Latin American countries have designed different institutions to answer these questions.

What Is an Institution?

What do we mean by *institution*? At their core, institutions are “humanly devised constraints that shape human interaction” (North, 1990, p. 3). They lay out the rules and procedures we must follow if we are to achieve our goals. We work through institutions on a daily basis in all areas of life as

we interact with others. Consider the signals you deliver to another person you might see while walking. Do you make eye contact? Do you hold that contact for a period of time? Do you offer a smile? Do you introduce yourself and extend your hand for a shake? These sorts of social conventions are **informal institutions** – they are not expressly defined and written in some code book – but we all have some sense of the messages they send in a given context. And we tend to follow these rules because they allow us to deliver information rather easily to others – even to strangers. Insofar as most all members of a community instill these informal institutions with shared meanings and find their use convenient (or, more accurately, efficient), they create expectations of behavior and the institutions take on a self-enforcing quality (Knight, 1992, pp. 173–86).

Formal institutions, on the other hand, are explicit and look to a third party for enforcement. One need only reflect on a recent drive for an example of a formal institution. There are published rules for driving, and disobedience elicits an immediate enforcement mechanism through a moving violation ticket or other sort of sanction. You and your fellow drivers represent the parties in this instance, and the local police the third party. Organizations, such as a university or workplace, look to formal institutions to regulate their members and activities. Every student in pursuit of a degree is well aware of the rules that must be followed – in the form of required coursework – to achieve graduation. And every employee typically finds a role within the division of labor established by a business organization, and sits within a well-defined hierarchy. Indeed, nearly every decision and action we take is made within the context of some institution, whether formal and codified or not.

Political institutions represent a subset of all institutions – they are different from social institutions such as a book reading club or economic institutions such as the free market. In particular, political institutions shape the scope of human interaction that expressly revolves around questions of power. And within the family of political institutions, government institutions are those that hold legal authority. The Coordinating Committee for the Defense of Water and Life is a grassroots organization located in Cochabamba, Bolivia. It is a political institution, formed by citizens to support public access to water and utility rates. The Congress of Bolivia also deals with water rights and it is a political institution too, but more specifically it is a government institution. What separates government institutions from other political institutions is that the law grants them the right to act on behalf of all members of a society. And under democratic government institutions, that law emerges from a process of popular consent.

Some of these government institutions take on an informal character, but they can still be formidable. In the United States, there are no vocational requirements for nominees to the Supreme Court, but no president would think of proposing a candidate lacking credentials in the field of law. In Chile, President Michelle Bachelet pushed a gender parity standard for

cabinet appointments in her first term (2006–10), and created the Ministry of Women and Gender Equality when she was re-elected in 2014. The appointments waned during her second term, and her successor, conservative President Sebastián Piñera, invited even less women to his cabinet. But Bachelet's moves initiated debate and awareness of gender disparities. Chileans increasingly expect gender differences to be addressed, which may mark an emerging informal institution. Indeed, soon after the start of his term in 2018, Piñera signed a constitutional reform bill obliging the state to promote gender equality. And other informal institutions, strong and weak alike, abound in government, as in the expectations of decorum in matters of parliamentary procedure.²

Despite the significance and ubiquity of informal institutions in government, this book centers on formal institutions, and it does so for three reasons. First, the approach provides a straightforward introduction to government. We are all generally aware of the formal institutions found in democracies, and this provides the first step to a more thorough inquiry into how they work and contribute to democratic politics. In essence, formal institutions provide a road map to the political activity in a country. Second, countries have more formal government institutions in common than informal government institutions, so that they provide solid basis for comparing the politics of different countries. Insofar as it is interesting to explore how countries approach politics in different ways, the formal institutional framework of a country establishes the groundwork. There is no denying that some political actors will at times use informal institutions, or work outside government institutions, and that these informal institutions might buttress formal democratic institutions (Helmke and Levitsky, 2006). But the fact remains that formal government institutions alone provide a primary point of reference as political actors, be they inside or outside of government, pursue and protect their interests. And finally, there is a normative reason. Namely, even those who emphasize the importance of informal institutions recognize that the rule of law requires the most important matters of politics to be decided through formal institutions (O'Donnell, 1996). As such, political institutions make for a worthy and enticing topic of study (e.g., Cheibub, 2007; Peters, 1999; Reynolds, 2002).

What Is an Institutional Approach to Politics?

It does not take much to stir interest in the history and politics of Latin America. The countless tales of conquistadores who laid ruin to rich civilizations and the stories of repressive strongmen who presided over large estates built on the backs of indigent peasants provoke outrage. The seizure of one-half of Mexico's territory in the U.S.-Mexico War, evidence of covert operations from abroad, and continued economic vulnerabilities initiate debates over responsibility for the ills we see in Latin America. The famous and infamous – Pancho Villa, Juan Perón, Che Guevara, Augusto Pinochet,

Alberto Fujimori, Chico Mendes, Hugo Chávez, and Rigoberta Menchú – rouse our curiosity. Long-lasting periods of political instability astonish us – Peru had 69 presidents in its first 100 years, and El Salvador had 62 presidents in just its first 50 years. And then there are the puzzles – Argentina was one of the richest countries in the world at the start of the twentieth century, but that future crumbled in the Great Depression, and was later replaced by brutal military rule. Costa Rica abolished its armed forces in 1948 and saved itself from the scourge of military rule that hit the region later. Venezuela also survived the military rule of the 1960s to 1980s, only to experience an attempted military coup in 1992, and then see the person who led that coup – Hugo Chávez – move into the presidency through democratic elections. Lula da Silva, whom President Barack Obama once befittingly called “the most popular politician on earth” when he was president of Brazil (2003–11), would find himself behind bars on corruption charges by 2018, only to walk free the following year and contemplate another run at the presidency in 2022.

Achievements and challenges have marked more recent times. Argentina has placed many of the officers responsible for human rights violations more than three decades ago behind bars. But impunity reigns in Guatemala, despite a dirty war from 1960 to 1996 that saw almost 200,000 killed. Brazil accelerated its economic growth under the banner of a socialist worker’s party, gained worldwide fame with winning bids on the 2014 World Cup and 2016 Olympics, then saw its dreams dashed as an economic downturn, presidential impeachment, and mushrooming corruption scandals brought embarrassment on the world stage. Mexico saw its seemingly solid three-party system collapse in 2018, when the party of Andrés Manuel López Obrador secured the first majority vote for the presidency and the legislature since the transition to democracy in 2000. El Salvador elected a former guerrilla insurgent, Salvador Sánchez Cénen, to its presidency in 2014. Despite the supposed influence of a *machismo* culture, women have sat in the presidential palaces of five Latin American countries over the past ten years, and female representation in congress is higher than in the United States in 13 of the 18 Latin American countries in this study. Indigenous groups in Ecuador finally realized just how much power they could wield after forming a political party in the 1990s, and in Bolivia, the indigenous saw one of their own – Evo Morales – elected in 2006. Social movements have scored successes as never before and inspired widespread pushes for justice and equality. These include water rights groups in Bolivia, landless movements in Brazil, environmental activists in Ecuador, and trade unions in Costa Rica. Human rights groups use social media to expose abuses that formerly would have remained hidden. Gay and lesbian activists have been able to secure rights to same-sex marriage in Argentina, Brazil, Colombia, Ecuador, Mexico, and Uruguay, and civil unions in Chile.

It is easy to get caught up in the drama and excitement found in the history and politics of Latin America. Still, at some point it all begs explanation.

When looking over the past and present in Latin America, it is one thing to be captivated by events, but it is quite another to understand those events. How should we approach it all? As a first step, we can recognize that if there is one undercurrent to political developments in the region, it is the struggle for democracy. From there, we should note that democracy, at its core, is but a collection of institutions – it requires a set of electoral rules and a party system, an executive, legislature, and judiciary, and there are always the choices of a military and federal arrangements. Hence, to anchor our understanding of political events in Latin America, we can look to political institutions. It is institutions that make the difference between instability and order, and it is the character of those institutions that determines whether that order is forged through autocratic or democratic means. With an institutional approach, we do not simply survey history to document periods of order or disorder. Rather, we ask why and how institutions succeeded or failed and contributed to such conditions.

Because institutions set rules, we can look to them to gain a sense of how political actors are likely to behave, and what sort of outcomes we should expect in a country. **Rational choice institutionalism** is a school of thought that emphasizes how institutions affect the behavior of calculating, self-interested political actors. In this perspective, institutions are collections of incentives and disincentives that tailor individual choice. A political actor has a goal, takes note of how the institutional setting affects the costs and benefits of acting, and then acts upon that goal (or decides against doing so). The behavior chosen to achieve a political goal and the very likelihood of success are largely determined by the institutional setting.

For example, to be elected to office, a candidate may need to collect a certain number of signatures and do so in a minimum number of districts, and may need to secure the nomination of a certified political party. Some of these rules, such as signature requirements and the need to seek support across multiple districts, are expressly designed to create incentives for candidates to take on a broad-based appeal. And rules are rarely neutral. They advantage some and disadvantage others. The eligibility requirements noted earlier may help create more inclusive, wide-ranging parties, but they might also exclude localized indigenous groups or independent candidates from office. And things grow more intriguing when we place institutions in the context of other institutions. Often, interesting interactions result. For example, electoral systems in Latin America use proportional representation and tend to produce multiple parties. This accommodates diverse perspectives in society, but it also makes it difficult to pass legislation in congress, and thus tends to tilt decision-making power toward presidents in Latin America, who hold more substantial legislative powers than the U.S. president. Holding all else equal, we thus see how the push for greater representation with proportional representation alongside this sort of presidential system can backfire and create a concentration of power (Mainwaring, 1993).

But institutions often do more than just channel our impulses and interact. A second school of thought, **historical institutionalism**, holds that institutions can also create the motivations that initiate our behavior in the first place, and they can even shape our very identities (March and Olsen, 1989; Steinmo et al., 1992). One scholar of political institutions, Stephen Skowronek, recognizes just how intensely institutions affect political leaders:

Called upon to account for their actions or to explain their decisions, incumbents have no recourse but to repair to their job descriptions. Thus, institutions do not simply constrain or channel the actions of self-interested individuals, they prescribe actions, construct motives, and assert legitimacy.

(1995, p. 94)

Rules first created to check behavior in short order establish patterns of expected behavior, and these, in turn, shape a sense of appropriate behavior. Political institutions also affect the sensibilities of those outside government, in society, as well.

Consider the impact of federalism, which divides government authority between national and local levels. This political institution not only limits government, but, over time, as people live under federalism, they may grow more endeared toward this form of rule and view it as the only appropriate and legitimate form of rule for them. The point is important because institutions tend to have staying power (Pierson, 2004). Insofar as they channel our behavior, they create routines to which we grow accustomed. And insofar as they benefit some groups that grow more powerful over time, interests emerge to protect them. Further, keep in mind that political institutions are often enshrined in the constitution and require supermajorities to modify. All this means that a small elite might craft a political institution with their own values in mind, or an institution might be designed to accommodate the interests of contending groups, and the institution then has a chance to outlast its creators. As suffrage expands, or new groups rise in importance, and work under such institutions, they may grow accustomed to the values enmeshed within these institutions and embrace them.

For example, in 1993 Brazilians held a referendum to consider whether they wanted to switch from a presidential to a parliamentary form of government. But the presidential tradition in Brazil reaches back to 1889 when Brazil abandoned its monarchy to become a republic. Competition and suffrage were limited at the time, but the seed of presidential government had been planted such that those voting in the 1993 referendum could not help but reflect upon its meaning to the country's political development. Brazil had just transitioned from military rule in 1985. Insofar as military rule was an aberration, and civilians now had the opportunity to restore legitimate rule to the country, Brazilians felt compelled to reaffirm their

political traditions. The referendum failed because presidentialism was far too ingrained in Brazilian identity, despite the fact that the architects of Brazilian presidentialism lived long ago.

As both reservoirs of political identities and tools for constitutional engineers, institutions capture both past and present. Countries in Latin America have rich histories that reach back beyond the independence period of the early nineteenth century, farther than the 300 years of colonial rule that preceded independence, and deep into the indigenous civilizations that once governed the region. Political institutions in Latin America draw from political traditions, thought, and culture throughout this history. Indeed, how to synthesize them all remains one of the most pressing topics of contemporary politics. The composure of Latin American political institutions reveals influences from indigenous civilizations, Spanish and Portuguese rule, the ideology of the French Revolution, the tenets of the American Revolution, recurrent periods of instability and *caudillo* rule, and prescriptions of foreign actors such as the World Bank, the International Monetary Fund (IMF), United Nations, and the U.S. State Department and U.S. military.

Institutions thus provide a lens on the past. But their contemporary evolution also exposes the latest political topics of concern in the region. For example, few would deny that gender and indigenous mobilization are prominent issues in contemporary Latin America. They are reflected in institutions as legislatures grapple with gender quotas, parties create female caucuses that bridge partisan lines, courts come to terms with indigenous justice, congressional seats are set aside for indigenous representation, and central governments consider autonomous rule for different ethnic groups. The study of institutional design in Latin America provides a focal point for the broader examination and contemplation of Latin American politics – both its past and its future.

Similarly, institutions also act as a medium between political thought and practical politics. Take, for example, judicial institutions. Common law tradition, as in the United States, tells us to embrace the courts as conservators of our political traditions. Common law thinking offers judges a wide breadth of autonomy, and grants them extensive political powers (most notably, judicial review). But the code law tradition in Latin America questions the democratic credentials of systems that assign powers to non-elected officials. Courts are to be emasculated and treated as advisory bodies. And insofar as they gain political authority, they must be subject to close political oversight from other branches of government. The debate between common law and code law visions is provocative, but ultimately it is a debate that moves from the abstract to the concrete only as it is resolved through institutions – the procedures for judicial appointment, the extent of tenure, the breadth of constitutional review powers, and so on. And when we expose these institutional differences, we have to ask why Latin American countries are so committed to code law. The

answer is found in the past – in the influence of the French Revolution on the institutional development of the country. Likewise, the breadth of presidential powers we see in Latin America partly reflects compromises wrought early on as independence leaders worked a middle road between those hoping for monarchic government and others who desired a republic. An institutional approach allows us to merge everyday politics with the history, culture, and traditions of a country and to open discussions on these topics.

COMPARING COUNTRIES

Do Authoritarians Follow Institutional Rules? Military Regimes and Institutional Design

One might assume that institutions resemble little more than felt ropes at a movie theater. They offer guidance and people tend to work within them, but when push comes to shove – when somebody cries “fire” in a movie theater – people are more than willing to violate the rules. If institutions truly are so frail, and readily fall when opposed, they would not be a very valuable subject of study. To counter this skepticism, we can look to the military regimes that preceded the current democratic regimes in Latin America (Arceneaux, 2001). For if institutions have the power to shape military rule, surely they must be influential under democratic rule as well. After all, these militaries came to power by overthrowing the constitutional order and they ruled with brute force.

And as it turns out, institutions are important under military rule as well. No matter the military or its specific goals, all professional militaries have in common the urge to maintain military unity. Order and hierarchy are the prized values of a professional military because they are necessary requisites to its fundamental purpose – the preservation of national security. But governing can upend the disciplined solidarity of the armed forces. Policymaking involves debate. Some officers may make better governors than their superiors. All of this can disrupt the ranks and lead soldiers to call for a withdrawal from government for the sake of military unity and national security. Hence, the question military regimes face is: do some institutional arrangements preserve military unity better than others?

The armed forces in Brazil experienced one of the longest periods of rule in modern history – from 1964 to 1985. Collegial institutions gave superior officers in each of the services a voice, which also meant that they all held some responsibility for government decisions.

(continued)

A succession of powerful military executives presided over the regime, but a large assembly of superior officers determined who ruled and no president was allowed to succeed himself. Strict promotion, assignment, and retirement regulations ensured a fluid turnover in the ranks, and restricted the rise of personalistic factions. To complement its collegial institutions, the armed forces looked outside the military, to civilians, to staff many government positions. A formal consultation process, known as the *conselho* system, invited civilian policy experts to share their views under the direction of the different government ministries. In addition, civilians filled the legislature, which was granted greater authority over time, and civilians also found posts in the lower levels of Brazil's federal system. The fact that the military did not completely supplant all government positions also helped to prevent the rise of factions. Any officer hoping to amass power could reach only so far into government positions, and thus ultimately had to answer to the military hierarchy first.

Chile also had a long-lasting military regime, but it was in many ways the institutional opposite of the Brazilian military regime. The army commander, Augusto Pinochet, at first took a position alongside the other service commanders in a military *junta* just after the 1973 coup. But in short order he accumulated greater power, first by becoming president of the republic, then by assuming complete control over the armed forces as commander in chief. And in distinction to Brazil, soldiers took on a much more visible presence and civilians did not find their way into notable government positions. The legislature was suspended, military intendants rather than governors administrated the provinces, and civilian ministers sat behind the scenes. Pinochet ruled supremely to 1990. Whereas the Brazilian regime accommodated would-be military factions by allowing their input, but offering little opportunity to control government, Pinochet suppressed prospective rivals. The institutions offered alternative strategies for the forging of a similar goal – military unity.

Military rule in Argentina illustrates how institutional design can have the opposite effect, and spark discord. From 1966 to 1970, General Juan Carlos Onganía presided over a military regime, but his control was uneven. As president, he designed and administered policies with full authority. But he exerted much less control over the armed forces. He was commander in chief, but his service commanders exerted greater control over promotions and assignments. And because this military preferred to stay behind the scenes, he could not

curry favor and build a following in military circles by doling out government positions to officers. Over time, the military grew alienated. They were responsible for a government that neither offered participation to it nor exerted authority over it. An internal coup removed Onganía in 1970 and the military struggled to withdraw from power over the following three years. In 1976, after another military coup, the Argentine armed forces would draw all the wrong lessons from the Onganía period. This time, they decided to rule collegially, but unlike Brazil, they did not grant civilians much of a role. They had stayed behind the scenes under Onganía, and so decided that direct involvement would strengthen military rule. The army, navy, and air force essentially split up the government, as each took control of a different policy area. But direct involvement – when combined with collegial rule – spurred divisions, as factions saw that they had the wherewithal to accumulate power and vie for complete control. The divisions tore at military unity and led the regime to collapse in 1983.

Institutional arrangements mattered in these military regimes. Collegial rule and limited military staffing in government positions allowed Brazilian leaders to accommodate factions but at the same time impede moves by military splinters to accumulate power. On the other hand, collegial rule in 1976 Argentina was problematic because too many officers found their way into government positions of power, leading the armed forces to become politicized and divided. Concentrated rule in Chile was successful because it was so complete. Pinochet could rule through the suppression of rivals. Onganía also concentrated government authority, but without a greater fusion of government and military roles, he could not exert authority over the armed forces. The lessons for military rule are clear. If a military is to rule collegially, it should not draw soldiers too deeply into government and instead look to civilians for staffing. If a military is to concentrate authority, it should place officers throughout government to ensure a close tie between the president and the military institution. In a comparative study of military regimes, Karen Remmer (1991) found that regimes that dispersed authority and separated military and government roles (e.g., Brazil) lasted an average of 16.3 years, whereas those that concentrated authority and combined military and government roles (e.g., Chile) lasted an average of 25.1 years. On the other hand, those that dispersed authority but combined military and government roles (e.g., Argentina in 1976) lasted only 6.5 years, whereas those that

(continued)

concentrated authority but separated military and government roles (e.g., Argentina in 1966) lasted just 6.9 years. In the end, we see that institutions are hardly like the felt ropes of a movie theater. Even brutal military regimes behave according to a logic of institutional design.

Discussion Questions

- 1 Beyond institutions, what other factors might help to explain differences in the longevity and impact of military rule in Argentina, Brazil, and Chile?
- 2 Consider the general influence of institutions in all areas of life. How do institutions tailor your decisions and behavior on a daily basis? How have they shaped where you are today, and what goals you have set for yourself?

Democracy in Latin America

Democracy is not new to Latin America. When the states of the region became independent in the early 1800s, they did so in a time when it was growing more acceptable to look to people rather than kings for the right to rule. This is not to say that some sectors did not embrace monarchy or limited suffrage, but the fact remained that founding fathers of the time had to at least respond to calls for democratic rule. The French and American revolutions were all-too-powerful examples for the nascent states of Latin America. Nonetheless, political elites made significant compromises to democratic rule (see Chapter 3), and those institutions of popular input that did emerge almost uniformly crumbled during the civil strife of the early nineteenth century.

But other efforts to democratize followed. Samuel Huntington (1991) noted that these episodic pushes for democracy occurred in waves across the world in the 1820s and the 1940s. For Latin America, we can identify another wave in the 1890s or so. And like waves, each democratic trend crested and then came crashing down to give way to periods of authoritarian rule. The most recent crash came in the 1960s and 1970s, when a torrent of military interventions tossed popularly elected governments. The 1964 military coup d'état in Brazil signaled the beginning of the end of this **democratic wave**. That history is important, because the most recent democratic wave occurred largely in the 1980s, beginning with the Dominican Republic in 1978. The 1990 transition in Chile capped this wave, although several Central American states followed up on earlier, limited elections with important peace accords in the 1990s. The identification of past waves raises the question of whether or not the current democratic wave has crested.

In recent years, economic sluggishness, corruption, inequality, crime, and political violence have sparked neopopulist movements with questionable commitments to democracy. In later chapters, we assess the challenges posed by neopopulism, for history shows us that democracy is not necessarily permanent, no matter the desire to maintain it. This is why it is so important to explore how democratic institutions work, and the options available to those that create democratic institutions. A more informed approach to institutional design may spare Latin America from the political waves it suffered in the past.



Figure 1.1 Latin America

Source: © Shutterstock.

Democratic Transition

In his classic study, Robert Dahl noted that the move toward democracy begins when the rulers of an authoritarian regime decide “the costs of suppression exceed the costs of toleration” (1971, p. 15). While not intending to downplay the human suffering experienced by those living under authoritarianism, we should recognize that repression can take a toll on the regime itself. Widespread protests disrupt economic activity. Human rights abuses draw criticisms from the international arena. And the use of brutal measures tends to cause fissures in the authoritarian government. Resorting to violence empowers some groups, such as the intelligence services or secret police, who grow more unwilling to compromise or accept reform for fear of human rights investigations later on down the road. The interests of these **hard-liners** may conflict with **soft-liners** in the regime that view some level of reform as the only option for the regime to gain some level of legitimacy, and to be able to set aside the costs of blunt repression.

The competing evaluations of hard-liners and soft-liners on the costs of suppression and toleration underscore a fundamental dynamic of transitions from authoritarian rule – namely, that these changes take place in an environment of uncertainty. Hard-liners and soft-liners begin to question each other’s motives. Fear, rage, and the thirst for dignity drive social protests in unpredictable directions. Politicians face a constant stream of pivotal moments that require immediate decisions. Should troops be called



Photo 1.2 The Struggle for Democracy: although a wave of democratization crossed Latin America over three decades ago, some countries have progressed more than others. Venezuela is among the most difficult cases, having suffered a reversal in its democratic transition.

Source: Marcos del Mazo/Alamy Stock Photo.

upon to put down protests? Will the public view a televised speech by the president as a sign of resolve, or as a concession? Will international criticism rally the protestors, or fan nationalism?

Because uncertainty plays such an important role in democratic transitions, scholars have focused more on charting out the processes by which transitions take place, rather than focusing on certain prerequisites that make democracy more or less likely in a country.³ The recognition that hard-line and soft-line groups emerge does not allow us to predict the prospects for democracy with complete accuracy, but it does provide a sort of map that allows us to chart transition dynamics as they occur. Soft-liners hold an early crucial position as they mediate between hard-liners and the democratic opposition. Moderate and radical elements emerge within the democratic opposition, and their decisions add to the dynamic. Moderates may align with regime soft-liners to initiate a gradual reform. Or those calling for radical change may be too strong, and pull the moderates into their corner. In this case, regime soft-liners might decide to support the hard-liners and a repressive backlash, or to step aside and allow the regime to collapse. Transition dynamics are like a delicate balance scale that tips as political actors react to each other and move from one weighing pan to the other.

These dynamics – should they lead to democracy – take place within a series of stages that run from **liberalization** to **transition** and then **consolidation**. Liberalization refers to the early reforms made under the authoritarian regime. They may include local elections, the loosening of restrictions on political expression or assembly, or the release of prisoners or general amnesties. Transition occurs the moment authoritarian leaders hand over power after competitive elections, and it signifies the emergence of democracy. Consolidation is a long-term process that sees the new democratic regime gain widespread support within society such that it is accepted as “the only game in town” (Linz, 1990, p. 156).

Why is it important to identify these phases? Liberalization can be a long, drawn-out affair. In the Brazilian military regime of 1964–85, liberalization occurred as early as 1974 when the regime allowed more competitive congressional elections, and other reforms followed over an 11-year process. Under such long, drawn-out liberalization, members of the democratic opposition often play within the rules of the game established by the authoritarians. This makes it much more difficult for the democratic leaders who emerge after the transition to condemn the regime and take punitive action – too many may have participated in and played by the rules established by the authoritarians. Little wonder that Brazil’s democratic leaders have yet to initiate far-reaching trials for the abuses that took place under the military regime. On the other hand, Argentina’s military regime never initiated a significant liberalization process. It ultimately collapsed, and human rights trials immediately followed the transition.

The distinction between transition and consolidation is especially important because it reminds us that democracy is a matter of quality, and that

institutions cannot stand separate from society. Seminal work by Linz and Stepan (1996, p. 16) gauges consolidation in three areas:

Behaviorally, a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or by seceding from the state. Attitudinally, a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for antisystem alternatives is quite small, or more or less isolated from prodemocratic forces. Constitutionally, a democratic regime is consolidated when governmental and nongovernmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process.

The behavioral, attitudinal, and constitutional features of democratic consolidation remind us that institutions are but one part of democracy. Nonetheless, we can situate institutions as the core element of democracy and the process of democratic consolidation insofar as institutions channel behavior (as rational choice institutionalism reminds us) and engender new attitudes (as noted by historical institutionalists). The institutional approach to democratization is thus a very practical affair – design the institutions properly, then behavioral and attitudinal changes will follow. Through the following chapters, we will see that some countries in Latin America sit further along in the process of democratic consolidation than others, and we will recognize how institutions have contributed to or hindered such movements.

Defining Democracy

Democracy is now the norm in Latin America. To be authoritarian is to be unusual. There are 33 states in Latin America. This study examines the 18 democratic countries of the region that share a colonial history with Spain or Portugal. That means it includes only the Dominican Republic of the 12 countries in the Caribbean. It excludes Belize in Central America, and it does not examine Guyana or Suriname in South America. The 18 countries that are left share important historical and colonial experiences, which makes it easier to focus on and compare their institutions. Of these 18 countries, only Colombia, Costa Rica, and Venezuela could claim a democratic government in the decades before 1978. Now all 18 are democratic, but democracy is a variable, and some are more democratic than others. See Table 1.1 for a summary of democratic transitions in Latin America.

Table 1.1 Democratic transitions in Latin America. Most Latin American countries became democratic at about the same time in the most recent wave of democratization

	<i>Year of Democratic Transition</i>
Argentina	1983
Bolivia	1983
Brazil	1985
Chile	1990
Colombia	1958
Costa Rica	1949
Dominican Republic ^a	1978
Ecuador	1979
El Salvador ^a	1984
Guatemala ^a	1986
Honduras	1982
Mexico	2000
Nicaragua ^a	1984
Panama ^a	1990
Paraguay	1989
Peru ^a	1980
Uruguay	1985
Venezuela ^a	1958

^aEl Salvador and Guatemala were embroiled in civil wars until 1992 and 1996, respectively. The countries suffered serious limitations on civil liberties during this time, even while elections took place. Nicaragua shared a similar fate through much of the 1980s. Manuel Noriega severely limited democratic rule in Panama from 1990 to 1994. Alberto Fujimori did the same in Peru from 1992 to 2000. Joaquín Balaguer stole the 1994 presidential elections in the Dominican Republic and ruled until 1997. More recently, Presidents Nicolás Maduro and Daniel Ortega subverted democratic rule in Venezuela and Nicaragua, respectively. Democracies may grow more durable, but they can never be presumed to be permanent.

How do we know a democracy when we see one? One of the most simple and widely cited definitions comes from Joseph Schumpeter: “the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote” (1947, p. 269). Schumpeter focuses on the **political rights**

of voting and the competition for votes, but he really does not capture the host of **civil liberties** required to ensure the responsiveness and accountability of government after an election is held, nor does he highlight the importance of maintaining the rule of law on a routine basis. A democracy that lives up to the standards set by Schumpeter can still show glaring democratic deficiencies. In the early 1990s, the Central American countries – less Costa Rica – lived up to the Schumpeterian standard for competitive elections, but analysts still viewed their democratic credentials as suspect. At the time, Karl (1995) offered the following description of El Salvador, Guatemala, and Honduras:

Gains in the electoral arena have not been accompanied by the establishment of civilian control over the military or the rule of law. Elections are often free and fair, yet important sectors remain politically and economically disenfranchised. Militaries support civilian presidents, but they resist efforts by civilians to control internal military affairs, dictate security policy, make officers subject to the judgment of civil courts, or weaken their role as the ultimate arbiters of politics. Impunity is condemned, yet judiciaries remain weak, rights are violated, and contracts are broken.

Such **electoral democracies** may protect political rights, but they are incomplete democracies. They become **liberal democracies** when a full array of civil liberties arise “so that contending interests and values may be expressed and compete through ongoing processes of articulation and representation, beyond periodic elections” (Diamond, 1999, pp. 10–1). In a liberal democracy, the rule of law buttresses these civil liberties so that citizens can ensure the accountability of officeholders through means beyond mere elections (e.g., the availability of the courts to check government abuse and an independent media to act as a watchdog).

CONTEMPORARY CONTROVERSIES

Why Cuba Is Not a Democracy, and How This Might Change

Miguel Díaz-Canel is Cuba’s first president without the name Castro. He represents a new generation of leaders, and assumed the office in the midst of great expectations for change in the communist country. Adding to these hopes, within a year of his ascent in 2018, the Cuban people ratified a new constitution expressly designed to modernize and restructure the political and economic system. Such dramatic developments could signal liberalization and an eventual transition from authoritarianism. But as it stands, Cuba is not a democracy. It fails miserably on the basic democratic metrics of accountability,

competitiveness, responsiveness, and opportunities for genuine influence on government decision-making. Still, as noted, uncertainty is the hallmark of transition. And authoritarianism, like democracy, is a variable that can weaken or strengthen over time. Though Cuba remains an authoritarian regime, change is afoot. Uncertainty shadows over whether that change will open opportunities for transition, or opportunities for moves that revamp and rejuvenate authoritarianism. What do the recent institutional revisions tell us about the prospects for change?

In many ways Díaz-Canel personifies the crossroads at which Cuba now finds itself. Sure, he was born after the Cuban Revolution of 1958, but just by a few months such that he was literally conceived during the Revolution. And as his predecessor, Raúl Castro, would have it, he has been figuratively conceived by the Revolution as well. He is not a new face. He worked his way through the regional party structure in a province far from Havana, and caught the eye of the leadership who made him the youngest ever member of the Politburo (the central decision-making body of the Communist Party) in 1997. President Castro then took him into government, first as Education Minister in 2009, then as a vice president in 2013. His placement in the presidency in 2018 was scheduled and expected. And more importantly than the background of Díaz-Canel, while the new constitution offers some novelty, it also anchors the Cuban government in the previous regime.

Political institutions in Cuba present themselves to citizens much like nested Russian dolls. There is an inviting exterior design that hides a distant and untouchable inner core. At its base, Cubans interact with government through municipal councils where elections furnish a façade of competition. In these elections alone, voters encounter a ballot that lists more candidates than seats. Nonetheless, campaigning is prohibited. Instead, a Committee for the Defense of the Revolution, found in every neighborhood throughout the island, gathers and posts information on each candidate in individual single-page biographies, posted outside its office doors. These elections take place every 2.5 years. Elections for the National Assembly are held every five years. Mass organizations associated with the Communist Party, such as the Federation of Cuban Women, Association of Small Farmers, Federation of Cuban Workers, and Federation of University Students propose nominations, half of whom must hold a seat in a municipal council. A National Candidacy Commission (also associated with the

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Communist Party) drafts a final list of nominations, holding fast to the rule that 50 percent must emerge from the municipal councils and ensuring that the number of nominations does not surpass the number of seats in the assembly. National elections in Cuba are thus but a ritual whereby voters can only vote for the government nominated candidate, or not vote. But even this duplicitous link to the assembly has little meaning. The National Assembly meets twice a year, but in sessions that ordinarily last under a week. Its most important symbolic act is to elect the President from among its members. In its stead throughout the year, a select group of 21 assembly members known as the Council of State debate and draft legislation in preparation for the week-long rubber stamp sessions. Another select group of about 30 forms the Council of Ministers and takes on the administrative tasks of policy.

The indirect nature of elections in Cuba is not a novelty in the new constitution, but there is an innovation at the very apex of the regime. Power was traditionally concentrated in the hands of the president, where Fidel Castro then Raúl Castro presided over the Council of State *and* Council of Ministers *and* stood as First Secretary of the Communist Party. The new constitution creates the position of Prime Minister to head the Council of Ministers, and places the Council of State under the President to more closely approach the conventional distinction between a head of government and head of state (see Chapter 3). A President of the Assembly is charged with coordinating work between the Council of State and National Assembly, and some policy matters have been delegated to the provincial governors, though they are appointed by and thus answer to the President (provincial assemblies are formed from members of the municipal councils). And significantly, the president is not only limited to two five-year terms, but like other high officials, the new constitution stipulates that candidates must be under age 60 at the time of their first term. The rule effectively places the highest government positions outside the hands of the octogenarian revolutionary generation, while the new role distinctions ensure that no member of the subsequent generation consolidates power. Still, the Cuban regime nests one final inner core of power, and that is the Communist Party which, as recalled, controls nominations to government positions. Raúl Castro did hand the presidential sash to Miguel Díaz-Canel, but he confidently retreated to his position as First Secretary of the Communist Party, a position with no

age limitations. This is a regime constructed to allow the old to guard, and we might assume that Díaz-Canel's generation will retreat in a similar manner in time.

Cuba thus fails to meet the minimal benchmarks of a Schumpeterian electoral democracy. Elections lack real competition. There are no direct elections for top decision-makers. The Communist Party remains the only legal party, and it controls nominations and the limited campaigns. Outside the electoral process, severe limitations on basic civil liberties provide additional constraints. The constitutional changes were designed to provide some accountability, but on terms set by the government. Cubans are no strangers to shows of discontent or efforts to hold officials responsible, but the authoritarian nature of the regime always contained these concerns to everyday matters. Protests about public transportation routes, the content of food rations, waiting times for medical care, potholes and street repair, and other narrow, technical policy matters have always been open game, but questions about the vanguard status of the party, expansions of civil liberties, and the fundamental political organization of the regime have always been off-limits. The creation of the Prime Minister and separation of the Council of Ministers will focus accountability questions on the delivery of government policy. Ministers of education, transportation, health, and the like can be sacked to assuage public criticism. Meanwhile, the real levers of power in the Presidency, Council of State, and Communist Party, and the fundamental questions which surround them, will remain outside public scrutiny. The regime thus has protections from public opposition on the outside and renegade soft-liners on the inside. Curbing public oversight may hold demands for democracy at bay. And within the regime itself, the new positions may contain splits and term limits may allow factions to rotate.

But the constitution also offers new opportunities for the private sector (where 12 percent of the working population now finds employment), recognizes the role of foreign investment, provides dual citizenship status, expands due process with a *habeas corpus* guarantee and a presumption of innocence for the first time. And the consultation process itself stirred real debate among voters on issues such as same-sex marriage, environmental protection, and animal rights. These changes have occurred as Cuba grapples with long-standing economic stagnation, and growing deficiencies in the health and education

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sectors. The rise of the tourist industry has sparked the economy, but it also increases divisions – those in the sector profit and those outside of it feel the brunt of growing income inequality. Growing connections and access to remittances for those lucky enough to have family members abroad create another rift. There are obvious tensions in the country, and it is an open question as to whether the new institutional design will quench and contain them, or stir and mobilize them. This is the uncertainty that surrounds regime transition. For instance, in early 2019, the country opened a 3G network and access to the internet to allow communication and access to social media as never before. Díaz-Canel took to Twitter and instructed every government minister to do the same to expose them to public comment. And Cubans made quick use of social media to air their grievances, but they were directed not at political change or to clamor against repression. Under the hashtag *#BajenLosPreciosDeInternet*, they protested the high costs of internet access. Another group created *#LaColaChallenge*, which invites users to share selfies of themselves in long food ration lines. Are these the first steps toward broader and more substantive forms of public expression and protest? Or will social media provide just enough space for venting, so that the focus remains narrowly set on everyday policy-related matters? President Miguel Díaz-Canel broke new ground when he took to Twitter, but he does not hide the possibility that this may just be a new medium for old politics. He uses the hashtag, *#SomosContinuidad* – “We are continuity.”

Freedom House is a valuable source for the measurement of the political rights associated with participation and competition in elections, and the civil liberties required of a liberal democracy. This U.S.-based organization has been studying and supporting democracy worldwide since 1941. Eleanor Roosevelt was its first chair. Today, Freedom House is known for an annual report, “Freedom in the World.” It is used regularly by academics to analyze democratization. The report assigns every country in the world separate scores for its political rights and civil liberties. To create the report, teams of experts discuss and score each country after reviewing a series of questions on political rights and civil liberties.

To assess the quality of political rights in a country, Freedom House has designed specific questions to evaluate different aspects of a political system:

1 Electoral Process

- a Is the head of government or other chief national authority elected through free and fair elections?
- b Are the national legislative representatives elected through free and fair elections?
- c Are the electoral laws and framework fair?

2 Political Pluralism and Participation

- a Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?
- b Is there a significant opposition vote and a realistic possibility for the opposition to increase its support or gain power through elections?
- c Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?
- d Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

3 Functioning of Government

- a Do the freely elected head of government and national legislative representatives determine the policies of the government?
- b Is the government free from pervasive corruption?
- c Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

A separate set of questions addresses features of civil liberties:

1 Freedom of Expression and Belief

- a Are there free and independent media and other forms of cultural expression? (Note: in cases where the media are state controlled but offer pluralistic points of view, the survey gives the system credit.)
- b Are religious institutions and communities free to practice their faith and express themselves in public and private?
- c Is there academic freedom, and is the educational system free of extensive political indoctrination?
- d Is there open and free private discussion?

2 Associational and Organizational Rights

- a Is there freedom of assembly, demonstration, and open public discussion?
- b Is there freedom for nongovernmental organizations? (Note: here special attention is given to groups with a focus on human rights and/or governance issues.)

- c Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

3 Rule of Law

- a Is there an independent judiciary?
- b Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?
- c Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?
- d Do laws, policies, and practices guarantee equal treatment of various segments of the population?

4 Personal Autonomy and Individual Rights

- a Do citizens enjoy freedom of travel or choice of residence, employment, or institution of higher education?
- b Do citizens have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?
- c Are there personal social freedoms, including protection from domestic violence, choice of marriage partners, and size of family?
- d Is there equality of opportunity and the absence of economic exploitation?

The scores for political rights and civil liberties are then tabulated on a 1–7 scale. A lower score indicates more freedom. The two scores are averaged, so that countries scoring 1.0–2.5 are considered “free,” 3.0–5.0 are considered “partly free,” and 5.5–7.0 are considered “not free.” Table 1.2 lists the Freedom House scores for Latin America in the 2019 report. Democracy is indeed the norm in Latin America, but there remains room for improvement. Only eight of the 18 countries in this study have achieved “free” status as calculated by Freedom House, and two (Nicaragua and Venezuela) have fallen to a “not free” position.

Institutions rest behind both political rights and civil liberties, but political rights may be easier for countries to institutionalize than the deeper aspects of democracy captured by civil liberties (they are what move citizen involvement from periodic elections to “ongoing articulation and representation”). In this sense, the institutions of political rights can serve as a starting point for democratization and set the groundwork for the expansion of civil liberties. Schumpeter’s electoral democracy may be incomplete, but it may be the first step to a liberal democracy. Countries can first work on government institutions to ensure basic protections for political rights, and then reach out to matters of civil liberties vested more squarely in society to make a decisive move toward liberal democracy.