

*An Inter-American Dialogue Book*



*Constructing  
Democratic Governance  
in Latin America*

THIRD EDITION

*Edited by*

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*Three Decades since the Start  
of the Democratic Transitions*

Jorge I. Domínguez

As this book is published, Latin America—long the land of the coup and the home of dictators—celebrates the 30th anniversary of the start of its democratic transitions. In 1978, the Dominican Republic led the way when international intervention prevented an election fraud that had sought to extend President Joaquín Balaguer's 12-year term in office, making way for the first opposition victory in a free presidential election under universal suffrage in that country's history—and the start of Latin America's transitions to democracy.

The next year, constitutional democratic rule began to take hold again in South America. Ecuador and Peru held free and fair elections won by the candidates most opposed to military rule. During the 1980s, democratically elected civilian presidents would replace one after another of South America's military rulers, culminating in Chile in the 1988 defeat of General Augusto Pinochet in a plebiscite that he had called, unsuccessfully seeking voter approval to lengthen his 17-year dictatorship. In the 1990s, as Central America's complex domestic and international wars ended, peace made possible the spread of constitutional government. Mexico's transition from authoritarian rule began in the late 1980s and culminated in 2000 with the first opposition victory in a presidential election since the Mexican Revolution in the second decade of the twentieth century. As the twenty-first century began, the only Spanish-American country without free multiparty national elections was Cuba.

As those transitions started, few imagined that they would take hold. All of Latin America was plunged into a catastrophic economic crisis in 1982–83. The performance of Latin America's economies during the 1980s was the worst since the worldwide economic depression of the 1930s. The 1990s

brought a financial panic in 1994–95 that severely hurt the region, especially Argentina, Mexico, and Uruguay. Brazil suffered its own financial panic in 1999, and the Argentine economy imploded in 2001–2. For many years, the prevailing wisdom among scholars, politicians, journalists, and political activists was that the newly installed civilian presidents would fall prey to military coups or insurgencies provoked by economic or other calamities. Moreover, many of Latin America's elected civilian presidents turned out to be as corrupt and ineffective as many of their military predecessors had been, further fueling the expectation that military coups would again mark Latin America's public life.

And yet, since 1976 (the year of the successful military coup in Argentina), no military ruler has come to the presidency by coup in any Latin American country since the start of a country's democratic elections. In that same time frame, only one elected civilian president has been toppled by a military coup (Jamil Mahuad in Ecuador in 2000), but even he was replaced by his civilian vice president. Only one elected civilian president, Peru's Alberto Fujimori, sponsored a military coup (1992) to topple Congress and the Supreme Court, and he went on to govern autocratically until he was forced out in 2000, following blatantly fraudulent elections and a massive corruption scandal. Constitutional democratic rule was restored in Peru thereafter, as Carlos Iván Degregori notes in his chapter.

Nevertheless, few citizens or analysts feel celebratory about the quality and record of Latin America's democratic performance. Nor do I. Especially worrisome has been the interruption of constitutional presidencies short of a successful military coup or insurrection in 7 of the 10 Spanish-speaking South American countries and Brazil as well as in the Dominican Republic and Guatemala.<sup>1</sup> Presidential resignations under threat of constitutional impeachment and conviction or of comparable congressional actions or threat of action occurred in Brazil in 1992, Venezuela in 1993, Ecuador in 1997, Paraguay in 1999, and Peru in 2000. Presidential resignations in the face of massive public protests took place in Bolivia in 1985 and 2003, the Dominican Republic in 1994, Ecuador in 2000 and 2005, and Argentina in 2001. In Argentina, the crisis that led to the president's resignation in December 2001 also led to an outbreak of mass looting for food, an instance of collective violence that momentarily shook the foundations of Argentine democracy.<sup>2</sup> Presidential resignations also took place in Argentina in 1989 to shorten the time to the installation of the newly elected president because of a major economic crisis and in Guatemala in 1993 upon the failure of a president-led coup against Congress and the courts. Serious attempts to impeach a president were also undertaken in the 1990s in Colombia and Nicaragua, though neither succeeded.

Since the late 1990s, moreover, disappointed and at times rightly angry voters have defeated governing political parties or coalitions, often in a decisive rejection of preceding policies and practices, at least once in Brazil and each of the Spanish-speaking South American countries except Chile and Paraguay, in Spanish-speaking Central America except El Salvador, and in the Dominican Republic. Such widespread electoral punishment had not occurred since the economic desperation that prevailed at the end of the 1980s.

As Javier Corrales notes in his chapter, several of these elections were also associated with a rejection of the market-oriented economic policies that had come to prevail in the region in the 1990s. Running on a platform markedly less market-oriented than the incumbent administrations were successful presidential candidates in 7 of the 10 Spanish-speaking South American countries plus Brazil: Hugo Chávez in Venezuela in 1998, Alejandro Toledo in Peru in 2001, Luiz Inácio "Lula" da Silva in Brazil in 2002, Néstor Kirchner in Argentina in 2003, Tabaré Vázquez in Uruguay in 2004, Evo Morales in Bolivia in 2005, Alan García in Peru again in 2006, and every successful presidential candidate in Ecuador since the mid-1980s. All but Kirchner ran from the opposition, thereby underlining the credibility of Latin America's democratic practices in these elections. The same process was in evidence for the election of Daniel Ortega in Nicaragua in 2006.

How, then, should we assess the record and the prospects for constructing stable and effective democratic governance in Latin America?

### Civil-Military Relations

Military governments had performed poorly and were no longer desired. A key factor in the growth of democratic governance has been the rejection of such poorly performing governments. This section explores the waning of the military as the driving force of government rule as well as the persisting problems in civil-military relations as an entry point for a later discussion of political parties and democratic governance.

Not only have successful military coups in Latin America become a nearly extinct species, but military coup attempts have been decreasingly frequent. In 2000, there were military coup attempts in Ecuador, Paraguay, and Peru. Since that time, the only coup attempt occurred in Venezuela in 2002—a failed attempt to overthrow President Hugo Chávez. The first decade of the twenty-first century has been the longest stretch since the transitions to democracy began three decades ago that has been free even from military mutinies.

Military influence in politics raises different issues, but the story in the current decade also underlines the strengthening of democratic institutions. In Venezuela, President Chávez politicized the military, especially after the

failed coup attempt against him in 2002, and has made military involvement in society and economy one hallmark of his rule during the decade, as David Myers notes in his chapter. Venezuela is the only Latin American country where such trends have been under way in recent years.

Military influence in politics has remained great and relatively unchanged in Ecuador and Paraguay, thanks in part to the sustained electoral weakness of civilian presidents in Ecuador and the historically strong ties between the military and the Colorado Party in Paraguay. Military influence in politics declined markedly in Central American countries upon the end of the domestic and international wars, but high crime rates and old habits persist to sustain high levels of military influence in politics in the northern Central American countries.

There are contrary trends, however, that augur better for constitutional rule. As Fernando Cepeda shows in his chapter, Colombia has suffered from extremely high levels of political and criminal violence for a very long time. Its military and police forces, therefore, necessarily inhabit an important place in the country's affairs. Nevertheless, Colombia's President Álvaro Uribe clearly exercises civilian command over the armed forces that are engaged in domestic combat; military subordination to the civilian president has increased in Colombia in the 2000s.

Peru's military had played a decisive role in national and local politics nearly uninterruptedly since the end of the military government in 1979. From the early 1980s to the early 1990s, the military fought the Sendero Luminoso (Shining Path) insurgency. In 1992, the military supported President Fujimori's coup against the other constitutional powers and remained influential for the balance of his presidency until Fujimori's resignation in 2000. Interim President Valentín Paniagua decisively dismissed Peru's highest-ranking military officers, paving the way for the reassertion of greater, albeit still imperfect, civilian control over the military in the century's first decade, as Degregori shows in his chapter.

The most noteworthy story of the resurgence of civilian control over the military in recent years occurred in Chile. In most respects, Chile has had an extraordinarily successful transition from military to constitutional civilian rule alongside economic prosperity, declining rates of extreme poverty, and more effective social policies. As Peter Siavelis demonstrates in his chapter, civilian control over the Chilean military improved gradually but slowly during the 1990s and then took a giant leap forward following former dictator Augusto Pinochet's arrest in London in 1998. The actions of the Chilean Supreme Court and other Chilean courts revealed the abuses and corruption during the Pinochet dictatorship, impelling the armed forces and the political parties that once had supported Pinochet to distance themselves from the discredited dictator. As Siavelis notes, the highly professional Chilean armed

forces became fully subordinate to civilian authorities and cooperated in the investigations of human rights abuses and political killings. Chile's constitutional reforms in 2005 abolished most elements of the privileged position of the military and terminated all hitherto constitutionally mandated authoritarian enclaves (such as a set of appointed senators)—except for the still privileged access of the military to the earnings from international copper exports.

In sum, successful military coups have been extremely rare, and since 1990 there has been no military president who has reached power by means of a coup. Unsuccessful military coups have also become rare, and there has been just one since 2000. Military politicization has increased in Venezuela but declined in Chile, Colombia, and Peru in the first decade of the twenty-first century, while it remains high but unchanged in Ecuador, Paraguay, and the northern countries of Central America. The problem of democratic civilian supremacy has not been solved, but important steps have been taken in that direction.

What explains such trends in civil-military relations? In the first edition of this book, Jeanne Kinney Giraldo and I identified two factors to account for the decline in the frequency of coups.<sup>3</sup> The "supply" of coup efforts dried up. The military governments, for the most part, did not end in glory. Beyond engaging in human rights abuses and the repression of public liberties, most also mismanaged the economy and fell prey to corruption, damaging the military institutions and personnel in the process. Military officers adversely evaluated those experiences.

The "demand" for coups also fell. Except for General Pinochet's government in Chile and, thanks to the oil boom, the Ecuadorian military government in the 1970s, no military governments managed the economy well. Instead, they presided over declining living standards. Some committed acts of cruelty. Neither political parties nor business elites came to think of military rule as an effective solution to the problems of governance. Moreover, since the transition to civilian rule, moderate center or center-right parties have performed well in elections in Brazil and the northern Central American countries, characteristically so in Colombia, demonstrating that such parties may win free elections. As Steven Levitsky shows in his chapter, not even in the midst of Argentina's economic collapse at the start of the century's first decade was there a significant demand for a military coup, and no such attempt was made.

A third factor (first mentioned in this book's second edition) became more evident by the end of the 1990s. There was a worldwide regularity in the decline in frequency of coup attempts, which suggests that an international explanation is also in order, and Laurence Whitehead discusses various aspects of such an explanation in his chapter. The end of the Cold War deprived would-be coup makers of anti-communist "national security" ra-

tionales and U.S. support for possible coups. Latin American governments also undertook to help prevent military coups, as Argentina and Brazil have done repeatedly in Paraguay. The Organization of American States became more effective in gathering support to prevent military coups from succeeding.

The variation in the level of military influence over politics short of coups cannot be explained, however, either by international factors or by the reduction in the demand for coups, because both of those explanations have converging and uniform effects across countries. Nor do such supply factors as the relative degree of military professionalization explain the variation in the likelihood of military influence. In the 1990s, for example, a highly professional military had much political influence in Chile but little in Argentina; a less professional military had much political influence in Peru but little in Mexico. More broadly, none of the factors used to explain the presence or absence of coups helps to explain the level of military influence in politics in these Latin American countries. For example, international and regional intervention has no effect on military influence within a country short of a coup.

The variation in civilian demand for military influence in politics does help to explain the variation in the level and changes in such influence; that is, agents exogenous to military institutions—civilian demand for a political role for the military—changed first, leading to a subsequent change in the level and trend in military influence in politics.<sup>4</sup> As noted in the earlier narrative, from the 1990s to the 2000s civilian demand for a high level of military influence in politics dropped in Chile (all political parties sought this outcome, especially after Pinochet's public disgrace), Colombia (under President Uribe's leadership and independent congressional action), and Peru (especially under the late president Paniagua's leadership), and military influence in politics declined in all three countries, though it remains substantial in each. Civilian demand for military influence in politics remained high and unchanged in Ecuador, Paraguay, and the northern Central American countries from the 1990s to the 2000s; military influence in politics remained equally high and unchanged. President Chávez politicized the Venezuelan military, at times over the opposition of many military officers; thus, military influence in politics increased.

In sum, constitutional democratic control over the military continued to advance in Latin American countries in the new century. As Rut Diamint has made clear, there is a low level of effective civilian governance of many aspects of military affairs according to the standards prevalent in fully democratic countries.<sup>5</sup> Nevertheless, the frequency of military coups, successful or unsuccessful, has continued to decline, as has military influence in politics, especially in the Southern Cone countries and Brazil. Civilian control of the military remains weak and must be strengthened much more, but it may be at the highest level in the region's history.

### Responsible and Reliable Parties

Parties are the most effective instruments to articulate and aggregate social, economic, and political demands; set priorities; and respond to those demands. Parties are key means to organize parliamentary politics to support or oppose the executive. Bargaining between parties reduces the intensity of acute conflicts and creates the political room for the rise and consolidation of "arbiter" institutions such as the courts.

A half-century ago, Anthony Downs identified two important traits of parties in democratic politics: reliability and responsibility. "A party is reliable," he wrote, "if its policy statements at the beginning of an election period—including those in its pre-election campaign—can be used to make accurate predictions of its behavior." He also argued that a "party is responsible if its policies in one period are consistent with its actions (or statements) in the preceding period, i.e., if it does not repudiate its former views in formulating its new program."<sup>6</sup> Partisan reliability and responsibility are at the very core of democratic politics. Democracy must rest on the promise that politicians and their parties do not intend to deceive the voters and that their candidates would, at a minimum, govern within the broad parameters of their pre-election promises if elected. Voters should want more than just this from politicians and parties, but they must want at least this much from them.

By those standards, many Latin American politicians and parties were unreliable and irresponsible in the late 1980s and early 1990s. As Susan Stokes has shown, at that time there was a very wide gap between a presidential candidate's campaign promises and his policy choices as president, well beyond what might be considered normal in politics.<sup>7</sup> Parties were not reliable. The election campaigns of Carlos Andrés Pérez in Venezuela and Carlos Menem in Argentina, both in 1989, or of Alberto Fujimori in Peru in 1990, gave no hint of the strong market orientation of their economic policies once elected to the presidency.

There was also a profound discrepancy between administrations of the same political party. Venezuela's successive Acción Democrática (AD; Democratic Action) administrations of Jaime Lusinchi and Carlos Andrés Pérez followed dramatically different economic policies before and after the 1988 presidential election. Mexico's long-ruling Partido Revolucionario Institucional (PRI; Institutional Revolutionary Party) followed policies that differed just as markedly before and after the 1982 presidential election, when Miguel de la Madrid replaced José López Portillo. These parties were not responsible in Downsian terms.

Much has changed since then. Consider Stokes's evidence. Of the 15 presidential elections held between 1988 and 1991 in 15 Latin American countries, 7 featured a switch between what parties promised during the campaign and

what their candidates did once in office. Between 1992 and 1995, however, only 3 out of 14 presidential elections featured such a dramatic switch.<sup>8</sup>

Employing the same criteria for the same 15 countries for 1996–2000, we find that none of the 15 presidential elections was followed by such a drastic change from campaign promises to implementation. In the mid- and late 1990s, in contrast, Presidents Menem in Argentina, Fujimori in Peru, and Fernando Henrique Cardoso in Brazil ran for reelection on their records and sustained similar policies in their second terms. In Mexico, the economic policies of Ernesto Zedillo were consistent with those of his predecessor, Carlos Salinas; both men were from the same political party, the PRI. Thus, both partisan reliability and responsibility have improved markedly.

President Hugo Chávez, too, is an exemplar of reliability defined in these terms. In 1998, he ran against the Venezuelan establishment. His goals have been public, and he has successfully run for reelection on his record. He demonstrates that politicians averse to the predominance of market-oriented economic policies can mean what they say and persevere in their views and policies. Reliable and responsible, too, was Bolivia's Gonzalo Sánchez de Lozada, who, after one term out of office, won the presidency for a second time in the 2002 election after promising a continuation of the policies of his previous term. Also reliable and responsible has been his sharp opponent and eventual successor, Evo Morales, elected Bolivian president in late 2005; over time, both during the campaign and in the presidential office, Morales has acted as he has spoken. He has worked hard to fulfill his campaign promises. In the Dominican Republic, Leonel Fernández also won the presidency for a second term in 2004, having spent one term out of office, with the promise of replicating his record of government.

Partisan responsibility, understood in Downsian terms, has been especially noteworthy from the 1990s into the 2000s in El Salvador and Chile between the successive administrations of four consecutive presidents, respectively, from El Salvador's Alianza Republicana Nacionalista (ARENA; Nationalist Republican Alliance) and Chile's Concertación coalition between Christian Democrats and social democrats.

During the 2000s, as Denise Dresser considers in her chapter, in Mexico there has been comparable partisan responsibility in economic policy between the successive Partido Acción Nacional (National Action Party) presidencies of Vicente Fox and Felipe Calderón. Equally responsible in Downsian terms has been Mexico's leading opposition party on the left, the Partido de la Revolución Democrática (Party of the Democratic Revolution). Every Mexican president since the first seriously contested presidential election in 1988 has been "reliable"; his campaign foreshadowed the new administration's program.

In Central America, the levels of partisan reliability and responsibility have been high in El Salvador. Both the long-governing conservative ARENA party and the lead opposition, the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front), have held to their programmatic orientations. The same has occurred in Nicaragua with the Frente Sandinista de Liberación Nacional (FSLN; Sandinista Front for National Liberation) and, to a lesser extent, the Liberals.<sup>9</sup> The FSLN share of the electorate has remained nearly constant over time; the party's Daniel Ortega won the presidency in 2006 principally because opponents divided.

In the 2000s, however, partisan unreliability has increased somewhat. In 2002, Lucio Gutiérrez was elected president of Ecuador promising a definite turn away from the pro-market economic policies that had characterized Ecuadorian macroeconomic policies in preceding years. Nevertheless, Gutiérrez's own policies diverged back toward market-conforming economic policies soon after his election. Such lack of reliability had, in fact, been typical of Ecuadorian elections and governments: only President Jamil Mahuad governed in a manner consistent with his campaign promises. Since the mid-1990s, none of the three elected presidents of Ecuador—Abdalá Bucaram, Mahuad, or Gutiérrez—has finished his term, with Bucaram and Gutiérrez deposed by Congress and Mahuad deposed in 2000 by a military coup led by Gutiérrez, then a colonel.

As Corrales notes in his chapter, in 2001 the campaign of Peru's Alejandro Toledo was pitched to the left of center, but his government sustained and deepened the market orientation of macroeconomic policies. President Toledo's administration was highly successful in promoting economic growth, but, in Downsian terms, he was unreliable.

David Samuels and Corrales note in their chapters that some of the supporters of Luiz Inácio "Lula" da Silva in Brazil were surely disappointed at the market-conforming thrust of Lula's economic policies that followed his election to the presidency in the 2002 elections. Once in office, in the name of party discipline the Lula loyalist majority within the Partido dos Trabalhadores (PT; Workers' Party) in Congress expelled some deputies from the PT caucus who opposed the Lula administration's economic policies. Some PT leaders broke with the PT and supported alternative presidential and legislative candidates on the left in the 2006 election.

In the 2000s, Lula and the PT pose problems principally for an assessment of partisan responsibility. As Samuels notes, during the 2002 election Lula's presidential campaign sought to placate domestic and international financial markets. His vice presidential running mate came from the world of business and a conservative party. Lula's platform emphasized his acceptance of market-oriented policies and differed plainly from the more left-oriented

PT party platform. During the campaign, Lula publicly supported an agreement with the International Monetary Fund (IMF) that the Cardoso administration had negotiated and pledged that, if elected president, he would comply with and implement the agreement with the IMF. He did. Lula and the PT government were thus reliable in Downsian terms. And yet, this Lula and this PT were surely different from those of the past, which is what partisan responsibility means in Downs's schema. To their credit, as Samuels points out, the Lula and PT government doubled the minimum wage and pursued other policies that significantly brought down poverty levels and infant mortality during Lula's first term.

Argentina's Partido Justicialista (Judicialist or Peronista Party) also changed course in the 2000s, although the economic policy shift should be called moderate. As Levitsky argues in his chapter, Peronista President Néstor Kirchner retained fairly conservative fiscal and (to a lesser extent) monetary policies, running large budget surpluses year after year. His government sustained the export-oriented macroeconomic model set in the 1990s and did not reverse the large-scale privatizations of the 1990s. Argentina's economic recovery and subsequent growth in the 2000s are explained, to a significant extent, by the persistence of such market-oriented policies. Kirchner and the Peronistas departed from economic orthodoxy in various ways, however. The Kirchner administration froze public utility rates, imposed price controls on energy and food, pushed up wages, rescinded the contract for the privatization of water and sewage services in Buenos Aires, renationalized the post office and a major railroad line, and launched a new state airline, energy company, and satellite manufacturer.

In the 2000s, Uruguay's Frente Amplio (Broad Front) continued its gradual march toward the political center. Founded in 1971 but unable to operate during the years of military dictatorship that ended in 1985, the Frente Amplio's first major success was the election of Tabaré Vázquez as the mayor of Montevideo in 1989. As mayor, Vázquez sought to reposition the Frente Amplio to gain the votes of the long-dominant parties, the Colorados and the Blancos. Ideological battles within the Frente Amplio between Vázquez, on the left, and Danilo Astori, a more moderate technocrat, were resolved in advance of the 2004 presidential election: Vázquez ran and won the presidency, the Frente Amplio's first such victory, with Astori as his pre-designated finance minister.<sup>10</sup> During the campaign, the Frente Amplio signaled that it would pursue market-conforming economic policies. The Frente Amplio government did, and the economy grew rapidly. Moreover, in January 2007 it signed a trade and investment framework agreement with the United States, which was a potential first step toward a free trade treaty; majorities of Uruguayans, including a majority within the Frente Amplio, support a free trade accord with the United States. At the same time, the Vázquez govern-

ment pursued a vigorous effort to investigate human rights violations during the dictatorship.<sup>11</sup>

What explains the lack of partisan reliability and responsibility in the late 1980s and early 1990s, their rise thereafter, and their slight decline in the 2000s? As Corrales argued in the previous edition of this book, those who were elected president in the late 1980s and early 1990s believed that they had no other choice but to betray their campaign promises and the records of their political parties in order to enact policies that they deemed essential but for which there was little popular support. Otherwise, they discovered, their countries would plunge into an economic abyss.<sup>12</sup> Opportunistically, they ran on the left in order to get elected, yet they had to move to the political center in order to govern effectively. There was a swing between opportunity and necessity.

Incumbent parties were compelled to run on their records in office, however. In the 1990s, incumbent political parties that ran the incumbent for reelection or ran different candidates for president had to reshape their base of support to succeed. In the 1990s, many incumbent parties were successful at turning the economy around and making other improvements. Success enabled politicians to become more reliable and responsible. As a result, incumbent parties succeeded in winning at least two consecutive elections in Argentina, Brazil, Chile, Colombia, El Salvador, Mexico, Paraguay and, less clearly, Nicaragua (where there was some coalitional discontinuity) and Peru (where Fujimori was reelected in 1995 in a personalist victory; he had destroyed existing parties and built none of his own, as Degregori has shown). Rational voters rewarded effective government.

Some of those same incumbent parties or coalitions continued to win in the 2000s (in Chile, El Salvador, and Paraguay), but even the once incumbent parties that lost elections in the 2000s remained important contenders—Brazil's Partido da Social Democracia Brasileira (PSDB; Brazilian Social Democracy Party), the Liberal Party in Colombia, the PRI in Mexico, and the Liberals in Nicaragua. In short, in the 1990s partisan reliability and responsibility increased because economic growth made them electorally valuable.

In the 2000s, there were two cases of decline in partisan reliability (Ecuador and Peru) and three other cases that pose questions regarding partisan responsibility (Argentina, Brazil, and Uruguay). For democratic accountability, the cases of Ecuador and Peru are serious. For opportunistic reasons, Lucio Gutiérrez returned to the pattern that had hitherto prevailed in Ecuador: run left, govern right. Betrayed, angry supporters forced him out of office. In Peru, Alejandro Toledo also positioned himself somewhat to the left for opportunistic reasons and, though he was not compelled to resign, became a stunningly unpopular president and remained so for nearly all of his term, as Degregori makes clear. Citizens held Gutiérrez and Toledo ac-



countable for being unreliable; Toledo lost support as well because he was perceived to be both frivolous and inept, notwithstanding the Peruvian economy's boom during his years as president.

In Argentina, Brazil, and Uruguay, democratic accountability was better served. Lula and the PT publicly repositioned themselves during the 2002 presidential campaign. It is difficult to imagine a clearer, louder public signal of such repositioning for a Brazilian leftist party than endorsing an IMF agreement during the middle of a presidential campaign. In 2004, Tabaré Vázquez and the Frente Amplio also repositioned their campaign, principally through the choice of Danilo Astori at the outset of the campaign to signal a future market-oriented policy. In Argentina in 2003, Kirchner ran for president to the left of the Peronistas and in opposition to Menem's bid for one more reelection. He did so because he believed that Argentina's economic collapse in 2001–2 should have been blamed on some of the policies that his predecessors had enacted and sustained; that Kirchner governed from the center-left should have surprised no one.

Public partisan repositioning during a presidential campaign absolves the PT, the Peronistas, and the Frente Amplio of the ethical charge of partisan irresponsibility, though many citizens no doubt would remain bewildered that the verities of the past had changed for the PT and the Frente Amplio or that the economic anchoring of the Peronistas had changed so dramatically within the span of a decade. Therefore, such switches may have been appropriate. The practical problem of partisan irresponsibility—given the limitations of the information available to voters and the demands on their time to pursue the subtleties of political repositioning—remains, however; it should remain a serious concern in the assessment of democratic governability in Latin America.

In short, after the early 1990s, many Latin American politicians and political parties became more responsible and reliable in the sense defined by Downs. The trend for democratic accountability was positive. In the 2000s, retrogression in reliability occurred in Ecuador and Peru. In Argentina, Brazil, and Uruguay, in contrast, the winning presidential candidates and their respective parties signaled a policy repositioning during their campaigns—the only democratically acceptable way for parties to depart dramatically from the policies that they had hitherto advanced. Democratic accountability has maintained gains in most of these countries over the past two decades.

Equally noteworthy has been Latin America's greater diversity in partisan ideological outcomes. In the many national elections held in 2005 and 2006, presidential candidates on the left won in Bolivia, Ecuador, Nicaragua, and Venezuela. Presidential candidates on the right won in Colombia and Mexico. Center-left presidential candidates won in Brazil (confirming a move toward the political center) and in Chile, Costa Rica, and Peru. Parties of the right have continued to win elections uninterruptedly in El Salvador and

Guatemala. In Uruguay, the 2004 presidential election simultaneously implied a shift to a center-left victory but also a moderation of a left partisan coalition. In Argentina, the Peronistas have governed from the center-left during the current decade, in contrast to their governing on the center-right in the 1990s, but substantive policy discontinuity (except in the international debt arena) has been modest.

There is also considerable political pluralism within countries. For example, the right-wing ARENA has won the Salvadoran presidency consistently for two decades, yet El Salvador's left (the FMLN) is strong and well represented in parliament and local governments. The center-left Chilean Concertación coalition has won four consecutive presidential elections, yet the Chilean right-wing parties are also strong and well represented in parliament and local governments. Today Latin America is an ideologically plural continent on which parties and politicians characteristically mean what they say and contest each other vigorously.

Increased partisan and politician reliability—good for democratic accountability—may contribute to political polarization, however. Candidates feel responsible to honor the promises made to their voters and, as a result, may be less willing to compromise with other parties. Evo Morales, Hugo Chávez, and Álvaro Uribe have been exemplary presidential candidates in terms of Downsian reliability and responsibility, but, as a consequence, they are also highly polarizing presidents. El Salvador's persistently sharp ideological divide owes much to the pristine Downsian reliability and responsibility of the ARENA and FMLN parties. There is a tension between these important ingredients of democratic accountability, on the one hand, and political moderation, on the other.

We should not kneel before the Downsian altar of partisan reliability and responsibility, therefore, without also understanding their potential adverse side effects. Certain forms of political reliability and responsibility may construct a polity that is deeply and seemingly irreparably split and peopled by uncompromising politicians wedded to policies that may be failing or undermining democratic institutions and practices. This analysis, therefore, is not a paean to political rigidity. Rather, it is a call on behalf of public accountability: parties and politicians should be reliable and responsible but also open to changing the policies that they have hitherto advocated when these are wrong and misguided—but those changes in prior commitments must be made transparently for all citizens to witness and assess.

### The Collapse of Parties and Party Systems

The story of political parties in Latin America is more troubling than the preceding section implies. In the 1990s, three long-established and once power-

ful political parties virtually disappeared. These were AD and the Comité de Organización Política Electoral Independiente, usually referred to as the Partido Social Cristiano (COPEI; Social Christian Party) in Venezuela, which had supplied the winner in every Venezuelan presidential election between 1958 and 1988 and between them had typically won more than four-fifths of the seats in Congress, and Peru's Alianza Popular Revolucionaria Americana (APRA; American Popular Revolutionary Alliance), which had been Peru's largest political party from its foundation in the 1920s to the end of the 1980s. Venezuela's traditional parties had already weakened substantially prior to Hugo Chávez's first presidential election in 1998, when they collapsed.<sup>13</sup> Peru's parties had also been decomposing prior to Alberto Fujimori's first presidential election in 1990; Peru became a no-party political system in the 1990s.

In the 2000s, Venezuela's AD weakened further. It had won about a sixth of the seats of the National Assembly filled in late 1999. As Myers notes in his chapter, AD and the COPEI declined to contest the presidency in the 2000 election. Then, in a suicidal decision, they boycotted the December 2005 legislative election in the hope of discrediting the result; the most important consequence, as Myers notes, was to enable pro-Chávez candidates to win every seat in the National Assembly.

In the 2000s, the same fate may have befallen Argentina's Unión Cívica Radical (UCR; Radical Civic Union), which elected its first president in 1916 and its most recent, Fernando de la Rúa, in 1999. In the 2003 presidential election, the vote for the UCR was negligible, even though the party retains a significant presence in public opinion and continues to elect some provincial governors. Similarly, in Costa Rica, the Christian Democratic coalition, which under various names had elected five presidents of Costa Rica from the 1960s to the early 2000s, in 2006 received just about a tenth of the legislative election votes—a repudiation too severe to be attributable merely to voter volatility.

As Eduardo Gamarra shows in his chapter, in the 2000s Bolivia has undergone a partisan dealignment and realignment. In December 2005, Evo Morales was elected president of Bolivia with an absolute majority of the votes for his mass-based party, the Movimiento al Socialismo (MAS; Movement toward Socialism), in an election with the first such margin of victory since the end of unelected governments in 1982 and the highest electoral turnout (nearly 85 percent) during that entire period. The MAS also won a majority of the seats in the Chamber of Deputies and by far the strongest plurality in the Senate. The parties that had governed Bolivia from the early 1980s to the early 2000s virtually disappeared: the Movimiento Nacionalista Revolucionario (MNR; Nationalist Revolutionary Movement), which had three times won the presidency in that time frame, and Acción Democrática Nacionalista (ADN; Nationalist Democratic Action) and the Movimiento de

Izquierda Revolucionaria (MIR; Leftist Revolutionary Movement), each of which had won the presidency once. The MAS has strong grassroots support and has been built from the ground up. The collapse of the older parties, however, leaves Bolivia with no comparable opposition counterpoint. Thus, Bolivia has undergone both a massive realignment that has brought perhaps half of the electorate to the MAS and a massive dealignment of voters with regard to the older political parties.

In Colombia, as Cepeda explains in his chapter, the Liberal and Conservative parties elected every president of Colombia from the nineteenth century until the close of the twentieth century. However, Colombia's party system fragmented and weakened over recent decades. Cepeda notes that by the end of the 1970s, presidents began to find it insufficient to negotiate with party leaders and instead bargained with individual members of Congress. The electoral law that followed the adoption of a new constitution in 1991 facilitated the proliferation of factional lists within the Liberal and Conservative parties. By the end of the 1990s, the labels "Liberal" and "Conservative" had lost much meaning, because hundreds of subparty lists appeared on ballots across the country. Nonparty candidates were elected to the mayoralty of Bogotá, and in 2002 a nonparty candidate, Álvaro Uribe (a former Liberal legislator and governor), won the presidency.

The collapse of party systems should be kept in perspective. In the 2000s, there has been one partisan resurrection. In Peru, the APRA staged a comeback in the 2001 legislative election; Alan García came in a close second in the 2001 presidential election and won the presidency in 2006 in a very close election. Moreover, as Cepeda shows, the Colombian situation is subtler than first impressions may imply. From one angle, the 2006 presidential elections suggest the death of the Conservative Party and the reduction of the votes for the Liberal Party—Colombia's largest party for much of the past half century—to fewer than 12 percent. President Uribe won reelection at the head of his own coalition of new parties and personalist supporters; a partisan coalition on the left impressively won 22 percent of the votes. From another angle, as Cepeda also demonstrates, it is not difficult to recognize the old Liberal and Conservative parties in Congress among the 11 parties with various names that won parliamentary seats in the 2006 legislative elections. The parties could be grouped into Liberal, Conservative, and Left clusters. From this second angle, the distribution of seats in Congress better represents Colombia's political diversity, which is an important democratic value for an electoral law to achieve. Moreover, the number of parties within each cluster is dramatically smaller than the number of subparty faction lists within the pre-reform Liberal and Conservative Parties. In Colombia, the death and resurrection of the Liberal and Conservative Parties may be said, from the perspective of time, to have occurred simultaneously.

What explains the collapse of parties and party systems and the variation over time and countries?<sup>14</sup> In the first edition of this book, Giraldo and I offered explanations for the breakdown of AD, the COPEI, and the APRA in the 1990s that also help to explain the subsequent breakdown of the Colombian party system, the collapse of the once powerful Bolivian traditional parties, and the decreased support for Costa Rica's once dominant parties in the 2000s.<sup>15</sup>

We argued, first, that AD and the APRA suffered from retrospective voting punishment; that is, voters assessed their performance in government and pronounced it dismal. Similarly, the implosion of Argentina's UCR in the early 2000s is best understood as retrospective voting punishment of UCR President de la Rúa's economic stewardship, which led to economic catastrophe in 2001–2. The same thing happened to the Liberals and Conservatives in Colombia from the mid-1990s to the early 2000s—specifically, during the Liberal presidency of Ernesto Samper (1994–98) and the Conservative presidency of Andrés Pastrana (1998–2002)—when the economy plunged in the Latin American country with the most sustained long-term economic performance during the second half of the twentieth century. In Colombia, levels of violence also escalated significantly during the late 1990s and early 2000s. In Bolivia, escalating social and political protest in the early 2000s ignited highly visible, albeit numerically modest, instances of political violence, leading to the resignation of President Gonzalo Sánchez de Lozada in October 2003. In the 1980s and 1990s, accusations of corruption had also plagued AD, the APRA, and the Liberal Samper administration, just as in the early 2000s they haunted Costa Rica's Christian Democrats and were an important factor in explaining Bolivia's partisan collapse.

Giraldo and I pointed to a second factor in the breakdown of parties, drawing from Michael Coppedge's work.<sup>16</sup> Long-established political parties that have seemingly colluded to create an oligopoly of power and employ the electoral laws to sustain their grip on public office, defying shifts in popular preferences, are vulnerable to voter revolt. Coppedge developed the concept of partyarchy to explain what ailed AD and the COPEI. Colombia has long been a principal example of coalescent behavior between the two allegedly rival political parties—the most enduring formal duopoly. Costa Rican parties increasingly cooperated on economic policies in the late 1990s. In the 2002 election, Costa Rica's two largest parties won only 63 percent of the legislative seats compared to 88 percent in 1998, and in 2006, as noted, Costa Rica's Christian Democrats collapsed. In Bolivia, the MNR, ADN, and MIR had been both adversaries and allies according to the circumstances—a classic example of oligopoly collusion. Gamarra notes that Bolivia's "pacted democracy" was also a key reason for the repudiation of the old parties in the election of late 2005.

Partisan collusion alone had not unraveled the Bolivian, Colombian, Costa Rican, or Venezuelan party systems in the past, however. Similarly, hard times before partisan collusion—the circumstances of Costa Rica and Venezuela in the 1980s, for example—had not sufficed to destroy parties or party systems. The combination of partisan collusion with hard times in terms of economics, corruption, or violence (retrospective voting punishment), however, explains the difference between the defeat of a party in one election and the collapse of a party altogether. In the 1990s and 2000s, such a lethal combination skewered Bolivia's MNR, ADN, and MIR; Colombia's Liberals and Conservatives; Costa Rica's Christian Democrats (*Liberación Nacional* was weakened but less so); and Venezuela's AD and COPEI.

Uruguay has also exhibited elements of partisan collusion over time under the cover of its complex electoral laws. Since the end of military dictatorship in 1985, however, Uruguayan political parties have been responsive to the voters. Uruguay has not suffered from much political violence in these years. Its economic crises in the mid-1990s and early 2000s were explained and understood as the effects of exogenous shocks from crises elsewhere. The presidential election victory of Tabaré Vázquez and the *Frente Amplio* in 2004, moreover, did not vanquish the Colorado and Blanco parties but instead reflected a gradual partisan realignment that better reflects voter preferences.

In the 2000s, a third factor in explaining the collapse of parties became clearer: a president's deliberate attempt to weaken political parties, at times including his own party. In the 1990s, Peru's President Alberto Fujimori had tried systematically to undermine and disorganize the already feeble opposition political parties. More striking is the fact that Fujimori had seemingly been allergic to the electoral vehicles that he himself had created, undermining his own political party and its allies.

This behavior had seemed idiosyncratic until it reappeared in President Hugo Chávez's Venezuela. Chávez has tried to pulverize the already weak opposition and, with an assist from inept opposition leaders who decline at times to contest elections, has had much success. More striking is the fact that Chávez's own *Movimiento Quinta República* (MVR; Fifth Republic Movement) was, yes, highly powerful and electorally effective but also a rather personalist political machine. As Myers makes clear in his chapter, the MVR lost key leaders and gained fair-weather supporters. Moreover, much of the significant civil society organizing that has been under way depends on identification with Chávez rather than on a political connection to national-level partisan organizations; the better organization of civil society has yet to strengthen the instruments for national-level democratic accountability, which only parties can provide.<sup>17</sup> In addition, upon winning reelection in December 2006, Chávez announced his wish to gather his disparate sup-

porters in various parties into a single United Socialist Party of Venezuela, which required the disbandment not only of various allied parties but also of his own MVR. Some of those other pro-Chávez parties were reluctant to disband, yet they fall victim to Chávez's disdain even for parties that support him. Such disarray in the Chávez coalition may help to explain the defeat, in a plebiscite held in December 2007, of Chávez's attempt to eliminate the prohibition in the Venezuelan Constitution of a president's indefinite reelection; this was the first election he ever lost.<sup>18</sup>

A third example of a president's anti-party behavior may be found in Ecuador. In November 2006, Rafael Correa won the presidency of Ecuador. His party had nominated no congressional candidates and thus elected none. Correa, not surprisingly, soon called a Constituent Assembly to strengthen his position relative to the legislature and the parties. When Congress refused to consent to the call for a referendum, in March 2007 the Correa-aligned electoral court removed 57 of the 100 members of Congress—a civilian president's coup against a freely and fairly elected Congress, informed by the strategy that Venezuela's President Chávez had pioneered in 1999 and that Bolivia's President Morales had attempted without success in 2006–7. Correa's approach was as confrontational as that of Fujimori, who in his 1992 presidential coup had dissolved the entire Congress as well as the Supreme Court. Correa has employed the institutional powers of the presidency rather than constructing a democratic partisan base of support.

In the late 2000s, therefore, party and party system breakdown has advanced in Ecuador and Venezuela. It remains problematic, though less so, in Peru and, in still complex ways, in Colombia, and has become newly problematic in Argentina, Bolivia, and Costa Rica. On the other hand, despite many continuing problems, parties have remained capable, and some have become stronger, in Brazil, El Salvador, and Mexico. Parties have remained strong in Chile, the Dominican Republic, and Uruguay.

This balance is more negative for democratic governance than when the second edition of this book was published in 2003. Argentina, Bolivia, and Costa Rica have faced new instances of party breakdown in the 2000s, while this long-standing problem has worsened in Ecuador and Venezuela; in each of these two cases, deliberate presidential actions have emerged as a key explanation. Partisan life remains disorganized and feeble in Guatemala, and Nicaragua's Liberals are weaker and more fragmented. Only Peru has taken some steps toward partisan reconstruction. The optimistic hunch about Colombia's new parties remains to be tested. At the time this book's previous edition was written, the breakdown of parties and party systems seemed a special disease of the Andean countries. During the twenty-first century's first decade, these anti-democratic maladies have spread.

### The Representational Deficit

Latin American countries have long been plagued by representational deficits, that is, the perception of a significant number of citizens that their views are represented not well or not at all in the national institutions, the political parties, and other public spaces. Some of the partisan realignment, dealignment, and plain partisan collapse just noted may be explained as stemming from these perceptions.

In his chapter, Corrales explores one dimension of this deficit, namely, discontent with the market reforms enacted in the 1990s. His 10 groups of the discontented may be regrouped into three clusters. Some of those he finds to be unhappy with market reforms, the radicals and the hypernationalists, never supported those reforms in the first place and have rarely exercised political power. The protectionists and the big spenders had political power in times past in nearly every Latin American country and were understandably unhappy to have lost it in the 1990s, not to regain it outside of Venezuela. In many ways, these groups express long-standing partisan disputes. Their lack of effective power in the 2000s has resulted from defeat in democratic politics, not from a representational deficit.

In the 2000s, Corrales's commodity nationalists gained power in Bolivia, Ecuador, and Venezuela, where they have been changing the political landscape. The multiculturalists have gained power in Bolivia and made important representational gains in Ecuador. Yet, they have made few such gains in Peru, notwithstanding its demographic similarities to neighboring Bolivia and Ecuador. Corrales's macho bashers made gains in a majority of countries through the enactment of gender-quota electoral rules, among other policy changes, and thus suffer from a representational deficit less than in the past.

Three of Corrales's categories, however, raise significant issues of political representation. Those he calls the crusaders advocate in favor of greater transparency, less corruption, better-functioning courts, and other means of improving democratic governance. Corrales's egalitarians advocate redistributive policies to help the poor; independent of the wisdom of specific policy proposals, they focus on central issues of social and economic inequality. So, too, do the quite different persons Corrales calls equalizers, who wish to help the poor by equalizing access to the market; the latter's policy preferences are quite consistent with a market economy approach but may also be opposed by anti-tax market supporters.

The latter three groups have had some clout over the past 20 years but not much. The equalizers—market-conforming market-access reformers—have had influence in the design and implementation of successful social policies

in Brazil under the Cardoso and Lula presidencies, in Chile since 1990, and in Mexico with regard to certain welfare and health care policies under the presidencies of Ernesto Zedillo and Vicente Fox.<sup>19</sup> And the proponents of more open government have helped to open up archives on the most heinous crimes of dictatorships in Argentina and Chile and provided better access to information that ought to be public in Mexico. These remain exceptions, however; their greater success would augur improvements in governance.

Corrales's analysis, therefore, effectively distinguishes between those who are not well represented in politics because the electorate has not chosen them, those who had been underrepresented before 1990 but have been less so since that time, and those whose clout in politics remains weak, often to the detriment of more effective democratic governance.

In her chapter Mala Htun addresses other dimensions of the representational deficit pertaining to gender and ethnicity or race. She shows that the relationship between the method of election of a public official, on the one hand, and specific policy outcomes that serve substantive representational purposes, on the other, may be complex and, at best, indirect. The election of women members of parliament through electoral quota laws, and the election of ethnic minority deputies through reserved seats in the national legislature as guaranteed by constitutional amendment, seem to have had meager impact on the enactment of substantive gains for women or ethnic minorities. Htun perceptively notes that there have been descriptive representational gains; for instance, having a "person like me" in parliament is a value in itself that may have subtle important long-term effects on public discourse, private meanings, and childhood and adult political socialization. But these gains fall short of what their proponents have claimed in favor of their enactment.

Instead, Htun argues that cross-partisan advocacy coalitions have often effectively advanced reforms of gender policies. Such coalitions often involve women and men deputies as well as indigenous and nonindigenous deputies. A second path to policy change has been the election of a party committed to enacting such reforms, as an example of which the MAS in Bolivia is Htun's case study. In each instance, Htun identifies problems in need of remedy—severe gender or ethnic and racial discrepancies in exercising the rights of citizens. She examines potential remedies that turn out to be problematic, such as quota laws or reserved seats, as well as political remedies that have more effectively addressed representational deficits, such as cross-party coalitions or the development of a large party capable of enacting policy change.

### The National Institutions for Democratic Governance

Since the late 1970s, the transition to democracy in Latin American countries has led many citizens and their representatives to consider the political

and democratic adequacy of their constitutions and national institutions. Each of the countries studied in this book has reformed its constitution in this time span or is currently engaged in such a process. Institutional reform mongering often reflects broad dissatisfaction with governance.

Key amendments to the constitutions of Chile and Mexico enacted in the late 1980s and 1990s, and to Brazil's in the 1990s, sought to strengthen property rights and the constitutional context for market-friendly policies, along with laws enacted to the same effect. Constitutional reforms in Argentina, Colombia, Peru, and Venezuela were not principally focused on economic themes, but Argentina, Peru, and to some extent Colombia enacted far-reaching institutional changes with the same result. These pro-property rights reforms were part of a broad international movement in that direction that, as Laurence Whitehead suggests, had strong backing from the U.S. government and international financial institutions.

In Brazil, Chile, and Mexico, several constitutional reforms with explicit economic objectives were also an integral part of the process of democratic transition. In the late 1980s in Chile, the constitutional reform that secured the independence of the Central Bank was part of the bargain to permit the transition to democracy. In Brazil, the Constituent Assembly of 1988 sought to prescribe much of the country's social and economic life to match its prescriptions in politics; in the decade that followed, democratically elected Brazilian governments succeeded in amending the Constitution in piecemeal fashion to enact market-opening constitutional and other institutional changes. In the late 1980s and the 1990s, the multiple bargains that were part of the closing act of Mexico's authoritarian regime included political and economic changes, the latter providing for the elimination of statist economic regulations.

Only in Venezuela in the late 1990s did constitutional reform represent a setback for market-conforming policies. In addition, in 2006 and 2007, respectively, Bolivia's President Morales and Ecuador's President Correa both called constitutional assemblies for various purposes, one of which was to reinforce the role of the state in the economy and move away from market-reliant policies in various important respects, especially the ownership and operation of natural resource companies such as those dealing in petroleum and natural gas. In these three energy-resource-rich countries, since the late 1990s the increase in the international price of energy has been associated with an increase in the role of the state with regard to the energy sector and, more broadly, the domestic economy; this is reminiscent of worldwide practices among energy exporters in the early 1970s.

Apart from these three energy-producing countries, constitutional property rights protections have not weakened in Latin America in recent years, though, as Corrales shows generally and Levitsky for the Kirchner presidency

in Argentina, a broader political process, short of constitutional amendments, has strengthened presidents who prefer that the state regulate markets.

In the 1990s, the motor for constitutional amendments in Argentina, Brazil, Peru, and Venezuela was not economics but the incumbent president's wish to remove the formal prohibition against immediate presidential reelection. That was a factor, too, in Bolivia and Ecuador in 2006–7. In Peru and Venezuela in the 1990s, as Myers and Degregori indicate in their chapters, many other changes disproportionately strengthened the powers of Presidents Alberto Fujimori and Hugo Chávez, weakening constitutional democratic practice in both countries. In no country have recent constitutional reforms strengthened the capacity of legislative institutions to more effectively represent the consent of the governed, although the electoral law that governed Colombia's legislative elections in 2006 did have that intention and may have such a result.<sup>20</sup> Yet, only in Peru and Venezuela in the 1990s, and in Ecuador and Venezuela in 2007, has there been an evident authoritarian design in the motivations and processes for revising the constitution. The attempt failed in Venezuela when voters defeated the Chávez proposals in the December 2007 plebiscite.

In Ecuador in 2007, for example, President Correa relied on the electoral court but disregarded the constitutional court in his battle to dismiss from office the majority of the members of Parliament—an example of arbitrary, authoritarian presidential behavior in both procedure and outcome. Correa's success in defenestrating the majority of parliamentarians was an explicit assault on constitutional governance.

From the perspective of democratic governance, the comprehensive constitutional revisions carried out in Colombia in the early 1990s and in Venezuela in the late 1990s, and attempted in Bolivia, Ecuador, and Venezuela in 2006–7, illustrate the perils of such exercises: they weakened constitutional democracy or governability.

In his chapter Myers documents the concentration of political power in the hands of President Hugo Chávez, mainly through lawful means, although they disempowered the other constitutional organs and undercut those civil society organizations not under the president's influence, such as the Roman Catholic Church and many labor unions. The comprehensive revision to Colombia's Constitution in 1991, as Cepeda notes in his chapter, weakened governability. The parties lost control of the use of the party label, a process that changed only a decade later via legislation. Colombia's 1991 Constitution also mandated fiscal transfers to subnational governments equal to nearly half of the ordinary revenues in the national budget, without providing for institutional support to use those resources effectively. Decentralization with weak means for accountability to constituents and national institutions impaired governability.

In 2006–7, as Gamarra notes in his chapter, Bolivia's constitutional assembly became embroiled in bitter disputes that endangered the territorial unity of the state, disputes focused on the distribution of powers between the center and regional authorities and between the presidency and other constitutional organs. The very process of comprehensive Constitution revision polarized and destabilized Bolivian politics. And, in Ecuador in 2007, the way the constitutional assembly was convened—by sacking the majority of Parliament—impaired democratic governance.

On balance, therefore, Latin America's experiences with systematic constitutional reform mongering have not been good. At their best, those reform efforts have opened up avenues for participation to nontraditional groups. Yet, overall the trends have been adverse for effective democratic governance, which is distressing because the region did not begin at a high level. Since the late 1980s, the most far-reaching constitutional revision attempts in Bolivia, Brazil, Colombia, Ecuador, Peru, and Venezuela have produced constitutions that have weakened either liberal democracy (in Peru, Venezuela, and possibly Ecuador) or governability (in Bolivia, Brazil, and Colombia). The construction and deepening of constitutional democracy was more likely through incremental reforms.

More effective, well-pondered constitutional reforms have occurred piecemeal or in limited fashion, as in Argentina, Brazil, and Mexico during the 1990s or, as Siavelis notes, in Chile in the 2000s. Experienced parliamentarians, conscious of ongoing political habits and limitations, knowledgeable about practical issues of government, and operating under party discipline, were likely to produce constitutional reforms that strengthened the capacity of the state and the value of democratic institutions.

### Legislatures and Courts

Since the early 1990s, the cross-national variation in the performance of Latin America's national legislatures and supreme or constitutional courts has increased. At the start of this period, these were weak institutions everywhere, often badly staffed, poorly funded, and incapable of independent policy making. In the 1990s, the power of legislatures and supreme courts weakened markedly only in Peru and Venezuela, threatening democratic practices. The power of legislatures and courts stabilized or, in some cases, strengthened, though mainly for political reasons—the effects of party competition—rather than due to constitutional reforms.

In general, party competition makes it more difficult for the executive to impose its will on the other constitutional organs. Competition between parties and party discipline within parties creates the political space that parliaments require to exercise their constitutional autonomy. Weak party disci-

pline, on the other hand, lets individual parliamentarians retain autonomy from party leaders, at the risk that they will use this independence for personal gain, thwarting the ability of parliamentary leaders to mobilize party leverage against the executive.

Competition between parties is also the key explanation for supreme or constitutional court independence. Such courts are political institutions that are likely to defer to the executive when only one party is likely to win elections. These courts—not unlike the U.S. Supreme Court—follow public opinion polls and election returns, tipping against long-dominant presidents and parties only when they anticipate their replacement in office. Where the level of party competition is high, the high court may expect to find support in powerful quarters when it rules against the executive. Competitive parties have an incentive to preserve the independence of such courts as neutral arbiters.

Until 1997 in Mexico, the president's PRI commanded a majority of both chambers of Congress. Not surprisingly, Congress characteristically approved nearly all executive bills, and the Supreme Court rarely ruled against the executive on important matters; no party competition, no legislative or judicial autonomy.

Presidents Hugo Chávez and Alberto Fujimori weakened national legislatures, supreme courts, and political parties in Venezuela and Peru, although, as Myers shows in his chapter, Chávez was unable to seize control of the Supreme Court until 2005—seven years after his first presidential election in what had been a highly competitive political system. In both countries, parties had crumbled before the respective elections of Fujimori and Chávez; each was elected in what had become a no-party political system. In both countries, as party competition declined, so did the independence of parliaments and courts. Chávez won control of the National Assembly through elections, and through the Assembly he would later pack the Supreme Court. Fujimori's 1992 coup was aimed in part at the Supreme Court, which he subsequently packed as well. Both Chávez and Fujimori favored plebiscites to augment their presidential powers in order to prevent the legislature from holding them accountable. In the mid-2000s, Morales in Bolivia and Correa in Ecuador also relied on plebiscites to weaken their parliamentary oppositions.

With greater party competition, there is more autonomy. In the 1980s and 1990s, about a third of presidential bills were defeated in parliament in Argentina, Brazil, and Chile, which was the same proportion as in once-competitive Venezuela (1959–88). In Colombia, half of the president's bills were defeated in Parliament in the late 1990s.<sup>21</sup> These countries—Argentina excepted—showed also the best evidence for Supreme or Constitutional Court autonomy.<sup>22</sup> All arrived at this outcome, however, following slightly different paths, two of which should be highlighted: (1) the executive is supported, or checked, by disciplined parliamentary parties or (2) the executive

is supported, or hamstrung, through the efficacy or inefficacy of obtaining parliamentary votes deputy by deputy.

High levels of party discipline and competition and appreciably less political autonomy of parliamentary deputies are most likely to permit the representation of public interests and purposes. Chile since 1990 and Mexico in the 2000s have had among Latin America's most programmatic and disciplined legislative parties. They are also fiercely competitive. Patronage, once the mother's milk of Mexican politics, declined in importance along with the decline of the PRI in opposition after the 2000 election. In the 2000s, both countries have parliaments capable of defeating many presidential initiatives. Both countries have independent supreme courts. In Mexico, increased political competition is a key explanation for the Supreme Court's increased political autonomy.

Indeed, as Denise Dresser makes clear in her chapter about Mexico in the 2000s, a key problem in Mexico is no longer how to check the imperial presidency of the PRI years but rather how to enable a democratic executive to govern with parliamentary support and to enact an array of economic and social reforms that will contribute to Mexico's growth and welfare. The old authoritarian regime had buttressed presidential power by extraconstitutional means, principally the effective role of the PRI in making presidential rule possible. Such arrangements masked the constitutional weakness of the president's formal institutional authority. With the passing of the authoritarian regime, the president's relative weakness vis-à-vis Congress became evident and worrisome, making the governance of Mexico more difficult and deferring important reforms.<sup>23</sup>

In Chile, in contrast, the executive retained considerable powers in the transition from dictatorship to democracy. The Chilean Congress, for example, cannot appropriate more funds for the budget than the executive has proposed; it may reallocate funds only beneath the presidentially stipulated budget ceiling. In that context, the close division of highly disciplined parties led the executive to negotiate over the enactment of major changes—above all, as Siavelis shows, the 2005 constitutional reform, the institutional climax of Chile's constitutional democratization since the end of Pinochet's dictatorship in 1990. Similarly, the changes in the Pinochet-appointed Supreme Court occurred gradually over the 1990s as the parties of the government and the opposition worked to create an impartial arbiter that would serve the interests of a competitive political establishment and, in so doing, enhance democratic order itself.

The supreme courts of Brazil and Colombia and, as Cepeda notes forcefully, Colombia's Constitutional Court, play significant public roles in these countries. Brazil's Supreme Federal Court and Colombia's Constitutional Court have ruled unconstitutional some major economic proposals in each

country. The Colombian courts have also ruled against the executive on issues such as the extradition of drug traffickers, budgets, taxes, amnesty for combatants in Colombia's many domestic wars, and so forth. These are outcomes of vigorous party competition on election day.

The Brazilian and Colombian congresses enjoy relatively high levels of political autonomy—certainly compared to those of Mexico under the PRI, Peru under Fujimori, or Venezuela under Chávez. In Brazil and Colombia, much more than in Chile or contemporary Mexico, however, the executive often relies on patronage or clientelist practices to elicit the support of parliamentarians. Samuels, in his chapter on Brazil, shows some of the adverse repercussions in terms of the spectacular levels of corruption associated with relying on methods that require the purchase, at times literally, of legislative support deputy by deputy. Nevertheless, the Brazilian executive can and often does prevail by constructing a support coalition that way.<sup>24</sup> Clientelist practices nurture a perverse form of congressional deputy autonomy, fostering corruption and weakening the means for democratic accountability. The pork-barrel behavior of politically autonomous, clientelism-motivated individual legislators is more pernicious where parties are less disciplined, because there such behavior is less restrained.

However, Brazil and Ecuador have long suffered from weak party discipline, which imparts special qualities to their executive-legislative relations. In both countries, in the 1980s and 1990s approximately a third of the members of Congress elected for any given term switched political parties by the end of the term. In Brazil, during the congressional term that concluded with the 2006 election, more than a fifth of the members of the outgoing Congress had switched parties.<sup>25</sup> Such switches may be justified at times, but routine recurrent defections weaken democratic accountability: voters think that they are supporting X and get Y instead. This behavior also makes the task of governing much more difficult. Nevertheless, the extent of partisan cohesion in Brazil has risen over time because two of the more disciplined parties, the PSDB and the PT, elected a larger proportion of Congress. Moreover, Brazilian party switching occurs principally within “ideological families,” which implies more substantial ideological bloc cohesion.<sup>26</sup> Both Cardoso and Lula sought to foster sustained loyalties among their congressional supporters.

Finally, Argentina, as Levitsky shows in his chapter, illustrates the impact of the rise and fall of political competition on the autonomy of other constitutional organs. The high level of partisan competition in the 1990s made Congress an important arena for partisan contestation and greatly enhanced the Supreme Court's independence. In the 2000s, the collapse of the Radical Party and the failure to develop a significant counterweight to the Peronistas, along with the rise in President Kirchner's popularity, severely curtailed the capacity of Congress to countervail the president's power as well as the

Supreme Court's independence; Kirchner sacked the justices he did not like and packed the court with others of his choosing. Argentina is the only one of the large countries studied in this book to have transitioned between such different outcomes in such a short time.<sup>27</sup>

In the early twenty-first century, competitive and disciplined parties, significant legislatures, and independent courts were the triad on which Latin American constitutional democracy was built. Chile and Mexico best exemplified this outcome.<sup>28</sup> At the opposite end, Chávez's Venezuela was the principal counterexample, with worrisome trends also seen in Correa's Ecuador. Brazilian and Colombian legislators enjoyed considerable individual autonomy but provided fewer checks on executive power, relying on vigorously independent high courts to play such a role; judicial independence, however, made market-oriented economic reform more difficult, certainly slower in both countries.

These, in short, are the three trade-offs that Latin America's constitutional democrats have faced. In practice, the autonomy of individual parliament members was at odds with effective, corruption-light democratic governance. A very high level of parliamentary autonomy relative to the executive may impede social or economic reforms. And supreme court institutional independence may serve to safeguard liberty, but it may do so in part by preventing needed economic reforms.

## Conclusion

Latin America made many significant democratic gains from the 1980s to the 2000s, and some of these gains deepened in the 2000s. Constitutional democratic government survived the economic crises of the 1990s and 2000s; this has been quite unlike the Latin American experience in the 1960s and 1970s, when constitutional governments tumbled in the face of economic turbulence. Since 1990, civilian authority over the military has remained the norm and has gradually taken steps forward, except in Venezuela. These outcomes have derived from the effective practice of democratic politics.

Political parties and politicians had been dramatically unreliable and irresponsible in the late 1980s and early 1990s. Since that time, partisan reliability and responsibility have risen across the ideological spectrum. Such reliability and responsibility, in Downsian terms, characterize President Hugo Chávez in Venezuela just as well as they do the repeatedly electorally successful right-wing ARENA party in El Salvador. Parties and politicians may—and at times should—change their policy preferences provided that they do so openly, transparently, and in advance of election day to enable the public to make an informed choice. Such democratic standards marked the election victory of Lula and the PT in Brazil in 2002, Néstor Kirchner's



election in Argentina in 2003, and the Frente Amplio's electoral victory in Uruguay in 2004. During the 2000s, Alejandro Toledo's election in Peru and Lucio Gutiérrez's in Ecuador did not meet those standards; no wonder Toledo was deeply unpopular and Congress evicted Gutiérrez from office. Such heightened partisan reliability and responsibility have a problematic effect, however: deeper and more sustained partisan polarization. Polarization, too, has characterized politics at the start of this century.

The efficacy of parties, long a problem, took a turn for the worse in the 1990s and 2000s, however. Party system breakdown began in Peru and Venezuela in the early 1990s and spread to Argentina, Bolivia, and Colombia in the 2000s. The reasons for such collapse remained the same—retrospective voting to punish malperformance in office and to break up interparty collusion along with intensified presidential action to disorganize parties, especially in Ecuador and Venezuela in the 2000s. Only the APRA in Peru revived in the 2000s.

The representational deficit lingers, too. The region remains the worldwide champion of economic inequality, plagued as well by gender, ethnic, and racial inequalities. Nevertheless, in the 1990s and the 2000s important steps forward were taken in poverty reduction and social services provision in Brazil, Chile, and Mexico—countries where the majority of Latin Americans live.

Reforms to change the contours of democratic governance retained their fundamental features from the 1980s to the 2000s. Piecemeal, targeted constitutional reforms proved more effective in improving the quality and competence of democratic governance. Comprehensive constitutional revision via constitutional assemblies was more likely to weaken democracy or governability, or both. In the 2000s, piecemeal, targeted reforms deepened Chilean democracy, while comprehensive constitutional reforms threatened it in Bolivia and Ecuador.

Competition by disciplined parties served democratic constitutional government best because it held the promise of strengthening parliaments and courts. That competition developed in Chile in the 1990s and in Mexico in the 2000s. Unfortunately, the institutional weaknesses of the Mexican constitutional design also made it difficult to enact most reforms during the first half of the 2000s. The high courts of Brazil and Colombia continued to become more independent, though in part by blocking important economic or social reforms. Parliamentary autonomy weakened dramatically in Argentina and Venezuela in the 2000s, when both national legislatures authorized enabling acts that delegated vast discretion to Presidents Kirchner and Chávez. Ecuador's President Correa abused power to dismiss the parliamentary majority that opposed his designs. Kirchner reinstated the previous

pernicious practice of purging the Supreme Court of justices whom the president opposed.<sup>29</sup>

This is the third edition of this book. The trends toward democratic governance were hopeful in the mid-1990s, when we wrote the first edition. Military rule and its record of ineptitude and abuse were over. Chile had made its transition to democracy, and Mexico had begun its own. Central America's domestic and international wars had come to an end. Economic growth had resumed.

The trends in democratic governance remained positive at the start of the 2000s, when we worked on the second edition. Mexico had elected a president from the opposition. Democracy had survived a financial panic in Brazil in 1999 and a calamitous economic collapse in Argentina in 2001–2. Alberto Fujimori's autocratic rule had ended in his resignation and political disgrace. Thus, we concluded the second edition asserting, "On balance, most Latin Americans lived in more open societies and were freer to exercise their political rights, including the right to protest against the government. Their governments worked more effectively."<sup>30</sup>

The trends have been less positive toward the end of the 2000s than they were prior to the book's two previous editions. Democratic consolidation advanced in Mexico, but democratic effectiveness gained little. Constitutional government weakened in Argentina as Kirchner overshadowed Congress and the Supreme Court. Venezuela no longer meets appropriate standards of constitutional democracy, nor has its government become more effective in serving its citizens, although in 2007 the voters stopped the Chávez-sponsored constitutional reforms to further weaken legislative and judicial counterweights to the executive branch, recentralize the state away from the units of the federation, and authorize the president's indefinite reelection at the same time that the state expropriated more of the means of production and the executive united the parties in its ruling coalition into a single party. Bolivia and Ecuador are in the midst of tumultuous changes, with worrisome authoritarian practices being deployed by Ecuador's President Correa. In Brazil, massive corruption during the PT's 2002 election campaign and in the conduct of subsequent presidential and congressional relations was a severe setback for democrats everywhere. Colombia's parties have decomposed during the 2000s and remain in flux, making it difficult to envisage a counterweight to a powerful executive in a country still rocked by violence and scandals related to the processes of making peace. Costa Rica's party system has been weakened. In South America, only Chile, Peru, and Uruguay have taken important steps toward democratic deepening in the 2000s. Therefore, angry, disappointed citizens have defeated incumbent parties throughout the majority of South and Central American countries in the 2000s.

And yet, in the long view, Latin Americans live today in freer, more democratic countries than they did in the 1970s or 1980s. Latin American citizens are better educated and possess longer life expectancies; poverty rates have dropped in the countries where most Latin Americans live. Nearly all Latin American economies have resumed a growth path in the 2000s, even if much of this growth responds mainly to benign exogenous international price increases for the commodities that they export. In general, therefore, in the 2000s most Latin American governments have governed more effectively than their predecessors did a full generation ago.

The key to democracy remains the decisions of citizens. In their hands, and on their wisdom, rest the region's democratic prospects. As the region approaches the two hundredth anniversary of the start of its independence, Latin America's democratic star shines less brightly than it did a decade ago, but it still shines more brightly than it did for the preceding generation.

31. Voters in the “megaelections” not only chose the president but selected a broad range of legislative, regional, and local officials.
32. Abstention rates were higher in municipal and regional elections. See Table 12.1.
33. Trinkunas, *Crafting Civilian Control*.
34. Steve Ellner, “Organized Labor and the Challenge of Chavismo,” in *Venezuelan Politics in the Chávez Era*, ed. Steve Ellner and Daniel Hellinger (Boulder, Colo.: Lynne Rienner, 2003), 9; Jonah Gindin, “Venezuela’s Peasant Leaders Demand Justice and Protection,” VenAnalysis.com, July 13, 2005, 9; John D. Powell, *Political Mobilization of the Venezuelan Peasant* (Cambridge, Mass.: Harvard University Press, 1971).
35. Eduardo Fernández of COPEI was the only major party leader appearing with Pedro Carmona when he announced that he had assumed the presidency.
36. A more comprehensive discussion appears in Daniel Levine, *Popular Voices in Latin American Catholicism* (Princeton, N.J.: Princeton University Press, 1992), 65–91.
37. “Exxon seeks arbitration in seizure payout dispute,” *Miami Herald*, September 14, 2007, C2.
38. Damarys Canache, “Urban Poor and Political Order,” in *The Unraveling of Representative Democracy in Venezuela*, ed. Jennifer L. McCoy and David J. Myers (Baltimore: Johns Hopkins University Press, 2004), 2.
39. Daniel Hellinger, “When No Means Yes to Revolution: Electoral Politics in Bolivarian Venezuela,” *Latin American Perspectives* 32, no. 3 (2005): 8–32.
40. PODEMOS is an offshoot of the MAS that President Chávez enticed into the government in 2001. About the same time, the PPT became part of the governing coalition.
41. President Chávez initially decreased the number of central government ministries, but more recently the number has increased.
42. Organic Laws must be approved by a two-thirds majority of the Assembly. They have a status between regular legislation and provisions of the Constitution.
43. De la Cruz, “Decentralization,” 9.
44. In 1993, Ramón Velázquez signed legislation that unified compensatory procedures and coordinated public sector investment. This legislation created the Fondo Intergubernamental para la Descentralización (Intergovernmental Fund for Decentralization).
45. Myers and O’Connor, “Support for Coups in Democratic Political Culture.”
46. Data from the *Latinobarómetro* poll show that in 1995, when the level of disillusionment with Punto Fijo democracy was high, 60 percent of Venezuelans still preferred democracy over any other form of government. Seventy percent expressed this preference in 2006.

### Chapter 13. Three Decades since the Start of the Democratic Transitions

This chapter is the successor to Jorge I. Domínguez and Jeanne Kinney Giraldo, “Conclusions: Parties, Institutions, and Market Reforms in Constructing Democracies,” in *Constructing Democratic Governance in Latin America and the Caribbean in the 1990s*, ed. Jorge I. Domínguez and Abraham F. Lowenthal (Baltimore: Johns Hopkins University Press, 1996). I remain very grateful to Jeanne Kinney Giraldo for her superb work on that chapter. The current chapter is also a successor to Jorge I. Domínguez, “Constructing Democratic Governance in Latin America: Taking Stock of the 1990s,” in *Constructing Democratic Governance in Latin America*, 2nd ed., ed. Jorge I. Domínguez and Michael Shifter (Baltimore: Johns Hopkins University Press, 2003). Ideas and passages from those earlier versions appear in this third edition. This chapter, like its predecessors, is not a freestanding chapter. Instead, it calls attention to, and to some degree summarizes, themes that

emerge in the preceding chapters of this book and in the earlier editions. There are occasional textual references to the other chapters, but my debt to the authors in this book and its predecessors is much greater than these citations suggest. The views expressed here are mine alone, however. The Inter-American Dialogue and the authors are free to claim that this chapter’s errors are all mine and all the insights are theirs. I am very grateful to Javier Corrales, Jeanne Kinney Giraldo, Nahomi Ichino, David Samuels, and Michael Shifter for comments on earlier drafts.

1. See Arturo Valenzuela, “Latin American Presidencies Interrupted,” *Journal of Democracy* 15, no. 4 (2004): 5–19.
2. See Javier Auyero’s analysis in “The Political Makings of the 2001 Lootings in Argentina,” *Journal of Latin American Studies* 38 (2006): 241–65.
3. Domínguez and Giraldo, “Conclusions,” 33–35.
4. I am grateful to Jeanne Kinney Giraldo for making this point forcefully.
5. Rut Diamint, “Military, Police, Politics, and Society: Does Latin America Have a Democratic Model?” in *The Construction of Democracy: Lessons from Practice and Research*, ed. Jorge I. Domínguez and Anthony Jones (Baltimore: Johns Hopkins University Press, 2007).
6. Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Row, 1957), 104–5.
7. Susan Stokes, *Mandates and Democracy: Neoliberalism by Surprise in Latin America* (Cambridge: Cambridge University Press, 2001), Chap. 2.
8. *Ibid.*, Table I.2.
9. See David R. Dye, *Patchwork Democracy: Nicaraguan Politics Ten Years After the Fall* (Cambridge, Mass.: Hemisphere Initiatives, 2000), 12–18, 34.
10. For background, see Juan Rial, “Uruguay: From Restoration to the Crisis of Governability,” in *Constructing Democratic Governance: Latin America and the Caribbean in 1990s*, ed. Jorge I. Domínguez and Abraham F. Lowenthal (Baltimore: Johns Hopkins University Press, 1996).
11. “Uruguay: The Next Chile,” *Economist*, February 3, 2007, 39; “Latin America and the United States,” *ibid.*, March 3, 2007, 44.
12. Javier Corrales, “Market Reforms,” in *Constructing Democratic Governance in Latin America*, 2nd ed., ed. Jorge I. Domínguez and Michael Shifter (Baltimore: Johns Hopkins University Press, 2003).
13. For a fine analysis of Venezuela’s 1998 election, see Jana Morgan, “Partisanship during the Collapse of Venezuela’s Party System,” *Latin American Research Review* 42, no. 1 (2007): 78–98.
14. For related discussion, see Henry Dietz and David Myers, “From Thaw to Deluge: Party System Collapse in Venezuela and Peru,” *Latin American Politics and Society* 49, no. 2 (2007): 59–86.
15. For an empirical summary of the Costa Rican case, see Fabrice Lehoucq, “Costa Rica: Paradise in Doubt,” *Journal of Democracy* 16, no. 3 (2005): 140–54.
16. Michael Coppedge, *Strong Parties and Lame Ducks: Presidential Partyarchy and Factionalism in Venezuela* (Stanford, Calif.: Stanford University Press, 1994).
17. Kirk A. Hawkins and David R. Hansen, “Dependent Civil Society: The *Círculos Bolivarianos* in Venezuela,” *Latin American Research Review*, 41, no. 4 (2006): 102–32.
18. See also “Venezuela: Rumbles in the Revolutionary Ranks,” *Economist*, March 10, 2007, 33–34; “Defeat for Hugo Chávez: The Wind Goes Out of the Revolution,” *ibid.*, December 8, 2007, 30–32.
19. These respective programs are called Progresá, Oportunidades, Seguro Popular.

20. For an account of the effectiveness of parties, legislatures, and presidents engaged in the policy-making process, see Inter-American Development Bank, *The Politics of Policies: Economic and Social Progress in Latin America, 2006 Report* (Washington, D.C.: Inter-American Development Bank and Harvard University David Rockefeller Center for Latin American Studies, 2005), Chap. 3.

21. *Ibid.*, 43.

22. World Economic Forum, *The Global Competitiveness Reports, 2003–2004* (New York: Oxford University Press).

23. Jeffrey Weldon, "The Legal and Partisan Framework of the Legislative Delegation of the Budget in Mexico," in *Legislative Politics in Latin America*, ed. Scott Morgenstern and Benito Nacif (Cambridge: Cambridge University Press, 2002).

24. See also Barry Ames, "Party Discipline in the Chamber," in *Legislative Politics in Latin America*, ed. Scott Morgenstern and Benito Nacif (Cambridge: Cambridge University Press, 2002).

25. "Brazil: Parliament or Pigsty?" *Economist*, February 10, 2007, 36.

26. See Timothy J. Power, *The Political Right in Postauthoritarian Brazil: Elites, Institutions, and Democratization* (University Park: Pennsylvania State University Press, 2000).

27. For the utility of competitive party politics in sustaining judicial independence in Argentina at the federal and subnational levels, see Rebecca Bill Chávez, "The Appointment and Removal Process for Judges in Argentina: The Role of Judicial Councils and Impeachment Juries in Promoting Judicial Independence," *Latin American Politics and Society* 49, no. 2 (2007): 33–58.

28. For evidence and analysis that support the proposition that party competition at the national level bolsters the independence of Mexico's Supreme Court, see Julio Ríos-Figueroa, "Fragmentation of Power and the Emergence of an Effective Judiciary in Mexico, 1994–2002," *Latin American Politics and Society* 49, no. 1 (2007): 31–57. For a similar argument that such competition at the subnational level also strengthens the independence of state legislatures and state courts in Mexico, see Carolina Beer, "Judicial Performance and the Rule of Law in Mexican States," *Latin American Politics and Society* 48, no. 3 (2006): 33–61; Jodi Finkel, "Judicial Reform as Insurance Policy: Mexico in the 1990s," *Latin American Politics and Society* 47, no. 1 (2005): 87–113; and Frederick Solt, "Electoral Competition, Legislative Pluralism, and Institutional Development: Evidence from Mexico's States," *Latin American Research Review* 39, no. 1 (February 2004): 155–67.

29. For background, see Gretchen Helmke, *Courts under Constraints: Judges, Generals, and Presidents in Argentina* (Cambridge: Cambridge University Press, 2004).

30. Domínguez, "Constructing Democratic Governance in Latin America," 381.