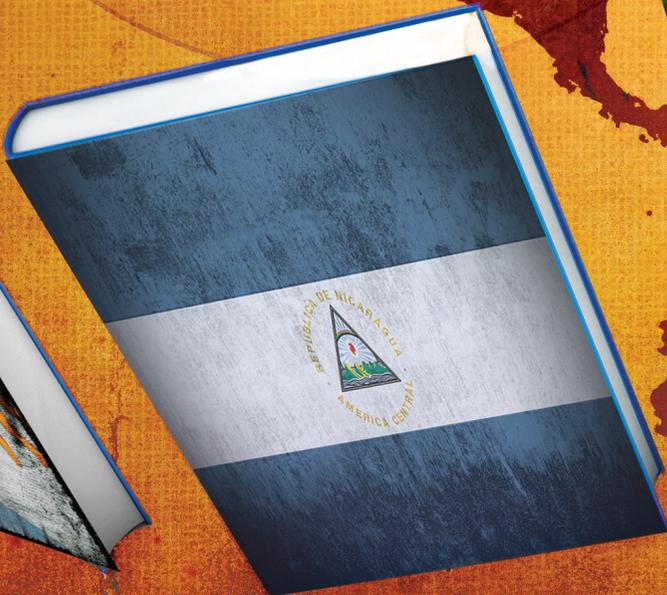




Woodrow Wilson  
International Center  
for Scholars  
*Latin American Program*

# New Voices in the Study of Democracy in Latin America



Guillermo O'Donnell,  
Joseph S. Tulchin, and  
Augusto Varas, eds.  
with Adam Stubits

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the Study of Democracy  
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*Adam Stubits*

*October 2008*

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# Introduction

## Studies in Democracy

*Guillermo O'Donnell, Joseph S. Tulchin,  
and Augusto Varas*

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Since the transition to democracy in the majority of the countries of Latin America at the end of the 1980s and the beginning of the 1990s, the study of politics in the region has gone through a series of shifts in its focus and priorities. The transitions to democracy were anticipated by a body of literature anchored by the multivolume publication edited by Guillermo O'Donnell, Philippe Schmitter and Laurence Whitehead, bringing to a wide audience the results of several conferences held in the 1980s at the Woodrow Wilson International Center for Scholars.

The “transitologists,” as Schmitter referred to himself and his colleagues, began with the comparison of Latin America and southern Europe. A few years later, they spurred a series of studies of Eastern Europe and the former Soviet Union. At the outset, democracy was the necessary and inevitable anti-authoritarianism. Authoritarian regimes were seen as abnormal. Democracy was considered the normal and preferred mode of political organization. In this sense, the end of the Cold War reinforced the normative assumptions of the transitologists. Francis Fukuyama exaggerated this association in his volume *The End of History*, by putting liberal democracy into an Hegelian evolutionary line that consigned Communism—and by extension other modes of authoritarianism—to the dustbin of history. O'Donnell and his colleagues had not intended such a leap of faith. They wanted to see a polity in which the state would not terrorize its citizens and in which citizens would have the right to express their views as to who should govern them and how they should be governed.

That the transitions occurred more or less at the same time as the end of the Cold War served to strengthen and extend the impact of the transitions literature. However, the triumphalist notion that the West had “won” the Cold War led to a perversion of the transition argument that would cause students of democracy great disquiet throughout the 1990s. Many conservatives jumped on Fukuyama's linkage of liberal democracy to liberal capitalism and literally

took over policy making in such multilateral institutions as the World Bank and the regional development banks, as well as the U.S. Treasury and the European Central Banks to insist that borrowing countries, including those recently emerging from authoritarianism should adopt a panoply of market reforms known familiarly as the “Washington Consensus.”

The imposition of the Washington Consensus did not improve the wellbeing of the Latin American masses and in some countries it was forced through by coercive means. As recognized some years later, “in economic growth, poverty reduction, income distribution, and social conditions the results were discouraging.” In addition it had two nefarious effects on democracy in Latin America. First, it legitimized private sector activity—any activity—at a time when the state in most countries was weakened and vulnerable and unable to play the minimum Schumpeterian balancing or regulatory role that truly liberal capitalists took for granted in the more developed countries. In the developed countries, the impulse to state intervention was re-named Democratic Socialism, signifying both the embrace of democracy and the demise of authoritarian modes of socialist organization. In the most developed countries of Europe, the welfare state was tempered but never discarded. In contrast, the weakness of the state was the prominent feature of democracy in Latin America throughout the 1990s. Even in cases of rapid economic growth during the decade, there was an imbalance between the political and economic spheres not frequently experienced in the more developed countries that had formulated the panaceas of the Washington Consensus. Even at the time, several observers warned that the initial reforms—freer trade, balanced budgets, fiscal discipline and the like—would have to be complemented by other reforms, such as strengthening the judiciary and creating regulatory agencies, and creating safety nets for the most vulnerable in order for the elements of the Washington Consensus to have their positive effect.

The second negative result of the Washington Consensus, linked closely to the first, is that rapid market opening produced sudden increases in income inequality, and this in the region already the most unequal in the world. As these inequalities increased and cried out for a response, the state was incapable of an effective answer. Promoters of the Washington Consensus argued that over time, the benefits of growth would trickle down to the poor. As a consequence of the Washington Consensus, both democracy and globalization became unpopular and spurred mass movements in the region, a blend of populism and nationalism that was anti-democratic. In countries like Bolivia and Ecuador, massive mobilizations against oligarchic orders, with the presence of some important indigenous movements, challenge the existing formal democratic state.

The notion that the West had won the Cold War and that democratic politics would prevail, East and West, seemed to lull students of democracy into a sort of calm. The first studies of the new democracies focused on the formal aspects of democracies, institutions and elections. Concern with institutions and elections drove the academic debate for the better part of the 1990s, with a related discussion of the relative merits of parliamentary and presidential regimes. There was an optimism in the literature discussing how to set up strong institutions that echoed the optimism of the modernization theorists thirty years earlier, as if the democratic regimes would be fine if only they could get the tinkering just right. This mode of thinking was buttressed by the complete dominance of formalism in the policy community. Aid agencies, governments in developed countries, and the multilateral institutions all jumped on the bandwagon of institutional reform and electoral correctness. The policy community stayed with formalism long after academics had moved on to other issues for the simple reason that aid and loans could be made to strengthen institutions whereas loans or aid to change political behavior or reduce corruption, to name just two difficult issues, were off limits because sovereign governments took discussion of such issues as an unwanted intromission in domestic politics. The World Bank even opened a new department for judicial reform in Latin America, with its own budget. Ten years later, the Bank closed the office because it could make only a very few insignificant loans which were limited to such non-substantive elements as buying computers for the offices of judges. Anything that touched on the training of judges, the way in which cases were handled or other matters of the rule of law were considered off limits.

Observing elections soon became tiresome and it was patently clear that elections no matter how frequent and how well observed could not by themselves construct a viable democracy. As the 1990s wore on, complaints about democracy and about politics more generally increased. The first response from the academics, which was followed quickly by the policy community, was to shift attention to civil society. Rather than focus on institutions as if in a vacuum, the focus shifted to the activity of organizations serving as intermediaries between the people and their government. By the end of the decade, the World Bank and the Inter-American Development Bank, the Canadian International Development Research Centre (IDRC) and private philanthropies were pouring millions of dollars into the organization of groups to act on one issue or another and on networks of groups working on similar issues.

The focus on civil society had two advantages. The operation of advocacy groups had been crucial to the opposition to authoritarian regimes, and many NGOs enjoyed legitimacy for their defense of human rights. And, among the

development or aid community, NGOs had the virtue of not making sovereign states nervous. However, the focus on NGOs soon prompted a strong rebuttal in some academic circles. First, as Ariel Armony and others pointed out, civil society was not always nor necessarily democratic. Second, as work by Enrique Peruzzotti and Catalina Smulovitz and others throughout the region pointed out, NGOs were not accountable to anyone in the political system and their role was not necessarily to intermediate between groups of citizens and the state within the political system. However, as Varas and others showed, civil society organizations could play a progressive role in changing systemic conditions in some countries, opening and deepening democratic spaces.

About the same time, Guillermo O'Donnell and Francisco Weffort questioned what kind of democracy was being created in the region. The argument about the quality of democracy implied a theoretical impulse to convergence between a concern for the equitable delivery of goods and services, a social democratic or Marshallian sense of citizenship, and a concern for the mutual responsibilities and obligations between citizens and the state, concerns inherent in the Jeffersonian concept of liberal democracy.

To simplify, the current state of the debate is over the theoretical linkages that explain or justify the convergence between social and individual concepts of democracy. In this context, the broader concept of democratic governance, which encompasses institutions as well as participation and accountability is proving to be extremely robust. There has been a return to the study of institutions but at the sub-national level or by studying how institutions are held accountable within a democratic polity. At the same time, there has been an effort to bring in two sets of studies that had been held at arms length for the decade and more since the transition to democracy. One is local studies and decentralization, and the other is a focus on gender and ethnicity.

The focus on democratic governance has had the effect, also, of facilitating political consensus between conservative and progressive political groups in a number of countries around policy responses to several issues considered important to maintaining the quality of democracy. For example, fighting corruption and violent crime have become hot button issues in the region and dealing with them within the framework of democratic politics has created new forms of participation, at the local level and at the national level. The struggle to contain corruption has proved to be the quintessential juxtaposition of liberal democracy and liberal capitalism in practice, although few states other than Chile have demonstrated much stomach for reforms that would make transparency the rule rather than the exception. In the same vein, the emphasis on state efficiency to

deliver public goods opened new areas for reform and policy making.

It was at this juncture that Guillermo O'Donnell, Augusto Varas and I decided to step back and take a look at democracy studies. First, we agreed to hold a meeting at the Wilson Center to reflect on the transitions project twenty-five years earlier and to review the state of the study of democracy in Latin America. As a follow-up, we decided that we would like to provide some modest stimulus to the youngest generation of scholars and at the same time find out what the newest generation of trained scholars thought about democracy. The result was two rounds of a competition which granted eight recently minted PhDs each year with grants to write papers on democracy in Latin America. Each year, we met with the winners to receive their drafts and to comment on them. This volume is publishing a sample of the papers from the two years of the competition. Due to space limitations it has not been possible to publish in this volume other valuable and important reports presented to these seminars.

As you will see as you read through the chapters of this book there are three principal modes of analysis. One takes the study of institutions and changes the focus to questions of efficiency and accountability. How do the people who run institutions actually behave and what are the constraints or incentives that make them behave that way? The second is how democracy functions at sub national levels, looking at a range of policy issues and institutions and exploring how they actually work in practice and what the implications of this are for democratic governance at the local and national levels. This focus on participation forces us to juxtapose political and social concerns in new ways. The third is to focus on how a set of concerns—gender, race and ethnicity—previously on the margin of democracy studies affects our understanding of democratic governance. This set of issues is especially important to our understanding of citizenship in the region. Again, it is a new way to understand participation in the new democracies of the region.

We are pleased to have been able to contribute with our academic experience and intellectual support stimulating this bright sample of a new generation of scholars that is opening new frontiers in the social sciences to better understand the challenges, obstacles and possibilities for the founding of better democratic systems in Latin America.



# Analyzing Legislative Success in Latin America:

## The Case of Democratic Argentina<sup>1</sup>

*Eduardo Alemán and Ernesto Calvo*

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Understanding the lawmaking process is important in order to make informed assessments about the distribution of political power in a democratic society. Since passing laws is a fundamental task of democratic governments, research that explains the driving forces in legislative politics helps us evaluate the performance of democratic institutions. During the last twenty years, analyses of executive-legislative relations and legislative politics in Latin America have grown exponentially.<sup>2</sup> In contrast to analyses from the 1970s, which tended to portray legislatures in developing countries as marginal actors in the lawmaking process, recent studies have portrayed Latin American legislatures as important institutional players.<sup>3</sup> Taking advantage of new data on legislative output and sophisticated methodologies, political scientists have begun to investigate the effects of different institutional arrangements on legislative politics, including the conditions that affect the passage of legislation.<sup>4</sup>

The literature on legislative politics has identified numerous causes for the variation exhibited in the approval of policy proposals. Many of these hypotheses, however, remain untested in the context of Latin American presidential democracies. Understanding the forces that affect the actual passage of policy proposals is highly relevant for Latin Americanists. The potential for executive-legislative gridlock in the passage of legislation has been identified as a contributing factor in various instances of democratic breakdown, such as in the cases of Chile under Allende, Brazil under Goulart, and Peru under Belaúnde.<sup>5</sup> The ability of presidents to enact their policy agenda is often associated with an effective government able to carry out the reforms of the day. The consideration of characteristics which lead Latin American legislators to be successful law initiators has been less prominent. Since individual legislators and political parties need to show policy results to advance their career and/or electoral goals, explaining the forces that make some more capable than others can also illuminate the sources of party achievements.

This study empirically examines the most prominent hypotheses about the passage of legislative proposals with a new data set which includes all bills introduced in the Argentine Congress between 1983 and 2001. Using this data, we provide a comprehensive overview of the mechanisms that drive the lawmaking process in this recently democratized country, including the determinants of the passage of legislation proposed by the president and by individual legislators.

In regards to presidential legislation, our analysis highlights the effects of public opinion, the electoral cycle, and inter-chamber differences in the likelihood that presidents will be able to push their agenda forward. Contrary to conventional expectations, we do not find a significant improvement in legislative success from achieving majority support in Congress. In the analysis of bills introduced by members of Congress, we examine individual characteristics of the proponents together with bill-specific and contextual factors. Our analysis shows significant effects from all of these categories. Particularly noteworthy are the consequences of having a fellow partisan capture the executive branch as well as achieving high tenure and a committee chairmanship.

The study is divided into five additional sections. In the next section we discuss the determinants of presidential legislative success. In section two we address the approval of bills introduced by individual representatives. In section three we present a dataset with over 30,000 bill initiatives introduced in the Argentine Congress between 1983 and 2001, and the different variables used in the statistical model. In section four we test the hypotheses presented in the first two sections using the dataset and model from section three. We conclude by discussing some general implications of our research.

## 1. PRESIDENTS IN THE LEGISLATIVE ARENA

The end of military dictatorships across Latin America brought about a renewed interest, among both scholars and policymakers, in the merits of different constitutional frameworks. This interest was reflected in the resurgence of the presidential-parliamentary debate during the late 1980s and early 1990s.<sup>6</sup> A major theme of these studies was the “inherent problem” of presidential systems: the potential for inter-branch stalemate.<sup>7</sup> The focus on the merits of each regime type soon shifted to the study of differences within presidentialism. Scholars began to explore how other variables (in addition to broad constitutional structure) affect the authority of Latin American presidents and the propensity for inter-branch conflict.<sup>8</sup>

Since different authors have focused on different aspects of the legislative process, it is difficult to find a comprehensive review of the disparate factors that

are thought to play a significant role. Below we summarize some of the most relevant arguments and then derive a series of testable hypotheses about the effect of several variables on the passage of presidential legislative proposals.

### **Presidential Support in Congress and Executive Decrees**

One of the first major hypotheses to emerge from the new generation of institutionalist thought linked the composition of legislatures to the president's ability to affect policymaking. Mainwaring, in a pair of influential articles, argued that Latin America's combination of multipartism and presidentialism was particularly problematic.<sup>9</sup> According to this view, presidential coalitions, unlike parliamentary ones, lacked the institutional enforcement of mutual confidence, could not count on the disciplined support of backbenchers, and provided little substantive governmental influence to non-presidential parties receiving cabinet portfolios. Minority governments were portrayed as particularly handicapped when it came to enacting the presidential agenda, with few institutional incentives to build continued legislative support. Jones, for instance, emphasized the loss of efficiency associated with moving from a situation where the president has a majority or near-majority to that of a minority president, whose "ability to govern is often blocked" by the legislature.<sup>10</sup> The hypothesis that multipartism negatively affects the passage of the president's legislative agenda has been advanced in several other works during the last ten years.<sup>11</sup>

Given that Latin American presidents commonly lack single parties in control of both branches of government, these studies suggested that most presidents would have a very difficult time persuading congress to pass their legislative agenda. One of the hypothesized consequences of this stalemate was that presidents would resort to extraordinary constitutional powers to advance policy changes.<sup>12</sup> The tendency of presidents to enact policies by decree was seen as an example of unilateral action and the dire consequence of questionable constitutional authority.<sup>13</sup> This view was recently endorsed by Cox and Morgenstern who argue that minority presidents and those who are "politically weak" may push the envelope in "constitutionally provocative ways" when faced with grim prospects for enacting policies via ordinary laws.<sup>14</sup> The unilateral action view, in short, hypothesizes a negative relationship between the legislative success of presidents and decree usage.

These two predictions, that stalemate is associated with minority presidents and that such presidents have a preponderance to use decrees when ordinary lawmaking is obstructed in congress, have been challenged on both theoretical and empirical grounds. Authors who have concentrated on the legislative prerogatives of presidents have argued that agenda-setting prerogatives help presidents to

advance their legislative agenda.<sup>15</sup> As a result, institutionally powerful presidents may be able to foster advantageous compromises despite their minority status. In addition, authors have argued that despite some fundamental differences with parliamentary systems, there are sufficient incentives for coalition formation in presidential systems so that minority presidents should be able to build substantive congressional support.<sup>16</sup> Authors working within the veto players framework argue that policy stability is related to the positional dispersion of actors whose agreement is necessary for policy change rather than the actual number of parties.<sup>17</sup> They emphasize how the position of these veto players affects the set of proposals that can beat the status quo. Consequently, a majority president may be held back by a party divided among several factions with dissimilar positions, while a minority president may be able to find enough support from favorably positioned parties to advance a myriad of bills.<sup>18</sup> Moreover, the overall legislative success of presidents may be unrelated to changes in the make-up of congress. If a strategic president knows that congressional actors have very different positions, he would be less willing to send proposals that are destined to be defeated and more likely to introduce compromises that would receive enough congressional support to be enacted.<sup>19</sup> As a result, presidents will be less likely to pass more substantive policy changes that bring the status quo closer to his or her ideal policy, but this difference should not be directly reflected in overall legislative success.<sup>20</sup>

Lastly, the available empirical evidence does not provide support for the notion that minority presidents confront stalemates in congress or are unable to form cross-party coalitions. Some preliminary results from cross-national analyses have found that minority presidents tend to pass a majority of the bills they introduce and that their success rates are not strikingly different from those for majority presidents.<sup>21</sup> And coalition formation has been shown to be high among minority presidents, which eventually avoids congressional stalemate.<sup>22</sup>

Several authors have also been skeptical of the hypothesis that links the propensity to use executive decrees to congressional gridlock. Carey and Shugart, for instance, argue that legislators may find executive decrees attractive as a way of expediting action on policy, overcoming collective action problems within legislatures, or furthering individual electoral goals (such as avoiding public responsibility for an unpopular measure).<sup>23</sup> Figueiredo and Limongi portray the executive decree as a bargaining tool employed within the presidential coalition rather than an instrument of unilateral executive action, and Reich argues that decrees can provide information and still allow legislators to influence policy.<sup>24</sup> In a recent paper, Pereira, et. al. discuss the alternative perspectives on decree usage—unilateral theory versus delegation theory—and test related implications with data from Brazil. Their results find contradictory evidence with regards

to the effect of presidential support.<sup>25</sup> On the one hand decree usage appears negatively related to the proportion of legislators following the floor voting recommendations of the leader of the pro-government coalition, and on the other, decree usage has a positive association with the size of the presidential coalition in the legislature.

Our empirical analysis presented in latter sections focuses on legislation introduced during the tenures of three Argentine presidents: Raul Alfonsín, Carlos Menem (two-terms), and Fernando De La Rúa. President Alfonsín's Radical Civil Union party (UCR) had a majority in the Chamber of Deputies from 1983 to 1987 and a plurality from 1987 to 1989. However, the *Justicialista* Party (PJ) had a plurality in the Senate throughout Alfonsín's presidency (with about 46 percent of the seats versus 39 percent for the UCR). President Menem's party, the PJ, had a majority in the Senate throughout both of his presidential terms (1989–95, 1995–1999). In the Chamber of Deputies the PJ had a plurality from 1989 to 1993 and 1997 to 1999 (46 percent), an almost-majority<sup>26</sup> from 1993 to 1995 (49.4 percent), and a majority from 1995 to 1997. President De La Rúa's party (UCR) was a minority party in both chambers from 1999 to 2001 (but formed a formal coalition with the smaller centre-left Front for a Country in Solidarity [Frepaso]).

### **Electoral Cycle and the President's Popularity**

The institutional literature has been quite unified in emphasizing the effects of the electoral cycle on the president's performance. There is both a favorable climate for presidents immediately after election, the so-called "honeymoon effect," and a tendency to lose legislative support as their term comes to an end. Most Latin American presidents are prohibited from immediate reelection, which tends to influence the strategies of legislative parties. Lame duck presidents exert less control over legislators' career prospects (e.g. no coattails to potential supporters), and as a result face greater difficulties soliciting cooperation than presidents that can be reelected.<sup>27</sup> A tendency for presidents to lose congressional support as the term in office comes to an end has been blamed on the need for party leaders to strengthen their own identities and avoid being punished for government mistakes.<sup>28</sup>

Several single-country studies published during the 1990s noted the interaction between the electoral cycle and legislative support for the president, such as Coppedge's work on Venezuela, Conaghan's on Ecuador, and Carey's on Costa Rica.<sup>29</sup> The effect of the electoral system on presidential legislative support has been portrayed as, perhaps, one of the most fundamental differences between presidential and parliamentary regimes.<sup>30</sup> A somewhat different perspective

is advanced by authors who emphasize changes in the president's popularity rather than (or in addition to) the structural effects of electoral calendars.<sup>31</sup> The effect of public opinion on congressional behavior raises some interesting questions regarding the responsiveness of representatives as well as the autonomy of presidents. The central role played by the president as the most important source of political legitimacy and authority has been extensively documented, leading to the presumption that legislatures in Latin America have few incentives to be responsive to the public and have few institutional mechanisms to enforce horizontal accountability.<sup>32</sup> The presumption that representation does not work well in the region's new democracies is so pervasive that researchers have not devoted enough resources to studying the link between public opinion and the legislative process. However, if legislators fail to approve executive bills because they expect that the lack of popular support for such initiatives would lower future support among voters, then electoral strategies do promote some form of democratic accountability, as is expected in consolidated democracies.<sup>33</sup> The positive association between presidential approval rates in public opinion polls and the passage of the president's legislative agenda has been highlighted by Mainwaring for Brazil, Altman for Uruguay, and Calvo for Argentina, as well as by a large body of literature on the U.S. case.<sup>34</sup>

### **Bicameralism and Consensus**

Bicameralism in Latin America has become a topic of increased interest. Yet both the effects of bicameralism on policy outcomes and the process of decision making within upper houses remain largely unexplored topics in the region.<sup>35</sup> The literature so far has been mostly descriptive and focused mainly on issues of representation.<sup>36</sup> The limited research on this topic is perplexing when one considers that half of Latin American countries have bicameral congresses. Moreover, unlike many bicameral legislatures in parliamentary regimes, the bicameral legislatures of Latin America have symmetrical chamber powers that make Senates highly relevant institutional players that can present another hurdle to the enactment of policy proposals. This is especially important when there are substantial differences in the constituencies of both chambers (incongruence), which exacerbates the division of purpose between them.

In addition to congruence and symmetry, the rules used to reach a bicameral agreement can have an influence on the type of agreement and whether an agreement is reached at all. Rules sometimes establish a conference committee (as in Chile, Colombia, or the U.S.); other countries shuttle the bill back and forth until a resolution is reached (as in Brazil or Italy), and still others have rules that give an advantage to one of the chambers (as in Argentina).<sup>37</sup> When

bicameral rules give an advantage to the chamber that initiates legislation, as is the case in the Argentine Congress, we would expect presidents to exploit these differences to their advantage.

Differences in the enactment of legislation can also arise from the different decision-making environments found in each chamber. As we note in the next section, cooperation within the Senate—which tends to have a smaller, more collegial, tenured, and cohesive membership—should be greater than within the more uncertain and divisive environment found in the Chamber of Deputies. This difference can have a substantial effect on the enactment of presidential proposals, since bills should be expected to travel a more successful path when the president has better information about the chamber's position and the initiating chamber is a more cooperative and cohesive actor.

### Summary

We can summarize the preceding discussion into five hypotheses associated with presidential legislation:

- P H1:** The size of the president's legislative coalition should be positively related to the passage of presidential bills.
- P H2:** The use of executive decrees should be negatively associated with the passage of presidential legislation.
- P H3:** The presidential electoral cycle should affect the legislative success of presidents, boosting passage of legislation during the honeymoon period.
- P H4:** The public's approval of the president should be positively related to the passage of presidential bills.
- P H5:** Chamber differences should lead to a higher rate of passage for presidential bills first introduced in the more certain and cooperative environment (i.e., the Senate in Argentina).

## 2. LEGISLATORS AS LAWMAKERS

While there is a growing body of research analyzing presidential legislative success in Latin America, considerably less effort has been devoted to explaining approval of initiatives by individual legislators.<sup>38</sup> Many of the working hypotheses found in the Latin American literature, therefore, have been imported from comparative research in Europe and the United States. In this article we focus on four sets of variables that are used to explain legislative success: (i)

partisan-effects; (ii) bill-specific effects; (iii) institutional and contextual effects, such as the initiating chamber or the proximity of elections; and (iv) individual characteristics of the proponent such as congressional experience, gender, or committee position.

### Partisan Effects

In most Latin American countries, political parties play a crucial role organizing the daily business of the legislature. Not only are parties (and party leaders) the key players in terms of control over the legislative agenda, but they are also endowed with a variety of resources to affect the behavior of individual representatives. An important mission of all parties (to varying degrees, of course) is the enactment of laws they favor and the rejection of those they dislike. But in legislatures, where power is not distributed equally, not all parties will be successful in advancing their members' lawmaking goals.

In a party-based legislature it is to be expected that bills introduced by members of the majority party would have a higher probability of passage than those introduced by members of other parties. In the time-constrained environment common to all legislatures, the party leaders with control over the scheduling of consideration of proposals should be expected to prioritize the bills of their fellow partisans. Such bills also tend to arrive on the floor with the largest *a priori* support, whereas bills introduced by members of other parties, if reported, often face higher costs in terms of floor coalition building. The literature on the U.S. Congress has emphasized membership in the majority party as the dominant explanation of legislative effectiveness.<sup>39</sup> Anderson et. al. goes on to say that the most obvious constraint (or aid) to a legislator's success is their partisan stripe.<sup>40</sup>

The success of legislators belonging to minor parties should vary based on their ideological positions. More specifically, "extremist" parties will be less likely to make into law the policy changes they advance than more moderate parties, since such proposals will be less likely to represent the preferences of the legislature. It is generally harder for representatives of small parties of the far-left and the far-right to convince other parties to endorse their legislation. In contrast, moderate parties have a positional advantage to begin with. In addition, small centrist parties, independents, and pragmatic provincial parties can be extremely helpful to the president when specific support thresholds need to be met. As a result, members of pivotal parties should benefit from higher rates of passage while members of extremist parties should be less successful.

Perhaps more important than the size and position of the proponent's party is the interaction between partisan affiliation and control of the executive branch. Just as the president expects the support of fellow partisans in congress,

legislators expect that a fellow partisan in the executive branch will help them advance their own proposals. Consequently, bills introduced by members of the president's party should have a greater chance of enactment.

The preceding discussion leads us to three new hypotheses:

**C H1:** Belonging to the largest party in the chamber should improve the probability of bill approval.

**C H2:** Belonging to small pragmatic centrist parties should improve the probability of bill approval (i.e., provincial parties in Argentina).

**C H3:** Having a fellow partisan in the executive branch should improve the probability of bill approval.

### **Bill-specific support**

Legislative research has noted that certain bills have a greater probability than others at becoming a law, independent of the partisan affiliation of the proponent. Some bills address issues considered urgent given a particular political context, and others focus on less relevant or divisive subjects. Some proposals are introduced in a more conducive institutional environment (less divided, less busy, or more resolute), while others have a harder time getting to the floor of congress for an actual vote.

Entrepreneurial legislators can potentially find “must act” issues and attempt to craft legislation that induces wide support. The diversity of co-sponsors is often cited by legislators during debates or public appearances as evidence of a bill's support;<sup>41</sup> perceived wide endorsement for a bill can be helpful in moving a bill forward (i.e., bandwagon effects). If this is the case, then more appealing proposals, those initially carrying greater external support, should have smoother travel than proposals without co-sponsors. The evidence on co-sponsorship in the U.S. Congress has been mixed. Some authors have found no relationship between co-sponsors and a proposal's success,<sup>42</sup> while others have found significant results depending on the type of proposal at hand,<sup>43</sup> and others have emphasized the indirect effects of co-sponsorship on legislative success.<sup>44</sup>

In the highly partisan context of many Latin American legislatures, it is relevant to examine whether the effects of within-party co-sponsorship are different than those of cross-party sponsorship. Both measures are indicators of external support but they differentiate in terms of the emphasis of such support. Bills endorsed *a priori* by members of different parties can signal more consensual alternatives than individual or partisan proposals, thereby helping their chances of passage. Although cross-party sponsorship may be a signal of broad ideological consensus, it may also

by a signal of weakness—a lack of attractiveness among fellow partisans.

These arguments lead us to two additional hypotheses:

**CH4:** The initial support of numerous legislators (co-sponsors) should improve the probability of bill approval.

**CH5:** The initial support of legislators from more than one party (cross-party sponsorship) should improve the probability of bill approval.

### **Institutional Context**

The institutional context, such as the body—both chamber and committee—that spearheads the legislation and the timing of initiation relative to the electoral calendar, also has an impact on the passage of legislators' bills. Within bicameral legislatures, for instance, we find consistent differences between upper and lower chambers for several relevant variables. Senates tend to have lower membership, higher tenure, and more consensual rules than lower chambers. In addition, lower chambers tend to be more fragmented in terms of partisan composition and representational conflict. The Argentine Congress, for instance, is a good example of these differences. The Senate has developed a series of norm-based constraints that foster cooperation and universalism, and for most of the period since democratization it has been in the control of one party with a large majority. In contrast, the Chamber of Deputies has not only had a much larger membership fragmented among several factions (with majority parties never comfortably surpassing the 50 percent threshold), but it has also organized its business in a much more partisan fashion. In addition, both chambers spend more or less the same amount of time in active sessions (i.e., similar floor time), but lower chambers typically have to deal with a much larger influx of member proposals, perhaps inevitably pushing more proposals out of the agenda.

In addition, we expect legislative parties, like the president, to be affected by the electoral calendar. Legislators should be less effective in passing their bills during an election year, when parties are focused on the electoral contest, and many legislators are campaigning for reelection or seeking alternative ways to further their political career. Moreover, congress tends to hold fewer sessions in election years, partly due to the lack of quorum.

We can summarize the preceding discussion into two additional hypotheses:

**CH6:** Introducing a proposal in the Senate as opposed to the Chamber of Deputies should improve the probability of bill approval.

**C H7:** Introducing a proposal during a legislative electoral year should worsen the probability of bill approval.

### Individual Characteristics

Even in partisan legislatures, we can expect the characteristics of individual legislators to influence how effective members are at advancing their own policy proposals. This link is important because it highlights how individual representatives influence outcomes beyond partisan affiliation or other institutional fixtures. Such insights reflect an important aspect of a legislator's value as a representative.

Legislative researchers have highlighted the advantages of leaders in terms of both individual qualities and organizational resources, which allow them to craft proposals more likely to be enacted by congress.<sup>45</sup> In general, the leadership of the chamber and the chairs of permanent committees have a good understanding of the distribution of legislative preferences and can tailor proposals to reflect this informational advantage. They can also use the institutional advantages provided by the rules of procedure to push their own proposals. In a similar vein, we would expect more senior members to be more effective legislators than freshmen, who have yet to develop the skills necessary to craft attractive bills and the relationships necessary to navigate proposals through institutional and partisan obstacles to their passage.

Hibbing and Moore and Thomas, for instance, found that in the U.S. the legislative efficiency of members increased with the number of years they served in office.<sup>46</sup> A similar finding was put forth by Frantzych, noting that legislative success was the greatest among electorally safe, senior members of the majority party.<sup>47</sup> Anderson et. al. found that chamber authorities (committee and subcommittee chairs and leaders of the chamber) and senior members are more effective legislators than the rank-and-file.<sup>48</sup> They also found that freshmen legislators are less successful in advancing their bills than other members.

An important question for the literature on representation is whether certain groups like women and members of ethnic or racial minorities are more or less likely than others to pass legislation.<sup>49</sup> In Latin America, where many of such groups have been under-represented in the legislatures, scholars have yet to examine whether they have also been less successful at enacting the policy proposals they introduce. In the case of women's representation in the legislative branch, there has been significant progress in Latin America during the last twenty years. In Argentina, for instance, women's representation in the lower chamber jumped from 3 percent in 1983 to 31 percent in 2001. In Costa Rica we find a similar jump from 7 percent in 1974 to 35 percent in 2002.<sup>50</sup> What we

do not yet know is whether women have been as successful as men in advancing the legislation they introduce. There are reasons to suspect the presence of a gender effect. On the one hand, the introduction of quotas for women's representation, common to several Latin American countries, reflected dissatisfaction with the 'old boys club' partisan networks that prevented the advancement of female politicians. An implication of this perspective would be that such hurdles would spill over to negatively affect legislative success inside the chamber. On the other hand, we expect changes in the representation of women in legislatures to matter because, among other things, women tend to focus on different types of proposals than male legislators. If women concentrate on proposals that male legislators are indifferent to or unwilling to support, then this dissent should be reflected in lower rates of legislative success for women.

In the analysis presented in the next section we examine the influences of individual variables while also controlling for the representative's region.<sup>51</sup> Surveys of political elites tend to show that legislators rank the representation of regional interests very highly. Often, these representational goals are said to overwhelm partisan and institutional characteristics, so we control for regional origins.

The preceding discussion suggests three additional hypotheses:

- C H8:** Leadership positions should be associated with higher rates of bill approval.
- C H9:** Longer tenure in office should be associated with higher rates of bill approval.
- C H10:** Bills introduced by women should be less likely to pass than those introduced by males.

### 3. LEGISLATION IN DEMOCRATIC ARGENTINA

We now proceed to describe the broad patterns present in the Argentine data. We begin by distinguishing between **legislative success**, which refers to the rate of approval of legislation introduced by a political actor (i.e. the president, a deputy, or a senator), and **legislative productivity**, which refers to those bills that were actually enacted into law. We present information for the two major parties, the Peronist party—called *Justicialista* (PJ) and the Radical Civic Union (UCR), both of which have won the presidency several times since 1983. We also present information on small but relatively important parties such as the centre-right Union of the Democratic Center (UCD), the centre-left Frepaso, and several provincial parties.

Table 1 shows legislative success and legislative productivity in the Argentine Congress from December 1983 to 2001. The table includes information on every bill introduced in the House or the Senate by the president, senators, and deputies. About 51 percent of substantive bills proposed by the president became law. In contrast, approval rates were lower for individual legislators, who were successful with only about 5 percent of the legislation they introduced in Congress. Individual legislators, however, initiated ten times as many bills as the president. As a result, while presidents displayed much higher rates of legislative success, executive legislative productivity was lower than that of representatives. Of course, the difference in productivity is not an indication about the relative importance of the legislation being passed.

It is also clear that success rates are considerably higher for legislation initiated in the Senate. This regularity is observed for presidential as well as legislators' initiatives, including non-Peronist parties which have never controlled a plurality of the Senate seats. While legislative success is considerably higher for proposals introduced in the Senate, legislative productivity is higher in the Chamber of Deputies—the result of a larger number of bills proposed in a chamber that has three times the number of representatives.

Descriptive information that also deserves consideration is the relatively high rate of approval of legislation initiated by the UCR. Considering the fact that in the last twenty years, the UCR has never held a plurality in the Senate and has controlled a plurality of the Chamber of Deputies for only six years, the fact that around 33 percent (402/1212) of the representative initiated legislation approved by Congress was proposed by the UCR is very significant. The PJ, consistently the largest party in the Senate and the largest in the Chamber of Deputies since 1989, has a productivity rate of around 56 percent (659/1212).

The pivotal role often played by moderate provincial parties with regards to providing the votes necessary to reach passing majorities appears to be rewarded with a comparatively high legislative success rate of 5 percent, higher than that of the UCR (4.7 percent) but lower than that of the PJ (5.5 percent). By contrast, all other minority parties—including the more ideologically off-centre Frepaso and UCD—have legislative success rates that are two to three times lower than those of the majority parties.

Since 1983, significant variation can be observed with regard to legislative success. This is the result of both the existence of political cycles in the approval of legislation and variation in the amount of legislation being proposed. As is possible to observe in Figure 1, the approval of legislation introduced by members of Congress is extremely varied while the amount of legislation being initiated has increased markedly.

TABLE 1. Legislative Success in Argentina

Proponent	Chamber of Origin	Bills Introduced	Bills Passed	Success Rate
<b>Executive</b>	Deputies	916	375	<b>40.9%</b>
	Senate	919	566	<b>61.6%</b>
<b>Legislators</b>	Deputies	20,632	780	<b>3.8%</b>
	Senate	5,484	432	<b>7.9%</b>
<b>PJ members</b>	Deputies	9,006	402	<b>4.5%</b>
	Senate	2,937	257	<b>8.8%</b>
<b>UCR members</b>	Deputies	6,666	271	<b>4.1%</b>
	Senate	1,818	131	<b>7.2%</b>
<b>Provinciales</b>	Deputies	935	40	<b>4.3%</b>
	Senate	667	44	<b>6.6%</b>
<b>Frepaso</b>	Deputies	2,102	34	<b>1.6%</b>
	Senate	39	0	<b>0.0%</b>
<b>UCD</b>	Deputies	590	0	<b>0.0%</b>
	Senate	0	0	<b>0.0%</b>
<b>Others</b>	Deputies	1300	27	<b>2.1%</b>
	Senate	23	0	<b>0.0%</b>

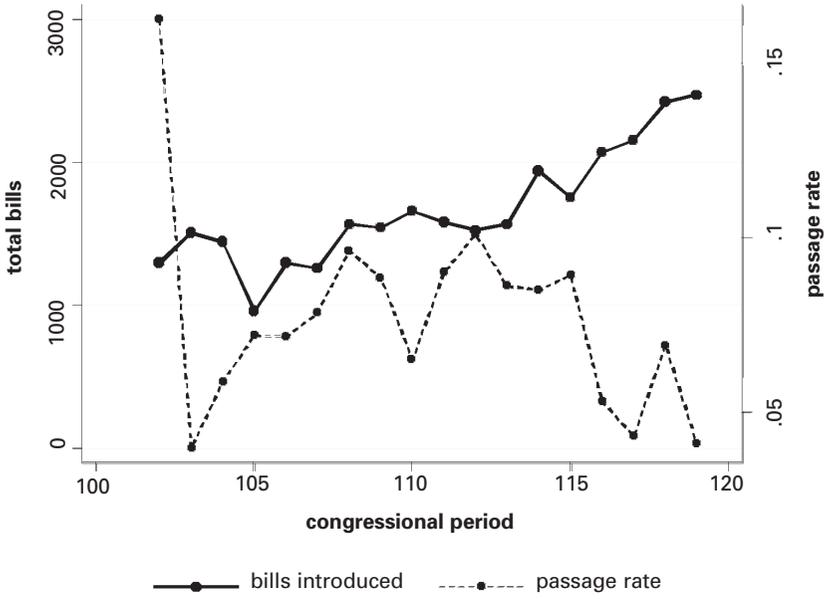
Note: Estimated from *Información Parlamentaria* data. Membership obtained from the entry “Bloque del Firmante” in *Mesa de Entrada*.

### Statistical Analysis

To test the hypotheses enumerated earlier in the chapter we employ a random effects model with a logistic link. We are interested in the effect of variables that are specific to each bill as well as group variables that vary only across legislative periods. Given the structure of the data, a multi-level model provides the coefficients of interest with properly estimated standard errors.

We use a nominal dependent variable that takes the value of 1 if the bill was approved by both the House and the Senate and 0 otherwise. We have differently specified models for bills initiated by the executive and for bills initiated by individual representatives. Given that our dataset includes considerably more information about deputies than about senators, we run several different models: (i) two models of executive legislative success; (ii) a basic model of legislative success for both senators and deputies; and (iii) an

FIGURE 1. Bills Introduced by Members of Congress, 1983–2001



Note: Observations for congressional period 101 (1983) were added to period 102 (1984) to facilitate the reading. This congressional period only included legislation introduced in December of 1983, during the initial month of the democratic period.

extended model that only analyzes legislative success among members of the Chamber of Deputies, but which incorporates information about the political career and status of each deputy.

The models of executive success incorporate variables that test for the effect of partisan support for the president, the issuance of executive decrees, the electoral cycle, public approval of the president's performance, and the chamber where the bill was first introduced.

The independent variables include: (i) an indicator of whether the executive's party has a plurality or majority in one or two chambers;<sup>52</sup> (ii) the rate of executive decrees given the total number of legislative proposals introduced by the president in that congressional period; (iii) a dummy variable that takes the value of 1 if the president is in his first year in office; (iv) the positive image of the president as reported by *Mora y Araujo* (1983–1988) and *Nueva Mayoría* (1988–2001); and (v) a dummy variable which takes the value of 1 if the bill was initiated in the Senate. We also control for: (vi) the total number of bills introduced in the congressional period (logged) and (vii) the number of House and Senate committees to which the presidential bill was sent.<sup>53</sup>

The model that captures legislative success for individual legislators incorporates variables that test for the effects of parties, allegiance with the president, bill supporters, chamber of origin, electoral cycle, and gender, as well as controlling for the region of the proponent and the number of bills introduced by the proponent and by all legislators during that year.

The variables used to measure partisan effects include a dummy variable that takes the value of 1 if the bill proponent belongs to the largest party bloc in the chamber and 0 otherwise; five dummy variables for representatives from the PJ, the UCR, and all provincial parties; a dummy variable that takes the value of 1 if the current president is a Peronist and 0 otherwise; and interaction terms between having a Peronist president and the party of the proponent of the bill (to capture the effects of having an executive from the same party).

The *a priori* support of different proposals is measured by the natural log of the number of co-sponsors of the bill (an ordinal variable ranging from 1 to 62) and a dummy variable that takes the value of 1 if there are members of more than one partisan bloc among the co-sponsors. The institutional measures include a dummy variable that takes the value of 1 if the bill was introduced by a senator and 0 if it was introduced by a deputy and another dummy that takes the value of 1 if there are legislative elections that year and 0 otherwise. Gender effects are captured by a dummy variable which takes the value of 1 if the representative is a woman and 0 for male representatives.

We control for the number of bills initiated by the proponent and the log of the number of bills introduced by all legislators during that year. We also include dummy variables for three regions: the metropolitan region (CABA, Buenos Aires, Cordoba, Mendoza, and Santa Fe), the Northwest (Catamarca, Chaco, Jujuy, La Rioja, San Luis, Santiago del Estero, Salta, and Tucuman), and the South (Rio Negro, Chubut, La Pampa, Neuquén, and Tierra del Fuego).

For the third model we use additional information on the background of individual deputies from a dataset collected by Jones, Saiegh, Spiller, and Tommassi.<sup>54</sup> In addition to the variables used in model 3, we add an ordinal variable that describes the tenure length of the deputy proposing the bill; a dummy variable that takes the value of 1 if the proponent is the president of an ordinary committee and 0 otherwise; and three dummy variables measuring whether the bill proponent belongs to the most important committees in the Chamber of Deputies: budget (*hacienda*), justice, and constitutional affairs.

### Results for Presidential Bills

Table 2 presents the results of the legislative success model for presidential bills.

Because the president's image and the rate of decrees are highly correlated, we run two specifications of the model. Four of the variables display significant effects: the rate of decrees, the positive image of the president among voters, the honeymoon year, and the introduction of bills in the Senate.

The results show that the rate of decrees issued by the president is negatively associated with the passage of bills (**PH2**). It is also relevant to note that there is a high negative correlation between the rate of decrees and the positive image of the president, which suggests that unpopular presidents are more likely to use decrees and that this hampers their ability to win congressional passage of their bills.

Presidential bills introduced during the first year in office are more likely to become law than those introduced in later years (**PH3**). The coefficient is significant and positive (the expected direction). A presidential bill introduced in the Chamber of Deputies during the honeymoon year has about a 50 percent chance of being enacted (all other variables at their mean), while the chances for a similar bill introduced later in the term is about 10 percent lower. The effect of the honeymoon year is still significant after we introduce the variable for the public's evaluation of the president (model 2), although its impact is somewhat weakened.

There are also significant benefits to the president when public approval is high (**PH4**) and when proposals are introduced in the Senate (**PH5**). The positive association between public opinion and approval of presidential legislation is statistically and substantively significant. A more intuitive interpretation of the magnitude of the benefits from higher public approval and from introducing legislation in the senate is summarized in Figure 2, which describes the likelihood of approving a bill as a function of the increasing popularity of the executive. The upper line shows the probability for bills introduced in the Senate while the lower line shows the probability for bills introduced in the Chamber of Deputies (dashed lines show 95 percent confidence intervals). The figure shows that legislative success is close to 30 percent when bills are first presented to the Chamber of Deputies and the positive image of the president is very low. By contrast, a very high positive image, around 60 percent, increases legislative success to about 45 percent when legislation originates in the Chamber of Deputies and to about 75 percent when legislation is introduced in the Senate.

The results do not support the proposition that changes in partisan support affect legislative success (**PH1**); the estimated coefficient is insignificant and in one case it is in the opposite direction. We tried alternative specifications of this variable, such as the average share of seats controlled by the executive in the House and the Senate and a dummy for unified government, but none showed

TABLE 2. Presidential Bills and Legislative Success

Independent Variable	Model 1 ( <i>dv: approved</i> )	Model 2 ( <i>dv: approved</i> )
<b>Chamber Control</b>	<b>0.028</b>	<b>-0.163</b>
	0.202	0.188
<b>Rate of Decrees</b>	<b>-2.047***</b>	~
	0.792	
<b>First year of Presidential Team</b>	<b>0.624***</b>	<b>0.402*</b>
	0.213	0.241
<b>Public Image of the President</b>	~	<b>1.364***</b>
		0.503
<b>Initiated in Senate</b>	<b>1.253***</b>	<b>1.273***</b>
	0.157	0.158
<b>Number of Bill Initiatives</b>	<b>-0.286</b>	<b>0.014</b>
	0.432	0.429
<b>Committees in Ch. of Deputies</b>	<b>0.032</b>	<b>0.032</b>
	0.083	0.083
<b>Committees in Senate</b>	<b>-0.141</b>	<b>-0.136</b>
	0.103	0.103
<b>Constant</b>	<b>1.269</b>	<b>-0.663</b>
	1.679	1.651
<b>Log Likelihood</b>	-647.5248	-646.9653
<b>N</b>	1008	1008

Note: significance level .1 =\*; .05 =\*\*, and .01\*\*\*

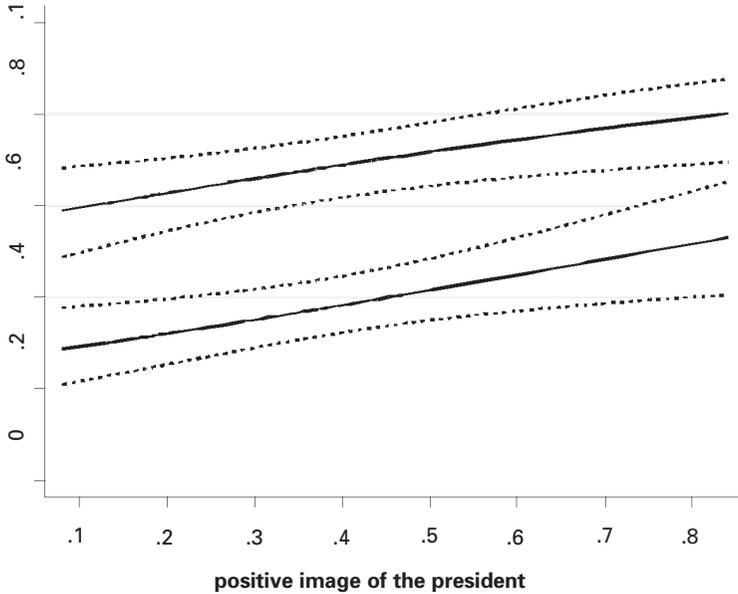
significant results. Lastly, the control variables included do not affect the passage of presidential bills in any significant way.

### Results for Bills Initiated by Legislators

Table 3 presents the estimates for bills initiated by members of Congress. The

first results (model 3) use the full sample of legislation proposed by senators and deputies, while the second estimates (model 4) incorporate a broader number of independent variables on a sub-sample which only includes bills proposed by members of the Chamber of Deputies.

FIGURE 2. Legislative Success and Public Opinion (by chamber of origin)



The first nine variables provide information about partisan effects. The results lend support to all three partisan hypotheses. As expected, members of the largest party in the chamber have a significant advantage over others (**CH1**). The results also indicate that ideologically moderate provincial parties, which often play a pivotal role for the approval of critical legislation, have a higher rate of legislative success than other minor parties (**CH2**). This effect, however, is no longer statistically significant when we only look at initiatives from deputies (model 4). The probability of approval also increases substantively when the executive is from the same party as the proponent of the bill (**CH3**). This effect is even stronger than that of belonging to the plurality party. These results reinforce the perception by some UCR legislators that the chances of approving bill initiatives increased under the presidency of Fernando De La Rúa even though there were no drastic changes in the share of seats from the prior presidency.<sup>55</sup>

The next two variables provide information about the effects of bill co-

TABLE 3. Legislative Success of Members of Congress

Variables	Model 3 <i>Deputies and Senators</i>	Model 4 <i>Only Deputies</i>
Member of the largest party	<b>0.249***</b>	<b>0.481**</b>
	0.097	0.217
PJ member	<b>0.654***</b>	<b>0.321</b>
	0.169	0.245
UCR member	<b>1.177***</b>	<b>0.597*</b>
	0.163	0.318
Provincial party member	<b>0.792***</b>	<b>0.459</b>
	0.157	0.297
President PJ* Proponent PJ	<b>0.487***</b>	<b>0.632*</b>
	0.179	0.327
President PJ* Proponent UCR	<b>-0.573***</b>	<b>0.041</b>
	0.192	0.360
President PJ	<b>0.212</b>	<b>-0.408</b>
	0.177	0.261
Number of Co-Sponsors	<b>0.184***</b>	<b>0.128**</b>
	0.044	0.065
Cross-Party Initiative	<b>0.951***</b>	<b>1.133***</b>
	0.090	0.117
Initiated by Senator	<b>0.839***</b>	~
	0.067	
Legislative Electoral Year	<b>-0.333***</b>	<b>-0.325***</b>
	0.104	0.117
Women Proponent	<b>-0.217**</b>	<b>-0.087</b>
	0.091	0.160
Number of Bills Introduced by Proponent	<b>-0.001</b>	<b>-0.003***</b>
	0.000	0.001
Total Bills Initiatives per Period	<b>-.430***</b>	<b>0.091</b>
	0.130	0.314
Region: NW	<b>-0.106</b>	<b>-0.316</b>
	0.088	0.155
Region: South	<b>-0.062</b>	<b>0.000</b>
	0.085	0.143
Region: Metro	<b>-0.033</b>	<b>-0.033</b>
	0.075	0.105

TABLE 3. (continue)

Variables	Model 3 <i>Deputies and Senators</i>	Model 4 <i>Only Deputies</i>
Committee Chair	~	<b>0.455***</b>
		0.112
Tenure in the House	~	<b>0.049**</b>
		0.022
Member of the Budget Committee	~	<b>0.303**</b>
		0.123
Member of the Justice Committee	~	<b>0.354**</b>
		0.158
Member of the Constitutional Committee	~	<b>-0.313**</b>
		0.160
Constant	<b>-1.071</b>	<b>-4.545**</b>
	0.970	2.320
Log-Likelihood	-4838.0641	-2208.1774
N	27406	14332

sponsors and cross-party initiatives on the approval of legislation. Both variables are statistically significant. As expected, a larger number of co-sponsors increases the chance that a bill will be approved (CH4). Similar to the US case, co-sponsorship from multiple parties is positively related to legislative success (CH5). Both results are robust to alternative specifications.

In regards to the institutional context, the results of Model 3 show that bills initiated in the Senate are more likely to be approved (CH6), as was the case with presidential initiatives. The results also reveal the effects of the electoral cycle, as bills introduced during years with legislative elections are less likely to be approved (CH7).

Of the hypotheses related to individual characteristics of bill proponents, only the gender effect can be measured with the full sample of Model 3. Gender has a statistically significant effect, with women's bills being approved less often than bills from their male counterparts (CH10). The gender difference, however, becomes statistically insignificant once we account for differences in

institutional prestige factors such as chairmanships or tenure factors. These latter effects, however, can only be measured in the reduced sample analyzed in Model 4 (for deputies only). These results suggest that appointments to positions of authority may partially explain the gender gap in legislative success. Committee chairs, for instance, have overwhelmingly gone to men during the period analyzed, and the average tenure of women is also shorter.

The results for the effects of leadership positions and tenure in office are captured by Model 4.<sup>56</sup> We can see that bills introduced by committee chairs and members of two of the most important committees—the crucial budget (*hacienda*) and justice committees—are more likely to pass than bills introduced by other members of Congress (CH8). Surprising, perhaps, is the negative coefficient for members of the constitutional committee, who appear to be particularly incapable of turning their bills into law. As expected, bills introduced by members with more years in Congress are significantly more likely to pass (CH9). The impact of tenure, however, is not as strong as that the effect of chairing a congressional committee.

The control variables also provide interesting information. We see that an increase in the number of bills introduced by individual legislators reduces the likelihood of success (under both specifications). There is also a negative association between success rates and the total number of legislative proposals introduced in a congressional period. This result, however, stands only for the full sample (Model 3). In regards to the regional effects, we find a negative association between passage and deputies from the (poor) Northwest, but only for the reduced sample (Model 4).

#### 4. DISCUSSION AND IMPLICATIONS

The statistical analysis in the previous pages shows that presidential bills are more likely to pass when the president is popular and when legislation is introduced in the Senate. The results also show that approval rates for such bills appear unaffected by the level of partisan support presidents have in Congress. There is also a statistically significant negative association between the passage of presidential bills and the number of presidential decrees.

Bills introduced by members of the legislature are more likely to pass when the proponent is a member of the largest party in the chamber as well as when the proponent belongs to the president's party. Bills introduced by senators, more senior members, and committee chairs are more likely to pass than other proposals. We also show that increasing the number of co-sponsors and receiving the endorsement of legislators from multiple parties improves the chances of

a bill's passage. Timing can also hurt: bills introduced during legislative election years have a lower probability of passage.

In short, our analysis reveals significant influences from a variety of sources. Below we concentrate on three questions. In regards to presidential success, we discuss our apparently counterintuitive finding that having a larger legislative coalition does not affect presidential legislative success. We then discuss what our results suggest about executive-legislative relations. Lastly, we conclude with some comments about democratic accountability and the making of laws in Argentina.

### **Presidential Legislative Support – where is it?**

The link between support for presidential proposals and formal partisan support in congress deserves further consideration. The analysis of presidential bills shows that the level of partisan support presidents have in the legislature does not affect approval probabilities. But how robust is this finding? Does this finding imply that patterns of approval are unaffected by a switch to unified government?

At the beginning of this study we noted three reasons why formal changes in presidential support may not affect presidential success rates: (i) institutional prerogatives give minority presidents agenda-setting power which encourages Congress to compromise, (ii) the positive influence of unified government may be weakened by a fractionalized party while the potential drawbacks of minority status may be nullified by formal and informal coalition formation, and (iii) strategic presidents may introduce proposals that reflect compromises designed to carry the congressional support of the required majority. We believe all three factors to have played a role in the case of Argentina. We also noted that some comparative analyses had also shown little variation in success rates associated with the formal levels of congressional partisan support for the president, which lends some support to our finding. In addition, the results reveal that presidential popularity affects congressional behaviour after we control for partisan stripe. This not only means that minority presidents may find legislators from other parties more willing to go along with their proposals when they are popular, but also that majority status combined with an unpopular presidential streak can make congressional support costly and less predictable. This also may have been the case in Argentina.

Although the level of partisan support in congress does not make presidential bills more likely to be approved, unified government brings a significant collective benefit to the president's party. Bills introduced by members of the president's party are more likely to pass regardless of majority status, but reaching the majority status further increases the probability that a bill will pass. As a result,

periods of unified government provide substantial benefits to the president's party. In these circumstances policy change is mostly determined by the party in power, which is led by the president.

### **Dominant Executive—where are you?**

The results presented in this study reveal another important aspect of democratic politics in Argentina: the absence of a dominant executive. This is a negative finding—we are not proposing an alternative vision of congressional dominance, merely the absence of a president that dominates Congress. We believe the evidence is consistent with different aspects of a workable relationship between both branches of congress. Let us clarify.

We believe the results presented in this chapter show that the Argentine Congress plays a substantial role in making and passing policies. The descriptive data presented earlier showed that a majority of the bills that passed were actually introduced by individual members of Congress. Moreover, the statistical analysis showed that a fundamental benefit of achieving unified government is the greater success of partisan legislation initiated in Congress, not an increase in the approval of presidential proposals. The fact that Argentine legislators initiate just over half of all new laws may not be that impressive when compared to United States, where the president does not have the capacity to formally introduce bills, but it is highly relevant in comparison to most parliamentary countries.<sup>57</sup> In places like Australia, England, Ireland, and Malta, virtually all of the bills that become law originate in the executive (the cabinet).<sup>58</sup>

We believe that the literature is generally correct in highlighting the greater policy relevance of presidential initiated bills versus individual member initiatives; however, we also believe that, at least in the case of Argentina, the conventional wisdom is incorrect in portraying congressional initiatives as of minor relevance. Alemán presented some corroborating evidence from an analysis of major policy initiated during the presidencies of Carlos Menem and Fernando De La Rúa. During Menem's administration, legislators introduced as many "major" bills as the president, including proposals to specify the autonomy of the City of Buenos Aires, to create the independent entity that participates in judicial appointments and oversight, to privatize nuclear facilities, and to change income taxes.<sup>59</sup> Though the number was considerably lower under De La Rúa's presidency, there were still several important laws that were introduced by individual members. Also relevant is the fact that most major presidential bills pass after receiving substantial amendments *introduced* by members of Congress.

### The Making of Laws and Democratic Accountability

In contrast with much of the comparative literature which describes lawmaking in Latin America as deeply flawed, the results presented in this article depict a relatively up-beat picture of the lawmaking process in Argentina, where representatives actively draft, co-sponsor, and enact their own legislative initiatives. In this picture majority and minority parties succeed in passing legislation at rates which reflect their relative strength and key institutional factors, such as institutional authority or tenure, which are important for enacting legislation.

It is true that, as previous literature has noted, the executive plays central role in the Argentine law-making process. It is also true, however, that this is to be expected in most presidential regimes, where an institutionally powerful executive is elected independently from the legislature and where the president serves both as the head of government and the leader of a major political party. Argentine presidents, however, have to work hard in order to get their initiatives passed; they are scrutinized by voters, the media, and by Congress. In the last twenty years, presidents and their ministers have had to answer over 20,000 requests for “executive reports” (*pedido de informes*) by individual legislators or groups of legislators, have been forced to withdraw legislation, have been unable to get legislative approval in the second chamber, and have been unable to move legislation out of committee 1,237 out of 2,384 times. It is precisely because of the capacity of Congress to be an effective mechanism of horizontal accountability that different presidents have attempted to expand their presidential authority in “constitutionally provocative ways.”<sup>60</sup>

The results of this article also lend support to the notion that the effective vertical accountability of presidents and legislators goes beyond election day. Presidential legislative success is affected by changes in the public mood, but only if legislators effectively respond to changes in public opinion when making collective decisions about proposed legislation. Such responsiveness allows minority presidents to get their initiatives approved when seats are lacking and restricts the power of presidents that control a majority of seats. Whether the responsiveness link works directly through constituency pressure or whether it is mediated by provincial party bosses remains to be studied.

Recognizing that Congress serves as an important agent of accountability, however, does not imply that no further institutional consolidation is needed. There is evidence that the relationship between the executive and Congress is not symmetric—the result of a Congress with fewer financial resources and bureaucratic expertise than its executive counterpart.<sup>61</sup> Under the protection of a popular presidency, Nestor Kirchner (2003–2007) has advanced new legislation that both regulated the issuance of executive decrees and strengthened executive

prerogatives. It will take time to find out whether under less popular presidents the Argentine Congress will be able to reclaim some of the lost ground, increasing its capacity to modify future presidential initiatives and the rate of enactment of its own substantive legislation.

## NOTES

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  50. Both Argentina and Costa Rica have passed legislation establishing a quota for women’s representation.

51. In addition we control for both the number of bills introduced and the number of bills introduced by the individual legislator.
52. We tried various specifications of this variable. See the results section.
53. If the bill was initiated in the house and never made it to the Senate, the variable indicating the number of Senate committees was set to that year's mean. Similarly, if the bill was initiated in the Senate and never made it to the house, the value of the number of house committees was set to that year's mean. This adjustment is necessary to prevent the absence of information in the house or the senate to dampen the estimates of the model.
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# Political Determinants of Legislative Budgetary Oversight:

## Party System Competitiveness and Party Cohesion in Argentina, Brazil, and Mexico

*Alejandro Bonvecchi*

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What explains variations in the institutions of legislative budgetary oversight (LBO) and their performance in presidential systems? This question has usually been answered with an institutional argument: presidential systems have separation of powers, so the legislature has an inherent interest in building and operating strong and effective LBO institutions. Recent literature has challenged this approach by arguing that LBO institutions are determined by legislators' disposition to control the executive, and that such disposition depends primarily on partisan variables rather than constitutional design; in short, that institutions matter, but political power determines institutions. The partisan perspective, however, has yet to provide a clear argument that elucidates the linkages between partisan and institutional variables and the performance of LBO institutions. This paper intends to fill in that void by proposing that party system competitiveness explains the nature of LBO institutions and party cohesion explains their performance. These claims are tested with evidence from Argentina, Brazil, and Mexico—three presidential countries with different party systems.

### **1. THE PROBLEM: WHAT EXPLAINS LEGISLATIVE BUDGETARY OVERSIGHT?**

Legislative oversight of the budget has usually been discussed within the literature on the accountability<sup>1</sup> of the executive branch. Drawing from Madison's defense of the U.S. Constitution this literature typically claims that accountability in presidential systems of government depends on the separation of powers between the executive and legislative branches. Separation of powers—via separation of both origin and purpose—creates distinct institutional actors with countervailing ambitions; insofar as the legislature has a different origin and purpose from those of the executive, legislators would be inherently interested in holding the executive accountable for its actions.<sup>2</sup> Consequently, where the

separation of powers is threatened or non-existent, accountability of the executive would be weak and ineffective. Since budgetary oversight is unanimously considered a form of accountability, its exercise by the legislature would also depend on the effectiveness of the separation of powers.

The origin, institutional nature, and performance of LBO institutions have therefore been explained using variations of this Madisonian institutional argument. The common feature of these variations is the search for factors that would distort or neutralize the countervailing ambitions of the legislature vis-à-vis the executive—the stronger the presence of such factors, the weaker and less effective the LBO institutions. Three main factors have been identified by this literature: partisanship; electoral systems; and political incentives against the development of legislative careers.

Political partisanship and electoral systems matter because they can generate unified government—i.e. the control of the legislative and executive branches by the same political actor. Partisanship directly distorts countervailing ambitions by introducing unity of purpose. Branches controlled by the same party would typically prefer the same policies and protect the same interests; therefore none would be interested in overseeing the other's activities.<sup>3</sup> Unity of purpose would thus prevent legally empowered and enabled, legislative-based agencies from exercising the horizontal accountability over executive actions or omissions by averting the development of the political will to do so.<sup>4</sup>

Electoral systems typically yield the same outcome—unity of purpose and weak oversight—by either excessively strengthening or excessively weakening political parties, or by encouraging the formation of majoritarian legislative-based governing coalitions. Moreno, Crisp, and Shugart contend that legislators typically refrain from exercising accountability of the executive both when electoral systems create excessively weak parties and when they create excessively strong ones.<sup>5</sup> Legislators from weak parties would be uninterested in national policies, and hence lack incentives for watching over executive actions other than those targeted to their particular constituencies. In turn, legislators from strong parties would be mere subjects of the party leaders to whom they owe their benches, so they would have no interest in controlling the actions of any administration led by their party.<sup>6</sup> Also, legislative oversight of the executive would be weak when electoral systems produce fragmented legislatures that force presidents to form majoritarian, legislative-based coalitions in order to govern. The legislative members of those coalitions would have no incentive to control the executive in whose government they participate.<sup>7</sup>

Finally, incentives against pursuing a legislative career is the third factor that would neutralize the countervailing ambitions assumed to be the institutional

source of executive accountability. In countries where subnational offices are endowed with greater institutional and fiscal resources than the legislature, political careers are biased in favor of state/provincial and/or municipal politics, so politicians typically serve a few terms in the legislature and then return to the much more profitable subnational arena. Such a career path discourages politicians from empowering the legislature to carry out oversight of the executive: their electoral prospects depend on their success in dealing with the executive to obtain targeted resources for their constituencies, so they would have little incentive to call attention to the source of their future success.<sup>8</sup>

These variations of the Madisonian argument share one important problem: while legislators might be unwilling or indifferent towards exercising oversight of executive activities in general, they typically have strong incentives to perform *budgetary* oversight in particular. The rationale for this distinction lies in the distributive nature of budgetary politics; insofar as the aim of legislators in budgetary bargaining is to secure benefits for their constituents, it makes little sense to delegate or abdicate control over the effective distribution of those targeted benefits to any extra-legislative body.<sup>9</sup> Either due to electoral systems that generate legislators' dependency on local constituencies or due to progressive ambitions that induce legislators to cultivate a personal vote, members of Congress are interested in securing information on public spending and possessing institutional tools to either guarantee that targeted benefits are effectively distributed or punish the executive for not doing so. Conversely, the executive is interested in withholding information from Congress and in eluding control over the distribution of targeted benefits so as to increase the discretionary management of public spending and thus be able to finance coalition-building and claim credit for the benefits targeted to local constituencies. Oversight of the budget is, hence, one area in which countervailing ambitions always exist.

If countervailing ambitions are a constant in legislative budgetary oversight, then variations in LBO institutions cannot be accounted for via the Madisonian institutional argument. However unified the government, however uninterested in legislative empowerment the politicians, they are interested in controlling what the executive does with the monies they purport to allocate through budgetary policy. Treating the institutional conditions for the emergence and existence of LBO institutions as a constant in presidential systems should therefore lead to the search for other variables that might account for the different forms assumed by this structural interest of legislatures and their members.

Bowen and Rose-Ackerman have argued that the nature of oversight institutions depends on the combination of two variables: the strength of civil society and the courts and the degree of party discipline. A strong civil society is typi-

cally active in monitoring the government and bringing lawsuits to the courts—which, if strong, tend to enforce the law even against government interest.<sup>10</sup> The degree of party discipline, in turn, determines parties' ability to shape oversight institutions. Thus, strongly disciplined parties interacting with weak courts and a weak civil society would yield *partisan* oversight institutions, whereas weakly disciplined parties interacting with a strong civil society and strong courts would produce *nonpartisan* oversight institutions.

This argument presents two important problems. One, inherited from the Madisonian institutional approach, is that it lumps together the different types of oversight the legislature might perform, without distinguishing the specific interests associated with budgetary oversight. The other problem is that it ignores an important aspect of the process by which the alleged interaction of courts, civil society, and parties would shape oversight institutions: the political incentives for legislators to take into account the demands of civil society and the courts. Legislators, regardless of their party discipline, could easily ignore civic and judicial pressures for oversight—however strong—if the political cost for doing so is low. This cost is not endogenous to the strength of civil society and the courts, but rather to the ability of other parties to transform pressures for oversight into effective electoral punishment of the government and parties that ignore them. Hence, without a credible threat of such punishment, oversight institutions could be shaped in a straightforwardly partisan manner.<sup>11</sup>

As an alternative approach, other authors have developed party-based arguments about legislative oversight that highlight the political nature of oversight institutions and their performance. Saalfeld has advanced the claim that government parties are typically less interested in oversight than are opposition parties.<sup>12</sup> This view, according to Mustapic and Llanos, purports that oversight is not so much an affair between the legislature and the executive but rather one between the government and the opposition.<sup>13</sup> The implication of both claims is that legislative oversight should be analyzed as a matter of political competition among parties.

Mustapic and Llanos elaborate on this point by proposing that the link between party competitiveness and party cohesion explains legislators' disposition to exercise oversight of the executive. A cohesive opposition operating in a competitive environment would be more willing and able to control the government, and vice versa—i.e. a fragmented opposition in a non-competitive environment would be less willing and able to do so. In turn, a fragmented government party, regardless of the competitiveness of the party system, would be prone to generating factions interested in overseeing the executive and, therefore, inclined to join opposition parties in oversight activities as party system competitiveness increases.

These party-based arguments have two advantages over the Madisonian institutional approach. On the one hand, they highlight the complex nature of the legislature as a body made of politically differentiated and potentially competitive collective actors. This enables analysis to underscore a dimension frequently overlooked in institutional explanations of oversight: political conflict. Institutions may structure interactions, but as Knight has demonstrated, conflict and power determine the nature and workings of institutions.<sup>14</sup> On the other hand, party-based arguments introduce two factors that could feasibly affect the structurally constant interest of legislators to exercise oversight of the budget: party system competitiveness and party cohesion. Variation in each of these factors might change legislators' disposition to control the executive and the resources at their disposal to perform such control.

However, this incipient party-based approach has problems of its own. One is theoretical: so far, it has not produced a clear argument linking variations in party competitiveness and cohesion with different institutional rules and organizational performance of LBO agencies. If competitiveness and cohesion *both* determine legislators' disposition to exercise oversight, then what determines the performance of oversight entities? Is it competitiveness, or cohesion, alone, or some other factor? The other problem with the party-based approach is empirical. To date, it has relied on case studies rather than comparative research, which makes it difficult to control its insights for other political variables that might have relevant causal effects.

In sum, political party variables might be more adequate explanatory factors of variations in LBO institutions and performance, but the linkages among those variables and between the variables and the expected outcomes are still to be both theoretically and empirically explicated. This task requires an effort not only to formulate a theoretical argument, but also to develop a series of methodological criteria and indicators to measure LBO strength and performance. The reason for this is that hitherto the literature on legislative budgetary oversight has adopted a technocratic approach to conceptualizing and measuring strength and performance. Overwhelmingly, the literature has assumed that legislators' primary interest in designing LBO institutions is to improve the economic and administrative efficiency of the budgetary process, so measuring LBO strength and performance should consist of establishing the extent to which LBO institutions can and do: a) detect irregularities in budgetary execution and b) influence subsequent budgetary planning.<sup>15</sup> For instance, within this technocratic approach the timing of legislative decisions to approve, reject, or observe government reports on budgetary execution are a crucial measure of LBO effectiveness. But what if, as the partisan arguments contend, legislators

are primarily interested not in the economic and administrative efficiency of the budgetary process but rather, more prosaically, in gathering information on budgetary execution and being able to use it in negotiations with the executive over spending, policies, and/or the distribution of targeted benefits? Replacing the technocratic approach to LBO strength and performance with a political approach entails redefining the notions of strength and effectiveness as well as constructing indicators to assess LBO institutions that are consistent with the political nature of legislators' interest over budgetary oversight.

## 2. THE RESEARCH: THEORY, CASES, AND METHODOLOGY

This paper intends to contribute to the development of the party-based approach to legislative budgetary oversight by providing theoretical arguments about the linkages between party variables and LBO institutions and performance, and testing those claims within a comparative research design. On the theoretical side, it argues that competitiveness and cohesion determine, respectively, the strength and effectiveness of legislative budgetary oversight. On the empirical side, it purports to show the pertinence of those theoretical arguments by comparing LBO institutions and performance in Argentina, Brazil, and Mexico. To this aim, it develops a set of indicators to assess the strength and effectiveness of those institutions.

### 2.1. THE THEORY

The theoretical issue to be addressed is what determines the nature and the performance of LBO institutions. The claim here is that party system competitiveness determines the nature of those institutions and party cohesion determines their performance. The first part of this claim can be thus justified: if political conflict among the parties can alter the structural disposition of legislators to exercise budgetary oversight, it seems plausible to argue that such disposition depends on the payoffs accrued by that conflict. The payoffs of exercising oversight increase with competitiveness; parties might be more or less fragmented, but it is the possibility of growing at the expense of the others that sets a premium on controlling the use of public monies. This suggests that competitiveness, rather than cohesion, is the prime determinant of legislators' disposition to control budgetary execution.

But cohesion is still a relevant variable. By definition, cohesive parties are more able than fragmented parties to form a unified political will.<sup>16</sup> Hence, cohesive parties should be more effective in exercising oversight than fragmented

parties. Cohesive parties can achieve internal agreements on the design of oversight institutions, the content of oversight agendas, and the timing and extent of sanctions against government improprieties. These internal agreements make it possible for parties to bargain effectively with their competitors and thus achieve outcomes that replicate the political competition equilibrium shaping the legislature. Fragmented parties are less capable of such feats, insofar as some factions might be inclined to side with actors being controlled. Consequently, the second part of this paper's theoretical claim is justified: party cohesion determines the performance of LBO institutions by determining the effectiveness with which parties come to decisions regarding the operation of those institutions.

It should be noted that these two variables are, in fact, related; competitiveness is typically one of the determinants of cohesion. As a well-established literature contends,<sup>17</sup> party system competitiveness depends on the cleavages present in societies and on the extent to which electoral systems allow for the expression of those cleavages both inside and outside the legislature. In turn, party cohesion depends on ideology and competitiveness expectations. If these expectations deteriorate for whatever reason, ideological unity is typically undermined, and parties might cease to operate as unified actors in oversight activities. The implication of this is that competitiveness might also operate as a determinant of oversight effectiveness in systems with fragmented parties.

But, then again, it may not, and from this constitutively possible disjunction between competitiveness and cohesion an important implication follows. In contrast to the technocratic literature, which argues that strong LBO institutions are necessarily effective and ineffective LBO institutions necessarily weak, the political science approach contends that since competitive party systems may coexist with non-cohesive parties and vice versa, then strong LBO institutions may be ineffective institutions, and effective LBO institutions may be weak institutions. These theoretical claims ground the two hypotheses to be empirically tested. The first is that *legislative budgetary oversight institutions are stronger the more competitive the party system*. A competitive party system provides incentives for congressional oversight of budgetary execution by making the detection of irregularities a focus of political competition. Those with a reasonable expectation to alternate in government and/or congressional majorities are interested in budgetary oversight activities in order to control their adversaries; and those without an expectation to achieve office also want oversight to strengthen their opposition role. Therefore, in countries where the party system is more competitive, legislative-based agencies for budgetary oversight will be stronger than in countries with less competitive party systems. The second hypothesis is that *legislative budgetary oversight institutions are more effective the more cohesive the*

*political parties*. Cohesive parties operate as unified actors in oversight activities and are not divided into factions—some of which might collude with the government or other parties to neutralize oversight. Consequently, in countries where parties are cohesive, legislative oversight of budgetary execution will be more effective than in countries where parties are fragmented.

## 2.2. THE METHODOLOGY

### 2.2.1. THE VARIABLES

There are two dependent variables to be accounted for: *strength of LBO institutions* and *effectiveness of LBO institutions*. To define them, this paper departs from the technocratic approach that conceives of them as, respectively, the capacity and the ability of LBO institutions to: a) detect irregularities in budgetary execution and b) influence subsequent budgetary planning.<sup>18</sup> The technocratic approach, as discussed above, assumes that legislators are primarily interested in designing LBO institutions that improve the economic and administrative efficiency of the budgetary process. In contrast, the political approach adopted here holds that legislators are primarily concerned with overseeing budgetary execution rather than with improving budgetary planning, and that their interest is oriented to: a) establish whether the executive complied with the policies, and especially the transfers, decided upon by the legislature when approving the budget, and b) use that information in future negotiations. Given this premise, LBO institutions are hereby ranked as *strong* when they enable legislatures to exercise budgetary oversight without the cooperation and coordination problems between government and opposition parties that are inherent to legislative oversight in general—i.e. partisan capture of institutions, deadlocks in decision-making, etc. LBO institutions are hereby considered to be *effective* when they enable legislatures to: a) gather and assess information on budgetary execution, which signals technical effectiveness of LBO, and b) impose costs upon the executive and the bureaucracy for irregularities detected in budgetary execution, which indicates political effectiveness. According to the technocratic approach, technical and political effectiveness should coincide, but as will be shown below, this may not be the case within specific combinations of party system competitiveness and party cohesion.

The general rationale in the operationalization of the institutional strength variable is that LBO institutions are weaker the more prone they are to be captured by the legislative majority or the government party—which would be the case in the least competitive party systems. Capture by the government party entails unity of purpose; capture by the legislative majority may lead

to the cartelization of oversight among the majority parties against minority interests.<sup>19</sup> Thus, the institutional strength variable consists of five dimensions that are decisive for the propensity to capture: institutional design, governance structure, institutional capacities, organizational capacities, and operating procedures. Some of the indicators proposed for each dimension coincide with indicators used within the technocratic literature, but the rationale for their interpretation is radically different, insofar as they seek to assess not the ability of LBO agencies to improve the efficiency of budgetary planning and policy, but their effectiveness in providing legislators with the tools they require to perform budgetary oversight for their particular political aims.

The general rationale in the operationalization of the effectiveness variable is that LBO institutions perform more effectively the more capable they are of exercising political control over budgetary execution and of imposing costs on the government and the bureaucracy for irregular behavior—which would be the case when parties are cohesive actors willing and able to enforce the LBO institutional equilibrium arising from political competition. Thus, the effectiveness variable consists of three dimensions which are crucial to establishing the ability of LBO institutions to effectively perform technical and political oversight: *decision-making on government accounts*, *legislative influence on oversight agenda*, and *use of punitive capacities*. The indicators for the first dimension are the types of decisions adopted by LBO institutions on the government accounts, and the LBO institution that adopted it. The indicator for the second dimension is the share of Congressional oversight requests included in the total oversight activities of LBO agencies. The indicators for the third dimension are the number of public officials punished and the number of judicial processes started by LBO institutions. The information for these indicators was obtained from each country's constitution, legislation, and oversight agencies' regulations and reports.

The independent variables are the level of competitiveness of the party system and the degree of cohesion of political parties. Party system competitiveness is measured using three indicators: the effective number of parties in votes, the effective number of parties in seats, and the shares of seats of the relevant parties in the legislature. This set of indicators is meant to account for variations in two different types of competitiveness which may not be correlated: competitiveness in votes and competitiveness in seats. A party system may be highly competitive in votes but less so in seats, for instance, because the electoral system yields a majority premium, or forces the executive to form large coalitions in Congress in order to govern effectively. This lack of correlation may affect the expectations of party leaders about the possibility of alternation in legislative majorities and, therefore, about the kind of LBO institutions most suitable to their inter-

ests. Party cohesion, in turn, is measured as voting unity using the Rice index for party discipline, because although discipline and cohesion are analytically distinct, voting unity still provides—in the absence of complete records of each legislator’s position on each bill—the best proxy to grasp the differences among members of a legislative bloc.<sup>20</sup>

The following paragraphs elucidate the logic behind the indicators for each dimension of the two dependent variables.

## 2.2.2. THE INDICATORS.

### 2.2.2.1. INDICATORS OF INSTITUTIONAL STRENGTH.

#### **The Institutional Design Indicators**

##### *The Legal and Constitutional Status of LBO Institutions*

The recognition, degree of delegation, and beneficiaries of the delegation of budgetary oversight powers indicate whether the constitutional and legal status of LBO institutions strengthens or weakens the legislature’s ability to exercise such oversight. As noted before, the literature on the delegation of legislative powers in separation of powers systems contends that legislatures tend not to delegate budgetary oversight powers because these powers enable them to monitor the effective distribution of targeted benefits that legislators seek to channel according to their preferences.<sup>21</sup> Consequently, LBO institutions should be stronger in countries where budgetary oversight powers are explicitly assigned to the legislature by the Constitution, and weaker where those powers are attributed to the legislature via mere laws than can be changed by other laws at the will of a legislative majority.

The budgetary oversight powers held by the legislature may be more or less specified by the Constitution—i.e. Congress may have varying degrees of leeway to define their oversight powers. The more specific the constitutional definition of LBO powers, the stronger the LBO institutions. In this respect, constitutions may be restrictive or detailed: they are restrictive when they merely mention the assignation of budgetary oversight powers to the legislature; they are detailed when they specify the membership, powers, and capacities of LBO institutions. Restrictive constitutions weaken LBO institutions because they delegate the specification of their membership, powers, and capacities to changing Congressional majorities; detailed constitutions strengthen them for the exact opposite reason.

Still, delegating the specification of LBO powers to Congress may only moderate, rather than weaken, LBO institutions, insofar as there is an alternative beneficiary of such delegation: the executive. Delegating to the executive inevitably weakens LBO institutions in every aspect. Delegating to Congress,

in turn, typically moderates LBO powers in their constitutional status, the nature of their membership, their appointment procedures, and their oversight jurisdictions, but may strengthen LBO institutions regarding their budgetary autarchy and linkage with the legislature. The latter should be the case given the structural interest of legislatures in controlling budgetary execution.

### *Membership and Appointment Procedures*

LBO institutions may be staffed by technicians, technopols, or politicians. Technicians are officials recruited purely for their professional abilities; technopols are technicians who perform political or professional tasks following political mandates.<sup>22</sup> LBO institutions are stronger the more staffed they are by technicians; moderate the more they are staffed by technopols; and weaker the more they are staffed by politicians. A predominantly technical staff has stronger incentives to fully exercise oversight capacities in order to preserve their professional integrity and the quality of their work; this would typically enable it to develop oversight activities independent of partisan pressures.

Members of LBO institutions may be appointed through open competition, legislative voting, or a mixture of both. LBO institutions are stronger the more competitive the appointment procedures, weaker the more politicized, and moderate if procedures mix competitive and political mechanisms. Competitive procedures tend to shield staff from political pressures insofar as they do not owe their jobs to politicians; the reverse is the case when appointment procedures are more politicized.

Finally, members of LBO institutions may be appointed for life, on tenure track, or on a temporary basis. LBO institutions are stronger the more stable their staff; thus, they are strong if the staff is appointed for life, moderate if appointed on tenure track, and weak if appointed on a temporary basis. Life staffers have no incentive to yield to government or legislative majority pressures; tenure-track staffers have incentives to yield until they are given tenure; and temporary staffers are typically hostages of political patrons.

### *Linkage to the Legislature*

LBO institutions are typically agents of legislatures. This linkage may entail more or less delegation from the legislature to LBO institutions in terms of oversight agenda-setting and investigative, punitive, and administrative matters. On one important point, however, legislatures and LBO agencies invariably share power: decision-making over the approval or rejection of the executive's budgetary execution—i.e. the government accounts. Typically, then, budgetary oversight has technical and political stages managed by different institutions: the technical stage is usually run by a technical agency dependent on the legislature, and the

political stage is generally in directed first by a specialized legislative commission and finally by the legislature in plenary session. Consequently, since this division of labor among different types of LBO institutions is a constant, their ranking on this indicator should vary only according to the degree of delegation of oversight agenda setting and investigative, punitive, and administrative matters from the legislature to the technical and political LBO agencies. In competitive party systems, parties should opt for delegation in order to prevent a circumstantial majority held by any of their competitors from capturing the oversight process or its outcomes.

### *Oversight Jurisdiction*

LBO institutions may only have jurisdiction over the national budgetary execution and the national government's accounts, or their role may be expanded to include administrative and managerial aspects of policymaking as well. Typically, constitutions and oversight legislation establish the first, more restricted jurisdiction—a pattern consistent with the structural interest of legislatures in budgetary execution—while the expansion of that jurisdiction is usually the outcome of party competition and bargaining. Consequently, the extent of oversight jurisdiction should increase with party system competitiveness, and remain restricted to budgetary and accounting matters in the least competitive systems.

### *Budgetary Autarchy*

LBO institutions may be administratively and financially dependent on Congress or the executive, or they may enjoy budgetary autarchy. In the former case, the budget and operational capacity of LBO institutions are subjected to bargaining among the parties in Congress and between the legislature and the executive; in the latter, LBO institutions can formulate, obtain approval, and manage their budget without political or bureaucratic interference. In competitive party systems, parties should choose to grant budgetary autarchy to LBO institutions in order to avoid deadlock in budgetary negotiations and the subsequent paralysis of oversight agencies; while in non-competitive party systems budgetary dependence should be the rule because it reinforces the power of the majority party or government coalition over LBO institutions.

## **The Governance Structure Indicators**

The indicators on LBO institutions' governance structure measure the majoritarian or pro-governmental bias of oversight agencies. As argued before, the existence of such bias is crucial to assessing the propensity of LBO institutions to be captured by the government or by a legislative cartel. This bias should be weaker the more competitive the party system. In competitive systems, the governance struc-

ture of LBO institutions should allow for minorities or the opposition to balance the power of the majority cartel or the government; in non-competitive systems, the majority cartel or the government party typically control LBO institutions and are thus able to stop them from deciding against the budget's execution.

### *The Political Composition Rule*

The political composition rule establishes the extent to which the membership of LBO institutions reflects the political makeup of the legislature. LBO institutions are weak if the political composition rule is proportional representation (PR)—which replicates the distribution of seats in the legislature—and strong if it allocates the majority of posts available in LBO institutions to minorities or the opposition. A PR political composition rule typically biases the distribution in favor of the majority party, cartel, or coalition; a counter-majoritarian rule makes it possible for LBO institutions to avoid cartelization or government capture.

### *The Decision-Making Rule of LBO Institutions*

The decision-making rule is the voting rule used by LBO institutions to make their decisions. This rule can be majoritarian or bloc voting—majority rule grants control of decision-making to the *party, cartel, or coalition* with the greatest number of seats in LBO institutions, while bloc voting grants it to a majority coalition of *legislative blocs* represented in those institutions. LBO institutions are stronger if bloc voting is their decision rule, and weaker if majority rule is. Bloc voting enables minorities or the opposition to prevent majority cartels or government coalitions from capturing oversight agencies.

Political composition and decision-making rules should be analyzed simultaneously in order to establish the majoritarian/pro-governmental bias of LBO institutions. The political composition rule may allocate the chair of LBO institutions to the opposition, but if membership of those institutions is selected using PR and majority voting is the decision-making rule, then LBO institutions are biased towards the majority party, cartel, or government coalition and are, therefore, weak in the exercise budgetary oversight.

## **The Institutional Capacity Indicators**

These indicators measure the degree of delegation of LBO powers from the legislature to LBO institutions. Delegation to these institutions should be greater the more competitive the party system. Competitive party systems typically generate a significant number of parties in the legislature and thus complicate cooperation and coordination in decision making; delegation is therefore the means to solve decision problems and to prevent the capture of oversight institutions by majority parties, cartels, or coalitions.

### *Investigative and Punitive Capacities*

LBO institutions may be endowed with investigative and punitive capacities, which they may exercise exclusively or share with the legislature or the courts. The critical investigative powers are the capacities to: a) request information from the executive and bureaucracy and to sanction them for withholding or delaying that information and b) issue and execute search warrants for pertinent public and private entities in case of suspected irregularities. The critical punitive powers are the capacities to: a) promote civil or penal action in case of detecting irregularities, b) suspend government measures and/or government officials suspected of unlawfulness, and c) fine government officials for unlawful behavior. LBO institutions are stronger the more capacities they are endowed with and the more exclusively they may exercise them. Thus, they are strong if endowed with both investigative and punitive powers for their exclusive exercise; moderate if endowed only with investigative but not punitive capacities—because the final decision on irregularities is made by political bodies—or if their use of these capacities is subjected to legislative approval; and weak if they have no capacities other than requesting information without being able to sanction for its delay or withholding.

### **The Organizational Capacity Indicators**

The indicators for organizational capacities also measure the degree of delegation from legislatures to LBO institutions. However, delegation here is not only a function of party system competitiveness, but also of party cohesion. Organizational capacities shape LBO institutions' ability to oversee specific areas of budgetary execution. Both parties operating in a competitive environment and parties fragmented into factions typically find it difficult to decide what areas of budgetary execution are to be preserved from oversight or at least not routinely reviewed. Delegation serves to solve cooperation and coordination problems among parties and party factions alike.

### *Organizational Chart and Staff*

LBO institutions may be endowed with the capacity to draw their own organization chart and recruit the adequate staff to fill in the posts—a role which, again, they may exercise exclusively or may share with the legislature. Organizational charts and staff are adequate if they enable LBO institutions to routinely survey those public bodies with large budget shares and/or the significant social impact—i.e. social security, public works, etc. Again, LBO institutions are stronger the more capacities they are endowed with and the more exclusively they may exercise them. Consequently, they are strong if exclusively endowed with the capacity to decide on their organizational chart and staff recruitment, and use that capacity to create an organization adequate to the oversight tasks;

moderate if their use of that capacity is subjected to legislative approval and/or that capacity is used to create an inadequate organization; and weak if they have no such capacity at all.

### **The Operating Procedures Indicators**

#### *Oversight Agenda-setting*

Oversight agenda-setting may be delegated to LBO institutions, retained by the legislature, or shared by the two bodies—i.e. when LBO agencies are in charge of formulating the agenda *ad referendum* of the legislature's approval. LBO institutions are stronger the more autonomous their agenda-setting mechanisms; so they are strong if they have complete control over their agenda-setting, moderate if it is subjected to legislative approval, and weak if it depends on legislative mandates. Decision-making rules are of critical importance at this point: *cohesive* parties that intervene in oversight agenda-setting should be able to produce a politically-balanced agenda *regardless of the voting rule*, but *fragmented* parties operating under *majority rule* would probably lead to deadlock in the agenda-setting process. Consequently, oversight agenda-setting should be more effective when performed by cohesive parties rather than fragmented ones.

#### **2.2.2.2. INDICATORS OF OVERSIGHT EFFECTIVENESS.**

The indicators for LBO effectiveness measure LBO institutions' ability to gather and assess information on budgetary execution and impose costs on the executive for irregularities detected. The rationale of these indicators is that the more cohesive the political parties intervening in budgetary oversight, the more able the LBO institutions to obtain information and impose costs on the executive. Cohesive parties are more capable than fragmented parties to pressure their competitors into significantly assessing and discussing government accounts, incorporating oversight agenda points, and using punitive capacities.

#### *Decision-making on Government Accounts*

To evaluate the effectiveness of LBO institutions' decision-making on government accounts one must consider not so much the timing of decisions—as the technocratic approach does—but rather three factors alongside the timing: the type of decision adopted, the LBO institution that adopts it, and the reasons behind that decision. LBO institutions can be ranked as ineffective if: a) government accounts are approved by legislatures long after the subsequent fiscal year of the executed budget with only minor objections (i.e. on documenting issues), or b) the legislature and/or its technical support agency remain silent about the

TABLE 1. Strength of LBO Institutions - Dimensions and Indicators

Dimension	Indicator	Strong	Moderate	Weak
<b>Institutional Design</b>	<i>Legal / Constitutional Status</i>	Constitution recognizes LBO and specifies membership, powers, and capacities	Constitution recognizes LBO but delegates specification of powers to Congress	LBO institutions have legal, not constitutional status. Congress delegates specifics to Executive.
	<i>Membership and Appointment Procedures</i>	Staffed by technicians appointed for life through open competition	Staffed by technopols on tenure track via legislative voting & competition	Staffed by politicians on a temporary basis via legislative voting
	<i>Linkage to Legislature</i>	Autonomous agenda-setting and exercise of investigative, punitive and organizational capacities	Agenda-setting and capacities are shared with legislature	Legislature has complete control over agenda-setting and capacities
	<i>Oversight Jurisdiction</i>	Constitution establishes jurisdiction over budgetary execution and legal, administrative and managerial issues	Constitution establishes jurisdiction over budgetary execution and ordinary legislation expands it to other issues	Oversight jurisdiction is established through ordinary legislation and generally restricted to budgetary oversight
	<i>Budgetary Autarchy</i>	Yes		No
<b>Governance Structure</b>	<i>Political Composition Rule</i>	Proportional Representation	PR with Opposition Chair	Majority to Opposition or Minorities
	<i>Decision Making Rule</i>	Majority		Legislative Bloc Voting
<b>Institutional Capacities</b>	<i>Investigative: Information Requests and Searches</i>	Exclusive Use	Upon Legislative Approval	Only information requests without sanction for delay
	<i>Punitive: Suspend Measures and Fine Officials</i>	Exclusive Use	Upon Legislative Approval	No punitive capacities
<b>Organizational Capacities</b>	<i>Organizational Chart and Staff</i>	Exclusive Use	Upon Legislative Approval	No organizational capacities
<b>Operating Procedures</b>	<i>Oversight Agenda-setting</i>	Autonomous	Upon Legislative Approval	Mandated by Legislature

accounts. In contrast, if government accounts are rejected, or approved with reservations by legislatures, or legislatures are deadlocked on the issue on the basis of significant objections (i.e. how to account for income and expenditure), LBO institutions should be ranked as effective *regardless of the timing* of their decision-making. A rejection, deadlock, or delayed approval of government accounts may signal effectiveness if based upon objections that pinpoint factors hindering the ability of legislatures to oversee the executive's compliance with the policies legislators originally enacted.

#### *Legislative influence on oversight agenda*

LBO institutions rank as effective if they allow a non-dominant influence of legislators on their oversight agenda. Influence is dominant if congressional requests make up more than 50 percent of the oversight agenda, and non-dominant if they make up less than 50 percent. Legislative dominance over the LBO agenda would imply that budgetary oversight has been captured by a party or coalition, and thus has become a purely partisan affair.

#### *Use of punitive capacities*

LBO institutions are ranked as effective if they use their punitive capacities when confronted with government accounts that merit only approval with reservations or rejection. In contrast, they rank as ineffective if they do not use their punitive capacities at all. When confronted with the rejection or approval with reservations of governmental accounts, LBO institutions are more effective the greater the number of public officials they punish and the number of judicial processes they start.

It must be recalled that LBO institutions are ranked as technically more effective the greater their ability to gather and assess information on budgetary execution, and as politically more effective the greater their ability to impose costs upon the executive and the bureaucracy for irregularities detected in budgetary execution. This implies that to establish the degree of technical effectiveness of a given set of LBO institutions analysis must balance the degree of legislative dominance in oversight agenda-setting and the use of punitive capacities, insofar as they signal the ability of agencies to act independently from political pressures. And to establish the degree of political effectiveness analysis must consider the degree of effectiveness in deciding upon government accounts, which indicates agencies' ability to impose costs on governments for budgetary deviations or irregularities.

TABLE 2. Governors Who Have Presided over the Most Important Committees of Conago (2002–2006)

Dimension	Indicator	Effective	Ineffective
<b>Decision-Making on Government Accounts</b>	<i>Timing of Decision</i>	Irrelevant	After the Subsequent Fiscal Year
	<i>Type of Decision Made</i>	Rejection, Deadlock or Approval with Reservations	Approval or Silence
	<i>Reasons for Decision Made</i>	Significant Objections	No / Minor Objections
	<i>LBO Institution Making the Decision</i>	Legislature	Legislature or Technical Oversight Agency
<b>Legislative Influence on Oversight Agenda</b>	<i>Share of Congressional Requests in Total Oversight Activities</i>	Not Dominant: Less than 50% of all Oversight Activities	Dominant: More than 50% of all Oversight Activities
<b>Use of Punitive Capacities</b>	<i>Officials Punished</i>	More when Government Accounts at least Approved with Reservations	No Use
	<i>Judicial Processes Started</i>	More when Government Accounts at least Approved with Reservations	No Use

### 2.3. THE CASES.

To probe the pertinence of the partisan hypotheses, this paper focuses on the institutional design and organizational performance of LBO agencies in Argentina, Brazil, and Mexico in the past decade. The cases were selected on the basis of two criteria: institutional reform of oversight agencies and variations in party system competitiveness and party cohesion.<sup>23</sup>

All three countries have recently introduced reforms in their LBO institutions, which enables the comparison of rules and performance. Brazil refurbished the Federal Accounting Tribunal (*Tribunal de Contas da União*, TCU) and the Joint Budgetary Commission of the Senate and the Chamber (*Comissão Mista de Orçamento*, CMO) in the 1988 Constitution, and reformed the CMO's organization and operating procedures again in 1995. Argentina created the National General Audit (*Auditoría General de la Nación*, AGN) in 1992 and conferred constitutional status to it in 1994. Mexico created the

Federal Superior Audit (*Auditoría Superior de la Federación*, ASF) in 1998 and set it motion in 2000.

On the party variables, Argentina falls at one end of the spectrum, as the least competitive party system with cohesive political parties; Brazil holds an intermediate position, as a highly-competitive party system with fragmented parties that tend to join in large government coalitions; and Mexico is situated at the other end, as a competitive party system with cohesive parties.<sup>22</sup> Table 3 displays the indicators for competitiveness and cohesion used throughout the research.

Although no assumption is made here about the effects of electoral systems on party system competitiveness and party cohesion, it must be noted that Brazil's open-list PR system yields both a high, effective number of parties and a consistent pattern of large government coalitions in the Chamber of Deputies. Since it is coalitions—or, more accurately, coalition leaders—who act as decision-makers in Congress, coalition sizes suggest that competitiveness in seats is actually less than depicted by the effective number of parties in seats.<sup>25</sup> For this reason, the level of competitiveness of the Brazilian party system is classified here as intermediate.

### 3. PARTY SYSTEM COMPETITIVENESS AND THE NATURE OF LBO INSTITUTIONS.

This section assesses the strength of LBO institutions in Argentina, Brazil, and Mexico and describes their relation to party system competitiveness. The exercise supports the first hypothesis: LBO institutions are stronger the more competitive the party system. Table 4 shows how LBO institutions in each of these countries rank both in general and for every dimension and indicator of strength.

#### 3.1. ARGENTINA: LOW PARTY COMPETITIVENESS AND WEAK LBO INSTITUTIONS.

Argentina has the least competitive party system and the weakest LBO institutions in the sample: the National General Audit (*Auditoría General de la Nación*, AGN) that provides Congress with technical assistance for budgetary oversight, and the Joint Parliamentary Accounting Review Commission (*Comisión Parlamentaria Mixta Revisora de Cuentas*, CPMRC), the legislature's specialized body in charge of budgetary oversight. The few strong and moderate features with which the AGN is endowed were introduced during a period of higher competitiveness in the Chamber of Deputies between 1993 and 1995, which reflected on the makeup of the 1994 Constitutional Assembly.

TABLE 3. Party System Competitiveness and Party Cohesion in Argentina, Brazil, and Mexico

Variable / Country	Argentina	Brazil	Mexico
<b>Effective Number of Parties in Votes (Average, first to latest democratic election)</b>	3 (1)	8.55 (2)	3.69 (3)
<b>Effective Number of Parties in Seats (Average, first to latest democratic election)</b>	2.16 (1)	7.42 (2)	3.17 (3)
<b>Share of Seats of Relevant Parties during LBO Reform Period</b>	Opposition: 32.7% (UCR) 8.6 % (FREPASO) Government: 49.4% (PJ)	1988: Government: 63.03% (PMDB-PFL) President's Party: 40.61% 1995: Government: 56.14% (PSDB-PFL-PMDB-PTB) President's Party: 11.89%	Opposition: 25.87% (PAN) 24.97% (PRD) Government: 38% (PRI)
<b>Party Discipline (Average Rice Scores for Parties or Coalition) in Relevant Period</b>	PJ: 93.56% (Governing Party, 1989–1999) UCR: 100% (Governing Party, 1991–2001)	83.06% (Governing Coalitions, 1988–2006)	PAN: 96% (Governing Party) PRI: 94% (First Opposition) PRD: 94% (Second Opposition) (2000–2003)

Sources: for Effective Number of Parties in Votes and Seats, Calvo and Escolar (2005) and Zelaznik (2007); for Share of Seats or Relevant Parties, Molinelli et al. (1999), Figueiredo (2006), and [www.ife.org.mx](http://www.ife.org.mx), for Party Discipline, Morgenstern (2004), Figueiredo (2006), Díaz Gómez (2006) (1) 1983–2001; (2) 1986–2006; (3) 2000–2006.

The strongest feature of Argentine LBO institutions is the constitutional status of the AGN. Both the AGN and the CPMRC were originally established by Law 24.156 in September 1992.<sup>26</sup> But the AGN was given constitutional status in the 1994 constitutional reform, following a proposal by the main opposition party Unión Cívica Radical (UCR) included in the 1993 bipartisan agreement with the governing Partido Justicialista (PJ) that paved the way for the Constitutional Assembly.<sup>27</sup> Article 85 of the reformed Constitution strengthened the AGN's capacities by shielding its legal status, political composition rule, and oversight jurisdiction from changes in government and legisla-

TABLE 4. Strength of LBO Institutions in Argentina, Brazil, and Mexico

Dimension	Indicator	Argentina	Brazil	Mexico
<b>Institutional Design</b>	<i>Legal / Constitutional Status</i>	Strong	Strong	Strong
	<i>Membership and Appointment Procedures</i>	Moderate/Weak	Moderate	Moderate
	<i>Linkage to Legislature</i>	Weak	Strong	Strong
	<i>Oversight Jurisdiction</i>	Moderate	Strong	Strong
	<i>Budgetary Autarchy</i>	Weak	Weak	Strong
<b>Governance Structure</b>	<i>Political Composition Rule</i>	Moderate	Moderate	Strong
	<i>Decision Making Rule</i>	Weak	Moderate	Strong
<b>Institutional Capacities</b>	<i>Investigative</i>	Weak	Moderate	Not Applicable
	<i>Punitive</i>	Weak	Strong	Strong
<b>Organizational Capacities</b>	<i>Organizational Chart and Staff</i>	Weak	Strong	Strong
<b>Operating Procedures</b>	<i>Oversight Agenda-setting</i>	Moderate	Strong	Strong
<b>Balance</b>		<b>Weak</b>	<b>Moderate</b>	<b>Strong</b>

Sources: for Argentina, Auditoría General de la Nación (1993a, 1993b), Constitución de la Nación Argentina (1994), Law 23.847, Law 24.156, Law 25.152, Reglamento de la Comisión Parlamentaria Mixta Revisora de Cuentas de la Administración (2004), Lamberto (2005), and Pérez Colman (2005); for Brazil, Constituição da República Federativa do Brasil (1988 including reforms until 2005), Lei Organica do Tribunal de Contas da União N° 8.433 (1992), and Regimento Interno do Tribunal de Contas da União (2002); for Mexico, Constitución Política de los Estados Unidos Mexicanos (1917 including amendments until September 2004), Ley Orgánica del Congreso General de los Estados Unidos Mexicanos (1999 including amendments until 2005), Ley de Fiscalización Superior de la Federación (2000), and Reglamento Interior de la Auditoría Superior de la Federación (2001).

tive majorities. The moderate features of Argentine LBO institutions are the membership and appointment procedures, the political composition rule, the oversight jurisdiction, the oversight agenda-setting mechanisms, and the investigative capacities; its remaining features are all weak.

Of the moderate features, the membership and appointment procedures, political composition rule, and oversight agenda-setting mechanisms are especially relevant. The AGN is run by an Auditors College made up of technopols

who serve renewable eight-year terms and staffed by a mixture of technicians and technopols appointed on a temporary basis. The CPMRC is run by politicians and staffed by technopols who serve for two-year terms. The appointment procedures are politicized in both agencies, but the AGN's is moderately strong compared to the CPMRC's. Of the seven members of the AGN Auditors College, three are appointed by a Senate resolution, three by a Chamber of Deputies resolution; and the seventh, who according to the Constitution acts as AGN President, is appointed by a joint resolution of the speakers of both chambers *following the proposal by the largest opposition party in the legislature*. The CPMRC is made up of six deputies and six senators, appointed by their party leaders for renewable two-year terms. Staff on each agency is directly appointed by its managers on a temporary basis.

The political composition rule is moderate in the AGN and weak in the CPMRC. The proportional representation rule operates this way in the Argentine Congress: the majority party or coalition appoints two AGN auditors and four CPMRC members per chamber, and the main opposition party in each chamber appoints the remaining AGN auditor and two CPMRC members.<sup>28</sup> This rule is strengthened by the constitutional clause that mandates the appointment of the AGN President on the opposition's recommendation—it opens the way for the opposition to obtain a majority in the Auditors College in case of divided government. If the opposition controls both chambers, it will hold a majority of five out of seven (the President and four auditors—i.e. two per chamber); if it controls only one chamber, it will hold a majority of four (the President and three auditors—two from the chamber it controls and one from the chamber controlled by the government party). However, this is not enough to strengthen the AGN's capacity to perform oversight for at least two reasons. First, the opposition's majority in the Auditors College is contingent to legislative election outcomes. Second, even if the opposition controlled one chamber of Congress, the AGN would still be subjected to the mandates of a government-controlled CPMRC.

Argentina's LBO institutions rank as moderate in terms of oversight agenda-setting procedures because the AGN and the CPMRC agenda proposals may be amended or rejected by the legislature. Oversight agenda-setting is a three-stage process in Argentina: the AGN makes the initial proposal and submits it to the CPMRC; the CPMRC reviews it, amends it, and submits it to the Budget and Finance Commissions of both chambers of Congress, which have the final authority. Thus, an opposition-controlled AGN may not be able to pursue its oversight agenda due to the veto of either the government majority in the CPMRC or the joint decision of the Budget and Finance Commissions of the Senate and Chamber of Deputies.

Internal decision-making rules deserve separate consideration. Both the AGN and the CPMRC operate with majority rule. This is the reason why, despite what Morgenstern and Manzetti contend, an opposition-appointed President of an LBO agency may constitute a perfectly innocuous oversight device.<sup>29</sup> In the Argentine case, unless the AGN President is accompanied by a majority of the Auditors College *and* a majority of CPMRC members, which would only occur in the unlikely case of a Congress completely controlled by the opposition, the AGN will be under the political rule of the majority party or governing coalition.

As noted before, all the strong and moderate features of Argentina's LBO institutions were introduced during a brief period of high competitiveness in the Chamber of Deputies. Although the number of legislative blocs in the 1993–1995 legislature actually decreased compared to the two previous elections, and the size of the majority PJ bloc grew, the number of opposition parties with relevant seat shares also grew with the emergence of the Frente País Solidario (FREPASO) at the expense of the UCR.<sup>30</sup> This electoral and seat configuration, which was replicated in the 1994 Constitutional Assembly, created incentives for both the UCR and the PJ to incorporate demands for greater oversight of government activities. The UCR was forced to toughen its stance against the PJ government in order to regain weight as the opposition, and the PJ had to yield to oversight demands to obtain UCR cooperation in the Constitutional Assembly. No change in LBO institutions occurred after this period.

### 3.2. BRAZIL: HIGH PARTY COMPETITIVENESS AND MODERATE LBO INSTITUTIONS.

Brazil has the highest level of party competitiveness in the sample, but its LBO institutions rank as moderately weak in terms of oversight strength. There are two reasons for this outcome. First, as noted above, competitiveness in both votes and seats is actually reduced by Presidential coalition building. Second, the governance structure of LBO institutions grants significant influence to the executive and the majority coalition in Congress. This governance structure can be explained as a consistent device to reinforce the function of the budget in solving the cooperation and coordination problems associated with such an extremely high level of party competitiveness in legislative elections.

Brazil has a two-tier LBO system run by two institutions that enjoy constitutional status: a technical tier, where the Federal Accounting Tribunal (*Tribunal de Contas da União*, TCU) performs technical oversight with strong capacities; and a political tier, where the Joint Budgetary Commission of the Senate and

the Chamber (*Comissão Mista de Orçamento*, CMO) executes political control of the budget in an overtly partisan manner. The design of this two-tier system stems from the unbalanced status conferred to each LBO institution in the 1988 Constitution. While the Constitution specified the membership, appointment procedures, oversight jurisdiction, linkage to the legislature, political composition rule, and investigative and punitive capacities of the TCU, it merely established the existence of the CMO and its oversight jurisdiction without specifying anything regarding other aspects of its design. This effectively delegated the decision of how to exert political control over budgetary execution to Congress.

The TCU ranks as moderate in terms of its membership and appointment procedures and its political composition and decision-making rules; its other features are strong except for budgetary autarchy, of which it lacks. The CMO, in turn, only ranks as strong in terms of constitutional status and oversight jurisdiction; the rest of its features rank as weak. It is the combination of the TCU's moderate with the CMO's weak features that transforms Brazil's set of LBO institutions into a moderately-weak oversight system.

The TCU membership and appointment procedures, as well as its political composition rule, rank as moderate because they grant influence to officials appointed by the executive or the majority coalition in the legislature. According to Article 73 of the Constitution, the TCU is made up of nine ministers. Three are appointed by the President of the Republic with Senate approval: two of which must be TCU career officials recommended by the TCU itself on the basis of merit and seniority, while the third is at the President's discretion. The other six ministers are appointed by Congress—three per chamber. But the justices are not the only members of the TCU, there are also three auditors and a group of attorneys called the Public Prosecution at the Court. All of these officials are appointed by the President—the auditors after an open competition organized by the TCU and the prosecutors from among current public prosecutors (TCU Internal Regulations, articles 51 and 58).<sup>31</sup> No political composition rule is specified for the justices appointed by Congress, which suggests that these appointments depend on coalition politics in both chambers.

The TCU's decision-making rules are the decisive feature moderating its strength as a LBO institution. This Court is organized in two chambers, each made up of four ministers assisted by an auditor and a prosecutor. Both chambers meet in plenary session to decide on certain issues with a quorum of five justices and at least one prosecutor, and auditors substituting for justices who are absent or incapable of voting.<sup>32</sup> Voting is done by majority rule with a runoff between the most and the least voted proposals; the TCU President,

himself elected by his fellow justices, is empowered to break a tie.<sup>33</sup> These rules greatly enhance the possibility of Presidential appointees or representatives of the majority coalition in the legislature capturing the decision-making process. For example, the government may hijack a TCU ruling if the three Presidential-appointed justices sit in plenary session with two auditors—who are also Presidential appointees—or with two ministers chosen by the government's legislative coalition. This would also be the case in all plenary meetings if the government coalition has managed to appoint at least three justices—together with the three ministers selected by the President, they would be able to secure a majority against any coalition in plenary session that might include an opposition-appointed TCU President.

The political capture of the TCU's decision-making process is consistent with the incentives which shape political oversight of the budget by the CMO. This commission is constitutionally charged with analyzing the annual budget bill, the multi-year budget plan, and the additional credits to the annual budget.<sup>34</sup> These credits are the subject of amendments to the annual budget bill proposed by the President or Congress. In Congress, amendments can be proposed by legislators on an individual basis, by standing Congressional commissions, by blocs of state legislators (which requires two-thirds of the vote of all legislators from a particular state), or by regional blocs—for which an absolute majority of the vote of all legislators from a region is needed.<sup>35</sup> Proposed amendments must be approved by a majority of the CMO membership present at each commission meeting, and then reported to the President for their execution—a prerogative that the executive is not obligated to exercise.<sup>36</sup>

Budgetary amendments are, according to the literature, an important bargaining tool for coalition building between the President and Congress, and the political oversight of the budget by the CMO consists precisely of monitoring budgetary execution in order to assess the pertinence of the proposed amendments.<sup>37</sup> To this aim, the weakest features of the CMO as an LBO institution are quite efficient: the political composition and decision-making rules, the membership appointment procedure, and the oversight agenda-setting mechanism.

The CMO's political composition rule is proportional representation, and members are appointed and can be removed at any time by the leadership of each legislative bloc (CMO Internal Regulations, article 6). This provides bloc leaders with significant control over CMO members, which is greatly enhanced by a decision-making process that concentrates agenda-setting power with the commission authorities. The CMO's General Reviewer sets the commission's agenda and establishes the parameters that amendments must follow to be accepted and the amount of resources to be distributed. The critical parameter

is the financial ceiling for individual amendments. This ceiling is the same for all legislators, so the most efficient way to incorporate additional credits to the budget is to propose collective amendments. A single legislator's bargaining power is negligible if they cannot increase the price of their cooperation.<sup>38</sup> Collective amendments require collective action to be enacted—precisely what the General Reviewer, the Sectoral Reviewers, and the legislative bloc leaders are there to supply. The centralization of appointment and agenda-setting powers with legislative bloc leaders is thus the tool enabling Congress to effectively bargain with the President in the budgetary arena.<sup>39</sup>

This moderately weak set of LBO institutions makes it possible to solve coordination and cooperation problems that typically trouble a legislature with many relevant parties—such as political fragmentation, legislative deadlock, and so on. The political capture of technical oversight decision-making in the TCU and the centralized political control over budgetary execution in the CMO enable both Congress and the executive to broker coalitional agreements, monitor their compliance, and have at their disposal tools with which to enforce them.

These LBO institutions were created within a highly-competitive party system which required the formation of majority coalitions for the President to govern. When the 1988 Constitution was ratified by Congress, the President was governing with a two-party coalition that, though holding 63 percent of the seats, still faced the opposition of four other relevant parties.<sup>40</sup> When the CMO rules were reformed in 1995, after a peak of budgetary amendments by individual legislators that contributed to the deepening federal budget deficit, the President's four-party coalition, with of 56 percent of congressional seats, faced the opposition of yet another four relevant parties.<sup>41</sup> The 1995 reform exposed the rationale of this set of LBO institutions to the light of day; legislators agreed to set a ceiling on individual budgetary amendments, but in turn they improved the incentives for state and regional delegations to introduce amendments.<sup>42</sup> Thus, not only did they not abdicate the political oversight of the budget but they actually increased its efficiency as a coalition-building tool by centralizing it in the hands of legislative leaders.

### 3.3. MEXICO: HIGH COMPETITIVENESS AND STRONG LBO INSTITUTIONS.

Mexico has the highest party system competitiveness and the strongest LBO institution in the sample. The Federal Superior Audit (*Auditoría Superior de la Federación*, ASF) was created in 1998, at the outset of high party competition in the Chamber of Deputies, by a constitutional reform that endowed it with

strong oversight powers in almost every respect. The only moderately weak feature of its institutional design, the appointment procedure, was devised to shield the Superior Auditor from political pressures.

The Mexican constitutional reform of December 1998, agreed upon by the three major parties in the legislature—the PRI, PAN, and PRD—established all of the ASF's institutional and organizational features except for its budgetary autarchy, granted by Article 86 of the 2000 Federal Superior Oversight Act, and its organizational capacities and operating procedures, which were implicitly delegated to the ASF by the Constitution and the Oversight Act. The ASF has no internal voting rule because it is not run by a collective body but by a single official, the Superior Auditor. An Oversight Commission at the Chamber of Deputies is charged with controlling the ASF's work, receiving its reports and budgetary requests and referring them to the Chamber, hearing complaints against the ASF, promoting before the Chamber the appointment and removal of the Superior Auditor, and taking stock of its oversight agenda. However, this Commission has no authority to reject or modify the oversight agenda, nor sanction or remove the Superior Auditor by itself.

The ASF's appointment procedure ranks as moderate because it involves legislative voting and selects an official only for a fixed term, but its design prevents legislators from acquiring political clout over the ASF. According to Article 79 of the Constitution, the Superior Auditor is appointed by a qualified majority (2/3) of the present members at the Chamber of Deputies, serves for a once-renewable eight-year term, and can only be removed by a majority of the same size. The Federal Superior Oversight Act specifies that the Chamber must select one candidate from a shortlist of three put together by the Oversight Commission on the basis of an open competition. The political composition rule of this Commission is proportional representation of legislative blocs, and the Commission makes its decisions by majority rule. This implies that cooperation between at least two parties is necessary to define the shortlist. Also, gathering the qualified majority to appoint or remove the Superior Auditor requires the cooperation of at least two parties in the Chamber. However, despite such an important partisan involvement in the appointment process, the combination of this set of rules with the length of the Superior Auditor's term and the prohibition of immediate reelection of the deputies instituted in Article 59 of the Constitution actually prevents a two-party coalition from capturing the appointment process. Legislatures last for three years, so conceivably a Superior Auditor appointed by a given legislature on its first year could be removed by the next legislature. But by then the membership of the second legislature would have changed due to

the immediate reelection ban, so the removal of the Superior Auditor would require a new two-party coalition or, if the size and the political strategy of legislative parties were the same, a new two-party *leadership* agreement to gather the necessary qualified majority. In a highly competitive party system such as Mexico's, this sort of agreement appears to be unlikely.

The ASF and its Oversight Commission were created during the last PRI administration, when the government bloc in the Chamber of Deputies held 38 percent of the seats and faced two opposition parties of about the same size (25 percent). In this context, party competitiveness not only generated an institutionally strong LBO agency but also made its only moderate feature operate in a way that protected LBO institutional strength.

#### 4. PARTY COHESION AND THE PERFORMANCE OF LBO INSTITUTIONS.

This section assesses the effectiveness of the performance of LBO institutions in Argentina, Brazil, and Mexico, and relates the outcomes to party cohesion. Again, the exercise supports the initial hypothesis that LBO institutions are more effective the more cohesive the parties. However, an important caveat is in order about the differential effectiveness of the political vis-à-vis the technical oversight of the budget.

As Table 5 shows, Argentina and Mexico, with more cohesive legislative parties than Brazil, score higher in the effectiveness of the political LBO institution. Decision-making on Government Accounts in Mexico and Argentina has generated more legislative deadlock for significant reasons in Congress than in Brazil.

Contextual data on the share of effectiveness on this dimension in Brazil helps illustrate this point. 87.5 percent of the 35.2 percent of the decision-making on Government Accounts which ranked as effective in the Brazilian case corresponds to 8 of the 10 Accounts involving Fernando Henrique Cardoso as either President or Finance Minister, all of which were approved by Congress without debate following an urgency request from President Cardoso himself less than two weeks before the expiration of his term. Except for the 2001 Account, the rest of the budgetary execution reports had been deadlocked in Congress for minor objections for a period lengthier than their subsequent fiscal year. All of this suggests that the success of Cardoso's move for their approval may have relied upon the shared interest of then present and former coalition partners in securing the legality of the budgetary management with which their coalitional agreements had been cemented during the outgoing President's administration.

All three countries rank as effective in terms of legislative influence on

the oversight agenda. However, in Mexico and Brazil this influence occurs via a more transparent institutional procedure than in Argentina. While the Brazilian Congress can propose oversight activities to the TCU via the CMO, the chambers, and the standing and special investigative commissions, and the Mexican Congress can influence the ASF's agenda through formal requests by the ASF's Oversight Commission, in Argentina legislative influence on the agenda takes place by default. Since 2000, Argentina's CPMRC and Budget and Finance Commissions of both Chambers have not approved the AGN's Annual Action Plan, protesting that the PJ-dominated Auditors College had designed the agency's budget in such a way that there was no funding left for the AGN

TABLE 5. Effectiveness of LBO Institutions in Argentina, Brazil, and Mexico

Dimension	Indicator	Argentina	Brazil	Mexico
<b>Decision-Making on Government Accounts</b>	<i>Timing of Decision</i>	Effective: 42.8% of Government Accounts	Effective: 35.2% of Government Accounts	Effective: 100% of Government Accounts
	<i>Type of Decision Made</i>			
	<i>Reasons for Decision Made</i>	Ineffective: 57.2% of Government Accounts	Ineffective: 64.8% of Government Accounts	
	<i>LBO Institution Making the Decision</i>			
<b>Legislative Influence on Oversight Agenda</b>	<i>Share of Congressional Requests in Total Oversight Activities</i>	Effective	Effective	Effective
<b>Use of Punitive Capacities</b>	<i>Officials Punished</i>	Not Applicable	Effective	Ineffective
	<i>Judicial Processes Started</i>	Not Applicable	Effective	Ineffective
<b>Balance</b>	<i>Political LBO</i>	Effective	Ineffective	Effective
	<i>Technical LBO</i>	Ineffective	Effective	Ineffective

Sources: for Argentina, Memoria Anual de la Auditoría General de la Nación (1993–2005), ACIJ (2005), Baccaro (2005), Lamberto (2005), and Despouy (2005); for Brazil, Relatório de Atividades do TCU (2000–2005); for Mexico, Informes de Revisión de la Cuenta de la Hacienda Pública Federal (1999–2004) and Gaceta Parlamentaria, 1998–2006.

to carry out legislators' oversight requests. By refusing to approve the Annual Plan, legislators reinforced their inherent capacity to object to the AGN's budget and thus force this agency to negotiate the inclusion of at least some of legislators' oversight requests.<sup>43</sup> This conflict, again, points to the efficacy of party cohesion—the extent to which the cohesive Argentine parties manage to promote confrontation over the LBO agenda indicates that partisan control of that agenda is not feasible.<sup>44</sup>

Ineffectiveness in the use of punitive capacities in Argentina and Mexico compared to Brazil does not appear to be due to differentials in party cohesion. In the Argentine case, it rather stems from the weaker institutional capacities of the AGN compared to Brazil's TCU. While the TCU can punish officials for irregularities and start judicial processes (even pursuing some to conclusion), the AGN has no punitive powers of any kind.

In the Mexican case, ineffectiveness seems to be associated to the share of seats of the President's party at the time of congressional voting on the Government Accounts. When on April 21st, 2005 the Chamber of Deputies voted on the 2001 *Informe de Revisión de la Cuenta de la Hacienda Pública Federal*, the governing National Action Party (PAN) had been trying to operate for two years holding only 30.74 percent of the seats, facing the opposition PRI (23.17 percent) and PRD (17.6 percent). By then, President Fox's forced courting of the opposition had led to significant conflict with his own party. The vote on the 2001 Government Account made this conflict dramatically explicit: the Account was approved with reservations by a majority of PRI and PRD deputies against the vote of the PAN legislators (*Gaceta Parlamentaria*, 21/4/2005). This decision, and the voting coalition that produced it, are in stark contrast with the handling of the 2000 Government Account, which dealt with the last year of the previous PRI administration. According to official data from the ASF itself, this LBO institution imposed fewer punishments and initiated a smaller number of judicial proceedings against government officials regarding the partially approved 2001 Account than regarding the fully approved 2000 Account (*Informes de Revisión de la Cuenta de la Hacienda Pública Federal*, 2004). This contrast insinuates that less technical oversight might have been the price that a weak government paid for the opposition's cooperation in Congress.

These outcomes suggest that while the effectiveness of political oversight of the budget, as measured by decision-making on government accounts, may be determined by party cohesion, the effectiveness of technical oversight might depend on combinations of different forms of party system competitiveness and party cohesion. The cases of Brazil and Mexico indicate that competitive party systems with *high party system fragmentation*—i.e. a high number of relevant

parties in seats and votes—and low party cohesion yield *effective* technical oversight, while competitive party systems with *low party system fragmentation* and high party cohesion yield *ineffective* technical oversight. This pattern might be explained by the diverse expectations generated by each combination of party variables. While parties in the first type of competitive system—high system fragmentation/low party cohesion—do not reasonably expect to ever monopolize the legislative majority, parties in the second type of competitive system—low system fragmentation/high party cohesion—can reasonably expect such an outcome. Hence, parties in the first type of system have incentives not only to gather information but especially to use it to punish government officials and initiate judicial proceedings in order to signal the credibility of their threats to any executive and thus encourage them to seek their cooperation. Conversely, parties in the second type of system have incentives to gather information but not to use it by punishing officials and initiating lawsuits. Given that any party can in fact become the governing party and be forced to deal with an opposition majority in the legislature, the actual use of punitive capacities against government officials would undermine everyone's disposition to cooperate. In this sense, the political effectiveness of legislative budgetary oversight in competitive party systems with low system fragmentation and high party cohesion actually *requires* its technical ineffectiveness.

## 5. CONCLUSION

This paper has contributed to the party-based approach on legislative oversight by showing that legislative budgetary oversight institutions are stronger where party systems are more competitive, and they are politically more effective where parties are more cohesive. The comparative data on technical LBO effectiveness, in turn, has indicated that this type of effectiveness depends on whether it helps or hinders government coalition-building efforts in the legislature.

The evidence presented above suggests two conclusions and two questions for further research. The first conclusion is that party system competitiveness appears to be the prime determinant of both the nature and the performance of LBO institutions. Party system competitiveness creates incentives for parties to gather information on budgetary execution and use it to impose costs on the executive for deviating from the legislature's budgetary will—which in turn determines the nature of LBO institutions. Party system competitiveness subjects the use of LBO powers to the coalition-building requirements consistent with the effective number of parties and the distribution of seats it generates—which in turn determines the performance of LBO institutions. The implication of this is that party cohesion, the other variable postulated as independent, actually operates as an

intervening variable, reinforcing the efficacy of party system competitiveness.

The second conclusion concerns the linkages among the dependent variables. The political effectiveness of legislative budgetary oversight is not associated with the institutional strength of LBO institutions. Institutionally weak LBO agencies can still be politically effective in their oversight activities. This lack of association between institutional strength and political effectiveness affects the linkage between technical effectiveness and institutional strength. Institutionally strong LBO agencies have the potential to be technically effective, but the realization of that potential depends on political conditions. This finding is consistent with the evidence produced within the technocratic literature on legislative budgetary oversight. But this literature treats that evidence as a distortion or deviation from normatively defined standards, whereas the political science approach considers it strictly as an indication of the primacy of political over technical rationality in the design and operation of LBO agencies.

The practical implication of these conclusions is that the institutional engineering of LBO agencies is not enough to improve their technical effectiveness. If the institutional strength and the political effectiveness of LBO institutions depend on party system competitiveness, and party system competitiveness depends on cleavages and their translation into legislative power by electoral systems, then no institutional engineering can solve what societies do not pose as a problem over which to organize, discuss, and compete for political power.<sup>45</sup>

To improve technical effectiveness, then, it would be necessary to introduce incentives to use technical LBO in political competition that are exogenous to the workings of the legislature and to its relation to the executive. Technical effectiveness would probably never be emancipated from coalition-building constraints, but the political costs of subjecting it to those constraints might be increased by exploiting existing institutional channels for the interaction between legislatures and civil society organizations. Societal accountability initiatives, as proposed by Smulovitz and Peruzzotti, could be developed using public hearings and commission meetings to bring attention to government accounts and oversight agendas.<sup>46</sup> This would probably require the creation of non-governmental organizations that specialize in budgetary oversight, or the increased support of existing organizations. Thus, vertical accountability could effectively activate a horizontal accountability mechanism, legislative budgetary oversight, which would tend not to work as effectively if left to its own political and institutional logic.

Finally, the party-based arguments and evidence presented in this paper suggest two questions for further research that might be of interest both for the

political and the technocratic approach to legislative budgetary oversight. First, is there a trade-off between the political effectiveness of LBO institutions and the administrative efficiency of the budgetary process? Providing a satisfactory answer to this question would require evidence on the practical responses of governments to objections posed by LBO agencies' reports and their timing. This evidence should be interpreted in light of the political incentives generated by party system competitiveness and party cohesion. Second, do LBO agencies have different institutional design and perform differently in non-federal countries? Theories of legislative organization would predict that the absence of territorially-based representation would reduce the incentives for legislative budgetary oversight in general, and especially for the political control of the distribution of budgetary transfers. However, other forms of representation—i.e. sectoral, ethnic, or religious—might yield incentives, institutions, and performance functionally equivalent to those of territorially-based representation. An informed answer to this question would, of course, require a larger comparative investigation no longer restricted to federal presidential democracies.

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### NOTES

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5. Erika Moreno, Brian F. Crisp, and Matthew Shugart, “The Accountability Deficit in Latin America,” in Scott Mainwaring and Christopher Welna, eds., *Democratic Accountability in Latin America* (Oxford, UK: Oxford University Press, 2003), p. 94.
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  19. Cartelization of oversight consists of biasing LBO institutional design and performance to protect the interests of the dominant parties in the legislature. Cartelization would be typical of two-party systems where no third party—and sometimes not even the second—has a reasonable expectation of accessing government or obtaining a legislative majority. In systems with more than two relevant parties, cartelization of oversight would be impossible because the third party would always have both incentives and resources to prevent it, Mariana Llanos and Ana María Mustapic, "Conclucao: Os Mecanismos de Controle e O Exercício do Controle", in Llanos, Mariana and Ana María Mustapic, eds., *Controle Parlamentar na Alemanha, na Argentina e no Brasil* (Rio de Janeiro, Brazil: Konrad Adenauer Stiftung, p. 21 (2005). This is why divided government is irrelevant for the performance of LBO agencies: it makes no difference wherever institutions promote the cartelization of oversight. In contrast, the number of relevant parties is always crucial, since it defines the nature of LBO institutions and, thus, their propensity to be captured by government or cartel. Mariana Llanos and Ana María Mustapic, "Delegacao e Controle Parlamentar na Argentina," in Mariana Llanos and Ana María Mustapic, eds., *Controle Parlamentar na Alemanha, na Argentina e no Brasil* (Rio de Janeiro, Brazil: Konrad Adenauer Stiftung, 2005).
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- Ernesto Calvo and Marcelo Escolar, *La Nueva Política de Partidos en la Argentina—Crisis Política, Realineamientos Partidarios y Reforma Electoral* (Buenos Aires, Argentina: Fundación PENT-Prometeo Libros, 2005); Benito Nacif, “El Congreso propone y el presidente dispone: las nuevas relaciones entre el ejecutivo y el legislativo en México,” *Working Paper, División de Estudios Políticos* (Mexico: Centro de Investigación y Docencia Económicas, 2002); J. Weldon, “The Legal and Partisan Framework of the Legislative Delegation of the Budget in Mexico,” S. Morgenstern and Benito Nacif, eds., *Legislative Politics in Latin America* (Cambridge, UK: Cambridge University Press, 2002).
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  26. The CPMRC actually pre-dated the AGN: it was created in 1878 and has—Ander different names—been in charge ever since of reviewing, and approving or rejecting, the federal government’s Investment Account, i.e. the report of the federal budgetary execution. María Cecilia Baccaro, “Revisión de las Cuentas de Inversión por el Congreso de la Nación,” Comisión Parlamentaria Mixta Revisora de Cuentas – Agencia Española de Cooperación Internacional, eds., *La Cuenta de Inversión* (Buenos Aires, Argentina: Dunken, 2005). The AGN, in turn, was intended as a substitute for the National Accounting Court, an agency that performed *ex ante* oversight of executive activities between 1956 and 1990.
  27. Alberto García Lema, *La Reforma por Dentro* (Buenos Aires, Argentina: Planeta, 1994), p. 123.
  28. J. Rodríguez and A. Bonvecchi, “El Papel del Poder Legislativo en el Control Presupuestario: La Experiencia Argentina en Perspectiva Comparada,” *Serie Macroeconomía del Desarrollo 51*, (Santiago, Chile: CEPAL, 2006).
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  30. N.G. Molinelli, et. al., *Congreso, Presidencia y Justicia en Argentina* (Buenos Aires, Argentina: Temas, 1999), Table 2, p. 115; Ernesto Calvo and Marcelo Escolar, *La Nueva Política de Partidos en la Argentina – Crisis Política, Realineamientos Partidarios y Reforma Electoral* (Buenos Aires, Argentina: Fundación PENT-Prometeo Libros, 2005), p. 86.
  31. These auditors and prosecutors, as specified below, intervene in budgetary oversight decision making.
  32. Plenary sessions are required to decide on the Federal Government Accounts, information requests by the Senate, the Chamber or the CMO, investigations on the three branches of government or the Public Prosecutor or Defender, and the establishment of revenue-sharing coefficients for states and municipalities (TCU Internal Regulations, article 15).
  33. *Ibid.*, articles 28.IX, 124 and 127.
  34. Constitution of the Federative Republic of Brazil, article 166; CMO Internal Regulations, article 2.
  35. Carlos Pereira and Bernardo Mueller, “Comportamento Estratégico em Presidencialismo de Coalizao: As Relacoes entre Executivo e Legislativo na Elaboracao do Orcamento Brasileiro,” *Dados*, Vol. 45, No. 2 (2002), p. 271.
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42. Argelina Figueiredo and Fernando Limongi, "Incentivos Eleitorais, Partidos e Política Orcamentaria," *Dados*, Vol. 45, No. 2 (2002).
43. J. Rodríguez and A. Bonvecchi, "El Papel del Poder Legislativo en el Control Presupuestario: La Experiencia Argentina en Perspectiva Comparada," *Serie Macroeconomía del Desarrollo 51* (Santiago, Chile: CEPAL, 2006), pp. 35–6.
44. A potential downside of this conflict might be that opposition-sponsored oversight requests are also not included in the AGN's Annual Plan when the government party controls both the Auditors College and the CPMRC. There is, however, no systematic empirical data available to investigate this claim.
45. Granting oversight capacities to legislative minorities as a right, while consistent with improving the strength and effectiveness of LBO institutions, is not feasible if the issue is not appreciated as promising for political competition. Mariana Llanos and Ana María Mustapic, "Conclusão: Os Mecanismos de Controle e O Exercício do Controle," Mariana Llanos and Ana María Mustapic, eds., *Controle Parlamentar na Alemanha, na Argentina e no Brasil* (Rio de Janeiro, Brazil: Konrad Adenauer Stiftung, 2005), pp. 229–30.
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# The New Role of Subnational Governments in the Federal Policy Process

## The Case of Democratic Mexico

*Laura Flamand\**

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The recent global wave of decentralization makes evident that, given complex and heterogeneous societies, the joint participation of central and regional governments in national policymaking and in the definition of the institutional framework in which they co-exist is at least desirable (and for several observers crucial) for the successful implementation of a wide spectrum of public policies, such as macroeconomic reform or the management of natural resources.<sup>1</sup>

In federal systems with established democracies, subnational governments have variously, both in manner and in degree, participated in the design and implementation of federal policies. In the United States, especially since the sixties, state and local governments have become active participants in the formulation of public policies, in particular, through associations such as the *National Association of Governors*.<sup>2</sup> Throughout the nineties, however, subnational officials in the U.S. concluded that their interests were not adequately represented in national policymaking and attempted to increase their presence. Since then, subnational governments have resorted to different strategies to assert their interests at the national level: proposing constitutional amendments through organizations of state governments, recurring to the judiciary to resolve intergovernmental disputes, or attempting to gain influence over the national political process by lobbying members of the national congress.<sup>3</sup>

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In federal systems undergoing democratic transition, the central government may attempt to preserve its control over subnational officials. However, taking advantage of economic and political divisions, subnational executives have found mechanisms to effectively represent their group interests.<sup>4</sup> In Latin America, subnational governments have also played varying roles in the design and implementation of federal public policies, especially after democratic transitions. In Argentina and Brazil, governors have tended to be highly influential in national policy-making, while in Mexico the role of subnational executives has been increasingly prominent, but by comparison is still relatively subdued.<sup>5</sup>

The cross-country differences are relatively well understood and are mostly accounted for by *electoral rules* (favoring centralized parties in Mexico and decentralized party organizations in Argentina and Brazil), *party organization* (highly centralized in Mexico, highly decentralized in Argentina and Brazil)<sup>6</sup> and *expenditure and taxation* (mostly controlled by the federal government in Mexico and under subnational control in Argentina and Brazil).<sup>7</sup>

A crucial issue remains to be investigated, however, and may shed new light on the cross-country variation: what are the factors that account for differences in the activism of subnational governments within the same federal system?

To address this question, I selected the Mexican federal system as a case study in order to maximize the variation of the dependent variable (i.e. the level of activism of subnational governments). In clear contrast with their Argentinean and Brazilian counterparts (where governors have traditionally been dynamic policy players at the federal level), Mexican governors have generally tended to have a relatively less active role. Before democratization Mexican states were highly dependent on and subservient to the federal government; however, as democratic competition has progressively emerged at the state level, state governments have actively endeavored to participate in policy design and implementation. In keeping with the extreme diversity observed in Mexico in social, economic, and political terms, state governments have done this at different times and each at their own pace.

## **DEMOCRATIZATION, SUBNATIONAL GOVERNMENTS, AND THE FEDERAL POLICY PROCESS**

This paper seeks to contribute to the burgeoning body of work that studies subnational governments in Latin America by focusing on strategies that subnational governments have followed to have their interests represented in the federal policymaking process. With the risk of stating the obvious, federal policies are important for subnational governments because they influence, in multiple crucial ways, policies and programs at the local level. For example, the characteristics of federal revenue-sharing programs distributing funds to subna-

tional units (e.g. block, conditional, or matching grants) are usually approved by the federal congress, allocated in practice by an executive agency, and play a crucial role in the policymaking decisions of subnational leaders.

Subnational governments have different tools at their disposal to participate in the design of federal public policies. They decide which of these to employ depending on the characteristics of the case, but also on which strategy has proved more effective in the past in similar situations. For example, during the nineties, state governments in the United States preferred to use the judicial path given that direct lobbying in Congress and in executive forums had produced meager results.<sup>8</sup>

Studies of federalism or decentralization frequently hold the implicit assumption that, in three-tiered federal systems, what is beneficial for one level of subnational government is beneficial for the other.<sup>9</sup> Under this assumption, intergovernmental conflict involving the federal government would involve subnational governments from both levels being on the opposing side of the dispute. It may be the case, however, that the preferences of municipalities conflict with those of intermediate levels of government. Thus, tension may emerge in any combination between different actors in the triangle: states versus the center, municipalities versus the center, or municipalities versus states. In this triangle of interactions, maximizing strategies may include invoking the third actor, not involved directly in the conflict, in order to bargain from a stronger position. In Brazil, for example, the central government often uses the rhetoric and practice of municipal decentralization as a way to weaken the position of units at the intermediate level of government.<sup>10</sup>

In Mexico, so far, there is no evidence that the central government has tried to weaken states by bypassing them and decentralizing functions directly to municipalities; states have not been strong political actors like they are in Brazil. Since the late 1930s, and until very recently, the central government has held both states and municipalities in awe in the fiscal, administrative, and political realms. During the hegemony of the PRI (Partido Revolucionario Institucional), in fact, states operated mostly as delegates of the federal government in their territory, and municipalities as agents of their respective state government. PRIista subnational officials tended to bend to the wishes of their hierarchical superior within the party (either a governor or the president) in order to further their own political careers and to avoid dismissal from gubernatorial or municipal office.<sup>11</sup>

In the last fifteen years, state governments have been the main recipients of devolved functions resulting from decentralization (e.g. education and health services as well as the management of natural resources). However, there have been attempts, mainly in the administration of Carlos Salinas (1988–1994), to

transfer control over social programs directly to local community organizations, passing over municipal and state governments, and in fact creating parallel institutions in both of them.<sup>12</sup>

For Mexican municipalities, the most immediate superior authority is the state government.<sup>13</sup> Usually federal funds (and program activities) flow through states to be distributed to (or coordinated with) municipalities. A case in point is the *seguro popular*, a federal program providing health insurance to the families of otherwise uninsured employed or unemployed workers, which is mostly funded by the federal government. Although under close federal oversight, state governments manage the program with a high level of autonomy and coordinate the work of municipalities. Thus, so far, the conflict may be described by and large as subnational governments (states and municipalities) versus the center. In this triangle of interactions, there is no evidence that either level of government is systematically using the third actor, not involved directly in the conflict, to improve their bargaining stance.

In the last ten years, as I show in detail later, Mexican subnational governments have been considerably more active in the federal arena utilizing three specific strategies that are to be discussed thoroughly in the three following sections of the paper: (1) state governors have joined in newly-created associations to influence the national public agenda, to bargain with the federal executive, and to lobby federal legislators; (2) state legislatures have submitted federal legislative initiatives more frequently than previously; and (3) municipal governments have resorted to the Supreme Court to resolve intergovernmental disputes.<sup>14</sup> The paper examines, first, how each of these three strategies has operated to further or protect the interests of subnational governments and, second, given that not all governments have been equally dynamic, what the defining characteristics of the most active are.

The central hypothesis of the paper is that in democratic federal arrangements, those subnational governments facing keen electoral competition tend to be more active in protecting or advancing their interests in the federal arena than those governments facing lesser electoral competition. The rationale is that, given that electoral competition has progressed unevenly throughout the country, to remain in office some subnational governments are under greater pressure than others to deliver results and, thus, in greater need of bargaining and negotiating with the federal government.

This paper examines strategies used by subnational governments in three-tiered federations to have their interests represented before superior ranks of government. The first strategy, the formation of associations, is one which has been resorted to by both municipalities and the states. In this study, I limit myself to the study of associations of state governors and the way in which these

have been used to collectively exert influence on the executive and the legislature at the federal level. The sponsoring of federal bills before the federal assembly, the second strategy considered, is a constitutional right of states but not of municipalities and is therefore open to state governments alone. In practice, all such initiatives have been proposed by states acting on their own up to this point; none have been presented in conjunction with others. Resorting to the judiciary to solve intergovernmental disputes, the third strategy, may be used both in top-down and bottom-up relationships within the federal system. In Mexico, however, most such suits have been initiated by municipalities alleging that their state government has infringed upon their sphere of responsibility (i.e., most are municipal versus state cases). On occasion, several municipalities from the same state have jointly filed a complaint suing their state government (i.e., municipalities have acted collectively).

### THE FIRST STRATEGY: THE FORMATION OF ASSOCIATIONS OF SUBNATIONAL GOVERNMENTS

There are two main reasons for subnational executives to associate: to tend to regional needs and to leverage political representation by negotiating as a group (and thus from a stronger position) with other levels or branches of government. In this section, using interviews and archival work, I study the origins and activities of the National Conference of Governors (*Conago*). Of special interest is which individual governors were most active in the process that led to its creation and to its becoming the principal interlocutor between federal and state governments, and what their motivations were.

This section is organized in three parts. The first part discusses the motivations impelling the tendency to associate: an account is given of a previous episode in the association of governors in Mexico (*Anago*) and of the creation of the *Conago* itself and of its activities. The second part is devoted to the mode of operation of the *Conago* whose principal organs are the Plenary of Governors and standing committees devoted to particular areas of interest. Two measures of the level of activity of each governor within the Conference are presented. The purpose is to identify who the most active governors have been, with the goal of discovering the factors that largely account for different levels of activism. Finally, the third part describes the most important issues addressed by *Conago* and its most important policy achievements to date.

#### **Motivations to Associate and a Brief History of the Conago**

In Mexico, associations of subnational governments are relatively new actors in the three-tiered federal system. The first association of municipalities was formed in 1994 and the first association of governors in 1999. Organizations of

municipal governments have been widely studied and are well understood.<sup>15</sup> In this paper, I focus mainly on the associations of governors that, in a brief period and in two successive reincarnations, have become important actors in the federal Mexican system. Subnational governments in Mexico used to be far less influential than their counterparts in Brazil or Argentina, although this changed rapidly as this study aims to reveal. In the political arena, governors did not have much influence over the nominations of candidates to the Federal Congress as deputies or senators, and thus federal legislators tended to respond to partisan rather than regional interests.<sup>16</sup> To date, in the financial arena, states and municipalities are highly dependent on conditional and unconditional federal transfers (on average, around 80 percent of states' income comes from these sources). And, even though more resources are passing through the state coffers than previously, a high proportion of these funds are conditioned or part of matching grant programs. In the relationship between state governments and federal bureaucrats, the principle contact was with the state office (*delegación*) of the respective federal ministry. On important occasions, however, the governor may have called the federal ministry directly, but a deputy minister would have usually responded and pursued the issue. In short, direct interaction between a governor and federal ministers and, *a fortiori*, the president tended not to be all that common.

Thus, one of the main reasons for subnational governments to associate was to gain greater access to federal government officials, and in this respect the *Conago* has been undoubtedly successful. As a Conference, Mexican governors have been able to secure the attendance of numerous federal ministers, and even the president himself, at their working sessions.<sup>17</sup> It is very unlikely that a lone governor or even a partisan group of governors would have had similar success.

The National Association of Governors (*Anago*), founded in 1999, was the first attempt of state executives to collectively protect their interests (especially financial interests) from infringement by the federal government. *Anago* was the creation of opposition party governors, members of the PRD (Partido de la Revolución Democrática) and the PAN (Partido Acción Nacional), under the PRIista government of President Zedillo; PRI-affiliated governors neither attended the meetings of the *Anago* nor supported its demands, meeting separately in their own *Foro Nacional de Gobernadores*. The *Association* did not disappear officially, but by 2001 it had ceased to operate in practice.

In 2002, a new organization, the *National Conference of Governors (Conago)* was formed. The main focus of the Conference was on questions of finance. Efforts were made to improve the financial health of the state governments by seeking to institutionalize a fund devised to strengthen state governments (the PAFEF, or *Programa de Apoyos para el Fortalecimiento de las Entidades*

*Federativas*) in the federal budget, to redistribute federal resources transferred to the states for education and health expenditures employing fairer and more open criteria, to clarify the formula employed for the distribution of unconditional transfers (*participaciones*) to the states, and to recuperate states' power to levy certain types of taxes.

*Conago* was created, largely, thanks to the initiative of the governors of Zacatecas (Ricardo Monreal, PRD) and Tlaxcala (Alfonso Sánchez-Anaya, PRD).<sup>18</sup> The idea behind *Conago* emerged at a gathering of governors who were members of the PRD (five at the time); they were soon joined by the governors elected under the PRIista banner (17) and by another governor elected as the candidate of a coalition of parties. Thus, the *Conference* held its founding session with 23 governors present of the total of 32.<sup>19</sup>

Significantly, the *National Conference of Governors* (created during the government of Vicente Fox, PAN) was initiated by opposition governors, in this case basically those affiliated with the PRD or the PRI, as had also been the case with the previous association of governors (the *Anago*, although in that case the governors were affiliated with the PRD and the PAN). More than a year passed before the PANista governors also joined.

As the two associations of Mexican governors show, it would seem that governors belonging to political parties in opposition to the president's have stronger incentives to create these associations than his co-partisans. The explanation of these incentives is based on two points. First, governors and co-partisans of the president are guaranteed, in general, greater access to federal officials and to benefits as they belong to the same political network and, in principle, share an ideology, a program of government, and a community of interest.<sup>20</sup> Second, opposition governors, facing the problems associated with lesser access to federal officials and even a certain degree of discrimination, decide to associate in an attempt to establish fluid and stable communication channels with the federation and fairer treatment. For similar reasons, as the paper will later reveal, opposition governors tend to be not only the most active in the creation of these associations, but also those who are more likely to occupy leadership positions, be active in advancing proposals, and get involved in meetings.

### **The Operation of the National Conference of Governors**

The *Conago* was formed in 2002. Its primary organ is the Plenary of Governors. In the periodic plenary sessions, all the governors (or their representatives) gather to discuss the most important proposals of the organization and to adopt joint positions on important issues on the current public agenda (e.g. public security, migration agreements). An important characteristic of the Plenary is that deci-

sions are always made by consensus.<sup>21</sup> Since 2002, the Plenary of Governors has met on 37 occasions: in 2002 they met on 7 occasions, in 2003 on 11, and in 2004 on 14. Activity clearly dwindled in 2005 since only 5 meetings took place. Governors not only met less frequently, but as we will see later in the paper, public awareness of the *Conference* also diminished considerably.

In figure 1, a *proxy* variable is presented for the level of public attention drawn by *Conago* from its creation in 2002 until December 2005.<sup>22</sup> The graph shows that the Conference attracted the most attention, given its novelty, shortly after its creation in July 2002. The peak in references in 2003 may be explained by an important statement from *Conago* (The Declaration of Cuatro Ciénegas), the adhesion of the PANista governors, and the convening of the National Fiscal Convention.<sup>23</sup> In 2004, the large number of references around July can be accounted for by the conclusion of the Fiscal Convention. It is to be noted that public awareness of the Conference diminished from September 2004 onwards.

There are at least three possible explanations for the Conference's diminished level of activity and the consequent reduction in the level of public attention throughout 2005. First, governors realized that the Conference had not been effective in increasing their influence on the formulation of federal policymaking, in particular, in augmenting the funds that the federal government transfers to the states.<sup>24</sup> Second, during 2005, given that the next presidential election was due to take place in 2006, the governors' priorities were principally electoral and partisan issues rather than in inter-governmental affairs. Third, fifteen recently elected governors became members of the Conference between September 2004 and May 2005. These governors, representing nearly 50 percent of the membership of the Conference, were primarily focused on the process of adjusting to their new elected positions, activities, and commitments. They would have preferred to postpone *Conference* activities.

*A priori*, the forthcoming electoral year and the wave of new governors seem to account for most of the decline in the number of sessions held by the Plenary of Governors. If governors had been overly disappointed by the reduced impact of *Conago* on federal policymaking, its activity would have probably diminished much earlier in the life of the Conference. This is, however, an empirical question that must be addressed in further research on the origins and operation of the *Conago*.<sup>25</sup>

The President of *Conago* is in practice a token leader,<sup>26</sup> due largely to a somewhat peculiar appointment process and to extremely brief terms in office (i.e. 1-3 months, the period between meetings of the Plenary of Governors).<sup>27</sup> The preference for rapid presidential turnover reflects an explicit decision to disallow any one governor the possibility of attaining the status of *primus inter*

*pares*, with all the implications such status would carry with respect to political and presidential ambitions. The purpose of the Conference is rather that of providing a strategy to communicate and bargain with the federal government and to gain leverage over it.

The standing committees, of which there were twenty-three in early 2006, consider issues within their purview and make recommendations to the Plenary. Each committee is linked with one of the four main issues dealt with by the *Conago*: Public Finance, Federalism and Government, Regional Development and Competitiveness, and Human Development and Social Welfare. Governors have used the committees to craft detailed proposals to be presented first to the Plenary and subsequently, upon approval, to federal officials or the federal congress; however, the committees also interact directly with the relevant federal ministry. Membership in the committees is open to any state governor who is interested in participating; they are chaired by one of the members subject to the approval of the Plenary.

The importance of a subject to the members of the *Conago* is measured by how many governors join the relevant committee. In early 2006, the committees with the most members were: Public Finance (32 governors, 100 percent), Health (32, 100 percent), Reform of the State (28, 87.5 percent), Public Security (28, 87.5 percent), Natural Disaster Management (26, 81.3 percent), and Regional Development (26, 81.3 percent), see figure 2.

In order to identify the most active governors within *Conago*, I have devised two measures. First, I have attempted to establish the *locus* of leadership of the Conference by identifying the chairpersons of the most popular standing committees in the 2002–2006 period (i.e., the committees with the most members). As a complementary approach (see figure 3) it is possible to estimate how active a governor is within the Conference by counting the occasions on which he or she is mentioned in the minutes of the meetings. These references represent interventions, referrals, or acknowledgement of reports or proposals that the governor delivered to the Plenary. It might be expected that both measures would largely overlap, considering that the chairs of the most prominent committees would probably intervene frequently in the plenary sessions. As figures 2 and 3 show, the coincidence is far from perfect.

The relative weight of the governors as determined by the “minutes” and “leadership” methods point conjointly to the governors of Guanajuato (PAN), Sonora (PRI), and Veracruz (PRI) as the most prominent players in the short (yet active) life of the Conference. There are other governors, however, identified by only one of the measures. The former and current chairs of the Public Finance Committee (Hidalgo, PRI and Chihuahua, PRI) as well as the chair

of the Health *Committee* (Tabasco, PRI) are seldom mentioned in the minutes. Also, although the current governor of Nuevo León (PRI) is mentioned very frequently in the minutes, he fails to lead a popular standing committee.<sup>28</sup>

The evidence summarized in figure 4 shows that during the government of Vicente Fox (PAN), the most active governors in the *Conago* have been principally members of the opposition parties (PRI and PRD). In fact, only two governors of the PAN (out of eight) have been active members of the Conference: the governors of Guanajuato (Romero-Hicks) and of Jalisco (Ramírez-Acuña). The analysis thus far would indicate that, in the Mexican case, governors from political parties other than that of the president: (1) tend to promote the creation of these associations more actively, (2) are more involved in the activities of the association, in terms of participating in the sessions and presenting proposals, and (3) tend to occupy the most important leadership positions.

### **The Achievements of the National Conference of Governors**

The first great achievement of the *Conago* is that it succeeded in affiliating all governors and transcending strict party lines, and thus achieved what neither the *Anago* (the first association of governors), nor the associations of municipalities were capable of doing.<sup>29</sup> This was an important feat that required patience and skillful negotiation as clearly both President Fox and the Minister of the Interior (Santiago Creel) actively opposed the affiliation of members of the PAN.<sup>30</sup>

The organization of the National Fiscal Convention (Feb-Ago 2004) clearly shows the growing importance of the *Conago* in center-periphery relations in Mexico, and it is, up until now, the most important achievement of the Conference.<sup>31</sup> Under the umbrella of the Convention, representatives of the three levels of government (both of the executive and legislative branches) met to review in detail the way that taxing powers and policy responsibilities were distributed between the federal, state, and municipal governments with the objective of recommending a comprehensive fiscal reform. The Convention issued a series of proposals for discussion in the federal legislature. By the end of 2005, however, *Conago* had to face the reality that only 3 percent of the recommended proposals had been implemented.

Having less of an impact than the previous two achievements of the *Conago*, but nevertheless of major importance, is the implementation of new rules for the administration of the FONDEN (*Fondo de Desastres Naturales*), as well as the provision of additional funds and the formulation of new policies for the protection of migrants.

The Federal Risk Management of Natural Disasters Fund (FONDEN) was created by the federal government to provide resources to federal agencies as

well as to state and municipal governments to re-build public infrastructure and to aid civilians affected by natural disasters. The *Conago* proposed that the rules governing the Fund be streamlined so that government agencies could act promptly when faced with an emergency. The new rules were accepted and implemented in 2004.<sup>32</sup>

The *Conago* has also been very active in the formulation of policies that protect Mexican migrants (especially those residing in the United States). Because of recommendations made by the Conference, extraordinary funds were allocated for the repatriation of corpses, the establishment of mobile consulates, and the provision of health services to emigrants in the 2004 Federal Budget. The *Conago* has also put pressure on Mexican financial institutions to facilitate the remittance of funds by migrants to their families and to reduce the associated banking fees.

To conclude the section, the analysis presented thus far reveals three important points for our understanding of intergovernmental relations in Mexico:

First, since the mid-1990s, states and municipalities have created, for the first time, associations to further their interests vis-à-vis the federal government, revealing a preference for active and open participation in federal policymaking. Significantly, these associations emerged at the same time as the subnational electoral arenas were becoming competitive.

Second, opposition governors not in the president's party were by and large the most active in promoting the creation of these associations, participating in its meetings, and leading its standing committees. This pattern seems to indicate that opposition governors are in much greater need of strategies to communicate and bargain with the federal government than the governors who are the president's co-partisans.

Third, the extent to which the *Conago* has played a defining role for specific federal policies is still an open question (even for the most important issue of the allocation of federal grants to the states).<sup>33</sup> In its short history, nevertheless, the *Conago* has gained greater access to decision makers and higher levels of public recognition, both crucial prerequisites to be able, in fact, to influence or reformulate federal policies.

### THE SECOND STRATEGY: THE SPONSORING OF LEGISLATIVE INITIATIVES BEFORE THE FEDERAL ASSEMBLY

In Mexico, subnational legislatures have at their disposal an extremely valuable tool for participating in the federal law-making process. State legislatures may

present initiatives for federal legislation to the Chamber of Deputies or the Senate; once introduced these follow the same legislative path as bills initiated by the president.

This section employs quantitative and qualitative methods, first, to show that from 1997 to 2003 state legislatures introduced a much larger number of bills to the federal congress than they had previously and, second, to determine what characteristics distinguish the state legislatures that have initiated federal bills from those that have not done so.

### **Initiating Bills in the Federal Congress**

For most of the nineties, subnational legislatures did not take advantage of their constitutional prerogative to present initiatives for federal legislation: from 1991 to 1997 (the 55th and 56th congresses), state legislatures only introduced four initiatives for federal legislation. After the PRI lost control of the Chamber of Deputies in 1997, the number of state initiatives increased dramatically: in the 57th Congress (1997–2000), they introduced 30 bills and in the 58th Congress (2000–2003), 84. The increase is also significant if the number of bills initiated by state congresses is considered as a proportion of the *total* number of bills initiated, which itself increased considerably throughout the period (from 251 bills in the 56th Congress to 1215 in the 58th). For the 1994–1997 federal legislature, state congresses proposed 0.8 percent of the total number of initiatives submitted. In the 1997–2000 and the 2000–2003 legislatures, the proportion increased to 6.5 and 6.9 percent, respectively.

This important increase clearly shows that state governments have now taken steps to participate in the determination of the legislative environment in which they function. In Mexico's newly democratic conditions, they believe that their proposals will be considered seriously in the national congress. But, have all state legislatures been equally active in introducing legislative initiatives to the federal lower chamber?

Figure 5 shows the *number of state legislatures* that have presented at least one initiative in the federal chamber of deputies from 1997 until 2003. In the figure, the legislatures are grouped by the political party which controlled the majority of seats in the state legislature in the given year. First, note that the PRI controlled most state legislatures throughout the period (an average of 19 out of 32), although its influence has been diminishing as it lost control over seven state congresses from 1997 to 2003. Second, the number of state legislatures presenting at least one initiative per year has increased considerably, from 3 subnational legislatures in 1997 to 12 in 2003.

Now, I analyze the *number of federal bills* initiated by state legislatures,

clustered by political party in control of the majority of seats in the state legislature (see figure 6). There are two interesting points to observe. First, in this period, state congresses dominated by the PRI have been less active in initiating federal bills than those in which the PAN or the PRD held a majority of seats. The PRIista state legislatures presented a larger proportion of all federal bills (41.6 percent) than those controlled by the PAN (34.5 percent); but from 1997 until 2003, the PRI held the majority in between 16 and 24 legislatures while the PAN dominated in only between 2 and 4 depending on the year (see figure 6), indicating the disproportionate legislative activity of the PAN. Second, the PRI-dominated legislatures themselves have become more active throughout the period. Although the number of state legislatures under PRI control diminished (from 24 in 1997 to 17 in 2003), the number of initiatives that they presented multiplied more than three fold, from 11 in 1997–2000 to 36 in 2000–2003.<sup>34</sup>

In what follows, employing the techniques of binary fixed and random-effects models, I attempt to identify the factors that have motivated state legislatures to initiate federal bills more frequently, and thus to fully characterize the different patterns of behavior across legislatures (and time) that I have just described. The data analyzed consists of a yearly observation (from 1997 to 2003) of the 32 subnational legislatures in Mexico, including the legislative assembly of the Federal District. Discounting five missing observations, due to lack of data for the electoral variables, the complete panel consists of 219 observations.

In the statistical models presented below, the dependent variable is the *initiative for a federal bill*, an indicator that takes the value of 1 if the state legislature proposed at least one initiative in the national lower chamber in the given year and 0 otherwise. From 1997 until 2003, state legislatures presented a total of 129 initiatives for federal bills in the Chamber of Deputies.<sup>35</sup> Each of the statistical models that follow includes three independent variables: *margin of control in legislature*, *horizontally-unified government*, and *vertically-divided government*.

*Margin of control in legislature* is the percentage of seats (0 to 100) held by the party with the largest number of deputies in the state legislature less that of the party that controls the second largest number in the given year. *Margin of control* is included as a proxy for electoral competitiveness in the state as seen by the deputies in the local congress—their most immediate political surrounding. If they observe a competitive electoral environment, then they feel the need to show the electorate (and the party leadership) that, first, they are staunch defenders of state interests at the federal level and, second, that they are relevant actors in national policymaking. Thus, I expect to observe a negative coefficient for the *margin of control in the legislature*, that is, the weaker the domination of

the largest political party in the state congress, the more likely the legislature is to initiate at least one federal bill.

*Horizontally-unified government* is an indicator variable which takes the value of 1 if the party of the governor holds the majority in the state legislature and 0 otherwise. I expect a positive coefficient for this variable because if the same political party controls both the governorship and the state legislature, the governor probably emerges as the natural leader of the state party. Thus the legislature may be more active in proposing federal bills to further state interests as interpreted by both the executive and legislative branches of government.

*Vertically-divided government* is an indicator variable which takes the value of 1 if the governor and the president belong to different political parties and 0 otherwise. A positive and significant coefficient for *vertically-divided government* is expected because officials from states exhibiting vertically divided government do not fear confrontation with the president as they have learned that their political careers depend on their perceived performance in office and on the associated electoral results for their parties. They are aware that it may be beneficial to initiate federal bills to show their constituents that, through their agency, they have a voice in national lawmaking (Anonymous interviewee B 2002).

Figure 7 presents results for three separate statistical models for the introduction of federal bills to the Chamber of Deputies by state legislatures. The models predict around 79 percent of the cases correctly. First, the results of the random-effects model presented in column 1 are discussed. As hypothesized, the *margin of control in legislature* has a negative and statistically significant impact on the likelihood of a state legislature introducing federal legislation ( $p = 0.010$ ). This seems to indicate that in electorally competitive states, local deputies may feel the need to prove to the electorate that they are participating in the federal lawmaking process to the benefit of their state.

The effect of *horizontally-unified government* is particularly revealing. The coefficient is positive and significant ( $p = 0.013$ ), apparently suggesting that state legislatures controlled by the party of the governor are more resolute in trying to influence national legislation, all other factors remaining equal. Consistent with expectations, *vertically-divided government* has a substantively large, positive, and statistically significant effect ( $p = 0.025$ ) on the probability of a state legislature presenting a proposal for a federal bill, all other factors remaining equal. This result clearly indicates that legislatures of states in divided government relationships were more likely to initiate federal bills in the Chamber of Deputies. The rationale is that, facing a competitive electoral arena, they are very interested in being perceived as active interlocutors at the federal level and they know that they must satisfy the electorate to advance their political careers.

We observed earlier (figure 6) that state legislatures controlled by the PRI were consistently less likely than those controlled by the PAN to present legislative initiatives to the federal lower chamber. In order to further assess whether our theoretical variables (i.e. *margin of victory* and *vertically-divided government*) are the key factors to explain the variation across legislatures, and not just proxies for party balances, two additional random-effects models were estimated (see figure 7, columns 2 and 3). The models include the same independent variables as the random-effects model discussed before (column 1) with two additional controls (*PAN governor* and *PAN controlled legislature*).<sup>36</sup> The results for *vertically-divided government* and *margin of control in legislature* are robust to these alternative specifications of the model (i.e. coefficients, standard errors, and levels of significance are similar). In the model that includes *PAN controlled legislature*, the coefficient for *horizontally-unified government* is considerably smaller and is not significant at the standard levels ( $p > 0.050$ ). In order to fully grasp the effects of *horizontally unified government*, I probably need to gather additional data as the cases of *horizontally unified government* are mostly situations where the PRI controls both the executive and the legislature (123 out of 145) rather than those in which the PAN or the PRD control both branches, so other factors may be involved.

These additional tests, nevertheless, seem to indicate that legislatures of states involved in *vertically-divided government* relationships and those in which the largest party has a small margin of control are more likely to present federal legislative initiatives in the national congress. In addition, the models in columns 2 and 3 reveal that local legislatures in states with PANista governors are not more likely to present federal initiatives (the coefficient for *PAN governor* does not reach standard levels of significance), but that legislatures controlled by the PAN are in fact more prone to introduce legislative proposals to the Federal Congress (the coefficient for *PAN controlled legislature* is positive and significant), all other factors remaining equal.

A preliminary analysis of the initiatives presented by state legislatures reveals that these introduce legislation not only to further or protect subnational interests; they also seem to be interested as well in the public relations aspect of portraying themselves as relevant actors in the national arena. In the 1997–2003 period, bills introduced by state legislatures may be classified in three groups: measures to obtain additional monetary resources for the state government (e.g. to share goods confiscated in drug trafficking arrests with the federal government), measures to expand areas of state or municipal responsibility vis-à-vis the federal government (e.g. fishing regulation), and issues of great national interest (e.g. federal electoral reform and the amnesty law in Chiapas).

However, only a small fraction of the initiatives sponsored by state legislatures has become law. During two consecutive legislatures, lasting from 1997 to 2003, state congresses introduced 117 initiatives to the federal chamber of deputies, of which only 11 became law (i.e. a 9.4 percent success rate). In the current legislature (2003–2006), initiatives presented by state legislatures have had a 4 percent success rate, which compares rather poorly with the overall rate of success of 18 percent (i.e. the number of bills that have become law out of the *total* number of initiatives presented at the lower federal chamber). As figure 8 reveals, in the 1997–2006 period, the most successful state legislatures were those controlled by the PRD with a 16.7 percent success rate, the least successful were those dominated by the PRI with a 4.3 percent success rate. Thus, there is wide variation in the ability of state legislatures to amass legislative support for their bills in the Chamber of Deputies depending on the political party that holds the majority in the state congress. Even when relatively unsuccessful in the legislative process, state legislatures have been using the prerogative of introducing bills as a *posturing* tool to gain the favor of their constituencies at the state level and to bring national attention to issues that their states consider relevant.

The second section of the paper has explored the effects of increased electoral competition and the emergence of vertically-divided government on the manner in which state governments have directly attempted to have their interests represented in the process of federal lawmaking. In practice, during the era of PRI hegemony in Mexico, the federal executive dominated the legislative branch: Congress abdicated its lawmaking powers to the President and, furthermore, ceased to supervise the performance of the federal executive. The situation transformed dramatically in 1997 when the PRI lost control of the majority of seats in the Chamber of Deputies. Since then, the Chamber has been reenergized; it has blocked legislative initiatives and shaped legislative outcomes by pressuring the president to modify proposals or by amending executive bills. My empirical analysis reveals that subnational governments have adopted a noticeably proactive role in the federal lawmaking process. The number of initiatives presented in the Chamber of Deputies by state legislatures has increased dramatically, from 4 bills in 1994–1997 to 84 in 2000–2003. However, the success rate of bills introduced by state legislatures has been rather low, at around 9.4 percent in the 1997–2003 period.

In particular, this section examined whether democratization (specifically the emergence of vertically-divided government and increased electoral competition) has motivated state legislatures to become relevant players in the federal legislative arena. Binary panel data models indicate that legislatures controlled by the PAN, those that are highly competitive, and those of states in vertically-

divided government relationships are the most likely to present federal initiatives in the Chamber of Deputies, all other factors remaining equal. The rationale behind the last two findings is that, in electorally competitive states, local deputies interested in long political careers have strong incentives to portray themselves as staunch defenders of state interests and potentially relevant actors in national lawmaking, with the ultimate objective of improving their own, and their parties', performance in future national and subnational elections.

### **THE THIRD STRATEGY: RESORTING TO THE JUDICIARY TO RESOLVE INTERGOVERNMENTAL DISPUTES**

Shortly after taking office, President Zedillo (PRI) introduced a bill to reform essential aspects of the Mexican judicial process. The bill was discussed and approved in Congress, and finally enacted as law in December 1994. The comprehensive judicial reform undertaken during the first months of the Zedillo administration involved important changes in procedures for the resolution of disputes within the Mexican federal system, especially those between municipal and state governments. The reform gave municipal governments the ability to challenge state or federal government laws or acts via the judicial process before the federal Supreme Court. In an increasingly democratic environment, the extended recourse of *constitutional controversy* (which previously was only available to the states) opened a new route for dispute resolution in the federal system; the Supreme Court was fully empowered as the 'guardian' of federalism and enshrined as the constitutional court.

The purpose of this section is twofold: First, I seek to clarify the forces which obligated this reform. Increasingly, municipal governments, impeded from participating in the definition and implementation of federal or state policies affecting their sphere of competence, were seeking redress and thus overburdening the erstwhile system for resolving of this type of conflict—the reform was in great measure a response to this problem. Second, in an effort to disentangle the factors which determine whether a municipality decides to sue its state government, electoral and financial characteristics of the municipal governments that have filed suits are systematically compared with those of the municipalities that have not.

#### **Intergovernmental Disputes and Resorting to the Court**

In 1998, the governor of Puebla (Manuel Bartlett, PRI) crafted a state fiscal law (*Ley para el Federalismo Hacendario del Estado de Puebla*) in response to recent amendments to the federal fiscal coordination law. The federal law had provided new federal funds for the creation of municipal social infrastructure, which

were to be administered by municipal governments, essentially as own-source income. Certain clauses in the state law pretended to give the state control over how the municipalities were to use these new funds. The state law was considered—especially by the political opposition—a grave affront to the autonomy of the municipal treasury. In Mexico, municipalities have access to very limited financial resources, mostly property taxes; these new grants were vital to build much-needed social infrastructure (e.g. roads, schools, basic health centers).

What could the effected municipalities do to protect their legal right to spend these funds according to their interpretation of the needs of their communities rather than to state priorities? Apart from informal negotiations with the President and the Governor, in which the national leaders of the PAN participated very actively, the effected municipalities could not have done much before the judicial reform of 1994. From a federalist point of view, the most important instrument this reform provided was that of the *constitutional controversy* (*controversia constitucional*).<sup>37</sup> Through this legal recourse, the Supreme Court may resolve disputes between different branches and levels of government with respect to the constitutionality of actions, abrogating offending laws or invalidating acts put into question.

In the present case, in 1998, using the recourse of *constitutional controversy*, several PAN municipal governments in Puebla (with strong support from the national leadership) filed *controversies* with the Supreme Court against the Governor and the state congress. The PAN-affiliated municipal governments claimed that the state law infringed on the freedom of the municipal government to manage these funds, as provided by the federal constitution. In March 1998, the Court decreed the temporary suspension of the provisions of the state law under dispute until a final decision on their constitutionality was reached. In February 2000, the Court ruled (by a unanimous vote of the eleven justices) that nine out of ninety-eight articles in the law were in fact unconstitutional. Because the *controversy* was filed by a lower level of government against an upper level, the Court's decision did not have general or retroactive effects, and was applicable only to the municipal governments that filed the *controversy*—15 out of the 217 municipalities in the state. Nevertheless, soon after the Court's decision was issued, the state legislature reformed the law to eliminate the articles that had been contested, thus allowing all municipal governments to spend the new federal funds as they saw fit.

Presumably, this type of intergovernmental conflict had occurred before: why was this legal recourse not made available to municipalities until the mid 1990s? Interviews with actors involved in designing the reform and records of congressional debates reveal that behind the reform was an attempt to give

municipalities a legal channel to voice their protests in cases where the state or federal governments infringed on their municipal spheres of competence as defined by the federal constitution. The new channel had become necessary as these claims became increasingly numerous and frequent with the emergence of competitive elections at the municipal level. In less than ten years, the proportion of municipalities controlled by the PRI dropped dramatically from almost 90 percent in 1994 to around 55 percent in 2002.

The processes for inter-governmental conflict resolution in Mexico, prior to the new law, had been adapted to a system dominated by the PRI in which the president (the *de facto* leader of the party) could persuade politicians to accept unfavorable presidential decisions with relative ease. With democratization, an increasing number of non-PRI politicians were elected to subnational office, especially at the municipal level. Given that the president did not command influence over the political careers of members of opposition parties, the system in which the president acted as the ultimate arbiter of intra- and inter-governmental disputes ceased to function efficiently. The federal executive was facing increasingly complex and costly negotiations at all levels. Furthermore, after the President had issued a decision, the parties in conflict did not necessarily comply with the agreement; the system had become unworkable. Thus, the evidence seems to indicate that *constitutional controversies* were made available to municipalities so that inter-governmental conflicts (which tended to involve non-PRI politicians) could be resolved by the Supreme Court, a non-partisan broker, instead of by the president. In the mid-1990s, the reform became necessary largely as a response to contested elections at the municipal level, in which it was increasingly the case that non-PRI candidates emerged victorious.

### **To File or Not to File**

Once the judicial reform of 1994 provided municipal governments with the recourse of the *constitutional controversy*, the number of cases presented to Court increased dramatically. From 1917 to 1994, 49 disputes had been filed at the Supreme Court, which amounts to about two every three years. In contrast, from 1995 to 2000, the Court received 190 *constitutional controversies*, corresponding to approximately 31 suits per year.

In the 1995-2000 period, the majority of *constitutional controversies* (85.5 percent) were filed by municipalities against their state governments. By so doing, they were publicly expressing their disagreement with a specific state policy that, from their perspective, encroached on their areas of responsibility. The specific subjects of the suits reveal that municipalities were deeply interested in protecting their financial resources and independently administering the municipal

treasury.

In this part of the paper, I advance an explanation of the main factors determining whether a *constitutional controversy* is filed or not, and then I confront this explanation with the results of a statistical analysis of municipal versus state suits in the 1995–2000 period. The explanation here presented is based on the following three points:

First, of course, the purpose of filing a *constitutional controversy* is to stop the defendant (states in these cases) from encroaching upon the sphere of competence of the plaintiff (municipalities) by questioning some norm or act. In order for municipal officials to have the expectation of satisfying this purpose they must have some belief that the Court has become an honest broker in intergovernmental disputes and that it is effective in constraining the behavior of elected officials (i.e. that the state government is very likely to comply with a ruling that favors the municipality).

Second, municipal leaders realized it was beneficial for their governments to air disputes in a national forum (by filing *controversies* at the Supreme Court) simply because their constituencies would perceive them as being independent, valiant, and capable defenders of local rights. They were putting up a fight to protect the municipality from a presumably authoritarian higher-level official (i.e. the governor). These benefits would persist even if the Court were to take a long time in reaching a decision (delaying it beyond the term of office of the plaintiff), the rulings were to be unfavorable, or the state governments were to fail to comply with the Court's decision. Municipal presidents indeed seem to obtain political benefits from filing *controversies* beyond the possible substantive decision of the Court. These benefits are, among others, electoral visibility, increased legitimacy, and access to a public (and national) arena to voice their discontent with their state government. In other federal systems subnational governments have also persisted in filing demands with the Supreme Court against the federal government, despite the fact that the highest tribunal has consistently ruled against them.<sup>38</sup>

Third, conflicts may arise more frequently between officials who are members of different political parties. When dealing with lower-level governments controlled by the opposition, governors may infringe upon the spheres of competence of the municipal government more often in an attempt to hinder the electoral progress of political parties other than their own. Because the arenas of responsibility of officials belonging to political parties different to the governor's are encroached upon more frequently, such officials find themselves in need of filing *constitutional controversies* as a defense.

Hence, this explanation points to two specific variables that may help us

to disentangle the factors determining the decision of a municipality to file or not: the competitiveness of the election in which the municipal president was elected and whether he belongs to a party different from that of the governor (what I call *vertically-divided government*). The main purpose of the statistical analysis that follows is to clarify whether municipal governments elected in highly competitive contests and those involved in vertically divided government relationships are more likely to file a *controversy* than those in less contested municipalities and in unified relationships. The analysis concentrates exclusively on *municipality versus state government* disputes because this class of suit represents the largest proportion (85.5 percent) of *controversies* presented at the Court in the period for which data is available (1995–2000). Note that, in the same period, only three municipalities and three states filed controversies against the federal government.

Similarly to the analysis presented in the previous section, the statistical models examine the behavior of subnational governments (in this case, municipalities) in a time-series-cross-section context, and employ fixed and random-effects techniques to estimate models of such behavior. The data employed for the analysis consists of a yearly observation, from 1995 to 2000, of all municipal governments in Mexico—that is, of all potential plaintiffs in *municipal versus state* cases. Excluding missing observations, due to data restrictions for independent variables, the complete data set consists of 11,498 observations with approximately 1,998 observations per year.<sup>39</sup>

In the statistical models presented below, the dependent variable is *constitutional controversy*, an indicator that takes the value of 1 if the municipal government filed at least one suit against the state government in the given year and 0 otherwise.<sup>40</sup> Each of the statistical models discussed below includes three independent variables: *margin of electoral victory*, *vertically-divided government* and *net revenue for municipal government*

*Margin of electoral victory* is the percentage of the popular vote (0 to 100) obtained by the party of the municipal president less that of the party that occupied the second place in the most recent municipal election.<sup>41</sup> I expect to observe a negative coefficient for *margin of electoral victory*, that is, the smaller the margin in the election in which the municipal president was elected, the more likely (s)he is to file a *controversy* with the Supreme Court against the state. Facing keen electoral competition, and hoping for a future in politics, these municipal presidents benefit from portraying themselves as steadfast defenders of municipal autonomy.

*Vertically-divided government* is an indicator variable that takes the value of 1 if the municipal president and the governor belong to different political parties or coalitions, and 0 otherwise. A positive and significant coefficient for *vertically-*

*divided government* is expected because, if given the opportunity, governors may be expected to encroach more frequently on the autonomy of municipalities headed by political parties other than their own. In addition, these municipalities are more likely to be sensitive to perceived injustices. These municipal governments resort to the filing of *controversies* more often than those in unified relationship with the state government to seek redress from real or perceived encroachment.

As a control for the alternative explanation that wealthy municipalities tend to file *controversies* more frequently than others, simply because access to good counsel is costly and not all municipalities have sufficient resources to hire attorneys with experience in Supreme Court cases, the models include a variable for *net revenue for municipal government*.<sup>42</sup> *Net revenue* (in tens of millions of pesos) is the monetary measure of resources available to municipal governments in a given year adjusted for inflation, including federal and state transfers, debt, taxes, and fees (INEGI 2003).

Figure 9 presents results for two separate models of the presentation of *constitutional controversies* by municipal governments in the 1995–2000 period. The models predict around 98 percent of the cases correctly. The fixed- and random-effects models provide similar results both in terms of coefficients and standard errors (see columns 1 and 2 in figure 9). Consistent with expectations, the *margin of electoral victory for municipal president* has a negative and statistically significant impact on the likelihood of a municipality presenting a controversy ( $p < 0.050$ ). This means that municipal presidents facing keen electoral competition are more likely to act on the state government's invasion of municipal spheres of competence by filing disputes, or to be ultra-sensitive to perceived injustice in their relation with the state government, than presidents with larger margins of electoral victory. Alternatively, a governor is less likely to encroach upon the rights of a municipality governed by an entrenched opposition than one that just marginally emerged victorious. *Vertically-divided government* has a substantively large, positive, and statistically significant effect ( $p < 0.001$ ) on the probability of a municipality filing a *constitutional controversy*, all other factors remaining equal. This seems to suggest that municipal presidents in divided government relationships were more likely to file *controversies* than those in unified relationships. The rationale is that, first, opposition municipal presidents are less subservient when interacting with their state governments as they must satisfy the electorate to advance their political careers and, second, their spheres of autonomy are probably infringed upon more frequently compared to those cases where the municipalities are headed by members of the governor's party.

Finally, the effect of *revenue of municipal government* is revealing. The coefficient is positive and significant ( $p < 0.001$ ), confirming that affluent municipalities are

more likely to sue their state governments, all other factors remaining equal. The key fact to note in the statistical analysis is that, even when controlling for revenue, both *margin of electoral victory* and *vertically-divided government* have a statistically significant effect on the probability of a municipality filing a controversy.

Briefly, the statistical findings suggest that municipalities in which the municipal presidents were elected by slim margins, those existing in a vertically-divided government, and those with abundant revenue were more likely to file *constitutional controversies* against their state government during the 1995–2000 period. These findings seem to indicate that the new democratic conditions have transformed the incentives for all municipal presidents (those who belong to the party of the governor and those who do not). It no longer pays off to be a disciplined follower of the governor (even if (s)he is the state leader of your own party); the main determinants of political success are performance in office and the associated electoral results. Thus, when facing keen electoral competition, whatever one's party affiliation, one's sphere of competence must be defended from encroachment by upper levels of government.

Now, I briefly analyze the Supreme Court's decisions in these cases. For federalism, the most important outcome of the judicial reform is that the Court became the ultimate arbiter of intergovernmental disputes. In municipal versus state *controversies*, the Court has sided with the municipalities only in 10 percent of the cases, but this seems related to the partisan identity of the governments in conflict.<sup>43</sup> Figure 10 distinguishes the decisions of the Court by partisan affiliation of the plaintiff and of the defendant. First, note that the Court ruled in favor of the plaintiff in 14 percent of the *controversies* and against in 44 percent. In the remainder 42 percent of the cases, the Court was impeded from issuing a final decision on the *controversy* because of errors in the legal proceedings (the case felt outside of the Court's jurisdiction, the file was incomplete or improperly assembled, or there were other technical failures). Second, observe that, in the 1995–2000 period, when the PRI still controlled the presidency, the Court favored the PRI systematically when *controversies* involved governments from different political persuasions. When the defendant was the PRI, the Supreme Court ruled in favor of the PAN in less than 10 percent of the cases, and in favor of the PRD in less than 9 percent of the controversies.

In summary, the findings of this section are as follows. First, the recourse of *constitutional controversy* was made available to municipalities largely because, with the arrival of an increasing number of non-PRI municipal presidents on the scene since the early nineties, the mechanisms for inter-governmental conflict resolution in place during the hegemony of the PRI (i.e. the president acting as the ultimate arbiter) ceased to operate efficiently. Second, once the recourse was at their dispos-

al, the statistical models indicate that municipalities elected in highly competitive contests and those governed by parties in opposition to the governor's party were the most likely to sue their state governments in the Supreme Court. Third, the Court tended to side with the defendant and with the state PRlista government when the plaintiffs were municipal governments from the PAN or the PRD.

## CONCLUSIONS

Several works have studied the connection between democratization and decentralization (interpreted as subnational governments gaining influence over the design and implementation of public policies), however, only a few have delved into the causal mechanisms linking these phenomena.<sup>44</sup> This research represents a step in that direction as it seeks to discover the strategies that subnational governments employ to protect their interests at the federal level and the factors determining whether in fact a subnational government will attempt to do so.

When the upper chamber (e.g. the Senate) fails to represent regional interests at the federal level (or does so ineffectively), what options are available to subnational governments to check or resist policy initiatives from the national government? In this research, I have studied the three strategies that, in the wake of democratization, Mexican states and municipalities have increasingly used to protect their interests vis-à-vis upper levels of government: the creation of associations of subnational governments, the presentation of legislative initiatives through federal bills, and the petition of the Supreme Court to solve disputes between different levels of government. The three main findings of this research are:

First, subnational governments have become much more involved in federal policymaking in the last decade. The paper demonstrates this in three specific instances: (i) three different associations of municipal governments, and two of governors, were created and have been able to obtain greater access to federal bureaucrats and federal legislators for subnational governments; (ii) state legislatures have introduced a much larger number of initiatives to the federal congress (a seven-fold increase between 1997 and 2003); and (iii) municipalities have been granted the right to sue their state governments (in response to a perceived invasion of the municipal area of responsibility) and have taken the opportunity to do so frequently (municipalities presented 154 suits to the Court in the 1995–2000 period).

I have suggested that this very important increase in the participation of subnational governments in federal policymaking is mostly explained by democratization as manifested by the PRI losing its grip over subnational governments. State and

municipal officials now realize that their political careers depend on their performance in office and on the associated electoral fortunes of their parties.

Second, democratization allowed these strategies to be available for the protection of subnational governments' interests: a plural federal legislature, in which the formerly hegemonic PRI does not have a majority, signifies that bills presented by the states indeed have a chance of becoming law, and a Supreme Court functioning as non-partisan arbiter in inter-governmental disputes affords lower levels of government, through the filing of a *controversy* versus upper levels, the possibility of arguing their case with the expectation of a fair decision.<sup>45</sup> The research also revealed that, in these early attempts to further their interests at the federal level, subnational governments have not been very successful. Only a few of the proposals advanced by the National Conference of Governors have been implemented, very few of the initiatives sponsored by state legislatures have become law, and the decisions of the Supreme Court have tended to systematically favor state governments, especially those governed by the PRI, over municipalities.

Third, although less conclusive, the analysis presented suggests that differences between the levels of activism of subnational governments are strongly related to the electoral competition that they face and whether they belong to political parties in opposition to the president's. The statistical analysis of federal bills initiated by state legislatures and that of *controversies* presented by municipalities reveals a strong positive correlation between high electoral competitiveness and the presence of vertically-divided government, on one hand, and a higher probability of initiating a bill or filing a *controversy*, on the other.

The democratic transition in Mexico started much later than the transitions in Argentina or in Brazil. Given this relatively late start, the simple fact that the interests of subnational governments can now be heard at the national level, even though the results might still seem meager, is a step towards the consolidation of democracy. The use of the three strategies discussed reveals that states and municipalities are able to check or resist policy initiatives from the national government to a much larger extent.

At the beginning of the paper, I suggested that the study of differences in activism by subnational governments within the same federal system might shed new light on the cross-country variation of the degree to which subnational governments influence national policymaking (i.e. the degree of decentralization of the federal system). This research has shown that in order to attain a more nuanced understanding of the centralized or decentralized nature of a federal system, especially when seeking to explain changes over time or the effects of external shocks, it is necessary to look beyond electoral



FIGURE 2. Governors Who Have Presided over the Most Important Committees of Conago (2002–2006)

Standing Committee	FORMER PRESIDENT			Number of Members (max. 32)
	State	Party	Governor	
Public Finance	Hidalgo	PRI	Miguel Nuñez-Soto	32
Health	Tabasco	PRD	Manuel Andrade	32
Reform of the State	Veracruz	PRI	Miguel Alemán	28
Public Security <sup>b</sup>	Sonora	PRI	Eduardo Bours	28
Natural Disasters <sup>c</sup>	Baja California Sur	PRD	Leonel Cota	26
Regional Development	Tlaxcala	PRD	A. Sánchez-Anaya	26
Mexico-European Union	Jalisco	PAN	F. Ramírez-Acuña	25
Assistance to Migrants	Zacatecas	PRD	Ricardo Monreal	24
Education	Chiapas	Coalition	Pablo Salazar	23
Culture	Coahuila	PRI	E. Martínez-Martínez	21

Standing Committee	CURRENT PRESIDENT			Number of Members (max. 32)
	State	Party	Governor	
Public Finance	Chihuahua	PRI	José Baeza-Terrazas	32
Health	Tabasco	PRD	Manuel Andrade	32
Reform of the State	Guanajuato	PAN	Juan C. Romero-Hicks	28
Public Security <sup>b</sup>	Sonora	PRI	Eduardo Bours	28
Natural Disasters <sup>c</sup>	Puebla	PRI	Mario Marín-Torres	26
Regional Development	Zacatecas	PRD	Amalia García	26
Mexico-European Union	Jalisco	PAN	F. Ramírez-Acuña	25
Assistance to Migrants	Jalisco	PAN	F. Ramírez-Acuña	24
Education	Chiapas	Coalition	Pablo Salazar	23
Culture	Oaxaca	PRI	Ulises Ruiz-Ortiz	21

Source: Created by author with data from *Conago* (the 2002–2005 minutes and the website, <http://www.conago.org.mx>).

<sup>a</sup> The most important standing committees (out of 23) were determined by the number of states (out of 32) that decided to affiliate with the specific committee. The rest of the committees (13) have between 18 and 7 members.

<sup>b</sup> Formerly, Reform of the Prison System [*Reforma Integral Penitenciaria*]

<sup>c</sup> In Spanish, *Protección Civil*. The committee was originally named Fonden (Fondo Nacional para Desastres Naturales)

**TABLE 3. Most Active Participants in the Mexican *Nacional Conference of Governors* (2002–2005)**  
(Number of mentions in the minutes of the meetings)

Category	State	Political Party	Governor	Number of Mentions <sup>a</sup>
<i>Most Mentioned</i> ( <b>mentions<sup>3</sup></b> <b>20</b> )	Guanajuato	PAN	Juan Carlos Romero-Hicks	26
	Nuevo León	PRI	Natividad González-Parás	23
	Veracruz	PRI	Miguel Alemán	21
	Sonora	PRI	Eduardo Bours	20
<i>Somewhat Mentioned</i> ( <b>8<sup>2</sup> mentions<sup>2</sup></b> <b>13</b> )	Zacatecas (1)	PRD	<b>Ricardo Monreal</b>	13
	Zacatecas (2)	PRD	Amalia García	12
	Tlaxcala	PRD	<b>Alfonso Sánchez-Anaya</b>	11
	Baja California Sur	PRD	Leonel Cota	10
	Coahuila	PRI	Enrique Martínez-Martínez	10
	Jalisco	PAN	Francisco J. Ramírez-Acuña	10
	Tabasco	PRI	Manuel Andrade	10
	Chihuahua	PRI	Patricio Martínez-García	9
	Baja California	PAN	Eugenio Elorduy	8
	Michoacán	PRD	Lázaro Cárdenas	8

Source: Created by author with data from the minutes of the meetings of the *Conago* (2002–2005)

<sup>a</sup> It is customary for the Plenary of Governors to thank those members who are about to finish their gubernatorial periods, those instances were excluded from mentions considered in the analysis.

<sup>b</sup> It is widely accepted that Governors Monreal (Zacatecas) and Sánchez-Anaya (Tlaxcala) were the most active promoters of the creation of *Conago*.

TABLE 4. The most active governors in the life of the *National Conference of Governors (Conago)*

Distinguishing Characteristic	Governor	State	Party
<i>Most active promoters of the creation of Conago</i>	Ricardo Monreal	Zacatecas	PRD
	Alfonso Sánchez-Anaya	Tlaxcala	PRD
<i>Most frequently mentioned in minutes of Plenary meetings (2002–2005)</i>	Juan C. Romero-Hicks	Guanajuato	PAN
	Natividad González-Paras	Nuevo León	PRI
	Miguel Alemán	Veracruz	PRI
	Eduardo Bours	Sonora	PRI
<i>Coordinators of most important standing committees (2002–2005)</i>	<i>Former governors</i>		
	Manuel A. Nuñez-Soto	Hidalgo	PRI
	Miguel Alemán	Veracruz	PRI
	<i>Current governors</i>		
	Baeza-Terrazas	Chihuahua	PRI
	Manuel Andrade	Tabasco	PRI
	Juan C. Romero-Hicks	Guanajuato	PAN
Eduardo Bours	Sonora	PRI	

Source: Created by the author with data from figures 2 and 3.

**TABLE 5. Number of State Legislatures Which Presented Legislative Initiatives in the Chamber of Deputies By Political Party in Control of the State Legislature**

Year	State Legislature Presented	Party in Control of State Legislature				Total
		PRI	PAN	PRD	None <sup>a</sup>	
1997	At least one initiative	0	1	0	1	2 <sup>b</sup>
	No Initiative	24	1	0	1	26
	<b>Total</b>	<b>24</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>28<sup>c</sup></b>
1998	At least one initiative	2	2	1	0	5
	No Initiative	19	0	0	7	26
	<b>Total</b>	<b>21</b>	<b>2</b>	<b>1</b>	<b>7</b>	<b>31<sup>c</sup></b>
1999	At least one initiative	4	1	1	2	8
	No Initiative	17	1	0	6	24
	<b>Total</b>	<b>21</b>	<b>2</b>	<b>1</b>	<b>8</b>	<b>32</b>
2000	At least one initiative	2	0	1	1	4
	No Initiative	16	2	0	10	28
	<b>Total</b>	<b>18</b>	<b>2</b>	<b>1</b>	<b>11</b>	<b>32</b>
2001	At least one initiative	6	2	0	3	11
	No Initiative	12	2	0	7	21
	<b>Total</b>	<b>18</b>	<b>4</b>	<b>0</b>	<b>10</b>	<b>32</b>
2002	At least one initiative	1	0	0	2	3
	No Initiative	15	3	0	11	29
	<b>Total</b>	<b>16</b>	<b>3</b>	<b>0</b>	<b>13</b>	<b>32</b>
2003	At least one initiative	7	2	0	3	12
	No Initiative	10	1	1	8	20
	<b>Total</b>	<b>17</b>	<b>3</b>	<b>1</b>	<b>11</b>	<b>32</b>

Source: Created by the author with data from SIID (2000), Gaceta Parlamentaria (2003), and CIDAC (2003)

<sup>a</sup> No political party held a majority of seats in the state legislature

<sup>b</sup> There were three state legislatures which initiated federal bills in 1997, but data on the party composition of one of them (Federal District) was not available.

<sup>c</sup> Data for four subnational legislatures is missing in 1997: Federal District, Sonora, Tabasco and Yucatan. In 1998, data for the legislative assembly of the Federal District was not available.

**TABLE 6. Number of Initiatives Presented by State Legislatures in the Chamber of Deputies**

By party controlling the majority of seats in the state legislature

Party with majority in state legislature	57th Federal Legislature	58th Federal Legislature	1997–2003
	1997–2000 (%)	2000–2003 (%)	(%)
<b>PAN</b>	9 (31.0)	30 (35.7)	39 (34.5)
<b>PRI</b>	11 (37.9)	36 (42.9)	47 (41.6)
<b>PRD</b>	4 (13.8)	2 (2.4)	6 (5.3)
<b>NONE<sup>a</sup></b>	5 (17.2)	16 (19.0)	21 (18.6)
<b>Total</b>	<b>29<sup>b</sup></b> <b>(100.0)</b>	<b>84</b> <b>(100.0)</b>	<b>113</b> <b>(100.0)</b>

Source: Created by the author with data from CIDAC (2003) and *Gaceta Parlamentaria* (2003)

<sup>a</sup> No party controlled more than 50 percent of the seats in the state legislature

<sup>b</sup> There was another initiative introduced by a state legislature to the 1997–2000 federal legislature (for a total of 30), but data on the party composition of this legislature was not available.

**TABLE 7. Which Factors Affect the Probability of Presenting a Federal Legislative Initiative?**  
Mexican State Legislatures, 1997–2003

Independent Variables	(1)		(2)		(3)	
	Coefficient (s.e.)	<i>p</i> values <sup>d</sup>	Coefficient (s.e.)	<i>p</i> values <sup>d</sup>	Coefficient (s.e.)	<i>p</i> values <sup>d</sup>
Vertically Divided Government	0.881 (0.447)	0.025	0.872 (0.442)	0.025	0.913 (0.451)	0.022
Horizontally Unified Government	1.612 (0.69)	0.013	1.710 (0.692)	0.007	1.087 (0.734)	0.070
Margin of Control	-0.054 (0.024)	0.010	-0.053 (0.024)	0.013	-0.047 (0.024)	0.026
PAN Governor			1.016 (0.735)	0.084		
PAN Controlled Legislature					1.641 (0.958)	0.044
Constant	-1.944 (0.740)	0.009 <sup>2†</sup>	-2.199 (0.743)	0.003 <sup>2†</sup>	-1.900 (0.714)	0.008 <sup>2†</sup>
<i>p</i>	0.438 (0.039)		0.390 (0.137)		0.403 (0.135)	
% Predicted Correctly	79.00		79.46		80.83	
Log-likelihood	-93.872		-92.975		-92.429	
Wald Test X <sup>2</sup> (3)	10.03	0.018				
Wald Test X <sup>2</sup> (4)			12.01	0.017	12.69	0.013
N	219		219		219	

Notes: I estimated fixed-effects models for the specifications presented in columns 1, 2 and 3, the results are not significantly different from the random-effects models presented in the table (estimated using the *xtlogit, re* command in STATA 8.0). **P-values** are approximated and one-tailed unless indicated otherwise by <sup>2†</sup>. **Wald tests** are for the null hypothesis,  $H_0: \beta=0$ , i.e. all the coefficients for the independent variables are jointly equal to zero.

**TABLE 8. Legislative Status**

Status of bills submitted by state legislatures to the federal congress by party controlling at least a simple majority in the state legislature (1997–2006)

<b>PARTY IN CONTROL OF STATE LEGISLATURE</b>	<b>Initiatives sponsored</b>	<b>In committee (%)</b>	<b>Between chambers (%)</b>	<b>Rejected (%)</b>	<b>Pending executive approval (%)</b>	<b>Became law (%)</b>
PRI	94	83 (88.3)	4 (4.3)	3 (3.2)	0 (0.0)	4 (4.3)
PAN	47	31 (66.0)	5 (10.6)	8 (17.0)	0 (0.0)	3 (6.4)
PRD	12	6 (50.0)	3 (25.0)	1 (8.3)	0 (0.0)	2 (16.7)
None	71	54 (76.1)	4 (5.6)	6 (8.5)	1 (1.4)	6 (8.5)
<b>Total</b>	<b>224</b>	<b>174 (77.7)</b>	<b>16 (7.1)</b>	<b>18 (8.0)</b>	<b>1 (0.4)</b>	<b>15 (6.7)</b>

Source: Elaborated by author with data from *Gaceta Parlamentaria* (2006) and CIDAC (2006).

**TABLE 9. Which Factors Influence the Probability of Filing a *Constitutional Controversy*?**  
Mexican Municipalities (1995–2000)

Independent Variables	(1) State Fixed-Effects Logit <sup>a</sup>		(2) Random-Effects Logit <sup>b</sup>	
	Coefficient (s.e.)	<i>p</i> values	Coefficient (s.e.)	<i>p</i> values
Divided Government	2.121 (0.249)	0.000	2.061 (0.232)	0.000
Margin of Victory	-0.014 (0.007)	0.043	-0.017 (0.007)	0.018
Revenue of Municipal Government	0.108 (0.016)	0.000	0.068 (0.015)	0.000
Constant	-6.795 (1.154)	0.000	-5.847 (0.298)	0.000
<i>p</i>	n.a.		0.218 (0.176)	
% Predicted Correctly	98.11		98.69	
Log-likelihood	-527.103		-713.420	
Wald Test $X^2(3)$	n.a.		114.43	0.000
N	8116		11493	

Notes: **Wald tests** are for the null hypothesis,  $H_0: \beta = 0$ , i.e. all the coefficients for the independent variables are jointly equal to zero. n.a. stands for not applicable.

<sup>a</sup> This is in fact a one-way, fixed time-effects model. It was estimated using the *logit* command in STATA 8.0, and adding indicator variables for states and for years. As the model includes a constant, in order to avoid perfect collinearity among the explanatory variables, there are  $n-1$  (30) state indicator variables (the omitted unit is Aguascalientes); and  $t-1(5)$  time indicator variables (the omitted time-period is 1995).

<sup>b</sup> Estimated using the *xtlogit, re* command in STATA 8.0

**TABLE 10. Pairs of Political Parties in Conflict According to Supreme Court's Decisions**  
(Constitutional controversies, 1994–2000)

Plaintiff v Defendant	In favor of plaintiff % (numbers)	Against plaintiff % (numbers)	Sobreseimiento <sup>a</sup> % (numbers)	Total <sup>b</sup> % (numbers)
PAN v PRI	9.3 (4)	58.1 (25)	25.6 (11)	94.3 (40)
PRI v PAN	80.0 (4)	0.0 (0)	20.0 (1)	100 (5)
PRD v PRI	8.8 (3)	47.1 (16)	44.1 (15)	100 (34)
PRI v PRD	0 (0)	0 (0)	0 (0)	100 (0)
PRD v. PAN	50.0 (1)	0.0 (0)	50.0 (1)	100 (2)
PAN v. PRD	0 (0)	0 (0)	0 (0)	100 (0)
PRI v PRI	14.3 (2)	14.4 (2)	64.3 (9)	92.9 (13)
UyC v PRI	0.0 (0)	30.0 (3)	70.0 (7)	100 (10)

Source: Magaloni and Sanchez (2001, 32)

<sup>a</sup> The Court is impeded from issuing a final decision on the controversy given errors in the legal proceedings surrounding the case.

<sup>b</sup> Totals do not add to 100% because the statute of limitations (*caducidad*) variable was not included

## NOTES

1. In countries that have undergone decentralization processes, the prevalence of shared authority is remarkable. It is very rare that central governments fully cede autonomy to subnational units. Decentralization represents, mostly, a shift from absolute central dominance to joint involvement of the center and one or more of the subnational tiers. Jonathan Rodden, "Comparative Federalism and Decentralization: On Meaning and Measurement," *Comparative Politics*, Vol. 36, No. 4 (2004), pp. 481–500.
2. Anne Marie Cammissa, *Governments as Interest Groups: Intergovernmental Lobbying and the Federal System* (Westport, CO: Praeger, 1995); John Dinan, "State Government Influence in the National Policy Process: Lessons from the 104th Congress," *Publius-The Journal of Federalism*, Vol. 27, No. 2 (1997), pp. 129–42.
3. John Dinan, "State Government Influence in the National Policy Process: Lessons from the 104th Congress," *Publius-The Journal of Federalism*, Vol. 27, No. 2 (1997), p. 130.
4. In Russia, for example, governors have created inter-regional associations to increase their control over natural and economic resources (e.g. oil), but also to redefine the federal budgetary and taxation systems so that they are more favorable towards the regions. Vera Tolz, and Irina Busygina, "Regional Governors and the Kremlin: The Ongoing Battle for Power," *Communist and Post-Communist Studies*, Vol. 30, No. 4 (1997), pp. 406–7.
5. Kent Eaton, *Politics Beyond the Capital: The Design of Subnational Institutions in South America* (Palo Alto, CA: Stanford University Press, 2004); David Samuels and Fernando L. Abrucio, "Federalism and Democratic Transitions: The 'New' Politics of the Governors in Brazil," *Publius: The Journal of Federalism* Vol. 30, No. 2 (2000), pp. 43–61. A case in point is that while in Argentina and Brazil, powerful subnational officials were able to compel decentralization from below; Tullia Falletti, "A Sequential Theory of Decentralization: Latin American Cases in Comparative Perspective," *American Political Science Review* Vol. 99 No. 3 (2005), pp. 327–46; subnational officials in Mexico enjoyed no such leverage; Enrique Cabrero, Laura Flamand, Claudia Santizo, and Alejandro Vega, "Claroscuros del Nuevo Federalismo Mexicano. Estrategias en la Descentralización Federal y Capacidades en la Gestión Local," *Gestión y Política Pública* Vol. 6, No. 2 (1998), pp. 329–87.
6. The differences in control over candidate nomination in systems with decentralized parties (e.g. Brazil) and in systems with centralized ones (e.g. Mexico) may be explained by the characteristics of the electoral system. The Brazilian open-list electoral system, for example, has produced legislators with very loose ties with their national party leadership. This fact has generated important and frequent conflicts between the executive and legislative branches at the national level because the president finds it very difficult to gather consistently sufficient votes in congress to pass the pieces of legislation to implement his electoral platform; Barry Ames, "Party Discipline in the Chamber of Deputies," Scott Morgenstern and Benito Nacif, eds., *Legislative Politics in Latin America* (Cambridge, UK: Cambridge University Press, 2002). In Mexico, federal deputies are elected in a combination of single member district system (300 seats) and regional proportional representation lists (200 seats). The strong regional ties, that legislators elected in the single member districts may have, are undermined by (1) the centralized control over nominations and by (2) the ban on consecutive re-election. In the case of deputies elected in the proportional representation system, these are very much tied to the national leadership as the relative position they occupy on the slate (decided by the national executive committee) is the most important determinant of the probability of being elected.
7. For details see, for example, Mark P. Jones, Sebastián M. Saiegh, Pablo T. Spiller, and Mariano Tomassi, "Amateur Legislators-Professional Politicians: The Consequences of Party-Centered Electoral Rules in a Federal System," *American Journal of Political Science*, Vol. 46, No. 3 (2002), pp. 356–69; Alfred P. Montero, and David Samuels, *Decentralization and Democracy in Latin America* (Notre Dame, IN: University of Notre Dame Press, 2004); Christopher Garman, Stephan Haggard, and Eliza Willis, "Fiscal Decentralization: A Political Theory with

- Latin American Cases," *World Politics*, Vol. 53 (2001), pp. 205–36.
8. Paul Chen, "The Institutional Sources of State Success in Federalism Litigation before the Supreme Court." *Law & Policy*, Vol. 25, No. 4 (2003), pp. 455–72.
  9. All federal countries in Latin America (Argentina, Brazil, Mexico and Venezuela) have three tiers of government. J. Tyler Dickovick, "Municipalization as Central Government Strategy: Central-Regional-Local Politics in Peru, Brazil, and South Africa," *Publius: The Journal of Federalism* Vol. 37, No. 1 (2007), pp. 1–25.
  10. J. Tyler Dickovick, "Municipalization as Central Government Strategy: Central-Regional-Local Politics in Peru, Brazil, and South Africa," *Publius: The Journal of Federalism* Vol. 37, No. 1 (2007), pp. 1–25.
  11. Jorge I. Domínguez, "The Transformation of Mexico's Electoral and Party Systems, 1988–1997: An Introduction," in Jorge I. Domínguez and Alejandro Poire, eds., *Toward Mexico's Democratization. Parties, Campaigns, Elections, and Public Opinion* (New York, NY: Routledge, 1999); Peter Ward and Victoria Rodríguez, "New Federalism, Intra-Governmental Relations and Co-Governance in Mexico," *Journal of Latin American Studies*, Vol. 31 (1999), pp. 673–710.
  12. Enrique Cabrero, Laura Flamand, Claudia Santizo, and Alejandro Vega, "Claroscuros del Nuevo Federalismo Mexicano. Estrategias en la Descentralización Federal y Capacidades en la Gestión Local," *Gestión y Política Pública* Vol. 6, No. 2 (1998), pp. 364–375.
  13. One of the most important findings of a series of interviews with municipal government officials carried out in 2005 and 2006. The sample consisted of 21 municipalities, in four states, and it was selected to maximize differences in the levels of economic, environmental, institutional and social development amongst the municipalities.
  14. Recall that in Mexico municipal presidents serve a three-year term, and governors a six-year term. Neither municipal presidents nor governors may be re-elected in the immediate following election.
  15. Cuauhtémoc Paz, *Las Asociaciones Municipales: Nuevos Actores Reconstruyendo el Federalismo en Mexico* (Mexico: IGLOM, 2005); Leticia Santin, "Las Intermunicipalidades: Práctica de Cooperación entre Municipios para el Fortalecimiento Institucional, el Desarrollo Social y un Ordenamiento Racional del Territorio," *Perfil y Perspectivas de los Municipios Mexicanos para la Construcción de una Política Social de Estado* (Instituto Nacional de Desarrollo Social, Mexico: Secretaría de Desarrollo Social, 2003), pp. 147–203. In Mexico, municipalities are grouped in three separate organizations closely associated with the three main political parties: the Association of Mexican Municipalities (AMMAC) formed in 1994 and linked with the PAN, the Association of Local Mexican Authorities (AALMAC) created in 1997 and associated with the PRD, and the National Federation of Associations of Mexican Municipalities (FENAMM) founded in 1997 and related with the PRI.
  16. Alberto Díaz-Cayeros, "Mexican Federalism and the Institutionalization of the Politics of Governors," Typescript, Department of Political Science (Stanford, CA: Stanford University Press, 2005).
  17. Throughout 2004 and 2005, it was customary for two or three federal officials (ministers, deputy ministers) to participate in the working sessions of the *Conago*. On occasion, these officials even suggested that specific proposals of the *Conférence* were going to be included in legislative bills to be initiated by the president at the federal congress, for example, the *Federal Act Regulating Lotteries and Gaming* Conago [National Conference of Governors], *Declaration of Cuatro Ciénegas*. 2003. Available at <http://www.conago.org.mx>, last access Jan 3, 2006.
  18. Ricardo Monreal and Alfonso Sánchez-Anaya were long time members of the PRI, who sought the gubernatorial nomination of their party in Zacatecas and Tlaxcala respectively. After the PRI failed to nominate them for the governorships, they resigned from the party and joined the PRD to win, with ample margins, their respective gubernatorial contests.
  19. Formally the Federal District (Mexico City) is not a state, and thus does not elect a governor, but a chief of government.

20. Empirical evidence abounds, here I point to a description of the manner in which the Clinton White House, in particular the *Office of Intergovernmental Affairs* (IGA) interacted with governors: “While NGA [National Governors’ Association] resolutions may carry weight with Congress, the Clinton IGA group gave most of its policy attention to the caucus of Democratic governors, with whom they maintained a more simpatico relationship; Bradley H. Patterson, Jr., *The White House Staff: Inside the West Wing and Beyond* (Washington, D.C.: Brookings Institution Press, 2000).
21. Díaz-Cayeros has pointedly noted that *Conago* has been very successful at avoiding discussions of distributive issues (those that may confront rich *versus* poor states) given that the emergence of these could easily have destroyed the *Conference*. Interviews with officials attending the plenary sessions reveal that distributive issues have indeed emerged at the meetings, but the procedural rules (i.e. consensus) have prevented the *Plenary* from reaching agreement on them; Alberto Díaz-Cayeros, “Mexican Federalism and the Institutionalization of the Politics of Governors,” Typescript, Department of Political Science (Stanford, CA: Stanford University Press, 2005).
22. The measure is simply the number of articles, editorials or opinion pieces that mentioned *Conago* in the national newspaper *Reforma*.
23. In August 2003, the *Conago* together with President Fox issued the *Declaration of Cuatro Ciénegas*, signed by the President and by each of the governors. A major project involving a series of meetings (whose objective was to propose constitutional and legal reforms of state) was announced to strengthen and clarify federalism. For details see Flamand (2005)
24. Díaz-Cayeros has shown that the amount of fiscal resources transferred to the states did not increase in the 2001–2004 period. Alberto Díaz-Cayeros, “Mexican Federalism and the Institutionalization of the Politics of Governors,” Typescript, Department of Political Science (Stanford, CA: Stanford University Press, 2005).
25. Alberto Díaz-Cayeros, “Mexican Federalism and the Institutionalization of the Politics of Governors,” Typescript, Department of Political Science (Stanford, CA: Stanford University Press, 2005); Laura Flamand, “The Creation of the National Conference of Governors in Mexico. How to solve a collective action problem?,” Department of Government and Public Administration (Tijuana, Mexico: El Colegio de la Frontera Norte, 2005), typescript.
26. In contrast with the presidents of the U.S. National Governors’ Association (NGA) who exercise a much more prominent role in the activities of the Association during their one-year terms. Recall, for example that Bill Clinton (then governor of Arkansas) rose to national prominence during his term as chairman of the NGA (1986–1987), during which he led the governors’ efforts to reform the welfare and educational systems.
27. The *President* of *Conago* is the governor who is to host the forthcoming session of the *Plenary of Governors* (thus, the presidential period lasts from the moment at which the previous session finishes to the closing of the session of which the governor is host (*Rules of Operation Conago 2005*). The designation of the host state (and thus of the next president) is based upon bids from governors interested in hosting the meeting. It is infrequent for there to be more than one bidder, given the logistic effort involved in gathering such a large number of governors; Anonymous Interviewee A, interview by author, 26 January 2006, Mexicali, Baja California.
28. Natividad González Parás (Nuevo León) chairs the Committee on Lotteries and Gaming as well as the Committee on Media.
29. Recall that the three associations of municipalities operating in Mexico each comprise the municipalities governed by one of the three main political parties: *AMMAC-PAN*, *AALMAC-PRD* and *FENNAM-PRI*.
30. As an alternative to *Conago*, Creel had proposed for the Ministry of the Interior to organize and coordinate a series of meetings at which governors could discuss intergovernmental issues with the relevant federal officials.
31. At the beginning of 2003, the federal government opposed the holding of the *Convention*, and refused to participate; this was perhaps not surprising as the reforms that the governors

- had in mind implied a new balance in fiscal matters between the relative weight of the federal government and of the states, to the latter's benefit. At the end of the year, when the *Conago* confirmed that it would proceed with the *Convention* even without the involvement of the federal government, President Fox relented and instructed several ministers to participate in the preparations and in the sessions of the *Convention*.
32. Conago [National Conference of Governors]. 2003. *Declaration of Cuatro Ciénegas*. Available at <http://www.conago.org.mx>, last access Jan 3, 2006.
  33. Alberto Díaz-Cayeros, "Mexican Federalism and the Institutionalization of the Politics of Governors," Department of Political Science (Stanford, CA: Stanford University Press, 2005), typescript.
  34. As a proportion of the total number of initiatives proposed by state legislatures, the number of bills proposed by PRI dominated congresses increased by five percentage points from 1997–2000 to 2000–2003
  35. Several state legislatures presented more than one bill in the seven years under analysis, and others even more than one bill in a single year.
  36. *PAN governor* is an indicator variable that takes the value of 1 if the governor is a member of the PAN and 0 otherwise. *PAN controlled legislature* is also an indicator variable, which takes the value of 1 if the PAN controls more than 50 percent of the seats in the state congress and 0 otherwise.
  37. The *constitutional controversy*, although only with inter partes effects, had been available to the federal and state governments since 1917, but the 1994 reform made it available for municipal governments, the third level of government in the Mexican federal system; Elisur Arteaga-Nava, "Las Nuevas Facultades de la Suprema Corte de Justicia de la Nación," *Reformas Al Poder Judicial*, in Mario Melgar-Adalid, ed. (Mexico: UNAM, 1995).
  38. In the United States, for example, state attorneys have turned increasingly to the federal judges to protect their interests, although the federal judiciary has rarely been viewed as a vehicle for representing state interests in the last sixty years. During the late 1930s and the 1940s, the Supreme Court essentially ceased to invalidate congressional legislation that encroached on state interests. Furthermore, in the 1950s and 1960s, the Court began to deliver decisions that themselves had the effect of encroaching on state interests; John Dinan, "State Government Influence in the National Policy Process: Lessons from the 104th Congress," *Publius-The Journal of Federalism*, Vol. 27, No. 2 (1997), p. 132.
  39. Municipalities in the state of Oaxaca that elect municipal presidents under the customary law regime (*Usos y Costumbres*) were not included because for these cases it was impossible to construct either the *margin of victory* variable, or the *vertically divided government* indicator.
  40. Due to restrictions on the collection of revenue data, the statistical models include 151 observations where *Constitutional Controversy* takes the value 1, instead of the 154 actual observations.
  41. The author constructed the variables *vertically divided government* and *margin of electoral victory* with data from CIDAC (Center for the Research of Development) "Database of Local Elections (1980–2000)" (Mexico City, Mexico: CIDAC, 2003); Alain De Remes, "Banco de Datos Electorales a Nivel Municipal 1980–1999," (Mexico: CIDE –Universidad de Colima, 2000); and the state electoral institutes of Hidalgo and Veracruz.
  42. Jeffrey K. Staton, "Judicial Activism and Public Authority Compliance: The Role of Public Support in the Mexican-Separation-Of-Powers-System," Ph.D. Dissertation, Department of Political Science, (St. Louis, MO: Washington University, 2002), p. 216.
  43. Beatriz Magaloni and Arianna Sanchez, "Empowering Courts as Constitutional Veto Players: Presidential Delegation and the New Mexican Supreme Court," presented at the *Annual Meeting of the American Political Science Association 2001* (San Francisco, CA: 2001), p. 20.
  44. Either directly or indirectly, the works by Gibson, Edward L. ed. 2004. *Federalism and Democracy in Latin America*. Baltimore: Johns Hopkins University Press. The following authors have discussed the connection: Tulia Falleti, "A Sequential Theory of Decentralization: Latin American Cases in Comparative Perspective," *American Political*

*Science Review*, Vol. 99, No. 3, (2005), pp. 327–346; Alfred P. Montero and David Samuels, *Decentralization and Democracy in Latin America* (Notre Dame, IN: University of Notre Dame Press, 2004).

45. Recall that *controversies* are available to municipalities thanks to a judicial reform largely imposed on President Zedillo by the electoral triumphs of the opposition at the subnational level Beatriz Magaloni and Arianna Sanchez, “Empowering Courts as Constitutional Veto Players: Presidential Delegation and the New Mexican Supreme Court,” presented at the Annual Meeting of the American Political Science Association 2001 (San Francisco, CA: 2001).

# Segmented Professionalism in Argentine Political Parties 1983–2001

*Alberto Föhrig*<sup>1</sup>

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## 1. INTRODUCTION<sup>2</sup>

How are Argentine political parties organised? Are individual members more relevant than factions or parties? How is politics structured as a profession? Are the incentives faced by politicians homogeneous? Have party organisations had an impact on their members' behaviour within institutional settings?

This paper will address these questions by focusing on the internal organisation of Argentina's two main political parties: the Peronist Party (PJ) and the Radical Civic Union (UCR) from 1983 to 2001. These have been the two main parties since 1945. Even though these parties show many differences both in terms of their origins and along different provincial settings, the argument developed in this paper focuses on the common traits of their internal organisation. It intends to highlight isomorphic organisational characteristics among the two parties, based on the premise that competitive pressures within a context of uncertainty generate incentives for parties to assimilate to their counterparts' organisational traits.<sup>3</sup>

This paper intends to link two bodies of literature explored by political scientists for the Argentine case: one that analyzes how party organisations are structured and a second that shows the characteristics of party members in institutions such as the National Congress.<sup>4</sup> This paper's main argument is that parties' behaviour within institutional settings is influenced by their internal division of labour.<sup>5</sup> Specifically, I will argue that Argentine parties' organisational micro-foundations rest upon a particular pattern of labour distribution that I call *segmented professionalism* within their factions.

Faction members can be divided into three groups: faction leaders, middle-rank party officials, and neighbourhood leaders. The argument about segmented professionalism is straightforward: two groups within the parties' factions (faction leaders and neighbourhood leaders) share a specific type of professionalism shaped by a

set of common incentives in terms of [1] their electoral autonomy within party organisations; [2] their stability in a specific party or government echelon; [3] the incentives that structure their behaviour; [4] their main criteria of intra-party legitimacy; [5] the learning effects that shape their political experience; and [6] their career paths. On the other hand, middle-ranking party officials show a different set of professional incentives. The specification of different incentives within parties has an effect on their internal functioning and, as a consequence, in the way parties behave within institutional settings.

In order to show this I will present two types of explanations: one at the macro level and a second one focusing on the micro foundations of party behaviour. At the macro level, I will explain the origins of segmented professionalism as a consequence of new patterns in Argentine social structures—rises in poverty, unemployment, and inequality—and the shrinkage of the national state. In order to do so, I will mainly rely on secondary sources of analysis. Additionally, I will contrast explanations at the macro level with findings at the micro level that help to validate the general argument presented in this paper. The consideration of segmented professionalism at the micro level involves analysing the different incentives that structure the activities of each of the three internal party groups mentioned above. To do so, I will draw upon qualitative evidence:<sup>6</sup> seventy in-depth interviews with active party members conducted in the Argentine provinces of Buenos Aires, Formosa, Mendoza, and Salta (See methodological appendix).

This paper is structured as follows. Section 2 introduces the analysis of factions in the discipline, presenting a brief description of different faction members' attributes in Argentine political parties. The main characteristics of Argentine society as well as the main traits of the national state in the eighties and nineties have been thoroughly analyzed by many authors. For reasons of space, section 3 will briefly present the main arguments developed by the literature on the subject and will highlight the impact that these changes have had on party organisations. Section 4 develops the concept of segmented professionalism in Argentine political parties by showing the incentives faced by different actors within party factions. Finally, section 5 offers conclusions.

## **2. PARTY ORGANISATIONS AND FACTIONS IN ARGENTINE PARTIES**

Change and adaptation in party organisations require the consideration of parties as complex organisations, leaving aside unitary models of analysis. In this vein, Katz and Mair consider that party organisations can be disaggregated into at least three different faces, each of which interacts with the other. The first is the party in

public office (government and parliament), the second is the party on the ground, and the third is the party in the central office which is usually representative of the party's activities *vis-a-vis* civil society.<sup>7</sup>

If the previous approach is considered valid, the concept of *political machine* used in comparative literature on political parties tends to present a normative concept that puts central emphasis on corruption, negates the role of other sources of political allegiance such as ideology or charisma, and mainly refers to local urban politics, reducing politics to clientelistic—taken as synonym of corrupt—urban exchanges.<sup>8</sup> In sum, this concept oversimplifies the functions and goals of political parties as complex organisations that deploy their activities at different levels of government. As Müller and Strøm argue, the goals that parties follow are neither unique nor uniform: parties' goals include pursuing votes, offices, or policies.<sup>9</sup> Even more, Mule argues that intra-party activities constitute a fourth goal of party organisations.<sup>10</sup> As a consequence, political leadership implies weighing different alternatives of action and making the decision to pursue one goal at the expense of others within a specific context. Additionally, these diverse goals pursued by parties explain the existence of a set of roles with differentiated functions and routines within them.

A different approach to internal party organisation, based on party heterogeneity, stresses the role played by factions within parties. Factions can be defined as “organized groups that compete for control of valued resources within parties, such as nominations, party leadership posts and campaign funds.”<sup>11</sup> Sartori distinguishes between groups that fight for party control that he calls factions and those internal groups that are characterized by a set of established attitudes and inclinations that he calls “tendencies.”<sup>12</sup> Within his definition of factions he distinguishes four dimensions: organisation, motivation, ideology, and, finally, a left/right—as a more or less artificial but nevertheless accepted—division among orientations.

In their survey on the study of factions as competitive political organizations Belloni and Beller include a definition by Ralf Nicholas that states that factions are “leader-follower groups in which roles are well defined: followers give support to their leader in Parliament and in intra-party struggles, and the leader provides them with positions, funds and “other necessities for the good life.”<sup>13</sup>

Comparative studies on factions have mainly focused on the Italian and Japanese cases—Kim Bettcher compares both countries—but research about factions include party systems as different as those of Taiwan, Canada, France, Britain, Uruguay, the Southern United States in the forties, and Kyushu, in southern Japan, dating back to the pre- Meiji (before 1867) feudal period.<sup>14</sup>

There is no clear independent variable associated with the emergence and functionality of factions. Nevertheless, explanations can be divided into those that stress

institutional variables and those leaning on organisational variables.

The *institutional variables* associated with the existence of factions can be divided into at least four categories:

**1. Electoral system:** Specific types of electoral systems are prone to stimulate the emergence of factions and will influence at what stage of the electoral process factional competition will take place.<sup>15</sup> For example, in systems with either Open Lists, Double Simultaneous Vote, or Single Non-Transferable Vote (SNTV) factions tend to exist and they are particularly relevant during general election campaigns. On the contrary, in Closed Lists Systems, competition takes place in the intra-party arena during the candidate nomination process.<sup>16</sup>

**2. Party system:** Dominant party systems foster factions within the dominant party, whereas in party systems with regular alternation in power many parties may exhibit factional arrangements.<sup>17</sup>

**3. Candidate nomination process:** The extent to which different party units—whether party leaders, faction leaders, or independent candidates—dominate the nomination process may generate the emergence of factions.<sup>18</sup>

**4. Electoral cycle:** The sequence in which elections are held, that is if national and provincial elections are concurrent or dispersed, may entice factional organisation.<sup>19</sup>

A second body of literature stresses the *organisational variables* linked with the development of factions:

**1. Party cohesion:** Parties may be organised through a centralized and coordinated centre for party decisions, or its opposite of factional autonomy, in which factions play a vital role without further supervision of central party offices.<sup>20</sup> Additionally, factions may be organised in formal terms, as is Japan, or in an informal fashion, as in Italy.<sup>21</sup>

**2. Exchange models:** There are organisational accounts that stress complementary roles that hold factions together and establish specific modes of relationship with the electorate—i.e., through clientelistic relationships.<sup>22</sup> Finally, a third body of literature considers factions as an independent variable that has an effect on public policy.

**1. Effects on public policy and budgets:** McCubbins and Thies, examining factionalism and public policy outcomes, determine that different factions can enact different policy agendas when in power.<sup>23</sup> Volkerink and De Haan provide

new evidence on the relationship between fragmented government and spending.<sup>24</sup> Primo and Snyder test the hypothesis that strong parties related to their electorates diminish the demands for pork barrel spending.<sup>25</sup> Finally, Volden and Wiseman model patterns of negotiation over particularistic and collective goods in legislatures, and Shugart analyzes the distribution of collective goods in less developed countries under presidential or parliamentary institutions.<sup>26</sup>

**2. Sub-national fragmentation and its affects on public policy.** Chibber and Nooruddin explore the sources of variation in spending on public goods in Indian states and conclude that the number of parties is closely related to spending patterns.<sup>27</sup> Calvo and Murillo provide evidence about the relationship between partisan identity and spending, Kemahlioglu provides a statistical analysis on political determinants of public employment in Argentina.<sup>28</sup>

The Argentine party system at the provincial level operates within an *institutional* setting with many traits associated with the existence of factions:

**1. Electoral competition:** Within scenarios of closed-list proportional representation, the electoral system encourages the formation of party factions that become paramount in mobilizing activities both in internal and general elections.

**2. Party system:** Even though the national party system has remained moderately plural with high levels of alternation both among parties as well as factions within parties, most provincial party systems are either dominant or hegemonic, with high levels of electoral stability of one party in power. This characteristic of provincial party systems induces the formation of factions to resolve party leadership disputes within hegemonic or dominant parties at the provincial level.<sup>29</sup>

**3. Candidate selection:** The candidate selection process takes place at the provincial level and is mainly dominated by factions. The selection of candidates may involve different kinds of arrangements which include elites' agreements, party primaries, or cases where candidates of the same party compete against each other during general elections—such as in the case of electoral systems with preference voting or a Double Simultaneous Vote. In each of these scenarios, individual candidates are worse off—given their relative lack of organisational resources—than faction members in the pursuit their interests.<sup>30</sup>

**4. Electoral cycle:** The electoral cycle at the provincial level may not coincide with elections at the national level. In some provinces, it is a constitutional requirement that provincial elections are held separately from national elections. Under these circumstances, provincial party factions play the role of fulfilling the

activities that under concurrent electoral cycles would be shared with national organisations.

Additionally, Argentina's two main parties, the *Justicialista* Party (PJ) and the Radical Civic Union (UCR), are structured in ways in which **organisational** variables that define factions are also present:

1. **Organisational complexity:** The decentralization process of key policies such as health and education increased the power of provincial governors *vis-à-vis* national authorities. This modification at the policy level had an impact over party organisations. The national party system became more decentralized and hence provincial party branches increased their relevance, both in terms of the resources that they manage and the internal complexity of their roles.<sup>31</sup>

2. **Exchange models of party roles:** models of factional organisation in Argentina are fairly stable arrangements characterized by a web of power resources and exchanges that determine differentiated roles within party factions.<sup>32</sup>

Both the PJ and the UCR are divided among factions; different factions interact among each other, building—as a product of those interactions—coalitions that lead the party at the national level. Factions combine different activities and roles. In order to show the logic of segmented professionalism, I propose to divide factions among three groups, whose static description is presented in Table 1: faction leaders, middle-rank party officials and neighbourhood leaders.

At a first glance, the three groups are involved in very different activities. Faction leaders occupy parties' main positions in the provincial or national executive branch as well as in the National Congress, and at the party level devise strategies and tactics. Neighbourhood leaders are responsible for developing political activities “on the ground,” for example, voter mobilization for internal and general elections. Finally, Middle-rank members combine party leadership at the regional level—electoral precincts grouping several cities or rural districts—with experience accumulated in the design and implementation of public policies at the national and provincial level as a consequence of the institutional incentives they face.

Faction leaders help members get crucial resources for their career advancement. First, they negotiate within faction and intra-party legislative lists or executive posts. Second, they provide material and symbolic support for executive or legislative nominations (local or provincial) and endorsement during electoral campaigns (in internal as well as general elections). Third, they secure financial backing for internal and general election campaigns as well as regular faction

activities. Finally, they attempt to grant faction members and their constituents either party—if relevant—or government posts at the national or provincial level. The institutional positions usually occupied by faction leaders include that of governor, national senator, national chamber authority, and national minister. Ministers are a special case, since many of them are involved in policies that are mainly universal at the national level and the argument about faction leaders is that they rely on particularistic benefits as a means to increase their internal legitimacy within parties. The justification for this paradox is provided by Power and Mochel's paper on political careers in Brazil.<sup>33</sup> They argue that some national ministries—such as agriculture, housing, etc.—are considered of higher importance than others by party members since some of them allow ministers to build a provincial or national power base, whereas other ministries are less relevant from this point of view. Hence, faction leaders are mainly concerned with those high ranking positions that are prone to increase their power at the provincial level.

Middle-rank party officials (henceforth MRPO) hold second and third tier party leadership positions: they lead provincial or regional branches of their parties. They tend to occupy positions in the national executive branch—in positions that range from National Director to Secretary of State in the National Congress—or in the provincial executive or legislative branches. Their functions are mainly concerned with intermediate-level party office management and policy design and implementation at the provincial or national level. MRPO occupy either national or provincial positions. Their brokerage capacities include the ability to negotiate deals between the provincial and national levels when they deal with matters of intergovernmental concern, reach agreements at the legislative level, and broker party deals at the regional level. Finally, they deliver goods to their constituencies. The institutional positions held by MRPO include that of national deputy, Secretary of State, National Director, provincial legislator, provincial minister, and mayor of a big city.

The category of provincial deputy is shared by neighbourhood leaders and MRPO interested in delivering particularistic benefits to their constituents since provincial deputies constitute a relevant link between the state and party organizations through their constituency service.

During internal (primaries) or general campaigns, neighbourhood leaders organize campaign activities and provide faction leaders with access to local voters, groups, and institutions, put together a logistic network that transports voters to the polls, and coordinate groups for election monitoring that have to prevent electoral fraud in every ballot box in their neighbourhood. Each of these activities requires significant amounts of money. Therefore each of them has to be able to procure financial resources either from local sources or faction leaders.<sup>34</sup>

Between elections, neighbourhood leaders' activists work for their constituents in low-income neighbourhoods through three main activities: granting them access to public jobs, delivering food or other goods to local networks, and organizing different types of communal activities—usually through local party offices and more recently through local NGO's (non-governmental organizations) in urban areas. In the interior of the country, and even more so in rural areas, the traditional ways of relating to society continue to be prevalent. Therefore, neighbourhood party activities continue to be relevant in these settings. In institutional terms, neighbourhood leaders occupy positions as mayors of small cities, members of local councils, and provincial deputies.

TABLE 1. Static Attributes of Faction Roles

	<b>Faction Leaders</b>	<b>Middle Rank Party Officials</b>	<b>Neighbourhood Leaders</b>
<b>Hierarchy in Party Leadership</b>	<b>First tier:</b> Provincial or National leadership	<b>Second and third tier:</b> Provincial or regional branch leadership	<b>Fourth tier:</b> Local and regional branch leadership
<b>Institutional Positions</b>	<ul style="list-style-type: none"> <li>• Governor</li> <li>• National Senator</li> <li>• National Chamber Authority</li> <li>• National Minister</li> </ul>	<ul style="list-style-type: none"> <li>• National Deputy</li> <li>• Secretary of State</li> <li>• National Director</li> <li>• Provincial Deputy</li> <li>• Provincial Minister</li> <li>• Mayor of big cities</li> </ul>	<ul style="list-style-type: none"> <li>• Provincial Deputy</li> <li>• Mayor of small town</li> <li>• Local council member</li> </ul>
<b>Functions</b>	<ul style="list-style-type: none"> <li>• Develop Party Strategies and Tactics</li> <li>• Fundraise</li> <li>• Negotiate party lists</li> </ul>	<ul style="list-style-type: none"> <li>• Develop Regional tactics and strategies</li> <li>• Create and Implement Policy</li> <li>• Promote Patronage</li> </ul>	<ul style="list-style-type: none"> <li>• Promote Patronage</li> <li>• Mobilize the Electorate</li> </ul>
<b>Scope</b>	Mainly Provincial otherwise National	National or provincial	Local or provincial
<b>Brokerage capacities</b>	<ul style="list-style-type: none"> <li>Negotiating Party Lists</li> <li>Coordination with other party or state instances</li> </ul>	<ul style="list-style-type: none"> <li>Exchanges between national and provincial governments</li> <li>Legislative deals</li> <li>Policies</li> </ul>	<ul style="list-style-type: none"> <li>Deliver particularistic services</li> <li>Electoral Mobilization in general election and internal elections</li> </ul>

### 3. THE IMPACT OF TRANSFORMATIONS IN ARGENTINE SOCIETY AND THE NATIONAL STATE UPON PARTY ORGANISATIONS

The argument developed in this section takes the following logic: the changes that took place during the eighties and nineties in Argentina, both at the societal level and in regards to the functioning of the national state, influenced the way parties are organized. Furthermore, the parties' internal balance of power among the different groups—faction leaders, middle-ranking party officials, and neighbourhood leaders—reflects the traits of society and the national state. The combined effect of these tendencies explains the relative imbalance within party organisations in favour of party actors whose intra-party resources of power are derived from the delivery of private goods.

In societal terms, Argentine social structure has changed dramatically since the mid-seventies.<sup>35</sup> The most important transformations include a persistent increase in poverty, unemployment,<sup>36</sup> and inequality rates. The Gini coefficient<sup>37</sup> that measures economic inequality was of 0.36 in 1975 and reached 0.49 by the year 2000.<sup>38</sup> In the Greater Buenos Aires, those among the 10 percent with lowest income in 1974 received 3.1 percent of the total income and the 10 percent with the highest income earned 25 percent of the total income. In 2000, these same groups earned 1.4 percent and 35.7 percent respectively. The ratio between the richest 10 percent and the poorest 10 percent was 8 in 1974 and 26 in 2000.<sup>39</sup>

Social indicators by decade show the same pattern: as poverty and inequality rose, social spending increased.

These changes altered the relationship of popular sectors and the middle class with politics. The urban middle class became disenchanted with the political process which in turn eroded their political allegiances.<sup>40</sup> The upper-middle class adopted styles and consumption patterns related to those of the higher classes, while a significant part of the lower-middle class was pushed into poverty, constituting the “new poor.”<sup>41</sup> The urban middle class became numerically less relevant—because many of them were pushed to poverty—and electorally volatile.

High levels of electoral volatility are not only a feature of Argentine politics but also apply to other Latin American countries. The rate of electoral volatility in Latin America (19.6 in the 80's and 23.2 in the 90's) is dramatically higher than that of European countries (8.0) or the United States (4.5 legislative and 11.2 for presidential elections).<sup>42</sup> The Argentine volatility rate (1983–2001) was 16.73 for legislative elections, with a minimum value of 8.49 in 1993 elections and a maximum of 37.69 in 2001 elections.<sup>43</sup>

TABLE 2. Social Indicators 1974–2001 (Selected Years)

	1974–75	1983	1988	2000–2001
Unemployment	3.4	3.9	6.3	16.4
Underemployment	4.6	5.9	8.0	16.3
Poverty (GBA)	5		29.8	35.4
Gini Coefficient	0.36			0.49
10% Lower Income	3.1			1.4
10% Higher Income	25			35.7

Source: Indec, EPH, and Altmir and Beccaria (2001)

TABLE 3. Social Indicators by Decade

	70–80	81–90	91–00
Poverty	8.5	21.6	18.7
Gini Coefficient	0.4	0.46	0.47
Social Spending as % of GDP	6.8	11.1	16.2

Source: ECLAC, in Huber and Stephens (2007)

Additionally, Calvo and Escolar (2002), using ecological inference methodology, show that vote transfers for the 2001 election took place in the three most important metropolitan areas of the country: Buenos Aires, Rosario, and Cordoba.<sup>44</sup> Even more, they show that vote transfers affect more the Alianza coalition—formed by UCR, the Front for a Country in Solidarity (Frepasso), and *Acción por la República*—whose voters came more from the middle classes than those for the Peronist Party, whose support is mainly based with working-class citizens.<sup>45</sup>

Over this period, the volatile urban middle classes ceased to guarantee their support for traditional parties in general elections, making it more rational for these party organisations to direct their efforts towards more “reliable” clientele: geographically located in rural and peripheral areas and socially characterized by their low income.

With respect to the disadvantaged sectors of society, the labour unions were weakened by labour reforms introduced at the beginning of the nineties. The promotion of social rights and collective demands that the popular classes channelled through unions and other collective organisations was replaced by strong clientelistic networks as means of performing vote maximizing activities.<sup>46</sup> In fact, clientelism increased its efficiency as a means of relating to low income sectors. In

relative terms, the extension of poverty and unemployment increased the value of clientelism as a political strategy. From a qualitative point of view, Javier Auyero provides an explanation for the prevalence of clientelism as a means to diminish scarcity. In his study he aptly asks: “How do unemployed people resolve their problems in their daily lives?”<sup>47</sup> From a quantitative point of view, the diminished utility of income explains why particularistic benefits generate more votes among the poor than the rich.<sup>48</sup>

These social patterns exert influence at the intra-party organisational level in different ways. Following Auyero’s line of inquiry, if clientelistic arrangements provide for some of the solutions required by poor or unemployed people, who are the party actors specifically related to that process? First, an increase in poverty shifts the internal balance of power in favour of professional party actors that administer particularistic benefits, mainly neighbourhood leaders and factional leaders.<sup>49</sup> Specifically, the political value of clientelism fosters the role of neighbourhood and faction leaders *vis-a-vis* MRPO in two instances: at general elections and, more importantly, at party primaries to nominate candidates for elected offices. In fact, the low participation rate in primary elections in both parties makes votes gained through clientelistic mobilization a significant percentage of the total vote. During the 1989–2001 period, provincial party primaries were restricted to party members and independents. The median percentage of registered voters who participated was 7 percent and 13 percent in the PJ. The comparable figures for the UCR were 3 to 5 percent respectively.<sup>50</sup> With low participation, the impact of patronage is higher for *internal* elections than for general elections. Between 1983 and 2003, in 672 cases provincial parties selected candidates for the National Chamber of Deputies using internal elections as a selection process. The UCR selected an average of 59 percent of its seats through internal elections and the PJ selected 49 percent of its seats with the same method.<sup>51</sup>

Furthermore, given the existence of numerous dominant or hegemonic party systems at the provincial level, internal elections became as significant as the general election, since the candidates that win the party nominations have a very high probability of getting elected for public office. Between 1983 and 2003, 138 governor elections were held in 24 provinces. In ten of those provinces a single party won all the elections—in nine of ten provinces the winner was the PJ—and in another three of them a single party won 5 of the 6 elections held (see table 2). As a consequence, in contrast to the national political landscape, provincial party systems are relatively stable political environments. Faction leaders at the provincial level additionally play the most important role in the nomination process within parties and, when they are heads of the provincial executive power, they can determine the date of provincial elections.

Simultaneously, the national state evolved into a different configuration. Historically, the national state in Argentina was a creation of fractions of the agrarian and the urban bourgeoisie. The national state prematurely weakened regional states in the country. Therefore when fractions of the bourgeoisie disputed power and influence, this dispute did not take place between the national and a regional state, but instead, the national state was subject of intra-bourgeois power struggles, which ultimately resulted in a pattern of continuous fragmentation of the national state.<sup>52</sup>

This “structurally weakened and fragmented” state has deteriorated further over the eighties and nineties. The eighties witnessed the end of any attempt at an import substitution strategy. The developmental state collapsed amidst a hyperinflation crisis at the end of the eighties. The nineties further eroded national state capacities. National state employees diminished by 77 percent between 1991 and 1994.<sup>53</sup> Additionally, key national policies, such as health, education, and social policy, were decentralized and became provincial responsibility at the beginning of the nineties (Faletti, 2000).<sup>54</sup> The macroeconomic policies centered on fiscal austerity plans implemented during those years contributed to the gradual erosion of the scope and embeddedness of public policies at the national level. At the same time they increased the relative power of provincial actors who, after the decentralization process, added health and education responsibilities to their previous capacity of dealing with public security.

The national state offices that design and implement public policies are usually headed by middle-ranking party officials which occupy politically-appointed posts ranging from the National Direction level to that of Secretary of State. The diminished design and implementation capacities of state offices provide fewer resources to implement public policies and legitimize their actions within their parties through the implementation of *universal* public policies. Therefore, the incentives for MRPO to occupy these posts lessened and along with it, the possibility of developing a political career based on the design and implementation of universal public policies diminished. In short, the shrinking national state coupled with the decentralization process has provided more incentives for particularism. When public policies such as education and health are implemented at the national level, only exceptionally they involve micro-management capacities to steer appointments, transfers, and the acceptance of students and patients in schools and hospitals. When these policies are implemented at the provincial level, incentives for the discretionary administration of these micro-management capacities increase. Henceforth, if provinces have more policy capacities the balance of power between provincial party branches and national parties tends to shift towards the former. Jones and Mainwaring

show that Argentina is a country with a low level of party nationalization and Leiras claims that de-nationalization of the party system increased after 1999.<sup>55</sup> Furthermore, this author states that the combination of the inflation of parties and the de-nationalization of the party system results in the pre-eminence of territorial politics, which is coherent with the argument of this paper.

Additionally, the incentives to build a MRPO career based on involvement in universal public policies in the National Congress also diminished. In the same period, the National Congress became gradually neutralized by the executive branch through the use of presidential decrees and the delegation of congressional authority to the executive branch, particularly authority over the national budget.<sup>56</sup> Hence, middle-ranking party officials had few incentives to occupy a position in Congress. Between 1989 and 2003, only 19 percent of national representatives achieved immediate re-election. This is the lowest rate in democracies that do not prohibit immediate re-election.<sup>57</sup> The fact that the National Congress is not a “visible” destination to foster political careers in Argentina is further exemplified by career patterns followed by party members. Jones shows that middle-rank party officials follow a modified pattern of Progressive Ambition Theory, by which a majority of them occupy a position in the National Congress for one term and then continue their careers at the provincial or local level.<sup>58</sup> In sum, career paths followed by middle-rank party officials are structured by the incentives defined by their factions at the provincial level.

In the case of Argentina, Jones shows that nomination decisions regarding provincial and national legislators are a prerogative of provincial party bosses—who are in many cases also governors.<sup>59</sup> Thus, the incentives for politicians to develop a stable legislative career are significantly reduced and the pattern of progressive ambition—moving on to occupy a space in the provincial or national executive—becomes the norm. From a comparative point of view, Brazil shows a similar pattern. Samuels points out that, contrary to the static ambition model, “Re-election is almost never the *primary long-term career goal* of most incumbents. Instead, incumbents exhibit progressive, *extra-legislative* ambition.”<sup>60</sup> Power and Mochel confirm this tendency, stating that “legislative life is often disdained, and executive office is supremely valued. This simple observation is confirmed by both behavioural and attitudinal data.”<sup>61</sup>

One should note that these results are perhaps not only attributable to legal variables since we find similar results in two countries that have important differences regarding this aspect, particularly in terms of their respective electoral systems. However, this should underscore the existence of underlying mechanisms through which the incentives for party members to develop stable careers in legisla-

tive settings are reduced as a consequence of the relative prevalence of provincial faction leaders in shaping the professional development of party members within institutional settings.

Simply put, social and institutional changes affected the organisational strategies developed by political parties. As a consequence, parties adapted their organisational behaviour in order to meet these new challenges by shifting their strategies in three directions:

- Changes that took place in the social structure pushed party activities towards the peripheral provinces—with smaller urban populations and traditional clientelistic practices. In urban settings, middle-class electoral volatility pushed parties towards the poor. Parties geared their organisational activities towards the popular sectors, thereby increasing the “value” ascribed within parties to “on the ground” activities. In terms of party’s internal balance of power, faction leaders and neighbourhood leaders enhanced their resources of power relative to middle-rank party officials.
- The state structure emerging from the nineties further eroded the prospects for the emergence of party actors whose party credentials were based on universal policies. Increased decentralization shifted the design and implementation of policies towards the provinces. At the organisational level, shrinkage of the national state diminished incentives for MRPO to develop a nationally-based career built upon the design and implementation of universal public policies at the executive or the legislative level.
- Clientelism revealed itself as a dominant strategy in internal elections. Therefore, activities during primaries became as salient as general elections. This shift is particularly relevant among provinces with dominant or hegemonic party systems. In organisational terms, parties devote their organisational resources to mobilizing voters for general elections at least as much as they do for internal elections.

The effects of the pattern of party organization explained above provide the sources of party member’s behaviour: institutions such as the National Congress are not a valuable destination for party members—hence the re-election rate is extremely low—whereas institutional positions in the executive power at the provincial level are a way to foster party careers.

The combined effect of these tendencies explains the relative imbalance within party organisation favouring party actors whose power derives from clientelistic exchanges at the expense of those actors that seek to pursue a political career based on the delivery of universal policies.

In section 4, these trends will be contrasted using evidence from qualitative interviews conducted with party members from the three levels in the provinces of Buenos Aires, Formosa, Mendoza, and Salta.

### 3.B. SEGMENTED PROFESSIONALISM AND POLITICAL CHANGE

Party leadership as well as party strategies imply flows of power resources from some political actors to others. As a consequence, the distribution of power among groups varies over time; hence, factions are far from being static entities. The overall power structure of factional parties may evolve from a rather dispersed pattern of political power to a case of monopolistic party control by one faction leader. These different stages of party organisational evolution are only possible under conditions of institutionalized competition among party members. Thus, faction leaders who control the main party leadership positions as well as key posts in government are continuously challenged by other faction members and leaders.<sup>62</sup>

Party fragmentation among different factions produces a regime of political competition through which leadership and party strategies are resolved in favor of the winning faction. At the individual level, factional arrangements allow party members to evolve in their careers, both within the party and in the larger political system, according to the incentives faced by each of the groups within party factions.

There are different instances for the resolution of coordination problems and individual ambitions within parties. These instances may manifest themselves within institutional settings, such as in the electoral or legislative arena, or may involve varying degrees of within-faction conflict.

At the electoral level, some instances of political fragmentation involve internal elections, open primaries, factional competition during general electoral campaigns in cases of Double Simultaneous Vote, and temporary party splits under closed lists proportional representation. Additionally, party fragmentation may arise at the legislative level in cases where the same party label is divided among different party blocs. Each of these instances constitutes an arena where party conflicts are present and their resolution implies a different pattern of distribution of roles within party factions.

Fragmentation within institutional settings may help to map the relative strength of party factions in each of these instances. Furthermore, factional composition of parties generates empirical data about the evolution of factions over time; hence changes in leadership, dominant coalitions within parties, and modifications in party strategy may be consistently traced over time. When competitive intra-

party dynamics come to an end (albeit temporarily), a faction gains control over the party as a whole and imposes monopolistic control over party resources.

In sum, politicians not only deal with policies, other parties, public office, and relate in specific ways to society, but also devote much of their time to securing their own power base within their factions and parties. In this way, intra-party dynamics become the fourth goal—in addition to votes, office, and policy—pursued by political parties.<sup>63</sup> Intra-party dynamics play a key role in disentangling politicians' preference formation process in a way that leads to a clear account of how they choose among different and often conflicting goals and orientations within institutional settings.

#### **4. PARTIES AT THE MICRO LEVEL: SEGMENTED PROFESSIONALISM**

The previous section showed how changes in Argentine social structure as well as the shrinkage of the national state and the decentralization of key public policies had an effect on party organisations, altering the relative weight of different roles within parties. This section will draw on qualitative data to validate the inferences made using secondary sources.

The organisational distribution of power within factions structures roles and informal rules that become part of faction members' routines.<sup>64</sup> Furthermore, this division of labour among faction members imposes its traits on the party as a whole, since national parties are dominant coalitions of provincial party factions (and provincial factions are coalitions of regional and local factions). As a consequence, patterns of factional organisation become endogenous to party organisations. As two faction leaders stress, factional arrangements that solve power struggles through internal elections show the relevance of intra-party roles as the primary source of political legitimacy within party organisations. As two faction leaders from different parties say:

At the beginning our contenders were the internal ones. In fact, our perception was that we would win at a general election, but looking inside the party, we would suffer a dramatic defeat. Our first doubt was to know for how many points they would beat us, there were no other possible outcomes... As a consequence, our first adversaries to reach power, to lead the party and the province were...from our same camp. (Former Governor of Mendoza)

I lead the party renovation, where we won against the traditional party guard. I became mayor of the provincial capital at age 31, and with me a whole group that reached different positions through internal elections.

Replacing the old guard was a gradual process, it wasn't done by "throwing old people down the stairs." (Former Mayor from a provincial capital)

One middle-ranking party official learned a sour lesson about how factionalism is a primary concern of party actors even during general elections when he held the first place on the party's provincial senate ticket:

Something appeared to me as impossible to understand...as soon as I was improving my showing in electoral polls...even against their interests, because if I improve my showing, given that I'm the first in the list, other candidates for the local council or provincial deputies would get elected. If I was doing well it was better for everyone in the list. But for certain factions in the party it was better that I didn't get as many votes, even at the price of them losing seats in councils or the provincial congress...This appears to me as difficult to understand because there is a lot of selfishness in that attitude.

Not only are intra-party variables a necessary condition for faction consolidation, but furthermore, their members stimulate career advancement. Additionally, factional arrangements tend to be "institutionally sticky," in the sense that once in place, these dynamics are difficult to change because of the coordination effects they generate with other faction organisations and the adaptive expectations developed by party members derived from the prevalence of political actions based on the "existing" intra-party institutions.<sup>65</sup> Finally, the initial "set-up" costs of factional arrangements make them difficult to change.<sup>66</sup> As a consequence, party factions become an independent variable for understanding the incentives faced by different roles within party organisations.

Segmented professionalism describes one of the possible patterns of the distribution of power within factions. Segmented professionalism among Argentine parties, in a nutshell, means that faction leaders and neighbourhood leaders share the same set of professional incentives, whereas middle-ranking party officials have a different set.<sup>67</sup> Moreover, whereas faction leaders and neighbourhood leaders are homogeneous categories, middle-ranking party officials are not: there are diverse subgroups that face different incentives. As a consequence, their collective action capacity is diminished.<sup>68</sup>

Based on the empirical evidence provided by the interviews conducted with party members, the concept of segmented professionalism implies that two groups within the parties' factions, specifically the parties' factional leaders as well as the neighbourhood leaders, share a specific type of professionalism characterized by a set of six common incentives: [1] their electoral autonomy is high;

[2] their stability within a specific level of government—i.e., the provincial level—is high; [3] the incentives that structure their political action are mainly material; [4] their intra-party legitimacy is mainly given by the delivery of particularistic goods; [5] the learning effects that they face are *ex-ante*; and [6] their professional path is the main criteria for career advancement within parties.

On the other hand, middle-ranking party members have a different set of professional incentives: [1] Their electoral autonomy is low; [2] their stability in a specific level of government is low;<sup>69</sup> [3] the type of incentives that shape their political action are not only material but purposive;<sup>70</sup> [4] the learning effects that they face are *ex-post*; [5] their intra-party legitimacy derives mainly from the provision of universal as well as particularistic goods; and [6] their professional path is a subsidiary criteria for career advancement. The following paragraphs explain each of these differences based on the views expressed by party members.

[1] **Electoral Autonomy.** In this context, electoral autonomy means the capacity to get on a party ticket based on one actor's own political resources. Neighbourhood leaders and faction leaders are the architects of their own political fate;<sup>71</sup> they choose when and how to modify their career prospects and aspirations. Provincial faction leaders decide what step to take in their careers, while neighbourhood leaders can choose to follow different faction leaders. Middle-rank party officials are dependent on the support of a faction leader in order to advance in their careers: they need a place on the party's ticket and financial support provided by the faction leader. If a MRPO opts to challenge a faction leader he or she needs the support of neighbourhood leaders. The result is that they are less autonomous in the structuring their political careers. As one former governor puts it:

The first election that we participated in was in 1985, at the same time that the renovation of the Justicialist party was taking place after the electoral defeat in the general elections of 1983. The process had as its instrumental goal the direct election in a single district for the party's presidential candidate. This process produced a significant renovation that was formed by Menem and Cafiero, De la Sota, Manzano, Busti, a lot of people... The process was mainly federal. Each province had its own peculiar traits. It did not have a leader, ...later on, Cafiero and Menem emerged as leaders and they competed against each other for the presidential nomination in 1989. Finally, Menem won. That how we were born as a local group: we didn't have *either provincial or national bosses*. (Former Mendoza Provincial Governor)

The autonomy of neighbourhood leaders is derived from their ability to guarantee political support and the mobilization of voters for elections, as is clearly explained by a neighbourhood leader from Salta in charge of the provision of goods and services for thirty neighbourhoods with a population of eighty thousand people, when referring to a MRPO:

I know you—I tell him—you are here, in this office, I'm in the neighbourhoods. I do not ask the vote of the people, the people offer me their votes. That adds up. And some of you think that because you go one month before the election to organise the area... Did you see how many votes I got, how did I pack that party meeting? No, they do not understand. They are wrong, they sometimes don't want to understand... We are the bees, and you are the drones, you eat the honey. Lets distribute the pie: we bake it and the ingredients are supplied by us...

[2] **Stability.** The stability of neighbourhood leaders is based on the long-term commitment implied in their local legitimacy. Provincial faction leaders are more stable because their arena of political action is either provincial or local and, as shown in previous sections, provincial politics are more stable because the number of effective parties is low, their party system is dominant or hegemonic, and their electoral formulas are majoritarian.<sup>72</sup> Therefore, politics at the provincial level are more predictable and stable (see Table 2) than national politics. Faction leaders who dominate provincial politics develop long-lasting careers either as majority faction leaders or minority faction leaders within their parties.

Neighbourhood leaders develop a stable career. The reason behind neighbourhood leaders' stability is that establishing bonds of trust in a community involves long-term commitment. Furthermore, their legitimacy at the local level is fostered by their continued presence in the neighbourhood.<sup>73</sup> Therefore the "set-up costs" of leadership at the local level are high:

I'm supported by my fellow neighbours because I always tell them: We live here. We are going to raise our children and we are never going to leave this place. *We are going to see each other every day.* What is the purpose of lying to you if I'm going to see you again tomorrow morning? Let me tell you Ms..., I can't give you this, I can't; don't feel angry with me, what is the purpose of me lying to you? That is what renders a party leader in trustworthy.

She then goes on to describe the periodic—and for that reason, reliable—activities she develops in the neighbourhood:

In the work that we do in different neighbourhoods, we know. For

example, we are in charge of the Community Truck Garden Program,<sup>74</sup> the group is used to the fact that year after year, twice a year, we have to work with *our* families and assist them with a package of seeds so that they can grow them and generate their own food in their houses. It takes us twenty-two days to finish our work: we start on April 1st and we finish on April 22nd, every day from 3pm to 7pm. What unites us is that: the routine of working together with the aim to help our peers. To these families we always tell them to support the government from their place... the message that we carry is the following: the government gives them a part but the remaining part has to be generated by us. It is a 50 percent and 50 percent. That has been demonstrated in our Formosa, people understand that the government is not the only body responsible of giving everything. Something needs to be given by us. That is our routine. (Neighbourhood leader from Formosa)

Jones demonstrates that the career paths of national legislators are short-lived because the re-election rate is extraordinarily low.<sup>75</sup> The same principle was shown in a previous section for posts in the executive branch at the national level. Therefore, the stability of middle-rank party officials is low in *one specific level of government* but their political careers as a whole are predictable and professionalized.

TABLE 4. Professional Incentives among Faction Leaders, Neighbourhood Leaders and Middle Rank Party Officials

	Neighbourhood Leader	Faction Leader	MRPO
<b>Electoral Autonomy</b>	High		Low
<b>Stability</b>	High		Low
<b>Incentives</b>	Material		Purposive and Material
<b>Main criteria of intra-party legitimacy</b>	Particularistic Goods		Universal and Particularistic goods
<b>Learning Effects</b>	Ex Ante		Ex Post
<b>Career Progress</b>	Main Criteria		Subsidiary Criteria

[3] **Incentives.**<sup>76</sup> Following Clark and Wilson, I assume that political actors guided by material incentives have material expectations or hopes for personal rewards.<sup>77</sup> Purposive incentives afford an individual the opportunity to assist in achieving the party's collective policy or ideological goal. Faction leaders and neighbourhood leaders operate within an organisational framework in which material incentives are decisive for their electoral effectiveness. As mentioned in previous sections, clientelism is a key factor in fostering their electoral chances, first within the party and then in general campaigns. A faction leader mentions how material incentives are ingrained in his organisation:

The militants became *bourgeoise*, mysticism has almost disappeared. Commitment is personal, there are personal ties found on debts based on a labour contract... there is automatic agreement, there are almost no spaces for analysis and discussion...

There used to be more solidarity, commitment, trust... It's a pyramidal system based on a chain of contractual commitments, favours, and duties... very hard to cut and with very little will to change it, because it impacts on the well-being of anyone of the militants. There are only few militants whose involvement isn't based on a contract in the public sector... these types of links create strong dependence and relations that are very hard to break.

Material incentives play a role in two ways: they can be used either to foster bonds or to punish those who don't follow the winners in the election.

[do you work?] Well I don't work right now. I fully supported the Radical Party and that cost me my job. I've been working for the last 6 years in the municipality... the price of making a choice for a party had consequences over my life, I lost my job. (Neighbourhood UCR leader in Formosa)

In contrast, derived from their lack of autonomy, their relative lack of specialization, and their high rotation rate among different party and institutional positions, middle-ranking party officials have to operate within contexts which lead them to combine material with purposive incentives. Purposive incentives are pursued when they design or implement universal public policies whereas material incentives tend to prevail when their behaviour is structured by the electoral logic.

[4] **Main criteria of intra-party legitimacy.** Neighbourhood and factional leaders' intra-party legitimacy is mainly tied to the delivery of particularistic

policies to their constituents, particularly in internal elections. On the contrary, middle-ranking party officials combine the design and implementation of universal public policies derived from the institutional position they occupy with particularistic benefits targeted towards their constituents for electoral purposes. Of course, specific faction leaders or neighbourhood leaders vary in the emphasis that they put on each of these endeavours:

We built sewage systems, that is a very expensive project and doesn't impress people... it doesn't impress people in terms of showing an immediate result...it does in fact impress people in terms of hygiene and quality of life. I remember a mayor from a neighbouring town that organized mayor meetings. He would say, no, I don't build the sewage systems, they love to have paved roads. And I ask them—and what about the sewage system?—my colleague then goes on and adds, if you build the sewage system you have to break the roads...I prefer to pave their roads... in order to get people's votes, you need to pave their streets. (Mayor of a provincial capital and faction leader)

This combined strategy is less relevant among MRPO, some of which focus on general policies, as a middle-ranking party office from the Province of Buenos Aires asserts:

My own work was always linked to what I would call a professional service more than a service based on political agreements. I do not belong to big party structures; I do not negotiate that, instead what I negotiate politically is my professional expertise...I do not work based on big political agreements, I have never represented internal groups or neighbourhood factions. (Middle-rank party official, Province of Buenos Aires)

[5] **Learning Effects.** In the case of neighbourhood leaders and faction leaders, their stability implies that their learning process is gradual and extended over time. They increment their experience as a consequence of iterations of activities developed within the same institutional context. This leads them to incorporate categories inductively and hence, to resolve challenges that arise in their careers with *ex-ante* formed concepts.

In the case of MRPO, their stability in a specific level of government is low; therefore the learning process has different short stages, in which the experience acquired in the previous stage is not completely adequate to deal with the challenges faced in their next career stage. As a consequence, the accumulation of experience at each stage is *ex-post*. As a MRPO from Salta says,

It took me a lot of time working in the implementation of public policies, in the administration, to know the possibilities that are available to solve some problems. [It is important that politicians know] in order to avoid making promises in vain.

[6] **Career Progress.** The incentives that shape the careers of faction leaders and neighbourhood leaders are prevalent within parties; for those who see their current position as a stepping-stone to higher office, their electoral autonomy fosters their prospects of developing a party career. Middle-rank party officials need to adapt their own career prospects to the prevailing party organisation that does not foster their career incentives. Even more, MRPO see national careers as an impediment to development at the provincial level since national careers undermine their electoral autonomy.

The phenomenon of segmented professionalism described in this paper is not an exclusively Argentine phenomenon in party politics. Several authors have implicitly applied this argument in other Latin American contexts. As a matter of fact, the study of political careers has shed light on the different incentives faced by different party members. An application of this premise is the use of the concept of “progressive ambition” to explain recruitment and selection processes in many of the countries in this region. Simply put, due to certain legal, partisan, or institutional variables—rules and mechanisms which may be formal or informal—not all party members face equal incentives, which vary mainly according to their institutional position. Specifically, some studies explain how different institutional incentive structures generate few opportunities to develop a stable legislative career and, in contrast, that those abound in executive positions, both at the national and sub-national levels. Hence, the pattern of career development followed in some Latin American countries differs from the U.S. party system. This argument is closely related to the research questions that frame this paper, which presents the relative incentives disadvantage faced by MRPO vis-à-vis faction and neighbourhood leaders. In this last case, party organisations frame the career trajectories followed by their members within institutional settings.

## 5. CONCLUSIONS

This paper showed, through the analysis of macro structures and micro incentives faced by political actors, that the motivations they deal with are not homogenous. Furthermore, such differences transcend party organisation and impose their traits on institutional settings.

At the macro level, the societal structure and the national state exert signifi-

cant influence over party organisation. This paper argued that the shrinkage of the national state added to the impact of decentralization of key public policies diminished the incentives for MRPO to develop a stable party trajectory. At the same time, modifications in the Argentine social structure enhanced the relative resources of power available to faction leaders and neighbourhood leaders. The combined effect of these tendencies explains the relative imbalance within party organisations in favour of party actors whose resources of power are derived from their electoral autonomy and relative stability.

Quantitative and qualitative studies have shown the importance of clientelism in Argentine politics.<sup>78</sup> This paper shows how the provision of private goods is crucial within intra-party dynamics in the context of dominant provincial party systems. Furthermore, it links intra-party variables to the behaviour of party actors within institutional settings. Simply put, what politicians do once in legislative and executive office is closely linked to the incentives they face within their party organisations. The type of policies discussed at the national level is influenced by the incentives structure at the parties' organisational level. The more provincial interests structure national legislators' incentives the higher the probability that they will seek to enact particularistic policies either through pork or public works projects obtained from the executive branch to be executed in their respective provinces. Additionally, the existence of a group of party members with "universal" incentives explains how, in certain policy areas—such as framing the national budget—the Congress continues to play a significant role.<sup>79</sup>

The pattern of segmented professionalism prevalent in Argentine party factions sheds light on the incentives that structure party actors' behaviour. Furthermore, faction leaders and neighbourhood leaders who share the same incentives impinge their behaviour on the organisation as a whole; therefore, if neighbourhood and faction leaders' incentives are prevalent, factions tend to be provincial and geared towards the provision of particularistic goods, mainly in internal elections.

Qualitative evidence provided in this paper validates the tendencies shown at the macro level: faction leaders and neighbourhood leaders have a higher degree of electoral autonomy and as a consequence tend to be more stable in the arenas where they develop their careers. They are primarily guided by material incentives whereas the middle-ranking party officials face both material and purposive incentives. These groups increase their intra-party legitimacy as a consequence of the provision of particularistic goods, namely in internal elections, whereas MRPOs earn their legitimacy inside the party through the implementation of universal—as well as particularistic—policies. The learning effects of the first

two groups are *ex-ante* whilst the third group suffers *ex-post* learning effects. Finally, while the first two groups have the perspective of building a progressive political career, MRPOs face a varied set of positions, roles, and institutions that renders their career advancement more erratic.

Party incentives centered in the provincial arena explain the relative weakness of national party organisations. Segmented professionalism shows how the operational logic of factions takes place at the provincial level. Therefore, national parties have to deal with strong organisations based in the provinces.

As a consequence party members' careers are structured by their roles within party factions. In the same vein, their activities within institutional settings are shaped by their intra-party logic. This explanation sheds light on the apparently inconsistent behaviour of Argentine national congressmen. The low rate of re-election can be seen as the result of the prevalence of intra-party logics that foster the career development of party members around the provincial arena.

## ANNEX 1 METHODOLOGY

This paper draws upon a set of seventy qualitative interviews conducted to members of Argentine two main parties in the provinces of Buenos Aires, Formosa, Mendoza, and Salta.

### Sampling Strategy

Political actors from four representative sub-national political systems were selected following the structure on inquiry developed in Table 4.

The selection of the sampling units is based on four criteria: population, regional diversity, level of human development, and the type of party system in each province.

**1. Population:** the country's total population is thirty-six million<sup>i</sup> inhabitants. Given the fact that the population is unevenly distributed, the sample encompasses one big province, two mid-sized provinces, and one small province. The province of Buenos Aires has 13,900,000 inhabitants, Mendoza 1,568,000, Salta 1,022,000, and Formosa 486,000. Argentine provinces can be divided into three groups according to their population. Buenos Aires and Mendoza are located in the first "most populated" group, Salta in the second, and Formosa in the third group.

**2. Regional diversity:** each of the selected provinces is located in one the four most representative regions in the country: Buenos Aires in the central-western

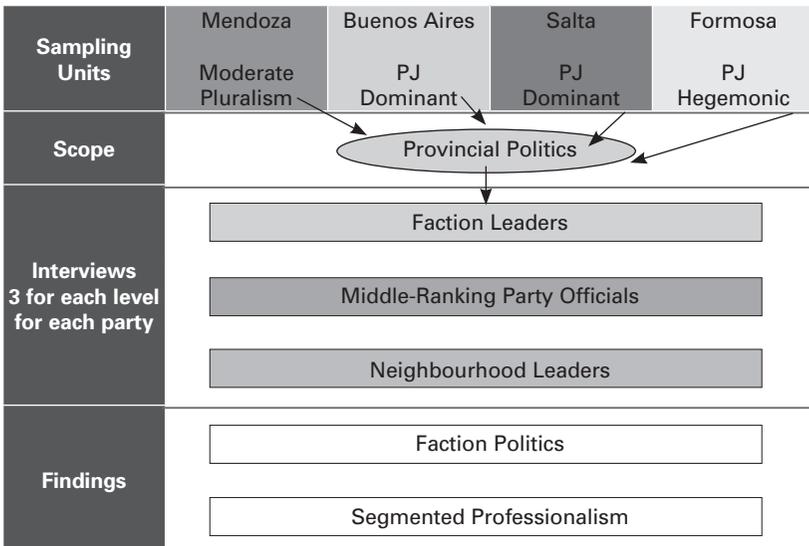
region, Salta in the northwestern region, Mendoza in the eastern region (Cuyo), and Formosa in the northeastern region.

**3. Level of Human Development (UNDP index):**<sup>ii</sup> Mendoza (0,634) and Buenos Aires (0,629) are located within the tier of “Most Favorable” provincial situations. Salta (0,339) has intermediate development based on agricultural activities, whereas Formosa (0,156) presents “Critical Deficiencies” for Human Development with the lowest level of human development in the country.

**4. Type of party system:**<sup>iii</sup> the sampling units encompass one hegemonic system (Formosa), two dominant systems (Salta and Buenos Aires), and one plural party system (Mendoza). Table 5 summarizes electoral results for legislative elections in the selected provinces.

Within each of these provincial clusters, around eighteen interviews were conducted, with nine interviewees belonging to each party. Within each party three interviewees corresponded to factional leaders, three to middle level party officials, and three to neighbourhood leaders. The individuals to be included in each cluster comprise political actors at the national and provincial levels that occupied positions in either the executive branch, the legislative branch, or their party over the period.

TABLE 5. Structure of Inquiry



Exploratory interviews were conducted in the period July–September 2004, and a second and final round of interviews was conducted during 2005 and 2006.

**TABLE 6. Elections for National Deputies and Constituent Assembly Representatives. 1983–2003**

Province	1983	1985	1987	1989	1991	1993	1994	1995	1997	1999	2001	2003
Buenos Aires	UCR	UCR	PJ	PJ	PJ	PJ	PJ	PJ	UCR/ AL	UCR/ AL	PJ	PJ
Mendoza	UCR	UCR	PJ	PJ	PJ	PJ	PJ	PJ	PD	UCR/ AL	PJ	UCR
Formosa	PJ	UCR	PJ	PJ								
Salta	PJ	UCR	PJ	PRS	PRS	PJ	PJ	PRS	PJ	UCR/ PRS	PJ	PJ

The interviews were conducted using a semi-structured questionnaire containing two sections: the first explores different types of political groups, personal involvement, and conceptions about intra-party groups. The second focuses on notions of informal politics such as trust and skills in Argentine politics.

The Tropes Program for content analysis was used to investigate the interviews.

## NOTES

1. A previous version of this paper was presented at the “Junior Scholars Conference on the Study of Democracy in Latin America”, held in Flasco, Santiago de Chile. February 13, 2007.
2. I wish to thank the following persons for their valuable comments: Alan Angell, Ernesto Calvo, Wendeline De Zan, Sebastian Etchemendy, Peter Evans, Gabriela Ippolito-O’Donnell, Mark Jones, Marcelo Leiras, Ana Maria Mustapic, Guillermo O’Donnell, Alejo Pomares, Julia Pomares, Tim Power, Richard Sennett, Juan Carlos Torre, and Alan Ware. Hernan Flom gave invaluable assistance with data collection. Preliminary versions of this paper were discussed at the Sociology and Politics Seminar of the London School of Economics, the Latin American Centre of the University of Oxford, and *Universidad Di Tella* in Buenos Aires.
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  61. Mark Jones, “The Recruitment and Selection of Legislative Candidates in Argentina,” paper presented at the symposium “Pathways to Power: Political Recruitment and Democracy in Latin America,” (Winston-Salem, NC: Wake Forest University, 2004), p. 1.
  62. Frank Belloni and Dennis Beller, *Faction politics: political parties and factionalism in comparative perspective* (Santa Barbara, CA: Oxford ABC-Clio, 1978), p. 100.
  63. Rosa Mule, *Political Parties, Games and Redistribution* (Cambridge, UK: Cambridge University Press, 2001).
  64. Gretchen Helmke and Steven Levitsky, *Informal Institutions and Democracy: Lessons from Latin America* (Baltimore, MD: Johns Hopkins University Press, 2006).
  65. Kathleen Thelen, “Historical Institutionalism in Comparative Politics,” *Annual Review of Political Science*, No. 2 (1999); Paul Pierson, “Increasing Returns, Path Dependence and the Study of Politics,” *American Political Science Review*, Vol. 94, No.2 (June 2000), pp. 251–267.
  66. Douglass North, “Institutions,” *Journal of Economic Perspectives*, Vol. 5 (1991), pp. 97–112.
  67. As was mentioned earlier, Müller and Strøm show that the goals that parties follow are neither unique nor exclusive. Rather, political leadership implies weighing among different alternatives of action and making the decision to pursue one goal at the expense of others within a specific context. As a consequence, the logic behind the concept of Segmented Professionalism, summarized in table 3, is developed bearing in mind two methodological caveats. First, the fact that categories 1 (Faction Leader) and 3 (Neighbourhood Leader) coincide among certain incentives does not imply that there are other activities not shared by

- them and henceforth modelled by other incentives. Second, the categories used to explain our concept imply that this is the *main* activity or trait followed by a group with regards to certain dimension, but by no means is the taxonomy developed in this section intended to preclude the existence of *other* activities pursued at the same time by political actors with respect to that dimension. For example, faction leaders are *mainly* concerned with particularistic policies as a source of intra-party legitimacy, but by no means constitute their *exclusive* policy goal. Wolfgang Müller and Kaare Strøm, *Policy, Office or Votes? How Political Parties in Western Europe Make Hard Decisions* (Cambridge, UK: Cambridge University Press, 1999).
68. A similar argument about the relative weakness of the links within parties is developed by Luna who tracks the evolution of programmatic linkages in Chile and Uruguay from a path dependence viewpoint, analyzing the influence of structural features such as state reform, party-systems long term configurations and partisan adaptation strategies to those socio-economic transformations, as well that of “immediate” political variables such as electoral institutions. As Luna says, “the traditional brokerage networks that used to link each locality with the center through the operation of very powerful and well-structured partisan machines. seem to have been replaced by candidate-centered local networks that operate on the basis of congress-member’s non-partisan district offices and/or municipal governments.” Juan Pablo Luna, “A Lost Battle? Building Programmatic Party-Voter Linkages in Contemporary Latin America,” Woodrow Wilson International Center for Scholars, Junior Latin American Scholars Workshop (Santiago, Chile: FLACSO, 2007), p. 24;
69. This finding confirms previous analyses by Jones. Mark Jones, “The Recruitment and Selection of Legislative Candidates in Argentina,” paper presented at the symposium “Pathways to Power: Political Recruitment and Democracy in Latin America,” (Winston-Salem, NC: Wake Forest University, 2004); Mark Jones, Sebastian Saiegh, Pablo Spiller, and Mariano Tommasi, “Amateur Legislators—Professional Politicians: The Consequences of Party-Centered Electoral Rules in a Federal System,” *American Journal of Political Science*, Vol. 46 (2002), pp. 656–669
70. Peter Clark and James Q. Wilson, “Incentives systems: a theory of organisations,” *Administrative Science Quarterly* No. 6 (1961), pp. 129–166.
71. Tim Power and Marilia Mochel, “Political Recruitment in an Executive Centric System: Presidents, Ministers and Governors in Brazil,” paper presented at the symposium “Pathways to Power: Political Recruitment and Democracy in Latin America,” (Winston-Salem, NC: Wake Forest University, 2004).
72. Additionally, provincial settings lack meaningful separation of power. Edward Gibson, “Subnational Authoritarianism: Territorial strategies of Political Control in Democratic Regimes,” paper for delivery at the Annual Meeting of the American Political Science Association, 2004. Strong civil society organizations, independent media (ADC, 2005), and therefore guarantee faction leaders easier access to state resources to be channeled to party structures.
73. Javier Auyero, *Poor People’s Politics: Peronist survival networks and the legacy of Evita* (Durham, NC: University of North Carolina Press, 2001).
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75. Mark Jones, “The Recruitment and Selection of Legislative Candidates in Argentina,” paper presented at the symposium “Pathways to Power: Political Recruitment and Democracy in Latin America,” (Winston-Salem, NC: Wake Forest University, 2004; Mark Jones, Sebastian Saiegh, Pablo Spiller, and Mariano Tommasi. “Amateur Legislators—Professional Politicians: The Consequences of Party-Centered Electoral Rules in a Federal System,” *American Journal of Political Science* Vol. 46 (2002), pp. 656–669.
76. The concept of incentives developed in this section does not intend to capture individual motivations for action; rather it refers to the structure of incentives within which political actors have to operate.
77. Peter Clark and James Q. Wilson, “Incentives systems: a theory of organisations,”

- Administrative Science Quarterly*, No. 6 (1961), pp. 129–166.
78. Ernesto Calvo and Victoria Murillo, “Who Delivers? Partisan Clients in the Argentine Electoral Market,” *American Journal of Political Science* (October 2004), pp.742–757; Susan Stokes, “Perverse Accountability: A Formal Model of Machine Politics with Evidence from Argentina,” *American Political Science Review* Vol. 99, No. 3 (August 2005); Javier Auyero, *Poor People’s Politics: Peronist survival networks and the legacy of Evita* (Durham, NC: University of North Carolina Press, 2001).
79. Mark Jones, “Political Institutions and Public Policy in Argentina: an Overview of the Formation and Execution of the National Budget,” in Stephan Haggard and Mathew McCubbins, eds., *Presidents, Parliaments and Policy* (Cambridge, UK: Cambridge University Press, 2001).
- i. National Institute of Statistics and Census, 1998.
- ii. The United Nations Development Programme Argentina develops an Index of Human Development for the Argentine Provinces (2002). It ranges from 0 to 1 and the mean for the country is 0.613. Twenty-four argentine provinces were divided into five groups according to their level of human development: most favorable, favorable, unfavorable, critical deficiencies and very difficult deficiencies for Human Development.
- iii. The categories used for party systems analysis stem from Sartori’s typology (1976). An accurate description of some Argentine provincial party systems requires an intermediate category between predominant and hegemonic party systems. Those cases with no restrictions to the existence of opposition parties, but where there are in fact no real possibilities of challenging the predominant party’s electoral success are called “predominant non-competitive” party systems. In these party systems there is no rotation in the leadership, there is absent or extremely fragmented opposition and selective cooptation of opposition leaders into the main party.



# A Lost Battle? Building Programmatic Party-Voter Linkages in Contemporary Latin America:

A Comparative Analysis of Chile and Uruguay

*Juan Pablo Luna*

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## INTRODUCTION

The analysis of the complex mechanisms underpinning the nature and societal distribution of political representation in Latin America constitutes a crucial gap in the literature on democratic quality.<sup>1</sup>

Beyond global trends towards electoral dealignment, the region presents much greater levels of electoral volatility and popular alienation from parties than established democracies.<sup>2</sup> Moreover, during the 1990s, Latin American party systems witnessed a significant degree of turmoil.<sup>3</sup> As a result, many of the traditional parties of the region have collapsed, and a general “crisis of political representation” has been unleashed.<sup>4</sup>

That “crisis,” epitomized by high levels of electoral volatility and partisan turnover, has temporally coincided with two series of economic and institutional reforms that have been widely applied in the region: the dismantling of import-substitution industrialization (ISI) through the implementation of market reforms and the pursuit of political decentralization.<sup>5</sup> Additionally, in the constitutional arena, manifold electoral rules for selecting governments have been implemented in the region without seeming to succeed in moderating the impact of serious representation crises in a vast series of party systems.<sup>6</sup>

In spite of the importance of these phenomena, recent research into the capacity of Latin American parties to structure political representation has been scarce and faces important shortcomings. In short, extant research on Latin American party politics has two basic methodological limitations: an exclusive focus on the national level (aggregate analyses by country) and an almost exclusive reliance either on cross-national survey analysis or qualitative single-case studies. The combination of these two features obscures three phenomena: different sectors of the population within a country can have very different access to channels of representation; different political parties can pursue widely

divergent electoral and organizational strategies within each system; and the same political party, facing different strategic situations, can pursue divergent representational schemes for different sectors of the population.

Substantively, extant research has rarely lent enough attention to socio-structural factors and has been dominated by institutional accounts that cannot explain observed variance in the nature of party-voter linkages within cases. Moreover, available research is predominantly synchronic, disregarding causal processes that unfold in the long-run and that might turn pivotal in explaining currently observed outcomes.<sup>7</sup> Moreover, the concept of party system institutionalization has been conflated with that of programmatic party voting—assuming that stable party systems have a much greater chance of being programmatically structured, therefore promoting greater democratic quality.

In this paper, I contend that it is necessary to unpack assumptions on the nature of party-voter linkages from the concept and measurement of party system institutionalization. In other words, constant levels of institutionalization might obscure significant change in the nature of linkages between voters and parties. Furthermore, a focus on party-voter linkages across and within Latin American countries might provide useful insights for understanding and explaining the crisis of representation observed in the region and its implications for democratic quality.

Furthermore, I propose to bring “society and state back in” to the analysis of political representation, which has been recently dominated by institutional accounts that fail to successfully explain the current deficits of political representation.<sup>8</sup> More explicitly, I shall focus on the socio-structural transformations produced by market reforms and how they might affect parties’ capacities to structure political representation. Those social transformations might reduce the likelihood of the emergence of stable sociopolitical alignments by constraining the room for divergent policy-making on salient issues, by weakening parties’ organizational capacities, and by contributing to further fragmented interest groups in the context of highly unequal societies.<sup>9</sup>

Moreover, contrary to naïve expectations about the democratizing effects of political decentralization, current evidence on such effects is at best mixed.<sup>10</sup> In the case of political representation, I contest that when pursued in conjunction with market reforms and in the context of unequal societies, decentralization can produce negative (though socially segmented) externalities for political representation. Both the weakening of partisan territorial apparatuses and the corresponding strengthening of (independent) local figures, as well as the promotion of socially segmented electoral strategies might be the most significant of those externalities.

Finally, discounting parties’ divergent symbolic and material endowments,

successful partisan strategic adaptation to the emerging competitive opportunity structure produces a diffusion effect into the party system. Therefore, over time, converging trends in terms of strategies of party-voter linking should be observed.

The empirics of this paper are based on a description of party-voter linkages in Chile and Uruguay. From an institutionalist perspective and according to available cross-national information at the aggregate level, both cases would be likely considered the best two scenarios for programmatic representation to occur in contemporary Latin America.<sup>11</sup> In addition to being “unlikely suspects” for significant failures of political representation, both cases differ sharply in terms of the nature, long-term evolution, and sequencing of the independent variables that my theoretical framework addresses. Therefore, pursuing a multi-level comparative research design that combines cross-sectional analyses in both cases and across districts within and between cases is optimal for observing and explaining different party-voter linkage equilibriums.

This will provide the opportunity to test the influence of diverging socio-structural configurations (socioeconomic levels and the scope and strength of organized interests groups in society) on the nature and distribution of partisan representation in society. While such socio-structural configurations and their influence in shaping partisan competition within each case derive from the long-term and path-dependent patterns of party competition in the system and from the political economy of ISI dismantling, they are independent from electoral rules which remain constant across districts in each individual case.

More broadly, the long-term comparative analysis of two “best case scenarios” provides important theoretical insights to the analysis of less-institutionalized party systems currently operating in Latin America’s dual societies. My research findings indicate that even in relatively favorable contexts such as Chile, market reforms and decentralization have reduced politicians’ ability to compete on broad redistributive agendas. Given the high salience of economic and distributive issues and the increasing levels of interest groups’ atomization and fragmentation, parties’ decreasing capacity to compete and craft relatively stable social coalitions on distributive issues restrict the room for overall partisan competition in the most historically salient policy divide in the region.

This yields increasing opportunities for the consolidation of low-quality representation equilibriums. Although low-quality equilibriums can be enduring, without the accountability cycles provided by the presence of programmatically oriented parties, the quality of democratic governance and the provision of public goods in society might be hindered.<sup>12</sup>

However, variance still exists across and within cases. Especially where social

fragmentation is high and policy options are restricted, neither cleavage mobilization nor consistent competition on social divides can be stabilized. In this respect, the Uruguayan case is particularly important for identifying the specific conditions under which a stronger emphasis on programmatic linkages are still observed in the region.

The analysis proceeds as follows. The next section presents my theoretical priors and a primary characterization of party-voter linkage types to guide the empirical study of both cases. A characterization of the evolution of programmatic and non-programmatic party-voter linkages in each case is then presented, drawing on a path-dependent historical overview and my research findings. Theoretical implications and a conclusion are then drawn.

### **REPRESENTATION AND PARTY-VOTER LINKAGES: THEORETICAL EXPECTATIONS AND WORKING DEFINITIONS**

This work concurs with the “issue congruence” paradigm for analyzing political representation, which describes and seeks to explain the degree to which parties and voters coordinate around their preferences on a given set of salient policy dimensions.<sup>13</sup> This paradigm has been greatly influenced by the “responsible party government” model of representation.

According to that model, voters (principals) choose between parties (agents) offering alternative policy packages on the basis of their substantive preferences.<sup>14</sup> In this way, in the context of a democratic regime, political parties provide a fundamental bridge between state and society, enabling elected governments to rule effectively, while seeking to implement the democratic ideal of “one person, one vote.” In turn, the lack of programmatically-oriented political parties with the capacity to represent salient socio-political conflicts might hinder the cycles of responsiveness and accountability characteristic of high-quality democratic governance.<sup>15</sup>

In sum, this framework analyzes *the extent to which political parties have well-structured and stable ideological commitments that constitute the basis for: a) the link between the party and its constituency; b) the electoral competition among parties; and c) the policy making process.* This definition considers political parties as the main representative agents in a democratic polity and seeks to capture three fundamental dimensions that lie beneath our understanding of political representation.

First, it accounts for *mandate* representation or the degree of party *responsiveness* to the preferences of its constituency.<sup>16</sup> For this to take place, responsible party

government requires at least three additional conditions implied by the definition: 1) policy divergence among the parties contesting the election; 2) policy stability on the part of the parties contesting the election; and 3) policy voting on the part of the electorate.<sup>17</sup>

Second, by considering the policy making process, this definition incorporates the notion of *accountability representation*, which takes place when 1) voters act retrospectively, voting to retain the incumbent party only when that party acts in their best interest; and 2) the incumbent party selects policies in order to be reelected.<sup>18</sup>

Finally, the definition explicitly acknowledges the organizational factors that trigger *mandate* and *accountability* representation. For instance, the degrees to which parties mobilize activists and devise intra-organizational decision-making mechanisms are central components of this organizational dimension. It should be noted, however, that not every organizational articulation leads to programmatic representation. On the contrary, clientelistic machines could be extraordinarily organizationally developed, while at the same time, detrimental for the quality of (universalistic) political representation by parties. Complementarily, the core organizational cadres of a political party may well be unrepresentative of the voter. It is also possible to think of alternative situations in which reasonable aggregate representation at the national level lacks its organizational counterpart at the district level.<sup>19</sup> Therefore, it is necessary to account for both the strength of the link between a political party and its constituency and the nature of that link.<sup>20</sup>

Simply put, parties can either relate to voters on the basis of indirect exchanges around programmatic platforms, relate to voters directly through particularistic exchanges, or in any intermediate combination of both. Although the first type of exchange is theoretically expected to enhance the provision of public goods (such as good governance and economic growth) while the second type is expected to foster rent-seeking and low-quality democratic governance, solid empirical evidence to support these normative priors is still lacking.<sup>21</sup>

Moreover, while “competitive clientelism” (as opposed to clientelistic monopolies) might well produce fewer negative externalities, for poor voters, clientelistic exchanges might possibly be the only available way to gain access to significant material improvements.<sup>22</sup> Therefore I do not depart from an a priori normative judgment of each ideal-type. Instead, I contend that it is more useful to analyze how party-voter linkages are structured and socially distributed in a society, before abstracting normative implications from theoretical ideal-types.<sup>23</sup>

Kitschelt’s proposal for analyzing different types of party-voter linkages (which for simplicity sake could be arranged in two overarching categories: programmatic and non-programmatic) is a good departing point in an attempt

at crafting a typology of linkage patterns in contemporary Latin America.<sup>24</sup> However, to fruitfully adapt Kitschelt's proposal to the region, at least one additional nuance should be incorporated, doing away with one of Kitschelt's main assumptions.

According to Kitschelt:

“The incompatibilities between charismatic, clientelist, and programmatic linkages are not absolute. At low dosages, all linkage mechanisms may be compatible. As politicians intensify their cultivation of a particular type of linkage, however, they reach a production possibility frontier at which further intensifications of one linkage mechanism can occur only at the expense of toning down other linkage mechanisms.”<sup>25</sup>

Given the levels of social fragmentation and inequality observed in Latin America, it is reasonable and feasible for parties to attempt to diversify their linkage strategies in order to attract a broad enough constituency. Indeed, successful candidates and parties do usually combine different linkage strategies in their campaigns, while apparently minimizing the theorized trade-offs created by the simultaneous pursuit of segmented strategies. The feasibility and empirical frequency of this kind of combination defies Kitschelt's trade-off assumption.

Among other factors, this discrepancy could be explained due to the author's sub-estimation of some prominent Latin American specificities, such as the effects of social fragmentation and those derived from a party's capacity to obtain resources from different sources other than the state to finance campaigns or to feed political machines. Nonetheless, the compatibility between segmented linkage strategies is indeed problematic and should be subject to close scrutiny.<sup>26</sup>

Drawing on Kitschelt's ideal-type characterization, while keeping this caveat in consideration, the following sections of this paper will attempt to characterize the current nature and distribution of programmatic and non-programmatic party-voter linkages in Chile and Uruguay. I then summarize my findings presenting somewhat finer distinctions between programmatic and non-programmatic party-voter linkages.

From an explanatory perspective, this work departs from the two classic explanations of clientelism (or more generally, non-programmatic linking), namely: the culturalist and the developmental theses. Whereas the former explains clientelism as a permanent trait of certain cultures, the latter sees clientelism as a political arrangement that corresponds to traditional societies as opposed to modern ones. Both explanations have proven unsatisfactory.<sup>27</sup>

Departing from these traditional views and following the lead of Shefter and Piattoni, I seek to explain the different types of representation defined above as the result of given exchange relations between voters and politicians, which can in turn be explained by the strategic considerations of both.

Which constraints are framing strategic options on the part of politicians (supply) and voters (demand)? I claim that those strategic options could be understood on the basis of a causal narrative based on the conjunctural interplay of structural, historic-institutional, and agency-related factors. More precisely, to explain the type and social distribution of available linkages, I contend that each case (national and sub-national) should be regarded in light of a path-dependent historical trajectory that considers the following: the socio-structural context in which each party-system functions; the political-institutional situation that punctuated each party-system's path-dependent evolution; and the nature of the process of partisan adaptation required for individual parties to profit from those sociological and political-institutional opportunities.

While the first factor is contingent on the nature of each country's ISI and its reform during the past twenty years, the second relates to the path-dependent trajectory of the party system in which individual parties emerged and competed. Whereas both of these factors explain why certain constituencies became available or unavailable for political mobilization, the processes of partisan adaptation explain how different parties were able to maximize their potential electoral return given structural and institutional change.

In still other words, socio-structural variables are addressed by looking at the long-term political economy of party systems and by analyzing the contemporary effects of social structures, the scope of state intervention, and the organization of societal interests (at different levels of aggregation) on the nature of programmatic and non-programmatic linking between parties and voters. The logic of my causal argument is not additive, but conjunctural.<sup>28</sup> Therefore, the interactions between those factors and specific partisan strategies to structure (and finance) linkages with constituents, will determine the nature of political representation in a given system or electoral district.

The next two sections provide a stylized characterization of each case, highlighting the long-term evolution of these independent variables.

## CHILE: HISTORICAL CONFIGURATION AND RECENT EVOLUTION

Historically, Chile's party system has been characterized as the one more closely resembling those of advanced capitalist countries, given its cleavage structure (running across the religious and class divides) and the scope of programmatic mobilization.<sup>29</sup> Additionally, the historical party system in Chile also relied on and built up strong partisan subcultures, developing encompassing partisan organizations that connected the national leadership with its local followers through efficient patronage and clientelistic networks based on the partisan distribution of state resources.<sup>30</sup> Therefore, at the local level, available empirical evidence suggests that constituency-services, patronage, and brokerage networks played a vital role in institutionalizing and strengthening the pre-authoritarian party system. However, since the 1960s and 1970s, the structural context in which Chile's party system used to work was drastically transformed.

The relatively high levels of class conflict and political polarization of the late 1960s and early 1970s provided a legitimacy base for a coup coalition to suppress attempts to incorporate rural and urban lower classes socially and politically in order to protect the interests of upper-middle classes and elites.<sup>31</sup> In this context, the Chilean bureaucratic-authoritarian regime enjoyed greater levels of autonomy and relative legitimacy which became essential to its efforts to reshape patterns of party competition in the post-transitional system. The segmentation and fragmentation of popular sector organizations (both labor and the *movimiento poblacional* tied to leftist parties that promoted land seizures in Santiago's suburbia during the 1960s) were framed as explicit objectives to be achieved through authoritarian reforms.<sup>32</sup>

Indeed, after 1990, the economic reforms introduced by Pinochet before re-democratization reduced the room for successful (socioeconomic) grievance mobilization inducing a political consensus around the new economic model.<sup>33</sup> Those groups that opposed the model either lacked organizational capacity to pursue successful social mobilization and/or were challenged by institutional constraints (very prominently, the binomial electoral system and the enactment of "authoritarian enclaves") when seeking political influence within the institutional realm.<sup>34</sup> In other words, despite increasing inequality as a result of economic and state reforms, the processes of social fragmentation, the weakening of popular sector organizations, the constitutional enactment of important constraints on policy making, and the self-moderation of both the left and the right should have further reduced the salience of socioeconomic conflicts in structuring partisan competition at the national level.<sup>35</sup>

Additionally, the ideological renovation of the Chilean left and the highly constraining structural and institutional environment in which the Concertación reached office and governed the country beginning in 1990 further reduced the scope for ideological divergence between the two mainstream partisan coalitions that came to dominate Chilean politics.<sup>36</sup> While the incentives introduced by the electoral system facilitated the emergence of two broad political coalitions and a centripetal configuration of partisan competition, the need to reach broad inter-coalitional consensus among distinct political parties has also contributed to blur ideological divides among them.<sup>37</sup>

In line with this claim, several analysts of Chilean politics have noted that the cleavage structure of the 1960s and 1970s had been substituted by a new (political) split between a pro-Pinochet camp (the Alianza) and a democratic one, the Concertación, which has governed the country since 1990.<sup>38</sup> While Renovación Nacional (RN) and the Unión Demócrata Independiente (UDI) are the major members of the Alianza, the Partido Radical Social Demócrata (PRSD), the Partido por la Democracia (PPD), the Partido Socialista (PS) and the Christian-Democratic Party (DC) are the major players within Concertación. Given the presence of moral conservative parties within both camps (mainly the UDI within the Alianza and the DC within the Concertación) the religious divide cuts across the emerging partisan blocs, further reducing the scope for consistent programmatic on the religious-secular divide. Therefore, in the post-transitional system, the retrospective identification divide focused on the grievances of the past seems to have acted as a functional substitute for the class and religious cleavages that structured political competition in the pre-authoritarian system.

At the local level, the weakening of state-patronage in the aftermath of liberalizing reforms should have challenged the maintenance of extensive partisan networks bridging local and national arenas by redistributing state resources through patronage and clientelistic side-payments. However, municipal decentralization and the creation of small congressional districts should have increased the centrality and autonomy of municipal “machines” and congressional district offices for restructuring party-voter linkages at the local level.

In this respect, with the central state shrinking and municipal decentralization increasing, local authorities have become less dependent on national authorities. Although the regional governments and intendancies (directly appointed by the central government) remained key for the redistribution of resources from the center to the municipal level, both the predominance of technocratic criteria for assigning those resources and the amount of resources already available at the municipal level gave local actors greater autonomy.

Table 1 provides a closer look at the extraordinary socioeconomic and

budgetary differences (even after redistributive transfers between rich and poor municipalities are accounted for) that exist today between two municipal governments placed at each extreme of the socioeconomic ladder. Quite conspicuously, the poorest municipalities in Chile need to satisfy a significantly greater number of social demands (particularly in terms of the provision of education and health care) on the basis of a very restrictive tax base and drawing on inter-municipal transfers that are far from bridging their budgetary gap. For instance, whereas San Ramón has almost 30 percent of its population below the poverty line and has an annual per capita budget of less than 7 dollars, the population of Vitacura (0.1 percent of which is defined as poor) enjoys an annual budget allocation of 38.5 dollars. The table also provides a glance into educational policy, one of the crucial social programs currently administered by Chilean municipalities.

**TABLE 1. A comparative glance at two municipalities operating in extreme social contexts**

Municipality	San Ramón	Vitacura
Municipal area	6.5 sq.km	28.2 sq.km
% of people under poverty line in the municipality	29.80%	0.10%
Population	86,000	102,029
% of urban and industrial soil	100%	66%
Budget, including redistributive transfers.	4,553,306	21,965,905
Budget per capita (in U\$S dollars)	\$6.85	\$38.50
Enrollment in municipal education	9,319	2,716
Amount of municipal support for social and cultural programs	97,153	623,443
Ratio: student per teacher	25.2	18.1
Number of municipal educational centers	218	4
Number of municipal educational centers actually own by the municipality	13	2
Average years of education of the population	9.2	14.3
% of scores PPA scores 450 or above	21%	67%

Source: SINIM on the bases of 2002 Municipal Data provided by the SUBDERE

However, to fully make sense of the indicators displayed in the table, it is necessary to briefly digress to acknowledge the characteristics of decentralizing reforms pursued by the government of Pinochet. Those reforms should have very practical implications for how parties organize and compete for electoral office today, as well as how linkages between parties and voters are distributed across different socioeconomic segments of Chilean society. Although much scholarly attention has focused on other institutional factors inherited from Pinochet's regime, the dictatorship's municipal reform has also produced far-reaching discontinuities.<sup>39</sup>

Whereas in the pre-1973 period local authorities lacked autonomy and relied on hierarchical relations structured along party lines to control scarce state resources, municipalities gained substantial autonomy through the decentralization process. Therefore, while Chile continues to be one of the most centralized Latin American polities and operates on the basis of executive-controlled regional governments, municipal reform has had an effect on electoral politics and partisan organizations. A crucial feature of the military-era decentralization reform, which has endured up to the present moment and that also needs to be accounted for, is the quasi-hegemonic role assigned to the mayor in local politics.

Moreover, the significant strengthening of the executive branch and the parallel weakening of Congress under the 1980 Constitution, along with the shrinkage of centrally provided patronage resources, should have also impacted congressional leaders' ability to seek pork for their local activists and constituencies through congressional bargaining.<sup>40</sup> Taken together, the effects of authoritarian reforms should have strengthened mayors over congressional leaders, therefore contributing to the localization (or de-nationalization) of political contests and the weakening of the encompassing and hierarchical partisan networks that were so central in structuring the pre-authoritarian party system of Chile.

Given the scope of socioeconomic and institutional reforms under Pinochet's regime, Chile's contemporary party system has been the subject of lively academic debates seeking to address continuity and change regarding the pre-1973 system. While the system has continued to show remarkable levels of institutionalization and stability, some have argued that fundamental aspects of that system have changed.<sup>41</sup> Others, instead, stressed stability over change, noting that the main features of the party system remained in place.<sup>42</sup> After reviewing the parallel historical evolution of Uruguay, this paper addresses a specific but very relevant feature of Chile's party system that has remained overlooked until now, in spite of its manifold implications for the quality of democracy: the structure and societal distribution of party-voter linkages.

## URUGUAY: HISTORICAL CONFIGURATION AND RECENT EVOLUTION

Historically, non-programmatic linkages (state patronage and clientelism) predominated in Uruguay, configuring a system that became dominated by two traditional parties, the Blanco (PB) and Colorado (PC) parties, which were able to develop strong partisan subcultures.<sup>43</sup> This historical trait resulted from two principal factors: the lack of strong, party-mobilized grievances resulting from the country's long-term pattern of socioeconomic development and the persistent logic of partisan competition structured around the particularistic distribution of state resources to lubricate encompassing clientelistic and patronage networks that consolidated at the turn of the 20th century.<sup>44</sup>

As stressed by Roberts, historically, the Uruguayan case presents an unusual combination of an elite party system that witnessed relatively high levels of ISI—reaching its peak in the 1950s and 1960s—particularly in terms of the expansion of its welfare state and the extent of economic protectionism.<sup>45</sup> This combination is essential for understanding the emergence of a labor-mobilizing party that transformed the traditional party system, causing a divergent pattern of evolution in the 1990s from those witnessed in other institutionalized “elite two-party systems” (i.e. Venezuela, Colombia, and Costa Rica). In this way, Uruguay presents a different trajectory from other cases in which traditional party systems have virtually collapsed.

As economic growth slowed in the mid-1950s, education, urbanization and the labor-supply continued to grow, turning the excess of labor supply into a central social problem as families struggled to maintain their previous consumption levels. While the growth of open unemployment juxtaposed with high expectations fostered discontent, both traditional parties intensified their reliance on patronage to fight structural unemployment and avoid social conflict.<sup>46</sup> However, in the medium-run the economic crisis, triggered in part by this political adjustment mechanism, catalyzed social discontent and political polarization during the 1960s and 1970s.

The 1973 military coup came as a terrible corollary of this escalation in the wake of ISI's exhaustion. However, beyond its political repressiveness, the Uruguayan military regime (1973–1985) was characterized as an “authoritarian parenthesis” that did not succeed in transforming the political structures of the country.<sup>47</sup> Additionally, beyond macroeconomic reforms and trade liberalization, the Uruguayan military did not embark on massive structural and institutional reforms.<sup>48</sup> Therefore, after re-democratization a significant proportion of the population was still entitled to ISI benefits.<sup>49</sup>

This fact has important implications for structuring party-voter linkages by inducing strong policy-feedback mechanisms.<sup>50</sup> Therefore, in spite of military repression during the dictatorship, civil society organizations and interest groups remained relatively strong. These organizations, in turn, eventually built organic ties with the leftist Frente Amplio (FA), when both allied to oppose neoliberal reforms after re-democratization.

In a representative democracy that escaped the patterns of hyper-presidentialism and delegation that expanded through the region in the 1990s the organizations of ISI-beneficiaries allied with FA to oppose attempts at neoliberal reform. Therefore, when confronting reformist attempts led by subsequent government coalitions formed by PB and PC fractions, this ISI-coalition relied on congressional representation and direct democracy mechanisms to block reforms.<sup>51</sup> Indeed, the use of direct democracy mechanisms against reform proposals was especially functional for FA's opposition strategy.<sup>52</sup> The presence of a veto coalition identified with FA and opposed to reformist attempts synergized the ideological hegemony of the statist *Batllismo* (even within fractions of the PC led by ex-President Sanguinetti) and became the crux for structuring party competition in the 1990s.

In this context, and while the party system increasingly gained competitiveness with the gradual decline of traditional parties and the parallel growth of FA, the PB and the PC were limited in the reforms they could introduce. Indeed, reform attempts were usually made in policy areas characterized by a dispersed and low-visibility configuration of interests (i.e., trade openness and financial liberalization). Moreover, when broader social policy reforms were implemented under Julio M. Sanguinetti's second presidential term (1990–1995), they were designed to avoid hurting the interests of powerful groups, such as pensioners.<sup>53</sup>

Consequently, whereas according to the 2003 Index of Economic Freedom Uruguay is the second most liberalized economy in Latin America—below Chile—it ranks comparatively lower than Chile, Brazil, Mexico, Colombia, and Costa Rica in Evans and Rauch's "weberianness scale," as significant state reform did not take place during the post-transitional period.<sup>54</sup> Social expenditures (particularly pensions) have also increased as a percentage of GDP during the decade, making Uruguay the Latin American country that spends the most on social policy.

In short, post-transitional governments implemented an inconsistent policy mix combining some elements of the Washington Consensus (trade and financial liberalization) with components of the state-centric model. Although in the short-run this policy configuration reduced the social costs of reform, its inconsis-

tency contributed to the socioeconomic collapse of 2002, which mirrored that of neighboring Argentina in terms of its economic scope and social effects. During the 1990s, the increasing fiscal deficit was partially financed with growing public utility and oil tariffs and an expanding tax-burden. Until 1998, when the Asian-crisis hit, an overvalued currency (aligned however, with those of the country's major trading partners: Brazil and Argentina) helped to soften the fiscal load by appreciating real wages. The availability of cheap imports also contributed to raise living-standards. These imports were financed through capital investments in the financial system, which helped to hide the emerging trade deficit.

A steady de-industrialization of the economy, sustained economic crisis in the agricultural sector, and exponential increase in unemployment, which grew from 8.5 percent in 1990 to 18.3 percent in 2003, were the socioeconomic partners of the 1990s inconsistent equilibrium.<sup>55</sup> Beyond significant reductions of poverty and inequality in the 1990–1994 period, the increased levels of social expenditure were not sufficient to offset the social effects of trade liberalization and currency overvaluation. Indeed, even during periods of sustained economic growth (1994–1997), both indicators worsened.<sup>56</sup>

Furthermore, the distribution of political power within and between specific social groups was also reshaped during this time period. Due to a higher unemployment rate in the private sector and the reincorporation of industrial workers into the service and informal economies, union membership declined sharply, particularly in the private sector. In the context of a 50 percent overall decline in union membership, state employee unions went from 49 percent of total union affiliates in 1987 to 59 percent in 2001.<sup>57</sup>

In this context, while those sectors of society with organizational capacity and political leverage to veto reforms were better able to protect their interests by structuring programmatic party-voter linkages, more vulnerable sectors of the population who never entered the substitutive state-centered model, or who were expelled from it during the crisis, have consistently lost their ability to confront the costs of adjustment.

In this structural setting, FA expanded its electoral support by defending the organizations of ISI-beneficiaries. Meanwhile, FA began to provide alternative leadership to those that felt alienated by the economic malaise and those who were increasingly left aside by the clientelistic machines of both traditional parties. Increasing fiscal deficits explain why those political machines became less efficient at ensuring electoral support. In sum, FA's growth helped to contain popular discontent, likely enhancing, at the same time, the levels of interest aggregation in society and the significance of programmatic linkages associated to conflicts surrounding ISI-dismantling and market reforms. Moreover,

the presence of strong traditional partisan subcultures and the gradual nature of reforms (and economic decay) protected the country against electoral de-alignment and provided the basis for a programmatic realignment in the 1990s through which FA became the reinterpreter of *Batllismo*, as traditional parties promoted state reforms and economic liberalization.<sup>58</sup>

Therefore, the Uruguayan party system should have gained programmatic structuring as the crisis of the ISI development model took hold and structural reforms were promoted after re-democratization. In short, the increasing competitiveness of the system (produced by the gradual growth of FA) and the increasing organization of ISI-beneficiary groups (especially pension beneficiaries and union-members) lobbying in Congress and resorting to direct democracy mechanisms to promote or oppose legislation should have contributed to enhanced programmatic linkages in the system. Meanwhile, private sector workers and business interests have increasingly pushed for further market reforms, together with international financial institutions. Therefore, these trends should have contributed to making individual clientelistic transactions less salient for a significant fraction of the Uruguayan population, particularly in middle and upper sectors of society.

Regarding the historical configuration of non-programmatic party-voter linkages under the traditional socio-political arrangement, partisan fractions from both traditional parties, independently of their programmatic stances, competed by establishing vertical patronage and clientelistic networks based on the exchange of electoral support for state-supplied goods (especially the central state and public enterprises). Whereas organized interest-groups were also active and effective in extracting state subsidies, it is worth mentioning that clientelistic networks included a truly cross-sectional (and horizontal) cut of Uruguayan society.

Meanwhile, political careers and access to the state-machine were contingent on each *agrupación* (sectional partisan committees) and fraction electoral markup and their consequent leverage in negotiating their alignment in terms of district and national internal currents of the party. In this context, the very salient political traditions that divided the camps between both traditional parties and sectional committees ("*clubes políticos*") became the most significant agents of political socialization and brokerage, having a continuous presence in every locality and neighborhood.

On the one hand, the successive and persisting economic crises suffered by the country since the late 1950s and the increasing levels of fiscal deficit have contributed to the delegitimization of the traditional system on the view of patrons (both traditional parties occupying the executive), confronting since the

transition to democracy significant international pressures to reform state structures and pursue economic liberalization. Additionally, the economic downturn has also fed popular discontent with government and with reformist projects attempted by the government.

Confronting mounting fiscal deficits and international pressures, the government has invested in the modernization and rationalization of state enterprises and the introduction of new information technologies in the public bureaucracy. Some of those state reforms (like the instauration of a system of digital labor history for administering pension benefits and the modernization of state enterprises) have restricted the stock of available goods that were the object of traditional clientelistic transactions like the distribution of pension benefits (usually non-contributive) and the activation of administrative shortcuts (through the operation of party-activists working in every state-agency) to obtain, for instance, a telephone or electricity line.<sup>59</sup>

On the other hand, both the processes of social fragmentation and disintegration in most vulnerable sectors of society triggered by long-term economic decline and the increasing assumption by municipal governments of functions traditionally exerted by the Central Administration in the wake of state's service financial collapse (very prominently, the provision of focalized social assistance to marginalized sectors of society living on the basis of subsistence economy or the informal sector) should have contributed to the changing nature of non-programmatic linkages in the system.<sup>60</sup> Although also frequently confronting important fiscal deficits and massive debts with other public institutions (very prominently the pension system and electricity, water, and phone providers), Uruguayan municipal governments still retain relatively important degrees of autonomy, maintaining for instance the possibility of developing ("attenuated") state patronage at the local level.

Those degrees of autonomy might have also increased as a result of the Constitutional Reform of 1996, in which concurrent and closed list elections for the national and municipal levels were substituted by non-concurrent ones. Although more convergence is observed in this case between national and local results ("nationalization") than in Chile, municipal politics have been characterized by divergent political and competitive configurations.<sup>61</sup>

In some districts, one party has become nearly predominant in the system. In others, traditionally hegemonic forces have lost strength yielding competitive scenarios, usually structured around a new bipolar logic of competition between one traditional party (representing the traditional partisan family) and the FA. Still, in other districts, the PB has been able to resist the FA's sustained growth, maintaining and even consolidating its predominance at the expense

of the PC, which has virtually disappeared in those districts (especially in local elections). In these cases, the PB has emerged as the only viable representative of the traditional party family. While the FA has been especially successful in metropolitan districts and those presenting higher levels of economic development and urbanization, traditional parties have been able to resist its growth in less socially developed districts (and zones within districts) in which municipal machines provide one of the only subsistence sources available to the population. In this context, however, the PB's Mayoralties have been seemingly better able to continue to provide public goods to the population (avoiding massive municipal debts and deficits) than the PC, thereby retaining the electoral favor of less particularistic-oriented voters in the district.

The following sections of the paper analyze empirical evidence on the current nature and distribution of programmatic and non-programmatic party-voter linkages in Chile and Uruguay.

### **CONTEMPORARY PROGRAMMATIC PARTY-VOTER LINKAGES IN CHILE**

According to the historical trajectory of the Chilean party system, I hypothesized that programmatic convergence should be especially strong in socioeconomic issues in which partisan leaders would tend to lack internally coherent and externally distinct positions. Furthermore, the presence of the DC within the Concertación and the significant weight of liberal factions within RN in the Alianza should increase the internal heterogeneity of both electoral pacts in terms of their moral value and religious orientations reducing the salience of that potentially alternative competitive divide. Given the weakness of these cleavages, the retrospective identification divide distinguishing between an authoritarian and a democratic camp should predominate.

To test these claims, in tables 2 and 3 I seek to predict the intended vote for a partisan pact (Concertación vs. Alianza) on the basis of three factors recovering the moral, regime, and state/market divides.<sup>62</sup> The models were controlled for left-right self-identifications and the educational level of the respondents. To capture the dynamic evolution of the system, the first model was run for a 1988 dataset and the latter for the most recent available wave of the WVS in 2000.

In 1988, both the regime and the state-market divide obtained highly significant coefficients that resisted the inclusion of education (also significant) in the model. The comparison of odd ratios clearly suggests that the regime divide was by far the best predictor of intended vote for Concertación or the Alianza.

Finally, when the left-right self-identification of respondents was included, the coefficient for the state-market divide lost its statistical significance. Table 3 in turn, displays the results obtained for Chile in 2000. Although the overall results are similar, this time once education is included in the model the only significant programmatic divide is the regime one.

**TABLE 2. Predicting vote choice in 1988 on the basis of programmatic divides**

Variables	Model 1	Model 2	Model 3	Model 4
Moral	.8	.85	.78	
State/Market	.71 (***)	.76 (*)	.8	
Regime	4.38 (***)	6.01(***)	4.43 (***)	5.97 (***)
Education		.24 (***)	.25 (***)	.23 (***)
Left Right Self-Placement			.78 (***)	
N	860	855	855	855
Log Likelihood	-203.65013	-180.28444	-175.76287	-182.99994
Pseudo R <sup>2</sup>	.25	.33	.34	.31

Dependent Variable: 1=Would Vote for Concertación Party, 0=Would Vote for Alianza Party  
Reported coefficients are Odds Ratios (\*=.05, \*\*=.01, \*\*\*=.005)

This outcome confirms the transversal distribution of preferences in the state-market divide, with most educated voters consistently preferring less state intervention in spite of their partisan affiliation, and low educated voters taking opposite stances also independently of their partisan choices. Further analysis confirms that lower-class voters present high degrees of programmatic confusion, voting for parties whose preferences across a broad set of issues differ significantly from their own.<sup>63</sup> It is also worth mentioning that even though the regime divide continues to obtain the most influential odd ratio, its size is considerably smaller in 2000.

In sum, a new competitive divide splitting the pro-Pinochet camp from that of the opposition to his regime became the central dimension of competition in the post-transitional party system. Nonetheless, this emerging political divide has progressively become orthogonal with respect to the socio-economic one and it is primarily oriented towards the past becoming an identification divide. Although partisans of both camps still structure their political preferences on the basis of identifying parties with an “authoritarian” (or Pro-Pinochet camp)

and a “democratic” camp, the policy content of the divide has eroded. Not surprisingly, this competitive structure has failed to successfully mobilize newer generations and weakly politically socialized voters. Consequently, this decline of programmatic linkages has been coupled by increasing levels of ideological dealignment and electoral alienation.

**TABLE 3. Predicting vote choice in 2000 on the basis of programmatic divides**

Variables	Model 1	Model 2	Model 3	Model 4
Moral	1.0	1.2	.8	
State/Market	.79 (*)	.81	.8	
Regime (+Participation)	.32 (***)	.29 (***)	.38 (***)	.38 (***)
Education		.6 (***)	.63 (***)	.58 (***)
Left Right Self-Placement			.000 (***)	.000 (***)
N	564	595	563	564
Log Likelihood	-293.09061	-284.4796	-188.07545	-190.00694
Pseudo R <sup>2</sup>	.19	.21	.45	.44

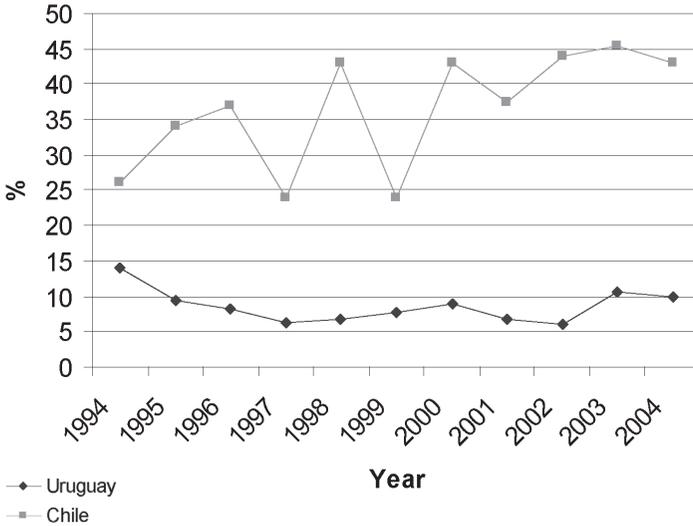
Dependent Variable: 1=Would Vote for Concertación Party, 0=Would Vote for Alianza Party  
Reported coefficients are Odds Ratios (\*=.05, \*\*=.01, \*\*\*=.005)

As a symptom of dealignment, graph 1 shows that when compared to Uruguay, Chile shows significantly higher and increasing levels of left-right non-identifiers. Graph 2, in turn, displays the decreasing levels of electoral participation observed in the system as the epitome of increasing voter alienation.

As a corollary of programmatic collusion, electoral dealignment, and voter alienation, office-seeking politicians should face strong incentives to compete on non-programmatic linkages for the support of an increasingly ideologically de-aligned electorate. At the national level, then, candidate-centered appeals should have an increasing leverage in explaining the electoral allegiance of de-aligned voters.

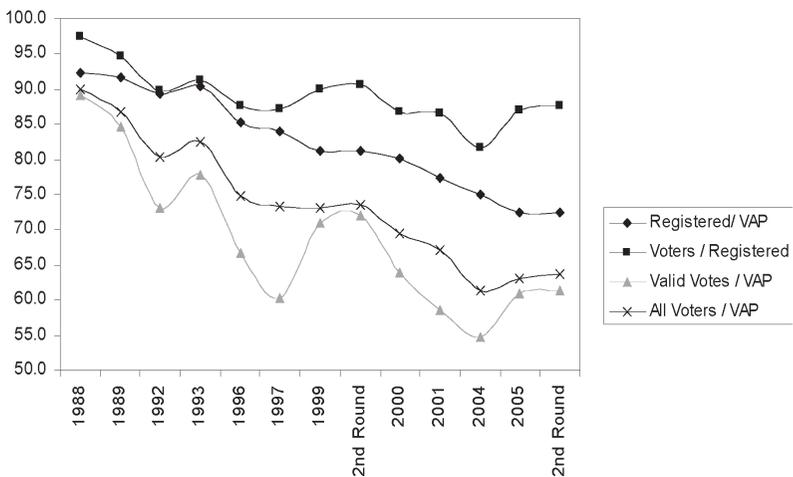
To explore the empirical plausibility of this claim, Table 4 compares the percentage of respondents that in 2001 preferred Joaquín Lavín of the UDI to become the next president of Chile to the percentages obtained by each of the four presidential candidates that competed in October 2005.<sup>64</sup> To complement the analysis, categories of respondents were created by cross-tabulating socio-

**GRAPH 1. Evolution of Independents and Non-Identifiers with the Left-Right Axis**



Source: Chile based on CEP survey reports for urban samples. I am reporting annual averages constructed on the basis of all the available surveys for each year (the range goes from 1 to 3). The category represents those that declare themselves as independents and those who refuse to align in the left-right scale. In Uruguay the data represents those who do not respond to the ideological self-identification question and was provided by EQUIPOS-Mori.

**GRAPH 2. Electoral Participation and invalid Voting in Chile 1988–2005**



Source: Compiled by Altman (2006)

TABLE 4. Preferred Presidential Candidate by Social Strata and Ideological Leaning

Socioeconomic Stratum	Preferred for President	Ideology				N
		Left	Center	Right	Independent/None	
<b>Low (D-E)</b>						
	<b>Lavín 2001</b>	4.2%	5.9%	19.2%	12.4%	371
	<b>Lavín 2005</b>	0.8%	2.8%	11.5%	7.0%	145
	<b>Bachelet 2005</b>	21.8%	8.2%	4.6%	14.6%	312
	<b>Piñera 2005</b>	2.5%	3.8%	9.5%	6.7%	143
	<b>Hirsch 2005</b>	0.7%	0.3%	0.2%	0.7%	11
<b>Middle (C3)</b>						
	<b>Lavín 2001</b>	4.0%	6.2%	21.8%	7.9%	207
	<b>Lavín 2005</b>	0.7%	2.2%	14.5%	3.3%	95
	<b>Bachelet 2005</b>	26.2%	7.5%	3.7%	8.4%	211
	<b>Piñera 2005</b>	4.4%	4.8%	13.2%	5.3%	127
	<b>Hirsch 2005</b>	3.3%	0.4%	0.0%	0.4%	21
<b>Upper (ABC1-C2)</b>						
	<b>Lavín 2001</b>	2.0%	3.4%	28.2%	4.7%	58
	<b>Lavín 2005</b>	0.6%	4.3%	11.1%	2.5%	31
	<b>Bachelet 2005</b>	20.4%	7.4%	1.9%	5.6%	57
	<b>Piñera 2005</b>	2.5%	4.3%	30.2%	5.6%	69
	<b>Hirsch 2005</b>	2.5%	0.6%	0.0%	0.0%	5

Source: Own construction on the basis of CEP Surveys ([www.cepchile.cl](http://www.cepchile.cl))

\*Percentages do not add-up to 100, because they are based on preference for all candidates mentioned in open survey-item, including not reported ones.

economic stratum (in three categories) and ideological leanings (left, center, right, and independent/none).

First, the table shows that significantly greater levels of vote-choice structuration on the basis of ideological leanings are observed in the upper socioeconomic strata. Second, the table also illustrates the presence of higher levels of ideological dealignment in lower socioeconomic strata, where there are significantly more independents and non-identifiers. Finally, the table shows that in spite of being more consistently supported by closer ideological groups (Lavín by the right and Bachelet by the left), the candidacies of Lavín in 2001 and Bachelet in 2005 were very efficient in gathering substantial electoral support by more distant ideological identifiers. As well, particularly in lower strata, both candidacies fared significantly well in generating electoral support among independents and de-aligned voters.

Therefore, confirming the increasing importance of candidate traits in presidential races it is possible to conclude that a sizable group of voters who supported the candidacy of the radical right in 2001, switched in 2005, favoring the presidential candidacy of the center-left. To parallel this account at the national level, I now turn to a description of emerging non-programmatic linkages in Chilean localities.

### **CONTEMPORARY NON-PROGRAMMATIC PARTY-VOTER LINKAGES IN CHILE**

This section is informed by qualitative evidence gathered from field research in five electoral districts and twelve municipalities in greater Santiago. The district sample maximizes the range of electoral divergence within Santiago's metropolitan area, choosing districts with significantly different socio-structural conditions and partisan electoral performances. Table 5 provides a detailed characterization of each district. Although the districts were selected in 2001, when considered together the weighted (by the number of valid votes) average vote obtained by each coalition in this sample in the congressional elections of 2005 closely approximates that of the entire metropolitan region.<sup>65</sup>

The different socioeconomic and political characteristics of these electoral districts and their relatively small size and high social homogeneity turns this intentionally-selected sample into a feasible proxy for contemporary urban politics in Chile.<sup>66</sup> The evidence was collected in three rounds (2001, 2002, and 2003) of semi-structured interviews with relevant political and societal fig-

TABLE 5. District Characterization, Political Trajectory,  
Party Strategy, and Recent Electoral Outcomes\*

District and Mayoralities	Average Human-Development Index 2000	Average poverty in 2000	Political Trajectory	Leftist Tradition. Vote for the Popular Union in 1973	Vote for Lavín in 2000, first round	Vote for the Alianza Por Chile in 2001 Congressional elections
18 Cerro Navia/ Lo Prado Quinta/ Normal	.72 CN=.69	15.3% CN=24%	Hegemonic Concertación	Yes, Communist and Socialist Parties, some DC 47.9% QN	40.2%	28.4%
23 Las Condes/ Vitacura/ Lo Barnechea	.90 LB=.88	1.2% LC & LB=1.8%	Hegemonic Alianza	No 24.15% LC	70.8%	70.7%
24 Peñalolén/ La Reina	.81 P=.75	10.3% P=17.6%	Competitive	Yes, in popular sectors of P. Also, popular DC Mayor in LR until retire- ment in 2004 33.7% LR	48.4%	47.2%
26 La Florida	.80	7.6%	Historically Concertación, turning com- petitive. UDI in Municipal office since 2000	Yes, particu- larly in land- takeovers, but also, becoming conservative due to upward social mobil- ity in middle- strata 47.2%	43.8%	40.1%
27 La Cisterna/ El Bosque/ San Ramón	.74 SR=.71	17.8% EB=26%	Historically Concertación with rapid growth of UDI, particu- larly in con- gressional elections	Yes, Communist and Socialist Parties 46.6%	48.6%	45.4%

ures in each district, including: successful and unsuccessful candidates; current and past legislators, mayors, and local council-members; leaders of community organizations; and key informants (party strategists and representatives from partisan think-tanks or congressional delegations, school teachers, priests, etc.).

My evidence confirms that in the aftermath of state reforms, decentralization, and the weakening of Congress, partisan local structures have weakened. As a result, Congress members cannot count on partisan networks and increasingly need to set up parallel organizations to service the district and assure reelection. These local structures are not partisan in nature, but are fundamentally centered on the personality of the Congress member. This explains why “very sharp changes in [partisan] support” are seen across Chilean districts, contrary to the low volatility observed at the national level.<sup>67</sup> My fieldwork evidence is consistent with that based on the systematic triangulation of national and district-level electoral results:

The moment she quit RN to join UDI, RN disappeared in the district at the congressional level. We keep the vote at the municipal level, because we have the Mayor and he has developed his own support base. (...) The vote here is personal, no one is voting for parties anymore. (Sergio Guerra, RN’s council-member in Peñalolén, 2003)

While this might be expected from candidates of the historically more loosely-organized parties of the right, it is somewhat more surprising when observed in one of the parties carrying a Marxist-Leninist origin and organizational legacy. However, as a successful PS Congress member from La Florida argues:

Unfortunately, my votes are my votes. It is sad, but if I decided to run for a Senate seat, at most some of my votes will stay within the Concertación. I do not think those votes are transferable to another PS candidate, even though I have people working with me. But, if for example my son were to run, independently of his quality as a candidate and politician he would have an edge just for being my son and carrying my last name. (Carlos Montes, PS congress-member in La Florida, 2003)

In short, the traditional brokerage networks that used to link each locality with the center through the operation of very powerful and well-structured partisan machines seem to have been replaced by candidate-centered local networks that operate on the basis of Congress members’ non-partisan district offices and/or municipal governments.<sup>68</sup> However, the mutation of non-programmatic party-voter linkages just described has not occurred homogeneously across socioeconomic strata.

Indeed, the scope of party-voter linkage change seems to have advanced unevenly across Chilean society with higher social strata and strongly politically-socialized citizens continuing to link to parties on the basis of partisan (and coalitional) subcultures, programmatic stances, and the provision of public goods at the local level. Meanwhile, other groups (especially lower strata and younger cross-sections of the public) became increasingly de-aligned, either alienated from the system or having become progressively oriented towards forging non-programmatic linkages with their representatives, voting on candidate traits and/or non-programmatic side payments supplied at the local level.

If this argument were correct, while de-aligned voters should increasingly face greater incentives to enter particularistic and problem-solving networks through which they exchange contingent political support for the satisfaction of their immediate needs, strongly socialized voters and those living in upper-income districts, might continue to vote on the basis of programmatic linkages and the provision of public goods. Fieldwork evidence lends empirical support for this last claim. Indeed, a UDI Congress member who competes in a socially heterogeneous district composed of an upper-income municipality (La Reina) and a lower-income one (Peñalolén) is very eloquent in this regard:

Poor people need you more frequently, at every moment. They need you to survive, because they have all doors closed to them. They don't know where to go, how to do things. They don't get the paperwork done; they need medical exams, the need to place a child in a given school [...] And that's where we come in. In La Reina, we don't attract anybody's attention. (María Angélica Cristi, former Mayor of Peñalolén and RN Congress member, currently an UDI congress-member, 2003)

Therefore, in lower-income communes, politicians who are able to pay a household's utility bill during the campaign period; offer legal or medical assistance; distribute TV sets, food boxes, optical lenses, or equipment for a neighborhood soccer club; or give away a cake for a Bingo organized by a *Centro de Madres* (Mother's Center) or *Junta de Vecinos* (Neighborhood Council) on a regular basis are becoming increasingly successful in Santiago's poorest districts.<sup>69</sup> In short, politicians who have personal contact with members of poor communities on the basis of problem-solving networks or the distribution of clientelistic side payments develop a competitive advantage over more distant candidates.

Indeed, politicians who do not deliver goods and services, or who do not

think it is appropriate to engage in this new political style, get chastened at the polls. This transformation was especially detrimental to incumbent candidates of Concertación who “did not get into the politics of being a congress-member” and, thus, got voted out.<sup>70</sup> However, in line with a dual configuration of candidate-voter linkages, in higher-income communes like Las Condes, Vitacura, Lo Barnechea, and La Reina, the vote continues to be tightly-structured and electoral campaigns are played on the media, because:

Those guys do not like campaigns. You should not bother them, you should not paint much. They like a clean commune and good services. That is what mayors should provide. And then, for the campaign, congress-members and mayors should get out on the media and talk about national themes, big themes, economic themes. [...] addressing those issues is how you get a name for yourself (Eugenio Gonzalez, UDI’s campaign strategist, 2003)

Resulting from this series of mutations, a dual and socially-segmented configuration of party-voter linkages might have emerged, yielding important implications for structuring partisan competition in the system. This competitive configuration has important implications for voters representing different socioeconomic cross-sections of the electorate. As partisan leaders and highly politicized voters identify on the regime divide (which still remains salient for these groups), lower classes and younger generations feel “unrepresented” by the party-system. This triggers two different phenomena.

Those who have a tradition of leftist political socialization, a history of political involvement, and a strong ideological background increasingly feel alienated from the Concertación and abstain from participating in party politics. Alternatively, they continue to support the Communist Party, which gathers a significant amount of its small basis of support by canalizing systemic discontent.<sup>71</sup> As two Santiago shanty-town dwellers state:

They (the Concertación) promised that happiness would arrive. And it never did. [...] It is sad, but I have to admit for instance that we had better health-care with Pinochet than with the Concertación [...] They just forgot about us. I am a leftist, my husband was the one who organized this “toma” (land take-over), and I used to organize food distribution in this block under Allende. So, I am a leftist and I will keep on voting left, but I will not fool anyone else. I can organize people, fifty, sixty women in two or three hours. But, what for? I will not fool anyone else, even my kids are not registered

to vote. And if I could, I would withdraw from the register. I do not know how to act. My only chance to get an improvement is by winning the lottery. (Margarita Cofre, *pobladora* from *Lo Hermida* in Peñalolén, personal interview, 2003)<sup>72</sup>

The Communist Party is death. Look, in my sector all the people are convinced that no politician, no politician at all, will solve their problems. And therefore, no one participates. And the youth are bored; they are tired and angry. They prefer to engage in drugs, alcohol, and gangs. They don't support anyone. (Communal leader from the *Nueva La Habana* land-takeover in La Florida, personal interview, 2003)

Alternatively, even in sectors that suffered from intense repression under the military regime (usually land-takeovers in poor neighborhoods) social "entrapment," the (social) distance between congressional candidates that come to the district from the upper-income neighborhoods during campaigns, and municipal clientelism also contribute to reinforce the status-quo. In these cases, local political figures (typically Mayors) with a capacity (real or perceived) to discretionally disburse basic subsistence goods in exchange for electoral support enjoy important incumbency advantages:

Once, a group of ladies from Peñalolén invited me to a meeting to have tea with them. And they told me: "We know you and we really esteem you a lot. But we are not voting for you. You know why? Because once the campaign is over you will go. And if something happens here [e.g. a flooding], we cannot go. We depend on them (the Municipal government) and therefore, we need to take care of ourselves." They stated it very clearly and in a straightforward way. (Carmén Lazo, former PS congressman, personal interview, 2003)

Therefore, the comparison between districts and municipalities with different socio-structural and political trajectories illuminates the presence of important levels of heterogeneity in terms of the configuration of representation linkages between politicians and their voters. Both socio-structural factors and the specific political trajectories of the districts are inter-correlated and together yield the particular combination of programmatic and non-programmatic linkages observed in each case.

Within the latter group, different linkage styles predominate in districts pertaining to different configurations. The first type corresponds to higher-income municipalities in which programmatic-linking predominate and campaigns are

fundamentally carried out through the media. It is possible to state that upper-sectors approach politics primordialily through the media and are influenced by their alignment regarding national (historical) currents represented by the Concertación and the Alianza. The following statements by an UDI Deputy and an opposition council member of Vitacura summarize the political dynamics at play in these municipalities:

The district (23) is a very peculiar one. It is likely the one in the country that is most heavily influenced by public opinion. That is, 90 percent of the people who live there are not expecting me to solve a specific problem for them. Nor are they expecting me to visit their home, give them something, or solve a social problem for them. What they expect is that I represent their opinions in the media. And that in Congress I vote like they would if they were in my seat. (...)And the rest comes from their identification with the UDI, which represented the hardcore of the Pinochet-supporters vote. These are the people that see the UDI as some kind of perpetuator of the military regime's heritage. That's the basis of our strength in this district. And I have the joy that in my district rightist supporters are a lot and that I don't have to convince them, I don't need to speak to them. (Julio Dittborn, UDI congress-member, personal interview, 2003)

The right has a political capital in this district that is immovable. They can get a 70 percent of the vote, they might get down to 68 percent or up to 71 percent, but that's all. In the Council we have always been 5 against 1. And they don't really care what happens here. There are some needy sectors in the municipality, like that of Los Castaños. They are not in extreme poverty, but they are poor. It is very funny! People complain: "They are constructing towers in front of our homes. How long are we going to stand this?" And then, the Mayor gets 69 percent of the vote! People think that because they live in Vitacura, they should vote for the right. It is absurd. We tried to talk to the people, we tried to organize them. However, electoral results are stable. They are fundamentalists [...] There is no clientelism here. They don't vote for individual candidates, they don't vote for people, they vote for party labels. And even if they don't actively engage in politics, they vote with extraordinary discipline. (Sergio Hernández, DC council-member of the Municipality of Vitacura, personal interview, 2003)

The second and third types correspond to medium-, medium-low, and low-income municipalities, historically identified with the left, which differ in terms of their current degrees of social heterogeneity. The second type is less heterogeneous

and presents lower levels of social welfare and higher amounts of fragmentation. In this type, non-programmatic linking predominates and candidates from both partisan camps need to engage in fieldwork to attract voters. For this reason, in spite of the leftist tradition of the districts, the UDI has been able to make very significant electoral inroads by structuring clientelistic and personalized linkages, especially drawing on the presence of popular mayors appointed by Pinochet during the dictatorship. Therefore, lower sectors present a combination of political alienation and clientelistic co-optation at lower levels of interest aggregation. Municipal machines provide local candidates, independently from their political party, a crucial resource for advancing their career.

In these districts, candidates of the Concertación have been successful when they were able to draw on the leftist tradition present in these municipalities to craft new personalized and local leaderships working around a combination of constituency-service and clientelism. This is what I labeled a successful process of “linkage-substitution” by Concertación’s leaders. However, in the absence of an effective strategy of “linkage substitution,” electoral returns declined sharply (as in the case of the DC in Peñalolén). The cases of Carlos Montes of the PS and Guido Girardi of the PPD represent successful substitution strategies. In the case of Montes, his strategy is focused on investing resources in the organization of civil society and constituency-services.

Girardi, in turn, combines extremely frequent media addresses on contentious issues and an intensive field presence which is accompanied by the municipal administration, led by his sister in Cerro Navia. Furthermore, in the 2004–2005 electoral cycle, Girardi’s father and wife were also elected to office in the district (as congress and council members, respectively) turning District 18 into what came to be known in the eyes of locals as the “Independent Republic of Girardis.” The following statements from politicians acting in this type of district contribute additional elements to this characterization:

There are congress-members that get municipalized. And those are the ones that perform well in these districts. Because they take care of people’s everyday problems, which is what these people really care about. Those are the ones that get the greater electoral returns (José Antonio Cavedo, former designated Mayor and current council-member of San Ramón, personal interview, 2003)

In this district there is not a clear cut that socially defines my electorate. If they know you, they might vote for you. You need to have a strong body, because you need to be everywhere and go anywhere in the district at any

moment. If you are not there, they just discard you. (...) I don't show up in TV and do not have enough money to spend it giving away stuff, so I have to walk the district and be here all the time to try to keep my seat. (Eliana Caravall, DC congress-member in District 27, personal interview, 2003)

Many times the community is attracted by personalities and not by parties or programs. The politician that used to come to party meetings to talk about national issues no longer exists. Both Girardis are impressive political phenomena here. But that does not mean that my party, the PPD, is strong in this district. If they go, PPD is done in this district. Votes are personally tied to them; they don't belong to the PPD. And that is bad. It weakens the party base, the social network, which no longer exists. And the fragmentation and isolation it promotes, reinforces this political logic. [...] Council members are placed within a Chinese shoe here due to the new political culture that is emerging from the practice of giving stuff away. If I, as a council member, don't give you a cake for a bingó, I am out. It is perverse. People now want you to give them stuff without any kind of effort or organizational counterpart on their side. They don't get organized; they just come here and ask you to give them different things. And my party is falling into a sick paternalism from which there is no way out. If we don't get rid of mass media guys and "cosismo" there is no future for the PPD. (Jorge Villar, president of PPD's district representative in District 18, personal interview, 2003)<sup>73</sup>

In turn, in socially organized middle-low sectors, community service (structured at relatively higher levels of interest aggregation) constitutes an important base for political support both for congressional candidates and for municipal ones. However, social heterogeneity and the related higher or lower rates of competitiveness of electoral contests at the municipal level condition the chances of consolidating strong incumbency advantages, like the ones that characterize the previous type.

The third type, in turn, corresponds to municipalities that were historically similar to the ones pertaining to the second group. Nonetheless, in recent years, these municipalities have received an inflow of medium- and medium-high income residents and have witnessed an important development of infrastructure and facilities. As well, resulting from this trajectory, they usually present higher levels of interest group organization and mobilization (particularly La Florida). As a result, they present a combination of the patterns seen in both previous types, with a segment of the electorate voting on programmatic appeals (middle-high sectors) and middle-low and low social sectors engaging in non-

programmatic linking with candidates competing on community service and clientelistic side payments.

In sum, the weakening of state patronage in the aftermath of liberalizing reforms, the “localization” of politics and the increasing centrality of municipal governments resulting from decentralization and state reform, and the increasing importance of media in campaigns transformed the nature of non-programmatic linkages in the system, fostering the increasing personalization of political linkages and the growing split between local and national political structures (resulting from state reform and decentralization, in the context of declining grievances to mobilize programmatic linkages).

Overall, the socially segmented linkage strategy observed today in Chile also translates into socially skewed access to political representation and eventually contributes to the reinforcement of social inequalities. Furthermore, it also contributes to the foreclosing of entry into the political arena of candidates who lack financial resources to finance their campaigns, reinforcing the “elitist” character of the system. This state of affairs also feeds back into parties’ declining capacity for structuring a programmatic platforms to seek electoral allegiance:

I think today many of these leaderships are beginning to work a bit as mercenaries. And parties do not have the capacity to take issues. They don’t take issue with anything. You can see congress members taking issues, but parties, as political parties, never. You don’t have a party making a proposal together in Congress, supporting a unified and collective motion. As politics is today so harshly oriented towards individual personality, a congress-member that has a good idea about something prefers to present it individually instead of sharing it with the party. [...] Parties today contain a variety of leaderships, some interesting, some with new proposals, some doing well... And that’s what the citizens perceive, more and more what we have is confrontational groups of leaders that hang together to defend their individual interests. For instance, take a look at partisan meeting agendas: How much time is spent on discussing congressional quotas or positions in government and how much time is spend on reaching specific programmatic proposals or collective positions on a given topic? (Carolina Tohá, PPD’s congressional-candidate, personal interview, 2001)

Regarding parties’ internal procedures, today the positions of incumbent candidates who want to seek reelection are virtually uncontested.<sup>74</sup> Indeed, consistent with my evidence, incumbent candidates run in the majority of the districts and their electoral fortune hinges more on their performance as

“constituency servants” than on the programmatic stance of their parties.<sup>75</sup> Furthermore, according to available evidence, when an incumbent runs for reelection and is among the top two candidates (Chile’s electoral system allocates two seats per district) spending the most in her electoral campaign, there is almost no chance of electoral defeat.<sup>76</sup>

Meanwhile, parallel mutations are observed at the municipal level where the strengthening and greater autonomy of mayors from their party’s Congress members to obtain patronage resources contributed to generate a split between both levels. Frequently, such a split is reinforced by mutual distrust based on the alleged future electoral ambitions of both mayors and Congress members.<sup>77</sup> According to my fieldwork evidence, mayors tend to behave as “feudal lords,” usually “neglecting and ignoring council members,” and “claiming credit for everything that happens in the municipality.”<sup>78</sup> As a result, a strong incumbency advantage has developed, triggering further personalization at the local level.<sup>79</sup> Particularly in the poorest districts, candidate selection and post-electoral pacts struck by council members to elect a mayor under the pre-2004 electoral rules were increasingly guided by personal negotiations between those elected council members and the soon-to-be mayor.<sup>80</sup> These pacts usually cut across party lines (and sometimes even electoral alliances) and are negotiated on the basis of access to the municipal machine to advance a personal career.<sup>81</sup>

After all, lacking significant contact with partisan national leaders, local activists and candidates needed to turn to the mayor and to other opposition activists in the municipality to strike deals and secure their access to the resources needed to successfully run for local office. This collusive political structure at the local level not only strengthened the mayor, but also hindered the process of administrative oversight by the Municipal Council, as council members’ allegiance could be “easily bought.”<sup>82</sup> This scenario was particularly likely when an internal split existed between council members of the same party or pact, due to election campaign confrontation. However, when the mayor was too weak as a result of the fragmentation of the Council or the presence of a cohesive partisan opposition block (i.e., in the Municipality of Lo Prado), council members denounced administrative irregularities and forced turnover.<sup>83</sup>

Consistently, administrative irregularities seem to be gaining strength in a context in which privatization and outsourcing provided mayors greater discretion in contracting out companies to provide services to the municipality.<sup>84</sup> Given the scarcity of state resources, the connections between politicians, private business, and even drug-trafficking gangs gained importance as a mechanism to exchange campaign resources for economic benefits and protection.<sup>85</sup> According to an available estimate, 51 percent of the corruption allegations at the municipal level correspond

to illegal contracting forged to favor private enterprises that are sometimes owned by the mayor or his/her family.<sup>86</sup> This explains why Chilean municipalities have begun to be seen by oversight bureaucrats as “the most shameful and corrupt institutions of the state.”<sup>87</sup> Strikingly, however, only beyond an “intolerable” threshold of two corruption scandals will the mayor lose electoral support. Moderate corruption, on the other hand, tends to correlate with an improved electoral performance in the following election.<sup>88</sup>

TABLE 6. Predicting vote choice in 1988 on the basis of programmatic divides

Variables	Model 1	Model 2	Model 3
Moral	1.07	1.06	1.07
State/Market	.86	.84	.84
Regime	.97	1.02	1.01
Education		1.16	1.16
Left Right Self-Placement			1.00
N	653	637	637
Log Likelihood	-435.9122	-423.15474	-423.15398
Pseudo R <sup>2</sup>	.00	.00	.00

Dependent Variable: 1=Would Vote for Frente Amplio, 0=Would Vote for either Traditional Party  
Reported coefficients are Odds Ratios (\*=.05, \*\*=.01, \*\*\*=.005)

TABLE 7. Predicting vote choice in 2002 on the basis of programmatic divides

Variables	Model 1	Model 2	Model 3	Model 4
Moral (Participation)	1.39 (***)	1.27 (*)	1.16	
State/Market	.5 (***)	.52 (***)	.59 (**)	.6 (**)
Regime	.97	1.05	.91	
Education		1.47 (**)	1.22	
Left Right Self-Placement			.00 (***)	.00 (***)
N	420	391	359	388
Log Likelihood	-229.02367	-208.82834	-116.77645	-126.51921
Pseudo R <sup>2</sup>	.09	.10	.45	.46

Dependent Variable: 1=Would Vote for Frente Amplio, 0=Would Vote for either Traditional Party  
Reported coefficients are Odds Ratios (\*=.05, \*\*=.01, \*\*\*=.005)

Before deriving further implications from this evidence, I turn to a discussion of the Uruguayan case.

### CONTEMPORARY PROGRAMMATIC PARTY-VOTER LINKAGES IN URUGUAY

According to the historical trajectory of the Uruguayan party system, I hypothesized that the historically-predominant, non-programmatic linkages should have ceded ground to increasing programmatic competition structured around socio-economic conflicts spurred by attempts at market reform in the post-transitional period. However, given the relative weakness of the authoritarian coup coalition and the historical irrelevance of the religious-secular conflict, both of these alternative divides should not translate clearly into the structure of programmatic party competition.

Available evidence supports the hypothesis of the increasing substitution of traditional party-voter linkages (based on clientelism, patronage, and powerful historical partisan subcultures) for programmatic linking during the post-transition to democracy and in the context of attempted structural reform. As shown in Table 6, in 1988 none of the programmatic divides had a significant effect on the vote choice of Uruguayan citizens. The same applies to education and left-right identification, pointing to the absence of tangible programmatic or “sociological” class alignments in the system. However, the situation was very different in 2002 (Table 7). This time, both the state-market and the religious divides obtained significant coefficients that resisted the inclusion of education in the models. The overall fit of these regressions is similar to that obtained for Chile. Finally, whereas the state-market divide continues to be a significant predictor of vote choice (obtaining a similar odd ratio to the previous models) the variance explained by the religious divide is best explained by the ideological self-identification of voters.

In sum, contrasting with what has been observed in Chile, programmatic linkages between parties and their constituents seem to have increased in Uruguay. Moreover, unreported evidence and coinciding arguments also suggest that the current system is structured around opposition between two partisan families, one composed of the two traditional parties and their voters, and the other composed of the leaders and voters of the left.<sup>89</sup> The mapping of ideological preferences for each family shows a greater level of programmatic crystallization than observed in Chile, with voters and parties pertaining to each family mapping consistently apart from their political rivals, in spite of educational or socioeconomic background.<sup>90</sup>

Therefore, the socioeconomic segmentation of programmatic party-voter linkages observed in Chile (with lower classes showing much greater levels of

programmatic confusion than their upper classes counterparts) is significantly less prominent in this case. As shown above, this configuration of programmatic competition also correlates with negligible degrees of partisan and ideological dealignment and with stable patterns of electoral participation by the Uruguayan citizenry. The next section looks at the parallel evolution of non-programmatic party-voter linkages in this case.

### CONTEMPORARY NON-PROGRAMMATIC PARTY-VOTER LINKAGES IN URUGUAY

Here I also rely on qualitative evidence proceeding from field research in seven electoral districts, applying the same sampling criteria and interview structure as used for Chile. In Uruguay, those seven congressional districts also correspond to the jurisdictions of seven municipal governments.<sup>91</sup> As shown in Table 8, these districts combine different configurations in terms of their overall socio-economic indicators, economic production, financial standing, and weight of central state transfers in municipal income.<sup>92</sup> Table 9 in turn, provides a characterization based on each district's electoral trajectory.

All such districts comprise more social heterogeneity than observed in the Chilean case. Although local Human Development Indexes are not available, the comparison between indexes of educational capital of households among zones corresponding to the same district illustrate such internal heterogeneity. Additionally, the country shows less socially-segmented patterns of political behavior, with national trends affecting local politics more directly than in the Chilean case.

For this reason, it is difficult to establish clear-cut distinctions at the district level and a parallel analysis to that presented for Chile would require a much more detailed analysis of specific zones within districts. To complicate matters more, electoral return data segmented by geographical zones within districts is incomplete and not as reliable as in Chile. Therefore, I present a general overview of the evolution of non-programmatic linkages in the system, without drawing systematic comparisons between districts and municipalities. However, whenever possible (when patterns are sufficiently clear and segmented) I draw basic distinctions between municipalities in which different trends are observed. Below, I also compare districts' recent electoral evolution and present a tentative typology of district types, discussing the general implications of the observed patterns of non-programmatic linking in municipal governments.

Significant disruptions are also observed in this case regarding the nature of non-programmatic party-voter linkages, this time in conjunction with the consolidation of programmatic-competition between two ideological families

TABLE 8. District Characterization, Political Trajectory, Party Strategy, and Recent Electoral Outcomes\*

District and Mayoralties (Localities included in fieldwork activities, but which do not conform an electoral district)	Average Human Development Index 1998	Average number of people in poverty in 2002	Average Educational Capital of Households (Average years of education of household inhabitants of age 20 or older)	Population/ Percentage Urban Population	GDP (annual, in dollars)	Central Government Transfers/ Total Municipal Income (Average 1990–1997) (Michelin 1999)	Municipal Debt/GDP 1997 (Michelin 1999)	% of Expenditures in Wages (Michelin 1999)
<b>Montevideo</b> Casavalle La Teja Barrio Sur Malvín-Carrasco Pocitos	.861 n/a n/a n/a	22.9% n/a n/a n/a	n/a 6.14 7.87 10.01 10.88 11.84	1.344.839/ 97%	10.858.162	2.8%	n/a	51.5%
<b>Canelones</b> San Jacinto Canelones Ciudad de la Costa	.832 n/a n/a n/a	17% n/a n/a n/a	n/a 5.7 7.4 9.4	443.053/ 87%	1.319.049	15.8%	1.88%	54%
<b>San José</b> San José de Mayo Delta El Tigre y Villas	.825 n/a n/a	22% n/a n/a	n/a 7.0 5.9	96.664/ 78%	369.507	17.8%	.24%	42.5%
<b>Tacuarembó</b>	.808	31%	7.2	84.919/ 80.5%	381.205	20.1%	1.62%	44%
<b>Paysandú</b>	.825	32%	7.7	111.509/ 90%	550.767	15.5%	.86%	46%
<b>Artigas</b> Bella Unión	.793 n/a	42%	7.4 7.1	75.059/ 89%	270.012	22.7%	3.03%	60%
<b>Salto</b>	.804	34%	7.5	117.597/ 88.5%	462.783	15.6%	1.11%	51%

\*Source: UNDP 1999, Veiga and Rivoir 2002, Instituto Nacional de Estadística, and Kaztman 1999.

TABLE 9. Electoral Trajectory and Current Configuration of Selected Uruguayan Districts

	Most Frequently Elected Parties to Local Office 1942-2000	Recent Political Trajectory	Most penalized party in Municipal Elections, regarding national elections (2004-05)/ Less voted party in Local elections	Party-System Configuration in 1999 and 2004. Congressional (Municipal Elections)	Party Elected to Municipal Office in 2004
<b>Montevideo</b>	PC (8), FA (1)	Hegemonic FA	PB (-14.6)/ PB (9.9)	Predominant Party (Predominant Party)	FA
<b>Canelones</b>	PC (9), PB (3)	Competitive	PB(-6)/PC(6.3)	Competitive with Emergent Predominance of FA (Same pattern)	FA
<b>Artigas</b>	PC (12)	Hegemonic PC	PB(-8.7) / PC(22.4)	Competitive (Predominant Party, turning competitive)	PB
<b>Salto</b>	PC (9), PB (3)	Hegemonic PC	FA(-4.3)/ PC(21.1)	Competitive (Same)	FA
<b>Paysandú</b>	PC (8), PB (4)	Competitive	PB(-2.3)/PC(6)	Neo-bipartidism (Same)	FA
<b>San José</b>	PB (8), PC (4)	Hegemonic PB	FA(-9.5)/ PC(2.8)	Neo-bipartidism (Predominant Party)	PB
<b>Tacuarembó</b>	PB (8), PC (4)	Hegemonic PB	FA(-10.9)/ PC(4.4)	Neo-bipartidism (Predominant Party)	PB

Source: Constructed by author on the basis of Alborno (several years) and Corte Electoral Elecciones: Elección de Gobiernos Nacionales y Departamentales, Resultados y Proclamaciones. Cámara de Representantes, Montevideo.

on the state-market divide and the progressive erosion of the state's capacity to reproduce the wealth of clientelistic side payments that used to feed partisan (and fractional) political machines both in the pre-authoritarian period and until the early 1990s.<sup>93</sup>

The successive and persisting economic crises suffered by the country since the late 1950s and the increasing levels of fiscal deficit have, on the one hand, contributed to eliminating legitimacy from the traditional system on the view of patrons (both traditional parties occupying the executive), and confronting—since the transition to democracy—significant international pressures to reform state structures and pursue economic liberalization. Additionally, the economic downturn has also fed popular discontent with government and with reformist projects attempted by the government. Confronting surmounting fiscal deficits and international pressures, the government has invested in the modernization and rationalization of state enterprises and the introduction of new information technologies in the public bureaucracy.

Some of those state reforms (like the instauration of a system of digital labor history for administering pension benefits and the modernization of state enterprises) have restricted the stock of available goods that were the object of traditional clientelistic transactions—such as the distribution of pension benefits (usually non-contributive) and the activation of administrative shortcuts (through the operation of party-activists working in every state-agency) to obtain, for instance, a telephone or electricity line.<sup>94</sup>

Furthermore, politicians have also tied their hands by establishing, in 1995, a prohibition against hiring permanent employees in the central state apparatus for ten years (Law 16.127). Although renewable temporal contracts were subsequently used to hire employees in the central administration, these contracts were not frequently accessible to be used in hiring unskilled workers, therefore limiting the room for patronage development in the central bureaucracy.<sup>95</sup>

In this context, virtually all Congress members point to job supply as the most pressing demand and frequently rely on their connections with private business people (including FA's Congress members) in order to seek employment for their constituents. Nonetheless, the job supply always falls short. The combination of receding goods for forging non-programmatic linkages and social discontent with the governing coalition configured a lethal cocktail for traditional party politicians. As put by a PB congress-member trapped between two alternative logics of party-voter linking:

I started distributing telephones (telephone lines). And I do not know if that helped me or not for the elections, but what I can tell you today is that before I could respond to that demand. Today, I face innumerable

demands that I cannot respond to. We used to have pensions, water and electricity connections, public employment, free bus tickets... What happens is that Uruguayans are very clientelistic. And today, the problem is that we have many demands and we lack the ability to respond. Everywhere in the world citizens demand more welfare, and there are two ways of interpreting that. You can see it as personal and individual welfare, or you can see it as greater collective welfare. The problem is that today, we cannot provide neither of those. We are in a transition between a paternalistic state that provides for everyone and a liberal model in which everyone needs to be creative, inventive, and able to provide for one's self. And in this transition we encounter a huge economic crisis. Then, what we have is a line of people that still thinks that we can provide for them while we can't, and at the same time, we cannot claim that the country is improving, because people are suffering a lot. (Jaime Trobo PB Congress member, personal interview, 2003)

Finally, at the territorial level, the most prominent national political apparatuses of each traditional party have been severely weakened. The penetration of the mass media and survey research in Uruguayan society, in the context of increasing levels of programmatic competition, has granted national leaders a greater capacity to bypass territorial partisan networks that from an instrumental point of view became increasingly expensive to maintain in the wake of the state's fiscal crisis. This fact has important implications for the weakening of the partisan networks of both traditional parties and their decreasing capacity to offer a wide political menu in every electoral instance and at every territorial level.

Furthermore, but also deriving from the reduction of the available stock of goods for establishing non-programmatic linkages with constituents, both traditional parties have witnessed a process of bi-fractionalization, which translates into a reduction of the historically high levels of internal competition observed within both parties.<sup>96</sup> As both PC (Foro Batllista) and a PB (Herrerismo) local leaders state:

They have discouraged the little ants. We are little, but we are the ones gathering votes for them. Before, every weekend, I went out to the countryside, to little towns, to talk to the people. Today, I don't do it anymore. I have maintained the friendship with the people, but we cannot sacrifice friends for politics. We cannot go out and promise what we don't have. We don't have anything now. So, we set up the list with a group of friends who had a good economic situation, so we did not have to promise anything. If someone came and ask for something, we just told them that we did not have anything to give. The only thing we promised

was to try to force an internal change in the party. (Hubaré Aliano, PC local activist in Tacuarembó, personal interview, 2003)

The political power in Montevideo is forgetting us. And that's a terrible mistake. We cannot be connected only when they need us for the elections, there has to be a better way of staying in touch. That's the tradition of *herrerismo*, that's why we were so strong. Now, national leaders have disappeared and that hurts the party. This time they did not provide political offices to us. Let's say two or three offices in the state, anything somewhere. In the committee you have people working all year round and they are the ones keeping the presence of the party alive here. Then, when elections come they benefit from that. But when we go there, they shut the door on your face. And if the party has no reciprocity with us, we cannot provide for the people. Then, how can I go and ask them for their vote? (...) Even though I am *herrerista*, I know that the hegemony of Herrerismo has hurt the party. We have always been a party of many candidates, three, four, or even more. And last time, we came to the national election with only one candidate and after a primary that had left many injuries open. The Blancos do not like to vote like that. They like many candidates, the Blanco Independiente and the Herrerista are different. They like different candidates and those differences benefit the party's electoral performance. (Juan Creceri, PB local activist in Bella Unión, personal interview, 2003)

Although both traditional parties have increasingly relied on partially paid political activists during campaigns, independents and "mercenaries" are still a rare specimen in Uruguay. Today, political clubs from both traditional parties are rare in Uruguayan neighborhoods and they are only seen during electoral campaigns. As put by a PC congress member:

My party has lost its territorial organization. Leaders have not worried about maintaining a modern political structure for the party, which could allow a working framework to directly connect with the people. We do not have a strong base structure; we just have a traditional organization that gets quickly organized during electoral periods. But we do not have something that helps us to connect on a regular basis with our party bases, with our activists. And individual efforts by different members of the party are not sufficient in that respect. (Ronald Pais, PC Congress member in Montevideo, personal interview, 2003)

Therefore, coinciding with trends observed in Chile, traditional political brokerage has atomized and it is now starting to be exerted by local (and individual)

referents, usually tied to municipal governments or to individual Congress members. A successful PB congress-member working on the tradition of *herrerismo* and who has one of the best developed political structures in Canelones states:

Our day to day work is much harder than during campaigns. In campaigns you have fireworks, noise, barbeques, acts, and emotive discourses. The day to day work is much more complicated as you always face the temptation to lay back, to let days go by. And you cannot do that. I am always in contact with 190 or 200 local social referents that I have distributed all over the district, which thankfully are able to fulfill a social mission. With pray I can now say that in the neighborhood Artigas in Sauce there is one commission and its president works for us; if there are people working on the CAIF Centers (focalized community and NGO sponsored pre-schooling and childcare for poor families), we have for sure someone from our organization inserted in that group; in school commissions we have someone; in housing cooperatives some members work for us. Therefore, we have people well-inserted into the social network and those are the ones I work with. I cannot go to Soca and tell them what is happening in their place. They need to tell me and I need to seek solutions for them. That's how it works. I am their "carry-boy," that's your job if you are a young congress member. And then we have 52 strictly political referents in the district. And fortunately, all of them are amateur. We also have a group of professional friends who help us offer professional services that people cannot afford. We have two lawyers, two specialists in paperwork requirements for obtaining pensions, an agronomic-engineer that helps small producers, a psychologist. (Luis Lacalle Pou, PB Congress member in Canelones, personal interview, 2003)

Nonetheless, this type of personalized fieldwork structure is still rarely found within traditional parties, which cannot usually compete with the powerful territorial apparatus of the FA. Indeed, the case of the FA highlights the importance of a very powerful and vocational network of partisan activists working in every locality of the country.

In line with the party's ideological profile, the FA's Congress members (particularly those of Montevideo and metropolitan areas) usually highlight their role as party-members, seeking to reduce the scope of personalization of their political linking with constituents. In addition, FA members usually highlight the role of social organizations and the importance of "promising a change" instead of providing material incentives to people:

We need to make a distinction. I think there is a clear difference between

my party, the Socialist Party, and the traditional ones. They campaign during elections and then, each one of their candidates campaign on a personal basis, setting up a political apparatus for her. My party is not like that, we select candidates in a congress, democratically. And then, once we have the list, we work for the list, all together. This does not mean that we are not human beings and that we are better known in certain social spheres in which we, as individuals, work more frequently [...] We help people trying to provide answers to them, but what we need to try is getting close to those places (shanty-towns) by stimulating people's organization around their common problems. Clientelism comes with political paternalism and we need to break that up. Today, the "poor credential" is not helpful; today, I do not solve anything by handing out eight ceiling pieces per family. People need to organize collectively to have electricity, water, and a better road. That way you build consciousness. (Artigas Melgarejo, FA Congress member in Montevideo, personal interview, 2003)

The emergence and later consolidation of FA and its continuous electoral growth can also be seen as partially explaining the decreasing overall importance of non-programmatic-linking in the system. On the one hand, lacking access to state resources (at least until 1989 with its arrival into the mayoralty of Montevideo) this party needed to rely on alternative linkage strategies to efficiently compete with the PB and the PC. The FA's traditionalization, the party's control of crucial socialization vehicles in society, and its ideological positioning as the defender of *batllismo* against reformist attempts yielded both strong partisan identifications and a programmatic basis to compete with the PB and the PC, while increasingly attracting dissatisfied voters to its ranks. On the other hand, the growing levels of electoral volatility in the system and the FA's systematic growth in every election fostered growing levels of cynicism on the virtues of clientelism in the eyes of traditional party leaders:

For traditional parties clientelism has been a total disaster. Every public employee seems to have been appointed the FA. During my political life, I might have placed, for different reasons, about six hundred people. Of those, I am sure that no one is voting for me. They are all leftist now. We put them there and six months after they turn leftist. What a puzzle? Like every communist, they are traitors. They tell you they will support you, but you won't ever see them back once they got their post. (Hugo Cortis, political advisor of a PC Congress member in Artigas, personal interview 2003)

The competition between both traditional parties and the left has also provided the former with the opportunity to renew and reaffirm their political identities. Therefore, especially in the interior of the country, the persistence of strong political traditions and identities has also provided traditional parties with important capital to avoid the degree of personalization and partisan dealignment observed in the Chilean system. At the systemic level and when coupled with the FA's gradual electoral growth pattern, this translates into greater degrees of party system institutionalization than those observed elsewhere in the region.

To conclude, the evidence suggests that, as theoretically claimed by Filgueira et al. (2003), since the mid 1990s the traditional system of clientelistic mediation has suffered from three interrelated transformations: a) a recession of clientelism in the system, b) a mutation of non-programmatic linkage strategies and the nature of the goods used for those linkages, and c) the refuge of clientelism at the municipal level, where significant incumbency advantages have developed.

Regarding municipal governments, an FA Congress member recognizes the social role that municipalities needed to fulfill, when confronting the greatest economic crisis in the country's history and the financial collapse of the central state:

They are facing severe (budgetary) cuts and the central government has not transferred resources to them. Hospitals are national and only a few municipalities have primary health clinics. They cannot invest in infrastructure, which depends on the Ministry of Public Works that lacks resources. Before, the Banco Hipotecario and the Housing Ministry financed housing construction and you also had housing cooperatives. Today, that's all dead. So, I don't know if I would not be doing the same thing they are doing these days. Like the Mayor of Lavalleja, a great guy. He has cleaning jobs to hand out in the municipality and has created a rotation system in which one time the housewife, one time the husband, one time their children get those jobs. So, he has many families depending on the Municipality. But you need to understand; in the interior you have basically three job sources, productive facilities are closed. Then, either they go to the police, the army, or the municipality. So, although rotation is not as clean as we do it in Montevideo where we draft people, it is also a good way of generating some economic dynamism in the local economy. (Margarita Percovich, FA Congress member in Montevideo, personal interview, 2003)

Especially when operating around atomized and impoverished social-structures and low levels of electoral competitiveness, the relative autonomy that municipalities still maintain provides important leverage to develop encompassing

clientelistic encapsulation. Indeed, municipal governments usually become “infernal (political) machines” in the context of political campaigns. This is illustrated in the dialogue between two PC local leaders of Tacuarembó:

**HA:** With Sanguinetti, in 1985, we had the opportunity to gain the municipality. It was incredible; people came here to ask for the list. You did not even need to convince them. But we failed to select a good candidate here, and he did not work [...] And they got the mayoralty, the hospital, everything. From then on, we have declined year after year [...]

**DR:** Things are crystal clear. Even an idiot would have a basement of 2000 votes if he runs the municipality, because at least, 2000 owe you favors [...]

**HA:** Look at the last campaign. Within the Blanco Party, Alianza Nacional (the fraction of the Mayor, Eber Da Rosa) defeated the Herrerismo in the primaries of May 1999, by 4000 votes. Then, Da Rosa renounced for the campaign and the vice-Mayor gets his seat. Right away he went from Alianza Nacional and struck a deal with the Herrerismo. Drawing on the Municipal machine, in three months, they almost discounted the difference and won the election...

**DR:** If the election had been a week later they would have won it [...]

**HA:** Do you know why they failed? Because they did not have a guy organizing the social service of the Municipality, distributing building blocks, ceiling pieces, food, in an organized manner. Their logistics failed. They were distributing stuff over night. It was like in the dictatorship, you heard trucks going up and down, all night. And that season, it rained a lot and they could not deliver as many things as they have planned for. Eight-hundred social service orders were not distributed. And with those eight hundred orders, at least you can get a hundred votes. And they lost by a hundred. Otherwise, they would have won. Do you know what they did? They deliver building blocks as if they were birthday cakes [...]

**DR:** Everyone does, tomorrow Pepito gets the mayoralty and Pepito will do it.

**HA:** Municipalities are vote-creating machines here. That’s it. (Hubaré Aliano and Domingo Ramos, PC local activists in Tacuarembó, personal interview, 2003)

Beyond strictly clientelistic deals, the mayor, given the centrality of its role in the district, can also bank on the provision of basic public goods for developing electoral support. Like in Chile, politicians who work in socially heterogeneous

districts are able to draw fine distinctions between the effectiveness of public good provisions at the local level in fostering incumbents' electoral support. These distinctions clearly illustrate the segmentation of linkage strategies also observed in the Uruguayan case:

In certain zones you have people with higher cultural levels, where you have an enormous incidence of Montevideo, and therefore, where the opposition has a better show up. It is very difficult to deal with them. Indeed, many of the people who now live in Ciudad de la Costa came from Montevideo and are used to certain living standards in terms of urban development and basic infrastructural services. They came seeking peace and a better quality of life, but now have encountered important infrastructural problems. And no matter what you do, they are dissatisfied. Look, in other places of the district you build up a road of 1500 meters and everyone is happy. In Ciudad de la Costa you can invest millions of dollars and everyone is against you. They vote on the basis of what they see on the media. But, you just fix some holes in the road and the people from rural areas or small towns in the interior will be thankful to you all their lives. (Jorge Duque, PC congress-member in Canelones, personal interview 2003)

In addition to the socio-structural characteristics of the population, the size of the private sector (and the corresponding weight of the municipal government in the local economy) also has an important impact on political behavior and the extent to which programmatic-linkages are feasible:

We analyzed this on the basis of Census data and we reached the conclusion that in Artigas, 80 percent of the families depend on income coming from public sources, either national or municipal. In Bella Unión, the proportion was reversed, with only 20 percent living from direct or indirect state transfers. And political behavior correlates with that; the left does well where people are not dependent on the state. You cannot develop a classical leftist strategy where people are fearful of the power holder. And that happens when they depend on them for their jobs. Here, the Municipality was not paying employer's contributions to the pension system. That is money from the employees that was illegally appropriated by the Municipality, hindering their future pension. Indeed, they even lost access to credit because they showed up as debtors. We publicly denounce this situation asking municipal employees to support a legal claim against the Mayor. We have 1200, 1300 employees in this Municipality. Do you know how many of them signed out? Eleven. In Bella Unión people are more able to resist

and that facilitates our task of ideological and political formation.” (Omar Alvez, FA’s local activist in Artigas, personal interview 2003)

In sum, converging with the trends observed in Chile, municipal governments have gained importance in forging non-programmatic linkages between (lower-class) voters and parties in Uruguay, with mayors dominating local politics and obtaining an important incumbency advantage (limited in this case by the prohibition of the mayor’s second consecutive reelection). Like in Chile, this translates into a strengthening of mayors vis-à-vis Congress members, who have lost brokerage opportunities with the impoverishment and fiscal stress faced by the central state.

However, the programmatic representation gap between voters situated at different extremes of the socioeconomic ladder seems to be less in Uruguay than in the Chilean case. Congruently, when comparisons are drawn between both partisan families, the nationalization of electoral trends at different levels (presidential, congressional, and municipal) is significantly greater than in the Chilean case.

While the fiscal crisis of the Uruguayan state decreased the room for the creation of particularistic side payments in the system, the weaker development of the private sector in the economy reduced the importance of private sector donations for campaigns. Therefore, though probably growing, the leverage of private sector donations for distorting the fairness of the electoral game is undoubtedly less than what is found in Chile. Although the weight of the private sector in the economy is still much lower in Uruguay than in Chile, private companies have also begun to provide goods that Congress members and municipal political brokers can then (seek to) exchange for votes.

In this case, however, business interests do not articulate a hegemonic group consistently pushing for a specific programmatic agenda (as in Chile, where they can be seen as the *de facto* protectors of the status-quo), but support political parties (usually homogeneously) to enhance their opportunities to obtain public concessions or protect their particular business interest from damaging legislation.<sup>xvii</sup> Therefore, these practices do not translate into significantly skewed access to programmatic-linkages because on the one hand, programmatic mobilization has grown in the system and has been able to reach former pockets of traditional clientelism. On the other hand, private sector donations are less important and seem to cut transversally across all major political parties.

## THEORETICAL IMPLICATIONS

Motivated by a revision of the empirical evidence presented above, this section performs a comparative analysis of both cases, deriving theoretical implications for analyzing the evolution and current nature of party-voter linkages in contemporary Latin America. Although Chile and Uruguay represent instances of institutionalized party systems working in the context of relatively durable democracies, the historical reconstruction of their divergent trajectories in the long-run has shown how their different long-term trajectories impact the patterns of representation observed in each system today.

The comparative analysis of both cases' path-dependent trajectory suggests that linkage strategies evolve dynamically in the region, resulting from the interaction of party systems' long-term configurations, patterns of ISI reform, and partisan adaptation strategies. As well, while both cases remained as highly "institutionalized," programmatic linkages in Chile and Uruguay evolved in contradictory ways, declining in the former and emerging and strengthening in the latter. Arguably, structural and state reforms, and their impact on the nature of collective action, are the main causal triggers of the inverse evolution of programmatic linking observed in these cases.

Drawing on the initial distinction between programmatic and non-programmatic linkages drawn above, Table 10 presents a more elaborate typology of linkage types, identifying the necessary conditions for structuring four different types. The first two types can be considered instances of programmatic linking structured around partisan competition for the provision of collective goods.

In the first of these two types, parties have programmatic relations with collectively organized interest groups representing, for instance, functional segments in society. To be implemented successfully, this type of linkage requires the simultaneous presence of at least three conditions: issue/cleavage mobilization on salient policy dimensions; the presence of intermediate societal organizations with ties (more or less systematic) to specific parties; and the presence of relatively well-developed partisan apparatuses that have organizational and symbolic resources at their disposal, in order to facilitate the organic linking of parties and interest groups on the basis of programmatic mobilization.

In turn, the second type represents scenarios in which programmatic linking is structured on an individual basis. In this case, citizens vote for parties and candidates that represent their programmatic preferences but do so in isolation. For this type, cleavage/issue mobilization is also a minimum requirement. In addition, in modern societies, candidate/party media access is required to suc-

cessfully establish programmatic linkages with isolated voters. A partisan apparatus setting up incentives to cultivate a party's programmatic reputation might also be required from an inter-temporal perspective. However, a single shot instance of programmatic representation can be established in a single election and in the absence of well-developed parties.

The remaining two types represent instances of non-programmatic linkages. The former describes systems in which hierarchical partisan networks are in place, bridging national elites and the state bureaucracy with local partisan cadres

**TABLE 10. A Typology of Linkage Types and the Stylized Trajectory of Programmatic and Non-Programmatic Linking in Chile and Uruguay\***

Type of linkage →	Programmatic Linkages: Collective Goods		Non-Programmatic Linkages: Individual Side-Payments	
	Organic/ Functional Programmatic Linking	Individual Level Programmatic/ Valence Linking	Clientelism / Patronage Centralized	Clientelism/ Constituency Service, Decentralized
Cleavage/Issue Mobilization	Yes	Yes	No	No
Intermediate societal organiza- tions with ties to parties	Yes	No	No	No
Partisan apparatuses and symbolic resources	Yes	No	Yes	No
Candidate media access	No	Yes	No	No
State goods and subsidies	No	No	Yes	Yes
Candidate- centered local structures and particularistic side-payments	No	No	Yes	Yes
<b>Empirical Instances</b>	<b>Chile (pre-1973, socioeconomic/ religious secular, transversal)</b>  <b>Uruguay (post-1990, socio- economic, trans- versal)</b>	<b>Chile (post- 1990, authori- tarian/ democratic divide, upper sectors and strongly social- ized voters)</b>	<b>Chile (pre-1973)</b>  <b>Uruguay (pre-1973)</b>	<b>Chile (post-1990, increasing)</b>  <b>Uruguay (post-1990)</b>

and leaders. In the latter, linkages are structured at the local level, with relative autonomy from national and partisan elites. Therefore, while the first of these types requires the presence of strong partisan networks and becomes feasible with the presence of state financing of electoral side payments, the latter only requires the presence of local candidacies with access to state (usually municipal) or privately provided goods that could be used as electoral side payments.

Applying this typology to interpret the narrative presented above for each case, the last row of Table 10 identifies the stylized trajectory of both party systems. In this regard, I claim that the Chilean system has been historically structured around programmatic/organic linkages, as well as a centralized system of non-programmatic linkages reaching the local level. After 1990, this system has evolved towards a more clearly-segmented linkage pattern, with upper sectors linking individually to partisan pacts on the basis of the authoritarian/democratic divide and with lower sectors linking to parties on the basis of localized non-programmatic relations. Meanwhile, Uruguay's party system has pursued a transition from a system dominated by centralized clientelism and patronage to one in which the competition on the socioeconomic divide has gained predominance.

How does each of these trajectories relate to these countries' path-dependent political economies and institutional trajectories? More specifically, how do patterns of state reform, decentralization, and party system competition interact to explain each national trajectory? On the basis of the empirical evidence presented above, Table 11 presents a hierarchy of different causal factors affecting the requisites identified in Table 10 for structuring types of party-voter linkages at the national level. Moreover, Table 11 characterizes the theorized causal mechanisms at play and displays a stylized description of each case's specific trajectory on each independent variable. However, as the nature of my causal argument is contextual (conjunctural), the interactions between this set of independent variables on each case are central to my explanation. With this caveat, I now summarize the most relevant findings of my case studies.

Regarding state structures at the national level, both the emergence and dismantling of ISI under processes of democratic contestation provided powerful incentives for the programmatic tensioning of national party systems. For instance, the current patterns of programmatic and non-programmatic linking observed in Chile cannot be explained without accounting for the massive disruptions lived by the country and its party system under Pinochet's regime.

In Chile, the atomization of society fragmented interest groups, hindering collective action and reducing the ability of parties to campaign on coherent programmatic platforms tailored to address the preferences of broad social constituencies.<sup>98</sup> The weakening of the central state also hindered the capacity of

**TABLE 11. Causal Variables Explaining Necessary Conditions For Different Types of Linkage\***

Main Independent Variables			
Theorized causes	Causal Mechanisms at Play	Chile	Uruguay
Timing of Market Reforms	Under democratic competition allows (socioeconomic) cleavage/issue mobilization	During military dictatorship, not politicized	After democratization, heavily politicized
Scope of Market Reforms	Reduces role of the state in providing subsidies and goods and contributes to dismantle policy-feedback from ISI, contributing to atomized interest groups in society, and therefore weakening intermediate societal organizations with ties to parties	Very significant. Therefore, less state capacity and atomized societal organizations.	External openness, without significant state and ISI reforms until 1995, selective reforms (protecting ISI beneficiaries) since then. Therefore, policy feedback (ISI beneficiaries), plus other organizations historically tied to the FA (unions, housing cooperatives, etc.)
Decentralization	Contributes to segmented and localized linkages between parties and voters. In conjunction with state-dominated local economies/social policy provision and weak and fragmented local civil societies might lead to neo-feudal governance patterns	Present at municipal level, central for delivering health and education. Municipal elections since 1992.	Municipalities (varying size), gaining strength while substituting declining central state provision of social policy and side payments. Split elections since 1996.
Political Opportunity Structure	Defines scenario for party competition, partially affecting individual party's organizational and symbolic endowments	Two pacts on the basis of authoritarian/democratic cleavage (policy consensus on economic model) Concertación (including moderate left) in government since democratization. Increasing dealignment and declining participation.	Two partisan families on the basis of programmatic tensioning around state-market divide. Both partisan families maintaining symbolic and organizational resources, though both eroding in the case of traditional parties. Left in the opposition since 1984, but growing steadily. Increasing electoral competitiveness.

Feedback Mechanisms			
Contagion from Successful Partisan Strategy	Induces strategic convergence in the system	UDI: clientelistic machine at the local and district level on the basis of private-sector donations and municipal machines → Concertación's converging on the basis of municipal machines and targeted social policy?	FA: programmatic competition on the socioeconomic divide + decentralized constituency service networks → Traditional parties from state clientelism and patronage to community service and programmatic opposition to the left?
Intervening Variables: Secondary Causal Role			
Electoral Institutions	Might tend to enhance either personalized or party based campaigns	Small districts and municipalities, binominal system, more favorable to personalization.	Proportional representation, varying district size, more favorable to partisan linkages.
Media Penetration	Contributes to individualization of party-voter linkages, either programmatic or non-programmatic and might reduce the role of partisan apparatuses.	High	High
Business-Sector Strength	In the absence of enforced campaign finance regulations might provide resources to substitute for state provision of clientelistic side-payments	High	Low

parties to represent societal interests and to build relatively stable and consistent support bases and policy-making coalitions. Furthermore, in a social landscape characterized by high levels of inequality, political decentralization has increased the distributive results produced by flawed (or socially skewed) political representation, inducing personalism and/or clientelism in lower sectors of society and thus enabling the durability of a low-quality equilibrium.

Meanwhile, Uruguay's increasing levels of programmatic linking can only be explained by the far-reaching implications that the crisis of *batllismo* has created in the system over the last five decades. The relative strength of traditional

partisan subcultures, the capacity of both parties to adapt to a changing scenario, and the FA's sustained but very gradual electoral advance have also proved fundamental in "cushioning" the effects of the country's socioeconomic crisis on the party system, escaping the highly disruptive and rapid processes of de-institutionalization observed in other countries of the region and enabling greater levels of programmatic consistency today.

Closer in time, the divergent political economies of ISI-dismantling observed in each case are clearly related to the current opportunities to establish programmatic linkages that parties face in each system. It is possible to hypothesize that the effects of state reform on the availability of subsidies and particularistic side payments to political entrepreneurs could have acted as a deterrent to the establishment of non-programmatic linkages between parties and their constituents.

However, the evidence I have presented for Chile seems to contradict such statement. Although the number and leverage of intermediate organizations that used to lobby in Congress to obtain specific "club goods" in the pre-1973 system has declined drastically (business and labor groups, organizations of pension beneficiaries, etc.), it is clear that non-programmatic linkages have not receded in the country and that, especially in the poorest sectors of society, they have increased. This increase is now primarily financed through private funding, given business interests' growing role in the economy and the stakes they hold regarding public sector concessions and contracts.

Therefore, in Chile, the shrinkage of direct state intervention in the economy has relatively strengthened both the political leverage and the capacity to produce profits on the part of private sector companies, weakening at the same time the political leverage of the popular sectors. Coupled with territorial decentralization, labor flexibilization, and political repression during the dictatorship, this has also translated into the segmentation and fragmentation of popular sector organizations, which today lack the capacity to structure consistent collective action to link with parties on higher levels of interest aggregation. Finally, even if higher levels of programmatic linking were possible regarding the protection of economic interests on the part of subordinated sectors, Pinochet's reforms and their institutional protection through the 1980 Constitution have evidently restricted the room for partisan programmatic divergence on the state-market divide and consistent coalitional placements on the moral divide.

In turn, in Uruguay the weakness of major structural reforms and the increasing levels of fiscal stress have put redistributive struggles between ISI beneficiaries and the government (along with an internationally-oriented private sector and IFIs) at center stage. Policy feedback mechanisms and the processing of reforms under an institutionalized democratic regime have provided

such groups with important incentives to avoid collective action dilemmas that might preclude organization.

Indeed, the very creation of the CNT (National Labor Union Convention) in the 1960s and the FA in the 1970s shows how, in the context of the crisis of the economic development model, subordinated sectors progressively gained autonomy from the system of clientelistic co-optation that predominated in the country. In this context, non-programmatic linkages became concentrated in lower and unorganized sectors of society. However, even in those sectors, social discontent with economic events and traditional parties' decreasing capacity to provide at the individual level increasingly enabled the electoral advance of FA, which lacked (with the exception of post-1989 Montevideo) the capacity to provide traditionally clientelistic side-payments.

Both cases show that where the opposition is able to compete with some success, incumbents face increasing incentives to realign and compete on such basis, particularly when facing structural limits on their conventional (programmatic or non-programmatic) linkage-strategies. In a way, successful strategies at one particular moment might induce a systemic contagion.

Meanwhile, in both cases, and in the context of the consolidation of individualistic life styles, the increasing role of the media in campaigns has allowed consistent programmatic linking on the part of highly-educated sectors of society. However, particularly in Chile, the same cannot be said of less-educated voters. Furthermore, the increasing importance of the media might have also helped politicians to consolidate personalized media-leaderships, bypassing (and therefore, weakening) organic partisan structures.

Finally, within these divergent socio-structural contexts and historical conjunctures, the institutional framework established by the electoral system and rules also shaped, as an intervening variable, the nature of political representation. Accordingly, Chile's institutional framework is more detrimental than the Uruguayan one given its higher disproportionality in translating votes into seats (and therefore, electoral majorities' incapacity to mark a clearly distinctive profile in the context of supra-majority requirements), the smaller district sizes that predominate in the system (and the consequent personalization of partisan lists), and the relatively high level of political decentralization present in the system.

While nationally the incentives introduced by the binominal system reduce the scope for mobilizing societal conflicts at higher levels of interest aggregation, at the local level, the allowance of permanent reelection by incumbent mayors triggers the creation of strong incumbency advantages that can reduce the scope for programmatic linking, reinforcing the emergence of neo-feudal and corrupt governance

styles in the context of personalization and weak administrative oversight.

The increasing national-local dealignment apparently consolidating in Uruguay after the electoral reform of 1996 seems to confirm this causal link. As well, the comparison between Congress members' *homestyles* controlling for district size (Montevideo and Canelones vs. the rest) suggests that other things being equal, the latter have greater incentives to become constituency servants and clientelistic brokers than the former, which tend to stress their roles as party and list members and who essentially campaign on the media (usually on the basis of fractional messages and leaders).

Switching to the district level, a strong pattern of segmentation in the nature of party-voter linkages exists (especially in Chile) with non-programmatic linkages framed at very low levels of interest aggregation predominating in areas in which societal fragmentation is high. In this respect, the presence of communal and societal organizations (or their legacy) acts as a significant variable, distinguishing among cases with similar levels of human development but which are able to obtain relatively more universalistic representation.

The cases of La Florida in Chile and Bella Unión and Paysandú in Uruguay are clear examples of such a path. This also works at a micro level, when individuals with past participation in labor or other civic organizations suffered from downward social mobility and arrived in socially fragmented zones. Particularly in the case of Uruguay, those individuals have been instrumental in fostering micro-organizations at the base, which then connect to political parties through constituency-service, usually framing programmatic preferences too.

On the other hand, the presence of organized crime and massive insecurity in poor neighborhoods of both countries decreases the chance of building communal organizations of this type. However, it is worth stressing that in Chile, poor districts with high levels of marginality but with strong communal organizations and programmatic orientations (usually emerging from MIR and Communist *Tomas* in the 1960s and 1970s) present a trend towards political disengagement and withdrawal, given their alienation from the Concertación's government. Such organizations have frequently related to municipal or congressional apparatuses on a non-programmatic and anomic way.

In turn, at the local level, the size of the public sector in the economy seems to produce negative externalities on the quality of representation. This is particularly clear in the Uruguayan case, with districts in which the municipality plays a greater economic role (essentially in terms of relative job provision given the scarcity of alternative employment sources) systematically showing greater incidence of non-programmatic linkages and neo-feudal governance arrangements.

Although poor Chilean districts (especially those pertaining to non-socially-

heterogeneous districts) present a similar configuration to the one observed in such districts in Uruguay, the role of the municipality (especially of those run by the Concertación) as the privileged provider of clientelistic and patronage resources is challenged by the presence of political activists in the opposition with equivalent access to privately funded resources.

That is, in the context of a full-fledged market economy lacking strict campaign finance regulations and in which certain parties enjoy privileged access to business and media, the role of the state as the exclusive provider of those resources is lower. Paradoxically, then, higher rates of local competition become feasible. However, such competition becomes increasingly centered on non-programmatic linkages and those in charge of the municipality face greater incentives to (illegally) use municipal resources to compete with the opposition. This is the logic driving the corruption scandals on illegal contracting and administrative irregularities that broke out around 1999–2000 in mayoralties controlled by the Concertación.

Finally, *ceteris paribus*, incumbents facing greater levels of opposition challenges and a tight fiscal situation face a greater incentive to focus on the provision of public goods in order to compete more efficiently. This is the case of heterogeneous popular districts in Chile and of those governed by the PB in Uruguay, where more efficient governments emerged (reducing direct patronage and focusing on the provision of public goods in an attempt to contain the advance of the FA).<sup>99</sup>

The next section concludes and draws comparative implications from this evidence.

## CONCLUDING REMARKS AND COMPARATIVE IMPLICATIONS

“A competitive market economy can be justified sociologically and politically as the best way to reduce the impact of nepotistic networks. The wider the scope of market forces, the less room there will be for rent-seeking by elites with privileged access to state power and resources.”

—*Seymour Martin Lipset, 1993 APSA Presidential Address.*

As the above epigraph suggests, it can be argued that, by restricting opportunities for state patronage and clientelism, the structural reforms that took place in the region can enhance the likelihood of programmatic linking in Latin America. A similar argument can (and often is) made about decentralization, which should enhance the quality of governance and the provision of public goods at the local level by bringing government closer to the people and their everyday lives.<sup>100</sup>

Proponents of decentralization also argue that it can increase democratic accountability and the inclusiveness of the political system, as well as citizen engagement and participation in the public sphere.<sup>101</sup>

Taking Chile as a “best-case scenario”—given its combination of high levels of structural reform and municipal decentralization and historical legacy of an institutionalized and already programmatically-oriented party system—it is possible to challenge both arguments. As shown here, contemporary Chile presents a segmented pattern (dual representation) of citizens’ access to political representation. When the “right” social structures were absent, the effects of structural reforms and decentralization combined to foster the consolidation of non-programmatic linking between parties and voters and the emergence of neo-feudal patterns of local governance.

Moreover, state reforms did not restrict the room for patronage and for the provision of clientelistic side payments—they have just contributed to change its nature and main beneficiaries (those with access to greater quantities of privately provided goods or those with access to public institutions that can engage in irregular contracting with the private sector to extract resources and finance campaigns). In spite of these massive transformations, it is striking that the format of the Chilean party system has changed so little, continuing to show comparatively high levels of institutionalization inspiring optimistic appraisals on the country’s combination of structural reforms and democratic quality.

This outcome needs to be explained by (and is partly an artifact of) a combination of three main factors: the political disarticulation, co-optation, and/or withdrawal of the “losers” of the distributive game (who became “invisible” to policymaking processes, which helped to maintain the socioeconomic status quo and the stability of the regime); the legitimacy that economic growth continues to impart to Chile’s development model, despite the country’s comparatively high levels of inequality and social fragmentation; and the presence of highly constraining institutions that set strong barriers to access for newcomers that cannot challenge the two established partisan alliances, in spite of growing popular discontent with politics and parties.

The Uruguayan case offers another opportunity to test the hypothetical relationship between structural reforms, decentralization, and the nature of programmatic linking. Indeed, in this case the decrease in patronage and clientelist resources that resulted from the state’s fiscal crisis and subsequent state reforms were related to increasing levels of programmatic linking in the party system. Hence, a system in which non-programmatic linkages predominated became increasingly programmatically-oriented as the state crisis and reforms progressed. Nonetheless, considered from a broader comparative perspective with other cases

having similar original configurations, the Uruguayan pattern appears to be an exception in the region.

In other cases, the erosion of historical parties' ability to provide non-programmatic side payments to their constituents led to party system collapse (e.g. Venezuela), increasing voter alienation (e.g. Colombia and Costa Rica), or the re-crafting of non-programmatic co-optation patterns by incumbents (e.g. Peru and Argentina, Venezuela under Chávez). What distinguishes Uruguay's case is that here the different social coalitions of ISI beneficiaries and their tacit alliance with the FA systematically helped to contain popular discontent, while at the same time they enhanced interest aggregation levels in Uruguayan society and the significance of programmatic linkages for party competition in the system.

Moreover, the enduring strength of traditional partisan subcultures and the gradual nature of the reforms (and economic decay) cushioned electoral dealignment and laid the foundation for a programmatic realignment, through which FA became the interpreter of *batllismo*. That realignment allowed FA to induce relatively high levels of programmatic linking with poor constituents by opposing incumbents (and their policy choices) both in the media and in the field.

The divergent pattern observed in Uruguay is thus related to a specific causal configuration centered on the existence of a well-institutionalized and "uncontaminated" party with established friendly ties with interest groups, good territorial organization, consolidated leadership, programmatic appeal, and governing experience at the municipal level. This party operates in a context where the influence of private campaign funding is relatively low, state funding for building non-programmatic linkages has shrunk, and a bipolar adversarial logic between party families based on strong partisan subcultures has emerged.

However, the combination of factors observed in Uruguay is unusual and seems unlikely to be repeated, especially in countries with less-institutionalized party systems, upon which popular discontent and economic distress have had an extremely disruptive impact. Overall, the Uruguayan story suggests that the causal mechanisms that may explain sustained party system institutionalization and increasing programmatic linking are rather complex and cannot be understood via a linear relationship between structural reforms and the nature of party-voter linkages.

In sum, by restricting the scope of state intervention in society and localizing the articulation of collective action, structural reforms and decentralization might reduce politicians' ability to compete on broad redistributive agendas. Given the high salience of economic and distributive issues in the region and the apparent increase in interest group atomization and fragmentation (produced, e.g., by the growth of the informal and service sector vis-à-vis the industrial and public sectors), parties' decreasing ability to compete on the state-market divide and to

craft relatively stable social coalitions on such a basis could significantly restrict opportunities for overall partisan competition in the most salient policy divide in the region.

Although it is worth pointing out that other issues could eventually make up for the lack of policy divergence on the state-market divide (e.g. moral and religious issues, ethnic cleavages, governance issues, public security, etc.), it is also important to spell out the broader implications that current restrictions might have for the quality of democracy in the region.

In the current context of high income disparity, existing policy constraints and social organizations' atomization could paradoxically help to stabilize democracy in the short- and medium-run by reducing opportunities for programmatic representation of subordinated sectors in society. However, in terms of political representation such a reduction translates into a low-quality equilibrium.

The features of this kind of low-quality equilibrium include popular alienation from politics and parties, the consolidation of dual-representation strategies, and the reinforcement of trends that segment access to public goods in society by stimulating the emergence of high-income and low-income ghettos. In other words, sectors that can pay for privately-provided goods enjoy better quality, while those that cannot must either articulate collective organizations to protect public goods or accept poorer quality. The concurrence of these features could reinforce a society's already skewed distributive patterns and decrease stateness across sizable portions of the country where state and democratic institutions do not reach the population. Indeed, the usual assumption in theories of democratic representation that a functioning, sovereign state is present must be scrutinized in future analyses of contemporary political regimes in Latin America, where parties struggle to bridge the gaps present in an atomized society with a weakening state.

In summary, even if the current patterns of socially-skewed party-voter linkages inject stability into (low-quality) democracy in the region, the current equilibrium could become unsustainable in the future unless popular sectors are incorporated into collective channels of interest representation. Unfortunately, the structural conditions under which Latin American party systems operate today are generally hostile to partisan strategies seeking that kind of political representation.

## NOTES

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  19. That is the argument presented by Chibber for India, Spain and Algeria, where in the absence of dense associational life, political cleavages were created from above (instead of emerging from societal divisions), on the basis of the strategic policy competition of parties at the state or national level. Pradeep Chibber, *Democracy without Associations. Transformation of the Party System and Social Cleavages in India* (Ann Arbor, MI: University of Michigan Press, 2001).
  20. Herbert Kitschelt, "Linkages between Citizens and Politicians in Democratic Polities," *Comparative Political Studies* Vol. 33, No. 6-7 (2000), pp. 845–79.
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  22. Herbert Kitschelt, and Steven Wilkinson, *Patrons, Clients, and Policies. Patterns of Democratic Accountability and Political Competition* (Cambridge, UK: Cambridge University Press, 2007).
  23. Piattoni argues on the need to overcome our normative bias against clientelism. She sees clientelism as a form of interest representation which acts as a "a counterbalance to rigid and often clogged institutional channels." According to her, current conditions in Europe (globalization, European integration, and the increase of particularistic politics), might favor the resurgence and resilience of clientelism, which in turn could help to stabilize contemporary European democracies. Nonetheless, even if clientelism is assessed in terms of normatively neutral criteria, when widespread and when operating in a socially segmented way, it might be conducive to political cooptation, devaluating democratic governance. Simona Piattoni, ed., *Clientelism, Interests, and Democratic Representation: The European Experience in Historical and Comparative Perspective* (Cambridge, UK: Cambridge University Press, 2001).
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  26. For instance, a party that links to business sectors on the basis of programmatic relations, exchanging policy representation for access to goods that could then be used in clientelistic exchanges with poor sectors of the electorate would eventually be able to avoid a significant trade-off. Meanwhile, a leftist party with strong ties to organized labor might pursue a strategy of electoral moderation to maximize its electoral return. The trip to the center of the ideological spectrum and the need to develop new electoral tactics or programmatic stances to attract other electoral constituencies (i.e. the informal sector, middle classes, etc.) might eventually generate significant conflicts with its historical base. In this scenario, particularly if the party only relates to constituencies on the basis of differentiated programmatic appeals (therefore

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  32. Rossana Castiglioni, *Retrenchment versus Maintenance: The Politics of Social Policy Change in Chile and Uruguay: 1973–1998* (London, England: Routledge, 2005).
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  65. Precisely, the sample underestimates Concertación’s vote in 1.4% and overestimates Alianza’s share by 1.5%.
  66. Complementary research in three municipalities (one urban and two rural) of the southern X Region of the country was used to control for Urban-Rural and regional differences. Although similar phenomena to the ones described here were found in this district (57), the sample is not sufficient to make valid inferences about rural areas. Future research will address this limitation, expanding the sample to the northern and center regions of the country.
  67. Scott Morgenstern and Stephen Swindle, “Are Politics Local? An Analysis of Voting Patterns in 23 Democracies,” *Comparative Political Studies* (forthcoming).
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75. Frances Hagopian, "Economic Liberalization, Political Competition, and Political Representation in Latin America," paper presented at the Mellon Foundation Sawyer Seminar, "Crises, Choices, and Change: The Micro-foundations of the Neo-liberal Turn in Latin America," Tulane University, December 2, 2002; Patricio Navia, "Legislative Candidate Selection in Chile," in eds., Peter Siavelis and Scott Morgenstern, *Pathways to Power* (forthcoming).
76. Diego Díaz, Pilar Gianini, Juan Pablo Luna, and Rodrigo Nuñez, "El Secreto de mi Exito. seis caminos para llegar y permanecer en Valparaíso," *Revista de Ciencia Política*, Vol. 26, No. 1 (2006), pp. 169–90.
77. Based on a set of thirty interviews with local council-members and congress-members (former and current) from five electoral districts.
78. Interviews with council-members Alejandro Sepulveda (2003) and Manuel Arzola (2003).
79. Carlos Huneeus, *El Régimen De Pinochet* (Santiago, Chile: Editorial Sudamericana, 2000).
80. Before 2004, when mayor and council races were separated mayor, the mayor was elected as the council-member who obtained the largest plurality in the common race. See Mardones for a description of electoral systems applied at the municipal level since democratization: Rodrigo Mardones, "Descentralización y transición en Chile," *Revista de Ciencia Política*, Vol. 26, No. 1 (2006), pp. 3–24.
81. Based on personal interviews with local council-members and two officers of the División Municipalidades of the Contraloría General de la Nación.
82. Ibid.
83. Ibid.
84. Based on data provided by the Contraloría General de la Nación.
85. Based on personal interviews with key informants in the communes of El Bosque, San Ramón, Cerro Navia, and La Cisterna.
86. Alfredo Rehren, "Clientelismo político, corrupción y ética en la nueva democracia chilena," in Paul Drake and Iván Jaksic, eds., *El Modelo Chileno: Democracia Y Desarrollo En Los Noventa* (Santiago, Chile: LOM Ediciones, 1999), pp. 463–81.
87. Personal interview with officers of the División Municipalidades of the Contraloría General de la Nación.
88. Alfredo Rehren and Eugenio Guzmán, "The Effects of the Charges of Corruption on Chilean Municipal Elections: 1992–1996," paper presented at the American Political Science Association, Boston, MA: 1998.
89. Juan Pablo Luna, "Party-Voter Linkages in Two Institutionalized Party Systems: Chile and Uruguay in Comparative Perspective," (Chapel Hill, NC: University of North Carolina at Chapel Hill, 2006); Constanza Moreira, "Las Paradojales Elecciones del Fin de Siglo Uruguayo: comportamiento electoral y cultura política," in ed., AAVV, *Elecciones 1999/2000* (Montevideo, Uruguay: Ediciones de la Banda Oriental - Instituto de Ciencia Política,

- 2000), pp. 87–110; Jorge Lanzaro, ed., *La Izquierda Uruguaya: entre la oposición y el gobierno* (Montevideo, Uruguay: Instituto de Ciencia Política, 2004).
90. Juan Pablo Luna, “Party-Voter Linkages in Two Institutionalized Party Systems: Chile and Uruguay in Comparative Perspective,” (Chapel Hill, NC: University of North Carolina at Chapel Hill, 2006).
  91. Montevideo, the capital city of the country, is one of those districts and concentrates 43% of the total population (1.3 million people) and 60% of the nation’s GDP and elects almost 50% of all lower-chamber congressional representatives. Nonetheless, geographically, Montevideo is the smallest political circumscription in the country. Canelones (a significant fraction of whose territory comprises the metropolitan area of Montevideo) was also included in the sample and is the second largest Municipality, electing approximately 25% of lower-chamber congress-members to represent 450,600 inhabitants. The remaining five selected districts were San José (also in the metropolitan area of Montevideo and with a population of 96,200 people), the center-north Tacuarembó (the geographically largest district in the country with a population of 84,600 people), the western Salto (118,100 inhabitants) and Paysandú (110,000 inhabitants) both of which border Argentina, and the northern Artigas, bordering Brazil and with a total population of 75,100.
  92. In this last regard it is important to note the budgetary discrimination that Blanco and Colorado governments have exerted against FA’s municipal government of Montevideo.
  93. G. Rama, *La Democracia En Uruguay*, Vol. 4, *Cuadernos Del Rial* (Buenos Aires, Argentina: Grupo Editor Latinoamericano, 1987); Francisco Panizza, *Uruguay, Batllismo y Después: Pacheco, militares y Tupamaros en la crisis del Uruguay Batllista* (Montevideo, Uruguay: Ediciones de la Banda Oriental, 1990).
  94. Juan Carlos Fa Robaina, *Cartas a Un Diputado* (Montevideo, Uruguay: Editorial Alfa S.A., 1972); G. Rama, *La Democracia En Uruguay*, Vol. 4, *Cuadernos Del Rial* (Buenos Aires, Argentina: Grupo Editor Latinoamericano, 1987); Francisco Panizza, *Uruguay, Batllismo y Después: Pacheco, militares y Tupamaros en la crisis del Uruguay Batllista* (Montevideo, Uruguay: Ediciones de la Banda Oriental, 1990); Andrés Rius, “Racionalidad Limitada y “Empaquetamiento” en los Procesos de Reforma: El Caso de la Seguridad Social,” in eds., Diego Aboal and Juan Andrés Moraes, *Economía Política En Uruguay: Instituciones Y Actores Políticos En El Proceso Económico* (Montevideo, Uruguay: Trilce, 2003).
  95. Allen Schick, “The Role of Fiscal Rules in Budgeting,” paper presented at the 24th Annual Meeting of OECD Senior Budget Officials, Rome, Italy, 3–4 June 2003.
  96. Rafael Piñeiro, “El sueño de la lista propia: los dilemas de coordinación electoral post-reforma de 1997,” *Revista Uruguaya de Ciencia Política*, Vol. 16 (2007), pp. 51–71.
  97. On the basis of interviews with congress-members from three-major parties.
  98. Phillip Oxhorn, *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile* (University Park, PA: The Pennsylvania State University Press, 1995); Kenneth Roberts, “Social Inequalities without Class Cleavages in Latin America’s Neoliberal Era,” *SCID*, Vol. 1, No. 36 (2002), pp. 3–33.
  99. However, the municipal administrations of Colorado’s Mayors in Artigas and Canelones do not fit this pattern. In those cases, it is likely that the national trend against that party hurt their district representatives. Furthermore, in the case of Canelones, where the Colorado party faced a monumental collapse, the economic irrationality of the municipal administration was such that the capacity to steer the course was foreclosed.
  100. *Decentralization: Rethinking government - World Development Report 1999/2000*, (Washington, DC: World Bank, 2000); Shahid Javed Burki, Guillermo E. Perry, and William Dillinger, *Beyond the Center: Decentralizing the State* (Washington, DC: World Bank, 1999).
  101. See Selee and Tulchin for a review of this literature. Joseph S. Tulchin and Andrew Selee, *Decentralization and Democratic Governance in Latin America* (Washington, DC: Woodrow Wilson International Center for Scholars, 2004);





# Participação e reforma do Estado.

Sobre a arquitetura da participação em São Paulo, Brasil.

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## INTRODUÇÃO

Está em curso um processo de mudança nas estruturas da gestão pública no Brasil, em especial em nível local que tem como um dos seus princípios básicos a intensificação da relação entre governo e sociedade em canais institucionalizados de diálogo e negociação política. O contexto no qual emergiram essas mudanças esteve marcado, dentre outros fatores, pelo tema da crise e reforma do Estado.

A partir do final da década de 70, o agravamento dos problemas sociais e a crise do setor público—ao lado de uma demanda cada vez mais crescente dos setores sociais pelo controle do Estado e suas políticas—levavam ao questionamento tanto do padrão centralizador, autoritário e excludente que marcara a relação entre as agências estatais e os beneficiários das políticas públicas (ênfatisando a necessidade de *democratização do processo*), quanto ao questionamento da capacidade do Estado de responder as demandas sociais (ênfatisando a questão da *eficácia dos resultados*). No bojo desse processo, a agenda das políticas públicas sofria uma importante inflexão, cuja marca fundamental é a ampliação e complexificação da arena decisória pela incorporação de novos atores e temas. Como afirma Melo:

“A partir de 1984, o campo conceitual se desloca para a análise do *modus operandi* da mesma [da política pública] e do seu caráter burocrático, privatista, centralizado, excludente e ineficaz. No diagnóstico que os analistas críticos e setores organizados realizaram, dois instrumentos de engenharia político-institucional são apontados para a superação do *mistargeting*: a participação dos setores excluídos na arena decisória (e seu corolário, a transparência nos processos decisórios) e a descentralização (pela qual os problemas associados ao gigantismo burocrático poderiam ser superados). Nesse movimento, as dimensões processuais da democracia passaram, pela primeira vez, a ser colocadas na agenda da discussão pública”.<sup>1</sup>

Esse processo encontrou fundamento legal na Constituição de 1988 que sob, as bases de um novo arranjo federativo, retirou os municípios da condição de coadjuvantes conferindo-lhes papel central na gestão das políticas sociais, ao mesmo tempo em que definiu a gestão participativa como princípio para elaboração e execução das políticas públicas. Na crítica ao padrão pretérito, essa nova agenda apontava para dois eixos de inovação fundamentais: as mudanças na *forma* de gestão e no *conteúdo* das políticas. Como explica Farah, em relação ao segundo eixo de inovação, as mudanças se referem tanto à definição de novas temáticas, como a temática ambiental, quanto à definição de novas formas de atuação em áreas tradicionais como a área da saúde, na qual o padrão curativo é associado a uma ênfase maior na dimensão preventiva.<sup>2</sup> No que se refere às inflexões nos processos decisórios e nas formas de provisão de serviços, a autora destaca as novas relações entre o Estado e o cidadão na implementação, controle e avaliação das políticas; a tendência à integração das ações; a participação social na elaboração de programas e projetos e mudanças na dinâmica interna de funcionamento das organizações estatais, apontando para a modernização da gestão. No coração da proposta participacionista—e contrariando toda uma tradição do pensamento político—estabelecia-se uma co-relação positiva forte entre *democratização do processo* de produção das políticas públicas e *eficácia e equidade* no que se refere aos seus resultados.

Como saldo desse processo, o país viveu a partir do final dos anos 80 e durante boa parte dos anos de 1990 um momento muito rico de inovação institucional, com a criação de várias instâncias participativas, principalmente no nível local, a partir de uma grande diversidade de modelos e dinâmicas. Uma importante modalidade participativa resultante desse processo foram os conselhos de políticas públicas ou conselhos gestores. Tornados obrigatórios em várias políticas setoriais, os conselhos tornaram-se peças centrais no processo de descentralização e democratização das políticas públicas.

Alguns números permitem compreender a dimensão desse processo. Dados dos IBGE (Instituto Brasileiro de Geografia e Estatística) apontam que em 2001 existiam no Brasil mais de 22.000 conselhos municipais, com destaque para os conselhos de saúde (5.426), assistência social (5.178), defesa de direitos da criança e adolescente (4.306) e de educação (4.072). De acordo com Carvalho entre 1991 e 1993 foram construídos mais de dois mil Conselhos de Saúde por todos o país, numa média de praticamente dois novos conselhos por dia.<sup>3</sup> Em pesquisa mais recente, Carvalho volta a acentuar o fenômeno da proliferação dos conselhos: “em julho de 1996, uma estimativa (...) sugere que cerca de 65% do universo dos municípios brasileiros dispõem de Conselhos (...) isso significa a existência de algumas dezenas de milhares de conselheiros, número equivalente

ao de vereadores”.<sup>4</sup> Dados do Conselho Nacional de Saúde, em documento produzido em 1999, aponta para a existência de cerca de 45.000 mil conselheiros de saúde nas três esferas de governo. Pesquisa realizada em São Paulo aponta que estão em funcionamento naquele Estado, só na área social, mais de 1.167 conselhos municipais, com uma média de mais ou menos dez conselheiros em cada um deles.<sup>5</sup> No Estado do Rio Grande do Norte, pesquisa indica a existência de 302 conselhos municipais, só na área social.<sup>6</sup>

A Constituição foi o marco institucional que favoreceu também a criação de experiências como o orçamento participativo, uma das mais inovadoras formas de controle social sobre o orçamento já realizada no Brasil, pois estimulou a abertura de canais de participação nos municípios e fortaleceu a descentralização.<sup>7</sup> Entre 1997 e 2000, já havia no Brasil mais de uma centena de experiências de participação cidadã na formulação dos orçamentos municipais.<sup>8</sup> Metade das experiências teve curso em gestão de prefeitos ligados ao Partido dos Trabalhadores (PT), a outra metade esteve distribuída entre prefeitos de distintos partidos, o que mostra, por um lado, o vínculo inicial da experiência com o programa do Partido dos Trabalhadores, mas, por outro lado, uma proliferação da proposta, que influenciou programas de outros partidos. Entre 2001–2004, foram realizadas 170 experiências de Orçamento Participativo. Só no Estado de São Paulo há hoje 30 municípios que possuem o orçamento participativo.

Ao lado dessas experiências mais formalizadas, há um grande número de “programas inovadores de gestão” que têm como uma de suas principais inovações a tentativa de promover o envolvimento da comunidade com a implementação/fiscalização de programas ou projetos. Uma interessante radiografia desse novo consenso é oferecida pela Fundação Getúlio Vargas no âmbito do *Programa Gestão Pública e Cidadania* que, desde 1996, premia e divulga experiências inovadoras de gestão, em diversas cidades brasileiras.<sup>9</sup> Fazendo uma leitura dos 629 programas e projetos inscritos no primeiro ciclo de premiações, Farah destaca como eixo de inovação mais importante a participação da sociedade civil: “42% dos programas resultam de ações conjuntas do governo e de entidades da sociedade civil - comunidade organizada, organizações não-governamentais e setor privado empresarial. Embora sob direção de uma entidade governamental, vários projetos se estruturam como redes de entidades e instituições, mobilizadas e articuladas em torno de um problema de interesse público”.<sup>10</sup>

A aposta na luta institucional como estratégia de construção da cidadania levou parte considerável dos movimentos sociais brasileiros à interação crítica e propositiva com a institucionalidade política visando ampliar sua influência sobre o processo de produção das políticas públicas. Na pauta de importantes movimentos sociais do período à luta pela democracia e pela construção da

cidadania passavam, necessariamente, pela ocupação dos espaços institucionais. Hoje, após quase uma década de intensa experimentação, a rede movimentalista busca fazer um balanço desse investimento. Diante dos tímidos resultados da participação, no que se refere à melhoria das condições de vida da população, muitos estão se perguntando até que ponto tem valido a pena à luta por dentro das instituições.

Também na academia são abundantes as pesquisas que buscam investigar em que medida essa institucionalidade participativa tem de fato favorecido uma participação efetiva e autônoma dos atores sociais na produção das políticas e quais os elementos que favorecem ou obstaculizam esse processo. Embora o pouco tempo de existência desses novos experimentos não favoreça avaliações conclusivas quanto aos seus impactos de médio e longo prazo, os estudos desenvolvidos indicam que a ampliação das oportunidades para a participação social não está produzindo os efeitos esperados.

Mesmo que os problemas apontados variem em natureza e extensão, as conclusões dos estudos sugerem que as instituições participativas não possuem poder efetivo, ocupando um lugar ainda marginal nos processos decisórios que envolvem a definição das políticas em suas áreas específicas. Como defendemos em outro estudo, há uma avaliação mais ou menos consensual segundo a qual:

“A riqueza das experiências participativas no Brasil ‘correm por fora’, ficam na periferia do sistema, afetando pontualmente uma ou outra política setorial, a depender da vontade política dos governos e/ou do poder de pressão da sociedade organizada. Elas parecem não induzir ou resultar de uma estratégia mais profunda de articulação entre representação e participação, nos modelos atualmente disponíveis que orientam os processos concretos de reconfiguração do Estado.”<sup>11</sup>

Embora possamos reconhecer a existência de experiências bem sucedidas, estamos diante de um cenário bastante adverso no qual os arranjos participativos parecem contribuir para consolidar uma democracia de baixa intensidade. A abertura de canais institucionalizados de participação se altera, de fato, o campo tradicional de produção e oferta dos bens públicos; não resulta, necessariamente, numa maior democratização das relações entre governo e sociedade, nem tampouco num incremento em relação à qualidade das políticas. Se é possível afirmar a existência de arranjos participativos exitosos, tanto no que respeita à eficácia das políticas quanto à democratização dos processos, há, por outro lado, um grande número de práticas participativas atualmente em curso que, sob o rótulo da “moderna gerência” ou da “democratização da gestão”, reproduzem

práticas tradicionais e clientelistas. Não são raros os casos em que gestores públicos e comunidades pensam o novo e realizam o velho, apegados que estão ou impossibilitados que são de renovarem o pensamento e a prática política. A tarefa da crítica é justamente desvelar o grau de renovação e persistência, nesse jogo rico e complexo marcado, mais uma vez, pelo tema das continuidades e rupturas.

No cenário latino-americano, vários analistas estão envolvidos no desafio dessa análise. No caso brasileiro dispomos de um número considerável de estudos voltados a investigar em que medida a dinâmica real de funcionamento desses novos arranjos participativos tem (ou não) permitido que os princípios inovadores que os inspiram se traduzam em práticas políticas inovadoras no âmbito da gestão dos negócios públicos e quais são os fatores que respondem pela variação dos resultados. É para o avanço desse debate que a presente pesquisa visa contribuir.

### *Metodologia de pesquisa*

Dando continuidade a pesquisas anteriores esse estudo tem a pretensão de contribuir para o avanço da discussão sobre o lugar da participação nos processos de reforma institucional em curso na América Latina, tomando como referência o caso brasileiro.<sup>12</sup> Nesse sentido, localizo essa pesquisa num esforço coletivo de investigação<sup>13</sup> que a transcende e, ao mesmo tempo, lhe confere significados teóricos e políticos próprios.

Quanto aos seus objetivos específicos, essa proposta de pesquisa busca contribuir para o avanço do debate sobre as experiências participativas no Brasil, enfrentando duas lacunas presentes no âmbito da literatura especializada.

Os estudos sobre a democracia participativa no Brasil, no geral, voltam-se à análise de experiências particulares, com destaque para os estudos sobre orçamento participativo e conselhos gestores, produzindo, na maioria dos casos, análises que dificultam a comparação e generalização dos resultados. Ou seja, o que geralmente encontramos na literatura são estudos de caso sobre instâncias específicas de participação. Com essa metodologia ganhamos no que se refere à profundidade da análise, na medida em que podemos investigar mais detidamente os limites e possibilidades de cada um desses espaços, mas perdemos pela ausência de uma perspectiva mais ampla que, inclusive, atribua significado aos casos particulares. Nessa pesquisa, busco dar um passo além, com um desenho que privilegia um conjunto de experiências. Numa abordagem mais descritiva, busco levantar dados e informações com o objetivo de reconstruir o mapa da participação no território. No caso, um território de densidade populacional elevadíssima, como é a cidade de São Paulo, com cerca de 11 milhões de habitantes. Meu interesse é, a partir dos dados produzidos, apresentar o mapa ou

a “arquitetura da participação”<sup>14</sup>, tendo como foco a cidade. Nunca foi feito um panorama geral da participação em São Paulo—e, até onde sabemos, em nenhum outro município brasileiro—que realmente englobasse todos os canais de participação existentes. Acreditamos que há uma demanda por esse conhecimento não só na academia, mas também por parte da sociedade organizada.

Uma segunda lacuna observada na literatura especializada, com a qual busco dialogar, diz respeito à relação entre participação institucional e estrutura administrativa do Estado. Embora nos estudos sobre as experiências participativas e nos discursos dos atores políticos a relação entre participação e democratização do Estado seja frequentemente afirmada, raros são os trabalhos que se voltam explícita e diretamente à análise dessa co-relação. Embora os canais institucionalizados de participação estejam vinculados a órgãos estatais, façam parte da estrutura administrativa do Estado, nas análises eles parecem estar “soltos no ar”, na medida em que pouco sabemos sobre como dialogam com a estrutura burocrática do Estado. Nesse estudo, tento dar um passo adiante tomando como tema a análise dessas co-relações, mesmo sabendo que diante do estado da arte dessa discussão, os resultados que poderei apresentar serão necessariamente parciais e preliminares.

Em síntese, mirando essas lacunas, *esse estudo busca oferecer um perfil ou retrato da oferta de participação no nível municipal*. Após identificar o conjunto das instâncias participativas em funcionamento no nível local, busco identificar seus vínculos institucionais, funções e características, tentando compreender o lugar e o papel que a participação assume no conjunto das estruturas burocráticas municipais para, a partir daí, avaliar os limites e possibilidades que lhe são inerentes.

Sem desconsiderar a importância de outros fatores, a pesquisa concentrou-se na análise do desenho institucional dos espaços participativos, tal como se apresentam nas normas que os criam e regulam. O desenho institucional não é o único fator que responde pelo êxito ou pelo insucesso das experiências, mas trata-se, sem dúvida, de uma variável relevante, na medida em que oferece os parâmetros para a atuação dos espaços participativos, definindo os contornos básicos de sua identidade política. Nas leis de criação e regimento interno são definidas as regras para composição e representação, natureza da participação, dinâmica decisória, ritos procedimentais, etc. os quais, por sua vez, indicam as potencialidades e os limites de cada espaço no que se refere aos resultados esperados da participação. Como sugere Lüchman, a partir da contribuição das abordagens neo-institucionalistas, o formato institucional é dimensão analítica importante “na medida em que constitui-se como substrato ou suporte da dinâmica política” definindo “as condições de ampliação e de sustentabilidade das experiências participativas”.<sup>15</sup>

Essa escolha também já indica os limites das análises que aqui serão apresentadas, tendo em vista que a ênfase no desenho institucional, se nos permite recuperar aspectos importantes quanto à estruturação do campo de disputas e das formas de apresentação e negociação dos conflitos, não nos permite inferir acerca das diferentes capacidades e competências dos atores para se apropriarem desses procedimentos na tentativa de realização dos seus interesses, ou seja, não nos diz sobre a forma como as “regras do jogo” são apropriadas, interpretadas e traduzidas pelos diferentes sujeitos na dinâmica das disputas políticas no interior desses espaços.

Como referente empírico, como dito anteriormente, escolhi a cidade de São Paulo e tomei como recorte histórico o ano de 2006.<sup>16</sup> As estratégias de pesquisa consistiram em três ações principais:

- 1) identificação dos canais de participação existentes e em funcionamento na Prefeitura Municipal de São Paulo;
- 2) caracterização do perfil da oferta de participação no nível municipal, a partir da análise dos instrumentos jurídicos que criam e normatizam o funcionamento das instâncias participativas;
- 3) análise do perfil da oferta de participação, por área de política.

Na primeira fase do trabalho de campo, a tarefa era levantar as informações sobre os canais de participação em funcionamento na Prefeitura Municipal de São Paulo (doravante PMSP), tendo como referência os seguintes critérios:

1. Ter abrangência municipal. Isso exclui os canais participativos existentes nas subprefeituras (como os conselhos de unidades de saúde, conselhos de escola, conselhos dos centros de educação unificada, etc.) e os existentes no âmbito estadual e/ou federal mesmo que deles participem técnicos ou gestores da PMSP;
2. Contar, em sua composição, com a participação de representantes do Estado e da sociedade civil, definidos legalmente como membros ativos com poder de voz e voto. Isso exclui os fóruns societários que contam com participação de técnicos ou gestores na condição de convidados ou simpatizantes; e encontros nos quais o governo busca aumentar o “grau de escuta” convidando personalidades ou entidades da sociedade civil, sem que esses possuam direito regular à voz e voto em relação ao tema em questão;
3. Ser criado por legislação específica na forma de Lei, Decreto ou Portaria, que estabeleça sua vinculação administrativa na estrutura estatal, regule suas funções,

objetivos e estrutura de funcionamento. Com isso, ficam excluídos os canais participativos informais e/ou não institucionalizados;

4. Ser definido legalmente como espaço permanente. Isso exclui os diversos grupos de trabalho criados no âmbito das secretarias para elaboração de propostas ou para gerenciamento de projetos de duração determinada.

Confirmando nossas expectativas iniciais, constatamos que nenhuma secretaria ou órgão da administração pública possuía a informação sobre *quais são e onde estão* os canais de interface governo/sociedade em funcionamento na PMSP.

Esse foi um dado de pesquisa que apontou, desde logo, que muitos canais participativos embora legalmente vinculados à estrutura burocrática do Estado e com funções claramente definidas no processo de produção das políticas estão completamente à margem do cotidiano da gestão, sendo muitas vezes desconhecidos no âmbito da própria secretaria a que estão vinculados. Como resultado dessa primeira fase, conseguimos confirmar a existência de 35 canais participativos atualmente em funcionamento na PMSP que atendem aos critérios da pesquisa, embora, seja preciso reconhecer que o número pode ser maior, tendo em vista essas dificuldades no levantamento dos dados.

Identificado o universo da pesquisa, iniciamos a segunda fase do trabalho de campo que teve como objetivo produzir uma análise comparada das características institucionais dos espaços de participação existentes, estruturando a descrição em torno das seguintes variáveis: origem e escopo de atuação, vinculação administrativa, estrutura e dinâmica de funcionamento, natureza da participação e composição. Com isso, buscamos construir um perfil da oferta de participação, tendo como referência o conjunto das instâncias existentes. Feito isso, buscamos, num segundo momento, ampliar a capacidade de leitura e análise dos dados, organizando as informações por área de política.

Dois temas ocuparam papel de destaque em toda nossa discussão: qual o âmbito de incidência dos espaços de participação (elaboração ou execução da política) e quem participa. No primeiro caso, o objetivo é saber qual a natureza da participação, ou qual o nível esperado de incidência das instâncias participativas sobre as políticas públicas; no segundo, quais os atores que participam representando a sociedade civil. Essas duas ordens de questões são relevantes, na medida em que remetem a duas apostas fundamentais em relação a essas experiências. A primeira, que a participação institucional permite à sociedade decidir sobre a construção da agenda pública, garantindo assim que a complexidade social seja levada em conta na elaboração de programas e projetos governamentais. A segunda, que a abertura de canais institucionais de participação favorece a participação dos grupos sociais

TABELA 1. Espaços Participativos

<b>Espaços participativos</b>
1. Câmara Técnica de Legislação Urbanística
2. Comissão de Análise do Passeio Público
3. Comissão de Apoio e Controle Social do Programa de Garantia de Renda Familiar Mínima Municipal
4. Comissão de Avaliação do Vai (Programa de Valorização de Iniciativas Culturais)
5. Comissão de Averiguação e Avaliação de Projetos Culturais
6. Comissão de Edificações e Uso do Solo
7. Comissão de Proteção à Paisagem Urbana
8. Comissão Municipal de Direitos Humanos
9. Comissão Municipal de Erradicação do Trabalho Infantil
10. Comissão Permanente de Acessibilidade
11. Conselho de Monitoramento de Política de Direitos das Pessoas em Situação de Rua na Cidade de São Paulo
12. Conselho de Proteção e Defesa dos Animais
13. Conselho do Programa de Incentivos Seletivos da Região Adjacente à Estação da Luz
14. Conselho do Programa de Incentivos Seletivos Para a Área Leste do Município
15. Conselho do Programa de Incentivos Seletivos para a área Central
16. Conselho Municipal da Pessoa Deficiente
17. Conselho Municipal de Acompanhamento e Controle Social do FUNDEF
18. Conselho Municipal de Alimentação Escolar
19. Conselho Municipal de Assistência Social
20. Conselho Municipal de Atenção à Diversidade Sexual
21. Conselho Municipal de Educação
22. Conselho Municipal de Habitação
23. Conselho Municipal de Meio Ambiente e Desenvolvimento Sustentável
24. Conselho Municipal de Política Urbana
25. Conselho U Conselho Municipal de Políticas Públicas de Drogas e Álcool
26. Conselho Municipal de Preservação do Patrimônio Histórico, Cultural e Ambiental da Cidade de São Paulo
27. Conselho Municipal de Saúde
28. Conselho Municipal de Segurança Alimentar e Nutricional
29. Conselho Municipal de Tributos
30. Conselho Municipal de Turismo
31. Conselho Municipal de Valores imobiliários
32. Conselho Municipal dos Direitos da Criança e Adolescente
33. Fórum Municipal de Saúde Mental de Álcool e Drogas
34. Fórum Municipal de Saúde Mental de Crianças e Adolescentes
35. Grande Conselho Municipal do Idoso

subalternos que historicamente estiveram à margem dos processos decisórios e cujas agendas foram tradicionalmente relegadas à invisibilidade pública. No primeiro caso, a realização das expectativas requer, por um lado, que as instâncias participativas sejam instâncias investidas de poder decisório; e, por outro lado, que esse poder se expresse nos processos que envolvem o planejamento da política, e não apenas sua execução ou fiscalização. No segundo caso, um dos grandes desafios é a construção de mecanismos—procedimentais e não-procedimentais—que estimulem a participação e permitam aos diferentes atores envolvidos nos processos deliberativos, principalmente àqueles em situação de desvantagem em função de diferença de renda, informação, etc, expressar e sustentar publicamente sua diferença, de tal forma que todos tenham a expectativa de influenciar nos resultados da deliberação. O objetivo é analisar se, e até que ponto, os desenhos institucionais dos espaços participativos existentes justificam essas expectativas.

\* \* \*

Nos itens a seguir, buscarei apresentar os resultados dessa investigação. A argumentação está organizada em três partes, para além dessa introdução e da conclusão. Na primeira, analiso o processo de criação dessa institucionalidade participativa, resgatando fragmentos da história da participação e do controle social na cidade de São Paulo. Em seguida, tento recuperar o perfil dos espaços de participação existente, a partir de uma análise cuidadosa dos seus desenhos institucionais. Por fim, analiso a lógica de operação dessa institucionalidade participativa a partir das áreas de política a que se vinculam.

## I – A DINÂMICA PARTICIPATIVA NA CIDADE DE SÃO PAULO

Os espaços participativos institucionalizados começaram a fazer parte da cena política da cidade de São Paulo a partir do final dos anos de 80, num cenário favorável marcado pela aprovação da nova Constituição, em 1988, da Lei Orgânica Municipal de São Paulo, em 1990 e pela eleição de Luiza Erundina, em 1989. Tomando como base o universo da nossa pesquisa, vemos que dos 38 espaços participativos atualmente em funcionamento, 33 foram criados após 1988. Como evidencia a Tabela 02, a criação desses espaços segue um ritmo desigual, com uma concentração no período coincidente com as duas gestões do Partido dos Trabalhadores (1989–1992) e (2001–2004).

A história da participação e do controle social na cidade de São Paulo segue, como vemos, uma trajetória irregular e descontínua que reflete, em grande

parte, as mudanças de orientação política das coalizões hegemônicas no plano do executivo municipal. Analisando esse processo, Avritzer, Recaman e Venturi comparam o processo de expansão e retração da participação na cidade ao movimento de uma sanfona:

“É possível (...) definir a participação em São Paulo como uma sanfona que se expande e se contrai. Essa sanfona pode ser descrita da seguinte maneira: há na cidade de São Paulo, desde o final dos anos 70, um núcleo de população associada que se organiza independentemente do Estado e tem práticas associativas e hábitos associativos próprios. Esse constitui o núcleo da sanfona da participação na cidade de São Paulo. Esse núcleo se expande e se contrai de acordo com as ações do poder público (...). Os seus momentos de expansão e contração são definidos em grande parte pelo sistema político.”<sup>17</sup>

**TABELA 2. Período de criação dos espaços participativos em funcionamento no município de São Paulo (2006)**

Período	Nº	%
Até 1988	04	11,4
Luiza Erundina (01/01/89 a 31/12/92)	08	22,9
Paulo Maluf (01/01/93 a 31/12/96)	03	8,6
Celso Pitta (01/01/97 a 31/12/00)	03	8,6
Marta Suplicy (01/01/01 a 31/12/04)	11	31,4
José Serra (01/01/05 a 31/03/06)	04	11,4
Gilberto Kassab (01/04/06 -)	02	5,7
<b>Total</b>	<b>35</b>	<b>100,0%</b>

Um marco legal importante nesse processo foi, como dito anteriormente, a elaboração da Lei Orgânica Municipal de São Paulo. Aprovada em 05 de abril de 1990, a nova Lei Orgânica abria, como conclui Calderón, um tempo novo na construção da democracia participativa na cidade:

“Tanto a antiga Lei Orgânica dos Municípios de 1969, quanto as legislações que a precederam, caracterizaram-se por não abrir espaços para a participação da sociedade na gestão da coisa pública. (...) A nova Lei Orgânica do Município de São Paulo, promulgada pela Assembléia Municipal Constituinte em abril de 1990, tem se caracterizado pela institucionalização de novos mecanismos de participação popular na administração municipal. Por institucionalização estamos entendendo, nesse caso, o estabelecimento de bases legais que possibilitariam a interfer-

ência da sociedade nos negócios públicos. Se antes, a participação ocorria através de mecanismos informais, dependentes da vontade dos governos de turno, e o apelo à participação popular era identificado como um estilo de governar de determinado membro da classe política, com a institucionalização a participação assume novo *status*, tornando-se um novo componente, com sustentação jurídica, na gestão da coisa pública”.<sup>18</sup>

Todo esse processo foi fortemente influenciado pela atuação da rede movimentalista, articulada em torno dos movimentos populares urbanos, que desde meados dos anos 80, começou a investir suas energias na criação de novos espaços de participação. Segundo ainda Calderón, durante o processo de elaboração da Lei Orgânica, 22 organizações sociais apresentaram propostas para a criação de espaços participativos, em especial nas áreas de saúde, meio ambiente, criança e adolescente e habitação. Alguns exemplos: a Associação em Defesa da Moradia, junto com outras 23 entidades, apresentou emenda popular sobre reforma urbana e gestão democrática da cidade, prevendo a criação do Conselho de Habitação, “com o respaldo de 12.277 assinaturas”; o Movimento de Saúde da Zona Leste e 100 entidades do movimento de saúde de São Paulo que, juntos, reivindicaram a criação do Conselho Municipal de Saúde, e dos Conselhos gestores nas unidades de atendimento; e as entidades em defesa dos direitos da criança e adolescente, que pressionavam pela criação do Conselho Municipal e do Conselho Tutelar.<sup>19</sup> Embora ainda não houvesse muita clareza acerca das prerrogativas legais desses novos espaços—“a maioria das propostas era muito genérica, pois frequentemente, atribuía-se aos Conselhos Municipais o caráter ‘deliberativo’, mas dificilmente definia-se qual seria o sentido dessa função”—o fato é que a ampliação e institucionalização da participação foi, como demonstra Calderón, uma das principais bandeiras dos setores progressistas no final dos anos 80.

Para além de um marco legal favorável, destaca-se como fator relevante nesse momento instituinte a eleição de Luiza Erundina, do Partido dos Trabalhadores, em 1989. Erundina colocou em curso o movimento de ampliação e complexificação da arena de formulação das políticas, com a criação de vários canais institucionais de participação, dentre os quais se destacam os conselhos gestores de políticas públicas e a primeira experiência de Orçamento Participativo na cidade, iniciada em 1990.<sup>20</sup>

Como os estudos demonstram, a criação dessas novas instâncias participativas foi permeada de muita discussão quanto a sua natureza e funções, num debate ainda fortemente pautado pelos princípios estruturantes do campo movimentalista.<sup>21</sup> Tratava-se não apenas de definir o formato desses espaços, mas a direção, o escopo e o sentido da relação entre governo e sociedade, no momento de

construção dos alicerces institucionais do Estado Democrático de Direito. Essas questões não eram consenso entre os membros do partido, do governo ou entre os representantes do movimento popular. Como sugere Doimo, parte dos movimentos populares em São Paulo, principalmente aqueles ligados à ala progressista da Igreja Católica demonstravam um *ethos* próprio de rejeição a institucionalidade que impactou negativamente as negociações com o novo governo em torno da criação de novas instâncias colegiadas de discussão com o Estado.<sup>22</sup> Do lado governamental, a primeira experiência de OP na cidade também deu margem a muitas discussões entre governo e Partido, como explica Brian Wampler:

“No âmbito da coalizão de governo liderado pelo PT, Erundina encarou uma batalha política difícil sobre o tipo de instituição participativa que poderia ser criada. As discussões polarizavam-se entre as opções por órgãos ‘deliberativos’ ou ‘consultivos’, assim como órgãos organizados com base no território ou com base em setores de política (...). A demanda por OP veio do setor do PT ligado aos movimentos sociais, mas, não era necessariamente compartilhada por outras facções do PT. À medida que Erundina foi forçada a concentrar-se em um leque mais restrito de reformas do que o PT havia proposto originalmente, a prefeita decidiu abrir mão da delegação de autoridade aos órgãos cidadãos”.<sup>23</sup>

Segundo Couto, para o PT paulistano foi extremamente desafiante exercitar pela primeira vez o poder executivo de uma cidade como São Paulo.<sup>xxiv</sup> Tratou-se de um processo de readequação conflitiva do “modelo originário do Partido dos Trabalhadores”, de uma concepção “movimentista” e “revolucionária” a uma concepção de “partido responsável de governo”. Estas mudanças geraram crises de relacionamento entre os membros do PT que estavam no governo de São Paulo e os que estavam fora dele, durante os quatro anos de gestão.

Em 1993, o PT perdeu as eleições para uma coligação situada à direita do espectro político-partidário, primeiro com a eleição de Paulo Maluf (PPB, 1993–1996) e depois a do seu sucessor, Celso Pitta (1997–2000), provocando uma brusca mudança de rota, tanto no plano da gestão propriamente dita, quanto nas estratégias de ação dos movimentos sociais. Na gestão de Maluf e Pitta várias experiências de diálogo governo/sociedade foram abortadas e os avanços institucionais conquistados na gestão anterior sofreram um forte revés. Como vemos na Tabela 02, Maluf e Pitta criaram em oito anos, seis novas instâncias participativas, quatro dos quais obrigatórias para o repasse de recursos federais. Na gestão de Maluf o Conselho de Saúde foi impedido de funcionar e só retomou suas atividades, após intensa luta dos movimentos sociais, em 1998.

A partir de 1998, denúncias de corrupção envolvendo a relação do governo Pitta com a Câmara de Vereadores abriram uma forte crise no governo, com repercussões muito negativas, também, para o padrinho político de Celso Pitta, o ex-prefeito Paulo Maluf. Essas denúncias reforçaram o desejo por mudança na forma de governar a cidade, abrindo caminho para o retorno do Partido dos Trabalhadores, nas eleições de 2000.

A eleição de Marta Suplicy colocou novamente em movimento a “sanfona participativa”, ampliando os espaços e os canais institucionalizados para a mediação política entre governo e movimentos sociais da cidade, com destaque para o retorno do Orçamento Participativo e a institucionalização da participação em novas áreas como habitação, segurança pública, população de rua, etc. Na Tabela 02, vemos que 31% dos espaços participativos atualmente em funcionamento foram criados no seu governo. Na gestão de Marta Suplicy a participação ganhava espaço no bojo de uma reforma institucional que tinha como seu principal vértice a descentralização administrativa com a criação de 31 subprefeituras.<sup>25</sup> Prevista na Lei Orgânica desde 1990, as subprefeituras só começaram a funcionar em 2003, ainda sem contar com um dos principais mecanismos de controle social no nível das subprefeituras, também previstos da Lei Orgânica, o Conselho de Representantes.

Mas, o retorno do PT ao governo municipal, rompendo com oito anos de gestões conservadoras, ao mesmo tempo em que imprimiu uma outra lógica e dinâmica ao diálogo entre sociedade e poder executivo, explicitou que os desafios à construção de uma gestão pública compartilhada ainda estão muito longe de serem superados.<sup>26</sup> O projeto político democrático popular não foi capaz de engendrar— a partir dessa rica e intensa experimentação democrática—uma proposta alternativa consistente de reconfiguração do Estado e de sua forma de relação com a sociedade e o mercado. A participação foi mantida na periferia do sistema. No caso de São Paulo, o governo do PT de certa forma repetiu a fórmula que tende a dissociar a participação das estratégias de manutenção da governabilidade.<sup>27</sup> Da mesma forma, os movimentos sociais já não possuíam a mesma força que demonstraram de meados dos anos 70 ao começo dos anos 90. As negociações entre governo/sociedade nas instâncias participativas já não podiam contar com a força de uma base social mobilizada. A desvalorização da participação, no rastro da desvalorização da política como arena do conflito – evidenciava-se não apenas na relação dos movimentos entre si e com suas bases sociais, mas também na forma de ocupação dos espaços institucionais de participação.<sup>28</sup>

Na eleição de 2004, Marta Suplicy não conseguiu se reeleger e a Prefeitura de São Paulo passou, pela primeira vez em sua história, para as mãos do PSDB, com a eleição de José Serra. Em março de 2006, José Serra renunciou ao cargo

para disputar o governo do Estado - pleito do qual sairia vencedor - e quem assumiu o comando da Prefeitura foi seu vice, Gilberto Kassab, do Partido Democrático (antigo PFL, Partido da Frente Liberal). Esse é o Partido à frente da coligação que hoje governa a cidade de São Paulo. As gestões Serra/Kassab deram novo rumo à dinâmica participativa na cidade, eliminando espaços já existentes (como o Orçamento Participativo), abortando a criação de outros (como a criação do Conselho de Representantes) e abrindo novas instâncias participativas.<sup>29</sup> Uma das medidas mais polêmicas do novo governo foi a re-centralização administrativa com a desativação das Coordenadorias de Saúde e Educação da maioria das subprefeituras, gerando a diminuição do seu poder real. No governo Serra/Kassab, apesar da criação de novos espaços de participação, a tendência é o esvaziamento político das instituições participativas e uma menor permeabilidade do Estado as demandas e pressões populares. O estudo de caso junto aos conselhos de políticas da capital<sup>30</sup> tem demonstrado a forte resistência do Executivo em democratizar o processo de produção das políticas, concentrando no âmbito da burocracia pública as decisões políticas relevantes.

## II. PERFIL DOS ESPAÇOS PARTICIPATIVOS EM FUNCIONAMENTO NA CAPITAL PAULISTA

### Origem e escopo de atuação

Quanto as suas origens, a oferta de participação no nível municipal pode resultar da pressão da sociedade ou da iniciativa dos governos (“desde baixo” ou “desde cima”), assim como pode estar relacionado à dinâmica da luta política no território ou resultar da indução de instâncias políticas situadas em outros âmbitos (“desde dentro” ou “desde fora”). Há uma tendência a supor que o sucesso das experiências participativas estão de certa forma relacionadas a existência, no momento de sua criação, de pressões “desde baixo” e de iniciativas “desde dentro”. Não é o caso aqui de entrarmos nesse debate que muitas vezes acaba conduzindo a falsos dilemas. O que parece importante resgatar é o peso relativo dessas variáveis no momento da criação dos canais de participação.

Partindo do reconhecimento de que esses fatores interagem de forma diferenciada em cada política pública, a depender inclusive da trajetória específica dessa política e do nível de institucionalização alcançado, buscamos compreender: i) o peso relativo da indução do nível federal e ii) a mobilização dos movimentos sociais em torno da criação das instâncias participativas na cidade.

Confirmando as análises anteriores, os resultados indicam a forte capacidade de condução do gestor municipal. Dos 35 espaços participativos estudados, 10 respondem a estímulos do nível federal e 25 resultam da iniciativa do governo

local. Dos 25 espaços motivadas pela dinâmica política local, 08 respondem a algum tipo de mobilização societária prévia,<sup>31</sup> enquanto 17 não possuem base social de sustentação, ou seja, os motivos para sua origem devem ser procurados no âmbito do próprio Estado. Diante desses resultados que enfatizam a iniciativa do governo local, um tema interessante para pesquisas futuras seria compreender a motivação dos gestores públicos para criar e manter instâncias participativas. Talvez uma pista poderia estar nas relações estabelecidas com certos segmentos do mercado que, como veremos, têm participação ativa em várias dessas instâncias.

No que se refere aos seus objetivos e escopo de atuação, os espaços participativos podem ser agrupados em três categorias:

**1. Espaços participativos de políticas setoriais:** esse grupo é formado por conselhos de políticas públicas, sejam eles obrigatórios por legislação federal ou de iniciativa do governo local. São espaços mais institucionalizados ocupando, formalmente, posição de destaque no interior das secretarias a que estão administrativamente ligados. Têm como atribuição incidir sobre o processo de planejamento, implementação e controle das políticas públicas em diversas áreas como saúde, educação, habitação, política urbana, meio ambiente etc.

**2. Espaços participativos de defesa de direitos:** voltam-se à defesa dos direitos de públicos específicos ou, como no caso da Comissão de Direitos, ao tema dos direitos da pessoa humana de uma forma mais geral. Inserem-se aqui os espaços participativos voltados à defesa dos idosos, deficientes, criança e adolescente, população de rua, e mais recentemente da defesa do direito à diversidade sexual, abrigando as demandas dos movimentos de gays, lésbicas, transexuais, etc. O foco não é tanto a produção de uma política ou bem público, mas a defesa de direitos, o que lhes exige uma atuação necessariamente mais intersetorial, quando comparado com que os dois outros grupos.

**3. Espaços participativos de intervenção focalizada:** esses espaços têm um escopo mais delimitado para sua intervenção. Seu foco é mais preciso. Sua incidência está restrita a sub-processos que compõem as fases de execução e/ou fiscalização da política. Não deliberam em torno das diretrizes gerais da política, ou da atuação da secretarias a que estão vinculados. Têm como objetivo favorecer a aplicação de programas e projetos governamentais de iniciativa do gestor municipal ou de programas federais/estaduais com implementação no município. A participação da sociedade tem como um dos seus principais objetivos favorecer a implementação desses projetos/programas fiscalizando a aplicação

dos recursos provenientes, como forma de inibir desvios. No geral essas comissões têm caráter mais executivo e técnico.

Aplicando essas categorias ao universo de nossa pesquisa, chegamos ao seguinte quadro.

**TABELA 3. Objetivos e escopo de atuação dos espaços participativos em funcionamento no município de São Paulo (2006)**

Tipos	Nº	%
Espaços participativos de intervenção focalizada	20	57,1
Espaços participativos de defesa de direitos	08	22,9
Espaços participativos de políticas setoriais	07	20,0
<b>Total</b>	<b>35</b>	<b>100,0</b>

Como verificamos na Tabela, quase 60% dos espaços participativos existentes na Prefeitura tem como objetivo auxiliar na implementação de programas e projetos, controlando e/ou fiscalizando sua execução. Trata-se de uma participação voltada a incidir majoritariamente sobre a fase de implementação da política. *Isso significa que mais da metade da oferta de participação no nível municipal não inclui processos decisórios no que se refere à elaboração da agenda pública. Os cidadãos são chamados a participar e decidir quando questões relativas à identificação das questões problemáticas e escolha entre alternativas de intervenção já foram (ou estão sendo) tomadas em outras instâncias.* Os dados demonstram ainda que o investimento nessa participação de natureza instrumental tem sido mais forte nos anos recentes: dos 18 espaços participativos criados a partir de 2000, 14 enquadram-se nessa categoria; dos 06 espaços criados na gestão Serra/Kassab, 05 são de intervenção focalizada. O segundo tipo mais comum são os espaços de defesa de direitos, cuja tendência é uma participação de natureza mais consultiva, à exceção dos conselhos de criança e adolescente e segurança alimentar que são deliberativos. Por fim, temos os espaços participativos que tem como objetivo incidir sobre o conjunto da política pública das áreas a que estão vinculados: 20% dos espaços participativos atualmente existentes na PMSP enquadram-se nesse grupo. Teoricamente, esses seriam espaços que por seu desenho institucional, escopo e objetivos teriam maior potencialidade democratizante. A criação dessas instâncias segue direção contrária aos de intervenção focalizada, concentrando-se entre final dos anos 80 e meados dos anos 90.

### *Vinculação administrativa*

Embora não sejam órgãos da administração pública, os espaços participativos estão administrativamente vinculados a secretarias específicas, às quais cabe garantir as condições infra-estruturais para o desenvolvimento de suas atividades. A PMSP possui 21 secretarias municipais, dessas 14 (67%) possuem canais institucionalizados de diálogo e negociação com a sociedade civil, conforme apresentado na Tabela a seguir:

O primeiro aspecto a destacar é óbvio: estamos diante de uma participação essencialmente setorial, estruturada em torno de demandas específicas (saúde, educação, moradia, etc) ou de grupos específicos (crianças, idosos, deficientes, etc). Como se trata de uma participação setorial, a regra é a dispersão dos espaços participativos na teia estatal, acompanhando a lógica fragmentada de produção das políticas. Olhando para a tabela acima vemos que a dinâmica participativa não apenas se acomodou a essa lógica, como acabou reforçando-a (e de certa forma legitimando-a) ao criar novos espaços participativos para discussão em torno de temas correlatos. A tônica que prevalece é a do diálogo atomizado construído em torno de demandas específicas.

Embora não tenhamos tido condições de nos aprofundar no que se refere às conseqüências desse padrão sobre as possibilidades de impacto das experiências participativas sobre o funcionamento da burocracia, é de supor que ao invés de contribuir para a racionalização da ação estatal, esse padrão participativo tende a agravar a desarticulação e sobreposição de esforços que historicamente tem limitado a eficiência e eficácia das ações implementadas, produzindo pouco impacto substantivo no processo de produção das políticas. Do lado dos movimentos sociais que participam, fica o enorme desafio de atuar setorialmente e buscar estratégias mais orgânicas e articuladas de ocupação dos espaços institucionais evitando a sobreposição de esforços.

Um segundo dado interessante da pesquisa, é o fato da Secretaria de Finanças “liderar” o ranking das secretarias com maior número de espaços de participação vinculados. Esse é um dado da pesquisa que parece evidenciar, por um lado, os novos estatutos que a participação vem assumindo principalmente a partir de meados dos anos 90 e, por outro lado e nessa mesma direção, o esforço do governo na institucionalização do diálogo com o mercado.

Mas, o que mais chama a atenção na Tabela são as ausências. A primeira delas, de mecanismos participativos em secretarias importantes e com tradição de interação com a comunidade como as secretarias de Esporte e Transporte, que já nos anos 50 e 60 possuíam conselhos na área (embora, constituídos como conselhos de notáveis) e a desativação do conselho setorial na área de cultura, espaço tradicional de mediação entre administração pública e segmentos culturais

TABELA 4. Vinculação administrativa dos espaços participativos em funcionamento no município de São Paulo (2006)

Secretarias Municipais	Espaços Participativos vinculados	Tipos
Assistência e Desenvolvimento Social (SMADS)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Assistência Social</li> <li>2. Conselho de Monitoramento de Política de Direitos das Pessoas em Situação de Rua na Cidade de São Paulo População de rua</li> <li>3. Comissão Municipal de Erradicação do Trabalho Infantil</li> <li>4. Comissão de Apoio e controle social do Programa de Garantia de Renda Familiar Mínima Municipal</li> </ol>	Política setorial (1) Defesa de direitos (1) Intervenção focalizada (2)
Coordenação das Subprefeituras (SMSP)	<ol style="list-style-type: none"> <li>1. Comissão de Análise do Passeio Público</li> </ol>	Intervenção focalizada (1)
Cultura (SMC)	<ol style="list-style-type: none"> <li>1. Conselho Mun. de Pres. do Patr. Hist., Cultural e Ambiental da Cidade de São Paulo</li> <li>2. Comissão de Averiguação e Avaliação de Projetos Culturais</li> <li>3. Comissão de Avaliação do Vai</li> </ol>	Intervenção focalizada (3)
Educação (SME)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Educação</li> <li>2. Conselho Municipal de Acompanhamento e Controle Social do FUNDEF</li> </ol>	Política setorial (1) Intervenção focalizada (1)
Finanças (SF)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Valores Imobiliários</li> <li>2. Conselho do Programa de Incentivos Seletivos para a área Central</li> <li>3. Conselho Municipal de Tributos</li> <li>4. Conselho do Programa de Incentivos Seletivos Para a Área Leste do Município</li> <li>5. Conselho do Programa de Incentivos Seletivos da Região Adjacente à Estação da Luz</li> </ol>	Intervenção focalizada (5)
Gestão (SMG)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Alimentação Escolar</li> </ol>	Intervenção focalizada (1)
Governo Municipal (SGM)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Turismo SGM</li> <li>2. Comissão Municipal de Direitos Humanos</li> </ol>	Política setorial (1) Defesa de direitos (1)
Habitação (SEHAB)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Habitação</li> <li>2. Comissão de Proteção a Paisagem Urbana</li> <li>3. Comissão de Edificações e Uso do Solo</li> </ol>	Política setorial (1) Intervenção focalizada (2)
Planejamento (SEMPA)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Política Urbana</li> <li>2. Câmara Técnica de Legislação Urbanística</li> </ol>	Política setorial (1) Intervenção focalizada (1)
Saúde (SMS)	<ol style="list-style-type: none"> <li>1. Conselho Municipal de Saúde</li> <li>2. Conselho de Proteção e Defesa dos Animais</li> <li>3. Fórum Municipal de Saúde Mental de Crianças e Adolescentes</li> <li>4. Fórum Municipal de Saúde Mental, Drogas e Álcool</li> </ol>	Política Setorial (1) Defesa de Direitos (1) Intervenção focalizada (2)

TABELA 4. *Continued*

Serviços (SES)	1. Conselho Municipal de Segurança Alimentar e Nutricional	Defesa de Direitos (1)
Verde e meio-ambiente (SVMA)	1. Conselho Municipal de Meio Ambiente e Desenvolvimento Sustentável	Política Setorial (1)
Especial de participação e parceria (SEPP)	1. Grande Conselho Municipal do Idoso 2. Conselho Municipal dos Direitos da Criança e do Adolescente 3. Conselho Municipal de Atenção à Diversidade Sexual 4. Conselho Municipal de Políticas Públicas de Drogas e Álcool	Defesa de direitos (3) Intervenção focalizada (1)
Especial de pessoa com deficiência e mobilidade reduzida (SEPED)	1- Conselho municipal da pessoa deficiente 2- Comissão permanente de acessibilidade	Defesa de direitos (1) Intervenção focalizada (1)
Relações Internacionais (SMRI)		
Comunicação (SECOM)		
Esportes, Lazer Recreação (SEME)		
Infra-estrutura urbana e obras (SIURB)		
Negócios Jurídicos (SNJ)		
Trabalho (SMTRAB)		
Transportes (SMT)		

na cidade.<sup>32</sup> A segunda ausência é mais significativa: a de espaços participativos voltados a pensar a cidade como um todo, ou espaços participativos globais, dedicados ao desenvolvimento da cidade, à compreensão de seus problemas e busca concertada de soluções. O único espaço participativo que poderia cumprir essa função seria o Conselho Municipal de Política Urbana, pelo conjunto de competências que a lei lhe atribuiu.<sup>33</sup> Contudo, por problemas diversos, o Conselho não consegue realizar sua vocação articuladora. No processo de elaboração da Lei Orgânica alguns conselhos com esse perfil foram propostos (Conselho Municipal

do Desenvolvimento Urbano, Conselho de Desenvolvimento Econômico e Social e Conselho Municipal de Planejamento), mas nunca foram implementados. Na verdade, não parecia haver da parte dos movimentos sociais uma pressão efetiva nesse sentido. No geral, os movimentos mais combativos da cidade estavam e estão articulados em torno de demandas específicas voltadas aos segmentos sociais com os quais (e em nome dos quais) atuam. Tem sido muito difícil para esses movimentos o exercício de olhar para o conjunto da cidade ou de seu território, superado as demandas corporativas. Nessa participação mais setorial que global, o risco é a produção de militantes especialistas em determinados temas e a profissionalização das lideranças que tende a agravar o problema da falta de relação entre os representantes sociais e suas bases.

### *Estrutura e dinâmica de funcionamento*

Encontramos uma grande diversidade no que se refere ao formato, estrutura e dinâmica de funcionamento entre os espaços participativos estudados. Mesmo diante desse reconhecimento, é possível recuperar alguns traços mais comuns que nos ajude na caracterização do cotidiano de funcionamento dos espaços de participação em São Paulo.

Num exercício de generalização, poderíamos afirmar que um espaço participativo típico possui uma estrutura de funcionamento composta: a) por um plenário: órgão máximo de decisão, composto pelos membros titulares, configurado por reuniões ordinárias e extraordinárias; b) coordenação geral: órgão de execução das decisões do plenário, composto por membros titulares e/ou suplentes, ocupando as funções de presidente, vice-presidente, 1º secretário, etc.; c) comissões temáticas permanentes: auxiliam o plenário em torno de temas específicos, produzindo discussões e apresentando propostas para votação. Em alguns espaços, principalmente no caso dos conselhos de políticas setoriais, é comum que o Governo indique funcionários para auxiliar nas atividades do Conselho. Previamente às reuniões plenárias, as pautas contendo a ordem dia são distribuídas aos participantes, e em alguns casos, publicadas em Diário Oficial.

A rotina dos trabalhos geralmente percorre a seguinte seqüência: discussão e aprovação da ata anterior, informes, discussão da ordem do dia contando dos temas previamente definidos e deliberações. Alguns regimentos, disciplinam o tempo de fala e os procedimentos necessários para os processos de votação. Principalmente no caso dos conselhos de políticas, a análise dos regimentos internos demonstra um grande apreço pela formalização dos procedimentos.<sup>34</sup> Na maioria dos espaços investigados, notamos a forte valorização do discurso jurídico. Em pesquisas futuras, caberia investigar mais detidamente em que medida a natureza das normas favorece ou desestimula a participação, a partir da compreensão das diferentes formas como

atingem os segmentos formalmente incluídos na dinâmica participativa.

Uma outra definição presente nos regimentos internos e que afeta de forma central o cotidiano dos espaços participativos diz respeito à forma de escolha do presidente. Isso porque, em muitos casos, a norma confere ao presidente a prerrogativa de elaborar a pauta de discussões, convocar reuniões extraordinárias (e/ou reuniões ordinárias, nos casos dos espaços participativos que não possuem periodicidade definida), encaminhar processos, etc. No caso de São Paulo, e na maioria dos municípios brasileiros, a regra é que as leis de criação atribuam ao gestor municipal, ou pessoa por ele indicada, o exercício da presidência.

Trecho do regimento interno do Conselho de Meio Ambiente e Desenvolvimento Sustentável (CADES) evidencia o poder de condução do presidente do Conselho sobre a dinâmica participativa. Vejamos, o exercício desse poder, no que se refere ao uso da palavra em plenário:

**TABELA 5. Quanto à presidência dos espaços participativos, em funcionamento no município de São Paulo (2006)**

Presidência	Nº	%
Titular da pasta ou outro servidor público	19	54,3
Eleição pelo plenário do conselho	11	31,4
Outros	01	2,9
Sem dados	04	11,4
<b>Total</b>	<b>35</b>	<b>100,0</b>

Fonte: Elaboração própria a partir de dados levantados pela pesquisa

“Art. 66 – durante a sessão plenária do CADES os conselheiros poderão falar, respeitados os termos regimentais. 1º - O Conselheiro deverá pedir a palavra e esta lhe será concedida pelo Presidente, no momento adequado. 2º - Somente após a concessão pelo Presidente o Conselheiro poderá falar (...). Parágrafo Único – O Presidente estabelecerá a quanto tempo terá direito cada um dos oradores, em cada caso concreto, respeitada a complexidade da matéria em discussão e a paridade” (Conselho Municipal de Meio Ambiente e Desenvolvimento Sustentável – CADES, Regimento Interno, 1994).

*Natureza da participação*

Uma das questões que mais suscita controvérsia no debate sobre os espaços participativos diz respeito às suas competências e funções, ou a natureza da participação. Uma das principais controvérsias gira em torno da polarização consulta x deliberação.<sup>35</sup>

Quanto à natureza de suas funções, os espaços participativos podem ser deliberativos, consultivos, normativos ou fiscalizadores, assim como podem ter suas atribuições definidas pela combinação de algumas dessas funções. Em certos casos, essa definição já está presente na legislação Federal, em outros, depende do que prevê a legislação municipal. Um espaço participativo bem sucedido pode não ter sua ação diretamente relacionada à deliberação (“induzir o Estado à ação”), mas ao controle social do Estado (no sentido fiscalizatório que visa “impedir o Estado de transgredir”), ou a uma eficiente vocalização das demandas, ou a uma junção feliz dessas características. Espaços participativos com baixa capacidade deliberativa podem ser fortes no controle da aplicação dos recursos orçamentários, ou na execução dos programas e projetos. Esse reconhecimento, contudo, não pode nos levar, a subestimar a importância da deliberação enquanto um preceito legal profundamente impactante no sentido da radicalização da partilha do poder, como afirma Garrido de Paula

“Vínhamos de uma participação em conselhos consultivos e verificamos que esses serviram aos interesses do Executivo. Eventualmente respaldavam algumas de suas ações, mas o Executivo não estava obrigado a acatar nenhuma posição. Agora, se você coloca o conselho como deliberativo e controlador, você coloca a idéia de que ele efetivamente exerce poder público”.<sup>36</sup>

**TABELA 6. Competência dos espaços participativos em funcionamento, no município de São Paulo (2006)**

Competência	Nº	%
Deliberativo	16	45,7
Não deliberativo	18	51,4
S/D	01	2,9
<b>Total</b>	<b>35</b>	<b>100,0</b>

Fonte: Elaboração própria a partir de dados levantados pela presente pesquisa

Partindo dessa contraposição entre deliberação e consulta, como funções predominantes, teríamos o seguinte quadro em relação ao universo de nossa pesquisa: Como vemos, a metade dos espaços de participação na capital paulista não são deliberativos. Além disso, é importante associar esse dado com a discussão anteriormente feita sobre o escopo de atuação. Isso porque tem sido comum confundir competência deliberativa com participação no processo decisório que envolve o planejamento da política. São coisas distintas. Um conselho ou comissão pode ser deliberativo e não ter como atribuição incidir sobre processos que envolvem a elaboração ou o planejamento da política. Quando relacionamos essas duas variáveis (competência e escopo de atuação) vemos que, no caso de São Paulo, dos 16 espaços participativos que têm competência deliberativa, apenas 09 têm como objetivo incidir sobre o planejamento da política. Os demais exercem sua competência deliberativa em processos específicos correspondentes às fases de implementação e/ou fiscalização das políticas.

*Ou seja, dos 35 espaços participativos em funcionamento na PMSP, apenas 09 (26%) poderiam ser consideradas espaços participativos fortes: possuem natureza deliberativa e têm como atribuição incidir sobre a fase de planejamento da política.* E aqui é preciso esclarecer que mesmo nesses casos, a análise dos instrumentos legais deixa claro que não está previsto qualquer tipo de sanção às autoridades públicas que tendo a obrigação de acatar as decisões provenientes desses espaços, não o faça. No mais, sabemos que a divisão das funções, competências e poderes entre o Conselho e as instituições administrativas e burocráticas quanto à definição, execução e fiscalização das políticas está longe de estar resolvida apenas por essa disposição presente na legislação, que no mais das vezes, é vaga no que se refere ao lugar e papel de cada ator. Na prática, essa divisão das funções acaba ocorrendo a partir de acordos possíveis em cada conjuntura particular, variando à medida que se altera o jogo das correlações forças entre os participantes. No caso específico de São Paulo, os estudos de caso que temos desenvolvido junto aos conselhos de saúde, assistência social, criança e adolescente e habitação, todos deliberativos e com competência para atuar em todas as fases da política pública, demonstram a enorme dificuldade que esses conselhos encontram para cumprir sua vocação deliberativa. A atuação desses conselhos tende a se concentrar na produção de decisões que visam facilitar e racionalizar o processo de execução da política pública. As decisões que antecedem a implementação da política - constituição da agenda, definição dos interesses, identificação de alternativas, definição de metas, objetivos, recursos e estratégias de ação, etc. embora faça parte de sua atribuição legal, passam por fora do Conselho. Sobrecarregados, muitas vezes, com tarefas administrativo-burocráticas, os conselhos não conseguem abrir espaço em sua agenda para

pensar a política e elaborar uma pauta de intervenção própria. Nesse contexto, acabam sempre a reboque da agenda governamental, com muita dificuldade para se constituírem enquanto instâncias autônomas de decisão.

### *Composição*

Uma das características que responde pela natureza pública e democrática desses novos arranjos deliberativos diz respeito à pluralidade na sua composição. Nesse item a intenção é oferecer um perfil geral da representação governamental e não-governamental, a partir do que prevê a legislação. Lembro que os dados a serem apresentados se referem ao que está previsto nas leis que os criam e regulamentam. Os dados sobre composição atual - não trabalhados nesse texto— podem apresentar, em relação a esses, algumas alterações. Esclareço, ainda, que na segunda parte do texto, volto a esse tema, numa lógica mais qualitativa que trabalha por eixo de política.

Um olhar geral sobre o universo pesquisado mostra que hoje em São Paulo temos um total de aproximadamente 690<sup>37</sup> posições de conselheiros titulares para serem ocupadas nos 35 espaços participativos pesquisados, distribuídos entre a representação governamental e não-governamental. No geral, a lei de criação prevê para cada titular um suplente, o que resultaria num total de aproximadamente 1.400 pessoas participando desses espaços, considerando que essas posições fossem sempre ocupadas por pessoas diferentes, o que não é o caso. Quanto ao número médio de membros por espaço participativo, notamos um quadro bastante diversificado, sendo que a maioria possui de 10 a 20 membros. Nos dois extremos estão o Conselho do Programa de Incentivos Seletivos para a Área Leste, com um total de 6 membros, e o Conselho Municipal de Habitação e o Conselho Municipal de Política Urbana ambos com 48 membros.

Quanto à distribuição dos representantes por campo de atuação, cerca de 57% representa a sociedade civil e 35% o governo municipal. Em número menor, temos ainda representantes da Câmara de Vereadores, do governo estadual e federal, e de outros conselhos da cidade. Em relação à divisão dos assentos entre governo e sociedade civil, os espaços participativos podem ser definidos como paritários, de super-representação societária, ou super-representação governamental. Os conselhos paritários são os que apresentam igual número de representantes da sociedade civil e do governo. Os outros dois casos são espaços não paritários nos quais observa-se ou um número maior de repre-

sentantes da sociedade civil (conselho de super-representação societária) ou um maior número de representantes do governo (conselho de super-representação governamental). Nossos dados indicam que apenas cerca de 20% dos espaços participativos apresentam distribuição paritária entre governo e sociedade civil. No total dos não paritários, a maioria apresenta super-representação societária.

A representação governamental, como dissemos, fica a cargo, principalmente, dos representantes das secretarias municipais. Chama atenção a diversidade de espaços participativos para os quais cada secretaria tem o dever de enviar representante. Destacam-se, nesse caso, as secretarias de Saúde, Cultura, Coordenação das Subprefeituras, Assistência Social, Educação, Habitação, Finanças e Planejamento que participam em mais de 10 instâncias diferentes, mobilizando para tanto um número considerável de servidores. Essa distribuição, faz com muitos espaços participativos se transformem em lugar de encontro e articulação intergovernamental. Bons exemplos são o Conselho de Acessibilidade, no interior do qual estão representadas 15 secretarias diferentes, seguido do Conselho de Meio Ambiente e Desenvolvimento, em que funcionários da Secretaria de Meio Ambiente dividem a representação governamental com técnicos de outras 12 secretarias municipais, e do Conselho de Política Urbana, que envolve na sua composição representantes de outras de 13 secretarias.

Quanto à representação não-governamental, o conjunto dos dados revela a variedade dos segmentos sociais que participam nessas instâncias. Na representação da sociedade civil, encontramos ONGs, movimentos sociais, entidades filantrópicas, municipais, organizações patronais, organizações sindicais, universidades e organizações do terceiro setor. Contudo, no interior de da área, como veremos na segunda parte do trabalho, o nível de pluralidade interna dos espaços participativos apresenta variações significativas. Na área de finanças, por exemplo, a representação da sociedade civil é majoritariamente exercida por organizações empresariais; assim como na área educação, destaca-se participação dos funcionários das escolas públicas. Além disso, como vários têm demonstrado, a diversidade das forças sociais representadas no conjunto das instâncias participativas, caminha ao lado de uma forte tendência à elitização da participação.<sup>38</sup>

Ainda sobre a representação societária, outra dimensão importante que pode ser extraída da análise do desenho institucional, diz respeito à forma de escolha dos representantes. Nesse aspecto, encontramos também significativa variação entre os espaços participativos estudados, indo desde formas amplas e democráticas de escolha, como o voto em assembleias e fóruns próprios ao segmento social representado, até mecanismos mais restritos que atribuem ao Executivo a prerrogativa da escolha dos representantes não-governamentais. Também é comum,

num único espaço participativo, a adoção de mecanismos diferentes de escolha tendo em vista o tipo de segmento a ser representado, como, por exemplo, no Conselho de Políticas Urbanas, onde os 8 representantes das macro-regiões são eleitos pela população local, e os 16 representantes de entidades civis são escolhidos pelo governo, com base numa lista tríplice fornecida pelas entidades. Na Tabela abaixo sintetizamos os resultados. Um dado chamou a atenção: o número de espaços participativos nos quais as leis de criação definem nominalmente as entidades que têm o direito de participar.

**TABELA 7. Forma de escolha das entidades não-governamentais com representação nos espaços de participação, no município de São Paulo (2006)**

<b>Tipo</b>	<b>Nº</b>	<b>%</b>
Indicadas pelo governo	13	37,1
Escolhidas pelos pares em fórum próprio	09	25,7
Definidas nas leis de criação	07	20,0
Forma mista de escolha	04	11,4
S/D	02	5,7
<b>Total</b>	<b>35</b>	<b>100,0</b>

Fonte: Elaboração própria a partir de dados levantados pela presente pesquisa

Se somarmos as entidades indicadas pelo governo às que possuem cadeira cativa nos espaços participativos chegamos a um total de 57%. Isso significa que em mais da metade dos espaços de participação em São Paulo não cabe à sociedade escolher os seus representantes. Ao contrário, é prerrogativa do Estado escolher os seus interlocutores, no geral, associações profissionais nacionalmente reconhecidas, grandes entidades filantrópicas, federações da indústria e comércio, ONGs que prestam atendimento etc.

### III. ESPAÇOS PARTICIPATIVOS E ÁREAS DE POLÍTICAS

Como vemos na Tabela abaixo, os espaços participativos em funcionamento em São Paulo possuem uma distribuição setorial variada, recobrando uma ampla gama de temas, com concentração na área de políticas sociais, com quase 29% do total, o que já era esperado tendo em vista o histórico de militância na área.

Se nos itens anteriores, a tentativa foi buscar as generalizações possíveis, nessa parte a intenção é aproximar mais nossas lentes de observação buscando os contornos específicos dessa dinâmica participativa em cada área de política. Nessa aproximação, tentamos recuperar—ainda que de forma parcial e preliminar—um pouco do histórico da participação em cada área, assim como seus desafios específicos. Nos interessa particularmente compreender quem participa e qual a função que os espaços desempenham. Começamos com a área cultural.

**TABELA 8. Distribuição setorial dos espaços participativos em funcionamento no município de São Paulo (2006)**

Área de política	Nº	%
Políticas sociais	10	28,6
Política urbana, habitacional e de desenvolvimento da cidade	09	25,7
Direitos Humanos e Cidadania	08	22,9
Finanças públicas	05	14,3
Cultura	03	8,6
<b>Total</b>	<b>35</b>	<b>100,0</b>

Fonte: Elaboração própria a partir de dados levantados pela presente pesquisa

### *Área cultural*

O primeiro aspecto a destacar aqui é o completo descompasso entre a rica e complexa vida cultural da cidade de São Paulo e a pobreza dos canais participativos a ela associados. O principal espaço de interface governo/sociedade na área da cultura foi tradicionalmente o Conselho Municipal de Cultura. A primeira referência ao Conselho data de 1961, mas foi apenas nos anos 90 que ele foi instituído legalmente, o que não significa que tenha conseguido exercer, a partir de então, influência na política cultural da cidade. O Conselho sempre ocupou um lugar marginal nos circuitos decisórios e pouca representatividade junto aos segmentos culturais da cidade.

“O Conselho realizava reuniões mensais ou extraordinárias, funcionava na maioria das vezes com pouco mais da metade de seus membros e com comissões sempre em processo de organização, com poucas entidades, dinâmicas restritas e poucas propostas (...). O Conselho dialogou pouco com atores e dinâmicas emergentes, sem que conseguisse capilarizar as políticas públicas (...). O Conselho também não interferiu na mudança da Lei de Incentivo em vigor desde 1992 e que notoriamente não redis-

tribuiu recursos públicos para a cidade. Não avançou também na sua própria reestruturação o que lhe daria mais vitalidade e possibilidades de inclusão no cenário das políticas públicas da cidade. A sua presença na cidade foi muito pequena, ele perdeu a oportunidade de fazer interfaces com outras políticas públicas, mais especificamente Educação e Esporte (...). Fica evidente que a presença do Conselho na cidade era mais retórica que real. E hoje não temos dúvida de que a segmentação do Conselho, sem lugar na cidade e apartado de outras políticas, está distante de um novo paradigma de gestão pública da cultura”.<sup>39</sup>

No governo Marta Suplicy o Conselho passou por uma primeira tentativa de reestruturação, cujo saldo mais positivo foi a realização da I Conferência Municipal de Cultura da Cidade de São Paulo, em 2004, que mobilizou cerca de 2500 pessoas, evidenciando o potencial de participação não capitalizado pelo Conselho. Em 2005, esse incipiente processo de mobilização e reestruturação foi abortado com a desativação do Conselho, no governo de José Serra. Hoje uma tímida tentativa de rearticulação do Conselho mobiliza antigos militantes e membros do legislativo municipal.

Atualmente a área da Cultura possui três canais para a participação de setores organizados:

- 1) Conselho Municipal de Preservação do Patrimônio Histórico, Cultural e Ambiental da Cidade de São Paulo (CONPRESP);
- 2) Comissão de Averiguação e Avaliação de Projetos Culturais – CAAPC;
- 3) Comissão de Avaliação do Programa de Valorização de Iniciativas Culturais (Comissão do Vai).<sup>40</sup>

Dos três, o CONPRESP é o mais antigo, com 16 anos de funcionamento. Trata-se de um Conselho técnico que tem como responsabilidade deliberar sobre o tombamento de bens culturais e naturais na cidade de São Paulo, incidindo sobre a propriedade pública ou privada. A representação societária é composta por três entidades que possuem vagas permanentes: Instituto dos Arquitetos do Brasil, Ordem dos Advogados do Brasil e Conselho Regional de Engenharia, Arquitetura e Agronomia.

Os outros dois espaços, criados na gestão de Marta Suplicy, têm como função regulamentar a distribuição de incentivos fiscais (cujo percentual é definido pelo gestor) para projetos culturais, decidindo os projetos a serem financiados e acompanhando a correta utilização dos recursos, dentro da lei de incentivos

culturais. No caso da Comissão do VAI, criado no âmbito de um programa específico, a intenção é financiar projetos de jovens que atuam nas periferias paulistanas. Quanto à composição, há o predomínio da representação por segmento cultural (artes cênicas, música, artes visuais, crítica e formação cultural, etc), cabendo ao Secretário de Cultura a prerrogativa da escolha. Dados sobre a composição atual mostram que os interlocutores privilegiados do executivo têm sido entidades e organizações com experiência e trânsito no meio cultural e dotadas de expressivos recursos políticos e organizacionais.

Ou seja, o que vemos é uma arquitetura que revela uma participação elitizada, de um pequeno grupo de especialista, incapaz de refletir as novas dinâmicas urbanas que emergem, principalmente, nas periferias da cidade de São Paulo. Quanto as suas funções, os espaços participativos hoje existentes estão voltados para o desempenho de tarefas rotineiras—de natureza burocrática—associadas à fase de implementação da política. Uma das principais tarefas assumidas por essas instâncias, como vimos, tem sido a concessão de financiamento público para os produtores culturais. Não parece exagero afirmar que talvez uma das principais funções da participação institucional hoje na área da cultura seja regular a tensão entre financiamento e produção, gerenciando a escassez. Mesmo nesse caso, o poder de intervenção é restrito uma vez que ao executivo cabe definir os critérios gerais para a concessão dos incentivos e o percentual de recursos a ser investido.

### *Área de Finanças e Tributos*

Essa é uma área em que não há tradição de participação. Apesar disso, na pesquisa identificamos cinco canais de mediação governo/sociedade/mercado:

1. Conselho Municipal de Valores Imobiliários
2. Conselho Municipal de Tributos
3. Conselho Municipal de Incentivos Seletivos para a Zona Leste
4. Conselho Municipal de Incentivos Seletivos para a Região Central
5. Conselho Municipal de Incentivos Seletivos para a Região da Luz

Nenhum dos conselhos tem como função incidir sobre a elaboração de políticas. São conselhos de gestão e julgamento, voltados a aspectos específicos da implementação da política tributária. Todos estão vinculados à Secretaria de Finanças, mas em sua composição mobilizam um conjunto de outras secretarias municipais, tais como Planejamento, Habitação, Coordenação das Subprefeituras e Trabalho.

O Conselho Municipal de Valores Imobiliários, criado na gestão de Luiza

Erundina, tem dentre suas atribuições discutir e aprovar mudanças na apuração do valor venal dos imóveis, como no caso da taxa do IPTU (Imposto Predial e Territorial Urbano). Na Lei de criação a Prefeitura define como interlocutores as mesmas entidades e associações que ocupam posição hegemônica nos espaços de discussão das políticas urbanas e habitacionais, como veremos adiante: Federação do Comércio de São Paulo, Federação das Indústrias do Estado de São Paulo (FIESP), Sindicato dos Corretores de Imóveis, Secovi, Sinduscon, etc. Para garantir a “pluralidade”, a Lei prevê a participação de um representante da União do Movimento de Moradia de São Paulo.

O Conselho Municipal de Tributos, criado na gestão Marta Suplicy e implementado na gestão de Kassab, em 2006, é um órgão composto por representantes da Prefeitura e dos próprios contribuintes (com a exigência de que possuam formação superior em legislação tributária), escolhidos pelo Prefeito, para decidir, em última instância administrativa, as controvérsias tributárias entre os contribuintes e a Administração Municipal. O contribuinte que não concordar com a decisão de primeira instância administrativa poderá recorrer a esse órgão colegiado, composto por quatro câmaras julgadoras efetivas, cada uma com seis conselheiros: três representantes dos contribuintes e três da Prefeitura.

Os demais conselhos fazem parte do Programa de Incentivos, implementado pela gestão de Marta Suplicy, destinado a fomentar o desenvolvimento em determinadas regiões da cidade a partir da concessão de incentivos fiscais aos contribuintes que realizarem investimentos nas áreas determinadas. Os conselhos para a área central e leste, foram criados durante a gestão da petista, e o conselho da Estação da Luz, pelo governo Serra. O objetivo dos conselhos, criados o âmbito desse Programa, é julgar os pedidos de concessão fiscal e acompanhar o desenvolvimento dos projetos aprovados. Também nesse caso, trata-se de espaços destinados a institucionalizar o diálogo com segmentos do mercado. No caso do Conselho para a Região da Luz a sociedade civil é representada pela Associação Brasileira dos Escritórios de Arquitetura e pela Associação Brasileira de Empresas de Software (ABES). Não por acaso uma das propostas para a região, apresentada pelo Secretário Municipal de Planejamento, que dirige o Programa, é a criação de um pólo comercial e de serviços focada na área da tecnologia. Na Zona Leste, na atual gestão a sociedade civil é representada pela Força Sindical, Federação das Indústrias do Estado de São Paulo e pelo Fórum de Desenvolvimento da Zona Leste, uma OSCIP, dirigida por um importante empresário da região.

### *Direitos humanos e cidadania*

Em meados dos anos 80, os ex-prefeitos Mário Covas e Jânio Quadros, seguindo

uma tendência também verificada no plano estadual, investiram na criação de canais participativos voltados à defesa dos direitos de públicos específicos, como é o caso do Conselho Municipal da Condição do Idoso (1984), Conselho Municipal do Deficiente Físico (1985), Conselho Municipal dos Direitos da Mulher (1986) e Conselho Municipal do Negro (1987), evidenciando a abertura da administração municipal a um leque de temas e problemas apresentados pelos grupos e movimentos sociais da cidade.

Desses conselhos, apenas o da Mulher e do Negro encontram-se desativados, tendo dado lugar à criação de coordenadorias específicas. Nos anos 90, os marcos legais desses espaços foram redefinidos, ampliando seu poder e pluralidade interna, e novas instâncias participativas foram criadas, num fluxo marcado por uma baixa taxa de mortalidade dos espaços. O quadro atual aponta para existência de oito instâncias para defesa de direitos, vinculados a cinco secretarias diferentes:

1. Conselho de Proteção e Defesa dos Animais
2. Grande Conselho Municipal do Idoso
3. Conselho Municipal da Pessoa Deficiente
4. Conselho Municipal dos Direitos da Criança e Adolescente
5. Comissão Municipal de Direitos Humanos
6. Conselho Municipal de Segurança Alimentar e Nutricional
7. Conselho de Monitoramento da Política de Direitos das Pessoas em Situação de Rua na Cidade de São Paulo
8. Conselho Municipal de Atenção à Diversidade Sexual

Quando comparados com os canais participativos vinculados às outras áreas, esses espaços se distinguem por uma maior pluralidade na composição, pela menor ingerência do Estado na definição da representação societária (no geral, escolhida em fórum próprio), e principalmente por sua função articuladora, tendo em vista a natureza intersetorial das tarefas que assumem. Essa característica, como lembra Volpi, ao mesmo tempo em que amplia o poder de intervenção dessas instâncias, aumenta a complexidade da sua intervenção. Um bom exemplo é o Conselho da Criança:

“O Conselho de Direitos da Criança e do Adolescente tem uma tarefa intersetorial. Ele não elabora a política de Assistência para a Infância, mas é responsável pela política de proteção integral da infância que tem um recorte intersetorial e atravessa todas as áreas da política. (...) O Conselho da Criança depende de sua inter-relação com o Conselho

de Saúde, de Educação e o de Assistência Social o que o torna extremamente complexo”.<sup>41</sup>

Mas, como os estudos vêm demonstrando, o desempenho dessa função tem esbarrado no isolamento das instâncias participativas, seja em relação ao sistema político, seja na comunicação com a sociedade civil organizada, do que resulta um considerável déficit de legitimidade social. Um bom antídoto contra esse isolamento parece estar na realização das conferências municipais, obrigatórias em seis dos oito espaços existentes na área.

Quanto ao poder legalmente atribuído, apenas os conselhos da Criança e de Segurança Alimentar têm como competência deliberativa, possuindo, os demais, natureza consultiva e/ou fiscalizadora. A Comissão de Direitos Humanos tem perfil distinto cabendo-lhe ações preventivas, corretivas e reparadoras no caso de identificação de violação de direitos. Do conjunto dos conselhos da área, o da Criança e Adolescente é o único obrigatório por norma federal, estando presente na quase totalidade dos municípios brasileiros. Todos os demais emergem como resposta do poder público municipal à pressão da sociedade organizada.

Quanto aos critérios de composição e representação, chama a atenção o modelo adotado pelo Conselho da Pessoa Deficiente que faculta a todas as pessoas portadoras de deficiência voz e voto nas reuniões plenárias mensais e, apesar de vinculado a uma secretaria de governo, não prevê oficialmente a participação de nenhum setor da Prefeitura em sua composição. O dia-a-dia do conselho fica a cargo de uma coordenação geral, composta por 7 membros titulares e 7 suplentes, dentre pessoas portadoras de deficiência eleitas nos encontros anuais. *Embora não tenhamos estudos disponíveis capazes de avaliar a adequação desse modelo, parece uma alternativa possível ao problema da burocratização e elitização da participação verificados na maioria dos espaços participativos estudados.* No caso do Grande Conselho do Idoso, os 30 idosos titulares e os 15 suplentes que compõem a representação societária no Conselho são eleitos em assembléias realizadas nas cinco regiões da cidade, a cada dois anos. Nos demais espaços, a regra é a representação por segmentos, variando a forma de escolha dos representantes: na Comissão de Direitos Humanos, os 5 membros natos do Conselho elegem os outros 10 representantes de organizações relacionadas à defesa de direitos de minorias; no Conselho de Diversidade Sexual, cabe ao Fórum Paulistano de ONGs GLBTs indicar os representantes, por meio de lista tríplice “acompanhada da qualificação dos eleitos” para deliberação e escolha pelo Secretário da pasta; no caso do Conselho da Criança e Adolescente as entidades escolhem seu representante em fórum próprio; no caso do Conselho de Monitoramento... os usuários que compõem a representação societária são eleitos, em assembléia, pelos delegados eleitos em cada unidade prestadora de serviços à

população de rua, sendo as demais representações escolhidas em fórum próprio.

Os interlocutores principais da prefeitura nessa área são as ONGs de defesa de direitos, usuários, entidades privadas de atendimento direto, movimentos sociais e organizações do terceiro setor. No caso específico do Comusan, destaca-se, além desses setores, a participação de entidades sindicais, associações patronais e categorias profissionais.

*Área de política urbana, habitacional e desenvolvimento da cidade*

As políticas urbanas no Brasil contam com uma legislação avançada resultado da pressão dos movimentos sociais e setores progressistas durante o longo processo de luta pela reforma urbana.<sup>42</sup> O Estatuto da Cidade, instrumento jurídico que consagra essas mudanças, tem como vetor principal a afirmação da função social da cidade contra a lógica da mercantilização desenfreada do espaço urbano e a prática da participação e do controle social como sua principal ferramenta.<sup>43</sup> Destaca-se, nesse sentido, o processo de mobilização para a realização dos planos diretores, os conselhos nacional, estadual e municipal de habitação, com seus respectivos fundos, e as conferências da cidade, realizadas a cada dois nos três níveis da federação.<sup>44</sup> Esse processo de democratização e acesso à cidade sustentável esbarra, como sabemos, na forte reação dos setores ligados ao mercado imobiliário.

Em São Paulo essas disputas conformam hoje uma cena política bastante conflagrada dado o forte potencial de mobilização do movimento de moradia, o mais forte e expressivo movimento social da cidade. Um dos temas dessa politizada agenda são as políticas de revitalização do centro da cidade. Enquanto a gestão de Marta Suplicy, em sintonia com bandeiras históricas dos movimentos sociais investiu em programas de habitação popular nas áreas centrais; a gestão Serra/Kassab adotou como projeto a intensificação dos investimentos privados, garantindo a valorização dos imóveis e o desenvolvimento econômico da região. Em torno desses diferentes projetos estruturaram-se distintas coalizões de interesses entre estado, mercado e sociedade, gerando momentos de enfrentamento, principalmente entre a administração municipal e militantes dos movimentos de sem-teto e população de rua.<sup>45</sup>

Na nossa pesquisa identificamos nove instâncias de mediação governo/sociedade que direta ou indiretamente tratam de temas envolvendo o desenvolvimento da cidade:

1. Conselho Municipal de Habitação
2. Conselho Municipal de Política Urbana
3. Conselho Municipal de Meio Ambiente e Desenvolvimento Sustentável

4. Conselho Municipal de Turismo
5. Câmara Técnica de Legislação Urbanística
6. Comissão de Edificações e Uso do Solo
7. Comissão de Proteção à Paisagem Urbana
8. Comissão de Análise do Passeio Público
9. Comissão Permanente de Acessibilidade

O primeiro aspecto que chama a atenção nessa arquitetura é a multiplicidade de espaços, o que torna muito presente o risco da pulverização e da fragmentação das ações principalmente diante da falta de coordenação entre eles. A dispersão temática soma-se à dispersão geográfica: os oito espaços estão alocados em 5 secretarias diferentes: Planejamento, Habitação, Coordenação das Subprefeituras, Secretaria Especial da Pessoa com Deficiência e Mobilidade Reduzida, Secretaria do Verde e do Meio Ambiente.

Quanto a sua natureza e potencialidade, os espaços podem ser divididos em dois grupos.

No primeiro grupo estão a câmara técnica e as comissões temáticas. Por sua origem e desenho institucional esses espaços apresentam baixa potencialidade no que se refere à democratização as políticas. As comissões temáticas foram criadas a partir da iniciativa do gestor, têm como atribuições incidir sobre momentos específicos da fase de implementação das políticas, regulamentando o acesso e o uso do espaço público urbano, assumindo funções normativas e operacionais de natureza consultiva. Já a Câmara Técnica tem como principal atribuição assessorar o Conselho de Política Urbana emitindo parecer sobre propostas envolvendo a legislação de parcelamento, uso e ocupação do solo. Na sua composição mobilizam representantes de várias secretarias municipais. É comum que entidades e organizações que compõem a representação societária sejam definidas nominalmente nas leis de criação. Nesses espaços exige-se conhecimento técnico-especializado dos participantes, do que resulta a hegemonia dos arquitetos e engenheiros a partir de suas representações de classe, e dos representantes dos segmentos ligados ao setor imobiliário e da construção civil. Entre as instituições mais citadas nas leis de criação estão: Instituto dos Arquitetos do Brasil (IAB), Instituto de Engenharia de São Paulo (IE), Conselho Regional de Engenharia e Arquitetura (CREA), Sindicato da Indústria da Construção Civil do Estado de São Paulo (SINDUSCON), Sindicato das Empresas de Compra,

Venda, Locação e Administração de Imóveis Residenciais e Comerciais de São Paulo (SECOVI), e Federação das Indústrias do Estado de São Paulo (FIESP).

No segundo grupo, estão os conselhos de políticas públicas de Habitação, Política Urbana, Meio Ambiente e Turismo. No interior desse grupo também temos diferenças no que se refere ao poder de atuação, sendo os espaços mais fortes os conselhos de Habitação e Política Urbana, por sua natureza deliberativa e pela competência que a lei de confere de incidir sobre os processo de elaboração, implementação e avaliação das políticas e programas implementados.

O Conselho de Turismo, criado em 1991, é um Conselho que embora possua atribuições deliberativas tem uma capacidade menor de politização dos temas. Sua principal função é promover a “conjugação de esforços” entre poder público e sociedade civil para implementação da política municipal de Turismo. Assim como os conselhos de habitação e política urbana, o Conselho de Turismo tem a atribuição de incidir sobre as fases de planejamento e execução das políticas em suas respectivas áreas. Várias secretarias e autarquias municipais estão representadas no Conselho. A representação societária é feita por organizações empresariais e profissionais ligadas ao setor, tais como: Associação Brasileira de Indústrias de Hotéis, Associação Brasileira de Agências de Viagens, Associação Comercial de Transporte, Associação Brasileira de Bacharéis em Turismo, Associação Brasileira de Bares e Restaurantes, etc.

O Conselho Municipal de Meio Ambiente, antiga reivindicação dos movimentos ambientalistas, foi criado em 1993, no governo de Paulo Maluf. Contudo, a forma de criação do Conselho e a definição do seu desenho institucional foram negativamente impactados pelo modo malufista de governar, como explica Calderón:

(...) Apesar de Paulo Maluf ter criado esse Conselho, deve-se ressaltar que tal mecanismo foi instituído na tentativa de legitimar as grandes obras que esse Prefeito realizou, como, por exemplo, o prolongamento da avenida Faria Lima. (...) Esse Conselho foi criticado pela maioria das entidades ambientalistas (...). Foi um filho rejeitado pelas próprias entidades da sociedade civil. Logo no início da formulação da proposta pelo poder público, as entidades ambientalistas (...) lutaram para uma melhor definição da proposta, atribuindo-lhe, principalmente, o papel deliberativo da política ambiental do município. No entanto, o poder público (...) não cedeu a essas pressões preferindo manter o caráter consultivo do Conselho.<sup>46</sup>

No seu funcionamento atual, o Conselho Municipal de Meio Ambiente mantém a mesma legislação definida no governo Paulo Maluf, que conferindo ao Executivo a

escolha dos conselheiros não-governamentais e a sua natureza consultiva. Quanto aos seus membros atuais, vemos novamente a presença de fortes organizações corporativas (Conselho Regional de Engenharia, Arquitetura e Agronomia e Ordem dos Advogados do Brasil), centrais sindicais (CUT e Força Sindical) e entidades ligadas ao mercado (Federação do Comércio, SECOVI, FIESP). Não há representantes de movimentos ambientalistas, e na categoria “ONGs”, o que vemos é a representação de associações de moradores de perfil mais tradicional.

Os conselhos de Habitação e Política Urbana são os espaços participativos que por sua origem e desenho institucional apresentam uma maior potencialidade democratizante.

Os dois conselhos, surgem a partir de pressão da sociedade civil organizada, possuem desenhos institucionais que favorecerem uma maior autonomia em relação à administração pública e maior poder de incidência sobre a política. Incorporam uma grande diversidade de interesses, constituindo-se como interessante fórum para o confronto de projetos e visões. Setores dos movimentos populares e atores do mercado imobiliário dividem o espaço da representação societária. Nos dois conselhos, a sociedade civil é representada por moradores eleitos diretamente nas regiões,<sup>47</sup> entidades de base representativas de setores econômicos e profissionais, movimentos sociais, ONGs e universidades. No campo governamental, são várias as secretarias envolvidas para além das diretamente envolvidas com a temática. São espaços de natureza deliberativa, incidem sobre as fases de elaboração, implementação e fiscalização das políticas, inclusive no que se refere aos aspectos orçamentários das políticas.

O Conselho de Política Urbana foi criado em 1990, mas apenas em 2002, no âmbito do Plano Diretor Estratégico, foi definido legalmente como instância de formulação da política. Ao Conselho de Política Urbana cabe discutir a política urbana do município, acompanhar a implementação do Plano Diretor e ainda articular a ação dos demais conselhos municipais vinculados à política urbana e ambiental. O Conselho de Habitação surgiu da pressão dos movimentos de moradia e de reforma urbana. Ainda em 1990, no processo de discussão da Lei Orgânica Municipal de São Paulo, esses apresentaram emenda popular sobre reforma urbana e gestão democrática da cidade, prevendo a criação do Conselho de Habitação, com um total de 12.277 assinaturas. Mas sua criação só ocorreria dez anos depois, no governo de Marta Suplicy. A divisão de assentos entre governo e sociedade é paritária no Conselho de Política Urbana e de super-representação societária no caso do Conselho de Habitação. Interessante observar que mesmo nesses dois conselhos que possuem um desenho institucional mais inclusivo, tem sido difícil reverter a forte influência das entidades do mercado imobiliário. Um rápido olhar sobre o Conselho de Habitação evidencia isso.

A Lei prevê que o Conselho Municipal de Habitação deve funcionar com 48 membros, sendo 16 membros de governo, 16 membros de organizações sociais vinculadas ao tema da habitação, e 16 de entidades comunitárias e organizações populares ligadas área, escolhidos por meio de eleição direta. Na atual gestão, dentre os 16 membros da sociedade civil destacam-se: Sindicato dos Corretores de Imóveis do Estado de São Paulo (SCIESP); Sindicato da Indústria da Construção Civil do Estado de São Paulo (SINDUSCON); Sindicato das Empresas de Compra, Venda, Locação e Administração de Imóveis Residenciais e Comerciais de São Paulo (SECOVI), Sindicato dos Arquitetos do Estado de São Paulo, Conselho Regional de Engenharia, Arquitetura e Agronomia de São Paulo, e Ordem dos Advogados do Brasil (OAB). Do conjunto dessa representação, apenas duas organizações estão diretamente ligadas à rede movimentalista: Centro Gaspar Garcia de Direitos Humanos e Universidade de São Paulo. Do conjunto dos 16 representantes de organizações comunitárias e populares, eleitos em suas regiões, não há representantes dos movimentos sociais mais fortes na área. A forte presença dos interesses dos setores ligados o mercado imobiliário fica ainda mais evidente quando constatamos que o presidente do Conselho e atual secretário de Habitação de São Paulo, ocupar também a posição de presidente do Sindicato dos Corretores de Imóveis no Estado de São Paulo.

Na área de política urbana, habitacional e desenvolvimento da cidade, os espaços participativos não funcionam como instâncias para expressão e negociação entre os diferentes interesses em jogo, repercutindo as diferentes visões sobre a cidade e o uso do espaço urbano. Alguns pela limitação do seu próprio desenho institucional que, por seu caráter eminentemente técnico e elitista não favorecem a ampliação da cena política pela incorporação de novos atores e temas; outros, pela desfavorável correlação de forças que parece não estimular os grupos sociais subalternos a disputar espaços nessas arenas. Ao invés de espaços para vocalização das demandas dos grupos tradicionalmente excluídos, os espaços participativos da área mostram-se como instâncias importantes para a institucionalização do diálogo entre governo e setores ligados ao mercado imobiliário.

#### *Área de políticas sociais*

São dez instituições participativas atualmente em funcionamento na PMSP, vinculadas as políticas sociais:

1. Conselho Municipal de Saúde
2. Conselho Municipal de Educação
3. Conselho Municipal de Alimentação Escolar

4. Conselho Municipal de Assistência Social
5. Conselho Municipal de Acompanhamento e Controle Social do FUNDEF
6. Comissão de Apoio e Controle Social do Programa de Garantia de Renda Familiar Mínima Municipal
7. Conselho Municipal de Políticas Públicas de Drogas e Álcool
8. Fórum Municipal de Saúde Mental de Crianças e Adolescentes
9. Fórum Municipal de Saúde Mental de Álcool e Drogas
10. Comissão Municipal de Erradicação Trabalho Infantil

Um primeiro aspecto que se destaca nesse campo é a indução do nível federal sobre a criação de instâncias participativas no nível local, evidenciando a natureza do processo de descentralização das políticas sociais no caso brasileiro: do total dos canais participativos, apenas o Conselho de Drogas e Álcool resulta da iniciativa do nível municipal. Todos os demais, respondem a estímulos do nível federal, seja como decorrência de norma Constitucional, da criação de programas específicos e/ou de definições de outras instâncias participativas no plano nacional, como no caso da Conferência Nacional de Saúde que recomendou a criação dos fóruns de saúde mental. Trata-se de uma direção contrária a que verificamos para o conjunto dos espaços participativos, onde o que se destaca é a autonomia do gestor local na criação das instâncias participativas.

Um segundo aspecto, diz respeito às atribuições: apenas os conselhos de Saúde, Assistência e Educação têm dentre suas atribuições incidir sobre a fase de planejamento da política, com competência deliberativa; todos os demais espaços têm como atribuição influenciar as políticas, aprovando planos, produzindo recomendações ou fiscalizando a correta aplicação dos recursos.

Quanto as suas características e escopo, os espaços participativos da área social podem ser divididos em dois subgrupos.

O primeiro subgrupo congrega os espaços participativos mais estruturados, vinculados a sistemas nacionais de políticas e obrigatórios em todos os níveis da federação (Conselho de Saúde, Assistência e Educação). São conselhos que contam com uma razoável infra-estrutura material e de recursos humanos, ocupando posição de destaque no âmbito das secretarias a que estão vinculados. Embora possuam condições reais de poder diferenciados, é impossível ao gestor ignorar esses espaços, uma vez que os planos e programas municipais, para serem implementados, devem contar com a aprovação prévia de seus respectivos conselhos.

Quanto a composição, é forte a presença dos trabalhadores das respectivas áreas, seguidos das entidades filantrópicas e prestadores de serviços. No caso da Saúde e da Assistência, destaca-se a presença dos usuários. No caso da Saúde, a lei prevê a representação paritária dos usuários em relação ao conjunto dos demais segmentos, do que resulta uma super-representação desse setor. Nesses dois conselhos, todos os representantes societários são escolhidos em fórum próprio. Apesar da valorização que a norma confere à participação dos usuários, concretamente há muitas dificuldades para o envolvimento desse segmento com as atividades dos conselhos.

O Conselho Municipal de Saúde de São Paulo, criado em 1989, teve papel marcante na invenção do sistema dos conselhos incorporado na Constituição de 89. Enquanto se formava no Brasil uma concepção do que seria o Sistema Único de Saúde e o controle social sobre a saúde, o CMS de São Paulo foi, em muitos sentidos, contemporâneo e ao mesmo tempo pioneiro daquilo que se consolidaria no plano federal. A trajetória do CMS retrata com fidelidade os desafios da construção da política pública de saúde na cidade de São Paulo. Após um período marcado por uma intensa mobilização da rede movimentalista na área da Saúde, que resulta na criação do Conselho, no governo de Luiza Erundina, seguem-se oito anos de resistência e conflitos com a administração municipal, nas gestões Maluf/Pitta, quando o Conselho foi impedido de funcionar. A partir de 2000, novos investimentos na conformação do sistema participativo na saúde, recolocam o Conselho como ator importante do processo de produção da política pública. Na composição do Conselho de Saúde destaca a presença dos movimentos populares e profissionais da área.

O contexto institucional mais amplo no qual se insere a criação do Conselho Municipal de Assistência Social remete ao longo processo de luta dos movimentos sociais, articulados no Fórum de Assistência Social da cidade de São Paulo, pela defesa da LOAS (Lei Orgânica da Assistência Social). Embora protagonistas do processo no plano nacional, os movimentos sociais da capital encontraram muitas dificuldades para superar as resistências políticas à criação do Conselho no plano interno. Sobre esse processo, avalia Silva:

“A luta pela inclusão da Política de Assistência Social como política de direitos na Constituição de 1988 e pela regulamentação da Lei Orgânica de Assistência Social – LOAS foi marcada pela presença de protagonistas da área da assistência social do município de São Paulo (...). Todavia, por omissão e descaso do governo, o município de São Paulo demorou oito anos para efetivá-la, sendo uma das últimas cidades do Estado e a última capital do país a municipalizar a política de assistência”.<sup>48</sup>

Pela análise do desenho institucional, o COMAS pode ser definido como uma instituição participativa com poder de incidência em momentos específicos nas fases de planejamento e implementação da política. Nas fases de planejamento, destaca-se a prerrogativa de aprovar (ou não) o Plano Municipal de Assistência Social e os programas e projetos governamentais para a área. Na fase de implementação da política, o Comas amplia seu raio de atuação. Nessa fase, a Lei confere ao Conselho o papel de seleção dos agentes implementadores, via registro das entidades, capacitando-as para o estabelecimento de convênios com o Município, e de seleção da concessão e dos valores dos benefícios sociais. A representação societária no Comas é composta por trabalhadores da área da assistência, por organizações de atendimento e usuários.

Embora na Educação o princípio da democracia participativa também tenha orientado a reformulação da política, gerando uma série de modalidades participativas nos anos 90 (conselhos de educação, no nível federal, estadual e municipal, conselhos de escola, conselhos da merenda escolar etc), a tendência nessa área é a construção de canais de participação com um perfil mais técnico e burocrático e com um baixo nível de pluralidade interna. O Conselho é composto por nove membros, entre representantes governamentais, trabalhadores da educação e representantes da comunidade. Ao contrário dos demais conselhos, em que a atividade não é remunerada, no caso do Conselho de Educação está previsto no seu regimento interno que os conselheiros receberão gratificação por sessão a que comparecerem. Avaliando o perfil dos participantes, Gohn aponta dois problemas: por um lado, “a restrição do universo de atores a serem envolvidos no processo educacional a um só segmento da comunidade educativa: o da comunidade escolar, composta pelos dirigentes, professores, alunos e funcionários das escolas”; por outro, o descrédito dos profissionais da educação nas instituições participativas da área,

“As possibilidades de atuação dos conselhos como mecanismos democráticos de gestão social são vistas com descrédito e desconfiança pelo sindicato dos professores da educação básica, e eles têm suas razões: são atores fundamentais para qualquer processo de reforma educacional, mas, de fato, não têm sido ouvidos nem consultados nas ações cotidianas elaboradas pela maioria dos públicos que têm conduzido as reformas estaduais ou federais”.<sup>59</sup>

Por esse conjunto de motivos, o Conselho de Educação hoje funciona muito mais como uma instância estatal do que como espaço de democratização da política pública.

No segundo subgrupo estão os chamados conselhos de programas, cuja

finalidade é assessorar o processo de implementação das políticas, controlando sua execução.

A criação desse tipo de espaço participativo—de natureza mais instrumental—foi a tendência a partir de meados dos anos 90, como vimos. No geral, essas instâncias são criadas no momento de lançamento de programas federais para minimizar os problemas relacionados ao desvio de recursos comuns na implementação dos programas no município: é o caso do Conselho Municipal de Alimentação Escolar, do Conselho Municipal de Acompanhamento e Controle Social do FUNDEF (Fundo de Manutenção e Desenvolvimento do Ensino Fundamental e de Valorização do Magistério), e da Comissão de Apoio e Controle Social do Programa de Garantia de Renda Familiar Mínima Municipal.

Em São Paulo, integram o Conselho do FUNDEF, além de representante da Secretaria de Educação, professores, especialistas, servidores das escolas, pais de alunos e um representante do Conselho de Educação. A lei de criação não esclarece a forma de escolha dos membros, mesmo assim requer “comprovante de representatividade”, como lemos no Regimento Interno: “os conselheiros deverão apresentar a Secretaria, anualmente, comprovante de que mantém a representatividade” (Regimento Interno, Conselho do Fundef). No Conselho da Merenda Escolar, a representação societária também é dividida entre professores, pais de alunos e um membro indicado pelo Conselho da Criança e Adolescente. Também nesse caso não fica claro o critério para definição dos nomes. Dentre os canais participativos vinculados a políticas sociais focalizadas, destaca-se, ainda, a Comissão de Apoio e Controle Social do Programa de Garantia de Renda Familiar Mínima Municipal. Trata-se de uma Comissão de Controle do Programa Bolsa Família, principal programa social do Governo Federal que atinge hoje 11,1 milhões de famílias residentes em todos os municípios brasileiros. A implementação do Programa fica a cargo dos municípios, que devem, além de outras medidas, ter um órgão social de controle com o objetivo de evitar fraudes. Muitos municípios utilizam espaços já existentes, como os conselhos de assistência social. No caso de São Paulo, criou-se uma nova instância participativa. Da Comissão participam como membros titulares representantes de sete secretarias municipais, representantes dos conselhos de assistência e criança e adolescente, além de centrais sindicais e organizações empresariais. Na última gestão, tiveram assento no Conselho a Associação Brasileira de Empresários para a Cidadania, o Centro das Indústrias do Estado de São Paulo, Federação das Indústrias do Estado de São Paulo e Força Sindical.

## CONSIDERAÇÕES FINAIS

Nessa pesquisa busquei apresentar as linhas gerais do traçado que conforma a arquitetura da participação na cidade de São Paulo. Reconhecendo a diversidade como a sua principal característica, busquei nas generalizações possíveis o tom mais geral, os contornos mais evidentes. Explorando variáveis trabalhadas a partir da análise do desenho institucional, tentei compreender a forma como se estrutura a dinâmica participativa na cidade, com o objetivo de avaliar seus alcances, limites e possibilidades.

O primeiro aspecto a enfatizar é a própria institucionalização da participação como ingrediente importante dos processos de re-configuração da gestão pública na cidade de São Paulo. Apesar de todos os problemas, a questão da democratização das políticas públicas, por meio da ampliação do diálogo entre governo e sociedade, está definitivamente colocada como um dos eixos orientadores dos processos de reforma da administração pública no nível municipal. Independente do nível de comprometimento dos gestores e técnicos, o fato é que hoje a maioria das secretarias municipais precisa incorporar a sua rotina—com maior ou menor centralidade—o diálogo com a sociedade civil organizada, em espaços formalmente constituídos com esse objetivo. Muitos desses espaços resistiram, não sem dificuldades, aos poderosos efeitos da “sanfona da participação”, impondo-se a governos muitas vezes profundamente resistentes a esses encontros. Como vimos, um elemento importante nesse cenário foi a luta dos setores progressistas pelo controle do Estado e suas políticas que resultou, no plano nacional e no caso específico de São Paulo, na produção de uma legislação que assegurou e ampliou a participação da sociedade no processo de produção das políticas públicas.

Quanto à dinâmica de criação das instâncias participativas, vimos que a variável “projeto político” teve um peso explicativo importante no caso de São Paulo onde 71% dos espaços de participação resultaram da iniciativa do gestor municipal.<sup>50</sup> Dos 35 espaços de participação atualmente em funcionamento, 54,3% foram criados nas duas gestões do PT. Na maioria dos casos, o mais correto é falar em oferta estatal do que resultado de mobilização societária, embora ela tenha ocorrido em áreas importantes como a da saúde, criança e adolescente, assistência social, habitação, segurança alimentar, política urbana, etc.

Quanto à distribuição dos espaços participativos no interior da trama burocrático-administrativa da Prefeitura Municipal de São Paulo, vimos que as instâncias participativas se estendem a um grande número de secretarias. Há uma tendência à fragmentação e dispersão da dinâmica participativa no interior da PMSP, reproduzindo nos espaços participativos uma lógica de atuação essencialmente setorializada. A realidade dessa dispersão, coloca no centro do

problema a questão da coordenação e articulação entre os espaços participativos existentes. Sem essa articulação parece difícil que seja possível produzir impactos mais efetivos sobre a qualidade da burocracia pública e, mais especificamente, sobre a sua capacidade de elaborar e implementar políticas participativas.

Os dados relativos a escopo e objetivos revelam que uma grande parte dos espaços participativos atualmente em funcionamento na PMSP não inclui processos decisórios no que se refere à elaboração da agenda pública. O monopólio da decisão continua—na esmagadora maioria dos casos—concentrado no sistema político. Os cidadãos são chamados a participar quando questões relativas à identificação das questões problemáticas e escolha entre alternativas de intervenção já foram (ou estão sendo) tomadas em outras instâncias.

Assim, apesar de mostrarem certa capilaridade, de envolverem um conjunto diversificado de secretarias, e mobilizarem um número considerável de servidores, os canais participativos ocupam a periferia do sistema político. Estão incluídos à margem dos processos políticos relevantes no nível municipal. Não parecem integrar os circuitos de poder. Ocupam funções na divisão do trabalho nas secretarias, mas de forma complementar e subordinada. As regras do jogo ampliam a participação cidadã, mas subordinam essa participação à lógica geral de funcionamento do sistema. Os espaços participativos criados nos últimos anos não apenas seguem, como também reforçam essa tendência a uma participação destituída de poder.

Essa neutralização política das instâncias participativas se reflete nos dados sobre a composição. Como vimos, há uma significativa diversidade dos segmentos sociais que se fazem representar nas instâncias de participação no nível municipal. Contudo, quando analisamos essa composição por área de política, os dados apontam para a baixa pluralidade interna no que se aos interesses representados. Alguns fatores ajudam a explicar esse quadro. Em primeiro lugar, há que se considerar a prerrogativa que o Estado tem de definir quais serão os seus interlocutores. Como vimos, em quase 60% dos espaços de participação a sociedade civil não escolhe os seus representantes. Essa é, sem dúvida, uma das principais distorções presentes nessa arquitetura. Um outro fator está relacionado às estratégias dos atores sociais. No caso do Conselho de Habitação isso fica muito evidente. Houve uma decisão deliberada dos movimentos populares da cidade de não participarem do último processo eleitoral para composição do Conselho, do que resultou uma mudança completa do perfil da representação comunitária. Ou seja, em muitos casos os movimentos sociais decidem não participar, mesmo que essa participação esteja franqueada. É preciso avançar na compreensão desse lugar que a participação institucional ocupa hoje nas estratégias dos movimentos sociais e demais atores organizados na sociedade e no mercado. O terceiro aspecto, remete à dinâmica

de funcionamento dos espaços participativos. Os estudos de caso que realizamos, o estudo da bibliografia secundária e a investigação realizada no âmbito dessa pesquisa apontam para uma extrema formalização dos procedimentos no interior das instâncias participativas. Essa formalização—que se expressa na valorização do discurso jurídico, na ritualização da dinâmica comunicativa, no predomínio do argumento técnico, etc.—é um fator extremamente limitante à inclusão efetiva dos grupos mais pobres e marginalizados. Sabemos, que os espaços participativos institucionalizados são órgãos públicos que desempenham funções político-administrativas, o que lhes impõem, em função dos fins a que se destinam, a sujeição às normas jurídicas em vigor e o cumprimento das imposições burocráticas decorrentes dos seus fins institucionais. A questão é como garantir que essas normas, respondendo a esse imperativo legal, sejam capazes, ao mesmo tempo, de abrir espaço para a diversidade das falas e dos saberes, sem o qual corre-se o risco de uma participação ritualizada, onde o sujeito para ter suas opiniões consideradas tenha que representar um “outro” adequado às expectativas da comunicação. Isso traz para o primeiro plano a criatividade na feitura das regras e das condições para o estabelecimento dos acordos.

Em resumo, com base nas análises apresentadas aqui, acredito que o momento é o de revermos com serenidade e coragem o modelo de participação que vem sendo construído desde os anos 80. Não se trata de negar a importância das conquistas, nem tampouco de cair nas armadilhas simplistas que, diante dos muitos obstáculos, sugerem o abandono de qualquer tipo de envolvimento com dinâmicas participativas institucionalizadas em favor das ações de natureza direta. O que está em jogo, é identificar os mecanismos mais profundos que obstaculizam a efetividade desse arranjo e que se revelam nas distorções dessa arquitetura.

## NOTES

1. M. A. Melo, “Avaliação de Políticas e de Programas Sociais: tendências do debate,” in: E. M. Rico, org., *Avaliação de políticas sociais: uma questão em debate* (São Paulo: Cortez, 1998), pp. 18-19.
2. M. F. S. Farah, *Gestão pública e cidadania: iniciativas inovadoras na administração subnacional no Brasil*, Programa Gestão Pública e cidadania (São Paulo, Fundação Getúlio Vargas/Fundação Ford, 1999) v. 03. Disponível em: <<http://www.fgvsp.br/>>— acesso em 20 out, 2000.
3. A. I. Carvalho, *Conselhos de Saúde no Brasil: participação cidadã e controle social* (Rio de Janeiro: Fase/IBAM, 1995).
4. A. I. Carvalho, “Conselhos de saúde, responsabilidade pública e cidadania,” in IBAM, IPEA, Comunidade Solidária, orgs., *Conselhos municipais e políticas sociais*, Rio de Janeiro, 1997, pp. 130–159, p 153–154.
5. CEPAM, *Conselhos Municipais das áreas sociais* (São Paulo: CEPAM, 1999).
6. Arquidiocese de Natal, Pastoral da Criança e Universidade Federal do Rio Grande do Norte (UFRN), *Relatório de Pesquisa: Perfil dos conselhos municipais de gestão participativa no RN nas áreas de saúde, educação, assistência social e criança e adolescente natal*: mimeo, 1998.

7. H. Faria, “Conselhos municipais de cultura e cultura participativa: reavaliar caminhos e buscar horizontes,” in: A. Moreira, F. Versolato, H. Faria, orgs., *Você quer um bom conselho? Conselhos Municipais de Cultura e Cidadania Cultural* (São Paulo: Instituto Pólis, 2005).
8. Esta pesquisa está publicada em A. C. T. Ribeiro e G. Grazia, *Experiências de Orçamento Participativo no Brasil* (São Paulo: Vozes, 2003).
9. “O Programa *Gestão Pública e Cidadania* tem como foco projetos, programas ou atividades da administração pública, com pelo menos um ano de operação efetiva, desenvolvidos por instituições governamentais dos níveis estadual e municipal, e por organizações próprias dos povos indígenas. As atividades, programas ou projetos podem também ser de âmbito intermunicipal, interestadual ou regional. Todos devem ter inovado em estratégias administrativas ou técnicas, demonstrando aumento da capacidade de atender necessidades sociais e comunitárias”. (disponível em: [www.fgvsp.br](http://www.fgvsp.br))
10. M. F. S. Farah, *Gestão pública e cidadania: iniciativas inovadoras na administração subnacional no Brasil*, Programa Gestão Pública e cidadania (São Paulo, Fundação Getúlio Vargas/Fundação Ford, 1999) v. 03. Disponível em: <<http://www.fgvsp.br/>> acesso em 20 out. 2000.
11. L. Tatagiba e A.C.C. Teixeira, “Democracia representativa e participativa: complementaridade ou combinação subordinada? Reflexões sobre instituições participativas e gestão pública na cidade de São Paulo (2000-2004),” Primeiro Prêmio - XIX Concurso do CLAD sobre Reforma do Estado e Modernização da Administração Pública, 2007, (prelo).
12. L. Tatagiba, “Los consejos gestores y la democratización de las políticas públicas en Brasil,” in E. Dagnino, org., *Sociedad civil, esfera pública y democratización en América Latina: Brasil* (México: Fondo de Cultura Económica, 2002); L. Tatagiba, “A institucionalização da participação: os conselhos municipais de políticas públicas na cidade de São Paulo,” in L. Avritzer, org., *A participação em São Paulo* (São Paulo: UNESP, 2004); A. C. C. Teixeira e L. Tatagiba, *Movimentos sociais e sistema político: os desafios da participação* (São Paulo: Pólis/PUC-SP, 2005); L. Tatagiba, “Os desafios da articulação entre sociedade civil e sociedade política sob o marco da democracia gerencial. O caso do Projeto Rede Criança em Vitória/ES,” in E. Dagnino, A. Olvera, A. Panfichi, orgs., *A disputa pela construção democrática na América Latina* (São Paulo: Paz e Terra; Campinas, SP: Unicamp, 2006); L. Tatagiba e A.C.C. Teixeira, “Democracia representativa e participativa: complementaridade ou combinação subordinada? Reflexões sobre instituições participativas e gestão pública na cidade de São Paulo (2000-2004),” Primeiro Prêmio - XIX Concurso do CLAD sobre Reforma do Estado e Modernização da Administração Pública, 2007 (prelo).
13. Refiro-me aqui aos trabalhos de pesquisa e reflexão coletivos desenvolvidos, há 10 anos, no âmbito do *Grupo de Estudos sobre a Construção Democrática* e, além disso, às possibilidades de troca com colegas latino-americanos, no contexto de minha participação em dois projetos internacionais. O primeiro, *Civil Society and Governance*, desenvolvido em 22 países, sob a coordenação do Institute of Development Studies, e financiado pela Fundação Ford, concluído em 2002. O segundo, intitulado *Sociedade Civil, Esfera Pública e Democracia na América Latina*, concluído em 2006. A coordenação dos dois projetos, no caso brasileiro, esteve a cargo de Evelina Dagnino.
14. A primeira vez que ouvi a sugestiva expressão “arquitetura da participação”, que aqui tomo de empréstimo, foi no final de 2004, durante uma reunião de pesquisa no escritório da Fundação Ford, no Rio de Janeiro. Quem trouxe esse debate foi Ana Cláudia Chaves Teixeira, uma das coordenadoras do *Fórum Nacional de Participação Popular*, espaço onde essa discussão estava ganhando terreno. O Fórum, criado em 1990, é um coletivo de movimentos e ONGs que busca refletir sobre os avanços e limites da participação social no Brasil. Para outras informações, consultar <http://www.participacaopopular.org.br>. À Ana Cláudia agradeço o diálogo e as trocas durante o processo de realização dessa pesquisa.
15. L. H. H. Lüchman, *Possibilidades e limites da democracia deliberativa: A experiência do Orçamento Participativo de Porto Alegre* (Tese de Doutorado, Campinas-SP, ifch-unicamp, 2002), p. 47.

16. Para o desenvolvimento do trabalho de campo, realizado entre agosto e dezembro de 2006, pude contar com a assistência de Thiago Thadeu da Rocha. A ele agradeço o empenho na realização da pesquisa.
17. L. Avritzer, M. Recamán, G. O. Venturi, “Associativismo na cidade de São Paulo,” in L. Avritzer, org., *A participação em São Paulo* (São Paulo, Ed. UNESP, 2004), pp. 46–47.
18. A. I. Calderón, *Democracia local e participação popular* (São Paulo: Cortez, 2000), p. 159.
19. A. I. Calderón, *Democracia local e participação popular* (São Paulo: Cortez, 2000), pp. 78-80.
20. No primeiro ano de seu governo, Luzia Erundina criou, por decreto, cinco novos conselhos, quatro deles propostos e não aprovados durante a elaboração da LOM (Conselho Municipal de Valores Imobiliários, Conselho Municipal de Esportes, Conselho Municipal de Defesa dos Direitos da Criança e do Adolescente e Grande Conselho Municipal do Idoso) e o Conselho Municipal de Saúde, esse previsto na LOM. Do total de conselhos criados em sua gestão, 04 possuíam uma forte base social de sustentação e um perfil mais político (os conselhos da Criança e Adolescente, Saúde, Idoso e Deficiente Físico), enquanto outros, como o Conselho de Valores Imobiliários e o Conselho de Tarifas tinham um caráter mais técnico. Destaco ainda a criação do Conselho de Política Urbana, no contexto de discussões acerca da reforma urbana, tema que possui forte poder de mobilização junto aos seguimentos sociais na cidade. Nos seus últimos meses de governo, Luíza Erundina instituiu por Lei os conselhos da Pessoa Deficiente (Lei nº 11.315, de 21/12/92) e do Idoso (Lei nº 11.242, de 24/09/92), anteriormente criados por Decreto, e reorganiza o Conselho Municipal de Cultura (Lei nº 11.287, de 23/11/92).
21. M. G. Gohn, *Conselhos Gestores e participação sociopolítica*, 2ª ed. (São Paulo: Cortez, 2003); A. M. Doimo, *A vez e a voz do popular: movimentos sociais e participação política no Brasil pós-70* (Rio de Janeiro: Relume-Dumará, 1995); A. C. C. Teixeira e L. Tatagiba, *Movimentos sociais e sistema político: os desafios da participação* (São Paulo: Pólis/PUC-SP, 2005).
22. A. Doimo, “Pluralidade religiosa à brasileira, associativismo e movimentos sociais em São Paulo,” in L. Avritzer, org., *A participação em São Paulo* (São Paulo: Unesp, 2004), p. 172.
23. B. Wampler, “Expanding accountability através das instituições participativas? Ativistas e reformistas nas municipalidades brasileiras,” in C. Lubambo, D. B. Coelho, M. A. Melo, orgs., *Desenho institucional e participação política: Experiências do Brasil contemporâneo* (Rio de Janeiro: Vozes, 2005).
24. C.G. Couto, *O desafio de ser governo: o PT na prefeitura de São Paulo 1989–1992* (Rio de Janeiro: Paz e Terra, 1995).
25. Prevista na Lei Orgânica do Município de São Paulo de 1990, a Lei de Implantação das Subprefeituras só foi aprovada em 2002, no governo Marta Suplicy, pela Lei Municipal 13.339, de 1º de agosto de 2002. As 31 subprefeituras aprovadas começaram a funcionar – ainda que precariamente – em 2003.
26. Sobre as experiências participativas na gestão Marta Suplicy, remeto a A. C. C. TEIXEIRA e L. TATAGIBA, *Movimentos sociais e sistema político: os desafios da participação* (São Paulo: Pólis/PUC-SP, 2005).
27. G. Ottmann, “Mediated Citizenship in Democratic Brazilian Politics: A Comparative Perspective,” 2004; B. Wampler, “Expanding accountability através das instituições participativas? Ativistas e reformistas nas municipalidades brasileiras,” in C. Lubambo, D. B. Coelho, M. A. Melo, orgs., *Desenho institucional e participação política: Experiências do Brasil contemporâneo* (Rio de Janeiro: Vozes, 2005); L. Tatagiba, e A.C.C. Teixeira, “Democracia representativa e participativa: complementaridade ou combinação subordinada? Reflexões sobre instituições participativas e gestão pública na cidade de São Paulo (2000-2004),” Primeiro Prêmio - XIX Concurso do CLAD sobre Reforma do Estado e Modernização da Administração Pública, 2007 (prelo).
28. A. C. C. TEIXEIRA e L. TATAGIBA, *Movimentos sociais e sistema político: os desafios da participação* (São Paulo: Pólis/PUC-SP, 2005).
29. Como vemos na Tabela 02, durante os governos Serra/Kassab foram criadas seis novas instân-

- cias participativas. Três delas respondendo a estímulos federais: Fórum de Saúde Mental de Crianças e Adolescentes e Fórum de Saúde Mental de Álcool e Drogas (acatando deliberação da Conferência Nacional de Saúde) e a Comissão de Erradicação do Trabalho Infantil (no âmbito de programa Federal). Na área de Direitos Humanos e Cidadania, destaca-se a criação da Comissão Municipal de Atenção à Diversidade Sexual. Os outros dois espaços de iniciativa local, são Comissão de análise do passeio público, essencialmente técnico, e o Conselho de Programa de Incentivos Seletivos da Região Adjacente à Estação da Luz, dando continuidade aos programas de estímulos ao desenvolvimento econômico local criados na gestão de Marta Suplicy.
30. A convite do Observatório de Políticas Sociais, do Instituto Pólis, atuei, entre 2006 e 2007, na pesquisa “Políticas Públicas e Controle Social”, financiada pela Fundação Ford. Na pesquisa foram analisados, em profundidade, quatro importantes conselhos da cidade: Saúde, Habitação, Assistência Social e Criança e Adolescente. Os primeiros resultado da pesquisa podem ser conferidos em Tatagiba 2007 (no prelo).
  31. Casos exemplares em São Paulo são o Conselho de Saúde, Criança e Adolescente e Assistência Social. Mais recentemente, destaca-se a luta dos movimentos de moradia que, em 2002, conseguiram institucionalizar o diálogo com o executivo municipal, com a criação do Conselho Municipal de Habitação, seguindo indicação retirada na I Conferência Municipal de Habitação da cidade de São Paulo, realizada em 2001. R. Cymbalista e T. Moreira, *O Conselho Municipal de Habitação em São Paulo* (São Paulo: Instituto Pólis/PUC-SP, 2002), Observatório dos Direitos do Cidadão, 10. Também na criação do Conselho Municipal de Segurança Alimentar do Município de São Paulo, pioneiro no Brasil, a base foi uma sólida mobilização da sociedade, que resultou na I Conferência Municipal de Segurança Alimentar e Nutricional de São Paulo, realizada em 2001, na qual se deu a criação do Conselho, que seria reconhecido legalmente em 2003.
  32. O Movimento do Transporte Coletivo foi um movimento forte e importante em vários estados e municípios brasileiros, em particular no município de São Paulo, como relata Ana Maria Doimo: “A palavra de ordem [do Movimento] era lutar pela quebra dos monopólios privados e advogar pelas vantagens da estatização dos serviços de transporte coletivo. Por isso mesmo, o MTC [Movimento do Transporte Coletivo] acabou por construir sucessivas demandas de criação de conselhos setoriais junto às Secretarias de Transporte, tanto quanto logrou passar intensamente pelo interior de um partido político, o Partido dos Trabalhadores (...). Não é a toa que o MTC [seguido do Movimento de Saúde] foi, dentre os movimentos populares, aquele que mais projetou lideranças com expressivo reconhecimento público” A. M. Doimo, *A voz e a voz do popular: movimentos sociais e participação política no Brasil pós-70* (Rio de Janeiro: Relume-Dumará, 1995), p. 117.
  33. Dentre as quais, destacam-se: i) acompanhar a implementação dos objetivos e diretrizes do Plano Diretor Estratégico e dos Planos Regionais, bem como a execução dos planos, programas e projetos de interesse para o desenvolvimento urbano e ambiental; ii) articular a ação dos conselhos municipais vinculados à política urbana e ambiental, visando a integração e compatibilização das políticas de transporte, habitação, meio ambiente, paisagem urbana, proteção ao patrimônio histórico e cultural e uso do solo, para promoção e ordenação do pleno desenvolvimento das funções sociais da Cidade e do bem-estar dos municípios. Contudo, diversos problemas vêm impedindo que o Conselho consiga cumprir sua missão (Decreto nº 43.330/03, PMSP).
  34. Vejamos um trecho do regimento interno do Conselho de Saúde, aprovado em 2001, uma das instâncias mais formalizadas no nosso universo de pesquisa. “Art.14º - As Reuniões do Conselho Municipal de Saúde, observada a legislação vigente, terão as seguintes rotinas para ordenamento de seus trabalhos: As matérias pautadas, após o processo de exame prévio preparatório serão apresentadas, por escrito, destacando-se os pontos essenciais, seguindo-se a discussão e, quando for o caso, a deliberação; Ao início da discussão poderá ser pedido vistas, devendo o assunto retornar impreterivelmente, na reunião ordinária seguinte para apreciação e

- votação, mesmo que este direito seja exercido por mais de 01 Conselheiro. O Conselheiro que pediu vistas será o relator, no caso de mais de um conselheiro pedir vistas, haverão tantos relatores quanto os pedidos de vista. Todo pedido de vista deve corresponder um parecer técnico, por escrito, previamente apresentado aos Conselheiros. Os pareceres deverão ser colocados em votação um a um, obedecida a ordem de solicitação de vistas; (...) O Conselheiro que desejar fazer uso da palavra deve inscrever-se junto ao Secretário Geral, que informará ao Presidente do Conselho ou seu substituto a ordem de inscrições; (...) Cada Conselheiro disporá de 03 minutos, improrrogáveis, para o uso da palavra, abordando o tema em discussão. Em assuntos onde houver duas propostas far-se-á o encaminhamento de no máximo duas manifestações a favor e contra, com tempo de 05 minutos para cada encaminhamento” (CMS, Regimento Interno).
35. No caso brasileiro houve uma forte politização em torno desse tema no processo constituinte. Especificamente no caso de São Paulo esse foi um ponto de divergência importante no interior do campo que defendia a institucionalização da participação. Dentro do PT esse tema assumiu destaque durante as prévias do Partido para escolha do candidato que disputaria o pleito de 1989. Sobre essa polémica, conferir o trabalho de Cláudio Couto, *O desafio de ser governo. O PT na Prefeitura de São Paulo*, em particular o capítulo “A prévia eleitoral: Plínio versus Erundina,” 1995.
36. S. A. Stanisci, *Gestão pública democrática: Perspectivas apontadas pelos Conselhos dos Direitos da Criança e do Adolescente, Dissertação de mestrado* (São Paulo: Pontifícia Universidade Católica, 1997), p. 111.
37. Não obtivemos informação sobre a composição da Comissão de Proteção à Paisagem Urbana.
38. Pesquisa sobre conselhos de políticas setoriais nas regiões metropolitanas do Rio de Janeiro, Belo Horizonte, São Paulo, Recife e Belém conclui: “Os principais atores sociais das cidades se representam nesses espaços [os conselhos], que abrangem um amplo leque de identidades, padrões de ação coletiva e segmentos sociais (...). Não obstante essa diversidade, a representação social nos conselhos municipais se mostra limitada aos segmentos sociais com capacidade de organização e presença na cena pública, constituídos por aqueles com maior renda e maior escolaridade.” O. A. Dos Santos Júnior, L. C. Q. Ribeiro, e S. Azevedo, “Democracia e gestão local: a experiência dos conselhos municipais no Brasil,” in O. A. Dos Santos Júnior, L. C. Q. Ribeiro, e S. Azevedo, Orgs., *Governança Democrática e poder local: A experiência dos conselhos municipais no Brasil* (Rio de Janeiro: Revan/Fase, 2004), p. 27. Pesquisa realizada junto aos conselheiros de saúde da região Metropolitana do Rio de Janeiro chega a conclusões semelhantes: “os dados mostram que entre os representantes dos usuários primam os conselheiros homens; trata-se, no geral, de pessoas maduras das quais cerca de dois terços (72%) estão ou estiveram inseridas no mercado formal de trabalho e, o mais importante, as informações relativas ao grau de instrução revelam que 43,3% têm curso superior completo ou incompleto, em circunstâncias nas quais a média da RM é de apenas 6,6% (...). A experiência prévia, mais o nível educacional acima da média e o pertencimento à direção da organização [a que pertencem] revelariam duas tendências convergentes: a ‘profissionalização’ da atividade de conselheiro e certa ‘elitização’ dos ocupantes desse cargo,” M. Labra e I. Figueiredo, *Associativismo, participação e cultura cívica. O potencial dos Conselhos de Saúde, Ciência & Saúde Coletiva*, V. 7, N. 3 (2002), p. 537–547. Pesquisa realizada por Tonella, junto aos conselhos de políticas sociais da região de Maringá, Paraná, traça o perfil de um conselheiro típico: “Eles são brancos, com leve preponderância das mulheres, maiores de 30 anos, casados, de religião católica, com alta escolaridade, predominando aqueles com nível superior. Estão inseridos no mercado formal de trabalho, concentrados no serviço público municipal e recebendo a partir de 5 salários. Percebe-se, portanto, que a extensa faixa da população mais pobre e alvo preferencial dos programas tratados pelos conselhos, não está representada nesses órgãos.” C. Tonella, “Conselhos Municipais de Políticas Públicas na Região de Maringá,” in M. Fuks, R. Perissinotto, N. R. Souza, orgs., *Democracia e participação: os conselhos gestores do Paraná* (2004), p. 190.
39. Hamilton Faria, Conselhos municipais de cultura e cultura participativa: reavaliar caminhos e buscar horizontes, in Hamilton Faria, Altair Moreira, e Fernanda Versolato, orgs., *Você quer um*

- bom conselho? Conselhos municipais de cultura e cidadania cultural* (São Paulo: Instituto Pólis, 2005), pp. 114–128
40. Os espaços participativos são elencados por ordem de criação, dos mais antigos aos mais recentes.
  41. Mario Volpi, “A democratização da gestão das políticas públicas para a infância e a adolescência,” in Maria do Carmo Carvalho e A. A. Teixeira, orgs., *Conselhos gestores e políticas públicas* (São Paulo: Pólis, 2000), pp. 27–34.
  42. Como explica Carla Almeida Silva, “O Movimento Nacional pela Reforma Urbana foi formado por movimentos de moradia, ONGS, intelectuais vinculado à temática urbana e algumas entidades classistas (...). O Movimento pela Reforma Urbana foi o responsável pela apresentação de uma proposta de emenda à Constituição, denominada Emenda Popular de Reforma Urbana, subscrita por 150 mil pessoas em todo o Brasil. A característica fundamental que trazia era a afirmação do ‘direito à cidade’ a todos aqueles que nela vivem” Márcia Santos Silva, *O Conselho Municipal de Assistência Social na Cidade de São Paulo* (São Paulo, Instituto Pólis; IEE/PUC-SP, 2002). (Observatório dos Direitos do Cidadão – acompanhamento e análise das políticas públicas da cidade de São Paulo, 11, p.145–146.
  43. O Estatuto da Cidade foi aprovado pela Lei 10.257, em 2001, depois de quase dez anos de tramitação. Como afirma Luiz de Pinedo Quinto Jr, “O Estatuto da Cidade, aprovado então em 2001, chega com um século de atraso se comparado às experiências européias no que diz respeito ao uso de instrumentos urbanísticos para regular socialmente o mercado imobiliário e fazer políticas de compensação social através da política urbana.” L. de P. Quinto Jr., “Nova legislação urbana e os velhos fantasmas,” *Estudos Avançados*, Vol.17, No.47 (São Paulo, 2003).
  44. O Plano Diretor está previsto pelo Estatuto da cidade para ser realizado por municípios com mais de 20 mil habitantes. O Plano Diretor Estratégico do Município de São Paulo foi aprovado em 2002.
  45. Logo que assumiu, o novo governo adotou políticas controversas que visavam impedir a permanência dos moradores de rua, catadores e grupos vulneráveis no centro da cidade. Entidades e movimentos de defesa de direitos acusam a Prefeitura de realizar uma política “higienista”. Parte dessas denúncias foi publicada no Dossiê “Violações dos direitos humanos no centro de São Paulo: propostas e reivindicações para políticas públicas” organizado pelo Fórum Centro Vivo.
  46. A. I. Calderón, *Democracia local e participação popular* (São Paulo: Cortez, 2000), p. 168.
  47. Em 2003, na eleição para os membros do Conselho de Habitação mais de 31 mil pessoas escolheram os 16 representantes das entidades populares que fariam parte do Conselho, em 41 zonas eleitorais espalhadas na cidade, na avaliação da Prefeitura: “O processo foi inédito, pois contou com o suporte técnico do Tribunal Regional Eleitoral (TRE), além do voto universal. A utilização de 450 urnas eletrônicas e da listagem oficial de eleitores garantiu rapidez e transparência na votação” (<www.prefeitura.sp.gov.br/cidadania).
  48. Márcia Santos Silva, *O Conselho Municipal de Assistência Social na Cidade de São Paulo* (São Paulo, Instituto Pólis; IEE/PUC-SP, 2002). (Observatório dos Direitos do Cidadão – acompanhamento e análise das políticas públicas da cidade de São Paulo, 11), p 17.
  49. M. G. Gohn, *Conselhos Gestores e participação sociopolítica*, 2ª ed. (São Paulo: Cortez, 2003), p. 105.
  50. Emprego o termo “projeto político” no sentido definido por Evelina Dagnino: “a noção de projeto político está sendo utilizada aqui para designar os conjuntos de crenças, interesses, concepções de mundo, representações do que deve ser a vida em sociedade, que orienta a ação política dos diferentes sujeitos (...). A noção de projeto carrega consigo, portanto, a afirmação da política como um terreno que é também estruturado por escolhas, expressão nas ações de sujeitos, orientados por um conjunto de representações, valores, crenças e interesses.” E. Dagnino, A. Olivera, A. Panfichi, orgs., *A disputa pela construção democrática na América Latina* (São Paulo: Paz e Terra; Campinas, SP: Unicamp, 2006), pp. 38–39.





# Gender Within Ethnicity:

## Human Rights and Identity Politics in Ecuador

*Manuela Lavinas Picq*

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In February 2006, Pachakuthik congressman and President of the National Human Rights Commission, Estuardo Remache, was accused of domestic violence. He had severely beaten his wife for proceeding with a contraceptive surgery without his knowledge, and had kidnapped their four children. Remache, who never appeared at the *Comisaria de la Mujer*, requested dismissal of the case and that the matter be addressed through traditional indigenous justice within his own community in the province of Chimborazo.<sup>1</sup> This case of gender-based violence illustrates the growing discrepancies of an indigenous discourse that demands more respect for collective human rights but refuses to be held accountable for the same fundamental rights for individuals within the indigenous community. In this article, I propose to look at the indigenous movement of Ecuador from within, analyzing its disjunctures through the lens of gender.

In the past two decades, Ecuador has seen the indigenous movement flourish and consolidate its presence in domestic politics, becoming a major source of political mobilization.<sup>2</sup> Since its creation in 1986, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) has organized multiple uprisings, successfully led national strikes, seized control of the national Congress, and even participated in forcing presidents out of office. The emergence of the powerful political movement Pachakutik in 1996 further strengthened the salience of the indigenous movement on the political scene and institutionalized its fight for political recognition and equal treatment. The 1998 constitution declared Ecuador a “multiethnic and multicultural” state, and the populist President Lucio Gutiérrez appointed two indigenous persons to his cabinet in 2003.

Yet, if democratization has coincided with the promotion of indigenous rights during the last decades, “other rights” seem to be lagging behind, notably gender equality. Women, in general, remain extremely vulnerable to poverty and human rights violations. Indigenous women in particular suffer from limited access to

healthcare, high levels of domestic violence, high rates of illiteracy, and underrepresentation in the political system. Although social movements are often mutually reinforcing, sharing similar claims and fighting for common reforms, the development of the indigenous and women's movements has been far from homogenous in Ecuador. On the contrary, the emergence of the indigenous movement has been accompanied by the atrophy and malaise of the women's movement within the country, which is among the weakest in Latin America and suffers from high levels of disarticulation. While women have often been mobilized, their causes have rarely been advanced in the political arena. It may be argued that the new politics of identity that have given salience to the indigenous movement also detracted from the urgency to address women's rights.

The disjuncture between indigenous and women's rights in Ecuador is not a phenomenon unique to the country, but rather points to contradictions of indigenous movements throughout Latin America. While collective human rights are being progressively secured for indigenous groups, individual rights are not always being translated into practice within the group. That is to say, the struggle for ethnicity has not significantly upset gender-based inequalities within indigenous communities. This fact raises two main issues. First, indigenous politics can raise tensions between collective and individual human rights, with cultural rights being promoted to the detriment of women's rights. Second, the indigenous movement instrumentalized international norms to gain legitimacy and political emancipation, but refused to hold itself accountable for the respect and implementation of these same international norms within its culture.

This article analyzes the internal contradictions of democratization in Ecuador, characterized by the vast disparity between the promotion of indigenous rights and the failure to advance gender equality. I argue that the consolidation of the indigenous movement has had contradictory impacts on the deepening of democracy in Ecuador. While the indigenous movement has unequivocally been a democratizing force in domestic politics, it has not been consistently democratic itself. The analysis that follows focuses on the Ecuadorian highlands, with a particular emphasis on the province of Chimborazo, the area of the country with the highest levels of ethnic mobilization and politicization.<sup>3</sup>

First, I will analyze the emergence of ethno-politics in Ecuadorian politics and its inner incongruities with regards to gender, shedding light on the different forms of violence indigenous women face daily. I then explore the characteristics and roots of the exclusion of indigenous women. In addition to systemic violence and invisibility, women are the guardians of indigenous culture and often get trapped in choosing between ethnicity and gender in the politics of identity. Finally, I point to the lack of accountability within the indigenous movement.

Permeated with undemocratic features, the indigenous movement instrumentalizes international human rights norms to hold the state accountable to norms it is not willing to follow. After romanticizing indigenous movements in the Andes, I propose we lower our expectations and reconsider its role in the process of democratization, balancing its political strength with its gender biases.

## I. DEMOCRATIC FAULT-LINES WITHIN THE INDIGENOUS MOVEMENT

The emergence and consolidation of the indigenous movement in the last two decades irrevocably transformed the political landscape of Ecuador.<sup>4</sup> Expanding the participatory basis of society and raising the voices of the excluded peasantry, the indigenous movement was undoubtedly a major democratizing force in contemporary Ecuador. Yet, ethno-politics failed to address gender-based inequalities, limiting the benefits of democratization to indigenous women.

### *Ethno-politics: from Mobilization to Institutionalization*

Indigenous movements organized progressively throughout the long process of agrarian reform that lasted from the 1960s through the early 1980s.<sup>5</sup> The dismantling of the traditional system of *huasipungos*<sup>6</sup> transformed indigenous serfs into legal owners of their subsistence plots. Conflicts over land redistribution were slow to be resolved, but different waves of agrarian reform allowed for the emergence of new political actors, giving way to an indigenous elite, and forcing the democratization of local politics.<sup>7</sup> By the mid-eighties, the indigenous movement redirected its struggle towards equal rights, promoting the recognition of a multicultural state. When CONAIE was created in 1986, it was with a political vision that transcended local, rural matters, with the intent of consolidating the voice of indigenous people in the national realm of politics.<sup>8</sup> The nineties were a time of politicization and institutionalization for the indigenous movement.<sup>9</sup>

The main strength of CONAIE quickly became its mobilization capacity. In June 1990, the first *Levantamiento Nacional Indígena* mobilized close to two million indigenous people across the highlands, paralyzing the country for almost a week. Indigenous communities organized at the grassroots level, mobilizing entire communities, women and children included, to block major roads and march en masse towards various capitals.<sup>10</sup> Mobilization was particularly high in the central provinces with a strong indigenous presence, such as Chimborazo. In Riobamba, the provincial capital, many businesses closed down out of growing fear during the protests. Local indigenous delegates were able to negotiate their demands with provincial authorities, and the Borja administra-

tion agreed to negotiate with CONAIE over its sixteen-point memorandum calling for a pluri-ethnic nation.<sup>11</sup> After decades of struggle, the indigenous movement succeeded in sparking a new era of political dialogue between *mestizo* and indigenous sectors.<sup>12</sup> The first *levantamiento*, the most powerful and genuine in modern Ecuadorian history, marked a milestone in ethnic politics across the Andean region.

The series of *levantamientos* brought visibility—and a new sense of dignity—to the traditionally excluded peasantry.<sup>13</sup> It also established the indigenous movement as an emerging yet powerful political actor. Throughout the decade, CONAIE followed an active political path, using uprisings as a strategic tool of political leverage. In 1996, CONAIE made major political headway with the creation of the political party Unidad Plurinacional Pachakutik, getting three indigenous deputies elected to Congress. In February 1997, indigenous mobilization was the catalyst for another important uprising leading to the ousting of then President Abdalá Bucaram. During the crisis of the Mahuad administration, CONAIE and the indigenous movement mobilized once again, calling for the replacement of all three branches of government—executive, judiciary, and legislative—in the province of Tungurahua and mobilizing around the Carondelet Palace. President Mahuad was forced out of office, escaping in a Red Cross ambulance.

Beyond its impressive capacity to mobilize, the indigenous movement demonstrated negotiation skills that facilitated its quick integration into national politics and assured its international visibility. The emergence of ethno-politics provoked an irreversible transformation on the Ecuadorian political scene.<sup>14</sup> The 1998 Constitution incorporated ethnic collective rights and declared Ecuador a “multiethnic and multicultural” state, and in the first collaborative attempt, CONAIE joined the government and the World Bank in the Project of Development of Indigenous and Afroecuadorian People (PRODEPINE). Breaking with centuries of invisibility and silence, indigenous people finally began the process of becoming full citizens, demanding full individual and collective rights, and participating in the formulation of the political agenda.<sup>15</sup> The consolidation of the indigenous social movement together with the construction of ethnic identities enabled the redefinition of legal and political structures in Ecuador.

### *The Politicization of a Social Movement*

A rapidly expanding body of literature has addressed the growth of indigenous movements throughout Latin America. The institutionalization of ethnic politics, in particular, has received much attention from scholars, with a strong focus on the emergence and consolidation of indigenous movements in the

Andean region.<sup>16</sup> Within the context of massive organization and mobilization to participate in political processes, enthusiasm toward indigenous movements in the region increased tremendously. The case of Ecuador, specifically, generated significant attention from scholars writing about the eruption of ethno-politics.

Although Ecuadorian politics are undeniably embedded in a larger process of popular contestation, its indigenous movement is distinguishable because of its stand on ethnicity. Whereas Bolivia's indigenous movement is *campesino* in essence, Ecuador's movement redefined itself as fundamentally *indigenous*.<sup>17</sup> CONAIE moved away from socio-economic categories related to the rural and the poor to re-conceptualize its social struggle through the politics of ethnicity. In that sense, the *levantamientos* of the 1990s signaled a conceptual shift towards a new collective identity based on ethnicity. They were not just a struggle against poverty and inequality but a call to a new sense of ethnic belonging that celebrated the indigenous people and asserted a newly found cultural pride.<sup>18</sup> Emphasizing ethnicity became a viable political strategy that enabled the affirmation of cultural demarcation and stimulated grassroots organization across rural sectors in the highlands.<sup>19</sup>

Despite this ethnic focus, Pachakutik and CONAIE cultivated political alliances, especially with the left and center-left, to secure their political survival. The simultaneous crisis of the political left and the state favored the alignment of non-indigenous sectors with this emerging social movement, which began to be perceived as a viable political alternative. Progressively, the strengthening and politicization of CONAIE became a popular, participatory political response to the growing crisis of the democratic state.<sup>20</sup> An agenda of protesting evolved, refocusing against corruption and the neoliberal economic model. The indigenous movement transcended ethnic and cultural discourses to take part in broader social battles and eventually policy-making.<sup>21</sup> CONAIE's link to the indigenous masses gave it both mobilization power and popular legitimacy, thus providing it with unique political leverage.

However, it was the creation of the Pachakutik in 1996 that really marked the transition from the "politics of influence" to the "politics of power," in which the indigenous movement entered the state machinery to become an insider in the decision-making process.<sup>22</sup> For example, the popular struggles that often times ended in the ousting of presidents also often led to an increase in the number of leadership positions held by members of the indigenous movement. Progressively, the indigenous movement gained power in local governments and established a solid presence in Congress. CONAIE leaders were elected to the national legislature and appointed to national office, and the internal political

crisis that followed Gutierrez' term revealed how embedded the indigenous movement had become in the game of national politics.

As Ecuador's indigenous movement gained prominence through popular mobilization in the region, it became identified as the strongest, oldest, and most influential in Latin America.<sup>23</sup> The institutionalization of the indigenous movement became an expression of democratization, combining mobilization and contestation at the grassroots level.<sup>24</sup> The consolidation of an ethnic movement in Ecuador is all the more striking in a region where civil society is weak and political instability so pervasive. Shortcomings and controversies over CONAIE's recent politicization should not undermine its due credit for promoting a more democratic, inclusive political arena, giving a political voice to indigenous peoples, and forging lasting pluri-ethnic debates over citizenship. Ethno-politics undeniably played an important role in deepening democracy in Ecuador.

### *The Gender Gap*

In this eulogy for indigenous political "success" in the Andes, few scholars paused to look at the indigenous movement from within. The analysis of indigenous political achievements at the national level was not matched by similar attention to local politics. Sarah Radcliffe did point at the uneven access to rights within indigenous groups, emphasizing the economic and political exclusion of indigenous women, who she described as marginal recipients of rights.<sup>25</sup> Identifying ethnic demands as "gender-neutral," however, she blamed the silence and denial of gender rights on the state, accusing it of treating women "as a problem rather than a constituency in its own right."<sup>26</sup>

Social and political indicators reveal that indigenous women suffer from extreme poverty and limited representation in the political system. The "feminization of poverty" hits indigenous groups particularly hard, with bigger gender gaps in relation to income and more than 50 percent of the economically active women working non-remunerated jobs.<sup>27</sup> Indigenous women's access to education is alarmingly low compared to national standards.<sup>28</sup> While illiteracy rates are as high as 16.2 percent among the populations of coastal provinces, there are no major gender gaps.<sup>29</sup> In indigenous areas, however, the gender differential is particularly strong, with illiteracy rates reaching 36 percent among women and 20 percent among men.<sup>30</sup> In the province of Chimborazo, female illiteracy rates (30.9 percent) are virtually double that of men (17.3 percent), and far higher than anywhere else in the country. Within the province, municipalities such as Guamote show rates of functional illiteracy above 56 percent for women.<sup>31</sup> Indigenous women's access to health facilities is also extremely low. Child mortality between 0 and 5 years of age is more than double among mothers who

speak a native language other than Spanish—respectively 38.5 and 90.5 per thousand born alive from Spanish and indigenous-language speakers in 2001.<sup>32</sup> More than 50 percent of the women who define themselves as indigenous give birth at home, usually without the support of a midwife, and pregnancy and birth related complications continue to be main causes of female mortality.<sup>33</sup>

The weak participation of indigenous women in politics is another indicator of their marginalization. Civil society actively demanded women's political participation during the 1990s, and the legislation on quotas is certainly an expression of the consolidation of democracy.<sup>34</sup> The 1997 labor laws and the 2000 reforms of electoral laws established gender quotas for the electoral system, leading female participation in Congress to double since 1998.<sup>35</sup> Yet women's participation in politics remains limited. Laws have been only partially implemented and women continue to be underrepresented, participating mostly at the parochial, municipal, and provincial levels.<sup>36</sup> This is especially true for indigenous women. Women did participate actively in the emergence of the indigenous movement, joined the *levantamientos* with their children, assured logistical success, and marched in the frontlines against police blockages.<sup>37</sup> Many women recall their role in the *levantamientos* as a boost for their self-confidence, both as indigenous and women.<sup>38</sup> Yet, as present as they were in the mobilization phase, they were equally absent in the politicization phase. Women were mobilized to assure the legitimacy of the movement, but their voices were not heard once the movement gained political leverage.

Indigenous women are marginalized in politics in many ways. At the polls, indigenous women are harassed and discriminated against more than their male counterparts, notably for their limited education and lack of proficiency in Spanish.<sup>39</sup> They are virtually absent from political offices. Political parties did not integrate indigenous women into their lists for the 2000 and 2004 regional elections, making the legal reforms “so far imperceptible” for indigenous women.<sup>40</sup> Despite a couple of female leaders who stand out, more often than not with the support of influential men, the vast majority of indigenous women do not partake in the formulation of the movement's political agenda.<sup>41</sup> Few indigenous women run for office at the local level, and even fewer at the national level. The most prominent face of indigenous women in Ecuadorian politics is probably Nina Pacari, who fought for indigenous property rights during the agrarian reform and became an active leader throughout the *levantamientos* of the 1990s. She was vice-president in the national legislature, Foreign Affairs Minister under President Gutierrez, and a member of the United Nations Permanent Forum on Indigenous Issues. Not only is Nina an exception, but she also has had a limited impact on reshaping the political agenda of the indigenous movement toward more gender equity.

In addition to the marginalization, indigenous women suffer exceptionally high levels of overt violence. Violence comes in the form of psychological, emotional, and physical aggression. Psychological violence through verbal abuse, mistreatment, and threats, undermines the already low self-esteem of women who do not believe in their inner strengths and individual capabilities. Physical violence is very common, likewise having devastating consequences for women's mental and physical health.<sup>42</sup> Domestic abuse appears to be highest among indigenous groups, with physical and psychological violence reaching 44 and 45 percent of families respectively, and physical violence affecting 41 percent of girls.<sup>43</sup> Testimonies range from broken bones to *aji* hot sauce inserted into a woman's vagina, from torture to assassination.<sup>44</sup> Physical violence is both intense and frequent, compromising women's physical integrity, sexual and reproductive health, and often putting their lives at risk.<sup>45</sup> In Alausi, Chimborazo province, domestic violence affects 83 percent of women, most on a recurrent basis and in the conjugal realm because of alcoholism and jealousy.<sup>46</sup> These high levels of violence result in growing fear and anguish, public health problems, and the erosion of trust in social relations. This trend is even more accentuated for indigenous women, for whom state institutions are less accessible.<sup>47</sup>

In conclusion, women's rights appear to be lagging behind in the process of ethnic emancipation. Indigenous women seem to have only marginally benefited from formal, collective conquests of the indigenous movement at large. Their basic civil and political rights continue to be violated on a regular basis and their socio-economic marginalization is a major impediment to their development and empowerment.<sup>48</sup> Yet, if I agree with Radcliffe on gender inequalities, I partly differ from her conclusions on the factors leading to this inequality. Whereas the state is in part responsible for not securing women's rights, the indigenous movement is also to blame for pursuing and legitimizing discriminatory practices.

How should we understand the situation of indigenous women in Ecuador? What does the gender gap within the indigenous movement imply for democracy? The acute marginalization of indigenous women is not merely the result of widespread poverty and merits further explanation. This paper aims to contribute to the understanding of indigenous politics by providing a critical, gendered analysis from within. The following section offers a closer look at the lives of indigenous women in order to tackle these questions.

## II. ETHNICITY SILENCING GENDER?

Discrimination based on gender is not peculiar to indigenous groups: “in no society (today) do women enjoy the same opportunity as men.”<sup>49</sup> Women worldwide are the primary victims of poverty and suffer from social, political, and economic marginalization. Indigenous women, however, are important guardians of culture, and cultural traditions tend to come at the detriment of the individual rights of women who find themselves isolated and trapped between their ethnic and gender identities.

### *Indigenous Women: Violence and Invisibility*

Indigenous women are barely visible on the political map of Ecuador. The lack of information about them, especially in quantitative terms, makes full comprehension of their situation and awareness thereof difficult. But their invisibility is also related to the complex nature of ethnicity. Whereas gender is a rather fixed characteristic, ethnicity is changing, non-exclusive, and subjective. Who is indigenous in Ecuador? Ethnicity is as problematic to identify from the outside as from within.<sup>50</sup> If ethnicity refers to the cultural distinctiveness of a group, individuals who change groups will change their ethnicity.<sup>51</sup> Moving to urban areas or marrying outside the group can thus imply a change in one’s ethnicity, especially when one is keen to liberate itself from negative connotations still associated with Indian ethnicity. Thus, only 7 percent of the population declared itself indigenous in the 2001 census, but 13 percent spoke a native language other than Spanish.<sup>52</sup> Indigenous women are Ecuador’s most visible folklore, but for many converging reasons, it is difficult to see them any further.<sup>53</sup>

Violence and invisibility are not only entwined but also mutually reinforcing phenomena. First, violence is made invisible by women’s isolation in their communities. Limited access to education and political participation contributes to women’s legal isolation.<sup>54</sup> In addition to their limited knowledge about legal rights and how to protect them, they are not socialized with state institutions nor too keen on looking for help from actors that have historically been oppressors. Furthermore, women are monitored in their own homes and communities, making it difficult to escape the private sphere to denounce violence.<sup>55</sup> Second, violence is silenced because of the stigma attached to it and the fear of retaliation against the victims who try to denounce it. As a result, few victims look for institutional support (6 percent), relying in part on friends and family support (40 percent), but mostly refraining from looking for any kind of support (54 percent).<sup>56</sup> Most victims of sexual violence do not seek help because of shame (40 percent) and fear of retaliation (22 percent).<sup>57</sup> Thus, the

problem is not as much the lack of knowledge on where to get support (11 percent), but rather the impunity of the perpetrators combined with the stigma attached to sexual violence.<sup>58</sup>

Culturally, gender violence is tolerated as a part of life. Rape is often the first sexual experience of indigenous girls, constituting a problem in girls' schooling.<sup>59</sup> The saying "marido es, marido pega" (or, colloquially, "Since he is my husband, he has the right to beat me") testifies to the permissibility of gender violence in the indigenous culture. Most women attribute domestic violence to jealousy and alcoholism.<sup>60</sup> Violence might also come as a punishment for external activities—be it professional or social—that threaten men's power or image in the community.<sup>61</sup> Women are expected to stay home and keep low levels of social interaction, within and outside the community.<sup>62</sup>

Violence and invisibility are tangible in the economic realm as well. Most women work non-remunerated jobs in the fields and at home, "stranded" in villages with virtually no monetary income. At best, they work in markets, trading agricultural products. This gender-based division of labor is an important obstacle to the advancement of women's socio-economic rights. It implies a greater burden for women as they accumulate work responsibilities and hours in extenuating highlands conditions. Women work 15-hour days, seven days a week, pregnant or not, suffering from premature aging, and with minimal healthcare.<sup>63</sup> This invisible labor, unaccounted for in formal and family economics, is all but empowering. The poverty of indigenous women is related both to gender and ethnicity, but within ethnicity, gender considerably aggravates poverty. In some studies, gender accounted for 61 percent of inequality, whereas ethnicity only 23 percent.<sup>64</sup> Women's lack of education implies working conditions that contribute to their economic dependency and social isolation, and explain in part the high levels of illiteracy among women as well as the atrophy of their civil and political rights. This multidimensional isolation eliminates their time and resources to reach outside the community, to interact with legal institutions, and to participate in politics. As a result, indigenous women do not necessarily perceive politics as an effective tool to secure a better quality of life,<sup>65</sup> and as democracy becomes less tangible, politics cease to be a worthwhile alternative.<sup>66</sup>

A significant obstacle to gender equality is the indigenous justice system. Physical punishments, inflicted by the husband and the community, are still common practice in indigenous communities. Cases vary in content but women are invariably victims of justice. One young wife was punished with flagellations for being abandoned by her husband—her lack of subjugation would have provoked his escape with a lover—and her aunt saw physical punishment as an

efficient educational tool for her niece to learn about “life.”<sup>67</sup> The cultural realm is particularly violent towards women, not only because it tolerates violence but also because it grants them very few freedoms. Although arranged marriages are less and less common, imposed marriages when a girl becomes pregnant are still very frequent. Another young wife forced to marry decided together with her husband to go on with her life, but when community leaders discovered they arrested her and beat her to death.<sup>68</sup> Indigenous justice’s double-standards leave women with virtually no rights, “taken care of” in private and public spheres, subjugated both to men and the community at large.<sup>69</sup>

### *Political Confinement*

The tandem of violence and invisibility also affects women’s political lives. They are discriminated against at the polls, facing gender and ethnic harassment.<sup>70</sup> They are also discriminated against publicly and privately within the community if they run for office.<sup>71</sup> Politics are considered the realm of men and were traditionally reserved for them. One of the major contradictions in the situation of indigenous women is that they are required to vote at the national level, having the exact same political rights as any other male or *mestizo* citizen, but are most often excluded, through formal and informal mechanisms, from decision-making processes within their own communities. The communal voting system is usually organized on the basis of one vote per home, but consensus rarely takes place in the private sphere.<sup>72</sup> To the contrary, women often complain that they are silenced by men.<sup>73</sup> Traditionally, the man’s opinion counted, whereas the woman’s was trivialized—for being less capable of thinking and dealing with politics. Men “give orders to women,” they “know better,” and “explain things to the women who don’t understand anything.”<sup>74</sup> The intangible violence that oppresses, censors, and discriminates against women adds up with more evident forms of violence to leave irremediable scars in the construction of indigenous women identities.<sup>75</sup> Despite slow and gradual changes, women remain largely excluded from the political arena.

The few women who do take office endure discrimination in the form of the delegitimization of their capacities, work, and responsibilities. Women receive little encouragement to pursue work outside of their homes, having to combine family chores with professional obligations ask for permission to work from husbands who are often skeptical and jealous of their activities. The most prominent leaders also suffer more violent forms of discrimination. At the most overt level, there are reports from women being harassed and even raped by their male counterparts—notably during the 1990 *levantamiento*. Female leaders were often harassed sexually: “si eres compañera, tienes que compartir todo.”<sup>76</sup> At a more sub-

duced level, politically active women are ostracized within the community, finding it virtually impossible to marry.<sup>77</sup> Leaders suffer intense public discrimination for their political activities and are perceived as “public” women.

Individual discrimination is accompanied by larger forms of institutional marginalization and isolation. Several incidents illustrate this institutional approach to gender violence well. In 2005, when a university student was physically attacked by her indigenous companion, Lourdes Tibán, the female minister of the Council for the Development of Nationalities and People of Ecuador (CODENPE), asked the young lady to withdraw her legal complaint to protect the cohesion and legitimacy of the indigenous movement. Meanwhile, CONAIE supported the aggressor in taking the academic institution that expelled him to court for ethnic discrimination and for violating his human right to education.<sup>78</sup> In the case of Congressman Remache, Lourdes Tibán took the time to personally visit the *comisaría de la mujer* in Riobamba to threaten to close the station if the case was not dismissed.

The political isolation of indigenous women is visible in discrimination by the indigenous movement as well as women’s movements. The pervasive culture of machismo permeated to the highest institutional levels when the indigenous movement aborted the emergence of an indigenous women’s organization. In 1996, five women, namely Nina Pacari, Teresa Simbana, Blanca Chancoso, Vicenta Chuma, and Rosa Bacancela, founded the National Council of Indigenous Women of Ecuador (CONMIE) to advance the rights of indigenous women. The organization was immediately perceived as a threat to the unity and strength of the indigenous movement and sparked tensions and accusations among the leadership of CONAIE, the Ecuadorian Federation of Indigenous Evangelical Churches/Federación Ecuatoriana de Indígenas Evangélicos (FEINE), and the Peoples of Kichwa Nationality of Ecuador/Confederación de Pueblos de la Nacionalidad Kichwa del Ecuador (Ecuarunari). After sustained harassment, intimidation, and threats to CONMIE’s leadership, CONAIE came up with an offer: the women who abandoned CONMIE once and for all would be granted political power within CONAIE.<sup>79</sup> Most, as Nina Pacari and Blanca Chancoso, accepted, and started a new political career path focused on ethno-politics rather than gender. These leaders have identified themselves as indigenous rather than women representatives, advocating ethnic rights rather than a gender-oriented agenda in their political struggle.

The history of CONMIE, its weakness and disarticulation, are the result of a conscious effort by the indigenous elites to undermine a political initiative perceived as a threat to the success of the larger ethnic movement. To this day, CONMIE suffers from institutional pressure and discrimination, working as

it can without a budget or an office. The organization was debilitated since its start and was never able to gain political relevance or enough visibility to combine gender and ethnicity in one single agenda. This case reveals only part of the tension between ethnicity and gender. The gender-based organization was perceived as a threat to the cohesion and power of the ethno-politics of the movement, and it was suffocated at its start. A decade later, CONAIE finally created a program on gender, but remains very reticent with CONMIE's participation in politics.

The indigenous movement is also isolated from mainstream feminism in Ecuador. Through much mobilization and contestation in the 1990s, women's movements successfully challenged the state and negotiated, in complex ways, development policies.<sup>80</sup> They conquered new political spaces, repealing several discriminatory laws and securing new laws to protect women's civil and political rights. They gained institutional power and developed new alliances, backed by a strong elite network of feminist policy-makers and activists. Yet, indigenous women were mostly left out of the process. It is not only that indigenous women profited minimally from this achievement, as argued extensively above, it is also that they did not partake in the process. On one hand, it would be difficult to argue that indigenous feminism was at odds with the agenda of mainstream feminism. Feminism is not a universal language nor is its conceptual basis homogenous.<sup>81</sup> There are many feminisms, and feminism in the Andes would probably have much with which to challenge *mestizo*, "imperialist" feminist practices. Unfortunately, however, indigenous women's groups in Ecuador are too weak and disarticulated to be referred to as feminist and one cannot talk of *de facto* indigenous feminism in Ecuador.<sup>82</sup>

On the other hand, there is a real disconnect between women's and indigenous movements, especially in the articulation of gender, class, and ethnicity.<sup>83</sup> Efforts to collaborate emerged from both sides but never lasted. Mainstream women's organizations such as the Women's National Council (CONAMU) and the Women's Permanent Forum have traditionally not worked closely with indigenous women, and indigenous women have traditionally not trusted mainstream feminism to advocate on their behalf nor have they consistently tried to position themselves as a strategic ally.<sup>84</sup> Political and ideological tensions led the two movements to evolve simultaneously, with little interaction, and virtually no "potentialization" of their mutual strengths. In this fragmentation of feminisms, indigenous women have lost the opportunity to gain visibility and institutional power.

### *The Guarded Guardians of Culture*

According to Margarita Caizabanda, from the Salasaca ethnic group, “the main role of a woman is to maintain the unity of the family and by extension of the Salasaca community, that means she is the key to the unity and conservancy of our identity, traditions, education, and overall, of the Salasaca-Kichwa culture.”<sup>85</sup> Women are perceived as the main guardians of indigenous culture. They are the beholders of tradition. They have the capacity to preserve and reproduce culture; therefore, they have the capacity to create, transmit, and secure ethnic identity.<sup>86</sup> As their daily practices provide meaning for the cultural reproduction of the group, women are expected to be more “Indian” than men, and their role as culture keepers can be traced through clothing, language, work, and even food.<sup>87</sup>

Women’s attire is perhaps one of the most distinguishing features of ethnicity. Traditional indigenous clothes are at the core of ethnic identity, from the *anakos*<sup>88</sup> to the *chumbis*<sup>89</sup> that hold women’s hair tight. Fashion is undeniably a source of ethnicity at the national level, but it also defines localism and the belonging to a specific area. Hats are essential features of indigenous attire, but the hats from Flores are white, round melons made of wool, whereas the green hats from Zumbahua display peacock feathers. As indigenous people define their identity through the way they dress, fashion becomes an ethnic identifier, distinguishing them from *mestizos*. Fashion almost *becomes* ethnicity. Cutting your hair or abandoning your traditional outfit can be perceived as a denial of your ethnicity.<sup>90</sup> As men migrate to urban areas in search of work, they have been more prone cultural blending, replacing their traditional outfits with blue jeans to avoid discrimination. Women, in contrast, remained immutable beholders of indigenous fashion, from the highlands to the cities, at times even capitalizing on this “authenticity” in tourist environments.<sup>91</sup>

The division of labor has also, to a certain extent, reinforced cultural roles based on gender. Whereas men have increasingly engaged in work outside the community, notably construction, women are the ones to support community life. In addition to the traditional home and family chores, they are active in the fields, caring for animals and crops. Boys are encouraged to stay in school longer than girls who are still sent to the fields at early ages, further aggravating gender disparities.<sup>92</sup> Whereas men adjusted to national norms and realities, women remained within their villages, isolated from service facilities, and at times afraid of interacting with an outer world they were so unfamiliar with. In particular, women continued speaking Kichwa while men were forced to socialize in Spanish.

Language is another clear indicator of women’s role as culture holders. Women are fundamental to the maintenance of Kichwa as an identity. They are

the ones to pass it onto the children and guarantee the survival of the language. One of the main fights—and achievements—of indigenous women was the institutionalization of bilingual education in 1988. As important as it might be for cultural survival, Kichwa is also an impediment to women's integration in society. Children and girls are now mostly bilingual. But in rural areas, women's social and professional chores still favor the use of Kichwa over Spanish, providing them with not-so-fluent communication skills. This handicap limits women's use of the normative and legal systems. It also creates fear of the unknown, thus reinforcing their isolation.<sup>93</sup>

Gender roles can be retraced to the very nutrition within homes. Food is also a source of identity, and thus ethnicity, perhaps more subdued but equally charged in symbolism as fashion or language. Food is a mean of socialization as much as it is a means to maintain cultural traditions. Potatoes and *cuyes*<sup>94</sup> are ethnically indigenous whereas chicken with white rice has a *mestizo* connotation. Men consume more “*mestizo*” products, such as white rice, identifying themselves with the urban, white, and elites; women consume more “indigenous” foods that are associated with heritage as well as disenfranchisement.<sup>95</sup> Women are the main keepers of food as identity, managing crops and animals, and transforming it to bring culture to the table.

As the beholders of the group's tradition, women are often expected to play traditional roles that may limit their access to equal citizenship. Thus, as women bear the responsibility for the permanence of the group's collective identity, they also become prey to a cultural isolationism that reinforces their social, political, and economic exclusion. In an ironic twist, the guardians become the guarded. Women are not only guardians of culture, they are themselves controlled by culture. Susan Moller Okin saw an intrinsic tension between multiculturalism and gender because “most cultures have as their principal aims the control of women by men.”<sup>96</sup> Most importantly, she argued, the central focus of most cultures is the sphere of personal, sexual, and reproductive life, or “personal law.”

As a rule, the defense of “cultural practices” is likely to have much greater impact on the lives of women and girls than on those of men and boys, since far more women's time and energy goes into preserving and maintaining the personal, familial, and reproductive side of life. (...) Home is, after all, where much of culture is practiced, preserved, and transmitted to the young.<sup>97</sup>

Ethnicity is fundamentally related to the private sphere, since it is the sphere where most of culture is reproduced, and with it gender inequalities. Being the guardians of indigenous collective identity through domestic life, women are

prone to an isolationism that was long a source of social, political, economic, and even cultural exclusion. If women are crucial to the conservation of culture, identity, and ethnicity, they are also silenced by these same cultural traditions. Women are expected to comply with and reproduce the indigenous culture—even if it is a culture of embedded violence, even if it is to their detriment. Culture is commonly associated with collective rights and limits the space for contestation over individual, gender-based rights. Rather, the fight for individual rights is often accused of being non-indigenous and breaking with cultural patterns within the community.

*The Trap of Identity Politics: Gender or Ethnicity?*

The intimate and conflictive relationship between ethnicity and gender in indigenous culture leads many women to feel trapped between selecting one of two exclusive identities: being indian in a largely *mestizo* society and being a woman within their own *machista* and violent indigenous communities. Because indigenous women suffer marginalization in different arenas—the family, the community, and indigenous organizations as well as Ecuadorian society at large—the politics of ethnicity only provide partial material for protection. Furthermore, ethnicity implies certain obstacles to women’s rights.<sup>98</sup> It becomes ambiguous to preserve a culture that encompasses “traditions” of violence, subjects women to heavy, unpaid workloads, and silences them.

The tension between ethnicity and gender reveals a deeper tension between identity and citizenship, individual rights and collective rights. The struggle for women’s rights is, quintessentially, a struggle for individual rights. Collective societies impede the emergence of the individuality of women, and by extension of gender-based rights. The promotion of women’s rights is often perceived as a norm external to the community and thus associated with Western values of individualism. Women’s rights are therefore doubly conflictive as they are perceived as an external, Western inheritance that clashes with the foundational myths of collectivity, solidarity, and reciprocity in indigenous *cosmovisión*. By rejecting politics of difference within the indigenous group, the indigenous movement has suffocated the creation of identities beyond ethnicity.

Indigenous women might aspire to combine their ethnic and gender identities, but in practice they often feel forced to opt for one or the other. As a result, women might end up migrating to the cities, escaping the inequalities embedded in their ethnic belonging. There, however, they may face discrimination and similar marginalization, only for ethnic rather than gender reasons. Wherever they go, women are vulnerable to discrimination, whether it is due to their ethnicity in the city or their gender in the villages. This tension

between ethnicity and gender generates identity and political crises for women who find themselves trapped in essentializing categories, unable to assert their plural identities to protect their rights as indigenous women.<sup>99</sup>

The case of Josefina Aguilar is emblematic of this tension. Josefina left her village near Otavalo to pursue studies and a career in Quito, married an indigenous man from Saraguro, and started a family in the city. Although she proudly assumes her indigenous identity, Josefina feels in permanent limbo between her ethnic origins and her urban, *mestizo* environment. She wears the traditional *anako*, *chumbi*, and *walkas* and speaks Kichwa, but she is a professional who graduated from Universidad Central, interacts with non-indigenous institutions on a daily basis, and *de facto* lives in the normative reality of Quito. Feeling neither from there nor from here, she wonders “what are my children going to be?”<sup>100</sup> She wonders to what extent the indigenous culture should change, evolve, and modernize. She knows culture and tradition are entangled with pervasive violence—of which her own mother was a victim. Yet, she also fears that the emancipation of women, such as her own emancipation, would imply profound societal changes and an irreversible loss of identity in indigenous cultures. As guardians of culture, women carry the responsibility of cultural preservation, an especially critical task in times of hybrid, blending identities.<sup>101</sup>

The most conservative sectors of the indigenous movement portray dissent as an act of disloyalty to the group. Women themselves at times perceive their own agency as a threat to the collective foundations, thus feeling trapped between defending their ethnicity or gender, unable to reconcile politics of identity that are experienced as antipodes. Having escaped the cultural walls herself, Josefina fell in the trap of a romanticized, stationary, and insular culture, “wondering whether things should not stay the way they are” in order to avoid “eroding” indigenous culture any further. Ethnicity is tangled up in culture, and the simple transformation of culture can be perceived as a threat to ethnicity and to the very essence of the indigenous movement—as if culture was not in perpetual transformation; as if violence could be culture. Some indigenous sectors are so resistant to change because they perceive change as the first step towards assimilation. The fear of losing one’s identity is mostly explained through centuries of ethnic subjugation, but it might increasingly be linked to the negative impact of massive migration on indigenous groups. Whatever the reason might be, the will to consolidate indigenous identity ends up being used to justify patriarchal and violent social relations, thus detrimental to women who need to decompose their identity into different, exclusive facets.

Ethnicity can be a double-edged sword, combining liberating and oppressive

aspects. Indigenous women gained visibility and self-esteem in the marches of the 1990s. They became full subjects of rights through indigenous politicization. Ethnicity undeniably empowered many women in rural areas with strength and confidence. Yet, if they gained ethnic emancipation, their identity as women continues to be silenced, as they continue to live in subjugation to men. In the name of multiculturalism, the indigenous discourse has denied the right to dissent within its ranks, and indigenous women are welcome to thrive through the ethnic struggle. As important as ethno-politics might be in the Ecuadorian Andes, it must be taken as an exclusive identity. Gender also matters, and it matters powerfully.<sup>102</sup> Multiculturalism theories, for the most part, do not tackle the issue of minorities within minorities in depth, analyzing the external protection to a given group but paying little attention to internal accountability and the restrictions imposed on members within the group.<sup>103</sup>

The indigenous cultural and societal model is in crisis at its core, preaching contradictory discourses on difference and equality, demanding norms that it is not willing to respect itself, and reproducing within the group the same pathologies of power and inequalities it is determined to abolish in the *mes-tizo* society. The dilemma of identity politics raises many questions regarding democratic practices within the indigenous movement, to which I now turn our attention.

### III. INSTRUMENTALIZING HUMAN RIGHTS NORMS

Looking within the indigenous movement provides a different reality than the one that emerges from afar. The indigenous movement is credited for being a critical actor in the process of democratization in Ecuador, promoting participatory democracy and good governance and representing the interests of the poor and excluded. From within, however, the indigenous movement reveals a different face, controversial and unequal, with authoritarian and violent components. In fact, if the indigenous movement is a democratizing force in Ecuador, it is not always democratic within itself. The insistence to remain gender-blind is not only leading to discrepancies within the indigenous movement, it is also becoming an obstruction to inclusive democracy, impeding the very realization of sustainable development in the region.

#### *Within the Indigenous Movement: Democracy and Machismo*

Because the indigenous movement advocates democracy, it was assumed to be democratic at its core. Yet, the indigenous movement suffers from pathologies of power very similar to those in which it is engaged in combating in Ecuador's

*mestizo* society. The gender gap reveals the permanence of discriminatory and violent practices, and the toleration of insidious impunity in the name of ethnic cohesion. Patriarchal structures remain and paternalism is rampant at all levels, from local *dirigentes*<sup>104</sup> to the political elite of CONAIE. Despite a discourse promoting democracy and social justice, the indigenous movement remains hierarchical and *machista* in practice. Of course, the gap between the legal rights of women and their actual implementation is a problem that affects the entire region and should not be blamed on indigenous politics alone. Rural areas are all the more vulnerable to political and economic marginalization, accentuating institutional discrepancies. However, beyond the implementation gap, the indigenous movement's denial of gender rights in the name of cultural preservation is inflicting a grave burden on the lives of indigenous women. The Rémache case left no space for misunderstandings, refusing to bend to national courts and international norms alike.

Most cultures are highly gendered, and indigenous culture in Latin America, especially in the Andes, is no exception.<sup>105</sup> The concept of *cosmovisión* has been used (and abused) to support an essentializing discourse around ethnicity.<sup>106</sup> Following Andean dualism, men and women are to be conceived as complementary parts of a single entity, each being the other's half.<sup>107</sup> This unifying discourse refutes the individualism on which gender rights are based, and sees gender politics as a dividing trend brought up by external influences. But this discourse turns a blind eye to the daily violence inflicted upon women, and, not surprisingly, is most often advocated by men. Whereas indigenous *cosmovisión* can serve as an element of resistance for indigenous women, it is often used to legitimize a discriminatory discourse that selects only the most convenient human rights norms.<sup>108</sup> Discourses of *cosmovisión* preaching gender complementary do little to redress the violent inequality on the ground.<sup>109</sup> As violence becomes more visible, the cultural argument only highlights the contradictions plaguing the indigenous movement at its core.

The political message of the movement is increasingly opaque and multifaceted, advocating both social equality and ethnic exclusivity, differentiation and integration. Ethnic advocacy for democratization is undermined by the denial of individual agency, and the claims for inclusive democracy stained by the absence of that same inclusiveness within the group. Inclusion even recedes from the discourse to expand Pachakutik's electoral attractiveness: the fight against free trade then jumps to the forefront of indigenous politics. At the launching of the 2005 UNIFEM global campaign to stop violence against women, leader Blanca Chancoso focused on anti-imperialism and the war in Iraq. ECUARUNARI's leader Concepción Laguna accused dollarization and free

trade of being the main problems in indigenous women's lives, reproducing an official discourse increasingly disconnected from its basis.<sup>110</sup> The disregard for gender inequalities might be strikingly *machista*, paternalist, and authoritarian, but it is also in stark contradiction with the equity-agenda promoted by CONAIE and the Pachakutik. Indigenous politics advocate social justice, yet gender justice does not enter the equation. These discrepancies within the indigenous movement reveal the populism embedded within ethno-politics, as concerned with electoral viability and as promiscuous as any other political party. It also shows how malleable the politics of ethnicity are, and how cultural relativism can be abused according to needs.

If the indigenous movement intended to be a movement for "cultural liberty," advocating cultural diversity and freedom to follow values different from *mestizo* institutions, it has become a movement pursuing "cultural conservation," using multiculturalism to legitimize power hierarchies that are detrimental to many of its members.<sup>111</sup> I am not arguing against multiculturalism nor denying its achievements. My concern is not with the limits of multiculturalism in the Ecuadorian Andes but with people's freedom to elect and shape that multiculturalism. The recognition of a multiethnic state in Ecuador should not mean authoritarian practices be imposed in the name of "indigenous culture." Ethnic pluralism did enable the political liberation of indigenous people, but it is now sequestering women by legitimizing gender violence as culture.

One of the issues raised by this problem is that of the boundaries between the public and the private sphere. The democratic and participatory model of government advocated by the indigenous movement must enter the home, be practiced in the private sphere, and apply to "personal law" if it is to break with the patriarchal, vertical, discriminatory, and corporatist structures that subsist in indigenous communities. The meaning of culture, of *usos y costumbres*, is a contentious issue for indigenous women throughout the hemisphere.<sup>112</sup> It is in the private sphere that women are the most eager to protect their rights. I have argued, with support from feminist scholars and evidence on the ground, that gender discrimination is often not overt but informal and private, belonging to the domain of culture, cultural practice, and anchored in cultural roots.<sup>113</sup> The private practice of culture cannot, therefore, be exempt from democratic norms.<sup>114</sup>

Indigenous justice is perhaps the institution that best exemplifies the tolerance of gender inequalities. Indigenous societies have their own, ancestral laws, based on customs and traditions and representing a moral justice code transmitted orally. The acceptance of these laws emanates from the community and is supported by subjective mechanisms of solidarity, cooperation, and reciprocity.<sup>115</sup> Assuming the pluri-cultural and multiethnic character of the Ecuadorian state, the

1998 constitutional reform recognized the exercise of indigenous justice insofar as it does not violate existing laws.<sup>116</sup> Judicial pluralism is conceived as an important conquest by the indigenous movement since it does not trust the official justice system, which it perceives as culturally inadequate, corrupt, and racist.<sup>117</sup> “Justice is only for those who wear *ponchos*.”<sup>118</sup> The legal recognition of indigenous justice, with its collective and multicultural dimensions, was received as a step forward in the process of democratization. Yet, if indigenous justice is dynamic and participatory, it is also discriminatory towards women, hierarchical, and arbitrary.

Indigenous justice is not a set of institutionalized norms nor is it written in a document. It is flexible and arbitrary, given by local authorities. Local authorities are usually male, and the violence committed towards women is legitimized by tradition and often not conceived as a human rights violation. Justice is established in the absence of the rule of law, without any checks and balances, and is particularly vulnerable to power relations prevailing within the group. The system does not rely upon equal treatment in the face of law—men and women do not hold the same rights and obligations—but upon “culture.” The lack of formal institutions mentioned above is a source of unaccountable and arbitrary decisions. Justice is defined by the *dirigentes*, and laws are loosely defined by tradition and communal decision. In a sexist environment that marginalizes women socially, economically, and politically, justice is not often on their side. Tales of domestic violence amass, in size and content, most often with complete impunity for the aggressors, when it is not women themselves who are punished. In the absence of constitutionalism, democracy is reduced to the tyranny of the majority, which is most often dictated by the most powerful.<sup>119</sup> While a state of exceptionality was granted to the indigenous minority to secure the basic right of self-determination, individual legal rights are not being granted to minorities within the group.<sup>120</sup>

There is, of course, an intrinsic conflict between the desire to maintain cultural diversity and the effort to promote universal rights. Universal frameworks inevitably obscure local particularities. The tension at the core of indigenous justice is that between collective and individual rights. Whereas some cultural norms are enabling, such as communal decision-making processes, others can be extremely oppressing, such as gender subjugation.<sup>121</sup> The group right to self-determination for indigenous nationalities in Ecuador should not be achieved at the detriment of the individual right to self-determination of indigenous women.<sup>122</sup>

### *Instrumentalizing International Human Rights Norms*

These contradictions did not impede the indigenous movement from developing and nurturing a strong international profile. Indigenous leaders are present

in most international spheres, from the U.N. Forum for Indigenous People to the World Social Forum, and their politics have successfully internalized international normative discourses. From international NGOs to Western governmental programs, the indigenous cause received technical and financial support from abroad. Growing transnational alliances played an important role in stimulating domestic organization, feeding resources, expanding the normative framework, and shaping the politics of contestation.<sup>123</sup> Indigenous groups have been working with international actors for more than two decades now. They have participated in global decision-making processes and espoused the legitimacy of international norms to demand the official recognition of Ecuador as a multi-ethnic and multicultural state.

Indigenous groups are particularly familiar with international norms regarding human rights, since they were, by and large, the norms that concerned them the most. More than familiarized, they were socialized within the international normative framework concerning individual human rights and collective indigenous rights.<sup>124</sup> Over the decade for indigenous peoples, which permitted legal and political breakthroughs, indigenous actors in Ecuador were socialized in international norms and procedures, learning to hold the state accountable to their collective rights.<sup>125</sup> After more than a decade claiming the fundamental right to self-determination, civil and political rights within the Ecuadorian state, and the right to cultural difference, the indigenous movement is undoubtedly well socialized in international human rights.

Yet, if the indigenous movement has successfully instrumentalized this international normative framework in its relationship with the state, it has only partially appropriated these norms for itself. Indigenous politics claim cultural and collective rights, but do not voice individual or gender rights too loudly. They claim the right to difference but closely control dissent within their ranks. In fact, the indigenous movement is claiming international norms that it is not ready to abide by itself. It is claiming and conquering rights for the group that are not being redistributed to individuals within the group. I argue that the indigenous movement has, to a large extent, instrumentalized international norms. The indigenous movement has used international human rights norms to advance its interests in national politics without having to practice them at home. In other words, international human rights are not necessarily serving as a normative model but, more pragmatically, as a source of political power vis-à-vis the state. Instead of transplanting international normative frameworks into their local situation, the indigenous movement instrumentalized international norms without fully appropriating them, preferring to ignore the norms that “do not fit” certain “cultural” practices.<sup>126</sup> Human rights norms were effective instruments of empowerment in

national politics but still have to be translated into local practice.

It cannot be argued that the indigenous movement is unaware of gender rights since it is perhaps the actor that most socializes with global human rights in Ecuador. Nor can we blame gender violence on the implementation gap since women's rights are not institutionalized within indigenous groups. The indigenous movement has rather chosen to select certain human rights norms and reject others that clashed with traditional practices and challenged established relations of power. This explains why politicians with extensive histories of violence against women in their communities can hold prestigious positions in the fight for justice—Congressman Remache, indeed, presided over the National Council on Human Rights despite a history of domestic violence.

There are several gaps that point towards an instrumentalization of international norms. First, there are tangible incongruities between indigenous leaders' speeches advocating fundamental rights in international forums and acts of violence on the ground. The indigenous discourse is contradictory in part because it is addressed to an international audience—international civil society and Western governments are indeed key allies to effectively pressure the Ecuadorian state.<sup>127</sup> Second, indigenous actors, like most of fragmented civil society in Ecuador, have become something of "moral entrepreneurs" that sell international norms.<sup>128</sup> Agendas are not defined according to the demand, i.e. local needs, but rather by the supply, i.e. international resources. In other words, development projects are tailor-made. Indigenous groups (as many others) develop a gender facet to projects in the attempt to increase their "marketability." In the process of moral entrepreneurship, norms are not taken as an end but as a mean. And international human rights norms are important means to gain both political leverage and legitimacy.

But if indigenous groups want inclusive democracy, they are not necessarily inclusive themselves. The non-redistribution of human rights to women and the instrumentalization of international norms point to double standards in the politics of accountability. Indigenous politics instrumentalize international norms to better press the Ecuadorian state into abiding by human rights norms, but indigenous movements do not hold themselves accountable for the implementation of these same norms within their communities. The indigenous movement has been demanding state accountability to fundamental norms that it refuses to be held accountable to in the name of cultural relativism. While indigenous organizations can legitimately claim to have advanced the basic civil and political rights of indigenous people, they have failed to recognize—or even address—in any systematic fashion these same rights for women within the group. Exceptionality and differentiation take over equality, and cultural relativism is brought in to exempt ethnicity from any obligation vis-à-vis inter-

national norms. In essence, “*you* abide to the rules, but let *me* play my way.”

*Rethinking the Role of Indigenous Politics in Democracy*

Ecuador’s indigenous movement raises many questions with regard to democracy within minority groups. Are cultural rights being promoted at the detriment of women’s rights? Is ethnicity an obstacle to gender equality? Is multiculturalism bad for human rights?<sup>129</sup> What are, after all, the implications of ethno-politics for democracy? Three remarks permeate from this analysis. First, the indigenous movement was romanticized. Second, sexism within the indigenous movement has been hindering gender development. Third, and beyond the indigenous movement, women’s rights need to be disentangled from leftist politics to take a life of their own.

Ecuador’s indigenous movement was doubly romanticized. First, it was romanticized as an indigenous movement for its social and political conquests. Following Rousseau’s myth of the “*bon sauvage*,” indigenous movements were put on a pedestal, admired, and encouraged for their ethnic and symbolic content. This romanticization can in part be explained by the concept of “Andeanism.”<sup>130</sup> Using a similar logic to that of Orientalism, Andeanism dichotomizes between the occidental, urban, mestizo, and the non-western, highland, rural, and indigenous, constructing Andean life as timeless, grounded in the preconquest past, and distant in space and time from the West. Andeanism has an egalitarian and antiracist thrust, but, at the same time, it emanates residues of paternalism and hierarchy, attaching pre-modern beliefs to twenty-first century peasants who speak English, wear Pumas, and play Daddy Yankee on their iPods. Andeanism provided *cosmovisión* with some foundational concepts such as attachment to the land and a sense of community. This romanticization of indigenous peoples resulted in the perception of Andean identities as stagnant, whereas they are in fact particularly dynamic, diverse, and ambiguous.

Second, the indigenous movement was romanticized as a leftist movement, standing for social justice and equality. It was expected, as it often is in Latin America, to become a messiah that would rescue the poor and the oppressed. It was granted, *a priori*, a flavor of redemption, and, by extension, of exemption. It became entangled with the idea that social movements are leftist in essence, and that the left is the engine for social transformation. However, the left is not a synonym of social transformation and the indigenous movement proved to be significantly conservative, traditionalist, and anti-liberal. The indigenous movement could only provide half of the transformation, being intrinsically defensive of the other half. The romanticization of indigenous movements is not an Ecuadorian characteristic and seems to be present through most of Latin

America, notably in the Andes and Central America.

From within, myths dissipate to unveil a different reality. The indigenous movement is sexist. It also turned out to have inherited much of the paternalism of the hacienda system it fought in the sixties and seventies. Authoritarian, *machista*, and trapped in profound gender inequalities, it remains intolerant toward social change and political dissent. The indigenous movement has, indeed, been detrimental to the emergence of women's agency, especially in the rural areas where it is most needed. It has, by extension, been detrimental to the consolidation of a women's movement in Ecuador. Personal and institutional efforts to restrict the emergence of indigenous feminism are numerous and relatively successful. It is not purely coincidental that the strongest indigenous movement of Latin America stands together with the weakest feminist movement.

Reality is more complex, of course, and the indigenous movement blends very progressive aspects to the sexist dimension I am attacking. I do not pretend to neglect the history of sexism in *mestizo* culture or progressive indigenous traditions. Indigenous culture is not uniformly reactionary. The indigenous movement has been both a promoter of and an impediment to the consolidation of democracy in Ecuador. It enabled a more inclusive democracy with the "ethnicization" of politics and the integration of new actors in the political game. Yet, democracy has not "trickled down" to benefit minorities within indigenous groups. The politicization of ethnicity created profound tensions with gender and individual rights, which has been detrimental to development.

Perhaps what is needed is simply to disentangle women's rights from leftist politics. The overlap between the left and women's movement does not stand in the face of the indigenous movement of Ecuador. In Latin America, feminist movements are associated with re-democratization, and therefore with the left. But this long marriage between the left and women's movements seems to be facing some fundamental differences. Leftist indigenous movements in the Andes are investing much of their political capital in ethno-politics that leave little space for gender to gain political center-stage. Although we are talking about two minorities, there is an inherent tension between opposing goals, as ethnic claims for difference and exclusivity clash with gender claims for inclusion and assimilation.<sup>131</sup> The confusion between the two leads to a confusion of the means and ends of each, while in fact social justice has not always been promoted together with gender justice. The women's movement in Ecuador lacks autonomy, both in terms of political relevance and in its capacity to mobilize and voice women's concerns. It needs to emancipate itself from leftist politics to rely less on other social movements and more on its own agenda.

I do not believe that the left is opposed to the promotion of women's rights nor do I deny that the left is often an important political ally to feminist agendas in Latin America. I do conclude, however, from the Ecuadorian experience, that gender is not a priority on the political agenda of the new left and that the women's movement cannot rely on the solidarity of leftist politics to secure gender-based interests. Although gender is theoretically encompassed in the claims for social justice, it has, in practice, often been lagging behind in priority.

## CONCLUSION

This article offered a perspective "from within" of the indigenous movement in Ecuador. Recognizing the achievements of the indigenous movement, I revealed internal contradictions and shed light on stark gender disparities. I then explored the situation of indigenous women, trying to identify the characteristics and roots of their exclusion, addressing the complex relationship between ethnicity and gender in identity politics. Finally, I argued that ethnopoltics instrumentalized international norms to gain leverage in domestic politics while refusing to be held accountable to these same norms.

Exploring the gender gap in the Ecuadorian Andes, I argued that the indigenous movement has had mitigated impacts on the consolidation of democracy. In Ecuador, ethnicity and gender are political antipodes that are still to be reconciled. While Ecuador has the strongest indigenous movement in the region, it also has an extremely conflicted one. Indigenous politics still has many incongruities to solve before it can claim to be fully democratic. The Ecuadorian experience raises questions regarding gender and indigenous movements throughout the Andes and into Latin America, if not further. I never meant to suggest that ethnicity and gender are incompatible. Rather, I suggest that gender inequality remains a fundamental obstacle to democracy in the Andean region and will not naturally flow out of the achievements of indigenous movements. More research is needed on the relationship between indigenous movements and women's agency, and between ethnicity and gender. More research is also needed on the state of women's movements in countries where the left is in power.

This article is an attempt to better understand the state of democratization in Ecuador, its loopholes, and its fragilities. Further, it is intended to map the disjunctiveness of democracy in the region in order to continue reshaping it. As parochial to Ecuador as this analysis might appear at first, it allows us to extract broad principles out of local knowledge. The complex relationship between gender and ethnicity is a problem shared by women across cultures and politi-

cal systems. The parochial example I have focused my attention on allows us to pinpoint problems larger than Ecuador, reaching into the Andes and beyond: the potential costs of ethnicity for women's development, accountability within minority groups, and the instrumentalization of international norms.

International political and economic thought needs to focus more directly on gender inequalities as a problem of justice.<sup>132</sup> Considerations of justice for women have been disproportionately silenced in debates about international development. In much of the world, women are enduring a similar situation to that of indigenous women in the Ecuadorian Andes, being more illiterate and less healthy than men, more vulnerable to physical and sexual abuse. To foster development, we must secure basic constitutional principles to improve the quality of life of poor women in the Third World. The protection of women's rights is crucial to develop the human capabilities of women in poverty.<sup>133</sup> Gender equality is not a feminist issue, but a core matter to all social sciences concerned with global development and a major component of democratization in Latin America.

The plight of poor women is, by all measures, dramatic. Yet it is also becoming increasingly complex as gender becomes intertwined with politics of ethnicity, religion, and nationalism. Gender is more political than ever, and is growing to be a fundamental concept from international relations to local politics. If the academic community is serious about discussing development, poverty, and the rule of law, it needs to give much more attention to the situation of poor women worldwide. As scholars, it is our responsibility to address gender inequality and its consequences for democracy and development. By thinking and discussing gender, scholars can also contribute to the better understanding of issues that are growing increasingly complex and are calling for conceptual elaboration.

## NOTES

1. Police stations focusing on domestic violence against women and children exist since 1994 in Ecuador.
2. M. Selverston-Scher, *Ethnopolitics in Ecuador: Indigenous Rights and the Strengthening of Democracy* (Miami, FL: University of Miami North South Center Press, 2001); N.E. Whitten, ed., *Millennial Ecuador: Critical Essays on Cultural Transformations and Social Dynamics* (Iowa City, IO: Iowa University Press, 2003); L. Zamosc, "The Ecuadorian Indian Movement: From Politics of Influence to Politics of Power," in Nancy Postero and Leon Zamosc, eds., *The Struggle for Indigenous Rights in Latin America* (Brighon/Portland, UK: Sussex Academic Press, 2004); D.L. Van Cott, *From Movements to Parties in Latin America: The Evolution of Ethnic Politics* (Cambridge, UK: Cambridge University Press, 2005); D. Yashar, "Democracy, Indigenous Movements, and the Post-liberal Challenge in Latin America," *World Politics*, Vol. 52 No. 1 (1999), pp. 76–104.

3. Close to 50 percent of indigenous people live in the provinces of Chimborazo (17.6%), Pichincha (12.2%), Imbabura (10%) and Cotopaxi (9.8%) (INEC 2001). The Coastal and Amazonian groups—respectively represented by COICE and CONFENIAE—also played a lesser role in terms of political mobilization during the 1990s.
4. M. Selverston-Scher, *Ethnopolitics in Ecuador: Indigenous Rights and the Strengthening of Democracy* (Miami, FL: University of Miami North South Center Press, 2001).
5. V. Bretón, *Cooperación al desarrollo y demandas étnicas en los Andes ecuatorianos* (Quito, Ecuador: FLACSO, 2001).
6. *Huaspungo* was the social and economic system that kept indigenous peasants in servitude to *hacienda* owners. Peasants were given small lots of land on the *haciendas* in exchange for their labor. Peasants were kept in permanent debt and forced to remain in systems of exploitation. Indigenous people were sold together with the land, as inherent part of the property value, until the system of *Huaspungo* was abolished in 1959 and the first agrarian reform of 1964 brought drastic change to rural politics.
7. H. Carrasco, “Democratización de los poderes locales y levantamiento indígena,” in ed., CEDIME, *Sismo Étnico en el Ecuador* (Quito, Ecuador: Abya-Yala, 1993); L. Zamosc, “The Ecuadorian Indian Movement: From Politics of Influence to Politics of Power,” in Nancy Postero and Leon Zamosc, eds., *The Struggle for Indigenous Rights in Latin America* (Brighthon/ Pórtland, UK: Sussex Academic Press, 2004), pp. 37–68; V. Bretón, *Cooperación al desarrollo y demandas étnicas en los Andes ecuatorianos* (Quito, Ecuador: FLACSO, 2001).
8. In 1986, indigenous nationalities of the three main regions of Ecuador, namely the coast, the highlands, and the Amazon, allied to create the Confederation of Indigenous Nationalities of Ecuador (CONAIE). The CONAIE is the principal, but not the only, indigenous organization in Ecuador. Although the indigenous movement is referred to as one, there are important divisions within its core, such as the division between ECUARUNARI and CONFENIAE. This division grew more problematic when Antonio Vargas entered Gutiérrez’s administration and considerably weakened CONAIE, which has only recovered partially in th recent mobilizations. The Federación de Indígenas Evangélicos del Ecuador (FEINE), “deserters” according to CONAIE’s President Luis Macas, are also active on the political scene and have their own political party Amauta.
9. The Confederación de Pueblos de la Nacionalidad Kichua del Ecuador (ECUARUNARI) was created in 1972, rallying indigenous groups of Saraguros, Azuayos, Imbaburas, Cotopaxis, in order to synchronize the indigenous struggle. By then, the fight for the recuperation of land had become the backbone of the indigenous movement, representing an economic as well as a political demand. L. Macas, “El Movimiento Indígena: aproximaciones a la comprensión del desarrollo ideológico político,” *Tendencias Históricas*, Vol. 2 (1994).
10. L.M.T. Amaguana, “Importancia de la participación de la mujer en el levantamiento indígena,” in ed., CEDIME, *Sismo Étnico en el Ecuador* (Quito, Ecuador: Abya-Yala, 1993).
11. L. Zamosc, “Agrarian Protest and The indian Movement in the Ecuadorian Highlands,” *Latin American Research Review*, Vol. 29, No.3 (1994), pp. 37–68.
12. For detailed information see Field, “Ecuador’s Pan-Indian Uprising,” *NACLA Report on the Americas*, Vol. 25, No. 3 (1991), pp. 38–44. J.E. Jackson and K.B. Warren, “Indigenous Movements in Latin America, 1992–2004: Controversies, Ironies, New Directions,” *Annual Review of Anthropology*, Vol. 34 (2005), pp. 549–73.
13. N. Pacari, “Levantamiento indígena,” in Almeida, ed., *Sismo étnico en el Ecuador: Varias perspectivas* (Quito: Abya-Yala, 1993); interviewees Claudia Vega and Josefina Aguilar see the 1990 uprising as crucial in rescuing indigenous dignity, notably for women who participated in the road-blocks and marches, often in the front lines. The national indigenous uprising was marked by a strong female participation in the protests across the country.
14. M. Selverston-Scher, *Ethnopolitics in Ecuador: Indigenous Rights and the Strengthening of Democracy* (Miami, FL: University of Miami North South Center Press, 2001).
15. V. Bretón, *Cooperación al desarrollo y demandas étnicas en los Andes ecuatorianos* (Quito,

- Ecuador: FLACSO, 2001).
16. L. Zamosc, "The Ecuadorian Indian Movement: From Politics of Influence to Politics of Power," in Nancy Postero and Leon Zamosc, eds., *The Struggle for Indigenous Rights in Latin America* (Brighthon/Pórtland, UK: Sussex Academic Press, 2004), pp. 37–68; V. Bretón, *Cooperación al desarrollo y demandas étnicas en los Andes ecuatorianos* (Quito, Ecuador: FLACSO, 2001); D. Yashar, "Democracy, Indigenous Movements, and the Post-liberal Challenge in Latin America," *World Politics*, Vol. 52, No. 1 (1999), pp. 76–104; A. Brysk, *From Tribal Village to Global Village: Indian Rights and International Relations in Latin America* (Stanford, CA: Stanford University Press, 2000); S. Sawyer, *Crude Chronicles: Indigenous Politics, Multinational Oil, and Neoliberalism in Ecuador* (Durham, NC: Duke University Press, 2004); D.L. Van Cott, *From Movements to Parties in Latin America: The Evolution of Ethnic Politics* (Cambridge, UK: Cambridge University Press, 2005); N.G. Postero and L. Zamosc, eds., *The Struggle for Indigenous Rights in Latin America* (Brighthon/Pórtland, UK: Sussex Academic Press, 2004); Pablo Ospina Peralta, *En las fisuras del poder: movimiento indígena, cambio social y gobiernos locales* (Quito, Ecuador: Instituto de Estudios Ecuatorianos, 2006); N.E. Whitten, ed., *Millennial Ecuador: Critical Essays on Cultural Transformations and Social Dynamics* (Iowa City, IO: Iowa University Press, 2003).
  17. Ecuador's indigenous movement shares the rural context with the *movimiento campesino* of Bolivia, but, unlike Bolivia, it has redefined its discourse with the change in social structures and the *levantamiento* of 1990.
  18. L. Zamosc, "Agrarian Protest and The Indian Movement in the Ecuadorian Highlands," *Latin American Research Review*, Vol. 29, No. 3 (1994), pp. 37–68.
  19. The indigenous intellectual elite was crucial throughout this process of ethnic identity revitalization.
  20. V. Bretón, *Cooperación al desarrollo y demandas étnicas en los Andes ecuatorianos* (Quito: FLACSO, 2001), p. 36.
  21. L. Zamosc, "The Ecuadorian Indian Movement: From Politics of Influence to Politics of Power," in ed., Nancy Postero and Leon Zamosc, eds., *The Struggle for Indigenous Rights in Latin America* (Brighthon/Pórtland, UK: Sussex Academic Press, 2004).
  22. L. Zamosc, "The Ecuadorian Indian Movement: From Politics of Influence to Politics of Power," in ed., Nancy Postero and Leon Zamosc, eds., *The Struggle for Indigenous Rights in Latin America* (Brighthon/Pórtland, UK: Sussex Academic Press, 2004).
  23. D. Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Post-liberal Challenge* (Cambridge, UK: Cambridge University Press, 2005), p. 85.
  24. The movement emerged as an exercise in political participation and quickly gained respect as a model for participatory democracy in the Andean region. The city of Cotacachi, in particular, has received international recognition for participatory democracy and good governance practices. Santiago Ortiz, "Cotacachi: una apuesta por la democracia Participativa," (Quito, Ecuador: FLACSO, Serie Atrio, 2004); Pablo Ospina Peralta, *En las fisuras del poder: movimiento indígena, cambio social y gobiernos locales* (Quito, Ecuador: Instituto de Estudios Ecuatorianos, 2006).
  25. Sarah A. Radcliffe, "Gender, Rights, and Race in Andean Nation-building," *Entrecaminos*, 2000.
  26. Sarah A. Radcliffe, "Gender, Rights, and Race in Andean Nation-building," *Entrecaminos*, 2000, p. 4.
  27. A. García-Aracil and C. Winter, "Gender and Ethnicity Differentials in School Attainment and Labor Market Earnings in Ecuador," *World Development*, Vol. 34, No. 2 (2005), pp. 289–307; A. Vásconez, *Mujeres, trabajo y pobreza. Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004*, Magalena León, ed., (Quito: FLACSO, 2005), p. 276.
  28. J. Ponce and S. Martínez, "Mujeres y educación," in Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito: FLACSO, 2005).
  29. *VI Censo de Población y de Vivienda* (Ecuador: INEC, 2001).

30. M.L. Guzmán, "Etnicidad y exclusión en Ecuador: una mirada a partir del censo de población 2001," *Iconos*, Vol. 17 (2003), pp. 116–132.
31. *VI Censo de Población y de Vivienda* (Ecuador: INEC, 2001).
32. M.L. Guzmán, "Etnicidad y exclusión en Ecuador: una mirada a partir del censo de población 2001," *Iconos*, Vol. 17 (2003), p. 203.
33. M.L. Guzmán, "La salud de las mujeres," in Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990-2004* (Quito, Ecuador: FLACSO, 2005), p. 210. Women living in rural areas take twice as long to reach health establishments as women in urban areas, and almost half of these women recur to a midwife or family members for giving birth. M.F. Cañete, "Participación Política y Ciudadanía," in Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito, Ecuador: CONAMU, FLACSO, UNFPA, UNIFEM, 2005), pp. 47, 53.
34. G. Herrera, ed., *Antología de estudios de género* (Quito, Ecuador: FLACSO, 2001); A. Lind, *Gendered Paradoxes: Women's Movements, State Restructuring, and Global Development in Ecuador* (University Park, PA: Pennsylvania State University Press, 2005). Ecuador was the first country to grant the vote to women in 1929, and subsequently the first Andean country to establish electoral quotas for women following the 1995 Beijing World Conference.
35. M.L. Guzmán, "Etnicidad y exclusión en Ecuador: una mirada a partir del censo de población 2001," *Iconos*, Vol. 17 (2003), pp. 116–132; M.F. Cañete, "Participación Política y Ciudadanía," in Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito, Ecuador: CONAMU, FLACSO, UNFPA, UNIFEM, 2005); The 1997 "Ley de Amparo Laboral" reformed electoral laws to set gender quotas on electoral lists at 20 percent, which were later expanded to 30 percent and subject to a progressive increase of 5 percent in each electoral process until reaching 50 percent S.V. Ugalde, "La cuota electoral en Ecuador: Nadando a contracorriente en un horizonte esperanzador," in M. León, ed., *Nadando contra la corriente: Mujeres y cuotas políticas en los países andinos* (Quito, Ecuador: UNIFEM, 2005), p. 171.
36. M. Htun, "Women in Political Power in Latin America," *International IDEA, Women in Parliament* (Stockholm, Sweden: 2002); S.V. Ugalde, "La cuota electoral en Ecuador: Nadando a contracorriente en un horizonte esperanzador," in M. León, ed., *Nadando contra la corriente: Mujeres y cuotas políticas en los países andinos* (Quito, Ecuador: UNIFEM, 2005); M.F. Cañete, "Participación Política y Ciudadanía," in Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito: CONAMU, FLACSO, UNFPA, UNIFEM, 2005), p. 144. In 2002, women's presence in Congress barely surpassed 15 percent. S.V. Ugalde, "La cuota electoral en Ecuador: Nadando a contracorriente en un horizonte esperanzador," in M. León, ed., *Nadando contra la corriente: Mujeres y cuotas políticas en los países andinos* (Quito, Ecuador: UNIFEM, 2005). The law of alternation and sequence has been partially implemented by the Electoral Supreme Court and left up to the interpretation and goodwill of political parties after complaints and legal pursuit from the women's movement.
37. N. Pacari, "Levantamiento indígena," in Almeida, ed., *Sismo étnico en el Ecuador: Varias perspectivas* (Quito, Ecuador: Abya-Yala, 1993).
38. The participation in the *levantamientos* boosted the self-esteem of many indigenous people, especially women, who identified their politicization in these events, as small as it might have been, as a turning point in the roles within the community and the family. Interview with Claudia Vega (January 2006).
39. In monitoring discrimination at the polls, the Q'ellkaj Foundation concludes that most discriminatory practices are directed at indigenous women, in the form of verbal, psychological, and even physical aggression; Q'ellkaj Foundation, *Observación electoral intercultural: elecciones seccionales Ecuador 2004* (Quito, Ecuador: Abya-Yala, 2005).
40. N. Pacari, "La participación política de la mujer indígena en el parlamento ecuatoriano. Una tarea pendiente," Working Papers, *Institute for Democracy and Electoral Assistance*, (2004), p. 5.
41. M.F. Cañete, "Participación Política y Ciudadanía," in Prieto, ed., *Mujeres Ecuatorianas: entre*

- las crisis y las oportunidades 1990–2004* (Quito, Ecuador: CONAMU, FLACSO, UNFPA, UNIFEM, 2005).
42. Information collected with La Minga, Riobamba, (November 2005) and First Police Station for Women and the Family, Riobamba (January 2006).
  43. Encuesta Demográfica y de Salud Materna e Infantil (ENDEMAIN 2004) (Quito, Ecuador: Centro de Estudios de Población y Desarrollo Social (CEPAR), 2004).
  44. CONMIE archives; interview with Carlos Diaz (CEDIS).
  45. Although most women do not have recourse to a police station, the First Police Station for Women and Families in Riobamba recorded an average of 11 victims per day in January 2006. Data collected by author.
  46. M.C. Cucuri and C.X. Ausay, “Diagnóstico Sobre la Violencia de Género en la Población Indígena Kichwa de la Comunidad Totoras, Propuesta de Prevención,” Unpublished Thesis (Riobamba, Ecuador: Escuela Politecnica de Chimborazo, 2002), pp. 54, 59; Encuesta Demográfica y de Salud Materna e Infantil (ENDEMAIN) (Quito, Ecuador: Centro de Estudios de Población y Desarrollo Social (CEPAR), 2004).
  47. The few victims of physical and sexual violence who look for institutional support contact *Comisarias de la Mujer* (3.7%), normal police stations (2.5%), churches (1.2%), health institutions (0.3%), and women organizations (0.2%), see Encuesta Demográfica y de Salud Materna e Infantil (ENDEMAIN) (Quito, Ecuador: Centro de Estudios de Población y Desarrollo Social (CEPAR), 2004).
  48. García-Aracil A. and C. Winter. 2005. “Gender and Ethnicity Differentials in School Attainment and Labor Market Earnings in Ecuador,” *World Development* 34, N.2: 289–307.
  49. Human Development Report, International Cooperation at a Crossroads: Aid, Trade, and Security in an Unequal World (New York, NY: United Nations Development Programme (UNDP), 2005).
  50. Jackson J.E. and K.B. Warren, “Indigenous Movements in Latin America, 1992–2004: Controversies, Ironies, New Directions,” *Annual Review of Anthropology*, Vol. 34 (2005), pp. 549–73.
  51. T.H. Eriksen, *Ethnicity and Nationalism: Anthropological Perspectives* (London: Pluto Press, 2002).
  52. INEC, VI Censo de Población y de Vivienda (Ecuador: INEC, 2001).
  53. A. Pequeño, *Imágenes en disputa: representaciones de mujeres indígenas ecuatorianas*. (Quito, Ecuador: FLACSO/Abya Yala /UNFPA, 2007).
  54. Encuesta Demográfica y de Salud Materna e Infantil (ENDEMAIN) (Quito, Ecuador: Centro de Estudios de Población y Desarrollo Social (CEPAR), 2004, p. 25.
  55. Interview Carlos Dias, CEDIS, Riobamba, Ecuador (May 2006).
  56. Encuesta Demográfica y de Salud Materna e Infantil (ENDEMAIN) (Quito, Ecuador: Centro de Estudios de Población y Desarrollo Social (CEPAR), 2004).
  57. Encuesta Demográfica y de Salud Materna e Infantil (ENDEMAIN) (Quito, Ecuador: Centro de Estudios de Población y Desarrollo Social (CEPAR), 2004).
  58. R. Tenorio, *La intimidad desnuda. Sexualidad y cultura indígena* (Quito, Ecuador: Abya Yala, 2004); Impunity is indeed the social and juridical norm with regard to gendered violence. In a case study, Guadalupe León reveals that of 3,471 cases of denunciations of sexual violence in Quito and Guayaquil, only 57 were sentenced, i.e. 1.6 percent G. León, *Del Encubrimiento a la Impunidad: Diagnóstico sobre la Violencia de Género* (Quito, Ecuador: CEIME, 1995).
  59. M.C. Cucuri, *Plan de Igualdad de Oportunidades de Chimborazo* (Riobamba, Ecuador: CONAMU/CEDIS, 2007).
  60. CESA, *Mujer Andina: Condiciones de Vida y Participación* (Quito, Ecuador: CESA, 1993). M.C. Cucuri and C.X. Ausay, “Diagnóstico Sobre la Violencia de Género en la Población Indígena Kichwa de la Comunidad Totoras, Propuesta de Prevención,” Unpublished Thesis (Riobamba, Ecuador: Escuela Politecnica de Chimborazo, 2002); The evangelization of indigenous groups is to a certain extent related to domestic violence, as women try to convert their spouses in order to stop the drinking and minimize domestic violence, see Susana Andrade,

- Indigenous Protestantism* (Quito, Ecuador: Abya-Yala/FLACSO, 2004).
61. X. Andrade and G. Herrera, eds., *Masculinidades en Ecuador* (Quito, Ecuador: FLACSO-UNFPA, 2001); Interview with Josefina Aguilar (January 2006)
  62. In this context, Ecuadorian experts on migration see the increasing levels of migration as an increase in women's quality of life.
  63. CESA, *Mujer Andina: Condiciones de Vida y Participación* (Quito, Ecuador: CESA, 1993).
  64. Encuesta Demográfica y de Salud Materna e Infantil (ENDEMAIN) (Quito, Ecuador: Centro de Estudios de Población y Desarrollo Social (CEPAR), 2004; René Ramirez, "Identity, Gender, and Ethnicity," Conference paper presented at the III LASA Meeting of the Ecuadorian Chapter, Quito, Ecuador: 2006.
  65. The historical process of indigenous integration did not promote the participation of indigenous women. During the agrarian reform, men were required proof of vote in order to legalize property rights over the land. Voting was then perceived almost as an instrument to secure property in the context of rural restructuring, and practiced mostly by men. Women's politicization came later on, with the mandatory vote in 1979, but the "stateless-ness" in rural communities provided little incentives to participate. Interviews with Naula Family, Chimborazo (2005).
  66. Interview with Josefina Aguilar, Q'ellkaj Foundation (January 2006). There seem to be a growing interest for politics among women in Otavalo as local governments begin to provide sanitation services and make the political arena more tangible.
  67. Interviews in the county of Flores, Chimborazo (November 2005). This example illustrates how older women are often co-opted in maintaining hierarchical structures, and thus reinforcing gender inequalities. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999). Sara Sanchez reacted to anthropological justifications of violence, such as that of Tinku, accusing male anthropologists of romanticizing indigenous groups.
  68. The assassination of this 21 year-old woman dates to November 2005. After trying to fake it had been suicide, eight indigenous leaders from the community were arrested for homicide (Chimborazo).
  69. When asked about indigenous justice, Dr. Enrique Ayala commented that one of its great aspects was that indigenous women were never abandoned and fell into poverty as women in urban areas because they are "taken care of" by the community if they are abandoned—and often the community intervenes to not reach such situations. Where Dr. Ayala sees solidarity, however, many feminists would see gender subjugation in a system in which women are almost a piece of property (interview 2005).
  70. These trends have been identified by the Qelkaj Foundation, an indigenous organization that monitors ethnic-based discrimination in elections across the country. In this context, it is worth noting that men were the first to vote as a legal requirement during the agrarian reform. Thus, voting first came as a means to secure legal ownership of the land, and women took part in the process much later. Interviews with the Naula family, Guaranda, Chimborazo (November 2005).
  71. Multiple interviews with national and regional female leaders (January 2006; December 2007) and elected officials in the sector of Flores, Chimborazo (November 2005).
  72. The high levels of migration are promoting changes in this male-dominated voting system, as women become the head of the family and replace them in the voting sessions.
  73. Despite their traditional absence from decision-making arenas in the communities, women are increasingly active as they replace their husbands who migrate to the cities (CESA 1993; interviews with Naula Family; and Transito Chela, President of CONMIE).
  74. CESA, *Mujer Andina: Condiciones de Vida y Participación* (Quito, Ecuador: CESA, 1993).
  75. U. Poeschel-Renz, "Las marcas de la violencia en la construcción socio-histórica de la identidad femenina indígena," *Ecuador Debate*, No.59 (2003), pp. 103–122.
  76. Different women who had worked with CONAIE reported the saying "if you really are a *com-paneira*, then you must share everything."
  77. Virtually all female national leaders are single. Some have children and others not, but most have never married. There is a clear trade-off between having a conjugal life or becoming

- engaged in politics. Although these leaders are engaged in their political careers, the personal costs are extremely high and difficult to live with. Interview with Claudia Vega.
78. These events took place at FLACSO Quito and the lawsuits presented by the aggressor were lost.
  79. Originally, CONMIE had around 1500 members across eight provinces. The harassment and aggression suffered by the founders of the organization was also reported at the local level in the province of Cañar against women who participated in meetings. Their number has now decreased substantially. Interviews with past and present leaders from CONMIE (January 2006).
  80. A. Lind, *Gendered Paradoxes: Women's Movements, State Restructuring, and Global Development in Ecuador* (University Park, PA: Pennsylvania State University Press, 2005).
  81. M. Waller, and S. Marcos, *Dialogue and Difference: Feminisms Challenge Globalization* (New York, NY: Palgrave, 2005).
  82. Interviews with Teresa Simbaña, Fernando Bustamante, and Ximena Ortiz (2006). Former president of CONMIE Teresa Simbana refutes the existence of indigenous feminism *de facto*. From a larger perspective, Bustamante points that the Ecuadorian society has very low associative levels and women movements are particularly disarticulated, their weakness accentuated by internal competition and political fragmentation.
  83. M. Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito, Ecuador: CONAMU, FLACSO, UNFPA, UNIFEM, 2005).
  84. M. Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito, Ecuador: CONAMU, FLACSO, UNFPA, UNIFEM, 2005), p. 156. Former Congresswoman Ximena Ortiz (June 2006) noted that it was always extremely difficult working with indigenous counterparts because of the profound sense of distrust across ethnic groups.
  85. Boletín ICCI “RIMAI,” Publicación Mensual del Instituto de Culturas Indígenas, No. 9 (1999).
  86. M. Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito, Ecuador: CONAMU, FLACSO, UNFPA, UNIFEM, 2005).
  87. A. Pequeño, *Imágenes en disputa: representaciones de mujeres indígenas ecuatorianas* (Quito, Ecuador: FLACSO/Abya Yala /UNFPA, 2007).
  88. *Anakos*: long skirts of wool used by indigenous women.
  89. *Chumbis*: multicolored fabric ribbons used by indigenous women to tight their hair.
  90. Claudia Vega (January 2006) recalled how her mother cried the day the entire family accompanied her brother to the hairdresser to have his long hair cut. In January 2006, a diplomatic tension developed on the northern border as Colombian military cut the hair of three Ecuadorian indigenous men.
  91. M. Crain, “La interpretación de género y etnicidad: nuevas autorepresentaciones de la mujer indígena en el contexto urbano de Quito,” in Herrera ed., *Antología Estudios de Género* (Quito: FLACSO, 2001).
  92. This gender gap in education seems to be reverting recently, with many communities attesting as many girls as boys in the classrooms. Interviews in the area of Flores, Chimborazo.
  93. According to Q’ellkaj Foundation, language is a main impediment for the consolidation of electoral democracy in Ecuador. The group advocates bilingual elections in order to integrate indigenous people whose main language is Kichwa.
  94. *Cuyes*: guinea pigs, a typically indigenous meal in the highlands that has still limited acceptance in urban and *mestizo* areas.
  95. M.J. Weismantel, *Food, Gender, and Poverty in the Ecuadorian Andes* (Philadelphia, PA: University of Pennsylvania Press, 1988).
  96. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999), p. 13.
  97. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999), p. 13.

98. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999).
99. L. Stephen, "Gender, Citizenship, and the Politics of Identity," *Latin American Perspectives*, Vol. 28, No. 6 (2001), pp. 54–69.
100. Interview Josefina Aguilar (January 2006).
101. J.E. Jackson and K.B. Warren, "Indigenous Movements in Latin America, 1992–2004: Controversies, Ironies, New Directions," *Annual Review of Anthropology*, Vol. 34 (2005), pp. 549–73.
102. A. Sen, *Identity and Violence: The Illusion of Destiny* (London/New York: Norton, 2006).
103. A. Eisenberg and J. Spinner-Halev, eds., *Minorities Within Minorities: Equality, Rights and Diversity* (Cambridge, UK: Cambridge University Press, 2005).
104. *Dirigentes* directly refers to the leaders (local or national) of the indigenous movement.
105. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999), p. 17; L. Stephen, "Gender, Citizenship, and the Politics of Identity," *Latin American Perspectives*, Vol. 28, No.6 (2001), pp. 54–69; M. Prieto, ed., *Mujeres Ecuatorianas: entre las crisis y las oportunidades 1990–2004* (Quito, Ecuador: CONAMU, FLACSO, UNFPA, UNIFEM, 2005); M. S. Villalva, "La violencia contra la mujer en las comunidades kichwas de Sucumbíos: Resolución o silencio?" Unpublished paper, *Latin American Studies Association* (Quito, Ecuador: 2006).
106. Interviews at CONAIE, CONMIE, and Q'elkaj (January 2006).
107. Michel Perrin and Marie Perruchon, *Complementaridad entre hombres y mujeres: relaciones de genero desde la perspectiva amerindia* (Quito, Ecuador: Abya-Yala, 1997).
108. A. H. Castillo, "Between Complementarity and Inequality: Indigenous Cosmivision as an Element of Resistance in the Struggle of Indigenous Women," Conference, *Indigenous Struggles in the Americas and Around the World*, York University, 2005.
109. Interview Vicente Chuma, indigenous leader and coordinator of School of Women Leadership Dolores Cacuango, 2004.
110. Lucero explores the indigenous political networks in Ecuador and Bolivia, questioning indigenous "authenticity," and mapping transnational determinants of political representation. J.A. Lucero, "Representing 'Real Indians': The Challenges of Indigenous Authenticity and Strategic Constructivism in Ecuador and Bolivia," *Latin American Research Review*, Vol. 41, No. 2 (2006), pp. 31–56
111. A. Sen, *Identity and Violence: The Illusion of Destiny* (London/New York: Norton, 2006), p. 113.
112. L. Stephen, "Gender, Citizenship, and the Politics of Identity," *Latin American Perspectives*, Vol. 28 No. 6 (2001), pp. 54–69; M. Waller, and S. Marcos, *Dialogue and Difference: Feminisms Challenge Globalization* (New York, NY: Palgrave, 2005).
113. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999).
114. M. Deveaux, "A Deliberative Approach to Conflicts of Culture," in A. Eisenberg and J. Spinner-Halev, eds., *Minorities Within Minorities: Equality, Rights and Diversity* (Cambridge, UK: Cambridge University Press, 2005).
115. G.V. Loor, "El reconocimiento constitucional de la justicia indígena," in Salgado, ed., *Justicia Indígena: Aportes Para un Debate* (Quito, Ecuador: Abya-Yala, 2002).
116. Constitution of 1998, art. 191: "las autoridades de los pueblos indígenas ejercerán funciones de justicia, aplicando normas y procedimientos propios para la solución de conflictos internos de conformidad con sus costumbres o derecho consuetudinario, siempre que no sean contrarias a la Constitución y las leyes. La ley hará compatibles aquellas funciones con las del sistema judicial nacional."
117. Interview with Congressman Remache, May 2006.
118. J. Salgado, ed., *Justicia Indígena: Aportes Para un Debate* (Quito, Ecuador: Abya-Yala, 2002).
119. M. Ignatieff, *Human Rights as Idolatry and Politics* (Princeton, NJ: Princeton University Press, 2003).

120. A. Eisenberg, and J. Spinner-Halev, eds., *Minorities within Minorities: Equality, Rights and Diversity* (Cambridge, UK: Cambridge University Press, 2005).
121. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999).
122. C. Holder, "Self-determination as a basic human right: the Draft UN Declaration on the Rights of Indigenous Peoples," in A. Eisenberg, and J. Spinner-Halev, eds., *Minorities Within Minorities: Equality, Rights and Diversity* (Cambridge, UK: Cambridge University Press, 2005).
123. M. Keck and K. Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998); S. Tarrow, *Power in Movement: Social Movements and Contentious Politics* (Cambridge, UK: Cambridge University Press, 1998); J.A. Lucero, "Representing 'Real Indians': The Challenges of Indigenous Authenticity and Strategic Constructivism in Ecuador and Bolivia," *Latin American Research Review*, Vol. 41, No.2 (2006), pp. 31–56.
124. T. Risse, S.C. Ropp, and K. Sikkink, *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, UK: Cambridge University Press, 1999).
125. L. Stephen, "Gender, Citizenship, and the Politics of Identity," *Latin American Perspectives*, Vol. 28, No. 6 (2001), pp. 54–69.
126. S. Engle Merry, *Human Rights and Gender Violence: Translating International Law Into Local Justice* (Chicago, IL: The University of Chicago Press, 2006).
127. M. Keck and K. Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).
128. Interviews with Fernando Bustamante (January 2006).
129. S.M. Okin, *Is Multiculturalism Bad For Women?* (Princeton, NJ: Princeton University Press, 1999).
130. O. Starn, "Missing the Revolution: Anthropologists and the War in Peru," *Cultural Anthropology*, Vol. 6, No. 1 (February 1991), pp. 63–91.
131. M. Htun, "Is Gender Like Ethnicity? The Political Representation of Identity Groups," *Perspectives on Politics*, Vol. 2, No. 3 (September 2004).
132. M. Nussbaum, *Women and Human Development* (Cambridge, UK: Cambridge University Press, 2001).
133. A. Sen, *Development as Freedom* (New York, NY: Anchor Books, 1999); M. Nussbaum, *Women and Human Development* (Cambridge, UK: Cambridge University Press, 2001).



# Afro-Peruvians in a Mestizo Nation: The Politics of Recognition, Cultural Citizenship, and Racial Democracy in Peru

*Tanya Golash-Boza*

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## MAKING CAMPESINOS OUT OF INDIANS

As a symbolic move, on June 24, 1969, President Juan Velasco Alvarado renamed that day, which had been the Day of the Indian, the Day of the Peasant, “symbolizing the administration’s presumed commitment to move away from divisive ethnic categories and towards a more inclusive and unified Peruvian nation.”<sup>1</sup> This move away from ethnicity was particularly significant since the indian<sup>2</sup> had been a symbol of national identity and Peru even had part of a government department dedicated to indigenous affairs—the Ministry of Labor and Indigenous Affairs.<sup>3</sup> This gesture to include indians in the nation by de-emphasizing their ethnic and cultural differences had no parallel in terms of Peruvians of African descent. While Velasco went through the trouble of renaming Andean communities as *comunidades campesinas* (peasant communities) and Amazonian communities as *comunidades nativas* (native communities), neither he nor any other government official took the trouble to specify an appropriate designation for the Afro-Peruvian communities that also fell under the rubric of agrarian reform.<sup>4</sup> Black Peruvians have been systematically excluded from these and other similar nation-making discourses in Peru. This paper examines why cultural politics in Peru have played out differently for blacks and Indians. Were blacks not included in this discourse because they were already part of the nation? Or, were they excluded from the discourse in the hopes that if Peruvian leaders ignore Afro-Peruvians they will eventually go away?

The question of the ethnic identity of blacks in Peru is of renewed importance because of the recent upsurge in multicultural reforms across Latin America. In the late twentieth century, indigenous groups throughout Latin America began to reclaim their indigenous identity. In Peru, Andeans have begun to demand their rights as indigenous people, as Quechuas, or as *andinos*, and not simply as *campesinos*, while Amazonians have contested their designation as simply *nativos*. While multicultural reforms and demands have not been

nearly as extensive in Peru as they have been in other parts of Latin America, the Peruvian government has made some concessions on the behalf of indigenous Peruvians in response to these claims, including, for example, the implementation of bilingual and intercultural education in some areas.<sup>5</sup> Nevertheless, African-descended Peruvians have been much less successful in terms of making claims on the basis of their ethnicity. Is this because Afro-Peruvians have no ethnicity, or no cultural differences, or because their claims fall on deaf ears?

In this paper, I take a close look at Afro-Peruvian cultural production, and consider whether or not Afro-Peruvians should be included in multicultural reforms in Peru. I put into question the claim that Afro-Peruvians are culturally indistinguishable from *criollos* by examining discourses of Afro-Peruvian cultural difference. I provide evidence that Afro-Peruvians are marked as different in Peru, and that this process has created a culture of resistance among Afro-Peruvians. I also argue that, since Afro-Peruvian culture has been exoticized and folklorized, multicultural reforms are necessary in that all Peruvians could use some re-education about the contribution of Afro-Peruvians to the Peruvian nation.

### INDIGENOUS POLITICS IN PERU FROM VELASCO TO MULTICULTURALISM

Despite Velasco's symbolic move and similar moves made by leftist movements in the 1960s and 1970s, ethnic divisions have failed to disappear, and economic and social inequalities continue to be drawn along ethnic lines in contemporary Peru.<sup>6</sup> In addition, the late twentieth century in Latin America was characterized by a resurgence of social movements that reasserted indigenous self-determination and indigenous rights. In Peru, indians began to insist that they are not just *campesinos* or *nativos*, but Quechuas or Andeans, Amazonians or Shipibos. In a similar fashion, black Peruvian social movements have begun to insist that they are Afro-Peruvians or Afro-descendants and that they should be recognized as such. Despite these claims, Afro-Peruvians face a unique set of challenges in terms of participating in the (limited) multicultural reforms in Peru. For example, while the 2003 Constitution recognizes the cultural identity of "*comunidades campesinas y nativas*," it does not mention black communities. The underlying reason for the limited inclusion of blacks in multicultural reforms is that Afro-Peruvians have not traditionally been seen as "cultural agents" by other Peruvians and have not been included in most national conversations about multiculturalism or interculturalism in Peru.<sup>7</sup> As one Peruvian scholar put it, "Blacks in Peru do not constitute an ethnic group."<sup>8</sup> Indigenous ethnicity, on

the other hand, goes largely uncontested, although there are disputes as to who should be included in it and what it should be called.<sup>9</sup>

On the other hand, the recently formed Instituto Nacional de Desarrollo de Pueblos Andinos, Amazónicos y Afroperuano (INDEPA) does recognize the Afro-Peruvian community, as its title indicates. INDEPA is the most recent permutation of multicultural reform in Peru, and is the sequel to the Comisión Nacional de Pueblos Andinos, Amazonicos y Afroperuanos (CONAPA), the previous government agency dedicated to multicultural issues. Notably, CONAPA and, by extension, INDEPA, are projects that were created in part as a result of international pressures and, as will be discussed below, the inclusion of Afro-Peruvians in these multicultural reforms may be more a reflection of international trends than of the Peruvian reality.

### **BLACKS AND INDIANS, SEPARATE AND UNEQUAL: MULTICULTURAL REFORMS IN LATIN AMERICA**

In the 1980s and 1990s, governments across Latin America began to implement multicultural reforms that granted collective rights to certain groups. Despite the fact that Afro-Latin Americans outnumber indigenous Latin Americans in Latin America as a whole, blacks have had much less success than indians in winning collective rights in this era of multicultural citizenship reforms.<sup>10</sup> Hooker argues that this disparity is largely due to the unwillingness of Latin American elites to recognize blacks as possessors of a “distinct cultural group identity.”<sup>11</sup> In fact, the very concept of “indianness” is deeply rooted in cultural signifiers, since the shedding of indigenous cultural features can result in a person ceasing to be an indian.<sup>12</sup> “Blackness,” on the other hand, appears to be more related to social status than culture, *per se*. What this has meant for black Latin Americans is that their claims for inclusion in these reforms have been much less successful than those of indigenous Latin Americans.

The most recent set of multicultural reforms in Peru took place under the auspices of the World Bank. This project, called the Indigenous and Afro-Peruvian People’s Development Project, was undertaken between January 2000 and June 2004, and is part of a larger World Bank Initiative to promote a multicultural agenda in Latin America. With a \$5 million loan from the World Bank, Peruvian officials worked with World Bank officials to implement multicultural reforms. The final World Bank report indicates that the project was largely unsuccessful, but that it did get issues on the table in Peru that had not previously been considered important. The most flagrant failure was that of CONAPA, which Eliane Karp, the Belgian wife of President Alejandro Toledo, was largely responsible for establishing.

Although the creation of CONAPA was made possible by the World Bank funds and the first lady's initiative, it was also in response to considerable pressure from indigenous groups for more governmental recognition, both in Peru and in Latin America more generally. In 2004, Toledo disbanded CONAPA, due to corruption charges against Karp. Later that year, Congress passed legislation that mandated the creation of INDEPA. One major distinction between CONAPA and INDEPA is that CONAPA was lead by Karp, a white foreigner, and INDEPA is lead by a Peruvian who self-identifies as Andean, Luis Huarcaya Alzamora, and, by congressional mandate, has four Andean, three Amazonian, and two Afro-Peruvian delegates.<sup>13</sup>

Despite the inclusion of Afro-Peruvians in the official title of the World Bank project, and in the names of both of the governmental commissions in Peru, it is worth pointing out that Afro-Peruvians were not invited to the preliminary discussions about the formation of CONAPA, and it seems likely that their inclusion is largely due to the insistence by the World Bank that these funds be used to benefit both Afro and indigenous groups.<sup>14</sup> In addition, the majority of the funding for Afro-Peruvian NGOs is derived from international organizations, as opposed to Peruvian ones.<sup>15</sup> Given international influence on multicultural reforms, it makes sense to ask if this formula promulgated by the World Bank makes sense in the Peruvian case. Should Afro-Peruvians be banding together for cultural recognition? Or, as Hooker suggests, would it be more appropriate for Afro-Peruvians to focus their efforts on anti-racist struggles?<sup>16</sup>

### **POLITICS OF RECOGNITION, MESTIZAJE, AND CULTURAL CITIZENSHIP**

Advocates of multicultural citizenship reforms like those included in the World Bank Initiative utilize “politics of recognition” to make their claims.<sup>17</sup> Proponents of the politics of recognition emphasize the importance of recognizing difference (as opposed to aiming for homogeneity) for maintaining a healthy democracy. An important component of this framework is that “assimilation to majority culture or dominant cultural norms” should not be necessary for full citizenship.<sup>18</sup> Instead of advocating assimilation, a politics of recognition proposes that the recognition of difference is essential for full citizenship rights, or for the “equal capacity to exercise the three dimensions of citizenship.”<sup>19</sup> These three dimensions include rights and responsibilities, access, and feelings of belonging. This third aspect—that of “being empowered” and “sharing a sense of belonging to the political community”—is at the root of cultural citizenship.<sup>20</sup> Cultural citizenship requires having a symbolic presence in a cultural space that is seen as an integral part of the nation.<sup>21</sup>

Cultural citizenship, thus, requires not only that people not be required to conform to dominant cultural norms, but further that all cultures that exist within a state be valued by the state. This framework extends the idea of citizenship into the domain of the politics of recognition. As Pakulski argues, “The claims for cultural citizenship involve not only tolerance of diverse identities but also—and increasingly—claims to dignifying representation, normative accommodation, and active cultivation of these identities.”<sup>22</sup> To a greater extent than ever before, discourses on democracy and citizenship in the West are focusing on the importance of cultural rights—the right to cultivate distinct cultural identities—for the deepening of democracy. The question thus becomes, do Afro-Peruvians need the right to cultivate a distinct cultural identity in order to be full citizens of Peru?

Should the Peruvian state take action to ensure that Afro-Peruvians have the right to cultivate a distinct identity? If it is the case that current practices and policies in Peru require conformity to the majority culture, proponents of a politics of difference would argue that Afro-Peruvians are denied the right to cultivate their distinct identities. Alternatively, if Afro-Peruvians do not have a distinctive culture, then a politics of recognition would be misplaced. Thus, one of the aims of this paper is to discuss the extent to which Afro-Peruvians are possessors of a unique culture that is in need of state protection and promotion.

### RACIAL DEMOCRACY AND MESTIZAJE IN PERU

In a discussion of multiculturalism in Latin America, it is important to point out that a politics of *difference* is in fact the opposite of the traditional politics of *sameness* which dominated national discourses in Latin America for most of the twentieth century. In Peru, debates have centered on the extent to which Peru is a racial democracy—a country where people “regard each other as fellow citizens...without regard to color or ethnic differences.”<sup>23</sup> Thus, while discourses of racial democracy de-emphasize color or ethnic differences, the politics of recognition emphasize the importance of them. Claims that Peru is a racial democracy and that ethnic politics is a Western invention do hold some legitimacy. For example, the current president of Peru is of indigenous descent, and the previous president was of Japanese descent. These two facts could serve as evidence that Peru is a country where being of solely European ancestry is not a prerequisite for achieving political power, and that Peru is racially democratic.

A politics of sameness—“We are all Peruvians”—held center stage in Peruvian nationalist discourse for most of the twentieth century. In fact, even community activists and leaders of Peruvian NGOs are prone to claim that there is no discrimination in Peru because everyone is *mestizo* (white/indian).

A recent study of the racial discourses of leaders of Peruvian NGOs found that some Peruvian community organizers see multiculturalism and ethnic politics as Western imports that fail to recognize the specificity of Peruvian racial dynamics. Some of these organizers even claimed that Peruvians are all *mestizos* or *cholos* (indians), and thus ethnically or culturally the same.<sup>24</sup> It is worth emphasizing that these labels—*mestizo* and *cholo*—refer to the indigenous roots of Peruvians and explicitly exclude African-descended Peruvians.

As noted above, racial democracy requires color-blindness, and even the cultivation of *sameness* (as opposed to difference), and many scholars view this as problematic. In addition, claims that Brazil or Peru or Mexico or any other Latin American country is a racial democracy hold little acclaim among the vast majority of academics who conduct research in Latin America. Nevertheless, some scholars have recently suggested that racial democracy is still an ideal for Latin American nations. Robin Sheriff, for example, points out that her informants in Rio de Janeiro argued that “neither race nor color *should* matter because we are all members of the (miscegenated) Brazilian family.”<sup>25</sup>

Some Peruvians have also adopted similar discourses of homogeneity. For example, the Peruvian scholar, Edgar Montiel contends that any solution to the marginalization of blacks in Peru must be in the context of *mestizaje* (racial and cultural mixing) and national identity, and not in terms of ethnicity and racial identity, for:

*si ubicamos el problema en términos de etnia y raza y no en términos de mestizaje y nación, estaremos creando un problema artificial, pues el mestizaje ha sido la dinámica central del comportamiento de las razas en el Perú. (if we define the problem in terms of ethnicity and race and not in terms of mestizaje and nation, we are creating an artificial problem, since mestizaje has been the central dynamic in the racial behaviors of Peru.)*<sup>26</sup>

In addition, the Peruvian ethnomusicologist Raúl Romero argues that black Peruvians do not constitute an ethnic group, and that blacks “have traditionally identified themselves as Creoles and have historically avoided considering themselves as a separate and independent group.”<sup>27</sup> Romero further posits that “Peruvian blacks avoid speaking about the condition of blacks as an ethnic group, which confirms their option for assimilation in the official culture through miscegenation and/or cultural integration. Only blacks associated with revival or specific artistic groups seem conscious of their ethnic origins.”<sup>28</sup> These statements about Afro-Peruvians and *mestizaje* ring true with Juliet Hooker’s claim that “National elites in Latin America have tended to perceive indians as a distinct cultural group in a way that has not been true for blacks.”<sup>29</sup>

This discourse also has its critics within Latin American Studies, for while Montiel sees *mestizaje* as the solution to racial exclusion in Peru, Cuche argues that *mestizaje* has produced racial exclusion in Peru. “*En realidad, la ideología del mestizaje era una sutil maniobra para marginar a las masas de color y eliminarlas del proceso de construcción nacional,*” (“In reality, the ideology of *mestizaje* was a subtle maneuver used to marginalize people of color and to eliminate them from the nation-building process”).<sup>30</sup> These contrasting discourses of color-blindness and color-recognition present us with a pressing research question: Is the politics of recognition framework useful for understanding racial exclusion in a country where the traditional ideal society has been a racial democracy? More specifically, if blacks have traditionally identified themselves as *criollos*, then would claims of cultural rights and cultural citizenship be out of context?

I address these questions by looking at the case of Peruvians of African descent. The Afro-Peruvian case is especially interesting because of the distinct ways in which they have been both incorporated into and excluded from the Peruvian nation. As many as one hundred thousand Africans were brought to Peru as slaves between 1527 and 1821. These Africans, like the Spaniards that brought them, were new to the Americas, and often worked in close contact with *criollos*—descendants of Spaniards raised in Peru. Rostworowski argues that the proximity of African slaves to their masters in the context of urban slavery lead to a greater degree of cultural assimilation of blacks than of indians in Peru.<sup>31</sup> This is in line with Montiel and Romero’s claims that blacks are not culturally different from *criollos*. Nevertheless, the nation-building projects of the early twentieth century by and large excluded Afro-Peruvians, and focused on making Peruvians out of indians. In addition, one of the slogans of the nation in Peru was “We are all *mestizos*; We are all Peruvians.” The use of the word *mestizo*, one could argue, excludes blacks, since *mestizo* is a word that is specific to people of indigenous descent and refers to either an acculturated indian or the child of a white person and an indigenous person. Thus, this word appears to exclude Afro-Peruvians from the process of becoming Peruvians. However, it may also be the case that Afro-Peruvians are culturally identical to *criollos* and thus did not need to be included in this acculturation process. Moreover, if Afro-Peruvians do share a culture with *criollos*, then a politics of recognition that emphasizes the differences of Afro-Peruvians would not be a useful or productive way of understanding Afro-Peruvian inclusion in the Peruvian nation. Why go through the trouble of recognizing Afro-Peruvian difference if there in fact are no important differences to be recognized?

In order to answer these questions, it will be useful to examine scholarly discourses of race and ethnicity, and racial democracy and *mestizaje* in Peru, in

particular the extent to which these discourses can be applied to Afro-Peruvians. Subsequently, I will consider what it means to be *criollo*, and the extent to which Afro-Peruvians are *criollos* and not a separate ethnic group. This brings me back to a discussion of Afro-Peruvian participation in *mestizaje* at the group and the individual level, and of Afro-Peruvian cultural production at the local and national levels. In this context, I compare two of my interviewees' discussions of their participation in Afro-Peruvian culture, and ask how each of them can have access to cultural citizenship and recognition. I conclude with a discussion of the persistence of racial discrimination in Peru, and its implications for discussions of both a politics of difference and a politics of sameness.

### FIELDWORK IN PERU

The evidence I present in this paper comes from fieldwork I conducted in Peru, which consisted of ethnography, interviews, and a small survey. The first phase of research involved six months of fieldwork and 58 in-depth interviews in Ingenio de Buenos Aires. Ingenio is a village in northern Peru, in the province of Morropón, and in the department of Piura, where about 85 percent of the people are of African descent. This is quite a high concentration, since the percentage of African-descended Peruvians in Peru as a whole is estimated at between 6 and 10 percent.<sup>32</sup> In the second phase, I conducted six months of fieldwork and thirty in-depth interviews with migrants from Ingenio in Lima. The final phase consisted of a survey of 149 residents of Ingenio and the neighboring village, La Pilca. This paper is based primarily on the first six months of research in Ingenio, although I also draw from information gathered during a five week visit in May-July 2006.

I lived in Ingenio from July 2003 to January 2004. During that time, I wrote daily field notes and conducted 58 interviews with townspeople. After one month of participant observation in Ingenio, I began my interviews. The interviews are semi-structured and include questions about the interviewees' understanding of their ethnic identity and ancestry, racial labels, and *mestizaje*, as well as about their experiences of racial discrimination. I was granted permission to record all of the interviews I conducted in Ingenio, and subsequently transcribed all of the interviews.

In addition to the first fifty interviews in Ingenio, I conducted eight follow-up interviews with people with whom I had formed relationships. I based the follow-up interviews on additional questions that came up after I analyzed an interview. I explained to the interviewees my analysis of the first interview to solicit their reaction. I use this second set of interviews to explore issues that arose during my stay in Ingenio.

Ingenio is a small town, with about 300 houses, that lies in a valley in the foothills of the Andes, in the northwestern part of Peru. Given its proximity to the equator, Ingenio is hot nearly year-round. In the early part of the twentieth century, Ingenio was home to a sugar refinery. As a reminder of this, there is a chimney in the center of town that was formerly used to burn sugar cane. From what I could gather from the villagers, Ingenio produced sugar from 1925 to 1935. After that, the hacendados utilized the fields for rice production. Today, rice remains the primary crop produced in Ingenio, and nearly all of the villagers' livelihoods are connected to the production of rice for the national market.

### RACE AND MESTIZAJE IN PERU

The first step in this analysis is to examine how Afro-Peruvians have been included and excluded from discourses of *mestizaje* in Peru. In Peru, the idea of racial democracy cannot be disentangled from that of *mestizaje*—loosely defined as racial and cultural mixing. Nearly all of the scholarship on race, ethnicity, and *mestizaje* in contemporary Peru is based on the indigenous experience. These enlightening projects have revealed that an indigenous Peruvian can move up the racial hierarchy towards whiteness through participation in *mestizaje*. This means that an indian who gets a formal education or moves to the coast becomes a *mestizo*, and therefore a Peruvian.<sup>33</sup> This process is racially democratic insofar as the indian's racial status does not hinder his chances of becoming a Peruvian, or even of becoming the president of Peru. He simply must shed his ethnic characteristics—in this case, his poncho, his *ojotas*, and his native language—to become a *mestizo*.<sup>34</sup>

Racial democracy in Peru incorporates the idea that all Peruvians are or can become *mestizos*, and thus equals, through participation in *mestizaje* (miscegenation and cultural mixing). Peru is a racial democracy insofar as any Peruvian can become a *mestizo*, and therefore a full-fledged citizen of Peru. Bourricaud explains that an indian can become a *mestizo* by abandoning his indigenous roots and integrating himself into the Peruvian nation.<sup>35</sup> However, the idea that the indian must abandon his indigenous roots in order to become Peruvian contains the inherent assumption that indigenous culture is inferior, and indians should do their best to become more like whites. In addition, we should consider the fact that this process of incorporation through *mestizaje* would be difficult to apply to blacks because blacks already possess many of the cultural features of *costeños*, including the music, food, language, etc. While an indian can become a *mestizo* by speaking Spanish instead of Quechua, eating rice instead of quinoa, and dancing salsa instead of *huayno*, black Peruvians

already speak Spanish, eat rice, and dance salsa, and generally participate fully in *costeño* cultural forms.

Scholars have argued that *mestizaje* generally involves a process of whitening, or that it masks racial inequalities.<sup>36</sup> *Mestizaje*, thus, does not have a history of celebrating difference, but of aiming to eradicate it, in order to replace it with whiteness. In terms of blacks, not only have they been marked as inferior, but blacks have been made invisible in discourses of the ethnic makeup of Peru. Marisol de la Cadena, for example, argues that Peruvian racial understandings correspond to the geographically distinct regions of Peru—the coast, the sierra, and the jungle—and that blacks have no place in this geography.<sup>37</sup>

The image of the coast as the historical site of colonial culture corresponded to the idea that it was the natural environment of Spaniards or their *criollo* descendants. Since the nineteenth century, they have been labeled as “whites,” regardless of their color. ... indians were the natural inhabitants of the sierra ... the jungle was associated with ‘primitive,’ ‘savage’ tribes. ... Mestizos, those ambiguous individuals of all kinds, could live anywhere in the highlands or on the coast. Blacks were considered a foreign race, and therefore lacked a specific place of origin in the national geography; yet as a ‘tropical people’ they were deemed to adapt to the hot coastal areas.<sup>38</sup>

According to this understanding, although blacks inhabited the coast, and the coastal inhabitants were seen as higher in social status than highlanders, as foreigners, blacks were not seen as being *criollos*, and thus not accorded this higher social status.

De la Cadena further argues that black Peruvians were seen as a race, not an ethnicity, in Peru, and that blacks were seen as “dispensable in most Peruvian nationalist projects.”<sup>39</sup> The idea that black Peruvians are a race and not an ethnicity implies that Afro-Peruvians are not culturally unique, but that they simply have a different skin color from most Peruvians. This view is supported by Romero’s claims that “Blacks in Peru do not constitute an ethnic group” and that “Blacks have traditionally identified themselves as Creoles.”<sup>40</sup> Thus, unlike the indian, blacks cannot shed their ethnic traits to become Peruvian. How, then, do they become Peruvian? What of Romero’s claim that blacks are in fact *criollos*?

## ARE AFRO-PERUVIANS CRIOLLOS?

*Criollo* is the term that was originally used to refer to Spaniards born in Latin America, but, in Peru, it has evolved to refer to people from the coast, and there are differing perspectives on whether or not this term is inclusive of blacks. Javier León associates *criollo* with a European or Spanish sense of identity.<sup>41</sup> For example, he argues that:

Today, music is the most prominent marker of the endurance of Afroperuvian culture in the midst of a society that has historically pressured members of various marginalized groups to self-identify only as members of an imagined community generically identified as *criollo*... the use of the term *criollo*...points toward the subordination of these other ethnic and cultural influences to a predominantly European-based sense of cultural identity.<sup>42</sup>

León further makes the case that Afro-Peruvian musicians must actively work to develop a cultural identity that is distinct from *criollo* identity and to distinguish themselves from *criollos*, although he acknowledges that not all Afro-Peruvians see *criollo* identity as oppositional to black identity. Aldo Panfichi, a sociologist, argues that being *criollo* “no anulaba el hecho de ser negro, zambo o mestizo, significaba ser alegre y jaranera,” (“does not annul the fact that one is black, *zambo* or *mestizo*; it means one is happy and festive”).<sup>43</sup> Thus, while León argues that Afro-Peruvian culture is effaced by *criollo* culture, Panfichi makes the case that one can be *criollo*, and also black, brown, or *mestizo*. This is similar to Romero’s claim that blacks are *criollos*. Does the categorization of blacks and black culture as *criollo* deny Afro-Peruvians access to cultural citizenship? Or, alternatively, is this an inclusive discourse that integrates Afro-Peruvians into the national identity? To answer this, it will be useful to consider what Afro-Peruvians have to say about their being *criollos*.

In my research, I found that *criollo* was a category with which Afro-Peruvians identified. For example, one day I was speaking with Perla, an Afro-Peruvian woman in her 50s, and she used *criolla* to mean “down-to-earth.” Perla was talking about a middle-class woman who was from another town, but was able to adapt to life in Ingenio, and said that she was “bien *criolla*.” In Ingenio, *criollo* was also used to refer to chickens that one raised in their corral, as opposed to chickens that came from large chicken factories. In an interview with Marita and her husband Juan, Marita contrasted *criollos* with *cholos*, and told me that *criollos* are people from Ingenio, whereas *cholos* are indians from the coast and *serranos* are people from the mountains.

Many people also listened to *criollo* music at the lunch hour, when it is played on the local radio station, or watched “*medio-día criollo*,” which comes on television at noon. Notably, *tondero* is part of the *criollo* genre of music, and all *criollo* music, including *tondero*, incorporates an Afro-Peruvian instrument—the *cajón*. In addition, the musicians are also often Afro-Peruvians. The close association of *criollo* music with blackness indicates that *criollo*-ness is not oppositional to blackness.

My informants also saw the labels “*criollo*” and “*negro*” as complementary, and many self-identified with both. For example, both Perla and Marita identified both as *criolla* and as *negra*, and they both told me that *tondero* and *cumanana* are not black cultural forms, but local, *morropano*, cultural forms. As León suggests, Perla and Marita see themselves as part of an imaginary *criollo* community. In this sense, Perla and Marita are connected to the larger Peruvian nation through their *criollo*-ness. León also points out that “During the early part of the twentieth century, nation-building narratives were firmly polarized along regional lines. This was the result of deeply ingrained political, cultural, and ethnic differences between the predominantly *criollo* coast and the largely indigenous and mestizo highlands.”<sup>44</sup> Since Afroperuvians are concentrated on the coast, their inclusion in the nation-building process would have to be in terms of cultivating a common *criollo* identity, and not a *mestizo* identity. Given Perla and Marita’s identification with being *criollas* and with being black, and the association of the Afro-Peruvian town of Ingenio with things *criollo*, it is fair to say that *criollo*-ness does incorporate blackness. Perhaps, then, Montiel is correct, and the problem is not Afro-Peruvian *difference*, but the failure to recognize Afro-Peruvian *sameness*. After all, from the cultural citizenship perspective, Afro-Peruvians should not be forced to assimilate. If, however, they have chosen to do so, this can hardly be problematic. Think, for example, of the Italian immigrants to the US, who, along with pizza and spaghetti, have become American.

### AFRO-PERUVIANS AND MESTIZAJE

Some Peruvian scholars have adopted this perspective—that Afro-Peruvians have, and should continue to assimilate. Montiel, for example, asserts that the exclusion of blacks from national ideology should be solved by all Peruvians recognizing the Afro-Peruvian contribution to the nation and through recognizing the importance of *mestizaje* for the creation of the Peruvian nation.<sup>45</sup> Montiel stresses that the “problem” should not be looked at in terms of ethnicity or race, since “*mestizaje ha sido la dinámica central del comportamiento de las razas*

*en Perú*,” (“*mestizaje* has been the central dynamic in race relations in Peru”).<sup>46</sup> A consideration of how *mestizaje* plays out in the lived experiences of African-descended Peruvians will shed further light on this claim.

Although the bulk of the work on *mestizaje* in Peru ignores Afro-Peruvians, my research reveals that Afro-Peruvians participate in both cultural mixing and miscegenation in Peru, as individual actors and as a collective.<sup>47</sup> As individual actors, the progeny of Afro-Peruvians can become *mestizos* through miscegenation. However, unlike indigenous Peruvians, neither cultural amalgamation nor migration can make *mestizos* out of Afro-Peruvians. On a collective level, Afro-Peruvian cultural forms have been incorporated into Peruvian culture through *mestizaje*. Below, I will take a closer look at this cultural incorporation. First, I will discuss individual participation in *mestizaje*.

One common type of *mestizaje* in Ingenio is cultural mixture, and a prime example of this is *chicha* (corn beer) consumption patterns. *Chicha* is a mildly alcoholic beverage that harkens back to the Incan era, yet has become part of daily life for the descendants of Africans as well. *Chicha* consumption is racialized to the extent that *cholos* (indigenous people from the coast) are reputed to drink more *chicha* than others, and even to give it in bottles to their very young children. However, nearly all of the villagers drink *chicha*, and its consumption does not make anyone less black or more indian. Another kind of *mestizaje* is the intermarriage between blacks, whites, and indians that is prevalent in Ingenio. The offspring of these unions are usually labeled *negros* (blacks) or *morenos* (browns), but not *mestizos* or whites. Migration to Lima is another form of *mestizaje*, since moving to Lima implies modernization, and this has been described as *mestizaje* by Varallanos and others.<sup>48</sup> Finally, people that move to Lima often marry people who are not from Ingenio, and this sort of miscegenation produces children who could be labeled as white, *mestizo*, *moreno* (brown), or *negro* (black) in the Limeño context. These findings indicate that the adoption of indian cultural forms by blacks does not render them indians, and migration to Lima by blacks does not whiten them. The finding that the Afro-Peruvian experience with *mestizaje* is distinct from that of indians is not surprising, but it does suggest that perhaps the solution to black exclusion is also distinct from the solution to indigenous exclusion.

**FROM AFRO-PERUVIAN TO PERUVIAN:  
THE INCORPORATION OF AFRO-PERUVIAN CULTURAL  
FORMS INTO THE PERUVIAN NATION  
THROUGH MESTIZAJE**

While individual Afro-Peruvians cannot become *mestizos*, in some cases, their cultural forms have been appropriated into national culture. The traditional art forms that my informants identified as their own were *tondero*, *cumanana*, and *cumbia*. *Tondero* is a barefoot dance similar to *marinara*; it incorporates the *cajón*, an Afro-Peruvian box drum. *Cumanana* is a call and response form of poetry, and *cumbia* is a popular music and dance form found throughout Latin America. Notably, most villagers did not see these art forms as part of 'black' culture, despite abundant evidence that these cultural forms have Afro-Latin roots.<sup>49</sup> These cultural forms are a product of cultural amalgamation and have become Peruvian, or at least *norteño* (Northern Peruvian). The African roots of *tondero*, *cumanana*, and *cumbia* have been rendered unimportant, as have the African roots of the villagers of Ingenio. They and their music are *norteños*, *criollos*, or *peruanos*, but not African or even Afro-Peruvian.

In stark contrast, other forms of Afro-Peruvian music, such as *festejo*, have not been appropriated through *mestizaje*, but exoticized as distinct from other forms of Peruvian music. *Festejo* is a vestige of slave songs and uses the prototypical Afro-Peruvian percussion instrument, the *cajón*, although it also incorporates the guitar and the *djimbe*, a sort of conga drum. Dancing *festejo* involves pronounced hip and chest gyrations. This music, unlike *cumbia*, is not called Peruvian music, but Afro-Peruvian music. The modifier, Afro- or black, always precedes Peruvian, indicating that it has not been fully incorporated into Peruvian national identity as *cumbia* has. In the same way that Andean music such as *huayno* or *san juanito* is not Peruvian music, but Andean music, *festejo* and *alcatraz* are not Peruvian music, but Afro-Peruvian music or *musica negroide*. Nevertheless, when Afro-Peruvian rhythms are incorporated into *criollo* music, the African elements are erased, and the music becomes Peruvian music, part of national identity. In fact, when I asked my interviewees whether or not the *cumanana* was part of black culture, many responded, yes, because black people are the ones who recite *cumananas*. There was more divergence on the question of *tondero*. For example, Reina, an interviewee in her early twenties, told me that not only blacks dance *tondero*, and therefore it is not part of black culture. This is intriguing because it means that as soon as non-blacks start to engage in black cultural forms, they become de-blackened.

Whereas most of my interviewees referred to the music from southern Peru,

such as *festejo* or *alcátraz*, as black music, only some considered *tondero* and *cumanana* to be black cultural forms. A few of my interviewees recounted that don Ramón Domínguez, an Afro-Peruvian from La Pilca, the adjacent village, had invented *cumanana*, and that, therefore, *cumanana* is a black cultural form. Morropón, which is a few kilometers from Ingenio, claims its fame as “*La Cuna y Capital del Tondero y la Cumanana*.” My interviewees challenged this claim, and said that the *cumanana* is in fact from La Pilca. In contrast, other interviewees told me that these cultural forms are from Morropón and are *morropano*, and not specific to blacks. Overall, the majority of my informants in Ingenio did not see themselves as partakers in black culture. However, most of them did think that black cultural forms exist in Peru.

Thus, what we have is a group of people who self-identify as ‘black,’ who recognize that black cultural production exists in Peru, yet who do not see themselves as partakers in that black culture (this was not the case with all of the villagers, but this does describe some). So, does this subset of individuals need the right to be different? Perhaps more importantly, would they potentially be harmed by state policies that determined who is black and what cultural production they should have the right to cultivate? As legal theorist Ford points out, any politics of recognition potentially gives power to the state to define and enforce who belongs in which culture.<sup>50</sup>

On the other hand, I also found evidence that some villagers saw themselves as partakers in black cultural production. This latter finding resonates somewhat with the research of Cuche and Vásquez Rodríguez, who both argue that Afro-Peruvians do have a distinct culture. Cuche, for example, argued that although larger Peruvian society does not recognize Afro-Peruvians as “*agents de culture*,” Afro-Peruvians have created a culture that is a fusion of their African traditions with those of the New World and that this culture continues to be nourished and to develop.<sup>51</sup> Vásquez Rodríguez also contends that black Peruvians have created a cultural community in Peru that is a synthesis of African and Spanish elements.<sup>52</sup> Cuche also brings up a pertinent point: “*Les Noirs sont donc pris dans un double mouvement externe: de négation de leur identité ethnique (pour mieux les intégrer) d’une part et de curiosité pour leurs coutumes et traditions culturelles d’autre part*.”<sup>53</sup> (Blacks [in Peru] are therefore between two external pressures: the negation of their ethnic identity (to better integrate them) on the one hand and a curiosity for their cultural traditions on the other hand.)” This, Cuche argues, has led to a “folklorization” of Afro-Peruvian culture. Most importantly, Cuche’s and Vásquez Rodríguez’s ethnographic research in Afro-Peruvian communities does not lead them to believe that Afro-Peruvians are culturally indistinguishable from *criollos*.

In sum, my research supports the claim that Afro-Peruvian culture does

exist, but it also supports the claim that black culture in Peru has very different meanings for different people, which again points to the danger of enforcing a politics of difference, which could serve to homogenize black culture. It will be useful at this juncture to discuss the evidence I gathered that indicates the presence of Afro-Peruvian culture in Ingenio, alongside the finding that not all Afro-Peruvians see themselves as participants in that culture.

### AFRO-PERUVIAN CULTURE IN INGENIO

In many Afro-Peruvian towns in the south of Peru, one finds traditional Afro-Peruvian music played at parties and other public events. This music involves a *cajón*, which is a wooden-box percussion instrument. While I was living in Ingenio, I never heard a *cajón* being played. I did hear of one young man, Juan, who plays *cajón*, but he had since moved from Ingenio. Juan learned to play *cajón* from his deceased father. In another case, Edmundo, a retired baker in his eighties, told me that when he was younger, he would go to parties where musicians played the *cajón*: “*El hombre manejaba agachado el arpa y el otro tocaba el cajón y el otro tocaba la guitarra. Tres hombres hacían baliar cien hombres. Cien cristianos. A golpe de cajón como dice la cumanana, como dice la marinera, a golpe de cajón baila mi chino y bien bailado nosotros.*” (“One man played the harp while leaning over and the other played the *cajón* and the other played the guitar. Three men made one hundred men dance. One hundred Christians. To the beat of the *cajón*, the *cumanana* as they call it, the *marinera*, as they call it, to the beat of the *cajón*, one danced and, oh, how we danced.”) He lamented that this musical tradition had faded and people only listen to recorded music, “*cosas modernas*” (modern things).

Although the *cajón* had faded from Ingenio, I did meet people who told me that they danced *tondero*, and I had the opportunity to hear three older villagers recite *cumananas*. All of my interviewees had heard of *cumananas* and *tonderos* and knew that these arts were practiced in Ingenio, yet many did not consider them to be part of ‘black’ culture. Take, for example, a conversation I had with Miguel, a villager in his forties.

Here, Miguel insists that *tondero* has no black or African roots. He sees Afro-Peruvian or black music as being something completely different from *tondero*. Nevertheless, Miguel is proud that the *cumanana* comes from his village, and makes a point of clarifying its origin. The question that arises is: What effect does the fact that Miguel does not see the *cumanana* and *tondero* as part of black culture have on Miguel’s inclusion in Peru’s democracy and Miguel’s status as a full citizen of Peru? To what extent does Miguel have a sense of belonging to Peru in a cultural

<p>Tanya Y, <i>¿este que le llaman el, el tondero y la cumanana es cultura negra o morropana?</i></p>	<p>Tanya And, this that they call, <i>tondero</i> and <i>cumanana</i> is black culture or morropano culture?</p>
<p>Miguel Ya, <i>esa cultura es, es morropana, pero el, el tondero casi no, no tiene relación los bailes con eh, con, como quién dice con la comunidad negra.... O de origen africana, son distintos eh, el tondero pues no, o sea eh, el señor que está en las historias eh, el en este caso el actor, el de donde se originan la, la cumanana o el tondero, es directamente de la Pilca, no que como digo vivía esa gente allá en ese pueblito que un tiempo se desapareció salieron todos y ahí el señor ya llegó a vivir, a Morropón, el señor se llamaba Ramón Domínguez. ... Ya, pero el señor Ramón Domínguez fue nacido acá lo que después, ya, salieron de aquel lugar, lo conoció todo el mundo en Morropón y el, este, cantaba así o decía su décimas en cumananas o cualquier cosa ¿no?, entonces ya, como vivía en Morropón dicen directamente que nació ahí en Morropón. ...</i></p>	<p>Miguel That culture is <i>morropana</i>, but the <i>tondero</i> has practically no relation with the dances, with, ah, as they say, of the black community... or of African origin. They are different. <i>Tondero</i> isn't, well, the gentleman that is in the stories, in this case, the person who is from where it, the <i>cumanana</i> or the <i>tondero</i>, originates, is directly from La Pilca, but at one point everyone had to leave, and this gentleman came to live in Morropon. This gentleman's name was Ramón Domínguez. Mr. Ramón Domínguez was born here, but afterwards, they left that place, and everyone came to know him in Morropón and he, sang or told his <i>décimas</i> in <i>cumananas</i> or whatever, right, then well, since he lived in Morropon, they say that he was born there in Morropon...</p>
<p>Tanya Pero ese, no, <i>¿esa música tiene rasgos de la cultura africana?</i></p>	<p>Tanya But, doesn't, ah, this music have roots in African culture?</p>
<p>Miguel No. <i>Son, si, son totalmente diferentes los bailes. ... Nada que ver, ningún tipo de relación. Porque, tondero es zapateo, coqueteo eh, picardía no se como mas le pueden llamar, pero y el otro baile es distinto, pues</i></p>	<p>Miguel No. They are, yes, the dances are completely different. ... Nothing to do with it, no sort of relationship. Because, <i>tondero</i> is tap dancing, flirting, playfulness, I don't know how else you would refer to it, but, and the other dancing is different.</p>

sense? More broadly, is a cultural rights framework appropriate for understanding Afro-Peruvians' citizenship status?

Let us take another case—an interviewee who associates these art forms with black people, and see if a politics of recognition framework could serve as a mechanism of inclusion and of creating a sense of belonging for Afro-Peruvians.

<b>Tanya</b>	<i>¿usted cree que aquí en el Ingenio existe una cultura negra, o una cultura de los morenos, unas danzas negras o música negra, que salen de aquí?</i>	<b>Tanya</b>	Do you think that here in Ingenio there exists a black culture, or a culture of <i>morenos</i> , any black dances or black music, that come from here?
<b>Rocío</b>	<i>¿Qué salen+ de aquí? En La Pilca nació, por ejemplo, danzas así, ¿no? pero folklore pues ¿no? La cumanana nació en La Pilca ... el tondero también, que es la danza, nació en La Pilca ...</i>	<b>Rocío</b>	That come from here? For example, those sorts of dances, right, folkloric, were born in La Pilca, right. <i>Cumanana</i> was born in La Pilca ... <i>Tondero</i> , which is a dance, also was born in La Pilca.
<b>Tanya</b>	<i>si, pero para tí ¿eso es algo que ha nacido de la gente morena?</i>	<b>Tanya</b>	Yes, but, for you, is this something that was born of <i>moreno</i> people?
<b>Rocío</b>	<i>si</i>	<b>Rocío</b>	Yes
<b>Tanya</b>	<i>si</i>	<b>Tanya</b>	Yes
<b>Rocío</b>	<i>si, si, si... Antes había un señor Ramón Domínguez... que nació en La Pilca. El nació, él fue el primer cumananero, se podría decir que de allí de La Pilca neto de La Pilca. Eh, la cumanana es como un verso, ¿no? de lo que se da, y por ejemplo usted dice una cosa y la otra le responde otra persona le responde ¿no? Es algo como versado respondido.</i>	<b>Rocío</b>	Yes, yes, yes, ... Before, there was a gentleman, Ramón Domínguez ... who was born in La Pilca. He was born, he was the first cumananero, and one could say that, from there, from La Pilca, authentically from La Pilca. Ah, cumanana is like a verse, right, which is like, for example, you say one thing and the other person responds with something else, right. It is like responding verses [counterpoint].
<b>Tanya</b>	<i>ah, las dos están cantando</i>	<b>Tanya</b>	Ah, both are singing
<b>Rocío</b>	<i>ujunm, así como cantando, pero, improvisado todo. Nada estudiado, ni nada de eso. Y, hay gente todavía. Si, en La Pilca hay varias personas, entre ellas hay una señora bien negrita que hay...</i>	<b>Rocío</b>	Ohmm, like singing, but everything is improvised. Nothing is studied, nothing like that. And, there are still people today. Yes, in La Pilca, there are several people, among them, there is a woman who is quite dark-skinned...

Rocío sees *cumanana* and *tondero* as being local forms of black cultural production, and appreciates the ingenuity of these musical forms. What does it mean,

in terms of cultural rights, that she, unlike Miguel, identifies them as black? In a subsequent interview, I asked Rocío why other villagers might not see *tondero* and *cumanana* as black cultural production. She responded that perhaps others see these cultural forms as coming from somewhere else, but that “*No sé porque no lo consideran que es de la gente morena. Será porque, ahorita ya se baila a nivel nacional.*” (“I don’t know why they don’t think of it as being something that belongs to black people. Perhaps this is because now it is something that is danced across the country.”) In these comments, Rocío is saying two important things—that to be from her town is to be something “*de la gente morena*” (“of black people”) and that something that is produced “*a nivel nacional*” (“across the country”) may well not be perceived as black. Again, this shows that black music is something performed in black spaces, by black people. Anything else is no longer black music. This raises interesting questions for how difference is recognized and negotiated in Peru. What does this sort of recognition of difference mean for Afro-Peruvians’ citizenship status and the Peruvian racial democracy? What would it mean for the state to promote the cultivation of black cultural production if, by definition, it can only be performed by blacks? Who would have the power to decide who is black and who is not, or what is black culture and what is not?

In order to have his cultural rights fulfilled, Miguel would either have to feel empowered as a member of the dominant group or feel as though he belongs because his cultural identity is integral to the national identity. In Miguel’s view, *cumanana* and *tondero* are musical forms that are part of his cultural identity, and these cultural forms are part of Northern Peruvian coastal *criollo* culture, and therefore, he too is part of this. Rocío, on the other hand, feels empowered to develop her cultural identity, yet she sees her cultural identity as being something particular to black people. Her cultural identity is also threatened because as soon as non-blacks start to perform black cultural forms, they become de-blackened. Rocío, however, cannot become de-blackened by participating in non-black cultural forms. Nevertheless, whether or not Rocío or Miguel see themselves as culturally different from the dominant culture, they are marked as ‘black.’

Miguel identifies with *tondero* and *cumanana*, sees them as local cultural productions, and sees them as part of the cultural production of Peru. Miguel does not think that *tondero* and *cumanana* have African roots. Despite evidence that *mestizaje* works in very different ways for indians and blacks in Peru, this situation is strikingly similar to that which indians face. In order to become a Peruvian, indians must shed their cultural affiliations. In this case, Miguel sees these art forms as not being African in origin, but as being Peruvian. The cultural forms have shed their African-ness and become Peruvian. Miguel, how-

ever, cannot shed his blackness and become Peruvian. This is precisely because Miguel is marked racially *and* ethnically as black.

### RACIAL EXCLUSION AND STEREOTYPES IN PERU

Not only were my interviewees marked as black, they also self-identified as black (*negro* or *moreno*). In addition, they realized that others see them as *negros* or *morenos*. These color-based identifications are far from neutral. As Carlos Aguirre points out with regard to Peru:

*La identificación del color de la piel con una condición inferior... todavía la arrastramos hoy día. Se trata de un racismo que es alimentado por conductas cotidianas a veces imperceptibles y con frecuencia consideradas inofensivas (chistes, expresiones de mal gusto, valoraciones estéticas, estereotipos y otros), pero que también responde a ciertos componentes estructurales (pobreza y marginalización de las poblaciones negras, falta de representación en los niveles directivos del país, bajos índices de movilidad social). [The identification of skin color with an inferior condition ... is something we still carry with us today. We are dealing with a racism that is fueled by everyday behavior patterns that are sometimes imperceptible and frequently considered inoffensive (jokes, expressions in bad taste, aesthetic judgments, stereotypes and others), but that also corresponds to certain structural components (poverty and marginalization of black peoples, lack of representation in the governance of the country, and low rates of social mobility).]*<sup>54</sup>

Thus, blacks in Peru experience both individual and structural racism. In terms of individual racism, blacks in Peru are stereotypically displayed in television, newspaper, and billboard advertising as cooks, as physical, as primitive, as sexual, and as unintelligent. In addition, there are commonly known jokes about blacks that allude to blacks being prone to criminality. For example, one common joke is: “*Si tú ves un blanco corriendo, sabes que está haciendo deporte, pero si tú ves un negro corriendo, ya sabes que es un ladrón.*” (“If you see a white person running, you think he is out running, but if you see a black person running, you know he is a thief.”) There are other similar jokes that refer to blacks as lazy, such as one that claims that blacks are useless before 12 noon. These jokes and advertisements carry cultural meaning, and thus indicate that blacks are seen as culturally different from non-black Peruvians. Afro-Peruvians’ racial differences result in assumptions about their cultural differences. This is despite the fact that not all Afro-Peruvians see themselves as participants in Afro-Peruvian culture. Peruvian

society is clearly not color-blind, but should it be? Is color-blindness the solution to the inclusion of blacks as Peruvian citizens? In addition, how do we interpret the situation of black Peruvians who claim that they are not culturally different, that their cultural forms are the same as national cultural forms, and that they do not participate in black cultural forms? Are they being denied their cultural rights? Or are they insisting on their cultural belonging by invoking a discourse of sameness?

### POLITICS OF DIFFERENCE AND SAMENESS IN PERU

At this juncture, it will be useful to revisit the idea of cultural citizenship. Cultural citizenship entails both the right to belong and the right to be different. The fulfillment of cultural citizenship is a prerequisite to being a full citizen, or what Rosaldo calls a “first class citizen,” as opposed to a “second class citizen.”<sup>55</sup> Democracies have long existed with first, second, and third class citizens—Wallerstein even argues that the very concept of citizen required the creation of a hierarchy of citizens.<sup>56</sup> Nevertheless, current theorists of citizenship propose that political, social, and cultural inequalities are detrimental to the realization of a democratic society.<sup>57</sup> This democratic society is understood as one in which all people (or at least all adult citizens) have equal access to the rights and responsibilities that go along with being a full member of a society. In the case of Afro-Peruvians, the question we are faced with answering is: Can Afro-Peruvians have access to cultural citizenship, to a sense of being an integral part of Peru, through a politics of sameness, or is it necessary to invoke a politics of difference?

The evidence presented in this paper indicates that to be black in Peru is to be different from the unmarked Peruvian. Afro-Peruvian cultural forms can be incorporated into national culture, but this requires that they no longer be performed primarily or exclusively by Afro-Peruvians, and that the cultural forms no longer be called Afro-Peruvian, but Peruvian. The Afro element is effaced. In order for Afro-Peruvian people to be referred to as simply Peruvians, and not as Afro-Peruvians, their African ancestry must be no longer evident. Their blackness must be invisible. Insofar as cultural forms retain their African element, they are folklorized. Insofar as Peruvians are visibly African-descended, they are marginalized. To be black in Peru is to be different, to be exotic, to not be simply Peruvian. Thus, Afro-Peruvians do not have the right to both belong and to be different. They only have the right, and, in many cases, the obligation, to be different.

Because Afro-Peruvians are treated as different, many Afro-Peruvians have come to see themselves as different. Afro-Peruvians are labeled as blacks, treated as blacks, and know that they are blacks. This labeling of Afro-Peruvians as

blacks is not a neutral act because the label 'black' in Peru carries a number of cultural assumptions. Blackness in Peru is associated with a certain way of speaking Spanish, with sensual dancing, with good cooking, and with physical prowess. This labeling and the concomitant acts of discrimination have created a culture of resistance among Afro-Peruvians. This culture of resistance is necessary for black Peruvians to be able to stand up to discrimination. For example, one of my interviewees in Ingenio, Fabio, indicated to me that he was proud to be black. When I asked him why, he said that sometimes whites try to marginalize blacks, to discriminate against blacks, but that he does not let this get to him, because he is proud to be black. In fights, people might say to him, "*negro mogoso*" ("filthy black"), or similar insults, but these insults do not bother him, because he is proud to be black. Whether or not Fabio sees himself as culturally different from *criollos* or *mestizos*, he knows that Peruvians who are not labeled as black label him as black, and that they make presumptions about him because of his blackness. This other-izing has given meaning to Fabio's blackness; it has created a culture of resistance.

It would be unreasonable to suggest to Fabio that he abandon his celebration of his blackness, precisely because this assertion of blackness is the direct result of Fabio being treated as different, because of his skin color. The reason that Fabio does not embrace an ideology of sameness is because he has been treated as an other, as ethnically and racially different from other Peruvians. Thus, Fabio claims his blackness. Juliet Hooker argues that it is potentially problematic for indians and blacks in Latin America to base their claims for inclusion on claims for cultural recognition as opposed to invoking a discourse against racial discrimination.<sup>58</sup> Fabio's case indicates that cultural recognition is often inseparable from racial discrimination. Hooker is correct in pointing out that "not all Afro-Latinos are perceived by national elites and publics as having a distinct 'ethnic identity' worthy of being protected by special group rights," but I propose that the very fact that Afro-Latino culture is not seen as 'worthy' of protection is a form of racial discrimination.<sup>59</sup> Moreover, an essential part of ending racial discrimination in Peru is the enactment of a multicultural reform that re-educates Peruvians about Afro-Peruvian culture and Afro-Peruvian cultural contributions to the Peruvian nation.

### CONCLUSION: MULTICULTURALISM IN PERU

We are still left with the question of whether the goal of a multicultural reform in Peru should be the full integration of Afro-Peruvians into the nation, or the creation of a cultural community of Afro-Peruvians. Either of these two situa-

tions would meet the criteria of cultural citizenship. It will be useful to think about this in practical terms—what would a multicultural reform look like?

Africans and their descendants have made substantial contributions to Peru's cultural landscape. Unfortunately, these contributions are either not recognized or not seen in a positive light by other Peruvians, and those Afro-Peruvian cultural forms that have not been incorporated into national culture have been folklorized and exoticized. Thus, one important element of a multicultural reform would be a change in the school curriculum such that the textbooks and classroom discussions were designed to teach students (and teachers) about the cultural and social contributions of African-descended Peruvians. In the current school curriculum, African-descended Peruvians figure most prominently as slaves brought from Africa who were granted their freedom by Ramón Castilla in 1854. Renowned African-descended historical figures are also introduced, but their African ancestry is not usually mentioned. For example, in a widely used high school textbook, an African-descended community leader, María Elena Moyano, is lauded for her courage and community activism in Villa El Salvador, Lima, yet neither her African ancestry nor her blackness is mentioned. Given that stereotypes prevail that Afro-Peruvian women are much more likely to be excellent cooks or sensual lovers than community leaders, it may help to break down stereotypes if the textbook pointed out that Moyano was an Afro-Peruvian.

This depiction of Afro-Peruvians as only historically important presents students with the idea that once there were blacks in Peru, but that they are not currently an integral part of the nation. A change in the school curriculum that teaches students about the contemporary and historical contributions of Afro-Peruvians, accompanied by government-sponsored events and research on Afro-Peruvians, would work to teach all Peruvians that African-descended Peruvians have made (and continue to make) important contributions to Peru. This sort of multicultural reform would be appropriate and useful. On the other hand, it would not be useful to implement any multicultural reform which would serve to homogenize black culture. For example, it would not be useful to implement a multicultural reform which required that *festejo* be taught in all schools, along with *huayno* and the *marinara*, in order to fully represent different aspects of national culture. This latter sort of reform could actually work to reinforce stereotypes, i.e. that indians dance *huayno*, whites dance the *marinara*, and blacks the *festejo*, whereas the reality is that the *marinara*, given its great similarity to the *tondero*, is more predominant in Ingenio and the surrounding villages than the *festejo*, which is exclusive to southern Peru. Thus, while it is imperative to recognize the existence and importance of Afro-Peruvian cultural forms, it is equally important to avoid essentializing these cultural forms.

Were the Afro-Peruvian contributions to Peruvian culture and society to be recognized by all Peruvians, it is likely that discrimination against Afro-Peruvians would decline. At present, discrimination against Afro-Peruvians is one aspect of the black experience that creates a cultural community. The absence of discrimination, thus, may contribute to the integration of Afro-Peruvians into the Peruvian nation. Individual Afro-Peruvians who desire to socially integrate may choose to do so. However, other Afro-Peruvians who desire to maintain a separate cultural community should also have the right to do so. Black Peruvians should not have to reinvent themselves as culturally different in order to become citizens, nor should they have to hide or abandon their culture. People of African descent in Peru have varying degrees of participation in cultural forms that are part of “black culture.” Nevertheless, their participation or lack thereof in these cultural forms should have no bearing on their citizenship status. A democracy entails that all people have the right to cultural citizenship, but it does not entail that people have the responsibility or obligation to participate in certain cultural forms.

The Afro-Peruvian experience reminds us of the danger of multicultural reforms that would serve to reify or essentialize black culture. While someone like Rocío might be comfortable with a reform that promoted a black cultural community, Miguel and Perla would likely prefer a reform that promoted their integration into Peruvian society, and may not agree with a reform that exclusively defined them as black and that defined their blackness for them. However, these two sorts of reforms do not have to be contradictory. Any reform whose primary purpose is to reinforce the dignity of Afro-Peruvians must simultaneously underscore the value of Afro-Peruvian cultural contributions to the nation and the common dignity of all Peruvians. Thus, while Rocío should be able to take pride in the cultural contributions of her ancestors and contemporaries, Miguel should not be restricted to only identifying with those cultural forms which have been labeled as appropriate for him.

The state-sponsored promotion of the education of all Peruvians about the Afro-Peruvian contribution to the nation is required in order for Afro-Peruvians to become full citizens of Peru. This sort of reform would require the active participation of Afro-Peruvian intellectuals and students, and would result in the increased visibility of prominent Afro-Peruvians who are not singers or soccer players. These reforms, along with their implications, would lead Peru closer to a society in which Afro-Peruvians are not seen as exclusively apt at entertainment, sports, and cooking. This would make it easier for Afro-Peruvians to achieve prominence in politics, to perform well in schools and universities, and to gain professional employment.

In conclusion, cultural citizenship—the right to feel that you and your group belong to the nation—is essential for a democratic society. In order to achieve this, not only must differences be respected and embraced, but our common dignity as humans must also be recognized. This demonstrates that Peru does not have to choose between a politics of difference or of sameness, as the recognition of cultural differences and cultural contributions can lead people to see the dignity they all share. And, common dignity is the basis for full citizenship.

## NOTES

1. Deborah Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge, UK: Cambridge University Press, 2005), p. 230.
2. The word “indian” is not capitalized because this word is used in Peru (*indio*) as a racial/ethnic descriptor similar to “black,” and unlike the word “Indian,” which is understood as a reference to people whose nationality lies in the country, India.
3. Peter Wade, *Race and Ethnicity in Latin America* (Chicago, IL: Pluto Press, 1997), p. 32.
4. Deborah Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge, UK: Cambridge University Press, 2005), p. 230.
5. Deborah Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge, UK: Cambridge University Press, 2005); Maria Elena García, *Making Indigenous Citizens: Identities, Education, and Multicultural Development in Peru* (Stanford, CA: Stanford University Press, 2005).
6. M., J. Torero, H. Nopo Saavedra, and J. Escobal, An invisible wall? The economics of social exclusion in Peru, in M. Buvinic, J. Mazza, and R. Deutsch, eds., *Social inclusion and economic development in Latin America* (Washington, DC: International Development Bank (IDB) and Johns Hopkins University Press, 2004).
7. Denys Cuche, *Pérou Nègre: les descendants d’esclaves africains au Pérou - des grands domaines esclavagistes aux plantations modernes* (Paris, France: Éditions L’Harmattan, 1981).
8. Raúl Romero, “Black music and identity in Peru : Reconstruction and revival of Afro-Peruvian musical traditions,” in Gerard Béhague, ed., *Music and Black Ethnicity: The Caribbean and South America* (Coral Gables, FL: North-South Center Press, 1994), p. 310.
9. For example, at an inter-ethnic workshop in Lima in July 2006, an Andean participant insisted that Andeans be referred to in an official document not simply as *andinos*, but as indigenous Andeans. Her rationale was that indigenous in Peru most often refers to Amazonians, and she wanted to reclaim indigeneity. This solicited some negative reaction from some Afro-Peruvians, since the document in question now read “*indígenas andinos, amazónicos y afrodescendientes peruanos*.” This formulation points out the non-indigeneity of Afro-Peruvians.
10. Juliet Hooker, “Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship in Latin America,” *Journal of Latin American Studies*, Vol. 37 (2005), pp. 285–310.
11. Juliet Hooker, “Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship in Latin America,” *Journal of Latin American Studies*, Vol. 37 (2005), p. 291.
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# The Institutional Design of Multiculturalism in Nicaragua

## Effects on Indigenous and Afro-descendant Collective Identities and Political Attitudes

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Governance in the context of diversity is one of the key issues facing Latin American states today. Following democratization processes that opened up the political systems in many countries of the region, the political exclusion and racial discrimination historically suffered by Afro-descendant and indigenous groups took on increasing salience as a political issue. Latin American states were thus increasingly forced to directly contend with this issue, and as a result, many of them (including Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela) adopted various multicultural citizenship policies during the 1980s and 1990s. Most Latin American countries now recognize some, if not all, of the following collective rights for indigenous peoples, and in some cases, Afro-descendants: formal recognition of the multicultural nature of national societies and of the existence of specific ethnic/racial sub-groups; recognition of indigenous customary law as official public law; collective property rights, especially in regard to land; official status for minority languages in predominantly minority regions; and guarantees of bilingual education.<sup>1</sup> Additionally, in certain countries in the region (such as Brazil and Colombia), Afro-descendants have also gained specific collective rights designed to redress racial discrimination, such as affirmative action in education and employment. There is thus an emerging model of multiculturalism in Latin America whose strengths and weaknesses can begin to be assessed. Specifically, we can try to ascertain what changes, if any, can be observed in the collective identities and political attitudes of minority groups following the granting of collective rights.

In general, however, the impact of multicultural policies on the collective identities and political attitudes of indigenous and Afro-descendant groups have been comparatively understudied. In particular, how the design of such rights affects relations *between* indigenous and Afro-descendant groups in cases when they are both present is a question that has so far received scant atten-

tion. This is in part because scholars who have analyzed Latin America's multicultural policies have tended to focus either on the incentives and pressures leading national elites to agree to demands for collective rights by minorities or on the impact of multicultural policies on indigenous political behavior. That is, they have been concerned with how and why multicultural policies were adopted by national states on the one hand, or with the effects of the emergence of indigenous parties on the nature and content of indigenous political activism and on the political party system, on the other hand. Additionally, the impact of multicultural policies on the relationship between these two groups has drawn scant scholarly attention to date because indigenous and Afro-descendant politics in Latin America tend to be studied separately.<sup>2</sup> In cases where only one group is present, that is certainly an appropriate strategy. But in many Latin American countries not only are both groups present, but the institutional design of multicultural rights has been shaped by this dual presence. The presence of both indigenous and Afro-descendant groups raises important questions of institutional design for Latin American multiculturalism because of the potential effects of granting different levels of rights to the two groups, especially on relations between them and on their attitudes towards the national state.

The aim of this essay is thus to rectify this oversight by tracing the impact of the multicultural policies adopted in one Latin American country—Nicaragua—on relations between indigenous and Afro-descendant groups, and by trying to identify the specific institutional mechanisms that might be responsible for these outcomes. Its goal is thus to assess whether we see an increase in conflict or cooperation between indigenous and Afro-descendant groups after the implementation of collective rights and to identify the types of collective rights that are more likely to foster cooperation or conflict in such contexts. Nicaragua is an ideal case from which to analyze such questions because it features the presence of multiple indigenous and Afro-descendant groups demanding collective rights. This makes it possible to study the effects of such rights on relations between groups, not just on the collective identities and interests of each group. Additionally, since Nicaragua was one of the first countries in Latin America to implement multicultural citizenship policies in the 1980s, it is now possible to study their effects almost two decades after their implementation. My analysis of the Nicaraguan case will thus seek to elucidate whether national states become more legitimate in the eyes of indigenous and Afro-descendant Latin Americans after the granting of collective rights.

Understanding the precise effects of multicultural policies, particularly the transformations they may or may not bring about in the collective identities

and political attitudes of indigenous and Afro-descendant groups, is critical to the prospects of governance in the region's fragile democracies. The main research questions guiding this study are thus the following: 1) Are there significant changes in the collective identities and political attitudes of minority groups after the adoption of multicultural policies? 2) What are the effects of multicultural policies on relations between minority groups, i.e. do we see an increase in conflict or cooperation between groups? 3) Are there specific institutional designs that can account for these outcomes, i.e. what types of collective rights are more likely to foster cooperation or conflict? Specifically, this essay will analyze the changes, if any, that can be observed following the adoption of minority group rights on Nicaragua's Atlantic Coast in relations between Afro-descendant and indigenous groups in the region, in their collective identities, and in their political attitudes, particularly towards each other and the *mestizos* who also inhabit the area, as well as the national state.

This study is divided into four parts. The first section contextualizes multiculturalism in terms of the dominant concerns of the literature on democratization in Latin America. The second section analyzes dominant normative and instrumental approaches to the institutional design of multiculturalism and analyzes the different models of multiculturalism that have emerged in Latin America. The third section describes the institutional design of multiculturalism in Nicaragua. The fourth section analyzes the impact of Nicaragua's multicultural policies on relations between indigenous and Afro-descendant *costeños*.<sup>3</sup> Finally, the conclusion briefly considers the implications of the findings in the Nicaraguan case for other experiments with multiculturalism throughout Latin America.

## I. MULTICULTURALISM AND DEMOCRATIZATION IN LATIN AMERICA

It is now widely recognized among scholars of Latin American politics that indigenous and Afro-descendant Latin Americans suffer from political and social exclusion, and racial discrimination.<sup>4</sup> Multicultural citizenship policies whose ostensible aim was to overcome such inequalities have also been one of the distinctive features of the institutional design of the region's new democracies. Yet the democratization literature has been slow to grapple with the implications of these two facts for the study of democracy in Latin America.

In recent years the episodic conceptualizations of democratic transition, and teleological and ethnocentric notions of democratic consolidation often found in the democratization literature, have been extensively critiqued.<sup>5</sup> Initially, the

shift in emphasis from questions of democratic transition to consolidation was seen as a means of avoiding the “electoralist fallacy” (mistaking a sufficient condition of democratization, the holding of regular, fairly free, and fair elections, for its only necessary condition).<sup>6</sup> The concept of democratic consolidation was supposed to circumvent this problem because it encompassed structures and practices in the economy and society that are also necessary elements of democracy. But it too proved problematic, in large part because of the focus on political institutions at the expense of state-society relations in studies of democratic consolidation.<sup>7</sup> As a number of critics have noted, the emphasis on the design of political institutions on prospects for the consolidation of democracy came at the expense of other aspects of the state (such as the legal order) and the social context in which such institutions operate, that are equally fundamental to the consolidation of democracy.<sup>8</sup>

As Guillermo O’Donnell has noted, even the most “practical” or “minimalist” definitions of democracy necessarily include a notion of citizenship that is not simply restricted to voting in elections, because they must specify a number of conditions external to the electoral process that are necessary for the latter to be considered free and fair.<sup>9</sup> These external conditions encompass a number of primary political rights that make free and fair elections possible (such as freedom of speech and association), but they also extend beyond what may be thought of as purely political rights to certain civil and social rights that make informed and free choices about politics possible.<sup>10</sup> According to O’Donnell, problems such as poverty or living under constant threat of violence detract from agency and by extension from citizenship or the ability to fully participate in the democratic process. In Latin America, where the majority of the population experiences political citizenship in the midst of non-existent social rights and at best low-intensity civil rights, the vitality and effectiveness with which political citizenship can be practiced is severely restricted. As O’Donnell suggests, one of the crucial themes in the study of democratization in Latin America, is thus: “to what extent and under what conditions poor sectors and other disadvantaged groups may use available political rights as a platform of protection and empowerment for struggles towards the extension of civil and social rights.”<sup>11</sup>

As these critiques make clear, the democratization literature’s difficulty conceiving of citizenship beyond fairly narrow notions of political rights has resulted (among other consequences) in the lack of integration of issues of multiculturalism into the mainstream of the study of democracy in Latin America, despite the fact that governance in the context of diversity is one of the vital challenges facing the region’s new democracies. As a result, despite the overwhelming focus on the design of political institutions in democratization

literature of recent years, almost none of that attention has been directed at analyzing the institutional design of collective rights for indigenous—and to a lesser extent, Afro-descendant—groups in the region, or their role in democratization processes. In part this is a result of the fact that Latin America was historically seen as a region where racial and ethnic politics were not a salient feature of the social or political landscape, and national/ethnic/racial diversity were only thought to be relevant to analyses of democratization in cases where separatist movements or violent conflicts were present, i.e. where a “stateness” problem existed.<sup>12</sup> Thus—despite the undeniable visibility and strength of indigenous movements in Latin America in recent years (which has sparked significant research on indigenous mobilization and its effects on state policy)—because these movements have not sought to reshape national borders, they have not been perceived as a threat to the stability of the region’s new democracies, and their struggles for collective rights have been largely ignored in analyses of democratic transition and consolidation.

The development of multicultural citizenship regimes in Latin America has in fact so far been studied mostly in the literatures on ethnic and racial politics in the region, which have focused respectively on the causes of the emergence of strong indigenous movements on the one hand, and weak Afro-descendant movements on the other hand. Scholars of indigenous politics, for example, have focused much more on explaining why strong indigenous movements have emerged at this point in time and why they emerged in some countries and not in others, i.e. on the structural conditions and factors that account for indigenous mobilization and success in winning collective rights.<sup>13</sup> Similarly, scholars of racial politics have focused on tracing the conditions that have hindered racial group identification and political mobilization among Afro-descendants in Latin America, such as national ideologies of *mestizaje* (racial mixing) that obscured or actively denied the existence of racism.<sup>14</sup>

While these studies have yielded valuable insights about why race or ethnicity become politically salient at certain historical moments, and about the conditions for successful mobilization along ethnic or racial lines, one of the major problems with the way the emergence of collective rights is analyzed in the literature on racial and ethnic politics in Latin America is that Afro-descendant and indigenous movements are studied separately. This has meant that to date the impact of multicultural policies on the relations between the two groups have not been rigorously analyzed. This is problematic because studies of indigenous or Afro-descendant political mobilization thereby overlook the effects of multicultural policies on relations between the two groups and on their collective identities and political attitudes. Moreover, scholars who have studied the

emergence of multicultural citizenship regimes in Latin America have focused almost exclusively on indigenous movements, a decision that reflects the greater strength and success of the former compared to Afro-descendant movements, as well as a lengthier history of mobilization around collective rights. In contrast, this study contends that in countries where both groups are present, assessing the impact of multicultural policies requires analyzing indigenous and Afro-descendant politics in conjunction. That is because such analyses must consider the effects of the adoption of collective rights, not only on individual groups, but also on relations between groups, i.e. whether or not multicultural policies have increased conflict or cooperation.

To be sure, some work has begun to emerge that looks at the effects of the specific multicultural policies adopted by various Latin American states. Anthropologists, for example, have begun to consider the impact of the multicultural policies implemented in recent decades on the content and character of indigenous political activism.<sup>15</sup> Likewise, political scientists studying indigenous political behavior have begun to analyze the impact of indigenous voting and the creation of indigenous political parties on Latin American party systems.<sup>16</sup> While these studies begin to consider the effects of the institutional design of multicultural policies, they do so rather narrowly. That is because they focus on the impact of multicultural policies only on indigenous political activism in the case of the former, or on the functioning of the party system in the case of the latter. These are important questions, but they shed only limited light on the issue of how multicultural institutions might best be designed to enhance governance in Latin America.

While studies of Latin American democratization have thus begun to consider the effect of persistent social hierarchies of class, race, and gender on the practice of citizenship in the region, the question of how to integrate multiculturalism into studies of democratization remains under-specified despite the importance of the topic. Overall there is still relatively little attention paid to questions of multiculturalism in the democratization literature. In this study I suggest that one way to begin to correct this gap is by analyzing multiculturalism in Latin America not in terms of why or where it came about, but rather in terms of its goals and its effects. That is, in terms of how and in what ways collective rights for Afro-descendant and indigenous groups (who have traditionally been among the region's most marginalized and disenfranchised populations) might contribute to democratization by enhancing governance, i.e. by reducing conflict and promoting cooperation between groups. Needless to say a crucial aspect of such an analysis would be an investigation of the kinds of institutional designs of collective rights most likely to promote such outcomes.

## II. MODELS OF MULTICULTURALISM IN LATIN AMERICA

In their discussion of democratization in the context of diversity, Linz and Stepan suggest that “the combination of *collective rights* of nationalities or minorities in a multinational, multicultural society and state, *with the rights of individuals fully protected by the state*, is probably the least conflictual way” of promoting democratic stability. Along these lines they claim that in such states there is an urgent need to “explore a variety of nonmajoritarian, non-plebiscitarian formulas,” including: federalism (where there is relatively strong spatial differentiation between groups), symbolic recognition of cultural diversity, education and media in different languages, legal and political tolerance for ethnic parties, etc.<sup>17</sup> Other than these brief comments, however, Linz and Stepan provide no guidance on what principles should guide the institutional design of multicultural policies in diverse polities. Two literatures that do shed some light on the issue of the most appropriate institutional design of collective rights in Latin America are the literature on minority group rights in political theory on the one hand, which has focused on establishing normative criteria for deciding what kinds of collective rights different types of minority groups are entitled to, and the literature on ethnic conflict on the other hand, which has considered the different kinds of collective rights that might reduce conflict in divided societies. While the minority group rights literature in political theory considers questions of institutional design from a normative perspective (i.e. its focus is on the kinds of rights that a minority group may justly demand and which the state is therefore obligated to grant), the approach of the literature on ethnic conflict to these questions is purely instrumental; it is concerned with the impact of different models of rights distribution on relations between groups.

Theorists of multiculturalism argue that justice in diverse polities requires the adoption of group rights for minorities in order to compensate for the way the languages, cultures, and identities of these groups are unfairly disadvantaged compared to those of majority groups. The collective rights that different types of minority groups may legitimately demand vary, however. Specifically, there is one subset of the literature concerned with the rights of “cultural groups” which focuses on the kinds of rights that immigrant ethnic groups and national minorities are entitled to, while another branch is concerned with the kinds of collective rights that racial groups might need in order to overcome discrimination. Will Kymlicka, for example, claims that national minorities, which are “distinct and potentially self-governing societies generally incorporated into a larger state against their will,” are entitled to all the different kinds of collective

rights he identifies: self-government rights (the delegation of political power to national minorities), polyethnic rights (financial support and legal protection for certain cultural practices), and group representation rights (guaranteed seats for minority groups within the institutions of the central state). Immigrant ethnic groups, in contrast, since they voluntarily decided to leave their homelands to become part of another state, may justly claim certain polyethnic rights but not other collective rights.<sup>18</sup> Meanwhile, there is also an abundant literature which claims that disadvantaged racial groups are legitimately entitled to certain collective rights in order to overcome past discrimination, including affirmative action in employment and education, the creation of electoral districts where minorities are the majority to ensure political representation, and equal protection or non-discrimination guarantees.<sup>19</sup>

The multicultural model adopted in Latin America reflects the prescriptions of the normative minority rights literature in many important respects. Based on this literature we would expect not only that national minorities, ethnic groups, and racial groups would have been awarded different levels of collective rights, but also that multicultural policies for national minorities and ethnic groups on the one hand, and racial groups on the other hand, would have developed relatively independent of each other. This has indeed been the case to a certain extent. The principal minority groups that demanded and gained collective rights in Latin America during the wave of multicultural reform that swept the region in the 1980s and 1990s were indigenous and Afro-descendant groups.<sup>20</sup> Immigrants have not been involved in struggles for collective rights.<sup>21</sup> In most cases Afro-descendants have gained fewer collective rights than indigenous groups in official multicultural citizenship regimes intended to make possible the preservation of minority cultures.<sup>22</sup> At the same time certain countries in the region, such as Brazil, Colombia, Ecuador, Honduras, and Peru, have adopted separate collective rights for Afro-descendants to redress racial discrimination.<sup>23</sup> As shown in Table No. 1 there is thus a great variety in the distribution and types of rights gained by indigenous and Afro-descendant groups in Latin America in recent decades.

The differences in the levels and types of collective rights obtained by the two groups in Latin America's new multicultural citizenship regimes are generally attributed to differences in Afro-descendant and indigenous political mobilization, namely that the former see themselves primarily as racial groups and struggle for equal rights and anti-racial discrimination measures, while indigenous groups see themselves as ethnic groups and demand collective rights to land and culture.<sup>24</sup> This characterization is misleading, however, insofar as it overlooks the fact that neither indigenous nor Afro-descendant groups can be neatly encapsulated solely within either the national minority or racial group

TABLE 1. Collective Rights for Indigenous and Afro-descendant Groups in Latin America

Country	Group Recognition	Customary Law	Land Rights	Autonomy or self-government	Bilingual Education	Anti-Racial Discrimination Rights
<b>ARGENTINA</b> <i>Indigenous</i>	Indirect	No	Yes	No	Yes	No
<i>Afro-descendant</i>	No	No	No	No	No	No
<b>BRAZIL</b> <i>Indigenous</i>	Yes	No	Yes	No	Yes	No
<i>Afro-descendant</i>	Yes	No	Yes	No	No	Yes
<b>COSTA RICA</b> <i>Indigenous</i>	Yes	Yes	Yes	No	Yes	No
<i>Afro-descendant</i>	No	No	No	No	No	No
<b>COLOMBIA</b> <i>Indigenous</i>	Yes	Yes	Yes	Yes	Yes	No
<i>Afro-descendant</i>	Yes	No	Yes	Yes	Yes	Yes
<b>ECUADOR</b> <i>Indigenous</i>	Yes	Yes	Yes	No	Yes	No
<i>Afro-descendant</i>	Yes	No	Yes	Yes	No	Yes
<b>GUATEMALA</b> <i>Indigenous</i>	Yes	No	Yes	No	Yes	Yes
<i>Afro-descendant</i>	Yes	No	Yes	No	Yes	No
<b>HONDURAS</b> <i>Indigenous</i>	No	Yes	Yes	No	Yes	Yes
<i>Afro-descendant</i>	Yes	No	Yes	No	No	No
<b>MEXICO</b> <i>Indigenous</i>	Yes	Yes	Yes	No	No	No
<i>Afro-descendant</i>	No	No	No	No	No	No
<b>NICARAGUA</b> <i>Indigenous</i>	Yes	Yes	Yes	Yes	Yes	No
<i>Afro-descendant</i>	Yes	Yes	Yes	Yes	Yes	No
<b>PANAMA</b> <i>Indigenous</i>	Yes	Yes	Yes	Yes	Yes	No
<i>Afro-descendant</i>	No	No	No	No	No	Yes
<b>PERU</b> <i>Indigenous</i>	Yes	Yes	Yes	No	No	No
<i>Afro-descendant</i>	Yes	No	No	No	No	Yes
<b>VENEZUELA</b> <i>Indigenous</i>	Yes	Yes	Yes	No	Yes	No
<i>Afro-descendant</i>	No	No	No	No	No	No

category. Latin American states have not necessarily recognized the fact that indigenous and Afro-descendant groups in Latin America do not fit neatly into either the ethnic or racial group category, however. Indeed, indigenous and Afro-descendant Latin Americans have historically been seen as different kinds of political subjects by national elites. While Afro-descendants have been seen as “racial” subjects without an ethnic identity distinct from the larger *mestizo* culture, indigenous people have been seen as “ethnic groups” with separate cultures and ways of life, with ethnicity understood to denote cultural difference and race phenotypical characteristics.<sup>25</sup> But the fact is that indigenous people have been racialized since the colonial period in Latin America, and also suffer from racial discrimination, even absent cultural markers of indigenous identity.<sup>26</sup> Afro-descendants likewise stand in an ambiguous position vis-à-vis the intersection of race and ethnicity. Rural Afro-descendants, for example, conceive of their collective identities in similar ways to indigenous groups, while others claim both ethnic and racial collective identities.<sup>27</sup>

Empirical conditions in Latin America thus contradict a key assumption of the minority group rights literature in political theory, namely the idea that national minorities, ethnic groups, and racial groups are distinct categories that can easily and consistently determine the kinds of collective rights to which different types of minority groups are entitled. Instead, the experience of Latin America’s indigenous and Afro-descendant groups suggests instead that far from being radically distinct and separable these categories are multiple and overlapping. It is in fact this variance that in large part accounts for the different models of multiculturalism adopted throughout the region, and for the (largely) separate implementation of collective rights to land and culture and anti-racial discrimination measures.

What has occurred in Latin America instead is the development of three distinct patterns of rights distribution between Afro-descendant and indigenous groups. Multicultural citizenship regimes in Latin America have thus taken at least three different configurations. In the first set of cases Afro-descendants and indigenous groups are both considered national minorities, and as a result they have gained the same kinds of collective rights to land and culture. This is the pattern that has emerged in Guatemala, Honduras, and Nicaragua. In a second set of cases indigenous groups have been considered national minorities, while Afro-descendants are not recognized as either national minorities or racial groups. In these cases indigenous groups have gained collective rights to land and culture but not Afro-descendants, and these have also not achieved specific rights to overcome racial discrimination. This is the situation in Venezuela and Mexico. Finally, in a third set of cases, indigenous groups have been considered

national minorities, while Afro-descendants have been seen as such but to a lesser extent, and Afro-descendants have also been considered disadvantaged racial groups. In these countries indigenous groups have gained collective rights to land and culture; meanwhile Afro-descendants have gained fewer collective rights to land and culture than indigenous groups, but they have also achieved special collective rights designed to redress racial discrimination. This has been the case in Brazil, Colombia, Ecuador, and Peru.

These divergences in the kinds of collective rights gained by Latin America's indigenous and Afro-descendant minority groups raise important questions of institutional design.<sup>28</sup> While the minority group rights literature is primarily concerned with the normative justifications for collective rights, there is another important issue raised by its prescriptions that needs to be considered, namely the effects of different distributions of rights on relations between groups, i.e. on governance. For example, if the aim of multicultural policies is to enhance governance (i.e. reduce conflict) by overcoming past injustices against minority groups, what is the impact of awarding indigenous and Afro-descendant groups different levels of rights in countries where they are both present? Does it lead to more or less conflict between groups? What are the effects on relations between indigenous and Afro-descendant groups with similar histories inhabiting the same region if the former are granted collective rights while the latter are not? Is granting both groups the same level of rights more advisable in such contexts? Do indigenous and Afro-descendant groups accept existing distributions of collective rights as legitimate? Are anti-racial discrimination rights also a necessary component of multicultural citizenship regimes? Do they need to become an integral part of Latin America's multicultural model rather than the notable exceptions they are today?

It might be tempting to suggest that these are not significant questions for Latin America. While the region has not experienced significant ethnic conflict to date, the institutional design of multiculturalism is unlikely to foster it. Alternatively, it might be argued that countries in which indigenous and Afro-descendant groups are both present and making claims to collective rights are the exception rather than the rule, and as a result disparities in rights do not pose a significant problem for the region as a whole.<sup>29</sup> However, it is impossible to deny that political mobilization around ethnicity and race are becoming an increasingly salient feature of political and social life in most of Latin America's new democracies. As a result, it is absolutely crucial that scholars of democratization processes consider the consequences of the specific multicultural citizenship regimes that have been enacted across the region.

The literature on ethnic conflict, which takes an instrumental approach

to questions of institutional design in diverse polities, offers some suggestions about the potential effects of different distributions of collective rights in Latin America. According to Donald Horowitz, for example, there are five common institutional mechanisms of conflict reduction: 1) “conflict may be reduced by dispersing it, by proliferating the points of power so as to take the heat of a single focal point,” 2) “interethnic conflict may be reduced by arrangements that emphasize intraethnic conflict instead,” 3) “interethnic conflict may be reduced by policies that create incentives for interethnic cooperation,” 4) “interethnic conflict may be reduced by policies that encourage alignments based on interests other than ethnicity,” and 5) “interethnic conflict may be reduced by reducing disparities between groups so that disaffection declines.”<sup>30</sup> As Horowitz and others point out, however, putting a particular policy in place does not guarantee that its desired outcome will be achieved. Institutions can have unintended and unforeseen effects. As a result, when considering whether particular institutional designs are likely to reduce or increase conflict, it is necessary to consider whether they are likely to produce any of the conflict reducing mechanisms suggested here. That is, are they likely to disperse or concentrate conflict? Do they foster conflict within or between groups? Do they create incentives or disincentives for cooperation between groups? Do they encourage or discourage alignments based on ethnic or group identity? Are they likely to reduce or increase disparities between groups?

In the case of Latin American models of multiculturalism, it is thus necessary to assess whether the various models of multiculturalism that have been implemented are likely to foster any of these outcomes. Of the three variants of Latin American multiculturalism—the first, where indigenous groups have gained collective rights but Afro-descendants have not, the second variant, where both groups have achieved fairly similar levels of rights, and the third pattern in which indigenous and Afro-descendant groups have gained varying levels of collective rights to land and culture, but the latter have also won collective rights designed to compensate for racial discrimination—the case I focus on is an example of the second variant of Latin American multiculturalism. While the other models also merit attention, I focus on the second variant, where both Afro-descendant and indigenous groups are present and have mobilized in favor of collective rights, and where they have achieved practically the same rights, because it would appear to be the most complex of the three, insofar as would seem to be the one with the most initial potential for conflict because of the presence of the two groups, but also to be the one where multicultural policies could foster cooperation because the two groups have achieved the same levels of rights. If both Afro-descendant and indigenous groups have the same rights, for example, we would expect that

neither one would feel disadvantaged by the new multicultural policies. At the same time however, these are also the cases where presumably the obstacles to such cooperation were greater to begin with, as the presence of both groups demanding collective rights would appear to set the stage for more potential competition between groups for scarce resources, and therefore a higher level of conflict than in countries where only one group was present and seeking collective rights. I will assess the impact of this variant of Latin American multiculturalism on relations between Afro-descendant and indigenous groups by analyzing the Nicaraguan case in detail, where both groups are present and both have gained the same collective rights. As there are certain unique features of the institutional design of multiculturalism in Nicaragua however, it is first necessary to sketch what these elements are before assessing whether they have fostered cooperation or exacerbated conflict between the two groups.

### III. THE INSTITUTIONAL DESIGN OF MULTICULTURALISM IN NICARAGUA

Nicaragua has historically been portrayed as a uniformly *mestizo* nation, but this is not an accurate description of the country's Atlantic Coast. The Atlantic Coast encompasses approximately 50 percent of the country's territory and 12 percent of its population. The region did not officially become a part of the Nicaraguan republic until 1894; prior to that it was a British protectorate. The region and its indigenous and Afro-descendant inhabitants were never fully integrated into Nicaraguan political, economic, or socio-cultural life. They were excluded from full citizenship well into the 20th century through the construction of exclusionary citizenship regimes that justified exclusive *mestizo* political power. As a result, indigenous and Afro-descendant *costeños* possess languages, cultures, and collective identities that are quite different from the dominant indo-Hispanic culture and identity of the rest of Nicaragua.

During the twentieth century *costeños* continued to demand the self-government rights they had retained in the treaties governing the region's inclusion into Nicaragua. Their political activism was limited by the authoritarian regime of the Somoza family, however, which dominated Nicaraguan politics from the 1930s until 1979 when they were overthrown by leftist Sandinista guerrillas. It was in order to resolve the armed conflict that had developed between them and indigenous *costeños* that the Sandinista government adopted a number of multicultural policies in the mid-1980s.<sup>31</sup> The constitution approved in 1986 thus recognized the "multiethnic character" of the Nicaraguan nation and enshrined the following collective rights for *costeños*: to preserve and develop their distinct

cultures, languages, and religions, to establish their own forms of social organization and administer their local affairs according to their historical traditions, to the ownership of their communal lands, to use and benefit from the region's natural resources, and to regional autonomy.<sup>32</sup>

The Atlantic Coast is currently inhabited by six distinct ethno-racial groups, including three indigenous groups: the Miskitu, Mayagna, and Rama; two groups of African descent: Creoles and Garifuna; and *mestizos* who began migrating to the region from the Pacific and Central regions of the country after it became a part of Nicaragua in 1894. As a result of intensifying migration *mestizos* now constitute the majority of the population on the Atlantic Coast. The region continues to be identified with its original Afro-descendant and indigenous inhabitants, however, who exerted control over the region prior to 1894. During the eighteenth and nineteenth centuries the region was intermittently under British influence and protection, but with a significant degree of autonomy, especially at the local level, where traditional indigenous authority structures continued to prevail. The two largest indigenous and politically powerful Afro-descendant groups, Miskitus and Creoles respectively, vied for dominance in the region during this era. Creoles and Miskitus have thus been historic rivals for power on the Atlantic Coast. This makes Nicaragua an optimal case from which to examine the impact of multicultural policies on relations between Afro-descendant and indigenous groups, because it features the presence of multiple indigenous and Afro-descendant groups demanding collective rights and vying for control of a region which they share. As of one of the first Latin American countries to adopt multicultural policies in 1987, it also allows us to study their effects almost two decades after their implementation.

In order to consider whether and how the institutional design of multiculturalism in Nicaragua has affected relations between indigenous and Afro-descendant groups, it is first necessary to briefly describe the most salient features of the multicultural citizenship regime established on the Atlantic Coast. They are: equal collective rights for all *costeños*, the granting of territorial autonomy within heterogeneous regional units, weak electoral mechanisms for ethnic political representation, and the lack of specific anti-racial discrimination measures.

**1) Equal collective rights for all *costeños*:** As noted earlier, Nicaragua is one of three Latin American cases where Afro-descendants and indigenous groups have gained exactly the same level of collective rights under its new multicultural citizenship regime. The Nicaraguan Constitution guarantees equal collective rights for the “communities of the Atlantic Coast,” while the Autonomy Law approved in 1986 establishes an autonomy regime for the Atlantic Coast,

within which “the members of the communities of the Atlantic Coast” are guaranteed “absolute equality of rights and responsibilities, regardless of population size and level of development.”<sup>33</sup> Meanwhile, the most recently approved law relating to collective rights on the Atlantic Coast, the Communal Property Law of 2002, uses the terms “indigenous peoples” and “ethnic communities” of the Atlantic Coast, both of whose equal rights to the ownership of their communal lands are guaranteed by the law.

In contrast to the Constitution and the Autonomy Law, the Communal Property Law (whose purpose is to regulate the demarcation and titling of communal lands) for the first time provides definitions of the terms *comunidad étnica*, *comunidad indígena*, and *pueblo indígena*. The former is defined as: “*el conjunto de familias de ascendencia afro-caribeña que comparten una misma conciencia étnica, por su cultura, valores y tradiciones vinculados a sus raíces culturales y formas de tenencia de la tierra y los recursos naturales,*” while the latter is defined as: “*el conjunto de familias de ascendencia amerindia establecido en un espacio territorial, que comparten sentimientos de identificación, vinculados al pasado aborigen de su pueblo indígena y que mantienen una identidad y valores propios de una cultura tradicional, así como formas de tenencia y uso communal de tierras y de una organización propia.*” Additionally, a *pueblo indígena* is defined by the law as: “*la colectividad humana que mantiene una continuidad histórica con las sociedades anteriores a la Colonia cuyas condiciones sociales, culturales y económicas les distingue de otros sectores de la sociedad nacional y que están regidos total o parcialmente por sus propias costumbres y tradiciones.*”<sup>34</sup> The recent Communal Property Law therefore establishes distinctions between Afro-descendant and indigenous groups absent in earlier statutes on *costeño* collective rights. However, it continues to grant the same rights to both groups, as did the Constitution and Autonomy Law.

This all-encompassing language, which guarantees the same level of rights to Afro-descendant and indigenous *costeños*, is also one of the greatest drawbacks of the institutional design of multiculturalism in Nicaragua, however. That is because in addition to guaranteeing the same collective rights to indigenous and Afro-descendant *costeños*, it extends the same collective rights to *mestizos* living in the region as well, despite the fact that they have not suffered the same disadvantages as the region’s original indigenous and Afro-descendant inhabitants, and that they constitute the majority group at the national level as well. With the important exception of participation in the regional political institutions of self-government, thus far *mestizos* appear uninterested in exercising most of the collective rights they are legally entitled to under the multicultural policies adopted in the 1980s. Yet their demo-

graphic majority in the region has important consequences on indigenous and Afro-descendant *costeños'* ability to exercise the political self-government rights they ostensibly gained in the 1980s.

**2) Territorial autonomy:** A second important feature of the institutional design of multiculturalism in Nicaragua is the granting of territorial autonomy to *costeños*. Nicaragua is the only country in Latin America where territorial autonomy has been granted at the regional level. Other Latin American countries have granted autonomy at the municipal (Colombia), sectional (Bolivia), or indigenous *comarca* level (Panama), while in Mexico and Bolivia the question of some form of indigenous territorial autonomy is currently being discussed. Autonomy regimes have generally not been a part of the model of multiculturalism adopted in Latin America, even though autonomy is a key demand of indigenous movements in the region, as it fulfills their desire for self-government. The creation of autonomy regimes is also highly contested, however, because it entails the loss of certain policy-making powers by national (and local non-indigenous) elites. Many countries in Latin America have pursued decentralization initiatives that devolve administrative and political power to the local level, and in some cases decentralization has resulted in greater indigenous political participation (the most notable example here being Bolivia). Autonomy and decentralization are not inter-changeable, however, as the former is primarily conceived as a means of enabling minority groups that are spatially concentrated to gain control over their local affairs.

In Nicaragua heterogeneous multi-racial and multi-ethnic regions were created within which all *costeños* enjoy collective rights. Instead of following the formula of national federalism, wherein a group gains exclusive control over a national homeland or territory, the Autonomy Law divides the Atlantic Coast into two administrative units called Autonomous Regions: the Northern Autonomous Region of the Atlantic Coast (RAAN) and the Southern Autonomous Region of the Atlantic Coast (RAAS). The composition of both autonomous regions is ethnically heterogeneous. Two indigenous groups (Miskitu and Mayangna), one Afro-descendant group (Creoles) and *mestizos* inhabit the north autonomous region, or RAAN. Meanwhile, three indigenous groups (Miskitu, Mayangna, and Rama), two Afro-descendant groups (Creoles and Garifuna) and *mestizos* inhabit the south autonomous region, or RAAS. Currently *mestizos* are estimated to constitute a demographic majority in both regions. In the RAAN, where they are concentrated, the Miskitu are the second largest group followed by the Mayangna. Creoles are the second largest group in the RAAS, followed by small numbers of Miskitu, Mayangna, Rama, and Garifuna.<sup>35</sup> The Autonomy Law mandates that

all ethno-racial groups that inhabit an autonomous region must be represented in its respective regional government.

As a result of the decision to create heterogeneous regions rather than spatially segregated units controlled by each group, *costeños* are forced to share in political self-government. This feature of the institutional design of multiculturalism in Nicaragua is one of its most controversial. Some scholars have suggested that an institutional structure that follows the model of national federalism (where different groups are assigned rights within separate national homelands) creates “states-in-the-making” and lacks incentives for cooperation between groups.<sup>36</sup> However, the creation of heterogeneous territorial units has also been criticized for not fulfilling indigenous and Afro-descendant *costeños*’ demands for exclusive control over the Atlantic Coast. Indeed, in the 1980s, Miskitu organizations sought “Indian self-government.” They articulated a vision of regional autonomy under Miskitu hegemony. This proposal faced serious resistance from both Creoles and the smaller indigenous groups who feared being overshadowed by the Miskitu.<sup>37</sup> The problem of how to reconcile indigenous and Afro-descendant *costeños*’ desire for self-government with the heterogeneous territorial units created by the Autonomy Law has been exacerbated by the continued influx of poor *mestizo* peasants displaced from the Pacific and Central regions of the country, which have dramatically changed the region’s demography by making *mestizos* the majority in both autonomous regions. Today one of the most pressing political problems on the Atlantic Coast is the greater representation of *mestizos* in the regional government.

**3) Ethnic/political representation:** Another important feature of the institutional design of multiculturalism in Nicaragua are the weak electoral mechanisms to ensure ethnic political representation. The Autonomy Law contains minimal provisions ensuring ethnic representation. It mandated the creation of a regional government for each autonomous region through which *costeños* would exercise self-government. Each regional government is composed of a legislative body, the Regional Council, and a Regional Coordinator or Governor elected from the ranks of the Council who is the region’s top executive as well as the representative of the central government in the region. The members of the Regional Council are elected in regional elections in which only inhabitants of the Atlantic Coast or their descendants are allowed to vote and run for office. Nicaraguans from other regions of the country can do so only if they fulfill certain residency requirements. Only a person born on the Atlantic Coast or the child of a person born in the region who has resided in the region for at least one year immediately prior to the elections in question can be elected to the Regional Councils. Nicaraguans from other regions of the country can be elected to the Regional Councils if they have

resided in an autonomous region for at least five consecutive years immediately prior to the relevant regional election. The requirements for voting in regional elections are somewhat looser: a person born on the Atlantic Coast, or the descendant of one, is eligible to vote if he or she has resided in one of the autonomous regions during the three months prior to the regional election in question. In order to be eligible to vote in a regional election Nicaraguans from other regions of the country must have resided in an autonomous region for a minimum of one year immediately prior to the relevant election.

The autonomy law, however, contains only weak guarantees of ethnic representation for Afro-descendant and indigenous *costeños*. Regional Council elections are contested in fifteen districts, each of which elects three representatives under a proportional representation system. In order to ensure that all ethnic groups in a given region are represented in the Regional Councils as established by the Autonomy Law, districts were created in which the first candidate of each party must be a member of one of each of the ethnic groups that inhabit a region. Thus, in the RAAS, out of a total of fifteen electoral districts, there is one district each in which the first candidate of every political party must be Miskitu, Creole, Mayangna, Garifuna, Rama, or *mestizo* respectively. This means that of the total forty-five Regional Council seats, only six are ethnically designated, and each ethnic group is assured a minimum of one seat. As a result, out of a total of 45 members of the RAAS Regional Council only five are guaranteed to be either Afro-descendant or indigenous *costeños*. The same is true in the RAAN, where one district each must have as its first candidate a Miskitu, Creole, Mayangna, or *mestizo*. Thus, out of a total of forty-five seats in the Regional Council only three seats are set aside for Afro-descendant and indigenous *costeños*.

There are a number of features of this system of ethnic political representation for *costeños* that critics have singled out as particularly problematic. The first is an unintended consequence of the Autonomy Law's guarantee that *costeños* have the right to define and chose their own ethnic identity. As a result, political candidates must declare their ethnic identity before a regional election in order to meet the requirements of the Electoral Law in the ethnically designated districts. A frequent complaint of Afro-descendant and indigenous *costeños*, however, is that national political parties exploit this provision by having candidates adopt different ethnic group identifications in order to maximize their chances of being elected or in order to present the appearance of having complied with the requirements of the law that they field candidates who are representative of the region's various ethnic/racial groups in the designated districts. A second criticism often leveled at the design of electoral political institutions in the autonomous regions is the continued weight given to national

parties in regional elections. While *costeños* are allowed to form regional parties under the law, the reality is that the barriers to doing so are so steep that in practice (with certain important exceptions that I discuss later) national political parties continue to dominate regional politics, although it must be noted that the ethnically designated districts have at least forced national political parties to put forward a slightly more diverse slate of candidates (but see the problem discussed above).

Another principal criticism of the system of political representation in the autonomous regions is the restriction of ethnic representation to one designated seat in the Regional Council per group, which hinders the ability of indigenous and Afro-descendant *costeños* to exercise political power in the autonomous regions. The result has been *mestizo* preponderance in both Regional Councils. While *mestizo* predominance in the Regional Councils is probably in line with their growing demographic strength as a result of their increasing rates of migration to the region from other regions of the country, it directly contradicts the goal of regional autonomy, which was to ensure Afro-descendant and indigenous *costeños* self-government on the Atlantic Coast. These problems with ethnic political representation have raised the question of whether Nicaragua's model of multiculturalism should also include, in addition to existing collective rights, specific rights for Afro-descendant and indigenous groups designed to compensate for historical injustices and past discrimination.

**4) Lack of anti-racial discrimination measures:** A final feature of the institutional design of multiculturalism in Nicaragua is the fact that it has *not* adopted separate collective rights designed to combat past racial discrimination against Afro-descendants or indigenous groups, or any other policies specifically targeted at Afro-descendant or indigenous *costeños*. Instead the guarantee of equal collective rights for all groups living in the region has been extended to *mestizos* as well; this despite the fact that they are the majority group at both the national level and now within the region as well, and that they have not suffered from past discrimination and political exclusion as have Afro-descendant and indigenous *costeños*. Given the region's new demographic realities, the consequence of this lack of special anti-racial discrimination rights, according to the United Nations Development Program's Human Development Report for the Atlantic Coast issued in 2005, has been "the erosion of the fundamental principles of the Autonomy Statute." The UNDP Report therefore suggests that for multiculturalism in Nicaragua to achieve its aim of promoting equality between historically disadvantaged groups and dominant *mestizos*, it will need to include "affirmative action policies (*una política de acciones afirmativas*)" to ensure the rights of Afro-descendant and indigenous *costeños*.<sup>38</sup>

In sum, equal collective rights for all *costeños*, territorial autonomy within heterogeneous regional units, minimal ethnic political representation, and the lack of specific rights designed to overcome historic discrimination targeted at Afro-descendant and indigenous groups are the most salient features of the institutional design of multiculturalism in Nicaragua. In the following section I discuss the effects of these policies on relations between different *costeño* groups, namely whether these different institutional features have in fact functioned as conflict reduction mechanisms or have instead exacerbated it.

#### IV. MULTICULTURALISM AND *COSTEÑOS'* COLLECTIVE IDENTITIES AND POLITICAL ATTITUDES

As noted earlier, Horowitz identified five common mechanisms of conflict reduction. He claimed that conflict between groups could be reduced: 1) by dispersing it (i.e. proliferating the points of power so as to take the heat of a single focal point), 2) by emphasizing intra-ethnic conflict instead, 3) by creating incentives for interethnic cooperation, 4) by policies that encourage alignments based on interests other than ethnicity, and 5) by reducing disparities between groups so that disaffection declines. In order to assess the impact of the multicultural policies adopted in Nicaragua on relations between Afro-descendant and indigenous *costeños* and between them and *mestizos*, it is thus necessary to consider how the four key features of the institutional design of collective rights in Nicaragua have functioned with respect to each of these five conflict-reducing mechanisms. These features are: equal collective rights for all *costeños*, territorial autonomy within heterogeneous regional units, minimal ethnic political representation, and the lack of specific rights designed to overcome historic discrimination targeted at Afro-descendant and indigenous groups.

I suggest that in Nicaragua each of the different elements of multiculturalism has had a different impact. Certain features do appear to have given rise to some of the conflict reduction mechanisms identified by Horowitz, while others have had contradictory effects, and yet others seem to have had precisely the opposite effect. Of the five mechanisms Horowitz claims can lead to a reduction in ethnic conflict, the four features of the institutional design of multiculturalism in Nicaragua appear to have only produced significant effects with respect to three of them. I find that the first mechanism, the dispersal of conflict, seems to be of little relevance in the Nicaraguan case. Likewise, there is no evidence that Nicaragua's multicultural policies have fostered greater conflict within groups. I therefore focus on the last three conflict-reducing mechanisms identified by Horowitz in the study, and present evidence to show how the kinds of collective

rights adopted in Nicaragua appear to have influenced relations between Afro-descendant and indigenous *costeños* on the one hand, and between these two groups and *mestizos* who also inhabit the region on the other hand. Assessing changes in the collective identities and political attitudes of groups is obviously difficult; I therefore draw on a combination of quantitative and qualitative data to support my claims.

The first key feature of the institutional design of multiculturalism in Nicaragua, equal collective rights for all *costeños*, has had contradictory effects with respect to the reduction or exacerbation of conflict between groups. On the one hand, by not creating asymmetries in collective rights between Afro-descendant and indigenous *costeños*, this element of Nicaraguan multiculturalism has defused a potential source of conflict. On the other hand, however, by granting *mestizos* the same rights as Afro-descendant and indigenous *costeños*, this policy has not reduced historical disparities between Afro-descendant and indigenous *costeños* and *mestizos*, who are the dominant group at the national level. As a result, this element of Nicaraguan multiculturalism seems instead to have led to the reproduction at the regional level of imbalances in political power at the national level between Afro-descendant and indigenous *costeños* and *mestizos*. The second key feature of the institutional design of multiculturalism in Nicaragua, the creation of heterogeneous regions for the exercise of autonomy rather than national homelands for each group has also created incentives for cooperation between Afro-descendant and indigenous *costeños* that previously did not exist. In contrast, the final two features, the lack of adequate ethnic political representation and of specific rights for Afro-descendant and indigenous *costeños* to redress historic discrimination, have not reduced disparities between Afro-descendant and indigenous *costeños* and *mestizos*. By making possible the continuation of imbalances in political power between afro-descendant and indigenous *costeños* and *mestizos* at the regional level these measures have not reduced disaffection among Afro-descendant and indigenous *costeños*. Finally, the evidence suggests that taken together Nicaragua's multicultural institutions have not discouraged alignments based on ethnic group identity.

*Conflict Reduction Mechanism # 3: the creation of incentives for inter-ethnic cooperation.* In Nicaragua the creation of heterogeneous regions in which they were forced to share in self-government appears to have created significant incentives for cooperation between indigenous and Afro-descendant *costeños*. The clearest evidence of this comes from the changing political trajectories of Afro-descendant and indigenous ethnic organizations/political parties in the region, specifically the creation of unprecedented electoral alliances between Afro-descendant and indigenous political parties/organizations. The electoral

success of the 2006 alliance between YATAMA and Coast Power is a case in point. YATAMA (Yapti Tasba Masraka Nani, or Descendants of Mother Earth in Miskitu) has been the most successful regional party in regional elections since 1990, and it is an almost exclusively Miskitu party in its leadership, membership, and voting base. It has thus traditionally been very strong electorally in the RAAN, where most Miskitus live, and weak in the RAAS, where most Creoles live. Meanwhile, Coast Power or The Coast People Political Movement, was founded quite recently in 2005 by prominent Creole political leaders. While publicly its stated goals are the promotion of “*Costeñismo*” (a concept it defines rather vaguely but which seems not to contradict the official rhetoric of multiethnic autonomy), it is widely perceived as a Creole political movement that emphasizes a strong “black” racial group identity among Creoles.

The alliance between Coast Power and YATAMA thus brings together two organizations that are respectively committed to achieving greater political power for Afro-descendants and indigenous groups. In order to understand the unprecedented nature of this electoral alliance it is necessary to keep in mind that as the two dominant groups on the Atlantic Coast prior to the region’s forcible incorporation into Nicaragua, Creoles and Miskitus have traditionally seen each other as rivals for political power. The relationship between indigenous and Afro-descendant *costeños* is thus quite complicated; tensions between the two groups can be traced back to the colonial period, when Creoles were the dominant political and social force in the region. For the Miskitu and other indigenous groups the new regional autonomy regime established in the 1980s thus represented a long awaited opportunity to exercise political power in the region. In the 1980s, for example, YATAMA was committed to regional autonomy under Miskitu hegemony; meanwhile the success of YATAMA since the implementation of regional autonomy has led many Creoles to fear growing Miskitu political power even as they seek to emulate it.

On the face of it the YATAMA/Coast Power alliance is thus an unusual coalition indeed, but one that led to unprecedented results in the 2006 regional elections in the RAAS. Coast Power, which has not yet been formally recognized as a political party, used the YATAMA slot to field its candidates in the elections. 40% of YATAMA/Coast Power candidates to the RAAS Regional Council were Creole, the largest percentage ever put forward by a regional or national political party. As a result the YATAMA/Coast Power alliance proved quite successful in the 2006 elections in the three districts in the RAAS with significant Creole presence, including the designated Creole district (the district where the first candidate on all party lists must be Creole), district 9. Table 2 shows the electoral results.

As a Creole voter from District 1 interviewed after the election reported: “[it was the] first time. [The] first time in my life I ever vote[d] for YATAMA. And they won in our [predominantly Creole] neighborhood. They beat the FSLN and the PLC.”

TABLE 2. Percentage of the Vote by Political Party in 2006 RAAS Regional Council Elections

	PLC	FSLN	YATAMA/COAST POWER	ALN	APRE	MRS	CCN
<b>District 1</b>	18%	17%	45%	13%	3%	2%	1%
<b>District 8</b>	20%	17%	45%	9%	-	7%	1%
<b>District 9</b>	13%	17%	26%	17%	-	3%	5%

It is of course important to note that such instances of cooperation between Afro-descendant and indigenous *costeños* might well be the result of strategic calculations about the kinds of electoral alliances that are necessary to counter growing *mestizo* demographic (and hence political) power in the region. While such strategic objectives are no doubt at work, public opinion survey data measuring Creole and Miskitu attitudes toward each other shows that the electoral results of the YATAMA/Coast Power alliance are not a fluke. Table 3, for example, shows that while there is still significant distrust of Creoles among Miskitus, a majority of the respondents believe that they can trust Creoles as much as they can other Miskitus.<sup>40</sup> Miskitu respondents also overwhelmingly agreed that alliances between Miskitus and Creoles could benefit both groups, as seen in Table 4. Similarly, an overwhelming majority of Creole respondents believe that Creoles should enter into alliances with other ethnic groups who are fighting for the rights of all *costeños*, as shown in Table 5. Overall, Nicaragua’s multicultural institutions, particularly the creation of heterogeneous regions for territorial autonomy, thus appear to have created significant incentives for cooperation between afro-descendant and indigenous *costeños*.

*Conflict Reduction Mechanism # 4: the creation of alignments based on interests other than ethnicity.* With respect to this conflict-reducing mechanism identified by Horowitz, overall Nicaragua’s multicultural institutions appear not to have discouraged alignments based on ethnic group identity. That is, the adoption of collective rights, even when all groups are granted the same rights within heterogeneous regions, does not appear to diminish the salience of ethnic group

identification. In fact it is quite the opposite. The adoption of multicultural policies appears to have made ethnic group identity more salient, particularly Afro-descendant and indigenous *costeños*. Given that collective rights were first granted in 1987 in Nicaragua it is possible to track changes in levels of ethnic group identification over time. As Table 6 shows, between 1997 and 2001 there was a slight increase in the number of *costeños* who identified more with a regional than a national identity, but there has not been dramatic change. In the 1997 and 2001 public opinion surveys the data on regional vs. national identification among *costeños* was not disaggregated by ethnic group, however. When the data for the 2004 survey is disaggregated by ethnic group we find that there are significantly higher levels of ethnic group identification and of ethnic voting among indigenous and Afro-descendant *costeños* than among *mestizos*, as shown in Tables 7, 8, and 9.

These variations in degrees of identification with an ethnic group identity among Creoles, Miskitus, and *mestizos* are not necessarily surprising. *Mestizos*, because they are the national majority, would be the least likely to think about their ethnic group identity as separate or distinct from the national identity. Meanwhile there are also interesting differences between the Afro-descendant and indigenous

TABLE 3. Miskitus can trust Creoles today as much they trust other Miskitus:

<b>Strongly Agree/ Agree</b>	<b>51%</b>
<b>Not Sure</b>	<b>9%</b>
<b>Strongly Disagree/ Disagree</b>	<b>37%</b>

TABLE 4. Alliances between Miskitus and Creoles can benefit both groups:

<b>Strongly Agree/ Agree</b>	<b>72%</b>
<b>Not Sure</b>	<b>5%</b>
<b>Strongly Disagree/ Disagree</b>	<b>19%</b>

TABLE 5. Creoles should unite forces with other ethnic groups that support the rights of all *costeños*:

<b>Strongly Agree/ Agree</b>	<b>84%</b>
<b>Not Sure</b>	<b>9%</b>
<b>Strongly Disagree/ Disagree</b>	<b>7%</b>

TABLE 6. Level of Regional vs. National Identification<sup>40</sup>

	1997	2001
<b>More Mestizo/Miskitu/Mayangna/Garifuna/ Rama/ Creole</b>	33%	38%
<b>Equally Mestizo/Miskitu/Mayangna/Garifuna/ Rama/ Creole and Nicaraguan</b>	40%	39%
<b>More Nicaraguan</b>	17%	20%

TABLE 7. Level of Identification with Ethnic Group vs. Nationality (2004)

	Mestizos	Miskitus	Creoles
<b>More Mestizo/Miskitu/Creole</b>	11%	50%	28%
<b>Equally Mestizo/Miskitu/Creole and Nicaraguan</b>	46%	22%	70%
<b>More Nicaraguan</b>	38%	22%	2%

TABLE 8. How often have you voted for a candidate from your own ethnic group?

	Mestizos	Miskitus	Creoles
<b>Always/Often</b>	41%	71%	52%
<b>Occasionally</b>	14%	3%	15%
<b>Never/Rarely</b>	42%	23%	32%

TABLE 9. How often have you voted for a regional party in regional elections?

	Mestizos	Miskitus	Creoles
<b>Always/Often</b>	35%	76%	58%
<b>Occasionally</b>	8%	1%	9%
<b>Never/Rarely</b>	52%	23%	33%

groups surveyed. While both Miskitus and Creoles are far less likely than *mestizos* to feel more identified to Nicaraguan national identity, Miskitus are more likely to identify primarily with their ethnic group identity while most Creoles appear to identify equally with their ethnic group and with Nicaraguan national identity. These differences in levels of ethnic group identification are borne out by the data on ethnic voting, which shows that Creoles and Miskitus are far more likely than *mestizos* to vote for politicians from their own ethnic group and to vote for regional parties in regional elections. Since regional parties have emerged to represent the interests of Afro-descendant and indigenous *costeños*, which are not a high priority for the national parties dominated by *mestizos*, it is not surprising that most *mestizos* vote for national parties while most Miskitus and Creoles vote for regional parties. The only slightly surprising finding is that a significant number of *mestizos* report voting for candidates from other ethnic groups, although this is likely an effect of the creation of the ethnically designated districts in which the first candidate from every party must be a member of each of the different ethnic groups that inhabit a region. Voting along ideological party lines across the board would thus force *mestizos* to vote for non-*mestizo* candidates. In general, therefore, multicultural policies in Nicaragua have not led to a reduction in the salience of ethnic group identity, particularly in the case of indigenous and Afro-descendant *costeños*.

*Conflict Reduction Mechanism # 5: the reduction of disparities between groups.* With respect to Horowitz's fifth conflict-reduction mechanism, the reduction of disparities between groups, key features of the institutional design of multiculturalism in Nicaragua, namely equal rights for all *costeños*, minimal ethnic political representation, and the lack of specific anti-discrimination rights targeted at Afro-descendant and indigenous *costeños*, have had contradictory effects. On the one hand, granting equal rights to Afro-descendant and indigenous *costeños* has not created asymmetries in rights between these two groups and has therefore avoided a potential source of conflict. On the other hand, however, granting *mestizos* the same rights as Afro-descendant and indigenous *costeños*, coupled with minimal ethnic political representation and the lack of specific anti-discrimination rights targeted at the latter two, has not reduced political disparities between afro-descendant and indigenous *costeños* and *mestizos*, who are the dominant group at the national level.<sup>41</sup> This dynamic is especially evident with regards to political representation at the regional level, as the preponderance of *mestizos* within both Regional Councils has led—from the perspective of Afro-descendant and indigenous *costeños*—to the dilution of self-government and other collective rights. Table 10 shows the ethnic composition of the Regional Councils since their inception.

TABLE 10. Regional Council Members by Ethnic Group, 1990–2006.

RAAS	RAAN
50% mestizo	45% mestizo
26% Creole	45% Miskitu

Given the growing rate of *mestizo* migration to the Atlantic Coast, it may well be that these proportions actually reflect the current demographic composition of the two Autonomous Regions. The problem, however, is that for Afro-descendant and indigenous *costeños* the purpose of regional autonomy and other collective rights was to finally put them on a footing of equality with *mestizos*, who are the majority at the national level. When the political institutions of the regional governments are dominated by *mestizos*, not only is the idea of *costeño* self-government undermined, it also becomes more difficult for regional political institutions to serve the interests of Afro-descendant and indigenous *costeños*, as many *mestizos* (particularly recent migrants to the region) do not share their aspirations or historical grievances. While it could thus be argued that the lack of adequate ethnic political representation has served as an incentive for cooperation between Afro-descendant and indigenous *costeños* and *mestizos*, the numerical advantage of *mestizos* is such that the incentives it creates are rather lopsided. That is, Afro-descendant and indigenous *costeños* must work with *mestizos* in order to govern both autonomous regions and defend the collective rights they have gained since the 1980s, but *mestizos* have much less incentive to do so, as they tend to be less committed to self-government and are uninterested in exercising other collective rights, such as the right to bilingual education, the titling of communal lands, etc. The public opinion survey results in Table 11 reflect the complexity of the situation.

While most Creoles and Miskitus both strongly support the idea that Afro-descendant and indigenous *costeños* should dominate politics on the Atlantic Coast, *mestizos* are much more hesitant to make the same claim for their own group. This finding could be interpreted as *mestizo* support for the idea that Afro-descendant and indigenous *costeños* should dominate politics on the Atlantic Coast. In all likelihood, however, it reflects *mestizo* opposition to this idea instead. That is, by not endorsing the idea that *mestizos* should dominate politics in regions where they are the majority, *mestizos* are in fact expressing their opposition to the claim that Afro-descendant and indigenous *costeños* should dominate politics on the Atlantic Coast where they have until recently been the majority of the population.

The perceived lack of reduction in disparities with regards to political rep-

TABLE 11. Mestizos/Miskitus/Creoles should dominate politics in regions where they are the majority:

	Mestizos	Miskitus	Creoles
<b>Strongly Agree/ Agree</b>	<b>18%</b>	<b>75%</b>	<b>55%</b>
<b>Not Sure</b>	<b>3%</b>	<b>4%</b>	<b>20%</b>
<b>Strongly Disagree/ Disagree</b>	<b>72%</b>	<b>13%</b>	<b>24%</b>

representation between Afro-descendant and indigenous *costeños* and *mestizos* since the adoption of multicultural policies in Nicaragua has become one of the most controversial aspects of the institutional design of multiculturalism. It has generated strong opposition from Afro-descendant and indigenous *costeños*. As the survey results in Tables 12 and 13 demonstrate, there is in fact significant disagreement between Afro-descendant and indigenous *costeños* and *mestizos* on this point. When asked whether racism is a problem in their society, for example, overwhelming majorities of Creoles, Miskitus, and *mestizos* agreed that it was. When asked against whom it was directed, however, extreme disagreement emerged between Afro-descendant and indigenous *costeños* and *mestizos*. Creoles and Miskitus overwhelmingly believed that black and indigenous *costeños* face discrimination in access to education, employment, and political representation, while the vast majority of *mestizos* claimed that this was not the case.

TABLE 12. There is racism in this society:

	Mestizos	Miskitus	Creoles
<b>Strongly Agree/ Agree</b>	<b>85%</b>	<b>81%</b>	<b>79%</b>
<b>Not Sure</b>	<b>2%</b>	<b>5%</b>	<b>16%</b>
<b>Strongly Disagree/ Disagree</b>	<b>10%</b>	<b>13%</b>	<b>4%</b>

TABLE 13. Blacks/Indians face discrimination in access to jobs, education and political positions:

	Mestizos	Miskitus	Creoles
<b>Strongly Agree/ Agree</b>	<b>25%</b>	<b>81%</b>	<b>80%</b>
<b>Not Sure</b>	<b>8%</b>	<b>5%</b>	<b>9%</b>
<b>Strongly Disagree/ Disagree</b>	<b>66%</b>	<b>13%</b>	<b>10%</b>

It may thus be the case that Afro-descendant and indigenous *costeños* have gained greater political representation since the adoption of multicultural policies, but because they do not believe that disparities between them and *mestizos* have been reduced, disaffection on this score has not declined. Of all the effects of the institutional design of multiculturalism in Nicaragua this issue—the balance of political power between Afro-descendant and indigenous *costeños* and *mestizos* on the Atlantic Coast—thus seems to be the one most poised to lead to greater conflict between the different groups that inhabit the Atlantic Coast.<sup>42</sup>

The multicultural policies adopted in Nicaragua have thus had significant, and in some cases unexpected, effects on the collective identities and political attitudes of the indigenous, Afro-descendant and *mestizo* inhabitants of the country's Atlantic Coast. The institutional design of multiculturalism has profoundly influenced the political attitudes and collective identities of *costeños* since the adoption of multicultural policies in 1987. The aim of this section of the essay was to assess the impact of Nicaragua's multicultural institutions on the collective identities and political attitudes of the Afro-descendant, indigenous and *mestizo* inhabitants of the country's Atlantic Coast, particularly whether they had fostered conflict or cooperation between these groups. First, it is quite clear that multicultural policies have not lessened the salience of ethnic group identity, if anything they appear to have accentuated it. The evidence also suggests that granting the same rights to both Afro-descendant and indigenous *costeños* within heterogeneous, multi-ethnic, multi-racial Autonomous Regions

in Nicaragua has been essential to fostering cooperation rather than conflict between these two groups. At the same time, however, granting the same rights to *mestizos* (who are the majority group at the national and now the regional level) in the absence of specific policies designed to redress the disparities between them and historically disadvantaged Afro-descendant and indigenous *costeños* has not led to a decline in disaffection among the latter, and may have instead exacerbated it. The Nicaraguan experience thus sounds a cautionary note for other Latin American countries about the critical importance of the institutional design of multiculturalism.

## V. CONCLUSION: IMPLICATIONS FOR OTHER CASES

In its most recent forecast of global trends in the next 15 years, *Mapping the Global Future: Report of the National Intelligence Council's 2020 Project*, the National Intelligence Council of the United States identified the need to respond to the demands of indigenous movements for greater political inclusion and more equitable distribution of resources as one of the most significant challenges facing Latin American states in coming decades. Indeed, a cursory survey of the social and political landscape throughout the region reveals that questions of governance in the context of diversity, of how to shape democracy to meet the challenge of multiculturalism, are and will continue to become more, not less, salient in Latin America in the near future. Latin American states, as noted at the outset of this study, have begun to address these challenges in the past two decades by adopting a variety of multicultural policies that enshrined collective rights for historically disadvantaged indigenous and Afro-descendant groups. In what follows I thus briefly consider some of the implications of the findings in the Nicaraguan case for other Latin American countries facing similar challenges with regards to multiculturalism.

While there are a number of different challenges facing Latin American states where multiculturalism is concerned, I will focus on two dilemmas present in a number of different cases in the region to which lessons from Nicaragua about the impact of the institutional design of multiculturalism might be most applicable. They are: how to manage relations between Afro-descendant and indigenous groups so as not to promote conflict between them (this is a serious challenge in countries such as Honduras, Colombia, and Brazil, where strong and visible Afro-descendant and indigenous movements are both present and claiming collective rights), and how to balance the demands for collective rights of Afro-descendant and indigenous groups with the interests of third parties such as *mestizos* in regions where they both live (this is a key issue in countries

such as Bolivia and Mexico, which are confronting the question of how to implement indigenous autonomy or self-government).

There are (at least) three principal lessons about the potential effects of the institutional design of multiculturalism on these challenges suggested by the findings in the Nicaraguan case. The first lesson is that granting the same levels of rights to Afro-descendant and indigenous groups in countries where they are both present and demanding collective rights seems to avoid potential asymmetries in rights between the two groups that could lead to greater inter-ethnic conflict. While Afro-descendant and indigenous movements have worked together to gain collective rights in many countries in the region, divisions have also emerged between Afro-descendant and indigenous movements precisely over perceived disparities in access to collective rights between the two groups. In Honduras, for example, the Garifuna (who identify as both Afro-descendant and indigenous) have at times allied themselves with other indigenous groups and umbrella organizations to struggle for collective rights, but serious conflicts have also developed between Afro-descendant and indigenous groups.<sup>43</sup> In such contexts it is especially important that states do not foster or reinforce arbitrary divisions between Afro-descendant and indigenous groups occupying similar socio-historical positions by granting one group more collective rights than another.

A second important lesson for other Latin American countries regarding the institutional design of multiculturalism derived from the Nicaraguan case is that the creation of heterogeneous regions—within which either Afro-descendant and indigenous groups, or multiple indigenous groups, must co-exist—seems to be a workable model for the exercise of self-government or autonomy when groups are geographically intermingled. The issue of the institutional design of indigenous autonomy is an important question for many Latin American states, as some measure of autonomy or self-government continues to be a central demand of many Latin American indigenous movements. The most important case in this regard is probably Mexico, where indigenous autonomy continues to be a pressing problem, especially following the Zapatista uprising in Chiapas, but where the debate about how to construct indigenous self-government has not yet been resolved.<sup>44</sup> In cases such as these, where there are multiple indigenous groups present and where they are geographically dispersed, the model of heterogeneous regional autonomy might thus provide a more workable solution than the creation of separate national homelands for each group.

A third lesson about the potential impact of the institutional design of multiculturalism derived from the Nicaraguan case, however, is that granting *mestizos* the same collective rights as historically disadvantaged Afro-

descendant and indigenous groups can lead to serious problems. Creating heterogeneous regions for territorial autonomy that include *mestizos* without special rights to redress (past and present) racial discrimination and without strong guarantees of ethnic political representation for historically excluded Afro-descendant and indigenous groups will only lead to the reproduction at the regional level of the historic political marginalization of these groups. As a result such arrangements will likely not reduce imbalances in political power between Afro-descendant and indigenous groups and dominant *mestizos*, and will therefore fail to meet the demands of the former for greater political representation. They are thus more likely to lead to an exacerbation rather than a reduction in the dissatisfaction of Afro-descendant and indigenous groups. The question of how to balance the demands for collective rights of Afro-descendant and indigenous groups with the interests of third parties such as *mestizos* in regions where they both live is a crucial problem in Bolivia, where the state is currently considering constitutional reforms to address demands for various forms of regional and indigenous autonomy in both indigenous and *mestizo*-majority areas.<sup>45</sup> The issue of how to meet the demands of Afro-descendant and indigenous groups for collective rights without also alienating *mestizos* is thus a key challenge of multiculturalism in Bolivia and elsewhere in Latin America. In such cases the experience of Nicaragua suggests that institutional designs of autonomy that grant *mestizos* the same collective rights as historically excluded Afro-descendant and indigenous groups without robust guarantees of ethnic political representation or specific rights designed to redress racial discrimination will ultimately fail to meet the goals multiculturalism (i.e. to reduce disaffection among historically excluded groups and enhance governance).

In addition to these rather more specific lessons about the institutional design of multiculturalism, the Nicaraguan case also suggests some more general conclusions that have important implications for the salience of ethnic and racial politics to the study and practice of democracy in Latin America today. The first is that the adoption of multicultural policies does not diminish the salience of ethnic/racial group identity; in fact it seems to create greater incentives for strong ethnic/racial group identification. The second is that granting collective rights to indigenous and Afro-descendant groups in Latin America does not appear to have fostered separatism as critics of multiculturalism feared it would. If anything multicultural policies seem to enhance, not diminish, allegiance to the national state. Taken together the findings in the Nicaraguan case thus suggest that, at the very least, the issue of multicultural politics, with its attendant implications for governance, is not going to fade away. In fact, it

seems likely that stronger, more visible indigenous and Afro-descendant movements will emerge throughout the region, in turn forcing Latin American states to continue to contend with their demands and to tinker with the design of multiculturalism. As these movements become stronger and more vocal, and the variety of models of multiculturalism adopted by countries throughout the region continues to proliferate, understanding the impact of different kinds of institutional designs of multiculturalism will become ever more important to the study of democracy in the region.

## NOTES

1. See Donna Lee Van Cott, "Latin America: Constitutional Reform and Ethnic Right," *Parliamentary Affairs*, Vol. 53, No. 1 (2000).
2. A notable exception is Peter Wade, *Race and Ethnicity in Latin America* (London: Pluto Press, 1997).
3. The inhabitants of the country's Atlantic Coast where multicultural policies were implemented are known as *costeños*.
4. See Martín Hopenhayn and Alvaro Bello, *Discriminación Étnico Racial y Xenofobia en América Latina y el Caribe* (Santiago, Chile: División de Desarrollo Social de la Comisión Económica de las Naciones Unidas para América Latina (CEPAL/ECLAC), 2001).
5. See, for example, David G. Becker, "Latin America: Beyond 'Democratic Consolidation,'" *Journal of Democracy*, Vol. 10, No. 2 (1999); Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy*, Vol. 13, No. 1 (2002); Guillermo O'Donnell, "Illusions About Consolidation," *Journal of Democracy*, Vol. 7, No. 2 (April 1996).
6. See Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: Johns Hopkins University Press, 1996), p. 4.
7. There is an abundant literature on questions of institutional design in Latin America. See for instance, Juan J. Linz, "The Perils of Presidentialism," *Journal of Democracy*, Vol. 1 (Winter 1990), Scott Mainwaring and Matthew Soberg, eds., *Presidentialism and Democracy in Latin America* (Cambridge, UK: Cambridge University Press, 1997).
8. See Jonathan Fox, "The Difficult Transition from Clientelism to Citizenship: Lessons from Mexico," *World Politics*, Vol. 46, No. 2 (January 1994); Guillermo O'Donnell, "On the State, Democratization and Some Conceptual Problems: A Latin American View with Glances at Some Post-communist Countries," *World Development*, Vol. 21, No. 8 (1993), p. 1367. Political cultures that favor clientelism and authoritarianism, for instance, militate against even the correct *type* of institutions. The problem with the preference for presidentialism in Latin America would thus also need to be analyzed in terms of political cultures with a preference for strong, autocratic rulers, which might help explain why electorates in the region continue to freely elect presidents with clear authoritarian tendencies.
9. Guillermo O'Donnell, "Democracy, Law, and Comparative Politics," *Studies in Comparative International Development*, Vol. 36, No. 1 (2001).
10. According to T. H. Marshall's influential typology of citizenship rights, states initially grant civil rights (freedom of opinion and association and secure property rights), then political rights (the right to vote), and finally social rights (the right to a minimum standard of living). Marshall developed his progressive typology based on Britain's experience. However, as a number of scholars have pointed out, Latin America has followed a very different trajectory in the development of citizenship rights. According to Deborah Yashar, for instance, new

- democracies in Latin America have expanded political rights while in all instances restricting social rights. See Deborah Yashar, "Democracy, Indigenous Movements, and the Postliberal Challenge in Latin America," *World Politics*, Vol. 52, No. 1 (1999), p. 78.
11. Guillermo O'Donnell, "On the State, Democratization and Some Conceptual Problems: A Latin American View with Glances at Some Postcommunist Countries," *World Development*, Vol. 21, No. 8 (1993), p. 28.
  12. Linz and Stepan, for example, explicitly claim that the original work on democratic transitions did not pay much attention to the question of how to manage national/ethnic/racial diversity because most of these studies focused on regions of the world where these were not salient questions, such as Latin America. In their view a "stateness problem" exists when there are "profound differences about the territorial boundaries of the political community's state and profound differences as to who has the right of citizenship in that state..." Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: Johns Hopkins University Press, 1996), p. 16.
  13. See for example, Alison Brysk and Carol Wise, "Liberalization and Ethnic Conflict in Latin America," *Studies in Comparative International Development*, Vol. 32, No. 2 (1997); Donna Lee Van Cott, "Explaining Ethnic Autonomy Regimes in Latin America," *Studies in Comparative International Development*, Vol. 35, No. 4 (2001); Donna Lee Van Cott, *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America* (Pittsburgh, PA: University of Pittsburgh Press, 2000); Deborah Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge, UK: Cambridge University Press, 2005); Deborah Yashar, "Democracy, Indigenous Movements, and the Postliberal Challenge in Latin America," *World Politics*, Vol. 52, No. 1 (1999).
  14. Some of the most notable works include: Michael Hanchard, *Orpheus and Power: The Movimento Negro of Rio de Janeiro and São Paulo, Brazil, 1945-1988* (Princeton, NJ: Princeton University Press, 1994) Anthony W. Marx, *Making Race and Nation: A Comparison of South Africa, the United States, and Brazil* (Cambridge, UK: Cambridge University Press, 1998); Melissa Nobles, *Shades of Citizenship: Race and the Census in Modern Politics* (Stanford, CA: Stanford University Press, 2000); Thomas Skidmore, *Black into White: Race and Nationality in Brazilian Thought*, 2nd ed. (Durham, NC: Duke University Press, 1993); Peter Wade, *Blackness and Race Mixture: The Dynamics of Racial Identity in Colombia* (Baltimore, MD: Johns Hopkins University Press, 1993); Winthrop Wright, *Café Con Leche: Race, Class, and National Image in Venezuela* (Austin, TX: University of Texas Press, 1990).
  15. See for example, Charles R. Hale, "Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala," *Journal of Latin American Studies*, Vol. 34, No. 3 (2002); Charles R. Hale, "Rethinking Indigenous Politics in the Era of The 'Indio Permitido,' *NACLA Report on the Americas*, Vol. 38, No. 2 (September-October 2004).
  16. See Raúl Madrid, "Ethnic Cleavages and Electoral Volatility in Latin America," *Comparative Politics*, Vol. 38, No. 1 (2005); Raúl Madrid, "Indigenous Parties and Democracy in Latin America," *Latin American Politics & Society*, Vol. 47, No. 4 (2005); Raúl Madrid, "Indigenous Voters and Party System Fragmentation in Latin America," *Electoral Studies*, Vol. 24, No. 4 (2005); Donna Lee Van Cott, *From Movements to Parties in Latin America: The Evolution of Ethnic Politics* (Cambridge, UK: Cambridge University Press, 2005); Donna Lee Van Cott, "Institutional Change and Ethnic Parties in South America," *Latin American Politics & Society*, Vol. 45, No. 2 (2003).
  17. Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: Johns Hopkins University Press, 1996), p. 33-34.
  18. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, UK: Oxford University Press, 1995).
  19. See for example, Anthony Appiah and Amy Gutmann, *Color Conscious: The Political Morality*

- of Race* (Princeton, NJ: Princeton University Press, 1996).
20. One explanation for the implementation of multicultural policies during this period in Latin America is that neo-liberal reforms, especially economic adjustment policies, challenged indigenous local autonomy and livelihoods and this led to increased ethnic mobilization, which in turn forced states to agree to indigenous demands. Another explanation is that national elites adopted multicultural policies as a means of enhancing the domestic legitimacy of the state at a time when governments in the region found it increasingly difficult to meet the material demands of their citizens. I set aside the question of why Latin American states decided to implement multicultural citizenship policies during these decades, as that is not my concern in this essay. On these questions see: Alison Brysk and Carol Wise, "Liberalization and Ethnic Conflict in Latin America," *Studies in Comparative International Development*, Vol. 32, No. 2 (1997), pp. 76-105; Donna Lee Van Cott, *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America* (Pittsburgh, PA: University of Pittsburgh Press, 2000); Deborah Yashar, *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge* (Cambridge, UK: Cambridge University Press, 2005).
  21. Neither afro-descendant nor indigenous groups can be categorized as immigrant ethnic groups, as indigenous people are the region's original inhabitants, and most people of African descent arrived as slaves against their will during the colonial period prior to the creation of national states.
  22. For a discussion of the causes of this disparity see: Juliet Hooker, "Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship in Latin America," *Journal of Latin American Studies*, Vol. 37, No. 2 (2005).
  23. In Brazil, for example, affirmative action measures for public offices and higher education were recently introduced, in addition to existing legislation protecting the communal land rights of indigenous groups and Afro-descendant *quilombo* communities. See Mala Htun, "From 'Racial Democracy' to Affirmative Action: Changing State Policy on Race in Brazil," *Latin American Research Review*, Vol. 39, No. 1 (2004).
  24. The reasons for this divergence are complex, but the differences between urban and rural minority groups are suggestive in this regard. In general urban minority groups in Latin America tend to focus more on conventional anti-racial discrimination measures, while rural populations emphasize the need for collective rights to land and culture. Thus the demands of rural Afro-descendants tend to more closely mirror those of indigenous groups than those of urban Afro-descendants, which is also why the struggles of urban and rural Afro-descendants often take place fairly disconnected from each other in some countries.
  25. See Peter Wade, *Race and Ethnicity in Latin America* (London: Pluto Press, 1997).
  26. Indigenous movements thus also struggle against racial discrimination. While rural indigenous groups perceive racism against them as primarily taking the form of the denial of cultural rights, indigenous people in urban settings face similar kinds of racism as afro-descendants, such as denial of access to public establishments, labor discrimination, etc. In Guatemala, for example, the *Presidential Commission against Racism and Discrimination against Indigenous People in Guatemala* was created in 2002 in response to indigenous activism against this type of racial discrimination.
  27. In Central America, for instance, there are at least four different types of Afro-descendant communities. First, there are *Afro-mestizos*, who are the descendants of slaves brought during the Spanish colonial period who over time integrated into the lower socio-economic levels of colonial society and later the dominant *mestizo* (indo-Hispanic) cultures and national identities of most Central American countries. A second group of afro-descendants are the offspring of West Indian immigrants who arrived as laborers in the enclave economies that existed in the late 19<sup>th</sup> and 20<sup>th</sup> centuries along the Caribbean coasts of Central America. They have organized as a racial/cultural group and struggled for equal civil rights, anti-racial discrimination measures, as well as special collective rights, such as rights to bilingual education and political representation rights. Finally, there is a third group of descendants of "maroon"

- communities whose ancestors managed to escape from (or otherwise avoid) slavery to establish communities outside colonial society. They have developed separate racial/cultural collective identities distinct from those of the dominant *mestizo* majority, and forged a relationship to land or territory in the colonial period before the establishment of state sovereignty over the area. They have struggled for collective rights to land and culture.
28. One important question that I do not address here, for example, is whether special collective rights for minority groups are appropriate in countries in which such groups are a majority of the population, as is true in some Latin American cases. In Guatemala and Bolivia for example, indigenous people are a majority of the population, while in Brazil and many Caribbean countries this is the case with people of African descent. In Bolivia, where new multicultural policies are being considered as part of constitutional reforms, some have argued that it would be improper to create special regions where indigenous people have political autonomy or self-government, since as the majority they should dominate national politics, not be restricted to particular regions.
  29. There is no correlation between either the relative or absolute size of the afro-descendant and indigenous populations and the levels of collective rights they have gained across Latin America. For a detailed discussion of this issue see Hooker, "Indigenous Inclusion/Black Exclusion: Race, Ethnicity and Multicultural Citizenship in Latin America."
  30. Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley, CA: University of California Press, 2000), p. 598-99.
  31. The conflict stemmed from the Sandinista government's initial hostility to demands for self-government by *costeños*, who had generally not participated in the revolutionary armed struggle. *Costeños* initially welcomed the revolution because they believed it would allow them to realize their demands for self-government, but these goals were not easily reconciled with those of the FSLN (*Frente Sandinista de Liberación Nacional*). Their initial support turned into active resistance by 1981, when the region's indigenous groups joined the *contras* (the counterrevolutionary guerrilla forces supported by the U.S.) in their armed struggle against the Sandinista state. By 1984 the Atlantic Coast was a war zone and accusations of human rights violations against indigenous groups had damaged the FSLN's international image. For detailed analyses of the conflict between *costeños* and the FSLN in the 1980s, see Edmund T. Gordon, *Disparate Diasporas: Identity and Politics in an African Nicaraguan Community*, 1st ed. (Austin, TX: University of Texas Press, 1998); Charles R. Hale, *Resistance and Contradiction: Miskitu Indians and the Nicaraguan State, 1894-1987* (Stanford, CA: Stanford University Press, 1994). As I noted earlier my concern is with the effects of multicultural policies, not with the reasons for their implementation.
  32. Asamblea Nacional de Nicaragua, *Constitución Política de Nicaragua* (Managua, Nicaragua: Editorial el Amanecer, 1987).
  33. Asamblea Nacional de Nicaragua, *Estatuto de Autonomía de las Regiones de la Costa Atlántica de Nicaragua* (Managua, Nicaragua: Editorial Jurídica, 1987), Artículo 11.1.
  34. Asamblea Nacional de Nicaragua, *Ley del Régimen de Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas de las Regiones Autónomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio y Maíz* (Managua, Nicaragua: Editorial Jurídica, 2003), Capítulo I, Artículo 3.
  35. Reliable data on the actual size of each ethnic group is currently lacking, as it will not be until the results of the latest census carried out in 2005 are published that exact figures will become available. Prior to that census data was not broken down by race/ethnicity, and in any case the Ministry of Statistics had been relying on demographic projections based on the last comprehensive census carried out in the region in the 1970s for the population data it was providing for the Atlantic Coast. The region's total population is estimated to be between 600,000+ to 700,000+ inhabitants.
  36. See Valerie Bunce, *Subversive Institutions: The Design and the Destruction of Socialism and the State* (Cambridge, UK: Cambridge University Press, 1999).

37. The creation of national homelands for each group would also have been difficult because of the geographic dispersal of many of the region's ethnic groups, although not impossible. Some groups, such as the Rama for example, live in self-contained geographical areas (the Rama live in an island off the coast of Bluefields, the capital of the RAAS), but most are dispersed throughout the region. Creoles, for example, are concentrated in the larger urban areas of the southern Atlantic Coast. Aside from the problem of geographic dispersal, there is also the question of how to draw boundaries. The Rama, for example, would like to regain communal lands that have been taken over by *mestizo* subsistence farmers. As a result they would likely object to the creation of a national homeland that confined them to the island they now inhabit.
38. PNUD, *Informe de Desarrollo Humano, Las Regiones Autónomas de la Costa Caribe: Nicaragua Asume su Diversidad?* (Managua, Nicaragua: Programa de Naciones Unidas para el Desarrollo, 2005), p. 60.
39. The results in this and subsequent tables are from a public opinion survey a colleague and I at the University of Texas at Austin carried out in 2004 among the three largest ethno-racial groups on the Atlantic Coast: Mestizos, Miskitus and Creoles. The survey was administered to respondents in predominantly Mestizo and Creole neighborhoods in Bluefields, the capital city on the RAAS, and to Miskitus in Bilwi, the capital city of the RAAN. Participants were asked to identify themselves by ethnic group in addition to other demographic data. The results reported in the following tables are from a sample of 107 respondents who identified as Miskitu in the survey conducted in Bilwi out of a total of 150 respondents, 92 respondents who identified as Creole in the survey conducted in Bluefields out of a total of 99 respondents, and 136 respondents who identified as *mestizo* in the survey conducted in Bluefields out of a total of 205 respondents. The survey contained a total of approximately 100 questions about racial, ethnic, regional and national identity, perceptions of other groups, and political participation. When responses do not add up to 100% it is due to respondents who choose not to answer all questions in the survey.
40. IPADE, *Encuesta: Cultura Política y Actitudes Hacia las Elecciones y el Régimen de Autonomía en las Regiones Autónomas* (Managua, Nicaragua: Instituto para el Desarrollo de la Democracia, 1997), IPADE, *Encuesta: Cultura Política, Actitud Hacia las Elecciones y los Regímenes de Autonomía Municipal y Regional* (Managua, Nicaragua: Instituto para el Desarrollo de la Democracia, 2001). Since the 1980s there have been a few large-scale public opinion surveys carried out on the Atlantic Coast to measure *costeño* political attitudes. These surveys were generally carried out immediately prior to regional elections (there were regional elections in 1990, 1994, 1998, 2002, and 2006). These surveys also included, for the first time, questions about the relationship between regional, national, and ethnic group identity.
41. There are obviously other dimensions across which disparities between afro-descendant and indigenous *costeños* and *mestizos* before and after the adoption of multicultural institutions could be measured, such as access to state benefits (i.e. what shares of central government transfers go to different groups) and socio-economic status. I focus here on disparities in political representation because at present it is very difficult to obtain reliable data on these other dimensions in Nicaragua, while the ethnic composition of regional governments is a matter of public record.
42. In fact, the current efforts of afro-descendant and indigenous *costeños* to achieve the demarcation and titling of their communal lands under the recent Communal Property Law are seen as a way to partly circumvent this flaw in the design of multicultural institutions. By pursuing claims in large blocs, the aim of afro-descendant and indigenous groups is to gain title and local political control over most of the territory of the Atlantic Coast. This would potentially set up a direct confrontation with *mestizo* third parties or *terceros* who have invaded communal lands, who will either need to be financially compensated by the state and removed from the land, or agree to live under the authority of the communal territorial boards created to govern the various territories. Another potential source of conflict is the allocation of power

- between the communal territorial boards and municipal and regional governments.
43. See Sharlene Mollett, "Race and Natural Resource Conflicts in Honduras," *Latin American Research Review*, Vol. 41, No. 1 (2006).
  44. The shape of indigenous autonomy in Mexico is a question that is still very much undecided, as negotiations between the national state and indigenous groups on this issue appear to have stalled. See Willem Assies, Luis Ramírez Sevilla, and María del Carmen Ventura Patiño, "Autonomy Rights and the Politics of Constitutional Reform in Mexico," *Latin American and Caribbean Ethnic Studies*, Vol. 1, No. 1 (April 2006).
  45. There are a variety of proposals currently on the table regarding the institutional design of autonomy in Bolivia, most of which are rather vague regarding the distribution of collective rights between indigenous groups and *mestizos* within the various units and levels of organization the state. The proposal of the reigning MAS (*Movimiento al Socialismo*) party, for example, says only that one of the principles of political-administrative decentralization will be "flexible modalities of regional, indigenous, municipal and/or departmental autonomy." On demands for greater regional autonomy in *mestizo*-dominated departments, see: Kathleen Lowrey, "Bolivia Multiétnico y Pluricultural, Ten Years Later: White Separatism in the Bolivian Lowlands," *Latin American and Caribbean Ethnic Studies* Vol. 1, No. 1 (April 2006).

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