

Juan J. Linz & Alfred Stepan



Problems of Democratic  
**TRANSITION AND  
CONSOLIDATION**

Southern Europe, South America, and  
Post-Communist Europe

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Post-Communist Europe*

Juan J. Linz and Alfred Stepan

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## The Paradigmatic Case of *Reforma Pactada–Ruptura Pactada:* Spain

THERE IS GROWING consensus that the Spanish transition is in many ways the paradigmatic case for the study of paced democratic transition and rapid democratic consolidation, much as the Weimar Republic became paradigmatic for the study of democratic breakdown.<sup>1</sup> A number of factors contribute to the special (if not actually always paradigmatic) status of Spain in the transition literature. Foremost is the fact that it was one of the first in the cycle of what Samuel Huntington calls the “third wave” of democratic transitions, and it therefore influenced thinking in many countries that would later undertake similar difficult tasks. It was also, in contrast to many transitions, one in which the authoritarian regime had not faced defeat or near-defeat in war, as was the case in Portugal and

1. The bibliography on the Spanish transition is the most extensive of any of the cases we consider in this book. An essential source is José Félix Tezanos, Ramón Cotarelo, and Andrés de Blas, eds., *La transición democrática española* (Madrid: Sistema, 1989). This volume includes outstanding articles by Spanish social scientists, a very complete bibliography, an essay reviewing the different analyses of the transition, and a chronology of the process. Also see the special issue of *Sistema* 68–69 (Nov. 1985), which includes a bibliographic essay, several outstanding articles, and the responses to a questionnaire by politicians and intellectuals on their views of the transition process. An indispensable selection of articles is contained in Ramón Cotarelo, ed., *Transición política y consolidación democrática: España (1975–1986)* (Madrid: Centro de Investigaciones Sociológicas, 1992). Other valuable overviews are José María Maravall and Julian Santamaría, “Political Change in Spain and the Prospects for Democracy,” in Guillermo O’Donnell, Philippe C. Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule: Southern Europe* (Baltimore: Johns Hopkins University Press, 1986), 70–108; José María Maravall, *La política de la transición 1975–80* (Madrid: Taurus, 1981), which is available in English as *The Transition to Democracy in Spain* (London: Croom Helm, 1982); Carlos Huneeus, *La Unión de Centro Democrático y la transición a la democracia en España* (Madrid: Centro de Investigaciones Sociológicas-Siglo XXI de España, 1985); and Donald Share, *The Making of Spanish Democracy* (Westport, Conn.: Praeger, 1986). A well-documented study of the period immediately before and after the transition which pays particular attention to why key activists in the late Franco regime came to accept a democratic transition is Charles T. Powell, “Reform versus ‘Ruptura’ in Spain’s Transition to Democracy” (Ph.D. diss., Faculty of Modern History, Oxford University, 1989). For parties and elections see Richard Gunther, Giacomo Sani, and Goldie Shabad, eds., *Spain after Franco: The Making of a Competitive Party System* (Los Angeles: University of California Press, 1988). For the role of labor, see Robert Fishman, *Working Class Organization and the Return to Democracy in Spain* (Ithaca: Cornell University Press, 1990). A basic source on the political attitudes of Spaniards during the transition and the first election is Juan J. Linz, Francisco Andrés Orizo, Manuel Gómez-Reino, and Dario Vila, *Informe sociológico sobre el cambio político en España 1975–1981* (Madrid: Fundación FOESSA, Euramérica, 1982).



Greece. Likewise, its rulers did not confront a deep economic crisis, as in Latin America and the Communist countries of Eastern Europe and the Soviet Union. Nor was it a case in which an external factor, like the withdrawal of the support by a hegemonic power, influenced the rulers. Rather, it was a case in which those in power thought they could not stay in power without, given the Western European context, excessive repression, while those challenging the regime could not marshal, at least immediately, enough force to overthrow it, particularly in view of the loyalty of the Armed Forces to the regime.<sup>2</sup> In this sense Spain was a "regime-initiated transition," although under the pressure of society.

Another reason for the admiration of many observers of the Spanish transition to democracy has been that Spain appeared to outsiders as a highly conflictual and potentially violent society, owing to the legacy of the civil war. However, the outsider's view did not correspond to the facts of Spanish society in the 1970s. Rather, through the "cultural work" of civil society before the transition and the continued cultural work of civil society and almost all elements of political society during the transition, Spain had transformed the lessons of the civil war into a positive factor that aided the transition. The contrast with the historical meaning of the Croatian-Serbian civil wars of the 1940s could not be more dramatic.<sup>3</sup> To this it should be added that Spain was the first of our examples of an attempted transition to democracy in which problems of a multilingual and multinational state intensified at the same time as the transition process was being initiated.

2. Ten years after the death of Franco, a public opinion poll captured this sense of deadlock. On the one hand only 13 percent of those polled felt that the regime could have continued without change after the death of Franco. On the other hand, only 18 percent of those polled said that "the opposition groups were very strong and could have overthrown the regime." See "Actitudes y opiniones de los españoles ante la constitución y las instituciones democráticas" (Madrid: Centro de Investigaciones Sociológicas, 1985), 105. For the changing calculations of regime forces in the 1969–75 period, see Powell, "Reform versus Ruptura," 15–54. For an excellent analysis of the role of the military in the same period, see Fernando Rodrigo Rodríguez, "El camino hacia la democracia: Militares y política en la transición española" (Ph.D. diss., Facultad de Ciencias Políticas y Sociológicas, Universidad Complutense, 1989), 21–72.

3. As Víctor M. Pérez-Díaz argues so well, Spain's new democratic political culture "is to a certain degree a deliberate institutional and cultural construct. . . . This institutional effort has been considerably helped by a cultural collective attempt, partly conscious and partly unconscious. . . . Looming large in our collective memory of that experience we find a crucial experiment that failed: our II Republic and the Civil War of 1936–1939. . . . The moral implications of that tragic account were: the share of guilt and responsibility was more or less evenly distributed among the contenders, since they were all to blame." See Pérez-Díaz, "The Emergence of Democratic Spain and the 'Invention' of a Democratic Tradition" (Madrid: Instituto Juan March, June 1990, Working Paper #1), quotes from 19, 20, 21, 23. Also see his magisterial *The Return of Civil Society: The Emergence of Democratic Spain* (Cambridge, Mass.: Harvard University Press, 1993). Paloma Aguilar Fernández, in her excellent study of Spanish textbooks, newsreels, theater, and general discourse, documents how, in the twenty years before the death of Franco, the historical memory of the civil war had been culturally reconstructed so that it became a building block for the effort to consolidate democracy. See her *La memoria histórica de la guerra civil española (1936–1939): Un proceso de aprendizaje político* (Madrid: Centro de Estudios Avanzados en Ciencias Sociales, 1995). Despite the passage of more than forty years, the most commonly used descriptions by Croats of their Serbian enemies, and vice versa, are the names of the major contending factions in the civil war, the Croatian *Ustašas* and the predominantly Serbian *Chetniks*. See Ivo Banac, "Post-Communism as Post-Yugoslavism: The Yugoslav Non-revolutions of 1989–1990," in Ivo Banac, ed., *Eastern Europe in Revolution* (New Haven: Yale University Press, 1992), 168–87.

Another circumstance that makes the Spanish case particularly interesting is that the authoritarian regime had lasted thirty-six years and had created a complex institutional structure. It was not possible to use the existing institutions by filling them with democratic content or proceeding to a restoration of the pre-dictatorship democratic institutions, as in some Latin American cases. There was finally a unique factor that appeared to complicate the transition, Franco's installation of a monarchy that had a low historical legitimacy and that could easily be contested by democrats. Today the king is often referred to as *el piloto del cambio* (the pilot of change). However, it is useful to remember that, in Spain, the king by his actions legitimated the monarchy more than the monarchy legitimated the king.<sup>4</sup>

The relatively smooth process of the Spanish transition has, a posteriori, led many people to consider the Spanish model of political engineering as an "over-determined" success. Indeed, if we reduce the messy historical process, with all its complexities, frustrations, delays and doubts, to a theoretical model, it appears to be an elegant process, even susceptible to a game theoretical analysis.<sup>5</sup> In fact, the comparison between our contemporary theoretical modeling and the inevitably more complex experience of the process should be a warning to those who analyze similar changes while they are still going on. It is well to remember that even the easiest and most successful transition was lived as a precarious process constantly requiring innovative political action.<sup>6</sup> It is doubtful that the Spaniards would have responded in the period 1975–77 with as great a pride about how the transition was made as they did ten years later. Certainly, the so-called *desencanto*, the disappointment or the demystification of the process and its leaders (particularly of Prime Minister Adolfo Suárez in the late 1970s and early 1980s) is by now largely forgotten, but it finds a parallel in most of the transitions in other parts of the world. The potential threat to the transition caused by the attempted military coup on February 23, 1981 tends also to be underestimated in retrospect.<sup>7</sup>

4. For a valuable book-length treatment of the role of the king in the transition, a book that won the Premio Espejo de España, see Charles T. Powell, *El piloto del cambio: El rey, la monarquía y la transición a la democracia* (Barcelona: Editorial Planeta, 1991). For a discussion of the role of the king, see also Juan J. Linz, "Innovative Leadership in the Transition to Democracy and a New Democracy: The Case of Spain," in Gabriel Sheffer, ed., *Innovative Leadership in International Politics* (Albany: State University of New York Press, 1993), 141–86.

5. See, for example, Josep M. Colomer, *El arte de la manipulación política: Votaciones y teoría de juegos en la política española* (Barcelona: Editorial Anagrama, 1990), which is an original and intelligent application of game theory to the transition. An article based on the book is "Transitions by Agreement: Modeling the Spanish Way," *American Political Science Review* (Dec. 1991): 1283–1302.

6. See, for example, Juan J. Linz, "Spain and Portugal: Critical Choices," in David S. Landes, ed., *Critical Choices for Americans: Western Europe* (Lexington, Mass.: Lexington Books, 1977), 237–96. This essay, which was written in 1974 and slightly revised in February 1976, reflects the uncertainties and fears at the start of the reign of Juan Carlos I. A rereading serves to correct the image of transition as a smooth and predetermined process that a theoretical model developed ex post facto might suggest. On the critical role leadership played in transforming the possible into reality, see Linz, "Innovative Leadership in the Transition."

7. There is an extensive literature on the military in the transition and on the failed coup of the 23rd of February 1981. The *Revista de investigaciones sociológicas* 36 (Oct.–Dec. 1986) is devoted to civil-military relations and includes an article by Agustín Rodríguez Sahagún, the first civilian minister of defense under

Finally, the Moncloa Pact has become a standard reference in discussions of the role of pacts in stabilizing transition processes. All too often, however, it is forgotten that the pact constructed in the prime minister's residence called *Moncloa*, was not a *social pact* between trade unions and employers' organizations, but a *political pact*. Adolfo Suárez called the Moncloa meetings, because he wanted to involve political society, and in particular all the parties who after the first free elections had representatives in the Spanish legislature, in negotiations among themselves. Between the Moncloa meetings, the parties consulted with their key constituents in civil society. (Suárez considered this link between political society and civil society particularly crucial in the case of the Communist Party and the trade unions.) Only after these extensive negotiations was the Moncloa political pact formally voted upon in a solemn session of the Cortes.<sup>8</sup> The resolution approving the Moncloa Pact was passed with one vote against by the lower house and with three votes against and two abstentions in the Senate.

We have emphasized these facts before entering into an analysis of our variables because, while we believe our variables to be extremely important, we do not want ourselves or the reader to fall into the trap of believing that the Spanish transition was overdetermined to be successful or that the political engineers at all times followed a rational model. With these important caveats in mind, how does Spain relate to the variables we discussed in Part 1?

From the perspective of the tasks a country must address before it can complete a transition and consolidate democracy, Spain began in a comparatively privileged position. Indeed, from the perspective of Table 4.3, the only task that was immediately urgent in November 1975, when Franco died, was the creation of political institutions with autonomy and support. Given this situation, it is now becoming fashionable to see the Spanish consolidation as being almost inevitable, given its supportive socioeconomic and geopolitical context. We believe that such an unexamined opinion not only leads to a serious misinterpretation of the actual process of democratic transition and consolidation in Spain but also contributes to the dangerous lack of attention to how the transition was actually prepared and how the successful execution of this plan later made it easier to handle

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Suárez, another by the first socialist defense minister, Narcis Serra, as well as papers by social scientists, public opinion data, and book reviews. The complexity and psychology underlying *desencanto* is beautifully explored in Albert O. Hirschman's chapter, "On Disappointment," in his book *Shifting Involvements: Private Interest and Public Action* (Princeton: Princeton University Press, 1982), 9–24.

8. This account of the political process of the Moncloa Pact is based largely on an interview carried out by Alfred Stepan with Adolfo Suárez on May 24, 1990. Suárez says he initially considered making the stabilization plan an executive decision but rapidly realized it would be more legitimate and more effective if he could arrive at an agreement with the political parties. This complex consensual process within political society, which was a hallmark of the Spanish transition, was, as we shall see, virtually completely absent in the major Argentine and pre-Plan Real Brazilian stabilization plans, which were drawn up in secret by the president and his closest advisors and announced to a shocked nation on television without ever having been discussed in the legislatures. For the relationship between the Communist and Socialist parties, the unions, and the Moncloa Pact, see Fishman, *Working Class Organization and Democracy*, 17, 180, 215–26.

Spain's stateness problem and in fact to consolidate democracy. Let us turn, therefore, to how the transition was actually crafted.

### CRAFTING THE SPANISH TRANSITION

The Spanish transition had to deal with a problem recurrent in other later transitions: how to dismantle the nondemocratic regime and its institutions and to gain democratic legitimacy based in elections in order to confront the many problems faced by the society. In contrast to the military regimes in Greece and Latin America (with the partial exception of Chile and Brazil), Franco's civilian and authoritarian regime had built a complete institutional and constitutional structure. The Francoite institutions, with their official single party and their corporatist Cortes (parliament), could by no stretch of the imagination be made serviceable to democracy by filling them with democratically elected personnel, as many believed could be done with the formally ultrademocratic constitutions of the Eastern European Communist regimes. Those Francoite institutions had to go, but the option of a revolutionary overthrow—the rupture demanded by the opposition—was not really feasible (as the Spanish Communist Party leadership acknowledged later), given the overall climate of public opinion and in particular the support the regime had in the armed forces.<sup>9</sup> An unconstitutional declaration by the king to abrogate the Franco constitution, with the support of some radical groups in the armed forces (the small minority inspired by the Portuguese golpe-revolution), was out of the question. So, from the beginning, within the regime, there was thought given to the possibility of using the legality of the Franco Fundamental Laws and the corporatist Cortes to change the regime constitutionally, against the spirit and intent of those laws. A lot of thinking and debate and some unsuccessful starts went into the efforts that finally yielded the Law for Political Reform. The need for legal “backward legitimation,” to use Guiseppe di Palma's

9. The first thesis of the Spanish Communist Party (PCE) at its IX Party Congress in February 1978 was devoted to explaining why the combination of reformist pressures emanating from the regime and the opposition, as well as international pressures, “obliged the PCE to nuance its ruptural theses.” For the full text see *Mundo Obrero*, Madrid (Feb. 2, 1978), 1.

However, as late as 1981, according to the Fishman study, not an insignificant number of the working class leaders at the plant level in Madrid and Barcelona believed that “because of indecision and the errors of many leaders of the opposition, a historic opportunity was lost to create a more advanced democracy on the basis of popular mobilizations and a political ruptura.” In Barcelona 68 percent of the leaders identified with Comisiones Obreras (the Communist Union) felt that way compared to 40 percent in Madrid. Among those of the socialist UGT (Unión General de Trabajadores), there were 31 percent and 23 percent in Barcelona and Madrid, respectively, who believed that ruptura would have been possible. Among all the 324 workers' representatives interviewed, 39 percent believed in the possibility of the ruptura, while 57 percent felt that “the balance of forces at the time of the political transition did not permit the step to democracy by ruptura, and the leaders of the left did well in changing strategy to facilitate the reforma which led to democracy.” This was the opinion of the majority of UGT representatives in Barcelona (66 percent), Madrid (72 percent), and the Comisiones Obreras in Madrid (55 percent) and only 30 percent in Barcelona. The above data are from Fishman, *Working Class Organization and Democracy*, 144.

phrase, was based on the fact that the king had sworn to defend those laws, that his authority was derived from them, that the government in charge had been appointed according to them, and that the obedience of the armed forces could only be assured if the change took place in that way.<sup>10</sup> The fear of a vacuum of authority, of a sudden transfer of power to the then quite radical opposition forces—foremost the nationalists in the periphery and the Spanish Communist Party and the trade union movements controlled by it—was unthinkable without the risk of involution or political repression. The reformers thus had to act cautiously, and their instrument was legal reform, making possible a democratically elected body that could deal with the many problems on the horizon, including stateness problems and an incipient economic crisis. It also was essential to avoid a separate and open debate about the monarchy, which did not enjoy particularly strong legitimacy.

The way chosen was to convince the Cortes—the legislature created and partly appointed by Franco—to allow the creation of a fundamentally different type of legislative body after open and free elections with the participation of political parties. That is what was achieved by the Law for Political Reform and its subsequent approval by referendum.<sup>11</sup> The equivalent in the USSR would have involved Gorbachev convincing the Communist Party and the legislative organs of the complex constitutional structure of the Soviet Union to allow multiparty, freely contested elections for a parliament of the union which would then have the duty and power to form the government. Failing this, there should at least be a union-wide, direct multiparty competitive election for a president of the Soviet Union. As we shall see, as long as the Soviet Union existed, nothing close to such elections ever happened. How was it actually accomplished in Spain? No one can ignore the structurally favorable conditions in Spain, but there can be no doubt that this particularly successful transition owes much to agency.

A more detailed analysis of leadership during the democratic transition would pay considerable attention to the moderating role of the king, the constructive leadership of Santiago Carrillo (the leader of the Spanish Communist Party), the

10. The concept of *backward legitimation* was first developed by Giuseppe di Palma in his "Founding Coalitions in Southern Europe: Legitimacy and Hegemony," *Government and Opposition* 15 (1980): 162–89.

11. On the "law for political reform," see Pablo Lucas Verdú, *La octava ley fundamental*, with a foreword by Enrique Tierno (Madrid: Tecnos, 1976), and Antonio Hernández Gil, *El cambio político español y la constitución* (Barcelona: Planeta, 1981). Some readers might feel that we unfairly privilege in our analysis the role of the main actors in the regime or the opposition. We want to emphasize here the important role of ordinary citizens in generating a crisis of the regime. They often take risks in their opposition and struggle against the regime. They also generate pressures on regime actors to initiate a transition (sometimes thereby avoiding regime collapse). However, in the case of Spain, in support of our approach we have data from a survey shortly after the approval of the Law for Political Reform asking respondents to whom they attributed the positive aspects of the change: 26 percent chose the government, 23 percent the king, 20 percent Prime Minister Suárez, 8 percent the parties of the opposition, 3 percent the Cortes, 21 percent the people and the citizens in general, while 6 percent said there was nothing good and 9 percent did not answer. See Linz et. al., *Informe sociológico sobre el cambio político*, p. 119.

prudence of Cardinal Tarancón (the leader of the Spanish Catholic Church), the support and courage of General Gutiérrez Mellado (the chief of staff to the Spanish Army), the political astuteness of Josep Tarradellas (the exiled leader of the Catalan regional government), the parliamentary negotiating abilities of Torcuato Fernández Miranda, and the cooperation of the conservative leader Manuel Fraga, to mention just a few of the figures involved. In the short space available, we cannot do justice to all these actors and organizations. We would, however, like to call particular attention to the innovative leadership of Adolfo Suárez. We will pay particular attention to how he formulated the key issues of democracy in two of his most politically influential speeches (which, unfortunately, have never been translated into English). As we shall see, for Suárez, the holding of elections was the essence of his task. He was right. Elections are crucial to the democratizing process of dismantling and disempowering the old regime. They are even more crucial to the installation, legitimation, and empowerment of a new democratic regime. While the specificities of this process will vary from polity to polity, we believe that in some of the countries we discuss later—most dramatically the USSR and later Russia—leaders missed opportunities to advance this power erosion/power creation process, with deleterious results for democracy and state capacity.

In the first of two influential speeches, Adolfo Suárez, then speaking as the minister-secretary general of the almost defunct official single party, the *Movimiento*, in the first royal cabinet, made a complex appeal to the corporatist Franco-controlled Cortes that *liberalization* and eventually *democratization* was necessary.<sup>12</sup> It was the beginning of five months of argumentation. Suárez began by referring to “the democratic monarch’s” support for reform. He went on to argue that, given the socioeconomic developments under Franco, the government should take the next step in political reform by allowing free political association. “I think that our historic task . . . is very simple: to finish the work [started by Franco]. . . . The government, the legitimate manager of this historic moment, has the responsibility to put into motion the mechanism necessary for the definite consolidation of a modern democracy.” He stressed that changes in Spanish society had contributed to a new pluralism, a pluralism which had already assumed, *de facto*, political forms.

The point of departure [of the proposed political reform of a law legalizing political association] is the recognition of the pluralism of our society. If this society is plural, we cannot allow ourselves the luxury of ignoring it. . . . If we contemplate the national reality with a minimum of sincerity, we have to acknowledge that in addition to this theoretical pluralism, there already exist organized forces. We would entrench ourselves into an absurd blindness if we refuse to see this. These forces, call them parties or not, now exist as a public fact. . . . The aims of parties are

12. Many analysts of the Spanish transition believe that this speech was instrumental in the king’s selection of the young Adolfo Suárez to succeed the floundering Arias Navarro as prime minister. Maravall and Santamaría argue that Arias “never accepted the idea of transforming the inherited regime into a pluralist democracy.” See Maravall and Santamaría, “Political Change in Spain,” 81.

specific and not the least of them is to assume power. So, if the road is not opened by the legality which is being proposed by the state itself, there will only be an apparent peace, below which will germinate the seeds of subversion.

Suárez went on to say that political pacts were being discussed, but he astutely raised the question as to how democratic political representatives could be created to participate in such pacts: "With whom should they [the government] make the pact?" Suárez immediately gave his answer: "Only after elections will there be valid interlocutors and legitimated agents."<sup>13</sup> On July 1, 1976 Prime Minister Arias Navarro was forced to resign and Adolfo Suárez was appointed Prime Minister.

The institutionalization of a democratic process was still very much in doubt at the time of the appointment of Suárez. In many democratic transitions the constitution of the old regime remains in force and inhibits or delays democratic renewal. In Spain the Cortes could have been such a structure. Suárez's seemingly impossible task was to convince the Cortes to vote for a Law for Political Reform that in essence would result in the Cortes' own disappearance. If he could not convince the Cortes, he would have to risk a constitutional confrontation of uncertain consequences for democratic legitimacy (as occurred with Yeltsin's conflict with the Russian parliament in 1993) or accept the Cortes' ability to paralyze the changes needed for democratic transition.

Suárez approached this problem by carefully drafting and negotiating a text of the democratizing Law for Political Reform. Before he submitted the text to the Cortes for the process of legal approval, he went on national television and made his second historic speech. In this speech to the nation, Suárez implicitly warned the Cortes that without new constitutional norms there could be social conflict: "The absence of rules leads to 'ad-hockery' and can lead to anarchy." He also urged the Cortes to avoid conflict by letting the people express their will. He told the nation he was confident that the Cortes would perform this historic task. He then made the crucial step from liberalization to democratization. He advocated free and open elections and set a date. "I have said the word *elections* and in essence this is the key to the proposal. The [proposed] constitutional modification will permit the [new] Cortes to be elected by direct, secret, and universal suffrage as soon as possible and, in all events, before June of 1977. In this manner the people will participate in the construction of their own future since they will express themselves, they will elect their representatives, and these representatives will make the decisions over the questions that affect the national community." For Adolfo Suárez the fundamental task was to manage to make the forces present on

13. All of these quotations are our translations from the speech Adolfo Suárez made to the Cortes on June 9, 1976, in defense of the Law for Political Association. The full text of his speech and the law are found in the pamphlet released by Ediciones del Movimiento in Madrid (1976), entitled "El Derecho de Asociación Política," 9-28.

the street and in civil society participate in the political system without his abdication of his own powers until after the elections. While acknowledging the prestige of opposition groups and leaders, he reiterated his argument that only elections would determine with whom to negotiate. For Suárez it would be via elections that "political groups that today voluntarily present themselves publicly as protagonists (and they are significant and respectable but lack a popular mandate) will come to be representatives of the people."

Suárez made an indirect appeal to the corporatist Cortes that it would be ethically and historically correct to vote themselves out of existence by allowing free elections. He also assured the nation there would be no power vacuum and that the rule of law would prevail. "The government is convinced that the institutions [of the Franco regime] will understand the need for this reform and will support the direct appeal to the people whom these institutions themselves serve. There cannot be and there will not be a constitutional vacuum, and even less a vacuum of legality. Such a vacuum cannot emerge because Spain is a State of Law which is based on the primacy of the law."

Suárez then went on to argue that *only* if the state was restructured and filled with a new democratic power would it be strong enough to address the country's social and economic agenda and its looming stateness problem. For Suárez, the sequence of reform thus had to start with political reform. "When the people have made their voice heard, then there can be resolved other great political problems with the authority which will come from electoral representation. Then issues like institutionalization of the regions, within the permanent unity of Spain, can be approached." For Suárez, political reform was a precondition of economic reform. "As long as political unknowns [*incógnitas*] hang over the country, there cannot be either economic reactivation or stability." He concluded by conveying a sense of hope and implying that the Cortes should allow the people to decide. "The future is not written because only the people can write it."<sup>14</sup>

On the day before the vote, many close observers were not certain that the Law for Political Reform would be passed. However, Suárez and the movement toward democratization had gained such momentum that the Cortes passed the law by a margin of 425 affirmative votes against 59 negative votes.<sup>15</sup> Subsequently, the Law for Political Reform was submitted to a referendum on December 15, 1978. With a strong 77% turnout, it was approved by 94% of those voting.

After the referendum's overwhelming endorsement of the Law for Political Reform, the process of dismantling the authoritarian structure and allowing democratic power gains accelerated. The referendum increased Suárez's power and his

14. See Pablo Lucas Verdú, *La octava ley fundamental*, which contains the full texts of the law (103–8) and of the speech by Suárez to the nation (109–19), from which we have translated excerpts.

15. Juan J. Linz was present in the Cortes for the entire debate and the first vote. This 366-vote margin on November 18, 1976 represented a 121-vote increase over the favorable vote for the much less controversial liberalizing Law for Political Association, held on June 9, 1976.



ability to enter into negotiations to create an inclusive political society. Suárez first met the opposition formally on December 23, 1976, only eight days after the referendum, although in the summer of 1976 he had informally met twice with the Socialist Party leader, Felipe González, and other opposition leaders. Suárez met informally with the leader of the Communist Party, Santiago Carrillo, in January 1977, soon after Carrillo left jail. On April 9, 1977, Suárez successfully took the dangerous step, considering hard-line resistance, of legalizing the Communist Party. The first parliamentary election was held on June 15, 1977. The parliament produced by the election drafted a constitution, which was approved in a referendum on December 6, 1978. The process we have just described illustrates the complex interaction between legality, legitimacy, and power and the importance of *timing* in transitions.<sup>16</sup>

#### THE LEGALIZATION OF THE COMMUNIST PARTY: AN EXCURSUS ON INCLUSIONARY CHOICES

Once the general principle of a freely elected legislature had been accepted, the most difficult and dangerous decision Suárez faced was whether to legalize the Communist Party of Spain (PCE). Decades of anti-Communist propaganda, suspicions about the Communists' ambitions, and worries about the party's diffuse strength throughout society provided a context in which the right, and especially the military, might well have been mobilized against the transition. Even among the reformers there were those who argued for postponing the legalization of the Communist Party until after the first free elections.

The question of legalization was, however, an issue affecting the inclusiveness of contestation, an essential element of democracy, and therefore the credibility of the Spanish regime's democratizing effort. In addition, the obvious presence of a strong Communist Party, in terms of activists and sympathizers, inevitably created the dilemmas of the cost of repression versus the cost of toleration. In his television address justifying the legalization, Suárez put the issue clearly before the people:

The rejection [of the request of legalization] would not be consistent with the reality that the Communist Party exists and is organized. The struggle against it could only be carried out by repression.

Not only am I not Communist, but I reject strongly its ideology, as it is rejected by the other members of my cabinet. But I am a democrat, and sincerely democratic. Therefore I think that our people are sufficiently mature . . . to assimilate their own pluralism.

16. On the role of timing in regime changes, see Juan J. Linz, "Il fattore tempo nei mutamenti di regime," *Teoria politica* 11, no. 1 (1986): 3-47.

I do not think that our people want to find itself fatally obliged to see our jails full of people for ideological reasons. I think that in a democracy we must all be vigilant of ourselves, we must all be witnesses and judges of our public actions. We have to instore the respect for legal minorities. Among the rights and duties of living together is the acceptance of the opponent (*adversario*). If one has to confront him, one has to do it in civilized competition. Sincerely, is it not preferable to count in the ballot boxes what otherwise we would have to measure on the poor basis of unrest in the streets?<sup>17</sup>

This crucial decision ended any doubts about the sincerity of Suárez's personal commitment to democracy, and Suárez seized the occasion of his television address to announce his candidacy in the elections. The decision to legalize the Communist Party was extremely dangerous, as was shown by the hostile responses of some key military leaders and even of some of the important politicians who had supported the transition. For example, Suárez's announcement provoked the resignation of the minister of the navy, who had to be replaced by a retired admiral because no active duty admiral would assume the post. Suárez's announcement also spurred a unanimous declaration of the Army Supreme Council that "legalization of the Communist Party has produced general repugnance in all the units of the army." However, despite a more intemperate earlier document that had been leaked, they also concluded that, "in consideration of higher national interests, the [council] accepts with discipline the fait accompli [*hecho consumado*]."<sup>18</sup> Suárez's difficult choice proved decisive in assuring the moderate Euro-Communist posture of the Spanish Communist Party and its leader Santiago Carrillo and thus made a vital contribution to the eventual success of the Spanish transition.

We will not enter into a lengthy argument, but obviously for democracy it is a critical choice whether to make an inclusionary decision to allow *all* political forces to participate in the political process or to make an exclusionary decision to exact rules against parties that might, in the view of one or another important sector of the regime or society, be perceived as threatening to them or to democracy. We shall also not enter into the important normative debate as to whether democracy has the right to limit participation in the "democratic game" only to those committed to playing by democratic rules. We would like, however, to be explicit about two empirical implications of an inclusionary choice. Both were adeptly alluded to in the above speech by Suárez. First, the decision to allow participation allows the objective counting in votes of a possible extremist movement's support which would weaken any excess claims to diffuse societal support which could be made if it were prohibited. Second, if extremist parties are out-

17. This and other Suárez speeches in the critical 1976–78 period are found in Adolfo Suárez González, *Un nuevo horizonte para España: Discursos del Presidente del Gobierno 1976–1978* (Madrid: Imprenta del Boletín Oficial del Estado, 1978).

18. For an excellent discussion of the tense situation in the military after the legalization of the Communist Party, see Rodrigo, "El camino hacia la democracia," 185–94, quote from p. 191.

lawed, the democratic regime is involved in jailing, on potential ideological as opposed to actual behavioral grounds, citizens who belong to state-declared illegal organizations.

This does not mean that democrats should be passive against antidemocratic forces. Democrats can oppose and attempt politically to isolate ideological extremists and to jail them if they actually use violence to advance their ideas. Above all, democrats must avoid any semiloyal collaboration with antidemocratic forces.

The Communist Party of Spain loyally contributed to the transition to and consolidation of democracy in Spain. However, the normative and empirical issues raised in 1977 were still salient in Spain in the 1990s. The *Herri Batasuna* (HB), a party that advocates independence and revolutionary change in the Basque Country, does not hide its sympathy and even indirect support for ETA terrorists. However, rightly in our view, given the theoretical and empirical arguments we have advanced, HB has not been outlawed. Indeed, HB has been successful in electing some representatives and officials. But, fundamentally, it has been politically isolated.

Empirically, for the effort to consolidate democracy, the advantage to Spain of having allowed even explicitly antidemocratic extremists to participate in elections becomes apparent when we analyze some key cases. For example, in the 1979 second general elections in Spain, *Fuerza Nueva*, a neofascist group, campaigned actively throughout the country, claiming to speak for the values of the past and attempting to agglutinate antiregime forces. But, *Fuerza Nueva* won only 2.1 percent of the total vote, elected only one deputy, and disintegrated as a political force soon after the 1979 election. Even more dramatically, the courts allowed Lieutenant Colonel Antonio Tejero Molina, one of the February 1981 coup organizers, to run the party *Solidaridad Española* from his jail cell in the 1982 general elections. Once again the claim was that he was representing strong currents of opposition against the direction of the transition. Tejero's party received less than 30,000 (0.13 percent) of the total votes, thereby objectively "counting," to use Suárez's word, the absolute rejection of the putschists by the electorate.

Democracy does not mean that every citizen supports democracy, nor that antidemocrats should not enjoy democratic freedoms for legal and nonviolent activities. Violent activities should certainly be punished using legal means (although even some democrats may, in their frustration with terrorism, condone illegal reprisals). The defense of democracy is the duty of democratic parties and leaders and ultimately of the voters, making possible government by democrats.

#### STATENESS PROBLEMS AND THEIR DEMOCRATIC RESTRUCTURING

If Spain had been a relatively homogeneous nation-state, like Portugal, Greece, and the Latin American cases we will discuss, the Spanish transition to democracy

would probably have been completed with the approval of the constitution. However, the strong nationalist feelings in Catalonia and the Basque Country raised problems of stateness. The Catalan and Basque nationalisms were not perceived as central to most of those who wrote about the Spanish transition process. However, the crisis of other multinational states highlights the significance of the steps Spain took to manage its stateness problem, steps which deserve separate attention. It is our contention that Spain was able to manage its stateness problem by successful devolution only because it had first created, by the process we have just analyzed, legitimate state power with the authority and capacity to restructure the polity.

In our judgment, when Spain began its transition, the variable that potentially presented the most dangerous complication for both democratic transition and democratic consolidation was stateness. Because stateness was so critical and because, unlike Yugoslavia and the Soviet Union, it was handled so well in Spain, we will analyze it in particular detail, both for the light it sheds on the Spanish transition and also for the theoretical implications it has for transitions in heterogeneous states with important regional, cultural and national differences, such as Yugoslavia, the Soviet Union, Czechoslovakia, Indonesia, and Nigeria.

When Spain began the process of democratization, the potential for a dangerous stateness problem indeed existed. The most important indicator was that terrorist violence of the nationalist Basque organization ETA (*Euskadi ta Askatasuna*—Euskadi and Freedom) between 1960 and the year of Franco's death, 1975, had caused forty-three deaths. In 1978, the year the constitution was approved, deaths had escalated to sixty-five. There were seventy-eight deaths in 1979 and ninety-six in 1980, the year of the first new regional elections that led to a major devolution of power.<sup>19</sup> This armed violence created the very real potential of military opposition to the democratic transition and consolidation because, while not one army officer was killed during the Basque insurgency in 1968–75 under Franco, or in the 1975–77 transition period, in the postelectoral period of democratic rule between 1978 and 1983, thirty-seven army officers died due to Basque nationalist violence.<sup>20</sup>

Yet, surprisingly, despite the deaths of military officers and the inevitable difficulties of creating Spain's quasi-federal state, *none* of the important statewide interest groups or parties engaged in *system blame*. Adversity was not deliberately used to delegitimize either the fledgling democratic regime or the new constitutional structures that departed from Spain's traditional unitary state organization. In our judgment the main reason for this lack of system blame was Spain's

19. See Fernando Reinares, "Sociogénesis y evolución del terrorismo en España," in Salvador Giner, ed., *España sociedad y política* (Madrid: Espasa Calpe, 1990), 353–96. See especially the table on p. 390, with bibliographic references.

20. Ibid. Also see Francisco J. Llera, *Los vascos y la política. El proceso político vasco: Elecciones, partidos y opinión pública y legitimación en el País Vasco, 1977–1992* (Bilbao: Universidad del País Vasco, 1994).

successful handling of its potentially grave problem of stateness via state wide elections.

Elections, especially founding elections, help create agendas, actors, and organizations, and, most importantly, legitimacy and power. One of our major arguments is that, if a country has a stateness problem, it makes a critical difference whether the first elections are statewide or regional. In Spain the first elections were statewide, and we believe that they helped transcend Spain's stateness problem. The first post-Franco vote, as we have seen, was the referendum to approve a "law for political reform." This law committed the government not to any details of political reform, but to a process of clear *democratization*, not just *liberalization*.

The second key vote, on June 15, 1977, was also not merely about liberalization, but about democratization; it was a statewide general election to select deputies who would create a government and draft a new constitution. Because of the statewide stakes involved, four statewide parties conducted a campaign in all of Spain around statewide themes, winning 319 of the 350 seats. Just as importantly, the statewide parties campaigned very hard in areas where the potential for secession was greatest and the history of antisystem sentiment was most deeply rooted—the Catalan and Basque regions. While strong Catalan and Basque nationalist parties did emerge, the four statewide parties and their regional affiliates won 67.7% of the vote in Catalonia, and 51.4% of the vote in the Basque Country.<sup>21</sup>

The deputies and government produced by these statewide elections engaged in prolonged public and private negotiations over the constitution and over how to proceed on the stateness issue. A consensual constitution was finally supported in parliament by the four major parties and the major Catalan nationalist party; 258 of the 274 members voting gave it their approval. Spain's third general appeal to the voters then followed, namely a referendum on the constitution, which was approved by 87.8% of the voters on December 1, 1978. In Catalonia the constitution was approved by 90.4 percent of the voters. In the Basque Country 68.8 percent of those who voted approved the constitution, but voter turnout was only 45.5 percent, which was below the Spanish and Catalan level of 67 percent.<sup>22</sup>

Strengthened and legitimated by these three convocations of its electorate, Spain's government and parliament began negotiations in earnest over the devolution of power to the Catalan and Basque Country provincial representatives, who themselves had been constituted in the aftermath of the general elections. Surrounded by intense controversy the negotiators eventually crafted a system by which Spain would change its historically centralized state structure for a new decentralized one characterized by an unprecedented devolution of power to the

21. For the organization of statewide parties and the importance of the general election in transforming the agendas of these parties, see Gunther, Sani, and Shabad, *Spain after Franco*, 37–177. The results of the 1977 election are found on pp. 38 and 311.

22. For details about constitutional votes see Andrea Bonime-Blanc, *Spain's Transition to Democracy: The Politics of Constitution-Making* (Boulder, Colo.: Westview Press, 1987).

peripheral nationalist constituencies. These negotiated agreements over regional autonomy (the Statutes of Autonomy) were submitted to Basque and Catalan voters in October, 1979. The Catalan statute was approved by 87.9 percent and the Basque statute by 90.3 percent of those who voted in the regions.<sup>23</sup> The largest and oldest Basque nationalist party (PNV), which had urged abstention on the earlier referendum on the constitution, adjusted to the new political situation and urged approval of the Statutes of Autonomy.<sup>24</sup>

Had the first elections in Spain been regional rather than statewide, the incentives for the creation of Spain-wide parties and a Spain-wide agenda would have been greatly reduced. Consequently, the statewide parties and their affiliates would have received fewer votes.<sup>25</sup> We also believe that, if the first elections had been on the regional level, issues raised by nationalities would have assumed a much more substantial and divisive role in the electoral campaign than they actually did and the nationalist parties and their affiliates would have been more extreme. Indeed, there is a good chance that peripheral nationalist parties and groups would have been able to shift the discourse of the electoral campaign so that calls for rupture and mobilization for independence would have become predominant.<sup>26</sup> Strengthened nationalist parties would have gravely complicated the stateness problem in Spain. Relations between the military and the democratizing forces of the central government would almost certainly have been put under greater strain. In a context of heightened stateness conflict, the coup coalition—defeated by the king's personal intervention on February 23, 1981—would probably have emerged earlier and with greater force against a divided and less legitimate government.

The democratic transition in Spain certainly began under favorable conditions, but the clear commitment to democratization and countrywide elections strengthened the legitimacy claims of the central government, helped forge links between

23. See Juan J. Linz, "De la crisis de un Estado unitario al Estado de las autonomías," in Fernando Fernández Rodríguez, ed., *La España de las autonomías* (Madrid: Instituto de Estudios de Administración Local, 1985), 527–672, and Juan J. Linz, *Conflicto en Euskadi* (Madrid: Espasa Calpe, 1986). On the negotiation of the Basque Autonomy Statute, see the account by two journalists, Kepa Bordegarai and Robert Pastor, *Estatuto vasco* (San Sebastian: Ediciones Vascas, 1979).

24. Some extreme separatist groups continued to boycott the vote on autonomy, and the overall voter turnout was 13 percent lower than the Spanish average in the constitutional referendum; nevertheless, the voter turnout of 54 percent was still politically significant.

25. Even when stateness issues are not salient, regional parties in Spain tend to poll 15–25 percent better in regional elections than they do in general elections.

26. One example of such a potential discourse was the fact that the Consejo de Fuerzas Políticas de Cataluña in March 1976 publicly demanded the "establishment of a provisional government of the Generalitat that would assume power in Catalonia from the moment of the 'ruptura democrática' with the commitment to announce and hold in the shortest time possible elections to the Catalan parliament; that government would constitute itself on the basis of the principles that shaped the Estatuto of 1932 and as a first step in the concrete exercise of the right of self determination." As the former exiled leader of the Catalan regional government, Josep Tarradellas, comments in his memoirs, "political verbalism was at its height." José Tarradellas, *Ja Sóc Aquí: Recuerdo de un retorno* (Barcelona: Planeta, 1990), diary entry of March 15, 1976, p. 4.

Table 6.1. Multiple Identities in Catalonia: 1982

Identity	Population			Entire Sample
	Both Parents Born in Catalonia	Neither Parent Born in Catalonia	Immigrants	
Catalan	13.7	10.7	2.3	9.0
More Catalan than Spanish	26.5	12.0	4.2	16.9
Equally Catalan and Spanish	48.2	37.5	25.9	40.1
More Spanish than Catalan	5.7	10.5	12.6	8.2
Spanish	5.1	23.7	51.3	23.5
No answer	0.8	5.7	3.8	2.4
	(414)	(69)	(317)	(885)

Source: Juan J. Linz, "De la crisis de un estado unitario al estado de las autonomías," in Fernando Fernández Rodríguez, ed., *La España de las autonomías* (Madrid: Instituto de Estudios de Administración Local, 1985) 560.

Table 6.2. National Identities in Catalonia

Survey Answer	Percentage	
	Catalans	All Spain
"Proud to be Spanish"	73%	85%
"Proud to be Catalan"	82%	N/A <sup>a</sup>
In favor of the unification of Europe via the European Community	83%	76%

Source: The questions on pride are from Francisco Andrés Orizo and Alejandro Sánchez Fernández, *El sistema de valores dels Catalans* (Barcelona: Institut Català d'Estudis Mediterranis, 1991), 207. The question on European unification is from "Los Españoles ante el Segundo aniversario de la firma del Tratado de Adhesión de España a la Comunidad Europea" (Madrid: Centro de Investigaciones Sociológicas, Abril 1988), 53. This table is reproduced with permission from Juan J. Linz and Alfred Stepan, "Political Identities and Electoral Sequences: Spain, the Soviet Union, and Yugoslavia," *Daedalus* 121 (Spring 1992): 128.

<sup>a</sup>N/A, not available.

political society and civil society, and contributed to a new, constitutionally sanctioned relationship between Spain's peripheral nationalisms and the central government. Most importantly, countrywide elections restructured stateness identities in ways that were supportive of multiple identities and democracy in Spain. In the new democratic Spain, *complementary multiple identities* persist. Dual identities in Catalonia are the norm and have never been in question (table 6.1)

Catalans now have political and cultural control over education, television and radio, and indeed over most of the areas where Catalan nationalism had been most repressed in the past. Catalans also participate as a regional group in the European Community (now the European Union), a body that in some important respects is a community of regions as much as a community of states. Finally, in this new context, Catalans, to a greater extent than ever before, accepted their identity as members of the Spanish state. The sequence of elections in Spain helped constitute these mutually supportive legal and affective memberships in national (Catalan), state (Spanish), and suprastate (European Community) polities. The

Table 6.3. National Identities in the Basque Country

Survey Answer	Percentage	
	Basque Country	All Spain
"Proud to be Spanish"	44%	85%
"Proud to be Basque"	69%	N/A <sup>a</sup>
In favor of the unification of Europe via the European Community	74%	76%

Source: Reprinted, with permission, from Juan J. Linz and Alfred Stepan, "Political Identities and Electoral Sequences: Spain, the Soviet Union, and Yugoslavia," *Daedalus* 121 (spring 1992): 129.

<sup>a</sup> N/A, not available.

overwhelming percentage of all Catalans are proud to be Catalan, proud to be Spanish, and very supportive of joining an integrated European political community. Table 6.2 shows these complementary multiple identities very clearly.

The Basque Country presents a more difficult political situation. While the support for membership in a unified Europe is high, the citizenry in the Basque Country are 40 percent less proud to be Spanish than the national average and about 30 percent less proud to be Spanish than the Catalans (table 6.3). There is still routine separatist violence in the Basque Country, but we believe that the overall political situation has been ameliorated by the sequence of elections we have described. Indeed, the Basque Country is a particularly dramatic example of how elections can structure identities and delegitimize certain types of antistate violence.

Let us now focus explicitly on the question of how identities can be constructed by political processes. Between 1977 and 1979 the most heated question in Spanish politics concerned the relationship of peripheral nationalisms to the unitary Spanish state. In this two-year period the percentage of the population in the Basque Country who said they wanted to be independent *doubled*, to represent virtually a third of the entire population. Starting from a smaller base, pro-independence sentiment *tripled* in Catalonia in the same period. Obviously, if these trends had continued for a few more years, there would have been a severe crisis of stateness in Spain. However, once there had been a referendum on the Statutes of Autonomy and governments had been established with Basque and Catalan nationalist parties in office, sentiment for independence declined and later stabilized at lower levels (figure 6.1).

Assassinations, kidnapping and terrorism by pro-independence groups in the Basque Country still continued after the referendum, but their political significance changed dramatically. The terrorism of the ETA was a central factor in the course of the democratic transition, the constitution-making period, the negotiation and approval of the autonomy statutes, the election of the Basque parliament, the formation of a Basque government, and the transfer of functions to the government. At each of those points in time, it was argued that those steps would lead to the end of terrorism; however, more often than not they coincided with an



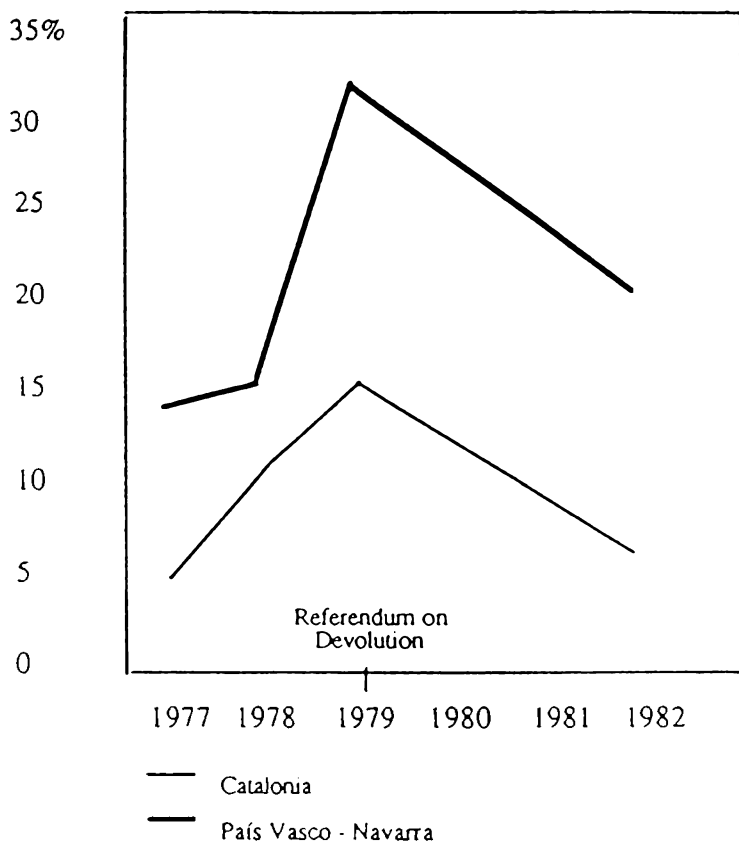


Fig. 6.1. Percentage of the Population Wanting Independence in Catalonia and País Vasco-Navarra before and after the 1979 Referendum on Devolution of Power to the Autonomías.

Source: Juan J. Linz and Alfred Stepan, "Political Identities and Electoral Sequences: Spain, the Soviet Union, and Yugoslavia," *Daedalus* 121, no. 2 (Spring 1992): 130. Reprinted with permission from *Daedalus*. This table is based on the data originally produced in Juan J. Linz, "De la crisis de un Estado unitario al Estado de las autonomías," in Fernando Fernández Rodríguez, ed., *La España de las autonomías* (Madrid: Instituto de Estudios de Administración Local, 1985), 587.

upsurge of terrorist casualties. Terrorism has not disappeared with the consolidation of Spanish democracy and the consolidation of Basque institutions and self-government.

Does this mean that the steps in the solution of the stateness problem—the existence of peripheral nationalisms—have failed? There is evidence (which we cannot discuss here in full detail) that this is not the case. Terrorism, from having a central importance, has become a tragic aspect of life, mostly in the Basque country, but that cannot destabilize Spanish democracy. The attempt on the life of the leader of the opposition Partido Popular, José María Aznar, in 1995 provoked

unanimous condemnation. Terrorism has today its own dynamics, with only minority support in the Basque population.

The public opinion data show basic changes in the attitudes of the Basque population toward ETA, but the comparison of attitudes over time is complicated by some changes in question formulation and the different proportions of "no opinion" and "don't know" (due probably to the practices of the different polling organizations). With this in mind we want to note that in 1979 only 5 percent saw ETA as "criminals"; by 1989, 16 percent did so. In 1979, 17.1 percent saw ETA as patriots; by 1989, only 5 percent saw them as patriots. In the course of a decade of democracy, the proportion saying that ETA were "idealists" dropped from 33 percent to 18 percent; the ambiguous answer "manipulated" dropped from 29 percent to 11 percent; while that of "madmen" increased from 8 percent to 16 percent. Many of those changes were due to larger numbers of don't know and no answers, from 8 percent to 34 percent—reflecting perhaps a tiredness of the whole issue—but that does deflect from the fact that the number of those expressing support by defining ETA as "patriots" and those condemning them as "criminals" have changed.

Another set of data covering several years from 1981 to 1989 shows that, in 1981, 8 percent gave ETA their "full support"; in 1989 the figure was 3 percent. Those agreeing with ETA goals but not the means went from 3 percent in 1981 to 9 percent in 1989. Most importantly, the percentage of respondents expressing "total rejection" went from 23 percent in 1981 to 45 percent in 1989, with 48 percent "don't know, no answer" in 1981 and only 16 percent "don't know, no answer" in 1989.<sup>27</sup>

The comparison of data by party voted between 1979 and 1986 shows that, among those supporting the Socialists (PSOE) the percentage answering "patriots" or "idealists" dropped from 46 percent to 10 percent and the percentage giving negative answers ("madmen" or "criminals") rose from 47 percent to 74 percent. Most significantly, this "identity delegitimization" occurred even among the voters of the main nationalist party, the Partido Nacionalista Vasco (PNV), where the percentage of positive answers dropped from 40 percent to 16 percent. Even among the voters of Herri Batasuna, the positive responses weakened, from 60 percent saying "patriots" to 31 percent, while more said "idealists," 25 percent in 1979 and 40 percent in 1986.<sup>28</sup>

27. For an analysis of the Basque data and a more extensive discussion of democratic politics in the context of political violence, see Goldie Shabad and Francisco J. Llera, "Political Violence in a Democratic State: Basque Terrorism in Spain," in Martha Crenshaw, ed. *Terrorism in Context* (University Park, Penn.: Pennsylvania State University Press, 1995), 410–69; Llera, *Los vascos y la política* and Linz, *Conflicto en Euskadi*, 698.

28. Shabad and Llera, "Political Violence." Unfortunately, the comparison of attitudes concerning independence between 1979 and 1989 is not fully possible, since the alternative answer "indifferent" was introduced in 1989. However, those expressing "great desire" or "fairly large desire" for independence constituted 36 percent in 1979 and 31 percent in 1989. Those reporting a desire that was "fairly small," respectively, 15 percent and 8 percent; "very small" were 12 percent and 7 percent; and "none," 29 percent and 19 percent. Offering the alternative "indifferent" allowed 19 percent not to make a choice. In addition, the number of "no answers" increased from 7 percent to 18 percent (probably because of the different practices of the survey organizations).

For Basque nationalists (probably like most nationalists throughout the world), the goal of an independent nation-state will never disappear. But the intensity of that desire and the political means used to advance that desire can and have changed. Accommodation to a democratic multinational state is possible, as the pattern of Spanish-Basque politics of the last two decades shows.

These developments have largely stabilized the multiple levels of identity (the important number of those who feel their Basque identity as well as a Spanish identity) and limited the polarization of the two communities. They also have stabilized the initially strong and growing desire for independence. Not that such a desire has disappeared, although it is increasingly stated as a symbolic long-term goal, while politics, government, and elections take place within the redefined Spanish state. Those developments have also made possible in the Basque country the delegitimation and political isolation of the ETA terrorists. Although Basque political killings continue, they no longer threaten to bring down the democratic government.

The crisis of Spanish stateness has been contained, initially due to the choice of electoral sequence. As we shall see when we discuss the stateness issue in the Soviet Union and Yugoslavia, the electoral sequence in these two countries was profoundly different, and it exacerbated the stateness problem that both countries already had due to their Soviet-style federal constitutions and historical memories. We do not want to overstate the significance of holding first a general election—in which statewide parties competed in the whole country and which also gave a democratic legitimation to the nationalist parties—in the successful resolution of the problem of Spanish stateness in a critical moment. Without all of the subsequent steps taken (the decrees on the pre-autonomias in the fall of 1977, the 1978 constitution, and the approval of the Estatutos in 1979), the problem could have continued being an obstacle to full consolidation of Spanish democracy. We do not say either that the nation-building efforts in the periphery are not problematic, in the sense we have already discussed in chapter 2, in the multilingual Catalan and Basque societies. What we do say is that the postponement of full devolution until after the approval of a Spanish constitution in 1978, the negotiation of the Autonomy Statutes, and their popular legitimation in a referendum allowed a much less conflictual and more institutional recognition of nationalist aspirations and the creation of a new and different state.

Using the definition of democratic transition advanced earlier, we maintain that the Spanish transition began with the death of Franco on November 20, 1975, and was completed at the latest on October 25, 1979, when the Basque and Catalan referendums on regional autonomy were held. A case could, of course, be made that the transition was completed when the principle of government accountability to the parliament was established formally in November 1977 or when the new democratic constitution was approved in the referendum on December 6, 1978. However, we believe that only after the Basque and Catalan regional autonomy for-

mula had been negotiated and voted upon did Spain meet our three requirements for a *completed transition*: a government was in office that was the result of a free and popular vote, the government had sovereign authority to generate policies, and the government did not de jure have to share power with other bodies. Until this point there had been some doubt about whether the military would successfully challenge the government's sovereign right to negotiate and generate new policies in the highly controversial area of regional politics. Furthermore, the legitimacy of a democratically elected government, if it had not solved these problems of regionalization, might have been questioned because the government could have been seen as displaying excessive continuity with the Franquist regime.

#### EXCURSUS ON VIOLENCE AND DEMOCRATIZATION

It is difficult to assess the importance of political violence in the struggle for democracy. In the cases included in our work, the regimes were not overthrown by armed popular movements, guerrillas, or terrorists, if we ignore the confusing events in Romania. The "liberation by golpe" of the Portuguese Captains is an altogether different case. However, the case of Spain involves the violence of the ETA, which certainly did not lead to the Spanish transition but contributed to the crisis of Franco's regime. The assassination of his premier, Luis Carrero Blanco, in December 1973 was an important event whose political implications for the regime and change after the death of Franco will continue to be debated. It has been argued that, if Luis Carrero Blanco had been prime minister when Franco died, the resistance of the "bunker" [the hard line] would have been greater and the transition probably would have been much different and more difficult. Some facts are clear. ETA violence was a serious problem. Its repression contributed to the international delegitimation of the Franco regime. But the scale of violence reached its height in 1978–80 during the approval of the Constitution, the second free election, the negotiation of Basque autonomy with Basque moderate politicians, and the first election for the Basque regional parliament.

However, the sympathy for or tolerant attitude toward the ETA of much of the opposition during this whole period and the ambiguous attitude of the French government toward ETA members operating in France allowed the ETA to play a disturbing and frustrating role in the new democracy. Although politically increasingly isolated, ETA violence led the Socialist democratic government to condone—we do not know exactly to what extent—illegal actions against the ETA. This is a case in which a democratic government acted in ways that blemished its civil rights record.<sup>29</sup> This has, years later in 1995, contributed to a serious crisis of confidence in the government.

29. As Linz has pointed out, democratic governments are most likely to violate the law and commit human rights abuses in cases where terrorism is combined with nationalistic, linguistic, or religious de-

Table 6.4. "Democracy Is the Best Political System for a Country Like Ours," Spain 1978–1993.

Survey Answer	1978	1980	1981	1982–83	1983	1988	1993
"Yes"	77	69	81	74	85	87	79
"No"	15	20	13	6	10		
"Depends"				12			
"Other, N/A"	8	11	6	7	5		
N	(5,898)	N/A	(1,703)	(5,463)	(3,952)	(4,548)	(1,448)

Source: This table is reproduced, with permission, from Juan J. Linz and Alfred Stepan, "Political Crafting of Democratic Consolidation or Destruction: European and South American Comparisons," in Robert A. Pastor, ed., *Democracy in the Americas: Stopping the Pendulum* (New York: Holmes and Meier, 1989), 44. National surveys by Data S.A., Madrid. For 1978 (July) and 1980 see J. J. Linz, M. Gómez-Reino, D. Vila, and F. A. Orizo, *Informe sociológico sobre el cambio político en España, 1975–1981* (IV Informe FOESSA, Vol. I, Fundación FOESSA), (Madrid: Euramérica, 1981), 627–29. For 1981, March 4 to 21 (after the February 23 attempted coup), *Cambio* 16, no. 488 (April 6, 1981): 42–45; for 1982–83, November–January, postelection survey with the support of the Volkswagen-Stiftung, unpublished. For the study see Juan J. Linz and J. R. Montero, *Crisis y cambio: Electores y partidos en la España de los años ochenta* (Madrid: Centro de Estudios Constitucionales, 1986). For 1983 (Fall), see J. J. Linz, "La sociedad española: presente, pasado y futuro," in J. J. Linz, ed., *España, un presente para el futuro, I: La sociedad* (Madrid: Instituto de Estudios Económicos, 1984), 57–95, and J. J. Linz, "Legitimacy of Democracy and the Socioeconomic System," in Mattei Dogan, ed., *Comparing Pluralist Democracies: Strains on Legitimacy* (Boulder, Colo.: Westview Press, 1988), 65–113. Data for 1988 and 1993 from the Centro de Documentación de Data, S.A., Madrid. For an important conceptual and empirical analysis, see José Ramon Montero and Richard Gunther, "Democratic Legitimacy in Spain," paper prepared for the International Political Science Association (IPSA), IVI World Congress, Berlin, August 21–25, 1994.

Here we want only to note that the terrorist struggle against a nondemocratic government may leave a difficult legacy for a new democracy, since the terrorists may pursue other goals than democratization and, therefore, not stop their actions when democracy has been achieved. The assassination of one of the intellectual leaders of the right, Senator Jaime Guzmán, in Chile after a democratic government assumed office is another example of how such a legacy complicates the democratic political process.

### DEMOCRATIC CONSOLIDATION

There is broad scholarly consensus that Spanish democracy was *consolidated* no later than the peaceful transfer of power to the socialist opposition after the October 1982 general elections. We accept this date. However, a case could be made that democracy was consolidated even earlier, with the completion of the successful trials and imprisonment of the military leaders involved in the February 23, 1981 coup attempt. It is very significant (and a startling contrast to Argentina) that the two major leaders of the coup attempt, Colonel Tejero and General Miláns del Bosch, were sent to jail and that there was never a politically significant movement in the military or in civil society to grant them clemency.

In our theoretical discussion of democratic consolidation, we distinguished the

mands. See his "Types of Political Regimes and Respect for Human Rights: Historical and Cross-National Perspectives," in Asbjørn Eide and Bernt Hagtvet, eds., *Human Rights in Perspective: A Global Assessment* (Oxford: Blackwell, 1992), 177–222, 299–310, esp. 190–93.

Table 6.5. "At This Time, What Do You Think Is Best: Government Only of the UCD (The Unión de Centro Democrático, Then the Ruling Party), a Political Party Coalition, a Civil-Military Government, or a Military Government?" Spain 1981

Survey Answer	Percentage
UCD government	27%
Coalition government	52%
Civil-military government	5%
Military government	2%
Others (no response, don't know, hard to classify)	14%
	100%

(N = 1,703)

Note: The question in Spanish was: "En estos momentos, ¿qué cree usted que es el mejor: un gobierno sólo de UCD, un gobierno de coalición entre partidos políticos, un gobierno cívico-militar, o un gobierno militar?"

Source: This table is reproduced, with permission, from Linz and Stepan, "Political Crafting of Democratic Consolidation or Destruction," 45. Data are from a special poll carried out by Data, S.A., Madrid, Spain, between March 4 and 21, 1981, after the putsch attempt of February 23, 1981.

*attitudes* of the general citizenry from the *behavior* of nationally significant groups and the *constitutional reality* of whether the democratic government was de jure sovereign in the policy sphere. In the Spanish case, the first component to become fully congruent with consolidation was public opinion. By 1978 Spanish public opinion was strongly democratic, and it has remained so ever since (table 6.4).

Not only was Spanish public opinion strongly prodemocratic in the abstract sense, it also overwhelmingly rejected the major possible alternative to democracy, a military government (table 6.5).

Ten years after the death of Franco, 76 percent of the population felt pride in the transition and only 9 percent said that the transition was not a source of pride. This sense of pride was particularly strong on the left, where 82 percent of those who said they would vote Communist and 88 percent of those who said they would vote Socialist expressed pride in the transition.<sup>30</sup>

In terms of the behavior of nationally significant groups, parts of the military spent significant resources attempting to impose conditions, by pressure and if necessary by military force, on democratically elected governments, at least until the failed coup in February 1981. Some scholars, such as Paul Preston, argue that some party activists were in sufficient contact with coup conspirators to be called, in effect, a semiloyal opposition. However, the overwhelmingly negative reaction to the coup expressed by the king, public opinion, and party leaders helped to establish very clearly that the only game in town after February 1981 was a democratic game.<sup>31</sup>

30. "Actitudes y opiniones de los españoles ante la constitución y las instituciones democráticas," 32.

31. Before the coup attempt prominent politicians from a range of parties, including the Socialist Party, engaged in semiloyal discussions with the military about a possible civil-military caretaker coalitional government. All such ambivalent actions on the part of party activists stopped after the coup. For a discussion of the semiloyal behavior of some politicians, see Paul Preston, *The Triumph of Democracy in Spain* (London: Methuen, 1986), 160–88, esp. 181–84.

The final component of democratic consolidation to be put in place was the successful exercise by the democratic government of its right not to have its policy power constrained by non-democratic institutions. The trials and imprisonment of the military were complete by 1982. The trials helped to consolidate democracy because they showed how divided and without an agenda the military "alternative" really was. The most important hard-liners were defeated, disgraced, and jailed. After the trials there was a "steady realization among large numbers of officers that democracy was there to stay and that the military ought to accommodate itself within it."<sup>32</sup> Finally, after they were faced with the solid parliamentary majority achieved by the Socialists in October 1982, "military contestation shifted from politics to more strictly corporate concerns, and from resistance to accommodation."<sup>33</sup> From December 1982 until March 1991 the defense minister of the Socialist government, Narcis Serra, the former mayor of Barcelona, designed and implemented an imaginative and sweeping restructuring of the military, which had begun with UCD governments and their civilian ministers of defense. When he left office "the once feared *Poder Militar* was now, in many respects, one more branch of the state administration."<sup>34</sup> In terms of civil-military theory, a democratic pattern of civil-military relations is one in which there is low contestation by the military of the policies of the democratically elected government and where the military accepts that they have low "prerogatives" or reserve domains.<sup>35</sup> For more than a decade, Spain has been in this position.

A review of the basic background variables that facilitate or impede a democratic consolidation shows that Spain, with the important exception of the state-ness variable we have examined, began its transformation under facilitating conditions on all the other variables. The organizational base of the authoritarian regime was civilian or civilianized pro regime officers. Some may think of the Franco regime as a military regime, but Franco exercised power as head of the party as well as generalísimo of the armed forces and predominantly as chief of state. Numerous studies of decision making in the last twenty-five years of the Franco regime support Felipe Agüero's judgment that "although the military in Spain was highly present in the Franquist structures, it did not delineate or monitor government policy or control its leader," and that "the military in Spain did not participate in the elite nucleus that made the core decisions for the transition."<sup>36</sup> In our judgment it is appropriate, therefore, to call the regime base in the

32. Felipe Agüero, "The Assertion of Civilian Supremacy in Post-authoritarian Contexts: Spain in Comparative Perspective" (Ph.D. diss., Duke University, 1991), 300.

33. Ibid., 309.

34. For an excellent discussion of the socialist reform, see *ibid.*, 309–56. This quote is from p. 356.

35. For a more extensive conceptual discussion of "military prerogatives" and "military contestation" and a comparative analysis of Spain, Chile, Uruguay, Argentina, and Brazil, see Stepan, *Rethinking Military Politics*, 93–127, esp. figure 7.3 on p. 122.

36. Both quotes from Felipe Agüero, "The Military in the Processes of Political Democratization in South America and South Europe: Outcomes and Initial Conditions," paper presented at the XV Interna-

years preceding the transition a “civilianized-authoritarian regime.” As we have argued, such a base presents fewer potential obstacles to democratic transition and consolidation than does a sultanistic base or a hierarchical military.

In Spain there were, of course, important social and political pressures for change when Franco died. Our emphasis on the formally developed part of civil society in Spain that in part served as a basis, cover, and support for an emerging political society should not lead us to neglect the less organized forms of dissent by people in demonstrations, rallies, and sympathy strikes. Some of those actions were quite spontaneous, and certainly many of those participating did not belong to any of the organizations initiating them.

There is, however, a very important difference between authoritarian Spain and those regimes in Communist Europe with strong totalitarian or frozen post-totalitarian features, such as the GDR, Czechoslovakia, Bulgaria, Romania, and the Baltic republics. There the weakness of civil society and political society before the transition started and during the course of the transition made the more spontaneous actions of citizens congregating in squares, churches, and streets (like those in Leipzig, Dresden, Berlin, Prague, Sofia, and finally in Timisoara and Bucharest) play a much greater role in the crisis of those regimes and their collapse or the initiation of a transformation from above. In some of those cases, there was a serious possibility of a violent Tiananmen Square denouement, an outcome less likely in Spain (except perhaps in the Basque Country) due to the mediating role of civil organizations and the leaders of an incipient political society. The massive demonstration in Spain in February 1977, after the murder of Communist labor lawyers—the Atocha murders—is one example; their lying-in-state at the bar association offices in the Supreme Court building, the authorized character of the mass demonstration, and the control of the militants by the PCE made this an important but orderly event. In this context of heightened societal pressure for and expectations of change, the regime’s political leaders, especially Adolfo Suárez, initiated the law for political reform and were in charge when the first elections were held and when the constitution was drafted. Popular pressure kept the transition going forward and contributed to the dialectic captured by the well-known Spanish phrase *reforma pactada-ruptura pactada*. Nonetheless, since the regime played a key role at all stages of the transition, it is appropriate to call Spain a case of negotiated transition, which, consistent with our argument, is a format that avoids most of the problems of a “provisional government.”

Concerning the implication of the character of the previous nondemocratic regime, we argued in table 4.3 that it is conceivable that in the later stages of an authoritarian regime a country could arrive at a set of conditions vis-à-vis civil

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tional Congress of the Latin American Studies Association, San Juan, Puerto Rico, September 21–23, 1989, 22 and 27. For a similar argument with supporting documentation, see Rodrigo, “El camino hacia la democracia,” 21–32, and Stepan, *Rethinking Military Politics*, 118–21.



society, constitutionalism and rule of law, the state bureaucracy, and economic society that would be quite supportive of democratic consolidation, if there was a democratic transition. Spain is the clearest example of the phenomenon. In the words of Víctor Pérez-Díaz, "by the time we get to the mid-70s the economic, social and cultural institutions of Spain were already quite close to those of Western Europe, and the cultural beliefs, normative orientation and attitudes that go with the workings of these institutions were also close to European ones. This is one of the reasons why the political change to democracy worked so swiftly."<sup>37</sup> He further notes that, by the mid-70s (just before the transition), "Spain's economy was a modern economy, ranking tenth among capitalist economies throughout the world, with a large industrial sector, a booming service sector and its agriculture undergoing rapid transformation."<sup>38</sup> Indeed, the Spanish economy had benefited from the overall development of Western Europe, and between 1961 and 1970 it had a growth rate of 7.3 percent, one of the highest in the world.<sup>39</sup> The Spanish transition is particularly relevant to the debates about economic factors in transitions and consolidations of new democracies. The robust economic development in Spain in the 1960s contributed indirectly to the transition by generating a more complex and free society in which there were considerable working class protests and strikes, first on economic issues and later on solidarity demands. In the moment of transition, Spain's close network of organizations limited anomic and violent action, possibly because everybody had something to lose in disorder. However, there was no direct relationship between prolonged economic growth and the onset of the transition nor to the specific political processes leading to democracy. Spain had reached a level of development that should have led to democratization quite a few years before Franco's death in 1975. The business class did not press for change by articulating arguments that the regime had served its function or that further development required democratization. Business did not oppose democratization and might have even privately supported it, but business played no active public role bringing about democracy.

Of the five arenas that were crucial for the consolidation of democracy, as argued in chapter one, Spain began its transition with reasonable supportive con-

37. Pérez-Díaz, "Emergence of a Democratic Spain," 14. This is true even in the area of political preferences. For example, although, until shortly before the 1977 elections, the public recognition of leaders and the large number of emerging parties were small, the Spaniards, even before the death of Franco and especially after the transition began, could clearly place themselves on the left-right dimension and express their preference for one or another of the ideological tendencies in the European political spectrum. Most Spaniards from the daily news were quite familiar with European politics and parties. In this respect Spain was very different from most post-totalitarian societies and particularly from the former USSR.

38. Ibid.

39. See J. M. Maravall, "Economic Reforms in New Democracies: The Southern European Experience," *East South System Transformations*, Working Paper #3 (Oct. 1990), Department of Political Science, University of Chicago, 3. For a more detailed evaluation of areas of economic strength and weakness of the Franco regime in 1960–75, see José María Maravall, *Los resultados de la democracia: Un estudio del sur y el este de Europa* (Madrid: Alianza Editorial, 1995), 61–104.

ditions in all of the arenas except political society. Democratic crafters and supporters inherited a civil society already robust and reasonably differentiated, an economic society that needed restructuring but was already institutionalized, a state apparatus tainted with authoritarianism but usable (and certainly so by the first democratically elected government, which came from its ranks), and a reasonably strong recent tradition of rule of law.

Given this situation we do not feel that international influence was critical for Spain's transition and consolidation (as we will argue it was for Portugal), but it certainly was systematically supportive. Democracy in Spain, in fact, was already consolidated before Spain entered the European Economic Community in 1986. However, the fact that the EEC was solidly democratic, and had "set up a stable pattern of rewards and disincentives" for would-be members was helpful to Spain's transition and consolidation.<sup>40</sup> As the former Socialist Minister, José M. Maravall, has noted, "Adolfo Suárez presented Spain's request for membership to the EEC in 1977 and the totality of parliamentary parties supported him. It was widely believed that international isolation and the dictatorship had been closely connected in recent Spanish history. The European Community was seen as a symbol of democracy and development; this symbol had been very important in the struggle against Francoism. Joining the EEC was believed to be a decisive step for the consolidation of democracy."<sup>41</sup> Foreign policies toward Spain and the prevailing *Zeitgeist* in Western Europe were thus very supportive of democratic transition and consolidation. The diffusion effect was also helpful for Spain. The 1974 Portuguese Revolution encouraged some Spanish proregime leaders to push the democratic transition forward rather than wait for a reaction from below, and the loss of the king's throne in Greece probably encouraged King Juan Carlos to support a regime-led democratic transition.

The political economy of legitimacy is extremely interesting because there is absolutely no doubt that the economic situation of Spain deteriorated sharply during the transition and did not improve until three years *after* consolidation in 1982. Spanish unemployment in the early 1970s under Franco was one of the lowest in Europe, hovering around 3 percent. With the transition to democracy, unemployment rose dramatically—in fact, Spain's 20 percent unemployment rate in the mid-1980s was the highest in Western Europe. Economic growth rates, which averaged over 7 percent from 1960 to 1974 and were among the highest in the world, averaged only 1.7 percent between 1975 and 1985.<sup>42</sup> The hypothesis of a tightly coupled relationship between economic efficiency and political legitimacy would lead

40. Whitehead, "International Aspects of Democratization," 22.

41. Maravall, "Economic Reforms in New Democracies," 16.

42. The Spanish unemployment data are from Banco de Bilbao, Economic Research Department, *Situación: Review of the Spanish Economy*, International Edition, no. 10–11, 1986. The Spanish growth rates are derived from *United Nations Statistical Yearbook*, 1976, 1982, and Economic Intelligence Unit, *Quarterly Reports: Spain* (2nd quarter 1986).

us to predict a corresponding decline in the legitimacy of democracy. Although the polls showed a sharp decline in the belief in the socioeconomic efficacy of the regime, there was a significant increase in the number of citizens who answered affirmatively to the question "Is democracy the best political system for a country like ours?"<sup>43</sup> As with the Dutch in the mid-1930s, the Spanish in the 1980s, despite economic decline, struggled all the harder to make the democratic regime work because no alternative seemed more appropriate. Helped by the fact that Spain had started with a reasonably good economy, the sequence of reform actually followed was first political, second social, and only third, economic.<sup>44</sup>

Our final conditioning variable is the constitution-adoption formula. In the absence of a sultanistic background or an armed conflict within the state, a constitution imposed by a provisional government was precluded. The relative absence of the military in the day-to-day governing process of the old authoritarian regime and the fact that the transition was being led by the regime's civilian leaders meant that the military did not attempt to impose authoritarian prerogatives or confining conditions on the constituent assembly.<sup>45</sup> The civil war legacy, the great socioeconomic changes since the 1930s, and the fact that the Franco government had been in power for forty years virtually precluded a restoration. These factors, together with the constant pressure of the democratic opposition, led the regime's leaders to adopt the free constitution-making formula. Within this formula, Spain elected the consensual as opposed to the majoritarian style of constitution making. The issue of consensus underlying the political process of the transition and above all the constitution-making process was emphasized by Suárez in a speech before the Congress of Deputies on April 5, 1978 in these terms:

During a constituent process, the Government must limit the reach of its options, maintaining the level of dissensus at levels which are not substantial, because that is the only way to avoid what would be the most grave danger to the body politic: the nonexistence of a concord located in the country at its roots, concerning the basic elements of national coexistence. This transitory situation, characteristic of all constituent periods, conditions all aspects of political action. . . . the Constitution, as an expression of national concord, must be obtained by consensus, for which it is necessary to take into account the diverse political forces now present."<sup>46</sup>

43. We develop this argument at greater length in Stepan and Linz, "Political Crafting of Democratic Consolidation or Destruction: European and South American Comparisons," in Robert A. Pastor, ed., *Democracy in the Americas: Stopping the Pendulum* (New York: Holmes and Meier, 1989), 42–48; the quote is from p. 43.

44. The seminal work on the sequencing of reform in southern Europe is Maravall, "Economic Reforms in New Democracies." Given the "simultaneity" problem that all post-Communist polities faced, this sequencing was (unfortunately) not considered seriously in that region. Even in the South American countries, the choice, everywhere but Chile, has been to address deep debt-related problems and political problems simultaneously.

45. On this key point see the excellent dissertation by Rodrigo, "El camino hacia la democracia," 273–77.

46. The distinction between the consensual and the majoritarian styles of democratic policy making is developed in Arend Lijphart, *Democracies: Patterns of Majoritarianism and Consensus in Twenty-one Countries* (New Haven: Yale University Press, 1984), 1–36.

The result of the consensual approach to constitution drafting was that the constitution was approved in the lower house by 325, with only 6 votes against and 8 abstentions. To get maximum legitimacy for the new constitution, the Spanish leaders chose to have their collective work submitted to a constitutional referendum where, as we saw, it obtained about 88 percent approval.<sup>47</sup> None of the other twelve countries we consider in this volume carried out all of these steps. Probably the most significant consequence of the consensual process is that, ten years after the death of Franco, 65 percent of those polled felt that the constitution “was an accord among almost all political parties,” whereas only 10 percent felt it was “imposition by one party on the other.” In answer to the question, “Whose ideas prevailed in the constitution—‘right,’ ‘left,’ ‘center,’ ‘everyone’ or ‘no one in particular?’” the answer “everyone” was agreed to by 57 percent, whereas the next highest was the “center” with 7 percent.<sup>48</sup> The constitution, therefore, was and is an element of popular consensus in the new democracy.

We do not want to leave the impression that democratic consolidation in Spain was overdetermined by our variables. We have acknowledged the delicacy of the question of stateness, the severity of the military threat to Spanish democracy in February 1981, and the indispensability of the skill and imagination of party leaders and the king for success. Nevertheless, in comparative terms, Spain began the transition with very favorable conditions. This would not have been the case had Spain begun the transition from a totalitarian, post-totalitarian, or sultanistic base. However, as we shall see when we examine Portugal, a transition that begins with a coup by a nonhierarchical military confronts vastly more complicated circumstances, even though it shares the same typological origin as an authoritarian regime.

At the time of making final revisions to our book, the Spanish government is in the midst of a serious crisis unrelated to the transition. This crisis is due to revelations of corruption on the part of the head of the Bank of Spain and the first civilian and socialist head of the Guardia Civil, tolerance or support for the anti-ETA terrorism of the clandestine organization called GAL (Grupos Anti-terroristas de Liberación), the cover-up of the death of an ETA member at the hands of the police, and widespread telephone tapping.

A mixture of complexities derived from the constructive vote of no confidence and the interests of the Catalan party—*Convergència i Unió*—delayed dissolution and new elections. However, no one questioned the democratic institutions, and the response was the calling of early elections for March, 1996. In this case, the quality of democracy does not jeopardize the consolidation of democracy; in fact, in this and other cases, one could argue that the relative invulnerability of democratic institutions to bad government is proof of consolidation.

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47. For the votes see Linz, “Innovative Leadership in the Transitions,” 185. On the constitution-making process see Bonime-Blanc, *Spain's Transition to Democracy*.

48. “Actitudes y opiniones de los españoles ante la constitución,” 50–51.

## From Interim Government to Simultaneous Transition and Consolidation: Portugal

THE PORTUGUESE transition to democracy presents characteristics that are directly relevant to our theoretical framework. It exemplifies in a particularly dramatic way the problems stemming from a transition initiated by a nonhierarchical military. In Portugal this led to rule by interim governments and a constitution-making process heavily conditioned by nondemocratic pressures. The result was the creation of "reserve domains" of power that precluded, as long they were in place, the completion of democratic transition and therefore democratic consolidation. The Portuguese case also boldly highlights how elections can be an independent factor in transition and consolidation, since elections can sociologically, as well as legally, alter relations of power. Without the formal written commitment of the Armed Forces Movement (MFA) to hold elections within one year (a decision later regretted by some of the revolutionary officers and their allies), the uncertainty and difficulty of the Portuguese transition could well have been much greater than they were.

Why was the Portuguese transition so fundamentally different from the Spanish transition? Regime type does not really help us because the Salazar regime in Portugal was not significantly different from the Franco regime in Spain. To be sure, the regime was at times described as totalitarian, but most scholars now concur that the regime never was totalitarian, even in the worst period of Salazar.<sup>1</sup> The regime did of course have a fascist-style structure of mass organizations, but these structures were actually less important than in Spain, and the official party was not strongly organized. The regime had a nondemocratic constitutional system with strong corporatist features, but more than in Spain it had certain institutions of a liberal origin such as regular elections to a parliament and even a

1. For an analysis of the corporatist but not totalitarian nature of the Salazar regime, see Manuel de Lucena, "Interpretações do Salazarismo: Notas de leitura crítica," *Análise social* 20 (1984): 423–51. For an excellent review of the literature, see António Costa Pinto, *Salazar's Dictatorship and European Fascism: Problems of Interpretation* (Boulder: Social Science Monographs, 1995). For a comparison of the regimes of Franco and Salazar, which concludes that neither was totalitarian, see Javier Tusell, *La dictadura de Franco* (Madrid: Alianza Editorial, 1988), 272–305.

short period of tolerated political contestation before the elections.<sup>2</sup> For a while there was even a direct election of the president—in fact, in 1958 the regime's candidate almost lost. The weakness of the single official party and the lesser weight of fascist ideological influences brought the regime even further from the totalitarian model than in Spain. The military were more unruly and politicized than in Spain. Military revolts were routine and both the regime and the opposition attempted to bolster themselves by having military officers as their presidential standard bearers. In fact, all presidents of Portugal from 1926 to 1986 were military men.<sup>3</sup> But the regime was by no means a military regime. Ultimately, like Spain, Portugal's nondemocratic regime can be characterized as a civilianized authoritarian regime with a weak party. Salazar was a university professor who was surrounded by academics, and his successor was a distinguished university professor. Finally, Salazar as the long-time head of government was, like Franco, committed to sustaining the nondemocratic regime he had created.

With such similar regimes in Portugal and Spain, why did Portugal have revolutionary rupture with its past while Spain had a "transition by transaction"? Writing today about the Portuguese upheavals, we all too often tend to see them in the framework set by later transition processes, forgetting that in 1974 Portugal was the first of the transitions in contemporary southern Europe. Thus there was no "Spanish model" available for emulation or reflection, as it was later for government and opposition elites alike in Hungary, Brazil, Uruguay, and South Korea. Portugal as the first transition was also not helped by a diffusion effect. The model of *reforma pactada-ruptura pactada* had not been invented. However, with our interest in assessing the importance of diffusion and political learning, our discussion of Spain opens up the very real possibility that part of the reason why the Spanish transition was so fundamentally different from the Portuguese transition is that the Portuguese upheavals were occurring as Franco died and served for some of the key regime activists in Spain as a point of reference of how *not* to make a transition. This important point aside, one can still speculate counterfactually whether a "transition by transaction" would have been possible in Portugal.

Theorists of these "transitions by transaction," such as Mainwaring and Share, generalizing from Spain and Brazil, have posited that such a transition is most likely if there is (1) a reasonably well-established regime, (2) a low subversive threat, (3) a cooperative opposition, (4) low mobilization, and (5) innovative leadership.<sup>4</sup> With the exception of a small but Stalinist Communist Party, Portu-

2. See Philippe C. Schmitter, "The 'Régime d'Exception' That Became the Rule: Forty-eight Years of Authoritarian Domination in Portugal," in Graham and Makler, *Contemporary Portugal*, 3–46.

3. For the Portuguese military under Salazar and an analysis of twenty-one different cases of insurrection, see Douglas L. Wheeler, "The Military and the Portuguese Dictatorship, 1926–1974: 'The Honor of the Army,'" in Graham and Makler, *Contemporary Portugal*, 221–56. Despite these acts of insurrection, Wheeler is clear that the Salazar government was not a military government. "The armed forces leadership after 1933, and especially after World War II, was increasingly controlled by the state" (p. 199).

4. See Scott Mainwaring and Donald Share, "Transition through Transaction: Democratization in

gal at the death of Salazar in 1970 shared great similarities with Spain and Brazil on the first four conditions. What Portugal lacked was an innovative leader who took a major role in initiating a transition.<sup>5</sup> In the end, midlevel professional officers whose status and morale were being destroyed, and many junior officers who were being radicalized by the colonial wars in Angola and most importantly in Mozambique and Guinea, terminated the government that could not or would not terminate the wars. On April 25, 1974, Western Europe's oldest dictatorship was overthrown by junior officers.<sup>6</sup>

Almost immediately, massive crowds filled the streets, supporting the junior officers, crowds that put carnations in their guns, thus helping legitimate and make irreversible the "revolution of the carnations." The success of the liberation by "golpe" rapidly led to the freeing of political prisoners.<sup>7</sup> The liberation opened a period of febrile activity, social protests, more or less spontaneous takeovers of factories and large agricultural units, purges of all kinds of institutions if they were seen as closely related to the previous regime, and constant *assembleas* to decide everything. Parties seen as representing continuity with the old regime were outlawed. The Portuguese Communist Party emerged out of many of the assemblies with key positions of power. Nationalization of the banks put the country on the road to socialism, given the banks' traditional control of much of industry. It was a revolutionary process that attracted worldwide attention, enthusiasm, and fears.

#### TRANSITION INITIATED BY A REVOLUTIONARY NONHIERARCHICAL MILITARY

Analytically, how did such a revolutionary process begin, and especially how and why did such a process lead to representative parliamentary democracy? Ob-

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Brazil and Spain," in Wayne Selcher, ed., *Political Liberalization in Brazil* (Boulder, Colo.: Westview Press, 1986), 175-215.

5. For a systematic analysis of how Marcello Caetano, in sharp contrast to the "innovative leadership" of Suárez in Spain, did not take advantage of these favorable conditions for a transacted transition, see Daniel V. Friedheim, "Innovative Leadership: The Failure to Democratize Pre-revolutionary Portugal" (Yale University, July 1990, mimeo). For early comparisons of the Spanish and Portuguese transitions, see Juan J. Linz, "Some Comparative Thoughts on the Transition to Democracy in Portugal and Spain," in Jorge Braga de Macedo and Simon Serfaty, eds., *Portugal since the Revolution: Economic and Political Perspectives* (Boulder, Colo.: Westview Press, 1981), 25-45.

6. The crisis in the military is shown by the fact that, for the 1971 class at the military academy, there were 550 openings, but only 169 candidates applied to take the admissions test; 103 were admitted. See the massively documented book by Maria Carrilho, *Forças armadas e mudança política em Portugal no séc. XX: Para uma explicação sociológica do papel dos militares* (Lisbon: Estudos Gerais Série Universitária, 1985), 385. The commissioning of drafted university students infuriated the professional officers, many of whom wanted the colonial wars to end. The professionals were worried that, if they lost the wars, they would receive the same humiliating treatment from the government that had been received by the commanders of the Portuguese garrisons who surrendered in Goa.

7. The classic study is by Philippe C. Schmitter, "Liberation by Golpe: Retrospective Thoughts on the Demise of Authoritarian Rule in Portugal," *Armed Forces and Society* 2 (Nov. 1975):5-33.

vously, when we consult the variables discussed in part 1, the revolutionary process had most to do with our variable "who initiates and controls the transition." The character of those who initiated the transition also introduced strong nondemocratic elements into the variable we called "the constitution-making environment."<sup>8</sup>

In Portugal the transition was started to a great extent by captains. Thus, unlike the Greek case we shall explore next, the Portuguese revolution was not initiated by the state. This made for a crisis of normal military structures and also led to a general crisis of the state. Consistent with our analytical framework, this opened up a period of "interim governments" in which the possibilities for full democratic transition, not to speak of democratic consolidation, were very much in doubt. For a while the junior military, pulled along by extensive mass mobilization in Lisbon and in the South, were in essence in alliance with a Stalinist Communist Party and various revolutionary groups in an effort to transform the country.<sup>9</sup> Between 1974 and 1976 the country lived through a turbulent period of provisional governments and a near disintegrating state. Indeed, Kenneth Maxwell alludes to the fact that, on a number of accounts, Portugal was closer in this period to Nicaragua than it was to any southern European or South American transition.<sup>10</sup>

During the period of revolutionary upheavals, the military became deeply involved in all phases of political activity. After April 1974, the Junta of National Salvation, headed by seven officers, assumed sovereign power, elected a new president from its members, and appointed the government. Another revolutionary organ of the new regime, the Council of State, exercised legislative power until the election of the Constituent Assembly; it was composed of twenty-one members, only five of whom were civilians, all appointed by the military. The last five interim governments were all presided over by military men. Forty of the ninety cabinet positions were held by military officers.<sup>11</sup> In addition, in the course of 1974–75, the military jurisdiction was not only not abolished or restricted, but was extended to cover all "counter-revolutionary" crimes, including those exercised by the mass media. The military gave themselves the power to arrest, to carry out police inquiries, and to submit to military jurisdiction any civilians they deemed were involved in offenses concerning the military.<sup>12</sup> The military assumed unilat-

8. See chapter 5 for our discussion of these variables.

9. The high degree of autonomous popular mobilization and land seizures is important to stress and is well documented in Nancy Gina Bermeo, *The Revolution within the Revolution: Workers' Control in Rural Portugal* (Princeton: Princeton University Press, 1986).

10. Kenneth Maxwell, "Regime Overthrow and the Prospects for Democratic Transition in Portugal," in O'Donnell, Schmitter, and Whitehead, *Transitions from Authoritarian Rule: Southern Europe*, 113.

11. All of these figures were obtained from the extremely informative article by José Sánchez Cervelló, "El proceso democrático portugués (1974–1975)," in Hipólito de la Torre, ed., *Portugal y España en el cambio político (1958–1978)* (Mérida: Universidad Nacional de Educación a Distancia, Centro Regional de Extremadura, 1989), 155–63.

12. *Ibid.*



eral control of key foreign policy issues. In the words of one of the most radical military leaders of the provisional government, Vasco Gonçalves, "the MFA was the only, and exclusive, group in charge of decolonialization."<sup>13</sup> The military also took over an important role in the mass media. Their *Bulletin of the MFA* had a circulation of 100,000, and the MFA, through the unit called *Dinamização Cultural*, carried out extensive political mobilization efforts in support of the revolutionary process. Even the winner of the competition to participate in the first European Eurovision Music Festival was an officer.<sup>14</sup>

Given the extraordinary political roles played by a nonhierarchical military, the Moscow-line Communist Party, and popular revolutionary actions, *how*, by our criteria, did Portugal on August 12, 1976, *simultaneously* complete its democratic transition *and* its democratic consolidation?

### INTERIM GOVERNMENTS AND ELECTIONS

Theoretically and empirically we believe that the strongest democratic countervailing power to the nondemocratic dynamic of an interim government is free elections with a set date. Only such elections can constitute political society. This is so because elections can (1) create new democratic political actors, (2) fill the newly opened political space with institutions associated with democracy, (3) give a claim of democratic legitimacy to forces that have not necessarily played a role in the destruction of the nondemocratic regime, and (4) provide the first opportunity for all the citizens of the country to render a positive or negative judgment on the provisional government.

The Portuguese case supports this general argument. For reasons that still have to be studied, the initial program of the Armed Forces Movements explicitly committed them to holding Constituent Assembly elections within a year.<sup>15</sup> There was the further additional commitment to elections for a parliament and a president, under a framework to be determined by the Constituent Assembly within another year.<sup>16</sup> Let us remember that there are two options in the writing of new constitutions. One is the election of a constituent assembly with no other function and to which the government would not be accountable, and the other is the election of a regular parliament to which a government will be accountable that will engage in law making at the same time that it drafts and approves a constitution. The first alternative may serve, as it did in Portugal, to delay the formation of a parliament-

13. *Ibid.*, 162.

14. *Ibid.*, 162–63. The indispensable chronology that reproduces most of the important decrees, manifestos, and speeches of the 1974–75 revolutionary period is the multivolume series, Henrique Barrilero Ruas, ed., *A revolução das flores; Do 25 de Abril ao Governo Provisório* (Lisbon: Editorial Aster, n.d.).

15. See article 4 of the "Disposições Constitucionais Transitórias" (May 14, 1974). The entire text is reprinted in Barrilero Ruas, *A revolução das flores*, 308–14.

16. *Ibid.*, 118.

based government until after the approval of a constitution and new elections. It allows the prolongation of a possibly authoritarian interim government. Another consequence might be that the real political leaders might prefer not to be in the constituent assembly, whose product will therefore be more abstract and theoretical than it probably would have been if it had been the result of compromises between the most powerful leaders interested in being in a legislature or the executive while the constituent assembly meets. In comparison, in Nicaragua the broad coalition supporting the Sandinistas did not demand or get such a clear statement concerning the adoption of a constitution by a democratically elected constituent assembly nor a date for the end of the interim government.

The Portuguese Constituent Assembly elections were held on schedule on April 25, 1975. In these statewide elections, a center-left party, a center-right party, and a conservative party, all of which were in favor of procedural democracy, won 72 percent of the vote. In 1976, in the first free parliamentary elections since the 1920s, these same three parties won 75 percent of the vote and 222 of the 263 seats in the assembly.<sup>17</sup>

The crucial analytical point about interim governments is that, after a long authoritarian period, groups who destroy a nondemocratic regime and who form an interim government can always make the claim that they legitimately represent the wishes and needs of the people. It is virtually impossible to verify or dispute their claim without elections. Elections create new democratic claimants. The monopolistic claims of the leaders of an interim government are thus contested, and an important part of the newly created political space is occupied by actors whose origin is in democratic procedures.

The holding of elections does not mean that the struggle over the democratic or nondemocratic direction of the transition is over. In a highly fluid environment, such as existed in Portugal in 1974–75, free elections meant only that a democratic discourse and democratic power resources had been created to contest the discourse and resources held by the forces associated with the interim government. That these two discourses and power bases can be radically different, even following elections, was made strikingly clear in the remarks made by the leader of the Portuguese Communist Party, Alvaro Cunhal, in an interview with the Italian journalist Oriana Fallacci in 1975: "If you think the Socialist Party with its 40 percent and the Popular Democrats with its 27 percent constitute the majority . . . you're the victim of a misunderstanding. . . . I'm telling you the elections have nothing or very little to do with the dynamics of a revolution. . . . I promise you there will be no parliament in Portugal."<sup>18</sup>

17. On elections, see David B. Goldey, "Elections and the Consolidation of Portuguese Democracy: 1974–1983," *Electoral Studies* 2, no. 3 (Dec. 1983): 229–40, and Thomas C. Bruneau and Alex Macleod, *Politics in Contemporary Portugal: Parties and the Consolidation of Democracy* (Boulder, Colo.: Lynne Rienner Publishers, 1986), esp. chap. 2.

18. Maxwell, "Regime Overthrow and Transition in Portugal," 127.

## THE REASSERTION OF MILITARY HIERARCHY

Why then did a democratic parliament in fact get established in 1976? Here we must go back to the origins of the revolution in the junior officers. In chapter 5 we advanced the argument that a nonhierarchically led military regime perpetually risks being checked by the assertion of control by the officers associated with the military hierarchy. Here we differ somewhat from the important work of Felipe Agüero. He asserts that, if the previous authoritarian regime is civilianized and the transition is begun by a military coup, the relative power position of the military will be "strong."<sup>19</sup> We believe this is correct only when the coup is led by a hierarchical military. When the coup is led by the nonhierarchical military, they are, as we have argued, always vulnerable to a hierarchical counter coup.

In Portugal, politics during the provisional governments increasingly threatened the military chain of command. In some cases, parallel operational command units were set up which refused to comply with orders from their nominal superiors. Mixed groups of officers and enlisted men occasionally met in debating forums. Finally, the solidarity of the self-proclaimed "motor of the revolution" cracked, and this generated sharp intramilitary conflicts about future policy directions and alliance strategies. As Laurence S. Graham has noted, by late 1975 the political involvement of the Portuguese military had reached a point where the "political alignments on the left, the right, and the center all represented different constellations of civilian and military leaders. Seen in organizational terms, by this point the military as an identifiable institution distinct from civilian society had largely ceased to exist. The pre-revolutionary divisions between the services and within them between officers and enlisted men had disintegrated further into warring factions."<sup>20</sup> Indeed, documentation exists to show that at least three strikingly different political tendencies had emerged within the military by August 1975.<sup>21</sup>

Under these circumstances a group of senior officers concerned with institutional matters of unity and discipline began to form around Colonel Ramalho

19. Felipe Agüero, "The Military and Democracy in South America and Southern Europe: Outcomes and Initial Conditions" (paper presented at the XV International Congress of the Latin American Studies Association, Miami, December 4 to 6, 1989). Also see the important book by Felipe Agüero, *Soldiers, Civilians, and Democracy: Post-Franco Spain in Comparative Perspective* (Baltimore: Johns Hopkins University Press, 1995).

20. Laurence S. Graham, "The Military: Modernization and Changing Perspectives," in Kenneth Maxwell, ed., *Portuguese Defense and Foreign Policy Since Democratization* (New York: Camões Center, Research Institute on International Change, Columbia University, Special Report No. 3, 1991), 16.

21. Three completely incompatible political documents were written by competing military factions in July and August of 1975. See in particular the vanguardist prorevolutionary document issued by a group called COPCON and a democratic socialist document signed by officers explicitly condemning the anti-democratic politics of COPCON in Hipólito de la Torre and Josep Sánchez Cervelló, *Portugal en el siglo XX* (Madrid: Ediciones Istmo, 1992), 325–34. Paul Christopher Manuel, *Uncertain Outcome: The Politics of the Portuguese Transition to Democracy* (Lanham, N.Y.: University Press of America, 1995), gives a detailed and documented account of the politics and factions in the MFA from 1974 to 1976.

Eanes. When an officerless group of paratroopers was involved in what appeared to be a leftist putsch on November 25, 1975, it was put down by Colonel Eanes and backed by a strong political coalition of national and international forces. A long process of the reassertion of hierarchical control within the military as organization had begun. Respecting electoral results became a part of the military hierarchy's own depoliticization strategy. As Maxwell says, "The army, which in 1975 talked of itself as a 'revolutionary vanguard' and a 'movement of national liberation' by 1976 praised 'hierarchy' and 'discipline.'"<sup>22</sup>

### CONSTITUTION-MAKING ENVIRONMENT: THE NONDEMOCRATIC CONSTITUTION OF 1976

However, the interlude of interim governments and extremely high involvement of the military in politics had left its legacy, especially concerning the variable we call the *constitution-making environment*. In terms of democratic theory and democratic institutions, the price was that, unlike Spain, the Constituent Assembly was not really "sovereign" and able to draft the constitution its members liked. For the 1975 election to the Constituent Assembly to go forward, the parties bowed to revolutionary military power and signed a formal written pact with the MFA (Armed Forces Movement), agreeing to a supervisory role for the MFA even after the election. A second MFA-political parties pact signed on February 26, 1976, while the Constituent Assembly was in process, further constrained the elected officials.<sup>23</sup>

As a result of these pacts, the 1976 constitution contained some clearly non-democratic features. The predominantly military Council of the Revolution was given the power to pass their own laws and to judge the constitutionality of all laws passed by the assembly. Article 149, paragraph 3, of the 1976 Portuguese Constitution asserted flatly that "decree-laws of the Council of the Revolution shall have the same validity as laws of the Assembly of the Republic."<sup>24</sup> Article 148 stated that the Council of the Revolution would have the competence to "make laws concerning the organizational functioning, and discipline of the Armed Forces." It also stated that "the powers referred to in . . . the foregoing paragraph shall be vested in the Council of the Revolution alone."<sup>25</sup>

22. Maxwell, "Regime Overthrow and Transition in Portugal," 133.

23. The complete text of the first pact is reprinted in "Plataforma Constitucional Partidos—M.F.A.," in Fernando Ribeiro de Mello, ed., *Dossier 2ª República* (Lisbon: Edições Afródite, 1976), 1:235–41. The complete text of the second pact is reprinted in "Segundo Pacto dos Partidos com o M.F.A.," in Reinaldo Caldeira and Maria da Ceu Silva, *Constituição política da República Portuguesa 1976: Projectos, votações e posições dos partidos* (Lisbon: Livraria Bertrand, 1976), 343–52.

24. This power simply reaffirmed the concessions agreed to in article 3, section 2 of the previously cited "Plataforma Constitucional Partidos—M.F.A."

25. This extraordinary "right" of military self-government had also been "pacted" previously in article 3, section 14, of the "Segundo Pacto dos Partidos com o M.F.A."

As long as the Constitution gave these *de jure* prerogatives to an institution whose power did not derive from democratic procedures, Portugal did not meet our criteria of a completed democratic transition. In addition, the Council of the Revolution *de facto* exercised its *de jure* powers. According to Bruneau and Macleod, "the Council adopted an activist stance which upset many civilian politicians, rejecting no fewer than thirty-five of the seventy-four bills that were submitted to it."<sup>26</sup> In the end it took six years of action by the democratic political parties and the acquiescence and at times active support of President Eanes before a Constitutional Revision of 1982 could occur that abolished the Council of the Revolution and established a legal framework for democratic control of the military.<sup>27</sup>

#### SIMULTANEOUS TRANSITION COMPLETION AND DEMOCRATIC CONSOLIDATION

Democratic transition and democratic consolidation are normally separate processes that follow each other in temporal sequence. However, under some circumstances they can occur simultaneously. We believe such simultaneity occurred in Portugal on August 12, 1982. Why?

Concerning the *attitudinal* dimension of democratic consolidation, we unfortunately do not have much relevant and/or methodologically sound public opinion data on Portuguese attitudes toward democracy until after 1982, but we believe the surprising stability of party preferences in Portugal from 1975 to 1985 indicates that the vast majority of the voting public consistently expressed a preference for prodemocratic, proregime parties. Based on their study of public opinion and their analysis of voting patterns, Bruneau and Macleod assert that "party loyalty was defined early, in 1975, and continued with very little movement of the voters from one party to another between 1976 and 1983."<sup>28</sup> The "founding election" of 1975 is particularly illustrative in this respect. The 1975 election became a contest between a revolutionary military that campaigned openly for abstention or a null vote and the democratic political parties who urged a high turnout. The military's campaign had virtually no effect. Participation was over 90 percent—one of the very highest participation rates of all the founding elections considered in this book—and only 2 percent more of the voters cast null votes than they had in the 1976 elections, when no one campaigned for null votes.<sup>29</sup>

26. Bruneau and Macleod, *Politics in Contemporary Portugal*, 40.

27. For details of the vote abolishing the Council of the Revolution, see *Facts on File*, 41 (1982): 638, 867. By November 1982 the important Law on National Defense, which specified the institutional details of civilian control, was passed. For this gradual process of civilian empowerment and democratic control, see the valuable accounts contained in Bruneau and Macleod, *Politics in Contemporary Portugal*, 12–25, and Graham, "The Military," 14–28.

28. Bruneau and Macleod, *Politics in Contemporary Portugal*, 40.

29. For details of the founding election of 1975, the best source is Jorge Gaspar and Nuno Vitorino, *As eleições de 25 de Abril: Geografia e imagem dos partidos* (Lisbon: Livros Horizonte, 1976).

Even in the absence of conclusive pre-1982 surveys, this voting pattern supports the argument that, attitudinally, Portugal had crossed our threshold for democratic consolidation by 1982. A public opinion study administered in 1985 in Portugal revealed a public opinion profile not unlike that of other consolidated democracies.<sup>30</sup> In a 1988 poll, 90.2 percent of the population were generally favorable to democracy. Actively supporting democracy were 38.9 percent. Passively accepting democracy were 51.3 percent. Significantly, of the 24.6 percent of the population polled who said they were "dissatisfied" with how democracy had functioned in the last ten years, only 5.1 answered that they were *against*, while 19.1 percent said they were *for*, democracy.<sup>31</sup> By 1990 prodemocratic sentiment in Portugal was above the Western European norm. In answer to the standard Eurobarometer question, "How satisfied are you with the way democracy works?" an average of 62 percent of respondents in the European Community answered "very satisfied" or "satisfied." In Portugal the figure was 71 percent.<sup>32</sup>

*Behaviorally* we believe that after and perhaps even before 1982 no organization or movement of national importance was spending significant resources to attempt to achieve their goals by nondemocratic means. The authors of an important comparative article on the new southern European democracies give Portugal the same "regime support" rating they gave on this dimension to the consolidated democracies of France, Italy, and Finland.<sup>33</sup>

30. For the 1985 poll and Western and southern European comparisons and analyses, see Leonardo Morlino and José R. Montero, "Legitimacy and Democracy in Southern Europe," in Richard Gunther, P. Nikiforos Diamandouros, and Hans-Jürgen Puhle, eds., *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective* (Baltimore: Johns Hopkins University Press, 1995), 230–60.

31. These results are reported in Franz-Wilhelm Heimer, Jorge Vala-Salvador, and José Manuel Leite Vargas, "Attitudes toward Democracy in Contemporary Portugal" (paper presented to the European Consortium for Political Research, Paris, April 10–15, 1989). Also see Bruneau and Macleod, *Politics in Contemporary Portugal*, for a comparative analysis of polls administered in 1978 and 1984. For a review of Portuguese public opinion data, also see Mário Bacalhau, "Transition of the Political System and Political Attitudes in Portugal," *International Journal of Public Opinion Research* 2, no. 2 (1990): 141–54.

32. Eurobarometer (1991): 18–31. Indeed, in the 1987 *Eurobarometer*, of all the members of the European Community, only Luxembourg was more content with the way democracy functioned than was Portugal. See Philippe C. Schmitter, "Public Opinion and the 'Quality' of Democracy in Portugal," in H. E. Chehabi and Alfred Stepan, eds., *Politics, Society and Democracy: Comparative Essays* (Boulder, Colo.: Westview Press, 1995), 345–59. In Schmitter's article he calls attention to the quite low percentage of those polled who feel that they could influence the government and to the much higher marks given to the nondemocratic government of Caetano than to any of the democratic governments before 1984. However, Schmitter concludes with the judgment, "From the perspective of normative theory, and even more from that of the exalted aspirations embodied in the *Movimento do 25 de Abril* and its immediate aftermath, the quality of democracy in contemporary Portugal would have to be judged 'disappointing'. However, from the perspective of the actual practice of democracy in Western Europe and North America, it should be judged 'normal'. This may not seem very exciting, but it is a considerable accomplishment when one reflects back on where the country was prior to the overthrow of authoritarian rule" (pp. 358–59). For the most comprehensive collection and analysis of survey data for the first twenty years of the Portuguese transition, see Mário Bacalhau, *Atitudes, opiniões e comportamentos políticos dos Portugueses: 1973–1993* (Lisbon: Edição Mário Bacalhau-Thomas Bruneau, 1994).

33. Arend Lijphart, Thomas C. Bruneau, P. Nikiforos Diamandouros, and Richard Gunther, "A Mediterranean Model of Democracy? The Southern European Democracies in Comparative Perspective," *West European Politics* 11 (Jan. 1988): 19.

Finally, the *constitutional* dimension in the polity of "reserve domains" of nonaccountable power in the Council of the Revolution were still so great in early 1982 that Portugal had not completed its democratic transition. However, when the military accepted the constitutional changes of August 12, 1982, not only was the transition complete, but attitudinally, behaviorally, and constitutionally democracy was consolidated in Portugal.<sup>34</sup>

We believe that the most salient of our seven variables for analyzing the course of the Portuguese transition and consolidation concerns the characteristics of those who initiated the transition. The fact that the transition began with a liberation by a nonhierarchical golpe rapidly opened up the dynamic of interim governments in which revolution was as much an option as parliamentary democracy. The second most influential variable, the constitution-making environment, is closely related to the first. The extraordinarily powerful role played by the nonhierarchical military (backed by the Portuguese Communist Party and by impressive societal mobilization in the capital and its southern environs) led to a highly constricted constitution-making process. None of the other variables were as salient in the transition and consolidation process. However, all, if understood in their dialectic relationship to other forces, can be seen as ultimately supportive of democratic consolidation.

Unlike the Spanish case or, even more, most post-Communist cases, "stateness" was not a problem because Portugal is virtually as close as any country in Europe to being an ideal typical nation-state. Portugal is a monolingual nation-state whose borders have been fixed for hundreds of years. The only possible irredenta is a town of 25,000 bordering Spain. The only potential stateness problem could have been separatism in the Azores islands, perhaps supported by the United States because of their air bases there, should the Portuguese mainland have become Communist, but this in fact never became a salient issue.

Concerning our variable of international influence, foreign policies were ultimately supportive of democratic transition and consolidation in Portugal. Indeed, they were more *critical* than in the Spanish case and require more research. Though certain knowledge will have to await the opening of archives and more complete memoirs, even at this stage there is some evidence to indicate that the United States was so concerned about the revolutionary dynamic in Portugal that they considered a range of covert and even paramilitary operations.<sup>35</sup> Given the

34. A conceptualization of the phases of the Portuguese process from April 25, 1974, until democratic consolidation can be found in an article by António Vitorino, a Socialist Party deputy to the European Parliament, a law professor, and a former member of the Constitutional Court, "A democracia representativa," in Adriano Moreira et al., *Portugal hoje* (Lisbon: Instituto Nacional de Administração, 1995), 328–50. Vitorino writes, "The full consolidation of the democratic political system flowed from the first constitutional revision, approved in 1982, which eliminated the Council of the Revolution, thus leading to the redefinition of the political system [so that] popular suffrage became the only source of public power" (p. 329). This essay provides excellent bibliographical references for the literature on the revision of the constitution.

35. Kenneth Maxwell writes that, "as events in Lisbon turned leftward, for a time U.S. policy, dominated

degree of Portuguese mobilization in 1975, if U.S. covert military operations (as in Guatemala in 1954), instead of elections, had been responsible for defeating the revolutionary forces, it is hard to believe that the ensuing atmosphere would have been conducive to democratic consolidation. However, the European Community urged the United States to follow a political and not a military strategy. Furthermore, the European Socialist parties, especially the West German Socialist Party, by funds, organizational links, and moral support, bolstered the most important democratic party in Portugal, the Socialists led by Mário Soares. Once past the founding election of 1975 and especially the 1976 election that produced a government, the European Community became a valuable and steady pole of attraction for Portuguese democratic governments.<sup>36</sup> Foreign policy relationships between Spain and Portugal during the transition also deserve much more attention than they have received to date. In fact, key politicians in Spain and in Portugal worked hard to avoid Spanish-Portuguese conflicts during the 1974–75 revolutionary process. Surprisingly, Spain, ruled by Franco next door, recognized the revolutionary government in Portugal four days after it took power. The Franco government and the succession of revolutionary interim governments in Portugal made meticulous efforts to maintain correct relations between the countries. In September 1975, after the coming to power in Portugal of the more moderate government of Pinheiro de Azevedo following the fall of the pro-Communist government of Colonel Vasco Gonçalves, an obscure but dangerous situation developed. After the execution by the Spanish state of five revolutionaries convicted of committing political murders, the residences of the Spanish ambassador in Lisbon and the Spanish consulate in Porto were burned. False reports of the movement of Spanish tanks to the Portuguese border were widely circulated in Portugal. By omission or commission, radical Portuguese military factions such as COPCON seem to have been involved in the incidents. Only quick and moderate diplomatic activity by the Portuguese and Spanish governments calmed the crisis.<sup>37</sup>

Though it is not one of our generic variables, we would be remiss if we did not discuss the issue of *mobilization*. There was no significant mobilization before the

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by Henry Kissinger, abandoned hope for a democratic outcome and toyed with various counter-revolutionary options—some paramilitary, some involving separatism in the Azores.” See Maxwell, “Portuguese Defense and Foreign Policy: An Overview,” in Maxwell, *Portuguese Defense and Foreign Policy*, 6.

36. Rainer Eisfeld, a German scholar, cites documents concerning aid from the German Social Democratic Party to the Socialist Party in Portugal in his “Portugal and Western Europe,” in Kenneth Maxwell, ed., *Portugal in the 1980s: Dilemmas of Democratic Consolidation* (New York: Greenwood Press, 1986), 29–62, esp. 55. Also see Thomas C. Bruneau, *Politics and Nationhood* (New York: Praeger, 1984), 52–54.

37. See the well-researched and well-documented book by Josep Sánchez Cervelló, *A revolução Portuguesa e a sua influência na transição española (1961–1976)* (Lisbon: Assírio e Alvin, 1993), 353–57. What is still not certain is whether or not the burning of the Spanish diplomatic buildings in Portugal was a deliberate effort by COPCON or others to encourage Spanish intervention, as a way to inflame Portuguese nationalist sentiment and therefore radicalize Portuguese politics, analogous to the radicalization that occurred in Iran after the takeover of the U.S. embassy.



"liberation by golpe."<sup>38</sup> But the immediate mass support in the streets that greeted the liberation certainly helped reduce the chances of a successful counterattack by the supporters of the Salazar-Caetano regime. Within a matter of days the members of the dreaded security forces were in disorganized flight, the state was dissolving, and the most extensive purges of all our cases were under way.<sup>39</sup> However, there was another face of mobilization. If we call a phenomenon where millions of people by their own actions play a role in dictating events a form of mobilization, then the fact that millions of Portuguese citizens refused to answer the call for a null vote in the 1975 election was a critical form of mobilization. By their massive revealed preferences the Portuguese citizens played a critical role.

The last variable to evaluate is the political economy of legitimacy and coercion. Between the incapacitation of Salazar in 1968 and the revolution by golpe in 1974, the Portuguese economy averaged 6.5 percent annual economic growth.<sup>40</sup> Thus, economic crisis per se cannot be said to have contributed to the start of the transition. What did contribute to the start of the transition was that a key part of the coercive apparatus, the military, became convinced that the regime could not solve the colonial wars and that this would create a profound crisis for them. They thus became antiregime. Further, many of the regime-associated politicians who had urged liberalization in the 1960s had, by 1974, become convinced that the regime would not lead the transition. They were thus "available" to support the antiregime actions of the military. Politics, not economics, caused the breakdown of the regime and started the transition.

Let us now consider the role of the economy in democratic consolidation. We have argued that democracy was consolidated in Portugal in October 1982. It is

38. As J. M. Maravall shows, "although workers' strikes had increased before the transition, the explosion of demands followed, rather than preceded, the end of dictatorship. It was democracy that liberated demands. There were seventeen strikes in the first week of democracy, thirty-one in the second, eighty-seven in the third and ninety-three in the fourth week." See Maravall, "Economic Reforms in New Democracies," 6, cited in chap. 6, n. 39.

39. António Costa Pinto, in an excellent article, correctly calls attention to the critical role mobilization played in helping dissolve the coercive apparatus of the old regime. He argues that "the State crisis of legitimacy after the coup and the political and social mobilization following it led to great changes in Portugal's society and economy. . . . On the first days after the military coup there emerged from Portugal's three main cities a powerful atmosphere of liberation followed by demonstrations. Action preceded legislation: the political prisons were surrounded; the headquarters of the previous single party, the censorship offices and the corporative unions were all occupied. . . . The pressure of left-wing political movements and the effect of 'liberation' prevented any action from the institutions and the national political elite of the dissolved regime." See Costa Pinto, "Dealing with the Legacy of Authoritarianism: Political Purge and Radical Right Movements in Portugal's Transition to Democracy (1974-1976)," in Stein U. Larsen et al., eds., *Modern Europe after Fascism: 1945-1980's* (Bergen: Norwegian University Press, forthcoming).

40. See Maravall, "Economic Reforms in New Democracies," 2-3. Diana Smith, the *Financial Times* correspondent in Portugal for a decade, states that "between 1972 and 1974 economic growth boomed at over eight percent a year." See Smith, "Portugal and the Challenge of 1992" (New York: Camões Center, Research Institute on International Change, Columbia University, 1990), 6. Due to the colonial wars, however, there was a growing financial crisis of the state as the regime devoted between 30 and 50 percent of its budget to its wars in Africa.

important to stress that, due to the oil shocks, the recession in Europe, the return of an overseas population proportionately five times greater than France had to absorb after Algeria, and the economic disarray in the aftermath of the 1974–75 aborted revolution, the Portuguese economy was in severe straits until well after democratic consolidation.<sup>41</sup> The major stabilization plan of 1983–84 further increased economic hardships for most people. However, on the basis of his extensive polling, Thomas Bruneau documented that there was very little *system blame* of the democratic regime due to this economic decline. Ninety-three percent of the people in a 1984 poll said that there was an economic crisis. But, as Bruneau noted, “the survey then asked the causes for the economic crisis and found that the respondents saw little relationship between it and any particular government; rather it was due to the world economic crisis. None of the responses to the question in the survey gave indications of serious alienation from the present regime.”<sup>42</sup> Between 1989 and 1991 Portugal had one of the fastest growing economies in Europe.<sup>43</sup> However, since this economic boom occurred after democracy was consolidated, it is more accurate to say that economic growth strengthened democratic consolidation rather than contributed per se to its initial consolidation. What the Portuguese case reveals clearly is that democracy became consolidated during a period of deep economic hardship but not of political despair or of system blame.

41. As Diana Smith indicates, “By December 1982 Portugal had a budget deficit worth 15 percent of the GDP, a 5.6 billion trade deficit, a 3.2 billion balance-of-payments deficit (the worst in its history, equal to 13.5 percent of GDP) and a foreign debt of 14.5 billion—72 percent of the GDP” *Ibid.*, 9.

42. Thomas C. Bruneau, “Portugal’s Unexpected Transition,” in Kenneth Maxwell and Michael H. Haltzel, ed., *Portugal: Ancient Country, Young Democracy* (Washington, D.C.: Wilson Center Press, 1990), 15.

43. For the boom of 1986–90, see Smith, “Portugal and the Challenge of 1992.” By 1989 budget deficits were down to 4.7 percent of GDP, there was an overall trade surplus of two billion dollars, and for 1989–90 Portugal had the highest economic growth rate of the twenty-four OECD countries. For these and other data, see *Portugal Outlook* 1 (1990): 6–9.

## *Part III*

### *South America: Constrained Transitions*

Like the three southern European countries we have considered, none of the four Latin American countries in our set (Brazil, Uruguay, Argentina, and Chile—hereafter referred to as the Southern Cone countries) began from a base of a sultanistic regime, a post-totalitarian regime, or a strong civilianized authoritarian party regime. However, while *none* of the new southern European democracies began from a base of a hierarchical military regime, *all* of the Southern Cone transitions were preceded by a hierarchically controlled military regime. In our opening conceptual discussion we asserted that such a military, unless eliminated by foreign powers or by revolution, would still be a permanent part of the state apparatus during and after the transition and thus an integral part of the machinery that the new democratic government must attempt to manage. We further stated that “the more hierarchically led the military, the less it is being forced to extricate due to internal contradictions, and the weaker the coalition that is forcing them from office, the more the military will be in a position to negotiate their withdrawal on terms where they retain nondemocratic prerogatives or impose very confining conditions on the political processes that should lead to democratic consolidation.”

To what extent are these general propositions borne out in the four Southern Cone countries? Further, to what extent did the variable of a hierarchical military, taken by itself, complicate the task of democratic consolidation when we compare the Southern Cone countries to those of southern Europe?

In part 3 we demonstrate that the transitions in all four countries were indeed immensely constrained by hierarchical militaries. However, we will also show that great variation exists within our four countries. In Chile, despite the most favorable economic conditions, to this day military prerogatives are so great that the democratic government will probably not meet our perhaps demanding definition of a completed transition until the end of the 1990s. Uruguay, on the other hand, despite continuing economic problems, has become the only country in our South America set to become consolidated but has such problems of governance (especially efficacy) that we consider it a “risk-prone” consolidated democracy. Until things began to improve in mid-1994, Brazil was further from consolidation in 1992–94 than it was in 1985, at the end of direct military rule. Argentina was in a dangerous state of regime decomposition and military recomposition during the last few years of the first democratically elected government under Alfonsín but reversed both these processes under Menem, yet certain aspects of the role of Menem make us reluctant to consider Argentina a consolidated democracy. Obviously, to explain such variation among these countries we will have to explore other variables besides their common origins in hierarchically controlled military regimes, especially that of the political economy of legitimacy. The arenas of political society and the rule of law also bear extensive analysis due to their very different quality in the four countries.

## A Risk-Prone Consolidated Democracy: Uruguay

OUR TASK IN this chapter is twofold. First, we will develop the no doubt controversial argument that Uruguay is a consolidated democracy and will assess what conditions enabled it to become the only one of the four former “bureaucratic-authoritarian” regimes of South America to attain this status.<sup>1</sup> Second, we will explain why we judge Uruguay, like Greece, to be risk-prone, and why the question of risk-proneness is better analyzed by the literature and politics on the breakdown of democracies than by the literature and politics of the “transitions to democracy.”<sup>2</sup>

Conceptually, Uruguay conforms very closely to our theoretical framework. Uruguay was an authoritarian regime from 1973 to 1985, always dominated de facto by the military and ruled de jure by a hierarchically led military from 1976 until a united military organization handed over power to a democratically elected president in 1985.<sup>3</sup> Consistent with our analysis, the fact that the military remained in office throughout the transition ruled out a provisional government.

In our framework we also argued that hierarchically led military authoritarian regimes normally present a potential advantage for transition (the military-as-institution may come to believe that their interests are best served by an extrication from the military-as-government) but a potential obstacle for democratic consolidation (the military-as-institution, as the price of extrication, may be able

1. For the concept of a “bureaucratic-authoritarian” regime, see Guillermo O’Donnell, *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics* (Berkeley: Institute of International Studies, University of California, 1973), and David Collier, ed., *The New Authoritarianism in Latin America* (Princeton: Princeton University Press, 1979).

2. That is, it would be better analyzed by using the framework found in Juan J. Linz and Alfred Stepan, eds., *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press, 1978) than by classics of the transition literature such as the four-volume study of O’Donnell, Schmitter, and Whitehead, *Transitions from Authoritarian Rule*.

3. We will be quite schematic with our analysis of Uruguay because readers interested in the details of the Uruguayan transition and the problems it presented for consolidation have two excellent recent monographs dedicated precisely to these issues. We refer to Charles Guy Gillespie, *Negotiating Democracy: Politicians and Generals in Uruguay* (Cambridge: Cambridge University Press, 1991), and Luis E. González, *Political Structures and Democracy in Uruguay* (Notre Dame: University of Notre Dame Press, 1991). We were fortunate to work with both of these talented scholars when they wrote these dissertation books at Yale University.

to impose strong constraints on the incoming democratic government). Uruguay illustrates both of these predicted tendencies.

Why did a democratic transition start? What caused the division between the military-as-institution and the military-as-government? Initially, from 1978 to 1980, there were few military officers in Uruguay who favored a return to liberal democracy, but also few who were ready to attempt to institutionalize an authoritarian regime. In terms of systematic repression (but not deaths), Uruguay was the most deeply repressive of the four South American bureaucratic-authoritarian regimes.<sup>4</sup> Civil society and political society were also less powerful loci of resistance than in Brazil or Chile. Nonetheless, in the twentieth century, the Uruguayan military had never directly ruled, the country had lived more years under democratic regimes than any other country in Latin America, and the two traditional catch-all parties (the Colorados and the Blancos) had never received less than 75 percent of the total vote in any presidential election. Uruguayan voters, even by West European standards, had a tradition of high party identification and a clear sense of a left-right index.<sup>5</sup> Most military officers also identified with one of Uruguay's two traditional party "families."

This context helps to explain why, although the military repressed political parties, they did not dare try to displace them. Indeed, in 1976, when they finally overthrew the civilian figurehead president, they were at pains to issue a declaration that they did not "want to share historical responsibility for abolishing the parties" and that "sovereignty resides in the nation . . . as expressed . . . in the popular vote."<sup>6</sup> By 1977 the military announced that they would draw up a new constitution for "strengthening democracy." The new constitution would be submitted to a plebiscite in 1980 and, if ratified, elections with a single presidential candidate, nominated by the two traditional parties and approved by the military, would be held in 1981.

The democratic transition in Uruguay began when, to the surprise of most observers, but especially the military, the democratic opposition won the plebiscite. Legitimacy and power relationships began to change immediately. As we saw in Portugal, elections refute or reinforce legitimacy claims of power contestants. For some prominent military officers, the results of the plebiscite weakened their belief in their right to rule. Indeed, the transcripts of the constitutional working group that met the day after the plebiscite reveal that some of the top military of-

4. For example, Amnesty International estimates that Uruguayan citizens were jailed during the early years of the regime at a ratio of 1 per 600 citizens; the corresponding ratios for Argentina were 1 in 1,200 and for Chile 1 in 2,000. See Gillespie, *Negotiating Democracy*, 50–87.

5. González advances extensive evidence to back his argument that Uruguay, before its breakdown, had the strongest democratic tradition in Latin America, in *Political Structures and Democracy in Uruguay*, 1–7. Indeed, Robert A. Dahl goes as far as to say that Uruguay is probably the most striking case "in which a relatively long-standing democratic system has been replaced by an internally imposed authoritarian regime," in *A Preface to Economic Democracy* (Berkeley: University of California Press, 1985), 40.

6. Quoted in Gillespie, *Negotiating Democracy*, 54.

ficials, for the first time ever, began to refer to the military government simply as the "gobierno de facto" (the de facto government).<sup>7</sup> For their part, the traditional political parties emerged from the plebiscite energized, less frightened, and newly self-confident in their legitimacy.<sup>8</sup>

It was the military's defeat in the plebiscite and the fact that the traditional parties presented a newly strengthened alternative that produced the split between the military-as-government (which experimented with a variety of ways to stay in power) and the military-as-institution (which began discussing transitional formulas with part of the democratic opposition). In our conceptual introduction we said that, while the control of the outgoing government by a hierarchical military always presents the threat that they can constrain the transition, the degree to which they are able to do so will depend on the changing dynamics of power relationships. Why were the parties strong enough, vis-à-vis the military, to make the transition and consolidate democracy?

By 1980 the military did not have a defensive project against guerrillas. The guerrillas had in fact been defeated even before the military assumed power in 1973 and had no significant presence in Uruguay by 1980. The military also had no clear economic project, no "foundational" or offensive agenda. Finally, the two major traditional parties presented a nonthreatening alternative. In a revealing public opinion poll taken six months before the plebiscite, by a margin of 2 to 1, upper-class respondents believed that a political opening would *speed* rather than slow economic recuperation. Even more significantly, by a margin of 7 to 1, upper-class respondents believed that a political opening would *improve* rather than worsen tranquility and public order. Significantly, not one single business group took out an advertisement supporting the military in the 1980 plebiscite.<sup>9</sup> In a particularly damaging blow to military pretensions to rule, the president of the normally conservative Rural Association went on television and rather contemptuously dismissed the idea of Uruguay's need for a military drafted constitution. With no internal threat, without significant powerful alliances in civil or political society, and with their loss in the plebiscite, whose results they said they would respect, the military-as-institution's bargaining power with the politicians eroded

7. Diario de sesiones de la Constituyente, 1980. This was brought to our attention by Juan Rial and Carina Perelli.

8. For an excellent analysis of the plebiscite and its consequences, see Luis E. González, "Uruguay 1980–81: An Unexpected Opening," *Latin American Research Review* 18, no. 3 (1983): 63–76. González calls this vote a military effort to found a plebiscitary nondemocratic regime. Also see Howard Handelman, "Prelude to Elections: The Military's Legitimacy Crisis and the 1980 Constitutional Plebiscite in Uruguay," in Paul W. Drake and Eduardo Silva, eds., *Elections and Democratization in Latin America, 1980–85* (San Diego: Center for Iberian and Latin American Studies, Center for U.S.-Mexican Studies, Institute of the Americas, University of California, San Diego, 1986), 201–14.

9. For these polls and an analysis of the military's absence of either a defensive or an offensive project, see Alfred Stepan, "State Power and Civil Society in the Southern Cone of Latin America," in Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (New York: Cambridge University Press, 1985), 325–31.

significantly. As in Greece, the civilian politicians refused to continue negotiations about assuming the responsibility of rule until the military softened their demands.<sup>10</sup>

This is not to imply that the military-as-organization was not able to extract a price; they were. The fact that a hierarchically controlled military held power until after the first elections meant that the military was in a position to negotiate the transfer of power in a way that constrained the transition. The most important constraint, negotiated in the party-military Naval Club Pact, was that elections could be held only on the condition that the charismatic leader of one of the two major parties, Wilson Ferreira of the Blanco Party, would not stand as a presidential candidate. Ferreira had won more individual votes than any other candidate in the 1971 election, the last election before the military coup. Due to the peculiarities of the Uruguayan electoral system, he did not win the presidency in 1971. Ferreira would have been a leading contender to win in 1984 if the military had not vetoed him. The first postmilitary election was thus, for some key voters, tarnished. However, the facts that the Blanco Party fielded other candidates and the left-wing coalition (Frente Amplio) agreed to participate in the elections lessened the illegitimacy of the election. The military were also able to extract guarantees concerning the National Security Council and their own autonomy. Nonetheless, the parties' bargaining power was sufficiently strong that the military agreed that these prerogatives would expire at the end of the first year of democratic rule.

The most politically damaging curtailment of the elected government's sovereignty by the military occurred in December 1986. Though no written documentation exists for confirmation, it is widely believed that, by an informal interpretation of the Naval Club Pact, it was tacitly agreed by some key political party and military negotiators that there would be no trials of military officers for human rights abuses committed immediately before and during military rule. In December 1986, some military officers were issued a subpoena to appear in court. On a Friday, the defense minister ordered the officers not to appear in court on the following Monday. For forty-eight hours Uruguayan politicians struggled with a legitimacy-eroding dilemma. If they insisted on the officers appearing in court, they would face a military refusal and therefore a crisis of their own authority. As an alternative, they could hastily pass an amnesty law and avoid the immediate crisis at the cost of the lowered prestige of democratic institutions.<sup>11</sup> After many

10. When confronted with hard-line military demands at the initial negotiations in Parque Hotel, the civilian negotiators walked out and returned only for the more successful Naval Club Pact discussions after the military had softened their terms. For a sophisticated analysis of these negotiations, see chapters 6–8 in Gillespie, *Negotiating Democracy*.

11. This assessment of the dilemma was presented during an interview by Stepan shortly after the event with then President Sanguinetti and Senator Jorge Battle in Montevideo, February 3, 1987. Also see Julio María Sanguinetti, *El temor y la impaciencia: Ensayo sobre la transición democrática en América Latina* (Buenos Aires: Fondo de Cultura Económica, 1991), 63–68.



agonized discussions, they elected the latter course of action, to the widespread dismay of the majority of the population. Eventually, enough signatures (25 percent of the electorate) were gathered to force a referendum on the amnesty. In an April 1989 referendum, 57 percent of those voting agreed to let the amnesty stand. However, public opinion polls indicated that significant sections of the electorate voted to let the amnesty stand, more to avoid a crisis than because they believed it was just.<sup>12</sup> They were almost certainly right to believe there would have been a military crisis. The Uruguayan general who played the most important and constructive role in negotiating the extrication of the military-as-institution, General Hugo Medina, in a 1991 interview, when asked what would have happened if the citizens had voted for military trials, made the following unequivocal assertion: "If I had not assumed the responsibility for a coup, it would have been assumed by the next officer in the hierarchy, if not by him, the next. This is so because this was the thinking of the Armed Forces."<sup>13</sup> Notwithstanding this chilling assessment, once the citizens had voted, this seemed the last major item of contestation concerning the party-military agenda. In December 1989, free elections were held in which all candidates were allowed to participate, and in fact the left coalition, Frente Amplio, won the mayorship of Montevideo, which comprises about half of Uruguay's population.

With the referendum and the election of December 1989, Uruguay fulfilled all our conditions for a completed transition.<sup>14</sup> However, the "transfer price" that the hierarchical military extracted from the new democracy, while low by Brazilian or Chilean standards, was real both in terms of policy sovereignty and political legitimacy.

Despite the constraints the hierarchical military was able to impose on the transition, we believe that Uruguay had become consolidated by 1992, a judgment that may be controversial. Let us first examine the behavioral dimension of consolidation. In the 1968–73 period leading to the coup, Uruguay's Tupamaros were Latin America's best organized urban guerrilla force. The dominant faction of the ruling political party, the Colorados, was led by a president who utilized the guerrilla threat, says González, "to impose . . . a kind of siege which he used to circumvent parliament." González adds that, after 1968, "the already semi-loyal left

12. For example, in a March 1989 Equipos poll, only 27 percent of those polled believed that the military would respect the decision. The most cited reason for people voting to uphold the amnesty was their desire to consolidate democracy. The official title of the law that was supported was "Ley de Caducidad de la Pretensión Punitiva del Estado" (Law Abrogating the Punitive Claim of the State).

13. The first major published interview with General Hugo Medina appeared in *Búsqueda* (March 7, 1991): 32–37. This quote is from p. 37. For an account of the debates concerning the referendum over what was called the "law of impunity," see Lawrence Weschler, *A Miracle, a Universe: Settling Accounts with Torturers* (New York: Random House, 1990), 173–236.

14. For this election see Carina Perelli and Juan Rial, "El fin de la restauración: La elección del 26 de noviembre de 1989," *Cuadernos de orientación electoral*, no. 10, (Montevideo: Peitho, April 1990). Also see the excellent work by Alexandra Barahona de Brito, "Truth or Amnesty: Human Rights and Democratization in Latin America: Uruguay and Chile (Ph.D. diss., St. Antony's College, University of Oxford, 1993).

was openly pushed to plain disloyalty by the government and most of the leadership of the major parties—with the significant exception of the Blanco majority. Besides, by 1971 the very idea of loyalty was unclear: the government itself did not abide by the existing rules.”<sup>15</sup> And of course, well before the July 1973 coup, the military had unilaterally assumed control of the dirty war against the guerrillas and, as Gillespie correctly wrote, “tragically, the most important catalyst to the military intervention was the secretive courting of Generals by politicians on all sides.”<sup>16</sup> In essence, Uruguay in 1968–73 was a system in which most nationally important political actors were “disloyal” or at best “semiloyal” to the democratic regime.<sup>17</sup>

Political learning can help consolidate democracy. For one thing, citizens can learn from previous breakdowns and change the composition of parliament by their voting behavior. In Uruguay all the major rightist and leftist political factions most associated with the 1968–73 breakdown have been “punished” by the electorate. Both the traditional parties had extreme rightist factions that were clearly disloyal or semiloyal in 1968–73. The right-wing Colorado faction that acted disloyally before the breakdown received 56 percent of the vote in 1971, 31 percent in the internal party election in 1982, and 24 percent in 1984. An even more dramatic trend occurred in the Blanco Party, where the faction that supported authoritarian behavior received 34 percent in 1971, 26 percent in 1982, and only 3 percent in 1984. Finally, in the coalition of left-wing parties, the Frente Amplio, the winners in the 1984 elections were the centripetal forces in each party (the opposite of Sartori’s model of dangerous “centrifugal polarization”). As González summed up, the “process of displacement toward the center . . . weakened all the antisystem forces of the political spectrum.”<sup>18</sup>

For the consolidation of democracy the loyal democratic behavior of parties is important, but it is as important that all the major political parties *perceive* that the other major parties are loyal to the process. If all the major parties perceive each other as loyal this decreases the cost for losers (because they will have another chance to contest elections and the rights of the minority will be respected) and it increases the cost of “intertemporal” disengagement from the democratic process (because of the perception that democracy is the most important political game being played).<sup>19</sup> Gillespie constructed a survey question to identify po-

15. The citations are from González, *Political Structures and Democracy in Uruguay*, 42, 41.

16. Gillespie, *Negotiating Democracy*, 44.

17. For the importance of the categories of “semiloyalty” and “disloyalty” for the analysis of democratic breakdown, see Juan J. Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown and Reequilibration* (Baltimore: Johns Hopkins University Press, 1978), 28–45.

18. All the electoral percentages and the citation are from González, *Political Structures and Democracy in Uruguay*, 70–71. Also see Juan Rial, “The Uruguayan Election of 1984: A Triumph of the Center,” in Drake and Silva, eds., *Elections and Democratization*, 245–72.

19. Adam Przeworski makes a related point when he talks of the importance for consolidation of increasing the “intertemporal” benefits of playing the democratic game. Given that this game generates both winners and losers, Przeworski asks, “Why would those who suffer as the result of the democratic interplay

litical factions' perceptions of the loyalty, semiloyalty and disloyalty of their party opponents. On a ten-point scale in which four to six is semiloyal and above seven is disloyal, in 1985 not *one* of the twelve major factions of the three leading parties was judged by its rivals as disloyal. In contrast, using the same procedure, four of the nine major factions for the 1968–73 period were judged retrospectively as disloyal by at least one opposition party.<sup>20</sup>

Another critical piece of evidence concerning political behavior and consolidation is whether parties that were once treated as unacceptable power-holders come to be treated as "acceptable." In 1971, important groups of the Colorados and Blancos considered the left-wing coalition (Frente Amplio) unacceptable. But ever since the Frente Amplio's important participation in the Naval Club Pact of 1985, its members have been increasingly seen as normal and accepted participants in the democratic system. In 1989 a socialist, Tabaré Vázquez, from the Frente Amplio coalition, was elected mayor of Montevideo. There were no significant arguments about his right to run or to assume office. His behavior as mayor of Montevideo was seen as even-handed. Indeed, in 1990, whereas only 22 percent of polled Montevideo residents believed President Lacalle of the traditional Blanco Party paid attention to the needs and demands of *all* the voters, 63 percent of polled Montevideo residents believed Vázquez did. More significantly, voters for President Lacalle judged Vázquez, by 17 percentage points, to be more attentive to all the voters' demands and issues than was Lacalle himself.<sup>21</sup> By mid-1992 most analysts began to see Tabaré Vázquez as a major challenger whom former president Jorge Sanguinetti and his Blancos rivals would have to face in the 1994 presidential elections. In an interview with one of the authors, Vázquez stated, "I have absolute confidence that whoever wins the election in 1994 will assume the government. Our military are not antidemocratic."<sup>22</sup> The mere fact that Vázquez was considered a possible president of Uruguay increased his power to moderate

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not seek to subvert the system that generates such results?" He goes on to argue that the losers "comply with present defeats because they believe that the institutional framework that organizes the democratic competition will permit them to advance their interests in the future." See Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (New York: Cambridge University Press, 1991), esp. 18–19.

20. This is computed from tables 3.6 and 10.5 in Gillespie, *Negotiating Democracy*.

21. Surveys done by Equipos Consultores Asociados in June 1990.

22. Interview with Alfred Stepan, Montevideo, March 25, 1992. Vázquez went on to add that, after assuming the office of mayor, he made courtesy calls to all the commanders of the Armed Forces garrisons in Montevideo. Since then he has given out awards at the graduation of the Naval Academy and the Police Academy and attended an Air Force graduation. He said he would like to attend an army graduation but to date had not been invited. When Stepan asked one of Uruguay's top generals what the army would do if Vázquez won the election, he said the army would be "correct but nothing more." For a pioneering analysis of political space and how the discourse of Tabaré Vázquez allowed him to emerge as a new democratic leader in Uruguay, see Carina Perelli, "Un líder transgresor: Tabaré Vázquez o la intendencia como espacio político," in Carina Perelli, Fernando Filgueira, and Silvana Rubino, *Gobierno y política en Montevideo: La intendencia municipal de Montevideo y la formación de un nuevo liderazgo a comienzos de los años '90* (Montevideo: Peitho, 1991), 109–51.

the behavior of his coalitional allies. In 1992 the Frente Amplio had been integrated into the Uruguayan democratic political system by all significant parties. Indeed, Tabaré Vázquez was almost elected president in the November 1994 election when he polled more than any other single candidate. He did not win the presidency because, in the Uruguayan election system, total party votes accumulate. In the near three-way tie, his coalition, the *Encuentro Progresista* (EP), came in third place, 36,005 votes behind the Colorados and 13,206 behind the Blancos. However, in all the pre-election and post-election talks about the need for cooperation to make Uruguay governable, the Frente Amplio were considered legitimate participants in the political system. Senator Danilo Astori, leader of the group that won the most votes in the EP, played a particularly active role in governability discussions after the 1994 elections.<sup>23</sup>

What about the military? After the 1989 referendum on the decision by the Congress not to prosecute the military, the military made no explicit or implicit threats or demands on the democratic political system. In terms of prerogatives, they almost reverted back to the pre-authoritarian regime pattern of civil-military relations. In 1990, they certainly had fewer prerogatives than the military had in Chile, Argentina, or Brazil.<sup>24</sup> One of the reasons that the military was not very powerful in Uruguayan politics after free elections was that they had virtually no allies. In poll after poll, business elites, politicians, and mass publics alike rejected military involvement in politics. For example, in answer to the question, "If similar circumstances to 1973 occurred in Uruguay would you think it good if the military assumed power?" 92 percent of executives and technical specialists said "no." Also, the inevitable "desencanto" (disenchantment) with democracy has not contributed to any nostalgia for the nondemocratic past. Uruguay in essence had been ruled by five authoritarian presidents from 1968 to 1985 and then by the democratically elected Sanguinetti. In a December 1988 poll respondents were asked to evaluate under which president the country was better off in each of seven different categories. In every single category the democratic president Jorge Sanguinetti was given the highest marks.<sup>25</sup> In August 1985, of nine institutions evaluated in terms of trust, political parties ranked highest, with a net score of plus 57, and the armed forces ranked lowest, with a net score of minus 73. Only 5 percent of the population viewed the armed forces "sympathetically" and 7 percent "neutrally," in contrast to those 78 percent who viewed the military with "antipathy."<sup>26</sup> In no coun-

23. For the final results of the 1994 election, see "Uruguay; Sanguinetti Seeks All-round Accords," *Latin American Regional Reports: Southern Cone Report* (Feb. 9, 1995): 7. In the Senate the Colorados received eleven seats, the Blancos ten, the Frente Amplio nine, and Nuevo Espacio one. In the Chamber of Deputies the Colorados won thirty-two seats, the Blancos thirty-one, the Frente Amplio thirty-one, and Nuevo Espacio five.

24. For documentation and analysis of military prerogatives in Uruguay, Chile, Argentina, and Brazil, see Stepan, *Rethinking Military Politics*, 93–125, esp. 116–18.

25. Equipos, December 1988 poll.

26. Equipos, August 1985 poll.

try in our thirteen-country sample, with the possible exception of Greece, did democracy start with such a complete rejection of the political role of the military.

In a context with no violent enemies (there was only one significant act of violence associated with the left in the first seven years of democratic rule), a virtual elimination of disloyal opposition among political parties, and the popular rejection of the military as a political ally, it would have been extremely risky for the military as an institution to attempt to assume power or to block the inauguration of a possible victorious Frente Amplio presidential candidate in 1994. In 1992, Stepan asked a top ranking active-duty general what would happen to Uruguay politically if Tabaré Vázquez were elected president in 1994. The general's answer implied that he, too, accepted that the system was already a consolidated democracy. In the event of a 1994 victory of Tabaré Vázquez, the general saw the task of ensuring political order not as something that would emerge out of military action, but rather out of the normal functioning of politics. He quoted approvingly a remark by a senior Uruguayan politician to the effect that "the Frente Amplio, like all other parties, will need to make accords with parties to rule effectively. In Uruguay the office of the presidency in itself is not power. For power, accords are necessary and accords depend on acceptable behavior."<sup>27</sup>

In March 1992, after one of our many research visits to Uruguay, we arrived at the conclusion that Uruguay was consolidated. Shortly thereafter, an office occasionally used by ex-President Sanguinetti was bombed by a group claiming to be composed of retired midlevel officers with the help of some active-duty officers. Naturally, we thought about whether our judgment was still valid. We decided that the best way to evaluate the meaning of the bombing was to examine political reactions. After all, Spain routinely experiences terrorist bombing, but Spain is consolidated because after 1981 there has been no significant semiloyal or disloyal behavior by parties and institutions of statewide significance. In Uruguay, all major political groups explicitly condemned the bombing. The hierarchical military also condemned the bombing in forceful terms. Despite this worrisome terrorist act, our judgment concerning the behavioral dimension of Uruguay's consolidation was ratified. By 1992, there was no semiloyal or disloyal behavior by any major party or organization in Uruguay.<sup>28</sup>

Uruguay is also consolidated *institutionally*; with the agreed-upon lapse of the Naval Club Pact, one year to the day after the inauguration of a democratic parliament, there were no de jure constraints on the policy freedom of the democratic government. The de facto limit on the democratic government from 1985 to 1989 stemming from military refusal to be tried for human rights abuses was of course a serious constraint. But, for better or worse, the results of the 1989 refer-

27. Interview, March 25, 1992, in Montevideo. Not for direct attribution.

28. However, the military said there was no evidence to show that the military was actively involved. Of course our final judgment will have to wait until we are able to determine whether the military cooperates fully with the investigation and supports the court's decision if the perpetrators are tried and found guilty.

Table 10.1. Comparison of Attitudinal Support for Democracy in Uruguay and Three Consolidated Democracies in Southern Europe: Spain, Portugal, and Greece

Opinion about Preferred Policy	Percentage of Respondents:			
	Uruguay (1991)	Spain (1985)	Portugal (1985)	Greece (1985)
"Democracy is preferable to any other form of government."	73	70	61	87
"In some cases, a nondemocratic government could be preferable to a democracy."	10	10	9	5
"For people like me, a democratic and a nondemocratic regime are the same."	8	9	7	6
DK/NA <sup>a</sup>	9	11	23	2

Source: For Uruguay, data supplied by Equipos, Consultores Asociados, Montevideo. For Spain, Portugal, and Greece, data from Leonardo Morlino and José Ramón Montero, "Legitimacy and Democracy in Southern Europe," in Richard Gunther, P. Nikiforos Diamandouros, and Hans-Jürgen Puhle, eds., *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective* (Baltimore: Johns Hopkins University Press, 1995), 236.

<sup>a</sup>DK/NA, don't know or no answer

endum on the amnesty have removed this item from the agenda. Parliament reviews military budgets, there is a civilian (but relatively weak) minister of defense, and the president has a free hand in selecting the commander-in-chief of the three services. To be sure, there are certainly civil-military problems in Uruguay. There is still no serious analysis by the president, Parliament, or the minister of defense as to what type of armed forces Uruguay really wants. The interview with Medina also revealed a still disturbing difference between civilian and military opinion about human rights. Other incidents, like the confusion and conflict in 1993 surrounding the harboring of a Chilean military intelligence agent in Uruguay without the government's approval, lead us to the opinion that the quality of civil-military relations in Uruguay in 1993–94 was still not really high.

Nevertheless, given the overall balance of power in Uruguay, the military is no longer a threat to the consolidation of democracy. In this respect it is useful to remember that the quality of civil-military relations in Spain was still poor in 1982 when Felipe González assumed the prime ministership. Spain, like Uruguay, became a consolidated democracy with relatively poor civil-military relations. Improving the quality of these relations was the work of another decade under the inspired leadership and strategy of Narcís Serra. Whether Uruguay will have comparable leadership and strategies and the necessary fiscal strength to implement new programs is still very much in doubt. But Uruguay in 1992, like Spain in 1982, had crossed a threshold.

Finally, is the *attitudinal* support for democracy consistent with calling Uruguay consolidated? If we compare citizens' attitudes toward democracy in Uruguay with those in the three consolidated democracies of southern Europe, we see that the attitudinal dimension of consolidation is similar in all four countries (table 10.1).

Table 10.2. Attitudes in Uruguay toward Democracy According to Geographic Region and Respondents' Ideological Self-identification (December 1991)

Opinion about Preferred Polity	Percentage of Respondents by Region				Percentage of Respondents by Ideological Self-identification					
	Montevideo (1988)	Montevideo	Interurban	Nation	Center Left	Left	Center	Right	Right	Not Defined
"Democracy is preferable to any other form of government."	79	78	69	73	74	81	80	75	69	57
"In some cases, a nondemocratic government could be preferable to a democracy."	9	10	10	10	11	11	11	10	11	6
"For people like me, a democratic and non-democratic regime are the same."	6	6	9	8	8	4	6	11	9	10
DK/NA <sup>a</sup>	6	6	12	9	7	4	3	4	11	27

Source: Data from Equipos, Consultores Asociados, Montevideo.

<sup>a</sup>DK/NA, don't know or no answer.

These data suggest a high level of overall general attitudinal support for democracy in Uruguay. However, since our analysis is concerned with democratic *consolidation*, we must disaggregate and examine these attitudes more closely. If any substantial group, on either the left or the right or within specific geographic regions, were to remain attitudinally unsupportive of democracy, this would constitute an obstacle to consolidation. Yet in Uruguay, as table 10.2 demonstrates, support for the democratic system is fairly strong across the entire country and the political spectrum.

Let us turn to the final conceptual and political issue that the Uruguayan case raises—the question of the quality of a consolidated democracy. Obviously, within the world of consolidated democracies there are three very different logical possibilities: (1) some can deepen and improve their degrees of equity, participation, and support; (2) others may have serious problems (such as high degrees of social conflict or the persistence of an underclass) that hurt the quality of, but may not contribute to a breakdown of, a democracy; and (3) a consolidated democracy may live with a series of problems that it does not solve—or a new set of problems may emerge—which finally contribute to a qualitatively and quantitatively new level of semiloyal and disloyal behavior that leads to the progressive deconsolidation of the regime and eventually to its breakdown. In Linz's 1978 discussion of the breakdown of democratic regimes, he remarked that, "In the last analysis, breakdown is a result of processes initiated by the government's in-

capacity to solve problems for which disloyal oppositions offer themselves as a solution.”<sup>29</sup>

Although we consider Uruguay to be a consolidated democracy, in our judgment democracy in Uruguay has a more “risk-prone configuration” than it does in Spain or Portugal.<sup>30</sup> If the democratic political system cannot address critical problems, then there is a risk that significant political actors—the chief executive, political parties, opinion makers or social movements—might begin to pose antisystem alternatives. The quality and quantity of semiloyal and disloyal behavior could begin to increase. At this critical juncture, in our judgment, the intellectual and political categories of most relevance to examine have more to do with “the breakdown of democracy” literature than they have to do with “transitions” literature.<sup>31</sup>

Writing in 1995, the three key elements of the risk-prone configuration of Uruguay’s political system are the perceived crisis of efficacy, the growing perception that this crisis of efficacy is directly related to the specific institutional arrangements that are long-standing features of democratic competition in Uruguay, and a military that, while not opposing democracy, has not, as in Spain, been organizationally and ideologically reconfigured and incorporated into the political system on a more secure basis. The third component could gain increased relevance precisely because of its potential to interact with the other two elements in Uruguay’s risk-prone configuration in ways prejudicial to democracy.

While Uruguay in 1980 had a gross national product (GNP) per capita income of \$2,820 (higher than that in Argentina, Brazil, or Chile), the highest literacy rate (94 percent) of the four countries, and probably Latin America’s best income distribution, the country has been in a relative decline since the mid-1950s.<sup>32</sup> A well-documented empirical pattern is that democratic political systems are normally seen as more legitimate than their economic systems, be they market oriented or not.<sup>33</sup> Also, citizens’ belief in the “appropriateness” (or legitimacy) of democracy can for a time *increase* even though their belief in the capacity (efficacy) of democracy to resolve their economic problems is *decreasing*. Spain in 1976–82 exemplifies such a case. We will call this distinction legitimacy versus efficacy. In Spain, for a brief period in the dangerous year of the failed coup (1981), 81 percent of the population believed that democracy was the best political system for a country like

29. Linz and Stepan, *The Breakdown of Democratic Regimes*, 50.

30. González applies this phrase to Uruguay in *Political Structures and Democracy in Uruguay*, 161. We find his argument convincing and the concept worthy of incorporation into the general scholarly analysis of consolidation. As we have seen, the way in which Greek democratic politics embroiled itself in Balkan politics made it more risk-prone in the mid-1990s than it had been in the mid-1980s.

31. Of course, some types of transitions may directly contribute to the creation of a democracy that, although consolidated, has features that make it risk-prone.

32. For a discussion of these comparative data, see González, *Political Structures and Democracy in Uruguay*, 2–4.

33. This literature is analyzed in Juan J. Linz, “Legitimacy of Democracy and the Socioeconomic System,” in Mattei Dogan, ed., *Comparing Pluralist Democracies: Strains on Legitimacy* (Boulder, Colo.: Westview Press, 1988), 65–113.



theirs, but only 43 percent felt that democracy allowed the resolution of problems that they as Spaniards faced. By 1983 this 38 percent gap between Spain's legitimacy and efficacy indicators had been reduced to 24 percent.<sup>34</sup> In Montevideo, the capital of Uruguay, however, the gap between legitimacy and efficacy in 1988 was 41 percent. In 1990 the gap had grown to 43 percent. Furthermore, in December 1988 only 13 percent of those polled in Montevideo said the country was progressing, while 31 percent said the country was declining. Three years later these figures had deteriorated further to 9 percent and 39 percent, respectively.<sup>35</sup>

Uruguay's prolonged efficacy-legitimacy gap alone would make democracy "risk-prone." However, the configuration would become even more risk-prone if Uruguay's institutions of democracy themselves were perceived as contributing to policy inefficacy. As we argued in chapter 5, economic problems become particularly acute for a democracy when nondemocratic alternatives are proposed as the solution *and* when the existing democratic institutions are perceived as contributing to the economic problems. In Uruguay there is at the moment no non-democratic alternative being proposed as a solution. Up until recently there was also relatively little system blame because politicians blamed themselves or the international system for their country's stagnation. This could change.

During Uruguay's golden age (1918–1956) the norm was a two-party system with a dominant party that produced presidents with a double majority—a personal majority and a legislative majority. There was a party system that was analogous to another presidential system where democracy worked (i.e., the United States), in that there was low fragmentation and low polarization. Uruguay's long-standing and unusual electoral system (known as the double simultaneous vote) allows all parties to run multiple candidates for the presidency and for all the votes for a party's label (whether for the extreme left candidate or the extreme right candidate) to accrue to the party.<sup>36</sup> Until the late 1950s, this electoral system did not present significant problems. But the number of parties, intraparty factions, and presidential candidates per party have grown considerably since 1960.<sup>37</sup> Presidents are now routinely elected with less than 25 percent of the popular vote because winning parties have had 2 to 4 factions. From this fragmented base presidents can count on legislative support of less than a quarter of the legislature. This party-institutional context makes the creation of a coherent policy majority to address Uruguay's stagna-

34. See the discussion about this in chapter 6.

35. Equipos, *Informe de Coyuntura*, June 1990, and Equipos, December 1991.

36. See Oscar A. Bottinelli, "El sistema electoral uruguayo: descripción y análisis," *Peitho*, Documentos de Trabajo, no. 83, 1991.

37. A classic study of these issues is Giacomo Sani and Giovanni Sartori, "Polarization, Fragmentation and Competition in Western Democracies," in Hans Daalder and Peter Mair, eds., *Western European Party Systems: Continuity and Change* (London: Sage, 1983), 307–40. González replicates much of their analysis to show that from 1954 to 1984 Uruguay has changed, in comparative terms, from near the bottom of their fragmentation scale to near the top of their scale. González, *Political Structures and Democracy in Uruguay*, pp. 85–112.

tion extremely difficult. Many of Uruguay's most distinguished analysts and politicians are now making the case that it is precisely Uruguay's combination of party fragmentation, the electoral system, and presidentialism that has created legislative impasse and short-lived policy coalitions.<sup>38</sup> From a game theory perspective, the only groups that can change this system are the Parliament and the party leaders, yet it is precisely these groups that have been the "winners" with the system. It will thus be difficult to get a majority to change the system until there is a clear perception of crisis. However, if the institutions of Uruguay's political system are increasingly seen as contributing directly to Uruguay's stagnation, there could be growing system blame of the democratic regime itself. The fact that Uruguay chose to restore both the constitution and electoral system that were in effect before military rule, notwithstanding their contribution to the breakdown, means that an opportunity for constitutional and institutional innovation after the dictatorship was missed.

This brings us to the third component of Uruguay's risk-prone configuration—the military. As we have argued, the Uruguayan military has yielded their nondemocratic prerogatives and is not currently a plausible coalition partner for any nondemocratic group. However, Uruguay's prolonged economic stagnation has contributed to a fiscal crisis of the state that exacerbates civil-military relations. The Uruguayan military since 1985 have been in a double crisis—an "existential crisis" concerning their mission and a resource crisis brought about by extensive budgetary cuts.<sup>39</sup> Democratic governments have cut military budgets, but unlike in Spain they have not yet played a role in rethinking military organization, mission, and force-structure or in rethinking how to reincorporate the military socially and ideologically back into the democratic polity. Such a situation, if it is not altered, could make Uruguay's democracy even more risk-prone should disloyal and semiloyal behavior among politicians begin to emerge and the military suddenly find the allies that they have not had during the period 1980–1995.

We want to stress that such semiloyal and disloyal behavior does not now exist and that we see no credible "coup" coalition on the horizon.<sup>40</sup> Such antidemo-

38. In various political fora in Uruguay, Juan Rial and Luiz Eduardo González have increasingly argued this point. For their writing on this subject, see González, *Political Structures and Democracy in Uruguay*, 161–64, and Juan Rial, "Reforma constitucional: Invitación a una discusión necesaria," text of a speech given to young Uruguayan politicians, November 1991. A major Colorado political party leader, Jorge Batlle, in a self-criticism of what he calls "Uruguayan nomenclatura," argues that "a government that is born without majorities, as a consequence of our electoral system, not only creates problems for government, but worse the system consecrates the irresponsibility of everyone," public speech, July 15, 1990.

39. For an excellent analysis, especially of the existential crisis, see Carina Perelli, "El nuevo ethos militar en América Latina: Las crisis existenciales de las fuerzas armadas de la región en los 90," *Peitho*, Documentos de Trabajo, no. 80, 1991.

40. In fact, we see the opposite. As the economies of Argentina, and even Brazil, grew robustly in 1994 and as the government was able to negotiate what was seen as better terms for Uruguay's role in the MERCOSUR (the new common market of Brazil, Argentina, Uruguay, and Paraguay), confidence in the future experienced a significant upturn for the first time since 1988. According to a poll conducted by Equipos in August 1990, 66 percent of those polled in a national survey said that they believed the economy was "bad" or "very bad." In October 1994 those who felt the economy was "bad" or "very bad" had declined to below 40 percent. Furthermore, the presidential approval rating, which had hit a new historic low of 11 per-

cratic behavior and such a correlation of forces supportive of breakdown would be the result of a future unresolved crisis of democracy.<sup>41</sup> We also want to stress that Uruguay's configuration of democratic institutions, practices, and values discourages the syndrome that Guillermo O'Donnell calls "delegative democracy" that plagues so many presidential systems and that we will discuss in the Argentinian and Brazilian cases.<sup>42</sup> However, if democratic politicians cannot or will not realign Uruguay's risk-prone configuration, they could—as in most historical cases of breakdown—be direct contributors to such an outcome.

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cent in August 1992, had risen to 29 percent by October 1994. Indeed, in contrast to all 1992–93 political predictions, the Blanco ruling party, as we have seen, almost won the November 1994 presidential elections. These and other Equipos polls were published in *El Observador* on October 24, 1994.

41. Many party leaders expressed concern after the November 1994 election that Uruguay's traditional two-party system could become an even weaker base of government support as Uruguay became a three-party system. In an effort to overcome problems of governability, all parties with representatives in the legislature agreed to open negotiations on important electoral and socioeconomic reforms. See "Uruguay: Congress Seeks to Update its Image," *Latin American Regional Report: Southern Cone Report* (April 20, 1995): 7.

42. For a discussion of these positive aspects of Uruguayan democracy, see Juan J. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?" in Juan J. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy* (Baltimore: Johns Hopkins University Press, 1994), 36–37, and Guillermo O'Donnell, "Delegative Democracy," *Journal of Democracy* 5, no. 1 (January 1994): 55–69, esp 64.

## From an Impossible to a Possible Democratic Game: Argentina

ARGENTINA from 1976 to 1983 was a hierarchically led military regime. Within this broad context the Argentine military regime had some distinctive specificities that left an impact on the transition and on efforts to consolidate democracy. Uruguay's military regime imprisoned more people per capita than Argentina and applied very systematic repression. However, in Argentina military specialists and entrepreneurs in violence contributed to at times an anarchic reign of terror between 1975 and 1977. Thirty-two times more people per capita "disappeared" in Argentina than in Uruguay, and more than three hundred times more people per capita disappeared in Argentina than in Brazil. While the overall regime lacked the coherence of ideology and organization of a totalitarian regime, many of the military's statements about the need to exterminate their enemies had a totalitarian edge.<sup>1</sup> The military government was in fact much more of an authoritarian "situation" than a institutionalized "regime."<sup>2</sup> The military never created parties or held elections as in Brazil. They never formulated a "guided democracy" constitution and submitted it to a plebiscite as in Uruguay or Chile. Moreover, throughout the period of military rule there were numerous conflicts between the services and within the army which led to abrupt changes in tentative political alliances and actual economic policies. There was no sign of a long-range plan to yield power via competitive elections. If anything, General Galteri's invasion of Malvinas was a bid to create a new base for military rule and

1. A few quotes will suffice. General Iberico St. Jean asserted "first we'll kill the subversives, then their collaborators, then . . . their sympathizers, then . . . those who remain indifferent." The fact that ideology and not actions was a sufficient cause for execution is captured in the statement by General Luciano Menéndez, "We are going to have to kill 50,000 people; 25,000 subversives, 20,000 sympathizers, and we will make 5,000 mistakes." Both quotes are from the valuable study by James W. McGuire, "Interim Government and Democratic Consolidation: Argentina in Comparative Perspective," in Juan J. Linz and Yossi Shain, eds., *Between States* (New York: Cambridge University Press, 1995), pp. 179–210; quotes from p. 183. The most detailed record of the style and pattern of military terror is found in *Nunca Más: The Report of the Argentine National Commission on the Disappeared* (New York: Farrar, Straus and Giroux, 1986). For a table showing the comparative rate of "disappearances" in the southern cone, see Stepan, *Rethinking Military Politics*, 70.

2. The distinction between an "authoritarian situation" and an "authoritarian regime" is developed in Juan J. Linz, "The Future of an Authoritarian Situation or the Institutionalization of an Authoritarian Regime: The Case of Brazil," in Alfred Stepan, ed., *Authoritarian Brazil: Origins, Policies and Future* (New Haven: Yale University Press, 1973), 233–54.

his personal leadership. Given this overall context, when the Argentine military surrendered to the British in Malvinas on June 14, 1982, the military were not seen as a reliable or competent ally by any major section of Argentine civil or political society and internal military dissension, recriminations, and lack of discipline reached such unprecedented levels that some officers worried about intramilitary armed conflict and the dissolution of the military as an organization.<sup>3</sup>

In his extremely informative comparative study, Felipe Agüero constructs a typology of the post-transition power of the military, in which the key variables are whether the previous regime was militarized or civilianized and whether the transition path is via a pacted reform, a military coup, or a military defeat and regime collapse. In his typology, if the authoritarian regime is militarized and the transition path is military defeat and regime collapse, the relative position of the military will consequently be "weak." His two examples are Argentina and Greece.<sup>4</sup>

We feel this typology is quite useful for the analysis of transition. However, if we want to analyze the political consequences of military defeat for democratic consolidation, we must be very careful to distinguish between those cases where the authoritarian military regime is hierarchically led and those cases where it is not and between cases where the regime actually "collapses" and cases where it does not. The defeat and disgrace of the Argentine military in the Malvinas war contributed, as did the Greek military fiasco in Cyprus, to the end of the military government. As in Greece, the departing military tried to impose some conditions as the price of their extrication. But the combined weight of their internal disunity, their low prestige, and the institutional urgency of rapid extrication from rule meant that neither the Greek nor the Argentine military establishment was in a position to impose constraining conditions on successor governments as the price of allowing a transition.

But there are important differences between Greece and Argentina that all too often are overlooked. The fact that the Argentine military organization had been hierarchically led, while the Greek military was not, meant that the Argentine military did not in fact "collapse" and thus were in a position to gravely complicate

3. For example, in an interview on July 24, 1982, in Buenos Aires with Stepan, an Argentine general argued that internal military conflict could lead to the de facto dissolution of the military and that the Russian Revolution had occurred only because the Czarist army had disintegrated. The most graphic account and systematic analysis of internal military conflicts in this period is Andrés Fontana, "De la crisis de Malvinas a la subordinación condicionada: Conflictos intramilitares y transición política en Argentina" (Helen Kellog Institute for International Studies, University of Notre Dame, August 1986, working paper no. 74).

For the professional incompetence of the Argentine military during the Malvinas conflict and its relationship to the politics of repression, see the well-documented and scholarly work on the Argentine military, from the junta to the Menem presidency, by a Spanish colonel, Prudencio García, *El drama de la autonomía militar: Argentina bajo las juntas militares* (Madrid: Alianza Editorial, 1995). For the origins of the dirty war and its development and an exhaustive study of political violence, see María José Moyano, *Argentina's Lost Patrol: Armed Struggle, 1969-1979* (New Haven: Yale University Press, 1995).

4. See Felipe Agüero, "The Military in the Processes of Political Democratization in South America and South Europe: Outcomes and Initial Conditions" (paper presented at the XV International Congress of the Latin American Studies Association, San Juan, Puerto Rico, September 21-23, 1989).

the task of consolidating democracy. A brief resume of the basic narrative sequence of events should suffice to lead us away from the "collapse" metaphor. The Argentine surrender in Malvinas was on June 14, 1982. The same day General Galtieri resigned under pressure as commander-in-chief of the army. He was succeeded by General Cristiano Nicolaides. General Nicolaides, without permission of his junta allies in the air force or the navy, designated a retired army general, Reynaldo Bignone, as a caretaker president. Bignone became president July 1, 1982. Shortly thereafter the military announced that elections would be held no later than the end of 1983. Elections were indeed held in October 1983, and in December 1983 Raúl Alfonsín was inaugurated as Argentina's new president. Eighteen months do not a "collapse" make.<sup>5</sup> Thus, though Portugal, Greece, and Argentina are often lumped together in the transition literature as regime collapses due to external defeat, the metaphor of collapse obscures some critically different power relationships in the countries.

In Portugal nonhierarchical officers who were angry and afraid at being involved in a losing war overthrew the regime, junior officers helped form a provisional revolutionary government, and in the midst of an enormous popular mobilization the *state* collapsed. In Greece, a nonhierarchical military regime, in a Malvinas-like adventure, almost led Greece into a war with Turkey. The nonhierarchical military regime was overthrown by the hierarchical military, who within twenty-four hours gave power to a caretaker civilian government pledged to elections. The state did not collapse. A weak, nonhierarchical military regime was overthrown, and the military as organization gave their weight after the elections to the purge and prosecution of the nonhierarchical military who had committed human rights violations.<sup>6</sup>

The particularly violent nature of the Argentine military government, their internal dissension, their loss of an external war, and the ability of the hierarchical military to hold on to the reigns of government for eighteen months after the defeat in war had five somewhat contradictory consequences. First, the fact that the military was able to retain control of the government for eighteen months after their defeat and to give over the presidency to the victor in elections meant that an interim government with the possibility of revolutionary policies, as in Portugal, was precluded.

Second, although the military held on to government, they were in fact weakened in power terms because, much more than in Uruguay, the military as institution was so gravely divided that they feared internal armed conflict. Their perceived need of extrication was much more intense than that of the Uruguayan military. In these circumstances the political parties were able to refuse military

5. The previously cited article by McGuire, "Interim Government and Democratic Consolidation," is particularly convincing on this point.

6. For the importance of the state versus regime distinction, see Robert M. Fishman, "Rethinking State and Regime: Southern Europe's Transition to Democracy," *World Politics* (April 1990): 422-40.

overtures to enter into a pact. Three times the military made pact overtures, and three times the parties refused. This power relationship explains why the Argentine transition began with fewer agreed-upon restrictions by the political parties than in Brazil, Uruguay, or Chile. The parties did not accept an indirect presidential election as Brazilian parties did in 1985. The parties did not accept the exclusion of a major presidential candidate as they did in Uruguay. And the parties did not have to agree to begin government with key parts of the authoritarian regime's constitution still in effect as they did in Chile. Argentina had the only unpacted and the most classically free transition of our four South American cases.

Third, this set of power relationships also explains why, alone among the South American cases, the incoming democratic government, as in Greece, prosecuted, convicted, and imprisoned numerous military officers for human rights violations.

Fourth, the indiscriminate violence of the military and their ill-thought-out foreign military adventure seriously weakened their currency as a political ally in Argentine politics. In relational terms this increased the currency value of electoral politics.

Fifth, in Greece the trials of the military helped consolidate democracy. In Argentina, trials almost led to the breakdown of democracy. The key explanatory variable here is the difference between a nonhierarchically led and a hierarchically led military government. In Greece, the military as an institution saw the trials and imprisonment of the nonhierarchical leaders of the military government as a way to reconsolidate military hierarchy. In Argentina, the military as organization saw efforts to imprison the hierarchical leaders of the former military government as a mortal attack on their institution. Between April 1987 and January 1990 there were four military uprisings by midlevel officers that weakened the authority of President Alfonsín, shifted his attention away from other critical policy tasks, and forced him to make damaging concessions.<sup>7</sup>

We do not want to overstress the issue of civil-military relations. President Alfonsín had many other problems in his presidency. He announced upon taking office that he would move forward quickly to redress the accumulated social plight of the Argentine population. But he never had a majority in both houses. Worse, he was never able either to arrive at an understanding with or to control the Peronist trade unions, which led thirteen general strikes against his economic plans. In 1986 Raul Alfonsín's major stabilization plan, the Plan Austral, was abandoned. In the October 1987 election he lost control of both houses. In a parliamentary system Alfonsín almost certainly would, and should, have left office at this time. Condemned to office by the presidential calendar, with growing military pressures, and without a winning coalition in civil and political society, Al-

7. For a very careful comparative analysis of the four uprisings and their effect on the Alfonsín government, see Carlos H. Acuña and Catalina Smulovitz, "¿Ni olvido, ni perdón? Derechos humanos y tensiones cívicos-militares en la transición Argentina," Buenos Aires, CEDES, *Documento CEDES*, no. 69, July 1991, esp. 19–31.

fonsín saw a dangerous decline in his government's support, the administration's ability to implement economic policy, and indeed the prospects for democratic continuity.<sup>8</sup> By June 1988 inflation was growing sharply, the government had an approval rating of only 12 percent, and 49 percent of the population felt there could be a military coup.<sup>9</sup> By June 1989, in the midst of Argentina's first-ever "hyperinflation," his government in ruins, a humiliated Raúl Alfonsín left office six months early. But, in an extraordinary turnabout, by June 1992 many politicians and analysts in Argentina began to argue that Argentina had stopped its 60-year decline, and some even suggested that democracy was consolidated.

Later in this section we examine the emergence of a new set of historical relationships, but here we briefly call attention to two major changes that occurred under President Menem. The first concerns the military. When the junior officer uprisings began in 1987, the painted-face rebels (the *carapintadas*) received the tacit support of the military-as-institution because the *carapintadas*' major announced objective was to defend the military's hierarchical institutions against "unjust" trials. However, the *carapintada* phenomenon took on a dynamic of its own that made the military-as-institution increasingly wary of them. The revolts became more explicitly political. More and more they were motivated by the personal goals of their junior officer leaders. Eventually, they came to represent less a defense of the military-as-institution than a nonhierarchical attack against not only President Alfonsín but the army high command. Furthermore, in October 1989, President Menem gave a massive pardon to the military for human rights offenses under the juntas, and armed insubordination under the democratic government of Raul Alfonsín, leading some of the released junta leaders to proclaim that they had been vindicated. In this new context, when junior officers and numerous noncommissioned officers started an uprising in December 1989, the *carapintada* cycle ended as the president and the commander-in-chief joined forces to smash the uprising in the name of military discipline and political democracy. Whereas President Alfonsín lost authority by military uprisings, an antihierarchical military revolt gave President Menem an opportunity to enhance his authority.<sup>10</sup>

8. Three manuscripts that reflect this eroding quality of Argentine democracy in 1987–89 are David Rock, "The Decline and Fall of a Democratic Regime: The Alfonsín Government, 1986–1989," Andrés Fontana, "La política militar en un contexto de transición: Argentina 1983–1989 (both papers prepared for a conference at the Schell Institute, Yale University, March 1990); and Marcello Cavarozzi and María Grossi, "De la reinvencción democrática al reflujo político y la hiperinflación (la Argentina de Alfonsín)" (paper prepared for a conference at CERC, Santiago, Chile, Aug. 1990).

9. These data are from polls designed by Edgardo Catterberg and reported in his very informative *Argentina Confronts Politics: Political Culture and Public Opinion in the Argentine Transition to Democracy* (Boulder, Colo.: Lynne Rienner, 1991). The data are from pp. 91 and 110.

10. The previously cited publication by Acuña and Smulovitz, "¿Ni olvido ni perdón?" 39–45, is excellent on how and why the *carapintada* cycle came to an end. For a strong documented critique of Menem buying peace with the military at the expense of reversing hard-won court decisions, see the previously cited work by the Spanish colonel, García, *El drama de la autonomía militar*, 269–76.



The other major improvement concerned citizens' perception of the economy. Part of this was due to some generic aspects of democracy as a system and part was due to a specifically Argentine phenomenon in the Menem presidency. The generic dimension concerns the political economy of legitimacy. We argued in chapter 5 that most authoritarian regimes have difficulty sustaining a government after three consecutive bad economic years because their claims to rule are based on efficacy, not legitimacy. In contrast, we argued that democratic regimes have two sources of insulation from economic bad times; some legitimacy for the system qua democratic system and the prospect that, with upcoming elections, there can be a vote for an alternative. In Argentina, in November 1988, 70 percent of the people polled felt that conditions in the country had worsened in the last five years. However, 74 percent nonetheless still affirmed that "democracy is always preferable to a dictatorship." Only 15 percent of those polled—in contrast to Brazil's 40 percent—felt that things would be better if the military returned. The economy deteriorated further in the next six months. There was no objective sign that things had improved. However, there had been elections. Even though the winner, Carlos Menem, received 49 percent of the vote, the percentage of citizens who expressed belief that the economy would improve had gone up from 32 percent to 72 percent.<sup>11</sup>

Let us turn to some specifically Argentine dimensions of the economic problem. Whereas President Alfonsín was weakened by thirteen general strikes, President Menem in his first three years of rule did not face one general strike, even though his neoliberal policies shocked the Peronist rank and file. Menem undoubtedly profited by the diffuse support he received in Peronist circles, notwithstanding the turn in his policies. He also benefitted from the widespread support he received from local and international capital. Unlike Alfonsín, who came into office at the height of the debt crisis, Menem was helped by the fact that he came into office just as the world debt crisis was ending and international capital was seeking new outlets. But, finally, President Menem reached back into the classic corporatist repertoire for controlling labor. Much of the funds and power of labor leaders and unions is due to their official recognition. President Menem, like Getúlio Vargas of Brazil and Lázaro Cárdenas of Mexico before him, used the weapon of official recognition to strengthen allies that created new leadership groups and to deny legal recognition to his challengers (such as the CTA). Wildcat strikes were declared illegal and unions that persisted in strikes risked losing their official status or some of the state support for their specific activities. Most importantly, like Vargas and Cárdenas in the 1930s, Menem gained something even Perón never had, extensive government control over the unions' vast social welfare funds.<sup>12</sup>

11. For these polls see Catterberg, *Argentina Confronts Politics*, 110 and idem, "The Balance of Transition: Perceptions of Government Efficacy in the Southern Cone" (paper prepared for the XVth World Congress of the International Political Science Association, Buenos Aires, July 21–25, 1991.)

12. For a brief but revealing review of Menem's strategy to control labor, see Rosendo Fraga, "1991, fin

Despite the absence of strong labor resistance, President Menem's first economic plan was no more successful than President Alfonsín's plan. Forced by the fear of a second hyperinflation, President Menem in February 1991 selected a new minister of finance, Domingo Cavallo, who appealed to the Congress where Peronists and their allies had a majority and to all sectors of society for support, so as to avert a spiral of hyperinflation and economic decline. With inflation low and the economy growing, the approval rating of the government's economic policy rose in Buenos Aires from 16 percent in March 1991 to 68 percent in December 1991.<sup>13</sup> By mid-1992 many in Argentina argued that, after a long period of government with low efficacy and low legitimacy, Argentina was beginning to develop a polity with moderate efficacy and some legitimacy.

### BEYOND THE IMPOSSIBLE GAME?

In a justly famous work Guillermo O'Donnell used an elaborate game-theoretical model of Argentine electoral politics to show that party democracy as it was played in Argentina during 1955–66 was an "impossible game."<sup>14</sup> While we will not use the exact categories O'Donnell used, let us schematically review the three core assumptions and rules that in fact made democratic politics an impossible game in this period.

The first core assumption was that, while the Peronistas were the largest single party, they should not be allowed to compete in elections because they would almost certainly win and, if they won, they would not rule democratically and could not be removed from office by elections. Juan Peron's ambivalence toward democratic practices and doctrines when he was in power from 1943–55 allowed groups who may have been undemocratic themselves to disguise their undemocratic behavior in the democratic discourse of protecting democracy.

A second core assumption of O'Donnell's impossible game was that the largest anti-Peronist party, the Radicals of the People, would never be strong enough to win in an election unless there were some restrictions against the Peronists. However, even if they came into office via semifree elections, the Radicals could not be an effective government given the strength of Peronism in the unions.

The third fundamental assumption was that the bourgeoisie accepted the military as the umpire of the electoral game. The umpire had two key functions. First,

de un poder sindical," *Ambito Financiero* Dec. 30 1991: 18. On the origins of the Peronist labor model of incorporation and corporatist control, see Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement and Regime Dynamics in Latin America* (Princeton: Princeton University Press, 1991), 331–50.

13. Greater Buenos Aires polls done by Estudio Mora y Araujo, Noguera y Asociados.

14. Guillermo O'Donnell, "An Impossible 'Game': Party Competition in Argentina, 1955–66," in *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics* (Berkeley: Institute of International Studies, University of California, 1973), 166–200.

if the bourgeoisie felt there was what they considered a crisis of legitimacy (such as a victory of Peronists or small parties allied to the Peronists), the umpire was allowed to terminate that round of the electoral game. Second, if the bourgeoisie felt there was a crisis of efficacy (such as the inability of weak anti-Peronist parties to rule effectively), the umpire could terminate that round of the electoral game. The military umpire was delegated these powers by the bourgeoisie because they considered the military a reliable ally or a temporary ruler who would not try to create a permanent nonelectoral game. Rather, the assumption of the game was that after an interval, in which the rules were changed somewhat, another round of the electoral game would begin.

O'Donnell does not explicitly argue the point, but we believe that the rules of the game led to a long-term, double crisis of the Argentine polity, a crisis of democratic legitimacy because of the degree of exclusion and a crisis of efficacy because of the narrow support base of elected governments. This double crisis, plus the fact that the umpire normally did not try to create a Mexican-style authoritarian hegemony and if they attempted to do so they failed, contributed to Argentina's prolonged developmental crisis. No combination of actors could create either a sustained democratic or a sustained nondemocratic base of support for a policy program. In such a context "rational actors" strove to accumulate and use nondemocratic resources, and almost no one wanted to continue with any given round in the electoral game. O'Donnell summarized the situation thus:

Once one round of this game has been played and knowledge of the rules is perfect, it is evident that it is a futile game which no one can win. Consequently, a rational player becomes "non-allegiant" (he rejects the game, or at least has no interest in its continuation) and "irresponsible" (since everyone will lose eventually, whatever short-term gains are possible should be pursued). Not only is the game futile, but its dynamic has increased polarization. With no players to seek its continuation, it can easily be terminated.<sup>15</sup>

Although O'Donnell's classic analysis was published in 1973, we believe the Argentine military regime of 1976–83 can be seen as a horrifying and ultimately completely unsuccessful effort to use force to change Argentina's economy and polity and to create a new game. The game the military and their allies tried to construct failed dramatically in both efficacy and legitimacy. No one wanted to play round three of the "bureaucratic-authoritarian" game, round one being 1966–73 and round two being 1976–83.

In terms of the categories we have used in this book, the O'Donnell game of Argentine electoral politics in 1955–83 had the following characteristics. Democracy was never the only game in town. Democracy was always marked by semi-loyal and frequently disloyal behavior by most groups. There were few intertem-

15. *Ibid.*, 180.

poral incentives for the major actors to continue any given democratic game. System blame of electoral politics was endemic.

One important way to examine cases of attempted redemocratization is to see whether many of the elements that led to the previous breakdown are still present or whether, due to new circumstances, the passage of time, or political learning, a fundamentally new context exists for the renewed effort to institutionalize and consolidate democracy. It is clear that the characteristics of Argentine electoral politics we have described were sufficient by themselves to make a consolidated democratic game impossible. Is there any evidence to indicate that Argentine politics was becoming a possible democratic game after 1992? Very schematically let us re-examine the three core assumptions of the impossible game. Do they still exist, or have they been transformed?

Let us begin with the relationship in the impossible democratic game between the bourgeoisie, the military, and the Peronist party. For the bourgeoisie the electoral game was never the only game in town because the dominant electoral force—Peronism—was not only an unacceptable ally but an unacceptable winner. They could risk their at best semiloyal participation in electoral politics because for them the military was an acceptable umpire of the electoral game or, between rounds, an acceptable ally. However, the military's effort to create their own game in 1976–83 changed the bourgeoisie-military-political party relationships fundamentally. The indiscriminate killing and torture by the military meant that many members of the hitherto "untorturable classes" had their sons and daughters tortured and/or "disappeared." Also, the military's adventure in Malvinas, if it had been prolonged another few months, might well have led to widespread expropriations of English property in Argentina. A victory in Malvinas would have opened up possible Third World policy alignments that would have seriously harmed the social identities and economic alliances of the Argentine bourgeoisie. The military also revealed themselves as dangerously divided and weak. Given this post-Malvinas set of social, economic, and military circumstances, the military by 1983 was no longer seen as a reliable ally or a credible umpire by the bourgeoisie. Finally, when Menem adopted and, more importantly, implemented most of the neoliberal policies long championed by a weighty faction of the bourgeoisie, the Peronist party was transformed in their eyes from being an unacceptable to a potentially acceptable—indeed in the early 1990s an *actual*—ally. The old impossible democratic relationship between the bourgeoisie, the military, and the Peronist party no longer existed.<sup>16</sup>

16. The fundamental change in conservative-business-military relationships is explored in much greater detail in two excellent doctoral dissertations by Carlos H. Acuña of the University of Chicago and Edward L. Gibson of Columbia University. Acuña argues that democracy has become the only game in town and the military an unacceptable ally in "Intereses empresarios, dictadura y democracia en la Argentina actual (o, porqué la burguesía abandona estrategias autoritarias y opta por la estabilidad democrática)" (Buenos Aires: CEDES, Feb. 1992). Edward L. Gibson focuses on the political party ramifications of the military becoming an unacceptable ally and on the new neoliberal alliance between Menem

The second key component of the impossible democratic game was that for many players in the electoral game, competitive, free, and inclusive elections could not be risked because, so the argument went, the Peronists would always win and would never play by fully democratic rules and, if somehow the Radicals did win, they could not govern effectively given Peronist power. Indeed, O'Donnell commented that as early as the Frondizi presidency (1958–62) the largest anti-Peronist party, the *Radicales del Pueblo*, had become convinced that, "given the situation then prevailing, they would never be able to win an election."<sup>17</sup> The overwhelming victory of the Peronists in 1973 and their tolerance and even encouragement of the para-military violence of the *Montoneros* further contributed to what many called the "iron law of Argentine politics"—that in free elections Peronists always won and did not respect minority rights. When Raúl Alfonsín and his Radicals triumphed in the free elections of 1983, he broke this iron law of Argentine politics. Menem was re-elected as president in 1995. However, the Radicals (and FREPASO, a new party that outpolled the Peronists in the capital in 1995) have hopes that by 1999 the Argentine polity will be ready for an alternation in party rule. If the democratic game continues, activists in the three major parties believe they can win. The prospect of winning increases the intertemporal incentives for party leaders in all parties to keep the democratic game going.

However, there are some elements of the old game that worry some Radical Party activists. The fact that Peronist unions led thirteen general strikes against the Radical Party administration of Alfonsín and that the Radicals in office were not able to sustain an effective economic policy is a carryover from the impossible game. Nonetheless, in 1992–94 some Radical Party leaders began to argue privately that, if Menem were able to sustain a viable economic model and curb the autonomy of the trade unions, a future Radical government—not faced by a disloyal military and economic crisis—might well be more efficacious than they had been in the past.

The third characteristic of the impossible game was the dangerous discourse about Argentina having a permanent majority party that at best was ambivalent about democracy. Part of this discourse was, as we have seen, weakened by the Peronist defeat in the 1983 elections. Time, both biological and historical, has also reduced the power of this discourse. Some feuds in politics die only when the key protagonists die. Part of the impossible game in Argentina was that Perón, as long as he lived, represented an extraordinary pole of attraction and repulsion in Argentine politics. As a leader who rose to prominence when Mussolini still ruled, Perón was able to create and sustain a semifascist, populist-nationalist rhetoric. With Perón alive Peronism was more movement than party. Perón's policy and

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and conservative parties in "Conservative Parties and Democratic Politics: Argentina in Comparative Perspective," (Ph.D. diss., Department of Political Science, Columbia University, 1992).

17. O'Donnell, "An Impossible 'Game,'" 188.

doctrinal ambivalence helped perpetuate his dominance of both movement and party. Given, after 1955, the almost permanent hostility of the military as an institution and of important sectors of the bourgeoisie to Perón, elections were never the only game in town for Perón. He thus harbored and generated a wide variety of extraparty and extrademocratic resources.

Menem, however, has come to power in a different world historical time. Like the successors of Franco, he could not sustain the rhetoric of an historical *Zeitgeist* that no longer existed. Also, after his attack on the Peronist unions, Menem and even more so his most probable successors in the party will increasingly have to base their power strategies on democratic electoral power rather than on the movement. If this dynamic does indeed develop, then the last component of the impossible game will have been transformed.

We cannot say that a change in these three interconnected components of the former impossible game is sufficient for democratic consolidation. However, we can say that these changes were a precondition for developing a possible democratic game. Indeed, the changes in these three components have increased the type of behavior that makes democratic politics a possible game. The three major parties and the leading business groups are displaying no outright democratically disloyal behavior. There is less system blame of democratic institutions because efficacy rose rather than declined in 1990–94. With all three major parties believing they have a chance to win and to govern effectively in the future—and not to be subject to extreme harm if they lose—intertemporal incentives to play the democratic game have increased. Finally, given the widespread perception that the military is no longer a reliable nondemocratic coalition partner, democracy is more and more becoming the most important—and increasingly the only—game in town. However, while we believe that democracy has become a possible game in Argentina, we will close by examining some disturbing questions concerning the quality of the democracy that is emerging.

### THE QUALITY PROBLEMS OF ARGENTINE DEMOCRACY

In chapter 1 we discussed the five arenas of a consolidated democracy and how ideally, within each arena, activities are carried out and norms are developed that strengthen democratic practices and values in the other arenas (see table 1.1). Let us review briefly President Menem's influence on the quality of democracy in the five arenas we discussed.

If the government of a new democracy consistently operates at—or over—the margin of the constitution, it obviously weakens the rule of law and its primary organizing principle, constitutionalism. With President Menem's style of governance very much in mind, Carlos Nino, the late distinguished legal theorist of Ar-

gentina, observed that "the fear of a coup or a breakdown of democracy is increasingly receding but those risks have been replaced by fears about the degradation and emptying of democracy." The Argentinian political sociologist, Juan Carlos Torres, also primarily worried about the quality of democracy, remarked that Menem's style of rule, unless checked, would produce a "low intensity democracy with low intensity citizenship."<sup>18</sup> Judging from the evidence, President Menem's ambivalent attitude toward the rule of law has weakened not only constitutionalism, but also the quality of democratic practices and norms in the state apparatus and in civil, political, and economic society.

In his first four years in office President Menem took advantage of a clause in the constitution that allowed the president to issue decrees if he affirms that they are "necessary and urgent." Between 1853 and 1989 his predecessors had issued fewer than 30 such decrees. Between 1989 and 1993 President Menem issued 244. Furthermore, the constitution required ex post facto consideration of the decrees by the legislature. Only 74 percent of President Menem's 244 decrees were ever submitted to Congress, and only 4 percent went through the full ratification process. However, almost all of the decrees stayed in effect because the legislature, where President Menem had a majority, did not challenge them.<sup>19</sup>

When President Menem was faced with possible resistance by the Supreme Court, he used his legislative majority to increase the number of Supreme Court judges from five to nine. Only forty-one seconds of congressional debate were devoted to this unannounced change. Worse, Menem's closest advisers had been at the center of major corruption charges, some of which implied a connection to President Menem himself.<sup>20</sup> Criminal investigations were on the horizon. In this context Menem created an upper criminal tribunal that was second only to the Supreme Court and was endowed with the judicial faculty to review and reverse any criminal court in the country. Menem staffed the court almost entirely with his supporters. All the new appointees were given life appointments. If Menem were ever to be convicted for corruption, during or after his presidency, he would have to be convicted by this court.<sup>21</sup>

While there has been little direct censorship of the press, a diffuse "culture of fear," almost eliminated under President Alfonsín, re-emerged under President

18. Alfred Stepan, discussions with Carlos Nino and Juan Carlos Torres, Buenos Aires, Argentina, July 26–29, 1993.

19. Study by Mateo Goretti and Della Ferreira Rubio, cited in *Latin American Regional Reports: Southern Cone Report* (Sept. 9, 1993), 8.

20. Argentina's leading investigative journalist, Horacio Verbitsky, reviews the charges of corruption, justice tampering, and constitution flaunting in a long interview, "Menem es el jefe de la corrupción," *La Maga* (March 11, 1992), 1–3. Also see his best-selling book, *Robo para la corona: Los frutos prohibidos del árbol de la corrupción* (Buenos Aires: Planeta, 1991).

21. Alfred Stepan, discussion with Carlos Nino, Buenos Aires, July 25, 1993.

Menem. For example, the leader of the Argentine Journalists' Union claimed that, in the first forty-two months of Menem's government, 139 journalists received anonymous threats and that there were fifty cases of physical assault. He asserted that most of the anonymous threats had "been traced to people with government connections." In the first five-month period leading up to the 1993 congressional elections, the main conservative newspaper, *La Nación*, charged that twenty-two of their journalists received death threats, specifically warning that they should stop criticizing President Menem.<sup>22</sup>

The 1853 constitution, which was reinstated after the inauguration of President Alfonsín, explicitly prohibited the immediate re-election of the president. During 1992–94 President Menem devoted most of his energies to changing this constitutional clause. The political atmosphere became so charged that his minister of the interior resigned with a warning that he believed that some of Menem's political operatives were determined to ensure the continuity of Menem "whatever the cost."<sup>23</sup> The leading opposition party issued a statement in which they said that the Menem government was on the verge of "breaking the legitimacy" of any possible process of revising the constitution.<sup>24</sup> But, after the Peronists had done well in the October 1993 congressional elections, former President Alfonsín, in a move that caught other major leaders of his party by surprise, entered into a personal pact with President Menem to allow a constituent assembly that eliminated the clause prohibiting a sitting president from running for immediate re-election, in return for any number of reforms.<sup>25</sup> Eventually, Alfonsín's party, in a rancorous and sharply divided party convention, approved the Menem-Alfonsín pact. In the May 1995 election, despite a UNICEF report that mortality rates in the northwest of Argentina had soared, continuing revelations about corruption, and Menem's condemnation by human rights groups for his equivocal comments to the mili-

22. See "Politics and Press: Menem's Attitude 'Authoritarian,'" *Latin American Regional Report: The Southern Cone Report* (Sept. 9, 1993), 6–7.

23. See the excellent account of the constitutional crisis by Mario Daniel Serrafiero, *Las formas de la reforma: Entre Maquiavelo y Montesquieu* (Buenos Aires: Centro Editor de América Latina, 1994). For the resignation of the minister, see vol. 2, pp. 173–75.

24. Ibid.

25. There is no consensus as to why Alfonsín entered into the pact. Some say he did so because he believed that it was the best way to avoid a breakdown of constitutionality a la Perón in 1949. Others say it was to reinsert himself as a leading power broker in Argentinian politics. Alfonsín stressed the importance of the proposed constitutional revisions that would "attenuate hyperpresidentialism." However, Serrafiero's close analysis of the Menem-Alfonsín agreement (sometimes called the Olivos Pact) reveals that most of the proposed constitutional revisions would not actually attenuate the more extreme presidential prerogatives. The proposed office of the chief of the cabinet, billed as quasi-prime ministerial, has in reality few real powers; there is no significant diminution of presidential state-of-siege powers, and new provincial intervention procedures, while giving the legislature a larger role, would still be quite large for a democratic federal system. Finally, the proposed constitutional revisions would in fact accord a degree of de jure constitutional legitimacy to "delegated legislation" by the president. For the full text of the Olivos Pact and an astute commentary on its clauses, see Serrafiero, *Las formas de la reforma*, 2:195–224.



tary that "we triumphed in that dirty war" (as well as for the beatings received by the mothers of the Plaza de Mayo), Menem, in a personal triumph, polled more than twice as many votes as his party and won re-election. Menem thus won control of the presidency until the turn of the century.<sup>26</sup> However, given the relative absence of an independent legislature or judiciary and a constitutional revision process marred by personalism, the consolidation of a high-quality democracy in Argentina is far from assured.

President Menem's opponents, especially in the Radical Party, have at times discussed his impeachment on grounds of constitutional violation.<sup>27</sup> His allies insist Menem is on, but not quite over, the margin of constitutionality. In fact, public opinion gives President Menem quite low marks for his respect of the legal system and the legislative system.<sup>28</sup> The president's performance at the margin of the constitution and the public's approval of his style of politics are not the optimal mix for democratic consolidation. Guillermo O'Donnell would say it bears all the worrying characteristics of "delegative democracy." For O'Donnell, some of the major characteristics of delegative democracy are that (1) winning presidential candidates present themselves as above parties, (2) institutions such as Congress and the judiciary are a nuisance and accountability to them is an unnecessary impediment, (3) the president and his personal staff are the alpha and omega of politics, and (4) whereas in consolidated democracies elected executives are embedded in a network of institutionalized power relations, in delegative democracies the president insulates himself from most existing political institutions and organized interests and becomes the sole person responsible for the success of "his" policies. For O'Donnell, delegative democracies may or may not become authoritarian, but they cannot become consolidated democracies.<sup>29</sup>

The ideal combination for a consolidated democracy would be high efficacy

26. In the election the radicals received their worst vote in a free election in a hundred years, but a new, broad, center-to-left opposition coalition emerged—Frepaso, which actually received more votes in congressional elections than did the Peronist party. In the campaign, Frepaso stressed such issues as social welfare and corruption. For the final election results, see "Politics: Menem Exceeds All Expectation," *Latin American Regional Reports: Southern Cone Report* (July 1, 1995): 2–3, and "Dead Return to Haunt Menem: Government Would Prefer the Past to Remain Buried," *Latin American Regional Reports: Southern Cone Report* (April 20, 1995): 3.

27. For example, Deputy Jorge Vanossi filed a long detailed case for impeachment on grounds of multiple violations of the constitution in February 1992. However, because of Menem's control of Congress and the judiciary, Vanossi argued that it was never seriously considered.

28. For example, in a Catterberg poll of Greater Buenos Aires ( $N = 500$ ) in December 1991, 61 percent of those polled felt that the country was going in a good direction but 84 percent felt that there was "much" or "quite a lot" of corruption in the national government, 60 percent felt the judiciary had little or no independence, and only 14 percent felt that the government respected the Congress.

29. Guillermo O'Donnell, "Delegative Democracy?" (East South System Transformations Project, Department of Political Science, University of Chicago, 1991, working paper no. 21.) Politicians with strong delegative tendencies have been Fujimori in Peru, Menem in Argentina, Perot in the United States, and Collor in Brazil. For an abbreviated version of O'Donnell's article, see *Journal of Democracy* (Spring 1994): 55–69.

and high legitimacy. But, even in periods of relatively low governmental efficacy, high legitimacy can help a consolidated democracy weather inevitable economic downturns. Was the price of Argentine high efficacy in the 1990s a legacy of delegated democracy and only moderate legitimacy? If so, what happens to such a political system if efficacy decreases?<sup>30</sup>

30. One thinks, for example, of the harmful implications for Venezuelan democracy of Carlos Andrés Pérez's style of governance. He was popular when he was efficacious (due to high oil prices) but corrupt in the 1970s. When he returned for a second term in the early 1990s and was inefficacious (partly due to low oil prices) and corrupt, Venezuelan democracy almost broke down. Some good economists who are close observers of the Argentine economy argue that the low inflation/high growth economy of 1992–94 had three sources of potential weakness that could eventually decrease efficacy: (1) an overvalued peso tied to the dollar, which could lead to balance of payment problems; (2) a structural budgetary deficit obscured by one-time sale of state assets via privatization; and (3) a relatively low investment level in core industry. The fact that Argentina's economy, unlike Chile's, or even Brazil's, was significantly weakened by the Mexican "tequila effect" in 1995 reinforces these concerns. The 1995 downturn aggravated the continuing "social deficit" of Argentina's neo-liberal policies.