

# Democracy and Institutional Change in Times of Crises in Latin America

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[journals.sagepub.com/home/pla](https://journals.sagepub.com/home/pla)Radek Buben and Karel Kouba 

## Abstract

Latin American democracies have gone through a series of perfect storms over the recent years. In what ways have these challenges transformed the institutional infrastructure of democracy? How have institutional reforms impacted the democratic prospects? This review article analyzes four recent edited volumes that approach the problems of institutional change against the backdrop of the multiple crises unfolding throughout the region. It describes two modes through which the reforms of political institutions have had an ambivalent or outright negative effect on the quality of democracy, and assesses the resilience of political institutions. Arguing for a more prominent role of informal institutions and political parties in institutional analyses, the article suggests that changes in formal political institutions have had a limited impact vis-à-vis the profound changes in political cleavages, culture wars, swift changes in religious identities and the decline of political parties.

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## Keywords

Democracy, political representation, Latin American politics, institutional reforms

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Center for Ibero-American Studies, Faculty of Arts, Charles University, Prague, Czech Republic

## Corresponding Author:

Karel Kouba, Center for Ibero-American Studies, Faculty of Arts, Charles University, Prague, Czech Republic.

Email: [karel.kouba@ff.cuni.cz](mailto:karel.kouba@ff.cuni.cz)



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## Introduction

Haunted by growing public disaffection with politics, frequent and often violent massive protest mobilizations, economic turmoil, volatile party systems ripe with anti-incumbent sentiment, as well as the COVID-19 pandemic, Latin American democracies have gone through a series of perfect storms over the recent years. In what ways have these challenges transformed the institutional infrastructure of democracy? Which countries can be considered democratic and what model of democracy do they represent? Have democracies been able to deploy a sufficient institutional arsenal to weather these storms? And how much weight may formal political institutions carry when facing profound changes in political cleavages, culture wars, swift changes in religious identities or the decline of political parties?

Four recent edited volumes have approached these puzzling questions from a variety of perspectives. They place institutions and institutional change at the center of analysis, with some chapters dealing with broader issues concerning the character of political regimes. Of course, no review article can do justice to all the ground covered by four voluminous edited books. Our – much narrower – intention is to focus on how recent scholarship views institutional change as it relates to the democratic prospects of Latin American countries. The verdict might surprise some. On the one hand, we describe two modes in which the reforms of political institutions have had an ambivalent or outright negative effect on the quality of democracy. While the road to many such failed reforms was paved with good intentions, Latin American institutional reformism also reflects more sinister motivations intended to benefit particular parties and politicians but also to limit democratic spaces. However, on the other hand, many chapters included in the books also provide a more optimistic reading: many crucial Latin American political institutions have weathered the perfect storm and remained resilient in general. The countries remain basically democratic, with Venezuela and Nicaragua becoming the only recent autocracies in the region. What is at stake is the character of those democracies and the quality of their governance.

## Summary of the Four Edited Volumes

First there is the book edited by Cameron and Jaramillo *Challenges to democracy in the Andes* which focuses on the theoretical issues regarding the character of democracy (in particular within the analytical framework elaborated by Guillermo O'Donnell) and its different patterns and models (beyond the 'liberal biases') (Cameron and Jaramillo, 2022). This framework is used in the analysis of recent political developments in five Andean countries (Venezuela, Bolivia, Ecuador, Peru and Colombia). The country studies analyze the self-coups, executive aggrandizement and constitutional ruptures pursued by democratically elected leaders. They focus on their anti-liberal activities and their frequently high public approval which could form part of a broadening literature on democratic backsliding. Yet, in a refreshing manner, the volume departs in many aspects from several normative foundations held by the 'mainstream' literature.

André Freire and colleagues edited the volume *Political Representation in Southern Europe and Latin America. Before and After the Great Recession and the Commodity Crisis* (Freire, Barragán and Collier et al., 2020). It is a successful attempt at revival of once flourishing comparisons between the two regions which have been mostly abandoned in the last twenty years. The collective project focuses on three topics. First, they explore links between citizens and their representatives in a broad manner – from the types of electoral systems to the citizens' perceptions. Second, they focus on the impact that the economic crises (2008 in Southern Europe and a commodity crisis in post-2014 Latin America) had on the patterns of representation. Third, the country chapters analyze the ideological and issue orientation congruence between politicians and the public. Venezuela, Ecuador and Chile are the Latin American countries covered in the individual chapters apart from broader comparisons in two other Latin American chapters.

The volume *Las reformas a la representación política en América Latina* edited by Freidenberg builds on an ambitious project which maps political reforms across the continent (Freidenberg, 2022). It provides a meticulous approach to studying reforms of political institutions (with a broadly defined electoral system reform at its core) building on a long running project *Observatorio de Reformas Políticas en América Latina* which collects and publishes systematic comparative data on political reforms (Reformas Políticas, 2023). Across 17 chapters, this book brought together scholars who contributed to one of four main themes of the volume: the relationship of political reforms to democracy, electoral system and party legislation reforms, reforms concerning electoral inclusion and reforms aimed at electoral justice and governance. It provides systematic and comparative treatment of political reforms, many of which have not produced their intended results. The book documents the substantial instability of political institutions in most Latin American countries.

Lastly, the volume edited by Llanos and Marsteintredet *Latin America in Times of Turbulence: Presidentialism Under Stress* brings together scholars who over 11 chapters study how the crisis of representation molded the functioning and setup of the political institutions in Latin American presidential democracies (Llanos and Marsteintredet, 2023). Its analytical framework departs from three broad types of institutional responses to the turbulent times marked by social unrest and a global pandemic: (1) executive power concentration, (2) institutional responses to popular demand as an attempt to alleviate popular pressures, and (3) weak, symbolic and incomplete institutional change (Llanos and Marsteintredet, 2023a: 6). The core focus of most chapters lies in the traditional concerns with inter-institutional relations which corresponds to earlier studies of Latin American presidentialism; yet the book also contains innovative contributions to the study of presidentialism covering regulation of digital platforms in electoral campaigns (Estrada, 2023) and the subnational entanglements of liberal and illiberal practices (Behrend and Whitehead, 2023).

## Perfect Storm

Throughout the four edited volumes, the background for understanding political-institutional change relates to economic, political and social turmoil. Starting with the anti-

authoritarian protests in Nicaragua in the spring of 2018, Latin America has been affected by a wave of massive protests whose motivations ran from a ‘simple’ dissatisfaction with government policies (mainly in Ecuador and Colombia), through the deeper discontent about the way the country had been governed in previous decades as in Chile (Siavelis et al., 2020), to the civil society coup in Bolivia (accompanied by the police and armed forces disobedience, bordering with a military coup d’état: for a balanced analysis, see Wolf, 2020) to several presidential removals and violent clashes in Peru. A middle-quality institutional trap (weak and inefficient state and public institutions) is a fitting description of the main underlying force behind these crises (Mazzuca and Munck, 2020). While state weakness has always been present (with a couple of exceptions), the post-2014 commodity price crisis brought to the region a new set of challenges as shown in the book by Freire et al. (2020). This economic crisis shifted the political pendulum temporarily towards the political right in some countries and led to ‘political turnover, impeachments, corruption scandals and social mobilization...’ (Freire et al., 2020: 3). As Llanos and Marsteintredet claim ‘recent times have raised concerns about the viability of democracy and its institutions in Latin America’ (Llanos and Marsteintredet, 2023a: 6).

The context of political turmoil is in turn one of the main drivers of institutional change. Earlier research showed that Latin American constitutional change is most frequent after political crises involving irregular transfers of executive powers and executive-legislative conflicts (Negretto, 2012). Other dimensions of political turmoil, such as elevated rates of electoral volatility when established parties collapse and new ones emerge, have also been linked to a heightened tempo of institutional reformism (Núñez et al., 2017). Confirming this line of reasoning a key chapter shows that – out of an arsenal of independent variables – only electoral volatility in presidential elections is a significant predictor of the likelihood of a substantial institutional reform of political representation in a comparison of all Latin American countries (Freidenberg et al., 2022). It is indeed striking that no other variables (such as changes in economic performance, party system fragmentation or the levels of political competition) provide leverage in explaining the incidence of the 239 major political reforms in the 18 Latin American countries included in their analysis between 1977 and 2019. This provides solid evidence that political turmoil and the unstable political-party game is to a large extent responsible for the fervent institutional reformism in Latin America.

In a similar vein, adverse economic conditions resulting from the post-2014 drop in commodity prices – also induced higher electoral volatility and, according to Barragán and Alcántara (2020), an end to the Left Turn. However, it should be clarified that the defeats of the regions’ left-wing presidents were only temporary, with a new type of left-wing presidents winning elections in Colombia and Chile and a pro-chavista president being elected in Peru. Of course, those developments could not be considered by a book released in 2020. But with the benefit of hindsight, we have witnessed an uncertain equilibrium (Buben and Němec, 2022) – shifting power towards a differentiated Left – rather than a Right Turn. While the Venezuelan left-wing political elites became even more radical than their voters, thus losing electoral support (Trak, 2020), in Ecuador

the congruence between the political left and its voters remained high at programmatic level, yet it failed on the ideological level (Rivas et al., 2020). In Chile, the economic downturn only added to a growing dissatisfaction with the lack of profound changes to the 1980 constitution (Siavelis, 2020). In general, the commodity crisis has only been one factor in a more profound Latin American problem that consists of ‘a combination of domestic and external factors, which, apart from fluctuations in the commodity market prices, include feeble political institutions, weakly entrenched democratic culture among elites and persistently high levels of economic inequality, among others’ (Lisi et al., 2020: 247).

## **The Paradoxes of Presidentialism**

Central to the debates on institutional reform is the presidentialist nature of Latin American democracies and the limits of presidential power. Arguments presented in the books might sustain two positions – for some of the authors the aggrandizement of presidential power is a problem that could jeopardize democratic governance, while, for others, some of the institutional turbulence surging in Latin America might be attributed to excessively weak, rather than strong, presidencies.

On one hand, Latin America has witnessed the democratic erosion and construction of authoritarian regimes by elected leaders (as McCarthy (2022) analyzes in the case of Venezuela) whose personalist style is a textbook case of strong caudillo plebiscitarian politics that does not respect any horizontal accountability. On the other hand, recent developments have added new cases of impeachments (Brazil) and turbulence in Peru with the constant conflicts between the legislature and the presidency culminating in an unsuccessful self-coup followed by the removal of the president (Ilizarbe, 2022). The tendency to power aggrandizement and hyper-presidentialism (‘strongmen’, in Cameron’s words; Cameron, 2022b) is more than outweighed by the successive failures of several elected presidents to carry out their policies and get their agenda approved by hostile congresses where the presidents are unable to muster sufficient support. The use and abuse of impeachment proceedings as an instrument is an example of this. Originally an uncontroversial and positive institution of impeachment (e.g. the 1992 proceedings against the Brazilian president Collor de Melo) has come to be used in two harmful ways. According to the authors of one chapter, both the politicized nature of impeachment proceedings removing a president who has not committed an impeachable offense (Kuczynski and Vizcarra in Peru) and a failure to remove a president who has committed an impeachable offense (Bolsonaro in Brazil) further escalate political conflicts and increase public disenchantment (Llanos and Marsteintredet, 2023b). The chapter by Martínez and Dockendorff on the supposed and misinterpreted Chilean hyper-presidentialism is an important contribution to our understanding of the concrete powers of presidents (Martínez and Dockendorff, 2023). For every Bukele, there is one Lasso, or Boric, not to speak of Brazilian presidents who are facing fragmented congresses and where the transactional character of the presidentialism (see Shugart, 2006) is most obvious.

In general, the recent Latin American developments seem to confirm, although partially, the classical Linzian (and Valenzuelian) thesis on presidentialism as a system unfit for crisis resolution (Linz, 1990). Despite the fact that some aspects of Linz's too general and normative critique of presidentialism have received substantial criticism by convincing arguments, his framework still offers an adequate analytical tool for understanding the recent regime crises in Latin America and a significant part of its autocratization. Presidentialism per se should not be blamed for autocratic outcomes in several countries since similar trajectories unfold even in parliamentary regimes, and their causes range from weak political parties to non-institutional factors. Yet, it still seems to be the type of institutional setting that does little to help a non-traumatic and non-polarizing resolution of deep societal and inter-institutional conflicts. It creates a political environment more prone to conflicts of legitimacies, deep inter-institutional deadlocks, power aggrandizement, with tendencies to weaken political parties and strengthen the emphasis on vertical accountability at the expense of horizontal accountability.

## **Institutional Change and Democracy**

The books identify two broad paths through which institutional change has had an ambivalent or outright negative effect on democracy in Latin America. On the one hand, some institutional innovations have been a thinly veiled power grab by incumbent politicians. Term limit evasions by sitting presidents, their executive aggrandizement and associated erosion of the mechanisms of horizontal accountability have severely transformed the institutional infrastructure of political regimes in Nicaragua, Venezuela and Bolivia. On the other hand, a less conspicuous reformist path has reformed institutions often with good intentions as a response to deep crises and political disaffection. Oftentimes, these reforms have not delivered on their promises (partly because they misdiagnosed the causes of discontent) or have even had negative effects on the quality of democratic governance through their unintended consequences. We call this path institutional *espejismo*.

As for the first type of reforms, the book by Cameron and Jaramillo provides a coherent, analytically innovative and original perspective on the institutional transformation of regimes in the Andean region and its relationship to democracy. The chapters by Cameron (2022a, 2022b) offer a relatively unorthodox and quite refreshing perspective in contrast to the bulk of the literature on democratic backsliding and on the tendency to identify democracy basically with liberalism. Together with Jaramillo they present a challenge to the existing mainstream literature when they write about 'the need to come to terms with liberal, Eurocentric and status quo biases that tend to reflect the positionality of scholars in the field of study' (Cameron and Jaramillo, 2022: 14). Drawing on the work of Guillermo O'Donnell, Cameron and Jaramillo approach democracy in the Andes from a particular mix of dichotomous and continuous regime concepts that allow for the avoidance of 'liberal biases' that constrict the thinking on the regimes and disaggregate the contemporary democracies in three constitutive pillars: democracy, liberalism and republicanism. Resulting real existing regimes are always a mix of these

pillars and democracy may be a Linzian ‘only game in the town’, but ‘it is a game that can be played with a wide variety of rules, players, and stakes’ (Cameron and Jaramillo, 2022: 13). According to Cameron, there are many varieties of democracy as he claims: ‘We do not assume that a regime that lacks a single attribute of liberal democracy cannot be classified as a type of democracy’ (Cameron, 2022b: 203).

Cameron also highlights the importance of the state whose character and capacities are crucial for a successful performance of a democratic regime and allow the implementation of policies promised by elected leaders. The issue of state capacities is frequently ‘lost from view when we focus too narrowly on the electoral dimensions of democracy...’ (Cameron, 2022b: 200). This only confirms the findings by Mazzuca and Munck and also an older thesis by Bowen: ‘Theories of democracy and democratization that do not seriously engage the diverse institutional challenges that exist in weak states risk misdiagnosing what ails many regions of the developing world’ (Bowen, 2015: 106).

With this thick conceptual armor, the book’s aim is to ‘to reframe the debate on the contemporary crises of democracy in terms of balancing the democratic, liberal and republican elements of democratic political regimes rather than in the conventional terms of liberal democracy (as the only truly democratic regime) versus various forms of authoritarianism’ (Cameron, 2022a: 34). Cameron basically maintains that one country can transition from one model of democracy to another, with liberal aspects of the system being weakened (see also Buben and Němec, 2022).

Yet, when dealing with individual cases, not all the chapter authors seem to follow all the logical consequences of this framework. In the cases of Venezuela and Ecuador, the authors identify a similar pathway towards authoritarianism, with executive aggrandizement as a first step, without identifying many democratic aspects of these regime alterations. While Michael McCarthy’s analysis of the transition between Chávez’s authoritarian governing and Maduro’s consolidation of an authoritarian regime defines Venezuela as an electoral democracy up to 2005 (McCarthy, 2022), Jaramillo sees Correa’s Ecuador as a case of direct transition to authoritarianism ‘averted at the eleventh hour’ (Jaramillo, 2022: 98). Instead of being a case of a democracy without several liberal attributes, Ecuador was simply in a transition to an authoritarian regime, stopped by Correa’s successor Lenín Moreno.

The only case which is labeled as neither authoritarian nor being on the pathway to authoritarianism is Bolivia, analyzed by Santiago Anria and Jennifer Cyr in a highly balanced manner as a case of ‘persistent, historical weaknesses in the realm of democratic contestation and institutionalized pluralism’ (Anria and Cyr, 2022: 77). While Morales weakened several liberal aspects of democracy and horizontal accountability, he also brought an increase in inclusion and empowerment of hitherto excluded majorities. It was only after the 2019 coup – which stopped his intention to gain a fourth, unconstitutional term – that the country witnessed a high level of state-led repression (a situation that repeated itself in Peru after Pedro Castillo’s removal from power). Cameron labels Morales’s Bolivia as a case of ‘a delegative democracy with adjectives’ (Cameron, 2022b: 208), adapting classic O’Donnell’s concept (we may add that Ecuador under Correa and early *chavismo* would meet many of its components), although in a

manner that somewhat defies Collier's and Levitsky's call against the proliferation of new concepts or subtypes (Collier and Levitsky, 1997).

Institutional reforms aimed at increasing the power of the presidents have underlined the regime transformations described in the volume by Cameron and Jaramillo. But executive aggrandizement has also become a concern amidst the global COVID-19 pandemic which further sparked the intensification of presidential dominance challenging the other branches of government and the principles of the separation of power. Not only were Latin American judiciaries challenged (Llanos and Weber Tibi, 2023) but the granting of powers to the executive by exceptional measures also threatened to undermine the powers of legislatures (Alcántara et al., 2023). This carefully researched chapter based on robust comparative evidence incorporates a variety of political variables to understand how the pandemic shaped executive-legislative conflict and cooperation (Alcántara et al., 2023). It finds that the pandemic served as a catalyst for inter-branch conflict in contexts where the relationship was already difficult.

Nevertheless, institutional changes related to presidential reelection have been the most visible and controversial type of reform that challenges the basic infrastructure of democracy. Although rules regarding reelection often move in circles, going from more restrictive to permissive and back (Došek, 2018), the prevailing Latin American trend has been to soften term limit rules (Romero Ballivián, 2022). The perpetuation of power through term limit evasion implies a collision with the principle of impartiality and neutrality when carried out without a broad political consensus (see Romero Ballivián, 2022). Lenín Moreno's restrictive reelection reform in Ecuador was intended to prevent his predecessor Rafael Correa from returning to presidential office. However, it is the relaxation of term limits that is most closely associated with the personal ambition of particular presidents and the most problematic given its nefarious consequences for democratic governance (Kouba and Pumr, 2023). Given that presidential term limits reforms are a crucial institutional feature of democracy, the trend of their constant change based on personal whims and short-term political considerations of incumbents is worrying. Only three of the 18 Latin American countries (Mexico, Guatemala, Paraguay) have experienced no reforms of these rules (not for a lack of trying), while three have experienced an extreme instability of term limits rules, with four changes since 1977 (Ecuador, Nicaragua and the Dominican Republic) (Acuña Villarraga, 2022).

Moving in either direction is closely associated with political considerations of particular politicians. The book by Cameron offers an interesting point regarding the motivations leaders may have to remain in office. Latin America is the region with the highest rate of former presidents being legally prosecuted, imprisoned or exiled. As a result, leaving power, especially in the case of Caesarist leaders, is always a risky enterprise. Fujimori authorized illegal actions even before his 1992 coup, thus one of his many motivations to run for a third term was to do so with impunity (Cameron, 2022b: 206). The same may be said about Morales in 2019 (even without an unconstitutional candidacy), not to speak of Maduro. The case of Correa should serve as another 'warning' to presidents who govern within a context when the very character of the political regime is at the center of a polarized political struggle. To be a president of a Latin American country is,



from this point of view, the most risky political job on the planet even if one did not damage the basic structure of liberal democracy as shown by dozens of cases.

### **Not What It Seems: From Institutional *reformismo* to *espejismo***

The books document that institutional change is often carried out as a response to political crises and is intended to overcome some perceived social problems, yet these intentions often backfire. Because these institutions are not what they seem, we call such innovations institutional *espejismo*. Much of the reformist fervor across Latin America originates from misdiagnosed symptoms resulting in the application of, perhaps well-intentioned, but ultimately inadequate cures to perceived social, political and economic ills. Examples of such reforms abound throughout the four volumes. While ‘hyper-presidentialism’ has often been diagnosed as a negative feature of Chilean (and Latin American in general) politics, a chapter convincingly argues that the Chilean president is not particularly strong in a comparative perspective, and that it is advisable to do away with the ‘hyper-presidentialist’ label as such because it relies on a formalistic approach to presidential power (Martínez and Dockendorff, 2023). Instead, power concentration is a more important issue. On this count, however, the proposed (and rejected) Chilean constitutional reform could have paved the way for a more powerful president to arise (because, among other changes, it would have allowed for consecutive reelection), thereby contradicting the original intention.

The book by Llanos and Marsteintredet argues that some of the failed institutional reformism has its origins in symbolic institutional actions intended to cover executive incapacity and political deadlock but that ultimately induces further political instability (Llanos and Marsteintredet, 2023a: 8). Such ‘figleaf’ reforms are a result of grandiose political movements suggesting that institutions are the origins of the political crisis, but their analysis reveals that they are unlikely to alter the political reality. A major institutional innovation, the possibility of presidential recall and referendums on term limits embody the spirit of institutional *espejismo*: ‘Presidential recalls like that of Mexico are not what they claim to be’. (Welp and Whitehead, 2023: 49). Far from securing vertical accountability of incumbents through the use of direct democracy they have rather engendered a ‘destructive potential’, further exacerbating the crises of representation (Welp and Whitehead, 2023: 51). This echoes conclusions from another analysis of the widespread adoption of mechanisms of direct democracy across Latin America (Salmorán Villar, 2022). Far from empowering citizens, as originally intended and presented, these mechanisms have been activated by presidents to pursue their own agendas and weakened the system of checks and balances by allowing the executives to bypass the legislatures.

The edited volume by Freidenberg provides further examples of institutional *espejismo*. The adoption of simultaneous and compulsory presidential primaries (PASO) in Argentina after the political upheavals of early 2000s was intended to strengthen intra-party democracy, rationalize the party system and foster citizen participation, but it might have had some opposite effects: strengthening the presence of minor parties

abusing public funding, increasing the cost of elections and making it harder for citizens to influence candidate selection (Marván Laborde, 2022). In another example, many Latin American countries have responded to public discontent with political representation by adopting increasingly personalized electoral systems (Negretto, 2009). Preferential voting and open lists have become the norm across the continent with only a handful of countries retaining closed lists that have historically accompanied its proportional representation systems (Gilas, 2022). But these reforms – far from containing the crisis of representation – have often exacerbated it by weakening political parties and injecting further political personalization (Buben and Kouba, 2017; Gilas, 2022). In most countries, the introduction of such reforms was unable to stop the declines in ideological congruence or the general dissatisfaction with democracy or trust in public institutions; not to mention their contributions to further party system fragmentation and deinstitutionalization, clientelist mobilization and intraparty strife.

This pessimism regarding institutional reformism is most clearly spelled out by a comparative analysis of electoral system reforms and its relationship to democratic trajectories of Latin American countries (Herrera, 2022). While reforming the electoral system is associated with higher levels on the democracy index (measured with V-Dem data) in non-democratic countries, a similar intensity of reformism under democratic regimes results in a curvilinear relationship: after having reached intermediate values, too much institutional reformism appears to harm democratic prospects (Herrera, 2022). Concerns of potential endogeneity bias notwithstanding, these results carry straightforward implications to reformers: it is advisable to play by the existing rules of the game instead of changing them constantly. Institutional stability is a positive value in and of itself. The overall balance sheet put forth by the careful analyses included in the volumes edited by Freidenberg is alarming for institutional reformers. Latin American democracies are unlikely to increase their quality by merely adopting reforms of political institutions: ‘the higher the number and frequency of changes of the rules of the game, the smaller is the democratic progress that they permit to create.’ (Freidenberg and Gilas, 2022: 511).

## **Latin American Democratic Institutions: Challenged but Resilient**

Not all is wrong with Latin American democratic institutions. Some of the specters that haunted the continent’s politics in the past have subsided. Polga-Hecimovich documents in a persuasive chapter that the army has largely remained subordinated to civilian politicians even during the 2019–2021 wave of protests that sprung across Latin America. Despite presidents inviting the army to fortify their position during political crises in Peru, Chile or Ecuador, the armies’ more visible involvement did not present a radical break, and they have not sought to undermine their subordination to civilian authorities. Even in countries where presidents pressed illiberal agendas – as in Brazil and El Salvador – the democratic erosion was not driven by the military itself, but rather by civilian leadership (Polga-Hecimovich, 2023). Similarly to the civil-military relations,

democratic institutions have – by and large – remained resilient vis-à-vis the Covid-19 pandemic challenge, at least judging by the court-executive relationship (Llanos and Weber Tibi, 2023). This chapter compares four countries (Argentina, Brazil, Ecuador and El Salvador) revealing that the executive overreach was effectively checked by courts (with the exception of El Salvador), and that even when populist presidents attempt to pursue an illiberal agenda during crises, their overreach may still be contained if other checks are in place and their power is not concentrated.

Some of the positive developments induced by institutional change have deepened democracy by making it more diverse and inclusive. Other chapters reveal that incremental reforms have strengthened and democratized the legal framework for the functioning of political parties. Although there are many challenges lying ahead, Latin American countries have in general increased public funding for political parties and created a more robust regulatory framework (Estrada Ruiz, 2022) and mandated a more inclusive and open selection of party leaderships marking a positive development towards more competitive internal selection processes in recent years (Guadarrama Cruz and Hernández Ibáñez, 2022).

In a similar vein, a chapter by Freidenberg documents another positive development, showing that gender quotas have largely driven the increasing share of women legislators across Latin America, although their efficiency crucially has depended on the exigencies of the legal framework (Freidenberg, 2022). Since Argentina adopted the first quotas in the region in 1991, a wave of 44 further changes to the ‘gender electoral regime’ has been carried out in 17 countries. The spectacular increase (to a regional average of 33.6% by 2022) in women’s descriptive representation has been made possible in particular by the gradual fine-tuning of the gender electoral regime that, to be most effective, includes placement mandates and sanctions for non-compliance (Freidenberg, 2022: 271). Other agendas of political inclusion have lagged behind in Latin American countries but some have made important advances as further chapters show. The political inclusion of the indigenous population and of the population of African origin has been actively approached in only a handful of countries and only four have introduced affirmative action policies to increase such political representation (Bolivia, Colombia, Mexico and Venezuela). The representation gap between the share of indigenous population and their share of legislators remains abysmal in countries with a large indigenous presence, such as Mexico, Guatemala and Ecuador (Muñoz-Pogossian, 2022). Only Bolivia has gone far in closing this gap due to the political agenda of Evo Morales, the first indigenous president in Latin America. Contrarily, steady gains in participation and representation have been made possible by introducing and strengthening the institutional mechanisms for voting from abroad, a logical concern given the large diasporas of Latin Americans (Beltrán Miranda, 2022).

## **Future Agenda**

In what seems to be a common characteristic of all four volumes, institutions are rarely treated as causal determinants that shape the political outcomes. Instead, institutional

changes are usually displayed as short term and often contradictory political fixes. This is a major departure from earlier scholarship. This focus is justifiable as much of the recent Latin American institutional reformism covered in the four books corresponds to the diagnosis of institutional weakness that is manifested by institutional instability, non-compliance and insignificance (Brinks et al., 2019). But the fact that institutions are weak does not have to mean that they produce no effects on social, economic and political outcomes. These effects might be very different from those originally intended and/or they may come about after a long period of time.

As a consequence, future research should not only strive to get a more nuanced understanding of the causal forces behind the adoption of particular reforms but use this knowledge to evaluate their unintended consequences and their effects against the backdrop of their original intentions. This is not an easy task because time is what is lacking for many institutional innovations to ‘stick’ and produce their effects (yet alone to analyze their consequences). Latin American institutions are reformed at a quick pace and their change often moves in circles, reintroducing abandoned institutional formats (e.g. the reintroduction of compulsory voting in Chile in 2022, or the return of bans on consecutive presidential reelection in Peru, Ecuador and Colombia). Only a minority of institutional innovations (such as the gradual and self-reinforcing adoption and strengthening of gender quota regimes) have escaped these contradictory currents. One lesson learned is that the effectiveness of reforms increases with time. For example, institutional reforms to broaden the vote from abroad have gradually (and perhaps too slowly and still inadequately) increased voter turnout of Latin Americans living in diaspora by supporting their participative memory (Beltrán Miranda, 2022: 371). The more time elapses from the adoption of institutional mechanisms for voting abroad, the more effective these reforms will be. Even under unstable political environments that characterize the Latin American context, research finds that the effects of institutional rules such as electoral systems on party system fragmentation become predictable over (long) time as citizens and political elites accumulate experience with operating under such rules (Bunker and Negretto, 2023).

As for the analysis of the effects of institutions, we propose that institutional analyses would benefit from considering two important features of the Latin American context: the role of informal institutions and the role of political parties. First, given the emphasis of recent scholarship on informal institutions it is perhaps surprising that the four volumes do not cover more ground on this topic. The only departure from this omission in the four volumes is a chapter that draws attention to the democratic consequences of the entanglements between formal and informal institutions in Mexican sub-national politics (Behrend and Whitehead, 2023). Explaining the state-level uneven democratization, the chapter argues that formal institutions work with difficulty where pre-democratic informal practices permeate politics. But the chapter goes further and proposes methodologically that ‘entanglements’ between formal and informal institutions make it impossible to infer causal effects of institutions flowing from one direction and that these cannot be separated (Behrend and Whitehead, 2023: 171). In effect, the many facets of informal practices – from the strong presence of family dynasties in governorships to

‘democratic delinquencies’ – mute the aspirations of formal political-institutional reforms aimed at deepening democratization. The lesson for students of institutional change is that we are unlikely to fully understand the full consequences of reforming the formal rules of the game unless their interaction with informal rules and practices is considered as well.

Second, in order to fully comprehend the consequences of institutional change, understanding the roles and the state of political parties is tantamount. But considering the broad range of topics covered by the reviewed books, parties do not receive the usual attention. Several chapters deal with the parties (mainly in Barragán and Alcántara, 2020; Freire et al., 2020 deal with party systems), different aspects of their functioning, such as funding (Estrada Ruiz, 2022), or leaders selection processes (Guadarrama Cruz and Hernández Ibáñez, 2022), yet the space dedicated to the parties or party systems is relatively limited in comparison to the older literature. Once an almost central topic in analyses of Latin American politics – not because of its centrality to the politics in the region but due to its fragile, unstable and volatile character – the analyzed volumes seem to downplay this instrument of liberal democratic representation whose stable and predictable performance has been considered almost as *conditio sine qua non* for a successful democratic governance.

As the South European cases analyzed by Freire et al. (2020) show, Latin America is not the only region affected by the frequent mutations and profound transformations of its party systems. We may even say that the very term ‘party system’ – as defined by Sartori (1976) – does not make much sense even in several stable democracies that served as ‘prototypes’ for highly institutionalized parties and party systems. We have witnessed new parties rising to prominence (in Spain, Italy, Greece, but also in Germany or France), frequent changes in party labels, new patterns of coalitions and political incorporation of hitherto ‘anti-system’ formations. Yet, the patterns of representation assumed during the third wave of democratization still implicitly relied on the existence of stable political parties and a relatively predictable party system. Political parties were (and in the mainstream thinking still are) considered a crucial vehicle for connecting the centers of political power with citizens, that is, for political representation.

Perhaps the time has come for the neo-institutionalist political science to follow the prophetic Peter Mair and his thesis that ‘the age of party democracy has passed’ (Mair, 2013). Students of Latin American politics should add that the age of party democracy has not even commenced in several countries (Guatemala, Ecuador, Peru) or has always been in a kind of unsatisfactory state (Brazil is a clear example). And we should remember that several relatively stable party systems were considered as significant causes of the citizens’ dissatisfaction with democracy (Venezuela until the late 1980s, Bolivia before Morales, Honduras, not to mention Colombia) or have been diagnosed as part of the broader problem as in Chile.

However, any institutional reform that attempts to modify or change an institutional setting that formed during the third wave of democratization must still take into account political parties, a constituent or even key element of the proper working of such institutions (see Martínez, 2021). The ephemeral existence of party vehicles, their

weakness vis-à-vis strong leaders and other informal actors, not to mention digital social networks (see Estrada, 2023), makes the success of standard and traditional institutional reforms less probable unless we learn and adapt to live in a world where dramatic changes in the political parties' landscape become the norm, rather than an exception or a dramatic event treated as a *collapse* (see Seawright, 2012). The core institutions of real existing liberal democracies had been designed and established before the eruption of mass political parties into politics and presupposed an individual and territorially based representation. Yet, they outlived the new type of political actors and adapted to it.

The current political landscape raises new challenges for the institutions basically designed in the nineteenth century. In the context of 'new' channels of political communication, personalization of politics and the global wave of culture wars (with local modifications) that brought in a new set of cleavages, the traditional concepts of representation and separation of powers will face new challenges and crises. In the Latin American context, all these factors are accompanied by the unsatisfactory performance of the state and public institutions, especially regarding the public safety and the chronic distrust they provoke. The new cleavages related to climate change, gender or sexual minorities' rights (in Latin America connected closely with the increasing influence of evangelical and pentecostal churches) have led to the proliferation of new sets of ideological identities and personalist actors (Bukele in El Salvador, Bolsonaro in Brazil, Castillo in Peru, Chaves in Costa Rica, recently Milei in Argentina), as well as to the rise of collective actors detached from the traditional parties (the reconfigured and rejuvenated left in Colombia and Chile or the Chilean Republicans). They are frequently labeled by the overused 'populist' term, implying their apparent anomalous or temporary character. Instead, they should be treated as a new norm and standard, without having to add that in Latin America they have a broad array of well-known predecessors or *precursores*.

At the time of writing this piece, any reform of the traditional institutional setting will hardly stop the transformation of the logic of political representation, polarization and conflict that is caused mainly by non-institutional factors. New cleavages are going to freeze and interact with old ones and will challenge the existing formal institutions, mainly political parties. Still, some institutional reforms may strengthen the party organizations vis-à-vis these new challenges, while others are likely to make them even weaker. For example, the general trend of the electoral system reform has been towards a greater personalization which is a step that should theoretically improve the relationship between voters and their representatives. However, the empirical reality instead indicates an increase in negative factors, such as clientelism or purely electoralist spending instead of improving both the quality of democracy and the citizens' perception of it (Gilas, 2022).

## Conclusions

Focusing on the analysis of causes and consequences of the institutional change in times of crises, the volumes edited by Cameron and Jaramillo and Freire et al. deal

mainly with selected cases from Latin America (in the case of Freire et al. even with Southern Europe), while the books edited by Llanos and Marsteintredet and Freidenberg offer a broader comparative approach (especially in the case of the latter). What connects the different volumes and chapters is a skeptical view of the frequent institutional changes that are hastily and opportunistically carried out through either the self-interest of political elites (as power aggrandizement in the case of several Andean countries) or with too much hope put into those reforms as remedies to economic, societal and ethnic conflicts. While Freire et al. view recent Latin American political upheavals as consequences of post-boom crisis and long-standing societal and economic inequalities, Cameron and Jaramillo address the frequently neglected factor of state weakness in the Andean region. The chapters collected by Llanos and Marstreinderet also do not offer an optimistic vision of institutional change as an adequate remedy for the many societal ills, a view that is even more explicit in the volume edited by Freidenberg. Perhaps this is a sign that future scholarship addressing democratic trajectories in Latin America should focus more on societal developments in societies that have been undergoing profound transformations, rather than on institutional transformations.

Most of today's problems with increasing polarization, inter-institutional conflicts, mutations in the quality of democracy and citizens' growing dissatisfaction with the way real democracy works are not limited to Latin American post-third wave democracies. They have also affected established democracies, regardless of their institutional design. In Latin America, this detachment from existing regimes is accompanied by the increasing reappraisal of military regimes and the popularity of illiberal solutions embodied by, among others, the personality of Nayib Bukele. Latin American politics remains polarized, unstable, unsettling hitherto 'solved' questions and issues. But it still remains democratic, although in a quite adversarial mode of democracy. Some institutional configurations may be more successful - and some less - in channeling and mitigating the effects of these transformations but, in general, Latin America has been able to deal with these challenges within a democratic space. The crises do not have institutional causes, so they do not have institutional solutions.


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### **ORCID iD**

Karel Kouba  <https://orcid.org/0000-0002-0974-9144>

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## Author Biographies

**Radek Buben** is an assistant professor of Latin American studies at the Charles University in Prague where he also received his PhD. His research focuses on contemporary history and politics of Venezuela, Bolivia and Nicaragua, history of political science, theories of nondemocratic regimes and theories of state. He co-authored a monograph on the radical

Left in Latin America and several chapters and articles on politics in Bolivia, Nicaragua and Venezuela.

**Karel Kouba** is an associate professor of political science at the Center for Ibero-American Studies at the Faculty of Arts, Charles University in Prague, Czech Republic. His research focuses on voting behavior, electoral institutions and comparative politics of Latin American and European post-communist countries. He has published in journals such as *European Political Science Review*, *Public Choice*, *Electoral Studies*, *Latin American Politics and Society*, *Government and Opposition* and *Democratization*.