

TUFTS UNIVERSITY

**Emerging Realities Surrounding Chilean &
Argentine Democratic Quality**

An honors thesis for the Department of Political Science

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Abstract

This thesis analyzes the levels of democratic quality in Chile and Argentina through the use of the case study and comparison methodologies. The two Latin American countries are evaluated based on a set of eight dimensions developed by Leonardo Morlino: rule of law, electoral accountability, inter-institutional accountability, participation, competition, responsiveness, freedom, and equality. This project focuses on three of the above-mentioned dimensions: rule of law, inter-institutional accountability, and equality, as they most pertain to the two countries of issue. Through the analysis of these three dimensions, the paper attempts to answer the questions of why there is a sharp divergence in democratic quality between Chile and Argentina, and the effectiveness of both of these democracies. This thesis initially addresses the democratic quality of Latin America before moving onto a comprehensive evaluation of Chile and Argentina. The analysis points to the reemergence of populism and significant lack of inter-institutional checks and balances in Argentina along with rising crime rates and increasing police brutality, and an inability to recognize the pervasive racism and discrimination that has entrenched itself in society as the main reasons for the weaker level of democratic quality in Argentina compared to Chile. Many of the problems that exist in Argentina are a result of the political and economic crises of the early 2000s, which allowed for the consolidation of extreme levels of power in the office of the executive, leading to the establishment of hyperpresidentialism in the Argentine government.

However, the research also demonstrates the inherent flaws in Chilean democracy that weaken its overall quality such as corruption, high levels of inequality (including

social welfare, economic and gender), and an inability to protect the cultural, civil, and human rights of its indigenous populations. Additionally, the analysis articulates that both countries suffer from region-wide issues that hamper democratic quality across the region, such as rising crime and violence rates, increasing corruption, and crushing inequality across various aspects of society. Overall, the analysis shows that Chile outperforms Argentina over the three dimensions, and that both democracies' levels of democratic quality give hope to the rest of the region for improvement and permanence of democracy during times that see increasing struggles such as in Venezuela.

Ch.1 Wave After Wave: Chile's and Argentina's Battle to Improve

“Que se vayan todos! Que se vayan todos! Que se vayan todos!” Echoed across Argentina in the early 2000s as the country was gripped by one of the worst financial and political crises that it had ever experienced. The country was more than a decade removed from the retreat of the Argentine military from power and the government had successfully transitioned to democracy, but it now faced a worsening recession and a revolving door of presidents, until the election of Eduardo Duhalde. Argentina recovered from the political and economic crisis of 2001-2002, and in 2015 elected a non-Justicialist Party (PJ) president, Mauricio Macri, but still suffers from its residual effects, which can be seen in the presence of an imperial presidency, the continuance of family ties in key political institutions, fragmentation of the political and party systems, and personalism superseding institutions. Moreover, Macri often resorts to populist rhetoric, restricts civil rights, and faces continued high levels of inflation and unemployment.

Meanwhile in Chile, the Concertación (The Coalition of Parties for Democracy), founded in 1988, was the center-left coalition that played the key opposition player during Chile's democratic transition and governed the country from 1990-2010. The coalition dissolved in 2013, and Michelle Bachelet, the first female president, formed a new center-left coalition, the Nueva Mayoría, that regained the presidency in 2013. However, while President Bachelet has promised change and a reinvigoration of the Chilean political system, the system currently faces historically low levels of voter turnout, and the fragmentation of voter alignment as increasing numbers of citizens become disillusioned with their democracy. They believe the political system is

exclusively controlled by the negotiations of the political elite who neglect citizen input in favor of securing political influence for themselves.¹ Moreover while there has been progress, Chilean citizens still face indigenous rights violations committed by the government while simultaneously dealing with crippling socio-economic inequality resulting in an increasingly disgruntled and apathetic citizenry. Furthermore, before the presidency of Sebastián Piñera and the rise of the National Renewal Political Party² from 2010-2014, there was a lack of opposing political parties that could seriously challenge the Concertación coalition, creating questions regarding the legitimacy of the system. Both Chile and Argentina, while considered democracies, have been ranked at different levels of quality of democracy over the last twenty years.

The focus of this thesis is to discover the characteristics of democratic quality and consolidation that designate Chile as a stronger and better performing democracy than Argentina and vice versa. More importantly, I will also assess the overall quality of the two democracies and determine the dimensions in which each country outperforms the other through analysis of their present circumstances as well as the history of their political institutions, economic crises, civil society participation, and other factors. This thesis will argue that Chile continues to outperform Argentina in democratic quality due to its stronger inter-institutional accountability, guarantee of citizen security and control over the military, and free press.

In order to characterize a country as a liberal and effective democracy, I must first define democracy and its inherent traits, distinct from the aspects of democratic quality.

¹ Kirsten Sehnbruch and Peter M. Siavelis. "Political and Economic Life Under the Rainbow." *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*. Ed. Kirsten Sehnbruch and Peter M. Siavelis. Boulder, Colorado: Lynne Rienner, 2014. 3

² The origins of the National Renewal Political party predate President Piñera's presidency, it was not formed during his successful presidential bid.

This is a difficult task because the term is applicable to a wide variety of political experiences and interacts with multiple aspects of society, rather than solely affecting the political system. Democracy is a system of governance that is born from the will of the people that will be governed, a system of active representation. Therefore, for this project, I define democracy as a political system governed by a constitution that dictates “that all members are to be treated (under the constitution) as if they were equally qualified to participate in the process of making decisions about the policies the association will pursue.”³

More succinctly, democracy is a system in which citizens are politically equal. Furthermore, this definition of democracy must be defined based on a specific set of principles: the effective participation of the citizenry, equality in voting, the obtainment of enlightened understanding, the ability to exercise final control over the agenda and the inclusion of adults.⁴ Additionally, in all democracies there must be a guarantee of free and fair elections. These standards assure political equality for the civil society. Chile and Argentina are evaluated on the degree to which they uphold this contract with their citizenry.

This thesis begins with an in-depth discussion and critique of the relevant literature regarding the assessment of democracy in Latin America, and more specifically Chile and Argentina. I conclude that current scholars often focus on structural factors such as the presence of formal political institutions and the emergence of a robust civil society. It also outlines the causality behind my selection of Leonardo Morlino’s approach for evaluating the democratic quality in Chile and Argentina. I apply eight

³ Robert A. Dahl and Ian Shapiro. *On Democracy*. Second. New Haven: Yale University Press, 1998. 37

⁴ *Ibid.*, 38

dimensions in a rigorous analysis of the democratic quality of the two cases. In addition, I outline the rationale behind the case selection and case study methodology for this project over other more quantitative and time-consuming measures.

Next, I discuss the democratic quality of Latin America as a region, and Chile's and Argentina's respective places within the region. Latin American countries have historically had many similarities, which have sprung from a "cultural legacy of Spanish colonialism followed by the rule of large landowners and the prevalence of poverty and authoritarianism."⁵ According to transitologists, there have been multiple waves of democratization that have yielded increasing numbers of democracies within the region and across the world. As a whole, the region has faced problems such as the organization of the political party system, the involvement of the younger generation in politics, creating legitimate and uncorrupt formal political institutions and eliminating old clientelistic formal and informal institutions.

Nevertheless, democracy is one of the few principles outside of the Roman Catholic Church that the Latin American population agrees is beneficial for the region.⁶ While some countries have exceeded expectations in their transition to and consolidation of democracy (Chile, Uruguay, and Costa Rica), others continue to underperform (Venezuela, Guatemala, and El Salvador). There is also a group of countries that are not generally defined as effective liberal democracies or underperforming, but somewhere in between (Argentina). Overall, for the majority of the Latin American countries, democracies exist more in appearance than in actuality, providing a façade for the international community.

⁵ Marta Lagos. "Latin America's Smiling Mask." *Journal of Democracy* 8.3 (1997): 126

⁶ Ibid., 137; "The Latinobarómetro Poll: When the Tide Goes out." *The Economist* 26 Sept. 2015

In the next chapter, I embark on the beginning of my critical evaluation of the quality and effectiveness of the Chilean and Argentine democracies. The first dimension that I assess is the rule of law (see definition in Methodology chapter). Chile has performed considerably better than Argentina in this aspect due to Argentina's history of attempting to pack the courts, Chile's civilian control of the military, and Chile's higher levels of integrity regarding its executives and political system (see definition in Methodology chapter).

After my analysis of the rule of law, I evaluate Chile and Argentina based on inter-institutional accountability (see definitions in Methodology chapter). Inter-institutional accountability reflects a more even playing field than electoral accountability because of the presence of a checks and balances system and legislation that checks the power of the different branches. Argentina has a history of executives overstepping their constitutional boundaries and manipulating the prerogative of executive decrees in order to consolidate power and weaken the other branches of government. More importantly, a lack of oppositional party strength has allowed for its executives to amass large quantities of power within the political system, which they utilize to ignore the other branches of government. Overall, Chile performs significantly better than Argentina in terms of accountability due to its transition system and coalition-style government that includes the opposition parties in the democratic negotiation process.

My final chapter is devoted to an analysis of Chilean and Argentine democratic quality based on the dimension of equality (see definition in Methodology chapter). This variable incorporate a variety of factors, includes the level of protection of cultural rights, an evaluation of socio-economic equality, and the presence of different forms of

discrimination. Both countries have had their issues with upholding their commitment to equality. Argentina continually faces a race problem with *los negros*, “the racialized term used in contemporary Argentina to name the poor and people of indigenous or *mestizo* [mixed] background,”⁷ who continually are not acknowledged in official governmental discourse. While Chile, considered to be one of the elite economies in Latin America, is, in fact, one of the most unequal countries in the region. It also faces its own problems regarding its indigenous population. Equality is an aspect of democratic quality that both countries could improve in order to become better liberal, effective democracies. This would also help and address the growing discontent within their respective political systems.

In the appendix, I offer a discussion on a topic brought up by my peers. I investigate the presence and effects of the United States’ intervention on Latin American democracy and, more specifically on Chilean and Argentine democracy. The United States played a significant role in Argentina in the 20th century and through organizations such as the Central Intelligence Agency (C.I.A.) often aided authoritarian leaders in the interest of preventing a communist takeover of Latin America. The US intervention in Latin America had profound and long-lasting effects on Latin American democracies and has contributed to the existing legacy of authoritarian style governance, weakening the civil society, and promoting informal patronal institutions.

By the conclusion of this paper, readers will recognize the importance of comparative case study research and democratization analyses in Latin America. The lack of scholarly material on comparisons between Argentine and Chilean democratic

⁷ Gaston Gordillo. “The Savage outside of White Argentina.” *Rethinking Race in Modern Argentina*. Ed. Paulina L. Alberto and Eduardo Elena. Cambridge: Cambridge University Press, 2016. 241

quality makes this project that more integral to obtaining a well-rounded understanding of the different factors that influence democracy in Latin America. Scholars have generally analyzed Chile and Argentina as separate cases, and made broad generalizations to their respective democratic standings in the region as a whole.

My project allows for a more inclusive evaluation of the two countries' standings in relation to each other. The comparative study between the two countries gives a comprehensive description of the present day democratic quality in Chile and Argentina, and how social, political, and economic factors have reshaped their respective political systems during the last forty years. Additionally, it addresses the aspects of democratic quality that have historically been utilized in scholars' rationale for identifying Chile as the "golden child of Latin America" in terms of democratic quality and consolidation, and demonstrate how Chile continues to outperform Argentina in multiple aspects of democratic quality.

Chapter 2: An Analysis of Existing Literature on Democratization in Chile & Argentina

Introduction:

In this chapter I will analyze and critique the existing literature surrounding the comparative research questions that I am addressing in this project. I argue that there is a fundamental dearth of scholarly work dedicated to the comparative case study analysis of the democratic quality of Chile and Argentina, and that previous works instead focus on a single case or the region as a whole. I hope that my thesis will be able to fill the significant gap in the research of these two countries. In order to effectively analyze the vast amounts of literature, I categorize the scholarly work into three categories: scholars who focus on Argentine democratic quality, scholars who focus on Chilean democratic quality, and scholars who focus on the theories of democratic quality and democratization. I conclude with the reasons for selecting Leonardo Morlino's approach over the multitude of other formulas for assessing democratic quality and further explain my place in research on Argentine and Chilean democratization.

Analyzing The Democratic Quality of Argentina and Chile

Scholars Who Focus on Argentina

First, this review will assess existing scholarly work on the democratic quality of Argentina to discover its rationale for why Argentina is an average democracy according to scholars such as Leonardo Morlino, Steven Levitsky, and Philippe Schmitter. Many scholars specialize in Argentine democracy, and most focus on institutionalism. Scholars that belong to the institutionalist camp are Steven Levitsky, Victoria Murillo, Manuel Mora y Araujo, Gustavo Wolfenson, Guillermo O' Donnell, Samuel Huntington, Philippe Schmitter, Luigi Manzetti, and Edward Schumacher. Institutionalists focus on the effects of the interaction of institutions and society on democracy. They believe that stability in democratic system is through institutions, "formal or informal rules, such as

public policies, legal structures, organizational mechanisms, and standard operating procedures.”⁸

In their article, *From Kirchner to Kirchner*, Steven Levitsky and Victoria Maria Murillo analyze the transition of power from Nestor Kirchner to his wife Cristina in 2007. Levitsky and Murillo are part of a group of scholars who emphasize structural and institutional factors, most importantly oppositional party weakness. They assert that oppositional party weakness in Argentina stems from the collapse of the Radical Civil Union Party, the only significant oppositional party to the Peronistas at that time, effectively signaling the partial erosion of the party system.⁹ More specifically, Levitsky and Murillo argue that the partial collapse of the Argentine system, which has effectively weakened Argentine democracy, resulted from the lack of the emergence of stable new parties that could oppose the Justicialist (PJ or Peronista) Party due to their inability to develop strong followings and national platforms.¹⁰ Furthermore, Luigi Manzetti demonstrate that the partial collapse checks and balances has undermined democratic quality because it allowed for diminished executive accountability, which is itself an emerging threat to political representation as executives worry less about being reelected, and focus more on consolidating personal power and engaging in corrupt activities.¹¹ Ultimately, the low levels of executive accountability could lead to potential corruption and political abuses as electoral and inter-institutional accountability decreases.¹²

⁸ Edward Anthony Koning. “The Three Institutionalisms and Institutional Dynamics: Understanding Endogenous and Exogenous Change.” *Journal of Public Policy* 36.4 (2016): 641

⁹ Steven Levitsky and Maria Victoria Murillo. “Argentina: From Kirchner to Kirchner.” *Journal of Democracy* 19.2 (2008): 22

¹⁰ *Ibid.*, 23

¹¹ Luigi Manzetti. “Accountability and Corruption in Argentina During the Kirchners’ Era.” *Latin American Studies Association* 49.2 (2014): 176

¹² Steven Levitsky and Maria Victoria Murillo. “Argentina: From Kirchner to Kirchner.” *Journal of Democracy* 19.2 (2008): 24

Levitsky and Murillo question the democratic quality of the Argentine government during the terms of the Peronista Party, especially those of Carlos Menem and Nestor and Cristina Kirchner, due to their consolidation of large quantities of power within the office of the executive and the lack of political opponents in national primaries. However, Murillo and Levitsky's assertion of political opposition weakness only fits a specific time period as the unexpected election of Mauricio Macri over Cristina Kirchner's anointed candidate in 2015 began a new era where, for the first time in almost twenty years, an oppositional party defeated the PJ party.¹³

The 2015 presidential election ushered in a new opposition party, Republican Proposal (PRO) that has developed a national platform and legitimacy to challenge the Peronista Party. This political development refutes the claim that Argentina suffers from a lack of oppositional power within its political system. However, Cristina Kirchner's refusal to attend her successor's inauguration is worrisome because it marks "the first time in the country's modern history that the ceremonial handover will not take place,"¹⁴ and raises questions surrounding the legitimacy of Argentine democracy because of the incumbent's refusal to recognize the victory and power of the oppositional party.

While some scholars point to the institutional weakness that allowed for twelve consecutive years of Kirchner presidencies and the potential for alternating Kirchner presidencies, ultimately Nestor's death in 2010 prevented the Kirchners from continuously maintaining Argentina's executive office. Had he been alive, Nestor could have run in 2015, and if elected, succeeded his wife. Cristina now has to wait until 2019

¹³ Christina Kirchner supported Buenos Aires governor Daniel Scioli who lost in a runoff election to Macri. In the first round of the presidential elections, Macri faced both Scioli and mayor of Tigre Sergio Massa.

¹⁴ Harriet Alexander. "Cristina Kirchner Refuses to Attend Mauricio Macri's Inauguration." *The Telegraph* 9 Dec. 2015

before she can run again for president.¹⁵ Moreover while in government, both Nestor Kirchner and Cristina Fernandez de Kirchner faced significant opposition when overreaching their executive powers, and the system of provincial governors and local party bosses acted as an informal check upon their executive powers.

Structuralist/ institutionalist scholars like Levitsky, Murillo, O'Donnell, Schumacher, and Mora y Araujo also argue that institutional weakness is a major factor in the deficiencies of Argentine democracy. Argentine institutions suffer from a lack of enforcement, accountability, and stability.¹⁶ Moreover, they argue that the military and their successful coups played a significant role in institutional weakness by eroding their legitimacy and creating a lack of horizontal accountability and a fluid state.¹⁷ Additionally, in the 2014-2015 World Economic Forum Annual Report, Argentina ranked in the bottom ten percent of countries for judicial independence and government transparency.¹⁸

Other scholars who fall into the structuralist/ institutionalist category include Guillermo O' Donnell, Philippe Schmitter, and Samuel Huntington who propose the concepts of 'delegative democracy' and the superiority of transitology to consolidology for explaining the lower factors democratic quality of Argentina. A delegative democracy is a regime that has "achieved neither institutional progress nor much governmental effectiveness in dealing with their respective social and economic crises."¹⁹ The regime is based on the idea that whoever wins the presidential election has the mandate to govern

¹⁵ Jonathan Blitzer. "Argentina's Kirchner Era Ends." *The New Yorker* 28 Oct. 2015

¹⁶ Steven Levitsky and Maria Victoria Murillo. "Argentina: From Kirchner to Kirchner." *Journal of Democracy* 19.2 (2008): 25

¹⁷ Ibid

¹⁸ Klaus Schwab. *The Global Competitiveness Report: 2014-2015*. Geneva: World Economic Forum, 2014: 111

¹⁹ Guillermo O' Donnell. "Delegative Democracy." *Journal of Democracy* 5.1 (1994): 56

as they desire and are “constrained only by the hard facts of existing power relations and by a constitutionally limited term of office.”²⁰ Therefore, they agree with Levitsky and Murillo that Argentina’s institutional weakness has led to a lack of executive accountability and allowed for the consolidation of power within the executive office as seen under Nestor Kirchner’s and Cristina Fernandez de Kirchner’s terms of office.

O’Donnell also asserts that Argentina’s populist and authoritarian legacy has led to chronic political dissatisfaction with the government, resulting in being consistently ranked as a weaker democracy than Chile. However, Chile also has a history of authoritarian rule and currently suffers from extreme levels of citizen dissatisfaction with the government, and scores significantly lower than Argentina in this dimension. Moreover, Argentina’s more active civil society, which has mobilized around the issues of accountability and guaranteeing of civil/human rights for its indigenous populations, promotes democratic quality rather than hindering it.

O’ Donnell assumes that the strong populist culture that is still pervasive in Argentine society today is the major reason for Argentina’s institutional and democratic weakness in comparison to the rest of the region. Yet, even though Argentina is dealing with issues of patronage and corruption, and faced one of the severest economic and political crises in 2001-2002 that left residual effects, the democracy did not collapse. Moreover, the survival of the economic and political crises of 2001-2002 eroded populist allegiances, allowing for the emergence of autonomous political opinion and the creation of an active and vocal civil society.²¹ Populist appeal continues to exist and has manifested itself in the presidencies of Néstor and Cristina Kirchner.. And while weaker

²⁰Ibid., 60

²¹ Enrique Peruzzotti. “The Nature of the New Argentine Democracy. The Delegative Democracy Argument Revisited.” *Journal of Latin American Studies* 33.1 (2001): 140

than Chile's constitutionalism, this appeal in Argentina serves as a strong barrier against personalistic, populist politics.

Schmitter articulates that a country's type of democracy depends significantly on the mode of democratic transition.²² The transition plays an important role for Argentina and Chile as Argentina's mode of democratic transition was a retreat of the military in 1983. In Chile, the democratization model was a pacted transition negotiated between the political elite, oppositional parties, and the military forces. He also defines the concept of Argentinization, the "repeated attempts at democratization that have not arrive at rules of fair play acceptable to all significant political and social actors and that collapse into authoritarian interludes."²³ While democratization may have led to an uneven playing field during certain time periods, especially after the economic and political crises of the early 2000s, Argentina did not succumb to authoritarian interference because of vocal civil society that helps prevent a strongman/strongwoman from assuming power and usurping the rights of his/her citizens.

The second school of thought on Argentine democracy is the ideational and political culture theorists who emphasize the importance of political culture and learning in a democracy's formation. Scholars such as Enrique Peruzzotti, Isidoro Cheresky, Nicholas Shumway, and Gaston Gordillo subscribe to this approach. Cheresky demonstrates that the economic and political turmoil at the end of 2001 had serious effects on the democratic political culture in Argentina, and led to the formation of the piqueteros, a new generation of political actors that are not distinguished by a social

²² Philippe C. Schmitter. "Transitology: The Science or the Art of Democratization?" *The Consolidation of Democracy in Latin America*. Ed. Joseph Tulchin and Bernice Romero. Boulder, Colorado: Lynne Rienner Publishers, Inc., 1995. 18

²³ *Ibid.*, 17

condition, but rather by their methods and tools of protest.²⁴ The creation of these new actors demonstrates that civil society is active and that Argentine political leaders must frequently consult public opinion and interact with the fluid and fluctuating social and political identities of the citizenry in order to continue to improve democratic quality in the country.²⁵ More importantly, the emphasis on human rights has “acted as a catalyst for cultural change, triggering a profound renovation of the countries democratic transitions” allowing for the unification of democracy and rule of law.²⁶ Gordillo and Shumway build upon the emergence of the importance of human rights politics by focusing on indigenous rights and equality. They argue that Argentine democratic quality suffers because of the lack of rights and overt discrimination carried out by members of society and the government. Until the Argentine government recognizes its role in the promotion of discriminatory behavior, democratic quality will continue to suffer.

The lack of transparency in governmental institutions is a direct result of the legacy of the economic crisis, which “brought Argentina’s democratic institutions to the breaking point.”²⁷ However, Levitsky and Murillo argue that since the crisis has now been remedied, there are no recurrent economic legacies that could continue to affect the Argentine democratic institutions. Nevertheless, Manzetti proves that these crises in the early 2000s allowed for the creation of super-presidencies and a lack of executive accountability that are found in present Argentine democratic quality. Levitsky and

²⁴ Isidoro Cheresky. “Citizenship and Civil Society in Renascent Argentina.” *Civil Society and Democracy in Latin America*. Ed. Carlos H. Waisman, Richard Feinberg, and Leon Zamosc. New York, NY: Palgrave Macmillan, 2006. 87

²⁵ Ibid., 115

²⁶ Enrique Peruzzotti. “The Nature of the New Argentine Democracy. The Delegative Democracy Argument Revisited.” *Journal of Latin American Studies* 33.1 (2001): 141

²⁷ Steven Levitsky. “Argentina Weathers the Storm.” *Journal of Democracy* 14.4 (2003): 155

Murillo further contend that the local party bosses serve as a democratic institutional check upon the executive office. However, the party bosses are only focused on consolidating their own political power and manipulating the local government.

Scholars who focus on Chile

Scholars that specialize in Chilean democracy often focus on a strong state and executive, a robust political party system, and a vibrant economy as the main strengths supporting the high quality of Chilean democracy. However, scholars also point out that Chile suffers from its own weaknesses, including a growing citizen apathy and disillusionment with the political system, low voter turnout, corruption, and indigenous rights violations. Scholars that specialize in Chilean democracy can be placed in the same category as Argentine scholars with the majority of them being part of the institutionalism school of thought. These schools include Frances Hagopian, Arturo Valenzuela, Lucia Dammert, Peter Siavelis, Kirsten Sehnbruch, Alan Angell, Gregory Weeks, Elizabeth Lira, Aldo Vacs, Patricio Navia, Silvia Borzutsky, and Jorge Vargas Cullel. Frances Hagopian explains “Chile emerged from authoritarian rule with what is widely regarded to be the most powerful presidency in modern Chilean history and in contemporary Latin America.”²⁸ Moreover, Arturo Valenzuela argues that the existence of strong left, center, and right coalitions allows for a stronger party system, and that the ability of parties from all sides of the coalition to coexist and work together improves democratic quality. Valenzuela emphasizes that Freedom House consistently ranks Chile as one of the freest societies in Latin America and that it performs better than some

²⁸ Frances Hagopian. “Brazil and Chile.” *Assessing the Quality of Democracy*. Ed. Larry Diamond and Leonardo Morlino. Baltimore: Johns Hopkins University Press, 2005. 134

Western European countries.²⁹ Furthermore, Valenzuela demonstrates that the Concertación coalition has established Latin America's most successful economy.³⁰ By having built stronger economy, Chile did not face the same economic issues as Argentina. As a result, Chile was not distracted from democratic institution building while Argentina had to first address its economic and political issues in the early 2000s before beginning to rebuild its democratic institutions.

Hagopian asserts that Chilean democracy still suffers from a lack of responsiveness, accountability and representation.³¹ However, Claudio Fuentes demonstrates that the constitutional reforms enacted in 2005, increased accountability and political elites' responsiveness as many authoritarian enclaves were eliminated, and checks and balances were restored.³² Patricia Richards also argues that one of the biggest challenges that Chilean democracy faces is the restoration and guarantee of political and indigenous civil rights.³³ The Chilean government removed the last of the authoritarian enclaves left in place by the Pinochet regime and the military in order to protect the military from its own actions during the coup and atrocities committed under the Pinochet government in 2005. Additionally, Hagopian asserts that there is a lack of presence of a civil society in Latin America. Civil society exists in Chile, but it has, however become increasingly disinterested with politics and lack of political competition.

²⁹ Arturo Valenzuela and Lucía Dammert. "Problems of Success in Chile." *Journal of Democracy* 17.4 (2006): 66

³⁰ Ibid

³¹ Frances Hagopian. "Brazil and Chile." *Assessing the Quality of Democracy*. Ed. Larry Diamond and Leonardo Morlino. Baltimore: Johns Hopkins University Press, 2005. 126

³² Claudio Fuentes. "Shifting the Status Quo: Constitutional Reforms in Chile." *Latin American Politics and Society* 57.1 (2015): 100

³³ Patricia Richards. *Race and the Chilean Miracle: Neoliberalism, Democracy, and Indigenous Rights*. 1 edition. Pittsburgh, Pa: University of Pittsburgh Press, 2013. 2

Political competition and electoral turnover in Chile is increasing as an opposition party unseated the center-left coalition for the first time in twenty years with the election of Sebastián Piñera. In addition, Piñera was the first right-wing president democratically elected in fifty-two years.³⁴ The transition of power from one coalition to another represented a democratic and peaceful handover of power and the strength of Chilean democratic institutions. Moreover, it shows the presence of multiple oppositional parties that can exist within the Chilean political system. Sehnbruch and Siavelis are two scholars that specialize in coalition building behind one of the most successful coalitions in Latin America. Nevertheless, they also discover that the continual reliance on transitional politics has led to the creation of a government by negotiation rather than a democracy representative of the interests of its people. Political participation, levels of engagement, confidence in democracy, and approval ratings of the government have all been declining. Moreover, while they highlight Chilean economic growth, Sehnbruch and Siavelis determine that Chile is also one of the most socioeconomically unequal countries in the world.³⁵

The stark divide in opportunities presented by Sehnbruch and Siavelis demonstrate why problems still exist with Chilean democratic quality. Health care opportunities are only offered to the rich, and an educational gap exists in the quality of education offered at public schools versus private schools. Some of these issues are a result of the continual use of the democratic transition approach implemented in the early 1990s, which has created transitional enclaves, “entrenched norms and ways of doing

³⁴ Kirsten Sehnbruch and Peter M. Siavelis. “Political and Economic Life Under the Rainbow.” *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*. Ed. Kirsten Sehnbruch and Peter M. Siavelis. Boulder, Colorado: Lynne Rienner, 2014. 2

³⁵ *Ibid.*, 3

politics,”³⁶ that were left over after the transition to democratic transition in the 1990s such as *el cuoteo*, “the process of passing out positions based on partisan identification.”³⁷ Chilean citizens view *el cuoteo* as a way of obtaining government positions for the political elite through informal and legally questionable methods. The transitional enclaves represent measures of a system that are outdated and inefficient in the current setting.

Siavelis also demonstrates that “the institutions and political dynamic that made Chile’s transition to democracy a success have also tarnished the quality of democracy”³⁸ because of the development of a party dominated democratic system. The parties are able to control all aspects including the selection of legislative candidates while increasingly distancing itself from society at the local level and fostering distrust among the citizenry. Siavelis highlights a significant problem facing Chilean democratic quality today, the generational divide between the political elite and the public. Chile’s political elite generation was formed before the overthrow of Salvador Allende in 1973 and was molded by the democratization process, while the civil society was born after Pinochet came to power.³⁹ The generational divide has created an impasse and consistent misunderstandings between the two groups of individuals. Valenzuela and Dammert further assert that democracy had little importance in Chile’s foundation in economic dynamism and political stability. Nevertheless, the economic modernization undertaken

³⁶ Ibid., 4

³⁷ Ibid., 5

³⁸ Peter M. Siavelis. “From a Necessary to a Permanent Coalition.” *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*. Ed. Peter M. Siavelis and Kirsten Sehnbruch. Boulder: Lynne Rienner, 2014. 35

³⁹ Ibid., 40

before the transition to democracy allowed for a smoother democratic progression as they did not have to address economic crises like in Argentina in the early 2000s.⁴⁰

Valenzuela and Dammert address the importance of the institutional role of the military and the fear of continued military presence that allowed Chilean political elite to form the “most successful coalition government in Chilean history”⁴¹ and in Latin America, the Concertación. The strength of the political party coalition allowed for political stability and democratic consolidation as opposing political parties worked together to forge the democratic transition and consolidation process. The coalition government promotes political competition and opposition parties, unlike in Argentina, which emboldens the Chilean democracy.

Scholars tend to focus and emphasize the structural factors because there are more concrete and visible parameters to judge rather than evaluating something such as political culture. Valenzuela and Dammert assume that the democratic transition from the Pinochet military government to the present democracy did not improve democratic quality. However, the tradition of constitutionalism shaped the democratic transition that led to the most successful coalition government in Latin America, and one of the most successful in the international system. Furthermore, the pacted transition represents the strength of democratic memory and the symbol of constitutionalism for Chileans. Constitutionalism is engrained in the identity of Chilean society and the government and

⁴⁰ Arturo Valenzuela and Lucía Dammert. “Problems of Success in Chile.” *Journal of Democracy* 17.4 (2006): 69

⁴¹ *Ibid.*, 70

thus facilitated the pact and demonstrated its importance to the continuance of democracy and political stability today.⁴²

Conclusion:

Ultimately, the existing scholarship and literature provide extensive lists of the strengths and weaknesses of the Chilean and Argentine democracies. However, these sources fail to emphasize and address adequately factors such as the negotiated transition in Chile and the legacy of economic and political crises in Argentina that were integral in the formation of the levels of democratic quality in the two countries. Scholars that focus on Argentina have a tendency to strictly focus on the institutional and oppositional party weakness, the lack of accountability, corruption, the populism of the Peronism movement, and the deterioration of rule of law.

Moreover, the methodology applied by scholars such as O'Donnell and Huntington are unreliable as their approaches generate broad generalizations about the democratic quality of the entire region when each country is influenced by different sets of factors. While Latin America does have a similar historical, religious, and cultural background, their political structures and methods of democratic transition and consolidation do vary, which inhibits large-scale generalizations. Additionally, Levitsky, Murillo, Peruzzotti and the case study scholars do use a strong methodology to address the contrasting democratic qualities of Argentina and Chile, but their reliance on a single case study rather than multiple exposes them to the dangers of “he who knows only one country knows none.”⁴³ A good corrective is the two case study model offered by Frances Hagopian’s “Brazil and Chile” chapter in *Assessing the Quality of Democracy* by

⁴² Claudio Fuentes. “Shifting the Status Quo: Constitutional Reforms in Chile.” *Latin American Politics and Society* 57.1 (2015): 99

⁴³ Giovanni Sartori. “Comparing and Miscomparing.” *Journal of Theoretical Politics* 3.3 (1991): 245

Larry Diamond and Leonardo Morlino. The two case comparison allows for more effective validation of theories proposed about the democratic quality in Chile and Argentina. Moreover, by directly comparing the two cases, scholars would be able to point out the specific strengths and weaknesses of the Chilean and Argentine democracies. However, while the Hagopian chapter is a good corrective, many reforms have taken place since 2005 in Chile.

In 2005, Chile undertook a series of constitutional reforms that eliminated many policies left from the Pinochet regime. With these constitutional reforms, inter-institutional accountability was able to be reestablished because the military could no longer play a strong role in politics.⁴⁴ These reforms were only possible in Chile because the “political actors who had opposed Pinochet decided to play by the rules imposed by the military regime,” which later allowed these actors to change the constitution through legislative amendments.⁴⁵ Currently, Bachelet is attempting to enact education and tax reforms to improve equality in the country.⁴⁶ Therefore, while the Chilean democracy had faced many accountability and rule of law problems, they have begun enacting reforms to address these issues.

The Effectiveness of Democracies in Chile & Argentina

This literature review will focus on the approaches used to measure the levels of democratic quality in the Argentine and Chilean democracies. I assert that the preferred method of evaluation of a comparative multiple case study project requires a detailed approach to be able to assess the different aspects of democratic quality along political,

⁴⁴ Claudio Fuentes. “Shifting the Status Quo: Constitutional Reforms in Chile.” *Latin American Politics and Society* 57.1 (2015): 99

⁴⁵ *Ibid.*, 100

⁴⁶ “Reform in Chile: The Lady’s for Turning.” *The Economist* 23 May 2014.

social, and economic dimensions. There is a plethora of literature on the topic of democratization, which makes it necessary to divide the existing literature into three separate and distinct groups..

The first group of scholars focuses on theories of democratization, democratic consolidation, and crises of government and how it applies to Latin America's development of democracy. Scholars such as Guillermo O'Donnell and Philippe Schmitter and their concept of "delegative democracy," Dahl and his conceptual notion of a polyarchy (civil rights, participation, and competition), and Levitsky's and Way's competitive authoritarianism all fall within this category. Other authors that fit in this group are scholars that propose incomplete approaches by focusing on too few aspects or strictly political factors such as David Altman and Aníbal Pérez-Liñán who propose a three dimension approaches consisting of civil rights, participation, and competition⁴⁷, or Stein Ringen's broad overgeneralized categories of strength, capacity, security, and trust.⁴⁸ Altman, Pérez-Liñán, and Ringen all run into the problem of attempting to create aspects for analyzing democratic quality that are too broad and attempt to apply to too many cases.

Additionally, authors such as Juan Linz and Alfred Stepan with their theories of the incompatibility of nationalization with democratization, Lijphart and his rationale on the superiority of "consensual democracy"⁴⁹ over majoritarian democracy in the implementation of democratic quality, and Timothy Scully's and Scott Mainwaring's

⁴⁷ David Altman and Aníbal Pérez-Liñán "Assessing the Quality of Democracy: Freedom, Competitiveness and Participation in Eighteen Latin American Countries," *Democratization*, 9(2): 88-89

⁴⁸ Stein Ringen. *What Democracy Is For: On Freedom and Moral Government*. Princeton University Press, 2009. 32-47

⁴⁹ Arend Lijphart. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven: Yale University Press, 1999. 274

approach for the analysis of democratic quality assessed based on nine dimensions (the level of democracy, rule of law, control of corruption, economic growth, inflation, job creation, poverty, education, and citizen security).⁵⁰

However, Mainwaring and Scully's approach fails to take into account the significance of the creation of a powerful civil society, the accountability of the governors to the governed, and the guaranteeing of equality, civil rights, and political rights within the branches of government. The approach highlights the issues of crime under the dimension of citizen security, and the guarantee of rule of law, which both represent key issues for Latin American democracies, especially Chile and Argentina.⁵¹ Moreover, it focuses more on economic and social welfare issues such as inflation, job creation, and economic growth.

Nevertheless, countries that have low levels of democratic quality can attain high levels of economic prosperity. A good example would be member states of the Organization of Petroleum Exporting Countries (OPEC), which have record amounts of economic growth since discovering oil, but still remain at the bottom of the international system in democratic quality and the guarantee of rights to its citizenry. Therefore, it is unnecessary and irrelevant to solely select economic growth and inflation as dimensions of democratic quality because it is possible to attain significant economic growth, but maintain authoritarian traits and low levels of democratic quality.

Most importantly, while these scholars stress the importance of public security and safety, they do not include the broad protection of rights as an integral factor in

⁵⁰ Scott Mainwaring, Timothy Scully, and Jorge Vargas Cullell. "Measuring Success in Democratic Governance." *Democratic Governance in Latin America*. Ed. Scott Mainwaring, Timothy Scully, and Jorge Vargas Cullell. Stanford University Press, 2009. 14-15

⁵¹ *Ibid.*, 31

democratic quality. Potentially, Mainwaring and Scully saw the guarantee of rights as a defining feature of democracy rather than a criterion to evaluate the quality of democracy. Furthermore, they believed that the guaranteeing of these rights establishes legitimacy in the democratic system and its institutions. Mainwaring and Scully's lack of criteria on vertical and horizontal accountability, which are integral to the evaluation of Chilean and Argentine democracies, diminishes the reliability of their approach on democratic quality because accountability is a serious problem in Chile and Argentina. Chile suffers from a lack of electoral accountability, while Argentina has problems of inter-institutional accountability. Chile's civil society increasingly views its democracy as more focused on political elite power brokering than carrying out the commitments to the citizenry.⁵² However, Chile does not suffer from a lack of inter-institutional accountability due to a stronger state capacity and the placement of institutional checks that prevent executive consolidation of power unlike in Argentina.

The second approach for evaluating democratic quality was created by Leonardo Morlino, who uses the following eight dimensions: rule of law, electoral accountability, inter-institutional accountability, participation, competitions, responsiveness, full respect for rights, and progressive implementation of greater political, social, and economic equality.⁵³ I selected this approach because it includes the integral aspects of democratic quality to make a thorough and comprehensive analysis of Argentine and Chilean democratization and consolidation. Morlino defines what it means to be a 'good democracy.' He articulates a 'good democracy' as a representative democracy that has "a

⁵² Kirsten Sehnbruch and Peter M. Siavelis. "Political and Economic Life Under the Rainbow." *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*. Ed. Kirsten Sehnbruch and Peter M. Siavelis. Boulder, Colorado: Lynne Rienner, 2014. 3

⁵³ Leonardo Morlino. *How to Assess Democracy in Latin America*. Rome, Italy: LUISS School of Government, 2014: 4

stable institutional structure that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms.”⁵⁴ While a bad representative democracy constitutes a state that is both horizontally and vertically unaccountable, consistently violates civil rights and freedoms, is riddled with corruption, and maintains authoritarian traditions and values. Moreover, Morlino points out that, while Chile has been consistently seen as a high quality democracy and performs significantly better than Argentina, there are criteria such as in participation and support among the citizenry for democracy where Argentina comes out ahead.

In his paper, *How to Assess Democracy in Latin America*, Morlino breaks down his criteria for democratic quality into eight dimensions; the first five being of procedural quality, two substantive dimensions, and the last being responsiveness.⁵⁵ Furthermore, Morlino deconstructs the eight dimensions further into sub-dimensions and indicators that act as mechanisms to evaluate the primary principles (for more detailed descriptions see Ch. 3 Methodology). Within the rule of law dimension, Morlino includes public safety and security, a free and independent judiciary, and the capacity to formulate, enact, and enforce legislation.⁵⁶ By creating these subdivisions and indicators within the criteria, the approach is able to assess Chilean and Argentine democracy in the most comprehensive way possible.

Morlino also demonstrates that Chile, being characterized as a high quality democracy, records high scores in the majority of the democratic quality dimensions listed. However, Morlino also points out that low citizen popular satisfaction with the government could undermine aspects of the Chilean democracy along with trust and

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid., 5

support of its institutions.⁵⁷ Morlino assesses Chile's need to bolster its anti-corruption policies, administrative capacity, and personal security measures to continue to be successful in their pursuit of high quality democratic practices and raise citizen's perception of personal security.⁵⁸ Moreover, while both Chile and Argentina have had strong levels of guaranteeing rights to its citizens, Morlino determines they both still suffer from alarming levels of inequality and gender and ethnic discrimination. This is evidenced in Chile with the banning and criminalizing of the Mapuche social movements and in Argentina with the state-sponsored categorization and racial prejudice characterization by the Argentine upper class of the indigenous and poor population as *los negros*.⁵⁹

Morlino also illustrates an alarming reality that 27.9% of citizens in Argentina would approve of military rule.⁶⁰ The possibility of potential military intervention in Argentina is a factor that weakens its democratic quality, as the military has not transitioned to an apolitical role as quickly as the Chilean military. Morlino assesses that while Chile is considered to be a high quality democracy and Argentina an average democracy, both have their procedural and equality issues that need to be addressed to improve the quality and effectiveness of their democracies.

I will give an overview of the dimensions, sub-dimensions, and indicators outlined in Morlino's approach to allow me to address them in a more detailed manner in the following chapter. I will assesses Chilean and Argentine democratic quality and argue that Chilean democracy is superior to Argentine democracy by employing three of

⁵⁷ Ibid., 33

⁵⁸ Ibid., 33

⁵⁹ Ibid., 26

⁶⁰ Ibid., 29

Morlino's dimensions of democratic quality- rule of law, inter-institutional accountability, and equality. However, my project will also determine that Argentina outperforms Chile in certain aspects of democratic quality. Morlino asserts that an area of improvement for Argentina, Chile, and the majority of Latin America is citizen security, which includes corruption, and crime rates that have been worsening over the last 15 years and decrease citizen's perceptions of security and decrease the government's ability to guarantee the citizens' civil rights.⁶¹

Another group of scholarly work comes from a number of international organizations such as Freedom House, World Bank, Organization for Economic Cooperation and Development, United Nations Development Program, Inter-American Development Bank, and Latinobarómetro. These institutions have compiled vast amounts of data and ranked regions and countries all over the world based on a variety of democratic quality aspects. Special consideration should be given to Latinobarómetro because it provides a Latin American perspective on its political, economic, and social situations. In addition, Latinobarómetro maintains a vault of hundreds of thousands of public opinion interviews that allow for the assessment of the relative success in different categories of democratic quality and the level of legitimacy afforded to each country from its citizenry. This organization interviews citizens and asks about their preference for democracy over other forms of governance, the level of satisfaction with democracy, and the level of citizen participation, all integral to the development of democracy because high levels of satisfaction and support for democracy grants increasing levels of legitimacy to the government.

⁶¹ Ibid., 25

More importantly, an active and involved citizenry whose key groups believe that government is guaranteeing indigenous and cultural rights, and is being held accountable to its commitments and promises during the election and that the branches of government maintain equal levels of power, indicates a higher level of democratic quality. Moreover, satisfaction is a key dimension to the evaluation of democratic quality because Chile is facing significant voter apathy and party fragmentation due to its citizenry viewing the government as catering to the interests of the political elite rather than the people they swore to serve. This discontent results in Chileans having a low satisfaction rate with its democracy and to decreasing participation rates in politics.

Conclusion:

The categorization of the variety of literature on democracy and the democratization process provides a useful tool in understanding the development of different approaches of democratic quality that have been developed. Some scholars overstate the importance of economic factors and their effect on democratic quality. Additionally, they forget to address the dimension of accountability, which is integral to understanding the strong presidential systems in Chile and Argentina. On the other hand, while the international data collecting institutions provide a wealth of knowledge of multiple aspects of democratic quality, their quantitative methods prevent the reader from discovering the answers behind the numbers.

Leonardo Morlino provides a comprehensive and detailed theoretical approach that analyzes and critiques the democratic quality and effectiveness in Chile and Argentina. As I addressed earlier, the approach provides a clear and comprehensive method of evaluating democratic quality on a tiered system that incorporates dimensions,

sub-dimensions, and indicator mechanisms. It does not succumb to the pitfalls of other qualitative studies of being too detailed and oversimplifying theories. Morlino is able to utilize both qualitative and quantitative measures to emphasize the advantages of both types of methodology and minimize their deficiencies.

Additionally, he does not make the mistake of combining characteristics that define democracy with criteria of democratic quality as other scholars have. Certain scholars have asserted that the concept of free and fair elections is a determinant of democratic quality, when, in reality, it is a characteristic of democracy. A regime cannot be characterized as a democracy if it lacks free and fair elections. The conclusions that Morlino makes are valid and his approach to measure democratic quality and the effectiveness of Latin American democracies will aid me in my determination of Chilean democratic quality relative to Argentine democratic quality, and recognize the dimensions in which Argentina outperforms Chile.

Significance of My Research

The existing scholarly literature on Chilean and Argentine democratic quality yields several rationales as to why Chile has outperformed Argentina, but they emphasize structuralist and institutionalist factors such as the presence of specific formal institutions. On another note, there is a dearth of research that applies the comparative and case study methods that highlight the differences in democratic quality and effectiveness of consolidation between the two specific case studies.

Scholars' attempt to justify an analysis of a single case as comparative politics research is invalid because in order to compare, one must have something to compare against. The use of multiple case studies is a powerful methodology that is applied in this

project to develop well-rounded theories regarding the development of democracy in the two countries and the most influential factors in each respective country's development.⁶²

Through the use of the comparison method, I will be able to more accurately verify or falsify theories on the democratic quality of Argentina and Chile in an analysis of their experiences than I would if I were to apply a single case study method.⁶³ Also, through the application of the comparison and case study methodologies, I will be able to demonstrate that contrary to the belief of many scholars, Argentina is not as weak of a democracy in comparison to Chile as many believe.

⁶² Giovanni Sartori. "Comparing and Miscomparing." *Journal of Theoretical Politics* 3.3 (1991): 252

⁶³ *Ibid.*, 245

Chapter 3: Methodology

In this section, I outline the methodology that I used to arrive at my conclusions. I applied a combination of the comparison and case study methodologies to derive the solutions to my research questions. Additionally, I analyze the effectiveness of Chilean and Argentine democratic quality based on a set of dimensions extrapolated from an approach created by political scientist, Leonardo Morlino.

I utilize a combination of the comparative and case study methods to analyze the factors causing differences in democratic quality between Chile and Argentina. The comparative method allows me to generate hypotheses on the divergence in democratic quality the democratic quality between the two cases and to discover the empirical relationships among variables. Therefore, it is the most appropriate methodology in the context of the research of this paper.⁶⁴ The comparative method allows for the testing of alternative hypotheses proposed by scholars from opposing theoretical and structuralist camps. This paper focuses on the comparison of two cases in order to delve into an systematic analysis of the critical variables that have created disparities in democratic quality between the two countries. The cases in this empirical evaluation are countries rather than specific variables, time periods, or events. In comparing these two countries, I will apply a strategic evaluation of the two cases based on a set of dimensions after which the two cases will be given a rank of exceptional, proficient, or poor overall and for each variable of democratic quality.

I selected Argentina and Chile as the two cases for the comparative method due to their similar political, social, and economic backgrounds. The two cases needed to be similar in multiple variables, so that they could be utilized as constants to discover the areas where they remain disparate. Both Chile and Argentina underwent military coups

⁶⁴ Arend Lijphart. "Comparative Politics and the Comparative Method." *The American Political Science Review*, vol. 65, no. 3, 1971, p. 683

and experienced prolonged authoritarian military dictatorships. Additionally, in both cases, there were robust party systems engrained in each state before their respective coups, and the political elite within each party system laid the foundation for the return to democracy in their respective countries. Moreover, Chile and Argentina both have strong traditions of generating educated elites and technocrats. From a social context, both countries encounter indigenous rights abuses and long histories of corruption. On an economic level, Argentina and Chile had long experiences with import substitution industrialization (ISI), a trade and economic policy that emphasizes domestic production over foreign importation. Lastly, both countries have powerful middle classes.

In this situation, the comparison method is a superior method of analysis rather than the experimental method or the statistical method. The experimental method “uses two equivalent groups, one of which (the experimental group) is exposed to a stimulus while the other (the control group) is not.”⁶⁵ In this paper, and in most political science works, it is inefficient to utilize the experimental method due to practical and ethical bottlenecks. A country cannot be integrated as a control group to demonstrate a change in a specific variable. The other common methodology, the statistical method, which “entails the conceptual (mathematical) manipulation of empirically observed data-which cannot be manipulated situationally as an experiment design- in order to discover controlled relationships among variables,”⁶⁶ is ineffective in conducting this research because it requires an extraordinary number of variables and cases, which are unwieldy considering the time constraints for this project. The comparative method allows for an

⁶⁵ Ibid., 684

⁶⁶ Ibid

intensive examination of the two cases and provides more information regarding the two specific cases than the generalizations produced through a statistical analysis.

The case study method is a valuable tool in the critical evaluation of multiple countries based on a specific set of variables. Moreover, the case study method permits a rigorous assessment of generated competing interpretations of specific events.⁶⁷ These cases are evaluated based on a set of dimensions focusing on democratic quality. However, I reduced the number of cases to two in order to conduct a critical and exhaustive analysis of the two countries based on a specific set of variables in order to identify differentiating characteristics between Chile and Argentina. The two case studies that I will be using must come from similar cultural, political, social, economic and geographical backgrounds in order to derive accurate conclusions about each country and Latin America as a region. The cases must differ in key variables in order to gain a deeper understanding of the difference in democratic quality between Chile and Argentina. Lastly, there also must be sufficient scholarly work on both case studies to be able to conduct an in-depth and rigorous analysis of their democratic qualities and democratization processes.

The case study method is integral to the development of solutions for my research questions and analyzing competing hypotheses because case studies provide a multifaceted and multidimensional evaluation of countries that is exceptionally detailed and conceptually rich. Moreover, this method allows for an evaluation of change over time that yields concrete causal inference, “attributing causation of an outcome to some

⁶⁷ Michael Coppedge. *Democratization and Research Methods*. Cambridge: Cambridge University Press, 2012. 7

stimulus or stimuli.”⁶⁸ Case studies allow for the identification of the independent variables that are causing specific events to occur, such as democratic transitions and consolidations. This methodology is useful in the short time period present in this context because it allows for an emphasis to be placed on dynamic variables and factors that contribute to significant change. While case studies do not provide broad generalizations about a large quantity of cases, they provide descriptive explanations with high specificity. Another advantage of the case study method is that it allows for the testing of multiple theoretical implications over a specified time period.⁶⁹

The time period that the research focused on is 2015-2016 in order to provide the most accurate and relevant comparison to present day. However, I will also take into consideration the time period of 1980 to the present in order to incorporate each countries democratic transition and consolidation. I will specifically focus on the point of transition in both countries and the early 2000s, when Argentina experienced sharp political and economic crises.

While the case studies of Chile and Argentina have many similarities, the differences in political and economic variables will help determine the disparity in democratic quality between the two countries. While multiple waves of democratization have developed, I only focus on the 1980s and 1990s, in my evaluation of democratic quality because that is when the democratic transitions and consolidations of Chile and Argentina occurred. Furthermore, I integrated my research of secondary sources to positively identify the specific variables and events that have attributed to a divergence in success in democratic quality between the two case studies.

⁶⁸ Ibid., 117

⁶⁹ Ibid., 118

Here, I utilize Leonardo Morlino's approach in order to evaluate the effectiveness and levels of democratic quality in Chile and Argentina. After evaluating multiple approaches assessing democratic quality, I selected Morlino's approach because it provides the most comprehensive, exhaustive analysis of democratic quality and is directly applicable to Latin America. Morlino frames his approach in order to analyze democratic quality levels in Latin America. Moreover, by emphasizing qualitative instead of quantitative factors, my research will mitigate the numerical confusion often associated with quantitative studies. Instead, I will evaluate the countries using this approach and assign ranks of exceptional quality, proficient quality, and poor quality.

Morlino's approach for democratic quality is rooted in eight dimensions. These dimensions are categorized into three classifications: structural, responsiveness, and substantive. These variables assess the countries social, economic, and political foundations. The three categories allow for a critical evaluation of the two case studies on a normative level and demonstrate that quality must be evaluated on three levels, procedure, content, and result. The five structural dimensions are rule of law, electoral accountability, inter-institutional accountability, competition, and participation. The two substantive measures are freedom and equality. Responsiveness, which will be examined in more detail later, relates to government's capacity to meet citizens' demands through effective policy making. The eight dimensions help create the definition of an exceptional, quality democracy, "a stable institutional structure, that realizes the liberty and equality of citizens through the legitimate and correct functioning of its institutions and mechanisms."⁷⁰ An exceptional quality democracy guarantees its citizens' civil

⁷⁰ Leonardo Morlino. *How to Assess Democracy in Latin America*. Rome, Italy: LUISS School of Government, 2014. 4

liberties, freedoms, and equality through institutional structures and mechanisms.

Additionally, the citizens can hold their governments accountable for their actions and the governmental checks and balances are upheld.

When I begin my evaluation of the two countries applying Morlino's approach, the following sub-dimensions and indicators should be used to critically grade each country on the eight dimensions. For the rule of law element, the principle that all people and institutions are subject to and accountable to the law that is fairly applied and enforced, the five sub-dimensions are: individual security and order, independent judiciary and modern justice system, institutional and administrative capacity to formulate, implement, and enforce the law, civil control over the military and the security apparatus, and integrity. Integrity is the effective fight against corruption, illegality, and abuse of power by state agencies.⁷¹ To properly discern the level of individual security and order being upheld in both countries, I will focus on indicators such as the guarantee of the right on life and freedom from fear and torture; the level and guarantee of personal security; and the right to own property across the country.⁷²

When examining the level to which the two cases guarantee an independent and modern justice system, I will be specifically looking for the presence of equitable access to justice and the level of freedom from undue pressures and enforcement of unlawful decisions.⁷³ In the evaluation of the institutional and administrative capacity of the state, I will review both case studies' political system's capacity to ensure the creation and implementation of high quality legislation, the level of governmental transparency and participation of civil society, the presence of a professional, neutral, accountable, and

⁷¹ Ibid., 5

⁷² Ibid

⁷³ Ibid

efficient state bureaucracy, and the level of corruption through patronage and clientelism, that inhibit the effectiveness of the bureaucracy. Lastly, for the analysis of Chile's and Argentina's civil control over their military and security apparatuses, I will focus on mechanisms such as executive power over the military and the police's and military's respect of citizen's indigenous and political rights.

In evaluating the dimensions of electoral and inter-institutional accountability, I must first define the meaning of accountability. The definition of accountability is "the obligation of elected political leaders to answer for their political decisions when asked by citizen-electors or other constitutional bodies."⁷⁴ Accountability has three main components, information, justification, and punishment/ compensation.⁷⁵ Information on the actions of political actors and institutions is necessary for the civil society to assign responsibility to the appropriate actors. Justification is the "reasons furnished by the governing leaders for their actions and decisions,"⁷⁶ it grants a deeper understanding of why actors implemented certain legislation or reneged on promises to the citizenry. The third component, punishment/ compensation, "is the consequence drawn by the elector or whatever other person or body following an evaluation of the information, justifications and other aspects and interests behind the political action."⁷⁷ The punishment or compensation is generally carried out by the citizenry in the voting booth where they either vote for the incumbent candidate, abstain from voting, or vote for the opposition party. The type of accountability that I will be discussing in this paper is inter-

⁷⁴ Scott Mainwaring. "Introduction: Democratic Accountability in Latin America," in S. Mainwaring and C. Welna, eds. *Democratic Accountability in Latin America*. Oxford, Oxford University Press 2003. 7

⁷⁵ Andreas Schedler. "Conceptualizing Accountability," in A. Schedler, L. Diamond and M. Plattner, eds. *The Self Restraining State: Power and Accountability in New Democracies*. Boulder, Lynne Rienner. 17

⁷⁶ Leonardo Morlino. *How to Assess Democracy in Latin America*. Rome, Italy: LUISS School of Government, 2014. 5

⁷⁷ Ibid

institutional accountability, which are intrinsically linked despite involving different aspects of society.

Electoral accountability is “what electors can demand from their elected official.”⁷⁸ The electors are the members of the citizenry who participate in the political system through the casting of ballots to elect politicians. This dimension is evaluated based on three sub-dimensions: free, fair, and recurrent elections; the presence and stability of alternatives to the incumbent, such as opposition parties and candidates; and the freedom of party organization. When critically evaluating this dimension and its sub-dimensions, I will focus on the legitimacy of the electoral process and, the number of and political power of electoral parties.

Inter-institutional accountability is “the responsibility governors have to answer other institutions or collective actors that have the expertise and power to control the behaviors of the governors.”⁷⁹ Inter-institutional accountability differs from electoral accountability because in inter-institutional accountability the actors operate on equal standing through a system of checks and balances. When analyzing inter-institutional accountability, the more specific aspects that must be considered are legislative-executive relations, executive-judicial relations, presence of ombudsman and audit courts, an independent media, and the modes and extent of decentralization.⁸⁰ For legislative-executive relations and executive-judicial relations, the mechanisms that should be focused on are the power of the constitutional courts, power of the legislature, and executive constraints. In addition, a high level of inter-institutional accountability would ensure the presence of a robust independent media and multiple modes of communication

⁷⁸ Ibid

⁷⁹ Ibid., 6

⁸⁰ Ibid

of information. Moreover, focus should be given to indicators such as the amount of resources given to sub-national powers and the power of the federal government vis-à-vis the state and local governments.

The competition dimension operates in multiple aspects of the political system. Moreover, it is defined as the “peaceful, non-threatening interaction among individuals and groups with the purpose of allocating a recognized value.”⁸¹ In this thesis, competition within the democratic system is evaluated in two aspects, competition among political actors and the effective alternation of parties in power. A country cannot have high levels of democratic quality if there is a lack of oppositional parties and candidates to challenge the current incumbent. The lack of electoral competition makes the political system increasingly susceptible to authoritarian politics and the creation of super-presidentialist systems. Furthermore, sufficient levels of competition are only indicated by the presence of legitimate oppositional parties who command a significant percentage of the vote during elections and hold a certain number of seats in the legislature to remain relevant in challenging the incumbent.

In analyzing democratic quality, participation must be included as a relevant dimension, that is, “the entire set of behaviors, be they conventional or unconventional, legal or borderline vis-à-vis legality, that allows women and me, as individuals or a group, to create, revive, or strengthen group identification or to try to influence the recruitment of, and decisions by, political authorities in order to maintain or change the allocation of existing values.”⁸² Participation has two inherent goals in a democratic system: to achieve or strengthen a group identity, and to satisfy a specific interest.

⁸¹ Ibid., 7

⁸² Ibid., 6

Participation in a democratic system is evaluated based on the number of channels through which the civil society can participate in the political system, and an evaluation of the election turnout. Low election turnout and limited amounts of opportunities to participate in the political system indicate a low-quality democracy lacking in legitimacy.

Responsiveness is integral to a comprehensive analysis of democratic quality, that is, “the capacity of government of satisfying the governed by executing its policies in a way that corresponds to their demands.”⁸³ This dimension is empirically related to accountability, as judgments on the responsibilities of the political actors require an acute awareness of the demands and understanding of the democratic system. The most effective method to determining responsiveness is to investigate the legitimacy of the democratic government, which is the analysis of the citizenry’s perceived notions of responsiveness versus the reality. Moreover, public opinion surveys throughout Chile and Argentina are utilized to assess citizen satisfaction with the government’s actions. Finally, responsiveness is evaluated based on the percentage of the gross domestic product (GDP) take up by public debt.

The last two dimensions, freedom and equality, are both substantive and interdependent. Freedom is the “full respect for rights that are expanded through the achievement of a range of freedoms,”⁸⁴ while equality, according to Morlino, is “the progressive implementation of greater political, social, and economic equality”⁸⁵ Both freedom and equality are necessary to the assurance of high levels of democratic quality as members of civil society believe that they should be guaranteed civil and political rights. Moreover, these aspects of democratic quality are hindered by the presence of

⁸³ Ibid.,7

⁸⁴ Ibid., 4

⁸⁵ Ibid

economic and cultural/ethnic discrimination through the persecution of sub-groups of society that exist outside the titular, core ethnic nation. World Bank, Freedom House, and other socio-political reviews provide the necessary data to critically evaluate the case studies on their levels of freedom and equality. Lastly, equality is determined by the equitable distribution of resources. Here, Latin America has generally had a difficult time assuring such equitable distribution because the neoliberal approaches adopted by many of these countries surrounding the time of democratization often led to high-income inequality, poverty, and stratification of society due to socio-economic means.

Due to time constraints, I will only be evaluating three dimensions extensively, rule of law, inter-institutional accountability, and equality. I selected these criteria because they are most relevant and influential to Chile and Argentina in determining their levels of democratic quality. Additionally, a few of the dimensions prove the assertion that Argentina performs superior to Chile in certain aspects of democratic quality. Moreover, the approach validates my hypothesis that while Chile has higher democratic quality, the divergence in democratic quality between the two cases is not as significant as previous scholars have asserted.

Chapter 4: The Big Picture: An Overview of Democratic

Quality in Latin America

In this chapter, I will provide a comprehensive overview of the democratic quality of Latin America as a region. While scholars have consistently highlighted the region's democratic faults, countries such as Chile, Uruguay, and Costa Rica provide hope for the region and its democratic future. Additionally, there has been a positive trend for the majority of Latin American democracies excluding a few (Venezuela, Cuba, and Guatemala). However, while recent trends have shown much promise, current events in Brazil and Venezuela provide worrisome signs for the future.

Latin American governments began their transition to democracy during the third wave of democratization in the 1980s. This wave led to results that few contemporary scholars believed were possible. By the year 1990, only one country in the Latin American region was still defined as “Not Free,” by Freedom House (Cuba), and the number of “Free” countries had doubled.⁸⁶ Chile, Uruguay, and Costa Rica were consistently performing like Western European democracies. However, while significant strides were made at the end of the 20th century and progress has continued through to the present, many challenges remain, and some countries have regressed in democratic quality. The current political crisis in Venezuela under President Nicolás Maduro and the impeachment of Dilma Rousseff in Brazil has led to uncertainty about the future of Latin American democratic quality. The majority of the countries in Latin American remain “considerably short of the levels of democratic stability and legitimacy seen in Chile and Uruguay.”⁸⁷ Many of the problems that are plaguing those struggling Latin American countries are social equality problems, which are a partial product of neoliberalism.

⁸⁶ Arch Puddington. “Latin America Shows That Democratization Is Possible Anywhere.” *Freedom At Issue*. 3 Aug. 2015

⁸⁷ Marta Lagos. “A Road With No Return?: Latin America’s Lost Illusions.” *Journal of Democracy* 14.2 (2003): 164; “The Latinobarómetro Poll: When the Tide Goes out.” *The Economist* 26 Sept. 2015

Additionally, citizen security continues to be a major issue and is likely correlated with the rise of drug trafficking and crime.

The current institutional inefficiency of Latin American democracies can be partially attributed to the presidential system of government they have implemented which allows for the accumulation of power within the executive, creates an inept and politically vulnerable judicial system, produces high levels of corruption and patronage, and decreases citizen security. In Latin America, “the state and its president are the source of all power and the final bearer of responsibility.”⁸⁸ Many Latin Americans believe this system to be the appropriate way to govern, which has allowed dynamic figures such as Hugo Chavez in Venezuela, Evo Morales in Bolivia, and Cristina Fernandez de Kirchner in Argentina to assume the executive mantle and use it erode the legitimacy of democratic institutions through the manipulation of the political system for their own personal gain. The rule of law in Latin America has been diluted “by the prerogatives of a new generation of liberal politicians and highly educated technocrats who use the popular agendas and the disposition of entitlements to gain and retain power and personal wealth.”⁸⁹ In effect, some Latin American presidents “are undermining democratic institutions as an attempt to shore up their own weaknesses as president,”⁹⁰ which reduces citizen trust in democracy and lowers democratic quality.

Corruption is also a serious issue plaguing Latin America. It emanates “from an imbalance of the social, government, and business forces that confer on the ruling elites a

⁸⁸ Arturo Valenzuela. “Latin American Presidencies Interrupted.” *Journal of Democracy* 15.4 (2004): 11

⁸⁹ Luz E. Nagle. “The Rule of Law.” *Latin American Democracy: Emerging Reality or Endangered Species?*. Ed. Richard L. Millett, Jennifer S. Holmes, and Orlando J. Perez. New York: Routledge, 2015. 70

⁹⁰ Arturo Valenzuela. “Latin American Presidencies Interrupted.” *Journal of Democracy* 15.4 (2004): 14

virtual monopoly on economic opportunity and upward mobility.”⁹¹ Many of these corruption problems stem from the fact that democratic governments have had to accept the debts left by authoritarian dictators.⁹² It’s also important to note that corruption is not just an issue of high profile scandals but also permeates daily life and the day-to-day operation of the economy. For example, businesses for example, often use illegal tactics to obtain profit and customers. In order to combat this corruption, Latin American countries have been adopting communication and information technology to increase government transparency and accountability while also establishing anti-corruption agencies.⁹³

Furthermore, in many areas the legal systems are “precarious, inefficient, and corrupt,”⁹⁴ which further demonstrates the penetrating grasp of corruption within multiple facets of society. In order to combat this, some countries have amplified their anti-corruption measures and passed legislation, such as the first Summit of the Americas. This law, passed in December 1994, articulated the need of an effective democracy to combat corruption, because in order to prevent corruption from undermining the legitimacy of political institutions.⁹⁵ Similarly, thirty-three countries in the Western hemisphere have ratified the Inter-American Convention Against Corruption, the first

⁹¹ Luz E. Nagle. “The Rule of Law.” *Latin American Democracy: Emerging Reality or Endangered Species?*. Ed. Richard L. Millett, Jennifer S. Holmes, and Orlando J. Perez. New York: Routledge, 2015. 73

⁹² Geraldine Lievesley. *Democracy in Latin America: Mobilization, Power and the Search for a New Politics*. Manchester ; New York : New York: Manchester University Press, 1999. 166

⁹³ Gerardo Berthin et al. “Democratic Governance and Corruption in Latin America.” *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 250

⁹⁴ Scott Mainwaring and Timothy Scully. “Democratic Governance in Latin America: Eleven Lessons from Recent Experience.” *Democratic Governance in Latin America*. Ed. Scott Mainwaring and Timothy Scully. Stanford: Stanford University Press, 2010. 374

⁹⁵ Gerardo Berthin et al. “Democratic Governance and Corruption in Latin America.” *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 245

international anti-corruption treaty.⁹⁶ Lowering and eventually eliminating corruption could allow Latin America to make significant strides in the next few decades to improve democratic quality.⁹⁷ Corruption is a long-term issue requiring continued effort by the Latin American countries over time to observe real results. Consequently, countries need to improve their efforts combating corruption because it can lead to an erosion of the rule of law along with democratic quality in Latin America.

Regarding the status of the rule of law in these countries, the picture is not very pretty. A few facts illustrate the effect this crime has had on many countries. First of all, Latin America is the only global region in which murder rates rose in the first decade of the 21st century.⁹⁸ Additionally, in 2012, almost one in three Latin American citizens was a victim of violent crime.⁹⁹ It is also worth noting that crime rates are high in Central American countries such as Guatemala due to the presence of maras, the drug-trafficking gangs of Central America. In fact, drug trafficking has become a major issue in Latin America as “both an important driver of homicide rates in Central America and the main single factor behind rising violence levels in the region.”¹⁰⁰ This issue of transnational drug trafficking is a direct result of “the inability of many nations to control their entire national territory.”¹⁰¹ Youth violence and gangs also present a serious issue in Latin America as there are more than 900 maras consisting of more than 70,000

⁹⁶ Ibid., 246

⁹⁷ Leonardo Morlino. *How to Assess Democracy in Latin America*. Rome, Italy: LUISS School of Government, 2014: 25

⁹⁸ “A Broken System: Crime in Latin America.” *The Economist* 12 July 2014: 31

⁹⁹ Richard L. Millet. “Crime and Citizen Security: Democracy’s Achilles’ Heel.” *Latin American Democracy: Emerging Reality or Endangered Species?*. Ed. Richard L. Millet, Jennifer S. Holmes, and Orlando J. Pérez. 2nd ed. New York: Routledge, 2015. 215-216

¹⁰⁰ Rodrigo Serrano-Berthet and Humberto Lopez. *Crime and Violence in Central America: A Development Challenge*. World Bank, 2011. ii

¹⁰¹ Richard L. Millet. “Crime and Citizen Security: Democracy’s Achilles’ Heel.” *Latin American Democracy: Emerging Reality or Endangered Species?*. Ed. Richard L. Millet, Jennifer S. Holmes, and Orlando J. Pérez. 2nd ed. New York: Routledge, 2015. 214

members currently in Central America with the majority operating in El Salvador, Guatemala, and Honduras.¹⁰² Crime is both a result of, and a contributing factor to Latin American poverty.¹⁰³

Additionally, even in countries such as Argentina, drug related crimes are increasingly becoming an issue that destabilizes society as drug operations entrench themselves in local governments. While improvements have been made, such as lowering drug production in the drug war in Colombia, cocaine production in Bolivia and Peru has risen sharply and Mexico's current political and social instability is a direct result of the partial victories in Colombia.¹⁰⁴ More importantly, the rise in inequality, poverty, and lack of education has led to an increase in violence directed towards females.

This is in part due to the fact that the security forces that are supposed to be controlling the violence and drug activity are corrupt and violent themselves. The police "are often poorly trained and poorly paid, and in a democratic transition may have experienced a leadership purge. They are distrusted by the public and unaccustomed for respecting citizens' rights."¹⁰⁵ While citizen security used to be threatened by state repression, it is now threatened by non-state actors such as gangs, drug cartels, and private militias. This has all resulted in the simple fact that there is a systematic lack of citizen security in Latin America. As a result, region-wide policy must be enacted to

¹⁰² Rodrigo Serrano-Berthet and Humberto Lopez. *Crime and Violence in Central America: A Development Challenge*. World Bank, 2011. ii

¹⁰³ Richard L. Millet. "Crime and Citizen Security: Democracy's Achilles' Heel." *Latin American Democracy: Emerging Reality or Endangered Species?*. Ed. Richard L. Millet, Jennifer S. Holmes, and Orlando J. Pérez. 2nd ed. New York: Routledge, 2015. 223

¹⁰⁴ Bruce M. Bagley and Jonathan D Rosen, eds. *Drug Trafficking, Organized Crime, and Violence in the Americas Today*. Gainesville: University Press of Florida, 2015. 4

¹⁰⁵ Richard L. Millet. "Crime and Citizen Security: Democracy's Achilles' Heel." *Latin American Democracy: Emerging Reality or Endangered Species?*. Ed. Richard L. Millet, Jennifer S. Holmes, and Orlando J. Perez. 2nd ed. New York: Routledge, 2015. 214

combat rising violence (drug-related and that which is directed at females) and drug trafficking to ensure the rule of law in Latin America does not erode completely. If this were to happen the level of democratic quality that currently exists in the Latin American countries would certainly suffer.

With respect to the equality dimension, there exists an innate problem of ethnic, racial, and gender discrimination throughout Latin America. Even in countries that are perceived as having a high quality democracy, indigenous populations, such as the Mapuche population in Chile, are frequently socially and economically discriminated against. One such example is the Mapuche have been forcefully evicted from much of their ancestral land and left in abject poverty. Furthermore, in Argentina there is a clear divide between the indigenous population and those that consider themselves to be European born, with the indigenous population being labeled *los negros*. Not only do indigenous communities across the country face economic discrimination, they also face inequality in the legal and judicial system, education, and the job market.¹⁰⁶ These populations are now demanding civil, constitutional, and democratic rights and entering the political sphere to fight for them.¹⁰⁷ Latin America as a region cannot hope to have a high level of democratic quality if it continues to remove citizens' indigenous, democratic, and individual rights for economic profit.

Latin America is one of the most unequal regions in the world.¹⁰⁸ Gender discrimination also remains pervasive throughout the region as evidenced by the wage

¹⁰⁶ Leonardo Morlino. *How to Assess Democracy in Latin America*. Rome, Italy: LUISS School of Government, 2014: 26

¹⁰⁷ Deborah J. Yashar. "Contesting Citizenship: Indigenous Movements and Democracy in Latin America." *Comparative Politics* 31.1 (1998): 23

¹⁰⁸ Gerardo Berthin et al. "Democratic Governance and Corruption in Latin America." *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 253

gap still present between men and women. Additionally, countries with perceived high levels of democratic quality and economic growth, such as Chile, face high levels of income inequality with the richest part of the population reaping the majority of the rewards, due in large part to neoliberalism. Neoliberalism has deepened structural poverty across Latin America as states no longer supply many of the social provisions that Latin American citizens depended on.¹⁰⁹ This, along with the fact that rising poverty and social inequality has made it increasingly difficult for people to participate in politics, had made them exceptionally vulnerable to clientelism and corporatism. Moreover, crushing poverty and inequality has pushed many people to join gangs and drug trafficking organizations as these groups represents some of the only viable economic opportunities.

Accountability, or rather a lack of accountability, is also an ever present problem in Latin America that must be fixed to reinstall trust in the democratic system. There are two types of accountability, vertical and horizontal. Accountability requires a rotating cycle of political leaders that all hold themselves accountable in order to increase democratic quality. Scholars see that an “alteration in power is an important institutional means of increasing support for and satisfaction with democracy,”¹¹⁰ because it demonstrates the existence of oppositional politics and proves that citizen voices are being heard. It also demonstrates that the political parties across the region are playing on an equal electoral playing field. However, this is not often the case as there is

¹⁰⁹ Geraldine Lievesley. *Democracy in Latin America: Mobilization, Power and the Search for a New Politics*. Manchester ; New York : New York: Manchester University Press, 1999. 169; “The Poverty Alert.” *The Economist* 21 Feb. 2015

¹¹⁰ Marta Lagos. “A Road With No Return?: Latin America’s Lost Illusions.” *Journal of Democracy* 14.2 (2003): 169

generally a perception of low levels of accountability in most countries of Latin America.¹¹¹

There is a wide disparity among Latin American countries with respect to horizontal accountability with Chile and Bolivia being more successful and Guatemala and Honduras having significant difficulty. One of the key drivers of reduced electoral accountability is the belief among the Latin American citizenry of elitism in politics and political parties. A belief which is not totally unfounded. This issue is pervasive in Chilean politics as the Bachelet-led coalition continues to utilize the democratic leaders who initiated the transition to democracy during the Pinochet regime. This has prevented the younger generation from becoming involved in the political sphere, leading to a disenchantment with democracy, youth disillusionment, and apathy.¹¹² Another key issue is underrepresentation of indigenous minorities in the political sphere, as they often hold few seats in the national legislature and are persecuted daily. While Bachelet has attempted to incorporate more groups into her new coalition, Nueva Mayoría, such as the communist party and the various student movements, she still faces significant opposition from these groups, which has partially contributed to her dismal popular approval rating.

A significant lack of accountability is the result of this accumulation of power within the office of the executive. Presidents frequently circumvent the checks and balances of Latin American democracies to enhance their own power and political gain. Argentina is a key example of this as the lower courts of the Argentine judicial system are often politically manipulated and former President Cristina Fernandez de Kirchner's

¹¹¹ Mikel Barreda. "The Quality of Democratic Accountability: A Comparative View of Latin America." *Canadian Journal of Political Science* 47.2 (2014): 310

¹¹² Marta Lagos. "Latin America's Smiling Mask." *Journal of Democracy* 8.3 (1997): 126; "The Latinobarómetro Poll: When the Tide Goes out." *The Economist* 26 Sept. 2015

use of official advertising contracts to control the flow of information from the press in order to limit critical opinions of her regime. In Peru, the Constitutional Court derives much of its power from the president, which limits its ability to act as an effective check on executive powers.¹¹³ Additionally, executives are consistently renegeing on promises made during their campaigns, which is leading to wide scale disillusionment with democracy across all classes of Latin American citizenry and, the belief that the voice of the Latin American citizen does not matter.

These hyper presidencies, with executive dominated government systems, are ruining the democratic quality of Latin American nations and shaping its democracies into competitive authoritarian regimes and delegating democracies rather than representative democracies. Strong presidentialist systems allow for significant personalistic power to be consolidated in the presidency resulting in an unequal separation of powers, inefficient checks and balances, and an increase in corrupt activity. Venezuela, Guatemala, and Honduras have begin to take on the appearance of democracy, but the nation's political leaders are only utilizing democratic institutions in order to consolidate their power and shift the political playing field in their favor.¹¹⁴ Accountability, whether it is vertical or horizontal, varies across Latin America but, indisputably the problem does exist and is getting worse as accountability within each country has suffered.

Latin American nations still need significant effort from its governments in order to eliminate the democratic weaknesses across the region. Corruption plagues all Latin

¹¹³ Leonardo Morlino. *How to Assess Democracy in Latin America*. Rome, Italy: LUISS School of Government, 2014: 27

¹¹⁴ Steven Levitsky and Lucan Way. "The Rise of Competitive Authoritarianism." *Journal of Democracy* 13.2 (2002): 52

American countries, and must be eradicated from Latin American governments in order to regain citizen trust in democratic institutions. Moreover, the Latin American executive-dominated government requires revision because responses to governmental crises should not include the removal of the current executive in office, but rather address the issue through changes in policy.¹¹⁵ While many issues plague Latin America, as a result of the current organization of democracy in Latin America, these problems could potentially be fixed with a parliamentary-style government. However, in order to implement this style of government, Latin Americans must be able to overcome their historical executive-driven past. Additionally, the issues of crime and violence must be addressed swiftly and strongly. Latin America as a region cannot afford continually rising levels of crime and increasing death tolls. Furthermore, countries such as Argentina need to devise solutions to eliminate drug trafficking operations within their borders.

While much of the population may be disappointed with their current form of democracy, they will continue to support it over alternatives for fear of allowing the violent and authoritarian regimes of the past to return. I believe that much of their dissatisfaction with democracy is a result of neoliberal economic model that was incorporated into Latin American democracy. Latin American citizens, while first appreciative of the economic growth that accompanied neoliberalism, became increasingly disillusioned as they realized the unequal distribution of resources and continuing high poverty rates.¹¹⁶ Social welfare must become a right of every citizen of

¹¹⁵ Arturo Valenzuela. "Latin American Presidencies Interrupted." *Journal of Democracy* 15.4 (2004): 12

¹¹⁶ Kurt G. Weyland. "Neoliberalism and Democracy in Latin America: A Mixed Record." *Latin American Politics & Society* 46.1 (2004): 148

Latin America, and systematic discrimination against indigenous populations must be eradicated.

Finally, Latin American democratic quality has been shaped by unique factors unique to the nation in which it develops. For example, no other Latin American country will be able to reproduce “Chile’s success in contemporary Latin America because the political and institutional conditions that made for Chile’s success are unique.”¹¹⁷

Historical legacy is also important and it shapes the current quality and democratic success of Latin American countries. The three countries with the highest democratic quality are Chile, Uruguay, and Costa Rica. These countries, not coincidentally, are also have the longest legacy of democratic rule pre-1973.¹¹⁸ As a region, Latin America still has a long way to go to reach high levels of democratic quality as a region. The critically pervasive issues that require immediate remediation are corruption, citizen security, and institutional effectiveness and accountability. It is crucially important that each nation addresses these problems as Latin American countries are politically interdependent and, thus a collapsed democracy in one country could reverberate through all.¹¹⁹ While these are all difficult issues to solve, Chile’s current success breeds hope for the future of democratic quality in Latin America.

¹¹⁷ Scott Mainwaring and Timothy Scully. “Democratic Governance in Latin America: Eleven Lessons from Recent Experience.” *Democratic Governance in Latin America*. Ed. Scott Mainwaring and Timothy Scully. Stanford: Stanford University Press, 2010. 382

¹¹⁸ Ibid

¹¹⁹ Edward Schumacher. “Argentina and Democracy.” *Foreign Affairs* 62.5 (1984): 1091

Chapter 5: The Rule of Law in Chile & Argentina

In this chapter, I examine the rule of law in both countries, the first dimension that I will be evaluating using Morlino's model. To assess both countries' performance in rule of law, I will look at their ability to guarantee individual security and civil order, integrity, and civilian control of the military. Both countries perform well in civilian control of the armed forces as both military forces have not left the barracks since their transitions to democracy. Additionally, I discovered that while both countries contain deficits in rule of law, especially corruption and crime, Argentina faces significantly more problems due to the infiltration of drug cartels into its major urban cities, inability to control its police force, and rampant corruption.

Introduction/ General Overview

The rule of law is integral to the survival and performance of democracy. It “ensures political rights, civil liberties, and mechanisms of accountability which in turn affirm the political equality of all citizens and constrain potential abuses of state power.”¹²⁰ The rule of law helps solidify democratic values and institutions, while preventing the infiltration of authoritarian actors. Additionally, the rule of law is important because it is connected to the two other dimensions evaluated in this project, horizontal accountability (inter-institutional) and equality. More importantly, rule of law is an aspect of democratic quality that both Chile and Argentina struggle with, along with Latin America as a region. The rule of law cannot be guaranteed in a democratic state if there is a lack of citizen security, integrity, and civilian control of the military.

Unfortunately, crime and violence have increased across Latin America, and are currently considered some of the most pressing challenges facing the region.¹²¹ High crime rates in Chile and Argentina make their respective citizenries feel increasingly insecure and erode the reputation of legal institutions, their governments, and potentially

¹²⁰ Guillermo O'Donnell. “Why the Rule of Law Matters.” *Journal of Democracy* 15.4 (2004): 35

¹²¹ Lydia Brashear Tiede. “Chile's Criminal Law Reform: Enhancing Defendants' Rights and Citizen Security.” *Latin American Politics & Society* 54.3 (2012): 65

even their democracies.¹²² Both Chile and Argentina struggle with guaranteeing citizen security and civil order as crime rates continue to rise. However, while Chile has made significant reforms to its police force and criminal justice system, Argentina faces increasing problems due to the government's inability to control its police forces and the rise of drug trafficking and drug-related violence. Control of law enforcement officers is important because the police help determine who has access and the ability to exercise their rights. Argentina's inability to guarantee the security of its own citizens means that the country cannot uphold the political and civil rights, freedoms, and guarantees supposed to be guaranteed by democracy.

Integrity is also a pressing issue in both countries as they face high levels of corruption, and the media exposes new scandals daily. Both the Chilean government, under the presidency of Michelle Bachelet, and the Argentine government under the two Kirchners and the Macri administration, have had public officials who misappropriated funds and engaged in graft to fund both themselves and their political parties. While both countries have faulty integrity, Argentina's corruption scandals have focused more on personal enrichment that penetrates to the highest level of the political order. While in Chile, the focus of corruption is on the allocation of public funds to political parties on both the right and the left. Ultimately, the erosion of integrity is deleterious for both democracies because it results in increasing citizen distrust of democratic administration and damages democratic quality.

Civilian control over the military by way of contrast has been an area that both countries have excelled in as both armed forces have had their power significantly reduced. A democracy cannot be considered consolidated unless civilian control over

¹²² Ibid

the armed forces has been strongly asserted.¹²³ Civilian control means that “all decisions of command-involving military strategy, what operations to mount and when, what tactics to employ, and how to manage the armed forces in peace and war- derive from civilian authority.”¹²⁴ Additionally, the military in both countries has not intervened in the political sphere since before their democratic transitions. The control of the military forces by civilian actors is integral to democratic quality because the military “is both the coercive arm of the state and a self-interested institution whose needs must be addressed.”¹²⁵

The Argentine and Chilean militaries have accepted civilian control, and they have been reduced to a less important role in society through the use of constitutional reforms and executive decrees that sped up the integration of national defense legislation. However, Argentina’s increasing drug problem has led to extralegal powers being granted to the military and security forces, that some worry could lead to the Argentine military gaining a powerful role in the political sphere again. In Chile, the continued use of a copper law that grants significant funding to the Chilean armed forces, gives a degree of autonomy to military forces that has some scholars concerned.

Both Chile and Argentina suffer from serious problems of citizen insecurity and integrity that threaten the democratic legitimacy and quality of their respective governments. Measures need to be taken to address the rising crime and violence rates in both countries along with the new corruption scandals. Both countries have performed well in civilian control over their armed forces, but rising levels of violence could allow

¹²³ Rut Diamint. “A New Militarism in Latin America.” *Journal of Democracy* 26.4 (2015): 155

¹²⁴ *Ibid.*, 164

¹²⁵ Thomas C. Bruneau and Richard B. Goetze Jr. “Civilian-Military Relations in Latin America.” *Military Review* 86.5 (2006): 70

the military to slowly creep back into the political sphere and assume a larger role.

Overall, Chile performs exceptionally in rule of law, while Argentina performs proficiently because of Argentina's higher crime rates and drug related violence along with corruption levels of higher magnitude and more personal nature.

Individual Security and Civil Order

Chile and Argentina both face increasing threats to the security of their citizens and the maintenance of civil order, but Argentina faces significantly more security problems due to its problems with drugs and controlling its police force. Insecurity in Argentina is at the top of national fears for the citizenry as a majority of Argentines feel unsafe walking in their own neighborhoods.¹²⁶ Much of this fear is attributed to high levels of gang violence, and increasing levels of violence associated with drug trafficking. Moreover, the police forces that are supposed to be protecting the citizenry often have ties to the drug gangs.¹²⁷ Corruption in Argentine security forces reaches the highest level of authority within the police forces. For instance, the provincial chief of police in Santa Fe was sentenced to six years in prison for drug trafficking involvement.¹²⁸ Additionally, in 2014 alone, there were around 200 investigations of police officers involved with narco gangs.¹²⁹

The increasing realization of police involvement in the drug trade and gang violence has led many Argentine citizens to perceive the security forces as manipulative and corrupt. Growing distrust of the security forces increases feelings of insecurity among the citizens of Argentina. On the other hand, "Chile is not faced with any threat

¹²⁶ "Argentina's Crime Capital: A Lethal Location." *The Economist* 15 Sept. 2016.

¹²⁷ Ibid

¹²⁸ Ibid

¹²⁹ Ibid

from guerillas or drug cartels that question the state's autonomy and power over the territory compromising the republic."¹³⁰ In Chile, the Carabineros, the national police force are held more publically accountable to the citizenry, which prevents them from engaging in as many corrupt practices as the Argentine military. The Chilean citizenry holds the Carabineros accountable through the biannual reporting of police forces of every province.¹³¹

Drugs and the crime associated with it have permeated Argentina because of specific characteristics of Argentine society that are not present in Chile. The devaluation of the peso under former president Eduardo Duhalde made it more profitable to export Bolivian cocaine out of Buenos Aires compared to Chile, which has always had a strong currency value compared to international currency rates.¹³² The peso differential made Argentina a transit point of drugs. Additionally, as it became more expensive to produce drugs in the Andean region, Argentina became the relocation country for drug networks due to easy access to illegal residence permits and passports, corruption among public officials and security forces, and favorable money laundering conditions.¹³³ Unlike Argentina, Chile does not suffer from serious state corruption problems. Additionally the Financial Action Task Force (FATF) in its 2014 report indicated Argentina as a country with serious anti-money laundering and counter-terrorist deficiencies.¹³⁴

¹³⁰ Leticia M. Ruiz Rodriguez. "Chile: A Model Case?" *The Quality of Democracy in Latin America*. Ed. Daniel H. Levine and Jose E. Molina. Boulder, Colo: Lynne Rienner Pub, 2011. 55

¹³¹ Lucia Dammert. "From Public Security to Citizen Security in Chile." *Public Security and Police Reform in the Americas*. Ed. John Bailey and Lucia Dammert. University of Pittsburgh Press, 2006. 71

¹³² "Deadly Trade- Drug Crime Increases in Argentina." *Jane's Intelligence Review* 1 July 2014

¹³³ Ibid

¹³⁴ Ibid

Additionally, the conditions of Argentine cities have allowed for rapid growth of organized crime and drug gangs. The drug cartels and gangs have exploited the prevalent poverty in urban centers, which provide a market for their supply and an abundant labor force. Also, Argentina's developed chemical industry has made it a desirable location for drug cartel operations, as the chemicals are used to transform coca leaf into cocaine.¹³⁵ Initially, Chile's stronger border controls have prevented drug traffickers from entering the country, while Argentina's Route 34 is the main land entry for Bolivian cocaine.¹³⁶

Meanwhile, the Chilean citizenry, while they see crime rates are increasing in their country, they also recognize that the national average is among the lowest in the region.¹³⁷ More importantly, the crimes are perceived as less serious types compared to the rampant cartel and gang violence of Argentina.¹³⁸ On the other hand, in Argentina, a rise in violence has been connected to turf wars and control of distribution networks between cartels and gangs, which have resulted in increases in the murder and robbery rates. Lastly, while Chilean police are willing to enforce the law and demonstrate the importance of citizen security as a priority of the government, the Argentine military often stays away from the worse affected areas.¹³⁹

Also, the Chilean criminal justice system and criminal law ensures better citizen security than Argentina's because of the reforms that took place in the early 2000s, which modernized criminal law to ensure fair treatment to all citizens. The reform replaced the lower criminal courts, *juzgados de crímenes*, with *juzgado de garantía* and the *juzgado de*

¹³⁵ Khatchick DerGhougassian et al. "Under (Loose) Control: Drug Trafficking in Argentina in Times of Paradigm Change." *Drug Trafficking, Organized Crime, and Violence in the Americas Today*. Gainesville: University Press of Florida, 2015. 351

¹³⁶ "Deadly Trade- Drug Crime Increases in Argentina." *Jane's Intelligence Review* 1 July 2014.

¹³⁷ Lydia Brashear Tiede. "Chile's Criminal Law Reform: Enhancing Defendants' Rights and Citizen Security." *Latin American Politics & Society* 54.3 (2012): 80

¹³⁸ *Ibid.*, 81

¹³⁹ *Ibid.*, 87

juicio oral.¹⁴⁰ The Chilean criminal law reform modeled the criminal justice system after the United States,¹⁴¹ and allowed for increased protection of defendants' rights while increasing accountability of police officers to the public.¹⁴¹ Meanwhile, in Argentina, provincial judges often give light sentences to criminals and frequently give probation to the most dangerous criminals.¹⁴² Additionally, according to the Human Rights Report in 2017, Argentina still faces serious problems with police abuse as security forces sometimes utilize excessive force against protestors, especially if they make up part of the indigenous population.¹⁴³ In response to peaceful protests in the Tucuman Province, police used tear gas and rubber bullets, which injured dozens of protestors.¹⁴⁴ Furthermore, Argentine citizens view the criminal justice system as inadequate because there have been no convictions for the 1994 bombing of the Argentina Israelite Mutual Association in Buenos Aires.

Overall, Argentina's increasing problem with drug trafficking and violence are increasing citizen insecurity across the country. Additionally, Argentina's police forces continue to be susceptible to corruption, while Chile's is lauded by the public. Chilean violence, while rising slowly has often been associated with petty crimes compared to Argentina. Argentina needs to solve its insecurity and civil order problems quickly because citizens see it as the country's main problem.

¹⁴⁰ Ibid., 70

¹⁴¹ Ibid., 71

¹⁴² "Argentina's Crime Capital: A Lethal Location." *The Economist* 15 Sept. 2016

¹⁴³ *World Report 2017: Argentina*. Argentina: Human Rights Watch, 2016

¹⁴⁴ *Freedom in the World: Argentina*. Argentina: Freedom House, 2016

Integrity

Corruption remains a serious issue in both Chile and Argentina, but Argentina faces significantly higher levels of corruption as it has permeated throughout the government. According to the 2016 Corruption Perception Index, Chile ranks 24/ 176 while Argentina ranks 95 out of 176. Chile is regarded as the “least corrupt country in Latin America,”¹⁴⁵ while Argentina has always been viewed as having an endemic corruption problem. Additionally, the high probity of the Chilean political actors has allowed it to maintain its historic low levels of corruption compared to Argentina. The low levels of corruption can be partially attributed to the restoration of democracy which “brought back the full reactivation of the oversight institutions of the government’ performance”¹⁴⁶ including NGOs, an independent judiciary, and the mass media.

The presence of oversight institutions has prevented corruption and clientelism from penetrating the core of democratic government in Chile. Meanwhile in Argentina, anti-corruption policy began in 1997 with its ratification of the Inter-American Convention against Corruption, but it has largely proved ineffective as corruption remains endemic in society. The Panama Papers have embarrassed the current president of Argentina, Mauricio Macri, and have connected him to the broad problem of corruption in the second largest economy in South America.¹⁴⁷

Macri’s inability to deal with corruption in the eyes of Argentine citizens has generated increasing criticism of his government and a lack of focus on anti-corruption

¹⁴⁵ Frances Hagopian. “Brazil and Chile.” *Assessing the Quality of Democracy*. Ed. Larry Diamond and Leonardo Morlino. Baltimore: Johns Hopkins University Press, 2005. 132

¹⁴⁶ Patricio Silva. “A Poor but Honest Country: Corruption and Probity in Chile.” *Journal of Developing Societies* 32.2 (2016): 188

¹⁴⁷ Benedict Mander. “Panama Papers Open New Chapter in Argentina Corruption Drama.” *The Financial Times* 7 Apr. 2016

policy. However, in both countries, scandals have become increasingly common, especially in the families of the president. In 2016, former Argentine President Cristina Fernandez de Kirchner was indicted for running a corruption scheme with a public works secretary.¹⁴⁸ Also, former President Carlos Menem was convicted of trafficking arms in 2013, and the former secretary of transportation Ricardo Jaime was convicted for embezzlement in 2010.¹⁴⁹ Additionally, it is well known among the Argentine citizenry that both Cristina and her husband used the office of the executive for personal enrichment. The origins of corruption were tied to the beginning of consolidation of power in the office of the executive.¹⁵⁰

Corruption also infiltrates the Bachelet family as the president's son Sebastian Dávalos and his wife were arrested for an illegal real estate transaction.¹⁵¹ Corruption within the office of the executive in both countries hinders democratic quality because the citizenry increasingly views democratic government as ineffective and inefficient. Additionally, the citizenry in both countries increasingly view political actors as only looking out for themselves, which hurts vertical accountability. Especially in Chile, corruption charges against the presidential family “has come to symbolize a widespread malaise in the Chilean body politic.”¹⁵²

While both countries have experienced varying levels of corruption, the type of corruption has been significantly different. While Argentina faces corruption throughout

¹⁴⁸ Jonathan Gilbert. “Air of Graft Around Ex-Argentina Government Arouses Fury.” *The New York Times* 6 Aug. 2016

¹⁴⁹ Jonathan Gilbert. “Ex-President of Argentina Is Sentenced in Embezzlement Case.” *The New York Times* 1 Dec. 2015

¹⁵⁰ Luigi Manzetti. “Accountability and Corruption in Argentina During the Kirchners’ Era.” *Latin American Studies Association* 49.2 (2014): 176

¹⁵¹ Jonathan Franklin. “Chilean President Rocked By Corruption Allegations Against Family Members.” *The Guardian* 8 Apr. 2015

¹⁵² Ibid

the government and the state, which has led to the personal enrichment of political actors, Chilean corruption scandals have generally been related to the financing of political parties and their activities such as the PENTA scandal that involved a business conglomerate having given large sums of money to the right wing Independent Democratic Union (UDI).¹⁵³ This is partially why the Dávalos scandal was so significant because it was a case of personal enrichment corruption. Chile has had lower levels of corruption than Argentina also due to Chileans having a very low tolerance for corruption, and the willingness to punish the parties involved.¹⁵⁴ Overall, both countries suffer from increasing levels of corruption that hurt the accountability of the democratic institutions in the respective countries. However, the corruption problem is more severe in Argentina where it has permeated all aspects of democratic governance and become an prevalent characteristic of the Argentine presidency.

Civilian Control Of The Military

Both Chile and Argentina have reformed their military to be subject to civilian control. Chile was able to change the 1980 constitution enacted under Pinochet that had created authoritarian enclaves that “gave the armed forces high levels of autonomy and allowed them to intervene in the political process by appointing senators.”¹⁵⁵ The constitutional reforms that were enacted under the presidency of Ricardo Lagos by granting increased governmental authority over the military. The 2005 reforms gave the president the power to remove commanders in chiefs of the armed forces and relegated

¹⁵³ Patricio Silva. “A Poor but Honest Country: Corruption and Probity in Chile.” *Journal of Developing Societies* 32.2 (2016): 198

¹⁵⁴ *Ibid.*, 201

¹⁵⁵ Claudio Fuentes. “Shifting the Status Quo: Constitutional Reforms in Chile.” *Latin American Politics and Society* 57.1 (2015): 99

the National Security Council to purely an advisory board.¹⁵⁶ While in Argentina, reforms made under former President Nestor Kirchner, upon his ascendance to office, force the Argentine armed forces to adopt a role outside of the political sphere, and removed the majority of senior military officers from office.

President Kirchner issued an executive decree that expedited the implementation of the 1988 National Defense Law.¹⁵⁷ The national defense legislation institutionalized and cemented civilian control over the core functions of the military including defense spending and acquisitions. Additionally, the executive decree “reconfirmed the restriction of the military’s mission to external defense against state actors.”¹⁵⁸ The Chilean government also undertook this task and gave all powers over criminal activity to the Chilean police forces. Kirchner’s implementation of the national defense law “marked not only confirmation of a civilian-led defense policy making process, but one that transcends political orientation of governments.”¹⁵⁹

Chile’s 2005 constitutional reforms allowed it to experience gradual progress in building a democratically oriented armed forces after Pinochet’s fall from power. The Chilean armed forces are an exceptional case because they “went back to the barracks after the dictatorship and have not addressed criminal matters at all.”¹⁶⁰ The military in both Argentina and Chile are only allowed to participate in internal security during a

¹⁵⁶ Leticia M. Ruiz Rodriguez. “Chile: A Model Case?” *The Quality of Democracy in Latin America*. Ed. Daniel H. Levine and Jose E. Molina. Boulder, Colo: Lynne Rienner Pub, 2011. 55

¹⁵⁷ David Pion-Berlin. “Defense Organization and Civil-Military Relations in Latin America.” *Armed Forces & Society* 35.3 (2008): 567-8

¹⁵⁸ Ibid

¹⁵⁹ Kristina Mani. “The Argentine Military in Democracy: Moving Beyond Issues of Civilian Control to a Citizen Soldier Paradigm.” 2015. 13

¹⁶⁰ Carlos Solar. “Governance of Defense and Policymaking in Chile.” *Latin American Policy* 6.2 (2015): 213

crisis that has been previously mandated.¹⁶¹ However, scholars are worried about the increasing intervention of the military in matters of drug-related violence. In 2011, Operation North Shield was enacted and the military forces were asked to help illegal trafficking, but some scholars see “making the military a participant in counter-drug trafficking missions” as a “slippery slope into internal security work that is normally not mandated under national legislation.”¹⁶²

Additionally, the revival of human rights agendas in both countries has allowed for increased subordination of the armed forces to civilian institutions. In 2003, in Argentina, Kirchner repealed the Full Stop and Due Obedience laws of the 1980s, which allowed for officers during the military dictatorship who previously had immunity, to stand trial from their crimes.¹⁶³ Chile has also continued its attempts to hold members of the Pinochet dictatorship accountable for their crimes. The sentencing of Pedro Espinoza and Rafael Gonzalez, two Pinochet-era intelligence officers shows Chile is committed to holding human rights violators accountable.¹⁶⁴ Additionally, both militaries have accepted their role in aiding in natural disasters and playing a civil defense role and contributing to international organizations.¹⁶⁵ In Argentina, the recent trial and conviction of high-ranking military officials and elimination of human rights prevention laws are new signs of civilian control within the country.¹⁶⁶ Lastly, reformation of Argentina’s Code of Military (CJM) removed the tradition that the military was separate and privileged from society.

¹⁶¹ Ibid

¹⁶² Kristina Mani. “The Argentine Military in Democracy: Moving Beyond Issues of Civilian Control to a Citizen Soldier Paradigm.” 2015. 17

¹⁶³ Ibid., 12

¹⁶⁴ Pascale Bonnefoy, Pascale. “2 Sentenced in Murders in Chile Coup.” *The New York Times* 28 Jan. 2015.

¹⁶⁵ “Chile: A Force for Good, Now.” *The Economist* 25 Sept. 2008

¹⁶⁶ Jose E. Molina and Daniel H. Levine. “The Quality of Democracy: Strengths and Weaknesses in Latin America.” *The Quality of Democracy in Latin America*. Boulder: Lynne Rienner Publishers, 2011. 248-49

However, both countries still face potential issues of growing military autonomy. In Chile, the 1976 Copper Reserve Law, which states that “10 percent of the revenue obtained from the sales by the state-owned copper company must be divided into equal parts and allocated to the three branches,”¹⁶⁷ remains in effect. The law continues to increase the autonomy of the military because the funds received from the legislation can be used for expenditures that do not need to be disclosed to the public. In both Chile and Argentina, there is a significant lack of awareness of military issues combined with deference to military leaders, who are now acting as de-facto heads of civilian intuitions.¹⁶⁸ Additionally, policymakers seem incapable of agreeing on a process of how to deal with national defense and security risks.

Former President Sebastián Piñera created a policy program to address security concerns in a more human rights oriented fashion, but it was blocked and tabled.¹⁶⁹ This allows for the defense ministry to be circumvented by military officers in favor of unauthorized liaisons. However, President Bachelet in 2010 attempted to reform the defense ministry and created a joint chief of staff to continue the armed forces reorganization process to place it under further civilian control. Kirchner completed a similar task in 2003 when he removed all joint chiefs of staff from the armed forces because they had been in power since 1999.¹⁷⁰ Argentina faces problems with civilian military control because of civilian leaders’ lack of knowledge and frequent turnover.¹⁷¹

¹⁶⁷ Leticia M. Ruiz Rodriguez. “Chile: A Model Case?” *The Quality of Democracy in Latin America*. Ed. Daniel H. Levine and Jose E. Molina. Boulder, Colo: Lynne Rienner Pub, 2011. 55

¹⁶⁸ Carlos Solar. “Governance of Defense and Policymaking in Chile.” *Latin American Policy* 6.2 (2015): 212

¹⁶⁹ *Ibid.*, 207

¹⁷⁰ Richard Thomas Hay. “Marginalization, Accommodation, and Abridgment: New Patterns of Civil-Military Relations in the Southern Cone and Brazil.” Doctoral Thesis. Northwestern University, 2014. 172

¹⁷¹ Thomas C. Bruneau and Richard B. Goetze Jr. “Civilian-Military Relations in Latin America.” *Military Review* 86.5 (2006): 17

Overall, civil military relations are pretty remarkable in both Chile and Argentina, but they face some serious challenges moving forward, and require a more concentrated effort on behalf of civilian military leaders to exert better control over their institutions.

Conclusion

While both Argentina and Chile face problems with the rule of law, especially in matters pertaining to institutional integrity and citizen security, Argentina has more systematic corruption, drug violence, and trafficking issues. On this dimension, Chile is ranked higher in democratic quality. Chile's ranks exceptionally for the rule of law, while Argentina ranks proficiently. Argentina needs to reform its police and security forces, and find a solution to its increasingly violent drug problem. Many of its issues with drug cartels and gangs stems from increasing inequality and poverty, which provide fertile ground for cartels and gangs. Chile does face serious corruption issues, especially in the Bachelet family, which have increasingly damaged the reputation of the political elite in the eyes of its citizenry, and contributed to declining vertical accountability. Both Chile and Argentina perform well in civilian control of the armed forces. But Chile needs to reform the ancient copper legislation and provide educational reform for civilian leaders of the military institutions to allow for better policymaking and control. Argentina also faces the issue of apathetic civilian leaders deferring to military leaders to run military institutions, and needs to figure out a way to eliminate the high levels of rotation in civil military positions.

Chapter 6: The Emergence of Hyper-Presidencies? Inter-Institutional Accountability in Chile & Argentina

In this chapter, I give a comprehensive evaluation of inter-institutional accountability in Chile and Argentina, and discuss the emergence of a new type of executive-dominated system, hyper-presidentialism. This presidency-focused style of government has taken hold in Argentina beginning in Carlos Menem's presidential term, and fully manifesting during both Nestor's and Cristina Kirchner's term. A key question will be whether newly elected president, Mauricio Macri can reform the historically weak Argentine institutions and establish a more fair system of checks and balances within the Argentine government. Chile has been the "golden child" example for inter-institutional accountability with a strong legislature and judiciary, along with the presence of informal institutions that prevent the executive from subverting the power of the other two institutions. Inter-institutional accountability will be evaluated based on three factors: executive-legislative relations, judicial independence, and independence of the media. Chile outperforms Argentina in every category, and boasts strong scores across the board.

Introduction/ General Overview

Inter-institutional accountability (also known as horizontal accountability) is an integral feature of democratic quality because it influences rule of law and helps determine transparency and fairness in government. Horizontal accountability is defined as "the existence of state agencies that are legally enabled and empowered and factually willing and able to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful."¹⁷² Governments with strong inter-institutional accountability are those that possess a strong balance of power between the three branches of government: executive, legislative, and judicial, and demonstrate explicit checks and balances. Checks and balances are the powers that each branch holds over the others to ensure equal levels of power, and one branch does not overtake the other two.

¹⁷² Guillermo O'Donnell. "Horizontal Accountability: The Legal Institutionalization of Mistrust." *Democratic Accountability in Latin America*. Ed. Scott Mainwaring and Christopher Welna. 1 edition. Oxford ; New York: Oxford University Press, 2003. 34

The executive enforces the laws, the legislature enacts the laws, and the judiciary determines the constitutionality of these laws.

However, the continuance of populism and the emergence of strong authoritarian figures in the executive in countries such as Ecuador, Bolivia, and Venezuela, have created systems of hyper-presidentialism and delegative democracies. Hyper-presidentialism is a form of government in which the executive dominates the political sphere and holds significant powers over the other two branches. Normally, in a representative democracy, “the judiciary not only decides private law disputes and interprets vague statutory and constitutional terms; it also polices the outer limits of executive and legislative power vis-à-vis society and other branches.”¹⁷³ However, in a hyper-presidentialist system or a delegative democracy, the judiciary is often weak, subject to the will of the president.

According to Juan Linz, the argument is a problem of dual legitimacy as both legislators and the president have claims to law making powers.¹⁷⁴ However, strong executives are often able to circumvent and minimize legislators’ power through informal institutions such as executive decrees and “extra-parliamentary social actors to buttress executive power, authority, and influence in the legislative process.”¹⁷⁵ Additionally, presidents utilize populism as a legitimizing force to consolidate and maintain power.¹⁷⁶

¹⁷³ Susan Rose-Ackerman, Diane A Desierto, and Natalia Volosin. “Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines.” *Berkeley Journal of International Law* 29.1 (2011): 248

¹⁷⁴ Peter M. Siavelis. “Executive- Legislative Relations and Democracy in Latin America.” *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 95

¹⁷⁵ *Ibid.*, 103

¹⁷⁶ Patricio Navia and Ignacio Walker. “Political Institutions, Populism, and Democracy in Latin America.” *Democratic Governance in Latin America*. Ed. Scott Mainwaring, Timothy Scully, and Jorge Vargas Cullell. Stanford University Press, 2009. 247

Argentine presidents over the last fifteen years have consistently violated the separation of powers and checks and balances of Argentine democracy to consolidate power within the office of the executive.¹⁷⁷ Meanwhile in Chile, a strong legislature and independent judiciary have held presidents in check, so that even though they have a strong presidentialist system, the president is unable to obtain powers outside of his/her constitutional boundaries that infringe on the checks and balances of Chilean democracy. Therefore, Chile outperforms Argentina in inter-institutional accountability because of the ability of the Chilean legislative and judicial branches to check the power of the executive, and act independent of the president's political desires, and the presence of more free sources of information compared to the media manipulation occurring in Argentina.

Legislative-Executive Relations

In Chile and Argentina, and across Latin America, governments have strong presidentialist systems. While Chile has been able to maintain a strong president, Argentina's executive has often circumvented constitutional constraints to consolidate increasing powers within its office while weakening its legislature. Chile performs significantly better in executive-legislative relations than Argentina due to the presence of informal institutions that guarantee a system of checks and balances, an independent judiciary, and a strong congress. Since the transition to democracy in Argentina in the late 20th century, the balance of power has been continually shifting "in favor of the executive, resulting in a 'presidential hegemony' continuing until the presidency of

¹⁷⁷ Luigi Manzetti. "Accountability and Corruption in Argentina During the Kirchners' Era." *Latin American Studies Association* 49.2 (2014): 174

Cristina Fernández.¹⁷⁸ Meanwhile in Chile, Michelle Bachelet is able to act as a co-legislator with the legislative branch rather than working against them. Chile's National Congress, unlike others in Latin America has "stood out historically as a body with significant powers and influence."¹⁷⁹

Political culture partially accounts for the difference in executive-legislative relations between Chile and Argentina. Chile's constitutional culture helped pave the way to constitutional reforms in both the late 20th century, and especially the reforms of 2005, and which have fomented in turn a culture of political arrangements, a "democracia de los acuerdos."¹⁸⁰ The Bachelet government has worked through informal institutions and channels with the actors in the legislative branch even when they have the majority in both legislatures, most recently to push through her educational reform in 2016.¹⁸¹ Additionally, the coalitional nature of Chilean democracy has helped foster positive relations between Bachelet and Congress as Bachelet often has to make deals with the members of her coalition, the opposing party, and the other branches of government because, if Bachelet attempted to dominate the legislative process, her government "would be accused of not respecting coalition agreements," violating the foundations of Chilean democracy.¹⁸²

Meanwhile in Argentina, "the structural problems of divided government are exacerbated by a winner take-all political culture among the parties and the fact that

¹⁷⁸ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 9

¹⁷⁹ Peter M. Siavelis. "Executive- Legislative Relations and Democracy in Latin America." *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 83

¹⁸⁰ Bertelsmann Stiftung, BTI 2016 — Chile Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 10

¹⁸¹ "Chile's Bachelet Enacts New Education Law." *Buenos Aires Herald* 30 May 2015

¹⁸² Peter M. Siavelis. "Executive- Legislative Relations and Democracy in Latin America." *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 107

political obstructionism rather than cooperation pays dividends.”¹⁸³ This allowed Néstor and Cristina Kirchner to deliberately concentrate authority in the presidential office, “resulting in greater opportunities for government officials to engage in corrupt activities,”¹⁸⁴ while undercutting inter-institutional checks and balances. The irony behind the actions of Nestor Kirchner is that during his 2003 campaign he “had promised to strengthen government institutions and root out the corruption that had escalated under Menem,”¹⁸⁵ but once economic recovery was under way nothing changed. Outside of differences in economic policy, the Menem and two Kirchner administrations had very similar styles both focusing on “a deliberate effort to act unilaterally by emasculating the institutions of horizontal accountability.”¹⁸⁶

While the Argentine executive has been accumulating power, the Argentine Congress’ legislative capacity has consistently weakened and becoming increasingly ineffectual in checking the executive branch.¹⁸⁷ A large part of the problem is due to the presence of provincial governors and party bosses. The provincial governors and party bosses are able to select legislators for vacancies in the legislative branch, so legislators often submit to the demands of the party bosses, who are in turn controlled by the executive. The president is able to exert considerable authority vis-à-vis the provinces due to control over the budgetary process and allocation of funds across the country.¹⁸⁸

¹⁸³ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 9

¹⁸⁴ Luigi Manzetti. “Accountability and Corruption in Argentina During the Kirchners’ Era.” *Latin American Studies Association* 49.2 (2014): 174

¹⁸⁵ *Ibid.*, 176

¹⁸⁶ *Ibid.*, 192-193

¹⁸⁷ *Ibid.*, 178

¹⁸⁸ Susan Rose-Ackerman, Diane A Desierto, and Natalia Volosin. “Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines.” *Berkeley Journal of International Law* 29.1 (2011): 251

Another stark difference between Chilean and Argentine legislative-executive relations is the abuse of executive decrees by Argentine executives to circumvent constitutional methods of lawmaking, and the presence in Chile of strong political institutions to counteract growing executive power. The Chilean government has promoted horizontal accountability through the Division of Political-Institutional Relations and the Judicial Legislative Division, which have helped maintain executive-legislative relations, and act as effective checks against the president. The Division of Political-Institutional Relations coordinates actions and policies between the executive and social organizations, while the Judicial Legislative Division researches and “elaborates presidential bills and maintains contact and exchange between branches of government.”¹⁸⁹ Both of these institutions, unlike those in Argentina, “have served as crucial formal interlocutors in interbranch relations.”¹⁹⁰

The Divisions and the willingness of Chilean president’s to work with Congress have fostered positive legislative-executive relations and presidential support within the legislature. It has also “provided incentives for presidents to avoid resorting to the use of extreme presidential power.”¹⁹¹ Additionally, Chilean Congress’ use of protocols, “written agreements signed between the most senior members of the executive and legislative branches that participate in the budgetary negotiations,”¹⁹² act as a way for the Congress to check the power of the president.

¹⁸⁹ Peter M. Siavelis. “Executive- Legislative Relations and Democracy in Latin America.” *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 103

¹⁹⁰ *Ibid.*, 106

¹⁹¹ *Ibid.*, 81

¹⁹² Ignacio Arana Araya. “Informal Institutions and Horizontal Accountability: Protocols in the Chilean Budgetary Process.” *Latin American Politics & Society* 55.4. 75

Additionally, protocols aid the Chilean Congress in monitoring and overseeing the budgetary process, “forcing the executive to act with more transparency and to concede legislative requirements.”¹⁹³ In Argentina, Congress does not have strong institutional checks against the executive and are frequently undermined by the use of executive decree powers, which “has marginalized the role of Congress in formulating, scrutinizing and passing legislation, while undermining trust between the executive and the legislature.”¹⁹⁴ The Chief of Cabinet is supposed to execute the budget and serve as a legislative check on the Argentine president, but the Chief of Cabinet is appointed by the president and suffers from design deficiencies. The position “illustrates the folly of expecting a person unilaterally appointed by the President to act as a check on (his)/ her power.”¹⁹⁵ Moreover, the marginalization of the Congress has emphasized its key weaknesses such as its nonprofessional staff, lack of technical expertise, and lack of real control over the budgetary process.¹⁹⁶

Néstor Kirchner during his presidency utilized more executive decrees (249) than legislative bills (176) to pursue his ambitious policy agenda.¹⁹⁷ It demonstrates that Congress had delegated to the executive “the power to act on a wide range of economic and social policies with very little oversight or none at all.”¹⁹⁸ This established an unequal relationship between the executive and legislative branch with Congress granting increasing powers to the executive with no real method to reacquire these powers if the

¹⁹³ Ibid., 89

¹⁹⁴ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 9

¹⁹⁵ Susan Rose-Ackerman, Diane A Desierto, and Natalia Volosin. “Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines.” *Berkeley Journal of International Law* 29.1 (2011): 253

¹⁹⁶ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 9

¹⁹⁷ Luigi Manzetti. “Accountability and Corruption in Argentina During the Kirchners’ Era.” *Latin American Studies Association* 49.2 (2014): 180

¹⁹⁸ Ibid

executive oversteps boundaries. One example of this is the 2006 Financial Administration Law (Superpowers) law that granted free discretion and power to the executive to reallocate budget items.¹⁹⁹ However, the Argentine Senate was actually able to reform this law to limit the discretionary powers in December 2016 against the wishes of President Macri.

In Argentina, executive decrees are supposed to only be utilized by the president in times of emergency and crisis. Article 76 of the Argentine Constitution explicitly states, “legislative powers shall not be delegated to the Executive Power except for issues concerning administration and public emergency.”²⁰⁰ However, Néstor and subsequent presidents that have followed have exploited the economic crisis of the early 2000s to perpetuate a continued sense of economic crisis to legally use executive decrees. This manipulation of the legal code in Argentina has led core legislative functions to be repeatedly taken away via these emergency laws.²⁰¹ Meanwhile in post-authoritarian Chile, while Bachelet and presidents before her have had broad powers in the legislative process, decree authority has been limited.²⁰² Chilean executives have not had a situation that would require legislative decrees. That can be attributed to the fact that Chile has not recently had a serious economic or political crisis since the democratic transition. To the contrast, the economy has been one of the best performing in Latin America.

¹⁹⁹ “Argentine Senate Passes 2017 Budget, Caps Executive’s ‘super Powers’ to Reallocate Funds at Will.” *Merco Press* 1 Dec. 2016

²⁰⁰ Constitución Argentina [Constitution] art. 76 (Arg.)

²⁰¹ Steven Levitsky and Maria Victoria Murillo. “Argentina: From Kirchner to Kirchner.” *Journal of Democracy* 19.2 (2008): 26

²⁰² Peter M. Siavelis. “Executive- Legislative Relations and Democracy in Latin America.” *Latin American Democracy: Emerging Reality or Endangered Species?*. New York: Routledge, 2015. 101

Judicial Independence

Judicial independence is a key aspect of inter-institutional accountability because the judiciary is supposed to be independent of other branches and act as a check on the executive, like in Chile. Chile's judiciary is used as an example for Latin America because it "is independent and performs its oversight functions appropriately"²⁰³ Chile can attribute its judicial autonomy to the 2005 constitutional reforms that enhanced the Constitutional Tribunal's power concerning the constitutionality of laws and administrative acts.²⁰⁴ However, in Argentina, the judiciary "remains subject to strong influence from political authorities and plagued by corruption as well as insufficient functional capacity and efficiency."²⁰⁵ Chile outperforms Argentina in judicial independence because in Argentina, the courts are easily manipulated by the executive and the Peronista party. The problems inherent in Argentina are most severe at the provincial level where governors and party bosses like to pack their courts, so there is less political opposition during their administration. According to the 2014-2015 Global Competitiveness Report, Chile outperforms Argentina significantly in judicial independence, ranking 27 out of 144 possible countries²⁰⁶, while Argentina ranks 127 out of 144.²⁰⁷

Argentina and its hyper-presidentialist system have limited the power of the judiciary and subverted it to the whims of the office of the executive. It began in the early 2000s under the Presidency of Carlos Menem who packed the Supreme Court,

²⁰³ Bertelsmann Stiftung, BTI 2016 — Chile Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 11

²⁰⁴ Ibid

²⁰⁵ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 9

²⁰⁶ Klaus Schwab. *The Global Competitiveness Report: 2014-2015*. Geneva: World Economic Forum, 2014. 153

²⁰⁷ Ibid., 111

which allowed him to thwart all challenges from the legislative branch, lower courts, and civil society.²⁰⁸ The Supreme Court was unwilling during the presidencies of Menem and the two Kirchners to address the presidents' abuse of executive power, which hurt legislative oversight. In fact, the judiciary has "consistently supported executive dominance in Argentina."²⁰⁹

Therefore, by weakening judicial independence, it further inhibits legislative-executive equal relations and contributes to the formation of an executive hegemonic system. However, progress in judicial independence reform has been made during the Kirchner era the Supreme Court has improved in institutional stability and political independence.²¹⁰ However, the judicial branch is still increasingly politicized, with it being divided into two groups, *Justicia Legitima* (Legitimate Justice), which is loyal to the government, and the rest that call themselves independent. This has led to battles in the judicial sphere as the Argentine executive continues to attempt to coopt judges and obtain loyalty.

While Chile has the Constitutional Tribunal within the judicial branch to act as a check in inter-institutional accountability, Argentina does not have an institution that exerts the same power. The Chilean Constitutional Tribunal "has become one of the most powerful such tribunals in the world, able to block governmental decrees and protect citizens' rights against powerful entities."²¹¹ It acts as a powerful independent

²⁰⁸ Scott Morgenstern et al. "Legislative Oversight: Interests and Institutions in the United States and Argentina." *Democratic Accountability in Latin America*. Oxford: Oxford University Press, 2003. 162

²⁰⁹ *Ibid.*, 152

²¹⁰ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 10

²¹¹ Bertelsmann Stiftung, BTI 2016 — Chile Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 11

check against the executive because it can prevent legislation formulated through legislative decree to be enacted if it violates the constitution.

Meanwhile, in Argentina, during Néstor's administration, he forced the resignation of six Supreme Court justices and exerted considerable authority over the Attorney General's Office so that throughout both Kirchner tenures, many government corruption denunciations were largely ignored.²¹² Furthermore, Argentina's Judicial Council is supposed to act as a judicial branch check on executive appointments for judicial vacancies, but it is effectively a rubber stamp that has had little effect on appointing judges.²¹³ During Cristina Fernández's administration, she replaced members of the intelligence service conducting an investigation of her involvement in the 1994 bombing of a Jewish center with people more loyal to her cause.²¹⁴ Also, in December 2015, President Macri attempted to appoint two new justices to the Supreme Court, "an action that was strongly criticized across the political spectrum for bypassing Argentina's Congress when it was in recess,"²¹⁵ but the action was defeated by the PJ party and members of Macri's own party.

Additionally, in April 2013, Cristina Kirchner passed legislation that effectively restricted the magistrates' ability to issue injunctions against government measures and allowed for the popular election of party-affiliated candidates.²¹⁶ By allowing for candidates that identify with certain parties, Fernández de Kirchner effectively eliminated

²¹² Luigi Manzetti. "Accountability and Corruption in Argentina During the Kirchners' Era." *Latin American Studies Association* 49.2 (2014): 182-184

²¹³ Susan Rose-Ackerman, Diane A. Desierto, and Natalia Volosin. "Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines." *Berkeley Journal of International Law* 29.1 (2011): 298

²¹⁴ "Justice In Argentina: The President and the Prosecutor." *The Economist* 22 Jan. 2015

²¹⁵ Mark P. Sullivan and Rebecca M. Nelson. *Argentina: Background and US Relations*. Congressional Research Service, 2016

²¹⁶ *Ibid.*, 183

the impartial, neutral, and independent character of the judicial branch. It also opens the channel to the executive taking further control of the appointment of judicial candidates. These laws could allow “an elected president to bring the judiciary under executive control”²¹⁷ further upsetting the checks and balances, and the separation of powers of the Argentine government. The legislation also makes the judicial branch increasingly more easily influenced by the executive. Also, the president has the ability to appoint judicial candidates, and has in the past used delay tactics to leave placements unfilled or to replace vacancies with temporary appointees who are malleable to political pressure.²¹⁸

Overall, Argentina suffers from a serious lack of inter-institutional accountability in its judiciary because of the inability of the judicial branch to be completely independent of the executive branch, and the continual attempts of the executive branch to control the judiciary through stalling judicial appointments and attempt to appoint partial judicial candidates to court vacancies. While improvements have been made at the highest level in the Supreme Court, efforts still need to be made at the provincial level to achieve the level of judicial independence of Chile.

Media Independence

The independence of the media is an important feature of inter-institutional accountability because in governments that lack institutional accountability, the executive often silences critical aspects of the media. The media often acts as a check against the power of the different branches of government, especially the executive, highlighting illegal and illiberal practices to society to mobilize the civil society. In observing Argentina and Chile, Chile outperforms Argentina in media independence and freedom of

²¹⁷ Ibid

²¹⁸ Ibid., 182

expression because the Argentine executive has frequently used his/her office to silence oppositional voices labeling critics as political opponents, utilized antiterrorism laws against reporters, and consolidated its media groups under the private ownership of a few groups. Freedom House in 2016 ranked Chile as Free for its media independence with a score of 29/100 (0= fully free, 100= not free), while Argentina was ranked Partly Free with a score of 50/100.²¹⁹ While Chile also has a lack of media diversity and questionable defamation laws, censorship is not as strong or noticeable as in Argentina.

Freedom of information and freedom of speech are constitutionally guaranteed in both countries, and are generally respected by both governments, but significant shortcomings exist in Argentina.²²⁰ The Chilean government has made significant progress in improving transparency and eliminating legal provisions that had previously obstructed coverage of certain issues through the constitutional amendments of 2005.²²¹ First, in 2008, Chile's Law on Transparency of Public Functions and Access to Information has been a useful tool for journalists to obtain information from public institutions.²²² In 2009, the Law on Access to Public Information was enacted, which "gave citizens extensive rights to information on state institutions."²²³

Furthermore, in January 2014, a Lobby Law was passed, which opened up increasing channels for media information, as all public authorities are required to report all private meetings.²²⁴ This has allowed the Chilean media to act increasingly independent of the will of the executive and other branches of government, checking the

²¹⁹ *Freedom of the Press 2016: Argentina*. Argentina: Freedom House, 2016

²²⁰ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 8

²²¹ Bertelsmann Stiftung, BTI 2016 — Chile Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 9

²²² *Freedom of the Press 2016: Chile*. Chile: Freedom House, 2016

²²³ Bertelsmann Stiftung, BTI 2016 — Chile Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 9

²²⁴ Ibid

respective branches power, and reporting misuses of power establishing a form of societal accountability. Additionally, it has placed the Chilean democracy under increased public scrutiny, preventing Meanwhile in Argentina, the independence of media coverage faces significant shortcomings as Argentine presidents consistently find themselves at odds with media members that hold opposing ideologies to the ruling party.

Additionally, many scholars and international organizations take issue with the “non-transparent practices of government advertising contracts,”²²⁵ which remains a problem at multiple levels of government. While the Chilean media also faces issues of monopolistic controls of the media with ninety percent of newspapers controlled by two privately held commercial groups, El Mercurio and Copesa, and fifty percent of the radio frequencies to be owned by the Prisa Group, Michelle Bachelet has not used her office to manipulate the flow of information. Argentine presidents utilize these government-advertising contracts to manipulate media outlets to produce favorable opinions, silence critics, and consolidate media production in the hands of a few loyal media organizations.

Until Cristina Fernández de Kirchner’s presidency, the media group, El Clarín had essentially been “a near-official organ of the government,”²²⁶ producing only favorable newspaper articles and reports about the Carlos Menem and Néstor Kirchner led governments. In 2009, the Law on Audiovisual Communications Services was enacted to break up monopolies and improve competition and service quality.²²⁷ However, “critics claim that the administration manipulated the implementation of the law to create a large group of friendly TV and radio stations to punish opposition groups

²²⁵ Bertelsmann Stiftung, BTI 2016 — Argentina Country Report. Gütersloh: Bertelsmann Stiftung, 2016. 8

²²⁶ Ibid

²²⁷ *Freedom in the World: Argentina*. Argentina: Freedom House, 2016

such as the Clarín group.”²²⁸ President Macri amended the law in December 2015. However, many fear that Macri’s decree will only reconsolidate media outlets in the hands of a few private investors.²²⁹

Also, the Argentine executive’s attempts to influence the media have only grown since the Menem presidency, as Cristina and Néstor have both characterized media outlets and journalists as political opponents while manipulating the allocation of advertisement funds to pro-Kirchner media outlets. Additionally, Cristina utilized cadenas (nationwide presidential addresses), to preempt programming on radio and television stations, and influence the flow of information. Legally, cadenas are only supposed to be utilized during times of crisis, but Cristina Fernández de Kirchner used these presidential addresses fifty times in 2015.²³⁰ Cristina also used her twitter account to critique and attack the legitimacy of critical news outlets and their reporting.²³¹ The continual manipulation of the media by Argentine executives inhibits freedom of expression and information in Argentina, and acts as a form of censorship upon media outlets that produce critical views of the presidencies.

The treatment of journalists in Argentina has been significantly worse than in Chile, which has forced many journalists in Argentina to undergo a process of self-censorship. Reporters Without Borders has consistently reported journalists being harassed by police and the courts. Meanwhile, in Chile, the levels of violence and harassment faced by journalists have decreased, leading to an improvement in media independence. Criminal defamation and desacato laws have sporadically been used to

²²⁸ Ibid

²²⁹ Mark P. Sullivan and Rebecca M. Nelson. *Argentina: Background and US Relations*. Congressional Research Service, 2016

²³⁰ *Freedom in the World: Argentina*. Argentina: Freedom House, 2016

²³¹ Ibid

silence journalists, such as in June 2015 when the Supreme Court upheld convictions of Bruno Sommer and Sebastián Larraín, directors of *El Ciudadano*, for publishing information perceived to be slanderous to a government official.²³² Additionally, the carabineros, the militarized Chilean police force has targeted photographers and reporters during protests and demonstrations, such as the arrest of Felipe Duran in September 2015, who was covering the Mapuche.²³³ He was incorrectly charged of illegal weapons possession, but later acquitted in 2016.

In Argentina, the government has utilized its antiterrorism law to penalize reporters and journalists that publish critical material. For example, Juan Pablo Suarez was charged with sedition for publishing video footage of protest of the police in Santiago del Estero.²³⁴ The anti-terrorism law in Argentina has helped limit independent journalism in Argentina, and forced some journalists to flee the country. Damián Pachter fled the country after publishing the story about the mystery of Alberto Nisman's death, which has been highly controversial, and speculations have linked it to a conspiracy that the Cristina Fernández administration eliminated Nisman before he was able to provide evidence to a congressional hearing of Fernández's obstruction of justice in the bombing of a Jewish center in 1994.²³⁵ Overall, Chile outperforms Argentina in media independence because Michelle Bachelet does not use her office to silence critics and oppositional voices in the media, has reformed the media laws, and improved treatment towards journalists.

²³² "Directors of 'The Citizen' Were Convicted of Serious Insults against Former Deputy." *El Pinguno* 18 Apr. 2015

²³³ "Chilean Photojournalist Acquitted on Weapons Charges." *The San Diego Tribune* 5 Aug. 2016. Web

²³⁴ *Freedom in the World: Argentina*. Argentina: Freedom House, 2016

²³⁵ "Justice In Argentina: The President and the Prosecutor." *The Economist* 22 Jan. 2015

Conclusion

In conclusion, Chile receives a rating of exceptional quality for inter-institutional accountability for its strong system of checks and balances along with an independent judiciary and mostly free media. Meanwhile, Argentina earns a poor quality ranking due to the continued influence of the executive on the judicial and legislative branches, the continuance of populism, and a lack of strong media independence. President Mauricio Macri has much to accomplish after ascending to the mantle of Argentine president in 2015. He has shown some signs of improvement by granting additional power to institutions, but has fallen into the traps of his predecessors in his attempts to continue to control the Supreme Court and the judicial branch.

Moreover, reforms need to be made to the Argentine budget process to give additional powers to the Argentine Congress, so that legislative-executive relations do not continue to heavily favor the president. An examination of the strength of executive-legislative relations in Chile and Argentina demonstrates that divided governments promote stronger inter-institutional accountability because they require opposing parties to work together. Additionally, if a Congress is of a different party than the executive, which happens frequently in Chile, the executive cannot control the congress as easily. Many of Argentina's problems have stemmed from the Peronista party consistently dominating politics.

Additionally, in both Chile and Argentina, the respective governments need to continue efforts to eliminate violence against journalists and reporters, and remove desataco and anti-terrorism laws that act as tools of censorship to be wielded by the government. Also, both Chile and Argentina should implement monopolistic controls on

media outlets to prevent the consolidation and manipulation of media outlets into large conglomerates that can be manipulated through politics. Executive decrees continue to be an issue in Argentina as presidents utilize these decrees to supplant traditional methods of creating legislation. Ultimately, while both countries have aspects of inter-institutional accountability that need to be improved, Argentina has significantly more to improve on, so that the separation of powers along with the checks and balances are legitimate and transparent.

Chapter 7: Economically Thriving and Increasingly Unequal

In this chapter, I explore the equality dimension which focuses on the distribution of resources, economic discrimination, and preservation of cultural rights present in Chile and Argentina. While both Chile and Argentina have enjoyed economic growth recently, both countries experience high levels of socio-economic inequality due in large part to the adoption of neoliberal economic models which, in Chile, has led to the privatization of many social welfare resources. Additionally, in both countries, women and indigenous populations face significant levels of discrimination in the labor market, in schools, and in general displays of racism. Discrimination has become systematic and systemic in both countries as key policymakers and even the president reinforce the discriminatory attitudes. Overall, both countries have much to improve in this dimension, but ultimately while Chile is more unequal, it has accomplished more in its attempts to reduce the gap than Argentina, and acknowledges the problems it currently faces with its indigenous population.

Introduction/ General Overview

In this project, equality is understood as an equitable distribution of resources across all members of a country's population, the elimination of discrimination along gender, cultural, racial, and ethnic lines, and government protection and preservation of cultural and indigenous rights. Latin American countries are facing significant threats to democratic quality from their inability to resolve socio-economic inequalities and human rights violations.²³⁶ Many of the current inequality problems faced by Chile and Argentina are a result of a neoliberal economic policy that advocated for a privatization of social welfare resources. During the Pinochet regime in the 1980s and early 1990s, as a part of his Chicago Boys experiment, the Chilean government privatized the education, healthcare, and pension system, which has resulted in a social welfare system that is stratified based on income and social standing. After Pinochet's removal from power, the leaders of the Concertación coalition maintained the free market ideology that was installed in the previous regime, even though this meant that the socioeconomic

²³⁶ Susan Stokes. "Democracy and the Limits of Popular Sovereignty in South America." *The Consolidation of Democracy in Latin America*. Ed. Joseph Tulchin and Bernice Romero. Boulder, Colorado: Lynne Rienner Publishers, Inc., 1995. 59

inequality and poverty that it produced would remain entrenched in Chilean society. Argentina, at the end of the 20th century, issued its own sets of neoliberal reforms that promoted inequality and poverty within the country..

A major reason for the continuance of long-lasting equality deterioration in Argentina has been the media's exploitation of growth statistics to manipulate public perception and make it appear that the new resources were distributed equitably. While free in the 1980s and 1990s, the Argentine press now is subject to frequent manipulation by former President Cristina Kirchner and to a lesser extent, current president Mauricio Macri to reduce critiques of the government especially in regards to economic growth and inequality.²³⁷ In reality, the resources are consolidated in the top five percent of the population and further exacerbating inequality within Argentina. Another reason for the present inequality level in Chile is because its policymakers have continually targeted symptoms of inequality such as poverty, corruption, and institutional inefficiency rather than the root causes such as the neoliberal model and continued gender and indigenous discrimination.²³⁸

This type of reactionary policymaking does not solve the systemic inequality practices, but rather allows them to continue as no real progress is made, and deters citizens from participating in the democracy. Both Chile and Argentina faces significant difficulties in guaranteeing indigenous rights, and eliminating the income inequality and gender wage gap. However, Argentina does perform better in guaranteeing education and other social welfare resources than Chile. Equality remains one of the most pressing issues for both Chile and Argentina, and while Chile is the more economically unequal

²³⁷ Steven Levitsky. *The Third Wave of Democratization in Latin America: Advances and Setbacks* 70

²³⁸ Colin M. Kennedy and Warwick E. Murray. "Growing Apart? The Persistence of Inequality in Chile, 1964-2010." *Urbani izziv* 23.2 (2012): 32

country, Argentina is the more politically and culturally unequal, so both countries are proficient democracies in their ability to guarantee socioeconomic, resource, gender, and ethnic equality.

Education

In Chile and Argentina, the emergence of a neoliberal economic model resulted in the privatization of social welfare benefits. When education was privatized in Chile, it was “equally split between excellent standards for the rich and very low standards for the poor.”²³⁹ In both countries, “the quality of primary and secondary education still depends on socioeconomic status,” as large quantities of resources are needed to pay the high tuition costs of elite private institutions. The three types of schools in Chile are municipal, fee-paying private, and subsidized private. The number of children attending municipal schools paid for by the Chilean state is declining while subsidized private enrollment is rising.

Chilean citizens have realized that the state does not possess the adequate funds to retrofit the schools with the necessary resources to provide an adequate education. However, Chileans without the financial means to afford the tuition costs are left with few education opportunities. Education is increasingly important in Chile because of its close link to wage inequality. University educated professionals are paid almost four times as much as secondary school graduates.²⁴⁰ Additionally, indigenous and migrant populations are often enrolled in the municipal school system through discriminatory practices.

²³⁹ Kirsten Sehnbruch and Peter M. Siavelis. “Political and Economic Life Under the Rainbow.” *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*. Ed. Kirsten Sehnbruch and Peter M. Siavelis. Boulder, Colorado: Lynne Rienner, 2014. 4

²⁴⁰ Osvaldo Larrañaga. *Inequality, Employment, and Migration*. OECD, 2009. Web. 23 Mar. 2017. OECD Social, Employment, and Migration Working Papers. 22

The problems for Chilean education begin at the primary and secondary school level. The Sistema de Medición de Calidad de la Educación (SIMCE), the evaluation system of the Ministry of Education in Chile, is published annually and consistently shows deep inequality in primary and secondary schools. The primary and secondary schools funded by the government through public funds has been outperformed by private schools in both teaching quality, and number of services and facilities offered to students. Without increased government funding, the Chilean municipal school system is doomed to mediocrity.²⁴¹ President Bachelet has attempted to improve the educational system that has been in place since the Pinochet regime, promising free education and an overhaul of the old system.²⁴² However, students do not believe this reform has done enough, with some of its measures still in Congress. The students have taken to the streets because Bachelet's claims of free education have not materialized, with student claims of only fourteen percent of tuition covered by the new educational reform.²⁴³

Many of the problems currently faced in the Chilean educational system are also equality issues in the Argentine educational system. The educational system in Argentina also underwent a period of decentralization and increases in private school enrollment. As in Chile, this deregulated private educational sector allows for the growth of inequality in educational opportunities, as only Argentinians with financial means are able to receive a decent education. The Argentine educational system is federally organized, but it started to become decentralized and provincialized in the 1960s and was

²⁴¹ Rodolfo Diaz. "Growing Apart: Chile's Socioeconomic Divide." *Harvard International Review* 32.3 (2010): 8

²⁴² "Students in Chile Protest New Education Reform." *Telesur* 5 July 2016

²⁴³ Ibid

reaffirmed with the National Education Law in 2006.²⁴⁴ However, the National Education Law often promoted pro-business and market rhetoric within the education system, thus breeding inequality. The provincialization of the educational system in Argentina meant that each of the 23 provinces and the city of Buenos Aires are responsible for, monitor, and finance their own educational systems.²⁴⁵

The socioeconomic and demographic differences among provinces have exacerbated inequalities and coverage gaps within their respective educational systems.²⁴⁶ Within the education system, middle and upper class Argentine and Chilean families look to separate themselves from the poorer and more vulnerable population through a series of informal and formal measures. These measures can take the shape of making certain public schools centers of wealth to exclude poorer families, not providing free meals, and charging high fees for the parents' association (*cooperativas*), among other discretionary measures.²⁴⁷ In Chile and Argentina, both governments subsidize over half of the private school institutions, which continue the perpetuation of the unfair and unequal educational system, as many of those funds could be diverted to make the distribution of public and private resources more equitable.²⁴⁸

Subsidized private school education promotes a system of educational inequality as parents are able to send their children to any private school regardless of where they live. However, "this freedom is conditioned by each family's capacity to afford school fees, which can vary significantly from low fee to elite private schools, totally or partially

²⁴⁴ Verónica Gottau and Mauro Carlos Moschetti. "Between Open and Internal Privatization: The Argentine Educational System from 1940 through 2010." *Social and Education History* 5.2 (2016): 119

²⁴⁵ Ibid

²⁴⁶ Ibid

²⁴⁷ Ibid., 123-4

²⁴⁸ 125

subsidized or non subsidized at all.”²⁴⁹ Money and the equitable distribution of resources are important in the equality present in both the Argentine and Chilean educational system. In Argentina, the deregulation of the private sector “has advantaged private schools to develop greater capacity, flexibility and room for innovation in terms of curricular design, teacher training, team-building and collaboration networks”²⁵⁰

The relegation of public primary and secondary education to the second best option has created increasing educational inequalities for those unable to afford the fees for private school entry. The lack of equity in both the Chilean and Argentine education systems has demonstrated the decreasing quality of democracy as many citizens in both countries see the educational system as an arm of the labor market. They believe that discriminatory private practices are utilized to maintain a stratification of society, and keep the poor in poverty. In order to achieve equality, there needs to be structural reform within both the Chilean and Argentine democratic institutions and stricter regulation of the private educational sector. The Chileans and Argentines view the equality and fairness of the system as a reflection of the quality of democracy, and currently both countries have suffered serious setbacks in this dimension.

Indigenous/ Cultural Rights

One of the most glaring problems of Chilean democracy is its inability to protect the indigenous and cultural rights of its population. This problem results from the entrenched racism and discrimination that permeates all aspects of Chilean society, the continued characterization of Mapuche protestors as terrorists and violation of human rights, and economic discrimination that allows for the continued subjugation of the

²⁴⁹ Ibid

²⁵⁰ Ibid., 128

indigenous peoples' in poverty. Neoliberal reforms ensured that racial bias and discriminatory practices remained engrained in Chilean and Argentine society.

Both countries indigenous populations suffer from years of racially and culturally motivated racism and violence. Chile's problems have centered on the largest minority population within its country, the Mapuche people, and the Chilean government's continual encroachment and confiscation of ancestral Mapuche lands. In Argentina, examples of discrimination and racism directed at the indigenous population focuses on the members of the Gran Chaco region, and the Argentine people's inability to admit there is a racial problem that exists within its borders. Within both countries, the racism and discrimination that indigenous citizens face is entrenched within the democratic institutions and leaders in both countries that are supposed to be promoting equality. While both countries have attempted to address these issues in the public sphere, they have only been ploys to alleviate pressure on political leaders instead of addressing the systematic and societal discriminatory and racist problems.

The beginning of racist attitudes towards the indigenous Mapuche in Chile began with the conquest of the Araucanía, the region with the most highly concentrated population of indigenous Mapuche, which established a two-tier rural economy that highlighted cultural and racial differences of the indigenous population.²⁵¹ The establishment of a segmented society created a transnational racist attitude towards the Mapuche. Today, the racist attitudes towards the indigenous population have continued, especially among local governments when faced with new demands by the Mapuche to regain ancestral lands that were forcibly taken by the Chilean government and private

²⁵¹ Patricia Richards. *Race and the Chilean Miracle: Neoliberalism, Democracy, and Indigenous Rights*. 1 edition. Pittsburgh, Pa: University of Pittsburgh Press, 2013. 2

investors, and achieve a fair and equitable redistribution of resources. An example of these discriminatory state policies is that indigenous rights are only being granted, “only insofar as they do not threaten state goals in the global economy.”²⁵² And if these rights are promoted, they are often not accompanied by the equitable distribution of socioeconomic resources that give the indigenous rights strength.²⁵³ State policy is a means through which structural racism can be perpetuated in Chile.

The Mapuchen people often face significant discrimination in the labor market and are prevented from accessing areas of the public sphere due to their race. Many local elites of European descent “resisted both Mapuchen demands and the governments palliatives resorting to racist discourses and practices that challenged the notion of a multicultural Chile.”²⁵⁴ States have attempted to promote multiculturalism,²⁵⁵ but this state driven ideology is often criticized for “recognizing diversity without addressing the power inequalities entailed by systematic racism and ethnocentrism”²⁵⁶ A significant portion of the Chilean population who are descended from Europeans believe that the discrimination experienced by the Mapuche is the result of the Mapuchen’s frequent use of vandalism and arson. This lawlessness prevents many Mapuche claims from being formally recognized and from allowing them to achieve distributive justice.

Under the current presidency of Michelle Bachelet, efforts have made to ease tensions with the Mapuche. However, but these efforts are overall insignificant because the Mapuche remain second-tier citizens and face constant unequal positions. For

²⁵² Ibid., 11

²⁵³ Ibid

²⁵⁴ Ibid., 2

²⁵⁵ Multiculturalism refers to “(t)he efforts of liberal democratic governments to accept and embrace... ethnic differences among their citizenry.” Nancy Grey Postero. *Now We Are Citizens: Indigenous Politics in Postmulticultural Bolivia*. Stanford: Stanford University Press, 2007. 13

²⁵⁶ Patricia Richards. *Race and the Chilean Miracle: Neoliberalism, Democracy, and Indigenous Rights*. 1 edition. Pittsburgh, Pa: University of Pittsburgh Press, 2013. 13

example, according to the Freedom House Report in 2014, while poverty levels of the indigenous group declined through government scholarships, land transfers, and social spending, the Mapuche's systematic dispossession in Chilean society is still used to benefit elite Chileans. Additionally, the Mapuche remain disproportionately poor compared to other segments of Chilean society and face more discrimination than any other ethnic, gender, or racial group in Chile.²⁵⁷ This fate can partially be attributed to the continued belief by European-descended Chileans' of their cultural and racial superiority over indigenous peoples. Unfortunately, a belief that state policies do not remedy and in some instances actually rely on them. Racialized inequality is at least indirectly an official problem.

President Bachelet attempted to ease tensions with the Mapuche community by appointing the first governor of Mapuchen descent, Francisco Huenchumulla to the governorship of the most highly populated Mapuchen region, Araucanía.²⁵⁸ However, Huenchumulla as he was removed from office after less than six months for attempting to create a dialogue with the Mapuche community and issuing an apology from the Chilean government for historic land seizures of their ancestral homeland. Additionally, while repatriation of ancestral land is occurring, the Bachelet-led government has been slow and has delayed the repatriation of the ancestral homelands of the Mapuche, which has only sparked more violent protests. Furthermore, her alliance with business interests, with the creation of hydroelectric dams and the expansion of the timber industry, have demonstrated the lack of government protection of cultural rights of a significant segment of the Chilean population.

²⁵⁷ Ibid., 10

²⁵⁸ *Freedom in the World: Chile*. Chile: Freedom House, 2014

Lastly, the Chilean government's recent use of the anti-terrorism law enacted under the Pinochet regime to prosecute Mapuchen protesters, is a further example of the exploitation of indigenous rights. The use of the anti-terrorism law against protestors whose goal is to regain the land that had been unfairly given to them demonstrates how the violation of human rights is only considered when defining abuses under the Pinochet military dictatorship.²⁵⁹ The anti-terrorism law allows for defendants, mostly Mapuchen protestors, to be convicted based on the testimony of anonymous witnesses.²⁶⁰ This false system of justice is reminiscent of autocratic persecutions and dominance as the Chilean government utilizes the anti-terrorism law as a method to silence an integral part of the population. Additionally, the Mapuche are often subjected to police brutality as Chilean security forces use brutal tactics such as fire hoses and batons to break up protests, and have even used lethal methods against indigenous protestors.

Indeed, in Chile, the use of military force to silence opposing opinions poses an example of the violation of indigenous citizens' human and cultural rights as the lack of equality is threatening citizen security. Chile suffers from serious setbacks in providing equal treatment and guaranteeing of rights towards its indigenous population, and must remedy racist and discriminatory societal attitudes to improve democratic quality and prevent the continued persecution of an important section of its population.

In Argentina, the indigenous population suffer a similar fate suffers from extreme poverty and illness as a result of government neglect. As with the Chilean Mapuche community, the majority of the Argentine indigenous population do not have land titles

²⁵⁹ Cath Collins, Kirsten Sehnbruch, and Peter Siavelis. "Human Rights Under the Concertación." *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*. Boulder: Lynne Rienner, 2014. 143

²⁶⁰ *Freedom in the World: Chile*. Chile: Freedom House, 2016

making it extremely easy for private business interests to seize the ancestral lands of the indigenous minorities.²⁶¹ Additionally, many indigenous citizens are forcibly evicted from their lands despite the practice being illegal for years, as citizens in the community circumvent Argentine legislation to assert their perceived racial and cultural dominance. Most importantly, the racialization of Argentina has been consistently supported by official discourse of the Argentine government.²⁶² This state sponsored discrimination creates a system engrained with racism and inequalities for indigenous peoples, which is similar to the treatment of the Mapuche in Chile.

In both countries, the population of European-descent exerts their dominance over the indigenous population, and in Argentina, the term, *los negros*, is used to describe all indigenous, mestizo (mixed background), and poor citizens of Argentina.²⁶³ When riots and protests occur, the first things to be eliminated are the rights of indigenous people as they are often blamed for the existing social problems. For example, when a man who was characterized as a member of *los negros* was murdered in Cordoba, members of the white population²⁶⁴ celebrated his death and called for mass genocidal killings of the poor, indigenous, and mestizo populations.²⁶⁵ Throughout most of Argentina's modern history, "indigenous people have been the most marginalized sectors of the population,"²⁶⁶ thus allowing for their exploitation by private business interests and the state. The indigenous peoples of Argentina have been seen as "foreign intrusions, or at

²⁶¹ *Freedom in the World: Chile*. Chile: Freedom House, 2016

²⁶² Gaston Gordillo. "The Savage outside of White Argentina." *Rethinking Race in Modern Argentina*. Ed. Paulina L. Alberto and Eduardo Elena. Cambridge: Cambridge University Press, 2016. 241

²⁶³ *Ibid*

²⁶⁴ The white population refers to Argentine citizens of European descent and those not classified as *los negros*.

²⁶⁵ *Ibid.*, 242

²⁶⁶ Guillermo Wilde, and Matthias vom Hau. "'We Have Always Lived Here': Indigenous Movements, Citizenship and Poverty in Argentina." *The Journal of Development Studies* 46.7 (2010): 1284

most, as quaint relics from a vanishing past.”²⁶⁷ The Argentine government keeps the indigenous population concentrated in rural areas, “territories proportionately affected by the overall socioeconomic decline during the last 30 years,”²⁶⁸ which has kept the indigenous peoples in continued destitution. The Diaguita people in the Tucumán region/ Andean valleys and the Mbya in Misiones region have shown that land commodification in the provinces perpetuate the “frontier of extraction”²⁶⁹ which maintains indigenous poverty and their second-tier status.

The racial and discriminatory problem is so pervasive in Argentina that it is also present in Argentine politics. Former President Carlos Menem was labeled a *morocho*, a “darkie,” for being from La Rioja, a mestizo province of Argentina. In another instance in 2013, three brothers were detained at the airport, which caused them to miss their flight, because airport officials believed that they looked too dark-skinned to be Argentine citizens and that they had forged their passports. These instances of racism and violence directed at the non-white segments of the population of Argentina demonstrate a significant portion of the whites who are angered that Argentina is not a white nation.²⁷⁰ These attitudes establish an unequal playing field for the indigenous and migrant populations that prevent them from attaining full rights and citizenship. Therefore, these populations have to protest and work actively in the political sphere to attempt to obtain their rights, which only exacerbates the violence and racist mentalities of the white, European descended part of the population. In December 2010, hundreds of

²⁶⁷ Gaston Gordillo. “The Savage outside of White Argentina.” *Rethinking Race in Modern Argentina*. Ed. Paulina L. Alberto and Eduardo Elena. Cambridge: Cambridge University Press, 2016. 245

²⁶⁸ Guillermo Wilde, and Matthias vom Hau. “‘We Have Always Lived Here’: Indigenous Movements, Citizenship and Poverty in Argentina.” *The Journal of Development Studies* 46.7 (2010): 1284

²⁶⁹ *Ibid.*, 1285

²⁷⁰ Gaston Gordillo. “The Savage outside of White Argentina.” *Rethinking Race in Modern Argentina*. Ed. Paulina L. Alberto and Eduardo Elena. Cambridge: Cambridge University Press, 2016. 242

poverty stricken families occupied El Parque Iberoamericano in Buenos Aires in an attempt to receive aid from the government and bring light to the destitution that indigenous populations lived in. As a result, many local whites began to call for the killing of “those negros de mierda”²⁷¹ [those fucking blacks].

Attempts to reconcile with the migrant and indigenous population, and preserve their rights were made under the administrations of Néstor and Cristina Kirchner. In 2003, under Néstor’s government, the Ley de Migraciones 25871 was approved, which was seen as a success for the protection of migrant rights, preventing the closure of Argentina’s border, and guaranteeing migrants education and social service rights.²⁷² However, as in Chile, economic interests are continuously promoted over indigenous rights. Because of, the current soy boom in the Argentine Gran Chaco, indigenous advances are being undone and the indigenous people are being forcibly and violently evicted from their lands.

Furthermore, in February 2013, even President Cristina Kirchner frequently demonstrated her pro-agribusiness policies and relegation of indigenous and migrant communities to second class citizens by promising to not remove trees in areas primarily populated by white members of society, but in the Argentine Chaco, cutting down thousands of trees for soybean fields without protest.²⁷³ While all these events occur, “Argentine political and cultural elites continued to insist that “[in Argentina,] we don’t have problems of racism.”²⁷⁴ The denial of the racist and discriminatory issues that

²⁷¹ Ibid., 257

²⁷² Tanja Bastia and Matthias vom Hau. “Migration, Race and Nationhood in Argentina.” *Journal of Ethnic and Migration Studies* 40.3 (2013): 486

²⁷³ Gaston Gordillo. “The Savage outside of White Argentina.” *Rethinking Race in Modern Argentina*. Ed. Paulina L. Alberto and Eduardo Elena. Cambridge: Cambridge University Press, 2016. 262

²⁷⁴ Ibid., 242

permeate all aspects of Argentine society, allows for its continuation unabated, and detracts from democratic quality. A country cannot claim to have improved its democratic quality if it continues to treat significant sections of the population unequally to their white counterparts. Argentina cannot attempt to advocate for equality within its borders if there is still an active promotion of a white identity that is considered superior to indigenous, mestizo, and poor populations. Overall, until Argentine political elite and members of its civil society realize that there is a problem of protecting its indigenous and migrant peoples and their rights, and that racism does exist in Argentine society, democratic quality cannot be improved and Argentina is worse in the protection of indigenous peoples' rights than Chile.

Gender Discrimination/ Wage Gap

According to inequality indexes such as the World Bank's GINI index, and other measures implemented by international organizations such as the Inter-American Development Bank (IDB) and the Organization for Economic Cooperation and Development (OECD) have demonstrated that gender discrimination and a wage gap still exist in Chile and Argentina similar to many other countries around the world. While women complete more years of schooling, they still are subjected to wage discrimination and receive significantly less income and job opportunities in the labor market. High levels of income inequality and the continued presence of gender inequality hamper efforts in both Chile and Argentina to improve their democratic quality in their respective governments.

While many people often cite Chile's and later Argentina's strong economic growth and poverty reduction since its adoption of a neoliberal economic model in the

late 20th century and overcoming the economic crisis of the early 2000, it does not translate to the status of equality within each country. However, despite its economic success, “Chile’s income inequality remains amongst the worst in the world, regardless of very rapid economic growth and progress in poverty reduction.”²⁷⁵ Moreover, this poverty reduction, while significant, is the direct result of the rise in economic productivity rather than the equitable redistribution of resources. According to a World Bank Group Opinion Survey in 2016, seventy-two percent of respondents viewed the gap between the rich and the poor as a very significant problem within their country that needed to be addressed. Amongst OECD members, Chile’s inequality levels consistently are some of the highest.²⁷⁶ Chile and Argentina has had periods of improvement in economic inequality along with poverty reduction, which Chilean policymakers often cite are the result of neoliberalism. However, these improvements in equality are often minor and short lasting, while declines have been more constant.²⁷⁷

The present efforts contribute to the low levels of conventional participation²⁷⁸ by the Chilean and Argentine citizenry in the political process, its increasing disenchantment with the Chilean and Argentine democracies and its institutions respectively, and a reduction in democratic quality.²⁷⁹ Chile’s and Argentina’s inability to create a system of control and ownership of the means of production for land and capital perpetuates an

²⁷⁵ Colin M. Kennedy and Warwick E Murray. “Growing Apart? The Persistence of Inequality in Chile, 1964-2010.” *Urbani izziv* 23.2 (2012): 33

²⁷⁶ OECD (2016), Education at a Glance 2016: OECD Indicators, OECD Publishing.
<http://dx.doi.org/10.187/eag-2016-en>

²⁷⁷ Mauricio M. Tejada. “Lifetime Inequality Measures for an Emerging Economy: The Case of Chile.” *Labour Economics* 42 (2016): 2

²⁷⁸ Juan C. Castillo et al. “Inequality, Distributive Justice and Political Participation: An Analysis of the Case of Chile.” *Bulletin of Latin American Research* 34.4 (2015): 487

²⁷⁹ “The Latinobarómetro Poll: When the Tide Goes out.” *The Economist* 26 Sept. 2015

unequal system and allows for poverty to affect sections of the population.²⁸⁰ This can best be seen in the fact that Chile “presents the second largest ratio between the income share of the top 20% and the income share of the bottom 20% of households.”²⁸¹ This household income inequality is a partial result of the unfair distribution of resources and wages.

According to the World Bank GINI index, which measures income inequality on a countrywide scale with zero percent indicating perfectly equal and one hundred percent indicating perfectly unequal, such numbers have decreased in both Chile and Argentina, with the more significant decrease in Argentina of almost eleven percent.²⁸² However, in both countries, inequality continues to be maintained at a level that threaten the democratic quality of both nations. Furthermore, according to the GINI index, Argentina has lower levels of income inequality than Chile, and is therefore better in resource distribution. Overall, the inability to effectively address the socioeconomic inequality in each country results in Chile and Argentina remaining two of the most unequal countries in Latin America and the world due to their inability to deal with inequality’s socioeconomic effects.

In both countries, women face significant amounts of economic discrimination resulting in the existence of a wage gap that was partially due to “the neoliberalism and social conservatism of the 1990s.”²⁸³ In Chile and Argentina, reproductive rights and abortion are strongly opposed based strongly on their Roman Catholic heritage. Former

²⁸⁰ Colin M. Kennedy and Warwick E Murray. “Growing Apart? The Persistence of Inequality in Chile, 1964-2010.” *Urbani izziv* 23.2 (2012): 33

²⁸¹ David E. Hojman “Poverty and Inequality in Chile: Are Democratic Politics and Neoliberal Economics Good for You.” *Journal of Inter-American Studies and World Affairs* 38.2 (1996): 74

²⁸² *World Bank Gini Index: Argentina*. Argentina: The World Bank, 2016

²⁸³ Debora Lopreite. “Gender Policies in Argentina after Neoliberalism: Opportunities and Obstacles for Women’s Rights.” *Latin American Perspectives* 42.1 (2015): 64

President Cristina Kirchner did not support abortions due to her Catholic faith. Additionally, two economic plans, Plan Jefas and Familias reinforced traditional motherly roles for women in Argentina and women's dependency on their male counterparts to provide for them.²⁸⁴ Furthermore, studies in both countries, show that women receive significantly more years of schooling than their male counterparts, a fact not reflected in the employment and pay structure. In Chile, female workers have on average one more year of schooling than male workers in both rural and urban areas. However, this additional education does not translate to economic benefits for women as they continue to receive less income and economic gains than men.²⁸⁵ Women in Argentina suffer the same fate with even more education. However, Argentine women average 2.3 more years of education than their male counterparts, but receive less job opportunities and wages than males.²⁸⁶

In 2009, the gender gap in Chile reached 30 percent perpetuating a glass ceiling effect where certain executive positions were held exclusively by males.²⁸⁷ This allowed certain sections of men to have no female counterparts in the Chilean labor market, and for the easy obtainment of managerial positions and earnings that are substantially higher than the national average.²⁸⁸ The United Nations Development Programme's Human Development reports show significant disparities in the participation of males and females in the Argentine labor force with almost thirty percent more men fifteen and

²⁸⁴ Ibid., 70

²⁸⁵ Hugo Nopo. *New Century, Old Disparities: Gender and Ethnic Earning Gaps in Latin American and The Caribbean*. New York: The Inter-American Development Bank & The World Bank, 2012. 118

²⁸⁶ Selim Jahan. *Human Development Report 2016: Human Development for Everyone*. New York: United Nations, 2016

²⁸⁷ Hugo Nopo. *New Century, Old Disparities: Gender and Ethnic Earning Gaps in Latin American and The Caribbean*. New York: The Inter-American Development Bank & The World Bank, 2012. 125

²⁸⁸ Ibid., 135

older participating in the workforce than their female counterparts.²⁸⁹ Chilean women face the same fate as their female companions in Argentina with almost a twenty-five percent higher participation of Chilean males in the labor force than females.²⁹⁰

According to 2011 reports, men in Chile and Argentina make almost two times as much as women on average for gross national income per capita.²⁹¹ In addition, unemployment rates are higher for women in both countries. In Argentina, there are 1.5 unemployed women for every one unemployed man, and in Chile there is 1.2 unemployed women for every one unemployed man.²⁹² However, Argentina does perform better than Chile in women participation in parliament with over two times as many women participating in Argentina than Chile.²⁹³

Overall, the continued existence of gender discrimination and a wage gap in both countries perpetuates inequality in both societies, and prevents continued growth in democratic quality. Policies need to be enacted in both countries to ensure a more level playing field in the labor market for both male and female actors. The continued unequal treatment of women, even though in many cases, they are more qualified than their male counterparts in both skills and education, detracts from democratic quality and hinders the democratic principle of equal representation and respect for rights.

Conclusion

Overall, both Chile and Argentine currently suffer from serious flaws in the dimension of equality. A privatized educational system has disadvantaged those who do

²⁸⁹ Selim Jahan. *Human Development Report 2016: Human Development for Everyone*. New York: United Nations, 2016

²⁹⁰ Ibid

²⁹¹ Ibid

²⁹² Ibid

²⁹³ Ibid

not have the resources to obtain these services. Additionally, the public options provided by each federal government are often second-rate and lack significant resources in comparison to the private educational and health care institutional options. Furthermore, these privatized educational and health care organizations often discriminate against the poor and indigenous populations, which frequently put them at a disadvantage in their respective democratic system. The presence of inequality in key areas of social welfare demonstrate that “social welfare benefits are underfunded and insufficient to constitute a basic foundation of a welfare society,”²⁹⁴ and the inability of these democratic regimes to guarantee equal social service to all segments of society.

Continued inadequate responses to the inequality problem in both countries will only deepen citizen distrust and resentment of the democratic governments. Also, Chile and Argentine need to discover methods to reconcile with their respective indigenous populations. Chile cannot continue to label the Mapuche as terrorists, and the Argentines need to finally admit there is a racist segment of Argentine society that revolves around the idea of being descended from Europe and being wealthy. The continual violation of cultural and indigenous rights in both Argentina and Chile lowers democratic quality, because Chile and Argentina continually violate these aspects presently by repressing protests and seizing land violently and illegally. Chile is more unequal in basic income and distribution of resources. Argentina is consistently worse in its protection of indigenous rights than Chile, and often resorts to violent and autocratic methods to repress indigenous political voice. Both countries are equally poor performing in their attempts to eliminate gender discrimination and violence along with the wage gap. Many

²⁹⁴ Silvia Borzutzky, Kirsten Sehnbruch, and Claudia Sanhueza Riveros. “Reducing Poverty: Real or Rhetorical Success?” *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*. Boulder: Lynne Rienner, 2014. 239

of the issues of equality in Chile and Argentina stem from the unequal nature of the neoliberal economic model, and the refusal by political and cultural elites to fix the system for fear of upsetting the high levels of economic growth. Therefore, I give both countries the ranking of proficient democracy within the dimension of equality.

Chapter 8: Future Prospects for Chile & Argentina

Throughout this project, I have evaluated the democratic quality in Latin America, and specifically in Chile and Argentina based on three dimensions: rule of law, horizontal accountability, and equality. An analysis of Chilean and Argentine democracies using these dimensions shows that Chile is the stronger democracy in rule of law and horizontal accountability, but on par with Argentina in equality. Chile is ranked as an exceptional democracy, while Argentina's democracy performs proficiently. My research demonstrated that while Chile is often thought of as the golden example of Latin American democratic quality, it faces significant problems along with Argentina that include citizen security, corruption, guarantee of indigenous rights, and income inequality. While Chile and Argentina are two of the most productive and fastest growing economies in Latin America, their economic growth has not translated into equal access to resources and discrimination against women and people of indigenous origin continues. Many of these inequality problems stem from unequal access to welfare resources, and the privatization of these resources.

The drug problem in Latin America is becoming increasingly worrisome as consumption and demand continue to grow, which has led to the expansion of the drug cartel operations in Argentina. Crime and violence have become increasingly problematic for countries throughout Latin America. Drugs are a key reason behind the rise in crime and violence, and drug use is related to the poverty that has become entrenched in the urban centers of throughout the region. An inter-regional effort needs to be made to address these issues and improve regional citizen security and civil order. While Chile has maintained high levels of horizontal accountability due to its

independent judiciary and robust legislature, Argentina has struggled because of the consolidation of excessive amounts of power in the office of the executive beginning with the Menem presidency and continuing until today.

The conclusions of this project were surprising because I initially believed Argentina to be more similar in democratic quality to Chile than the results showed. While Argentina was able to outperform Chile in the guarantee of equal education sub-dimension, Chile performed significantly better in the inter-institutional accountability and rule of law dimensions. Some of Argentina's current democratic quality problems could be attributed to the Peronista Party's dominance of politics for the last decade. However, President Macri gives scholars hope that a non-PJ president can finish a presidential term for the first time since 1928. It is too early to predict the outcome of the Macri presidency since he was only elected in 2015. Hopefully, Macri does not get entangled in the corruption scandals that plagued his predecessors, and he returns some of the personal power consolidated in the executive to the other branches of government. The Peronista dominated Congress will test Macri on whether he is able to initiate any substantial reform.

Meanwhile in Chile, the future is a little more uncertain with Bachelet's plummeting approval rating and the upcoming presidential election. According to the Chilean Constitution, Bachelet is unable to run for office in consecutive terms. Former president Sebastián Piñera has declared his candidacy for president alongside current senator of Magallanes, Carolina Goic, and the senator of Antofagasta, Alejandro Guillier. It will be interesting to observe whether citizen disillusionment with the political elite and

their reforms along with the scandal involving President Bachelet's son will push voters away from the Nueva Mayoría.

Ultimately, time will tell of what happens to both of these democracies. Currently, Chile continues to be a stronger democracy with its strong judiciary and congress, better management of citizen security, and more independent press, among other factors. Argentina still needs to admit it has a racist problem, and work to establish real checks and balances. However, both countries need to improve equality, as they remain two of the most unequal countries. While Chile and Argentina may still suffer from democratic deficiencies, they have come along way from their respective democratic transitions in the late 20th century, and can consider themselves legitimate representative democracies.

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