



## A Democracia Anti-democrática

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The recent electoral results in Peru provide us with a timely opportunity to reflect upon Latin America's undemocratic democracies. Widespread and credible accusations of electoral fraud perpetuated by president Fujimori, who 're-interpreted' the constitution in order to allow him to run for a third consecutive presidential term in power, are only the surface of a deeper illness affecting Peru's dubious democracy. But Peru is not the only country of the region to boast a new form of undemocratic democratic governance. If one counts the countries in the Southern Cone that suffer from a similar syndrome, one begins to wonder whether one should still be talking about a 'democratic continent'.

Only Argentina, Bolivia, Brazil and Uruguay stand the test -and a very low litmus test at that, if one considers lack of respect for human rights in the case of Bolivia and Brazil. Chile is a constitutionally limited democracy. This may be the most 'civilised' way to limit a democracy and certainly limitation by law does not bear comparison with the more arbitrary manipulations found in Peru, but it is limited nonetheless. Peru is a democradura, which differs from a dictablanda only in form. Ecuador's president elect, Jamil Mahuad was deposed by a military coup only recently, ironically not long after his government instituted the region's second National Human Rights Plan and built in human rights guarantees explicitly into the constitution. Venezuela is ruled by a former coup monger and populist caudillo, Hugo Chavez, who has shown less than complete respect for democracy and its institutions. Colombia has been in a state of undeclared war for



decades, the formal national political system is representative only in name and the state is fragmented and cannot govern the national territory, variously in the hands of narco-terrorists, paramilitaries and drug lords. Here, violent death is likely as common as dying peacefully of old age, and certainly less common if one happens to be a judge or a human rights campaigner.

The 'undemocratic democracy' illness manifests itself variously. First, in what Casteñada calls a peculiar proclivity towards the perpetuation in power of elected presidents. Fujimori is not alone in the re-election stakes: former president Menem, and even democracy loving Cardoso are not above some dubious constitutional manoeuvring to stay on for an added term in office. This is what O'Donnell has called the 'delegative democracy' phenomenon. However, the ability of today's caudillo's to bypass the rule of law or ignore basic democratic institutions is only possible due to the low level of institutionalisation of the region's democracies, the concomitant weakness of institutional counter-balances to the power of the executive, and last but not least, widespread complicity, both conscious and unconscious of the region's political and military elites, as well as of impoverished and, often, extremely unequal civil societies.

A few examples of submissive second and third branches of government suffice. In Paraguay, president Raúl Cubas, the vice-presidential running mate of the unsuccessful *golpista* General Lino Oviedo until the latter was condemned to 10 years in prison for upsetting the constitutional order, pardoned Oviedo by decree law only months after coming to power in May 1999 and ignored a Supreme Court ruling against his decree. Thus was a show of judicial independence attacked by a single discretionary executive act for clearly political purposes. In Peru, Fujimori is known for having dissolved an opposition dominated



Congress in April 1992, when the latter showed a marked tendency to criticise his authoritarian political management. He also had three judges of the Constitutional Tribunal sacked for determining that his Law for the Authentic Interpretation of the Constitution (permitting an up to then illegal third mandate) was unacceptable. Chavez in Venezuela has, with less conflict but equal ease re-shaped the constitution to suit his needs and tamed congress. Thus are courts, lawmakers and judges rendered innocuous or silenced.

There is a paradox here. Weak state institutions do not mean a less authoritarian government; on the contrary, it would appear that the weaker the structures of the state, the more deeply embedded become alternative authoritarian forms and practises. It is no accident that the weakest states, the Colombian and the Peruvian, are also those that have faced the most violent challenges to its legitimacy, through the action of Sendero Luminoso and the Tupac Amaru guerilla in the latter, and of the various guerilla forces, narco-dynasties and paramilitaries in the former. In such cases, the problem lies beyond the weakness of electoral politics and touches upon the still unresolved question of state authority and nation. Ecuador is another case in point, and with the possible exception of Bolivia, where indigenous peoples were 'incorporated' into the nation and state by the MNR revolution of the 1950s, the states with large indigenous populations suffer from this problem; to wit the Chiapas rebellion in Mexico and the problems of defining indigenous political identities at the national level in Guatemala.

Violent challenges to government, however, are not only posed by guerrilla or terrorist forces. The greatest challenger of elected governments has been the military, which retains a formal or informal 'veto power' over constitutional government, standing 'above' politics as the 'reserve of the nation.' Such notions,



once voiced openly and with pride in the 1960s and 1970s, are not currently in vogue. But the sentiment remains and the capacity to act is also apparently still there, even in this democratic era. Hence the coup in Ecuador, hence the popularity of president Chavez in Venezuela, and of Oviedo in Paraguay. However, coups are hardly necessary anymore. Latin American democratic politics confirm the popular saying that familiarity breeds contempt. Getting used to democracy has meant that leaders are willing and able to manipulate democratic law and institutions to remain in power, rather than resorting to force.

Political culture is also to blame. Today's political scientists and sociologists have surpassed static cultural deterministic models that 'condemn' certain peoples to authoritarianism. A new dynamic understanding of the impact of cultural attitudes has evolved. Thus, political culture re-enters the democracy equation, albeit in a new way, shedding new light on the linkages between institutional performance and political preferences, and deeper cultural and life expectations. Fujimori would be less of a threat if Peruvians did not like him as much as they seem to do. He won a second mandate with 65% of the vote and a majority in Congress. People experiencing economic recession, widespread social and political violence seem to like and elect a 'mano dura'. By many accounts, Oviedo is the most popular political figure in Paraguay, and Chavez won in Venezuela on a platform that was clearly dismissive of some of the mainstays of democratic institutionality.

As one peels away at the skins of the onion, however, one finds deeper and deeper causes for these 'democracies by default', as Laurence Whitehead has called them. Perhaps the worst underlying disease is that of poverty and inequality. Wealth does not always translate into power, but poverty is almost always certainly



synonymous with powerlessness, the absence of citizenship in any meaningful sense. The poor and the dispossessed live in a parallel universe, that co-exists alongside the modern world of democratic intentions and institutions, which is dominated by relations of power unmediated by the niceties of democratic fair play. In Brazil, da Matta has expressed this duality in his distinction between *pessoas*, who are never subject to the force of the law and have all the rights available, and *individuos*, who are subject to the law and have no rights. This is the world that produces what Paulo Sergio Pinheiro and others have called 'the unrule of law'.

Perhaps we are still too attached to the early euphoria of the 1990s, when the 'democratic wave' seemed to sweep all the continents, bringing with it a new era of freedom. Certainly, in Latin America democracy has made significant inroads. In some ways, the delegative democracy model is too pessimistic. But it is also undeniable that the early hopes attached to political changes wrought by the transition from authoritarian rule have not been fulfilled. Democracy and its values co-exist with long embedded authoritarian modes of acting and thinking. Traditional forms of power mediation, such as clientilism and patronage, have re-adapted themselves to the 'democratic age', subverting it and making it differ significantly from the 'ideal model' and even the 'European' model of some European countries. The process of democratisation or democratic deepening, if it is to occur in the region, will require an understanding of the complex blockages that still stand in the way of the constitution of meaningful citizenship and the rule of law in many Latin American countries.