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POLS 328

Question Set #2

Chapter 5

Why are congresses the targets of such intense criticism? Is this criticism warranted or is it the result of ignorance?

Congress is positioned as the one governmental branch that is representative of the people of a nation, in all of their intricacies and individualized values/interests, while also maintaining the closest relationships to the people. Having such an immensely complex responsibility means meeting seemingly impossible standards and expectations from both the public, that seek localized, tangible results from abstract political processes, and the executive branch, that profit off using Congress as a scapegoat for the failings of their own agenda. Latin American congresses face intense criticism because they are institutionally set up to fail their constituents and because the public remains majorly unaware of the impediments their elected representatives face to advocate on their behalf.

Latin American congresses have found difficulty in representing their people, both in the makeup of congress and through inclusive legislation. In Latin America, “parties gradually came to safeguard the status quo and impede representation of groups such as women and indigenous” while the “politics of patronage came to characterize almost every party, regardless of its ideological bend” (Arceneaux 175). Congress is viewed as the playground for political parties whose actions, scandals, and agendas are extensively publicized and sensationalized by the media. Latin American congresses have historically been rampant with corruption and self-interested actors while dealing with a culture that sees congressional positions “as little more than a jumping point to more lucrative positions at the local or regional level, or in the national bureaucracy” (Arceneaux 182).

The lack of resources and funding for congressional committees, coupled with a structure that degrades chance of experienced congressional members, makes for Latin American congresses that do not consistently produce substantive, legislative work for their constituents. Factors such as “electoral turnover, weak parties, and party system fragmentation” impede the efficacy of committee systems who are responsible for propping up checks and balances, engaging in thoughtful consideration and laborious processes of writing bills, and equipping congressional members with specialized knowledge so they may cast informed votes (Arceneaux 182). Lack of financial resources impacts areas of education as well, as congresses are unable to disseminate information to constituents about their legislative practices and voting records. Additionally, censorship of voting records is often encouraged by Latin American legislators themselves because it “eliminates accountability, promotes duplicity, and fosters opportunism” (Arceneaux 192).

Much criticism targeted against Latin American congresses for corruption and use of patronage are warranted, however the prevailing narrative that congress members are lazy or inefficient should be looked at within the larger institutional picture.

Chapter 6

Define the rule of law. How does a judiciary contribute to the rule of law?

Rule of law prohibits the tyrannical or arbitrary use of power to implement laws by instead deferring to the well-defined and already established laws. Rule of law indicates “the existence of comprehensive, explicit legal guidelines to direct the decisions made by government” and ensures citizens are treated equally under the law (Arceneaux, 226). Rule of law is crucial in preserving social order and providing justification for civil obedience. It must be taken seriously in order to keep peace, prevent chaos, and signify structured power (Kline, 336).

The judiciary is an extremely central and vulnerable player in the game of law, with its power often being contingent primarily on public perception and the willingness of other branches to comply. When countries lack a formidable judiciary, “it is almost impossible to achieve liberal democracy” (Arceneaux 227). The judiciary is primarily responsible for acting as an unbiased evaluator of the law, while safeguarding against agenda-driven actors who manipulate the foundations and institutions that uphold the law. Through “power” and “independence,” the judiciary interplays with other branches of government to ensure these provisions. Through “access” and “efficiency,” the judiciary plays a defining role in creating a symbiotic relationship with the people that works to preserve a desired reputation of the court (Arceneaux, 229).

Processes of judicial review check abuse of power by other branches of government and in doing so, sanctify and perpetuate the defining laws of a nation’s constitution. The judiciary acts as a voice of reason amongst partisan wars, an institution that brings justice and rehabilitation to a country after periods of unlawful repression, and calls out governmental abuse. The financial resources, degree of staffing, and level of productivity within the judiciary has direct impact on a nation’s ability to protect human rights and vehemently defend civil liberties (Arceneaux 239). Even more importantly, the highest courts are responsible for the appointment of lower court judges and thus, through trickle down effects, define how the rule of law plays out on a day-to-day, intimate basis for constituents.

Historically, executives within Latin American countries have taken extra measures to constrain, debilitate, and stack the judiciary for their gain because they are intimately aware of how influential the judiciary is. When the judiciary is compromised by corruption or shrinking of their individual power, we see a complete degradation of constitutional proceedings, increased amnesty for political elites who inflict violence against civilians, and executives who flagrantly bypass the law without consequence. In the case of Honduras, we see the high court both “played a key role in the ousting of President Zelaya” and was also simultaneously manipulated by President Hernandez to abolish “the constitutional prohibition on president reelection” (Kline 430). In countries like Argentina and Chile, prosecution of military regimes and political figures through publicized trial was vital for restoring the people’s faith in government, and thus in the rule of law after eras of military sponsored terror (Kline 109 and Arceneaux 249).

The rule of law is contingent on the health and independence of the judiciary, for the judiciary will always be its first advocate and defender.

Chapter 7

Is Bolivia more democratic today? How has institutional change affected democracy in the country?

Bolivia has been looking to secure a permanent, national shift toward more democratic politics, but has significantly struggled in crafting a democracy that reflects the political will of the people and especially one that can adequately address political/ethnic divisions within their society. Efforts towards democratization have included “changes to the state’s territorial reorganization as a unitary state with autonomies, various reforms to the electoral system, and a restructuring of the judicial system” (Kline 290). These reforms reflect “a trend toward greater inclusion and participation” and a more democratic Bolivia that has “a wider scope of representative politics” (Kline 293).

Bolivia’s new constitution, instituted in 2009, included provisions to directly address historical issues within Bolivian democracy by broadly reforming electoral practices, redefining voter and candidate eligibility, and reconfiguring electoral bodies to mandate greater representation. The most significant change made in this constitution was the “recognition of subnational autonomy” which “complicated jurisdictional issues between the different layers of government, particularly between the new autonomous indigenous communities and regions” (Kline 291). The constitution facilitated great advancements for political participation within democracy by requiring voting by Bolivian citizens over 18 and extending voter eligibility in presidential and vice presidential elections to Bolivian citizens abroad, a massive section of Bolivian citizenry (around 25%) that had been previously disenfranchised (Arceneaux 302). Voter registration numbers, actual turnout, and success of the ballot design in the 2009 elections reflected great strides in securing freer and more inclusive elections.

Bolivia’s contemporary institutional reforms have placed particular emphasis on increasing representation and addressing historical inequity. Bolivia’s electoral reforms have reflected a national effort to advance women’s political representation, although gains have been below target (Kline 293). Furthermore, indigenous representation within Bolivia’s legislative chamber became mandated under the 2009 constitution. However, electoral laws that required candidates to declare membership in a political party “effectively proscribed independents” and muddled paths to office for emergent political groups like “upstart parties, civic groups, and indigenous groups” who were now subject to a gruesome certification process (Arceneaux 305). The new electoral system, in its assignment of seats for districts, came to further disadvantage smaller parties and allowed the MAS party to construct an overwhelmingly large majority. Judicial reform, also facilitated by the 2009 constitution, was another significant institutional change that has proved to advance democratic participation for Bolivian citizens into other realms beyond elections for the president and legislature. Bolivia introduced “popular elections for the high courts, including the constitutional and supreme courts,” making these the “first such elections in the world” (Kline 294).

Bolivia’s institutional reforms have created a more inclusive democracy, but one that still requires immense work, especially in making sure not to privilege certain groups over others.

Chapter 8

Are social movements and protest activities a sign of a democracy failing or succeeding? How and why?

Social movements and protests are a luxury of freedom of expression granted through democracy, though they can ultimately signify public dissatisfaction and a potential lack of political or economic channels to voice opinion. Social movements often result from lack of government action, political corruption, economic disparities, racial discrimination, and a general consensus that protest is the last exhausted route taken to be heard. The term protest has a connotation of passion, particularly anger, and when such demonstrations escalate to “insurgency” or toppling of government, we know this is a product of a democracy no longer operating (Arceneaux 316). However, I ultimately see protests as productive and indicative of a democracy that is in fact succeeding.

Protest activity within Latin America is in fact tied to democratic transition. Multiple positive factors including urbanization, greater resource mobilization, and the “gradual extension of civil liberties and political rights” have “provided the space required for ideas and concerns to be shared and acted upon” (Arceneaux 319). Protest activity has surged in recent years following a general move away from authoritarianism and from the general censorship associated with these regimes. Latin Americans living under dictatorships experienced constant “fear of repression and knowledge of brutality against those that dared speak out” while being conditioned to execute restraint and caution (Arceneaux 320). I would argue governmental response to protest is an even greater indicator of whether a democracy is failing or succeeding. In the case of many Latin American countries, protests by unarmed civilians are frequently met with heavily militarized action like the Mexican Tlatelolco Massacre of 1968, imprisonment without due process that was rampant in Chile under Pinochet, and the “disappearing” of people like we saw in Argentina during radically oppressive military rule.

Social movements can actually speak to the health of a democracy and even more so the people’s investment in exercising their rights within a democratic system they *believe* in. Social movements and protests play pertinent “educational roles and act as an important source of political identity for their members” (Arceneaux, 317). In democracies, we witness “labor unions organize, peasant groups mobilize” and a surge of “women groups, community organizations, civil society organizations, and indigenous movements” built on identity politics (Kline, 5). When individuals can organize and have the resources to recognize others are unified in their fight, it means democracy is working to provide individuals with different platforms and methods to express their needs to both greater society and government. Social protest sparks public participation in social change and demands responsiveness and accountability from public officials. It is crucial for the public to be engaged in democratic practices beyond periodic elections, for it is their diverse participation that creates a vibrant, living democracy.

Chapter 10

What are the dangers of allowing a military to take a greater role in domestic security issues such as crime and drug trafficking? What are the costs of not allowing them to do so?

Military intervention has been a facet of almost every Latin American nation's political and institutional development. More importantly, most countries are dealing with a legacy in which the military is perceived as a driving force of modernization, equality, and protection of civilian interests. Civil-military relations continue to be in a precarious position for most countries and as the military's influence extends within the political arena, civilian governments seem less likely to maintain dominance.

Allowing the military to take a greater role in domestic security issues might inhibit civilian supremacy, making "political management not enough to ensure military subordination" (Arceneaux 417). Military achievement and authority within the realm of issues such as crime and drug trafficking might increase public perception of their efficacy and commitment to civilian needs in comparison to politicians. This would only feed into a dominant, Latin American political culture that reveres the military for doing what corrupt, self-interested political actors are seemingly unable to accomplish. Placing the military in the angelic role of a humanitarian aid worker, where they can maintain close and intimate relations with civilians, could generate bases of public support for military officials to utilize in times of military coups.

Advancing the areas of expertise covered under military training not only inflates their self-perceived importance but also provides them justification for replacing civilian institutions like the ministry of health. In the case of El Salvador, civic action programs led by the military "validated the belief that the armed forces brought civilization to the masses, that they were nation builders" (Arceneaux 423). The devastating influence of the National Security Doctrine, which defined the military as protectors of the well-being of the nation, confirmed these sorts of ideologies increase military intervention, antipolitics, and an "us versus them" mentality (Arceneaux 406).

Emerging security challenges, especially ones that are increasingly complex and wide-scale, might force civilian governments to rely on the military in place of police forces who have "long-standing corruption" (Arceneaux 416). For many nations, not utilizing the military would be misusing a precious resource, especially in the face of greater levels of violence and organized crime that require a highly militarized response from officials. Additionally, neglecting military troops as an option during times of crisis might lead to an even more dangerous idelessness. The military could be emboldened to surpass laws or existing governmental channels in order to spring into action on their own terms, which would again serve the narrative that the military heroically acts when civilian expertise lacks.

As environmental, social, and economic crises continue to occur with suffering being felt more profoundly, it is vital that civilian government incorporate the military so as to benefit their policies but not to undermine their authority.