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Delegative Democracy Revisited

MORE INCLUSION, LESS LIBERALISM IN BOLIVIA

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As Bolivia's economy slowed in 2014, the electoral strength of the country's governing party, the Movement Toward Socialism (MAS) of President Evo Morales, began to decline as well. In the April 2015 sub-national elections, the MAS lost mayoral races in big cities that it used to win easily, as well as the gubernatorial contests in three populous departments, including its former stronghold of La Paz. Then in February 2016, Morales narrowly lost a referendum—whose unwelcome result he quickly accepted—that would have changed the basic law in order to let him run again in 2019.¹ As opinion polls show, the level of public satisfaction with democracy has been down as well. As of 2014, the most recent year for which figures are available, it was 51 percent—six points lower than where it stood shortly after Morales won his second presidential election in December 2009.²

Despite important social and political transformations since Morales was first elected in 2006, citizens have many of the same complaints that they had under previous governments: Power is too concentrated in an executive administration that too often treats opponents and the press with raw hostility. Institutions are inefficient, liberal rights are poorly safeguarded, and courts are politicized. Some scholars call Morales-era Bolivia nondemocratic.³ As I shall explain, I think this goes too far, though I do think that the country is best described as “democratic with an adjective.”

Though conceived several decades ago, Guillermo O'Donnell's notion of delegative democracy makes a good starting point for an effort to understand where Bolivia is today.⁴ O'Donnell had in mind a type of

executive rule that revolves around elected but overweening president who claims to rule in the people's interest as, so to speak, a "delegate" to whom the people has "delegated" its sovereign power. A delegative president faces few "horizontal" checks from courts and legislatures and recognizes few "vertical" checks beyond elections themselves. Such regimes also often feature a notable amount of political "deactivation," with an oddly passive citizenry, disempowered subordinate groups, and a trend toward declining social organization.

Morales's Bolivia exhibits some of the features of a delegative democracy, but with important qualifications. O'Donnell was thinking mainly of the experiences of Argentina, Brazil, and Peru in the 1990s; Bolivia's history and circumstances are very different. Bolivia does clearly showcase delegative features such as a dominant personalistic president, weak horizontal accountability, and even an urge to overturn constitutional term limits. Yet Morales accepted his 2016 referendum loss; the level of social organization remains robust; subordinate groups such as rural indigenous-peasant unions and urban-popular organizations (labor unions, mining cooperatives, and neighborhood associations) are not suffering disempowerment; and opportunities for citizens to have a voice in politics may even be expanding. So if Bolivia is a delegative democracy, it is one with "incorporating" features that make it more responsive to popular input than a "classic" delegative regime would be.

There are civil-liberties violations, the rights of political minorities are weakly protected, and the government uses courts to intimidate opposition leaders; but inclusive, fair, and competitive elections continue to be held, and defining authoritarian attributes are not yet apparent. Most crucially, the will of the citizens can still override the wishes of any clique: The failure of the government's bid to overturn term limits is a case in point. To the extent that the integrity of core electoral institutions remains intact despite civil-liberties violations, Bolivia remains a democracy, albeit one with liberal deficits and "delegative" features.⁵

In Bolivia, new patterns of political incorporation have empowered groups that were traditionally subordinate, especially the many Bolivians of indigenous, non-European heritage (they make up more than half the population) who speak Quechua, Aymara, and some of the dozens of other indigenous languages now recognized by the constitution.

People from groups that were long subordinated have both "inside" and "outside" ways to influence politics: They are elected and appointed officeholders, as well as members of organizations that can mount big street protests. This has resulted in a more open and inclusive pattern of policy making than the one that O'Donnell contemplated, one in which government cannot easily ignore pressure from society. Unlike a president in a classic delegative democracy, Morales is not in fact free to govern "as he sees fit," and some of the biggest constraints on him

come from mobilized groups *within* his own political camp.⁶ Relations between the MAS, its social bases, and other organized interests offer a useful lens through which to assess the “democraticness” of present-day Bolivia. Rethinking O’Donnell’s concept along these lines, and with evidence from this unusual case, helps to open avenues of inquiry into the opportunities and challenges that arise when a predominantly formal democracy begins to shift in a more participatory direction.

Major Trends Before MAS

The years between Bolivia’s democratic transition in the 1980s and Morales’s ascent almost twenty years later saw major democratic deficits. Contestation left much to be desired, as did participation. The presidency was too strong, the legislature too inefficient and lacking in deliberative capacity. Although full suffrage was guaranteed and there were no legal restrictions on civil society, large segments of the populace were underrepresented. In particular, the overlapping classes of peasants and indigenous Bolivians (perhaps three-fifths of the country) had little weight in political and economic decision making. Pollsters who asked citizens how they felt about the country’s democracy found a widespread malaise.

Market-oriented reform was imposed by parties that had campaigned *against* neoliberal orthodoxy, giving rise to a sense of “bait-and switch” that de-aligned the party system and eroded institutional channels for dissent.⁷ Presidents between 1985 and 1997 governed through extensive use of decrees, scant legislative debate, and little consideration for the interests, demands, and priorities of subordinate social groups. There was no single “savior” politician, but the established parties traded offices among themselves while promoting orthodox neoliberal policies. Dan Slater and Erica Simmons call this “promiscuous powersharing.”⁸ It enhances horizontal accountability among political elites, but also makes those elites less accountable to voters

The news was not all bad for popular groups, however. In 1994, the Law of Popular Participation (LPP) opened new institutional spaces at the local level and made it easier for indigenous people to mobilize. The LPP created hundreds of municipalities and, with them, opportunities for civil society to participate in municipal politics. The law led to the gradual inclusion of popular groups in organized politics. Popular-movement candidates began to fill municipal councils.

Although decentralizing reforms such as the LPP helped to end the exclusion of indigenous peoples at the municipal level and in rural districts, these reforms did little to improve the quality of representation at the national level. The late 1990s found parties and the legislative branch in a weakened state; the established parties especially saw their vote shares declining. By the early 2000s, Bolivia’s “pacted” democracy

and its economic policies were in crisis. Protests against water privatization (the “water wars”) were the beginning. Before long, both electoral results and the quickening pace of mass mobilizations pointed to the old order’s end. The combination of new space for participation with still-deficient representation—in a context of high poverty and inequality and unevenly enjoyed citizenship—created the conditions for the MAS to rise to electoral dominance. Born in a rural setting in the mid-1990s, this leftist, movement-based party (its original core constituency was—and still is—coca growers) soon spread to the cities as the only force able to channel social protest into votes. Its charismatic leader Evo Morales won the presidential elections of 2005, 2009, and 2014 with absolute majorities, something that no Bolivian politician before him had ever done.

New Patterns of Political Incorporation

If the LPP opened pathways for incorporating popular sectors into municipal governance, the MAS carried this process through on a national scale. The party built alliances with a wide array of rural and urban organizations (indigenous groups, peasant and urban labor unions, neighborhood associations) and in 2002 won significant minorities in both chambers of the national legislature. Since then, Bolivia has experienced a circulation of elites via the ballot box, and now has a far more ethnically, ideologically, and socially diverse political class than before.

This trend accelerated when MAS came to power via the December 2005 national elections, which not only put Morales in the presidency but sent a 72-seat MAS majority to the 130-seat lower house. The changes that the MAS ascendancy has brought include greater regime stability owing to the widening of representation, which now includes many once-marginalized groups. The list of officially recognized socioeconomic and political rights has grown, as have certain collective rights that are considered to pertain to Bolivia’s indigenous communities. The 2009 Constitution inscribes these changes on a formal level—it changes the country’s name from the Republic of Bolivia to the Plurinational State of Bolivia, for instance—while everyday practices have advanced them within new and preexisting institutions alike. That constitution was drafted by a highly participatory constituent assembly and then ratified by a popular referendum, setting it apart from the type of less inclusive constitutional change that one would expect from a typical delegative democracy.

The 2009 Constitution also embodies the tensions that mark Bolivia’s democratization: The document prioritizes the construction of a more inclusive state even as it reinforces executive power. It declares many things to be rights (even “Mother Nature” gets some) but leaves vast discretionary authority in the hands of the president. Yet the greater

TABLE—REPRESENTATIVES' OCCUPATIONS PRIOR TO BEING ELECTED TO THE PLURINATIONAL LEGISLATIVE ASSEMBLY

Sector	1993–97	1997–2002	2002–2006	2006–10	2010–14
Public Administration	14%	16%	22%	17%	19%
Middle-Class Professionals	49%	38%	28%	25%	18%
Politician	4%	4%	8%	7%	11%
Workers, Artisans, and Primary Sector	4%	11%	11%	19%	26%
Transportation	-	2%	1%	4%	5%
Business and Private Sector	24%	27%	27%	27%	19%
Retirees, Students, Other	5%	2%	3%	1%	2%
Sample Size	74	98	80	96	97

Source: María Teresa Zegada and Jorge Komadina, *El espejo de la sociedad: Poder y representación en Bolivia* (La Paz, Bolivia: CERES/Plural, 2014), 57.

inclusiveness of Bolivian politics is real, even if checks and balances are weak. Larger numbers of Bolivians do enjoy effective rights of citizenship and greater input into political decision making. Indigenous peoples do enjoy increased access to the state. They are better able to influence decision making, and can be found in representative institutions at all levels of government. They are included, therefore, not only as voters, but as makers of policy.

The 2009 Constitution renamed Congress the Plurinational Legislative Assembly but changed neither its bicameral character nor the size of either house. Yet the composition of this lawmaking body, as well as the makeup of subnational assemblies, has changed dramatically since Morales first assumed power.⁹ Today, the methods that the MAS uses to choose candidates for elective office form a key mechanism of political incorporation. My own research leads me to conclude that organized popular groups allied with MAS have retained significant bottom-up influence on these methods.¹⁰ This has led to the increased representation of previously underrepresented groups both nationally and subnationally. As a result, the social and demographic profile of elective representatives has changed since 2006, and now features more women and peasants, as well as indigenous people and members of urban-popular groups.¹¹

The Table illustrates this change. The share of seats in the national legislature's lower house held by middle-class professionals slid from almost half in the 1990s to less than a fifth in recent years. Meanwhile, the seat share of workers, artisans, and those employed in the primary sector¹² grew from just 4 percent to more than 26 percent over the same period—a sixfold increase. The greater inclusion of women has had a symbolic import. Thanks in part to a 2009 gender-parity law but even more to their own efforts, women held a record-high 30 percent of seats across both chambers as of 2014.¹³ At the same time, however, they

have not had much success at passing laws relevant to their interests as a group. Much the same might be said of the indigenous and Afro-Bolivian representatives who hold the seven “special” lower-house seats that the 2009 Constitution reserved in response to a demand from lowland and highland indigenous groups.

In addition, the higher number of legislators who have ties to economic groups such as coca growers, cooperative miners, transport unions, and workers in the large “informal” sector have been able to provide these groups with substantive representation of their interests. Thus in 2010 and 2011, lawmakers associated with unions of indigenous small farmers had a significant hand in shaping key agrarian policies through laws passed during those years—an influence that they still exert.

Even if Morales has delegative tendencies, the interests, demands, and priorities of subordinate social groups have become harder to ignore. The greater presence of popular groups in officialdom and representative institutions has given these groups more influence over not only economic policies but also constitutional reform and social policies such as the universal pension known as *Renta Dignidad*.¹⁴ The legislative process remains under executive domination, but within that process, sectors that before had little influence now have a say. At times, they have even served to check executive power via congressional oversight, as transport workers and street vendors did when challenging the constitutionality of a proposed asset-seizure law in 2013. Yet they have such close ties to the MAS that their presence can prove an obstacle when representative institutions need to work on behalf of the broader interests of society. They have become new “veto players” alongside older ones such as the business sector.

Policy making under the MAS is based on negotiations between the MAS and its allied social groups.¹⁵ The lack of a strong party system gives the executive an edge in this game. The policy process is open to bottom-up input, but influence varies widely by policy area and remains contingent on a given group’s capacity to fill the streets. Miners and peasants in the highlands have a lot of weight in shaping policies that they care about, for instance, while indigenous communities and environmentalists in the eastern lowlands receive less attention. The executive typically works not through conventional party channels, but rather by changing policies in response to actual or threatened mobilizations.

The Morales government has boosted the influence of subordinate social groups and expanded vertical accountability, thereby giving itself more electoral legitimacy and a more stable base of popular support.¹⁶ At the same time, it has concentrated power in the executive at the expense of the national legislature, the courts, and the nonpartisan oversight agencies. Power concentration began ramping up during Morales’s first term, when his government was intent on “refounding” the state despite the challenge of a mobilized opposition backed by strong eco-

conomic elites. Concentration further intensified after 2009, when Morales won reelection by a 64 percent landside and the MAS gained absolute majorities in both houses of Congress.

Is there a trade-off between vertical and horizontal accountability? In theory, formerly subordinate groups with stronger representation can act as a stronger check on the executive. Yet in practice, a governing party's sense that it will keep on winning elections (because, for instance, its foes are hopelessly disorganized) might make a president from that party less open to input from below. With Morales unable to run for president again, will the MAS keep its hold on office, with accentuated power concentration perhaps to follow? This remains to be seen. In any event, a civil society that can maintain its own strength and freedom of action independent of the state will always prove to be one of the best safeguards that Bolivia—or any country which aspires to liberal-democratic ideals—can have.

Weaknesses and Prospects

Bolivia today suffers from persistent democratic weaknesses. The country's polity is more representative of Bolivian society than was the case twenty years ago, but freedom of association, though guaranteed on paper, is restricted in practice. And Bolivia is not a friendly place for a journalist who fails to sympathize with the MAS. During Morales's first term, he faced a strong opposition with a regional bastion in the eastern lowlands. He and his party effectively used state resources and policies to keep up their mobilization, however, and won big in the 2009 national elections, retaining the presidency and securing full control of Congress. Since then, the opposition has become weak and fragmented, while the MAS has come to assume that regular consultations with allies are not as important as they once were.

The 2009 Constitution, despite its call for "social control" over the executive, has not stopped the growth of executive-branch power. Faced with the tension between a centralized governing style and pressures for participation, the MAS has at times tried to coopt the leaders of allied groups with patronage and the provision of public services. While the global commodities boom was in full flood, Bolivia's ample natural-gas resources could pay for this and other types of social spending under an expanding central government—Morales nationalized hydrocarbons in 2006. Clientelistic ties with urban-popular organizations (the most electorally crucial of all MAS allies) were cemented, and the governing coalition held together. Will that continue to be the case now that the boom is over? It remains to be seen.

Charges that Morales employs threats, intimidation, repression, personal disqualification, and other tactics to divide social movements and NGOs have become common. Key movements that drove his rise to power

have split into “loyalist” and “dissident” factions that, respectively, work with the government and mobilize against it (sometimes in alignment with opposition forces). If the government fuels these splits, the new channels of incorporation could become ineffective and large groups could find themselves shut out of meaningful political participation.

Bolivian democracy suffers from defects in quality and displays illiberal traits, but it remains a democracy and is not yet a case file for the annals of “democratic recession.”

In the absence or weakness of strong institutional controls and opposition parties, social mobilization has been the strongest check on executive power. Yet by its nature, such mobilization is informal and contingent. It erupted in 2010, forcing Morales to re-

verse his decree ending gasoline subsidies, and again in 2011 when the government had to drop its plan to build a highway through autonomous indigenous territory. But what about the times when it did not or will not erupt? Episodic “social vetoes” are not the same thing as regular, institutionalized horizontal accountability. An aroused society can countervail against Morales’s delegative tendencies, but only if it can deploy street power. And even then, Morales himself often ends up acting as the arbiter of the conflict—hardly a complete rebuke to his delegative side.

In a democracy, a highly mobilized civil society is itself a double-edged sword. It enables subordinate groups to make their weight felt between elections and to check state power, but when formal channels of interest intermediation or skilled leaders are absent, it can make democracy ungovernable and even undermine it. In Bolivia today, the regime’s inclusionary dynamics depend heavily on social mobilization. Happily, that mobilization is acting more as a supplement to institutional politics than as its antithesis or substitute. Mobilization is still incorporating subordinate groups and spurring the creation of new participatory institutions. The upshot is a more responsive regime.¹⁷

Not only opposition politicians but also ordinary citizens voice concerns about the state of Bolivian democracy. They complain about the government’s attempts to control the media, the political use of the judiciary, and the harassment to which journalists and opposition figures are subjected. Their concerns are legitimate. There have been serious attempts to curtail freedom of expression; several politicians have fled into exile. This all bespeaks a weakening of safeguards for civil liberties, and thus a weakening of the liberal attributes of Bolivian democracy.

An especially worrisome problem underlying all this is the weakness and politicization of the judiciary. Courts in Bolivia have historically been feeble, inefficient, and dominated by the executive, and Morales has done little to change that or otherwise to strengthen the rule of law.

Judges were made directly elected in 2011—the stated intent was to promote popular participation in judicial affairs and to equalize access to justice—but in fact the result has been even greater executive dominance over the judicial branch.¹⁸ Access to justice has not become notably more equal, but courts have seen their independence further compromised. The damage to horizontal accountability has been considerable.

Bolivia under Evo Morales resembles a delegative democracy in some ways, but it has more open and inclusive patterns of decision making than was typical of the classic cases from the 1990s. Bolivian democracy suffers from defects in quality and displays illiberal traits, but it remains a democracy and is not yet a case file for the annals of “democratic recession.” Yet the slowing economy is already affecting political life. Morales’s term-limits loss may be a sign of this. So also may be the MAS’s poor showing in subnational elections, a rise in disputes over natural-resource extraction, and regional tensions focused on budgetary allocations.

One may wonder, therefore, what lingering hard times might do. Sustaining Bolivia’s democratization are the hard-to-reverse gains in political incorporation described above. To the extent that those gains consolidate and deepen, with subordinate groups participating more in representative institutions and official positions, there is room for cautious optimism. It remains to be seen whether the participation of these groups in state institutions will lead to the strengthening of those institutions—including democracy—and to more equitable policy outcomes.

NOTES

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1. Not everyone in Morales’s camp has been so sanguine about his referendum defeat, however. Some have continued to insist that a “legal” way for Morales to run again should be found.

2. Public satisfaction with democracy reached its lowest recorded point under Morales in 2012, when it stood at 49 percent. All figures are from Ciudadanía and LAPOP, “Cultura política de la democracia en Bolivia, 2014: Hacia una democracia de ciudadanos” Cochabamba, Bolivia, September 2014, 8.

3. Steven Levitsky and James Loxton, “Populism and Competitive Authoritarianism in the Andes,” *Democratization* 20 (January 2013): 107–36.

4. Guillermo A. O’Donnell, “Delegative Democracy,” *Journal of Democracy* 5 (January 1994): 55–69.

5. By winning 51.3 percent of the vote, the “no” side stopped the constitutional change that would have let Morales have another term. Electoral quality suffers from irregulari-

ties, but these are not bad enough to override the voters' will: Bolivia's elections meaningfully reflect the preferences of Bolivia's citizens.

6. O'Donnell, "Delegative Democracy," 59, 66.

7. Kenneth M. Roberts, *Changing Course in Latin America: Party Systems in the Neoliberal Era* (New York: Cambridge University Press, 2015).

8. Dan Slater and Erica Simmons, "Coping by Colluding: Political Uncertainty and Promiscuous Powersharing in Indonesia and Bolivia," *Comparative Political Studies* 46 (November 2013): 1366–93.

9. See the University of Salamanca's "Survey on Latin American Parliamentary Elites," surveys 9, 10, 47, 62, and 81 at <http://americo.usal.es/oir/elites>.

10. Santiago Anria, "Democratizing Democracy? Civil Society and Party Organization in Bolivia," *Comparative Politics* (July 2016).

11. There was a shift toward greater representation of women after the 2006 Constituent Assembly, and a gender-parity law came in with the 2009 Constitution. But this is hardly a solo achievement of the MAS; Bolivia's women's movement had even more to do with it.

12. The primary sector is that portion of the economy which makes direct use of natural resources. It includes agriculture, forestry, fishing, and mining.

13. Mala Htun and Juan Pablo Ossa, "Political Inclusion of Marginalized Groups: Indigenous Reservations and Gender Parity in Bolivia," *Politics, Groups, and Identities* 1, no. 1 (2013): 4–25.

14. Santiago Anria, "Social Movements, Parties, and the Left in Latin America" (PhD diss., University of North Carolina at Chapel Hill, 2015). Similar findings are reported in Eduardo Silva, "Reorganizing Popular Incorporation in Post-Neoliberal Latin America: Bolivia, Ecuador, and Venezuela," unpubl. ms., 2016.

15. Anria, "Social Movements, Parties, and the Left in Latin America," 46. For a parallel argument, see Silva.

16. Raúl Madrid, "Bolivia: Origins and Policies of the Movimiento al Socialismo," in Steven Levitsky and Kenneth M. Roberts, eds., *The Resurgence of the Latin American Left* (Baltimore: Johns Hopkins University Press, 2011), 258.

17. Silva, "Reorganizing Popular Incorporation," draws a similar conclusion.

18. Elections for the judiciary were mandated by the country's 2009 Constitution. Opposition politicians complained that, in nominating candidates, social movements allied with the MAS exerted overwhelming power over nominations and chose candidates ill-equipped and "excessively partisan" to serve in office.