

## The Rise of Illiberal Democracy in Latin America

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Freedoms and rights are cherished principles of liberal democracy. They enable citizens to articulate personal views about politics and to pronounce disagreement with established authorities. Public dissent is essential to the notion of accountability, which explains why authoritarian regimes make it their business to suppress discordant voices. In constitutional democracies, by contrast, the expression of dissent is considered to be not a privilege but a right—an “inalienable” right at that, one that cannot be removed or curtailed by the state. In practice, implementation of this idea entails the protection of fundamental freedoms—freedoms of speech, the press, assembly, partisan affiliation, religious belief, and so on.

What has been the situation in contemporary Latin America? With some conspicuous exceptions, elections throughout the region became free and fair by the end of the twentieth century. In most countries people cast ballots without undue harassment, opposition parties challenged incumbent authorities, sitting presidents (and their parties) were peacefully removed from power. The dominant form of political organization had

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become “electoral democracy.” The question is whether such regimes demonstrated sufficient respect and protection for citizens’ rights as to meet the standards for “liberal” democracies. To what extent have citizens of Latin America enjoyed full democracy?

This paper approaches these issues in several ways. It begins with an explication of the concept of “illiberal democracy.” Focusing on the period from 1978 to 2000, what I have elsewhere defined as the third and final “cycle” of democratization in twentieth-century Latin America,<sup>1</sup> the essay moves on to evaluate freedom of the press and to examine the overall state of human rights or “civil liberties” throughout the region. It then provides an empirical assessment of changing relationships between electoral democracy and civil liberties. The analysis clearly demonstrates that, by the turn of the century, the most prevalent form of governance in Latin America was not liberal but illiberal democracy.

## **1. Gradations of Democracy**

It is commonly assumed that free and fair elections go hand-in-hand with respect for citizens’ freedoms and rights. That is not always the case. For whatever reason, people might voluntarily elect tyrants. They might be duped into electing tyrants. Or they might tolerate tyrannical behavior on the part of elected rulers. In any such instance, the result would be what has come to be known as “illiberal democracy”—a regime that combines free and fair elections with systematic curtailment of freedoms and rights.<sup>2</sup>

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<sup>1</sup> Peter H. Smith, “Los ciclos de democracia electoral en América Latina, 1900-2000,” *Política y Gobierno* 11, 2 (2004): 189-228.

<sup>2</sup> Fareed Zakaria, “The Rise of Illiberal Democracy,” *Foreign Affairs* 76, 6 (November/December 1997): 22-43.

For this analysis, qualitative assessments of press freedom and of civil liberties are drawn from annual reports of international watchdog organizations such as the Committee to Protect Journalists, Freedom House, and the U.S. Department of State (which has issued exhaustive reports on human rights since the 1970s).<sup>3</sup> Quantitative indicators of press freedom and civil liberties also come from Freedom House.<sup>4</sup> Two questions are key: During the most recent phase of democratization in Latin America, what has been the extent of civil liberties? And how does that relate to the quality of elections?

To illustrate the overall approach, Figure 1 presents a graphic display of theoretical relationships between levels of electoral democracy and civil liberties. Elections are evaluated according to a threefold classification: democratic (free and fair), semidemocratic (free but not fair), and autocratic (nonexistent or patently fraudulent).<sup>5</sup> The protection of civil liberties also falls into three categories: extensive, partial, and minimal. The resulting cross-classification yields a complex picture of the variety and range of potential outcomes.

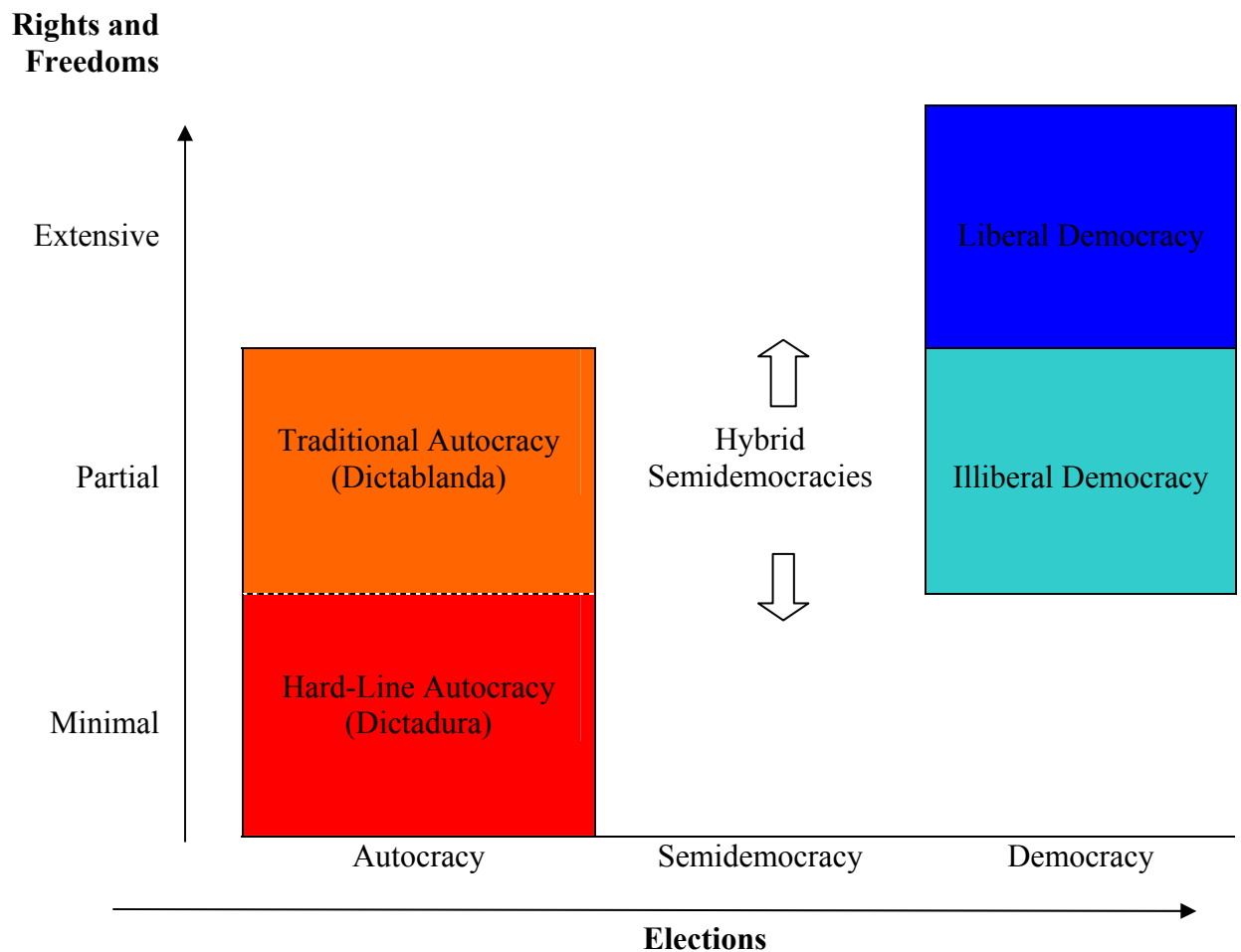
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<sup>3</sup> The State Department reports are surprisingly thorough, thoughtful, and fair, except when dealing with countries that are openly hostile to the United States or to U.S. foreign policies.

<sup>4</sup> As Gerardo L. Munck and Jay Verkuilen have observed, Freedom House does not provide clear explanations of the methodology used in the construction of its scales. "Conceptualizing and Measuring Democracy: Evaluating Alternative Indices," *Comparative Political Studies* 35, 1 (February 2002): 5-34. Despite this shortcoming, the scores seem entirely plausible at face value and they generally correspond to qualitative descriptions.

<sup>5</sup> More detail on these distinctions can be found in Smith, "Ciclos de democracia electoral," and in my forthcoming book *Democracy in Latin America*, Appendix 1.

**Figure 1. Rights, Elections, and Regimes**



Political regimes that combine free and fair elections with extensive protection of civil liberties qualify as full or “liberal” democracies. In other words, they meet the criteria for full-fledged democracy spelled out by Robert Dahl and others.<sup>6</sup> In contrast, authoritarian regimes have no meaningful elections. Hard-line autocracies or *dictaduras* (such as the bureaucratic-authoritarian regimes of South America) impose relentless

<sup>6</sup> See Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), pp. 1-3.

repression to the point where civil liberties are minimal; traditional dictatorships, sometimes known as *dictablandas*, allow the partial enjoyment of civil liberties—but only within prescribed limits. As a matter of conceptual definition and empirical observation, autocracies do not promote extensive civil liberties; if they did, they would not be truly autocratic. Semidemocracies can coexist with a fairly broad range of civil liberties, and partly for this reason they tend to be short-lived.

For present purposes, the most important category is “illiberal democracy”—which combines free and fair elections with partial but systematic restrictions of civil liberties. (Regimes combining democratic elections with minimal civil liberties would also qualify as illiberal democracies, although they tend to be few and far between.) Illiberal democracy represents a fundamental paradox. And as shown below, it also constitutes a persisting and pervasive reality.

## **2. Freedom of the Press**

One of the most fundamental requirements for constitutional democracy is freedom of the press. Only unfettered media can provide citizens with alternative sources of information: this permits people to circumvent official propaganda and Orwellian double-speak, to form independent judgments, and to hold incumbents accountable for actions and policies.

Press freedom is not to be taken for granted. Even in societies with independent media, journalism can be a hazardous occupation. News reporting might be more or less objective but editorials can be subjected to rigid censorship. In Latin America, as well as other areas of the developing world, investigative journalism is in its infancy. And as

grim headlines reveal, writers and reporters have been subject to all manner of harassment and intimidation: they have been fired, kidnapped, tortured, and assassinated.

According to the Committee to Protect Journalists (CPJ), a highly respected watchdog group, no fewer than 458 journalists around the world lost their lives in the line of duty during the 1990-99 decade. The single most dangerous area for correspondents was Eastern Europe and the former Soviet Union (including Russia). With 82 total deaths, Latin America also proved to be a perilous place, nearly on a par with the Middle East and North Africa and substantially more hazardous than Asia and continental Africa. As shown in Table 1, Colombia was by far the most dangerous country of the region. Observing the heavy toll on fellow workers, one correspondent in Bogotá sadly noted that “The question my colleagues and I ask is, who will be left to report....?” Numerous killings also took place in Peru, Mexico, and Brazil.

**Table 1. Journalists Killed in Latin America, 1990-1999**

Country__	__ N Killings__
Colombia	36
Peru	12
Mexico	10
Brazil	8
Haiti	4
Argentina	3
Guatemala	3
Venezuela	2
Chile	1
Dominican Republic	1
Honduras	1
Paraguay	1
<b>Total</b>	<b>82</b>

Source: Committee to Protect Journalists, *Attacks on the Press in 1999* (New York: CPJ, 2000), 23.

Central governments bore varying degrees of responsibility for this grisly record. National authorities were no doubt involved in many instances. But some of the killings were carried out by groups beyond the control of the state—guerrillas, for instance, or unauthorized paramilitary units. Some assassinations were ordered by landowners or businesspeople threatened by journalistic exposés. Still other murders occurred at the behest of local and provincial officials, party leaders, or, in a number of cases, military officers. (Example: a radio journalist in rural Brazil was shot to death in March 2000

after he accused the local mayor of corruption.) Death threats comprised an especially common means of official and semi-official intimidation.

Governments held indirect responsibility as well. To uphold standards of justice, state authorities were supposed to identify, detain, and punish the murderers. If realized, these measures would be the most effective way to deter future attacks on members of the media. In all too many instances, this did not occur—because the government was either unable or unwilling to mount an effective investigation and prosecution. In either case, the overall message would be the same: disgruntled parties could assault the press with virtual impunity.

Among the worst offenders in the late 1990s was the administration of Alberto K. Fujimori in Peru. While he was still in power, according to the CPJ, Fujimori ran an iron-fisted “infotatorship.” One of its pillars was a docile press that would report only favorable information about the regime—one that, in electoral terms, would qualify as a semi-democracy. Analyzing the year 1999, the CPJ reported that “Fujimori’s intelligence arm has engaged in assassination plans, death threats, wiretapping, surveillance, and smear tactics to harass and imperil journalists, often forcing them into exile. Investigative reporters looking into government corruption and collusion between drug traffickers and the military have been hit with charges of espionage, treason, and terrorism invoked to discredit and deter their work.”<sup>7</sup> One of the most prominent cases involved Gustavo Gorriti, a fiercely independent journalist who was forced to take exile in Panama.

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<sup>7</sup> Committee to Protect Journalists, *Attacks on the Press in 1999* (New York: CPJ, 2000), 62-63.



Other governments, even freely and fairly elected ones, resorted to more subtle means of curbing the press. Several countries—including Bolivia, Honduras, and El Salvador, Nicaragua, Panama, all electoral democracies--required official licensing of journalists. The putative goal was to ensure professional standards and responsible behavior on the part of the press. The underlying purpose was to silence the voices of a potentially obstreperous opposition. The implication was clear: Cross an invisible line and you lose your accreditation. It was a means of muzzling the press.

Another way to curtail the media was through outright censorship. Panama had draconian “gag laws” dating back to 1969. In El Salvador Juan José Dalton, son of the revered poet Roque Dalton, was removed from the editorial board of *El Diario de Hoy* after he published an article criticizing the government party. In Honduras, Rossana Guevara found that her dog had been poisoned after she investigated cases of official corruption, and soon afterward she was fired from her job. The Venezuelan constitution of 1999 required that the media could publish only “truthful information” (*información veraz*), whatever that might mean. In October 2000, a local judge in the Brazilian state of Acre banned local press coverage of municipal elections on the grounds that such reporting would constitute political propaganda. Attempts at censorship often led to surveillance of journalists.

The most surprising and spectacular case of censorship took place in Chile, an electoral democracy that was by the late 1990s widely praised for its respect for citizen rights and freedom of expression. Even under the *Concertación*, however, ownership of the media was still concentrated in hands of a few corporations with close ties to Pinochet regime. In 1999 Alejandra Matus published *The Black Book of Chilean Justice*, the

result of six years of research into the failings and complicity of the judiciary system. An outraged member of the Supreme Court, Servando Jordán, took it upon himself to charge Matus with violation of a state security law and banned the book from circulation. Police confiscated the entire press run on April 14, less than two days after publication. That same day, Matus boarded a plane to Argentina in order to avoid arrest. The CEO and editor of the publishing company, Planeta, were briefly detained in June in connection with the case. Amidst a public outcry, the U.S. government (under Bill Clinton) granted political asylum to Matus. In December 2000, undeterred by international opinion, a Santiago judge upheld the arrest warrant against Matus and the banning of the book.

Chilean President Eduardo Frei Ruiz-Tagle soon submitted a bill to the congress to revise the state security law, but many said it did not go far enough: it would still leave “disrespect” as an offense under the penal code, impose stiff penalties for defamation of high officials, and leave open the possibility of banning publications. Reform would not come rapidly.

#### *Anti-Defamation Laws and Policies*

The issue of press freedom came to a head over questions of defamation of governmental authorities. As noted by the CPJ, a vibrant press requires a strong judiciary:

While Latin American reporters have become extremely good at exposing wrongdoing, they cannot count on the courts to investigate, prosecute, and ultimately punish the people whom they expose. In most countries, the judiciary remains notoriously weak, and is often unable or unwilling to investigate cases brought to its attention. As a result, journalists who expose corruption become sitting ducks. Since negative press coverage is one of the few effective sanctions

against criminal behavior in Latin America, discrediting the press is an excellent way for criminals to avoid accountability.<sup>8</sup>

As a result, exposure of official wrongdoing was often more dangerous to the journalists than to the perpetrators.

The central issue revolved around the question of libel. According to traditional legal canons in Latin America, disrespect toward governmental authorities (*desacato*) was regarded as a criminal offense. Vague in scope and content, this provided an excellent and effective cover for incumbents. Within international circles, however, meaningful protection of journalists involved two standards. One concerned “actual malice,” under which plaintiffs must prove not only that the published information is false but also that the journalists knew or should have known that it was false at the time of publication. The other was “neutral reporting,” which held that plaintiffs may not sue journalists for accurately reproducing information from an explicitly mentioned source, whether the information turns out to be accurate or not.

Cases regarding libel and alleged defamation of officials occurred with frequency throughout the 1990s. In Argentina, President Carlos Saúl Menem filed criminal charges in 1992 against investigative reporter Horacio Verbitsky for *desacato*. Verbitsky appealed to the Inter-American Commission on Human Rights (IAHR), which ruled in his favor. After subsequent negotiations the Argentine government agreed to repeal its *desacato* law, which it did the following year. Several years later Verbitsky, as secretary

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<sup>8</sup> Marylene Smeets, “Overview of the Americas,” *Attacks on the Press in 1999* (New York: Committee to Protect Journalists, 2000), first page.

general of a press freedom organization, proposed a separate settlement regarding three different defamation cases and called for the introduction of “actual malice” and “neutral reporting” standards. Soon after taking office in 1999, President Fernando de la Rúa asked the legislature to take immediate action—but the bill stalled in committee after local journalists implicated eleven senators in a bribery scandal, thus prompting a backlash against the press. In the meantime, television talk show host Bernardo Neustadt was found guilty of defamation for a disparaging remark that a *guest* had made about a local judge. In February 2000, court upheld a judgment against Neustadt in the amount of US \$80,000.

In June 1999, the Supreme Court in democratic Costa Rica upheld a libel verdict against three journalists from *La Nación*, the country’s leading daily. The case stemmed from a 1997 article reporting that the National Association of Public Employees had accused former justice minister Juan D. Castro of appropriating state-owned weapons and an official car for his personal use. Castro sued reporters Ronald Moya and José David Guerra, and Eduardo Ulibarri, the paper’s editor, for libel. The lower court found in Castro’s favor, awarding him damages of US \$34,000. More damaging, however, was the requirement that *La Nación* publish the first seven pages of the decision in their entirety. Railing against the decision, Ulibarri claimed that it amounted to “an interference in editorial decision making unheard of in Costa Rica’s history.” In a separate case, a criminal court several months later ordered *La Nación* to pay US \$190,000 in damages to a Costa Rican diplomat accused of corruption; one of the arguments used to justify the amount was that the offending articles were posted on the Internet, and could therefore reach a larger audience for a longer period of time. The

following year the legislature not only rejected a bill that would have introduced the standard of “actual malice,” but considered a proposal to expand the definition of libel to include “subliminal” defamation—thus giving enormous interpretive latitude to local judges.

In February 2000, the Supreme Court of Chile convicted journalist José Ale of insulting Supreme Court judge Servando Jordán under the state security law. In 1998, Ale had written that during Jordán’s two-year term as chief justice “the prestige of the Chilean judiciary fell to one of its lowest levels ever.” Two weeks before the conviction (which carried an 18-month suspended prison sentence), the judge who drafted the decision called Ale a “professional slanderer.” Ale was later pardoned by incoming President Lagos, but the court had made its point.

Almost everywhere, penalties for defamation were extremely large. The Brazilian legislature not only slapped enormous fines on convicted journalists, but planned to punish officials who leaked information with dismissals, hefty fines, and three-year bans on holding public office. In the Dominican Republic, defamation was punishable by jail terms of up to six months; in Ecuador, prison terms could be for as long as three years; in Honduras, the normal punishment was one year in jail, but up to twelve years for those who “offend the President of the Republic.” Even in Uruguay, where press freedom was widely respected, the penal code called for sentences of up to three years for defamation, contempt, or seditious libel offenses—or longer, if the crime was committed in publicly disseminated writings.

### *Analytical Overview*

In light of pervasive constraints on media, Freedom House began in the 1990s to measure degrees of press freedom in all societies around the world. The annual reports define three categories: not free, partly free, and free.<sup>9</sup> As its name suggests, Freedom House employs the tools of investigative journalism to uphold the rights of journalists everywhere.

For Latin America, Table 2 presents the relationship between press freedoms and electoral regimes for country-years during the 1990s. In one sense, the array confirms a priori expectations: autocracies do not tolerate press freedoms, semi-democracies tend to have “partly free” media, and electoral democracies offer safe refuge to free media. According to the Freedom House survey, in fact, every single instance of a free press occurred under electoral democracy.

**Table 2. Electoral Regimes and Freedom of the Press, 1990s**

Press _____	Regime		
	Autocracy	Semidemocracy	Democracy
Not Free	1	5	2
Partly Free	1	26	51
Free	0	0	47
Totals	2	31	100

<sup>9</sup> Freedom House measures harassment or intimidation on a scale of zero to one hundred, and collapses the results into three basic categories: not free (scores of 61-100), partly free (31-60) and free (0-30).

There is, alas, another side to this coin. Electoral democracy was a necessary but not a sufficient condition for full freedom of the press. Free media might exist only under electoral democracies, but not all electoral democracies uphold free media. On the contrary, the press enjoyed full freedom less than half the time in countries with free and fair elections. The most frequent outcome under electoral democracy was a “partly free” press, which appeared 51 percent of the time (and it was “not free” in two additional instances). These combinations—free elections without free media--conform precisely to the profile of “illiberal democracy.”

### **3. The Uneven Rule of Law**

Aside from such restrictions on the free flow of information, citizens of Latin America have endured pervasive constraints on human rights. Particularly evident has been arbitrary action on the part of security forces, most notably the police. Arrests have been made for little or no reason, violence has been employed with little or no provocation, and the judicial system—weak, inefficient, often corrupt—has failed to uphold the basic rights of citizens.

There were exceptions to this rule. In three countries—Chile, Costa Rica, and Uruguay—governments respected and protected human rights of citizens. Chile, of course, was embroiled in public controversy about the detention of former dictator Augusto Pinochet and human rights abuses under his authoritarian regime; at the very least, this heightened public and official sensitivity to the need for upholding fundamental rights. Costa Rica, not a highly polarized society, boasted an unusually effective judiciary

system and standard of law. Similarly, Uruguay managed to uphold the rights of citizens to a respectable degree.

More typically, however, democratic governments failed to provide even-handed and effective rule of law. Take the case of Argentina, a country with a vibrant and voluble citizenry. After a frightful period of military rule, electoral democracy returned in 1983. But by the late 1990s, its people faced systematic constraints on fundamental freedoms. According to the U.S. Department of State, the Argentine government—ardently pro-American in its foreign policy--“generally respected the human rights of its citizens; however, there were problems in some areas.”

There continued to be instances of extrajudicial killings, torture, and brutality by the police, although the authorities prosecuted a number of persons for such actions. Police also arbitrarily arrested and detained citizens, prison conditions are poor, and lengthy pretrial detention is a problem. The judicial system is inefficient and is subject at times to political influence and to inordinate delays in trials. There were numerous threats—and several acts of violence—against journalists. Police used violence against demonstrators. Violence and discrimination against women also are problems. Child abuse and child prostitution continued to increase. Discrimination against indigenous people persists, and there were instances of anti-Semitism. Child labor is a problem. In addition, the legacy of the human rights abuses of the 1976-83 military regime continued to be a subject of intense national debate, particularly the arrest of former junta leaders on charges of taking or seizing babies born to dissidents in detention and giving them to supporters for adoption.<sup>10</sup>

Despite a strong recommendation from the Inter-American Court of Human Rights, the Argentine government failed to compensate the families of two individuals who vanished after being taken into custody of the police in 1990 (well after the return of democratic rule). The local court had also urged the government to investigate the disappearances and bring those responsible parties to justice. Nothing of the sort occurred.



A similar situation prevailed in Brazil, where the government “generally respected the human rights of its citizens” but “there continued to be numerous serious abuses.” Police agents routinely committed extrajudicial killings, tortured suspects, and arrested people arbitrarily. Not only that: “Police were also implicated in criminal activity of all kinds, including killings for hire, death squad executions, and kidnappings for ransom.” And punishment was rare. Indeed, a special court system for uniformed police contributed to a widespread climate of impunity, since it was clear that convictions would be few and far between. A study of São Paulo’s special courts for uniformed police uncovered more than 1,000 “missing” and “delayed” cases involving crimes against civilians, including murder and torture. A newspaper investigation of 300 cases found 100 murder charges among them, some delayed for up to 12 years. Justice was proving to be elusive.

In the Brazilian state of Rio Grande do Norte, for example, an unidentified assailant murdered a transvestite known as “Carla.” It turned out that Carla had succeeded in carrying out a private investigation of the 1996 killing of a well-known human rights activist. His/her findings established an indisputable connection between that assassination and a death squad known as the “Golden Boys,” which in turn had links to the local police—and which had carried out more than 50 killings in recent years. For rendering this public service, Carla paid the ultimate price.

In Guatemala the picture was even more dismal. Extrajudicial killings and judiciary incompetence were commonplace. In February 1999 a “Historical Clarification

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<sup>10</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 1999* (Washington DC: U.S. Government Printing Office, 2000), 573-574.

Commission” published a report which found that government forces were responsible for 93 percent of the human rights abuses committed during the country’s decades-long civil conflict. Participants in the study were promptly harassed, intimidated, and driven to exile. The government of Álvaro Arzú took an ambivalent and legalistic stance, and refused to adopt recommendations for means of improving the human rights situation and carrying out reforms within the military. Around this same time, a sociologist named María Ramírez Sánchez became the victim of a professional killing—apparently because of her research into military atrocities in the Guatemalan countryside. Despite the peace accords of the mid-1990s, Guatemala remained a dangerous place.

Several electoral democracies had even worse records. One example was Colombia, where the situation was bluntly described as “poor.”

Government forces continued to commit numerous, serious abuses, including extrajudicial killings, at a level that was roughly similar to that of 1998. Despite some prosecutions and convictions, the authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. At times the security forces collaborated with paramilitary groups that committed abuses; in some instances, individual members of the security forces actively collaborated with members of paramilitary forces by passing them through roadblocks, sharing intelligence, and providing them with ammunition. Paramilitary forces find a ready support base within the military and police, as well as local civilian elites in many areas.<sup>11</sup>

Moreover, the use of “faceless” prosecutors and witnesses in cases involving kidnapping, extortion, drug trafficking, and high-profile human rights abuse—adopted in an effort to protect officials and witnesses from violent retribution—constituted a clear violation of basic rights to fair trials. In mid-1999 the practice was restricted to a “specialized jurisdiction,” but it would continue to violate the rights of the accused. In addition, there

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<sup>11</sup> Ibid., 658.

were unconfirmed reports of security forces harassing or threatening human rights groups.

The Dominican Republic also had serious problems. Police committed extrajudicial killings with near-impunity and routinely used excessive force to break up demonstrations (leading to at least nine citizen deaths). Security forces arbitrarily arrested and abused not only suspects but also their relatives, broke into private quarters without cause to search for suspects, and regularly refused to obey judicial orders. Examples of abuse are chilling. One reported instance was an extrajudicial killing:

The police shot and killed Fausto Torres Estévez, whom they sought in connection with the murder of a fellow officer earlier the same day. According to the Policía Nacional, Torres Estévez was a known delinquent in Santiago, and in possession of a 12-gauge shotgun with which he tried to fight off the police patrol. However, according to neighbors and other witnesses, Torres Estévez was walking when a vehicle suddenly swerved to stop in front of him and several men carrying firearms leaped out and began shooting. When he was dead, they put his body in the trunk of their vehicle and drove him to the morgue. No investigation has been reported.

Another was an eyewitness report of torture in the prisons:

Shortly after her release from 2 years' confinement on drug-related charges, "Miss Najayo 98" Angela de la Cruz spoke of practices she witnessed at the Mexico section of the San Pedro de Macorís prison, including torture. The most graphic was the use of a punishment called "the toaster," where guards laid prisoners, shackled hand and foot, on a bed of hot asphalt for the entire day and, if they screamed, beat them with a club. The army administers San Pedro de Macorís prison.<sup>12</sup>

Most tellingly, perhaps, there was little evidence of governmental efforts to stop these practices. Quite the opposite: Attempting to suppress information, Dominican police detained a journalist who had published a list of extrajudicial killings.

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<sup>12</sup> Ibid., 723-724.

Paraguay offered further signs of systemic abuse. A crucial event was the March 1999 assassination of the country's vice president, Luis María Argaña, allegedly on the order of retired general and coup-plotter Lino Oviedo and his protégé, then-president Raúl Cubas Grau. The murder led to angry protests. Security forces opened fire on unarmed demonstrators, killing eight and wounding over 100. Cubas soon resigned and left the country.

As might have been expected, electoral semidemocracies provided even fewer protections for civil and political rights than did the beleaguered democracies. During 1999 the government of Ecuador declared or extended states of emergency and ordered participants in a nationwide strike back to work; in July of that year security forces opened fire on an indigenous protest against austerity measures, killing at least one person and injuring scores of others. Haiti presented an utterly dismal scene of rampant abuse and shortcomings in oversight. And Peru, still in the grip of Fujimori's "infotatorship," withdrew from the jurisdiction of the Inter-American Court of Human Rights.

Perhaps the most telling case was Mexico. Although the long-dominant PRI claimed to rule in the name of the people, the human rights situation in 1999 presented a disquieting panorama:

Continued serious abuses include extrajudicial killings; disappearances; torture and other abuse; police corruption and alleged involvement in narcotics-related abuses; poor prison conditions; arbitrary arrest and detention; lengthy pretrial detention; lack of due process; judicial inefficiency and corruption; illegal searches; attacks and threats against journalists; some self-censorship; assaults, harassment, and threats against human rights monitors; violence and discrimination against women; child prostitution and abuse; discrimination against indigenous people; violence and discrimination against religious

minorities; violence against homosexuals; limits on worker rights; extensive child labor in agriculture and in the informal economy; and trafficking in persons.<sup>13</sup>

This was a pretty bad picture.

Dissidence was dangerous in Mexico. In January 1999 unknown assassins murdered a human rights activist in the state of Sinaloa. In March, federal judicial police killed a former local official and adviser to the PRD, the leftwing opposition party. In April, uniformed soldiers killed two farmers. In May a PRD senator and the leader of an indigenous rights movement were shot, both in the state of Oaxaca. In June, a police officer killed an activist affiliated with the PAN, the rightwing opposition party. In October, a prominent member of the Zapatista National Liberation Front (FZLN, the political branch of the EZLN), was found dead in a cell in a Tijuana detention facility. Also in October, a group of men armed with AK-47 assault weapons opened fire on an Acapulco city counselor-elect and his family en route to a PRD election victory celebration. And in November of that year, President Ernesto Zedillo—soon to oversee the country's transition to electoral democracy—admitted to the UN High Commissioner for Human Rights that Mexico endured “serious human rights violations.”

#### **4. The Changing Content of Electoral Democracy**

The analysis now turns to the overall relationship between electoral democracy and civil liberties. Once again, studies by Freedom House shed critical light on this issue. Since the early 1970s this organization has published annual reports assessing the level of “freedom” around the world along two dimensions: political rights (the right to form and

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<sup>13</sup> Ibid., 835.

join political parties and cast votes without harassment), and civil liberties (freedom of religion, expression, the press, assembly and organization, etc.) Both are scored on a 7-point scale, with 1 being most free and 7 being least free.

The assessment of civil liberties is especially important.<sup>14</sup> According to the working definition, the concept refers to “freedoms to develop views, institutions, and personal autonomy apart from the state.” The Freedom House checklist for civil liberties includes such items as:

- Freedom of expression and belief, including an independent media (in effect, freedom of the press)
- Rights of assembly, association, and organization
- An impartial rule of law and the protection of human rights (including “freedom from extreme government indifference and corruption”)
- Personal autonomy and economic rights (e.g., choice of residence and employment, property rights, equality of opportunity—especially educational opportunity, and freedom from exploitation).<sup>15</sup>

The assessment of civil liberties thus moves from the electoral arena to basic elements of citizenship. To be sure, the criteria include some issues that may lie beyond the capacity of governments—such as freedom from exploitation, which might depend on forces of the market, or the equitable rule of law, which might be threatened by drug traffickers or other illicit groups.

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<sup>14</sup> The Freedom House treatment of “political rights” is more or less identical to this study’s criteria for classifying electoral regimes (that is, they represent “the right of all adults to vote and compete for public office, and for elected representatives to have a decisive vote on public policies”).

In general, the Freedom House survey provides useful and usable measurements of democratic practice. For this analysis, the seven-point scores on civil liberties have been collapsed into three categories: ratings of 1 or 2 indicate the protection of “extensive” civil liberties, 3 to 5 reflect “partial” civil liberties, and 6 or 7 correspond to “minimal” civil liberties.

Accordingly, Table 3 displays cross-tabulations of civil liberties for Latin American countries with type of electoral regime from 1972, when Freedom House first launched its survey, through the year 2000. The results are presented by decade: 1972-79, 1980-89, and 1990-2000. Observations consist of country-years.

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<sup>15</sup> *Freedom in the World, 1999-2000*

**Table 3. Electoral Regimes and Civil Liberties, 1970s-2000****1972-1979**

Civil Liberties___	Regime		
	Autocracy	Semidemocracy	Democracy
Minimal	22	0	0
Partial	90	1	10
Extensive	0	1	28
Totals	112	2	38

**1980-1989**

Civil Liberties___	Regime		
	Autocracy	Semidemocracy	Democracy
Minimal	15	1	0
Partial	59	30	41
Extensive	1	4	39
Totals	75	35	80

**1990-2000**

Civil Liberties___	Regime		
	Autocracy	Semidemocracy	Democracy
Minimal	3	0	0
Partial	4	53	109
Extensive	0	2	38
Totals	7	55	147



In general, the patterns conform to common-sense expectations. Electoral democracies tended to have relatively expansive civil liberties, dictatorships tended to restrict civil liberties (with varying degrees of harshness), and semidemocracies tended to impose partial restrictions on civil liberties.

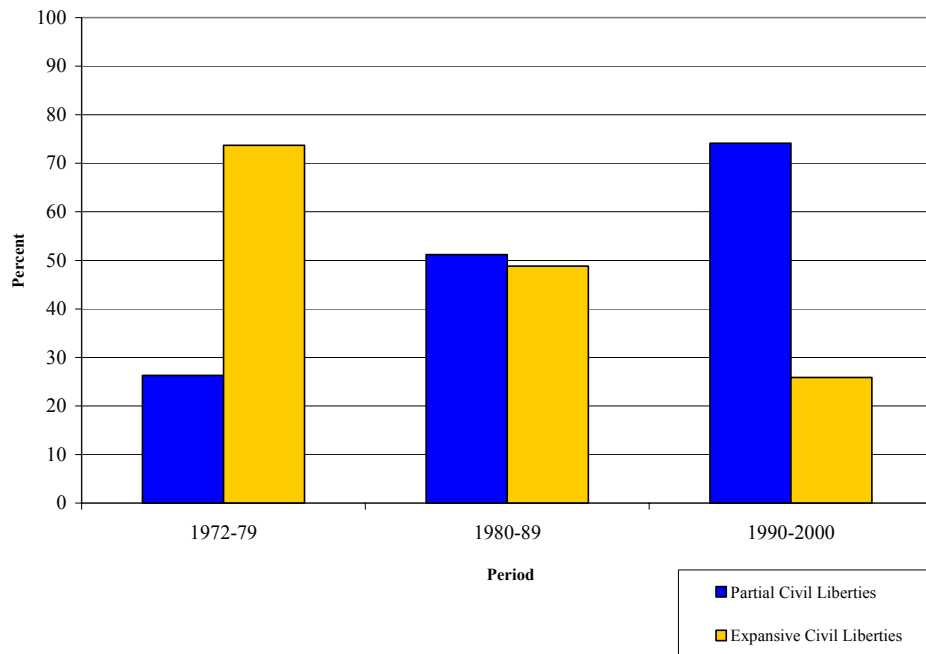
But there is more to the findings than that. Particularly striking is the steady emergence of electoral regimes that can be classified as democratic—but which provide only partial protection for civil liberties. During the 1970s, 10 out of 38 “democratic” country-years (26 percent) showed only partial respect for civil liberties. In the 1980s, the proportion rose to 41 out of 80 country-years (or 51 percent). And by the 1990s, 109 out of 147 democratic country-years (nearly 75 percent of the total!) displayed partial protection of civil liberties. The relationship between electoral democracy and civil liberties was losing strength over time.<sup>16</sup>

Figure 2 provides a graphic illustration this trend. By plotting degrees of civil liberties under electoral democracies, it shows a startling change in profile—from essentially “extensive” rights in the 1970s to mostly “partial” rights in the 1990s. By the end of the century, electoral democracy prevailed; liberal democracy did not. Illiberal democracy was on the march.

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<sup>16</sup> As shown by the decline in gamma coefficients, from +.994 for the 1970s to +.898 for the 1980s and +.855 for 1990-2000.

**Figure 2. The Progression of Illiberal Democracy, 1970s-2000**



This trend afflicted not only the least important (and least developed) countries of Latin America, but also its most substantial nations. During the latter part of the twentieth century, electoral democracies with restricted civil liberties included eight South American countries:

- Argentina, 1990-1999
- Bolivia, 1983-2000
- Brazil, 1990-2000
- Colombia, 1975-2000
- Ecuador, 1985-87, 1991-95
- Paraguay, 1993-2000
- Peru, 1980-1991
- Venezuela, 1989-1998

Elsewhere the listing included:

- Dominican Republic, 1984-1999
- El Salvador, 1994-2000
- Guatemala, 1996-2000

Haiti, 1990  
Honduras, 1998-2000  
Mexico, 2000  
Nicaragua, 1990-2000  
Panama, 1994-1998.

To state the case another way: Throughout the decade of the 1990s, only three countries—Chile, Costa Rica, and Uruguay—qualified consistently as “liberal democracies”—that is, electoral democracies with expansive civil liberties. They represented less than 16 percent of all nations in the region. And, perhaps not coincidentally, they are three of the smallest countries in the hemisphere. (Due to changing Freedom House scores, Panama joined the group in 1999, as would Argentina and the Dominican Republic in 2000.)

Population data underscore the point. Table 4 arrays countries of Latin America according to quality of elections, degree of civil liberties, and population size as of 1999.

**Table 4. Types of Democracy by Country and Population Size, 1999**

<u>Political Regime</u>	<b>Population (Millions)</b>
1. Electoral Democracies with Extensive Civil Liberties	
Chile	15.0
Costa Rica	3.6
Panama	2.8
Uruguay	3.3
Total	<b>24.7</b>
2. Electoral Democracies with Partial Civil Liberties	
Argentina	36.6
Bolivia	8.1
Brazil	168.0
Colombia	41.5
Dominican Republic	8.4
El Salvador	6.2
Guatemala	11.1
Honduras	6.3
Nicaragua	4.9
Paraguay	5.4
Total	<b>296.5</b>
3. Semidemocracies with Extensive Civil Liberties	
<none>	
4. Semidemocracies with Partial Civil Liberties	
Ecuador	12.4
Haiti	7.8
Mexico	96.6
Peru	25.2
Venezuela	23.7
Total	<b>165.7</b>
5. Autocracies with Minimal Civil Liberties	
Cuba	<b>11.2</b>

The results are compelling:

- 24.7 million people, less than 5 percent of the total population in the region, enjoyed political democracies with unrestricted civil liberties (Chile, Costa Rica, Panama, Uruguay)
- 296.5 million people in ten countries, about 60 percent of the total, lived under electoral democracies with partially restricted civil liberties—that is, in “illiberal democracies”
- 165.7 million people, one-third of the total, lived under semidemocratic electoral regimes with partially restricted civil liberties in five countries—Ecuador, Haiti, Mexico, Peru, Venezuela—in what we might refer to as “illiberal semi-democracies”
- Then there is the case of Cuba, here included for illustrative purposes, classified as a non-democratic regime with minimal protection of civil liberties—an outright autocracy.

Of the 498.1 million residents of Latin America as of 1999, nearly 93 percent lived under “illiberal democracies” or illiberal semidemocracies—electoral regimes with restricted civil liberties. This had become the pervasive form of political practice throughout the region.

It was proving to be durable as well. Of the fifteen illiberal democracies that were in place at any time during the 1990s,<sup>17</sup> eight were still going strong by century’s end (and most of these would continue through 2003). When transitions occurred, illiberal democracy paved the way for liberal democracy on only three occasions (Panama in 1999, Argentina and the Dominican Republic in 2000)—and for semidemocracy an equal number of times (Peru in 1992, Ecuador in 1996, Venezuela in 1999). Moreover it gave way to outright authoritarianism on two occasions (Haiti in 1991, Ecuador in 2000). In

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<sup>17</sup> Excluding Mexico, which became an electoral (but illiberal) democracy in 2000.

other words, illiberal democracy was neither a reliable stepping-stone to liberal democracy nor an effective safeguard against undemocratic rule. For its part, electoral democracy sometimes succumbed to illiberalism throughout the decade, but it never once gave way to political dictatorship. Liberal democracy was its own best protection.

In sum, illiberal democracy reigned supreme. And as Fareed Zakaria noted, this may not be a passing phenomenon.

Illiberal democracy is a growth industry.... Far from being a temporary or transitional stage, it appears that many countries are settling into a form of government that mixes a substantial degree of democracy with a substantial degree of illiberalism. Just as nations across the world have become comfortable with many variations of capitalism, they could well adopt and sustain varied forms of democracy. Western liberal democracy might prove to be not the final destination on the democratic road, but just one of many possible exits.<sup>18</sup>

Would this be the future of Latin America?

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<sup>18</sup> Zakaria, "Rise of Illiberal Democracy," 24. See also Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism* (Washington DC: Carnegie Endowment for International Peace, 2003).