“RE-FOUNDING” THE CONSTITUTIONAL ORDER: THE POLITICS OF RADICAL CONSTITUTIONAL REWRITES IN SOUTH AMERICA’S TURN TO THE LEFT

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Constitutions are foundational documents in modern democratic regimes. Because of their character, constitutions are intended to last, and in consolidated Western democracies, constitutions have typically remained stable over time. Yet this has not been the case in South America, especially during the wave of elected left-of-center presidents in the region beginning in the late 1990s and 2000s. Since Hugo Chávez was elected President of Venezuela in 1999, ten countries of South America have elected left-wing governments. In all countries, leftist presidents expressed intentions to radically replace their constitution – i.e., adopt new constitutions drafted by popularly elected constituent assemblies. However, only three of these governments rewrote their constitutions (Venezuela in 1999, Ecuador in 2008, and Bolivia in 2009). Why did some left-of-center governments in South America adopt new constitutions while others worked within their existing constitutional frameworks? This dissertation argues that the conjunction of intraparty and institutional constraints—tied to the characteristics of a leftist president’s elected party and the intensity of mass protests anteceding their election—explains the adoption of new constitutions. Accordingly, constitutions are replaced when leftist presidents lead outsider parties and are elected in contexts of strong social protests. This is because outsider presidents are neither constrained by their party in seeking radical constitutional rewrites nor face substantial institutional restrictions, given mass protests’ weakening of horizontal checks on the executive. In contrast, constitutional rewriting does not occur when leftist presidents belong to insider

parties, because insider parties enforce higher intraparty constraints on their party leaders. Nor does it happen in the absence of mass protests due to institutional constraints on the executive's power. To test this argument, this dissertation relies on a comparative study of Argentina, Ecuador, and Paraguay. Overall, this dissertation tackles a critical empirical puzzle in contemporary South America: in what conditions do governments undertake a successful re-founding of the constitutional order? This work advances our understanding of the processes of constitutional change in relatively new democracies, the role of mass protests and political parties in constitutional politics, and the implications of new constitutions for democratic citizenship.

BIOGRAPHICAL SKETCH

Jose Tomas Sanchez Gomez was born in Asunción, Paraguay. He completed his undergraduate studies with a Bachelor of Arts degree in Communication Science from the Universidad Católica "Nuestra Señora de la Asunción," Paraguay, in 2007. Subsequently, he obtained a Master of Public Administration from Cornell University in 2015. Jose then enrolled in Cornell University's PhD program in Government in 2015, culminating in the successful completion of his doctorate in 2023. Following the completion of his PhD, Jose joined the faculty of several universities and contributed as a research associate to various think tanks based in Asunción, Paraguay. His research is in Comparative Politics with a minor in Political Theory. Jose's research focuses on parties, social movements, crises and institutional change.

To Clari, Gabo and Natán.

To Mamá, Papá, Raúl, Jesús, Mariela and Luis René.

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I would like to begin by expressing my deepest gratitude to my family. This dissertation journey started when we were just a family of two, my wife Clara and I, and culminated as a family of four with the arrival of our two beautiful children, Gabriel and Natán. Clara's unwavering support has been both foundational and beyond what words can describe. The doctoral program, with its writing and research, taught me that the path is filled with more curves than straight lines, comprising both inspiration and stumbling blocks, highs and lows. Navigating this erratic process would have been unimaginable without my partner by my side. My family has been with me every step of the way, supporting my growth not only as an academic but also as a husband and father. The journey's end coincided with the Covid-19 pandemic, during which Natán was born. His arrival inspired me in the final phase of this work, motivating me to defend this dissertation before his third birthday. The significance of this milestone will one day be

clear to him. This dissertation, a journey marked by many absences, is primarily dedicated to my wife and our two children.

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CHAPTER 1: INTRODUCTION, THEORY, AND METHOD

The constitution of a country is not the act of its government, but of the people constituting a government.

Thomas Paine, 1792

Constitutions are foundational documents in modern democratic regimes that contain the basic set of societal norms, define civil rights, and regulate access to and the exercise of government power (Elkins, Ginsburg, and Melton 2009; Galligan and Versteeg 2013a; Nolte and Schilling-Vacaflor 2012). Because of their character, constitutions are intended to last, and in consolidated Western democracies, constitutions have typically remained stable over time (Negretto 2013). Yet this has not been the case in South America, particularly during the region's unprecedented election of left-of-center presidents beginning in 1999. Since Hugo Chávez was elected President of Venezuela in 1999, the ten most populous South American countries have turned to the left (Levitsky and Roberts 2011; Quesada 2022). This extraordinary turn meant the rise of leftist parties and movements to power in a region where they had been historically excluded, and they came to power with a transformative agenda, although they had different results. In three South American countries, governments completely rewrote their constitutions (Venezuela in 1999, Ecuador in 2008, and Bolivia in 2009). In the other seven countries, leftist presidents expressed intentions to do so but did not (such as Argentina in 2003, Paraguay in 2008, Uruguay in 2008, Peru in 2011, Chile in 2014,

Brazil in 2015, and Colombia in 2022).[1] Why did some left-of-center governments in South America adopt new constitutions while others worked within their existing constitutional frameworks? [2] More specifically, what conditions allowed leftist governments to radically transform their constitutions in some countries and not in others?

Figure 1.1: South American countries, the Left Turn, and New Constitutions

[1] Gustavo Petro was elected president of Colombia in 2022. While he did not propose a constitutional reform in 2022, he did so in previous elections that he lost (Barbosa 2018).

[2] This dissertation discusses the proposals for constitutional changes during the rise of the left in South America. As will be shown, the left had "re-foundational" incentives upon coming to power, having historically been excluded by conservative and authoritarian governments. Thus, they perceived state institutions as part of the conservative and right-wing power. With the transitions to democracy, when the left came into power, they understood that to implement substantial economic changes (state expansion, redistribution, progressive taxes), a strategic approach was through significant institutional changes. Conservative and right-wing democratic forces, especially during the 1990s, also sought constitutional reforms, but these were partial or lacked a "re-foundational" character, mainly to ensure re-elections or governability.

This dissertation addresses the social and political conditions that in the South American left turn led to radical constitutional replacements. *Radical* in the sense that a constituent assembly with supreme power in the nation drafted a new constitution, *replacing* the previous constitutional order, since only the complete re-creation of the legal structure of the state is considered, and not partial constitutional amendments (Negretto 2018).[3]

[3] There are various types of constitution-making bodies that draft constitutional texts. This study focuses exclusively on constitution-making bodies that are elected by citizens, have the power to define the entire content of the new constitution, and claim to be "above" other government institutions. Constituent assemblies during the left turn meet these conditions. As the Ecuadorean President Rafael Correa nicely put it, a constituent assembly with supreme power is one that could "send home the President, congress, and the Supreme Court" (EP/AP 2007). This study does not focus on constitution-making bodies

When a new constitution is enacted through an elected constituent assembly, it represents the quintessential exercise of popular sovereignty (Schmitt 2008). This extraordinary form of constitutional change aims to signal a clean break with the past in political and institutional terms. To better understand these constitution-making moments, this dissertation analyzes the turn to the left in South America, as my conceptualization emphasizes popularly elected assemblies with full constitutive powers—and the left has shown to be particularly prone to "re-founding" the regime through the people's constituent power, in particular during moments of crisis.

In the last decades in South America, leftist parties have accrued political capital in a period of generalized disillusionment with political institutions. Throughout the 1990s and 2000s, South American countries have experienced economic deterioration, political volatility, governance crises, and mass protests (Bevir and Trentmann 2007; Roberts 2014). The left has proposed ideas of institutional reforms, including—to a greater or lesser extent—constitutional replacements to solve national problems. Yet, the rate of complete constitutional rewrites once leftist presidents reached power has not been uniform. Conventional explanations to explain constitutional replacements that

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appointed by executive or legislative powers (e.g., constitutional commissions, executive bodies, parliamentary committees), bodies with limits on their ability to decide the content of constitutional reform (such as the 1994 Argentine Constituent Convention), or bodies that are not superior to constituted powers (such as the 1998 Constitutional Assembly in Ecuador). In this way, the scope of this work is narrowed to understanding the constitutional changes that are more prone for the left in this historical context and region, such as reforms via constituent assemblies, since these reforms persist on the left's agenda. This work does not seek to understand the adoption of new constitutions through other mechanisms, such as those implemented by presidents of different ideological signs (Colombia 1991, Argentina 1994, Ecuador 1998). For different types of constitution-making bodies see Bauman and Kahana (2006) and Negretto (2018).

focus on the role of regime transition, changes in the balance of power, and political crisis cannot adequately account for the variation of constitution-making under leftist leaders (Elkins, Ginsburg, and Melton 2009b; Elster 1995; Galligan and Versteeg 2013b; Negretto 2012). This dissertation builds upon and contributes to this scholarship by investigating why institutional crises, popular mobilization, and leftist administrations have led to successful constitutional replacement in some cases but not in others.

The argument put forward in this dissertation is that the characteristics of elected parties and the presence of mass protests anteceding presidential elections shape the opportunities for constitutional replacements by determining the constraints elected presidents face in seeking constitutional transformation. New constitutions are adopted where presidents leading outsider parties are elected in contexts of crisis fueled by strong social protests. By *outsider parties*, I refer to newly created and weakly institutionalized parties centralized around a dominant political figure (Flores-Macias 2012; Mainwaring and Scully 1995; Mayorga 2006). By *strong social protests*, I understand episodes of widespread anti-government social mobilization that are strong enough to provoke severe regime instability by leading to the oust of sitting presidents. Because outsider parties do not enforce substantial *intraparty constraints* on their elected candidates (Carreras 2012), and protest movements reduce *institutional constraints* on the executive—by weakening actors such as congress, courts, veto-players, and rival parties—outsiders can implement constitutional rewrites.

The theory also holds that neither outsider parties nor mass protests alone make it possible to overcome the constraints on constitutional overturns, even in contexts of severe crisis. Where outsider parties are elected following mass protests that are not strong (i.e., protests may exist but a do not lead to presidents' falls), presidents do not have the necessary social support to overcome institutional constraints on their power, and the institutions themselves are stronger. Thus, outsiders end up working within existing institutions. Similarly, in cases where strong protests occur, yet insider parties are elected—that is, institutionalized parties with vested interests in the political order (Flores-Macias 2012; Mainwaring and Scully 1995; Mayorga 2006)—high intraparty constraints prevent presidents from transforming their constitutions. Table 1.1 summarizes the theoretical framework and provides a preliminary map of how the different cases fit within the theory.

Table 1.1: Theoretical Framework and Cases of the Left Turn

		Social protests[2]	
		Strong	*Not Strong*
Type of party elected[1]	*Outsider*	<u>New constitutions</u> Venezuela (1999), Bolivia (2006), Ecuador (2007)	No new constitutions Paraguay (2008), Perú (2011, 2021), Ecuador (2017), Colombia (2022), Chile (2022)
	Insider	No new constitutions Argentina (2003)	No new constitutions Uruguay (2005, 2010, 2015), Brazil (2003, 2011, 2015, 2023), Chile (2000, 2006, 2014), Argentina (2007, 2011, 2018)

Note: 1) The years refer to leftist presidents taking office. Reelection years in the outsider cases are not included. See footnote 4 for all years of elections and reelections of leftist presidents.

2) Social protests are strong when they lead to the ousting of sitting presidents. Protests are considered "Not Strong" when they do not cause presidential breakdowns.

To illustrate my theoretical argument, I conduct an in-depth comparative study of three cases: Ecuador in 2007, Argentina in 2003, and Paraguay in 2008. These cases provide variation in both explanatory variables and outcomes and as further developed in this dissertation, are "hard cases" for theory confirmation. I selected these cases following a most-similar systems design (Przeworski and Teune 1970). I rely on protest-events data, elite interviews, and archival research of newspaper articles to analyze the decision-making processes in which leftist presidents in these three countries decided whether to pursue a constitutional rewrite or not.

This dissertation has important theoretical contributions and practical implications. It tackles a critical empirical puzzle in contemporary South America and advances our understanding of constitutional politics under leftist administrations. Since the regional turn to the left began in 1999, there have been thirty-three presidential victories by leftist parties,[4] including elections and reelections. Discussions over possible constitutional reforms continuously arise on the political agenda, which demonstrates that constitutional changes depend on the political context, the interests, and the distribution

[4] Argentina (2003, 2007, 2011, 2018), Bolivia (2006, 2010, 2014, 2020), Brazil (2003, 2007, 2011, 2015, 2023), Chile (2000, 2006, 2014, 2022), Colombia (2022), Ecuador (2007, 2009, 2013, 2017), Paraguay (2008), Perú (2011, 2021), Uruguay (2005, 2010, 2015), and Venezuela (1999, 2002, 2007, 2013, 2019). Here, I count presidential elections and not whether these were elections held in contexts of democratic reversal, such as those of 2019 and 2020 in Venezuela and Bolivia.

of power among social and political players.[5] By highlighting the roles of outsider political parties and crisis driven by strong social protests, this dissertation offers a testable hypothesis on when we should expect successful constitutional rewrites.

This dissertation also sheds light on the crucial implications of constitution-making processes for democratic rule. For instance, following new constitutions, Venezuela consolidated a competitive-authoritarian regime, Bolivia's democratic institutions were put under significant pressure, and Ecuador temporarily moved towards authoritarian rule (Levitsky and Loxton 2013). By studying the causes of radical constitutional rewrites, this dissertation contributes to scholarly work focused on regime change in democratic settings. As to countries beyond South America, the question addressed in this dissertation—as well as its focus on social protests, party politics, and demands for constitutional transformations—speaks to political processes in countries as diverse as Iceland (Meuwese 2013), Greece (Karamagioli et al. 2017), and Spain (Zarzalejos 2016) in the post-2008 European economic recession.

The remainder of this chapter proceeds as follows. First, I explain the importance of the South American left turn to study constitutional replacements. Second, I assess existing explanations. Third, I elaborate on my argument, theoretical framework, and

[5] In Colombia, Gustavo Petro supported a constituent process in 2018 but backed away from it in the 2022 presidential race (El Tiempo 2020). In Chile and Peru the left had supported constitutional reforms after intense protests and political conflicts between 2019 and 2021 (Heiss 2021; De la Quintana 2022).

hypotheses. Fourth, I present my research design and case selection. Finally, I explain my data collection strategy and plan of study.

Why focus on South America's Left Turn?

Nowhere have recent discussions on constitutional reforms been as salient as in South American countries, where leftist parties again became serious political alternatives in recent decades (Cameron and Sharpe 2010; de la Torre and Burbano de Lara 2020; Sazo 2023). Constitutional rewrites have been proposed to expand democratic participation, improve the quality of political representation, expand social citizenship, and include explicit rights for minority groups (Gargarella 2010; Navia and Verdugo 2017; Negretto 2017). In these areas, the new constitutions in Venezuela in 1999, Ecuador in 2008, and Bolivia in 2009 represented a new paradigm of constitutionalism in the region and inspired proposals for constitutional rewrites in other countries where leftist presidents were elected (Nolte and Schilling-Vacaflor 2012).

In Argentina, after the return of the Peronist party to power in 2001, and the turn away from the 1990s neoliberal order, many Peronist leaders discussed the possibility of a constitutional rewrite (Ambito 2002; Morosi 2002; El País 2002a). In Peru, Ollanta Humala proposed a new constitution during his presidential campaigns in 2006, when he finished second, and in 2011, when he won the presidency (Encuentro Peru, 2006; Presidencia de la República del Perú, 2010). In Paraguay, Fernando Lugo's coalition discussed the possibility of a constituent process after the election of 2008 (Gallego-Día 2009). In Uruguay, sectors within the governing *Frente Amplio* (FA; Broad Front party) have proposed constitutional assemblies in virtually every presidential term since 2004

(de Campo, Fuentes, and Capote 2017; Charquero 2017; Viggiano and Isgleas 2012). In Brazil, when President Dilma Rousseff faced major protests in 2013 demanding the expansion of social policies, she proposed a referendum to reform the constitution (Saigol and Wheatley 2013). Similarly, in Chile, almost a decade before the failed 2022 constitutional convention,[6] protests pushed left-leaning President Michele Bachelet to start a process of constitutional rewrite that ultimately did not conclude (Bachelet 2015). Despite all these discussions, none of these cases concluded with a new constitution.

While studies of constitutional change have offered valuable insights regarding political and institutional issues leading to constitutional replacements, scholarly work has yet to systematically explain why new constitutions were adopted in some countries and not in others during South America's left turn. Constitutional rewrites have been proposed in all countries where leftist presidents reached power, especially after the cycles of crisis that in the 1990s and 2000s revealed the shortcomings of market-oriented policies

[6] In 2019, after a large-scale protest took place throughout the country, political parties and a right-wing president negotiated a referendum to consult the population about a constitutional reform to draft a new constitution. The referendum was approved, a constitutional convention was elected in May 2021, and a new constitution was drafted. However, in September 2022, the population rejected the new constitution in another referendum, and the process is still ongoing. This process does not fall within the scope of this work, given that the constitutional change was initiated under a right-wing government, did not conclude with a new constitution, and the constitution-making body does not have supreme power over the state (by October 2023, the situation is that a Constitutional Council was elected, and after drafting a new constitution, a new referendum is going to be held). However, the Chilean case provides valuable analytical insight. Chile did not experience severe regime instability comparable to the Bolivarian cases. Furthermore, this instability was leveraged by a right-wing president to initiate the constituent process and secure seats in the election of the constitution-making body. In contrast to Chávez, Correa, and Morales, who personally spearheaded the constituent processes, in this case, there was no left-wing outsider president already in power to mobilize support and institutional resources for both initiating and successfully concluding the constituent process. The leftist president came into power in March 2022 after the election of the constitutional convention.

to address social inequality and economic insecurity (Roberts 2013). Against this backdrop, leftist parties used their non-status quo credentials to promise economic redistribution, expansion of social rights, and further political democratization. However, the left claimed that significant institutional changes were needed as preconditions for economic and political reforms. These institutional modifications were necessary because regime institutions were deemed biased in favor of—and captured by—economic elites and conservative parties. Existing constitutions were associated with previous authoritarian regimes (e.g., the 1980 Chilean Constitution), illegitimate pacts between traditional parties (e.g., the 1961 Venezuelan Constitution), or neoliberal policies (e.g., the 1998 Ecuadorian Constitution). Hence, the left considered that new constitutions were a way to renew democracy and transform society for the people's benefit, in particular when these constitution-making processes include popularly elected constituent assemblies (de la Torre and Burbano de Lara 2020).[7] Former Venezuelan President Hugo Chávez eloquently summarized the idea of a radical constituent process to transform the regime:

> We discussed how to break with the past, how to overcome this type of democracy that only responds to the interests of the oligarchy; how to leave behind corruption. We always outright rejected the idea of a traditional military coup or a military dictatorship or a military junta. We

[7] Although politicians from the right might also adopt the "re-founding" rhetoric, it is undeniable that the historical context of crisis of market-oriented governments, that led to the rise of the South American left, favored leftist parties' inclination to politicize ideas of constitutional replacements.

> had very present in our minds what had happened in Colombia in the years 1990-1991 when they realized a constituent assembly, of course! (Harnecker 2002, 15).

The Venezuelan constituent process of 1999 subsequently inspired similar cases in Bolivia in 2006 and Ecuador in 2007, and informed discussions on constitutional reforms across Latin America (Nolte and Schilling-Vacaflor 2012). More than two decades after Chávez's rise to power in Venezuela, former President Pedro Castillo of Peru in 2022 sent congress a proposal for a referendum to elect a constituent assembly, which ultimately was not approved (De la Quintana 2022). In sum, leftist presidents (and candidates) continuously discuss the possibility of constitutional rewrites through constituent assemblies in South America. Why are only some of them successful? This is the question that this dissertation aims to answer.

Assessing Existing Explanations

There are several potential explanations for the variation in constitutional outcomes in the context of the left turn in South America. However, all of them present certain shortcomings. A brief review of these explanations brings the analytic contributions of this dissertation into perspective.

A first potential explanation for successful constitutional rewrites is the governing party's electoral strength when it reaches power. The rationale is straightforward. The more votes a party gets in the presidential race, and the more seats it gains in congress, the more chances the party has to achieve its goals when it reaches power—including a

constitutional rewrite. However, as Table 1.2 shows, there is no clear relationship between electoral performance and constitutional rewrites in South America's left turn. The cases of Argentina 2003 and Ecuador 2007 illustrate this point. While Kirchner (Argentina) and Correa (Ecuador) had similar support in the first round of the presidential elections (22% of the vote), they had different congressional outcomes. In Argentina, President Kirchner's party became the largest legislative party; in Ecuador, President Correa's party did not even present candidates for congress. Yet, contrary to reasonable expectation, only Ecuador moved forward with a constitutional rewrite. Similarly, Chávez was elected as a minority president in Venezuela given his party shares in congress and still was able to move froward with a radical constitutional rewrite. In other countries, leftist presidents won presidential elections with more than 50% of the votes and had a majority of seats in congress (such as the Broad Front in Uruguay, 2005), but constitutional rewrites did not occur.

Table 1.2: Vote Share in Presidential and Legislative Elections and New Constitutions

Case, Election Year, President and Party	Presidential Elections (First Round)	Presidential Elections (Second Round)	Lower house (% of seats)	Senate (% of seats)	New Constitution
Argentina, 2003 Kirchner, PJ	22.25% (2nd place).	--	54%	57%	No
Bolivia, 2005 Morales, MAS	54%	--	55%	44%	Yes
Brazil, 2014 Rousseff, PT	42%	52%.	14%	15%	No
Chile, 2013 Bachelet, NM	47%	62%	48%	55 %	No
Ecuador, 2006 Correa, AP	23% (2nd place)	57%	0% (One chamber)	--	Yes

Paraguay, 2008 Lugo, APC	41%	--	40%	38%	No
Perú, 2011 Humala, AGP	32%	51.45%	36% (One chamber)	--	No
Uruguay, 2004 Vazquez, FA	52%	--	52%	53%	No
Venezuela, 1998 Chávez, MVR	56%	--	17%	15%	Yes

Note: 1) The vote shares only consider the presidential parties and their coalition allies. 2) There was no second round in Argentina 2023. Menem (PJ) won the first round with 24.45% of the votes but abandoned the race. 3) Bachelet won with a coalition called the New Majority. 4) Noboa (Institutional Renewal Party of National Action, PRIAN) won with 28.83% of the votes.

Another potential explanation for the adoption of new constitutions is the intensity of an economic crisis that affected a government's performance before a country's left turn. Economic downturns increase the probability of institutional changes. However, this has not been the case for constitutional rewrites. Table 1.3 shows each country's economic performance for the five years before the election of leftist presidents. Interestingly, the region's worst economic performers were Argentina and Uruguay, where new constitutions were not adopted. In contrast, Bolivia and Ecuador experienced economic growth before turning to the left and rewriting their constitutions. Bolivia and Ecuador were also cases of mass protests, indicating that protests reflected deeper political discontent or illegitimacy.

Table 1.3: Economic performance and New Constitutions (ordered by Average GDP)

Country	Year of first election	Average GDP growth on last 5 years before the left	Worst economic performance (previous 5 years)	New Constitution

Argentina	2003	-2.1	-10.9	No
Uruguay	2004	-1.5	-7.7	No
Brazil	2002	1.9	0.3	No
Venezuela	1998	1.6	-2.3	Yes
Bolivia	2005	3.1	1.7	Yes
Colombia	2022	3.4	-7.3	No
Chile	2013	4.0	-1.0	No
Paraguay	2008	4.6	2.1	No
Ecuador	2006	4.9	2.7	Yes
Peru	2011	6.7	6.3	No

Note: The previous five years include the election year. For instance, for Argentina the period includes 1999, 2000, 2001, 2002, and 2003.
Source: World Development Indicators (2023)

Other explanations for constitutional rewrites are the occurrence of distinct types of events that increase the likelihood of new constitutions. These critical moments include regime transitions, the empowerment of new political sectors, and severe regime instability (Elkins, Ginsburg, and Melton 2009; Elster 1995; Galligan and Versteeg 2013a; Negretto 2012). Although the importance of these factors is undisputed, none of them alone can explain why only a few governments adopted new constitutions.

Regarding regime transition, unlike the constitutional rewrites that in the 1980s and early 1990s were motivated by countries' democratization processes (e.g., Brazil, Uruguay, Paraguay), in the late 1990s and 2000s the leftist leaders who contemplated constitutional reform were not elected following a regime change. While some scholars have argued that constitutional rewrites in Venezuela, Bolivia, and Ecuador moved these regimes in an authoritarian direction (Landau 2017; Levitsky and Loxton 2013), when those countries' presidents initiated the constituent assembly processes, they acted

in conditions of regime continuity rather than change. Even though these presidents framed the constitutional rewrites as a regime "change" or "re-foundation," they were operating within established democratic regimes.

Concerning the empowerment of new actors, the election of leftist presidents empowered new political and social sectors in their countries. However, there is no clear relationship between new governing coalitions and constitutional rewrites. For example, indigenous groups and peasant movements supported leftist candidates elected in Peru and Bolivia (Durand Guevara 2014; Kapiszewski, Levitsky, and Yashar 2021). Both leaders—Ollanta Humala and Evo Morales—proposed new constitutions, but only Bolivia adopted one. Moreover, while indigenous movements supported the 2007 constitutional rewrite in Ecuador, they were not an initial part of Correa's coalition (Ramírez Gallegos 2011)

Regime crisis also fails to account for the observed outcome variation. To establish if a country has gone through a period of regime crisis, I considered Gabriel Negretto's (2012) definition of a constitutional crisis: the "occurrence of irregular transfers of executive power and extreme forms of executive-legislative conflict in which the chief executive or congressional leaders attempt to terminate the constitutional term of the other branch" (p. 766). These occurrences increase the chances of a constitutional replacement "by a spectacular 2,500 percent" (Negretto, 2012: 773). As seen in Table 1.4, while Venezuela, Bolivia, and Ecuador experienced these crises before their constitutional rewrites, Paraguay, Peru, and Brazil underwent similar periods without changing their constitutions. Corrales (2018) also includes "crisis" as a precondition of

new constitutions in his account of constitutional rewrites in Latin America between 1987 and 2009. Corrales provides a theory of "power asymmetry" between incumbents and opposition actors to explain successful or aborted cases of constitutional rewrites (after periods of crisis). While Corrales convincingly shows the importance of the balance of power in the calculation of political actors, this dissertation extends that argument to show how, even in a context of crisis, where the incumbent party had a favorable power asymmetry like Argentina 2001-2003, a constitutional rewrite did not occur.[8]

Table 1.4: Regime Crisis and Constitutional Replacements

Cases	Periods of regime crisis	Constitutional replacements
Venezuela	Yes (1993–1997)	Yes
Bolivia	Yes (2003–2007)	Yes
Ecuador	Yes (1997–2008)	Yes
Paraguay	Yes (1999–2006)	No
Peru	Yes (2000–2004)	No
Brazil	Yes (1991–1996)	No

Source: Negretto (2012)

Finally, whereas many studies have examined cases of constitutional reforms under leftist governments, they have often focused exclusively on the countries that rewrote their constitutions (Cameron and Sharpe 2010; King 2013; Nolte and Schilling-Vacaflor

[8] Corrales (2018) also treats incumbents and opposition parties as unitary actors. This dissertation examines the internal dynamics of parties to demonstrate that, especially in the case of insider parties like the Justicialist Party in Argentina, party factions can be rivals and may not necessarily rally behind a single leader.

2012). This dissertation takes into account these studies and includes countries where the left discussed but failed to rewrite their constitutions in order to avoid inference problems due to case selection on the dependent variable (Brady and Collier 2010; Geddes 1990).

The Argument

This dissertation contributes to the extensive line of scholarship that has examined constitutional rewrites in South America's turn to the left. It advances a theory rooted in the notion that constitutions are "strategic instruments of power" (Hirschl 2013). Like other political institutions, constitutions may allocate power unevenly and privilege some groups over others (Mahoney and Thelen 2010). Therefore, presidents may consider constitutional reforms to advance their projects.

Within the range of possible constitutional changes—from partial amendments to complete reforms—this dissertation is interested only in complete constitutional rewrites. The process of constitution-making itself is essential for this work. I focus exclusively on *radical* strategies of constitutional rewrites. I understand that the origin of a new constitution is *radical* when a democratically elected constituent assembly drafts the constitution with "plenos poderes," or plenipotentiary power above other state institutions. According to Negretto and Sanchez (2019), constituent assemblies signal a clear separation between constituent and constituted powers, facilitating their democratic legitimacy, and are often constituted usurping power from the legislature and other state institutions. Therefore, this dissertation does not focus on constitutional amendments, partial constitutional reforms, or new constitutions drafted by

constitution-making bodies (like a regular congress or constitutional convention) without supremacy over other government institutions.

This study centers its attention on the decision-making processes in which presidents evaluate whether to pursue a radical constitutional rewrite based on their calculations of the benefit of doing so vis-à-vis the constraints they face from their parties and the existing institutional system.[9] This dissertation assumes that, all else being equal, leftist presidents tend to redefine the rules of the game. They often ascend to power with proposals for significant economic and political reforms. Constituent processes support these transformative objectives. New constitutions can broaden social and economic citizenship rights, heighten the significance of government intervention in the market, and alter the balance of power in relation to conservative actors. Furthermore, this study assumes that, when unchecked, all politicians aim to amass and fortify their power to the greatest extent (Ibarra del Cueto 2023). In this regard, constitutional rewrites can also contribute to the centralization of institutional power within the executive branch, extend presidential terms, diminish the strength of horizontal accountability institutions, and reinforce the ties between presidents and their constituencies (Brinks, Gauri, and Shen 2015). However, presidents do not consistently achieve constitutional rewrites because of checks on their power: intraparty and institutional constraints.

Parties' Constraints on Constitutional Rewrites

[9] This study focuses on origins of new constitutions rather than focusing on how the behavior of political actors affects constitutional design (Hirschl, 2004; Corrales, 2013; Negretto, 2013; Partlett, 2012).

Intraparty constraints are restrictions posed by political parties on their foremost leaders—like their presidential candidates. Leaders often do not dominate their parties at their will and face different levels of constraints depending on their party type. Here I consider two types of parties: insider and outsider parties.

Insider parties are those that develop gradually for a long time. Leaders and members of the party typically hold posts in various levels of public office or administration. They gain experience in government management and learn how to navigate institutions to accommodate multiple interests in the institutional arena (Flores-Macias 2012; Mainwaring and Scully 1995). These parties develop stakes in the institutional order and are considered part of the so-called political establishment.

Internally, insider parties are typically well institutionalized, have internal factions competing and cooperating for the party's command, and party activists are not entirely subordinate to their leaders. Inner negotiations are part of insider parties' institutional life; their decision-making processes are costly and intraparty agreements limit prominent leaders' room for maneuver (Urbinati 2019). For these reasons, in moments of crisis that trigger intense demands for drastic institutional reforms (like a constitutional rewrite), insider parties tend to control these processes from "above" and introduce only "marginal changes" (Banting and Simeon 1985, 15). In sum, incumbent insider parties favor the status quo as they impose high constraints on a president's ability to implement radical institutional change.

In this dissertation, I operationalize insider parties as follows. A party is classified as an insider party if the party was created at least three presidential elections before the left

turn.[10] Additionally, a party is coded insider if the party was able to offer multiple relevant leaders to society. The latter means that the party had, apart from the main leader during the left turn, a different member as a presidential candidate, head of the national government, or head of a major city before that election. These rules are, to some extent, arbitrary but reasonable. Their theoretical reason is to capture a relatively long party experience in politics and existing institutions, as well as a party's organizational development that goes beyond purely personalistic leadership.

Outsider parties, on the other hand, are those parties that arise from outside of the political establishment. They frequently emerge to challenge traditional political elites and existing institutions (Levitsky and Loxton 2013; Mainwaring and Scully 1995; Mayorga 2006). They grow fast, typically close to an election. They do not have governance experience and lack stakes in the institutional order (Flores-Macías, 2012). They are likely to see existing institutions as controlled by—and biased toward—the "political establishment" (Zulianello 2018) and tend to ignore or disregard the rules of the game.

Internally, outsider parties are weakly institutionalized. Even if they include diverse social constituencies and are sites of intense internal debates, these parties lack solid internal factions. Their decision-making mechanisms are often centralized in the hands of a dominant authority figure (Mainwaring et al. 1999) for whom reaching internal

[10] That is, at least 8 years before election in countries with 4-year presidential terms.

agreements is not costly. Thus, in moments of crisis, outsider presidents have scope and incentives to connect with societal demands for change, remove their political rivals from government institutions, create new institutions, and generate new rules they can manage and control. In short, outsider parties do not pose significant intraparty constraints on their presidents.

I classify parties as outsiders if they were created no more than two presidential elections before the left turn. Further, a party is an outsider if the main leader has been the only presidential candidate and if the party could not produce other leaders capable of governing major cities of the country. This operationalization allows to include parties with only short political and institutional experience, and highly personalistic in nature.

Table 1.4 shows the different parties' pathways to power in the left turn. On the one hand, the main leftist parties in Brazil, Uruguay, and Chile (at least up to 2021, see note 3 in Table 1.4) were founded decades before the election of leftist presidents beginning in the 2000s, and even before the last wave of democratization in their countries. The *Partido Justicialista* (PJ; Justicialist Party) in Argentina even if not a leftist party *per se*, was the party that led the left turn by raising proposals prone to pro-statist and redistributive reforms in 2001-2003, and was founded in the first half of the 20th century, like the *Partido Socialista* (PS; Socialist Party) in Chile. Both participated in several elections, and even elected presidents before the regional left turn in the 1990s and 2000s. The FA in Uruguay was founded in 1971 and—while it had not won a presidential election before 2005—it had a long history of presenting different presidential candidates in the 1970s and 1980s. The *Partido dos Trabalhadores* (PT;

Workers' Party) in Brazil is different in the sense that it had just one presidential candidate in the three elections before winning in 2003,[11] but it shares with the PJ, PS, and FA a rich history of multiple leaders running important local governments at the regional and municipal levels.

These insider parties followed an "institutional path" to power (Levitsky and Roberts 2011) until becoming part of the "political establishment" (Hunter 2010). They developed gradually within their institutional systems, produced multiple leaders and cadres whose careers were built within government institutions, and learned how to negotiate agreements with other parties. Therefore, these parties developed organizations and interests that imposed relative constraints on their presidents when elected.

On the other hand, the parties that led the left turn in Ecuador, Paraguay, Venezuela, Colombia, Peru, and Bolivia were created relatively close to the left turn (similar to the case of Chile 2022). In Ecuador and Venezuela, *Alianza País* (AP; Country Alliance party) and *Movimiento Quinta República* (MVR; Fifth Republic Movement) were formed solely for the presidential elections they won in their first participation. In the cases of Colombia, Peru, and Bolivia, these parties had one prior electoral experience in a presidential race in which their main leaders lost. The case of Paraguay is somewhat different in the sense that *Alianza Patriótica para el Cambio* (APC; Patriotic Alliance

[11] Luis Inácio Lula da Silva was a presidential candidate in 1989, 1994, and 1998, before winning the presidency in 2002. Lula was reelected in the 2005 presidential elections. After Lula, the PT party nominated different candidates such as Dilma Rousseff in 2010 and 2014, and Fernando Haddad in 2018.

for Change) was an alliance, headed by Lugo, between outsider parties associated with a traditional establishment party for electoral purposes.[12]

These outsider parties did not grow gradually within their institutional systems or build solid organizations with multiple leaders embedded in government institutions. Some of them (e.g., Chávez's MVR and Correa's AP) even lacked solid links to popular sector organizations (like unions, peasants, or other social movements). These weak linkages to social movements, according to Etchemendy and Garay (2011), grant greater autonomy to presidents and, therefore, increase the radicalism of a leftist party once it gains power. Moreover, these outsider parties emerged after their countries' transition to democracy and did not value existing institutions as positive results of struggles against authoritarian forces (Madrid 2010).[13] On the contrary, these parties arose against existing institutions that they considered responsible for their national problems and biased toward conservative forces and corrupt elites. Even if there were cases of relative experience in government before the left turn, these experiences do not account for institutional paths to power akin to the insider parties. The Movimiento al Socialismo (MAS; Movement Toward Socialism) in Bolivia had leaders in the legislature (like Evo Morales in 1997) and in local governments before taking office in 2006; however,

[12] Nonetheless, APC falls within the outsider category because the organizational characteristic of the alliance was similar to an outsider party. President Lugo emerged from new parties and movements that were heading to the 2008 elections, and for pragmatic reasons included a traditional party in the coalition. As is shown in the chapter on Paraguay, the coalition was weakly institutionalized, did not pose significant constraints on Lugo, and had incentives to radically reform government institutions viewed as intrinsically associated to dominant political and economic elites.

[13] Colombia did not have an authoritarian regime similar to the other cases.

Morales was expelled from congress in 2002 and the party participated only in marginal local administrations. In Colombia, President Gustavo Petro had a long political history with different parties before winning the 2022 presidential election with Colombia Humana (CH; Humane Colombia party), but this was a personal trajectory rather than a party one. Chile's outsider party Convergencia Social (CS; Social Convergence party) was also created right before it won the 2021 presidential election.

In summary, these outsider parties rapidly rose to power, from outside and even against existing institutions. They had personalistic tendencies, weak linkages to social organizations, and dispersed bases of support (with the exception of the Bolivian MAS), and therefore posed limited constraints on their presidents when they were elected. Table 1.5 illustrates these different characteristics that divide insider and outsider parties.

Table 1.5. Parties' characteristics of leftist presidents up first election year (by parties' age)

Country[1]	Left-turn party[2] / president elected	Party's age when elected (first time)	Foundation	Turn to the left	# of presidential races	Party with multiple leaders in elections and government	Type of party
Ecuador	AP / Rafael Correa	1	2006	2007	1	No	Outsider
Paraguay	APC / Fernando Lugo	1	2007	2008	1	No	Outsider
Venezuela	MVR / Hugo Chávez	2	1997	1999	1	No	Outsider
Peru	PL / Pedro Castillo[4]	2	2019	2021	1	No	Outsider
Chile	CS / Gabriel Boric[3]	4	2018	2022	1	No	Outsider
Colombia	CH / Gustavo Petro	4	2018	2022	2	No	Outsider

Peru	PNP / Ollanta Humala	6	2005	2011	2	No	Outsider
Bolivia	MAS / Evo Morales	8	1998	2006	2	No	Outsider
Brazil	PT / Lula Da Silva	23	1980	2003	4	Yes	Insider
Uruguay	FA / Tabaré Vázquez	34	1971	2005	6	Yes	Insider
Argentina	PJ / Néstor Kirchner	56	1947	2003	8	Yes	Insider
Chile	PS / Ricardo Lagos	67	1933	2000	6	Yes	Insider

Notes:
1) In this table I only include the first presidents elected in the left turn per country to illustrate the characteristics of the elected parties.
2) Country, Party (Acronyms in Spanish): Ecuador, Country Alliance (AP); Paraguay, Patriotic Alliance for Change (APC); Chile, Social Convergence (CS); Venezuela, Fifth Republic Movement (MVR); Colombia, Humane Colombia (CH); Peruvian Nationalist Party (PNP); Bolivia, Movement Toward Socialism (MAS); Brazil, Workers' Party (PT); Uruguay, Broad Front (FA); Argentina, Justicialist Party (PJ); and Chile, Socialist Party (PS).
3) Chile is twice in the table. Leftist presidents were elected leading insider and outsider parties. The Socialist Party was an insider party that, as part of broader coalitions, reached the presidency three times after the transition to democracy (in 2000 and 2006 with *La Concertación* and in 2014 with *Nueva Mayoría*). In 2022, *Convergencia Social*, a leftist outsider party, was part of the coalition *Apruebo Dignidad*, which reached the presidency in 2022 with Gabriel Boric.
4) *Perú Libre* was created in 2019 as the result of a fusion of regional and minority parties.

Beyond the type of party, this dissertation argues that the other explanatory variable, social protests, is also significant for presidents seeking constitutional reforms. Protests are important because presidents also face *institutional constraints* and successful constitutional rewrites occur when these institutional constraints are weakened.

Social protests and Institutional Constraints on Constitutional Rewrites

Presidents can face institutions that check executive power. These institutions include congress, courts, electoral institutions, rival parties, and others involved in approving constitutional reforms. Actors like the military and economic elites, conceptualized as informal veto-players, can constrain the executive's power (Pérez-Liñán 2007). Therefore, even as leftist presidents are inclined to pursue radical institutional changes,

challenging the status quo might be too costly, and presidents might avoid reforms altogether. [14] These institutional constraints would predict presidents evading constitutional replacements. However, institutional constraints are not fixed, and social protests play an important role in reducing these checks on presidents' room of maneuver.[15]

There is a long tradition in South America of presidents (from the left or the right) who have tried to overcome institutional constraints to promote reforms. Extensive literature acknowledges that presidents consider calculations of costs, benefits, and probability of success when weighing options –constitutional and non-constitutional– to advance their projects.[16] O'Donnell's delegative democracy (1998) asserts the idea that presidents may act against institutions of horizontal accountability to carry out their projects. Take, for example, the cases of referendums to open constituent processes, one of the paths most chosen by popular presidents who want to change the constitutional rules of the game (Welp 2023).[17] In Venezuela in 1999 and Ecuador in 2007, Presidents Chávez and

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[14] Presidents Fernando Lugo in Paraguay (2008) and Ollanta Humala in Perú (2011) are examples of left-leaning presidents leading outsider parties who promised transformative agendas in their electoral campaigns. Once elected, they proved to be weak vis-à-vis political rivals and societal actors. They were removed from power before the end of their presidential terms.

[15] Presidents can encroach on other branches through states of exception, and fast track mechanisms to introduce legislation in congress. While these mechanisms are important, this dissertation focuses on the role played by social protests in reducing institutional constratints.

[16] Alissandra Stoyan analyzes this range of options and considers measures such as "abusing decree power, judicial override, establishing a new legal precedent for the [Constituent Assembly] CA, and the self-coup" (2014, 15).

[17] A comparative review of constitutional texts and discussions within each country shows that terms like "consulta" (consultation), "referéndum" (referendum), and "plebiscito" (plebiscite) are treated as synonyms or interchangeable notions (Freidenberg 2022). In this work, I use the term "plebiscite" or "referendum" in the generic sense of a popular consultation.

Correa broke with the legal orders of their countries to promote referendums that mobilized citizens in favor of new constitutions (Negretto, 2018).[18]

A central point for this dissertation is that presidents will take advantage of contexts that favor their chances to maximize their political and institutional power. In this regard, moments of crisis are instrumental because they generate opportunities to weaken institutional checks on presidential power.

Crises favor changes in the status quo because they delegitimize political and economic elites (de la Torre and Burbano de Lara 2020), affect the role of courts (Basabe-Serrano 2012), facilitate the emergence of populist leaders (Moffitt 2016), and signal the failure of regime institutions (Kalyvas 2005). For these reasons, contexts of crisis have been considered as factors that can temporarily weaken institutional constraints and favor constitutional reforms (Corrales 2018; Elster 1995; Landau 2017; Negretto 2012). This goes in line with Helmke (2002), who suggested that judges in conditions of institutional insecurity make strategic choices and defect from outgoing government administrations if these administrations are weak. It is what happened in Venezuela in 1999 and Ecuador in 2007, when the "old regimes" were not defended by institutional actors, and

[18] Only after conflicts between state powers, intense pressure from the executive, and mobilizations in the streets, did these processes in Venezuela and Ecuador succeed. Argentina represented a similar case at the beginning of the 1990s. President Carlos Menem in 1993 advocated for a plebiscite not provided for in the constitution to force the opposition to negotiate constitutional reform, to which the opposition, faced with the threat of a strong institutional crisis, finally agreed (Comas 1993; Nelson 1994). There are also cases of presidents who tried, unsuccessfully, to bypass institutional constraints to initiate constitutional reforms. In Honduras in 2009, President Manuel Zelaya was removed in a coup after trying to hold a referendum to reform the constitution (Corrales 2011).

constituent processes were initiated by unconstitutional means (Landau 2017). As the president of the Ecuadorean 2007 constituent assembly, Alberto Acosta, illustrated, AP exerted direct pressure on institutions they viewed as obstacles to promoting change (Harnecker 2011). Acosta acknowledged that "the congress was attacked […] the 1998 Constitution was attacked", and this was only possible due to the intense crisis during the left turn (Acosta, personal interview, 2018).

Moments of crisis are therefore important for my theory. The problem with the concept of crisis is that, as it is usually employed, presents shortcomings such as "concept stretching" (Sartori 1970). For instance, in the most comprehensive comparative study of constitutional survival, spanning every national constitution since 1789, Elkins, Ginsburg, and Melton (2009) use "domestic crisis," a variable that weighs events such as assassinations, strikes, guerrilla warfare, government crises, purges, riots, revolutions, and anti-government demonstrations.[19] A similar challenge is found with Negretto's "constitutional crisis," which incorporates events that come out of different situations such as executive-legislative disputes (e.g., impeachment of Collor in Brazil, 1992), insurgency (as in Colombia in the 1980s), civilian revolts, or military coups.[20] Thus, including all these events in a single variable of "crisis" complicates establishing

[19] For domestic crisis, Elkins, Ginsburg, and Melton (2009) used Banks, Arthur S (2001). *Cross National Time Series Data Archive*.

[20] In other words, while various types of crises may lead to constitutional replacements, this dissertation specifically focuses on those that have the potential to result in radical constitutional rewrites within this historical period of South American politics.

precise causal mechanisms and theories in the context of this study, since severe crises led to radical constitutional rewrites in some countries and not in others.

To provide a complete account of new constitutions in the left turn, I propose an argument that builds on the concept of crisis and analyzes it with greater specificity. I unfold episodes of crisis to see whether they were driven by strong social protests. The strength of protests is crucial because they can alter the opportunities and incentives for institutional reforms (Tilly and Tarrow 2015). The logic is straightforward. As social protests increase in strength, they alter power relations sustaining existing institutional arrangements. Mass protests weaken institutional authorities, courts, congress, and veto players that defend the status quo. Moreover, protest-driven crises may empower populist actors that go against institutions designed to check the executive's power (Landau 2013; Levitsky and Loxton 2013). As protests grow, sustaining the status quo becomes a burden, resistance to change tends to weaken, and radical institutional reforms become more likely. For these reasons, protests reduce institutional constraints against constitutional reforms. However, when mobilizations are weak, institutional constraints remain high, and leaders tend towards moderation and the preservation of the status quo.

Social protests play a fundamental part in this study. In South America's most recent decades, protest movements have mobilized against unresponsive governments, market-oriented reforms, inequality, corruption, and ethnic exclusion (Arce 2010; Kapiszewski, Levitsky, and Yashar 2021; Pérez-Liñán 2007; Rossi and Silva 2018). Protests have marked historical political moments in the region, from the "Caracazo" in Venezuela in

1989, the "Argentinazo" in Argentina in 2001, and the "Gas and Water Wars" in Bolivia in 2000 and 2003, to the widespread 2019 "estallido social" (social outburst) in Chile. While the motivations of these protest movements have varied, a common characteristic has been their demand to advance government institutional changes. Examining mass protests is essential for the understanding of constitutional rewrites under the left, as the left has been inclined to translate bottom-up protest demands into proposals for constitutional rewrites.

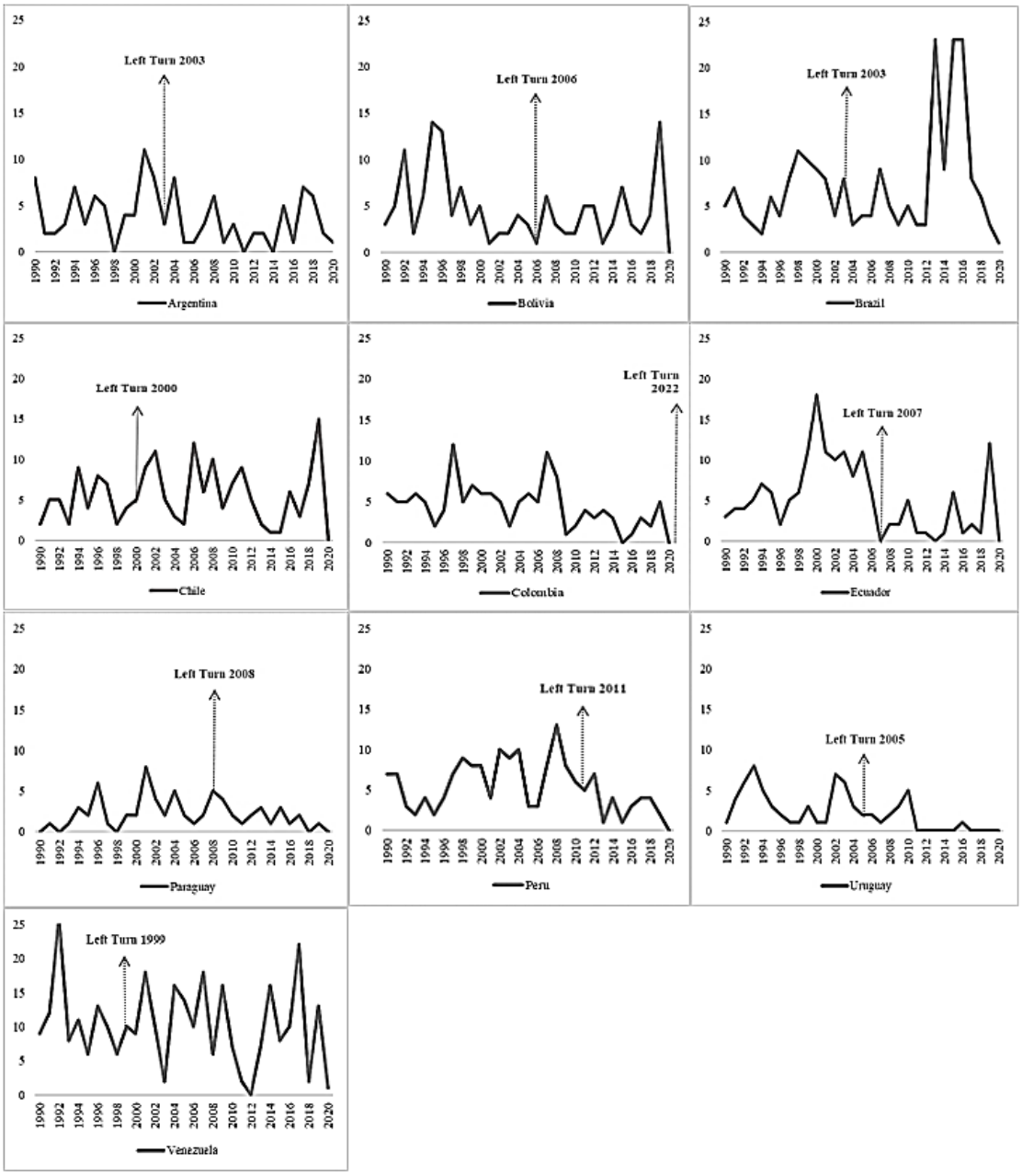
In this dissertation, I take into account two measures to analyze the strength of protests. First, I look at the number of protests against governments in the period 1990–2020, according to data from the Mass Mobilization Data Project (Clark and Regan 2019), one of the few sources that provide comparative data across time and countries in South America.[21] I consider the sum of all events per year. While these data have limitations —i.e., it is not possible to determine the exact scope, intensity, and effects of these protests— one can still gain a sense of social unrest from a longitudinal perspective and across countries.[22] Figure 1.2 shows protest events for each country. Overall, it can be seen that Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, and Venezuela had at least 10 protest events in a year before their left turns. In the cases of Argentina,

[21] The Mass Mobilization Data Project provides comparative data on protests that target governments and involves at least 50 peple based on reports from major publications such as the New York Times, Washington Post, Christian Science Monitor, Times of London, and regional and other sources (Clark and Regan 2019). For more information and instructions, see Mass Mobilization Data Project, https://massmobilization.github.io/ (2023/09/01).

[22] To enrich data regarding social protests, within each country-chapter, I collected more data from country-sources. Whereas they are difficult to use in comparative perspective, they highlight the evolution of protests movements across time in each country.

Bolivia, Colombia, Ecuador, Perú, and Venezuela, protests reached their peaks before their left turns. In contrast, Paraguay and Uruguay never reached 10 events.

Figure 1.2: Social Protest and the Left Turn in South America (1990-2020)



Source: Clark and Regan (2019)

Second, to have a better idea of the intensity of these protest events –and code them as "strong" —I analyze if they contributed significantly to presidential removals or breakdowns. This way, I can better capture the level of "popular belligerence" (Auyero 2002) of protest movements and their ability to cause regime instability, weaken institutional constraints and open opportunities for constitutional rewrites. Table 1.6 presents cases of presidential breakdowns that took place in South American countries between 1990 and 2020 and whether these crises had social protests as important drivers. Presidents were forced out of power in Argentina, Bolivia, Brazil, Ecuador, Paraguay, Peru, and Venezuela. Among these cases, in Brazil, Paraguay, and Peru, social protests were not significant drivers of presidential falls.[23] In Argentina, Bolivia, Ecuador, and Venezuela, protest movements "rioted, blocked highways and roads, disrupted transport and commerce, staged marches from the interior to the capital, laid siege to capital cities, burned effigies, and attacked and occupied government buildings" (Silva 2009, 1). Due to these intense mass protests, presidents ended up being removed from power in Argentina in 2001, Venezuela in 1993, Bolivia in 2003 and 2005, and Ecuador in 1997, 2000, and 2005.

Table 1.6: Presidential Breakdowns and Social Protests 1990-2020

[23] As Chapter 4 shows, the fall of Paraguayan President Raúl Cubas Grau in 1999 was mainly the result of disputes between factions of the incumbent Colorado Party and the opposition, which lead to a presidential impeachment and the president's resignation. During this crisis, there were violent clashes between protestors and the police, but as Llanos and Marsteintredet (2010) assert, social mobilization came later in the crisis and was not a significant cause of the instability.

Country	Presidential breakdowns[1]	Protests as significant drivers of crises
Argentina	2001 Fernando de la Rúa	Yes
Bolivia	2003 Gonzalo Sánchez de Lozada	Yes
	2005 Carlos Mesa	
Brazil	1992 Fernando Collor	No
	2016 Dilma Rousseff	No
Chile	No	No
Colombia	No	No
Ecuador	1997 Abdalá Bucaram	Yes
	2000 Jamil Mahuad	Yes
	2005 Lucio Gutiérrez	Yes
Paraguay	1999 Raúl Cubas	No
Peru	2018 Pedro Pablo Kuczyinski	No
Uruguay	No	No
Venezuela	1993 Carlos Andrés Pérez	Yes

Notes: 1) Only the fall of elected presidents are considered.
Source: Pérez-Liñán (2007), Llanos and Marsteintredet (2010); (De Micheli, Sanchez-Gomez, and Roberts 2022)

In this study, while I consider that there were important waves of protest across the region before, during, and after the left turn (e.g., Chile 2006, 2011, 2019; Colombia 2019; Brazil 2013 and 2021), only in Argentina, Bolivia, Ecuador, and Venezuela were protest events strong enough to destabilize regime institutions and break down presidential administrations. In these countries, movements were heterogenous and mobilized around political and economic issues (Roberts 2014). The breadth and diversity of protest actors indicated that the crises were systemic, and that in these "constituent moments" (Frank 2010) no specific set of policy reforms or sectorial initiatives could have pacified the protestors, ensuring that a "re-founding" discourse would have broad appeal.

Expectations on the Likelihood of Constitutional Re-founding

By examining intraparty and institutional constraints jointly, I derive a set of expectations on the likelihood of radical constitutional rewrites. Since insider and outsider parties exercise different constraints on presidents (*high* for insiders and *low* for outsiders), I expect executives to adopt a new constitution when they belong to outsider parties and when strong protests antecede their election. Outsider parties do not create significant constraints for presidents and mass protests temporarily override existing institutional barriers. Thus, when the election of outsider parties interacts with strong social protests, presidents face little to no limitations on pursuing a radical transformation of the constitutional order. Instead, when executives belong to insider parties, they face high intraparty constraints that favor the status quo, impeding radical constitutional rewrites.[24] And when executives belong to outsider parties, but social protests are not strong, they face numerous checks on their presidential power, making it too costly to adopt a new constitution. Table 1.7 summarizes these expectations.

Table 1.7: Leftist Presidents' Intraparty and Institutional Constraints

		Constraints on Leftist Presidents		Radical Constitutional rewrites
		Intraparty	*Institutional*	
No protests	*Insiders*	High	High	No
	Outsiders	Low	High	No
	Insiders	High	Low	No

[24] This study focuses exclusively on radical constitutional rewrites adopted through constituent assemblies that supersede existing powers. Interestingly, presidents who didn't succeed in these radical replacements also refrained from approving new constitutions through alternative mechanisms, like constitutional conventions without supreme authority.

Mass protests	*Outsiders*	*Low*	*Low*	Yes

Research Design, Case Selection, and Data Collection

To examine my argument, I rely on a comparative small-n analysis of three leftist governments in South America during the turn to the left. My empirical approach is deductive and qualitative. It searches for causal leverage through theory-testing following a most similar systems method (Przeworski and Teune 1970). This approach assumes that factors that are alike among the cases are not relevant in explaining the variation in the outcome. Only explanatory factors that are sufficiently different can be considered as driving the variation (Przeworski and Teune 1970). The selection of similar cases provides variation in both explanatory variables and outcomes, keeping important historical, economic, and cultural factors reasonably constant. I now turn to the rationale for the case selection.

In the last quarter century leftist presidents have won elections in Argentina (2003, 2007, 2011, 2019), Bolivia (2005, 2009, 2014, 2020), Brazil (2003, 2007, 2011, 2015), Chile (2000, 2006, 2014, 2022), Colombia (2022), Ecuador (2006, 2009, 2013, 2017), Paraguay (2008), Peru (2011, 2021), Uruguay (2004, 2009, 2014), and Venezuela (1998, 2000, 2006, 2012, 2013, 2019). In all these countries, there was some type of crisis before the left turn, and executives publicly discussed the possibility of constitutional reforms. To select the cases for intensive study, I grouped countries (election-year) according to my key explanatory variables: type of incumbent party (insiders vs. outsiders) and level of social protests (Strong vs. Not Strong) (Table 1.8).

Table 1.8: Case Selection According to Explanatory Variables

	Strong protests	*Not Strong Protests*
Outsider party	Venezuela (1999), Bolivia (2006), Ecuador (2007)	Perú (2021), Colombia (2022), Chile (2022), Paraguay (2008), Perú (2011).
Insider party	Argentina (2003)	Uruguay (2005, 2010, 2015), Brazil (2003, 2011, 2015, 2023), Chile (2000, 2006, 2014), Argentina (2007, 2011, 2018)

To maximize variation, I selected the three categories that display significant variation in the explanatory variables: Outsider/Protest group, Insider/Protest group, Outsider/No Strong Protest group. I left aside the Insider/No Strong Protes group because, firstly, it provides little analytical leverage as it is negative on both explanatory variables and, secondly, because the dynamics of insider parties and contexts without protests are already analyzed in the other groups. After identifying the three significant groups, I selected one country per group as potential case studies: Ecuador, Argentina, and Paraguay.

Ecuador, Argentina, and Paraguay have important similarities. They went through intense episodes of political instability, presidential breakdowns, and state crises before the left turn (Handlin 2018; Llanos and Marsteintredet 2010). While these periods triggered discussions of significant institutional changes before the election of leftist presidents in all three countries, only Ecuador adopted a new constitution.

I selected these three cases, and not others, for numerous reasons. In Ecuador, the rise of Rafael Correa in 2007 allowed me to explore the combination of a leftist president

leading an outsider party elected in the aftermath of strong social protests. Just like Evo Morales in Bolivia (2006) and Hugo Chávez in Venezuela (1999), Correa was the leader of a new party that emerged against the "political establishment" in a context of mass protest and promoted a radical constituent process to rewrite the constitution. Moreover, Ecuador was an ideal case for fieldwork and a "hard" test of my theory. It was the "least likely case" (Eckstein 2009) to observe a new constitution compared to Venezuela and Bolivia since Correa was elected with less political and institutional leverage than Morales and Chávez. Correa became president after losing the first round of the presidential election and did not have a single legislator from his party in congress.

Concerning Argentina, the election of Nestor Kirchner in 2003 makes it possible to explore the combination of a leftist president leading an insider party elected after strong social protests. The election of Kirchner was not the only case of an insider party elected amidst mass demonstrations, as the cases of Michelle Bachelet in Chile (2014) and Dilma Rousseff in Brazil (2015) showed. However, I code the cases of Bachelet and Rousseff as "no strong" protests because these mobilizations did not break down presidencies. Nonetheless, all three discussed constitutional reforms but did not follow through on them. I selected Argentina because the protests in 2001–2002 were similar in timing and disruptive capacity to the protests in the "Bolivarian" cases of Venezuela, Bolivia, and Ecuador (Roberts, 2014). Between 2001 and 2002, Argentina had five presidents. This period is considered one of the worst in Argentine history (Malamud 2015; Zicari 2020). Thus, Argentina is another "hard case" for theory confirmation. Despite protests weakening regime institutions and establishment parties and generating

multiple social and political demands for radical institutional changes, the country did not adopt a new constitution.

Lastly, in Paraguay the election of Fernando Lugo (2008) allows me to study the combination of a leftist president leading an outsider party elected in the absence of mass social protests. Along with Ollanta Humala in Peru (2011), Lugo was a president who came to power from outside the political establishment after a period of institutional crisis (1999–2006), similar to those associated with constitutional replacements (Negretto, 2012). The governing coalition discussed a possible constitutional reform but did not pursue it. Paraguay was selected because the election of the Paraguayan outsider occurred only two years after the end of the crisis, as coded by Negretto (2012), while Humala was elected seven years after the end of the crisis in Peru.

To sum up the case selection and theoretical framework (Table 1.9), Ecuador is a case in which both explanatory variables have values in the right direction for a constitutional rewrite. In contrast, in Argentina mass protests led to a presidential downfall but an insider party was elected. Meanwhile, Paraguay experienced the reverse—an outsider party elected with no protests. Both cases show that the presence of only one of the two independent variables is not sufficient to produce a new constitution. Argentina and Paraguay highlight that a constitutional rewrite requires the interactive effect of both independent variables to weaken both the intraparty and external institutional constraints on presidential authority.

Table 1.9: Summary of the Theoretical Framework and Case Selection

Country/president	Turn to the left	Type of party elected	Strong social protests[1]	New constitution
Ecuador / Correa	2007	Outsider	Yes (1997, 2000, 2005)	Yes
Paraguay / Lugo	2008	Outsider	No	No
Argentina / Kirchner	2003	Insider	Yes (2001)	No

Notes: (1) The years in parentheses in the Strong social protest column refer to presidential breakdowns caused by episodes of mass popular rebellion before the left turn

The case selection of Argentina, Ecuador, and Paraguay also allows controlling for possible antecedent factors that could explain both the explanatory and outcome variables. For instance, severe political, economic, and state crises can explain the rise of outsider parties, mass protests, and constitutional rewrites. However, Argentina experienced a financial meltdown, presidential breakdowns, and large demonstrations, yet an insider party was elected and did not seek radical constitutional changes.[25] Further, Paraguay went through deep economic and political turmoil (including a presidential breakdown caused by intra-elite conflicts) in the years that led to the election of an outsider party. Still, social protests were weak compared to Argentina and Ecuador, and a constitutional rewrite was not possible.

[25] Handlin (2018) studies the interaction between "state crisis" and the emergence of political outsiders seeking radical policy changes in South America's turn to the left. Handlin recognizes that Argentina went through state crisis in the period, but he does not consider Argentina 2003 as a case within the left turn—and therefore there is no focus on explaining why this case of "state crisis" does not produce radical institutional changes. My dissertation sides with Levitsky and Roberts (2011) and considers Argentina 2003 as a case within the regional shift to the left since a leftist candidate was elected. My project offers a theory to explain why, despite the antecedent conditions of crisis, this leftist government did not seek radical changes.

Another omitted variable controlled by this research design includes the existence of legal forms of direct democracy such as referendums to initiate constituent processes.[26] Accordingly, in countries where these mechanisms exist, social protests may be more likely to trigger and approve constitutional referendums and therefore adopt new constitutions, compared to countries where these mechanisms are not legal. This variation in the legality of constitutional referendums would be a noticeable difference in the levels of institutional constraints, which would generate a comparability problem. However, this is not the case in Argentina, Ecuador, and Paraguay. In none of these three countries was legal a referendum to initiate a constituent process (at least not without congress approval). However, such referendums were proposed in all three countries, as will be detailed in the following chapters. In Ecuador, the coalition that supported Rafael Correa was perfectly aware that the referendum broke with the contemporary institutional order, and yet they followed the "absolutist temptation" (Mazzuca 2013) to weaken institutional checks through plebiscitarianism. In Paraguay, a referendum was attempted in 2011 and was blocked by the opposition to Lugo in congress. In the case of Argentina, the referendum was publicly considered by President Menem in 1993 if the opposition did not agree to negotiate a constitutional reform. Years later, as this dissertation argues, the fact that President Kirchner did not propose a referendum in 2003 was not due to legal considerations, but due to constraints coming

[26] In this work, the term "referendum" is used in its general sense, as a mechanism of direct democracy often employed by presidents to promote substantive institutional reforms (Welp 2023). In this dissertation, the terms "referendum" and "plebiscite" are used interchangeably, considering that there is no uniform definition across countries.

from within his party. In summary, in the three selected countries, referendums to start constituent processes were not provided for by the contemporary constitutions, yet they were nonetheless promoted with different degrees of success (Table 1.10).

Table 1.10: Legality of Constitutional Referendums and Case Selection

Country	The legality of a referendum to start a constitutional rewrite	Referendum attempted	Referendum implemented	The stage where the process stopped
Argentina	No	Yes, 1993	No	When the opposition agreed to negotiate a constitutional reform
Ecuador	No	Yes, 2007	Yes	---
Paraguay	No	Yes, 2011	No	Opposition in congress

A final omitted variable controlled through this case selection is *social discontent.* Social discontent could make the election of outsiders, mass protests, and constitutional changes more likely. Figure 1.3 compares levels of citizens' distrust in government institutions and political parties up to the presidency of leftist presidents in Argentina 2003, Ecuador 2007, and Paraguay 2008.[27] To have more cases for comparison here, I also added Bolivia 2006 (outsider president, mass protests, and a new constitution). Bolivia is not a case studied in this dissertation, but it adds analytical value to the

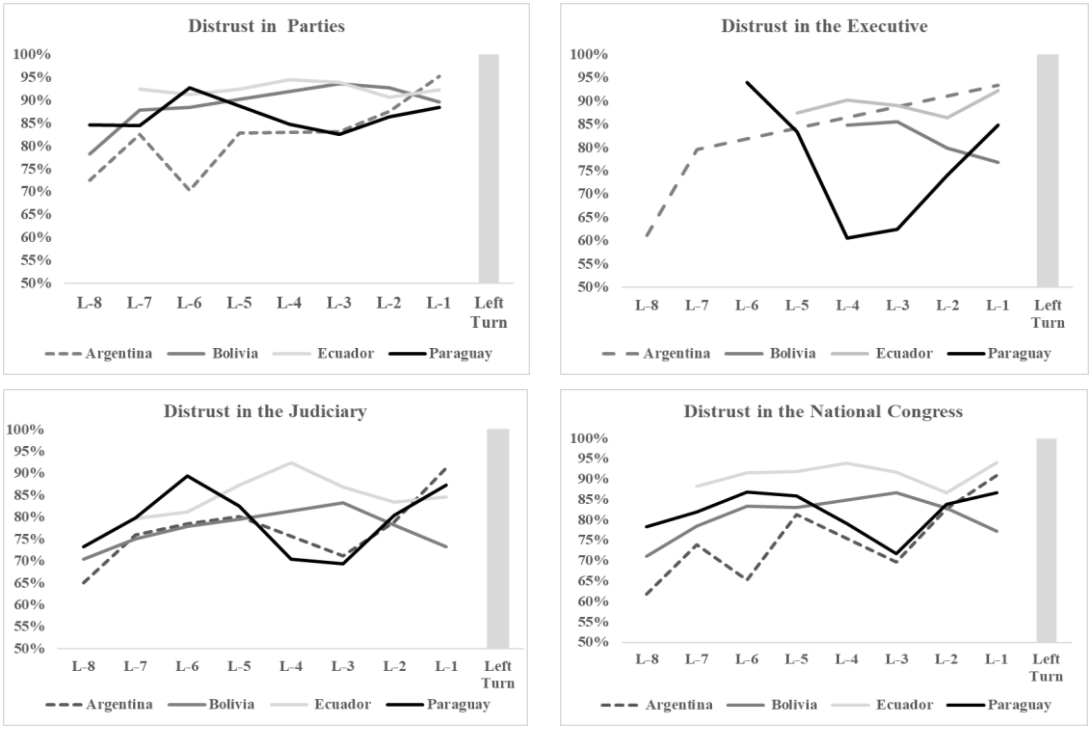
[27] To obtain the levels of public distrust I aggregated responses of "little trust" and "no confidence" for each case.

relationship between antistatus quo sentiments and constitutional rewrites, as seen in the next paragraph. To make these figures comparable, I labeled the years in which leftist presidents took office as "L" (Left Turn). After I marked the years of the left turn as "L," I moved to the previous years (L-1, L-2, L-3, etc.) to indicate one year before these presidencies (L-1), two years before (L-2), three years before (L-3), and so on. The idea is to have a sense of citizens' distrust in the years that anteceded the left turn and see if there is a clear association with the explanatory variables and the outcome of interest.

These figures illustrate some interesting points. First, levels of mistrust do not show a clear correlation with the choice of outsiders (Ecuador and Paraguay) or insiders (Argentina), levels of protest (strong in Ecuador and Argentina, weak in Paraguay), or the adoption of a new constitution (only in Ecuador). Ecuador is a case with high social discontent, protests, election of an outsider, and a new constitution. The levels of social discontent in Paraguay have been close to or higher than Ecuador's at some points, higher than Argentina and Bolivia for several years, and yet, there were no strong social protests nor a new constitution, even while an outsider was elected. On the other hand, Bolivia had lower levels of social discontent than Ecuador and shows a drop in levels of mistrust when it approaches the turn to the left (that is, confidence in political institutions and the regime increases), to the point that it is the case with the lowest levels of discontent in three of the four variables, but is also a case of very high protests, election of an outsider, and a new constitution. Finally, Argentina is a case where the levels of distrust rose systematically as the turn to the left approached and surpassed the

other countries in three of the four categories. Although Argentina is a case of high social protests, it elected an insider party and there was no new constitution.[28]

Figure 1.3: Distrust in Parties, the Executive, the Judiciary, and the National Congress before the Left Turn



Source: Latinobarómetro.

[28] Presidents' approval levels also follow a similar trend before the left turn: presidential approval in Argentina in the year before leftist presidents' taking office was lower than in the other cases. In Argentina approval was 15% (2002), in Bolivia 70% (2005), Chile 32% (2013), and Ecuador 24% (2006) (Latinobarómetro).

In short, by engaging with Argentina, Ecuador, and Paraguay, this dissertation can rule out that constitutional rewrites are endogenous to omitted variables such as social discontent with political and government institutions.

Data Collection

I constructed historical narratives for each case and within each, used process tracing to establish if my theorized mechanisms—intraparty and institutional constraints—explain constitutional rewriting (Bennett 2010; Collier 2011). The case narratives draw on three primary sources: elite interviews, archival material, and news articles.

During my fieldwork, which spanned more than thirty days in Ecuador (2018), forty days in Argentina (2019), three months in Paraguay (2014), as well as forty days in Uruguay and thirty days in Chile, I interviewed over forty-eight political, governmental, academic, and social elites. The complete list of interviewees can be found in the Appendix. I selected interviewees from different elite factions to better triangulate information and understand the processes that unfolded in each country from their viewpoints. I first searched for prominent leaders with relevant positions in government, parties, and social movements during the period of study in news articles. Using a snowball sample strategy, once I could secure an interview with a key actor, I asked the interviewee to identify other potential sources and provide their contact information. Based on this approach, I was able to interview former presidents, legislators, secretaries of state, members of constituent assemblies, party figures, social movement leaders, journalists, and relevant scholars.

These interviews were essential to understanding the causal mechanisms at work, especially where constitutional re-founding did not occur and discussions on reform were less public. In cases where access to elites was difficult, I searched for the voices of these elites in other sources, including news articles, biographies, academic articles, and other studies that cited leaders on the topics of interest. I also relied on data on social protests that compares countries across time and, within each chapter, country-level data on social mobilization and protests. Moreover, I included public opinion data to contextualize what was occurring in each country as elites were deciding whether to pursue a constitutional rewrite. I used these multiple sources to do the following:

1) *For intraparty constraints*, I traced the institutional trajectories of the relevant parties (including key party figures and coalition partners) in government and observed the extent to which these parties viewed their relationship to regime institutions. Moreover, I examined elected parties' decision-making processes, intraparty factional rivalries, and party members' views on their party's central political figures. Finally, I also examined the degree to which parties are personalistic versus institutionalized.
2) *For institutional constraints*, I examined the difficulties and barriers that actors considered against adopting government-led constitutional rewrites. I searched for factors like the law, institutions of horizontal accountability (congress, courts, electoral institutions, prosecutor's office, among others), opposition parties, veto players, the military, and others that had the possibility of blocking or limiting the chances for a process to overturn the constitution.

In addition to understanding the constraints faced by each executive, I also gathered data on the types of crises (political, social, economic) unfolding in each country. I collected information on the evolution of social and economic indicators, the legitimacy of the regime, state institutions, political parties, and the role protest movements played in critical events like presidential breakdowns. Finally, I also paid particular attention to each actor's views on constitutional rewrites. Specifically, through the interviews and secondary sources, I traced elites' assessments of the possibilities, costs, and benefits of adopting a new constitution and their views of other actors in the system (such as opposition parties, military, economic elites, and movement leaders).

Altogether, the data collected allowed me to shed light on how the actors' choices to pursue a constitutional reform were not automatic responses to contextual factors like economic decline, nor were they the result of monolithic views shared by presidents and party members. For example, in the case of Ecuador, the public discourse within the left in support of a constituent assembly seemed to be homogenous and consensual. However, the interviewees I spoke to revealed this was not the case and that many opposed President Correa's strategy. Many activists voiced concerns about pursuing a constituent assembly given the minority position of Correa vis-à-vis opposition parties and institutional actors.

Through an intensive comparative analysis of each case, I found supportive evidence for my theoretical argument. Ecuador illuminated that when intraparty and institutional constraints are absent (due to outsider parties being elected in moments of intense social protests), presidents can pursue a constitutional rewrite. Paraguay showed me that

belonging to an outsider party is not a sufficient condition for achieving a constitutional rewrite. While President Lugo in Paraguay could dictate his party's political strategy , he faced insurmountable institutional constraints—due to the low levels of social mobilization—to achieve radical constitutional reform.

In contrast to Ecuador and Paraguay, the case of Argentina shows how protests are also necessary but not sufficient for executives to achieve a constitutional reform. While strong social protests opened discussions and conditions for radical constitutional reforms between 2001 and 2003, President Kirchner in 2003 (and President Duhalde in 2002, also included in the analysis) faced significant intraparty constraints that prevented deviations from the status quo.

Plan Ahead

Having laid out the theory, research design, case selection, and empirical approach in Chapter 1, the following chapters test my main theoretical expectations through a study of each of the three cases. Chapter 2 provides an account of how mass mobilizations and an outsider party in power led to the drastic overturn of the constitutional order in Ecuador. Chapter 3 shows how the combination of strong protests and an insider party in power in Argentina resulted in a moderate strategy of institutional reform. The experience of Paraguay is analyzed in Chapter 4 to exemplify how the context of a crisis driven by intra-elite conflicts (rather than bottom-up protests) and the election of an outsider party leads to a president's moderate strategy of institutional reform. Finally, Chapter 5 provides concluding remarks. It examines the main findings, theoretical

issues, and ends with final observations on the contributions of this dissertation for future research.

CHAPTER 2: THE OUTSIDER-PROTEST CASE OF ECUADOR

The institutionality is based on those who have the power to perpetuate the system. And the system has been a disaster. One of the great dilemmas for those who want to change Latin America is how to change Latin America within an institutional framework that kept us behind. We must be, most times, very bold and propose this national constituent assembly, for example, which gave us a new constitution.

Rafael Correa
Former President of Ecuador 2007–2017
Personal interview, 2020

When Rafael Correa assumed the presidency of Ecuador in 2007, with the promise of achieving a citizens' revolution and leading the country toward "twenty-first-century socialism," there were endless challenges along the way. One of his central proposals had been to promote a constituent assembly to draft a new constitution that would "re-found" the Ecuadorian nation. An initial problem was that Correa's party had no representatives in congress or in other key institutions such as electoral courts or the justice system to promote such a process. Correa had decided not to present congressional candidates as a political strategy, because he would govern directly with "the people" in the streets. A second problem was that, among the mechanisms of direct democracy, a popular referendum to convoke a constituent assembly was not provided for by the constitution at the time (Landau 2017). In short, Ecuador's institutional system was a barrier to Rafael Correa's re-founding project.

Nonetheless, right after taking office in January 2007, Correa signed Decree Nº 2, which called for a referendum asking the population to vote for the creation of a constituent

assembly with full powers to design a new constitution. Following a turbulent process between conflicting branches of government, on April 15, 2007, Ecuador approved a constitutional referendum with 81% of the popular vote and elected a constituent assembly. [29] The process continued with the drafting of a new constitution that was ratified by another referendum in September 2008. For the first time in Ecuador, a constitution was approved by the direct vote of the people (Hernández and Buendía 2011).

As I mentioned in the theory section (Chapter 1), Ecuador 2007 was a "hard case" to observe a constitutional reform compared to Venezuela 1999 and Bolivia 2006, the other cases where new constitutions were also adopted. Correa faced more difficulties than Chávez in Venezuela and Morales in Bolivia. The Ecuadorian president was elected in a second round of voting, after losing the first round against a right-wing candidate, while Chávez had more popular support and obtained 56% of the vote in a single electoral round (Table 2.1). Moreover, Correa was elected without any legislators whereas Chávez's political movement had 49/189 in the lower house and 12/48 in the senate. Neither president had the seats required to approve an amendment of the existing constitution to introduce a referendum as a mechanism to elect a constituent assembly. Therefore, both presidents had to bend existing rules to initiate the process (unlike Evo

[29] In the elections for the constituent assembly held on September 30, 2007, Correa's Alianza País party reached 80 of 130 seats. The constituent assembly worked for eight months between November 29, 2007, and July 25, 2008. Subsequently, a referendum was held to approve the new constitution, receiving 63% of the votes (Hernández and Buendía 2011).

Morales in Bolivia because the mechanism for a constituent assembly was adopted in 2004 before his election). But compared with Chávez, Correa had less support in congress, which makes Ecuador a more puzzling case for radical constitutional replacement.

Table 2.1: Vote share in presidential and legislative elections in the outsider-protest cases

President (country)	Election date	Presidential elections (% vote)	Lower house (% of the seats)	Senate (% of the seats)
Hugo Chávez (Venezuela)	6-Dec-1998	56.2	49/189 (25.9)	12/48 (25)
Evo Morales (Bolivia)	18-Dec-2005	53.7	72/130 (55.4)	12/27 (44.4)
Rafael Correa (Ecuador)	6-Nov-2006	22.8 (first round), 56.7 (runoff)	0 (0) (Unicameral)	----

Source: International Parliamentary Union (2023)

On the other hand, Correa achieved what other outsider presidents ultimately could not, such as Fernando Lugo in Paraguay (2008), Ollanta Humala and Pedro Castillo in Peru (2011 and 2021), and many other leftist presidents who unsuccessfully considered the possibility of reforming their constitutions. The Ecuadorian president succeeded in realizing the aspirations of various social movements and citizens who mobilized for a re-foundation of the country, even though these movements were not affiliated with Correa's party. This popular aspiration for deep institutional changes to reform democracy and expand social rights was also evident in other countries across the

continent, such as Argentina, Brazil, and Chile, where in recent decades, people have taken to the streets to demand significant reforms.

This chapter explains why a radical constitutional reform, propelled by a constituent assembly with full powers over the state, was possible in Ecuador in 2007. According to my theory (Table 2.2), the critical difference between Ecuador and failed cases of constitutional reforms, such as Argentina 2003 and Paraguay 2008, was the election of an outsider party after a context of crisis driven by social protests strong enough to oust three presidents in the country. Accordingly, Correa's Alianza País party was a typical outsider party that did not create *intraparty constraints* for the primary leadership (Carreras 2012), and thus the elected President had room to choose radical strategies of institutional change. Moreover, the severe crisis in which protest movements exercised direct pressure on existing institutions reduced *institutional constraints* on executive power from congress, courts, veto players, and others (Landau 2013; Levitsky and Loxton 2013). Therefore, when Correa reached the presidency, he faced weak intraparty and institutional constraints on his ability to pursue a radical transformation of the constitutional order.

Table 2.2: Theoretical Framework and Case Selection

Country/president	Turn to the left	Type of party elected	Strong social protests[1]	New constitution
Ecuador / Correa	2007	Outsider	Yes (1997, 2000, 2005)	Yes
Argentina / Kirchner	2003	Insider	Yes (2001)	No
Paraguay / Lugo	2008	Outsider	No	No

Notes: (1) The years in parentheses in the strong social protest column refer to presidential breakdowns caused by episodes of mass popular rebellion before the left turn.

To test this dissertation's hypothesis, this chapter presents an in-depth analysis of the case of Ecuador in 2007. I selected Ecuador because it was a "least-likely case" (Eckstein 2009) for a constitutional rewrite compared to the two other countries that possessed both of the hypothesized interactive enabling conditions (Venezuela and Bolivia). While Chávez and Morales did not have majorities in both chambers of congress, Correa did not have a *single* legislator from his party, which meant that opposition parties had a comfortable majority to control congress and eventually block a constitutional reform—which nevertheless did not occur since Correa reformed the constitution. I explore the decision-making process of an outsider president to pursue a constitutional rewrite and unfold the relationship between the context of strong social mobilization and the outsider party's decision to bypass institutional and political barriers to materialize a radical constitutional rewrite.

Throughout the discussion, I analyze Ecuador 2007 in comparative perspective with two failed cases of constitutional reforms: Argentina in 2003 and Paraguay in 2008, cases that I analyze in detail in Chapters 3 and 4. The comparison between Ecuador and Argentina illustrates how *social protests* are necessary but insufficient for constitutional reform. Only when protests are accompanied by the election of an outsider party is a *radical constitutional reform* adopted. In Argentina, social protests were strong enough to eventually reduce institutional constraints by breaking down unresponsive

governments, delegitimizing political and economic elites, paving the way for outsiders, and raising demands for drastic institutional changes. However, the election of an insider party impeded the pursuit of a constitutional rewrite, given the intraparty factions that constrained President Kirchner (and Duhalde before) from moving outside the institutional order.

The comparison between Ecuador and Paraguay shows that having an outsider president alone also does not ensure a new constitution. Both countries were similar in electing outsiders seeking to change the political system, but they differed significantly in the scale of the social protests anteceding their election. While mass protests occurred in Ecuador and encouraged an outsider party to overcome institutional constraints, similar demonstrations were absent in Paraguay. As a result, President Lugo could not weaken veto players and overcome institutional barriers to enact constitutional reform.

This chapter proceeds as follows. The first section starts with Ecuador's political process that goes from its transition to democracy to the critical decade between 1996 and 2006 when the sequence of mass protests led to three presidential breakdowns (1997, 2002, and 2005), a constitutional reform in 1998, and continuous calls for substantive government reforms. The section locates the different parties and social actors, the conflicts in the various administrations, the ineffectiveness of the 1998 constitution, and the context of institutional decay before the rise of Rafael Correa. The second section demonstrates how the interaction between mass protests and the election of a political outsider in 2007 favored a radical process of constitutional rewrite. It contextualizes the cycle of mass mobilization, then moves to the emergence of a radical

outsider party with no constraints for the leadership, and last, it explains how social protests lowered institutional constraints for the successful constituent process. Finally, the chapter ends by discussing the aftermath of the constitutional reform and the broader implications of my findings in comparative perspective.

From the Transition to Democracy (1979) to the Period of Protests (1996–2006)

This section presents the political and social conditions that evolved from a relatively stable transition to democracy (1979) to a period of political instability beginning in 1996 that included a constitutional reform in 1998 that failed to stabilize the country, and continuous calls for radical institutional changes up to the general election that Rafael Correa won in 2006. This discussion is crucial to understanding the radical constitutional reform in 2007 because it traces how political parties lost their capacity for political representation, thereby opening the doors for anti-system outsiders like Correa. This discussion also highlights how social protests developed across time and social groups, ultimately leading to the 1997, 2000, and 2005 presidential breakdowns, along with the profound delegitimization of the state's political institutions. These conditions eventually paved the way for the regime re-foundation in 2007.

Ecuadorian politics between the country's transition to democracy in 1979 and the first half of the 1990s was dominated by six parties: *Concentración de Fuerzas Populares* (CFP: Concentration of Popular Forces), *Democracia Popular* (DP: Popular Democracy), *Partido Social Cristiano* (PSC: Social Christian Party), *Izquierda Democrática* (ID: Democratic Left), *Partido Roldosista Ecuatoriano* (PRE: Ecuadorian Roldosista Party), and *Partido Unidad Republicana* (PUR: Republican Unity Party).

Until 1996, each party had only reached the presidency once, only two parties had ever reached the runoff elections twice, and legislative seats were distributed among four parties (PSC, ID, DP, and PRE) (Freidenberg 2016). This dynamic characterized Ecuador as a case of an "extreme multiparty system" (Freidenberg 2009). While the party system was fragmented during this period, Ecuadorian citizens elected presidents from various ideologies. Jaime Roldós Aguilera (1979–1984, CFP-DP, center-left) was elected with a progressive platform, León Febres Cordero (1984–1988, conservative PSC) marked a "neoliberal" turn, a new ideological change brought the election of Rodrigo Borja (1988–1992, ID) from the left, and the election of Sixto Durán Ballén (1992–1996, PUR) marked a second "neoliberal" turn.[30]

In the social arena, the main groups with a capacity for action during the 1979–1996 period were workers' unions. Workers staged massive protests during the 1980s and early 1990s, centering their demands on the struggle for higher wages and job security. The conflicts took the form of walkouts, strikes, and occupations (Sánchez Parga 1996). In the 1990s, new social movements emerged. The indigenous movement made its first great public appearance in 1990 with the mobilization of the Confederation of Indigenous Nationalities of Ecuador (CONAIE). [31] CONAIE also included environmentalist, religious, human rights, and professional movements (Andolina 2003; Lalander and Ospina Peralta 2012) and has been considered "Latin America's strongest,

[30] To a certain extent, all of these presidents ended up moving toward economic adjustment agendas (Roberts 2014).
[31] CONAIE was formed in 1986 by indigenous organizations from all over Ecuador.

oldest, and most consequential indigenous movement" (Yashar 2005, 85). With the incorporation of CONAIE into the protest movement, social demands expanded to include ethnic rights (recognition of different languages, territories, and cultures), the inclusion of marginalized populations, direct citizen participation, agrarian land reform, and the protection of natural resources (Andolina 2003; Lalander and Ospina Peralta 2012; Resina de La Fuente 2012).

The period between 1979 and 1996 had moments of crisis, but all presidents could finish their terms. In this sense, Ecuador had a steadier democratic transition than Argentina and Paraguay. The first democratic administration in Argentina (Raúl Alfonsín 1983–1989) could not finish its presidential term and faced military threats. In Paraguay, military forces had significant political power after the transition beginning in 1989, interfered with elections, attempted coups, promoted political violence, and participated in cases that led to presidential breakdowns. Despite Ecuador's social problems, the democratic transition was more stable than the other two countries.

Ecuadorean politics changed to a period of continuous social and political instability in 1996. Charismatic leader Abdalá Bucaram was elected as an anti-establishment, pro-poor president (although not anti-neoliberal *per-se*) and had a broad base of support that included indigenous movements (Cruz Rodríguez 2012).[32] President Bucaram had the highest percentage of votes since 1979. However, after starting with great popularity,

[32] CONAIE supported the election of Bucaram in the second round (Sánchez Parga 2010).

Bucaram was severely hit by the wave of economic crisis that affected Latin America in the late 1990s. The government adopted austerity measures and market reforms, triggering mass mobilization by social movements and left-wing parties. [33] In addition, the administration was rocked by corruption scandals, which incentivized the middle class and economic elites to mobilize. At the beginning of 1997, multiple social groups staged mass protests across the country. On February 5, 1997, close to 15% of the Ecuadorean population took the streets to demand Bucaram's ouster (Andolina 2003, 731). The next day, the president was removed by congress and was replaced by Fabián Alarcón (PRA; Radical Alfarista Party), the President of the National congress, who after taking office promoted a process of constitutional reform.

The 1998 Constitutional Reform

The 1998 constitutional reform falls outside the scope conditions outlined in my theoretical framework. Just like the case of 1994's Argentine constitutional reform (Chapter 3), the 1998 Ecuadorean reform was drafted by a constitution-making body that did not have supreme power in the state (Salazar Manosalvas 2010), and the process was not prompted by a leftist presidency.[34] However, this process illuminates that when parties fail to secure governability, political crisis occurs and, mass process emerges, constitutional reforms are likely. Bucaram's ouster amidst social upheaval led to the

[33] Reforms included privatizing strategic economic sectors and increasing labor flexibility, taxes, and gasoline prices.

[34] The constitutional assembly rebranded itself as a "constituent assembly" upon assuming its position, but it did not exercise plenipotentiary powers in practice (Salazar Manosalvas 2010).

constitutional reform of 1998.[35] When Presidente Alarcón took office in the middle of this crisis, he convoked a referendum to approve reforming the constitution. Political and economic elites supported the process to re-stabilize the country. A constitutional assembly with majoritarian representation from elites was elected and, on June 5, 1998, the reform was approved.

The 1998 constitution had ambivalent results. It included advances in indigenous rights and participatory mechanisms (Resina de la Fuente, 2012), but political elites ensured that little progress was made in the economic realm. The constitution eliminated the concept of "strategic sectors" that could only be administered by the government—such as energy, communications, and transportation—and allowed private exploitation of natural resources alongside privatizing public companies and services (Andolina 2003; Ibarra 2008). It became known as a "neoliberal" constitution (Moreano et al. 1998) and failed to gain support from social movements and leftist parties.

This constitution did not last long. In the following crisis, social movements demanded its replacement. This is important for this dissertation because the case shows that constitutional reforms are contingent on political contexts, interests, and the balance of power between social and political actors. In other words, less than a decade later, when an elected president with an agenda of profound reforms interacted with a highly

[35] In both Ecuador and Argentina, the 1990s brought constitutional changes, but for very different reasons. As will be expanded in Chapter 3, in Argentina the 1994 constitutional reform was promoted by a politician with high levels of popularity and ambitions of re-election, while in Ecuador, the 1998 reform was the product of a government crisis that included riots in streets.

mobilized society that severely questioned the institutional system, a new constitution was approved.

Another crucial aspect of this study, regarding constraints to constitutional change, is that the 1998 Constitution limited the possibility of its future reform—and did not admit a constitutional referendum to open a constituent process. However, as will be seen in the following sections, this "lock" was not enforced a decade later when Correa won the presidency, showing that institutional constraints are not fixed and can vary depending on contextual factors such as mass discontent and direct social mobilization against existing institutions.

The Aftermath of the 1998 Constitution, the Sequence of Crisis, and the Left Turn in 2007

After the adoption of the new constitution, Jamil Mahuad (DP party) was elected President. He began his term with a high expectation that the recently adopted 1998 Constitution would be, as many expected, a "remedy for ungovernability" (Negretto 2013). However, the 1998 Constitution failed as a device to help Mahuad survive the several crises he faced. In 1998 and 1999, natural disasters damaged several industries, the economy slowed down, inflation increased, and social indicators worsened. Mahuad implemented austerity measures and coalition partners moved to the opposition.[36] To make matters worse, accusations of corruption involving the President came to light

[36] The Social Christian Party opposed government austerity measures and left the government coalition.

(Comercio 2014). With the uncontrolled economic crisis, Mahuad announced the adoption of the U.S. Dollar as Ecuador's official country currency in January 2000. As a reaction, antigovernment demonstrations occurred in Quito, Guayaquil, and other main cities. These movements demanded the resignation of the heads of each branch of government, called for civil disobedience and marched to Quito (Cruz Rodríguez 2012; Guerrero Cazar and Ospina Peralta 2003). Finally, on January 21, 2000, a group of Armed Forces colonels allied with CONAIE forced Mahuad out of power, and Vice President Gustavo Noboa was sworn in as president.[37]

By the 2002 elections, the main contenders in the presidential elections were new parties. Colonel Lucio Gutiérrez—the main military leader in the rebellion against Mahuad—won the 2003 elections on a nationalist, anti-neoliberal discourse, leading a heterogeneous coalition that included elite and non-elite actors such as representatives of the military, banking, economic groups, and leftist parties like Pachakutick (indigenous party), and the *Partido Movimiento Popular Democrático* (MDP; Democratic People's Movement) (Bonilla and Larrea 2003). The Gutiérrez Presidency generated high expectations for social movements and leftist parties. [38] It was the first

[37] Initially, a National Salvation Government Junta (JSN) was formed to succeed Mahuad. The JSN included Colonel Gutiérrez (army representative), Carlos Solórzano (former president of the Supreme Court of Justice), and Antonio Vargas (president of CONAIE). The Junta was challenged as unconstitutional, especially by Ecuadorian elites who were not willing to see CONAIE seated in the government.

[38] Gutiérrez gained popularity for his role in the 2000 rebellion. He founded the January 21 Patriotic Society Party (PSP)—named after the date of the revolt against Mahuad. Gutiérrez defeated Álvaro Noboa (National Action Institutional Renewal Party, PRIAN), a powerful businessman in banana exports, banking, real estate, and other industries. Noboa ran again against Correa in 2006.

time that indigenous representatives held government power at the highest level (Ramírez Gallegos 2003).[39] These expectations, however, were soon shattered. The government's economic agenda did not abandon the neoliberal policies of the previous administrations. Gutiérrez made agreements with the IMF, promoted free trade, and reconsidered raising the prices of fuel and public services (Cruz Rodríguez 2012). While Gutiérrez strengthened his links with economic elites and the United States, these measures destroyed Gutiérrez's "anti-neoliberal" stance, and Pachakutick and the MDP left the administration.

Gutiérrez quickly became involved in traditional political dynamics. To generate governability and build majorities in congress, he had to make agreements with several parties. However, many opponents accused him of including corruption pacts and granting impunity to politicians with legal problems as part of these negotiations. When the president and his allies in congress intended to change the composition of the Supreme Court , which was accused of being irregular, several sectors of civil society reacted against it.[40] In 2005, a popular uprising against Gutiérrez united various citizen

[39] Pachakutik was blatantly relegated to an uncomfortable and ambiguous secondary role in the administration. Pachakutik's government participation helped in returning bank savings to victims of the bank freeze in 1999–2000, obtaining land titles, setting up funds for small agricultural producers, and establishing specific participation mechanisms to discuss public policies (León 2005; Ramírez Gallegos 2003)(León 2005; Ramírez Gallegos 2003). However, Pachakutik's broader agenda failed to gain strength. Gutiérrez's economic initiatives went against the causes espoused by the indigenous movement for more than a decade. Therefore, Pachakutik's participation in government sent the message that the indigenous people were in favor of the government's economic measures.

[40] Gutiérrez agreed with PRIAN, PRE, MPD, and other small parties to change the composition of the Supreme Court, and his adversaries accused him of seeking impunity for politicians such as former President Bucaram. With negotiations in process, Bucaram returned to Ecuador from his exile in Panama, which many saw as evidence of a backroom agreement with Gutiérrez.

sectors, including a radicalized middle class (Resina de La Fuente 2012).[41] Under the slogan *Que se vayan todos* ("All of them out"), just like in Argentina in 2001–2002, citizens mobilized against all political elites. On April 20, 2005, after two years in office, Gutiérrez lost the support of the armed forces and congress, and left office.[42]

During 2005 and 2006, the year of the general elections, organized social movements rejected the political establishment, social discontent grew, and the stage was set for a more anti-neoliberal and radical political leader. The context was similar to the period 2001–2002 in Argentina, when the regime was questioned from below, mass protests brought down presidencies, and outsiders emerged. Not only were there mass protests signaling widespread discontent with the status quo, but there was an accumulation of years of explicit calls from civil society groups to reform the institutional order.

In 1999, right after the 1998 constitutional reform, CONAIE concluded that "there was no reasonable way to work within the established order; it had to be changed" (Silva 2009, 185). In 2000, social movements including CONAIE "called for the dissolution of the three powers and their replacement by a popular and military government, supported by the Popular Parliaments" (Guerrero Cazar and Ospina Peralta 2003, 164). In 2005, the Forum of Ecuador's Alternative (Foro Ecuador Alternativo), which included academics and heterodox economists who were against neoliberalism, like

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[41] This time CONAIE, which had been at the forefront of the mass protests in the two previous crises, did not play an essential role in the streets. The movement was weakened for having participated in the Gutiérrez administration (Ramírez Gallegos 2011).

[42] Vice President Alfredo Palacio succeeded Gutiérrez to finish his presidential term.

future President Rafael Correa, published a declaration titled "Enough!" ("¡Basta Ya!") and declared the need to "get rid of the government of Colonel Lucio Gutiérrez" and "immediately convene a national constituent assembly" (Foro Ecuador Alternativo, 2005). As Basabe-Serrano, Pachano, and Mejía Acosta neatly summarize, "…during the presidencies of Gustavo Noboa [2000–2003], Lucio Gutiérrez [2003–2005], and Alfredo Palacio [2005–2006], the idea of replacing or at least reforming the constitution was a recurrent proposal" (2010, 76).

The sequence of widespread turmoil against administrations considered corrupt and unresponsive to social demands signaled the decomposition of the institutional system and raised demands for radical changes. Three presidents saw their presidential terms cut short. The 1998 Constitution was seen ineffective to the needs of popular constituencies. In the next section, I explain why the constituent process to re-found the regime was possible when Rafael Correa won the presidency in 2007 under conditions different from Argentina and Paraguay.

Why a Constitutional Rewrite Worked: Lowered Institutional and Intraparty Constraints

In April 2006, one year after the fall of Gutiérrez, Rafael Correa founded the *Alianza País* party (AP) to compete in the presidential elections. It was a new party formed by leftist intellectuals and activists coming from other leftist parties and social movements. The success of the party took everyone by surprise. Just six months later, Correa came

in second in the first round of the presidential elections with 22% of the vote, obtained 56% of the vote in the ballotage, and became Ecuador's president.[43]

As previously mentioned, Correa's party had no representation in institutions such as congress and electoral courts, which were dominated by opposition parties. Additionally, the 1998 Constitution did not include a constitutional referendum as a mechanism to initiate a constituent process by approving the creation of a constituent assembly with full powers in the state. Despite these institutional constraints, Correa was able to push forward a constitutional referendum shortly after taking office. This led to the creation of a constituent assembly, the drafting of a new constitution, and another referendum to approve the new constitution in 2008 (Hernández and Buendía 2011).

Why was a party with no presence in existing institutions able to succeed with a constitutional replacement? As expected in my theoretical framework, Correa could do so because a context of strong social protests reduced the institutional constraints against a constitutional reform, and AP's party characteristics did not present internal constraints for Correa. As I expect in my theory, these factors differentiate Ecuador from the other cases analyzed in this dissertation, Argentina and Paraguay, in which leftist presidents faced intraparty and institutional constraints, respectively, and thus were not able to re-found their regimes through new constitutions.

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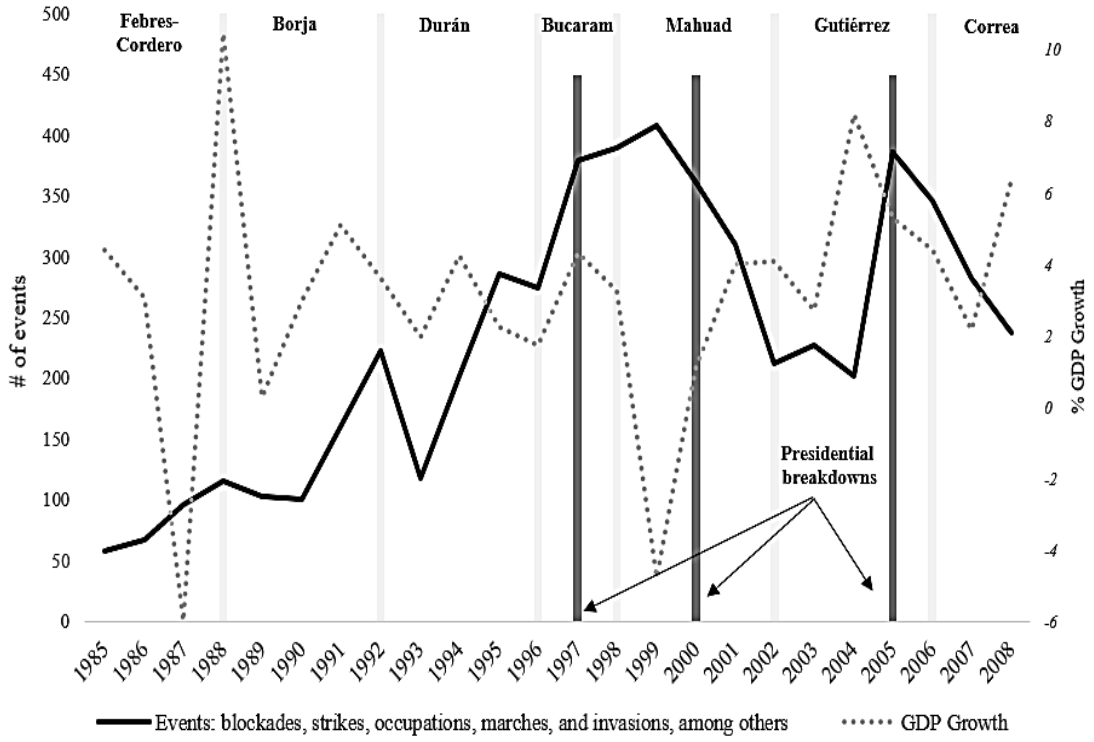
[43] Álvaro Noboa (PRIAN) won the first round with 26% of the vote and was second in the runoff with 43%.

The Context of Mass Protests

The decade of widespread bottom-up protests that anteceded Correa created many effects that favored a radical institutional reform. Figure 2.1 shows the intensity of protest events (including blockades, strikes, occupations, marches, and invasions) between 1985 and 2008 (Sánchez Parga 1996, 2010). As detailed earlier, the three presidential breakdowns (Bucaram in 1997, Mahuad in 2000, and Gutiérrez in 2005) occurred when the number of events peaked, suggesting that governments that were unresponsive to social demands for reforms risked their survival. The trend also helps illustrate the political motives behind these mass movements, compared to purely economic drives (such as GDP growth). Comparing the number of protest events with trends in economic growth illustrates that protests were not simply responding to economic decline (Basabe-Serrano, Pachano, and Mejía Acosta 2010), thereby weakening explanations of constitutional reforms due to economic crisis. In fact, during Gutiérrez's administration, protests grew when the country showed signs of economic recovery, suggesting that significant political changes were demanded by citizens. Furthermore, these trends highlight that protests are not just a function of cyclical economic hardships; they also reflect deeper underlying political discontent or illegitimacy.

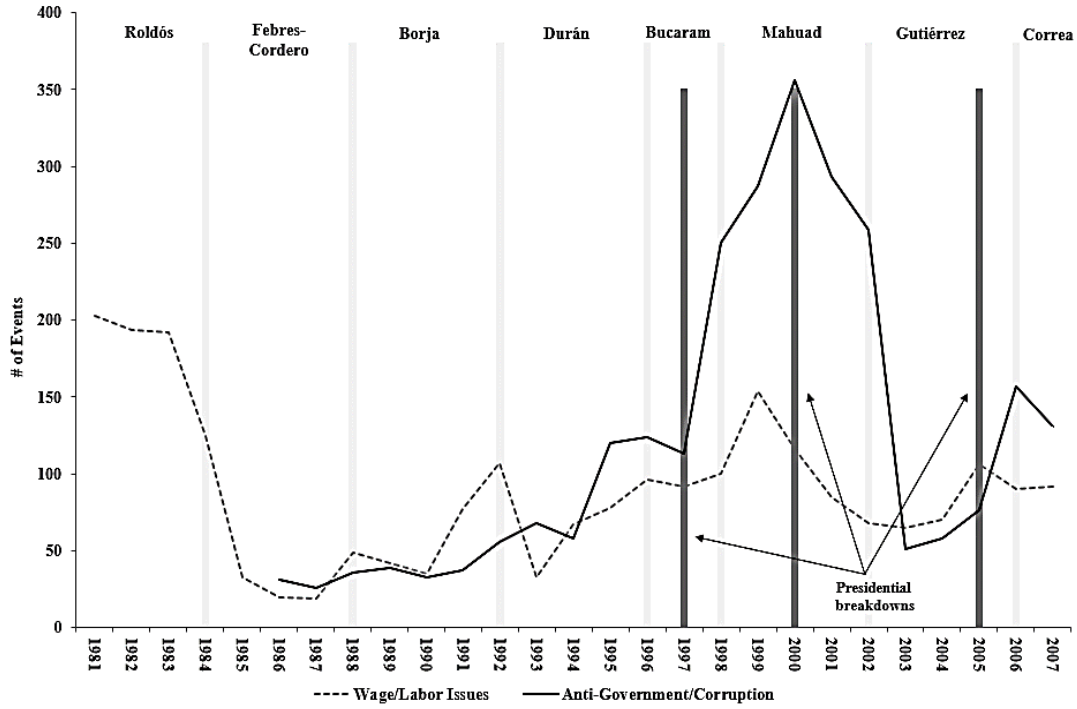
Figure 2.1: Aggregated Social Protest Events and Presidential Breakdowns (1985–2008)



Source: Sánchez Parga (1996, 2010).

The evolution of social demands in Figure 2.2 illustrates that protests were more political and broader than claims related to specific groups' demands, such as salary and labor conditions. The number of events motivated by labor issues decreased after peaking in the early 1980s, and while they increased in 1992, 1999, and 2005, they never reached the same levels seen the decade before. In sharp contrast, anti-government and anti-corruption protests grew during the second half of the 1990s and predominated during the three presidential crises. When Correa emerged as a presidential candidate, it was to be expected that his response to these mass mobilizations would move beyond targeted social policies to consider profound institutional and political transformations.

Figure 2.2: Social Protest Demands (1981–2007)

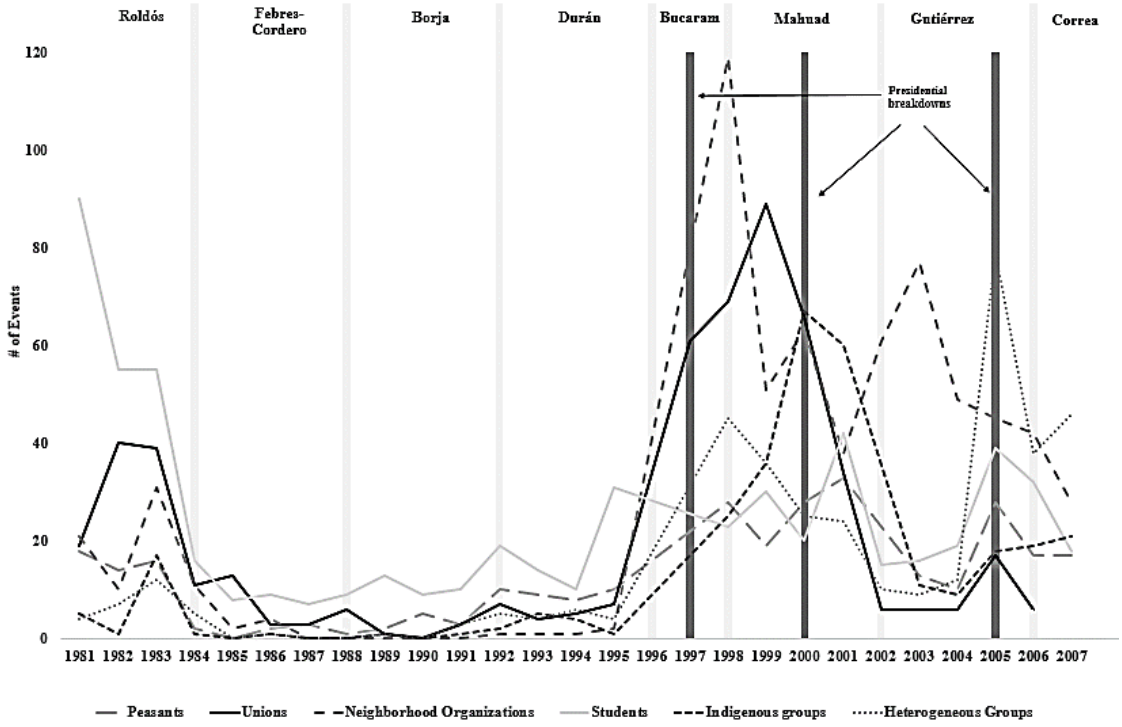


Source: Sánchez Parga (1996, 2010).

Interestingly, the evolution of protest movements' demands was similar to Argentina's during the 1980s and early 2000s, when popular sectors in the 1980s responded more to sectoral interests and then evolved to broader political motives (Auyero 2003). Sánchez Parga (1996, 2010) account of the social actors behind protests in Ecuador (Figure 2.3) shows similar changes in the composition of protesters between 1981 and 2007. From students and unions in the 1980s, multiple groups joined the protest movements in the late 1990s and 2000s, such as neighborhood organizations and indigenous movements, among others. The heterogenization of social movements in Ecuador reached its peak under the Gutiérrez administration, right before the emergence of Correa. This is consistent with many studies of the fall of Gutiérrez, which suggest that demonstrators

at this moment were diverse, without a predefined political ideology, mainly young and middle-class actors (Basabe-Serrano 2009; Ramírez Gallegos 2011). The breadth and diversity of protest actors indicate that the crisis was systemic and, therefore, society was more open to a "re-founding" discourse.

Figure 2.3: Type of Protest Groups (1981–2007)



Source: Sánchez Parga (1996, 2010).

By 2005, it was clear that democracy, political parties, and government institutions were "in full decomposition and crisis of legitimacy" (Ramírez Gallegos, 2011, 83). Dissatisfaction with democracy went from 65.5% (1996) to 84% (2005); those who believed that parties were not necessary for democracy went from 52% (1996) to 61.7% (2005); and perceptions that political leaders were "not at all" concerned about citizens'

interests went from 34.6% (1996) to 54.4% (2005) (Latinobarómetro). Not surprisingly, Ramírez Gallegos points out that, in 2005, heterogeneous social groups mobilizing showed:

> …a profound discomfort with the structure of representation, with the desire for an ethical reimagining of politics, and a demand for immediate political reform. The most radical perspectives pointed to the convening of a constituent assembly. (2011, 84).

Rafael Correa and his party emerged against the backdrop of accumulated anti-system uproar.[44] From the start, he sought to radically transform Ecuador. Correa's AP party proposed revolutions in areas such as democratic regime, ethics, economy, education, and national sovereignty (Alianza País Patria Altiva I Soberana 2006). The instrument considered necessary for enacting this platform was a constitutional rewrite. As Virgilio Hernández, a member of the 2007 constituent assembly, noted, existing institutions only "favored the economically strongest groups, facilitating their domination of the markets and the appropriation of natural resources" (Hernández, personal interview, 2018). A deep transformation was a clear goal for the party.

The characteristics of AP were fundamental to allowing Correa to move forward with its political project to transform the institutional order. As shown below, Correa had a

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[44] According to more public opinion data already presented in Chapter 1, in 2006, 91% of the population considered the work done by congress as "bad" (37%) and "very bad" (54%); 90% saw the Judiciary was "bad" (38%) and "very bad" (52%); 76% disapproved the 2006 administration (Alfredo Palacio); and 91% rated political parties as "bad" (39%) and "very bad" (52%) (Latinobarometro).

large room to maneuver in the party to materialize transformative proposals even if they were risky, the exact opposite of Kirchner in the case of the Argentine *Partido Justicialista*.

AP's "Empty Shell" and the Lack of Intraparty Constraints for Correa

AP was a party created just a few months before October's first round of the 2006 presidential elections. As a new party, its leadership was not embedded in existing institutions. In the words of Maria Paula Romo, one of AP's 2007 constituent assembly members, those who were in AP or close to the party were new in party politics, "we did not have to explain our past to anyone, [Correa] himself had no past" (Romo, personal interview, 2018).[45] This was the opposite of Argentina. When Kirchner took office (after a relatively long political and institutional career), other PJ leaders already had political careers to protect, had experience in government positions, had learned how to manage public policies, and had created patronage networks that worked to control (at least part of) protest movements. These conditions were not characteristics of AP.

Another factor that did not constrain Correa was that social movements were not linked to—or part of—the party. As demonstrated by Anria (2018) in a study of the Bolivian

[45] Correa was a PhD in Economics from the University of Illinois (USA) and taught economics at the San Francisco University. With a background of religious missionary work in poor indigenous localities, Correa personified the intellectual committed to the social, who claimed to know "up close the peasant struggles and the popular church" (Ospina, 2009). Correa even spoke the indigenous Kichwa language, "something that very few intellectuals, even committed ones, can boast about" (Ospina, 2009).

MAS party, Morales faced significant counteracting trends from his party's strong movement bases and autonomous civil society organizations. In contrast, when Correa created AP and competed for the 2006 elections, the indigenous movement was not part of the coalition, as it was weakened and delegitimized by its participation in Gutiérrez government, and the indigenous party (Pachakutik) even competed against Correa in the elections. As Etchemendy and Garay (2011) suggest, the weaker the organizational linkages with popular sectors, the greater the leftist party's "degree of radicalism" once in power. In other words, although Correa emerged in the political vacuum created by mass protests, neither he nor his party had any particular ties or roots in the movements, and consequently, Correa had a very high level of political autonomy. When he became president, Correa had ample room to control AP, did not face opposition from a dispersed base of support, and therefore had conditions to defy the established order.

In terms of decision-making, AP was weakly institutionalized and did not have solid internal factions competing for the command of the party, also the opposite of the PJ in Argentina. AP had a dominant political figure from the start, Rafael Correa—while PJ factions predated Néstor Kirchner and were in strong competition for the control of the party. In Ecuador, however, a key AP founder and first President of the 2007 constituent assembly, Alberto Acosta, said in an interview that there "was never a political party. There was no social organization […] We launched a very powerful candidate who wins […] This [party] was an amalgam of Correa's friends" (Acosta, personal interview, 2018).

Basically, AP's fate was attached to Correa's and that informed the party's decision-making process. Formally, the party had a National Directorate to decide party strategies, but in reality, it did not work. The party lacked "major channels for the flow of politics between the national instance and the weak local circles" (Hernández and Buendía 2011, 133). Decisions were made in a more exclusive Political Bureau which had a largely informal existence, again favoring Correa's top-down control. Alberto Acosta adds that the lack of rules helps explain why Correa could make decisions unilaterally.

> I believe that one of the points that explains why Correa later becomes a *caudillo*, in every sense of the word, is that the Political Bureau did not have any organizational chart, it did not have any record of who entered and who left… Correa defined who entered and who had to leave. That's how it always was. (Acosta, personal interview, 2018).

The Political Bureau functioned as an organ of debate at the beginning of Correa's administration but quickly became "a mechanism controlled by the president" (Acosta, personal interview, 2018). Gustavo Larrea, former Interior Minister and key AP leader, says that the party rapidly fell into a messiah logic in which the "leader does not make mistakes" (Larrea, personal interview, 2018).

The lack of constraints in AP favored taking radical strategies despite their potential costs. There is one critical example: the choice to run without legislative candidates in 2006. Correa himself admitted in an interview that this choice, "of course, was risky.

Thank God we came out winners. But we could have lost" (Correa, personal interview, 2020).

The strategy was problematic for many in the party. For Paula Romo, "in a system like ours, you cannot govern without a congress" because the President becomes a "congressional hostage" if he does not have a single legislator (Romo, personal interview, 2018). Alberto Acosta also considered the decision risky because it undermined the possibilities of making alliances with different groups for the election. As he recalls, "we made some progress in building these alliances. An agreement was even signed with the Socialist Party," but then AP unilaterally decided that it would not be presenting candidates (Acosta, personal interview, 2018). And this was a concern because,

> …if you launch a single person as a candidate [like Rafael Correa], you put the entire weight of the campaign on that person. You do not have enough support in the other localities, in the provinces, because the provincial candidate campaigns in the province, and keeps the President's campaign alive; even our campaign manager told us that. (Acosta, personal interview, 2018).

Despite these warnings, AP ran without legislative candidates. The strategy gave credibility to Correa as a presidential candidate, since it signaled that Correa was different from the political establishment (Conaghan and De La Torre 2008). As Correa claimed, "if we arrived with candidates for congress, which was a disaster and nobody believed in that [congress], we were going to fall into the same thing [as the political

establishment]" (Correa, personal interview, 2020). For Gustavo Larrea, the message was "we are burning the boats [...] we are going for a real change" (Larrea, personal interview, 2020). [46] Another key politician of Correa's political movement and government, Ricardo Patiño,[47] portrayed a similar sentiment. Patiño described in an interview a conversation with Correa:

> I called Rafael... and told him: 'Rafael, I am convinced that we should not have candidates.' 'Why not, brother?' 'Because all our speeches are against the *partidocracia*, against that congress. If in your speech you say that this is crap, that it is a den of thieves, that it is manure, how will you send your candidates to that crap? That is somewhat contradictory; better not to put forth candidacies. (Harnecker 2011, 125).

In sum, the decision of running without legislative candidates was not a consensus within the party and served primarily to Correa's interest. It was risky but only possible due to Correa's position as a dominant leader in the party. Correa did not *want* to have an AP legislative list running with him, precisely because he wanted to accentuate that he was an independent who represented "the people" and was not bound by any

[46] The phrase "we are burning the boats" or "quemamos los barcos" in Spanish refers to committing oneself to an irreversible course of action, without the possibility of backing down.

[47] Ricardo Patiño served as a Minister of Defense and Minister of Foreign Affairs in Correa's administration.

commitments to any other actors. Due to the lack of constraints from the party, Correa was able to run with zero party loyalists as candidates for congress.

A similar decision would not have been possible in an insider party like the Peronist PJ in Argentina. Within insider parties, running with candidates for congress is crucial for politicians' long-term careers; in fact, party factions strongly benefit from legislative seats for political negotiations with opposition parties and for leverage within governing coalitions. As the chapter on the Argentine case shows, when a party has strong party factions, the interests of these factions counterbalance single leaders' interests, even if these leaders are presidents of the country. For instance, in the 2001 crisis, when Rodríguez Saá (Peronist) was named president by congress after the fall of De la Rúa, he gained popularity and thought that he could break a pact made with other Peronist factions and stay longer in power (Morales Solá 2001). Intraparty factions reacted and abandoned the President, who could not last in a context of crisis and resigned. This constraint from the party was basically non-existent for President Correa in Ecuador. Next, I will show how the other key variable, weak institutional constraints, interacted with Correa's presidency.

How Social Protests Lowered Institutional Constraints

The decision to proceed without legislative candidates ultimately worked for Correa since he won the elections. The problem was that AP abandoned positions in institutions that could block a constitutional rewrite. The party needed a referendum to show the population's preferences toward constitutional reform, but there were institutional constraints. For instance, the 1998 Constitution did not allow a referendum to initiate a

constituent process. Additionally, any referendum had to be approved by congress and the Supreme Electoral Tribunal (TSE), both controlled by the opposition. This is where the background of institutional crisis and social revolts was fundamental to breaking these constraints and opening the way for a constitutional rewrite.

When Correa decided to call a referendum for a constituent assembly, the media, opposition parties, and economic elites questioned the decree as unconstitutional (Crisis Group 2007). Opposition parties even considered the referendum a severe threat to their own survival, given that it would open an electoral competition with new rules and against a president with growing popularity.[48] Correa was elected with 56% of the vote in November 2006, and his approval ratings rose to 74% after taking office in 2007 (Carlin et al. 2019).

To force the approval of the referendum, Correa took advantage of the context of popular mobilization. He fueled these movements and called citizens to take the streets. On January 30, 2007, congress was stormed and evacuated "due to the presence of thousands of demonstrators…demanding the convening of a popular consultation for the formation of a constituent assembly" (REUTERS / EFE 2007). Street protests also reached the TSE (El Comercio 2012). During an interview, Alberto Acosta mentioned

[48] In the same call, the president proposed adopting a new statute for the election of the constituent assembly, which affected the electoral rules and made sectors of the opposition even more reluctant to support the measure.

that AP benefited from the "strength of the social forces" that backed Correa to go against institutions blocking changes in the country (Acosta, personal interview, 2018).

After mobilizations against congress, legislators approved a resolution stating that the referendum could be held with the understanding that the constituent assembly would not replace the legislative branch (Espinosa de los Monteros 2017) —which is what Hugo Chávez had done in Venezuela in 1999.[49] The next step was getting the TSE to organize the referendum. Correa explicitly expressed his desire for a constituent assembly endowed with ultimate authority, capable of dismissing the President, Congress, and the Supreme Court (EP/AP 2007). After intense external pressure on congress and negotiations between legislative forces, 54/100 legislators finally voted in favor of the constituent referendum on February 13, with the understanding that the constituent assembly would not affect the legislative terms of congress members (Espinosa de los Monteros, 2017).

On March 1, the TSE scheduled the referendum vote for April 15. The conflict between the powers intensified. Days later, 57 congress members tried to reverse the process before the Constitutional Court on the grounds that it did not correspond to what was approved by congress since Correa added that the functioning constituent assembly could dissolve congress and assume legislative functions. Congress threatened to

[49] The constitution was supported by minor parties such as Pachakutick, ID, RED, PS-FA and the Popular Democratic Movement (MPD) parties. Against them were PRIAN (which responded to Noboa), the PRE (which responded to Bucaram), as well as the PSC, and the Christian Democratic Union (UDC). Lucio Gutiérrez's party, the PSP, initially had an ambiguous position but eventually favored the constitutional reform since Correa promised that he would not dissolve congress (Ortiz de Zárate 2013).

remove TSE members who supported the referendum and, in response, on March 7, the TSE removed the 57 legislators from their seats, arguing that the highest authority in electoral times was the TSE and that it had the legal power to dismiss those who interfered with electoral processes. The Constitutional Court ordered the reinstatement of the legislators who had been removed, but the new legislative caucus reacted against the judicial order. The 57 legislators were replaced by their legislative substitutes, politicians who negotiated with AP their support and final approval of the referendum (Crisis Group 2007). These institutional disputes were full of controversy and each side questioned the constitutionality of the other side's actions. Nonetheless, the constituent process continued, pushed forward by a mobilized society and a highly popular president who framed his actions against corrupt institutions and politicians.

For former legislator Diego Ordóñez, the intervention in congress "was the first tangible expression of a constitutional rupture. There was a massive [popular] stream that supported the attacks on these norms, under the pretext of ending the old system" (El Comercio 2012). Former Constitutional Court member Ramiro Ávila recounted during an interview that the protest actions against legislators "were a clear violation of human rights" but that the political turmoil impeded people from seeing that (Ávila, personal interview, 2018). The context of crisis paralyzed the institutions that were supposed to defend the rule of law. Constraints from the judiciary were significantly reduced in the process of the referendum approval. This goes in line with Helmke (2002), who suggested that judges in conditions of institutional insecurity make strategic choices and defect from outgoing government administrations if these administrations are weak. In

this case, the "old regime" was not defended by institutional actors. As former President Gutiérrez recalled the process:

> With people from the MPD [leftist party], with people from Pachacutik [the indigenous leftist party], with people from the extreme left, they beat the deputies. They went inside the Constitutional Court, and they took the members of the Court out by force. They also took the prosecutor out by force. The deputies were taken out by force to put in the other deputies. (Gutiérrez, personal interview, 2018).

Ultimately, AP justified the referendum as a valid strategy despite accusations of violating the rules of the game and neutralizing institutions that check on presidential powers. In the minds of Correa's allies, the fact that the process had societal support was above any type of horizontal constraint coming from existing institutions. In other words, this was an exercise of popular sovereignty, with "the people" claiming *constituent powers* over and above existing institutions or the *constituted power*. According to Alberto Acosta, the referendum was:

> …a legitimate means thanks to the popular will, although not necessarily legal. If we respected the institutionalism established in the 1998 Constitution, there would be no change… Yes, we dismissed the rules and procedures to convene the constituent assembly, but that action was later legitimized by the Ecuadorian people (Harnecker 2011, 141).

As a result of the mass mobilization behind the referendum, veto players were weakened, and AP could take advantage of the institutional crisis. As Correa attested during an interview,

> Thank God we had massive popular support. All de facto powers (*poderes fácticos)* were against us. The United States Embassy, the Armed Forces, the bankers, and the media. They hated us to death. But we had massive popular support (Correa, personal interview, 2020).

In sum, AP benefited from the context of social protests against the institutional system to lower constraints against the constituent process. The referendum strategy employed by AP gave a significant victory to the party, which managed to mobilize social support and demonstrate its popularity against the political and economic elites. This triumph paved the way for the constituent assembly, where AP secured a dominant position by winning 80 out of 130 seats, amounting to 61.54% of the total.[50] This step represented a major strategic shift for AP, given that the party had refused to run candidates for a delegitimized congress, but it opted to participate in the new forum produced by people's constitutive powers.

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[50] This election had new electoral rules. Nonetheless, according to Hernández and Buendía , "If the same rules for assigning seats that were used for the 1998 Constitutional Assembly had been applied (…), AP would have obtained 127 assembly members; with the rules agreed upon in 2003 by Social Democrats and Social Christians, AP would have had 113 assembly members. If the D'Hondt method had been used, it would have obtained 96 of the 130 assembly members" (2011, 134).

When the constituent assembly was elected, the process of removing horizontal checks and balances continued; the assembly took over the legislative functions of the state, and the elected congress was sent on a forced break, hence reducing the power of opposition parties. Again, having no AP members in congress made it easier to sidestep the legislative branch. As the Bolivian case suggests, Evo Morales was constrained to do the same partly because his own MAS party had a large share of seats in congress (Stoyan 2014).

After the 2008 Constitution of Ecuador was approved, Correa became the most prominent political figure of the country. The constituent process proved beneficial for his political aspirations. He was elected in the first rounds in two subsequent elections (in 2009 he won with 52% of the vote, and in 2013 with 57%). At the same time that mobilizations undermined institutional checks on the executive to allow the constitutional rewrite, they also strengthened the legitimacy of the process led by Correa.

This section illustrated the importance of intense and mobilized support to reduce institutional constraints for a constituent process.[51] As will be analyzed in Chapter 4, the case of Lugo in Paraguay was in sharp contrast to Ecuador. Lugo was unable to mobilize enough social support to call a constituent assembly in 2008 and neither pass

[51] The outsider-protest case of Venezuela was similar to Ecuador. A referendum to initiate a constituent process was also questioned as unconstitutional, but President Chávez mobilized social support to put pressure on the Supreme Court, favor the consultation, win the referendum, gain a supermajority in the constituent assembly (122/131, 93.13%), sidestep congress, approve a new constitution with another referendum, and get elected and reelected in subsequent elections

a referendum in congress for a constitutional reform to allow reelection in 2011 (Infobae 2011). Therefore, the constituent process was never initiated. As my theory holds, a context of mobilized mass support is instrumental for outsider parties to claim the constitutive powers of "the people" and move forward with a constituent process.

In summary, the constitutional re-founding of Ecuador was not an easy process for Correa and required bending the rules, overcoming minority positions in existing institutions, and weakening veto players. All these steps were possible thanks to the conditions of mass mobilization against the established order, in interaction with an outsider party with no stakes in existing institutions, centralized around a dominant leader, and able to mobilize societal support behind an anti-system strategy of institutional change.

The Aftermath and Broader Implications

In 2008, the new constitution was adopted. It meant important political gains for Correa in vertical accountability (O'Donnell 1998)—similar to the cases of Venezuela and Bolivia. The 2008 Constitution benefited the executive power over the legislative and judicial branches, thereby diminishing horizontal accountability and increasing the vertical links between Correa and his popular bases of support.

The 2008 Constitution removed appointment rights from congress. Per the 1998 Constitution, the attorney general, the comptroller general, and the judicial council were voted on by political parties in congress—as is common in liberal democracies. Instead, the 2008 Constitution created the Council for Citizen Participation and Social Control

(Consejo de Participación Ciudadana y Control Social; CPCCS). This institution was one of the agencies in charge of a new branch of government power—transparency and social control—created alongside the executive, legislative, and judicial branches.[52] The CPCCS had the constitutional mandate of promoting transparency, enhancing social control of government institutions, and naming the ombudsman, the attorney general, the comptroller general, the electoral council, and the judicial council, among other key appointments. The CPCCS had seven members who were chosen in "meritocratic" contests. By using the logic of increasing "citizen participation," the new constitution established an institutional system open to the executive branch's influence and diminished the leverage of existing political elites in key government institutions (Basabe-Serrano, Pachano, and Mejía Acosta 2010).

The 2008 Constitution significantly bolstered the powers of the executive branch in various domains. It expanded the president's ability to influence economic planning (Article 279), prepare the General State Budget (Articles 291–3), set the tax regime (Article 299), determine policies on monetary issues, foreign exchange, and credit (Article 300), oversee the control of strategic sectors (Articles 311, 314, 315), and regulate transfer payments to subnational governments (Article 157), as detailed by Basabe-Serrano, Pachano, and Mejía Acosta (2010, 80).

[52] The "Transparency and Social Control Branch of Government" was comprised of the Council for Public Participation and Social Control, the Office of the Human Rights Ombudsman, the Office of the Comptroller General, and the Superintendencies (The 2008 Constitution of Ecuador 2008).

In terms of vertical accountability, the 2008 Constitution also included presidential reelection in subsequent terms, which was not allowed by the 1998 Constitution. Thanks to this new rule, Correa was able to run and win in 2009 and 2013 and both times gained majorities in congress. Many scholars have argued that Ecuador went through a period of competitive authoritarianism after the "regime re-foundation" of 2008 (Levitsky and Loxton 2013). Without entering this debate, what I assert here is that the process of constitution-making was highly beneficial for the elected president in terms of political and institutional gains.

CHAPTER 3: THE INSIDER-PROTEST CASE OF ARGENTINA

[After the 2001 crisis] A profound change in the system must start from a Constituent Convention that establishes new rules and that establishes the expiration of all mandates in order to start over.

Juan M. Abal Medina Jr.[53]
Clarín, April 17, 2002

With the election [of Kirchner in 2003] and the institutional reconstruction from what existed, the discussion [over a constitutional reform] disappeared.

Juan M. Abal Medina Jr.
Personal interview, 2019

When Eduardo Duhalde assumed the presidency of Argentina following the country's devastating 2001 crisis, he promised a "re-founding" of the state and comprehensive institutional reforms. This marked the return of the "Peronist" *Partido Justicialista* (PJ; Justicialist Party) to power, as well as a departure from the "neoliberal" model that had dominated the country throughout the 1990s.[54] In the face of severe political, economic,

[53] Abal Medina Jr. is an Argentine political scientist, a former Chief of the Cabinet of Ministers of Argentina (2011–2013) during Cristina Fernández de Kirchner's presidency (Peronism), and a former Senator for Buenos Aires Province (2014–2017).

[54] While the turn to the left is mostly considered to have begun with the election of Néstor Kirchner (PJ) in 2003 (Levitsky and Roberts 2011), many of the more statist, protectionist, and redistributive reforms that departed from the market-oriented model (implemented by President Carlos Menem 1989–1999 and

and social upheaval, Duhalde considered significant constitutional changes to the regime. Proposals ranged from transitioning to a parliamentary system to judicial reforms and limiting election periods. He initiated the Federal Agreement for the Reform of the Argentine Political System as the "initial stage of a process of restructuring the political system that must culminate with the reform of the National Constitution" (Ambito 2002). Other prominent political figures from the PJ, such as former President Carlos Menem (1989–1999) and future President Néstor Kirchner (2003–2007), also advocated for substantial institutional reforms (Clarín 2002; Morosi 2002; Yapur 2002).

Amidst Argentina's landscape of widespread social protests, economic decline, and political turmoil, various groups demanded dramatic change across the social and political spectrum. Leftist parties championed a constituent process to break away from the established order and the entrenched political establishment (Clarín 2002). Social movements, intellectual groups, and grassroots organizations re-emerged across Argentina, adding their voices to the growing chorus calling for radical constitutional reforms (Hauser 2002). Despite the favorable conditions of a mobilized society and widespread dissatisfaction with the status quo, neither Duhalde in 2001–2003 nor Kirchner in 2003–2007 initiated a constitution-making process. The PJ at the time also

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continued by President Fernando De la Rúa 1999–2001) were actually carried out by President Duhalde between 2002 and 2003. Therefore, this study of the conditions for a constitutional reform in Argentina starts with Duhalde's administration. The period from 2002 to 2003 is of particular interest because it was a time when various political leaders, government officials, social movements, NGOs, and scholars openly discussed the possibility of implementing constitutional reforms to 'break' with the past and redesign the political system, as this chapter will show.

had a firm hold on institutional power, dominating the legislative and executive branches at the national, provincial, and municipal levels, while opposition parties like *Unión Cívica Radical* (UCR; Radical Civic Union) and *Alianza Frente País Solidario* (Frepaso; Alliance Solidary Country Front) faced decline. The opposition in the early aughts struggled to recover from the fall of President De la Rúa in December 2001, who had been elected by an alliance between UCR and Frepaso two years prior.[55]

As discussed in Chapter 1, Argentina 2001–2003 was a "most-likely case" (Eckstein 2009) for constitutional reform, comparable to Venezuela, Bolivia, and Ecuador—the Bolivarian countries that underwent radical constitution-making processes through elected constituent assemblies. This period in Argentina's history is considered one of the worst crises in its history (Malamud 2015; Zicari 2020). The anti-status quo sentiments reaching their peak during this time—akin to the Bolivarian cases at the time (Figure 3.1).[56] However, despite the crisis and multiple social and political sectors demanding radical institutional change, Argentina did not embrace a constitution-making process.

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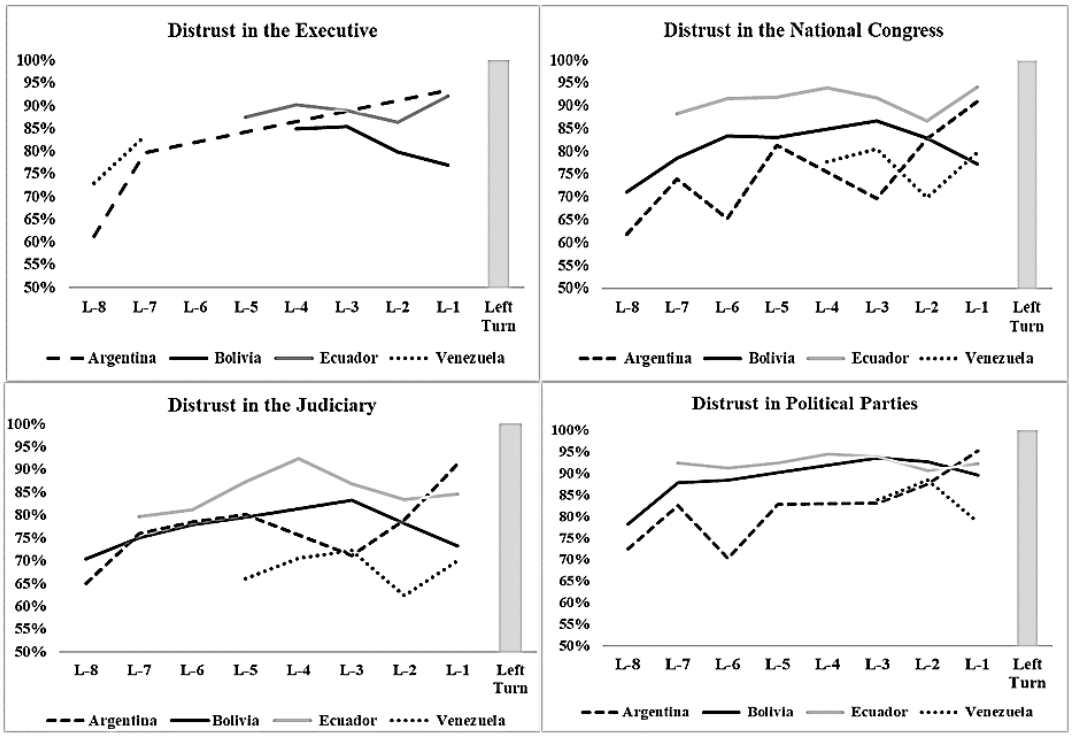
[55] De la Rúa was from the UCR but was elected by *La Alianza por la Educación, la Justicia y el Trabajo* (Alliance for Education, Justice, and Work, or simply "*la Alianza*" or "the Alliance"), formed by UCR and Frepaso.

[56] Figure 3.1 compares levels of citizens' distrust in government institutions and political parties up to the presidency of leftist presidents in Argentina in 2003, Ecuador in 2007, Bolivia in 2006, and Venezuela in 1999. To ensure comparability among these figures, I labeled the years in which leftist presidents took office as the 'Left Turn' period. Subsequently, I moved to the previous years (L-1, L-2, L-3, etc.) to indicate one year before these presidencies (L-1), two years before (L-2), three years before (L-3), and so on. Data were not available for all years and cases, with more limitations in the case of Venezuela.

Figure 3.1: Distrust in the Executive, congress, Judiciary, and Parties in Argentina and Bolivarian Countries before the Left Turn



Source: Latinobarómetro.

According to the theoretical framework presented in Chapter 1, two explanatory variables must interact to produce a new constitution through constituent assemblies: the election of *outsider parties* in the aftermath of a crisis driven by *strong protests* (see Table 3.1 for the theoretical framework and how the selected cases of Ecuador, Argentina, and Paraguay fit in the theory). As previously noted, although the leftward shift in Argentina intensified under Kirchner's leadership from 2003 to 2007, it is regarded as having started during Duhalde's administration in 2002–2003. Chapter 2 demonstrated how this interaction worked in the case of Ecuador, where Correa's Alianza País party, as a typical outsider party, did not create intraparty constraints for

Correa, allowing the elected president to pursue radical constitutional reforms. Additionally, in Ecuador the severe crisis delegitimized regime institutions and political elites, and empowered protest movements to exert direct pressure on existing institutions, reducing institutional constraints on executive power from congress, courts, and other veto players. This created a favorable environment for Correa's transformation of the constitutional order, even through unconstitutional means (Landau 2017). While Argentina shows that strong protests are alone insufficient to force institutional overhaul, Chapter 4's study of Paraguay demonstrates that the election of outsider parties must be accompanied by mass protests in order to result in constitutional change.

Table 3.1: Theoretical Framework and Cases

Country / president	Strong protests	Type of party elected	New constitution
Ecuador (Correa)	Yes	Outsider	Yes
Argentina (Duhalde/ Kirchner)	Yes	Insider	No
Paraguay (Lugo)	No	Outsider	No

This chapter will establish that, while Argentina shared similarities with Ecuador in one of the explanatory variables (*strong social protests*), the crucial distinction between both cases lies in the other variable (*type of party elected*) since Argentina's leftward shift was headed by an *insider party*, which imposed constraints on its leadership.

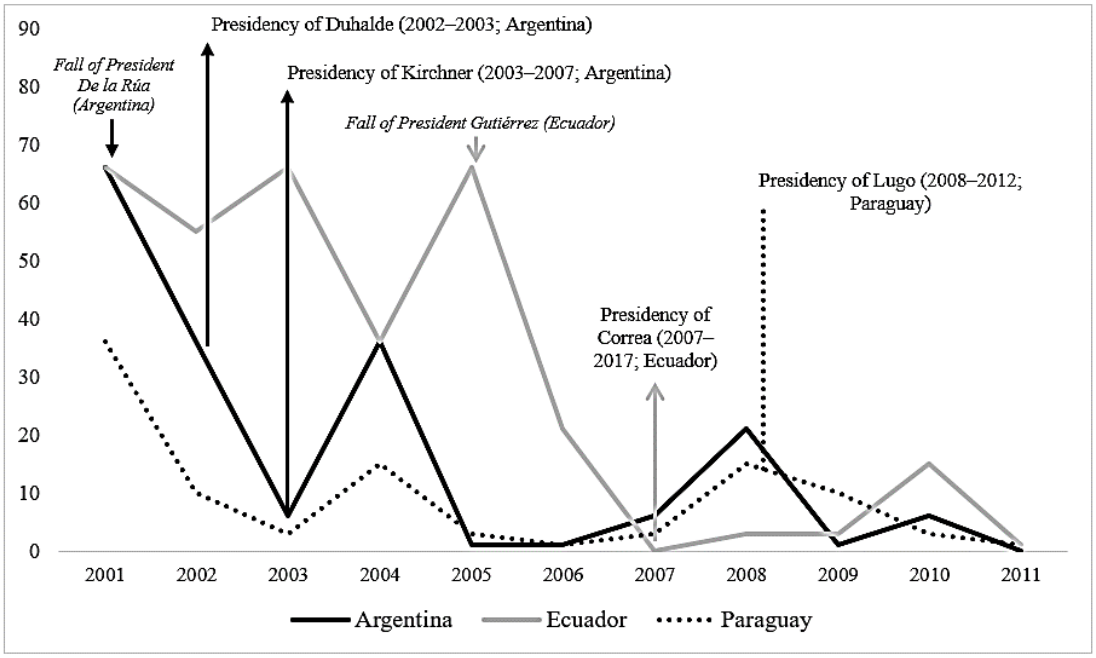
As defined in this dissertation's theory, social protests are considered *strong* when episodes of widespread anti-government social mobilization can oust sitting presidents and provoke severe regime instability. This is what happened in Argentina during the 2001 crisis. President De la Rúa was forced out of power in a sequence of events that led to an unstable succession of several presidents until President Duhalde stabilized the executive.[57] Like in Ecuador before the left turn, protest movements in 2001 Argentina targeted all government branches: the executive, congress, and judiciary (Levitsky and Murillo 2003, 155). Figure 3.2 depicts the number of *antigovernment* protest events in Ecuador, Argentina, and Paraguay (the latter is analyzed in detail in Chapter 4) (Clark and Regan 2019).[58] Despite data limitations that hinder a precise determination of the scope, intensity, and effects of these protests, they do provide insights into the widespread unrest that preceded the leftward shift in the selected cases. Notably, both Argentina and Ecuador experienced more than sixty protest events each, whereas

[57] After the ousting of President Fernando de la Rúa on December 20, 2001, the PJ reclaimed the presidency, but the office took time to become stable. Senator Ramón Puerta was elected president by congress on December 20 but resigned two days later. San Luis Governor Adolfo Rodríguez Saá assumed the presidency but quit on December 30. Deputy Eduardo Camaño, as the head of the Chamber of Deputies, temporarily assumed the presidency and requested congress promptly appoint a substitute. Eduardo Duhalde was appointed president in January 2002 and was able to govern until the election of Néstor Kirchner in 2003.

[58] The data on protests utilized in Figure 3.2 are drawn from the Mass Mobilization (MM) Project, which gauges the frequency of anti-government protest events across the region. The methodology for data collection involved searching keywords such as 'protest,' 'demonstration,' 'riot,' and 'mass mobilization' in major newspapers such as the *New York Times*, *Washington Post*, *Christian Science Monitor*, and *Times of London*. Each event coded required a minimum threshold of 50 participants. While the data derived from these newspapers might differ from individual country's media reports, the MM Project provides a comparative overview of protest events. In each country-specific chapter, I supplement these data with local sources, though these data are not directly comparable across countries. For further details on the MM Project, see Clark and Regan (2019). The selected protests for Figure 3.2 span from 2001 to 2011, a period encompassing the rise of leftist presidents in Argentina, Ecuador, and Paraguay.

Paraguay had a comparatively lower count. Additionally, in both Argentina and Ecuador, these protests were associated with the removal of sitting presidents—which was not the case in Paraguay. Further sections in this chapter provide more data on protests events in Argentina, from country sources.

Figure 3.2: Antigovernment Protest Events before the Left Turn in Argentina, Ecuador, and Paraguay (2001–2011)

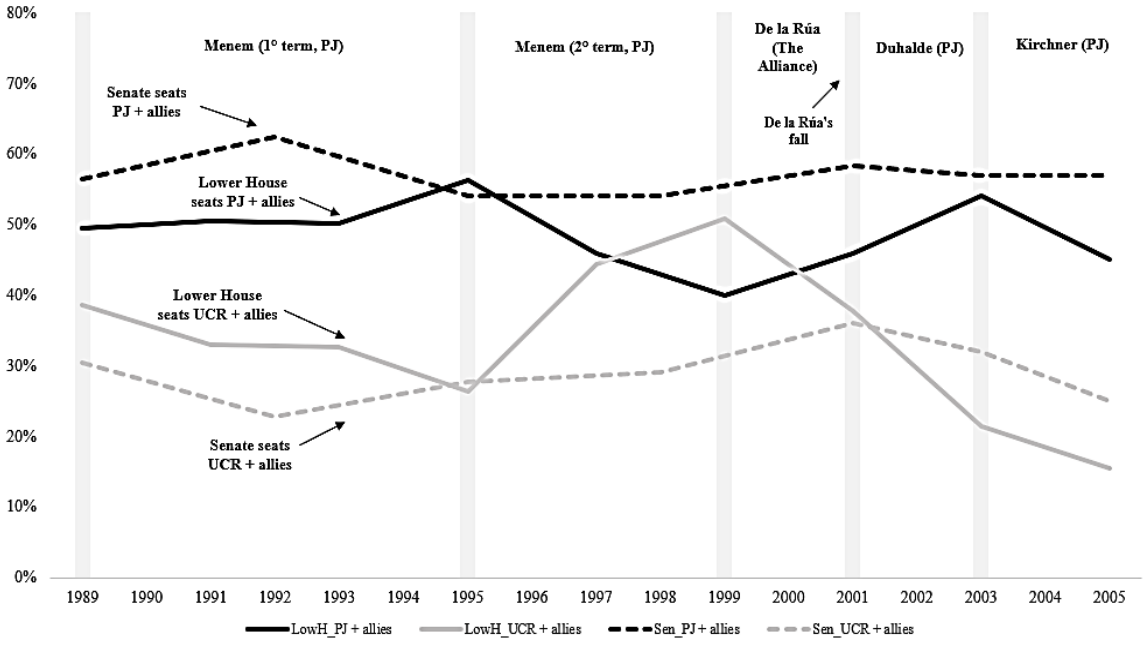


Source: Clark and Regan (2019).

The mass protests in Argentina, similar to those in Ecuador, incited numerous political and social leaders to propose constitutional reforms, citing the need for a system overhaul. The 2001 crisis resulted in the declining power of the Alliance (UCR/Frepaso) and led to the return of the PJ to the presidency. That same year, in the midterm legislative elections, the UCR and their allies had relinquished their majority of Lower House seats to the PJ (see Figure 3.3). Already in control of the Senate, the Peronists

thus solidified their power across both houses prior to the 2003 elections, marking the continued decline of the UCR. With the political scales tipped in favor of the PJ amidst mass protests, crisis within opposition parties, and mounting demands for constitutional reforms, this chapter posits that there were minimal institutional constraints preventing a radical institutional change strategy in the first decade of the 21st century.

Figure 3.3: Evolution of Percentage Share of Seats in the Lower House and Senate Held by Main Argentine Parties (1989–2005)



Source: Malamud and De Luca (2016).

However, this chapter illustrates that the impediments to a radical constituent process in Argentina primarily arose from within the incumbent insider party itself. It was the inherent characteristics of the PJ party that created barriers for Duhalde and Kirchner, thereby deterring a radical transformation of the institutional system. Unlike the personalist outsider party seen in Ecuador, the PJ epitomized a traditional party with

numerous factions. This factionalism continually restricted presidents' capacity to introduce reforms that could have significantly disturbed the internal balance of power and advantaged one leader over others. Furthermore, by the time the PJ reassumed power in 2001, it was already deeply inserted into Argentina's institutional system with vested interests in maintaining the status quo; again, the opposite to the outsider party in Ecuador. As Abal Medina's quote highlighted at the outset of this chapter (Abal Medina 2002), these factors collectively curtailed the incentives and prospects for a constituent process aiming to dismantle the system.

This chapter unfolds as follows: The first section delves into Argentina's unstable transition to democracy from 1983 to the period of mass protests in 2001–2002. To illuminate the potential for constitutional change, it examines the 1994 partial reform of the constitution, which highlights how an Argentine president may use political power to overcome institutional constraints to pursue a constitutional reform. The second section explores the favorable conditions that emerged for a constitutional rewrite following the 2001 crisis, with a backdrop of mass protests and numerous voices advocating for constitutional reform. In the third section, I uncover why a constitutional rewrite did not materialize, tracing it back to the characteristics of the elected insider party that acted as an impediment to constitutional change in Argentina. This section delves into party factionalism, institutional embeddedness, the leftward shift in the country's political landscape, and how the insider party hindered leadership's ability to rewrite the constitution. The chapter concludes by offering comparative findings to shed light on the broader implications and nuances of the Argentine case within the context of other countries.

From the Transition to Democracy (1983) to a Period of Strong Protests (2001)

The Argentine transition to democracy took place in 1983. The period that followed included times of both instability and stability until the mass social revolt of 2001. This section traces how social protests and party politics developed across this period. It includes the Raúl Alfonsín administration (UCR, 1983–1989), Carlos Menem's two terms in office (PJ, 1989–1999), the election and fall of Fernando De la Rúa (La Alianza, 1999–2001), and the return to power of the PJ at the end of 2001.[59] The section also includes an analysis of the 1994 constitutional reform, which illustrates how an ambitious president could overcome institutional constraints to change the constitutional rules of the game.

Argentine politics has been historically dominated by two parties: the PJ and the UCR. The PJ emerged as a classic labor-based party that resulted from the industrialization and the politicization of the working class during the import substitution industrialization (ISI) period in the late 1940s and 1950s (Collier and Collier 2002; Roberts 2014). For its part, the UCR emerged as a party linked to the urbanization and emergence of the Argentine middle class (Abal Medina 2010). These two parties divided the electorate and won every presidential election between the transition to

[59] The section discusses the 1994 reform of the constitution—even if outside this dissertation's scope conditions—because it highlights how an Argentine president was able to move forward with a constitutional change by using his popularity and signaling his willingness to bend the rules of the game to support his plan, against which weakened opposition parties had to agree to prevent an institutional crisis. This discussion is important because it illustrates that a similar political strategy could have been used by PJ presidents from 2001 to 2003 had they seriously aimed to reform the constitution.

democracy and the left turn: Alfonsín (UCR) in 1983; Menem (PJ) in 1989 and 1995; De la Rúa (UCR-La Alianza) in 1999; and Kirchner (PJ) in 2003.

In the social arena, the most mobilized groups in the 1980s and early 1990s were workers in the formal economy who acted for the protection and expansion of labor rights, mainly through union strikes. The 1990s saw the emergence of newly mobilized social groups, like informal workers and the unemployed, who enacted new strategies of direct action such as highway blockades, occupations of public spaces, and attacks on government offices in the 2000s. The highway blockades became known as *piquetes*, from which these groups came to be called *piqueteros* ("picketers").[60]

The years that followed the democratic transition in 1983 were very unstable. Unlike Ecuador, where the first four presidents following the transition of 1979 served full terms, the first president of Argentina elected after democratization, Alfonsín (UCR), bore economic, political, and military crises which preemptively ended his presidential term. The Alfonsín presidency was marked by destabilizing events such as military rebellions and coup threats in 1987, 1988, and 1989, economic stagnation, hyperinflation (with peaks of 688% in 1984 and 4,924% in 1989), and social conflicts

[60] The *piqueteros* are an urban movement that comes from the unemployed working class, with a large presence of precarious domestic service workers, young people without access to formal employment, and members of neighborhood organizations, among others demanding employment, subsidies, and community development (Svampa and Pereyra 2003, 46).

due to government austerity measures. All this led to Alfonsín's resignation in 1989 (Llanos and Marsteintredet 2010).[61]

The subsequent presidential term stabilized Argentine politics and economics. Menem appeased the military with laws to limit their prosecution for crimes committed during the military junta dictatorship (1976–1983). This partial amnesty marked the end of military threats to civilian governments. Menem also moved the country towards a new economic development strategy. He introduced market reforms, such as price liberalization and privatization of public companies, and expanded international trade.[62] Moreover, Menem tied the Argentine peso to the US dollar (the so-called convertibility plan), reduced public healthcare and education spending, and imposed fiscal restrictions on provincial governments. This economic turn was possible, in part, because of Menem's political control and repression over unions. The administration made labor legislation more flexible, restricted the right to strike, and limited unions' bargaining spaces.[63] Despite the market reforms, labor conflicts fell significantly compared to the

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[61] Military issues after the transition to democracy were triggered by the Alfonsín administration's prosecution of members of the Armed Forces for human rights violations, thereby resulting in military threats against the presidency. Social conflicts were caused by the fall in people's purchasing power, severe scarcity in the marketplace, and frozen wages. There were many clashes between protesters and the police resulting in numerous deaths (Lobato and Suriano 2003). Regarding inflation data, see Banco Central de la República Argentina.
See http://www.bcra.gob.ar/PublicacionesEstadisticas/Principales_variables.asp.

[62] The Minister of Public Works and Services, Roberto Dromi, responsible for the first stage of privatizations, synthesized the "Menemist Decalogue" or the guiding principles of Menem's presidency, by saying that "nothing that should be state-owned will remain in the hands of the state." See https://www.youtube.com/watch?v=nVUu0vT1Tuk (minute 0:50).

[63] Menem turned the tables by aligning Peronism with the agro-export sectors rather than the labor movement. Unions lost power within the Justicialist Party and the party became a more traditional electoral machine (Levitsky 2003).

end of Alfonsín's term, from 949 labor conflicts in 1988 to 165 in 1998 (Lobato and Suriano, 2003). Menem's orthodox market policies had—at least initially—positive results such as containing hyperinflation (from 1344% in 1990 to 3.9% in 1994), generating GDP growth (from -3.9% in 1990 to 4.6% in 1994), and increasing export revenues.[64] President Menem became the most popular leader of the country (Stokes 2001). In this favorable context, Menem pursued the idea of a constitutional change to enable his reelection.

The 1994 (Partial) Constitutional Reform

The 1994 constitutional reform falls outside of the scope conditions outlined in this dissertation's theoretical framework, since it was not a complete constitutional replacement but a partial reform of the 1853 Constitution.[65] Nonetheless, the 1994 case has theoretical importance because it shows that institutional constraints in Argentina can be overcome by ambitious politicians willing to bend the rules of the game to their favor when opposition parties and institutional checks on the executive are weak. This dissertation suggests (as seen later in the chapter) that this strategy was available again after the 2001 crisis yet was not pursued due to internal constraints within the governing party.

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[64] See World Bank Data (www.data.worldbank.org) and Banco Central de la República Argentina (http://www.bcra.gob.ar/PublicacionesEstadisticas/Principales_variables.asp).

[65] The Reform Law Nº 24,309 (1993) declared the "necessity of a partial reform of the National Constitution of 1853 with the reforms of 1860, 1866, 1898 and 1957" (Article 1). The law limited which sections of the 1853 Constitution could be changed and how the convention members were to participate and vote.

After Menem's successful economic results, in 1993 the president declared that, to consolidate reforms, he needed to extend his presidency, which required reelection. But Menem faced an important constraint: consecutive reelection was prohibited by Argentina's constitution, and the PJ fell short of the necessary 2/3 support of both congressional chambers to initiate a constituent process, as the opposition was against the reform.[66] Moreover, a plebiscite to initiate a constitutional reform was not provided for in the constitution.

The process that Menem followed to achieve his goal illustrates how a constitutional reform is highly dependent on political contingencies. When the PJ failed to achieve the requisite super-majority to reform the constitution in the October 1993 midterm legislative elections, Menem used other political resources to his favor. Menem knew that his presidency was in a position of strength: the PJ was the main party in congress (Figure 3.3), Menem was the most popular leader of the country, and the administration had the support of economic elites. So Menem played "his hand with the steely nerve of a seasoned gambler" (Podesta 1993). He forcibly installed the idea of constitutional reform in public discourse by threatening to hold a plebiscite about reelection. Even if the referendum was presented by Peronists as "non-binding," its legality was questioned

[66] After the October 1993 midterm legislative elections for the lower house, the PJ had 127/257 seats (49.4%) (Nohlen 2005), and an absolute majority in the Senate (30/48 seats, 62.5%).

since it was not accounted for within the existing constitutional framework as a step to reform the constitution (Comas 1993).[67]

The opposition opposed the plebiscite. The UCR understood that it "would serve as a powerful weapon for the Peronist Party" (Nelson 1994, 293) to establish the rules of the game due to its majority position. Menem also threatened to "violate the threshold of qualified majority that the constitution required to pass the law declaring the necessity of reform" (Negretto 2017, 4). It meant that Menem was open to "call[ing] a surprise session of congress to pass his proposal without opposition" (Nelson 1994, 294).[68] An editorial from the widely read and influential *Diario La Nación* (1993/09/26) newspaper stated:

> The plebiscite route is unacceptable. There is a danger that the country will enter a dark period of institutional reproaches and questioning, with the consequent decline in the level of legal security and reliability, values that Argentina cannot afford to squander without putting at risk the advances made since 1983 (Comas 1993).

[67] The existing constitutional rules required two steps for a partial or total constitutional reform: a congressional law passed by a qualified majority of congress, and a popularly elected convention to approve changes (Negretto 2017).

[68] The government suggested that the 2/3 vote required in the House to pass the reform could be calculated on the members present, rather than on the total membership (Nelson 1994).

There were clear signals that Menem was undeterred by institutional constraints to achieve reelection.[69] The plebiscite was scheduled for November 21, 1993. These moves forced the opposition to rethink its initial position. The president "essentially bullied the UCR into negotiating a constitutional reform," given "the likelihood that Menem would win the [plebiscite] vote and the real possibility that such an outcome would provoke an institutional crisis" (Levitsky 2000, 58). Many considered that a constitutional reform "approved unilaterally by the government party would have had a very negative impact on the future of Argentine democracy" (Negretto 2017).

The UCR finally reached an agreement with the Peronists. The constitutional plebiscite never occurred. Instead, the UCR accepted the introduction of reelection in exchange for the incorporation of mechanisms aimed at reducing presidential powers and strengthening the judiciary (Galligan and Versteeg 2013a).[70] The Menem-Alfonsín agreement became known as the Olivos Pact. Both parties agreed to have a strict control

[69] Menem governed in a highly unilateral manner and often acted in ways that were perceived to violate (at least in spirit) the constitution. In 1990, the government passed legislation that expanded the size of the Supreme Court from five to nine judges, then filled it with Menem loyalists despite opposition objections. Menem also issued 336 "Decrees of Necessity and Urgency" between 1989 and 1994, making widespread use of his power to issue executive decrees. In contrast, the government of Raúl Alfonsín issued only 10 such decrees between 1983 and 1989 (Levitsky 2000).

[70] In the negotiation, Alfonsín brought forth ideas for constitutional reform that had been discussed during his administration (1985). Alfonsín tried unsuccessfully to carry out a constitutional reform with the aim of consolidating democracy. In 1985, a multisectoral council was created to propose constitutional changes, the "Consejo para la Consolidación de la Democracia" (Council for the Consolidation of Democracy). The council was open to different parties to "develop a political plan that combines the differences … (and) articulate responses that open the way to the foundation of a new politically clear and decisive stage" (El País 1985). The council was integrated by representatives of main parties (including the PJ), academia and civil society, and produced a series of materials and documents. Due to the crisis of governability that he suffered, Alfonsín could not carry out the constitutional reform.

over the constitutional process. Proposals were included in the "Nucleus of Basic Coincidences" signed by the PJ and UCR to establish the changes to be made in 1994. Moreover, party elites limited in the law what could be changed by the Constitutional Convention elected to draft the constitutional changes.[71] Importantly, the Convention never had supreme power over state institutions like in the constituent processes in Venezuela, Bolivia, and Ecuador.

The significance of examining the 1994 constitutional reform lies in understanding how the process was able to progress due to a president's threat of taking actions questioned as unconstitutional to overcome institutional constraints if the opposition did not support his proposal. A plebiscitary strategy was at the core of Menem's plan, just as Correa achieved in Ecuador 2007 and Lugo's coalition attempted in Paraguay 2011. Argentine opposition parties understood that the institutional constraints against the executive branch were weak and that it was more advantageous to negotiate compromise rather than be defeated in the process. Moreover, it is also important to note that the PJ and the UCR made sure that 1994 reform contained almost no uncertainties for party elites. This predictability was achieved through an agreement signed by party leaders, a process that went through congress, and a narrow agenda that did not pursue a "re-founding" of the

[71] The election for the Constitutional Convention was held on April 10, 1994. The PJ obtained 38.5% of the votes (137/305 conventional), the UCR 19.7% (74/305), and new parties such as the Frente Grande (leftwing) 13% (31/305), and MODIN (rightwing) 9.7% (21/305).

entire constitutional order, unlike in Ecuador, Bolivia, and Venezuela.[72] As will be seen later in this chapter, some of the conditions to force a more radical constitutional rewrite after the 2001 crisis were present again, but the incumbent Peronist party was not internally aligned in support of the process.[73]

Menem's Second Term (1995–1999) and the Growing Social Crisis

With the adopted constitutional changes in place and presidential reelection now possible, Argentina held its 1995 general election in a context of relative party volatility among the opposition. Menem was reelected with 49% of the vote, against a surprising Frepaso's second place (29%), and over UCR's third place (17%).[74] Despite his decisive victory, Menem's second term was very different from the first. The government faced

[72] The "Nucleus of Basic Coincidences" was included in article 2 of the Reform Law 24,309/1994. In the convention, party representatives had to follow a strict party-line vote (for or against) and had do so without deliberation. The reforms approved on August 22, 1994, included presidential reelection for a single period, a reduced term of office from six to four years, direct vote for President and vice president in two rounds, a created a Chief of Staff position with responsibilities before congress, among others. These changes were considered improves to the quality of democracy (Levitsky 2000), even though years later the effects of these changes were questioned and many sectors proposed a new constitutional reform.

[73] Years after the 1994 constitutional reform, the effects of these changes were questioned. Eduardo Menem—Carlos Menem's brother who presided over the National Constituent Convention—later said that "the reform did not have good publicity and was often attacked and denigrated, even before its ratification" (Menem 2004). Even more, recent evaluations have shown that the reform failed in its attempt to attenuate the power of the executive since the presidents ended up encroaching on the legislature and the judiciary (Gargarella 2019; Sabsay 2014). In addition, since popular movements were active participants of the process and discussions were limited during the convention, the constitution was not considered a product of a participative process.

[74] The *Alianza Frente País Solidario* (Frepaso; Alliance Solidary Country Front) was a center-left coalition that included small leftist parties, social movement activists, and Peronist legislators who left the PJ in opposition to Menem's market policies. Frepaso aimed to become Menem's major opposition (since the UCR had not recovered from the failures of the Alfonsín administration) and coordinated "anti-neoliberal" actions with social organizations.

difficult challenges: GDP dropped from 4.5% growth in 1994 to -4% in 1995, unemployment increased from 11.7% to 18.8%, and poverty increased from 2.7% to 4.9% in the same period.[75] Despite these worsening indicators, Menem doubled down on his market-oriented reforms. The government announced further privatizations of state companies, taxes on consumption, and budget cuts for provincial governments (Zícari 2016).

Menem's economic reforms had significant social effects. Privatizing state companies (such as the oil company Yacimientos Petrolíferos Fiscales, YPF) impoverished the living conditions of entire regions that depended on these companies. Market liberalization, free trade, and foreign competition pushed private companies to reduce payrolls and fire workers. Labor flexibilization, tax increases, and cuts in social programs reduced real wages and left retirees and workers unprotected.

All these economic changes fueled violent forms of protests across Argentina. Roadblocks, occupation of public spaces, vandalism, and attacks on government buildings became common events (Auyero 2003; Rossi 2005). The example of the "Santiagazo" of 1993—a violent episode of social insurrection—expanded throughout Argentine cities (Silva 2009, 15).[76] In Santiago del Estero, a small town in the northwest

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[75] See World Bank Data (www.data.worldbank.org) and Banco Central de la República Argentina (http://www.bcra.gob.ar/PublicacionesEstadisticas/Principales_variables.asp).

[76] Santiago del Estero was a poor town in the northwest of Argentina where almost half of the jobs depended on public employment. "Santiagazo" refers to events in 1993, when the town had "the first 'riot' to combine protests against austerity measures and widespread public corruption" (Auyero 2003, 45).

of the country, government cuts in social security, months of unpaid salaries, and corruption scandals triggered strikes and street demonstrations. Heterogenous groups of public sector employees, teachers, retired citizens, students, and union leaders joined in protest. These movements attacked politicians' private homes and vandalized and burned public buildings from the local executive, legislative, and judicial branches. By the end of the 1990s, similar events expanded to other regions such as Neuquén, Salta, Jujuy, and Buenos Aires, and exemplified what was to come in 2001.

These deteriorating economic and social conditions undermined Menem's political power.[77] In the 1997 mid-term legislative elections the PJ lost its majority to *La Alianza*, a coalition between UCR and Frepaso. Menem's position in his party weakened and he did not receive sufficient party support to run for reelection in 1999. Eduardo Duhalde, Governor of Buenos Aires Province, became the PJ candidate, but the party was stained by the crisis. Most of the middle and upper-class support that Menem received in 1989 and 1995 (beyond the core of PJ's followers) moved to the opposition (Levitsky 2000). In the 1999 presidential elections, Fernando De la Rúa (Alliance) received 49% of the votes and defeated Duhalde.

De la Rúa's Administration and the 2001 Crisis

Argentina's economic and social deterioration continued under De la Rúa's administration. GDP growth went from 2.7% in 1998 to -4.5% in 1999, unemployment

[77] To make matters worse, Argentina was also affected by the contemporary financial crises of Southeast Asia (1997), Russia (1998), and Brazil (1998).

increased from 12.6% in 1998 to 14% in 1999, and poverty was around 5.5%.[78] The convertibility plan led to the overvaluation of the peso over time, making imports cheap, yet constraining exports, leading to a growing trade deficit and slower growth. Capital flight and a shrinking GDP led the government to negotiate credits with the International Monetary Fund (IMF) in exchange for reducing expenditures (Fair 2020). This conditionality caused the interruption of salaries and social assistance such as unemployment benefits and food distribution (Lobato and Suriano 2003, 149). The poor and the middle class were hit the hardest.

To make matters worse, a government corruption scandal led to the resignation of Vice President Juan José Álvarez (Leiras 2003). Accusations that all politicians were "the same" became common complaints in the media and the streets. The midterm legislative elections of October 2001 recorded widespread dissatisfaction with the political class. The "protest vote" (the sum of blank and null votes) reached a historic record of 25% of total votes, amounting to more votes than those for the ruling Alliance, which lost both chambers to the PJ (Zícari 2016). Beyond the severe blow to the government, the immense protest vote was the institutional expression of a growing crisis of representation (Pousadela 2007).

By the end of 2001, conditions of social unrest worsened. Unions and piquetero organizations called for marches, general strikes, and roadblocks. Neighborhood

[78] See World Bank Data (www.data.worldbank.org) and Banco Central de la República Argentina (http://www.bcra.gob.ar/PublicacionesEstadisticas/Principales_variables.asp).

assemblies (Rossi 2005), community associations (Pérez and Pereyra 2013), and heterogenous groups of citizens joined protests across the country (Auyero 2002, 61). The "climate of civil disobedience was evident" (Lobato and Suriano 2003, 149) and demands for profound reforms in the political system grew.

December 2001 was the peak of the crisis. The government could not manage the deficit and implemented unpopular measures like closing banks to prevent people from withdrawing their savings (the so-called "corralito" or bank freeze, just like the one implemented in Ecuador during the 1999–2000 crisis). Middle-class sectors were affected and joined antigovernment demonstrations. Supermarket looting spread across the country and clashes between protesters and police expanded throughout the main cities. To maintain governability, on December 19, 2001, the government announced a state of emergency, which led to even stronger protests and police repression. Thousands of citizens took to the streets. Violence escalated and twenty five activists were killed, four hundred protestors were wounded, and four thousand people were detained (Rossi 2005; Veiga González 2011). The next day, on December 20, President De la Rúa resigned.

As mentioned in in the introductory section, instability was not contained by De la Rúa's resignation. Three different Peronist presidents succeeded De la Rúa until Duhalde stabilized the presidency in 2002 and 2003 for the remainder of the presidential term. In 2003, the year of the general elections, the Argentine party system fragmented and the opposition to Peronism virtually collapsed. In the first-round vote on April 27, 2003, three PJ candidates dominated, receiving more than 60% of electoral preferences.

Menem (right-wing) obtained 24% of the vote, Kirchner (left-wing) 22%, and Rodríguez Saá (center) 14%. Outside of Peronism, Ricardo López Murphy (RECREAR, right) obtained 16% of the preferences and Elisa Carrió (ARI, left) 14%. The UCR candidate, Leopoldo Moreau (center-left), earned only 2% of the vote, showing that the UCR had not recovered from the fall of De la Rúa.

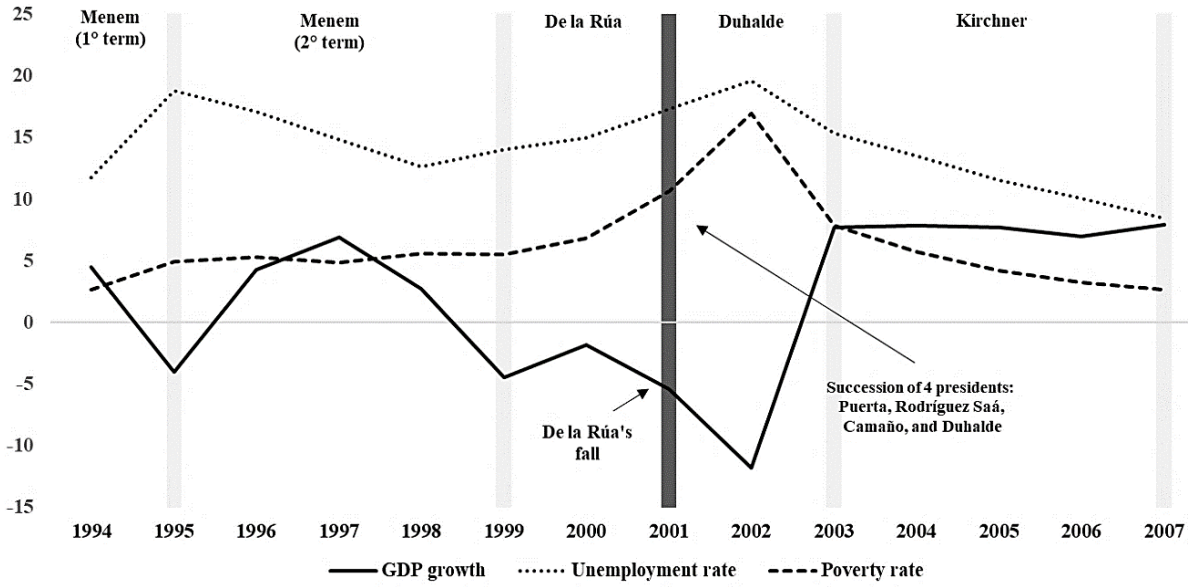
In the lead-up to the run-off election race, Kirchner passed Menem in the polls with over 70% support (Levitsky and Murillo, 2003). Menem quit the race before the second round was held and Kirchner became the new president. As Correa in Ecuador's first round, Kirchner had the same 22% initial support. In the congressional election, however, Kirchner's PJ party did better. While Correa did not have a single legislator from his party, the PJ consolidated power as the largest party with 54% of seats (127/257) in the lower house and 57% (41/72) in the Senate. This reaffirmation of Peronism as the primary political force in Argentina occurred in a context of mass discontent against regime institutions, as the protests and proposals for constitutional reforms attest.

Why a Constitutional Rewrite Could Have Worked in 2001–2003

This section deals with one of the explanatory variables of this work: strong social protests in a crisis context. The section will illustrate the magnitude of Argentina's 2001 crisis and anti-status quo sentiment, the environment of mass protests capable of ousting sitting presidents, and how this moment opened opportunities for a constituent process. Figure 3.4 illustrates the scope of the 2001 crisis, the peaks in the evolution of GDP

decline, growing unemployment, and poverty, all of which were the worst in two decades.

Figure 3.4: Percentage of GDP Growth, Unemployment, and Poverty in Argentina (1994–2007)



Sources: World Bank (www.data.worldbank.org) and Banco Central de la República Argentina.[79]

This period marked a severe questioning of the institutional legitimacy of the regime. Social discontent against existing government institutions and political parties reached its peak in 2001–2002, the highest levels since 1995 (Latinobarómetro). Aníbal Ibarra, Chief of Government of the City of Buenos Aires during the crisis (2000-2006), reflects

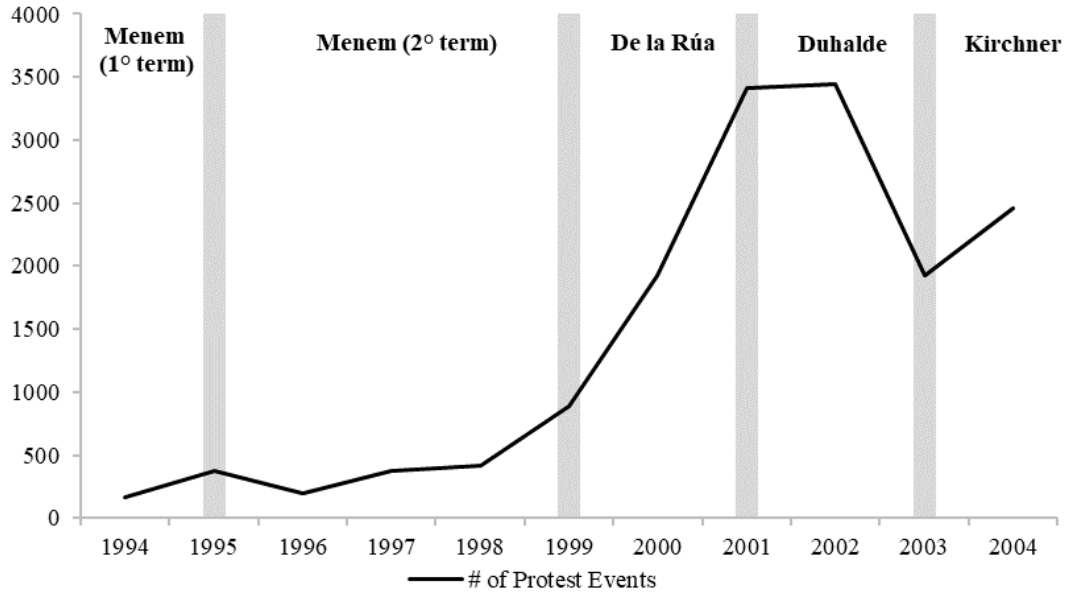
[79] See http://www.bcra.gob.ar/PublicacionesEstadisticas/Principales_variables.asp.

on this moment, saying that "the collapse of 2001 was dramatic [...] The crisis was evident in the media, the pot-banging protests, the burning of tires [...] It was a catastrophe. The demand of "¡*Que se vayan todos*!" (Everyone must go!), led to the fall of the president. It felt like hell" (Ibarra, personal interview, 2019).

The Context of Mass Protests

Similar to the Bolivarian countries before the rise of leftist presidents, social protests in Argentina were expressions of the severe crises rocking the political and institutional system. Economic deterioration combined with different forms of social mobilization. Figure 3.5 indicates the cycle of aggregate social protest events—including looting, picketing, strikes, pot-banging protests, demonstrations, and roadblocks, among others—between 1994 and 2004 (Cotarelo and Carrera 2016). These events reached their peak in 2001 and 2002.

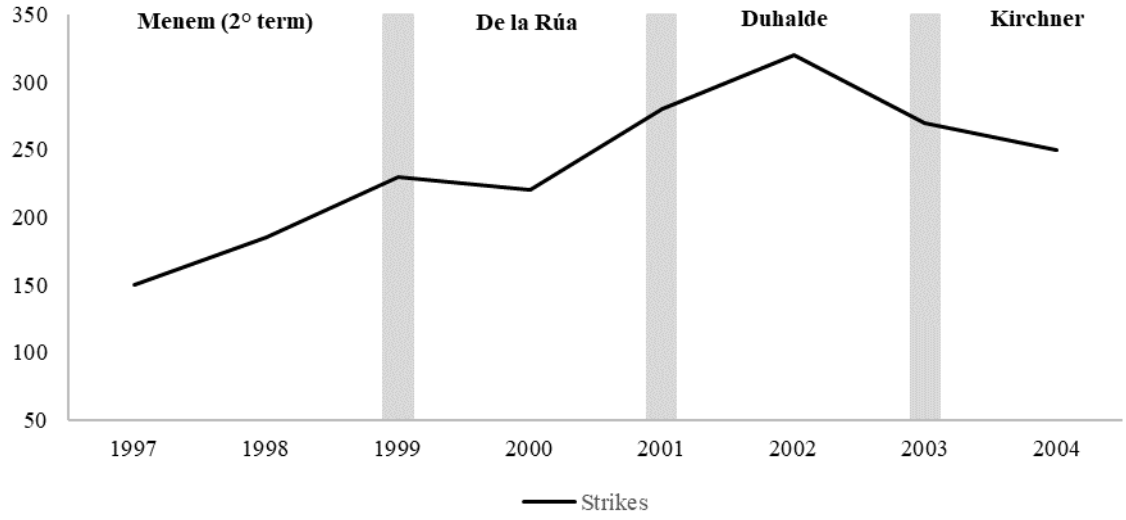
Figure 3.5: Number of Protest Events (1994–2004)



Source: Cotarelo and Carrera (2016).

Figure 3.6 shows the number of strikes carried out between 1996 and 2004 by union workers. The highest number was in 2002 with 320 strikes, which doubled the 150 registered in 1997, just five years earlier.

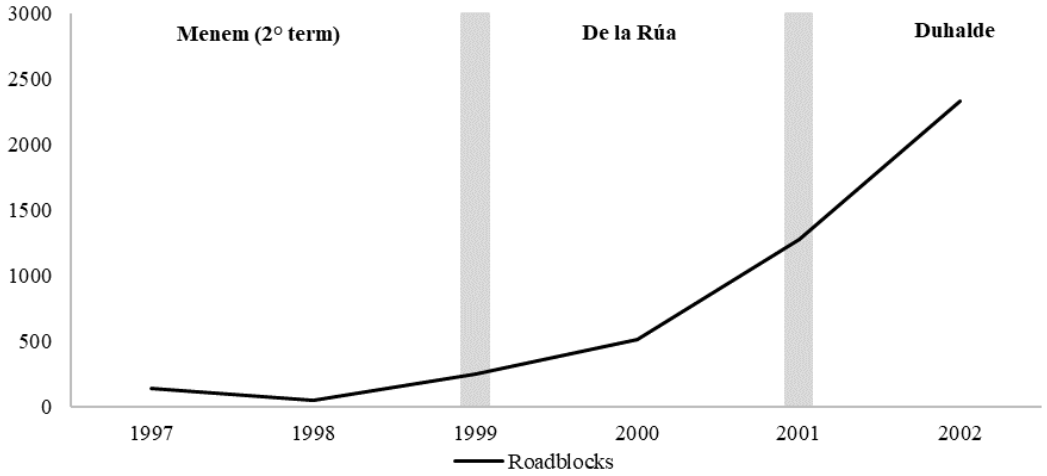
Figure 3.6: Number of Strikes (1997–2004)



Source: Etchemendy and Collier (2007).

Figure 3.7 shows the number of roadblocks between 1997 and 2002, the form of collective action used by the unemployed and informal workers—the so called piquetero movement. There was a sustained increase in the period—sixteen times—from 140 events recorded in 1997 to 2,334 in 2002.

Figure 3.7: Number of Roadblock Protests (1997–2002)



Source: Lobato and Suriano (2003).

The data illustrates the evolution of social protests in Argentina in the late 1990s and early 2000s. The peak of protests was during the critical 2001–2002 period, which was associated with many political and social leaders supporting changes in the institutional order through a constitutional reform. As the media reported,

> None of the constitutional convention delegates who signed the new national Constitution on August 25, 1994…imagined that the same text they had sanctioned after three months of intense debate would be questioned eight years later by almost all political fronts, as a result of a serious socioeconomic crisis. (Dinatale 2002b)

Voices for Constitutional Reform

When Duhalde assumed the presidency in January 2002, he defended a transformative agenda, the need for a deep institutional reform, and a "second [democratic] transition" (Torre 2003). In his first address to congress in March 2002, Duhalde described the

country as broken and asserted that efforts should point to "re-found" the republic through new institutions:

> The people do not trust politicians or their representatives. The people do not feel interpreted by their trade union or business leaders, and also distrust Justice. And equally serious is that trust has been lost within the community itself.
>
> What should we do then to rebuild power in these conditions? […] We need, without grandiloquence but decisively, to found a new Republic by building a new institutional framework. (Duhalde 2002)

Duhalde discussed substantial constitutional changes in the regime. He proposed moving to a parliamentary system, renovating the judiciary, and limiting election periods (Duhalde 2002). Duhalde initiated measures to enable reforms, with the most significant being the Federal Agreement for the Reform of the Argentine Political System. This agreement, signed by Duhalde, the majority of provincial governors, and the chief of the City of Buenos Aires, was intended as the initial phase in a broader process aimed at restructuring the political system, ultimately leading to the reform of the National Constitution (Ambito, 2002). The Federal Agreement included issues such as reducing the size of the government, decreasing the number of legislative seats,

cutting national and provincial government budgets, shortening political campaigns, and modifying electoral rules.[80]

Duhalde also broadened conversations with civil-society actors. He led the formation of the Argentine Round Table (*Mesa de Diálogo Argentino*) with support from nearly 300 civil-society organizations and 800 leaders from unions, politics, education, business, culture, and finance, among other sectors. Meetings were held in various cities of the country to discuss reforms to the political system (Duhalde 2002; Veiga González 2011).[81]

The year 2002 also prompted discussions about constitutional reforms because—besides the crisis—political leaders were preparing for the 2003 presidential elections. Driven by the slogan echoed by citizens across the country, *¡Que se vayan todos!*, candidates of every partisan allegiance, deputies, senators, and unionists supported different proposals for constitutional reform, and there were "more than forty bills in congress" (Dinatale 2002b). For instance, within Peronism, former President Menem

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[80] The agreement was signed by: President Eduardo Duhalde and the following Governors: Buenos Aires, Felipe Sola; Catamarca, Oscar Castillo; Córdoba, José Manuel De La Sota; Corrientes, Horacio Colombi; Chaco, Angel Rozas; Chubut, José Lizurme; Entre Rios, Sergio Montiel; Formosa, Gildo Insfran; Jujuy, Eduardo Fellner; La Pampa, Rubén Marín; La Rioja, Angel Maza; Mendoza, Roberto Iglesias; Misiones, Carlos Rovira; Neuquén, Jorge Sobisch; Río Negro, Pablo Verani; Salta, Juan Romero, Néstor Kirchner; Santa Fe, Carlos Reutemann; Santiago Del Estero, Carlos Díaz; Tierra Del Fuego, Carlos Díaz; Tierra Del Fuego, Carlos Manfredorri; Tucumán, Julio Miranda; and the Chief of Government of the Autonomous City of Buenos Aires, Aníbal Ibarra.

[81] Non-governmental organizations such as Conciencia, the Konrad Adenauer Foundation, Poder Ciudadano, Transparency International, Foro Transparencia, and Compromiso Ciudadano, among others, participated in the signing of the agreement (Duhalde, 2002). The Catholic Church and the United Nations also participated in the process.

declared that "we have come to re-found the nation because those who managed it since December 1999 have been in charge of re-fouling it" (Morosi 2002). Menem proposed a constitutional reform to eliminate the vice-presidency, end mandatory voting, strengthen the federal system, and unify legislative chambers into a single Parliament. José Manuel de la Sota supported a reform "to reduce the number of members of the three branches of government" (Dinatale 2002b). Other PJ candidates such as Rodríguez Saá, Juan Carlos Romero, and Néstor Kirchner (who also signed Duhalde's Federal Agreement to change the political system), intended a reform to renew all the head government positions.

This backdrop of crisis also induced calls for constitutional change from leftist parties. Luis Zamora, legislator from the *Autodeterminación y Libertad* party (AyL; Self-determination and Freedom), defended in late 2001 that the only legitimate election that the country should have is to "constitute a constituent assembly […] [to] discuss [...] what country Argentines want and not what the leadership that the country repudiates wants. And that it be done in an immediate way" (Zamora 2001). Elisa Carrió, *Afirmación para una República Igualitaria* (ARI; Affirmation for an Egalitarian Republic) presidential candidate in 2003, in October 2002 defended a constitutional reform to recall legislators and Supreme Court ministers (Clarín 2002). Vilma Ripoll, a legislator from Buenos Aires for the *Frente Izquierda Unida* (IU; United Left Front), was in favor of "rediscussing everything and calling elections for a constituent assembly" (La Nación 2002). Alicia Castro, a deputy of the *Frente Polo Social* (PS; Social Pole Front) and a union leader, favored a constitutional reform to promote equity (Dinatale 2002a).

Social movements also demanded a constitutional reform. Víctor de Gennaro, leader of the *Central de Trabajadores de la Argentina* (CTA; Argentine Workers' Central Union), declared himself in favor of "a constituent assembly to modify the Magna Carta and order the end of all politicians' terms in the country" (El País 2002b). Grassroots social organizations popping up around Argentina also raised demands for radical reforms (Hauser, 2002). The 2002 Social Forum of Argentina, with the participation of more than 240 social organizations, including Madres de Plaza, unions, piqueteros, and left-wing political parties, proposed strategies to seek a real "constituent process that does not come from the constituted power" (Tagliaferro 2002). Groups of intellectuals were similarly aligned. For instance, the Argentine Manifesto (*Manifesto Argentino*) was a movement of thinkers, scholars, and activists whose purpose was to promote a constituent assembly to solve Argentina's widespread problems. Its leading proponent, Mempo Giardinelli, defended its objectives—including a critique of the opacity of the Olivos Pact that led to the 1994 Constitutional Reform—as follows:

> Hunger is fixed by passing out bread; unemployment, with work; the surrender of the country, by recovering dignity. There are plans developed, the possibilities are given, there are trained people, and there is enough political decision to carry out all of this. In other words: change in Argentina is perfectly possible and that is why we march and unite.
>
> But, for that change to take place, we must see not only the trees but also the forest as a whole. And that is the most important thing because we are witnessing the final days of a corrupt and mafia system that led us to ruin

> and still governs (in our name, but against our interests), and on top of that, intends to rearrange itself and […] be relegitimized by electoral means.
>
> So, in the face of this maneuver, the only way out is the one that some sectors have been proposing for several months: a Constitutional Reform carried out by the true representatives that society wants and chooses, but not with the current electoral system […] Otherwise, the conspiracy will push for a reform to its liking, or another Olivos Pact behind closed doors between the usual suspects. (Giardinelli 2002)

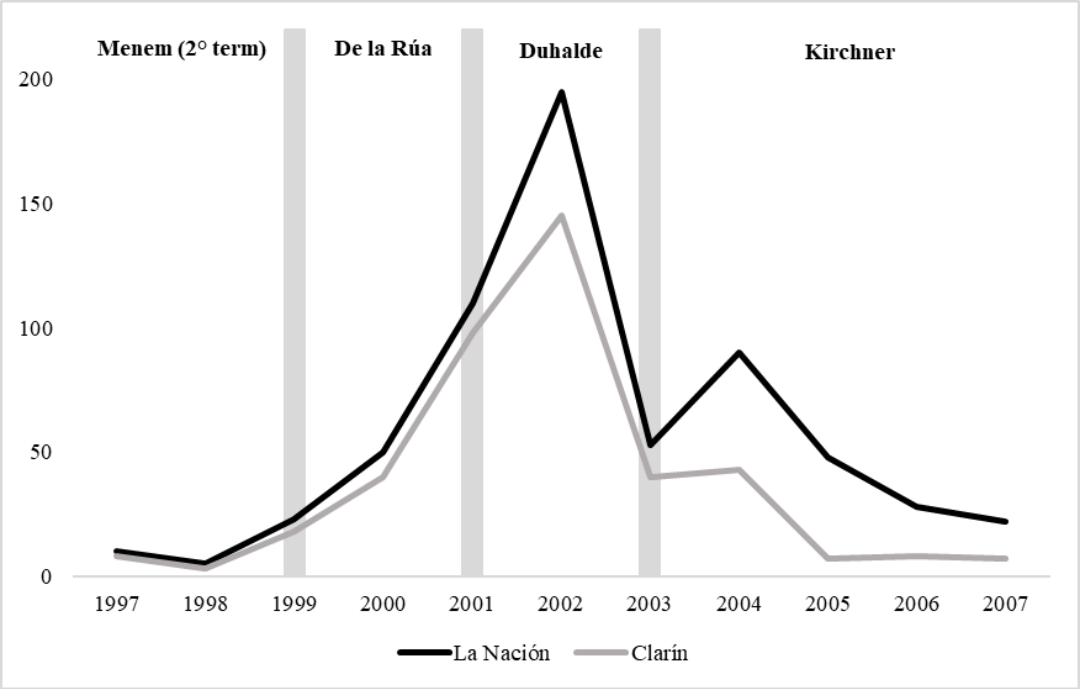
These views demonstrate that discontent with the institutional system permeated Argentina's entire political and social spectrum. The crisis of 2001 fueled multiple proposals for change in the political order that had been brewing for years. However, it is worth noting that, as in Ecuador, where the idea of transforming the institutional system did not only occur in the year of the 2007 constitutional reform, discussions on reforming the political system had been around for much longer. In fact, in Argentina, from 1983 to 1997, more than four hundred initiatives to change the political system (in particular elections and party politics) were presented to congress (Pousadela 2007). However, the discussions during that period were mostly confined to legislators in congress, did not reach the floor, and were not part of a larger public agenda.

The debate on political reform had leapt forward at the end of the 1990s when the social and economic crisis worsened. During De la Rúa's presidency (1999–2001), the proposals expanded and included constitutional changes such as slashing the budgets of national, provincial, and municipal governments, and introducing the recall of mandates

in executive and legislative branches (Pousadela 2007). The number of proposals increased after the midterm legislative elections of October 2001, in the midst of the ongoing crisis, bringing discussions of reform to the mainstream conversation in media and civil society. An example is the "*Encuentro para el Consenso*" (Meeting for Consensus), an initiative promoted by cooperation agencies, professionals, NGOs, scholars, and social movements, which recorded more than 109 proposals on political reform between 2001 and 2003 (Agosto and Dutrey 2003; Cortesi 2020).[82] The peak of the discussions registered in the media was 2002 (see Figure 3.8), when Duhalde signed the Federal Agreement for the Reform of the Argentine Political System and took the discussion to raise proposals for institutional reforms to all levels of government, including opposition political parties and civil society organizations. However, after Kirchner's first year in office, the discussion waned.

Figure 3.8: Evolution of the Number of Journalistic Publications on "Political Reform" in Main National Media (1997–2007)

[82] The concept of "political reform" worked as an "empty signifier" that included numerous views on the changes that were deemed necessary in the political system (Pousadela 2007). It was used by many government, political, social and academic actors to express different ideas about what they understood needed to change. The way in which the discussion on political reform was expanded (and then reduced) also indicates that the period was open to institutional changes—only to later close.



Source: References to "political reform" in Argentina's main newspapers *Clarín* and *La Nación*, in Pousadela (2007).

This dissertation will later address why initiatives to transform the political system declined during Kirchner's administration. For now, let us emphasize the following: the 2001 crisis was a moment that opened, massified, and intensified discussions about deep reforms in the political order. The context of mass protests, the dissatisfaction with the status quo, and myriad voices in favor of constitutional reforms, all indicate that an opportunity to push forward a constitutional rewrite was open. In other words, the aftermath of the 2001 crisis could have favored PJ presidents triggering a constituent process. However, as this work argues and will show next, the problem lay in the constraints that emerged from the party itself.

Why a Constitutional Rewrite Did Not Work: High Intraparty Constraints

This section discusses the second explanatory variable of this work: the type of party elected in the left turn. After the fall of President De la Rúa in December 2001, the newly reinstated PJ under Duhalde began the shift away from a market-oriented economic model in 2002. This leftward turn was consolidated after 2003 during Kirchner's administration. While both leaders called for a re-founding of the regime, neither was able to achieve a constitutional rewrite because of the inherent characteristics of the PJ as an insider party, which imposed high intraparty constraints on its leaders, making it difficult to implement radical institutional changes.

The PJ was not a personalist party like the outsider parties that led the left turn in Venezuela, Bolivia, and Ecuador.[83] Instead, it was a large, loosely structured, and segmented party composed of multiple factions with heterogeneous interests (Giménez 2008; Levitsky 2001, 2003; Sforzin 2007).[84] This meant that power and resources were distributed among different factions, and there was no single leader who could impose their will on the party. According to Facundo Nejamkins,[85] "when a Peronist President arrives, a president does not arrive alone, in the style of Chávez, Correa in Ecuador, or

[83] The coalition that the outsider Fernando Lugo led to victory in Paraguay 2008 was primarily centered around his persona, although the parties composing the coalition included outsider and insider parties.

[84] According to Levitsky, the PJ was an organization "in that power and resources pass through self-organized subgroups that operate at the margins of the party bureaucracy; segmented, in that subunits are not linked horizontally; and decentralized, in that subunits are not linked vertically into a central bureaucracy" (2003, 65).

[85] Facundo Nejamkins is an Argentine pollical scientist and public opinion consultant who comes from the leftwing of Peronism. He worked for Cristina Fernández de Kirchner's Administration as a Subsecretary of Strategic Communication in 2011 and for her Chief of Cabinet in 2013.

Evo Morales himself in Bolivia […] In the case of Peronism, you arrive with a political force that has a majority of governors, majorities in congress, and all of this works as a stabilizing factor" (Nejamkins, personal interview, 2019).

This lack of a single, central, strong leader had a number of implications for the PJ's ability to implement drastic institutional changes. First, it was difficult for the party to internally agree on a common agenda. Second, it was difficult for the party to mobilize its supporters behind a particular set of reforms. Third, the party was vulnerable to internal divisions, which could derail any attempt at reform.

In contrast, the outsider parties in Venezuela, Bolivia, and Ecuador were able to implement radical institutional changes because they were centralized around strong and uncontested leaders. These leaders were able to impose their will on the party and mobilize their supporters behind a common agenda. As a result, they were able to overcome the resistance of entrenched interests and implement significant reforms. The PJ's inability to work under a similar logic was a major factor in its failure to achieve the same level of institutional changes as the outsider parties in Venezuela, Bolivia, and Ecuador.

In addition to its lack of a strong central leader, the PJ was also deeply embedded in regime institutions at the time of the 2001 crisis. The party had already led the national executive government in previous periods and had been the largest party in congress and at the provincial and municipal levels (Malamud and De Luca 2016). The party had participated in the development and implementation of public policies and thus had the

ability to absorb social movements through clientelist networks. This experience was notably absent among the outsider parties in Venezuela, Bolivia, and Ecuador.

As a result of its deep embeddedness in regime institutions, the PJ created strong internal vetoes against major institutional change. Any attempt to rewrite the constitution would have required the support of multiple factions within the party, which was unlikely to be achieved, as is discussed next. The PJ benefited from its insider status and its embeddedness in regime institutions, which imposed significant constraints on Presidents Duhalde and Kirchner to advance towards radical constitutional reforms after the 2001 crisis.

This section will show how the PJ's characteristics as an insider party with high intraparty constraints prevented the party from implementing radical institutional changes. This was in marked contrast to the outsider parties in Venezuela, Bolivia, and Ecuador, which did not produce these constraints and rewrote their countries' constitutions.

Intraparty Factionalism

As aforementioned, the PJ was a decentralized party with many factions competing for power. The PJ's structure made it difficult for any sole leadership to carry out drastic reforms of the constitutional order in Argentina. When the 2001 crisis detonated, the PJ

had three main factions led by former Menem (former President), Duhalde (Governor of Buenos Aires), and Rodríguez Saá (Governor of San Luis).[86]

After the ouster of President De la Rúa in late 2001, the PJ installed Rodríguez Saá as president on December 22, 2001. Through an informal "pact" within the party, he was expected to call early presidential elections and promptly leave office. However, Rodríguez Saá immediately bolstered his popularity by adopting popular public policies. He declared the end of the convertibility plan (Ollier 2009) and proposed compensation for victims of the 2001 social protests, expansion of social programs, and employment protections. Additionally, he suspended external debt payments—a move seen as a "nationalist" measure in favor of "the people" in Argentina (TN 2021). Rodríguez Saá seemed to believe that he could complete De la Rúa's term (up to December 2003) without calling for early elections. As the media reported, Rodríguez Saá took "steps towards breaking the Peronist commitment: he want[ed] to stay until December 2003" (Morales Solá 2001).

Party factions reacted swiftly against what they saw as Rodríguez Saá's attempt to break the internal pact and compromise the balance of power within the PJ (Giménez 2008). They abandoned the president they had buoyed mere days prior, and when Rodríguez Saá called a meeting with Peronist leaders and governors that had supported his rise, the meeting failed. Rodríguez Saá resigned seven days into his tenure, claiming that his

[86] In this period Kirchner was the Governor of the Santa Cruz Province and part of the opposition to Menem's economic policies.

short-lived presidency was undermined by his own party comrades. As the media reported, he "denounced the lack of support from many PJ leaders, and accused [them] of depriving him of political support and of having privileged *internal party politics*" (Clarín, 2001, emphasis my own).

Duhalde's subsequent presidency was also constrained by intraparty factionalism. Most of the party agreed that he could finish De la Rúa's term, but only on the condition that he would not run in the 2003 elections (similar to the "informal pact" that constrained Rodríguez Saá) (Retamozo 2012). As a result, major party factions supported Duhalde, and many party leaders even expressed support for deep changes in the political system. However, when Duhalde faced significant challenges (as seen next), internal factions prioritized their own rivalries and electoral calculations over advancing national reforms.

In June 2002, the so-called Avellaneda Massacre occurred, when two piquetero leaders were killed in a confrontation with the police in Buenos Aires. This event led to a major crisis for President Duhalde, as it highlighted the government's inability to control violence and unrest. Once more, the main opposition to the presidency came from inside the PJ, which pressured Duhalde to move the electoral calendar up and leave the presidency early. Duhalde was reluctant to do so, as he believed that it would be seen as an admission of weakness. However, he eventually accepted his early departure to "calm the spirits, preventing Peronist leaders from withdrawing their support and a new outbreak from evicting him from government without having called elections" (Ollier 2008, 87). Duhalde's resignation and call for a new election was even seen as

unconstitutional (Menem 2022). However, party politics were more important. The elections on the calendar for May 2003 was fundamental to reduce "the intraparty opposition's ability to remove him" from the presidency (Ollier 2008, 87). Thus, Duhalde avoided a new presidential fall supported by his own party, as Rodríguez Saá had suffered before him.

Intraparty rivalry between factions made it difficult for the PJ to agree on any common agenda. As a result, the party's reform proposals were watered down, and the focus shifted to electoral calculations. Duhalde himself, while not a candidate in the 2003 elections, began to prioritize the struggle within the PJ and the formation of alliances to defeat his main political rival, Menem. Menem, who had also previously defended proposals for constitutional reform, focused on the internal battle at hand. Other party leaders like Néstor Kirchner, who had bet on connecting with the ¡*Que se vayan todos!* social demand through his advocacy for the recall of legislators and Supreme Court members, abridged his reform proposals and prioritized securing party agreements to win the upcoming elections.

As the elections neared, party factions were more focused on defeating each other than on agreeing on a common party platform to transform Argentina. This internal competition led to a major rule change in the lead-up to the 2003 presidential elections. In a PJ party congress on January 24, 2003, Duhalde used his influence as president to negotiate with most Peronist factions to avoid primaries. With the rationale that the three candidates Menem, Kirchner, and Rodríguez Saá presented conflicting programs (Fair 2020, 214), the PJ party congress decided to cancel the primaries "just this once" (La

Nación 2003a), and allowed each faction to present a presidential candidate in the 2003 general elections. This move made party ruptures explicit and marked the "end of the fantasy of unity" (Rodríguez Yebra 2003).

The decision to cancel the primaries was controversial. It prevented the party from uniting behind a single candidate, which resulted in the PJ's vote being split between three different candidates (Menem, Kirchner, and Rodríguez Saá). This made it more likely that a non-Peronist candidate would win the election. Menem's faction and other party leaders were against the decision. Menem himself considered the decision "dictatorial and fraudulent" (La Nación 2003a). He went to court to challenge it, but was unsuccessful (Clarín 2003). Duhalde, on the other hand, favored the decision. He saw it as an opportunity to weaken Menem's chances of winning the presidency (Ollier 2008). At the end of this section, the continuity of intraparty factionalism during the election and Kirchner's ensuing presidency is expanded on in more detail. For now, it is important to emphasize that intraparty struggles worked to reduce the maneuverability of any Peronist leadership.

Institutional Embeddedness

The other factor that clearly differentiates the PJ from the outsider parties in the Bolivarian cases is that the Peronist party grew while inserted within the institutional system. As a traditional party active in institutional politics over several decades, PJ members had held government positions in different branches (executive, legislative, judiciary) and on different levels (federal, provincial, municipal). Thus, the PJ had established interests to protect as well as knowledge of institutional tools and political

strategies available to them. Party cadres and activists had learned to navigate government institutions, respond to social movements' demands through gradual policy reforms, and establish patronage networks to diffuse protest movements.

Although the context of the 2001 social revolt pushed PJ leaders to propose radical changes to the institutional system, the party also had the capacity to manage regime institutions to navigate the crisis. The PJ knew how to develop social policies to sufficiently respond to social movements' demands, incentivizing the use of the existing institutional framework when the party returned to power.

Back in 1993, Menem had created programs aimed at the unemployed and informal workers that by 1996 had reached 100,000 beneficiaries. During De la Rúa's Administration (1999–2001), these programs reduced their scope, which worsened the social conditions of the country (Garay 2007). When Duhalde became president in 2002, he relaunched these social programs. Duhalde created the Unemployed Heads of Household Program (UHHP) to expand benefits for the unemployed and the poor. The federal government recentralized resources from the provinces (reversing a trend created by Menem and De la Rúa) and reached more than 2 million beneficiaries and 20 percent of Argentine households by 2003 (Etchemendy and Garay, 2011). Although the limited number of resources distributed per household generated criticism towards the government, the speed of response worked to alleviate at least part of the demands of social groups mobilized on the streets.

In addition to its role in shaping social policies, the PJ displayed adeptness in utilizing state institutions to incorporate social movements through a clientelist system. Under

Menem's leadership, the PJ established a formidable patronage machine that granted the party significant influence over various unions (Levitsky 2003). An illustrative example of this was the Central General del Trabajo (CGT; General Confederation of Labor), the most powerful union organization in the country. The CGT's acceptance of Menem's market-adjustment reforms was facilitated because the government benefited its union leaders (Bonnet 2015).[87]

Remarkably, numerous CGT leaders engaged in business ventures resulting from privatizations. For instance, union leaders associated with state-owned train companies negotiated the privatization of certain railway lines in exchange for retaining control over those sections for their unions. Additionally, some union leaders secured positions on the boards of directors of privatized companies, like YPF (Yacimientos Petrolíferos Fiscales), further solidifying their influence and interests (Bonnet 2015).

This evolution was noteworthy, as many unions transformed into profit-driven entities, engaging in various business activities such as establishing labor banks, investing in ventures, operating pharmacies, and even venturing into the tourism industry. This marked a significant departure from the combative unions of the beginning of the 20th century that fought for better working and living conditions for workers (Lobato and Suriano, 2003, 140).

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[87] In this difficult context, the Central de Trabajadores de la Argentina (CTA; Argentine Workers' Central) was founded as an independent confederation of unions. The CTA included unions from education and state institutions that resisted Menem's policies.

During the late 1990s and especially during De la Rúa's presidency, the links between the government and unions declined. This led to increased union mobilization in protest against De la Rúa's adjustment policies and pro-market initiatives. After returning to power in 2001, and in particular during Kirchner's administration, the PJ rebuilt its patronage machine and unions once again became close to the government (see below). This led to a decrease in antigovernment demonstrations.

In the wake of the 2001 crisis, the PJ also extended its governing coalition beyond formal worker unions by incorporating organizations representing the unemployed and informal workers.[88] This expansion was achieved through the implementation of workfare policies under Duhalde's leadership, which strengthened a patronage network with the piquetero movements. By 2002, approximately "8% to 10% of the workfare policy benefits were controlled by diverse piquetero organizations" (Castillo 2007, 15). Under Duhalde's administration, piquetero organizations that gained access to public funding also obtained considerable influence over the hiring, firing, and workfare activities of unemployed workers (Garay, 2007, 306). Consequently, the piquetero movements developed stakes in the existing institutional system.

These patronage networks, combined with the widespread distribution of state assistance, led to a transformation in the piquetero organizations. From being fervent advocates of radical demands for "work for all" and resorting to week-long roadblocks

[88] The government favored working with more moderate piquetero groups. Leftist and revolutionary piquetero organizations were left out of the coalition and suffered episodes of government repression.

in the 1990s and 2001, they evolved into more moderate organizations, engaging in a "subsidiary relationship of state patronage" a few years later (Aguirre and Werner 2005, 69). The implementation of workfare plans contributed to pacifying mobilizations (Retamozo 2012).

Overall, the institutional embeddedness of the PJ, along with its adeptness in managing state institutions and incorporating various social movements, played a pivotal role in shaping institutional changes after the turbulent period following the 2001 crisis. Unlike Correa's Alianza País party in Ecuador in 2007, the PJ was not detached from existing institutions and social actors when it returned to power after the 2001 mass social protests. The party had longstanding interests and ties with unions and later with piquetero organizations, which incentivized them to work within the established institutional framework.

As a result, Presidents Duhalde and Kirchner had less room for maneuver compared to Correa in Ecuador when it came to attempting to replace the constitutional order. The PJ's institutional entrenchment and established relationships constrained the extent to which radical changes could be implemented. Instead, they had to navigate the existing political landscape and find ways to accommodate the demands of various social movements while maintaining a certain level of continuity in the political regime.

In essence, the PJ's historical embeddedness and connections with key actors allowed it to weather the crisis and assert itself in the aftermath, shaping Argentina's post-crisis institutional trajectory in a manner distinct from the experiences of outsider parties like Correa's Alianza País in Ecuador.

Kirchner's Rise and the "Re-founding" within Existing Institutions

The 2001 crisis sparked intense discussions about potential reforms to the political system, with many proposals advocating a radical constituent process to overhaul all existing rules. Juan Manuel Abal Medina, a prominent Peronist and Kirchnerist politician, and a respected political scientist, proposed such a constituent process in June 2002, emphasizing that "the political system must be re-founded" due to the country's grave situation, characterized by political chaos, economic collapse, and significant mass protests (Abal Medina 2002). Kirchner rose to power against this backdrop. In May 2003, Kirchner assumed office and advanced Argentina's leftward turn. The new president raised expectations of significant changes by further distancing himself from the pro-market economic model promoted by Menem and De la Rúa. Kirchner implemented measures aimed at reversing the neoliberal policies that had been prevalent during those administrations, focusing on a more interventionist and socially oriented economic approach. His initiatives included prioritizing social welfare programs, promoting domestic industries, and increasing public investment in infrastructure and education. Moreover, he tackled issues considered previously closed or "untouchable," such as Supreme Court renewal, investigation of human rights violations during the military dictatorship, prosecution of corruption cases from Menem's era, and external debt negotiation (Pousadela, 2007, 50). These initiatives resonated well with citizens, and Kirchner portrayed himself as leading a "re-founding" of the nation, an "insurrection" (Bonnet 2015) representing the return of authentic Peronism after years of perversion by Menem's market-oriented policies.

With Kirchner's presidency, hopes for changes in the political system grew. He established a Commission for the Analysis and Study of Political Reform, sought expert input, and supported initiatives for citizen signature collection to propose reforms. Addressing congress, Kirchner mentioned that his administration had conducted rounds of dialogue with 50 civil organizations, chambers, universities, and other actors to establish the thematic agenda for Political Reform (Instituto Patria 2020).

Civil society also played an active role in driving change. Towards the end of 2003, hundreds of organizations collaborated in initiatives like *Reforma Política para la República* (Political Reform for the Republic) and *¡Reforma Política Ya!* (Political Reform Now!) to discuss, propose, and promote institutional reforms. Their proposals encompassed open party primaries, reduced public spending, strengthened judiciary and civil service, and a parliamentary system, among other suggestions. The year 2003 was deemed an exceptional opportunity for the promised political reform (Ducoté 2003). As an activist from *¡Reforma Política Ya!* stated, 2003 was crucial for "communicating our initiative to citizens and seeking support" to materialize reforms (La Nación 2003b).

However, Kirchner's government ultimately contributed to the end of the institutional reform discussions. In 2004, the government stopped convening meetings with organized social groups. There were no executive proposals sent to congress, and PJ legislators were not encouraged to advance any reform projects. Despite the more than 105 political reform projects submitted to congress by various political forces by September 2004—including 34 by the PJ—the debates were left unaddressed (Capriata 2004). The year concluded without any executive project reaching congress (Pousadela

2007).[89] Even though it was a non-electoral year, typically conducive for reforms, with a backdrop of economic growth and widespread support for the new president, the discussion on institutional reforms stopped.

Kirchner's focus on consolidating power within the Peronist party contributed to the stagnation of the reform discussions. The collapse of opposition parties such as UCR and Frepaso meant that external opposition did not pose significant governance challenges. However, Kirchner was compelled by intraparty rivalries, making major institutional changes a secondary priority. His attention was directed towards maintaining Peronism's hegemony and breaking ties with Duhalde, who had facilitated his rise to the presidency (Ollier 2009). The 2005 midterm legislative elections further intensified internal intraparty competition. Kirchner and Duhalde became factional rivals within Peronism. In the race for senator of the province of Buenos Aires, Cristina Fernández de Kirchner, wife and political partner of Néstor, defeated Hilda González de Duhalde, wife and political partner of Eduardo. At the national level, Kirchner's candidates for the lower house received more votes than Duhalde's. With political attention absorbed by this dispute, the debate on political reform effectively ended. In fact, in 2006, Pousadela explains that:

[89] Ultimately, of all the proposals for political reform, only the unification of a single day for all provincial legislative elections (the fourth Sunday in October) was approved (Pousadela 2007)—which was convenient for Kirchner, as it allowed him to coordinate campaigns with Peronist politicians at provincial levels.

> Political reform was no longer discussed. By early 2007, the last year of Kirchner's term, all projects waiting their turn in the National congress had expired. Much of it had been abandoned in the Senate Constitutional Affairs Committee, chaired by then-Senator and First Lady Cristina Fernández de Kirchner (2007, 59).

To consolidate his power, President Kirchner relied on the Peronist party's capacity to develop patronage networks and grant policy concessions. His government engaged unions in wage policy negotiations, increased the minimum wage, and implemented labor security measures. Kirchner also facilitated the unification of a divided CGT by rewarding union leaders with appointments to crucial state positions, such as the Ministry of Labor or the office for the control of the union-run health system (Etchemendy and Garay 2011, 287). Patronage linkages with piquetero organizations also expanded, with significant numbers of beneficiaries of the Unemployed Heads of Household Program being hired for public social infrastructure works conducted by municipalities or cooperatives formed by social and unemployed workers movements (Etchemendy and Garay 2011, 295).[90] Leaders from these movements even participated in policy-making decisions and assumed important government positions (Garay 2007, 322).

[90] By the second half of Kirchner's administration, about 125,000 beneficiaries of UHHP had been hired in these networks and more than 50 members of unemployed worker organizations held positions in the state (Etchemendy and Garay 2011, 287).

The linkages between the PJ government and social movements, coupled with positive macroeconomic results, led to a decline in antigovernment demonstrations after 2003. For the first time since the democratic transition, no general strikes were called (Etchemendy and Garay 2011, 287). Kirchner's primary goal was to control succession, leading to the rise of Cristina Fernández de Kirchner, who won the 2007 presidential election and was reelected in 2011. Kirchnerism thus emerged as a principal political faction within Peronism, governing the country until 2015 (and again from 2019 to 2023, with Cristina as vice president).

After gaining power within the party, Kirchner utilized the advantage of institutional tools that enabled him to enact laws without congressional approval – because Peronism was the major legislative force and he wanted to avoid party negotiations. Kirchner extensively employed presidential decrees of "necessity and urgency" (DNU, in Spanish) as a governing tool. The background of crisis justified the invocation of emergency powers for "the use of exceptional resources, to the detriment of the deliberative processes of representative democracy" (Leiras 2020, 2018). Intended for extraordinary situations, the DNU became commonplace under Kirchner. This allowed him to circumvent standard procedures that would have necessitated negotiations with various veto-players, such as factions within the PJ party and the opposition, a maneuver he learned from his predecessor Menem. Kirchner signed 270 DNUs, averaging 60 per year, surpassing Menem's yearly average of 52 (Menem signed 545 DNUs over his ten-year term). In comparison, De la Rúa signed 73 DNUs in two years and Alfonsín signed a mere 10 during his six-year term in the 1980s (Capriata 2008).

The PJ's nature as a large party with multiple factions and intense internal rivalries limited presidents' ability to move towards a radical constituent process after the 2001 crisis. While the party dominated the legislative branch and various provincial and municipal governments, a national PJ president did not necessarily have the required political support to implement transformative reforms. The distribution of power across different factions and party members at various levels of government constrained presidents' scope of action. Furthermore, when the PJ returned to power after 2001, the party's collective governance experience allowed it to weather the crisis within the existing institutional framework. The PJ's status as an insider party, accumulating resources over time, enabled it to channel some social demands through the existing institutional order and fostered its inclination to preserve the institutional status quo rather than advocating for its complete overhaul.

The Non-Use of a Plebiscite to Promote a Constituent Process

As the concluding part of this section, I will emphasize that there were possible strategies to carry out a constituent process in Argentina after the 2001 crisis. However, as already noted, the fact that the PJ had internal rivalries that made it difficult to coordinate actions to promote substantive reforms, as well as a relative capacity for institutional management to partially respond to society's demands, explains why neither Duhalde nor Kirchner advanced with a radical project of political change. This section will show that they had a strategy at hand that they ultimately did not use: the call for a plebiscite to promote a constituent process.

A plebiscite to ask the population about a constitutional reform was possible and could have served to galvanize popular support, make the weakness of the opposition explicit, reduce the margin of action of institutional veto players, and, for the leader who promoted the action, could have served as a turning point to dominate the party. In part, it is what Menem did in 1993. Although a plebiscite for a constitutional reform was not considered legal (Lafferriere 2008),[91] several political actors in Argentina raised the potential use of this mechanism in the context of the 2001 crisis. As will be seen next, civil-society organizations conducted non-binding popular consultation initiatives, and at the provincial level there were successful examples of plebiscites to gain citizen support for constituent assemblies. While this dissertation's work does not focus on provincial constitutional reforms, these are examples that suggest that the plebiscitary strategy was a possibility at the national level.

The plebiscitary strategy is a well-known tool in Latin America to promote constituent processes. Several cases—such as Colombia in 1991, Venezuela in 1999, Ecuador in 2007, and Chile in 2021—are examples of successful plebiscites surveying a population about the election of a constituent assembly to rewrite their national constitutions. The fact that President Zelaya in Honduras in 2009 also took steps towards a plebiscite for constitutional reform—although it failed—indicates that the strategy is taken into

[91] The law at the national level, which governs the utilization of popular initiatives (such as plebiscites), states that citizens can exercise this right by presenting legislative proposals to the Chamber of Deputies. However, it specifies that certain types of projects, including those related to constitutional reform, international treaties, taxes, budget, and criminal issues, cannot be eligible for popular initiatives (Lafferriere 2008, 5).

account when attempting to galvanize the popular support necessary for these processes. It is worth noting that, among these cases, the Chilean plebiscite was the only one considered "legal" and conducted within the mechanisms provided by the contemporary constitutional framework to convoke a constituent assembly to reform the constitution. In Paraguay, Lugo's party also attempted to approve a plebiscite in congress following a legal path but it was for a partial amendment of the constitution, and was not approved. In all other cases, politics prevailed over legality. In Argentina, as aforementioned, this issue had already arisen in 1993, when President Menem threatened a plebiscitary strategy to carry out a constitutional reform, even though this plebiscite was questioned as illegal. At the time, to avoid being sidelined in the process, the opposition agreed to negotiate an agreement and call for a constituent convention for a partial—and controlled—reform of the constitution.

Table 3.2: Plebiscites to Convoke Constituent Assemblies to Reform the Constitution

Country	Plebiscite convened within the existing legal framework	Year of the proposed plebiscite	Occurrence of the plebiscite	Successful constitutional reform / year
Colombia	No	1990	Yes	Yes, 1991
Argentina[1]	No	1993	No	Partial reform, 1994
Venezuela	No	1999	Yes	Yes, 1999
Ecuador	No	2007	Yes	Yes, 2007/8
Honduras	No	2009	No	No
Paraguay[2]	Yes	2011	No	No
Chile	Yes	2022	Yes	In process

Note: 1) In the case of Argentina 1993, President Menem planned to carry out a plebiscite to initiate a constitutional reform because UCR opposed to approve the reform in congress. The plebiscite was later unnecessary because Menem and UCR agreed with a partial constitutional reform.

2) Lugo's Frente Guasú party failed to get congress approval of a plebiscite to ask the population about a partial constitutional reform.

Source: Negretto (2018); Ultima Hora (2011); Roberts (2014)

Between 2001 and 2003, the idea of consulting the population on institutional reforms emerged from several political forces in Argentina. In a speech to congress in March 2001, President De la Rúa himself proposed a plebiscite to advance with "political reform," since it was not "admissible for a political class with privileges [to not act] when the people are suffering" (De la Rua 2001). The president proposed "a national referendum" wherein each party could "present its proposal for reform directly to the people" (De la Rúa 2001). However, after the October 2001 midterm elections and the defeat of the Alliance, De la Rúa set aside the proposal.

Among civil society, plebiscitary strategies were also promoted to raise issues for the public debate. Between December 14 and 17, 2001, a popular front called Frenapo (National Front Against Poverty) organized a popular consultation on the need to create a universal basic income, an employment insurance, and training programs for unemployed workers. Frenapo was formed by unions, leftist parties, intellectuals, and artists. The objective of the consultation was to show the mobilization capacity of social organizations that had already been marching throughout the country, as well as the citizen support for social policies (Di Rienzo and Canciani Vivanco 2015; Rossi and Silva 2018). Contemporary accounts assert that Frenapo mobilized more than 3,000,000 votes in that consultation (Di Rienzo and Canciani Vivanco 2015). Beyond the legal

validity—or lack thereof—of these consultations, the significant mobilization of civil society in response to Frenapo's popular consultation is noteworthy.[92]

Parallel to the national plebiscitary discussion, several governors suggested holding popular consultations at the provincial level to advance provincial constitutional reforms. In fact, in the Province of Córdoba, the second most populous in Argentina, a plebiscite questioned by the opposition opened a process of constitutional reform in 2001 (before the fall of President De la Rúa) to change the provincial constitution. Governor José Manuel de la Sota (PJ) sought to connect with the growing protests against the political system throughout the country in 2001 and proposed a constitutional reform that included changes such as reducing the number of legislators and eliminating the Senate. The opposition, mostly consisting of UCR and Frepaso members, opposed the measure, arguing that it favored the PJ's interests (Ortega 2017). But that was not enough.

The governor called a plebiscite to initiate the constituent process in Córdoba. On July 22, 2001, 70% of citizens voted in favor of the reform to "shrink politics," against 18% who opposed it (Espósito 2017). Five days later, the regional legislative branch approved a constitutional reform law. On September 2, a constituent convention was elected. The PJ won the majority of seats (51%, 76/133), almost doubling the share of

[92] The Frenapo was formed by the CTA, other trade union organizations such as Corriente Clasista Combativa, Federación Agraria Argentina, Federación Universitaria Argentina, parties such as the ARI, representatives of human rights organizations, small businesses, and municipal mayors, among others (Di Rienzo and Canciani Vivanco 2015).

UCR (25%, 38/144) and well above that of the Frepaso (3.3%, 5/133) and other left-wing forces (Gutiérrez 2001a). A few days later, the convention completed the new constitutional text. Only two weeks later, on September 14, the convention swore in the new Constitution of Córdoba. The opposition forces withdrew (Gutiérrez 2001b). Some UCR convention members considered the process as a "constitutional deformation," only used by the PJ as an excuse in the context of crisis to seek "parliamentary hegemony" at the province level (Romagnoli 2015).[93]

These cases show that the social and political context at the time could have favored mobilizing the population to express support for a constitutional reform at the national level. As of October 2001, the PJ had a majority in both chambers of the national congress, the opposition was extremely debilitated, institutions were severely discredited in polls, and a mobilized civil society supported important changes to the political system. This chapter showed that institutional constraints in Argentina were weak to stop a president determined to change the rules of the game, as exemplified by Menem in 1993–1994. However, as depicted in my theoretical model, the other explanatory factor—outsider party elected—for a constitutional rewrite was not present. PJ's partisan characteristics, such as intraparty heterogeneity and institutional embeddedness, imposed limits on presidents and favored a moderate path out of the

[93] Besides becoming an unicameral province, this constitutional reform also included preferential voting, regulation of open internal elections, repeal of parliamentary immunity from arrest and process (individual opinion protection was maintained), the ordinary legislative functioning process was extended to eleven months, small political forces were favored to reach parliament, the minimum age for being elected as a deputy was reduced, among others (Espósito 2017).

2001 crisis. This contrasts sharply with the outsider-led processes in the Bolivarian countries and particularly in Ecuador, which explains why the constituent process to re-found the regime was ultimately not possible in Argentina.

Conclusion: The PJ's Left Turn and the Survival of the Institutional Order

This chapter shows how the inherent characteristics of an insider party limited the options for constitutional change after one of the most serious crises in Argentine political history, which included economic deterioration, mass protests, presidential breakdowns, partial party-system disarray, and enormous social discontent against the institutional system. This crisis was very similar to those in Venezuela, Bolivia, and Ecuador before their left turns and radical constituent processes. The crucial difference between these cases and that of Argentina was that a traditional insider party came to power in the latter. As seen here, the left turn was a led by a party that instituted important changes to move away from the previous market-oriented economic model, but it did not promote radical institutional changes, despite widespread demand. The several reform proposals put forth by the presidency, governors, PJ leaders, opposition parties, social movements, and citizen organizations, discussed between 2001 and 2003, failed to materialize into serious political action to reform the constitution.

The evidence provided shows that, despite the 2001 social revolt, PJ's intraparty disputes and vested interests constrained leadership's actions in ways non-existent in the outsider party-country cases, where single leaders had top-down control of decision-making mechanisms. The PJ as a whole did not support presidents in advancing reforms that might consolidate power in favor of one particular leader over others. This was the

opposite to the case of Correa's Alianza País party (shown in Chapter 2). In Ecuador, many of the strategies regarding political change were decided by Correa and a small group of leaders surrounding him. In contrast, PJ presidents did not have the same monopoly on decision-making. Even though the opposition collapsed between 2001 and 2003, PJ presidents could not control intraparty factions. Therefore, when the party returned to office after the 2001 crisis and was preparing for the 2003 presidential elections, party leaders considered pursuing radical institutional reforms but were not able to mobilize rival factions to cooperate.

Moreover, the outsider parties in Venezuela, Bolivia, and Ecuador were not embedded in regime institutions like the PJ in Argentina and thus did not have the ability to manage social crises through existing institutions, thus incentivizing replacement of the institutional order through radical constitutional rewrites. In Argentina, PJ factions were entrenched in power at the national and local levels, with vested interests in the existing system. So why would they want to bear the risks and uncertainty of dismantling such a system and replacing it with something new and unpredictable, especially if it might reshuffle the balance of power? A radical constituent assembly would have been a leap into the unknown—and for PJ leaders across the country, that was deeply unsettling. The internal balance of power between factions was tenuous and contingent—so widespread deep institutional reforms could easily disrupt the equilibrium and potentially empower one faction at the expense of the others. Thus, the status quo created strong internal vetoes against major institutional change. To sum up, the Argentine case shows that a crisis driven by strong social protests does not automatically

lead to a new constitution. It is only the joint interaction with the rise of an outsider party that can lead to a new constitution.

CHAPTER 4: THE OUTSIDER-NO PROTEST CASE OF PARAGUAY

I believe that if we had called for a constituent assembly, the constitution would have been very similar to the constitution we have today, which favors the oligarchy and the traditional parties.

Fernando Lugo
Former President of Paraguay 2008–2012
Personal interview, 2014

In 2008, Fernando Lugo, a former Catholic bishop, assumed the presidency of Paraguay following a historic upset. Lugo's victory marked the country's alignment with the broader regional shift to the left (Levitsky and Roberts 2011). Lugo fronted an unconventional "party," the *Alianza Patriótica para el Cambio* (APC; Patriotic Alliance for Change). Formed in 2007, this expansive coalition encompassed leftist, center-left, and traditional parties, none of which had prior democratic experience in executive power (Martínez Escobar 2013).[94] Other key supporters of the charismatic bishop were the union-affiliated *Bloque Social y Popular* (BSP; Social and Popular Block) and the

[94] APC included parties such as the *Partido Democrático Progresista* (PDP; Progressive Democratic Party), the *Partido Movimiento al Socialismo* (PMAS; Socialist Movement Party), the *Partido País Solidario* (PSP; Solidarity Country Party), the *Partido Popular Tekojoja* (PPT; Tekojoja Popular Party), and the *Partido Liberal Radical Auténtico* (PLRA; *Authentic Radical Liberal Party*). While no party governed in democracy, the PLRA held the country's presidency during authoritarian regime periods (1904-1940), 68 years before Lugo's arrival. Given this situation of coming from outside the political regime, for the purpose of this dissertation, Lugo's coalition was an outsider coalition.

peasant-driven Alianza Patriótica Socialista (APS; *Patriotic Socialist Alliance*).[95] Often hailed as the "Bishop of the Poor" (Gott 2008), Lugo's transformative agenda emphasized agrarian and judicial reforms, participatory democracy, sovereignty over natural resources, and ensuring universal access to healthcare, and education (CIDOB 2008). His ascent fundamentally challenged the oligarchic underpinnings of Paraguayan politics, economy, and society (Ezquerro-Cañete and Fogel 2017).

The magnitude of Lugo's triumph cannot be understated, particularly in a country like Paraguay, which has seldom witnessed peaceful transfers of power between ideological rivals. Remarkably, until Lugo's victory in 2008, the nation, since its independence in 1811, had not experienced a change in its ruling party via democratic elections (Cerna Villagra and Villalba Portillo 2019). In addition, since 1948, the *Partido Colorado*—also called *Asociación Nacional Republicana* (ANR; National Republican Association)—had maintained an unbroken grip on the reins of the state. The ANR's uninterrupted dominance spanned an authoritarian era from 1948 to 1989 to the subsequent democratic period, clinching electoral victories in 1989, 1993, 1998, 2003, 2013, 2018, and 2023—only losing once, to Lugo. To put it mildly, the nation's institutional fabric was closely knit with the ANR (Schuster 2013). Further highlighting

[95] The BSP comprised of central unions such as the Central Nacional de Trabajadores (CNT; *National Worker's Union*) and the *Central Unitaria de Trabajadores Auténtica* (CUT-A; Authentic Central Workers Union. The APS included more radical leftist parties such as the *Partido Comunista Paraguayo* (PCP; Communist Paraguayan Party) and the *Partido Convergencia Popular Socialista* (PCPS; Popular Socialist Convergence Party), and peasant movements such as the Mesa Coordinadora de Organizaciones Campesinas (MCNOC; National Coordinating Board of Peasant Organizations), among other social movements (Martínez Escobar 2013)

the significance of Lugo's win is its broader impact: his victory propelled the left to power in a political landscape where left-wing factions had historically been marginalized and remained largely inconsequential (Martínez Escobar 2013; Roberts 2014).

Lugo's rise to power was meteoric and unexpected. As late as 2005, Lugo was not even on the national political radar. The primary focus of the opposition then was on how to curb the seemingly inexorable growth of the Colorado Party. The incumbent president at the time, Nicanor Duarte Frutos (2003–2008), had expanded executive control over the judiciary, temporarily assumed the presidency of the ANR (which was considered an unconstitutional conflict of interest),[96] and sought a constitutional amendment to allow for presidential reelection (Abente Brun 2008). No one anticipated the ANR's potential defeat in 2008.

Given this backdrop, Lugo's victory in the 2008 elections signaled hope for a country notorious for being among the most corrupt worldwide and plagued by weak institutions and glaring inequality (Irala, Kretschmer, and Palau 2019).[97] Lugo and his coalition

[96] The constitution forbids the President of the republic from holding any other position (Abente-Brun 2009).

[97] The country's stark land inequality, one of the most pronounced in the region, is linked to the long-standing history of peasant struggles in Paraguay. According to the 2008 agricultural census, an astounding 85.5% of arable land suitable for agriculture and forestry is owned by merely 2.6% of landowners, each with estates larger than 500 hectares (Irala, Kretschmer, and Palau 2019). Exacerbating this disparity, during Stroessner's dictatorship, nearly one-fifth of the nation's territory was questionably allocated to economic and political elites, sidestepping the intended beneficiaries of agrarian reform (Comisión de Verdad y Justicia 2008). In the face of these profound inequities, the peasant movements (or "landless peasants") have championed their rights to land reform and rural development, challenging these skewed land allocations and advocating for a more balanced society.

were aware of the challenges ahead in initiating structural and institutional transformations. The judiciary, congress, and other government institutions were predominantly under the sway of the Colorado Party. The economic elite resisted any disruption to the status quo. Meanwhile, the parties within Lugo's coalition were inexperienced in navigating government institutions. Furthermore, a pivotal issue for this dissertation is that Paraguay's 1992 Constitution posed significant challenges to Lugo's reformist agenda. Progressive groups, academics, left-wing parties, and social movements argued that this constitution impeded attempts to rectify the country's skewed economic landscape, its corrupt judicial system, and the dearth of genuine civic engagement (Martens, Palau, and Riquelme 2010). The constitution—crafted mainly by a convention dominated by the Partido Colorado (López 2008)—scarcely included contributions from progressive parties and peasant movements.

While the 1992 Constitution acknowledged rights and liberties previously unrecognized in Paraguay (Cerna Villagra and Villalba Portillo 2019), it also imposed substantial restrictions. For example, constitutional limitations hindered efforts to extricate the judiciary from political influence, to institute mechanisms for public involvement such as referendums, and to execute agrarian reforms (Lezcano Claude 2005). The latter issue was of paramount importance to peasant movements, which profoundly influenced Lugo's socio-political outlook. Lugo recognized that comprehensive agrarian reform, which would reconfigure unequal land ownership patterns and reduce unproductive large estates, would require a constitutional overhaul (Gallego-Día 2009).

In light of the perceived necessity of constitutional reform to effectuate profound changes in the nation, various political factions within Lugo's coalition posited that propelling a constitutional assembly for reform was a strategic maneuver. This strategy aimed to capitalize on the momentum gained from the landmark 2008 victory and the consequent destabilization of the Partido Colorado. Many viewed a constituent process as an avenue to bolster their political position, inspired by the triumphs of Hugo Chávez in Venezuela (1999) and Rafael Correa in Ecuador (2007), minoritarian presidents who leveraged constituent assemblies to harness their popularity and thereby command a greater political presence over oppositional factions (Corrales, 2018). Despite the recognized need to reform the constitutional framework, Lugo's trajectory in Paraguay differed from the paths taken in Venezuela and Ecuador.[98] A process for a constitutional rewrite was never initiated.

As established in Chapter 1, the political landscape of Paraguay in 2008 provided a setting wherein an outsider had motives to replace the constitution, akin to situations observed in Venezuela, Bolivia, and Ecuador. Outsiders—like all politicians, as this work assumes—are power maximizers, aiming to consolidate as much power as possible when unchecked (Mazzuca 2013). This dissertation argues that for a radical constitutional overhaul (one that requires a constituent assembly), two variables are pivotal: the rise of outsider parties and a context of crisis marked by potent social

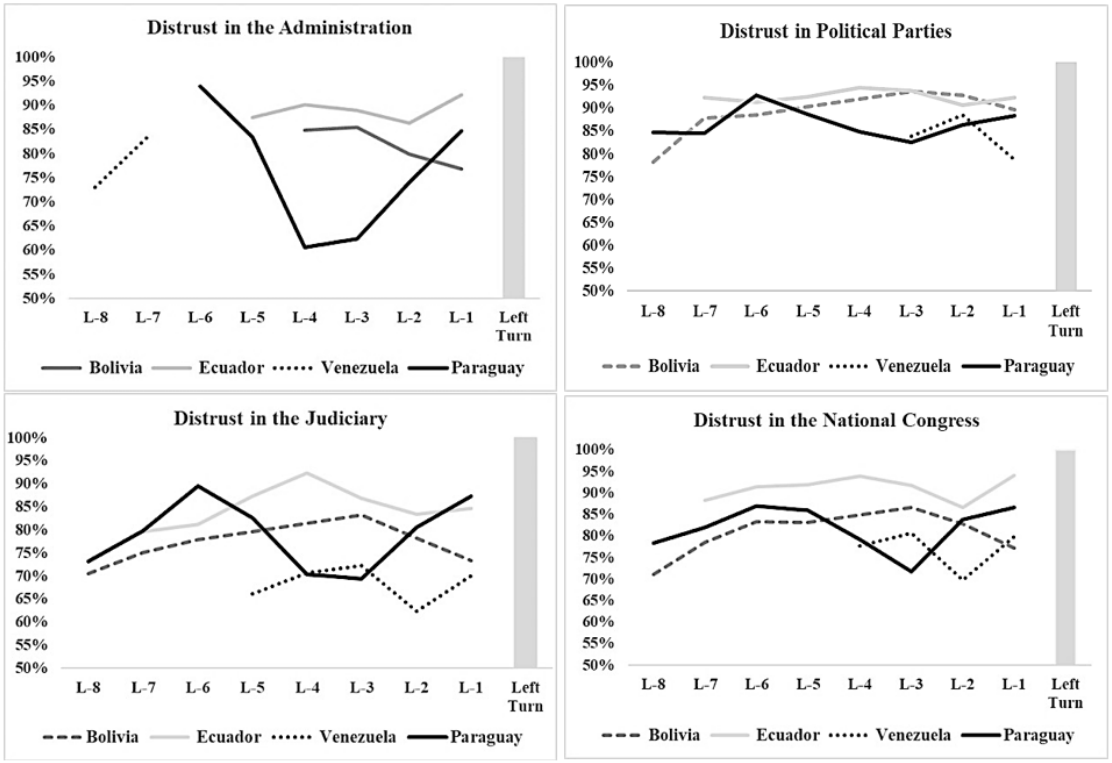
[98] Lugo also acted differently than Evo Morales in Bolivia, but Morales was not a president elected with a parliamentary minority, unlike Chávez in Venezuela and Correa in Ecuador, as pointed out in Chapter 1.

protests. This dynamic was evident in Venezuela, Bolivia, and Ecuador, where crises driven by mass protests, weakened the external checks on presidents who were mostly liberated from internal constraints by their parties. In contrast, Paraguay's left turn presented a different context. Though Lugo emerged from outside of the political establishment, his rise was not catalyzed or accompanied by protests potent enough to erode institutional constraints to facilitate a successful constituent process. In fact, as the case of Paraguay highlights, institutional constraints intensified until Lugo's ousting in 2012.

Lugo faced some favorable conditions to push forward a radical strategy of institutional change. Upon winning the election, Lugo's popularity soared to 93% (ABC Color, 2008). He was elected in a context of potent anti-status quo sentiments—surpassing even some Bolivarian cases (Venezuela, Bolivia, and Ecuador) prior to their leftward shifts, as evidenced in Figure 4.1.[99] However, these advantages did not suffice to surmount the prevailing institutional checks on executive authority, impeding a profound transformation of the constitutional framework.

Figure 4.1: Distrust in the Executive, congress, Judiciary, and Political Parties in Paraguay and Bolivarian Countries before the Left Turn

[99] Figure 4.1 compares levels of citizens' distrust in government institutions and political parties up to the presidency of leftist presidents in the cases of Paraguay, Venezuela, Bolivia, and Ecuador. To ensure comparability among these figures, I labeled the years in which leftist presidents took office as the 'Left Turn' period. Subsequently, I moved to the previous years (L-1, L-2, L-3, etc.) to indicate one year before these presidencies (L-1), two years before (L-2), three years before (L-3), and so on. Data were not available for all years and cases, with more limitations in the case of Venezuela.



Source: Latinobarómetro.

This chapter underscores that, while Paraguay underwent intense political and economic crises between 1999 and 2006, the turbulence primarily stemmed from intra-elite disputes rather than anti-establishment protests (Llanos and Marsteintredet 2010). This distinction is pivotal: it is the latter type of upheaval that has the potential to lead to a "re-founding" of the constitutional order. Although the period from 1999 to 2006 in Paraguay has been described as a moment of constitutional crisis significant enough to incite a constitutional rewrite (Negretto 2012)—and indeed set the stage for Lugo's ascent—the lack of substantial mass mobilization did not furnish the necessary conditions for a radical constitutional overhaul. The absence of mass protests advocating a significant shift in the institutional framework also restricted Lugo's attempt at a plebiscitary strategy to initiate, in 2011, a referendum for a constitutional

amendment favoring his reelection. Obstacles from congress and opposition parties ultimately thwarted such a move.[100] Thus, Lugo was not able to hold a referendum, a powerful tool to bypass barriers against rule-change reforms (Welp 2023).[101] Moreover, without the backing of significant protest movements, Lugo lacked a "popular shield" (Pérez-Liñán 2014). This vulnerability culminated in his ousting in 2012, marking him as one of the most constrained presidents in nearly three decades of Paraguayan democracy.

The chapter is structured as follows: The initial section examines Paraguay's transition to democracy, spanning from 1989 and culminating in the crisis period of 1999–2006. This examination will encompass a detailed analysis of the 1992 Constitution and the rise of Lugo. The second section delves into prevailing contemporary views regarding the need of a constitutional reform. In the third section, I will explain why a constitutional rewrite did not come to fruition, emphasizing the weakness of mass protests championing a comprehensive transformation of the regime. The fourth and concluding section positions the Paraguayan case study within the more expansive theoretical landscape of this dissertation.

From the Transition to Democracy (1989) to the Crisis Period (1999–2006)

[100] In line with Ibarra del Cueto's (2023) account, all politicians aim to become reelected indefinitely, unless they face constraints.

[101] Welp (2023) has shown that the actor most often trying to initiate referendums is the president, and these attempts are more frequently aimed at changing the rules of the game and the institutional balance of power.

This section explores the evolution of the political and social landscape spanning from Paraguay's democratic transition in 1989 to the tumultuous period between 1999 and 2006. Paraguay's transition to democracy was marred by instability, characterized by threats of military uprisings (in 1996 and in 2000), presidential impeachments (in 1999 and in 2003), the removal of sitting presidents (in 1999 and 2012), and economic downturns. This turbulence mirrors some of the challenges encountered by countries like Ecuador and Argentina following their democratic transitions.

As mentioned before, the political arena in Paraguay has long been overwhelmingly dominated by the Colorado Party. Established in 1887, this party ruled Paraguay during authoritarian stints from 1887 to 1904 and from 1948 up to the democratic transition in 1989. The latter period encompasses the oppressive 35-year rule of General Alfredo Stroessner (1954–1989). After the fall of the dictatorship in 1989, the Colorado Party helmed the democratic transition.[102] It led the design of a new constitution in 1992, and thereafter consistently won all presidential elections, with the sole exception of Lugo's victory in 2008 (Table 1).

Table 4.1: Presidents, Parties, and Term in Office (1989–2023)

Presidents	Party	Term in Office
Andrés Rodríguez	ANR	1989–1993

[102] The transition to democracy was the result of a dispute within the Colorado Party that began in the mid-80s. Stroessner's longevity led to a succession dispute, and faced with the possibility of Stroessner's son taking power, a faction of the Colorado Party joined dissatisfied military officers to stage a coup against Stroessner. To the opposition's surprise, the coup leaders were all from the Colorado Party and from Stroessner's own regime (Flecha and Martini 2019). Protests did not pose a threat to the Stroessner's regime (Haggard and Kaufman 2012).

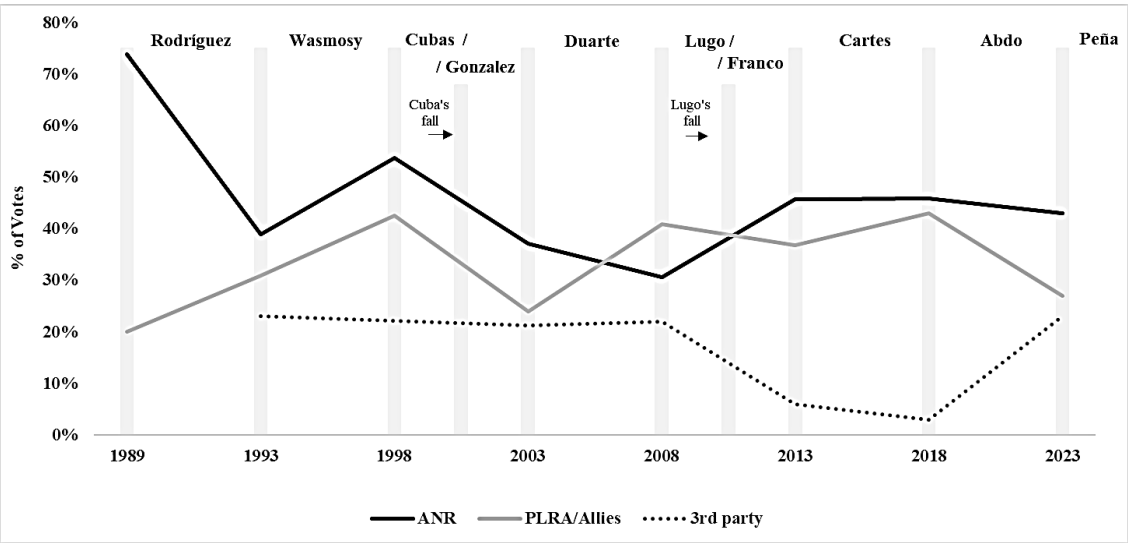
Juan Carlos Wasmosy	ANR	1993–1998
Raúl Cubas Grau *	ANR	1998–1999
Luis González Macchi	ANR	1999–2003
Nicanor Duarte Frutos	ANR	2003–2008
Fernando Lugo *	APC	2008–2012
Federico Franco	PLRA	2012–2013
Horacio Cartes	ANR	2013–2018
Mario Abdo Benítez	ANR	2018–2023
Santiago Peña	ANR	2023–2028

Note: Cubas resigned in 1999 and was succeeded by then-President of congress, González Machi. Lugo was impeached in 2012 and was replaced by Vice President Franco.

Another significant player in Paraguay's political arena has been the *Partido Liberal Radical Auténtico* (PLRA; Authentic Radical Liberal Party, or just *Partido Liberal or* Liberal Party). Like the Colorado Party, the PLRA was instituted in 1887 and held power from 1904 to 1940, after which it has primarily been in the opposition. Following the 1989 transition to democracy, the Liberal Party garnered representation in congress and local electoral victories, though always behind the Colorados (López 2014). The only time the Liberal Party assumed the presidency was to complete Lugo's term, when Vice President Federico Franco of the PLRA became president. The tertiary position in Paraguayan politics has remained volatile, alternating between ephemeral center-left and center-right parties from 1989 to 2023, with no single party establishing a durable footprint. In summary, the Colorado Party has been the dominant force in the presidency

(Figure 4.2), the chamber of deputies, the senate, and municipal and departmental governments.[103]

Figure 4.2: Dominance of the ANR in Presidential Elections (1989–2023)



Source: López (2014) and Superior Court of Electoral Justice of Paraguay (www.tsje.gov.py).

In the social arena, unions and peasant movements emerged as the primary activist groups, although they peaked at different times. Worker organizations experienced a surge in the 1980s and early 1990s (Gonzalez Bozzolasco 2014).[104] The wave of democratization facilitated the expansion of unions in terms of membership and enhanced their ability to advocate for institutional changes. Unions played crucial roles during pivotal political events such as the 1991 opposition victory in the municipal

[103] See López (2014), and Superior Court of Electoral Justice of Paraguay, www.tsje.gov.py.

[104] Union movements have always been weak. Among the reasons are regulations that favor the fragmentation of unions, the prolonged repression during authoritarian periods, and the country's limited industrialization (Lachi 2016).

government of the capital, Asunción, the incorporation of labor rights in the 1992 Constitution, the ratification of the 1993 Labor Code, and the first general strike of the democratic era in May 1994 (Céspedes 2009; Lachi and Rojas Scheffer 2017). However, by the late 1990s and early 2000s, the influence of unions began to diminish, evidenced by a significant decline in private company union membership, a relative rise of state worker unions (many under the influence of the ANR), and fragmentation among the primary union entities (Lachi 2016).[105]

In contrast, the peasant movement gained traction in the mid-1990s. At the outset of democratization, the rural population was the majority of the country (Fogel 2004), yet peasant organizations held minimal political and institutional sway. Highlighting the gap between unions and the peasant movement, at the 1992 National Constituent Convention, unions were able to expand labor rights (Gómez Romero 2013), but peasant movements were unable to secure norms that favored agrarian reform (Lezcano Claude 2005). The peasant movement only began to gain national recognition after 1994, marked by a significant march on Asunción. Post-1994, major peasant groups began unifying their efforts for agrarian reforms and resistance against neoliberal policies, utilizing tactics from protests to land occupations and road blockades (Palau 2002).[106]

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[105] The most telling sign of the union's decline was the corruption scandal that led to the bankruptcy of the National Workers' Bank (BNT). This not only impacted the workers' material foundation but also tarnished the national prestige of unions (Lachi 2016).

[106] Historically, peasant organizations had advocated for agrarian reform, but their efforts were fragmented and disjointed. However, beginning in the late 1990s, the main organizations, such as the National Coordinating Board of Peasant Organizations (MCNOC) and the National Peasant Federation (FNC), started coordinating actions (Palau 2002).

Despite the mosaic of political and social actors in Paraguay, the democratic transition was tightly controlled by the Colorado Party. Exploiting their substantial edge over the opposition during the dictatorship, they guaranteed continuity of governance. Stroessner was ousted on February 2, 1989, by a high-ranking ANR party member and military general, Andrés Rodríguez. Rodríguez swiftly scheduled elections for May 1, a mere three months later. This timeline provided inadequate preparation time for opposition parties, especially as many of their leaders were exiled and their organizational structures were in disarray. Rodríguez secured the victory by the largest margin in democratic history. It is crucial to note that the Colorado Party controlled the electoral register (the fraudulent one previously used during the manipulated elections of the dictatorship era), the judiciary, and the entire state apparatus, providing unparalleled advantages over rival parties (Silvero Salgueiro 2008). In fact, the early stages of Paraguayan democratic institutions were barely distinguishable from the ANR's internal structure. A prerequisite for public office was Colorado Party membership, which partially explains the vast number of party affiliations to almost one third of the country's population (Schuster 2013; Setrini 2011).[107] Leveraging these advantages, it is unsurprising that when President Rodríguez convened a National Constitutional Convention in 1992 to draft a new constitution, the Colorado Party obtained the majority

[107] The 1970 Civil Service Statute set suitability as the primary standard for job selection. Yet, in practice, every public worker was required to be affiliated with the ANR. At the same time, the ANR was partially financed by directly taking funds from salaries (Schuster 2013).

of the seats.[108] Under these circumstances, the Colorados heavily influenced the convention and left their mark on the ensuing constitution.

The 1992 Constitution

The 1992 Constitution emerged as a significant landmark in Paraguay's political trajectory. Despite the predominance of the Colorado Party in its formulation, this constitution signaled a break from the repression of the Stroessner era and its authoritarian governance. The constitution legitimized the country's democratic transition, introduced a system of checks and balances, and established a foundation for civil rights and corresponding protections. One of the central tenets of the 1992 Constitution was its emphasis on the separation of powers. In stark contrast to the Stroessner regime, where executive power was paramount, the new constitution sought to distribute authority more equitably to congress. Nevertheless, the 1992 Constitution also presented issues in amplifying social citizenship rights, ensuring the judiciary's independence, and stimulating citizen participation.

The constitutional reform of 1992 does not fit within the scope conditions delineated in the theoretical framework of this dissertation. While it undertook an exhaustive revision of its preceding 1967 *magna carta*, this research precludes constitution-making

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[108] The ANR had 122/189 seats (64.55%), the PLRA 55/189 seats (29.10%), CPT 19/189 seats (10.05%), PRF 1/189 seats (0.53%), and the PDC 1/189 seats (0.53%) (López 2014). The center-left, represented by CPT and PRF, had a minority position. While the 1992 constitutional convention took place in an environment of full freedoms, the election of the constituent members in December 1991 was carried out using the electoral institutions of the dictatorship (voter registry, polling stations, vote tallying, electoral justice), tilting the rules of the game in favor of the Colorado Party.

processes associated with democratic transitions, focusing solely on those occurring within established democracies. Nonetheless, this constitutional evolution holds significance for various reasons.

First, peasant movements were disconnected from the constitution-making process. Their historic demands—ranging from accessible mechanisms to reclaim misappropriated public lands, to the expropriation of unproductive large estates and fostering of land reforms—remained sidelined. This absence of representation influenced their perception of the institutional system in subsequent decades and echoed in the perspectives of Lugo and sectors of his electoral alliance.

Second, the new constitution devised mechanisms for the appointment and removal of authorities in institutions of horizontal accountability in a manner that facilitated political intervention. The constitution endowed significant patronage authority to congress. congress had the authority to appoint or endorse Supreme Court Judges, members of the Judicial Council responsible for judge selection, the Attorney General, the Comptroller General, members of the Electoral Justice Tribunal, and even top-ranking officials in the army and police (World Bank 2005). Consequently, since congress remained predominantly under the Colorado Party's influence, the whole institutional system was often viewed as predominately beholden by the ANR.[109]

[109] The constitution gave congress also the ability to overturn presidential vetoes with just a majority vote. Additionally, with a two-thirds majority in both houses, congress can oust the president for inappropriate conduct. This *de facto* grants congress a vote of no confidence, a trait found in parliamentary systems (Marsteintredet, Llanos, and Nolte 2013)

Third, the constitution's commitment to direct democracy mechanisms seemed more symbolic than practical.[110] Although it incorporated provisions such as referendums, their efficacy was limited. Any public consultation mandate required legislative approval, dictating its content and binding nature (Lezcano Claude 2005). Given the clear institutional tilt towards the Colorado Party's dominion, the quest for participatory democracy also stood as a critique of the 1992 Constitution.

Lastly, an inherent tension of the 1992 Constitution revolved around the prohibition of presidential reelection. While several Latin American constitutions of the 1980s shared this stipulation, the tide shifted in the 1990s to favoring reelection. Paraguayan presidents witnessed their regional peers navigate constitutional reforms to sanction reelections, yet they grappled with this constraint. Every president until 2018, notably Nicanor Duarte Frutos (2003–2008), Fernando Lugo (2008–2012), and Horacio Cartes (2013–2018), took definitive, albeit unsuccessful, measures to amend the constitutional prohibition of reelection.

In conclusion, while there is broad acknowledgment that the 1992 Constitution was pivotal in guaranteeing certain human rights and freedoms, is also critiqued for maintaining political influence over the judiciary, sidelining citizen participation, and curtailing the aspirations of the peasant movement. The issues regarding the 1992 Constitution will be further expanded on in this chapter.

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[110] By the time Lugo reached the presidency, Paraguay was in the group of Latin American countries that have not used mechanisms of direct democracy at the national level since the late 1970s (Altman 2010).

The Aftermath of the 1992 Constitutional Reform and the Period of Systemic Crises (1999–2006)

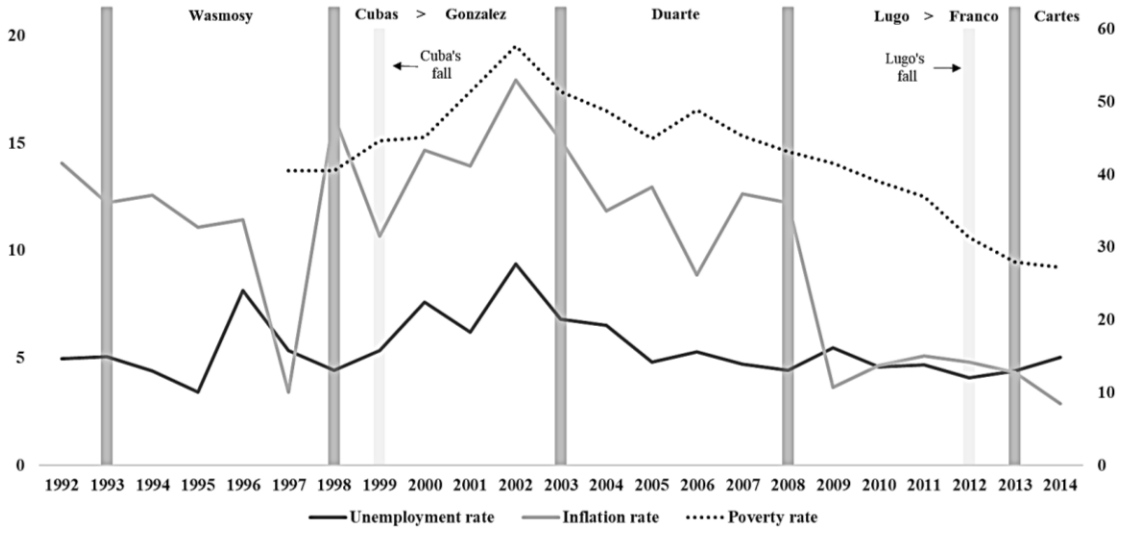
While the 1992 Constitution marked a significant step forward in in the transition to democracy, it was not sufficient to guarantee regime stability. The Colorado Party, while retaining its dominance in national politics, suffered from internal factionalism. This schism, evident within the party, affected the functioning of national government and the armed forces, and saw civilian and militaristic factions pitted against each other, imperiling democratic stability. This internal strife led to a threat of military rebellion in 1996 and culminated in the assassination of the Vice president Luis Argaña in 1999, an act for which President Cubas and his party faction (a rival of the vice president's faction) were widely blamed. This event precipitated the "Paraguayan March" crisis of 1999. Amid escalating tensions against President Cubas, violent confrontations erupted between the police and civilians, paving the way for an impeachment against the president, which subsequently led to his resignation (Sánchez Gómez 2019).

Cubas's departure in 1999 did not end political instability. His successor, President Luis González Macchi, appointed by congress to finish the 1998–2003 term, grappled with democratic legitimacy issues. [111] He was confronted by a military rebellion in 2000 and faced impeachment efforts in 2003, promoted by rival factions within his own party, aligned with sectors of the opposition (Lachi 2010). Compounding these political

[111] González Macchi was the president of congress in 1999. He took over the presidency after the dual vacancy resulting from the ousting of President Cubas and the assassination of Vice President Argaña.

challenges, González Macchi's tenure coincided with a profound economic and societal crisis. Paraguay was not spared from the economic downturn that gripped Latin America in the late 1990s and early 2000s, a situation worsened by neighboring Argentina's economic implosion between 2000 and 2002. The nation's GDP suffered negative growth, registering -1.4% in 1999, -2.3% in 2000, and -0.8% in 2001.[112] On the brink of debt default, Paraguay grappled with surging unemployment (peaking at 9.4% in 2002), climbing inflation (17.9% in 2002), and widespread poverty (a staggering 57.7% of the population in 2002, as illustrated by Figure 4.3).

Figure 4.3: Percentage of Unemployment, Inflation, and Poverty in Paraguay (1992–2014)



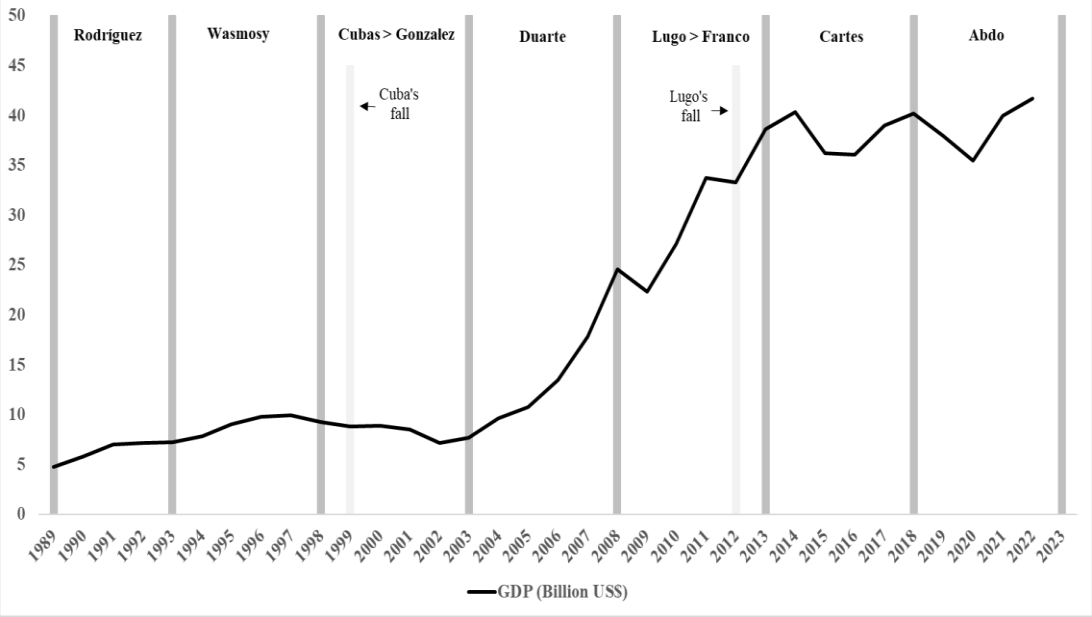
Note: Poverty rate is the secondary axis.

Source: World Bank (www.data.worldbank.org).

[112] See World Bank Data (www.data.worldbank.org).

Despite this tumultuous period, the economic downturn was not accompanied or succeeded by a major social uprising, unlike the situations in Argentina, Ecuador, and Bolivia, as will be explained further below. The Colorado Party won again in the 2003 elections, with Nicanor Duarte Frutos assuming the presidency. In this new Colorado administration, decisive reforms were implemented to stabilize the economy and spur growth, as detailed in Figure 4.4. President Duarte Frutos embarked on a journey to professionalize sectors within key government institutions in the economic and financial sectors. He initiated comprehensive public social policies and ramped up public investment in crucial areas such as education, health, and security (Duarte-Recalde 2018; Masi and Borda 2011).

Figure 4.4: GDP in Paraguay (1989–2023)



Source: World Bank (www.data.worldbank.org).

Duarte Frutos's successful institutional reforms and the ensuing economic growth, combined with his undisputed leadership within the Colorado Party, encouraged him to further consolidate institutional and political power.[113] Leveraging his momentum, Duarte Frutos embarked on a campaign to "pulverize" the judiciary (Martens and Orrego 2005). He negotiated with the opposition the replacement of Supreme Court justices, which ensured a Colorado majority under his influence (Lachi 2010). In this favorable circumstance, Duarte Frutos decided to run for the presidency of the Colorado Party, which many argued was unconstitutional since the 1992 Constitution prohibits the leader of the executive branch from holding another office or role (Bareiro 2006). This move was viewed as evidence that Duarte Frutos's political power was unconstrained. The president doubled down on his efforts to concentrate power and attempted to amend the constitution for presidential reelection. This sequence of power-consolidating maneuvers created the political backdrop for the ascendancy of Lugo.

The Emergence of Fernando Lugo

The power-seeking maneuvers of President Duarte Frutos spurred significant public unrest. His challenge to the constitution and pursuit of reelection made him the flashpoint the opposition needed to mobilize a substantial anti-government

[113] Reflecting the spirit of the times, Duarte Frutos described himself using the historic phrase of King Louis XIV of France, "El Estado soy yo" (L'État, c'est moi) (ABC Color 2005). Duarte Frutos himself stated that he was in favor of a constituent assembly, but his party advisors failed him, as they told him to wait, do things right, and the people will ask for it. "But the people will never ask. For me, major institutional shifts such as constitutional reform will depend 80% on the president's ability to articulate major political agreements rather than on popular mobilization" (Personal interview, 2014).

demonstration. On March 29, 2006, a crowd of 40,000 rallied in Asunción under the slogan "Dictatorship never again." Although all opposition parties were present, the spotlight was on then-Bishop Lugo (Abente 2007).[114] Lugo, while already a notable religious figure, saw this event propel his political prominence on a national scale (Nickson 2008).[115]

Lugo, who served as a bishop in the Catholic Church from 1994 to 2005, distinguished himself from the conventional conservative elite of the Paraguayan church. He taught liberation theology at the Catholic University, served as the president of the National Social Pastoral of the Catholic Church, and was the main political representative for the Paraguayan Episcopal Conference (CEP). He cultivated connections across the country, liaised with social movements, spurred grassroots church organizations nationwide, and engaged leaders and activists across the political spectrum (Martínez Escobar 2021). Furthermore, he extended his influence beyond the church's bounds, aligning himself with leftist parties and social movements, leading a national campaign against the Free Trade Area of the Americas (FTAA) and staunchly defending the rights of peasants and

[114] Lugo summarized the event's impact recalling a journalist's reflection: "Lugo went on stage, spoke for eight minutes, and exited as a presidential candidate" (Lugo, personal interview, 2014).

[115] Lugo's rising influence can be traced back to almost two decades before. After being threatened by Stroessner´s regime, he left to Italy to study sociology and theology, and came back to Paraguay at the end of the 1980s. As a priest of the Catholic Church, he began an ecclesial career that carried him to Bishop in 1994, in the bishopric of San Pedro, a very poor and problematic region. From his high ecclesial position, Lugo promoted religious base communities and established links with grassroots social organizations throughout the country (Gott 2008).

unions. As a result, many economic elites began dubbing him either "the bishop of the left," or the "guerrilla bishop" (O'Shaughnessy and Ruiz Díaz 2009, 99).

By late 2006 (less than two years before the presidential elections), Lugo renounced his position in the Catholic Church and opted to run for the presidency after various social movements submitted a petition with 100,000 signatures urging him to do so (Ultima Hora 2006). His religious background elevated him above the fray of partisan politics, making him the ideal candidate to unify a broad opposition coalition against the Colorado Party. As Lugo expressed, he emerged in a backdrop of "institutional and judicial crises…coupled with a fragmented political class devoid of cohesive leadership" (Lugo, personal interview, 2014).

In 2007, Lugo embarked on a political campaign named "Ñemongueta Guasú," or "big dialogue" in Guaraní.[116] The campaign was an expansive effort to bolster Lugo's political reputation and to assimilate popular demands into a 2008 election platform. As Lugo reminisced:

> [We held] over 600 meetings. We didn't stop even for one day. We met with a handful of people, with many people, listening to citizens on farms, in sports centers, in plazas, in clubs, with families, on sidewalks, wherever we needed to. (Lugo, personal interview, 2014)

[116] Guarani is an official and widely used indigenous language of Paraguay.

The campaign fueled excitement around his candidacy. Lugo adeptly coordinated with peasant movements, unions, and leftist parties.[117] He then sought closer ties with the PLRA.[118] Gaining the support of the PLRA's president at the time, former Senator Blas Llano, Lugo prompted the party to eschew the presentation of a presidential candidate. During an unprecedented party convention in June 2007, the PLRA decided, for the first time, to support a non-Liberal presidential candidate, aligning with Lugo for the presidency while reserving the vice-presidential candidacy for a Liberal primary (ABC Color 2007). As will be seen, Llano's political pragmatism extended to supporting the idea of convening a constituent assembly after the 2008 elections. He also endorsed amendments for reelection, which would have potentially allowed Lugo another presidential run.

Pooling together the PLRA, as well as other center-left and left-wing parties, Lugo constructed the Patriotic Alliance for Change (APC). However, his drive to expand his coalition did not end there. Beyond the APC, Lugo supported unions, peasant movements, and leftist parties to form the Social and Popular Block (BSP) and the Patriotic Socialist Alliance (APS) (Martínez Escobar 2013).[119]

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[117] He closely worked with new leftist political parties formed after 2006, such as Tekojoja and PMAS.

[118] According to Lugo, "we did not have electoral experience, and the Colorado Party is an election-winning machine… and the Liberal Party is the only party that had national reach" (Lugo, personal interview, 2014).

[119] Later during Lugo´s government, leftist parties and movements formed the "Frente Guasú" (FG) coalition (or "Broad Front", in Spanish and Guaraní) in 2010. To examine this process, see Martínez Escobar (2013)

Drawing parallels to the outsider leadership exemplified by Correa in Ecuador (Chapter 2), Lugo's vast coalition lacked formalized institutional mechanisms for decision-making. Consequently, broad decision-making largely depended on Lugo's initiative. Lugo sidestepped requests from leftist party leaders and movement leaders to exclusively align with leftist allies, or from centrist parties and liberal sectors advocating for an open primary to elect a unified candidacy. To further his candidacy, Lugo adeptly neutralized potential rivals among the opposition, integrating numerous organizations to the APC and other alliances, consistently maintaining himself as the central political figure. In contrast to the Peronist Party in Argentina (Chapter 3), Lugo was an uncontested leader who did not have to struggle for his predominance within his coalition, unlike Kirchner or other Peronist leaders.

With this extensive base of support, Lugo triumphed in the presidential elections of April 20, 2008. APC garnered 41% of the votes, while the Colorado Party secured 30%. In the senate, APC obtained 17 out of 45 seats (38% of the chamber), and in the lower house, 32 out of 80 seats (40% of the chamber).[120] Despite historic opposition gains, the ANR remained the main party in congress. While Lugo's coalition lacked the requisite numbers to independently pass legislation, it held sufficient power to establish a

[120] The Liberal Party obtained an overwhelming majority of the legislative seats within the coalition. Of these 17, 14 were from the PLRA. Two from PPS and one from PPT. Of these deputies, 29 were from the PLRA. One from PPT, one from PMAS and one from the PDP. It should be noted that the Liberal Party is not a disciplined unitary organization. Therefore, it must be assessed through its different factions, like the one led by the then-President of the Liberal Party, Blas Llano, and the other led by Efrain Alegre. Alegre was elected Senator in 2008, became part of Lugo's cabinet but was removed when he did not approve the idea of a constitutional reform to seek Lugo's reelection (Alegre, personal interview, 2014).

"legislative shield" (Pérez-Liñán 2007), preventing impeachment proceedings (though the "shield" broke down in 2012).

Lugo's ascendancy signified a pivotal transformation of Paraguay's political landscape. His victory brought an end to six decades of Colorado dominance. Furthermore, it symbolized the unprecedented rise of leftist factions to the apex of executive governance (Martínez Escobar 2015). Lugo's ascent was viewed with significant trepidation by Paraguayan elites, and their anxieties intensified in light of his international affiliations with other leftist presidents.[121]

Views on Reforming the Constitution

Lugo's ascent to power, undergirded by extensive popular support, was indicative of the people's demand for transformative changes in the economic and political arenas. However, Lugo faced substantial barriers to enacting his agenda, including his coalition's lack of governance experience, opposition from political and economic elites, Colorado dominance in key government institutions like the judiciary, and the influential role of a divided congress.

Lugo knew that to advance a transformative agenda, he needed to change the constitution. In a comprehensive interview at the outset of his term, Lugo stated that, in

[121] Lugo became closer to other leftist presidents in Latin America. Moreover, Hugo Chávez, then President of Venezuela and leader of the regional Bolivarian movement, toured Paraguay with Lugo after his inauguration on August 15, 2008. Chávez signed several cooperation initiatives with Lugo (Jornada 2008), which scandalized the economic elites of Paraguay.

order to alter the land tenure structure, end the vast unproductive estates, and overcome the corruption in the Supreme Court, a constitutional reform was necessary. [122] Furthermore, Lugo perceived strong public support for this reform and advocated for a broad discussion with various social sectors to integrate different existing proposals, "before proceeding to the national constituent assembly" (Gallego-Día 2009).

In addition to the belief that a new constitution was necessary to facilitate changes in the country, several sectors viewed a constituent process as a tactical move to expand their own political foothold against the Colorado Party. For instance, drawing parallels with Rafael Correa in Ecuador and Hugo Chávez in Venezuela, leftist leaders in Paraguay believed a constituent assembly could pivot leftist "Lugoism" from the periphery to the center of Paraguayan politics. Camilo Soares, a leftist leader from the PMAS and former Secretary in Lugo's cabinet,[123] believed such an assembly would have unified and strengthened left-wing factions (Soares, personal interview, 2014). Reflecting on Ecuador's experience—which was unfolding in 2007 and 2008, coinciding with Lugo's rise—Soares asserted:

> Correa won the elections without a single legislator [yet he was able to reform institutions]. A constituent process offers a political climate vastly different from a presidential electoral process. After winning, we

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[122] In the words of Lugo, "Today, what exists are vast tracts of land in the hands of a few, who are not large estate producers but land speculators. As long as there is no fiscal policy that taxes unproductive lands, and as long as that change is not made in the Constitution, it will be very difficult to carry out the swift reforms that a large portion of the citizenry demands" (Gallego-Día 2009).

[123] Soares is a former Secretary of National Emergencies during Lugo's administration.

> recognized that the balance of power swiftly tilted [in our favor]. It's one thing for Lugo to campaign for the presidency advocating constitutional re-foundation, but it's another for an elected President Lugo to demand a constituent process. (Soares, personal interview, 2014)

Sectors within the Liberal Party were also in favor of a constitutional reform. The pragmatic faction that had endorsed Lugo's presidential candidacy in 2007 was keen on a major reform of the constitution. Their leader, Llano, defended that:

> If you think in [terms of] major transformations, major structural changes, you have to begin from the matrix that establishes the legal, political and institutional structure of the state, which is the National Constitution. (Llano, personal interview, 2014)

Llano recalls how he had defended that position within the coalition:

> In the first meeting we had here in the Palacio de López [the seat of the executive power], I was the political leader who suggested to the President [Lugo] the need for a constitutional reform in no more than 180 days. (Llano, personal interview, 2014)

However, amid these positions in favor of constitutional reform, there were doubts and dissenting voices both among the left and within the PLRA, though for different reasons. For some leftist leaders, the issue did not stem from a lack of interest in the constituent process, but rather from doubts about their own political strength. This was the

sentiment expressed, for example, by former legislator Ricardo Canese of the leftwing Tekojoja Party,[124] who believed that the left would lose in a constituent assembly:

> We went to Montevideo. Carrillo [Tekojoja], Soares [PMAS], and Lugo were there, hosted by [President of Uruguay] Tabaré Vázquez. There, [Soares] insisted on calling for a constitutional rewrite. [Carrillo] was in favor, and I said that it would be stupid, because the [traditional parties] would have had the majority in the new constitutional assembly. (Canese, personal interview, 2014)

Meanwhile, within the PLRA, there were factions that did not show support for constitutional changes, nor even for backing an amendment for reelection. However, this was not a real constraint for Lugo, as his alliance was with pragmatic PLRA President Llano, and these dissident factions ended up being politically excluded—including Vice President Franco—or even removed from the government, such as former Minister of Public Infrastructure and PLRA leader, Efraín Alegre.[125]

In the end, there was no progress toward a constituent process during Lugo's administration. Lugo and his allies—despite internal views about the imperative for constitutional reform—were ultimately foiled by the headwinds of entrenched ANR opposition. As will be underscored by the following section, Paraguay's low levels of social mobilization—particularly when compared to the Bolivarian cases—resulted in

[124] Ricardo Canese was a legislator at Parlasur.
[125] Efraín Alegre, personal interview, 2014.

the absence of a "popular shield" for Lugo to advance his agenda of radical institutional change.

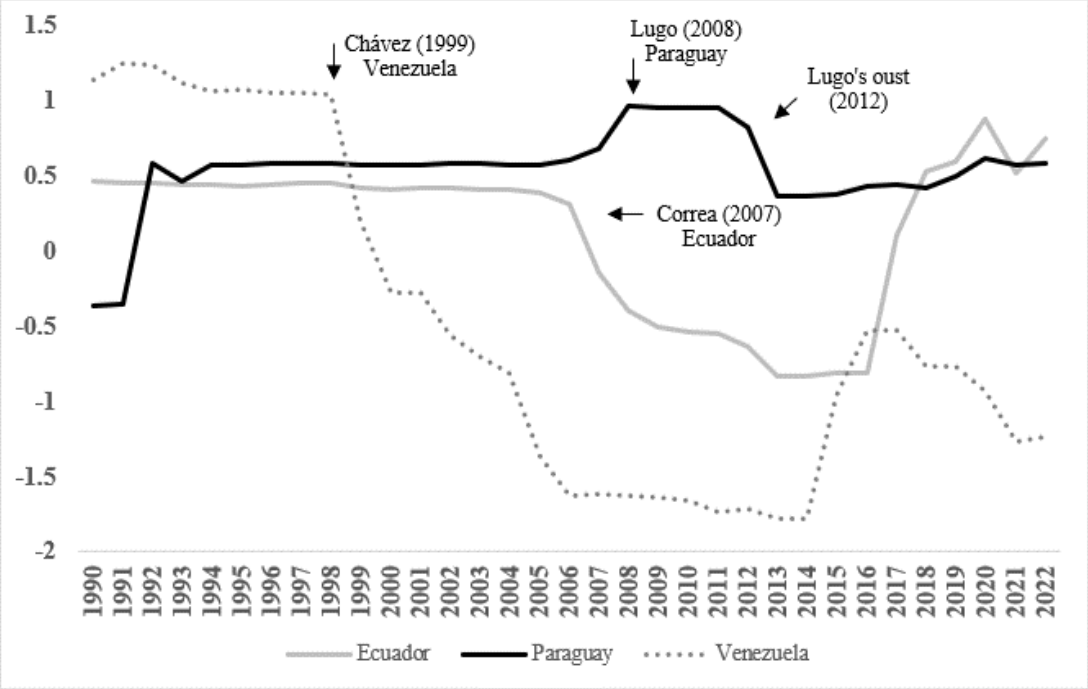
Why a Constitutional Rewrite Did Not Work: The Significance of Low Protests

This section elucidates why the Paraguayan outsider refrained from pushing forward a radical constitutional overhaul. As delineated in this study, a primary reason is that Lugo was not elected in an environment of generalized intense protests. The crises between 1999 and 2006 were not primarily propelled by mass protests against the political establishment and government institutions like in the outsider-protest cases. The 2006 march, which had initiated Lugo's political career, was carefully organized by opposition leaders who saw the opportunity to join forces against the ANR. The event was not a groundswell of sudden social outburst that could have weakened institutional constraints to the executive power.

Comparing the levels of horizontal accountability in Paraguay to those in countries where presidents had minority support in congress, such as Ecuador and Venezuela, yields insightful observations. As depicted in Figure 4.5, following the rise to power of Chávez in 1999 and Correa in 2007, the mechanisms of horizontal accountability in Venezuela and Ecuador showed a steady decline (Coppedge et al. 2023). Both Chavez and Correa initially encountered horizontal constraints but gradually overcame them by invoking plebiscitary authority, specifically through the convocation of a constituent assembly. This approach contrasts sharply with that of Lugo in Paraguay, who, due to the relative weakness of social mobilization in the country, did not feel empowered to undertake similar actions. In fact, during Lugo's presidency, institutional constraints

intensified, only to decrease following his removal in 2012. Unlike the cases of Venezuela and Ecuador, Paraguayan institutions responsible for horizontal accountability, including the congress, judiciary, and other government bodies, strengthened their oversight until the return of another Colorado president in 2013.

Figure 4.5: Horizontal Constraints in Paraguay, Venezuela, and Ecuador (1990–2022)



Source: Coppedge et al. (2023).

Paraguay's Weak Social Mobilization

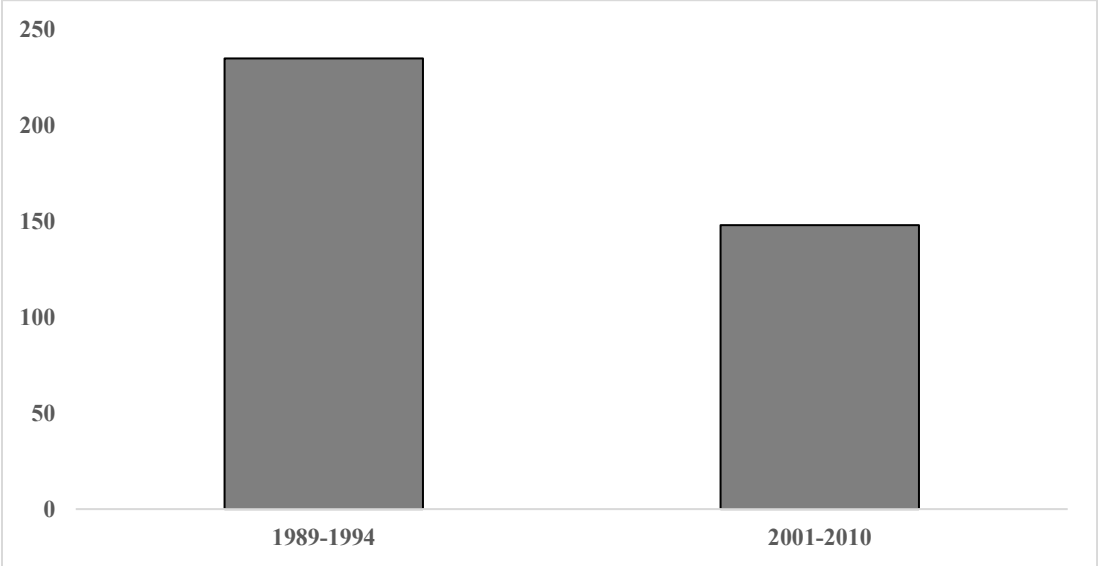
Procuring local data on Paraguay's direct social movement actions is challenging, especially when contrasted with the other cases analyzed in this dissertation, Ecuador and Argentina, where such data is readily available. Nevertheless, available data does

offer insights into the scope and strength of social movements. Figure 4.6 presents the number of Collective Labor Agreements (Contratos Colectivos de Condiciones de Trabajo, CCCT) signed during 1989–1994 and 2001–2010 in the private sector (Lachi and Rojas Scheffer 2017). The number of collective agreements can serve as a proxy for union vitality.[126] As depicted in Figure 4.6, there was a decline in CCCT from the onset of the democratic transition to midway through Lugo's term. As for the number of workers presumably shielded by a CCCT (in entities with over 20 employees and at least one CCCT in 2001–2010), the proportion was a mere 8.5% of the private sector. This figure excludes establishments with fewer than 20 employees, implying an even lower unionization rate.[127] In essence, prior to and during Lugo's tenure, the labor movement's potential for action was consistently in decline.

Figure 4.6: Number of Collective Labor Agreements signed in Paraguay between 1989 and 2010

[126] CCCTs involve unions, representatives of the entity where the CCCT is signed, and the government authority that ratifies it.

[127] In terms of the number of companies with more than 20 workers and at least one CCCT, again for the period 2001–2010, the coverage of CCCTs only reached 2.9% in the private sector (Lachi and Rojas Scheffer 2017).

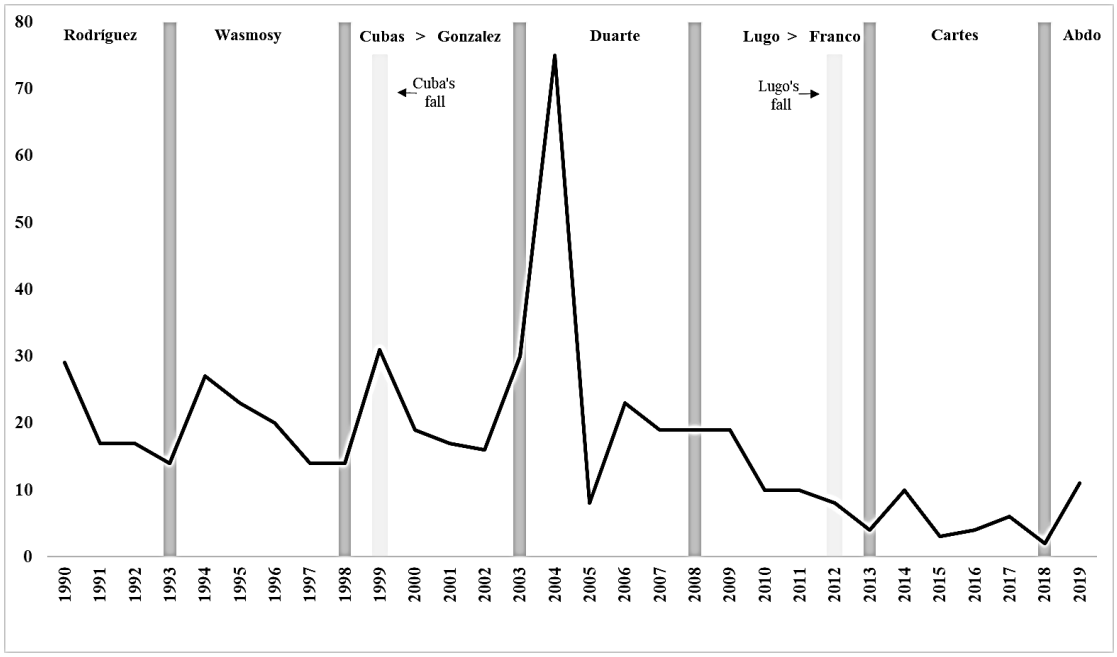


Source: Lachi and Rojas Scheffer (2017).

Regarding rural conflict, the available data tell a similar story. While data pertaining to direct actions such as roadblocks and anti-government demonstrations remain elusive, there exists information on land occupations of estates, which provide valuable insight into the dynamics of the peasant movement. Figure 4.7 delineates the trajectory of rural conflict in Paraguay. Noteworthy spikes can be observed at pivotal junctures: the initial phase of the democratic transition (1990), the inaugural peasant march (1994), and the beginning of Duarte Frutos's tenure (2004). Duarte Frutos's presidency saw a peak of land occupations that led to repressive outcomes. Reports suggest that in 2004, over 3,000 members of peasant organizations were "detained, processed, and incarcerated" (Martens 2009, 83). Overall, between 1989 and 2013, at least 115 leaders and members of peasant organizations were extrajudicially executed, incriminating state security and justice bodies (Codehupy 2014, 7). In consequence, the peasant movement experienced

disintegration, leading to a debilitating loss in its operational capacity—a setback from which it never truly recovered.

Figure 4.7: Number of Lands (properties) Occupied by Peasant Movements (1990–2019)

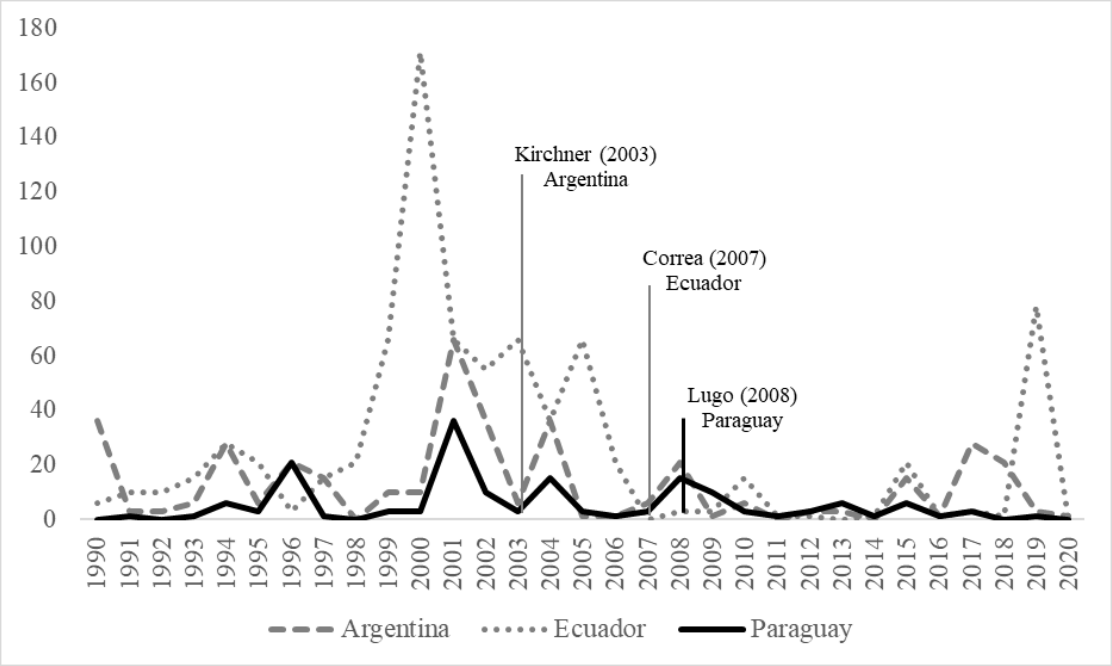


Source: Irala, Kretschmer, and Palau (2019).

Figure 4.8 illustrates the evolution of protests in Paraguay, comparing it with Argentina and Ecuador, the two other cases extensively analyzed in this study. Overall, Paraguay exhibits the lowest frequency of anti-government protests among the three countries. Notably, a peak in Paraguayan protests is evident during the late 1990s and early 2000s, a period marked by regional political, economic, and social crises, aligning with heightened protest activities in Ecuador and Argentina. However, throughout the entire period under review, the scale of mass protests in Paraguay remains significantly lower than in the other two countries. It is crucial to acknowledge that this data only includes

events involving more than 50 participants, thus not fully reflecting the magnitude of each protest. In the lead-up to the left's election in Ecuador, there were five events with over 100,000 participants between 1999 and 2003. Argentina witnessed two events with more than 1,000,000 participants in 2000. In contrast, Paraguay did not experience any events exceeding 15,000 participants in the decade preceding Lugo's election (Clark and Regan 2019).

Figure 4.8: Antigovernment Protest Events before the Left Turn in Argentina, Ecuador, and Paraguay (2001–2011)



Source: Clark and Regan (2019).

The decline of labor and peasant movements leading up to Lugo's presidency, along with the absence of powerful leftist parties or other civil society actors capable of mobilizing against the political establishment, distinctly characterizes Paraguay's shift to the left. In contrast to Ecuador and Argentina, where mobilizations erupted against

the entire political system, epitomized by the rallying cry of "¡Que se vayan todos!" (Let them all go!), no such widespread call emerged in Paraguay. While there were localized peasant protests in rural areas of Paraguay, they did not escalate to the level of the mass uprisings, both rural and urban, seen in Ecuador and Argentina. These urban uprisings were crucial in demonstrating the extensive rejection of the political establishment, even leading to the toppling of presidents (three in Ecuador and one in Argentina) – a phenomenon not paralleled in Paraguay.

In essence, Lugo's rise to power was not propelled by a popular revolutionary mandate to overhaul the country. Instead, he emerged as a unifying political figure, primarily focused on defeating the Colorado Party, as described by Esperanza Martínez, Minister of Health under Lugo (Martínez, personal interview, 2014).[128] While leftist parties and social movements, particularly those linked to the peasantry, sought radical institutional changes, the primary concern for urban sectors and the middle class was "political alternation," as noted by Soares (personal interview, 2014). Therefore, Lugo was seen as an opportunity for a change in leadership in Paraguay. In contrast, Ecuador and Argentina had already experienced such alternations in office, which contributed to uprisings with strong anti-systemic sentiments. Paraguay, however, was different, as the Colorado Party had been in power for 60 years. Consequently, movements for change

[128] In Paraguay, the 2006 march that propelled Lugo into the spotlight was a peaceful gathering, in stark contrast to the protests in Ecuador and Argentina, which involved massive confrontations against the state apparatus.

were framed more as intra-systemic demands for a shift in power, rather than a complete rejection of the entire system.

Social leaders understood that their movements were in decay by 2008. Eladio Flecha, leader of the National Peasant Federation (FNC)—the foremost peasant organization in Paraguay—indicated that the FNC's influence had passed by the time of Lugo's rise: thanks to their struggle for land, "from 1994 to 2004, we acquired 290,000 hectares of land…post-2004, we ceased all land occupations" (Flecha, personal interview, 2014). He explains that this decline was a consequence of the downturn in cotton production, rural migration to urban centers, and intensifying government crackdowns that resulted in the "lumpenization of the peasant class, weakening the entire movement" (Flecha, personal interview, 2014). Union leaders took a similar view. [129] The vibrant unionism that characterized resistance to Stroessner and the transition to democracy had diminished significantly (Coronel Prosman 2021).

An important effect of rising to power in a context of low protest-movements is that it discourages proposals for radical institutional changes. It creates doubts about an outsider's chances vis-à-vis their opponents. While the Ecuador case illustrated that leaders believed that they had the popular strength to bend the existing rules and bypass veto players, and the Argentina case showed that leaders from across the political spectrum tried to connect with movement demands for change by proposing

[129] Constancio Mendoza, former union leader, a key figure in the strikes against the privatization of public companies in 2000 and 2001, and one of the main proponents of Lugo's candidacy, acknowledges this (Mendoza, personal interview, 2014).

constitutional rewrite, in Paraguay no such popular uprising existed for reformists to adhere to. Canese illustrates this point, noting:

> Despite Lugo's triumph, there was some enthusiasm, yet union movements were depleted, and the peasant movement was in decline...If we had initiated a constituent assembly—and had Lugo not been ousted then—we would likely have ended up with a constitution inferior to our existing one. (Canese, personal interview, 2014).

Events that Illustrate How Low Levels of Mobilization Weakened Lugo

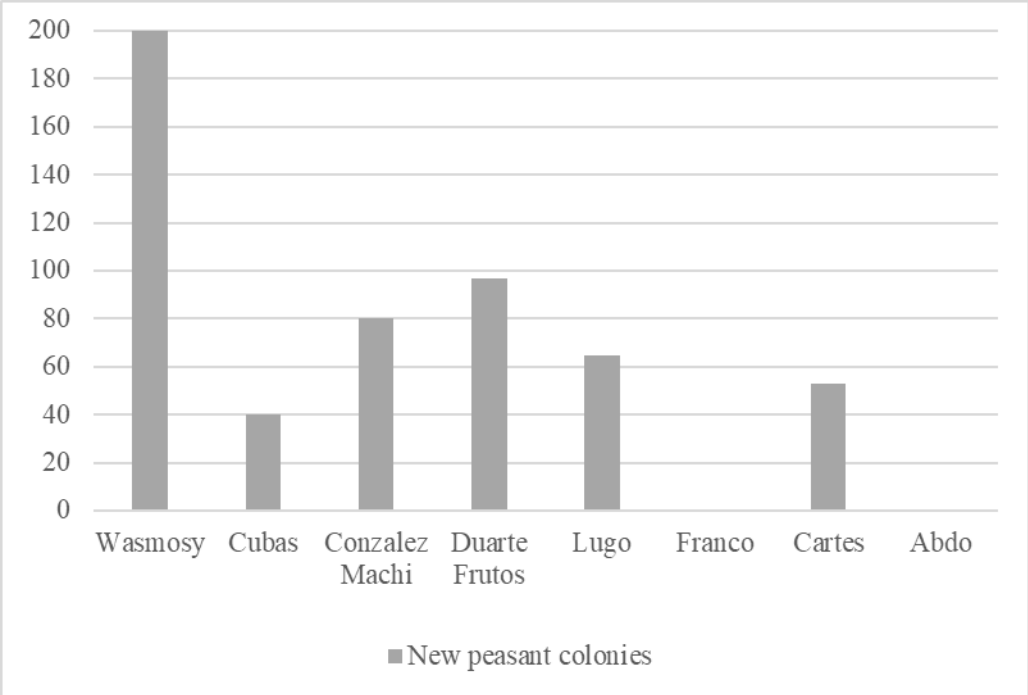
Lugo embarked on his term with initiatives designed to promote social reform. The administration bolstered investment in education and social protection, expanded the conditional cash transfer policy for poverty alleviation, offered free health care, and augmented revenue from resources like the Itaipú Dam for the Paraguayan government (Cerna Villagra and Villalba Portillo 2019; Duarte-Recalde 2018; Serafini Geoghegan 2018). Although these policies did not pursue radical institutional transformations, their positive impacts buoyed Lugo's popularity.[130]

Concurrently, Lugo aspired to gain ground in areas requiring more profound transformations. In the realm of agrarian reform, for example, his administration

[130] According to Latinobarometer surveys, President Lugo's approval ratings were 92% in 2008, 72% in 2009, 56% in 2010, and 54% in 2011. By far, Lugo had the best approval ratings among Paraguayan presidents between 2002 and 2020. In fact, the only other president who was approved by more than 50% of the population in a given year was Duarte Frutos in 2004 (58.8%) (See www.latinobarometro.org/latOnline.jsp).

committed government funds to purchase land for establishing peasant colonies. Initial strides were promising, but the quest for land redistribution met resistance, particularly from opposition parties, influential landowners, and conservative elites (Ezquerro-Cañete and Fogel 2017; De Micheli, Sanchez-Gomez, and Roberts 2022). As a result, as Figure 4.9 depicts, the colonies Lugo sanctioned for agrarian reform were numerically inferior to those under preceding Colorado administrations (Irala, Kretschmer, and Palau 2019).

Figure 4.9: Peasant Colonies Settled During Government Administrations



Note: Cubas and Gonzalez Machi (1998-2003), and Lugo and Franco (2008-2013), should be considered together for presidential term periods.

Source Irala, Kretschmer, and Palau (2019).

Social movements, despite their diminished mobilization capacity, attempted to push forward their causes. Right after Lugo's electoral victory, more than 100 organizations

from diverse societal sectors—including peasant and indigenous groups, labor unions, women's rights advocates, NGOs, grassroots church movements, and progressive government reformers—formed the Social and Popular Front (FSP), a collective platform that pushed for more radical changes regarding land tenure and the justice system (Levy 2013). On November 2008, the FSP organized two thousand protesters to seek the resignation of Attorney General Candia Amarilla (associated with the ANR) and all members of the Supreme Court of Justice (Ultima Hora 2008). However, the police suppressed the event and, despite their best efforts, the FSP fragmented and eventually dissolved.

Lugo's strategies often faltered in situations that required him to exert pressure on institutions outside the executive branch. An incident highlighting this occurred in 2011, when a contentious land dispute centered on a 157,000-hectare estate owned by the powerful soybean production group, Grupo Favero. In response to a request from local landless peasants, the government initiated a judicial review in September 2011 to investigate the legitimacy of land titles in the area. Army engineers from the Military Geographic Institute were dispatched to survey the land to identify state-owned properties in the hands of land elites. Amid this, peasant movements led a series of land occupations to reclaim these properties. In a telling sign of the weakness of social movements and the Lugo administration, not only were the landless peasants evicted by landlords, but these landlords blocked the army engineers' mission. The Supreme Court intervened, decreeing that future land assessments would be overseen by a local judge, sidelining the executive branch (Ezquerro-Cañete and Fogel 2017). This entire episode

showcased the Lugo administration's inability, when faced with a hostile justice system, to deliver on its land reform promises.

Lugo faced an uphill battle in his attempts to counterbalance the entrenched politicization of the judiciary. When he assumed office in 2008, the ANR's influence was clearly evident, with six out of nine of the Supreme Court justices having affiliations with the party (USAID 2009). During Lugo's tenure, he only had the opportunity to replace one Supreme Court judge. Despite this window, Lugo was unable to appoint his candidate of choice. The combined effect of the ANR's entrenched presence in the judiciary, congress, and other institutions, made the courts formidable obstacles to Lugo's agenda for institutional change (Schuster 2013).

The fragility of Lugo's administration was also evidenced during the 2011 attempt to advance a constitutional amendment permitting presidential reelection. The strategy for most left-leaning parties involved capitalizing on Lugo's high approval rating in 2011. To this end, the Frente Guasú worked to mobilize citizens to support the initiative, claiming to have collected over 100,000 signatures in favor of the amendment. However, in response, the Colorado Party passed a resolution opposing the amendment (ABC Color 2011a). The media and economic elites also united against the "castro-chavista" proposal (ABC Color 2011b) . The president's popularity did not translate into significant social mobilizations capable of propelling the proposal forward and

insulating it from potential veto players.[131] This lack of a "popular shield" resulted in the proposal never even reaching the congressional floor for consideration. This situation contrasts sharply with that of Rafael Correa in Ecuador, who managed to push through reforms and even approve a referendum without any congressional representation for his party, largely thanks to the context of mass protests in favor of institutional changes.

A final example of the lack of political strength stemming from weak protest movements supporting radical changes was Lugo's oust in 2012. As Lugo approached the fourth year of his term, a tragic violent incident between peasants and police in the District of Curuguaty acted as a catalyst for a presidential impeachment that led to his removal from office.[132] The Paraguayan congress rapidly initiated an impeachment process, accusing Lugo of poor governance and of failing to maintain social order. The speed of the proceedings—completed in just two days—garnered significant criticism both domestically and internationally (Marsteintredet, Llanos, and Nolte 2013). Critics argued that Lugo was not given adequate time to prepare his defense, making the process appear more like a political coup than a genuine constitutional procedure .

[131] By 2017, under the Cartes Administration (2013-2018), there was another effort to pass a constitutional amendment for reelection. Although Lugo's FG was supportive, and FG members claimed that were ready to mobilize thousands of citizens to demand the amendment's approval (ABC Color 2017), the actual upsurge never materialized. Consequently, the amendment proposal was not approved.
[132] The Curuguaty case also underscored the perceived absence of impartiality and independence within Paraguay's judicial framework. The case saw the conviction of peasants after proceedings that reportedly disregarded judicial safeguards. Moreover, the deaths of 11 peasants from the same incident have not been investigated by the authorities. Allegations suggest that some of these individuals faced summary executions following torture and other breaches of their human rights (Codehupy 2012).

Erstwhile APC allies, who were politically excluded by Lugo's decision-making process during his administration, capitalized on the opportunity and joined the ANR to depose Lugo and elevate the Liberal vice-president to the presidency. Notably, social sectors were not mobilized to counteract the institutional momentum against Lugo, and no mass outburst materialized in his defense. As Soares commented in 2012, to reverse the impeachment, "we would need an organized popular uprising that is not happening" (Fierro 2012).[133]

The evidence underscores that, despite the support for more radical strategies for institutional change—including momentum for constitutional reform within Lugo's coalition—the reality was that the requisite accompanying social mobilizations were absent. Stefanoni's analysis offers a comparative perspective: "Paraguay was far from being like Ecuador, where Rafael Correa had social support to close the congress and convene a constituent assembly, or Bolivia, where Evo Morales had a huge indigenous-popular social base with extensive mobilization capacity" (2012). This situation fostered uncertainty about the coalition's prospects in a hypothetical constituent assembly and culminated in Lugo's weak political stance that ended his presidency. This backdrop elucidates Lugo's response when asked about why he did not emulate the radical paths of leaders like Chávez in Venezuela, Morales in Bolivia, or Correa in Ecuador:

[133] The union's reaction to Lugo's downfall was nonexistent. Some labor unions tried to respond, but it was only then that they realized they were completely disconnected from their grassroots members (Coronel Prosman 2021).

> I think it is not a logical comparison, because our triumph, on one hand, was the result of the accumulation of forces from the 1980s and 1990s, but without the necessary power to support a constituent process. I believe that if we had called for a constituent assembly, the constitution would have been very similar to the constitution we have today, which favors the oligarchy and the traditional parties. (Lugo, personal interview, 2014).

Conclusion: Lugo's Left Turn and the Survival of the Constitutional Order

The study of Paraguay's political process—especially during Lugo's tenure—offers a nuanced understanding of how different contexts shape political decision-making and outcomes. While other countries in the region, such as the Bolivarian cases, experienced significant social protests that directly influenced their leftward shifts and the trajectory of their constitutional rewrites, Paraguay's journey was distinct.

This chapter sheds light on the fact that, despite political incentives for a constitutional overhaul, the absence of a robust social demand to drive such an agenda played a pivotal role in Paraguay's political development. The decline of labor and peasant movements that preceded Lugo's ascendancy, combined with the lack of potent leftist or middle-class mobilization, meant that Paraguay's outsider did not have the strength to push forward a radical strategy of constitutional change and was obliged to behave within the restrictive parameters of existing institutions.

The dynamics of Paraguayan politics emphasizes the resilience of horizontal accountability mechanisms, even when other outsider-cases saw a diminishing of such checks. The lack of mass social protests meant that these institutional checks could not be easily bypassed or weakened. In retrospect, Lugo's rise and eventual impeachment serve as poignant reminders of the intricate interplay between institutional constraints, social forces, and political change.

CHAPTER 5: CONCLUSION

The decision to rewrite a country's constitution is among the most profound strategic choices that political leaders can make. Such a move represents a significant departure from established norms and can shape a country's political, societal, and governance trajectory for generations. This dissertation explored constitutional rewrites in the context of the "South American left turn," with specific emphasis on the distinct cases of Ecuador, Argentina, and Paraguay. The aim was to understand the complex factors driving such pivotal decisions. The findings shed light on the nuances of constitutional politics generally and democratic processes within South America's recent historical context in particular.

This section provides an overview of the primary conclusions from this study, highlights the significance of the results, and suggests potential areas for future research.

Overview, Importance of Key Results, and Important Theoretical Issues

This research centered on radical constitutional rewrites termed "radical" because popularly elected assemblies with supreme authority over institutions crafted new constitutions. To gain insight into these "constituent moments" (Frank 2010), this study examined the unprecedented election of leftist presidents in South America since 1999. The left has shown a particular inclination toward reshaping the state via the people's constituent power, especially during tumultuous periods.

Chapter 1 posed a key question: Why did some left-of-center governments in South America opt for radical constitutional rewrites while others remained within their

existing constitutional bounds? This study went beyond merely attributing constitutional alterations to political crises, economic downturns, or the rise of left-leaning presidents. Instead, it delved into the intricate interplay of party politics and social mobilization as potential explanations for new constitutions. The resulting work intersected three broad literature themes: the rise of the left in South America, the origins of new constitutions, and the dynamics of party politics combined with societal protests. From this, a theoretical model of constitutional rewrites during the left turn was formulated, exploring the interaction between types of parties (outsiders vs. insiders) and different scales and intensities of social protests (strong vs. not strong). This model encapsulates variations in explanatory variables and outcomes. The study also set forth a series of expectations, highlighting the causal mechanisms supporting them. The methodology, case selection strategy, qualitative design, and data collection approach, rooted in both fieldwork and secondary sources, were subsequently outlined.

The main argument of Chapter 1 is clear-cut: radical constitutional rewrites occur when outsider parties ascend to power in a context of crisis driven by strong social protests. When these protests are potent enough to oust sitting presidents and cause regime instability, institutional constraints on presidents are reduced, making constitutional reforms more likely. Under these conditions, outsider leaders, who are already unconstrained by their parties, encounter fewer barriers in pursuing radical constitutional changes. Furthermore, leftist leaders from traditional insider parties often refrain from rewriting the constitution due to stricter internal restrictions imposed by their party. In the absence of widespread protests, existing institutional barriers deter leaders from making radical constitutional changes.

The case selection followed the theoretical logic, proposing three cases that offer significant variation in both explanatory variables and outcomes of interest. Ecuador 2007 presents both explanatory factors pointing in the direction of constitutional refounding (outsider party and strong protests); Argentina 2003 has one explanatory variable pointing in the right direction (strong protests) yet elected an insider party, and Paraguay 2008 features the other explanatory variable in favor of a new constitution (outsider party) but lacked strong protests.

A significant contribution of Chapter 1 is to enhance the literature by expanding upon a concept typically used to explain constitutional reforms: the concept of crisis. Although undeniably useful for understanding the origins of new constitutions, especially in large-N analyses (Elkins, Ginsburg, and Melton 2009; Negretto 2012), this concept needed to be unpacked to explain the variations during the South American left turn. There were dramatic periods of crisis that did not necessarily lead to new constitutions, as seen in countries like Paraguay, Brazil, Peru, and Argentina during the 1990s and 2000s. The case selection strategy also made a further contribution by selecting two negative cases usually understudied in research on constitutional rewrites, Argentina and Paraguay. These two negative cases, in contrast to the Ecuadorian case, help to advance the understanding that even in moments of severe crisis for political regimes, there can be impediments to radical institutional change.

The examination in Chapter 2 of the Ecuadorian case highlighted the significance of strong social protests against the political regime in prompting outsider leaders to embark on a path of radical constitutional reform. On the one hand, protests underscored

the profound legitimacy deficit faced by government institutions and political actors. Three presidents had been ousted before President Correa's ascent, which vividly showcased the political system's breakdown. This enabled an outsider like Correa to rise without a foothold in formal institutions (i.e., he did not have legislators from his party), yet he still managed to exert substantial pressure on institutional constraints to overcome electoral courts, the judiciary, and congress, and finally initiate a successful constituent process. The case also illustrates the propensity of actors to bypass existing rules to facilitate a constituent process. The tension between legality and legitimacy became prominent, with Correa's supporters fully aware that they were acting against legal norms in the name of legitimacy. Thus, they employed a plebiscitary strategy, using unconstitutional means, to achieve a constitutional refoundation.

Chapter 3's study of the Argentine case highlighted that even in the midst of a severe political system crisis, marked by intense protests capable of toppling presidents, insider parties can impose constraints on their leaders. In essence, traditional insider parties are not unitary actors and can set limits on their leaders because their organizational existence extends beyond the tenure of their current leaders. Different leadership figures, positioned in various governance spaces – whether executive or legislative, at the federal, provincial, or municipal level – form factions and power structures that balance each other internally. They adeptly navigate institutional frameworks, even in crisis times. Thus, from their respective positions, they are reluctant to concede advantages to rivals, even if they belong to the same party. While heightened protests spurred discussions on constitutional changes and deep reforms of the political system, the Kirchner faction, during the leftward shift, prioritized the party's internal dominance

over substantial transformations, even if the opposition was severely weakened and overcoming institutional constraints was likely. Notably, even though the plebiscitary tool was available – having been used by a previous Peronist president (Menem) to compel the opposition to negotiate a constitutional reform a decade earlier, and having been utilized by some provinces for provincial constitutional reforms – Kirchner refrained from using it. This was because the party was already in institutional power and could navigate the resolution of the crisis without jeopardizing the internal power balance.

Lastly, the Paraguay case in Chapter 4 presents a scenario that differs from those of Argentina and Ecuador. The crisis that preceded the shift to the left did not stem from massive social protests but rather from intra-elite conflicts within the dominant Colorado Party. Thus, even though the crisis generated strong anti-status quo sentiments among the population and paved the way for the overthrow of the Colorado Party after 60 years in power, the institutions that imposed horizontal constraints continued to be significantly influenced by Colorado and economic elites.. The decline of social movements and low levels of protests against the institutional system did not empower the outsider to drive a more transformative agenda, including the convocation of a constituent assembly. Even though the outsider had been a highly popular president, the absence of mobilized popular sectors to exert pressure on institutions also meant that a constitutional amendment for his reelection was out of reach. The context in Paraguay not only deterred a plebiscitary strategy but also led to the president's premature ousting, given the lack of a "popular shield" (Pérez-Liñán 2014).

This dissertation deepens the understanding of the conditions that foster radical constitutional rewrites in democratic contexts. It emphasizes the relationship among outsider parties, social protests, and constraints on presidential aspirations for increased power. A central assertion in this dissertation is that presidents aim to capitalize on contexts that enhance their chances of expanding their political and institutional clout. This is not a minor point in South America's challenging path towards democratic consolidation, where inclusionary leftist governments incorporated marginalized groups into politics (and constitutional design), sometimes at the expense of political pluralism.

A theoretical issue raised by this dissertation is that when presidents find themselves unconstrained by their parties or by institutions that ensure horizontal accountability in executing their constitution-making endeavors, the repercussions for the political regime can extend beyond merely approving new constitutions, potentially causing subsequent political and institutional instabilities even beyond their presidential terms.

The Bolivarian countries that underwent constitutional rewrites are illustrative of this point. In Venezuela in 1999, Bolivia in 2006, and Ecuador in 2007, the weakening of institutional checks on presidential power, pivotal in regime "refounding," persisted after the adoption of new constitutions. In all three cases, presidents morphed into hyper-presidents, presenting significant challenges to democratic institutions and nudging these nations towards autocratic tendencies. After introducing new constitutions, Venezuela evolved into a competitive authoritarian regime, Bolivia's democratic mechanisms underwent severe pressures, and Ecuador briefly swung

towards authoritarianism until turning democratic again.[134] Notably, introducing new constitutions was not synonymous with constitutional stability, as evident from the constitutional amendments to enable indefinite reelections in Venezuela (2009) and Ecuador (2014). In Bolivia, a similar referendum took place but failed, leading President Morales to seek other institutional methods to surpass this reelection barrier.

This dissertation also contributes to the literature that highlights the origins of constraints on presidents. In Argentina, the different factions and leaders of the traditional insider Peronist party, distributed across various institutional positions, understood that a radical transformation of the institutional system could have disrupted the internal balance of power within the party, favoring one faction over the others. As a result, party factions did not rally behind any radical transformation of the institutional system. In Paraguay, parties within the outsider coalition supported a constitutional change because they were not entrenched within existing institutions and foresaw their accumulation of power that might have resulted from a constituent process. However, the process lacked the necessary social backing to overcome institutional hurdles. This dissertation refines the idea that popularity and public opinion data might show support for radical changes, but without concrete forms of street politics exercising pressure on

[134] While diverse scholarly works explain the differences in constitutional design or regime outcomes after the adoption of new constitutions by pointing out the varying degrees of inclusive citizen participation and political pluralism during the constitution-making processes (Landau 2017, 2020; Negretto and Sánchez 2019), it remains unclear how Ecuador and Venezuela differ in terms of political regimes. Both countries had constitution-making processes that marginalized the opposition (which differed from the more negotiated process in Bolivia) and subsequently evolved into competitive authoritarian regimes (Levitsky and Loxton 2013). However, Ecuador moved in a democratic direction, in contrast to the more authoritarian shift in Venezuela.

institutions, presidents are not necessarily successful in bringing about reforms. In short, both Argentina and Paraguay showed that constitutional rewrites did not take place, hyper-presidents did not emerge as in the Bolivarian cases, and regimes ended up being more stable, although the ousting of the outsider in Paraguay raised serious questions about the quality of democratic rules due to the influence of horizontal institutions on executive power.[135]

Areas of Future Research

Several aspects spotlighted in this research warrant further examination. Firstly, this study provides insights that resonate far beyond the particularities of the South American leftward shift. Historically, the regional left represented groups marginalized by authoritarian administrations and conservative elites, which can be considered regime outsiders. In diverse global regions and contexts, outsider groups might align with left, right, or other divides, such as ethnicity or religion. These groups might push for institutional reforms, including constitutional revisions, to counter perceived institutional biases favoring entrenched elites. Political forces aiming to represent these regime outsiders might integrate a reformative agenda if severe crises destabilize the existing regimes. How do different societal divisions signal the potential for constitutional changes driven by emerging outsider groups, regardless of their political

[135] If we include Peru in the analysis, it is another case where leftist presidents came to power from outside the institutional system and without prior massive anti-establishment protests. Even though they proposed constitutional reforms, such as Ollanta Humala in 2011 and Pedro Castillo in 2021, these presidents were weak and could not withstand the fierce opposition from horizontal institutions like Congress and the judiciary.

orientation? This question is pertinent beyond South America and the specific timeframe in focus.

A second area of exploration concerns comparative questions and data limitations for studying social protests, which is central in the study of institutional change – such as constitutional reforms. The most recent wave of left-leaning presidents in South America (e.g., Peru 2021, Colombia 2022, Chile 2022, etc.) was preceded by social protests. Yet, these did not possess the destabilizing force witnessed in the protests preceding the region's first wave of leftist presidencies at the end of the 1990s and the beginning of the 2000s. Considering protests this time as an outcome of interest, what factors can trigger different levels of strength in social protests? Moreover, current data, precious in offering anti-government events in longitudinal and comparative perspectives, have shortcomings in capturing the intensity and nuances of various protests. This research used the criterion of toppling sitting presidents to gauge protest strength. Future studies could explore alternative criteria to distinguish qualitative differences in protests. Furthermore, protests are often categorized as "anti-government," and yet, after the election of a president aligned with protest objectives, it is difficult to find data on movements that favor a president but oppose other government institutions. How can further studies code the diverse nature of protest movements and events in areas such as their intensity and policy goals? This information can be helpful in studies linking social mobilization and potential constitutional transformations.

The third area pertains to the influence of populist politics on the constitutional system beyond the constitutional changes achieved via constituent national assemblies, as was the case in South America under populist presidents. The (re)emergence of populist politicians in Europe, North America, and other regions has reignited debates on constitutional reforms. Consequently, under what conditions of populist politics does the constitution itself come into question? Moreover, judicial interpretations and constitutional amendments are emerging as alternate avenues for constitutional change in developed democracies. What does this populist emergence imply for various constitutional change mechanisms?

Overall, this research contributes significantly to our understanding of constitutional politics. It provides a layered interpretation of the processes leading to radical constitutional rewrites (or the lack thereof) in contemporary South America. Moreover, by focusing on intraparty dynamics and institutional and social contexts, it presents a comprehensive framework for understanding constitutional politics beyond the region.

Constitution-making, while extraordinary, is not rare. As countries globally address the challenges of globalization, increasing polarization, and heightened citizen demands, this dissertation's findings take on greater significance. They underscore the role of party institutionalization, power checks, and the broader socio-political environment in pivotal national choices. As the 21st century sees nations reassessing their social contracts, grasping these dynamics becomes paramount.

APPENDIX

LIST OF INTERVIEWS

Paraguay

Aníbal Carrillo - Tekojoja Party Founder, Frente Guasu Leader, Lugo's Political Advisor.

Blanca Ovelar – Colorado Party Leader, Presidential Candidate (2008), Current Senator (2023).

Blas Llano – Liberal Party Leader, Former Minister and Senator during Lugo's Administration.

Camilo Soares – PMAS Leader, Frente Guasu Leader, Former Minister during Lugo's Administration.

Constancio Mendoza - Tekojoja Party Founder, Frente Guasu Leader.

Eduardo Felippo – Former President of the Paraguayan Industrial Chamber.

Edwin Brítez – Journalist.

Efraín Alegre - Liberal Party Leader, Former Minister and Senator during Lugo's Administration, Presidential Candidate (2013, 2018, and 2023).

Eladio Flecha - Leader of the National Peasant Federation (FNC).

Emilio Camacho – Former Senator, National Encounter Party (PEN).

Enrique González Quintana - Former Senator, National Union of Ethical Citizens (UNACE).

Esperanza Martínez – Former Minister during Lugo's Administration and Current Senator (2023).

Federico Franco – Former Vice President during Lugo's Administration, Former President (Liberal Party).

Fernando Lugo – Former President, Former Senator, and Frente Guasu Founder.

Gustavo Codas – Lugo's Political Advisor.

Hugo Estigarribia – Former Colorado Party Senator.

Hugo Richer – Former Frente Guasu Senator, Former Minister during Lugo's Administration.

Ignacio González – PMAS Founder, Sociologist, and Activist.

Julio César Franco – Former Liberal Party Senator and Presidential Candidate (2003).

Karina Rodríguez - PMAS Founder, Former Legislator.

Lino Valencia – PMAS and Lugo's Political Advisor.

Luis Alberto Wagner – Former Liberal Party Senator and Minister.

Luis Bareiro Spaini - Former Military General and Minister during Lugo's Administration.

Mateo Balmelli – Former Liberal Party Senator and Minister.

Miguel López Perito – Former Minister during Lugo's Administration and Lugo's Political Advisor.

Nicanor Duarte Frutos – Former President (Colorado Party).

Pakova Ledesma – Current Liberal Party Senator.

Pedro Fadul – Presidential Candidate (2003, 2008) (Beloved Fatherland Party).

Ramón Medina – Frente Guasu Leader.

Ricardo Canese – Former Legislator (Frente Guasu).

Roberto Comán – Former Union Leader.

Sixto Pereira – Former Senator (Frente Guasu) during Lugo's Administration.

Ecuador

Alberto Acosta – Constituent Assembly President, Founder of Alianza País Party, Academic.

Gustavo Larrea – Former Minister during Correa's Administration, Political Advisor.

Lenin Moreno – Former President (Alianza País).

Lucio Gutiérrez – Former President (Patriotic Society Party).

Luis Maldonado – Indigenous Activist, Political Advisor, Former Minister.

Magdalena León – Academic, Feminist Activist.

María Paula Romo – Activist, Constituent Assembly member, Former Minister (Moreno's administration).

Pablo Ospina – Academic.

Rafael Correa – Former President (Alianza País).

Ramiro Avila – Academic, Former Judge of the Constitutional Court.

Virgilio Hernández – Former Constituent Assembly Member (Alianza País).

Argentina

Anibal Ibarra – Former Head of the Government of the Autonomous City of Buenos Aires.

Darío Díaz – "Piquetero" Activist, Intellectual.

Facundo Nejamkis – Political Scientist, High-Ranking Public Official during Cristina Kirchner's Administration.

Juan Manuel Abal Medina – Political Scientist, Former Chief of Staff during Cristina Kirchner's Administration, Former Senator.

Julián Zicari – Academic.

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