

Democratization and Opposition

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In The First New Nation (1967), Lipset asserted that toleration of opposition was the hardest thing for a new democracy to learn. A generation later, Lawson (1993) argued that constitutional opposition is a necessary condition for democracy. And of course Dahl's (1971) definition of polyarchy, the prerequisite for democracy, is built around contestation and competition, characteristics of political opposition.

No political analyst questions the centrality of opposition in democracy. Everybody acknowledges that democracy cannot exist if citizens do not have the right to say no to their government. It is therefore puzzling that few articles or books focusing on the relationship between democratization and opposition have been published recently.

This paper aims to encourage debate about political opposition in new and restored democracies. It does so by addressing four questions. First, the paper considers what theorists have said about political opposition generally. It then moves to examine the various forms that political opposition takes. Third, there is an analysis of selected cases of political opposition in a number of Latin American countries that gives particular attention to Nicaragua. The study concludes with some suggestions for further investigation of and thinking about opposition in the context of democratic political change, particularly of institutionalized opposition that extends beyond political parties and legislatures.

OPPOSITION AND DEMOCRACY

In the eighteenth century, Diderot declared: "The right of opposition, it seems to me, is a natural, inalienable, and sacred right." (quoted in Ionescu and Madariaga 1972:29). To later thinkers opposition became an essential part of democracy, the natural consequence of a free, rational being's liberty to voice opinions and share in governing. Democrats of all but the most revolutionary persuasion are attached to the principle of political opposition and will defend it ardently. But what are they defending? What is political opposition's role in building and sustaining constitutional democracy? And why is opposition central to our views of democracy?

As a political concept, opposition refers to a conscious effort to keep those with state power from exercising it in a certain way. At its broadest, it is coextensive with political conflict and dissent. At its narrowest, it is synonymous with party opposition in a legislature. In autocratic states, open, organized opposition is discouraged if not repressed. In constitutional orders, where government functions according to laws, opposition is accepted as a normal condition of public life and tolerated, at least as long as it stays within prescribed limits. In an ideal democracy opposition is encouraged, because it makes governments defend their decisions, assures the ventilation of opinions, and fosters debate. But the important thing is that success is possible. An opposition party can assume the reins of government, a citizen's movement opposed to some policy can see its views become law, and this happens within a legal framework that lets future oppositions know that they too can win.

Perspectives on Opposition: Analysts agree that opposition is integral to democracy. Ionescu and Madaraiga hold that "the presence or absence of institutionalized opposition can become the

criterion for the classification of any political society into one of two categories: liberal or dictatorial, democratic or authoritarian, pluralistic-constitutional or monolithic (1972:16). Along the same lines, Lawson asserts that constitutional political opposition is the *sine qua non* of contemporary democracy in mass polities and that its institutionalization in some form or another is required before a regime can be called >democratic= with any real meaning (1993:192; emphasis in original). Further, most commentators stress the role of political parties and legislative oppositions. Lipset defines democracy as a system of institutionalized opposition in which the people choose among alternative contenders for public office (1967:40). Dahl is even clearer, stating that A...one is inclined to regard the existence of an opposition party as very nearly the most distinctive characteristic of democracy itself, and we may take the absence of an opposition party as evidence, if not always conclusive proof, for the absence of democracy (1966a:xviii).

Political science starts from these positions when thinking about political opposition and democracy. Institutionalization matters, because opposition has to be a permanent part of the political system if it is to function according to the system's rules and conventions. It is not enough for one administration to accept opposition; unless all governments coming to office in a country acknowledge that dissent, channeled in known and constitutionally acceptable ways, is legitimate, oppositional rights are insecure. The focus on parties, elections, and legislatures is equally understandable. Only parties can contest elections effectively; so without them there is no legal, constitutional way for citizens to turn out an administration they oppose. Legislative oppositions -- whether an alternative government in a parliamentary system or the legislature as an institution in a presidential system -- are also crucial to democracy, because, at a minimum, they formulate critiques of government policy that let citizens assess an administration's performance. Yet this focus is too narrow.

Dahl (1966b; 1973), for example, notes that differing goals, sites, strategies, and the characteristics of specific political systems open oppositional avenues for political actors besides parties. Experience with the political world tells us that Aan enormously wide array of political forces, not just parties, can decide to array themselves against government (Close 1985:162). Some of these are actually parts of the state (municipalities, for example), but most are extra-governmental. Some of this latter group are fixtures in the policy-making process (business, labor, professional organizations or major corporations) and accepted as part of normal political life. Thus, they too are part of the regular, institutionalized process of government and opposition in a democratic state.

Paying attention to opposition outside government is even more important now than in the past. While there have always been protest movements, including insurrectionary groups, current emphases on public-private partnerships, civil society, and themes related to governance¹ make it imperative to include an ever wider range of non-governmental organizations among the institutional agencies of opposition in liberal democracies. As these forces are both parts of a constitutional order and regular political actors to whom a government must pay attention, they belong in the ranks of the institutionalized opposition. We return to this theme in a later section.

Opposition and Democratization: Even though opposition is an essential part of democratic government, it does not evolve automatically. Even in long-established constitutional democracies, governments do not like opposition. Where there is no history of having to tolerate opponents, suddenly having to suffer criticism, face procedural delays, and even see projects fail

must be especially hard to take. Evidence from the earliest years of US national government (Lipset 1967: 40-51) shows how easily the world's first constitutional democrats fell into repressing and suppressing political foes.

This disposition to minimize or control opposition is also apparent in contemporary transitional democracies. O'Donnell (1994) devised the concept of a delegative democracy to describe instances where a president or prime minister accepts open electoral opposition but systematically weakens the legislature and other organs of the state that oppositions use to check the executive between elections. Conventionally portrayed as a chief executive's effort to avoid the continuing oversight of a horizontal accountability, one arm of government monitoring another, delegative democracy also seems to be the form that resistance to opposition takes in imperfectly and incompletely consolidated democracies. As such, delegative democracy can be treated as a democratic transition gone wrong, because it truncates opportunities for democratic opposition to government.

Most Latin American states have historically provided few opportunities for democratic opposition to government. Dix (1973) is one of the few authors who has addressed this matter systematically. Though his work predates both the current democratic wave and the earlier rash of democratic breakdowns, its insights are applicable to any new democracy anywhere. We need to remember, for example, that, except in countries where civic oligarchies formed toward the end of the nineteenth century, opposition to government seemed a recipe for instability, if not a prelude to civil strife (293-295; Diamond, Hartlyn, and Linz 1999: 13-14). In such circumstances, a prudent political class could sensibly foster a political culture skeptical of the value of opposition. Further, in conditions of material scarcity, controlling the state can be the difference between penury and prosperity, so it would be a foolish government indeed that would encourage criticism or accept defeat willingly.

In many third wave democracies, not solely in Latin America, material conditions are not altogether different from those just described. Rational political actors, now as then, could decide to restrict the space they allow their opponents. However, whereas as recently as the 1970s governments seldom had to worry unduly about whether constraining their opponents affected democratic principles, today they must. Citizens of an increasing number of countries expect to be able to choose among alternative governments at the polls and to hear a range of perspectives emerge in discussions of public issues. Transitional and consolidating democracies must construct ways to accommodate opposition if they wish to remain democracies.

VARIETIES OF OPPOSITIONAL POLITICAL BEHAVIOR

We conventionally speak of the opposition but any democracy actually hosts a plurality of oppositions (Blondel 1997). Some of these oppositions are content to alert the public to what they see as flaws in government's behavior, but others seek corrective action. Oppositions also work in different sites: legislatures and elections, through the media or the bureaucracy, and in the streets. And not all oppositions have the same targets. Some are policy-oriented, looking to change or stop government action in a specific field; others are politics-oriented, demanding a review of basic institutions (courts) or principles (progressive taxation); and still others form systematic oppositions that dispute entire constitutional orders (Neunreiter 1998:429). Finally, there is more than one way for an opposition to express dissent. Opposition as protest uses unconventional, often confrontational, direct action. Opposition from pressure groups or elements

of civil society may choose the media or to lobby parties outside government. Legislative opposition employs the tools that the rules of the chamber offer. Yet all oppose government.

Opposition within State Institutions: Included here are electoral opposition, parliamentary opposition, inter-branch opposition, and inter-level opposition. In all cases, the institution can simply be the site of opposition brought from outside, although it or its members may originate the dissent. Such opposition normally is constitutional and pacific. It can, however, target policies, broader politics, or the system itself.

Electoral opposition is a pre-requisite for democracy. Two or more candidates or parties confront one another pursuing victory. Where one of the candidates or parties is an incumbent complaints about its record often dominate the campaign. Even contestants with little chance of winning use the campaign to promote their positions and criticize the incumbent.

Equally familiar is parliamentary opposition. It is most obvious where parties are disciplined and roll-calls reflect partisan allegiance, but ad hoc coalitions of like-minded legislators are equally able to question and criticize the majority's proposals. And while we tend to think first of parliamentary opposition occurring on the floor of the chamber, it can also be carried on in committees.

Competition between the branches of government is another source of opposition. Legislative-executive conflict is the most common form and can be prompted by matters of principle (institutional prerogatives) or by partisan concerns. Independent auditing agencies (controllers, auditors general, or accounting agencies responsible to the legislature) and the bureaucracy can also take oppositional roles.. Evidence from Nicaragua, reviewed below, is pertinent to the former. The best example of an oppositional bureaucracy comes from the Canadian province of Saskatchewan, where the first social democratic government elected in North America in 1944 saw its programs hamstrung by civil servants still loyal to the previous government (Lipset 1968 [1948]).² Finally, the military has long been a potent opponent of governments in Latin America, Africa, and Asia.

Courts, too, frequently serve as oppositional instruments. Often used in federal systems to resolve questions of jurisdictional competence, the US courts were also employed by African Americans to claim equal rights while the president and Congress tolerated segregation. In a similar vein, Correa Sutil (1999) notes that the poor in Chile are increasingly turning to the courts to press demands that the elected parts of government ignore. And highly controversial issues that elected politicians want to avoid, like abortion rights, can often be raised only through the courts. These efforts are oppositional because they seek to change what a government does.

A final class of intra-institutional opposition arises between levels of government. Federations are the most familiar cases, and an example from Brazil is treated later, but cities can also contest central government initiatives. Though Latin American municipalities have historically had too little autonomy to effectively oppose national governments, the recent downloading of responsibilities to the local level may change that.

Opposition from Outside Government: All the above classes of opposition are linked to permanent, legally established state institutions. They are thus permanent or at least recurrent political fixtures, and we cannot imagine a democracy functioning without them. But criticism of government positions also comes from organized interests, civil society (less organized interests),

the media, and public opinion. Democratic governments do not have to take opposition from these sources into account, except as elections draw near. However, citizens expect to be heard, even listened to, and administrations that fail to do so lose elections and can make government look unresponsive and illegitimate.

Some extra-governmental opponents of government will be acknowledged, if not always heeded, because their importance assures them access to policy-makers. Important unions, business associations, and large corporations are in this category. Similarly, political movements must be taken into account. These are commonly single issue groups, ranging from ad hoc organizations (Konings 1996) to more permanent groups like Greenpeace. Always essential to democracy, citizens' movements assume greater significance as the shrinking state leaves more room for initiatives from civil society and politics without parties (Jordan 1998) accounts for larger portions of political activity. In countries with little history of voluntary associational life, true in general of Latin America, this marks a clear break with the past and may pose unanticipated challenges to the consolidation of democracy.

Protest as Opposition: This is where we find all strongly contentious and unusual forms of opposition (Tarrow 1998), from peaceful demonstrations to guerrilla insurgencies. Two issues emerge here: 1) whether a government interprets such actions as political gestures or as simple lawlessness; 2) the extent to which protest is classed as disloyal. These concerns are most salient where governments have faced insurgencies or where the structure of political opportunities (Kitschelt 1986; Brockett 1991; Tarrow 1998) leaves few other options.³

Protest itself can become a political institution under one of two conditions. In the first, an opposition political party uses a strong extra-parliamentary presence to enhance its political weight. Currently, Nicaragua's Sandinistas are the best example, but Argentina's Peronistas or any other party with a mass base can combine parliamentary and extra-parliamentary oppositional tactics. Thus, protest can be a partisan tactic and an expected weapon in the arsenals of some parties. Protest can also become institutionalized as the favored instrument of cause groups, politics crusaders (Ridley 1998). Though most likely to have arisen in the past due to governmental unresponsiveness, in consolidated democracies today direct action can be the tactic of choice, either alone or in combination with more conventional interest group tactics, for organizations like right-to-life groups.

Protest occasionally turns violent, but even when protest leaders approve the use of force protest is still operationally distinct from insurgency, the most difficult and dangerous form of opposition a state can confront. Subversive and violent by nature, insurgencies give repressive regimes cause to proscribe all opposition and can so debilitate moderate governments that democracy appears a sham. Over the past thirty years⁴ there have been guerrilla movements causing significant internal warfare in eight Latin American states (Mexico, Guatemala, El Salvador, Nicaragua, Colombia, Peru, Uruguay, and Argentina) and most other countries have at least minor episodes of political violence. While most guerrilla insurgencies grew in dictatorships, some did emerge in countries that allowed some freedom of political action and expression. In the following section we note the effects of guerrilla activity on democracy in Colombia.

POLITICAL OPPOSITION IN CONTEMPORARY LATIN AMERICA

In 1975, just a quarter century ago, political opposition was either repressed or constrained in most of Latin America. Only Venezuela and Costa Rica had institutionalized oppositions that functioned freely. Elsewhere, though no regime ruled uncontested, much oppositional activity occurred outside the law. Now things have changed dramatically. Only in Cuba, where a revolutionary vanguard governs, is opposition proscribed. Everywhere else the right to openly contest government actions is accorded at least formal recognition.

This section of the paper looks briefly at the state of opposition and democracy in four countries (Argentina, Brazil, Colombia, and Mexico), using each to illustrate one or two forms that political opposition takes in Latin America today, and gives a more detailed analysis of conditions in a single country (Nicaragua). It does so to provide empirical referents for the more abstract points made earlier, thus to allow more productive theorizing about how opposition becomes institutionalized in consolidating democracies.

Argentina: Two events mark the development of political opposition in Argentina since 1990. The first is President Menem's construction of a model delegative democracy; the other is the broad movement that emerged to resist Menem's quest for a third consecutive term in office.⁵ As a proper delegative democrat Menem took advantage of a severe economic crisis to concentrate power in his own hands. He used decrees to implement his program although his Peronistas controlled both houses of congress (Larkins 1998). Yet elections continued to be held, even though they produced opposition gains. The media, print and electronic, remained free. And opposition parties functioned without constraint. Was Menem showing us how a democratic caudillo acts: arrogating decisional power to himself while tolerating opposition?

Even more interesting is what happened to Menem when he tried to extend his mandate from two consecutive terms to three. In 1994, Menem secured a constitutional amendment that allowed a president consecutive terms of office. Four years later the president started his ultimately unsuccessful campaign for a third straight term (what Argentines called his re-re-election) that ran until just four months before the October 1999 presidential elections. The president failed for two reasons. One, the public disliked him: at the end of 1998 only 18 percent of those polled viewed Menem favorably (P12 1998.12.28:3). Also working against Menem's hopes was the ambition of a strong Peronista competitor: Eduardo Duhalde, governor of the province of Buenos Aires. Yet Menem risked splitting the party by constantly hedging his bets; now saying that he would push for a constitutional amendment (LN 1999.02.25:1), later declaring that the courts would have to decide before he would desist (CD 1999.03.02). And while the Peronistas lost the election, Menem was unrepentant: the day after the vote his supporters were out with their "Menem 2004" posters.

Even if we discount the factor of intra-party competition and opposition, which is not a monopoly of democracies, the president's insensitivity to public opinion is significant. Even a delegative democrat is supposed to heed electoral portents, so Menem's failure to consider the views of the mass of voters is hard to understand. Presumably, however, Duhalde correctly gauged the depth of popular opposition to Menem's return to office and used this to win his party's nomination.

Brazil: As befits a large and complex country, Brazil offered a rich and variegated tapestry of oppositional activity in the last decade of the twentieth century; however, we shall examine only two examples, both from the late 1990s. There is always conflict in a federal system between the central and regional governments over revenues. Yet when former president and current governor of Minas Gerais declared a 90-day moratorium on his state's debt, apparently in hopes of getting more federal transfers, he unleashed a maelstrom that had profound consequences for the whole country (NYT 1999.01.25; G&M 1999.02.02). Eventually, President Cardoso had to negotiate a settlement with Franco and other dissident governors (ESP 1999.02.17; DN 1999.03.01). Much though the president might have wanted to bring Franco and the other governors forcefully to heel, their ability to frighten currency speculators allowed them at least to get a hearing.

The second example of Brazilian oppositional politics is the Movimento dos Sem Terras (MST). Founded in 1984, the movement organizes landless peasants to occupy land that is not being used productively, aiming to get the government to expropriate the property and redistribute it (MST 2000).⁶ Though no stranger to violent conflict, landowners have formed militias to repel occupations (FSP 1998.03.30), MST protests in the drought-stricken northeast in 1998 that led to the sacking of grocery stores (FSP 1998.05.06) were particularly conflictive. These brought the arrests of a number of MST leaders (DN 1998.05.11) and saw Brasilia offer federal troops to the states to stop the attacks (FSP 1998.05.25). Here, opposition spilled over constitutional limits, as the MST probably knew it would, and produced confrontations and jailings. What is encouraging is that the state did not respond with a total crackdown on the movement, though it did respond to confrontational opposition with force..

Colombia: Colombia's contribution to the story of political opposition in Latin America is its continuing guerrilla conflict. In particular, the attempt by President Andres Pastrana to build constructive peace talks with the FARC (Revolutionary Armed Forces of Colombia) merits attention. The problem facing Pastrana is how to bring long-time guerrillas (the FARC and the ELN, the Army of National Liberation) and their private counter-insurgent counterparts (the Autodefensas Unidas de Colombia) into productive negotiations that will result in the peaceful reinsertion of these groups into society.

Earlier attempts by the Colombian state to reintegrate insurgents have failed (Boudon 1996; Hartlyn and Dugas 1999), in part due to the actions of the drug cartels. There has also been resistance to the peace process from the ranks of the political establishment (Richani 1997). And the guerrillas reduced the chances for by murdering municipal officials as a way to impede elections: most of the 190 assassinated municipal councillors and 26 murder mayors around Colombia from 1 January 1995 through 31 December 1997 are attributed to the guerrillas (Tickner 1998).

The main political resource of a violent opposition -- guerrillas or autodefensas -- is violence. This does not deny that insurgents and counter-insurgents have political agendas and do political work. It only notes that, when pressed, a violent opposition can reach back to its most useful tool. This is what both the ELN and the Autodefensas have done to try to enter the FARC-government negotiations (FOCAL 2000; Semana 1999.10.11).

How a democratic government ought to react to this is unclear. The recipe of counter-insurgent theory, reform and repress, is doubtless correct, but hard to apply. Faced with violent

opponents who are not constrained to negotiate, Colombia's government could reasonably decide to abandon democratic responses to its violent opposition.

Mexico: Political opposition in Mexico until recently could be licensed, suppressed, or harassed; but it could never be free, much less effective. This began to change in the nineties. In fact, it is only in the last decade that Mexicans have seen real opposition in federal elections and effective legislative opposition in the federal Chamber of Deputies. Now, from the traditional view of opposition that stresses parties and legislatures, Mexico is a success story.

Dominguez and Poire (1999) present a series of studies of the 1994 and 1997 federal elections. They stress the cumulative impact of institutional reforms, deteriorating performance by the PRI administration, and growing presence of PAN, PRD, and PAN-PRD governments in the states and cities in bringing Mexico a really functioning opposition. Although a full consideration of the state of oppositional politics in Mexico would consider Chiapas and the Zapatista insurgency, as well as the means of coercion and fraud that still remain under the state's control (Oppenheimer 1997), political opposition is unquestionably freer and more far reaching than it was even a decade ago.

Nicaragua: Nicaragua merits extra attention because its political leaders like to reach agreements with their political foes to limit competition. Further, the country's journey from revolutionary democracy toward constitutional, representative democracy that began in 1990 has been accompanied by high levels of conflict. Sorting this out requires a bit of historical background.

Pactismo, the practice of governments making deals with their opposition, dates from the Somoza era. In 1950, Anastasio Somoza Garcia, president of the republic and leader of Nationalist Liberal Party, cut a deal with Emiliano Chamorro, the Conservative caudillo, that gave the Conservatives one-third of the seats in Congress, and a similar number of judicial and administrative appointments, regardless of how badly they lost an election. As they were sure to lose any election run by the Somoza administration, the Conservatives doubtless thought they had a good deal. Anastasio Somoza Debayle followed his father's lead in 1972, giving the Conservatives 40 percent of the available public positions. In both cases, the Somozas gained a large block of willing collaborators. For most Nicaraguans, the outcome was irrelevant, because the Dynasty (as the 43-year reign of the Somoza family over Nicaragua is called) brooked no real opposition.

The Sandinista Revolution of 1979 made some changes to that system. Although the FSLN (Frente Sandinista de Liberacion Nacional) administrations between 1979 and 1990 repeatedly made concessions to an array of opposition groups and parties, these were less pacts than co-optive gestures made by a hegemonic party. The revolutionary government's opponents did not get assured public posts, but they did get some laws changed to give them a better chance to get a share of power and were allowed a measure of freedom to criticize the government.

When the Sandinistas lost power in 1990 they made it clear that they were not interested collaborating with the victors, the National Oppositional Union (UNO) of President Violeta Chamorro, but promised to govern from below. However, when the president's more moderate wing of the UNO lost control of the legislature to the party's most committed anti-Sandinistas, the FSLN formed tactical, ad hoc alliances with the administration. Called Acogobierno, this Nicaraguan form of cohabitation was derided by opponents of both the Chamorro administration

and the FSLN as a bizarre left-right pact. In reality, it closely resembled the bipartisan deals that US presidents make with congressional opponents, including some from their own party (Close 1998: 109-112).

Much more dramatic than co-gobierno were the charged relations between the Chamorro administration and the National Assembly that was in the hands of nominal partisans of the president. In 1992, a former Chamorro loyalist, Alfredo Cesar, broke with the administration over how to handle claims for property expropriated by the revolutionary government. The result was a legislative coup that eventually saw the installation of rump parliament, a supreme court decision voiding all the acts of that body, and the installation of an Assembly executive more friendly to President Chamorro (Close 1995: 61-64). Three years later, parliament and president again crossed sword, this time over constitutional reform. Though the details are interesting, what is significant here is the institutional gridlock between the branches that brought Nicaraguan government to a near halt from 24 February to 15 June 1995 (Close 1998: 147-161). Opposition functioned freely, if not always responsibly, during the six years of the Chamorro presidency.

Losing a second consecutive election (1996) changed the Sandinistas' perspective on pacts, for they concluded one with the Constitutional Liberal Party (PLC) of President Arnaldo Aleman. This pact, pronounced a *done deal* in August 1999 (Chamorro 1999), is literally an alliance between the PLC and FSLN to back a package of constitutional reforms. The contents of the package,⁷ worked out between representatives of the two parties through year-long negotiations, greatly strengthen the presidency relative to the other branches of government and politicizes what were relatively non-partisan institutions. That a president wants such changes is unexceptional; that the largest minority party in the legislature, who are bitter foes of that president, also support them suggests that Nicaragua's political elites want both formal accountability and effective opposition reduced.

Despite the pact, however, the Sandinistas use every tool available to them to oppose the Aleman administration on other issues: the National Assembly, their own TV station, as well as protest. This continues a pattern set during the Chamorro administration which saw the FSLN meld several oppositional strategies to maximize its bargaining power. Among the tactics used have been boycotts of legislative sittings, backing unions and university students who take direct action against the government, and recourse to the courts (Close 1998). So there is an active and institutionalized party opposition in Nicaragua, even if it operates selectively.

More intriguing than conflicts between Sandinistas and Liberals is the inter-branch conflict that arose between President Aleman and Controller General Agustin Jarquin. This was a test of personal wills -- the two clashed repeatedly between 1990 and 1995, when Aleman was mayor of Managua and Jarquin a city councillor -- and institutional prerogatives, that was won by the president. The dispute started with Jarquin's 1998 anti-corruption initiative (NNS 1998.07.28:2), for which the controller sought the president's support. Since this followed closely on the heels of the *Narcojet scandal*, which involved the apparently innocent purchase by the government of a Lear Jet that its pilot then used to smuggle drugs, the administration reacted nervously. Shortly after announcing this campaign, Jarquin indicated that he would also investigate rumors that the president misspent public funds by taking friends and family on an official trip to Argentina and Uruguay (Notifax 1998.08.17:3).

From there the conflict escalated, with the administration accusing Jarquin of partisan prejudice, because he was moving more slowly in his investigation of charges of corruption

against the Chamorro government than with cases involving Aleman's administration. Prominent among this latter set of cases were the controller's concerns about how the president's personal wealth had increased three-fold during his time in office (Mesoamerica February 1999:7). The president quickly responded with his own charges of malfeasance and corruption against the controller, and things became so heated that a local human rights groups sought judicial protection for Jarquin's life and person (ND 1999.02.12). Aleman had warned Jarquin that the time had come to play hard ball (CAR 1999.03.05: 4) and he apparently meant it. In November 1999, Jarquin was arrested and jailed without trial; he was released just before Christmas 1999, but only after a ~~passed~~ constitutional amendment turned the Controller's position into a five-person office (NNS 1999.11.07; 1999.12.05; 1999.12.20; 2000.01.24).

Throughout the conflict between the president and the controller the Sandinistas, the other opposition parties, the press, and public opinion expressed through demonstrations supporting Jarquin all came out against the administration. So Nicaraguans stood united against the high-handed harassment of the controller. But the FSLN still joined the PLC in supporting constitutional amendments that arguably weaken the controller's office as an institution. Opposition and accountability are obviously distinct concepts, but one can wonder if a willingness to foreshorten accountability's reach does not lead down the path to restricting opposition.

A final question that arises from the Jarquin-Aleman dispute asks what happens if independent agencies act in an oppositional fashion. Where is the line between pursuing a president or deputy, because he or she is acting improperly or because a policy threatens the agency's autonomy, and doing so for personal or partisan purposes? And who is to draw it? Politicians will choose the narrowest limits possible and agency will claim to act disinterestedly. This can be problematic in settled democracies, but Nicaragua's recent experience indicates that coping with criticism from within the state is a major challenge in consolidating systems.

CONCLUDING THOUGHTS

Though a thorough survey of all Latin American nations and a more rigorously derived set of analytical categories might have produced a different balance, the picture that shapes up after this overview is generally positive. The steady broadening of space for electoral and legislative opposition in Mexico is encouraging, as are the temperate responses of the Brazilian government to unruly state administrations and a highly contentious and confrontational protest movement. Even the troubled approach toward its violent opposition that the Colombian government is trying shows flexibility and commitment, although positive results may not be forthcoming. Optimism is also appropriate when considering the evidence from Argentina, for not only did a very powerful president leave opposition forces (parties, press, groups, public) free to criticize him, but opposition to Menem's quest for perpetual public office arose from all corners (even his own party) and stayed within the bounds of constitutional civility. Only Nicaragua gives cause for concern.

Nicaraguan pactismo may be an entrenched part of that country's political culture, but the thirst for partisan advantage at any price that it represents does not bode well for a democratic future. It may be objected that there is no harm in two parties, even if they detest one another, collaborating on a project of common interest. Thus, if both the FSLN and the PLC want to change the Nicaraguan constitution to weaken the legislature, the courts, the controller, and various other agencies, while putting more power in the president's hands, so be it. Unfortunately,

given that protest continues to be a big part of Nicaraguan politics, closing official channels to opposition forces may only put them behind barricades and give the government, Liberal or Sandinista, reason to shrink the space available for legitimate political contestation.

Besides the conditions under which oppositions work in specific countries we are also interested in the extent to which opposition is an institutionalized political given. Save for Cuba and possibly Peru, all Latin American nations accept electoral opposition. As well, since presidents can sometimes ignore legislative opposition, this too seems to be generally accepted where opposition is tolerated at all. Institutionalizing opposition from auditing agencies has more ground to cover, if Nicaragua is any indication.

It is with regard to the institutionalization of opposition from outside government, especially non-protest opposition, that the most questions remain. This is partly a problem of not having enough data, so the attention currently given to civil society may clarify the situation. However, it would be better to study the question of opposition directly. That project will require case studies and comparative analyses of countries, institutions, and conjunctures to create a sound empirical data base. The enterprise also demands sober and sophisticated theorizing about questions ranging from the nature of opposition in a contemporary to democracy to such concrete matters as how institutionally weak legislatures can most effectively constrain strong administrations.

The last substantive point to consider is the practical question of whether oppositions win. This paper looked only at the breadth of opposition, the forms it takes in contemporary Latin America; it did not consider what the various oppositions counted as success. Answers from the electoral arena are easy to find, but assessing the effectiveness of a legislative or inter-level opposition takes more digging, especially if the opposition decides that raising awareness is as important as changing laws. The problem carries over to the extra-governmental sphere intact, because one again has to know the objectives of those involved before declaring if they have won or lost. This again calls for both richly descriptive studies of oppositions and their tactics, and subtle theorizing to account for the varying shades of opposition that are sure to surface.

Unquestionably, there is more room for opposition in Latin American politics now than there has ever been in the past. It is also clear that, on balance, this opposition has acted responsibly and constitutionally, a generalization that necessarily excludes insurgent oppositions. There really should be no surprise that the symbiotic relationship found between oppositional health and democratic well-being at other times and in other places is also present in Latin America. What should engage our attention, now and in the future, are the precise forms that this relationship assumes in the full range of institutional settings that Latin American politics offers.

Notes

1. In this case **A**governance@ is best defined as **A**self organizing, interorganizational networks@ (Rhodes 1996:652); cf. Williams and Young (1994) and Stoker (1998) for different definitions of governance.

2. It is easy to imagine patronage-based bureaucracies opposing governments of another party, but even a public service founded on the merit system could impede an administration's policies. There seems to have been little bureaucratic opposition to the application of structural adjustment policies, but one can wonder if public servants who believe wholeheartedly in neoliberal economics and minimal government might not find it hard to deal with a more activist, interventionist public agenda, should voters decide they have had enough austerity.

3. The concept of a political opportunity structure is useful because it reminds us that political interests will look for ways to represent their interests before government, even when official channels are closed to them. The roots of the notion are likely in the **A**protest as a resources@ school that emerged in the sixties. Reflecting on period since then it becomes clear that some strategies and tactics (demonstrations, occupations, and sit-ins, for example) have evolved into legitimate, if unwelcome, political instruments; that is, they have become institutionalized.

4. I chose thirty years as the reference period for insurrections because it includes the case that led to the breakdown of Uruguayan democracy.

5. This excludes the creation of the Alianza in 1997 that brought together the venerable Radicals (UCR) and the new, center-left FREPASO to form a party that successfully contested Congressional elections in 1997 and won the presidency in 1999. It also omits the many instances of provincial opposition to federal economic policies and numerous cases of organized groups turning to protest to oppose government measures.

6. Its methods work. The MST has succeeded winning title to over 15 million acres of land for more than 250,000 families (MST 2000).

5. The deal will allow amendments that, inter alia:

1. increase the number of CSJ magistrates from twelve to sixteen;
2. increase the number CSE magistrates from five to seven;
3. neutralize the CGR by making it a collective body;
4. permit those holding dual citizenship to seek office;
5. amend the Electoral Law, which has constitutional rank and so can be changed only with a 60 percent majority, to favor large, established parties. (Mesoamerica June 1999: 6; Notifax 1999.08.08: 2).

There were also signals in January 2000 that President Aleman wants to call a constitutional convention to propose amendments that would let him seek a second consecutive term. The Sandinistas oppose this.

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