



# Party Law in Modern Europe

The Legal Regulation of Political Parties in Post-War Europe

## Legitimizing political party representation?

### Party law development in Latin America

Fransje Molenaar

Leiden University

[molenaarff1@fsw.leidenuniv.nl](mailto:molenaarff1@fsw.leidenuniv.nl)

The Legal Regulation of Political Parties

Working Paper 32

July 2013



European  
Research  
Council



UNIVERSITY OF  
BIRMINGHAM

© The author(s), 2013

This working paper series is supported by the Economic and Social Research Council (ESRC research grant RES-061-25-0080) and the European Research Council (ERC starting grant 205660).

**To cite this paper:** Molenaar, Fransje (2013). 'Legitimizing political party representation? Party law development in Latin America', Working Paper Series on the Legal Regulation of Political Parties, No. 32.

**To link to this paper:** <http://www.partylaw.leidenuniv.nl/uploads/wp3213.pdf>

This paper may be used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

ISSN: 2211-1034

## **Legitimizing political party representation? Party law development in Latin America**

Over the last decades Latin American countries have increasingly limited access to the representative process to ideal-typical political parties. This raises the question to what extent parties' exclusive claims over the representative process can be legitimized through legal validation. A discussion of instances of cartelizing party laws shows the limits of this strategy, as these attempts all collapsed under demands for political change. A similar backlash is visible in cases where the rejection of parties' representative claims led to their deregulation. The legal validation of political parties is hence not sufficient for the legitimization of the political status quo in terms of party. Instead, this paper shows that elites that build their power merely on the formal rules of the game risk eating away at the political legitimacy of the system that these rules seek to uphold.

### **Introduction**

One explanation for the development of party law<sup>1</sup> that often comes up in the literature is an instrumental one in which political elites use the legal regulation of political parties to carve into stone their claims over the representative process. These claims may take on the form of the promotion of the institution 'political party' over other representative bodies such as social movements. In such a situation, only parties are appointed the right to present candidates for elections. In more extreme cases, specific parties may also strengthen their position within the representative process vis-à-vis other parties through cartelistic (cf. Katz and Mair 1995) or even monopolistic uses of party law. This means that the law becomes a tool for the maintenance of the parties' own position in the representative process while simultaneously putting up barriers to new contenders. As a result, political elites establish an exclusive claim over representation through the formal rules of the game – thereby legitimizing the existing political status quo.

Party law can be used in such an instrumental manner because legal validation is one of the dimensions that underlie the legitimacy of authority (cf. Beetham 1991). Given that the law formalizes the political rules of the game, party elites can use the law to

---

<sup>1</sup> *Party law* is the general denominator for the legislative work on political parties embodied in the constitution, political party laws, political finance, electoral and campaign laws, and related legislative statutes, administrative rulings and court decisions.

establish the type of institutions that may participate in the representative process. A question that arises is to what extent party law can be used to establish such dominant claims over representation. On the one hand, the proliferation of party law in the present era (Karvonen 2007, Casal Bertóá, et al. Forthcoming 2013, van Biezen 2012, Zovatto 2006) suggests that the law has become a powerful instrument for the legal validation of parties' dominant position in contemporary democracies. On the other hand, legality is but one of the dimensions that constitutes legitimacy. As such, changes in the other dimensions that together constitute legitimacy – such as social demands for political change or the rise of political outsiders that contest party system inertia – have the potential to undercut claims over power build solely on legal validation.

In order to investigate the legitimizing potential of party law, this study traces the development of party law from its first appearance in the early 20<sup>th</sup> century to the development of party law in post-transitional Latin America. The Latin American region is a good test-case for claims about party law more generally, as these countries are very active designers and reformers of party law (Nohlen, et al. 2007, Zovatto 2006, Gutiérrez and Zovatto 2011). It is a laboratory where experiments at regulating political parties are performed on a continuous basis, and as such, it can provide insightful theories and examples for the development of party law on a global scale.

This paper shows how Latin American democracies increasingly define the representative process in terms of ideal-typical political parties. More detailed descriptions of episodes of cartelizing use of party law show that such practices are often followed, however, by a backlash when society and new elites contest parties' monopolization of representation. A similar backlash is visible in those cases where the rejection of parties' claims over the representative process is followed by their deregulation. The fact that party law often shifts back and forth between the promotion and restriction of parties shows that party law is not a sufficient cause for the establishment of parties' political legitimacy. Instead, elites that put too much of a focus on the formal rules of the game run the risk of eroding the legitimacy of the political institutions that these rules seek to uphold.

## **The legitimizing power of party law**

By creating specific rules on who may or may not participate in the representative process through the promotion or prescription of political parties, party law regulates the acquisition of power through formal and informal rules. On the one hand, this may create a very useful tool in the hands of political elites that seek to legitimize their authority. As noted by Beetham (1991), legal validity is one of the dimensions underlying legitimate authority, and as such, party law can be used to determine which forms of representation are legal or not, thereby creating the possibility for the legitimization of party cartels and monopolies. On the other hand, legitimacy is a social construct resulting from the interaction between power holders and their subjects and “the key aspect of authorities and institutions that shapes their legitimacy and, through it, the willingness of people to defer to the decisions of authorities and to the rules created by institutions is the fairness of the procedures through which institutions and authorities exercise authority (Tyler 2006: 382).” It follows that the legal validation of parties’ exclusive claims over the representative process also contains a component part of popular approval. Indeed, in their restatement of the cartel party thesis – the most blatant use of party law to regulate access to the representative process – Katz and Mair (2009) note that too high a violation of the norms of democratic fairness may create a popular backlash. This paper investigates this tension between popular approval of political parties and their legal validation in more detail to identify the limits to the strategy of legitimizing parties through party law.

In order to get insights into this tension, it is necessary to look at the different ways in which party laws regulate access to the political system. Empirical studies of the character of the legal regulation of political parties show that party laws differ in the way in which they regulate access to the representative process (cf. Karvonen 2007, van Biezen 2012). In its most basic form, no legal validation of political parties’ claims over this process takes place. This type of regulation is best called *permissive regulation*, which merely reflects the role that parties play in the political system and as such permits them to operate freely (Müller and Sieberer 2006: 436, Janda 2005: 9). *Permissive* regulation recognizes that parties are one among various actors that participate in the process of representation but does not ascribe them any substantial advantage over other

representative bodies. This form of regulation of political parties thus does not seek to legally validate a dominant position of political parties in the representative process, nor does it provide them with substantial advantages over other representative bodies.

Party law legally validates parties when it advances political parties' claims over the representative process over those of other representative bodies. This type of legal validation occurs when legislators establish that access to the representative process – i.e. the postulation of candidates for elections – must be structured through political parties. This development is a common one in present-day democracies, where “parties have gradually come to be seen as necessary and desirable institutions for democracy” (van Biezen 2004: 701). Given the important role that parties are ascribed in the maintenance and structure of democracy, the institution ‘political parties’ has become ascribed power over the electoral process at the detriment of other potential representative bodies such as social movements, trade unions, or mafia dynasties. This power is legally established through the adoption of party laws that *promote* parties over others institutions through their active support. In this sense, one may think of explicit rules that stipulate that only political parties may postulate candidates for elections. More implicit forms of promotion occur when the law regulates that only political parties are to receive direct or indirect public funding to compensate them for the costs they incur in the process of political representation. This type of regulation creates tangible advantages for political parties over other representative bodies in the process of political representation. *Promotional* party laws hence have in common that they legally validate the status of political parties as the lynchpin of the representative process.

In light of concerns over party functioning and behaviour, party law may also evolve into a set of regulations that promotes an ideal type of party through the *selective* prescription of democratic standards for parties (Müller and Sieberer 2006: 436, Janda 2005: 14). When legal validation of parties takes on such a *selective* shape, this means that only parties that live up to certain standards are seen as appropriate representative bodies that may participate in the representative process and/or are eligible to receive public funding. This type of law has the potential to create cartel or monopoly party systems practices as it explicitly or effectively proscribes those political parties that do not live up to a democratic ideal or creates systemic advantages for some parties at the

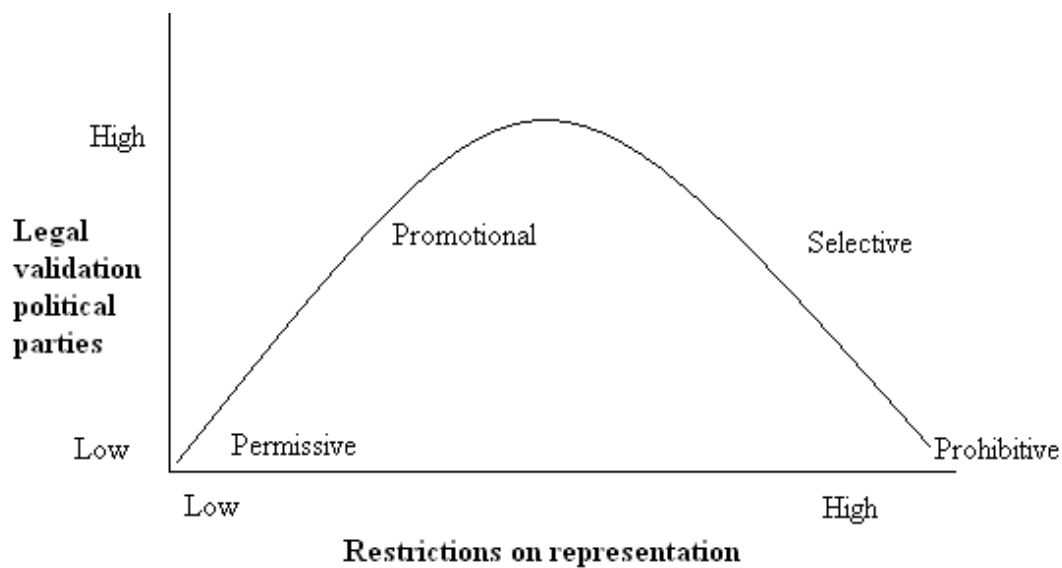
detriment of others. The selective legitimization of parties can take on a number of forms. Under the header of the ‘need to maintain an effective party system’ – and combat party system fragmentation – political elites may prescribe laws that create obstacles for new party formation in the process of registration. Party formation may also be perturbed in those cases where a substantial amount of public funding is available to the established political parties whereas newly formed parties have to make do with their own private resources (cf. the cartel party theory of Katz and Mair 1995). The prescription of democratic standards for internal party organization may lead to extreme cases in which the law controls all forms of party organization and behaviour (Janda 2005: 14). Such *selective* forms of regulation may even lead to the creation of a party monopoly in those cases where only one party is able to comply with all rules and regulations or has access to state resources.

These extreme cases of *selective regulation* of political parties already show how the prescription of specific forms of party organization is closely related to the *prohibition* of all those forms of party organization that do not live up to legal standards. As such, legal validation becomes a tool that ascribes specific parties an illegitimate status. This occurs when parties are proscribed through legal restrictions on the basis of their organization or activities (Janda 2005: 9). In extreme cases of *prohibitive regulation*, political elites outlaw all political parties and legally determine that the representative process is to be structured by other – democratic or non-democratic – means. This means that all political parties have become illegitimate and that they have lost their privileged status in the political system. In some cases this may lead to full-blown anti-democratic regimes. In other cases, the legal regulation of parties may pass back to the permissive stage of party law in which political parties become one among various legitimate forms of political representation.

As becomes clear from the porous borders between these various forms of party regulation, the permissive, promotional, selective and prohibitive categories are ideal-types. The fact that the borders of these categories overlap does mean, however, that the regulation of representation through party law can be depicted as an inverted U-shaped curve (see figure 1). The shape of the curve is based on the degree in which party law legally validates the position of political parties in the representative process and the

degree in which it restricts representation. Parties can only make legitimate claims over the representative process when their power is validated by promotional or selective party law. Under proscriptive and permissive party law, parties cannot or can rely only partially on the law to legitimize their position in the representative process. At the same time, however, the shift from promotional to selective party law entails the creation of more restrictions on representation. This has the potential to create a situation in which contestation of the existing political status quo can no longer be channelled through a representative process that has become closed off to newcomers.

**Figure 1: Inverted U-curve – legal validation of parties and restrictions on representation**



The following sections apply this inverted u-curve to the development of party law in Latin America. Particular attention is paid to those cases where party law shifted towards more selective regulation of political parties. Given the restrictions on representation that come with this shift in party law, it is here that the external events can be identified under which elites use party law to legitimize political parties' exclusive claims over the representative process. This helps us to understand under what circumstances party law is used to impose formal rules on the political game and the consequences this has for party politics in the Latin American region. In addition, the paper focuses on what happened when party law moved in the opposite direction and removed restrictions on representation, as this allows seeing why party law was no longer able to defend the



privileged status of political parties in the representative process. These points in the process of party law development illustrate the limits of the instrumental use of party law. Towards these ends, the following sections create a historical overview of the development of party law in the Latin American region on the basis of existing literature and a database of party laws presently in force in Latin America, which the author herself created.<sup>2</sup>

### **Latin American party regulation in the 20<sup>th</sup> Century**

Latin American party laws have historically reflected the acceptance or rejection of parties as representative organs in the (formal) democratic system. Political parties first appeared on the Latin American political scenery at the end of the 19th century, when liberal and conservative elites solidified their political organizations in the form of political parties (Bowen 2011, Krennerich and Zilla 2007). The first formation of this new institution was not necessarily greeted by political agreement. This is visible, for example, in the 1886 Colombian constitution that explicitly forbade the formation of permanent political organizations (Hernández Becerra 2006). More generally, however, many countries have shown political parties some goodwill, as can be gauged from the early accommodation of these political parties in *permissive* instruments of administrative law and national constitutions from 1910 onwards (García Laguardia 1992, Zovatto 2006).

Uruguay, Costa Rica, and Panamá already made early active efforts at the regulation of political parties, as the institutionalization of conflict through political parties led these countries to introduce laws and tax benefits that provided parties with political advantages such as public subsidies or exclusive access to the representative process.<sup>3</sup> Similar legislative fervor was visible in Nicaragua (Álvarez 2006) and the Dominican Republic (Espinal 2006), which adopted new legal frameworks to establish political stability under United States' intervention. Varying conceptions of the role of parties in these nascent political systems thus led to varying regulatory efforts of parties

---

<sup>2</sup> See Molenaar, F. (2012) for an overview of this database

<sup>3</sup> On Uruguay see de Riz (1986). On Panamá see Valdés Escoffery (2006). On Costa Rica see: Casas Zamora (2005)

through party law. In light of these early developments, one should note that the mention of political parties in legal instruments – and their regulation in particular – was still an exceptional development. It would take other countries several decades to attend to the matter, be it because they lacked a national party system as was the case for Brazil (de Riz 1986), because they were continuously ruled by military dictatorships as was the case for Guatemala (Medrano and Conde 2006), or because they were ruled by a hegemonic party as was the case for Mexico (Orozco Henríquez and Vargas Baca 2006). The limited development of party law is hence reflective of the embryonic stage of Latin American party systems in the 1900-1930 period.

Many of the legislative efforts that had been adopted under democratic regimes did not withstand the rise of anti-democratic actors in the region from the 1950s onwards. The rejection of party democracy in countries under military rule led to the adoption of party laws that outlawed (left-wing) parties or that only allowed for the existence of formal parties to legitimize the authoritarian system (García Laguardia 1992). In the case of Brazil, for example, the military leadership engaged in various legislative efforts that even regulated the provision of public funding for parties (Jardim 2006). In a similar vein, hegemonic party regimes used party law to legitimize the dominant role of the ruling party in the political system, as in the 1942 Constitution of the Dominican Republic (Espinal 2006). Similarly, Paraguay codified the freedom of party formation in its 1964 Constitution in response to international concerns regarding the hegemonic nature of its political system (Bareiro and Soto 2006). The negative conceptions of party democracy that dominated this period, combined with the need to legitimize authoritarian rule in terms of party democracy, were visible in the instruments of party law adopted at the time.

Starting in the 1980s, the majority of the countries in the region embraced democratic governance as the only feasible form of government (Huntington 1991, Hagopian and Mainwaring 2005). With the region's return to democracy, democratic governance and representation through political parties became formally accepted as the only game in town. Although the constitutional codification of parties was not a new phenomenon, many countries expanded their constitutional references to the rights and duties of political parties, and defined democratic principles such as pluralism and

freedom of organization in terms of political parties (Zovatto 2006, Bendel 1998, Bareiro and Soto 2007). In addition, and reflecting the common view that party democracy was a necessary element for the provision of political stability, all countries eventually adopted some form of direct public funding for parties, oftentimes complemented by state-sponsored media access (see tables 1 and 2 for an overview of the years in which Latin American countries introduced direct and indirect public funding for parties).<sup>4</sup>

**Table 1: Year of introduction of public party funding in Latin America**

Country	Year	Country	Year
Uruguay	1928	El Salvador	1983
Costa Rica	1956	Guatemala	1985
Argentina	1961	Colombia	1985
Brazil	1971	Paraguay	1990
Venezuela	1973	Bolivia	1997
Nicaragua	1974	Panama	1997
Mexico	1977	Dominican Rep.	1997
Ecuador	1978	Peru	2003
Honduras	1981	Chile	2003

Source: Gutiérrez and Zovatto (2011: 543)

**Table 2: Introduction of access to public media<sup>5</sup>**

Country	Year	Country	Year
Mexico	1977	Paraguay	1990
Bolivia	1984	El Salvador	1992
Guatemala	1985	Argentina	1992
Colombia	1985	Dominican Republic	1997
Brazil	1988	Peru	1997
Venezuela	1989	Uruguay	1998
Chile	1989		

Source: Navas Carbo (1998) and author's own elaboration on the basis of the laws

The provision of state funding brought with it the obligation for parties to show that this public money was well spent. In addition, preoccupations existed over the undue influence that economic or illegal actors could exert over the political process through financial relationships with party elites. As a consequence, the majority of countries in the

<sup>4</sup> The majority of countries provide public funding for both electoral and more permanent organizational activities. Only five of these 16 countries limited the use of public funding to electoral campaigns, namely Bolivia, El Salvador, Honduras, Nicaragua, Uruguay, and Venezuela (Navas Carbo 1998, Zovatto 2007).

<sup>5</sup> A concern with the discriminatory potential of unequal media access shines through these new provisions of party law. The provision of state-sponsored access to the media need not always provide an important advantage for parties in terms of equality, however, as the more popular private channels often fall outside of these regulations.

region adopted rules on private funding and the rendering of party accounts (Zovatto 2007).<sup>6</sup> These developments reflect a changing conception of parties as ‘public utilities’ (on parties as public utilities, cf. van Biezen 2004) that provide a public service and as such, are both entitled to state support and subject to regulation.

From the mid-1990s onwards, two additional regulatory trends have gained foothold in the region. Concerns regarding inequality in the electoral process, spending excesses, and undue influence of financial and illicit powers have led many Latin American countries to adopt stricter regulations on political party finance. This is best visible in cases such as Argentina, Brazil, and Mexico, which have prohibited the private provision of media access during election time. Instead, parties may only use media access that is provided to them by the state in a – purportedly – equal manner. In addition, many countries have adopted electoral spending limits to prevent spending excesses during elections and have sought to perfect their regulation of political finances by creating more provisions on the transparency and reporting of party accounts and the extension of donation limits. Tables 3 and 4 provide an overview of these new norms in the area of private party funding.

**Table 3: Introduction of spending limits**

Country	Year	Limits for
Brazil	1997	Candidates
Argentina	2002 + 07	Party
Chile	2003	Party + candidates
Colombia	2004 + 11	Party + candidates
Guatemala	2004 + 06	Party
Mexico	2008 + 08	Candidates
Ecuador	2009	Candidates

Source: Author’s own elaboration on the basis of the laws

**Table 4: Introduction of limits to private donations to parties**

Country	Year	Country	Year
Mexico	1996	Argentina	2002
Paraguay	1996	Chile	2003
Costa Rica	1996 <sup>7</sup>	Peru	2003
Brazil	1997	Colombia	2004
Bolivia	1999	Guatemala	2004
Ecuador	2000	Uruguay	2009

Source: Author’s own elaboration on the basis of the laws

<sup>6</sup> To date, El Salvador is the only country that does not regulate private funding of political parties.

<sup>7</sup> This was abolished in the electoral code’s 2009 reform.

Next to stricter regulation of private party funding, the majority of the countries in the region introduced regulation of candidate selection processes, and, to a lesser extent, the regulation of leadership selection and internal decision-making processes. Table 5 provides an overview of the introduction of provisions related to candidate selection. The content of this type of regulation varied substantially across countries. Whereas Honduras, Uruguay and Argentina introduced obligatory primaries for presidential candidate selection, countries such as Mexico and Paraguay merely put down that party statutes needed to regulate the democratic selection of candidates. In Brazil, Chile and El Salvador party law is silent on the matter of candidate selection. As noted by Freidenberg (2006), this does not mean that no democratic candidate selection takes place, as political parties in these countries have also occasionally resorted to the use of internal elections for candidate selection. In some cases the introduction of primaries met severe resistance from the existing political parties – as can be gauged from the cases of Argentina, the Dominican Republic and Panama where party law shifted back and forth between the prescription of party primaries and no regulation at all.

**Table 5: Introduction of regulation democratic candidate selection**

Country	Year	Country	Year
Honduras	1985	Venezuela	1999
Costa Rica	1988	Nicaragua	2000
Colombia	1994	Argentina	2002 <sup>8</sup>
Paraguay	1996	Peru	2003
Uruguay	1996 <sup>9</sup>	Guatemala	2004
Mexico	1996	Dominican Republic	2004 <sup>10</sup>
Panama	1997 <sup>11</sup>	Ecuador	2009
Bolivia	1999		

Source: Freidenberg (2006) and author's own elaboration on the basis of the laws

<sup>8</sup> This provision was not put into practice and was abolished in 2006. In 2009, a new party law reform re-introduced primaries as a selection mechanism for party candidates, which were organised for the first time in 2010.

<sup>9</sup> Uruguay introduced the democratic selection of presidential candidates in its 1996 Constitution. A 1998 law on parties' internal elections further regulated the matter.

<sup>10</sup> In 2004, the "Law on internal elections" sought to introduce national primaries for the selection of party candidates overseen by the Electoral Council. The Supreme Court ruled this law to be unconstitutional.

<sup>11</sup> In 2002 an attempt was made to introduce primaries for all party candidates. The executive changed this reform into the provision that the use of internal elections for the selection of any candidate within the party was optional. A 2006 reform re-established internal elections for party candidates although through elite discretion.

Generally speaking, the regulation of political parties in Latin America has moved from the permissive side of the spectrum to more selective regulation of representation through political parties that depend on public funding, that manage their finances in a transparent manner, and that allow for party member involvement in the candidate selection process through democratic selection measures. With the acceptance of democracy as the only game in town, and the upholding of Schattschneider's (1942: 2) assertion that "democracy is unthinkable safe in terms of political parties that shines through these regulations, Latin American countries have moved to the ever-more pervasive use of party law to limit representation to ideal-typical conceptions of party. At the same time, however, these formal conceptions of party often have little to do with the actual functioning of political parties on the ground (Zovatto 2007, Freidenberg 2006). This discrepancy between formal rules of the game and actual political practices has the potential to create public discontent with parties that are seen to place themselves outside of the law. In order to illustrate this, the following two sections describe more extreme cases where party law moved to even more selective cartelizing forms of regulation or to the deregulation of political parties. These cases allow for the identification of the limits of party law as a legitimation strategy.

### **Selective regulation of political parties**

As noted in the discussion of the history of party law above, the selective regulation of political parties was visible as early as the beginning of the 20<sup>th</sup> century, when several countries sought to institutionalize the privileged position of political parties in the representative process or when a foreign intervention power aimed to create political stability through top-down institutional design. These early examples of the selective regulation of political parties hence point towards party dominance over the representative process or the desire to end political turmoil through the creation of stable party competition as conditions conducive to the creation of selective party law. Over the course of the 20<sup>th</sup> century, selective regulatory efforts appeared in Costa Rica, Mexico, Colombia, Panama, and Argentina, which show similar starting points of either political dominance or political turmoil.

In the case of Costa Rica, the selective regulation of political parties gradually took off in the early 1970s in order to institutionalize the alternation of political power between the two dominant political parties (Hernández Naranjo 2007). In 1988, a political agreement between these two parties resulted in significant changes to the registration requirements of political parties and the provision of public funding. In terms of registration requirements, the legislators raised the barrier for party formation through an increase in the necessary number of signatures and organizational requirements. Regarding political finance, the reform turned the provision of public funding for those parties that had received 5% of the vote in a permanent subvention; arguably to “prevent the post-election system lethargy of party structures” (Casas-Zamora 2005: 75). The reform sparked protests from new and minor parties that felt disadvantaged by the new rules (Hernández Naranjo 2007: 343). In their opposition to the reform these parties turned to the Constitutional Court, which agreed with these complaints in its ruling on the matter and declared significant parts of the reform unconstitutional.

In Mexico, the selective regulation of political parties became a tool in the hands of the hegemonic PRI to solidify its hold over the political process. This occurred first in its 1946 Electoral Law, which specified that only candidates that had the support of a national political party could participate in elections. In order to be recognized as a party, political organizations needed to sign up 30,000 members in two-thirds of the Mexican states (Wuhs 2008: 14). These registration requirements were subsequently increased in 1951 and 1954 to keep regionalized opposition movements outside the political spectrum and to prevent internal PRI factions from challenging the party leadership in the electoral arena. In 1973, registration requirements were increased once more to respond to a swelling political opposition and rising levels of abstention (Rodríguez Araujo 1989). In the end, however, regional political opposition could no longer be contained, which led the PRI regime to adopt a new ‘Law on Political Organizations and Electoral Processes’ in 1977 to channel public demands for change through the electoral process (Wuhs 2008: 18, Peschard 1993: 105).

Colombia presents a third – and the most obvious – case of the selective use of party law to institutionalize power over the representative process in the two dominant political parties. In 1958 the traditional Liberal and Conservative parties agreed to end a

decade of political violence through an explicit power-sharing agreement that was designed to last until 1974 (Hartlyn 1988). Through Legislative decree no. 0247 (October 4, 1957), the parties established that “In popular elections ... the corresponding positions will be awarded half and half to the traditional parties, the conservative and the liberal party” (Art. 2, translation FM). Art 4 of the same decree further established that “The Ministers will be named and removed freely by the President of the Republic, who, in any case, is obligated to give participation in the Ministries to the political parties in the same proportion as their representation in the Legislative Chambers” (translation FM). Through this agreement between the two traditional parties, other parties – particularly the left ones – were left without access to the representative process. Although the initial agreement only reached up to 1974, the traditional parties decided to continue their co-governance after this year. The power-sharing agreement was conducive to political corruption, and little to no room was left for formal political opposition – contributing to the increase of political violence in the 1980s (Hernández Becerra 2006, Hartlyn 1988).<sup>12</sup> By the end of the 1980s, the political system had lost its credibility to such an extent<sup>13</sup> that the only way forward was the adoption of a new Constitution that opened up the representative process to all forms of political organization

In the case of Panama, the selective use of party law became a tool in the conflict between the nationalist populist Arnulfo Arias and the traditional Liberal and Conservative parties. This was first visible in the 1940s, when a plebiscite allowed Arias his nationalistic 1941 Constitutional reform aimed at “disenfranchising large segments of the urban working class, at strengthening Hispanic culture, and at limiting the influence of immigrant shopkeepers” (Ropp 1982: 23). According to Ropp (1982: 25), this reform should be read as an attempt to rob the opposition of its popular support bases. After Arias’s overthrow by the National Police in October 1941, the opposition responded with a new Constitution in 1946 which explicitly prohibited the formation of parties based on gender, race, or religion. Arias was allowed to contest an election again in 1949, when he returned to the presidency with a strong majority. His victory was short-lived, however,

---

<sup>12</sup> These political developments were also visible in the (absence of) regulation of political parties, as a statute on party formation and financing did not appear until 1985.

<sup>13</sup> Clearly, this was due to a large extent to the violent conflict that raged within the country’s borders.



as the National Police removed him from office in 1951 (Zimbalist and Weeks 1991: 14). This move was once again followed by a reform; this time around a 1953 electoral reform established that only parties that had gained 20% of the popular vote in the 1952 elections would be recognized. In effect, only the descendants of the traditional parties reached this threshold and as such, the party system turned into a two-party format over night. (Valdés Escoffery 2006: 677-8, Zimbalist and Weeks 1991: 14). The new party system was unable, however, to withstand the death of one of the traditional party leaders (Ropp 1982: 28). As such, a new electoral reform was adopted in 1958 that lowered the threshold for party formation to 2.5% of the electorate. Given the simultaneous ban of Arias from the political system, the following years were characterized by relative political stability (Valdés Escoffery 2006: 679, Ropp 1982: 28-9).

A similar tension between rule-based regime legitimation and shifting balances of power is visible in the last case of selective party law. In Argentina, a 1949 law sanctioned under the government of Perón regulated that new parties had to be registered for three years before they could participate in elections. This reform coincided with the end of Peron's first presidency and was an attempt to fight the internal Peronist divisions that threatened to eat away at the party's electoral potential (Mustapic forthcoming).<sup>1</sup> As was the case in Panama, however, formal rules proved little permanent protection in a volatile political climate. In the case of the Peronist party, this meant the introduction of a ban on this party and other Peronist activities after the overthrow of the Peronist government by a militarist regime in 1956 (Potash 1996: 33-4).

From the discussion above it becomes clear that various dynamics are at work in these cases. The cartelizing use of party law in Costa Rica could not really take off because it was constricted by the presence of other institutions with law-making capacities. In the case of Mexico, selective party regulation was established at a point in time when the PRI had solidified its hegemonic position in the party system and it was not abolished until public dissatisfaction with the PRI hegemony threatened to eat away at the legitimacy of the entire political system. In Colombia, the initial agreement of the two traditional parties to cartelize the representative process terminated in the loss of legitimacy of the entire political system when the resulting ineffective party system was unable to respond to the challenges posed by the violent conflict within the country's

borders. The Panamanian and Argentine cases clearly demonstrate the limits of the selective use of party law in a context of political turmoil. Here, the rules of the political game proved to be as volatile as the interventions of the armed forces or the death of a personalistic party leader.

The cases thus form a specter ranging from a stable hegemonic party or a coalition of traditional parties introducing selective forms of party law that reflect their dominance over the political process to unstable dominant powers operating within a volatile political context that tried to use the selective regulation of political parties to create temporal advantages for themselves within the political process. What the cases have in common, however, is that the legal validation of the political status quo proved to be nothing more than a reflection of the strength and stability of the dominant majority. Even in those cases where party law contributed to decades of undisputed political rule – as was the case for Mexico and Colombia – these efforts were eventually met by social demands for political change and more effective representation. In the case of Mexico, these demands were met in time by political reforms. In the case of Colombia, the unresponsiveness of political elites to such demands for change eventually resulted in the delegitimation of the entire constitutional order and the partial rejection of the institution *political parties*.

### **Deregulation of political parties**

The deregulation of political parties in light of the rejection of their dominance over the representative process is something that occurred in various other cases as well. This trend was on the rise from the early 1990s onwards, with countries such as Peru, Venezuela, Bolivia, and Ecuador opening up their representative systems to alternative forms of political organization. Whereas the selective regulation described above followed from conditions of political party dominance or political turmoil, the following cases show that the deregulation of parties occurred when traditional party democracy became regarded as an obstacle to effective governance.

The case of Venezuela resembles the Colombian case discussed above as the deregulation of political parties followed a decade-long period of cartel-rule that had been

established through a political pact. Unlike Colombia, however, the 1958 Venezuelan *Punto Fijo* pact did not necessarily comprise party law but instead took on a more broad character in which the main parties agreed upon the formation of government coalitions and an equal distribution of state spoils and jobs among themselves. As noted by Karl (1987: 85), this arrangement created a party system in which policy demands could not be channeled through the political parties and in which fundamental issues were decided upon outside the electoral arena. The *Punto Fijo* system started to unravel in the late 1980s when large-scale dissatisfaction with the political system manifested itself in political protests and a coup attempt. The traditional parties were unable to find a new format to channel these demands for change; eventually giving rise to the electoral victory of Hugo Chávez in the 1998 presidential election, who moved to call a constitutional assembly (Hellinger 2003). The ensuing 1999 Constitutions significantly changed the legal framework regulating political parties, as it no longer referred to political parties at all. Instead, only mention was made of ‘associations with political goals’. In addition, it explicitly prohibited these political associations from receiving state funding, which had been introduced in 1973. From the rejection of political parties as a fundamental component part of the political system followed not only their deregulation but also the removal of the special privileges that these parties had obtained under previous regulations.

Other cases departed from a position of political chaos rather than political pacts. An early example of this is the case of Peru. After a 12-year military dictatorship, Peru returned to democratic governance in 1978. Its political system was marked by a multitude of polarized parties that were unable to provide a solution to the economic crisis and political violence that wreaked havoc in the country. As noted by García Montero (2001: 60-1, translation FM), “The combination of the economic catastrophe ... with the advance of the violent Shining Path and the discrediting of all the political parties created the conditions for the rise, from outside of the political system, of independent candidates that offered hope and solutions to the problems related to the situation of general crisis.” The elections were won by political outsider Fujimori, who subsequently attacked the country’s political institutions through a legislative coup and the promulgation of a new constitution (García Montero 2001: 70). This 1993

Constitution changed the norms related to political parties in that it introduced the term political organizations. From this point onwards, political parties were but one type of political organization that together with political movements and alliances could participate in the representative process. This development fitted Fujimori's more general anti-political discourse that equated the traditional way of doing politics with the country's economic and political stagnation (Tuesta Soldevilla 2006: 770). The deregulation of the privileged position of political parties in the representative process hence followed from the more general rejection of the ineffectiveness of traditional party governance under the Fujimori regime.<sup>14</sup>

The Bolivian case is reminiscent of the Peruvian one, in that with its return to democracy the country replaced a military dictatorship by a fragmented party system characterized by so-called *taxi parties* (referring to the fact that national conventions could be organized in a taxi cab) (Gamarra 1997: 366). Reforms in 1979 and 1985/6 decreased the proliferation of parties through the increase of registration requirements and the reform of the legislative allocation formula. These measures were also criticized, however, as an attempt to concentrate representation in the traditional political parties (Gamarra 1997: 377) and to create barriers to indigenous representation (Van Cott 2000: 166). Subsequent party law reform took place in 1997 with the introduction of public funding and in 1999 with the regulation of candidate selection and the increase of registration requirements. These institutionalizing measures were unable, however, to counter the delegitimation of the political system. As noted by Alenda (2004: 10) the turn of the 20th century was marked by the erosion of trust in democracy and political parties.

A 2002 political crisis and the subsequent destitution of President Sánchez de Lozada by the non-partisan president Carlos Mesa gave rise to a constitutional reform in 2004. This reform brought changes to the regulation of political parties, as electoral representation was no longer restricted to political parties. Instead, groups of citizens and indigenous people could also obtain legal recognition as electoral vehicles – in theory making them eligible for state funding as well (Lazarte 2006). In practice, the

---

<sup>14</sup> The 2003 law on political parties that accompanied its transition to democracy appointed political movements the role of providing regional and local representation and held that only political parties may provide national representative services (Tuesta Soldevilla, 2006). As such, Peru reformed its law to legally settle the ambiguous distinction between parties and movements introduced under president Fujimori.

government generally refrained from the payment of public funding, while the newly risen MAS party (Movement to Socialism)<sup>15</sup> publicly refused to accept any public funding that was handed out (Ballivián 2011). In 2008, a party finance law was adopted that eliminated all public funding for political parties and that created a fund for the benefit of disabled people with a disability instead. The newly adopted 2009 Constitution maintained this deregulation of political parties.

One last country that moved towards the deregulation of political parties was Ecuador. With the return to democracy in 1978, Ecuador's Constitution awarded political parties exclusive access to the representative process in order to create strong and stable parties. Towards this end, an accompanying Law on Political Parties introduced public funding for political parties. Nevertheless, the transition to democracy set into motion a period of extreme party system fragmentation and legislative inertia (Mejía Acosta and Polga-Hecimovich 2011: 90-1) Public demands for a more accessible political system started to rise over the course of the 1990s, as high territorial organization requirements effectively excluded indigenous political organizations from the national party system. In response, a 1998 constitutional reform opened up the electoral process to political movements and independent candidates (Birnie 2004). After the election of Rafael Correa in 2006, a constituent assembly adopted a new constitution in 2008 that maintained the definition of political representation in terms of both political parties and political movements. A subsequent 2009 Electoral Law and Law on Political Parties stipulated that public funding could only be used for political training. Additionally, the budget available for parties was lowered substantially (Gutiérrez and Zovatto 2011). As was the case in Venezuela and Bolivia, the rise of a neo-populist president was accompanied by the deregulation of political parties – albeit public funding was not removed completely.

The cases presented above show once again how different conditions can underlie the same developments in the regulation of political parties. In the cases of Venezuela and Colombia, political pacts had created such a degree of party system inertia that the rejection of the dominance of political parties over the representative process became equated with the rejection of the political system itself. In both of these cases, party deregulation therefore accompanied the adoption of new Constitutions. In the cases of

---

<sup>15</sup> Note that this governing party calls itself a movement

Ecuador and Bolivia, the rejection of parties accompanied the downfall of the traditional parties and the rise of new political elites in context of severe party system instability. In these cases, the deregulation of parties marked a period of political transition towards neopopulism, and as such, marked shifting conceptions of democracy rather than that these conceptions were merely imposed from above.

## **Conclusion**

The regulation of political parties in Latin America is an active endeavor prone to frequent changes due to changes in the political context and the trends of time. The current trend visible in the region is to restrict access to the representative process to political parties. Amidst concerns over the negative image of political parties, high-profile corruption scandals, and the divorce between politics and society, party laws in the present day also contain provisions to create parties that are transparent, internally democratic, and institutionalize. The general idea behind this type of regulation appears to be that democracy can only function through this type of parties and if parties cannot be trusted to improve their own behavior, they need to be forced to do so at risk of losing access to the representative process. As such, representation is limited to a specific conception of party that does not necessarily correspond to party behavior and functioning in practice.

The limits of this legitimizing strategy are clearly demonstrated by the detailed cases of selective party law and the deregulation of political parties presented in the second section of this paper. Although Latin American party history has known quite a few examples of cartelizing party laws, this paper has shown that the ability of these laws to restrict access to the political process and to maintain a dominant party or coalition of parties in power was a reflection of the power configuration that existed at the time of institutional reform rather than of the legitimizing potential of the law in itself. Furthermore, none of these cases were able to withstand the test of time. In the end, every cartelized system saw itself confronted by social demands for political change and more effective representation. In those cases where policymakers were late in adjusting the access to the representative system to this new political reality – as occurred in the cases

of Venezuela and Colombia – the delegitimation of the established parties eroded the legitimacy of the entire political system; giving rise to new constitutional designs that deregulated the privileged status of political parties. A similar development was visible in cases like Peru, Bolivia, and Ecuador, where democratic transitions marked by fragmented party politics and chronic governance problems eventually gave rise to anti-party sentiments and their subsequent deregulation.

This brings us back to the question to what extent political elites can make instrumental use of party law to legally validate their claim over the representative process. This paper has shown that good use can indeed be made of party law to limit the access of political players to this process and to provide some representative bodies with advantages that others cannot obtain. At the same time, the development of party law is a delicate balancing effort which may be easily brought off-course by governability problems and/or or by the rejection of political parties by society at large or new political elites. Elites that put too much of a focus on the formal rules of the game rather than on substantial representation should note that party law is but a reflection of the broader political legitimacy of political parties – not its cause.

## Bibliography

- Aleda, Stéphanie. (2004). "Bolivia: Erosión Del Pacto Democrático." *Revista Fuerzas Armadas y Sociedad* 18, no. 1-2: 3-22.
- Álvarez, Gabriel. (2006). "Regulación Jurídica De Los Partidos Políticos En Nicaragua." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 641-70. México, D.F.: International IDEA.
- Ballivián, Salvador Romero. (2011). "La Corte Y Sobresaltada Historia Del Financiamiento Público a Los Partidos Políticos En Bolivia." In *Financiamiento De Los Partidos Políticos En América Latina*, edited by Pablo Gutiérrez and Daniel Zovatto, 93-118. México, DF: International IDEA, OAS y Universidad Autónoma de México.
- Bareiro, Line, and Lilian Soto. (2007). "Los Partidos Políticos: Condiciones De Inscripción Y Reconocimiento Legal." In *Tratado De Derecho Electoral Comparado De América Latina*, edited by Dieter Nohlen, Daniel Zovatto, Jesús Orozco and José Thompson, 588-612. México, D.F.: Fondo de Cultura Económica.
- . (2006). "Regulación Jurídica De Los Partidos Políticos En Paraguay." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 739-66. México, D.F.: International IDEA.
- Beetham, David. (1991). *The Legitimation of Power*. Basingstoke: Macmillan.
- Bendel, Petra. (1998). "Los Partidos Políticos: Condiciones De Inscripción Y Reconocimiento Legal, Democracia Interna, Etc." In *Tratado De Derecho Electoral Comparado De América Latina*, edited by Dieter Nohlen, S. Picado and Daniel Zovatto, 384-409. México, DF: FCE.
- Birnir, Jóhanna Kristín. (2004). "Stabilizing Party Systems and Excluding Segments of Society?: The Effects of Formation Costs on New Party Foundation in Latin America." *Studies in Comparative International Development* 39, no. 3: 3-27.
- Bowen, James D. (2011). "The Right in "New Left" Latin America." *Journal of Politics in Latin America* 3, no. 1: 99-124.
- Casal Bertó, Fernando, Daniela R. Picio, and Ekaterina R. Rashkova. (Forthcoming 2013). "Party Laws in Comparative Perspective: Evidence and Implications." In *Political Parties and Public Law: The Netherlands in Comparative Perspective*, edited by I. van Biezen and H.M. ten Napel. Leiden: Leiden University Press.
- Casas-Zamora, Kevin. (2005). *Paying for Democracy. Political Finance and State Funding for Parties*. Essex: ECPR Press.
- de Riz, Liliana. (1986). "Política Y Partidos. Ejercicio De Analisis Comparado: Argentina, Chile, Brasil Y Uruguay." *Desarrollo Económico* 25, no. 100: 659-82.
- Espinal, Flavio Darío. (2006). "Regulación Jurídica De Los Partidos Políticos En La República Dominicana." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 803-51. México, D.F.: International IDEA.
- Freidenberg, Flavia. (2006). "La Democratización De Los Partidos Políticos: Entre La Ilusión Y El Desencanto." In *Fortalecimiento De Los Partidos Políticos En América Latina: Institucionalización, Democratización Y Transparencia*, edited by Fernando F. Sanchez C. and José Thompson, 91-142. San Jose, Costa Rica: IIDH/CAPEL.



- Gamarra, Eduardo A. (1997). "Hybrid Presidentialism and Democratization: The Case of Bolivia." In *Presidentialism and Democracy in Latin America*, edited by Scott Mainwaring and Matthew Soberg Shugart, 363-93. Cambridge: Cambridge University Press.
- García Laguardia, Jorge Mario. (1992). "Constitutional Framework for Political Parties in Central America: From Exclusion to Participation." In *Political Parties and Democracy in Central America*, edited by Louis W. Goodman, William M. LeoGrande and Johanna Mendelson Forman, 77-87. Boulder, CO.: Westview Press
- García Montero, Mercedes. (2001). "La Década De Fujimori: Ascenso, Mantenimiento Y Caída De Un Líder Antipolítico." *América Latina Hoy* 38: 49-86.
- Gutiérrez, Pablo, and Daniel Zovatto. (2011). "Balance Regional: Financiamiento Político En América Latina." In *Financiamiento De Los Partidos Políticos En América Latina*, edited by Pablo Gutiérrez and Daniel Zovatto, 3-15. México, DF: International IDEA, OAS y Universidad Autónoma de México.
- , eds. (2011). *Financiamiento De Los Partidos Políticos En América Latina*. México, DF: International IDEA, OAS y Universidad Nacional Autónoma de México.
- Hagopian, Frances, and Scott Mainwaring. (2005). *The Third Wave of Democratization in Latin America: Advances and Setbacks*. Cambridge: Cambridge: Cambridge University Press.
- Hartlyn, Jonathan. (1988). *The Politics of Coalition Rule in Colombia*. Cambridge: Cambridge University Press.
- Hellinger, Daniel. (2003). "Political Overview: The Breakdown of *Puntofijismo* and the Rise of *Chavismo*." In *Venezuelan Politics in the Chávez Era: Class, Polarization, and Conflict*, edited by Steve Ellner and Daniel Hellinger, 27-53. Boulder: Lynne Rienner
- Hernández Becerra, Augusto. (2006). "Regulación Jurídica De Los Partidos Políticos En Colombia." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 331-66. México, D.F.: International IDEA.
- Hernández Naranjo, Gerardo. (2007). "Dinámicas Del Sistema De Partidos Políticos Y Del Cambio Institucional En El Régimen Electoral De Costa Rica 1952-2002." El Colegio de Mexico.
- Huntington, Samuel P. (1991). "Democracy's Third Wave." *Journal of Democracy* 2, no. 2: 12-34.
- Janda, Kenneth. (2005). "Adopting Party Law." In *Working Paper Series on Political Parties and Democracy in Theoretical and Practical Perspectives*. Washington, DC: National Democratic Institute for International Affairs.
- Jardim, Torquato. (2006). "Regulación Jurídica De Los Partidos Políticos En Brasil." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 275-304. México, D.F.: International IDEA.
- Karl, Terry Lynn. (1987). "Petroleum and Political Pacts: The Transition to Democracy in Venezuela." *Latin American Research Review* 22, no. 1: 63-94.
- Karvonen, Lauri. (2007). "Legislation on Political Parties." *Party Politics* 13, no. 4: 437-55.

- Katz, Richard, and Peter Mair. (1995). "Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party." *Party Politics* 1, no. 1: 5-28.
- Katz, Richard S., and Peter Mair. (2009). "The Cartel Party Thesis: A Restatement." *Perspectives on Politics* 7, no. 04: 753-66.
- Krennerich, Michael, and Claudia Zilla. (2007). "Elecciones Y Contexto Político." In *Tratado De Derecho Electoral Comparado De América Latina*, edited by Dieter Nohlen, Daniel Zovatto, Jesús Orozco and José Thompson, 39-47. México, D.F.: Fondo de Cultura Económica.
- Lazarte, Jorge. (2006). "Regulación Jurídica De Los Partidos Políticos En Bolivia." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 243-73. México, D.F.: International IDEA.
- Medrano, Gabriel, and César Conde. (2006). "Regulación Jurídica De Los Partidos Políticos En Guatemala." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 487-543. México, D.F.: International IDEA.
- Mejía Acosta, Andrés, and John Polga-Hecimovich. (2011). "Coalition Erosion and Presidential Instability in Ecuador." *Latin American Politics and Society* 53, no. 2: 87-111.
- Molenaar, Fransje. (2012). "Latin American Regulation of Political Parties: Continuing Trends and Breaks with the Past." *Working Paper Series on the Legal Regulation of Political Parties*, 17. Leiden: Leiden University <http://www.partylaw.leidenuniv.nl/uploads/wp1712.pdf> (January 14, 2012).
- Müller, Wolfgang C., and Ulrich Sieberer. (2006). "Party Law." In *Handbook of Party Politics*, edited by Richard S. Katz and William J. Crotty, 435-45. London: Sage Publications.
- Mustapic, Ana María. (forthcoming). "Los Partidos Políticos En La Argentina. Condiciones Y Oportunidades De Su Fragmentación."
- Navas Carbo, Xiomara. (1998). "La Financiación Electoral En América Latina. Subvenciones Y Gastos." In *Tratado De Derecho Electoral Comparado De América Latina*, edited by Dieter Nohlen, S. Picado and Daniel Zovatto, 454-88. México, DF: FCE.
- Nohlen, Dieter, Daniel Zovatto, Jesús Orozco, and José Thompson, eds. (2007). *Tratado De Derecho Electoral Comparado De América Latina*. 2 ed. México, D.F.: Fondo de Cultura Económica.
- Orozco Henríquez, José de Jesús, and Carlos Vargas Baca. (2006). "Regulación Jurídica De Los Partidos Políticos En México." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 579-639. México, D.F.: International IDEA.
- Peschard, Jacqueline. (1993). "El Fin Del Sistema De Partido Hegemónico." *Revista Mexicana de Sociología* 55, no. 2: 97-117.
- Potash, Robert A. (1996). *The Army and Politics in Argentina: 1962-1973. From Frondizi's Fall to the Peronist Restoration*. Stanford: Stanford University Press.
- Rodríguez Araujo, Octavio. (1989). *La Reforma Política Y Los Partidos En México*. Coyoacán, Mexico: Siglo XXI.

- Ropp, Steve C. (1982). *Panamanian Politics: From Guarded Nation to National Guard*. New York, N.Y.: Praeger.
- Schattschneider, E.E. (1942). *Party Government: American Government in Action*. New York: Rinehart and Co.
- Tuesta Soldevilla, Fernando. (2006). "Regulación Jurídica De Los Partidos Políticos En Perú." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 767-801. México, D.F.: International IDEA.
- Tyler, Tom R. (2006). "Psychological Perspectives on Legitimacy and Legitimation." *Annual Review of Psychology* 57, no. 1: 375-400.
- Valdés Escoffery, Eduardo. (2006). "Regulación Jurídica De Los Partidos Políticos En Panamá." In *Regulación Jurídica De Los Partidos Políticos En América Latina*, edited by Daniel Zovatto, 671-738. México, D.F.: International IDEA.
- van Biezen, Ingrid. (2012). "Constitutionalizing Party Democracy: The Constitutive Codification of Political Parties in Post-War Europe." *British Journal of Political Science* 42, no. 01: 187-212.
- . (2004). "Political Parties as Public Utilities." *Party Politics* 10, no. 6: 701-22.
- Van Cott, Donna Lee. (2000). "Party System Development and Indigenous Populations in Latin America: The Bolivian Case." *Party Politics* 6, no. 2: 155-74.
- Wuhs, Steven T. (2008). *Savage Democracy: Institutional Change and Party Development in Mexico*. University Park, PA: Pennsylvania State University Press.
- Zimbalist, A.S., and J. Weeks. (1991). *Panama at the Crossroads: Economic Development and Political Change in the Twentieth Century*. Berkeley and Los Angeles, California: University of California Press.
- Zovatto, Daniel. (2007). "El Financiamiento Electoral: Subvenciones Y Gastos." In *Tratado De Derecho Electoral Comparado De América Latina*, edited by Dieter Nohlen, Daniel Zovatto, Jesús Orozco and José Thompson, 744-94. México, D.F.: Fondo de Cultura Económica.
- , ed. (2006). *Regulación Jurídica De Los Partidos Políticos En América Latina*. México, D.F.: International IDEA.