

Elites, Institutions and the Mass Public:

A New Look at Bolivian Democracy

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## **Introduction**

After most of Latin American countries emerged as democracies in what has been called the “third wave of democratization,” a new process of improving and deepening the democratic institutions started. One of the deepest and broadest set of institutional reforms in all of Latin America have been designed and implemented in Bolivia over the last decade. Reforms were oriented to achieve goals in three major fields: a) promoting direct popular participation in State decisions; b) generating a political system more representative of the characteristics of the Bolivian population; and c) producing a more efficient state capable of effectively attending people’s different kind of needs.

The concern with institutional reform has been a common denominator for Bolivian governments since the early 1990s. Several laws and decrees were promulgated by half a dozen different governments, and a major amendment to the constitution was achieved in a process that involved two different legislatures. Also, many of the reforms included at least some kind of consultation with different social sectors, who were able to discuss relevant aspects of the proposed reforms.

Ironically, despite Bolivia’s exceptional advances in institutional transformation of the Bolivian State, social movements have increasingly been questioning the legitimacy of the political system. Strong demonstrations of civil disobedience have taken place in the country, and the attitudes and discourses of the mass leaders often show disregard for democratic institutions and values.

Why have institutional reforms in Bolivia produced this paradoxical result? Is it that the reforms are not yet sufficient for alleviating the tension between the popular masses and the State? Is it a matter of problems in the implementation of the reforms? Does it have to do with the values and attitudes of both elites in charge of directly implementing them and common citizens?

This study tries to contribute to the understanding of these questions by describing the most important institutional reforms that took place in the country during the last decade, their immediate impact in the reshaping of institutions, as well as the conflictive events that involved massive social participation in the country.

## ***Reforms implemented in Bolivia and some of their immediate effects***

Several legal dispositions defined the reform of the country's political institutions over the last decade. A constitutional reform was initiated during the government of Jaime Paz Zamora (1989 – 1993), and became legal during the presidency of Gonzalo Sánchez de Lozada (1993 – 1997); it was during Sánchez de Lozada's first government that many of the most relevant reforms were implemented (Ley de Participación Popular, Ley de Descentralización Administrativa, Ley del INRA, Reforma Educativa, Reforma de pensiones). The process continued under the Hugo Bánzer – Jorge Quiroga administration<sup>1</sup> with the Diálogo Nacional and the deepening of the Judiciary reform. Sánchez de Lozada was elected president for the second time in 2002, but his weak government coalition was forced out of office in little over a year of his election, without any relevant reform. Carlos Mesa assumed in October 2003, and his government faces the challenge of implementing new and major reforms, including a referendum on the natural gas exportation and a constitutional assembly.

### **A. Constitutional reforms**

The Bolivian constitution was amended in 1994 in a process that began in the previous legislature. The new text of the Constitution defines Bolivia as a multilingual and multicultural nation, abandoning the pretensions of homogeneity of the former version. This change has a symbolic relevance, because it explicitly recognizes diversity as a characteristic of the nation.<sup>2</sup>

Another relevant aspect reformed in the Constitution is the election of deputies. The amended Constitution establishes that half of the 130 deputies were to be elected on a uninominal (i.e., single-member district) basis. The national elections of 1997 were the first time the new method was implemented; 68 national representatives were elected in the same number of electoral districts, while the other 62 were elected in a closed party list (Jost 1998).

The national elections of 2002 yielded a congress significantly different from previous legislatures. The participation of local and regional leaders as candidates for the uninominal seats, as well the relatively high percentage of voting for parties with a leftist or indigenous

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<sup>1</sup> Hugo Bánzer was elected president in 1997 until 2002, but he resigned in August 2001 due to a terminal disease that ended his life shortly after. Jorge Quiroga, the vice-president, was constitutionally elected President by the Congress, and ruled during the remaining year of the five year constitutional mandate.

<sup>2</sup> However, most of the critiques to this change focus precisely on its symbolic character, and the absence of measures intended to effectively transform the ethnically hierarchical social structure of the Bolivian society.

ideology produced, for the first time, a strong representation of indigenous and popular sectors in congress; the composition of the new Congress was so diverse that a simultaneous translation system had to be installed in order to allow the communication among legislators in the initial sessions.

## **B. Reforms of the judicial system**

The constitutional reforms included the creation of different institutions that depended on the reform of the administration of justice system: the Ombudsman (Defensor del pueblo), an independent prosecutor's office (Ministerio Público), the Constitutional Tribunal (Tribunal Constitucional), and the Judicial Council (Consejo de la Judicatura). In the years following the amendment, a major effort was put into the definition of the rules for these new institutions, and they started functioning in 1998 (Defensor del Pueblo and Consejo de la Judicatura) and 1999 (Tribunal Constitucional).

The reform of the criminal procedure (Código de Procedimiento Penal) was also an arduous process. After years of consultants and technical analyses, the new procedure was debated in the Congress for 114 days, and finally approved in March of 2000, but was not fully implemented until 2 years later (PNUD 2002).

The new criminal procedure differs from the former by paying special attention to human rights that were not considered in the previous code.<sup>3</sup> The procedure also modernizes the judicial processes, making it more efficient, and includes trial by jury.

But the judiciary reform has been slow, and many of the practices that were intended to change still remain a part of the political culture of justice operators. The changes have not yet been fully institutionalized, the political capabilities needed are not consolidated (PNUD 2002), and the fragility of the political system and its institutions is present in the new judiciary system.

## **C. Leyes de Participación Popular and Descentralización Administrativa: Local politics and government**

The process of municipalization of the country by the laws of popular participation and administrative decentralization (Ley de Participación Popular, 1994, and Ley de

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<sup>3</sup> The previous criminal procedure was established by the Bánzer Military government in the 70s.

Descentralización Administrativa) is one of the most relevant and ambitious reforms ever implemented in Bolivia. By this process, the municipalities, or *municipios*, are defined as the micro level units for development and policy making, at the same time that they became a relevant setting for political participation and government (SNPP 1996; SNPP 1997). The process has two dimensions (Vargas and Moreno 2002), one linked to development, making State functions more efficient. The other, the most important one, is political: rural areas are included as part of the municipio, and thousands of communities historically excluded from the political practice and State action have now a role as central players in local politics and government.

The municipal elections since 1995 completely reshaped the political scenario. Local leaders, traditional authorities, peasants, women and indigenous leaders now hold office in many of the country's 320 municipios (Albó, Rojas and Ticona 1995; Conroy 2002). Local policy is made autonomously by them, with many mechanisms that enable the direct participation of people in the decisions. Although the economic resources available to each municipio are limited, as well as their technical capabilities, the dynamics of development are now oriented by the needs and interests of the local people; also, different checks and balances are available to the citizens for controlling their local governments.

#### **D. Ley INRA**

The Law of the National Agrarian Reform Service (Instituto Nacional de Reforma Agraria) of 1996 was designed to re-orientate the process of Land Reform that was initiated in Bolivia during the national revolution of 1953, but that had never achieved its major goals (Urioste 2003). The most relevant characteristic of this Law is the legal recognition by the State of the property rights of indigenous groups over the territories that they have traditionally occupied. By the implementation of this law, millions of hectares of land, most of them in the tropical low lands of eastern and northern Bolivia, were bestowed to indigenous communities; this fact represents a historical milestone that suggests an important change of attitude of the Bolivian State toward the indigenous communities.

## **E. Ley del Diálogo Nacional**

The Law of National Dialogue was promulgated by the Bánzer administration. The law establishes a permanent mechanism by which the government has to consult periodically the civil society and the local governments as to how to spend the money destined for the alleviation of poverty<sup>4</sup>. The law also foresees new ways of accountability with the ‘mecanismos de control social’ at the local and departmental levels.

### ***Conflict events with massive social participation***

Over the last several years, Bolivia has experienced massive demonstrations of discontent of the people with the political institutions and leaders, and the latter’s’ failure in resolving the protracted economic crisis. The set of events known as ‘La Guerra del Agua’ seem to have inaugurated a new type of protest in the country, the main difference from the past being that the popular movements imposed their will against a government decision; thus, from April of 2000 on, the possibility of having the State being on the loosing end of the stick in a challenge by civil society became a reality for the first time.<sup>5</sup> The lesson seems to have been well learned by Bolivians, and the effects have been dramatic.

Another distinctive feature of this new kind of conflictive events is a level of violence to which Bolivian society was unaccustomed since the time of the Revolution of 1952. Each of the events described below ended with several people killed, mainly because of the use of military armament against the civil demonstrators, but also because of the use of dynamite, guns and other arms by the protestors against policemen and soldiers.

## **F. ‘La Guerra del Agua’, Cochabamba, February and April 2000**

The massive protest against the privatization of the water service in the city of Cochabamba has been known as ‘La Guerra del Agua’ or the Water War. The ‘war’ broke out when the recently privatized water company of the city decided to increase the tariffs as part of a plan to improve the quality and coverage of the distribution net in the city. The public

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<sup>4</sup> Bolivia is part of the World Bank – IMF Heavily Indebted Poor Countries initiative (HIPC), by which part of the bilateral and multilateral debt service is relieved and the money spent on poverty alleviation within the country; the Ley del Diálogo is specifically intended to involve people and local governments in the use of these funds.

<sup>5</sup> Over the last 20 years of democracy, the State had been able to impose most of the government’s major decisions by its monopoly in the use of legitimate violence.

demonstrations that completely paralyzed the city and its surrounding areas extended over several days in February and April of 2000, and achieved support in many other urban and rural areas of the country; the National Police and the Military were sent to control the situation, and clashed violently with the demonstrators (Vargas and Kruse 2000). The protests ended when the privatizing company fled the city and the contract was resigned by the government.

### **G. ‘Bloqueos campesinos’, Chapare, Cochabamba, and Achacachi, La Paz, September 2000**

The social conflict that took place in September of 2000 was the result of the adding up of multiple small particular conflicts that coincided in time (Laserna 2001) and took advantage of the vulnerability of the national government. The protests mainly consisted of blockage of main roads in the country, with a strong and violent response from the military that were sent by the national government to unblock the highways. The demands of the demonstrators had to do with many and various issues; however, two main rural foci can be recognized in the conflict: Chapare, in Cochabamba and Achacachi in the Department of La Paz. In Chapare, producers demanded an end to the eradication of the coca leaf plantations that had been the policy of the government as part of its drug production reducing program. The peasants of the Achacachi region, mainly from an Aymara ethnic background, initially supported the Chapare movement, but their discourse questioned the ethnic inequalities of the Bolivian society.

### **H. ‘Febrero negro’, La Paz and El Alto, February 2003**

The government decision to implement a new income tax for mid and high income earners produced a reaction of different social sectors which opposed the measure; this turned into popular demonstrations against Sánchez de Lozada’s government, and has been known since then as ‘febrero negro’ or Black February. Officers and low ranked policemen from the National Police mutinied in La Paz, and the executive sent the military to control the situation. Violent clashes between the Police and the Military followed right in the heart of La Paz, while mobs plundered the city and El Alto, sacking and looting public and private properties. The protests ended when the government retreated and the decree was withdrawn.

## **I. ‘Octubre negro’, La Paz and El Alto, October 2003**

One of the most critical moments of Bolivia’s democracy since democratic government were reestablished in 1982 took place in October 2003. Tens of thousands of people participated in several days of violent demonstrations against the government. The protests were caused by the alleged government intention of exporting natural gas via a Chilean sea port in the Pacific, and the probable inclusion of Bolivia in the Free Trade Agreement for the Americas. The violent response of the government, using Military power against the demonstrators, with around 60 fatalities, was repudiated by large sectors of the population. Sánchez de Lozada was forced to resign, and Carlos Mesa, the vice-president, constitutionally assumed office on October 17<sup>th</sup>.

The new government faces the challenge of implementing a new constitutional amendment by way of a constitutive assembly, a procedure that is not included in the current constitution; also, Mesa has to make a decision on the sensitive issue of exporting natural gas using a referendum, another mechanism not included in the current legal dispositions of the country.

### ***Conclusion***

The institutional reforms put to practice by the different Bolivian governments during the last decade, even being partial and incomplete, have opened many new and innovative mechanisms for popular participation in government decisions. The national Congress is more representative with the inclusion of uninominal representatives, and its new composition reflects Bolivia’s ethnic and cultural diversity. The constitution and the legal framework are both symbolically and practically concerned with ethnic inequalities, and aim to compensate some of the problems caused by the historically neglected multicultural composition of the country. Local governments have opened new possibilities not only for representative democracy, but also for direct participation of the people in decision making.

At the same time, the State apparatus has modernized, becoming more efficient and efficacious than what it was a decade ago. The administration of justice is undergoing a process of reform intended to humanize it. New institutions for protecting citizens’ rights have been

created and are functioning with relatively high autonomy; and the State is assuming more responsibility over health and welfare services.

On the other hand, social protests and demonstrations against the government and the State institutions have increased their levels of intensity and violence, as well as their capacity to overcome government decisions. Some social sectors seem to be inclined toward radical positions that completely disregard democratic institutions, and the government response to them is often violent. Some indigenous groups are highly critical of the system, and the polarization of ethnic identities has starting menacing the integrity of the nation itself. Political institutions seem now, more than ever, incapable of absorbing the energy of social participation to be able to channel it into democratic pathways. The study we have prepared below attempts to examine the impact of the institutional reforms of Bolivian elites in the legislature and judicial sectors, and also to compare these elites to each other and the mass public. We hope it makes a contribution to our greater understanding of Bolivia's current paradoxical situation of extensive institutional reform, but increasing threats to democratic stability.

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## I. The Bolivian Legislature

Under what conditions are institutional reforms capable of producing the desired results? We argue that institutional reforms can transform public officials' behavior in three ways: 1) by establishing new rules and procedures; 2) by altering selection, promotion, and accountability criteria, and 3) by building new administrative structures and recruiting new personnel. The first level of reform, which simply alters the rules regulating officials' behavior, may fail to produce the expected results when a) public officials lack the appropriate resources to meet the new requirements (e.g., deadlines) or b) when they fail to understand (or simply do not believe in) the new procedures. The second level of reform operates in a less direct way, by altering the career incentives that drive public officials' behavior. This type of reform may fail to produce the intended results when c) officials' goals have been misinterpreted by the reformers (for instance, by assuming that officials have progressive career ambitions when they have only static goals) or d) when officials do not anticipate an enforcement of the new rules of promotion or accountability. The third level of reform is the most comprehensive one and operates by creating new offices and filling them with new officials.

That is the theory. In practice, two factors might limit the impact of these institutional reforms. First, an exercise in institution building may yield few results if the new officials have similar training, experience, and professional values to the previous officials. If so, we would not expect the reforms to accomplish major transformations. Second, these reforms can also be frustrated if the individuals in the reformed sectors are forced to adopt the same organizational strategies of their predecessors because they operate in the same institutional environment.

In this report we assess the perspectives of institutional reforms in Bolivia by comparing the "traditional" and "reformed" sectors of the National Congress (in this chapter) and the Judiciary (in the next chapter). By "traditional" sectors (TS) we refer to the individuals who have been selected, and operate, under the conventional institutional rules that existed prior to the reforms (the multi-member district deputies in congress or the "jueces liquidadores" in the criminal justice system, for instance). By "reformed" sectors (RS) we refer to the officials selected and operating under the rules established by recent institutional reforms (single-member district deputies in congress and judges operating under the new criminal procedural code). Within each institution, we compare these two sectors in terms of:

- a) Trajectories. Do officials in the RS have different training, experience, or professional values than their colleagues in the TS?
- b) Career goals. What are the career goals in the TS and the RS? Are officials interested in promotion or job security?
- c) Professional values. Do the members of the RS have distinct professional values? What is their assessment of the reforms?

- d) Available resources. Does the RS have access to the resources necessary to fulfill the reformers' expectations? What is its situation when compared to the TS?
- e) Enforcement. Do officials in the RS expect the new rules of promotion and accountability to work?
- f) Strategies. Are they prone to adopting different strategies or criteria to address professional issues?

Bolivia's constitutional reforms of 1994 and 1996 established a mixed electoral system, with single-member districts alongside closed-list proportional representation. First utilized in the election of 1997 and then again in 2002, three factors motivated the reforms:

The concern about a process of de-legitimization of party representation because closed party lists weakened the links between MPs and voters, the disillusionment of citizens with a lack of political responsiveness and accountability of governing parties, and finally a desire to reduce the growing alienation between parties and society by fostering constituency representation.<sup>6</sup>

After two parliamentary elections, how have these reforms worked? We have some studies, but none as extensive as this one (Arzabe 1993; Culver and Ferrufino 2002). Does the behavior of Bolivian deputies elected in the reform sector, i.e., the single-member district deputies, differ from the behavior of deputies elected in closed-list districts? To answer this question, we began by exploring the roots of deputies' election as uninominales or plurinominales, exploring such potential determinants as party, occupation before election to the Congress, prior electoral experience, and prior governmental experience.

**Party.** Two parties, the ADN and MIP, elected uninominales almost exclusively, with just one plurinominal among ten total deputies (see Figure I.1). The three largest parties, the center-right MNR, and the center-left MAS and MIR, each elected roughly equal numbers of uninominales and plurinominales. Finally, the UCS and NFR elected mostly plurinominales. Overall, there appears to be no relationship between party ideology, in a simple left-right sense, and the concentration of electoral strength in a particular type of constituency.

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<sup>6</sup> Rene Antonio Mayorga, "**BOLIVIA: Electoral Reform in Latin America**" Institute for Democracy and Electoral Assistance "<http://www.idea.int/esd/case/bolivia.cfm> (January 30, 2004)

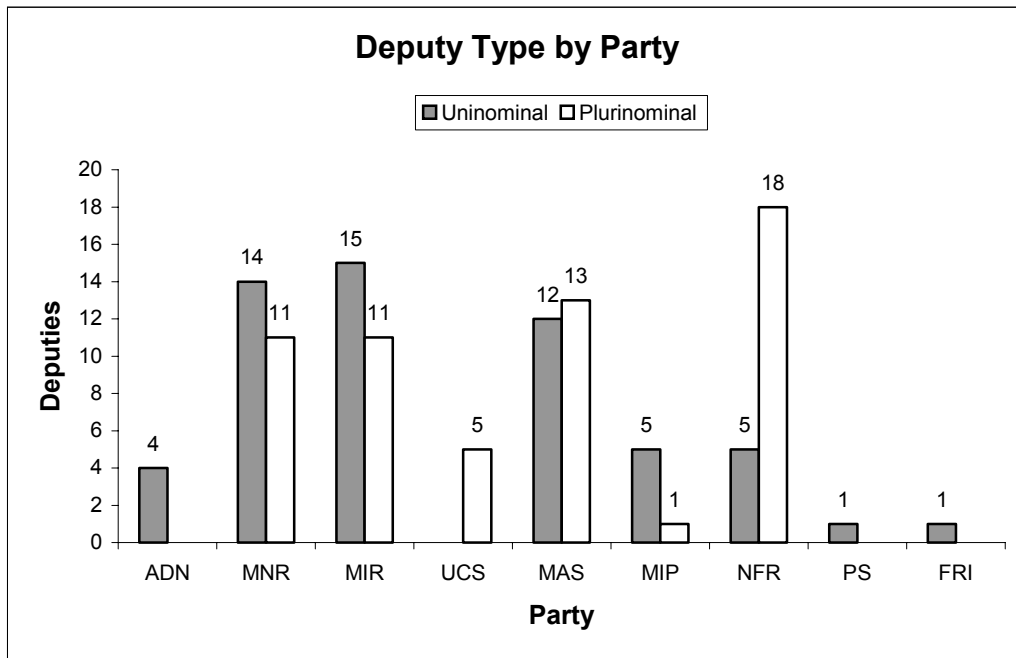


Figure I.1

**Prior occupation.** Given that uninominales rely upon their local reputations, we expected a higher degree of localism in their careers before election to the congress. Indeed, the data show that plurinominales are more likely to be in high-level business occupations or serving as teacher-professors, while uninominales are more likely to be local officials.

Table I.1.

<b>Prior Occupation</b>	<b>Uninominal</b>	<b>Plurinominal</b>	<b>Total</b>
Propietario de negocios o empresas grandes-medianas	4	4	8
Propietario de negocios o empresas chicas	1	1	2
Agricultor dueño o inquilino de su tierra	1	0	1
Profesional independiente	11	9	20
Directivo superior de empresas o negocios	2	8	10
Directivo intermedio de empresa o negocios	3	5	8
Estudiante	2	0	2
Maestro o professor	3	8	11
Diputado (genérico)	5	4	9
Diputado uninominal	0	3	3
Diputado plurinominal	0	1	1
Senador	0	1	1
Funcionario público nacional (genérico)	2	0	2
Director general	0	1	1
Jefe de Unidad	0	1	1
Funcionario local (genérico)	1	1	2
Prefecto	1	0	1
Consejero del Departamento	1	0	1
Alcalde	3	1	4
Concejal	7	3	10
Funcionario municipal	1	1	2
Other - NS/NR	9	7	16
<b>Total</b>	<b>57</b>	<b>59</b>	<b>116</b>

*Electoral base in prior election.* Of the 57 deputies surveyed who are currently uninominales, 14 were also elected in 1997, the first year of the mixed electoral system (Table I.2). Of these 14, 11 were elected as uninominales. Of the 59 current plurinominales surveyed, 15 were elected in 1997. And of these 15, 12 were elected as plurinominales. Thus there is no tendency for either type of deputy to switch to the other type. Once elected, most deputies stay in the constituency in which they were successful.

Table I.2

Electoral Base in Prior Election			
		2002	
		Uninominal	Plurinominal
1997	Uninominal	11	3
	Plurinominal	3	12
Total		14	15

**Governmental Experience.** Uninominales were slightly more likely to have experience in the executive branch of the central government, but the differences were quite small. By contrast, real differences appeared in terms of experience in local government (see Table I.3). We asked “Did you once occupy a position in the prefecture or mayoralty?” Of 57 uninominales, 51% (29) had such experience. By contrast, of 59 plurinominal deputies, only 34% (20) had worked in local government.

Table I.3

Previous Experience in Prefecture or Mayoralty			
	Uninominal	Plurinominal	Total
Yes	29	20	49
No	28	39	67
Total	57	59	116

We found parallel results when we asked those who had once occupied such a position whether that position was on the local government council: 13 of 29 uninominales had been on such councils, as opposed to only 3 of 20 plurinominales.

Table I.4

Previous Experience in Local Government Council			
	Uninominal	Plurinominal	Total
Yes	13	3	16
No	16	17	33
Total	29	20	49

Thus, local government experience, especially council experience, is a frequent precursor to election in a uninominal constituency.

## Values and Attitudes

**Political Goals.** We asked deputies whether they wanted to continue in a political career after their elected term ends in 2007 (see Figure I. 2). About two thirds of both uninominales and plurinominales did want to continue, and most wanted to continue as deputies. Surprisingly, given their broader electoral bases, plurinominales were no more likely than uninominales to want to become Senators. Uninominales seeking to stay in politics are more likely to want to be alcaldes (12 of 35 for uninominales against 5 of 35 for plurinominales) and also more likely to want to be prefects (21 of 36 vs. 14 of 40).

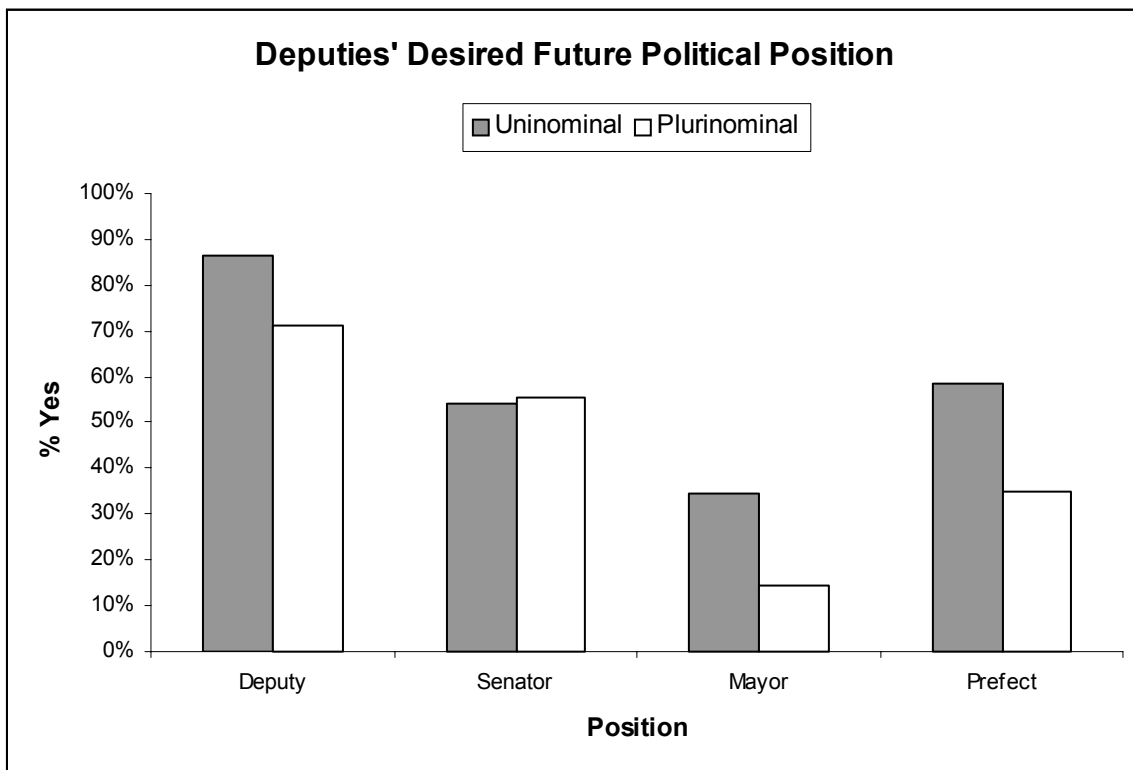


Figure I.2

**Professional Values.** Are uninominales more independent of their parties? We first asked our deputies to consider the principal function of a deputy (see Table I.5). Uninominales were more likely to choose “represent the voter” than plurinominales (42% vs. 28%), but they were less likely to choose “legislate” (23% to 43%). Uninominales and plurinominales were equally likely to choose “inspect,” (vigilar or fiscalizar) or “represent one’s party,” but uninominales were twice as likely as plurinominales to choose “manage or propose” (26% vs. 13%). Table I.5 also shows that there was a significant change in the professional values of the deputies following the 2002 election.

Table I.5

Main Function of a Deputy	Uninominal		Plurinominal	
	1998	2003	1998	2003
Represent the voter	6%	42%	3%	28%
Legislate	34%	23%	32%	43%
Oversight/ Inspect	37%	9%	32%	15%
Obtain Home District Projects	18%	26%	31%	13%
Represent one's party	4%	0%	2%	2%

Sources: 1998 Culver and Ferrufino (2001, Table 1); 2003 University of Pittsburgh Latin American Public Opinion Project.

When we asked whether deputies should have absolute independence of vote with respect to their party's voting positions, both plurinominales and uninominales responded overwhelmingly in favor of their right to vote as they wished. But four times as many plurinominales (27%) as uninominales (7%) did not support absolute independence of vote (see Table I.6).

Table I.6

Should deputies have absolute independence of vote?		
	Uninominal	Plurinominal
Yes	93%	73%
No	7%	27%

**Electoral strategy and its Results.** In order to illuminate the electoral strategies of deputies under the two differing mandates, we asked respondents about their most recent electoral campaigns (see Table I.7). What was the most important factor in gaining the party's nomination in the last election? Plurinominales were three times more likely than uninominales to say "support of party leaders." Plurinominales were a little more likely to say "my personal contribution"; uninominales were more likely to cite "popularity among voters."

Table I.7

Most Important Factor in Gaining Party's Nomination		
	Uninominal	Plurinominal
Support of my party leaders	7%	21%
My personal contribution	15%	21%
My popularity among voters	78%	57%

The salience of party leaders plurinominales appears again in response to a question eliciting the most important reason for deputies' success in their last electoral contest (Table I.8).

Plurinominales were ten times more likely than uninominales to say “the pull of the party leader,” while uninominales were almost twice as likely to say “the support of the voters.”

Table I.8

Most Important Reason for Electoral Success		
	Uninominal	Plurinominal
The pull of the party leader	4%	38%
The quality of the campaign	13%	7%
The support of the voters	87%	55%

Is there a particular level of party leader whose support deputies think is important? Plurinominales were more likely than uninominales to believe that the support of national party leaders was important to them, but they thought the backing of district party leaders was only a little more important (see Figure I.3). What about other campaign resources? Radio and television space was perceived as equally important to both kinds of deputies. The importance of gathering funds for the campaign was a little more salient for uninominales than for plurinominales, but the differences were not large.

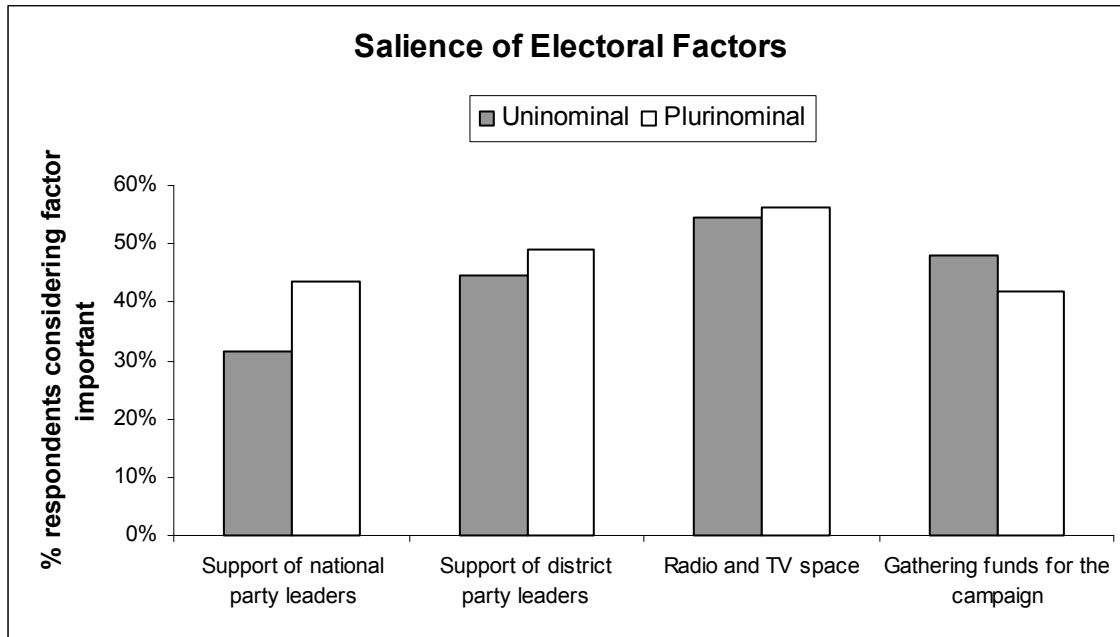


Figure I.3

Finally, we asked about their campaign strategies in the last election? Who organized their campaign? As shown in Table I.9, uninominales were more likely to say “self and campaign collaborators” than “the party set up and ran the campaign.”

Table I.9

Who organized the campaign?		
	Uninominal	Plurinominal
Self and campaign collaborators	93%	69%
Party	7%	31%

Did the uninominales concentrate their campaign efforts in a key zone or a few key zones? Most did not: 44 of 58 said that they distributed their efforts all over their districts, while only seven concentrated their efforts in a key zone (see Table I.10). We believe that this strategy may not continue through the next election, because only 31 (of 56) uninominales found that their votes were distributed evenly, with 22 of 56 finding that the majority of their votes were concentrated in a few sites.

Table I.10

Uninominal Distribution of Campaign Efforts and Votes		
	Campaign	Votes
One key zone	13%	5%
A few zones	7%	39%
Uniformly	80%	55%

***Deputies' Resources During their Mandates.*** We asked a series of questions to illuminate the factors that the two different kinds of deputies thought were important to their success in office itself. Our first questions asked about the important of getting projects ("gestionar proyectos") for the deputy's department or voting district. Plurinominales thought such projects were a little less important than uninominales, but the differences were actually quite small (Figure I. 4). Uninominales and plurinominales were equally likely to think that "visiting voters regularly" was "extremely important," and both groups were overwhelmingly on the high end of the measure; i.e., they believed that visiting voters regularly was central.

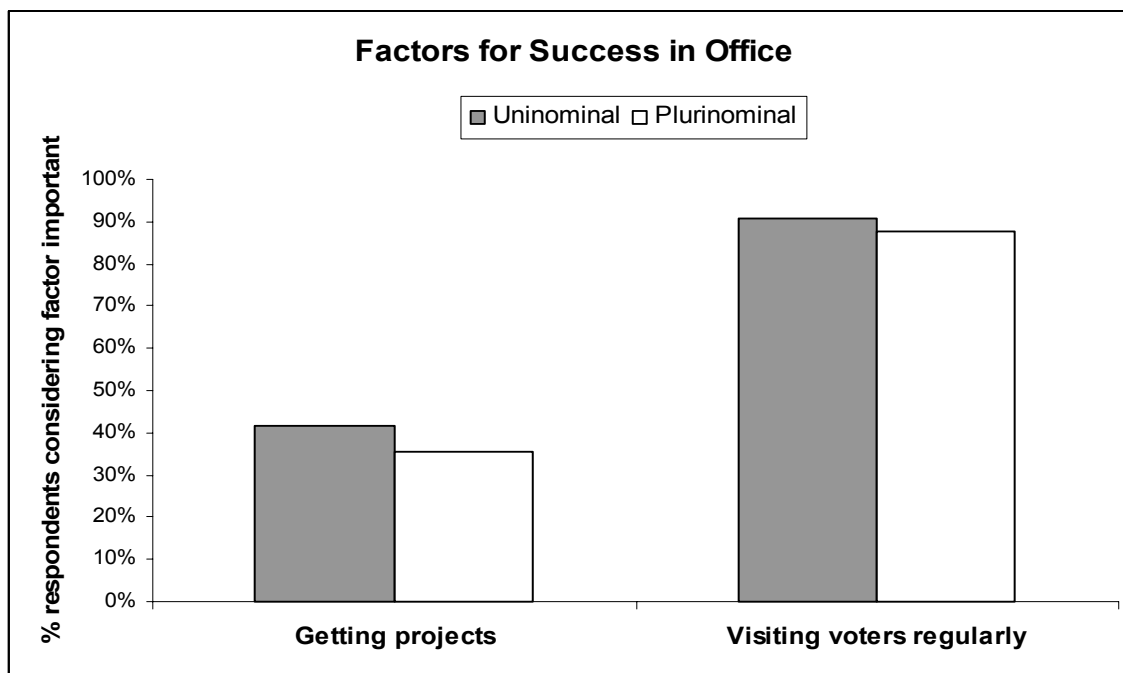


Figure I.4

On a whole range of questions about the immediate resources available to the deputies, we found only a few significant differences between the uninominales and plurinominales (Figure I.6). Uninominales were more satisfied with the physical space in their congressional offices but less satisfied with the salaries of their employees. They were equally satisfied with the personnel with whom they work, their office materials, the technical secretaries of committee or brigade, and their own pay. Uninominales were less satisfied than plurinominales with the response of the executive branch to their requests, probably because their own careers depend more on satisfying local demands.

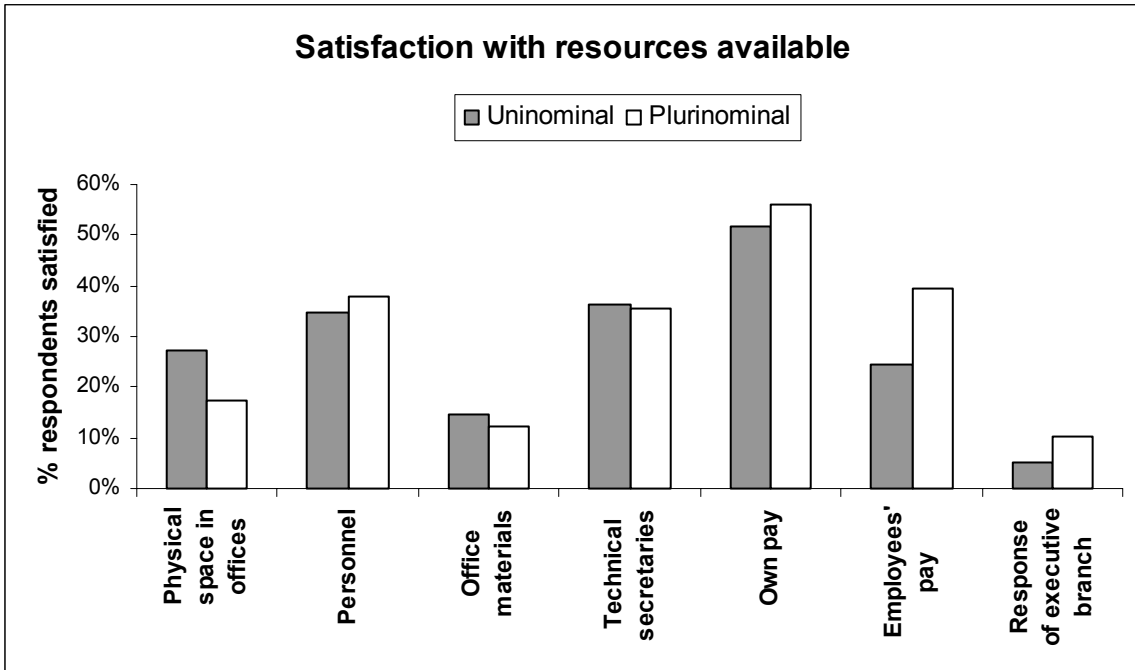


Figure I.5

**Behavior in Congress.** Do uninominales and plurinominales behave differently once in the Congress? We first asked the deputies if they had ever proposed a new law (*proyecto de ley*) in Congress (Figure I.7). No real difference emerged between plurinominales and uninominales. Had they proposed a law specifically destined to solve problems of their voting district? Once again, no significant difference emerged: 45 of 54 uninominales and 41 of 50 plurinominales had done so. Have they tried to alter the national budget to benefit their districts? A few more uninominales than plurinominales had tried to change the budget.

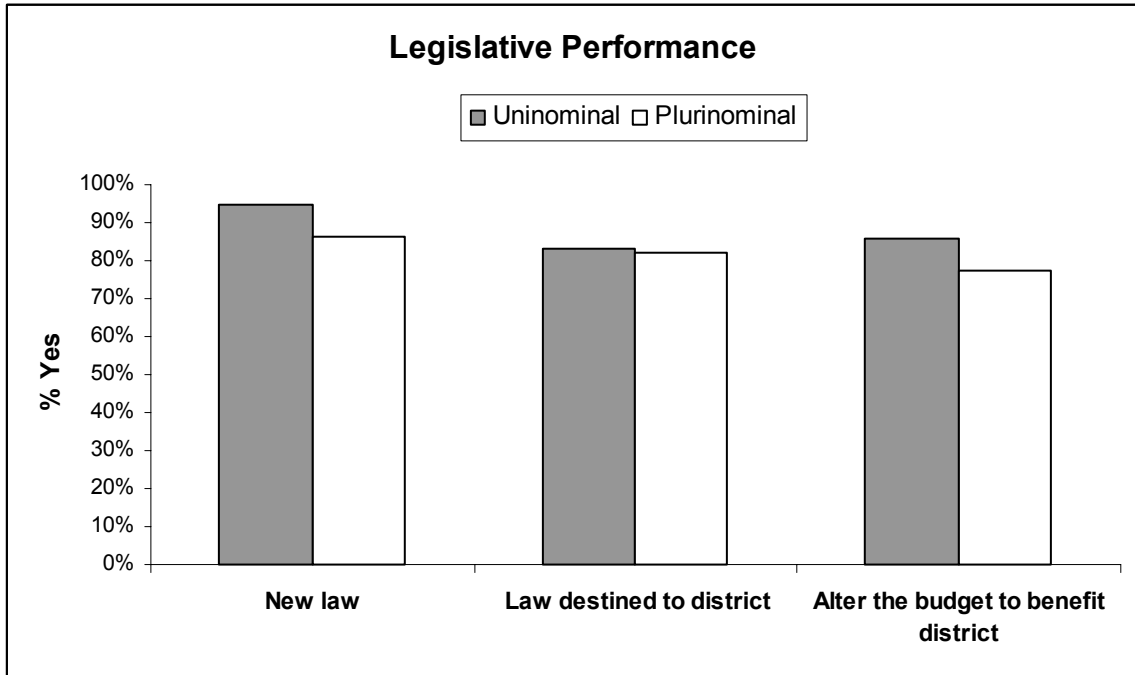


Figure I.7

We anticipated that uninominales would be more likely than plurinominales to vote against their parties in the chamber, but in fact there was no significant difference (see Table I.11).

Table I.11

Voted against own party		
	Uninominal	Plurinominal
Yes	30%	33%
No	70%	67%

We then probed the motivations of the deputies who had voted against their party (Table I.12). Was their defection a result of a party position that was against the interests of the department or voting district? Four of 16 defecting uninominales affirmed this motivation for defecting, as opposed to 8 of 18 defecting plurinominales. Was the defection a result of their party taking a position against the interests of the social groups the deputy represents? Eight of the 16 defecting uninominales gave this motivation for their defection, as opposed to 4 of 18 plurinominales. We find this surprising, since we expected that uninominales would be more district oriented and that plurinominales would be more group oriented.

Table I.12

Reasons to vote against own party		
	Uninominal	Plurinominal
<b>Party position against district's interests</b>	25%	44%
<b>Party position against represented group's interests</b>	50%	22%
<b>Party position against personal values</b>	19%	17%
<b>Leader position contradicts party ideology</b>	6%	17%

*Linkages to the Electorate.* Uninominal districts are supposed to promote better linkages to voters than plurinominal districts, and indeed there is some evidence that this is occurring (Figure I.8). For example, when we asked the deputies whether they had made regular reports of their activities to voters, 82% (47 of 57) of uninominales had done so, as opposed to 66% (38 of 58) of plurinominales.

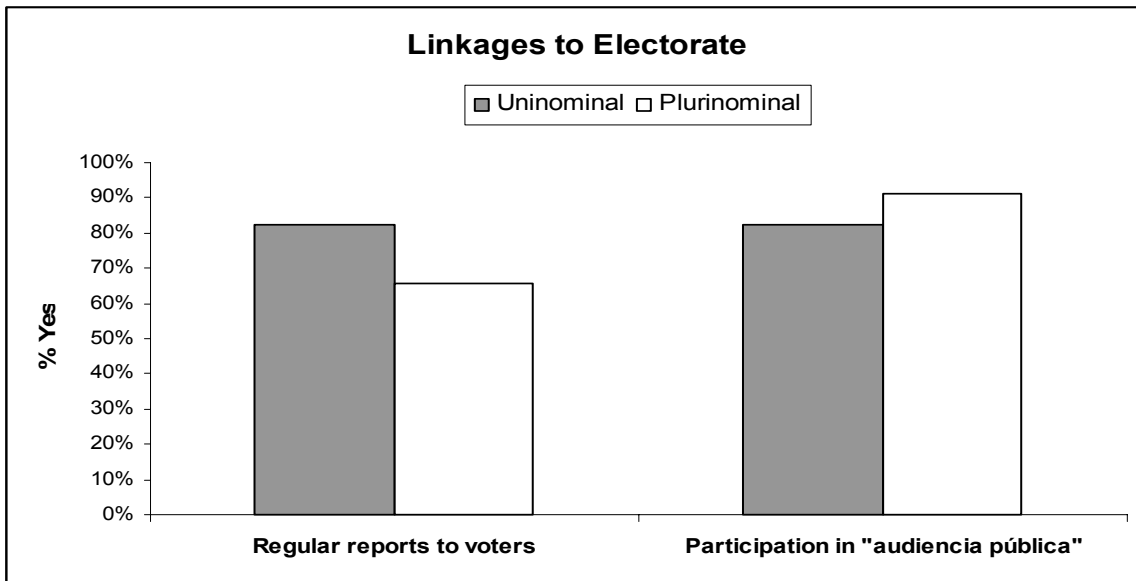


Figure I.8

With respect to participation in an “audiencia pública,” however, we found a slight tendency in the opposite direction. Eighty-two percent of uninominales had participated, as opposed to 91 percent of the plurinominal deputies. These differences are quite small, but it is surprising that the plurinominales actually have participated more than the uninominal deputies. Deputies of both types were about equally likely to believe that participation in these audiencias was an important way to move their political careers forward.

We then asked deputies about their participation in meetings of the Brigadas Departamentales (Figure I.9). The Brigadas are teams (or caucuses) composed by all the legislators from a given department (including senators, uninominales, and plurinominales). In recent years USAID has promoted public hearings of the Brigadas and local authorities in order to develop a common "agenda mínima" for the department, an agenda cutting across parties. In theory, legislators will then bargain with the national executive to obtain these projects and, subsequently, monitor their implementation. How well do the brigadas work?

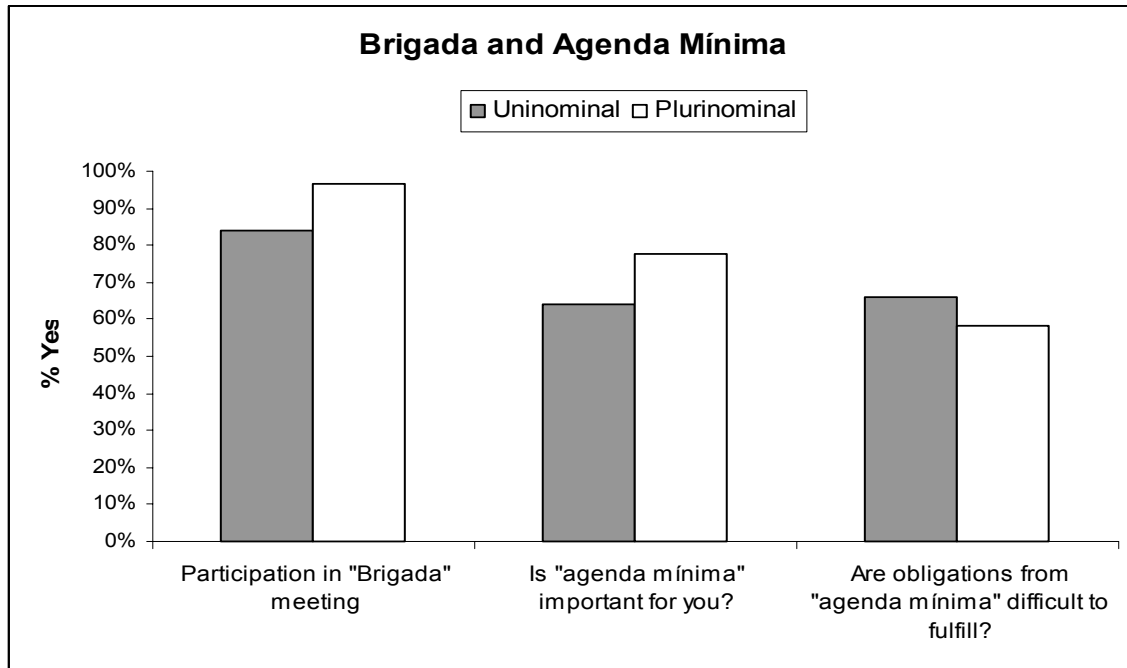


Figure I.9

Almost all deputies (84% of the uninominales and 96% of the plurinominales) report participation in a brigada meeting. Given the collective action problem in this kind of joint effort, we asked deputies whether they saw the agenda as important to their political careers. Both groups of deputies thought the agenda mínima was important to them, but uninominales were actually less likely to think so, with 64% of uninominales stressing the agenda mínima against 78% of the plurinominales. About two-thirds of both types thought the obligations incurred as part of the agenda mínima were difficult to fulfill. Overall, however, the innovation of the agenda mínima seems to be receiving a positive response from deputies of both electoral bases.

How well do the two types of deputies get along? One way to answer that question is to compare their evaluations of each other and of themselves (Figure I.10). We asked deputies to evaluate uninominal and plurinominal deputies on a seven-point scale, with "1" being the worst and "7" being the best.

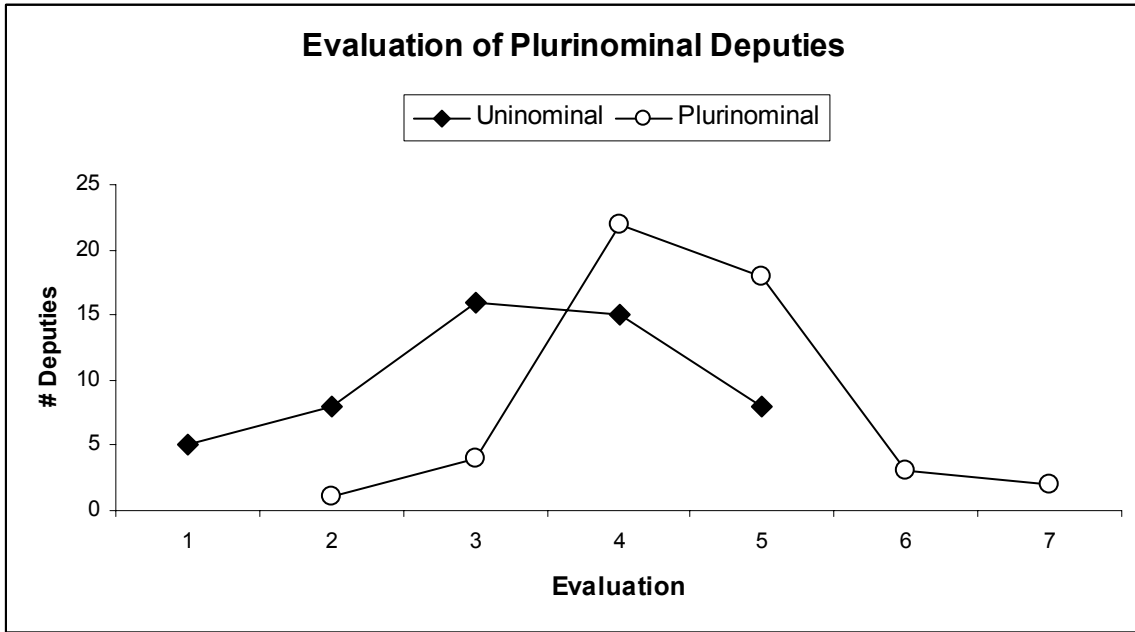


Figure I.10

Not surprisingly, plurinominales evaluated their own kind about a full point more positively than uninominales, and uninominales evaluated their own kind about a full point more positively than plurinominales (Figure I.11). These differences are fairly small and consistent with previous findings (Culver and Ferrufino 2001, 26), suggesting that the two deputy types do not see each other in radically different perspectives.

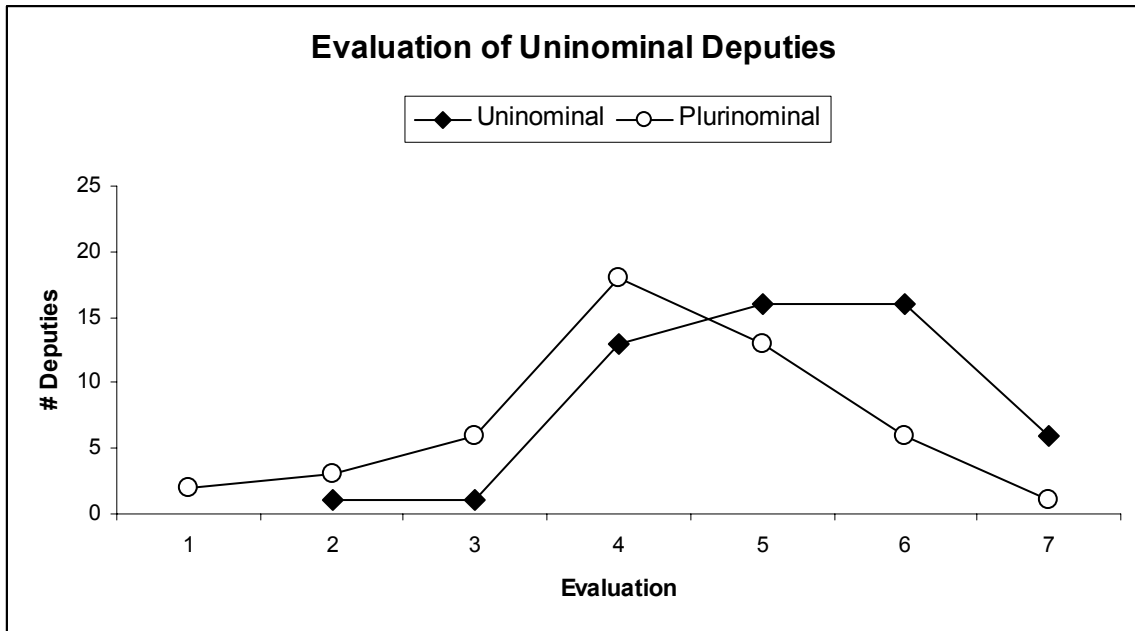


Figure I.11

When we asked deputies to voice their opinions about various political reform programs in Bolivia, we found few differences in the perceptions of plurinominales and uninominales. Uninominales (not surprisingly) were a little more positive about the election of deputies in uninominal districts, but we found no divergence in attitudes regarding the program of decentralization, reform of the penal code, or reform of the judiciary.

**Support for Democracy.** Support for democracy was very high (and indistinguishable) for both plurinominales and uninominales (Table I.12). All deputies preferred democracy to dictatorship. Only three deputies in the entire sample affirmed that there were “some circumstances in which they would prefer an authoritarian government.” See, however, the discussion in Chapter III on system support and tolerance for perhaps a more revealing view of support for democracy in operational terms.

Table I.12

<b>Support for Democracy</b>			
	<b>Uninominal</b>	<b>Plurinominal</b>	<b>Total</b>
<b>Democracy is always preferable</b>	50	53	103
<b>Sometimes an authoritarian government is preferable</b>	1	2	3
<b>It is the same</b>	2	0	2
<b>Total</b>	53	55	108

While there was considerable dissatisfaction with the functioning of democracy (about half of each deputy type reported being “somewhat unsatisfied” or “very unsatisfied,” this dissatisfaction did not translate into support for a coup. When we asked if the deputies could find reasons for a military coup, we found only 4 of 55 uninominales saying yes; as opposed to 7 of 55 plurinominales (Table I.13). Confronted with specific justifications for a coup, including unemployment, strikes, and so on, only a handful of either type supported a coup, with no difference between uninominales and plurinominales.

Table I.13

<b>Satisfaction with Democracy</b>			
	<b>Uninominal</b>	<b>Plurinominal</b>	<b>Total</b>
<b>Very satisfied</b>	3	3	6
<b>Somewhat satisfied</b>	30	27	57
<b>Somewhat unsatisfied</b>	12	20	32
<b>Very unsatisfied</b>	10	6	16
<b>Total</b>	55	56	111

The commitment to electoral democracy and political rights is underscored by deputies' response to questions about authoritarian leaders (Table I.14). Only 10% of each type of deputy wanted a stronghand government, a "mano dura." And only 12-13% believed that "Bolivia needs a strong man at the head of the state" (Table I.15).

Table I.14

Is there need for a strong hand or can problems be solved with the participation of all?		
	<b>Uninominal</b>	<b>Plurinominal</b>
<b>Strong hand</b>	11%	9%
<b>Participation of all</b>	89%	91%

Table I.15

Authoritarian leader?		
	<b>Uninominal</b>	<b>Plurinominal</b>
<b>Bolivia needs a strong and resolute man</b>	11%	13%
<b>Bolivia needs a man who engages in dialogue</b>	89%	87%

When we asked about the deputies' views on the balance between efficiency and other characteristics of good government, some differences appeared along the lines of deputy type (Table I.16). For example, only 13 of 53 uninominales believed that the country needs a government with the ability to make efficient and rapid decisions, but 22 of 50 plurinominales concurred. Similarly, uninominales are more likely to advocate negotiations than plurinominales, while plurinominales are more likely than uninominales to support sending the police to open the roads after a disruption. So there appears to be a bit of evidence suggesting that uninominales are more interested than plurinominales in reconciliation.

Table I.16

Good Government		
	<b>Uninominal</b>	<b>Plurinominal</b>
<b>Government with the ability to make efficient and rapid decisions</b>	25%	44%
<b>Government that listens to different groups even if it takes longer</b>	75%	56%

*Personal Characteristics.* Plurinominales are more educated, a little less likely to classify themselves as Chola, Indian or Originaria (and thus more likely to classify themselves as mestizo), and a little less likely to have spoken Quechua or Aymara at home. They are also a

little more likely to be female: 50 of 57 uninominales are male, 42 of 58 plurinominales are male. Plurinominales are a bit older, averaging 45.9 years of age, compared to the uninominales mean of 44.2.

We measured deputies' ideological positions by asking them to place themselves and their parties on a 10-point scale, with "1" being extreme left and "10" being extreme right (Figure I.12). Plurinominales were a little to the left of uninominales, but the differences were slight. The same slight tendency toward the left was found in their judgments about their own parties (Figure I.13).

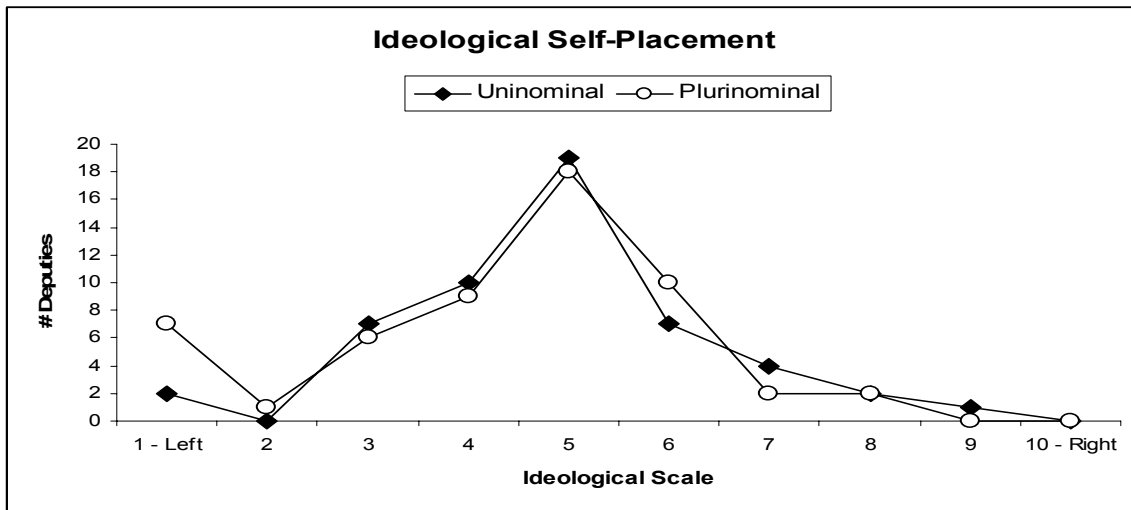


Figure I.12

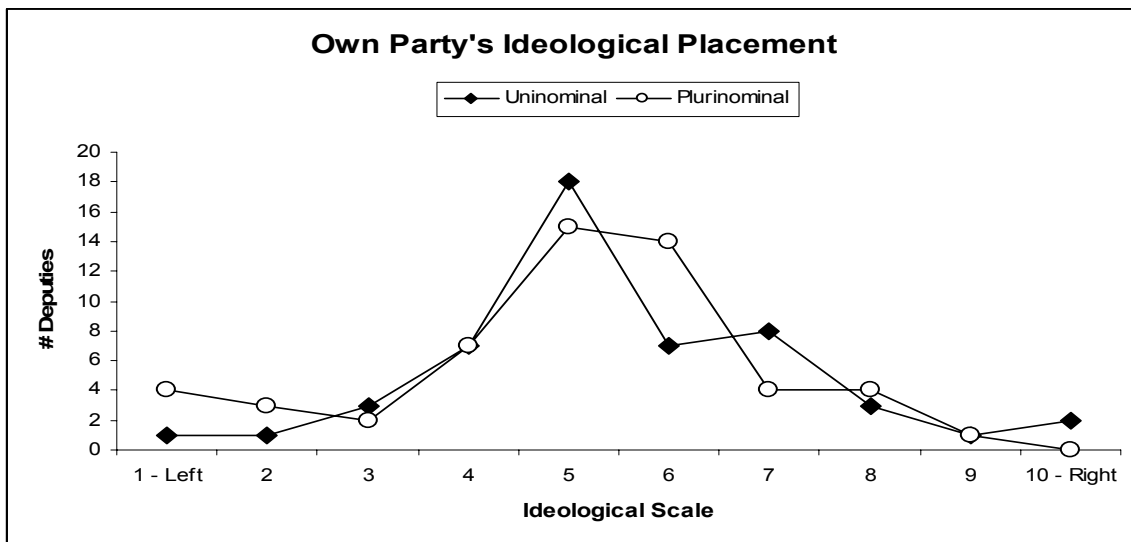


Figure I.13

## *Conclusions*

Overall, did we find major differences between the “traditional,” plurinominal deputies and the “reform,” uninominal deputies? The overall answer has to be negative. Plurinominales are better educated, less likely to self-classify as Chola (or Indian or originaria), and less likely to be from households where Quechua or Aymara were spoken. But they were more likely to be female, so in part the class balancing of the mixed system runs against the gender imbalancing. Ideologically, uninominales and plurinominales come out about the same on our scale of ideological self-placement. Party ideology had no relation to the tendency to be elected from one type of district or another. Uninominal deputies were more likely to have been local officials, especially local councilmen, than plurinominal deputies. The two types are equally committed to staying in politics after their terms, but uninominales are more likely to return to local office. The uninominales are less likely to believe they owe their nomination and election to party officials, which is precisely how the system ought to operate.

It is worth noting that a major transformation took place in the self-defined role of legislators between 1997 and 2002. Deputies elected in 1997 emphasized the roles of legislation and oversight irrespective of their election in single-member or multi-member districts. In contrast, although many deputies elected in 2002 still emphasized their role as legislators, a large number also emphasized the representation function, and there was a clearer distinction between the two groups. Uninominales have assumed the role of representing the voter, including the obtaining of local projects, more than plurinominales, who focus more on legislating. These findings suggest a fast institutional learning curve among politicians. Uninominales are also more likely than plurinominales to claim the right of absolute independence of their legislative vote from the party.

The actual behavior in the legislature of these two types of legislators is not particularly distinct. They were about equally satisfied with their pay, their office space, the competence of technical staff, and so on. In spite of the claim of the right of independence of their vote from their parties, in practice both groups deviate from their parties at about the same rate. Uninominales are a little more oriented to getting projects for their districts, but they are about equal to plurinominales in terms of proposing new laws or altering the budget.

Did the uninominales behave in such a way as to strengthen the voter-deputy linkage? We found few differences between uninominales and plurinominales. Both groups think visiting voters regularly is important. Uninominales are more likely to report regularly to voters but less likely to participate in the audiencias públicas. Participation in the brigades departamentales was about equal.

Neither on concrete issues (decentralization, penal reform, etc.) nor on broad political values did we find significant differences. Both groups are overwhelmingly supportive of democracy and against coups. Few supported a “mano dura” or a strong-man government. But among both groups we found a lot of dissatisfaction with the functioning of democracy.

One methodological caveat is quite relevant. The absence of significant differences between uninominales and plurinominales on many aspects of legislative behavior does not mean that the presence of uninominal deputies has failed to produce a beneficial change in overall behavior. We suspect that the uninominales' need to attend to their local bases may also affect the behavior of the plurinominal deputies, whose political ambitions force them to imitate and compete with the uninominales, bringing both groups together at a more responsive equilibrium.

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## II. Judicial Operators and the New Criminal Procedural Code

With the adoption, in 1999, of a new Criminal Procedural Code (*Código de Procedimiento Penal*, CPP), Bolivian legislators sought to adapt the criminal system to the demands of the 1994 democratic Constitution, improving its efficiency and protecting individual rights. Among other major innovations, the new code established oral procedures, placed the prosecutors in charge of the criminal investigation, created new collegiate courts integrated by two professional judges and three common citizens, set strict deadlines for the preparatory phase and the trial to avoid delays, and imposed restrictive conditions for the application of preemptive arrests and other *medidas cautelares*.<sup>7</sup> The implementation of this criminal procedure since 2001 allowed for the temporal coexistence of a reformed judicial sector (the new courts operating under the new CPP) and a traditional sector (the so-called “liquidating judges”) in charge of closing the criminal cases filed prior to the legal reform. At the same time, the reform attracted the attention of judicial operators in other legal areas (e.g., civil courts) in search for solutions to their own problems of case overloads and judicial delays.

Between July and September of 2003, the University of Pittsburgh’s Latin American Public Opinion Program conducted an extensive survey of the Bolivian judiciary. It interviewed 53 percent of all judges (including the members of the superior courts) in all regions of the country. The composition and coverage of this comprehensive sample (459 respondents) is presented in Table II.1. We also conducted a similar survey among a more limited sample of prosecutors, covering almost 30 percent of the Bolivian prosecutors at different levels (Table II.2).

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<sup>7</sup> Barona Vilar, Silvia, *Medidas Cautelares Penales en el Nuevo Proceso Penal Boliviano* (Santa Cruz de la Sierra: Editorial El País, 2002); Fiscalía General de la Republica - Instituto de Capacitación del Ministerio Público, *Curso Inductivo Para Fiscales Adjuntos y Asistentes* (<http://www.fiscalia.gov.bo/icmp/curso-inductivo/0.htm>. Sucre, 2002); Seligson, Mitchell A., *La Cultura Política de la Democracia en Bolivia: 2000* (La Paz, Bolivia: Universidad Católica Boliviana, 2001), pp. 143-49, and *Auditoria de la Democracia: Bolivia, 2002* (La Paz, Bolivia: Universidad Católica Boliviana, 2003), pp. 127-46.

**Table II.1. Composition of the Judicial Sample**

	UNIVERSE	SAMPLE	%
<b>Superior Judges</b>			
Corte Suprema	12	3	
Consejo de la Judicatura	4	2	
Tribunal Constitucional	10	1	
Tribunal Agrario Nacional	7	3	
Cortes Superiores de Distrito	98	44	
<i>Total</i>	131	53	40.5
<b>Judges</b>			
<b>Criminal (Reformed Sector)</b>			
– Instrucción	36	29	
– Partido	152	93	
<b>Criminal (Traditional Sector)</b>			
Liquidador/ Mixto –Instrucción	174	60	
Liquidador/ Mixto – Partido	135	79	
<b>Other (Traditional Sector)</b>			
Non criminal – Instrucción	71	44	
Non criminal – Partido	164	101	
<i>Total</i>	732	406	55.5

Note: Universe reflects composition of de judiciary in May of 2003. Sample is the actual number of judicial operators interviewed in each category.

**Table II. 2. Composition of Prosecutors' Sample**

Prosecutors	UNIVERSE	SAMPLE
Fiscal General	1	1
Fiscal Adjunto	1	0
Fiscal de Recursos	4	0
Fiscal de Derechos Humanos	3	0
Fiscales de Distrito	9	7
Fiscales de Materia (ciudad)	234	61 <sup>a</sup>
Fiscales de Materia (provincia)	77	27 <sup>b</sup>
<i>Total</i>	329	96

a) Including 3 Adjunct Prosecutors (*Fiscales Adjuntos*)

b) Including 5 Adjunct Prosecutors

For simplicity, all judges in Table II.1 have been classified in three “levels” reflecting (in simplified version) the hierarchy structure in the Bolivian judicial system:

- 1) *Superior Judges*, including the members of Supreme Court (Ministros), the Constitutional Tribunal (Magistrados), the Judicial Council (Consejeros), and the National Agrarian Tribunal (Vocales). This category also includes the judges of the Superior District Courts (Vocales).
- 2) *“Partido” judges*, including the “juzgados de partido” (province-level courts) properly speaking, but also the newly appointed sentence judges (jueces de sentencia) in criminal courts, the professional judges in new criminal tribunals (jueces técnicos), the jueces de ejecución penal in the criminal area, and the remaining judges in drug-related courts (jueces de sustancias controladas).
- 3) *“Instrucción” judges*, including the instructional courts (municipal-level courts) proper, and the new “jueces cautelares” in the criminal area.

For the purpose of our institutional analysis, we will group judicial operators generally into five groups:

- 1) Criminal judges operating under the new procedural code (the Reformed Sector)
- 2) Criminal judges operating under the old (previous) procedural code, including (“liquidadores” in charge of liquidating pending cases) or “juzgados mixtos” (in the provinces, some courts are still deciding most cases under the old code, but also taking the new cases under the new procedure). In this “traditional sector” we also include the drug-related courts (sustancias controladas)
- 3) Prosecutors
- 4) Non-criminal courts, including judges in the Civil-Commercial, Family, Juvenile, Labor and Social Security, Administrative, and Agrarian areas
- 5) Superior Judges, who typically make decisions integrated into chambers (Cámaras)

Our sample covered all judicial districts. Of the 555 judicial operators interviewed, 21.1percent (117 respondents) belonged to the judicial district of La Paz, 19.1% (106) to the district of Santa Cruz, 15.7% (87) to the district of Cochabamba, 7.0% (39) to the district of Oruro, 7.9% (44) to the district of Chuquisaca, 9.2% (51) to the district of Potosí, 3.1% (17) to the district of Pando, 7.7% (43) to the district of Tarija, 7.4% (41) to the district of Beni, and the remaining 1.8% (10) had national jurisdiction. Of the courts covered in the survey, 66 percent (269) were located in the capital city of their districts, and the remaining 34 percent (138) were located in the provinces.

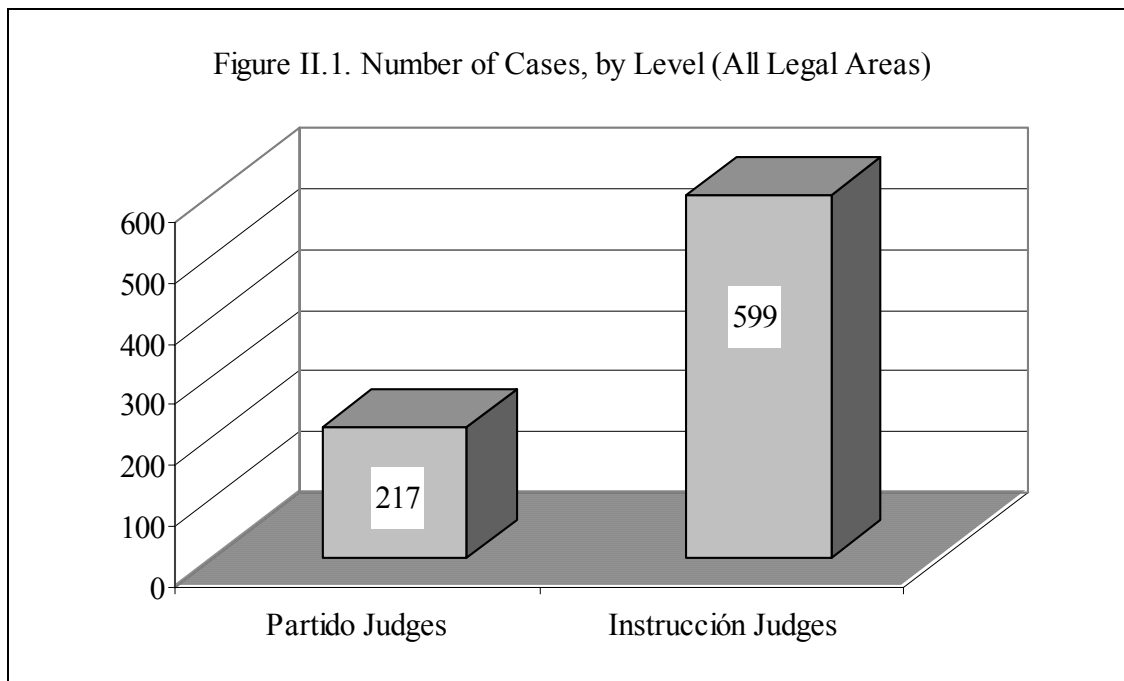
In terms of gender, the distribution of the sample was 70% male and 30% female, indicating that the judiciary is a predominantly male environment. This distribution was fairly consistent across legal areas and judicial levels, although we found a slightly greater proportion of female respondents (36%) among instructional judges. In terms of ethnic composition, 69 percent of the 555 respondents chose to self-identify as mixed race (raza mestiza or chola), 23 percent self-identified as white (raza blanca), 6 percent identified as indigenous (originaria or indígena), and 2 percent did not answer.

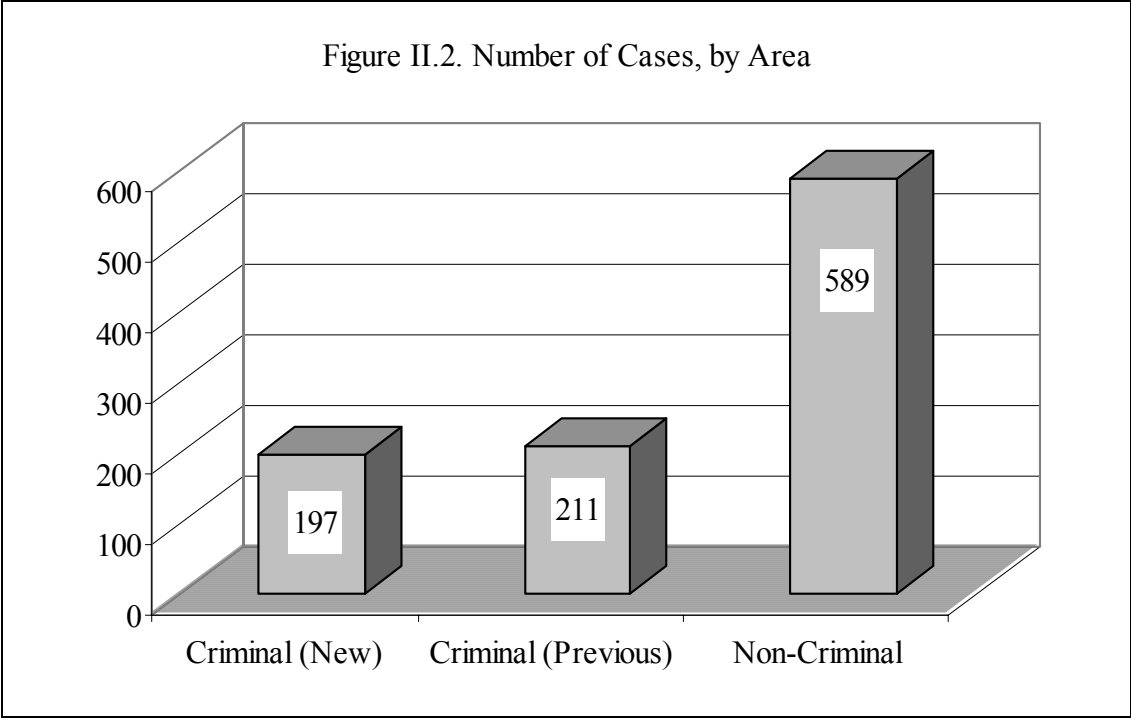
## Resources

Case processing delays and expanding caseloads have been a regular problem for the Bolivian criminal system (Gamarra 1991, 95). In order to address this problem, the 1999 procedural code imposed strict deadlines to avoid holdups (*retardación de justicia*) in criminal trials. Article 133 established a term of three years as the maximum time length for most trials, and Article 134 set a standard term of six months (extendable to 18 months) to complete the investigative phase (*fase preparatoria*) of the trial.

To assess the courts' workload and their potential problems with backlog cases we asked all judges at the *partido* and *instrucción* levels: How many cases await resolution in your court? How many cases do you normally close in any given year? How many cases are received by your court during an average year?

Figures II.1 and II.2 indicate that the workload varies with the level and the legal area of the courts. The variance follows the expected direction: *instrucción* courts have a greater workload than *partido* courts (599 vs. 217 cases on average), and criminal courts have a lighter workload than other types of courts (204 vs. 589 pending cases on average).

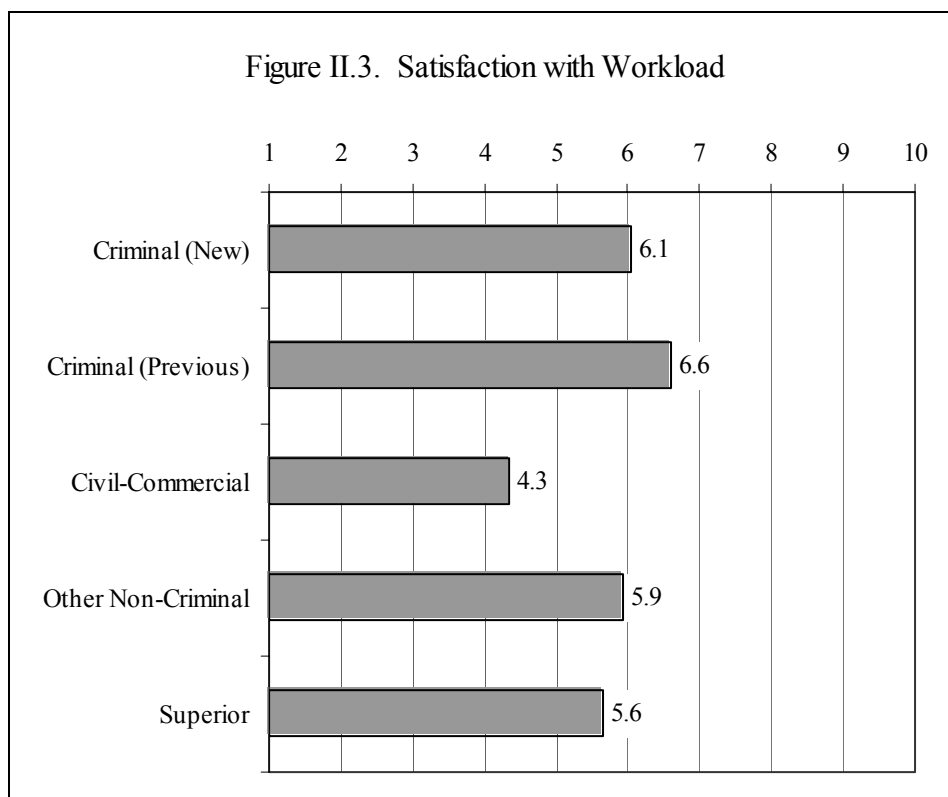




Q. Approximately how many cases are currently open in your court?

Further analysis indicates that the greater workload within the non-criminal courts is concentrated in the Civil-Commercial area. For instance, while the typical judge in a Civil court at the *instrucción* level claims to have 1,217 pending cases, the average fellow *instrucción* judge in a non-criminal, *non-civil* court claims to have some 856 cases.

We asked all judges how satisfied they were with their workload, on a scale from 1 (not satisfied at all) to 10 (extremely satisfied). Figure II.3 below compares the responses of the judges by legal area. Although “liquidadores” are the group most satisfied with their capacity to cope with the workload (6.6), the criminal judges in the reformed sector display an acceptable level of satisfaction (6.1) that is statistically indistinguishable from the perception of their colleagues in the non-criminal, non-civil courts and in the superior courts. In contrast, judges in civil-commercial courts display a greater concern with the caseload (a 4.3 score), and the difference with criminal judges is significant at the .01 level.



Q. In a scale from 1 to 10, where 1 means “not satisfied at all,” and 10 means “extremely satisfied,” how satisfied are you with... the workload?

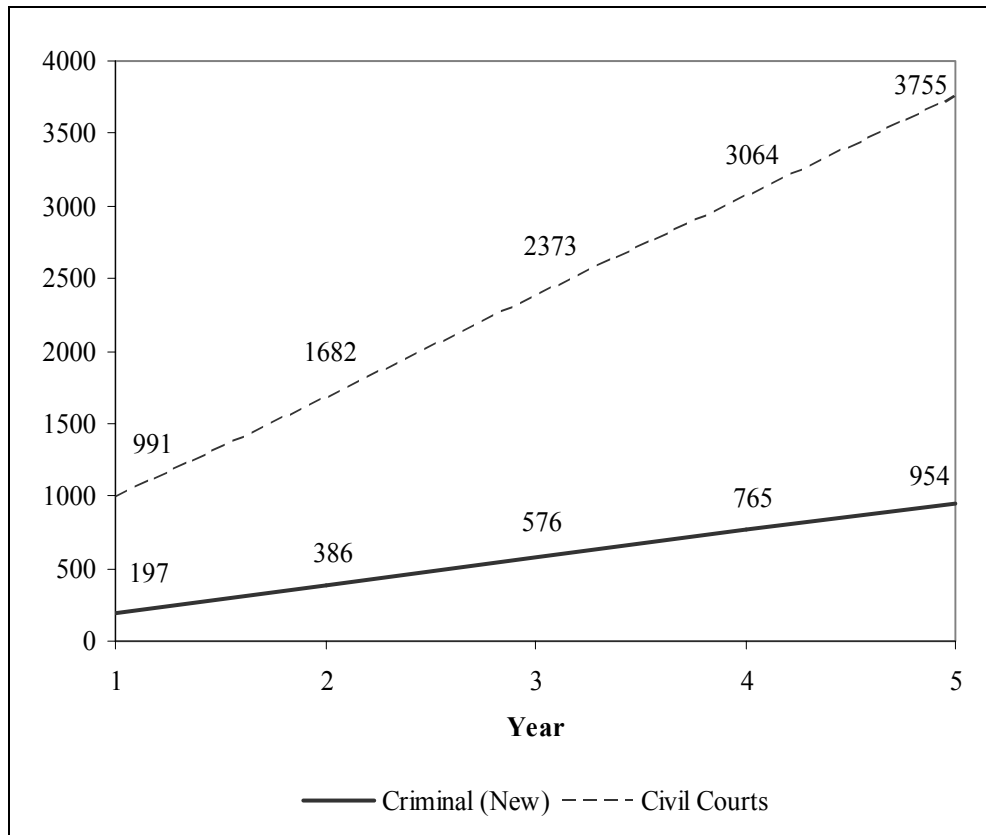
In addition to assessing the *current* workload, we asked judges about their capacity to process incoming cases in the long run. The average judge in the Bolivian system (excluding superior courts) declares that some 352 new cases are introduced in his or her court every year, while he or she expects to close some 184 cases per year. This suggests that, other things equal, the system is likely to cumulate an increasing backlog of cases over time, since the typical judge is able to process only 52 percent of the input received within any given year.

The situation has not improved over time. Based on official records, Gamarra estimated that in 1987 the average court received 111 new cases in the district of La Paz, 240 new cases in Cochabamba, and 126 new cases in Santa Cruz.<sup>8</sup> In our sample of respondents sixteen years later, the typical judge reported 462 new cases every year in the district of La Paz, 547 new cases in Cochabamba, and 228 new cases in Santa Cruz. It is alarming that the reformed sector is the one that potentially appears to be the most overwhelmed. The average judge under the new criminal system expects 230 new cases every year and reports an average of 41 sentences (an 18% processing rate vs. 52% for the overall system).

<sup>8</sup> Gamarra, Eduardo A. *The System of Justice in Bolivia: An Institutional Analysis*. Miami: Center for the Administration of Justice - Florida International University, 1991, p. 94

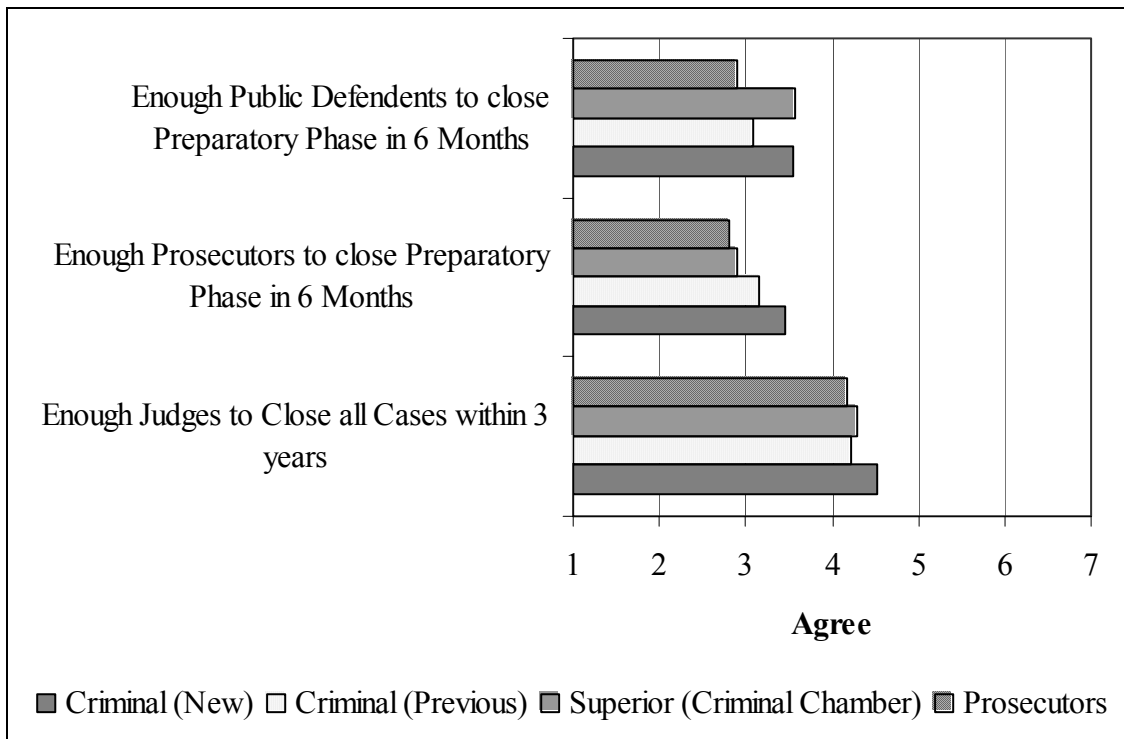
To estimate the substantive impact of this backlog, we projected the number of cases pending resolution over a five year period for a typical criminal court operating under the new procedural code and for a typical civil-commercial court. The results, shown in Figure II.4, indicate that (under the strong assumption that cases continue to flow at a constant pace and judges continue to close them at a constant rate) the average criminal court will confront by year 5 more than 900 cases (almost five times the current volume) while the typical civil-commercial court will confront over 3,700 cases (almost four times its current caseload).

Figure II.4. Court Caseload: Five-Year Projection



Because this trend could represent a major challenge for the strict deadlines that the new procedural code has imposed on criminal courts, we asked all judicial operators involved in the criminal system (i.e., judges under the new procedure, *liquidadores*, superior judges in Criminal chambers, and prosecutors) to what extent they believed that their judicial district has enough resources to meet the existing deadlines. The question read: “In a scale from 1 to 7, where 1 means *not at all* and 7 means *a lot*, to what extent do you agree with the following statements: a) this district has enough criminal judges to dispose all cases within three years (...), b) the DA’s office has enough prosecutors to complete the preparatory phase of all cases within six months; c) there are enough public defendants to complete the preparatory phase of all cases within six months.”

Figure II.5. Human Resources to Meet Procedural Deadlines



Although criminal judges have moderate (but not overwhelming) expectations that their districts will have enough human resources to meet the new procedural deadlines for the completion of the *trials*, it is clear that there is a greater concern about the deadlines for the preparatory phase. There is a generalized perception that prosecutors and public defendants may be overwhelmed by the caseload. The legal deadlines imposed by the criminal procedural code may therefore not be enough to guarantee an end to judicial delays or *retardación*.

In terms of human resources, there was a common demand for greater judicial autonomy to hire and fire collaborators. In a scale from 1 to 5, where 1 meant “no freedom” and 5 meant “absolute freedom,” we asked judges and prosecutors to rank how much freedom they had, and how much they wanted to have, to hire and fire their staff. The average judicial operator ranked his or her freedom to hire as 1.4 in the scale, but demanded a level of independence equivalent to 4.2 (the difference between the two scores in a paired-samples t-test is significant at the .01 level, even without correcting for finite population sampling). In terms of firing, the average respondent reported a level of autonomy equivalent to 1.4 but expressed the need for autonomy at the 3.8 level (difference significant at the .01 level).

### ***Professional Values and Commitment to Reforms***

In order to assess the perception of the new CPP by the judicial operators, we developed a battery of questions capturing their opinions about: a) oral procedures; b) citizen judges; c) the

procedural guarantees offered by the CPP; and d) the overall results expected from the implementation of the CPP. Regarding oral procedures, we asked whether these procedures were perceived as *very good, good, bad, or very bad* for conducting criminal trials and (hypothetically) for non-criminal matters. The results, presented in the first two lines of Table II.3, indicate that there is widespread support for the oral system. More than 99 percent of the judges consider the oral system good or very good for criminal trials, and more than 95 percent consider that it would be appropriate for non-criminal matters. Judges in civil-commercial courts are in fact the ones who are most enthusiastic about this proposal.

Table II.3. Support for New CPP among Judicial Operators (%)

	Criminal (New)	Criminal ( <i>Liquid.</i> )	Civil Courts	Superior Courts	Prosecu- tors	Total
<b>Oral Procedure is Good</b>						
For criminal trials	99.2	100.0	98.2	100.0	99.0	99.5
For non-criminal matters	96.7	96.4	98.2	94.3	90.6	95.7
<b>Citizen Judges</b>						
Good or very good	94.3	84.9	87.5	84.9	91.7	88.1
Prepared for the task	55.7	23.7	19.6	24.5	22.9	29.4
<b>Guarantees in CPP</b>						
Presumption of innocence	94.3	83.5	78.6	77.4	74.0	82.9
Not excessively <i>garantista</i>	5.7	12.2	19.6	13.2	12.5	13.2
<b>Results</b>						
Greater Celerity	98.4	95.7	85.7	92.5	88.5	91.5
Reduce Crime	37.7	40.3	10.7	22.6	31.3	31.2
N (100%)	122	139	56	53	96	555

The judicial operators' response to the issue of citizen judges is somewhat more ambiguous. In principle, 88 percent of all judicial operators claim that the participation of citizen judges is good (or very good) for the criminal process. However, when we asked them whether they considered that citizens are actually prepared to serve as judges, the response was less emphatic. We requested that they indicated their views in a scale ranging from 1 (citizens are not at all prepared) to 7 (citizens are well prepared). Table II.3 shows the percentage of judicial operators providing a response of 5 or higher in the scale. Although criminal judges in the new system appear to be fairly confident on citizen participation, the remaining judicial operators remain skeptical.

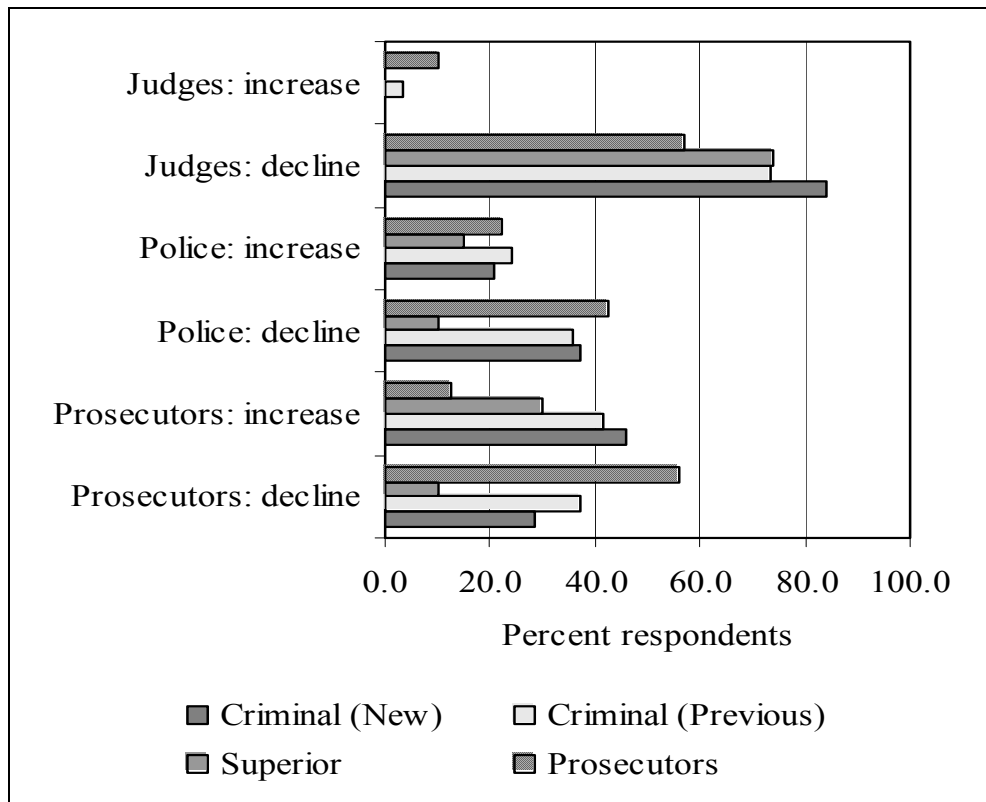
A similar problem became manifest when we inquired about the value of the procedural guarantees provided by the CPP. When we framed the question in terms of individual rights ("Would you say that respect for the presumption of innocence, preserving the freedom of presumed criminals until their guilt or innocence is established, is very good, good, very bad, or bad?") there was general support for the principle. But when we asked, in more practical terms, whether respondents considered that the new procedural code was excessively "garantista"

(biased in favor of procedural guarantees) there was *also* widespread agreement. Respondents were asked to locate their views in the seven-point scale, where 7 now represented full agreement with the idea of the CPP providing “excessive” guarantees. Table II.3 reports the percentage of respondents who considered the criminal code as *not* excessively benign (providing scores of 3 or lower). Only 6 percent of the criminal judges operating the new system, and 12 percent of the prosecutors, seemed to question the idea that there is too much protection for individual rights in the new code.

The last two questions deal with the expected results of the CPP. More than 90 percent of all judicial operators (and more than 95 percent of all criminal judges) believe that the new procedural code will impose greater celerity to the criminal trials (answers 5 or greater in the 7-point scale). On the other hand, only a minority believes that the new criminal procedure will help reducing crime.

With regard to the expected effects of the CPP, we also inquired among the respondents involved in the criminal process (criminal judges, prosecutors, and superior judges members of criminal chambers) whether they believed that the new procedures would help reduce corruption in the judicial process or, on the contrary, would create new niches for corruption among some operators. The results are summarized in Figure II.6. There seems to be a consensus that, increasingly removed from the investigative role, criminal judges will be now less exposed to corruption. On the other hand, there is a divided perception of the new situation of the prosecutors. While prosecutors themselves tend to believe (56%) that there will be less opportunities for corruption, some criminal judges (46%) believe that corruption among prosecutors could increase.

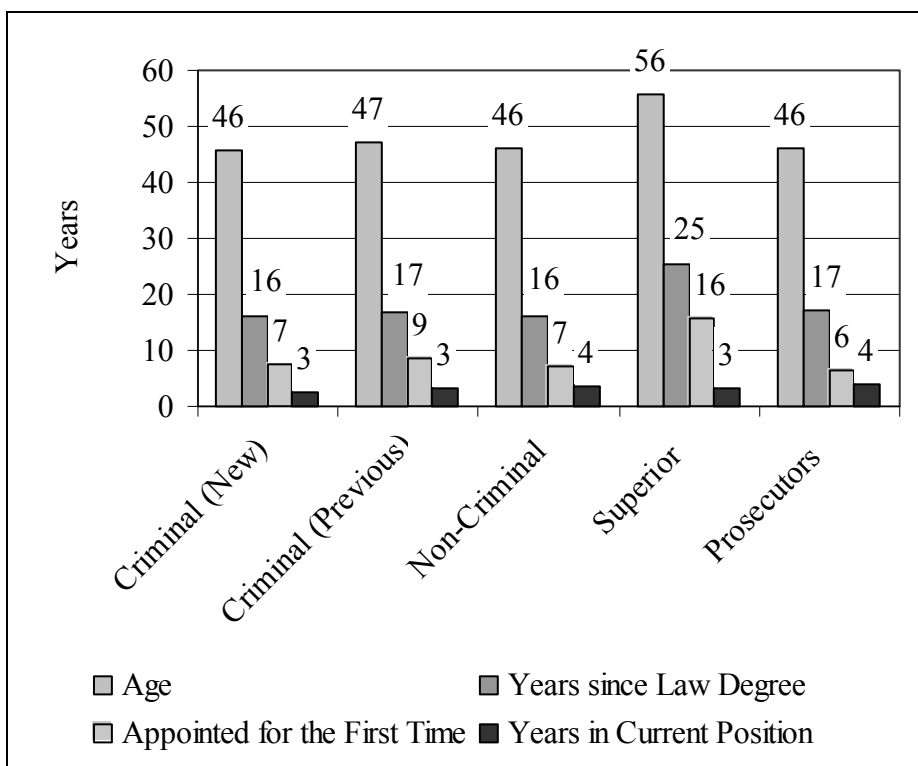
Figure II.6 Corruption will Increase or Decline among Judges, Prosecutors, and the Police (by Type of Respondents)



### ***Professional Careers***

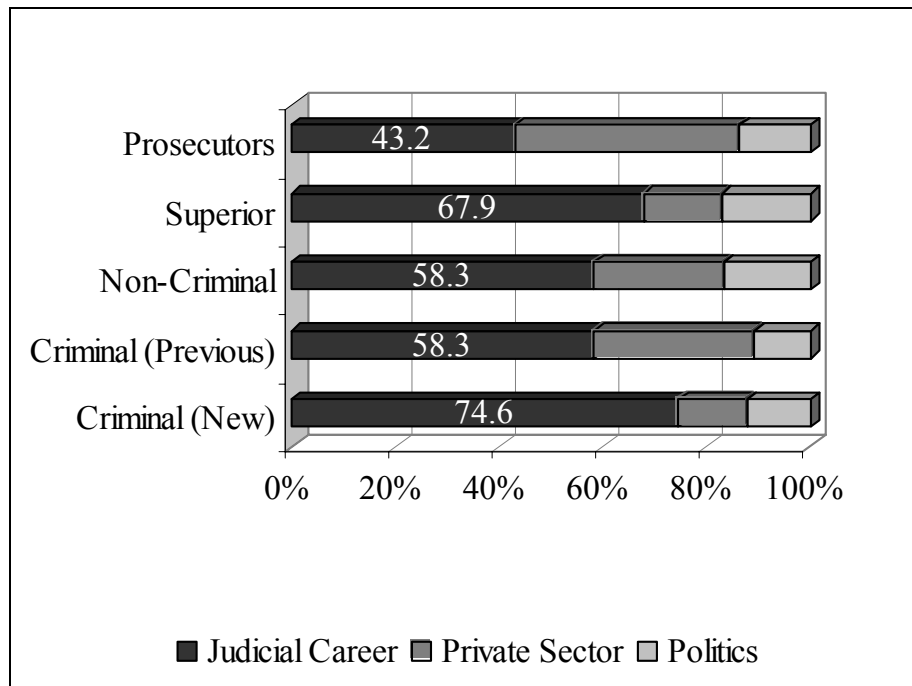
Figure II.7 below summarizes judicial careers in Bolivia. The typical Bolivian judge is relatively young (47 years old), has held a law degree for 17 years, was appointed judge for the first time about 8 years ago, and has been in his or her current position for about 3 years. Prosecutors' career profiles are consistent with this pattern. Not surprisingly, age and professional experience are somewhat greater among the Superior Judges, but the length of their tenure in their *current* position is comparable to the one displayed by judges in other courts.

Figure II.7. Professional Trajectory of Judicial Operators (Years)



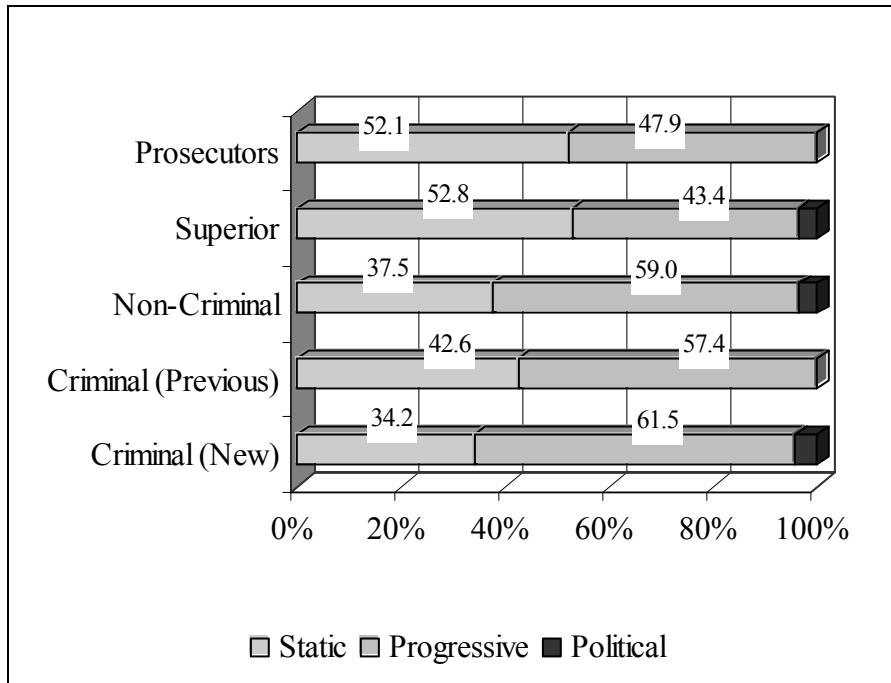
A vast majority of the judicial operators interviewed obtained their law degrees from the UMSA (20.0%), the UMSS (17.5%), the Gabriel René Moreno University (17.3%), or the Universidad Pontificia San Francisco Xavier (16.8%). We asked judicial operators about their professional activity immediately before reaching their current position in the Judiciary. Sixty percent of all respondents had held another position in the Judiciary immediately prior to their current post, while another twenty-six percent occupied a position in the private sector (typically in the private practice), and the remaining fourteen percent had a position that could be generally defined as “political” (either as public officials or in elected posts). Figure II.8 below compares the prior experience of judicial operators by legal area.

Figure II.8. Activity of Judicial Operators Immediately Prior to Current Position



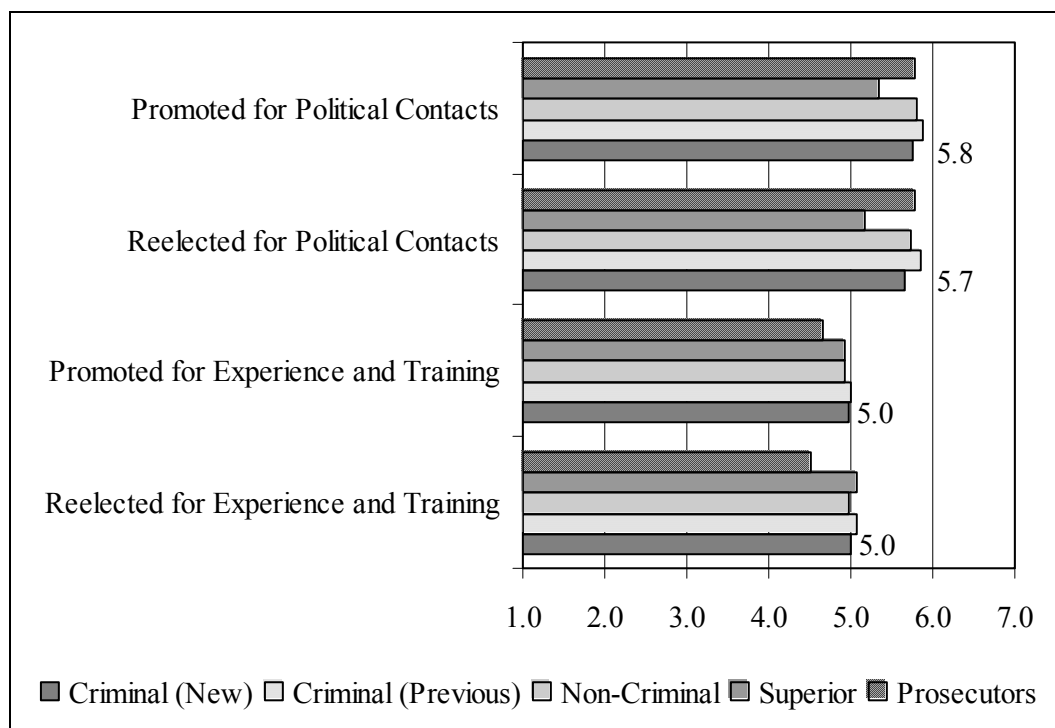
To complete the analysis of judicial careers, we asked judicial operators what position they would like to occupy immediately following the completion of their tenure in the current job. Judicial operators can be clearly classified into two groups. Forty-two percent (n=229) display static ambitions (they want to retire in their current post or stay in an equivalent post) while another fifty-six percent (n=303) declare progressive ambitions (aspire to a promotion within the judiciary). Only two percent of the respondents showed political ambitions (intend to seek elected positions or key posts in the executive branch). Figure II.9 compares the distribution of career ambitions across judicial sectors.

Figure II.9. Career Ambitions, by Area



Given this distribution of career ambitions, we inquired about the perceived conditions to retain office or to gain a nomination for promotion. In a scale from 1 to 7, respondents indicated their belief that: a) judges (or prosecutors) with greater experience and training are more likely to be reelected; b) judges (or prosecutors) with greater experience and training are more likely to be nominated for promotion; c) judges (or prosecutors) with better political contacts are more likely to be reelected; and d) judges (or prosecutors) with better political contacts are more likely to be nominated for promotion. The results are summarized in Figure II.10. With the exception of superior judges, judicial operators in *all* areas tend to believe that political influence is more relevant in determining tenure and promotion than professional merit. Table II.4 displays the difference between the scores for merit and politics within each group, providing the paired samples t-tests for these differences.

Figure II.10. Expectations about Tenure and Promotion



Note: Figures next to solid column indicate scores for criminal judges under the new procedural code.

Table II.4. Role of Merit vs. Politics in Advancing Judicial Careers  
Difference in Mean Responses, by Legal Area (Paired Samples T-Tests)

Area	Reelection: Merit vs. Politics				Promotion: Merit vs. Politics			
	Difference	t-test	Sig.	d.f.	Difference	t-test	Sig.	d.f.
Criminal (New)	-0.650	-3.357	0.001	119	-0.832	-3.926	0.000	118
Criminal (Previous)	-0.786	-3.835	0.000	130	-0.902	-4.475	0.000	132
Non-Criminal	-0.773	-4.374	0.000	140	-0.887	-4.946	0.000	140
Superior Judges	-0.098	-0.284	0.778	50	-0.314	-0.876	0.385	50
Prosecutors	-1.273	-4.602	0.000	87	-1.130	-4.346	0.000	91
All Operators	-0.766	-7.677	0.000	530	-0.866	-8.617	0.000	535

Note: Difference is gap between scores in Figure II.10 (negative values indicate greater scores for Politics). Significance tests do not correct for finite population.

To what extent are these perceptions a potential source of “noise” in judicial decisions? This question is very hard to address. We chose to adopt a victimization approach to explore the presence of political pressure and other forms of undue interference in the judicial process. A similar approach yielded important results in the study of day-to-day forms of petty corruption among common citizens.<sup>9</sup> We asked judicial operators:

“Over the last year, have you...

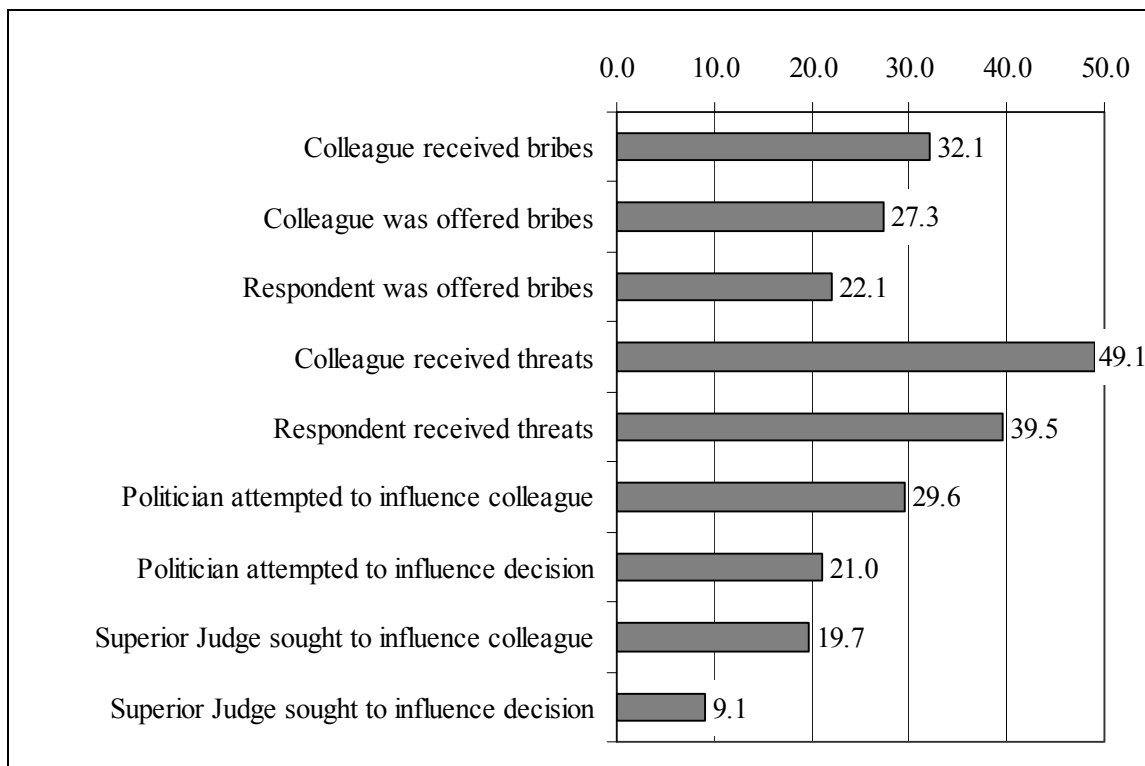
- a) ...Ever been contacted by a politician or public official seeking to influence your decision in a case?
- b) ...Heard about a colleague who was contacted by a politician or public official seeking to influence a decision?
- c) ...Ever received threats in relation to a case?
- d) ...Met a colleague who received threats?
- e) ...Been offered a bribe?
- f) ...Heard about a colleague who was offered a bribe?
- g) ...Heard about any colleague who took a bribe?”

As reported in Figure II.11, 21 percent of the respondents declared that over the last year they had been reached by a politician or public official trying to influence a decision, and 9 percent declared that they had been contacted by a superior judge with the same intention (the latter question only applied to judges). In addition 22 percent were offered bribes and 39 percent received threats from different sources. The figures are even more alarming when judicial operators report the experience of their close colleagues. Forty-nine percent know of a colleague suffering a threat during the last twelve months, 32 percent have heard stories of colleagues taking bribes, 30 percent know colleagues who suffered political pressures, and 20 percent have heard about superior judges trying to influence the direction of a case.

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<sup>9</sup> Seligson, Mitchell A. *La Cultura Política De La Democracia En Bolivia: 2000* (La Paz, Bolivia: Universidad Católica Boliviana, 2001) and *Auditoria De La Democracia: Bolivia, 2002* (La Paz, Bolivia: Universidad Católica Boliviana, 2003).

Figure II.11. Exposure to Bribes, Threats, and Influence Peddling (Last 12 Months)



Based on this information, we modeled the risk of being exposure to bribes, threats, and influence peddling for different types of judges.<sup>10</sup> Our estimation suggests that instructional judges are more likely to face pressures from superior judges, to suffer threats, and to be offered bribes than partido judges. At the same time, judges in the reformed sector are less likely to suffer political pressures and less likely to be tempted with bribes than non-criminal judges. To illustrate the substantive implications of these findings, we present the expected probability of confronting pressures for different types of judges in Table II.5 below.

<sup>10</sup> The estimation was conducted using logistic regression with standard error correction for finite population sampling. Cases were weighted to reflect the actual composition of the universe.

Table II.5. Predicted Risk of Judges Reporting Pressures  
(by Court Level and Legal Area, in Percentages)

Level: Legal Area: Pressures by	<i>Instructional</i>			<i>Partido</i>		
	Criminal New	Criminal Old	Non- Criminal	Criminal New	Criminal Old	Non- Criminal
Superior Judges	15.4	11.0	20.2	6.6	4.6	9.0
Politicians	12.9	18.0	17.3	13.7	19.0	18.2
Threats	41.7	44.5	47.9	31.9	34.5	37.6
Bribe Attempts	26.4	23.1	32.7	17.5	15.1	22.4

Note: Entries are the percentage of judges expected to confront pressure in each category. Figures are based on logistic regression estimates (see appendix)

### ***The Impact of Reforms in Congress and the Judiciary***

The results presented in this chapter suggest two major conclusions about the impact of the reform of the criminal procedural code in the orientation, values, and behavior of the judicial operators. First, some of the rules imposed by the new procedural code may be hampered in the long run by the realities of the judicial environment. Strict deadlines may be insufficient to prevent judicial delays if prosecutors do not have enough resources to complete the preparatory phase on time. The attempt to give the criminal system a fresh start after the liquidation of the pending criminal cases may be futile if the case backlog grows at an exponential rate in the new courts. Although the values of the legal community seem to be very favorable to the new rules (in terms of the support for oral procedures and, at least among criminal judges, in terms of the role of citizen judges), there is a clear concern about the “excessive” inclination of the new procedural code to protect the rights of the accused.

Second, a series of underlying issues in the profession go beyond the reform of legal procedures. In spite of the active role of the Judicial Council (Consejo de la Judicatura) and the increasing professionalization of the judicial body, most judicial operators still believe that political contacts are more relevant to obtain nominations and promotions than personal merit. Judges in both the reformed and the non-reformed sectors (who generally share similar career ambitions) operate under this concern. At the same time, the evidence suggests that judges confront a high risk of being exposed to threats, influence peddling, and corruption. Although judges in the reformed sector seem to be somewhat less exposed than their peers to these pressures, the overall incidence of these episodes in the judicial body should be considered a critical problem for the years to come.

In chapters I and II we have explored the substantive impact of institutional reforms on the operation of the Bolivian congress and the judiciary. We can now offer a brief comparison of the meaning of these transformations for the two institutions. The adoption of a mixed-member proportional (“German”) electoral system since 1997 allowed for the creation of a reformed

sector within the Chamber of Deputies (the *uninominales*) that has developed somewhat distinctive career paths, professional roles, and electoral resources. In contrast, the adoption of a new criminal procedural code has had less of an impact for judicial careers, incentives, and resources, although it has promoted the emergence of new professional values among judicial operators. Table II.6 summarizes most of the evidence presented in the two chapters. In terms of their *careers*, single-member district deputies are more likely than the PR-list deputies to have prior experience in local government and more likely to pursue local government posts in the future (Tables I.1, I.3, I.4, Figure I.3). Although judges in the reformed sector are more likely to have uninterrupted judicial experience (Figure II.8), their overall career profile does not differ much from other colleagues (Figure II.7) and they are only marginally more inclined to have progressive career ambitions (Figure II.9).

In terms of their *professional values*, the *uninominales* are more likely to see themselves as representatives of their constituencies responsible for pursuing and delivering local projects, while the *plurinominales* emphasize their role as legislators and, to a lesser extent, as sources of legislative oversight (Table I.5). Judges in the reformed sector have also developed some distinctive professional values (support for citizen judges and concern about the CPP being too *garantista*) although there is widespread support in all sectors of the judiciary for the adoption of oral procedures and a general belief that the new procedures will impose greater celerity to the criminal process (Table II.3).

Last, but not least, in terms of the *available resources* and their *experiences in office*, the single-member district deputies seem to have distinctive electoral resources: They rely on their own popularity to achieve nomination and on their own campaign management more than their counterparts (Tables I.7, I.8, I.9), although their resources and activities once in office do not differ much from the traditional, PR-list deputies (Figures I.7, I.8, I.9). In contrast, judges in the reformed sector do not seem to have a distinctive advantage in terms of resources. Even though criminal courts process a lower number of cases than other courts, they are equally prone to case overload in the long run (Figures II.3, II.4).

Table II.6. Situation of the Reformed Sector (RS) vis-à-vis the Traditional Sector (TS) in the Chamber of Deputies and in the Judiciary

Institution	<i>Congress</i>	<i>Judiciary</i>
Reformed Sector	<i>Uninominal Deputies</i>	Judicial Operators under New Criminal Procedural Code
Careers	<u>Greater experience in local politics than TS (i.e., <i>plurinominales</i>).</u>	More likely to have prior experience, but overall careers do not differ much from TS (i.e., <i>liquidadores</i> and non-criminal judges).
Career Goals	<u>More likely to pursue positions as mayors or prefects.</u>	Distribution of career ambitions is similar for most judges.
Career Incentives	Same incentives as <i>plurinominales</i> to obtain projects and visit constituencies.	Overall belief that political contacts facilitate nomination and promotion. RS does not differ.
Professional Values	<u>Tend to see their role as representing voters and support home district projects.</u> (Improvement over time) <u>More likely to demand “absolute independence” from party.</u> Overall support for “agenda mínima” and participation in meetings of Departmental Brigades (but <i>lower</i> in RS).	<u>More likely to believe that citizens are prepared to be judges.</u>  <u>More likely to believe that CPP is too <i>garantista</i>.</u>  Widespread support for oral procedures. RS does not differ.
Resources	Similar satisfaction with resources in the Chamber.  <u>More likely to count on their own popularity to gain nomination and election.</u>  <u>More likely to run their own campaigns.</u>	Lower caseloads than civilian courts. (But no improvement over time).  Prone to overload like other courts.  General risk of <i>retardación</i> in preparatory phase.
Experience in Office	Similar patterns of bill initiation and party discipline.	<u>Less exposed to political pressures and bribe attempts.</u>

Note: Underlined entries indicate significant differences between the Reformed Sector and the Traditional Sector within each institution.

## Appendix to Chapter II: Logistic Regression Models

Survey logistic regression: **Dependent Variable (DV): Pressure from Superior Judges**

```

pweight: wt                Number of obs =      406
Strata: str                Number of strata =      6
PSU: <observations>      Number of PSUs =     406
FPC: fpc                  Population size = 389.3222
                           F( 3, 398) =      9.30
                           Prob > F =      0.0000

Subpopulation no. of obs =      406
Subpopulation size = 389.3222
    
```

exc32	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
cnew	-.33359	.243061	-1.37	0.171	-.8114266	.1442467
cold	-.7150869	.2968602	-2.41	0.016	-1.298688	-.1314857
instr	.9359877	.2224341	4.21	0.000	.4987017	1.373274
_cons	-2.309681	.1997152	-11.56	0.000	-2.702303	-1.917058

Finite population correction (FPC) assumes simple random sampling without replacement of Primary Sampling Units (PSUs) within each stratum with no subsampling within PSUs.

Survey logistic regression **DV: Pressure from Politicians**

```

pweight: wt                Number of obs =      406
Strata: str                Number of strata =      6
PSU: <observations>      Number of PSUs =     406
FPC: fpc                  Population size = 389.3222
                           F( 3, 398) =      1.36
                           Prob > F =      0.2530

Subpopulation no. of obs =      406
Subpopulation size = 389.3222
    
```

exc34	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
cnew	-.3392378	.1974559	-1.72	0.087	-.7274188	.0489431
cold	.0480877	.2072287	0.23	0.817	-.3593057	.4554812
instr	-.0653684	.2008308	-0.33	0.745	-.4601842	.3294474
_cons	-1.501011	.1497385	-10.02	0.000	-1.795384	-1.206638

Finite population correction (FPC) assumes simple random sampling without replacement of PSUs within each stratum with no subsampling within PSUs.

Survey logistic regression **DV: Exposure to Threats**

```

pweight: wt                Number of obs =      406
Strata: str                Number of strata =      6
PSU: <observations>      Number of PSUs =     406
FPC: fpc                  Population size = 389.3222
                           F( 3, 398) =      3.55
                           Prob > F =      0.0145

Subpopulation no. of obs =      406
Subpopulation size = 389.3222
    
```

exc36	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
cnew	-.2499804	.1565472	-1.60	0.111	-.5577385	.0577776
cold	-.1357426	.1666706	-0.81	0.416	-.4634024	.1919171
instr	.4212819	.1519895	2.77	0.006	.1224839	.72008
_cons	-.5071203	.1172407	-4.33	0.000	-.7376053	-.2766353

Finite population correction (FPC) assumes simple random sampling without replacement of PSUs within each stratum with no subsampling within PSUs.

Survey logistic regression **DV Exposure to Bribe Offers**

```

pweight: wt                Number of obs   =      406
Strata:  str                Number of strata =       6
PSU:    <observations>     Number of PSUs  =     406
FPC:    fpc                Population size =  389.3222
                               F( 3, 398) =      6.59
                               Prob > F   =     0.0002

Subpopulation no. of obs =      406
Subpopulation size      =  389.3222
    
```

exc38	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
cnew	-.3062567	.1773283	-1.73	0.085	-.6548685	.0423552
cold	-.4831163	.2000841	-2.41	0.016	-.8764641	-.0897685
instr	.5221592	.1691526	3.09	0.002	.1896201	.8546983
_cons	-1.242218	.1397647	-8.89	0.000	-1.516983	-.9674525

Finite population correction (FPC) assumes simple random sampling without replacement of PSUs within each stratum with no subsampling within PSUs.

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### III. Elites and Democratization

For many years political scientists have debated the role of elites in democratization. For some scholars, beginning with the classic work of Almond and Verba in their study of the “civic culture,” democracy would emerge and prosper in an environment in which citizens adhered to certain fundamental norms and behaviors (Almond and Verba 1963). Robert Dahl incorporated this thinking into his seminal study on “polyarchy,” in which he forcefully argues that political institutions alone are no guarantee of democratic rule (Dahl 1956), and that unless citizens adhere to basic democratic values, democracies will neither emerge or be sustained (Dahl 1971; Diamond, *et al.* 1997). A vast array of scholars continues that tradition today, and their works dominate the professional political science journals. Studies of mass public opinion in the advanced industrial democracies have been undertaken for decades, while in the past decade or so, there is an emerging chorus of studies of mass attitudes toward democracy in the developing democracies.

In a country like Bolivia, the critical importance of democratic mass attitudes and behaviors are self-evident. The events of the past few years, culminating in the removal of a president as a direct result of violent mass popular protests, reveals just how crucial citizens can be in democratic stability and sustainability. Yet, empirical democratic theorists have long wondered about elite attitudes and behaviors. After all, while masses vote (and did give enough votes to Hitler for him to assume the leadership of Germany) and masses can engage in violent civil disobedience, as they have with notable frequency in Bolivia, political elites are the ones who, on a day-to-day basis, sustain or weaken democracy via their actions. In political science, elite democratic political theory has emerged as an important complement to mass theory. According to some researchers, elite attitudes and behaviors offer an important compliment to mass attitudes and behaviors. For others, elites matter more than masses because they exercise power on a daily basis (Goldrich 1966; Higley and Burton 1989; Stein 1998). According to some scholars, democracy can emerge only when elites develop their own consensus, usually through a formal “pact” (Higley and Gunther 1992; Karl 1992; Peeler 1992). Unfortunately, as the Venezuelan case shows, such pacts tend to become obsolescent with age, and unless they are constantly renewed, they can erode. Along with that erosion, democracy can decline and even fail (Canache 2002).

For many years political scientists believed that elites in democracies were the “carriers of the creed”. That is, it was in the minds of elites that democracies flourished. By behaving democratically, elites were responsible for both the emergence and continuity of democracy. Indeed, it was strongly argued by some scholars that the masses, left to their own devices, would be attracted to populist appeals of authoritarian leaders. Lipset’s classic work on “work-class authoritarianism” set the tone of this research (Lipset 1961; Lipset 1965; Lipset, Seong and Torres 1993). Others argued that these attitudes were deeply imbedded in the cultures of some countries, and that those values led directly to the election of dictatorial regimes (Adorno, E. Frenkely-Brunswik and Sanford 1950). That perspective, however, has been challenged (Dekker and Ester 1987). Perhaps the most fundamental challenge came from an investigation of the democratic values of political elites in the United States (Jackman 1972; McClosky and Chong 1980). Studies had shown, for example, that the delegates to the nominating conventions of the

two main political parties in the U.S. were far more tolerant than was the mass public. Yet, when examined more carefully, the data showed that the higher level of tolerance of the convention delegates was not a function of their elite status, but a function of their higher level of education than that of the mass public. Since vast numbers of studies have shown that education is a very strong factor in boosting political tolerance, much of the notion that elites are more tolerant, and hence more likely to support democracy than the mass public dissolves when education is factored out of the equation, at least in the studies conducted in the United States. However, in an unpublished study, Seligson has found that while education does explain much of the greater tolerance among legislators in El Salvador, in the case of Costa Rica, even when education is controlled for, Costa Rican legislators are far more tolerant than the general public.

In this chapter we compare the mass and elite samples in the key areas of political tolerance and system support. We do so by first examining the mean scores on each dimension and then by adding controls for education.

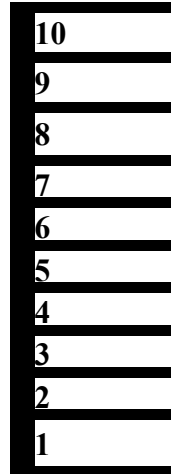
### ***Political Tolerance: Mass versus Elites in Bolivia***

Prior studies in the University of Pittsburgh series on democratic values and behaviors in Bolivia have demonstrated that the willingness of Bolivians to tolerate those with whom they disagree is not high. Indeed, of all of the countries in the series, Bolivia consistently scores at the bottom. It has also been shown that, in contrast to the other countries in the series, political tolerance in Bolivia does not increase as education increases. In this chapter we look at elites and tolerance, expecting to find that political elites, those fundamentally responsible for the continuation of democracy, will be more tolerant than the mass public. To do this, we rely on the 2002 national sample of citizens (Seligson 2003) and the 2003 elite survey described earlier in this study.

At the most global level, it is very clear that political elites are more tolerant than the mass public in Bolivia. The series of questions measuring tolerance are the standard four-item battery used in each prior survey:

*This card has a scale from 1 to 10 steps, with 1 indicating that you disapprove a lot and 10 indicating that you approve a lot. The questions that follow are to find out your opinion about different ideas that people have who live in Bolivia.*

**Approve**



**Disapprove**

*D1. There are people who only say bad things about the governments of Bolivia, not only the current government, but the system of Bolivian government. How strongly (on the scale of 1-10), would you approve or disapprove the right to vote of these people? Please read me the number.*

*D2. Thinking still of those people who only say bad things about the Bolivian system of government, how strongly do you approve or disapprove that those people can carry out peaceful demonstrations with the purpose of expressing their points of view?*

*D3. How strongly do you approve or disapprove that the people who only say bad things about the Bolivian system of government be allowed to run for public office?*

*D4. Thinking still about those people who only say bad things about the Bolivian system of government, how strongly do you approve or disapprove of them appearing on television to make a speech?*

The items in the scale were summed and converted to a 0-100 range, as has been the custom in these studies, in order to provide the reader will a well-understood metric and to enable

comparisons with other items in the survey.<sup>11</sup> In order to make the comparison at the most global level, we have initially combined the various categories of the elite sample into one. The results in shown in Figure III.1 reveal that political elites are significantly more tolerant than the mass public in Bolivia.

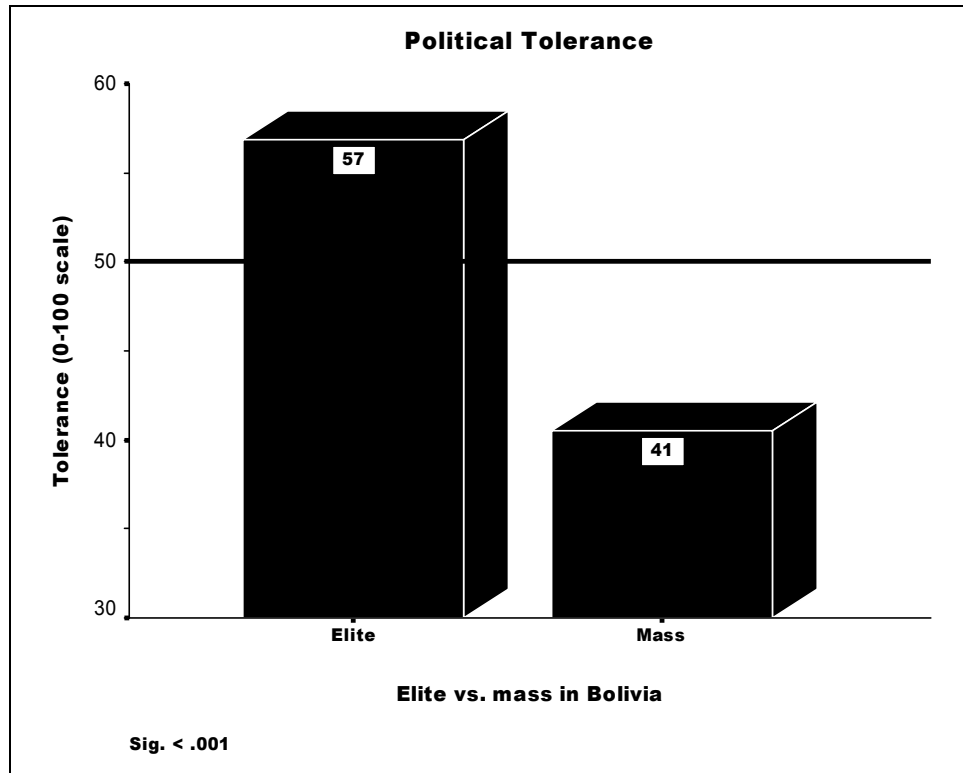


Figure III.1

Although political elites were found to be more tolerant than masses in Bolivia, how tolerant, in come some comparative sense, are those elites? The University of Pittsburgh data base contains only limited elite data. One survey, conducted in Costa Rica, reveals that both masses and elites were more tolerant there, with elites dramatically more tolerant than in Bolivia (Seligson and Gómez 1989; Seligson and Gómez 1987). Compare the results of the above figure with those of Costa Rica, a shown in Figure III.2.

<sup>11</sup> A score of 1 point was subtracted from each variable to give them all a 0-9 range, and then the resulting number was divided by 9, to give the scale a 0-1 range, and then multiplied by 100, to give it a 0-100 range.

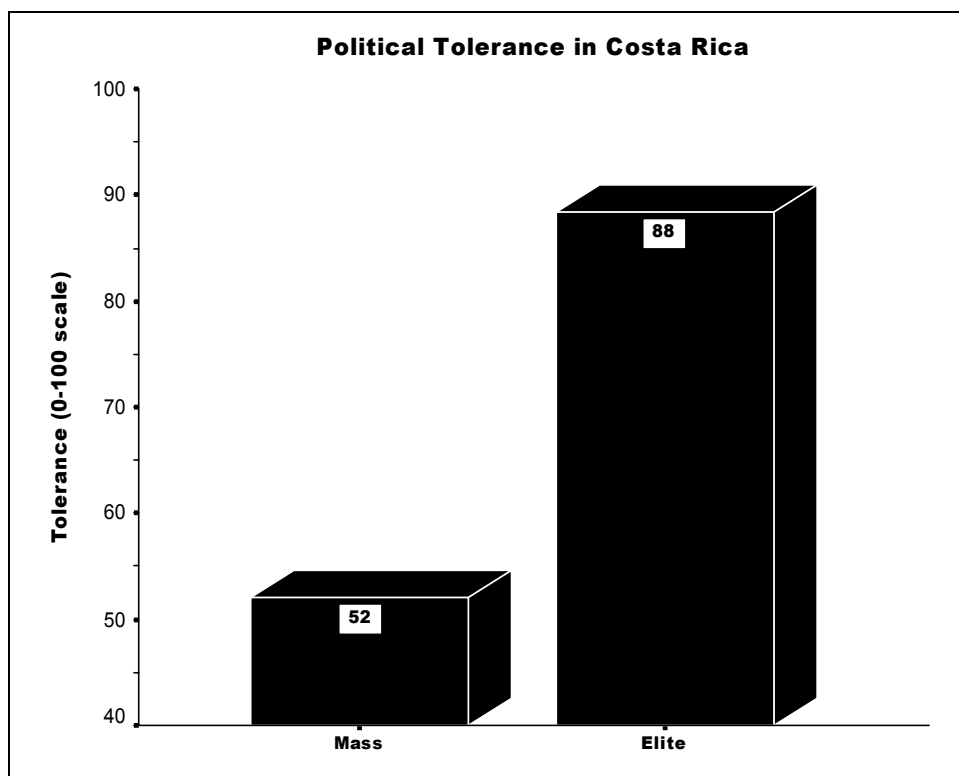


Figure III.2

Costa Rica is a special case, of course, in that it is Latin America's oldest and best-established democracy. It might be unfair, therefore, to compare Bolivia to Costa Rica. But El Salvador was a dictatorship for many decades and only emerged as a democracy after the end of the civil war in 1991. Consider the results for El Salvador, as shown in Figure III.3.<sup>12</sup> Both mass and elite tolerance levels in El Salvador are lower than in Costa Rica, but not by much. More importantly, tolerance levels in El Salvador among both masses and elites are lower in Bolivia than in El Salvador, *but the gap in tolerance among elites is far greater*. What stands out most in these comparisons is how low the levels of tolerance are among Bolivian elites compared to those in other countries. Indeed, the gap between masses and elites in Bolivia is far smaller than the gap between Bolivian elites and elites in other countries. The absence of an impact of education among Bolivian masses may help explain why at the elite level tolerance is no higher, but we examine the education issue below.

<sup>12</sup> The elite data were gathered by Dr. Ricardo Córdova, President of the FundaUngo, San Salvador.

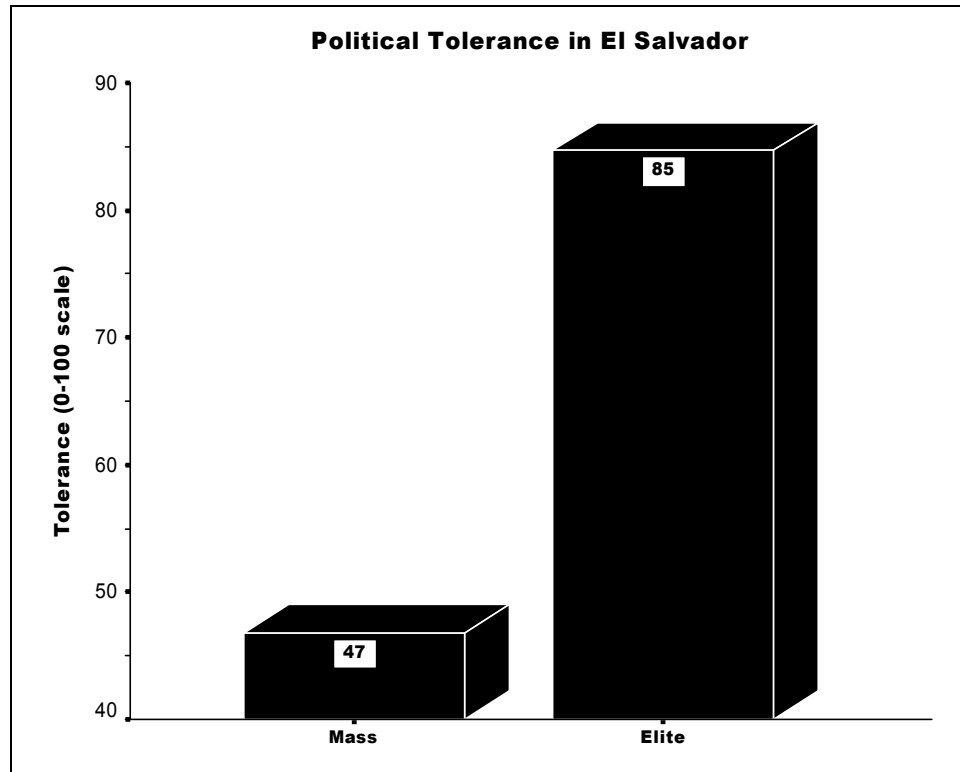
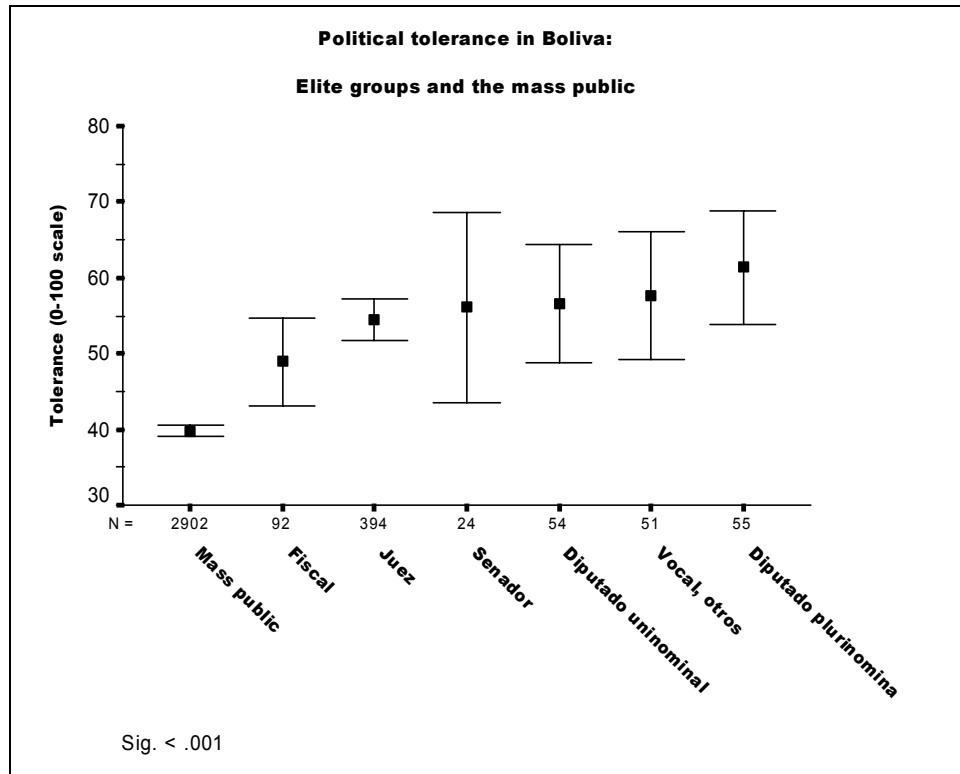


Figure III.3

The results thus far have been presented by consolidating the entire elite sample into one. This makes it appear as if there are no distinctions among the sampled elite groups. Now let us examine the results by the major elite groups in the sample (Figure III.4). Here we use a “confidence interval chart.” This chart is designed to allow comparison of the various groupings so that statistically significant differences can be easily detected. The “I” shapes for each group show a small square in the center of the “I.” Those represent the mean scores of each group. The top and bottom of the “I” represent two standard deviations away from that mean, or the confidence interval’s upper and lower limit. In comparing two groups, if the tops or bottoms overlap, this means that there is no significant difference between the groups. Examine Figure III.4, where the mass public and the major elite groupings are shown. As can be seen, the mass public is more intolerant than any of the elite groups, *but there is no significant difference among elite groups.* The most tolerant elite group is that of the multi-member district representatives, or “plurinominales,” while the least tolerant are the fiscales. The overall conclusion, however, is that elites of each subgroup are significantly more tolerant than the mass public. Yet, the difference between elites and masses in Bolivia is small when placed in the comparative perspective of other countries.



**Figure III.4**

A more detailed breakdown of the groups is shown in Figure III.5. This provides tolerance information for all groups, except those for whom we had fewer than five interviews. Other than the groups at the left-side of the chart, there is little variation among them.

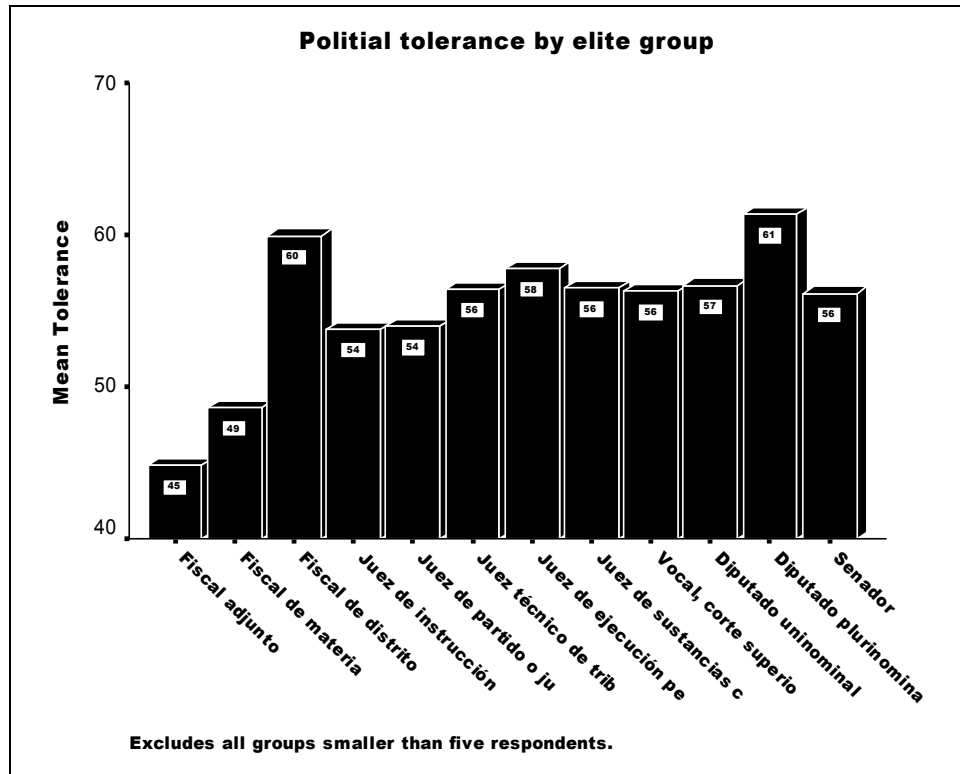


Figure III.5

Tolerance can vary by a number of factors, one of them being gender. The results shown in Figure III.6 reveal that among the mass public, tolerance is slightly higher for males than it is for females, whereas among the elites there is no significant difference.

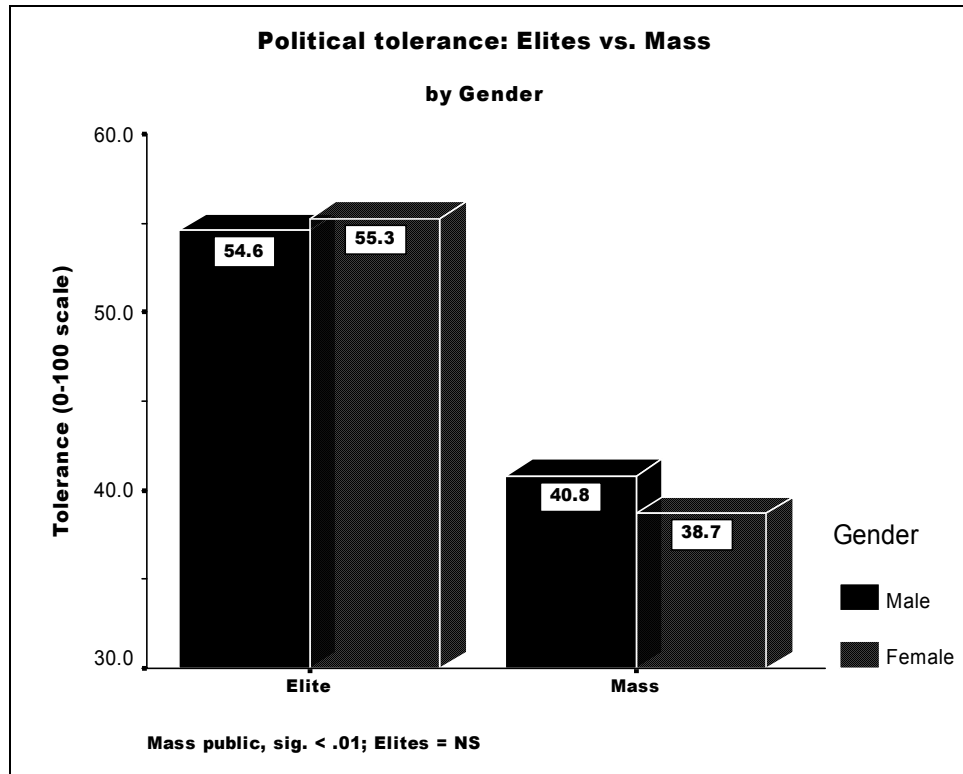


Figure III.6

Considerably greater detail can be obtained by examining each elite group (as well as the mass public). In order to do this, it is first instructive to determine the proportion of each sample that is male vs. female. The results are shown in Figure III.7. As can be seen, only the national sample presents a 50-50 split. At the other extreme are the uninominal deputies, of whom 88% are males. This is an unfortunate outcome of the new system of representation, suggesting that when candidates can run on their own, men trump women even more soundly than when parties create their lists. The implications for Bolivia's future are clear; if more sexual equality is desirable in public office, only with a system of gender quotas can it be expected that more women will run for an win elected office.

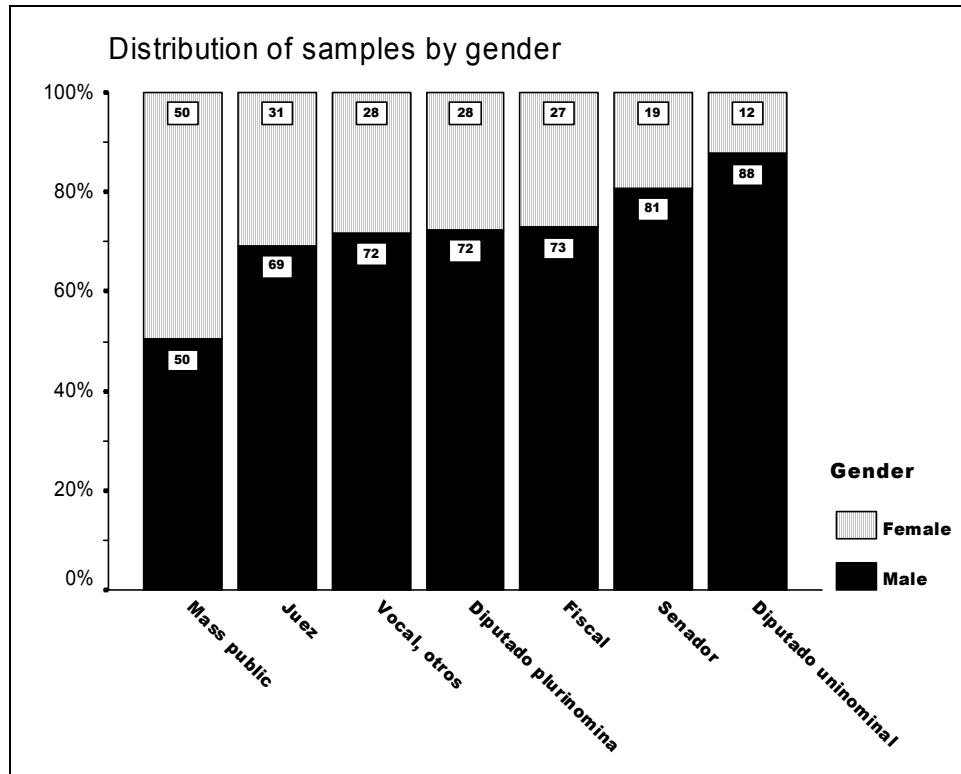


Figure III.7

We now examine tolerance by each elite group. The results are shown in Figure III.8. The patterns for each group follow the overall trends except in the case of the plurinominal deputies. That is, elite females are more tolerant than elite males, except for the plurinominal deputies. This suggests some sort of selection bias by the parties in creating their lists of deputies. Among the uninominal deputies, there is no real difference.

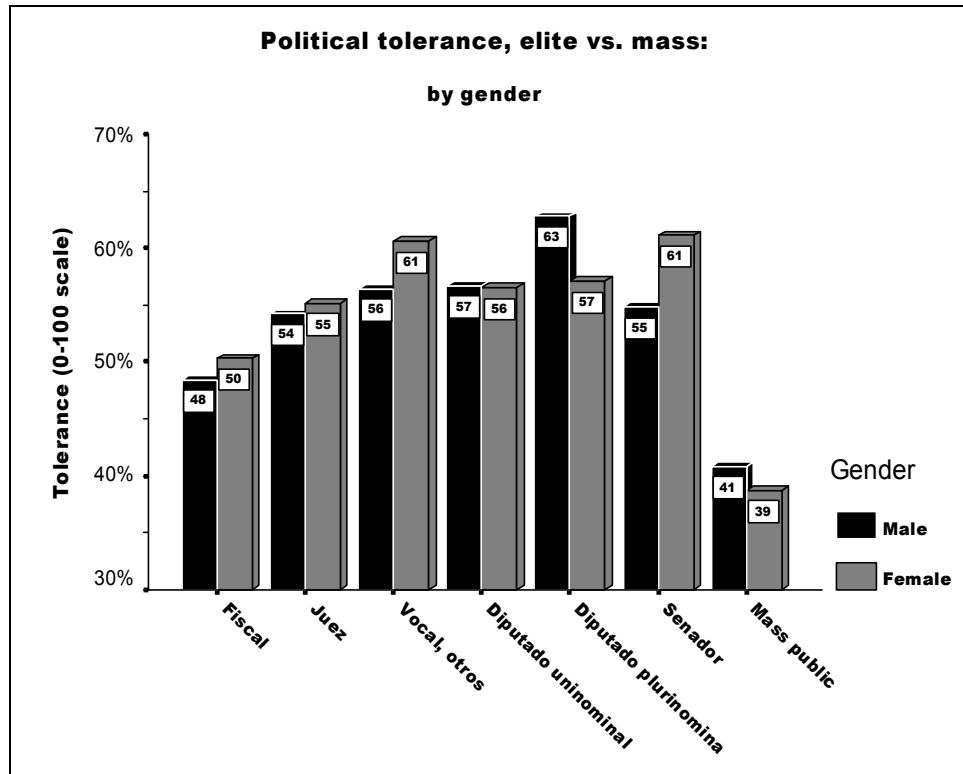


Figure III.8

The age data in the survey presents some surprises. The overall mean ages for each group are shown in Figure III.9. What is not surprising is that the average age of the mass sample is younger than that of the elite. After all, the elite samples could not realistically include many of a very young age because nearly all of the respondents in this group went beyond high school education. But, it is surprising that the age difference between mass and elite is not as great as one would expect. Senators, for example average only 52 years of age, while in the U.S. the average is 59. Similarly, the average age in the U.S. House is 54, but in Bolivia, deputies average only in their 40s. Some of this difference is, no doubt, accounted for by differences in longevity of the two countries. In Bolivia, average male life expectancy is reported at around 60, whereas for the U.S. it is 74 (World Bank 2002). On the other hand, political recruitment in Bolivia tends to occur at a younger age than in the U.S., once again, perhaps because political elites in the U.S., spend more time in higher education (college plus law school is a minimum of seven years in the U.S.).

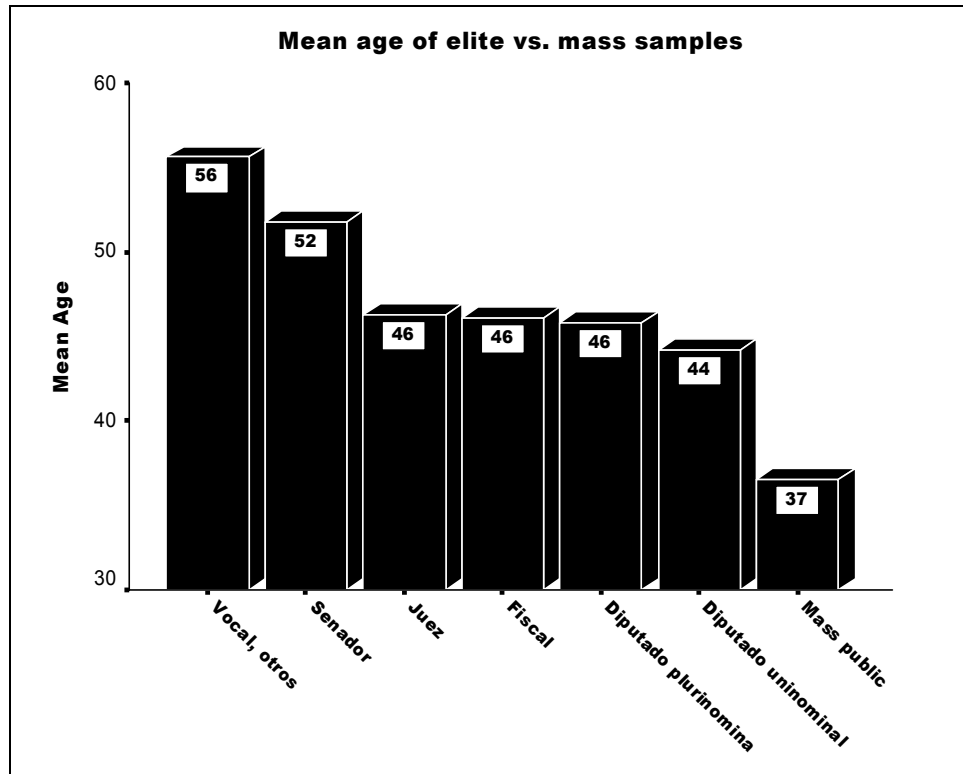


Figure III.9

We also examine the age of the samples broken down by gender, with the results shown in Figure III.10. The overall pattern is that female elites are slightly younger than male elites, no doubt reflecting a recruitment pattern in which females are a relatively new entrant into the system; therefore, their average age is somewhat younger.

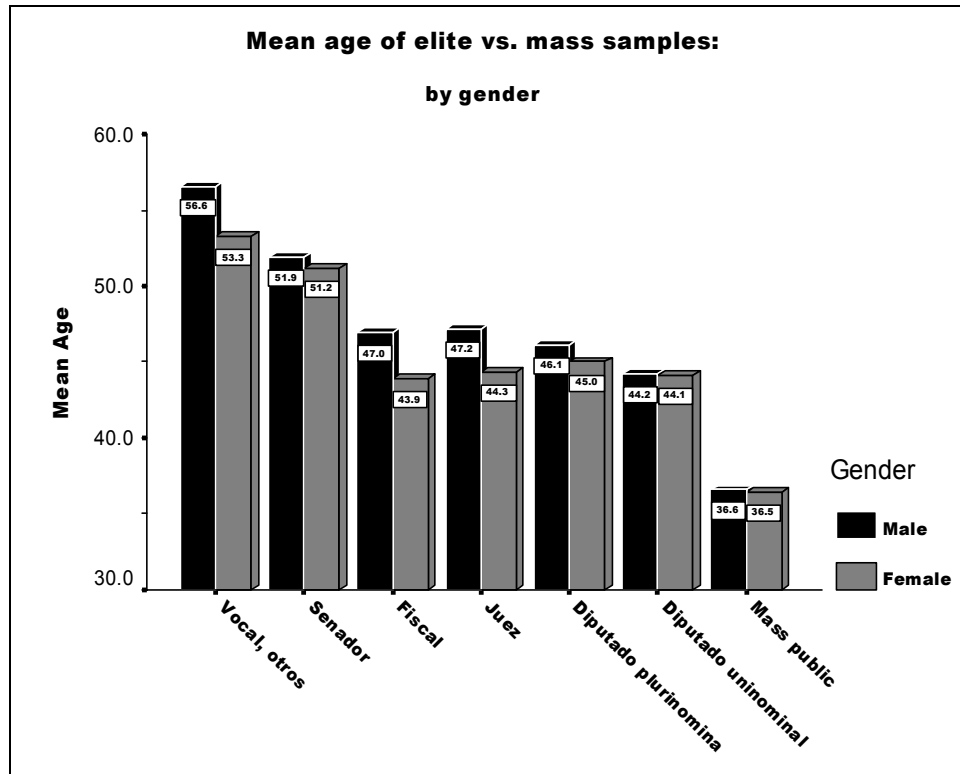


Figure III.10

The impact of age on tolerance is examined next. In the following table, a regression has been run, using tolerance at the dependent variable, and age and gender as the independent variables (see Table III.1). When we look at the entire elite sample as a group, older elites are significantly less tolerant than younger ones (see the bold significance coefficients at the right end of the table).

Table III.1 Impact of Age and gender on political tolerance in Bolivia

ELID1RR Elite vs mass in Bolivia	Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
			B	Std. Error	Beta		
1.00 Elite	1	(Constant)	74.669	6.378		11.707	.000
		Q1 Gender	-.376	2.422	-.006	-.155	.877
		Q2 Age	-.414	.109	-.146	-3.786	<b>.000</b>
2.00 Mass	1	(Constant)	46.119	1.565		29.475	.000
		Q1 Gender	-2.158	.774	-.052	-2.788	.005
		Q2 Age	-.086	.027	-.060	-3.230	<b>.001</b>

a Dependent Variable: TOL Tolerance

The results presented above are somewhat deceiving, since they make it appear that age impacts the level of tolerance among all elite groups. In fact, as shown in Table III.2, only among the judges and the mass public is there any significant impact of age on tolerance. In both cases, age is negatively associated with tolerance; the older the age, the lower the tolerance. This is not a surprising finding, since we often find older people are less willing to tolerate differences. The fact that among the elites age only has an impact among the judges means that age is not a very important explanatory factor for the elite group as a whole. Since the judges make up the largest group of the elite sample, it would appear that older elites, as a group, are less tolerant than younger elites.

**Table III.2 Tolerance and age: Elite groups vs. mass sample**

ELID1R	Model		Unstandardized Coefficients		Standardized Coefficients		Sig.
			B	Std. Error	Beta	t	
1 Fiscal	1	(Constant)	70.219	19.018		3.692	.000
		Q1 Gender	.864	6.613	.014	.131	.896
		Q2 Age	-.489	.348	-.148	-1.406	.163
2 Juez	1	(Constant)	80.951	8.136		9.949	.000
		Q1 Gender	-.714	3.000	-.012	-.238	.812
		Q2 Age	-.552	.140	-.197	-3.941	.000
3 Vocal, otros	1	(Constant)	97.887	27.315		3.584	.001
		Q1 Gender	.690	9.410	.010	.073	.942
		Q2 Age	-.743	.396	-.266	-1.876	.067
62 uninominal	Diputado 1	(Constant)	31.711	24.659		1.286	.204
		Q1 Gender	-1.282	12.478	-.014	-.103	.919
		Q2 Age	.594	.473	.174	1.256	.215
63 plurinominal	Diputado 1	(Constant)	70.677	22.778		3.103	.003
		Q1 Gender	-5.783	8.644	-.093	-.669	.506
		Q2 Age	-.045	.409	-.015	-.111	.912
64 Senador	1	(Constant)	129.991	46.154		2.816	.010
		Q1 Gender	3.980	14.424	.056	.276	.785
		Q2 Age	-1.501	.781	-.387	-1.923	.068
99 Mass public	1	(Constant)	46.119	1.565		29.475	.000
		Q1 Gender	-2.158	.774	-.052	-2.788	.005
		Q2 Age	-.086	.027	-.060	-3.230	.001

a Dependent Variable: TOL Tolerance

Regional variation among elites in terms of tolerance is shown in Figure III.11. The variation is quite dramatic, with Benin and Santa Cruz scoring far higher than any other department. This raises questions of regional political culture that need to be explored. If these two departments can have elites far more tolerant than the rest of Bolivia, what would explain this variation and how might it be “exported” to the rest of Bolivia?

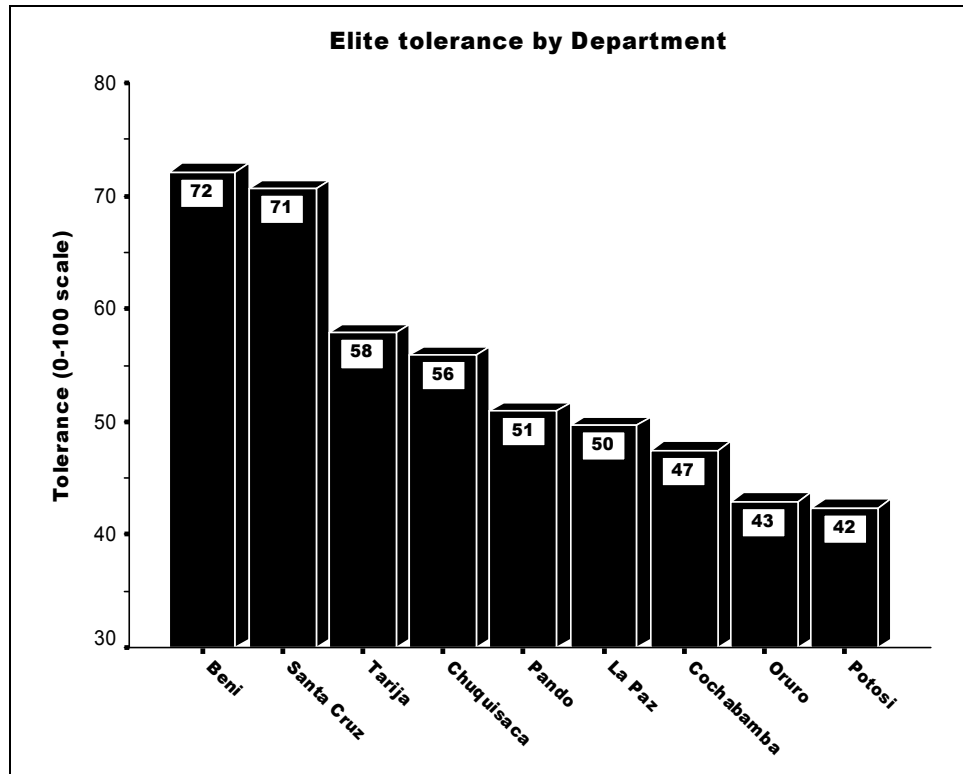


Figure III.11

The final examination of tolerance is by ethnic group. The results shown in Figure III.12 reveal very little difference. In the elite survey, we incorporated the term “originaria,” that had not been used before in the mass sample.

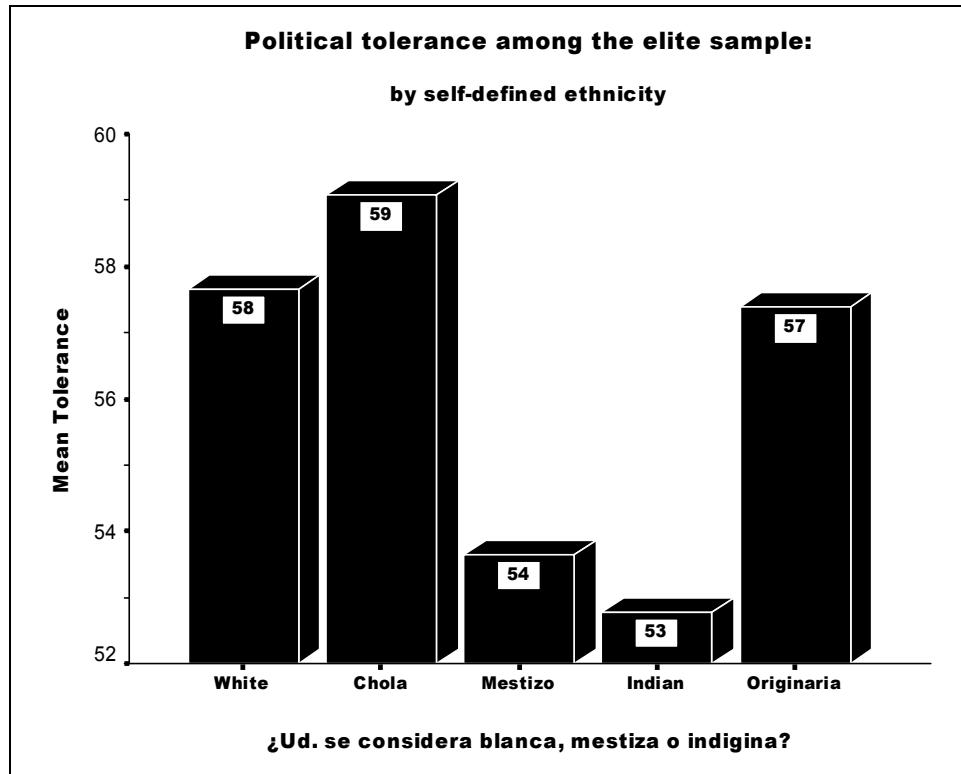


Figure III.12

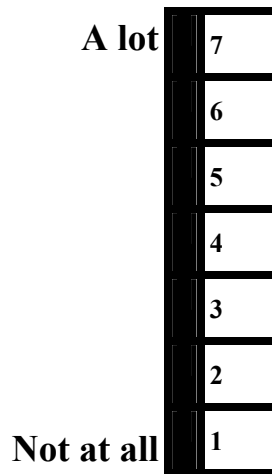
### *System Support: Elites vs. Masses*

Prior reports in this series argued that political stability depends heavily upon popular perceptions of the legitimacy of the political system. Bolivia has undergone serious challenges to its political stability of late, and this would be a good moment to examine the extent to which elites confer legitimacy on the political system in which they operate.

The University of Pittsburgh Latin American Public Opinion Project has developed a battery of items that measure “system support”, a generalized sense of legitimacy of the political system. In addition, another, longer battery of questions has been developed measuring confidence in the specific institutions of the state. The questions were all based on a 1-7 response metric that has been used by Pittsburgh in many other countries. To make it easier, however, for the reader to compare these responses, the items are converted into a familiar 0-100 metric (commonly used in test grades or in Centigrade thermometers). The actual scale handed to each respondent in the survey appears as follows:

*Ahora (entregue tabla # 2) vamos a usar esta tabla.... Esta tabla contiene una escalera de 7 gradas, cada una indica un puntaje que va de 1 que significa nada, hasta 7 que significa mucho. Por ejemplo si yo le pregunto: "hasta qué punto le gusta ver TV?", si a Ud. no le gusta nada elegiría el puntaje de 1; si por el contrario, le gusta mucho ver TV me diría el número 7. Si su opinión está entre nada y mucho, Ud. elegiría un puntaje intermedio. Hagamos la prueba. "hasta qué punto le gusta ver TV?" léame el número por favor. (ASEGURESE QUE ENTIENDA) Usando esta tarjeta .....*

The series measuring system support contained a core of five items, along with an additional larger number of items measuring different aspects of the Bolivian political system. We first focus on the five core items. They attempt to get a generalized feeling of legitimacy in the system. They have been used by the University of Pittsburgh in many other countries, so that we have developed comparable information about them. These read as follows:



- B1. To what extent do you believe that the courts in Bolivia guarantee a fair trial?*
- B2. To what extent do you have respect for the political institutions of Bolivia?*
- B3. To what extent do you think that the basic rights of citizens are well protected by the Bolivian political system?*
- B4. To what extent do you feel proud to live under the political system of Bolivian?*
- B6. To what extent do you feel that one ought to support the political system of Bolivia?<sup>13</sup>*

The first issue to deal with is the relative levels of system support for masses and elites in Bolivia. The results in Figure III.13 show much higher levels of system support among elites than among the mass public.

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<sup>13</sup>There is no question 'B5' in this study. Earlier versions of the PSA series included additional items, including B5, but that item (and others) were dropped as they were shown to be less essential to measuring the basic concept. In order to retain consistency of comparisons with prior work, the original numbering system retained in this study for this series and all others presented in these pages.

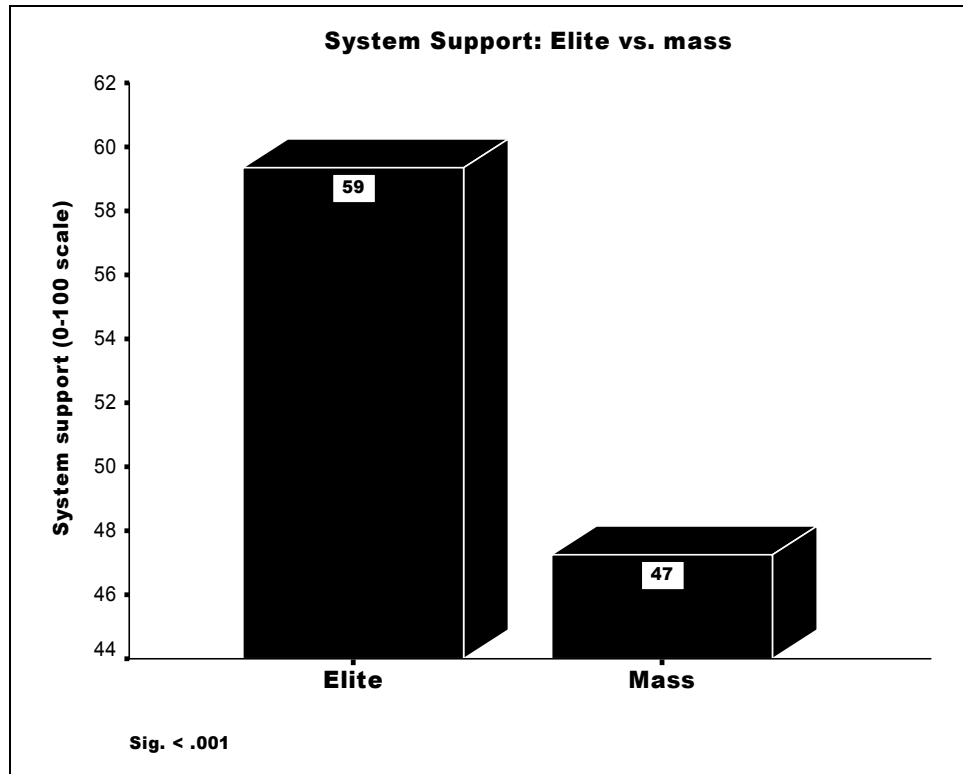


Figure III.13

First, we compare the Bolivia results to those of an elite/mass sample in Costa Rica. In that country, based on the results shown in Figure III.14, it is clear that not only is support far higher than in Bolivia, but there is no gap between masses and elites.

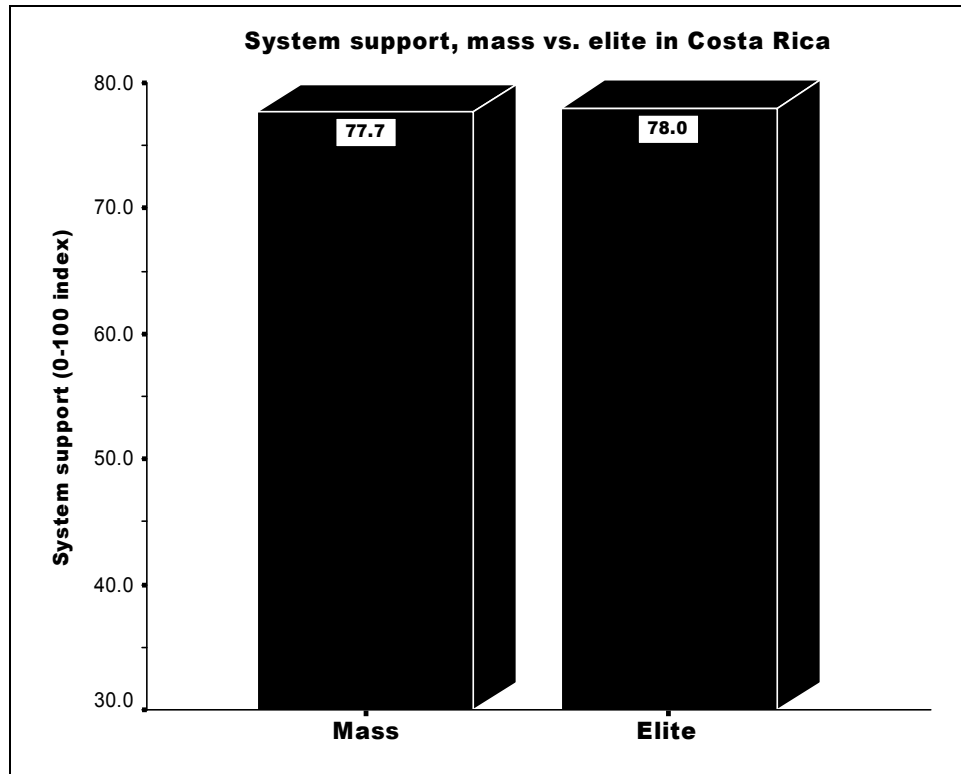
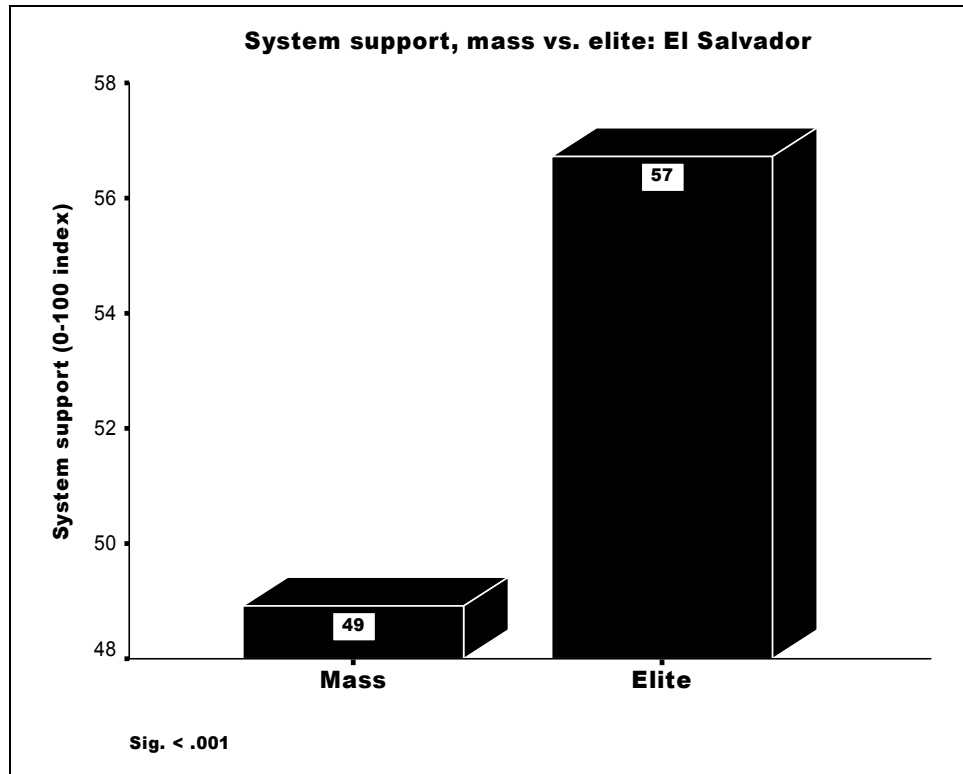


Figure III.14

Another, more relevant comparison, would be a survey done in El Salvador in 1991, right at the end of the civil war. Here, in Figure III.15, we observe much lower system support than in Costa Rica (although the levels of support have risen in El Salvador very strongly in recent years), but we note that the elites, in this case, all deputies in the national assembly, express significantly higher support than did the mass public.



**Figure III.15**

We can now compare the various elite groups, as we have before in this chapter. The results shown in Figure III.16 are disturbing. First, although elite support is higher than mass support, it is not much higher. Second, the uninominales express even lower support than the mass public. The members of the judiciary are uniformly higher than the deputies or mass publics. But, these findings need to be examined far more carefully. We do so below.

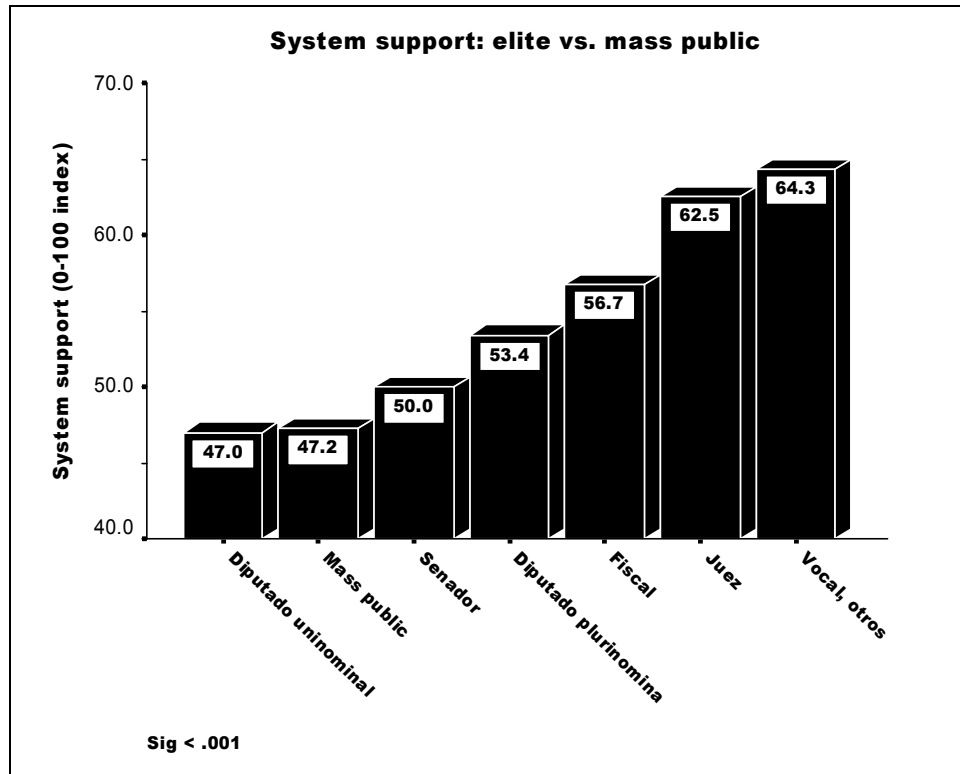


Figure III.16

Recall that the system support index is made up of five variables, the first one of which deals specifically with judicial matters, namely, the ability to get a fair trial (see question B1 in the series). One would expect that the judiciary would view this component of system support more favorably than would the other elite groups, and this is precisely what we find, as is shown in Figure III.17. Indeed, when we break down the support scale this way, the only groups that have a positive view of Bolivians' ability to get a fair trial are the members of the judiciary; masses and legislative elites have a uniformly negative view.

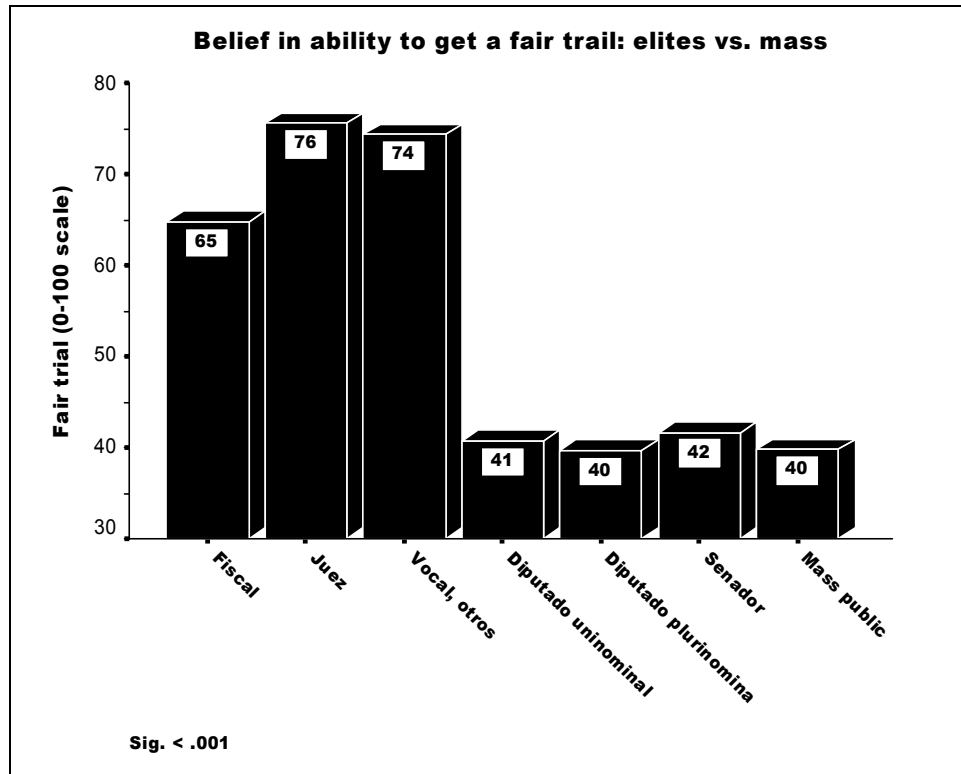


Figure III.17

On other dimensions of support the difference is not nearly as dramatic. Consider the question on support for institutions, as shown in Figure III.18. As can be seen, the judiciary is still higher than the other elite sectors, but the gap is narrower.

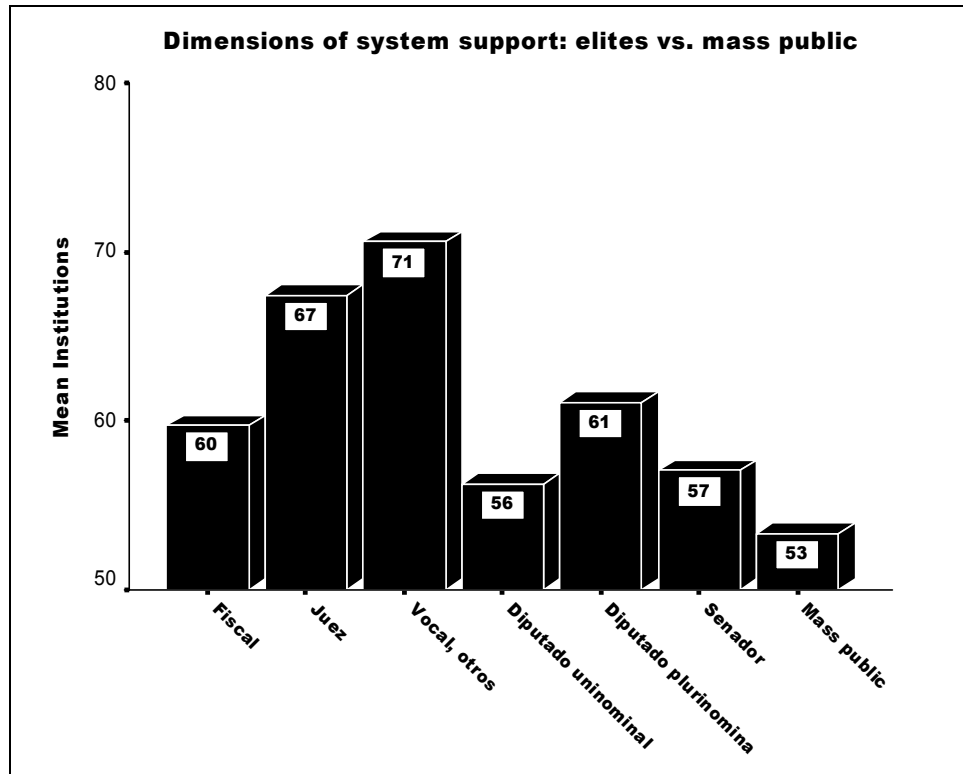


Figure III.18

Another component of the scale, belief that basic rights are protected, shows a similar pattern, as shown in Figure III.19.

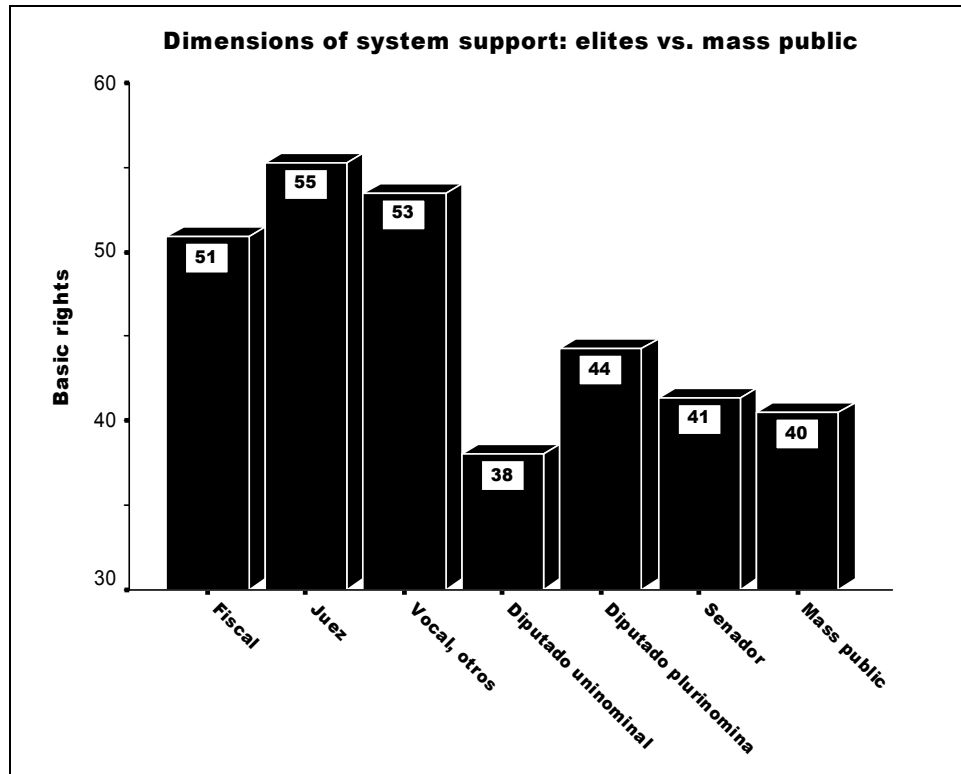


Figure III.19

It is fair to conclude from this review, that the judiciary believes more strongly in the legitimacy of the Bolivian system of government than do legislative elites, but that the major gap lies in areas directly related to justice.

The insight gained above suggests that we should also examine perceptions of legitimacy of the legislature from the point of view of the legislators, as well as the other groups in the survey. These results are shown in Figure III.20. Not surprisingly, the legislators have a much more positive view of their own institution than does the judiciary, or the mass public for that matter. On the other hand, even among the senators, those with the most positive view, the scores are not especially high on our 0-100 scale, and the uninominal deputies' average view is in the negative end of the 0-100 continuum.

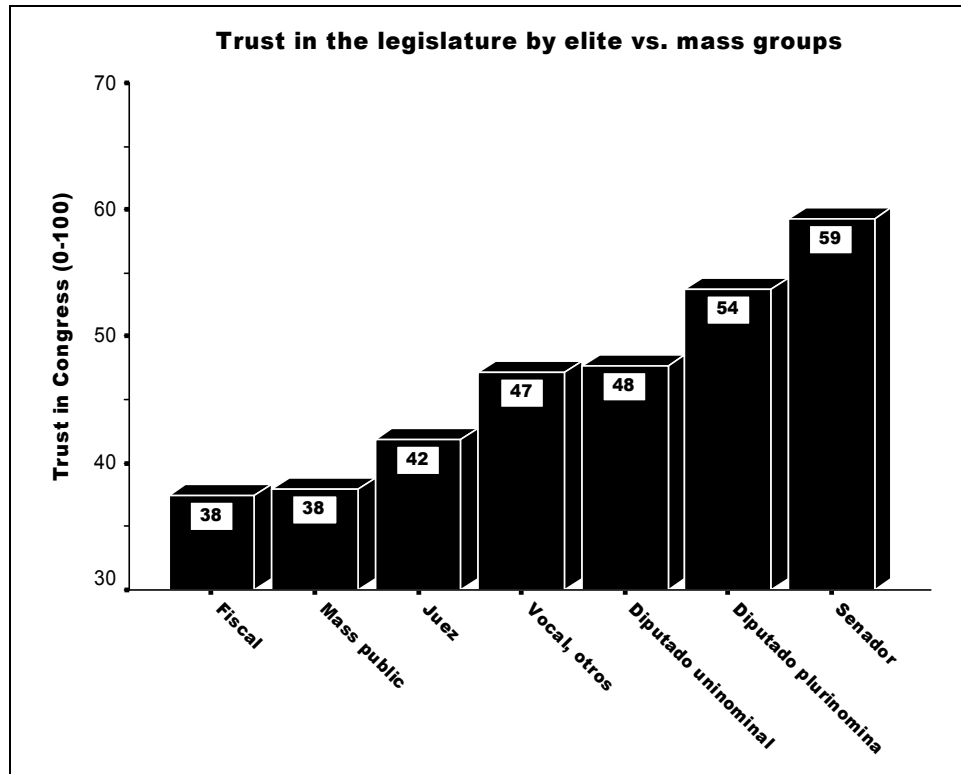


Figure III.20

Let us examine masses and elites for all of the items in the “B” series, the overall series that taps trust in the various institutions of government. There are some clear patterns shown in Figure III.21. First, there is common agreement among masses and elites on the high degree of trust in the Catholic Church. Second, in each of the judicial institutions, there is more support among elites than among the mass public (more on that in a moment). Third, the public is far more trusting of journalists than are the elites.

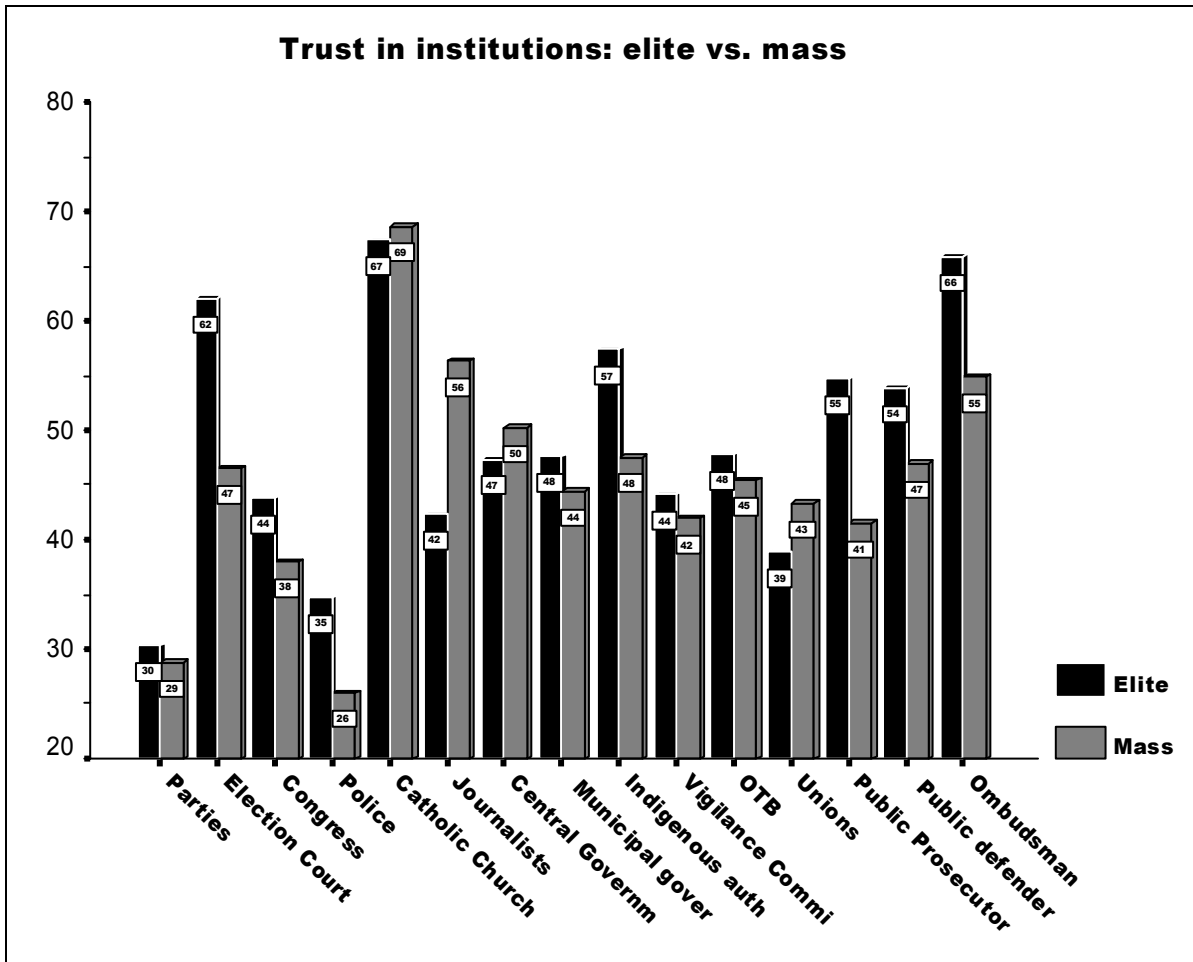


Figure III.21

The gap between mass and elite for journalists is not confined to any particular set of elite groups, as shown in Figure III.22.

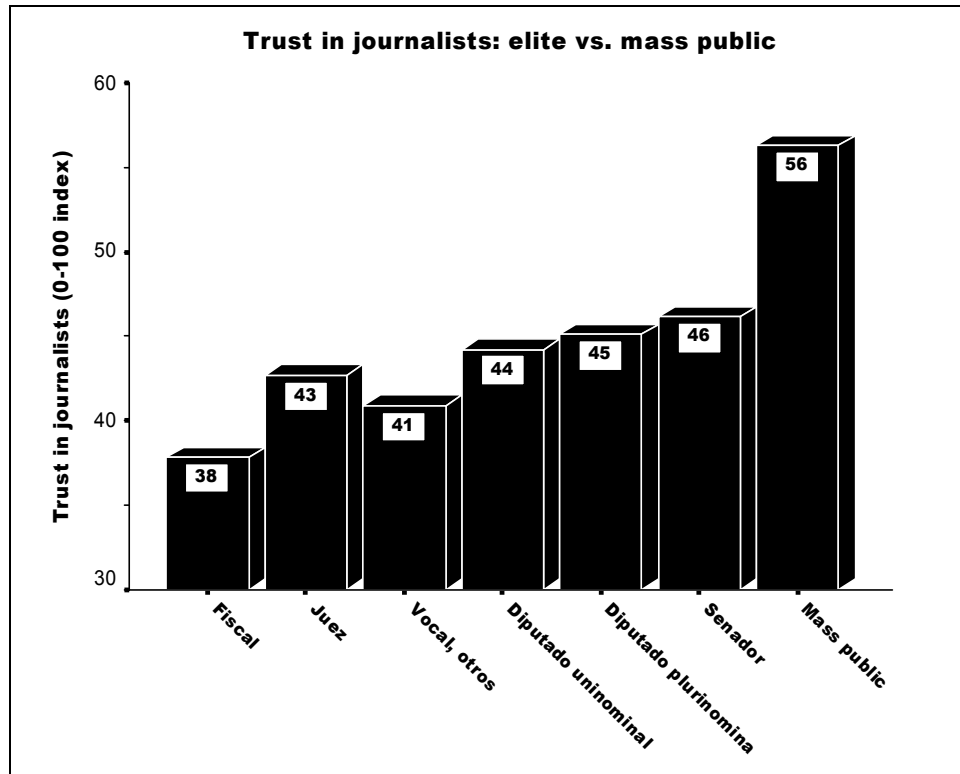
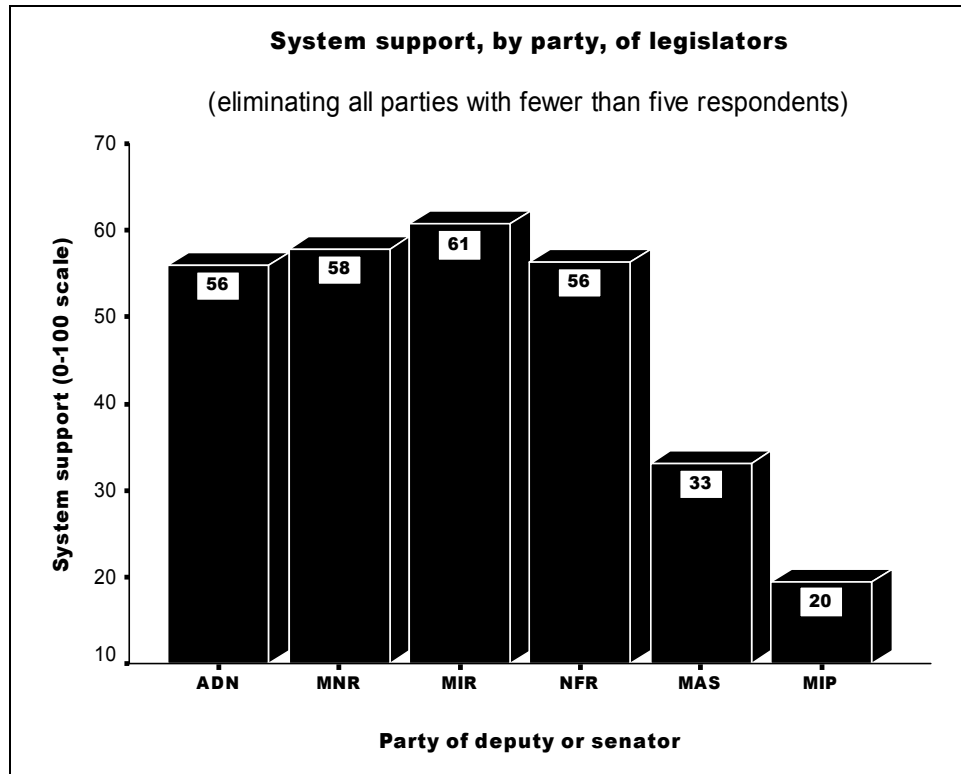


Figure III.22

Party identification makes a major difference in system support among the legislators, as is shown in Figure III.23. The chart eliminates all parties in which we have a sample fewer than five respondents in order to protect the anonymity of the respondents. The results show that the MAS and MIP representatives express far lower support for the system than do the representatives and senators of the other parties. These parties, Movimiento al Socialismo, MAS, Evo Morales' party, and Movimiento Indigena Pachakuti, MIP, Felipe Quispe's party, have expressed their objections to a number of basic elements in the Bolivian system of government.



**Figure III.23**

Since we are looking at party and attitudes, it would be appropriate to look back at the tolerance data. As is shown in Figure III.24, the MAS and MIP legislators are far more tolerant than those of other parties. Since these two parties, MAS and MIP are in opposition and express very lower support for the system, and the tolerance items focus on the rights of critics of the political system, the tolerance expressed here seems to be tolerance for their own rights to criticize the system. The survey is clearly measuring what it is supposed to measure; the problem is that in Bolivia, even elites have limited tolerance for those whose beliefs do not mirror their own.

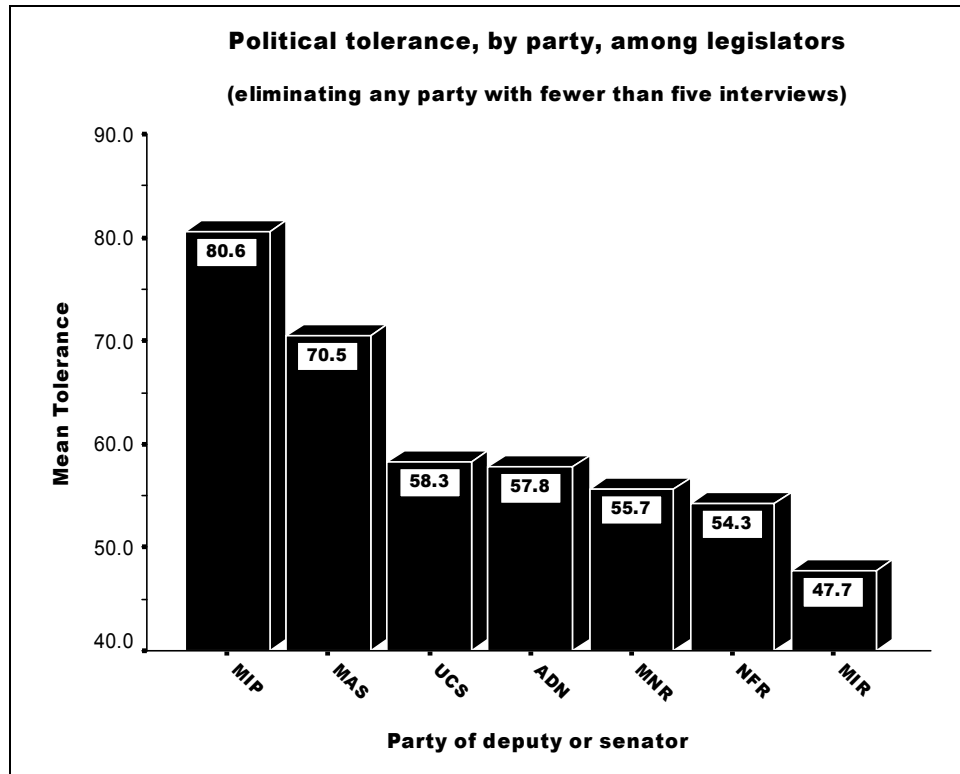


Figure III.24

Gender, age and education do not have any significant impact on system support, as shown in the following regression analysis (Table III.3).

**Table III.3. Impact of gender, age and education on system support**

ESTRATO	Estrato	Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
				B	Std. Error	Beta		
1	National sample	1	(Constant)	46.398	1.832		25.323	.000
			Q1 Gender	1.331	.678	.037	1.964	.050
			Q2 Age	.006	.024	.005	.263	.793
			ED Education	-.127	.075	-.033	-1.683	.093
4	Elite sample, 2003	1	(Constant)	37.303	11.978		3.114	.002
			Q1 Gender	1.378	4.285	.028	.322	.748
			Q2 Age	.014	.188	.006	.075	.940
			ED Education	.608	.381	.137	1.596	.113

a Dependent Variable: PSA5 System support

## Corruption Victimization

We briefly examine the experience of our elite vs. mass sample in the area of corruption victimization. The national survey data, reported on extensively in prior studies, showed a very high level of corruption victimization among the Bolivian mass public. When we compare the mass public to the elites, the results for the key direct corruption experiences are shown in Figure III.25. As can be seen, being unfairly accused by a police officer produced nearly identical results, mass vs. elite. In terms of police officers demanding a bribe or bribery demands by a public employee, however, elites suffer far less than the mass public. We already had hints of this in our mass study, in which it was found that those of the very highest income levels suffered less bribery than those with somewhat lower incomes. It was suggested then that those at the highest income levels may be insulated from petty corruption as individuals fear to demand bribes of individuals who are very powerful. Nonetheless, it is troubling to see that over one-in-ten of the nation's highest elected officials have personally experienced a bribe attempt in the year prior to the survey.

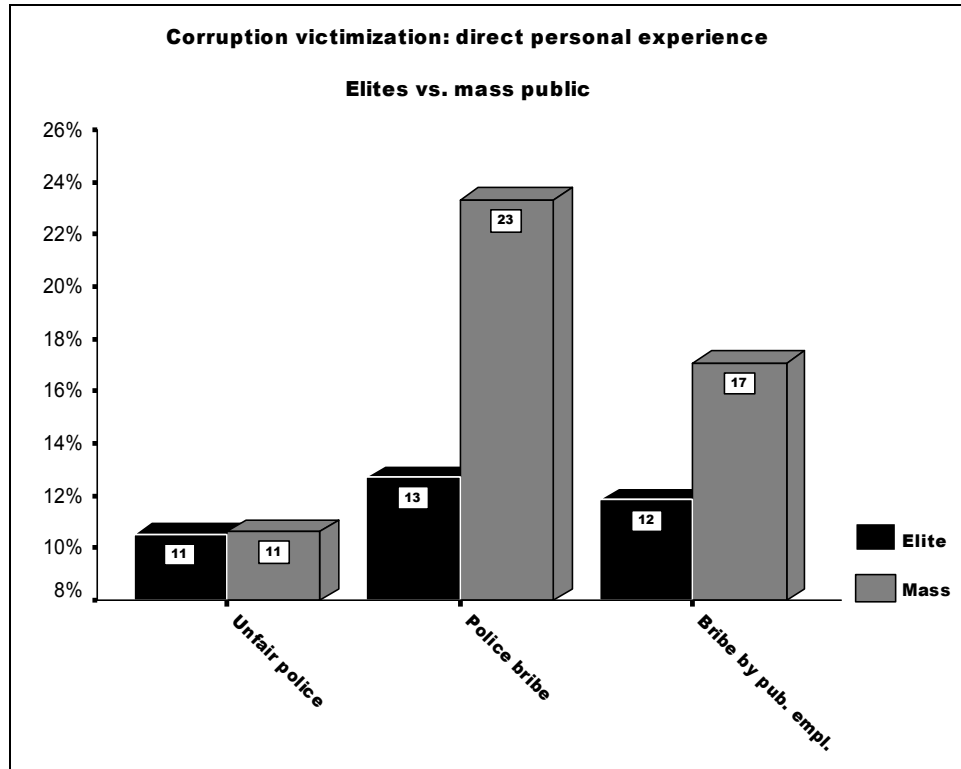


Figure III.25

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