

Argentine Political Law and the Recurring Breakdown of Democracy

Senior Thesis

Presented to

The Faculty of the School of Arts and Sciences  
Brandeis University

Undergraduate Program in History  
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In partial fulfillment of the requirements for the degree of Bachelor of Arts

by  
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April 2013

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For my mother.

## Table of Contents

I. The Trajectory of a Nation .....	5
II. The Formation of the Constitution (1816-1853).....	10
III. Governance under the Elites (1862-1912).....	32
IV. The Advent of Popular Democracy (1890-1912).....	43
V. The First Popular Democratic Cycle (1912-1930).....	55
VI. The Second Popular Democratic Cycle (1945-1955).....	74
VII. Constitutionalism and Democracy .....	92
VIII. Bibliography.....	99

## Acknowledgements

First and foremost, I would like to thank my advisor, Dr. Silvia Arrom, for all her guidance and support over the past eight months. I would then like to thank Dr. Donald Hindley and Dr. Joseph Tulchin for helping me better understand the intricacies of Argentine politics and history. I am grateful to my family, Cecilia and James Alsina and Guido Rocatti. Their edits and research assistance have been tremendously helpful. And last but not least, I would like to thank my girlfriend Jessica Rassp, and friends Robert Steinberg and Karl Zinn, for their support and for keeping me sane during this challenging project.

## I.

### The Trajectory of a Nation

The story is well known: a nation so full of promise, rising on the world stage, but whose fragile political, social, and economic order begins to unravel just as quickly as it arrived, as “if a judgment has been rendered.”<sup>1</sup> The people are left to wonder what went wrong.

This was the trajectory of Argentina. In 1912, it was the most prosperous nation in Latin America. It had just enacted one of the earliest democratic reforms in the region, the Saenz Peña Law, reflecting Argentina’s higher levels of education and political inclusion than its neighbors. The reform established universal male suffrage, expanding the vote from the oligarchic democracy instituted by the long-standing Constitution of 1853. Despite the political reshaping, the country retained its internal stability, experiencing twenty-two years without a coup d’état. As the Mexican Revolution raged, and U.S. military interventions spread across Central America and the Caribbean, Argentina was peaceful and unwavering in its economic development. Many foreign observers believed the southern nation had the potential to become a world power:

Viscount Bryce, one of those urbane British citizens of world... visited Argentina during the buoyant period at the end of the first decade of the century... Bryce predicted that within the time of men then living, Argentina could take its place beside France, Italy, and Spain, becoming the “head and champion” of the Latin races in the New World.<sup>2</sup>

Few, if any, could have predicted Argentina’s fate as it entered the twentieth century. In 1929, the prominent Spanish essayist José Ortega y Gasset wrote: “[Argentines] do not

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<sup>1</sup> Robert Crassweller, *Perón and the Enigmas of Argentina* (New York, NY: W.W. Norton & Company,

<sup>2</sup> *Ibid* 7.

content themselves with being one nation among others: they hunger for an overarching destiny, they demand of themselves a proud future. They would not know a history without triumph.”<sup>3</sup>

On September 6, 1930, Argentina’s experiment with popular democracy<sup>4</sup> ended with its first military coup d’état since the enactment of the 1853 constitution. For contemporary Argentines, the 1930 coup and subsequent military governments may have seemed like hiccups in their country’s progress. In 1945, the military and socioeconomic elite conceded to the wave of democratization that followed World War II. Two years later, suffrage was expanded to include women, effectively doubling the electorate. But once again, the brief inclusive democratic period collapsed in a coup d’état in 1955. Open and lasting democracy would not return for twenty-eight years. In the meantime, Argentina succumbed to bitter partisan violence, political instability, and harsh military repression. The culmination of this period was the infamous Dirty War from 1976 to 1983, when military reactionaries killed as many as 30,000 people allegedly associated with the political left. As the twentieth century drew to a close, Argentines had spent a greater proportion of the twentieth century under military governments and chaos than in peaceful prosperity.

How does one explain this reversal, the unfortunate trajectory of Argentina? Why did inclusive democracy fail twice within twenty-five years? The answer is complex and has been hotly debated for decades. Remarkable similarities can be found in the two failures. Both were dominated by single parties and figures, and ended in military coup

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<sup>3</sup> David Rock, *Argentina 1516-1982* (Berkeley, CA: University of California Press, 1985) xxii.

<sup>4</sup> To avoid repetition, “popular,” “open,” and “inclusive” democracy are all meant to be synonymous, despite possible technical differences in political science. This terminology is to distinguish the democracy after 1912 from the “oligarchic” or “elite” democracy that came before. The differences will be made clear over the course of this thesis.

d'états. The first cycle was under Hipólito Yrigoyen and the Radical Civic Union, while Juan Domingo Perón and his Peronists governed the second. And most importantly, the same error ended both administrations: the exclusion and alienation of the nation's true center of power, the socioeconomic elite.<sup>5</sup>

The dominant party leaders accumulated too much influence and power according to those who opposed them. In response, the oligarchy utilized extra-constitutional means, military coups d'état, to remove the offending parties from power. Much of the blame for these failures rests on the shoulders of the populist leaders Yrigoyen and Perón. But critically, it was the oligarchic democracy of the nineteenth century itself that fomented the instability of popular democracy in Argentina after 1912. The system was unable to cope with the strains imposed by the prevailing personalist and populist politics.

This thesis will seek to understand this pattern and its origins. As I do not read Spanish fluently, I have drawn my research from various English language works on Argentine political thought and practice as well as the nation's constitutions. The synthesis of the greatly varying explanations for the failure of democracy was a challenge. There are two predominant types of references in English on the subject of Argentine governance: broad, sweeping histories such as David Rock's *Argentina: 1516-1982*, and more targeted analyses of specific entities in the nation's past. Authors have focused on party politics and economics as possible reasons for democratic failures.

Karen L. Remmer's *Party Competition in Argentina and Chile: Political Recruitment and*

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<sup>5</sup> For brevity, I will not explore deeply who was the "elite" in Argentina. They were mostly cattle ranchers who owned large tracks of land near the appropriate infrastructure for transporting their goods to market. For a short but excellent characterization of the oligarchy, see David Rock's *Politics in Argentina, 1890-1930*, pgs. 2-5. For a deeper analysis, see Peter Smith's *Argentina and the Failure of Democracy*, pgs. 117-26.

*Public Policy, 1890-1930* gives a detailed analysis of the effects of local political organizations under the Radicals. Peter Snow's *Argentine Radicalism: The History and Doctrine of the Radical Civic Union* emphasizes the role of the Great Depression in destabilizing Yrigoyen's government in 1930. David Rock's epic histories also tend to focus on economic factors influencing political conditions.

Works such as Joel Horowitz's *Argentina's Radical Party and Popular Mobilization* and Joseph A. Page's *Perón: A Biography* focus on the men of the two popular democratic cycles. They emphasize the role of the leaders, Hipólito Yrigoyen and Juan Domingo Perón, and the evolution of their platforms, in the fall of democracy. Yrigoyen and Perón built expansive personalist machines that grew to control the political systems in their respective cycles. When each leader's personal magnetism and political cunning faded in his later years, these machines disintegrated. Robert Potash's authoritative work on the Argentine military, *The Army & Politics in Argentina, 1928-1945: Yrigoyen to Perón*, provides remarkable insight into the role of the army and navy in the coup d'état in 1930.

It was my task to search through their, and many others', theories and evidence to synthesize the best explanation for the two democratic failures. It was during this process that I found one particular scholar's explanation, Peter Smith's in *Argentina and the Failure of Democracy*, to be a particularly convincing argument. Smith asserts that the democratic failures were caused by a misalignment in the expectations of Argentina's long-ruling oligarchs, and the practices of the populist governments under Yrigoyen and Perón. Smith mentions, almost in passing, that the constitutional structure created in 1853

reflected the oligarchy's intentions for governance and did not function effectively with the advent of popular democracy.

I found particular significance in this seemingly minor point in Smith's work. While many books focus on the immediate causes for the democratic failures, I have chosen to study the long-term causes rooted in the nation's constitution. I will investigate how the legal framing of Argentina's most important political documents enabled the break down of democratic institutions. But just as importantly, I will analyze why weaknesses existed within the constitution and later political reforms. This required delving far back into the nineteenth century as well as learning the histories, motivations, and ideologies of Argentina's most prominent political thinkers when the documents were written. Lastly, I will show how the populist leaders of the twentieth century used and abused the documents, and in so doing, precipitated their own downfalls.

The 1853 Constitution, still in effect today (albeit reformed), is especially vital to understanding why the conditions for democratic failure occurred. The constitution did not sufficiently protect against the accumulation of power by the presidents. Argentina, a federalist republic, should have been endowed with a strong balance of power. But as will become clear, the constitution and subsequent legal reforms gave the executive branch too many centralizing provisions. Moreover, the few checks against the presidency were often ambiguous and full of loopholes. Thus the constitution provided individuals the *legal* means to undermine the democratic spirit of the document. To understand the root of this deficiency, one must return to the early, turbulent days of the nation.

## II.

### The Formation of the Constitution (1816 – 1853)

Ninety-four years passed between Argentina's independence and the advent of inclusive democracy in 1912. This near century was rife with political instability and conflict as the country's elite struggled to establish a durable form of government. The thoughts and writings of the great political thinkers of the time, the "Generation of 1837," revolved around the struggle to hold together the nation and bring it ever-greater prosperity. The Argentine Constitution of 1853 and its inscribed federalist structure was the product of this age of internal strife. Thus the constitution under which Argentina entered its open democratic period was focused on fostering stability and economic development through a "presidentialist" federalism, giving disproportionate power to the executive branch. This section will seek to understand the origins and motivations for the particular framing of Argentina's constitution, and delineate the potential weaknesses of the document behind the democratic failures of 1930 and 1955.

#### *The Basis for Instability*

Argentina's instability in the nineteenth century was the product of its colonial heritage, geography, and economy. The main conflict of the period was between the main port city and capital, Buenos Aires, and the interior provinces, which united repeatedly to block the hegemonic intentions of the "Porteños." Buenos Aires, situated at the mouth of the Paraná River, controlled the flow of trade into the interior and garnered great wealth in its customhouses. Its greater population and prosperity gave the city enough power to occasionally defeat the united interior provinces. These interior regions felt constantly

threatened by the port city and fought for decades to keep some degree of autonomy. The provinces hoped to create a form of government in which all their interests would be considered equally. The powerful Porteño centralists, known as Unitarists, wanted Buenos Aires to have the dominant role in government. They saw the provincial federalists as local strongmen, known as caudillos, who in their desire to retain their power would keep Argentina in a state of barbarism.<sup>6</sup>

From the advent of independence, federalism, as a form of government, attracted many Argentine elites. The stability and cohesiveness of the thirteen “colonies” of the United States were a source of inspiration for Argentine intellectuals. Similar to the Viceroyalty of the Rio de la Plata, the former British colonies were socially, geographically, and economically diverse. Through federalism, the U.S. had remained united despite two wars (The American Revolution and the War of 1812) and many other internal strains such as the Whiskey Rebellion.<sup>7</sup> The inspiration of the U.S. would be most obviously manifested in the later writings of Juan Bautista Alberdi, a vocal constitutionalist of the Generation of 1837.

The appeal of federalism reflected a preexisting decentralization of politics in the Viceroyalty of the Rio de la Plata. The large geographic size of the region and the relatively small population made political consolidation prior to 1816 nearly impossible. Under the Bourbon kings, modern Argentina, Paraguay, Uruguay, and a part of Bolivia existed within the Viceroyalty of the Rio de la Plata. The viceroyalty was then subdivided into intendancies, each with its own “intendant” or governor. The centers of political and

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<sup>6</sup> Edward Gibson and Tullia Falletti, “Unity by the Stick: Regional Conflict and the Origins of Argentine Federalism,” in *Federalism and Democracy in Latin America*, ed. Edward Gibson (Baltimore, MD: Johns Hopkins University Press, 2004) 233-5. Rock, *Argentina 1516-1982*, 85-6.

<sup>7</sup> Gibson and Falletti 228. José Romero, *A History of Argentina Political Thought* (Stanford, CA: Stanford University Press, 1963) 114.

social life were the towns, for which most of the later provinces were named. The great distances between the population centers created strong localisms as residents identified with their town, not the viceroyalty or later the nation. The Spanish crown certainly intended to keep close control of its colonies, but as communication with the viceroys or the crown was impractical, intendants and their subordinates had a high degree of autonomy.<sup>8</sup> Moreover, “the Spanish system... did not encourage a tight centralized hierarchy built as it was upon checks of officials one upon the other, emphasizing rivalries and intrigue.”<sup>9</sup> Thus Spanish colonial governance engendered the caudillos, who naturally reinforced local identities in their efforts to strengthen their positions.

Localisms were especially strong due to the regional diversity present in colonial times. Argentines<sup>10</sup> reflected the geographic diversity of the region. From the Yungas jungles in the north, to high mountain plateaus in the west, to the rich agricultural zones in the Littoral and the Pampas, each geographical zone attracted different migrants with their own values, attributes, and economies. As Argentina developed, the population divided between the urban, cosmopolitan culture of Buenos Aires, and the rural, traditional culture of the interior. This diversity among its population has historically been both an asset and a liability. The variety of peoples and traditions has made the country culturally vibrant and fascinating. But in the nineteenth century, regional diversity made political unification more difficult. Paraguay, Bolivia, and Uruguay all

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<sup>8</sup> Rosendo Gomez, *Argentine Federalism: Its Theory and Practice* (Ph.D. Dissertation: University of Minnesota, 1950) 31-5.

<sup>9</sup> Ibid 32.

<sup>10</sup> For the sake of simplicity, I will use “Argentina” and “Argentines” to refer to the geographic region and people that would later make up modern Argentina even though the identity of “Argentina” was developed later in the century.

separated from the Viceroyalty of the Rio de la Plata during or immediately after independence.<sup>11</sup>

The challenge for the elites was to prevent any further territories from separating. Despite the strong forces pulling apart the provinces, the vast majority of the political elite wanted a single state. The region may have been diverse, but cultural threads still tied many Argentines together. They shared a common Spanish heritage, of which the most important element was Catholicism. Moreover, they believed in the Spanish idea of centralized government, even if in practice such control was weak.<sup>12</sup>

More importantly, the economic forces tying together the provinces and Buenos Aires were far stronger than desires for political independence.<sup>13</sup> The interior provinces needed Buenos Aires' port facilities and financial capital. Likewise, Buenos Aires needed the interior's agricultural exports from which it garnered great wealth. Many elites also recognized that through unification, a strong internal market with low trade barriers would help develop all of the provinces.<sup>14</sup> With the combination of powerful economic incentives and localized politics, only two possibilities lay ahead for Argentines: political consolidation through conflict, or compromise and federalism.

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<sup>11</sup> Rock, *Argentina 1516-1982*, 79-83, 103.

<sup>12</sup> Gomez, *Argentine Federalism*, 31-4.

<sup>13</sup> The only exception being Paraguay, which despite being landlocked and dependent on the Paraná River, chose independence in 1811. Paraguay was only able to remove itself from the Argentine economic sphere after Uruguay also declared independence in 1811. Paraguayans could then utilize Montevideo's port facilities instead of Buenos Aires'. The other country that separated from the Viceroyalty of the Rio de la Plata was Bolivia, which had its own port at Antofagasta until 1884, when it was ceded to Chile after the War of the Pacific.

<sup>14</sup> *Ibid* 35.

### *Early Political Developments*

In the years immediately after Argentine independence, two political figures greatly influenced the 1853 Constitution and its writers. The first, Bernardino Rivadavia, was a Unitarist, a group of mostly Porteño merchants who saw the city of Buenos Aires as the natural leader of the nation. They believed that the provinces should be shaped to fit the needs of the great port.<sup>15</sup>

Rivadavia became president of a weak confederation of provinces in 1826. His contribution to Argentine politics was an attempt to enact the nation's first constitution. The Constitution of 1826 made Argentina a republic with a formal separation of powers centered in Buenos Aires. The constitution had some federalist undertones. It did provide limited provincial autonomy and formalized revenue sharing with Buenos Aires. But the Unitarian measures had a far greater potential for centralized government, as the new constitution gave the executive the power to appoint and dismiss provincial governors. The threat this power presented to the provinces was too great for the interior caudillos. A series of insurrections broke out and Rivadavia was forced to resign in 1827. His constitution was quickly nullified by his successor to placate the provinces.<sup>16</sup>

The fall of Rivadavia set the stage for the ascendancy of federalism. The federalist movement itself was divided in this period between Porteños and provincials, each wanting greater influence for their region. But by the constitutional convention of 1852, most "federalists" supported the nationalization of Buenos Aires, free internal trade to foster economic development, and strong provisions protecting provincial sovereignty.<sup>17</sup>

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<sup>15</sup> Peter Smith, *Argentina and the Failure of Democracy: Conflict among Political Elites, 1904-1955* (Madison, WI: University of Wisconsin Press, 1974) 2.

<sup>16</sup> Rock, *Argentina 1516-1982*, 96-105.

<sup>17</sup> Smith 2.

The second great political figure of the period of instability was Juan Manuel de Rosas. His political career in particular had a profound impact on the ideologies and rhetoric of the constitutional convention and the “Generation of 1837,” a highly influential association of political thinkers. Rosas, a Porteño federalist, became governor of Buenos Aires Province in 1829. Rosas came to head a new Federal Pact, established in 1831, to counter a military alliance of Unitarists. The Pact focused on military cooperation, but also featured clauses ensuring free internal trade and movement of persons. This pact served as the *de facto* constitution of Argentina until 1853. Within a year of its founding, the Federal Pact alliance was able to defeat the last Unitarist army still active in the Littoral.<sup>18</sup>

Rosas, as the pact’s leader, found himself in a powerful position as governor of Buenos Aires. He immediately began a process of political consolidation. He formed alliances with rural landowners. Rosas was an excellent orator and appealed to the masses, especially in Buenos Aires Province. He became a prototype of later populist leaders, although he lacked at this early stage the social policies that would prove vital. Rosas led a series of military campaigns against caudillos to strengthen his position. While he did cement national unity better than any of his predecessors, his governments were highly authoritarian and personalist. He had a network of spies that regularly updated him on other political elites. He also repeatedly blockaded the Paraná River in an effort to bend the provinces to his will.<sup>19</sup>

Rosas, as a federalist, created a weak confederation, which he headed intermittently from 1831 until 1852. The confederation was based on the Federal Pact,

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<sup>18</sup> Gibson and Falletti 236.

<sup>19</sup> Rock, *Argentina 1516-1982*, 105-117.

which was signed by all of the provinces by 1832.<sup>20</sup> While Rosas consolidated personal authority, the confederation was still highly decentralized. Beginning with Rosas, Argentina's form of federalism continuously evolved with developments in national politics.

In their essay, "Unity by the Stick: Regional Conflict and the Origins of Argentine Federalism," Edward Gibson and Tulia Falletti write that this initial form of federalism was "peripheralized and hegemonic." In their analysis, the conflict before and during Rosas' rule was between "peripheralizer" and "centralizer" provinces. The strong provinces that sought to impose their will on the nation, namely Buenos Aires, were "centralizers." The weaker provinces were "peripheralizers" that tried to counterbalance the strong. A "hegemonic" system meant that a single province had the greatest influence over the nation. In a "pluralistic" system, all of the provinces had equal voice in the federal government. From 1831 to 1852, the "peripheralizers" were ascendant, in that the Federal Pact created only a weak, decentralized confederation. Over time, Rosas and the province of Buenos Aires gained enough power over this confederation to be hegemonic. As the political tide changed, the degree of "peripheralization vs. centralization" and "hegemonic vs. pluralistic" would shift as well.<sup>21</sup> Where on the spectrum federalism finally landed would have a profound impact on what region had the greatest power in the nation.

Rosas' authoritarian practices soon alienated him from both domestic and foreign powers. Many of his most outspoken critics, a small group of highly influential intellectuals later known as the Generation of 1837, had been forced to flee to

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<sup>20</sup> Ibid 104-5.

<sup>21</sup> Gibson and Falletti 228-30.

Montevideo and Santiago, where they began a propaganda campaign against the dictator. Rosas also became entangled in a series of wars and blockades with France, Britain, Uruguay, and Brazil. While his regime proved remarkably resilient, by 1852 Rosas was in a precarious position. In that year, a provincial federalist from Entre Ríos, Justo José de Urquiza, led a coalition army of Unitarists, Brazilians, Uruguayans, and “Entrerrianos” that defeated Rosas in Caseros, outside of Buenos Aires. Rosas, abandoned by his allies, fled Argentina for Britain where he died in exile.<sup>22</sup> After Urquiza’s victory, a convention of provincial delegates was convened that produced the Acuerdo de San Nicolás, an agreement to form a constitutional convention. Within a year, Argentina had established its first durable constitution.

### *The Generation of 1837*

The Constitution of 1853 was largely the intellectual product of the “Generation of 1837”.<sup>23</sup> This group of political writers was named after an association of intellectuals formed in May 1837 in Buenos Aires, with the express goal of creating a “New Argentina.” The group was heavily influenced by the Enlightenment’s political theory as well as the new “revolutionary societies” that had sprung up in literary salons across Europe. The three most prominent members, Juan Bautista Alberdi, Esteban Echeverría, and Domingo Sarmiento, had all spent time in the U.S. or Europe, where they developed much of their ideology.

The binding force of the Generation of 1837 was a disdain for Juan Manuel de Rosas, whom they considered an authoritarian caudillo. They believed Rosas was the

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<sup>22</sup> Rock, *Argentina 1516-1982*, 112-3.

<sup>23</sup> Romero 152-3.

essence of barbarism and would only serve to hamper the group's vision for Argentina's development. However, the Generation of 1837 would not remain unanimous in their condemnation of Rosas. In the 1860s, Juan Bautista Alberdi realized that the centralizing force of the former dictator had been crucial for the stability of the constitutional era. As with most elites, his fear of social anarchy overwhelmed his ideological disagreements with Rosas once the strongman was out of power. Only Sarmiento, whose universal contempt for caudillos was clear, never lost his distain for Rosas.<sup>24</sup>

The Generation of 1837 as an association of intellectuals was founded after its most influential member, Juan Bautista Alberdi, published his first article, "Fragmento preliminar al estudio del derecho," in 1837. Alberdi was an intellectual giant of his time. His many works on economics, social theory, and governance dominated the discourse up to the constitutional convention in 1852. Alberdi's most significant publication, *Bases y Puntos de Partida para la Organización Política de la República Argentina*, was pivotal to the writing of the Constitution of 1853. In almost two-hundred and fifty pages, Alberdi laid out his vision for Argentina. Published on May 1, 1852, *Bases* was received with great enthusiasm by most of the delegates of the constitutional convention.<sup>25</sup>

By analyzing *Bases*, one can begin to understand the ideological foundation and theoretical reasoning behind the constitution. Alberdi believed that the primary purpose of the government should be to foster economic development:

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<sup>24</sup> Nicolas Shunway, *The Invention of Argentina* (Berkeley, CA: University of California Press, 1991) 113-133.

<sup>25</sup> William Katra, *The Argentine Generation of 1837: Echeverría, Alberdi, Sarmiento, Mitre* (Associated University Presses, Inc., 1996) 160.

Today we ought to constitute ourselves, if you will permit this language, in order to attract new populations, in order to have railroads, in order to see our rivers navigated, in order to see our States opulent and rich.<sup>26</sup>

If government could ensure “the development of the country’s material and productive resources,” then the “other attributes of moral, institutional, cultural, and intellectual progress” would naturally follow. Alberdi, as well as most of the Generation of 1837, believed in liberal economics, which included free internal and external trade. The strength of his argument persuaded the last provincial federalists to drop their demands for internal protective tariffs by 1853.

Having established the primacy of economic development, Alberdi then laid out the specifics of his vision for government and society. Here, Alberdi and his *Bases* would exert the strongest influence on the stability of Argentine democracy. In his work, *The Argentine Generation of 1837*, the historian William H. Kattrak maintains that Alberdi did not believe in popular democracy:

[Alberdi] urged the creation of a national government with ‘aristocratic tinge’ and ‘administrative centralization.’ By impeding the larger part of the country’s population from electoral participation, the elites could assure for future generations the region’s security and material advancement.<sup>27</sup>

Alberdi believed the Argentine masses were unsuited to participating in government. Specifically, the “Hispanoamerican” race, heritage, and social structures inhibited them from creating good government. Alberdi was a staunch proponent of Northern European immigration, believing that it would provide Argentina with peoples he considered better suited to governance:

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<sup>26</sup> Juan Bautista Alberdi, *Bases y Puntos de Partida para la Organización Política de la República Argentina*, quoted in Kattrak 161.

<sup>27</sup> Kattrak 165.

It was therefore necessary to ‘gradually end the predominance of the Spanish racial type in America.’ This would be done through an aggressive immigration policy aimed at populating the shores of the Plata with the sons and daughters of a Northern European, preferably Anglo Saxon, population.<sup>28</sup>

Alberdi’s evidence for his view rested in the success of Rosas, who in securing popular support, exposed the ignorance of the lower classes and their susceptibility to corrupt caudillos:

Suffrage of the multitude where the multitude is incapable of it... can produce no other practical result than placing the country’s government in the hands of... those who are best at getting votes through coercion or trickery... Any country governed by the ignorant multitude... unfailingly has at its head tricksters and masters of intrigue.<sup>29</sup>

Alberdi was not the only member of the Generation of 1837 to comment on democracy. Esteban Echeverría also condemned the lower classes’ role in supporting Rosas: “Universal suffrage bequeathed everything it could: the suicide of the people by its own hand, and the legitimization of Despotism.”<sup>30</sup> As explained by Nicolas Shumway in *The Invention of Argentina*, “Rather than allow all people immediate access to government, [Echeverría] recommends they be ‘taken through a series of gradual progressive steps’ until they reach ‘the perfection of institutional democracy’ (104).”<sup>31</sup> In keeping with the prevailing political beliefs of the time in Latin America, none of the Generation of 1837 believed the Argentine people were ready for popular democracy.

Alberdi then wrote in *Bases* that any constitution or government must reflect this reality. Argentine governance could not include popular participation until the population

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<sup>28</sup> Katra 163.

<sup>29</sup> Juan Bautista Alberdi, “America,” quoted in Shumway 151.

<sup>30</sup> Esteban Echeverría, *Ojeada*, quoted in Shumway 150.

<sup>31</sup> Shumway 150.

was suitable.<sup>32</sup> He believed the nation needed an original constitution that, although inspired by the United States' and Swiss Constitutions,<sup>33</sup> would address the socio-economic and cultural problems unique to Argentina:

All the identified factors belong to and from part of the normal concrete life of the Argentine Republic and they are intimately related to the foundations of its general government... These factors must be accepted as the point of departure and, as such, discretely taken into account in writing the Constitution.<sup>34</sup>

At the heart of Alberdi's political ideology rests a contradiction that would be passed on to the constitution: he believed caudillos were necessary, yet should be reined in by the national government. Although he initially despised caudillismo because of his opposition to Rosas, his alliance with Urquiza forced him to alter his opinion. Urquiza maintained stability in the 1850s by allying with provincial caudillos that had previously supported Rosas. Evidence for Alberdi's ideological shift rests in another publication, "America," in which he equates caudillos with "badly organized democracy."<sup>35</sup> He believed caudillos were the loose representatives of the population, and thus had some political legitimacy. Alberdi further wrote that caudillos, as an intrinsic part of Argentine life, were a reflection of the nation's basic need for strong executive power:

Give to the executive all the power possible. But give it to him by means of a constitution. This kind of executive power constitutes the dominant need in constitutional law at this time in South America. The attempts at monarchy, [and] the tendency... towards dictatorship are the best proof of the need we speak of.<sup>36</sup>

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<sup>32</sup> Romero 137-8.

<sup>33</sup> Katra 174. Rosendo Gomez, "Intervention in Argentina, 1860-1930," in *The Evolution of American Government*, ed. Asher Christensen, 383-400 (New York, NY: Henry Holt and Company, Inc., 1951) 384-90.

<sup>34</sup> Alberdi, *Bases*, quoted in Katra 165.

<sup>35</sup> Shumway 183.

<sup>36</sup> Alberdi, *Bases*, quoted in Shumway 153.

Here, Alberdi was arguing that to maintain stability in Argentina, the national government must have a strong executive, in essence a constitutionally constrained caudillo, in order to hamper the aspirations of other, lesser strongmen.

Domingo Sarmiento, another highly influential political thinker of the Generation of 1837 and later president of Argentina, was equally hypocritical in his critique of caudillismo. He believed that the “caudillos’ power postulates a mystical bond between the masses and their leader in which the caudillo mysteriously reflects the unarticulated will of the masses.”<sup>37</sup> This too suggested that caudillos were not simply authoritarian strongmen, but instead had some democratic legitimacy. The analysis of the bond between caudillos and their populations has been applied to twentieth century populists such as Hipólito Yrigoyen and Juan Perón. Nevertheless, Sarmiento wrote that caudillos ruled by decree, not popular persuasion, creating a government based on an “arrogant will.”<sup>38</sup> Thus, Sarmiento firmly believed that the culture of caudillismo was barbarous and prevented the interior from “civilizing,” or maturing into a proper civil society.<sup>39</sup> Both Alberdi and Sarmiento concluded that a strong executive was a necessity for combatting regional caudillos. They hoped that a constitution would constrain the president and thus lessen the risk of another presidentialist dictatorship like that of Juan Manuel de Rosas.<sup>40</sup>

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<sup>37</sup> Shumway 151.

<sup>38</sup> Ibid 151-3.

<sup>39</sup> Katra 171-2.

<sup>40</sup> Ibid 164-5. Shumway 153-4.

### *The Constitution of 1853*

The Constitution of 1853 was, and remains, the foundational document of Argentine governance. It closely reflected the opinions of the Generation of 1837, and was a product of the age of instability that preceded the 1852 constitutional convention.<sup>41</sup> The constitution's writers believed the document would usher in a new era of peace, prosperity, and modern, democratic government by their standards. In some respects, it was successful. Although there was some conflict immediately after its ratification, the constitution did guide Argentina into a period of unprecedented stability and economic growth. But there was a problem with the constitution, one that would not become apparent to leaders until the twentieth century. Constitutionalism does not inherently guarantee a stable and open democracy. The devil was in the details. This critical document had weaknesses that fostered the rapid and unhealthy centralization of power in the federal executive branch.

The Constitution of 1853 was a compromise, with features promoted by Federalists as well as Unitarists. It was a fusion of “the unitarist ideal of a powerful presidentialist central government... and the federalist principles of provincial autonomy and representation in national political institutions.”<sup>42</sup> The interior Federalists, who had defeated Rosas, had come to see a strong central government as an equalizer against Buenos Aires, rather than as an “agent of their domination.”<sup>43</sup> Thus while Article I of the constitution established Argentina as a “federalist republic,” the document outlines multiple powers granted to the federal government that fostered the disproportionate accumulation of power in the federal government, or what I shall term “vertical

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<sup>41</sup> Katra 160.

<sup>42</sup> Gibson and Falletti 239.

<sup>43</sup> Ibid 240.

centralization.” The term “vertical centralization” is to differentiate the centralization between the national and provincial levels, and “horizontal centralization,” which is the disproportionate accumulation of power within a branch at either the national or provincial level.

The constitution featured articles that clearly demonstrated the hegemony of Alberdi’s ideas, including free internal trade, the encouragement of immigration, and the federalization of the city of Buenos Aires.<sup>44</sup> In contrast to the U.S. system, the bill of rights and the constitution were combined. The Argentine constitution established a bicameral legislature, judiciary, and executive branch at both the federal and provincial levels, and formalized the separation of powers. The president was to be elected using an Electoral College system as in the United States. Each Congressional district received twice as many electors as deputies and senators sent to the national Congress. Electors were to cast their votes to reflect their district’s popular vote.<sup>45</sup>

The provinces retained any powers not explicitly given to the federal government, providing them with some degree of autonomy.<sup>46</sup> Each province was to formulate its own constitution, as long as it did not conflict with the national document. Provincial constitutions would detail the exact voting procedures for the governorship and local legislatures.<sup>47</sup> Most provinces mirrored the national system, and governors and legislatures were elected by popular vote.

The Constitution of 1853 contains several references to “popular election” in its provisions, yet surprisingly gave no specifics as to what segment of the population was

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<sup>44</sup> Argentine Constitution of 1853, Articles III, XXV, and XXVI.

<sup>45</sup> Ibid, Article LXXI.

<sup>46</sup> Ibid, Article CIV.

<sup>47</sup> Ibid, Article V.

eligible to vote. Moreover, the constitution did not detail any electoral procedures other than the Electoral College system. Elections may have been too controversial a subject for the convention's delegates to resolve in 1853. Thus, the specifics of electoral participation and procedure were not written into law until 1857.<sup>48</sup>

While the constitution instituted many of the reforms demanded by federalists, there were five key clauses that have had strong centralizing effects to rein in the provincial caudillos and hold together the nation. The most obvious and controversial were the powers of federal intervention and states of siege. These provisions have had such a powerful effect on Argentine governance that they merit a separate section of this essay. The other articles are subtler. Article LXVII and Article LXXXVI define the roles of Congress and the Executive branches. In these articles there are two clauses that have fostered vertical centralization. Article LXVII, Clause XVI gave broad power to Congress: “[The role of Congress is] To provide for everything conducive to increase the prosperity of the country, the progress and welfare of the Provinces, and the enlightenment of the people...” Article LXXXVI, Clause II did the same for the President, empowering him to “issue the instructions and rules necessary for the execution of the laws of the Nation, taking care that the spirit of said laws is not changed nor their scope limited by exceptions through said regulations.” These clauses gave significant powers to the federal government without providing specific restrictions. Over time, the national government found it increasingly easy to impose laws upon oppositionist provinces by claiming to be either promoting general welfare or enforcing pre-existing statutes.<sup>49</sup>

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<sup>48</sup> “Historia Electoral Argentina,” (Ministerio del Interior Presidencia de la Nación, December 2008) 18.

<sup>49</sup> Gomez, *Argentine Federalism*, 89.

Two more clauses encouraged “horizontal centralization.” A high degree of horizontal centralization breaks down the separation of powers, as one agency is capable of manipulating or coercing the other branches to its favor. Article LXXXVI, Clause XII states: “[The President] may prorogue Congress when sitting in ordinary session... when some grave interest of order or progress may require it.” This provision encouraged presidents to disband Congress, as they had additional powers of decree and appointment when Congress was not in session.<sup>50</sup>

A second provision, Article CV, states, “The governors of the Provinces shall be the natural agents of the Federal Government for the enforcement of the Constitution and the laws of Nation.” The effects of this clause have been gradual. It has encouraged the view among the federal government that provincial governors are their employees, rather than autonomous political entities to be bargained with. This perception and the federal intervention power have proved to be strong in promoting both horizontal and vertical centralization.<sup>51</sup>

### *Federal Intervention in the Constitution*

Federal intervention was the primary centralizing force in Argentina for the first seventy years of governance under the 1853 Constitution. Article VI of the constitution gave the national government the ability to intervene in provincial politics by replacing local officials with federal agents. It remains a constitutional provision to this day, albeit reformed in 1994. Between 1860 and 1930, there were 101 instances of federal intervention in the provinces. In fact, there was only one three-year, nine-month period,

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<sup>50</sup> Ibid 135.

<sup>51</sup> Ibid 108.

from 1873 to 1877, with no intervention at all.<sup>52</sup> What was intended by the framers of the 1853 Constitution to be a check against caudillismo, or strongman politics, became an overwhelming political tool for the national government in Buenos Aires. Instead of protecting organic political mobilization in the provinces, intervention has repeatedly shown itself to be a crushing political force. Interventions have caused horizontal *and* vertical centralization, greatly empowering the executive branches at both the provincial and national levels.

The federal intervention provision of the 1853 Constitution was not without precedent in Argentine history. The most common result of interventions, the replacement of different provincial governors, can be traced to colonial times under the Spanish monarchy. The Bourbon rulers were able to appoint intendants and governors without input from the local population.<sup>53</sup> Since independence in 1816, the Argentine elite wanted to keep this power in the hands of the new national government. The Unitarist's platform incorporated the ability of Buenos Aires to nominate local officials in the provinces, including the governors.<sup>54</sup> Rivadavia kept the presidential power to appoint and dismiss provincial governors in the 1826 Constitution.<sup>55</sup>

The delegates at the 1852 constitutional convention were well aware of these precedents and the resulting debate over the scope of federal intervention was hotly contested. Consequently, the exact wording of the article was a source of great concern and was changed prior to the formal ratification by all the provinces in 1860.<sup>56</sup> A close

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<sup>52</sup> Gomez, "Intervention in Argentina," 390.

<sup>53</sup> Rock, *Argentina 1516-1982*, 59-60.

<sup>54</sup> The Unitarist desire to mimic the power of the Bourbons was not limited to provincial appointments. Many Unitarists wrote the Constitution of 1816 with the intent of establishing an Argentine Monarchy. Ibid 87.

<sup>55</sup> Ibid 101.

<sup>56</sup> Gomez, "Intervention in Argentina," 384-90.

reading of the article provides insight into the sources of conflict over the provision as well as its potential flaws. In the end, Article VI was written as follows:

The Federal Government shall have the right to intervene for the preservation in the territory of the Provinces of the republican form of government or for repelling foreign invasion; and, when requested by the provincial authorities, for maintaining them in power, or reestablishing them if deposed by sedition or by invasion from another Province.<sup>57</sup>

The critical justification for intervention is to guarantee the “republican form of government,” a clear check against caudillismo. But the specifics of what exactly constitutes a threat to the “republican form of government” are entirely absent, leaving an opening for the abuse of federal power.

The constitution was also ambiguous when describing the role of the government branches in an intervention. The “federal government,” implying both the executive and legislative branches, is allowed to initiate an intervention. In the seven years prior to the formal adoption of the constitution by Buenos Aires, many of the delegates were already growing wary of executive power. Multiple instances of executive overreach involving interventions, including an infamous incident in San Juan in 1857, caused the constitutional convention to reopen the debate about precisely who could initiate an intervention. Sarmiento advocated specifying that only the legislative branch could initiate interventions. In spite of Sarmiento’s strong reservations, the delegates chose to keep the broader wording allowing the executive branch to intervene.<sup>58</sup>

The final agreed rule gave the executive branch the authority to intervene only if Congress was not in session. The national government would then send an “interventor”

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<sup>57</sup> Argentine Constitution of 1853, Article VI.

<sup>58</sup> Gomez, “Intervention in Argentina,” 388.

to implement whatever change was felt necessary in a province. This interventor would usually supplant the highest provincial officials including the governor, and promptly organize local elections to restore power to the provincial politicians.<sup>59</sup>

The other participants relevant to Article VI were the “provincial authorities.” Again, this wording was ambiguous. In contrast to the proposed “legitimate authorities,” “provincial authorities” implied *de facto* that any persons or institutions with sufficient power could petition for a federal intervention. In turn, the federal government was able to remove any pre-existing provincial authorities on the basis that other authorities (usually more closely aligned to the national government) had called for it. The article further states that the federal government may intervene to “maintain” or “reestablish” authorities if they were “deposed by sedition.” Even when no such thing occurred, it was not unknown for the federal government to claim sedition to justify maintaining its provincial political power.<sup>60</sup>

The next debate among the constitutional convention delegates concerned “requisition.” If the federal government needed requisition to intervene, it had to be invited by provincial officials, in essence, as a measure to prevent the federal authorities from acting unilaterally. Here, the Argentine Constitution differs from the U.S. Constitution, which requires a state to make a formal request. Article IV, Section 4 of the U.S. Constitution stipulates that other than protecting against invasion, the federal government may intervene only “on the application of the [state] legislature, or of the

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<sup>59</sup> Ibid 384-90.

<sup>60</sup> Ibid.

[state] Executive (when the legislature cannot be convened), against violence.”<sup>61</sup> On the other hand, the Swiss Constitution of 1848 Article XVI reads:

If it is out of the power of the Cantonal Government to apply for assistance, *then may*, and if the safety of Switzerland be placed in jeopardy, *then shall*, the properly constituted Federal authorities interpose of their own accord.<sup>62</sup>

Alberdi, intent on establishing a powerful executive, strongly advocated the Swiss model. In the end, the delegates agreed, and no requisition was needed to initiate an intervention in the final version of the 1853 Constitution.<sup>63</sup> This phrasing left the intervention provision vulnerable to abuse. The executive branch, and to a lesser degree the legislative branch, have consistently found ways to legally violate the spirit of Article VI to their advantage.

### *States of Siege*

The Constitution of 1853 contained another powerful provision for both national and provincial authorities that would often work in concert with federal interventions: the state of siege. Granted in Article XXIII, authorities were permitted to declare a “state of siege” within a province or territory, whereby “the constitutional guarantees shall be suspended within its limits.”<sup>64</sup> If a government felt that “observance of [the] Constitution and the safety of the authorities created by it” was threatened by “domestic disturbance or foreign attack,” it could declare a siege.<sup>65</sup> The provision restricts the ability of authorities to harm individuals; under states of siege, individuals could only be arrested or forced to leave the country.

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<sup>61</sup> Constitution of the United States of America, Article IV, Section 4.

<sup>62</sup> Swiss Constitution of 1848, Article 16.

<sup>63</sup> Gomez, “Intervention in Argentina,” 386.

<sup>64</sup> Argentine Constitution of 1853, Article XXIII.

<sup>65</sup> *Ibid.*

As with interventions, the state of siege provision was easily abused. It was a common occurrence for the first fifty years of constitutional rule. In many cases, a declaration was made by an interventor after a province was already undergoing a federal intervention. Any authority could declare a siege upon perceiving a threat, even if by legal or legitimate means such as the elections of the 19<sup>th</sup> century. Between 1861 and 1910 there were twenty-six declarations of states of siege, most of which were related to political struggles. By the turn of the century, states of siege began to be a tool to control labor disturbances in the provinces.<sup>66</sup>

After nearly forty years, Argentina finally had a long-lasting constitution. Nevertheless, the processes of political consolidation and institution building had only just begun. Within twenty years, a one-party system would become firmly implanted behind the façade of democracy provided by the 1853 Constitution. This “oligarchic democracy” set the stage for the development of modern Argentina, as well as the transition to popular democracy in 1912.

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<sup>66</sup> Gomez, *Argentine Federalism*, 236-42.

### III.

#### Governance under the Elites (1862-1912)

When Bartolomé Mitre was inaugurated as the first president of a united Argentina in 1862, the political institutions that would dominate the country were just falling into place. The landowning and mercantile elite that governed Argentina from 1860 until 1912 had firmly established an “oligarchic democracy.” After the constitution was ratified, the conflict between Buenos Aires and the provinces was not yet resolved. Within the last years of the struggle, one can see the development of the political institutions and practices that the oligarchy sought to retain after 1912: the National Autonomist Party (PAN) and the advent of governance by consensus through gentlemen’s agreements or “acuerdos.” When the oligarchy’s expectations were dashed in the 1920s, the survival of popular democracy was thrown into jeopardy.

#### *Oligarchic Democracy*

Social status and wealth were critical to obtaining political power. According to Peter Smith, “socioeconomic prominence was a necessary, and sometime sufficient, precondition for the attainment of political influence.”<sup>67</sup> By the turn of the century, the elites controlled every power source in the nation, including the army, the economy, the land, the national political party, and the decision-making processes in government. Government was a mechanism to promote stability and economic development, not “an autonomous power resource”<sup>68</sup> to check the economic influence of the oligarchy. The elite landowners and merchants owned or controlled the vast majority of Argentina’s

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<sup>67</sup> Smith 9.

<sup>68</sup> Ibid.

economy. Without the support of an independent government, the lower classes had little hope of enacting social, economic, and political legislation not backed by the oligarchy.<sup>69</sup> The elite that led Argentina during this period was embodied by the “Generation of 1880”. They believed they had the right to govern as they saw fit. Supporters of the liberal ideas of Darwinian competition, they were convinced that “if an aristocracy governed Argentina, that was a consequence of natural selection.”<sup>70</sup>

Even though the constitution proclaimed the country a federalist democracy, there were few signs of either federalism or democracy in the oligarchic Argentina of the late nineteenth century. Arguably the most important political institution for popular democracy, the legislative branch, had little power or influence. Instead, critical decisions and legislation were made through “acuerdos,” agreements made privately within the executive branch. This type of policy making lent itself to personalist politics, driven by the efforts and personalities of individuals.<sup>71</sup> A select group of men made decisions that affected the future of the nation, based on their relationships with political allies and rivals, with little or no concern for popular opinion. There were divisions within the elite based on differences in their commercial interests. But for the most part, power was sufficiently rotated to avoid significant internal conflicts.<sup>72</sup>

Allegiances formed among individuals instead of parties or ideological platforms. Thus the oligarchs regularly shifted their opinions across the political spectrum depending on the individual issue. After 1880, the political fluidity of the elite created the defining characteristic of aristocratic governance: government by consensus. Political

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<sup>69</sup> Ibid 113.

<sup>70</sup> Ibid 3.

<sup>71</sup> Ibid 8-9.

<sup>72</sup> Rock, *Politics in Argentina*, 25, 56.

deals were made by conversations and compromises between prominent individuals, which then produced policies that were agreeable to as much of the included elite as possible.<sup>73</sup> As will become evident, one of the strongest complaints of the elite after 1912 was the loss of government by consensus.

### *The Creation of the National Autonomist Party (PAN)*

Other than focusing on economic development, the governing elite concentrated on political centralization. Beginning with Mitre in 1862, the presidents proved themselves strongly Unitarist in their policies. For both provincial and porteño presidents, there was a clear sense that greater federal power was advantageous to maintaining their national influence. The provincial “peripheralizers” under the Gibson-Falleti model were now firmly committed to creating a strong central power to block the influence of Buenos Aires. The porteño “centralizers” wanted a similarly powerful federal government, as long as it was in the hands of local politicians such as Mitre.<sup>74</sup>

Again using the Gibson-Falleti model, Mitre’s presidency from 1862 to 1868 produced a “centralized and hegemonic” federalism dominated by Buenos Aires.<sup>75</sup> He presided over the first concerted effort at centralization at the national level under the 1853 Constitution. Mitre worked to build Argentina’s institutions, such as the courts, the legal code, and the army, as well as to foster economic development and European immigration. Mitre’s main challenge proved to be defeating the last provincial caudillos that had been in power before the 1853 constitution. The province of La Rioja, the most

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<sup>73</sup> Karen Remmer, *Party Competition in Argentina and Chile* (Lincoln, NE: University of Nebraska Press, 1984) 30-1. Smith 56.

<sup>74</sup> Gibson and Falleti 242-3.

<sup>75</sup> Ibid.

remote and “backward,” had two large revolts in 1862 and 1866. In both instances, Mitre’s allies from Santiago del Estero defeated the rebels.<sup>76</sup>

The federal government still lacked the institutional capacity to break caudillismo unilaterally and Mitre had to build a network of pro-government provincial caudillos who could maintain order.<sup>77</sup> By 1868, Mitre had begun to impose federal power on the edges of the nation. He placed a series of federal garrisons in the provinces, and initiated the “liberal use of [the federal government’s] powers of intervention”<sup>78</sup> to break the local strongmen who would not bend to his will. The last significant caudillo revolt that espoused the old interior-style federalism lasted from 1870 to 1874 in Entre Rios, before being crushed by Sarmiento’s government.

Beginning in 1868, the executive retained its centralization, but power began to shift away from Buenos Aires. This had long-term consequences for Argentina in the twentieth century. The strong national government composed mostly of provincial elites precipitated the exclusion of the more liberal middle and working class populations in Buenos Aires. The provinces built an Electoral College coalition that backed Sarmiento. The alliance was a network of governors and the seed of the National Autonomist Party (PAN) that would be finally formed in 1874. During Sarmiento’s presidency, alliances between subsets of the elite led to the formation of three political factions. The porteños were divided between the “Nationalists” under Mitre and the “Autonomists” under Adolfo Alsina. The provincial alliance, called the “Nationals,” was led by Nicolás Avellaneda, a prominent politician from Tucumán.<sup>79</sup>

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<sup>76</sup> Rock 125-6.

<sup>77</sup> Smith 245.

<sup>78</sup> Rock 126.

<sup>79</sup> Remmer 24-8.

The election of 1874 proved a watershed moment in Argentine politics. It sparked the creation of the National Autonomist Party, which would singularly control the government until 1916. The provincial National, Avellaneda, won the presidency. Avellaneda then created the PAN by merging a faction of Autonomists and the National Party. This early provincial alliance succeeded in defeating the last two significant revolts from the porteños, who fought to avoid the federalization of the city of Buenos Aires. Although Mitre and Adolfo Alsina attempted to create a competing alliance in an “acuerdo,” the agreement collapsed upon the premature death of Alsina. The porteños were too disorganized to challenge the increasingly powerful PAN alliance. In 1880, another provincial candidate, Julio A. Roca, won the presidential election.<sup>80</sup>

Roca’s victory largely completed the process of national unification. He abolished the provincial militias and federated the city of Buenos Aires, demonstrating the government’s capacity to quell caudillo uprisings, even those in the most powerful provinces. Roca then presided over the final form of Argentine federalism: centralized and pluralistic. The government was strongly centralized, in what would be called the “unicato” by federalist critics, and was not dominated by any single province. The period of consolidation highlights a major facet of the oligarchic government: popular opinion had negligible effects on the outcomes of the political struggles. Elites in both the provinces and the capital bargained with each other and ensured that their decisions came to fruition.<sup>81</sup>

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<sup>80</sup> Ibid. Gibson and Falletti 244-6. Rock, *Argentina: 1516-1982*, 29-31.

<sup>81</sup> Remmer 28-31. Rock, *Argentina: 1516-1982*, 155-7.

### *The Politics of Controlled Elections*

Roca's ascent to power in 1880 brought about the creation of the first organized national party. While the PAN had existed since 1874, Roca transformed it from a loose elite alliance into a formal and "effective national political structure."<sup>82</sup> Although nominally elected, the PAN became the hegemonic political entity at the turn of the twentieth century through a combination of electoral manipulation and the use of federal interventions. The PAN held such influence over Argentine governance that its practices were firmly institutionalized when the political system was reformed in 1912.<sup>83</sup> The party closely reflected the views of the elite, in that it was "a mechanism for ensuring that economic progress would not be jeopardized by democratic politics."<sup>84</sup> It helped construct and sustain a system of electoral control at both the national and subnational levels that ensured the exclusion of opposition parties for thirty-two years. As a provincial alliance, the PAN largely ignored the wishes of the rapidly growing urban population in Buenos Aires.

The PAN took full advantage of a weak electoral law, Law 140, passed in 1857 that outlined electoral participation and procedure. At first glance, the law appeared remarkably progressive for its time. It stipulated that all males over the age of twenty-one, provided they were citizens and not "deaf and dumb," were eligible, but not obligated, to vote.<sup>85</sup>

But as with the constitution, significant weaknesses became apparent in the details. The law created an acutely convoluted voter registration system that restricted

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<sup>82</sup> Remmer 27.

<sup>83</sup> Rock, *Politics in Argentina*, 29-31.

<sup>84</sup> Remmer 30.

<sup>85</sup> Law 140, Article 7 in "Historia Electoral de Argentina," 18.

those who could vote. This limitation was based on Alberdi's doctrine of "purity of suffrage," espoused in his essay, "Elements of the provincial public right for the Republic of Argentina," which was published in 1853.<sup>86</sup> So difficult was the process of registration that few eligible males tried to vote. In one notorious step, male citizens had to be accepted by a local committee of "notable neighbors," implicitly local elites and clergy. These "committees" were themselves not regulated until 1902. Moreover, registration had to be completed for every election, and the system was constantly reformed in the nineteenth century, creating perpetual confusion.<sup>87</sup> Without a doubt Law 140's greatest deficiency was its failure to protect against electoral manipulation, outright fraud, and voter coercion. It did not mandate judicial oversight, and the ruling party found it remarkably easy to use the power of the national government to prevent the opposition from having its voice heard.

The National Autonomist Party, largely an alliance of provincial governors, controlled elections through a variety of means. They decided who would achieve political success within provincial politics, and then passed their support onto the national level, ensuring the victory of the PAN presidential candidate (who was chosen by the previous PAN president).<sup>88</sup> Congressional elections used the electoral roll system. Candidates were placed on a party list, and received seats in Congress if their party won a plurality.<sup>89</sup> Thus voters were only choosing the governing party, not their individual representatives. The PAN governors usually delegated local political power to provincial party bosses. These bosses, the "soldiers" of the PAN, controlled elections through

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<sup>86</sup> José María Rosa, *Historia Argentina, Vol. VI*. (Buenos Aires, AR: Editorial Oriente, 1974) 141-2.

<sup>87</sup> "Historia Electoral de Argentina," 17-18.

<sup>88</sup> Jonathan Brown, *A Brief History of Argentina* (New York, NY: Checkmark Books, 2011) 139-41.

<sup>89</sup> "Historia Electoral de Argentina," 18.

patronage, bribery, intimidation, and electoral roll manipulation to ensure the governor's partisans were victorious. In less important provincial offices, individuals "usually purchased the services of bosses, who reliably delivered the vote."<sup>90</sup>

In the major elections, provincial and national officials often mobilized the army, police, and other government agencies to guard polling stations, monitor voters, and intimidate the opposition. Moreover, the national government often declared states of siege to prevent public meetings that might support the opposition.<sup>91</sup> For example, in the 1905 race for the governor of Buenos Aires, their tactics ensured that of the 117,000 eligible voters, only 3,000 votes were cast, of which "2,750... were for the governing party."<sup>92</sup> The combined effect was that by 1910, only about twenty percent of naturalized males in Argentina voted in national elections and that only because they favored the ruling party.<sup>93</sup> David Rock in *Politics in Argentina, 1890-1930* best summarizes the PAN's electoral practices: "[For the PAN, fraud] served to uphold the myth of constitutional liberties, while depriving them of any practical content."<sup>94</sup>

The bosses' efforts were facilitated by the "lista completa" electoral rule, which meant any PAN majority in a legislative election would result in only PAN delegates gaining seats in the lower houses of provincial and national legislative branches.<sup>95</sup> The lista completa made it virtually impossible for opposition parties to succeed on the national stage. In turn, most opposition groups, including the Radical Civic Union after 1890, chose to boycott elections or use extra-constitutional means to affect political

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<sup>90</sup> Rock, *Argentina: 1516-1982*, 184.

<sup>91</sup> Gomez, *Argentine Federalism*, 153-4.

<sup>92</sup> Ibid.

<sup>93</sup> Rock, *Politics in Argentina*, 27.

<sup>94</sup> Ibid.

<sup>95</sup> The national lower house of Argentina since 1853 has been called the "Chamber of Deputies," with the general term for Congressmen being "deputies."

change. As the provincial legislatures elected national Senators, the PAN was guaranteed a strong position in the national Senate as well as the presidency. Thus with control of provincial lower houses, PAN governors largely controlled who was passed up to the national stage.

A governor's ability to control local party bosses was critical to his career. If successful, the governor would accumulate significant power and fill provincial government positions with his friends, family, and close-supporters. This created a stable "oligarchy" that ensured the governor's continued political ascendancy. But if he failed to control his subordinates, he risked a federal intervention. The executive's power was so closely tied to the PAN's dominance of the provinces that presidents rarely tolerated weak governorships. What emerged was a balance of power where the presidents and governors were mutually dependent to maintain their control of the Argentine political system.<sup>96</sup>

### *The Use of Federal Interventions*

Despite the frequency of its usage and significant long-term impact, there is remarkably little documentation about the specifics of federal interventions in English. Thanks to the thorough research of Rosendo A. Gomez in his 1949 dissertation, *Argentine Federalism: Its Theory and Practice*, some basic statistics on the early interventions are known. The federal government intervened in the provinces sixty-seven times between 1853 and 1916 (a rate of 1.1 interventions a year).<sup>97</sup> The presidents after 1862, including Santiago Derquí, Bartolomé Mitre, and Domingo Sarmiento, focused on

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<sup>96</sup> Remmer 28-31. Gomez, *Argentine Federalism*, 156.

<sup>97</sup> Gomez, "Intervention in Argentina," 390, 393.

protecting the constitution with interventions. The battle between federalism and centrism was not yet settled, and these early presidents used intervention to remove caudillos that did not support the new federalist system. In general, the executive and legislative branches each initiated around fifty percent of interventions, reflecting a more balanced usage of the provision than in later periods. Nevertheless, sixty-two percent of all interventions clearly benefited the local faction most closely aligned to the PAN.<sup>98</sup>

The application of interventions fit neatly within the National Autonomist Party's legal control of elections. Interventors were expected to organize local elections as quickly as possible and restore power to the provincial authorities. But in practice, interventions rarely went so smoothly. Elections were usually delayed as the interventor worked to ensure that only individuals loyal to the federal government would secure power. He would dole out patronage, providing attractive government jobs to loyal provincials. Interventors would often use the local police to spy and apply pressure on their opponents, a common feature of both oligarchic democracy and the popular democracy after 1912.<sup>99</sup>

The PAN established a pattern in the use of federal interventions that would extend far into the twentieth century. Due to the structure of Gomez's data, it was not possible for me to differentiate between trends in interventions pre- and post-1912. Thus my examination of the statistics will span the entire 1853 to 1930 timeframe. There is little information regarding the justifications for interventions. Officially, forty-six interventions were requested. A further eighteen are known to have been unilateral actions by the national government, and five were requested by special investigators sent

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<sup>98</sup> Ibid 393-4.

<sup>99</sup> Gomez, *Argentine Federalism*, 153-4. Anne Porter, "The Failure of Democracy in Argentina 1916-1930," in *Journal of Latin American Studies*, Vol.13, No. 1 (May, 1981) 100.

to provinces.<sup>100</sup> There are no specifics related to requisitions for the remaining thirty-two interventions. But the habit of the executive to manufacture justifications for initiating interventions is well known. The president would often use any slowing or break down in provincial inter-branch procedures to justify intervention under the guise of guaranteeing republic government. The federal government official intervened sixty-five times under this claim of reorganizing the provincial government.<sup>101</sup> The least common reason for intervention was rebellion or the enforcement of national laws, occurring a scant twelve times.<sup>102</sup> Upon the advent of popular democracy, the newly elected Radical Civic Union continued the PAN's intervention techniques, only with greater frequency as will be shown in Chapter V.

Through a large number federal interventions and extensive electoral manipulation, the National Autonomist Party remained hegemonic for the remainder of the nineteenth century. But change was in the air. New pressures for more expansive political inclusion were building in the middle and lower classes and the elite was forced to accommodate these increasingly dissatisfied social groups. But they always treasured their golden age before 1912, when politics and socio-economic power were intimately connected, and government was by consensus, not contention.

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<sup>100</sup> Gomez, "Intervention in Argentina," 396-7.

<sup>101</sup> Ibid 396-8.

<sup>102</sup> Six of these rebellions were led by the Radical Civic Union before 1910, prior to its shift to conventional politics after the 1912 Sáenz Peña Law. Gomez, "Intervention in Argentina," 397-8.

#### IV.

##### The Advent of Popular Democracy (1890-1912)

The oligarchic government of the late nineteenth century was strong, but not impervious to political agitation. Pressure for wider political inclusion was building from below and among the elites' own ranks. After 1890, the National Autonomist Party began to be challenged by the rising Radical Civic Union (UCR). The UCR, expressly committed to political reform, drew its members from the elite as well as the growing middle class. The rapid influx of European immigrants also fueled the growth of the working class in the large cities, which was increasingly prone to labor agitation. The government under the elite had little room within its regime for these rising groups. As the new century dawned, the PAN leadership saw the writing on the wall: reform was inevitable and necessary. Their task was then to create reforms that enabled them to retain the critical aspects of the old political system including elite dominance and government by consensus. It was this political compromise by the oligarchy that began the first democratic cycle, which lasted from 1912 until 1930.

##### *Socio-Economic Developments*

Elite plans for economic development were largely successful. Despite boom and bust cycles, the nation's import-export economy was rapidly developing. By 1900, Argentina had become the wealthiest country in Latin America, with an annual GDP growth rate of five percent. Between 1865 and 1914, its exports increased more than thirteen fold. The export boom was driven by the agricultural sector, which saw its value expand by "almost 80,000 percent, rising as a proportion of total exports from 0.4 to 50.1

percent.”<sup>103</sup> The expansion of the agricultural sector was enabled by the opening up of new lands by military campaigns and the development of new technologies. Massive British investment and technology supported the construction of railroads allowing agricultural products to reach Buenos Aires for export. But most importantly, an influx of nearly six million European immigrants between 1871 and 1914 provided the labor and experience to develop Argentina’s new economy.<sup>104</sup>

While the economic boom certainly benefited the old landowning and mercantile elite, other social groups were prospering and increasingly demanding political inclusion. These groups included the landowners within newly profitable interior regions,<sup>105</sup> descendants of the oligarchy “who were unable to profit from the export-import pattern of growth,”<sup>106</sup> and the middle class. Opposition groups, most notably the UCR, would incorporate elements of these social classes and increase pressure on the PAN. The middle class would become the driving force of political change at the turn of the century. By 1914, the middle class was 32 percent of the population and growing. The upper class, a scant 1 percent of the population, could not continue to block aspiring middle class professional politicians.<sup>107</sup>

Pressure for reform also came from the working class. Increasingly intense labor agitation reflected the growth of Syndicalism in the late 1800s. By the early twentieth century, strikes in the major cities were commonplace. In 1909 alone, 300,000 workers struck in Buenos Aires province. The oligarchy had little experience in bargaining with

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<sup>103</sup> Remmer 44-7.

<sup>104</sup> Ibid 45.

<sup>105</sup> The wars against the natives and laying of new railroads opened up regions largely in the south and west that were previously unsuited to the economic interests of the Argentine ranchers.

<sup>106</sup> Smith 9.

<sup>107</sup> Ibid 8.

the lower class, which in 1914 was 67 percent of the population.<sup>108</sup> Thus they looked to the rising middle class for solutions. The elite chose to incorporate the middle class in the hope that they would be better able to bargain with the working class. The middle class political organization, the Radical Civic Union (UCR), was the chief benefactor of this decision.

### *The Rise of the Radical Civic Union*

The Radical Civic Union was founded in 1891 by Hipólito Yrigoyen and his uncle Leandro Alem. The platform of the UCR focused on:

...[the] peso depreciation, the system of public land sales encouraging the concentration of rural property, the lack of provincial autonomy, and the predominance of the executive over other branches of government. But above all, the program insisted on the need for electoral freedom and political reform.<sup>109</sup>

The liberal ideology of the UCR was greatly influenced by a weak political association from the 1870s called the “Republican Party.” The Republicans, who included Yrigoyen and the reformist president Roque Sáenz Peña, were committed to “effective federalism, electoral freedom, and principled politics.”<sup>110</sup> Chief among the UCR’s demands were universal male suffrage and the secret ballot, ending voter intimidation at the polls.

The UCR attempted to run candidates in the 1892 election, but the PAN president, Carlos Pellegrini, declared a state of siege and pushed the Radicals out. Thereafter, most Radical factions dedicated themselves to armed insurrection against the government.

After over a dozen failed provincial uprisings in the 1890s, the majority of the UCR was

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<sup>108</sup> Ibid 9.

<sup>109</sup> Remmer 89.

<sup>110</sup> Ibid 26.

exhausted and defeated.<sup>111</sup> Only one wing, that of Yrigoyen in Buenos Aires, remained organized and able to challenge the PAN. In 1897, Yrigoyen stopped advocating for armed insurrections, but nonetheless refused to participate in any fraudulent elections until reforms were made, in what he called “austere intransigence.”<sup>112</sup>

Yrigoyen’s faction of the UCR stood poised to take advantage of a weakening in the PAN’s regime. Although still in power, the PAN had an internal split between supporters of Julio Roca and Carlos Pellegrini in 1901. Internal divisions prevented a clear successor from winning the 1904 election. Figueroa Alcorta was eventually elected after a long series of *acuerdos* between PAN factions. Alcorta was reform-oriented and began maneuvering to accommodate the Radicals. But significant opposition from important personalities, such as Roca, prevented Alcorta from moving forward with reform for most of his presidency. By 1910, the majority of the strong opposition to Alcorta had dissipated, either through agreements or the natural deaths of some of their key leaders. The president picked Roque Sáenz Peña, another advocate for reform, as his successor. Within two years, he had passed the most significant piece of legislation in Argentina since the federation of Buenos Aires thirty-two years earlier.

### *The Sáenz Peña Law of 1912*

The Sáenz Peña Law of 1912 established universal male suffrage in Argentina.<sup>113</sup> In the formulation of the law, the PAN president worked closely with Yrigoyen, who enjoyed significant popularity for his long held support for reform. The reform made voting compulsory for all naturalized males above the age of eighteen, without any

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<sup>111</sup> Rock, *Politics in Argentina*, 41-52.

<sup>112</sup> *Ibid* 88-9.

<sup>113</sup> Women were not enfranchised until 1947. Rock, *Argentina: 1516-1982*, 287.

literacy requirements. It provided detailed instructions for proper voting practices at polling stations in provincial and national elections. It established a unified and simple voter registration system using the military conscription rolls, ending the confusing and easily corruptible practices of registration under the oligarchic democracy.<sup>114</sup> A critical element of the Sáenz Peña Law was the establishment of secret ballots, with strict procedures to protect voters. Lastly, Section 5 banned coercive electoral practices: “The vote is individual, and no authority, no person, no corporation, no party, nor political group, can obligate the voter to vote for groups of any kind or description whatsoever.” Elections were to be monitored by the federal judiciary. The law was a notable achievement, if only for its early enactment. Argentina had secret, compulsory, and universal male suffrage in 1912, decades before the majority of other Latin American nations. More remarkably, the law was not the product of violence or revolution, as in the case of Mexico (the other early adopter of universal male suffrage)<sup>115</sup>, but rather of political discussion and compromise.

But as in the case of the constitution, there were problems in the details of the Sáenz Peña Law. The law was engineered to open up voting to a relatively small proportion of the population in a controlled manner. It theoretically instituted universal male suffrage, yet in practice, the law only opened voting to a small portion of the population. The exclusion was both a result of Argentina’s immigrant society and a specific provision within the law: the “incomplete list.” Argentina received an enormous number of immigrants between 1871 and 1914, with a net gain of over three million

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<sup>114</sup> Saenz Pena Law in “Historia Electoral de Argentina,” 31-54.

<sup>115</sup> Lawrence Graham and Allison Rowland, “Two Centuries of Federalism in Brazil, Mexico, and the USA,” in *Governance in the Americas*, ed. Robert H. Wilson, Peter M. Ward, Peter K. Spink, and Victoria E. Rodríguez (Notre Dame, IN: University of Notre Dame Press, 2008) 68.

people. In fact, according to David Rock's calculations in *Argentina: 1516-1983*, Argentina alone "absorbed some 10 percent of the total number of migrants from Europe to the Americas."<sup>116</sup> Considering the country's population in 1857 was a mere 1.1 million, the influx had a dramatic effect. Again, Rock writes that "By 1914 around one-third of the country's population was foreign-born, and around 80 percent of the population comprised immigrants and those descended from immigrants since 1850."<sup>117</sup> In order to avoid the possibility of conscription, over 95 percent of first-generation immigrants between 1850 and 1930 voluntarily remained unnaturalized.<sup>118</sup> The reform law only allowed naturalized Argentines to vote. Thus the Sáenz Peña reform only applied to around 40-45 percent of the male population during the first popular democratic period.<sup>119</sup>

The "incomplete list" section of the law limited further those whose votes really counted by affecting the proportion of seats in the provincial and the national congresses. The aforementioned complete list gave all the lower house seats to the majority party. The incomplete list gave two-thirds of seats to the electoral victors, with the minority parties taking the remaining third. In practice, the second-place party dominated the opposition's one-third. This was the intention of the oligarchs, since they sought to share government exclusively with their coopted opponents, the Radicals. The consequence of the incomplete list was that up to 16 percent of voters had no effect on elections. If an opposition party won more than 33 percent of the vote, yet failed to carry the majority, those extra votes had no impact on the proportion of seats in a legislature. The combined

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<sup>116</sup> Rock, *Argentina: 1516-1982*, 141.

<sup>117</sup> Ibid 166.

<sup>118</sup> Ibid 143.

<sup>119</sup> Smith 11.

effect of the size of the immigrant class and the incomplete list was that as little as 30 percent of the male population actually could influence an election.<sup>120</sup>

The final problem with the Sáenz Peña Law was not a matter of its legal framing: the law's enforcement relied on a strong judiciary. The judicial branch in Argentina, and Latin America as a whole, has been consistently weak in the face of the executive.<sup>121</sup> As will be demonstrated under Juan Domingo Perón, the other branches found mechanisms in the constitution to hamper an independently-minded Supreme Court. Since the ruling party most often perpetrated electoral manipulation on a wide scale, it was unlikely the judiciary would check any undemocratic behavior.

The parties controlling elections were not committing illegal acts. Patronage and personal politics, the most common mechanisms for influencing elections, were legal in Argentina. But the strong powers bestowed upon the presidency by the constitution, most notably the ability to order federal interventions and the duty to “issue the instructions and rules necessary for the execution”<sup>122</sup> of the law, enabled the ruling party to hold unchecked sway over elections. During the open democratic periods, this made the dominant parties nearly impervious to electoral challenge on the national level, a situation that to the modern eye would appear decidedly undemocratic.

The weaknesses of the reform were not simply the result of oversight by its writers. Instead, the oligarchy intended to benefit from the Sáenz Peña Laws deficiencies.

As Peter Smith argues, “Despite its apparently democratic implications, the plan was

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<sup>120</sup> Ibid 12.

<sup>121</sup> Pablo Spiller and Mariano Tommasi, “The Institutional Foundations of Public Policy,” in *Argentine Democracy: The Politics of Institutional Weakness*, ed. Steven Levitsky and María Victoria Murillo, 45-61 (University Park, PA: Pennsylvania State University Press, 2005) 56-8. Victoria Rodríguez, Peter Spink, and Peter Ward, “The Changing Institutional Capacity of Subnational Government,” in *Governance in the Americas*, ed. Robert H. Wilson, Peter M. Ward, Peter K. Spink, and Victoria E. Rodríguez (Notre Dame, IN: University of Notre Dame Press, 2008) 117-21. Graham and Rowland 53.

<sup>122</sup> Argentine Constitution of 1853, Article LXXXVI, Clause II.

clearly meant to strengthen and perpetuate the prevailing oligarchic system.”<sup>123</sup> The elite sought to coopt their chief rivals, the UCR, to buttress the old PAN regime. They saw the Radicals as their natural allies. Between 1904 and 1915 about 64 percent of the UCR were elites. More importantly, the UCR platform had few stances that frightened the oligarchy.<sup>124</sup> There is little evidence to suggest that the Radicals sought to change the tradition of consensus governance. Instead they “emphasized morality in government rather than changes in structure, policy, or procedure.”<sup>125</sup> Needless to say, the elites were surprised when the Radicals quickly moved to dominate the political system rather than continue the oligarchy’s power-sharing scheme.

### *The Chamber of Deputies*

A close study of the roles and demographics of the Chamber of Deputies during the reform period is essential to understanding the health of Argentina’s democratic institutions.<sup>126</sup> The Senate, elected by provincial legislators, was a bastion of the pre-Sáenz-Peña Law status quo in 1912, and hardly constituted a representative body. The Chamber was still highly aristocratic with approximately 60 percent of its members being from the elite stratum of society between 1904 and 1916. But more importantly, only 23 percent of deputies had served more than two terms. In fact, the Chamber’s deputies during both of the democratic cycles researched in this paper were considerably inexperienced. This made the deputies less able to resist the power of the executive,

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<sup>123</sup> Smith 9.

<sup>124</sup> Ibid 9-10.

<sup>125</sup> Ibid 92.

<sup>126</sup> Ibid 12.

deferring authority to the president and other leading party officials.<sup>127</sup> The reasons for the amateur qualities of the members of this Chamber are fundamental to understanding the role of the Lower House in Argentine politics.

The primary role of Congress, as laid out by the constitution, was to legislate. But the constitution also bestowed upon the executive so much power that the Congress became secondary as a legislative body. As Rosendo Gomez explains:

The Executive Power has been the principal factor in the departure from constitutional prescription. His leadership reflects itself in all of the practices that have relegated the provinces to mere districts of the national government. The character of the Latin American has in it the strong influence of the ancient Spanish acquiescence to strong leadership.<sup>128</sup>

The secondary status of Congress was exacerbated by the tendency for presidents to make political deals directly with the governors, who were seen as the centers of provincial power for the reasons discussed in Chapter II.<sup>129</sup> The electoral process moved power from the legislatures to local party bosses, who doled out patronage and bribes to secure votes and ensure the election of party loyalists. The party bosses, governors, and presidents could then choose who would be passed up to the Chamber. Deputies tended to gather little experience as the bosses rotated loyalists through Congress as rewards for service to the party.<sup>130</sup>

While this system had been in place before the Sáenz Peña Law, the UCR retrofitted the old system to suit their middle-class base. The PAN had chosen deputies through informal *acuerdos* within groups of politically important friends. The UCR, while a more democratic institution, did not eliminate the old system of political

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<sup>127</sup> Ibid 18-9.

<sup>128</sup> Gomez, *Argentine Federalism*, 253.

<sup>129</sup> Ibid 108. Spiller and Tommasi, 51.

<sup>130</sup> Smith 35.

patronage. Party candidates were chosen at conventions, with little consideration for popular support. The increasing professionalism of the UCR meant stakes became higher for party hopefuls. Their future career depended on moving up in the ranks, from the provincial to the national level. This differed from the PAN, whose members were almost universally well established in society prior to engaging in politics as a secondary endeavor.<sup>131</sup> Thus national politics became increasingly charged as partisans, who owed their careers to the party, refused to bargain during the popular democratic period. When the government froze due to the lack of compromise, the executive gained more room to dictate national policy unilaterally.<sup>132</sup>

Politics were still highly personal. The nomination of candidates largely depended on affiliations with prominent provincial or national party leaders. Any connection to the president was extraordinarily valuable, as no other political figure had more resources to affect the electoral process, either through money or federal interventions. The long-term effect of this patronage was that the UCR and Conservative Parties (the reorganized PAN party after 1916) “served as organizations to foster the candidacies of the various personalities seeking office.”<sup>133</sup> This lessened both the competency and experience levels of many of the deputies within the Chamber. Moreover, with party loyalty a critical factor for advancement, the strongest determinant of voting in Congress was the position of the party, not social group, class, or experience. This strictly divided the body and made it even less effective.<sup>134</sup> At the same time, the system favored highly charismatic leaders,

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<sup>131</sup> Ibid 17, 35.

<sup>132</sup> Ibid 70. Spiller and Tommasi, 47.

<sup>133</sup> Gomez, *Argentine Federalism*, 149.

<sup>134</sup> Smith 70.

who tended to accumulate influence and power to potentially dangerous levels, as will be discussed in Chapter IV.

The more ambitious party politicians were promoted to the Chamber to gain experience and move into the true center of power, the executive branch. Seven out of ten presidents between 1905 and 1955 had at one point served in the Chamber; 60 percent of all appointees to the Ministry of the Interior had also been deputies.<sup>135</sup> Thus for the parties, whether the UCR or the Conservatives, time in the Chamber was to be short lived, merely a stop along the way to real power.

But the Chamber's role in government was not limited to a training ground for party loyalists. The lower house was a forum for society's ideas about government. Although the opinions expressed were limited to a small number of parties, namely the Radicals, Conservatives, and Socialists, it nevertheless was a public location for the deputies to advance the ideas laid out by their party's elites.<sup>136</sup> When the executive had trouble controlling his party, such as when the UCR split in 1924 for reasons to be explained, the Chamber did have some ability to critique and rein in the presidency. The most common tactic was to delay the ratification of the annual executive budget. Nevertheless, when the power of the presidency was at its zenith in 1930 and 1955, Congress was unable to reassert the balance of power stipulated in the constitution.<sup>137</sup> Thus the Chamber remained "an arena of conflict and contention, not an institution of great autonomous power"<sup>138</sup> at the precise moments when checks were most needed.

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<sup>135</sup> Ibid 20.

<sup>136</sup> Ibid 17-8.

<sup>137</sup> Ibid 18-9.

<sup>138</sup> Ibid 19-21.

In summation, the inclusive democracy created by the Saenz Peña Law in 1912 was still limited, allowing only a small segment of the population to rule through controlled elections. Peter Smith describes the system as a “polyarchy,” an exclusionary form of government that shared power among different elite groups. Nevertheless, it was an improvement over the previous oligarchic rule. The 1912 law allowed for “regular constitutional opportunities for peaceful competition for political power (and not a just a share of it) to different groups without excluding any significant sector of the population by force.”<sup>139</sup> But the oligarchy’s reforms were contingent on a power-sharing scheme that maintained governance by consensus. The Radicals were quick to challenge this precondition.

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<sup>139</sup> Ibid 12.

## V.

### The First Popular Democratic Cycle (1912-1930)

The first popular democratic cycle in Argentina began with the passage of the Sáenz Peña Law in 1912. Initially the Radical Civic Union (UCR) was not certain that the law would be enforced in the first presidential election. Roque Sáenz Peña died in 1914, and many reformists were afraid that his vice-president, Victorino de la Plaza, would not guarantee free and fair elections. But their fears were soon put to rest as Radicals won multiple Congressional seats and governorships preceding the presidential election of 1916. Yrigoyen, a former staunch proponent of continued abstention of his party members from the ballot boxes, had conceded that the time had come for the Radicals to participate in the elections. His decision immediately paid off. Yrigoyen, a former schoolteacher from Buenos Aires, easily won his party's nomination, receiving 140 of 146 of the delegates' votes and went on to win the presidency with 45 percent of the popular vote.<sup>140</sup> Once the socioeconomic elite was removed from the most powerful office in politics, the true test of Argentine democracy had begun.

#### *General Trends*

Undoubtedly, the protagonist of the first open democratic cycle was Hipólito Yrigoyen. His story is central to understanding how Argentine democracy developed and collapsed by 1930. To place Yrigoyen within the broader political context of his time, it is important to outline a few general trends. The most significant aspect of the first popular democratic period was the singular dominance of the Radical Civic Union. While

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<sup>140</sup> Peter Snow, *Argentine Radicalism: The History and Doctrine of the Radical Civic Union* (Iowa City, IA: University of Iowa Press, 1965) 35-6.

the next section discusses Yrigoyen's personal magnetism, there are other important explanations for the Radicals' power from 1912 to 1930. Were it not for the Radicals' immense popularity and the impotence of their opponents, the UCR and Yrigoyen are unlikely to have ever tested the strength of democratic institutions as much as they did.

Critically, the UCR greatly benefitted from the weaknesses of their opponents within the new popular democratic system. The Conservatives passed the Saenz Peña Law anticipating that the Radicals would remain the minority party. This proved to be a gross miscalculation. The UCR was in a far better position to profit from reform than the Conservatives and its members were organized as a formal party with a broader political base. The Conservatives, having no interest in mass politics, largely ignored the need to establish an effective party structure prior to 1912. Thus when elections arrived, only the UCR had the experience and candidates to successfully run a campaign on a national level. The party was staffed with motivated and veteran partisans, who were fully committed to opposing the "viejo régimen," or the old regime, as the oligarchic government was referred to at the time.<sup>141</sup>

The party's effectiveness then allowed the Radicals to capitalize on the greatest contributor to their success: the popular association of political inclusion with the UCR. As will become evident in the next section, the middle and lower classes generally credited the Radicals with bringing about the political opening in 1912. Since its inception, the party had built its platform around reform. The middle and lower classes, greatly agitated by the dominance of the oligarchs, rewarded the Radicals for the Saenz

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<sup>141</sup> Remmer 93-4.

Peña Law with large voter turnouts and consistent Radical victories, especially in the Littoral provinces.<sup>142</sup>

The dominance of the UCR was also enabled by the failure of the opposition parties to form effective coalitions. Until 1928, the socio-economic elite did not feel significantly threatened by the Radicals. The UCR's platform remained moderate and vague as Yrigoyen, the chief party strategist, wanted to keep the party's base as broad as possible. With insufficiently radical social and economic policies to naturally compel the elite to cooperate, the UCR faced a fractured and weak opposition.

The greatest threat to the UCR did not come from the elite but instead the Socialist Party. A prominent politician, Juan B. Justo, founded the Socialist Party in 1896. The Socialists had the potential to secure the votes of the large number of urban, working-class men. But the party's efforts in the 1920s were largely confined to Buenos Aires and failed to gain a significant constituency. Nevertheless, the Socialists would consistently accuse the Radicals of being too conservative in the Chamber of Deputies, balancing the constant right-wing criticisms that were leveled by the Conservative Party.<sup>143</sup>

The second general trend throughout the period was the decline of the "aristocratic"<sup>144</sup> politician. The socioeconomic elite was and still is the most powerful demographic stratum in Argentina, but beginning in 1916, its members no longer wanted to occupy rank-and-file political positions. In the Chamber of Deputies, the total

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<sup>142</sup> Ibid.

<sup>143</sup> Remmer 94-5, 100-1.

<sup>144</sup> Although "Aristocrats" as defined by Peter Smith is a useful label for his specific study, is not necessarily the correct term when considered in a European context. For the purposes of this thesis, "aristocrats" is equated with "elite."

percentage of “aristocrats” declined from 61.9 to 39.1 during the UCR’s rise to power.<sup>145</sup> The withdrawal of the oligarchy from government was largely a voluntary process, in contrast to the second democratic cycle under Juan Domingo Perón. It is important to note that almost two-thirds of the Radicals were of aristocratic origin before 1916.<sup>146</sup> The UCR implemented no specific policies to push the upper class out of politics. Instead, the advent of popular democracy turned politics into a more time-consuming affair for the elite.<sup>147</sup> This trend likely gave the Radicals more breathing space to enact reforms that would have otherwise been immediately blocked by the elite.

Before 1912, many oligarchs viewed national politics as a side activity to their commercial interests and involvement in local politics (where their power bases were located). Full-time politics was better left to middle-class, professional politicians who devoted their careers to their parties. These professional politicians exhibited far stronger party discipline. After 1912, congressional voting closely followed party lines as loyalty superseded personal compromises.<sup>148</sup> In the long run, the increasingly strong divisions in the legislative branch encouraged unilateral action by the executive that sought to bypass stalemates in Congress.

### *Hipólito Yrigoyen*

Amid this period of UCR dominance, one man, Hipólito Yrigoyen, became one of the leading figures of Argentine history. Yrigoyen did not simply increase the

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<sup>145</sup> Smith 30-1.

<sup>146</sup> The UCR followed the same trend as the Chamber of Deputies, with the percentage of aristocrats in the party dropping from 63.9 to 31.2 between 1915 and 1930. Ibid 30-1.

<sup>147</sup> Ibid 29.

<sup>148</sup> Ibid 19-29.

institutional power of his party.<sup>149</sup> Instead he and his supporters worked tirelessly to concentrate Yrigoyen's *personal* power. Personalist politics were not unusual in Argentina or in Latin America as a whole. The remarkable characteristic of Yrigoyen's politics was its legality under the nation's constitution, and its success. Yrigoyen worked to remove any elements of the "viejo régimen," which he equated to the Conservative Party. But while he largely targeted individual politicians, his campaign produced the unintentional side effect of undermining the checks and balances of the nation's democratic institutions.

In many ways, Yrigoyen was a man of contradictions. He is often considered an early populist, yet he avoided campaigning. He was called the "father of the poor," yet he presided over the "Tragic Week" in 1919 that ended in the deaths of hundreds of workers. He was a stalwart believer in democratic inclusion, but vigorously pushed out rival parties. For all these contradictions, one feature of Yrigoyen's administrations stands above the others: its personalism. This personalism contributed greatly to the concentration of power in the executive, and precipitated the collapse of democracy.

Yrigoyen was president twice, from 1916 to 1922, and then from 1928 to 1930. As the only living cofounder, he was the natural leader of the party. Interestingly, he was consistently reluctant to take formal political positions. He initially refused the nomination of the UCR in 1916, and had to be convinced by a delegation of party officials to accept it. Because of the populist myth surrounding Yrigoyen, it is easy to forget that he was a reclusive man. Unlike most populists, he was not a skilled orator and avoided public appearances, directing campaigns from his home and office. In a critical

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<sup>149</sup> An example of an institutionalized ruling party without a personalist leader would be the Party of the Institutionalized Revolution (PRI) in Mexico, which controlled the state for 71 years under a steady succession of presidents. Graham and Rowland, 59-60.

campaign in Salta province for his reelection in 1928, he did not leave Buenos Aires, sending instead a group of trusted advisors to speak for him. An old-fashioned politician, he avoided the modern medium of radio, preferring that his messages be placed in the newspapers.<sup>150</sup>

Despite these traits, Yrigoyen was a highly popular figure among the middle and lower classes. His political *modus operandi* was personalist. Yrigoyen met endless individuals and small groups in his office and home, gaining their loyalty through charisma, intelligence, and an uncanny ability to remember their names and life stories.<sup>151</sup> He expanded these relationships to any individual worth having under his sway, such as party officials, union leaders, and newspapermen. For those of special importance, Yrigoyen distributed patronage, whether it was additional funding for provincial governments or political positions. Those who disobeyed him faced punishment such as interventions or the withdrawal of federal aid.<sup>152</sup> His personalism even extended to the military, where he attempted to promote pro-Radical army officers. This had a dangerously negative effect on the independently-minded officer corps.<sup>153</sup>

Yrigoyen was not unique in his personalist style. Much of the UCR's politics surrounded the personalities of its key leaders. The platforms of the Radical's provincial factions, such as the Blue Radicals of Cordoba, Dissident Radicals of Santa Fe, and the White Radicals of Santiago del Estero, did not differ substantially from that of the

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<sup>150</sup> Nicholas Biddle, "Hipólito Yrigoyen, Salta, and the 1928 Presidential Campaign," in *Region and Nation*, ed. James Brennan and Ofelia Pianetto, 70-102 (New York, NY: St. Martin's Press, 2000) 73-4. Snow 35.

<sup>151</sup> Biddle 74.

<sup>152</sup> Joel Horowitz, *Argentina's Radical Party and Popular Mobilization* (University Park, PA: Pennsylvania State University Press, 2008) 28.

<sup>153</sup> His politically based promotion of military officers is usually listed as an ultimate cause for the military's sponsoring of the 1930 coup d'état. Smith 95.

national UCR. But the members of these factions were primarily loyal to local leaders and not to Yrigoyen.<sup>154</sup>

Those who resisted his influence grew increasingly frustrated with the president's concentration of power. He was a micromanager and constantly had his hands in the UCR's decisions, "Yrigoyen always had ignored the bureaucracy, preferring to hold power close to himself. He had felt the need to become involved in all issues."<sup>155</sup> The more Yrigoyen intervened in party politics, the more dependent the party's leadership became. This conflict resulted in a major split in the UCR.

Yrigoyen's power did not simply stem from his personal relationships with key political figures. Just as importantly, Yrigoyen was genuinely popular with the middle and lower classes. The president, as the leader of the Radicals, was closely associated with the advent of popular democracy.<sup>156</sup> The UCR propaganda quickly capitalized on his popularity, especially in the middle class. Party newspapers, pamphlets, and even silent films lauded the president as the deliverer of political inclusion to the masses. So strong was popular support for Yrigoyen that during his 1916 inauguration:

...even before he had his hands on the levers of power, the crowd [attending the ceremony] surged forward and detached the horses from his carriage and pulled it through the streets of Buenos Aires.<sup>157</sup>

His popularity steadily increased as his first term continued into the 1920s:

In 1920 in the traditional end of a campaign rally, when the party's followers marched past a balcony on which Yrigoyen stood to greet them, the marchers

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<sup>154</sup> Snow 33.

<sup>155</sup> Horowitz, *Argentina's Radical Party*, 196.

<sup>156</sup> *Ibid* 37.

<sup>157</sup> *Ibid* 35.

from the twentieth ward [of the city of Buenos Aires] lowered their banners and knelt before Yrigoyen.<sup>158</sup>

The party press depicted Yrigoyen as a humble figure who bore the injustices of the old regime with grace and determination. His saint-like image and calls for “national reparations” were constantly reinforced in the press, especially in the UCR’s party newspaper, *La Epoca*:

... the constant and fruitful action of the head of the Unión Cívica Radical doctor Hipólito Yrigoyen, devoted in all moments of his life to the work of national reparation from a position of abnegation and sacrifice was like no other in the long trajectory of our agitated civic activities.<sup>159</sup>

In 1928, Yrigoyen was at the height of his power, having been successfully reelected by a wide margin, despite a split of the Radicals. On March 14, 1929, *La Epoca* published a poem, entitled “To the Great Argentine President Dr. Hipólito Yrigoyen,” that represents the zenith of the president’s public image:

The Country adorns itself with your name triumphant,  
And the Fatherland praises you deservedly and with love,  
Because always, your slogan was forward!  
And your creed nobility, ideal and ardor.  
I that knew to mock the people a moment,  
Learned from your lips the best word,  
The word that says: a brilliant Fatherland  
I will leave as the inheritance of my effort and honor.  
The workers of all the Argentine region  
Today bless your name and the battle that culminates  
In the supreme progress of this immense Nation.<sup>160</sup>

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<sup>158</sup> Ibid.

<sup>159</sup> *La Epoca*, October 13, 1916, quoted in Horowitz, *Argentina’s Radical Party*, 40.

<sup>160</sup> *La Epoca*, March 14, 1929, quoted in Horowitz, *Argentina’s Radical Party*, 45-6.

Since *La Epoca* was a party newspaper, one should not take its sentiments as representative of all of the Argentine middle and lower classes' opinions of the president. Nevertheless, the newspapers' messages were largely well received by the UCR's base. As a result, any Radical opposed to Yrigoyen risked political alienation.

### *The UCR Divides*

By the end of his first term, Yrigoyen's personal power began to alienate members of his own party. This resulted in a split in the UCR, which not only weakened the Radical position, but also prompted a leftward shift in Yrigoyen's rhetoric. By the beginning of his second term in 1928, significant sectors of society, including the socio-economic elite, the officer corps, and the opposing Radicals were mobilizing against the aging leader. Had Yrigoyen not estranged many of his political contemporaries with his popularity and concentration of power, the first coup d'état in 1930 might have been avoided.

In 1922, Yrigoyen arranged for Marcelo T. de Alvear to be his successor.<sup>161</sup> The Argentine Constitution did not allow consecutive presidential terms at the time. In turn, Yrigoyen chose Alvear to maintain maximum influence over the UCR until he, Yrigoyen, would be eligible for reelection in 1928. He believed Alvear would look to him for guidance as he had done previously. Instead, the new president proved unexpectedly strong willed, with his own policy opinions. Alvear became a figurehead for a growing number of discontented Radicals who opposed Yrigoyen's influence. This split was

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<sup>161</sup> This "arrangement" was simply in choosing who would represent the UCR in the presidential election, as a Radical victory was taken for granted.

formalized in 1924, when the UCR divided into the pro-Yrigoyen Personalists (UCR-P)<sup>162</sup> and the Anti-Personalists (UCR-AP).<sup>163</sup>

The UCR-AP had a far greater proportion of upper-class members than did the UCR-P. In short, many Anti-Personalists were greatly disturbed by Yrigoyen's dealings with the lower class and moved to counter his growing political influence: "[The UCR-AP] accused [Yrigoyen] of creating a 'gobierno de círculo' in imitation of General Roca... formed not around intellectuals or capable leaders but 'lower orders.'"<sup>164</sup> But upon closer look, it was not personalism that alienated much of the party's elite. After all, as has been argued in this paper, most of Argentina's politics were personalist. Instead, "it appears that the Anti-Personalists objected not to personalist *per se*, but to Irigoyen's immense popularity. At best only one Argentine political leader has ever rallied more popular enthusiasm and that leader, of course, was Perón."<sup>165</sup>

This social dimension to the split only encouraged Yrigoyen to further implant his base in the lower class. The best example of this policy shift occurred just prior to the 1928 election. Yrigoyen, normally a moderate, called on the UCR-P to increase its nationalist rhetoric surrounding exports of resources, especially oil. His platform shifted from federal ownership of natural resources to the expropriation of private oil operations.<sup>166</sup> The gamble was successful in that a majority of voters agreed with his nationalist sentiments. But the move greatly disturbed the elite, who then began to fear that their property rights were being threatened. Their concerns were only exacerbated by

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<sup>162</sup> Technically, the Personalist faction was still just named the UCR. But to differentiate it from the cohesive Radical party before 1924, I will henceforth use the "UCR-P" shorthand.

<sup>163</sup> Horowitz, *Argentina's Radical Party*, 30-1.

<sup>164</sup> Remmer 101.

<sup>165</sup> Ibid 102.

<sup>166</sup> Biddle 76-9.

increasingly leftist rhetoric from the UCR-P's deputies, including one such deputy, Alcides Greca, who publicly stated in 1927:

The monopoly which we propose, this monopoly of the new industrial state, arises by virtue of that economic, political, and philosophic tendency that places into the hands of the State the great industries and the large public services, to temper, in a certain manner, the effects of capitalism and the struggle of the classes.<sup>167</sup>

If the socioeconomic elite did not feel threatened during Yrigoyen's first term, they certainly did later on.

### *The Use of Federal Interventions*

Yrigoyen and the UCR were already in a strong position. They were popular, well organized, and faced a fragmented opposition. The previous sections described how Yrigoyen used personal politics to accumulate political power. With control of a national party came the ability to manipulate politics down to the municipal level, mainly by coopting governors and party bosses. By his second term, Yrigoyen's loyalists were well on their way to controlling both houses of Congress, the Presidency, and most of the provinces. The Congressional resistance to his initiatives had virtually collapsed.<sup>168</sup> But Yrigoyen's personalism is only part of the explanation for such concentration of power. There was another part of the explanation, just as important, if not more so: Yrigoyen utilized, and abused, the federal power of intervention more than any other president before or since.

Between 1916 and 1930, Yrigoyen and Alvear intervened a combined thirty-four times in the provinces, at a rate of 2.4 interventions a year, more than double the rate

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<sup>167</sup> Alcides Greca, quoted in Biddle 77.

<sup>168</sup> Smith 19.

under the PAN. Before 1916, Congress and the President initiated equal numbers of interventions. By 1930, the ratio had been stretched to two-thirds of interventions implemented by the executive, and by the legislative to about one-third.<sup>169</sup> The Radicals did continue a trend from before the Sáenz Peña Law: interventions were initiated for clear political gain. Gomez calculated that including the 1916 to 1930 period, between 50 percent and 66 percent of all interventions “favored the candidates of the factions that opposed the provincial administration,” implicitly supporting the federal government.<sup>170</sup>

While Alvear bears some of the responsibility for the interventionist policy of the UCR, the one that is mostly to blame is Yrigoyen himself. He began implementing interventions soon after his election in 1916. The UCR had only carried three provinces, Santa Fe, Cordoba, and Entre Rios in the election. The other eleven provinces remained in the hands of the Conservative Party. Without control of the Chamber of Deputies, Yrigoyen’s legislation had no hope of passing.<sup>171</sup>

Yrigoyen believed the Conservative Party was continuing its practice of electoral fraud to maintain power in the provinces.<sup>172</sup> Conservative political families (and to a lesser extent, dissident Radicals) often blocked the natural course of elections, especially in the interior provinces. His conviction was certainly not unfounded. Even in 1928, local Conservative groups in the interior perpetrated significant acts of voter fraud and intimidation. In fact, the 1928 presidential election was so marred by interior violence and corruption that Yrigoyen simply ran as the candidate for free and fair elections. The

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<sup>169</sup> Gomez, “Intervention in Argentina,” 393-4.

<sup>170</sup> Ibid 398.

<sup>171</sup> Smith 101-2.

<sup>172</sup> Snow 32.

press vehemently condemned Conservative actions and Yrigoyen easily swept back into office.<sup>173</sup>

In the face of consistent electoral manipulation, Yrigoyen thought he had a “popular mandate” to begin a campaign of interventions, launching nine in his first three years in office. In all but one, the interventor gave the power to the local Radicals. In the 1918 Congressional election, the UCR managed to secure a majority in the Chamber of Deputies, a feat mostly credited to the interventions. Throughout Yrigoyen’s first term, even as the interventions multiplied, the Conservative Party remained comfortable in its majority control of the Senate, its traditional stronghold.<sup>174</sup>

In time, the circumstances surrounding the interventions became increasingly bitter. The UCR split started a series of interventions by Radicals against Radicals. Yrigoyen’s aggressive political maneuvers were partially responsible for strengthening the UCR-AP. Both Mendoza and San Juan were Anti-Personalist bastions due to Yrigoyen’s efforts to dislodge dissident UCR governors and replace them with politicians from Buenos Aires he considered more reliable. Alvear initially resisted calls by his supporters to use counter-interventions to remove Personalists from power. But conflicts were inevitable and soon interventions were unleashed to loosen Yrigoyen’s grip on the Radicals. Unfortunately for the UCR-AP, Yrigoyen was a more powerful political force and he won back the presidency.<sup>175</sup>

The cycle repeated itself. As soon as the re-elected Yrigoyen took office in 1928, he initiated four interventions to push out Anti-Personalists and began a renewed assault on the remaining Conservative Party provinces. The most controversial interventions

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<sup>173</sup> Biddle 73-89.

<sup>174</sup> Snow 31-2.

<sup>175</sup> Potter 103-4.

were in Mendoza, San Juan, Santa Fe, and Corrientes, where allegations of electoral fraud had preceded the 1930 Congressional elections.<sup>176</sup> In a typical case in 1929, Yrigoyen sent an interventor named Manuel Alfaro to La Rioja province, where he became the police chief. One year later, Alfaro ran in the local election “with twenty-five thousand pesos and thirty-eight jobs given to him by the national government.”<sup>177</sup>

By 1930, Yrigoyen had secured all but two of the provinces for the UCR-P. This proved to be the tipping point in Argentine politics. The Conservatives would soon lose control of the Senate, and with it, the last vestiges of their political power. The left turn of the UCR-P prompted the need to defend their interests more vigorously. The military grew increasingly bitter over Yrigoyen’s deployment of soldiers for interventions and his unilateral reorganizations of the officer corps.<sup>178</sup> What followed was the 1930 coup d’état, in which conservatives, military officers, and even some Anti-Personalists deposed Yrigoyen.<sup>179</sup>

Interestingly, the Radicals did not heavily utilize the other intervening measure provided by the constitution: states of siege. States of siege were largely useful in blocking political mobilization by denying constitutional rights such as the right of assembly, freedom of speech and freedom of the press. With the advent of universal male suffrage in 1912, the UCR, as well as the Peronists, had little reason to block political mobilization. The primary threats Yrigoyen and Perón faced were other political elites, which were better handled by federal interventions. Between 1916 to 1930, there were no

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<sup>176</sup> Robert Potash, *The Army & Politics in Argentina, 1928-1945* (Stanford, CA: Stanford University Press, 1969) 41. Potter 103-4.

<sup>177</sup> Horowitz, *Argentina’s Radical Civic Union*, 52.

<sup>178</sup> For more detail, see Robert Potash’s authoritative work, *The Army in Politics in Argentina, 1928-1945*, pgs. 1-54.

<sup>179</sup> Potter 107-8.

declarations of siege. In the periods that followed the 1930 coup d'état, military-supported provisional governments implemented states of siege to buttress their often precarious positions.<sup>180</sup>

### *The First Collapse of Democracy*

There are many reasons why Yrigoyen was removed from office in 1930. One of them was the onset of the Great Depression. The slump in export demand drained the government's coffers and suddenly Yrigoyen could no longer fund his social and infrastructure development programs. Yrigoyen was seventy-seven years old and growing increasingly senile. His personalist style led to a point that the government stopped functioning when Yrigoyen was not able to effectively act as its head.<sup>181</sup> Popular unrest increased rapidly.

But as Peter Smith explains in *Argentina and the Failure of Democracy*, "...the economic Depression might have emphasized weaknesses within the political system and thus been necessary for the overthrow; but it was not a sufficient cause by itself."<sup>182</sup>

There are two more factors that contributed to the coup d'état against Yrigoyen: the failure of democracy to meet oligarchic expectations and the continuation of exclusionary politics.

The first reason has been alluded to before. The conservative elite expected the Sáenz Peña Law to create democracy similar to the government under the oligarchy. They wanted consensus governance wherein the interests of the socioeconomic elite would be well considered. Peter Smith best summarizes this point:

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<sup>180</sup> Gomez, *Argentine Federalism*, 228-42.

<sup>181</sup> Snow 44. Horowitz, *Argentina's Radical Party*, 196.

<sup>182</sup> Smith 97.

The growth of a beef-and-wheat export economy concentrated socioeconomic power in the hands of a landed elite who believed that the political order should reflect the socioeconomic order, rather than provide some sort of counterweight to it. By taking place prior to the establishment of democratic institutions, these processes help lay down the traditional rules of the game—which democratic structure went on to break in 1916-30...<sup>183</sup>

The Radicals easily pushed the Conservatives out of the national government, with the exception of the Senate, as the voting masses clearly preferred the party of the middle class. Deliberations in the public forum, the Chamber of Deputies, became extremely heated and partisan. Government by consensus was gone, replaced by fierce competitive debating. The military and civilian leaders after 1930 sought to return to the age of consensus through a new government structure: corporatism. The UCR then slowly began a systematic campaign to dislodge the Conservatives from all other political positions.

The persistence of exclusionary politics was the second source of conflict leading to the fall of Yrigoyen's government. Prior to 1912, the oligarchic government was highly exclusionary, with the PAN retaining complete dominance over all aspects of the political system. Ideally, after the enactment of the Sáenz Peña Law, the government should have become more inclusive of different political parties and the demographics they represented. Instead, the Radicals initiated a prolonged campaign to remove the Conservatives from the political sphere entirely. The blame falls largely on a constitutional provision: federal intervention.

Intervention was the mechanism behind this campaign and exacerbated the polarization between the Radicals and the Conservatives. Throughout the 1920s, instead of working toward compromises between political factions, including the Personalists

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<sup>183</sup> Ibid 113.

and Anti-Personalists, interventions were used to simply remove the opposing party from power. This tactic generated immense hostility between political factions. If any formerly opposing parties secured power, they would unleash counter-interventions, only worsening the political animosity.<sup>184</sup> The polarization was compounded by the tendency for each faction to see itself as the only “legitimate” Argentine party. Thus, factions that already had little respect for their opponents were infuriated as repeated interventions pushed them out of power without a popular mandate.<sup>185</sup> Conflict over interventions turned violent on several occasions, such as the assassination of Carlos Lencinas during an intervention in Mendoza in 1929.<sup>186</sup>

Perhaps the volatility of Argentine politics was inevitable. After all, its political parties had a long history of exclusionary tactics and antagonism, sometimes even outright warfare. Interventions, at the very least, did not soothe tensions. Instead, Article VI provided a constitutional mechanism through which the dominant party could attempt to systematically subvert its opponents down to the local level. Intervention allowed the president to impose his will from the top down, usually by propping up a loyal governor. Whenever the provincial legislature attempted to flex its political muscle, the president could intervene to block the proceedings. The national executive intervened forty-one times in provincial impeachment proceedings between governors and their legislatures.<sup>187</sup>

These repeated interpositions exacerbated the horizontal centralization of power in the governors and president. But more detrimental to the health of Argentine democracy, was the fact that interventions weakened the organic, local political

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<sup>184</sup> Potter 102-3.

<sup>185</sup> Joseph Page, *Perón: A Biography* (New York, NY: Random House, 1983) 37.

<sup>186</sup> Horowitz, *Argentina's Radical Party*, 197.

<sup>187</sup> Gomez, “Intervention in Argentina,” 394-8.

movements that ran against the national government's line. Those provincial groups atrophied as most of their political organizations were rendered ineffective. Thus, political initiatives consistently moved from top to bottom, the opposite direction commonly thought desirable for a popular democracy. The United States provides a frequently cited counter-example to the same situation. There, the democratic institutions had historically functioned from bottom to top to a far higher degree than in Argentina.<sup>188</sup>

A critical last question surrounds the Radical's behavior during the period under their control of the government: why did they perpetuate the political exclusion of the oligarchs? The best answer I have found, once again, comes from Peter Smith's *Argentina and the Failure of Democracy*. The Radical's behavior could be explained by their long experience as an excluded group themselves. Even when they secured political power in 1916, they continued to behave like an opposition group, that is, obstructionist and hostile toward their opponents. As summarized by Smith:

It is difficult to say why the UCR maintained this inflexible posture, but I might suggest that (1) for Yrigoyen's own generation, the twenty-six-year experience as an "out" group from 1890 to 1916 had created a firm and antagonistic oppositionist mentality; and (2) for the new generation of Radical party professionals political power represented a channel to upward social mobility, and they were unwilling to share such a previous commodity with other groups.<sup>189</sup>

Just as the Radicals had resorted to armed insurrection to force their way into the political sphere in the 1890s and 1900s, the Conservatives now did the same against the exclusionary Radicals.

By 1930, the Yrigoyen's Radicals had succeeded in ejecting the Conservatives. In the 1920s, Yrigoyen (and to a lesser degree Alvear) had whittled away the Conservative

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<sup>188</sup> Graham and Rowland 85.

<sup>189</sup> Smith 96.

Party's legitimate political base. Intervention was not simply carried out to protect the "republican form of government" as required by the 1853 Constitution, but instead was a threat to the very survival of a significant political faction. Without the means to oppose the government electorally, the conservative elite turned to extra-constitutional means to depose what it perceived to be a tyrannical national government. On August 10, 1930, forty-four member of Congress, including Conservatives, Socialists, and Anti-Personalists, issued a formal protest against Yrigoyen that read:

The republic, representative and federal form of government [provided by] our constitution has in fact been annulled by the executive power, whose arbitrary and despotic will is today the only form that governs the management of public affairs.<sup>190</sup>

Twenty-seven days later, the September Revolution had begun and the military was marching down the Avenida de Mayo toward the Casa Rosada.<sup>191</sup> The first open democratic cycle had ended. The second did not start for another fifteen years and the example of Yrigoyen's personalism was taken to a new high by the magnetism of Argentina's most famous political figure, Juan Domingo Perón.

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<sup>190</sup> Quotation in Potter 107.

<sup>191</sup> The Casa Rosada, or Pink House, is the home of the executive, like the White House in the United States.

## VI.

### The Second Popular Democratic Cycle (1945-1955)

Juan Domingo Perón was Argentina's defining political figure of the twentieth century. Nobody before or since created such a lasting legacy in the political arena. Perón, president from 1945 to 1955, built a political movement that subsequently withstood nearly twenty-eight years of repression and exclusion. Upon the fall of the last military government in 1983 and six years of a Radical president, Raúl Alfonsín, Peronism was ready and able to reassert itself, with Carlos Menem capturing the presidency in 1989.

Peronism is the subject of great controversy. Bookshelves focusing on Argentina are lined with texts exploring the movement and its populist leader. Thus the goal of this chapter is not to retell the well-known story of Juan Domingo Perón and his rise to power.<sup>192</sup> Rather I will show how he used legal mechanisms to undermine democratic institutions, and in the process alienated the socioeconomic elite (along with many other sectors of Argentina society), prompting his ousting in 1955.

#### *Juan Perón's Politics*

Prior to delving into the centralizing actions undertaken by Perón, it is important to understand the source of his power and ideology. Juan Domingo Perón, unlike Yrigoyen, was a true populist. He harnessed a powerful force that had yet to be thoroughly incorporated into the political sphere: the working class. The nature of the working class had changed significantly since the beginning of inclusive democracy in

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<sup>192</sup> The best account of Perón's life and legacy that I have read is Joseph Page's *Perón: A Biography*.

1912. Under the Radicals, unnaturalized immigrants made up the majority of the working class and yet were largely excluded from the political system. According to Peter Smith's calculations, in 1912, only 45 percent of the male population could vote. By 1946, nearly 70 percent of the male population was eligible to vote due to the far larger proportion of naturalized first- and second-generation immigrants. Moreover, the new generation was better educated; almost 90 percent of the working-class population was literate by the mid-1940s.<sup>193</sup> The working class still remained largely excluded from the political system and had yet to find a national party to consistently represent them. Perón recognized the rise of the working class as an opportunity. Through clever maneuvering, he would capture this potentially powerful base and steer Argentina in a new direction.

Political intellectuals condemned Perón as authoritarian and manipulative. Certainly, his handling of the opposition, his party, and the other branches of government lend credence to this opinion. But it is important to consider his achievements as well. His government was based not on martial force, but rather on popular support. His famously militant speech in favor of violence came just before his ousting in 1955, in response to a failed coup d'état by the Navy.<sup>194</sup> In fact, modern scholars still ponder why Perón ever felt the need to threaten or coerce his rivals; having secured such a power base as he did, such actions seem pointlessly antagonistic.<sup>195</sup>

Perón's power was derived from his populism. He was the first to successfully integrate the working class into the political system. He worked closely with trade union leaders, intervened on their behalf, and passed generous social reforms. Famously intelligent and charismatic, he charmed both individuals and the crowds that gathered to

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<sup>193</sup> Smith 7-16.

<sup>194</sup> Page 315.

<sup>195</sup> Ibid 207-218.

listen to his speeches. He was highly personalist, preferring to have close control of all those in his government or closely dependent on it. He had an intense work ethic, remaining in meetings or signing papers in his office until late at night.

Equally powerful was his wife, Eva Perón or Evita, who successfully campaigned for women's suffrage and ran a large charitable body, the Eva Perón Foundation.

Together, Juan and Eva Perón were unstoppable as a politically mobilizing force for the lower class.<sup>196</sup> They brought newfound dignity to the *descamisados*, or shirt-less ones, as Perón called the “poor and underprivileged.”<sup>197</sup>

Perón sought to incorporate the working class, but only on specific conditions. He was greatly influenced by the political ideology of General José Uriburu, the leader of the 1930 coup d'état against Yrigoyen. Uriburu was a reactionary who believed that democracy was fundamentally flawed. He wanted to impose a new system, inspired by Mussolini, which involved the weighting of votes based on an established social hierarchy. Uriburu wanted to eliminate the professional political class, which he believed was loyal only to parties, not to the social groups it was supposed to represent. Instead, he would remove the political parties and have each social group represent itself. The goal of the corporative system was to recreate the oligarchic government by consensus and eliminate class conflict by marginalizing the working class in politics.<sup>198</sup>

Perón took Uriburu's corporatism and made a single, critical alteration: instead of marginalizing the working class, it would serve as the base. Perón, a military man, above

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<sup>196</sup> Eva Perón was an extraordinarily important figure, as a proponent of women's and lower class' rights, and especially as a martyr for Peronism after her death from cancer in 1952. But as she had only informal connections to the governing apparatus, the focus of this paper, she will not be the subject of much attention here.

<sup>197</sup> Ibid 161. Rock, *Argentina: 1516-1982*, 263.

<sup>198</sup> Smith 98.

all emphasized organization and discipline. He worked to create a system in which his government would act as the intermediary between all the different social groups. What turned him toward authoritarianism was his drive to have direct control over these groups. Perón would not tolerate independently-minded trade unions, political parties, and media.<sup>199</sup> His campaigns to silence the main oppositionist newspapers, *La Prensa* and *La Nación*, were infamously fierce and successful.<sup>200</sup> Perón and his party refused to see the legitimacy of their political rivals, which exacerbated political tensions. Just as the Radicals before them, the Peronists continued the politics of exclusion against the opposition. As Joel Horowitz states in “Populism and Its Legacies in Argentina,” “In the fashion of Argentine populists, Perón pulled power to himself and refused to share it, even in symbolic terms, with those who did not support him.”<sup>201</sup>

### *Perón and Government*

Despite being democratically elected, Perón did much to worsen the health of the democratic system. In many ways, Yrigoyen and Perón had similar motivations and impacts. Both believed they had popular support and worked to empower their party to promote their visions of the future. For Yrigoyen, this was a Radical dominated, liberal Argentina. For Perón, it was his revolution of working class social justice and stability. But Yrigoyen destabilized democracy as a byproduct of his efforts to undermine the Conservative Party. Perón on the other hand, specifically targeted and weakened democratic institutions to increase his power as president.

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<sup>199</sup> Joel Horowitz, “Populism and Its Legacies in Argentina,” in *Populism in Latin America*, ed. Michael Conniff, 22-42 (Tuscaloosa, AL: University of Alabama Press, 1999) 30-1.

<sup>200</sup> Page 212-4.

<sup>201</sup> Horowitz, “Populism and Its Legacies,” 33, 37.

Upon his election in 1945, Perón first had to gain control over his party. He was elected under a coalition between a band of dissident Radicals, the UCR Renovating Board (UCR-JR), and the Labor Party. Perón wanted to dissolve these parties and create under his control one organization, the Partido Unico de la Revolución or Sole Party of the Revolution. While the UCR-JR willingly dissolved itself, the Labor Party, under the leadership of Cipriano Reyes, refused. Reyes, a deputy, successfully warded off Perón through clever public demonstrations. Perón was forced to wait to dissolve the Labor Party.<sup>202</sup>

In the meantime, the Organic Statute of Political Parties was passed in 1945, which gave the electoral courts the ability to regulate political parties including membership rules and campaign expenditures. The president, who long held sway over the electoral courts, was greatly emboldened.<sup>203</sup> In early 1948, Perón was able to revoke the legal standing of the Labor Party. He then unleashed an elaborate plot to remove Reyes from the Chamber of Deputies. Reyes was arrested on charges of having plotted to assassinate Perón and Eva. The supposed assassination plot became a political firestorm, as over 200,000 people assembled in front of the Casa Rosada and a general strike was called to show support for Perón. Curiously, a former U.S. cultural attaché, John Griffiths, was implicated in the plot, but no direct accusations were ever leveled. While Griffiths managed to fade into the background, Reyes remained in prison until Perón was ousted in 1955.<sup>204</sup> In future political conflicts, Perón would reuse this controlled agitation strategy, in which he would demonstrate his power and support by mobilizing the unions and his working class support in Buenos Aires.

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<sup>202</sup> Page 160-1.

<sup>203</sup> Gomez, *Argentine Federalism*, 150-4.

<sup>204</sup> Page 214-6.

Perón always claimed not to be a personalist, saying that he was “dispensable.”<sup>205</sup> Nevertheless in late 1947, at a party convention, the Partido Unico de la Revolución, was renamed the Peronist Party. In fact, the convention’s delegates passed a statute making any party member who became president of the nation the “supreme chief of the party, with the power to modify decisions of other party authorities.”<sup>206</sup> A “superior council” was created with the power to appoint “interventors” in local party affairs, who could then select “congressional and other candidates.”<sup>207</sup> In effect, Perón now had the indirect ability to select the legislative and ministerial candidates. His final control apparatus within his party was the Tribunal of Party Discipline, a body to control the voting patterns of lower-level Peronists.<sup>208</sup>

Perón then moved to gain control of the Supreme Court. When he was elected, the Supreme Court had five justices, three of whom were staunchly opposed to Peronism, and stood in a position to block Perón’s legislation. As the constitution did not forbid it, he could have “packed” the court in a similar scheme to Franklin D. Roosevelt’s in the 1930s. Instead, Perón used Article XLV to begin an impeachment process against the three oppositional justices. The ground for the impeachment was judicial “malfeasance” in two contradictory instances: the court’s recognition of the 1930-1943 “de facto governments” and the hindering of the work of the 1943-1946 de facto governments. To defend them in Congress, the justices used the prominent and skilled Socialist orator, Dr. Alfredo Palacios. The Peronists, worried that Palacios might successfully convince the deputies to exonerate the justices, immediately enacted a new impeachment rule. The

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<sup>205</sup> Ibid 161.

<sup>206</sup> Crassweller 190.

<sup>207</sup> Ibid.

<sup>208</sup> Smith 106.

prosecution and the defense then had to present their statements in writing and have them read aloud one month apart in the Senate. The new rule succeeded in silencing the oratory prowess of Dr. Palacios, and all the justices were found guilty and impeached on April 30, 1947.<sup>209</sup> Perón's victory had created a dangerous new pattern: "Under the precedent now established, any judge whose interpretations of the law displeased the majority party risked summary dismissal."<sup>210</sup> Moreover, Perón was now in a powerful position. As Page explained:

With control over Congress, Perón could secure the enactment of any legislation he sponsored. The ouster of the three Supreme Court justices eliminated any possibility that his legislative programs might be declared unconstitutional. Virtually limitless power was now within his grasp.<sup>211</sup>

Perón's efforts to control Congress were more prolonged. Although the Peronists swept the 1947 congressional elections, Perón did not completely control his new deputies. Interestingly, Perón created this problem for himself. He viewed public office as a form of patronage and tried to spread the wealth as wide and far among his supporters as possible. He also had Uriburu's disdain for political professionals, which made up most of the opposition UCR party's deputies. Perón was seeking to create a new political class under his guidance and had little room for Congressional veterans.<sup>212</sup> Thus the Peronist deputies were mostly young, inexperienced, and less professional than even the political "amateurs" of the first popular democratic cycle. Many deputies did not even know the proper voting procedure well into their first terms. As a result, the Peronists were erratic in their voting positions, leaving room for the opposition to make headway in

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<sup>209</sup> Page 165-7.

<sup>210</sup> Ibid 167.

<sup>211</sup> Ibid.

<sup>212</sup> Smith 20.

proceedings.<sup>213</sup> The Chamber of Deputies, while still not an active legislator or significant critic of the executive, retained its role as a forum for public opinion.

But while Perón struggled to control his partisans in Congress, his deputies did manage to pass a law that significantly hampered his Radical and Socialist opponents. In 1948, a “law of disrespect” was passed, which “made it a crime to offend the dignity of a public official in matters relating to the exercise of public functions.”<sup>214</sup> The offense carried a maximum punishment of three years in prison. Although a similar law had already been on the books prior to 1948, the Peronist deputies eliminated the “legal defense of truth.”<sup>215</sup> This greatly strengthened the law, and Peronists used it to silence their more prominent opponents in Congress and even force some into exile.<sup>216</sup>

With a two-thirds majority in both the Senate and the Chamber of Deputies, Perón instituted the great reform of his first term: the rewriting of the Constitution along Peronist lines. The Constitution of 1949 focused on strengthening the presidency and economic policy. It contained many measures related to the expropriation of foreign investments in resource extraction and utilities. The constitution made all natural resources the property of the state. The document created new ambiguities that provided an opening for opportunistic lawmakers, including one article that read:

The State does not recognize the freedom to threaten freedom. This is understood to be without prejudice to the individual right to express opinion within the realm of doctrine, subject only to the rulings of the law.<sup>217</sup>

With Perón’s control of the judiciary, any legal challenge to his government could now be construed as a “threat to freedom” and prosecuted. The constitution kept the executive

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<sup>213</sup> Ibid 85-6.

<sup>214</sup> Page 209.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid.

<sup>217</sup> Argentine Constitution of 1949, Article XV.

powers of federal intervention and the ability to declare states of siege, while adding another similar declaration, that of a “state of precaution and alarm.”<sup>218</sup> Perón’s position was further strengthened by a change from an Electoral College system to direct elections for the president and Senate. While this provision was not inherently undemocratic, Perón’s popularity made the move a clear effort to better his odds of reelection. But the most controversial clause was Article LXXVII, which was amended to allow immediate presidential reelection. Perón supposedly told the convention delegates not to change the article. But similar to Perón’s ostensible humility in giving his name to the Partido Unico de la Revolución, his “request” was ignored.<sup>219</sup>

Perón easily won reelection in 1951 with the new constitution. The opposition was weak and fragmented, and popular support for Perón was just as high as ever. In his second term, Perón was able to rein in the Chamber of Deputies. The Tribunal of Party Discipline became more effective, and deputies began to strictly tow the party line. Perón also had closer control over Peronist candidates, with loyalty being the top consideration.<sup>220</sup> Perón met each morning with the president of the Chamber, Dr. Ricardo Guardo, where the two discussed the day’s agenda in Congress. Perón would then give his demands for the Peronist positions for Guardo to pass onto the legislators. The Chamber of Deputies had by that time lost its last role as a public forum. The Peronists refused to share power even in the most symbolic of circumstances. When the politics of Perón and the opposition were in line, the Peronists would refuse to include the Radicals:

Perón and his government, after all, were both very popular in these years and were in office with an admirably legitimate mandate. But instead of reaching out

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<sup>218</sup> Crassweller 195.

<sup>219</sup> Page 161, 200.

<sup>220</sup> Smith 85-6.

from that secure base toward accommodation, they chose to exacerbate disagreements and to alarm the opposition by taking forcefully what they could have had for the asking.<sup>221</sup>

With firm control of all three national branches, Perón was in a nearly unassailable position.

### *Coparticipación and Malapportionment: Perón's Long-term Strategy*

Part of the political genius of Perón was his ability to alter institutions to produce gradual advantages for his party. He implemented two strategies to strengthen Peronism in the least likely part of Argentina: the interior provinces. While Peronism began as an urban, working class movement, its core eventually shifted to the interior. In a strange twist, the movement to empower the lower class actually served the interests of the landed elite in the interior. In turn, Peronism gained the support of some provincial elites by 1955, where it remains to this day.

Perón achieved this feat through clever political maneuvers, which have had negative long-term consequences for the health of Argentine politics. He took advantage of two political problems that were already developing, the corrupt system of *coparticipación* and legislative malapportionment. *Coparticipación* is a complex revenue sharing scheme that, although heavily reformed, is still in use today. The 1934 law that created *coparticipación* stipulated that the federal government reserved the exclusive right to levy sales and excise taxes in all of the provinces. The federal government would then redistribute funds to the provinces from a common pool. Each province would receive a

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<sup>221</sup> Crassweller 198.

consistent percentage of the pool, regardless of the total intake by the federal government.<sup>222</sup>

Coparticipación was in direct contradiction to the constitutional allocation of roles; the provinces originally had the exclusive right to levy direct taxes. The federal government was allowed to collect revenue only from tariffs and a few specified consumption taxes. The onset of the Great Depression had greatly lessened federal tariff revenues, and the government of Agustín Justo looked for new sources of income. This obvious infringement on the rights of the provinces was voluntarily accepted by most of the provinces because the law also transferred any provincial debts to the federal government. Moreover, it moved the burden of tax collection to the national government.<sup>223</sup>

The 1934 coparticipación law was intended to be temporary, for as long as the depression hampered Argentina's foreign trade. But in 1947, Perón renewed the law.<sup>224</sup> It gave the national government significant leverage over the provinces. Although there were already precedents, Perón used the distribution of tax revenues to the provinces as a political tool. He was able to secure the allegiances of key provincial authorities by giving them a larger percentage of the revenue pool. Perón's strategic decision was to increase the shares received by the poorest provinces, taking away funds from relatively wealthier provinces. Thus he was able to boost support for Peronism on the edges of the country without alienating the most powerful and important provinces such as Buenos

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<sup>222</sup> Kent Eaton, "Menem and the Governors: Intergovernmental Relations in the 1990s," in *Argentine Democracy: The Politics of Institutional Weakness*, ed. Steven Levitsky and María Victoria Murillo, 88-112 (University Park, PA: Pennsylvania State University Press, 2005) 94-6. Kent Eaton, *Politics Beyond the Capital* (Stanford, CA: Stanford University Press, 2004) 67-74.

<sup>223</sup> Ibid.

<sup>224</sup> The law was also renewed in 1957, 1964, 1973, and 1988. Eaton, "Menem and the Governors," 95.

Aires. Perón discovered that the reactions of the governors played into his hands. Instead of clamoring for greater institutional autonomy in the face of federal corruption, the governors simply demanded a larger percentage. Perón was then able to manipulate provincial authorities to his advantage by increasing or decreasing their allocations each year.<sup>225</sup> Future presidents, most notably Carlos Menem, learned from Perón's use of coparticipación. It has become a clear political tool for the executive, greatly increasing the vertical centralization between the national and provincial governments.<sup>226</sup>

Coparticipación greatly lessened the need for federal interventions by Perón and later presidents. Unfortunately, the main English-language source on federal interventions, Gomez's dissertation, provides no information on Perón's usage of the provision as it ended in 1930. Perhaps the lack of scholarly research on Perón's and later leaders' interventions is in itself evidence of the decline of the provision, at least relative to other legal powers held by the federal government. But a limited conception of the evolution of Article VI can be gleaned from a broad look at interventions in the twentieth century. From 1930 to 2011, the rate of interventions dropped to 0.6 a year, almost half the rate before 1912 and less than a quarter of the instances under the Radicals.<sup>227</sup> The most notable series of interventions in the period came under the Ramirez nationalist government, whose undemocratic regime struggled to maintain power prior to the rise of Perón in 1943. The use of budgetary controls, such as coparticipación, became more

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<sup>225</sup> Eaton, *Politics Beyond the Capital*, 69-74.

<sup>226</sup> Eaton, "Menem and the Governors," 96-100.

<sup>227</sup> Antonio Hernandez, *Sub-National Constitutional Law in Argentina* (Frederick, MD: Kluwer Law International, 2011) 15.

common as they were seen as subtler, but similarly effective and equally legal ways to influence the provinces.<sup>228</sup>

The second practice begun under Perón can only be described as an accidental success. Malapportionment refers to the ratio between the population of a province and its allocated seats in the Chamber of Deputies. In “Legislative Malapportionment in Latin America,” authors Richard Snyder and David J. Samuels use a 0.00 to 1.00 scale to express the degree of representative proportionality:

A score of 0.00 represents a perfectly apportioned chamber in which no citizen’s vote weighs more than another’s. Conversely, a score of 1.00 indicates a fully malapportioned chamber in which all of the legislative seats are allocated to a single electoral district with just one voter.<sup>229</sup>

When Perón took office in 1945, the Chamber of Deputies had a ratio of 0.09, an average score for the period in Latin America.<sup>230</sup> Similar to his coparticipación strategy, Perón decided to adjust the seats allocated to each province in the Chamber to increase his support in the interior. By giving more seats to the interior provinces, he actually improved the ratio to 0.03 by 1958 (the second best score in Latin America that year), as he extended representation to previously ignored regions.

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<sup>228</sup> Since the return of democracy in 1983, interventions have been equally as rare as in the mid-century. Carlos Menem only intervened four times in the first six years of his presidency from 1989 to 1995. Some of the decline in the number of interventions is credited to constitutional reforms under Menem. The reform of 1994 established that only Congress could decree interventions. If the executive had to initiate an intervention while Congress was not in session, then the president must call for an “extraordinary session” wherein Congress would approve or condemn his or her action. Argentine Constitution with 1994 reforms, Article 75, Paragraph 31 and Article 99, Paragraph 20.

<sup>229</sup> Richard Snyder and David Samuels, “Legislative Malapportionment in Latin America,” in *Federalism and Democracy in Latin America*, ed. Edward Gibson, 131-172 (Baltimore, MD: Johns Hopkins University Press, 2004) 133.

<sup>230</sup> As the Senate has equal seats for every province, it naturally has high malapportionment. But the Argentine Senate had the dubious title of being the “world’s most malapportioned chamber” in 1999, with a ratio of 0.49. In comparison, the U.S. Senate had a ratio of 0.36. This reflects the enormous concentration of people in the province of Buenos Aires as compared to the interior provinces. *Ibid.*

The most significant effects of Perón's changes to Congressional representation were not felt until the 1960s. Although Perón was long out of power, the malapportionment of later periods serves as strong evidence of the depth of his manipulation of democratic institutions. While his 1949 Constitution was nullified and the courts and Chamber of Deputies were emptied of Peronists by the military governments that succeeded the 1955 coup d'état, his alterations to Congressional representation remained. The malapportionment ratio dramatically worsened in the 1960s. In 1965, the Chamber had a score of 0.16, a level not seen since 1895. This change reflected the greatly disproportionate population growth of Buenos Aires as compared to the interior provinces. Since later governments did not readjust seating allocations, the score dropped from the second best to the worst in Latin America in the span of seven years.<sup>231</sup>

This malapportionment hurt Perón's original constituency, urban workers. Because of their proportionally greater representation in Chamber of Deputies *and* the Senate, the votes of provincials carried far more weight in national elections. Moreover, urban politicians had the further disadvantage of having to provide patronage to proportionately more people than rural candidates. Initially this would have been counterproductive for Perón's populist movement, but by 1965 Peronism had firmly planted itself on the margins of the political sphere. Thus while the military governments specifically targeted the urban Peronist movement, its interior elements endured.<sup>232</sup>

Other than giving some citizens more voting power, malapportionment has encouraged the executive to bypass the legislative branch. Since 1958, Congress has

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<sup>231</sup> Synder and Samuels 141-5.

<sup>232</sup> Ibid 150-5.

consistently held a rural bias, while presidents, being directly elected, have an urban bias. Rural politicians have been able to hold the center hostage with their veto power, prompting the executive to unilaterally impose legislation.<sup>233</sup> Once again, subtle features of the government's structure have facilitated a breakdown in the roles of the branches and the balance of power.

### *The Second Collapse of Democracy*

While it may be questionable to characterize Perón's actions as democratic in spirit, he remained a fairly elected official. Even with the economic slump in the 1950s, Perón's position seemed secure through the first half of his second term. His opponents, although furious at their exclusion from governance, remained divided and weak. Characterizing the ruling party's opponents was more challenging than it had been in 1930. Perón's more radical economic, social, and political actions alienated a broader spectrum of Argentines than Yrigoyen's. Elements of the middle and upper classes strongly opposed Peronism due to the country's poor economic performance after 1950, Perón's efforts to redefine Argentine culture in the light of his movement, and his political exclusion of opposition parties including the Radicals, Socialists, and Conservatives. Nevertheless Perón still had significant support from middle and upper income voters, who either agreed ideologically with his nationalist platform, or benefited from his policies.<sup>234</sup> The result was Peronism's unexpected resilience even as society became increasingly polarized. But events dramatically changed in 1955. Despite his

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<sup>233</sup> Ibid 152-4.

<sup>234</sup> Horowitz, "Populism and Its Legacies," 36-7. Page 296-305.

strong political consolidation and complete control of the three government branches, there still remained independent centers of power.

The ultimate cause of Perón's downfall was his alienation of the two most powerful independent forces in Argentina, the socioeconomic elite and a significant proportion of the military. Both groups were highly critical of Perón's alliance with the working class and his political consolidation. Perón initially maintained support among the officer corps through his nationalist ideology. This advantage began to wane in his second term, as Perón maneuvered against one of Argentina's oldest and most respected national institutions: the Roman Catholic Church.<sup>235</sup>

Perón's war against the Church proved to be one of his few political missteps, and it is generally credited as the proximate cause for his downfall.<sup>236</sup> The exact reasons that conflict broke out between the Church and Perón are complex and debated to this day. Originally, the two groups were allies, with Perón using Catholic symbols and culture to promote his unique brand of populism. But the Church's opinion of the leader eventually soured. The Church was angered by the Eva Perón Foundation and Peronist Youth Organization's significant encroachments on their long-standing monopolies on education and charity. Their image of Perón also worsened after troubling rumors of an illicit relationship between the leader and a fourteen-year-old girl from a Peronist girls association spread through the opposition. The allegations were well founded, although the degree of intimacy between Perón and the girl remains unclear.<sup>237</sup>

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<sup>235</sup> Robert Potash, *The Army & Politics in Argentina, 1945-1962* (Stanford, CA: Stanford University Press, 1980) 5-11.

<sup>236</sup> Ibid 171. Horowitz, "Populism and Its Legacies," 36-7. Page 296-305.

<sup>237</sup> Page 293-4.

When the Church openly criticized Perón, he began to wage a war against the institution. He legalized divorce and prostitution, and ended the Church's education privileges. Perón arrested priests he believed were spreading inflammatory rumors. The Church responded by excommunicating the leader and his allies over the removal of a bishop on June 16, 1955.<sup>238</sup> As the conflict continued to escalate, the opposition finally had found the issue they could rally around. Meanwhile, Perón had alienated many of his allies who were strong supporters of the Catholic Church.

Violence began to break out between Peronists and opposition groups, a mixture of traditional supporters of the UCR and Conservative Party, bolstered by pro-Church demonstrators. On June 16, 1955, the navy attempted a coup d'état that, due to poor planning and intelligence, only succeeded in bombing innocent civilians. The political and social atmosphere was now dangerously polarized. Civil war appeared imminent. Perón had a stark choice. He could arm the workers and utilize the remaining loyalist formations in the army against the navy and their supporters, or leave the country. Perón initially made fiery speeches to rally his *descamisados*, including this infamous excerpt:

The Political leaders have answered with speeches as superficial as they were insolvent; the instigators with their customary hypocrisy, rumors and pamphlets; and the executioners by shooting at the poor policemen on the street... We must respond to violence with a greater violence... Anyone who anywhere tries to change the existing order... can be killed by any Argentine.<sup>239</sup>

But his words rang hollow. On September 16, 1955, a coalition of army and navy formations led by General Eduardo Lonardi and Admiral Isaac Rojas launched another

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<sup>238</sup> Ibid 305.

<sup>239</sup> Juan Domingo Perón, Speech on June 16, 1955, quoted in Page 315.

coup d'état from the interior. Perón chose to flee instead of fight. He left for Paraguay, and would not return to Argentina until 1973.<sup>240</sup>

The second popular democratic cycle had drawn to a close. Just as twenty-five years earlier, a populist leader had accumulated too much power. Excluded from politics, the socioeconomic elite and their institutional allies, the Church and military, were pushed too far. Perón was in a stronger position than Yrigoyen during his second term, which helped delay the oligarchy's response. He had firmer control of all of the government branches and Peronism was a far larger and more cohesive movement than Radicalism in 1930. Nevertheless, when the opposition saw no way of challenging Perón through legitimate political channels, they turned to the nationalist and conservative military. Despite Perón having been one of their own, his ideology had decidedly alienated the military leadership.

Argentina then faced a long period of profound political struggle. The oligarchy and their military reactionaries would try to eliminate Peronism and weaken the working class, culminating in the infamous Dirty War from 1976 to 1983. With the violence and instability that characterized the second half of the twentieth century, Argentines were forced to look back and wonder why democracy had failed twice in their nation.

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<sup>240</sup> Page 316-28.

## VII.

### Constitutionalism and Democracy

The two open democratic cycles revealed a crucial weakness in Argentine governance. The federalist republic's government structure, as laid out in the 1853 Constitution, was too susceptible to the concentration of power in the executive branch. Hipólito Yrigoyen and Juan Domingo Perón undermined political institutions using largely legal means. These leaders utilized constitutional provisions such as Article VI, which outlines federal intervention, and Article XLV, which enables the impeachment of Supreme Court justices. Yrigoyen and Perón were able to exploit loopholes and ambiguities within these articles to further accumulate power, to the detriment of political institutions other than the executive branch.

The result was a high degree of horizontal and vertical centralization. The presidency held mastery over the legislative, judicial, and executive branches at both the national and provincial levels. Centralization within federal systems is not necessarily a sign of a poorly functioning government. The U.S., generally regarded as a healthy federalist system, underwent centralization throughout the twentieth century. But the U.S. case was driven by the need of the national government to provide ever-greater services as well as to engage in the global conflicts that plagued the century.<sup>241</sup> Nevertheless, Congress and the Supreme Court consistently checked the presidents. These institutions maintained their autonomy as “the USA has institutionalized its federal system and sustained decentralized practices long enough to ensure the vitality of state and local governments, despite all the conflict embedded in this complex system.”<sup>242</sup> In Argentina,

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<sup>241</sup> Graham and Rowland 53-63.

<sup>242</sup> Ibid 84.

neither did the structure of the constitution protect institutional autonomy, nor did political leaders consistently respect the ideal of the balance of power.

By concentrating power in the executive, democratically-elected leaders were able to use legal means to push out their opponents. The judicial branch's role was to mediate conflicts within the political system and between the branches.<sup>243</sup> But by coopting the judicial branch, the executive compromised the court's integrity and the opposition could not hope to challenge presidential overreach. Moreover, they could not rein in the executive by blocking legislation in Congress. Yrigoyen protected useful governors as *de facto* employees, while removing opposition leaders through federal interventions. Perón used the “law of disrespect” and his control of electoral courts to expel Radical, Conservative, and Socialist politicians. The opposition in 1930 and 1955 eventually turned to extra-constitutional means to remove the president.

The electoral system was the second major weakness in Argentine politics. Sections III and IV explained that elections at the national and provincial levels had been controlled by the ruling party. An elaborate system of patronage and party bosses established under the PAN guaranteed the party's hold on almost every government position. The “lista completa” system made any challenge to the PAN's control of the Chamber of Deputies and the provincial lower houses nearly impossible. Upon the democratic opening in 1912, the Radical Civic Union merely altered this electoral system to enable its own ascendancy with the “lista incompleta”. Yrigoyen used the federal intervention clause to ensure loyalists held the seats in Congress as well as critical provincial offices.

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<sup>243</sup> Ibid 53, 58.

The Peronists followed the same strategy. Perón manipulated representation in Congress to strengthen his party in the interior. These parties did have a popular mandate. But the parties' electoral practices were aimed at eliminating oppositional resistance even in cases when their opponents had a local majority. The UCR and Peronist's efforts blocked any organic political mobilization that was not in line with the national government.

While political parties orchestrated the controlled elections, their ability to do so was a consequence of an institutional failure. The Sáenz Peña Law of 1912, while nominally intended to promote free elections, did not have concrete provisions to reform them. The law instituted the secret ballot, but did not affect how parties chose and promoted candidates. The Sáenz Peña reform did not have adequate teeth to force the parties into line. The electoral courts were under the control of the executive, as evidenced by Perón's disbanding the Labor Party in 1947. Moreover, any fair election could be overridden by an intervention with an ambiguous justification such as protecting "the republican form of government" stipulated in Article VI of the constitution.

The government at no time had an incentive to implement reform. Manipulative electoral practices had propped up the PAN. The UCR and Peronists had gained tremendously from their distribution of patronage and questionable electoral conventions. When each party felt secure, it saw no need to implement reform that would weaken its hold over the government.

### *The Origins of Institutional Weakness*

The 1853 Constitution followed Argentina into its democratic age and remains in effect to this day. This nineteenth century constitution, composed by individuals who had little interest in mass participatory government, has repeatedly undermined fledgling democratic rule. The Generation of 1836 was focused on economic development and maintaining internal political stability. The specific form of Argentine federalism, as well as the provisions outlining the roles of political institutions, was the product of continuous conflict between Buenos Aires and the interior provinces. So fixated were the elite of the interior provinces on maintaining stability and protecting against the hegemonic intentions of Buenos Aires that they allowed the federal government, and in the president, to amass too much power.

A single party, the oligarchic PAN, had been a tool to foster stability and development. Alberdi, Sarmiento, and Echeverría all believed the Argentine people were not ready for political inclusion due to their support of Juan Manuel Rosas. The PAN built the system of electoral control to give a semblance of legitimacy to the party's dominance of the government. Perhaps by 1912, these men, if still alive, would have believed the people ready to participate. Their goals for immigration were met, and the population was highly educated for the region. But the new generation of elites were not interested in political inclusion if it meant the creation of an autonomous government to check their socioeconomic power. Thus the Sáenz Peña Law was engineered to provide selective inclusion on the elites' terms.

The political exclusion of large voting demographics was not only a result of the Sáenz Peña Reform. Argentina's "peripheralized and pluralistic" federalism drew power

away from Buenos Aires and into the interior provinces. This form of federalism did secure peace between the great port and the interior. But once the culture of provincial revolt had abated, the peripheralized federalism encouraged members of the elite to ignore the huge working class population in Buenos Aires. Although Perón initially drew power back to the great city, this did not last. In the 1950s, even Perón, the hero of the Argentine working class, exacerbated the problem by increasing the congressional representation of the smaller provinces.

The weaknesses inherent in the Argentine political system would not have proved so damaging were it not for the great leaders of the popular democratic cycles. Hipólito Yrigoyen and Juan Domingo Perón exploited the system's fragility to increase their parties' and, in particular, their personal power. The reasons for the leaders' behavior may lie in Argentina's attraction to the caudillo culture. The tradition of caudillismo, seen by nineteenth century political theorists both as a curse and a necessity, caused leaders to seek control over as much of the political sphere as possible. Juan Manuel Rosas, Justo José de Urquiza, and Julio A. Roca were caudillo giants of their time who exemplified this tendency. The same culture of caudillismo likely predisposed the people to credit Yrigoyen and Perón, not their parties, with the opening of the political system. Once in the presidency, they used their extensive power to foster political stability and consolidation. In this way, Yrigoyen and Perón continued in the caudillo tradition. But the intensity of their efforts to consolidate the political sphere only weakened the government's institutions.

### *The Lessons of the Democratic Failures*

The democratic failures in 1930 and 1955 leave us with two major lessons for the future stability of democracy in Argentina. First, constitutionalism does not guarantee successful democracy. Yrigoyen and Perón certainly bear considerable responsibility for the collapses, as they strived to exclude their powerful political opponents. But both men used *legal* means to do so. They did not violate the 1853 Constitution or the Sáenz Peña Law to achieve their ends. Instead, the documents *enabled* Perón and Yrigoyen to consolidate power. As I have shown, the devil is in the details. Foundational documents such as constitutions must rigorously safeguard the system of checks and balances necessary for a federalist democracy such as Argentina to function effectively. Arguably the 1853 Constitution's writers may not have understood fully the small flaws in the documents and their possible ramifications. But as the same constitution remains in effect to this day, albeit reformed, considerable care must be taken to shore up its weaknesses and prevent its future abuse.

The second lesson is of equal importance to democracy: political exclusion only fosters radicalism and unrest in the long run. The socioeconomic elite of Argentina repeatedly engineered the destruction of democracy because they did not accept its outcomes. They generally regarded the populist movements of the Radicals and Peronists with contempt and saw such campaigns as illegitimate and threatening. But it seems the elite failed to understand why populism kept resurging in their nation. The foundation of Yrigoyen and Perón's power was in the people, not in illegal political manipulations. Had the oligarchy better opened the political system and addressed the needs of the lower classes, the intense populism of the twentieth century might have been averted. Instead,

they let other leaders took the stage and garner great power. The elite and their partners did not learn from the Radicals or Peronists. They chose to unleash harsh repression in an attempt to recreate the past, instead of seeking to understand and improve the present. The results were cycles of instability, where elite expectations and popular actions were at odds with one another, causing great pain and hostility in Argentine society. If there is any hope that Argentina's trajectory will recover, the lower, middle, and upper classes must all participate, with equal weight, in the nation's governance. Perhaps then, long after it was predicted, Argentina will take its place in the sun and join the world's great powers.

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