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## CHAPTER 4

### Legislative Malapportionment in Latin America

Historical and Comparative Perspectives

—RICHARD SNYDER AND DAVID J. SAMUELS

Although scholars vigorously dispute the exact meaning and definition of democracy, wide agreement exists that *free and fair elections* are the cornerstone of any democratic system of government.<sup>1</sup> An essential characteristic of electoral "fairness" in democracies is that the vote of each citizen counts equally. This notion of fairness embodies the well-known principle of "one person, one vote" that theorists such as Robert Dahl consider a necessary ingredient of democracy.<sup>2</sup>

Democratic rule now prevails across Latin America, and many Latin American countries embrace the *principle* of one person, one vote: many constitutions contain provisions that explicitly guarantee the equality of each citizen's vote.<sup>3</sup> Nevertheless, many of these same countries often fall far short of achieving equality of the vote in *practice*. In the lower chambers of their national legislatures, many Latin American countries have high levels of malapportionment—a wide discrepancy between the shares of legislative seats and the shares of population held by electoral districts.

A malapportioned chamber means that the votes of some citizens weigh more than the votes of others. Although a long-standing federalist tradition acknowledges the value of having a bicameral legislature with an *upper* chamber that represents territorial units equally, a situation that usually requires a significant degree of malapportionment, there is a broad consensus that at least one chamber should weigh the votes of citizens equally. Thus there is no normative justification for malapportionment in the lower chamber.

The overall level of malapportionment for upper and lower chambers in Latin America is significantly higher than in the rest of the world. Indeed, Latin America has some of the world's most malapportioned legislative chambers.<sup>4</sup> The entries in Table 4.1 indicate the percentage of seats in the legislature that are not apportioned

Table 4.1  
Malapportionment in Latin America, 1999

Country	MAL <sub>LC</sub>	MAL <sub>UC</sub>	Federal?
Argentina	0.14	0.49	
Belize	0.08	X	
Bolivia	0.17	0.38	
Brazil	0.09	0.40	Yes
Chile	0.15	0.31	
Colombia	0.13	0.00	
Costa Rica	0.02	X	
Dominican Republic	0.08	0.38	
Ecuador	0.20	X	
El Salvador	0.07	X	
Guatemala	0.06	X	
Honduras	0.04	X	
Mexico	0.06	0.23	Yes
Nicaragua	0.06	X	
Panama	0.06	X	
Paraguay	0.04	0.00	
Peru	0.00	X	
Uruguay	0.03	0.00	
Venezuela	0.07	0.33	Yes
Latin America average	0.08	0.25	
World average without Latin America	0.06	0.18	
United States	0.01	0.36	Yes

Note: LC = Lower Chamber, UC = Upper Chamber.

Source: Samuels and Snyder (2001).

according to the principle of "one person, one vote." 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. A score of 0.50 means that 50 percent of the seats are allocated to districts that would not receive those seats if there were no malapportionment.

For example, Argentina's Senate (the world's most malapportioned chamber) has a malapportionment score of 0.49, which means that 49 percent of the legislative seats in the Senate are allocated in ways that violate the one person, one vote principle. Similarly, Ecuador's lower chamber (the world's third most malapportioned lower chamber) has a score of 0.20, which means that 20 percent of the legislative seats in the chamber are allocated in ways that violate the one person, one vote principle. Although the table shows that malapportionment is not a problem everywhere in Latin America, a number of prominent countries—Argentina, Bolivia, Brazil, Chile, Colombia, and Ecuador—do have extremely high levels of lower-chamber malapportionment. These countries together account for almost two-thirds of the population of Latin America, underlining how important a focus on malapportionment is for understanding the problems of democracy in the region.

Most democracies have some degree of malapportionment, especially if the legislature has an upper chamber. In fact, the only way to avoid malapportionment is to elect representatives in a single, nationwide district, as in Israel or the Netherlands. Moreover, unless a country employs such a system or already has an automatic reapportionment mechanism in place, it will typically experience rising levels of "natural" malapportionment over time caused by demographic changes across districts (see below).<sup>5</sup>

Despite the tendency for malapportionment to increase over time, many countries have achieved low levels of malapportionment in one or both chambers, an outcome that is especially apparent in the lower chambers of the advanced industrial democracies of Western Europe and North America. The low levels of malapportionment in these cases reflect the implementation of procedures for periodic reapportionment that correct for the tendency of malapportionment to increase over time due to demographic changes. By contrast, the higher levels of malapportionment characterizing both upper and lower chambers across Latin America indicate that many countries in the region have not implemented such corrective procedures.

Why do the actual electoral rules and procedures in many Latin American de-

mocracies diverge so sharply from the constitutional principle requiring equality of the vote and proportional apportionment of legislative seats according to population? The empirical material analyzed below shows that political elites in many Latin American countries have historically manipulated apportionment as a tool for ensuring "political survival," building electoral and legislative coalitions, and implementing their desired public policies. Manipulation of legislative apportionment has played an especially important role in managing urban-rural cleavages across Latin America. This has resulted in a strong *rural-conservative bias* that persists today in many legislatures, where many countries' urban metropoles remain highly underrepresented. In short, malapportionment has served and continues to serve as a powerful political weapon of conservative elites in Latin America. Consequently, despite the important advances that have been made toward achieving democracy in Latin America, many elections in the region are unfair.

The following section argues that malapportionment should be considered a formal pathology of Latin American political systems, one that raises troubling questions about the performance and quality of democracy in many countries in the region. A subsequent section develops basic conceptual tools for the comparative study of malapportionment. The focus then shifts to an analysis of the evolution of malapportionment in Argentina, Brazil, and Chile. We highlight the different ways that elites have deployed malapportionment as a political weapon for advancing their interests. We also explore some of the important implications of malapportionment for how democracy works in contemporary Latin America. The penultimate section considers alternative strategies for reducing malapportionment, a necessary step for making elections in Latin America more fair.

#### A Formal Pathology: Malapportionment and the Defects of Democracy in Latin America

Much of the debate about the shortcomings and problems of democracy in Latin America has focused on *informal* rules and practices. For example, in his pioneering work on the limitations of Latin American democracies, Guillermo O'Donnell (1993) has called attention to factors such as "brown areas," where the rule of law is extremely attenuated, as well as the problem of a loose fit between formal rules and actual practice in many new (and old) democracies. Similarly, Jonathan Fox (1994) points to the importance of "semi-clientelist" politics (especially at the local level) as an important hindrance to full-fledged democracy in Latin America.

These kinds of informal defects are clearly important. However, the defects of contemporary Latin American democracy are by no means limited to the informal realm; formal institutions can also diminish the quality of democracy (Shugart and Carey 1992; Linz 1994; Jones 1995; Mainwaring and Shugart 1997). A focus on malapportionment highlights how formalized, detailed, and explicit electoral rules in many countries have resulted in large inequalities in the weighting of citizens' votes. Consequently, the limitations of many contemporary Latin American democracies go beyond the problem that "the games played 'inside' the democratic institutions are different from the ones dictated by their formal rules," as O'Donnell (1996, 41) suggests. Where formal electoral rules result in unfair elections, even games abiding by such rules are undemocratic.<sup>6</sup> In short, democracy in Latin America is impaired not only because of a loose fit between formal rules and actual behavior, but also because the formal rules themselves can have undemocratic consequences.<sup>7</sup>

Our argument challenges the assumption that most Latin American democracies satisfy the procedural criteria for democracy (i.e., inclusive, fair, and competitive elections in addition to freedom of association, assembly, and speech) and that any lingering pathologies have been largely banished to an informal, separate sphere of "brown areas," particularism, and clientelist politics that mainly affect marginalized groups. Because explicit electoral rules in so many Latin American countries flagrantly violate a core criterion of the democratic process—fair elections—the problem of malapportionment should be viewed as a *formal pathology*. Malapportionment is often akin to deliberate institutionally engineered discrimination for or against certain political parties and therefore weakens the quality of democracy in the region.

From a methodological perspective, recognizing this formal pathology offers important advantages. Precisely because it is a formal feature of electoral systems, malapportionment is quite amenable to systematic measurement and to analysis (as an independent or dependent variable) with large-N, statistical techniques. By contrast, informal pathologies, such as "brown areas" and the (un)rule of law, while important, often frustrate scholars because of the difficulty of gathering systematic data beyond fertile anecdotal evidence. Consequently, scholars oriented toward gathering systematic empirical data have tended to dismiss informal, difficult-to-measure elements altogether, a move that creates an unhealthy bias toward crude measures that misclassify as full-fledged democracies countries lacking attributes that many would consider necessary conditions for democracy. By contrast, formal pathologies are far less "fuzzy" than informal ones and can therefore be incorporated more read-

ily into cross-national studies. This possibility provides a basis for such studies to adopt more nuanced conceptualizations of democracy in comparative perspective.

Another important aspect of malapportionment deserves consideration. In part because of its formal, institutionalized nature, malapportionment can serve as a kind of “electoral stealth technology” for engineering bias and maintaining inequalities of influence in a political system. In contrast to traditional “low-tech” methods for rigging elections, such as vote buying and other forms of fraud (e.g., ballot stuffing and tampering with the counting of votes), which are relatively easy for election monitors and opposition parties to observe, malapportionment is less obvious and thus is often not seen as a proximate cause of unfair elections.<sup>8</sup> Moreover, because the mechanisms used to apportion seats are often arcane mathematical functions, they do not provide the kind of vivid material that lends itself to front-page news or to use as a lightning rod for mobilizing mass indignation. By contrast, lurid charges of garden-variety fraud such as ballot stuffing and vote buying are far more attractive bread-and-butter issues for opposition parties, election losers, and international election monitors.

Although differences in the ratio of seats to populations across districts may attract little attention because they are obscured by “juicier” political issues, such discrepancies can nevertheless confer important strategic advantages to political actors, as we demonstrate below. For example, the “gerrymander” is a long-standing and widespread type of malapportionment in which districts are created to bias the vote in favor of one party over another. “Rotten boroughs” (which persisted in England through the mid-nineteenth century) are another type in which some districts have far fewer voters than others.<sup>9</sup>

As is the case elsewhere, such blatant uses of apportionment as a tool for political manipulation seem increasingly unlikely in contemporary Latin America.<sup>10</sup> However, this by no means implies that apportionment decisions have been depoliticized, nor does it mean that apportionment processes are currently fully democratic. In Latin America today, in contrast to the developed Western democracies, high levels of malapportionment in lower chambers of the legislature can readily co-exist with the standard set of democratic rules and institutions, such as freedom of association, assembly, and speech, full suffrage, absence of massive fraud, and competitive elections.<sup>11</sup> Consequently, genuinely competitive elections without fraud in a system with full suffrage and where basic civil and political freedoms are effectively guaranteed *may nevertheless be extremely unfair*. In a malapportioned system, all citi-

zens can enjoy a free and equal opportunity to *formulate* and *signify* their preferences yet nevertheless lack the opportunity to have their preferences *weighed* equally.<sup>12</sup> The compatibility between malapportionment and the other core elements of democratic politics makes malapportionment an especially pernicious problem, because it can help sustain a powerful illusion of robust democracy that hides a reality in which some citizens are far more “equal” than others in terms of the value of their votes.

### Conceptual Issues in the Comparative Study of Apportionment

Despite the normative and practical importance of malapportionment, to our knowledge only Samuels and Snyder (2001) have analyzed this key dimension of electoral systems in comparative perspective. Consequently, we lack both a basic vocabulary and a set of foundational concepts for cross-national research on malapportionment.<sup>13</sup> This section takes an initial step toward filling the gap.

#### *Natural and Unnatural Malapportionment*

Consider the following scenario. The constitutional framers of the bucolic nation of Freedonia are fervently committed to the democratic principle of one person, one vote. Guided by this noble ideal, they meticulously craft an electoral system in which the share of legislative seats allocated to each district corresponds exactly to its share of the national population. Pleased with their perfectly apportioned electoral system, the framers retire from politics and retreat to a tranquil life of contemplation.

Unfortunately, subtle demographic forces soon conspire to undermine the framers’ hard work. In the decades after the constitutional convention, Freedonia experiences an unanticipated industrial revolution that causes a gradual yet massive shift of the country’s population toward urban areas. Secure that the traditionally sedentary ways of the country’s citizens would be a permanent feature of national life, the framers of Freedonia’s constitution had myopically failed to create regular procedures for reapportioning legislative seats. Consequently, as people migrated from rural to urban areas, legislative seats did not follow the population, and the perfectly apportioned electoral system crafted by the framers was transformed into a highly malapportioned one that flagrantly violated the cherished one person, one vote ideal.

We call malapportionment that results purely from demographic shifts (i.e., pop-

ulation movement and changes in the size of the overall population) *natural* malapportionment. The point of this vignette is to show that a political decision is not required for a country to have high levels of malapportionment, and not to reapportion may in and of itself be considered a political decision. Indeed, unless measures are taken to periodically reapportion the electoral system, we have a strong basis for expecting most countries to have high levels of malapportionment “by default.”<sup>14</sup>

However, not all malapportionment is a natural effect of demographic processes—self-interested politicians often seek to manipulate legislative apportionment. Instead of correcting for malapportionment, reapportionment procedures can actually *increase* malapportionment above its “natural” level. It is therefore imperative to distinguish between natural and politically engineered malapportionment. Understanding how and why malapportionment is politically engineered requires that we explore the tools politicians use to manipulate apportionment procedures.

#### *Engineering Representation: The Nuts and Bolts of Apportionment*

We can distinguish (at least) six tools for reapportioning an electoral system: (1) creating *new legislative districts* out of previously unrepresented territory, for example, by adding new states in a federal system; (2) *adding or subtracting* seats to the total number in the legislature; (3) providing a *minimum* number of seats per district, regardless of population; (4) providing a *maximum* number of seats per district, regardless of population; (5) changing the boundary lines of *existing* districts (redistricting); and (6) changing the *distribution of seats* across existing districts without changing their borders or the total number of seats (reseating).<sup>15</sup>

Adding new legislative districts can either reduce or increase malapportionment, depending on whether new districts are created in already overrepresented areas, or whether underrepresented areas are split into new districts and granted additional seats. Adding seats to the legislature reduces malapportionment if the seats are added to underrepresented areas, and subtracting seats reduces malapportionment if the seats are taken away from overrepresented districts.

Providing a minimum number of seats per district guarantees malapportionment in the legislative chamber, because population inevitably varies across districts, and some districts (such as constitutionally recognized federal units) may be indivisible for constitutional reasons. The resulting degree of malapportionment will depend on how small the smaller districts are relative to the average.<sup>16</sup> Likewise, providing a maximum number of seats per district necessarily produces malapportionment. For

example, in Brazil, where the constitution sets a maximum of seventy deputies per district (Article 45), some voters are effectively prevented from gaining fair representation regardless of other reapportionment rules.<sup>17</sup>

The distinction between the fifth and sixth methods of reapportioning—redistricting and reseating—is especially important, because it helps us separate analytically the “boundary drawing” and “seat allocation” processes. Making this distinction is a key step toward understanding the politics of reapportionment, because different political actors may have authority over the boundary drawing and seat allocation processes. For example, legislative seats in the U.S. House are automatically apportioned to the states according to population after each national census, as per the U.S. constitution. Thus, although the states have no authority over the *number* of districts and seats they have, the constitution stipulates that each state is responsible for drawing the boundaries of its allotted districts (redistricting), a process that involves the state legislative and executive branches. In short, the United States is characterized by a “separation of reapportionment powers” because the authority to reseat (that is, to change the distribution of seats across districts and states) and the authority to redistrict are vested in two distinct institutions.

Whether or not a system is characterized by such a separation of reapportionment powers, the politics of seat allocation is likely to differ in important ways from the politics of boundary drawing. Seats are nondivisible goods, and the fact that a district has gained or lost a seat is difficult to hide. Consequently, reseating is a highly transparent method for redistributing representation in which the winners and losers are clear. By contrast, redistricting can be a far less transparent means for redistributing representation, especially from the perspective of the voters. District boundaries are inherently more “divisible” than seats because they can be nudged in a variety of subtle ways that obscure the political consequences of these changes. It may therefore be quite difficult for voters to discern who wins and who loses from redistricting.

Taken together, these tools can have a variety of effects on malapportionment. Based on this discussion, we distinguish three types of reapportionment:

#### *Progressive Reapportionment*

Progressive reapportionment reduces malapportionment and therefore increases the fairness of elections. When progressive reapportionment is achieved by changing the allocation of legislative seats, seats follow the population. For example, pro-

gressive reapportionment can involve adding seats to underrepresented areas, subtracting seats from overrepresented areas, or a combination of both methods. When progressive reapportionment is achieved by the method of redistricting, the boundary lines of overrepresented districts may be redrawn so that they have a larger population or, alternatively, the boundary lines of underrepresented districts may be redrawn so that they have smaller populations.<sup>18</sup>

#### *Regressive Reapportionment*

Regressive reapportionment increases malapportionment and thus reduces the fairness of elections. When regressive reapportionment is achieved through the method of reallocating legislative seats, seats do not follow the population. Regressive reapportionment can be achieved by adding seats to overrepresented areas, subtracting seats from underrepresented areas, or by a combination of both techniques. In terms of redistricting, regressive reapportionment can be achieved by redrawing the boundary lines of districts so that underrepresented districts experience increases in their populations and overrepresented districts experience decreases in their populations.

#### *Neutral Reapportionment*

Neutral reapportionment does not change the overall level of malapportionment in a system. Nevertheless, the distribution of seats and / or the configuration of district boundaries do shift. Neutral reapportionments may be undertaken to ensure representation of ethnic or other minorities, for example.

#### **The Evolution of Malapportionment in Latin America**

This section applies the conceptual tools developed above to analyze the historical evolution of malapportionment in Latin America. The discussion focuses on two core issues: (1) Why do many Latin American countries have extraordinarily high levels of malapportionment in their lower chambers? (2) Has malapportionment always been a problem in Latin America? Or, alternatively, is severe malapportionment a feature peculiar to the most recent wave of democratic regimes in the region? We will show that malapportionment has, in fact, characterized many Latin American

nations for as long as they have had elections—whether competitive or noncompetitive.<sup>19</sup> Moreover, at many times in Latin America's twentieth-century history, governments have undertaken *regressive* reapportionments for politically strategic purposes. Table 4.2 provides historical data on the evolution of lower-chamber malapportionment in Latin America.<sup>20</sup>

Is there a relationship between country size and malapportionment? Although Samuels and Snyder (2001) found that size was positively associated with malapportionment in a larger cross-national sample, the relationship in Latin America is somewhat ambiguous. In Table 4.3 we classify Latin American countries according to population and whether malapportionment is above or below the world average. Five of the six smaller nations listed in Table 4.3 have achieved below-average levels of malapportionment in their lower chambers, whereas nine of the thirteen medium and larger nations have above-average malapportionment. The absence of a clear relationship between country size and lower-chamber malapportionment (especially among large and medium-sized countries) suggests that the evolution of malapportionment is more a function of political factors. Indeed, the evidence we analyze below indicates that apportionment decisions in Latin America have often been a highly politicized weapon in political elites' arsenal. Because of space limitations, we explore in detail only the cases of Argentina, Brazil, and Chile. However, the evolution of malapportionment has followed a similar course in several other countries in the region.

#### *Argentina*

Although Argentina's Congress is among the most malapportioned in the world today, this has not always been the case. In fact, Article 45 of the Argentine constitution of 1860 set the number of congressional deputies per province proportionally according to population and mandated that Congress reapportion seats after each census. Moreover, although Argentina experienced several "natural" increases in malapportionment after 1860, it undertook progressive reapportionments at fairly regular intervals earlier in its history (in 1881, 1898, and 1920). This corrected for internal migration and indicates that Argentine politicians had agreed to abide by the principle of equal representation across provinces up through the 1940s.

However, Argentina began to depart from the path of regular, progressive reapportionment during Juan Perón's first presidency (1946–55). Perón made a con-

*Table 4.2*  
*Lower-Chamber Malapportionment in Latin America, Historical Evolution*

Year	Argentina	Brazil	Chile	Uruguay	Colombia	Venezuela	Bolivia	Ecuador	Peru	Honduras	Costa Rica
1870											
1872	0.16	0.10	0.12								
1875	0.13	0.10	0.13								
1880	0.13	0.10	0.08								
1885	0.03	0.12	0.07								
1890	0.03	0.12	0.07								
1895	0.18	0.11	0.12								
1900	0.02	0.11	0.12								
1905	0.02	0.10	0.17								
1910	0.02	0.10	0.17								
1915	0.12	0.09	0.06	0.02							
1920	0.13	0.09	0.10	0.02							
1925	0.05	0.09	0.14	0.03							
1930	0.05	0.09	0.10	0.06							
1935	0.05	0.10	0.04								
1940	0.05		0.03								
1945	0.09	0.11	0.06								
1950	0.09	0.10	0.10								
1955	0.05	0.09	0.10								
1958	0.03	0.10	0.13								
1960	0.10	0.10	0.13								
1965	0.16	0.08	0.13	0.15							
1970	0.10	0.17	0.07	0.16							
1975	0.15	0.12	0.17	0.08							
1980	0.10			0.08							
1985	0.15	0.10		0.07							
1990	0.15	0.10	0.15	0.03	0.09	0.04					
1995	0.15	0.09	0.15	0.03	0.13	0.07	0.20	0.00	0.04	0.02	
2000	0.14	0.09	0.15	0.03	0.13	0.07	0.17	0.20	0.00	0.04	0.02

Source: Authors' compilation.

Table 4.3  
Lower-Chamber Malapportionment and Population in Latin America

	Population over 20 million	Population between 5 and 20 million	Population under 5 million
Malapportionment above world average	Argentina Brazil Colombia Venezuela	Bolivia Chile Dominican Republic Ecuador El Salvador	Belize
Malapportionment at or below world average	Mexico Peru	Guatemala Honduras	Costa Rica Nicaragua Panama Paraguay Uruguay

scious, strategic effort to increase his and his party's electoral and legislative support from the underpopulated hinterlands (Little 1973, 276–80; Sawers 1996, 199–200; see also Gibson and Calvo 2000), and this involved overrepresenting these areas. First, Perón's 1949 constitution ended the proportionality principle enshrined in the 1860 constitution and gave each province a minimum of two deputies, regardless of population (Sawers 1996, 194). Moreover, Perón strategically granted representation to eight sparsely populated, previously unrepresented territories. This initially caused malapportionment to decline in the early 1950s, because Perón was granting a legislative voice to a portion of the population that had none before. Yet this situation was soon reversed, because while the populations of the hinterlands stagnated, the province of Buenos Aires experienced rapid population growth (from 26 to 34 percent of the national total from 1947 to 1960). However, Buenos Aires was not granted a similar increase in its share of seats. Consequently, as Table 4.2 shows, malapportionment in Argentina increased dramatically from 1955 to 1960.<sup>21</sup>

Argentina's military rulers from 1966 to 1973 maintained Perón's policy of deliberately underrepresenting the metropolitan provinces (Buenos Aires and the Federal Capital). The military intensified this bias just prior to Perón's return to power in 1973, when the military raised the minimum number of deputies per province from two to three (Law 19862 / 72) and gave the territory of Tierra del Fuego two deputies (Porto 1990, 183). The military junta in power from 1976 to 1983 continued this practice—just before the return to democracy in 1983, the regime again in-

creased the minimum number of deputies per province, raising it to five (Law 22847 / 83).<sup>22</sup> The logic behind these moves was to further overrepresent conservative provinces and their voters at the expense of urban voters—whether Peronist or not—because the military viewed the more conservative and rural Partido Justicialista (Peronist) and Unión Cívica Radical *caudillos* as less threatening.<sup>23</sup>

Today Argentina's Chamber of Deputies continues to be highly malapportioned, underrepresenting the country's urban core: the provinces that hold just 31 percent of the population control 44 percent of the seats in the Chamber (the situation is even worse in Argentina's Senate). This imbalance provides the less developed and sparsely populated provinces with a legislative veto over reforms that would adversely affect their interests.

In sum, since the 1940s, both democratic and authoritarian rulers in Argentina have manipulated malapportionment for political purposes. Perón converted sparsely populated territories into provinces and increased the minimum number of deputies per province in order to strengthen rural support for his regime. Similarly, the "bureaucratic-authoritarian" military regimes of the 1960s and 1970s used malapportionment to weaken urban electoral and legislative interests, whether Peronist or not.

### Brazil

In contrast to the pattern seen in Argentina, where malapportionment in the lower chamber was not an enduring problem until the 1940s, the roots of lower-chamber malapportionment in Brazil reach back to the nineteenth century, when the country was ruled as a constitutional monarchy. Although Brazil's constitution of 1824 did not establish clear procedures for parliamentary representation of the imperial provinces, Table 4.2 shows that Brazil's lower chamber was already highly malapportioned prior to the advent of the highly federalist "Old Republic" in 1890. In the latter half of the nineteenth century, prominent Brazilians argued that the lower chamber ought to be reorganized according to principles of population, as in the United States (Bastos, 172, cited in Porto 1989, 139). Still, while the population of the important states of Minas Gerais, Rio de Janeiro, and São Paulo (especially the latter) began to increase rapidly, malapportionment was never corrected under the empire.<sup>24</sup>

The monarchy was overthrown in 1889, and Brazil's 1891 constitution institu-

tionalized the existing malapportionment by allocating a minimum of four deputies to each state. Nevertheless, during the 1891–1930 period, known as the “Politics of the Governors” for the highly decentralized federal character of Brazilian politics during this phase, the booming states of São Paulo and Minas Gerais, which dominated the country politically and economically, were underrepresented to a lesser extent than during any other period (Nicolau 1997, table 2). This pattern jibes well with the standard understanding of the period as the “Coffee and Milk” era, a term that refers to those two states’ dominance of the country.

The “Old Republic”—along with the dominance of São Paulo and Minas Gerais—was overthrown in 1930, and in 1933 a constitutional assembly was held using the same seat distribution as in the Old Republic. However, President Getúlio Vargas and his allies at the time aimed to reduce the power of the “Coffee and Milk” state elites, and the members of the constitutional assembly from other states thus decided to decrease São Paulo’s and Minas’s proportion of seats. This constitution lasted only briefly, as Vargas declared it null and void in 1937 and ruled as dictator for the next eight years.

The prejudice against São Paulo and Minas Gerais continued when competitive elections and mass suffrage were finally established after Vargas’s overthrow in 1945. At this point we begin to see striking parallels between the Argentine and Brazilian stories. Elections were held for another constitutional assembly, and the seat distribution used to elect the members of the assembly was the same as for the 1934 constitution, which meant that São Paulo and Minas Gerais were underrepresented prior to the beginning of deliberations for the new constitution.

Fleischer (1994) reports that the apportionment of seats was one of the “hot” issues discussed in the 1946 constitutional convention. Because economic and demographic transformations during the 1930–45 period of Getúlio Vargas’s dictatorship had continued to favor Minas Gerais and São Paulo (for example, São Paulo’s population increased from 15 to 18 percent of the national total), members of the constitutional assembly from the smaller states “attempted to avoid the return of the ‘coffee and milk’ dynasty (Fleischer 1994, 6) and thus decided to increase the minimum number of federal deputies per state to seven. States would be entitled to an additional deputy for every 150,000 people, up to twenty deputies. In addition, in a jab specifically aimed at São Paulo, if a state were entitled to more than twenty deputies, it received only an additional deputy for every 250,000 people (Nicolau 1997, 444). Thus, the 1946 constitution increased malapportionment relative to the

1934 constitution and particularly prejudiced Brazil’s economically most important state.

Malapportionment would have important political consequences during the 1945–64 competitive period. Fleischer (1994, 9) argues that malapportionment, along with nonconcurrent presidential elections, “distanced the executive from the legislative branch . . . resulting in a virtual institutional impasse” at times between the president and the legislature. Citing numerous Brazilian scholars who noticed this pattern, he also notes the impact of malapportionment on the composition of the dominant support base for each branch of government: urban for the executive branch, and rural for the legislative branch. In this way, malapportionment may have contributed to the ongoing executive-legislative tension in Brazil that culminated in a military coup in 1964.

During Brazil’s 1964–85 military dictatorship, the government initially attempted to limit the power of both the conservative rural elites and the radical opposition, but following disastrous electoral defeats for its “pet” party (ARENA) to the opposition MDB party in 1970 and especially 1974, the military reversed its policy and implemented a series of changes in the electoral law intended to strengthen their conservative congressional allies and weaken the mainly urban-based opposition (Fleischer 1994, 23).

First, in 1977, they placed a *maximum* on the number of deputies a state could have. In practice, this new ceiling only affected São Paulo, the center of student and labor activism in the 1960s and 1970s, and thus increased the relative weight of the legislative delegations from the poorer and rural regions of the country, where government supporters were stronger. Second, the regime split the state of Mato Grosso into two states, creating the new state of Mato Grosso do Sul, which gave three additional senators and seven deputies to a politically conservative region.

In 1982, just prior to the reinstatement of democratic elections for governors and federal deputies, the military regime made additional adjustments that favored its allies. The military increased the minimum number of seats to eight per state and the maximum number of seats to sixty. This change further advantaged overrepresented states, only marginally improving São Paulo’s situation, because under a fairly apportioned system it would have been entitled to 101 seats.<sup>25</sup> In addition, the military created the new state of Rondônia in the poor and generally conservative Northern region, thereby adding another eight deputies and three senators to the ranks of conservatives.

The strategy of regressive reapportionment through increasing the weight of already overrepresented regions in the Brazilian Congress did not end with the demise of the military regime. In 1988 the new democratic constitution increased the maximum number of deputies per state to seventy, although São Paulo would not elect this many deputies until 1994. However, between 1985 and 1990 six new states were created, adding forty-eight deputies (about 10 percent of the total) and eighteen senators (about 20 percent of the total). The creation of these new states added deputies and senators to three less developed, rural regions. By contrast, São Paulo's deputies have been unsuccessful in their efforts to gain further increases in the number of seats allotted to their state, and the state remains sorely underrepresented. Currently, the states that comprise the underdeveloped North, Northeast, and Center-West regions hold 42 percent of the population, yet control 51 percent of the lower-chamber seats (as in Argentina, the situation is much worse in Brazil's Senate).

In sum, lower-chamber malapportionment was already an established part of Brazilian politics in the nineteenth century. While Argentina institutionalized high levels of malapportionment in the 1940s and 1950s, Brazil continued a well-established pattern of severe malapportionment during those decades. In both countries, democratic and authoritarian governments alike used malapportionment to strengthen conservative, rural elites and weaken urban-based, reformist groups.

#### *Chile*

The evolution of malapportionment in Chile took a course similar to that in Argentina and Brazil, despite Chile's far smaller population and unitary (rather than federal) institutional design. As in Argentina, progressive reapportionments were carried out periodically in Chile during the nineteenth and early twentieth centuries. As seen in Table 4.2, malapportionment varied over time in Chile prior to the 1930s, by which time Chile had taken steps to reduce malapportionment in the lower chamber.

However, in a pattern of rural bias strikingly similar to that seen in Argentina and Brazil, the primarily urban Santiago province has received an increasingly smaller share of the seats in the lower chamber since the emergence of truly competitive elections in the late 1930s. Despite the fact that Chile's 1925 constitution established clear rules that required a progressive reapportionment of the lower chamber after national censuses (taken in 1940, 1952, and 1960), no such reapportionment was implemented between 1937 and 1973. The absence of progressive reapportionment

during this period resulted in "naturally" increasing levels of malapportionment because of Santiago province's faster-than-average population growth (Cruz-Coke 1984, 27). Chile also enacted a slightly regressive reapportionment in 1969, when it added three new seats to already overrepresented districts.

The failure to implement progressive reapportionment in Chile can be explained largely as a consequence of the fears that centrist and rightist political elites had about giving urban interests a greater influence in the national legislature. McDonald (1969, 457) writes that Chile's presidents "deviously avoided reapportionment responsibility" and that the censuses were "rejected on technicalities for political reasons."<sup>26</sup> He argues that an implicit agreement was reached to avoid redistricting and thereby placate representatives from rural provinces who complained that Santiago was becoming wealthy while the rest of the country stagnated (470).<sup>27</sup>

The consequences of malapportionment in Chile paralleled those seen in other Latin American countries: parties with urban bases were penalized. Caviedes (1979, 53) writes that "From the point of view of distributing a party's political efforts, it required more effort to gather votes from the urban population than to conquer an electoral clientele in the agricultural provinces. . . . [Consequently] the parties that suffered most [from malapportionment] were those that drew their clientele chiefly from urban centers." Loveman (1986, 240) argues that the key to the stability of Chilean democracy through the 1960s was the urban bourgeoisie's fear of outright confrontation with labor and its consequent disposition to compensate rural landowners. One way this compensation of rural elites may have been accomplished is by ignoring the constitutional requirement for reapportionment, although verification of this supposition will have to await further research.

The rural bias of the electoral system still exists in Chile. In fact, malapportionment in Chile's lower chamber is actually higher now than it was prior to 1973. In part, this increase in malapportionment is a legacy of General Augusto Pinochet's military regime (1973–90). Just before leaving office, Pinochet ordered the design of a new electoral system that favored conservative parties (Garretón 1991). In addition to favoring the second-place finisher (usually a conservative) in each district, the system also dramatically overrepresented rural areas and discriminated against Santiago. Districts with just 35 percent of the population currently control 50 percent of the lower-chamber seats. In addition, although Chile is not federal, its Senate is highly malapportioned.

In short, as in Argentina and Brazil, democratic and authoritarian leaders in Chile

have failed to implement progressive reapportionment since the end of the 1930s. Instead, when political elites have acted to reapportion the electoral system, they have done so in a regressive way that deliberately overrepresents rural areas and underrepresents urban areas.

### Strategic Uses of Apportionment

The empirical material above shows that malapportionment has served as an important weapon in the strategic arsenals of Latin American politicians for more than a century: elites have used their control over legislative apportionment to weaken opposition and strengthen supporters, and to build “strange bedfellows” coalitions.

Malapportionment can serve as a powerful tool for weakening opposition groups. The bureaucratic-authoritarian regimes in Argentina, Brazil, and Chile in the 1960s and 1970s provide perhaps the most vivid examples of how malapportionment can serve as a tool for weakening progressive opposition forces. In each country we see striking examples of how malapportionment undercut the electoral influence of urban groups.

The flip side of malapportionment’s weakening of politically progressive opposition groups is its strengthening of conservative forces. In all three cases malapportionment served to increase the representation of less developed, more rural areas that tended to send conservative representatives to the national legislatures. Frequently, these regressive reapportionments occurred just prior to the military regimes’ exit from power and were obviously intended to institutionalize a strong conservative bias in the political arena. If Latin American lower chambers had been fairly apportioned in the past, history might have been different.

Yet malapportionment has also been used (or, conversely, a decision to reapportion has been avoided) under democratic auspices in Latin America, and there is no clear correlation between the “type” of democratic leader or party and the “progression” or “regression” of malapportionment. For example, although Argentina, Brazil, and Chile have had populist, socialist, moderate, and conservative presidents since 1945, none have taken significant steps to correct malapportionment, and many have acted to make it worse. Apportionment has thus been utilized by both democratic and authoritarian elites in Latin America to penalize urban, progressive interests or, as in Perón’s case, to bolster a populist national coalition.

The use of malapportionment by politicians of different political orientations

points to another important way that malapportionment has been utilized by political elites in Latin America: malapportionment has served as a key political weapon for building “strange bedfellows” legislative coalitions. Scholars have highlighted Perón’s explicit attempt to include Argentina’s rural, poor, and sparsely populated regions in his “populist” project, and a similar alliance has characterized the PRI in Mexico (Gibson 1997). Likewise, in Brazil, the attack on São Paulo during the 1946 constitutional convention was part of a strategy that Vargas and his allies adopted that aimed to deactivate and fragment São Paulo labor while simultaneously activating labor elsewhere. Vargas organized the urban labor-based Partido Trabalhista Brasileiro (PTB) and attempted to control this party and thereby channel labor demands (Campello de Souza 1976). However, Vargas never focused the PTB’s organizing efforts on São Paulo. Although São Paulo had the largest labor movement, it was historically more independent of state direction. Moreover, São Paulo was the center of communist party activity. Consequently, the PTB was never strong in São Paulo. Like Perón, Vargas also attempted to tie the fate of his populist political party (that is, the PTB) to a conservative rural-based organization (the Partido Social Democrático, PSD) (Delgado 1989), albeit with much less success.

We would thus extend Gibson’s “strange bedfellows” notion to Brazil, Chile, and potentially elsewhere. Malapportionment appears to have been one tool that governing elites in Latin America used to “contain” urban-popular pressures during the 1950s and 1960s. Today, after decades of rural-urban migration, malapportionment continues to enhance the power of rural politicians in national legislatures. In cases such as Argentina, Chile, Brazil, Ecuador, Bolivia, and Mexico, politicians with metropolitan support bases still cannot hope to govern without forming an alliance with politicians from peripheral regions. The next section elaborates this theme.<sup>28</sup>

### Malapportionment and the Quality of Democracy

In addition to the important normative issues raised by the problem of unfair elections, malapportionment also has major practical consequences for how democracy works in contemporary Latin America. Specifically, the high levels of malapportionment in many Latin American countries have fostered (1) a rural-conservative bias in legislatures, (2) estrangement of the executive and legislative branches, (3) the proliferation of subnational authoritarian enclaves, and (4) a strong capacity for subnational elites to “hold the center hostage” with regard to major policy issues.

### Rural-Conservative Bias

Our evidence shows that malapportionment characterizes many Latin American national legislatures. This has resulted in a heavy legislative overrepresentation of rural interests, and not just in the upper chambers, where it might naturally be expected.<sup>29</sup> This rural-conservative bias is not only a result of centuries-old domination by conservative landed elites who engineered an institutional bias against emerging urban classes, but also of the military bureaucratic-authoritarian regimes of the 1960s and 1970s in Argentina, Brazil, and Chile. These regimes left a strong institutional legacy of rural bias in legislatures that has persisted in the contemporary democratic period.<sup>30</sup> Thus, a variety of factors conspire to maintain a *rural-conservative* bias in many lower chambers of Latin American legislatures.

Moreover, in malapportioned systems, an increase in the share of the total population residing in urban districts can paradoxically *strengthen* the hand of rural interests, because the amount of pork-barrel funds required to "purchase" legislative support should decrease as rural areas acquire relatively smaller populations. For example, as an overrepresented rural district loses people, the "cost" in terms of pork of buying the district's support should decrease, thereby making it an attractive source of "cheap" support for coalition builders at the national level.<sup>31</sup> The pro-rural legacies of existing malapportionment combined with out-migration from rural to urban areas has greatly strengthened the influence of rural-conservative interests in many Latin American legislatures.

### Estrangement of the Legislative and Executive Branches

Some scholars have praised presidential systems for their ability to combine distinct kinds of representation—for example, the legislature can be "representative of the diversity of the society and polity" (Shugart and Carey 1992, 286), while the executive can represent the nation as a whole. However, the evidence from Latin America suggests that where legislatures are malapportioned, such combinations can foster paralyzing impasses among branches of government. Malapportionment in Latin America fosters a "ruralization" of lower chambers, yet presidential elections in the region are organized in ways that conform far more closely to the one person, one vote principle, typically relying on a single, national district.<sup>32</sup> Because the president's district is essentially the entire nation, presidential candidates have strong in-

centives to build their electoral coalitions in regions with the largest absolute number of voters, which over the course of the last century have increasingly been urban areas. Consequently, presidents seek and gain most of their support from urban constituencies, whereas legislatures are dominated by rural interests. This difference in bases of support can contribute to an estrangement of the legislative from the executive branch.<sup>33</sup>

The urbanization of the executive branch and the contrasting ruralization of the legislative branch may help explain the stalemate and gridlock that so often characterize legislative-executive relations in Latin America, both in the past and in the contemporary period. In systems with severe malapportionment that advantages rural areas in legislative elections, presidents often face powerful tensions between the dual imperatives of building an urban-based *electoral coalition* and forging a rural-based *governing coalition*.<sup>34</sup> For example, in Brazil, no presidential candidate can hope to win without doing very well in São Paulo, Rio de Janeiro, and Minas Gerais, which together comprise 43 percent of the electorate. If a candidate concentrates his campaign in those three states and wins, he may have earned significant legislative support from those states, but those states only control 33 percent of the seats in the Chamber of Deputies. Constructing a viable governing coalition may thus require newly elected presidents in countries with high levels of malapportionment to overcome the challenge of incorporating new rural allies without alienating the urban constituencies that brought them to power.

A failure to manage this challenge can have profound consequences for democracy. For example, the distinct geographic support bases for the Brazilian legislative and executive branches led to a distancing between the two branches that contributed to the breakdown of democracy in 1964 (Fleischer 1994). A similar problem existed in Chile—Loveman (1986, 239) argues that Chilean presidents were forced to moderate their electoral promises once in office because of their "dependence on the Right for essential legislation." This dynamic also occurred in Argentina, Ecuador, Bolivia, and Mexico. Ruralization of legislatures as a result of severe malapportionment may also help explain why many recent Latin American executives so often bypass legislatures and rule by decree.<sup>35</sup>

The task of building a governing coalition that caters to rural interests—a requirement that stems from the ruralizing effects of malapportionment in the national legislature—creates strong incentives for presidents to channel patronage payoffs to rural areas in order to purchase legislative support (Ames 1987; Gibson 1997;

Gibson, Calvo, and Falleti, this volume). To avoid a paralyzing estrangement of the legislative and executive branches, presidents in countries that heavily overrepresent rural areas may thus find themselves compelled to retreat from their campaign promises and resort to clientelist politics of appeasement toward rural interests.

#### *Proliferation of Subnational Authoritarian Enclaves*

Malapportionment also has an important impact on subnational politics in Latin America. In new democracies overrepresentation of rural districts can contribute to the maintenance—and even proliferation—of nondemocratic enclaves at the subnational level. Malapportionment can compel pro-democratic elites at the national level to tolerate subnational authoritarian enclaves because these elites rely on overrepresented regions to secure the national legislative majorities they need to achieve their policy goals. Ironically, the ability of leaders at the national level to implement and consolidate democratic reforms in a highly malapportioned system may therefore depend on winning the overvalued support of subnational authoritarian elites.<sup>36</sup> At the same time, overrepresentation of subnational authoritarian enclaves in national legislatures may strengthen the ability of these subnational elites to fend off efforts by external groups seeking to reform local politics.<sup>37</sup> Such a dynamic has been especially apparent in the case of Brazil, where, as Alfred Stepan (2000, 165) notes, “many of the states that are overrepresented in the federal legislature are precisely those states with particularly unequal income distribution and strong traditions of local oligarchic control.”

#### *Holding the Center Hostage*

Federalism may allow less populated regions to “hold the center hostage” to its desires, because the senate in federal systems typically overrepresents less populated regions and can thus exercise a policy veto. We would add that lower-chamber malapportionment serves the same purpose, in both federal (e.g., Argentina and Brazil) and nonfederal systems (e.g., Chile, Colombia, Ecuador, Bolivia). The overrepresentation of rural constituencies strengthens the capacity of politicians from the periphery to extract fiscal favors from the center (that is, from national-level elites). This extractive capacity can contribute to the construction and maintenance of “peripheral populist” regimes even in the face of an overall national policy environment

characterized by fiscal austerity and neoliberal budget shrinking.<sup>38</sup> As illustrated by the Mexican and Argentine cases, the possibility for subnational populist regimes seems especially strong in federal systems with severe malapportionment.<sup>39</sup>

#### **Can Latin America Achieve Fair Elections? Strategies for Reducing Malapportionment**

The pernicious normative and practical consequences of malapportionment in Latin America highlight the importance of considering possible “treatments” for this formal pathology. What strategies exist for reducing malapportionment? In addressing this question, we limit our discussion to methods for reducing malapportionment that have actually been used, and we focus specifically on two strategies: (1) establishing judicial oversight of reapportionment, and (2) electoral law reform.

#### *Judicial Oversight of Reapportionment*

Judiciaries have become involved in reapportionment decisions in several countries, most notably the United States. Prior to 1962, significant *intrastate* malapportionment existed in the U.S. House of Representatives. Near-zero malapportionment in the House has only been achieved since the U.S. Supreme Court affirmed in a series of decisions beginning with *Baker v. Carr* in 1962 that the votes of all citizens must count equally, which meant that all districts must (to the degree possible) have equal populations (Cain 1984; Balinski and Young 1982).<sup>40</sup>

After the Supreme Court’s decisions of the early 1960s, either a federal or a state court could declare a state’s districting plan null and void. This right of judicial review over districting plans dramatically altered the strategic situation facing politicians involved in the reapportionment process (i.e., incumbent state legislators and governors). If the courts declared a districting plan null and void, they gave the legislature and the governor a deadline, and if the legislature and governor failed to reach an agreement by the deadline, the court would impose a plan. Sometimes the plan to be imposed was clear *ex ante*, sometimes not—a situation that created tremendous uncertainty for all incumbent legislators, from both parties. All politicians sought to limit their individual uncertainty. In states that lost seats they knew somebody would lose, but they wanted to have some control over their own futures

rather than have a random outcome imposed by the courts. In short, judicial review of apportionment decisions forced a situation in which all the political actors involved in the reapportionment process had a powerful incentive to agree to a plan for progressive reapportionment in order to avoid having the decision fall to the courts.<sup>41</sup>

High courts have also influenced apportionment in Japan and Germany (Hata 1990). Prior to 1993, Japan had a serious problem with malapportionment, and the Japanese Supreme Court acknowledged that this problem violated the country's constitution. However, elections continued to be held under "unconstitutional" rules, and the court refused several voters' requests to halt elections or vacate their results. Moreover, the court never attempted to force the Diet to carry out a progressive reapportionment. Japan enacted a progressive reapportionment only when it altered its entire electoral system in 1993.

The judicial option for controlling malapportionment proved feasible in Germany, however, where the court found in favor of a suit challenging the 1961 election results because of egregious malapportionment. The court did not invalidate the previous election but declared that it would invalidate the 1965 election unless the Bundestag reapportioned its seats, which it did in 1964 (Hata 1990).

What are the implications of the U.S., Japanese, and German cases for how malapportionment could be reduced in Latin American countries? First, it should be noted that the notion of judicially mandated progressive reapportionment presupposes that courts (whether local, state, or national) are insulated from partisan influence. Otherwise, the prospect of judicial review would not necessarily induce politicians to act to avoid the legally defined default outcome (as happened in Japan until 1993). If the courts are exposed to political pressures and operate as reliable agents of partisan interests, then judicial oversight of the reapportionment process is unlikely to serve as an effective mechanism for reducing malapportionment. In such a scenario, court-imposed plans—like politically engineered plans—are likely to manipulate malapportionment in order to generate strong partisan biases.

The cases of the United States, Japan, and Germany also demonstrate that unless the courts can credibly threaten either to redraw the districts themselves or invalidate an election, the judicial option for regulating malapportionment will have little effect (except in the unlikely instance that incumbent politicians are more concerned with fairness than with their own political careers). Thus we remain skeptical of the judicial oversight option in Latin America, where the relative weakness of most ju-

diciaries poses serious obstacles to the successful implementation of progressive reapportionment through a challenge to the electoral law.

A Latin American perspective also reminds us that judicial autonomy should not be taken for granted. In many Latin American countries, courts are notorious both for their politicization and for their weakness.<sup>42</sup> Consequently, most Latin American judiciaries may simply lack the autonomy needed to define a credible legal default point that could induce politicians to implement progressive reapportionment. The strategy of reducing malapportionment through judicial oversight, therefore, does not seem especially promising in contemporary Latin America.

However, it should be emphasized that the Latin American cases do show that an autonomous judiciary is by no means a necessary condition for implementing progressive reapportionment: countries such as Honduras, Paraguay, Uruguay, and Peru have achieved remarkably low levels of malapportionment despite having judiciaries that are certainly no more autonomous than those in Latin American countries with high levels of malapportionment.

Since the judicial oversight strategy for reducing malapportionment does not seem especially feasible in contemporary Latin America, a more promising alternative would be to create a neutral, nonpartisan electoral commission that is legally obligated to reduce lower-chamber malapportionment. This strategy for reducing malapportionment has been employed effectively in Mexico, where the Federal Electoral Institute (IFE) has exercised full authority over redistricting decisions since 1996 and has helped compensate for the weakness of the Mexican judiciary. In July 1996 IFE's top governing body, the General Council, unanimously approved a lower-chamber redistricting plan—designed by a committee of nonpartisan technical experts with impressive academic and professional credentials—that significantly reduced malapportionment in anticipation of the 1997 elections. Mexico's political parties also played a key role in designing the plan. Their representatives were invited to comment on drafts of the plan, and some of their suggestions were incorporated into the final version, contributing to the plan's undisputed acceptance (Lujambio and Vives, 2000).

This approach to reducing malapportionment could work in other Latin American countries, where the judiciary lacks the capacity to enforce the "one person, one vote" principle. In assessing the prospects for replicating the "IFE model" in other countries, it is important to highlight that IFE had its roots in the allegedly stolen presidential victory of Institutional Revolutionary Party (PRI) candidate Car-

los Salinas in 1988. In exchange for recognizing Salinas's legitimacy, the opposition National Action Party (PAN) successfully demanded a package of electoral reforms, including the formation of an independent electoral commission (Domínguez and McCann 1995, 118–19), which suggests that effective independent, nonpartisan electoral commissions emerge out of partisan competition and may require an inter-party pact.

#### *Electoral Law Reform*

Here we focus on three potential options for electoral law reform: reapportionment, the adoption of a single-district chamber system that elects all representatives in an at-large election, and the adoption of a mixed-member electoral system like Germany's.

#### *Reapportionment*

The most obvious method for correcting malapportionment is simply to reallocate seats across districts. However, in the absence of judicially mandated reapportionment, these decisions are politically difficult to engineer. Indeed, because reapportionment is such a volatile issue, reapportionments may be feasible only as part of a larger electoral reform package. Such agreements typically require complex negotiations and cross-partisan agreement to avoid a "winner-take-all" situation where losers would face permanent disenfranchisement and would therefore have compelling incentives to undermine any proposed agreement. For example, Britain's extensive reapportionment in 1885 was but one piece of the Third Reform Act, which included a broad expansion of suffrage and was the product of a negotiated inter-party pact (McLean and Mortimore 1992).

To our knowledge, reapportionment initiatives have not been linked to broader proposals for electoral and institutional reform in Latin America, but this could be a viable strategy for reducing malapportionment. Such reform proposals might even include provisions for creating the kind of nonpartisan electoral commission discussed above to manage the apportionment process in a neutral fashion. Because the problem of malapportionment in countries like Brazil seems so closely connected with other institutional flaws, such as a fragmented party system and overly decentralized federalism, correcting malapportionment could become part of a wider

package of reforms that would significantly enhance the quality of democracy, economic efficiency, and socioeconomic justice.<sup>43</sup>

#### *Single-District Chambers*

Another potential option is to abandon an electoral system with multiple districts by adopting a single nationwide district, as Israel and the Netherlands have done. In Latin America only Peru has adopted this system for its lower chamber. In 1993 President Fujimori abolished Peru's Senate and created a unicameral national legislature by executive fiat, thereby eliminating malapportionment altogether. Three other Latin American countries have eliminated malapportionment in their Senates by moving from a multidistrict to a single-district format (Colombia, Paraguay, and Uruguay). Is this a viable option for reducing malapportionment?

Before answering that question, we should first ask whether there are advantages to having chambers with multiple, territorially defined electoral districts rather than a single national district. Should the goal of perfect apportionment be balanced against other objectives that require multidistrict chambers? Although they eliminate malapportionment, single-district chambers may also weaken "citizen control" over representatives by making it more difficult for voters to assign clear responsibility to specific legislators and punish specific legislators for their actions.<sup>44</sup> Such a weakening of citizen control raises troubling issues with regard to the accountability of elected officials: because each legislator is accountable to everyone (i.e., the entire electorate) she or he may, in fact, be accountable to no one. Because citizens lose the sense that a particular legislator "belongs" to them, they should have relatively fewer incentives to monitor and punish the performance of individual legislators selectively. Thus the ability of the "electoral connection" to serve as a mechanism of accountability may be severely attenuated in systems with single-district chambers. This would be especially unfortunate in countries where accountability is already a crucial problem (O'Donnell 1994). The achievement of perfect apportionment and fair elections via the strategy of moving to a single-district chamber may therefore be purchased at the significant price of weakening the accountability of incumbents to constituents.<sup>45</sup> This tension deserves further study.

Another, more practical problem exists: the fact that seven of the eight countries in our sample that opted for single national districts in one or both chambers are fairly small in size and population suggests that the ideal of "perfect apportionment"

may not work for larger countries, because of historic or constitutional attachments to representation of territorial units.<sup>46</sup> However, this does not mean that lower chambers ought to *overrepresent* certain territorial units, particularly in bicameral systems.

Another practical problem involves the politics of converting a multidistrict system into a single-district chamber. In a single national district, every candidate competes in an at-large election. Given the strong aversion that incumbent legislators who compete in a subnational district would have against competing in an at-large election (see above), it is puzzling that legislators would gleefully accede to the elimination of "their" districts.<sup>47</sup> Of course, eliminating *all* members' districts may be a less thorny task than selectively eliminating only *some* members' districts. One can therefore imagine a bargain in which each incumbent agreed to give up his or her district as long as all other incumbents were compelled to do the same. Still, the relative benefits that individual incumbents would have reaped from making such a move are unclear. In this regard, an in-depth study of Uruguay's move to a single national district in the Senate in 1938, as well as Colombia's and Paraguay's more recent adoption of a single national district for their senates, would be interesting.

The Peruvian case illustrates an alternative path from multi- to single-district chambers. As noted above, Fujimori imposed this institutional reform by executive fiat. This authoritarian mode of eliminating malapportionment underscores the point that just as high levels of malapportionment can coexist with key components of the democratic process (as discussed above), perfect apportionment can also coexist with decidedly undemocratic processes. Whether Fujimori's authoritarian reapportionment has ironically left a strong foundation for fair elections in the wake of his removal remains to be seen.

Although a single national district fully eliminates malapportionment, such a system may be impractical for many countries and also counterproductive for the goal of ensuring fair democratic representation. Thus, we do not generally advocate this option.

#### *Adding Tiers: The German Model*

Several Latin American countries have recently adopted a "two-tiered" electoral system that combines elements of both single-member district (SMD) systems and pro-

portional representation (PR) systems. For example, Mexico elects three hundred deputies in a tier of SMDs and two hundred additional deputies in a second tier of five forty-member PR districts. Venezuela and Bolivia have recently adopted similar systems, and mixed-member proportional systems are often proposed as an alternative to Brazil's open-list PR framework.

Countries do not typically adopt such systems with the goal of reducing malapportionment. Rather, the objective is to guarantee the representation of minority parties that would fail to win a plurality in any single district because their base of support is geographically dispersed. Nevertheless, a mixed system could serve to reduce malapportionment, depending on the number of seats added to the second tier and whether or not the second-tier seats are allocated to a nationwide district (see Samuels and Snyder 2001).

Mixed systems significantly reduce malapportionment only if the number of seats in the second tier is substantial. For example, adding a tier with twenty seats elected in a nationwide district to a malapportioned legislature with three hundred seats would have only a slight effect on the overall level of malapportionment. Moreover, a mixed system will reduce malapportionment only if the upper tier allocates seats exclusively to a nationwide district (as in El Salvador and Nicaragua). By contrast, tiers that distribute seats to *subnational* (provincial, state, or regional) districts may actually *increase* overall malapportionment (as in Bolivia and Venezuela).<sup>48</sup> For example, if Brazil adopted a system at the state level, and maintained the distribution of seats across states, malapportionment would remain about the same. On the other hand, if a country elected national deputies in a single at-large district in addition to deputies in SMD or PR districts, malapportionment would be attenuated.

The strategy of allocating a large number of seats to a nationwide district has several advantages. First, it can be implemented in the context of a chamber with multiple, territorially defined electoral districts. Consequently, a far greater degree of citizen control over legislators is possible than in the case of a single-district chamber. Second, a tier of new seats can easily be added to the legislature without taking away any existing seats. This possibility reduces the likelihood of opposition from incumbent legislators concerned about protecting their districts. In short, because courts generally lack the capacity to supervise the reapportionment process in a nonpartisan fashion, the strategy of adding a tier may offer the best solution to the problem of malapportionment in Latin America.

## Conclusion

Malapportionment pervades lower chambers in many Latin American legislatures. This violates one of the principal tenets of democratic theory, that all citizens' votes should be weighed equally. Consequently, many elections in contemporary Latin America are unfair. We have therefore argued that malapportionment is an important, formal flaw of Latin American democracies.

This chapter provided conceptual tools for the comparative study of malapportionment and analyzed the historical evolution of malapportionment across several Latin American countries. The comparative analysis highlighted the varied ways in which elites have deployed malapportionment as a political weapon for advancing their interests. We also explored the troubling implications of malapportionment for how democracy works in contemporary Latin America. Finally, we considered alternative strategies for reducing malapportionment, a necessary step for making elections in Latin America more democratic.

Our critique of malapportionment is anchored in the view that elections should, first and foremost, represent the will of individual citizens. Of course, alternative conceptions of representation exist—for example, that legislators should represent corporate or territorial units. Although few instances of corporate representation remain in Latin America,<sup>49</sup> the constitutions of many Latin American countries do explicitly provide for representation of territorial units in the upper chamber. Such “territorial” chambers are intended to protect the interests of less populated regions. A high degree of malapportionment may be necessary to achieve this objective, which is certainly a legitimate democratic goal.

Yet while malapportionment may be warranted in the upper chamber, there is no normative justification for unfairness in the lower chamber. The lower chamber should be based upon “one person, one vote,” with citizens represented as political equals. Because many Latin American countries have high levels of malapportionment in both their upper and lower chambers, they essentially have two territorial chambers, and *none* in which citizens’ votes count equally. As we have argued, this situation has had a negative effect on the quality of democracy in the region. Latin America’s democracies should transform the *principle* of one person, one vote into *practice* by solving the problem of malapportionment in their lower chambers.

## APPENDIX: CONSTITUTIONAL APPORTIONMENT RULES IN LATIN AMERICA

- Argentina: Article 45 of the 1860 constitution stipulates that each province shall have one deputy for every 33,000 inhabitants or fraction that exceeds 16,500 inhabitants. The constitution declares that after each census Congress can set a different number, with the stipulation that it can increase but not decrease the ratio between population and the number of deputies.
- Belize: no such constitutional rule.
- Bolivia: Article 60 of the 1967 constitution states that single-member districts shall be based on population and that the National Electoral Court will delimit the single-member districts. Furthermore, the constitution states that the distribution of seats to each department shall be determined by law, with the population of each department serving as the basis for the calculation, in accordance with the last national census. The constitution adds that a law shall assign a minimum number of seats to those departments with a lower population and a lower degree of economic development.
- Brazil: Article 45 of the 1988 constitution stipulates that each state shall have a minimum of eight and a maximum of seventy deputies. A supplementary law may reapportion the number of deputies to each state in accordance with population.
- Chile: no such constitutional rule.
- Colombia: Article 176 of the constitution states that there shall be a minimum of two representatives for each territorial circumscription, plus an additional deputy for each 250,000 inhabitants and fraction larger than 125,000 that exceeds the first 250,000.
- Costa Rica: Article 106 of the constitution states that seats shall be apportioned to provinces according to their population, that each province shall have a minimum of one representative, and that after each new census, the High Electoral Court shall conduct a reapportionment.
- Dominican Republic: Article 24 of the constitution states that each province shall have one deputy for every fifty thousand inhabitants, or fraction larger than twenty-five thousand inhabitants, but in no case shall a province have fewer than two deputies.
- Ecuador: Article 126 of the constitution states that each province shall elect a

minimum of two deputies and one more deputy for each 200,000 inhabitants or fraction larger than 150,000 that exceeds the first 200,000. The number of inhabitants that serves as the basis for the election shall be established by the most recent national census, which shall be conducted every ten years.

- El Salvador: no such constitutional rule.
- Guatemala: Article 157 states that each electoral district shall have a minimum of one deputy, and that a law shall establish the number of deputies for each district according to each district's population.
- Honduras: Article 202 of the constitution states that seats shall be apportioned to provinces according to their population, that each province shall have a minimum of one representative, and that Congress shall have the power to change this law.
- Mexico: Article 53 of the constitution states that the demarcation of the three hundred single-member districts shall be based on the most recent general census, with the stipulation that no state can have fewer than two deputies.
- Nicaragua: no such constitutional rule.
- Panama: Article 141, sections 1–5 states that each department shall have a minimum number of deputies, and that each department shall gain an additional deputy per thirty thousand persons or fraction greater than ten thousand persons after the first thirty thousand.
- Paraguay: Article 221 of the constitution states that each department shall be represented by at least one deputy. The Superior Tribunal of Electoral Justice, prior to each election and in accordance with the number of registered voters in each department, shall establish the number of seats in each department.
- Peru: the unicameral legislature is elected in a single, nationwide district.
- Uruguay: Article 88 of the constitution states that each department shall have at least two representatives. A law can modify the number of representatives, but this requires a two-thirds vote of all members of each house of Congress.
- Venezuela: Article 151 of the constitution stipulates that each state shall elect at least two deputies, and each territory shall elect one deputy.

#### NOTES

The authors share equal responsibility for this work. We thank Sebastian Mazzuca, Gerardo Munck, and Matthew Shugart for comments.

1. On democracy as an "essentially contested concept," see Collier and Levitsky (1997). According to Huntington (1991, 9), "Elections, open, free, and fair are the essence of democracy, the inescapable sine qua non."

2. Dahl (1971, 2) writes that the "unimpaired opportunity" of all full citizens to "have their preferences weighed equally" is a necessary condition for a democracy. Dahl also emphasizes as a "key characteristic" of democracy that citizens be considered "political equals." Dahl (1989, 109–11) includes "voting equality" as one of his "five criteria for a democratic process." He writes that "At the decisive stage of collective decisions [i.e., voting], each citizen must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by any other citizen" (109). He notes that voting equality is crucial because without it, "citizens would face the prospect of an infinite regress of potential inequalities in their influence over decisions, with no final court of appeal in which, as political equals, they could decide whether their interests, as they interpreted them were given equal consideration" (109–10). See also Rokkan (1970).

3. The following countries explicitly guarantee each citizen an equal vote in their national constitutions: Argentina (Article 37), Bolivia (Article 219), Brazil (Article 14), Chile (Article 15), Ecuador (Article 27), El Salvador (Article 78), Honduras (Article 44), Nicaragua (Article 2), Panama (Article 129), Paraguay (Article 118), Peru (Article 31).

4. See Samuels and Snyder (2001) for a study of the degree of malapportionment in seventy-eight countries.

5. Only five of seventy-eight countries in our sample have single, national districts—Israel, Peru, Namibia, the Netherlands, and Sierra Leone.

6. Because the rule of "equal representation" is part of the constitution in many Latin American countries (see the Appendix), the fit between one level of rules—the constitutional rules—and the actual electoral rules is loose. This is a formal-formal slippage, rather than a formal-informal slippage, as analyzed by O'Donnell et al. A focus on malapportionment highlights the gap between formal electoral rules that are applied and formal constitutional rules that are not applied.

7. Indeed, a looser fit between formal electoral rules of this type could actually strengthen democracy in some circumstances.

8. It should be noted that the idea that the effects of formal rules may be less visible than those of informal processes is somewhat counterintuitive.

9. At their worst, rotten or "pocket" boroughs had only one voter. See Cox (1987, 10).

10. The crafting of electoral rules in Latin American countries (and other developing countries) has been increasingly transformed into a "science," as teams of professional political scientists and mathematicians play larger roles in the design of electoral systems. This professionalization and technological upgrading of the process of designing electoral systems suggests that the strategic use of malapportionment to confer political advantages occurs in a far less blatant manner than in the past. This point can be seen in the differences between Mexico's electoral reform of 1989 and 1994, as analyzed by Balinski and Ramírez González (1996). They note that although the 1994 reform is a much more sophisticated and technically competent document, it nevertheless "reinforce[s] the advantages conferred on the one big political party [i.e., the PRI], though in not so evidently blatant a manner" (204). The principal-agent issues of accountability and control between

politician principals and their technician agents who are actually charged with writing the electoral rules are interesting to consider.

11. By contrast, *informal* pathologies, such as clientelism and particularism, may be less compatible with the procedural criteria of democracy. As Gunther, Diamandouros, and Puhle (1996, 159) point out, such factors may be "incompatible with the unhindered exercise of suffrage." The fact that malapportionment is less directly corrosive of these other elements may make it more difficult to detect.

12. Here, we follow Dahl's (1971, 1–3) threefold distinction between the formulating, signifying, and weighing of citizens' preferences.

13. Of course, a large number of single-country studies of malapportionment exist. See the references in Samuels and Snyder (2001).

14. The phenomenon of "reverse migration" out of the city and to the countryside or to provincial cities would be fascinating to consider. Moreover, even if a country *does* have regular procedures for reapportionment and uses these procedures to keep average malapportionment at low levels (e.g., the United States, Great Britain), it may nevertheless experience creeping malapportionment because citizens move around *between* reapportionments. For example, although the United States has very low average levels of malapportionment, the ten-year lag between federal censuses (which form the bases for reapportionment) causes significant variation in levels of malapportionment across congressional elections. The first postcensus election, which usually occurs in the second year of each decade, typically takes place under conditions of significantly lower malapportionment than the last precensus election (that is, the last election of each decade). Consequently, even in a system with robust, politically insulated procedures for correcting malapportionment, some elections are fairer than others in terms of the equality of the vote. In systems that lack such procedures, the problem of unfair elections can be much more acute.

15. Obviously, these tools are by no means mutually exclusive and are frequently used together.

16. In the United States, where the average population per seat is approximately 570,000, the smallest state (Wyoming) has a population of 480,000, about 80 percent of the average. In contrast, in Brazil the smallest state (Roraima) has a population that is only 4 percent of the *áverage*.

17. The largest district, the state of São Paulo, has seventy seats and a population 145 times larger than the smallest district, the state of Roraima, which has eight seats. This makes a vote in Roraima worth seventeen times as much as a vote in São Paulo.

18. As noted, the politics of increasing the total number of seats is obviously different from the politics of taking away seats, and *ceteris paribus* we would expect the former to be less contentious and, thus, politically preferable. The politics of taking away seats may be accompanied by "blame avoidance" strategies, such as obfuscation of responsibility for the fact that a seat has been lost, as well as by compensatory efforts on the part of those doing the taking away.

19. During certain periods, some countries (e.g., Argentina and Chile) established effective mechanisms for keeping malapportionment at relatively low levels.

20. We calculated malapportionment as per Samuels and Snyder (2001), using published electoral and census data, and used the most recently taken census prior to the year of the election, or,

if no census was available, the best population estimates available in published sources. Gaps in the data indicate either no election was held or data were unavailable.

The constitutions of all countries in this analysis except for Paraguay and Uruguay explicitly require that apportionment for lower chambers be based on district population. Paraguay's constitution apportions deputies according to the number of registered voters in each department (Article 221). Uruguay's constitution does not mention the issue, and we used the number of registered voters.

21. Perón's constitution was annulled when he was overthrown in 1955. Nevertheless, the principle of providing each province with a minimum number of deputies was maintained in Law 15264/59 of 1959 (Porto 1990, 182). Like many countries, Argentina gave territories some representation in the lower chamber even though they were not recognized as provinces. Further research is needed on the Frondizi presidency to discover why Buenos Aires province was not granted additional seats and why Perón's policies were continued and even exacerbated.

22. The military also stipulated that no province could have fewer deputies than it had as of 23 March 1976, when Perón was deposed (Porto 1990, 183).

23. Personal communication with Professor Mark Jones, 11 January 1999.

24. Scholars of Brazilian political history have attributed the origins of malapportionment to interstate political rivalries: in the last three decades of the nineteenth century the emperor strategically attempted to undercut the increasing influence of antimonarchical elements, which emerged primarily in the heavily populated states of São Paulo and Minas Gerais (Fleischer 1994, 3). On a more mundane note, Porto (1989, 139) argues that the primary reason for malapportionment was the infrequency of censuses and their poor quality when taken.

25. However, by this time, Minas Gerais was no longer dramatically underrepresented because its population had not grown as rapidly as São Paulo's. Only São Paulo was seriously disadvantaged.

26. For example, President Videla (1946–52) postponed the scheduled 1950 census until 1952 to avoid conflict, and President Alessandri (1958–64) delayed "official completion" of the 1960 census until 1964, "too late to implement a reapportionment for the 1965 congressional elections" (McDonald 1969, 458).

27. McDonald is not explicit about who was involved in this implicit agreement or who rejected the censuses—the president or congressional leaders.

28. In their intriguing essays on the role of federalism in nation-building processes, Alfred Stepan (2001) and Juan Linz (1997) point to another strategic use for malapportionment. Stepan and Linz suggest that federal institutions can serve the purposes of "bringing together" and "holding together" political units that might not otherwise cohere as a single nation. Could malapportionment have played a similar role in helping stitch together Latin American nations in the nineteenth century? The deliberate creation of inequalities of representation through malapportionment may have given underpopulated regions a larger stake in joining a new nation where, in the absence of some kind of guaranteed overrepresentation, they stood to be permanent losers to more populated regions in the national political arena. The Brazilian case suggests the kind of role that malapportionment played in nation-building processes. As noted, Brazil's lower chamber was highly

malapportioned virtually since it was created in the early nineteenth century. In the context of the country's constitutional monarchy, the emperor strategically manipulated the distribution of seats in the legislature in order to undercut the strength of antimonarchical, centrifugal forces clustered in the heavily populated states of São Paulo and Minas Gerais, thus potentially helping to hold together the nation.

29. This rural bias almost always means a conservative bias; hence, we refer to rural-conservative bias.

30. Interestingly, the kind of rural bias created by malapportionment also characterized many European nations at an earlier stage of their history. Thus, Rokkan (1970, 165) notes that in Europe conservative urban elites in the cities found important allies in the countryside and preferred to stay underrepresented as long as their rural allies could help them in their fight against urban radicals.

31. See Gibson and Calvo (2000), who make a similar point with their notion of "low-maintenance" constituencies. Although the amount of resources from the national budget needed to buy the support of overrepresented, "low-maintenance" rural constituencies may indeed be small, buying these provinces can turn out to be extremely expensive over time, because of fiscal profligacy in these provinces, which raises interest rates and public debts. For example, the provinces in Brazil that defaulted on their debts in the late 1990s and raised the risk premium on Brazilian bonds were overrepresented rural ones. Similarly, in Argentina fiscal profligacy by overrepresented provinces contributed to the macroeconomic crisis that has nearly paralyzed the country in recent years. Thus initially cheap support from low-maintenance constituencies in malapportioned systems may become quite costly over time when, as occurred recently in Brazil and Argentina, this political support generates "negative economic externalities" that destabilize the national economy. The macroeconomic implications of electoral malapportionment merit further investigation. We thank Sebastian Mazzuca for calling this point to our attention.

32. Until 1994 Argentina employed an electoral college that overrepresented rural areas, thus mitigating the problem of estrangement between an urban executive branch and a rural legislative branch. See Cabrera (1997).

33. Of course, such urban/rural cleavages are not the *only* cause of legislative-executive estrangement. Nor does legislative-executive estrangement only occur in countries with high levels of malapportionment.

34. This is similar, but not entirely equivalent to, Gibson's (1997) distinction between "electoral" and "policy" coalitions.

35. O'Donnell (1994) describes this situation of legislative bypass as "delegative democracy." See also Shugart and Carey (1992) on executive decree authority.

36. Conversely, low levels of malapportionment might work against such dependence, thereby weakening the potential for the emergence of subnational authoritarian regimes.

37. On the issue of how national-level political and economic liberalization can contribute to the maintenance of subnational authoritarian regimes, see Snyder (1999, 2001a) and Fox (1994).

38. As noted, the extractive capacity of overrepresented peripheral elites may also contribute to macroeconomic crisis, as has occurred recently in Argentina and Brazil.

39. On the possibilities for peripheral populism in the context of a neoliberal center, see Snyder (1999, 2001b) on the Mexican case, as well as Gibson, Calvo, and Falleti on "reallocative federalism" in this volume.

40. One of the key mechanisms for enforcing this procedure is the "reversion point," the legally defined default, if the state's legislature and governor fail to agree on a new districting plan. According to the Supreme Court rulings, if the state legislature and governor cannot agree on a new plan, then the federal district court has full jurisdiction over the reapportionment decision. Rather than actually redrawing the district lines themselves, the federal courts usually choose to hold at-large elections for the federal legislature, a worst-case outcome from the perspective of most incumbent legislators and governors. Prior to the Supreme Court rulings of the early 1960s, if a state legislature and governor failed to agree on a new districting plan, either the old districting plan was retained, or, if new congressional seats had been added to the state, the new members would be elected at-large, thereby preserving all the old districts. In the case of states that had lost seats, however, a different reversionary scenario existed: if the state government failed to achieve a new districting plan, then *all* members would be elected at-large. According to Cox and Katz (1999), this difference helps explain why the bulk of pre-1960s redistricting occurred in states that lost seats in Congress: incumbents in such states were subject to the extremely unpalatable outcome of at-large elections for all members if they failed to agree on a redistricting plan (under an at-large election, incumbents would lose the benefits of "barriers to entry" that district lines create). By contrast, incumbents who failed to agree on a redistricting plan in states that did not lose seats faced the far less threatening prospect of preserving the old districts.

41. At the same time, we should not overlook the fact that there is still a considerable degree of slack in the U.S. system. We observe some malapportionment in the U.S. House, and malapportionment does tend to creep up between censuses. The degree to which the malapportionment we observe in the United States is merely the result of demographic flux between reapportionments (i.e., natural malapportionment) or reflects some other kind of slippage in the institutional arrangements for enforcing progressive reapportionment is an interesting question.

42. See Méndez, O'Donnell, and Pinheiro (1999) on the "unrule" of law in Latin America.

43. For years several politicians in Brazil have advocated a mixed-member PR system, yet they have not included reapportionment in their reform proposals.

44. The term "citizen control" is from Powell (1989). See also Shugart and Carey (1992, 273).

45. By contrast, a virtue of this method for reducing malapportionment is that it can obviously be implemented in the absence of an autonomous judiciary.

46. Other questions that should be addressed include: What are the strengths and limitations of the hybrid approach of combining a single-district chamber with a (malapportioned) multidistrict chamber (e.g., Colombia)? Is the option of two perfectly apportioned chambers (e.g., Holland) desirable for Latin American countries? What lessons can Latin American countries learn from non-Latin American countries that have implemented single national districts (e.g., Israel, Holland, Namibia, Sierra Leone)?

47. Although such a move might be less curious in systems with strong, centralized parties and/or weak incentives for politicians to cultivate a personal vote.

48. It should be noted, however, that in Venezuela, as in Germany, "extra" seats can be allocated to different states to make the party results proportional.

49. One such instance is the automatic granting of a Senate seat to ex-presidents in some Latin American countries (Chile and Venezuela, for example).

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