

Varieties of Authoritarianism: The Organization of the Military State and its Effects on Federalism in Argentina and Brazil

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Abstract While much has been written about democracy and democratization, far less attention has been paid to the institutional organization of authoritarian regimes. Scholars have focused on the causes, economic policies, societal support, intra-elite conflicts, or human-rights violations of authoritarian regimes. More recently, political scientists have also studied the role of elections and legislatures on the survival of authoritarian regimes. However, the very different ways in which authoritarian regimes, and military regimes in particular, organize the government, occupy the state apparatus, and modify the country's political institutions have largely gone under-theorized. This essay contributes to fill in this void by analyzing how the last military regimes of Argentina (1976–1983) and Brazil (1964–1985) organized power within the state and the legacies of such organization on the institutions of federalism. The essay argues that variation in the organization of the state under the military regimes accounts for the divergent origins of post-developmental decentralization, which in turn explains the contrasting evolution of intergovernmental relations in each country. The article contributes to the recent literature on electoral authoritarian regimes by showing that elections and legislatures matter not only to regime survival but also to policy outcomes.

Keywords Military regimes · Electoral authoritarianism · Federalism · Decentralization · Argentina · Brazil

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To Jorge Julio López, looking forward to his reappearance¹

After 12 years of suspended gubernatorial elections, military President João Figueiredo (1979–1985) presented to Brazilian Congress a bill for the direct and popular election of governors. Authoritarian regimes are unlikely to decentralize power.² However, examples of the adoption of policy-making and fiscal decentralization policies under authoritarian regimes do exist (Eaton 2006; Landry 2008). In the late 1970s, for example, the Argentine generals transferred public schools onto the provinces as a way of shrinking the national bureaucracy and cutting the fiscal deficit. More recently, fiscal decentralization has been implemented in China at the same time that the Chinese Communist Party has kept tight political control of local officials (Landry 2008).

Nonetheless, the implementations of constitutional or electoral reforms that devolve political autonomy to sub-national actors are far rarer under authoritarian rule. In fact, that the Brazilian military would initiate its process of decentralization of government with a political decentralization measure, as I will soon explain, defies theoretical expectations. Why did the Brazilian generals start the process of decentralization by devolving political (or more precisely electoral) autonomy to sub-national officials? Why did two military regimes that have ostensibly been considered similar, those of Brazil and Argentina, take such radically different approaches to their decentralization of government processes?

In this article, I will show that when considered from the point of view of the organization of state power, the last military regimes of Argentina (1976–1983) and Brazil (1964–1985) were in fact quite different. Furthermore, I will argue that these institutional differences in the organization of military governments are the key to answering the questions posed above: the military organization of state power explains the different approaches the military regimes took toward intergovernmental relations and reforms, which in turn led to varying evolutions of their federal institutions.

While much has been written in political science about transitions to democracy and democratization; far less attention has been paid to the institutional organization of authoritarian regimes—and military regimes in particular.³ In the case of Latin American military regimes, previous studies have centered on the causes, economic policies, societal support, intra-elite divisions, or track record of human-rights violations of authoritarian regimes. Different classifications have been proposed to define and group the authoritarian regimes of the region. The military regimes of the 1960s and 1970s, for example, have been labeled “bureaucratic–authoritarian” (O’Donnell 1973), “neoconservative” (Schamis 1991), or “national security

¹ Jorge Julio López, retired construction worker, is the first disappeared person since the return to democracy in Argentina in 1983. He was illegally detained and tortured during the Argentine dictatorship of 1976–1983 and was a key witness in the 2006 trial and conviction of former police officer Miguel Etchecolatz. On September 17, 2006, the day after he testified against Etchecolatz, Jorge López, 78 years of age at the time, was disappeared. He has not yet been found.

² All things being equal, the fiscal revenues of authoritarian regimes were 7.6% less decentralized than those of democracies between 1972 and 2000 (Landry 2008, 33. Landry’s cross-country comparative analysis uses fiscal data from the IMF-GFS Series).

³ The literature on transitions to democracy and democratization processes is copious. Among the best-known works are Huntington (1991); Linz and Stepan (1996); Moore (1966); O’Donnell and Schmitter (1986); Przeworski et al. (2000), and Rustow (1970), just to name a few.

doctrine” (Ansaldi 2004), depending on the commonalities emphasized (such as the characteristics of their commanding elites, their economic programs, or their relations with international powers). Yet, the important institutional differences that exist among military regimes have been largely overlooked.

In recent years, political science scholars have focused attention on political regimes that, while holding elections, fall short of the minimalist definitions of liberal democracy or polyarchy. These regimes have been labeled hybrid regimes (Diamond 2002), electoral authoritarianisms (Schedler 2006), or competitive authoritarianisms (Levitsky and Way 2002). An interesting and promising line of research has emerged among these studies on the role of elections and legislatures for the survival of authoritarian regimes (e.g., Brownlee 2009; Gandhi and Przeworski 2007; Magaloni 2008; Remmer 1999). However, even in these most recent studies of authoritarianism, the very different ways in which authoritarian regimes, and the regimes commanded by the military in particular, have organized government, occupied the state apparatus, and modified the pre-existing political systems have been under-theorized.⁴

As political scientist Barbara Geddes (1999, 121) wrote over a decade ago: “different kinds of authoritarianism differ from each other as much as they differ from democracy. They draw on different groups to staff government offices and different segments of society for support. They have different procedures for making decisions, different ways of handling the choice of leaders and succession, and different ways of responding to society and opponents.” Despite these recognized important variations among authoritarian regimes in terms of access to power, staffing of offices, sources of support, decision-making processes, succession rules, and interactions with civil and political society; the recent literature on authoritarianism prioritizes access to power as the main relevant variable when classifying regimes. Geddes, for example, distinguishes among military, single-party, personalist, and mixed-type authoritarian regimes according to how dictators access and retain office (Geddes 1999, 121–25). Similarly, Magaloni (2008, 731) distinguishes between party autocracies, military dictatorships, and monarchies according to the dictators “launching organization.” And Hadenius and Teorell (2007, 146), considering the “modes of maintaining political power,” distinguish between authoritarian monarchies, military regimes, and authoritarian electoral regimes.

Of special interest here is the military regimes’ type, about which a high degree of definitional convergence exists. Geddes (1999, 121) defines military regimes as those in which a group of officers decides who will rule and exercise some degree of control over policy; Magaloni (2008, 731) as those in which “the locus of power remains within the military”; and Hadenius and Teorell (2007, 146), following Nordlinger (1977, 2), define military regimes as those “in which military officers are major or predominant political actors by virtue of their actual or threatened use of force.” This is to say, in military regimes, directly or indirectly, the military rules.

Nevertheless, important institutional differences exist *within* the type of military regimes (and even within the subset of those that have *direct* military rule) that are consequential to policy outcomes and institutional evolution. It is worth highlighting

⁴ For notable exceptions, see Ansaldi (2004, 33–40); Desposato (2001), and Gandhi and Przeworski (2007).

from the outset that I do not intend to explain the causes of democratic breakdown or democratic transition. Large bodies of literature exist on both topics. Instead, following Karen Remmer's (1989a) idea of focusing on the institutional arrangements of military regimes, my main goal in this article is two-fold. First, I want to highlight the existent variation in the institutional organization of state power among military regimes. I will show that military regimes that have for the most part being grouped under one same rubric or category are institutionally quite diverse. In other words, *how* the military rules is an important aspect of military regimes. Second, and connectedly, I will sustain that these institutional differences matter to policy outcomes and, in turn, to institutional evolution. More concretely, I will show how the institutional organization of the state in two Latin American military regimes, those of Argentina (1976–1983) and Brazil (1964–1985), affected the origins of their processes of post-developmental decentralization, which subsequently shaped the institutions of federalism in each country. In these regimes, the existence of elections and legislatures not only mattered to military regime longevity, as scholars have shown, but also to policy and institutional outcomes.

The in-depth analysis of two cases of military regimes will shed light on the putative causal mechanisms connecting military rule and intergovernmental reforms. Herein lies the comparative advantage of the methodological approach undertaken.⁵ The case selection (the military regimes of Argentina, 1976–1983, and Brazil, 1964–1985) rests on several factors. On the one hand, although Argentina and Brazil vary in size and population,⁶ they have intergovernmental and political institutions that make them comparable and are relevant to the decentralization policies analyzed here. First, both countries have federal systems of governments and are among the most decentralized of Latin America.⁷ Second, the two countries have three-tier governments, with a central administration and 24 provinces and 2,216 local governments, in the case of Argentina, and 27 states and 5,561 municipalities, in the case of Brazil.⁸ Third, both countries have presidential political systems with bicameral national Congresses.⁹ On the other hand, because these two military regimes are in the same region and were (largely) contemporaneous, they have been the focus of previous studies and comparisons upon which I can build. More importantly, however, the two military regimes vary significantly in the main explanatory variable of interest: the organization of state power. Whereas the military regime of Brazil largely allowed for elections and legislative politics, the military regime of Argentina suppressed all partisan activity and closed down the legislature. Finally, and as I will show next, the cases also vary along the dependent variable: the type of post-developmental decentralization policy first implemented.

⁵ The case selection, unfortunately, does not permit to explore the plausibility of some alternative explanations such as the importance of country size.

⁶ Brazil is roughly four times larger than Argentina. Argentina has almost 40 million inhabitants in a territory of 2.7 million square kilometers, while Brazil counts with 188 million people and a territory of 8.5 million square kilometers.

⁷ Mexico and Venezuela are the other two Latin American federations, but in them power has historically been much more centralized.

⁸ In both countries, the capital federal district is included in the province or state count.

⁹ But whereas the electoral system of Argentina is close-list, the electoral system of Brazil is open-list, which gives Brazilian political candidates greater autonomy from the party leadership.

The remainder of the article is organized in five sections. The next section defines and categorizes post-developmental decentralization policies and spells out the preferences of territorially defined actors toward different types of decentralization reforms. The third section compares the organization of state power under the last military regimes in Argentina and Brazil. The subsequent two sections explain why and how different types of decentralization (*administrative* decentralization in Argentina and *political* decentralization in Brazil) were first implemented and their legacies on the balance of power among levels of government. The concluding section summarizes the main findings, proposes future research tasks, highlights the implications of this research for the study of electoral authoritarianism and democratization, and warns against periodizing according to political regimes.

The Dependent Variable: Type of Decentralization Reform Adopted

Decentralization policies—this is, the downward transfer of responsibilities, resources, or authority from higher to lower levels of government—are important sources of change to federal arrangements, since they significantly reconfigure the distribution and balance of power among levels of government. In this article, I am particularly concerned with the subset of decentralization policies that have elsewhere been called post-developmental (Falleti 2010a, 6–11). These were the set of policies that transferred responsibilities, resources, and authority from national to sub-national levels of government after the demise of the developmental state.¹⁰

Temporally, these post-developmental decentralization processes started with the first government or administration that moved the state away from intervention in the economy and that adopted free-market economic policies. In such macroeconomic contexts, decentralization of government was largely beneficial to the fiscal policies of national governments. Among other possibilities, decentralization of the national bureaucracy allowed national authorities to transfer personnel and responsibilities downward, without necessarily transferring the fiscal resources to support them. In this way, the national authorities could comply with the international financial institutions' requirement of streamlining the bureaucracy without having to exert to massive personnel layoffs. They could simply shift the burden of financing and managing large portions of the public sector to sub-national governments, which then had to deal with the fiscal and political consequences of these transfers.

Moreover, when in Latin America the move toward neoliberalism was coupled with democratization or re-legitimation of politically discredited regimes, societal and political actors turned to post-developmental decentralization because it held, according to its advocates, the promise of bringing the government closer to the people. Hence, given decentralization's fiscal affinity with neoliberalism and its political affinity with

¹⁰ Some authors call this process “neoliberal” decentralization. I prefer the term “post-developmental decentralization” because in some Latin American countries, such as Brazil, there was a significant time lapse between the crisis and end of the developmental state (most often dating to the late 1970s, after the second world oil crisis) and the enactment of neoliberal economic policies (such as privatization of public enterprises, deregulation of trade, and flexibilization of labor, which in Brazil, for example, did not took place until the mid 1990s). For a concise definition of the developmental state in Latin America see Schneider (1999).

democratization, most Latin American countries (federal and unitary alike) embarked on post-developmental decentralization reforms from the late 1970s onwards.

Building on prior multidimensional definitions of decentralization (Manor 1999, 4–12; Montero and Samuels 2004, 8; Parker 1995; Penfold-Becerra 1999, 90–91; Schneider 2003), I distinguish among three types of post-developmental decentralization policies: administrative, fiscal, and political decentralizations. Two of these types, administrative and political decentralizations, are especially relevant to this article. By *administrative decentralization*, I refer to the policies that transfer the administration and delivery of social services (such as education, health care, social welfare, or housing) to sub-national governments. Administrative decentralization can be funded or unfunded depending on whether the fiscal resources necessary to afford the newly transferred services are passed down or not. By *fiscal decentralization*, I refer to those policies that increase the revenues or fiscal autonomy of sub-national governments. Finally, *political decentralization* consists of the set of constitutional amendments and electoral reforms designed to open new—or activate existing, but dormant or ineffective—spaces for the representation of sub-national polities and the policies designed to devolve electoral capacities to sub-national actors (for further details, see Falleti 2010a, 33–39).

It is worth noting that, depending on their contents, different types of decentralization policy reforms are likely to have varying effects on the degree of autonomy of sub-national officials. By the definition provided above, one would expect political decentralization to almost invariably increase the autonomy of sub-national officials vis-à-vis the national government. In the cases of administrative and fiscal decentralization, their effects on the autonomy of sub-national officials will depend largely on their contents and the characteristics of the territorial subunits. For example, a fiscal decentralization measure that devolves taxation authority to sub-national governments may prove highly beneficial to a province with a large and rich tax base, but it may be fiscally irrelevant, and possibly politically detrimental, if the taxation authority is devolved to a province that has a poor tax base. In this latter case, local populations could see their local authorities as predators and fiscal decentralization could undermine their political legitimacy. Similarly, a funded and well-implemented administrative reform may augment the power of sub-national officials, but an unfunded and poorly planned reform may create a host of political problems and demands for the provincial and local governments that receive the services.

Due to decentralization policies' differential impact on the power of sub-national officials, it is my contention that national and sub-national political and societal actors will exhibit different preferences toward the types of decentralization, in particular with regards to administrative and political decentralization.¹¹

¹¹ The ordering of preferences that follows is based on the analysis of the secondary literature as well as over 100 in-depth interviews carried out with national and subnational officials in Argentina, Brazil, Colombia, and Mexico. It is worth noting that national and subnational actors will also exhibit different preferences toward the *contents* of the different types of decentralization. For example, in general, national actors will prefer unfunded to funded administrative decentralization; while the opposite will be true of subnational officials. However, for the purposes of this article, I focus exclusively on the order of preferences that national and subnational actors are likely to exhibit with regard to types (rather than types and contents) of decentralization reforms. For more details on preferences toward decentralization and for the list of interviewees, please refer to Falleti (2010a, 40–53 and Appendix).

Administrative decentralization provides national authorities the opportunity of cutting the size of the national bureaucracy and, if it is unfunded, also the fiscal deficit (both appealing reforms in a neoliberal state context, as stated earlier). Political decentralization, on the other hand, is quite detrimental to national authorities. If political decentralization entails giving away the prerogative to appoint sub-national officials, the center loses a significant amount of power and control upon sub-national authorities and their policies. Administrative decentralization is the type of decentralization that national-level authorities prefer the most, while political decentralization is the least preferred type of decentralization for national officials.¹²

Sub-national political and social actors' preferences toward types of decentralization are the mirror image of those of national officials. They prefer political autonomy from the national authorities (i.e. a political decentralization measure) first and foremost, so they will be able to advance their own agendas without fear of political retaliation from above. To sub-national officials, administrative decentralization is the least preferred type of decentralization. These reforms entail large amounts of responsibilities over public employees that tend to be highly organized. Moreover, these administrative decentralization reforms are most commonly unfunded or insufficiently funded. Sub-national-level actors prefer political decentralization to administrative decentralization. As we see below, these preferences are important to understanding the first decentralizing decisions that the military regimes of Argentina and Brazil undertook.

Both Argentina and Brazil initiated their processes of post-developmental decentralization in the midst of their last military regimes (and these processes continued throughout their transitions to democracy).¹³ In the case of Argentina, the first administration to implement these economic policies was that of Jorge Rafael Videla (1976–1981), and in the case of Brazil, it was the last military president, João Figueiredo (1979–1985), who veered the economy away from developmentalism.¹⁴ However, while Argentina began with an *administrative* type of decentralization reform, as one would expect from an authoritarian regime in which national level interests prevail, Brazil began with a *political* decentralization reform, which defies theoretical expectations. As shown elsewhere, this was so because a sub-national coalition was able to advance its foremost interests regarding decentralization of

¹² Note that I don't discuss here the national and subnational actors' preferences toward fiscal decentralization, which is the second best option for both sets of actors. For such a discussion refer to Falleti (2010a, particularly Chapters 1 and 2).

¹³ Note that intergovernmental reforms that centralized and also decentralized fiscal and policy-making authority had existed in the context of the developmentalist state in both countries, undertaken by military and democratic regimes alike (for a list of reforms under military rule see, Eaton 2006, 9; and for a comprehensive description of reforms under both types of regimes see, Eaton 2004). Here, nonetheless, I focus on the intergovernmental decentralizing reforms that were implemented in the context of the post-developmental state.

¹⁴ The transition away from developmentalism was far more gradual in Brazil than in Argentina. However, when Delfim Netto became Minister of Planning of President Figueiredo, he sought to implement a neoliberal economic program alike those adopted by the contemporaneous military regimes of Chile and Argentina. Moreover, investment in state-owned industries, an important indicator of developmentalist economic policy-making, drop by half between 1979 and 1980, from 8.7% to 4.3% of GDP (Coes 1995, 142–45; Falleti 2010a, 152–53).

government in Brazil (Falleti 2010a, Chapter 5). However, how was this coalition politically possible in the first place, in the midst of a military regime?

Varieties of Military Regimes: The Organization of State Power

The problem is not to seize power but to make power, to mobilize groups into politics and to organize their participation in politics. (Huntington 1968, 144)

Earlier studies on comparative military regimes focused on understanding the causes of democratic breakdown (e.g., Linz and Stepan 1978; O'Donnell 1973; Putnam 1967; Stepan 1973; Valenzuela 1978). Scholars highlighted the macroeconomic, political, or international determinants of military rule.¹⁵ For the most part, nonetheless, these studies did not pay systematic attention to the organization of the state in military regimes. As Karen Remmer noted in the late 1980s: “military rule has been studied more in terms of processes of transition to and from democracy than as a political system in its own right.” (Remmer 1989a, 23)

More recent studies on authoritarianism have made important contributions regarding the role of institutions in the stabilization of authoritarian rule and the legacies of different types of authoritarian regimes. Yet, even in these studies, the very important differences that exist in the organization of the state among military regimes are either overlooked or briefly mentioned.¹⁶ Geddes (1999, 124, 128) for example, groups Brazil and Argentina under the same category of military regimes. Linz and Stepan (1996) distinguish between military regimes (hierarchical and non-hierarchical) but only according to the features of the military as an institution. And when critically assessing the concept of bureaucratic-authoritarian regimes, Schamis (1991, 204) does not take into account the fact that, at least in Brazil, elections were held at the local level and for the legislatures. Remmer (1989a, b 5–6), on her part, classifies both the Argentine (1976–1983) and the Brazilian (1964–1985) military regimes as cases of “exclusionary authoritarianism.” According to her definition, these are regimes that attempt to limit popular participation and physically repress trade unions and other vehicles for lower-class political activity. Their social bases of support are the middle and upper classes, and they favor reactionary rather than reformist public policies.¹⁷ And while Remmer distinguishes among the Argentine and Brazilian dictatorships in terms of the degree of fusion of government and military roles—with the Brazilian regime having low integration and the Argentine

¹⁵ During the 1960s and 1970s, this literature was also almost exclusively concentrated in the analysis of military rule in Latin America. For a comprehensive review of the early comparative studies on militarism, see McAlister (1966).

¹⁶ A notable exception is the article by Gandhi and Przeworski (2007) that specifically studies the impact of having a legislature on the longevity of authoritarian regimes. As noted above, other authors have also studied the impact of elections on authoritarian survival (e.g., Magaloni 2008; Remmer 1999).

¹⁷ Remmer asserts that durability (which is largely shaped by the institutional structure of military rule), repressiveness, and mobilizing capability are the three main features that indicate the extent to which a given regime approximates either the inclusionary or the exclusionary end of the political spectrum (1989a, 72).

one having high integration (1989a, 34–40)—these institutional differences are not further explored. I will show next that these institutional differences were consequential to policy making on issues of federal reforms.

In conceptualizing the organization of state power during military regimes, I follow Alfred Stepan's (1978, xii) conceptualization of the state, which says that: "the state must be considered as more than the 'government.' It is the continuous administrative, legal, bureaucratic and coercive systems that attempt not only to structure relationships *between* civil society and public authority in a polity but also to structure many crucial relationships *within* civil society as well. Consolidated modern states should be compared not in terms of whether they structure such relationships, but in terms of the degree to which, and the means through which, they do so." This definition of the state sheds a significant amount of light on the ways in which the military regimes divided power within government, between the state and the political opposition, as well as on the ways in which the military state intervened in and structured the organizations of civil society.

Utilizing Huntington's (1968) distinction between the seizing and the creation of power, I propose to classify military regimes in a continuum that goes from those where the military completely seizes the state, usurps its institutions, and fills them with military personnel, at one extreme; and regimes in which the military creates new political rules of the game, keeps some form of political representation of interests, and allows civilians to fill many of the government's posts, at the other.¹⁸ In this continuum, the military regimes of Argentina (1976–1983) and Brazil (1964–1985) are at the opposite ends of the spectrum. To take another Latin American case, Chile's military regime (1973–1989) would fall between the cases of Argentina and Brazil but closer to the seizing of state power extreme. Unlike the case of Argentina, where there were no elections, there were two plebiscites in Chile, in 1978 and 1980 (Huneus 1981; Remmer 1989b, 15). Although these elections were highly controlled and rigged, the Chilean military sought to activate civil society, particularly at the local level and after 1980, as a way of cultivating social support for the military regime (Huneus 1981, 119–20 and following sections). The Chilean military regime was further institutionalized than the Argentine, both regarding the Courts (Barros 2002) and the coercive apparatus (Policzer 2009). Overtime, moreover, a higher number of civilians were incorporated in the national Cabinet: from a level of 13% of civilians in 1973 to 70% in 1987 (Remmer 1989a, 130).

I argue that the way in which the military regimes occupy the state apparatus (and in the process of occupying the state, the ways in which military regimes also intervene in the main political and social institutions of society) helps to explain the type of the post-developmental decentralization policy first implemented. Such type of policy, in turn, has consequences on the posterior evolution of intergovernmental relations and the evolution of the balance of power among levels of government

¹⁸ Note that I refer to military regimes in which active military personnel occupy the office of the national executive. These regimes where the military institution *directly* rules are the domain of my argument. However, a variety of other forms of indirect military rule exist that I do not consider here. For example, Germani and Silvert (1961) identify a number of roles that the military could assume in its control of civil society, such as institutionalized governors, trustee governors, orienters of national policy, powerful players in a civil-military coalition, or a pressure group with veto power, among other possibilities (cited in McAlister 1966, 14).

(Falleti 2005, 2010a). In the next section, I analyze the institutional organization of state power in the military regimes of Argentina and Brazil. But unlike the studies of military rule in Latin America of the 1960s and 1970s, I now have the advantage point of being able to relate my argument and findings to those of the recent literature on electoral authoritarianism (e.g., Gandhi and Lust-Okar 2009; Gandhi and Przeworski 2007; Magaloni 2008; Schedler 2002).

The Argentine Proceso de Reorganización Nacional: Seizing State Power

After the military coup of 1976, all political activity was suppressed in Argentina, marking the beginning of the period that the military coined “Process of National Reorganization.” The president was removed and a three-member *junta* (formed by one officer from each military force: the army, the navy, and the air force) became the “supreme organ of the nation,” with one of its members fulfilling the role of president. Most members of the national cabinet were removed and replaced by military personnel. The national Congress was closed down. In its place, a nine-member council called the Military Legislative Council (*Comisión de Asesoramiento Legislativo*, CAL) was formed with three members from each military force. All provincial legislatures and city councils were also closed down. The members of the Supreme Court of Justice and the Attorney General were removed. The Provincial Tribunals were dissolved.¹⁹ All the governors were replaced by military officers. The mayors were removed and replaced with either military or police personnel or civilians sympathetic to the military cause. Political parties were banned. The media, the universities, the workers’ mutual health associations (*obras sociales*), the unions, and the business and professional associations were intervened by the military.²⁰

In a series of documents issued on the date of the coup, the military defined the new power arrangement.²¹ The result of the new institutional set up was a full-scale “colonization” of the state apparatus by the military institution (Rouquié 1987) coupled with its “feudalization” (Munck 1998, 62–63), as the three military branches sought the divide equally among them the state offices and government posts. In the new institutional setup, among the prerogatives of the military junta were to name and replace the president and the members of the Supreme Court, to declare war and state of siege, and to arbitrate in case of disagreements between the president and the CAL. The power of the junta was not to be overshadowed by the president (as it had been the case in previous military coups). However, the president retained the important power to legislate, albeit in consultation with the CAL, which prepared the bills presented to the executive and represented all the armed forces (Munck 1998, 58–59). The Supreme Court continued to exist, but it was subordinated to the military junta, could not independently interpret the constitution, and operated in an environment where the law had very little relevance (Munck 1998, 233 ft. 19).

¹⁹ Of all the Argentine authoritarian regimes, this was the only one that dissolved the Provincial Tribunals, showing how fine-grained was its usurpation and destruction of previous democratic institutions (Castiglione 1992, 30).

²⁰ Some of the unions, like the Peronist “62 Organizations,” were outright banned due to their previous political leanings.

²¹ For the list of documents see Munck (1998, 233 ft. 17), whose work I closely follow in this and the next paragraph.

The feudalization of the state was apparent not only in the composition of the military junta and the CAL but also in the way in which other national and sub-national executive posts were divided among the three forces. Six of the eight national ministries were divided in equal proportions between the army (which got the ministries of interior and labor, arguably the most important ones from the point of view of restructuring politics and civil society), the navy (with the ministries of foreign relations and social welfare), and the air force (which received the ministries of defense and justice); with the remaining two ministries (education and economics) going to civilians (Munck 1998, 61). Although the governorships were supposed to be divided equally among the three branches, about half of the provinces were ruled by the army (which had the upper hand among the armed forces, particularly in the early years of the dictatorship), and the other half was split between navy and air force (Munck 1998, 234 ft.27). But perhaps where the feudalization of the state was felt the most, particularly in civil society, was in the organization of the repression, which was decentralized and compartmentalized. The task forces (*grupos de tareas*), groups of 5–15 members from the military, the police, and civilian groups that operated in secret and were created to carry out state repression (kidnappings, detentions, tortures, and assassinations), operated in a fairly autonomous way (Munck 1998, 64, 235 ft. 31; Policzer 2009, 138). Moreover, the activities of repression that were directed by the commander-in-chief of each force followed the same principle of tri-partite division, which resulted in very little coordination at the top. “The result—as described by Gerardo Munck—was a truly terrifying force, for as the purposeful lack of coordination of vertically organized terror combined with the not uncommon competition between branches, state terror spread through the compartmentalized actions of the three service branches, each of which had their own operations, with their own intelligence services, their own clandestine detention centers, and their own Work Groups [*grupos de tareas*].” (1998, 64)

In Argentina, the military seized power. They occupied the state in virtually all of its offices and the state terrorism shaped civil society (O’Donnell 1999 [1984]). In a monographic study of the organization of the state during the military period, Marta Castiglione (1992, 37, my translation) writes that there was “a massive presence of the military personnel in all levels of the national and provincial public administrations, in the decentralized organisms of the central administration, and in the public enterprises.” Or as Alain Rouquié (1987, 295) puts it: “...officers were everywhere in the central administration, the provinces, the decentralized organisms (including even the organization of the world soccer football championship in 1978—*Ente autárquico Mundial 1978*—and the Industrial Pension Fund). Never in any preceding regime had there been such an invasion—yet another distinguishing feature of the bloodiest military dictatorship in the history of Argentina.”

The Brazilian Revolução: Creating State Power

Unlike the military regime of Argentina that completely abolished elections and banned all partisan activities, the Brazilian military regime (1964–1985) allowed

for the maintenance of elected offices and for the interplay between two political parties. Mainly for this reason, scholars have preferred to describe Brazil's military regime as an "authoritarian situation" (see Linz 1973) rather than an "authoritarian regime," or—more recently—as a case of electoral authoritarianism (Gandhi and Przeworski 2007; Schedler 2002). While the permitted amount of political activities should not mask the reality of political exiles, incarcerations, purging, and persecution of the opposition, the high efforts the military put into engineering the political system were consequential. The Brazilian military did not simply seize power; it sought to *create* power by changing the rules of the game in order to achieve electoral and political support.

After the coup, which the military denominated the *Revolução* (Revolution) of 1964, elections for governors were held in October of 1965. The opposition won in four out of ten states. Looking ahead to the 1966 and 1970 gubernatorial elections, the military passed a measure—Institutional Act No. 3 (AI-3)—stating that the state assemblies would choose the governors (from a set of three candidates) after the military had approved the candidates' nominations (Abrucio 1998, 73–4; Samuels and Abrucio 2000, 48). Through the nomination process, the military was guaranteed to have a direct say in who the governors would be.²² As a result, the number of governors with bureaucratic-technical or military backgrounds increased from two to seven (out of 22) between 1966 and 1970 (dos Santos 1971, 126). But as these numbers also show, traditional elite *políticos* survived the coup and shared power with the military in the states (for an excellent study of this phenomenon in the state of Minas Gerais, see Hagopian 1996).

The AI-3 also restructured the political party system. It created a bipartisan system in which only one government party, the National Renovation Alliance (Aliança Renovadora Nacional, ARENA), and one opposition party, the Brazilian Democratic Movement (Movimento Democrático Brasileiro, MDB), were allowed. These parties ran in elections for national and state legislators, mayors (with some exceptions), and city councilors. The mayors of state capitals and *estâncias hidrominerais*²³ were appointed by the governors (after the state legislators' approval), and the mayors of Brasília and of municipalities of national security importance were directly appointed by the President (see Constitutional Amendment No.1 of 1969).²⁴ In the 201 municipalities with appointed mayors, the first direct mayoral election took place on November 15, 1985.

In 1972, through a constitutional amendment, President Emilio G. Medici extended the application of the AI-3 to the 1974 gubernatorial elections. Further changes were introduced in April of 1977, when President Ernesto Geisel closed down Congress and announced a series of constitutional reforms intended to strengthen the position of the officialist party ARENA in the forthcoming 1978

²² Deputy João Gilberto (PMDB-RS) denounced that the military also exerted to the impeachment of opposition state legislators in the days leading to gubernatorial elections as a means of securing the majorities needed for the victory of officialist candidates (see República Federativa do Brasil, *Diário do Congresso Nacional*, March 18, 1980, 200).

²³ *Estâncias hidrominerais* were cities with mineral water springs (Hagopian 1996, 108).

²⁴ The proviso that state governors were free to choose the mayors of state capitals and of *estâncias hidrominerais* was not new. It was already included in the 1934 (Article 13) and 1946 (Article 28) constitutions.

elections. All of the governors and one third of the senators would be indirectly elected by state electoral colleges that would include city councilors.²⁵ The inclusion of city councilors, the military calculated, would give an advantage to ARENA's candidates (Baloyra 1986, 32–3; Skidmore 1988, 373).²⁶ Hence, through a well-crafted process of political engineering, the military guaranteed its control of the majority of the national Congress, as well as the majority of the governors and mayors, at least until 1978.

However, as the next sections reveal, the continuation of legislative politics and the direct elections of mayors (with the exceptions noted above), city councilors, and state-level senators and deputies allowed the Brazilian opposition to push forward a political decentralization reform in the context of a military regime. Hence, the direct election of governors was approved by Congress in 1980 and enacted in 1982. In Argentina, instead, because politics and the political representation of sub-national interests were completely suppressed, when the first post-developmental decentralization reform took place, it reflected the most preferred options of an unchecked national executive: the offloading of administrative responsibilities without resources. Unfunded administrative decentralization was hence the first type of reform enacted.

Argentina: Administrative Decentralization under Military Rule

*Achicar el Estado es agrandar la Nación*²⁷

On June 5, 1978, as images of Buenos Aires were broadcast to the world during the World Soccer Cup, the national military *junta* passed two decrees (21,809 and 21,810) transferring all pre-schools and primary schools under the jurisdiction of the National Council of Education to the provinces, the Municipality of Buenos Aires, and the national territory of Tierra del Fuego.²⁸ Control over approximately 6,500 schools, 65,000 public employees, and 900,000 students (about one third of the total

²⁵ Other changes introduced by the the 1977 April package were that the number of federal deputies per state would be established according to the state's total population instead of its number of registered voters (discriminating against the most politically active states of the south and southeast); a simple Congressional majority would be sufficient for the passage of constitutional amendments; and political candidates' access to radio and TV would be made more stringent (Skidmore 1988, 373).

²⁶ According to Deputy Adhemar Santillo (PT-GO), the inclusion of city councilors in the electoral colleges allowed ARENA to keep four governorships—Acre, Amazonas, Rio Grande do Sul, and São Paulo—that would otherwise had been lost to the opposition in the 1978 elections (see República Federativa do Brasil, *Diario do Congresso Nacional*, March 18, 1980, 202).

²⁷ "To shrink the State is to aggrandize the Nation."

²⁸ Prior to 1978 there had been two attempts at decentralizing primary education. The first attempt took place during the democratic regime of Arturo Frondizi (1958–1962), but it only succeeded in the province of Santa Cruz, which received 23 schools. The second attempt took place during the military regime of Juan Carlos Onganía (1966–1970). This time, 680 schools were transferred to the provinces of Buenos Aires, Rio Negro, and La Rioja. Both decentralization reforms were accompanied by fiscal resources (see Filmus 1998, 62; Kisilevsky 1990, 7; Ministerio de Cultura y Educación 1980). The 1978 post-developmental decentralization of primary schools comprised the first nation-wide transfer of social services and, unlike previous partial transfers, was not accompanied by fiscal resources.

system of primary public education) was transferred to the provinces. The decrees had a retroactive effect from January 1st 1978. Since that date, all national education employees (teachers, administrators, maintenance, and supervision personnel) would join the provincial administrations and the provinces would be solely responsible for the expenditures involved in the provision of pre-school and primary education. No new revenues or fiscal capacities were transferred. The reform implied a cut of 207 billion pesos in national expenditures, which was the approximate equivalent of 20% of the total amount that the provinces received in revenue transfers from the national government (FIEL 1993, 148).

The reform was imposed from above under the slogan “to shrink the State is to enlarge the Nation.” In the context of a military regime without any form of political representation, the national executive was able to impose on the provinces its most preferred outcome in terms of decentralization: unfunded administrative decentralization. The central government was interested in decentralization for several reasons. First, they saw the provinces as enclaves of conservatism, in which future right-wing political parties could develop. Second and more importantly, in the context of a neoliberal program of government (and with a rapidly growing foreign debt), the central government was interested in cutting the size of the federal bureaucracy and the national deficit (Filmus 1998, 68; Novick de Senén González 1995, 138). Third, an increase in the collection of revenues in 1977 (and consequently of the automatic transfers the provinces received under the system of revenue sharing) made for a favorable context in which to transfer expenditures (Ministerio de Cultura y Educación 1980).²⁹ Thus, decentralization of primary education without the transfer of resources was an excellent opportunity to cut national expenditures and devolve responsibilities to the provinces. As a social analyst observed at the time:

In the last 3 years, the federal government in Argentina has embarked on a dramatic program of transferring federally provided public services ...to the provincial governments. ...This is part of the military regime’s efforts to reduce the predominance of the central government, cut federal expenditures and the size of the federal bureaucracy... (Harris 1983, 194)

Moreover, and quite paradoxically, the national government could justify the transfer and the national fiscal cut by appealing to federalism. The 1978 national budget reads:

... a policy of transfer of services to the provinces has been implemented. The most important is the transfer of 6,564 primary schools, with 64,619 teaching and administrative appointments, 897,400 students and an approximate cost of \$207 billion ... With these transfers, not only did *we try to lighten national state expenditures*, but we also wanted the provinces to be responsible for the

²⁹ Accounting for the antecedents of the 1978 transfer, a report by the national ministry of education said: “At the end of 1977, the national minister of economy [José Martínez de Hoz], considered that there had been an increase in provincial revenues, therefore, he decides to initiate a policy of transfer of social services, among which is education.” (Ministerio de Cultura y Educación 1980, Vol.1, p. 151). According to an Argentine scholar that studied decentralization of education, provincial revenues increased from 0.88% of the national GDP in 1976 to 1.56% in 1977 (Kisilevsky 1998, 55).

administrative aspects that take place in their jurisdictions, *as it corresponds to a truly federal country*. (Emphasis added, cited in Ministerio de Cultura y Educación 1980, Vol. 2, 224)³⁰

For the same reason that the national government was interested in administrative decentralization, basically to cut the national deficit, it was not interested in fiscal decentralization. The military government did not want to increase the participation of the provinces in the nationally collected revenues, nor did it want to increase the amount or number of taxes.³¹ Finally, political decentralization was unthinkable under the Argentine military regime, as elections would not be allowed at any level of government.

Although the governors were appointed, some voiced their concerns with the administrative decentralization measure of 1978. In their correspondence with the national executive and in the meetings of the Federal Council of Education (Consejo Federal de Educación, CFE), governors and their representatives expressed their preference for a funded decentralization of education.³²

During 1976 and 1977, CFE assemblies met to discuss the transfer of the national schools to the provinces. In 1977, in the city of Posadas, Misiones, the CFE crafted a proposal that was passed to the national executive. In this proposal, governors expressed their support for the transfer of schools, which they considered would strengthen the federal system. They requested, however, that the transfer be gradual, at least in two stages: a first stage of coordination between the provinces and the national ministry of education on what and how to transfer, and a second stage involving the actual transfers. Governors also requested that the resources necessary to cover the costs of the national schools be transferred (Ministerio de Cultura y Educación 1980, Vol. 1, pp. 38–9). They specifically asked for an increase in the percentage of automatic transfers to the provinces (a fiscal decentralization policy through changes to the revenue sharing system) and they requested that this increase be distributed among the provinces according to the proportion of schools and personnel to be received.³³

The national executive disregarded the CFE proposal. They decided to implement the transfer of schools in a single act and to do so to all provinces simultaneously. They also decided that the provinces could largely afford the total costs (due to the raise in revenue

³⁰ It is clear from this document that the military junta decentralized primary education with the goal of cutting national expenditures. It is paradoxical, however, that in doing so the military dictators appealed to the federal character of the constitution, whose guarantees had been suspended since the military coup on March 24, 1976.

³¹ Although it is worth noting that in 1979, 1982, and 1983, the military government delegated the fiscal authority to grant federal tax breaks to the governments of four provinces (those of La Rioja, Catamarca, San Luis, and San Juan). Although these were partial measures that affected only about 20% of the provinces, they were instances of decentralization of fiscal authority. For analysis of these measures see, Eaton (2001, 100–03; 2006, 15–16)

³² The Federal Council of Education, created in 1972, was a federal institution presided over by the national minister of education and formed by all the provincial ministers of education. Its main purpose was to coordinate the actions of the federal government and the provinces on educational issues. In 1979, the Council of Education merged with the Council of Culture, forming the Federal Council of Culture and Education (*Consejo Federal de Cultura y Educación*, or CFCE). The CFCE still exists and it has been an important player in the negotiation and design of education reforms since the Federal Law of Education was passed in 1993 (see Falletti 2001).

³³ Resolution of the VI Ordinary Assembly of the CFE, in Posadas, March 30–April 1st, 1977. (Cited in Ministerio de Cultura y Educación 1980, Vol.2, 211–212).

collection the prior year), and that a fund would be created to assist the provinces that could not afford the costs of the transfer (Ministerio de Cultura y Educación 1980, Vol.1, p. 44). To that end, a fund named “Programa 050” (Program 050) was created in 1978. However, this fund was transitory; the national government had discretionary power over its distribution, and the transfers were later discounted from the revenues that the provinces shared with the national level. It was not actually a program of fiscal decentralization but rather a system of temporary advance payments that were later discounted from the provincial budgets. In no way did this mitigate the fact that, despite the provinces’ requests, the transfer of the schools was authoritatively imposed by the center without the transfer of fiscal resources.

Post-developmental decentralization in Argentina began with an administrative reform whose contents clearly corresponded with the interests of the national executive. The process did not start with a transfer of power, but rather with an offloading of expenditure responsibilities that set high fiscal constraints on the provincial coffers. As a result, when Argentina transitioned to democracy in 1983, the governors were more interested in pursuing fiscal decentralization than in any political decentralization measure (such as constitutional reform that could increase their autonomy from the national government). However, with its timing and contents largely controlled by the national executive, fiscal decentralization would not take place until 1988, 10 years after the transfer of the primary schools. As for political decentralization, it was not until the constitutional reform of 1994 that explicit reforms devolving political autonomy to the sub-national units were passed. As argued elsewhere (Falleti 2005, 2010a, Chapter 3), this sequence of decentralization reforms did not significantly increase the power of sub-national officials.

Brazil: Political Decentralization under Military Rule

On November 19, 1980, during the last administration of the military regime, the Brazilian Congress approved Constitutional Amendment No. 15 that reinstated the direct election of governors and all members of the Senate (Skidmore 1988, 441–2).³⁴ This measure revoked the Institutional Act No. 3 of 1966, the 1972 constitutional amendment that had extended it, and part of the “April Package” of 1977.

President João Figueiredo introduced the constitutional amendment proposal (*Proposta de Emenda a Constituição* or PEC No.76/1979) that reinstated the direct election of governors. That the executive was the one to introduce the bill is not surprising considering that the executive branch had an active role in introducing bills and modifying laws throughout the military period.³⁵ The measure was also

³⁴ At that time, one third of the Senators were indirectly elected by state assemblies. According to this constitutional amendment, vice-governors would also become directly elected, running together with the governors. See República Federativa do Brasil. *Diário do Congresso Nacional*. November, 20, 1980, 3428–31; and *Diário do Congresso Nacional* (Seção I) November 20, 1980, 14600.

³⁵ Schmitter (1973) refers to the “progressive independence of the executive power” after the 1964 coup. He counted more than 10,000 decrees and decree-laws issued in the first 4 years of the regime, as well as 12 institutional acts, over 80 complementary acts, and one new constitution as of 1971 (1973, 190–1). For one of the few studies of legislators’ strategies vis-à-vis executive bills during the military period, see Desposato (2001).

part of a gradual and controlled liberalization process that Figueiredo had re-coined *abertura* (or opening), a continuation of the *distensão* (or decompression) started by the antecessor President Geisel in 1974. In the bill sent to Congress, Figueiredo explicitly portrayed the amendment as part of a larger democratization process that included previous measures such as the elimination of the extraordinary powers of the executive, the Amnesty law, and the party reform law, all of which had been enacted in 1979.³⁶ According to several authors, by allowing the direct election of governors, the military's intent was to control the liberalization process. The military calculation was that a certain degree of decentralization of power would strengthen the conservative elites of the northern and northeastern regions and foster a conservative transition to democracy (Kinzo 1988; interview with David Samuels, in Chicago, IL, April 20, 2006).

The introduction of the bill by the executive, however, should not obfuscate the fact that there was a broad coalition in favor of the direct election of governors. This coalition grew and voiced its requests thanks to the continuation (though restricted) of partisan and electoral politics during the military regime. The coalition included legislators of the governing party (*Aliança Renovadora Nacional* or ARENA, later *Partido Democrático Social* or PDS) as well as legislators of the opposition, and represented the interests of the lower levels of government.³⁷ In the words of a ruling party deputy:

This bill of President Figueiredo is a response not only to the work of the political opposition ... but also of all those who have fought for [direct] elections ... [These are] legislators of the governing party ... city councilors, mayors, and state deputies. (Antônio Dias, PDS-Minas Gerais, República Federativa do Brasil, *Diario do Congresso Nacional*, August 23, 1980, 2063)

Previous constitutional amendment proposals for the direct election of governors had been presented by legislators of the opposition and of the ruling party. Among those presented by the opposition were the bills introduced by Senator Franco Montoro (MDB/PMDB- São Paulo). In 1978, Montoro presented two constitutional amendment proposals (PEC No.6/1978 and PEC No. 34/1978) for the direct election of governors, vice governors, and senators.³⁸ However, through control of the ARENA majority in Congress, President Geisel first and Figueiredo later were able to defeat both proposals.³⁹ By the time the second Montoro proposal was defeated, in May of 1979, Senator Edison Lobão from the ruling PDS party introduced another proposal for the direct election of governors and vice-governors (PEC 37/1979).

³⁶ República Federativa do Brasil, *Diario do Congresso Nacional*, August 23, 1980, 2065.

³⁷ The political party reform of 1979 ended the bi-partisan system by dissolving the ARENA and MDB, and allowed the creation of new parties. PDS became the new government party and several parties emerged in the opposition: among them, the Party of the Brazilian Democratic Movement or PMDB (direct political heir of the Brazilian Democratic Movement or MDB), the Workers Party, and the Brazilian Communist Party. As the process of political reforms progressed, all these opposition parties would become strong supporters of the decentralization-participation binomial (Assies 1993, 46; Cardoso 1992, 293; Figueiredo and Cheibub 1982, 39).

³⁸ See PEC No. 6 of 1978 in República Federativa do Brasil, *Diario do Congresso Nacional*, June 27, 1978, 1198–9; and PEC No. 34 of 178 in *Diario do Congresso Nacional*, December 5, 1978, 2294–5.

³⁹ República Federativa do Brasil, *Diario do Congresso Nacional*, October 17, 1978, 1926 and 1934–45; and May 19, 1979, 867–81.

Lobão was a well-respected journalist from the northeastern state of Maranhão. According to the opposition legislators, the government wanted a ruling party legislator be the author of the constitutional reform that would lead to the direct election of governors. Interestingly, however, this bill would also be defeated. Although Lobão's proposal had been unanimously approved by a joint committee of deputies and senators and endorsed by more than half of the Congress' members (230 deputies and 30 senators),⁴⁰ by the time it reached the floor, President Figueiredo ordered PDS legislators not to vote in favor of it. Instead, Figueiredo introduced his own bill to Congress.

The defeat of the opposition and Lobão's bills point to the strong political influence that the President exerted on Congress in this electoral military regime. The "heavy weight of the closed decisions of the party of government" was explicitly denounced by Legislator Edson Vidigal (Popular Party - Maranhão), a former member of ARENA.⁴¹ Other opposition members made similar remarks:

The Franco Montoro amendment was defeated with a hideous maneuver. While the [national] government asked the ruling party representatives to leave the House, it collected signatures for the Edson (sic) Lobão amendment ... The reinstatement of the direct elections of governors had to be done by initiative of a government Congress member, not by a member of the opposition. ... If in the past, to be approved, bills had to be proposed by a [ruling party] legislator, now they can only be initiated by the executive, thus, the individual freedom of Congress representatives is nullified and this branch is being ridiculed (Antonio Russo, PMDB-São Paulo, República Federativa do Brasil, *Diário do Congresso Nacional*, March 22, 1980, 278).

This situation was also recognized by the few members of the ruling party who, defying President Figueiredo's mandate, voted in favor of the Lobão amendment.⁴²

Even ruling party legislators made it clear they were following the President's instructions and supported party discipline. Deputy Bonifácio de Andrada (PDS-Minas Gerais) said:

We believe in the leaders of our party in the executive, and we believe in the leaders of our party in the legislative. We, PDS, are Executive and Legislative. ... Today, we do not vote against the direct elections, we vote instead according to the guidelines of our leadership. (República Federativa do Brasil, *Diário do Congresso Nacional*, March 22, 1980, 283–4)

Another PDS legislator made a similar remark:

No member of our party, neither of the national nor the regional level, can ignore the figure of the President of the Republic as Supreme Chief of

⁴⁰ República Federativa do Brasil, *Diário do Congresso Nacional*, August 23, 1980, 2061.

⁴¹ República Federativa do Brasil, *Diário do Congresso Nacional*, March 21, 1980, 258.

⁴² Airon Rios (PDS-Pernambuco), for example, said in a Congress debate: "My intelligence ... doesn't provide the [necessary] intellectual conditions to accept a terrifying and paradoxical coincidence: the [national] government and parliament both want direct elections, [however] when time comes to vote [on this measure, the government] orders parliament to deprive the country of direct elections." (República Federativa do Brasil, *Diário do Congresso Nacional*, March 21, 1980, 259)

Government and of the Party that gives him political support in the National Congress. In this regard, understanding and discipline must prevail and be considered relevant, transcending even the greater interests that we may question in light of the rights and duties imposed on us by the organic and disciplinary law of the political parties (Jorge Arbage, PDS-Pará, República Federativa do Brasil, *Diario do Congresso Nacional*, March 21, 1980, 261).

Lacking support of the majority party in Congress, Lobão's proposal was defeated.⁴³ Eight months later, President Figueiredo's proposal was voted on and approved by unanimity.⁴⁴ It was the first time since the *Estado Novo* (1937–45) that a proposal passed by a unanimous vote in Congress. And at least 55 Congress members said they were considering running for governor of their states.⁴⁵

The ruling party legislators' political discipline and alignment with the President could, mistakenly, lead to the conclusion that in this regime elections and legislative activity were merely political "window dressing." But this is not the case. On the one hand, comparative evidence shows that these institutions broaden the support for the military regime and lengthen its rule (Gandhi and Przeworski 2007). On the other hand, I would counterfactually argue that without the operation of the political opposition in Congress and their earlier (and defeated) political decentralization bills, the 1980 measure would not have been unilaterally adopted by the military regime. In fact, by 1980, although ruling and opposition legislators had voted differently in the previous proposals for the direct election of governors, in the context of a multi-party system that was becoming increasingly more competitive, all legislators became more attuned to societal and regional demands (Desposato 2001).

Now, were there common interests among the ruling and opposition legislators regarding the direct election of governors? A close reading of the Congressional debates of the failed and successful bills reveals that a majority of the members of the ruling party were interested in strengthening regional governments. Members of the opposition, such as Franco Montoro, Mauro Benevides, or Ulises Guimarães, instead, not only sought to strengthen the autonomy of regional governments, but also conceived of this political decentralization measure as part of a larger program of transition to democracy that, if they could have had their way, would have also included the direct election of the president. In fact, opposition legislators sought to expand Lobão and Figueiredo's proposals by including a wider set of political reforms, such as the direct election of the president, the direct election of mayors and vice-mayors of state capitals, the end of the terms of indirectly elected senators in 1982 (as opposed to 1986), the reduction of the presidential term from 6 to 5 years, and the elimination of the national electoral college.⁴⁶ In other words, thanks to the elections and the operating legislature, the political opposition placed explicit

⁴³ República Federativa do Brasil, *Diario do Congresso Nacional*, March 27, 1980.

⁴⁴ República Federativa do Brasil, *Diario do Congresso Nacional*, November 20, 1980.

⁴⁵ "O Congresso Aprova a Eleição Direta em 82," in *Folha de São Paulo*, November 14, 1980.

⁴⁶ "O Congresso Aprova a Eleição Direta em 82," in *Folha de São Paulo*, November 14, 1980. See also PEC's No. 42 by Deputy Airton Sandoval (PMDB-São Paulo), 43 by Senator Orestes Quercia (PMDB-SP), and 44 by Senator Franco Montoro (PMDB-São Paulo) in República Federativa do Brasil, *Diario do Congresso Nacional*, October 3, 1979, 2214–17.

demands in the government agenda to deepen the liberalization and democratization processes. Even if the timing and main features of these processes were largely controlled from above by the military, and through the majority party in Congress, the political opposition played an important role in pushing forward these issues in the reform agenda.

The November 1982 elections were the widest since 1962, encompassing the election of governors, state and national legislators, and mayors.⁴⁷ With 41.5% of the vote, the government party, PDS, gained 12 of the 22 governorships, 15 of the 25 senators, 235 of the national deputies, and 52.8% of the seats in the electoral college. With 58.5% of the vote, the opposition won 10 governorships, 10 senators, 244 federal deputies, 82 mayoralities of the 100 largest cities in the country, and city council majorities in 19 of the 23 state capitals (IBGE 2003, Chapter 24, Tables 4 and 5; Selcher 1986, 61–2). As Linz and Stepan (1992) write: “elections can create agendas, can create actors, can reconstruct identities, help legitimate and delegitimate claims to obedience, and create power” (133). This was precisely the effect of holding sub-national gubernatorial and mayoral elections prior to the introduction of nationwide elections for the presidency. Governors and mayors could make a claim to electoral legitimacy that the president could not make, and grew increasingly independent of the central government.

Both at the state and local levels a self-reinforcing *policy ratchet effect* was unfolding: a group of supporters who will continue to push in the direction of further decentralization. According to Evelyne Huber and John Stephens (2001, 10) a policy ratchet effect operates when policy reforms create a “policy configuration” of supporters that makes it harder to shift away from those policies. A new “center of gravity” in the policy agenda is therefore defined by the innovations introduced in the early round of reforms. At the state level, “the rise of gubernatorial influence ... combined with continued military control of the presidency during this time increased the importance of sub-national actors and interests in national politics, to the detriment of national parties and national issues” (Samuels 2004, 79). The gubernatorial inaugurations in March of 1983 were widely regarded as the end of the absolute power of the military regime (Selcher 1986, 67). As then Minister of Planning, Delfim Netto, put it: “... there was enormous pressure right after 1982 ... the government could no longer resist the pressure from the governors. It was a question of power. The authoritarian regime was finished in 1982” (quoted in Samuels and Abrucio 2000, 57). At the local level, mayors gained more autonomy and became more politically active. Through public demonstrations and organization in state-level municipal associations, mayors and local activists voiced their demands for more resources and services. In 1980, they formed a new municipal association, the National Confederation of Municipalities (*Confederação Nacional de Municípios* or CNM), to represent their interests. Although there was another association of municipalities in Brazil, the ABM or *Associação Brasileira de Municípios*, which had been founded in 1946, those who created the CNM understood that the ABM was too close to the military government and had ceased to voice the increasing needs of local governments.⁴⁸

⁴⁷ Municipal elections had been postponed from 1980 to 1982.

⁴⁸ Interview with Paulo Roberto Ziulkoski, President of the CNM, on July 22, 2005.

This self-reinforcing policy ratchet effect of political decentralization, namely the strengthening of sub-national actors, would lead to the negotiation of the second type of decentralization reform that is most dear to the interests of governors and mayors (once political decentralization has taken place): fiscal decentralization. Furthermore, invested with electoral legitimacy, opposition governors coordinated the *direitas já* campaign, and entangled their demands of democratization with those of local participation and decentralization. Decentralization and democratization came to be seen in the public discourse as parts of the same process and this identification would be largely beneficial to sub-national governments in all the negotiations leading to the 1988 constitutional reform (Souza 1997).

Conclusion

In both Argentina and Brazil, post-developmental decentralization was initiated under military regimes. These two military regimes, however, were so radically different in the ways in which they organized power within the state that whereas Brazil started its process of post-developmental decentralization with a political decentralization type of reform, Argentina started the process with an administrative decentralization type of reform. As I argue in this article, the radically different occupation and organization of the institutions of the state during the last military regimes explain why a political decentralization reform was attainable in Brazil, but not in Argentina.

Through political engineering, the Brazilian military profoundly changed the preceding political system. In the words of Huntington, the Brazilian military did not simply seek to seize power, they sought to *make* power. In doing so, the military kept the political system alive and respected some of its features, such as the maintenance (at large) of the electoral calendar. The political opposition to the regime (though persecuted, repressed, and purged) could voice its demands in the national legislature and run in elections that as time went by became increasingly competitive. This was the key to the adoption of the political decentralization measure of 1980: the decision to resume the popular election of governors 2 years later.

In Argentina, on the other hand, the military *seized* power, occupying the state at all levels and repressing and controlling the organizations of civil society in a capillary way. The military suppressed all forms of political activity, contestation, and representation following the 1976 military coup. Hence, the first type of decentralization reform enacted in the post-developmental era was an administrative type of reform, which consisted in the unfunded transfer to the provinces of all the pre-school and primary-level schools until then in the hands of the federal government. The diametrically opposed beginnings in the first measure that initiated the post-developmental decentralization process implied different evolutions of the institutions of intergovernmental relations during the democratic period. In Brazil, political decentralization in 1980–1982 was followed by fiscal decentralization (in 1983) and subsequently by administrative decentralization (starting in 1988). This trajectory of reforms led to a high degree of devolution of resources and policy-making authority to sub-national governments. In Argentina, instead,

the administrative decentralization reform of 1978 was followed by fiscal decentralization (in 1988) and political decentralization only came about in the constitutional reform of 1994, almost as a residual policy. Due to the effects of these divergent sequences of reforms, sub-national resources and sub-national policy-making authority remained practically unchanged in Argentina, while they were significantly devolved in Brazil.⁴⁹

This article constitutes an in-depth study of the organization of state power and its effect on the first post-developmental decentralization policies adopted by two military regimes.⁵⁰ As such, the article does not test causal hypothesis or the plausibility of putative alternative explanations. However, it does put forward an explanation for what I consider to be the most important causal mechanism—namely the organization of state power—that accounts for the divergent paths that military regimes may take when adopting intergovernmental reforms. The article advances a series of propositions regarding the organization of state power that could be tested on a wider set of military regimes, spanning both across time and space, and controlling by other factors.

Moreover, in relation to the recent literature on electoral authoritarian regimes, the article confirms the claim advanced by Gandhi and Przeworski (2007) that elections and legislatures under authoritarianism are not simply “window dressing.” Cross-national comparative studies have shown that nominally democratic institutions such as legislatures and elections broaden the basis of support for autocrats (Gandhi and Przeworski 2007), divide the antigovernment forces (Remmer 1999), and increase the likelihood that a successor government would be an electoral democracy (Brownlee 2009). I show in this article that legislatures and elections can also broaden the support of the opposition’s reform agenda. Even if party discipline and alignment of the ruling majority legislators with the national executive prevail, when one analyzes the contents and debates over the defeated as well as the successful bills over time, one appreciates that the existence of a legislature allows for the introduction of reforms in the legislative agenda. Moreover, over time, some degree of societal support could be garnered by the opposition, which forced the regime’s hand toward the adoption (at least partial) of the proposed reforms. In other words, nominally democratic institutions in electoral military regimes matter to policy outcomes. Under electoral authoritarianism, political institutions such as elections and legislatures matter not only to regime survival, but also to the design, negotiation, and implementation of policy reforms, which, as in the case of decentralization, have consequences on the posterior processes of institutional reform.

Related to this last point, it would be worth investigating the extent to which decentralization reforms undertaken under electoral authoritarian regimes are more likely to result in higher levels of devolution of autonomy to sub-national governments than decentralization reforms undertaken under closed dictatorships. If the main intuition behind this article is correct, through the legislative negotiating

⁴⁹ For further details on the sequences of post-developmental decentralization in Argentina and Brazil see, Falleti (2010a, Chapters 3 and 5).

⁵⁰ For an analysis of developmental as well as posterior fiscal and administrative decentralization policies adopted by these (and other) military regimes, see Eaton (2006).

process, electoral authoritarian regimes should be more likely to introduce the political preferences of the opposition (which one would expect to be more closely aligned with the territorial preferences of sub-national actors, since authoritarian regimes tend to be centralizers) in the process of policy design. Furthermore, the fact that elections and legislatures broaden the support for the opposition's reform agenda may also help to account for Jason Brownlee's (2009) finding that electoral authoritarian regimes are more likely to be succeeded by an electoral democracy. It is plausible that the voicing and (eventual) accommodation of opposition political interests under electoral authoritarian regimes could over time result in higher levels of political accountability and further attention to societal demands. In this sense, even if they last longer, it appears that electoral military regimes carry the seeds of their own destruction, particularly once societal demands start moving in the direction of democratization.

Finally, the study of the differences among authoritarian regimes and their legacies also calls our attention to the importance of periodization and the definition of causally relevant contexts (Falleti and Lynch 2009). Due to their emphasis on regime change, many studies of democratization begin their narratives at the end of the old regime: with a significant event that led to its collapse or with the first free and fair election held. It is as if the political clock was reset to zero and everything started anew. 1983 in Argentina, 1985 in Brazil, and 1989 in most of Eastern Europe thus become uncontested starting points to study transitions to democracy and democratization processes. But processes such as post-developmental decentralization, which were initiated in the context of authoritarian regimes and continued to unfold throughout democratic ones, underscore the importance of doing more research on the differences among military regimes. Not simply so we can be better distinguish among and properly classify authoritarian regimes (as Geddes and Remmer proposed), but also so we can grasp the conditions, possibilities, and limitations under which institutions evolve in the subsequent democratic regimes. As Eaton (2006, 20) writes: "while many episodes of decentralization can doubtless be traced to democratization, fuller explanations of the decentralizing changes under way in developing countries must look to the predemocratic period."

Besides decentralization, other processes that radically transformed Latin America such as privatization, deregulation of trade, flexibilization of labor, and the dismantling of welfare policies were also initiated under military rule. Paradoxically, even the process of universalization and municipalization of health care in Brazil began under the military regime (Falleti 2010b). In all these cases, periodization with reference to the macro-economic model pursued by the state or to the underlying processes of policy reform (under military and democratic regimes alike) might prove more appropriate than periodization according to political regime. And because transformations in the state institutions, in the economy, in politics, and in society are not synchronic, the decision to choose regime change (which prioritizes the political dimension) as a starting point is not always appropriate, particularly if the meaning or significance of the process under study is largely determined by other dimensions of the social structure. Hence, greater attention to the organization of state power in authoritarian regimes may prove useful for unlocking some of the current features of democratic politics and policy outcomes.

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