

Index

- administrative reform, 29, 238, 242, 244
- advocacy networks, 25, 247
- Alfonsín, Raúl, 48, 105
- Allende, Salvador, 75, 109
- amparo. *See* writ of *amparo*
- antideforestation. *See* deforestation
- Argentina
 - electoral reform in, 20, 47
 - environmental regulation in, 17, 31, 176
 - executive-judicial relations, 3
 - investment in, 4
 - labor safety regulations in, 18, 37, 171
 - migrant labor in, 171
- aspirational rights, 19, 26, 38, 40, 141–49, 160, 253, 261, 262, 280, 293
 - definition of, 142
 - versus* justiciable rights, 144
 - as weak institutions, 147
- audience costs, 122
- audience value, 25, 32
- authoritarian elites
 - under democracy, 61, 63
 - designing transitions and institutions, 69
 - and exploiting constitutional power, 63–64
- Autoridad Judicial Administrativa Minera, 169
- Balaguer, Joaquín, 241
- Bolivia
 - and conflict with multi-national corporations, 169
 - gold-mining sector in, 18, 121, 168
 - Movement for Socialism government, 32, 169, 267, 269, 274, 278
 - prior consultation in, 265
 - state ownership of hydrocarbons in, 267
- Bolsonaro, Jair, 101
- Brazil
 - constitutional amendments in, 38
 - environmental regulation in, 15, 18, 30
 - impeachment, 100
 - Operation Car Wash, 98
- bureaucracy
 - brain drain of, 238
 - legalist model of, 124
 - organizational cultures of, 124
 - rational choice model of, 124
 - size of, 249
 - Weberian model of, 124, 236, 238, 249
 - welfarist view of, 125, 135
- bureaucrats, tools to shape behavior of, 125
- Cámara Peruana de la Construcción, 179
- Carranza, Venustiano, 28
- Centro de Residentes Bolivianos en Córdoba, 171
- Chaco forest, 28, 183, 187, 188–95, 206, 288
- Chaco Indigenous Institute, 195
- Chamorro, Violeta, 106
- Chávez, Hugo, 114
- Chile
 - 1980 constitution, 64, 75
 - 1990 transition, 64, 71

- Chile (*cont.*)
 authoritarian legacies, 65
 binomial electoral system, 64
 Concertación party, 64, 109
 Constitutional Tribunal, 65
 presidential powers, 109
 CIDOB. *See* Confederación Indígena del Oriente, Chaco y Amazonía de Bolivia
 civil service reform, 236, 238, 240, 243
 coalitions and institutional strength, 24
 coercion gap, 27–29, 39, 119–21, 126, 139–40, 285
 coercive capacity, 79
 collective
 action, 63, 77, 79, 194–95, 226, 228, 260
 land disentanglement, 210
 land rights, 209
 ownership, 233
 Colombia
 1991 constitution, 131
 1995–96 impeachment attempt, 106
 Constitutional Court, 29, 46, 131
 and constitutional rights, 27
 constraints on Constitutional Court in, 38
 Federación Nacional de Comerciantes, 130
 Instituto de Nacional de Vivienda de Interés Social y Reforma Urbana, 131
 squattling in, 129–32
 colonization, 216
 commodity boom, 183, 193, 254, 290
 compliance, 138
 and coproduction, 278, 284
 costs of, 24, 25, 205, 254, 257
 design features to induce, 195
 and enforcement, 18, 19, 186, 278, 284
 failures of. *See* noncompliance
 importance of, 2
 and inequality, 292
 and insignificance, 32, 295
 and institutional strength, 9, 259
 with land laws in Mexico, 210
 as mechanism of change, 5
 origins of, 258
 reinforced by social norms. *See* coproduction
 and sanctions, 282
 and social movements, 257
 sources of, 259
 and stability, 36–38
 variation in, 277
 with violence against women laws, 152
 voluntary, 14
 ways to induce, 122
 Confederación Indígena del Oriente, Chaco y Amazonía de Bolivia, 266
 conflict avoidance strategy, 195, 201, 206
 Consejo Nacional de Ayllus y Markas del Qullasuyu, 267
 conservationist coalitions, 193, 195, 196
 constitutionalism. *See* rule of law
 constitutions
 amendments, 74
 annulments, 74
 authoritarian, 61, 66, 68
 crafting process, 72–73
 elite-based, 86
 interpretation in Colombia, 27
 self-enforcing stability of, 62–63
 showing signs of adaptation, 64
 turnover, 20
 consulta previa. *See* prior consultation
 Convention on the Elimination of All Forms of Discrimination against Women, 160
 coproduction, 10, 18, 19, 26, 32, 35, 63, 124, 135, 139, 167, 254, 278, 284–85
 and compliance, 284
 of criminal regulations, 179
 of labor laws in United States, 295
 in Mexico, 40
 and social norms, 281
 in weak states, 31
 Correa, Rafael, 34, 109, 139
 presidential behavior, 113–14
 corruption, 16, 63, 248
 in Guatemala, 99
 Operation Car Wash, 101
 in strong states, 161
 Costa Rica, electoral reform in, 48
 courts
 access to, 221, 229
 as *amparo* enforcers, 232–34
 under democracy, 289
 and enforcement, 293
 indicators of weakness, 23
 judicial interpretation in, 27
 manipulation of, 114
 Potemkin, 11, 22, 23, 32
 and property rights, 26

Index

335

- resolving *amparo* writs of rights protection, 211
 - response to violence against women in, 142
 - as tool for noncompliance and instability, 23
- cross-cultural learning, prospects of, 238–39
- Cunha, Eduardo, 101
- Dahik, Alberto, 106, 109
- de la Rúa, Fernando, 48, 107
- death of former dictator, 76, 78
- decentralization, 28, 184
- deforestation, 17, 28, 183–206, 288
 - in Argentina, 40
 - in Brazil, 18
- democracy
 - under authoritarian constitutions, 61
 - and authoritarian elites, 61, 68
 - definition of, 66
 - effects of institutional weakness on, 2
 - elite-based, 67, 75, 85
 - institutional weakness under, 291
 - power of rule-writing under, 28
 - property rights under, 208
 - strengthening of institutions under, 288
- Díaz, Porfirio, 210, 217
- diffuse pressure, 162, 165, 171, 181
- Dirección Nacional de Protección de Obras Civiles, 180
- disentailment, 212, 216
 - of indigenous lands, 213
- domestic violence, 26, 123
 - in Mexico, 31, 147
 - perception problems, 147
- Dominican Republic
 - administrative reforms in 1990s, 29
 - enforcement capacity, 30
 - international pressure on, 246
 - labor and employment law in, 235
 - Ministry of Labor, 244
 - patronage in, 240
- Drug War, 109
- Duhalde, Eduardo, 48
- Durán-Ballén, Sixto, 106, 109, 112
- early removal. *See* impeachment
- economic elites
 - outsiders, 77
 - protecting status, 70
 - sources of weakness, 77
- economic openness, 77, 79, 85
- economic shocks, 33, 290
- Ecuador
 - 1998 constitution, 34
 - electoral reform in, 20, 49
 - indigenous movement, 34
 - presidential powers, 109
 - presidential strength, 112
- electoral design, 4
- electoral reform
 - alternative explanations for, 54
 - in Argentina, 20, 47
 - comparative analysis of, 48–49
 - in Costa Rica, 48
 - definition of, 46
 - in Ecuador, 20, 49
 - impact of, 59
 - in Latin American senates, 50
 - personalization of, 50
 - predictors of, 42
 - and presidential reelection, 46
 - strategic theories of, 44
 - theorized constraints on, 54
 - in Venezuela, 20, 49
- electoral rules under authoritarian constitution, 61
- elites' interests, 211
- enforcement, 6, 124, 284
 - definition of, 161
 - explained by officials' interests, 164
 - firm-based theory, 164
 - and indifference, 180
 - and institutional strength, 259
 - intermittent, 17
 - political explanations for, 162
 - regional variation in, 184
 - sanctions as tool for, 205
 - selective, 16, 17, 209, 210, 278
 - and societal organizations, 162
 - society-dependent, 167
 - union influence, 172
 - vote-seeking motivations, 165
- environmental NGOs, 206
- environmental regulation
 - in Argentina, 17
 - in Brazil, 18, 30
- environmentalism of the poor, 194
- federal systems, 198
- femicidio, 148, 150

- forbearance, 3, 16, 28, 99, 104, 120, 209, 278, 290
 electoral motivations for, 123, 132
 empathetic motivations for, 123
 normative implications of, 140
 forest protection regulations, 183, 187, 188
 formal rules. *See* institutions, definition of formalization, 174
 France, parity law. *See* gender quotas
 Fujimori, Alberto, 12, 23, 29, 84, 281, 287
 1992 self-coup, 104

 Gaviria, César, 131
 gender quotas, 16
 gender-violence alerts, 151
 General Law on Women's Access to a Life Free of Violence, 151
 González Macchi, Luis Ángel, 106
 governors' incentives, 192
 Guatemala, corruption scandal, 99

hacendados, 209, 217
 Humala, Ollanta, 174
 Hydrocarbons Law of 2005, 265

 ILO Convention 169, 26
 impeachment, 99, 111, 281, 291
 congressional attempts at, 105
 of Dilma Rousseff, 98
 and judicial manipulation, 115
 legislative incentives for, 103
 in Paraguay, 101
 standards for removal, 101
 impoverished individuals, 119
 criminalized behavior of, 121
 incorporation, 254, 275
 of indigenous, 263
 indifferent states, 31, 40, 146
 indigenous communities, 197, 202, 209, 211, 254
 and extractive corporations, 255
 and leftist activism, 267
 organized in movement, 275
 inequality
 in access to justice, 148–49
 and authoritarian constitutions, 65
 and challenges of enforcement, 119
 and compliance, 292
 socioeconomic, 28, 289
 informal institutions, 6, 8, 10, 26, 37, 294
 insignificant institutions, 9, 11–14, 15, 32, 280, 285–86

 inspector malfeasance, 242
 instability, 4, 14, 20–21, 280
 coalitional, 296
 of electoral systems, 44, 46, 48
 and judicial interpretation, 23
 measurement, 286–87
 sources of, 36
 trap, 43, 59, 110–15
 institutional conversion, 186
 institutions
 and adaptation, 21
 and coalitional support, 24
 definition of, 6–8
 and democracy, 291–93
 elite-designed. *See* constitutions, authoritarian
 enforcement required to strengthen, 120
 gaining strength, 181
 importation of, 237
 imported, examples of, 239–40
 observed outcomes and formal rules, 100, 101
 as opposed to organizations, 8
 persistence of, 21
 and political contention, 274
 and presidents, 115
 and protecting elite interests, 68
 and rational behavior, 237
 reform of, 251
 social compliance with, 254
 societal response to, 18
 sources of strength of, 257
 symbolic. *See* courts, Potemkin
 window-dressing. *See* window-dressing institutions
 Inter-American Commission on Human Rights, 150–51, 156
 inter-branch power struggles, 65
 International Commission against Impunity, 99
 International Covenant on Civil and Political Rights, 144–45
 International Covenant on Economic, Social, and Cultural Rights, 145
 International Labor Organization, 254
 interpretation, judicial, 23

jefaturas de hacienda, 215
 Juárez, Benito, 210
 judicial institutions, bias in access to, 221, 229
 judicial interpretation, 23–24, 47

Index

337

- Kirchner, Néstor, 48
 Kuczynski, Pedro Pablo, 98
- labor safety regulations, 36
 in Argentina, 37
 land laws, 209, 216, 221, 226, 228
 interest *versus* ideology, 222
 land rights, liberal perspective on, 209
 Latin American and Caribbean Committee for
 the Defense of Women's Rights, 156–57
 Law of Colonization, 218
 laws
 as agent of social change, 144
 anticorruption, 16
 civil service, 235
 punitive, 121
 Lerner, Salomón, 174
 Ley de Nacionalización de Bienes
 Eclesiásticos, 215
 literacy tests, 16
 López Obrador, Andres Manuel, 62
 Los Tierreros, 134
 Lugo, Fernando, 101
- Maduro, Nicolás, 98
 malapportionment, 186
 MAS government to be Movement for
 Socialism government
 Menem, Carlos, 48
 mental incapacity, 99
 meritocracy, merits of, 238
 merit-trap hypothesis, 241, 243
 Mesa, Carlos, 105, 267
 metoo movement, 148
 Mexico
 1917 constitution, 27, 37, 62–63
 2000 transition, 76
 constitutional stability, 62
 district courts *versus* Supreme Court,
 232
 domestic violence in, 26, 31
 export boom, 217
 Institutional Revolutionary Party, 37, 62,
 76, 108
 laws on marriage and domestic violence,
 147, 150
 Lerdo Law, 16, 26, 212
 liberal era (1855–1910), 210
 National Action Party, 151
 Party of the Democratic Revolution, 151
 presidential powers, 108
 property rights in, 26, 29
 Revolution, 27, 220
 mining cooperatives, 168
 Morales, Evo, 169, 267, 281
 and prior consultation, 273, 274
 Movement for Socialism government.
 See Bolivia, Movement for Socialism
 government multilevel systems, 186
 multinational firms, conflict with state, 169
- nationalization, 215
 native forest protection regime, 184
 NGOs. *See* nongovernmental
 organizations (NGOs)
 noncompliance, 14, 15–19, 142–43, 277
 costs of, 206
 and enforcement, 126
 and institutional weakness, 110
 and judicial interpretation, 23–24
 legal status of, 185, 207
 legislative response to, 122, 126
 measurement challenges of, 280–82
 preferences over institutions as cause of, 120
 with presidential institutions, 105
 as result of resistance, 146
 and sanctions, 189, 204
 and state capacity, 162
 nongovernmental organizations (NGOs)
 environmental, 185, 188, 202, 271, 278
 feminist, 149
 and indigenous incorporation, 263
 using political pressure, 190, 195, 201,
 249
 norm diffusion, 25
- Odebrecht scandal, 98, 99
 Operation Car Wash, 101
- Pacto de Unidad, 267
 Paraguay
 2001–02 impeachment attempts, 106
 impeachment, 101
 party systems, 291
 patronage, 240, 247
 Paz Zamora, Jaime, 266
 Pérez Molina, Otto, 99
 Peronism, 172
 Peru
 artisanal mining activities, 173
 construction industry in, 18, 178
 environmental commitments, 174
 policy-making institutions, 29
 squattling in, 126–28
 term limits in, 23

- Petrobras, 101
 Pinochet, Augusto, 64, 75, 84, 287
 poison pill, 32
 polarization, 296
 political elites, 69
 political pressure, diffuse and proximate, 162
 populists, 296
 Porfiriato, 26, 210
 economic development under, 217
 indigenous protests under, 220
 power, 193
 presidential crises, 98, 104, 106, 110
 bimodality of, 112
 presidential powers, 102–3, 108
 presidential recall, 51
 presidentialism
 compared to parliamentarism, 98
 fixed terms, 98
 strong president, 109
 pressure from below, 182
 pressures by social actors, 163
 principal–agent relationship, bureaucrats and officials, 162
 prior consultation, 12–13, 32, 254, 259, 278
 in Bolivia, 30, 265
 and extraction, 275
 legitimacy of, 275
 and state capacity, 275
 private property, 215
 property rights, 26, 208
 liberal ownership rights, 208
 provincial implementation, consistency of, 189
 public land rights, 209
 public trust in executive, 113

 rape legislation, 149
 recall elections, 99
 redistribution, 2, 3, 137, 145, 290
 repeal and replace, 294
 representation of poor, 120
 revictimization, 148
 Rousseff, Dilma, 98, 100
 rule of law, 2, 17, 69, 86, 100, 105, 114, 115
 and presidential exits, 102

 Salinas, Carlos, 149
 Samper, Ernesto, 106
 Sánchez de Lozada, Gonzalo, 107, 267

 sanctions, 119, 205
 coercive, 121
 observation of, 282
 severity *versus* frequency, 122
 Santiago del Estero Peasant Movement, 195
 secularization, 212
 serial replacement, 5, 20, 64, 278
 Servicio Nacional de Registro y Control de la Comercialización de Minerales y Metales, 169
 Servín de Capetillo, 227
 social
 mobilization, 274
 norms, 10
 norms, effect on violence against women, 147
 stigmatization of violence against women, 150
 societal cooperation, 18–19, 31, 237
 societal resistance, 147
 squatting
 in Colombia, 129–32
 definition of, 120
 in Peru, 126–28
 stability, 6, 20, 36–38
 of authoritarian constitutions, 67
 and compliance, 36
 created by institutions, 260
 of democracy, 248, 291
 in electoral rules, 43
 of formal rules, 9
 of institutions, 20, 35, 54, 289, 295
 in Mexican constitution, 62
 political, 42, 63, 197
 standoffish state, 164, 178, 214, 278
 state behavior, 261
 state capacity, 17, 28, 29–30, 161, 163, 175, 181, 209, 210, 290
 and prior consultation, 275
 state expropriation, 75, 208
 status hierarchies, 144
 subnational regulations, 192, 197

 Temer, Michel, 101
 term limits
 in Colombia, 10
 in Peru, 23
 timber industry, 194
 Toledo, Alejandro, 127
 trade openness. *See* economic openness
 tragedy of commons, 209

Index

339

- transition, democratic, 62, 68, 73, 87, 141, 248, 278
 - in Chile, 75
 - after former dictator dies, 76
- Venezuela
 - court-legislature relations, 98
 - electoral reform in, 20, 49
- violence against women, 278, 290
 - conceptualization of, 141
 - cultural patterns of, 144
 - demographics of, 153
 - as human rights violation, 157
 - institutional weakness of
 - legislation, 142
 - normative underpinnings against, 144
 - reporting rates, 157–58
 - second-generation legislation, 151
 - sources of noncompliance, 143
 - violent challengers to state, 167
 - volatility, political, 290
- War of Reform, 214
- Washington Consensus, 37
- weak presidency, 108
- wealthy individuals, 119, 123
- window-dressing institutions, 15, 25–26, 146, 183, 261, 266
- writ of *amparo*, 201, 211, 220
 - types of cases, 225