

## I

## Inequality, Democracy, and the Inclusionary Turn in Latin America

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### INTRODUCTION

Latin America experienced an inclusionary turn beginning in the 1990s and accelerating as the twenty-first century dawned. Governments across the region created institutions and policies aimed at including previously excluded groups and expanding the boundaries of citizenship. Movement toward greater inclusion occurred in three major areas. First, states took unprecedented steps to recognize indigenous peoples, Afro-Latin communities, and multicultural and plurinational societies.<sup>1</sup> Second, governments established new channels of access to policymaking and created or broadened participatory governance institutions,<sup>2</sup> triggering what has been described as an “explosion of participation” in the region (Cameron and Sharpe 2012, 231). Finally, governments throughout Latin America invested heavily in redistributive social policies: welfare states expanded, providing unprecedented coverage to historically excluded sectors such as women, the unemployed, and the rural and informal poor.<sup>3</sup> Partly as a result of these policies, poverty rates declined markedly, and in much of the region, levels of socioeconomic inequality fell for the first time in

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<sup>1</sup> Stavenhagen (1992); Brysk (2000); Sieder (2002); Van Cott (2005); Yashar (2005); Lucero (2008).

<sup>2</sup> Van Cott (2008); Avritzer (2009); Selee and Peruzzotti (2009); Wampler (2009); Goldfrank (2011); Mayka (2019).

<sup>3</sup> Lomeli (2008); Pribble (2013); De la O (2015); Diaz Cayeros et al. (2016); Garay (2016).

2 *Diana Kapiszewski, Steven Levitsky, and Deborah J. Yashar*

decades.<sup>4</sup> Underlying, and to some degree constitutive of, these changes was stronger enforcement of the rights that had been enshrined in many new Latin American constitutions.<sup>5</sup> Indeed, as Holland and Schneider (2017, 988) write, “[i]t is not much of an exaggeration to say that the 2000s was one of the best decades in history for the poor in Latin America.”

The emergence of a more inclusive politics across Latin America marks a significant – and in many ways, unexpected – break with the past. Latin America has long been characterized by extreme inequality and social exclusion; even today, it is the most unequal region on earth. Historically, efforts to combat social and economic inequality – by left-leaning governments, social movements, or armed guerrillas – have almost invariably triggered harsh conservative reactions, usually culminating in military coups. Even after democracy returned in the 1980s, economic crisis and far-reaching neoliberal reforms appeared to demobilize and depoliticize citizens.<sup>6</sup> Corporatist structures broke down, labor movements weakened, and leftist and labor-based parties collapsed or shifted to the Right. Emerging civil society organizations lacked the national reach of political parties, and unions did not provide comparable access to the national state.<sup>7</sup> Neoliberal reforms reinforced these processes, atomizing and demobilizing class-based popular sectors.<sup>8</sup> The dismantling of already weakened state institutions appeared to condemn many Latin Americans to “low-intensity citizenship.”<sup>9</sup> In this context, Roberts (2002) even wrote of a “re-oligarchization” of politics.

Yet recent decades have witnessed an unprecedented expansion of citizenship. Even in the context of the neoliberal 1990s, Latin American governments began to experiment with new forms of inclusion – extending recognition to previously marginalized peoples (Van Cott 2005; Yashar 2005), creating new channels for local political access (Goldfrank, this volume), and in some cases extending material benefits to more citizens (Garay, this volume). In the 2000s, the region experienced a repoliticization of long-standing socioeconomic issues (Arce and Bellinger 2007; Roberts 2008, 2015; Silva 2009), and popular mobilization also placed new issues and demands on the political agenda. Some

<sup>4</sup> López Calva and Lustig (2010); Birdsall et al. (2012).

<sup>5</sup> Bejarano and Segura (2004); Segura and Bejarano (2004); Hartlyn and Luna (2009).

<sup>6</sup> Oxfhorn and Ducatenzeiler (1998); Roberts (1998); Kurtz (2004).

<sup>7</sup> Chalmers et al. (1997); Roberts (1998); Yashar (2005); Collier and Handlin (2009).

<sup>8</sup> Oxfhorn and Ducatenzeiler (1998); Roberts (1998); Kurtz (2004).

<sup>9</sup> O'Donnell (1993); Kurtz (2004).

parties and governments responded to these demands, creating new rights, institutions, and policies aimed at traditionally marginalized groups. In short, politics and policies became more *inclusive*, allowing for the more effective practice of citizenship by individuals who previously had been excluded on the basis of class, race, ethnicity, gender, or sexual preference.

These developments have engendered exciting new research agendas. For instance, recent scholarship has examined the extension of new social and cultural rights,<sup>10</sup> the spread of participatory institutions,<sup>11</sup> and the expansion of redistributive social policies in Latin America.<sup>12</sup> For the most part, however, scholars have studied these developments in isolation. This volume adopts a different approach. We treat the combination of state efforts to include previously excluded popular sectors (by enhancing recognition, increasing access to political power, and augmenting resource flows) as a broad regional syndrome – a confluence of processes that may be described as an “inclusionary turn.” Examining these changes holistically offers greater insight into the way they interact, and an opportunity to evaluate whether and how they may be jointly transforming democratic Latin America.

In the next three sections of this introductory chapter, we conceptualize inclusion, describe Latin America’s most recent inclusionary turn, and place it in historical context. We then offer an explanation of the inclusionary turn and some hypotheses about the sources of cross-national variation *within* the turn. Our explanation of the overall turn highlights the cumulative effects of democratic endurance in a context of deep social inequality. Democratic endurance is a contemporary phenomenon. Historically in Latin America, efforts to mobilize the poor, elect leftist, or populist governments, or redistribute wealth under democracy, frequently triggered conservative reactions and, in many cases, military coups. By the 1990s, however, due to a more favorable post–Cold War regional environment and the absence of legitimate regime alternatives, even relatively weak democracies survived. Democratic survival encouraged, and created unprecedented and extended opportunities for, popular sector movements and their partisan allies to organize and make

<sup>10</sup> Van Cott (2005); Yashar (2005); Gauri and Brinks (2008); Brinks and Gauri (2014).

<sup>11</sup> Van Cott (2008); Avritzer (2009); Selee and Peruzzotti (2009); Wampler (2009); Goldfrank (2011); Cameron et al. (2013); Mayka (2019).

<sup>12</sup> Lomeli (2008); Huber and Stephens (2012); Pribble (2013); De la O (2015); Díaz Cayeros et al. (2016); Garay (2016).

4 *Diana Kapiszewski, Steven Levitsky, and Deborah J. Yashar*

demands; simultaneously, sustained electoral competition in a context of jarring social inequality created incentives for parties from across the political spectrum to appeal to low-income and marginalized voters through multifaceted efforts at inclusion. For the first time in Latin American history, these developments did not trigger a significant authoritarian backlash, allowing such inclusionary efforts to unfold and accumulate over time.

The social and political gains made during the inclusionary turn should not be overstated, however. First, ground-level advances in popular sector recognition, access, and resources have been slower and less consequential than legal innovations and parchment-level changes might suggest. Moreover, movement toward inclusion is never unidirectional; it always activates resistance and reaction. Inclusionary advances in some areas may coexist with exclusionary movements in other areas. The chapter's penultimate section examines some of these "paradoxes of inclusion," surveying its limits and limitations, its problems and pathologies. In the chapter's conclusion, we broaden our discussion to consider the uneven implementation of the parchment reforms on which much of the chapter focuses. We also consider the sustainability of the phenomenon after the Left turn, asking how the ascent of more right-wing governments in several Latin American countries, as well as the catastrophic COVID-19 pandemic, might affect inclusionary politics in the region.

#### CONCEPTUALIZING INCLUSION

We understand "inclusion" to be a multidimensional process through which previously marginalized actors gain more meaningful and effective citizenship. Citizenship entails civic, political, and socioeconomic membership in a polity. All polities establish institutions defining who has membership; what rights and duties are associated with it; and how members are represented in and gain access to the state. That is, all states establish citizenship regimes that institutionalize which members of a polity are considered to be insiders and which members are outsiders.<sup>13</sup> Since the boundaries between these groups are politically constructed, elected officials and bureaucrats can shift them by creating new rules about who is included, which rights are extended, and how people are represented. Inclusion thus involves political actions to move boundaries

<sup>13</sup> For a discussion of citizenship regimes, see Jenson and Philips (1996); Yashar (2005); and Vink (2017).

between groups in a way that broadens membership in a polity, turning “outsiders” into “insiders.”<sup>14</sup>

We conceptualize inclusion along three dimensions: recognition, access, and resources. By *recognition*, we mean promising a group full status as a legitimate actor in society. This may include, but is not limited to, legalizing previously banned or repressed organizations (such as unions, peasant associations, or leftist political parties); constitutionalizing multicultural and pluricultural states; acknowledging the equal (or sometimes distinct) rights of people previously targeted by discrimination (because of ethnicity, gender, sexual orientation, religion, and/or on other bases); and stating a commitment to protect and uphold these rights.

By *access*, we mean the creation of new institutional channels to influence political decision-making or policymaking. Reforms that augment access might, for instance, facilitate or guarantee certain groups representation in established positions of state authority (i.e. the national executive or legislature); extend suffrage to new groups; reduce clientelism or otherwise facilitate sincere voting; or legalize parties representing excluded groups. In the third wave of democracy, region-wide institutional reforms have also included decentralization, and the establishment of corporatist, consultative, participatory, deliberative and/or governing institutions, all of which may lead to greater access for previously excluded groups.

By *resources*, we mean the distribution of material, financial, and legal assets to members of previously marginalized groups to enhance their opportunities as citizens. This includes, for example, creating or expanding redistributive social policies (e.g. land reform, minimum wage, family allowances); developing affirmative action policies for historically excluded groups; and introducing policies that facilitate equal access to the law (such as those that mandate legal aid and public defenders).

Implicit in (and constitutive of) all three dimensions of inclusion is the enhancement of citizens’ *rights*. In Latin America, a significant (albeit not universal) extension of civil, political, and socioeconomic rights occurred decades ago. As the inclusionary turn accelerated in the 1990s, these rights were extended further, and in many countries, new social and cultural rights were introduced (Gargarella 2014, 13–16). Inclusionary

<sup>14</sup> We use these terms to describe broader swaths of the population than does Garay (this volume), who defines “insiders” as formal sector workers who were included through mid-century labor incorporation, and “outsiders” as workers who were not included through that process, e.g. the urban informal sector, rural workers, and the unemployed.

6 *Diana Kapiszewski, Steven Levitsky, and Deborah J. Yashar*

“action” has involved state-led initiatives that permit the more effective exercise of both rights that already existed on paper, and of new rights. For example, courts’ more expansive interpretation and more energetic enforcement of constitutional rights can induce elected leaders to design new inclusionary policies.<sup>15</sup> Moreover, as the chapters by Garay and Hunter show, the introduction of universalistic social policies can advance both social and political rights by eroding clientelism. More broadly, as Marshall (1950), Sen (1999), and others have so compellingly argued, the resources gained through socioeconomic redistribution facilitate the effective exercise of citizenship rights.

Meaningful inclusion thus requires both *parchment* changes aimed at enhancing inclusion (i.e. the creation of formal institutions, policies, and legislation) and changes in *practice* (i.e. the implementation of those innovations). In many Latin American countries, there remains a significant gap between the two – between what policies, laws, and institutions promise, and what government actually delivers. This volume takes seriously the notion – advanced by Marshall (1950), O’Donnell (1993), Sen (1999), and others – that parchment rights are substantively important, but are only made universally meaningful through practice. We consider the parchment–practice gap in more depth in this chapter’s final section and our contributors remain attentive to it throughout.

Inclusion thus involves diverse sociopolitical actors and processes. It occurs under different kinds of regimes, takes multiple forms, and can be used for good and ill. Pressure for inclusion may emanate from below (through social mobilization and activism) or above (through political entrepreneurship and electoral competition). Inclusion does not imply any mode or mechanism, nor is it a particular form of interest intermediation, such as pluralism or corporatism. Rather, different types of interest intermediation or interest regime (e.g. state or societal corporatism, pluralism) may be more or less inclusionary.

Given inclusion’s capacious nature, it is important to demarcate the specific aspects of inclusion covered in this chapter. First, we focus primarily on formal or “parchment” measures – the creation of formal institutions, laws, and policies by state officials. This focus presumes that

<sup>15</sup> One striking example is the Colombian Constitutional Court’s 2008 decision (T-760), in which it found that the Colombian government had failed to satisfy its constitutional obligations to respect, protect, and fulfill the right to health, and ordered state leaders to progressively realize universal health coverage by 2010, leading to significant health care reform (Merhof 2015, 724).

institutional design matters. Formal institutions are prerequisites for meaningful inclusion. They do not determine, but certainly encourage and constrain, political behavior. How inclusionary policies, laws, and programs are designed affects their implementation, operation, and impact. For instance, how open to (political and judicial) interpretation and contestation laws and policies are, how difficult they are to implement, how much authority institutions are granted, and how broadly programs are designed, all affect how consequential they are. It is for this reason that politicians fight pitched battles over the specific design of inclusionary initiatives. Formal institutions also provide a baseline. We can only accurately evaluate (and effectively explain) the gap between parchment and practice if we fully understand how relevant policies, reforms, and institutions were designed to work (see Brinks et al. 2019). We explore some of the limitations of an analytic approach that solely employs formal measures in the chapter's conclusion.

Second, we focus, in particular, on materially disadvantaged groups, or what are commonly referred to in Latin America as the “popular sectors.” In defining the popular sectors, we follow Collier and Handlin (2009, 4 n. 1), for whom these sectors comprise “groups within the lower strata of the income hierarchy.”<sup>16</sup> Given the tight link between race and ethnicity, and class, in Latin America, steps toward racial inclusion are also inherently steps toward the inclusion of the socioeconomically disadvantaged. By contrast, the volume does not focus specifically on other marginalized groups, such as women and lesbian, gay, bisexual, transgender, and queer (LGBTQ) communities.<sup>17</sup> While there may be a common explanation for increasing inclusion of all lower-income groups (which are territorially concentrated, household-based, and intergenerational), more research is needed to ascertain if our explanation about popular sector inclusion extends to other marginalized groups.

Table 1.1 offers some examples of formal inclusion, that is, official reforms introduced to include the popular sectors in a more meaningful

<sup>16</sup> Whereas Collier and Handlin focus only on the urban working classes, we understand indigenous people and the peasantry to form part of the popular sectors as well.

<sup>17</sup> Of course, some reforms directed at the popular sectors benefit members of these other types of marginalized groups; moreover, some reforms meant to include groups such as women and LGBTQ communities are actually directed toward the popular sectors. For instance, initiatives that aim to prevent the commercial sexual exploitation of children (primarily designed to help poor girls and transgender or gay boys who have been victims of abuse) often do so by seeking to expand their core social and citizenship rights. We thank Lindsay Mayka for highlighting this point.

8 *Diana Kapiszewski, Steven Levitsky, and Deborah J. Yashar*

TABLE 1.1 *Examples of formal inclusionary reform across three dimensions<sup>a</sup>*

Dimension of Inclusion	Examples of State Action
<i>Recognition</i>	<ul style="list-style-type: none"> <li>• <i>Constitutional recognition of multiculturalism or plurinationalism.</i></li> <li>• <i>Introduction of policies that recognize multiple languages (or establish them as official languages) in state institutions (e.g. courts, legislatures, bureaucracies) and in educational instruction.</i></li> <li>• <i>Signing of international conventions that recognize the rights of historically oppressed or excluded groups (e.g. ILO Convention 169) or government endorsement of related international declarations (e.g. those generated by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance).</i></li> <li>• <i>Legal or constitutional extension of collective rights (e.g. legalization of unions and collective bargaining).</i></li> <li>• <i>Changes in the design and implementation of the census implying the right to be counted, recognized, and represented.</i></li> <li>• <i>Symbolic changes such as displaying the flags or images of indigenous peoples; or constructing museums.</i></li> </ul>
<i>Access</i>	<ul style="list-style-type: none"> <li>• <i>Creation of new (mainly national) bodies, ministries, agencies for and staffed by members of popular sector organizations that guarantee access to the governing or policymaking process for representatives of popular sector groups.</i></li> <li>• <i>Decentralizing reforms that devolve power to the local level or create new municipalities.</i></li> <li>• <i>Creation of participatory democratic institutions or other deliberative bodies.</i></li> <li>• <i>Creation of new mechanisms of consultation of previously marginalized groups, such as consulta previa for local communities affected by extractive industries.</i></li> <li>• <i>Extension of the right to vote.</i></li> <li>• <i>Introduction of measures that make nominal voting rights more effective in practice by eliminating formal and informal barriers to electoral participation (such as discriminatory electoral laws and practices), combating clientelism and vote buying, and easing voter registration and access to the ballot box.</i></li> <li>• <i>Elimination of bans on political parties that represent historically excluded groups.</i></li> <li>• <i>Reforms that guarantee representatives of previously marginal groups access to the executive or legislative branches (e.g. formal/informal legislative or cabinet quotas); creation of new ministries (e.g. labor or indigenous ministries) or cabinet posts dealing specifically with issues of relevance to the popular sectors.</i></li> </ul>
<i>Resources</i>	<ul style="list-style-type: none"> <li>• <i>Introduction, expansion, or “universalization” of social policies to provide more generous pensions, wages, health care, or family incomes (e.g. conditional cash transfer programs).</i></li> <li>• <i>Land reform.</i></li> <li>• <i>Labor law reform/legal changes that affect individual-level labor/work-site issues.</i></li> <li>• <i>Labor law reform/legal changes that affect workers as a collective.</i></li> <li>• <i>Progressive tax reform.</i></li> <li>• <i>Development of affirmative action programs for historically oppressed or excluded minorities.</i></li> <li>• <i>Introduction of legal aid, public defenders, and other institutions that ease use of the legal system.</i></li> </ul>

<sup>a</sup> Italicized items are measured in Figure 1.1.

*Inequality, Democracy, and the Inclusionary Turn* 9

way – on each of our three dimensions of inclusion. Although we have associated each example with one particular dimension of inclusion, many of the actions included in the table may enhance inclusion in more than one respect. For instance, policies that allow multiple languages to be used in educational settings (*recognition*) could well mean better education (*resources*) for students who lack proficiency in the national language.

It bears noting that inclusionary behavior on the part of the state may be either sincere or strategic: state officials may act with the sole normative intent of augmenting inclusion, may seek to enhance inclusion with the strategic goal of winning elections by increasing a party's electoral base, and/or may aim to preempt further radicalization of popular sectors, for instance. Moreover, state officials' actions may unwittingly have an inclusionary effect. For our analysis, all of these actions comprise inclusion; inclusion is defined by the content and impact of state action, rather than the intent of state actors.

THE INCLUSIONARY TURN IN CONTEMPORARY LATIN AMERICA

How, then, do we identify an inclusionary *turn*? One can find important instances of inclusionary reform and shifting boundaries of citizenship across history. Indeed, the 1980s and early 1990s, a period that is generally *not* viewed as inclusionary in Latin America, witnessed important reforms broadening recognition of indigenous rights, region-wide decentralization, and the creation of local-level participatory institutions (see Garay, Mayka and Rich, Hunter, Goldfrank, and Cameron, this volume). But isolated instances of inclusionary change do not necessarily constitute an inclusionary *turn*. We understand an inclusionary turn to have occurred in a particular world region when, over a relatively concentrated period of time, significant and sustained movement occurs on all three dimensions of inclusion in a large number of countries. While movement along our three dimensions began at different moments and accelerated at different paces in different Latin American countries, important reforms have been introduced across the region on all three dimensions since the 1990s.

In order to better illustrate the contemporary inclusionary turn in Latin America – to date its onset and trace its acceleration and arc – we identified and tallied, for a subset of the types of reforms listed in Table 1.1 (those in italics), major reforms adopted between 1980 and 2016 across nineteen Latin American countries. We selected three

10 *Diana Kapiszewski, Steven Levitsky, and Deborah J. Yashar*

categories of recognition-enhancing reform, and four categories each of access- and resource-enhancing reform.<sup>18</sup> We chose reform types that were both prominent and easily measurable (for which we were confident that we could find data). We counted only *formal* reforms (i.e. found in constitutions, laws, international treaties, executive orders, and regulations). Overall incidence is presented in Figure 1.1 (Figures 1.2 and 1.3 in the Appendix provide individual country data). These data allow us to date government action associated with the inclusionary turn and to cautiously identify some trends. However, as our data only capture formal or parchment changes, and as some of the reforms we document are quite recent, we cannot comment on the implementation, effects, or long-term consequences of the inclusionary reforms we identify.<sup>19</sup> Whether these contemporary parchment reforms ultimately generate meaningful, sustained inclusion remains an open – and critical – question.

Latin America's most recent inclusionary turn began slowly around 1989–1990, when we observe an initial uptick in inclusionary reforms in various countries of the region along each of our three dimensions; the turn then accelerated in the late 1990s and early 2000s, continued into the new millennium, and then gradually attenuated after 2012. Initially, Latin American governments adopted more recognition-related reforms. By the mid-1990s, however, reform along each of our three dimensions began to increase moderately. In the early 2000s, we see an acceleration of overall reforms, with resource-related reforms outpacing reforms along the other two dimensions by mid-decade.

Several additional and important observations about the timing of the inclusionary turn may also be drawn from these data. First, the

<sup>18</sup> Data were compiled from a wide range of sources, including government data/documents; nongovernmental organization or intergovernmental agency databases/reports; newspaper articles from major national outlets; and academic databases/studies. We are extremely grateful to Jared Abbott for his role in collecting these data and creating the attendant figures.

<sup>19</sup> A few additional points about the data bear noting: (1) When a single document embodied multiple distinct substantive reforms (as often occurred with constitutions, for instance) we coded each reform separately despite their being codified in the same document. (2) The data do not reflect the quality, depth, breadth, or relative political/economic/social/cultural importance or potential impact of reforms; substantively important changes in countries' inclusionary regimes and minor reforms are represented in the data in the same way. (3) Though we sought to carry out a comprehensive survey of available data sources for each reform area in each country, there may be undercounting at the start and end of the time frame analyzed, given a) the lower incidence of digitized editions of Latin American newspapers in the earlier years versus later years, and b) the lower likelihood of very recent reforms being registered in academic work.