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Changing the rules of the game : the development and reform of party law in Latin America

Molenaar, F.F.; Molenaar F.F.

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Author: Molenaar, Fransje

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Party law, or the legal regulation of political parties, has become a prominent feature of established and newly transitioned party systems alike. In many countries, it has become virtually impossible to organize elections without one party or another turning to the courts with complaints of one of its competitors having transgressed a party law. At the same time, it should be recognized that some party laws are designed to have a much larger political impact than others.

It remains unknown why some countries adopt party laws that have substantial implications for party politics while other countries' legislative efforts are of a very limited scope.

This dissertation explores why different party laws appear as they do. It builds a theoretical framework of party law reform that departs from the Latin American experience with regulating political parties. Latin America is not necessarily known for its strong party systems or party organizations. This raises the important question of why Latin American politicians turn to party law, and to political parties more generally, to structure political life. Using these questions as a heuristic tool, the dissertation advances the argument that party law reforms provide politicians with access to crucial party organizational resources needed to win elections and to legislate effectively.

Extending this argument, the dissertation identifies threats to party organizational resources as an important force shaping adopted party law reforms. Case studies of party law reforms in Costa Rica, Mexico, Colombia and Argentina show that different types of party law indeed appear in response to different sets of resource threats. Politicians generally adopt far-reaching restrictive measures in response to direct resource threats while they often remain very unresponsive to popular demands for political reform. In the long run, these dynamics of party law reform run the danger of undermining the legitimacy of the political system as a whole.

Fransje Molenaar

Reforming the Rules of the Game

Reforming the Rules of the Game

The development and reform of party law in Latin America



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