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

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CHAPTER 1 – Party law reform in Latin America

1.1 Latin American party law in action

On 12 November 2011, boxers Manny Pacquiao (the Philippines) and Juan Manuel Márquez (Mexico) faced each other in a Las Vegas ring. The trumpeted ‘boxing event of the year’ provided an opportunity for Márquez to redeem himself from two earlier, narrow, defeats against Pacquiao. Márquez’s fans followed this clash of titans with great interest, as evinced by the 37.2 million viewers that tuned in to the Mexican Azteca television network to watch the fight.¹ Popular support proved insufficient, however, to propel the boxer to a win. Although Márquez remained standing and delivered several heavy blows to his opponent, the judges awarded Pacquiao his third victory over Márquez in a technicality-based majority decision.² The outcome caused national sorrow among Mexican boxing fans that saw yet another chance at revenge dissolve into thin air. More importantly, for the purpose of this study at least, the boxing match led a Mexican federal electoral court to overturn a political party’s electoral victory.

Why would a Mexican electoral court annul local elections on account of a boxing match organized in the United States? The phenomenon ‘party law’ is central to answering this question. Party law consists of the body of laws that target all political parties in a given party system (Katz 2004, 2; Müller and Sieberer 2006, 435), such as the constitution, the electoral law, political party law, political finance law, as well as relevant legislative statutes, administrative rulings and court decisions (van Biezen 2008, 342; Janda 2005, 5). What all these legal instruments have in common is that they regulate the basic areas of party structure and behavior: the recognition of an organization as a political party, its external activities, and/or its internal organization (Katz 2004, 3). Combined, these regulatory provisions legally validate the participation of political parties in elections, determine the formal costs of party formation

¹ This equates roughly to one third of the Mexican population.

² The Ring Magazine (24 Dec. 2011) ‘Readers vote Pacquiao-Marquez III the “Event of the Year” for 2011.’

and party organizational maintenance, and partially set the terms of party competition by determining party access to resources (Molenaar 2014a).³

In the case of Mexico, party law prohibits political parties and other actors from obtaining media publicity beyond the official publicity slots that the state allocates to them during election campaigns (Constitution, §41). The Márquez-Pacquiao boxing match took place on the eve of elections in the Mexican Michoacán state. In addition, Márquez's shorts contained a small patch depicting the logo of the Mexican *Partido Revolucionario Institucional* (Institutional Revolutionary Party – PRI). In theory, the exposition of the Mexican television audience to this PRI patch thus formed a constitutional violation. A local branch of the *Partido de Acción Nacional* (National Action Party – PAN) recognized this opportunity and used it to contest PRI candidate Wilfrido Lázaro Medina's victory in the mayoral elections of the Michoacán state capital Morelia. According to local PAN leaders, the constitutional violation provided grounds to annul the elections. In response to these accusations, the *Tribunal Electoral del Poder Judicial de la Federación* (Federal Electoral Court – TEPJF) adopted its own majority decision, in which it agreed with the PAN.⁴ Once again, technicalities rather than a popular vote decided the outcome of a fight between two evenly matched competitors.

With this verdict, the Pacquiao-Márquez boxing match became more than a metaphor for the ways in which political parties may fight each other to the last drop. The case underscores the important effect that party law may have on political parties' activities and behavior. It is an example of the pervasiveness of party law, as a patch the size of a hand, worn by an athlete in a boxing match in another country, gains constitutional relevance. The match also provides an example of the consequences that party law may have for political parties. These consequences are not limited to the annulment of local election victories, such as in the above-mentioned case. In its most extreme form, the application of party law results in complete party dissolution and the prohibition of the party's members from forming a new party ever again. Lastly, the match illustrates how electoral courts in many countries have been appointed to a position of watchdogs charged with the oversight over political parties'

³ By contrast, party statutes (Katz and Mair 1992, 7) and informal organizational rules and norms (Sartori 1976, 72) govern individual political parties internally.

⁴ Judges also based this decision on another violation of media publicity rules, as Lázaro had also appeared in a televised event organized by one of the PRI's gubernatorial candidates. See Cambio de Michoacán (29 Dec. 2011) '[La violación directa a la Constitución llevó a anular la elección en Morelia: TEPJF](#)'

functioning and behavior.⁵ This poses important questions as to the independence of political parties from state interference.

1.2 Research question

Intrigued by these issues, this dissertation studies the development and reform of party law in Latin America. This topic is relevant for several reasons. Despite the increased scholarly attention for the phenomenon ‘party law’, as well as the recognition of party laws’ diversity, comparative studies of party law are not common. Most work either focuses on the study of single cases or on particular aspects of party law, such as political finance regulations (Gauja 2016).⁶ This dissertation strives to create a more comprehensive understanding of party law reform by bringing together advances in the study of party law into a resource-based theoretical framework. Towards this end, the following chapters zoom in on party law’s diversity. Party laws take on many different shapes and forms – some with substantial consequences for democratic governance while others remain very limited in their scope. It is unclear under what conditions adopted party laws constitute a true alteration of the rules of the game and under what conditions adopted party laws are a mere tinkering on the edges. Or, put more simply, why do different types of party law appear as they do?

To provide insights into these questions, this study focuses on the Latin American experience with party law reform. As will be outlined in full detail in Chapter 2, the Latin American region has proven itself an active reformer of party law both throughout the early 20th century and after the region’s transition to democratic governance that started in 1978 (Gutiérrez and Zovatto 2011; Nohlen et al. 2007; Zovatto 2006a). At the same time, Latin America is not known for its strong party systems. This raises the important question of why Latin American politicians turn to party law, and to political parties more generally, to structure political life. What is it that political parties and party laws have to offer to Latin American politicians for them to take such an active interest their regulation? These guiding questions are used as a heuristic tool to identify the building blocks for a resource-based theoretical framework of party law reform, which argues that different types of resource threats account for the adoption of different types of party laws. Rather than focusing on the act of adopting party law reforms, this study thereby explores under what conditions politicians opt for one set of rules over others.

⁵ In Costa Rica, Nicaragua, Venezuela, and Bolivia, these electoral courts have even been codified constitutionally as the official fourth branch of government (Jaramillo 2007, 377; López-Pintor 2000, 20).

⁶ As noted by Gauja, the working papers made available through the Party Law in Modern Europe research project illustrate the wealth of single case studies.

See: <http://www.partylaw.leidenuniv.nl/publications>

The added advantage of developing a theoretical framework based on a study of party law reform in Latin America is that the region's party systems and party organizations vary in their degree of institutionalization (Kitschelt et al. 2010; Mainwaring and Scully 1995a). This variance – combined with insights from the classic party organizational literature – allows for the development of a more broadly generalizable theoretical framework that puts party organizational weakness and party organization's quest for survival center stage.⁷ The study thereby fills an important gap in the literature on party law reform. Indeed, despite indications that institutional variables matter in explaining variance between party laws (Avnon 1995; van Biezen 2012; van Biezen and Borz 2012; Casal Bertóia, Piccio, and Rashkova 2014; Ewing and Issacharoff 2006b; Karvonen 2007), studies on the dynamics of party law reform more specifically tend to focus on one type of party systems only: established West European democracies (see Clift and Fisher 2004; Koß 2011; Scarrow 2004).⁸ The unilateral focus on West Europe runs the risk of introducing a bias in our theorizing on party law reform.⁹ A theoretical framework developed to capture the Latin American experience with party law reform will likely travel beyond established party systems only.¹⁰

A second reason for focusing on the Latin American region is to counter a generalist argument often applied against the study of party law on this continent. This argument holds that the development of party law is irrelevant because it merely fits within the more general legalistic Latin American culture of responding to socio-political problems with symbolic formal laws rather than targeted policies.¹¹ In line with this argument, it has been stated that “persistent problems of corruption, clientelism, executive-legislative conflict, and the “unrule of law” cast doubt on whether an exclusive focus on “parchment” institutions is sufficient for understanding what drives politics in the region” (Helmke and Levitsky 2006, 1; also see O'Donnell 1996). Indeed, how relevant is a constitution that adopts the formal norm that parties should

⁷ This is in line with Dix's contention that the Latin American experience with constructing competitive party systems might be more relevant than the exceptional West European experience for other so-called 'developing countries' (1989, 23).

⁸ Casas-Zamorá's (2005) book on party finance reform and Scherlis's (2014) study of registration requirements form notable exceptions.

⁹ It should be noted that such studies often set out to test Katz and Mair's assertion that the introduction of public funding is symptomatic of Western European democracies' convergence towards cartel party systems (1995) rather than attempting to create a universal theory of party law reform.

¹⁰ This reflects Levitsky and Murillo's observation that theories of institutional development often depart from studies executed within advanced industrial democracies. Such democracies tend to be characterized by strong institutions that are stable and enforced and these factors may therefore interfere with the explanatory factors under study (2009, 117).

¹¹ See Cepeda Espinosa and Dunkerley (2005) and Domingo and Dunkerley (2005) for a discussion of this culture.

be democratic internally and that they should manage their finances in a transparent manner when such provisions are not enforced whatsoever.¹²

The Mexican example presented above shows, however, that not all Latin American party laws constitute such paper tigers necessarily. The legal retribution that the PRI received for the boxer's patch is particularly striking given Mexico's political history. Informal rules and the PRI party's monopoly over the political process – rather than strong non-partisan institutions – dominated this country's 20th century political process. This legacy might suggest that present-day institutions continue to function in the PRI's best interests. Nevertheless, the TEPJF ruling against the PRI's candidate forms an excellent example of how Mexican politicians adopted effective party laws that reflected a change in the dominant institutional logic. The fact that party law determined the outcome of political conflict by setting limits to party conduct, as occurred in the Mexican case, stands in sharp contrast to the common image of Latin American politics as haunted by strongmen rule and the subjection of formal institutions to personalized leadership. This suggests that, at times, politicians in Latin America do adopt laws that truly matter for party conduct.

From the above considerations it follows that party law reforms vary not only in the legal provisions that they contain, but also in the extent to which these provisions are designed to be effective. The goal of the theoretical framework developed here is therefore to account not only for diversity in the legal provisions of adopted party law reforms, but for the diversity in the intended effectiveness of these reforms as well.¹³ This leads to the following research question:

Research question: *why do the legal provisions and intended effectiveness of adopted party law reforms vary?*

As will be discussed at length in the section on operationalization in Chapter 4, the study distinguishes between fundamental values that apply to political parties, political finance regulation, party formation rules, and candidate selection rules as the main legal provisions that may vary. In terms of intended effectiveness, the study investigates to what extent the legal provisions connect logically to the reform's stated problem and to what extent party laws contain the necessary *ex ante controls* – the additional legislation and institutions necessary for implementation – to ensure that

¹² Empirical studies show indeed that Latin American party laws often lack provisions for their enforcement (Freidenberg 2007; Lujambio 2007; Zovatto 2010).

¹³ I focus on intended effectiveness rather than effectiveness per se, because the effectiveness of reforms is influenced by many factors outside of the legislative arena as well – such as by the work of implementing agencies and unanticipated consequences. The purview of this study is to explain the design of party laws rather than what happens after party laws have been adopted.

policies are executed effectively and in accordance with the legislative will (Strøm 1995, 73).

1.3 A resource-based approach to party law

To explore why adopted party laws vary, this study develops a resource-based approach that assumes that different strategies of party law reform result in the adoption of different types of party laws. This approach takes for granted Koß's observation that a consensus among relevant political actors constitutes a necessary condition for the introduction and reform of party law (2011). The specifics of which actors constitute these relevant political actors, and the circumstances that facilitate such a consensus, depend on many contextual variables.¹⁴ Regardless of the institutional obstacles to, and requirements for, consensus formation, however, this study departs from an empirical reality: the majority of Latin American legislatures adopt party law reforms on a frequent basis.¹⁵

Rather than focusing on when or how these reforms come about procedurally, the aim of this study is to understand the variance in the legal provisions and intended effectiveness of the laws adopted during reform processes. Adopted party law reforms thereby constitute the population of cases under study here, meaning that I explore possible causes for the different types of adopted party laws that appear. By extension, variance on the dependent variable consists of variance in adopted party laws. I do not seek to explain why party laws as a phenomenon do or do not appear.

To explore why and when different types of party law come about, this study develops a resource-based perspective on party law reform. The perspective follows from the heuristic question introduced above: what does the political party do for politicians to ensure that politicians care about their regulation? Building on the political party literature, I argue that an efficient party organization contributes to politicians' ability to *present successfully in elections* and to *legislate effectively* (Aldrich 1995; Hale 2006). The reasons for this are both technical and substantive: many countries only

¹⁴ For example, legislative organization, as codified in the constitution, ordinary statute law, and assembly rules, determines the procedural requirements that political actors need to fulfill to reach a consensus (Benoit 2007, 382–83; Strøm 1995, 63). Electoral results and legislative institutions determine the ease of forming an undefeatable and policy viable coalition (Strøm 1990). The number of institutional and partisan veto-points that exist influence the ease of consensus formation (Tsebelis 1995). In the Latin American context, many presidents hold a monopoly over the legislative initiative and hence need to be brought aboard reform efforts as well (Mainwaring and Shugart 1997). In such instances, the executive constitutes a 'genuine veto player' who has the "institutional power to approve, modify or veto policies in intricate decision-making processes" (Koß 2008, 286).

¹⁵ See this study's web appendix for an overview of all party laws and party law reforms adopted in post-transitional Latin America. This web appendix is available at: <http://www.partylaw.org>.

allow parties to present candidates for elections (Kitschelt et al. 1999, 44) and/or have adopted legal provisions that severely disadvantage individual candidates vis-à-vis political parties (Müller and Sieberer 2006, 441). In addition, party organization provides politicians with ‘collective and selective incentives’ (Panebianco 1988) that they can use to present in elections and to overcome obstacles to legislative coalition formation (Aldrich 1995; Kitschelt et al. 1999). These incentives offset the costs that politicians incur when they subject to an organization, as minimal as this subjection may be (Hale 2006).

To provide incentives for politicians to join their party organization, political parties require resources. Resources consist of the stock or supply of money, materials, staff, and other – material or immaterial – assets that can be drawn on by a person or organization in order to function effectively. An important characteristic of resources is that they tend not to exist in abundance and that a political party’s access to them is not necessarily stable. Instead, access to party organizational resources may change due to external or internal circumstances (Panebianco 1988; Pfeffer and Salancik 1978[2003]). Politicians have multiple strategies at their disposal to respond to changes in the resource distribution balance. In line with Hirschman’s theory of voice and exit (1970), politicians may exercise pressure on the party leadership to change the organization so that it continues to serve their individual goals. Alternatively, they may leave their party and join another one where they can expect more effective returns for their investments. The omnipresence of party law in contemporary (Latin American) democracies provides politicians with a third strategy, as they can press for party law reforms that redress the party organizational resource distribution balance.

In line with the conservative logic of party organization (Harmel and Janda 1994; Michels 1915[1968]), individual politicians are therefore expected to have a vested interest in maintaining continued access to party organizational resources. By extension, the specification of the ways in which changing socio-political circumstances alter the party organizational resource balance allows for the formulation of exploratory propositions on when we can expect certain types of adopted party laws to appear. These propositions are further developed in Chapter 3. Suffice it to say here that party law reforms’ legal provisions and intended effectiveness should be under-

stood as a consequence of threats to political parties' access to the resources needed to satisfy their politicians' goals.¹⁶

1.4 Research design

To study how changing socio-political circumstances translate into adopted party laws, this study takes some pioneering steps into the black box of the party law reform process. It does so by looking at reform strategies. Reform strategies constitute a prioritization of interests and the translation of these interests into the design and adoption of a specific party law reform (Scarrow 2004, 655).¹⁷ To study reform strategies, I identify the agenda-setting politicians that drove each reform effort and analyze their statements in defense of the reform.¹⁸ In addition, I compare initial reform proposals with the final reform bill and analyze committee and legislative debates to identify how a broader coalition of politicians defined their interests and pushed for these interests' inclusion in the adopted party law reform. Care is also taken to identify how politicians refer to relevant changing socio-political circumstances to defend this prioritization of interests.¹⁹

Given the theory-building nature of this study, the research design needs to control for rival explanations to increase the validity of the study's findings (Mahoney 2000, 398). Diachronic comparisons within single countries allow for such elimination by keeping other variables constant (Gisselquist 2014, 479). Towards this end, this study will compare various reform processes within the following four countries: Costa Rica, Colombia, Argentina, and Mexico. Each of these countries underwent multiple rounds of party law reform, which allows for within-country comparisons that approximate a most-similar method of exploratory case selection (Seawright and Gerring 2008, 298).²⁰

In addition, and as will be discussed at length in the following chapters, the resource-based perspective on party law developed here is not the only explanation for

¹⁶ This instrumental take on party law reform does not translate directly into normative concerns. Instrumental party law reforms that protect the interests of vested politicians in the short-term may well contribute to party system institutionalization in the long term, for example, by increasing the relevance of established party organizations. In other words, not all instrumental laws are 'bad' laws necessarily.

¹⁷ The word strategy is not used to imply proactive strategizing but to distinguish between different targeted responses.

¹⁸ All in-text citations of relevant material are my own translations. Where possible, I have added the original Spanish text in footnotes.

¹⁹ Relevant changes have been identified *a priori* through a contextual analysis of changes in the political system, party system, and party organization.

²⁰ It should be noted, however, that insufficient data on reform strategies and adopted party laws were available *a priori* to execute genuine most-similar case selection.

differences in the outcome of adopted party law reforms. Institutional variables, such as party system institutionalization and the age of democracy, have been identified to influence adopted party laws as well (Avnon 1995; van Biezen 2012; van Biezen and Borz 2012; Casal Bertó, Piccio, and Rashkova 2014; Ewing and Issacharoff 2006b; Karvonen 2007). The research design therefore controls for the influence of party system institutionalization and the age of democracy to explore whether the resource-based perspective travels meaningfully across different institutional settings.²¹ Towards this end, the comparative design departs from the careful matching of cases based on variance in relevant independent variables (Lijphart 1971, 687; Tarrow 2010, 244).

The case selection process, which is discussed at length in Chapter 4, creates such variance. Costa Rica constitutes a relatively established, institutionalized party system. Colombia is a case of an established democracy, whose party system has grown less institutionalized over time. Argentina is a young democracy with a weakly institutionalized party system. Mexico, lastly, is one of the youngest democracies in the region, but one that has been able to develop an institutionalized party system. Selection of these countries thus allows for both within-country and cross-country comparative analyses of reform processes that explore the relevance of the resource-based perspective while controlling for institutional – and other potentially relevant – variables.

1.5 Scientific and societal relevance of the study

This study follows in the footsteps of recent advances in the electoral systems literature that treat institutional design as one among multiple political outcomes (Benoit 2004, 2007; Boix 1999; Colomer 2005; Renwick 2010).²² It similarly takes the variant outcomes of party law reform as one among multiple political outcomes and integrates the existing literature on party law reform and its subthemes registration requirements, political finance regulation, and regulation of candidate selection into an overarching theoretical framework to understand why certain party law reforms come about. To my knowledge, such a comprehensive framework of party law reform does not exist to date.

²¹ Studying party law reform in Latin America has the advantage that it introduces variation in the degree of institutionalization and democratic experience in the cases under study. Mainwaring and Scully (1995a) show that Latin American party systems differ from one another as to their degree of institutionalization. Kitschelt et al. (2010) likewise find substantial variation in the extent to which programmatic competition – arguably the most institutionalized form of party competition – structures political parties in Latin America. In a similar vein, Latin American countries differ markedly from one another in terms of their democratic experience (Munck 2015).

²² Also see Lijphart (1994) and Negretto (2013) on constitutional design.

The advantage of using the resource-based perspective – derived from the heuristic question of what the political party offers to politicians for the latter to care about party regulation – is that it can provide an alternative to a common assumption on reform motivations found in the party law literature. Recent studies on party law reform tend to depart from implicit causal explanations for the development of party law. Most prominently, such studies follow Katz and Mair’s cartel party theory (1995, 2009), which suggests that established parties adopt party laws to close off electoral competition to new contenders and to protect the electoral position of an existing party cartel. Rather than taking such assumptions for granted, this study investigates whether different socio-political circumstances result in different types of adopted party laws by putting into motion different reform strategies.

The study’s findings are expected to speak to two larger debates as well. Firstly, the resource-based approach to party law connects to party organizational theories that hold that organizational adaptation is a key element for political parties’ survival (Mair 1997, 16). Over time, this adaptive dynamic has given rise to a wide array of party organizational formats, or party types.²³ Alternatively, party organizations “also have their own autonomous effect on the environment: they can thus ward off the blows of environmental changes and pressures, to some extent” (Panebianco 1988, 207; also see Mair 1997, 89; Rose and Mackie 1988, 534). This study evaluates the extent to which party law reform forms yet another strategy for politicians to respond to environmental changes that might threaten their political parties’ ability to foresee in their organizational needs.

In addition, the study’s findings inform more normative debates about the independence of political parties from state interference in general, and from judicial interference in particular (van Biezen 2012, 206; Katz 2011, 599–604; also see O’Donnell and Dunkerley 2005). The development of party-law-related jurisprudence provokes the question to what extent such judicialization of politics is a desirable development, as this process alters the balance between judicial guardianship and democratically elected institutions (Domingo 2004, 111).²⁴ In the process, the judi-

²³ Examples that stand out are the mass party (Duverger 1964), the catch-all party (Kirchheimer 1966), the electoral-professional (Panebianco 1988) the modern cadre party (Koole 1992), and the cartel party (Katz and Mair 1995). Studies of Latin American party organizational change at transitional moments, such as the Mexican PRI (Langston 2006b), the Argentine Peronist party (Levitsky 2003), and the main Chilean parties (Siavelis 1997) point towards a similar conclusion: party organizations survived such critical junctures due to their elites’ ability to transform the organization effectively in the face of changing political contexts.

²⁴ Domingo notes that these issues reflect “long-standing dilemmas in constitutional democracy concerning the judicial function, such as the balance between judicial guardianship of constitutional principles and majoritarian rule, and the question of who watches the watchmen” (2004, 111).

cialization of politics may also endanger the judiciary's independence once political actors realize that their political goals are best served by coopting this branch (Sieder et al. 2005, 9). This study does not aspire to solve this complex debate definitively, but its findings may contribute to a more empirically based understanding of the way in which Latin American party law development raises concerns about judicial involvement in political life.

The focus on party law reform in Latin America has additional consequences for the theoretical and societal relevance of this study's findings. A theoretical framework developed to capture the Latin American experience with party law reform across a variety of institutional contexts likely travels more easily to other newly democratizing countries in, for example, Eastern Europe, Africa, or Asia. At the same time, this study's purported identification of conditions that contribute to the adoption of party law reforms that are designed to matter could serve as a guide for politicians, experts, and NGOs in newly democratizing regimes that wish to regulate their political parties as effectively as possible.

The empirical contribution of the book is that it puts Latin America's experience with developing party law forefront. In 1926, for example, Uruguay was the first country in the world to introduce public funding for political parties. The practice of providing political parties with access to state media during elections campaigns and the introduction of legislative gender quota also found its origins in Latin America.²⁵ As a final example, the Mexican *Instituto Nacional Electoral* (National Electoral Institute – INE) constitutes one of the largest, most powerful, and well-funded electoral monitoring bodies in the world. The INE's oversight over political parties is so far-reaching that it may overrule bank, fiscal, or fiduciary secret and can request the tax information of all Mexican citizens (Molenaar 2012b). Contemporary research on party law mostly overlooks these experiences. This study's overview of the historical development of party law in Latin America, the accompanying construction of an online database of all Latin American constitutional references to political parties since independence, and the appended online inventory of all post-transitional Latin American party laws provide party law scholars with a meaningful contrast to the more familiar European experience.²⁶

²⁵ In 1945, the Argentine government adopted a statute that granted parties state radio access during elections. In 1991, Argentina was also the first country in the world to introduce legislative gender quota. Latin American countries have also made strides in the regulation of intra-party candidate selection processes, as all countries but El Salvador and Cuba regulate the method of candidate selection through party law (Molenaar 2014a). By contrast, only four out of the 21 European countries investigated by van Biezen and Piccio (2013) do so.

²⁶ The database and inventory are available at: <http://www.partylaw.org>.

1.6 Structure of the book

The following eight chapters elaborate the argument introduced in this chapter. Chapter 2 outlines Latin America's general and innovative experience with party law reform to tentatively answer the heuristic question what the legal regulation of political parties offers to politicians. The first part of the chapter presents a historical comparative content analysis of all Latin American constitutional articles on political parties from the days of independence to the present. The second part of the chapter provides a broader comparison of the contemporary regulation of political parties.²⁷ The purpose of these analyses is to identify normative conceptions of political parties that underlie these rules and to analyze whether these conceptions have changed over time. Answering this question provides some first pointers as to the formal utility that Latin American political parties and, more importantly, their legal regulation have for politicians.

Chapter 3 provides an overview of the state of the art, which lays down the foundation for a theoretical framework that departs from a resource-based perspective. The chapter starts with a discussion of the effects of party law on political life. These effects suggest that party law reform should be understood in relation to political parties' organizational format. In addition, the chapter provides an overview of recent studies on party law reform processes. The need to respond to threats to party organizational access to resources runs like a common thread through all these studies. The resource-based perspective developed here identifies how different types of changes in socio-political circumstances create different types of resource threats and thereby alter political parties' ability to provide their politicians with access to fundamental party resources. By extension, the legal provisions and intended effectiveness of adopted party law reforms can be linked to these imminent resource threats. The variance in resource threats provides an important indicator for why not all reforms result in resource maximizing laws that increase the established parties' access to money or power. Other strategies may guide the reform process instead.

Chapter 4 discusses the research methodology applied in this study, operationalizes the main concepts, and introduces the comparative research design. The chapter outlines why case study analysis of various party law reform processes is an appropriate method to explore the extent to which organizational concerns drive party law reform strategies and determine the legal provisions and intended effectiveness of adopted party law reforms. In addition, this chapter discusses the operationalization and measurement of resource-based party law reform strategies. Lastly, the

²⁷ This broader analysis compares the rules found in constitutions, electoral laws, political party laws, political finance laws, etc.

chapter introduces the four countries that are compared to control for the influence of institutional characteristics on party law reform, which are Costa Rica, Mexico, Colombia, and Argentina.

Chapters 5 through 8 present an analysis of party law reform in each of these countries. The country chapters start with a historical overview of party law development in each country and provide important information on how governments historically developed party law in response to political disorder. The main part of each chapter describes the country's political context in terms of changes in the political system, party competition, and party organizational cohesion. It connects the stability or change of these dimensions to the frequent processes of party law reform that took place in each country. Particular attention is paid to the legal provisions contained in these reforms and the extent to which politicians designed the reforms to matter.

Chapter 9 compares the findings of these four country chapters to produce generalizable conclusions. In addition, within and cross-country comparisons identify the extent to which institutional characteristics explain variance in the reform strategies that these countries apply. The chapter places these findings within the larger body of party law scholarship and civil society work on party law to recommend further lines of inquiry. In addition, it discusses the study's implications for our studies of party law reform, the judicialization of politics, and democracy and democratic governance more generally.

