

**Councils of Elders?
The Senates and its members in
the Southern Cone**

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Councils of Elders?

The Senates and its members in the Southern Cone*

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ABSTRACT:

This paper intends to contribute to the comparative studies on legislative careers by shedding light on the scarcely researched members of four Latin American upper houses, the Senates of Argentina, Brazil, Chile and Uruguay. The main goal of this paper is to find out whether the social and political background of these legislators complies with the pattern established by the bicameral theory (and the constitutional designs), according to which upper house members are **senior politicians**. In so doing, the paper deals with biographical data of the members of the current legislatures and examines the basic social features of the parliamentary elite –age, gender, level of education, and university careers- as well as the senators’ political careers. The paper shows that the four senates under study gather many aspects of expertise, which appear in the four cases with differences of degree: “professional experts” (people who have achieved expertise through their education and are able to bring the knowledge of their professions to the parliamentary arena); “professional politicians” (people with long political careers capable of contributing to the varied tasks of the legislatures, i.e., legislation, representation and control); and “professional legislators” (people with previous experience in the production of laws).

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1. INTRODUCTION

If comparative research on legislative careers is rare (Hibbing 1999: 153), it is even more so regarding the careers of Latin American legislators. The few works available on the topic are based on single cases, and are almost exclusively dedicated to explore the profiles of the legislators of the lower house.¹ This article intends to contribute, on the one hand, to the comparative legislative studies by focusing on four Latin American cases –Argentina, Brazil, Chile and Uruguay- and, on the other, to shed light on the least researched members of the legislative bodies, namely, the members of the upper houses.

The absence of scholarly studies on the Latin American second chambers, the senates, in general and on its members in particular is striking for several reasons. First, bicameralism has a long tradition in the constitutional law of the region and is the legislative system prevailing today in half the countries of the continent: Argentina, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Mexico, Paraguay, and Uruguay.² Second, mirroring the American Constitution, the Latin American cases combine presidentialism and strong bicameralism, an institutional mixture difficult to find in other geographical areas. In fact, the Latin American senates are very powerful legislative chambers (indeed, with differences of degree among them) that enjoy veto power over the legislation and are directly elected under different systems than those prevailing for the lower chambers.³ Third, while legislatures in Latin America do not enjoy much public confidence⁴, it is the legitimacy of upper chambers that has particularly been under question. The legislatures' public discredit has inspired

¹ See Jones (2001); Jones, Saiegh, Spiller and Tommasi (2002); Lemos and Ranincheski (2003); Leoni, Pereira and Rennó (2003); Rehren (2001); Samuels (2002); Santos (2000).

² The Senates were abolished in Peru and Venezuela during the 1990s.

³ In the modern terminology developed by Lijphart (1984, re-edited in 1999), Latin American bicameralisms are strong for being both incongruent and symmetric. For the mentioned differences of degree within these cases, consult Llanos and Nolte (2003).

⁴The declining public confidence in the Latin American Congresses, which is being perceived by opinion polls since the middle 1990s, appeared once more in 2003 reaching only a 17 percent (against 23 percent in 2002). See <http://www.latinobarometro.org/ano2003>.

political proposals of size and cost reduction, which could be carried out, in the most extreme case, through the abolition of the Senate. However, more founded works on the functions of the Senates and their performance have not been produced.

In the following pages, we shed some light on the little known members of the upper chambers of the Southern Cone. We study both the social and political profiles of the senators of Argentina, Brazil, Chile and Uruguay from a comparative perspective. On the one hand, the basic social features of the parliamentary elite –age, gender, level of education, and university careers- are examined in order to explore the differences among the cases and to observe to what extent the upper houses differ from their respective lower house. Since constitutional designs have established many differences between the two chambers (such as the size and the method of election), a bicameral incongruence in terms of the legislators' social profile could well be expected. On the other hand, we examine the senators' political careers with the goal to find out whether these legislators conform to the pattern established by the bicameral theory, according to which senators **are senior politicians**. The proportion of members with such a profile may considerably vary among legislatures, becoming an interesting point of comparison between the first and second chambers of a political regime, or among the chambers of different regimes. In Latin America, we shall argue, a high proportion of senior members is more expected to be found in the senates than in the deputies chambers. Although the two chambers are elected (with the partial exception of Chile) and equally (or almost equally) powerful institutions, a senatorship is a position more difficult to achieve due to a more constraining institutional **structure of opportunities** (constitutional conditions, electoral systems, etc) than that prevailing for the lower chamber. Therefore, senates are attractive to all career politicians, but only a few are in the condition to win a seat there. In other words, different institutional constraints for senate and lower house elections affect the profile of the running candidates, which, in turn, has a differential impact on every chamber's makeup. In practice, a higher proportion of senior politicians is likely to be found in the second house.

The four cases selected for this study offer an interesting approach to the topic. They share similar stringent institutional sets of opportunities for the senates' elections as well as the above-mentioned features of strong bicameralism and presidentialism. However, different patterns of social composition and political seniority can also be expected among the legislators of these second chambers. First, in the federal countries of Argentina and Brazil, seniority will probably have another meaning than in Chile, where it is sought through its partial composition with appointed members. Second, seniority demands time to develop, and only the institutional frameworks of Brazil and Uruguay have been working in practice since the middle 1980s. In effect, whilst Chile's first congressional period was initiated in 1990 (after a long authoritarian interruption), in Argentina, the 1994 constitutional reform, which had important consequences for the senate, originated a transitional phase that only concluded in 2001 with the total renewal of this chamber's membership. Third, in 2001, Argentina also implemented the feminine quota system in the senate's elections, the impact of which on both the social and political profiles of the upper house cannot be underestimated. Therefore, a comparative analysis of the profiles of the legislators belonging to the current legislatures can help to assess the impact of the Argentine reform and to understand the main features of the relatively more established memberships of its neighbours.

This paper is empirically based on the analysis of the biographies of the (upper and lower chamber) legislators corresponding to the current congressional periods of Brazil (2003-2007, Legislature No. 52), Chile (2002-2006) and Uruguay (2000-2005, Legislature XLV). Regarding Argentina, we decided to work with the members of the previous period (2001-

2003) because information on the recently constituted legislature (partially renewed at the end of 2003) is still incomplete.⁵ Every legislator is considered here as an unit of analysis and our universe is composed by the total members of every chamber.⁶ Only in the case of Uruguay, where we did not count on all the biographies, we relied, for some of the variables, on a sample of legislators.⁷ The remaining of this paper is divided into three sections: section two explains how the different institutional sets of opportunities prevailing in every country pose more barriers to candidates seeking a seat in the senate than in the chamber; by examining three indicators (age, gender and education), section three describes the social makeup of the upper and lower chambers; section four examines the senators' political profiles and establishes different degrees and patterns of seniority. The last section presents our conclusion remarks.

2. THE SUCCESSFUL SENATE CANDIDATES

In comparison with other upper houses outside the continent, Latin American senates are attractive offices for professional politicians. In fact, a senatorship is a post of relevance and political influence if the upper chamber has equivalent or almost equivalent legislative powers to those of the lower chamber (or, in other words, if the bicameralism is symmetrical). In this sense, the Latin American cases resemble the North American model and, so, differentiate themselves from other bicameral systems where the upper chamber has no (or limited) veto power over legislation. Additionally, upper chambers have normally less relevance than lower chambers when their members are not directly elected, but this is not the case with the Latin American senates.⁸

Indeed, it could be argued that a senatorship is not equally attractive for politicians in all Latin American countries. In the federal systems of Brazil and Argentina, executive positions are more appreciated than legislative positions and politicians would rather become governors, and even ministers, than senators.⁹ However, in these countries a significant number of governors seek a seat in the senate once their mandates expire –as well as many return to the government of their provinces from this position (De Luca 2004: 17; Power and Mochel 2004: 28). Therefore, although legislative positions are probably a second choice in some

⁵ The biographies have been mostly obtained from the websites of the four Congresses. Complementary information on the senators' careers was collected during our field research (particularly for the Uruguayan case). We also consulted Baron (2002) on Argentina and Senado Federal (2003) on Brazil.

⁶ Provided that legislators may resign, take leave, or even die along the legislative period, we decided to work with those who assumed their position at the beginning of the period.

⁷ The opinion poll (Alcántara, PELA) with which we work involved 67,7 percent of the deputies of the XLV legislature, which is also the one we are studying.

⁸ In Germany, for instance, upper house members are ministers of the state governments and, in Britain, the House of Lords is composed by hereditary and life peers. Among our cases, Argentina is the one in which the direct election of the senate's members was lastly incorporated in the constitutional reform of 1994. Previously, senators were elected by the legislatures of the provinces and by an electoral college in the federal capital of Buenos Aires.

⁹ The attractiveness of the governorship is extensively discussed in Power and Mochel (2004) and Samuels (2003). Moreover, for Power and Mochel (2004: 33) legislative positions are not attractive at all since 'the career choices of prominent Brazilian politicians illustrate a clear career ladder, and all the important rungs on the ladder are executive posts.'

political career paths¹⁰, the fact is that, when moving to the legislature, prominent politicians like governors go to the senate and not to the chamber. Several reasons explain this differential status of the chambers within the legislative system. On the one hand, there are the many benefits offered by the senate position: the legislator's individual influence –or veto power- over legislation is greater in the small senates than in the large chambers (it is not the same to be one in eighty as one in five hundred, as is the case in Brazil); the periods of service are usually longer in the senates than in the deputies' chambers, the wages are higher, and the infrastructure supporting the legislator's work is better.

On the other hand, politicians' career choices are not only oriented by the benefits offered by a determinate position, but also by the chances they have to succeed in the elections (Leoni, Pereira and Rennó 2003). For several reasons, a senate's election is more difficult to win than a deputy's election and, so, represents a higher step in the political ladder. Comparative studies on political careers have stressed that the winning chances of potential candidates are very much shaped and structured by the institutional context in which they operate (Norris 1997), or "divergent modes of parliamentary representation are indicative of variations between opportunities, norms, and institutional settings interacting in the process of recruitment" (Best and Cotta: 11-16). In general, the political system set the **structure of opportunities** for political careers. The constitutional and legal regulations, the electoral rules and the system of party competition determine a broad pool of elegibles and influence the costs and benefits of becoming a candidate. For instance, in the United States, the number of elected offices available for the chamber and the senate varies according to the number of seats in each chamber, the frequency of the elections, and the differences in the electoral system. As a consequence, senate primary and general election campaigns are statewide races that require larger amounts of money, more extensive organizations and more complex strategies than the locally oriented house campaigns (Herrnson 1997). In Argentina, Brazil, Chile and Uruguay, the different institutional sets of opportunities prevailing in each country also tend –with difference of degree than will later be explored- to pose more barriers to candidates seeking a seat in the senate than in the lower house.

Firstly, constitutional requirements are more stringent for the senate than for the house (see Table 1 below). Smaller upper chambers, longer periods in office, and partial renewals of the upper house reduce the number of positions at stake in every electoral contest and, thus, pose more constraints to potential candidacies. Additionally, the four constitutions dispose that senators must be older than deputies (among other requirements varying among the cases). In this respect, the four Latin American cases are no exception to the idea, prevailing from the time of ancient Greece onwards, that the senate is composed by mature and well-established political figures (Tsebelis and Money 1997: 40). The same etymology of the word, which derives from the Latin term *senex* and is also the root of words such as 'senior' and 'senile' (Russell 2000: 100), indicates that a senate resembles a council of elders who bring their experience and wisdom to the government. Tsebelis and Money (1997) explain that this expected profile of upper chamber legislators is connected to the efficiency rationale of bicameral systems, namely, to the fact that bicameralism improves the legislative outcomes in terms of both better and more stable legislation.¹¹ This improvement is mostly achieved by the

¹⁰ The attractiveness of the senate can also depend on other factors, such as the position within the party, the rung of the career ladder in which the politician is (it will be more attractive for a junior than for a senior politician), and the province/state of origin, as will later be explained.

¹¹ For these authors, there are an efficiency and a political rationale for bicameralism. The political rationale dictates that an institutional legislative design composed of two chambers serves to mediate between conflicting

redundant evaluation of legislation in two chambers, which creates a control-quality system and, in turn, gives more stability to the legislative outcomes. However, in some cases, the improvement in the quality of legislation is also sought through the integration of upper chambers with ‘wiser’ legislators that can check or deter the enactment of rash or imprudent legislation proposed by the first chamber. The requirement of higher qualifications for senators than for representatives, originally proposed in The Federalist Papers (No. 62), are a remarkable example.¹² Another example is provided by cases, such as the Chilean, where the senate is (totally or partially) constituted by appointed members who are selected because of their distinguished careers and their expertise in the field.¹³

Table 1: Constitutional Dispositions

Country	Age difference	Other qualifications to be a senator	Form of Election	Term Length	Renewal of the upper house	Size of the body
Argentina 1994	Senator 30 years deputy 25 years	Yes (more years citizenship, a minimal income)	Direct	senator 6 years deputy 4 years	Partial (one third every two years)	72 senators 257 deputies
Brazil 1988	Senator 35 years deputy 21 years	No	Direct	senator 8 years deputy 4 years	Partial (one or two thirds every four years)	81 senators 513 deputies
Chile 2001	senator 40 years deputy 21 years	No	Direct (with nine appointed members)	Senator 8 years deputy 4 years	Partial years (of elected senators) every four	48 senators 120 deputies
Uruguay 1997	Senator 30 years deputy 25 years	Yes (more years citizenship)	Direct	Senator 5 years deputy 5 years	Total	30 senators 99 deputies

social interests by providing them with a veto power in every chamber. The federal constitution of the USA is a salient example in the contemporary world, with the Senate representing the ‘states’ and the Chamber of Representatives, the ‘people’. This justification is historically inspired in the British ‘mixed government’, with the aristocracy and the commoners controlling the upper and the lower chambers respectively. In this model, every social estate had a legislative veto against measures that would prejudice its interests. This model was then adapted to republican times by maintaining the idea that the houses’ preferences must differ from one another. Even when there is no federal state and the two chambers are elected on the basis of population persists the idea that the chambers should differ in their composition, for instance, through different electoral systems or different size of the bodies. See Rogers 2001:130.

¹² The Federalist Papers explain that a more advanced age as well as a longer period of citizenship are needed because of ‘the nature of the senatorial trust which, requiring greater extent of information and stability of character, requires at the same time that the senator should have reached a period of life most likely to supply these advantages (...)’.

¹³ The explicit arguments behind the Chilean designated senators were very much related to the types foreseen in the bicameral theory: since they would be tied to no constituency and would not have to face reelection, they would provide a neutral, apolitical and mature component of the legislative branch and help to promote the interests of the nation as a whole instead of those of a particular political sector. In practice, though, General Pinochet’s constitution was seeking to give a veto power to the right in the upper house of Congress. This fact does not rest validity to the ‘maturity’ component of this chamber (Siavelis 2000: 39).

Secondly, the electoral rules for the senate are different from those for the chamber in the four cases under study and also more demanding (see Table 2). In the Chilean binominal system, senate candidates need more political and financial resources to campaign in larger districts: sixty electoral districts for the chamber of deputies contrast with only nineteen for the senate. In Uruguay, the single vote system closely links the senate and chamber elections and establishes a hierarchical control of nominations. Likewise, the senate's single district requires candidates with a national profile while the chamber's candidates mainly need to campaign in small districts. Thus, party lists are normally headed by fraction leaders running for the senate. In the federal systems of Argentina and Brazil, the costs of running for the senate are also higher. In the two countries the electoral district is the province/state for both the chamber and the senate, but the number of senators remains stable in all the districts, whilst the number of deputies varies according to the population (between a minimum of 8 and a maximum of 70 in Brazil, and a minimum of 5 in Argentina). Therefore, a candidate running for the lower house needs less financial and political resources to obtain a fewer amount of votes than a candidate running for the senate in the same district. The lower chamber candidate can get elected by building a concentrated base of support in a municipality, while the senate candidate will need to be known in the whole district and count on greater resources. However, in these two countries, the size of the population varies significantly among the provinces/states and, so, according to the electoral laws, the number of district's seats in the lower chamber also varies. In Argentina, for instance, Buenos Aires province elects 35 deputies in every election and La Rioja, only two or three, so that La Rioja province renews as many deputies as senators in every election.¹⁴ As a consequence, there are different sets of electoral constraints *within* the countries, with districts in which candidates face approximately the same electoral structure of opportunities for the chamber and the senate (more markedly in Argentina), and districts in which the senate appears particularly challenging and costly. Despite these internal differences, the senate's electoral rules remain generally more demanding.¹⁵

¹⁴ La Rioja has a five-deputy representation in the national lower chamber, but due to the partial renewal of this house, it only elects two or three deputies in every election. In comparison with Brazil –where the chamber is totally renewed–, the smaller Argentine districts (Catamarca, Chubut, Formosa, La Pampa, La Rioja, Neuquén, Río Negro, San Luis, Santa Cruz, Tierra del Fuego) elect much fewer deputies than their Brazilian counterparts.

¹⁵ As we have seen above, for instance, La Rioja province may elect as many deputies as senators but elections for the lower house are still more frequent than those for the senate.

Table II: Electoral Systems

	Chamber of Deputies	Senate
Argentina	24 plurinominal districts (the provinces), closed lists, D'Hont system	3 senators per province, 2 seats for the most voted party, one for the first minority
Brazil	27 plurinominal districts (the states), open lists, simple quotient and highest average	3 senators per province, two candidates are voted when two third of the seats are renewed (one when one third), relative majority system
Chile	60 two-member districts, closed non-blocked lists, D'Hont system, the first seat is awarded to the most voted candidate from the list with the most votes; if the votes of this winning list double those of the second voted list, then it gets the second seat. Otherwise, the second seat goes to the most voted candidate in the second list.	19 two-member districts, closed non-blocked lists, same as deputy chamber.
Uruguay	19 multi-member districts, closed list, D'Hont system	Single nationwide district, closed list, D'Hont system

Thirdly, the process of electoral recruitment is filtered by the intermediary actors or **selectorates** (Best and Cotta 2000: 11) that are the political parties. Although there are alternative pathways into political elites (including the military, media or bureaucracy), in most countries recruitment usually occurs within political parties and is influenced by party organizations, rules and cultures (Norris 1997: 12). Studies of parliamentary recruitment in European countries stress the professionalization of the legislative careers, or, in Weber words, the elevated number of representatives who are experienced politicians and live **from** politics instead of **for** politics. Indeed, the degree of control that political parties exert over the selection process may differ considerably. In Chile, the party control is particularly large because parties need to take care of their coalition agreements. The same happens in Uruguay due to the prevailing logic of internal fractions. Brazil is known as the case with the weakest parties (Mainwaring 1995). However, even loosely organized political parties wish to maximize their electoral chances. Given the major constrains that the senate's elections pose, it is likely that parties will reserve the senatorships for the major party figures, who are more experienced and more familiar to the electorate. Again, it is probable that in the decentralized party systems of Argentina and Brazil the chances to reach higher candidacies will depend on the different provincial party organizations, but still remains that the party's internal rules and structure, although variable within and among the parties, enhance the costs of politicians wishing to run for the senate.

Because of all the above mentioned factors filtering the process of political recruitment, it is likely to foresee a differential profile between senators and deputies in several aspects such as age (older senators), socioeconomic background (wealthier and more educated senators) and previous political experience (greater for senators). This fact reminds us a normative concern

on the quality of the representation system that has guided many studies on legislative careers. In fact, some studies have called attention on the possibility that the legislators' profiles turn out to be very atypical of their own electorates (Norris 1997). For instance, a comparison between the socioeconomic characteristics of the parliamentarians and the same features in the general society could show that men tend to predominate in the political scene although women are a major part of the total population, or that educated people have more chances to get elected than blue-collar workers. These researches –mostly based on lower house representatives- show that there are cases where the biases are larger than in others, but, due to the many filters mentioned above, there are no cases in which the representatives perfectly mirror their societies.

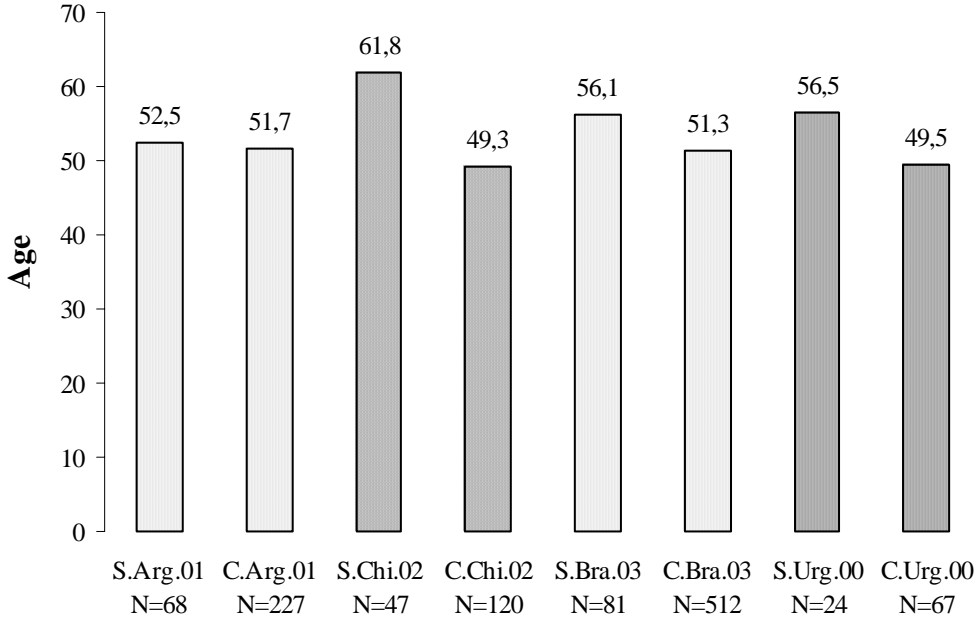
As a consequence of the factors described in this section, the differences between representatives and society will be even broader if our object of study are the legislators sitting in the upper house. Nevertheless, the question still remains if this normative concern guiding most studies on political elites is appropriate for the understanding of the senates' memberships. Many constitutional designs incorporated, in purpose, longer terms for upper house offices with the intention to develop a better 'acquaintance' with legislation and a greater degree of 'political' independence. Similarly, the partial renewal of upper houses was thought to produce stability of personnel, greater expertise and independence of opinion. These two features –as the many others mentioned in this section- in practice delay the translation of societal and political changes into the senate's makeup.

Since our comparative four-case study includes the case of Argentina, the impact of these structural features on the senators' profile can better be assessed. As we already commented in the introduction, in 1994 Argentina passed a constitutional reform that affected many aspects of the senate. The most important points were the shortening of the term length from nine to six years, the direct election of the membership, and the increase from two to three senators per province (the third senator was added to represent the party obtaining the second position in the elections). The new third senators were gradually incorporated in the elections taking place from 1994 onwards, but the direct election was all together implemented in the total renewal of the chamber in 2001. This total renewal was unique and exceptional since, afterwards, the senate recovered the normal traditional pace of partial (one-third) renewals. Furthermore, the 2001 election incorporated the 'feminine quota' that, as we shall see, had been used before for other electoral positions, but never for the senate. Then, 2001 was a breaking point in the history of the Argentine senate due to the implementation of a number of institutional reforms that were meant to have an impact on the chamber's social and political makeup. Comparing this senate's legislative period with the other senates of the region that did not undergo similar changes enhances our chances to assess the impact of the institutional framework in which the senates operate on the profiles of its members. The following section is devoted to the social makeup of the contemporary legislatures. It aims to assess to what extent the senates differ from the corresponding lower houses and to draw some preliminary conclusions on the differences –in terms of social composition- among the four upper chambers.

3. THE SOCIAL MAKEUP OF LOWER AND UPPER CHAMBERS

The first indicator examined in this section concerns the age of the parliamentarians. We have observed in Table 1 that, in our four cases, the constitutions dictate a higher minimum age for the senate’s candidates than for the chamber’s, being the Chilean minimum age –40 years- the highest. The following Graph 1 compares the average age of deputies and senators in the current legislatures.¹⁶ We have defined ‘age’ as the difference between the year in which the legislature began and the legislators’ year of birth.¹⁷ At a first sight, we can notice that, as the constitutional theory foresees, the four senates are older than their respective lower houses.

Graph 1: Age Average



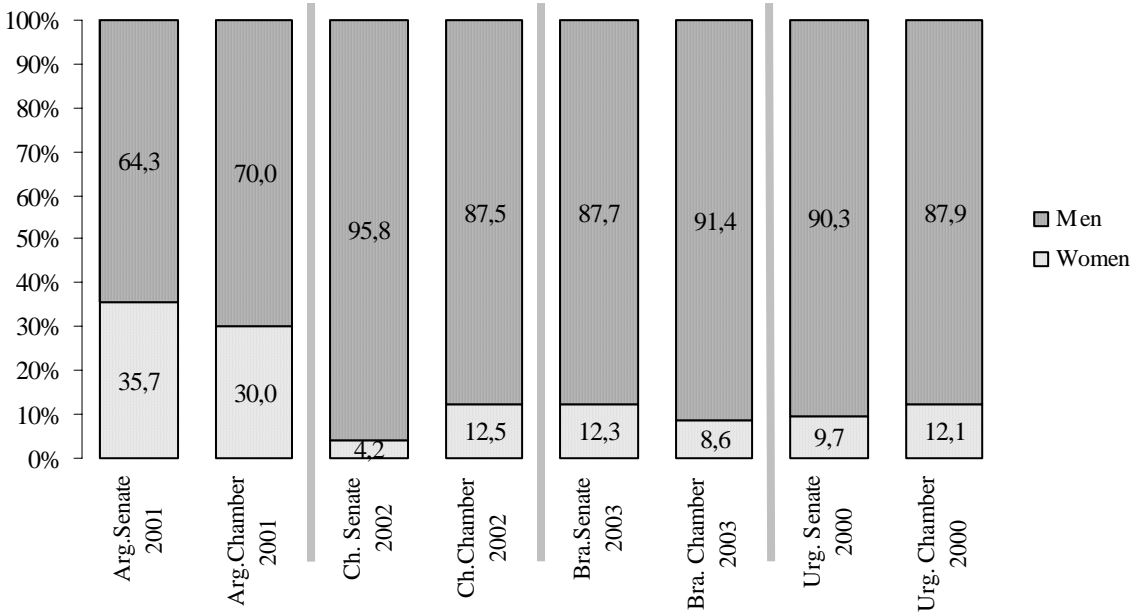
¹⁶ Due to the scarce biographies available on Uruguayan deputies, data on average age presented in Graph 1 only correspond to the 67,7 percent of the total of the chamber and were collected in a poll (Alcántara, PELA). Another poll involving the deputies of the previous legislature (1995-2000) produced somehow similar results (for a 72,7 percent of the total deputies, the average age was 47,1). On the Uruguayan senate, data correspond to the biographies provided to us by the senators, but they also cover only 77,4 percent of the total of members.

¹⁷ Due to the partial renewal of the upper chambers in three of the cases, and the partial renewal of the Argentine lower chamber, the year in which the legislature’s period begins is not the first year of mandate for all the legislators.

However, there are important differences among the cases. The Chilean Senate stands out for being the oldest. Besides, in Chile the difference between the age of senators and deputies is the largest (12,5 years). On the opposite side, Argentina has the youngest senators as well as practically irrelevant age differences between the lower and upper chambers (0,8 years). Since the beginning of democracy, the Argentine senate has exhibited a slightly declining tendency in terms of age, while the chamber has oscillated between an average age of 49 and 51 (Molinelli at al 1999: 211). A distinctive feature of the 2001 congressional makeup is that the age differences between the chambers had never been so close. In this sense, the effects of the dispositions of the 1994 constitutional reform –as we have seen, 2001 was the first direct election and the first and only total renewal of the upper chamber- should not be underestimated. Besides, the addition of a third senator to represent the minority, which was slowly incorporated with every partial renewal since 1995, increased the chamber size, and so, affected its composition.

The chambers’ makeups in terms of gender –our second social indicator- show that women are very badly represented in the two chambers of Congress, particularly in three of our four cases –Brazil, Chile and Uruguay- where their representation is below 12,5 percent. In this respect, Argentina stands out for having the largest feminine contingent of legislators. An additional remarkable feature is that, within the countries, only Chile shows a major difference between the chambers in terms of gender representation

Graph 2: Gender Representation



Women representation in Argentina’s congress is among the highest in the world. According to the Inter-Parliamentary Union, Argentina is position number 12 in terms of women representation in the chamber, and five among the senates, where women representation is normally worse (www.ipu.org/wmn-e/classif.htm). The explanation for this exceptionality lies on the positive effects of two institutional factors: the law of Quotas ruling since 1991 in combination with the closed list PR (Jones 1998). In effect, the cuotas law contains two important requirements: first, that a minimum of 30 percent of the candidates on the closed

party lists in all the electoral districts be women; second, that these women be placed in electable positions on the party lists. The quotas system was first implemented in the 1993 elections for the renewal of the chamber of deputies, but it was not applied for the senate's elections until 2001.¹⁸ When adapted to the senate's electoral system, the quota's clause mandated that one female candidate was placed within the first two positions on the lists, which meant that the majority party would automatically elect one female and one male senator (Gray 2003: 62). The effects were clear: women representation jumped to a 35,7 percent in a chamber where, previously, it had only reached a maximum of 8,7 (Molinelli et al 1999: 131).

Among our cases of study, only Argentina and Brazil have implemented a national electoral quota system.¹⁹ However, this system has not impacted equally in the two countries. Under the Brazilian quota law (from 1995, modified in 1997), a minimum of thirty percent and a maximum of seventy must be guaranteed for the two genders in all PR elections (Lemos and Ranincheski 2003: 14). However, the effects of this regulation, although positive, are more modest and gradual than in the Argentine case due to the joint use of the quota law and the open list method. The fact that electors can select an individual candidate from a party's list of candidates gives no assurance that any women will be elected from a party's list (Jones 1998: 17).²⁰ Concerning the Brazilian senate, the quota law has an indirect impact by means of the increase of women participation in politics in general. Women have had more chances to enter in this chamber when the renewal of two thirds of its members has taken place.²¹ This occurred in 1995 (women representation increased from 1 percent in 1991 to 6 per cent) and in 2003 (when the increase was from a previous 7 percent in 1999 to 12 percent). In the other two countries of our study, Chile and Uruguay, women representation in the senate has remained low. In the four Uruguayan legislatures since the beginning of democracy, women were only represented in the senate in the last two (two and three women, respectively). In Chile, women representation in the senate has declined from three (1990-1998) to two (1998-2002).

In the last part of this section we present some information on the legislators' education. Comparative studies on parliamentary recruitment in developed countries have demonstrated that educated people have more chances to become legislators than those without higher education. Best and Cotta (2000: 505) encountered that the average profile of a member of parliament consisted of "a professional politician with a middle-class background, medium to high levels of education, significant political experience, and the likelihood of extended parliamentary service." Similarly, Uriarte (1997: 270) observed that "to be born in a city, to belong to the middle and upper classes, to have university education (...) and to be a man, are all features that enhance the chances of reaching a position in the political elite." Regarding

¹⁸ In 2000, President Fernando de la Rúa enacted a reglamentary decree (Decree 1246/00) through which the feminine quota was extended to all elected positions, that is deputies, senators and national *constituyentes* (Danesi 2004).

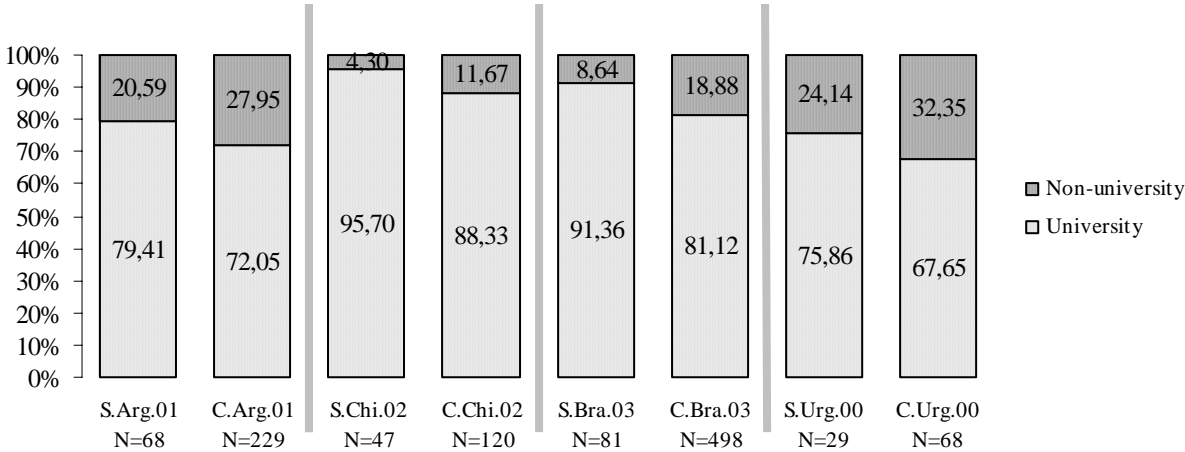
¹⁹ In Chile, there have been limited reforms within some political parties. In the 1990s, the PPD, PS, and PDC applied internal quotas that required women to occupy at least 20 percent of leadership positions (Gray 2003: 66).

²⁰ The author explains that discrimination against women occurs in the intra-party candidate selection processes (especially in small districts), in the allocation of campaign resources, and among voters in open lists.

²¹ See Table 1: the senate alternatively renews one and two thirds of its members every four years.

education, the following graph confirms that the legislatures of the southern cone are no exception to this trend.

Graph 3: Level of education



This graph provides two interesting remarks. First, in both the senates and the chambers the presence of university graduates is overwhelming, but it is also clear that their proportion is larger in the upper than in the respective lower house. This has been a permanent trend since the beginning of democracy in Argentina (Molinelli et al 1999: 210) and Brazil (Lemos and Ranincheski 2003: 15).²² Important remarks are that, within the ‘university’ category we included those who had completed an university degree as well as high school teachers (*profesores de escuela secundaria*) and that our non-university category also includes legislators who achieved some level of education (although not an university degree). In the case of Argentina, for instance, 5,7 percent of the senators and 6,1 percent of the deputies without university education are primary school teachers. In the case of the Brazilian deputies without a university degree, we found that 46,8 percent had only completed the first stages of education, whilst 46,9 percent had an incomplete university formation, and 14,9 percent had obtained a technical degree.

A second important remark with respect to this graph is that, when we consider the legislators of every country as a whole, the results are that the legislators of Brazil and Chile are comparatively more educated than their colleagues at the Río de la Plata. This could be regarded as an indicator of a more ‘elitist’ legislative representation in those two countries. There has been a diminishing tendency of university graduates in Brazil since the beginning of the democratic regime, but the figures are still higher than those in Argentina. During the XXth century, the number of Argentine legislators with university degrees has been around 70

²² We have not information for Chile and Uruguay.

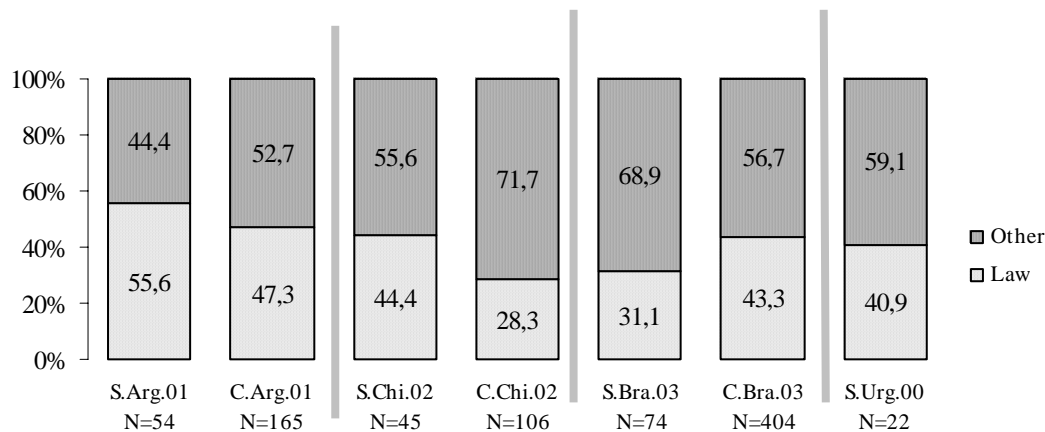
percent (Molinelli et al 1999: 210). In Brazil, instead, Santos has shown that deputies with university degree were 88 percent in the 1946 democratic period, 91,3 percent in the authoritarian period, and 84 percent during the current democratic period (1987-1999). Concerning Chile, some authors (Rehren 2001: 130) have observed that deputies (from all the political spectrum) come from the high and middle high social strata in a greater proportion than their Argentine counterparts. It is possible to draw similar conclusions from our study, although it is also worth keeping in mind that elite representatives (such as those coming from the business sectors) may not be educated people.

Finally, we would like to say something on the educational profile of the university graduates. It is known that lawyers have traditionally been the majority profession in all legislatures.²³ However, the legal profession seems to be losing this dominant role, although with variations among the cases. Graph 4 shows that lawyers continue predominating in the professional profile of Argentine legislators, while these profiles are much more diversified in Brazil and Chile –in the senate and the chamber respectively. In the Brazilian senate, lawyers are still the greater proportion of university graduates, but economic-oriented degrees are second with 20,3 percent, followed by 18,9 percent of engineers, 9,5 percent of physicians and 16,1 percent coming from the humanities and social sciences. Social sciences and humanities, together with economy, are the second and third dominating professional groups among the Chilean deputies as well. Regarding the Brazilian legislators, Santos (2000: 97) observed that, whilst the lawyers dominated the 1946 republic, the democratic period initiated in the 1980s put an end to their hegemony. In his words, the great number of engineers (in our records, also of economists) shows that the advent of the *tecnocracia* in the new democracy also became a relevant political category in the recruitment of legislators. His conclusion may also be sustained for the Chilean chamber, which leaves the Chilean senate,²⁴ as well as the legislatures of Argentina and Uruguay, as the less modernized in the region.

²³ For several reasons, the legal profession is one of the most compatible with politics (Molinelli et al 1999: 67; Uriarte 2000: 118). First, lawyers are used to deal with other people and to work as advocates of their interests. Second, lawyers do not face much trouble in postponing, delegating, or compatibilizing their professional activities with the demanding political life. Third, lawyers have a greater domain of the 'words'. Fourth, lawyers obtain credit for their profession from their experience (contacts) with the political world.

²⁴ The Chilean senate has, besides, six members with military background, four appointed and two elected.

Graph 4: Law University Degree²⁵



Two remarks to conclude: first, are senates different from chambers? We have seen in Graph 1 that the constitutional dispositions concerning a higher age for senate members results, in practice, in age differences between the chambers of the same legislature. Besides, senators are relatively more educated than deputies. In these two variables, our four senates seem to conform to the theoretical pattern dictating a more mature and established membership for them. However, social bicameral incongruence is really noticeable only in the case of Chile: in the four variables presented above, the Chilean senators exhibit the most traditional scores –much older senators, a lower proportion of women, a higher proportion of educated legislators, and a higher proportion of lawyers than those prevailing in the lower house. On the opposite side, the case of Argentina shows that an important consequence of the total renewal of the senate in 2001, as well as of the enlargement of its membership and the feminine quota, was that the two chambers do not exhibit today many social differences. It is probable that bicameral differences will increase once Argentina recovers the normal renewal path but, as illustrated by the other cases (where the normal pace of renewals was maintained), only Chile shows substantive differences within the parliamentary elite.

Second, are there noticeable social differences among the senates of the Southern Cone? As we have seen, the most striking differences concern gender and education. Regarding the first, the Argentine senate differentiates from the other three for having a much higher proportion of women. In this sense, the Argentine senate is more modernized than the others. Together with the Uruguayan, Argentina's senate is also less elitist, as illustrated by the education variable. In contrast, the senates of both Chile and Brazil are elites in educational terms, but they differentiate from each other for being, respectively, traditional and modernized.

²⁵ This graph does not include the Uruguayan chamber of deputies because of the lack of a substantive number of biographical references on political careers.

4. THE SENATOR'S POLITICAL CAREERS

In this section, we explore the political background of the members of the senates with the goal to find out to what extent these chambers are composed by **senior politicians**. But, what exactly would be a senior politician? Is it possible to find a pattern of seniority that could work comparatively? In fact, legislators may follow different career paths (Morgenstern 2002: 16) and there are, indeed, many differences in the career possibilities available in federal and unitary countries. However, it is possible to find a comparative pattern of political seniority if the political positions existing in our four cases of study are grouped in two –senior and junior positions.

Let us consider first the Chilean case. According to Carey (1999: 376- 381), Chile fits into the **static ambition** model of political career because the deputies' high reelection rates show that they seek to build a political career within the chamber. The author shows that, from the beginning of democracy onwards, some 80 percent of the deputies sought reelection and some two thirds of them achieved it. In the senate's case, Carey shows that the legislators' success in the search of either election or reelection was lower: although the number of deputies running for the senate enlarged, the rate of success diminished; besides, the reelection rate was high (50 percent) but still lower than the chamber's. In other words, as we stated in section 2, in Chile the senate's positions are attractive to career politicians but also difficult to win. For many deputies with **progressive ambition** –the ambition to go up in the political ladder- the senate is a barrier and, so, static ambition seems to be an alternative and more sensible option. Since only few are able to pass the senate's barrier, we can classify a seat in the Chilean senate as a **senior position** and differentiate it from a seat in the chamber, which becomes so a **junior position**. Similarly, some executive positions are situated at the top of the career ladder –and even regarded by the specialists as higher than any legislative position- in Chile and in the other countries.²⁶ This is the case of some elective positions, which in unitary countries means the president (and the vice-president in case there is one), but also of some non-elective executive positions, such as the national ministers.

Therefore, there are three senior positions in Chile: the president, the ministers, and the senators (see Table 3 below). If we concentrate now on the 2002-2006 legislative period and examine the political background of the senate's members, we can distinguish between those who arrived there having had a previous experience in senior positions and those who lacked this experience. The proportion of the first over the latter will result in the **seniority rate** that characterizes the senate's legislative period under study. The higher this rate turns out to be, the more “exclusive” and closed the senate is. Instead, a low seniority rate showing a senate's makeup characterized by the presence of many junior members would indicate that the upper chamber has undergone a process of membership renewal.

This argument is valid for the other three cases as well, although with some modifications. In unitary Uruguay, the senatorship (as well as the executive positions of the presidency, the vice-presidency and the ministries) are senior positions reserved for a few –the political leaders. From the beginning of democracy onwards, about 70 percent of the legislators have been seeking reelection. The success rate has been lower than in Chile, but increasing over the

²⁶ Authors' interviews with academics and political actors.

years (48,9 percent in 1989, 54 percent in 1994, 64,9 percent in 1999).²⁷ In the peculiar electoral and party system of this country (Ley de Lemas and party fractions), two important features of the electoral system distinguish the senate's positions from the chamber's: first, since the senate is elected in a national district, Uruguayan senators need to be figures with a national prestige who are able to find votes at the national level and to build party agreements with such a scope. Second, because votes for president, senators and representatives are inseparable, hierarchical factions are created with a nomination control for presidential candidates over senators and of both presidential and senatorial candidates over representatives (Morgernsten 2001: 242). Therefore, in our words, the more senators with previous experience in this chamber (as well as in the top national executive posts), the higher the seniority rate of the legislature under study.

In contrast with the above cases, in Argentina and Brazil, a small minority of deputies return to their seats after one period of legislative service. In his study on political careers and party discipline in the Argentine chamber of deputies, Jones (2001: 205) stressed that these careers are extremely party oriented. He pointed out that those who become deputies have already had experience in other elective, appointed (in the national or provincial executives) or party positions. Furthermore, although deputies do not tend to remain in the chamber (the reelection rate is around 20 percent and the average deputy serves only one term in office), virtually all of them continue in elected, appointive or party posts after their tenure in the chamber. Because of this, most Argentine legislators are regarded as "amateur legislators" but nonetheless "professional politicians" (Jones et al 2002: 659). In Brazil, political careers do not involve a long permanence in the lower chamber either. For Samuels (2002: 208-9; 315), political ambition begins and ends at the subnational level: service in the chamber serves merely as a springboard to higher offices, at a lower level of government. Then, Brazilian deputies exhibit a progressive ambition, that is, they seek to leave the Chamber after serving only one or two terms and continue his/her political career at the state and/or municipal level.

The idea of progressive ambition that appears more clearly in the Brazilian literature resembles the two-level classification that we applied above to the Chilean and Uruguayan cases. In other words, in our four cases of study at least two different levels of political positions can be distinguished. However, in Argentina and Brazil, these two levels are more diversified. In Brazil, the senate, together with other executive positions that are reached through majority elections –president, governor, vice-governor - have been regarded as the top and most costly of the political system (Leoni, Pereira and Rennó 2003). If we add the highest executive appointed posts, which in federal countries includes both national and provincial ministers, we have the "senior positions" of the Brazilian system and, we shall argue, of the federal Argentine system as well. The following table summarises this information:

²⁷ See Chasquetti (s/d). Chasquetti's article is useful because it works with the legislators of the two chambers. However, it considers reelection as the search of another tenure in Congress in general, without distinguishing whether the legislator is running for the same chamber or not.

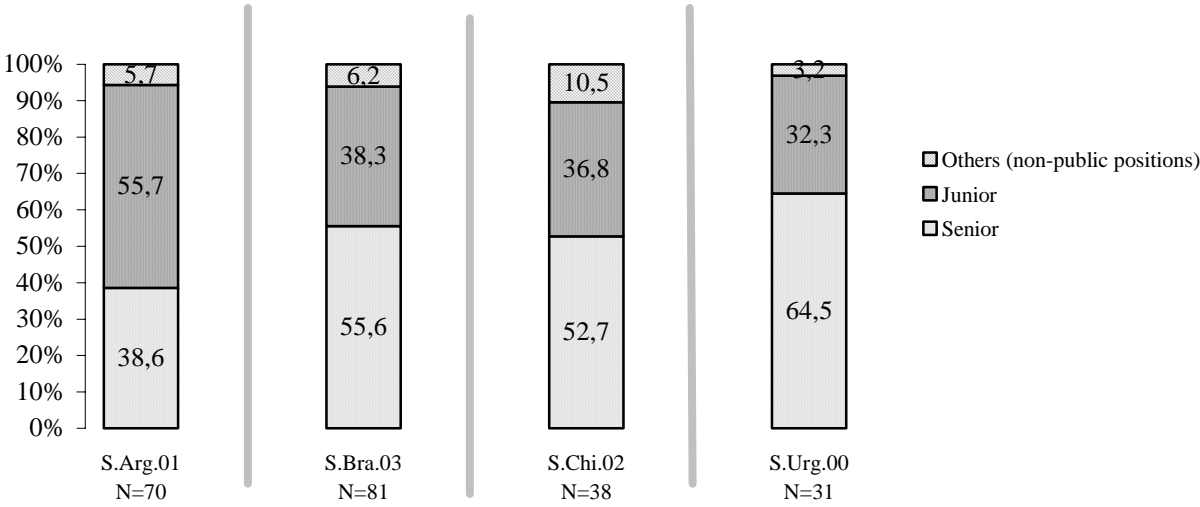
Table 3: Senior Electoral Positions

	Argentina	Brazil	Chile	Uruguay
President	+	+	+	+
Vice-president	+	+		+
Senator	+	+	+	+
Governor	+	+		
Vice-governor	+	+		
National minister	+	+	+	+
Provincial minister	+	+		
Total senior electoral position	+++++++	+++++++	+++	++++

Thus, we can classify the political profiles of the senates’ members (of the four current legislatures) in the terms presented above. Most of our senators experienced senior, non-senior, electoral and appointed positions before arriving to the current legislature, but for our classifying purposes we only registered the highest position/s held by them.²⁸ Among these highest positions, we gave priority to the previous experience in electoral posts which in practice means that senators, who were classified as senior for their experience as governors or presidents, may have been ministers as well. We only specifically registered the ‘minister’ (non-elective) position when the senator had not had experience in any other senior (elective) position, or when the elective positions he/she held had been junior instead of senior. In this sense, the senators coming, for instance, from a junior position as the chamber of deputies, were only classified as seniors if they had had the opportunity to act as ministers at the provincial or national level. Finally, senators who did not have experience in any public electoral or appointed position were separated from the junior and senior categories. The following graph illustrates the results obtained with our classification, while detailed information on the senators’ political profiles can be consulted in the appendix at the end of the chapter.

²⁸ We do not constrain us here to count the position held by the senator immediately before the beginning of the current legislature. Instead, we are considering the highest electoral position achieved by the senator during the democratic political regime. Likewise, how many of such senior positions were previously held is not relevant to our classification, but the fact that the senator held at least one of them.

Graph 5: Political Careers (highest position/s achieved during the democratic period)



In our graph stands out the fact that Uruguay has the highest seniority rate, namely, that a large majority of the members of the Uruguayan senate has hold the highest positions of the political system already before their current tenure in the senate. By the same token, the chances that new commers have to reach this status are very restricted in this country as shown by the low percentage (32,3%) of junior members sitting in the upper house. The Brazilian and the Chilean senates follow the Uruguayan case with a 55,6% and a 52,7% of senior members respectively. It is important to take into account that, in these two cases, the senate elections involve the partial renewal of the senate. Therefore, for our records, the previous positions of half of the current Chilean senators are the ones held before 1998, four years before the beginning of the current legislature when democracy was only eight years old (and the senate had only been partially renewed three times). This is probably the reason why the number of senior political positions is lower in this country (and third in our rank). The Chilean senate is, despite this fact, a very senior chamber due to the eight-year service of appointed members. The 1980 constitution –written by Pinochet’s government- provided for a combined integration of the senate with elected and appointed senators, besides all ex-presidents. The appointed senators are nine and about the twenty percent of the total of the chamber: two appointed by the president (required to be a former university president and a former minister of state); three by the Supreme Court; and four by the National Security Council (a former commander of the army, national police, navy, and air force). These members add to the seniority component of the Chilean upper chamber.

Different from the above cases, the majority of the members of the Argentine senate are people without previous experience in senior positions. Our data clearly show how the total renewal of the 2001 legislature permitted the political promotion of many junior politicians as well as it brought down the senior membership of the chamber to 38,6 percent. The “others” position strengthen this tendency and show that the feminine quota is also an explanatory factor of the large number of senators without much political experience (the four cases in this

category are women).²⁹ In the other countries, the number of senators who had not previously held any public position is higher, with the exception of Uruguay. The profiles of these people vary among our cases, but in the three of them were renowned persons or persons with links to the “powerful”: we counted one ex-president’s wife in Uruguay; one entrepreneur, one trade unionist, one ex-governor wife, one physician and one clergyman in Brazil; and two military, one entrepreneur and one party leader (and presidential candidate) in the case of Chile.

Before entering in our conclusions, it is interesting to make a final observation. Further information on the political profiles of lower chamber legislators confirms the progressive ambition hypothesis, or, in other words, the fact that those reaching the senate are at the highest point of their political careers and do not wish to return to lower positions. The vast majority of the elected to these chambers had not previous experience in top positions like the senate: only a 6,3 percent of the members of the Brazilian chamber’s current legislature had held a higher position since the beginning of the 1980s (governor, vice-governor or senator); a 5,8 percent in Argentina; in Chile, only one of the current deputies (a woman) had previously been senator for four years; and in Uruguay, 11,1 percent of the deputies had spent some time in the senate acting as senators’ substitutes.

5.CONCLUSION

A rationale for bicameral legislatures has been their contribution to the improvement of the quality of the legislative outcomes (Tsebelis and Money 1997: 40). The mere presence of a second chamber creates the possibility of quality control, but the idea of reaching it through a council of elders, who could bring their experience and wisdom to the government, has also been advocated since long. The institutional provisions to promote the development of a quality role in the upper chambers are extended all over the bicameral systems of the world, and, as we have seen, the Latin American cases are no exception. Furthermore, by examining the social and political profiles of these senates, we concluded that our senates are elite institutions in either of the two senses. The senates of Brazil and Uruguay stood out for having the largest share of senior politicians among their members, whilst in the case of Chile seniority was mainly achieved through the social characteristics of its members and the expertise of a considerable number of appointed members. Our senates gather many aspects of expertise, which appear in the four cases with differences of degree: “professional experts” (people who have achieved expertise through their education and are able to bring the knowledge of their professions to the parliamentary arena); “professional politicians” (people with long political careers capable of contributing to the varied tasks of the legislatures, i.e., legislation, representation and control); and “professional legislators” (people with previous experience in the production of laws).

According to the specialized literature discussed in these pages, only Chile and Uruguay have normally been regarded as professional congresses because of the high reelection rates observable in the Chamber of Deputies. The opposite occurs with our two federal cases, Argentina and Brazil, where career politicians do not usually stay for more than one term in the chamber and, so, have limited incentives to specialize in the legislative tasks and to

²⁹Data on other legislative periods show that there were no members without previous political experience in the senate (Jones 2001: 209).

develop policy expertise. These works apply the results obtained for the lower chamber to draw conclusions on the whole Congress and state, for instance, that in Argentina “electoral rules ... have created an amateur congress; one that has neither the expertise nor the incentives to initiate influential legislation nor to control the public administration” (Jones et al 2002: 667). In our view, it would be better to circumscribe the findings of these works to the lower chambers. We do not know much on the role that senates play in the legislative system, but we know by now that the senates of the Southern Cone lodge high levels of expertise, including legislative experience. Senators are, or become, professional legislators for two reasons: first, their tenures are longer, so that, even if they stood in this chamber for one period, they had more chances to specialize and develop skills as legislators (consider that those staying for a second period accumulate sixteen years (Brazil) or twelve years (Argentina) of legislative experience); second, because senators are senior politicians they have, as we have seen, previous experience either in the senate or in other legislative bodies, such as the lower chamber or the provincial legislatures.

Finally, we would like to say some words on the Argentine case. We have seen that, in our study, the makeup of the Argentine senate differs from the other three studied in this paper. The consequence of a series of institutional reforms implemented in the last years (all based in the 1994 constitutional reform) is that the Argentine senate fails to meet most of the features of social and political seniority exhibited by its neighbours. In other words, the senate’s membership was almost completely renewed in 2001 to result in a much “younger” chamber. It could be discussed whether having a junior senate (one that resembles the lower house like never before) is better for the legislative system, but there is no doubt that this senate is different from the previous. As a reminder, the 2001 membership renewal took place only a year after a bribery scandal (which involved some of the senators) provoke the resignation of the vice-president, was the beginning of the end of the Alliance’s administration, and led to a generalized discredit of the Argentine political class. In conclusion, if our four cases demonstrate how important the prevailing institutional set of opportunities is for orienting political careers, the Argentine case is an extreme example of how institutional reforms can become determinants of the course to be taken by career politicians.

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Appendix : Political Careers (Highest position/s achieved by the senators before their current period)

	Brazil	Br.%	Argentina	Arg.%	Chile	Ch.%	Uruguay	Ur.%
Senior Positions	45	55,6	27	38,6	20	52,7	20	64,5
President	0	0	1	1,4				
senator and president/vicepresident	2	2,5		0,0				
senator and governor	10	12,3	2	2,9				
senator	14	17,3	8	11,4	18	47,4	20	64,5
Governor	13	16,0	4	5,7				
vice-governor	0	0,0	2	2,9				
national deputy and minister	2	2,5	4	5,7				
major and minister		0,0	2	2,9				
provincial legislator and minister		0,0	2	2,9				
minister (national or provincial)	4	4,9	2	2,9	2	5,3		
Junior Positions	31	38,3	39	55,7	14	36,8	10	32,3
national deputy	12	14,8	10	14,3			4	12,9
national deputy and major	6	7,4	2	2,9			1	3,2
Major	4	4,9	7	10,0			2	6,5
provincial legislator	8	9,9	11	15,7				
municipal legislator/ <i>convencional constituyente</i>	0	0,0	3	4,3			0	0
Public national or provincial positions (2 rank)	1	1,2	6	8,6			3	9,7
Others (non-public positions)	5	6,2	4	5,7	4	10,5	1	3,2
Total	81		70		38		31	

Others Br.: 1 entrepreneur; 1 trade unionist; 1 ex-governor wife; 1 physician; 1 clergyman

Others Arg.: 1 university professor, 1 lawyer, 2 teachers

Others Chile: 2 military, 1 entrepreneur, 1 party leader (and presidential candidate)

Others Ur.: 1 ex-president wife

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Beiträge zur Lateinamerikaforschung

Band 4

Heinrich W. Krumwiede / Detlef Nolte

Die Rolle der Parlamente in den Präsidialdemokratien Lateinamerikas

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Lateinamerika war Ende der 90er Jahre die am stärksten demokratisierte Entwicklungsregion. Einige Indizien sprechen dafür, dass das bisherige Wechselspiel eines zyklischen Entwicklungsverlaufs zwischen Demokratie und autoritären Regimen außer Kraft gesetzt ist. Vor diesem Hintergrund verdient die Frage Interesse, auf welche Weise die Parlamente zum Erhalt und Ausbau der Demokratie beitragen können. Das Leitthema der Studie, die Rolle der Parlamente in den lateinamerikanischen Präsidialdemokratien, nimmt sich einer Fragestellung an, die in der politikwissenschaftlichen Forschung bisher vernachlässigt wurde. Neben den parlamentarischen Funktionen politischer Repräsentation und Kontrolle der Exekutive gilt vor allem der Funktion des parlamentarischen „Mitregierens“ besonderes Interesse.

Die Studie analysiert die Kompetenzaufteilung zwischen Präsident und Parlament nach der geschriebenen und in der „lebenden“ Verfassung. Die erheblichen Unterschiede, die in dieser Hinsicht zwischen den Ländern und allgemein zwischen Verfassungsrecht und Verfassungspraxis bestehen, werden herausgearbeitet. Es wird deutlich gemacht, dass man unterschiedliche Machtdimensionen berücksichtigen muss, um die reale Bedeutung der Parlamente korrekt einschätzen zu können, und es wird nachgewiesen, dass die Klischeevorstellung, die lateinamerikanischen Präsidenten seien allmächtig und regierten mit Dekreten an ohnmächtigen Parlamenten vorbei, einer Korrektur bedarf. Die Studie resümiert nicht nur den gegenwärtigen Forschungsstand, sondern es ist darüber hinaus ihr Anliegen, für weiterführende Fragestellungen und bisher unterbelichtete Themen Interesse zu wecken. So enthält sie u. a. Kapitel über semi-präsidentielle Regime, Zweikammerparlamente und die Parlamentsberatung.

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