

Party System Change and Transparency in Uruguay

Daniel Buquet and Rafael Piñeiro Rodríguez

Abstract

Uruguay is a “contemporary achiever” in terms of transparency, a country that only recently has come to be considered an open access regime and has registered modest economic achievements over the last thirty-five years. Using the case of Uruguay, this essay shows how a change in party system competitive equilibrium—from a system based on clientelistic competition to one grounded in programmatic competition—is the driver that transformed Uruguay into an open access regime, under which politicians’ corrupt behavior is penalized by citizens. Anticorruption legislation in Uruguay did not bring about this change; rather, it was a product of this change. This explains the means and the reach of the new system of norms, which is not substantially stricter, but is more effective in its implementation than in other countries in the region. These reforms were not instituted in response to a crisis of legitimacy like those that motivated other countries to approve such norms, but rather in response to the need to regulate political practices and the bureaucracy in the new context of programmatic competition.

Keywords: Clientelism, open access regimes, programmatic electoral competition, transparency, Uruguay.

Changing the rules of the game in a low-enforcement environment seems like a useless task. As Abraham Lincoln said, “Laws without enforcement are just good advice.” Yet, much of the effort to combat corruption around the world has consisted of debate about the most effective laws to control it. Consequently, positive outcomes rooted in these supposed institutional advances are few and far between. New legislation seems dedicated more toward improving the perceived legitimacy of politicians than with ending corrupt practices. As Alina Mungiu-Pippidi points out, “transitions from corrupt regimes to

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regimes where ethical universalism is the norm are political and not technical-legal processes.”¹

Particularism and clientelistic linkages have been theoretically associated with a period of economic modernization.² However, many countries, having achieved significant levels of modernization, continue to be particularistic, and their party systems continue to cultivate clientelistic links with citizens.³ Just as there is not a linear relationship between modernization and democracy, there does not seem to be a linear relationship between modernization and the introduction of open access regimes. Douglass North, John Joseph Wallis, and Barry Weingast,⁴ Francis Fukuyama,⁵ and Alina Mungiu-Pippidi⁶ have stressed the complexities involved in this kind of transition, in particular for late modernizers. It is thus relevant to analyze how political systems manage to function as open access regimes based on universally applied rules and policies.

The endogeneity of the relationship between the gross national product (GNP) and low levels of corruption as measured by Transparency International’s Corruption Perception Index (CPI) makes it difficult to identify the causal mechanism behind this association. Do low levels of corruption lead to economic development, or is the inverse true, with development causing low levels of corruption? On the other hand, a substantial number of the countries that receive the best CPI scores are developed countries, which historically have tended to be perceived as societies with low levels of corruption. This means that the only way to uncover the causal mechanism underlying the relationship between wealth and corruption is through an analysis of cases in which intermediate levels of GNP per capita combine with low levels of corruption, in countries that in recent history were perceived to be dominated by discretion and particularism.

¹ Alina Mungiu-Pippidi, *Contextual Choices in Fighting Corruption: Lessons Learned*, report commissioned by Norad, c/o ANKOR (the Anti-corruption Project) in cooperation with the Evaluation Department (“Contextual Choices for Results in Fighting Corruption,” Reference number: 1001232) (2012), 11.

² Samuel P. Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968); James C. Scott, “Corruption, Machine Politics, and Political Change,” *American Political Science Review* 63, no. 4 (1969): 1142-1158; and John D. Powell, “Peasant Society and Clientelist Politics,” *American Political Science Review* 64, no. 2 (1970): 411-425.

³ Herbert Kitschelt, “Linkages between Citizens and Politicians in Democratic Politics,” *Comparative Political Studies* 33, nos. 6-7 (2000): 845-879.

⁴ Douglass North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (New York: Cambridge University Press, 2009).

⁵ Francis Fukuyama, *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy* (New York: Farrar Straus Giroux, 2014).

⁶ Alina Mungiu-Pippidi, *The Quest for Good Governance: How Societies Develop Control of Corruption* (New York: Cambridge University Press, 2015).

Uruguay exhibits the described combination of attributes. It is a “contemporary achiever,” a country that only recently has come to be considered an open access regime and has registered modest economic achievements over the last thirty-five years. Using the case of Uruguay, this essay shows how a change in party system competitive equilibrium—from a system based on clientelistic competition to one grounded in programmatic competition—is the driver that transformed Uruguay into an open access regime, in which politicians’ corrupt behavior is penalized by citizens.

In this context, the legislative reforms instituted to control governmental administration and politics did not seek to transform the structure of competition among parties, but, rather, to reinforce a change that already had taken place. That is to say, the laws that were passed to regulate the activities of politicians and bureaucrats were a product of a new context in which politicians, and especially citizens, value transparency, and in which political corruption can cast doubt on the legitimacy of the system.

This essay begins with a brief overview of the evolution of the perception of political corruption in Uruguay and the region. Next, it describes the coexistence of democracy, rule of law, and clientelism in Uruguay during the twentieth century. Third, it analyzes the transformation of political competition in the Uruguayan party system and the emergence of corruption as an issue on the political agenda. Fourth, legislative and institutional changes in anticorruption policies are characterized.

Perception of Corruption in Uruguay and the Region

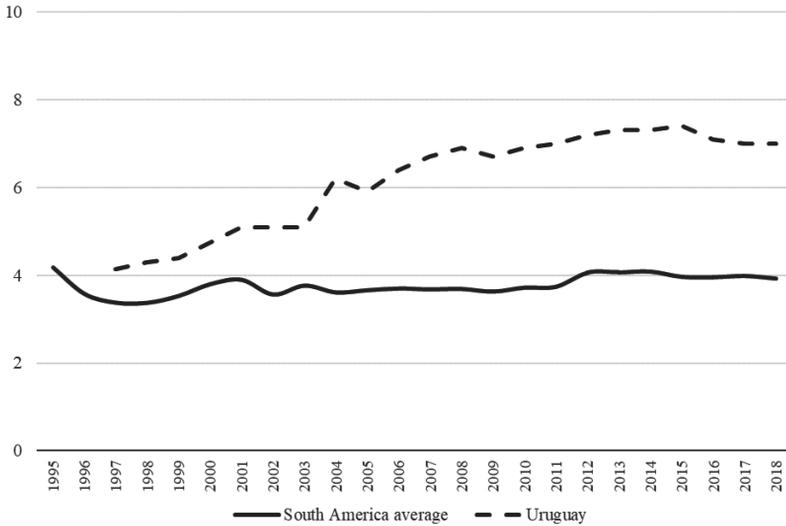
The evolution of the Corruption Perception Index elaborated by Transparency International shows for Uruguay a significant tendency toward improved perceptions of corruption since the end of the 1990s (figure 1).⁷ These data coincide with those of other indices that measure similar phenomena such as the corruption control indicator developed by the World Bank as part of its governance indicators. This evolution has led Alina Mungiu-Pippidi⁸ to consider Uruguay a “late achiever,” a country that has achieved relatively high standards of good governance, universalism, and transparency, but which is not a member of the group of countries that modernized and achieved these goals early (early achievers).

Based on data from the V-DEM project, which gathers opinions from academics about countries, a series of perceptions of political corruption can be constructed for the entire twentieth century and for the beginning of the twenty-first century (figure 2). The comparison of Uruguay with the South American average indicates that Uruguayan exceptionality in the region,

⁷ Higher scores on the index signify lower levels of perceived corruption.

⁸ Mungiu-Pippidi, *The Quest for Good Governance*.

Figure 1. Corruption Perception Index for Uruguay and South America, 1995–2018



Source: Transparency International, “The index..., uses a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean, <https://www.transparency.org/cpi2018> (accessed February 8, 2019).

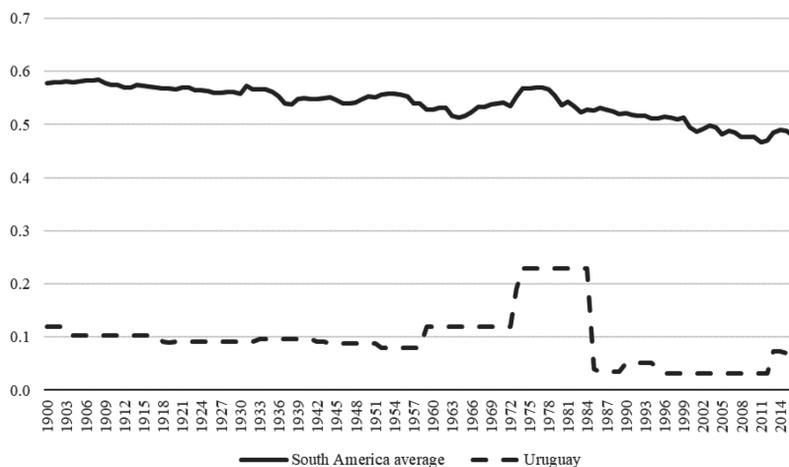
in terms of corruption, has a long history and is associated with the functioning of democracy and the rule of law.

Uruguay is an outlier in the region. In the last twenty years, it has made important advances regarding the perception of corruption and especially in the transition from a highly clientelist system to one of universal access. However, it must be taken into account that these advances occurred in a country where political corruption seems never to have been endemic or at least was not perceived as such (except for the years of the civil-military dictatorship between 1973 and 1985). In particular, the political parties, the bureaucracy, the business community, and the trade union movement were never perceived as corrupt elites who used the power they derived from their economic or political positions to obtain extraordinary benefits or achieve immunity from the rule of law.

Democracy, Rule of Law, and Particularism in Uruguay

Uruguay has a long tradition of democracy and rule of law by Latin American standards. Uruguay became a democracy in 1916, and since then has had two periods of authoritarian interruption (1933–1942 and 1973–1985).

Figure 2. Political Corruption Index for Uruguay and South America, 1900–2016



Source: Michael Coppedge et al., “V-Dem [Country-Year/Country-Date] Dataset v7.1” (Varieties of Democracy [V-Dem] Project, 2017), Kellogg Institute for International Studies, Notre Dame, <https://www.v-dem.net/en/data/data-version-7-1/> (accessed February 8, 2019).

Democracy in Uruguay is the product of the pact established between the two traditional parties, *Partido Colorado* (PC) and *Partido Nacional* (PN).⁹ This pact built institutions based on mutual partisan control in all areas of administration.¹⁰ Both parties had a presence in agencies of accounting control (*Tribunal de Cuentas*, created in 1934) and electoral justice and organization (*Corte Electoral*, created in 1924). Likewise, the members of the Supreme Court and the Administrative Contentious Court (created in 1952) required a qualified majority (two-thirds of the General Assembly) to be appointed. This implied the need for negotiation between the parties in order to appoint court members.

The logic of mutual control also was present in the administration. Public companies and other public service organizations, which also required a legislative supermajority to be appointed, included in their boards of directors

⁹ Daniel Buquet and Juan A. Moraes, “Construyendo un equilibrio democrático: la reforma constitucional de Uruguay en 1917” [Building a democratic equilibrium: The constitutional reform of Uruguay in 1917], *Revista Uruguaya de Ciencia Política* [Uruguayan Journal of Political Science] 27, no. 1 (2018): 19-39.

¹⁰ Jorge Lanzaro, “La institucionalización de la democracia pluralista y los entes autónomos en la Constitución de 1918” [The institutionalization of pluralism and the autonomous agencies in the constitution of 1918], *Revista Uruguaya de Ciencia Política* 27, no. 1 (2018): 85-106.

members from both the government and the opposition parties. This bipartisan composition of the boards was given constitutional status in the 1952 Constitution and subsequently was eliminated in the 1966 Constitution, but it has continued as a practice—with some interruptions—to the present.

Uruguayan democracy, and the political institutions that supported it, tended to distribute power. Not only did it involve the distribution of power among different agencies following the checks-and-balances logic typical of presidentialism in the United States, but also among political parties. The opposition party had control powers that went far beyond the control it could exercise from the parliament or other horizontal accountability institutions. It had control from administration posts, which meant in some aspects co-management of important areas of the administration.

Uruguay's system, based on mutual control among political parties, coexisted with the extended use of public resources in a clientelistic manner. Small parties were excluded from the use of state resources for electoral purposes. Recruitment of civil servants at any level in all sectors of public administration was controlled by the PC and the PN in the same way as the allocation of pensions. Traditional parties also controlled citizens' access to scarce services or goods provided by the state, such as telephone lines, and they had the power to speed up paperwork to receive different benefits. Therefore, the rule of law did not work for citizens in their interactions with the state in many areas in which parties worked as brokers in exchange for political support. Although political corruption was never significant, because politicians did not use this arrangement to greatly enrich themselves, the extension of clientelism and the levels of politicization of the administration meant discretionary treatment and a system open to petty corruption.

The Transformation of Competition in the Uruguayan Party System

The Uruguayan party system is one of the most institutionalized in Latin America. On the one hand, the comparative political science literature, since the generation of the concept of institutionalization¹¹ to more recent studies,¹² classifies the Uruguayan party system as institutionalized. On the other hand, diverse indices of political attainment (Freedom House, Latinobarómetro, LAPOP, and so on) locate the Uruguayan political system in a position of regional leadership, including in these evaluations the party system and related attributes.

¹¹ Scott Mainwaring and Timothy Scully, eds., *Building Democratic Institutions: Party Systems in Latin America* (Stanford, CA: Stanford University Press, 1995).

¹² Mark Jones, "The Role of Parties and Party Systems in the Policymaking Process," paper presented at the State Reform, Public Policies and Policymaking Processes Conference (Washington, DC: Inter-American Development Bank, 2005), and Scott Mainwaring, ed., *Party Systems in Latin America: Institutionalization, Decay, and Collapse* (New York: Cambridge University Press, 2018).

The notion of party system institutionalization is closely associated with the idea of stability, particularly in the electoral arena. However, the Uruguayan party system has undergone significant transformations over the past several decades. The old traditional two-party system, hegemonized by the PC and the PN until the 1960s, was replaced by a new, multiparty model in which a new party—the *Frente Amplio* (FA), founded in 1971—displaced the traditional governing parties.¹³

In Uruguay, from 1916 until the end of the 1960s, the party system functioned with decreasing levels of programmatic competition. The PC, the PN, and their different factions constructed their political support based on the clientelistic distribution of public resources. This equilibrium was based on institutions which assured easy access to goods to be distributed both by the party which currently held power and by the party that was forced into opposition. Using Martin Schefter’s categorization,¹⁴ both traditional parties can be considered to have been “internally mobilized” parties, those constructed from within the state apparatus.

Political campaigns based on programmatic offerings put forth by so-called “parties of ideas” (the Socialist and Communist, as well as the *Unión Cívica*—a Catholic party), were unable to pose a successful challenge to the traditional system (the PC and PN). Toward the end of the 1960s, however, the fiscal viability of the traditional clientelistic strategy increasingly eroded and became electorally inefficient.¹⁵ The exhaustion of the “import substitution industrialization model” since the end of the 1950s made particularism unsustainable as a strategy of competition between PC and PN. It was steadily more expensive to reward middle-class citizens’ support through clientelism, and, at the same time, public revenues became scarcer. While clientelistic competition was sustainable during the 1940s and 1950s, the game between Colorados and Blancos can be represented as a “Hunter’s Dilemma,” a game also called Stag Hunt or Assurance Game. Both parties would benefit if they agreed to stop clientelism, however, choosing the clientelistic strategy was a second-best equilibrium.

Once the economic and fiscal crisis arose at the end of the 1950s, the game changed and became a “prisoner’s dilemma.” Clientelism turned into a dominant strategy, cooperation became very difficult to achieve, and the payoffs in equilibrium decreased compared with those in times of economic growth. Additionally, the iteration until 1970 of the clientelistic strategy to

¹³ Daniel Buquet and Rafael Piñeiro, “La consolidación de un nuevo sistema de partidos en Uruguay” [The consolidation of a new party system in Uruguay] *Revista Debates* [Debates Journal] 8, no. 1 (2014): 127-141.

¹⁴ Martin Schefter, *Political Parties and the State: The American Historical Experience* (Princeton, NJ: Princeton University Press, 1994).

¹⁵ María José Álvarez Rivadulla, “Clientelism or Something Else? Squatter Politics in Montevideo,” *Latin American Politics and Society* 54, no. 1 (2012): 37-63.

compete for votes worsened the economic and fiscal situation, sending the system into a vicious circle. The deepening of economic and social crisis at the end of the 1960s made new parties more competitive, because the traditional parties (PC and PN) and their particularistic strategy lost the support of the urban middle class. This situation led to the emergence of the FA, the first important challenger from the left. As a result, programmatic offerings began to garner success, and traditional sectors began to feel challenged by new party actors. The FA undermined the traditional parties' popular and middle-class electoral bases using programmatic offers.

The institutionalization of the Uruguayan party system is based, according to Buquet,¹⁶ on the capacity to generate, in the presence of external challenges, a body of rules that benefited, for more or less extensive periods of time, political stability in democratic contexts. The twelve-year military dictatorship, from 1973 to 1985, represented the system's inability to incorporate a new actor, the FA, which imposed a new competitive strategy based on programmatic stances rather than on clientelistic distribution. When the dictatorship ended, the old party system had to adapt to new economic, political, and social realities in which clientelism was no longer an option. Social modernization, economic liberalization, advances in technology, and the financial and fiscal precariousness of the state, as well as the appearance of a programmatic opposition, required that the traditional parties (PC and PN) phase out clientelistic competition, replacing it with programmatic strategies of competition. As Simon Bornschier suggests,¹⁷ the transformation of old oligarchic systems into programmatic party systems is associated with political polarization promoted by parties of the left that challenge the old traditional bloc.

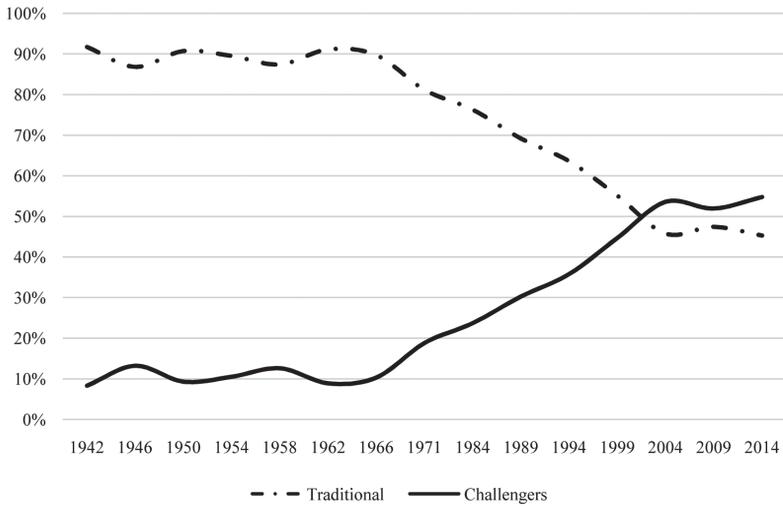
The change that has occurred since the end of the military dictatorship consists of an electoral realignment that is reflected in a systematic decline in the vote for the traditional parties and the resulting electoral growth of the left-wing opposition, culminating in its election victory in 2004 (figure 3). The increase in the vote for the "challenging" parties has its roots in a longstanding lack of conformity on the part of Uruguayan public opinion that may have had its origins in the mid-1950s with the start of the crisis of the import-substitution development model. From that time onward, the idea of a country in crisis and suffering constant deterioration became an idiosyncratic trait of Uruguayan culture that Juan Pablo Luna termed "structural pessimism."¹⁸

¹⁶ Daniel Buquet, "Party System Institutionalization in Latin America: Path Dependency and Equilibrium," paper prepared for the workshop Party Systems and Democracy in Latin America, XXX International Congress of the Latin American Studies Association, San Francisco, 2012.

¹⁷ Simon Bornschier, "Historical Polarization and Representation in South American Party Systems, 1900–1990," *British Journal of Political Science* 49, no. 1 (2019): 153-179.

¹⁸ Juan Pablo Luna, "¿Pesimismo estructural o voto económico? Macropolitics en Uruguay" [Structural pessimism or economic voting? Macropolitics in Uruguay], *Revista Uruguaya de Ciencia Política* 13, no. 1 (2002): 123-152.

Figure 3. Election Results in Uruguay, 1942–2014



Source: Authors' calculations based on data from the Politics and International Relations Area of the Data Bank of the Social Sciences Faculty of the Universidad de la República, <http://cienciassociales.edu.uy/bancosdedatos/elecciones-presidenciales-2/> (accessed May 7, 2019).

The change is related to the ability of nontraditional parties, particularly the FA, to capitalize electorally on the chronic lack of conformity on the part of Uruguayans. The most important aspect of the realignment that occurred over the course of several decades was the configuration of two ideologically differentiated blocs. According to polls concerning voting intention, voters' ideological self-placement is a factor that shows a decisive correlation with their electoral preferences. The position in which they place themselves on the left-right scale appears to be the main cognitive reference that guides Uruguayans' voting behavior. This is especially clear in the second round of presidential elections, in which the candidates are reduced to one from each bloc. In 1999, positions on the left of the scale were directly correlated with voting for the FA candidate, Tabaré Vázquez, and those on the right with voting for the PC candidate, Jorge Batlle.¹⁹ In 2009, something similar also occurred with José Mujica and Luis Alberto Lacalle.²⁰ The same could be said

¹⁹ Agustín Canzani, "Mensajes en una botella. Analizando las elecciones de 1999/2000" [Messages in a bottle: Analyzing 1999/2000 elections], in *Elecciones 1999/2000* [1999/2000 Elections], ed. Instituto de Ciencia Política (Montevideo: Ediciones de la Banda Oriental, 2000), 237-264.

²⁰ Agustín Canzani, "¿Tipos raros? La lógica de la opinión pública detrás de los resultados electorales 2009" [Strange guys? The logic of public opinion behind the 2009 electoral results], in *Del cambio a la continuidad. Ciclo Electoral 2009-2010* [From change to continuity: 2009-2010 electoral cycle], ed. Daniel Buquet and Niki Johnson (Montevideo: Editorial Fin de Siglo, 2010), 135-164.

when grouping first round votes into “ideological families,” with the FA on the left and both traditional parties on the right.²¹ In other words, Uruguayans’ electoral behavior can be said to be completely ideologized.

The foundation of the ideological differentiation in electoral competition is related to the structural crisis that had its roots in the 1950s as well as in the reaction of the political parties. Views favorable to the market and reduction of the size of the state increasingly gained ground in the traditional parties, leaving defense of the state, public-sector jobs, and the state’s role in the economy and its social welfare regime even more in the hands of the left. However, at the same time as the traditional parties shifted to the right of the ideological spectrum, the FA gradually moderated its discourse, shifting progressively toward the center, in a process that has been universally recognized by experts in the field.²²

Public opinion polls, since becoming available, have indicated that the Uruguayan electorate is ideologically distributed in a normal curve and that self-placement on the ideological scale and voting intention are strongly correlated. Those on the left vote almost exclusively for the FA; those on the right vote for one of the traditional parties; and those in the center are divided between the two blocs. The political elites also show a clear ideological differentiation that is consistent with citizen perceptions.²³ In other words, Uruguay’s political system is one of the most ideologically polarized in Latin America.²⁴ However, this polarization does not imply high levels of conflict but instead that voting decisions are made on programmatic, rather than clientelistic or personalistic, grounds.

Following the above pattern, the Uruguayan party system reached a new equilibrium between 1985 and 2004,²⁵ but this new status quo required not only the modification of rules aimed at integrating a new actor, but also a shift

²¹ Lucía Selios and Daniela Vairo, “Elecciones 2009 en Uruguay: permanencia de lealtades políticas y accountability electoral” [2009 elections in Uruguay: Continuity of political loyalties and electoral accountability], *Opinión Pública* [Public Opinion] 18, no. 1 (2012): 198-215.

²² Jaime Yaffé, *Al Centro y Adentro. La renovación de la izquierda y el triunfo del Frente Amplio en Uruguay* [To the center and inside: The renovation of the left and the electoral victory of the Frente Amplio in Uruguay] (Montevideo: Linardi y Risso, 2005), and Adolfo Garcé and Jaime Yaffé, “La izquierda uruguaya (1971-2004): ideología, estrategia y programa” [The Uruguayan left (1971-2004): Ideology, strategy and program], *América Latina Hoy* [Latin America Today] 44 (2006): 87-114.

²³ Daniel Buquet and Lucía Selios, “Political Congruence in Uruguay, 2014,” in *Malaise in Representation in Latin American Countries: Chile, Argentina and Uruguay*, ed. Alfredo Joignant, Mauricio Morales and Claudio Fuentes (New York: Palgrave Macmillan, 2017), 187-210.

²⁴ Manuel Alcántara Sáez and Juan Pablo Luna, “Ideología y competencia partidaria en dos post-transiciones: Chile y Uruguay en perspectiva comparada” [Ideology and party competition in two post transitions: Chile and Uruguay in comparative perspective], *Revista de Ciencia Política* [Political Science Journal] 24, no. 1 (2004): 128-168.

²⁵ Buquet, “Party System Institutionalization in Latin America,” and Buquet and Piñero “La consolidación de un nuevo sistema de partidos en Uruguay.”

of the lines of political competition from a clientelistic logic to a programmatic one. Herbert Kitschelt et al.²⁶ and Bornschier²⁷ suggest that the Uruguayan party system is programmatic, or at least one of the most programmatic party systems in Latin America. Changes in political competition, which followed a similar logic to that presented by Geddes,²⁸ transformed Uruguay into an “open access regime.” The changes in anticorruption legislation, far from promoting a change in the conduct of politicians, are a product of a previous change in the logic of political competition.

The interaction between the traditional parties (PC and PN) until the 1960s resembled a prisoner’s dilemma. Both parties would have been better off if they had pursued a programmatic electoral strategy. However, clientelism seemed to be the dominant strategy and, as a result, both parties remained in a suboptimal equilibrium. The crisis of the import substitution model led to a fiscal crisis, and clientelism on a large scale became unsustainable. In this scenario, the prisoner’s dilemma became a game of chicken. The clientelist strategy no longer led to a suboptimal equilibrium, but to the worst situation. As figure 4 shows, after dictatorship, the PC and PN understood the new situation and progressively changed their electoral strategy. Electoral, state, and anticorruption reform is part of this process, but not as an explanation or cause of the changes in the party system. These reforms were the result of changes previously occurring in the party system, which then reinforced those transformations.

The Anticorruption Agenda in Uruguay

Corruption as a problem of public concern entered the Uruguayan public agenda in the second half of the 1990s. Political debates in the third post-dictatorial administration (1995–2000) in large part revolved around the concern about corrupt politics. However, there is no way to assure that the interest or importance that the media ascribed to the phenomenon of corruption in those years defined the space for its future evolution. Figure 5 shows the change in the number of articles about corruption published by the press in Uruguay between 1993 and 2009. Here, we observe that the boom in coverage between 1995 and 1996 did not inaugurate a lasting tendency.

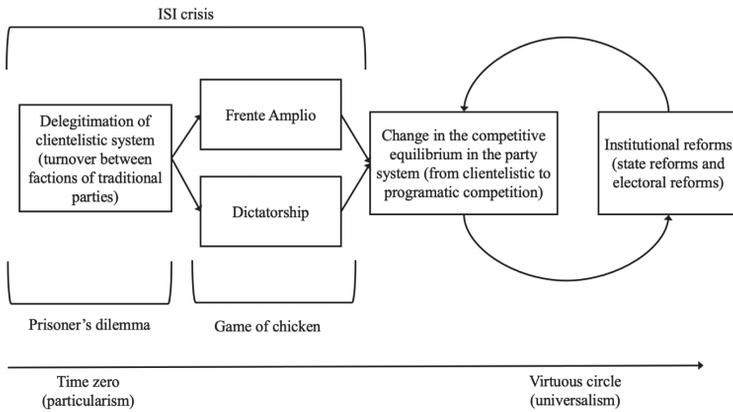
After the period from 1995 to 1999, corruption became part of the list of permanent themes of public discussion in Uruguay, unlike the period prior to 1995. This intuition is confirmed by the evolution in the number of press

²⁶ Herbert Kitschelt, Kirk Hawkins, Juan Pablo Luna, Guillermo Rosas, and Elizabeth Zecheister, *Latin American Party Systems* (New York: Cambridge University Press, 2010).

²⁷ Bornschier, “Historical Polarization and Representation in South American Party Systems, 1900–1990.”

²⁸ Barbara Geddes, *Politician’s Dilemma: Building State Capacity in Latin America* (Los Angeles: University of California Press, 1994).

Figure 4. Transition from Particularism to Universalism in Uruguay



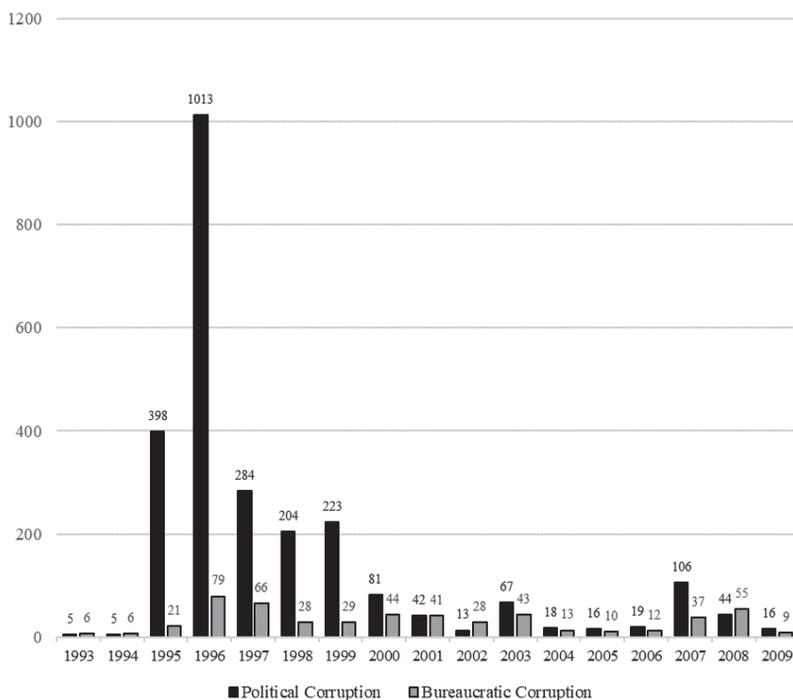
Source: Daniel Buquet and Rafael Piñeiro, “The Uruguayan Path from Particularism to Universalism,” in *Transitions to Good Governance: Creating Virtuous Circles of Anti-corruption*, ed. Alina Mungiu-Pippidi and Michael Johnston (Cheltenham, UK: Edward Elgar Publishing, 2017), 57-79.

articles from 2000 onward. The number of press articles about corruption in Uruguay published after 2000 remained within the range of 50 to 155 per year—substantially higher than the 25 mentions recorded in 1993 or the 12 recorded in 1994. As a result, the second half of the 1990s seems to have been an exceptional or atypical period, although the new normal characterizing the subsequent years shows increased media attention to the subject when compared to the early 1990s.

In figure 5, we also observe how the variation in the total number of press articles dealing with corruption in Uruguay reflects in large part changes in the number of references to cases of political corruption (i.e., cases in which elected officials were implicated). This is undoubtedly due to the interest that political corruption provokes relative to bureaucratic corruption, and again suggests the exceptional nature of the high number of mentions registered during the second half of the 1990s, particularly in 1995 and 1996. Press mentions of cases of bureaucratic corruption vary much less over this time period, although the pattern of press mentions generally tends to follow that observed for mentions of political corruption.

The patterns in press attention and in the public agenda speak to the fact that corruption, particularly political corruption, is not accepted by the Uruguayan citizenry. At the same time, observing temporal variation allows us to see that dramatic increases in press coverage and in public perceptions are isolated incidents, which might affect the political legitimacy of specific actors or institutions, but this observation does not suggest a generalized pattern

Figure 5. Number of Articles in the Press about Corruption in Uruguay from 1993 to 2009



Source: Figure generated using the *Biblioteca del Poder Legislativo*'s database.

that might negatively affect the diffuse legitimacy of democracy as a regime in Uruguay.

Anticorruption Policies and Institution Building

The bulk of the legislation regarding transparency and corruption in Uruguay was passed between 1997 and 2009. Since the beginning of the 1990s, diverse international and regional organizations have recommended that countries adopt a series of reforms and strategies intended to control corruption. As in other political arenas, there seems to be a technical consensus regarding the desirability of more transparent politics and the importance of the fight against corruption. This consensus has had a significant effect on the implementation of similar reforms in a number of countries. Particularly, norms of institutional integrity and transparency seem to have an important place in the international discussion of corruption. However, the international and technocratic consensus regarding these policies is not able to explain why these policies have been

adopted at different moments in different countries, or why they have taken on specific characteristics in these varying contexts. As Kurt Weyland has suggested, although these principles have been integrated into the politics and institutions of a wide range of countries, the patterns of change we observe are not as deep or as uniform as some political scientists have suggested.²⁹

Still, various studies that have analyzed the approval of transparency measures in different countries indicate that crises of system legitimacy that follow the appearance of cases of corruption motivate the approval of anticorruption laws. Susan Rose-Ackerman suggests that political scandals and economic crises are catalysts for reform processes.³⁰ Political actors seek to increase their legitimacy—or that of the political system—through the implementation of reforms that aim to increase transparency. In other words, politicians seek to respond to the citizenry, which demands concrete and demonstrable results and poses a challenge to the legitimacy of the party system and of the political system itself. In this sense, from the perspective of policy cycles, and with the assumption that the formulation of public policies is rational, crises place the topic on the public agenda and reveal a legislative lacuna that ought to be filled.

It is important to bear in mind that, in order to become policies, recommendations must pass through political institutions, power structures, and national political processes both in normal times and in moments of crisis. As a result, political actors are able not only to delay their execution to fit with the political cycle, but also to turn reforms into mere formalities, whose aim is to momentarily satisfy the citizenry or the international community.

During the 1990s, multilateral credit organizations (the International Monetary Fund and the World Bank) began to concern themselves with the effects of corruption on governability and economic development. A variety of civil society groups emerged with similar concerns and promoted global evaluations of corruption, such as Transparency International and its Corruption Perception Index. Concern and assessments were accompanied by the call for normative and institutional changes to combat corruption. These prescriptions indicated that old judicial mechanisms, antiquated criminal codes, and traditional finance offices all needed to undergo various reforms to become new institutions that would directly combat corruption.

In 1998, the Uruguayan parliament ratified the Inter-American Convention against Corruption; from the mid-1990s until December 23, 1998, the parliament held a series of debates that ended in the ratification of Law 17,060. This law established new criminal categorizations, altered some that already

²⁹ Kurt Weyland, *Bounded Rationality and Policy Diffusion: Social Sector Reform in Latin America* (Princeton, NJ: Princeton University Press, 2006).

³⁰ Susan Rose-Ackerman, *La corrupción y los gobiernos: causas, consecuencias y reforma* [Corruption and governments: Causes, consequences and reforms] (Madrid: Siglo XXI Editores, 2001).

existed, and created the *Junta Asesora en Materia Económico-Financiera del Estado* (today the *Junta de Transparencia y Ética Pública*, JUTEP),³¹ commonly known in Uruguay as the “Anticorruption Junta.” Unlike the old institutions that controlled the bureaucracy, this new institution was dedicated exclusively to tracking and preventing corruption.

In this way, citizens’ concern with reports of corruption involving formerly important government officials through the mid-1990s, together with an international environment that promoted reforms aimed to lessen corruption, framed the parliamentary debate that eventually led to Law 17,060. Discussion of the law was colored by both internal interests and the international consensus calling for institutional and legislative reform to combat corruption. However, the time spent in the debate, the way in which it took place, and its content do not support the claim that Law 17,060 was promulgated solely in response to citizen demand or international pressures. Nor is there any indication that legislators voted to approve the law in the belief that it would not be enforced.

On the one hand, the new institution was restricted in its ability to act (it had a very limited prosecutorial or investigatory role), and worked under the aegis of the executive office until 2015.³² The political compromises reached clearly indicate legislators’ distrust of an institution that potentially would be too powerful or independent. On the other hand, illicit enrichment was not specified as a crime in the new code, a normative change that international organizations specifically supported. Uruguayan legislators argued that establishing this sort of crime would shift the burden of proof from the prosecution to the defense, requiring the accused to defend their innocence, thus violating one of the principles of the liberal penal code. Although the results of the parliamentary debate can be regarded as a lost opportunity to make notable progress, they demonstrate that legislators were worried not only about the political and electoral capital to be gained from passing such a law, but also about the law’s potential effects.

The “Anticorruption Law” and its subsequent amendments, the law on “Access to Public Information,” and the law on “Political Parties” (which regulates the financing of parties and campaigns) were processed similarly. Political parties debated proposals that ended in a consensus. In none of the cases were the positions that the parties defined with respect to these laws used as part of the political competition and the electoral campaign. The parties involved expressed strategic positions, particularly regarding campaign financing. However, differences were overcome with an orientation toward approval by consensus.

³¹ Only at the end of 1999 with decree 354/99 were the rules introduced in Law 17,060 put in place, allowing the integration and operation of the *Junta Asesora en Materia Económico-Financiera del Estado*.

³² In 2015, the JUTEP achieved administrative and political autonomy from the executive.

It seems reasonable that the national political context, the effects of international preoccupation with corruption, and the diffusion of ideas about controlling it can explain some of the laws' contents. Nevertheless, the resulting laws also appear deeply connected to Uruguay's institutional heritage. This is a central point, not only for understanding the evolution of Uruguay's current anticorruption institutions, but also for looking forward to potential developments in these institutions. Legislative advances over the years since Law 17,060 was passed resemble the characteristics of the previous legislative process. Marginal changes to the law have not advanced or altered the fundamental decisions that were taken following the debate in the Uruguayan parliament in the second half of the 1990s. This is central to understanding the role of political parties in the approval of the laws on transparency and corruption in Uruguay. Parties in Uruguay seem to seek consensus and have managed to remove these concerns from the field of political competition. The characteristics of this process of institutional construction speak to the fact that the new norms are the product of the same new equilibrium of political competition that they seek to regulate. This is the regulation of political activity by party agents themselves.³³

The bias toward viewing policy making in the realm of transparency as a rational process has privileged the discussion of specific legislation aimed at controlling behavior without advancing the discussion of which political and institutional conditions predispose politicians to promote regulations that shape political practices. The Uruguayan case illustrates how legislative advances correspond to the competitive equilibrium in political competition (and particularly to the characters of "open access regimes"). It generates institutions that assure politicians that anticorruption regulation will not be used politically and, as a result, guarantee these institutions some effectiveness and viability.

Conclusion

Uruguay is a country with a long democratic tradition, but also a long history of political particularism. The way in which a substantial portion of the citizenry related to the state, both at the national and local levels, had a significant discretionary component until the 1960s. Political brokers functioned as intermediaries for obtaining state services and patronage defined the path of recruitment for work in the public sector. Although there is no way of knowing whether corruption was common (during this period, political corruption was not a major citizen concern), this discretion in Uruguayan politics marked the regime as not adhering to universal criteria in the application of public policy.

³³ In recent years, based on allegations of corruption and suspicions about illegal party financing, some proposals for legislative changes can be understood as departing from this traditional logic of consensus.

The exhaustion of clientelism as a political strategy occurred because it could no longer be sustained economically, and because a new political actor, the FA, entered and gradually altered the status quo of political competition to one based on programmatic appeals. Social modernization, economic liberalization, technological advances, and fiscal precariousness defined the context in which the consolidation of this change occurred following the end of the dictatorship, and particularly during the 1990s. Clientelism as a strategy came to be expensive and anachronistic as technological advances, for example, made transactions such as obtaining a telephone simpler; rather than taking months or years and being contingent on having political connections, this transaction could now take place in a matter of days for the politically connected and unconnected, alike.

Anticorruption legislation in Uruguay did not bring about the change; rather, it was a product of the change. This explains the means and the reach of the new system of norms, which is not substantially stricter, but is more effective in its implementation than in other countries in the region. These reforms were not instituted in response to a crisis of legitimacy like those that motivated other countries to approve such norms, but rather in response to the need to regulate political practices and the bureaucracy in the new context of programmatic competition. The transformation of Uruguay into an “open access regime” with low levels of corruption created the necessity for politicians to regulate their own actions, and those of the bureaucracy more generally. Corrupt practices, which seem never to have been the norm in Uruguayan politics, were considered dysfunctional under the new sets of rules guiding the political system.

The Uruguayan transition from particularism to universalism is a transformation which can be best understood in the context in which clientelistic competition became unsustainable, a change that was driven in large part by the transformation of the party system from one two-party competitive equilibrium to one that incorporated a third party challenger. This highly institutionalized party system, which demonstrated once again its ability to adapt, is the key to this political transformation, which is a cause and not an effect of anticorruption legislation and institutions in Uruguay.

