

**Civilian Praetorianism and Military Shirking during
Constitutional Crises in Latin America**

By

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Since the end of the Cold War, it is more likely that an elected civilian leader in Latin America will be displaced from office prior to the end of his constitutional term by mass mobilization than by a military coup. As Valenzuela has observed, thirteen of the fifteen non-constitutional transfers of power that we have observed in the region between 1990 and 2004 have been the result of civilian ‘coups’ rather than military actions.¹ We have seen this phenomenon occur in Argentina, Bolivia, and Ecuador. We have seen failed attempts in Peru and Venezuela. Civilian coups are not only confined to Latin America; they have occurred in the Philippines, where ‘people power’ displaced both dictators and elected presidents, in Ukraine with the ‘Orange’ revolution, and Georgia with the ‘Rose’ revolution. In each of these cases, a civilian elected leader was ejected from power by the mass action of civilians, rather than military, sectors of society.

This paper focuses on military responses (or lack thereof) to mass protests against elected governments during moments of constitutional crisis in democratic states. These crises occur when opposition forces in a democracy decide that merely changing government policy is not enough; that what is required is a change in government itself. This may involve violent or non-violent mechanisms, but the universe of cases examined here is delimited by the opposition’s goals: changing governments outside the normal democratic processes established by the constitution rather than altering government policy. The set of cases we focus on here draws on the Latin American experience with democratization, both because the Third wave of democracy struck the region earlier than most and because states in the region have had a long experience with military intervention in politics.

At first glance, what appears to have changed about contemporary politics in Latin America is the unusual lack of military intervention in moments of social contestation that might

have produced a coup d'état in previous eras. As Samuel Huntington once argued about praetorian societies, students riot, workers strike, and militaries coup.² The absence of military protagonism amidst social upheaval could certainly be viewed positively, a confirmation of the increasing assertion of civilian control over the armed forces in many new democracies.

However security forces play an important role in these civilian vs. civilian contests. They make decisions about whether to support or withhold support from elected leaders. In nine of thirteen cases we examined in Latin America since 1990, militaries have refused presidential orders to intervene against civilian opposition forces during such crises and instead have remained quartered.³ In a more limited set of cases, they have joined oppositions in rebellion against their own commander in chief.

This article examines military responses to presidential crises by using the concept of shirking elaborated in principal-agent theory. As applied in recent years to understand military defiance of civilian orders in the developed world, classic principal-agent models argue that shirking is possible due to information asymmetries between the two actors, namely the agent's greater knowledge and expertise about its assigned undertakings relative to that of the principal. With that advantage, military agents prefer to shirk and do so unbeknownst to the civilian principal. It is then up to the civilian leaders to either uncover these misdeeds or preempt them through an array of incentives, oversight mechanisms and punishments. By contrast, in the developing world, military shirking, especially in moments of constitutional crisis, is a highly public act that is very easy for the principal to monitor and detect, but quite difficult to correct. We argue that rather than being a product of information asymmetries, shirking is a mechanism to defend the military's institutional well being in the face of pressures to abide by presidential orders to repress the opposition. Carrying out those orders would threaten to divide the military

against itself, tarnish its reputation and expose it to future reprisals. The military agents' calculus of the risks and rewards associated with disobedience is influenced by the fact that the authority of the principal has been undermined and his tenure uncertain. The armed forces must weigh the benefits of compliance with civilian control against the potential costs imposed on it should the president fall.

This article will first examine the existing literature both on military shirking in contemporary civil-military relations in Latin America and on civilian mobilization. It will then present a conceptual framework for analyzing military decision-making about whether to shirk or not during moments of presidential crisis. We will then turn to a close examination of military decision making in three countries in which the armed forces deliberated about whether to defy or comply with presidential orders. In the first case, Argentina (2001) the military remained quartered and in doing so evaded its duties. We then examine two cases where militaries pursued other available alternatives during moments of regime crisis: Bolivia 2003 and Venezuela 2002. In the case of Bolivia, the military obeyed presidential orders to repress and later suffered the consequences when a new government came to power. In Venezuela, the military rebelled and suffered the consequences when the coup failed. We will conclude with some observations regarding the implications of this trend for military roles and missions in the future.

Civil-Military Relations and Military Shirking During Constitutional Crises

The concept of military shirking derives from principal – agent theories of civil-military relations.⁴ Within the civil-military hierarchy, the principal is the president who delegates authority to military subordinates, his agents. The commander in chief assumes that his

subordinates will use their authority to faithfully fulfill his orders. While this is usually so, the underlying assumption of this model is that agents do have incentives to shirk their duties. This is so for a number of reasons. The two sides may diverge on their views of how best to achieve common security goals. The military also values its operational autonomy, and resents interference from meddlesome civilian overseers. Or the military may simply prefer to get away with doing less while reaping the same salary rewards, as subordinates commonly do. Though agents are the bottom of the hierarchy, they have their own source of power by virtue of their monopoly on the means of coercion, their expertise, and most importantly, their ability to withhold information from their superiors that reflects unfavorably upon them. They can cloak their misdeeds, and civilian leaders must then find ways of identifying and perhaps punishing those behaviors. The risk to the military of renegeing on its duties is some function of how capable civilians are at overseeing military activities, and how willing they are to impose sanctions on the military should it be caught.

Does shirking amount to insubordination? Not necessarily, argues Feaver, since at least in the U.S., the military does not openly, explicitly, and brazenly oppose presidential orders or privately undercut executive authority via threats or by investing itself with veto powers over undesired policies.⁵ The P-A model assumes that civil-military conflict is bounded by a higher order of cooperation. Shirkers do not challenge the principal's *right* to decide, even as they try to influence his decisions. Whether right or wrong about their policy choices, civilians still call the shots, and if the military respects that *principle*, then the principal-agent relation survives.

It is that relation which was once up for grabs in Latin America. History is replete with examples from the region of militaries not only challenging the principal's legitimate authority, but usurping his power as well. The coup d'état went beyond shirking because it inverted the

civil-military relation, imposing the armed forces as the principals and relegating dethroned politicians and civil society to agent status.

The Latin American military no longer convincingly wields the threat of coup d'état as it had in the past. The professional and political costs to doing so are greater than ever. Militaries are less oriented toward regime overthrow and more preoccupied with retaining some influence within the democratic order. In a convergence with norms that once pertained only to developed countries, militaries of Latin America are more prone to respect political leaders as legitimate principals and accept their own subordinate agent status. However, military shirking persists. The particular form examined here—military quartering—is serious, and represents a break with executive command. By contrast to the developed world, this form of military shirking is a highly public act that is very easy for the principal to monitor and detect, but quite difficult to correct. It occurs when a president orders his security forces to suppress mass civilian uprisings that threaten his administration. The armed forces stay confined to their barracks, refusing to heed the president's call.

These acts of defiance are uncommon and context-specific, occurring most frequently during moments of upheaval, when civilian opposition forces decide that merely changing government policy is not enough; that what is required is a change in government itself. Rather than ousting incumbents through the ballot box, civilian opponents—angered over misguided economic policies, or over the fact they had long been disenfranchised from the democratic process—take to the streets organizing massive, strikes, marches, protests, and road blockades which occasionally turn violent.⁶ Their dissent is echoed in the chambers of the legislative branch which, convinced that the president should leave office, commence with either impeachment proceedings, or resort to other maneuvers designed to end his fixed term.

Scholars have increasingly turned their attention to these new forms of political instability in Latin America, ones where governments fall but regimes do not.⁷ The focus has been on the interaction between popular mobilization on one hand and legislative action (impeachment, charges of incapacity or abandonment of office) on the other. Hochstetler (2006) and Liñán (2007) both find an identical pattern. Presidents are vulnerable to legislative challenges when those are accompanied by street protests. Without popular uprisings behind them, legislators usually do not remove presidents even if they had the votes to do so.⁸ At times, street protests alone have single-handedly evicted a president from power. Hence, popular mobilization has been both a necessary and at times sufficient condition for presidential defeat.⁹ This naturally raises the question as to the role of security forces, and whether they attempt to subdue these manifestations, or allow them to unfold. Liñán's finding that the absence of military intervention is one of the ingredients to a successful impeachment effort invites us to explore in greater depth the military's potentially critical role in refusing to carry out a president's orders to suppress popular uprising by remaining quartered.¹⁰

Following long periods of praetorian intervention into political affairs, the military's confinement to the barracks in recent decades has been a welcome development for those concerned about democratic consolidation. Yet paradoxically, staying put can set into motion a chain of events that destabilize a democratic incumbent. Refusing a presidential call to arms is a violation of the principle of civilian control, and of the military's status as a non-deliberative actor. There are two separate issues here. Undoubtedly, a military decision to stay quartered in the face of mounting civil unrest, can be quite destabilizing. A president with dwindling options comes to rely on his security forces as his ace in the hole. When those forces refuse to cooperate by restoring public order, the president's position is profoundly shaken. But the result is a

constitutional crisis, not a military takeover. In refusing to arbitrate the crisis, the armed forces leave it to civilian protesters, legislators, courts and others to sort things out. The president may or may not survive the ordeal, but civilians not soldiers make that determination.

Conceptual Framework

During constitutional crises, the incumbents are vulnerable. They have lost significant amounts of popular support, their legitimacy has been questioned, and they have seemingly lost the ability to negotiate with their foes. Hence, what is under review in this paper is a set of near “end game” scenarios: what happens after a government has exhausted most of its political capital or will to find a peaceful resolution to a conflict, while an opposition has lost faith in democratic channels and found favor with street politics? It is into this cauldron that the military is thrown, compelling it to make painful decisions based on its institutional interests.

Those decisions are made strategically in interaction with other parties. What are those situations and how might the military hypothetically respond in each instance? Interactions normally begin with the commander in chief, who has a set of logical preferences. Optimally, the president would prefer fulfilling his policy while surviving in office with no resort to force. This scenario is possible, though not probable during a constitutional crisis. One possibility might be that the president *threatens* violence, enough to cause the civilian protesters to retreat. Another would be the use of police or some other internal security agency as a substitute for the military. Both options are unlikely to work under the conditions encountered during constitutional crises: a organized opposition that is determined to change the government. The president is more likely under these conditions to opt for one of two second best preferences: to either make policy concessions, settle matters non-violently, and survive in office; or to fulfill his

policies via a successful resort to violence, again remaining in power. Obviously, the president's least preferred option is to abandon office. But this may very well be his chosen strategy if either he refuses to assume the political burden of great repression, or conversely, is in imminent danger from a very determined and violent opposition.

In pursuing his preferences, the president will ask the military to do one of two things: to suppress the opposition or remain quartered. The military can choose to fulfill or defy either command. Defiance of an order to repress could result in either a decision to remain quartered, or to rebel by joining the opposition. Defiance of an order to remain quartered could result in repression or rebellion. The empirical data suggests that in the Latin American context since 1990, the military prefers to remain quartered, and only on occasion either supports the executive branches call for repression or openly rebels against it.¹¹ This is a form of undisguised shirking, one that is easily detected. Soldiers that are stationed in the capitol city often just a few blocks from the presidential palace are called upon to suppress the uprising. Protesters may clash with police, but troops are nowhere to be found. Their absence can hardly go unnoticed. Why then would unit commanders and their subordinates assume the obvious risk of openly disobeying their commander in chief?

Available Strategies during Constitutional Crises: Quartering vs. Repression vs. Rebellion

For purposes of simplification we have focused on three strategic alternatives for militaries: quartering, repression or rebellion.¹² Of these, quartering is the dominant (or safest) strategy for militaries to choose in such moments because the alternative strategies (rebellion or repression) carry higher risks. In making this assessment, we begin with the premise that the

military is first and foremost interested in safeguarding its institutional wellbeing.¹³ That comes in four forms: material interests, careerist aspirations, institutional reputation and organizational cohesion. It wants to insure receipt of sufficient budget shares for personnel, equipment and training, now and in the future. It wishes to retain a system that rewards officers for performance and also protects them from judicial reproach. It wants to salvage its standing with the government, public and the nation as a whole. Finally, and perhaps most importantly, it wants to maintain unity through the ranks, avoiding the deep divisions that are often prompted during politically perilous times. These interests are kept foremost in mind when contemplating strategic responses to presidential commands in a context of civilian praetorianism.

Under “normal” democratic circumstances, with principles of civilian control in mind, the military decision would be a simple one: Stay in the barracks if ordered, suppress dissent if mandated, but do what the elected government demands of it. But these are special circumstances where a military’s professional wellbeing may be at great risk for blindly going along with a government that has lost its way. To wit, a military under civilian control may be asked to conduct missions that have dreadful consequences for society. Hence, the military must ask itself, if supporting a government means being drawn into violent clashes with rebellious citizens, causing a potential loss of life, is it worth the risk to its institution’s reputation, not to mention its officers’ careers? Should it stay above the political fray by remaining quartered, by not joining either government or opposition, and in that way safeguard its professional integrity and cohesion? Or should it cast its lot with the civilian opposition by aiding and abetting its takeover, with all the associated institutional hazards and political gains that come with seizing power?

To answer these questions, we argue that the military calculates just how tenable the current government is. It has a keen interest in “betting on the right horse.” If the military believes the president will prevail, then staying loyal will have its clear payoffs, though acts of repression will undoubtedly tarnish its reputation. If, on the other hand, it gambles on the current government and loses, it will have been seen as agents of repression in the service of a discredited administration. In that scenario, the new leaders will exact reprisals on it by perhaps reducing the budget, downsizing the forces, cashiering officers or recommending prosecution for those complicit in state violence. If the military reasons that the government is on its last legs, it might want to wager its fortunes on the civilian opposition by letting events take their own course (remaining quartered). That way, it will have deflected criticism from a successor government that is ushered to power by the force of the opposition. Alternatively, the military may take the more perilous path of rebellion: defying the regime by siding with the civilian uprising. In this way, it joins the civilians in a new *de facto* regime, assuring itself greater institutional rewards ... but only if that new regime survives.

Based on recent trends in Latin America, our analysis suggests that the dominant strategy for the military should be to sheathe the sword. A resort to violence will only elicit domestic, regional and international opprobrium. The military wants to avoid institutional reprisals inflicted on it by a future head of state in the event that a crisis results in violence. A military led or assisted coup is sure to elicit the strongest set of negative sanctions from the regional and international community. In the face of widespread economic and diplomatic reprisals, a *de facto* regime has only a slim chance of survival, while the attempted seizure of power exposes all those officers complicit in the plot, making rebellion the riskiest of strategies. Importantly, both repression and rebellion are prone to invite serious divisions within the institution. Repression is

onerous and will lead some units, branches or ranks to defect. Field grade officers and enlisted men who are on the front lines, charged with carrying out the dirty work, accumulate resentments against the senior officers who issue the commands while keeping their distance. Those resentments widen the schism between ranks. Meanwhile, rebellion is a profoundly subversive act that contravenes the constitution and seeks to overthrow the elected incumbent. It commonly induces ideological splits, divides conspirators, fence sitters and loyalists against each other, breaks the chain of command, and does great damage to the institution's integrity in the process.

In short, there is a compounding of risks associated with either rebellion or repression. By contrast, military quartering -even in defiance of presidential will- appears to be the safest of the three strategies. Certainly there is some risk associated with quartering as shirking since is a violation of civilian control and could elicit some form of retaliation by the president in the unlikely event he should survive the ordeal of a constitutional crisis. By remaining confined to the barracks, soldiers avoid carrying out actions that may lead to accusations of human rights abuses, inviting widespread public scorn that would reverberate back on the organization in the form of internal schisms or legal consequences. Thus, the general trend should be one of military non-intervention or quartering in moments of constitutional crisis.

Choosing a Non-Dominant Strategy: Why do Militaries still Repress or Rebel?

Under the logic outlined thus far, it would appear to be that quartering should be the dominant strategy during constitutional crises. While generally true, there are exceptions, as the Bolivian and Venezuelan cases below will illustrate. Because strategic choices are made within

the confines of nations that have distinct historical and political trajectories, those choices can be shaped by context. We argue that the decision about choosing repression or rebellion over quartering turns on the following questions that help the military to assess the cost-benefit calculus of pursuing a non-dominant strategy within the specific context of their own countries. Had human rights abuses been successfully prosecuted in the past? If so, the military may be particularly gun shy at using violence against the general public. If not, it will discount the likelihood of punishment for disobedience or for repression. A similar logic holds in the matter of reputational harm or internal division. Was the stature of the profession tarnished, and did officers and soldiers turn on each other, as a result of committing previous acts of repression or rebellion? To the extent that institutional harm was done, the military will think twice about using of violence to resolve a constitutional crisis. On the other hand, the risks of violence could be discounted based on historical precedent: did the armed forces get away with rebellion or repression in the past? If so, the military may believe it can act with impunity in the future, especially where the balance of political power is in its favor. In addition, we consider the country's legal provisions. Are the armed forces granted internal security roles or are these prohibited? If licensed, the military is assuming less of a risk at suppressing dissent. Finally, what signals are being received from foreign actors, both regionally and internationally? Do these lead the military to infer that one course of action may be more acceptable than another?

We argue that militaries choose a riskier (non-dominant) strategy when they believe the gains can be maximized or the costs are minimized. Rebellion is most likely to occur in instances where the military, as the agent, has less to fear from immediate correction or punishment by the president, its principal, and where the prospect of future legal consequences from human rights prosecutions or institutional reputational damage makes the costs of going along with the

president appear to be higher than those of disobeying. As we will show in the examination of the Venezuelan case, this appears to be more likely where the military either foresees that the government will fall regardless of its participation in repression (a change in principal) and/or when it fears judicial or social condemnation for its actions (correction occurring even if it does not shirk the principal's orders), and/or when it fears institutional disintegration should it not shirk. On the other hand, obeying an order to repress is most likely in countries where the military has traditionally operated on the basis of impunity.

In addition, it is also logical to surmise that armies may either choose the wrong strategy or answer the questions posed above incorrectly due to incomplete information. Constitutional crises seem to be frequently moments of high uncertainty, and armies may simply not have the full picture about the likelihood that the principal will survive, the opportunities for punishment by the principal, or even if the principal is overthrown, the likelihood that the international community may step in to impose costs on the military. In addition, they may incorrectly assess the reputational harm to the institution or its members, or leaders in the military may believe incorrectly that institutional cohesion is higher than it is in actuality. In other words, militaries try to foresee the future, but they are not always successful, or they try to draw lessons from the past, but they do not always do so correctly.¹⁴

Cases and Justification

We are limiting ourselves to cases of presidential crises without breakdown, when the opposition has decided that changing policy not enough; what is needed is change in government (not regime). All three cases are marked by a similar set of circumstances. Public opposition to the administration is sustained and widespread, though not necessarily unanimous. The

dissenting coalition of forces usually crosses over class, sectoral and regional lines. Efforts to negotiate have faltered, and there is a hardening of positions on each side, with challengers moving from criticizing policy to opposing the incumbent, while the president digs in his heels. Protestors are mostly peaceful, but there are violent elements at work as well. Police and other security forces either cannot or will not contain the disturbances. Thus, circumstances conform to what has been characterized as near end game scenarios. Against this common backdrop we will evaluate three different military responses. The first is military quartering, as occurred in Argentina in 2001. We will contrast that strategy with the repressive military responses in Bolivia (2003) following by rebellion in the case of Venezuela (2002). We assess what happens to the military as a result of having chosen these strategies.

1. Military Quartering in Argentina

Argentine President Fernando De la Rúa (1999-2001) was forced to step down only half way through his term on December 20, 2001 amid widespread demonstrations, uncontrolled rioting and looting. Protests were triggered by public wrath over the government's handling of an economic crisis, one which had led to the massive exit of funds from the banking system. The IMF refused to lend Argentina any more money, and in a desperate effort to stave off financial collapse, the De la Rúa government froze all bank deposits in November of that year, depriving families of much needed income. De la Rúa's successor Adolfo Saá too fell victim to dissent, and was forced to resign just days into office. By the end of the month, the presidency would change hands four times during which time the protests continued while the military remained garrisoned. Former army commander Martín Balza said, "This was the first time a [Argentine] government is ousted without military intervention, without a tank in the streets."¹⁵

The aim of the protesters was nothing less than the removal of De la Rúa from office. Amid the clatter of banging pots and pans were the persistent chants of “*Que se vayan todos!*” (throw them all out!). Others hurled stones and epithets at De la Rúa as he emerged from a meeting, calling him a thief and demanding he resign.¹⁶ Moreover, many of those who had helped organize the food riots later admitted the ultimate objective of their provocations was to induce a coup—a civilian led coup—one arising from conditions of near anarchy and uncontained violence.¹⁷ In attempting to avert this fate, it was clear that the government’s first line of defense had broken down. Though police shootings resulted in 25 fatalities and hundreds wounded, they could not contain the uprisings. It was also apparent that some police units were complicit in the vandalism, stepped aside to allow looters to pilfer—at the behest of political operators from the Peronist Party.¹⁸ All of this would have made the introduction of the military seem vital, if the president was to survive the ordeal. The President had in fact asked for military intervention. On December 18th, De la Rúa declared a State of Siege which went into effect for 30 days. The next day, he and his defense minister met with heads of the service branches to request their assistance in suppressing protests, only to be rebuffed. Why then did the military defy the president and remain quartered?

The military perceived the costs of repression to be unusually high. During the 1980’s Argentina had become the first Latin American country to successfully prosecute its own generals for human rights abuses, those committed during the Dirty War in the decade before. Though trials would then be halted by the early 1990’s through legislative annulments and presidential pardons, the fear that they could resume was genuine. Indeed by 1998, cases involving the theft of children of the political prisoners held by the military regime had opened

against the former junta leaders. By the summer of 2001, there were many new cases and indictments, with courts ordering the preventive arrests of dozens of military suspects.¹⁹

The military reasoned that it was ill-prepared to suppress riots and assume other police-like measures. Operationally, it lacked the equivalent of police tools designed to respond to street protests with restraint and proportionality. Should it be forced to confront protesters, it would inevitably overreact, causing fatalities which would inevitably lead to judicial inquests and indictments against its men.²⁰ The military also made the case that it was statutorily prohibited from intervening. Argentina's laws—unique on the continent—made a clear separation between external defense which was a military function and internal security which was the province of the police and other special forces.²¹ According to the nation's law of internal security, the military could only be called upon to subdue an internal commotion in "exceptional circumstances" (Art. 31) when internal security forces prove inadequate to the task.²² The president believed the current conditions were exceptional and that once a state of siege had been declared, he was within his authority to request the military's assistance.

But because the Argentine laws made for such a remarkably unambiguous separation between military (external defense) and police (internal security) functions, the armed forces maintained that only another act of Congress would compel them to repress—legislation which never materialized.²³ In defiance of their principal—the president—military agents ordered their troops to remain garrisoned. Without being able to fall back upon his ultimate coercive weapon, the president was forced to flee the Presidential palace the very next day.

The Argentine scenario is illuminating in that it is widely cited as a case of strong civilian control. Since the transition to democratic rule in 1983, Argentina had in fact become a legal, institutional and political role model of military subordination in the region. Even under those

conditions, the military was willing to risk shirking its duties to spare itself institutional harm associated with repression. To have obeyed would have meant bloodshed, and a new administration taking over would be less sympathetic with the perpetrators of state violence. If by a slim chance De la Rúa had survived, the military reasoned that by staying put, it could avoid internal divisions which had ripped the institution apart in the aftermath of the Dirty War, and avert future reprisals from a judiciary that had pursued human rights charges in the past, and could do so again. The military calculated correctly. No harm would come to them with succeeding administrations. Although President Kirchner (2003-2007) did renew human rights proceedings, indictments were leveled against an older generation of officers who had served the dictatorship, not against those soldiers who had refused to repress the 2001 riots.

2. Military Repression in Bolivia

The Bolivian case is one of a military that resorts to repression on orders from the president, with deadly consequences for the opposition and harmful results for the institution itself. Tensions which had been simmering beneath the surface for some time, broke into open conflict over how to best harness and control the country's vast reserves of natural gas and petroleum. In September 2003, protests occurred when the government announced plans to export unprocessed natural gas through Chilean ports. Aside from Bolivian aversions to dependence on the port facilities of its historic adversary, critics also argued the nation would get the short end of gas pipeline deal, because it would receive less revenue for exporting unrefined gas. They wanted processing plants built on Bolivian soil, higher taxes charged to foreign exporters and a greater share of the profits going to Bolivia. President Gonzalo Sánchez de Lozada miscalculated the great nationalistic backlash that his export plans would unleash.

Initial participants in the uprisings included a mix of campesinos, coca growers, miners, and urban trade unionists. By the end, storeowners, white collar professionals and middle class residents of La Paz had joined their ranks. The protests took the form of marches, demonstrations, strikes and most importantly, road blockades. At first, the government response was desultory. But after military and police units opened fire on demonstrators who were barricading roads, killing several, the political trajectory spiraled downwards. Protest leaders set firm, non-negotiable demands as preconditions for dialogue while laying the groundwork for more extensive road blockages along critical transportation routes.²⁴ The government hardened its own position, stating it would maintain its option of exporting the gas through Chile, while refusing to recognize the key *campesino*, union and *cocalero* leaders as legitimate interlocutors. That in turn caused the opposition to reject dialogue with the government altogether, calling for the president's resignation.²⁵ The violence continued unabated and when all was done, a total of some eighty civilians had been killed by military and police forces, with hundreds more wounded.²⁶ Repression however could not save President Sánchez de Lozada. His political position had become untenable, as his ruling political party coalition unraveled and as his own Vice President publicly disassociated himself from the repressive policies.²⁷ Indeed, by the third week of October 2003, most Bolivians had turned against the president. After massive demonstrations paralyzed the capital city on October 17th, the president tendered his resignation and left the country.

Why did the military choose to comply with orders to repress? The simplest answer is it had to. The constitution stipulates that the military is a “non-deliberative” actor (Art. 209) obliged to obey orders from the president. Its fundamental mission includes guaranteeing the stability of the legally constituted government and helping to maintain internal public order when

other forces cannot.²⁸ The penalty for refusing a presidential order to restore public order is a dishonorable discharge from the services, with the loss of all retirement benefits.

That said, the armed forces also calculated it was unlikely they would be prosecuted in civilian courts for human rights offenses. For decades, human rights cases involving officers had been handled by military tribunals that were notorious for dropping charges prematurely and closing files.²⁹ If per chance a case were to wind its way to a civilian tribunal, the military had little to worry about. Civilian judges and prosecutors were weak, corrupt, and subject to political pressures. Political party elites with long standing, informal relations with military commanders stymied the judicial process on their behalf by applying pressure to prosecutors who were appointed provisionally or by under-funding the attorney general's office charged with investigating these cases.³⁰ The combination of military judicial strength and civilian weakness is telling. Between 1985 and 2003, 300 deaths were reported from protests or social conflicts at the hands of security forces. Not one officer or soldier was ever convicted for these incidents.³¹ Given that history, the soldiers involved in repression during the fall of 2003 must have reasoned that judicial risks to following orders to repress were low.

But if the risks of recrimination were slight, the institutional repercussions for having fulfilled repressive orders were significant and harmful—something the military had not anticipated. As suggested by our model, repression induces disaffection within the ranks. One soldier was reportedly shot by a commanding officer for refusing to fire on the crowds. Writing at the time, “The armed forces, said Juan Ramon Quintana”—a noted authority on the Bolivian military— “have reached the limit of their tolerance for a situation where they are being blamed for deaths.”³² The military had split between senior and mid level officers over the repression. Field grade officers were resentful of the senior command for its unswerving alliance to an

illegitimate government, one that was using the military as a way out for not being able to solve problems politically. They were also fearful of revisiting the early days of the democratic transition when the public held the military in disdain for its repressive policies while in power.³³ Hence, real concerns over reputational damage were deepening the divisions within the military.

There was one other repercussion that would become apparent with the assumption to office two years later of President Evo Morales, the very leader of the coca growers who had joined the protests against Sánchez de Lozada. In January 2006, in one of his first acts as president, Morales purged 28 generals from the military by passing them over for promotion. Unprecedented was the fact that with one stroke, he eliminated three cohorts from the senior ranks: the classes of 1972, 1973 and 1974. The immediate rationale for this stunning move was that these officers had been implicated in a scandal regarding the clandestine transport of missiles to the U.S. for purposes of deactivation. It turned out however, that only two of the 28 dismissed generals dismissed were directly involved in that plot. The more reasonable explanation is that Morales wanted to rid himself of military leaders too closely associated with the pro-U.S., pro-business governments of Hugo Banzer (1997-2001) and Sánchez de Lozada and their repressive policies. Those who were ousted held command positions in the army which had violently cracked down on the demonstrators that fall. Among their victims were the coca growers who had rallied behind Morales and whose families were now no doubt pleased that the new indigenous president had exacted reprisals against their military repressors.

3. Military Rebellion in Venezuela

The Venezuelan coup attempt of 2002 showcases why militaries choose non-dominant strategies such as rebellion, and why these strategies fail. On April 11th, 2002, the Venezuelan

military high command refused to obey orders from President Hugo Chávez to implement “*Plan Avila*,” a long standing military plan to seize control of the capital in the event of insurrection. The president’s order came in the face of mass civilian demonstrations against his rule, the culmination of months of tension between the administration and the opposition. The April 11th demonstrations were precipitated by the dismissal of executives from the national oil company, *Petroleos de Venezuela*, and the consequent call for a general strike by the leading business and union leaders in the country on April 10th.³⁴ The threat to the Presidential Palace at Miraflores in Caracas appeared imminent as hundreds of thousands of opposition demonstrators deviated from their planned march and converged on the city center. Armed confrontations between pro-government and pro-opposition civilians led to the deaths of over a dozen demonstrators, mostly among the opposition. Internal security forces, some of doubtful loyalty to the Chávez government, appeared unable to control disturbances or prevent deaths amongst civilians.³⁵ When ordered to step in, the military refused, citing article 350 of the 1999 Venezuelan constitution that allows the people to disregard any authority contrary to democratic principles or that harms human rights.

The military then went a step further and rebelled, forcing President Chávez to resign and detaining him at a military facility off the coast of Venezuela. Civilian opposition leaders quickly joined a multitude of generals and admirals in *Fuerte Tiuna*, Army headquarters, to appoint Pedro Carmona, the leader of the national business federation, *FEDECAMARAS*, as head of an interim administration.³⁶ Carmona surrounded himself with the most conservative figures in the opposition and appointed military officers loyal to his clique to high positions in the defense establishment, sidelining the generals who had led the rebellion against President Chávez. Carmona also announced the closing of all of the institutions associated with elected

government under the 1999 constitution, including the National Assembly and the Constitutional Court.³⁷ This proved to be a step too far. The commander of the Army who had refused to obey Chavez's orders to repress on April 11th, demanded the restoration of the elected institutions on April 13th. Military forces loyal to President Chávez organized a rescue operation to release him from captivity. Civilian loyalists to President Chávez mobilized and surrounded the Presidential palace. Chávez's presidential guard, inexplicably left in place during the coup, arrested Carmona government members in the presidential palace. By April 14th, President Chávez had returned to power.³⁸

How did the Venezuelan armed forces end up in the worst of all the possible scenarios outlined in this paper: rebelling against a president and failing? The initial calculation driving the military focused on the costs and benefits of obeying a presidential order to repress. The decision to disobey the President and not repress lay mainly with the Army high command. The use of the Army for repressive purposes raised the specter of widespread casualties and consequent legal and political costs. The Army's one previous experience in implementing mass repression occurred on 27-29 February 1989 during the *Caracazo* riots in the capital that followed neoliberal economic reforms. On that occasion, the use of Army troops untrained in crowd control techniques and issued with live ammunition led to civilian deaths estimated from hundreds to thousands. Although the military was not prosecuted for its actions, the decade that followed the Caracazo witnessed the emergence of a number of civil society groups dedicated to achieving accountability for the 1989 events.³⁹ In addition, the repression caused internal divisions within the military since some junior officers and enlisted troops made clear their discontent at being used in a repressive role. President Chávez himself justified his 1992 coup attempts using the 1989 Caracazo, blaming the civilian and military leadership for a massacre. In

2002, this meant that the implementation of “Plan Avila” was perceived as having severe costs by the Army, particularly in terms of future legal consequences and present internal divisions, with little positive benefit other than confirming their obedience to the regime.

Given that repression was costly, why not simply remain quartered? The Venezuela 2002 case highlights a potential slippery slope from quartering to rebellion. Hugo Chávez’s successful political career from coupster to president indicated that rebellion could pay off. The military high command also pointed to article 350 of the 1999 constitution as a legal justification for rebellion against illegitimate orders, and they may have believed that rebellion could redeem them in the eyes of the people by washing away the sin of having participated in the 1989 repression. The military high command also minimized the costs of rebellion. By negotiating the surrender of Chávez they thought they had avoided the biggest potential cost, the loss of human life. They greatly discounted the possibility of an internal schism in the armed forces (which they associated with repression) or a breakdown in the chain of command. The pursuit of personal ambition by generals in Caracas seeking a post in the new government overwhelmed attention to detail, such as who commanded key garrisons or who commanded the presidential guards. By handing power quickly to civilians, in this case Carmona, the military estimated that the international community and Venezuelan citizens might react similarly to what had occurred in Ecuador in 2000, where there had been few negative consequences for military intervention.⁴⁰ The ongoing tensions between the Chávez regime and the United States may have also given the military hope that future condemnation from the international would be muted. Although the U.S. government later denied being involved in the coup, the Bush administration’s democracy promotion efforts in Venezuela and clear dislike of President Chávez could well have been interpreted in such a way.⁴¹

Explaining how the Venezuelan military ended up in a failed military rebellion requires attention to the strategies of civilian actors in the coup. The hijacking of the rebellion by the Carmona clique and its patently anti-democratic designs precipitated military division. Carmona faction's strategy was based on the assumption that everything done by the Chávez regime was illegitimate, and therefore there would be little resistance if they were to roll the clock back to the period before Chavez' election in 1998.⁴² This approach was rejected by junior and field grade officers and enlisted personnel in the military, by Chavistas, and even by some elements of the civilian opposition. The condemnation of almost all Latin American states of the coup reminded the military that the international community would perceive their actions as illegitimate. In addition, actions by pro-Chávez military and civilian forces to organize a counter-coup put the military leadership on the horns of a dilemma: supporting the Carmona government would require repression, not only of civilians but also of pro-Chávez military units. When it was clear that keeping Carmona in power would require shooting, the rebel military leaders quickly began to abandon the interim government.⁴³

Complete disorder in the military hierarchy forced every military officer to make individual or small group calculations of who to obey. The prospects for a successful rebellion melted away in the face of Carmona's poor strategy choice (roll back the clock), and successful Chavista counter-strategies that increased the cost of military support to the interim government. Ironically, the military's initial calculations could have led it to pursuing the dominant strategy (quartering), and it is likely that if they had done so, they might very well have succeeded in checking the President's power. However, their miscalculation of the costs and benefits of rebellion led them to pursue a non-dominant strategy and fail.

Conclusion

When put to the test by presidential orders to conduct repression, the militaries in these cases reacted very differently. In Argentina and Venezuela, the result was an outburst of deliberation and defiance from otherwise subordinate military institutions. In Bolivia, the military obeyed its orders but then witnessed the collapse of the government's political will to stay in power when it refused to bear the mounting costs of repression. What the Argentine and Venezuelan cases make clear is that the long-range consequences of participation in repression have become increasingly vivid for militaries as institutions. When faced with balancing the cost of disobedience against the potential for internal schisms, future prosecutions, or societal repudiation, the military in both cases calculated that institutional crises had so weakened the principal (the president), that reprisals for shirking were unlikely. In other words, the potential for being held accountable by the government was greatly discounted relative to the potential for societal or legal accountability, which is a major shift in the militaries' understanding of how they fit into their societies.

It is evident that since the fateful events of 2002-2003 in Venezuela and Bolivia, militaries in Latin America have chosen to stay quartered more often than not in the face of civilian uprisings. This may indicate political learning on their part, having witnessed the harmful effects of repression or rebellion. Indeed, in Bolivia itself, the military remained garrisoned in May of 2005 as indigenous led protests brought down the government of President Carlos Mesa. In Ecuador that same year, the army refused to enforce President Lucio Gutiérrez' state of emergency decreed after three days of protests over his politically charged appointments to the Supreme Court. Gutiérrez revoked the emergency while dissolving the Supreme Court entirely. That was not enough, and the congress voted to remove the president a

few days later.⁴⁴ And in 2006, Peruvian citizens attacked voting places after being upset over election results. The military units that were charged with guaranteeing security at the polls, stepped aside to allow the voters' wrath to be expressed.⁴⁵ Military quartering took place both at the request of (Bolivia, Peru) and in defiance of (Ecuador) governing authorities. Our findings are that in the majority of cases since the turn of the new century, the armed forces have remained garrisoned despite presidential requests for action.

The effects of military shirking are Janus-faced. On the one hand, defiance of presidential orders in the face of massive civilian uprisings can set two dangerous precedents. The first is to weaken the principle of civilian control. The second is to encourage civilian rebels in the belief that they can, through heavy-handed street tactics, undo elected officials at will. Heads of state must know that they can rely on their security forces when needed, while the public must know that their votes count, that those they elect to power can complete their terms of office. Both of these principles have been placed into doubt.

On the other hand, shirking via quartering could have some beneficial effects for civil-military relations and democratic practice. Shirking may lead future presidents into establishing clear, written rules of engagement for utilizing security forces for public order missions. Those rules (which would be devised jointly by military *and* civilian defense specialists) would set guidelines and impose restraints on when, where, how, and against whom the armed forces are permitted to use force. But they would also put politicians on record as having authorized those actions and thus hold them legally and morally accountable, perhaps making the military more amenable to fulfilling the president's will.⁴⁶ It may also mean that in states that can afford it, intermediate security forces will be created that are trained and equipped to handle significant public disturbances within the boundaries of democratic practice.

Alternatively, shirking might encourage executive leaders to take political steps to avert the end game scenarios we have described. If presidents know that militaries will not do their dirty work for them, it would give them an incentive to either build wider coalitions of support for their policies or to negotiate in good faith with the opposition, seeking political compromises instead of digging in their heels. Likewise, civilian militants must be encouraged to show restraint and work through normal political channels. For that to occur, they will need some convincing that Latin American democratic institutions are at least responsive to their interests and demands. That is a worthy goal, but one that is still pending.

Notes

¹ Arturo Valenzuela, "Latin American Presidencies Interrupted," *Journal of Democracy* 15 (October 2004), 5-19.

² Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968).

³ David Pion-Berlin and Harold A. Trinkunas, "Civilian Praetorianism, Regime Crises and Military Responses in Comparative Perspective." (Paper presented at the International Political Science Association RC24 Conference on "Armed Forces and Society: New Challenges and New Environments," Santiago, Chile, June 25-28, 2008).

⁴ Peter D. Feaver. *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge: Harvard University Press, 2003).

⁵ Feaver , 68.

⁶ Paul W. Drake and Eric Hershberg, *State and Society in Conflict: Comparative Perspectives on Andean Crises* (Pittsburgh: University of Pittsburgh Press, 2006).

⁷ See Valenzuela , "Latin American Presidencies Interrupted;" Kathryn Hochstetler, "Rethinking Presidentialism: Challenges and Presidential Falls in South America," *Comparative Politics*, 38 (July 2006), 401-418; Aníbal Pérez Liñán, *Presidential Impeachment and the New Political Instability in Latin America*. (Cambridge University Press, 2007); Moises Arce and Roberta Rice, "Societal Protest in Post-stabilization Bolivia," *Latin American Research Review* 44 (2009): 88-101.

⁸ Hochstetler, p. 186.

⁹ The findings are that protests must reach a critical mass to prove effective, must be sustained over time and constitute a broad coalition of forces spanning social, geographical and class divides. See Hochstetler; Liñán.

¹⁰ Liñán , p. 195.

¹¹ Pion-Berlin and Trinkunas, pp. 12-14.

¹² There admittedly exists a range of plausible options to resisting repressive orders that would allow the military to avoid shirking via quartering. These include providing professional advice to the president to discourage the use of repressive measures in the first place. It could include a bureaucratic slowdown or an effort to delay or stall action as occurred during the military rebellion in Argentina 1987 when loyal troops moved very slowly to obey presidential orders. The military could seek written rules of rules of engagement that compel civilian leaders to stipulate clearly what kind of force should be used under what conditions. Similarly, the military may attempt to make political leaders liable for a violent outcome by requiring written executive orders that authorizes repression. We should note that each of the instances outlined here are simply variations on the concept of military shirking in the face of unpalatable orders, although conducted through official channels and procedures rather than in open defiance of civilian authority

¹³ It is a well established in the literature that militaries consider their institutional interests as paramount. See Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Harvard University Press, 1957); Eric Nordlinger, *Soldiers in Politics: Military Coups and Governments* (Englewood Cliffs, NJ: Prentice-Hall 1977); Bengt Abrahamsson, *Military Professionalization and Political Power* (Beverly Hills: Sage Publications, 1972).

¹⁴ We should also keep in mind that the military may be outwitted during a moment of constitutional crisis. There are other players in the game following their own strategies that may work better than the military's strategy. After all, the president and the civilian opposition have their own strategy for staying in power or achieving power respectively, and their approach may work best in the highly contingent and uncertain circumstances that operate during a constitutional crisis. In other words, the military can rationally pick a strategy and still not win.

¹⁵ Agence France Presse, January 12, 2002, Lexis-nexis <http://web.lexis-nexis.com/universe/>.

¹⁶ *La Nación*, December 20, 2001.

¹⁷ *La Nación*, December 19, 2001; Javier Auyero, *Routine Politics and Violence in Argentina: The Gray Zone of State Power* (Cambridge University Press, 2007), p. 113.

¹⁸ Auyero.

¹⁹ *Clarín*, July 11, 2001.

²⁰ *La Nación*, December 20, 2001.

²¹ República Argentina. *Ley de Defensa Nacional*, no. 23554. Boletín Oficial, April 26, 1988; República Argentina, *Ley de Seguridad Interior*, 24.059 Boletín Oficial, January 6, 1992

²² *Ley de Seguridad Interior*.

²³ *La Nación*, December 20, 2001; *La Nación*, December 21, 2001. If a state of siege is mandated because of *internal* commotions—as opposed to an external attack, then the president can only invoke it if Congress is out of session, which it was. But the Congress has more authority over this version of the state of siege than that which is invoked in the face of external attack.

²⁴ *El Diario*, October 1, 2003.

²⁵ *El Deber*, October 11, 2003.

²⁶ *El Deber*, October 16, 2003.

²⁷ *New York Times*, October 15, 2003.

²⁸ *Constitution of Bolivia*, (Washington, D.C.: Pan American Union , 1967); *Ley Orgánica de las fuerzas armadas de la Nación*, no. 1405, December 30, 1992, Art. 6.

²⁹ Human Rights Watch, "Letter to President Carlos Mesa Gilbert," December 22, 2003.

http://hrw.org/english/docs/2003/12/22/bolivia6848_txt.htm.

³⁰ Juan Ramón Quintana, "Policías y Militares: Memorias y Escenarios de Conflicto en Bolivia," Febrero, 2004, RESDAL. <http://www.resdal.org/art-quintana.html>.

³¹ Human Rights Watch, "Letter to President Carlos Mesa."

³² *New York Times* 14 October, 2003.

³³ *Pagina 12*, October 21, 2003.

³⁴ Francisco Coronil, "Estado y Nación durante el Golpe contra Hugo Chávez." *Anuario de Estudios Americanos* 62 (January-June 2005): 87-112. Omar Encarnación, "Venezuela's 'Civil Society Coup'," *World Policy Journal* 19 (2002), 38-48.

³⁵ Harold Trinkunas, *Crafting Civilian Control in Venezuela: A Comparative Perspective*. Chapel Hill (University of North Carolina Press, 2005).

³⁶ Fernando Coronil, "Estado y nación durante el golpe contra Hugo Chavez" *Anuario de Estudios Americanos* [Online], 62 (June 2005), 100-101; Sandra la Fuede and Alfredo Meza, *El Acertijo de Abril: Relato Periodístico de la Breve Caída de Hugo Chávez* (Caracas: Editorial Debate, 2004).

³⁷ William Avilés, "The Democratic Peace Thesis and U.S. Relations with Colombia and Venezuela," *Latin American Perspectives* 32 (May 2005), 33-59.

³⁸ Coronil, pp. 104-105. Also see Francisco Toro, “Venezuela’s 2002 Coup Revisited: The Evidence Two Years On,” unpublished ms. 2004. www.proveo.org/11A.pdf, (Accessed on June 8, 2008).

³⁹ Margarita López Maya, Luis Lander, Dick Parker, “Popular Protest in Venezuela: Novelities and Continuities,” *Latin American Perspectives*, 32 (March 2005), 92-108.

⁴⁰ Craig Arceneaux and David Pion-Berlin, *Transforming Latin America: The International and Domestic Origins of Change* (Pittsburgh: University of Pittsburgh Press, 2005), pp.116-122.

⁴¹ Although the U.S. government later denied being involved in the coup, there are many analysts who believe this is not the case. See Aviles 2005 and Christopher Clement, “Confronting Hugo Chávez: United States "Democracy Promotion" *Latin American Perspectives*, 32 (May 2005), 60-78.

⁴² Francisco Toro, 2004.

⁴³ Ibid.

⁴⁴ Craig Arceneaux and David Pion-Berlin, “Issues, Threats and Institutions: Explaining OAS Responses to Democratic Dilemmas in Latin America,” *Latin American Politics and Society*, 49 (Summer 2007), 1-32.

⁴⁵ Enrique Obando, “Reluctant Armed Forces and Civilian Uprisings,” unpublished manuscript, p. 2.

⁴⁶ The challenge is to calibrate and then adjust those rules as necessary to shifting circumstances on the ground which present difficulties not originally foreseen.