

Foundations of pluralist democracy and political structure of the State in Uruguay

Jorge Lanzaro*

1. Introduction *

Throughout the 20th century and except for the two periods of authoritarian regime, the Uruguayan political system has developed a pluralist democracy. Democracies of a pluralist type are characterized, like ours, by lines of separation, distribution and participation where political power, institutional structure, ways of government and exercises of public authority are concerned. These regimes are contrasted to democracies of a “majority” type, in which the political power is normally more concentrated or “unified” (“the winner carries it all” where public posts and state resources are concerned). The latter might lead to a “democratic despotism” (Tocqueville) and to populist shaped practices, in “delegating” (O’Donnell) or “hybrid” (Malloy) formulae, of doubtful democratic quality.

Pluralism as distinctive element of different types of democracy is a central topic within both the theory and the political science –in classical authors and in modern ones– with regard to the original steps of a system and to its following evolutions¹. The issue acquires a renewed importance before the processes of political development and “fundamental” democratisation that are unfolded in America and in Europe during the 19th

* PhD in Political Science from the University of Paris. Professor and Researcher at the Political Science Institute and Political Science Chairman at the Facultad de Derecho (Universidad de la República).

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¹ Following Montesquieu, Tocqueville and other authors, the list of studies focused on analysing the diverse expressions of pluralism, within society and the political system, is wide. Robert Dahl (1989 and 1991) and Arend Lijphart (1987 and 1989) whose researches contribute to the understanding of the key features of the democratic theory and mark the modern reflections on pluralism, can be consulted as a significant reference.

and the 20th centuries. But it also returns to the scene as a crucial factor since the decade of 1980, when the world enters the “third wave” of democracy and we go through a cycle of relevant political transformations, combined with processes of structural reform (in a “neo-liberal” key), that modify in substantial terms the preceding development models. This is a deep historical transition –a true “change of epoch”–, that affects the Latin –American regions in a peculiar way and that is located –country to country– in a landscape of diversity: as where the course of the reforms is concerned, as in what is referred to the alternatives of democracy, with its different shapes and eventual benefits in the specific area of pluralism (Lanzaro 2001). It is here where the questions on the past are bounded with the questions on the present. When focusing on the analysis of the current transition it is good to review the traces of history.

In Uruguay –beyond the peaks of crisis and the successive authoritarian parenthesis– the political system has developed throughout the 20th century as a consistent democratic state, which exhibits at the same time characteristic lines of pluralism (Lanzaro 1991 and 2000). In our case, in fact, a considerable degree of distribution of political power and of division of the public authority prospers, that becomes part of the institutional structures and moulds the procedures of decision, limiting thus the concentration that is registered in other contemporary democracies, in Latin America as well as in Europe.

The genesis of the Uruguayan pluralism is in the founding processes that took place from the second half of the 19th century to the two first decades of the 20th century (Castellanos and Pérez 1981), and provided lasting basic determinations. But that political texture is also the result of successive actions, due to a constant partisan competence and to equations of force which tend to confirm the original features of a pluralist democracy in each moment of change as well as in “regenerative” periods.

Nevertheless, as well we know, Uruguay has not been able to avoid authoritarian irruptions, with disruptive reactions originated from the political-partisan team or with the entrance of outsiders, both civil and military. On the contrary, the same existence of a dense net of powers has led to such repercussions, every time the parties faint in their political productivity, in demonstrating cooperation and loyalty, as long as the dynamics of pluralities operates in tunings of disintegration, when the initiatives of confrontation, the “veto” play and the polarization of the actors have acquired a sharp character, exasperating the conflicts and

generating blockades. In fact, if we look at history well, it is clear that even the large turns of change have repeatedly gone through a peculiar link made out both of authoritarian and democratic moments. This is what has happened in the founding periods of the last third of the 19th century, by means of the succession of actions carried out by the “*militarismo*” and the “*civilismo*”. This is also what occurred subsequently –when the construction of the state and the political system was already in process– in the years of 1930 and more seriously, with the crisis that develops in the decade of 1960 and finally flows into the dictatorship. Undoubtedly, the ones which prevail in the course of the 20th Century are the “virtuous” cycles of the pluralist democracy, but the political grammar unfolded in that picture creates emerging crisis focus– in fact, it engenders its own crisis, by virtue of the political conflict, faced to the economy processes, heated by the disputes over the innovation and the shape of the state–, giving rise to relatively prolonged authoritarian settings. The link of both movements allows advancing in the change of models and leaves as balance a new map of political plurality. This occurs from the years 1940 and now, since the democratic opening of 1984, although as we will see, pluralism in the parties system that characterizes this new phase, has not full translation into the institutional devices, neither in the processes of government.

The democratic structure is favored by certain original characteristics of the space in which the national construction is raised. But it responds to the specific way in which the political dynamics is unfolded and, particularly, to the concrete modalities of the party system: the foundational epics of both traditional communities, the nature of the parties and their relationship, the competence codes, the principle of “co-participation” and the electoral regime they had built. Without excluding other reasons, the mark of political developments in the 20th Century, the vernacular formats of citizenship and the scenery in which the other actors are located, emerge from there. The original traces of the Uruguayan society and the performances of the parties system mould the political architecture of the state as well as the regime of government, which are constituted at the same time in decisive pieces of the design of the pluralist democracy.

In the first part of this work we revise the keys of the pluralist democracy building process. In the second part we analyze the political structure of the state –its institutional framework and the system of powers within it– by registering over the course of the 20th century three relevant moments: a) the first batllismo, that consolidates and expands the

founding works begun in the 19th century; b) the one that is initiated with the crisis of the thirties, takes off during the Terra's regime and develops in the second batllismo; c) the long cycle of transformations which arrives to the present time and that goes also through two chapters: the critical period of the sixties and the deeper transition we face since the end of the dictatorship.

2. Fundamental keys of political democracy.

Attending to the criteria exposed above, it is worth to underline some historical keys of the Uruguayan national construction that function as a base to the pluralist democracy and show the political structure of the state.

In the first place, we should bear in mind the “environmental” characteristics of the space in which the Uruguay is established, with features that are present in the specific colonial conformation and determine the alternatives of our independent life (Barrán and Nahum 1984, Real of Azúa 1984). The studies in this matter have accurately registered these national matrix's characteristics, emphasizing the original “emptiness” and the initial feature of “non-profit lands”: the absence of a peasants society and sedentary native civilization, the low demographic density and the weakness of the population networks –certain endemic profile of “town without history”, with a short past– elements which are structurally joined to the lack of agricultural or mining economies². Precisely, the characteristics the colonial empire adopts in our region derive from there, as well as the ones corresponding to the “primitive accumulation” and the development of the capitalist production system –its “early” insertion, more extensive than in other regions– the class relationships and the ways land was appropriated, the profiles of the workforce, its patterns of reproduction and subordination, with peculiar features of relative “scarcity” and above all “mobility”, which were behind the pushes of displacement and extermination, of the “crossbreeding” and of the specific ways of immigration, giving rise to a composition of “transplanted owns” (Darcy Ribeiro). From there also, some rooted elements in the culture and the civic weaving, particularly, the tendencies to

² This data strongly differentiates us from other American territories, where there have been more articulated to the colonial regime and to the capitalist dominance ways of production, in changing equations whose marks persist even nowadays.

“egalitarianism”, that are marked and arrogant: with a particular notion of hierarchies and the exercises of authority, in the field of society, economic units and politics.

In this field and comparing to almost all the other Latin American countries, what stands out is the relative weakness and the degree of rotation in the dominant classes, their difficulties in terms of hegemony, with a problematic relation between the countryside and the civic head of Montevideo, in a factor accompanies a smaller settlement of the Church and shows the weakness the classic components of the oligarchy based equation had.

The outstanding centrality of the state and its relative autonomy derives from that scenery, even in the weak conditions of the 19th century and with original signs that are unfolded in the 20th century (Barrán and Nahum 1984). The centrality of the state –that is built on the relative weakness of the decentralized powers (social classes, local networks, church), in a peculiar configuration of the foundational cleavage centre-periphery– accompanies the politics centrality, woven in such a way that provides the main nerves, and to a great extent the “cement” of the vernacular building.

With such features, the state represents a highly strategic pole, that became strong as long as the political power increased its integrity and integration, by virtue of the own dynamics of the forces–of its shared weaknesses, its conflicts and a certain “coincidence” in the pro-state inclination– from our condition of “new nation” and “small” country, located between two large ones.³

In that state construction the original structural determining factors have a specific weight as well as the consecutive processes, particularly, the already explained economic and social profiles, the influence of the regional environment and the international restrictions, the balance of classes and the performance of the parties, through a play that outlines the laborious actions to control the territory and the labor force, the marks of “border” –toward inside and outside– the setting of the market and the way of capitalist production, the tension city-countryside and the concentrated weight of a macro cephalous capital, that shelters the first manufactures, but functions commercial and administrative centre, appropriating the customs and trade incomes. In short, those characteristics the “modernization” and the national

³ For a deeper exploration, see previous works by Barran and Nahum, who transit the *Historia Rural del Uruguay Moderno* (1967/78) as well as fundamental aspects of the first *batllismo* (1979-1984)

integration are going to acquire, the building of the state, in a peculiar link between the pushes of political development and the advances of the democracy.

The state centrality and autonomy have a close relationship with its roots, that was called embedness, according to the expression of Granovetter (1985), which depends on the political vitality and on the capacity of “penetration” of the public apparatuses, but at the same time depends on its links with the civil society, the circles of the economy and the market, in a structure which is determinant of the possibilities for development as well as of the possibilities democracy has.

Given this complex composition –not exempt of contradictions– and as one of our historical constants, the problem of the state has had a vertebral place, in the diverse phases of development and in the critical turning points –in each re-foundational bend or during the adjustment of the national models– in absorbing and framing the incidence of other cleavages: like a space for combat and like a nucleus of modernization, article of political and ideological definition, vector of parties, economic actors and social subjects reconstruction, in cycles marked by the “dispute for the nation” and by the sign of changes in the political system, in the spectrum of powers and in the configuration of democracy (Lanzaro 2000). In the successive settings described above, there has been therefore a comparison between confronted projects, a strong political and ideological argument, mobilizations and displacements, that today register a new display, around the central issue of the state reform, within the singular parameters of this “change of epoch” that marks the passage from the 20th century to the 21st century.

Where the specific political production is concerned, as a decisive motor in the design of the national formation, the basic frame of reference is undoubtedly the party system with its traditional configuration, its centrality and its consistency. A two-party system, which is among the oldest in the world and that –with some critical intervals–, was going to be the vertebral axis of the Uruguayan political life, since the original fights from the 19th century to advanced the decade of 1960.

This is not only about strong political parties but about a strong system, with a high degree of integration among its members, that reproduces and institutionalizes, in its binary composition and inside a “mirror image” relationship: *blancos* and *colorados* acting “face

to face”, with organizations and identities built in base to their own characteristics, but in permanent reference to the “other” and through a constant competence.

The energy and the relative parity of that bilateral equation is translated for a long time into open confrontations and it is proved in the impossibility to establish a recognized authority, in the consequences of civil wars, in the conflictive and factional bonds of leaders and doctors, while the institutionalization of the conflict was not reached and the parties functioned like “subjective fatherlands” as Martínez Lamas says, without a regulated unity.

The period of “anarchy” will come to an end with two bound movements as a departure point. In the first place, the progressive strengthening of the system of government, through a process plagued of conflicts and limitations, but accumulative, in which the “*civilistas*” initiatives are added to the works of “*militarismo*”. These efforts – with a marked impulse in Latorre’s period – outlined the superiority of the state and its regiments, along a road that in the end submitted the military power of the partisan army and allowed to reduce the points of dual power at the beginning of the 20th century. Nevertheless, the armor of that political center becomes effective and monopolist, as long as the parties themselves respond to the compromise and assume tasks of institutional building, being thus, the government and the electoral regime, prior makers of the state.

Politics gear here with war and each clash in the battlefields is not simply over with the defeat of one of those involved. Moreover, it leads to a sequence of constituent pacts, through which both parties and their sectors add devices that turn out to be fundamental for the new order. Thanks to that “associative” engineering that includes different parts the state could fully achieve its monopolistic condition, as political center and at the same time, as a coercive apparatus. The parties were considerably transformed, they carried out their action based on the agreed rules and “transferred” energy to the designed institutions, which immediately developed their own dynamics and entered a phase of consolidation, with functional and organic enlargements.

The basic pieces of this process of “negotiated” integration remit to the fundamental dimensions of politics: the state of competence and the structure of representation, the administration of the state and the types of government.

The pillars of this system are fundamentally four: the “co-participation”, the electoral system—with the principle of the double simultaneous vote—, the proportional representation and the board of special majorities for the important appointments and the constitutional, legislative, and strategic questions.

At the beginning, the co-participation means a distribution of the local *Jefaturas departamentales* which recognizes the regional settlements of the different parties and gives them there the corresponding quota of authority, access to the sections of the state that was being built and certain power resources and possibilities of electoral patronage. While proportional representation to a national level was not agreed, the ownership of political *Jefaturas* in some departments offered besides (particularly to the *blancos*) the possibility to have access to a certain number of seats in the Parliament. Once the state is fortified, the statute of the departments is modified, although maintains certain dose of autonomy —with marks of regional decentralization— and permits at that level, to maintain a party dominion or to have possibilities of alternation. There was here a mechanism of pacification, that some wanted to see as provisional and reversible measure. The attempts to ignore this on the part of the colorados central authorities and in their case, Batlle’s attempt to give those places to their allies inside the National Party, caused the rebellion of the blancos and gave place to new ratifications, in movements that diminish the military force of the “rebellious”, but serve to consolidate the civil position of the parties and along with the other institutional devices they will give a lasting projection to the bilateral principle.

The co-participation is installed immediately in the national orbit, thanks to the first collegiate formulae, based on an alliance between the conservative forces from blancos and colorados, which found with this a way to stop the initial *batllista* impulse. More at length and in constitutional terms that persist to the Reform of 1996, the co-participation moulds the developments of the state and some instances of government, by means of a regular distribution of executive positions in the autonomous entities and in control entities. Unlike what happened since 1990 and with the Constitution of 1996, this formula benefits the minorities as such, independently of the political positions that maintain, without requiring an agreed convergence (government supports, alliances or coalitions). On the contrary, by means of a rule of systematic attribution of charges and prerogatives, linked to the electoral results, that implies exactly the sectors of the second party, continuing in some chapters the lines of

commitment “cross” between red and white, or giving entrance directly to the sectors from the opposition.

The co-participation becomes an ingredient, part of the state unity, like a mechanism to integrate forces (“autonomous”) to the national circuit, which consolidates thus its powers and its capacity of penetration, marking the central-periphery relations. Being at the same time a pillar in the settlement of the parties and the political system, both in terms of integration and integrity. Besides, it has a singular influence in the ways of government, as a pondering element and as a merchandise in the management of power goods and patronage opportunities, in important alternatives to the political exchange, in the movements of equilibrium and of alliance carried out in the partisan fractions.

This provides one of the basic pieces of our “*associative*” political construction: consociation according to the notion proposed by Arend Lijphart (1969). This formula – that is translated exactly in a plural composition and does not suppose a simple *unitarian* and unifying control– was used in other lands (Belgium for example), to proceed to the national integration based on the diversity and by means of the recognition of heterogeneous and irreducible social cleavages.

In Lijphart’s words, the experiences of a *consociational* type arise like peculiar modalities of conflict resolution and as a unit principle, against cleavages of social nature (religious, ethnic, of class or of nationality, with linguistic and cultural divisions), that affect the national state building. I consider that such characterization can likewise be applied to the associative processes of national building, in cases such as Uruguay, in which the parties do not simply respond to social or economic divisions, but operate like catch-all parties from the beginning and are aligned in a specifically political axis (with structures, tradition and cultures or sub-cultures of political nature), around the cleavage central-periphery and the conflicts generated by the construction of the state.⁴ Once the original moments passed, the state continues being, once and again –in the different strategic moments of the 20th century and at the current crossroads– the privileged knot where ideological definitions and political conflicts are tied.

⁴ This a similar composition to Colombia’s (Hartlyn 1988) and unlike Europe, both take place in presidential regimes. But the Uruguayan consociational design is older and more consistent than the Colombian one, differentiating from this in many aspects, among other reasons; because there was not at the government level an agreed alternation but effective competence.

In our case, the *consociational* composition has two distinctive characteristics. First, as we have underlined, the two concurrent communities constitute popular parties of citizens, with a plural social integration and an extensive spectrum of the social assembly: popular catch-all parties (Kirchheimer), *partis d' électeurs* (Charlot). Secondly, although the “*consociationalidad*” limits the results of the competence in what has to do with the public powers distribution –limiting the “winners ” and compensating the “losers”– shortly after the first partisan distributions, the formula is inserted in a structure of effective competence and the access to the maximum hierarchies of government, is disputed through open electoral races that have improved in effectiveness and guarantees. In fact both dimensions feed each other and the condition of generalist and plural with which both parties had access to mass politics will be consolidated by the effective competence.

Other two strategic pieces of the Uruguayan system are linked with the co-participation and combining exactly the distribution of public positions with the effective competence: the proportional representation and the double simultaneous vote.⁵

In the last nineteenth-century third, the linkage of civil fights and of successive pacts, carried out by *blancos* and *colorados*, assured spaces to the representation of the minorities, within the frameworks of a system that was originally of a majority character. An important inflection takes place from 1891, which allows a process that implies the gradual abandonment of the majority premises. As a product of the political negotiation, several rules will expand the composition of the Parliament, as well as the number of seats to which minorities could have access, by modifying the criteria of awarding and the representations by department, which were at the same time recognized as electoral enclosures of the different partisan fractions. Collecting those advances, the Constitution of 1917 proclaims the principle of full proportional representation (*representación proporcional* “integral”), which fully worked in the Camera of Representatives from the beginning and is extended to the Senate in 1942. The mixed regime of the *Juntas Departamentales* is the only one in which the winner is rewarded, by giving him the simple majority of seats although he has not obtained them in the corresponding election.

In parallel and based on the 1910 law—that established the “double simultaneous vote” system – an ingenious set of electoral rules (known as “*ley de lemas*”) was established. The

⁵ See Castellanos and Perez (1981), Lanzaro (1993), Diez de Medina (1994), Buquet and Castellano (1995)

Constitutional Reform of 1996 has abrogated it to a good extent, but it served during many decades to provide air to the partisan competence and to assure an extensive representation..

Through an articulation of diverse scales, this regime widens to the maximum the circumference of the proportional representation in the Parliament, by maintaining a principle of simple majority, to plurality, for the direct presidential election. The “double simultaneous vote” is adopted—by party and by different candidacies inside the party— with a mechanism in which the internal elections of each community are publicly disputed in the national elections. This allows the fractions inside the parties to measure their forces openly but accumulating votes at the same time, by competing against each other and against the adversaries, in the same act and with the full citizens interventions. Competing by adding votes, trying to gain both inside the own rows and in front of the adversary, constitutes one of the high points of the system. It permits to guarantee the consistency and the professional solidarity of the political establishment, like a body and in its different affiliations, as a party and as a fraction within the party.

In parallel the male universal citizenship and the secret vote are established, in a process that provides the guarantees for the suffrage —with a meticulous regulation of the electoral acts— and that culminates with the creation of the Corte Electoral (1924), as maximum agency to control, based exactly on the principles behind the system (parties plural and direct participation, mutual control and shared political responsibility). The electoral instances thus become the privileged channel for the political dispute and the basic source of discernment of public authority.

The political engineering at the end of the 19th century and in the first quarter of the 20th century will leave therefore decisive and lasting foundational balances, by means of a laborious articulation both of the political center and the national unity, which crosses at the same time the framework of the state and the public authority, the political system and the electoral regime structure. We delay almost a hundred years, counting from the Independence, to solve our “civilizing” process and to reach an effective institutionalization, enabling to go further in the “tames of the power” (Real of Azúa 1969) and to provide the keys for political conflict and parties competence to take place in terms of plural integration and ruled competence, with systematic acquisitions of loyalty and

legitimacy. With the described characteristics, the democratic competence is finally recognized as “the only game in town”.

Besides, the constitutional rules lead to take important political decisions in terms up to a point “shared”, with margins of consensus that go beyond one of the parties, by establishing the demand of qualified majorities for constituent acts, strategic laws, appointments of hierarchy and other government resolutions.

The above summarized package of rules draws the lines of the political design that prevails throughout the 20th century and establishes the parameters which will work as a base for the development of the processes of government for decades.

In a horizon of powers relatively shared and with an effective but moderate competence there will be plural access to state resources, without the winners carrying all. This in general reduces the “zero-sum” game, and it is useful to limit the majorities’ regencies and allows minorities to enter, party-to-party and sector-to-sector.

By long sections, the government regime is located inside the riverbed of the “pluralist presidential” that goes through some experiences of coalition, but functions especially as a “presidentialism of compromise”, moulded to a peculiar and complex dynamics⁶. Factors that made an impact a) the basal principle basal of "brakes and counterweights" among the institutional powers of the state; and b) the specific system of powers of party, which is located in the circuit of the public agencies. In our case, more hardly than in other, this combinatorial one remits to a premise of authority limited and distributed, with a grammar of government –crossed commonly by the exercises of competence and opposition– that is at the same time framed by the constructions of an associative type (*consociational*), appeals to negotiation and responds frequently to logics of compromise.

As a whole, the political shape and the institutional geography itself provide a good threshold for the combinatorial between representation and government, permitting the growth of a strong compromise system – with its cycles of fortune and its misfortunes– that

⁶ For a definition from the Political Science of the above mentioned categories- pluralist presidentialism, presidentialism of compromise, presidentialism of coalition,- as well as for the analysis of government developments in that key, in Uruguay and in a comparative horizon, see Lanzaro 2000 and 2001. On centrality and alternatives of the compromise policy in Uruguay see also Nahum 1975 and Caetano and Rilla 1996.

suffers a decrease in the crisis of the thirties and that toward end of the sixties will have a deep crack.

The Uruguayan system organized in this way is going to reinforce its patterns of plurality and it is adjusted to the features of a “polyarchy” –according to the models of Dahl (1989)–, due to the shape that the determinant link between political competence and the width of the democratic participation acquires. The popular “modern” incorporation through the male universal vote ⁷and the direct electoral exercise (“a man, a vote”) is produced in a setting marked by two determining political circumstances.

In the first place, such events occur –from the second decade of the 20th century on– when the partisan elites had already carried out advancements for the establishment of the system of competence and the regulation of the rights of opposition, by means of agreements on the electoral system, the structure of representation and the primary guidelines of co-participation. As we have seen, that process registers considerable advances during the period from the Paz de Abril in 1972 to the sanction of the 1910 law – which settles the principle of the “double simultaneous vote”. So that the resultant political codification will be already outlined, the male universal vote is sanctioned in 1912 and it was put into practice in the elections for the Constituent Assembly of 1916.⁸

However it is worth to emphasize that –without taking into account those advances– the establishment of rules of competence recently acquires fullness subsequently, with the normative compromises that arise from the same Constituent Assembly and the subsequent laws, with the addition that the direct election of the Executive Power members should not start until the beginnings of the 1920’s⁹. Therefore there will be only a relative anticipation and in fact we can say that the opening of the democratic participation and the effective application of the universal vote are verified when a certain threshold in the political state

⁷ Popular “modern” participation is produced with the extension of “active citizenship” to the “lower classes”, since the universal suffrage and the direct vote. Differ therefore from the “traditional” participation of popular masses, of a secondary character and “mediated” by the *caudillos*, the elites politics and the oligarchy structures.

⁸ After the inaugural law from 1912 – sister of the Ley Saenz Peña sanctioned in Argentina in the same year but within different political coordinates- the 1917 Constitution consecrated the principle above all and extended the stripes of male citizens participation, foreseeing the possibility for the law to recognize the women right to the “active and passive suffrage” (which was accomplished two years later, by law of 1932)

⁹ In 1920 there were elections for the partial renewal of the Consejo Nacional de Administracion and in 1922 the first direct election for President of the Republic will take place (Jose Serrato)

was agreed and as part of a competence among the parties, that already had a principle of regulation.

In second place, connected with this circumstance and as element of greater significance, we should bear in mind that the procedure of foundation of the national political system takes place, as we have already seen, in terms of relative parity of forces, in a space of plural composition –with entrances of representation and of co–participation without none of the opponents having positions of exclusive control.

In such a way, the passage of the politics of elites to a politics of masses, of active democratic participation and direct – which is a decisive chapter in the processes of foundation of the modern political systems-, does not present as in other countries an hegemony-based construction, in which a specific actor –a party or a movement– assumes the leadership of the civic incorporation, gets to appropriate her, collecting powers and popular support on that base, through reformist processes or even revolutionary ones as in Mexico. In these cases, we are in front of an opposing mobilization –carried out against an exclusive state and its dominant nuclei– that when prospers as such, in unilateral and generally “populists” terms, and is able to take for itself the exclusive inclinations, with a forces displacement plan that is used to having future recurrent consequences and tends to reproduce the formulae of imbalance. On the contrary, the Uruguayan foundation is done in key of a competence previously outlined –it came therefore to expand and not to close the channels of that competence– and it is the product of the action combined of the two traditional parties, with disputes over leadership, without none of them converted in main or exclusive holder of the democratization, maintaining conditions of relative equilibrium, that allow pluralism.

The first incorporation of the working class takes place in that period in the same terms. In effect, the adoption of the universal vote is accompanied by certain steps of “recognition” of workers as a differentiated class and of “legalization” – even limited– of trade unions. That process precedes the “constitutional inclusion” of working and social rights in the Constitution of 1934 and particularly, the second working class incorporation – a lot more consistent, more extensive and institutionalized– that is going to take place during the “neo-batllismo”, from 1942 and as part of the “national-popular compromise” that marked the beginnings of that new epoch.

Under the influence of the progressive tendencies of the inaugural batllismo, in agreement with some positions from the Partido Nacional and from the “parties of ideas” appearing by then, the workers obtained certain labor rights and specific social benefits. In some sections, the unions –fighting their first battles, animated above all by the anarchist trend– found a more favorable environment for its incipient organization and even with a low rate of success, they could resort to the strike with better margins of tolerance, by means of a mobilization that raises resistances and comes upon contrary trends, but configured the foundational lines of its historical development.

With the limitations of the case, there is here a primary impulse of “inclusion” of the workers that has to do above all with the expansion of the universal vote, but which also supposes certain recognition of class differences and the specificity of the working condition, in the terms that the “social question” was presented in that epoch. Historically, the first bunch of labor legislation and of social services (Barbagelata 1965), the creation of the *Oficina de Trabajo* and its body of inspectors –in parallel with the development of the guilds and other pressure groups ad hoc, that articulated demands of that order–contribute in their key to the “integration” of the working sectors, of the “middle classes” and of the migratory contingent, in a process of political resolutions, that has incidence in the legal statutes and in the organization of the state. The universal suffrage (law of 1912) and the establishment of the eight hours working day (law of 1915) can be seen as symbols of this combination. Taking into account that the devices of labor guardianship and social “prevision”–that might have a sector –oriented or even particularistic profile and address the workers, in differentiated categories– they gear at the same time with the expansion of various “welfare” services and very especially with the “common” education, secular and free, set in motion from the middle of 1870 and that received new impulses. in the first decades of the 20th century, This is a public nature and a “universal” vocation action that was conceived since the origin and from the foundational work of José Pedro Varela as a constituent piece of citizenship and as factor of social integration, acting effectively in those terms.

This first working class incorporation has peculiar characteristics, which make the Uruguayan case distinctive at the time of comparing (Berins and Collier 1991). Like others, it is located before the greater expansion of the “social” vernacular state that was

going to appear in the bend of 1930 and from the years of 1940 on. The phenomenon is part of the initial democratization and is located within the above-explained political variables, which ends up being a decisive feature. In effect, as opposed to other Latin-American cases and in a comparable itinerary to the one from Colombia, there is here a predominance of the parties system—that comes from before and is consolidated exactly in the events of the democratic opening, through of final steps of institutionalization—affirming their competitive and two-party composition, with the notes of equilibrium and plurality that characterize it.

The red and white communities develop as parties of citizens, they expand their teams and their bases in that key, working at any case like “political” parties in strict sense—based both on their “traditional” definition and on their “historical” identities of “national” type—. They cultivate bonds with the different economic and civil actors, one fraction close to another, but without strong social references, and neither privileged or exclusive class attachments. The bilateral confrontation and the same features of competitiveness reproduce and expand their catch-all parties condition, in the same movement in which they respond to the extension of citizenship. This “universal” new composition of the electorate is thus framed by the parties, with a number of fractions and partisan alignments of variable and various inclinations, which work as a “rake”. The parties compete for the adhesion of these popular subjects who became new voters, paying attention to their needs and requests, in an effort that can be considered as “anticipatory” and which is solved in a “dispute by the initiative”, between the Colorado and Blanco fractions. But at same time and within the same coordinates of competence, its action attends to other interests into play. This action is not directed to the *petit peuple* from the city of Montevideo, with its scarce proletariat, but it also opens the door to the countryside and rural world inhabitants, which provides a “balance” to the civic expansion and reports elements of “compensation” in the electoral body and in the new political networks. Otherwise, the performance of the parties takes firmly into account the landowners and the urban bourgeoisies (commercial and industrial), the public officials and the “middle classes”. The latter were at the same time experiencing considerable transformations, thanks, to a good extent, to the undertaken policies, the organization of the state and the “modernization”, the economic redefinitions and the market public regulation.

The democratization is carried out in terms both of a political and a classes compromise— led by the parties, in a multiplicity of advances and resistances, alliances and blockades— within the context of a push for a national capitalist development, which demands an extensive social coalition. Among other things, those frameworks stop the tendencies to “escape” from the proprietary sectors and the “high classes”¹⁰, even though they don’t avoid the following growth of a “conservative reaction” (Nahum 1975, Caetano 1992-1993).

Inside those limits, the workers incorporation is adjusted to a pluralist tendency and is embedded in a more extensive push of liberal reformism. Although the popular subjects —*qua* citizens— vote mainly for the traditional communities, there will not be “brotherhood” bounds between the unions and the parties, like the ones woven in the social-democratic equations or in the Latin-American populist regimes. The working movement maintains therefore its autonomy, facing the state and the dominant parties. This also occurs to a certain extent with the business associations, which in that period go through a process of growth and diversification.

A significant bond between the political and the social citizenship – between the phenomenon of democratic participation and the one of (public) distribution was established during these foundational processes and with the two ways of democratization, as a starting point laying down the foundations of a system and of a civic culture, which will be extended and guaranteed in the second batllismo. There will be therefore certain contemporaneousness among both statutes in the Uruguayan itinerary, with a link between political and social rights, individual linkages combined with guidelines of collective action, both developed in parallel, in partisan and trade union keys. We have not followed then an “evolutionary” model—as the one outlined in England, according to the observations of Marshall (1964)— in which the social citizenship comes after the political one. We have not had a model like the Prussian one – prompted by Bismarck— in which the state has contributed with the first social services before the democratization process, like an instrument to control and to prevent “revolutionary” mobilizations. Neither a populist

¹⁰ This is one of the most important tests for the transit to mass politics, because it is about incorporating “the ones at the bottom”, without allowing the ones at the top escape and without breaking the game.

model –as that from Argentina, Brazil or Mexico– in which the social citizenship has an important weight and even prevails over the political citizenship, with strong corporate articulations, weakening democracy and its liberal vein, or with authoritarian features.

Nevertheless, beyond that degree of simultaneity, the political citizenship maintains a net supremacy, as the bonds of party and the electoral dynamics do¹¹. The national integration social aspects are part of a republican foundation and they are articulated to a reformism that is liberal. The labor and the “welfare” rights with public guardianship and state-framed, remain adscript to that political net and they are conceived as extensions of citizenship. Figures from corporate order will always have a subordinate and secondary position –in that first period and when get to acquire more thickness and formality, from the end of the twenties and the forties.

3. Political structure of the state

At the beginning of the 20th century, Uruguay had advanced in the national state building. The state had acquired good part of the constitutive attributes of the “statehood” (stateness)¹², in a process to be completed during the first batllismo that lays the foundations for the following developments during the twentieth century.

In effect, the end of the Guerra Grande –that marks the borders of the national space, taking a significant step in the delimitation and the “enclosure” of the territory exactly “Uruguayan”, as political district, economic market and settlement of population– opens a troubled and laborious road for the state building process, which in our case, as in other Latin-American regions and in different terms to the European countries that arrived first is connected with the problematic construction of the national unity. The Uruguayan times are

¹¹ Revising the most used theoretical formulae for this analysis – especially Marshall’s work (1964) and the typology of origins of the “welfare state” elaborated by Esping-Andersen (1993)- Ernesto Castellano (1996) makes a good characterization of the Uruguayan process. Opposing to Panizza’s opinion (1990) for whom the citizen identity was first built in the economic and social field- Castellano accurately confirms the idea of simultaneity, even though exaggerates the “full” character of both dimensions and does not sufficiently highlight the priority of the political citizenship. We should remember besides that, rigorously speaking, the stage of major development of social citizenship will take place after the Edicts of the 1934 Constitution and from the decade of 1940.

¹² The notions of stateness or statehood are used by Nettl (1968) in a work, which revises different conceptualisations of the state. I take the term here in a free way, taking the most elementary typical features which have been highlighted in all the classical approaches, and the fundamental inputs of Marx and Weber.

presented thus in a “tight” compass, conjugating inside a relatively short period –and relatively “late”, in comparison with the central nations from the old continent – challenges or “tasks” that in those itineraries are displayed in a more gradual way. (Notoriously: state and nation, political centralization and democratic participation, government authority and public services, social integration and cultural framework). Otherwise, the state presides the establishment of the capitalist production system and therefore the goods and labor force market. We are in front of two organically bound processes, by means of a geometry of powers that operates as a “double windmill”: responding exactly to a new movement of the political and the economic dimensions, differentiated, with separated spheres and agents, that specialize and acquire relative autonomy in that same constitutive movement, passing since then to be displayed and to be linked one with another, based on that original matrix, foundational of modernity. Although certainly, the changes in the model of development –in the run of the 20th century and in the current historical transition– get to modify the politics and the economy, the state and the market, putting in action different patterns of separation and articulation.

3.1. State attributes and national integration

Where the state is specifically concerned, the foundational process displayed during the second half of the 19th century and in the first decades of the 20th century, is going to build the strategic pieces of the statehood: a) The monopoly of physical coercion with the organization of specialized apparatuses and professional bodies (armed forces, jails, judgeship), which slowly showed their superiority as effective. b) The political centre –with qualities of “sovereignty” toward both outside and inside the territory– that is consolidated like the unique place of power production in the national field –by means of achievements in terms of subordination and above all of integration–, getting finally to reach the rank of legitimate and autonomous authority. c) The conversion of the state in centre of government processes and in the major source of the law, by concentrating the political decisions and the sanction of legal norms, including the first codes (civil, commercial, rural, penal), in a work that begins to lay down the lines of the political association, the economic market and the civil society. d) There is in parallel an effort for institutionalization, related to that normative layout and is solved within the development of the organic structures, keeping alive the powers of the state

and the political institutions. Efforts of building that accompany the creation or recreation of social organizations and of the union nuclei, through a growing and diverse process, allowing place to differentiation and to a new system of relations between public and private. e) The performance of the parties and their own institutionalization –as political apparatuses and government agents– is a decisive piece, impulse and source of power in the state building. This performance implies a considerable transformation in the parties’ teams, their positions and their organization. There is here a lasting interweaving, which, as we said, comes from the beginning of our independent history and which is reformulated in the different foundational moments, sealing a system composed by “parties of state” and a “state of parties”. f) This equation precedes and presides the formation of the bureaucratic classes, which is also a structural element of the state, with different characteristics and times both for the military regiments and for the civilians, as long as political subordination and dependency with regard to the parties is consolidated, while goes through different phases and features the state and public administration development. As we said, for good or bad, this is a formative feature that favors the development of democracy and is at the same time a cause for the virtues and the defects of the bureaucratic body. g) As a basic statement– enabling condition and demonstrative result of the state power and autonomy– it should be noted the expansion of the public fiscal area and its apparatuses which are crucial pieces for the economic circulation. We should mention, at least: unified currency, with state emission and discipline, taxes, capacity for collecting taxes and for public appropriation of the customs income, that are both, constitutive factors of sovereignty. There is here a sinuous dynamics, in which the affirmation of authority weighs, but requires a certain degree of acceptance and of consensus on the part of the economic agents and of the social actors, remitting to a bunch of resistances and on the other hand, to a kind of “coalition”, through a movement of forces that mould the fiscal policy, its conditions and its limits. Some other important elements are added to this, as the rulers’ and civil servants salary, the order of both expenses and administrative accounting, the credit and banking system organization –with a strategic network of state banks– plus a series of general and regulatory instruments. h) The consolidation of the state goes through processes of national integration, which include the political and social integration, as well as the territory and market unification –with the layout of communication and means of transport networks–

knotted with specific elements of symbolic, ideological, and cultural integration, in a complex package that build the national identity.

That Uruguayan “nationality” –which has in politics its main axis– will be a contradictory compound, with three types of ingredients to be taken into account. In the first place, elements of diversity: those that refer to the party cleavages, from which the foundational process takes place and that will be fully incorporated as pieces of the new political association. In second place, elements of differentiation, which work toward outside and inside, notoriously, in the definitions of immigration and in the bonds with the closest neighbors (the closest and the more likely, greater need and greater possibilities for highlighting differences, as our mirror relationship with Buenos Aires demonstrates). Finally, elements of unity and certain factors of homogeneity: symbols and symbolic rituals, narrations that make and remake the fatherland history and build up its tradition (its “legends”, its achievements and its scars), common education and development of the vernacular *intelligenza*, academic formation, technical accumulation, development of modern skills and artistic creations. A field is opened thus –competitive and conflictive– of ideological activism and communicative propagation, with a linkage of elite products and popular animation, that aims to read the past in order to recognize the present and to throw lines to future, nourishes the collective imaginary, the culture and the civic spirit, contributes to build sociability and socialization, as a back up for the national building project.

3.2. Del estado “ampliado” al estado “social”

In addition to these elements, the construction of public services in the first batllismo period becomes a constitutive piece of the national state (Nahum 1993). In effect, from a conceptual point of view, in the historical periods and in terms of structure, it is necessary to state the difference between the matrix factors of the statehood and the expansion of public services. We are in front of different functions, that are unfolded formalized in different moments, although for certain courses and case to case, the demarcation is blurry and might turn out to be complicated.

Nevertheless, the Uruguayan itinerary shows to this respect a singular linkage that has lasting historical repercussions. Undoubtedly, the state building process goes through a first phase that crosses the last section of the 19th century and arrives to the threshold of the 20th century. However and following what was observed, the consolidation of the state and its effectiveness as a political center, was to be reached recently, during the epoch of the batllismo. The pending meet here with an equally original expansion of the public sector, an impulse that also intervenes in the state consolidation and shapes from the beginning its role, its silhouette and its outline of legitimacy. What in other countries could be done in more or less distant historical phases, in ours has a relatively immediate connection. If using comparative terms, we have arrived “late” to the making of the national state and the capitalism; the coordinates of history, our own weaknesses and the decisive impulse of politics, allowed us to arrive “early” to the building of the state “expanded”. The new public installations and the “nationalization” they imply, will be an original mark of the “rising nation”.

Due to reasons that generally remit to our internal texture and to the condition of “small” country, to the international location and to purposes of “rationality” and sovereignty in the management of the resources¹³, there will be in that beginning –as the batllistas explicitly proposed – an affirmation of the state and a principle of predominance of politics –both of politicians and parties– in what has to do with the construction and to the regulation of the national order, of the economy and of society itself, through a powers system that prompts the model of development and contributes to design the model of democracy. By the end of the twenties and with the crisis of the thirties a new phase is opened, that lasts up to the sixties. What for several interpretations and in a perspective that has been accepted by the “common sense”, is a simple extension of the initial batllista– through an “repetitive” experience, with little capacity of innovation and little fortune– supposes nevertheless the establishment of a new kind of state backed up by the preceding building, but extending it, in a framework of change and continuity.

If the Constitution of 1917 was our foundational document in which refers to the design of the political system, the Constitution of 1934 will be our foundational document in which refers to the design of the “social” state. This it is the second constitutive act of

¹³ Regarding to this, see Solari and Franco (1977), Jacob (1988) and Nahum (1993)

the twentieth century, which contributed to organize a regulatory platform that was going to be revised with the reforms of 1966 and 1996.

To be exact, the new push begins before the constitutional edition of 1934. In order to establish the periods, we can take into account the foundation dates of the Frigorífico Nacional (1928) and ANCAP (1931), as symbolic milestones of a work that develops in the decade of 1930 –during Terra’s dictatorship– and that is widened with the return to democracy, from the years 1940 on.

Otherwise and this is a determinant characteristic, the process not only does imply a development of the state and the public sector in strict sense, but also a new configuration of the non-state public institutions, as well as another system of articulation with the civil organizations, the economic agents and the unions.

This architecture and management guidelines at work provide the keys of the “social” state and of its junction with our “peripheral” keynesianism that takes off as model of development toward the end of the 1920’s and with the crisis of 1930, prospering in the neo-batllista period.

We will have then a “expanded” state with a redefinition of the borders between the public thing and the private thing, that leads to the extension of the “political government of the economy”, with renewed society and market regulation guidelines, which at the same time promote other ways of making politics and other legitimacy patterns, as well as a change in the parties’ work. In impressionist terms, the references to “the politicization of the economy” and the “commercialization of politics”, provide an idea of these turns.

This system implies a renewed performance of the strategic lines that characterize the historical phase of development “toward inside”, going through a double play between the control of the foreign trade and the reinforcement of the internal market. Particularly: a) public production of goods and services; b) non commercial regulation of the economy and of social reproduction; c) “codification” of class relationships. Which comes accompanied by a strong relationship between the state, politics and society.

3.3. The circles of the public space.

In terms both of political structure and functions –in what concerns to the national level and leaving aside the departmental governments– this system is unfolded in three circles, drawing an institutional geometry and a network of powers that are characteristics of the state and of the public space in Uruguay. They are concentric circles, in a continuous from centralization to decentralization, with different statutes related to specialization, the legal status and the degrees of autonomy, as to the participating actors and to the formats of representation. This institutional map covers a complex political composition.

First circle. The first one of the circles is composed by the agencies of the government and the central government, the Legislative Power, the Executive Power and its departments. This is a field of the parties, through elections and proportional representation. The executive apparatuses remain in hands of the victorious party, except for some experiences of coalition and the periods in which the co-participation arrives to the “collegiate” and to the departments.

This sphere also includes the Judicial Power and the other control institutions (Corte Electoral, Tribunal de Cuentas, Tribunal de lo Contencioso Administrativo), whose member are appointed by the Parliament, with intervention and eventually with explicit or implicit parties representation, keeping the independence of the judgeship and of the “technical” autonomy of the other agencies.

Inside this circle there will be a strong development of the executive apparatuses, as one of the most active centers of the “economic policy” and as long as the “control” and the intervention of the state in the market and in the society increases, by means of a various and extensive spectrum of instruments of regulation, through regulation decrees and singular administrative acts. There will be therefore a greater number of departments and of decentralized sections, as well as a number of specialized committees, that operate as “bureaucratic rings” (Fernando Henrique Cardoso) and intervene in the decision-making processes, allowing room to systematic links (consultations, conflict negotiation, agreements), between the official agents and the representatives of the groups involved.

The Parliament “competes” with the executive centres, like an organ of co-government and participant in the regulation, through laws and of multiple acts of mediation. This was done during several decades in terms of certain balance of powers – better than the ones in another contemporary system– by virtue of the legal regulation and

due to the Parliament composition: given the weight the proportional representation and the parties' fragmentary texture have in the legislative management and in the processing of demands, through a game of majorities and minorities, which determines the Chambers relationship with the Executive and limits the supports the latter has. In addition, the same legality inherent to the model of development and the Keynesian regulation left extensive margins for this type of participation, the politics responding to interests from sectors and the particularistic approaches. The growing "athletics" of the administration and the successive constitutional dispositions (since the Constitution of 1934 on), they tend to limit the Parliament's initiative and decision. Nevertheless, the institutional imbalance and the "rationalization" of the parliamentary work thus outlined, become more necessary and significant with the model's crisis and since the 1960's reforms.

In the stat central triangle, the Judicial Power finds contradictory inclinations. Though legal regulations and the codes in strategic matters whose application appeals eventually to the jurisdictional processes increase considerably, many of the social and economic conflicts start to be solved through political decisions, compensatory and preventive assignments, arbitrations and commitments, in the diverse institutional canals the expanded public sector provides. Therefore and unlike the liberal schemes, resources in the judicial activity will be less in terms of quantity and incidence.

Second circle. The second circle is composed with the administration decentralized agencies as well as the autonomous entities (Entes Autonomos), that constitute strategic and characteristic pieces.

In effect, in the horizon of the epoch and in comparative terms, the state enlargements go basically through two roads, which produce different models of configuration of the public sector and therefore different power equations. In one line, executive departments depending on the Ministries and directly connected to central government – although with different degrees of autonomy- are reinforced. In another line, specialized agencies, with different denominations and different degree of autonomy with respect to the central government, are separately organized. Each case implies at the same different type of relations with the Parliament. The first line is more common in the Anglo-Saxon world and the second in continental Europe, although there are experiences of one or another kind in almost all the countries.

In Uruguay there will be some ministry – organized services, as typically occurs with public health. But most of them –the “commercial and industrial dominion”, the state banks, the university and the other levels of public teaching, as well as an important segment of social security–configure a wide stripe of autonomous entities and decentralized services. This is explicitly stated in the Constitution, that outlines the basic statute of these agencies (norms on creation and suppression, appointment and dismissal of authorities, degrees of autonomy, controls, private capital participation, etc).

Such design attends to reasons of technical order and to an organizational model, which is considered appropriate to the “specialization” of those entities. But it responds to the political determinants and is based on a fundamental purpose of powers distribution. The enlargement of the state does not come to reinforce the central structure of the Executive Power, neither to favor exclusively to the party in the office. In its different phases and for the different cases, this enlargement will be authorized by compromise agreements among the parties and remains subject to premises of decentralization and of co-participation, with relatively autonomous and bi-partisan integrated boards, which are usually collegiate. The rule of the decentralization is stated in the article 100 of 1917 Constitution, as part of the constitutive agreement. The rule of co-participation –that comes from preceding foundational pushes, is affirmed in this way with the subsequent arrangements (as the “Pacto del Chinchulín” that leads to the creation of ANCAP in 1931)– and obtains then a constitutional consecration, the boards of directors appointment procedures are regulated.

This state has effects of democratic order, because it assures the political direction of the public services by doing it in a way that limits the concentration of powers in the executive head, allowing the entrance of the co-participation. The entities function in a relatively autonomous way in relation to the Executive, but the latter preserves political orientation and control possibilities, with competence in the selection of the boards of directors and particularly of their presidents. Although this plan damages the Ministries –they lose faculties and resources– makes the Entes operate with their own profile, as separated public policies centers. The parties and parties’ sectors have likewise generally proportional, direct access to their parliamentary seats, in a regime of majority and minority, being able to intervene in the appointments and in the management, in the management of resources and in the patronage

networks. This all moulds the development of the public sector professional bodies by limiting the bureaucracies' differentiated logic and their own powers.

The political rationality of this structure worked well for a long time, as long as it followed efficiency and public service patterns, with a competitive and competent staff, this means, men committed to their tasks and to the national significance of their function. This will be very evident in the inaugural episodes of the first batllismo –before co-participation started– that included emblematic figures in the public sector building. A similar spirit was cultivated during the Terra's regime and in the beginnings of the second batllismo. The crisis that began in the fifties lead to a change of mood which allowed the possibilities of perversion the system implied to propagate. The *colorados's* next reactions and the *blanco's* alternation, in the framework of the second collegiate government, will strengthen the critical points as well as certain vices: roads of reform are not going to be found, the *Entes* are going to work as relatively “separated” political decisions centers, while losing efficiency and legitimacy in the management and the patronage practices multiply at the time their the criteria for recruitment.

Although not uniform, the deterioration of the civil service registered in these years is going to generate critical judgments and different proposals for reform, which are going to take place in the 1960's and nowadays also. This fed a negative common sense, that acquired more extensive projections: backwards, including without distinction all the experiences of the second batllismo; toward the system as a whole, by attacking the control of politics on the activity of the public sector and on the regulation of the private world. The right and the left share very similar opinions to this respect.

Third circle. The third circle is composed of various pieces of “non state public subjects”, including some private companies of public interest.¹⁴ They are “intermediate agencies” (according to Keynes) –where there is an intersection between public and private thing– which work mainly as instances of regulation –in particular fields– and are in charge of some tasks related to economic production and to social services.¹⁵

¹⁴ This is about borderline institutions, between private and public spheres, difficult to be labelled within classical distinctions, which grow in the world since the 1920's as pieces of the new models of regulation.

¹⁵ A variety of organisms can be included here, from the Frigorífico Nacional (since the batllista formula proposing its organization as a decentralized service did not prosper) up to the Consejos de Salarios, nsurances by branch, and several para-state organisms (Asignaciones familiares, Desocupacion, Jubilaciones Bancarias, Profesional y Notarial) and many specialized committees.

Whether in the second circle co-participation predominates, in the third one the parties' members alternate with the union agents, giving rise to a "corporative co-participation" (Lanzaro 1986 and 1993). In a democratic system, liberal and pluralist, with parties predominance, a collective classes representation is thus designed, have access through this way to a status of public authority and participate directly in the decision-making processes. This it is one of the constitutive notes of the "social" state and of its "deep-rooted" character that can also be found in many other countries of the Keynesian universe at that time and in a remarkable way in some comparatively "small" nations.

In Uruguay, as in those regions, this segment expands the democratic design and is a key piece of our reasonable "organized" capitalism. The activities here accomplished and especially, the economic and social regulation processes are not the result of unilateral authority acts of or of the performance of the state alone: they pass through gears of direct participation of the sectors involved and because of this they achieve greater effectiveness, in a plan whose own logic carries to draw lines of segmentation (inclusion-exclusion) and promotes a selective processing of interests, discrimination and privileges.

This circle is expanded from the crisis of the '30s, by means of a movement of institutional additions that marks an important difference with the preceding public structures and accompanies the set in motion of new development strategies. The corporate co-participation initially benefits to the entrepreneurs sector, whose representatives are to be installed in a series of apparatuses that deal with public policies, protectionist interventions and sectors' market arrangements. Since 1940's that co-participation is extended to the workers, in the tripartite or bipartisan integration agencies which seek "to institutionalize" the class conflict in the branches of the private activity, through the labor bargaining, the salary regulation and the labor force social reproduction. Thanks to their growing establishment in the unions and as union representatives, by this way, the left groups' militants will have access to those centers, with possibilities to intervene in the administration of resources and with some advantages in terms of patronage. This affects at the same time the union's consolidation (as mediation and service apparatuses), favoring to the political sectors in control of them. There will be thus a "corporative" left with a scarce electoral support, but inserted in the system and sharing certain dose of power.

With such profiles, this network becomes an important component of the powers net, the “political market” and the engineering of compromises that encourages the equations of the second batllismo.

4. Political changes and state reform in the last decades of the 20th century

By the end of the 1950's and throughout the 1960's this model enters a serious crisis, externally conditioned and derived from a change in the international insertion but also contained in the model own logic which responds to the development of the subsequent political dynamics. The virtues and the functionality that model could have in its moment, show at the same time fracture lines, that emerge since 1958, when the batllista coalition broke up (Lanzaro 1991).

The Uruguayan history in the end of the century is marked by the efforts to establish an alternative model, by means of a very difficult, troubled and long process, that is crossed by a succession of important political changes. Schematically, that process develops in two moments: a) during the decade of 1960 and b) after the return to democracy, from 1985 and above all with the turn of 1989. These are crossroads of different significance and even of different reformist sign whose results accumulate and ended up producing significant transformations, in the economy, in politics and in the state. Unlike what occurred in Chile, the dictatorship did not go further in the “foundational” tasks. However, it left certain marks, that work as a bridge between some of the preceding tendencies and the ones that are later fostered.

4.1. The reformist cycle of the 60's.

In the first of these periods what stands out are the theories of development, inspired by the CEPAL and by ideas that enjoyed in those years a more general acceptance, following the European experiences and particularly, the French example that was admired even in the

U.S. These trends proposed a significant renewal of the preceding models, although not necessarily a radical break, above all in what concerns to the state, like the one to be presented in the future. On the contrary, they maintained the state and government centrality to promote development, certainly by recreating the public structures and the management procedures. Greater political autonomy and centralized conduction, planning, sector oriented and general programs, technical rationalization and specialized teams, public administration reform in order to reconstruct a competent bureaucracy (“weberian”) and to organize at the same time the “administration for development”, were some of the greater keys of this reformist push. Such instruments would allow to foster substantive changes in the economic platform, especially, a new industrialization plan and even a controversial “reform of the rural structures”, giving privileges to exports and recreating the internal market, even though with opening policies, by means of productivity achievements and adjusted guidelines of competence, in a package that included a series of reforms in strategic areas (from the education to the social security). The proposals presented as a departure point a criticism of the previous model, underlined its “exhaustion”, its limitations and the vices it had acquired, being particularly against the perverse uses of protectionism and the economic inefficiency they generated.

An ambitious program is thus outlined, characterized by a “full” reformism that was inspired by a global spirit, which, appeared as a common characteristic of the worldwide circulating ideas at that time, along with confidence in planning. The work of the CIDE –a significant milestone in the national path (Garcé 2002)– is the conspicuous expression of that perspective, which was located in the context of a generalized critical process, in which multiple inspiring productions multiplied with the aim of rethinking the country and its history, debating on the Uruguay as a whole.

Such statements explicitly appealed to a reformist coalition, which could not be put into practice. On the contrary, the displayed patterns of competence– both at the parties and unions level– lead to a political blockade and to a growing polarization, with approximations among sectors to the right, landslides toward the left and obstacles to generate options for the center.

The Constitutional Reform of 1966 wanted to deal with the political crisis and thus incorporated at the same time programmatic and institutional initiatives, which responded to a

reformist impulse, introducing important changes in the government and in the state: lines of political centralization and concentration of decisions in the head of the Executive (that passed again from the collegiate to the individual presidency), decrease of the autonomy of the public services and local governments, redefinition of the Ministries and new planning and regulation agencies, budget by program, norms and offices for the civil service, institutes to coordinate social services.

Some of the lines of that normative production –particularly the impulses of centralization– are going to be applied immediately, mainly with the authoritarian bonapartism of Pacheco and with greater virulence under the dictatorship. With the return to democracy the design will have another effectiveness and other projections, in a picture with political changes and different re-foundational ideas, which are going to sharp the “liberal option”, in what refers to the economic model and the state reform.

There is therefore certain continuity among the episodes of the sixties and the current processes–as it is highlighted by some political arguments and academic interpretations (Garcé 2000)– but it is also true that we are in a new historic phase and in front of other kind of reform plans, with important ruptures and breaks.

4.2. The “second” transition

Immediately after the transition to democracy Uruguay enters a “second” transition (Lanzaro 2000) that takes place in that rotation of epoch by which the entire world goes through and which is translated into a substantive historical change. That process is marked by the linking of two phenomena: a) First, the re-alignment of the parties system, which abandons the traditional two-party control and enters in a moderate multi-party system, that will pass from a “triangular” politics to a “bipolar” geometry due to the development of the left nucleated in the *Frente Amplio* and to the relationship between *blancos* and *colorados*. There will be consequently an important recreation of pluralist dynamics, other competence patterns and new kinds of government, in a presidential regime that takes up again the compromise practices and responds to new experiences of coalition. This process flows into the Constitutional Reform of 1996 that modifies some of the original bases of the political

system, especially the electoral regime built at the beginning of the twentieth century as well as the formats of co- participation.

B) Second, a complex series of structural reforms that seeks to settle a new development model, by prompting significant changes in the economy and the market, in society and in culture. In this picture, the state reform is –once more– strategic piece and conflictive knot.

It is in this movement that we become similar to and at the same time different from the other regional countries, by virtue of the distinctive mark of the reforms and their political principle. In effect, in general terms we enter a historic cycle of recovery of liberalism and of trade logics, through ideological productions that acquire certain hegemony and impose their predominance in the economy and in the social relations, in the scientific disciplines and in the civic debate, with determinant consequences in what concerns to politics and to the state, its functions and its structure, the bonds with the market and the balance between public thing and private spheres.

Nevertheless, Uruguay returns in its vein of “softening” society (*sociedad amortiguadora*) and these processes are adjusted to a gradualist and moderate engineering that reduces the impulses of liberalization. Undoubtedly, this has to do with the weight historic traditions and traces of culture have, with those marks drawn in the foundational path and in the events of the 20th century we have summarized so far (although the country does not escape to the critical changes and to the “cultural revolution” displayed in the world with the boom of liberalism). Another fact that weighs is that Uruguay has not had that to face peaks of crisis or severe political disorders, like the ones that lead to authorize in other countries a drastic “adjustment” and more radical measures. The reformist dynamics passes in any case by a ideological competence and it is in particular a result of power relationships: a result of both the veto of some social actors and the citizenship participation, but above all of the competence between the parties and the government grammar.

The transition is carried out therefore “in the Uruguayan way” and based on political coordinates that make the difference, if we compare with other itineraries, inside and outside Latin America. To expand this idea, it is important to highlight the most important distinctive features: a) The structural reforms are mainly carried out in democracy –not in an authoritarian regime– and in a democracy that sharpens its pluralist characteristics, far from the majority designs and populist equations. b) The parties system recovers its strength and

centrality, assuming the direction of the process, while suffers in itself a considerable mutation. The cycles of change are used to being favorable to crisis and in the present historical moment –that seriously modifies the coordinates of politics– there are parties and even systems as a whole, that enter in a phase of decadence. This does not happen in our case, although the parties and the system go through important adjustments and transformations. It is not a process without parties, neither with marginalized or “colonized” parties. The income of a third force causes both re-compositions and electoral landslides, but does not lead to the exit of other members, as it has occurred in the historical journey of several countries. *Blancos* and *colorados* continue in career and they maintain even the initiative, although its electoral volume has decreased and they face serious challenges. With what the left is moving into in a picture of demanding competence, with positive democratic effects for the whole system as well as for its own development¹⁶. c) The competence among parties is crossed with practices of pressure from the social and economic actors. And particularly alternate with several direct democracy exercises, through plebiscites and referendums, which have served to interpose vetoes or for agitate a “potential of threat”: trying make valuable in the civic court an opposition that does not achieve result in the representative circuits or by means of the traditional uses masses mobilization.

This combination of factors and particularly, the patterns of competence, cooperation and opposition between the parties and parties’ sectors, has a direct repercussion in the processes of government, giving rise to institutional relations of certain equilibrium among the presidential leadership, the executive performances and the Parliament performance (that has a more “proactive” a role than in other countries). In general terms, the balance of powers moulds the shape of the reforms and their political orientation. The initiatives are object of an anticipated regulation and go through for a sieve of contentions, negotiation and compromises –“brakes and counterweights”– which have an impact in that “increasing” tonic, gradualist and moderate that feature the engineering of the reforms.

5. The silhouette of the state on the threshold of the 21st century.

¹⁶ For an analysis in the mutations within the parties system, see Lanzaro 2003.

In that long road and through the scales we have already explained –in a process that is still open– both politics and the state change. In schematic terms and postponing a more comprehensive inventory, we can indicate some prominent characteristics of the experienced transformation.

5.1. Centralization and decentralization

The first element that stands out is the centralization in the political command and in the institutional architecture. This tendency comes from the reformist initiatives in the 1960s, goes through authoritarian chapters –the “pachecato” and the dictatorship– and redefines itself from 1985 on. Since that date we enter a cycle of democratic centralism, which is associated to the changes the ways political practices assume and to the new reformist views as well.

The centralization accompanies the efforts to assure the consistency and the relative autonomy of the government. This movement confronts the centrifuges effects of the public structure built throughout the 20th century, composed of multiple agencies of decision able to operate as so many more other agents in the dispute for the management of resources. In those terms centralization is a political resource tending to put into practice a series of innovations – “negative” and “positive”– inherent to the cycle of a neo-liberal transition: referred to fiscal discipline and the parameters of economic regulation, the change in public policies and the restructuring of the state.

This is the dominant tonic. But those same plans –that reinforce the political influence and the institutional control– are not free of contradictions: in effect, the reform impulses – oriented toward the market– appeal at their turn to a decentralization of new type, be through the re-organization of the public sector, be through the privatizations and of the tercerization.

There are here new editions of presidential leadership and a concentration of the decision-making processes in the executive head, hat means the predominance of those agencies responsible for the “economic conduction” (Ministerio de Economía, OPP, Banco Central). This establishes ranks of hierarchy within the ministerial team and tends to sharpen the institutional imbalance in the relations with the Parliament.

Centralism is shown also in its way in the decentralized administration and in the departmental governments. The Entes that are part of the second circle of the state preserve

certain margins of autonomy and their bonds with the central government are not exempt of tensions. The tendency for public enterprises to operate as market agents displays strong requests in that sense. Functional to this, there will be even some agency with a previous degree of autonomy, like the Postal Service, which became a decentralized service. However, there are in general more incisive lines of conduction and monitoring, that have incidence in the hierarchy selection of the and in the reform guidelines, in the current management and in the political orientation of services and tariffs, within the general framework of management of the “macroeconomic variable” and administration of the state financial equilibrium. That combination of hierarchy and autonomy, moulds at the same time the triangle of relations among the decentralized agencies, the Executive Power and the Parliament.

The exercises of guardianship remain in the hands both of the presidency and the “economic team”, keeping distance, if not in conflict, with the related ministers. As part of a more extensive change in the types of regulation, in 2001 the first specialized agencies are going to be instituted, with controlling functions on the fields of the strategic businesses (communications, electric power). These new units depend on the OPP and they do not have as in other countries, a decentralized location.

Ultimately the number of members in the boards of directors has been reduced and therefore the amplitude of the partisan representation. And what is more important, in having success the parties system realignment there has been a substantial alteration of the secular principle of co- participation: this expedient no longer enables the entrance of representatives from the opposition, in such position, but is associated to the positions of support to the government and becomes a piece in the formation of coalitions. This mutation –that modifies one of the constitutive bases of the political regime– was imposed first through practice (since 1990) and was then consecrated by the Constitutional Reform of 1996.

Within the stripe of the not state public figures there will be movements in different directions. Several entities part of that circle is going to disappear, as occurred with the Frigorífico Nacional or with the Consejos de Salarios, which followed a sinuous road¹⁷. Other

¹⁷ During Pacheco’s mandate, the Consejos de Salarios were replaced by a central regulation of prices and salaries committee (COPRIN). They return in the period of democratic restoration as an instrument to normalize working relationships and to rehabilitate the trade unions. But they ended up disappearing , once the private salaries is in the market’s hands.

regulatory agencies will be object of a “*statization*” process. This is what happened with the monetary and banking control, with the creation of the Banco Central and the absorption of the old Department of Emission of the Banco Republica (that functioned with direct representation of the private bankers). This is what happened subsequently with the services of unemployment, family assignments and insurances, that are going to be part of the orbit of the Banco de Prevision Social (in whose board of directors there are nevertheless representatives of businessmen, workers and retired people). The para-state funds remained; they escaped to the general reform of the social security, at least transitorily and as long as they continue corresponding to strong corporate groups.

Beyond these cases, on one or another road, the previous types of corporate participation tend to be eliminated and especially the tripartite organs of discipline of the labor force, that served in its moment to institutionalize class relations and were gears of the not commercial regulation of the economy, acting as important ganglions of the system of compromises that prospered from the thirties and during the second *batllismo*. The change is significant and symbolic, so much in which concerns to the guidelines of the state action, as to the political networks and concretely, to the bonds with the economic agents and the union organizations.

Set against the drops registered, there are in parallel other creations and several existing entities pass to integrate the list of the not state public entities¹⁸, in a centrifuge movement and with a more autonomous and flexible statute, which aims to generate changes in the financing, management and relation with the market.

5.2. Hard and soft privatization

Although up to now “hard” privatization has been more limited than in other countries, it is one of the characteristic tendencies of the current processes of reform and has reached to several public entities, in a partial, total or “peripheral” way: through the liquidation of some agencies, concessions or associations, with measures of “*tercerización*” and contracting out. This is a generalized movement, which transfers new and old tasks –considered “substantive” and “not substantive”– to the private agents, the parallel networks of consultants and the non-

¹⁸ Consejo de Subsistencias, Imprenta Nacional, LATU, Plan Agropecuario, INIA.

governmental organizations (NGOs). In certain cases there is an open passage to the market and the enterprises. In other cases there is participation from entities that belong to the “civil society”, in “good” privatization formulae that enjoy prestige in the anti-state centers (from the international agencies, like the BID or the World Bank, to left-wing sectors). These two ways are not the same but they turn out to be equivalent, since both come in fact to lower the institutional dominion of the state and the political control of the privatized activities.

However, privatization does not get to the major nucleus of the strategic businesses, banks and services provided by the state. The political dynamics and particularly the inter and intra partisan competence, has been useful to limit the movements in that direction and in general terms we have traveled, as we have indicated, by a road of gradualism and moderate liberalization. Due to the political center positions of the own government, as happened in the two presidencies of Sanguinetti, with a little more pro state tonic and some reforms that maintain the presence of the public sector and even contribute to affirm it (education, social security). Due to the governments of greater liberal pretension, like Jorge Batlle’s or Lacalle’s. In these two cases, besides the contentions and auto-contentions derived from the parties in the circuit of the representative institutions, there were as it is known resources like popular referendum, that imply the appeal to a direct civic pronouncement.¹⁹

Thus, the Uruguayan reformism is mainly located in the axis of the state modernization and tends to continue the trend of a “soft” privatization. There will be in effect a restructuring processes series, of diverse rhythms and achievements (by “spots”, with greater delay in the Ministries, Entes or in other institutional territories and with a minor consistency in which concerns to the administrative reform). In several cases such processes improve –sometimes in a significant way– the position and the performance of the public entities, particularly the major enterprises, some state banks and certain social services. At the same time, several areas of activity remain subject to both the competence and the participation of the private agents –on their own or associated– dismantling or trying to dismantle the preceding monopolies. The public services would thus become more competent, in a more competitive

¹⁹ In 1992, with the law that authorized the public enterprises privatisation and particularly to sell ANTEL, was derogated by an overwhelming amount of votes (about the 70%), in a plebiscite, which operated since then as a symbolic barrier to similar initiatives. In 2003 an important majority (about 60%) also derogated through another referendum a less ambitious law, that was even negotiated in the Parliament with groups from the left, which allowed ANCAP to start partnerships with private capitals.

setting, in the national territory and facing the new coordinates of regionalism and “globalization”.

With these openings and even without them, other patterns of public management are opened, that tend to value the economic and “technical” rationality against the political one, seeking to impose managerial and pro-privatization criteria against the bureaucratic uses,²⁰ responding to a mercantile logic, set against the logic of the public utility, that transforms the citizens and users in simple “clients”.

They are certainly troubled movements, which do not necessarily fit in a uniform and unique script, remitting to a disjunction –in which many of reform proposals agree– that aims at providing autonomy to economics and to separate it from politics. This does not only operate in the state-market relations, but also -since full privatization does not fit- in the *cuasi*-markets space and to preside the functioning of what is maintained in the public sector. This is also about separating social policies from operative management in enterprises and services, in an explicit differentiation of objectives and actions.

These processes imply an increasing power for managers and technicians, competing with the bureaucratic frameworks and in coalition but also in struggle with the political teams. But the services conduction continues in hands of the partisan teams, which maintain their own logics, toward in and out, connected with the decision-making nuclei of the central government, with the remaining political system and the civic public. In more than one case, the boards of directors and above all the presidency of the state entities will be exercised by competent and very active figures, that assume the leadership and the political negotiation of the reforms, by means of a performance that recovers the better traditions of conduction in the public sector and evokes the similar previous paths, mainly the ones during the batllismo.

5.3. Deregulation and re-regulation.

We cannot analyze here the new ways of regulation that have been outlined. It is worth while indicate that, if on the one hand the current changes consist of a deregulation – leading to the retreat of the state direct intervention and a “return” to the market in certain areas–many traditional mechanisms of regulation are however maintained, while other

²⁰ Perhaps with the guidelines proposed by the *new public management* (See Narbono and Ramos 1999)

requests arise, that conduct to new practices of that order, to the “coordination” and to the “re-regulation”. The expansion of the market in the domestic environment, with private or privatized activities, originates a renewed demand in this order. Additionally, it is necessary to take into account the foreign trade, the regional integration and of the international displacements needs. In such way, it is the own impulse of restructuring the economy and of state reform the one that presents new codifications and new demands of political intervention, although certainly with criteria of change.

This movement corresponds well to the current reformist approaches that propose an expansion and a change of orientation in the regulatory functions that would come to replace the typical practices of the Keynesian regulation. This public course of action is not perfect and the government faces permanent requests. In fact, we can say that even the development of the functions of regulation, in traditional fields and in new matters, with institutions, teams, norms and adequate instruments, is in great measure one of the debts of modernization.

5.4. “External” regulation and regulation by competence.

As we have already said it exists a wide range of both old practices and new processes of regulation, that are dealt with in the traditional agencies (particularly in the Ministries) and in the planning offices founded in the sixties, but which also lead to the creation of *superintendencias* and of other specialized sections.

In the orthodox formulae, the accent in regulation functions should be accompanied by the shrinking (rolling back) of the state direct participation in the production of goods and services. The new formats of a “regulating” state should displace the “businessman” or “maker” state. This is clearly a “neo-liberal” idea, since it implies a return to the classical models and particularly, to the formulae of the 19th Century liberalism in which the state was expected to play a role as a “external” political center, regulator to distance both of the society and the economy, providing the “guarantees” for the market and the rules of competence, without interfering however in its “autonomy”. These echoes have sounded again in the last times, with the necessary updating and accusing the effects of the transformations accumulated throughout the 20th century. The political responsibility of the state and its condition as guarantor of the general interest are admitted anyways, in what has to do with the

essential assignments and with the indispensable public utilities. But this reclines in the “main-agent” formula, what means that the state should watch for the effective fulfillment of those functions and for the citizens’ interest, but not necessarily should assume by itself the direct installment of those services. On the contrary, the society and the economy are supposed to gain in terms of efficiency and costs, if such tasks are carried out a decentralized way, if they are “returned” al market and to the private agents, if they remain in charge of non-governmental organizations or they are transferred to municipalities or to other regional instances.

This approach leads to offer greater autonomy to the central banks and to create regulating agencies independent from the political power and from the events of democracy as possible, preferably membered by “technical” priests, depositories of a rational knowledge and interpreters of the general interest, who are to promote the free competition, to pursue the monopolies and to defend the consumer’s rights. These steps arise the classical question, this is, to know who controls the controllers and how.

In the Uruguayan case good part of the strategic economic activities and of the public utilities remain in the hands of the state and particularly of the autonomous entities-*entes autonomos*. In the areas of free market and with more reason in those where the pre-existing state monopolies have been eliminated, public agencies are maintained if develop a competitive action, faced to the private capital and to the eventual monopolistic or *oligopolic* performances the latter does not stop exercising. Without excluding the tools of exterior control, this continuity of state and public agents allows to develop a regulation by direct competence, effective and in fact more efficient. This situates the state and the public sector in a better position, with democratic advantages, control of strategic resources and greater possibilities to guide the installment of services. In these situations, so that the public entities are not at the same time “judge and part”, it is used the creation of independent and specialized regulating agencies, like the ones that have pioneered in our country in the area of the telecommunications and of the energy.

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ABSTRACT

This article looks at the process of construction of the Uruguayan State, its evolution over the course of the 20th century and the transformations in state structures that have taken place in recent decades. The historically-grounded approach adopted in this study focuses on the close articulation between the State, political parties and democracy. This analysis of the evolution of the Uruguayan State thus seeks to engage in a permanent dialogue with the constitutive and original elements of Uruguayan pluralism. The study also examines the role of the State in the process of national integration and the formation of collective identities, in particular through the expansion of the “social” State, starting from the beginning of the 20th century. The article goes on to cover the first reformist waves in the 1960s and ends with the “second” transition that took place during the final decade of the last century. This last part examines the different facets and characteristics of the end-of-the-century reform process in Uruguay: the tension between centralization and decentralization, between “hard” and “soft” models of privatization, and between deregulation and re-regulation.

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