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POPULISM AND HUMAN RIGHTS IN THEORY AND PRACTICE:
CHAVEZ'S VENEZUELA AND FUJIMORI'S PERU

by

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POPULISM AND HUMAN RIGHTS IN THEORY AND PRACTICE:
CHAVEZ'S VENEZUELA AND FUJIMORI'S PERU

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University of Nebraska, 2011

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Despite ample literature on the topic of populism itself, much less has been written on the specific relationship between populism and human rights. First, I discuss the relationship between populist ideology and human rights in theory. I argue that populism is inconsistent with human rights accounts because of its rejection of pluralism and vilification of the "other." Second, I explore the relationship between populism as a political strategy and its impact on human rights under two Latin American regimes. I argue that despite its tendency to produce short-term gains in economic and social development, a review of the two cases supports the claim that populism by its very nature tends to be adversarial towards basic civil and political human rights. This enmity is amplified when the populist regime exhausts the resources for generous social programs. Furthermore, the combination of a populist regime with a real security threat is found to be a particularly dire situation for human rights.

“Everything you conceive, everything you contemplate, will be good, great, elevated, sublime, if it accords with the general and common interest. There is no quality essential to your species apart from that which you demand from all your fellow men to ensure your happiness and theirs. I do not ever lose sight of it, or else you will find that your comprehension of the notions of goodness, justice, humanity and virtue grow dim.”
 -Diderot, *Encyclopédie*¹

Like many of the concepts in political philosophy and political science, the concept of populism can be identified with an apparent paradox. On the one hand, as the above quote by Diderot demonstrates, our understanding of democracy and legitimate political order is substantially based on the rule of the people, or popular sovereignty. On the other hand, our liberal conception of proper political order is based on the rule of law, which is specifically designed to prevent any one “people” from ruling indefinitely. Taken together, the seemingly contradictory logics of popular sovereignty and the rule of law constitute our contemporary understanding of constitutional democracy (Canonvan 2002; Abts and Rummens 2007). This seems paradoxical.

The two-strand model of constitutional, deliberative democracy holds that these two opposing ideas could, in practice, devolve into their own, independent logics. That is to say, a regime could exist that was based solely on the rule of law, and one could exist that was based solely on the idea of popular sovereignty (populism). Both regimes would, in a sense, be perversions of the kind of democracy that we have endorsed and implemented the world-over. But the logic of populism is at least partially contained within the logic of constitutional democracy, and so one can flow from the other.

It is for this reason that many authors have sought to defend manifestations of political populism as loud reminders that sovereignty does indeed rest with the people (Arditi 2003, 2007). Some, for example, have argued that populism arises in those states where sovereignty has been consolidated in the hands of a few elites. In these cases, it is argued, populist uprisings are healthy, good signs that the people are demanding a return of their sovereignty and a move towards democratic governance (Arditi 2003). Recent events in Egypt, Libya and other Middle Eastern states seem to lend credence to this view. This has led some authors to conclude that populism is a kind of redemptive force, a restoration of the true promise of democracy (Canovan 1999, 2002; Taggart 2000, 2004), or even the most pure form of democracy (Tännsjö 1992).

The purpose of this paper is to take issue with these favorable conceptions of populism, and to argue that the populist regime-type threatens certain core human rights. I divide my discussion of populism and its relationship into two parts. In the first part, I explore the theoretical content of populism. I argue that a fully populist political theory is antithetical to individual human rights for two reasons. First, I show that populism is based upon an explicit rejection of pluralism, a social quality that forms the basis for our justification for human rights. Second, I argue that populism's central belief in a homogenous popular body is inherently exclusionary. This exclusionary quality of populism, I argue, leads to a de-legitimization of political discussion and opposition, which in turn threatens certain well-established human rights. The conclusion of the first portion of this paper is that populism is theoretically inconsistent with and ultimately adversarial towards liberal conceptions of human rights. Despite some positive

characterizations of populism found in the literature, I argue that human rights advocates should be especially concerned when populist regimes take power.

In the second part of my paper, I begin to explore the concept of populism empirically. As the first portion would suggest, populism has indeed been correlated with human rights abuse, especially in states where existing democratic institutions are weak or newly-established. The populist regimes of Latin America, arguably the region of the world in which populism has been most strongly embraced, exemplify this tendency. Nonetheless, the regime of Hugo Chavez in Venezuela appears to be a marked exception to this rule. Despite thirteen years of the clear and self-proclaimed populism of the Chavez regime, Venezuela remains largely democratic, and human rights have not been abused to the degree that they were in other populist regimes.

In light of this peculiarity, I compare the Chavez regime with the neighboring regime of Alberto Fujimori in Peru. The populist regime of Fujimori followed a much more typical course, where the promises of popular sovereignty were rapidly replaced with a brutal form of authoritarianism. I provide an account of human rights abuses in both cases, with an emphasis on the populist strategy itself. Next, I argue that the variance between these two cases helps to illustrate two important independent variables that, I argue, have a substantial impact on the propensity for populism to lead to human rights abuse in general. First, I demonstrate that the oil-based Venezuelan economy combined with opportunistic nationalization policies have allowed the Chavez regime to finance generous social programs over the long-term, something that Fujimori lacked the capacity to do. Under Fujimori's regime, as the ability of the government to finance

generous social programs declined, abuses of civil and political rights sharply rose. Thus, I argue that the ability to finance generous, targeted social programs is negatively correlated with human rights abuse. Second, I show that Chavez was much less successful than Fujimori in using “threats to the people” as a justification for increased authoritarianism. In Peru, a real threat to internal security helped Fujimori maintain high approval ratings as he consolidated power and collapsed civil and political rights. In Venezuela, Chavez has been unable to unite the people behind any of the threats which he has identified, and therefore his march towards authoritarianism has been repeatedly and successfully challenged. Thus, I argue that the presence of a security threat of high salience is particularly dangerous for human rights when a populist regime is in power.

The identification of a relationship between these two variables and the abuse of human rights within populist regimes is a starting point for further research into the matter. If populism as a theory of politics is at odds with our liberal conception of human rights, then we have reason to engage in more in-depth and thorough research into how this adversarial relationship manifests itself in the real world. The comparison of the populist regimes of Fujimori and Chavez is a first-step in this direction, and it suggests at least two variables that have an impact.

Part One- Populism and Human Rights in Theory

In the following section, I will first defend a conceptualization of populism in which “the people” are treated as a homogenous unity that must be fully sovereign. The logic of this populist viewpoint has two central characteristics that threaten civil and

political rights. First, it explicitly rejects a pluralist conception of society, where heterogeneous groups with diverging and converging interests and values exist in a common political space. This pluralist conception of society is what gives birth to the need for inviolable private space, and the need for civil and political rights to ensure that no one group, including the state, is allowed to stamp-out or dominate another. Second, I argue that within the populist logic, the interests of the mythical homogenous society are deemed expressions of the general will, or specifications of what is good for everyone within the state. Those interests or viewpoints that do not accord with the general will are thus de-legitimized, and political discussion, engagement and debate are derided. This, I argue, puts opponents of the majority viewpoint at serious risk of persecution. These two characteristics of populism cast into serious doubt the claims of some authors that populism can function as a healthy rejuvenation of the democratic ideal. Instead, the coming to power of a populist regime puts civil and political rights at risk.

I- Defining Populism within Political Thought

The proper definition of populism has been a subject of much debate and disagreement. Since the prospects for formulating a consensus definition do not currently look very promising, it is necessary for each author discussing populism to describe in detail what specifically they are talking about. First, in much of the existing philosophical literature, the concept of populism tends to be equated with direct procedural or majoritarian democracy. William Riker's (1982) famous book on the shortcomings of majoritarian democracy, *Liberalism Against Populism*, is one such instance of this practice. Dahl (1989 pp.154) takes the same approach in *Democracy and*

Its Critics, equating populism with majoritarian democracy. It should be noted that these conceptions of populism are distinct from the one I am discussing in this paper. As Joshua Cohen (1986, pp. 28) has argued, even philosophy's most famous populist, Rousseau, was not committed to purely majoritarian democracy. Instead, I support the view of those authors who have understood populism not as something procedural but rather as something ideological (Canovan 1981, 1999, 2002; Taggart 2000; Laclau 1979; Abts and Rummens, 2007; Mény and Surel 2002; Mudde 2004).

In the second section of this paper, I will discuss various empirically-based definitions of populism. These definitions, as they have evolved over time, track the varied ways in which populism has manifested itself in the real world. But we are more concerned in this section with populism's position within political philosophy. The discussion of populism's empirical definition should help us identify a populist government when we see it, whereas this discussion should help us recognize a populist idea when we see it.

Two key concepts form the heart of the populist ideology: first, the "the people" and second, "sovereignty." Populism maintains distinct interpretations of these two concepts which distinguish it from other forms of political ideology like liberalism, Marxism or fascism. First, as has already been mentioned, populism conceives of the people as a unified, homogenous body. This mythical interpretation of society holds that such a body has a common will and a single interest. Individual interests are subsumed into the whole of the common interest. Rousseau described the condition of individual interests within this homogenous body with his famous line, advocating "the total alienation of each

associate, together with all his rights, to the whole community" (Rousseau 2001 [1762] §I.6, pp. 776). So individuals within the populist ideology are fully incorporated, entirely subsumed within the popular body. "The people, within populism are not some collection or assortment of individuals; instead, "The People" are one, unified thing.

From this conception of "the people" follows the populist conception of sovereignty. Sovereignty of the people means the direct expression of the people's will in the activities of the state. The liberal, constitutional understanding of representative democracy is rejected by the populist logic. It is not enough for the popular will to be represented, there instead needs to be true embodiment of the will in the state (Schmitt 1928). Leaders must not merely represent the people, they must *be* the people, they must be an actual embodiment of the general will. In other words, within populism there is an identity between rulers and subjects. As such, sovereignty of the people means *direct rule* of the popular will. This leads us to a definition of the populist ideology that was mentioned above: sovereignty must rest solely with the popular whole.

II- Populism and Human Rights

At first glance, populism might seem to be a positive force for human rights. When faced with totalitarian, repressive regimes, demands for a return of sovereignty to the people can be considered positive developments. Furthermore, if populists maintain that the common or general will should determine state activity, this rules-out any form of oligarchy in which narrow, minority interests dominate and subvert the wishes of the vast majority (Canovan 2002). Benjamin Arditi (2003, 2007) has argued that the crude

pragmatism of modern constitutional democracy needs to be occasionally disrupted by populist movements, as a way of reminding institutions that they are instruments of the popular will.

Conceiving of the people as a unified, sovereign whole might have some symbolic use for grounding democratic practice away from elites and back to the average person, but this function is akin to ingesting a little bit of poison to improve overall immunity. There are at least two significant ways in which populism is inconsistent with civil and political human rights, and for this reason we should be wary of populism, particularly in those places where liberal institutions are weak or newly-established. In these developing countries, with ill-established protections for human rights, populism presents at least two distinct challenges to human rights.

III ó Populism versus Pluralism

First, populism rejects a pluralist conception of society in favor of the homogenous conception described above. This is relevant to human rights because it obviates the need for a distinct, inviolable private sphere marked-off by negative rights.² If there is a substantive identity among citizens in the populist version of society, including an identity between rulers and citizens, then rights against one another are simply unnecessary and extraneous (Schmitt 1928, pp. 233-238). If the populist state is truly an expression of the general will, then, following the populist logic, in a very real sense the state *is* the individual. To require protections from this state would be not only nonsensical, it would be unjust.

In the homogenous conception of society, real freedom is found in the free will of the collective; an individual can be free only insofar as her will coincides with the will of the collective (Rousseau 2001 [1762] §I.6). Negative rights, therefore, are unjust restrictions of freedom because they restrict the activities of the collective body. So the distinction between public (collective) and private (individual) essentially disappears according to the populist conception of society, because there is a substantive identity between the two. Accepting this identity makes it very difficult, if not impossible, to defend any account of negative rights.

Conversely, according to the pluralist understanding of society, interpretations of the common good are multiple and diverse. It is a central purpose of human rights law and practice to ensure that these differing interpretations are given equal consideration in the public realm (Dworkin 2002, pp. 1-7). According to the logic of constitutional democracy, the plurality of these interpretations requires processes of political participation and deliberation, ultimately leading to interpretations of the common good that are both temporary and contingent (Habermas 1996). The common good or the general will is never considered to be a closed matter. Instead, alternative interpretations are given legitimate consideration by virtue of a deliberative political process that occurs both publicly and in everyday discourse. Even constitutional protections, derided by populism as undemocratic, are subject to debate and can be amended by processes that are open to society.

An account of negative, civil and political human rights is defended as a way to ensure this equal consideration of various viewpoints. According to this argument, civil

and political rights protect the processes of public deliberation and political participation that follow from a recognition of social pluralism. Furthermore, civil and political rights protect individuals from the tyranny of one interpretation of the will, a goal which would not make sense in the populist logic. If the popular will is given and stable, as it is conceived to be within populism, then political decisions simply reflect that will and need not be contingent, subject to challenge or subverted by constitutional guarantees. The common good receives a final interpretation according to populism, and political intuitions should reflect and embody this interpretation. Therefore, within the populist logic, rights are understood as unjust constraints on the sovereign whole. If civil and political rights exist to protect the processes of deliberation and to protect the individual from a final interpretation of the common good, then populism's dismissal of deliberation and incorporation of the individual into the popular whole obviates the need for such rights.

IV ó Populism and the Other

The above section is designed to explain the ways in which the populist conception of society removes a central justification for an account of negative human rights, the recognition of social pluralism. In this section, I argue that the populist logic also specifically threatens and targets civil and political rights. Carl Schmitt (1988 [1923] pp. 9) has noted that the inclusion of what is homogenous also implies the exclusion or destruction of what is heterogeneous. The conception of the people as a unified whole is inherently exclusionary, leading to a closed conception of the popular will and a delegitimization of dissent and opposition. Those individuals or groups outside of the

homogenous body are thus labeled as enemies of the people, and their civil and political rights are directly threatened.

The liberal, constitutional conception of democracy protects a horizontal structure of political antagonisms, where different social groupings and different concentrations of interest are opposed to each other on an equal playing field (Habermas 1996).

Antagonisms can be worked-out with opposing parties on equal political footing, and each side, though they may disagree, recognizes the right of the other to express their conception of what is right for society. As such, within the liberal paradigm there is acceptance and recognition of the legitimacy of minority viewpoints that might be in contrast with majority views.

In contrast, the populist logic maintains a vertical structure of antagonisms (Abts and Rummens 2007, pp. 417-419; Cuperus 2003). According to this structure, the homogenous people make up the only legitimate locus of political power, and they are antagonized either upwards, towards society's elites, or downwards, towards society's degenerates. Above the people is the unjustly empowered intellectual and economic elite, and below the people are immigrants, deviants, degenerates, and other groups which may be construed as the dregs of society. For left-wing variants of populism, antagonisms are directed upwards, towards the elites, and the goal is to restore sovereignty to the people. For right-wing variants, antagonisms are often directed towards the bottom of society, with the hope of restoring some mythical vision of a purified homogenous people (Taggart 2000). In either case, however, the inclusion of

certain groups within the homogenous people implies the exclusion and vilification of the "other" (Canovan 1999).

The consequence, therefore, of the populist vertical structure is the vilification and political delegitimization of opposing or minority viewpoints. Rather than compete with political adversaries within a horizontal structure that equalizes participants, the populist logic places opponents of the general will either above or below the only source of legitimacy, the popular whole. Political opponents are thus cast as enemies of the people which should either be destroyed or consumed within the homogeneity of the popular will. The populist regime identifies itself with the people as a whole, and as an embodiment of the will its activities should not be constrained or opposed. Opposition is thus illegitimate and unjust. The next step, quite clearly, is to ensure that such opposition is prohibited, in direct violation of civil and political rights.

This troubling outcome is a direct consequence of the populist belief that sovereignty should rest with popular will. As was mentioned above, some authors have argued that populism encourages a rejuvenation of democracy or redemption of political power with the people. Instead, the logic of populism seriously threatens basic civil and political rights by undermining their basis in pluralism and by vilifying the "other." Populism is not an ideology which bolsters the commitment of political institutions to "the people," but rather it is an ideology which is on the brink of authoritarianism.

Part Two- Populism and Human Rights in Practice

While Part One of this paper concerned the relationship between populism and human rights in theory, the following explores the relationship between populist governments and human rights as it is manifested in the real world. As it were, classical populism was in its heyday during the period of the 1940s and 50s when international human rights were moving to the global center stage (Cazar and López-Bermúdez 2009). As populist regimes took power across Latin America, the world drafted the UN Declaration on Human Rights and other international agreements with central human rights principles. Nonetheless, as the arguments in the first section would indicate, populist regimes often pursued strategies that ignored democratic institutions, limited or eliminated political opposition, curtailed media freedom and generally abused basic human rights. This unhappy relationship between populism and human rights continued through the resurgence of Latin American populism in the 1980s and persists in the contemporary world.

The unexpected rise of populism in Latin America in the late 20th and early 21st centuries has produced a vast array of literature from the social sciences. Much debate has been centered on the proper definition and conceptualization of populism and its prospects for promoting democratic consolidation, economic growth and general welfare (Canovan 1981, Weyland 2001). Much less has been written on the specific relationship between populist governments and human rights. Part of the reason for this fact is the contested conceptual status of populism itself. Many authors have vigorously debated what populism is and is not, and each definitional quibble has further reduced the prospects for a cumulative and thorough exploration of the topic. Nonetheless, in recent

years scholars have formed a general, though certainly not universally accepted, understanding that populism is an inherently political phenomenon. This newfound general consensus on the proper conceptualization of the term has produced an opportunity to begin to explore populism in greater detail, with confidence that we know what we are talking about.

Many works on populism from the social sciences have avoided definitional questions altogether, leaving them for other researchers. This has been detrimental for the accumulation of knowledge about populism in general because many works simply talk past each other. I will adopt the definition of populism that considers it to be primarily political; that is, conceptually independent of economic, social or cultural domains. More specifically, this section concerns populism as a *political strategy*, or a method by which certain leaders choose to gain and maintain power. Employing this understanding of populism, I analyze the two cases of Alberto Fujimori in Peru and Hugo Chavez in Venezuela. The purpose of my research strategy is two-fold. First, I analyze the ways in which the populist strategy led to human rights abuse in the two cases. As we might expect from the above discussion, both Fujimori and Chavez identified their strongest sources of domestic opposition and took steps to silence them, an explicit rejection of democratic deliberation and a violation of internationally recognized civil and political rights. Second, I analyze an important difference between the two cases. While both regimes abused human rights, the Chavez regime has done so to a much lesser degree than other populist regimes in the developing world. A comparison of the Chavez regime

with the more typical Fujimori regime helps to illustrate two factors which may mollify the impact of the populist strategy on human rights.

First, I argue that in Fujimori's Peru and Chavez's Venezuela, the regimes provided an initial boost to the economic and social human conditions of the most disadvantaged and excluded members of society. Since populist leaders rely heavily on mass-support, they seek to deliver material incentives to the area where the masses are located, which in Latin America typically means working or poor classes (Dornbusch and Edwards 1991). Social programs designed for this purpose were successful in improving the status of economic and social conditions for the worst-off, but these benefits were contingent on the ability of the state to finance them. As the Fujimori regime's ability to finance generous social programs decreased, its tendency to abuse certain civil and political rights increased. The opposite was true in Chavez's Venezuela. This suggests a generalizable statement; namely, that as the ability to finance generous social programs decreases, the tendency for populist regimes to abuse human rights increases.

Second, a close examination of the two cases reveals another important factor in the populist political strategy and its relationship with human rights outcomes. Both Chavez and Fujimori emphasized the central importance of countering "threats to the people." The salience of the threat in Peru was much greater, and that led to a much more brutal form of human rights abuse. The salience of the threat in Venezuela was much less, and as such Chavez's populism has been more benign than his Peruvian counterpart. For Fujimori, the real threat of an internal insurgency was used to justify widespread abuses of human rights and his rapid march towards authoritarianism. In Venezuela,

Chavez initially emphasized a more dubious threat, one which stemmed from global capitalism and the imperialism of the United States. The low salience of this threat fostered a less-dangerous environment for human rights. Importantly, it was not until a coup attempt in 2004 that Chavez more systematically undermined and abused human rights. The salience of threats to the regime was found to have an impact on human rights outcomes in these two cases. As such, I make the general argument that a populist regime combined with a threat of high salience creates a potentially disastrous environment for human rights.

The comparative case study builds upon the theoretical work in the first section by allowing us to make additional generalizable statements that can be tested against new cases in the future. For example, South African leader Jacob Zuma was elected on a populist platform as the chief executive in 2009. Will Zuma follow down the path of Fujimori and other populists who have shown the ability to abuse human rights, or will he follow the path of Hugo Chavez? Jacob Zuma's presidency could be an interesting test of the external validity of the findings presented in this paper.

I - Defining Populism in the Empirical Literature

The phenomenon that observers labeled "populism" was born between the 1930s and 1950s in Latin America. Scholars initially saw populism as a sort of political ideology that was born directly from certain socioeconomic conditions (Dix 1985). Kurt Weyland (2001, pp. 4) shows that most scholars observing this period developed a multidomain conceptualization of populism. That is to say, authors tended to view

populism as a concept which covered the domains of economics, politics, society, ideology and even personality. The reason for this multidomain conceptualization came from the remarkably similar conditions under which populist governments were born and the similar political ideologies to which they adhered in the 1930s-1950s.

Weyland, however, argues that a new conceptual definition of populism should remove most of the old associations and place populism firmly and exclusively within the domain of politics (Weyland 2001, pp. 11). This conception is superior to the multidomain understanding because it helps to distinguish between populism and simple totalitarianism. Populists maintain the homogenous will should dominate political power, but it does not follow that the will should dominate all of the other realms of society. Totalitarians seek to dominate all realms; whether it be the realm of economics, religion, family life, community life, the totalitarian seeks control in all areas. But populism makes claims only in the realm of political power. The political ideology of populism which was described in Part One above emphasizes that only the people's will can justify state activity, and, importantly, state policies or institutions that do not conform to the people's will are unjust. One consequence of this definition is that it can accommodate both left- and right-wing varieties of populism in a relatively straightforward way. If the popular will supports the interests of the majority, then it follows that the state should correct inequities that benefit certain minorities at the expense of the popular majority. For left wing populists, the minorities benefiting at the expense of the majority are the economically wealthy class, or the social elite. For right-wing varieties of populism,

oftentimes newly-arrived immigrant classes, or the welfare-receiving poor, are accused of benefiting at the expense of the majority.

II -A Brief History of Populism

The political nature of populism was not overlooked by its early observers from the 1930s. Populist leaders from of this time were personalistic and charismatic; they appealed via direct contact to a large, unorganized mass of followers (Weyland 1999, 2001; Dix 1985; Edwards 2010). Furthermore, populists in Latin America seemed inexorably linked to a heterogeneous and urban social base which was multi-class and constituted a broad majority (Weyland 2001). These political characteristics were seen to be inextricable from certain social and economic characteristics, but future developments cast this inextricability into doubt.

Many researchers argued that populism was most likely to arise during a particular stage of economic development. For example, modernization theorists argued that populism occurred in societies which had only recently "modernized" (Costa Pinto 1973). Growth in urban populations, education and industry produced an explosion of mass participation. This exponential growth in participation meant that durable institutions were not allowed to gradually evolve, and existing institutions were constructed in opposition to the newly enfranchised masses. As such, the new urban populations tended to oppose the existing institutional arrangement. The situation, therefore, was ripe for an upward-directed form of social antagonism of the kind described in Part One above.

As such, populist leaders of this period tended to form alliances with both organized and disorganized labor. Their appeal to labor was seen as a consequence of the newly enfranchised urban populations, which had in previous decades been agricultural workers and farmers. Their appeal to labor led researchers to conclude that populism was, among other things, a leftist ideology. This was corroborated by the fact that populist leaders also engaged in import-substitution industrialization, a method of protectionism that is far easier to implement in the early stages of industrialization. In order to maintain the support of their unorganized and disadvantaged base, populist leaders almost universally expanded the role of the state in social life. They adopted expansionist economic policies and ideologies typically geared towards widespread redistribution of wealth (Dornbusch and Edwards 1991).

However, the unexpected re-emergence of populism in Latin America in the 1980s and its persistence since then presented the old, multi-domain conceptualization of populism with serious challenges. So-called "neopopulism" did not carry all of the old economic, social and ideological characteristics of the classical populism of the 1930s (Weyland 1999; Edwards 2010 pp. 165-191). Modernization theory, long discredited, could not account for this reemergence of populism since most Latin American states were far beyond the early stages of industrialization. Furthermore, the emergence of a new urban class could not explain populism's draw, since by 1980 most Latin American states had long-established urban populations. Perhaps most surprisingly, some of the neopopulist governments which have arisen since 1980 have enacted thoroughly neoliberal economic policies. These economic policies, based largely on the Washington

Consensus, seemed to be incompatible with traditional definitions of populism. First, neoliberal policies are not usually supported by the labor class of the economy. Second, they are usually accompanied by short-term economic pain and sacrifice in favor of long-term stability and growth. Rather than emphasize redistributive practices and expansionary economic policies, neoliberalism favors balanced budgets, privatization and a minimal role for the state in the economy. The scholarly understanding of populism needed to change.

III- Populism and Material Benefits

One thing that *has* remained constant throughout the periods of populism that we have discussed is the political strategy of vote-buying, or what might be called support bribery (Dornbusch and Edwards 1991). Populist regimes justify their policies and activities on the grounds that they maintain broad-based mass support. A given political policy is justified, they argue, if it accords with the will of the masses. As such, populists simply *must* maintain mass-support in order to retain the label of populist. Perhaps the most guaranteed way to maintain support is to provide material benefits to potential and existing supporters. In other words, a great way to gain supporters is to simply buy them.

This is why the strategy of import substitution industrialization (ISI) was the favored method of economic arrangement for classical populists. ISI takes products that are normally imported from other states and replaces them with domestically-produced alternatives. For example, rather than import widgets from the US at a low price, a state practicing ISI would manufacture the widgets at home and impose high tariffs on the

cheaper US-made version. The upside of ISI is that it immediately creates jobs at home. ISI chooses to simply ignore comparative disadvantage, building factories and creating jobs that would not be competitive in the global market. The downside, of course, is that ISI is unsustainable. Constant state intervention and resources are required to keep the system afloat, and once the state inevitably loses the ability to sustain ISI, painful economic adjustments inevitably occur. It was for this reason that astronomical inflation and economic decline plagued Latin American states where populism had taken root (Fernández 1991).

For populist governments, however, the short-term benefits of ISI were enough to guarantee support for the immediate future. Providing industrial jobs to poor peasants assured these regimes of broad-based popular support, despite the long-term unsustainability of the ISI program. As we have seen, however, ISI has since fallen into disrepute while populism has remained a powerful force. Populists have turned to other measures to disseminate material benefits to their broad-based coalition of supporters. Neoliberal populists, like Fujimori, used the profits from selling-off state industries to private buyers to fund generous social programs. Other modern-day populists like Evo Morales and Hugo Chavez have used trade protectionism and private industry nationalization to generate funds for massive social programs. No matter what the favored economic philosophy or policy is, populist regimes tend to use state funds to confer material benefits to their real or potential supporters. A central argument of this paper is that, within a populist regime, as state capacity to fund generous social programs declines, violations of certain civil and political rights by the regime increase. Populist

regimes use material benefits to garner and maintain mass support. When those benefits run out, the regime must turn to other tactics to maintain political support, and oftentimes these tactics include silencing and removal of opposition.

IV- Weak vs. Strong Populism

When populism is reduced to a particular type of political strategy, it becomes immediately obvious that we can extend its application far beyond Latin America. Jean Marie Le Pen, a hyper-nationalist French politician who uses glorified images of the French nation to appeal to an unorganized base of discontented Frenchmen fits the formula well. Pim Fortuyn in the Netherlands has been described as populist for trying to appeal to a wide, nationalistic majority on an anti-immigration platform (Rydgren 2005, pp. 58). Some have labeled Iranian President Mahmoud Ahmadinejad as populist for employing a political strategy that seeks to appeal to a wide majority of Iranians through ethnocentric and anti-western rhetoric. In the United States, presidential candidates as diverse as John Edwards, Ron Paul and Pat Buchannan have been labeled populist. However, these populists seem intrinsically different from Latin American examples like Hugo Chavez or Carlos Menem. As such, political scientists might want to distinguish between *öweakö* and *östrongö* types of populism.

- “ Weak populism: Justifies policies based on the popular will, but supports the use of existing democratic institutions for the realization of that will.
- “ Strong Populism: Justifies polices based on the popular will, but determines that existing democratic institutions are inadequate for the realization of that will.

Weak populism covers all of those political movements that justify their beliefs based upon the popular will, but they do so within the confines of the existing political system. In Latin America, the recent populist regimes of Lula de Silva in Brazil and Michelle Bachelet in Chile are good examples of this form of populism. Both of these leaders appealed to the discontented masses with generous social programs and other policies that were meant to reflect the will of the people. Nonetheless, both leaders accepted and worked within the institutional structures of their respective states. Most North American and European populists would also fit within this broad category of weak populism. This form of populism is not associated with human rights abuse, and as such will not be considered within the scope of this paper.

Strong populism, however, does not accept the legitimacy of institutional barriers to the realization of the people's will. This form of populism leads to a "top-down" political strategy; where the executive claims direct access to the will of the people. Institutional constraints on the executive are seen as unjust obstacles in the way of the people. Strong populism has demonstrated a poor track record with relationship to human rights. Thus, the focus of this paper will be on strong populism as it has manifested itself in recent decades. Discussions of populism in this paper, except for the brief description of weak populism above, refer to the strong form.

V- Research Design and Scope

The general concern for this project is the relationship between human rights and populism. Our dependent variable is human rights so the goal is to explain how

variations in human rights outcomes might be explained by variations in populism. As such, the ideal comparative-case analysis would involve populist states that have different human rights outcomes. For this reason, Fujimori's Peru and Chavez's Venezuela are good candidates for a study of this kind. First, it is important to note that both regimes exemplified strong populism. Both argued that the justification for political activity should be the will of the people, not the established elites. Both regimes also called for radical change in the political system, and both were more than willing to bypass or dismantle existing institutions to achieve their goals. Both regimes, in other words, were strong Latin American populists.

Nonetheless, there is some significant variance in human rights outcomes for each state. Hugo Chavez has generally abused a fairly narrow set of human rights, and his political opposition remains strong and vibrant. He has shown little respect for civil and political human rights, but he has been willing to accept democratic outcomes that have not been in his regime's favor. In Fujimori's Peru, however, widespread, wanton and extreme human rights abuse took place promptly and regularly in his regime's tenure.

While both regimes have abused human rights, the situation was much worse under Fujimori than it has been under Chavez. In other words, there is a useful variance in our dependent variable for these two cases. This variance should help to illuminate my central research project, which concerns the details of the relationship between human rights and populism. In the following section, I will provide a brief history of the Chavez and Fujimori presidencies, documenting the ways in which each regime violated civil and

political rights. Then, I will offer an elaboration of what appears to be the key differences which affected the differing outcomes for human rights in each case.

VI - Exploring the Cases: Fujimori's Peru

Since gaining independence in 1824, Peruvian history has been marked by brief periods of democratic rule and protracted military dictatorships (Dietz 1992). The last military government ruled from 1968 to 1980, after which a new constitution was drafted and elections were held. The decade of 1980-1990 was tumultuous, but the prospects for democratic consolidation appeared to be promising. Henry Dietz (1992 pp. 250), writing at the very start of Fujimori's tenure, argued that an "important shift to procedural democracy" had taken place during the 80s. Among the facets of the Peruvian state which had only recently appeared were "freely contested elections based on universal suffrage, relatively free and unrestricted mass media, and serious attempts to protect civil liberties" (Dietz 1992, pp. 251). Nonetheless, by 1990 Peru had been through nearly three decades of horrible economic performance and widespread poverty. At the start of the new decade, mismanagement of the economy had led to an inflation rate of 7,649%. Furthermore, Castro-inspired leftist rebels known as Sendero Luminoso, or "Shining Path" began a campaign of terrorism and destruction throughout Peru. It was under these circumstances that the politically unknown Alberto Fujimori won the 1990 Presidential election. Like Chavez, Fujimori rose out of relative obscurity to win a presidential race with a large majority. His opponent, Vargas Llosa, represented everything the Latin American populist would reject. He was Caucasian in appearance and wealthy. He was a highly respected writer and novelist. He called for neoliberal reforms and strict austerity

programs, which were hailed by the United States and the IMF. Fujimori assailed the candidacy of Llosa with fiery populist rhetoric, lambasting him as an elite in every respect, an insider, and a friend of the West. Just three weeks prior to elections Fujimori was hovering around 5%, but by the time it was over he was elected President of Peru with 60% of all votes cast.

Fujimori's campaign was typical for that of most strong populists in Latin America, including Hugo Chavez. First, he ran on an anti-neoliberal platform, promising to rearrange the economic system to provide material benefits to the poor and informal sectors of the economy. His campaign was entirely against the status quo; Fujimori launched on bitter tirades against the existing party system in Peru, arguing that none of the existing parties represent the will of the people. He lauded his credentials as an outsider with no connections to the existing political system and emphasized his status as a self-made man (Ellner 2003, p. 146). In short, he adopted a standard populist political strategy. His appeal to the lower classes was well demonstrated in election results. Dietz (1992, pp. 251) points out a strong correlation between social class and voting behavior, with the lower classes turning out in huge numbers to vote for the outsider who spoke to them directly.

The opposition APRF, however, won a majority in the legislature. Despite his campaign rhetoric, Fujimori immediately instituted a series of neoliberal reforms which drastically cut government services, employment and expenditures. He also launched a campaign against the Shining Path insurgents. By 1992 Fujimori enjoyed approval ratings around 42%, while the legislature retained only 14% approval. Although his neoliberal

policies were unpopular, his personal appeal was credited with high approval numbers (Rocharbrun 1996, pp 24). Like most strong populists, the president increasingly became irritated with the institutional constraints placed upon his behavior by the rule of law and the legislature. Complaining that congress was blocking his economic reforms and his attempt to defeat the Shining Path, Fujimori (with the support of the military) carried out a self-coup on April 5, 1992. He dissolved congress, cancelled the constitution and purged the judiciary. Furthermore, he arrested members of congress, closed two news agencies and took military control over the country's largest prison. Quite clearly, these actions were a serious affront not only to representative democracy, but basic civil and political human rights. While this violation of human rights was obvious to the world, Fujimori had in fact begun violations basic human rights immediately upon entering office. A 1993 report by the OAS Inter-American Commission on Human Rights cites 375 enforced disappearances and mass summary executions occurring in Chilcahuaycco, Chumbivilcas, Iquicha and Santa Barbara less than one year into Fujimori's tenure. After the end of his tenure, all events came to be blamed on Fujimori's security forces (IACHR 1993, §D.36-37).

Furthermore, Fujimori targeted members of the media and human rights organizations, the only other sources of internal opposition. According to the aforementioned report, Dr. Augusto Paz, Director of the Office of Legal Affairs of the Human Rights Commission of Peru, was seriously injured and lost his forearm in a letter-bomb attack. That same year, in 1991, a letter-bomb killed Melissa Alfaro, senior editor of the newspaper *El Cambio*. Thus, almost immediately upon taking office, Fujimori

began targeting members of the opposition and human rights groups. He also made public statements lambasting international human rights agencies. Nonetheless, the Inter-American Commission on Human Rights published a report in 1993 which explained that the Fujimori regime had violated the rights to a fair trial, to due process of law and to judicial guarantees; the right to personal liberty, the right to life, political rights, and the rights of prisoners (IACHR 1993, §C).

Nonetheless, after the dissolution of congress and the suspension of the constitution, Fujimori's approval numbers surged. Peruvian citizens viewed the political system as corrupt and ineffective, and they were in a state of fear regarding the Shining Path insurgency (Rocharbrun 1996, pp. 24). He called for elections in 1993 for a "Constitutional Assembly." His supporters won a majority in the assembly and they drafted a new constitution, which was then approved by popular referendum. The OAS, the United Nations and the Peruvian Truth and Reconciliation Commission of 2000 questioned the true democratic nature of both the elections and the constitutional referendum. Media opposition was silenced and strong political opposition leaders were jailed or executed in the years leading up to the auto-coup. Among other things, the new constitution allowed Fujimori to run for another presidential term.

Fujimori's privatization campaign, a central part of his neoliberal reforms, had provided the state with ample funds to support new social projects and programs. Fujimori used the funds from these sales to build up his support among the lower classes by, among other things, instituting a mandatory minimum wage. In 1995, two years after the new constitution had been ratified and at the height of his popularity, Fujimori called

new presidential elections, which he won easily with two thirds of the vote. His supporters won a majority in the legislature. Again, however, the ultimate fairness and true democratic nature of these elections were questioned by numerous human rights and democracy advocates. It's worth noting, however, that the temporary benefits provided by the privatization program did improve the economic conditions of many in Peru's underprivileged population. These benefits were used as a tool by Fujimori to assure his strong support among the lower classes. As such, they constituted merely another cog in the populist political strategy (Kay 1997).

Fujimori's second term gave indications that his populist strategy was faltering. First and foremost, the proceeds from the privatization campaign had begun to dry up, and several social programs were curtailed. Furthermore, Peruvians had caught on to the nature of Fujimori's authoritarianism and approval numbers started to drop. The president had infiltrated all of the state's institutions, and his National Intelligence Service, led by the powerful Montesino, continued to imprison and execute key political opponents, including the head of the Peruvian labor movement. By 2000, over 40 percent of Lima residents considered Fujimori to be an authoritarian (Atwood 2001, pp. 167). The 1993 constitution had created two-term limits for presidents, but the electoral commission, which was controlled by Fujimori, ruled that he was not bound by this provision since it was enacted while he was in office. Fujimori thus ran again for president in 2000. He achieved a narrow victory after a run-off election in which over 20 percent of the votes were determined to be "invalid" by the Election Commission. His top minister, Montesino, was implicated in a massive fraud scandal which made clear the depth of

corruption and abuse that had taken place during Fujimori's ten years in power (Ellner 2003, pp. 147). Facing mounting pressure, Fujimori faxed in his resignation during a trip to Japan in late 2000. On April 7, 2009, Fujimori was convicted by a three-judge panel in a special Peruvian court of numerous human rights violations. He will serve 25 years in prison. This marks the first time in history that a former civilian head of government has been convicted and sentenced on human rights violations.

VII- Chavez's Venezuela

Many researchers have argued that populist leaders by their very nature are "charismatic." Perhaps no one justifies this claim more fully than Hugo Chavez. The Venezuelan president has a weekly television show that is hugely popular in the country, sometimes airing for 6 hours or more. Chavez is the quintessential populist; he speaks directly to Venezuela's poor majority through his television show, newspaper columns and frequent public appearances in front of huge rallies. His supporters feel tied to him directly, calling themselves *chavistas*. He is the people, perceived as the embodiment of the Venezuelan general will.

Like the classical populists of the mid-20th century, he rejected neoliberal principles. Chavez pits the indigenous and poor population, who share his language and features, against the private interests in Venezuela and global capitalism. Fujimori often cited the dangers and crimes of the "Shining Path" terrorist group as a way to unite his supporters around a "common enemy." In a similar vein, Chavez makes frequent

references to the imperialism of the United States and the hidden threat of Jewish, ðmoneyedð interests.³

Chavez, after a failed coup attempt in 1992, was elected president of Venezuela in 1998. Like Fujimori, Chavez was viewed as an outsider, someone who reflected the values and status of the common person. He has gone to great lengths to cultivate this image. His speeches are often filled with local colloquialisms (Ellner 2004, pp. 123). He has referred to himself as a ðsimple man,ð and often as a ðsoldier.ð Also like Fujimori, Chavez was an unlikely candidate to win the 1998 elections. After receiving little support from the outset, Chavez numbers had risen to 30% by May, 1998. On Election Day in December, he won the election with 56% of the vote. Like most populists, Chavez ran on a campaign that was anti- status quo; he called for the old political system to be scrapped. Upon entering office in 1999, Chavez launched a referendum for the creation of a constitutional congress, with 92% of the population agreeing that one should be created. Another referendum ratified the new constitution in December of 1999. In less than a year, Chavez had completely transformed the Venezuelan political system.

The new, 350-article constitution was both hailed and criticized by human rights groups (Human Rights Watch 2008). Among other things, it extended presidential terms to 6 years, albeit limiting presidents to two terms. Executive power was increased, giving the president the ability to disband the legislature in times of emergency. However, it also allowed for presidential recall by popular referendum. It also abolished the old bicameral legislature in favor of a unicameral with reduced powers. Despite these somewhat troubling new measures, the constitution also enshrined and protected a large and

unprecedented number of human rights. Among these were the rights to healthcare, education, and a clean environment. Also, indigenous rights were both emphasized and protected. Thus, the new constitution made special provisions allowing for the protection of economic, social and cultural rights. Nonetheless, some observers were concerned about the potential for significantly expanded executive power and the curtailment of other, equally important rights.

New elections were held in 2000 for all members of the newly created government, including Chavez. He and his supporters won solid control of the government, after which they went about implementing the socialist policies upon which they had campaigned. It appeared that Chavez's populism, although moderately authoritarian, was a benign type that actually sought to improve the lives of most Venezuelans. But Chavez's flamboyant behavior, his nationalization campaign, his use of media intimidation and his radical economic policies culminated in a 2002 coup attempt. In a stunning display of the personal connection Chavez had developed with his supporters, thousands of *chavistas* surrounded the presidential palace and demanded his release. The coup lasted only two days and Chavez was returned to power. As Human Rights Watch, Amnesty International and the Inter-American Commission on Human Rights have noted, civil and political rights have never been the same in Venezuela since the coup (Human Rights Watch 2008, §I).

Chavez blamed the privately controlled media for the coup, and he set out on a campaign to both intimidate and overtly shut-down private media outlets. To this end, he has been very successful, with only one main opposition station, only available to those

who can afford cable television, remaining.⁴ Other stations have either stopped criticizing Chavez altogether or only do so indirectly. Using newly created laws against libel, the Chavez government has also arrested and intimidated journalists and international human rights observers (HRW 2008, §IV). On the other hand, the Chavez government has allowed for the creation of over 300 independent community media outlets throughout Venezuela. HRW (2008) reports that this proliferation of local media is among the most advanced and developed in the hemisphere. While Chavez has been generally successful in silencing the opposition media on a national scale, he has allowed the local stations to remain in operation. Additionally, vigorous and vibrant debate continues within Venezuela's highly polarized civil society. Despite Chavez's attempt to restrict media freedom, opposition, protest and debate remain a central part of Venezuelan democracy. The curtailment of national media freedoms is a bad sign for human rights; the existence of a strong, diverse civil society and developed local media is not.

The most serious violation of basic human rights since the 2002 coup has been the destruction of the impartiality of Venezuela's courts. The Inter-American Commission on Human Rights criticized the impartiality of Venezuela's courts in 2003, and a 2008 report by Human Rights Watch paints a similarly grim picture. After the Venezuelan Supreme Court failed to investigate the suspected instigators of the 2002 coup and subsequently authorized a recall referendum in 2004, Chavez took action to limit the independence and impartiality of the nation's Supreme Court. He increased the number of justices from 20 to 32, altering the composition of the court in favor his supporters. He also weakened provisions in the 1999 constitution which were designed to protect the court. According

to the new laws, enacted in 2004, the executive had the power to indefinitely suspend justices. Furthermore, the new laws allow for the legislature to nullify the appointment of justices in the Supreme Court, effectively placing the court in a subordinate position to the legislature. However, Venezuelan courts have remained generally effective in protecting citizens' human rights and carrying out impartial justice. Thus, the danger for human rights comes not from the heretofore actions of the courts, but from the potential that they could be abused by the government in the future. (HRW 2008, §V)

Although the status of human rights in Venezuela has changed since 2002, the situation is better than it has been under previous Latin American populists, with Fujimori being a prime example. Additionally, the Chavez government has shown a willingness to accept election outcomes which are not in its favor. This is significantly evidenced by the 2007 defeat of a constitutional amendment that would have ended presidential term limits. Although the referendum was eventually passed by a slim majority in 2009, it wasn't until after Chavez and his supporters engaged in a protracted and public battle with the opposition.⁵ This sort of behavior is characteristic of a democracy, albeit not one anyone would label as perfect.

VIII- Exploring Similarities, Explaining the Differences

In Venezuela and Peru, two leaders assumed power according to a particular political strategy: populism. In each case, the leaders rose from relative obscurity to become the anti-status quo candidates. Both appealed to a discontented majority of mostly poor or working class supporters. Furthermore, both sought to legitimate their

behaviors on the basis of widespread public approval. They also tried to garner support by attempting to create a unified front against an external threat to the people (e.g. the Shining Path, the U.S.). Neither leader had much use for most of the institutions which normally accompany democracy. Instead, they employed a plebiscitarian brand of democracy, which treats the popular referendum as the most legitimate democratic institution.

Both Hugo Chavez and Alberto Fujimori used their populist strategy to expand the power of the executive and redefine the political system, which fits with the theoretical description of populism in Part One. If the popular will is one thing, than its best expression would be one person. To this end, both established new constitutions in the early years of their tenure. The growth in executive power and the circumvention of democratic institutions creates a climate in which opportunities for the abuse of human rights increase to a significant degree.

This study shows that, for these two cases, certain human rights were indeed violated in both cases. Populism *is* bad for human rights, especially strong populism as we defined above. Populists come to power not based on any particular ideology, economic policy or special interest orientation. Their power comes directly from a discontented majority that must, for all intents and purposes, remain discontented and focused on the executive as the source of their relief. Their discontentment must not be directed at the populist leader, but rather upwards, towards society's elites. But which rights did each populist violate in common, and, does this tell us about populism in general?

Our analysis of Venezuela and Peru demonstrates two ways in which human rights are at risk under populist governments. The first human rights that come under assault in populism are the freedoms of expression articulated in Article 19 of the International Covenant on Civil and Political Rights. Populists rely heavily upon mass support. Since populism is a strategy to maintain mass support, populist leaders have an incentive to limit the voice of opposition individuals or groups, a policy that is also consistent with the ideology of populism. Both Fujimori and Chavez sought to take unitary control of government in order to circumvent institutional opposition that might come from the legislature or judiciary. This act alone does not constitute a violation of basic human rights. However, the subsequent lack of legitimate or institutional opposition places a large responsibility on the independent media. By definition, the populist political strategy circumvents regular democratic institutions- which leave the media as the most significant remaining source of opposition short of rallies and referendum. Since opposition can be crippling to populist governments, and the populist ideology casts opposition as illegitimate, the media is clearly among the groups most at risk. Accordingly, Chavez and Fujimori limited media freedoms and basic freedoms of expression. The expanded libel laws in Venezuela are a prime example. According to this analysis, populism threatens the freedoms of expression.

The second way in which both Fujimori and Chavez used populist tactics to violate human rights concerns Article 14 of the ICCPR. Article 14 states that every individual has a right to a fair and lawful trial before ña competent, independent and impartialö court. In both of our cases, the courts were treated as a threat to the populist

strategy, and were thus purged or altered in favor of the executive. This works in tandem with the definition of populism described in Part One. Institutions like the judiciary are an obstacle to populism, which treats the mythical, homogenized society as the only source of legitimacy. Judges are not accountable to the popular will, and thus they may take actions that limit the executive or his supporters in expressing it. Specifically, Fujimori and Chavez both purged and then stacked the courts in their favor in the early years of their tenures. Since populism bypasses or disregards institutions that cannot be direct expressions of the popular will, judicial independence is at risk. According to this analysis, populism threatens the independence and impartiality of the judiciary.

Furthermore, the two main human rights areas affected by the populist strategy for power facilitate the potential for additional, more serious human rights abuse by weakening or eliminating important institutions that protect these rights. When strong populists take power, human rights advocates should be especially concerned with the real potential for the abuse of these two core human rights categories, but they should also be on alert for more serious violations like those that occurred under Fujimori. Our analysis of Venezuela and Peru supports this conclusion.

IX- Declining Support, Increasing Abuse

Both the likelihood and intensity of human rights abuse in Venezuela and Peru were affected by the abilities of each executive to buy support with generous social programs. Fujimori solidified his support among the lower classes by using the profits of state privatization to fund social programs. Since privatization is a one-time source of

income, Fujimori cracked-down on his political opposition much earlier than Chavez. As the money for his social programs dried-up, Fujimori's support among the lower classes dwindled. His regime finally had to resort to election-rigging to essentially falsify a populist mandate.

In the Chavez case, however, social programs and giveaways to the poor have remained a relatively constant hallmark of his presidency. In 2004, for example, Chavez spent \$1.7 billion in oil revenues to fund educational programs for illiterate adults. As such, support for Chavez among the dispossessed classes has remained strong throughout his presidency. Venezuela's oil-based economy provides a constant stream of state revenue that is not available in most other states. This has allowed Chavez to maintain broad support without having to completely eliminate sources of domestic opposition. A clear demonstration of this fact is that disorganized masses of poor people basically shut-down the 2002 coup attempt. Since then, Chavez has launched even more social programs, including the provision of cheap cell-phones among those who couldn't normally afford them. It remains to be seen how the recently weakened Venezuelan economy and the potential for austerity measures will affect the Chavez regime.

X- Threats to the Regime

In both cases, rights to media, association and judicial independence were violated. However, the Fujimori regime went beyond these abuses to engage in widespread murder, forced disappearance, election rigging and extortion. In Fujimori's Peru, the existence of the Shining Path insurgency provided a basis upon which the state

could expand its power to coerce citizens and violate their basic civil and political rights. Fujimori suspended constitutional guarantees while maintaining widespread support for his actions. This support would not have been possible without the national fear that had been generated by the insurgency. Fujimori's personal connection with his supporters was the cornerstone of his populist strategy, and it was this trust that permitted the draconian measures taken against Sendero Luminoso.

Conversely, in Venezuela, the increasing authoritarianism of Hugo Chavez has been met with resistance. The 2002 coup attempt is viewed by many as a direct response to the overconcentration of executive power. The 2004 recall attempt also signaled society's uneasiness and unwillingness to accept the limitations on basic human rights which follow from increased authoritarianism, as was the narrow defeat of the 2007 amendment extending term limits. The persistence of vocal opposition in Venezuela also indicates that populism alone does not allow for the abuse of the basic rights to life, political participation and the freedom from arbitrary arrest and detention. Absent the Shining Path insurgency, Fujimori would likely have faced much greater opposition to his authoritarian ways. Chavez's repeated, very vocal and flamboyant criticisms of the United States and "global capitalism" have not been as effective as Fujimori's appeals to the Shining Path, which was actually killing people in the Peruvian Andes.

XI- Confounding Variable?

One other factor which may help to explain the different outcomes for human rights in Peru and Venezuela is the behavior of international actors, particularly the

United States. From the outset of his presidency, Fujimori enjoyed relatively calm relations with the international community. He was hailed by the IMF, World Bank and the United States for his neoliberal reforms. Although his self-coup in 1992 was condemned worldwide, his assurances to return to democracy quickly satisfied the international community. Fujimori also enjoyed good relations with the United States because he allowed the DEA to conduct anti-drug trafficking surveillance and raids, which led to a real curtailment of the drug exporting from Peru (Ellner 2003, p. 156). Fujimori's cooperation with the United States on these issues lifted much of the pressure he might have felt for the widespread abuse of human rights during his term. In Venezuela, on the other hand, Chavez's presidency has always been a point of contention for the United States and western international institutions like the IMF. Chavez has nationalized American companies, he has engaged in anti-neoliberal economic practices, and he has always employed a fiery anti-United States rhetoric. Chavez has opposed the US in international bodies like the United Nations, and he has played an activist role in OPEC, the world's oil-cartel upon which the United States is dependent. Furthermore, Chavez refused to allow similar DEA surveillance of the drug trade in Venezuela and he rejected a US offer to help after widespread flooding in 1999.

Thus, pressure from the United States and other international actors has been constant since Chavez entered power. Essentially, he has been 'walking on eggshells' since his election in 1999. Each action he takes is intensely scrutinized. His authoritarian tendencies have led many in the United States and elsewhere to label him a 'dictator' long before such a label was warranted. While Fujimori was given much more leeway to

run his country and wantonly abuse human rights, Chavez's abuses have been met with immediate and intense condemnation in the international community. This difference undoubtedly plays some kind of a role in explaining the differences in human rights outcomes in these two countries. It further illustrates the well-known plea from human rights advocates: international attention and pressure does indeed make a difference.

XII- Conclusions

In conclusion, I have argued that populism as a political strategy is adversarial towards the rights of expression and judicial independence. When a strong populist takes power, rights advocates should be prepared for the possible widespread abuse of these two key areas of human rights. Our case comparison supports this suggestion, as both Fujimori and Chavez limited these rights as a direct consequence of their populist strategy. The case comparison also showed that the widespread abuse of human rights in Fujimori's Peru was possible due to the real existence of a threat from an internal insurgency. The combination, therefore, of a populist government and an internal security threat could be a potentially disastrous environment for human rights. Furthermore, I argued that declining ability to fund social programs for the regime's supporters led to increased authoritarianism in Peru. Conversely, the constant flow of funds to Chavez's supporters has resulted in a more benign regime. Schematically, the relationships I am arguing for look like this:

- 1) Populism + threat of high salience = A strong formula for human rights abuse that should be of deep concern for human rights activists and international human rights institutions.
- 2) Populism + threat of low salience = Risk of human rights violations, good chance that institutions protecting rights will be weakened. Rights advocates and institutions should still closely scrutinize strong populist regimes, but the situation is less dire than (1).
- 3) Populism + generous social programs = A more stable regime, less likely to take drastic measures against human rights.
- 4) Populism + generous social programs = A less stable regime, more likely to take drastic measures against human rights.

This formula may help to evaluate other populist regimes or predict the outcomes of populist strategies with regards to human rights. Furthermore, this type of formula could be used for future research to evaluate emerging populist leaders and the risks involved for human rights. For example, Jacob Zuma in South Africa has risen to power on a largely populist strategy.⁶ This research creates a framework with which to evaluate human rights risks in future emerging populist regimes.

Part Three – Final Remarks

As I argued in Part One, the populist belief in total popular sovereignty is a perversion of one of the two pillars of modern constitutional democracy. With one pillar the rule of law and one pillar the rule of the people, the foundations of our democratic

system are inherently in tension with one another. As such, in a world of democracies the specter of populism will always be lurking in the background. For those leaders who seek to employ the populist strategy, the logic of populism is already there, firmly established in the consciousness of the democratic mind. Leaders will claim to directly embody the will of the people, and they will promise to charge against the elite or those who threaten decent society, restoring sovereignty back to the people.

In Latin America, those who have made such claims have enjoyed great electoral success, but they have shown a strong tendency to abuse civil and political rights in the name of the popular mandate. The practice of vote-buying broke Latin American economies with the failure of ISI, and Alberto Fujimori demonstrated that even neoliberal populists will disregard state balance-sheets in delivering monetary incentives to maintain popular support. Furthermore, as these leaders exhaust their ability to fund their populist image, they will use the ideology of the popular unity to justify abuse and removal of political opposition. Rather than restoring sovereignty to the people, the populist instead institutes authoritarianism. Combine this populist belief with a substantive threat to the popular body, and a dictatorship without any regard for the lives of those outside the homogenous body is bound to take shape.

Notes

¹ Diderot, Denis. [1755] 1992. *Diderot: Political writings: Cambridge Texts in the History of Political Thought*, eds. John Hope Mason and Robert Walker. New York: Cambridge University Press, p. 20.

² I recognize the feminist critique of the public/private dichotomy in the human rights literature (see Romany 1993). I use the term "private" here to refer only to individuals, not the home or the family, or any other non-public social institution.

³ See, for example, Pantin, Travis. 2008. "Hugo Chavez's Jewish Problem." *Commentary*, July/August 2008.

⁴ James, Ian. 23 May 2009. Venezuela rejects concerns from UN, OAS on Media. *Associated Press*.

⁵ Márquez, Humberto. 1 December 2008. Venezuela: Reviving the Debate on Presidential Reelection. *IPS*, <http://www.ipsnews.net/news.asp?idnews=44934>.

⁶ Zachary, G Pascal. (24 April 2009). Zuma Rising: South Africa's new president is a man with the common touch ó a rare populist among African leaders. *The Guardian*.

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