



Subnational Undemocratic Regimes in the Americas: Argentina, Brazil, Mexico, and the United States in Comparative Perspective

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As the editors note in their introduction to this special issue, one of the distinctive similarities between Latin America and the United States is the phenomenon of enclave rule. In both settings, “expanded political competition at the national level enabled peripheral elites to protect subnational fiefdoms” in ways that sometimes resulted in regime juxtaposition (intro essay). Enclave rule is not the modal pattern in either Latin America or the US, and yet federalism has provided shelter for important subnational deviations from democracy in both cases. Unlike in unitary systems, federations let constituent units design and enforce their own constitutions, electoral rules, and political institutions, which can be used to construct and reproduce political regimes that are juxtaposed with the national level.

Recently, the prevalence of subnational undemocratic regimes (SURs) alongside democratic national regimes has emerged as a vibrant topic of study in both the comparative and American politics subfields, generating significant advances in our understanding of the origins, continuity, and breakdown of SURs in both the US and Latin America (Gervasoni 2010b, 2018; Gibson 2005, 2013; Giraudy 2010, 2013, 2015; Grumbach 2022a, b; Mickey 2015). However, apart from Gibson (2013), there have been no attempts to systematically study these processes across the Americas, which is problematic because – despite a similar object of study – concepts

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and theories have remained largely regionally bounded.¹ This gap between the two literatures has prevented scholars of North and South America from reorienting their comparative frame of reference, from asking important questions about the origins, continuity, and breakdown of these subnational regimes, and from developing unified concepts. How well do concepts and theories developed in Latin America travel north, and vice versa? We believe much is to be gained – theoretically, conceptually, and empirically – by engaging in a hemispheric perspective that compares SURs in the US and Latin America.

The primary goal of this paper is to examine SURs across the Americas and across time in order to initiate a new research agenda that integrates literatures on Latin American and American politics. SURs certainly exist beyond the Americas, but the unique combination of federalism, bicameralism, and presidentialism in the Western hemisphere makes this comparison particularly promising. In earlier work, and based on our survey of a limited number of formal differences, we proposed that on balance the institutional environment is actually more favorable for the creation and persistence of SURs in the US relative to all three Latin American federations (Eaton and Giraudy 2025). From our perspective as Latin Americanists, we also argued that several features of the US – including its heavily nationalized party system and high levels of bureaucratic capacity – underscore the advantages of a multi-level approach over a perspective that privileges causal factors at just one level of the polity. Our goal here is to significantly expand and deepen this earlier approach beyond the identification of a few salient differences. First, we take a broader-gauged look at similarities and not just differences – including common attempts by SURs everywhere in the Americas to coopt opponents and undermine checks and balances. Second, we widen the scope of our analysis to assess an additional set of deep-seated differences between SURs in Latin America and the US that stem from factors like personalism, rival approaches to decentralization, and racial and ethnic politics. Third, adopting a broader timeframe in line with this special issue, we explore the factors that help explain these divergent trajectories over time. Without eliding important differences between the Latin American cases, and in keeping with the goal of this special issue to compare the US with Latin America, our chief purpose here is to draw attention to the ways the US diverges from all of the Latin American cases with respect to SUR dynamics. In other work that further extends our hemispheric approach, we unpack the three Latin American cases – rather than lumping them together as we do in this article – and then leverage these individual differences to identify multiple pathways of SUR decline (Eaton and Giraudy 2026).

While promising, the hemispheric approach that we adopt here faces some temporal challenges. Which periods of enclave rule should be compared? Most of the literature on the US examines the Jim Crow period that began after Reconstruction and continued through to the 1960s and 70s. More recently, US scholars have also begun to study the democratic erosion that has occurred unevenly across the fifty states since approximately 2010. However, these scholars emphasize that this more recent phenomenon, while serious, is unlikely to result in the type of SURs that were

¹ To his credit, Mickey (2015) directly and effectively draws on a great deal of theoretical and empirical work by comparativists.

prevalent under Jim Crow, including mass disenfranchisement (Mickey 2022; Grumbach 2022a, b, p. 44). In addition to the challenges of comparing the Jim Crow and contemporary periods in the same country (the US), cross-regional comparisons are also difficult. For example, comparing earlier periods of regime juxtaposition across the Americas is complicated by the fact that most Latin American countries lacked consolidated national-level democracies prior to the 1970s, when the third wave of democratization began. Only with the national-level transitions to democracy in the 1980s, 1990s, and 2000s does it become possible to examine the persistence of SURs in Latin America – none of which were as undemocratic as Jim Crow in the US. Our response to these temporal challenges is to shift the focus from trying to explain SURs across time and space to examining how institutional environments shape the possibility of their emergence and fortification. Instead of equating SURs in the US and Latin America, or equating contemporary backsliding in the US with its own past, we are interested in examining the kinds of institutional resources that aspiring autocrats can leverage at the subnational level in the US and Latin America, along with the kinds of institutional constraints that they face. Our concern with what enables SURs leads us to posit a continuum between institutional environments that are “SUR-enabling” versus “SUR-constraining.”

This exercise is possible due to relatively “sticky” inter-American similarities and differences that have tended to persist through time, including those that derive from federal institutions, party system characteristics, and racial and ethnic formations.

Our broadly historical analysis draws on the experience of four federal countries: Argentina, Brazil, Mexico, and the United States.² Beyond some important and expected commonalities across the hemisphere, including in the way that SURs seek to suppress opposition and eliminate checks, Latin American SURs diverge from the US experience in three critical respects. First, whereas SURs in Latin America have not engaged in systematic attempts to formally suppress the vote, restrictions on voter participation were a core element of SURs under Jim Crow and have proliferated once again in the contemporary period. Second, efforts to build SURs in Latin America are associated with politicians who come from a variety of political parties within their countries (including purely subnational parties) – in sharp contrast to the U.S. Third, Latin American SURs are distinctive from their US counterparts in their extensive reliance on personalism.

In addition to identifying these critical differences, the paper also advances a three-part argument about federalism, decentralization, and race that helps to explain why countries are located at such different points along the “SUR-enabling/SUR-constraining” continuum. First, in no Latin American federation is the version of federalism quite as permissive for SUR survival as the version adopted in the US. While this less permissive institutional environment in Latin America may be offset by weaknesses on the part of central states that are less able to impose democratic regime outcomes on subnational units, the literature on SURs has demonstrated that they survive not because the central state is too weak to remove them but rather because

² The fourth Latin American federal country is Venezuela. While this country is formally federal, its current national authoritarian regime has turned it into a de facto hyper-centralized system and thus we exclude Venezuela.

politicians at the center derive political gain from their reproduction (Giraudy 2010, 2015). Second, decentralization in the US took the form of letting SURs design legal regimes of exclusion during Jim Crow, whereas in Latin America it “merely” gave these regimes access to unearmarked fiscal transfers. Finally, in the US racial animus served as the driving force behind SUR formation after the failure of Reconstruction, in contrast to SURs in Latin America which have actually tended to incorporate rather than exclude racial and ethnic minorities.

The paper is divided into two main sections and a conclusion. The next section defines SURs and describes the main differences and similarities between SURs in the US and Latin America. The following section identifies and analyzes our three causal factors: varieties of federalism, distinct forms of decentralization, and the relative salience of racial motivations as enablers of SURs. In the concluding section we present a summary of the argument, discuss the limitations of our study, and propose avenues for future research.

Describing SURs in the Americas

Before proceeding, a definition of SURs is in order along with a brief defense of our baseline claim that, at different points in time, both the US and Latin America have indeed experienced regime juxtaposition. First, SURs are provincial or state governments at the intermediate level of governance; they do not operate as municipal or local political regimes. Second, they are civilian, electoral regimes that are neither fully authoritarian nor fully democratic. As Giraudy (2015, p. 7) notes, “SURs can be clearly distinguished from subnational authoritarian regimes because they hold regular, multiparty elections.” Universal suffrage is the norm; citizens can organize public protests; there are opposition parties that win legislative seats or municipalities; and the media is not subject to censorship or totalitarian control. The distinguishing difference between SURs and subnational democracies is the capacity of opposition parties to actually defeat subnational undemocratic governors (and/or their parties). As noted by Giraudy (2015), through a variety of undemocratic, informal, and sometimes illegal actions, incumbents systematically prevent the opposition from gaining access to state-level government positions.

Having provided a definition of SURs, there is compelling evidence of their existence both in the US and Latin America at different points in time. Through practices that we describe in greater detail below, the eleven states of the former Confederacy established subnational regimes after the aborted end of Reconstruction that “curtailed electorates, harassed and repressed opposition parties, and created and regulated racially separate – and significantly unfree – civic spheres (Mickey 2015, p. 5). The extreme nature of this deviation from democracy has led some to use the adjective “authoritarian” for these regimes (Gibson 2013; Mickey 2015), a term we reserve for subnational regimes that do not hold elections at all. The democratization of SURs in the US then took place in the 1960s and 70s through concerted actions by all three branches of the federal government (Gibson and King 2016). More recently, the scale of democratic erosion in some states under Republican control has been significant, marked by gerrymandering and electoral policy changes that were intro-

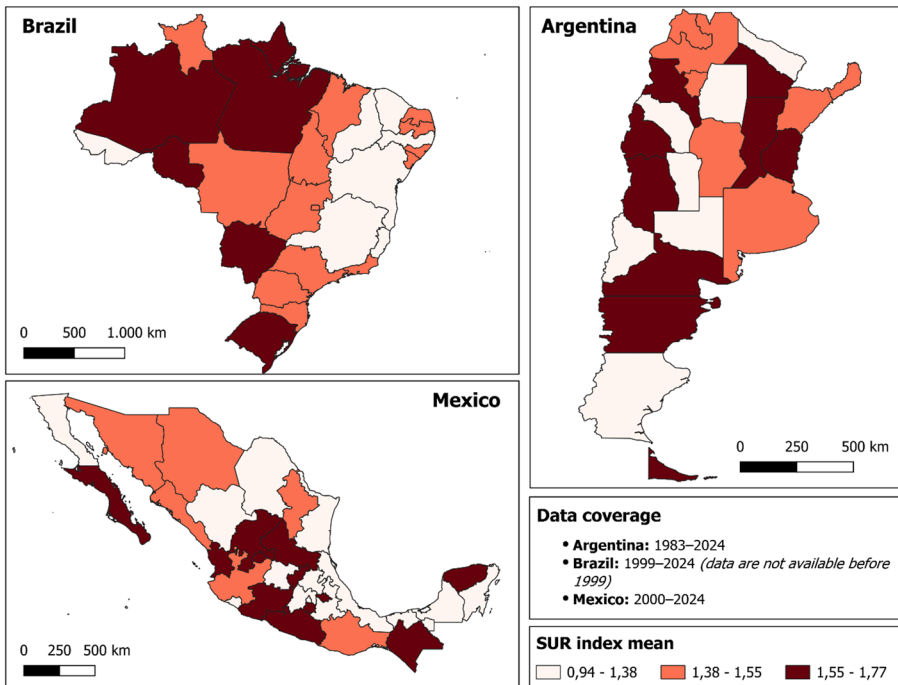


Fig. 1 SURs in Argentina, Brazil, and Mexico. Source: Subnational Democracy Indices (Giraudy 2025; Giraudy et al. 2025)

duced after Republicans made gains in state legislatures and governorships in the 2010 electoral cycle (Grumbach 2022a, b). As Mickey (2022) argues, however, this is not “Jim Crow 2.0” and results largely from the nationalization of party conflict rather than more “indigenous” attempts to recreate SURs. Turning from the US to Latin America, new data presented in Fig. 1 shows that Argentine, Brazilian, and Mexican SURs (in light colors in the figures above)³ have existed along national democratic rule from the 1990s to the present day.

Finally, while SURs can exist in countries whose national political regimes are either authoritarian or democratic, regime juxtaposition only refers to the latter situation. Here we emphasize that our hemispheric approach is facilitated by the presence of national-level democracy in both the US and Latin America. Despite the disenfranchisement of African Americans across a large section of the country, along with women before the 19th amendment, the US established one of the world’s first competitive multi-party democracies at the national level. In the wake of national-level transitions to democracy in Argentina (1983), Brazil (1985) and Mexico (2000), the national political regimes of all three of our Latin American cases should likewise be considered as democratic, notwithstanding the survival of SURs in all three countries and the persistence of democratic deficits at the national level.

³ Darker colors indicate higher levels of subnational democracy.

Party Contestation, Checks and Balances, and Voter Participation

In this section we compare the US and Latin America across three dimensions: party contestation, checks and balances, and voter participation, documenting fundamental similarities in the first two and important differences in the third.

SURs in both Latin America and the US have suppressed party contestation. As described by Giraudy (2015, p. 15), “Latin American subnational undemocratic rulers typically engage in institutional engineering that limits the number of entrants into the electoral arena and reduces intraparty factionalism.” Giraudy further notes that “gerrymandering to over-represent rural districts against the more competitive capital districts, on one hand, and changes in electoral rules that alter district magnitudes, on the other, are only some examples of the institutional reforms carried out by Latin American incumbents to consolidate their ruling positions” (15). Party contestation is also suppressed in contemporary Latin American SURs by crushing civil and political rights like freedom of organization and expression (Giraudy 2015; Gervasoni 2010a, b), and/or by incarcerating political opponents (Gibson 2005; Martínez Vásquez 2006). A crucial tool to suppress contestation in Latin American SURs has been election rigging; abundant confirmation exists, from Mexican SURs in particular, that post-electoral fraud has been used to prevent opponents from taking office (Eisenstadt 2004; Giraudy 2015).

The suppression of party contestation was also a key feature of SURs in the US, as reflected in the use of the term “Solid South” to refer to the uniformity of Democratic party rule and the rarity of “successful Republican candidacies” until the 1960s (Mickey 2015, p. 43). Mickey (2015) emphasizes the extent to which these operated as “one-party enclaves,” where “party-state institutions helped render opposition parties nearly unthinkable” (2015, p. 56). In the contemporary US, attempts to limit party contestation are nowhere near as extreme as the Jim Crow past, but neither are they just limited to the states of the former Confederacy. In a variety of US states, governors have engaged in electoral engineering to suppress party contestation, largely through gerrymandering. As Stephanopoulos and Warshaw (2020, p. 615) show, a recent surge in extreme gerrymandering has skewed electoral outcomes in favor of one party, deepening inequalities in the influence of individual votes and eroding the likelihood of majoritarian rule.

In addition to the suppression of contestation, SURs in both Latin America and the US have also sought to erode checks and balances. Subnational autocrats in Argentina, Brazil, and Mexico have monopolized control over electoral commissions by appointing partisan supporters who will resolve pre- and post-electoral conflicts in their favor, and undermined the independence of lower courts (including Supreme Courts) in states and provinces (Ley 2009; Rebolledo 2011; Melo et al. 2009; Leiras et al. 2015; Gervasoni 2018; Castagnola 2012; Giraudy 2015). In addition to packing courts with friends, relatives, and supporters, other provincial agencies such as provincial comptrollers have also been monopolized by incumbents’ loyalists.

Similarly, SURs in the US used one-party rule to deactivate state-level checks and balances. The ability of legislatures to act as a check on autocratic governors was undermined by legislative malapportionment at the state level, which “provided Black Belt whites and their clients with a commanding presence in state legislatures”

(Mickey 2015, p. 53). More recently in the US, several state legislatures have engaged in attempts to undermine the independence of electoral commissions and state judiciaries (particularly state supreme courts) through strategies such as court-packing and restructuring (see Levy 2020; Berry, Bannon, and Keith 2021; Mickey 2022). Whereas vote counting and election certification historically had been conducted by independent officials, more recently these roles have been transferred to legislatures in some states (Brennan Center for Justice 2021a; States United Democracy Center 2021a, b). One salient example of the contemporary weakening of checks and balances can be seen in 2018 in Wisconsin, where a Republican majority used a lame duck session of the legislature to limit the powers of incoming Democratic Governor Tony Evers after it lost the gubernatorial election, an undemocratic move that was then upheld by the Wisconsin Supreme Court. A similar dynamic occurred in North Carolina before the inauguration of Democratic Governor Roy Cooper in 2016.

While we see important similarities in terms of the suppression of both party contestation and checks and balances, our comparison of Latin America and the US reveals an intriguing difference when it comes to voter participation. One of the most distinctive characteristics of Latin American SURs is that they do not involve sustained or significant efforts to directly constrict voter participation. In contrast, the main strategy used under Jim Crow to prevent the opposition from gaining power was through laws that disenfranchised voters. Unlike Latin America, it is the *participation* of citizens who might vote for the opposition party that has been assailed in the US, both historically and in the present (Mickey 2015, 2022; Grumbach 2022a, b; Grumbach and Hill 2022).

Given that voting is mandatory in Latin America, disenfranchisement has not been a viable and legal option for incumbents. Instead, Latin American SURs have focused on suppressing party contestation by undermining the opposition's ability to defeat incumbents and/or the parties they lead. This has occurred either before elections (through institutional engineering, violence, or curtailment of civic rights) or after elections (by means of electoral fraud and shady vote counting procedures). The striking absence of voter suppression by Latin American SURs directs our attention to the robustness of the norm of compulsory voting as a constraint on this behavior (Birch 2009). In a region characterized by high levels of institutional weakness where rules are often flouted and/or ineffectively enforced by politically compliant judiciaries, it is noteworthy that autocratic governors have tended not to challenge the norm of mandatory voting. One factor that may have contributed to the institutionalization of compulsory voting is the prevalence and persistence of clientelism in the region, which has perhaps given autocratic governors confidence that they can buy votes without having to suppress them outright.

By contrast, the legal disenfranchisement of voters operated as the very foundation of Jim Crow. SURs persisted through the widespread use of poll taxes and literacy and residence requirements, all of which further "weakened the motivation of anti-Democrats to run for office" (Mickey 2015, p. 55). As a result of these legal measures, black voter turnout in the US plummeted from 61% in 1880 to 1.8% in 1912 (Gibson 2013, p. 61). While this era of mass disenfranchisement ended more than five decades ago, beginning in the early 2000s the US has witnessed an ongoing wave of restrictions on voting at the state level (Schraufnagel et al. 2020). As Mickey (2022, p. 122)

reports, “these moves accelerated after the Supreme Court’s weakening of the Voting Rights Act,” with twenty-three states option to restrict voting since *Shelby County v. Holder* (2013). Restrictions on voter eligibility include photo identification requirements and purges of registration rolls and restrictions on turnout include fewer early voting options, fewer polling places, and reduced polling hours (Brennan Center for Justice 2021b). While some scholars suggest that contemporary efforts to restrict the suffrage may be offset by the mobilization of voters angered by these same efforts (Fraga 2018), the key analytical point for our purposes is that in Latin America we simply do not see widespread efforts to legally shrink the electorate.

Table 1 summarizes the similarities and differences between SURs in the US and Latin America, suggesting that the former have been more restrictive than the latter.

Partisanship

The presence or absence of voter suppression is not the only major difference between SURs in the US and Latin America; we see another striking difference in the partisan composition of SURs. SURs in the US can be accurately attributed to actors representing just a single political party, whereas in Latin America the phenomenon cuts across party lines. In Argentina, Brazil, and Mexico, it cannot be said that SURs were the creation of a single party. In Brazil, for example, the state of Bahia was long governed by the right-wing Democrats while other states like Rio Grande do Norte were controlled by the Party of the Brazilian Democratic Movement (PMDB), a center-right party (Souza 2016; Borges 2016). In Mexico, all three main national parties have spawned SURs, including the PRI in states like Veracruz, Oaxaca, and Puebla, the PAN in Jalisco, and the PRD in Tabasco (Giraudy 2015). We also see left-leaning SURs in Argentina, as in the case of a hegemonic (and purely provincial) party that has been able to dominate the province of Neuquén. Although SURs are most commonly associated with the Peronist party in Argentina, the highly factionalized nature of that party masks the actual diversity of Argentine SURs; whereas Peronist SURs in Santiago del Estero and Formosa have been conservative in orientation, for example, other Peronist SURs have been center-left, as in San Luis (Giraudy 2015; Gibson 2013; Gervasoni 2018). Although they have come from a variety of political parties, the autocrats who control SURs in Latin America have largely followed a similar playbook; we do not see distinct parties adopting distinct types of SURs or “partisan prototypes.”

Table 1 Differences and similarities across Latin American and US SURs on selected dimensions

	Argentina	Brazil	Mexico	United States
Suppression of party contestation	Yes	Yes	Yes	Yes
Attacks on checks and balances	Yes	Yes	Yes	Yes
Suppression of voter participation	No	No	No	Yes
SUR-enabling environment	++	++	++	+++

In the US under Jim Crow, SURs were exclusively a Democratic party phenomenon, even as different Democratic state parties in the former Confederacy adopted different responses to common efforts to democratize them by the federal government (Mickey 2015). The ability of southern Democrats to construct SURs and successfully forestall Republican-led democratization efforts was abetted by key Supreme Court decisions that limited the territorial reach of the 14th and 15th amendments. By the mid-1890s, Democrats had rewritten state constitutions to protect Jim Crow and used the White Primary to further insulate the SURs they created. The Supreme Court found the White Primary to be constitutional in 1935 (later reversing itself in 1944) because it was administered not by a state institution but rather by a private actor: the Democratic party (Mickey 2015, p. 97).

In recent decades, however, and as part of the national partisan realignment that has taken place since the Civil Rights era, it is the Republican party that has most frequently engaged in practices that erode subnational democracy (Grumbach 2022a, b; Mickey 2022; Grumbach and Hill 2022). Republicans have engaged in the suppression of voter participation, in the undermining of party contestation, and in attacks on agencies and institutions of checks and balances. Perhaps the most notable example has been the state of North Carolina. Starting in 2011, North Carolina implemented multiple changes in its election laws and procedures, including redrawing legislative district boundaries. These new districts were designed to disproportionately favor white and Republican voters while significantly disadvantaging Democrats (Grumbach 2022a, b, pp. 171–72). According to Christopher Warshaw, electoral districts in North Carolina are “probably the most gerrymandered map in modern history” (quoted in Grumbach 2022a, b, p. 171).

Republicans have also been active at implementing reforms to suppress voting rights. For instance, as widely documented by Hill (2020 and 2021), state and local election officials have adopted policies that create obstacles for young people to register and vote. According to Hill (2021, p. 1), “Republican lawmakers in North Carolina responded to college students voting disproportionately for Democratic candidates in 2012 by closing campus polling places, removing students from local voter rolls, and introducing a Senate bill that ‘would prevent parents from claiming their college-aged children as dependents if their child registers to vote in the county where they go to school instead of their home county.’”⁴ Republican-ruled Georgia is infamous for introducing reforms to electoral laws that limit voting rights, such as restricting voter eligibility through the inclusion of photo identification requirements and purges of registration rolls (Brennan Center for Justice 2021b). Likewise, the restrictions on voter turnout described above (in terms of early voting options, number of polling places, and polling hours) are all measures that predominantly target Democratic-leaning areas (Brennan Center for Justice 2021b).

If the partisan orientation of SURs differs so noticeably between Latin America (where it is heterogeneous) and the US (where attacks on subnational democracy have mostly emanated from a single party), what are the implications of this difference? Here we flag a possible debate over which pattern might be more pernicious.

⁴ Hill (2021, p. 1) also documents how the Republican-controlled legislature in Texas passed a law ending early voting at temporary or mobile sites, effectively eliminating early voting on college campuses.

cious. On the one hand, the reality that SURs and subnational democratic erosion have mostly been the work of a single party in the US likely facilitates coordination among protagonists, along with their ability to exercise national-level influence. On the other hand, one could interpret the greater partisan heterogeneity of SURs in Latin America as the more problematic pattern. That SURs can emerge regardless of the partisan orientation of the governors who build and sustain them means that the phenomenon is not limited to just one portion of the electorate. It can happen in more places and under a broader set of political conditions. Attempts to erode SURs may be more complicated when they reflect a greater range of partisan preferences and formulations. Rather than seeking to advance the collective goals of a particular party or ideological viewpoint, autocratic governors in Latin America often appear far more interested in personally perpetuating themselves (or their families) in power.

Personalism

Scholars of SURs in Latin America have long recognized that these regimes tend to have a high dose of personalism and function largely through well-entrenched neopatrimonial structures (Behrend 2011, 2016; Gibson 2005; Giraudy 2010, 2013, 2015; Gervasoni 2010a). According to Giraudy et al. (2020, p. 75), “personalistic and neopatrimonial rulers typically blur public and private interests and purposes within the administration through corrupt practices while employing cronyism and clientelism to generate loyalty and dependence among followers from different social strata.” These features enable the concentration of power through the appropriation and use of public resources for private and political gain. A key component of personalism is nepotism or, what some scholars have referred to as family politics (cf. Behrend 2011).

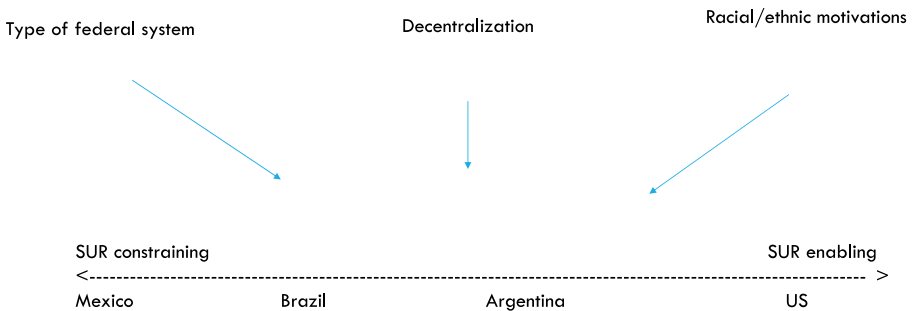
Many SURs in Latin America are characterized by the indisputable dominance of a single individual or a political family for over the course of many (consecutive) terms. Examples abound in Argentina, Brazil, and Mexico. In Argentina, the governor of Formosa, Gildo Insfrán, has been in office for almost 20 consecutive years; in San Luis, the Rodríguez Saá family has ruled the province through alternating terms between the Rodríguez Saá brothers, who thus managed to rule the province for 30 consecutive years. Similar dynamics can be found in Brazil. The state of Bahia, a classic example of Brazilian SUR, was ruled or dominated by Antonio Carlos Magalhães, better known by his initials, ACM, for 27 years. In Mexico, where governors cannot be reelected, there are also examples of SURs that exert a high dose of personalism through family politics. Such is the case of the southern state of Oaxaca, a long-entrenched SUR, that has been ruled by father, José Murat, and son Alejandro Murat, albeit not consecutively.

Personalism is much less manifest in SURs in the US. Unlike Argentina and Brazil, US governors can only run for two consecutive terms. Term limits have a major deterrent effect on personalism, as a single individual cannot remain in power for more than 8 years. Despite a few noteworthy examples, including that of the Long family in Louisiana, there is no equivalent in the US to the kind of deeply-entrenched subnational family dynasties that we see in Latin American SURs. Party has been more important than personalism in explaining the maintenance of SURs in the US.

Interestingly, family dominance and dynastic politics are more prevalent at the federal levels, as seen by the Adamses, Kennedys, and Bushes.

Conditions for SUR Enabling/Constraining Dynamics in the Americas

In this second part of the article, we turn from the description of core differences and similarities between SURs in the US and Latin America to the analysis of three causal factors that, taken together, help account for the differences. Our argument emphasizes the significance of the divergent design of federal institutions, the different kinds of authority that have been subject to decentralization, and the different roles played by racial motivations in the formation of SURs. The figure below provides a visual depiction of our argument.



Varieties of Federalism

In the aftermath of independence from Iberian colonizers, Latin American countries looked not to Europe but to the US constitution as a model for institutional design choices that ranged from presidentialism to federalism. Despite this common institutional inheritance, the countries that adopted federalism did not copy every feature of the United States’ federal model. All federal countries in Latin America replicated the institution of “shared rule” by creating an upper federal legislative chamber that would represent the states or provinces as the component units of the federation. Likewise, reflecting the rule that the national government cannot unilaterally encroach on the prerogatives of these component units in a federation, states and provinces enacted their own constitutions in all cases.

Yet when we look at other component institutions of federalism, we see significant variation. These institutional differences, which largely persisted through time and have achieved quite high levels of institutional stability as rules, make it possible to ask how “varieties of federalism” in the Americas have shaped the prospects for subnational democracy. If, as we hope to demonstrate below, some varieties of federalism enhance the formal institutional *potential* for SURs, this does not mean that SURs are more likely to emerge, which depends instead on whether subnational incumbents seek to take advantage of this potential to actually build SURs. Likewise, in the context of an authoritarian president, the greater autonomy that some

varieties of federalism give to governors can lead to better and not worse democratic outcomes.

In asking how the “varieties of federalism” shape SUR-enabling environments, we draw inspiration from Alfred Stepan’s pioneering work on “federalism as a demos-constraining/demos-enabling continuum” (Stepan 2004, p. 46).⁵ Here, we adapt Stepan’s approach in two key ways. First, we shift the locus of concern from the federal level he privileged to the subnational level by asking how institutional variation across five different dimensions either enables or constrains the SURs that may emerge in any federal country. Second, we also look at a partially distinct set of variables relative to Stepan. In addition to the degree of overrepresentation and policy scope of the territorial chamber (Stepan’s first two variables), we examine two separate variables that are especially likely to matter for creating an enabling SUR environment: the degree to which states/provinces control federal elections and the degree to which they control municipalities. Moreover, whereas Stepan considered the ability of the federal government to intervene in states/provinces as simply a part of the “policy scope” of the territorial chamber, we consider this as a distinct (fifth) variable that can either constrain or enable SURs. Table 2 previews the five federal variables for each country under study, which together can be used to compare the degree to which the overall institutional environment is SUR-enabling in a given country. Of the five variables considered below, the first three refer to the ability of SURs to exert influence at the center (either what happens in the upper territorial chamber or how federal elections unfold) while the last two variables refer instead to the ability of SURs to stave off threats either from above (in the form of federal intervention) or below (in the form of municipal challenges). In what follows we elaborate on each of these variables.

Malapportionment in the territorial chamber As Stepan (2004) and others have argued, the overrepresentation of sparsely-populated states in the upper chamber substantially increases the difficulty of enacting policies preferred by national majorities of voters. But the disproportionate influence wielded by these states can also be leveraged to create a more SUR-enabling environment, and not just to block federal-level policy changes (Gibson 2013, p. 18). The relevant quid-pro-quo here is that Senators from SURs can support federal legislation in exchange for federal forbearance vis-à-vis the authoritarian nature of the subnational regime they represent (Giraudy 2010, 2015). Much of the research on SURs suggests that they are indeed more likely to emerge in less populated, less urban, more rural, and (sometimes in) less economically dynamic units (Benton 2011, 2012; Behrend and Whitehead 2016, Gervasoni 2018; Giraudy 2015). The Argentine, Brazilian, and United States Senates are among the five most malapportioned upper chambers in the set of 25 countries examined by

⁵ Stepan’s key contributions was to note that, when we move beyond the US as a case, we see significant variation in how much other federal systems around the world limit the ability of the federal government to enact policies demanded by majorities. Documenting institutional variation in five federations (Brazil, Germany, India, Spain, and the US), Stepan argued that the location of these cases along the demos-constraining/demos-enabling continuum depends on four key variables: the degree of overrepresentation in the territorial chamber, the policy scope of that chamber, the degree to which policymaking is constitutionally allocated to subunits in the federation, and the degree to which the party system is polity-wide.

Table 2 Varieties of federalism across five variables (For an analysis of how these “varieties of federalism” have led to different pathways of SUR erosion, see Eaton and Giraudy 2026)

	Argentina	Brazil	Mexico	United States
Malapportionment in the territorial chamber	0.48	0.40	0.23	0.36
Policy scope of the territorial chamber	Symmetrical	Symmetrical	Asymmetrical	Symmetrical
States control federal elections	No	No	No	Yes
Federal intervention	Yes	No	Yes	No
State control municipalities	Yes	No	No	Yes
SUR-enabling environment	+++	++	+	++++

David Samuels and Richard Snyder (2001, p. 662) with scores of 0.48, 0.40 and 0.36 respectively. This means that, for example, 48% of the seats in Argentina are held by provinces that would not receive them if the rule of “one person, one vote” were applied. In Brazil, states that represent just 13% of the national electorate control 51% of the votes in the Senate (Stepan 2004, p. 58) and in the US the additional feature of the cloture rule (requiring 60 votes to end debate), further exacerbates the effects of malapportionment (Wirles 2021). Malapportionment is less acute in Mexico (0.23), which occupies the 13th position in Samuels and Snyder’s list. Although Mexico traditionally followed the same rule of equal numbers of Senate seats for each state regardless of population, a constitutional reform in 1996 stipulated that proportional representation from a national list would be used to elect 32 of the Senate’s 128 seats which “decreased its weight as a territorial chamber” (Gibson 2013, p. 126). The greater the malapportionment, the more enabling the SUR environment.

Policy scope of the territorial chamber The potential damage that malapportionment in the upper chamber can do to create a more enabling SUR environment depends in part on how much policymaking power is assigned to that body. When combined with greater degrees of malapportionment in the Senate, asymmetry between the upper and lower chambers, with fewer important powers assigned to the former, is a less problematic institutional design for subnational democracy. The degree of symmetry/asymmetry is perhaps most important with respect to taxing and spending decisions in the budgeting process, where we see symmetry in all cases but Mexico. Adopting a broader view, Stepan (2004) sees the chambers as symmetrical in Brazil

and the US, and for the same reasons: while the lower chambers have the prerogative to originate money bills, the US Senate has special powers in terms of judicial and executive branch appointees, and the Brazilian Senate enjoys 12 exclusive competencies (Stepan 2004, pp. 57–8). In Brazil, there is no area of legislation that is granted to the Chamber of Deputies but denied to the Senate (Hiroi 2008). In the US, the coequal nature of the two chambers in terms of their authority directly reflects the spirit of the *Federalist Papers* as a key means of producing and defending limited government. Bicameralism in Argentina is also highly symmetrical (Llanos and Nolte 2003, p. 75), with the important added distinction that the Senate reserves the right to introduce any changes in federal revenue sharing rules. As with malapportionment above, Mexico is the outlier here in the sense that its Chamber of Deputies is solely responsible for the approval of the budget, and not just its initiation (Llanos and Nolte 2003, p. 72). Gibson (2013, p. 122) argues that the limited powers given the Senate in Mexico reflects the “mistrust of the states” that permeates the 1917 Constitution. Upper chambers with more extensive policymaking power are likely to facilitate SURs more than upper chambers without such power.

States/provinces’ control of federal elections One rule that separates the US from all Latin American cases (and perhaps all other federations in the world) is the rule that endows the constituent units of the federation with control over federal elections. In the US, states enjoy an unusual degree of power over federal elections, including the crucial prerogatives of determining who is eligible to vote in those elections, making important decisions about how to draw districts for the election of representatives to the lower federal chamber, and certifying the results of presidential elections. States in Brazil and Mexico play no such role, and in the latter case the transition to democracy in the 1990s greatly enhanced the ability of the federal government to monitor subnational elections (Gibson 2013, p. 124). In Argentina, provinces as governments do not play any meaningful role in federal elections (Gibson 2013, p. 124). Under Jim Crow, the ability to control federal elections extended to SURs forms of influence they simply cannot exert in Latin American federations. Though their counterparts in Latin America can do significant damage to democracy subnationally, they have never been able to regulate the federal electorate. Through the electoral college, states in the US wield an additional power enjoyed by none of their counterparts in Latin America. With the abolition of the Argentine electoral college in 1994, no other Latin American federation gives the states this potentially important role. Altogether, the greater role of the states vis-à-vis federal elections creates a more propitious environment for SURs.

Federal intervention The constitutional (in)ability of the federal government to intervene and dismiss an elected governor (and to replace them with a federal appointee) is the second rule that sharply differentiates all of the Latin American cases from the US. Presidents in Argentina and Mexico use this power to remove individual governors from office. In each country, the constitution stipulates that the national government can intervene to remove a provincial or state government that it deems to be a threat to the “republican form of government.” Research on SURs in Latin America has demonstrated that, even if they have the formal power to intervene in

the attempt to democratize a particular province, presidents in power at the center of the political system may have very good reasons to actually prefer the continuity of SUR rule (Giraudy 2015). Notwithstanding this political reality, we consider the presence of such a rule to have a potentially constraining effect on SURs. While a large literature has documented important cases of federal intervention in Argentina and Mexico (Behrend 2016; Giraudy 2015; Gibson 2005), in Brazil no federal interventions have occurred since redemocratization although the Constitution identifies a set of conditions that could trigger the dismissal of state governments. The US Constitution does not include any provision for this same kind of political intervention or removal of governors, although a different kind of federal intervention in the form of federal troops sent to desegregate public institutions undeniably played a key role in the democratization of SURs in the Solid South in the 1960s. All things equal, the possibility of federal intervention constrains the environment for SURs.

States/provinces' control of municipalities Finally, federal countries vary significantly in terms of how much authority they give intermediate governments over still lower-level governments. This variation is important because the literature on SURs in Latin America has consistently pointed to municipalities as potential spaces for the emergence of democratic pressure that can erode provincial authoritarianism “from within” (Gibson 2005; Giraudy 2010, 2015). In the US, cities and counties have little constitutional recourse if their duly elected authorities adopt and try to implement policies that either threaten the interests or conflict with the preferences of autocrats at the state level. In these contexts, state authorities can “preempt” local authorities. The Argentine constitution is similar in the sense that municipal governments operate at the discretion of the provinces. In Brazil in contrast, municipalities were endowed with their own separate status in the 1988 Constitution, which has enabled them to play more independent roles vis-à-vis governors who were more easily able to control them under prior federal constitutions (Camargo 1993; Fenwick 2015; Niedzwiecki 2018). The 1917 Mexican constitution enshrined local governments as “free municipalities,” and Gibson goes so far as to consider them the “basic unit” of Mexican federalism (Gibson 2013, p. 132). This claim is debatable, but features like direct federal revenue sharing with municipalities suggest that the Mexican case is closer to Brazil than Argentina in terms of municipal autonomy. Our general claim is that municipalities without autonomy from the states or provinces in which they are located can serve to further enable the environment for SURs.

While from an institutional design perspective the environment for SURs thus tends to be less propitious in Latin America than in the US, one could argue that these institutional constraints are theoretically offset at least in part by lower levels of central state capacity in Latin America as compared to the US. Would-be autocrats at the subnational level have fewer institutional advantages in Latin America than their counterparts do in the US, but it may be the case that their attempts to create SURs could nevertheless succeed if the territorial reach of the central state is simply too limited to check their behavior. In other words, institutional capacity could matter as much as institutional design. Likewise, even if they enjoy greater formal institutional prerogatives in the US, governors seeking to create SURs face a higher-capacity cen-

tral state in the event that the democratic government in control of that center decides to use its powers to prevent subnational regime deviations. While this is a promising line of research, to date the literature on SURs in Latin America strongly suggests that their persistence is due not to the inability of the central state to remove them but because their reproduction actually generates specific and important political benefits for national leaders. This dynamic remains one of the key explanations for the otherwise puzzling persistence of SURs despite successful national-level transitions to democracy.

Decentralization

According to the “comparative statics” analysis above, the formal institutional environment in some federal systems in the Americas is more permissive than others in terms of how much it potentially enables SURs. Here we turn to a more dynamic variable, which is change over time in the resources and prerogatives assigned to states and provinces. Incorporating decentralization into our analysis, which we understand as a set of changes in institutional rules that enhance the governing authority of subnational jurisdictions (in fiscal, administrative, and/or political terms), we see two striking patterns.

First, it can be argued that decentralization has undeniably enabled SURs in all four of our cases. Widely accepted in the US, where the mantra of “states’ rights” long provided a cloak for undemocratic behaviors that were facilitated by decentralization, we find evidence of this same pattern in Latin American federations as well. Examining this pattern, which seems to hold despite crucial cross-national differences, is important given the broader debate about the impact of decentralization on democracy. While scholars and activists alike have championed decentralization as a reform that deepens subnational democracy by bringing decision making closer to the people and/or by reducing the likelihood of a future authoritarian reversal at the center (Souza 1997; Oxhorn et al. 2004), others claim that decentralization undermines subnational democracy by generating new forms of local elite capture and by fragmenting the power of trade unions and other progressive actors (Bardhan and Mookherjee 2000; Cameron 2009). Our analysis and previous research on SURs suggests that decentralization can indeed empower SURs, a pattern that we briefly trace here for each of the four cases.

Second, while decentralization has generally enhanced the prospects for SURs across the board, the dominant form that it has taken in the US seems especially problematic as compared to the Latin American cases. As we describe in the paragraphs below, the main thrust of decentralization in Latin America has been to alter the policy environment in ways that enhance the fiscal revenues at the disposal of SURs due to automatic revenue transfers from the center. In the US in contrast, where subnational units enjoy far greater own-source revenues, fiscal decentralization has been less important than judicial review and the adoption of Court-enforced decentralizing changes that directly protected undemocratic electoral engineering by SURs.

Argentina provides especially strong support for the hypothesis linking decentralization to a more SUR-enabling environment. Like many countries in Latin America, when fiscal decentralization occurred in Argentina in the 1980s, it did not take the

form of transferring taxing authority to provincial governments but rather increasing the provincial share in centrally-collected taxes (called *coparticipación*). According to Gervasoni (2018), this practice of automatic revenue sharing with provinces, which do not participate in the administrative collection of taxes and which are not restricted in how they use federal fiscal transfers, is the leading cause of subnational undemocratic regimes in Argentina. Gervasoni demonstrates that the greater the dependence of a province on fiscal transfers, the worse the democratic performance of that province. Fiscal decentralization has increased the coercive capacity of provincial police forces and severed the accountability connection to voters whose tax payments are not a significant source of provincial revenue. It has also facilitated the formation of patrimonial bureaucracies through which autocratic governors further reinforce control over their provinces (Giraudy 2015). Fiscal transfers are an especially important lifeline for SURs in less economically dynamic and more sparsely populated rural provinces, where a large percentage of the local population may be employed by the province itself. Despite its negative effects on subnational democracy, automatic revenue sharing to the provinces has proved to be remarkably sticky and resistant to reform; for example, governors in the 1990s forced the federal government to rescind a proposal to share revenues directly with municipalities in ways that would circumvent the provinces (Eaton 2004, p. 152).

In Brazil we see clear parallels to the Argentine case in the sense that national-level democratization in the 1980s was accompanied by decentralizing changes that then reinforced the power of traditional, less democratic elites at the subnational level. In contrast to Argentina, gubernatorial elections in Brazil were reintroduced (in 1982) *before* the return to the direct election of the president (in 1990), and governors representing some of the same forces who had encouraged the 1964 military coup were able to use their leverage to powerfully shape the transition as it unfolded at the national level (Hagopian 1996; Abrucio and Samuels 2001). Nowhere was this more important than in the 1988 Constitution, which introduced a generous system of automatic revenue sharing with the states, as well as a parallel system of fiscal transfers to municipal governments (whose adoption reflected the influence of reformist movements within the constitutional convention). Notwithstanding this empowerment of the municipalities, fiscal decentralization to the states (especially in the North and Northeast) reinforced the ability of traditional, less democratic elites to engage in the same practices of clientelism that had sustained their rule in the First and Second Republics. As demanded by its governors, Brazil's overly generous approach to fiscal decentralization then emerged as a major threat to macroeconomic stability, setting in motion centralizing changes under the Cardoso administration (1994–2002) that imposed constraints on gubernatorial discretion in the use of fiscal transfers (Eaton 2004). Subsequently, federal social policy innovations and the strengthening of the safety net under Workers' Party administrations (2002–2016) challenged clientelism as a gubernatorial strategy (Montero 2012), leading Souza (2016) to identify a federal "policy-led" pathway toward subnational democracy.

In Mexico, a series of decentralizing measures that were adopted before, during, and after the national transition to democracy in 2000 likewise empowered SURs (Rodríguez and Ward 1995; Cornelius et al. 1999). As in the Argentine and Brazilian cases, fiscal decentralization largely took the form of granting to the states ever

greater shares of centrally-collected tax revenues in the *participaciones* fund, which increased from 17.6% in 1980 to 18.26% in 1989, 18.51% in the early 1990s, and 20% in 2000 (Giraudy 2015, pp. 62–3). The net result of these automatic and unearmarked transfers was a “steady and sustained reduction in presidential fiscal power” vis-à-vis SURs at a time when the outgoing PRI party saw the continued control of state governments as essential to its survival (Giraudy 2015, p. 64). Especially significant was President Ernesto Zedillo’s “New Federalism” program in the 1990s, which “gave fiscal muscle to the political autonomy of local incumbents” in authoritarian states (Gibson 2013, p. 118). Inspired by Puebla Governor Manuel Bartlett, PRI governors also sought to encroach on federal revenue sharing with municipal governments by diverting funds from urban municipalities controlled by the opposition to rural jurisdictions controlled by the PRI. Additional decentralizing measures under the Fox and Calderón administrations increased still further the size of fiscal transfers (Giraudy 2015, p. 63), leading some to argue that governors had emerged as a new class of Mexican “caciques” and “feudal lords”—in contrast to the much more politically subservient role they had played during the long period of PRI hegemony (Hernández 2008).

In the US, the much greater fiscal prowess of subnational units means that revenue sharing has loomed less prominently in intergovernmental relations as compared to all Latin American federations. Undemocratic behaviors by subnational officials have been facilitated less by fiscal decentralization than by the decentralization of authority over electoral institutions as determined by the Supreme Court. Here we emphasize the fundamentally decentralizing quality of the Court’s 2013 decision in *Shelby County v. Holder*, and its role in facilitating the passage of laws in 15 states over the past decade (including in states not subject to the preclearance requirement of the 1965 Voting Rights Act) that have restricted the franchise by closing polling places, eliminating early voting, purging voter rolls and imposing strict voter ID laws – all in the absence of evidence of significant voter fraud (Schuit and Rogowski 2017). Against the logic of the 1965 legislation, which centralized in the Department of Justice the authority to approve state-level changes in electoral rules, the 2013 decision shifts back to the states forms of authority they enjoyed before the so-called “nationalization of the Bill of Rights” that took place in the 1960s and 1970s (Gibson and King 2016, pp. 31–3; Mickey 2015). Zooming out from the last decade, the distinctive pattern that characterizes the US relative to Latin America centers around the Supreme Court and its oscillation between support for decentralization (as in its decisions in the 1870s in *U.S. vs. Cruikshank* and *U.S. vs. Reese*, which limited the potentially democratizing effects of the 14th and 15th Amendments to the Constitution), and centralization (as in its decision in 1966 to uphold the preclearance requirement in *South Carolina v. Katzenbach*). Against this backdrop, *Shelby County v. Holder* can be seen as a fundamentally decentralizing decision by the Court that reduced the oversight of the federal government vis-a-vis subnational efforts to underrepresent minority voters, thus creating a more SUR-enabling environment.⁶

⁶ Supreme Courts in Latin America to date have not played the key role that we see in the US, but this may be changing. In May 2023, the Argentine Supreme Court suspended elections to prevent the re-election of term-limited incumbent governors in two provinces (San Juan and Tucumán).

Race and Ethnicity

Almost everywhere in the world outside the Americas, federalism is tightly connected to questions of race and ethnicity because federal institutions are widely used as a mechanism to accommodate minority identities when these are spatially concentrated in particular regions within a state's territory. This "holding together" approach to federalism (e.g. India, Nigeria, Spain) simply does not apply to Latin America or the US, where the delineation of internal borders between the constituent units of federalism, and the recognition of governing authority within those units (on a symmetric or asymmetric basis), has never been seen as a way to separate and accommodate spatially concentrated racial or ethnic groups. While the states and provinces that serve as the constituent units of federations in this hemisphere were not established along ethnic or racial lines, in both cases a host of institutional mechanisms have been developed to accommodate and/or recognize ethnic and racial differences, from indigenous municipalities in Bolivia to autonomous indigenous regions in Nicaragua.

Despite this similarity between federations in the Latin America and the US, when we shift from a comparison between the Americas and the rest of the world to an intra-American comparison, we see profound differences in the salience of race and ethnicity in the formation of SURs in the US vs. Latin America. White supremacy drove the creation and maintenance of SURs in the US, but racial and ethnic bias and domination (though very real in Latin America) seem far less central to explanations of SUR emergence and survival across the region. In Latin America, SURs have been designed not to exclude racial and ethnic groups, but rather as a means of engaging in class politics – either to prevent redistributive changes like land reform (as in the case of Brazil) or to incorporate rural workers as peasants (as in Mexico and, to a lesser extent, Argentina). As noted above, SURs in Latin America seek to restrict contestation but not participation, preferring the incorporation and control of racial and ethnic minorities rather than their formal political exclusion.

In the US, a clearly punctuated sequence of historical events strongly points to race in general and white supremacy in particular as the main drivers that created SUR-enabling conditions at the end of the 19th century, and that persist to this day. The construction, deconstruction, and potential re-construction of SURs in the US is intimately tied to the broader attempt to build a multi-racial democracy, which has a long history. In broad brushstrokes, the military defeat of the eleven states of the Confederacy enabled the federal government to require the ratification of the 13th and 14th amendments as a condition of readmission to the union, along with guarantees for black voting rights. Under Reconstruction, these states wrote new constitutions that democratized political life and brought African Americans into positions of power in both state and federal legislatures (Gibson 2013; Gibson and King 2016). With the end of Reconstruction, and following Supreme Court decisions that protected southern states from the terms of the 14th and 15th amendments, white political elites in the Democratic party then re-wrote these new constitutions in ways that enabled SURs on the basis of institutionalized black political exclusion. More recently, a wave of voter suppression across Republican-controlled states began in 2010 as a form of backlash to the election of President Barack Obama in 2008. Republican victories in the 2010 mid-term elections and in state elections set in

motion redistricting efforts following the 2010 census that have undermined democracy at the state level. Racial domination is of course not the only cause of SURs in the US; contemporary efforts by the Republican party to suppress the youth vote (Hill 2020) can be understood as attempts to forestall reforms that would redistribute income across class levels and opportunity across generational divides. Nevertheless, race surely deserves central billing in any account of SURs in the US.⁷

If SURs in the US were historically the primary mechanism through which the former slave-owning elite was able to maintain racial domination in response to democratizing shifts at the national level, the dynamic looks quite different in Brazil. In the 19th century, significant slave revolts in several states where slavery was less entrenched and where the position of landed elites was weaker (e.g. Bahia, Maranhão, Pará) translated into broad and consistent elite support for the monarchy as a guarantor of the racialized social order (Murilo de Carvalho 1993). In contrast to the US, centralization rather than decentralization was seen as the way to preserve slavery. Only when Emperor Pedro II decided to support Brazil's gradual process of emancipation at the end of the 19th century did oligarchs update their institutional preferences, ushering in American-style federalism and rule by oligarchic Republican parties in each of the states. But in Brazil there was nothing equivalent to Reconstruction as a threat to white supremacy after the abolition of slavery, nor as a consequence was there any systematic effort to institutionalize racism through the kind of legal engineering that produced SUR-enabling conditions in the US. As Marx (1998, p. 161) argues, "peaceful abolition and republican federalism provided little pressure or capacity for central state intervention to assist freed slaves," and segregation in Brazil was maintained largely informally rather than formally (p. 162). Though this absence of institutionalized racism would lead to the erroneous and problematic myth of racial democracy in Brazil, it does mean that Brazilian SURs had a less overtly racialized quality. Class rather than race seems to offer the more useful optic to understand oligarchic and authoritarian behavior by governors who were intently focused on preventing redistributive land reforms for much of the 20th century (Camargo 1993).

While white political elites in the US deliberately built and sustained SURs on the basis of institutionalized black political exclusion, political elites in Mexico and Argentina adopted more inclusionary behaviors. In Mexico, where indigenous groups constituted a substantial percentage of the total population, political elites implemented radical policies to incorporate these communities, along with the urban working class, into the political arena (Yashar 2005). In the early-mid-1900s, as Yashar argues, "labor laws freed Indians from slave labor, debt patronage, and other forms of repressive labor control...and recognized indigenous peoples as candidates for citizenship rather than objects of local control" (2005, p. 60). Land reform, along with social services provided by the state, further freed indigenous communities from white elites, though they were compelled to emphasize their class identities as peasants and not Indians in order to receive these benefits. Indigenous groups were expected to join government-sanctioned peasant federations. In Mexico after 1938, the PRI-affiliated *Confederación Nacional Campesina* (CNC) became the ticket for

⁷ See Miller 2010 for the argument that federalism in the U.S. has worsened patterns of racial exclusion and disadvantaged local community responses to crime.

indigenous political incorporation and access to the state and its resources. Unlike in the US, ethnic groups in Mexico were expected to deliver votes (to the PRI), and were encouraged to actively participate in politics (Collier and Collier 1991). Far from engaging in voter suppression, elites actively courted indigenous communities in order to incorporate Indians as peasants. In some cases, as in the case of Veracruz, governors not only mobilized indigenous voters, but allowed indigenous leaders to occupy major political and administrative posts (Collier and Collier 1991).

In Argentina, race and ethnicity played an insignificant role in the enabling of SURs, partly because of the extremely low percentage of the population that self-identifies as non-white. Moreover, as in Mexico, non-white populations were also incorporated in the political arena after the 1940s, when the process of industrialization took off. The Peronist party, with its multiclass coalition that comprised urban workers and the rural peasantry (Collier and Collier 1991; Gibson 1997), sought to politically mobilize the peasantry and the few indigenous groups that existed. Governors also relied heavily on the votes these groups could deliver, which meant that far from repressing their voting rights, they actively encouraged them to participate in politics and elections.

Conclusion

Subnational undemocratic regimes pose threats to democracy across the Americas, but they do so in different ways and for different reasons. In this article, we have argued that, while SURs in the US and Latin America have similarly sought to restrict contestation and undermine checks and balances, only in the former case have they also engaged in explicit attempts to limit participation through systematic practices of voter suppression. Furthermore, whereas undemocratic behaviors in Latin America can be located across the partisan spectrum at the subnational level, in the US they have been associated with a single party -- first the Democratic party under Jim Crow and more recently the Republican party. Finally, we see a much greater degree of personalism in Latin American SURs than in their US counterparts. In addition to describing these cross-regional differences, we have also sought to account for the more SUR-enabling environment that we see in the US. Although they vary amongst themselves, our set of Latin American federations has fewer institutional features that can be taken advantage of by SURs. All four of our cases decentralized, but decentralization in the US took the form of letting SURs design legal regimes of exclusion, whereas in Latin America it mostly just bolstered these regimes' access to fiscal transfers. Finally, in the US, racial animus served as the driving force behind SUR formation, in contrast to SURs in Latin America which more commonly incorporated (rather than excluded) racial and ethnic minorities.

Moving beyond these core findings, in this concluding section we assess several issues that will require further research and reflection in order to deepen the comparative study of SURs across the Americas. First are challenges of periodization. Academic interest in SURs is rooted in the growing understanding that SURs can persist despite transitions to democracy at the national level. Describing and explaining the juxtaposition of national democratic regimes and undemocratic subnational regimes

is at the heart of this scholarly enterprise. But if SURs are most interesting when they operate against the backdrop of national-level democratic regimes, this poses a set of difficult questions. Is it correct to claim as we have in this paper that the national regime in the US was indeed democratic during the seven decades of Jim Crow? When did the US democratize at the national level? In the wake of the Civil War with the passage of the 14th and 15th amendments, the backlash to which set in motion the construction of SURs in the south? Or only in the 1960s with the nationalization of the bill of rights? Similarly, when does the relevant period of analysis begin for Latin American SURs? Here we note that Argentina first democratized as part of the first wave of democracy in the 1910s, Brazil in the second wave of democracy in the 1940s, and Mexico only in the third wave of democracy in the late 1990s. In the first two cases, what might be gained by studying Argentine and Brazilian SURs that were the contemporaries of Jim Crow-era SURs?

A second related challenge will be to move beyond the continuum marked by “SUR-enabling” at one end and “SUR-constraining” at the other. More specifically, it may be necessary to more explicitly differentiate between the concepts of SUR construction and SUR survival, rather than merely assessing the general permissiveness of the landscape for SURs, as we have done in this article. This conceptual challenge is related to the challenge of periodization above in the sense that it would require us to identify more precisely when and why SURs originate – a question that is analytically distinct from the separate questions of how they persist over time, and what factors might explain their eventual transformation into subnational democratic regimes.

A third challenge going forward is related to the concept of regime juxtaposition. Most of the literature on SURs seeks to understand the emergence and survival of SURs in countries whose national political regimes are democratic. But given the erosion of democracy at the national level that is taking place in this current period of global democratic backsliding, along with the critical role that subnational democratic regimes might play as a possible check on this phenomenon “from below,” we need to broaden our focus on a larger set of possible regime juxtapositions. When the autocrat is the president and the democrat is in fact the governor, then some of the institutional design choices we flagged above as “SUR-enabling” might actually serve to best advance the cause of democracy. To give one example, while the mechanism of federal intervention can be (and in fact has been) used by democratically-elected presidents to remove autocratic governors in Latin America, the same tool could also be used by an autocratic president to get rid of democratically-elected governors due to their opposition to the (authoritarian) national government.

Finally, it might also be useful to broaden the scope of analysis beyond federalism. As the literature on subnational authoritarianism continues to expand, we are learning that this phenomenon does not necessarily require federalism (Dosek 2024; Eaton and Prieto 2017, Pino 2017). Governors and mayors in Latin American countries that use unitary rather than federal institutional designs can also exhibit undemocratic behaviors even if they are not sheltered by the relatively greater institutional protections afforded by federalism. Relaxing the strict focus only on federal cases and broadening the frame of reference to include unitary cases in Latin America might

generate additional analytical leverage on the question of what difference federalism actually makes, especially considering the significant variation within federal systems that we have emphasized in this article.

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