

UC Riverside

UC Riverside Previously Published Works

Title

Informal Civil—Military Relations in Latin America: Why Politicians and Soldiers Choose Unofficial Venues

Permalink

<https://escholarship.org/uc/item/69c5b0nk>

Journal

Armed Forces & Society, 36(3)

ISSN

0095-327X

Author

Pion-Berlin, David

Publication Date

2010-04-01

DOI

10.1177/0095327x09352961

Peer reviewed

Armed Forces & Society

<http://afs.sagepub.com>

Informal Civil Military Relations in Latin America: Why Politicians and Soldiers Choose Unofficial Venues

David Pion-Berlin

Armed Forces & Society 2010; 36; 526 originally published online Nov 16, 2009;
DOI: 10.1177/0095327X09352961

The online version of this article can be found at:
<http://afs.sagepub.com/cgi/content/abstract/36/3/526>

Published by:



<http://www.sagepublications.com>

On behalf of:

[Inter-University Seminar on Armed Forces and Society](#)

Additional services and information for *Armed Forces & Society* can be found at:

Email Alerts: <http://afs.sagepub.com/cgi/alerts>

Subscriptions: <http://afs.sagepub.com/subscriptions>

Reprints: <http://www.sagepub.com/journalsReprints.nav>

Permissions: <http://www.sagepub.com/journalsPermissions.nav>

Citations <http://afs.sagepub.com/cgi/content/refs/36/3/526>

Informal Civil–Military Relations in Latin America: Why Politicians and Soldiers Choose Unofficial Venues

Armed Forces & Society
36(3) 526–544
© 2010 Inter-University
Seminar on Armed Forces and
Society. All rights reserved.
Reprints and permission: <http://www.sagepub.com/journalsPermissions.nav>
DOI: 10.1177/0095327X09352961
<http://afs.sagepub.com>



David Pion-Berlin¹

Abstract

This study examines the phenomenon of informal civil–military relations. Informal behaviors are those that normally do not occur within the chain of command, are not mandated by law, and do not conform to official procedures. Politicians and soldiers discover that formal, institutional routines are sometimes too constraining and that they can advance their interests more effectively by amending, circumventing, or violating those routines. The party most aggrieved by the rules of the game initiates an informal solution. Whether the other side goes along depends on how divergent its preferences are with the aggrieved party. Greatly divergent preferences result in unilateral informalities, less divergent but still negotiable positions yield bilateral-conflictive encounters, and convergent preferences result in cooperative ventures. Case studies on Chile, Argentina, and Bolivia exemplify three different kinds of informal encounters and their impacts on civilian policy choices and military interests.

Keywords

civil–military relations, informal civil–military relations, defense, chain of command, Latin America

Contact between government officials and military commanders and their staffs normally takes place within the defense organizations in and around the chain of command.¹ It is along this organizational ladder of influence that political overseers and soldiers interface on a daily basis, within well-established agencies using official lines

¹University of California, Riverside

Corresponding Author:

David Pion-Berlin, University of California, Riverside, Department of Political Science, Riverside, CA.
92521-0118
Email: david.pion@ucr.edu

of communication, conforming to official procedures. This interface can be thought of as the formal aspects of civil–military affairs. At the same time, it is acknowledged that civilian officer holders and military personnel alike move “off script,” taking liberties with the rules and finding other venues in which to deliberate. This form of conduct may be referred to as informal civil–military relations.

Politicians and soldiers discover that formal rules and venues are sometimes too constraining, even suffocating; that they can achieve results more effectively and efficiently by amending, circumventing, or violating the formal routines. Military chiefs might short-circuit the chain of command by leaping over the defense ministry to have direct access to the president, thus enhancing their power. The president in turn might form back channel communications with more junior commanders either because he does not trust the information that filters up through the ranks or perhaps because he wants to delegate tasks more directly, bypassing officers he perceives to be obstructive.² Should the two sides concur on policy, they may jointly move off base and out of government offices to meet in venues that are less confining and more conducive to productive interaction. There are many other examples, ranging from clandestine, unauthorized meetings of military officers to public civil–military conferences, from large informal networks designed to recruit officers into government service to one-on-one encounters. What unites these phenomena is the fact that they do not occur within the chain of command, are not mandated by law, and do not conform to official rules and procedures.

Undoubtedly, there are countless other examples, and yet there has been no effort to fully conceptualize and systematize our understanding of these unorthodox encounters. Some scholars discuss aspects of the civil–military relation that could be construed as informal, but rarely are these identifications made explicit.³ As a result, basic questions about the nature of civil–military informality have not been addressed. What do informal civil–military contacts look like? How do they differ from formal contacts? How do they vary between themselves? Why do they arise? And what are their implications for the civil–military relation?

This article first briefly recaps the Latin American omission: the failure of scholars to explicitly discuss the informal sphere of civil–military affairs. Definitions of formal and informal spheres are provided, followed by a discussion on why informalities arise. Then a conceptual framework for interpreting informal varieties of civil–military relations is outlined. With that framework in mind, three case studies of civil–military informalities of different types are presented, followed by conclusions.

The Latin American Omission

If there were in fact informal qualities to the civil–military relation, it would come as little surprise to most Latin Americanists. Most presume that, at least in the past, politically motivated armies seldom engaged in rule-abiding behavior, that they exerted influence in ways not captured by organizational charts. The public contacts between government and military officials seemed cordial, never really revealing much about

the underlying power configurations. Real power struggles between soldiers and civilians, it was thought, unfolded in the shadows of government edifices, not within official corridors or channels. The *real* civil–military relation was a veiled one, unless or until things exploded onto the public scene in the form of a military coup d'état.

But if conventional Latin American scholarship greatly discounted the impact of formal rules, it also never specified what the informal sphere actually looked like. Rather, policy outcomes were the product of the unbridled struggle between power contenders, nothing more. The formal–informal distinction was obscured since there would be no norms or conventions—let alone unwritten rules—driving behaviors but rather an unfettered contest for power. Huntington's praetorian society where competing groups confronted each other nakedly without restraint seemed to best capture this notion.⁴ Since the military would usually win the power contests at the expense of democratically elected governments, the “anything goes” viewpoint inevitably gave way directly to analyses of the military coup, its causes, and its consequences.⁵ Lost was any systematic discussion about the informal contacts between soldiers and politicians prior to the military's seizure of state power.

In the contemporary democratic period, the “anything goes” argument is increasingly obsolete because the armed forces cannot afford to ride rough shod over legitimately elected politicians or the institutions they serve. They risk losing resources to other competing groups in an era when politicians, minding their electoral fortunes and careers, care much less about defense than about economic development, poverty, or education. Most militaries understand that it is to their advantage to exert influence within official channels so that they can earn some measure of respect for conforming to democratic legal limits just as others are expected to.

At the same time, today's military also pursues informal modes of behavior, as do civilians.⁶ These behaviors sometimes clash with but often coexist with the formal. As will be shown below, these informalities vary considerably in intent, form, and consequence. They run the gamut from provocative, unilateral moves by the military aimed at improving its institutional well-being at one end, to president-led informalities aimed at enhancing control at the other, to coordinated and cooperative civil–military ventures in the middle. But in contrast to the uninhibited pressure politics of the past, today's informal civil–military politics observes certain rules of behavior and norms of restraint. To fully understand these, we must first make clear the distinction between formal and informal behavior.

Formal versus Informal Behaviors in Politics and Civil–Military Relations

Formal behaviors are ones that are officially sanctioned, meaning they usually have a basis in law, and the endorsement if not a guarantee of those with institutional authority. They occur within official channels, and if speaking of formal state-centered behavior, they are routed through the relevant agencies and branches of government. They closely conform to the procedures that govern those organizations and that guide

the communications between personnel of those agencies. Hence, formal behavior is officially authorized, situated, legal, and rule driven.⁷

If formal rules are to have any real power, it is in their ability to explain, even predict, patterns of behavior. If conduct is rule driven, then simply knowing what the rules of the game are should allow us to accurately anticipate human conduct. Hence, the study of formality would have value because individuals act as we would expect them to, given our knowledge of the official venues, structures, roles, and procedures.

But what happens when there is a divergence between what individuals do and what we expect them to do? Even more, what if those divergences are deep, pervasive, and systematic? The gap between anticipated and actual conduct in civil–military affairs has been made evident with investigations into the moral hazard problem, where military subordinates shirk their duties, oftentimes unbeknownst to superiors.⁸ That gap and others like it give value to the study of informal behaviors.⁹ Informal behaviors are those that do not follow the official script, that are not always situated in official venues, and that depart from statutory rules of conduct. They are real enough, often guided by unscripted yet mutual understandings, unofficial codes of conduct and norms. These understandings are usually self-generated and sometimes self-enforced by those who reside within the informal set of relations.

Institutionalized informalities are, according to Helmke and Levitsky, “socially shared rules, usually unwritten, that are created, communicated, and enforced outside officially sanctioned channels.”¹⁰ The key is enforcement; those within the informal arrangement must know that rule violations are punishable. Institutionalized patterns of interaction are also ones that are regularized if not predictable: actors expect their behaviors to be guided by the same rules into the future.¹¹ Not all informal actions are institutionalized, however. Some informalities are highly patterned, even rule bound, but not enforced. Other noninstitutionalized informalities are not regularized; they are capricious, ad hoc, and contingent in nature. This notion of ad hoc informal behaviors, as opposed to institutional informalities, conforms more closely to the unofficial relations observed within the civil–military world.

Not surprisingly, informal civil–military relations can appear in various guises across numerous circumstances and locations. Yet as used in this study, informality is not simply a receptacle bin for all interactions that depart from official script. Excluded are all overt, violent interventions by the military, the coup d'état being exhibit A, as are all presidential efforts to coercively concentrate power via self-coups. Also omitted are casual encounters between politicians and soldiers where both sides “take off their hats” to discuss personal or other matters as friends or acquaintances.¹² For purposes of clarity, informal relations are ones where the players show up in their official capacities as officers of state and men in uniform to conduct important business.

While informalities can be easily identified within civil–military relations, it is still hard to imagine how the defense sector could operate without adhering to formal guidelines. Whether in wartime or peacetime, governments must know that the one organization with a monopoly on the means of coercion will be ready and willing to

submit to official procedures, channels, and authority. If there is ambiguity about who is in control, what is the chain of command, and what is the purpose of the mission; if there is hesitancy about the nature, value, lawfulness, or legitimacy of commands handed down from above; if there is a lack of clear decision-making guidelines, an absence of coordination among different services, units, and departments—any of these could result in unexpected failure, the cost measured in time and resources lost or, worse still, human lives. In these respects, the civil–military hierarchy ought to conform to Weber’s notion of a rational bureaucracy, one that embodies “precision, speed, unambiguity, . . . continuity, discretion, unity, strict subordination.”¹³ The bureaucracy is the best (most rational) form of organization according to Weber because it embodies a division of labor that encourages specialization and expertise, all hierarchically ordered and vertically disciplined by a set of officially accepted rules and coordinated by respected authorities to ensure that objectives are realized.¹⁴

And yet even in the most advanced defense systems in the world, informalities are widespread. Presidents, civilian agents, military commanders, and the rank and file repeatedly contrive ad hoc rule-bending or rule-breaking behaviors, conducting themselves in ways not befitting of bureaucratic, hierarchical rationality. In fact, they go so far as to upset chains of command, circumventing officers, agents, and agencies whose positions are defined in law. Because such a huge premium is placed on strict observance of formal commands, channels, and practices within the civil–military hierarchy, identifying why informalities occur takes on added importance.

Why Do Civil–Military Informalities Arise?

Politicians are absorbed with getting the military to efficiently execute the policies they want and only those they want. Militaries are typically absorbed with safeguarding their institutional well-being.¹⁵ Where the military’s institutional pursuits collides with the government’s objectives, substantive disputes can also spill over into procedural ones. One side or the other may no longer believe that they can best achieve their goals by remaining confined to the official decision-making centers.

Why would the procedures governing those centers matter to policy outcomes? There is a long and indisputable relation between procedure and substance. Decision-making centers are not neutral arenas. Institutions create procedural advantages for some and impediments for others.¹⁶ They direct flows of influence, erect barriers of entry, and impose bureaucratic distance between some actors and centers of political power, thus determining who is “in or out of the loop.” Within the chain of command, there are obviously rewards for being perched at higher rungs of the ladder. But even within a more level playing field, such as a national security council, rules determine who convenes the meeting, what voting procedures are followed, whether participants have veto rights, and so on. Any of these design features can tilt the balance of influence and therefore policy outcomes in favor of one side or the other.

Because institutional designs create bias, then overturning those designs should be the objective of those who are more disadvantaged. Doing so has one great benefit, as

Steinmo, Thelen, and Longstreth describe: "Reconfiguring institutions can save political actors the trouble of fighting the same battle over and over again."¹⁷ Set up a new set of rules by which all must abide and let the process unfold to its inevitable conclusion and to your inevitable gain. The problem in the contemporary civil–military relation is that usually neither side has sufficient strength to either coerce or decree a complete overhaul of formal procedures. Once chosen, institutional rules have a tendency to stick. Consequently, if the rules cannot be easily relegislated or the rules rewritten, civilians and soldiers alike may conclude it is less difficult to circumvent official procedures than to change them.

When official channels have proved frustrating, then informal alternatives will often be sought, assuming players are sufficiently motivated to do so. If the military and the government both agree that progress is unlikely within official corridors and the issues at stake matter to them, then they may coordinate efforts to find informal venues. But because formal institutions mobilize bias, it is more often the case that one side is more aggrieved by the official rules than the other. Then either officers *or* government officials will take the initiative in seeking out informal solutions.

Varieties of Civil–Military Informalities

Whether the other side goes along with the aggrieved party depends on how convergent or divergent their preferences (interests) are.¹⁸ It is unlikely either side would abandon a procedural advantage built into the formal structure unless it had a great desire for collaboration with the other or unless the stakes were low. When preferences converge, informal interactions will bring the two sides together cooperatively.¹⁹ When preferences diverge but positions are negotiable, bilateral ventures are possible, though conflict will be present. When preferences are widely disparate (positions lie outside the bargaining range), unilateral actions are more likely.

What follows is a conceptual framework for sorting out the various kinds of informal encounters. There are two sets of logical scenarios, each of which holds constant for procedural bias while assessing variances in preference divergence and informality. In the first set, formal channels are biased primarily against military interests. Perhaps the military cannot coalesce because each service branch must separately answer to the defense ministry. That ministry will impose bureaucratic routines that channel, filter, and delay military requests. Too strong a civilian minister may simply turn down military demands altogether. The armed forces find they cannot make an institutional end run around the administration by going to the congress because that particular legislature has little budgetary power or oversight on defense affairs.²⁰

For these reasons, the military will initiate informalities, but their form will vary. Should there be greatly divergent preferences between the two sides, the military will unilaterally seek informal alternatives, posing as an adversary. It engages in autonomous though nonviolent actions that might include unauthorized press briefings, clandestine officer meetings, or unauthorized confinements to barracks. Should preferences diverge but positions be potentially negotiable, bilateral, adversarial encounters will

occur. The government reluctantly agrees to the military request for an unofficial meeting, despite its displeasure with moving off the organizational chart. An example would be where the military demands and the president agrees to a face-to-face encounter that circumvents the defense minister.²¹ Alternatively, the military dislikes official channels but concurs with civilians' policy preferences. The military will initiate an informal solution, but civilians will voluntarily join in a cooperative venture, such as a conference. This encounter might be chosen because it constructs a more relaxed environment that induces an easier flow of information and greater mutual understandings.²²

The second set of scenarios, decision-making structures, and rules prove obstructive for civilians. Perhaps presidents are bequeathed defense structures from *de facto* regimes that are difficult to navigate or overturn. They are confronted with a military general staff that is positioned too high up the chain of command, giving those officers privileged access and subjecting the president to undo pressures.²³ Should civil-military preferences be widely divergent, bargaining is foreclosed and unilateral actions will be taken by civilians. Presidents may construct back channels with other military and civilian figures to blunt the influence of their commanders.²⁴ Alternatively, they may decide to change personnel by tampering with the promotional system to shape a more compliant high command. This is a way of avoiding the adverse selection problem that occurs when undesired or untrustworthy senior officers climb up through the ranks.²⁵

Where preferences are less divergent, civilians will seek unofficial venues but get the military to show up to negotiate solutions. Oftentimes, this will take the form of unofficial talks about contentious issues such as human rights. The third possibility is one where civilians are inconvenienced by official procedures but concur with the military regarding an issue. One example would be where civilians create informal networking channels designed to cultivate military contacts or potential recruits for government posts.²⁶ The full set of theoretical options is depicted in Table 1.

These are analytical categories. It should be said that while preferences are exogenously given, they may shift once subject to the "give and take" of civil-military encounters. Strategies are also fluid. What starts out as intransigence could transform into negotiation and unilateralism into bilateralism, or vice versa. One other caveat: this framework and the case studies that follow limit themselves to high-level initiatives and contacts. Hence, the informalities are those that involve the president or the president's defense minister at one end, top-level commanders at the other, and elites from outside government and the military. Excluded are countless informal gatherings at lower levels of government and military rank and ones that incorporate nonelites from the private sector, universities, or NGOs.

All of these informal routines depart from the organizational chart in different ways. Scholars have typologized informalities according to whether they can complement, substitute for, or compete with formal arrangements.²⁷ Complementary informalities can coexist with and run parallel to formal ones. They involve the creation of new venues and unofficial modes of interaction. In Table 1, a military-organized conference or a

Table 1. Varieties of Civil–Military Informal Behaviors

Formal Channels				
Impediment Mainly To:	Preferences— How Divergent?	Informality Initiated By:	Kind of Informality	Example
Military	Greatly divergent	Military	Unilateral	Unauthorized military meetings, press briefings, communiqués
	Divergent but negotiable	Military	Bilateral-conflictive	Military initiated meeting with president, bypassing defense minister
	Convergent	Military	Bilateral-cooperative	Military-sponsored conferences
Civilians	Greatly divergent	Civilians	Unilateral	Presidential tampering with promotion systems
	Divergent but negotiable	Civilians	Bilateral-conflictive	Informal talks on contentious issues, outside chain of command
	Convergent	Civilians	Bilateral-cooperative	Civilian-led, informal networking, conferences

civilian-led roundtable would be examples. Informalities that substitute for an official mechanism perceived to be ineffectual or obstructive do so by violating or loosely interpreting the rules or by taking advantage of preexisting bureaucracies or channels in an unauthorized way. They are often temporary alterations, which do not require the complete elimination of preexisting mechanisms. An example would be presidential tampering with the promotion system. Competitive informalities also violate or circumvent official rules but do so in ways intended to undermine formal civilian authority. Unilateral military press briefings, meetings, and shirking of duties are examples.

The Impact of Informal Behavior on Civil–Military Relations

Do informalities help or hurt, or are they neutral in their effects? Making that assessment first requires specifying what dimension of the civil–military relation we are speaking of. Civilian control has been a paramount objective for some time in democratizing systems in Latin America and elsewhere. But definitions of the term differ, as do the repercussions for each informal behavior. Civilian control is often thought of as an institution-building exercise.²⁸ Civilians prevail when they exert influence and oversight through strong state institutions and when political officials and soldiers alike move through official channels according to official procedures. If that is so, then it is axiomatic that informalities would work at cross-purposes with civilian control. Encounters that repeatedly sidestep institutions designed to mediate civil–military

affairs end up depleting those very institutions. The more an agency is left out, the more a rule is flouted, then the more ineffectual that agency and rule become.²⁹

If, however, civilian control is defined in terms of policy successes, then the impact of informalities is less self-evident. A procedure will have an independent but either positive or negative effect on a substantive outcome. Michael Desch says, "The best indicator of the state of civilian control is who prevails when civilian and military preferences diverge."³⁰ Civilians who get their way over and above military objections emerge strengthened, at least in the short term.³¹ Informal arrangements may be just part of the package they need to succeed. A classic example occurred during the Vietnam War, when President Lyndon Johnson and Secretary of Defense Robert McNamara relied on ad hoc groupings of civilian advisors to fashion a defense strategy, entirely ignoring the views of the Joint Chiefs of Staff.³² Most recently, George W. Bush reportedly established a back channel of communication with retired military officers to devise a new strategy for the Iraqi War and, in doing so, completely cut the Joint Chiefs of Staff out of the loop.³³

But civilians do not always succeed, and one might expect a range of policy outcomes when informalities are attempted. We limit our focus to three cases where civilian and military preferences diverged to one degree or another, examining the impact of informal arrangements on the president's pursuit of policies. The cases have also been chosen to vary the agent who has initiated the informality and to vary the kind of informality—whether it be unilateral or bilateral. What unites these occurrences is the issue of accountability for human rights abuses. In all three, civilian leaders would like some fair resolution to occur within civilian courts while military officials want to minimize the judicial exposure of their soldiers. The benefit of assessing this single issue is that it holds constant for intensity of preferences. No subject has created as much distress for the Latin American military in recent decades as this one. When alleged military perpetrators are indicted, their careers hang in the balance. Conversely, many democratic presidents feel politically or morally compelled to pursue some form of justice but at the same time worry that the pursuit not turn into a wholesale vendetta against the military institution.

These case reviews are done with three objectives in mind. The first is to describe these as situations as civil–military informalities. The second is to discern what motivates one side or the other to operate informally. And the third is to assess what impact, if any, these behaviors had on civilian policies and military interests.

1. Bilateral and Conflictual: The Chilean Mesa del Diálogo, 1999–2000

One of the sticking points in Chilean civil–military relations centered on the human rights record of the Pinochet dictatorship. By the late 1990s, the whereabouts of the "disappeared" had still not been determined, the military was not being cooperative—protected as it was by an amnesty law it had written for itself—and judicial inquiries were stymied. The armed forces effectively had impunity that undermined civilian control efforts and that prevented full normalization of relations among soldiers, government,

and society. But after the arrest of General Pinochet in London in October 1998, the Chilean political dynamic changed. In June 1999, judge Juan Guzmán contrived a new and controversial interpretation of the amnesty law. He argued that the disappeared cases were akin to kidnapping cases, which were crimes in progress and for which judicial inquests could not be closed *unless or until* it was proven that victims had been killed within the time frame of the amnesty. This allowed for court cases to be reopened, exposing officers to potential prosecution. But it also motivated the military to find a means of resolving the “disappeared” problem in a way that would minimize the damage to itself.

Deciding to exhibit less intransigence than before, high-ranking military officials joined roundtable discussions, spearheaded in 1999 by the Chilean Defense Minister, Perez Yoma, labeled the Mesa del Diálogo (roundtable talks).³⁴ The other key participants were prominent human rights lawyers and activists as well as former cabinet ministers and religious leaders. The objective of the Mesa was to find some means of addressing the critical and as yet unresolved issues surrounding the death and disappearance of thousands of Chileans during the Pinochet years. The military calculated that if it could prove helpful in discovering the whereabouts of the disappeared, pinpointing the time and location of death, it could then invoke the amnesty and be let off the hook.

These encounters operated outside of official channels, outside of the chain of command, and free from any governmental regulation. They neither violated nor competed with official protocol; they were complementary in nature. The government chose to sponsor this informal gathering because it was in no position to order the military to produce incriminating evidence, let alone appear in court. Thus, resolution of these kinds of problems could not occur through the chain of command. Indeed, President Eduardo Frei himself did not take part in the Mesa. At the outset, the defense minister realized he could not set either the procedures or the specific goals of the Mesa, lest he be seen as unjustly imposing his will on a forum deemed to be nonhierarchical in nature.³⁵ The minister asked only that the talks ensue in an atmosphere of mutual respect and cordiality.

While there was tension at the outset (with a prominent human rights lawyer refusing to shake the hands of the senior military officers), the process of dialogue and informal chats during session pauses soon broke the ice, developing a kind of rapport that would have been, according to one key participant, inconceivable within a formal, hierarchical setting.³⁶ The dialog was able to shift positions—ones that had previously been thought to be irreconcilably antagonistic—toward compromise. The resulting agreement put the military on record as condemning the human rights violations of that era, admitting some responsibility for those abuses, and agreeing to divulge information on the whereabouts of hundreds of disappeared prisoners. The human rights groups and government participants agreed that the identity of those officers who cooperated would not be disclosed. After their work was done, the participants permanently disbanded the Mesa.

On January 7, 2001, the new president, Ricardo Lagos, announced that the army had given him a dossier about the 370 cases of disappearances. Of those, 151 had been thrown into the sea; the others had been buried in unmarked graves.³⁷ But the armed forces would turn out to be less than forthcoming, providing data that were vague, flawed, or misleading. Forensic investigations could only verify the remains of a handful of former prisoners, and some senior officers were found to be impeding the process by concealing data or destroying evidence about the disappeared.³⁸

In this respect, the Mesa did *not* directly advance the government's objective of resolving the mystery of the disappeared. If there was a real success to the Mesa, it was more symbolic than substantive. Erstwhile antagonists had met at the same table and signed off on the same document; commanders of all branches stood by President Lagos's side when he announced the results of the meeting; and, by most accounts, the Mesa constituted an incremental step toward national reconciliation by helping to bridge the deep divide separating civilians and soldiers.

2. Civilian Unilateralism: Argentine President Nestor Kirchner's Tampering with the Promotion System, 2003

In 2003, newly elected Argentine President Nestor Kirchner took aim at military personnel who in his view might have stood in the way of his policy agenda. In one stunning blow, he purged the military high command of nearly half its officers who had been part of the "Dirty War" of the 1970s and/or who might have interfered with human rights inquiries were these to reopen. But he did so through improvisation, departing from formal customs and regulations governing the promotion and retirement of Argentine officers.

Divergence in civil–military preferences could not be greater. The careers of dozens of high-ranking officers from all three services hung in the balance. On the line for the president was nothing short of achieving his human rights priorities, which would begin with the annulment of pardons issued by previous presidents, making certain active-duty officers vulnerable to prosecution for past abuses. The president reasoned he could reduce the perceived collective threat to the military by forcing those officers into retirement, thus divesting them of any formal, institutionalized power during the time they would be under investigation.

First in line to go was General Ricardo Brinzoni, the often-irksome army leader whose private dealings and public pronouncements at times appeared to challenge civilian control. Brinzoni and some of his fellow officers stirred controversy by trying to insert themselves into political decision-making processes during the economic crisis of 2001–2002 and by supporting efforts to rekindle the military's internal security role, thereby violating the nation's defense law.³⁹

To choose Brinzoni's replacement, Kirchner substituted official protocol with his own. He reached down some twenty places on the army's seniority list until he found General Roberto Bendini, someone he knew and trusted.⁴⁰ Those above Bendini were thrust into premature retirement. President Kirchner's move was not only a sizeable

purge of the top command, unprecedented in recent Argentine history, but also a departure from the formal procedures governing eligibility.⁴¹ The Constitution grants the president the power to appoint officers to the highest posts with the consent of the Senate.⁴² While the president has discretion, the expectation is that he will take into advisement both the seniority and the qualifications of those nominated to the senior positions.⁴³ The difficulty was that Bendini was a Brigadier General with four years left before he was eligible for Division General. According to the law governing military personnel, those aspiring to the top position in the army must have already achieved the rank of Division General and have had sufficient time in grade.⁴⁴ Many other candidates for Army Chief of Staff met those qualifications but were passed over by the president.

Bendini's ascension meant that twenty of the thirty-seven generals in the army would be thrust into retirement since a more junior officer cannot command officers who are his senior. Then, Bendini's responsibility was to find replacements, and he would do so by looking at officers who had accompanied him to the military academy, graduating at the same time (ninety-ninth promotional class). Reaching so far down into the ranks, vaulting over so many eligible candidates, and retiring such a large percentage of the senior command represented a highly unorthodox improvisation on the official rules governing presidential military promotions.

This informal method of promotion and retirement seemed to work in Kirchner's favor. He now had in place a compliant officer corps that would not challenge him on the most contentious policies he would promote. At his urging, the Congress would overturn the pardons and the Supreme Court would uphold the constitutionality of that legislation in 2005. This set the stage for a flurry of indictments, and by 2007 some 330 military and police personnel were charged with human rights crimes, 180 were imprisoned or placed under house arrest, and several notorious torturers and military commanders were convicted and sentenced.⁴⁵ By and large, soldiers were respectful of the judicial process, and civil–military relations pursued a stable course, paying handsome dividends for President Kirchner.

3. Military Unilateralism: Unauthorized Meetings and Communiqués of the Bolivian Military, 2004

In 2004, The Bolivian armed forces faced the prospect of recriminations for repressive actions they had engaged in the year before that resulted in the deaths of scores of civilians. In February 2003, the military exchanged deadly gunfire with police across a city plaza, resulting in numerous casualties.⁴⁶ Then again in September and October of that year, the military was ordered to repress demonstrators who were blockading roads into La Paz. The result was more than eighty civilians killed and hundreds wounded.

The violence could not suppress the protesters' desire to oust Bolivia's president at the time, Gonzalo Sanchez de Lozada, which they did on October 17. His successor, Vice President Carlos Mesa, had been ushered to power on the heels of a successful

civilian uprising and owed its organizers a debt of gratitude. Consequently, in a speech before the armed forces at the army's military college on October 20, 2003, President Mesa noted that while the introduction of the military was justified, politicians, *as well as the armed forces*, must shoulder responsibility for human rights abuses, adding, "We are all accountable."⁴⁷ The president's preferences were clearly at odds with those of the armed forces. While Mesa desired a policy of greater respect for human rights and equal treatment under the law, the military wanted nothing less than immunization against prosecution for its troops.

Following the February 2004 acquittal in military court of four military men accused of killing two civilians during the clashes of the year before, Bolivia's Constitutional Tribunal ruled in May of that year that the verdict was null and void, mandating the case be moved to civilian court where acquittal was less certain.⁴⁸

In reaction to the Tribunal's ruling, the military undertook a series of measures that can only be described as unilateral departures from official rules for military conduct. First, the head of the armed forces, Admiral Luis Aranda Granados, ordered his troops nationwide to be confined to their barracks, pulling them away from normal duties.⁴⁹ This amounted to an unusual state of alert, one that might be legitimately invoked during a national security crisis and even then only on presidential orders. This command however was unauthorized and unwarranted—having been issued at a time of relative tranquility.

This was followed by an all-day meeting of the military top brass to decide on a course of action in response to the judicial ruling.⁵⁰ This gathering was in clear violation of the Bolivian Constitution. Article 209 defines the armed forces as "obedient and *non-deliberative*" and prohibits them from engaging in politically motivated behavior.⁵¹ As if to underscore just how politically deliberative they could be, while at the meeting the armed forces leadership drafted a letter to the president, arguing that the judges had handed down a "biased, contradictory, arbitrary, and unconstitutional ruling."⁵² The commanders refused to accept not only the Tribunal's verdict but also its jurisdiction over military cases.⁵³

After having met on its own, the military then went to the governmental palace to see the president, at his invitation. Mesa reasoned that in the military's agitated state, it would be better to give his commanders an audience than to brush them off. Thus, what began as a unilateral informality transformed, at least temporarily, into a bilateral one. Some two hundred commanding officers showed up in battle fatigues (which was itself a provocation, a signal of contempt for presidential authority) to pressure President Mesa into drafting a message of support for their fight against the Constitutional Tribunal.

When the president would not sign on, the armed forces reverted to unilateralism, ordering their troops to remain confined to barracks, and then issued a public communiqué of their own. They called on members of the Tribunal to reflect and consider the "grave consequences" that their decision could have for Bolivia, calling it an "historic mistake."⁵⁴ The letter was a clear departure from civil-military protocol since in Bolivia the armed forces are answerable to the president and the president's defense minister and must communicate policy disagreements they have with any branch of government privately and through the executive offices.

The military would eventually lift its barrack confinement, reaffirm its support for democracy, and reassure the nation it had absolutely no plans for a coup. But its resort to informal measures had the desired policy result. Mesa dropped all efforts to bring military human rights violators to justice, as did the high courts. When huge, unrelenting protests erupted over his own presidency in June 2005, the president was forced to resign. He could not and would not call on his troops to engage in yet another bloody confrontation with dissenters. They would have refused, and he had forsworn such action at the beginning of his term.

Conclusion

The cases reveal actors who believed they could not fulfill their interests by remaining confined to official venues, rules, and regulations. In every instance, either military or civilian actors initiated an informal solution to the challenges posed by the formal environment. The Chilean president authorized his defense minister to commence with roundtable discussions because he did not have the power to compel military court compliance through the chain of command. He thought that a relaxed, informal discussion might induce greater cooperation. If the Argentine president had strictly abided by the promotion rules, he would have confronted the adverse selection dilemma head on: promoting and then dealing with a troublesome senior officer and men just below him with disreputable pasts. While he may still have won passage of his human rights policies, he did not want to assume that risk and thus broke with convention. And the Bolivian military refused to take its chances in civilian court. Anxious to quickly stifle judicial proceedings, the military would not be confined by protracted, bureaucratic modes of communication via official channels, instead opting for provocative, publicly directed, informal actions.

We do not know and will never know if the informal solutions were absolutely necessary in these cases. But the fact that they were chosen illustrates the proposition that there is a link in the civil–military arena between substance and procedure. Either or both parties to the civil–military relation found sufficient motivation to sidestep formal routines thought to be obstructive to advance their interests. Whether or not they succeeded in whole or in part in achieving their substantive goals is a different matter entirely. No claim has been made that informalities are necessarily functional. What has been argued is that formal power generates biases that may invite informal *attempts* at solutions.

Informality may be seen as a useful outlet for politicians and officers who are frustrated by formal routines. To the extent that one or both aggrieved parties gain some level of satisfaction via moving “off script,” an informality may push the civil–military relation toward an equilibrium point, resolving—at least in the short term—what might have become a highly unstable situation. But because most of these arrangements are ad hoc in nature, they do not yield a permanent fix to any problem. One area for future research would be to discover if and when politicians and officers in a given country try to create more institutionalized informalities to seal in solutions. These

would probably have to include sanctions for noncompliance with informal routines, as theorists already noted have suggested.

Second, researchers might want to systematically catalog civil–military behaviors with the formal–informal distinction in mind to assess just how widespread this phenomenon is. Are informalities within specific countries the exception or the rule? If organizational theorists have it right, namely, that formal structures naturally give rise to unofficial behaviors, then informalities should be rather common. If that is so, it raises a question: do the informal routines so consistently substitute for the formal ones that they should constitute the dominant focal points for the analysis of civil–military interactions?

Finally, it would also be worthwhile for scholars to identify other kinds of informal routines not conceptualized in this article. What of military business-related activities? What about military relations with the congressional branch? And what of the activities of retired officer clubs? When are these phenomena informal, and when are they not? These are some of the potentially rich and as yet untapped veins awaiting investigators intrigued by the existence of informal civil–military relations.

Notes

1. Martin Edmonds, *Central Organizations of Defense* (Boulder, CO: Westview, 1985).
2. These informal presidential contacts occur on a regular basis in Colombia. President Alvaro Uribe is known to directly communicate with battalion commanders, bypassing not only his military brass but also his defense minister. Robert Goetze, email communication, January 28, 2009; Joaquín Romero, email communication, January 27, 2009.
3. A search reveals that there are no article-length studies titled “informal civil–military relations” or something akin to that. Some articles from *Armed Forces & Society* mention informal behaviors. As an example, see Kobi Michael, “The Dilemma behind the Classic Dilemma of Civil–Military Relations: The Discourse Space Model and the Israeli Case During the Oslo Process,” *Armed Forces & Society* 33 (2007): 518–46. Michael conceptualizes an amorphous “discourse space” where military elites influence politicians, but not according to any set, institutional rules. Also see J. Mark Ruhl, “Civil–Military Relations in Post-Sandinista Nicaragua,” *Armed Forces & Society* 30 (2003): 117–39. There are books that contain anecdotal discussions about informal civil–military relations. On the U.S. case, see James Kittfield, *Prodigal Soldiers: How the Generation of Officers Born of Vietnam Revolutionized the American Style of War* (New York: Simon & Schuster, 1995), 217–19; H. R. McMaster, *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies That Led to Vietnam* (New York: HarperCollins, 1997), 18–23.
4. Samuel Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968); Douglas Chalmers, “The Politicized State in Latin America,” in *Authoritarianism and Corporatism in Latin America*, ed. James Malloy (Pittsburgh, PA: University of Pittsburgh Press, 1977), 23–95.
5. As an exemplar of this literature, see Guillermo O’Donnell, *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics* (Berkeley, CA: Institute of International Studies, 1979).

6. One scholar of Latin America who has paid attention to these relations is Gregory Weeks. See his book *The Military and Politics in Postauthoritarian Chile* (Tuscaloosa: University of Alabama Press, 2003). Harold Trinkunas discusses informal methods of monitoring armed forces activities in Venezuela. See *Crafting Civilian Control of the Military in Venezuela: A Comparative Perspective* (Chapel Hill: University of North Carolina Press, 2005), 124-25, 147-48.
7. Peter M. Blau and W. Richard Scott, *Formal Organizations: A Comparative Approach* (San Francisco: Chandler, 1962). Also see Donald Chisholm, *Coordination without Hierarchy: Informal Structures in Multi-Organizational Systems* (Berkeley: University of California Press, 1989).
8. Peter Feaver, *Armed Servants: Agency, Oversight, and Civil–Military Relations* (Cambridge, MA: Harvard University Press, 2003), 72-95.
9. On informal behaviors, see Gretchen Helmke and Steven Levitsky, eds., *Informal Institutions and Democracy: Lessons from Latin America* (Baltimore: Johns Hopkins University Press, 2006); Jack Knight, *Institutions and Social Conflict* (New York: Cambridge University Press, 1992); Blau and Scott, *Formal Organizations*; Chisholm, *Coordination without Hierarchy*.
10. Helmke and Levitsky, *Informal Institutions*, 5.
11. See Guillermo O'Donnell, "Illusions about Consolidation," *Journal of Democracy* 7, 2 (1996): 36. On differences between rule-driven and non-rule-driven behaviors, see Knight, *Institutions and Social Conflict*, 67-69.
12. Gregory Weeks has made the useful distinction between informal and semiformal points of contact, with the latter referring to those relations conducted in an official capacity. All of the examples we refer to here relate to official business. For that reason, and for purposes of simplification, we retain the informal concept, folding semiformal contacts into that category. See his *Military and Politics*, 19.
13. Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, vol. 2 (Berkeley: University of California Press, 1978), 958, 973.
14. For the importance of Weber's bureaucratic model for understanding the military as well as deviations from the model, see Deborah L. Norden, "The Organizational Dynamics of Militaries and Military Movements: Paths to Power in Venezuela," in *Civil–Military Relations in Latin America: New Analytical Perspectives*, ed. David Pion-Berlin (Chapel Hill: University of North Carolina Press, 2001), 108-34.
15. It is a well established in the literature that militaries consider their institutional interests as paramount. See Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil–Military Relations* (Cambridge, MA: Harvard University Press, 1957); Eric Nordlinger, *Soldiers in Politics: Military Coups and Governments* (Englewood Cliffs, NJ: Prentice Hall, 1977); Bengt Abrahamsson, *Military Professionalization and Political Power* (Beverly Hills, CA: Sage, 1972).
16. See Sven Steinmo, Kathleen Thelen, and Frank Longstreth, eds., *Structuring Politics: Institutionalism in Comparative Analysis* (Cambridge, UK: Cambridge University Press, 1992), 22, 57-89. For a Latin American application, see David Pion-Berlin, *Through Corridors of Power: Institutions and Civil–Military Relations in Argentina* (University Park: Penn State University Press, 1997).

17. Steinmo, Thelen, and Longstreth, *Structuring Politics*, 9.
18. On the use of preference divergence to assess civil–military relations, see Risa A. Brooks, *Shaping Strategy: The Civil–Military Politics of Strategic Assessment* (Princeton, NJ: Princeton University Press, 2008), 23–27.
19. This is not a model of civil–military cooperation, akin to Rebecca Schiff’s concordance theory. Unlike her, I fully accept the separation of the military and civilian spheres as given, and I do not rely on cultural contexts to understand variations in civil–military interaction. My model is a rational-institutional one that derives preferences for informality based on biases that either or both sides encounter within the formal defense sphere. See Rebecca Schiff, *The Military and Domestic Politics: A Concordance Theory of Civil–Military Relations* (London: Routledge, 2009).
20. This presumption holds true for many Third World countries that have weak legislatures. It is obviously not true for the United States and its Congress.
21. This occurred frequently in Chile during the early postauthoritarian years. See Weeks, *Military and Politics*, 60–94.
22. *Ibid.*, 158.
23. David Pion-Berlin, “Defense Organization and Civil–Military Relations in Latin America,” *Armed Forces & Society* 35 (2009): 562–86.
24. Mark J. Ruhl, “The Guatemalan Military since the Peace Accords: The Fate of Reform under Arzú and Portillo,” *Latin American Politics and Society* 47, 1 (Spring 2005): 68–69.
25. See Feaver, *Armed Servants*, 73–87.
26. For the Mexican case, see Roderic Ai Camp, *Mexico’s Military on the Democratic Stage* (Westport, CT: Praeger, 2005), 86–98.
27. Hans-Joachim Lauth, “Informal Institutions and Democracy,” *Democratization* 7, 4 (Winter 2000): 21–50; Helmke and Levitsky, *Informal Institutions*, 13–18.
28. Scholars who espouse this view are plentiful. See Christopher Jones and Natalie Mychajlyszyn, “Overview: Civil–Military Relations in Central and Eastern Europe in Former Communist Societies,” *Armed Forces & Society* 28 (2002): 375–84; Trinkunas, *Crafting Civilian Control*; Thomas C. Bruneau and Scott D. Tollefson, eds., *Who Guards the Guardians and How: Democratic Civil–Military Relations* (Austin: University of Texas Press, 2006).
29. Weeks, *Military and Politics*, 158. This is not to say that official channels are always conducive to civilian supremacy. Defense institutions in some countries have been designed in ways that give the military certain advantages. See Pion-Berlin, “Defense Organization.”
30. Michael C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore: Johns Hopkins University Press, 1999), 4.
31. In the longer term, repeated circumvention of official channels—not to mention the chain of command—may sour relations between the government and the armed forces, as military leaders store up resentment over not having been appropriately consulted. This occurred in the United States after Vietnam and led to a significant reform of defense organization in a way that strengthened unified military input by empowering the Chairman of the Joint Chiefs of Staff.
32. McMaster, *Dereliction of Duty*, 18–23.
33. Bob Woodward, *War Within: A Secret White House History, 2006–2008* (New York: Simon & Schuster, 2008).

34. Mario I. Aguilar, "The Disappeared and the Mesa de Diálogo in Chile 1999–2001: Searching for Those Who Never Grew Old," *Bulletin of Latin American Research* 21, 3 (2002): 413–24.
35. José Zalaquett, "La Mesa de Diálogo Sobre Derechos Humanos y el Proceso de Transición Política en Chile," *Estudios Públicos* 79 (Winter 2000): 7.
36. *Ibid.*, 19.
37. "Family Members of Disappeared Criticize Roundtable Information," *Santiago Times*, January 9, 2001, received from subscribers@santiagotimes.chip.mic.cl.
38. See Aguilar, "The Disappeared," 420; Human Rights Watch, *World Report: Chile* (New York: Human Rights Watch, 2003), 2, <http://www.hrw.org/legacy/wr2k3/americas3.html>. The Pinochet case had an adverse impact on the willingness of the military to be cooperative. This became evident in 2000, after the Appellate and Supreme Courts stripped Pinochet of his senatorial immunity, clearing the way for prosecutorial action.
39. Rut Diamint, "Crisis, Democracy, and the Military in Argentina," in *Broken Promises? The Argentine Crisis and Argentine Democracy*, ed. Ed Epstein and David Pion-Berlin (Lexington, MA: Lexington Books, 2006), 172.
40. Bendini had been stationed in Kirchner's home province of Santa Cruz, where he was commander of the XI Mechanized Brigade. It was no secret that he had affiliations with Patagonian political elites who eventually accompanied Kirchner to power.
41. The last comparable purge was in 1955, that one conducted by a military government against Peronist officers. Rosendo Fraga, "La Cuestión Militar debe volver a los carriles profesionales," *La Nación*, May 30, 2003, 7, http://www.lanacion.com.ar/nota.asp?nota_id=499893.
42. Argentine Constitution, Second Division, title I, chap. III, sec. 99.13, http://pdba.georgetown.edu/Constitutions/Argentina/argen94_e.html#title1firstdivisionch3.
43. "Un General de brigada que llegó temprano a la cima del Ejército," *La Nación*, June 2, 2003, 8, http://www.lanacion.com.ar/nota.asp?nota_id=500695; "Kirchner aceptó reducir los retiros en el Ejército," *La Nación*, May 31, 2003, 10, http://www.lanacion.com.ar/nota.asp?nota_id=500220.
44. República Argentina, *Ley para el Personal Militar* 19.101, June 30, 1971, art. 49, no. 2.
45. Human Rights Watch, *Human Rights Overview: Argentina, 2006* (New York: Human Rights Watch, 2007).
46. "Transformaron a la Plaza Murillo en objetivo militar," *El Diario*, February 13, 2003, 9; "Cronología del conflicto en la Plaza Murillo," *El Diario*, February 13, 2003, 2.
47. "President Mesa Addresses Armed Forces on Justice, Accountability," *BBC Monitoring International Reports*, October 21, 2003, Lexis-Nexis.
48. "Armed Forces Upset by Attempts to Try Servicemen in Civilian Courts," *BBC Monitoring International Reports*, April 14, 2004, Lexis-Nexis.
49. "Bolivian Troops Confined to Barracks following Ruling on February Violence," *BBC Worldwide Monitoring*, May 9, 2004, Lexis-Nexis.
50. "Cuatro oficiales irán a la justicia ordinaria, las FFAA no acatarán," *El Deber*, May 8, 2004, www.eldeber.com.bo/antiores/20040508/nacional_3.html.
51. *Constitutions of the Countries of the World: Bolivia* (Dobbs Ferry, NY: Oceana, 1992), title 7, art. 209, 57, emphasis added.

52. "Bolivia: Armed Forces to Use Legal Means to Try to Overturn Two Court Rulings," *BBC Worldwide Monitoring*, May 11, 2004, Lexis-Nexis.
53. Human Rights Watch, *Bolivia: Letter to President Carlos Mesa Gisbert, December 22, 2003* (New York: Human Rights Watch, 2003).
54. "Militares desconocen al Tribunal Constitucional," *El Deber*, May 9, 2004, www.eldeber.com.bo/antiores/20040509/nacional_2.html.

Bio

David Pion-Berlin is a professor of political science at the University of California, Riverside. He is the author of numerous books and articles on civil-military relations, defense and security, and human rights in Latin America. His current research focuses on military and police responses to security challenges in Latin America.