

A psychoanalytic interpretation of constitutional instability in Ecuador

Ernesto Espindola

A thesis submitted for the degree of Doctor of Philosophy in Ideology and Discourse Analysis

Department of Government

University of Essex

Date of submission for examination (13 April 2023)

To my parents

Contents

Acknowledgements	4
Abstract	5
Introduction	7
Chapter 1: The Literature on Constitutional Instability	16
<i>Abstract</i>	16
Two Influential Constitutional Traditions for the Making of Modern Democracy: The English and French Schools	17
<i>Popular Sovereignty and Constitutionalism in Contemporary Times</i>	22
The (Under)Development of Capitalism in Ecuador and Its Historical Constitutional Instability	24
Constitutional Change: A Contemporary Debate	28
Constitutional Stability in View of the Path Dependence School	33
Constitutional Instability in Latin America	35
Concluding Remarks	38
Chapter 2: A Psychoanalytic Interpretation of Constitutional Instability in Ecuador.....	41
<i>Abstract</i>	41
The Thorny Side of the Founding Pact.....	43
The Critics of Freud’s Thesis on the Origin of Organized Power	45
On Messianic Leadership and Its Relation to Ecuador’s Constitutional Instability	46
A Lacanian Approach to Ecuador’s Constitutional Instability	52
<i>On the Quest for the Lost Object</i>	53
<i>On the Grip of Ecuador’s ‘Constitutionalist’ Ideology</i>	55
<i>On Racism in Ecuador and the ‘Theft of Enjoyment’ Thesis</i>	59
The Research Strategy	62
<i>On the Case Study and Comparative Methodologies</i>	62
<i>An Introduction to Rhetorical Political Analysis</i>	65
<i>On the Productive Link between Rhetoric and Psychoanalysis</i>	66
<i>Is It Feasible and Desirable to Use Psychoanalysis in the Social Sciences?</i>	68
Concluding Remarks	71

Chapter 3: On the Religious Spirit of the 1869 Constituent Assembly	74
<i>Abstract</i>	74
The Rhetorical Context.....	75
<i>Political Instability, Strong Leaderships, and the Catholic Church</i>	76
The 1869 Convention and Its Arguments.....	80
<i>On the Constant Rebellion against the Constitution and the 1869 Lawgiver</i>	83
<i>On the Justification of the 1869 Putsch and the Proposed Constitution</i>	84
<i>Making the Catholic Nation a (Fantasmatic) Reality</i>	85
<i>On the Evangelization of ‘Barbarians’</i>	89
<i>On Anarchy and the Repressive Prerogatives for the President</i>	91
<i>The Longing for García Moreno, the 1869 Lawgiver</i>	94
Concluding Remarks	97
Chapter 4: The 2007-2008 Constituent Assembly and the 2015 Constitutional Amendment	100
<i>Abstract</i>	100
The Rhetorical Context.....	102
<i>The Oil Boom, the Army and Its Failed Process of Industrialization, the Neoliberal Catastrophe, and Democratic Instability in Ecuador (1972–2005)</i>	106
<i>On the Indigenous Cause: The Agrarian Reform (1964) and Its Anti-Neoliberal and Anti-Racist Demand for a Pluri-National State (2008)</i>	111
<i>The Rhetorical Context of the 2015 Reform that Abolished Presidential Term Limits</i> ..	114
The 2007-2008 Constituent Assembly and Its Arguments.....	117
<i>The Assembly’s Composition and Modus Operandi</i>	118
<i>The Idealization of Eloy Alfaro, the 1906 and 2008 Lawgiver</i>	120
<i>The 2007–2008 Demand for a Non-Racist and Pluri-National State</i>	127
<i>Back to the Question of Messianic Leadership: The 2008 Debate on Presidential Re-Elections and the 2015 Amendment that Abolished Presidential Term Limits</i>	134
<i>The Citizens’ Revolution’s Unexpected Shift from a Liberal to a Non-Liberal Stance on Presidential Re-Elections</i>	136
<i>The Longing for Rafael Correa’s Indefinite Leadership</i>	146
Concluding Remarks	152

Chapter 5: A Comparative Reflection on Constitutional Instability in Ecuador.....	155
<i>Abstract</i>	155
Rousseau and the Constituent Power in Ecuador: The 1869 and 2007–2008 Conventions	158
<i>Ecuadorian History and the Psychic Factor</i>	161
A Psycho-Economic Approach to Constitutional Instability in Ecuador	164
Micro-Economic, Institutional, and Historic Approaches to Constitutional Instability in Ecuador.....	171
The Presidential System, Popular Sovereignty, and Constitutional Instability	174
<i>On the ‘Suicidal’ Nature of the 2008 Presidential Constitution</i>	182
<i>On the ‘Authoritarian’ Nature of Presidential Caudillos in Ecuador</i>	185
Constitutional Instability in Latin America, the Ecuadorian Case, and the Psychic Factor	186
Concluding Remarks	190
Conclusions, Limitations and Future Research.....	194
References	201

Acknowledgements

A special thanks to Jason Glynos. His enthusiasm, outstanding academic guidance, and emotional support have proven crucial for this academic enterprise. This thesis is indebted to his insightful comments and suggestions.

I would like to thank David Howarth, whose initial guidance has allowed me to find a midpoint between academic ambition and methodological feasibility. I also thank John Bartle for his helpful and generous comments on previous versions of this thesis.

Throughout my doctoral studies I have received inspiring comments, valuable guidance, and useful bibliographical suggestions from Sebastián Ronderos, Dominik Duell, and Sandy Macmillen (University of Essex), Enrique Ayala Mora (Universidad Andina Simón Bolívar, Ecuador), Santiago Basabe, Guillaume Fontaine, Valeria Coronel (Facultad Latinoamericana de Ciencias Sociales, Ecuador), and Pete Gentry. To all these people, my thanks.

The feedback offered by the cohort of students from the Ideology and Discourse Analysis Programme and by the people whom I met during the 2023 Winter School (organized by the Arab Center for Research and Policy Studies) has also been valuable. To all these colleagues, my thanks.

Abstract

Ecuador's constitutional history reflects this country's long run of political instability. Constituent Assemblies (CAs), convened by non-democratic and democratic leaders alike, have been mobilized 19 times to rewrite its constitution. This thesis contributes to our understanding of this volatility by offering a psychoanalytic interpretation of constitutional instability in Ecuador.

Existing literature on constitutional instability focuses on legal, economic, and institutionalist explanations. However, while important, these accounts do not sufficiently elucidate the way Ecuador's political elites are affectively invested in such constitutional 'abolition-replacement events'. Drawing on archives, I conduct a discourse analysis of their 'ideological grip', focusing on the 1869 and 2007–2008 CAs, as well as the 2015 reform that abolished presidential term limits, processes influenced by Presidents García Moreno, Alfaro, and Correa.

Freud conjectures that the guilt for the killing of the father of the primal horde *returns* through the *fantasy* of Messiahs, capable of delivering redemption and the promised land. Drawing on this conjecture alongside Lacanian insights, I argue that Ecuador's long-lasting history of political instability has fostered a culture prone to supporting *messianic* leaders, that is, lawgivers whose personages have been invested with the hope and aspiration of perpetual stability, epitomized by the setting up of CAs themselves.

The affective pull of 'messianic leadership' in the constitutional politics of Ecuador can emerge out of the perceived need for political stability; and yet this messianism can also be understood as something that emerges out of the process of *identification* itself (with the father figure) and the quest for the *lost object* (the mother figure). In both cases, my argument foregrounds the psychic dimension underpinning constitutional instability in Ecuador.

This thesis relies on a rhetorically informed interpretive methodology to identify this psychic dimension, pointing to the merits of applying psychoanalysis beyond the clinic to better grasp and contextualize it.

The Oedipus complex amalgamates the origins of religion, ethics, society, and art
(Sigmund Freud, *Tótem y tabú*, 2015, p. 221, own translation).

Introduction

Ecuador has sanctioned 20 constitutions since independence (1830).¹ This country has supplanted its *social contract* every decade, a dramatic average some would argue. Ecuador's constitutional volatility speaks to this nation's overall political instability since independence.

Throughout its postcolonial history, an important number of Ecuador's constitutional replacements have stemmed from putsches or revolutions. As the jurisconsult Manuel E. Flor put it against the backdrop of the 1945 convention, 'the constitutions have emanated from revolutions. One revolution, one constitution. Ecuador's constitutional regime has lived by the edge of the sword' (as cited in Ayala Mora, 2014, p. 16, own translation). The historical replacement of the constitution was often supported by regional elites whose conflicting interests spurred them to rebel against the charter in force. Despite this frequent abolition, it was commonplace for the victorious 'caudillo' (a personalist and authoritarian leader) to convene a constituent assembly (CA) to legitimize the abandonment of the previous constitution. With a few exceptions (e.g., the secularization of the state), many constitutional reforms were implemented and then erased by successive charters, such as term limits for elected authorities, the creation of a senate, and the provision of more power to either the executive or the legislative branch as a counterbalancing measure (Ayala Mora, 2008; Ayala Mora, 2014; Espinosa, 2010; Ibarra, 2010; Negretto, 2013; Salvador Lara, 2005).

In distinguishing Ecuador from politically stable countries in Latin America such as Costa Rica, Negretto emphasizes that 'Ecuador ... has had highly unstable political regimes almost

¹ Namely, in 1830, 1835, 1843, 1845, 1851, 1852, 1861, 1869, 1878, 1883, 1897, 1906, 1928-1929, 1938, 1944-1945, 1946-1947, 1966-1967, 1978, 1998, and 2008.
Cf. <http://archivobiblioteca.asambleanacional.gob.ec/constituciones-antiores>

since its independence' (2008, p. 11). Indeed, if we add up all the periods in which the democratic regime was in force in Ecuador between 1830 and 2012 (i.e., 154 years), the average life of each one of its 20 constitutions is an ephemeral 7.7 years. This constitutional volatility finds an echo in the large number of different administrations that Ecuador has had since 1830, whether constitutional presidents, acting officials, or individual or collective dictatorships. On average, from 1830 to 2020 each head of the executive (democratic or not) has remained in office for 1.6 years (Ayala Mora, 2014, p. 15, the updated recalculation for the executive branch is mine). Ayala Mora, a prestigious historian, offers an insightful and somehow pessimistic diagnosis regarding Ecuador's constitutional tradition:

Given these realities, one would think that we Ecuadorians ... have developed a solid constitutional doctrine, and that we have accumulated a great doctrinal heritage throughout the successive assemblies. But this has not been the case. Generally, each constitution has been conceived of as a way of founding the country from a *tabula rasa*. In fact, not even this was possible, nor did great changes occur between one constitution and the following one. Every time we have returned to page one (*ibid.*, own translation).

The research problem motivating my thesis concerns the enigma of Ecuador's *constitutional instability*, which serves as a rather dramatic manifestation of its long history of political instability. By *constitution* here I mean 'the set of the most important rules and common understandings in any given country that regulate the relations among that country's governing institutions and also the relations between that country's governing institutions and the people of that country' (King, 2011, p. 3). In this thesis I utilize, interchangeably, the terms constitution, charter, higher law, social contract, and fundamental law. By *constitutional instability* I mean the frequent replacement of the constitution in force with a new one. This definition of constitutional instability, borrowed from Negretto (2008), differs from less radical institutional alterations, such as constitutional amendments or new judicial interpretations of the operative constitution.

A constitutional replacement entails *legal discontinuity*, and it is only when this threshold is

crossed that constitutional change can —when coupled with the frequency of such changes— be said to denote *constitutional instability*. Negretto defines ‘constitutional stability as the durability, in legal terms, of the original constitution. In this view, the lifespan of a constitution is the length of time that passes between its enactment and its formal replacement by another constitution’ (2008, p. 2). The sort of *legal discontinuity* associated with constitutional instability is not endemic to Ecuador; it occurs in many Latin American countries. If we consider this region’s presidential democracies, Venezuela is the country with the highest number of different constitutions (26) since independence, while Ecuador occupies the second place in the Latin American ‘constitutional instability league’ (20), Bolivia comes third in this list with 16 constitutions, followed by El Salvador (15), Honduras (14), Peru (13), Nicaragua, and Costa Rica (12), just to mention a few examples. Moreover, these constitutional replacements in this region have occurred in both democratic and non-democratic contexts (Negretto, 2008, p. 12).

Since ancient times, the Ecuadorian Pacific has been the locus of much maritime commerce. After independence, the commercial interests in this country made liberalism a popular doctrine on its coast. Differently, the presence of large estates and the Church in the Ecuadorian highlands made this region more prone to Catholic conservatism. As Espinosa (2010) puts it, during the 19th century the animosity between conservatives and liberals characterized Latin American politics. In Ecuador the first president (Juan José Flores) and his followers adhered to a conservative agenda supported by the popular sectors in the highlands. The second president (Vicente Rocafuerte) and his successors aligned with the liberal programme, backed by the popular sectors on the coast. Despite the existence of these two ideologies, political parties as such only emerged towards the end of the 19th century. During this period conservative and liberal leaders relied on a fractionalized army to conduct putsches. The political life of this ‘republic’ excluded all those who were not part of the elites, such as women,

black, indigenous, illiterates, and those whose property did not reach a defined threshold. ‘Although the successive constitutions of the new republic proclaimed the principle of popular sovereignty, in practice the vast majority were totally excluded from the electoral processes, and all the more so from the decision-making process’ (Espinosa, pp. 484, 488, own translation).

How can we best characterize and account for Ecuador’s constitutional volatility? Since independence, Ecuador has had 20 CAs, but only a small number stand out as worthy of closer analysis. Two cases —the 1869 and 2007–2008 CAs— promise to offer us special insight into the character of Ecuador’s history of political instability, specifically in relation to the question of leadership and, to a lesser extent, regarding the indigenous question. In the conclusion I address how the question of leadership opens new avenues for future research on the constitutional politics of Ecuador.

Previous research on the significance of the tithe’s survival in Ecuador and the centrality attributed to President García Moreno (1861–1865, 1869–1875) partially justifies my case selection. The tithe was a tribute to God administered by the Catholic Church since the Spanish conquest, and it formally levied 10% of the individuals’ production. Historiography regards García Moreno as a key leader in 19th-century Ecuador; he began the building of the modern state. However, his Catholic effort to modernize/centralize the political power and combat anarchy was contradictory. The tithe had detrimental effects in socio-economic terms, not to mention its anachronistic character. The Catholic García Moreno did not replace this tribute. The Republic, the Church, and the landowners (the tithe’s collectors) benefitted from this colonial and Catholic tribute. The mistreatment of the indigenous population, key taxpayers in postcolonial Ecuador, was commonplace. The constant disputes around the tithe created political instability at the local level. This colonial tribute survived until 1889 (Espindola, 2016). *Garcianismo* (1861–1875), a period in which Gabriel García Moreno played a key role

in Ecuadorian politics, has provoked controversy amongst scholars (ibid., p. 96). García Moreno, who was highly idealized by the 1869 CA, was the intellectual author of the 1869 constitution. Back then, his leadership was regarded as indispensable to combat political instability. The 1869 constitution, the eighth since independence in 1830, endeavoured to institutionalize the Catholic nation, including the native population. The 1869 debates on the ‘miserable race’ (i.e., the indigenous peoples) showed the fragmented character of Ecuador’s *social contract* since independence.

The 1869 CA was established after a putsch prompted by García Moreno, while the 2007–2008 CA was approved via referendum. García Moreno was not a popular leader (Espinosa, 2010, p. 530). President Rafael Correa (2007–2017) is known for his popularity and charisma. Why are the 1869 and 2007–2008 CAs worthy of comparison? There is a similarity/connection between these CAs, which suggests a link between ‘messianic’ leadership and constitutional instability in Ecuador.

The two CAs in question were prompted by two ‘strong’ leaders: the Catholic and conservative García Moreno, and the Catholic and left-wing Rafael Correa. (The latter was inspired by President Eloy Alfaro, another ‘lawgiver’ whose deeds inspired both the 1906 liberal constitution and the 2008 left-wing charter.) García Moreno and Correa served as presidents for a total of ten years, an atypical period of stability. Both leaders influenced their comrades during the conventions that wrote the 1869 and 2008 constitutions, and both constitutions strengthened the executive branch. The 1869 charter extended term limits for authorities, stipulating a six-year presidential mandate. The consecutive re-election allowance was permitted, as a result of which García Moreno was re-elected for a third period (Ayala Mora, 2008, pp. 35–36; Salvador Lara, 2005, p. 392). Similarly, the 2008 charter instituted the consecutive re-election concession for one time only for the president (Article 144 of the 2008 charter), which abolished a constitutional prohibition in this regard (Article 164 of the 1998

constitution). In 2014 President Correa proposed a constitutional amendment to abolish presidential term limits. While the longing for García Moreno becomes clear in the 1869 CA, the idealization of Rafael Correa needs to be interpreted in two phases: in the 2007–2008 CA and during the 2014–2015 reform in favour of the constitutional amendment just mentioned. From a psychoanalytic perspective on messianism, this thesis sheds new light on the discourse praising ‘strong’ leaders. This offers a novel understanding of Ecuador’s long-lasting history of constitutional instability. Moreover, the 2008 constitution stipulates for the first time the ‘pluri-national’ nature of the Ecuadorian state (Article 1 of the constitution). This recognition implies that *the peoples* and *nationalities* that inhabited Ecuador before the Spanish and Inca conquests are part of the *social contract*. The 2007–2008 CA was composed of indigenous deputies, who indicated that racism survives in this postcolonial country.

‘Political instability’ is a broad concept that can be used for the analysis of different phenomena, such as riots, policy shifts, coalition volatility in parliaments, etc. This thesis mainly addresses one of its manifestations: frequent constitutional replacements illustrated by the Ecuadorian case. The analysis of the 2015 constitutional amendment that abolished presidential term limits complements this endeavour by illustrating a less ‘dramatic’ alteration of the constitution. This, nonetheless, further highlights the importance of ‘strong leaders’ in this country’s past and recent history.

Existing literature on constitutional instability emphasizes philosophical, legal, economic, regionalist, and institutionalist explanations. Although valuable, these approaches do not sufficiently address the affective fascination that Ecuador’s frequent constitutional replacement events exercise over its assembly members and other elite figures. Drawing on material available in the Ecuadorian archives, I use the tools of rhetoric and psychoanalysis to conduct a discourse analysis of this ideological fascination. I focus on the 1869 and 2007–2008 CAs, as well as the 2014–2015 debates that led to the abolition of presidential term limits. Freud’s myth

on the origin of society put forward in *Totem and Taboo* —and later refined in *Moses and Monotheism*— allows us to grasp the psychoanalytic meaning buttressing the relation between messianism, leadership, and ‘constitutional instability’ in Catholic Ecuador. In addition, a Lacanian approach to the grip of ideology throws new light on the meaning of the transgressive dimension characteristic of Ecuador’s constitutional history; namely, and counterintuitively, it sheds light on how the frequent abolition of the fundamental law in Ecuador reinforces the identification amongst the members of this national community, hence perpetuating its existence. From an empirical point of view, this work also contributes to the literature. Ecuadorian historiography has focused on the backdrop against which Ecuador’s 20 constitutions have been sanctioned but little attention has been paid to specific constitutional assemblies. This thesis, therefore, can be said to contribute to this literature by dint of providing an in-depth discourse analysis of the debates associated with the 1869 and 2007–2008 conventions, and the 2015 abolition of presidential term limits.

Of course, the psychoanalytic factor driving constitutional instability in Ecuador can also play a role in accounting for constitutional stability, such as that characteristic of the US constitutional tradition: while amendments to the 1787 charter have been sanctioned, the US constitution has not been replaced. This is because the way in which the psychic factor sheds light on a particular puzzle (e.g., constitutional instability or constitutional stability) is a context-dependent matter. Each case study requires a different unpacking of how the psychic factor operates within it, and later we shall see how each case study will address the psychic — non-psychic relation in distinct context-dependent ways.

By way of summary, this thesis argues that psychoanalysis contributes to our understanding of constitutional instability in Ecuador by highlighting how the oedipal dynamic underpins, in part, the cyclical rewriting of this country’s constitution. According to psychoanalytic theory, the oedipal triangle (mother–child–father) has an aftereffect in adulthood. This can be observed

in the realms of (amongst others) religion and politics. In the empirical chapters I argue that the presence of ‘authoritarian’ leaders driving forward the constitutional processes of 1869, 2007–2008, and 2014–2015 (García Moreno, Eloy Alfaro, and Rafael Correa) signal the *return* of the *ambivalent identification* with the father figure of the primal horde (to be fleshed out in due course). The writing of a new constitution entails the dethronement of the previous one, which also involves the rejection of the earlier ‘lawgiver’ who inspired the previous charter. In this cyclical process, the new constitution promises a state of fullness that resonates with the force that drives the subject’s quest for the *lost object*, that is, the mother figure (to be explained later).

The aftereffect of the oedipal dynamic in the constitutional politics of Ecuador cannot do without its three constitutive elements: the leader, the follower, and the constitution. This psychoanalytically informed understanding of the frequent replacement of the constitution (a charter prompted by ‘strong’ leaders) contributes to the literature on constitutional instability in Latin America in a particular way. It highlights how the emotional and non-rational elements buttressing ‘constitutional instability’ in Ecuador constitute a psychosocial and political phenomenon that cuts across the ideological spectrum. In addition, this thesis sidesteps the debate between liberal democracies and ‘deviant’ ones (e.g., ‘populist democracies’) to analyse the ‘psychic’ process underlying Ecuador’s national ritual since independence, that of constitutional replacements. The ritualistic components shaping the constitutional processes analysed here share more similarities than differences in spite of their distance in time and ideological orientation. That said, my argument reads as follows. Ecuador’s long-lasting history of political instability has prompted a culture prone to supporting *messianic* leaders, that is, lawgivers whose images have blended with the aspiration of perpetual stability epitomized by the setting up of CAs themselves. But does instability explain ‘messianism’ or vice versa? While the affective pull of ‘messianic leadership’ in the constitutional politics of Ecuador can

emerge because of the need for political stability, this messianism can also be understood as a phenomenon triggered by a twofold psychic mechanism: the *identification* with the father figure and the never-ending quest for the *lost object*, the mother figure. In both cases, my argument emphasizes the psychic dimension buttressing constitutional instability in Ecuador.

I advance my argument as follows. In Chapter 1 I review the mainstream literature on institutional (in)stability in order to provide plausible answers to my research question, which asks: *how can we best characterize and account for Ecuador's constitutional volatility?* After identifying the strengths and weaknesses of different approaches to this question, in Chapter 2 I propose a psychoanalytic (Freudian and Lacanian) framework for the analysis of Ecuador's constitutional processes. This framework is complemented by a research strategy that adopts the bases of rhetorical political analysis, situating this strategy within a broader discussion about the feasibility and desirability of using psychoanalysis beyond the clinical setting. Chapters 3 and 4 conduct a discourse analysis of the debates of the 1869 and 2007–2008 CAs, as well as of the parliamentary reform process resulting in the abolition of presidential term limits in Ecuador that made possible Correa's assumption of a third mandate. Chapter 5 draws together the findings of the previous two empirical analyses, not only to consolidate in comparative fashion their psychoanalytic insights but also to better ascertain how the psychic factor isolated in this way relates to other explanatory factors canvassed in Chapter 1. In doing so, I seek to put different disciplines and explanatory hypotheses into dialogue with each other in a way that averts psychoanalytic reductionism. In other words, while I suggest that an appeal to psychoanalysis enhances our understanding of the non-rational elements of political processes, by no means do I want to suggest that a focus on the psychic dimension alone can deliver a full account of Ecuador's constitutional instability. The thesis concludes with a summary of its main findings, its limitations, and possible avenues for future research.

Chapter 1: The Literature on Constitutional Instability

Abstract

Presidential Ecuador has replaced its codified constitution 19 times since independence. The frequent abolition and replacement of the charter in force has been prompted by democratic and non-democratic leaders, who have convened constituent assemblies (CAs) to legitimize the new constitutional order. How can we best characterize and account for Ecuador's constitutional volatility? Amongst others, this chapter identifies legal, economic, institutionalist, and regionalist approaches capable of explaining constitutional instability in this country. The following accounts are particularly relevant for this historic thesis on Ecuador's constitutional instability: a) the French and revolutionary tradition according to which the 'general will' — instantiated in the constitution— ought to be replaced as often as the people's representatives see fit; b) the conjecture that an underdeveloped capitalist economy results in democratic instability; c) the thesis that the presidential system is an intrinsically unstable institution; and d) the 'path dependence' reasoning according to which the reversal of an initial trajectory entails more costs than benefits. This chapter highlights the strengths and limitations of these and other theories, while emphasizing the gaps found in the literature, such as the role played by 'messianic leadership' and emotions in accounting for the cyclical rewriting of the constitution in Ecuador.

This thesis contributes to our understanding of Ecuador's long-lasting history of constitutional instability. In this chapter I identify my contribution by reviewing the relevant literature on this topic. First, I assess the constitutional traditions that shaped the presidential systems in the Americas. I then address a possible link between the (under)development of capitalism in Ecuador and its historical constitutional instability. Afterwards, I present the topic of constitutional change through the lenses of the institutional and path dependency theories, two

dominant approaches to this type of issue in mainstream political science. I then discuss contemporary forms of constitutional instability in Latin America as a whole, on account of the high number of deep constitutional transformations that this region has experienced.

This literature review is thus guided by the following complementary questions: which constitutional tradition has allowed Latin American countries to frequently replace their constitutions? Did a particular (under)development of capitalism in Ecuador influence its constitutional instability? How has constitutional (in)stability been addressed by mainstream political science? How might the specificity of the Latin American context fit into this account?

Two Influential Constitutional Traditions for the Making of Modern Democracy:

The English and French Schools

Let us begin by enquiring into the legal tradition that influenced the presidential system in Latin America, i.e., the Revolutionary Constitutionalism of France. This tradition has endowed Latin American systems with the key notion of *constituent power*, an element partly and arguably informing this region's legal feasibility to replace its constitutions. I first visit the English rule of law for a subsequent and clearer (comparative) understanding of constitutional instability in countries with written charters indebted to the 1789 tradition.

From medieval times, the contractarian discourse on the origin of government (both as a theory and as an ontic instantiation) gradually constituted itself in what was later known as constitutionalism in the Western Hemisphere (Bobbio et al., 2005, p. 362). It is commonly accepted that while Locke's *Second Treatise on Civil Government* partly inspired the American Revolution, Rousseau's *Social Contract* partially influenced Latin American independence. Apart from their differences, it could be argued that the US constitution and the first charters of independent Latin America validated, in written form, the social contracts whereby the rule

of law was established in the Americas. Although the doctrines of the *social pact* and the *rule of law* are partly connected, these are not synonyms.

The idea that a constitution comprises the fundamental rules governing a national or subnational polity was first utilized in the 1688 Glorious Revolution (King James II had transgressed the ‘fundamental constitution of the kingdom’). Despite this English ‘invention’, the unwritten character of the British constitution is hard to define, all the more so given its tradition of *parliamentary sovereignty*. As ‘Parliament can do anything except bind its successor, it follows that anything which purports to be a constitutional guarantee enshrined in a British Act of Parliament could simply be amended by a later parliament’ (McLean and McMillan, 2003, p. 117). This parliamentary sovereignty differs from the separation of powers. The evolution of this doctrine against tyranny went from the medieval idea of ‘two swords’ to Locke’s distinction (executive, legislative, and federative powers), and then to that of Montesquieu’s (executive, legislative, and judicial powers). Montesquieu’s contribution was embedded in the US Constitution. While seeking to prevent tyranny, including that of the majority, the doctrine of the separation of powers has been criticized by those who contend that popular sovereignty should remain within the same branch, such as Parliament (McLean and McMillan, 2003, pp. 485–486).

In Section 3.1 of his essay *Rule of Law: A Critical Reappraisal*, Zolo (2007) discusses the English *rule of law*, a term used for the first time by William Edward Hearn in 1867. This principle presupposes the legal equality of all individuals. This equality has been observed through the administration of justice in ordinary courts, where personal privileges related to status and economic conditions have not mattered. In addition, this legal practice based on the ordinary law has been attentive to preclude the possible arbitrariness of executive power. The rule of law stems, as it were, from two sources of sovereignty: Parliament and the Judiciary. While the former is in charge of the legislative practice, the latter decides on the basis of the

common law. This dual sovereignty is condensed in the proverb ‘the reign of law and judges’. This practical sovereignty, whether a law or jurisprudence, seeks to protect individual rights from executive power. However, the judicial protection of the rights to liberty and property has acted not only against illegitimate executive orders but also against parliamentary caprices.

The originality of the English constitutional regime ... lies in the fact that in England the widespread and differentiated nature of powers is not due to any imperatives acts by the state or to the “general will” of a constituent assembly, expressing popular sovereignty. Neither is it due to a written, rigid, and normatively supreme constitutional Charter ... The English constitutional structure depends on a long-standing civil tradition rooted in political conflicts, normative acts, customs, usages ... (H. Bracton, as cited in Zolo, 2007, p. 9).

In Section 3.4 of the essay just referenced, Zolo (2007) distinguishes the liberal *État de droit* in France from its revolutionary and constitutional tradition. For the latter, the popular-national sovereignty was exclusively embodied in Parliament. Thus, this power prevailed over the other branches of the state. Article 3 (Ch.5, Title 3) of the 1791 Constitution in France established that the judicial power could not interfere with the legislation nor prevent the implementation of laws. In line with Rousseau’s maxim that popular sovereignty was inalienable, Emmanuel Sieyès coined the distinction between *constituent power* and *constituted powers*. As a *pre-legal power*, constituent power was deemed to be the *collective legislator* in charge of establishing the values and rules upon which a political community ought to be built. Differing from the limited attributions of constituted powers, constituent power was conceived of as one with unlimited authority. Indeed, Article 28 of the 1793 Declaration of Rights explicitly indicated that the people were always authorized to reconsider, amend, and replace their constitution, and that no generation was obligated to follow the laws sanctioned by past generations. The outcome of this doctrine was twofold: a) Parliament was prone to act as both constituted and constituent powers, constantly re-evaluating the constitution; b) a constitutional inclination

‘towards rejecting both constitutional rigidity and judicial control over the constitutional legitimacy of ordinary laws’ came into existence (p. 15).

For the Anglo-Saxon *rule of law*, judges and parliament are equally important insofar as both exist to protect our individual rights against the arbitrariness of power. Notwithstanding, there are differences between the English and the US constitutional regimes. The UK has a non-codified constitution and adheres to the principle of *parliamentary sovereignty*. The US has sacralized the separation of powers (i.e., the separation of popular sovereignty) in its codified charter. Even so, the British gradualism was arguably passed on to the US, a country whose constitutional lacunas have been solved through jurisprudence and constitutional amendments, though thus far never via a constitutional replacement as defined by Negretto (2008). But the longevity of the US constitution has not prevented its evolution. This country has changed its *most important rules and common understandings* on several occasions without replacing its constitution. Amongst the 27 amendments to the US Charter, the following are illustrative: a) the Bill of Rights ratified by 11 States between 1789 and 1790; b) the abolition of slavery achieved between 1865 and 1870; c) the Sixth Amendment (1909) bestowing Congress with the power to charge income taxes; d) the Nineth Amendment recognizing women’s right to vote in 1919. The 1787 *framers* focused ‘almost exclusively’ on the republic’s *structures* (federalism, presidentialism, unequal representation), *powers*, and *rights*. Thus, this Charter and its amendments are expressed in 15 to 20 pages and five to seven folios depending on the printing format (Dahl, 2003, pp. 37–39, 150–152). As for why the US Constitution is long-lived, Dahl’s reflection on related matters offers key hints:

[I]rrespective of what a constitution prescribes on paper, a charter will only fulfil a limited number of goals. For instance ... no constitution can guarantee democracy in a country where the favourable conditions for democracy are absent. ... One of the most notable characteristics of the Constitution they [the 1787 *framers*] wrote is its amazing brevity (Dahl, p. 150, own translation).

In conclusion, the philosophical and legalistic narratives presented above are useful to begin addressing why presidential Ecuador, unlike the US, has constantly replaced its constitutions. Rousseau's influential exaltation of the ancient *demos* had to be operationalized in Latin America in times when the words *revolution* and *independence* were highly valued. As the legislative branch became the fundamental pillar for this revolutionary tradition, no judge could weigh up the decisions of the 'general will'. Sieyès' distinction between the almighty *constituent power* and the limited constituted powers paved the way for accepting that the people's representatives could draft a new constitution as many times as they saw fit. This practice has been common in Latin America since the times of independence, as Negretto's 2008 paper highlights. Despite their usefulness, these philosophical and legalistic approaches to constitutional instability have a limitation. Many of the Ecuadorian CAs were organized by non-democratic 'caudillos' to legitimize their putsches, after which these leaders convened the people's representatives to sanction a new constitution. In this hybrid context (coup d' état – CA), Sieyès's notion of *constituent power* becomes problematic, as the latter alludes to the prevalence of Parliament over the executive, a maxim stemming from Rousseau's *Social Contract*.

A second limitation, however, concerns the status accorded to the indigenous peoples. The English and French Schools presented above have a common denominator: everyone's equality before the law informs their founding premise. But this postulate was problematic in the Americas because it did not take into account the native population inhabiting these territories. As Clavero puts it, from Argentina to Canada modern states were established 'by a population of European origin faced with native populations that, initially, were a majority but who were destined to become foreigners in their own lands' (2007, p. 443). This historic trend reached a watershed by the end of the 20th century. Various scholars coincide in pointing out that, from the 1980s, indigenous movements 'emerged strongly' in Latin America. The 1990 Inti Raymi

rebellion in Ecuador, the 1994 Zapatista insurrection in Mexico, and Evo Morales' presidential election in Bolivia in 2005 signalled the beginning of a new era. The 'Indian problem' was no longer reduced to a class struggle regarding land possession. The Indigenous Historic Demand also denounced *cultural oppression* instituted by colonialism (Zúñiga, 2014, pp. 5–7). 'From being the "objects" of politics seeking assimilation into a society conceived as *mestizo* [mixed race], they became "subjects" claiming their rights as peoples with their own culture' (Zúñiga, 2014, p. 6).

Popular Sovereignty and Constitutionalism in Contemporary Times

The question of popular sovereignty faces new dilemmas in contemporary times. For instance, and in light of the Arab Spring in the 21st century, Stacey (2016) addresses the link between popular sovereignty and constitutionalism. He comments that there is a commonplace perception according to which the constitution serves as an instrument whereby the popular will is and ought to be restrained. By way of counterargument, it has been said that the establishment of restrictions on the majority is undemocratic. Stacey seeks to 'reframe' this debate by resolving the classic contradiction between constitutionalism and democracy. The author argues that popular sovereignty and majoritarianism are not synonyms. He contends that those who appeal to the maxim of popular sovereignty when writing a new constitution are limited by certain aspects underpinning this maxim. In other words, '[w]here popular sovereignty and constitutionalism meet is in the idea that the people do not only appoint the sovereign, but also limit the actions that the sovereign can take' (p. 165). Stacey is interested in studying what he calls a 'constitutional interregnum', i.e., the 'vacuum' left once a constitution is abolished. During this interregnum, certain leaders claim that they act on behalf of popular sovereignty to sanction a new constitution. While Schmitt argues that the constituent power does not have limits, Stacey posits that there are restrictions on popular sovereignty. This is particularly

relevant when the constitutional convention occurs on account of a revolutionary process that dethrones the previous constitution. Since, in this situation, there is no popular delegation of sovereignty (e.g., via referendum), the revolutionary government must guarantee that enough people agree with the government's declaration that it serves the people's interests. And this is predicated on Fuller's eighth rule of legality, that of congruence (pp. 162–164, 169–171).

Implicit in Fuller's account of the principles of legality is a Kantian conception of human dignity that sees people as rational and autonomous beings making decisions for themselves about how to live their lives within a framework of laws, and demanding rational explanation and justification for exercises of power that affect them. ... The rule-of-law principle of congruence demands that government pursue whatever goals it may have within the institutional forms that provide a predictable environment for citizens' own actions (Stacey, pp. 171–172).

In the context of a constitution stemming from a revolutionary 'interregnum', all that matters is that the content of the new charter coincides with the principle of popular sovereignty. For instance, a claim to popular sovereignty by the constitution maker must entail, if it is to be regarded as a valid statement, a recognition that everyone living in that political unity is an equal participant. The duty of recognizing civil and political rights as well as the principle of non-discrimination ('liberal democratic commitments') in a constitution does not derive from constitutionalism as such but from the claim to popular sovereignty found in a constituent moment. 'My position is ... that the claim to popular sovereignty imposes substantive limitations on constitution-making' (pp. 173, 175, 177–178). This approach to popular sovereignty will allow us to examine the extent to which the 1869 revolutionary government, which relied on the claim to 'popular sovereignty', complied with its political commitment in relation to the indigenous question.

The (Under)Development of Capitalism in Ecuador and Its Historical Constitutional Instability

While the previous section dealt with the institution of law, this part of the review focuses on the economy as an institution. More precisely, here I review the thesis according to which a weak development of the capitalist economy results in a non-consolidated democracy. In doing so, I bring in economics, sociology, and a socio-legal perspective to suggest a partial linkage between the underdevelopment of capitalism in Ecuador and its long-lasting history of constitutional instability.

Ecuadorian historians referenced above (e.g., Ayala Mora, Espinosa, Salvador Lara) have identified a common pattern in Ecuador's history of constitutional replacements. During the second half of the 19th century and most of the 20th, Ecuador hosted frequent armed disputes between regional elites whose economic interests —based on commodities— were linked to the international market. This evidenced Ecuador's underdeveloped industry and the presence of a weak state.

Rueschemeyer et al. (1992, pp. 2,5–6,8, 50, 69) remind us that throughout history the existence and consolidation of democracy have been unusual within agrarian societies, that is, within those that have not developed their commerce and industry. These scholars investigate the rivalry stemming from individual and collective actors who compete with one another for the domination of organizational and economic resources. The authors' main proposition reads as follows: 'It is power relations that most importantly determine whether a democracy can emerge, stabilize, and then maintain itself even in the face of adverse conditions' (p. 5). Which configuration of power relations (within a national economy characterized by the scarcity of resources as well as constrained by the international division of labour) is the most conducive to consolidating a democratic regime? Like Barrington Moore, Rueschemeyer et al. argue that large landlords relying on 'labor repressive' agriculture are the arch enemies of democracy.

Unlike Barrington Moore, Leninists, and liberal social scientists, Rueschemeyer et al. anticipated that the bourgeoisie (i.e., ‘big business’) has also objected to suffrage extension to the working classes as a result of their conflicting interests. Amongst other findings, these scholars have noted that the working class has been the most steady supporter of democracy so long as it has developed *counter-hegemony* via trade unions, parties, and comparable groups. Nonetheless, this thesis is not to be understood *à la* capitalism = democracy. Instead,

capitalist development is associated with democracy because it transforms the class structure, strengthening the working and middle classes and weakening the landed upper class. It was not the capitalist market nor capitalists as the new dominant force, but rather the contradictions of capitalism that advanced the cause of democracy. ... It is the struggle between the dominant and subordinate classes over the right to rule that —more than any other factor— puts democracy on the historical agenda and decides its prospects. ... The core of our analytic framework is therefore a “relative class power” model of democratization (pp. 7, 47).

During the second half of the 19th century, there was an accelerated expansion of industrial capitalism in the *advanced capitalist countries*. This economic growth translated to a greater empowerment of the working class through its representatives, trade unions, and socialist parties. Even more, in countries such as Belgium and the Netherlands the working class participated in rushing confessional parties towards a more democratic stance. In addition, the demands created by World War I (e.g., labour assistance for both production and war) only consolidated this reconfiguration of the balance of class power in favour of the interests of the working class, especially in belligerent nations. By contrast, in contemporary Latin America and the Caribbean the landed class was more powerful than the working class. Consequently, the process of democratization was less propitious than that in the core countries. In accounting for the rise and stabilization of democracy in Latin America, Rueschemeyer et al. analyse, amongst others, the *consolidation of state power, export expansion, industrialization and agents of political articulation, class forces, and import substitution industrialization*. Worthy of notice is that ‘of the four cases (Brazil, Colombia, Paraguay, Ecuador) with labor intensive

agriculture, *Ecuador and Paraguay experienced very late and limited industrialization and thus very weak pressures for democratization*' (1992, pp. 8, 91, 97, Ch. 5, 324, emphasis added).

Rueschemeyer et al. emphasize that a democracy has a chance to prosper as long as contestation has been institutionalized, for which the consolidation of state power constitutes a prerequisite. Ultimately, the latter means that the monopoly of the state's coercive authority has become undisputed nationwide (1992, pp. 159, 163). During the 19th century and most of the 20th, Ecuador failed to institutionalize its political contestation. Let us remember what the Ecuadorian jurisconsult Manuel E. Flor said in the midst of the Ecuadorian CA of 1945: 'the constitutions have emanated from revolutions. One revolution, one constitution. Ecuador's constitutional regime has lived by the edge of the sword' (as cited in Ayala Mora, 2014, p. 16).

O'Donnell (2007) considers that the approach of Rueschemeyer et al. is an 'adequate theory of democracy', as it takes into account the historical, sociological, and political specificities of each case. From a similar perspective, O'Donnell distinguishes the development of democracy in core countries from that in peripheral nations. For instance, he analyses a phenomenon that preceded political rights in the 'north-western' part of the world, namely, the presumption of agency of the individual assumed by the law, a conception whose doctrinaire sources can be traced back to Hobbes and others before him. But the evolution of this legal notion of agency was neither straight nor peaceful, and it was propelled by the appearance and development of capitalism. '*The early construction of subjective rights, especially in contracts allowing the exchange of goods and services, constitutes a legacy of capitalism and the process of state formation, and not of liberalism or democracy*'. The former and the latter emerged later on (O'Donnell, 2007, pp. 21–22, 51–52, 55, own translation, emphasis added).

Why would this interweaved chronology of capitalism and 'subjective rights' in the 'north-western' world matter when thinking about Ecuador's constitutional volatility? At the time that exclusionary democracies (in terms of political rights) emerged in the north-west, that is

throughout the 19th century, the *subjective rights* were already governing a great proportion of the male inhabitants, and, to a very limited extent, also a part of the female population. These subjective rights, continues O'Donnell, are the social and economic 'private' activities condensed in T.H. Marshal's (1950) notion of *civil citizenship*. When this conception of individual agency and its correlative subjective rights were 'imported' into the territories of the 'East' and the 'South' (e.g., Ecuador), these rights could have found a short circuit, as organicist, traditionalist, and even 'mafioso' notions of justice and law 'could prevail'. In other words, the *political citizenship* in the East and the South could have been implemented while the *civil citizenship* was 'weak, intermittent or biased' (O'Donnell, 2007, pp. 57–59, 68).

Given the type of agrarian capitalism that has prevailed in Ecuador, it could be concluded that the 'subjective rights' (mainly stemming from exchange contracts amongst agents) were neither present nor assumed by this country's legal system when its democracy was established. This particularity has plausibly and partly influenced a historic lack of trust in the liberal rule of law in this nation, a lack of trust arguably epitomized in or partly related to the constant practice of constitutional replacements. The weakness of the state throughout the 19th century and most of the 20th has paved the way for non-institutionalized disputes between elites who have frequently 'legitimized' their power via CAs. The working and middle classes have not participated in this armed 'negotiation' due, in part, to Ecuador's economic underdevelopment (the frail contradictions of capitalism have not empowered these classes). In short, the frequent constitutional replacements in Ecuador have not meant a further step towards the consolidation of its democracy. Instead, this volatile practice could be seen as a symptom of this country's weak capitalism, the latter favouring the interests of the landed upper class, which has mainly prompted an unstable constitutional regime.

Albeit sound in its own right, the thesis of *Capitalist Development & Democracy* (Rueschemeyer et al., 1992) does not quite account for my research puzzle, that is, the

underlying meaning of the followers' historic and frequent support of constitutional replacements, irrespective of whether this practice alters *the most important rules and common understandings* of Ecuador. To properly address this puzzle, in Chapter 2 I present an analytic approach to politics focused on non-rational factors related to the identification with leaders, ideology, and the art of rhetoric, all elements underestimated by the existent literature. But before we further reflect on this approach to constitutional instability, we need to address the contemporary and mainstream debate on institutions, and in connection with my research problem.

Constitutional Change: A Contemporary Debate

An Institutional Approach to Constitutional Change

Amongst others, mainstream scholars draw on the paradigm of the *homo oeconomicus*, the critique of the presidential system, and path dependence theory when addressing institutional (in)stability. In this subsection, I highlight the strengths and weaknesses of these approaches considering Ecuador's constitutional volatility.

To understand constitutional change, which is ultimately an institutional alteration, we need to ask ourselves why institutions are important in politics in the first place. The rational choice theory and affiliated approaches answer this question by stressing their concern about the unpredictable outcomes to be expected in 'open' interactions between parties and citizens. Plainly put, for these perspectives, institutions are needed to constrain our behaviour. By doing so, they foster stability and resolve cooperation, coordination, and agency problems. In other words, political equilibria (i.e., stable outcomes) can be produced through reasonably stable institutions (Shepsle, 1979, 1986, 1989, as cited in Colomer, 2001, pp. 235–236). Despite theoretical differences, there seems to be a consensus regarding the paramount role of institutions. For instance, 'rational choice practitioners and historic institutionalists were largely

in agreement on one essential definition and premise: that institutions constitute the “humanly devised constraints that shape human interaction” (North 1990)’ (Sanders, 2009, p. 3).

But will institutions remain stable? If so, why? According to the theory of equilibrium institutions, organizations are likely to remain stable for the following reason: institutional development generates increasing returns, in the sense that the benefits of relying on existing institutions outweigh the costs of replacing them (North and Thomas, 1973; North, 1990a, Pierson, 2000, as cited in Colomer, 2001, p. 236). Derived from an economic perspective, this conception of institutions heavily relies on property rights and property guarantees, amongst other institutions that facilitate the emergence of efficient markets. While partly agreeing with the application of this framework to public goods such as national defence and environmental protection, Colomer (2001, pp. 235, 237) stresses that in the political arena things are different than in markets. For instance, rational political actors foreseeing absolute and constant loss under the current institutional arrangement could advocate for institutional change, regardless of the undetermined advantages and the certain sacrifices. Ultimately, Colomer highlights that political institutions have been substituted or amended more regularly than what has been usually supposed. Underscoring both his own findings and those of Przeworski et al.’s (2000), amongst others, Colomer indicates that at least 118 national endeavours have sought democratization (worldwide) since the 19th century. Likewise, 113 alterations from and to democracy have occurred since 1945.

I have outlined how the rational choice and the equilibrium institutions theories conceive the question of why institutions exist, as well as whether these are likely to remain stable. Underpinned by the *homo oeconomicus* paradigm, the overarching argument of both perspectives reads as follows: our freedom to act needs to be restrained by institutions/sanctions/costs, the latter impelling us to play by the existing rules. Even more, these rules (according to some) will likely remain stable, as changing them will bring about

more costs than benefits. Interestingly, Colomer makes a useful distinction between the logics of the market and that of the political. In doing so, he questions what has been taken for granted by certain mainstream institutional scholars, namely, that political institutions are rarely replaced or reformed.

The latter mainstream criticism of neo-classic economics (applied to politics) prepares us to address a less rigid institutional approach to constitutional change. In investigating 36 democracies, Lijphart (1999, pp. 216–220) addresses certain procedures established by these countries to amend their constitutions. He begins by noting that only three cases (out of his universe of study) lack a written constitution: Israel, New Zealand, and the UK. Lijphart is interested in the distinction between consensus and majoritarian democracies. Indeed, he underscores that both written and unwritten constitutions may be simply amended and may not undergo judicial review. What really matters is the degree of institutional control that a constitution, written or not, places on the majority within a democratic context. This can be captured through the analysis of certain constitutional provisions that make some constitutions ‘rigid’ (more difficult to amend) while others ‘flexible’ (easier to amend). Amongst others, these provisions are ordinary or special majorities, the requisite of approval (or not) by both Houses of the Legislature, and authorization by referendum. Lijphart describes a spectrum from the most flexible to the most rigid criteria needed for a constitutional amendment in the countries under study (1945–1996): a) *ordinary majorities* (e.g., Colombia, UK); b) *between two thirds and ordinary majorities* (e.g., Italy, Venezuela); c) *two-third majorities or equivalent* (e.g., India, Malta); d) *super-majorities greater than two thirds* (e.g., Japan, US).

Lijphart makes a sound case as he studies a large number of democratic countries with both parliamentary and presidential systems. In doing so, he shows how certain and common institutional provisions (rigid or flexible) can explain the frequency of constitutional change. However, in search of scientific validity, that is the capacity to generalize law-like conclusions,

the contextual and institutional particularities of each one of these 36 countries are partly missed and/or undertreated.

From a subtle midpoint within the community of mainstream scholars interested in institutional (in)stability, Negretto conducts a duration analysis (1946–2000) of 18 Latin American countries. His findings allow him to contend that ‘while the risk of constitutional replacement increases with political and social instability, it decreases with institutions that diffuse power and make possible the flexible adaptation of the constitution to changing circumstances’ (2008, p. 1). The contextual factor seems evident, e.g., revolutions and governments’ disintegration cause instability. The ‘institutions that diffuse power...’ allude to the presence of inclusive voting rules, bicameralism, presidential veto, federalism, flexible amendment regulations, and judicial decisions capable of interpreting the constitution in new scenarios (Negretto, 2008, p. 8; Lutz, 1995; Ackerman, 1995; Elster, 1995, as cited in Negretto, 2008, pp. 8, 10).

In thinking about different independent variables (i.e., explanations) associated with democratic stability, for which the longevity of constitutions is supposed, Negretto identifies three perspectives: a) one emphasizing that democratic stability depends on whether a constitution is parliamentary or presidential; b) another stressing that the dependent variable (i.e., democratic stability) hinges upon the electoral rules (inclusive or restrictive); c) another underscoring that democratic stability relies on whether the executive is frail or powerful (Linz, 1994; Shugart and Carey, 1992; Jones, 1995; Mainwaring and Shugart, 1997, as cited in Negretto, 2008, p. 3). As for the durability of constitutions, Negretto finds two sub-schools. While one has argued that constitutional longevity depends on constitutional design, the other stresses that a constitution’s lifespan is conditioned by the socio-political context. Negretto argues that both complement one another (*ibid.*).

As indicated above, some have argued that the proclivity to constitutional change derives from the presidential institution per se. For instance, Payne and Allamand (2007, pp. x–xii, 17) analyse political reforms and electoral results in 18 Latin American countries since the ‘third wave’ of democracies, that is, from the end of non-democratic regimes (1970s–1990s) to 2005. These scholars stress a key feature of the presidential system, namely, that the people separately elect both the executive and the members of the legislature. This increases the probability of conflict between these branches more than the tension typically detected in parliamentary democracies. During the 25 years prior to the publication of their work (2007), Payne and Allamand highlight that, from time to time, the disputes/gridlocks between these two branches in presidential systems have encouraged executives to implement, amongst others, the following actions: trespass on certain law-making faculties of Congress, close up the latter, and recourse to popular referenda to reform the constitutions and strengthen their authority (Hochstetler, 2006; Pérez-Liñan, 2005, as cited in Payne and Allamand, 2007, p. 17).

Payne and Allamand’s contribution speaks to an unstable feature intrinsic in presidential democracies, or at least a more unstable characteristic in comparison to parliamentary systems. These scholars’ arguments find a dramatic corroboration in the ‘paralysed’ relationship between the legislative and executive branches in Ecuador, especially from the 1930s. Notwithstanding its strength, this institutionalist approach understands the presidential institution as an independent variable capable of detaching itself from contextual diversity. But the context matters, as Chile, Colombia, and Argentina show, as stable countries in terms of constitutional replacements. Unlike other Latin American countries, these three Hispanic nations have had constitutions lasting for approximately a century, a feature making a case for the path dependence theory.

Constitutional Stability in View of the Path Dependence School

For decades, various mainstream scholars have relied on the path dependence approach to explain why certain institutional contexts remain stable throughout time, even after experiencing stressful events. In the following lines, I draw on the premises underpinning this approach to then question it in view of Ecuador's constitutional volatility.

Pierson (2004, pp.18, 20–21) notes that *path dependence* has been used by many social scientists (e.g., Lipset and Rokkan, 1967; Collier and Collier, 1991; Ertman, 1996; Hacker, 1998). Despite its wide appeal, explicit definitions of path dependence are uncommon, the latter leading to a vague assumption in the style of 'history matters'. In this context, Pierson decides to conceive path dependence through the loupe of self-reinforcement or *positive feedback* (Arthur, 1994, as cited in Pierson, 2004, p. 18). Positive feedback is underpinned by the following presuppositions: a) early events have considerable though unpredictable outcomes; b) nevertheless, the further we find ourselves within a process, the more difficult it becomes to change from one route to another; c) contingent events at an early phase of a process affect future decisions; d) the pattern established in the long term may create lower benefits than a previous alternative would have. After embracing Arthur's (1994) and David's (2000) conception of path dependence, Pierson sides with a 'narrower' definition:

Path dependence has to mean, if it is to mean anything, that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchment of certain institutional arrangements obstructs an easy reversal of the initial choice (Levi, as cited in Pierson, 2004, p. 20).

But even this 'narrower' definition needs to be further operationalized to link path dependence to constitutional change. Pierson (2004, pp. 34, 43 and North and Weingast, 1989, as cited in *ibid.*) notes that constitutional arrangements and public policies seek to restrict the behaviour of political actors. Moreover, from this path dependence approach, formal institutions (e.g., constitutions) are commonly engineered in a way that makes them hard to be abolished. Two

motives support this reasoning. First, the designers of these institutions may want to control their successors' future actions. Also, in numerous cases political actors are obliged to constrict themselves for the sake of a greater goal, for instance, the objective of quicker national economic growth by renouncing to immoderately expropriate the subjects' assets (in the case of a monarch). In illustrating his point with more contemporary examples, Pierson notes the unanimity prerequisites in the European Union decision-making process as well as the numerous supermajorities needed to modify the US constitution: 'The relevant point here is that this institutional stickiness characteristic of political systems reinforces the already considerable obstacles to movement off an established path' (2004, p. 43).

Pierson's contribution is sound. Once a country has established an initial path, changing it is unlikely due to the costs involved in this alteration (the latter argument partly overlaps with the rational and equilibrium institutions theories discussed above). Given their own current ambitions, political actors will establish constitutional constraints so as to preclude future rivals from exceeding their democratic prerogatives. Despite the compelling nature of this twofold argument, a question mark arises when thinking about my puzzle: why have political actors in Ecuador decided not to reverse the practice of frequent constitutional replacements, given its high costs and seemingly few benefits? Or is it that frequent constitutional replacements are beneficial—in terms of rational benefits—for those who draft a new constitution every decade on average? I come back to this in Chapter 5, where I foster a dialogue between my thesis and alternative hypotheses on Ecuador's constitutional instability. In the meantime, it is worth asking: 'If institutions are humanly designed constraints on subsequent human action, then those who study them over time will inevitably be drawn to ask: *whose* design' (Sanders, 2009, p. 5) is being replaced every decade in Ecuador? Historic Institutionalism (HI), highly indebted to the notion of path dependence, could address the collapse of the constitutional edifice in Ecuador from a top-down or a bottom-up approach, that is, by either emphasizing the role

played by the political elites or that of social agents in the abolition replacement of the fundamental law. A mixed approach is another epistemological option (ibid.). In this thesis I focus on the role played by the Ecuadorian elites, though from a perspective that, unlike HI, focuses on the non-rational elements underpinning the practice of frequent constitutional replacements. One last issue needs to be addressed in this literature review.

Constitutional Instability in Latin America

In this subsection I critically and implicitly address whether the Ecuadorian case is as peculiar as one may be inclined to believe at first sight. Therefore, I concentrate on the constitutional practice of Latin America as a whole. Even though the 1853 Argentinian charter lasted a century, in sharp contrast to the 1945 Ecuadorian constitution in force for less than a year, the following lines suggest that the Latin American constitutional regime possesses long-lasting common denominators.

From the approximately 170 constitutions worldwide, more than 50% of these charters (new or substituted) were elaborated after 1974 and are lengthier than those prior to World War II. The length of the 1988 Brazilian constitution is particularly striking: ‘it is a *novel* the size of a telephone directory, with 245 articles and more than 200 transitory clauses. It is not only a constitution full of trivial details but also of almost suicidal articles and promises that are impossible to fulfil’ (Sartori, 2003, pp. 213–214, own translation).

The 1787 US Charter pertains to the *preservative* family of constitutions whose purpose is to limit and preserve the constituted power. Differently, the Latin American constitutional tradition can be regarded as *aspirational*, a conception that enhances political will. Rousseau, Sieyès, Marx, and Schmitt are part of this tradition. Despite their theoretical differences, the distinctive feature of aspirational constitutionalism, also present in India and South Africa, is its resemblance to a *political promise* of progress. This distinction, of course, serves analytical

purposes. In practice, not all aspirational constitutions derive from the French tradition. Moreover, preservative *legal* discourses and *political* promises can coexist in the same constitutional document. As for Latin America, ‘it is usually thought that the society’s destiny depends on the goodness of the constitutions’ (García Villegas, 2012, pp. 90–93, own translation).

Gargarella (2015, pp. 169–172) questions the commonplace label ‘New Latin American Constitutionalism’. This alludes to an alleged inflection point within the Latin American constitutionalist tradition in light of the constitutional reforms of Colombia (1991), Argentina (1994), Venezuela (1999), Ecuador (2008) and Bolivia (2009). In essence, argues Gargarella, these constitutional reforms have left unchanged the logic by which power has been traditionally organized in this region, a logic partly inspired by the US constitution as well as by the ‘most authoritarian’ heritage of the presidential system, that is, the one conceived during the first half of the 19th century. And the same line of reasoning applies to the way through which rights are constitutionally structured, as they still draw on the ‘generous’ tradition created by the 1917 Mexican constitution. Certainly, the rights’ spectrum has been formally widened in favour of gender, multicultural, and indigenous demands. But this ‘generosity’ will only have a chance to materialize itself as long as the following power structure changes (contends this scholar):

After more than two centuries of regional constitutionalism, the form whereby power is structured remains unchanged, allowing the concentration of power in the executive branch, while the territorial power is centralized; the designing of the judicial power continues to be elitist; we still sustain a legislative organization based on the mistrust of the people and the distance between the elected and electors. ... From the desired ‘check and balances system’, we have switched to a different one characterized by submission or, eventually, by the confrontation between powers (Gargarella, 2015, p. 170, own translation).

By mentioning the points of ‘submission’ and eventual ‘confrontation between powers’ in Latin America, Gargarella is strengthening Payne and Allamand’s argument according to which the presidential system is institutionally more unstable than the parliamentary system.

Let us now review some of the common characteristics of constitutional engineering in contemporary Latin America. In his book *Making Constitutions*, Negretto notes that most political scientists have considered constitutions and their architecture as key independent variables in explaining crucial political and economic results, the frequency of policy changes across governments, and the permanence and quality of democracies. Unlike what occurs in many ‘established democracies’, most new democracies (and nations going through regime transitions) tend to frequently supplant their constitutions or change their rules radically. Latin America is a rich laboratory to study constitutional change. Since 1978, almost all nations in this region have replaced or reformed their constitutions, many times radically. Amongst other reforms, the following are worth mentioning: a) presidential term limits and the electing formulae for presidents and legislators have been changed; b) the way that national and local governments interact with one another has also been altered; c) the functions played by the central bank and the judiciary have too been modified. Partly in line with Gargarella’s view regarding the executive’s prevalence in this region, Negretto observes that in the last three decades there has been a common denominator in constitutional reforms in Latin America: the presidents’ power to propose legislative change has expanded (2013, pp. 1–3).

The Ecuadorian CAs (1869 and 2007–2008) analysed in this thesis are not considered in Negretto’s (2008) duration analysis (1946–2000), which includes Ecuador. Even so, Negretto’s closing argument is useful:

Based on the Latin American experience ... a general proposition can be derived from this analysis. Constitutions that merely survive in the midst of government and regime instability, pervasive social conflict, and economic decline are likely to be seen as irrelevant or as contributing factors to performance failure. In either case, political elites will have incentives to change constitutions periodically to redistribute power *or to create the hope of a new beginning among disillusioned citizens* (Negretto, 2008, pp. 24–25, emphasis added).

Concluding Remarks

I began this thesis by introducing Ecuador's long-lasting history of constitutional replacements. The following strengths and deficits have been identified in the literature on constitutional instability.

Sieyès' contribution to Rousseau's doctrine sheds partial light on the legal feasibility of an indeed common practice in Latin America: that of constitutional substitutions. For this French tradition, a *constituent assembly* (CA) seeking to modify part or the whole of the constitution can be regarded as one of the most important moments of the democratic ethos. But this democratic rationale, different to both the English *rule of law* and the American emphasis on the separation of powers, needs to be questioned in view of a twofold process in Ecuador's history, that is, the frequent and undemocratic abolition replacement of the constitution in force led by 'caudillos', followed by a national assembly in charge of sanctioning a new constitution that legitimizes the putsch. The French maxim that the people's representatives ought to draft a new constitution as often as desired appears in my puzzle. Nonetheless, the constant abolition of the constitutional order by 'caudillos' does not fit into this Rousseauian logic. Moreover, this *enlightened* tradition presents *constituent power* as an objective entity only capable of producing optimal outcomes. The 'general will' embodied in the legislature ought to repeat the *constituent moment* as many times as it sees fit. This ethos underestimates the pros of a policy-making culture—which includes the primary task of making of the constitution—predicated on the value of gradualism.

To explain the linkage between Ecuador's economic underdevelopment and its unstable democracy, I consulted Rueschemeyer et al. (1992) and O'Donnell (2007). In view of these scholars' contributions, it has been argued that the lack of a national culture based on the premise of individual agency in Ecuador, as well as the presence of a predominantly agrarian capitalism, partly explain this country's past and recent constitutional instability. Despite the

appropriateness of this framework in accounting for Ecuador's indeed underdeveloped economy and unstable democracy, the non-rational and emotional component partly underpinning frequent constitutional replacements is left unattended. For these mainstream frameworks, the 'emotional' component appears to be subsumed under the conflictual and non-Marxist logic of class interests.

Negretto's (2008) midpoint approach has facilitated the mapping and discussion with different mainstream schools accounting for institutional change in general and constitutional alteration in particular. By considering institutional provisions and the contexts triggering constitutional change, Negretto reminds us of the importance of the circumstances surrounding and influencing any cost-oriented calculus, the latter a premise for the rational choice, equilibrium institutions, and path dependence theories. Gargarella (2015) provides a description of certain 'endemic' and 'authoritarian' common characteristics of past and recent presidential Latin America. This account is corroborated by a frequent reform in this region throughout the last three decades: the bestowing of more legislative power to the executive branch (Negretto, 2013). Although solid, these frameworks underestimate the power of identification in explaining the emergence of strong leaderships. These can become detrimental to the independence of the legislative branch and/or to the life of the constitution. The question of subjectivity underpinning the 'glue' of leadership is left unattended by mainstream accounts.

In a nutshell, the existing literature speaks of institutional, economic, or contextual factors informing my research puzzle. Despite their usefulness, none of these perspectives considers the partial though important influence that identification, a non-classist notion of the 'us-them' rivalry, and the transgressive dimension of ideology might have when accounting for constitutional instability. These absent elements will form the kernel of my theoretical contribution to the literature around the research question I have posed. A key target of my investigation concerns the ritualistic, repetitive character of 'constitutional instability' in

Ecuador, a practice that has often begun with the unconstitutional seizure of power followed by the democratic illusion of a legitimate CA in charge of sanctioning the sacred charter. As I am interested in these non-rational aspects seemingly informing part of this repetitive logic, in the following chapter I build a framework to shed light, from a heterodox angle, on Ecuador's constitutional instability.

Chapter 2: A Psychoanalytic Interpretation of Constitutional Instability in Ecuador²

Abstract

Ecuador is known for its many constituent assemblies (CAs) since independence. These conventions (20 so far) have been convened by democratic and non-democratic ‘caudillos’. How can we best characterize and account for Ecuador’s constitutional volatility? A psychoanalytic approach to *messianic* leadership offers a fruitful way to supplement our understanding of this type of instability. This chapter establishes the theoretical bases for the subsequent discourse analysis of the 1869 CA, the 2007–2008 CA, and the 2014–2015 parliamentary debate that led to the abolition of presidential term limits in Ecuador. These processes were highly influenced by Presidents García Moreno, Alfaro, and Correa, the ‘lawgivers’ analysed in this thesis. Drawing on Freud’s myth of the ‘origin’ of the *social contract* and his notion of messianism, as well as on certain Lacanian categories (e.g., *enjoyment, castration, fantasy*), this chapter puts forth the following hypothesis that will receive qualified support in subsequent chapters. Ecuador’s long-lasting history of political instability has prompted a political culture prone to supporting *messianic* leaders, that is, lawgivers whose images have blended with the 1869, 1906, 2008, and 2015 aspirations of stability. This argument speaks to the psychic factor accounting in part for Ecuador’s *constitutional instability* and contributes to our understanding of this type of volatility in the country. This chapter presents a rhetorically informed methodology for the subsequent discourse analysis, as well as a comment on the feasibility and desirability of using psychoanalysis beyond the clinical setting.

² Certain sections of this chapter draw heavily on my article on the constitutional reform that abolished presidential term limits in Ecuador (Espindola, 2023).

The application of psychoanalytic ideas to socio-political issues is not new — Freud himself wrote about societal themes. Lacan's contribution to Freud's discoveries has been fruitfully operationalized by the Essex School of Discourse Analysis.³ This is already evident in Laclau and Mouffe's (1985) *Hegemony and Socialist Strategy*, the book that establishes the ontological premises of the school. Slavoj Žižek is arguably the first scholar who has systematically applied Lacanian theory to the study of ideology (cf. *The Sublime Object of Ideology*, 1989). As Stavrakakis (2007/2010) notes, the list of political theorists who draw on Lacanian theory has considerably grown since the 1990s.⁴

In this chapter I argue that a psychoanalytic approach to constitutional instability in Ecuador offers a productive perspective from which to explore three gaps found in the literature on this instability. These are: a) the puzzle of what 'glues' followers to strong leaders (or 'caudillos') who lead the processes of constitutional replacements; b) the analysis of how, counterintuitively, the frequent abolition of the constitution reinforces the continuation of the Ecuadorian community in general and its constitutional politics in particular; and c) a type of rivalry amongst the Ecuadorians elites —present in the 1869, 2007–2008, and 2015 constitutional processes— distinct from that found in mainstream accounts based on class-interests, be it a Marxist or a non-Marxist approach. Freud, Lacan, the Essex School of Discourse Analysis, and other scholars have theorized about the founding moment of the law ('the pact'), its *repetitive* transgression, and the role played by identification in politics. Their

³ See for instance: Glynos (2001, 2008, 2014), Glynos and Howarth (2007), Glynos and Voutyras (2016), Howarth (1997), Laclau (2005), Norval (2000, 2013), Stavrakakis (1999).

⁴ The reader might wonder why psychoanalysis for the study of the 'us–them' dynamic partly implicit in my puzzle, as this phenomenon could be also addressed through a cognitive approach. When assessing the prejudices informing nationalism, for instance, cognitive social psychology tends to conceive the process of inter-group formation as a result of biased stereotyping and defective generalization, 'reducing prejudice and strong group identifications to individual pathology and erroneous perceptions...' (Finlayson, 1998, p. 148). In this context, belonging to a group is conceived of in terms of something that occurs 'out there', as a result of a misunderstanding or as a phenomenon greatly spurred by deviant leaders. Although useful, 'analysing the perception of "given" groups is brought to the fore at the expense of studying how groups are formed or defined in the first place' (ibid.). In this thesis I am interested in how groups are configured, as well in the analysis of political dynamics highly dependent on leaders who are not necessarily 'deviant'. Hence, I recourse to psychoanalysis.

theories can be applied to shed light on my research question, thereby also offering a way to address the above-mentioned gaps in the literature. As we will see, there are some important psychoanalytic concepts that I will develop that are of different relevance within the realm of ideology.

This chapter proceeds as follows. Section 1 delves into Freud's theory on the founding moment of the law from which the first 'social contract' emerged. Section 2 presents key criticisms of Freud's account. Section 3 discusses the psychoanalytically informed notions of identification, messianic leadership, and idealization. Section 4 problematizes Freud's myth on the founding moment of the law in view of Lacanian psychoanalysis; here I operationalize the Lacanian categories of (amongst others) *enjoyment* and *fantasy* in ways aiming to guide the discourse analysis of the 1869 and 2007–2008 CAs, as well as of the 2014–2015 reform that led to the abolition of presidential term limits in Ecuador. Section 5 delineates my research strategy; this comprises an overview and justification of my comparative case study and how this can be operationalized through a rhetorical political analysis approach. This section also addresses the question of the desirability and feasibility of using psychoanalytic categories beyond the clinical setting.

The Thorny Side of the Founding Pact

Bobbio et al. (2005, *contractualismo*) note that the history of Western political thought has produced three main theories on the origin of the state: the organicist, the contractarian, and that based on conflict. Each of these theories has its own nuances depending on both the historical period analysed (ancient, medieval, modern) and the scholar in question. In modern times the organicist discourse is expressed by authors such as Hegel and Burke, while the contractarian theory finds popular exponents in Hobbes, Locke, and Rousseau. Amongst others,

Marxism and psychoanalysis represent the third current, the former underpinned by the classist dialectic, while the latter by the Oedipal conflict, a point to which I now turn.

Drawing on anthropological studies, in the fourth essay of *Totem and Taboo* Freud implicitly questions the idea of a civilized consensus as the founding base of the *social contract*. He partly sides with Darwin's (1871) hypothesis: there was a prehistoric time when the women of the horde were reserved for the primeval father. Thus, his sons were expelled from the horde once they reached adulthood. From this point, Freud adds the following conjecture. To occupy the place of the father, one day the expelled and jealous brothers united and killed their genitor. (This league of primal brothers was governed by an ambivalent feeling also found in children and neurotic adults in present times, i.e., the hate—love sentiment informing the *paternal complex*). Once the murder in question was materialized, the sentiments of love and guilt towards the dead father prevailed. These primitive brothers realized that their father's fatal destiny could also befall any of them at any time. Consequently, and despite their initial desire, they decided to prohibit incest, a pact that brought about two by-products: exogamy and totemism. 'Social institutions, ethical limitations and religion' resulted from this foundational parricide, an act that marked the passage from the Darwinian *paternal horde* to the *clan of brothers* ruled by totemism (Freud, 1912—1913/2015a, pp. 203–206, 208–209, own translation).

For the members of the tribe, 'the totemic animal ... was most of the time deemed as their ancestral father' (Wundt, as cited in Freud, 2015a, p. 160). Freud underscores that the worshipped totem was both loved and feared as much as the primal father. It is in this ambivalent context (love/hate – father/totem) that one can understand why the tribal members were banned from killing and eating their sacred animal. Indeed, a profound sense of guilt was the foundation of the totemic religion, a religion seeking to redeem the sons for their primal parricide by obeying the totemic father. 'All the successive religions prove to be essays solving

the same problem ... all of these are reactions ... facing the same great episode with which culture was initiated' (Freud, p. 207). Despite the guilty nature of the totemic religion, every now and then the tribe allowed its members to enjoy the 'cruel' assassination and ingestion of its godly animal. 'Whereas the individual is banned from executing this action, it becomes legitimate if everyone participates ... no one is allowed to abstain from both the murder and the banquet' (Freud, pp. 201–202). As time passed, the rancour towards the primal father diminished, while the longing for him increased. His formerly unlimited power was idealized and respected. Of note here is that this immemorial parricide produces a long-lasting psychical sequel for the following generations (Freud, pp. 211, 222–224).

The Critics of Freud's Thesis on the Origin of Organized Power

Political philosophy highlights the importance of consensus as the base upon which politically organized power emerges. For instance, Bobbio et al. note that after the killing of the father of the primal horde, his sons still had to make a *pact* for the new community (*contractualismo*, 2005). There is a more general critique of those theories based on conflict:

The limitation of all these theories consists in the fact that they do not allow any realist alternative, except the nostalgia of a lost golden age or the utopian perspective of an absolute emancipation. In the present there is only force, power, repression, and each state as such is always a dictatorship. By the way, the contractarian thought does not deny the existence of force, though it is to be seen as operating in different forms in the state of nature and in the social state (Bobbio et al., 2005, p. 358, own translation).

As for the Freudian theory on the origin of society, modern anthropology cannot corroborate a type of early human organization governed by one single male such as the father of the primal horde. Although his 'fantasy story' is 'a compelling one', Freud builds his theory with 'inaccurate data' (Thurschwell, 2000, p. 102).

The Marxist-Feminist stance has also criticized psychoanalysis. The excessive emphasis on the *Oedipus complex* and the *nuclear family triangle* mistakenly universalizes to the status of the human condition a rather historically conditioned structure, that of the patriarchal family (Žižek, 1989/2008, p. 51).

Despite these necessary critiques, the appearance of the psychoanalytic *myth* of the primal parricide under the *contractarian* theory section of the *Dictionary of Politics* (Bobbio et al.) brings to the fore the politico-philosophical relevance of *Totem and Taboo*. Scholars such as Lacan (1956–1957) and Hook (2017) have attributed a paramount importance to this ‘myth’ in ways that promise a productive input for this thesis. At this point, though, it suffices to note that Freud’s conjecture addresses two intertwined psychosocial dynamics present in my research puzzle: the ambivalent idealization of the authority figure and the enjoyment procured by the transgression of the social pact.

Freud’s theory of the origin of the law is predicated on the *Oedipus complex*. Whether or not a myth (to be discussed below), Freud’s conjecture begs further problematization for the analysis of Ecuador’s long-lasting history of constitutional instability, a phenomenon prompted by ‘strong’ and ‘messianic caudillos’. Therefore, in what follows I focus on the psychosocial processes of identification, messianism, and idealization.

On Messianic Leadership and Its Relation to Ecuador’s Constitutional Instability

Freud’s (1912—1913) account of the *identification* with the totem during the totemic banquet has been fruitfully unpacked by post-Freudians. As Laplanche and Pontalis put it, identification is the ‘psychological process whereby the subject assimilates an aspect, property or attribute of the other and is transformed, wholly or partially after the model the other provides’ (1988, p. 205). This subsection draws on this ongoing and complex process of identification from the

Oedipal rivalry in childhood to group formation (relying on a leader) and to the monotheistic experience. My aim here is to provide the theoretical basis to grasp the ‘glue’ of leadership for postcolonial and Catholic Ecuador.

In *Group Psychology and the Analysis of the Ego*, Freud contends that identification, the infant’s first manifestation of emotional affection, is not free of conflict. Just before or during the *Oedipus complex*, little infants idealize their father and thus want to be like him when they grow up. However, during this process of identification (or soon after) the child starts to manifest an *object-cathexis* towards his/her mother. For a while, these two sentiments coexist without tension. Nevertheless, at some point the necessary unification of the psyche generates a collision of these emotions, a convergence whereby a normal *Oedipus complex* arises. ‘Identification, in fact, is ambivalent from the very first; it can turn into an expression of tenderness as easily as into a wish for someone’s removal’ (Freud, 1921/1959, p. 37).⁵

Let us now address how identification plays its part in the process of group formation. While not every collection of individuals constitutes a group, any assembly of people has a proclivity to form a *psychological group*. While there are highly organized groups such as the army and the church (external coercion prevents their disbandment), there are groups that are less stable. Certain groups rely on leaders, while others do not. In this thesis I borrow Freud’s understanding of the *libidinal constitution of a group* that is not highly organized and depends on a leader via *identification*, that is, ‘a number of individuals who have put one and the same object [the leader] in the place of their ego ideal and have consequently identified themselves with one another in their ego’ (Freud, 1959, pp. 25, 32, 48).

The Future of an Illusion provides further insights into a politico-religious notion of identification. Here Freud argues that religious ideas are the most important ‘treasures’ of the

⁵ In his essay on *Femininity*, Freud indicates that both little girls and boys manifest the *object-cathexis towards the mother*. Notwithstanding, there are differences as to how women and men enter, transit and exit the *Oedipus complex*. Cf. *New Introductory Lectures on Psycho-Analysis*.

Christian civilization. He explains the psychic process informing our natural demand for protection, a process that begins with the mother, transits through the *father complex*, and finally finds its echo in the monotheistic experience. In childhood, the first object of love and protection (the mother) is replaced by another figure providing security: the father. Unlike the relationship with the mother, the child maintains an ambivalent feeling towards the father: admiration and fear. As he/she grows and begins to discover that the vulnerability in childhood has an echo in adulthood (i.e., the dangers of life), the early necessity for protection transfers to another ambivalent model: the notion of God. As the most important ‘treasures’ of our civilization, Freud conceives religious beliefs as *illusions*; but the latter do not necessarily equate to misconceptions, and also differ from delusions. ‘We call a belief an illusion when a wish-fulfilment is a prominent factor in its motivation, and in doing so we disregard its relation to reality’ (p. 31). While very few illusions are verified as correct, some of them will very likely prove unreal, such as that of the arrival of a Messiah for the foundation of a utopic scenario (1927/1964, pp. 20, 23–24, 30–31).

Freud’s idea that a religious belief is an illusion—insofar as it is motivated by the desire to fulfil a wish—has been problematized. For Cavalletto (2007, pp. 24, 26), *the Future of an Illusion*, a text whose nature is political, cultural, and psychological, is influenced by Freud’s liberal prejudice against Catholicism and the Catholic masses. For Rieff (as cited in *ibid.*), Freud equates religion to Austrian Roman Catholicism, leaving out Judaism and Protestantism. As Cavalletto states, ‘[i]n no way do these descriptions [those found in *The Future of an Illusion*] suggest attributes of other religions ... Freud clearly thought of Judaism in quite different terms, as is especially evident in ... *Moses and Monotheism*’ (footnote 28, p. 28). Although Cavalletto acknowledges the importance attributed by Freud to the primal father as the first image of God, *The Future of an Illusion* shows its author’s atheistic, elitist, and scientific inclination:

Religion no longer has the same influence on people that it used to. ... [The reason] for this change is the increase of the scientific spirit in the higher strata of human society. ... But it is another matter with the great mass of uneducated and oppressed ... so long as they do not discover that people [of the upper classes] no longer believe in God, all is well (Freud, as cited in Cavalletto, p. 29).

Cavalletto contends that Freud is critical of both religion and the lower classes. Purportedly, this stance found sympathy in Freud's readers, who identified with the upper and educated classes. Differently, as Cavalletto rightly puts it, in *Civilization and Its Discontents* (1929) '[c]ivilization and reason itself are found rather to draw their energy, their authority, their *telos*, from the immanent impulses of instinct' (2007, pp. 29–31). *Moses and Monotheism* (1939) adds more nuances to Freud's 'Manichean' approach to religion (*The Future of an Illusion*, 1927). In fact, as I will soon argue, Freud's (1939) thesis on the psychic factor underpinning the longing for a Messiah entails a political and religious experience that goes beyond both the lower classes and a particular religion, as the 1869 and 2007–2008 CAs seek to illustrate.

Certain ideas mentioned above (e.g., the killing of the father of the primal horde, the *paternal complex*, the Messiah) were later refined by Freud in *Moses and Monotheism*. For him (1939/2015b, pp. 133, 135, 144–149, 158, 167, 182), the compulsive nature of monotheism, expressed by the idea that only one all-powerful God exists, derives from an early psychic dynamic found in contemporary and prehistoric times. The compulsive nature of monotheistic phenomena relates to Freud's phylogenetic thesis on *archaic heredity*. Besides the subject's own experiences, his/her psychic life is constituted (from birth) by *predispositions*, *contents*, and *mnemic traces* of what previous generations went through. The assumption that *archaic heredity* exists shortens the gap between the psychology of the subject and that of its people, as 'human beings have always known ... that, previously, they possessed a primordial father whom they killed' (p. 147, own translation). This memory became part of the *archaic heredity* because it was sufficiently relevant and it occurred

several times throughout millennia. Also, it was reignited (though in a deformed way) through the repetition of the same events: the assassinations of Moses and then Christ. The development of religions is predicated on the killing of the primal father (*the primordial image of God*) as well as that of his reincarnations. Destiny put the Jewish people in a situation in which they repeated the prehistoric parricide on the father figure of Moses. ‘The clarity of thought, the force of will, the strength in action, are constitutive of the father’s image, but, above all, autonomy and independence’ (p. 158). These traits, attributed to *the great man* (e.g., Moses), make people admire, trust, and fear him. In group psychology, the great man plays the role of the *superego* (discussed below).

This conceptual synthesis allows Freud to put forward the case study of *Moses and Monotheism*. This links the death of the father of the primal horde to the emergence of Christianity in a way conducive to this thesis on Ecuador’s frequent ‘lawgivers’. Freud (2015b, pp. 45, 98–100, 123, 129–130, 134) agrees with the old hypothesis according to which Moses was an Egyptian. Freud (himself a Jew) conjectures that Moses was sympathetic to Aton’s monotheistic religion. Around 1350 BC, this religion was abolished in Egypt. Moses chose a group of foreigners (the Jewish people) whom he led (the *Exodus*) and whom he provided with both laws and Aton’s religion. But one day, argues Selling (1922) and Freud, the Jewish people rebelled against Moses, killed him, and abolished Aton’s religion. ‘It is an attractive conjecture’, argues Freud, that after a period of time the guilt for the killing in question began manifesting in the *fantasy* of a Messiah. Freud posits that this fantasy was underpinned by repentance for the killing. According to this fantasmatic narrative, the Messiah’s return would bring ‘redemption’ and the ‘promised universal empire’. The assassination of a Son of God/Father would redeem humanity for its *original sin*, which instituted the law. In a nutshell:

If Moses was this first Messiah, Christ is his substitute and his successor ... [I]n Christ’s resurrection there is certain historic-experiential truth, since it was ... the resurrected

Moses and before him ... *the returned primordial father of the primal horde who was glorified and situated as the son instead of the father* (Freud, 2015b, p. 134, own translation, emphasis added).

Freud (2015b, p. 131) conjectures that this Messiah may personify the ‘principal rebel and caudillo’ (amongst the primal brothers) who assassinated the father on his own. Freud offers another interpretation: this redeemer represents the *unfulfilled fantasy* that each of these brothers had, that is, their desire to kill the father on their own to become the predominant figure and a *substitute for the father identification that was being renounced* after the parricide. Either way (Freud leaves this question open), the meaning of the redeemer/hero sheds light on the psychic phenomenon of heroes: ‘[H]ere is the origin of the representation of the hero, the hero that always revolts against the father and kills him in any of his figures. Also, here is the real foundation of the “tragic guilt” of the hero in the drama, if not hard to locate’ (ibid., own translation).

Freud’s myth on the ‘origin’ of the *social contract* and his subsequent understanding of *messianism* allow us to discuss frequent constitutional replacements in Ecuador from a novel perspective. ‘Caudillos’ in Ecuador have inspired political movements whose support in CAs has legitimized the new constitution. To what extent does these movements’ support of their leaders resonate with the league of brothers’ *unfulfilled fantasy* to occupy a privileged place within the community? In this process, the dethronement of the previous constitution appears to be the means to conquer the promised land. The idealization of this land blends with that of their promoters/leaders: ‘Idealization is a process that concerns the *object*; by it that object, without any alteration in its nature, is aggrandized and exalted in the subject’s mind’ (Freud, 1914, p. 94). This process relates in part to the libidinal constitution of a group dependent on a leader presented above. In this process, ‘a number of individuals ... have put one and the same object [the leader] in the place of their ego ideal and have consequently identified themselves with one another in their ego’ (Freud, 1959, p. 48). In this thesis I analyse three idealized leaders located

across Ecuador's ideological spectrum: the Catholic and conservative García Moreno (1861–1865; 1869–1875), the liberal Eloy Alfaro (1895–1901; 1906–1911), and the Catholic and socialist Rafael Correa (2007–2017). In one way or another, these persons have inspired the 1869, 1906, and 2008 constitutions, as well as the 2015 constitutional amendment that allowed indefinite presidential re-elections in Ecuador.

A Lacanian Approach to Ecuador's Constitutional Instability

In this section I discuss the Lacanian notions of (amongst others) the law, *jouissance* (enjoyment), *objet petit a*, and *fantasy*. These concepts allow us to enquire into the repetitive nature of my research puzzle, that is, Ecuador's constitutional and transgressive tradition.

In the chapter on 'God's death' of Seminar VII, Lacan offers an insightful interpretation of the aftermath of the parricide put forward by Freud in *Totem and Taboo*:

All the mystery is in the act. It is designed to hide something, namely, that not only does the murder of the father not open the path to *jouissance* that the presence of the father was supposed to prohibit, but it, in fact, strengthens the prohibition. ... That is why the important feature of *Totem and Taboo* is that it is a myth, and, as has been said, perhaps the only myth that the modern age was capable of. And Freud created it. *It is important to grasp what is embodied in this fault* (Lacan, 1997, p. 176, emphasis added).

In modern times, a myth constitutes 'a story about epochs or facts that history does not clarify, a story that already contains a real fact transformed into a religious action' (Arlotti, 2003, p. 276, own translation). Maybe Freud relied on the function of a myth to convey a message through a solid story not clarified by history at that time, such as certain anthropological theses on totemism, as well as Darwin's hypothesis on the dynamic of the primal horde in prehistoric times. Some of these conjectures had been presented by Freud as facts through the analysis of his patients and monotheism.

In Seminar IV, Lacan interprets the 'tyrannical' Freudian myth in terms of *The-Name-of-the-Father*. This *myth* relates to the Oedipus complex, which is intertwined with the castration

complex. Thanks to *castration*, which is executed by the *symbolic father*, the infant is introduced to the realm of law (2016/1956–1957, pp. 229, 365–369). As Stavrakakis (1999) puts it, the symbolic ‘imposition’ of *The-Name-of-the-Father* constitutes a signifier prohibiting the imaginary and incestuous relation with the mother. Given this necessary ‘imposition’, Stavrakakis (pp.13, 31, 35) highlights that for Lacanian theory the subject’s identity is, from this imposition onwards, split. The latter has lasting consequences because the subject will constantly desire to overcome his/her split and be alienated in the level of representation. In other words, ‘what we have is only attempts to construct a stable identity, either on the imaginary or the symbolic level, through the image or the signifier’ (p. 29). In Lacanian theory there are no identities as such but only failed processes of identifications, i.e., ‘a play between identification and its failure, a deeply political play’ (ibid.). By indicating the distinction between imaginary and symbolic identification, as well as the unstable character of this psychic process, Lacan refines Freud’s conception of identification (Stavrakakis, 1999, p. 30). And these nuances have a crucial consequence for the political arena, as ‘instead of identity politics we should speak of identification politics’ (ibid.).

On the Quest for the Lost Object

In Seminar IV, Lacan emphasizes that Freud’s contribution consisted in highlighting that the subject–object relation is a troubled one. It initiates in childhood and accompanies the subject throughout his/her life. This relation entails the subject’s quest for the *lost object*, the *first object*, that is, the mother. As a result of this, there will be a continual disharmonious disunion between the object found and the object sought (2016, pp. 27–28, 55). This disharmony relates to the logic of desire which, as presented in Seminar V, is composed of (amongst others) the letter *a*, a sign that abbreviates *autre*, that is *other* in French. This lower-case *a*, which differs from *Autre/Other* (note that the Mother is the first Other for the subject), denotes the fellow

man/woman whose *image* captivates us. It is around a particular relationship with this image that our narcissistic identification —and thus our ego— is formed, and this identification goes through various phases (Lacan, 1999, pp. 311, 319, 324). Further below I revisit the importance of this lower-case *a* in Lacanian psychoanalysis when discussing the role played by the *objet petit a* (the little object *a*) within the realm of fantasy (Stavrakakis, 1999; Hook, 2018). For now, note that the subjects' constant quest for the *lost object* (the mother) is doomed to failure, and the latter has crucial consequences in politics:

The affective dimensions of speech ... are rooted in a compulsion in subjectivity to recover the primordial lost object. ... The public world is replete with debates, disagreements and arguments that express, for example, anxieties, threats and dangers, resentment and paranoia ... *and the idealisation of events and figures* – a vast range of emotions, feelings and affective states that attach to and are conveyed, momentarily, via controversies that characterise our shared loss (Martin, 2019, p. 21, emphasis added).

Arguably, the *idealization of figures* is a universal aspect of history. This phenomenon has accompanied Ecuador's constitutional tradition since independence. These idealized figures have led the abolition and replacement of this country's charter. As of today, 20 constitutions have been sanctioned, most of which under the auspices of 'caudillos'.⁶ What is intriguing about the Ecuadorian case (and maybe other cases of which I am not aware) is the 'father' imagery present in its CAs, at least in those analysed here. By this I mean a blend of those fatherly qualities described by Freud and the type of narrative found in the CAs in view of the idealization of García Moreno, Alfaro, and Correa. This can often resonate with Freud's description of the *father's image*, namely, '[t]he clarity of thought, the force of will, the strength in action, are constitutive of the father image, but, above all, autonomy and independence' (2015b, p. 158). Besides the frequent resonance between the purportedly universal 'father image' and 'caudillos' leading constitutional replacements in Ecuador, there is another element

⁶ I borrow this idea from historian Enrique Ayala Mora, with whom I discussed my thesis in September 2021.

that hints at the importance of psychoanalysis for this thesis: the enjoyment procured by the frequent abolition of the constitution, the latter related to a collective identification —amongst the Ecuadorian elites across the ideological spectrum— brought about by this commonly performed transgressive practice. That said, I now discuss how the Lacanian notion of *enjoyment* (and related concepts) can account for Ecuador's volatile and transgressive constitutional tradition.

On the Grip of Ecuador's 'Constitutionalist' Ideology

Ecuador's constitutionalist tradition has been self-transgressive since independence. By this I mean that the constant abolition of the constitution in force by the elites has sabotaged their own hope for stability. The 1869 and 2007–2008 CAs speak to this hope for stability. To discuss this nation's self-transgressive constitutional tradition, I now turn to a Lacanian approach to the grip of ideology, with particular reference to the concept of *enjoyment* and related categories.

Glynos (2008) addresses how the Lacanian concept of *enjoyment* can productively converse with the difficulties underlying our pursuit of freedom. He begins by highlighting the common phenomenon of self-transgression as illustrated by an academic goal. Although the latter requires a proper and self-disciplined management of time, it is many times transgressed by procrastination. The pleasure brought about by the transgression of our own goals (co-constitutive for psychoanalysis) is an ontological mode of our subjectivity informed by *enjoyment* (pp. 679, 685–687). Self-transgressive enjoyment can manifest in 'those situations in which a subject appears both to affirm an ideal and, at the same time, systematically to transgress it' (Glynos, 2008 p. 679). Of course, there are other plausible explanations for the issue of self-transgression, such as competing ideals or the 'false consciousness' account (ibid.). Glynos conceives the self-transgressive nature of *enjoyment* as the logic that informs, in part,

the grip of ideology. This grip, according to a common critique of ideology, works in detriment to our freedom (p. 685).

A community remains together because its inhabitants identify with one another via ideals such as ‘fraternity’ and ‘equality’. Psychoanalysis, however, identifies a complementary but countervailing logic to this process of community identification. Counterintuitively, the union of a community also relies on its people’s identification with the *enjoyment* procured by a shared transgression of those ideals (Glynos, 2021, pp. 7–8). I would like to suggest, therefore, that Ecuador’s self-transgressive constitutional tradition follows this logic.

As Hook (2017) puts it, libidinal *enjoyment* (in its various manifestations) influences the realm of the political. The psychoanalytic (Lacanian) nature of *enjoyment* does not equate to pleasure; in fact, it is blended with pain. *Enjoyment*, which is linked to the *death drive*, is a kind of *stimulation* that subjects experience once the affective dimension reaches the beyond-the-pleasure-principle threshold. How can we identify this particular logic of *enjoyment* in psychosocial phenomena such as ideology? To find the grip of a particular ideology, it becomes useful to map the prevalent modes of *enjoyment* contravening its professed goals, that is, the inconsistencies between the *presentable symbolic formations* of ideology and its *disavowed libidinal components*. The *libidinal* ingredient of ideology should not mislead us to assert that *enjoyment* is an ‘ordinary’ emotion (e.g., anger, joy), or an ‘extra-discursive’ element related to the *real* without symbolic mediation. *Jouissance* is linked to the symbolic order, as this is the field in which social limitations are instituted and disobeyed. ‘*Jouissance* can be thought of as *subliminal* in the sense that we are not fully conscious of – or willing to admit to – the thrills ... we get in pursuing those activities that trigger libidinal intensity’ (p. 608), activities that are excessive, transgressive par excellence. It is important to note that *enjoyment* does not work on its own; *fantasy* structures the frame whereby subjects experience *stolen enjoyment* at the individual and collective level. ‘[I]nsofar as groups share fantasies about themselves

(attributions regarding what is most precious about themselves, about what is their greatest threat of “castration”), then they have shared modes of *jouissance*’ (2017, pp. 606–614).

The above assertion that *enjoyment* is experienced in terms of a *theft* speaks to the retroactive effect of *castration*. As Žižek neatly puts it, ‘[w]hat we conceal by imputing to the Other the theft of enjoyment is the traumatic fact that *we never possessed what was allegedly stolen from us*: the lack (“castration”) is original; enjoyment constitutes itself as “stolen”’ (1990, p. 54).

The way that *fantasy* operates in ideology requires clarification. The ontological *lack* with which the subjects live throughout their life (i.e., *a lack of jouissance*) is instated through *castration*. This allows them to access the symbolic order of language (Lacan, as cited in Stavrakakis, 1999, pp. 41–42). Stavrakakis (1999) underscores that the lack in the subject and the *lack in the Other* are two sides of the same coin. The failed attempts to identify with something do not exclusively derive from the lack in the subject but also ‘as a result of the lack within the structure, the structure of the social Other’. This is Lacan’s novel understanding of the classic bipolarity subjective/objective. In virtue of this structural lack of the social Other, the symbolic register cannot provide a stable identity to the subjects, whose resulting frustration leads them to restore the ‘quasi-imaginary *objet petit a*, the field of fantasy’ (pp. 40–41, 45). As Stavrakakis puts it, fantasy entails the ‘promise to attain the mythical *jouissance*’. While fantasy is not there to ‘fill up’ the lack in the Other (impossible per se), it seeks to ‘achieve a “forgetting of origins” of reality ... It attempts to do so by offering us the object as metaphor of our lacking fullness’ (pp. 45, 47), and this ‘lacking fullness’ may have a link to utopian discourses. Utopia derives from the Greek ‘u’ and ‘tópos’, i.e., the ‘non-existent place’ (Arlotti, 2003, p. 417). Even so, the interplay between the *metonymic logic of desire* and the *metaphor of our lacking fullness* may account, at least in part, for the ongoing glue of substitute utopian *fantasies* in politics. ‘Desire ... is animated by the quest for a lacking/impossible fullness, around the promise of encountering *jouissance* and *jouissance* always has “the connotation of

fullness” (Stavrakakis and Forrester, as cited in Stavrakakis, p. 45). Žižek provides a useful systematization of how *castration*, the *lost object*, and *fantasy* relate to one another:

The ‘impossible’ relationship of the subject to this object the loss of which constitutes the subject is marked by the Lacanian formula of fantasy: $\$ \diamond a$. Fantasy is then to be conceived as an imaginary scenario the function of which is to provide a kind of positive support filling out the subject’s constitutive void. And the same goes, mutatis mutandis, for social fantasy: it is a necessary counterpart to the concept of antagonism, a scenario filling out the voids of the social structure, masking its constitutive antagonism by the fullness of enjoyment (racist enjoyment, for example) (Žižek, 2005, pp. 242–243).

How can we identify shared fantasmatic narratives —sustained by *the fullness of enjoyment*— amongst liberals, conservatives, socialists, etc.? Glynos and Howarth’s (2007) beatific and horrific dimensions of fantasy offer a productive way to identify political narratives seeking to ‘fill up’ the subjects’ lacking identity. The beatific dimension manifests itself through speeches promising a full harmony-to-come, provided that the named or implied enemy (i.e., the ‘stealer’ of ‘our’ *enjoyment*, discussed below) is defeated. Its horrific dimension can be identified through narratives foreseeing an apocalyptic future if the ‘obstacle’ is not defeated (pp. 146–147, 149).

The application of *enjoyment* as a tool for socio-political analysis requires the discussion of interconnected concepts (Hook, 2017; Hook, 2018), such as the notions of *castration*, the *lost object*, and *fantasy* (presented above). To this list I would like to add the *superego*, i.e., the heir to the early monitoring of subjects’ activities, a monitoring carried out by their parents and educators during the first phase of subjects’ lives (Freud, 2015b, pp. 166–167). *Enjoyment*, the *superego*, and the law are intertwined — a brief illustration is in order. The 1869 constitution established the Catholic faith as a legal requisite for those citizens seeking to hold a public post. This required state vigilance, which could have produced *enjoyment* through ‘the righteous indignation of constantly denouncing’ (Hook, 2018, p. 260) non-Catholic ‘infiltrators’. In this case, the *superego* connected *law* with *enjoyment* as it guaranteed that the *ego ideals* of the

Catholic nation were successfully enacted and accepted as enthusiastic investments (ibid.). Amongst other aspects, ‘the superego produces enjoyment ... by means of the exhilarating intensities (of hate, anger, punishments, etc.) that accompany the enactment of symbolic law’ (Hook, 2017, p. 618).

On Racism in Ecuador and the ‘Theft of Enjoyment’ Thesis

Although this thesis focuses on the relation between messianic leadership and constitutional instability in Ecuador, Chapters 3 and 4 also discuss the indigenous question in light of the 1869 and 2007–2008 debates. The role that the native population ought to play in the new *Social Contract* created insightful controversies amongst the parliamentarians. Besides, the author deems it important to highlight—even if tangentially—how the question of colonialism was addressed in postcolonial Ecuador during the 1869 and 2007–2008 CAs. Whereas the 1869 convention erased the ways that the indigenous peoples organised their communities prior to the nation state, the 2008 constitution recognised their demand for a pluri-national state. Also, the 2007–2008 convention criticized the fact that racism was still present in 21st-century Ecuador, which points us in the direction of why the *theft of enjoyment* thesis is productive.

Since independence, the indigenous and black populations in Ecuador have been treated as racially inferior by the non-indigenous population, including the mestizo population. This has resulted in a systematic exploitation of those ‘racially inferior’. In Chapter 4 of *Black Skin, White Masks*, Fanon (2017/1967) criticizes Mannoni’s assumption according to which certain colonized peoples (e.g., the Malagasy) were the possessors of a primordial *dependency complex* prior to the arrival of the colonizers. Supposedly, this *complex* made colonialism viable. Fanon argues that it is the domination of a colonial society as a whole that creates and perpetuates an inferiority complex: ‘If he [his black patient] is overwhelmed to such a degree by the wish to be white, it is because he lives in a society that makes his inferiority complex possible ... in a

society that proclaims the superiority of one race' (p. 81). Apart from contextual differences, the 1869 debates in Ecuador show the tension between this so-called inferiority complex in the colonized, the societal logic of colonialism, and the liberal and Catholic humanitarian efforts in favour of Ecuador's 'miserable class'. The 2007–2008 convention evidences that the indigenous peoples continue to be treated as racially inferior.

Above it was mentioned that *fantasy* (in its horrific and beatific dimension) builds the frame through which the subject experiences *enjoyment*. It was also indicated that this experience can take the imaginary form of something that has been 'stolen', which relates to the retroactive effect of *castration*. In this theoretical context, Lacanian psychoanalysis has theorized the link between *enjoyment* and racism to shed light on the phenomenon of nationalism:

The national Cause is ultimately nothing but the way subjects of a given ethnic community organize their enjoyment through national myths. What is therefore at stake in ethnic tensions is always the possession of the national Thing. We always impute to the 'other' an excessive enjoyment; *s/he wants to steal our enjoyment (by ruining our way of life) and/or has access to some secret, perverse enjoyment* (Žižek, 1990, pp. 53–54, emphasis added).

Hook (2018, pp. 246, 252) problematizes the explanatory power of the theft of enjoyment thesis when accounting for racism, a thesis gradually conceived by Lacan, Miller, and Žižek. Amongst other criticisms, this hypothesis can be regarded as a depoliticized narrative in view of its apparent psychological reductionism. Moreover, its all-encompassing logic, summarized in the 'theft' formula, can be applied to a myriad of other phenomena besides racism. But from a formalist perspective, which is loyal to Lacan's grammar, what at first sight appears to be a deficiency can be regarded as an analytical advantage, namely, this formula's capacity to explain various phenomena.

Hook (2018, pp. 254–258) notes that *jouissance* allows us to grasp the different modes of *enjoyment* informing racism. For instance, the passionate and *embodied* 'thrill of hate', such as

that of a hate speech, is a conscious transgression of what is politically correct on account of the libidinal compensation that this trespass brings about. Another mode of enjoyment can be identified in light of a 'libidinal treasure', i.e., when subjects deem something to be rightly 'theirs' and at continual risk of being stolen by 'them'. This 'property', a *fantasy object*, can take any form, such as the idea that the local language will eventually disappear given the influx of immigrants. Moreover, there is a mode of *enjoying* in which others are perceived to have a harmful 'surplus vitality'. In this dynamic, the *object a*, i.e., the object cause of desire for the subject, is 'placed' in the Other. This '*object a* is the subject's own lack as it is positivized, materialized in an external attribute or object *possessed by the other*' (Hook, p. 258). But in lieu of just equating racism to *projection*, a nuanced and Lacanian approach to this phenomenon is needed, for the subject's 'structural incapacity is transformed into the certainty that some troubling substance of enjoyment has been illicitly procured by the other', as a result of which jealousy emerges (ibid.). The *theft of enjoyment* thesis and the modes whereby *jouissance* can be experienced might prove helpful for the analysis of the indigenous question in postcolonial Ecuador.

To summarize certain aspects discussed so far, Freud's myth allows us to understand part of the process overlooked by Ecuadorian historiography and the literature on constitutional instability: the psychosocial meaning (amongst followers) of frequent constitutional replacements prompted by 'caudillos'. These messianic leaders (Ecuador's idealized 'lawgivers') seem to have served as the agents capable of leading the nation towards the path of constant protection/stability, a necessary *illusion* (in the Freudian sense). This imagery has been sustained by the beatific dimension of fantasy: the coming of the Messiah. In Chapters 3 and 4 I discuss the following psychoanalytically informed argument. Ecuador's long-lasting history of political instability has prompted a political culture prone to supporting *messianic* leaders, that is, lawgivers whose images have blended with the 1869, 1906, 2008, and 2015

aspiration of constant stability. Lacanian psychoanalysis complements my endeavour by foregrounding how the transgressive and psychosocial nature of *enjoyment* may also help to account for the frequent transgression abolition replacement of the Ecuadorian constitution. Moreover, the *theft of enjoyment* thesis serves the purpose of suggesting why, despite previous attempts to include the indigenous peoples in the Ecuadorian *Social Contract*, racism survives. In the next section I propose a strategy seeking to identify these psychic processes via discourse analysis.

The Research Strategy

My research strategy combines the case study and comparative methodologies, and also benefits from rhetorical analysis and psychoanalysis. Both allow us to identify and analyse the complexities and nuances of key fantasies found in the empirical chapters, namely, those of the Messiah (1869, 1906, and 2015), the Catholic Nation (1869), and the Pluri-National State (2007–2008). In the remaining part of this chapter, I delineate how certain psychoanalytically informed ideas will help me to deploy my research strategy in subsequent chapters.

On the Case Study and Comparative Methodologies

I am interested in a psychoanalytically informed approach to ‘constitutional instability’ in Ecuador, a phenomenon in which ‘caudillos’ have played a key role. Thus, I have relied on case study methodology. As Chapters 3 and 4 show, this methodology provides the following advantages (amongst others): an in-depth analysis of the phenomenon under investigation, a better understanding of the crucial periods of history, and a way to provide a voice to those historically excluded. This methodology requires an adequate definition of the unit of analysis (Sjoberg et al., 1991, pp. 31, 51, 54, 65). This thesis’ main units of analysis are Ecuador’s

founding discourses, and their analyses allow us to relate the question of messianic leadership to the long-lasting problem of ‘constitutional instability’ in the country.

There are overt similarities between the conservative García Moreno, the liberal Alfaro, and the socialist Correa. These presidents promoted the 1869, 1906, and 2007–2008 conventions, as well as the 2015 constitutional amendment that allowed indefinite presidential re-elections in Ecuador. Moreover, these leaders served as presidents for a rather long period (ten–11 years), an exception to Ecuador’s long-lasting history of political instability in the executive branch. Relatedly, their idealization by their followers follows a rather similar pattern, despite ideological differences. Notwithstanding their resemblances, I expect that some scholars (especially historians) may seek to contest my case selection. For instance, Espinosa (2010) has argued that the charismatic Rafael Correa shares similarities with the charismatic José María Velasco Ibarra, the five-time president in 20th-century Ecuador. Future research can certainly benefit from a comparative analysis between the leading styles of Correa and Velasco Ibarra. In this thesis I am interested in highlighting, from a psychoanalytic perspective, the *messianic* role played by García Moreno, Alfaro and Correa in key constitutional replacements and reforms in three centuries (1869, 2008 and 2015).

The decision of mixing the case study and comparative methodologies stems from my *problem-driven research strategy*, that is, a strategy underpinned by certain ontological premises that have guided the *construction* of what I deem to be a *problematic* phenomenon: Ecuador’s constitutional volatility understood as the frequent abolition of the constitutional order led by ‘caudillos’, a process followed by CAs seeking to re-write this country’s history from *tabula rasa*. In this research, the comparative methodology serves the purpose of highlighting the meaning of certain similarities underlying Ecuador’s long-lasting desire to abolish/replace its higher law (for this research strategy, see Glynos and Howarth, 2007, pp. 167, 201, 206). My endeavour seeks to *contribute* to our understanding of constitutional

instability in Ecuador by highlighting the psychic dimension underpinning messianic leadership.

In Chapter 3 I argue that Ecuador's postcolonial history of armed rebellions motivated the support of the 1869 Messiah, García Moreno. Given Alfaro's and Correa's influence on the 2007–2008 and 2014–2015 constitutional processes, in Chapter 4 I propose an inverted argument, that is, that the longing for subsequent Messiahs (e.g., Alfaro, Correa) fostered in part further constitutional instability in the 20th and 21st centuries. Both reasonings complement one another and inform my psychoanalytically informed argument. It is worth revisiting the question: does instability explain 'messianism' or vice versa? While the affective pull of 'messianic leadership' in the constitutional politics of Ecuador can develop because of the need for political stability, this messianism can also be triggered by a twofold psychic mechanism: the ambivalent *identification* with the father figure and the never-ending quest for the *lost object*, the mother figure. In both cases, my argument emphasizes the psychic dimension buttressing constitutional instability in Ecuador. That said, my overall hypothesis reads as follows. Ecuador's long-lasting history of political instability has prompted a culture prone to supporting *messianic* leaders, that is, lawgivers whose images have blended with the aspiration of perpetual stability epitomized by the setting up of CAs themselves. My explanatory hypothesis thus conforms to a retroductive mode of reasoning, in which 'the posited hypothesis accounts for a problematized phenomenon by rendering it intelligible' (Hanson, as cited by Glynos and Howarth, 2007, p. 39). To render my psychoanalytically informed hypothesis intelligible, which comprises an extra-clinical approach to constitutional instability in Ecuador, some of my arguments will be speculative. By speculation here I mean a rigorous conjecture whose aim is not to 'prove' something *à la* positivism but to persuade the reader of its partial validity/usefulness in explaining the puzzle of constitutional instability in this country. Cavalletto's (2007) text, which shows Freud's intertwined understanding of economics,

psychology, and religion, will be of help in Chapter 5, where I discuss the strengths of alternative hypotheses, while sketching out some limitations to my argument. I come back to Cavalletto's contribution regarding the psychological processes incorporated into the social in due course.

An Introduction to Rhetorical Political Analysis

Finlayson (2007, pp. 552–556) proposes the development of Rhetorical Political Analysis (RPA) to better understand the activity of persuading, an understanding that differs from that of rhetoricians, while seeking a link to issues of political science. For RPA one has to set out clearly the context and the 'act' of the rhetorical argument. In other words, one must first make explicit the setting in which the political rhetoric is analysed, since it is only against this backdrop that the character and significance of the rhetorical act can be appreciated. For instance, '[i]n parliamentary debate only certain people can speak, if chosen, and they speak according to procedural rules that function independently of the particular matter being discussed' (p. 554). And second, one must then come to terms with the fact that the form and content of a given argument are not always so clear and must therefore be unpacked as part of the RPA. A number of concepts serve to facilitate this process of unpacking, such as 'points of argument', 'genres', 'commonplaces', and 'appeals'.

According to Roman rhetorical theory ('stasis theory'), there are *four points of argument*: 1) arguments of conjecture relating to what is 'factual'; 2) arguments of definition that name something one way or the other; 3) arguments of quality (moral assertions); 4) arguments of place that establish whether something is still relevant. All these points are contestable. Finlayson also draws on Aristotle's typology based on three genres of rhetoric: a) an epideictic or ceremonial element that approves or disapproves something or someone; b) a forensic

component dealing with what is just or unjust; c) a deliberative element in charge of either advocating or dissuading a course of action.

Argumentative *commonplaces* are crucial in structuring a rhetorical strategy, and they relate to a set of appeals (Finlayson, 2007, p. 557). Commonplaces, which are elements usually taken for granted, are mobilized in various ways to make one's case more persuasive through certain appeals, such as *ethos*, *pathos*, and *logos*. In the case of *ethos*, it is the type of authority evoked by the argument that confers validity to it: 'the people' in left and right populist speeches, and the authority of 'science' in the liberal narrative. As for *pathos*, certain ideologies spark specific emotions (e.g., love, hate) while others do not, or, if they do so, these emotions manifest themselves in different forms and/or degrees of intensity depending on the topics. When invoking *logos*, political actors try to 'demonstrate' the 'quasi-logical' tie between their premises and conclusions. The art of persuasion thus forms an important part of any ideological analysis (Finlayson, 2013, pp. 206–208).

On the Productive Link between Rhetoric and Psychoanalysis

In exploring the linkages between the psychic and the rhetorical, we might develop greater insight into the ways that – 'beneath' overt appeals to emotion or to knowledge – political arguments continue to animate our desires and recruit our support (Martin, 2016, p. 158).

As Martin (2014, Ch. 7) rightly puts it, emotion cannot be dissociated from reason, and this has been corroborated by neuroscience and psychoanalysis. From distinct epistemologies, both disciplines account for the intertwined logic of *affect*, emotion, and reason. 'Rather than distortions of reason, emotions are better conceived as conduits of affect that prompt feelings and shape cognition' (p. 108). Emotions are a constitutive part of any process of deliberation. But this, for some, can become problematic; hence formal procedures are required for a proper democratic deliberation. Many theorists of deliberative democracy mistrust emotions (and thus

rhetoric), as they can lead to deception. For them, '[e]fforts to change the preferences of others ... must appeal solely to reason ... which is deemed entirely separate from ethos and pathos' (p. 111). This attempt is unrealistic, some would argue. From a psychoanalytic perspective as discussed above, ethos, logos and pathos are often intertwined and allow us to enquire into the psychosocial outcome triggered by a *rhetorical strategy*. This 'denotes the purposeful assemblage of arguments for a particular occasion and setting in light of its anticipated effects and by means of available techniques' (Rowland, 2002, as cited in Martin, 2014, p. 94). An illustration is in order. The 1869 invocation of God and the 'lessons of history' referred to ethos and logos to legitimize the leadership of President García Moreno. These appeals detonated the affective dimension, such as that of fantasy. 'Practices of mourning or fantasizing are fabricated ways of channelling feelings, calling up deep memories and reactivating traumatic experiences' (Martin, 2014, p. 119). This type of practice, which can rely on the link between *enjoyment* and fantasy, is *socially constructed* (Žižek, 2008b, as cited in *ibid.*).

In this thesis I mainly analyse the link between the fantasy of the Messiah and the question of Ecuador's constitutional instability. The examination of other fantasmatic narratives (the Catholic Nation and the Pluri-National State) is supplementary. In this endeavour, rhetorical analysis helps me identify the multifaceted rationale with which this type of social fantasy is produced via speech. To preclude dispersion, this endeavour will rely on the following scheme.

Martin (2014, pp. 57, 77–78, 99–101) proposes a method for rhetorical analysis focused on the *rhetorical context*, the *rhetorical arguments*, and the *rhetorical effects*, three moments informing the political strategy of a speech. The *rhetorical context* comprises the historical conditions forming the backdrop to a *speech occasion*, namely, 'the historical time and place of the intervention, the exigence(s) to which it is a response ... and any broader circumstances the intervention also seeks to shape' (p. 100). Parliamentary speeches and press conferences

(amongst others) are types of discourses linked to particular kinds of audiences. While the dyad *generic occasion*–respective audience establishes limits to someone’s freedom of speech, it also provides chances for conveying a message in a legitimate way. The *rhetorical argument* denotes the moment in which a discourse seeks to shape a given situation in one way or another. Rhetorical techniques are deployed to persuade audience(s), such as, amongst others, the appeal to logos, ethos, and pathos, the usage of rhetorical questions (raised and answered by the speaker), and recourse to metaphors to define the premise for an argument. Let us recall that fantasy endeavours to ‘achieve a “forgetting of origins” of reality ... It attempts to do so by offering us the object as metaphor of our lacking fullness’ (Stavrakakis, 1999, p. 47).⁷ Speakers also draw on metaphors to induce an *analogical reasoning* in the audience, in the style of something ‘being like’ that which the speakers mean. The *rhetorical effects* allude to whether a ‘a rhetorical strategy has contributed to defining the parameters of choice and conflict, compelling others to accept its terms of reference to the situation and positioning themselves accordingly’ (p. 101).

Is It Feasible and Desirable to Use Psychoanalysis in the Social Sciences?

As Hook (2008, pp. 398–399) puts it, an attempt to generalize the psychoanalytic technique beyond the clinical setting is problematic. Epistemic and ethical concerns derive from ‘expert’ interpretations of research participants in qualitative endeavours, such as the understanding of the ‘real’ meaning of what was said by the Ecuadorian parliamentarians. However, there are legitimate ways whereby psychoanalysis can complement psychosocial studies. Freud himself shows this in *Group Psychology and the Analysis of the Ego*, where he focuses on the libidinal economy of this phenomenon: ‘Libidinal economy is a fundamental vector of group

⁷ ‘In “Direction of the Treatment” (1958) Lacan restates that what is at stake in metaphor is the substitution of one term for another, while in metonymy we have the combination of one term with another’ (as cited in Stavrakakis, 1999, p. 57).

identification: the push-pull cohesion of its ego-ideal and ideal-ego dynamics is precisely what for Freud proved constitutive of social bonds' (Hook, p. 399). In the empirical chapters, I discuss this dynamic and its link to Ecuador's constitutional instability. This is analysed during the nation-building process put forward in CAs prompted by idealized leaders. I will focus on privileged *fantasmatic objects-cause of desire* (Hook, p. 400), namely, the constitution (the one to be written), the Catholic Nation (1869), the Pluri-National State (2007–2008), and the 1869, 1906, and 2015 Messiahs. These *fantasmatic objects*, 'which contain ... something "in them more than themselves"' (ibid.), support the discourse whose master signifier is the *Ecuadorian nation*. This signifier 'remain[s] somehow open, but [it] anchor[s] meaning ... and organize[s] the ideological field' (ibid.) of different political elites.

Cavalletto (2007, pp. 33, 36–37) foregrounds that *Civilization and Its Discontents* puts forward key mental processes integrated into the social. The following are pertinent to this research strategy: 1) *The Narcissism of Minor Differences*; 2) the *Cultural Superego*; 3) and *Communal Neuroses*. As regards the *Narcissism of Minor Differences*, it must be noted that the social is continually at risk of disunion due to the *death instinct*, as this underpins the subject's aggressive nature. Eros counterbalances this risk via libidinal ties that keep the social as one. A key mechanism for this libidinal union is the process of *identification*, namely, the transformation of the subject's identity based on the resemblance shared with another person. This type of fellowship identification almost inexorably exaggerates the characteristics of the group, making them its collective ideal.

By means of these idealized common traits, the members of the group are then enabled to love their fellow members narcissistically and, at the same time, to deflect their own innate aggressivity outward toward others who do not share these common traits, a double-edged social dynamic that Freud titles "the narcissism of minor differences". Combining solidarity and intolerance, "the narcissism of minor differences" is Freud's formula for the understanding of the politics of social identity, postulated as the inherent connection of in-group narcissism and out-group aggression (Cavalletto, 2007, p. 37).

The narcissism of minor differences will be illustrated in the empirical chapters, where the ‘us–them’ dynamic between opposing parties is evident. I now address the *cultural superego*. This represents the cultural ideals and prohibitions of a given society. Like the process leading to the emergence of the subject’s superego, which involves love, rivalry, guilt, and (Oedipal) identification, a community also develops a superego. This is characterized by the influence left by extraordinary and heroic leaders in a way that resembles the subject’s superego. The *impression left behind* by these persons, whose fate has often been tragic, grips society: it reveals certain reputed possibilities of the community with a magnified pureness and power.

[A]t the same time it [*the impression left behind*] implicates this society in the hero’s downfall, tying it to the hero not only through love but guilt. Bound thus to the hero ... the community comes to identify ... with this “impression left behind” ... Through the narratives of its heroes, civilizations propagate the values that bespeak of a cultural conscience, of the ideals and prohibitions that inform society’s ethical and religious beliefs, its art and its collective narratives of self-understanding (Cavalletto, 2007, p. 38).

In Chapter 4 I draw on the notion of the *cultural superego* to offer a meaningful understanding of the discourse that praised Eloy Alfaro, one of Ecuador’s founding fathers. I now turn to the notion of *communal neuroses*. Drawing on Freud, Cavalletto (2007, pp. 38–39) summarizes a neurotic disorder as the deformation and upsetting of the subject’s psychic life caused by the return of what was repressed in a particular way. Unlike individual neurosis, which is distinctive to each person’s biography, *communal neuroses* speak to trans-individual neuroses stemming from a society’s particular development. More precisely, this type of communal or social neurosis derives from ‘trans-individual stresses and immaturities that have occurred as part of that society’s history’. Freud speaks of religion as the social counterpart of obsessional neurosis. In this thesis I focus on the religious aspect of messianic leadership to address the ‘neurotic’ (repetitive/ritualistic) character of Ecuador’s constitutional tradition.

On a final note, Glynos (2021) warns us against *psychoanalytic imperialism*, that is, an academic endeavour that tends to *exaggerate* the explanatory power of psychoanalysis. For

instance, the concept of *enjoyment* could become as imperialistic as ‘class’ has in certain economic approaches to political and ideological analysis. To prevent this, Glynos suggests a theoretical challenge, i.e., a dialogue between non-psychoanalytically informed accounts of a given phenomenon and a psychoanalytic approach to this same phenomenon. The conceptualization and articulation of these relationships constitute the kernel of this challenge (pp. 12–13). Drawing on this suggestion, in Chapter 5 I discuss my main argument in view of competing hypotheses on constitutional instability. This comparative exercise creates a bridge whereby institutionalist, economic, historic, and psychic accounts of constitutional instability can enter into dialogue, in the hope of improving our understanding of this complex phenomenon in presidential Ecuador.

Concluding Remarks

Ecuador’s constitutional instability can be explained through philosophical, legal, economic, institutionalist, historical, and regional factors. But these mainstream accounts have overlooked the psychic dimension accounting for this type of instability. In this chapter I have drawn on psychoanalysis to offer a complementary approach to understanding this kind of volatility.

According to Freud, the killing of the father of the primal horde instated the first ‘social contract’ amongst the ‘league of brothers’, and the law, ethics, and religion derived from this pact. This conflict-based hypothesis, predicated on the Oedipus complex, is one amongst other theories on the origin of the state. The contractarian discourse (the predominant perspective in the liberal and contemporary constitutional doctrine) and Marxism are popular alternatives in academia. Freud’s thesis has been questioned: contemporary anthropology cannot corroborate that a primal father such as that described by Freud—in line with Darwin’s theory—existed in prehistoric times. Feminism and Marxism have contested the universal and ahistorical nature

of the *Oedipus complex*, its ‘patriarchal’ character, and its determinism in accounting for socio-political phenomena.

The above critiques are important, but these should not lead us to simply jettison Freud’s conjecture, as it sheds light on the psychic factor underpinning my research puzzle. Freud’s hypothesis on the origin of law and its subsequent and frequent transgression (i.e., the totemic banquet), later refined in *Moses and Monotheism*, is productive insofar as it is regarded as a *myth*. Freud’s myth may allow us to explain, in part, how the question of ‘messianic’ leadership/caudillismo relates to Ecuador’s constitutional instability. As I shall argue in Chapters 3 and 4, the idealization of key caudillos/lawgivers (García Moreno and Alfaro) during the 1869 and 2007–2008 CAs resembles/speaks in part to the *fantasy* of redemption for the killing of the father of the primal horde. This experience, which is arguably predicated on the Oedipal rivalry, also relates to the *fantasy* of that utopian and promised land, a key element discussed in these conventions. Chapter 4 also discusses the 2015 constitutional amendment that allowed indefinite presidential re-elections in Ecuador, on account of its pertinence in linking the idealization of a particular leader (Correa) to constitutional volatility.

A Lacanian approach to the grip of ideology has been presented in this chapter to further facilitate the understanding of Ecuador’s constitutional tradition. In the following chapters, the intertwined logic of *enjoyment* (ontologically transgressive) and *fantasy* (in its beatific and horrific dimensions) are analysed with the assistance of other psychoanalytic concepts (e.g., *object petit a*, the *superego*) and rhetorical analysis. The case study and comparative methodologies are part of my mixed and problem-driven research strategy. This focuses on the psychosocial (as opposed to personal) dynamic of the movements that have supported Ecuador’s lawgivers in different assemblies. Cavalletto’s (2017) contribution —as regards the social value of some of Freud’s clinical findings— strengthens this endeavour.

In sum, in this chapter I have provided the theoretical bases upon which my contention relies, and which will be discussed/tested in detail in the next chapters. I argue that Ecuador's long-lasting history of political instability has contributed to a political culture prone to supporting *messianic* leaders, such as the 'lawgivers' whose images blended with the 1869, 1906, 2008, and 2015 aspirations of stability.

Chapter 3: On the Religious Spirit of the 1869 Constituent Assembly

Abstract

What does the 1869 constituent assembly (CA) tell us about the character of constitutional instability in postcolonial Ecuador? In this chapter I argue that an analysis of the discourse of messianic leadership offers us important insights relevant to my research question. The 1869 CA sanctioned a Catholic constitution proposed by President García Moreno. After the 1859–1861 civil war, this leader initiated the construction of the modern state. The chapter's analysis focuses on the 1869 debates on rebellions, Catholicism, and labour relations. These topics help us to understand how the messianic longing for García Moreno's leadership contributes to our psychoanalytic understanding of constitutional instability in Ecuador. The link between rebellions against the constitution and the yearning for a 'strong' leader is explored and discussed with reference to a Lacanian approach to the grip of ideology. In particular, I emphasize how the transgressive nature of *enjoyment* and the beatific dimension of *fantasy* (i.e., concerning the Messiah) shed light on Ecuador's constitutional volatility. I argue that Ecuador's postcolonial history of frequent armed rebellions prompted the support of a *messianic* leader in 1869, a Catholic lawgiver whose image blended with the aspiration of stability.

In this chapter I proceed as follows. I present the rhetorical context informing the need of this CA; I then deploy a psychoanalytically informed discourse analysis of my primary sources. The corpus analysed consists of the officially transcribed debates provided by Ecuador's National Assembly (NA). The paraphrasing and quotations that follow are based on my own translations, but the original text is provided in the footnotes. The page numbers of the handwritten transcripts are sometimes confusing (e.g., the folio number at the upper right corner is partly or totally missing). Thus, the sheet numbers referenced below correspond with those of the PDF

documents provided by Ecuador's NA. To facilitate the process of navigating these primary sources, below I always refer to the year, month, and day of a given debate. A letter after the date (e.g., 1869-06-01a) indicates those days in which ordinary and extraordinary sessions occurred: during the day (a) or during the evening (b).

The Rhetorical Context

Martin (2014, p. 102) attributes a particular relevance to the antagonistic and uncertain dynamic of the Cold War when analysing the rhetorical strategy of President Kennedy's inaugural speech (1961). From a similar methodological perspective, Ecuador's 1869 constituent discourse cannot be fully grasped without realizing the contextual 'necessity' of this *speech occasion*, i.e., an overall state of national disunion and anarchy. Borrowing Martin's (2014) methodology, this chapter analyses the *rhetorical context*, the key *rhetorical argument(s)*, and the *rhetorical effects* of this assembly. In capturing the rhetorical appeals to pathos, logos, ethos, forensic, epideictic, and deliberative arguments, I will better frame and analyse those aspects related to two key fantasies discussed in the 1869 convention: the Catholic nation and García Moreno's messianic leadership.

The 1869 CA began its discussions on 16 May and ended on 30 August. The rhetorical audience during the 1869 CA was composed of males only. These property owners represented the upper classes, the latter a part of the target audience. Back then the Members of the Assembly (hereinafter MAs) spoke on behalf of both the citizens and those who were not entitled to the citizenship.

Since the transcriptions lack each day's agenda, it is hard to tell whether the samples used are quantitatively representative of the totality of the 1869 debates transcribed in 689 folios. Having read the totality of this transcription, I can confidently state that the following were key elements discussed by this convention: the Catholic religion, armed rebellions, García

Moreno's leadership, and the indigenous question. Previous constitutions recognized Catholicism as the only permitted religion, but the 1869 charter established for the first time the requisite of the Catholic faith for the exercise of political rights. The topics of rebellions and the idealization of García Moreno also appear in newspapers of the epoch: the March 1869 armed uprising in *Boletín Oficial*; the idealization of García Moreno outside parliament in *El Joven Conservador* (the conservative elites outside parliament were part of the rhetorical audience of this convention); and García Moreno's messages to the 1869 convention in *La Estrella de Mayo*. The 1869 constitution was proposed by García Moreno, a fervent Catholic. As for the indigenous question, at the end of this chapter I map out the scope of this topic considering other parliamentary sessions. In what follows, I contextualize these themes to better understand the rhetorical strategies deployed by the 1869 deputies.

Political Instability, Strong Leaderships, and the Catholic Church

The transgression of the constitutional order in Ecuador dates to the beginning of the republic and continued throughout the 19th century. As Espinosa puts it, General Juan José Flores (the first president) inherited the 'dictatorial' style of Bolívar. Flores, the predominant political figure from 1830 to 1845, disobeyed presidential term limits and governed for three terms. Between 1845 and 1860 the political power was held by liberal politicians under the leadership of 'caudillo' General José María Urbina. He conducted a putsch in 1851, followed by a CA that appointed him president. During the period 1859–1875, the pendulum swung in favour of Conservatives led by the 'Catholic caudillo' Gabriel García Moreno. During his first presidential mandate, he disobeyed the 1861 constitution when nominating the provincial governors, in lieu of allowing the popular elections of these authorities, the latter a constitutional mandate. The dictatorship of the liberal Ignacio de Veintemilla (1876–1884) and the putsch conducted by liberal Eloy Alfaro in 1895 (2010, pp. 473, 505, 508, 515, 541–542)

closed a century characterized by strong leaders, whose leadership went beyond the constitution, after which a new one was crafted.

It is worth noting that García Moreno was not a popular leader. His ‘rational and scientific’ Catholic agenda and his policy on compulsory work for public works clashed with the Catholic traditions and economic interests of the popular sectors in the highlands (Espinosa, 2010, p. 530). Even so, it is the idealization of García Moreno by the elites in parliament and the fact that he proposed a draft of the new constitution that are at stake in the analysis of this ‘lawgiver’.

During the 19th century the gravest Ecuadorian civil war occurred from 1859 to 1861. This conflict was triggered by the Peruvian declaration of war in 1859 against its neighbour. Peru justified the invasion alleging that Ecuador gave certain Peruvian territories to England in exchange for debt renegotiation. The international war revealed long-lasting regional disputes within Ecuador. While the Peruvian army took control of Ecuador’s principal port, the rest of its territory was ‘governed’ by militias and then by four autonomous governments in Quito, the coast, Cuenca, and Loja. The last three regions had traditionally advocated for federalism in opposition to the centralism of Quito, the latter governed by García Moreno during the civil war. The intensity of this internal struggle led to official talks about either dismembering Ecuador to append it to both Peru and Colombia, or to transform it into a French protectorate (a failed diplomatic attempt led by García Moreno). With the military assistance of ‘legendary’ general Flores, at that time living in exile in Lima, García Moreno managed to reconstruct national unity (Espinosa, 2010, pp. 511–513).

Once the civil war came to an end, Quito hosted a new CA presided by Flores, who validated García Moreno as the new president. The 1861 constitution (the seventh in Ecuador’s history) introduced significant changes to the democratic regime: the direct suffrage, the abolition of property requisites for citizens, and a decentralized institution that allowed the popular election of local authorities. Nonetheless, during his first presidency García Moreno disobeyed the

fundamental law by directly appointing governors, by amputating both citizens' rights and municipal prerogatives, and through the execution of political competitors. This was despite the fact that the 1861 charter had maintained the tradition of banning the death penalty for political reasons (Ayala Mora, 2008, p. 34). From a more favourable stance towards García Moreno's legacy, one historian highlights key accomplishments courtesy of this leader. As 'the standard bearer of the conservative doctrine, [García Moreno] was one of the great builders of Ecuador'. He managed to defeat militarism, build roads on a large scale, introduce the train to Ecuador, provide education for the indigenous, and foster the Ecuadorian 'culture' and 'technique'. But his attempt to materially and spiritually unite the nation resulted in an 'excessive' allowance in favour of the church's role in politics (Salvador Lara, 2005, p. 385, own translation).

García Moreno's attempt to expand the church's power was predictable, as this institution's dominance rested on both material and ideational bases. Throughout the 19th century, the church was the main landlord in Ecuador and benefitted from this status as a letting agency. This religious institution legitimated the landowner class system in the highlands (Ayala Mora, 2011, pp. 193–194), and it exerted considerable influence on the political elites when they drafted new constitutions:

The [official] discussion ... about whether the constitutions [were] to be issued in the name of God or in the name of the people always ended favouring the former, for it was God the Creator of the universe and thus the source of the laws. The [public] authority, the representative of this divinity, was in charge of executing them (ibid., p. 193, own translation).

But the political elites were not the only practising Catholicism. From 1830 to 1869, Ecuador was a monolithic Catholic society on account of the evangelisation carried out since the conquest and the proscription of other religions at the constitutional level. It was only from the Liberal Revolution (1895), which initiated the separation of the church from the state, that

Catholicism began losing its formerly undisputed supremacy. By 2012, 91.95% of Ecuadorians indicated that they practised a religion. Out of this total, 80.4% were Catholic and 11.3% evangelical, while the remaining percentage belonged to other religions.⁸ All that said, it is plausible to state that 19th-century Ecuador was a predominantly Catholic territory.

In January 1869, García Moreno overthrew President Xavier Espinosa, alleging his incapacity to prevent an imminent revolution. As a self-proclaimed ‘supreme chief’, García Moreno convened the eighth CA since independence. The opposition named the 1869 constitution the ‘Black Charter’, as it extended term limits for authorities, provided extraordinary prerogatives to the executive, and established that only Catholics could become citizens of the republic. ‘The constitution was also approved by an overwhelming plebiscite, and ... García Moreno governed again from 1869 to 1875’, the year a political machete assassinated him (Salvador Lara, 2005, p. 392).

From 1861 to 1875 García Moreno, the persona who has received the most attention throughout Ecuador’s history, managed to consolidate the *oligarchic state*. This was possible due to his ability to promote the difficult coexistence of two economic models: *latifundismo*⁹ in the highlands and a project seeking to modernize and stimulate commerce, the latter favouring the economic interests of the Establishment on the coast (Ayala Mora, 2008, pp. 32, 36). In 1871 the American consul informed Washington of the favourable conditions in Ecuador: ‘Commerce flourishes. Given the lack of civilian disturbances and political changes known up to now, capital has been invested in firms’ (as cited by Patee in Ayala Mora, 2008, p. 136, own translation).

In sum, the *rhetorical context*/historical conditions informing the ‘necessity’ of the 1869 CA were the following: 1) a highly politically unstable country whose constitution had been

⁸ Cf. <https://www.ecuadorencifras.gob.ec/inec-presenta-por-primera-vez-estadisticas-sobre-religion/>

⁹ *Latifundium*, from the Spanish latifundio, denotes ‘[a] large landed estate or ranch in ancient Rome or more recently in Spain or Latin America, typically worked by peasants or slaves’. Cf. <https://www.lexico.com/definition/latifundium>

transgressed by several ‘strong’ executives since independence; 2) a war with Peru (1859–1861) followed by self-proclaimed governments; 3) a metastasis of the rivalries between the national elites; 4) the almost complete disappearance of Ecuador as an autonomous state; 5) a constitution (1861) that aimed to come to terms with those long-standing rivalries to provide a (precarious) national unity; 5) internal rebellions; 6) a church whose ideational and economic power was intertwined with the landowner class, the latter the ‘representative’ of the people. García Moreno’s armed insurrection against his comrade President Espinosa was the immediate precursor to the 1869 CA. In this convention García Moreno proposed a Catholic charter to unite the country in political, economic, and religious terms.

The 1869 Convention and Its Arguments

In this section I present the 1869 convention. I then analyse some of its arguments accounting for the *messianic* nature of constitutional instability in postcolonial Ecuador. By way of summary, the 1869 CA was predominantly composed by deputies representing the highlands. Nonetheless, by 1869 the coastal elites had become influential in national politics. Although García Moreno managed to come to a national equilibrium, the fear of anarchy was still present in 1869. Below I discuss how the chaos stemming from armed rebellions set the scene for the horrific dimension of fantasy in 1869, which foresaw an apocalyptic outcome if the enemy was not eliminated. The longing for a strong leader revealed the beatific dimension of fantasy, which promised a full-harmony-to-come led by a *Messiah* who prompted a new constitution.

The politics of 19th-century Ecuador was characterized by the rivalry between a coast-based liberalism and a highlands-based conservatism. Guayaquil and Quito were the main cities representing these tendencies. Conservative García Moreno was the predominant figure in Ecuadorian politics from 1861 to 1875. This predominance was made possible by the co-optation of the army and the fact that he ‘forged an alliance including the most affluent families

from Quito and Guayaquil, thus relaxing the existing tensions between elites' (Espinosa, 2010, p. 516). From 1861, the representation of the legislative branch was determined in proportion to the provincial population (Ayala Mora, 2011, p. 34). The 1869 constitution contains a list of the MAs who participated in this convention. Twenty out of 28 MAs represented the highlands, which shows the demographic relevance of the Andean region in 19th-century Ecuador:

	Region	Province	Deputy
1	The Coast (TC)	Manabí	Aragundi José María
2	The Highlands (HL)	Imbabura	Arboleda Francisco
3	HL	Cuenca	Borja Rafael
4	HL	Tungurahua	Bustamante Pablo
5	HL	Loja	Bustamante Pedro José
6	TC	Guayaquil	Caamaño Jacinto Ignacio
7	HL	Imbabura	Carvajal Rafael (the president of the convention)
8	HL	Cuenca	Cuesta Vicente
9	HL	Pichincha	de Ascáubi Roberto
10	HL	León	del Alcázar Ignacio
11	HL	Loja	Eguiguren Manuel
12	HL	León	Herrera Pablo
13	HL	Pichincha	Laso Elías (the vice-president of the convention)
14	HL	Chimborazo	Lizarzaburi Pedro
15	HL	Tungurahua	Martínez Nicolás
16	TC	Manabí	Menéndez Francisco J.
17	TC	Los Ríos	Muñoz Jacinto Ramón
18	TC	Los Ríos	Noboa Tomás Hermenegildo
19	HL	Chimborazo	Ordóñez, José Ignacio
20	HL	Pichincha	Sáenz Julio
21	TC	Manabí	Salazar Francisco Javier
22	HL	León	Sarrade Felipe
23	HL	Cuenca	Salazar Vicente
24	TC	Guayaquil	Santisteban José Domingo
25	HL	Imbabura	Tobar Manuel
26	HL	Loja	Torres Juan
27	TC	Los Ríos	Uquillas Miguel
28	HL	Chimborazo	Zambrano Carlos

Source: *Constitución de 1869* (own table)

As for its *modus operandi*, the 1869 CA established technical commissions in charge of addressing and issuing reports on (amongst others) citizens' petitions, and economic, military, and ecclesiastical affairs. In general, the MAs had to debate three times a given matter before the constitutional articles, laws, and decrees could be sanctioned. At the beginning of each debate, the secretary indicated which deputies were present, after which the previous session's debate minutes were read and approved. The secretary paraphrased what MAs said, and on a few occasions used quotation marks to indicate the parliamentarians' words. When the new constitution was discussed, the point of reference was the text proposed by García Moreno.

Officially, the main goal of the 1869 convention was to discuss and elaborate the new fundamental law to *constitute* the republic. However, at all times and in the same sessions, the people's representatives addressed other non-constitutional affairs. From May to August 1869 the Ecuadorian state had to carry on with its daily business, besides writing the new constitution. The CA received and discussed the citizens' petitions to undertake economic enterprises, personal requests, taxation-related issues, the civil code's reform, reprieves, the provision of resources for public services (water, schools, warships), the building of a monument, official appointments, the restitution of political rights, charitable funds, the replacement of 'sedition' with 'rebellion' in the law, disciplinary action against those attempting to commit suicide, cockfighting, amongst other non-constitutional topics (CA, 1869). In line with King's (2011) definition, fewer themes discussed in this convention were 'constitutional', for example, the requisite of the Catholic faith for citizens, the political organization of the state at the subnational level, the debates on the electoral law, the necessity of a national law on public instruction, and whether the trials of the republic should follow the written or verbal format (CA, 1869). I can confidently say that the majority (approximately 60–70%) of the 1869 CA did not address 'the set of the most important rules and common understandings...' (King, 2011, p. 3) of the Ecuadorian republic. I will come back to this, as

this ‘deficit’ hints at the strong attachment to a *constituent* practice transgressive of the formerly valid constitution.

On the Constant Rebellion against the Constitution and the 1869 Lawgiver

The fear of anarchy and the longing for García Moreno’s unlimited leadership set the scene for the horrific and beatific dimensions of fantasy in 1869. Whereas the former foresaw an apocalyptic future if the ‘enemy’ was not defeated, the latter promised a full-harmony-to-come. It is in this twofold context that the following discourse analysis needs to be understood, an analytical endeavour guided by my retroductive hypothesis, that is, a thesis whose ‘criterion of validity depends on whether the posited hypothesis accounts for a problematized phenomenon by rendering it intelligible’ (Hanson, as cited by Glynos and Howarth, 2007, p. 39). I hypothesize that Ecuador’s postcolonial history of frequent armed rebellions prompted the support of a *messianic* leader in 1869, a Catholic lawgiver whose personage blended with the 1869 aspiration of stability.

In 1869 it was *vox populi* that putsches and revolutions were commonplace and thus part of Ecuador’s political culture. While the 1869 convention condemned these types of actions, it legitimated García Moreno’s non-democratic rise to power in that year. The 1869 deputies were García Moreno’s comrades (Ayala, 2008, p. 35). Besides armed rebellions, which constitute a clear revolt against the constitution in force, the disobedience of the Ecuadorian charter was also a common practice amongst presidents. As one 1869 deputy put it, ‘The Presidents before the 1861 charter swore an oath to respect and sustain seven Constitutions and obey the laws, and they scandalously ran over them without even remembering their oath’ (Noboa MA, 1869-05-31, p. 3).¹⁰

¹⁰ ‘Los Presidentes anteriores á la Constitución de 1861 juraron respetar i sostener siete constituciones, i obedecer las leyes, i las atropellaron escandalosamente sin recordar siquiera sus juramentos.’

On the Justification of the 1869 Putsch and the Proposed Constitution

Once the 1869 CA's president (Carvajal MA) and vice-president (Lazo MA) were elected, García Moreno began his inaugural speech: 'In the name of God I declare the National Convention established: long live the Republic' (1869-05-16, p.2).¹¹ García Moreno emphasized the critical situation the country was facing: a) the commercial prohibitions established by Spain in response to Ecuador's relations with certain allies; b) the 1868 earthquake; c) the conspiracy organized by those who had ruled in 1859-1860 in the midst of the civil war. García Moreno criticized the previous government for its inability to stop the agitators. He also condemned the *demagogic press* as it had *insulted religion*, while rallying dangerous *revolutionary passions* leading to anarchy. Backed by 'the people' and the armed forces, García Moreno had 'provisionally accepted' to take control of power, 'which I now give back to you [to the MAs]' after four months of temporary presidency (pp. 2–4).

For García Moreno, the dishonour to which the official religion was subjected, as well as the fear of anarchy, legitimized the overthrowing of President Espinosa. The appeal to a particular authority (ethos) and the approval or disapproval of something or someone (an *epideictic* strategy) are two powerful rhetorical strategies. García Moreno's appeal to the legitimacy of his deeds drew on two sources of ethos: God-Catholicism and the people. The former had been insulted and the latter benefitted from the avoidance of anarchy. Four months after the coup d'etat, Moreno's self-sacrificing feat was corroborated by his eagerness to give back power to those who owned it: the sovereign's representatives. García Moreno approved the earlier transgression of the constitutional order for the sake of both the reputation of God/Catholicism and the survival of democracy.

¹¹ 'En el nombre de Dios declaro instalada la Convención Nacional: Viva la República...'

During García Moreno's inaugural speech, which coincided with the convention's first day, he suggested a draft of the new constitution before the actual debate had even begun. He argued that, given conflicting interests and passions stemming from various territories, parties, and 'races', Ecuador was a 'divided' nation whose 'only bond' was the Catholic faith. In this context, García Moreno told the convention that his proposed constitution had two objectives:

[F]irst, to harmonize our political institutions with our religious faith; second, to invest public authority with sufficient strength in order to resist the attacks of anarchy. ... [R]eason and experience have proven that a weak government is insufficient in our turbulent Republics ... Since I cannot accept the presidency given the solemn oath I took on 17 January, neither can I be accused of egoism nor of ambitious plans in asking you to strengthen the authority [the executive branch] that I will not exercise (García Moreno, 1869-05-16, p. 6).¹²

Patriotism and selflessness sought to enhance the speaker's authority (ethos). The sought communion between Catholicism and political institutions might have appealed to the audience's emotions (pathos). It wanted to remedy the fractured republic via the universal harmony provided by the Catholic faith. The conclusion that a strong executive was needed to fight off anarchy derived from the premises of reason and experience (logos). García Moreno's strategic reminder (his promise not to serve as president during the convention) becomes eloquent. I will come back to this.

Making the Catholic Nation a (Fantasmatic) Reality

Above we saw that the first objective of García Moreno's proposed constitution was to harmonize the state with Catholicism. In this section I analyse the inconsistencies stemming

¹² '[E]l primero, poner en armonía nuestras instituciones políticas con nuestra creencia religiosa; i el segundo investir a la autoridad pública de la fuerza suficiente para resistir à los embates de la anarquía. (...) [L]a razón y la experiencia han puesto fuera de duda que un Gobierno débil es insuficiente en nuestras agitadas Repúblicas ... No pudiendo aceptar el Poder por el solemne juramento que hice el diecisiete de enero, no puedo ser acusado de egoismo ni de designios ambiciosos cuando os pido que robustezcais la autoridad que yo no voy á ejercer.'

from the official attempt to make the Catholic nation a reality by focusing on the 1869 discourse on Article 10.1 of the constitution and the 1869 debate on the indigenous question.

On Article 10.1 of the 1869 Constitution

Catholicism was constitutionally recognized as Ecuador's official religion in the CAs of 1830, 1835, 1843, 1845, 1851, 1852, and 1861. The 1869 constitution inscribed this principle in Article 9: 'The Religion of the Republic is Apostolic and Roman Catholicism, excluding any other' (1869-05-28, p. 10).¹³ What distinguished the 1869 charter from previous constitutions was the people's requirement to practise Catholicism to exercise their political rights (Martínez MA, 1869-05-21, p. 4). The watershed in question revolved around three articles of the proposed constitution:

Article 6.1	This aimed to grant Ecuadorian citizenship to 'distinguished' individuals from other countries who were not necessarily Catholics.
Article 9	This established that Catholicism was the only faith officially permitted in Ecuador.
Article 10.1	This stipulated that only <i>practising</i> Catholics could exercise their political rights (to elect or be elected for public posts).

During the 21 May session, Article 10.1 of the proposed constitution was debated. Uquillas MA opposed this clause because of its 'anti-social' character, the practical difficulty of enforcing it, and its threat to the citizens' civil rights. (The secretary of the treasury intervened

¹³ 'La Religión de la República es la católica, apostólica, romana, con exclusión de cualquier otra.'

before the MAs to answer all those enquiries questioning the Catholic component of the proposed constitution.) Martínez MA also spoke of the practical difficulty of ‘checking’ on others’ faith, let alone how unacceptable it would be if the Catholic faith were serving party interests. Salazar MA also criticized the inconsistency between Article 10.1 and Article 6.1, as the latter proposed to grant citizenship to eligible ‘foreigners’ who had provided ‘great services’ for the country (pp. 1–3). In view of the criticism of the exclusionary and Catholic clause in question, the counterargument of the secretary of the treasury was cutting:

It [is] necessary to raise a wall of division between the followers of the true God and those of Satan ... Failing to declare the truths about this religion on account of the fear of being persecuted by a victorious party is a vile and disgraceful fear ... By no means can fear authorise an apostasy (the treasury secretary, pp. 3–4, emphasis added).¹⁴

Underpinned by an appeal to pathos (‘Satan’), the minister resorts to a puzzle solution strategy, that is, a problem whose solution is provided by the speaker. Apostasy requires a clear distinction between those who follow the orthodoxy and those who do not (believers and Satan’s followers). The proposed article (10.1) aimed to solve the problem of apostasy, though it created an inconsistency. Through this clause the MAs were transgressing the universal precept of the republic, a commonwealth hosting and naturalizing non-Catholic inhabitants whose deeds were regarded as beneficial to Ecuador.

During this session (21 May), García Moreno spoke in full support of Article 10.1. Amongst other things, he argued that its exclusionary character complemented Article 9 of the proposed constitution, i.e., the decision to regard Catholicism as the only faith permitted in Ecuador. For him, Article 10.1 provided practicality to the theory condensed in Article 9. The former provided the legal means to prevent public authorities (e.g., presidents, magistrates, teachers)

¹⁴ ‘El H. Señor Ministro dijo: que éra necesario levantar un muro de división entre los adoradores del verdadero Dios i los de Satanas... (...) Dejar de declarar las verdades de esta religión por el temor de la persecución de un partido triunfante, es un temor vil é ignomioso. (...) ...el miedo no puede autorizar de ninguna manera, para dar lugar à una apostasía...’

from acting on behalf of non-Catholic beliefs. If this failed, the infiltration of non-Catholic sentiments ‘in the heart of the Ecuadorian society’ would create chaos and ‘immorality’. After a ‘long debate’, Article 10.1 passed to the third discussion (1869-05-21, pp. 5, 10).

On 28 May García Moreno’s and his followers’ words had a clear rhetorical effect: Article 10.1 was approved. This debate speaks to —and expands— the horrific dimension of fantasy discussed above (armed rebellions): the official discourse added the fear of a probable propagation of non-Catholic beliefs within Ecuadorian society. The latter was preventable with Article 10.1 of the new constitution. The discussion around this article showed competing accounts of the horrific dimension of fantasy:

All in all, Mr President, *why do we want to increase the already numerous causes of division amongst Ecuadorians?* ... We cannot deny that there are some who, albeit having been baptized, do not practise the Catholic religion. *Excluding them from political rights would exasperate their mood, and this would introduce a new germ of discord* (Martínez MA, 1869-05-28, p. 4, emphasis added).¹⁵

Despite nuances, at all times the MAs invoked the same Catholic God. Nonetheless, this national community seemed to be fractured by ‘true’ and ‘false’ believers. The risk of allowing ‘pretenders’ to serve as magistrates demanded a constitutional censor, i.e., the citizens’ requirement to practise Catholicism to exercise their political rights. This was despite the contradiction that this censor was brought about in terms of granting Ecuadorian citizenship to certain illustrious foreigners.

Let us address how the cycle *superego jouissance law* may have transfixed subjects in 1869. Article 10.1 of the proposed constitution (later sanctioned) can be regarded as the institutional *superego* thanks to which the ego-ideals of the Catholic nation were sustained. Prohibiting the service of non-Catholic citizens in public posts required the persecution and espionage of

¹⁵ ‘En fin Señor Presidente ¿por qué queremos aumentar las causas ya numerosas de división entre los ecuatorianos? ... No podemos negar que hai algunos que aunque hayan sido bautisados no profesan la religión católica, i excluirlos de los derechos políticos, es agriar sus ánimos è introducir un nuevo jérmén de discordia.’

fellow citizens. This procured a sadistic thrill (justified by the state) that only strengthened the adherence to the symbolic law, at least during the lifespan of the 1869 constitution. In other words, here we see how the transgressive notion of enjoyment can also work in favour of the conservation of the law (Hook, 2018).

On the Evangelization of 'Barbarians'

The 1869 CA knew that Ecuador was ethnically and culturally diverse. Villavicencio (1856) provides a useful estimate of Ecuador's ethnic composition for the period under study. In 1856, out of a total of 1,108,042 inhabitants,

- A) 601,219 individuals were 'whites descended from Europeans';
- B) 462,400 were 'Indians descended from the conquerors';
- C) 7,831 were 'blacks without mixture';
- D) 36,592 were a 'mixture of blacks with whites and Indians'.

Despite the lack of precision of this report, its categorization of races is helpful. In 1856, the 'purely' white race (A) represented 54% of the population, while the remaining races (B+C+D) amounted to 45% of this total. This would rise to 54% if the 200,000 'savages from the East' (the jungle) were included in the study in question (own calculation). The decision to exclude these natives stemmed from the fact that a non-rigorous calculating method was used in the jungle (Villavicencio, as cited in Paz y Miño, 1936, pp. 9–11). In short, mid-19th- century Ecuador was ethnically split into two relatively equal parts: one composed of 'whites descended from Europeans' and the other made of both non-whites (Indians and blacks) and the mestizo population.

The Catholic convention foregrounded that 'barbarism' was still a reality in Ecuador. This is illustrated by the 3 June session on the special jurisdiction of certain Ecuadorian territories,

namely, that of the Galapagos Islands, Esmeraldas (a coastal province inhabited by a significant population of black people), and the East (the jungle region inhabited by various ethnic groups since immemorial times):

[T]here are vast places in a state of barbarism to the east of the mountain chain, places where the population would increase and *exit from barbarism through the predication of the Gospel by the missions to be established* (Ordóñez MA, p. 3, emphasis added). In agreement with these reasons, H. Martínez modified his motion as follows: ‘Art. 86. The Ecuadorian populations of the East, the Esmeralda province, and all the places whose isolation and distance ... do not allow them to be part of a canton or province ... *will be ruled by special regulations until the growth of their population or the progress of their civilization allow them to govern themselves as the others*’. The voting proceeded and this motion was approved (the secretary, 1869-06-03, pp. 3–4, emphasis added).¹⁶

Fanon’s (2017, p. 81) argument is of help here. He contends that the so-called ‘inferiority complex’ is not inherent to those colonized, and it is caused by a ‘a society that proclaims the superiority of one race’. Indeed, the above appeal to Catholicism (ethos) indicates the repetition of a colonial practice, that is, the taming of ‘barbarians’ *through the predication of the Gospel*. This was needed to build the Catholic Nation, the 1869 *object petit a*. This points us in the direction of how *jouissance* can shape the manifestation of racism for the case under study. The above excerpt hints at how the *national Thing* may have been experienced by the convention, i.e., in terms of a *full enjoyment* under the threat of a potential *theft* of what was most precious for the Catholic nation: its language (Spanish), its religious ceremonies, etc. So if barbarism was removed via evangelization, the fantasy of the nation’s unity/full identity seemed possible. Apparently, it was the ‘*libidinal treasure*’ of the Catholic nation that underpinned, at least in part, the 1869 attempt to build a fully fixed Catholic Nation, the beatific dimension of fantasy.

¹⁶...el H. Ordoñez... [:] existiendo bastos lugares en estado de barbarie en la banda oriental de la cordillera, lugares en que se aumentaría la población i saldría esta de la barbarie mediante la predicación del evangelio por las misiones que iban à establecerse. De acuerdo con estas razones el H. Martínez modificó su moción en estos términos. – “Art. 86. Las poblaciones ecuatorianas de la banda Oriental, la provincia de Esmeraldas i todos los lugares que por su aislamiento i distancia... no pueden hacer parte de algún cantón ò provincia...serán regidos por disposiciones especiales hasta que el aumento de su población ò los progresos de su civilización les permita gobernarse como los demas.” – i puesta à votación se aprobó...’

The indigenous question in Ecuador is expanded in the next chapter, where I address the 2007–2008 indigenous demand for a pluri-national state. Suffice to note here that García Moreno's 1869 religious project required further evangelization. This process, which began with the Spanish conquest, erased the cultural and political forms whereby the native population organized itself prior to the European conquest. Other indigenous affairs were discussed by the 1869 convention.¹⁷

In sum, Article 10.1 of the 1869 constitution and the evangelization of non-Catholics sought to tackle the first challenge/goal of García Moreno's 1869 Catholic charter, that is, the harmonization of Catholicism with the nation state. I now address his other goal.

On Anarchy and the Repressive Prerogatives for the President

The other objective of García Moreno's constitution was to fortify the executive branch to repress anarchy. As a major historian puts it, 'a great part of García Moreno's proposal [of the new constitution] was adopted. A quasi-monarchical, confessional, and exclusionary system was adopted' (Ayala Mora, 2008, p. 35, own translation). The citizens' rights were 'restricted', and the death penalty for political reasons was re-established. The president (whose mandate consisted of six years) could be consecutively re-elected (ibid.). García Moreno's constitution was influenced by his religious faith and the fear of anarchy.

García Moreno was not the only one who advocated in favour of a strong executive in view of Ecuador's turbulent history. A week after the inaugural session, certain MAs also supported the idea of a strong(er) head of state:

¹⁷ For instance, from 29 July until the end of this convention (30 August) the Assembly discussed indigenous affairs during extraordinary and ordinary sessions. This included the granting of uncultivated land to indigenous peoples in Esmeraldas (6 August); the exploitation that the natives were subjected as a result of not being owners but renters of municipal lands (21 August); the request made by a community of indigenous from Malakatos, Loja in regard to the 1867 law on land possession (27 August); the petition made by some indigenous in Esmeraldas to acquire land titles in view of the 1867 law (29 August).

Lectured by the frequency of our political revolts, I am convinced that the Executive power must be strengthened through enough prerogatives to uphold public order, though in a way that these are not detrimental to the Nation. Once the state of siege is declared, the prerogatives given [to the Executive] concern the military operations and must be limited to the *theatre in which these aberrations take place*, as there is no reason to extend these prerogatives to the province or provinces where there is peace (Martínez MA, 1869-05-24, p. 3, emphasis added).¹⁸

Martínez's argument built its premise on the experience provided by the lessons of history ('Lectured by ...'), a clear appeal to *ethos*. Apparently, his strategy sought to induce an *analogical reasoning* in the audience by regarding revolutions as *aberrations*, implying the 'perverted' nature of rebellions. Martínez advocated for enough —though limited— military power granted to the executive to extinguish internal armed conflicts. Salazar MA added:

This prerogative regarding the Executive and the state of siege would allow *the trial of civilians under the military law ... To remedy great misfortunes, measures of the same magnitude are indispensable*. If this clause were removed, the Executive's extraordinary prerogative would disappear ... the most effective way to prevent and repress revolutions (Salazar MA, *ibid.*, pp. 3–4).¹⁹

The excerpts on what needed to be written at the constitutional level to prevent frequent armed rebellions spoke to the horrific dimension of fantasy. This conjured an apocalyptic prospect. In supporting the expansion of the executive's prerogative in military terms, the 1869 speakers and their audience preferred order over individual liberty. The latter is understandable considering that, from 1859 to 1861, Ecuador almost disappeared as an autonomous state. Further arguments were given in favour of treating civilian 'agitators' under the military law:

¹⁸ 'Aleccionado por la frecuencia de nuestras revueltas políticas, me hallo convencido de que se debe robustecer el Poder Ejecutivo con facultades suficientes para sostener el orden público; pero de manera que ellas no puedan ser perjudiciales à la Nación. Las facultades que se conceden al declararse el estado de sitio se refieren à las operaciones militares, i deben limitarse a los lugares que sean teatro de estas aberraciones, pues no hay razón para extenderlas à la provincia ò provincias que se hallen en paz.'

¹⁹ 'Esta facultad del Poder Ejecutivo y el estado de sitio consistía en que sean juzgados los paisanos conforme à las ordenanzas militares, ..., que para remediar grandes males eran indispensables medidas de igual magnitud, i que si se quitara esta circunstancia, desaparecería la facultad extraordinaria del Poder Ejecutivo, el estado de sitio i el medio más eficaz para precaver y contener las revoluciones.'

Honourable Alcázar added new reasons in support of this [constitutional] article by demonstrating the slowness of the trial procedures under the common law, and the necessity of a prompt punishment for the cases of political disruptions (the secretary, *ibid.*, p. 4).²⁰

A few days later, the *rhetorical effect* of the speeches on 24 May was felt: part of the constitutional article (63.7) in charge of preventing the subversion of the constitutional order was approved. ‘Be stipulated the military trial ... [with] military punishments for those who directly or indirectly promote or favour the internal commotion or the external invasion’ (1869-06-02, pp. 1–2).²¹ (Although a minor change was made to this article in a subsequent session, its kernel remained unchanged.) I suggest that the horrific dimension of fantasy facilitated the enactment of the law on the military punishment for rebels. In this context, we appreciate how the *ego-ideal* of the Catholic (and thus united) nation needs the ‘assistance’ of the convention’s *superego*. This instructs *jouissance* to operate in such a way as to guarantee the perpetuation of the symbolic law. This instruction is effective because it offers the bonus of a sadistic thrill obtained by the legal punishment of those seeking, ‘directly or indirectly’, to transgress the law (Hook, 2018).

Let us examine one last intervention signalling the revolutionary culture denounced by the Catholic convention:

In the Hispanic American republics, he said, there is a ferment or tendency towards political disturbances. Unfortunately, we have some men who can be called *revolutionary speculators* as they aim to make a fortune from revolutions. It is indispensable to restrain them via the fear of punishment (minister of the treasury, 1869-06-01b, p. 3).²²

²⁰ ‘El H. Alcazar añadió nuevas razones en apoyo del artículo demostrando la lentitud de los trámites de enjuiciamiento por las leyes comunes, i la necesidad de un castigo pronto en los casos de trastornos políticos.’

²¹ ‘Disponer se juzguen militarmente...i con las penas de las ordenanzas militares “à los que directa o indirectamente promuevan ò favorezcan la conmocion [sic] interior ò la invación [sic] exterior.”’

²² ‘Existe, dijo, en las repúblicas Hispano-americanas un fermento o una tendencia á los trastornos políticos, tenemos por desgracia ciertos hombres, á quienes puede llamarse especuladores revolucionarios pr. [sic] el propósito de hacer fortuna en las revoluciones, i es indispensable contenerlos por el temor del castigo...’

As the minister emphasized, anarchy was a constant in Hispanic America. His stance, clearly against the revolutionary method, appealed to an epideictic (disapproving) and deliberative argument prompting a given action: *revolutionary speculators* needed to be contained by the fear of institutionalized punishment. The notion of ‘revolutionary speculators’ adds a nuance to the horrific dimension of fantasy discussed in this section, for the signifier ‘speculator’ hinted at two types of rebels: the truly revolutionary ones (e.g., those who fought the war of independence) and those rebelling for the sake of personal benefits. The latter had to be dissuaded through fear, which was being institutionally designed by the 1869 convention.

The Longing for García Moreno, the 1869 Lawgiver

On the inaugural day of the convention García Moreno resigned the temporary presidency. The promoter of the 1869 constitution supported his resignation on the oath he took, that is, on the promise not to extend his temporary presidency during the 1869 convention. At first, his resignation, which showed patriotism and a lack of egoism, was not welcomed by the convention, but compensatory measures made up for this loss (discussed below).

In view of García Moreno’s resignation, the CA’s first task was to overcome the lack of a leader. Another temporary president had to be immediately elected, while the new constitution was being discussed and shaped. Noboa, Sáenz, and Eguiguren MAs proposed a decree whereby García Moreno’s resignation was not accepted, on the grounds that his departure would result in a state without a head. As these MAs put it, García Moreno had to remain as temporary president until another head of state was constitutionally elected. The CA voted in favour of this decree; García Moreno was immediately informed. Despite this new resolution, he insisted on resigning the temporary presidency. At the end of that day the MAs finally accepted García Moreno’s resignation, while praising him for his services to the country (1869-

05-16, pp. 7–8, 16). Why was García Moreno’s resignation so hard to accept by the 1869 convention? As Aragundi MA put it,

Sirs, by no means should we accept the resignation proposed by Mr G. Moreno, as the oath upon which it stands is invalid. Had he sworn for a better good, his promise would be valid; but, quite the contrary, *if this oath were kept, only evils would emerge in this homeland, hence we must firmly reject it* [Moreno’s decision]’ (1869-05-16, p. 9, emphasis added).²³

The above *evils* imply in part the constant anarchy in 19th-century Ecuador, the basis on which the horrific dimension of fantasy was elaborated by the 1869 convention. Not only was García Moreno praised by the official convention, he was also supported by his followers outside parliament. Was he, then, a popular leader backed by ‘the people’? As already indicated, historiography regards García Moreno as an unpopular leader, but some of García Moreno’s followers, i.e., the readers of the newspaper *El Joven Conservador* (The Young Conservative), could have argued otherwise. In the context of the coming presidential election, which followed the approval of the 1869 constitution, this newspaper praised García Moreno while criticizing liberals. It argued that the liberal ambition for power, which stemmed from its ‘caudillos’, created ‘sects’ with different ‘masters’ (candidates) *à la* Protestantism. By contrast, conservatism proposed a unified candidate on the following grounds:

The conservative party has put the distinguished Mr García Moreno forward [as presidential candidate] because thus want two thirds of the Republic, for they know about this illustrious Caudillo ... Indeed, Ecuador owes to Mr García Moreno its moral, intellectual, and material advancement. There has been no one else who, as president, would have given more beautiful brushstrokes in the painting of progress for the country’s good than García Moreno (*El Joven Conservador*, 1869-01-08).²⁴

²³ ‘No debemos, S.S., aceptar de ningun [sic] modo la renuncia propuesta por el Sor. G. Moreno, por que el juramento en que se apoya es nulo. Si él hubiera jurado por un mejor bien, su promesa sería válida; pero muy al contrario, de llevar a cabo su juramento solo nacerían males para la patria, i así debemos negarle con firmeza’

²⁴ ‘El Partido conservador ha presentado al esclarecido Sor. García Moreno, porque así lo quieren las dos terceras partes de la República, en virtud del conocimiento que tienen de este ilustre Caudillo ... Con efecto, al Sor. García Moreno se le debe el adelantamiento moral, intelectual i material del Ecuador, sin que haya habido otro, que en calidad de Presidente, hubiese dado pinceladas tan hermosas en el cuadro del progreso para el bien del país.’

García Moreno proposed a draft of the new constitution whose kernel, according to historian Ayala Mora (2008), was adopted by the 1869 convention. This CA and the conservative elites outside parliament praised García Moreno, their *only* presidential candidate. Moreover, during the convention's inaugural session the 1869 lawgiver 'recommended' the deputies to approve certain executive decrees. The fact that a newspaper of the epoch publicized García Moreno's recommendation shows his influence on the conservative elites inside and outside the CA:

Deputies: ... V. In the four months in which I have exercised the temporary presidency, I have always been guided by the Republic's well-being. ... VI. The decrees issued by the temporary Presidency, which will be presented to you all by the respective Ministries, comprise all the substantial acts relative to the Republic's interior Administration. *I recommend their examination and approval*, with particular reference to the Finance Ministry ... Also, I recommend the reform and extension of public education ... As it has been the case for the temporary government, it ought to be of special consideration and gratitude to you all everything relative to the Army (García Moreno, 1869-05-16, as cited in *La Estrella de Mayo*, 1869-05-24, emphasis added).²⁵

The key role played by García Moreno during the 1869 CA does not end with the above suggestion. The very next day after his resignation, the longing for Moreno's leadership continued. Seven deputies (1869-05-17, pp.1–4) proposed a motion to appoint him as general of the national army. The president of the assembly reminded his peers that the convention was established to sanction the new constitution, after which secondary laws could be sanctioned. He argued that given this priority and the 'urgent necessity' to appoint García Moreno as general for the sake of national order, the proposal to discuss this appointment on three occasions ought to be dismissed. It was agreed that one single debate was sufficient to appoint

²⁵ 'Señores Diputados: [...] V. En los cuatro meses que he ejercido la Presidencia interina, he llevado siempre por norte el bien de la República. [...] VI. Los decretos expedidos por la Presidencia interina, que os será presentados por los respectivos Ministerios, contienen todo lo sustancial de los actos relativos a la Administración interior de la República. —Os recomiendo su examen y aprobación, principalmente en lo concerniente a la hacienda nacional...[...] Os recomiendo igualmente la reforma y extensión de la instrucción pública ... [...] Objeto de especial consideración y gratitud debe ser para vosotros, como lo ha sido para el Gobierno interino, todo lo relativo al ejército.'

García Moreno as general. In supporting his designation as general of the national army, Pablo Bustamante MA contended that this would anyway ‘sanction the general will of Ecuadorians, who knew that Providence had brought up ... Moreno ... with the greatest military skill’ (p. 2).²⁶ Here the *forensic* element of rhetoric, i.e., the *just* decision to appoint Moreno as general, as well as the deliberative component advocating for a specific *action*, were supported by the appeal to a twofold *ethos*: *the general will* and the Providence. In a country heavily influenced by both Rousseauian and Catholic discourses, Bustamante’s rhetorical effect was clear. Two weeks later the appointment in question was formally accepted by García Moreno, and the convention acknowledged his acceptance on 2 June (1861-06-2b, p. 1).

On 29 July the new constitution was read, and García Moreno was appointed President of the Republic for the period 1869–1875. A few days later he accepted this appointment as follows: ‘If the Honourable National Convention considers that my separation will produce appreciable misfortunes to this country, I will accept the Power’ (1861-08-09, p. 4).²⁷ He was to swear to the new constitution on the 10 August.

Concluding Remarks

I began this chapter by presenting the rhetorical context informing the 1869 convention. The turbulent decades that preceded this CA (particularly the 1859–1861 war) moulded the military tone of the 1869 convention, in charge of writing a Catholic and repressive constitution.

To account for constitutional instability in Ecuador, in this chapter I have addressed the psychoanalytically informed question of messianic leadership. By way of summary, the 1869

²⁶ ‘...Al aprobarse el proyecto no se haría otra cosa que sancionar la voluntad general de los ecuatorianos, quienes conocían que la Providencia había criado al Sor. G. García Moreno adornado de las más relevantes dotes militares.’

²⁷ ‘Si, pues, en el ilustrado concepto de la H. Convención Nacional mi separación ha de producir males considerables al país, aceptaré el Poder...’

CA built the horrific dimension of fantasy based on Ecuador's frequent armed rebellions since independence. The transgressive nature of Ecuador's constitutional politics paved the way for the emergence of the beatific dimension of fantasy: the messianic leader. The yearning for this type of leader (García Moreno) 'fulfilled' the desire for an everlasting protection/stability entwined with the 1869 constitution. The non-acceptance of García Moreno's resignation, his idealization by the conservative elites outside and inside the convention, his designation as both the army's general and then the new President of the Republic spoke to a key issue discussed in the theory chapter, that is, the idealization of a strong leader who personifies an *illusion* of a cast-iron guarantee of protection: 'We call a belief an illusion when a wish-fulfilment is a prominent factor in its motivation, and in doing so we disregard its relation to reality' (Freud, 1964/1927, p. 31).

Freud's idea of the ambivalent illusion of a Messiah, found in *The Future of an Illusion*, was later refined in *Moses and Monotheism*. Here it is suggested that the guilt for the killing of the father of the primal horde *returns* through the fantasy of a Messiah as a Son of God/Father. The latter is personified in substitutive figures (Moses, Christ, etc.) in charge of delivering both redemption and the promised land. This promise, according to the Ecuadorian *conservative party*, was being delivered by García Moreno: 'Ecuador owes to Mr García Moreno its moral, intellectual, and material advancement. There has been no one else who, as president, would have given more beautiful brushstrokes in the painting of progress for the country's good than García Moreno'. This idealization of García Moreno illustrates the libidinal constitution of the conservative party in 1869. In this process, the Catholic leader was put in the place of the conservatives' *ego ideal*, as a result of which they identified with one another in their ego. In Chapter 2 it was also conjectured that, amongst the supporters of this Messiah/hero, there remained an unfulfilled fantasy – which resonates with Freud's myth on the killing of the father of the primal horde: i.e., the desire to occupy this hero's privileged

place within the community. This conjecture and the idealization of a Messiah who *substitutes* another become clearer in the next chapter, where I analyse the idealization of subsequent ‘substitutes’: Alfaro and Correa.

In sum, in this chapter I have argued that Ecuador’s postcolonial history of frequent armed rebellions contributed to the support of a *messianic* leader in 1869, that is, a lawgiver whose personage blended with the 1869 aspiration of stability.

Chapter 4: The 2007-2008 Constituent Assembly and the 2015 Constitutional Amendment²⁸

Abstract

What do the 2007–2008 CA and the 2014–2015 parliamentary debates on leadership tell us about the character of constitutional instability in contemporary Ecuador? This chapter continues the discussion of the meaning of Ecuador’s ‘lawgivers’ initiated with Gabriel García Moreno (1869). I draw on Freud’s conjecture that the guilt for the killing of the father of the primal horde *returns* through the *fantasy* of substitute Messiahs regarded as capable of delivering redemption and the promised land. The messianic leaders addressed in this chapter—the ‘substitutes’ of García Moreno as it were—are Eloy Alfaro and Rafael Correa. In their own way, these leaders’ movements were sensitive to the indigenous question, a topic that will be discussed in the chapter in a subsidiary and complementary way. My overarching thesis argues that Ecuador’s long-lasting history of political instability has helped forge a political culture prone to supporting *messianic* leaders, that is, lawgivers whose personae have come to personify the aspiration of perpetual stability found in CAs. I argue that ‘messianic leadership’ can emerge because of the need for political stability and/or as a psychosocial phenomenon triggered by the ambivalent *identification* with the father figure. This identification, according to Freud, is part of the *archaic heredity* passed from one generation to the next. This heredity, (re)ignited by the *Oedipus complex*, which entails (amongst others) a sense of guilt, keeps alive the remorse for the killing of the father of the primal horde. Indeed, my discourse analyses of the political processes of 1906, 2007–2008, and 2014–2015 can be seen as so many ways of probing the explanatory character and scope of Freud’s suggestion. Alfaro was the leader of the Liberal Revolution and the 1906 constitution/lawgiver. The Citizens’ Revolution—led by Correa and inspired by Alfaro—prompted the writing of Ecuador’s latest constitution. In line with his electoral pledge, in 2007 President Correa (2007–2017) asked the people if they would support the writing of Ecuador’s 20th constitution. With the majority of the parliamentary seats, Correa’s former left-wing movement (Alianza País) crafted the 2008 charter. To address Alfaro’s and Correa’s psychosocial importance in terms of Ecuador’s ‘constitutional instability’, in this chapter I focus on those parliamentary debates where, directly or indirectly,

²⁸ Certain sections of this chapter draw heavily on my article on the constitutional reform that abolished presidential term limits in Ecuador in 2015 (Espindola, 2023). In line with this article, the 2014 and 2015 official discourses in Spanish do not appear in the footnotes. The translations of quotations and paraphrasing are my own.

these figures are invoked. I also examine the debates on presidential re-elections. The Citizens' Revolution 2008 charter allows one re-election 'only', consecutive or not. But the 'one re-election only' maxim was 'self-transgressed' in 2014 when Alianza País proposed an amendment to the 2008 constitution. This reform abolished presidential term limits in 2015, in the hope of realizing a third presidential mandate of Ecuador's latest Messiah: Rafael Correa.

In this chapter I proceed as follows. First, I present the rhetorical context shaping the 'necessity' of the 2007–2008 CA. Afterwards, I conduct a discourse analysis of the officially transcribed debates provided by Ecuador's NA. The 2007–2008 CA addressed many non-constitutional topics, that is, themes that do not speak to *the most important rules and common understandings* of the state, for example, the import of food and its price limits, drug trafficking, Colombia's bombing of *Fuerzas Armadas Revolucionarias de Colombia* (FARC) on Ecuadorian soil in 2008, amongst others (NA, 2007). The convention's order of the day facilitated the mapping, organization, and selection of those debates relating to the question of leadership. This has been mainly expressed during the 2008 debates on Alfaro's legacy and the presidential re-election allowance. The 2014–2015 discourse that led to indefinite presidential re-elections is also presented in this chapter, on account of its link to my research puzzle. The chapter includes an analysis of the indigenous' demand for a pluri-national state, a demand widely discussed by the 2007–2008 CA. As Betty Amores MA contended, this demand 'has been one of the most debated topics' by this convention. International thinkers such as Boaventura de Sousa Santos participated in the workshops dedicated to discussing this theme (2008-06-09, p. 69). The 1869 CA led by the Catholic García Moreno sought to include the indigenous peoples in the *Social Contract* via further evangelization. The 2007–2008 CA led by the Catholic Rafael Correa welcomed the constitutional recognition of the pluri-national nature of the Ecuadorian state.

The Rhetorical Context

The *rhetorical context* denotes the historical conditions that form the backdrop to a *speech occasion*, that is, ‘the historical time and place of the intervention, the exigence(s) to which it is a response ... and any broader circumstances the intervention also seeks to shape’ (Martin, 2014, p. 100). The rhetorical context informing Ecuador’s latest CA was characterized by a) the locus of Ecuador’s convention (‘Alfaro’s City’), on account of its symbolic importance; b) the ethnic and gender-based composition of the Assembly; c) its participatory character and subsequent challenges; d) Ecuador’s political instability during the last decades of the 20th century; e) the role played by the indigenous movement since the 1980s. All these contextual phenomena will help us better understand the anti-neoliberal rhetoric informing the convention that replaced the 1998 constitution.

Ecuador’s latest CA was in session from 29 November 2007 until 25 July 2008. The 2008 constitution was crafted in Montecristi, the coastal city where general Eloy Alfaro was born. Alfaro was the leader of Ecuador’s Liberal Revolution (1895) and the Citizens’ Revolution’s main historical reference. Once Alfaro overthrew President Lizardo García in 1905, he convened a CA. Key liberal reforms were enshrined in the 1906 constitution, namely, the separation of the state from the church and the secular character of education (Espinosa, 2010, pp. 563–564). Alfaro’s legacy is discussed in the context of a parliamentary session (28 January 2008) dedicated to him.

According to the 2001 census valid at the time of the 2007–2008 convention, the ethnic composition in Ecuador was as follows: out of 12,156,608 inhabitants, 77.42% were mestizo, 10.46% white, 6.83% indigenous, 2.23% black, amongst others (as cited in Ayala Mora, 2008, p. 129).

The 2007–2008 CA was composed of formerly excluded groups – 45 out of the 130 MAs were women (Misión de Observación Electoral de la Unión Europea (MOE UE), 2007, p. 47).

In line with the maxim of gender equality, ten women and ten men were elected as presidents and vice-presidents of the 2007–2008 *constituent tables* (subcommittees – explained below) (The Carter Center, 2008, p. 10). The indigenous movement participated in this CA with four out of 130 parliamentary seats via its political party, Pachakutik (Cordero, 2018, p. 4). Since the 1990s, the political actions of the indigenous had influenced the public agenda (ibid. – discussed below). In this CA there were indigenous MAs who did not belong to Pachakutik, such as Mónica Chuji (Alianza País). Ecuador’s census operates through self-identification, and people are asked which ethnic group they identify with. It is hard to tell the ‘real’ percentage of indigenous MAs in this convention. Even so and unlike previous CAs, in the 2007–2008 CA the indigenous MAs (representing both Pachakutik and other organizations) directly participated in the writing of Ecuador’s *social contract*, a point worthy of emphasis.

The 2007–2008 CA is known for its popular and participatory character, and the establishment of this convention was approved through referendum – 81.72 % of the electorate voted in favour of writing a new constitution. By January 2008, the convention had collated — via a digital device— more than 300 contributions from the citizens (Fernando Cordero MA, 2008-01-04, pp. 32–33). ‘Also, we suggest that the desirable date for these citizens’ forums, which could compel the Tables [the subcommittees in charge of writing the constitutional articles] to travel to different parts of the republic, should be January and February’ (ibid., pp. 33–34).²⁹ This was suggested given the convention’s deadline for the elaboration of the new constitution, i.e., six months, with the possibility of a two-month extension. The idea that the 2008 charter needed to be crafted by and for the people was a key element of this convention. As Ximena Bohórquez MA put it, ‘what distinguishes this twentieth constituent convention is precisely public involvement’ (ibid., p. 38).³⁰

²⁹ ‘También aquí sugerimos que la fecha deseable para estos foros ... ciudadanos que podrían obligar a viajes de las Mesas a diferentes partes de la República, deberían hacerse en los meses de enero y febrero ...’

³⁰ ‘[L]o distinto de esta Constituyente número veinte, es justamente la participación ciudadana ...’

The 2007–2008 CA was opened to public involvement. Amongst others, the constituent tables/subcommittees, the citizens’ fora, a postbox, and an email welcomed the people’s proposals. The CA created the *Social Participation Unit* in charge of ‘collecting, organising, channelling, and systematizing the thousands of proposals that arrived at Alfaro City’ (The Carter Center, 2008, p. 11). Citizens’ observatories were established to check that their demands were considered during the drafting and sanctioning of constitutional articles. Afterwards, these were shared with the citizenry in view of the upcoming referendum that was going to approve the constitution (*Social Participation Unit*, as cited in *ibid.*, p. 12).

Among those [MAs] interviewed by the Carter Center, the most emphasis was placed on the noticeable contrast between the 1998 and 2007–2008 assembly. While the former ended up discussing in closed sessions in a military facility, the latter received the citizens and their proposals in virtual and physical formats (*ibid.*, p. 11, own translation).

The popular and participatory character of this convention relates to a key complaint raised by certain MAs, namely, the potential conflict between certain articles of the 2008 constitution and Ecuador’s international affairs. It was suggested that the convention created unnecessary obstacles for future governments, and these could prompt eventual constitutional reforms. For instance, the recognition of the indigenous’ right to exercise their customary law was likely to create, according to some MAs, a conflict of interest between this recognition and international agreements on human rights (for the indigenous’ traditional law, beating with nettles is permitted). On a different front, the proposal not to have foreign military forces based on Ecuador’s soil tout court hindered the possibility of having military cooperation in the future for specific ends. This debate occurred in a controversial context characterized by the presence of the US military base since the beginning of the century, officially in charge of helping the Ecuadorian government to combat drug trafficking. The March 2008 Colombian bombing on Ecuadorian soil (an FARC camp had been built there) contributed to this nationalist sentiment, supported by President Correa (*Asamblea Nacional Constituyente*, 2007, 2008).

In thinking about Ecuador's long-lasting history of constitutional instability, the example of foreign military cooperation brings to the fore the utility of King's (2011) definition of what is constitutional. After the 2008 constitution was sanctioned, the US base —an arguably non-constitutional topic to which the new constitution implicitly referred— was closed. A future 'pro-USA' government might be tempted to reform the constitution to reinvoke Washington to Quito. It can be argued that the 2008 constitution bears the seeds of its own destruction, as much as the 1869 charter did. This constitution was bound to the Catholic faith of its promoter and was thus ephemeral. I come back to this conundrum in Chapter 5, where I highlight the explanatory power of competing hypotheses, while pointing to the way that a psychoanalytically informed perspective can be supplemented by other approaches to Ecuador's constitutional volatility.

Which exigencies and broader circumstances underpinned the *rhetorical necessity* to replace the 1998 constitution with the 2008 charter? To what extent did these circumstances shape the rhetoric of a convention fostered by Rafael Correa, an outsider with a PhD in Developmental Economics, strong Catholic beliefs, and an anti-neoliberal discourse? Neoliberalism is a highly contested concept; for the present purpose, I regard it as a precise policy agenda whose main components are as follows:

In the developing world it [neoliberalism] emerged in opposition to the development strategies based on import-substitution industrialization which had dominated the period 1945 to the early 1980s. Here it is often linked to the "Washington Consensus" (privatization and deregulation; trade and financial liberalization; shrinking the role of the state; encouraging foreign direct investment) and to the structural adjustment programmes promoted by the IMF and World Bank (McLean and McMillan, 2003, p. 368).

The following processes allow us to understand how the Washington Consensus became popular in Ecuador in the 1980s and 1990s and became unpopular from 1999: first, the failed attempt to industrialize Ecuador (1972–1979), a military endeavour leveraged by the oil *boom*;

second, a neoliberal programme (1982–2006) followed by severe political instability (1997–2005). (I present these opening points in the first subsection); lastly, the indigenous movement's shift (1930–2007) from being a *classist* and Catholic organization to a confederation demanding both the transformation of the nation state and the end of neoliberalism. As we shall see in the analytical section, the longing for the return of a state as the planner of development and the critique of neoliberalism merged into the need for a strong and democratic president. This will become clear during the 2008 discourse analysis in favour of presidential re-elections put forward by Alianza País and prohibited by the 1998 'neoliberal' constitution. The demand for a pluri-national state was also critical of neoliberalism, as well as of racism in Ecuador (discussed in the analytical section). The yearning for a stronger and democratic leadership/state, the hope for economic and political stability, and the indigenous demand for a pluri-national state coincided on one point: their critique of neoliberalism, the arch enemy of this predominantly left-wing CA.

The Oil Boom, the Army and Its Failed Process of Industrialization, the Neoliberal Catastrophe, and Democratic Instability in Ecuador (1972–2005)

In contrast to the right-wing and highly repressive military dictatorships in the 1970s in Argentina, Brazil, and Chile, the Ecuadorian dictator Rodríguez Lara (1972–1976) led a relatively non-repressive and 'centre-left' government. This regime implemented redistributive policies, such as agrarian reforms and subsidies (Espinosa, 2010, pp. 649–650). According to Galarza (1974, as cited in Oleas, 2018, p. 62), Rodríguez Lara's resolve was a consequence of the 'appeasement', which resulted in Ecuador conceding more than a third of its territory to foreign oil companies. During his inaugural speech, General Rodríguez Lara sent a clear message to the nation:

[I]n view of the misgovernment and political ambition, the Armed Forces, which are the genuine expression of the national sentiment, interpreting the main feeling of the authentic Ecuadorian people, have decided to assume control of the Republic to establish ... a revolutionary government with a clear nationalist conception (Rodríguez Lara, as cited in Oleas, 2018, p. 62, own translation).

The 1972–1979 military regime in Ecuador did not have a monolithic approach to policy-making. From 1972 to 1976 the ‘revolutionary’ and ‘nationalist’ faction focused on agrarian, fiscal, and administrative reforms for the benefit of the poor. From 1976 to 1979 a less radical and less nationalistic faction seized power and stopped the agrarian reform, while crafting a new constitution for the return of democracy in 1979 (Ayala Mora, 2008, pp. 112–113).

Although the exploration and exploitation of oil in Ecuador began in the first half of the 20th century, it was only in the 1960s that significant fields of oil were found. In 1968 Texaco and Gulf found the Shushufindi field, ‘one of the richest [fields] in South America at that time. ... Ecuador had entered the oil prosperity, which was consolidated once the oil prices in the global market began their rise in 1973’ (Espinosa, 2010, pp. 645–646). This enabled the armed forces to finance certain reforms inspired by the *Cepalist* thought, reforms that were compatible with those of previous governments. But unlike Rodríguez Lara, his predecessors did not rely on the oil revenue to finance the modernization of Ecuador. General Lara and the 1976–1979 military triumvirate used part of this income for industrialization. Public soft loans, tax exemptions, and protectionist measures were implemented. Industrial production quadrupled from 1970 to 1976, but its share in the gross domestic product was comparatively small (less than 20%). The bulk of the industries were either elementary (e.g., cigarettes) or imported components for assembling (Espinosa, pp. 648–649, 655). ‘The industrialisation dream never materialised’ (ibid., pp. 655–656); however, this dream was reignited by Rafael Correa.

Although ‘the oil revenue evened out in 1975’ (ibid., p. 657), the military continued to finance its developmentalist policy. The bureaucracy, public investment, and subsidies were financed by both the oil revenue and loans from international private banks. In the 1970s the

national debt corresponded to US\$ 324 million; by 1979 it had risen to US\$ 4,500 million. The citizens and the civilian governments that followed the dictatorship had to deal with the repayment of this ‘onerous’ obligation. The ‘hard adjustments’ and the economic deadlocks of the 1980s were the immediate outcome of both the corruption and the ‘modernizing messianism’ of the military, not to mention the environmental damage resulting from the oil *boom* (Espinosa, 2010, pp. 657, 659).

The 1980s was a difficult decade for the whole of Latin America. Once Mexico *defaulted* in 1982, flows of capital halted, and this led to the external debt crisis in this region. The 1982–1999 period in Ecuador was characterized by: a) the endeavour to constrain the fiscal deficit (1982–1991); b) the execution of the reforms stemming from the Washington Consensus (1992–1995); c) and the international and national financial crisis (1996–1999), an event that put an end to Ecuador’s monetary sovereignty. The following policies and events were critical within the 1982–1999 period: 1) the economic resources formerly channelled to investment and public spending were prioritized for the repayment of the external debt; 2) the IMF conditioned its assistance in favour of the interests of its external creditors, while equating development to economic growth. Two conflicts with Peru in 1981 and 1995, two climatic disasters attributed to El Niño in 1982–1983 and 1997–1999, and the 1987 earthquake further complicated Ecuador’s ‘fragile productive structure’ (Oleas, 2018, pp. 40–41).

The 1993 *Ley de Modernización del Estado* sought to ‘modernize’ the state through the privatization of public companies, reductions of bureaucracy, and the decentralization of power. In 1994, the law on the financial system (*Ley General de Instituciones del Sistema Financiero*) came to light, ‘which opened the channels for the free flow of international capital’. Four years later the 1998 constitution replaced the 1978 charter. Without a plebiscite, the new constitution adopted ‘many of the theses advocated by the Washington Consensus’ (Oleas, pp. 46–47, 50). Right-wing deputies crafted the 1998 charter. This ‘recognized the ...

rights of the indigenous, blacks, women, children, and other social sectors', while restricting political participation and allowing the privatization of public assets. These measures differed from the 1978 constitution (Andrade, Trujillo and Viciano, 2004, as cited in Ayala Mora, 2008, p. 120).

By the end of 1998, the international financial crisis (originating in Russia) had reduced the export of Ecuadorian goods and the influx of foreign capital. In a few months the price of the oil barrel decreased from US\$ 20 to 7 (the Ecuadorian government was in a financial crisis). The 1994 law on the financial system had created one of the key conditions leading, from December 1998 to mid 1999, to the collapse of 18 out of 38 banks. This law reduced the legal banking reserve, i.e., the amount of money that banks must not lend in the event that savers decide to withdraw it. This law authorized *linked loans*, that is, the making of loans to firms associated with the banks. The evaluation of whether potential debtors were capable of repaying their loans did not follow a technical criterion, hence 'there was a high risk for these debts to become uncollectible' (Espinosa, 2010, p. 702). From 1994 the liberated interest rates and the non-regulated influx of international capital created a financial bubble. This burst in 1998 when the government levied a 1% tax on the flow of international capital, which provoked a widespread flight of capital. When the banks began collapsing, the government responded with a bailout. Even so, people rushed to withdraw their savings, as a result of which the government froze bank deposits. This measure increased poverty and created massive unrest. Ecuador *defaulted* in September 1999 and adopted the US dollar as its official currency (9 January 2000). Mahuad's presidential campaign was financed by a famous banker, 'which induced public opinion to think that throughout the financial crisis Mahuad had acted to protect the banks' interests'. On 21 January 2000, a coalition of the indigenous and the military compelled the president to resign (Espinosa, 2010, pp. 696–698, 702).

Although the 1999 financial crisis resulted from ‘complex’ causes, it is undeniable that the 1994 law on the financial system and the 1998 worldwide financial hysteria contributed to it. The agenda implemented in the 1980s and 1990s was heavily criticized by the World Social Forum, ex-civil servants of the World Bank (e.g., Joseph Stiglitz), and the 2006 electoral candidate Rafael Correa. Between 2000 and 2007 Ecuador’s representative democracy reached the peak of its crisis (Espinosa, 2010, pp. 741–742, 744).

Between 1996 and 2007 several individuals presided over the Ecuadorian nation (one of which lasted in office for two days): Abdalá Bucaram (1996–1997), Fabián Alarcón (1997), Rosalía Arteaga (1997), Fabián Alarcón (1997–1998), Jamil Mahuad (1998–2000), Colonel Lucio Gutiérrez (2000), General Carlos Mendoza (2000), Gustavo Noboa (2000–2002), Lucio Gutiérrez (2002–2005), and Alfredo Palacio (2005–2007) (Political Database of the Americas Georgetown University, 2009). Rafael Correa (2007–2017) is the president who has presided over Ecuador for the longest *uninterrupted* period since independence (*El Universo*, 2017).

The day before Correa took office, he commemorated Latin American integration and the region’s ‘turn’ towards *21st-Century Socialism* before the indigenous population of Zumbahua, a rural community in the highlands. The Bolivian and Venezuelan presidents Evo Morales and Hugo Chávez were part of this non-official but symbolic celebration where Correa conveyed a message of change. Informed by antagonism, President Correa’s discourse was constantly communicated via nomadic cabinets throughout the country, as well as through his Saturday TV broadcast. (The ministers and the president used to travel to small and large cities throughout Ecuador to discuss how the central government could contribute to local development.) This created an inclusionary feeling for those historically ignored by the central government. Unlike the traditional elite, Correa ‘distinguished himself’ by making decisions in accordance with his electoral promises. ‘His ability to alternate the well-aimed insult, technical explanations, and the invocation of collective dreams has allowed him to satisfy the

complex expectations that the citizenry has of its leaders' (Espinosa, 2010, pp. 763, 765, own translation).

Correa's antagonistic rhetoric has affinities with that of the most influential Ecuadorian politician of the last century, the many-time president José María Velasco Ibarra (1934–1935, 1944–1947, 1952–1956, 1960–1961, 1968–1972) (Political Database of the Americas Georgetown University, 2009). However, Correa has been 'much more' strategic in 'neutralizing' his adversaries. Unlike Velasco Ibarra, who was 'always defeated by his enemies', Correa re-established the democratic edifice to legitimize his programme, while relying on his own political movement. Velasco Ibarra depended on unstable alliances that left him isolated, and his authority was lost as soon as he proclaimed himself dictator. As for these leaders' affinities, i.e., their antagonism and readiness to disregard legality on behalf of the people, 'these are a product of ... the Ecuadorian political culture that expects politicians to both personally berate their adversaries and to overlook the formal rules to prove their power' (Espinosa, 2010, pp. 765–766, own translation).

The psychosocial meaning of Correa's *uninterrupted* leadership in such an unstable country is addressed below. Here it suffices to stress that his discourse has criticized Ecuador's party-based democracy and the neoliberal agenda, while partly sympathizing with the Indigenous Cause, another highly debated topic in the 2007–2008 CA.

On the Indigenous Cause: The Agrarian Reform (1964) and Its Anti-Neoliberal and Anti-Racist Demand for a Pluri-National State (2008)

In what follows, a selective genealogy of the Ecuadorian indigenous movement is presented. I highlight its shift from being a *classist* and Catholic organization to a confederation demanding the establishment of a pluri-national state, later recognized by the 2008 constitution.

Until the 1960s, the indigenous in Ecuador were regarded as peasants. Their demands, channelled through the left and trade unions, were treated as part of the Agrarian Question (Zúñiga, 2004, p. 195). At the beginning of the 1960s economic inequality was severe and was criticized; 1% of the haciendas hogged 56% of the cultivated land, while the long-lasting institution of *huasipungo* continued, as it were, the counterpart to a feudal relation in Europe. 'Here [huasipungo] the landowner granted the indigenous labourer a plot of land in exchange for his/her work on the main fields of the hacienda' (Espinosa, 2010, p. 491). The labourer could use this land for cultivation, but it belonged to the hacendado. In 1954, 20,000 families lived under the huasipungo regime. In 1964, the military junta (1963–1966) implemented an agrarian reform, guided by the US *Alliance for Progress*. Amongst other measures, the law on the Agrarian Reform and Colonisation abolished huasipungo. The state granted lands to about 80% of former huasipungeros, expropriated unproductive lands, and established an 800-hectare limit for landowners in the highlands. Although the reform was limited in its scope, it 'helped dismantle a system of social domination and racial subjection incompatible with a democratic society' (Espinosa, 2010, p. 645). In 1970, Velasco Ibarra aimed to broaden this reform, and this continued during the military government of Rodríguez Lara (1973–1976). But the military triumvirate (1976–1979) discontinued the distribution of infertile lands, as this measure had fostered a battle between landowners and peasants (Espinosa, 2010, pp. 643–645, 652, 654).

According to Cordero (2018, pp. 122–125), the history of the indigenous movement dates back to the First Conference of Indigenous Leaders in 1936, the precursor to the National Federation of Indians founded in 1944. In the 1930–1970 period, the indigenous' demands for land and better living conditions in rural areas were intertwined with the communist and socialist programmes, as well as that of the Catholic church. Despite this bottom-up struggle carried out by the indigenous and peasants in favour of land redistribution, their know-how was ignored during the 1964 and 1973 agrarian reforms. The military conducted these

reforms neglected by both political parties and modernizing landowners (Cosse, as cited in Cordero, 2018, p. 125). From 1979 to 2013, stresses Cordero, the Ecuadorian confederation of indigenous nationalities (CONAIE) played a key role in the evolution of the indigenous movement. From its foundation in 1986, CONAIE has grouped together all the indigenous associations across the Ecuadorian regions. The demands stemming from the indigenous associations of the Amazonian region have converged with those of the highlands. The Amazonian demand for *territory* now underpins CONAIE's political programme of *self-government*. CONAIE's political movement (Pachakutik) has allowed the electoral participation of a confederation composed of heterogeneous indigenous cultures.

CONAIE influenced the 1998 and 2008 CAs. Throughout the 1990s, the indigenous movement succeeded in articulating various social demands, and the indigenous' mobilization reached its peak in the 1998 convention. The 1998 charter recognized (for the first time) the collective rights of the indigenous peoples, as well as the pluri-cultural and pluri-ethnic nature of the Ecuadorian state. CONAIE also played a part in the socio-political process leading to the 2007–2008 convention, where the indigenous movement repudiated Ecuador's corrupted and unstable democracy. CONAIE also criticized the inefficient and elitist character of the Ecuadorian state. This created the conditions that led to the 1999 financial crisis and the dollarization of the economy in 2000. The resulting socio-economic unrest forced a large number of Ecuadorians to emigrate (Cordero, 2018, p. 3). In 2007–2008 CONAIE brought to the convention's attention 'the demand for a Pluri-National State constructed by the indigenous movement since the 1990s, which brought to the fore the demands for an inclusive society and State' (ibid.).

The constitutional recognition (2008) of the pluri-national nature of the Ecuadorian state was an achievement. Nonetheless, it was followed by setbacks for CONAIE. This comes as no surprise if we consider Pachakutik's participation in the crafting of Ecuador's latest

constitution. The 2007–2008 convention was composed of 130 deputies out of which 80 belonged to the incumbent's movement (Alianza País), while only four represented Pachakutik. Even so, CONAIE's active involvement in national politics since the 1990s had created a political capital that could not go unnoticed in this convention. This was acknowledged and supported by Alberto Acosta, the first president of this assembly and Correa's former comrade. Once the constitution was approved, President Correa implemented a top-down process of decentralization that clashed with the autonomist demands of the indigenous peoples (Cordero, pp. 4, 122, 144).

The Rhetorical Context of the 2015 Reform that Abolished Presidential Term Limits

The 1998 constitution prohibited presidential re-elections in Ecuador. During the 2007–2008 CA, the opposition contended that the proposal for the presidential re-election allowance put forward by Alianza País aimed at allowing the future re-election of President Correa. The 2008 constitution instated the presidential re-election concession 'for one time only', consecutive or not. In 2014, Alianza País proposed a constitutional amendment to abolish presidential term limits tout court, in the hope of Correa's third presidential mandate. As I will argue, the 2008–2015 question of presidential re-elections in Ecuador, which accounts in part for its constitutional volatility, relates to the issue of messianic leadership analysed here. In what follows, I provide an overview of the backdrop against which presidential term limits were abolished in Ecuador.

As mentioned in the introduction, Ecuador's constitutional instability resonates with the volatility of the executive branch. Between 1830 and 2014 there was a total of 114 governments, whether constitutional presidents, acting officials, or individual or collective dictatorships (Ayala Mora, 2014, p. 15). Although the democratic regime prevailed during the 1978–2000 period, gridlocks between the legislative and executive branches were

commonplace, which created ungovernability (Espinosa, 2010, p. 711–712). In addition, in the 1980s and 1990s the political parties lost their legitimacy, as they failed to collect the people's demands and translate them into fruitful policies (Echeverría, 2006, as cited in Espinosa, p. 713). In this crisis of representativeness, the new social movements proposed demands beyond the traditional left-right rhetoric, while 'populist' or 'managerial anti-politics' appeared. Anti-politics 'can be defined as the rejection of the political class and the preference for outsiders' (Espinosa, pp. 715, 719, own translation). The ideology of the charismatic Rafael Correa fused the following elements: the discourse of the outsider, an 'innovative populism', and a leftist agenda in favour of both a participatory democracy and social equity. 'Not only did he promise to dethrone the traditional politicians, but also to re-establish democracy and to bury neoliberalism to foster a nationalist policy on oil derived in more social and economic inclusion' (Espinosa, p. 760, own translation).

In this context, the presidency of Dr Correa is an exception to Ecuador's long-lasting history of political instability. He served as president for a whole decade (2007–2017), i.e., the longest uninterrupted presidency since 1830. His left-wing movement (Alianza País) also constituted the majoritarian force in the legislature from 2009 to 2017, that is, immediately after the 2007–2008 CA. How can we explicate Alianza País' atypical popularity/stability in this highly unstable presidential system? Correa has been a critic of neoliberalism, and was part of the group of presidents that led Latin America's turn to the left in the 21st century (i.e., Hugo Chávez, Néstor Kirchner, Michelle Bachelet, Evo Morales, amongst others). The literature on the turn to the left has mainly explained this shift in terms of a disapproval of the economic reform implemented in this region under the guidelines of the Washington Consensus (Arditi, 2009; French, 2009; MacDonald and Ruckert, 2009, as cited in Basabe, 2017, p. 317). Arguably, Alianza País' atypical stability derives from its anti-neoliberal and thus popular discourse, considering that the 1999 financial crisis, which was devastating for the population,

was partly influenced by the 1994 neoliberal reform on the banking system and the 1998 international fear (Espinosa, 2010, p. 742).

However, Basabe (2017) posits that the turn to the left hypothesis, which focuses on the ideological dimension, is problematic for the Ecuadorian case. If compared to other Latin American countries such as Argentina and Bolivia, the implementation of the neoliberal programme in Ecuador was weak. Thus, the ideological element purportedly underpinning Ecuador's turn to the left requires further examination. Besides, the left has not been a popular force in the Ecuadorian legislature since the return of democracy. On average, between 1979 and 2007 only 10.75% of parliamentary seats were obtained by the left. Surprisingly, Alianza País won 47.58% of the congressional seats for the 2009–2013 mandate and 76.33% of these seats for the 2013–2017 period. Basabe conjectures that this continued support of the Citizens' Revolution was motivated, 'at least in part', by an atypical prosperity, namely, the unseen prices of oil, which coincided with President Correa's consecutive governments. (Ecuador's economy is highly dependent on this fossil fuel.) The price of oil skyrocketed in 2008 (99 US\$ per barrel), and it remained very high for some years (e.g., 98 US\$ per barrel in 2013). But this price began a dramatic decrease in 2015, a year in which a barrel was worth 49 US\$. Ecuador's prosperity (2007–2014) might have played a key role in Correa's decision to run for presidency for the third time, for which reason Alianza País proposed a constitutional amendment to allow indefinite re-elections in 2014 (pp. 315–319, 321–328, 330; Fontaine, 2002, as cited in Basabe, 2017, p. 325; Lora y Panizza, 2002, as cited in Basabe, 2017, pp. 318–319).

The above criticism of the turn to the left hypothesis for the Ecuadorian case exhorts us to reflect on the explanatory power of ideology in this politically unstable and economically dependent country. As I shall argue below, a Lacanian approach to the grip of ideology allows

us to explicate, at least in part, the unexpected abolition of presidential term limits prompted by the Citizens' Revolution.

On 24 May 2014 President Correa petitioned the legislature to amend the constitution to allow indefinite re-elections. This amendment required the votes of two thirds of MAs. Alianza País had more than this special majority during the voting day, 3 December 2015 (Enmienda S/N (Enmiendas a la Constitución de la República del Ecuador) [ESN], 2015). According to a constitutional provision in force at that time, the eventual reform required a 12-month parliamentary interregnum between the first and second debates. Within this pause, the official Specialized Committee had to promote nationwide the acceptance of the proposed reform (Primer debate de la Solicitud de Enmienda Constitucional [PD], 2014). The first debate commenced and terminated on 1 and 2 December 2014; the second and last debate began and ended on 3 December 2015. The parliamentary minutes analysed include other matters also reformed via this package of constitutional amendments, such as indefinite re-elections for all elected authorities (PD, 2014; Continuación del primer debate de la solicitud de enmienda constitucional [CPD], 2014; Segundo debate de la solicitud de Enmiendas Constitucionales [SD], 2015).

The 2007-2008 Constituent Assembly and Its Arguments

In the rhetorical context section, I presented the developments against which Ecuadorians agreed to a new social contract in 2007. The disenchantment provoked by the failed attempt to industrialize Ecuador, the socio-economic austerity stemming from the neoliberal agenda, the Indigenous Cause, and political instability were all elements upon which Dr Rafael Correa built his 2006 political campaign. This charismatic outsider promised a new deal with the replacement of the 1998 constitution.

This second part of the chapter begins by describing the composition and *modus operandi* of Ecuador's latest CA. I then forge the argument according to which the idealization of Eloy Alfaro becomes the psychic trigger for the initiation of the 2007–2008 CA. More precisely, his idealization, I suggest, becomes the psychic trigger for the Oedipal guilt influencing in part the CA's longing for its 'founding father'. In other words, it is the meaning of the *fantasy* of the Messiah that is at stake in the mourning of Alfaro (to be discussed below). The reference to Alfaro's sensibility towards the indigenous question begins to hint at the link between the indigenous demand for a non-racist and pluri-national state and the land promised by the 2007–2008 CA. The problematization of the 'theft of enjoyment' thesis underpins the analysis of the indigenous demand. Afterwards, I come back to the question of messianic leadership. There I conduct a discourse analysis of the 2008 debate on presidential re-election and the 2014–2015 reform that abolished presidential term limits in Ecuador, in the hope of Correa's third presidential re-election. In drawing on the argument on the *return* of guilt for the killing of the father of the primal horde, the appearance of *substitute* 'fathers' (García Moreno, Eloy Alfaro, and Correa) in the 2008 and 2014–2015 debates allows us to grasp the psychic factor informing, in part, Ecuador's history of frequent 'lawgivers', or put differently, its history of 'constitutional instability'.

The Assembly's Composition and Modus Operandi

On 15 January 2007, Rafael Correa took office. The very next day he decreed the future referendum to convene a national CA with full authority (The Carter Center, 2008, p. 63). The April plebiscite asked the people if they would agree to craft a new constitution. The people replied favourably, with a vote of more than 80% supporting the creation of a CA. On 30 September, 130 MAs were elected for the convention (2007-12-11, p. 6), out of which 24 represented the nation, 100 the provinces, and six the migrants (two for Latin America, two for

the US and Canada, and two for Europe). As mentioned earlier, Alianza País (Correa's movement) had 80 MAs for this convention, out of which seven were part of an alliance. During the assembly's first day Correa was confirmed as president, while the former Congress was suspended. Since the CA approved its resolutions via absolute majority (this was agreed by the people in the April referendum), Alianza País had an ample leverage throughout this process. Partido Sociedad Patriótica (PSP) and Partido Renovador Institucional Acción Nacional (PRIAN) were the second and third largest political forces in this CA with 18 and eight MAs respectively. The remaining forces had five, three, two, and one MAs in the convention. Out of a total of 20 parties and movements present in this assembly, 13 forces (in alliance or not) represented their constituents with one MA only. Despite the dispersed composition of the convention, in the April plebiscite 81.72% of Ecuadorians voted in favour of crafting a new constitution (The Carter Center, 2008, pp. 5–7, 63). Alianza País had the democratic monopoly on the convention because it held 61% of the voting power.

The CA's regulation, adopted with 86 out of 130 votes, stipulated that up to two debates were allowed for the plenary to approve the constitutional articles. This differed from the 1869 assembly where three debates were required before a resolution could be approved. The 2007–2008 convention was structured via 'Constituent Tables', i.e., subcommittees in which the MAs conducted their work before the plenary discussion. Each subcommittee had 13 MAs, eight of whom belonged to Alianza País, on account of its majoritarian participation in this assembly. There were ten subcommittees in charge of deliberating on the following: (1) Fundamental Rights and Constitutional Guaranties; 2) Organization, Social and Civic Participation, and Systems of Representation; 3) Structure and Institutions of the State; 4) Territorial Code and Competency Allocation; 5) Natural Resources and Biodiversity; 6) Labour, Production, and Social Inclusion; 7) Development's Regime; 8) Justice and Battle against Corruption; 9) Sovereignty, International Relations, and Latin American Integration; and 10) Legislation and

Audits. The MAs could visit other subcommittees to offer their opinion; nonetheless, their vote was restricted to their assigned subcommittees where an absolute majority was required to propose constitutional articles to the plenary session. Either collectively or individually, the population was allowed to put forward its suggestions before the convention. Besides crafting the constitution, the convention was in charge of both carrying out audits of the *constituted powers* and legislating under the following three circumstances: first, when the proposal stemmed from the citizens, so long as the bill was backed by at least 0.1% of the electoral register, which in 2007 was made up of 9,371,252 voters out of 12,156,608 inhabitants (according to the 2001 census); second, when the bill was proposed by the MAs with at least 5% of the convention's support; third, when the bill was presented by the president, the latter also the case for the 1869 assembly (2007-12-11, pp. 11–12, 22–24; The Carter Center, 2008, pp. 7, 10; MOE UE, 2007, p. 80; Villacís and Carrillo, 2012, p. 11).

The Idealization of Eloy Alfaro, the 1906 and 2008 Lawgiver

Ecuadorian historiography constantly underscores that Ecuador's constitutions have been mainly prompted by 'caudillos'. As McLean and McMillan (2003, p. 68) remind us, *caudillismo* emerged because of the socio-political disturbances that followed Latin American independence. 'Caudillos ... filled the power vacuum and became guarantors of order and stability. Their rule style was personalist'. Ecuador's latest convention referred to various leaders and independence heroes, such as Simón Bolívar. Alfaro was the one who received most of the 2007–2008 praising. From a psychoanalytic perspective, in what follows I examine how the 2008 emotional attachment to 'caudillo' Eloy Alfaro (the 1906 'lawgiver') speaks to the partial nature of Ecuador's historic constitutional instability.

As historian Salvador Lara contends, only two 'authentic' revolutions have occurred throughout Ecuador's history: the war of independence and the liberal revolution led by Alfaro,

who presided over the nation on two occasions (1895–1901 and 1906–1911). Amongst other reforms, his revolution brought about the separation of the church from the state, secular education in public schools, the ‘definite consolidation’ of citizens’ civil rights, gender equality within the formal work force, and a sensibility towards the indigenous question. Two factions emerged from this revolution: *alfarismo* and *placismo*, the latter led by President Leonidas Plaza (1901–1905), Alfaro’s former general. In 1911, these liberal wings went to war with each other, and Alfaro was taken prisoner. On 28 January 1912, a ‘mob’ assassinated, dragged, and burnt Alfaro and his comrades (2005, pp. 422–423, 429, 431–432), a murder provoked in the last instance by *placismo* (Jaramillo Alvarado, as cited in Salvador Lara, p. 432).

Although the convention began its sessions in November 2007, it was from 2008 onwards that the assembly approved the articles of the new constitution, with the people’s participation. As mentioned, during the 4 January session Fernando Cordero MA suggested the assembly to organize the citizens’ fora to be conducted in January and February. It is in this preparatory context that we need to frame the 28 January session, dedicated to commemorating the life and work of General Alfaro. Public authorities were invited to the 28 January event. This session sought to inspire the spirit of the future constitution. A note on my case selection is in order. I choose two speeches and one resolution for the subsequent analysis, namely, the discourse of the president of the convention (Alberto Acosta MA); the speech given by Martha Roldós MA; and the resolution that consecrated Alfaro’s home town as national heritage. Acosta’s speech fulfills the representativeness criterion, as he was the most voted for MA for the 2007–2008 CA (2008-06-24, p. 27). Roldós’ speech illustrates the several progressive reforms led by Alfaro. Moreover, Acosta’s and Roldós’ discourses share a key characteristic related to my research puzzle, that is, they treat the 1906 and 2008 constitutions, García Moreno, and Alfaro as privileged ‘(*object petit a*) objects, which contain ... something in “them more than themselves,” and hence take on a disproportionate libidinal status by virtue of the degree of

investment of a given community' (Hook, 2008, p. 400), the Ecuadorian community. The *unanimous* resolution praising Alfaro's home town as national heritage shows the relevance of this 'founding father' in Ecuador's history, at least in the context of Ecuador's latest CA. Choosing the analysis of the longing for Alfaro over that of other historic leaders (e.g., Bolívar) is appropriate.

As suggested by historiography above, only the war of independence and Alfaro's revolution can be regarded as 'authentic' revolutions in Ecuador's history. This can be better understood in view of the scope of Alfaro's deeds. In 2008, Martha Roldós MA (RED) drew on *pathos* and rhetorical questions to address Alfaro's legacy:

Why do we remember you ... on the anniversary of your terrible death? *Why do those who seek to write a new future for the country remember you in this Alfaro's City in Montecristi?* ... What do you still have to say to us? ... Since a child and thanks to my father, *I was clear on the difference between those who fight for their people's rights and those, such as García Moreno, who want power for tyranny and despotism.* ... Not only did you lead the most important revolution that Ecuador has known, but you were also a great builder of our identity as a national State. The public and secular education was an indispensable social achievement for building and gestating the citizenry ... We must also thank you for our incorporation, that of women to the political life ... In addition, you made yours the cause of the indigenous peoples and nationalities in Ecuador ... The indigenous have continued with their centenarian fight and they too accompany us today in politics and in this Assembly. ... Thanks to your revolution, an environment—which opened us to new ideas of all signs—was created. ... *Here you are today in this mud pot with your divided ashes, but your heart is one, your heart that belongs to the whole of Ecuador, your heart that still beats while Ecuador exists* (Martha Roldós MA, RED, 2008-01-28, pp. 25–26, 28–30, emphasis added).³¹

³¹ 'Por qué te recordamos ... en el aniversario de tu terrible muerte? Por qué te recordamos en esta Ciudad Alfaro de Montecristi, quienes buscamos escribir un nuevo futuro para el país? [...] Qué tienes que decirnos todavía? [...] Desde niña y gracias a mi padre tuve muy clara la diferencia entre quien lucha por los derechos de su pueblo y quien como García Moreno quiere el poder para la tiranía y el despotismo. [...] No solo lideraste la más importante revolución que haya conocido el Ecuador, sino que fuiste un gran constructor de nuestra identidad como Estado nacional. [...] La educación pública laica fue una conquista indispensable para construir y gestar ciudadanía ... También debemos agradecerte nuestra incorporación, la de las mujeres a la vida política ... [...] También hiciste tuya la causa de los pueblos y nacionalidades indígenas en el Ecuador ..., los indígenas han continuado con su lucha centenaria y nos acompañan también hoy en la política y en esta Asamblea. [...] Gracias a tu revolución se creó un clima para abrirnos a nuevas ideas de todo signo. [...] Aquí estas hoy en tu vasija de barro, con tus cenizas divididas, pero tu corazón uno solo, tu corazón que es de todo el Ecuador, tu corazón que aun late mientras exista el Ecuador ...' (Martha Roldós MA, *ibid.*, pp. 25-6, 28-30) Martha Rina Roldós Bucaram/MovimientoRED/Guayas.

Martha Roldós provides a helpful description of key progressive policies led by Alfaro's revolution in favour of various social sectors. These ranged from public education to gender and ethnic equality and thus show the societal relevance of Alfaro. By criticizing García Moreno, this description also incorporates the importance of caudillos —across the ideological spectrum— in Ecuador's history of constitutional replacements. In addition, Roldós' account allows us to grasp the libidinal constitution of a group dependent on a leader. As stated, in this process a group of people have put one and the same object (Alfaro) in place of their ego ideal and have thus identified with one another in their ego. Moreover, in the above speech García Moreno serves as the enemy thanks to which 'us' remain united against 'them'. As for 'why do those who seek to write a new future for the country remember you in this Alfaro's City in Montecristi?', here we appreciate how the new constitution (2008) and Alfaro serve as fantasmatic objects-cause of desire in this convention, considering that 'Alfaro City' was built for the writing of the 2008 constitution.

Alfaro (the 1906 lawgiver) and the 2008 charter were interconnected thanks to the power of persuasion. A *deliberative* strategy in rhetoric seeks to foster a particular course of action. Resorting to this technique, President Acosta (MA) exhorted the convention to draw inspiration from Alfaro's *transformative legacy* when writing the new charter. Alfaro's struggle to reconstruct the country, enshrined in the 1906 constitution, needed to be *recovered* in the 21st century. This legacy would allow the elaboration of a *participatory* and *deeply liberating* constitution in political, social, cultural, and environmental terms. It was also said that 'maybe' thanks to the 1906 charter, which separated the church from the state, Ecuador had not experienced cruel civil wars motivated by religion. But the 12th constitution (that of 1906) since independence was not able to guarantee the permanence of the benefits earned nor the opportunities proposed, because its opponents were not completely defeated, while a faction of

liberalism ‘betrayed’ the revolution (Acosta MA, 2008-01-28, pp. 4, 6). Let us focus on these and other ideas expressed by the president of the convention:

On this occasion, namely, 96 years since the assassination of general Eloy Alfaro, his memory develops renewed force. ... [I] believe that the opportunity opened to the Ecuadorian people by this Constituent Assembly should be transformed into an exercise of historical recovery of his transformative legacy. This would be the greatest and best tribute to the ‘Old Fighter’ and his work. *Also, this would be an atonement for an assassination left in absolute impunity.* And for this nothing better than to prepare the way for a participatory constitution, but above all, a constitution profoundly liberating in political, social, cultural, and environmental terms. The duty of rethinking and transforming the country, which is our duty now, was crystallised a little more than 100 years ago in the 1906 constitution during the ‘Liberal Revolution’ (Alberto Acosta MA, *ibid.*, pp. 3–4, emphasis added).³²

For Acosta, the 1906 constitution condensed Alfaro’s revolution. The new constitution (2008) ought to draw inspiration from the same leader. In addition, the president of the convention suggested that, in embracing Alfaro’s ‘transformative legacy’, the Constituent Assembly could contribute to atone for his assassination. This required, amongst other elements, a ‘participatory constitution’, namely, a process in which both the people and their representatives configure the new constitution. Roldós’ and Acosta’s speeches led to a substantive rhetorical effect in this predominantly left-wing convention. At the end of the 28 January session (transcribed in 40 pages), which was fully dedicated to Alfaro’s legacy, the 2007–2008 CA approved a resolution in tribute to Alfaro’s home town (Montecristi). This resolution was unanimously supported by 118 MAs (out of a total of 130) present during the voting (NA, *ibid.*, p. 39). It read as follows:

The Plenary of the Constituent Assembly. Considering: ... That the hero and promoter of the liberal and radical revolution José Eloy Alfaro Delgado was born in this city on June

³² ‘En estas ocasión a los 96 años del asesinato del general Eloy Alfaro, cobra renovada fuerza su memoria. [...] [C]reo que la oportunidad que se abre al pueblo ecuatoriano con nuestra Asamblea Constituyente, debe transformarse en un ejercicio de rescate histórico, de su herencia transformadora. Ese sería el mayor y mejor homenaje al “Viejo Luchador” y a su obra. Sería, además, un acto de desagravio a un asesinato que quedó en la más absoluta impunidad, y para ello, nada mejor que dar paso a una Constitución participativa, pero sobre todo, profundamente liberador en lo político, profundamente liberador en lo social, profundamente liberador en lo cultural, profundamente liberador en lo ambiental. [...] Es [sic] tarea de repensar y transformar el país, que es ahora nuestra tarea, se cristalizó hace poco más de 100 años, durante la “Revolución Liberal”, con la Constitución de 1906.’ (Acosta Alberto MA, 2008-01-28, pp. 3-4).

25, 1842 ... That Montecristi is currently home to the National Constituent Assembly, which sessions in the civic complex Alfaro's City; and, That part of the ashes of general Eloy Alfaro Delgado are in the mausoleum located within the civic complex Alfaro's City ... Exercising its powers ... approves the following Agreement: To declare the city of Montecristi and its areas of influence a Natural, Cultural and Historic Heritage of the Nation (NA, *ibid.*, pp. 32, 35–36).³³

Acosta's and Roldós' speeches as well as the unanimous resolution have a mourning tone. In this emotional context, I cannot help but ask: how can the Ecuadorian people in the 21st century be 'implicated' in the 1912 magnicide of Alfaro?

Cavalletto's (2007) summary of Freud's contribution is worth revisiting. The *cultural superego* denotes the societal ideals and prohibitions of a given community. This twofold character of the *cultural superego* speaks to the nature of the subject's *superego* on account of its Oedipal origin, whose bases are love, rivalry, guilt, and identification. More precisely, the *cultural superego* manifests in society in an ambivalent way resonant with the Oedipal rivalry. And this means that the ambivalence once felt towards the beloved father is displaced towards the hero(es), whose idealization and frequent tragedy unites society in a particular way:

[T]he impression left behind by these heroes] implicates this society in the hero's downfall, tying it to the hero not only through love but guilt. Bound thus to the hero ... the community comes to identify ... with this "impression left behind" ... Through the narratives of its heroes, civilizations propagate the values that bespeak of a cultural conscience, of the ideals and prohibitions that inform society's ethical and religious beliefs, its art and its collective narratives of self-understanding (Cavalletto, p. 38).

In view of the parliamentary session that commemorated Alfaro, it can be argued that Ecuador's *cultural superego* was informed at that time and in part by an idealization of certain reforms

³³ 'El Pleno de la Asamblea Constituyente. Considerando: [...] Que el 25 de junio de 1842 nació en esta ciudad el héroe y artífice de la revolución liberal radical José Eloy Alfaro Delgado ...; Que Montecristi es actualmente sede de la Asamblea Nacional Constituyente, la cual actúa en el complejo cívico Ciudad Alfaro; y, Que parte de las cenizas del general Eloy Alfaro Delgado se encuentran en el mausoleo que está situado dentro del complejo cívico Ciudad Alfaro ... En ejercicio de sus atribuciones y facultades ..., aprueba lo siguiente, Acuerdo: Declarar a la ciudad de Montecristi y sus áreas de influencia Patrimonio Natural, Cultural e Histórico de la Nación...' (NA, *ibid.*, pp. 32, 35-6).

implemented by Alfaro (e.g., public education, gender, and ethnic equality) and a prohibition: the killing of that same hero. Since Alfaro was assassinated by his own people, the Ecuadorian republic —via a CA— atoned for his violent death. In this line of reasoning, I ask: is there a further resonance between the meaning of Alfaro’s legacy and Freud’s account of *Moses and Monotheism*? What does the mourning of Alfaro tell us about the character of constitutional instability in Ecuador?

In *Moses and Monotheism*, Freud foregrounds that the conjecture put forth in *Totem and Taboo* is a ‘condensation’ of an incident (that of the killing of the father of the primal horde) that occurred countless times throughout millennia. Thus, it ‘affected all the primordial men, hence all our ancestors’ (2015b, pp. 123–125). The killing in question, now part of humanity’s *archaic heredity*, had a clear consequence for future generations. The guilt for the original parricide, which passed from one generation to the next, has triggered the fantasy of redemption delivered by inverted Messiahs. Freud analyses two cases: Moses and Christ, the Sons of God/Father.

I suggest that the fantasy of the promised land can be grasped in view of Ecuador’s CAs. While García Moreno ‘fulfilled’ this fantasy in 1869, Alfaro served this purpose in 2007–2008. Alfaro, the bearer of the promised land consecrated in the 1906 constitution, is the *great man* whose assassination is atoned by the 2007–2008 CA. At first sight, the resonance between the religious characters of Moses or Christ and Alfaro seems unfit, for his liberal revolution was antagonistic to the Catholic church. (Freud’s (1939) thesis creates a link between *Totem and Taboo* and the emergence of monotheism in view of his case study, that of the ‘Egyptian’ Moses.) But what appears to be a weakness underpinning my suggestion might be a strength. It is the understanding of a Messiah as both the redeemer of the *original sin* (embedded in Freud’s myth) and the bringer of the promised land that seems to be productive in shedding light on Ecuador’s frequent constitutional replacements prompted by idealized and strong father figures,

the so-called ‘caudillos’. In the 19th century, for instance, several CAs in Ecuador ‘served to legitimise a putsch’ (Espinosa, 2010, p. 558). The legitimization of putsches via CAs, which ultimately legitimized new ‘lawgivers’, suggests that Ecuador’s constitutional politics has resembled a religious phenomenon, at least in the 19th century. By this I mean the compulsive practice in which there is one great God/man/caudillo (democratic or not) whose omnipotence blends with that of the new charter that promises a new land.

The above conjecture does not only relate to the ‘father complex’. The mother, the first Other for the subject, is very much present in the psychic dynamic under analysis. For instance, at the end of the 28 January session on Alfaro’s legacy the convention’s president told the secretary ‘that it would be convenient to distribute ... a facsimile of the 1906 constitution which I want everyone to keep as a memory of this historic day’ (Acosta MA, p. 31). At first sight a trifle, this symbolic gesture speaks in part to Martin’s (2019) thesis, which suggests that ‘[t]he affective dimensions of speech ... are rooted in a compulsion in subjectivity to recover the primordial lost object’ (2019, p. 21). Freud’s key discovery, according to Lacan (2006), consisted in realizing that the object we find is always different from what we had *desired*; thus, our search never stops. Despite the fact that the 1906 constitution was understood to be ‘precious’ and in theory ‘ready’ for its re-establishment (updates/amendments would have been required), a new charter was again longed for in 2007–2008. The longing for a new constitution, which appears to be a political instantiation of the quest for the *lost object* in Ecuadorian politics, relates to another aspect beyond messianic leadership, namely, the nation qua the first Other under the threat of ‘others’, those ‘racially different’. This issue is linked to the fragmented character—and maybe also volatile nature—of Ecuador’s *social contract*, a point to which I now turn.

This section, which constitutes a brief and necessary detour from the question of messianic leadership, addresses a key topic discussed by the 2007–2008 CA: the demand for a pluri-national state led by the indigenous movement in Ecuador since the 1990s. The 2008 constitutional recognition of the pluri-national nature of the state was a watershed in the constitutional politics of postcolonial Ecuador, a country where informal racism survives.

The constitutional recognition in question was an achievement of CONAIE's and Pachakutik's historical struggle. Both organizations earned their rightful place in the 1998 and 2007–2008 CAs. The demand for a pluri-national state was put forward in the 2007–2008 CA by Pachakutik. For the indigenous movement, this demand asked for the constitutional recognition of key aspects. As an MA representing Pachakutik put it, the CA had to 'recognize all its [Ecuadorian] sons'. Accepting the pluri-national nature of the Ecuadorian state implied the recognition of the nationalities' various forms of traditions, as well as their governing institutions in their local territories. This demand did not imply the secession of all the 'peoples' and 'nationalities' (Afro-Ecuadorians are mentioned) from Ecuador, which was to remain a unitary though diverse state. Considering its importance, the pluri-national character of Ecuador ought to be enshrined in Article 1 of the constitution (Jorge Sarango MA, 2008-06-09, pp. 21–24). Supportive of this demand, Rosana Alvarado MA stated that the panic of pluri-nationalism had created the spectres of separatism and those of two states within the same territory, a distortion of the indigenous' request (ibid., p. 42).

Sarango MA (Pachakutik) and Alvarado MA (Alianza País) were clear: the demand for a pluri-national state did not entail separatism nor the creation of another state within the existing one. Nonetheless, as an indigenous deputy put it, the presence of indigenous parliamentarians in this CA caused fear. The following long quote addresses this dread, while highlighting the ethnic and organizational diversity of Ecuador, a country invaded by the Incan and Spanish empires in modern times.

It is necessary to remember all this historic process. *In the 19 previous constitutions no one spoke about what is being spoken today. For many, some words and terms are causing fear, maybe because they think that we, the Ecuadorians and peoples who lived before the colony and before the republic, appear now and speak with our own voice. ... We also say that today the peoples appear and recognize their identity, their self-esteem. The Afro-Ecuadorian peoples and the Montubios peoples are proudly demanding to be recognized by the constitution. We too refer to the indigenous peoples and nationalities in Ecuador. Here we are: 22 peoples. For example, Quechuas, but Guaranga Quechua, myself, Quechua for the Amazon, Cayambis or Otavaleños Quechuas. We all speak Quechua in the Andean region. Although different peoples, having this language [Quechua] allow us to say that we are also a nationality of ancestral roots, of original peoples. Not a nationality to establish another State within the Ecuadorian Republic ... [T]he Montubio people cannot say that it is a nationality of ancestral roots because it does not have its own language; it speaks Spanish ... We also say that both the Montubio and the Indigenous peoples have our own culture and organizational forms (Carlos Pilamunga MA, 2008-03-05, pp. 96–97, emphasis added).³⁴*

Firstly, I would like to note Ecuador's ethnic composition in view of its various 'nationalities'. The reference to the Cayambis people and the Quechua language evidences the cultural diversity of a country invaded by the Incan empire. The Spanish invasion complexified the ethnic composition of Ecuador. Moreover, the distinction between a people and a nationality is based on whether a (non-)European language is spoken. The case of Montubios (a people but not a nationality because they speak Spanish) illustrates this. Nonetheless, both Montubios and Indigenous peoples have various 'organizational forms'. According to Pilamunga, *nationalities* can be defined as those 'human groups whose existence is millenary and, as such, before the

³⁴ 'Es necesario recordar todo este proceso histórico, las diecinueve Constituciones anteriores donde no se habla ... lo que hoy se está hablando algunas palabras, algunos términos, para muchos, causando temor, miedo porque, a lo mejor, piensan que los ecuatorianos y los pueblos que vivíamos antes de la Colonia y antes de la República, hoy aparece y habla con su propia voz. [...] Decimos también que hoy en la actualidad, aparecen también ya los pueblos reconociendo su identidad, su autoestima, ahí están los pueblos afroecuatorianos ..., ahí están los pueblos montubios que, con orgullo, están reclamando que se escriba en la nueva Constitución y consten. Hablamos también de los pueblos y nacionalidades indígenas en el Ecuador. Veintidós pueblos aquí estamos, por ejemplo, kichwas, pero kichwa guaranga, el que habla, kichwa de la Amazonía, kichwa de los cayambis o kichwa de los otavaleños, todos hablamos el kichwa en la región Andina y, por tener la lengua, aunque somos diferentes pueblos, decimos que también somos nacionalidad, de raíces ancestrales, de pueblos originarios. No nacionalidad para fundar dentro de la República del Ecuador otro Estado ... [E]l pueblo montubio no puede decir que es nacionalidad de raíces ancestrales, porque no tiene su propio idioma, habla el español ... Decimos también, que tanto el pueblo montubio o el pueblo indígena tenemos cultura, tenemos nuestras formas organizativas propias ...'

Spanish conquest'. These nationalities have their own languages, cultures, and laws (2008-06-07, p. 36).

The above speech also hints at the exclusionary nature of Ecuador's *Social Contract* throughout its history. Moreover, this discourse speaks to the 2007–2008 watershed. Unlike the case of the 19 previous constitutions, in 2007–2008 the indigenous peoples were an important part of the *constituent power*. But this inclusion did not come without a price: 'For many, some words and terms are causing fear, maybe because they think that we, the Ecuadorians and peoples who lived before the colony and before the republic, appear now and speak with our own voice'. Why would the presence of indigenous MAs cause fear amongst certain people?

I venture one possible answer to this question. The demand for a pluri-national state was seeking to alter a 'civilized' notion of the nation instated after independence and influenced by the *Social Contract*. This political philosophy has accompanied Ecuador throughout its constitutional history, and it is predicated on the subordination of all minorities to the *general will*. The indigenous' demand for a pluri-national pact/state aimed at recognizing cultural/ethnic minorities at the constitutional level. This, of course, questioned Rousseau's monolithic social contract.

Another interpretation is in order: 'For many, some words and terms are causing fear, maybe because they think that we, the Ecuadorians and peoples who lived before the colony and before the republic, appear now and speak with our own voice.' If this fear was prompted in part by racism, we might find it helpful to discuss how *jouissance* clarifies this supposition. As Hook (2018, pp. 255–256, 259–261) puts it, to properly address *enjoyment* as an explanatory tool for racism, it needs to be understood as connected to the law, the *ego ideal*, the *superego*, and *fantasy*, amongst other categories. I suggest that the non-indigenous 'fear' denounced by Pilamunga MA relates in part to the dread of those ethnically different. And this can be understood as a fear of losing what is most precious for a particular community, for instance,

the national unity condensed in the *general will* thesis. Ecuador's *ego ideal* (i.e., its national unity) speaks to the *libidinal treasure* (i.e., the fantasy of the nation state) supposedly at risk in view of the cultural others, i.e., those who favour the 'pluri-national state'. Thus, the 'nation' needs to be maintained at all costs to preclude the, as it were, *extinction of being* of 'us'. Keeping the nation state (a particular configuration of the law since independence) in place has provided a 'libidinal reward' to those safeguarding a particular ordering of the Ecuadorian republic. This reward has derived from the commands of the *superego*. The relation between the *superego* and *jouissance* may clarify an element of racism that is often omitted, i.e., that '[r]acism also pivots on a series of ideological values which, crucially, involve a potent "moral" dimension' (Hook, 2018, p. 261). In this line of thought, the apparently racist critique of the pluri-national thesis could be 'justified' by the moral precept of national unity.

Drawing on the Lacanian concept of *enjoyment*, I have argued that the critique of the pluri-national state can stem in part from racism. The thesis on the supposed 'theft of enjoyment' can also explicate the antagonism informing *Alfarism* (a non-racist doctrine) in relation to other movements, such as *Garcianismo*. After all, it is the 'us–them' dynamic, exacerbated by the messianic leader, that 'grips' their followers. Underpinned by *enjoyment*, which is structured through *fantasy*, the longing for fullness ('utopia') promised by the leader appears to generate the following processes: identification amongst the followers; an idealization of the leader, that is, the transference of the *ego ideal* to the leader; and the *projection* of the unwanted feeling residing in the subject on to 'them'.

As for the non-indigenous support of the indigenous demand, which was a majoritarian support during the 2007–2008 CA, this can be understood in part as a need for national atonement. (There are other valid explanations for this support, such as the non-indigenous belief that the indigenous have their own worldviews which should be maintained.) I suggest this in the context of Ecuador's national remorse for the systematic mistreatment of the

indigenous peoples since colonial times. In fact, in the previous subsection we saw how the national mourning of Alfaro was linked to his sensibility towards the indigenous question. Here we can observe how the psychic dimension in general and its guilty component in particular link the question of messianic leadership to that of postcolonialism. The national regret for the inhumane mistreatment of the indigenous peoples in Ecuador, whose cause was hoisted by Alfaro, could have merged with the remorse for Alfaro's killing.

Again, many non-indigenous MAs welcomed the proposal of a pluri-national state. From an enthusiastic point of view, it can be argued that racism in Ecuador, a product of colonialism, can begin its process of extinction through cultural exchanges prompted by Article 1 of the 2008 constitution. As the president of the 2007–2008 CA put it,

Through the recognition of the pluri-nationality we re-engage in a State that, while being one in its sovereignty and territoriality, recognizes and incorporates the distinct original and ancestral nations that are part of Ecuador. We reaffirm, then, that this coexistence, without colonial power relations, supposes a permanent process of interculturality (Alberto Acosta MA, 2008-06-24, p. 20).³⁵

Appealing to a *forensic* strategy, Acosta highlighted the *fairness* of the CA's decision in recognizing the pluri-national nature of the Ecuadorian state. He also resorted to a *deliberative* strategy; he exhorted his fellow citizens to embrace the challenge of interculturality by means of which the former nation state could be decolonized. This decolonization relates in part to the 2008 constitutional recognition of the indigenous' forms of organization. The first collective right granted by the 1998 constitution to the indigenous peoples read: the *indigenous peoples* have the right 'To maintain, develop and strengthen their identity and traditions at the spiritual, cultural, linguistic, social, political and economic level' (Article 84.1). The first collective right

³⁵ 'A través del reconocimiento de la plurinacionalidad nos reencontramos en un Estado, que siendo único en su soberanía y territorialidad, reconoce e incorpora las distintas naciones originarias y ancestrales que forman parte del Ecuador. Reafirmamos, entonces, que esa convivencia, sin relaciones coloniales de poder, supone un permanente proceso de interculturalidad.'

bestowed on the indigenous peoples by the 2008 constitution provided a key nuance to this right: ‘To maintain, develop and freely strengthen their identity, sense of belonging, ancestral traditions *and forms of social organization*’ (Article 57.1, emphasis added).

As mentioned, at some points the indigenous question in 2007–2008 was linked to Alfaro’s leadership. As Martha Roldós MA (2008-01-28) foregrounded above, Alfaro was sympathetic to the demands of the native population: ‘[Y]ou [Alfaro] made yours the cause of the indigenous peoples and nationalities in Ecuador ... The indigenous have continued with their centenarian fight and they too accompany us today in politics and in this Assembly’. The speaker drew on the authority of Alfaro, that is, an appeal to ethos. By highlighting his legacy in Ecuador’s historic struggle for ethnic equality, Roldós’ *rhetorical strategy* linked Alfaro’s leadership to the indigenous’ demand in 2007–2008. Alvarado’s, Roldós’, and Acosta’s discursive strategies (all of them inspired by *Alfarism*) contributed to guaranteeing enough voting support to consecrate the pluri-national nature of Ecuador in the 2008 constitution. Let us recall that Pachakutik, the promoter of the indigenous’ demand under discussion, only obtained four parliamentary seats out of a total of 130.

In sum, the 2008 charter renounced to a previous understanding of the *Social Contract* predicated on the monolithic ‘general will’. Ecuador’s new social pact can be described as follows:

The pluri-national state is another form of social contract with the various peoples of our country. It is another form of national solidarity. The declaration of the pluri-national state constitutes a recognition of the nationalities that exist in our country, and who have their own cultural model, their own social institutions, their own legal systems (Martínez MA, 2008-06-09, p. 84).³⁶

³⁶ ‘El Estado plurinacional es otra forma de contrato social con los pueblos diversos de nuestro país, es otra forma de solidaridad nacional. La declaratoria del Estado plurinacional, es un reconocimiento a las nacionalidades que existen en nuestro país y que tienen su propio modelo cultural, sus propias instituciones sociales, sus propios sistemas legales.’

Back to the Question of Messianic Leadership: The 2008 Debate on Presidential Re-Elections and the 2015 Amendment that Abolished Presidential Term Limits

This section begins by providing an overview of President Correa's indirect participation in the 2007–2008 CA. The 2008 conflict between Colombia and Ecuador and Acosta's (MA) resignation in that year illustrate Correa's influence in Ecuador's latest CA. Both issues serve as an introduction to the subsequent sections: the 2008 debate on presidential re-elections, and the 2015 reform that abolished presidential term limits in Ecuador, in the hope of Correa's third presidential mandate.

On 1 March 2008, the Colombian air force bombarded a camp of the Marxist guerrilla FARC located on Ecuadorian soil. Whereas President Álvaro Uribe justified this ad hoc military intervention, President Rafael Correa regarded it as unacceptable, as the bombardment lacked his authorization. I am leaving out key details related to this international affair. The 2007–2008 convention supported President Correa in his international quarrel, which had national implications, such as Correa's 'legitimate request' to enquire into a supposed collaboration between the Ecuadorian Armed Forces and 'foreign intelligence agencies'. This motive and the principle of national sovereignty (amongst others) underpinned the resolution in *support of the validity of the democratic institutional system*, a text approved by the CA with 90 votes (2008-04-9, pp. 191–193, 218).

On a different front, on 24 June the CA accepted the resignation of its president, Alberto Acosta MA. Acosta's early retirement sent a clear message to the convention: President Correa had exerted an influential power on the last stage of the CA. As stated, Acosta was the most voted for candidate for the 2007–2008 CA. Considering his democratic legitimacy, as well as his 'human quality and professional capacity', the CA had appointed him as its president on 29 November 2007 (2008-06-24, p. 27). Despite his legitimacy, Acosta's leadership turned out to be undesirable for some of his comrades. His resignation speaks for itself:

This disposition and personal position, which does not sacrifice the debate over the urgency of the deadline, is not shared ... by the majority of the leadership of Acuerdo País, movement to which I belong and to which I reaffirm my registration. In withdrawing their support de facto, from there, from the political bureau to which I belong, *they asked me to give way to another leadership that speeds up the approval of the texts in order to comply with the due date, July 26* (Acosta MA, *ibid.*, pp. 24–25, emphasis added).³⁷

Acosta's disagreement with the political bureau of Alianza País should be read in dialogue with President Correa's opinion:

I would like to begin by quoting ... President Correa's assertion yesterday ... In an unequivocal reference to both the Constituent Assembly and Alberto Acosta, he [Correa] states: 'the first step for achieving change is to put aside false democracies; *they want us to believe that everyone can debate interminably*; there is an attempt to enshrine in the constitution the agendas of those party groups that lost the elections'. And here comes what is the most critical of President Correa's statement: 'if that is democracy, I am not a democrat'. ... I reject that the decisions come from outside the Assembly. I reject the rudeness against both the Assembly and Alberto Acosta (León Roldós MA and Correa, as cited by Roldós, 2008-06-25, pp. 23–24, emphasis added).³⁸

Roldós' (RED) criticism of Correa's influence on the *constituent power* was further supported by Vicente Taiano MA (PRIAN), who argued that Correa 'was giving instructions to the Constituent Assembly' (*ibid.*, pp. 24–25). Moreover, and on behalf of *Unidad Plurinacional Pachakutik*, Luis Guamangate showed his support to Acosta. Guamangate expressed his concern for how the dispute between Acuerdo País' leadership and Acosta was detrimental to democracy (2008-06-24, pp. 28–29). But there were those who disagreed with the idea that

³⁷ 'Esta disposición y posición personal, de no sacrificar el debate por la premura del plazo, no es compartida ... por la mayoría de la cúpula de Acuerdo País, movimiento al cual pertenezco y al que reafirmo mi adscripción. Desde allí, desde el buró político al que pertenezco, al retirarme de facto su apoyo, me solicitaron dar paso a otra dirección que apresure la aprobación de los textos para cumplir con la fecha tope del veintiséis de julio.'

³⁸ 'Quiero iniciar mi intervención citando ... la intervención del Presidente Correa, el día de ayer... Refiriéndose en forma imposible de equivocarse, a la Asamblea Constituyente y a Alberto Acosta, señala, "el primer paso para lograr el cambio es dejar a un lado las falsas democracias, nos quieren hacer creer que todo el mundo puede debatir interminablemente, se intenta introducir en la Constitución las agendas de los grupos partidistas que perdieron las elecciones," y aquí viene lo más grave de la intervención del Presidente Correa, "si eso es democracia, yo no soy demócrata." [...] Las decisiones vienen de afuera acá a la Asamblea, yo rechazo aquello, rechazo las groserías contra la Asamblea y contra Alberto Acosta.'

President Correa was exerting an illegitimate influence on the Convention. As Jorge Escala MA (MPD) put it,

We do not share the opinion of the hacks and those loudspeakers of the oligarchy who say that Correa has taken over the Constituent Assembly, and that this Assembly is dependent on the executive power (2008-06-25, p. 26).³⁹

The Colombian bombing on Ecuadorian soil and the resignation of comrade Acosta to the presidency of the CA illustrate the significant influence that President Correa exerted on the 2007–2008 assembly. As for the idealization of Correa, on whom his followers' ego ideal was placed (while identifying with one another in their ego), it further speaks to a key issue discussed here: the role played by the 'lawgiver' in Ecuador's CAs. This idealization will become clearer in view of the 2015 constitutional amendment that abolished presidential term limits in Ecuador, in the hope of Correa's third presidential mandate. To better understand this abolitionist reform, first we need to examine the 2008 official discourse on the presidential re-election allowance. Since the 1998 constitution prohibited presidential re-elections, Alianza País' 2008 support of this allowance ('for one time only') showed, according to some, its ambition for power.

The Citizens' Revolution's Unexpected Shift from a Liberal to a Non-Liberal Stance on Presidential Re-Elections

This section addresses the relation between leadership and constitutional volatility in view of Alianza País' 2008 and 2014–2015 stance on presidential re-elections. I proceed as follows. Firstly, I summarize the mainstream debate on presidential re-elections. I then frame the rhetorical strategies underpinning the Ecuadorian discussions on the presidential re-election

³⁹ 'No compartimos la opinión de los plumíferos y de aquellos parlantes de la oligarquía que dicen que Correa, se ha tomado la Asamblea Constituyente, y que esta Asamblea es dependiente del poder Ejecutivo.'

allowance. This, which permitted the re-election concession ‘for one time only’, was proposed by Alianza País and was later enshrined in the 2008 charter. Afterwards, I analyse Alianza País’ unexpected support of unlimited presidential re-elections. This longing underpinned the 2015 constitutional amendment, which abolished presidential term limits and thus contradicted a key part of the Citizens’ Revolutions’ spirit that buttressed the 2008 constitution. Alianza País’ shift from its liberal stance on re-elections to the thesis on the possible indispensability of a particular leader (2015) further accounts for the unstable/messianic character of Ecuador’s constitutional regime.

Mainstream Approaches to Presidential Re-Elections

The 1998 ‘neoliberal’ constitution in Ecuador did not allow presidential re-elections tout court. By contrast, there are charters in Latin America that allow indefinite presidential re-elections, such as in Venezuela. But the indefinite presidential re-election allowance is neither endemic to Latin America nor a new phenomenon. This concession was formally in force in the US until its constitution was amended in 1951, as a result of which the limit of two presidential mandates was established. Before this reform, Franklin Delano Roosevelt served as president for four mandates. The spirit of the 1951 amendment ‘was to prevent the personalization of the executive branch through its prolonged occupation by any individual’ (Carey, 2003, p. 121). The ‘personalization’ of power points us in the direction of the psychic factor and its relation to both messianic leadership and constitutional instability in Ecuador. I will discuss this in the context of the 2015 constitutional reform that abolished presidential term limits in Ecuador, designed to facilitate Correa’s adoption of a third presidential mandate. The Lacanian categories of *enjoyment* and *fantasy* (in its beatific and horrific dimensions) will contribute to our understanding of the so-called ‘personalization of the executive branch’.

The debate on presidential re-elections in the Americas is as old as the US constitution. Carey's (2003) account systematizes the views shared by many Latin American legislators on term limits as well as key ideas drawn from *The Federalist Papers* and Bolívar's *Selected Writings*. Politicians favouring re-elections purport that this provision enhances democratic responsiveness and accountability by matching up voters' incentives with those of incumbent presidents. But Stokes (2001) suggests that this thesis can be problematic. Her findings in Latin America show that certain presidents have been rewarded with another election (or by their parties) in spite of having failed to deliver their campaign promises, and on the condition that their policy shifts produced a solid macroeconomic administration (as cited in Carey, 2003). Furthermore, supporters of the re-election claim that the latter prevents us from having 'lame ducks', namely, powerless presidents within their parties and in relation to other politicians due to their limited time in office. 'Thus, allowing reelection may enhance presidential ability to construct and sustain legislative coalitions and to bargain effectively with politicians' (Carey, 2003, p. 126). Other political actors argue that establishing constitutional restrictions on re-elections mutilates the citizens' will and thus constitutes an antidemocratic practice (pp. 126, 131–133).

Within this debate, there are those who fear the leaders' ambition for power. The most common criticism of re-elections assumes that re-elected presidents will misuse the executive branch's prerogatives to guarantee their permanence in office. The latter is a potential risk that could lead to tyranny, a worry already addressed by the 1787 convention in the US. There is also criticism of the non-consecutive re-election allowance. Some fear that this provision could spur incumbent presidents to foster their party's failure in the following election to remain as the opposition's leaders, paving the way for their 'necessary' return (Carey, 2003, pp. 120, 127–128, 131). Relatedly, though from a psychological perspective, it has been argued that unconscious denial and conscious resistance (e.g., the illusion of irreplaceability) inform the

difficulties of leadership succession in democratic contexts. ‘The fact of the matter is that most political leaders only stop when they feel forced to: by the constitutional limits on their time in office, by electoral defeat’ (Bynander and Hart, 2006, pp. 713–714).

The 2008 Ecuadorian Debate on Presidential Re-elections

As discussed in Chapter 1, the gridlocks between the executive and legislative branches can explain in part the frequent constitutional reforms in presidential Latin America. Amongst other topics, this ‘endemic tension’ between these branches of the state was discussed by Ecuador’s latest CA on 8 and 13 May 2008. In these sessions, the MAs addressed this tension amidst a broader debate on the proposed characteristics, structure, and rules for the executive branch.

Betty Amores MA (Alianza País) began her intervention by highlighting the ‘known’ conflict between the executive and legislative branches in Ecuador. Instead of criticizing the presidential system *à la* the institutional approach reviewed in Chapter 1 (i.e., the purported inherent instability of presidential systems compared to parliamentary democracies), this MA noted that the conflict in question had a different cause, namely, ‘the increasing looting of the powers and institutional competencies [pertaining to these branches of the state] by groups that represent and have represented private interests’ (2008-05-08, p. 49). On a different front, the increasingly ‘chronic’ and widespread discrediting of institutions has led, during the last decade and a half, to a ‘spiral of procedures or “anti-institutional putsches”’. Purportedly, these procedures sought to put an end to obstacles and emergencies; however, they further languished the democratic edifice. In this context, the majority report comprised the proposed constitutional changes for the executive branch, so the Ecuadorian democracy could rebound its legitimacy and thus work in support of national development (ibid., pp. 49–50). The presidential re-election allowance was one of the proposed reforms. In 2008, the official discourse drew on the lessons of an

unstable political history (an appeal to ethos and the premise of an argument) to propose the presidential re-election allowance as part of the solution (logos).

The majority report elaborated by Subcommittee 3—in charge of the structure and institutions of the state—justified the presidential re-election concession as follows: ‘On presidential re-elections *for one time only*. The re-election finds its basis on the necessity to strengthen and broaden democracy by bestowing the people with the power to recognise and ratify their trust on those who govern and deserve it’ (ibid., p. 32, own translation, emphasis added). Here we see how the appeal to the people as the agent capable of strengthening democracy bestowed legitimacy (ethos) to the official claim in favour of presidential re-elections. Moreover, this report noted that, while other democratic authorities could be re-elected, the president of the republic could not, which was unacceptable because the source of legitimacy was the same: the people’s will via their vote (ibid).

In supporting Betty Amores’ (Alianza País) intervention above, Fernando Salazar MA (Alianza País) stressed the historic role played by the executive branch in the consolidation of democratic processes. Notwithstanding, he also spoke about the potential risk for democracy that derives from the concentration of power in the executive branch. Both considerations, according to Salazar, were embedded in the majority report comprising the proposed articles for the new constitution (ibid., pp. 58–59). The article on presidential re-elections was in line with Salazar’s reasonable point, as it clearly stipulated that the president could be re-elected for one time only, consecutively or not. Although the presidential re-election allowance was needed (the premise), the potential concentration of power in the executive branch required a limitation to this allowance: only one re-election was proposed (logos). But according to the opposition, which had slightly different views on re-elections, the presidential re-election concession ‘[was] being forged for the current President of the republic [Rafael Correa] ... the constitution is being made for the current government’ (Leonardo Viteri MA/PSC, ibid., p. 55). In different ways,

this assertion was insinuated by Pablo Paredes MA/MCIFY (ibid., p. 111) and further highlighted by Vicente Taiano MA (PRIAN) a few days later (2008-05-13, p. 54).

Since the 1998 constitution did not allow presidential re-elections, the opposition regarded the 2008 proposal for this concession as a clear indication of Alianza País' ambition for power. The opposition denounced Alianza País' supposed interest in the eventual re-election of its leader: Rafael Correa. This added an emotional tone (pathos) to its rhetorical strategy and thus sparked the 'us–them' rivalry typical of politics. And this points us in the direction of Freud's *Narcissism of Minor Differences* discussed above, namely, the psychic mechanism whereby the in-group narcissism and out-group aggression manifest. By way of a reminder, for Freud the social is always under the threat of the *death instinct*. Thus, *Eros* counterbalances this destructive tendency through (amongst others) the process of identification. But this fellowship identification embellishes the traits of the group to which the narcissistic subject belongs; these exaggerated traits become the group's collective ideal.

By means of these idealized common traits, the members of the group are then enabled to love their fellow members narcissistically and, at the same time, to deflect their own innate aggressivity outward toward others who do not share these common traits, a double-edged social dynamic that Freud titles "the narcissism of minor differences" (Cavalletto, 2007, p. 37).

In the context of this in-group–out-group dynamic in Ecuador's latest CA, Virgilio Hernández MA (Alianza País) rejected the opposition's contention according to which Correa was exerting influence on the CA. Relying on the fact that the CA was composed of 130 MAs, Hernández drew on a puzzle solution rhetorical strategy, a technique in which the speaker presents the problem as well as the solution:

On several occasions it has been ironically said that there is here the Member of the Assembly number 131 [Rafael Correa], and that this MA is the one who makes the decisions. I want to say it in a very clear way. There is a President of the Republic who is part of a political project, and this political project has the right to decide and deliberate

in order to propose serious institutions for the country (Hernández MA, 2008-05-13, p. 59).⁴⁰

Be that as it may, the above statement was addressing previous criticisms, perhaps that of Tito Mendoza MA (PRIAN), amongst others. A few days earlier, Mendoza had argued that the 2008 constitution was being crafted to serve the interests of the incumbent government. Thus, he contended, it is likely that the 2008 charter will be changed by future administrations, ‘and this generates democratic and institutional instability for the country’. The constitution should be a long-lasting document thanks to which governments, irrespective of their political affiliation, work in favour of national development, such as the case of Chile (2008-05-08, pp. 75–76). This *deliberative* reasoning, which drew on logos, aimed at persuading the assembly not to sanction a constitution based on any government’s agenda. If the 2008 constitution were to favour Alianza País’ ambition (the premise), this charter would be likely replaced by a future government, and this would create constitutional instability (the purportedly logical conclusion). Mentioning Chile was an appeal to ethos, as this country is known for its constitutional stability in Latin America.

From a mainstream perspective, Mendoza’s above critique regarding the unstable constitutional politics of Ecuador —on account of its reliance on each executive’s agenda— lends credence to my suggestion, that is, that political instability in Ecuador prompts the emergence and re-emergence of Messiahs in the country, a psychic process also triggered by the Oedipal dynamic.⁴¹

⁴⁰ ‘Aquí varias veces se ha ironizado en el sentido de que aquí hay un Asambleísta ciento treinta y uno y que ese Asambleísta es el que toma las decisiones. Yo quiero decirlo en forma muy clara, aquí hay un Presidente de la República, que es parte de un proyecto político y ese proyecto político tiene el derecho de poder decidir y de poder deliberar, para proponer instituciones serias al país, ...’

⁴¹ By way of a counterfactual question, I now ask: Why cannot the psychic factor account for constitutional stability? After all, in this psychic dimension the “lawgiver” resembles the father figure who provides protection and stability, while the new constitution bears a likeness to the lost object promising a fullness-to-come. If this triangle (Mother-Subject-Father) were to mean stability, it might be worth asking: Under what conditions does the psychic triangle contribute to instability, and under what others to stability? I come back to this in chapter 5.

If approved, Alianza País' proposal (i.e., the authorities' possibility to be re-elected for one time only) was going to change the political dynamic at the subnational level. As Eduardo Zambrano MA (Alianza País) reminded the plenary, according to the 1998 constitution the president of the republic could not be re-elected, while other authorities (e.g., mayors) were allowed to run for office indefinitely (2008-05-13, p. 66). In short, the 'spirit' of the official proposal aimed at unifying the re-election allowance for one time only for all the democratic authorities at both the national and subnational level (Félix Alcívar MA/Alianza País, *ibid.*, p. 76). Implicitly, the official discourse appealed to logos, that is, to a 'logical tie' between the premise and the conclusion: if democratic authorities are elected by the people, the re-election institution ought to be uniform in all cases. The following speech, which incorporated the means to tackle the problem of the ambition of power, illustrated the Citizens' Revolution's reasoning in 2008:

I totally agree with the concern of having a President of the Republic who perpetuates in power. That is why we say that he/she can be re-elected one time only. But we also have the concern of having subnational authorities who have in fact converted their municipalities into small principalities. So, I believe that we are working on ... the same rules for all elected authorities (Amanda Arboleda MA/Alianza País, *ibid.*, pp. 82–83).⁴²

The Citizens' Revolution's 2008 proposal on re-elections, whose spirit was neatly expressed by the above speech, was enshrined in the 2008 charter. From that year until 2015, Article 114 of the 2008 constitution stipulated the re-election allowance —consecutive or not— for one time only for all elected authorities. Article 144 extended this stipulation to the president of the republic, while adding other elements pertaining to the head of the executive. But in 2015 these

⁴² 'Estoy totalmente de acuerdo con la preocupación de que haya un Presidente de la República que se perennice en el poder, por eso hablamos de que solo sea reelegido por una sola vez. Pero nosotros también tenemos la preocupación de que haya autoridades seccionales, que realmente han convertido sus municipios en pequeños principados. Entonces, yo creo que estamos trabajando sobre principios de las mismas reglas, para todos los funcionarios de elección popular.'

articles (amongst others) were amended by the same revolution that supported them in 2008, a shift worthy of analysis.

The 2015 Abolition of Presidential Term Limits

The spirit underpinning the *Citizens' Revolution* was undermined on 24 May 2014. During the State of the Nation speech, President Correa petitioned the legislative branch to abolish presidential term limits. Correa foregrounded that this request emanated from his movement, and it entailed a dilemma for him (Alianza País was hoping for Correa's third presidential mandate – discussed below). The official discourse justified the abolitionist reform on account of the 'gestation' of the 'Conservative Restoration' in Ecuador and Latin America, that is, the electoral victory of right-wing candidates supported by non-democratically elected actors (e.g., the media) in a purportedly invalid way. Some might argue that this justification stemmed from paranoid reasoning, a common phenomenon in politics. In fact, it has been suggested that '[p]aranoia is a "style" that ... can be adopted by people pursuing a wide range of political goals, but it does not mean that they as individuals have paranoid personalities' (Hofstadter, as cited in Richards, 2018, p. 21). Whether or not paranoid, President Correa's request was approved by the legislature, as a result of which Article 144 of the constitution was amended, amongst other amendments to the charter.

How can we account for Alianza País' sudden decision to abolish presidential term limits, considering it had ratified these limits as early as 2008? In view of the above summary (Carey's, 2003) on the arguments for and against presidential re-elections, a few alternatives are worth exploring. From a rationalist and institutionalist perspective, it can be argued that Alianza País' shift aimed to enhance democratic responsiveness and accountability by shortening the gap

between electors and the elected president (Rafael Correa). In addition, it can be purported that this reform sought ways of building and sustaining stronger agreements between the executive and other branches of the Ecuadorian state. From a non-liberal stance, it can be maintained that the indefinite presidential re-election allowance strengthened Ecuador's democracy, as it abolished a constitutional limitation to the sovereign's will. This was Alianza País' position in Parliament (discussed below). By contrast, '[t]here are those who warn us that indefinite re-election weakens the electoral competition, undermines the separation of powers ... and thus fosters the transition to authoritarianism' (Serrafero, as cited in Grijalva and Castro-Montero, 2019, p. 228, own translation). Furthermore, critics could argue that President Correa's seeming *illusion of irreplaceability* accounts for the Ecuadorian reform, a reformation that paved the way for potential tyranny.

Another plausible factor explaining Alianza País' shift would be Correa's charisma. His stable presidency (2007–2017), the longest uninterrupted presidency in Ecuador since independence, can be partly understood as a result of his renowned charisma. This term derives from the Greek *charismoi*, which means to please and free gift, the latter with a theological meaning (Arlotti, 2003, pp. 64, own translation). Max Weber defines charisma as the 'extraordinary quality ... of a personality in virtue of which he/she is regarded as the possessor of supernatural strength' (1922/2005, p. 193, own translation). According to Breslauer (2019, p. 128), Weber regarded charisma as revolutionary in nature and an inexorably momentary event to be supplanted by bureaucracy. President Correa's charisma can also account for his followers' indefinite support in Alianza País. Of note here is that his natural charm could have coexisted with other types of charisma, such as that obtained via Correa's achievements and/or the charisma stemming from the prestige of the presidential office (Peter, 2010).

In sum, rationalist, institutionalist, non-liberal, liberal, and psychological approaches to presidential re-elections as well as the classic notion of charisma can account for Alianza País'

sudden shift from a liberal to a non-liberal stance on presidential re-elections. Nonetheless, these perspectives show a lack of interest in the ideological process whereby leaders and followers transgress their officially affirmed stance. By this I mean the Citizens' Revolution's sudden shift from its founding position on presidential re-elections —enshrined in the constitutional limit of one-re-election only— to the thesis on the possible indispensability of a particular leader. By way of contribution, in what follows I analyse the shift in question from a Lacanian approach to ideology.

The Longing for Rafael Correa's Indefinite Leadership

Before we address the longing for Correa's indefinite re-election, a summary of the 2014 and 2015 parliamentary arguments for and against the abolition of presidential term limits is in order. The following were the main assertions implied or called upon by the MAs opposing the abolitionist reform: the liberal maxim of the rotation of democratic power, and the necessity to ask the citizens —via referendum— whether they wanted indefinite re-elections in Ecuador on account of their 'altering' the 'nature' of the polity. Conversely, the representatives of Alianza País supported the reform on the basis of the citizens' 'democratic rights' to run for candidacies and to elect their authorities without institutional restrictions. For the official stance, this meant 'broadening' the citizens' democratic right to participate in politics. It was also argued that, as long as the people so decided, the indefinite re-election of someone guaranteeing the stability of an 'excellent' project was a democratic and legitimate practice (PD, 2014; CPD, 2014; SD, 2015).

A Discourse Analysis of the Abolitionist Reform

After independence and until 1979, the Members of the Ecuadorian Congress were allowed to run for office indefinitely. The 1979 (1978) constitution established the non-consecutive re-election allowance for parliamentarians, and the 2008 charter authorized only one re-election (consecutive or not) for all elected authorities (PD, 2014, pp. 19, 21). In fact, in November 2007 President Correa shared his movement's stance on re-elections with *La Tercera*, a media outlet from Chile. The leader of the *Citizens' Revolution* was categorical:

Our stance is that only one re-election can be allowed, from the President to the town councillor (President Correa, as cited in El Universo, 2007, emphasis added).

The above '*only one re-election*' maxim was enshrined in Article 114 of the 2008 charter prompted by the Citizens' Revolution. When asked in January 2014 whether he was considering altering the constitution to run for a third consecutive presidential term in 2016, President Correa replied:

It would be very harmful if one person became so indispensable that the constitution had to be changed in order to affect the rules of the game. There are capable people [to take the lead] (as cited in *La Nación*, 2014).

Correa's statement allows us to appreciate the implicit connection between 'messianic leadership' and constitutional volatility: 'It would be very harmful if one person became so indispensable that the constitution had to be changed'. Relatedly, as Patricio Donoso MA reminded the plenary, in May 2013 President Correa had also stated:

I reject the re-election. It would be our gravest failure not to have one person to take the baton after having prepared young people for ten years, and it is not that I am going to take it (as cited in CPD, 2014, p. 20).

But the above avant-garde spirit underlying the *Citizens' Revolution*, which originally hinted at the stability of the 2008 constitution, was undermined on 24 May 24 2014. In a radically

different way, during his State of the Nation speech President Correa addressed (amongst other aspects) the issue of indefinite presidential re-elections as follows:

Ecuador continues its struggle between the Citizens' Revolution and the Conservative Restoration, which is gestating in the country and in the whole of Latin America. We must keep adjusting our institutions to the new reality, and we must prevent the return of the elites' control. In its fourth Convention on May 1 ... Alianza PAIS resolved to ask our bloc of parliamentarians to amend the constitution regarding the presidential re-election provision. ... *My stance – sincere, authentic, as people know me – was always contrary to it, or at the most informed by analysis and respite. After careful consideration and realizing that sometimes only the lesser evil can be chosen, since, I insist, I believe in the stability of institutions, I have decided to support these initiatives.* Thus, I request our bloc of parliamentarians ... to amend the Constitution of the Republic to allow indefinite re-elections for all elected authorities ... With all liberty the Ecuadorian people will elect the continuity or rotation of their leaders. ... *I hope that some day this type of institutional change will no longer be necessary* (President Correa, Presidencia República del Ecuador, INFORME A LA NACIÓN, 2014, pp. 11–13, emphasis added).

Alianza País' unexpected shift in favour of indefinite presidential re-elections was justified at its grassroots national convention, as articulated by President Correa, and later by his bloc of parliamentarians (discussed below). President Correa drew on a metaphor (the 'Conservative Restoration') to set the premise of his argument. For the Citizens' Revolution, the adjustment of the Ecuadorian democracy to a context characterized by this 'Restoration' was necessary to prevent the return of the 'elites' control'. This was a real possibility due to presidential term limits. I argue that this institution was the indirect obstacle around which the official discourse elaborated the beatific dimension of fantasy. This type of fantasmatic narrative promises a full harmony-to-come, provided that the *stealer* of 'our' *enjoyment* is removed, a removal — through the abolition of presidential term limits— that would keep alive the Citizens' Revolution. This narrative as well as Alianza País' democratic decision on 1 May prompted President Correa to request indefinite re-elections not only for presidents but for all elected authorities.

It is important to note how this official discourse was accompanied by vacillation: 'After careful consideration and realizing that sometimes only the lesser evil can be chosen, since, I

insist, I believe in the stability of institutions. ... I hope that some day this type of institutional change will no longer be necessary'. Some might argue that this hesitant fragment evidenced Alianza País' ambition for unlimited power, which contradicted its 'own' constitution. But another alternative interpretation of Alianza País' shift is worth exploring. I propose that the wavering in question may speak, at least in part, to the grip of ideology, the latter predicated on the transgressive notion of *enjoyment*. Maybe this is what Hook means when he suggests the following *analytical imperative* for the 'deployment' of *jouissance* as a tool for psychosocial studies:

The making of laws produces the very conditions of possibility for enjoyment. ... When it comes to grasping the hold of an ideology upon subjects, look not simply to *the meanings they produce* but to *how they enjoy*. We should expect, furthermore, that their predominant modes of enjoyment often contradict many of their avowed moral or political beliefs. It is crucial then to prioritize points of contradiction between ideology in its *presentable symbolic formations* and its disavowed *libidinal components* (2017, pp. 609–610).

The ideological contradiction between the Citizens' Revolution's symbolic formation and its disavowed libidinal element can be captured by juxtaposing excerpts expressing these opposing views. As presented earlier, Alianza País' 2007 stance on re-elections read as follows: 'Our stance is that only one re-election can be allowed, from the President to the town councillor'. This was corroborated in 2013 when Correa claimed that: 'It would be our gravest failure not to have one [another] person to take the baton after having prepared young people for ten years, and it is not that I am going to take it'. But Alianza País' original stance on re-elections radically changed in 2014. As its bloc of parliamentarians put it when justifying the abolitionist reform before the Constitutional Court,

Leaderships are neither decreed nor established by fate or destiny. They are a series of aspects condensed in one person who has been capable of representing values, expectations, wishes, and collective aspirations. In a given moment of a country or a region, [these leaderships] are essential for consolidating processes (as cited in SD, 2015, p. 29).

In a less formal fashion, one of the above parliamentarians stated in the plenary:

[W]e, the 100 parliamentarians of PAIS, hope that President [Correa] makes this decision [of running for president for a third consecutive term] ... in the year 2016 ... [T]here are personal motives that he needs to analyse. But let us hope that the President continues to be in command of the country because that will be beneficial for the homeland (Nicolás Issa MA, CPD, 2014, p. 213).

It is safe to argue that that the person ‘capable of representing values, expectations, wishes, and collective aspirations’ was Rafael Correa, at least for the parliamentarians of Alianza País in 2014. From the point of view of a classic approach to charisma, the Citizens’ Revolution’s sudden shift in favour of a non-liberal democracy speaks to the extraordinary attributes of those leaders regarded as essential for the continuation of a given political process. Therefore, according to this rationale, these persons deserve to be re-elected indefinitely. From a psychoanalytically informed perspective (Glynos and Howarth, 2007), the above extracts — which complement Correa’s State of the Nation Speech— allow us to grasp the shared fantasy of an irreplaceable leader for the consolidation of the Ecuadorian Citizens’ Revolution, a deliverable promise as long as the obstacle of presidential term limits is abolished. Alianza País’ transgression of its ideal (i.e., that no leader is indispensable within the Ecuadorian Citizens’ Revolution) bolstered the identification amongst its partisans inside the NA. Alianza País’ transgression of its original ideal on presidential re-elections strengthened its unity, a non-rational phenomenon highlighted by Glynos (2021). From a more formal and classic perspective, the quotations in question permit us to understand how ‘a number of individuals ... have put one and the same object in the place of their ego ideal and have consequently identified themselves with one another in their ego’ (Freud, 1921/1959, p. 48).

In the theoretical section I foregrounded that libidinal enjoyment needs to be understood in relation to other concepts, such as the *death drive* and the law. I would like to add another

element to this analysis, that of the *superego*. This sheds light on a controversial punishment that followed the abolitionist reform under discussion. Within the realm of ideology, the *superego* can produce a twofold process. Once the subject identifies with the symbolic law, the *superego* commands him/her to *enjoy* the punishment of those law-breakers. And here we appreciate the *obscene gratification* underpinning in part the grip of ideology (Hook, 2017, pp. 17–18). Maybe the latter psychosocial mechanism played its part in the punishment received by Fernando Bustamante MA, a former member of Alianza País. Unlike the block of parliamentarians cited above, Bustamante abstained from voting in favour of the constitutional amendment that abolished presidential term limits. The response was immediate. The Ethics Committee of Alianza País sanctioned Bustamante MA for his abstention, after which he was asked to resign the presidency of the parliamentary committee on International Relations (El Universo, 2016). Here we can appreciate how the official *superego* became the ambassador of the new law on indefinite presidential re-elections and thus punished the law-breaker. Whether or not the official *superego* and *enjoyment* played their part in this punishment, I cannot help but suggest a link between Hook's (2017) theoretical contribution and this empirical speculation.

The abolitionist reform supported by the parliamentarians of Alianza País, which entailed the transgression of its original stance on re-elections, was seen as a blunt quest for unlimited power by the opposition, and this created social unrest. By November 2015, amidst social protests for and against indefinite re-elections, the official stance had affirmed that the eventual constitutional amendment would include a clause preventing Rafael Correa from running for the presidency in 2016, while allowing him to do so from 2020 onwards (Agencia EFE, as cited in elDiario, 2015). The clause in question, the Second and Temporary Provision of the constitutional amendment, was actually sanctioned by the legislature in December 2015 (ESN, 2015).

The above provision can be understood as the government's means to alleviate the political tension caused by this rather controversial reform. In fact, this provision allowed the official stance in parliament to claim a lack of interest in President Correa's third and consecutive presidential mandate. However, and this is important, his eventual and *indefinite* participation as a presidential candidate could resume from 2020. In other words, according to the official discourse President Correa was not the reform's *raison d'être*, although his return in 2021 ('God willing') was desired. It was purported that this reformation did not alter the principle of the rotation of democratic power, for the ultimate decision relied on the sovereign's will (cf. SD, 2015, pp. 136–137, 245).

With 109 parliamentarians (out of 137) present during the voting, the constitutional amendment allowing indefinite presidential re-elections was approved with 100 favourable votes, eight negatives and one abstention (SD, 2015, p. 294).

To conclude, the fantasy of an unstoppable revolution led by a charismatic leader outweighed the adequate symbolic formation of the Ecuadorian Citizens' Revolution. In this process both the followers (i.e., Alianza Pais' grassroots movement and its parliamentarians) and their leader transgressed the spirit with which the Citizens' Revolution emerged in 2007.

Concluding Remarks

A failed attempt to industrialize Ecuador, an unpopular neoliberal agenda, unstable governments, and the strength of the indigenous' movement since the 1990s informed the rhetorical context against which the outsider Rafael Correa promised a new beginning. With the people's massive approval, the 2007–2008 CA, a highly participatory assembly, sanctioned Ecuador's 20th constitution, which is currently valid.

This chapter on the relation between messianic leadership and constitutional instability contributes to Chapter 3. There I argued that Ecuador's postcolonial history of political instability (i.e., armed rebellions) motivated the support of the 1869 Messiah. In view of Alfaro's and Correa's sway on the 2007–2008 CA and 2015 constitutional reform, I now suggest an 'inverted' reasoning, that is, that the yearning for new Messiahs in Ecuador might have prompted in part this country's further constitutional volatility. Both reasonings, of course, are complementary and inform my psychoanalytically informed argument. Besides, defining whether instability explains 'messianism' or vice versa might not lead us to any fruitful solution.

In Ecuador, 'messianic leadership' can emerge because of both the need for political stability and as a psychic phenomenon triggered by the Oedipal rivalry. For instance, the 1995–2006 political and economic instability preceded the 2007–2008 CA. Therefore, some would argue that strong leaderships were needed at the beginning of the 21st century. The presidential re-election allowance enshrined in the 2008 constitution and the 2015 constitutional amendment that allowed indefinite presidential re-elections illustrate this argument. But the psychoanalytic dimension underpinning 'messianic leadership' was also present in Ecuador's latest CA as well as during the 2015 abolitionist reform. The 2008 inspiring discourse on Alfaro's leadership, the mourning of his assassination, and the 2014–2015 yearning for Correa's indefinite leadership are suggestive of my psychoanalytically informed interpretation of 'constitutional instability' in Ecuador.

In Ecuador, the abolition/replacement/alteration of the constitution in force (1869, 1906, 1998, 2008/2015) can be interpreted, in part, as a result of a similar 'psychic' fascination across the ideological spectrum, that is, a trans-ideological fixation predicated on the transgressive nature of *enjoyment*, the latter intertwined with other psychoanalytic concepts. As for the *theft of enjoyment* thesis, this has allowed us to capture the racist element that,

apparently, buttressed in part the fear of the pluri-national state proposed by the indigenous peoples in Ecuador in 2007–2008.

In sum, President Alfaro's and Correa's influence on the 1906 constitution, the 2007–2008 CA, and the 2014–2015 reform on unlimited presidential re-elections speak to the psychosocial factor underpinning constitutional volatility in Ecuador, that is, the longing for lawgivers/Messiahs whose programmes have endeavoured to 'establish' the promised land. The yearning in question hints at the psychoanalytic dimension accounting in part for Ecuador's history of constitutional replacements led by idealized *father figures*, democratic or not. In this account, I suggest that the new constitution —the *object petit a* par excellence in Ecuadorian politics? — illustrates the never-ending quest for the *lost object*, the latter evoking a state of fullness.

Chapter 5: A Comparative Reflection on Constitutional Instability in Ecuador

Abstract

In this final chapter I re-engage with key accounts of constitutional instability presented in the literature review chapter. While I acknowledge their strengths, I now seek to develop further my argument that the psychic factor put forward in this thesis complements these mainstream narratives. My aim in this chapter is to conduct a comparative analysis of the cases discussed in the previous two chapters to better grasp the role played by the psychic factor at play in the frequent replacement of Ecuador's constitution. Crucially, however, I also foreground how this factor intersects with elements emphasized in other accounts of constitutional instability. To do so, important theoretical and empirical elements addressed in Chapters 3 and 4 are rearticulated here. I thus argue that a psychoanalytically informed approach to constitutional instability in Ecuador can be strengthened when the psychic factor is articulated with, rather than ignoring or marginalizing, economic, political, and institutional considerations, since these rarely appear without some form of psychic inflection.

The research puzzle driving this doctoral investigation concerns the enigma of Ecuador's dramatic constitutional instability, illustrated by 20 constitutions since 1830. The literature on constitutional instability reviewed in Chapter 1 speaks of philosophical, legal, institutionalist, economic, and context-dependent regional variables accounting for this type of instability. I have argued that despite their usefulness (rearticulated below), these schools of thought have tended to neglect other elements exerting influence on Ecuador's constitutional instability, such as the psychic processes of identification, idealization, guilt, and the transgressive dimension of ideology. In particular, I have suggested that these processes shape in part the ritualistic and repetitive character of constitutional replacements in Ecuador. Theoretical resources drawn

from psychoanalysis and the Essex School of Discourse Analysis have helped grasp these psychosocial factors in the empirical cases, particularly via the category of Oedipal messianism. While indebted to Freud's *Moses and Monotheism*, my approach also draws on the Lacanian notions of (amongst others) *enjoyment* and *fantasy*, which are rearticulated in this chapter in light of Cavaletto's (2007) contribution. RPA has served as a useful tool in previous chapters. It was 'deployed' as a method for an in-depth discourse analysis of the 1869 and 2007–2008 CAs, allowing us to better identify, characterize, and highlight how the psychic factor appears and operates in these discourses. In particular, I argue that Ecuador's long-lasting history of political instability has fostered a political culture prone to supporting *messianic* leaders, that is, lawgivers whose personages have been invested with the hope and aspiration of perpetual stability, epitomized by the setting up of CAs themselves. Presidents García Moreno, Eloy Alfaro, and Rafael Correa have illustrated my case studies. In this final chapter my main objective is to better contextualize how Oedipal messianism, as discussed in this thesis, operates in relation to other variables that seek to explain Ecuador's constitutional instability.

Chapters 2–4 have focused on the psychoanalytical dimension accounting in part for Ecuador's constitutional instability. But the psychic element is intertwined with broader processes, something Freud was well aware of. As Cavaletto puts it, throughout the 1920s Freud's instinct theory extended outwardly from biology to psychology and to sociology. Freud proposes this extension in *Civilization and Its Discontents* (1920):

The conception of Eros ... passed from a speculation upon the coalescence of unicellular organisms to a sociological theory of group formation. The conception of the Death instinct ... passed from a speculation upon cellular catabolism to a sociological theory of civilizational disorder (Cavaletto, 2007, p. 33).

In this psychosocial context, what is the significance of a psychoanalytically informed account of Ecuador's constitutional volatility? In line with Glynos (2021), how can we conceptualize the relationships between the non-psychoanalytic and psychoanalytic accounts of constitutional

volatility in this country? To answer these and related questions, this chapter draws comparisons using key theoretical and empirical elements discussed so far. The examination of alternative hypotheses on Ecuador's constitutional volatility does not always follow the order in which these alternative hypotheses appear in the literature review, nor the chronological order in which CAs appear historically. Some approaches to constitutional instability are discussed in the same section due to their interconnection. Certain schools reviewed in Chapter 1 are not analysed here because of their auxiliary importance.

In this chapter I argue/show that my psychoanalytic hypothesis sheds light on two key aspects: first, it emphasizes the psychic factor overlooked by mainstream accounts of constitutional instability; second, it adds value to some of these accounts. This chapter is structured as follows. Firstly, relying on a rather wide definition of 'constitution', I reflect comparatively on the hybrid and conflictive nature of the Rousseau-inspired presidential system in Latin America, after which I show how the psychic factor can be said to complement this French understanding of democracy. I focus, in particular, on how the psychoanalytic notion of 'messianic leadership' fills the gap found in Sieyès' democratic theory when applied to Ecuador, a country where strong caudillos/Messiahs (democratic and non-democratic) have convened CAs. I then address the relationship between economic and psychic factors influencing the 'urgent need for' a Messiah in an underdeveloped nation, after which I highlight the contribution that a rational choice approach —and related perspectives— can make to our understanding of Ecuador's constitutional instability. I show how psychoanalysis adds value by acknowledging the non-rational aspect that informs constitutional volatility. Using the indigenous question and the issue of environmental protection as empirical illustrations, I also point to the institutional tension found in presidential systems —and its impact on constitutional instability— showing how psychoanalysis can complement this account by focusing on the roles that charisma and plebiscites play in presidential democracies. Finally, the last two

sections of this chapter offer a psychoanalytic complement to mainstream hypotheses concerning the ‘authoritarian’ and Latin American character of constitutional politics.

Rousseau and the Constituent Power in Ecuador: The 1869 and 2007–2008 Conventions

In this section I argue that the hybrid, conflictive, and volatile nature of Ecuador’s constitutional tradition, which is underpinned by Rousseau’s doctrine and the US presidential model, can be better understood in light of the Oedipal meaning of democratic and non-democratic ‘Messiahs’ in Ecuador. In suggesting so, I foster dialogue between political philosophy, Ecuadorian historiography, and psychoanalysis.

In this work I have borrowed King’s (2011) definition of a constitution, the latter inspired by two values: neutrality and universal applicability. He defines a constitution as ‘the set of the most important rules and common understandings in any given country that regulate the relations among that country’s governing institutions and also the relations between that country’s governing institutions and the people of that country’ (p. 3). This definition avoids moral and political judgements, such as those suggesting that a given constitution is ‘good’ or ‘bad’. Almost every nation has a constitution as defined above, apart from, perhaps, ‘failed states’. Codified and non-codified charters (e.g., the British) fit the same definition of a constitution. King’s definition can capture what is constitutional in one country in two dramatically different contexts, such as the constitution of Nazi Germany and that of today’s Germany (pp. 3–4). This ‘neutral’ definition of constitutions, which ‘are never ... written down in their entirety’ (King, 2011, p. 5), allows us to navigate through cultural differences. It also distinguishes what is (and what is not) constitutional in a non-codified and codified charter. For instance, Ecuador’s 1869 and 2007–2008 CAs discussed non-constitutional and highly

aspirational themes (García Villegas, 2012) in ‘the hope of a new beginning’ (Negretto, 2008). Some of these themes were later enshrined in its codified constitutions.

The Anglo-Saxon philosophical and legal tradition helped shape the US’ constitution. The 1789 Revolution and Rousseau’s *contractarian* edifice influenced the independence and framing of the new constitutions in Hispanic America. But this founding moment in the former Spanish colonies had already been impacted by another architecture: the presidential system built in the US in 1787. The new constitutions in Latin America resulted in a hybrid comprising a strong executive, the doctrine of the separation of powers, and a legislature ‘representing’ the *general will*.

Sieyès’ operationalization of Rousseau’s doctrine has exercised some influence in presidential Ecuador. The *constituent power* (i.e., the *collective* capacity to legislate on any matter) has been bestowed on the people’s deputies. This has allowed the legislature to legally change the constitution as many times as it has seen fit. Since presidents are also elected by the people in this country, these leaders too have prompted constitutional replacements ‘in favour of’ the people’s well-being. There is a philosophical and legal basis for frequent constitutional replacements in presidential Ecuador, but this country’s hybrid constitutional edifice, inspired by the precept of the ‘general will’, creates short-circuits, as the 1869 and 2007–2008 CAs show.

The 2007 referendum asked the following question: ‘*Do you approve the call and installation of a Constituent Assembly with full authority in line with the attached electoral statute to transform the constitutional frame of the State and to elaborate a new Constitution?*’

43

⁴³ ‘¿Aprueba que se convoque e instale una Asamblea Constituyente con plenos poderes de conformidad con el estatuto electoral que se adjunta para que transforme el marco constitucional del Estado y elabore una nueva Constitución?’ Retrieved from: <https://www.notimerica.com/politica/noticia-ecuador-tribunal-electoral-aprueba-propuesta-correa-convoca-consulta-popular-15-abril-20070302185318.html>

The way this referendum was framed illustrates the operationalization of Rousseau's legacy in Ecuador's contemporary democracy because the bearer of sovereignty is the people, and it follows that its representatives —convened in a constituent assembly— should have 'full authority' within state affairs. While the 2007–2008 CA was in session, subcommittee 10 legislated and performed audits of the state. This situation, which favoured the majoritarian movement in the convention (*Alianza País*), created controversies in the opposition. The third force in the assembly (PRIAN) claimed that the CA's power to legislate had not been authorized by the sovereign in the April plebiscite (Vicente Taiano MA, 2007-12-13, p. 20). Leonardo Viteri MA also disapproved the legislative function of the convention, though he did not rely on the people's will to support his argument (*ibid*, pp. 23–24).

Taiano's 2007 complaint is similar to that voiced in 1869, the proposition that the *constituent power* delegated by the people to their representatives did not automatically entitle them to legislate. This prerogative is inherent to a *constituted power*, e.g., Congress. Despite contextual differences, this type of complaint invites us to reflect on the practical difficulty of the Rousseauian nature of presidential Ecuador. In view of the above referendum question, it could be argued that while the sovereign agreed to delegate its 'full authority' to its representatives to write a new *pact*, it did not delegate its legislative power. From a similar perspective, the opposition in the 2007–2008 convention contended that the plebiscite's statute only bestowed the *constituent* prerogative —to write a constitution— on the assembly (The Carter Center, 2008, p. 23). There are at least two plausible counterarguments to this. As Lenin Hurtado MA put it, the notion of 'full authority' inscribed in the above referendum entailed the convention's ability to legislate (2007-12-13, p. 26). Also, it could be that during the eight-month period in which the convention deliberated, the republic could not stop its daily business, such as legislating. These grey zones bring to the fore the criticism of the short-circuits characteristic of presidential systems imbued with Rousseau's legacy.

Rousseau's influence on Ecuador's latest CA is indisputable. The 2007–2008 CA could modify this country's legal system (this was explicitly stipulated in the Assembly's Regulation). But this philosophical *ethos* required some historical amendments. Unlike 1869, the Rousseauian legacy in 2007 embraced politico-cultural minorities. If an MA's first language was not Spanish, he/she was entitled to address the plenary in their native tongue. Up to five minutes were granted for the translation of their speech into Spanish. The CA's documentation was made available to the public in both Spanish and Quechua. This non-European language was also spoken in Bolivia, Colombia, and Peru, as Carlos Pilamunga MA stressed in a speech that began in Quechua (2007-12-11, pp. 18–19, 28, 32, 34). By including Quechua as part of the CA's official languages, the cultural character of this convention 'lost' the cultural homogeneity praised by Rousseau in its *Social Contract*.

Despite these disputes about whether a constituent assembly can legislate, as well as the nuances between the exclusionary logic of the 1869 CA and the inclusionary one of the 2007–2008 CA, both conventions drew on Rousseau. His doctrine, as it has been operationalized for contemporary times, allows the people's representatives to replace the constitution as many times as they see fit. In fact, on average, Ecuador has replaced its codified constitution every ten years.

Ecuadorian History and the Psychic Factor

It is hard to believe that every ten years 'the set of the most important rules and common understandings' of the Ecuadorian republic was changed. As the 1869 and 2007–2008 CAs have shown, the majority of topics discussed by these assemblies were non-constitutional articles. Various themes were addressed by these conventions, ranging from the citizens' petitions to national laws (these CAs served as the legislature during the period in which they were in session). But there is a clear difference between these two processes. Rousseau's maxim

that the legislature prevails over the executive applies to the 2007–2008 CA. It was thanks to the people's vote that the CA became the ultimate authority in presidential Ecuador while the convention was in session. By contrast, the 1869 CA was preceded by a putsch conducted by former president García Moreno, whose proposed constitution was sanctioned by an assembly composed of his supporters. This difference speaks to the limited applicability of Rousseau's maxim in understanding the non-democratic character of some CAs in Ecuador. Constitutional instability in this country cannot be simply equated to the 'general will' enacted by the people's representatives in the almighty legislature, a regular legislature, or a CA.

The role played by the leader in the frequent processes of replacements in Ecuador appears to be a key explanatory factor. The legitimation of García Moreno's putsch by the 1869 CA was not an isolated event in the 19th century. Once García Moreno was assassinated, Antonio Borrero was elected president, later overthrown by Ignacio Veintimilla. 'Besides approving the new constitution [that of 1878], the convention elected Veintimilla as president for four years. *As on other occasions, the scheme of Constitutional Conventions served to legitimize a putsch*' (Espinosa, 2010, pp. 554–555, 558, emphasis added, own translation). Just like former *caudillos* (e.g., Flores, García Moreno), Veintimilla relied on a putsch to perpetuate his presidency for another four years, which caused a civil war between competing *caudillos* (Alfaro was one of them). After the 1883 civil war came to an end, there were constitutional governments from 1883 to 1895, when Alfaro overthrew the democratic government, and he convened a CA in 1896. Alfaro, the leader of the liberal revolution, conducted another putsch in 1905, this time against a liberal government, and convened another CA in 1906. The 1906 constitution 'consecrated the changes introduced by Alfaro since the beginning of the Alfarist revolution: the separation between the State and the Church and secular education' (Espinosa, 2010, pp. 559–564, own translation).

A psychoanalytic approach to messianic leadership amongst the Ecuadorian elites contributes to our understanding of constitutional replacements in presidential Ecuador. In this country the substitution of the previous charter by a new one has been preceded by either putsches or democratic processes. As the 1869 and 2007–2008 CAs have shown, these conventions relied on Rousseauian terminology, corroborating the influence that Rousseau’s doctrine has had in Ecuador since independence. Democratic and non-democratic constitutional replacements have been inspired by ‘strong’ and ‘authoritarian’ leaders or caudillos. The non-democratic (1869) and democratic (2007–2008) cases analysed here serve as a partial illustration. I say partial because I cannot generalize the findings of this thesis based on two out of a total of 20 CAs in Ecuador’s history. Nonetheless, there is a common denominator in my case selection, i.e., the idealization of the ‘lawgivers’ García Moreno, Alfaro, and Correa in the 1869, 2007–2008, and 2014–2015 processes. These figures were regarded as capable of bringing a long-lasting stability for the Ecuadorian nation. Alfaro’s leadership, which entailed the non-democratic rise to power in 1895 and 1905, was admired by a highly democratic convention in 2007–2008. How can we account for this contradiction?

Freud’s *Moses and Monotheism* allows us to grasp the Oedipal meaning of the Messiahs, the lawgivers, regardless of their ideological affiliation. From the followers’ perspective, these extraordinary persons ‘return’ as the Son of the Father once killed by the *league of brothers*. From a non-mythical point of view —i.e., from a strictly Oedipal understanding—, this ‘return’ speaks to the guilty element underpinning the aftereffect of the Oedipus complex, namely, the guilt that subjects feel for having desired the ‘removal’ of their admired authority figure in childhood. From a ‘mythical’ and nonetheless efficacious perspective, the Messiahs in question personify the *fantasy* of redemption (for the killing of the father of the primal horde) and that of the promised land. The longing for these Messiahs is intertwined with the psychic processes of *idealization* and *identification*. García Moreno, Alfaro, and Correa were the persons on

whom their followers' *ego ideals* were deposited, while their comrades identified with one another in their *ego*. The idea of a promised/'perfect' land was found in the 1869 and 2007–2008 CAs. This, according to a Lacanian approach to utopian discourses, speaks to the 'forgetting of origins' (i.e., *castration*) that *fantasy* provides for subjects. The fantasy of a promised land blends with the image of the Messiahs. Here we see how Freud's thesis on the Oedipal character of religious messianism combines productively with the Lacanian notion of *castration-fantasy* and its function in utopian politics, that is, the 'filling up' of the subjects' ontological lack, that of their mythical *jouissance* (Stavrakakis, 1999).

Above I have tried to create a meaningful bridge between three disciplines: political philosophy (i.e., Rousseau's legacy in Ecuador), Ecuadorian historiography (i.e., the narrative according to which CAs in Ecuador have been prompted by democratic and non-democratic caudillos), and Freudian-Lacanian literature (the role played by these leaders in a CA from the followers' perspective). I will now address other accounts in the literature on constitutional instability, helping me to flesh out further the role Oedipal messianism plays in the constitutional politics of Ecuador.

A Psycho-Economic Approach to Constitutional Instability in Ecuador

This section hints at the partial link between the psychoanalytic factor discussed here and the mainstream literature on economic (under)development, complemented by a reflection on the question of charismatic leadership in light of Correa's presidency. Drawing on Cavalletto's (2007), Hirschorn's (1990), and the Rueschemeyer et al.' (1992) contributions, below I suggest that political 'Messiahs' might be more likely to emerge in underdeveloped countries than in developed nations.

In light of the account of Rueschemeyer et al. (1992), the following arguments can be posed regarding Ecuador's long-lasting history of constitutional instability. The lack of material

preconditions for a stable democracy has made constitutional replacements a possible and frequent practice in Ecuador. This country's lack of industry has precluded the emergence of strong working and middle classes capable of strengthening the nation's democracy through strong parties and trade unions. The upper classes have ruled the democratic game, changing the constitution for the sake of minority interests. This has resulted in frequent constitutional replacements, a symptom of Ecuador's underdeveloped (capitalist) economy. Argentina's greater industrial development compared to Ecuador (especially between 1850 and 1950), and the fact that the 1853 Argentinian constitution lasted for 100 years, supports the thesis of Rueschemeyer et al. on *Capitalist Development & Democracy*.

This economic argument on constitutional instability is sound for the Ecuadorian case. Caudillos and the elites supporting them have been key actors in the constitutional politics of Ecuador. On several occasions the constant abolition and replacement of the constitution in force served to legitimize putsches in 19th-century Ecuador (Espinosa, 2010, p. 558). The elites' agendas have created political instability, and this has led to a change of the constitutional architecture in favour of their political, economic, and social interests.

The psychic factor put forth in this thesis may tangentially complement our understanding of the relationship between underdevelopment in Ecuador and its constitutional instability. Despite the distance between 1869, 2007–2008, and 2015, there are key common characteristics in all these constitutional processes. First, Ecuador has been dependent on the unstable price of commodities, from cocoa in the 19th century to banana and oil in the 20th and 21st centuries. The socio-economic status of the vast majority of the population has been precarious since independence, making it possible for the 'need' for a Messiah to become an 'urgent matter' in this underdeveloped country. This can be inferred from the 1869, 2007–2008, and 2014–2015 discussions on the 'indispensability/uniqueness' of a particular leader, as the following fragments from quotations (cited above) remind us:

Sirs, by no means should we accept the resignation proposed by Mr. G. Moreno... [I]f [his] oath [to resign] were kept, only evils would emerge in this homeland, hence we must firmly reject it [Moreno's oath not to extend his non-democratic and temporary presidency during the 1869 CA]' (Aragundi MA, 1869).

On this occasion, namely, 96 years since the assassination of general Eloy Alfaro, his memory develops renewed force. ... [I] believe that the opportunity opened to the Ecuadorian people by this Constituent Assembly should be transformed into an exercise of historical recovery of his transformative legacy (Acosta MA, 2008).

[W]e, the 100 parliamentarians of PAIS, hope that President [Correa] makes this decision [of running for president for a third consecutive term] ... in the year 2016 ... [L]et us hope that the President continues to be in command of the country because that will be beneficial for the homeland (Issa MA, 2014).

The suggestion that the lack of economic development influences the longing for a strong Messiah during CAs is, of course, speculative. Even so, there is a potentially fruitful dialogue between psychoanalysis and economics about the role of 'caudillos' in the constitutional politics of countries whose level of economic development is so different. In *Crossing the Psycho-Social Divide*, Cavaletto (2007, pp. 4, 10–13) addresses the relationship between the social and the psychic, one found in scholars such as Weber and Freud. He notes that *The Future of an Illusion* (1927) and *Civilization and Its Discontents* (1929) are Freud's 'great books on civilization', although their approach to the relationship between the psychic world and the social varies. *The Future of an Illusion* is part of my theoretical proposal and underpins the suggestion proposed in this chapter, that underdeveloped countries provide a fertile ground for the frequent emergence of messianic leaders. The text just mentioned discusses the relationship between the *paternal complex* (i.e., the ambivalence once felt towards the father) and its transference to the monotheistic experience, where the idea of the Messiah fulfills a wish for protection. This thesis is later refined by Freud in *Moses and Monotheism* (1939). As Cavalletto notes, in the first part of *The Future of an Illusion*, Freud links the social to the psychic, while focusing on the latter: '[T]he text tends to conceptualize this world in terms of

the impact it has upon the psyche' (Cavalletto, 2007, pp. 11–12). In other words, there is a shift from social economy to psychic economy. Freud notes that throughout history there has been an inconsistency between the social production of every civilization and how wealth has been distributed: '[C]ivilization is something which was imposed on a resisting majority by a minority which understood how to obtain possession of the means to power and coercion' (Freud, as cited in Cavalletto, 2007, p. 12).

For Freud, modern civilization guarantees the education and leisure whereby the social elite can benefit from the products of progress. Most people are deprived of these assets (Cavalletto, p. 13). This socio-economic inequality has a political consequence for Freud: social revolt. But the sociological aspect of Freud's text, which is indeed preoccupied with the unequal distribution of wealth, is the first layer of his argument. What drives subjects to dissatisfaction and potential insurrection against civilization? As Cavalletto argues, this class-based analysis of social inequity in Freud is later understood in terms of psychic inequity: the *surplus of privation* of the *underprivileged classes* speaks to their instinctual privation whose external signal is material privation.

[A]nd when he [Freud] then adds that "the satisfaction" of civilized privileged classes "depends upon the suppression" of the unprivileged classes, we begin to understand that the words "satisfaction" and "suppression" refer as much or more to instinctual suppression and satisfaction than to their material or social variants. ... [E]strangement is grounded upon the extraction and transfer of instinctual energies and pleasures from the underprivileged to the privileged classes. Thus, social concepts become psychic concepts, as an inequitable distribution of instinctual gratifications. *Freud's thought here presumes a translational correspondence between inner and outer, although the mechanism by which this occurs are never spelled out*' (Cavalletto, 2007, p. 13, emphasis added).

These 'never-spelled-out mechanisms' can be, in part, elucidated here. Let us consider Hirschorn's (1990) contribution and my suggestion that underdeveloped countries might be more prone to experience the emergence of messianic leaders than developed countries. The

ambivalence informing the *Oedipus complex* (discussed in Chapter 2) has an important repercussion in the ‘us–them’ rivalry typical of politics. As Hirschorn (1990) puts it, there is a challenge that people face whenever they unconsciously revisit the infantile feeling towards the parent whom they regarded as their protector and rival. As we grow, this ambivalent feeling becomes our *superego*, namely, the heir to the Oedipus complex. The *superego* punishes the ego for having felt hostility toward the beloved parent.

[In this context], people frequently cannot contain this ambivalent relationship to their superego. They cannot simultaneously be punished and guided by this introjected authority figure. Under conditions of stress they tend to split their unconscious experience of this fantasized authority figure, projecting the hatred part onto other people and retaining the good, idealized part for themselves. In this way they feel less bad and guilty. ... *A group that feels at risk may erect and support a charismatic leader in whom they invest all their hopes ...* To protect their now idealized leader from their own hatred for authority, they must project their hatred onto others (p. 203, emphasis added).

Freud’s idea on the instinctual privation felt by the majority and Hirschorn’s comment on why charismatic leaders emerge allow us to conjecture about the compensatory mechanism underpinning Ecuador’s constitutional instability. It is safe to argue that in an underdeveloped country there is a real sense of ‘risk’ for those that lack the material means for subsistence. In this socio-economic adversity, which leads to a psychic trigger, people are likely to deposit their hope in one person deemed to be extraordinary, a trait ‘thanks to which material problems can be solved’. This has been the case in the 1869, 2007–2008, and 2015 constitutional processes previously analysed. In one way or another, during these reforms the idealization of and the identification with the leader have played their part. These processes have occurred despite differential traits amongst these leaders (according to the bibliography consulted, only Correa can be understood to be charismatic).

Charismatic leadership can play a crucial role in ‘decompressing’ the rigidity of a presidential system. It provides a way out of the institutional deadlocks at which the

executive and legislative branches often arrive. From a psychoanalytic perspective, this ‘decompression’ becomes significant when the president is charismatic, as it was the case of Rafael Correa. He was an outsider who took office in January 2007 without a list of parliamentarians accompanying him. The disenchantment of the Ecuadorian people for the failure of neoliberal reforms was canalized via an ‘extraordinary’ leader to which his followers felt attracted.

According to *The Future of an Illusion*, *identification* in adulthood is in part triggered by the ambivalent feeling that the person once felt towards her beloved parent in childhood. The idealization of the subject’s father accompanies him/her in adulthood and is later transferred to the figure of the Messiah (charismatic or not), such as García Moreno. This figure represents the fantasy of the redeemer (of the original parricide) and that of the person promising the new land (cf. *Moses and Monotheism*). As part of the same psychosocial mechanism, the hatred once felt towards him (the father) is *projected* on to the antagonistic ‘other’ (Hirschorn, 1990). Relatedly and from a Lacanian perspective, this *projection* informs, in part, the idea that enjoyment ‘constitutes itself as stolen’ (Žižek, 1990). In fact, *archaic heredity* (cf. *Moses and Monotheism*) and the *theft of enjoyment* thesis can productively converge in different topics, such as constitutional instability in Ecuador and racism. Within the ideological experience of political messianism in the constitutional politics of Ecuador, a phenomenon that occurs beyond the left/right distinction, the ‘us–them’ dynamic is also present. While the *theft of enjoyment* thesis has been applied to the case of racism, I have deployed the notion of Oedipal messianism for the analysis of Ecuador’s constitutional instability. Nonetheless, both hypotheses stem from the Oedipal dynamic, and this shows the importance of the Oedipus complex as a pivotal/guiding concept for those endeavours seeking to apply psychoanalysis beyond the clinical setting. This, of course, requires different operationalizations —which are context-dependent— of the

Oedipal dynamic, such as the ‘theft’ of enjoyment thesis for the case of racism in Ecuador, as well as the Oedipal messianism underpinning the constitutional politics of this nation.

The specificity of the Ecuadorian context can perhaps be explored with the help of a hypothetical contrast. For example, we might plausibly assume that the idealization of the Messiah might not be ‘as needed’ in a country such as Sweden, where the differences between the upper and lower classes do not result in the extreme suppression of basic needs in favour of the upper class to the detriment of the lower one. By contrast, in a nation such as Ecuador, where the ‘surplus of privation’ (of instinctual gratification) is high, a psychic *return* to a part of the Oedipal dynamic is likely to occur in its constitutional politics. Why would this be the case? Not only does economic adversity create material discontent, it also triggers psychic disappointment. A constituent assembly in a ‘third-world’ and poor country such as Ecuador provides the ‘optimal’ platform on which the ‘strong man’ (the *father figure*) is idealized in terms of a ‘super protector’. The nation ‘must rely’ on him in the hope of material and political stability in perpetuity, a hope enshrined in the new constitution. Put differently, I suggest that in a country such as Sweden, where basic material means for subsistence are provided for the whole of the population, the psychic dimension of its constitutional politics may not be as ‘emotional’ as that in an underdeveloped country. By emotional here I mean a moment in which economic adversity and the need for a Messiah converge in a mutually amplifying cycle whereby the hope for economic prosperity/stability blends with the *father figure* underpinning Christianity, irrespective of its variants (e.g., Catholicism in Ecuador and Protestantism in Sweden). This, of course, presupposes that secular politics in these countries is also influenced by a psychoanalytically informed notion of religiosity, as discussed for the case of messianic leadership.

Micro-Economic, Institutional, and Historic Approaches to Constitutional Instability in Ecuador

In this section I suggest that the Oedipal dynamic, which is intertwined with the aftereffect of *castration*, manifests itself in Ecuador's long-lasting history of CAs. This suggestion adds value to mainstream accounts focused on the subject's rational calculus in general and in relation to Ecuador's constitutional instability in particular.

According to Rational Choice theory, and related perspectives, including Equilibrium Theories, institutions are designed to restrain our behaviour via sanctions/costs/rewards. These theories are underpinned by the neo-classic assumption that individuals try to maximize their utility. Rewards and sanctions are established under the presupposition that individuals will abide by these incentives. The cost of deviation from the established pattern of conduct, according to this neo-classic approach, implies that institutions are stable, and this provides a degree of predictability in different institutional edifices at the local, national, and international level.

A constitution is a national institution that seeks to provide stability and continuity to 'the set of the most important rules and common understandings' of any given country. Mainstream scholars assume that, for the most part, institutions will remain stable, on account of the costs stemming from deviation from the path established by an institutional arrangement. From a historical perspective, the path dependence approach posits that, once an initial pattern has been established, the costs of changing it outweigh its benefits.

From these related theories, how can we account for Ecuador's historic constitutional instability, a phenomenon already addressed by the 1869 convention? It could be argued that Rational Choice theory and similar perspectives do not properly account for Ecuador's instability by pointing out how convening a constituent convention every ten years (on average) has been costly, inefficient, and ineffective. The writing of a new constitution every decade

does not provide political and legal stability required for long-term investment. But from the point of view of elites' interests, it could be contended that the continuation of the 'path' established since independence (i.e., frequent constitutional replacements) is beneficial. The sanctioning of a new constitution legitimizes the rules of the game needed to advance the elites' political, social, and economic interests, which can converge in elitist alliances. And this can happen even if *the set of the most important rules and common understandings* of the republic remains pretty much the same after the abolition of the constitution in force. Ecuador's constitutional instability can be criticized or justified by its losers and winners alike.

A psychoanalytic approach to constitutional instability in Ecuador allows us to address a phenomenon overlooked by the above accounts premised on a rational benefit cost calculus. It is by pointing to the non-rational element underpinning Ecuador's constitutional volatility that psychoanalysis can be said to add value. The 1869, 2008, and 2014–2015 highly emotional debates on the 'indispensable' leaderships of García Moreno, Alfaro, and Correa illustrate this. The longing for a leader whose knowledge and deeds are purportedly irreplaceable for the nation's prosperity suggests, at first sight, that the constitutions proposed or supported by them are to last for a long time. In other words, if the leaders or 'designers of the constitution' are so extraordinary, so should 'their' constitutions be. But Ecuador's history tells us otherwise. The frequent 'replacement' of the 'Messiah' and the corresponding Ecuadorian constitution makes more sense if approached via psychoanalysis. The hypothesis on the 'need for redemption', which is predicated on the guilt stemming from the Oedipal rivalry found in Freud's 'myth' as well as in the aftereffect of the *Oedipus complex* in adults, invites us to hypothesize that the constitutional replacements in Ecuador are influenced in part by the Oedipal dynamic. The reader may wonder why the Oedipal dynamic is to be regarded as particularly acute in the context of a CA compared to, let's say, a presidential election or any other political event. As the case of Alfaro allows us to conjecture, the quest for the *lost object* —apparently the 1906

constitution— and the ambivalent *identification* with the father figure whose death has to be atoned for —Alfaro’s— epitomize the drama informing the Oedipal dynamic. As *Totem and Taboo* indicates, the two repressed wishes underpinning the Oedipus complex are incest and the murder of the father. I suggest that the aftereffect of these wishes is in part ‘operating’ in the adult’s quest for the *lost object* (e.g., the new constitution understood as this ‘fullness-to-come’) and in the mourning —accompanied by national guilt— of heroes whose fate has been tragic. In line with the thesis that the guilty aspect of the *cultural superego* stems from the subject’s *superego* (Chapter 2), it can be said that Alfaro’s national fate matches in part with the drama of King Laius, killed by his own son: *Oedipus Rex*.

But again, why would the Oedipal dynamic be triggered in a more intense way during a CA than in any other socio-political process in Ecuador or elsewhere? After all, for psychoanalysis the Oedipal dynamic is present in many aspects (if not all) of our individual and social life. I can suggest that a CA is a highly emotional moment in which an underdeveloped country discusses the means to achieve development in the long term. These means are often promised and written in the new constitution. It is during a CA when the need for *fullness* (related to the subject’s first Other) and *protection* (related to the first and ambivalent idol) are triggered to a high (maybe the highest?) point, at least in an underdeveloped and unstable country such as Ecuador. This country has had two ‘authentic revolutions’ (that of independence and that led by Alfaro), but it has hosted 20 CAs since independence. This shows the highly emotional and gripping character of this national practice, that of constitutional replacements. A constituent convention serves as a repetitive and frequent practice where the *lost object* and the first admired *authority figure* reappear and converge.

Of course, there are other political processes where the father figure predominates. As Žižek (2008/1989, pp. 64–65) highlights, it is guilt for the killing of Caesar —the biological person— that drives repetition to anoint subsequent Caesars. The title ‘Caesar’ keeps alive the memory

of and the attempt to atone for the killing of Caesar, the ‘great man’ to use Freud’s words. This illustrates the usefulness of Freud’s thesis on *Moses and Monotheism* (as cited by Žižek, *ibid.*) beyond Latin America.

Freud’s case study has been applied to the Ecuadorian case, with particular reference to Eloy Alfaro. In this work I have not included the mourning of García Moreno (Chapter 3), as this does not appear in the 1869 official transcription provided by Ecuador’s NA. García Moreno was similarly killed by his own people with a machete, six years after his constitution was sanctioned (1875). The mourning of both García Moreno and Alfaro may have had a similar psychic logic since these persons shared key traits in the eyes of their followers. They mourned the death of a father figure whose strength and resolve were admired; their murder was lamented and atoned by the right-wing and left-wing Catholic republic.

The Presidential System, Popular Sovereignty, and Constitutional Instability

In this section I discuss the tension between the logic of presidential Ecuador and its long-lasting history of constitutional instability. This tension is illustrated/fleshed out through the indigenous and environmental questions, both addressed by the 2007–2008 CA. The psychoanalytic factor barely complements this discussion. Nonetheless, this section concludes by briefly hinting at the relevance of the concept of *enjoyment* in shedding further light on the so-called ‘authoritarianism of the elites’ in presidential Latin America.

The ‘utopian’ character of Rousseau’s *Social Contract* was not conceived for a contemporary democracy, not to mention a presidential system. Nonetheless, the spirit of this text influenced the presidential constitutions of Latin America after independence. This shaped a constitutional tradition imbued with an *aspirational* tone characterized by the promise of progress (García Villegas, 2012).

The thesis on the inherent instability of the presidential system reviewed earlier is solid. The fact that the people elect their representatives in the legislative and the executive creates gridlocks between these branches of the state (Payne and Allemand, 2007). The institutional dynamic of presidential Ecuador contributes to this instability, considering its systemic difficulty to materialize an *aspirational* promise sanctioned by one of the two legislating branches (the executive or legislative). In this conflicted context, and from the 1990s onwards, the executives in Latin America have proposed constitutional reforms to strengthen their legislative power (Negretto, 2013).

In Ecuador, the tension between the national legislature and the president has been a constant since the beginning of the republic. This issue was addressed, directly or indirectly, by the 1869 and 2007–2008 CAs. On several occasions, constitutional instability in 19th-century Ecuador was caused by putsches or revolutions led by caudillos, after which they were ‘confirmed’ as presidents by the new CA/constitution. This interrelated phenomenon can be observed in the following debate stemming from the 1869 CA:

*The Honourable Secretary of the Treasury emphasized the necessity of cutting off the fixation with reforming the Constitutions, and the convenience of having stable and durable charters. For this purpose, all the nations have created obstacles ... to reform their fundamental laws. In the United States two thirds of the States’ votes were required for any kind of [constitutional] reform ... Our previous Constitutions too have required two thirds of the votes in each Chamber (secretary of the treasury as cited by the secretary of the convention, 1869-06-04, pp. 7–8, emphasis added).*⁴⁴

*The Honourable Sarrade replied that he feared these obstacles [two thirds of the votes] ... could produce the evil we seek to remedy, as the revolutions originated from the difficulty in obtaining via legal means the Constitution’s reform. Requiring two thirds of the votes for any modification was an injustice, for this resulted in the triumph of a small minority against the majority, namely, the subduing of the two thirds minus one [<66.66%] to the third part plus one [>33.33%] (Sarrade MA, p.8, emphasis added).*⁴⁵

⁴⁴ ‘El H. Ministro de Hacienda hizo ver la necesidad de cortar la manía de reformar las Constituciones, i la conveniencia de que estas fueran estables i duraderas: que con este objeto todas las naciones habían puesto trabas i hecho difíciles las reformas de sus leyes fundamentales: que en los Estados Unidos, se requerían las dos terceras partes de los votos de los Estados para cualquier reforma...: que nuestras Constituciones anteriores habían ecsigido también las dos terceras partes de los votos en cada Cámara...’

⁴⁵ ‘El H. Sarrade contestó: que temía que estas trabas i dificultades produjeran mas bien el mal que se quería remediar; pues las revoluciones trayan su origen de la dificultad de obtener por los medios legales la reforma de la Constitución: que le parecía una injusticia ecsigir las dos terceras partes para cualquier modificación; pues esto

The minister's argument was based on the assumption that stable and durable constitutions were desirable; the US served as an exemplar. He advocated a two thirds super majority to reform the constitution. As a counterargument, Sarrade MA contended that these constitutional 'obstacles' (two thirds of the votes) have led to constant revolutions. If these institutional restrictions remained in place, revolutions 'could' continue. The 1869 convention feared the real possibility of armed rebellions led by caudillos, who put at risk the constitution in force.

The 2007–2008 CA was preoccupied with the non-revolutionary instability generated by the executive–legislative relation since the return of democracy in 1979. The unfulfilled promises made to the indigenous peoples by the 1998 constitution and the 2008 environmentally friendly constitution allow us to address the link between the logic of a presidential system and constitutional instability in Ecuador. Since the indigenous peoples were not considered citizens in 19th-century Ecuador, they did not participate in the 1869 CA. Instead, the elites spoke on behalf of this 'miserable class', which was 'included' in the Catholic nation via evangelization.

The claim to popular sovereignty found in the 1869 discourse supposed the criteria put forward by Stacey (2016) (discussed in Chapter 2). Traditionally, there is a tension between constitutionalism and popular sovereignty, which is not a synonym for majoritarianism. Stacey contends that these principles coincide in one regard: 'Where popular sovereignty and constitutionalism meet is in the idea that the people do not only appoint the sovereign, but also limit the actions that the sovereign can take' (p. 165). Self-proclaimed democrats who craft a constitution ought to follow this path if their claim to popular sovereignty is to be valid. During *constitutional interregnums* there is a 'vacuum' after the constitution is abolished in a revolutionary way. In these periods some leaders present themselves as representatives of the

daba por resultado hacer triunfar una pequeña minoría contra la mayoría: someter las dos terceras partes menos uno à la tercera parte más uno.'

people in charge of writing a new charter. Sovereign power was not delegated in a democratic way. What matters is whether the revolutionary government can ensure that the new constitution conceives every person as an equal, and whose civil and political rights are recognized. In addition, the non-discriminatory principle ought to be obeyed at all times.

Despite the rhetorical strategies of the 1869 CA, which appealed to the principle of popular sovereignty, the 1869 constitution did not comply with Stacey's (2016) democratic maxim. Firstly, the political rights of the ethnic minorities and women were not recognized by the 1869 charter. This constitution discriminated between those citizens who deserved to exercise their political rights (Catholics) and those who did not (non-Catholics). The evangelization of the indigenous peoples conducted by García Moreno's government entailed a treatment according to which the 'barbarians' were not considered as equals; they were conceived as creatures 'in need for civilization' to become equals.

The above is a necessary reflection on the contradictions stemming from a revolutionary government whose proposed constitution was rhetorically based on the principle of popular sovereignty. Stacey's (2016) contribution creates a bridge between constitutionalism and popular sovereignty in a way that allows us to critically assess these 'interregnums' where there is a 'vacuum' left by the absence of the constitution in force. Notwithstanding, and from a hermeneutic point of view, the Catholic and universal character of the 1869 Constitution sought to encompass the whole 'nation', that is, all the sons/daughters of God. From a psychoanalytic and Catholic perspective, this permits us to reassess the 'discriminatory' character of the 1869 CA. Freud conjectures that the Messiah brings the *fantasy* of redemption and of the promised land; the 1869 constitution can be regarded as the first step towards that inclusive land where every person will be 'forgiven' for their *original sin*. This includes the 'barbarians', whose evangelization will put them on the same path as those descended from Europeans. The

authorities ought to exercise the Catholic faith, a universal promise as much as that delivered by the Messiah to ensure that this political/religious mission is successful.

More than a century passed before the erasure of the indigenous' identity was amended. Article 1 of the 1998 charter recognized the 'pluri-cultural and multi-ethnic' nature of the state. This charter recognized certain collective rights that the indigenous and Afro-Ecuadorians were entitled to. Both points were acknowledged by the 2008 majority report during the first debate (7 June) on the *Character and Constitutive Elements of the State*. In this session Carlos Pilamunga MA highlighted that, thanks to the 1990 indigenous' uprising, collective rights were enshrined in the 1998 constitution (2008-06-07, pp. 6–7, 35). Moreover, the 2007–2008 indigenous demand for a pluri-national state was predicated on the value of cultural *difference*. It was addressed before the plenary by the indigenous themselves, on account of their participation as deputies of the people. In Chapter 4 I put forward a psychoanalytic (Lacanian) understanding of the fear—that of certain non-indigenous sectors—of the demand for a pluri-national state. The nation qua the first Other was being 'threatened' by an antagonistic 'other' capable of 'stealing' 'our' *fullness of enjoyment*. Despite racism, which survives in 21st-century Ecuador, the indigenous MAs played an important role in this country's latest convention, as the following passages show.

On 27 December 2007, the assembly discussed the work plan of the subcommittee on *Territorial Code and Competency Allocation*. Grefa MA began his speech by highlighting a crucial and recent event, namely, the United Nations' (UN's) official recognition (that of 13 September 2007) of the rights of the indigenous peoples. The 1998 constitution had already incorporated some of the indigenous' demands. '[I]n light of the current constitution ... the territorial divisions of both the indigenous and Afro-Ecuadorians are considered, but the colleagues of the table have not contemplated them within the levels of the state' (Grefa MA,

ibid., p. 10).⁴⁶ He continued that these divisions needed to be further discussed in the 2007–2008 CA, a point supported by Mónica Chuji, another indigenous MA (ibid., pp. 10, 16).

Grefa's intervention drew on both the UN's 2007 resolution on the rights of the indigenous peoples and the 1998 constitution to set the basis for his argument. He appealed to a purportedly logical connection between the premise and the conclusion (*logos*): since the international and national doctrines recognized the indigenous rights and their territorial divisions, the 2007–2008 convention could not work in detriment to this progression of rights. His rhetorical strategy/petition obtained non-indigenous support in the CA. This support illustrated the tension between the legislative and executive branches in presidential Ecuador, aggravated by frequent constitutional replacements (e.g., 1998, 2008):

Amongst others, the constitutional recognition [1998] of their territorial divisions is an achievement of both the Indigenous Movement and Afro-Ecuadorians. *Ten years have passed, and this right has not been legislated for its materialization. This is a problem attributable to the legislature.* I deem it important to support the petition made by the workmate César Grefa, so these territorial divisions are considered in Subcommittee four ... as this request constitutes their accomplished right (Fernando Burbano MA, 2007-12-27, p. 17, emphasis added).⁴⁷

The Ecuadorian legislature has been 'careless' in creating —via legislation— the special territories for black and indigenous peoples: 'This is a problem attributable to the legislature'. Had this legislation been passed, it would have changed *the set of the most important rules and common understandings* of the Ecuadorian republic. This negligence might have stemmed from the deadlock at which the executive and legislative often arrive in presidential

⁴⁶ 'Así mismo, en la Constitución actual, nosotros contamos, están consideradas las circunscripciones territoriales indígenas y afroecuatorianas ..., pero los compañeros de la Mesa no lo han considerado dentro de los niveles de gobierno...'

⁴⁷ 'En la Constitución vigente, uno de los logros que consiguió de parte del Movimiento Indígena y de los pueblos afroecuatorianos, fue precisamente conseguir la vigencia de las circunscripciones territoriales, que durante estos diez años no se haya podido legislar, para que efectivamente este derecho pueda ser utilizado, ha sido un problema de la Legislatura. Pero considero importante en virtud de la solicitud del compañero César Grefa, apoyarla y que estas circunscripciones territoriales sean consideradas en la Mesa número cuatro ..., ya que es un derecho alcanzado ...'

democracies. More precisely, what was recognized at the constitutional level during the 1998 convention (these minorities' special territories) did not automatically translate into a law/policy. Why? Amongst other reasons, the sanctioning of this legislation requires the majority of votes. This is not easy to obtain in a presidential democracy as a result of the checks and balances; it is only during a constituent convention when Ecuador's democracy 'coincides with' the doctrine of parliamentary sovereignty, which prescribes that 'Parliament can do anything except bind its successor' (McLean and McMillan, 2003, p. 395). The logic of presidential Ecuador helps create the frequent urge to replace its constitution given its 'failure' to materialize what was promised by the latest and almighty constituent convention.

The gap between the 1998 constitutional precepts and the lack of laws for their implementation was discussed during the 2007–2008 CA. Sergio Chacón (MA) stated that the enshrinement of collective rights in the 2008 constitution was not an invention of the 2007–2008 CA but a 'concession' of the 1998 charter. But, as the case of natural resources showed, the indigenous' constitutional right (1998) to obtain part of the revenue from the minerals and hydrocarbons located in their lands never materialized. This concession remained as an 'abstract', constitutionally assigned 'right'. Ecuador's latest convention (2007–2008) needed to stipulate the percentage of participation that the indigenous were entitled to in the eventual exploitation of these natural resources. If this was not possible, it was worth specifying that in one or two years this percentage was to be determined by the 'pertinent law' (2008-07-15, pp. 108–110).

Although the 1998 constitution established territorial divisions for 'Afro-Ecuadorians' and the 'Indigenous Movement', as well as the indigenous' right to benefit from the state's revenue, in ten years no law/policy had been sanctioned to make good on these promises. The executive and legislative branches of the Ecuadorian state have the capacity to propose laws, but the president's incapacity to find political will (e.g., the majority required by him/her in the National

Assembly) between 1998 and 2007 could have led to the state's failure to fulfil the constitutional promises. These gaps prompted in part the lobby in favour of the 2007–2008 CA. If this were the case, it is safe to further contend that the presidential system fosters, in part, constitutional volatility in Ecuador.

The inherent institutional instability of the presidential system, which relates to its reliance on a strong executive, might stimulate the yearning for a messianic leader. Thus, a psychoanalytically informed explanation complements our understanding of constitutional instability in presidential Latin America. This is a region traditionally known for the influence that its 'caudillos' exert on politics. If the Oedipal dynamic is—as psychoanalysis contends—a universal experience underpinning social, political, and religious phenomena, then a psychosocial account such as mine encounters a challenge, namely, it needs to find where, how, and to what degree the Oedipal dynamic shapes a political phenomenon. As I have suggested above, a constituent assembly appears to be a highly emotional, frequent, and significant moment in the politics of Ecuador, in which the quest for the *lost object* (the fullness-to-come enshrined in the final constitution) and the *identification* with the father figure (the Messiah) converge.

Ecuador is an underdeveloped society. In this context, as Freud rightly contends, a class-based system works in favour of a minority. This can lead to social revolt against the constitution, an indicator of the civilizing project advanced by the political elites. These ruling classes, who represent different agendas across the ideological spectrum, contribute to this social revolt. I address this phenomenon in the following two subsections, where I establish a link between the 'suicidal' and 'authoritarian' nature of the Ecuadorian constitution and the inherent instability of the presidential system.

On the 'Suicidal' Nature of the 2008 Presidential Constitution

The 2008 environmentally friendly constitution, which in part blended with the indigenous' ancestral stance on nature, might prompt constitutional volatility in the future. The indigenous and Afro-Ecuadorian questions mixed with environmental and economic controversies in the 2007–2008 convention. During the first debate on *Nature and Environment* (29 April), the majority report highlighted the key role played by the indigenous and Afro-Ecuadorian movements in publicizing the environmental degradation in Ecuador, and their contribution to the 1998 constitution was acknowledged. Under the chapter *on the collective rights* of the 1998 charter there is a section dedicated to the environment (2008-04-29, pp. 7, 12–13).

It could be said that the Constitution approved on August 10, 1998, represented an important milestone in the field of environmental policies, civil and collective rights ... After a decade of validity of the 1998 Constitution, the picture is not encouraging at all. The effects of the so-called 'natural disasters' have been greater than in any other time: inundations, droughts. The environmental costs of development are greater and greater and even more critical for the poor populations (The majority report, as cited by the secretary, *ibid.*, 13, 15).⁴⁸

Let us further address the 2007–2008 CA's environmental concern, this time in view of the work plan of the subcommittee in charge of *Natural Resources and Biodiversity*. For some, the neoliberal agenda had damaged the environment. To remedy this, a non-neoliberal framework was needed for the supervision of mining concessions. In this predominantly left-wing assembly, it was argued that the state had to consider the population's opinion as to whether mining should proceed within its territory. Moreover, the idea of granting rights to nature was discussed in opposition to conceiving it in terms of 'property' (Gorki Aguirre MA, 2007-12-27, pp. 56–8). In Gorki's own words:

⁴⁸ 'Se podría decir que la Constitución aprobada el 10 de agosto de 1998 representó un hito importante en el campo de las políticas ambientales y de los derechos individuales y colectivos ... [...] Luego de una década de vigencia de la Constitución de 1998, el cuadro no es alentador por ningún lado: los efectos de los llamados "desastres naturales" han sido mayores que en ningún otro tiempo: inundaciones, sequías. Los costos ambientales del desarrollo son cada vez mayores y aún más críticos para las poblaciones pobres.'

[T]he neoliberal system proposed the concession of water for its sale. Nowadays, the water needs to be owned by the State, the peoples and all the persons that need it. ... [S]ince a long time ago, the irresponsible management of protected areas in territories of ancestral peoples has been occurring. Not today. With our proposal, that of the Citizens' Revolution, the participation of all the ancestral peoples in those activities either benefitting or harming the nature will be considered (Aguirre MA, pp. 57–58).⁴⁹

Unlike the 'irresponsible management of protected areas' in the past (an epideitic/disapproving argument), the Citizens' Revolution regarded nature's rights as interconnected with those of 'the ancestral peoples' (a forensic/just position). This revolution proposed to ask these peoples whether they would agree with the future exploitation of natural resources, such as minerals. This was a *deliberative* argument aimed at persuading the convention to enshrine this change at the constitutional level. This proposal was later stipulated in Article 57 (subsections 6 and 7) of the 2008 constitution. Nature's rights were enshrined in Articles 71–74 of the charter in force. Article 72 stipulates the nature's right to restore itself. The government 'will adopt the adequate measures to eliminate or mitigate the damaging consequences in the environment' stemming from (amongst others) the exploitation of non-renewable resources.

Ecuador is a non-industrialized country dependent on oil, and this constitutes the state's most important revenue. The constitutional promise in favour of nature is likely to create a conflict of interest. What will be the president's decision if one of its development policies relies on the oil income, a resource whose further exploitation will continue to put at risk the Ecuadorian flora and fauna? What if granting rights to nature sows in part the seed of a future constitutional reform, the latter prompted by a government that regards this environmental maxim as 'counterproductive' to 'development'? This may be another example of suicidal constitution

⁴⁹ 'Esa fue la propuesta de un sistema neoliberal de concesionar el agua para que sea vendida, hoy tiene que pertenecer al Estado, a los pueblos y a todas las personas que la necesitamos. [...] [E]l manejo irresponsable de las áreas protegidas en territorios de pueblos ancestrales se vino haciendo desde mucho tiempo atrás; hoy no, con nuestra propuesta, de la Revolución Ciudadana, queremos dejar en cuenta [sic] que se tomará la participación de todos los pueblos ancestrales, para poder participar en todas las actividades que vayan en mejoramiento y también en las que vayan en contra y en desmedro de nuestra naturaleza'.

that Sartori (2003) means in arguing that the 1988 Brazilian ‘novel’ was ‘suicidal’ in some of its articles.

In view of the indigenous and environmental questions, I have sought to illustrate the tension between the legislative and executive branches of presidential Ecuador and the impact that this has on its constitutional regime. There might be a potential and partial complementarity between the logic of the presidential system in this country, the psychic factor put forward here, and constitutional instability. If the presidents cannot find the necessary majority in the legislature, the presidential system entitles them to ask the people —via referendum— whether they agree with their proposals. In 2007, during his first year as president, Rafael Correa did not have the parliament’s support to replace the Ecuadorian constitution. In the 2006 presidential campaign Correa decided to run for the presidency without parliamentary candidates. In April 2007, the charismatic Correa utilized a plebiscite to convene a CA to replace the 1998 constitution, the latter a part of his electoral promise. The referendum is a device that ‘decompresses’ the institutional rigidity of the presidential system. It can also speak to its ‘emotional’ component, the latter related to the figure of the leader. For the case of the 2007 referendum led by the charismatic Correa, the psychic dimension —linked to both the presidential system and charisma— appears to have played a key role in explaining the massive support of the 2007–2008 CA. More than 80% of the citizenry voted in favour of this CA in charge of writing the new constitution. Within the remaining 20%, some of the critics of Ecuador’s latest CA could have argued that the referendum was exploited by a ‘populist and democratic caudillo’. Be that as it may, here we see how political science (which studies the institution of presidentialism), sociology (interested in charisma), psychoanalysis (here focused on identification and idealization), and liberalism (which usually criticizes ‘caudillismo’ and ‘populism’ in Latin America) converge in the question of constitutional instability in presidential Ecuador in the 21st century.

In previous chapters, the emotional component of presidential Ecuador was analysed in the context of its constitutional politics, with particular reference to its leaders. The idealization of García Moreno, Alfaro, and Correa, which resulted from their comrades' *ego ideal*, created an identification amongst them in relation to their ego. The nuances of the libidinal constitution of a group reliant on a leader will depend on whether this formation occurs inside or outside a constituent convention, and whether or not the leader is charismatic, amongst other factors.

On the 'Authoritarian' Nature of Presidential Caudillos in Ecuador

The strong colonial state in Ecuador (Ayala Mora, 2011) disappeared after independence. The lack of capitalist development aggravated the weakness of the central state (Rueschemeyer et al., 1992) that followed the failed attempt to instate *Gran Colombia* (1822–1830). From 1830, the power vacuum in Ecuador was filled by *caudillos* (McLean and McMillan, 2003). In this national context of political and economic adversities, a strict adherence to the constitution in force was unlikely. In fact, as the 1869 CA put it, 'Presidents before the 1861 charter swore an oath to respect and sustain seven Constitutions and obey the laws, and they scandalously ran over them without even remembering their oath' (Noboa MA, as referenced by the secretary, 1869-05-31, p. 3).

As Gargarella (2015) argued in Chapter 1, the presidential system in Latin America inherited the 'most authoritarian' phase of it, namely, that of the first half of the 19th century, which involved the War of Independence. This relates to the thesis just mentioned on the power vacuum filled by military 'caudillos' after independence. The purportedly authoritarian character of the presidential figure in Latin America also speaks to the need to overcome gridlocks between the executive and legislative branches (discussed above). All these accounts can explain, in their own right, why 'Presidents before the 1861 charter swore an oath to respect and sustain seven Constitutions and obey the laws, and they scandalously ran over them without

even remembering their oath' (NA, 1869). In this thesis I suggest that the *libidinal and transgressive* component of ideology allows us to understand more about constitutional instability in Ecuador. Counterintuitively, the *enjoyment* procured by the transgression/abolition/replacement of the constitution perpetuates the Ecuadorian community. Let us recall how the logic of *enjoyment* operates in ideology. A community remains united by identifying itself with ideals such as 'freedom', an ideal present in the constitutional politics of Ecuador. Frequently, this same community perpetuates itself by means of collective identification with the *enjoyment* obtained by a common kind of transgression, such as that of the constitution in force (Glynos, 2021, pp. 7–8). The story of the 'authoritarian' nature of 'caudillos' needs a complement, that of psychoanalysis. Not only does this perspective addresses the leader's 'authoritarianism' but also the followers' tendency to transgress the higher law within a democratic scenario, a 'bottom-up' authoritarianism some would argue.

Constitutional Instability in Latin America, the Ecuadorian Case, and the Psychic Factor

In this final section I foster dialogue between García Villegas (2012), Negretto (2008), and my contribution. In doing so, I further discuss the Oedipal dynamic that appears to have underpinned, at least in part, Ecuador's long-lasting ritual, that of constitutional replacements. For this I focus on two key aspects discussed in previous chapters, namely, the *ambivalent identification* with the father figure and the never-ending quest for the *lost object*, both of which exert partial influence on the constitutional politics of Ecuador.

Negretto (2008) identifies a key aspect of the contemporary debate on constitutional instability in Latin America. His period analysis of 18 presidential countries in this region (1946–2000) shows a correlation between political and social instability (the contextual factor) and constitutional instability. The probability of constitutional substitutions decreases if there

are institutions that ‘diffuse power’ and allow the adjustment of the constitution when needed. Amongst others, these institutions are bicameralism, federalism, and the judicial capacity to interpret the charter in distinct contexts.

Ecuador is a highly unstable country. Revolutions and putsches have accompanied this nation from 1830 up until the 1970s, when the military was still a political actor. The return of democracy occurred in 1979. From that moment until the present, Ecuador has experienced social and political instability in the executive branch and gridlocks between the latter and the national legislature. Its institutions do not ‘diffuse power’. Unlike the US, the Ecuadorian state is unitary, and its National Legislature lacks a senate (throughout its history Ecuador has created and erased the senate in CAs). The National Assembly (formerly Congress) is unicameral, that is, exclusively composed by the people’s deputies. This nation’s political culture is accustomed to reforming its constitution (partially or completely) rather than relying on judicial interpretations of the charter in force. This is a direct legacy of the French doctrine on the *constituent power* discussed above. Ecuador represents ‘the epitome’ of constitutional instability in this region, on account of the contextual and institutional factors reviewed.

But the *aspirational* doctrine informing the Latin American tradition (García Villegas, 2012) invites us to reflect that ‘constitutional instability’ is endemic to this region and not to Ecuador alone. García Villegas demonstrates that in Latin America there is a culture for which the emancipation of a country depends on the goodness of its constitution. Elected authorities in Ecuador (and presumably in other Latin American countries) rely on the promise of a new constitution to pave the way for progress in line with their proposed agenda. Latin American constitutionalism inherits the ‘generous’ tradition—in terms of various rights bestowed by the charter—of the Mexican constitution of 1917. Since 1978 practically all countries in this region have substituted or radically reformed their constitutions to change the rules of: presidential

term limits; the electoral formulae for the executive and legislative branches; the interaction between national and local governments; the central bank; and the judiciary (Negretto, 2013).

How can a psychoanalytic approach to constitutional instability shed light on the way regional context shapes constitutional volatility? Although my hypothesis cannot be generalized to the whole of Latin America, further research may open up the possibility of exploring this potential and its limits. And this might be so considering the well-known prevalence of ‘strong leaders/caudillos’ (charismatic or not) in the politics of this politically unstable region. CAs play an important role in Latin America, not just in Ecuador, as one can infer from Negretto’s (2008) study.

The context-dependent and retroductive nature of this thesis, which seeks to render intelligible a problematized phenomenon, relies on a conjecture. This suggests that the Oedipal dynamic —with particular reference to the meaning of the Messiah— underpinned the ‘messianic’ nature of the 1869, 2007–2008, and 2014–2015 constitutional processes. The Oedipal dynamic is also present in other political phenomena, such as electoral processes, riots, etc. But the longing for both *fullness* and perpetual protection/stability is acute/illustrative in a constituent assembly. Why? The new constitution promises a fullness-to-come, that is, the beatific dimension of fantasy to use Glynos and Howarth’s (2007) language. But this fullness-to-come depends on the abolition of the previous constitution, and this requires the removal of the substitute father figure implanted in the anterior charter. This suggests an ongoing rivalry against the father as well as an ongoing quest for the *lost object* (the new constitution?). It is worth remembering Freud’s key assertion in *Group Psychology and the Analysis of the Ego*: ‘Identification, in fact, is ambivalent from the very first; it can turn into an expression of tenderness as easily as into a wish for someone’s removal’ (Freud, 1921, p. 37). This ‘removal’ may underpin the frequent replacement of the Ecuadorian constitution, a removal that hints at the quest for the *lost object*: the *fullness of enjoyment* promised by the new constitution. This

shows the political relevance of *Moses and Monotheism*. This refined myth—compared to that posed in *Totem and Taboo*—emphasizes the power that the followers' desire for redemption has in explaining the frequent 'emergence' of substitute Messiahs in politics. The relationship between the admired leader (García Moreno, Alfaro, and Correa) and the promised land ('secured' by the new constitution) was clear in 1869, 2008, and 2015, as the following fragments from previous quotations remind us:

Indeed, Ecuador owes to Mr. García Moreno its moral, intellectual, and material advancement. There has been no-one else who, as president, would have given more beautiful brushstrokes in the painting of progress for the country's good than García Moreno (*El Joven Conservador*, 1869).

Why do those who seek to write a new future for the country remember you in this Alfaro's City in Montecristi? ... What do you [Alfaro] still have to say to us? ... Not only did you lead the most important revolution that Ecuador has known, but you were also a great builder of our identity as a national State (Martha Roldós MA, RED, 2008).

Leaderships are neither decreed nor established by fate or destiny. They are a series of aspects condensed in one person who has been capable of representing values, expectations, wishes, and collective aspirations. In a given moment of a country or a region, [these leaderships] are essential for consolidating processes (the bloc of parliamentarians representing the Citizens' Revolution and justifying indefinite presidential re-elections before the Constitutional Court, 2015).

Some of these excerpts illustrate a twofold psychic phenomenon put forward in *Group Psychology and the Analysis of the Ego*: a) the followers' identification with one another in relation to their *ego*; b) the idealization of García Moreno, Alfaro, and Correa, as a result of the transference of the followers' *ego ideal* to a common object: the leader. As regards the conjecture that the Messiah entails the followers' need for redemption for the killing of the father of the primal horde—a guilt re-ignited by the aftereffect of each subject's oedipal rivalry—, Freud's sociological thesis becomes useful: the *paternal complex* since prehistoric times has an intergenerational effect (i.e., *archaic heredity*) and thus motivates the subsequent yearning for the 'resurrected Messiah'. This longing manifests itself in the followers' adherence

to the ‘great man’ or ‘hero’ typically present in politics. Besides the explicit or implicit sway that Presidents García Moreno and Correa exerted on the 1869 and 2007–2008 CAs, the invocation of previous caudillos/heroes was common, such as Urbina in 1869 and Alfaro in 2007–2008. The mourning tone that characterized the 2008 parliamentary session seeking to atone for Alfaro’s ‘terrible’ death was worthy of attention. This session brought together different parties and organizations beyond Alianza País. This ‘blurring’ of the left-right distinction in 2008 resonates with the mythical totemic banquet, a ritual in which the whole of a community re-experiences pleasure and guilt for the killing of its ‘founding’ f/Father.

Concluding Remarks

In this final chapter I have revisited key aspects of the mainstream literature on constitutional instability, integrating these into my account of the Ecuadorian case. These include the impact that an underdeveloped economy has on democratic (in)stability, the Rousseauian character of presidential Ecuador, its inherent instability on account of the legislative–executive tension, and its endemic ‘authoritarianism’. In doing so, however, I have sought to establish a dialogue between these non-psychoanalytic explanations and my psychoanalytically informed argument on Ecuador’s history of constitutional instability.

The nature of the alternative hypotheses discussed in this chapter is multifaceted. It entails philosophical, legal, institutionalist, historical, and economic rationales. In different degrees, my comparative reflection has prompted the invocation of psychoanalysis as a complementary approach in explaining constitutional instability in Ecuador. The philosophical and legal feasibility of frequent constitutional replacements in Ecuador —predicated on Rousseau’s and Sieyès’ democratic doctrine— is complemented by my argument, namely, that the *fantasy* of the Messiah occurs across the ideological spectrum. More precisely, the need for *redemption* for the killing of the father of the primal horde and the desire for the promised land are aspects

beyond the left/right and democratic/non-democratic distinctions. The putsches conducted by the conservative García Moreno and the liberal Alfaro to sanction the 1869 and 1906 constitutions, as well as the democratic character of the 2008 charter, are illustrative of the trans-ideological and trans-democratic psychic dimension of the phenomenon. It is noteworthy, for example, that although General Alfaro rose to power via non-democratic means, a highly democratic and participatory convention (that of 2007–2008) praised him. In other words, the messianic discourse found in a constituent assembly —the foundational moment of the Ecuadorian republic par excellence— is similar in two highly different contexts: that of 1869 and 2007–2008. It could be argued, then, that Rousseau’s influence on Ecuador’s democracy is in tension with its trans-democratic messianism. Alternatively, it could be contended that the Rousseauian nature of presidential Ecuador fits its trans-democratic messianism. After all, in the *Social Contract* Rousseau highlights the importance of the *legislator*, a person whose extraordinary knowledge serves as the basis for the laws to be written and then voted for by the sovereign (*the populus*). Irrespective of the fact that Rousseau prioritizes the legislative over the executive, the idea that there is one person whose wisdom is pivotal in the law-making process resonates with the idea of the Messiah/lawgiver (e.g., García Moreno, Eloy Alfaro, Rafael Correa), i.e., this extraordinary leader who ‘ought’ to exert influence on the writing of the fundamental law.

When the proposed dialogue between non-psychoanalytic and psychoanalytic accounts has been possible, I have mainly relied on Freud’s argument put forward in *Moses and Monotheism*, with particular reference to the idea that there is an *archaic heredity*. The killing of the father of the primal horde occupies a central place in this heredity, a possession inscribed in the subjects since their birth. According to this thesis, the league of brothers and later the members of the community identified with the killed father during the totemic banquet. As I have suggested above, this prehistoric ambivalence is reignited by the subjects’ own *Oedipus*

complex. Later this *complex* mutates into the subjects' *superego* as well as their *cultural superego*. As we have seen for the case of Alfaro, the *cultural superego* is based on the admiration and sense of guilt that link societies to their heroes in a way that resembles part of the aftereffect of the conflictive Oedipal dynamic. The rhetorically and psychoanalytically informed analysis of Alfaro's legacy is illustrative of this conflictive Oedipal dynamic. Let us recall that Acosta, the most voted for MA and the president of Ecuador's latest CA, asked the convention to draw inspiration from Alfaro's legacy to write the 2008 constitution. To do so, Acosta emphasized the societal ideals personified in Alfaro, while stressing that Ecuador's recovery of Alfaro's legacy in 2008 would atone for his assassination in 1912. Here we see the *ambivalence* informing the *messianic* character of Alfaro's leadership, the latter predicated on the *Oedipus complex* and thus linked to Ecuador's *cultural superego*, at least as it manifested during the 2007–2008 CA.

The idealization of and ambivalent *identification* with the father figure appears to be a psychic phenomenon that can manifest itself beyond the clinical setting. It might be that Freud created this sociological 'myth' on the killing of the father of the primal horde to highlight the influence that the *Oedipus complex* has on religious and political affairs. The question of messianic leadership is a good example, as the cases of Moses, Christ, and substitute figures (García Moreno, Alfaro, and Correa) allow us to infer/suggest. Besides identification, their followers idealized (i.e., aggrandized) the qualities of all these leaders. And this, some would argue, implies a regression to an early experience where the father figure was the recipient of this aggrandizement. But the conflictive admiration that the subject experiences with his/her father in childhood is intertwined with the *object-cathexis* once felt towards the mother, the subject's first Other. To wrap things up, then, the psychic factor discussed in this thesis and its relation to constitutional instability in Ecuador comprises the longing for the father and mother figures. I suggest that the former yearning is 'instantiated' in the figure of the leader, while the

latter is 'manifested' in view of the *fullness of enjoyment* promised by a new constitution. The Oedipal triangle cannot do without its three constitutive elements: the follower, the leader, and the constitution.

Conclusions, Limitations and Future Research

The objective of this last section is twofold: a) it highlights this thesis' main argument, conclusions, and limitations; b) it then articulates this thesis' findings with possible avenues for future research.

This investigation has been guided by the following overarching question: *How can we best characterize and account for Ecuador's constitutional volatility?* To answer this, I have focused on the psychoanalytic factor accounting in part for this instability. In light of available archives stored in Ecuador's NA, I have put forward the following argument. Ecuador's long-lasting history of political instability has fostered a political culture prone to supporting *messianic* leaders, that is, lawgivers whose personages have been invested with the hope and aspiration of perpetual stability, epitomized by the setting up of CAs themselves. Beyond the study of these CAs, my analysis of the constitutional reform that abolished presidential term limits in Ecuador has sought to further strengthen my argument. My hypothesis has been illustrated by these processes, inspired by the leaderships of García Moreno, Eloy Alfaro, and Rafael Correa. The notion of messianism underlying my argument draws heavily on Freud's thesis on monotheism. This and certain Lacanian concepts (e.g., *enjoyment, castration, fantasy, the superego*) have allowed us to grasp that which underpins the affectively invested dimension of constitutional instability in Ecuador. More precisely, I have suggested that this dimension, which has appeared in a rather ritualistic, repetitive fashion, can be productively interpreted from the perspective of the *ambivalent identification* with the father figure and the never-ending quest for the *lost object*. Put differently, the 'emotional' component buttressing constitutional volatility in Ecuador can be elucidated by considering how the Oedipal triangle matrix influences the intertwined dynamics of the promised constitution, its supporters (the followers), and its promoters (the leaders).

More specifically, in Chapter 1 I discussed mainstream accounts of institutional (in)stability, all of which are capable of explaining key aspects of constitutional instability in Ecuador in their own right, starting with the philosophical and legal tradition. This tradition, influenced by the 1789 French Revolution and underpinning much of presidential Latin America, is useful because it shows how Rousseau's *Social Contract* shaped in part the 'political culture' of this region. This culture is characterized by the predisposition to embrace the partial or total reform of the constitution in force. According to this revolutionary perspective, it is the sovereign (the people or their democratic representatives) who ought to decide when a constitutional change is needed. In presidential Ecuador, democratic and non-democratic leaders across the ideological spectrum (who have also depicted themselves as the people's representatives) have convened CAs to sanction new constitutions. This repetitive ritual has occurred every decade, a dramatic average some would argue.

But the French and revolutionary tradition can be complemented by insights furnished by mainstream political economic thought. Thus, in Chapter 1 I also discussed the political implications of economic underdevelopment in light of *Democracy & Capitalist Development* and my case study. In a non-industrialized country such as Ecuador, which lacks strong working and middle classes, its constitutional politics has been mainly influenced by the rural and urban elites. Their conflicted interests have led to unstable alliances, and these have manifested themselves in the frequent rewriting of the fundamental law, Ecuador's non-democratic 'social contract'. And this points us in the direction of the 'path dependence' perspective, which suggests that deviating from the historical pattern established after the Ecuadorian independence in 1830 (i.e., the pattern of constitutional replacements in 1835, 1843, 1845 ...) would entail more costs than benefits for all sides of the oligarchic-elite divide. In other words, it would be more costly for these actors to renounce this unstable pattern than opt for a long-lasting constitution. The latter option would not allow them to change the rules of the game

according to their minority and short-term interests, some of which are linked to the prices of certain commodities. Here we see how the political economy and the path dependence approaches, as well as the rational choice and other related theories discussed in Chapter 1, are based on the *homo economicus* paradigm. According to this rationale, actors are rational individuals who seek to maximize their individual benefits, such as those stemming from frequent and varying oligarchical/constitutional pacts that work to the detriment of the public good.

However, the replacement of the constitution in Ecuador has been frequently prompted by non-democratic caudillos, which contrasts sharply with the picture presented in those accounts that draw heavily on the French/Rousseuian tradition mentioned above. Hence, the contractarian and democratic discourse typical of CAs needed a critical revision, an enterprise put forward in Chapter 2. There I proposed a framework capable of linking leaders, followers, and their ‘social contract’ in a way that sought to fill the main gap found in the literature, namely, the identification and elucidation of the ritualistic, repetitive, and destructive character of Ecuador’s constitutional regime, a ritual inspired by strong, often authoritarian, leaders from across the ideological spectrum.

Drawing on some of Freud’s ‘social’ texts (*Totem and Taboo*, *The Future of an Illusion*, *Group Psychology and the Analysis of the Ego*, *Civilization and Its Discontents* and *Moses and Monotheism*), in this thesis I have operationalized what can be called the logic of ‘Oedipal messianism’. This category is heavily —not exclusively— shaped by the following psychic and interrelated mechanisms fleshed out throughout this thesis: the *return of the repressed* purportedly instantiated in humanity’s *archaic heredity*, that is, the intergenerational return of the guilt for the killing of the father of the primal horde through the fantasy of messianic redemption personified in substitute father figures. Put differently, a *return* (found in politics and religion) of the ambivalent *identification* once felt towards the authority figure. Moreover,

the mother figure has made its appearance felt through ‘Ecuador’s quest’ for the *lost object*. This quest is elucidated through the Lacanian understanding of the *object petit a*, the object cause of desire, the *fantasmatic* realm in which the promise of *fullness* appears. In a nutshell, I have suggested that the Ecuadorian constitution constitutes the *object petit a* par excellence in the politics of this country, a *political object* that speaks to a communal quest for the *lost object*. I base this suggestion on the fact that 20 CAs have shaped Ecuador’s turbulent political life in the hope of a new beginning, one that promises a *fullness-to-come*. In this threefold context (follower, leader, constitution), the Oedipal-messianic triangle offered a conceptual matrix with which to develop a complementary understanding of ‘constitutional instability’ in Ecuador. The retroductive way in which I have interpreted the constitutional processes of 1869, 1906, 2007–2008 and 2014–2015 (Chapters 3 and 4) sought to illustrate how ‘Oedipal messianism’ operates in a highly affectively invested, foundational, and ritualistic form.

This thesis has its limitations too, of course. A few of them are worth mentioning by way of conclusion, not least because they point to possible exciting future lines of research. First, this investigation has exclusively relied on the official discourse of the Ecuadorian elites in the 1869, 2007–2008, and 2014–2015 constitutional processes. Consequently, other legitimate stories have been erased, such as those found on the margins of the official discourse. A future ‘bottom-up’ endeavour could focus on the non-elite audiences interested in the constitutional politics of Ecuador in general and the constitutional processes here analysed in particular. This would require paying attention to other primary sources, such as marginal/rural archives, the media, interviews, and social media when appropriate. This would also involve discussing the question of leadership from a non-hierarchical point of view according to which leadership cannot be equated to one single leader. Less traditional forms of leadership might therefore complicate the particular psychoanalytic understanding of leader-based group formation relied on in this thesis. Second, this doctoral investigation has studied the Ecuadorian context, leaving

unattended necessary comparisons within the region, all the more so considering that ‘constitutional instability’ is not endemic to Ecuador alone but to all Latin America. Since psychoanalytically informed endeavours tend to call for an in-depth discourse analysis, an initial two-country comparison might appear a promising way forward for a future investigation. Such a comparative study would have to consider the clear contextual differences between sub-regions within postcolonial South America, for instance, that between the Andean area and the Río de la Plata, regions with different ethnic and economic histories. In this comparative context, and from a psychoanalytic perspective, one could imagine asking: what ‘psychic nuance’ makes Argentina —where a genocide occurred at the end of the 19th century— a more stable country in terms of constitutional replacements than Ecuador, where the state did not implement a genocide? Relatedly, do colonial variants affect differently the Oedipal dynamic of a postcolonial society, and how? Third, this thesis has focused on the enchantment informing the process of writing a new constitution. Hence, this investigation has not engaged in the analysis of affectively invested moments prior to a constituent assembly, nor the disenchantment that follows once the constitution in force fails to achieve its promises. Studying all these psychic moments (i.e., those prior, during, and after a CA) in Ecuador can shed light on the nuances informing the ritualistic nature between CAs in this country’s history.

My appeal to psychoanalytically informed categories in this thesis has sought to contribute to our understanding of a highly discussed topic in political science: ‘constitutional instability’. However, the psychoanalytic factor discussed here is not restricted to shedding light on cases of instability; it can very plausibly be used to shed light on cases of constitutional stability too, such as that of the 1787 US constitution. In other words, we can readily imagine the analytical categories of Oedipal messianism and the quest for the *lost object* being applied to the American case, often linked to its *founding fathers*. The key point, of course, in establishing these different uses of the psychoanalytic factor lies in the difference in context. Whether political instability

or stability underpins the research puzzle is a context-dependent matter. In this thesis I have unpacked certain elements of the psychoanalytic theory to better understand the unstable and cyclical rewriting of the Ecuadorian constitution. In this same line of thought, the ritualistic aspect underlying the constitutional politics of Ecuador might very well operate in CAs elsewhere, as well as in other political processes. However, this comparative observation raises a broader explanatory issue that may invite future research regarding how to negotiate the relationship between psychoanalytic categories in different contexts, not least because rituals are present in most (if not all) political phenomena? All these and related questions, can serve to better strengthen my argument while also pointing to its limits.

It is worth recalling that according to the historiography consulted and the verbal opinion of historian Ayala Mora, most (if not all) of Ecuador's CAs were inspired or prompted by 'caudillos'. It would be interesting to empirically test this thesis. To do so, the leader-follower dynamic underpinning the 18 CAs left out in this thesis would have to be considered. Future analyses of other CAs might thus throw new light on the questions of leadership and postcolonialism analysed here, as well as other elements falling outside the scope of this thesis. In the meantime, Chapter 5 has sought to foreground the always context-specific interactions between psychoanalytic and non-psychoanalytic factors, in part to avoid psychoanalytic reductionism, in part to develop a fuller account of the sorts of puzzles that animate this thesis.

On a final note, I would like to pose a few open-ended questions regarding the 'so what?' query of this investigation. This is a PhD thesis whose main purpose is to offer a novel academic understanding of Ecuador's long-lasting history of 'constitutional instability'. But the author is also interested in the practical impact that 'constitutional instability' has had in Ecuador's inclusive and sustainable development. After all, setting up CAs every decade since independence has not solved the basic needs of the population, despite the promises made by

the people's representatives in these assemblies. Can this investigation, then —or a fraction of it— be of any relevance for the political elites in Ecuador? Maybe the psychoanalytic factor emphasized in this work, which relates to the 'instability' of a postcolonial country, can be 'treated' in reconciliation conventions where a particular society seeks cultural transformations. But first, Ecuadorians would need to ask: what is exactly that which needs to be 'treated' in postcolonial Ecuador which seems to be underpinning the *frequent* need for strong and often authoritarian 'Messiahs' across the ideological spectrum?

References⁵⁰

- Acosta, A. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 28 January, 24 June.
- Aguirre, G. (2007) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 27 December.
- Alcázar, N.N., Martínez, N.N., Salazar, J. (1869) ‘Sesión del 24 de mayo’, Archivo de la Asamblea Nacional del Ecuador, 24 May.
- Alcívar, F. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 13 May.
- Alvarado, R. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 9 June.
- Amores, B. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 8 May, 9 June.
- Aragundi, J.M. (1869) ‘Acta de instalación’, Archivo de la Asamblea Nacional del Ecuador, 16 May.
- Arboleda, A. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 13 May.
- Arlotti, R. (2003) *Vocabulario técnico y científico de la política*. Buenos Aires: Dunken.
- Asamblea Constituyente (2007) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 11, 27 December.
- Asamblea Nacional. República del Ecuador (2023) *Constituciones de la República del Ecuador de 1998 a 1830*. Available at: <http://archivobiblioteca.asambleanacional.gob.ec/constituciones-antiores> (Accessed: 28 February 2023).
- Ayala, E. (2008) *Manual de historia del Ecuador II. Época Republicana*. Quito: Corporación Editora Nacional.
- Ayala, E. (2011) *Ecuador del siglo XIX. Estado Nacional, Ejército, Iglesia y Municipio*. Quito: Universidad Andina Simón Bolívar – Corporación Editorial Nacional.

⁵⁰ The following official sources (bills, acts of Parliament, executive orders, ministerial communications) follow the UK Hansard Harvard style on account of its usefulness when citing Members of the Ecuadorian Assembly and representatives of the executive branch. I have subsumed ministerial communications under the ‘Hansard’ format—as opposed to the ‘Departmental publications’ Harvard style—because Presidents and their delegates (Ministers) have played an important role in the constitutional politics of presidential Ecuador. Thus, I quote them in a similar fashion, e.g., the Minister of Foreign Affairs (2008) ...

- Ayala, E. (2014) *Rasgos históricos de la evolución constitucional del Ecuador*, in 'Historia constitucional: estudios comparativos', Ayala Mora E., editor. Quito: Corporación Editora Nacional.
- Basabe-Serrano, S. (2017) 'El fin de la hegemonía de Rafael Correa y los espejismos del giro a la izquierda en Ecuador: un análisis desde la perspectiva del electorado', in C. Arqueros and A. Iriarte (eds), *Chile y América Latina. Crisis de las izquierdas del siglo XXI*. Santiago: Instituto Res Publica, pp. 313-334.
- Bobbio, N., Matteucci, N. and Pasquino, G. (2005) *Diccionario de política*. Buenos Aires: Siglo Veintiuno Editores.
- Bohórquez, X. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 4 January.
- Breslauer, S.D. (2019) 'Negative charisma, leadership, and Martin Buber's myth of Zion', *Jewish Culture and History*, 20 (2), pp. 123-139.
- Burbano, F. (2007) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 27 December.
- Bustamante, P. (1869) 'Sesión del 17 de Mayo', Archivo de la Asamblea Nacional del Ecuador, 17 May.
- Bynander, F., Hart, P. (2006) 'When Power Changes Hands: The Political Psychology of Leadership Succession in Democracies', *Political Psychology*, 27 (5), pp. 707-730.
- Carey, J. (2003) 'The Reelection Debate in Latin America', *Latin American Politics and Society*, 45(1), pp. 119-133.
- Carvajal, MA (1869) 'Acta de instalación', Archivo de la Asamblea Nacional del Ecuador, 28 May, 21 July.
- Cavalletto, G. (2007) *Crossing the Psycho-Social Divide. Freud, Weber, Adorno and Elias*. Hampshire: Ashgate.
- Chacón, S. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 15 July
- Chuji, M. (2007) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 27 December.
- Clavero, B. (2007) *The Rule of Law and the Legal Treatment of Native Americans*. Edited by P. Costa and D. Zolo. Law and Philosophy Library, Volume 80, Springer.
- Colomer, J. (2001) 'Disequilibrium Institutions and Pluralist Democracy', *Journal of Theoretical Politics* 13 (3): pp. 235-247.
- Comité Especializado (2014) 'Primer debate de la Solicitud de Enmienda Constitucional', Archivo de la Asamblea Nacional del Ecuador, 1 December.

Constitución de 1869. Available at: https://www.cancilleria.gob.ec/wp-content/uploads/2013/06/constitucion_1869.pdf

Constitución de 1998. Available at: <http://archivobiblioteca.asambleanacional.gob.ec/constitucion-1998>

Constitución política del Ecuador 2008. Available at: https://www.cancilleria.gob.ec/wp-content/uploads/2013/06/constitucion_2008.pdf

Continuación del primer debate de la solicitud de enmienda constitucional (2014). Archivo de la Asamblea Nacional del Ecuador, 2 December.

Cordero, F. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 4 January.

Cordero, S. (2018) *La plurinacionalidad desde abajo. Autogobierno indígena en Bolivia y Ecuador*. Quito; La Paz: FLACSO, Ecuador – Programa de las Naciones Unidas para el Desarrollo.

Correa, R. (2007) ‘Es absurda la reelección indefinida’, *El Universo*, 10 November. Available at: <https://www.eluniverso.com/2007/11/10/0001/8/F275D24BD604403AA42BF797883984AD.html> (Accessed: 28 February 2023).

Correa, R. (2014) ‘Continuación del primer debate de la solicitud de enmienda constitucional’, Archivo de la Asamblea Nacional del Ecuador, 2 December.

Correa, R. (2014) ‘Correa descartó reformar la Constitución para buscar reelección’, *La Nación*, 20 January. Available at: <https://www.lanacion.com.co/correa-descarto-reformar-la-constitucion-para-buscar-reeleccion/> (Accessed: 28 February 2023).

Corte Constitucional del Ecuador (2015) ‘Segundo debate de la solicitud de Enmiendas Constitucionales’, Archivo de la Asamblea Nacional del Ecuador, 3 December.

Dahl, R. (2003) *¿Es democrática la constitución de los Estados Unidos?* Buenos Aires: Fondo de Cultura Económica.

Donoso, P. (2014) ‘Continuación del primer debate de la solicitud de enmienda constitucional’, Archivo de la Asamblea Nacional del Ecuador, 2 December.

Eguiguren, M., Noboa, T., Saenz, J. (1869) ‘Acta de instalación’, Archivo de la Asamblea Nacional del Ecuador, 16 May.

elDiario.es (2015) ‘Protestas en Ecuador contra enmiendas a Constitución y reelección indefinida’, *elDiario.es*, 25 November. Available at: https://www.eldiario.es/politica/Protestas-Ecuador-Constitucion-reeleccion-indefinida_0_456005501.html (Accessed: 28 February 2023).

El Joven Conservador (1869) *CANDIDATURAS*, Biblioteca Aurelio Espinosa Pólit (Retrieved: 8 January 2022).

- El Universo (2016) *Fernando Bustamante es el tercer asambleísta en dejar Alianza PAIS*. Available at: <https://www.eluniverso.com/noticias/2016/01/28/nota/5373631/fernando-bustamante-es-tercer-asambleista-dejar-alianza-pais/> (Accessed: 9 February 2023)
- El Universo (2017) *Rafael Correa, entre los cinco presidentes con más tiempo en el poder*. Available at: <https://www.eluniverso.com/noticias/2017/05/22/nota/6195727/rafael-correa-cinco-presidentes-mas-tiempo-poder/> (Accessed: 24 January 2023).
- Escala, J. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 25 June.
- Espindola, E. (2016) *La construcción del Estado ecuatoriano y de su ciudadanía tributaria a la luz del diezmo*. E-book available at: <https://www.flacso.edu.ec/node/111?id=4283> (Accessed: 24 January 2023).
- Espindola, E. (2023) 'Making Presidential Re-Elections Indefinite: A Psychoanalytic Contribution to the Case of the Ecuadorian Citizens' Revolution', *Journal of Psychosocial Studies*, XX (XX): 1—14, DOI: 10.1332/147867321X16763239991753
- Espinosa, C. (2010) *Historia del Ecuador en contexto regional y global*. Barcelona: Lexus.
- Evans, D. (1996) *An Introductory Dictionary of Lacanian Psychoanalysis*. London: Routledge.
- Finlayson, A. (1998) 'Psychology, Psychoanalysis and theories of nationalism', *Nations and Nationalism* 4 (2), pp. 145-62.
- Finlayson, A. (2007) 'From Beliefs to Arguments: Interpretive Methodology and Rhetorical Political Analysis', *BJPIR*, 9, pp. 545-563.
- Finlayson, A. (2013) *Ideology and Political Rhetoric*, in 'The Oxford Handbook of Political Ideologies.' Oxford: Oxford University Press.
- Freud, S. (1914) *On Narcissism*. 'The Standard Edition of the Complete Psychological Works of Sigmund Freud', Volume XIV (1914-1916): On the History of the Psycho-Analytic Movement, Papers on Metapsychology and Other Works, pp. 67-102. Available at: https://www.sas.upenn.edu/~cavitch/pdf-library/Freud_SE_On_Narcissism_complete.pdf (Accessed: 28 February 2023).
- Freud, S. (1959) *Group Psychology and The Analysis of The Ego*. London: The Hogarth Press and The Institute of Psycho-Analysis.
- Freud, S. (1964) *Feminity, Lecture XXXIII of the New Introductory Lectures on Psycho-Analysis*, in 'The Standard Edition of the Complete Psychological Works of Sigmund Freud', volume XXII. London: The Hogarth Press and the Institute of Psycho-analysis.
- Freud, S. (1964) *The Future of an Illusion*, in 'The Standard Edition of the Complete Psychological Works of Sigmund Freud', volume XXI. London: The Hogarth Press and the Institute of Psycho-analysis.

- Freud, S. (2015a) *Tótem y tabú*. Buenos Aires: Amorrortu Editores.
- Freud, S. (2015b) *Moisés y la religión monoteísta*. Buenos Aires: Amorrortu Editores.
- García Moreno, G. (1869) ‘Acta de instalación’, Archivo de la Asamblea Nacional del Ecuador, 16, 21 May, 9 August.
- García Villegas, M. (2012), ‘CONSTITUCIONALISMO ASPIRACIONAL: DERECHO, DEMOCRACIA Y CAMBIO SOCIAL EN AMÉRICA LATINA’, *Revista Análisis Político*, 75, pp. 89-110.
- Gargarella, R. (2015) ‘El “Nuevo Constitucionalismo Latinoamericano”’, *Estudios Sociales*, 48, pp. 169-173. Available at: <https://bibliotecavirtual.unl.edu.ar/publicaciones/index.php/EstudiosSociales/article/view/5105/7752> (Accessed: 20 February 2020).
- Georgetown University (2009) ‘Republic of Ecuador. Chronology of Presidents’, *Political Database of the Americas*. Available at: <https://pdba.georgetown.edu/Executive/Ecuador/pres.html> (Accessed: 28 February 2023).
- Glynos, J. and Howarth, D. (2007) *Logics of Critical Explanation in Social and Political Theory*. Oxon: Routledge.
- Glynos, J. (2008) ‘Self-Transgressive Enjoyment as a Freedom Fetter’, *Political Studies*, 56, pp. 679-704.
- Glynos, J. (2021) ‘Critical Fantasy Studies’, *Journal of Language and Politics* 20 (1), pp. 95-111.
- Grefa, C. (2007) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 27 December.
- Grijalva, A. and Castro-Montero, J.L. (2019) ‘Reelección presidencial indefinida y reforma constitucional en América Latina: análisis comparado de los casos de Venezuela, Nicaragua, Ecuador y Bolivia’, in M.C. Fuchs and M. Schaffler (eds), *Anuario de Derecho Constitucional Latinoamericano 2019*. Bogotá: Konrad Adenauer Stiftung, pp. 222—244. Available at: <https://www.scielo.cl/pdf/estconst/v18n1/0718-5200-estconst-18-01-9.pdf> (Accessed: 28 February 2023).
- Guamangate, L. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 24 June.
- Hernández, V. (2008) ‘Asamblea Constituyente’, Archivo de la Asamblea Nacional del Ecuador, 13 May.
- Hirschorn, L. (1990) ‘Work and Reparation’, in *The Workplace Within: Psychodynamics of Organisational Life*. London: MIT Press.

- Hook, D. (2008) 'Articulating Psychoanalysis and Psychosocial Studies: Limitations and Possibilities', *Psychoanalysis, Culture & Society*, 13, pp. 397-405.
- Hook, D. (2017) 'What is "Enjoyment as a Political Factor"?', *Political Psychology*. 38 (4), pp. 605-620.
- Hook, D. (2018) 'Racism and jouissance: Evaluating the "racism as (the theft of) enjoyment" hypothesis', *Psychoanalysis, Culture & Society*, 23, pp. 244-266.
- Howarth, D. (1997) 'Complexities of identity/difference: Black Consciousness ideology in South Africa', *Journal of Political Ideologies*, 2 (1), pp. 51-78.
- Hurtado, L. (2007) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 13 December.
- Ibarra, H. (2010) *Visión histórico-política de la Constitución del 2008*. Quito: Centro Andino de Acción Popular.
- Instituto Latinoamericano de Investigaciones Sociales – Revista La Tendencia (2008) *Análisis Nueva Constitución*. Available at: <https://library.fes.de/pdf-files/bueros/quito/05700.pdf> (Accessed: 28 February 2023).
- Instituto Nacional de Estadística y Censos (INEC) (2006) *LA POBLACIÓN INDÍGENA DEL ECUADOR. ANÁLISIS DE ESTADÍSTICAS SOCIO-DEMOGRÁFICAS*. Available at: <https://www.acnur.org/fileadmin/Documentos/Publicaciones/2009/7015.pdf> (Accessed: 28 February 2023).
- International Labour Organization. Available at: www.ilo.org
- Issa, N. (2014) 'Continuación del primer debate de la solicitud de enmienda constitucional', Archivo de la Asamblea Nacional del Ecuador, 2 December.
- King, A. (2011) *The British Constitution*. Oxford Scholarship Online. Available at: oxford.universitypressscholarship.com
- La Estrella de Mayo* (1869) 'CONVENCION DE 1869', 24 May. Quito: Biblioteca Aurelio Espinosa Pólit.
- Lacan, J. (1997) *The Ethics of Psychoanalysis 1959-1960. Book VII*. New York: Norton.
- Lacan, J. (1999) *Las formaciones del inconsciente 1957-1958. Libro 5*. Buenos Aires: Paidós.
- Lacan, J. (2016) *La Relación de Objeto. Seminario 4*. Buenos Aires: Paidós.
- Laplanche, J. and Pontalis, J.-B. (1988) *The Language of Psycho-analysis*. London: Karnac Books and The Institute of Psychoanalysis.
- LAVANGUARDIA (2015) *Parlamento de Ecuador aprueba enmiendas que incluyen reelección indefinida*. Available at: <https://www.lavanguardia.com/politica/20151203/30580201267/parlamento-de->

- ecuador-aprueba-enmiendas-que-incluyen-la-reeleccion-indefinida.html (Accessed: 28 February 2023).
- Lazo MA (1869) 'Sesión del 28 de Junio', Archivo de la Asamblea Nacional del Ecuador, 28 June.
- LEXICO (English Dictionary), Available at: <https://www.lexico.com/definition/latifundium>
- Lijphart, A. (1999) *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*. New Haven: Yale University Press.
- Locke, J. (2002) *Segundo ensayo sobre el gobierno civil*. Buenos Aires: Editorial Losada.
- Martin, J. (2014) *Politics and Rhetoric: A Critical Introduction*. London: Routledge. Available at: University of Essex (E-book).
- Martin, J. (2016) 'Capturing Desire: Rhetorical Strategies and the Affectivity of Discourse' *The British Journal of Politics and International Relations*, 18(1), pp. 143-160.
- Martin, J. (2019) *Psycho-politics of Speech. Uncivil Discourse and the Excess of Desire*. Bielefeld: Transcript.
- Martínez MA. (1869) 'Sesión del 19 de Mayo', Archivo de la Asamblea Nacional del Ecuador, 19, 21, 28 May, 3 June.
- Martínez, M. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 9 June.
- Masaquiza, V. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 7 July.
- McLean, I. and McMillan Alistair (2003) *Oxford Concise Dictionary of Politics*. Oxford: Oxford University Press.
- Mendoza, N.T. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 8 May.
- Ministerio de Relaciones Exteriores y Movilidad Humana (2015) *Enmienda S/N (Enmiendas a la Constitución de la República del Ecuador)*. Available at: <https://www.cancilleria.gob.ec/wp-content/uploads/2016/01/enmiendas-a-la-constitucion-de-la-republica-del-ecuador.pdf> (Accessed: 28 February 2023).
- Ministro de Hacienda (1869) 'Sesión del 21 de Mayo', Archivo de la Asamblea Nacional del Ecuador, 21 May.
- Misión de Observación Electoral de la Unión Europea (2007) *Informe Final*. Available at: <https://aceproject.org/ero-en/regions/americas/EC/ecuador-final-report-constituent-assembly-eu-2007-1/view>

- National Assembly (1869) 'Sesión ordinaria del 2 de Junio', Archivo de la Asamblea Nacional del Ecuador, 2 June.
- Negretto, G.L. (2008) 'The durability of constitutions in changing environments: explaining constitutional replacements in Latin America', *Kellogg Institute, working paper 350*, pp. 1-34. Available at: <https://kellogg.nd.edu/documents/1658> (Accessed 7 February 2020)
- Negretto, G.L. (2013) *Making Constitutions. Presidents, Parties, and Institutional Choice in Latin America*. Cambridge: Cambridge University Press.
- Noboa, N.N. (1869) 'Sesión del 31 de Mayo', Archivo de la Asamblea Nacional del Ecuador, 31 May.
- Notimérica (2007) *Ecuador.- Tribunal Electoral aprueba la propuesta de Correa y convoca a una consulta popular para el 15 de abril*, available at: <https://www.notimerica.com/politica/noticia-ecuador-tribunal-electoral-aprueba-propuesta-correa-convoca-consulta-popular-15-abril-20070302185318.html> (Accessed 28 February 2023).
- Oleas, J. (2018) *Ecuador 1972-1999: del boom del petróleo a la pérdida del signo monetario (o los costos del cambio de régimen de desarrollo)*. Quito: Editorial IAEN.
- Ordóñez MA. (1869) 'Acta de instalación', Archivo de la Asamblea Nacional del Ecuador, 3 June.
- O'Donnell, G. (2007) *Disonancias. Críticas democráticas a la democracia*. Buenos Aires: Prometeo Libros.
- Paredes, P. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 8 May.
- Payne, M. and Allamand, A. (2007) 'The effects of Presidential Election Systems on Democratic Governability', in J.M. Payne, G. Zovatto and M. Mateo (eds), *Democracies in Development. Politics and Reform in Latin America*. Washington, D.C.: Inter-American Development Bank.
- Peters, R. (2010) 'The Riddle of Charisma', *Soc* 47, pp. 516-520.
- Pierson, P. (2004) *Politics in Time. History, Institutions, and Social Analysis*. Princeton: Princeton University Press.
- Pilamunga, C. (2007, 2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 11 December 2007; 5 March, 7 June 2008.
- Presidencia de la República (2014) *INFORME A LA NACIÓN*. Available at: <https://www.presidencia.gob.ec/wp-content/uploads/downloads/2014/05/2014-15-24-INFORME-A-LA-NACIÓN-Segunda-Parte.pdf> (Accessed: 28 February 2023).

- Primer debate de la Solicitud de Enmienda Constitucional (2014) Archivo de la Asamblea Nacional del Ecuador, 1 December.
- Reporte de la mayoría (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 8 May.
- Richards, B. (2018) 'Exploring malignancies: Narcissism and paranoia today', *Psychoanalysis, Culture & Society* 23, pp. 15-27.
- Roldós, M. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 28 January, 25 June.
- Rousseau, J.-J (2005) *El Contrato Social*. Buenos Aires: Editorial Losada.
- Rueschemeyer, D., Huber Stephens, E., Stephens, J. (1992) *Capitalist Development and Democracy*. Chicago: University of Chicago Press.
- Salazar, F. (2008), 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 8 May.
- Salazar, V. (1869) Debates de la Convención Nacional, Archivo de la Asamblea Nacional del Ecuador, 19, 21 May.
- Salvador Lara, J. (2005) *Breve historia contemporánea del Ecuador*. México: Fondo de Cultura Económica.
- Sanders, E. (2009) 'Historical Institutionalism', in S. Binder, R. Rhodes and B. Rockman (eds), *The Oxford Handbook of Political Institutions*. Oxford: Oxford University Press. E-Book retrieved from the University of Essex Library. DOI: 10.1093/oxfordhb/9780199548460.003.0003
- Sarango, J. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 9 June.
- Sarrade MA. (1869) 'Sesión del 19 de Mayo', 'Sesión del 4 de Junio', Archivo de la Asamblea Nacional del Ecuador, 19 May, 4 June, 28 July (b).
- Sartori, G. (2003) *Ingeniería constitucional comparada*. México: Fondo de Cultura Económica.
- Secretary of the Treasury (1869) 'Sesión del 1º de Junio, por la noche', Archivo de la Asamblea Nacional del Ecuador, 1 June b.
- Secretary of the Treasury (1869). 'Sesión del 4 de Junio', Archivo de la Asamblea Nacional del Ecuador, 4 June.
- Secretary of War (1869). 'Sesión extraordinaria del 2 de Junio', Archivo de la Asamblea Nacional del Ecuador, 2 June b.
- Secretary of the Convention. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 5 March, 9, 29 April, 8 May, 7, 24 June.

- Segundo debate de la solicitud de Enmiendas Constitucionales (2015) Archivo de la Asamblea Nacional del Ecuador, 3 December.
- Sesión solemne en la iglesia de la compañía el 29 de Julio (1869) Debates de la Convención Nacional, Archivo de la Asamblea Nacional del Ecuador, 29 July.
- Sesión del 6 de Agosto por la noche (1869) Debates de la Convención Nacional, Archivo de la Asamblea Nacional del Ecuador, 6 August.
- Sesión del 21 de agosto (1869) Debates de la Convención Nacional, Archivo de la Asamblea Nacional del Ecuador, 21 August.
- Sesión del 24 de agosto (1869) Debates de la Convención Nacional, Archivo de la Asamblea Nacional del Ecuador, 24 August.
- Sesión del 27 de Agosto por la noche (1869) Debates de la Convención Nacional, Archivo de la Asamblea Nacional del Ecuador, 27 August.
- Sesión del 29 de agosto (1869) Debates de la Convención Nacional, Archivo de la Asamblea Nacional del Ecuador, 29 August.
- Sjoberg, G., Williams, N., Vaughan, T., Sjoberg, A. (1991). 'The Case Study Approach in Social Research: Basic Methodological Issues', in J. Feagin, A. Orum, G. Sjoberg (eds) *A Case for the Case Study*. Chapel Hill: The University of North Carolina Press.
- Stacey, R. (2016) 'Popular Sovereignty and Revolutionary Constitution-Making', in D. Dyzenhaus and M. Thorburn (eds) *Philosophical Foundations of Constitutional Law*. Oxford University Press.
- Stavrakakis, Y. (1999) *Lacan & the Political*. Oxon: Routledge.
- Stavrakakis, Y. (2010) *La izquierda lacaniana. Psicoanálisis, teoría, política*. Buenos Aires: Fondo de Cultura Económica.
- Taiano, V. (2007, 2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 13 December 2007; 13 May, 25 June 2008.
- The Britannica Dictionary. Available at: <https://www.britannica.com/dictionary>
- The Carter Center (2008). *Informe sobre la Asamblea Constituyente de la República del Ecuador*. Available at: https://www.cartercenter.org/resources/pdfs/peace/americas/informe_final_ac_-_centro_carter_distribuido.pdf (Accessed: 28 February 2023).
- Thurschwell, P. (2000) *Sigmund Freud*. London: Routledge Critical Thinkers. ISBN: 9780415215213. Accession number: 17693480
- Tiban, L. (2014a) 'Primer debate de la Solicitud de Enmienda Constitucional', Archivo de la Asamblea Nacional del Ecuador.

- Tully, J. (2002) 'The Unfreedom of the Moderns in Comparison to Their Ideals of Constitutional Democracy', *The Modern Law Review*, 65 (2), March, pp. 204-228.
- United Nations. Available at: www.un.org
- Uquillas MA (1869) 'Sesión del 21 de Mayo', Archivo de la Asamblea Nacional del Ecuador, 21 May.
- Villacís B., Carrillo D. (2012). 'País atrevido: la nueva cara sociodemográfica del Ecuador', *INEC* and *Analitika*. Available at: <https://www.ecuadorencifras.gob.ec/wp-content/descargas/Libros/Economia/Nuevacarademograficadeecuador.pdf>
- Villacreces, O. (2014b) 'Continuación del primer debate de la solicitud de enmienda constitucional', Archivo de la Asamblea Nacional del Ecuador.
- Viteri, L. (2007, 2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 13 December 2007; 8 May 2008.
- Weber, M. (2005) *Economía y Sociedad. Esbozo de sociología comprensiva*. México: Fondo de Cultura Económica.
- Zambrano, E. (2008) 'Asamblea Constituyente', Archivo de la Asamblea Nacional del Ecuador, 13 May.
- Žižek, S. (1990) 'Eastern Europe's Republics of Gilead', *New Left Review* (I/183, September-October).
- Žižek, S. (2005) 'Beyond Discourse Analysis', in *Interrogating the Real*. India: Bloomsbury Publishing Plc.
- Žižek, S. (2008) *The Sublime Object of Ideology*. London: Verso.
- Zolo, D. (2007) 'The Rule of Law: A Critical Reappraisal', in P. Costa and D. Zolo (eds) *The Rule of Law. History, Theory and Criticism*. Dordrecht: Law and Philosophy Library, Volume 80, Springer.
- Zúñiga, N. (2004). 'Un estudio de caso: Los derechos de los pueblos indígenas en Ecuador', in F. Mariño, D. Oliva (eds) *Avances en la protección de los derechos de los pueblos indígenas*. Madrid: DYKINSON.
- Zúñiga, N. (2014). *Indigenous Struggles over Recognition in Bolivia: Contesting Evo Morales's Discourse of International Decolonization*. PhD Thesis. Colchester: University of Essex.