

Tell Me Who You Cite, And I Will Tell You Who You Are

Supreme Court Citations under Regime Instability in Argentina

Juan F. González Bertomeu

IIJ UNAM

What level of *continuity* and what level of *rupture* can one observe at an apex court's decision making after a period of extreme institutional instability likely involving a complete change of its personnel? A central trait of political life in twenty-century Argentina was the long wave of regime interruptions that started when, in 1930, a military coup deposed a democratic government, and ceded only in 1983, when elections restored a democratic president to office.

The Supreme Court of Argentina (SCA), the country's apex court, was not immune to this and even took an active part in the legitimation of new irregular regimes. One way to go about finding an answer to the previous question is to search for signs of change in bulks of cases *beyond* the actual substantive content of decisions. A potentially very fruitful and, in studies of Latin American courts, still unexplored source of information for this is the SCA's citations of its case-law. How much does the "new" SCA after an episode of regime change cite the "old" court? Does the new court (partially) sidestep the old court? Does it make a difference whether the new court was appointed by a democracy or a dictatorship? Employing a fresh large-N data set of more than 26,000 hand-picked citations in over 5,500 cases, in this article I explore empirically whether there was more continuity or discontinuity at the SCA after its personnel was replaced as a result of regime change, from military to democratic rule and vice versa. I center on the five episodes of such change that ended in the total or near-total renovation of the SCA—in 1955, 1966, 1973, 1976, and 1983. The study partly revolves around the strong sympathies and antipathies surrounding the two Perón administrations, but it reaches beyond them.