

Introduction

the democratic paradox

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SORJ, B. Introduction - the democratic paradox. In: *Latin America's Elusive democracies* [online]. Rio de Janeiro: Centro Edelstein de Pesquisas Sociais, 2007, pp. 7-12. ISBN: 978-85-99662-21-2. Available from SciELO Books <<http://books.scielo.org>>.



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INTRODUCTION - The Democratic Paradox

This book discusses the end of one historic period and the beginning of a new era, which is still in its incipient stages; for this reason, it is difficult to pinpoint the main trends. Throughout the era now drawing to a close, which essentially coincides with the 20th century, social classes played a central role in shaping political and ideological life. Throughout this period, social demands were organized as collective rights revolving around the workplace which the welfare state then extended to other sectors of society.

The vision of the world sustained upon a tripod—in which the social classes were the organizers of social structure, trade unions gave shape to workers' interests, and political parties articulated social utopias—is obsolete. The transformations of capitalism and the defeat of communism diluted the structuralizing role of social classes, diminished the importance of trade unions, and weakened political parties in general and leftist parties in particular.

Anti-liberalism cannot be used as an intellectual alibi to evade the question: what new times are these? This essay's response to that question is that we live in increasingly democratic societies in which egalitarian values are intensified, even as social inequity grows. The democratization of values and expectations through expanded communications systems, the consolidation of individualism and a consumer society, weakened social hierarchies, the strengthening of "civil society" and the dissemination of the human rights discourse has fostered a sense of interdependence and common humanity among all residents of the planet. Nonetheless, democratic regimes are finding it increasingly difficult to address rising social and economic inequity and tackle burgeoning social problems, particularly violence and poverty. In Latin America, this contradiction has become particularly acute due to the expectations raised by democratization.

Democracy seems to have been consolidated, but it is not the democracy the people expected. This essay explores the reasons behind this unexpected democracy by examining how it evolved in relation to social dynamics, individualization, the democratization of social relations, and changing mechanisms for political representation.

In order to understand contemporary trends, we must first understand exactly what has changed. The current situation essentially is the result of new patterns of individualization and the configuration of collective identities and forms of political participation that fragment social representation and undermine the capacity to develop proposals for transforming society as a whole. It is important to recognize the complexity of historical processes and demonstrate the unforeseeable and unintentional consequences of social action, without falling into a Manichean or conspiratorial view of history in which all roads lead to Washington and all new forms of creativity and social action are reduced to factors set into motion by the hegemonic power.¹

Today's crisis of political representation is a byproduct of the widening gap between political parties and the NGOs—the new vectors of solidarity values—, of the emphasis on human rights discourse (coupled with the simplistic portrayal characteristic of the mass media), of the moralistic assertion of values dissociated from interests, and finally, of a purely market-centered discourse. Both the latter and human rights discourse exclude from political life the articulation of specific social and economic interests and their place in power structures.

“Civil society” and the new social actors construct their identities around human rights-related claims or demands driven by the constitutional system, NGOs, and international organizations, usually outside the political parties. While the

¹ This is true of many social scientists, some inspired by Pierre Bourdieu, who reduce any new form of social action to a process of perpetual returns for elites co-opted by the power system. It involves, in a way, a Paretean vision of history that, while presented in critical terms, is no less reactionary in that it is incapable of portraying historical changes. On the issue of human rights and Latin America from this perspective, see Yvez Dezalay, Bryant G. Garth, *The Internationalization of Palace Wars – Lawyers, Economists, and the Contest to Transform Latin American States*, The University of Chicago Press, Chicago, 2002.

accumulation of rights may reinforce a sense of dignity among the different groups, the outcomes of the demands brought forth by these new social actors have proven extremely ineffective in terms of reducing socioeconomic inequality in society as a whole.

The new forms of social participation organized around “non-socioeconomic” causes, such as, for example, ecology, feminism, race, or ethnicity, are fragmented and lack a vision of national society. This undercuts the role of political party representation inasmuch as public policy is focused on increasingly splintered targets.

The transition from the world of rights to the world of politics entails negotiations and elections, the mobilization of conflicting interests, agreements, and the administration of scarce resources. In sum, it means a shift from the ideal world to the world of scarcity. To the extent that new forms of collective action are grounded either in human rights discourse or in religious fundamentalism—involving, in both cases, demands of a moral nature, meaning that they are absolute and non-negotiable—they hamper the crystallization of political-party projects, thereby driving a wedge between morals and politics, between rights and interests.

The process of creating new rights, and new subjects of rights, has shifted demands and expectations concerning wealth distribution and social recognition toward the legal system and the Judiciary. These new rights operate, at times, as rights “by default”; that is to say, rather than actually being cumulative, they are used by social actors to fill the gaps created by the deficiencies—and sometimes simply the suppression—of the “old” social rights.

The judicialization of social conflict and the new social actors, then, has limited effectiveness as a vehicle for reducing social inequity inasmuch as it creates niches for the representation of fragmented interests, in the absence of a vision of society as a whole. This weakens political parties inasmuch as they are supplanted by new actors, particularly NGOs, whose demands generally are more symbolic than

practical and who take over the political party function of representing moral discourse and designing new social utopias.

The growing pressures and expectations shifted to the Judiciary exposed its limited ability to solve problems requiring executive or administrative responses, which, in a democratic society, fall outside of their purview and the scope of their functions. As these limitations are revealed, they have a destabilizing effect on the Judiciary, which tends to splinter based on its identification with the various social groups whose interests are riding on its decisions. Meanwhile, despite their growing ability to mobilize public opinion, NGOs are extremely limited as political pressure mechanisms since their legitimacy is undermined by their lack of a clearly-defined social mandate or constituency.

In view of the status accorded human rights as the common ideology underlying contemporary political discourses, the progressive conversion of the Judiciary into an arbiter of social conflicts, and the role of a legal regime regulating rights that transcends national borders, it is necessary to reexamine the system of institutions upon which the national State was erected, with its more or less defined separation of powers and conflict resolution mechanisms. In the new context, politics are judicialized, the Judiciary is constitutionalized, and constitutions are crafted around the values espoused by an increasingly trans-national public opinion that is no longer circumscribed by national borders.

As we shall see, the development of the “democratic paradox”—growing egalitarian expectations accompanied by deepening social inequity—has more to do with social transformation, globalization processes, and the growing influence of the North American model of society than with any particular economic policy agenda. This influence, however, was built on elective affinities and accommodations between the social and institutional processes within each national society as well as on international institution-building models. In this context, the United States and, to a lesser extent, Europe, clearly have the capacity to impose institutional models,

either directly, or indirectly, through international financial institutions and private foundations.

Nonetheless, the mechanisms that propagate inequality must be detected within each national society, since external forces or globalizing trends are absorbed by domestic institutional systems. Even as we contemplate the relevance of the interplay of factors relating to globalization and the implantation of the neoliberal economic model, which varies from case to case, we must not forget that the levels of social inequality in Latin American countries have been remarkably consistent over time. Therefore, globalization should not be used as the rationale for disregarding the institutional dynamics of national societies, which are still the main venue of social interaction, life opportunities, and individual destiny for much of the population.

The legitimacy of public action in contemporary political systems, nationally as well as internationally, is based on human rights discourse. Once this discourse came to represent the normative horizon of current democratic thought, critiques of its underlying premises have been limited, in the modern tradition, to a relativization of the human rights world as one cultural system within other possible systems. We are not, however, interested in pursuing a philosophical discussion here but with the political appropriation of human rights by social organizations and institutions. Therefore, the sociological question raised by human rights discourse does not refer to its potential epistemological limitations or internal contradictions, but rather with how different social actors use this type of discourse and the attendant political repercussions.

From the standpoint of this author's particular field, sociology, I consider it pertinent to link two disciplines: sociology and legal studies. My quest for interdisciplinary dialogue is based largely on a concept as central to conventional wisdom as it is to sociology and law: the concept of *citizenship*. This book, therefore, may be read as an effort to critically reconstruct this concept in order to demonstrate the reasons behind, and consequences of, its association with virtually every contemporary cause-driven movement, to the point of banality. Understanding

citizenship, its underpinnings and its limitations, as a core mechanism for the self-representation of individuals in modern society should not only contribute to a more rigorous use of this concept in the social sciences—which tend to mirror conventional wisdom—but also should enable us to detect the problematic consequences of extending the notion of “citizenship” to any and all demands for rights, an extension that tramples its specific meaning, in other words, its meaning as the basic rights that ensure democratic life.

I recognize the risks incurred by offering generalizations about Latin America, although we take pains to point out, to the extent possible, the diversity of national circumstances. Since the processes analyzed herein are present in all democratic capitalist societies, Latin America is treated as a laboratory for social theory and not as an intellectually isolated “area studies”, where social theory is applied to “case studies”.

I would like to point out that the ideas presented here are the fruit of discussions that took place during the seminars I gave together with Jean Michel Blanquer at the Institut des Hautes Études de l’Amérique Latine (IHEAL) and with Daniel Pécaut at the École des Hautes Études en Sciences Sociales during the period I held the Simón Bolívar Chair at IHEAL. I am grateful to them both for their friendship and their intellectual support. Finally I would like to thank Joel Edelstein for helping with his comments to improve the translation and making me aware of ambiguities in the text, sometimes already contained in the original version.