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COMMENTARY

Reflections on Contemporary South American Democracies*

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The occasion of honouring the memory of John Brooks, a great friend of Latin America, has helped me vanquish my initial reluctance to tackle a topic that is as broad, varied and still open-ended as the present situation of democracy in South America. As a first measure of my limitations, with the exception of some references to Costa Rica and Mexico, I will not discuss Central America and the Caribbean, not because I feel these regions are unimportant but because, simply, I do not know enough about them. However, when I feel that I am on sufficiently solid ground so as to refer to Latin America as a whole, I will do so.

I begin by noting that in contemporary South America some countries satisfy the definition of political democracy. Those countries share two main characteristics. One is that they hold elections under universal adult franchise that, at least at the national level, are reasonably fair and competitive. These are standard criteria in the political science literature. However, having in mind the experience of Latin America and elsewhere in the third world, I believe that we should add that such elections must be institutionalised. By this I mean that all relevant actors expect that elections of this kind will continue being held in the indefinite future so, whether they like or not, it is rational for them to play democracy, not coup-making or insurrection. We should also stipulate that these elections are decisive, in the sense that those who are elected do occupy the respective offices and end their terms in the constitutionally prescribed

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* *Para mi queridísima hija María, por su inclaudicable y a veces militante amor.*
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way; they are not, as it has happened too often in Latin America, prevented from occupying office or thrown out of it because some supra-constitutional power feels that they are the 'wrong people'.

The second characteristic is the enjoyment of certain political rights, especially of opinion, expression, association, movement and access to a reasonably free and pluralist media. Of course, these and other rights are important *per se*; in addition, they are instrumental – necessary conditions – for the effectuation of the kind of elections I have just specified.

Taken together, these elections and these rights constitute what I will indistinctly call a political democracy or a democratic regime. Some South American countries presently have this kind of regime: Argentina, Bolivia, Brazil, Uruguay and, with some caveats due to the anti-democratic constitutional restrictions it inherited from the Pinochet period, Chile. In Central America, Costa Rica very clearly meets this criterion.

Of course, that is far from the whole story, and much of what remains to be said is not positive. However, I want to emphasise that becoming political democracies is a huge achievement for these countries, both in itself and if we consider the brutal authoritarian rule that they suffered not long ago. However pointed our criticisms of these democracies, we should never forget this achievement.

On the other hand, other South American countries actually are authoritarian regimes, even if they hold elections, because they do not meet to any reasonably degree the two characteristics I have just stated; in June 2000 these cases included Paraguay, Peru and Mexico. Other countries are located in a grey zone between political democracy and authoritarianism, variations of the semi-democracies or *democraduras* that Schmitter and I discussed in our work on transitions from authoritarian rule. Presently (June 2000) I would include among these, although for different reasons that I do not have time to elaborate, Colombia, Ecuador and Venezuela.

Having established some basic conceptual criteria, let me now turn to socioeconomic data, culled from recent reports of the Economic Commission for Latin America and the Caribbean. In the mid 1990s, 46 per cent of the Latin American population, amounting to 195 million individuals, were poor, while close to half of these (approximately 100 million or 22 per cent of the total) were indigent. In relation to 1970, the proportion of poor and indigent increased only slightly in the 1990s, but the absolute number of poor grew by 76 million individuals. With respect to the informal market – most of it a vast reservoir of poverty and denial of basic social rights, the percent of individuals as a proportion of the total

work force was in 1980 a very high 40 per cent, and increased further, to 56 per cent, in the 1990s. Finally, with the sole exception of Uruguay, economic inequality has increased since the 1970s, in several countries drastically so.

I surmise that these figures suffice to depict a gloomy overall social situation. How have the democratically elected governments dealt with this situation? Quite badly, with the exception of some partial, and at times temporary, successes in taming inflation and achieving spurts of economic growth. In fact, good part of the deterioration of the overall situation that I have just depicted has occurred, in most of these countries, under political democracy or under elected but not democratic governments. It also bears mentioning that these years have seen the prestige of practically all political institutions (parties, congress, the presidency and the courts) drop to dismal levels. The reputation of these institutions has not been helped by repeated scandals of corruption and by the disrespect that several presidents have shown for the autonomy of other institutions of the government and the state.

Too often, the resulting image of democracy in South America is of governments incapable or unwilling to tackle the crucial issues of development, social equity and even violence, both private and sponsored by some state agencies. Underlying these failures is a problem that causes me deep concern and to which I will return: in most of our countries the state has weakened terribly and, in some regions of these countries, it has for all practical purposes evaporated. Economic crises, high inflation, the anti-statist fury of some economic adjustment programmes, the consequences of pervasive corruption and clientelism – all these have concurred to generating an anaemic state.

This anaemia is also manifest in that aspect of the state which most intimately textures and guarantees social relations, its legal system. The plain fact is that ours are democratic regimes – not to say anything of the cases that are authoritarian or semi-democratic – with an intermittent and biased rule of law. The legal system, simply but tragically, does not extend to vast regions of our countries (and parts of their big cities, too), where other kind of law, variations of Mafia law, is effectively operative. Furthermore, even in those regions reached by the legal system, it is often applied with discriminatory biases against various minorities and even majorities, such as the poor and women. Such a truncated legal system generates what I have called a citizenship of low intensity. By this I mean that everyone has the political freedoms that pertain to a democratic regime; yet many are denied not only basic social rights, as suggested by the widespread poverty I have mentioned, but also they are denied perhaps even more basic civil rights: they do not enjoy protection from

police violence and various forms of private violence; they are denied fair access to state agencies and courts; their dwellings are raided arbitrarily; and, in general, they are limited to a life which is not only one of deep poverty but also of permanent humiliation and fear of violence. These people, who for the sake of brevity I will call the popular sector, are not only materially poor, they are also legally poor.

Still, notice that, as by definition in the countries I have classified as political democracies, these same people vote without physical coercion, their votes are counted fairly, and at least in principle they can use the rights of expressing, associating, movement, and the like. This is a situation of effectiveness of the political rights that surround and make possible political democracy, and at the same time of denial to many – a majority, in some countries – not only of social rights but also, and no less harmfully, of basic civil rights.

This is a problem shared by many new and some not so new democracies in the contemporary world. Yet it is historically unique, in terms of the experience of the countries that have rather old and well-established democratic regimes. I refer to countries located in the Northwest quadrant of the world, plus Australia and New Zealand, which for brevity I will refer to as 'the Northwest'. Briefly put, in these countries the historical pattern of acquisition of various kinds of rights differed significantly from what we observe in most new democracies, Latin America included.

What has democratic theory to say about this? Unfortunately not much. In good measure, this is because most of the existing theories of democracy have been formulated within and having in mind the historical experience of the Northwest. These theories usually leave it as implicit that in the Northwest civil rights already were reasonably effective throughout society before what is conventionally called full political democratisation (the universalisation of suffrage and political rights). Of course, what I have just asserted is a simplification of the complex historical trajectories followed by these countries. But basically, albeit with different rhythms and sequences, civil rights in the Northwest were quite firmly and extensively implanted before the acquisition of other kinds of rights by the whole or most of the population.

I should note, however, one basic variation. Great Britain, France, Scandinavia and others roughly followed T. H. Marshall's time sequence. This is, first achievement of civil rights, then of political rights, and finally of some social rights. Instead, the Prussian sequence meant first achieving civil rights, afterwards gaining some social rights, and only later political ones. But let me repeat that in both kinds of sequence civil rights were quite effectively and extensively implanted before the achievement of

other kinds of rights. This, of course, is much truer with regard to men than to women and some minorities, but I first need to discuss other matters before returning to this remark. Also, neither of these sequences applies to the United States and the peculiar problems raised by slavery in that country; but you will have to excuse the fact that I will not deal with this exception here.

With some caveats that need not detain us now, the Northwestern sequences basically apply to Costa Rica, Chile and Uruguay. Costa Rica and Chile followed the Marshallian sequence of civil-political-social rights, although in the past three decades Chile has experienced a sharp regression in terms of the latter. Uruguay, on its part, with its very early welfare state, achieved social and political rights almost simultaneously. One way or the other, the pattern in these three countries is similar to those in the Northwest in the sense that, especially in the urban sectors, there existed a reasonably high degree of implantation of civil rights previously to the achievement of social and political ones. Indeed, despite the authoritarian interruptions in Chile and Uruguay, these are the longer-standing political democracies in Latin America. Furthermore, in terms of their present workings, with the already noted caveat of the *pinochetista* legacy in Chile, these three cases are the ones that most closely approximate the typical pattern of functioning of the Northwest regimes. It is tempting to speculate about the causal connections between such historical sequences and the characteristics of these countries, but I will not embark on that here, in good measure because we still lack the lack the necessary research.

This was not the route followed by the rest of South America. Rather, the modal pattern has been as follows. First was the granting of some social rights, more limited than in the Northwest and in the past two decades in most countries cancelled or sharply curtailed. Later, political rights were acquired, by means of past or recent processes of political democratisation. And third, even today, as I have mentioned, civil rights are implanted in a biased and intermittent way. This is the populist pattern followed by Argentina, Bolivia, Brazil, Ecuador and Peru. With its own characteristics, if, following the elections of 2000, Mexico becomes a political democracy, it will be one that has also followed this pattern.

Colombia and Venezuela differ because of their non-populist early democratisation, which meant the achievement of political rights in the first place. However, these countries share with the populist cases the fact that civil rights have not been significantly extended either before or after the achievement of those in the political sphere.

Let me now summarise the generalisations I have made. In some countries of South America (and in terms of population, for a large

majority of this region), political rights have been gained or recovered recently, before a still unachieved generalisation of civil rights. In turn, depending on the trajectory followed by each country, social rights were granted before or after political rights, but in all cases these rights were quite limited, and recently in many countries they have been reversed.

Consequently, an image of contemporary South America would tell us that: 1. In many but no means all these countries, as a correlate of the inauguration of democratic regimes, we have achieved the universalisation of political rights; 2. We have achieved only a limited and biased implantation of civil rights; furthermore, these rights have barely expanded, if at all, during the existing political democracies; and 3. In most cases, there has been a regression in social rights, which, in addition, has occurred from a baseline that, as compared with the Northwest, was quite limited.

I want to emphasise the fact that in terms of the historical trajectories of democracy this is a unique situation. Although some long-standing democracies, such as India, should have alerted us to this uniqueness, existing theories of democracy are ill prepared to deal with it. Most of these theories simply assume that the political rights and processes they study are surrounded and supported by quite firmly and extensively implanted civil rights. I hope it is already clear that we would be in serious error if we made this same assumption in relation to South America.

Making explicit the weakness of civil rights and, with it, the peculiar historical trajectory of the South American democracies, greatly complicates our analyses. Still, we need adequately to conceptualise these democracies for two reasons, in addition to the sheer intellectual interest of studying an animal of unexpected origins. One reason is both moral and political: is it possible to justify these democracies, and if so how, especially before those who are not benefiting from them in terms of their social and civil rights? The second reason is that conceptualising these democracies adequately may help us to know what to do in order to expand and perfect them. I will now discuss the first reason, which I see as an important challenge raised by this odd conjunction between political democracy and what I understand as the problem of extensive, and arguably expanding, social authoritarianism.

I should add that the severe deficits in civil and social rights just sketched do not afflict everyone. Many members of the high and middle class (intellectuals included) are clearly better off under political democracy than under authoritarianism, if not all of them in economic terms. This bifurcation of social conditions is not new for South America, but it is particularly disturbing that, in most of these countries, it has worsened under political democracy. I am one of those people who have benefited

from the emergence of political democracy; this should make my belief about its generalised appropriateness subject to close scrutiny. Nonetheless, I am ready to argue that everyone in South America should accept and support political democracy, even those who until now have fared no better, and in some respects even worse than ever, under these democracies.

One way to make this argument is counterfactually, looking at possible alternatives. These may be a revolution, or a military-based dictatorship, or some kind of populist regime. Although I will not here go on to elaborate, I am persuaded that none of these possibilities, whether attempted or implemented, look promising, especially in the medium and in the long run, for the popular sector and the respective country as a whole. You may or may not accept this view. But it is not truly relevant, because it is based on negative arguments, and so too weak for what we need – a positive justification of democracies that have barely benefited the popular sector.

I would like to suggest that a valid positive answer to this question consists of using the reversal of the historical sequence as a springboard for the expansion of the rights presently lacking. That is, instead of claiming, as more and more are doing nowadays, that the political rights of democracy are 'purely formal', they should be used as a space of freedom from which to conquer other rights. This is, in fact, what the feminist and some minority movements have done in Northwest: use political rights as the basis for struggling for the conquest of civil and social rights. In the experience of those movements, the strategy has been anything but linear; it certainly did not lend itself to the sequential processes that I have stylised before. Rather, it has been a long process of oscillation from political rights to social and civil ones. There has been, if you will allow me, a dialectic of accumulating force in one sphere of rights for pushing for conquests in other spheres. Notice that this possibility, which originates in the availability of political rights, is denied by all kinds of authoritarian rule and their abolition of these rights. It is a possibility uniquely offered by democracy, through the political rights it enacts, to those who suffer truncated social and civil rights. This is, I believe, the main ground for the positive justification of political democracy for everyone.

Of course, deep poverty and inequality, and the patterns of social authoritarianism and exploitation that are built on them, place formidable obstacles to the unfolding of the kind of process I have just depicted. In this respect I have an admittedly insufficient and at best medium term suggestion which, however, I believe is important: place strong emphasis, more than has been the case until now in Latin America, on struggles

for the expansion of civil rights, and make this a preeminent political task. The reason for such a suggestion is that, probably even more than was the case in the Northwest, such civil rights as are gained may become an important lever for further democratisation. Civil rights not only protect, they also empower; they provide opportunities for acting, without arbitrary interposition, for the sake of attaining further rights. In doing this, civil rights make it possible (but I grant, just possible) for various collective and individual actors, even if they are severely deprived in other aspects of their lives, autonomously to define their identity and interests. In turn, the main facilitating factor for these struggles with and for civil rights is furnished by the political rights – opinion, association, demonstration, movement, and the like – that a democratic regime must sanction and to a respectable extent (lest it lose its democratic character) uphold. Furthermore, I take it that successful extensions of civil rights initially based in the utilisation of political rights tend to reinvigorate the latter; that, in turn, opens new avenues for further struggles for other rights, including social ones. In any event, the starting point and the springboard for the successive conquests of other rights are the political freedoms that a democratic regime uniquely furnishes. It seems to me that, in contrast to the more tidy and sequential (male) trajectories of the Northwest, this convoluted process is the only path open for Latin America. Of course, it is the only path open under democratic conditions, but I do not believe that in terms of these same rights other routes lead to better or more feasible outcomes.

I have insisted on the severe deficits that Latin America suffers in terms of the effective implantation and universalisation of civil rights. At this point I want to note that most of these civil rights, in fact, belong to the classic liberal repertoire. This poses a problem. Historically, in Latin America, liberalism has been the proclaimed ideology of oligarchic and/or exclusionary regimes, and nowadays 'liberal' (without or without the prefix 'neo') is the adjective that resounds in economic adjustment programmes that the popular sector, reasonably enough, has great difficulty in grasping how it might benefit from. In fact, this is a degraded face of liberalism. It is liberism in the sense coined by Benedetto Croce, the defence of privileged economic interests deprived of the vigorous assertion of universalistic rights of the genuine versions of liberalism.

A question therefore arises: is it possible to recover in Latin America the vigorous face of liberalism, in spite of negative popular memories of the old and present liberalism? This is a crucial matter, that will heavily influence whether the popular sector and its political allies understand that an assertion of civil/liberal rights is in their best interest. It is crucial, too, because curiously enough – but reflecting the peculiarities of the South

American historical trajectories – it may well be that in this region the best democratising chances lie in the universalisation of the very civil rights that the Northwest has long taken for granted. Of course, I do not ignore the fact that in the Northwest various aspects of those rights continue to be disputed; here I refer to the effectiveness of a set of basic civil rights that textured these societies before full political democratisation – which is exactly what is lacking in most of Latin America.

These matters may seem obvious. However, I am stressing them because in most of our countries the public agenda has been practically monopolised by economic policy issues, by recurrent scandals, and by social violence. In addition, the governmental reactions to violence often go in the direction of further curtailing the civil rights of the popular sector. These rights scarcely reach the public agenda, at high cost to their effectiveness.

Now, you may argue that the dispossession of the popular sector of basic civic and social rights is the same old story of Latin America. You may add that in this region many are so deprived that they are incapable of using the protections and potential empowerment provided by whatever civil rights they gain. These are powerful objections. There is, however, as I have been arguing, a new element. In the countries that fit the definition of political democracy, those same people now have political rights: if they wish, they can assemble, express opinions and demands, and affiliate to political parties and social organisations. These are, as it were, important segments of rights, the rights that, in spite of social authoritarianism, determine that these political democracies are not a fake.

Of course, the popular sector can hardly succeed alone. It needs a state that is more friendly, not the cruel enemy it too often is. In this matter, efforts for the reform of a state that is not only more efficacious but also more congenial with democracy are badly needed. This is true not only of the state apparatus but also of its legal system, for two reasons. One is that some rights still need to be inscribed in legislation, as demonstrated by discriminatory rules existing against women and various minorities, as well as by police and judicial criminal codes that foster gross violations of due process. The second reason is that both the preexisting and the new rights need to be consistently implemented. In Latin America we know too well about laws that are no more than a piece of paper. In order to overcome this legacy, it is not only better laws and courts that are needed. We require a network of state institutions, national and subnational, that in addition to courts and to better laws include police, public defendants and prosecutors, committed to implementing not just the rule of law, of any law. We must have a democratic rule of law, one that enacts and

supports the universalisation of both political and civil rights, as well as a decent level of social rights.

I want to stress that, among the many aspects in which our states need major reform, the creation of the network I have mentioned is particularly important. Without the intersection of popular demands for their basic rights with a more lawful and friendly state, I am afraid little will happen. To bring about this intersection is a major responsibility of all democratic forces, civil and political – at least those that have not surrendered to the belief that a mythified market and an anaemic state is all we can hope for.

Although achieving this intersection has to be a fundamentally domestic political task, international support would be most useful. Unfortunately, most of the international aid flows are deaf to these matters. Even when they are not, several recent studies have shown that such support focuses narrowly in courts, to the neglect of the rest of the network that I mentioned. Furthermore, these efforts concentrate on improving the judicial aspects that deal more directly with business interests or, perversely in terms of what I have been arguing, on making more 'efficient' criminal proceedings that tend to criminalise poverty with appalling disregard for due process.

Let me recapitulate. I have argued that a crucial challenge and opportunity in South America is to use the platform of political rights that democratic regimes provide, for undertaking manifold struggles for the extension of civil rights to the whole population. I also suggested that this possibility, uniquely provided by democracy, is its main positive justification. On the other hand, you have surely noticed that I have not said anything about another huge challenge: overcoming at least the most pressing material needs of the popular sector. My omission is not due to the fact that I consider this matter unimportant. It is partly due to time constraints but also to my belief that also for this purpose the enjoyment of political rights jointly with important advances in civil rights is essential. Otherwise, the policies against poverty and inequality will continue being captured, and distorted, by ingrained practices of clientelism and paternalism.

I have made a suggestion for a basic strategy of further democratisation: start with existing political rights as a lever for achieving expansions of civil rights, and continue with further struggles for civil rights and for at least some basic social rights. It goes without saying that this is a tall order; it entails nothing less than complementing the already attained political citizenship with full civil citizenship and with decent levels of social citizenship. Yet, however difficult this challenge, the political rights of democracy do furnish a springboard that was absent in the complete negation of citizenship produced by authoritarian rule, and which is

curtailed by the various authoritarianisms and semi-democracies that subsist in Latin America.

During and as a consequence of the convoluted, dialectical process I have sketched, social agents may emerge that become capable of designing, or supporting, alternatives that we cannot (I cannot, at least) presently envisage. For this to occur, let me insist that, under the democratic regimes that presently exist in South America, political rights are the only ones that the popular sector more or less fully enjoys. At least if we are ready to argue that political democracy is a public good, not just the enjoyment of the privileged, it is our moral and political responsibility to help the popular sector use the levers of political rights for the achievement of other rights.

In part because it is quite absent from political discourses and in part because I am persuaded it is the best democratising strategy, I have insisted on undertaking persistent efforts at expanding civil rights to the whole population of these historically unique, and socially rather perverse, democracies. I have painted, jointly with the valuable achievement that political democracy constitutes, a dismal social situation, of pervasive material and legal poverty feeding a high degree of social authoritarianism. This situation blatantly contradicts the idea of citizenship on which democracy is grounded. On the other hand, as several authors have noted, in the Northwest the early achievement of civil rights made them in some cases a barrier to fuller social democratisation. In contrast, due to the peculiar historical trajectory of South America, where civil rights never had a firm and extended hold, I am persuaded that struggles for these rights are the main avenue for further democratisation. My argument has been the expression of a cautious optimism that, at least for the time being, prohibits the despair that, if social authoritarianism – the pervasive denial of civil and social rights – remains unchanged, will sooner or later submerge Latin America into another long night of authoritarian rule.