Guillermo O’Donnell

DISSONANCES
Democratic Critiques of Democracy

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In 1999 I published a book with a collection of articles I wrote during the two decades preceding it. I titled it *Counterpoints* because, as its subtitle indicates, these texts deal with authoritarianism, democracy, and their mutual implications. The present volume is another collection of articles, published after *Counterpoints*. Its title, *Dissonances*, expresses my feelings about the democracies we have achieved in Latin America and elsewhere, and my belief that they must be submitted to what the subtitle indicates: *Democratic Critiques of Democracy*.

This entails a double reference. On one hand, we should never forget the horrors of the authoritarian regimes that plagued a good part of Latin America. This is the point of no return, and nothing will ever justify returning to such regimes. On the other hand, the flaws of our present democracies are as serious as they are evident. In view of this, not a few people fluctuate between condemning these democracies as mere masks concealing sinister interests, and the conservative resignation that “this is how we are and nothing can be much different.”

I believe, however, that everyone, intellectuals included, must conduct a severe and detailed critique of the characteristics and workings of these democracies, while never forgetting the point of no return. Of course, this is often difficult; people in government are not particularly keen on criticisms, and the beneficiaries of the status quo have in their favor powerful ideologies, often dressed as a (pseudo) economic science, that tell us that the best we can hope is for a very restricted, and ultimately depolitized, democracy.

Struggles for the broadening and improvement of democracy can and should take place in many social locations. In my case, in addition to some interventions in public arenas, a natural way to participate, as I do in this volume, is by discussing ideas about democracy and its correlates. One of the central characteristics of so-called neoliberalism is to consider politics and the state as the source of most social evils.
and, consequently, to try to reduce politics and the state to a minimal expression. These ideas, among other things, have guided strenuous and, in most cases, deeply damaging efforts at dismantling the state in Latin America.

Furthermore, the same ideas appear, albeit less explicitly, in several theories that have won great influence in the past two or three decades. Among these theories I highlight the “minimalist” or “Schumpeterian” views, according to which democracy is reduced—and should be reduced—strictly to the political regime. In these theories the subject of democracy is the voter, not the citizen. This excludes from democracy the full dimension of citizenship, which is not only political but also civil and economic (as well as cultural, a topic I omit in the present volume). A frequent argument of those who propose the minimalist view is that, if we abandon the conceptual refuge of the regime, we wind up confusing democracy with everything we like—and thereby the concept loses all practical and analytical value. I discuss these topics in chapter 1 of this book, where I elaborate a position that I believe both embraces the various dimensions of citizenship and avoids the just-mentioned criticism.

In the same chapter I stress the intimate, jointly constitutive relationship of democracy with the state, not only with the regime. This argument requires clarification: another typical reductionism of the main contemporary currents in the social sciences consists of conflating the state with its bureaucracies. This leads to a view of the state as purely external society, and from there it is a short step to concluding that the state is in a structurally zero-sum relation with society—almost everything that the state extracts diminishes society’s resources. Whether intended or not, this vision has made a significant contribution to the anti-statist pathos of neoliberal ideologies.

But the state includes other dimensions, no less fundamental than its bureaucracies. Among them, as I argue in chapter 1, the state is also a legal system. This system, on one hand, is an indispensable support of the democratic regime and its freedoms and, on the other, textures and organizes manifold social relations. In this sense the state is not external to society; when its legal system functions in reasonably adequate ways, it is a fundamental factor in and for the ordering, predictability, and energizing of social relations.

These initial reflections on the state and democracy have led me to further work on this topic, the result of which I expect to publish in
another book. Meanwhile I decided to study a theme in which the inti-
mate relationship between democracy, regime, and state is apparent:
the “horizontal” accountability I discuss in chapters 2, 3, and 4 of the
present volume. My interest in this kind of accountability sprang, as I
indicate at the beginning of chapter 2, from its absence. In 1992 I
wrote a text on “delegative democracy,” where I comment on what
seemed to me the emergence of a “new animal,” a kind of democracy
in which delegative aspects predominate over representative ones.¹
This kind is democratic because its (national) governments result from
reasonably fair and institutionalized elections and are willing to end
their terms in the constitutionally prescribed manner.² On the other
hand, the presidents of these regimes (and in some cases, outside of
Latin America, their prime ministers) believe that once elected they
have the right, and the obligation, to rule as they deem best, with as
few institutional obstacles as possible. This is a supermajoritarian, cae-
sarist conception of rule that is intrinsically hostile to the “horizontal”
and representative controls supposed to exist within a state for pre-
venting, investigating, and if necessary punishing presumably illegal
acts (or omissions) perpetrated by state officials, including those who
occupy the highest governmental positions. Consistently with their
delegative vision, these presidents devote great efforts to co-opting,
marginalizing, or even eliminating the state institutions formally in
charge of exercising those controls. Of course, nothing guarantees
that these efforts are successful, or that their results endure for the
whole mandate of these rulers—delegative presidents try hard to maxi-
mize their power in relation to other institutions of the state and re-
gime, but they are not omnipotent.³

Irrespective of the usefulness of the concept of delegative democ-
Racy, a hard fact of most Latin American countries (and of no few
young democracies in other parts of the world) is the weakness, if not
the absence, of institutional mechanisms of horizontal accountability.
However, the institutions that, with variations from country to coun-
try, are formally in charge of various aspects of horizontal accounta-
bility deserve serious attention. They embody, as I argue in chapters 2
and 3 of this volume, two historical currents of great importance.
These are republicanism and liberalism, which, jointly with the prop-
erly democratic current originating in Athens, have combined in com-
plex ways to define the characteristics of the contemporary varieties of
democracy.
I was a lawyer in my first incarnation. After long time in which I paid no attention to legal matters, I returned to them with enthusiasm when I became aware of the intimate connection between democracy and the state, especially but not exclusively its legal system. This attention to the legal system is explicit in chapter 1 of this volume and traverses, albeit less explicitly, chapters 2, 3, and 4. The theme led me to take a quite detailed look at Latin America, first presented in an article I published in 1993. There I comment on two implicit assumptions of contemporary democratic theory. One is that the legality of the state extends homogenously over the whole territory of the respective country. The other is that, if the regime is democratic at the national level, then provincial and local regimes are also democratic. Yet in that text I note that the reality of a good part of Latin America does not correspond to these assumptions. The resulting coexistence of regimes that pass the test of democracy at the national level with no few authoritarian ones at the provincial and local levels should not be ignored, since among other things it directly influences who is represented at the national level, and how. Furthermore, the evidence that state legality does not reach (or reaches only partially and intermittently) vast portions of the territory of Latin America means that in those regions, not only various social but also very important civil rights are ineffective. This evidence led me in that same article to write about states of truncated legality and of a citizenship of low intensity. For this purpose I used the metaphor of a map of a country in three possible colors, blue, green, and brown, representing a descending order of effectiveness of the legality of the state. The “brown zones” are not only large across Latin America but also—cruel irony—have expanded in several Latin American countries under democratic regimes at the national level.

Both subnational authoritarian regimes and brown areas are eloquent indications that one should not uncritically adopt (implicit assumptions included) theories elaborated within and in view of the historical experience of the central countries. They are also practical problems that severely hinder the possibilities of expanding and improving the quality of Latin American democracies. Based on this conviction, in 1996 two colleagues (Juan Méndez and Paulo Sérgio Pinheiro) and I organized a conference at the Helen Kellogg Institute for International Studies aimed at discussing various aspects of this prob-
lem. Chapter 5 of this volume contains the text I published in the book resulting from this conference.

I should add that—as happens to most of us who find ourselves in front of a text written some time ago, especially if we have continued to explore the topic—I was strongly tempted to make substantive improvements in the articles collected here. I have resisted this temptation. However, since these texts were published earlier in various venues and benefited from several editors, I have made a few changes in terminological matters, including the use of the term “agency,” which I have reserved for the topics I discuss in chapter 1. The overall editor of the Spanish and the present version, Jimena Rubio, has added useful notes and deleted with my approval some repetitious passages in the original texts for the sake of unity in this volume.

Chapter 6 contains the transcription of the lecture I delivered when I had the honor of receiving the Kalman Silvert Award from the Latin American Studies Association. An occasion such as this invites reminiscences, which I focused on my view of what I believe have been, and should continue to be, the main virtues of the Latin American social sciences. One of these virtues is the effort to discern the historical specificities of our countries without ignoring the world context in which these specificities have unfolded. The other virtue is a critical spirit. I would like to believe that this volume, with its nonparochial attention to Latin America and its democratic critiques of democracy, is inscribed in that tradition.

Notes

1. Included as chapter 8 in O’Donnell 1999a.

2. This holds even though among these cases it has been characteristic to manipulate or reform constitutions to allow the continuation of the existing government beyond the period prescribed by the rules existing at the time of its original election.

3. I make this comment because—to my surprise, since I explicitly made this point in the original article—some authors have held that I treated delegative presidents as omnipotent. Furthermore, in that same article I discussed the dynamic that may—and often does—lead these presidents from high power to its rapid loss.

4. Included as chapter 7 in O’Donnell 1999a.