

BOOK REVIEW

Democratic Innovations Under Scrutiny**By Wagner Romão¹**<https://orcid.org/0000-0003-3725-2861>

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(Avritzer, Leonardo. *The Two Faces of Institutional Innovation: Promises and Limits of Democratic Participation in Latin America*. Northampton/Cheltenham: Edward Elgar Publishing, 2017)

Is it still possible to think about innovations within the context of our battered democracies? ‘The Two Faces of Institutional Innovation: Promises and Limits of Democratic Participation in Latin America’ is a book that pursues this issue and reflects the maturity of this field of study on the topic of institutional participation and democratic innovations.

Following an initial period of enthusiasm for these means of ‘deepening democracy’, the context of this work is one mistrust in traditional political institutions around the world and lack of belief in the democratic institutions themselves. ‘Two Faces...’ proposes a path of analysis to assess how democratic innovations, once viewed as intrinsically positive for improving democracy, can actually reinvigorate more democratic practices of political action and government or, conversely, may even decelerate the processes of democratization of political regimes.

In Latin America, democratic innovations emerged amid redemocratization. In Mexico, Brazil, Bolivia, and in some ways also in Colombia, and a bit later in Argentina and other countries, they thrived as part of the rediscovery of politics by civil society and the resumption of basic elements of democracies, such as freedom, party organization and the right to vote.

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They were part of a period of expectations and hope that the transition to democracy could absolve an authoritarian past and the extreme inequalities of the region.

Leonardo Avritzer is one of the leading scholars of this political phenomenon. Ever since his works of the 1990s, he has been required reading when it comes to analyzing democracy in Latin America and its ability to re-oxygenate and reinvent itself. His perspective seeks to identify innovations and the possibilities for these innovations to become institutionalized, that is, to become part of the common architecture of state structures and their interface with society.

And hence is the importance of this book. Avritzer (2017) recognizes the need for greater caution in analyzing democratic innovations and their diffusion around the world, revising part of his own theses.

The book is a kind of synthesis of the author's production since his 'A moralidade da democracia', published in 1996. Some elements of this book reappear in the opening chapter, in which Avritzer (2017) revisits the controversy about the limits of Habermas's view of the reach of society to change the political system. According to the author, the contribution of Habermas (1996, 1989), as an alternative to Weber's classic view of the bureaucratic state, is one in which "the political system is not only an institution or a form of political organization; it is also a form of state and society interaction" (AVRITZER, 2017, p. 15).

However, Avritzer (2017) rejects Habermasian theory, as he sees a limitation in Habermas's perception that the public sphere is merely a means of civil society's influence with state-political agents, in search of determined changes. For Avritzer (2017), rather than influence, creation of spaces for public deliberation that could effectively transform the political system is necessary.

The following steps are supported by contributions from Cohen and Arato (1992) who suggest that the political system should make itself available to innovative civil society practices in the public space, and Fung and Wright (2003) who offer experiences of public deliberation within the context of actually existing political institutions. After criticizing authors who worked too abstractly and artificially on the idea of mini-publics, Avritzer (2017) maintains that innovations

in Latin America have been poorly analyzed and not incorporated into the theoretical debate. This is the hook of the book.

Much of the literature has acted in recent years - especially during the launching of democratic innovations in the 1990s and 2000s - as if they just hovering in the air, that is, as if they weren't really necessary, to analyze its success or failure, to consider the political injunctions around them and even how the political institutions received them (ROMÃO, 2010).

On the one hand, there was a certain obsession with institutional design, the mechanisms by which it would be possible to organize debate between rational individuals who could come to consensus solutions for their common interests. This purely intra-deliberative pathway did not deign to deal with issues related to interaction with the public and the state.

On the other hand, those authors who sought greater empirical proximity to those that could be considered applications of deliberative theory typically explained recurring failures and failures in the deployment of innovations by their incongruence with the dominant traditional political culture. This view was sustained by the perception of an inability of tepid democratic political regimes - recently removed from authoritarianism - to incorporate the democratic political culture that would come from civil society. This was critical for Avritzer (2017), among other authors, to create a dense line of research on the construction of democracy in Brazil and other Latin American countries in re-democratization.

The work at hand focuses on comparative analysis to investigate how similar 'innovations' have produced sometimes contradictory results, depending on the emphasis of a particular internal mechanism in the diffusion of innovation and especially in the political-institutional context that shaped its reception in the cases analyzed.

The first set of democratic innovations is that of Participatory Budgeting experiences that originated in Porto Alegre and then Belo Horizonte and subsequently spread throughout the world. The fundamental distinction proposed by the author is between certain experiences that have composed the political system and others that have been territorially isolated in the city or in a particular

public policy sector and, therefore, have lost their ability to affect local governments and transform their conditions of existence.

It is as if the democratic potential of the Participatory Budgeting (PB)- which is precisely in its ability to reinvent forms of public budget decision - were domesticated by the political system. In the book, São Paulo is presented as one of the cases in which the PB was reduced to marginal budget decisions and where the large city public works projects did not involve public deliberation. The PB had worked more to placate the demands of minority sectors in the Workers' Party (Partido dos Trabalhadores) political forces and thus would have failed as a democratic innovation.

At the same time, an assessment of the expansion of PB around the world based on these criteria is also possible. Avritzer (2017) does not mention particular cases, other than those of Brazil and Argentina. However, it is a known fact that the journeys of the PB brand around the world have lessened the impetus for change and democratization of the state that was present in its origin. We see cases in which it is presented as an instrument of governance improvement or administrative transparency, unable to stress (and deepen!) democracy.

The second set of democratic innovations is related to the idea of participatory accountability and materializes in public policy councils in Brazil, vigilance committees in Bolivia, and the Federal Electoral Institute (Instituto Federal Electoral - IFE) in Mexico. In this innovation, the main feature is the greater formalization between the councils and the political system compared to the PB.

Avritzer (2017) considers participatory accountability as a modality of societal accountability, a concept developed by Peruzzotti and Smulovitz (2006), which goes beyond the control of politicians and parties through the electoral and vertical path of current accountability in the literature on democracy and political regimes. The author defines participatory accountability "as a relational mechanism that connects the state and social actors in a specific dimension, namely, the implementation of public policies by elected officials and the bureaucracy" (AVRITZER, 2017, p. 76). The main innovation lies in the fact that the councils are embodied in a control mechanism linked directly to public policies and not to elected politicians.

For social control to take place, it is necessary to establish rules and procedures that bind the participation of elected representatives and the decision-making process in the context of a public policy segment. The more institutionalized this link, the greater chance of longevity and success innovation will have.

The cases of councils analyzed have considerable diversity of object and institutional design. Councils in Brazil are directly linked to public policy sectors such as health and social assistance and are present at the three levels of government. Bolivia's vigilance committees are part of the process of administrative decentralization in Bolivia and are composed of representatives elected by grassroots territorial organizations, carrying out oversight and monitoring of government actions, but without executive powers. The Mexican case is directly linked to the attempts by civil society to take make general elections in the country transparent, with the mission of combating electoral fraud that occurred under the domination of the Institutional Revolutionary Party (Partido Revolucionario Institucional - PRI).

Thus, the reader should concede a broad sense to the author in the comparative methodology since, strictly speaking, the cases chosen for analysis have little uniformity in terms of variables and the peculiarities of the national political systems are not part of the scope of the study. True, it is not an easy task to propose comparative formats amidst the diversity of political regimes across Latin America and the mechanisms of which the author adds under the name of participatory accountability. There are quite promising attempts in recent publications (MONTAMBEAULT, 2016; ZAREMBERG; GUARNEROS-MESA, and LAVALLE, 2017).

Finally, Avritzer (2017) analyzes institutional innovations in the judiciary. He acknowledges the criticisms of authors who do not agree to treat them as innovations, but includes them in the book on the grounds that they legitimized themselves as innovations before the previous political system. These are actually separate cases, since there is no social participation in these institutions, as there are in democratic innovations.

The book's comparative cases are from Brazil and the Colombia, following the 1988 Constitution in Brazil and 1991 Constitution in Colombia. The

creation of the Federal Prosecutor (Ministério Público – MP) and the constitutional review and final judicial functions of the Federal Supreme Court (Supremo Tribunal Federal - STF) are the highlights of the Brazilian case. In Colombia, the focus is on the separation of functions between the Supreme Court and the Constitutional Court. What's at stake here is the ability of judicial institutions to protect themselves from conflicts that arise in the exercise of politics and to remain neutral, with constitutions as a decision-making parameter.

In Brazil, Avritzer (2017) notes that after an initial period linked to the promotion of diffuse rights, constitutional guarantees and other democratizing actions in the country, the MP and STF took on a progressive politicization of their actions. This is due to anti-corruption actions where, according to the author, these institutions attacked the authority of other political institutions, in the Executive and the Legislative.

The prime example of this phenomenon is Operation Lava Jato. In it, the constitutional autonomy of the MP, without institutional or societal controls, transformed into something strongly partisan. This involved direct collaboration between the judge responsible for the case and the connivance of the Supreme Court, by not curtailing at the appropriate time the actions that attacked the full right of defense and even civil rights outlined in the Constitution.

In studying the Colombian case, Avritzer (2017) focuses on situations in which the Constitutional Court has succeeded in stopping President Uribe's assault in at least two situations: when he declared a state of emergency, the Court firmly established measures to reduce arbitrary and illegal acts; and when attempting to obtain the right to a third consecutive presidential term, the Court denied the possibility of a referendum that could allow for such a possibility.

There is no doubt that the excesses of Operation Lava Jato express a limiting situation in the relations between the judiciary, the MP and the Executive and Legislative powers in Brazil. However, it seems to be a view too influenced by the heat of the moment that characterizes the MP and the STF itself as institutions that are absolutely harmful to democracy and concentration of power.

Recent developments in Operation Lava Jato – following the posting of leaked messages between prosecutors, the then-Judge Sergio Moro and other public officials - show that the Supreme Court is now promoting the review of certain decisions and may withdraw support given to prosecutors. Even the MP has been pressured to correct the excesses and arbitrariness executed in Curitiba, the headquarters of the Lava Jato investigation. The question remains: can the MP and the judiciary be active in their own self-control and executive and legislative control in an escalation of authoritarianism that seems possible? Or, in another formulation, the process of ‘medium and long-term institutional self-affirmation’ of the MP and other judicial institutions (ARANTES and MOREIRA, 2019) may be paradoxically restrained in a self-protection shift that favors the return to the previous situation of institutional self-restraint?

‘The Two Faces...’ shows an author at the height of his intellectual maturity, but there is more than this. Avritzer (2017) also offers a contribution for analysis of a distinct scenario for political action with reeling democracies in the global South and North. Understanding the difficulties of democratic innovations as well as the prevailing institutional crisis in Brazil - and in other Latin American countries – does demonstrate that the promise of democratic innovations to ‘deepen democracy’ was certainly too much to expect.

Democratic innovations inevitably take place in a context of continuous conflict with traditional institutions of the political system. The virtue of democratic innovations lies in placing new items on the agenda and pressuring politics to be open and to democratize. As Habermas predicted, the public sphere will be fundamental for the improvement of democracy. But it will always be in danger when the public sphere is asleep or imprisoned by vices and authoritarian sentiments.

Translated by Christina Puleo

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