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Polity: Demystifying Democracy in Latin America and Beyond

Joe Foweraker

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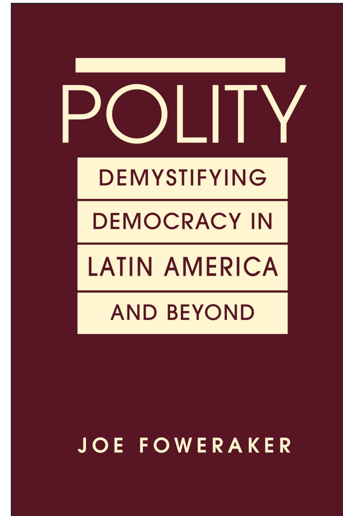

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1

Polity and Latin America

What Is Polity?

Polity is a political system that encompasses both oligarchy and democracy. The combination of these two distinct domains creates a contradictory and syncretic system that conjoins two forms of power holding that are clamped together—not always securely—by a specific mix of formal and informal institutions. The concept of polity recognizes the presence of democratic institutions and practices but assumes that these are only part of a broader and more complex system that embraces not only the democratic regime but also the state, not only formal but also informal institutions. In formal terms, polity simply comprises the state, the democratic regime, and assorted organizations and associations of civil society. But the admixture of oligarchic and democratic powers creates an interconnected system through the complex interaction of formal and informal rules. It is the internal linkages between parts that make polity a political system.

Polity emerges from processes of state formation and democratization that have occurred over the past two hundred years or so. The historical record of Latin America is exemplary in this regard. On the one hand, it reveals that the democratization of

public politics has neither supplanted nor dissolved oligarchic powers. On the other, it shows that the countries of Latin America have been independent states since the beginning of the nineteenth century (unlike most regions outside of Europe) and necessarily engaged in state formation ever since. The relationship between the state and the regime is central to the political system of polity; the process of state formation in Latin America gives rise to a patrimonial state that protects and projects oligarchic power—its public institutions routinely serving private interests and purposes—and thereby shapes and constrains the democratic regime and the conduct of government. There are thus good reasons why in this account the idea of polity is "made in Latin America" and draws directly on the historical and contemporary political realities of Latin America.

The inquiry into the Latin American polity demonstrates that it is a distinct and determinate political system with its own empirical attributes that are—in principle—measureable and comparable. The concept of polity does not simply seek to restore an historical sociology of democracy as a counterweight to an exclusive focus on democratic institutions but rather to define and describe a new and different object of inquiry. This allows the inquiry to move from a teleological story about degrees of democratic success in sloughing off historical legacies and countermanding the protean presence of oligarchy to a more objective analysis of the political, legal, and cultural variations within and across polities. The focus of the inquiry is not therefore the formal contours of democratic regimes but the composition and internal linkages of polity. The corollary is that there are processes of democratization without ever arriving at an end point that is democracy, while democratic advances and retreats can and do occur and recur within the ambit of polity.

Why Call It Polity?

The notion of a polity is widely familiar, but in current and recent usage the meaning of the word is vague and unfixed, referring to

any kind of political system, or none at all. Aristotle first proposed *polity* as an amalgam of oligarchy and democracy. There is a general sense in Aristotle of polity as any constitutional government "designed to prevent oppression by the persons governing," but only in its specific sense can polity give "adequate security against governmental injustice that Oligarchy and Democracy fail to give. . . . On this view the most perfect type of Polity will be a form of government in which these opposing principles are perfectly balanced" (Sidgwick 1892, 143). This indicates—correctly—that Aristotle talks of polity as a matter of constitutional design and prescription that offers the best hope of good government, and this conception clearly differs from polity as the outcome of historical processes of state formation and democratization. Aristotle's mixed system of oligarchy and democracy provides the *inspiration* rather than the *model* for the modern polity, though his view of polity as the platform for a balanced form of government that can best defend the republic remains relevant to polity today (see Chapter 5).

As a constitutional theorist, Aristotle refers to oligarchy as a system of rule by the few in their own interest, and this inquiry maintains this meaning when referring to the distinct oligarchic and democratic domains of the polity. But much more often the reference is to the oligarchy as a political actor; it is important to polity that this actor is not singular but plural, not comfortably collective but contending and competitive. (As we shall see, this is also important to Schumpeter's "democratic method," the closest precursor to the modern concept of polity.) Oligarchy everywhere combines economic and political power and exercises this power both formally and informally; this is equally true of traditional landed elites and modern industrial, commercial, and media corporations. Oligarchy in Latin America is no exception, but its plural presence has specific political and cultural profiles and is organized—severally—in families, political families (*camarillas,* in the vernacular), tribes, clans, and mafias. As such, this oligarchy is clearly undemocratic, but—as Aristotle inferred—it is not necessarily antidemocratic, so enabling polity to contain the contending principles and practices of democratic and oligarchic

power holding. Democratic principles require that political power be made accountable, whereas oligarchic power seeks immunity from the same. Thus, democratic politics is public, responsive to public opinion, and committed to political equality through universal individual rights; oligarchic politics is private, “protected” from political representation, and rooted in the particular ties of clientelism and nepotism.

Stripped down to its core in this way, the concept of polity seems simple. And it is. But many more conceptual moves have to be made to construct polity as a political system, identify its key internal linkages, and explain its political logic. As a political system, polity is beset not only by the contradictions characteristic of democracy itself, between social and economic inequalities and formal political equality but also by the inevitable tensions between its democratic and oligarchic domains. The analytical challenge is then to explain just how this system coheres, and when and why it may fail to do so. This agenda differs from that of the large literature that focuses exclusively and repeatedly on the democratic deficiencies of Latin America and seeks unsuccessfully to explain them in their own terms. The conceptual construction of polity provides a tool set that can be deployed in the service of a different *interpretation* of the democratic politics of Latin America and its defects. And this is what the inquiry sets out to do. There is no disagreement about the many imperfections noted recurrently in the literature, but it is assumed that they can be rendered intelligible only in the context of the political system of polity.

The relentless preoccupation with the failings or inadequacies of Latin American democracy leads to an analytical cul-de-sac. But the larger context of polity can reset the compass. And, beyond Latin America, it may do so wherever a democratic regime has taken root, wherever democratic institutions work in some degree to organize and legitimate the public face of political power, and wherever the formation of a patrimonial state, a lack of autonomy of the democratic regime from the state, and the often limited autonomy of civil society from both state and regime all contribute to deviations from the norms of democratic

accountability, the rule of law, an equality under the law, and an adherence to formal rules. Indeed, if it is supposed that such deviations can be diagnosed to different degrees in all existing democracies, then the conceptual framework of polity can make it easier to compare democracies old and new and democracies in Latin America and others across the Global South.

But anything so ambitious depends on completing the conceptual construction of polity, and this is work for the subsequent chapters (see below). The refinement of the rudimentary description of polity requires rethinking received concepts, especially the conceptual divisions between legal-rational and patrimonial states, state and regime, public and private spheres, and formal and informal institutions, as well as reconsidering the political import of inequality, the role of constitutions, the political underpinnings of republicanism, and so forth. Only once the groundwork is laid can political explanation begin. By way of example, the salient political trait of populism in Latin America can be convincingly explained by the political logic of polity (see Chapter 6) in a way that elucidates some of the current challenges to democratic establishments in the United States and Europe. This is not tantamount to suggesting in a fanciful fashion that the politics of even the most established and venerable of democracies are now beginning to resemble those of Latin America ever more closely—though it is a provocative conceit. But if a common political logic is at work, then the Latin American polity may suggest explanations for political phenomena that might otherwise be misconstrued and misunderstood.

The Argument

The conceptual construction of polity begins in Chapter 2. The point of departure is a critique of democratic theory that reveals its unwritten assumptions and seeks out those components of the political system writ large that democratic theory routinely fails to recognize. This brief allows the inquiry to range broadly across the relationships between state and regime, and public and private

spheres, to the questions of structural inequality, informality and clientelism, accountability (or its lack), as well as the possible virtues of republicanism. The inference throughout is not that the empirical experience of democracy falls short of its normative ideals—it always does—but that the normative theory fails because of a blinkered perspective that excludes key analytical elements—not least the state—from its purview.

This critique clears the ground for the construction of polity as a syncretic political system that encompasses the "opposing principles" of oligarchy and democracy and argues that the contradictions between them tend to be condensed in the patrimonial practices that permeate the separation of the public and private spheres and that undermine mechanisms of accountability, especially the horizontal accountability achieved through effective legal constraints on state actors with clear legal competences. These practices are illustrated and debated with occasionally explicit but more often implicit reference to Latin America, where the long period of independent state formation since the early 1800s assigns it an analytically privileged place in a global perspective. Yet at times it may appear that the language lags behind the argument in some sense, because the familiar terms of democratic theory take on new meanings in the context of polity. Inevitably, it will take some time to change perspective and describe the new object of inquiry. Indeed, it will take another seven chapters before all the pieces of polity as a political system are securely in place.

Following this description of polity as a political system, it may appear odd that Chapter 3 goes back in time to delve into the origins and dynamics of democratic progress in the modern era. But the democratic story is essential to the emergence of the composite system of polity, for the achievement of a democratic regime—howsoever flawed—is integral to the particular institutional configuration of polity. This story should not be taken at face value. The historical accounts of democratic origins that underpin democratic theory seek to explain democratization as driven by large processes of structural change, either economic and social or institutional. But the premises of the theory require

these historical transformations to be pristine and complete, whereas it is precisely their partial nature that gives rise to modern polity. Thus, an analysis of the societal genesis of democracy leads directly into an account of modernization theory, where the pathway to democracy is always everywhere the same, and of democratization in Latin America, where the process differs from that account in most important respects; a parallel analysis of the institutionalist view of democratic origins prepares the ground for an assessment of competing explanations for democratic constitution making in Latin America. The constitution has a special place in democratic theory as achieving the neutral orchestration of the democratic regime and often providing the link between the historical underpinnings of democracy and the contemporary institutional manifestation of democracy. But this status is compromised and undercut by the examination of constitution making in Latin America, which is constrained by institutional legacies and shaped by self-interested political actors. Furthermore, the grand narratives of structural transformation cannot account for specific historical moments of democratic transition, where oligarchic actors in particular frequently find most room for maneuvering.

The discussion of democratic constitutions continues in Chapter 4, but with particular reference to the central role of the state in the political system of polity. The chapter opens with a theoretical discussion of state autonomy and democratic constitutions and concludes that the real capacity of constitutions to shape democratic regimes depends on the state context and the degree of state autonomy, in particular. That discussion acts as a preface to a detailed inquiry into the formation of the patrimonial state in Latin America—in many respects the key to the conceptual construction of polity. The relevance of the partial nature of structural transformations emphasized in the previous chapter is revealed in the specific political economy of state formation in Latin America, where a patchwork of modes of production and exchange underpins the powerful influence of oligarchic interests on the process. The result is that a state lacking in formal (legal and bureaucratic) autonomy begets a democratic regime lacking in political and operational autonomy that in turn

begets a democratic constitution that is not exogenous to political outcomes but endogenous to political struggles and the play of oligarchic power. Furthermore, this lack of relative autonomy of the state from the oligarchy, the regime from the state, and civil society from both state and regime explains in large part the lack of democratic accountability, the debility of the republican tradition, and the prevalence of informal rules in the political system of polity. The place of civil society in this scheme is essentially ambivalent. Despite its leading role in generating and reproducing democratic legitimacy, civil society is plainly less civil than is often assumed; similarly, although collective action in civil society has always been an important driver of democratization, mobilized civil societies can sometimes threaten democratic institutions. So, if civil society in polity is much less autonomous than many would wish, often this may be no bad thing.

Chapter 5 proceeds to explore the relationships between polity, inequality, and the conditions for good government. The opening discussion of the relationship between social inequality and political equality introduces a synoptic account of the social extremes of Latin America, a dramatic picture of poverty and exclusion that tends to distract attention from the structuring of the deep inequalities by oligarchic and corporate powers. It is noted that the ambivalent place of property rights in democratic theory is at the heart of that theory's failure to resolve the contradiction between social inequality and political equality; the contradiction becomes intelligible, if still intractable, in the context of polity. (A fuller exposition of the mechanisms whereby polity and inequality are made politically compatible can be found in Chapter 9.) This is illustrated by the ways in which the good governance agenda on offer from international financial institutions in recent decades is distorted by this structured inequality, with the aspiration to improve the quality of public administration recurrently impaired by the presence of the patrimonial state. In sum, the oligarchic power expressed in structured inequality and vested in the patrimonial state tends to stymy any attempt to deliver good government and to frustrate any republican response to the challenge of inequality in particular. Yet the classical account of the

republic, first by Plato, then by Aristotle, defended it as a solution to the problem of good government in unequal societies; despite the received view of the weakness of the republican tradition in Latin America, it is argued that such republican solutions have proved viable in the past and can still be so in the present. But more recent republican theory that depends for its viability on government "tracking the interests and ideas of ordinary people" appears unrealistic in the context of polity.

The persistence of populist politics in Latin America is a commonplace of the literature, but there is no consensus about the causes of the phenomenon of populism, or even about its core characteristics. A comprehensive review of the literature in Chapter 6 reveals that any inquiry into the causes falls short of explaining populism if it ignores or mistakes its political context, namely, the combined but contradictory political system of polity. By integrating the current state of our knowledge into the analytical framework of polity, populism becomes intelligible, with the corollary that populist politics are the normal politics of Latin America insofar as they respond to political tensions arising within the polity and reflect political attempts to resolve them. The greater the tensions between the oligarchic and democratic domains of the polity, the stronger the populist impulse; but the populist response can only ever achieve a readjustment in the relationship between these domains, and one that is often confined to changes in the composition of the ruling coalition. Populism certainly represents a challenge to oligarchic power (and in this respect its rhetorical tropes should be taken at face value), but its promises usually remain unfulfilled insofar as it can rarely provide anything more than a temporary solution to political crisis. Yet it will continue to recur as a popular response to patrimonial politics because the articulation of the distinct domains of polity can never be entirely settled or stable. As suggested above, the analysis of populism is timely for the light it can throw on current challenges to the political establishments of the United States, Europe, and elsewhere.

The political thrust of populism in Latin America in recent years has targeted the constitution and sought to restore the nation

to the people by means of radical constitutional reform. Chapter 7 returns to the question of constitutionalism, with a specific focus on constitutional design and its political effects on the performance of democratic governments across the region. A critical response to the political science of constitutional design reveals that it subscribes implicitly to a pluralist view that accords an exogenous status to constitutions as neutral orchestrations of the democratic regime; the array of attempts to measure the political outcomes of constitutional design tends to operate within a narrow compass of broad categories (presidential versus parliamentary systems, proportional representation versus majoritarian systems) that mainly fail to recognize the influence of contextual conditions on their results. In Latin America these conditions reflect the entrenched pattern of political and economic interests condensed in structured inequality, with the political effects of constitutional design mediated either by formal political organizations like political party systems or by the kind of informal rules associated with patrimonialism and clientelism. The consequence—as revealed by a new generation of multidimensional measures—is a specific pattern of uneven democratic performance marked by a very imperfect protection of individual and minority rights and endemic failings of government accountability. This uneven pattern reinforces the finding that constitutional effects are mainly contingent on the deep context of polity, with the distortions in performance profiles driven by structural variations in the composition of the polity.

Far from being at odds with polity, the process of democratization—as noted in Chapter 3—is essential to the creation of polity as a modern political system. Among the principal historical markers of democratization is the political and legal equality expressed and experienced through individual rights, and, whatever else it may or may not contain, democratization has at its historical heart the social mobilization and protest that seek to attain and defend these rights. Chapter 8 therefore considers the contribution of democratization to polity through the prism of the relationship between rights and social mobilization. Historically, social movements emerged in tandem with the modern national state and developed

modular forms of protest that increasingly found expression in a common language of rights. The trajectory of social mobilization in Latin America followed a similar path, as material demands were translated into rights demands that targeted the agencies of the patrimonial state. Subsequent to transitions to democracy across the continent, such mobilization did not subside (as might have been expected) but was reinvigorated by an expanding rights agenda and the glaring gap between rights-in-principle and rights-in-practice. More recently, this mobilization is increasingly motivated by constitutional amendment and reform so that today it is not so parochial in its concern for local issues and identities, nor so particular in its focus on the piecemeal demands and retail reforms that might improve the delivery of rights-in-practice. Rather, as often as not, it is now directed toward the grand issues of national politics, especially the constitutional reforms that might provide some remedy for the inadequacies of political representation and the failings of political accountability in polity. The latter observation is illustrated by a coda to the chapter that draws out the distinctions between human rights, on the one hand, and the rights that respond to national legal and rhetorical traditions, on the other, with specific reference to Chile and Mexico.

The concluding Chapter 9 revisits the structural framework of polity and explores its analytical advantages in explaining democratization (and its reverse) and in establishing the conditions for a stable equilibrium between inequality and democratic government. Polities vary according to—inter alia—the resilience of the democratic regime, the reach and efficacy of state institutions (and especially the rule of law), and the historical weight and profile of the oligarchy. But they have things in common, too, because some forms of internal linkage such as private property and the role of informal rules are relatively constant; it is the combination of informality in the form of clientelism and structured inequality that can explain the stable—if often suboptimal—equilibrium between extreme inequalities and democratic government in Latin America. Yet the stability is only ever relative because the democratic and legal-constitutional struggles explored in the previous chapter continue unabated.

In this connection there is no presumption in the conceptual framework of polity that democracy is all good and oligarchy all bad, still less that there is a permanent Manichean struggle between the two, notwithstanding populist rhetoric. After all, oligarchy may pursue reasonable and justifiable objectives, and—following Oakeshott—the price of oligarchy may be worth paying if political learning over time renders it benign, or at least republican-minded; the republican content of polity—and the historical possibility of a republican response to inequality, in particular (compare Chapter 5)—is always contingent in some degree on the character of the oligarchy. This observation is important to the relevance of polity to the world beyond Latin America because, despite very different trajectories of state formation, the most common form of state is patrimonial, and patrimonial rule in polity is expressed and reproduced through the emergence of a "political class" (Mosca 1939) that comfortably adapts to different institutional templates and usually survives generational change. This conclusion does not seek to celebrate oligarchy, still less to demean democracy. The concept of polity has no ideological agenda and is politically neutral in intent. Its purpose is to deliver a more comprehensive description of the political systems currently described as democracies and a more accurate analysis of the way they work. As noted above, insofar as the inquiry into polity achieves these objectives, the conceptual framework of polity can promote easier comparisons of different democratic regimes.

The Nature of the Argument

There is no single, uniform orthodoxy about democracy, democratic regimes, or democratic governments, nor about democracy's current trials and tribulations. The field of study is far too diverse for that. So there is no identifiable straw person to knock down. No easy target. And this is anyway not the nature of the argument. On the contrary, the argument draws on many strands of thinking, many ideas of diverse provenance with distinct

genealogies; without necessarily agreeing with all these ideas, the avowed intent is to adopt, adapt, and deploy them in the service of the argument's analytical objectives. We all swim in the same river. The ideas provide raw materials for the argument, and so they have to be processed and put to work. But, as noted in the preface to this volume, the argument is not therefore an exercise in pure theory that seeks to explain the world through inductive logic alone. Equally, it is not simply a series or an accumulation of observations followed by deduction. Rather, it is an oscillation between these two modes of inquiry that builds the argument piece by piece, layer by layer. It aspires to be an analytical argument that eventually achieves a synthesis expressed in the idea of polity.

Some of the ideas that make up the raw material of the argument are drawn from classical sources such as Aristotle, Machiavelli, Locke, Rousseau, Hume, Hegel, Marx, Weber, Pareto, and Gramsci. The argument also frequently references modern political philosophers, political economists, and political sociologists such as Habermas, Hirschman, Huntington, Linz, Lipset, North, Oakeshott, and Przeworski. Beyond this, three main strands of thinking inform the argument. First there is what can be characterized as empirical democratic theory, principally from Joseph Schumpeter and Robert Dahl. Second are concepts from the theorists and analysts of Latin American democracy and its travails, mainly Guillermo O'Donnell and his acolytes, who relate democratic government to a wider political context that usually includes the state. Finally, there are the contributions of the historical sociologists, such as Charles Tilly and Michael Mann, and the historically orientated political economists, such as Barrington Moore, Dietrich Rueschemeyer, and Theda Skocpol. (The latter are also state theorists in some of their guises, though they mainly subscribe to a Weberian view of the state and so do not cover the full range of state theory.) Because the argument draws explicitly on these different lines of inquiry, many of the ideas will be familiar. But the familiar may come to be seen differently in the synthesis that is polity, so we may indeed arrive where we started, and know the place for the first time. Yet it is recognized and

accepted that any hopeful attempt to stand on the shoulders of giants does not necessarily or probably make one any taller.

One small example must suffice at this stage. It is clear, as suggested in the final chapter, that the titans of empirical political theory, Schumpeter and Dahl in particular, were motivated by similar perceptions to those driving the argument that follows; here, dues must be paid, as always. (Oddly, this is also true, in lesser degree, of the pessimistic theories of democracy propagated by Pareto, Mosca, and Michels.) But these theorists tend to think of democracy as a full-fledged system in its own right, howsoever constrained or distorted. Dahl dedicates much of his effort to analyzing the impact of corporate power and economic inequality on democratic function and democratic performance, whereas Schumpeter accords full recognition to the presence of oligarchy, with democracy simply a method for constraining the same. But neither theorist makes the final conceptual move toward a specific, distinctive, mixed system with its own structures, dynamics, and political logic, of which democratic institutions and practices are just one part.

Finally, if it were merely a matter of spinning the ideas, then the argument would remain unanchored in a world of myriad interpretative possibilities. But, as stated at the outset, the argument is also an accumulation of reflections on the political realities of Latin America, as the grounding for an empirical analysis of the emergence and composition of the modern polity. These reflections cover a lot of ground, both historical and contemporary, and are, in practice, a combination of empirical analysis with an empirical critique of received views and assumptions. Thus, both the ideas and the empirical inquiry are required to build the conceptual synthesis that is polity. The aspiration is that the synthesis may just possibly liberate our thinking from the tiresome task of forever talking about democracy in terms of the continuous and manifold slippage from normative expectations to political experience. Indeed, if the synthesis makes sense, there may be good reason to stop talking about democracy and start talking about polity.