DRAFT

Not for Citation Without Permission of Authors

COMMENTS WELCOME

Social Inequality, Civil Society and the Limits of Citizenship in Latin America

by

Philip Oxhorn[*]

Department of Political Science
McGill University
855 Sherbrooke Street West
Montreal, Quebec H3A 2T7
Canada

Tele: (514) 398-8970
Fax: (514) 398-1770

E-mail: oxhorn@leacock.lan.mcgill.ca

Social Inequality, Civil Society and the Limits of Citizenship in Latin America
by
Philip Oxhorn, McGill University

At least since Aristotle, the existence of social inequality has posed a central problem for democratic theory and practice. Yet the most equal societies in the world have often been the least democratic. Indeed, those polities which have achieved the highest levels of social equity have done so at the unambiguous expense of democratic participation and citizenship rights. In ancient times, social equality was achieved in the polis by strictly limiting citizenship to a small group of property-owning men--something that would be intolerable today. More recently in the former Soviet bloc, China, Cuba and other regimes, social equity was achieved by eliminating any meaningful sense of democratic citizenship and repressing civil society, the natural locus for exercising such rights. Ironically, the growing levels of social inequality associated with the introduction of market-based economic reforms contributed to democratic transitions in Eastern Europe and the former Soviet Union by undermining the implicit communist social contract, and similar reforms may be among the most serious threats to the legitimacy of the Chinese and Cuban regimes today. Even in market economies, outside of the narrow historical experience of Western political democracies and Japan (and in many cases only since World War II), relatively high levels of social equity in developing countries often seemed to go hand in hand with authoritarian rule. While the presence of authoritarian regimes in no way guaranteed equitable development,[1] the most successful regimes in these terms tended to be closed, repressive regimes such as those found in Taiwan or South Korea.

Even this cursory discussion suggests an important paradox: although democracy may ultimately be undermined by socio-economic inequality, a certain level of inequality seems almost inevitable given the reality of democratic politics.[2] This is because socio-economic inequality is unavoidable in market economies, as Marx recognized (albeit in an exaggerated way) so long ago. Efforts at social "leveling" will meet with stiff resistance, even if attempted through democratic institutions. In most Latin American countries (and many other new democracies as well), there may even be a direct correlation between the level of inequality and the resistance to equity-enhancing measures. In other words, extremes in socio-economic inequality may raise the stakes of the politics of (re)distribution, making substantial reforms least likely precisely in those countries where they are most needed for maintaining democratic stability.[3]

---

[1]The history of Latin America offers the most cogent proof of this. And as the Mexican and Bolivian examples demonstrate, the same is equally true of revolutions.

[2]For this reason, perhaps the best one can hope for is gradually declining levels of social inequality. See Przeworski et al, 1996.

[3]As Usher (1981:98) warned: "... if, as Marx predicted and his followers have repeated ever since, the distribution of income is becoming steadily worse...then it becomes unlikely, almost impossible, for democracy to continue because workers with the political power to displace the capitalist class will eventually be inclined to do so, and the capitalists or their

Here lies the principal insight of T.H. Marshall (1950): socio-economic inequality could be legitimized in Western democracies only through the gradual extension and expansion of the universal rights of citizenship. In what would prove to be a truly virtuous circle over the course of some 300 years of British and, by extension, European history (Bendix, 1964), the evolution of citizenship rights beginning with the establishment of civil rights and progressing through the provision of first political and later social rights of citizenship legitimated the social inequality associated capitalism at the same time that it provided the social and political foundations upon which modern capitalism could thrive.

It is precisely this insight which is often overlooked in recent debates on citizenship, even though there has been a global resurgence of free-market capitalism, especially in Latin America. Instead, the principal challenges discussed in the literature generally revolve around "deepening" or expanding rights of citizenship to include new dimensions and new identities that Marshall never contemplated, such as gender, ethnicity, ecology and community to name but a few (Beiner, 1995, Mouffe, 1992, Turner, 1993, Hobson and Lindholm, 1997; Garretón, 1998). In many ways, these challenges test the limits of pluralism within existing nation-states, and as such often come into direct conflict with what is often identified as the principal threat to modern citizenship: the diminished capacity of states to effectively guarantee the basic rights of citizenship due to global processes of economic and technological change and the rise of ethnic nationalism. Such threats and challenges seem to lie completely outside of Marshall's narrow focus on social classes. Many of the so-called new social movements, in particular women's and indigenous peoples' movements, may even go further, challenging the very fundamental assumptions upon which liberal conceptions of rights, including Marshall's, have been built.[4]

At the same time, the unprecedented ascendance of political democracy around the globe as both an ideal-type and empirical reality, with democracy's concomitant guarantees of basic political rights, has shifted attention away from Marshall's original focus on the evolution of citizenship rights. The focus is now much more on trying to understand the *quality* of existing democratic regimes in the former Soviet bloc and much of the developing world (Oxhorn and Ducatenzeiler, 1998; Jelin and Herschberg, 1996; NACLA, 1996; Przeworski, 1995; Smith et al, 1994; O'Donnell, 1993 and 1994). Such work underscores the importance of not being complacent with the existence of the political rights identified with relatively free and competitive elections. While such democratic regimes can last a long time, this may be due more to inertia and the lack of viable alternatives, than the effective exercise of citizenship rights associated with democratic regimes in the West (Oxhorn, 1998a; Przeworski, 1986). Aside from the high social costs implied by severe limits on effective citizenship rights (crime, poverty, economic insecurity, poverty, and so on), there is always the danger that growing levels of social frustration will be vented in either a resurgence of demagogic populism or the re-emergence of extremism on both the right and left (Oxhorn, 1998b). In a pattern that is very different from the one described by Marshall almost half a century ago, the granting of political rights in many new democracies has been accompanied by the increasingly precarious nature of civil rights and growing limits–if not

---

successors will, at that point, abolish democracy to preserve their privileged position

[4]I am indebted to Nancy Thede for reminding of this point.

actual reversals--of the social rights of citizenship.

In this paper, I attempt to apply certain insights from Marshall dealing with the inter-relationship between distinct types of citizenship rights and social inequality in order to understand some of the principal challenges facing Latin American democracies today. Going beyond Marshall, and in response to some of his critics, I propose to understand the development of citizenship rights as a process intimately linked to the development of civil society. In the first part of the paper, I argue that citizenship rights are socially constructed, and that where civil society is weak the social construction of citizenship rights is correspondingly narrower. More specifically, I reinterpret Marshall's arguments about the evolution of citizenship rights by suggesting that the process he described reflected the accumulation of power resources by Britain's working class. The working classes' growing strength was a principal reason why civil rights were institutionalized, and the enforcement of civil rights both helped institutionalize the working class' pre-existing organizational strength and unleashed processes through which it continued to grow. I then briefly contrast the British experience with that of workers in Bismark's Germany and several Latin American countries where a similar process of power accumulation did not occur. I conclude this section with references to the complicated situation of gendered citizenship rights in Eastern Europe, where the fact that such rights were granted from above during the communist period has contributed to their weakening in the post-communist period for lack of a social base.

The second part of the paper then looks at some specific problems in Latin America democracies today. I argue that political rights often preceded the effective guarantee of basic civil rights, which remain notoriously weak in many countries. I argue that the popular struggles against dictatorships in the 1970s and 1980s did not lead to the same cumulative process described by Marshall. This is because of the elitist nature of these transitions often cut short the process by which civil society developed . It also reflects parallel processes of economic change which have tended to fragment and disarticulate civil society. New neoliberal economic policies have contributed to a marketization of the rule of law as the role of the state in society is dramatically curtailed . In the conclusions, I then explore some possible alternatives for helping to further civil society's development as an essential mechanism for expanding citizenship rights and improving the quality of Latin American democracies.

Civil Society and the Social Construction of Citizenship

In his classic study of the historical evolution of citizenship rights, T.H. Marshall (1950) argued that citizenship was that status of equal rights and duties shared by all full members of a political community. As such, "[the] differential status, associated with class, function and family, was replaced by the single uniform status of citizenship, which provided the foundation of inequality on which the structure of [capitalist] inequality could be built" (p. 34). The specific content of the rights and duties of citizenship would evolve in tandem with the requirements of capitalist accumulation. As a consequence, Marshall argued, political rights in the now established liberal democratic regimes were necessarily preceded by guarantees of basic civil rights for subaltern groups (principally the working class). Once political rights were extended to all citizens, the evolution of citizenship rights could then enter a new plane characterized by the extension of the social rights of citizenship associated with the modern welfare state.

Using Britain as his model, Marshall saw the emergence of modern universal rights of

citizenship as essentially parallelling the growth of market economies. The process began in eighteenth century, according to Marshall, both because the emerging capitalist economy required the institutionalization property rights through the enforcement of basic civil rights, and because the new capitalist society had to legitimate the resultant social inequality with a new principal, that of citizenship. With the end of feudalism, "...the story of civil rights in their formative period is one of the gradual addition of new rights to a status that already existed and was held to appertain to all adult members of the community...This democratic, or universal, character of the status arose naturally from the fact that it was essentially the status of freedom, and in seventeenth-century Britain, all men were free" (Marshall, 1950: 18). As such, civil rights became the cornerstone of modern conceptions of citizenship and included "... the rights necessary for individual freedom--liberty of person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice" (Marshall, 1950: 10-11).

The formative period for political rights then began in the nineteenth century. This could take place only after "the civil rights attached to the status of freedom had already acquired sufficient substance to justify us in speaking of a general status of citizenship" (p. 19). Effective guarantees of basic civil rights was seen by Marshall as an essential prerequisite for political rights of citizenship. Without the newly created status of "citizen," political rights which were independent of economic status were inconceivable. Civil rights, in effect, created the new standard for evaluating political rights. This is because, unlike creation of new civil rights during the preceding century, the evolution of political rights of citizenship entailed the "granting of old rights to new sections of the population....Political rights were defective, not in content, but in distribution–defective, that is to say, by the standards of democratic citizenship" (p. 19). Industrial change and the new conception of civil rights made old conceptions of rights increasingly obsolete. The process of establishing the political rights of citizenship would take roughly one hundred years. It culminated with the 1918 British Reform Act, when political rights were for the first time attached directly to citizenship with the adoption of universal manhood suffrage regardless of the person's economic status.[5]

With political rights extended to all (male) adults, the evolution of citizenship rights then culminated, according to Marshall, with the addition of social rights of citizenship. Once workers have the right to vote, this translated into new social policies that directly began to narrow the gap between real income and money income (i.e., between one's actual standard of living including state subsidies and one's actual salary). For Marshall, decreased economic inequality due to economic development, combined with the social integration achieved through the universal civil and political rights of citizenship, generated a new social consensus for the minimization, if not abolition, of social inequality through the adoption of new social rights of citizenship. The modern welfare state was thus born:

---

[5]As Marshall noted, "the status of women, or at least married women, was in some important respects peculiar" (p. 18). First the civil rights and later the political rights of citizenship that were enjoyed by all "citizens" were thus restricted in their scope to adult men well into the twentieth century. Surprisingly, however, Marshall did not suggest this detracted from the universal nature of citizenship rights or include in his analysis of their evolution the eventual elimination of gender barriers to the exercise full citizenship rights.

Social integration spread from the sphere of sentiment and patriotism into that of material enjoyment. The components of a civilised and cultured life, formerly the monopoly of the few, were brought progressively within reach of the many, who were encouraged thereby to stretch out their hands towards those that still eluded their grasp. The diminution of inequality strengthened the demand for its abolition, at least with regard to the essentials of social welfare (p. 47).

With the capstone of social rights, citizenship was complete for Marshall. This 300-year historical process appears (in retrospect at least) as a virtuous circle in which the cumulative rights of subaltern groups continued to grow to the point that a classic "democratic class compromise" between representatives of big business and workers was reached in established liberal democracies (Przeworski, 1985). Social inequality was not eliminated, but it was significantly reduced to the point that "citizenship itself became, in certain respects, the architect of legitimate social inequality" (Marshall, 1950: 9).

It is clear today that the evolution of citizenship did not end with the adoption of social rights of citizenship. Just as Marshall (1950:29) noted 1949 that each society must develop its own ideal of citizenship because "there is no universal principal that determines what those rights and duties shall be," the "ideal" combination of civil, political and social rights of citizenship which he described is itself now facing numerous challenges. Social rights have come under increasing attack in virtually all established democracies, including Britain, a suggesting a reversibility never anticipated by Marshall (Turner, 1992). Marshall's almost idyllic view of class relations seems anachronistic in Latin America today, where social conflict seems to be of a very different nature.

Moreover, as a *causal* theory of citizenship rights, Marshall's essay is in many ways inadequate. Despite some isolated references,[6] the role of class conflict and social struggle in defining and expanding citizenship rights is largely ignored (Rees, 1996; Steinberg, 1996; Turner, 1992; Roberts, 1996). While this account of citizenship is explicitly about class relations, this is not a structuralist argument or one that even assumes contradictory class interests. Marshall instead adopts a deterministic, almost functionalist view of the evolution of citizenship rights from the perspective of capitalist economic development and political stability. There is an implicit assumption that the interests of the working class and capitalists are complementary rather than contradictory. In the first instance, capitalists required civil rights in order to protect their interests. This, in turn, was portrayed as unleashing a seemingly inevitable teleological process by which economic development created a new societal consensus surrounding universal rights of citizenship. The institutionalization of citizenship rights was able to keep pace with changing public attitudes in large part because continued economic prosperity itself was responsible for raising levels of economic equality independently of state redistributive policies. Ultimately, economic prosperity and the new social consensus which it created allowed for an increasingly direct attack by the state on any remaining sources social inequity. But such policies had to wait their time. Thus, an early effort to provide social rights through the Britain's Poor Law in the late

---

[6]For example, when he noted that citizenship is based on "loyalty to a civilisation which is a common possession....Its growth is stimulated by the struggle to win those rights and by their enjoyment when won" (Marshall, 1950: 41).

18th century was doomed to failure "because it was utterly obnoxious to the prevailing spirit of the times" (p. 23). Marshall 's economic determinism and his focus on a single path for the development of universal citizenship rights in many ways anticipated the modernization theories of socio-economic development of the 1960s and 1970s. These theories similarly envisioned a single, conflict free and more-or-less inevitable development path loosely based on the experiences of the first countries to industrialize in the West (Lipset, 1959; Deutsch, 1961; Almond et al, 1973; Huntington, 1971; and Portes, 1974).

Unlike modernization theories, however, it is important to emphasize that Marshall's description of the evolution of British citizenship rights is not necessarily inconsistent with approaches stressing the role of conflict and contingency in the social construction of citizenship.[7] British capitalists may have enjoyed economic prosperity and relative political stability for centuries, but this is better understood as the consequence of concessions brought about as a result of social struggles initiated by workers rather than the outcome of a predetermined teleology of capitalist development (Bendix, 1964; Przeworski, 1985). Similarly, capitalists elsewhere have also done extraordinarily well by following distinct paths of political and economic development in which limited social rights of citizenship were in effect given to workers as a way of co-opting or controlling worker mobilization in the absence of effective political and civil rights (Mann, 1996; Oxhorn, 1995b and 1998b).

Rather than the outcome of the functional requirements of capitalist development or the consequence of a new social consensus associated with modernity, I will argue that a causal theory of citizenship rights in Britain and elsewhere is best understood in terms of the development of civil society within particular countries and its interaction with the state. For the purposes of this argument, civil society will be defined as

> the social fabric formed by a multiplicity of self-constituted territorially- and functionally-based units which peacefully coexist and collectively *resist subordination* to the state, at the same time that they *demand inclusion* into national political structures.[8]

This definition focuses attention on power relations within a given society by emphasizing the centrality of organization and struggle. It contrasts with a more liberal focus on individuals

---

[7]See Tilly, 1996a, for a number a series of recent case studies of the historical construction of citizenship. Also see Foweraker and Landman, 1997.

[8]I develop this definition as part of what I call a collectivist approach to understanding civil society. This stands in contrast to a more liberal perspective which focuses on individual self-interest and the normative values dominant within a given society such as trust and civic culture. See Oxhorn 1995a and 1995b. It is important to emphasize that the collectivist and liberal perspectives highlight distinct aspects of modern civil society (Black, 1984; Taylor 1990). I have adopted the collectivist perspective because it focuses attention on those aspects of civil society which are central to understanding citizenship as a socially constructed and contingent outcome which can develop along a variety distinct paths..

and norms associated with a democratic political culture.[9] The dual dynamic of resistance and inclusion characteristic of civil societies implies that strong civil societies reflect a relative dispersion of political power throughout entire polities.[10] The ability of distinct groups to organize themselves contributes to the dispersion of political power in their favor. It avoids or lessens the tendency in capitalist societies for the interests of dominant actors and social classes to completely subordinate the interests of other less powerful actors and social classes. While civil society requires the space that only a democratic political regime can provide in order to fully develop, the emergence of civil society has historically preceded the advent of stable democratic regimes and is therefore to a certain extent independent of the existence of a democratic political regime (Oxhorn 1995a and 1995b). Indeed, the strength of civil society is an important factor in bringing about transitions to democracy in the first place (O'Donnell and Schmitter, 1986). In societies where political power is more concentrated, civil society is weaker and the prospects for long term democratic stability and equitable development are correspondingly lower.

By focusing attention on power relations, it becomes clear how civil society as a concept is distinct from economic structure. In particular, civil society is characterized more by "institutionalized societal pluralism" (Schmitter, 1986: 6) than the relative strength of class-based functional organizations such as employers groups, trade unions and peasant organizations. In addition to social classes, other actors in civil society may include economic sectors and professions, independent territorial communities, ethnic and linguistic groups, religions and sects, voluntary associations, gender and generational groupings, among others. Shared identities, the ability for self-organization and even a history of collective struggle are sources of power which can enable disadvantaged groups to challenge the status quo (Brenner, 1976; Evers, 1985; Jellin, 1990; Calhoun, 1991; Subramanian, 1995; Offe, 1987; Melucci, 1985).

While civil society is distinct from economic structure, economic structure conditions civil society's potential in important ways. To the extent that economic change contributes to a greater dispersal of power resources and increases the capacity of distinct groups to organize themselves, it should facilitate greater levels of social inclusion and democratization.[11] Conversely, if economic change increases the level of economic concentration or is accompanied by the erection of new barriers to collective action on the part of distinct groups, it would tend to

---

[9]To a certain extent, this liberal perspective on civil society adopts many of the same assumptions which underly Marshall's discussion. The limits of that perspective on civil society are similarly reflected in the limits of Marshall's analysis as a causal theory of citizenship.

[10] The terms "power" and "power resources" are used here to refer principally to economic resources, and organizational capacity to autonomously define and defend collective group interests. The latter can be based on a strong sense of collective identity, ideology and organizational skill or "know-how." It can also derive from the availability of selective incentives for members. Physical power or coercive strength is not relevant here because this is generally used for ends which are antithetical to the development and maintenance of civil societies.

[11] By democratization, I am referring to the extension of democratic decision-making processes to different spheres. See Schmitter and Karl, 1991.

undermine civil society and allow for a greater contraction of social inclusion and democratization.

As Tilly, (1996b: 9) notes, historically, it was the "struggle and bargaining between expanding states and their subjects [that] created citizenship where it had not previously existed." While today there is perhaps greater consensus than ever before on the normative content of democratic citizenship rights, rights are still contested in practice. Moreover, there is still no consensus for implementing specific rights of citizenship and how. In most new democracies, conflicts over basic citizenship rights were often central yet unresolved issues in the transition process. The failure of democratic institutions to address these shortcomings after the transition, as will be discussed in greater detail below, is often the principal source of fragility for many newly democratic regimes. Agency, both historically and today, is key to understanding how citizenship rights actually evolve or stagnate. The pressures for expanding citizenship rights that emerge (or fail to emerge) from within civil society, and how those pressures are dealt with by state actors, is central to any causal theory of citizenship.

From the perspective of civil society's role in constructing citizenship, it is important to highlight three central aspects of Marshall's understanding of citizenship and democracy in Britain. First, economic inequality must be addressed in a systematic way because it is both inevitable under capitalism and antithetical to democratic norms. This does not mean, as Marshall emphasized, that inequality should be eliminated. Such an effort would be even more antithetical to democratic practice. Instead, economic inequality must steadily decline, as was the case in Britain during the period in which citizenship rights evolved.[12] Remaining economic inequality must be continuously legitimated, something initially achieved in Britain by the enactment of universal civil rights of citizenship. Ultimately, citizenship rights should seek to ensure that "the unified civilisation which makes social inequalities acceptable, and threatens to make them economically functionless, is achieved by a progressive divorce between real and money incomes" (Marshall, 1950: 81).

The second aspect of Marshall's discussion of citizenship rights which merits highlighting is the differential content or quality of citizenship rights. It is often assumed that citizenship is an integral whole–an all or nothing proposition independent of its actual substance. Through birth or naturalization, people who are "citizens" are seen as being entitled to the same rights and presumably share the same duties as part of a nation defined by geographical boundaries and an "imagined community" (cf. Anderson, 1991). De jure distinctions of "second class citizenship" are no longer normatively justifiable. Marshall reminds us both that citizenship is layered and that we need to understand the relationship between those layers. In the specific case of Britain, the sequence by which these layers were added to the meaning of citizenship was particularly fortuitous. As will be discussed below, alternative sequences are likely to have important consequences for the sustainability of democratic politics.

This distinction is particularly important in Latin America, where national identities were defined as incorporating in the absence of the kind mass mobilization characteristic of European

---

[12]This observation is also consistent with a large body of empirical evidence demonstrating a positive relationship between the longevity of democratic governance and gradually diminishing economic inequality. See Przeworski et al, 1996, and Przeworski et al, 1995.

nationalism (Anderson, 1991; Lynch, 1973). Alternative conceptions of citizenship rights would gradually emerge that were largely independent of the civil and political rights discussed by Marshall, instead focusing on vague notions of the social rights citizenship (O'Donnell, 1979). Nationalistic mobilization would not become widespread in the region until the 20th century, when it was largely unconnected to any sense of universal citizenship rights. In most cases, it was the consequence of successful populist leaders whose commitment to democratic norms of universal citizenship was ambiguous at best (Oxhorn, 1998a). Important citizenship rights, particularly social rights, intentionally remained segmented and were often granted by authoritarian regimes as a way to co-opt and control social pressures–a point I will return to below.[13]

Finally, the collectivist dimension of citizenship rights is central to understanding how citizenship relates to social inequality. While citizenship rights are obviously individual rights, struggles defining them can only be carried out collectively, and collective demands for citizenship rights are essential for making such rights effective. There is a certain paradox in this observation: the liberal ideal of individual freedom so closely associated with the ideal of universal citizenship cannot be achieved unless individuals organize collectively to demand respect for the rights such freedom entails. As a result, such "individual" rights are in effect granted to entire classes of people (e.g., workers, women, illiterates, and so on), even if their normative justification rests on liberal premises. Marshall (1950: 42-43) recognized this paradox, noting that "civil rights were in origin intensely individual, and that is why they harmonised with the individualistic phase of capitalism...[yet] groups were enabled to enact legally as individuals," particularly trade unions. In this way, "one of the main achievements of political power in the later nineteenth century was the recognition of the right of collective bargaining. This meant that social progress was being sought by strengthening civil rights...." Civil rights are collective rights in practice, regardless of the intent of liberal reformers.

This collectivist dimension of citizenship rights is in many ways the essence of strong civil societies. What distinguishes civil society from other social formations is the nature of its collective actors and their specific demands or objectives. A good example of this is the working class. In societies which have experienced a minimal level of industrialization, the working class is an important potential actor. Whether or not the organized working class will be part of civil society will depend on how the movement is organized and its goals. In nineteenth century Western Europe and Latin America in general, the organized working class was a key actor in early processes of democratization (Bendix, 1964; Rueschemeyer, Stephens and Stephens, 1992; Collier and Collier, 1991). Only rarely did the working class organize as a revolutionary force. Instead, as Bendix (1964) argued for Western Europe, the socialist (and nationalist) movements

---

[13]It is important to stress that not all social rights were given by elites with the explicit goal of co-opting organized labor or other key groups. In many cases, including Chile during much of this century. Such rights were the outcome of protracted political struggles. Even in Mexico, a country where the co-optation of large segments of society has long been considered a hallmark of the regime's political stability, the exact contours of such "rights" were often determined through struggles involving organized groups in society. See Vaughan, 1997; Rubin, 1997, and Middlebrook, 1995. Still, such rights were significantly limited by processes of controlled inclusion which all subaltern actors were entwined in, a point I will return to later.

of the nineteenth century should be seen as political, reflecting the political alienation of the working class seeking *integration* into the socio-political system:

> Rather than engage in a millenarian quest for a new social order, the recently politicized masses protest against their second-class citizenship, demanding the right of participation on terms of equality in the political community of the nation-state (p. 73).

In Latin America, working class demands for integration into the socio-political system have been historically much less successful as a result of processes of *controlled inclusion* (Oxhorn, 1995b and 1998b). In many countries, the working class was organized by the state in order to limit its political and economic power by undermining any autonomous working class organization that could effectively challenge the privileged position of the dominant classes. This was a key characteristic of Latin American populism and the corporatist institutions of countries such as Brazil and Mexico. In some cases, most notably Chile, a strong, autonomous working class movement emerged closely tied to leftist parties.[14] But even here, the development of civil society was constrained by the dominant classes who remained in effective control of the state. Throughout Latin America, civil society emerged, but remained weak and at the mercy of the state. When the institutions of controlled inclusion failed to constrain working class demands for integration, authoritarian rule was violently imposed in countries as diverse as Argentina, Brazil, Chile and Uruguay. Where the institutions of controlled inclusion did not breakdown, most notably in authoritarian Mexico and democratic Venezuela, civil society remained stunted and the organized working class became a relatively privileged actor compared to the vast majority.

Central America (with the exception of Costa Rica), pre-revolutionary Bolivia, Cuba and Mexico, as well as Paraguay under Stroesner and Peru prior to the 1968 military government, were important exceptions to this general pattern of controlled inclusion. In these cases, popular sector inclusion was minimal, if not non-existent. Civil society was similarly very weak. The resultant concentration of economic and political power led to extremes of social polarization, even by Latin American standards. Under these circumstances, a social explosion seemed inevitable. Lacking any other avenues for achieving effective integration into the socio-political system due to often high levels of repression, the working class allied with the still much larger peasantry to form powerful revolutionary movements. To varying degrees and with different levels of success,[15] these movements came to represent strong, well-organized popular sector actors.

---

[14]The relative strength of civil society in Chile compared to elsewhere in the region is also reflected in the unique evolution of social and political rights of citizenship in the context of economic underdevelopment. As Garretón (1989) argued, democratic stability from roughly the 1930s to the 1973 military coup depended on the simultaneous expansion of political democracy (i.e., political rights), substantive democratization (i.e., social rights) and economic development based on a model of import-substituting industrialization.

[15]This peasant-worker alliance was most successful in Cuba. Its success is more ambiguous in the other cases. In Nicaragua and Bolivia, the revolutionary triumph proved short-lived. The Mexican Revolution was made possible by this alliance, but peasants and workers soon found their interests subordinated to more powerful actors in control of the revolutionary state.

But their goals and methods were not compatible with civil society.

Fundamentally, the emergence of such movements reflects the <u>weakness</u> of civil society and the concomitant lack of alternatives to violent conflict for pursing popular sector interests.[16] This can be seen most clearly in those cases where revolutionary movements failed to win substantial popular support (Wickham-Crawley, 1989).[17] Similarly, when state elites in Colombia created a national peasant organization as a mechanism for cooption and controlled inclusion, the limited space this provided for popular participation led to a groundswell of support which allowed the organization gain a certain autonomy from the state in order to challenge state policies that were contrary to the interests of the organization's members. When a new, more radical and revolutionary leadership gained control of the organization, however, the ensuing conflict with the organization's more moderate grassroots undermined the organization's strength and effectively destroyed its ability to act as an autonomous interlocutor for the peasantry in dealing with the state (Zamosc, 1989). Even a minimal redistribution of political and economic power associated with emergent organizations of civil society and their interaction with the state would appear to be preferable to the high stakes--and even higher costs--associated with armed revolutionary struggle for the vast majority of the popular sectors.

While the discussion of collective rights and action has been limited to social classes, there is no reason why the analysis is not equally applicable to understanding other potential actors. As already noted, citizenship is a social construction in which a variety of actors participate or potentially should participate. These can include, in addition to social classes, groups based on gender, ethnicity, religion, sexual practice, age, cultural identity, and so on. They are essentially the constitutive elements of strong civil societies. Their absence in national political processes may reflect the weakness of civil society and/or repressive state policies. It inevitably results in limited citizenship rights.

In sum, the expansion of citizenship to include civil, political and, ultimately, social rights as described by Marshall should be reinterpreted to recognize the conflictual nature of the process and the central role played by civil society as it interacted with the British state. At the same time, such struggles are constitutive of the growing strength of civil society. Through collective struggle, collective identities are created and redefined as new sources of political power (Hobson

---

Fear of a successful revolutionary alliance led the Peruvian military to launch its 1968 coup and initiate wide-ranging reforms that eliminated the oligarchy as a social class and sped up the country's incipient process of import-substituting industrialization.

[16]It is important to emphasize that the goals and methods of such revolutionary actors can change, as has been the case of the Frente Farabundo Martí para la Liberación Nacional (FMLN) in El Salvador. For a variety of reasons, such dramatic changes are quite rare (Karl, 1992), however.

[17]This also explains why movements such as Peru's <u>Sendero Luminoso</u> often brutally attacked popular organizations and other popular sector actors, not to mention participatory democratic institutions of the state. In effect, <u>Sendero</u> deliberately sought to undermine Peru's civil society and eliminate any alternatives to violent revolution.

and Lindholm, 1997). When rights are granted as a result of social struggle, a certain prior distribution of power resources is recognized and institutionalized by the state, contributing to a further relative dispersion of power resources and concomitantly strengthening civil society.

From this perspective, the path followed by Britain and so eloquently described by Marshall may still be "ideal," but it is also unique. This is essentially the conclusion reached by Barrington Moore (1966), who argued that Britain's path to democracy, although marred by considerable violence, was less problematic than elsewhere because of the early commercialization of agriculture. According to Moore, the commercialization of agriculture eliminated the peasantry as a class that could be mobilized either by the forces of reaction or revolution. It also created a bourgeoisie capable of providing a more-or-less equal ally of the aristocracy in creating an effective counter-balance to the state and curbing the latter's authoritarian tendencies. In terms of civil society's development, the early introduction of the market with the commercialization of agriculture created new, more widely distributed power resources.[18] As Moore noted, it clearly increased the power of the bourgeoisie.

Equally important, these new resources were largely independent of the state (although the state played a critical role in regulating new markets and facilitating Britian's growing trade relations). Along with early industrialization, there was also a significant increase in the potential power of the working class. This was reflected in their steadily increasing wage incomes. It also was the result (as Marx appreciated early on) of the relative ease of organizing workers who were concentrated in factories, shared clearly identifiable common interests and whose cooperation was becoming increasingly indispensable for continued capital accumulation.[19]

When the evolution of citizenship rights follows alternative paths, the consequences for democracy and civil society are often dramatic. For example, social rights of citizenship have historically often been a substitute for civic and political rights. Mann (1996) criticizes both the teleology and functionalism of Marshall's analysis by pointing out that this is precisely what took place in Germany under Bismark. He even goes so far as to suggest that such a system of social integration would have proven quite durable, had World War I not intervened. From the perspective of civil society, social integration in Bismark's Germany is very similar to the processes of controlled inclusion common in Latin America. Coming early in the process of industrialization, a small and relatively weak working class could be integrated into the political system in a subordinate fashion that stymied both the subsequent development of citizenship rights and civil society. Rather than merely end this experiment in effective social control, World War I marked the beginning of a new era as industrialization continued to progress. The working class not only continued to grow, but it was also mobilized as part of the war effort. With the defeat of Germany in World War II, as in much of Western Europe, new corporatist structures were created that gave the pre-existing strength of organized labor institutionalized expression by the

---

[18]For this reason, civil society is sometimes erroneously seen as being coterminous with markets.

[19]These are perhaps unique advantages of the traditional working class compared to other disadvantaged groups in society, particularly peasants, and are the principal reasons why working class rights were among the first to be institutionalized in most countries.

state, and in the process that strength was actually increased. The end result was the consolidation of a new set of citizenship rights that fully incorporated civil, political and a particularly high level of social rights of citizenship.

In Latin America, corporatism in the region (and other developing areas as well) was seen as part of a strategy of "defensive modernization from above" (Schmitter, 1974). From roughly the 1930s through the 1940s, in countries as diverse as Argentina, Brazil and Mexico, elites in control of the state imposed upon workers state structures that would be used to control working class demands and mobilization. Hierarchical labor institutions lacking effective roots in civil society were created by the state to maintain political stability and promote economic growth in the absence of comprehensive social welfare institutions or measures to address growing income inequality. Rather than redistribute power in favor of the working class as happened in Western Europe, corporatism in Latin America institutionalized class inequalities in terms of access to the state and economic resources by creating a new, relatively small privileged group of workers among the popular sectors. Instead of allowing for the autonomous articulation of workers' demands in the framework of a liberal democratic state, corporatist associations in Latin America remained dependent and penetrated by the state, stunting the growth of civil society.

By contrast, in Chile (and Argentina after Peron's overthrow in 1955), organized labor had deep roots in society that allowed it to obtain considerable autonomy from the state in terms of its ability to mobilize workers and pressure the state. While the autonomy and strength or organized labor did not rival that of its European counter-parts, [20] the citizenship rights of Chilean workers (and at least the social, if not political rights of Argentine workers) were considerably greater than workers in most other Latin American countries as a result of historical struggles. The relatively strength of workers in both countries, moreover, was a major contributing factor to the coups that gave origin to military dictatorships in the 1960s and 1970s when the demands placed on the state exceeded the bounds set by processes of controlled inclusion.[21]

The same basic point about the sequencing of citizenship rights and the development civil society is highlighted in a different way by examining the fate of women's rights in the former Soviet Union and post-Soviet Eastern Europe.[22] As is well know, the social rights enjoyed by women under Soviet-style communism were often quite significant in terms of their potential for empowering women relative to men. Indeed, the Communist order claimed to champion many women's rights (regardless of how effective or genuine such claims actually were)–and that is part

---

[20]In Chile, labor's autonomy was significantly circumscribed by the political parties of the left, particularly the Communist Party, which sought to mobilize workers to capture control of the state. Labor's autonomy in Argentina was similarly limited by its close links to the Peronist movement.

[21]It is also conceivable that Germany would have had the first bureaucratic authoritarian state had the policies of social integration established by Bismark continued into the 20th century. Cf. O'Donnell 1979.

[22]The following is based on Waylen, 1994, and Einhorn, 1989 and 1991. Also see Hobson and Lindholm, 1997.

of the problem. The granting of such rights by the communist state in the absence of any autonomous demands for them from within civil society stymied the development of civil society by pre-empting the potential for women's mobilization.[23] When the communist regimes fell, a new stigma was attached to feminist movements because their demands were so closely associated with the now discredited communists. In the face of considerable setbacks in rights that would have been considered major gains for women had they been won in other contexts (access to social services and health care, abortion and contraceptive rights, to name but a few), one finds a "cultural narrative that reasserts an essentialized sexualized woman, who seeks to reclaim her natural domesticity denied to her under the former regime" (Hobson and Lindholm, 1997: 501).

Citizenship Rights in Latin America's New Democracies

In contrast both to Marshall's teleological understanding of citizenship rights and the alternative pattern of social rights being used to pre-empt political and civil rights of citizenship, the recent transitions to democracy in Latin America represent a third alternative path: the provision of universal political rights of citizenship in the absence of universal civil rights and declining social rights. While generally stable (so far at least),[24] these democratic regimes are characterized by severe limits on the *quality* of democratic governance which pose severe challenges for their eventual consolidation. This unique sequence reflects the elitist nature of these transitions over which militaries retained a disproportionate influence, as well as the consequences of neoliberal economic development policies. Both have affected the capacity of civil society to engage in the kinds of collective struggles necessary to define citizenship in a more comprehensive fashion.

As a result of the recent transitions to democratic rule, Latin Americans throughout the region currently enjoy an unprecedented level of political rights exercised through reasonably free and fair elections. The principal exceptions remain Cuba and, to a more ambiguous degree, Mexico.[25] Somewhat paradoxically, given that widespread human rights abuses by authoritarian

---

[23]Obviously repression played a role, but it would be too simple to suggest that the weakness of women's movements in the former Soviet bloc was due solely to this. In Latin America, women's movements achieved considerable levels of mobilization under quite repressive military regimes. For example, see Jacquette, 1989; Alvarez, 1990.

[24]Of the recent transitions to democracy in Latin America, the only prolonged reversal of democratic rule was the *autogolpe* of Peruvian President Alberto Fujimori in 1992 in which constitutional rule was suspended for approximately one year. See Cameron, 1998 and Mauceri 1995.

[25]Even in authoritarian Mexico, citizens have enjoyed full political rights for many years, with regular elections having taken place for decades. The problem of democracy here has been related more to the effectiveness of political rights and lack of free competition (undermined by extensive fraud, corruption and sometimes repression) than their absence. Recent electoral reforms and electoral setbacks for the ruling Institutional Revolutionary Party (PRI) suggest this may be changing. See Prud'homme 1998.

regimes were a principal cause for many of the recent transitions, civil rights of citizenship remain extremely precarious for the majority in many countries (O'Donnell, forthcoming and 1993; Holston, 1998; Oxhorn, 1998a; and NACLA, 1996). Holston (1998), for example, estimates that up to two thirds of new democracies in developing countries are characterized as "uncivil" due to widespread abuses of civil rights. O'Donnell (forthcoming) suggests that this is a significant problem in all Latin American countries with the exception of Uruguay and Costa Rica (one of the region's oldest democracies).

In Latin America, civil rights have generally been the most precarious historically. This has been the direct result of the politicization of the state and the consequent weakening of basic state institiutions (Karl, 1997; Chalmers, 1977). The limits of controlled inclusion also have resulted in state repression in various forms when social pressures threaten to surpass those limits. In the current context, several factors have combined to exacerbate the problem. Juxtaposed with new political rights, the lack of civil rights threatens to undermine democratic legitimacy, if not the relevance of democratic government to people's everyday lives (Garretón, 1998).

Abuse of the legal system by elites, corruption and widespread perceptions that officials enjoy a certain impunity regardless of what they do has also undermined trust in legal institutions (Hendley, 1996; Garretón, 1995 and 1989). This is one of the principal authoritarian legacies faced by new democracies, and in many cases such practices do not end with the transition to democracy. To this must be added the problem of authoritarian laws and personnel that are similarly held over from the period of authoritarian rule and are difficult to change. People become accustomed to pursuing extra-legal remedies for their grievances and assume that any reforms will fail in practice, even if enacted by an elected government. Unless trust in the legal order can be restored, democratic reforms will be undermined, as many will assume that reforms will be no more effective than in the past.

In the current context, moreover, civil rights in many new democracies are undermined directly by a de facto marketization of the rule of law. Equal protection under the law exists on paper, but the poor cannot access it effectively because of their limited economic resources. The state is incapable (because of corruption and its own lack of resources) of filling the void. Instead, legal systems serve to further reinforce structural problems of inequality and social exclusion. In a vicious circle, ineffective remedies for corruption and ensuring official accountability further undermine trust in the legal and even political systems, making it more difficult to curb abuses.

Similarly, law enforcement often remains an instrument for corruption and repression, rather a progressive instrument for enforcing legal reform. Moreover, in countries emerging from crisis, law enforcement is often viewed as entirely distinct from legal reform. As a result, both potential instruments of reform develop at different speeds, rather than as a coherent and self-reinforcing process. In short, legal reforms may be announced to the public, but there is no enforcement of those laws. The net effect is continued mistrust in the country's institutions, and a continued problem of personal security at the local level.[26]

---

[26]The complicated process of police reform and accountability is examined in Frühling, 1998, for the case of Chile, and de Mesquita, 1998, for the case of Brazil. Lessons from the Canadian experience of institutionalizing police accountability are analyzed in Lapkin, 1998.

The situation is further exacerbated by the substantial increase in crime rates throughout Latin America (NACLA, 1996). In addition to frequently being the primary victims of crime, the poor are often targetted by police efforts to control crime in what amounts to the "broad criminalization of the poor" (Holston, 1998: 16). For example, the dramatic rise in the crime rate after the transition to democracy in El Salvador led to the passage of the Emergency Law Against Delinquency (*Ley de la Emergencia Contra la Delincuencia)* and the Law for Social Defence (*Ley para la Defensa Social*) in March 19, 1996. The laws, portions of which were eventually declared unconstitutional, stipulated that individuals were to be considered potential criminals subject to imprisonment and the loss of basic rights simply because of their appearance. The unemployed, young people, the poor, or simply people who dressed differently were all targeted by laws that ignored the equally serious (but largely white collar) problems of organized crime and official corruption [*Proceso*, 16: 702 (March 27, 1996)]. At the same time, particularly among the relatively well-off, there is an increasing privatization of law enforcement as people resort to vigilantism and pay for private security.

In sharp contrast to the process by which citizenship rights developed in Britain according to Marshall, capitalists have been able to adapt–if not actually profit–from the limits of civil rights in much of the region. The marketization of the rule of law, the criminalization of poverty and the privatization of law enforcement are all at least partial solutions to rising crime rates and ineffective legal systems available to people with economic resources. Moreover, business interests now enjoy growing influence in Latin American politics (Mahon, 1996; Keohane and Milner, 1996; Oxhorn and Ducatenzeiler, 1998). Such influence is often through informal, undemocratic channels and is one major source of the precariousness of civil rights. Because business interests may benefit from such irregularities–something Marshall did not anticipate–they will not necessarily provide any impetus for change. As Mahon (1996: 200) wryly observed: "...those who move markets may have no objection to formally unaccountable state power, as long as it is informally accountable to them."

The growing influence of business interests in Latin America also reflects the adoption of a new set of neoliberal development policies which has had a significant negative impact on the social rights of citizenship. At their core, these development policies rely on the market for determining the best allocation of resources and opportunities for the poor. This is complemented by the state in its subsidiary role of providing certain public goods and income transfers targeted directly at those most in need of assistance.

New social welfare policies of *targeted assistance* best represent the implication of this change in development policy for social rights. They are premised on the assumption that the solution to poverty is to be found at the micro-level by channelling minimal state welfare provisions directly to those most in need. The emphasis is on short-term solutions which will allow these people to become self-supporting through their participation in the labor market. Reliance on the market for determining the best allocation of resources and opportunities for the poor is complemented by the state in its subsidiary role of providing certain public goods and income transfers targeted directly at the poorest in society. General subsidies and non-uniform, overly-bureaucratic welfare policies are replaced by strictly needs-based direct payments (to users or service providers) in areas such as health care, education, nutrition, employment and housing. The efficiency of social welfare expenditures is allegedly increased by limiting the amount of

"leakage" to middle- and upper-class groups. In the area of health care, for example, the state's role is minimized by making it the provider of last resort. Only the indigent and poor who cannot afford private health insurance will be channeled into a supposedly more efficient, streamlined public health service. Similarly, in the area of low-cost housing, the state's role is reduced to providing direct subsidies and screening for eligibility, leaving the market to ensure an adequate supply of low-cost housing once the "demand" from low-income groups is guaranteed by the state.

The significance of this policy shift can be seen in the fact hat poverty reduction in the region in recent years has been the result almost entirely of economic growth and a concomitant increase in employment opportunities for the poor (Helwege, 1995; ECLAC, 1994). Even in Chile, where social expenditure increased 21 percent in real terms between 1990 and 1992, more than 80 percent of the increased income received by the poorest forty percent of all households during this period was from increases in earned income (ECLAC, 1994: 8). This implies, however, that the state has refrained from filling any redistributive role.[27] Social expenditures still remain largely regressive. Their expansion is procyclical, and likely to continue to be so in order to maintain investor confidence. Similarly, tax reforms and minimum wage polices have not been used to redistribute income to any significant degree (Helwege, 1995). Policies designed to deal with the structural causes of poverty and inequality, particularly through investments in human capital such as education and health care, are sacrificed to the short term priorities of maintaining economic equilibriums under the assumption that targeted programs for the neediest will provide the necessary time for the economy to provide more jobs.

These policy changes have severely affected social equity in the region, futher compounding the growing problem of soaring crime rates. The resumption of economic growth in Latin America after the economic crisis in the 1980s has generally failed to bring levels of inequality back to the levels experienced in the 1970s (Altimir 1994 and 1995).[28] This is despite sometimes significant reductions in poverty. Altimir (1994: 26) concludes:

In sum, "normal" distributive patterns in the coming phase of sustained growth,

---

[27] While this is clearly a policy choice, it also may reflect changes in the structure of the state itself which have limited the state's institutional capacity to redistribute economic resources, even when the political will to do so exists.

[28] The principal exception is Colombia, where inequality was actually lower than before the economic crisis. But here the more prominent threat to civil society is the pervasive violence linked to narcotrafficking, leftwing insurgencies and government counter-insurgency policies. Moreover, high levels of corruption and the weakness of key state institutions such as the judiciary imply civil rights there are as precarious as they are in the rest of the region, if not even more so. Uruguay and Costa Rica were approaching their previous levels of inequality. These countries arguably also enjoy the strongest civil societies in Latin America, which can help explain why the regressive tendencies of the neoliberal development model were to a certain extent mitigated. It is also important to note that Uruguay has made only minimal progress in implementing the structural reforms required by the model, largely due to the refusal of Uruguayan voters to abandon the key institutions of their welfare state.

when this materializes in most Latin American countries, once they have recovered
from the crisis and its sequels, completed structural adjustments, and deployed
policy reforms, tend to be more unequal--at least in urban areas--than those
prevailing in the last stages of the previous growth phase, during the 1970s.

The long term outlook is no better from this perspective. Enrique Iglesias, President of the
Inter-American Development Bank warned that:

in conditions of stable growth, it could take the continent many years–between 50
and more than a century, depending on the country–to give all citizens a minimum
level of well-being on current distribution trends (*New York Times*, March 25,
1998: A7).

This unique coincidence of limited civil rights, declining social rights and nearly universal
political rights of citizenship reflect the weakness of civil society that stems both from the nature
of recent transitions and current economic development patterns. In particular, the dominance of
political parties and elite actors in these transitions has stymied the development of Latin
American civil societies.[29]

Although popular mobilization generally played an important role in precipitating
democratic transitions, elite actors and political parties ultimately determined their final course
(O'Donnell and Schmitter, 1985; Oxhorn, 1995a).[30] The clearest expression of this is in the
political pacts which in many cases determined not only the rules of the game for the future
democratic regime and the kinds actors who could participate, but set limits on the substantive
issues that elected governments could address (Karl, 1985). Among those limits were important
concessions to the outgoing authoritarian regime in terms of future prosecutions for human rights
abuses and the preservation of various "authoritarian enclaves" within the institutions of the new
democracy (Garretón, 1989).

The process by which elite actors and political parties came to dominate the political
process during the later phases of the transition necessarily entailed a demobilization of mass
actors and their subordination to the interests of ensuring a successful democratic transition. This
demobolization, however necessary it may have been to avoid any possible authoritarian
regression, was not without tensions. In essence, it cut short the process of building civil society
that had started as a prelude to the transition. These tensions were only exacerbated by the
continued dominance of elite actors, particularly party elites, after the transition and a widespread
perception of a growing distance between party leaders and the population at large. The available
"space" for popular participation often seemed circumscribed to the electoral process itself.
Moreover, there was frequently a sense of frustration given the limits to the actual changes
brought about in democracy's wake. The result has been a general decline in organizational

---

[29]It is important to emphasize that in making this argument, I am not suggesting that there
necessarily was any alternative. Perhaps more importantly, in contrast to some (e.g., Petras and
Leiva, 1994), I do not want to suggest the the provision of political rights has not been positive
change of tremendous significance for the vast majority of Latin Americans. Instead, I want to
analyze some of the limitations in these transitions so that they be addressed in the future.

[30]Some of these issues are discussed at greater length in Oxhorn, 1996.

activity within civil society, even in those countries where such activity had reached relatively high levels during the authoritarian regime.

Several other factors have affected the degree to which civil society has tended to recede under democratic rule. In a number of countries, autonomous organizational activity among large segments of the population was a relatively new phenomenon. It often was the result of the exigencies for survival under brutal authoritarian rule (Oxhorn 1995a and 1995b). Once the transition had been successfully completed, the organizational experiences acquired under dictatorship had to be effectively translated into a democratic environment (with all of its shortcomings), and this was no easy task. For young people in particular, the members of many organizations that emerged during the period of authoritarian rule had no experience with democratic politics. Their organizational styles and the kinds of demands that were being articulated had to be adopted to a very different setting.

Complicating the problem was the fact that there no longer was an unambiguous "enemy" to mobilize against. The dictatorship had now been replaced with an elected civilian government. Without a clear enemy to catalyze popular mobilization, such mobilization became often became problematic. Moreover, most of the people actively involved in the various organizations which had emerged during the period of dictatorship still viewed democracy as an end in itself, regardless of its shortcomings. Ironically, this commitment to political democracy may have actually complicated the problem of autonomous popular sector organizational activity. Potential leaders of such mobilization often remained unsure of how to express their growing frustration. Many had never participated in democratic politics and did know how to take advantage of the opportunities for participation that it might offer. At the same time, they feared that mobilization could create destabilizing pressures which would threaten the viability of the new democratic regime. Under an authoritarian regime, such people either did not think about the potentially destabilizing effects of their activities, or had this as their explicit goal. Now the fear (often echoed, if not encouraged, by political elites) was that any autonomous mobilization would be counter-productive.

This general experience contrasts sharply with that of the working class mobilization in Britain discussed by Marshall. There, mobilization was deliberately intended to change an existing (and by the standards of the day, largely democratic) regime rather than overthrowing an often violent authoritarian regime. Because regime change was the dominant, if not only, demand of the actors involved in recent transitions, there was a tendency to view political rights almost as a panacea for resolving a variety of social ills rather than as an indispensable starting point.[31] The break with the past was not only less dramatic in the British case, this was *deliberate*. Whereas the Latin American transitions cut short a process of building civil society, in Britain the process

---

[31]Given the severity of human rights abuses, such a view is certainly understandable since elected civilian governments have generally had much better human rights records than their authoritarian predecessors. Yet it is interesting to note that the general direction of transitions in their later stages focused more or less exclusively on political rights even though much of the actual organizing and resistance under the authoritarian regime centered first on the establishment of basic human/civil rights and the protection of minimal social rights that were generally under severe attack.

was more continuous and cumulative–hence the apparent teleology of Marshall's analysis.

This contrast is even clearer when looking at organized labor in the two cases. The British labor movement was significantly strengthened as a result of its struggles to win important civil rights and went on to help create the British Labour Party and secure its political integration. In most Latin American countries, organized labor played an important role in the mobilizations that helped bring about transitions to democracy (Valenzuela, 1989; Drake, 1996), yet its situation remains considerably weakened in virtually every country in the region.[32] Labor movements throughout Latin America suffered significant declines in membership as a result of severe repression and the economic depression caused by the dept crisis in the 1980s . Moreover, labor unions were hard-hit by the rolling back of the social rights that they had been granted (or sometimes won) in earlier periods with the adoption of neoliberal economic development policies (Oxhorn, 1998a).

The overall result has been an extreme fragmentation of civil society in most countries of the region. The growing social inequality, pronounced demobilization of mass actors and organizational activity compared to the period preceding recent transitions, and the weakening of organized labor in particular have dampened pressures that otherwise might have come from within civil society for the effective expansion of citizenship rights. In a process which is almost the inverse of the virtuous circle in Marshall's account of citizenship rights, Latin America democracy has continued to constrain civil society's potential despite the universalization of political rights in recent years.

Conclusions

Returning to the key insight of Marshall, that socio-economic inequality could be legitimized in Western democracies only through the gradual extension and expansion of the universal rights of citizenship, it is clear that Latin American democracy faces severe challenges. Not only has inequality increased in terms of money income, the gap between real and money income has become even wider in a region long considered among the most unequal in the world. Far from legitimizing social inequality, the incapicity of political rights of citizenship alone to reverse this gap risks undermining their legitimacy, opening the way to undemocratic alternatives. Already, according to Inter-American Development Bank President Enrique Iglesias, public opinion polls show that only 27 percent of Latin Americans have confidence in existing democratic institutions (*New York Times*, March 25, 1998: A7). As democratic governments prove incapable and/or unwilling to address the principal concerns of their citizens, democracy itself risks becoming irrelevant as people continue to search for ways to create better lives for themselves (Garretón, 1998).

In attempting to analyze the role of civil society in the social construction of citizenship rights, it becomes clear that the weakness of civil society in Latin America is both a consequence and a cause of the unique paths the region has followed in the evolution of universal citizenship rights. The greater dispersal of power resources within civil society allowed for a series of struggles in which there was a cumulative increase both in the substance of citizenship rights and

---

[32]A partial exception is Brazil, where rapid industrialization in the 1960s and 1970s, as well as the considerable the political influence of the Workers' Party (PT), contributed to a significant growth in trade union strength in the 1980s. See Keck, 1992.

the strength of civil society. Earlier in this century in Latin America (and elsewhere), social rights of citizenship were often granted in the absence of political and civil rights as a mechanism for social control and cooptation that deliberately obstructed the kind of cumulative processes implicit in Marshall's description of British citizenship rights. More recently, both social and civil rights have been restricted despite the existence of substantial political rights. The effect has further stymied civil society's development, leaving the future of democracy in the region open to significant doubts.

While it is beyond the scope of this paper to develop specific solutions, I will briefly sketch out three possible starting points. The investment more resources in effective law enforcement and judical processes, including efforts and legal reform is one. As Marshall correctly argued, civil rights are essential for effective political rights (not to mention social rights) of citizenship. Ironically, Marshall's championing of public defenders offices to ensure access to the legal system for society's disadvantaged as the perhaps the ultimate stage in the development of social rights is particularly relevant to Latin America today, where social rights have a long way to go before they could even begin to rival those of postwar Britain.

Second, there is a need to utilize the immense national and international human rights apparatus that emerged during the period of authoritarian rule for helping to secure effective civil rights and build stronger civil societies under democratic rule. "Human rights" might even be best understood as citizenship rights in a democratic context. The past efforts to curtail state political repression could be redirected toward helping to create citizenship rights by curbing police and judicial abuse. The expertise gained in organizing the myriad of human rights groups under dictatorships similarly could be applied to helping distinct groups within civil society organize themselves so that they can begin to define and defend their interests through democratic institutions.

Finally, the state has an important role to play. In the first instance, effective civil and social rights of citizenship will require reforms (sometimes quite substantial) of state institutions. Beyond that, the state may have a role to play in providing material and technical assistance to emerging groups within civil society. The temptation to use such resources for partisan gain is obviously a real danger, but Western democracies–including Marshall's Britain–have developed mechanisms to ensure some measure of impartiality. This "neocorporatist" alternative, moreover, would have to provide for a much greater level of autonomy on the part of the societal organizations than was the case in Latin America in the past.[33]

The challenges are clearly quite huge, especially given the fragility of many new democratic regimes. Given the stakes, however, they cannot be ignored.

References

Almond, G., "Approaches to Development Causation," in G. Almond et al, 1973. *Crisis, Choice*

---

[33]The distinction here would be between the "societal" corporatism characteristic of postwar Europe and the "state" corporatism which was often a hallmark of earlier processes of controlled inclusion in Latin America (Schmitter, 1974, and Oxhorn, 1998a). See Schmitter, 1998, for a discussion of such a neocorporatist alternative in the context of the European Union.

and Change: Historical Studies of Political Development (Boston: Little, Brown and Co.): 1-39.

Altimir, O., 1995. Inequality, Employment and Poverty in Latin America: An Overview. Paper presented to the conference "Poverty in Latin America: Issues and New Responses," Kellogg Institute for International Studies, University of Notre Dame, Sept. 30 - Oct. 1, 1995.

Altimir, O., 1994. "Income distribution and poverty through the crisis and adjustment," *CEPAL Review*, 52(April): 7-31.

Alvarez, S., 1990. *Engendering Democracy in Brazil: Women's Movements in Transition Politics*. Princeton: Princeton University Press.

Anderson, B., 1991. *Imagined Communities*. London: Verso.

Moore, B., 1966. *The Social Origins of Dictatorship and Democracy*. Boston: Beacon Press.

Beiner, R., ed., 1995. *Theorizing Citizenship*. Albany: State University of New York Press.

Bendix, R., 1964. *Nation-Building and Citizenship: Studies of Our Changing Social Order*. New York: John Wiley & Sons, Inc.

Black, A., 1984. *Guilds and Civil Society in European Political Thought From the Twelfth Century to the Present*. London: Methuen & Co.

Brenner, R., 1976. "Agrarian Structures and Economic Development in Pre-industrial Europe," *Past and Present* (February): 30-75.

Calhoun, C., 1991. "The Problem of Identity in Collective Action," in J. Huber, ed., *Macro-Micro Linkages in Sociology*. Newbury Park: Sage Publications, pp. 51-75.

Chalmers, D., 1977. "The Politicized State in Latin America," in J. Malloy, ed., *Authoritarianism and Corporatism in Latin America*. Pittsburgh: University of Pittsburgh Press, pp. 23-45.

Collier, Ruth Berins, and David Collier, 1991. *Shaping the Political Arena*, Princeton: Princeton University Press.

de Mesquita, P., 1998. "Police Reform in Latin American Emerging Democracies: The Experience of Brazil." Paper presented at the conference *Democracy and the Rule of Law: Institutionalizing Citizenship Rights in New Democracies*, McGill University, Montreal, March 19-20.

Deutsch, K., 1961. "Social Mobilization and Political Development," *American Political Science Review*, 55(Sept.):. 493-514.

Drake, P., 1996. *Labor Movements and Dictatorships: The Southern Cone in Comparative Perspective*. Baltimore: The Johns Hopkins University Press.

Economic Commission for Latin America and the Caribbean (ECLAC), 1994. *Social Panorama of Latin America*. Santiago: ECLAC.

Einhorn, B., 1991. "Where have all the Women Gone? Women and the Women's Movement in Eastern Central Europe," *Feminist Review*, 39(Winter): 16-36.

Einhorn, B., 1989. "Socialist Emancipation: The Women's Movement in the German Democratic Republic," in S. Kruks, R. Rapp and M.B. Young, eds., *Promissory Notes*. New York: Monthly Review Press, pp. 282-305.

Evers, T., 1985. "Identity: the Hidden Side of New Social Movements in Latin America," in D. Slater, ed., *New Social Movements and the State in Latin America*. Amsterdam: CEDLA, pp., 43-71.

Foweraker, J., and T. Landman, 1997. *Citizenship Rights and Social Movements: A Comparative and Statistical Analysis*. Oxford: Oxford University Press.

Frühling, H., 1998. "Implementing Enforceable Laws: The Difficult Transition of the *Carabineros* in Chile." Paper presented at the conference *Democracy and the Rule of Law: Institutionalizing Citizenship Rights in New Democracies*, McGill University, Montreal, March 19-20.

Garretón, M.A., 1998. "Social and Economic Transformations in Latin America: The Emergence of a New Political Matrix?" in P. Oxhorn and P. Starr, eds., *Markets and Democracy In Latin America: Conflict or Convergence?* Boulder, Colo.: Lynne Rienner.

Garretón, M. A., 1995. "Redemocratization in Chile," *Journal of Democracy*, 6.

Garretón, M. A., 1989. *The Chilean Political Process*. Boston: Unwin Hyman.

Helwege, A., 1995. "Poverty in Latin America: Back to the Abyss?" *Journal of Interamerican Studies and World Affairs*, 37(Fall): 99-123.

Hendley, K., 1996. "Legitimizing Judicial Institutions: Russian Economic Courts in Transition." Paper presented at the conference *Democracy and the Rule of Law: Institutionalizing Citizenship Rights in New Democracies*, McGill University, Montreal, March 19-20.

Hobson, B., and M. Lindholm, 1997. "Collective identities, women's power resources, and the making of welfare states," *Theory and Society*, 26(August): 475-508.

Holston, J., 1998. "Citizenship in Uncivil Democracies." Paper presented at the conference *Democracy and the Rule of Law: Institutionalizing Citizenship Rights in New Democracies*, McGill University, Montreal, March 19-20.

Huntington, S., 1971. "The Change to Change: Modernization, Development and Politics," *Comparative Politics*, III (April): 283-322.

Jacquette, J., ed., 1989. *The Women's Movement in Latin America: Feminism and the Transition to Democracy*. Boston: Unwin Hyman.

Jelin, E., ed., *Women and Social Change in Latin America.* London: Zed Books, Ltd..

Jelin, E., and E. Herschberg, 1996. *Constructing Democracy: Human Rights and Society in Latin America*. Boulder: Westview Press.

Karl, T., 1997. *The Paradox of Plenty: Oil Booms and Petro States*. Berkely: University of California.

Karl, T., 1992. "El Salvador's Negotiated Revolution," *Foreign Affairs*, 71(Spring): 147-164.

Karl, T., 1986. "Petroleum and Political Pacts: The Transition to Democracy in Venezuela," in G. O'Donnell, P. Schmitter and L. Whitehead, eds., *Transitions from Authoritarian Rule: Southern Europe*. Baltimore: Johns Hopkins University Press, pp. 196-219.

Keck, M., 1992. *The Workers' Party and Democratization in Brazil*. New Haven: Yale University Press.

Keohane, R., and H. Milner, eds., Internationalization and Domestic Politics. Cambridge: Cambridge University Press, 1996.

Lapkin, G., 1998. " A Globalized Approach to Public Accountability: How Citizens Can Watch the Watchmen." Paper presented at the conference *Democracy and the Rule of Law: Institutionalizing Citizenship Rights in New Democracies*, McGill University, Montreal, March 19-20.

Lipset, S.M., 1959. "Some Social Requisites of Democracy: Economic Development and Political Legitimacy," *American Political Science Review*, 53 (Mar.): 69-105.

Lynch, J., 1973. *The Spanish American Revolutions, 1808-1826*. New York, Norton.

Mahon, J., 1996. *Mobile Capital and Latin American Development*. University Park: The Pennsylvania State University Press.

Mann, M., 1996. "Ruling Class Strategies and Citizenship," in M. Bulmer and A. Rees, eds., *Citizenship Today: The contemporary relevance of T.H. Marshall.* London: UCL Press, Ltd., pp. 125-144.

Marshall, T.H., 1950. *Citizenship and Social Class and other essays*. Cambridge: Cambridge University Press.

Mauceri, P., 1995. "State Reform, Coalitions and the Neoliberal Autogolpe in Peru," *Latin American Research Review*, 30(no. 1): 7-37.

Melucci, A., 1985. "The Symbolic Challenge of Contemporary Movements," *Social Research*, 52(Winter): 789-816.

Middlebrook, K., 1995. *The Paradox of Revolution: Labor, the State, and Authoritarianism in Mexico*. Baltimore: Johns Hopkins University Press.

Mouffe, C., ed., 1992. *Dimensions of Radical Democracy: Pluralism, Citizenship, Community*. London: Verso.

NACLA, 1996. "Report on Crime and Impunity," *Report on the Americas*, 30(September/October): 17-43.

O'Donnell, G., forthcoming. "Polyarchies and the (Un)Rule of Law in Latin America," in J. Méndez, G. O'Donnell and P. Pinheiro, eds., *The Rule of Law and the Underprivileged in Latin America*. Notre Dame: University of Notre Dame Press.

O'Donnell, G., 1994. "Delegative Democracy," *Journal of Democracy*, 5 (January): 56-69.

O'Donnell, G., 1993. "On the State, Democratization and Some Conceptual Problems: A Latin American View with Glances at Some Postcommunist Countries," *World Development,* 21(no. 8): 1355-1369.

O'Donnell, G., 1979. "Tensions in the Bureaucratic Authoritarian State and the Question of Democracy," in D. Collier, ed., *The New Authoritarianism in Latin America*. Princeton: University of Princeton Press.

O'Donnell, G., and P. Schmitter, 1986. Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies. Baltimore: Johns Hopkins University Press.

Offe, C., 1987. "Challenging the Boundaries of Institutional Politics: Social Movements Since the 1960s," in C. Maier, ed., *Changing Boundaries of the political.* Cambridge: Cambridge University Press, pp. 63-106.

Oxhorn, P., 1998a. "Is the Century of Corporatism Over? Neoliberalism and the Rise of Neopluralism," in P. Oxhorn and G. Ducatenzeiler, eds., *What Kind of Democracy? What Kind of Market? Latin America in the Age of Neoliberalism*, (University Park: The Pennsylvania State University Press, , 1998).

Oxhorn, P., 1998b. "The Social Foundations of Latin America's Recurrent Populism: Problems of Class Formation and Collective Action," *Journal of Historical Sociology* 11(June 1998): 212-246.

Oxhorn P., 1996. "Surviving the Return to 'Normalcy': Social Movements, Democratic Consolidation and Economic Restructuring," *International Review of Sociology*, 6:1(1996): 117-134.

Oxhorn, P., 1995a. *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile* (University Park: The Pennsylvania State University Press, 1995).

Oxhorn, P., 1995b. "From Controlled Inclusion to Reactionary Exclusion: The Struggle for Civil Society in Latin America," in J. Hall, ed., *Civil Society: Theory, History and Comparison* (Cambridge: Polity Press, 1995), 250-277.

Oxhorn, P., and G. Ducatenzeiler, eds., 1998. *What Kind of Democracy? What Kind of Market? Latin America in the Age of Neoliberalism*, (University Park: The Pennsylvania State University Press, 1998).

Petras, J. and S. Vieux, 1994. "The Transition to Authoritarian Electoral Rule," *Latin American Perspectives*, 21(Fall): 5-20.

Portes, A., 1974. "Modernity and Development: A Critique," *Studies in Comparative International Development*, 9(Spring): 247-279.

Prud'homme, J., 1998. "Interest Representation and the Party System in Mexico," in P. Oxhorn and G. Ducatenzeiler, eds., *What Kind of Democracy? What Kind of Market? Latin America in the Age of Neoliberalism*, (University Park: The Pennsylvania State University Press, 1998).

Przeworski, A., M. Alvarez, J.A. Cheibub and F. Limongi, 1996. "What Makes Democracies Endure?" *Journal of Democracy*, 7(January): 38-55.

Przeworski, A., M. Alvarez, J.A. Cheibub and F. Limongi, 1996. "What Makes Democracies Endure?" *Journal of Democracy*, 7(January): 38-55.

Przeworski, et al 1995. *Sustainable Democracy*, Cambridge: Cambridge University Press.

Przeworski, Adam, 1986. "Some Problems in the Study of the Transition to Democracy," in G. O'Donnell, P.C. Schmitter and L. Whitehead, eds., *Transitions from Authoritarian Rule: Comparative Perspectives*. Baltimore: The Johns Hopkins University Press, pp. 47-63.

Przeworski, A., 1985. *Capitalism and Social Democracy*. Cambridge: Cambridge University Press.

Rees, A., 1996. "T.H. Marshall and the progress of citizenship," in M. Bulmer and A. Rees, eds., *Citizenship Today: The contemporary relevance of T.H. Marshall.* London: UCL Press, Ltd., pp. 1-23.

Roberts, B., 1996. "The Social Context of Citizenship in Latin America," *Journal of Urban and Regional Research*, 20(March): 38-65.

Rubin, J., 1997. *Decentering the Regime: Ethnicity, Radicalism and Democracy in Juchitán, Mexico*. Durham, N.C.: Duke University Press.

Rueschemeyer, D., E. Stephens and J. Stephens, 1992. *Capitalist Development and Democracy.* Chicago: University of Chicago Press

Schmitter. P., and Karl, T., 1991. "What Democracy Is...And Is Not," *Journal of Democracy* 3(Summer 1991), pp. 75-88.

Schmitter, P., 1986. "An Introduction to Southern European Transitions from Authoritarian Rule," in G. O'Donnell, P. Schmitter and L. Whitehead, eds., *Transitions from Authoritarian Rule: Southern Europe*. Baltimore: Johns Hopkins University Press, pp. 3-10.

Schmitter, P. C., 1974. "Still the Century of Corporatism?" <u>Review of Politics</u>, 36(January): 85-131.

Schmitter, P., 1998. "Citizenship Without Nationality Or Can There Be Such A Thing As A European Citizenship?"Paper presented at the conference *Democracy and the Rule of Law: Institutionalizing Citizenship Rights in New Democracies*, McGill University, Montreal, March 19-20.

Smith, W., C. Acuña and E. Gamarra, eds., 1994a. *Latin American Political Economy in the Age of Neoliberal Reform: Theoretical and Comparative Perspectives for the 1990s*. Miami: University of Miami North-South Center-New Brunswick: Transaction Publishers.

Steinberg, M., 1996. "'The great End of All Government...': Working People's Construction of Citizenship Claims in Early Nineteenth-Century England and the Matter of Class," in C. Tilly, ed., *Citizenship, Identity and Social History*. International Review of Social History Supplement 3. Cambridge: Press Syndicate of the University of Cambridge, pp. 19-50.

Subramanian, N., 1995. *Bringing Society Back In: Ethnicity, Populism, and Pluralism in South India*. Montreal: McGill University, Department of Political Science, mimeo.

Taylor , C., 1990. *Invoking Civil Society*. Working Papers and Proceedings of the Center for Psychosocial Studies No. 31. Chicago: Center for Psychosocial Studies.

Tilly, C., ed., 1996a. *Citizenship, Identity and Social History*. International Review of Social History Supplement 3. Cambridge: Press Syndicate of the University of Cambridge.

Tilly, C., 1996b. "Citizenship, Identity and Social History," in C. Tilly, ed., *Citizenship, Identity and Social History*. International Review of Social History Supplement 3. Cambridge: Press Syndicate of the University of Cambridge, pp. 1-17.

Turner, B., 1993. *Citizenship and Social Theory*. Sage Publications: London.

Turner, B., 1992. "Outline of a Theory of Cizenship," in C. Mouffe, ed., *Dimensions of Radical Democracy: Pluralism, Citizenship, Community*. London: Verso, pp. 33-62.

Usher, Dan, 1981. *The Economic Prerequisite to Democracy*, New York: Columbia University Press.

Valenzuela, J.S., 1989. "Labor movements in transitions to democracy: a framework for analysis," *Comparative Politics*, 21(July): 445-72.

Vaughan, M.K., 1997. *Cultural Politics in Revolution: Teachers, Peasants, and Schools in Mexico, 1930-1940*. Tucson: University of Arizona Press.

Waylen, G., "Women and Democratization: Conceptualizing Gender Relations in Transition Politics," *World Politics*, 46(April 1994), 327-354.

Wickham-Crawley, T., 1989. "Winners, Losers, and Also-Rans: Toward a Comparative Sociology of Latin American Guerrilla Movements," in S. Eckstein, ed., *Power and Popular Protest: Latin American Social Movements*. Berkeley: University of California Press, pp. 132-181.

Zamosc, L., 1989. "Peasant Struggles of the 1970s in Colombia," in S. Eckstein, ed., Power and Popular Protest: Latin American Social Movements (Berkeley: University of California Press): 102- 131.

Zamosc, L., 1989. "Peasant Struggles of the 1970s in Colombia," in S. Eckstein, ed., Power and Popular Protest: Latin American Social Movements (Berkeley: University of California Press): 102- 131.