

Democratic Failure and Democratic Disobedience in the Struggle for Land in Paraguay

Theoretical targets of critique

- Assumption by democratic theorists of a more or less just and functioning democracy as starting point for theorizing, e.g. Habermas' discourse theory, where within "democratic procedures" or "in the communicative network of public spheres" we can assume that "more or less rational opinion- and will-formation can take place for political matters" (*Between Facts and Norms*, 299)
 - Too limiting: if we start from this assumption, citizens should generally be obedient to the laws and use existing democratic procedures to make their demands.
- Tendency for revolutionaries to assume that normative questions are essentially secondary to the tactical and strategic considerations of revolution. "The Communists do not preach *morality* at all" (MECW, 247), etc.
 - Not limiting enough: is it of no normative significance that we have freedom to make our case to the public, to use democratic institutions to pursue our goals, etc.?
- **Objective:** To construct an account of actually-existing democracy that is sensitive to its democratic deficits, and of how these deficits can justify disobedience, while at the same time constructing from democratic principles a normative account of how activists should reason about the limits of their actions within the context of a flawed democracy.

Practical objects of study

- The *very* flawed democracy we have in Paraguay (that is, nonetheless, better than the dictatorship we had before and worth defending)
- The peasant movement for land reform, and especially their tactic of land occupation, which has been subject of increased criminalization by the state under the guise of "protecting the rule of law"

Part I: Misrepresentation as political domination

- Democracy requires effective representation, no matter your theory of democracy. If elected leaders consistently fail to represent the desires and interests of those who elected them, the legitimacy of the democratic system of government is eroded.
- Specifically *class domination*, where economic elites exert overwhelming influence on the political system. Paraguayan example: land-owning elites that have blocked land reform for over three decades, despite a constitutional mandate and overwhelming majority support for redistribution.
- "Mixed legitimacy": the democratic system of government is rendered illegitimate when it comes to matters of land redistribution, while retaining its legitimacy in other areas.

Part II: Social change as experimental problem-solving

- Actors who seek social change from within a flawed democracy engage in “dialectical problem solving” whereby a “form of life,” attempts to implement an assumed solution of a problem, then assesses its cogency “retrospectively in interaction with the results of the corresponding changed practice” (Jaeggi, *Critique of Forms of Life*, 306)
- Collective action for social change as immanent critique: The democracy they are trying to change provides the normative standard from which to criticize it, *as well as* a way to think normatively about the limitations of action that may be taken in order to transform it

Part III: A normative theory of civil disobedience and its limits

Two desiderata:

1. A way to differentiate between actors who push the limits of the law in order to transform society in an emancipatory direction, and those who do the same in defense of their privilege or to impose their totalitarian aspirations.
2. A way for actors to reason about the limits of the actions they may take in the process of transforming society.

The goal is to achieve both through *strictly political* rather than moral considerations, that is, from the basic public principles of democracy we can all share, rather than any particular moral theory. Two ways to do this:

- **Prospectively:** Activism for social transformation is always already democratic: in its self-organization, in its public justification of its aims and actions, in its self-reflection about the results and prospects of its actions. When a social movement so constituted chooses to use force, it is making an internally democratic decision against institutions that may be far from democratic.
- **Retrospectively [currently chapter I'm working on]:** Nevertheless, political action must often “step over” the authorization it's been given by any existing process of deliberation and consent by those on behalf of whom action is taken.
 - E.g. “the people want to bring down the regime” in Egypt: who authorized those at Tahrir square to speak for “the people”?
 - Prospective authorization of this sort is not possible even in principle in some cases, certainly in the case of regime change. Cf. Kant: “the people cannot react at once as a commonwealth but only as a mob. For the previously existing constitution has been torn up by the people, while their organization into a new commonwealth has not yet taken place.” (8:302n)
 - **Sol.:** 1. Retrospective authorization by a process instituted afterwards. 2. Developing a sensitivity to what actions the people would desire if given a chance to express themselves freely. 3. Non-contradiction of what they could reasonably agree to: e.g. racial minorities could never agree to a political system in which their votes count for less (compare US & Brazil coup attempts)