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Citizenship in Disjunctive Democracies

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Political democracy became a global process of transformation during the last quarter of the twentieth century, expanding with unprecedented force throughout the world. As a result, no bloc of nations or cultural tradition can claim it exclusively. None has the only recipe; no history is universal. Rather, democracy's values now cut across the usual categorizations of the world, such as first and third, center and periphery, metropolis and postcolony, and West and Rest. Nevertheless, the dominant theories of democracy are still predicated on its North Atlantic experience. If it is true that countries of vastly different histories and cultures have taken up democracy, and if it is also true that, as a consequence, their democracies vary significantly, then theories anchored in North Atlantic democracy are unlikely to provide an adequate understanding of its global experience. In that case, a different approach is necessary, one that assesses the quality of democracy in such diverse situations and also distinguishes different configurations of democracy from claims of difference that are merely excuses for undemocratic practices. In this chapter I suggest elements of such a consideration by analyzing problems of citizenship under electoral democracy that current political theories miss.

Democracy has indeed taken root in remarkably varied ground around the world. In just over a quarter century, since the mid-1970s, the number of countries that changed from nondemocratic to democratc political systems has more than doubled. If we exclude countries with a population of less than 1 million, it has tripled (see Table 4.1). Table 4.2 shows that, for all countries, there were 52 electoral democracies in 1972, constituting 33 percent of the world's 160 sovereign nation-states. By 2000 the number had risen to 120 democracies out of 192 states, or 63 percent of the total, for a net gain of 68 democratic states. If it took 200 years of political change from the Age of Revolution to generate about 50 democratic states by 1970, it took only 20 years to yield the same number again. Never before has the world experienced such democratization.[1]

Table 4.1   Democratization in the Twentieth Century Among Nation-States with Populations Greater Than 1 Million

	Total States	Electoral Democracies	Nondemocratic States	Electoral Democracies as Percentage of Total States
1922	64	29	35	45
1942	61	12	49	20
1962	111	36	75	32
1973	122	30	92	25
1990	129	58	71	45
1996	150	87	63	58
2000	150	90	60	60

Sources: Years 1922–1990 are from Huntington 1991, p. 26, tab. 1.1; years 1996 and 2000 are derived from Freedom House 1997 and 2001 respectively.

Notes: Huntington's estimates omit countries with a population of less than 1 million. Where Huntington uses "democratic states," I use "electoral democracies" to emphasize the defining role of elections in the political conception of democracy he employs. For comparative purposes, I also omit countries with a population of less than 1 million for years 1996 and 2000.

Table 4.2   Third Wave of Democratization Among All Nation-States, 1972–2000

	Total States	Electoral Democracies	Nondemocratic States	Electoral Democracies as Percentage of Total States
1972	160	52	108	33
1977	164	56	108	34
1982	167	60	107	36
1986	167	67	100	40
1992	186	99	87	53
1996	191	118	73	62
2000	192	120	72	63

Sources: Derived from annual surveys of political rights and civil liberties in Freedom House 1978, 1983, 1987, 1993, 1997, and 2001.

Note: Includes all sovereign states in each year.

Moreover, this movement for political democracy has swept over every region of the globe. In the early 1970s, one-party regimes and military dictatorships of various sorts held power over most of Latin America, Africa, Asia, and Eastern Europe. By 2000, however, democracy had dramatically transformed the political landscape of all these regions. In the one region where democracy has not transformed the nature of national rule, the Middle East, it has nevertheless generated many local democratic projects and debates. Without doubt, democracy has become not only a global value,

adopted by the most diverse societies, but also one of the major forces of globalization.

As the new democratization is overwhelmingly non–North Atlantic, its transcultural scope forces us to consider a host of questions, which I group into two sets. First, to what extent do theories of democracy anchored in North Atlantic history and culture remain adequate for understanding its global reach, experience, and quality in such diverse situations? Do the cultural and social conditions of citizenship, which vary enormously, matter for democracy? Put another way, to what extent does the political definition of democracy (which dominates North Atlantic theory) remain the most useful? Are there alternative configurations of democracy and different ways of reaching it, and when are claims of difference excuses for undemocratic practices? By what criteria do we judge? Second, what is the most productive way to evaluate the relation between democracy and citizenship, the latter being the practice of the former? Is it better to focus the analysis of citizenship on its political aspect alone or to consider the experience of citizenship in the full sense of the term? With regard to the development of citizenship, is democratization an even, cumulative, and homogeneous process, or can it vary disjunctively both between and within societies at a given time? Unless we accept that non-Western democratization is superficial or due entirely to European or US impositions, these kinds of questions must be addressed. Indeed, they constitute an enormous comparative project of historical and ethnographic research.

In this chapter I focus on the relation between democracy and citizenship as a means of engaging these questions. I argue for the need to study the full experience of citizenship, and not only its political aspect, to understand the development of democracy. In effect, I propose that binding the evaluation of democracy to a more complex conceptualization of citizenship has compelling analytic advantages for a comparative assessment of specific cases. I develop this argument by concentrating on one way in which emerging democracies appear to vary significantly from established ones in matters of citizenship. My claim is that many emerging democracies experience a similar and defining disjunction: although their political institutions democratize with considerable success, and although they promulgate constitutions and legal codes based on the rule of law and democratic values, the civil component of citizenship remains impaired, as citizens suffer systematic violations of civil rights and commonly encounter violence, injustice, and impunity. I describe this configuration as electoral democracy that is "civilly" disjunctive, to contrast it with other kinds that may be socially or culturally disjunctive with regard to those substantive domains of citizenship.[2]

My argument is that the majority of new democracies are simultaneously both electoral and disjunctive with regard to civil citizenship. They there-

fore share specific features of citizenship, which I delineate below. However, I also argue that all democracies—emerging and established—are normally disjunctive in their realization of citizenship, as the institutions and practices of citizenship are always at once expanding and eroding in heterogeneous and unbalanced ways. Thus, to say that most emerging democracies in the world today are civilly disjunctive is not to label them pathological, but rather to consider them examples of processes that all existing democracies experience. Moreover, the characterization "disjunctive" is categorically different from those such as "illiberal," "weak," "pseudo," and "façade" that have appeared in recent democratic theory. The latter terms are used to designate a subset of aberrant and ailing cases of democracy, apparently as measured against some standard of existing democracy. In contrast, I apply the term "disjunctive" to conditions of citizenship in all democracies. From this perspective, no democracy is "consolidated," at least insofar as that concept implies the existence of a normative threshold beyond which democracy becomes "full," "liberal," "strong," "real," and the like. Furthermore, if democracy always comprises a jumble of processes of citizenship in the making, replete with contradiction and unmaking, then the notion of "transition" as commonly used in the literature on "democratic transitions" is similarly problematic.

The first consequence that follows from the proposition that all democracies are disjunctive in their development of citizenship concerns the disjunctive nature of current democratization; the second, the deficiencies of the political definition; and the third, democracy's relation to citizenship. I suggest a fourth—the uncertain relation between democracy and the rule of law—but must save a deeper analysis of it for another occasion.[3]

Disjunctions of Civil Citizenship Under Electoral Democracy

By "civil," I refer not to the classic liberal separation between state and nonstate, political society and civil society, public and private, or to any such dichotomies that typically derive from the state-nonstate divide.[4] Rather, I use "civil" to refer to an aspect of citizenship, and "citizenship" to refer to the prerogatives and encumbrances of membership in the modern political community (typically, but not necessarily, the nation-state). Developing T. H. Marshall's (1977) typology, I distinguish the civil from the political, socioeconomic, and cultural components of citizenship. However, I jettison Marshall's progressive, cumulative, and law-abiding historical scheme in favor of one that emphasizes amalgamation, assemblage, simultaneous expansion and erosion, contradiction, unevenness, and the importance of illegality. I use "civil" to specify the sphere of rights,

practices, and values that concerns justice, as the means to all other rights, and liberty, both negative and positive. As the component of citizenship concerned with justice, its rights, practices, and values ground the democratic rule of law.

My use of "civil" embraces a paradox of modern democracy: although society needs protection from the state, it is only within the framework of a state that this is possible. Thus, citizenship is a regulatory regime by which the state molds people into particular kinds of subjects and also one by which citizens hold the state accountable to their interests. I use the notion of "civil" to emphasize this complex imbrication of state and society through citizenship. The importance of specifying the components of citizenship that are violated or unbalanced in an electoral democracy is that their analysis permits a comparative perspective, reveals processes, conditions, and types of democracy not adequately identified in current democratic theory, and indicates the fundamentally and normally disjunctive nature of democracy itself.

Electoral democracies that are disjunctive in the civil sense share a number of features of citizenship. Elsewhere, I identify these feature by analyzing what happens when the civil sphere of citizenship is systematically violated, not under dictatorship, as we might expect, but under electoral democracy (Holston and Caldeira 1998; Caldeira and Holston 1999). I use the case of Brazil. What makes Brazil exemplary is that it presents with particular clarity the disjunctions of civil citizenship that are characteristic of many emerging democracies. Here, I only summarize the features of citizenship that such electoral democracies are likely to share. Let me stress that Although these features tend to be serious violations of civil citizenship, they do not turn these emerging democracies or the societies that are struggling to create them into pathological examples of some existing standard of democratization. All existing democracies have serious violations of citizenship of one kind or another.

The first defining feature of a civilly disjunctive democracy is the combination of electoral democracy and systematic police violence. Much of this violence is extralegal or illegal, public rather than clandestine, and widely supported by the population.[5] Human rights organizations have amassed a great deal of data to show that torture, battering, degradation of prisoners and others, and excessive use of deadly force are accepted practices of police under many democratically elected governments.[6] The point is that widespread violence against citizens appears to have grown dramatically *after* the institutionalization of democratic rule in Brazil, as in many countries. This sequence is obviously not the case for those countries that become electorally democratic after open civil war. Nevertheless, most of those post–civil war democratic regimes remain violent. It is probably impossible to prove that the number of violations in Brazil has increased

absolutely after political democracy, due to the clandestine nature of abuses under military dictatorship. However, at a minimum, we can conclude that the publicity and popularity of this violence has grown significantly after democratization due to the opening of the media to market forces. Although these media freedoms are without doubt a benefit of political democracy, they often result paradoxically in increased popular support for extralegal measures of control. In particular, media reporting of crime and violence—including the proliferation of programs of cop and crime narration on radio and television—saturates the public with images of a criminalized poor and legitimates violent reaction as efficient police work.[7]

Official police actions are not the only source of the proliferation of human rights abuse in civilly disjunctive democracies. The broad criminalization of the poor elicits support from social groups at all levels (including, perversely, the poor) for the privatization of security and the extralegalization of justice as effective means to deal with "marginals."[8] There is massive support for market forms of protection and justice on the one hand (private security, vigilantes, and enforcers—who are often off-duty police) and, on the other, for extralegal measures of control by police acting unofficially (death squads). The privatization of justice may not lead people to vigilantism themselves, because they are often afraid to take justice into their own hands. However, it produces much support for summary executions by the police or their surrogates and positive evaluations of police violence generally.

One of the important characteristics of these disjunctive democracies is that the privatization of security and justice also creates privatized cities. As Teresa Caldeira (2000) has shown in her study of São Paulo, the technologies of security not only degrade the cityscape and its public space with walls, armed guards, surveillance cameras, and the like. They also produce both closed residential condominiums and pseudopublic enclaves, such as shopping centers and office complexes, where access can be controlled and social homogeneity guaranteed. Caldeira shows that these private measures emphasize suspicion of difference and foster social discrimination, legitimating practices of distancing, segregation, and homogenization. In São Paulo, the development of this new culture of discrimination is contemporary with the transition to electoral democracy.

People privatize law and justice in civilly disjunctive democracies because the state's justice system is for most of them an overwhelming failure. This judicial discredit is one of the defining characteristics of these democracies.[9] It produces generalized expectations of either impunity or abuse from the law, with a double discrimination: the poor suffer criminal sanctions from which the rich are generally immune, while the rich enjoy access to private law (civil and commercial) from which the poor are systematically excluded. This double bias pollutes the entire field of law, discrediting the judiciary and the law generally as a means to justice.

In sum, civilly disjunctive electoral democracies share a number of significant features of citizenship: they undergo delegitimation of many institutions of law and justice, escalation of both violent crime and police abuse, criminalization of the poor and the ethnically "other," decline in civility and security in public space along with its privatization and abandonment, privatization of justice and security, popular support for illegal measures of control, pervasive obstruction of the principle of legality, and unequal and uneven distribution of citizen rights. A civilly disjunctive democracy is thus an electoral democracy in which citizens suffer systematic violence by public and private forces of organized and unorganized coercion that act with the confidence of impunity. It features a democratically elected government, functioning political institutions, a constitution, and formal rule of law, along with widespread police violence, vigilantism, privatized security, ineffective civil rights, rampant "everyday criminality," and a discredited judiciary.

Caught in this conjunction of political democracy and violence, most citizens are resigned to an undemocratic fate: they cannot rely on the institutions of state to secure their civil rights. Moreover, once their rights have been violated, it is equally unlikely for them to expect redress through the courts or the police. In comparison with political and even social rights, therefore, civil rights are not effectively woven into the fabric of citizenship. They are not appreciated as part of the common components of citizenship. As many examples show, including Brazil, Guatemala, Namibia, India, Israel, and the Philippines, the development of citizenship in these democracies remains strikingly uneven long after the successful institution of democratic politics.

Having outlined the key characteristics of this kind of disjunctive democracy, I shall try to estimate its rate of occurrence of among the world's electoral democracies and to determine whether it has increased during the current wave of democratization. To measure its development, I used the annual world surveys of Freedom House. Since 1955, this non-governmental and privately funded organization has monitored political rights and civil liberties in the world's sovereign nations and related territories. In 1973 Freedom House began to publish an annual survey of its findings, employing a standard set of conceptual, empirical, and evaluative criteria.

Let me stress that this Freedom House survey has problems. Clearly, it cannot replace in-depth anthropological and historical investigation. Rather, I see it as indicating in a crude but comparable way what we may already know in detail from other sources about individual cases. A serious limitation of the survey is its conception of citizenship, especially the civil component. It uses a classically liberal dichotomy between state and society to define the civil sphere in negative terms only as civil liberties, and does not

consider its positive terms as civil rights and especially rights to justice. The survey has an additional major conceptual failing. Although it focuses on the political and some aspects of the civil, it does not include the socioeconomic sphere of citizenship. This omission gives its understanding of democracy a distinctly liberal and especially North American cast, as liberal democracies typically minimize, if not disdain, social rights. The survey thus misses what is in most countries often the most important element of the struggle for democratic citizenship. Although we should not make too much of its numbers, therefore, the survey's value is that it provides a comparable snapshot of certain key rights and liberties on a worldwide scale over a thirty-year period.[10]

With these caveats in mind, I derived the following snapshot. To estimate the occurrence of civilly disjunctive democracy, I first ascertained the total number of electoral democracies in the annual survey for each year between 2000 and 1972 (the last survey before the onset of third-wave democratization). Then, I identified all those electoral democracies that had a civil liberty rating of 3 or greater, on a scale of 1–7. These I considered disjunctive. For example, in 1996, Guatemala had a rating of 3 for political rights and 4 for civil liberties, Argentina a rating of 2 and 3, Thailand 3 and 3, Pakistan 4 and 5, and so forth. Significantly, in all years, I found civilly disjunctive electoral democracies not only among those countries Freedom House rated partly free, as expected, but also among those it rated free.[11]

Table 4.3 presents these findings. It indicates that among the world's electoral democracies in 2000, 43 percent were civilly disjunctive, slightly down from 46 percent in 1996. By comparison, in 1972, about a 23 percent of the total were civilly disjunctive. Thus, during the third-wave period, the proportion of democracies with deficient civil citizenship to the total number of electoral democracies nearly doubled. Moreover, of the seventy-six countries that changed from nondemocratic to democratic political systems during the third wave of democratization, from the mid-1970s to 2000, forty-eight (63 percent) were civilly disjunctive. These trends indicate that civil disjunction dominated the processes of political democratization at the end of the twentieth century. They do not mean that this democratization is false. Rather, they suggest that many nations experience democracy in ways that do not fit the North Atlantic model, which assumes not only that civil citizenship comes prior to political and social citizenship, but also that it is evenly distributed. They suggest, therefore, that these different experiences of democratization in most of the rest of the world require different accounts.

Table 4.3 also suggests that when democracy takes root, it becomes a force of destabilization, insofar as it brings into competition different conceptions of society, state, justice, right, equality, public, private, and so forth. New expectations and performances about the nature of society and the allotment of its resources collide with cultural formulations about what

Table 4.3 Civil and Civilly Disjunctive Electoral Democracies, 1972–2000

	Total	Civil Democracies	Civilly Disjunctive Democracies	Disjunctive Democracies as Percentage of Total
1972	52	40	12	23
1977	56	40	16	29
1982	60	41	19	32
1986	67	46	21	31
1992	99	58	41	41
1996	118	64	54	46
2000	120	69	51	43

Sources: Derived from annual surveys of political rights and civil liberties in Freedom House 1978, 1983, 1987, 1993, 1997, and 2001.

is important, with social practices that follow lines of established power, and with existing distributions of wealth. Violence and injustice are likely to result. On this ground of confrontation, democracy grows by uprooting. If not, we may suspect that the introduction of political democracy is a sham. That the majority of third-wave electoral democracies have deficient civil citizenships indicates, if nothing else, that democratization is having a profound impact in the most diverse societies and that under its pressures cultural habits resist change. Thus democratization brings its own kind of violence different from that of dictatorship.

Disjunctive Democracy

The particular combination of electoral democracy, violence, and injustice I have described suggests a fundamental attribute of democratization itself, namely that it is a disjunctive process. By calling democracy disjunctive, I want to emphasize that it comprises processes in the institutionalization, practice, and meaning of citizenship that are never uniform or homogeneous. Rather, in ways that vary historically, they are always temporally and spatially arrhythmic, unbalanced, irregular, and heterogeneous. As a result of such disjunction, some processes of democratization are likely to contradict others. That is, at any one moment citizenship may expand in one arena of rights as it contracts in another. The concept of disjunctive democracy also means that democracy's distribution and depth among a population of citizens in a given political space is uneven. What I am calling civilly disjunctive democracy is an example of the arrhythmic and uneven democratization typical of many emerging democracies today: although the political component of citizenship is effective, the civil component is not.

Other types of disjunction commonly occur. Certainly, US democracy is socially disjunctive with regard to post–World War II European and UN conceptions of socioeconomic rights. Recently, moreover, major civil and political aspects of US citizenship have been challenged, if not eroded. If the United States could be considered to have a socially disjunctive democracy, pre-1971 Switzerland would have to be called a politically disjunctive one, as it denied over half its population—women—the right to vote in national elections. Yet few would not have considered Switzerland democratic prior to 1971, for two reasons. First, other aspects of democratic citizenship were effectively realized for Swiss citizens; and second, the primary locus of Swiss political citizenship is participation at the more local level of the canton and the commune (rather than the nation), where public contestation is highly developed.[12] As these examples suggest, focusing on the spatially and thematically uneven distribution of democracy gives a more accurate and complex analysis of the conditions of citizenship, whether the case concerns so-called advanced democracies like Switzerland and the United States or emerging ones like Brazil. Such disjunctions show that within a national space, democracy typically has uneven relevance and meaning.

Thus the notion of disjunction emphasizes that democracy normally comprehends many components of citizenship in uneven relation. Democracy is always becoming and unbecoming. It is not a set stage of institutions, actors, social structures, and cultural values. It is, in that sense, never consolidated. As a result, its contemporary development is typically uncertain, both expanding and eroding citizenship. Contrary to Marshall's account, neither democratization nor citizenship is cumulative or progressive. There is always erosion and backsliding.[13]

Deficiencies of the Political Definition

The political theories of democracy that dominate contemporary social science typically miss or underconceptualize the disjunctive nature of democracy and its specific problems. Focusing on the form and practice of government—especially on electoral competition and regime change—they do not consider social, cultural, and economic conditions of citizenship as fundamental to the evaluation of democracy. These so-called minimalist conceptions descend from Joseph Schumpeter's definition of democracy as "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote" (1947, p. 269). This formulation has a classical pedigree in the study of the ways in which political power is exercised. It evaluates democracy in terms of such questions as: Who governs? How is gov-

ernment exercised and held accountable? Who votes? Until recently, answers to these questions seemed sufficient to determine the democratic development of a particular society.

Most conceptions of democracy today accept this electoral focus as the core definition, from those of policymakers and world bankers to those of political theorists. Minimalist conceptions often acknowledge the importance of civil rights and liberties, but primarily as procedural minimums necessary for meaningful electoral contestation. Most argue against considering the full array of social, economic, and cultural aspects of citizenship in the evaluation of democracy. The principal reason given is commonly that to study these aspects, and therefore the real texture of social life, would introduce too many variables and too much messy evidence. To consider the full sense of citizenship as fundamental to the conception of democracy seems to make it difficult for many observers to find actual democracies to study, because in these terms no democracy is consolidated. However, this apparent difficulty is an artifact of a classificatory scheme that insists on homogeneous categories and determinate processes to ensure analytic elegance. If we accept that even established democracies are disjunctive, and that they are indeterminate in this sense, the difficulty evaporates and we are compelled to study the full anthropological experience of democratic citizenship to understand the development of democracy.

As minimalists do not typically investigate other dimensions of democratic citizenship, they fail to assess how and why democratic elections may deny meaningful democracy—including citizen security and the democratic rule of law—to many if not most people who are formally citizens. In addition, privileging the Schumpeterian formulation tends to promote North American and European models of electoral democracy and political culture as both the ideal and its measure. This ethnocentrism obscures the possibility of alternative paths to and configurations of democracy. It also impairs perception of nondemocratic developments within North Atlantic democracies. Instead, minimalism tends to posit a universal definition, single development path, and unique set of cultural requisites for democracy in the most varied national contexts. Just as no two countries have identical histories, it is unreasonable to suppose that all countries have the same democratic experience.

It is worth raising the case of democracy under Islam as exemplary of problems with the electoral definition. In its 1997 report, Freedom House judges that "there are no democracies in the Arab world" (1997, p. 11), based on its assessment of national elections among the sixteen countries with a majority Arab population.[14] In this evaluation, it reiterates (and perhaps informs) the widely expressed view of the US press. Here, it must suffice to say that in many Islamic countries, such as Iran, Jordan, and Egypt, there is a vigorous contest between state authorities, Islamists, and opposi-

tion groups (especially of intellectuals and artists) over demands for and meanings of democracy. An exclusively electoral and national view misses these kinds of democratic developments. Moreover, the culturalist argument against Islam is too reductive and generalizing to grasp the historical production of present differences among Muslim nations and is, in any case, as wrongheaded as the once widely held view that Catholicism or Iberian culture was inherently inimical to the development of democracy in Latin America. In a world of globalized democracy, the minimalist and culturalist models are obsolete.[15]

Evaluating Democracy in Terms of Substantive Citizenship

My point is that the rapid growth of civilly disjunctive electoral democracy renders insufficient democracy's definition in terms of the form and practice of government, as well as research on the quality of democracy based on it. Without doubt, considerations of government remain fundamental because political democracy is necessary to protect citizens from despotic rule. Yet the problems of disjunctive democratization indicate that political democracy is not sufficient to ensure a democratic society, one that ultimately must legitimate the political system. It is all too evident today that such disjunctive developments have compromised the experience of citizenship for the citizens of new democracies everywhere, from Latin America to Russia. If electoral democracy becomes civilly disjunctive in the absence of social, economic, and cultural conditions favorable to democratic citizenship, as I have argued, then it is imperative to study the full experience of citizenship under electoral democracy and consider democracy itself as a qualification of society as much as of politics.

In other words, the extension of democracy to the social sphere, to the citizen in social life, is as central to the concept as its qualification of the political. Both of these conditions constitute the contemporary and enabling form of democratic development. In the political realm, individuals are regarded as electors. But in the other spheres, they have a multitude of identities that engage this status, with reciprocal consequences. As a result, in its contemporary development, democracy extends beyond political organizations to occupy new spaces and realms of decisionmaking that hierarchical and nondemocratic relations have traditionally dominated—from the school, workplace, and family to the courts. It is common to most of the world's citizenship movements that people want the right and the power, in the spaces of civil society, to make decisions that affect the substance of their lives. Without evaluating democracy in these spaces, analysis misses what people usually find most important about democracy.[16]

To assess democracy in these terms depends on linking it necessarily and inherently to citizenship in the full, more anthropological sense of the concept. This requisite binds the evaluation of democracy to the sociocultural formulation and realization of citizenship—to its substantive social, cultural, and economic conditions and not only to electoral performance and institutions. This approach has several analytic advantages. First, it shifts the focus of study to specific configurations of agency, process, practice, and institution—to what I call the study of democratic projects. Hence, democratic projects can be compared at many social and political levels, even among polities not formally democratic and peoples lacking a territorial state. Second, understanding democracy in terms of substantive citizenship reveals the ways that established practices and meanings may conflict with a particular project of democracy, or that some democratic projects contradict others.

Another important consequence concerns the rule of law. Even the wider political definitions of democracy tend to suppose that the institutionalization of competitive politics and more independent legislatures will produce rule of law, access to justice, and protection of civil rights as more or less automatic byproducts of formal regime change. As a result, what is actually meant and practiced by "the rule of law" is seldom investigated. Indeed, in many third-wave countries, this supposition grounded political arguments for the replacement of dictatorship with democracy. However, when political democracy finally came, it was burdened with an expectation in this regard that it could not meet, and many inaugural democratic governments suffered disappointments. The analysis of civilly disjunctive democracy indicates why: political democracy does not necessarily produce a democratic rule of law, and the rule of law does not necessarily secure democratic citizenship.

This conclusion suggests four correlates. First, the rule of law is not necessarily just or democratic. It may secure conditions favorable to democracy, but it may not. Nondemocratic regimes may have a rule of law—as a study of legal systems like those of apartheid South Africa, Nazi German, and Augusto Pinochet's Chile demonstrates. Second, political democracy does not necessarily produce a rule of law that is centered on democratic concerns of justice. As the case of Brazil shows, we cannot assume that electoral democracies have a democratic rule of law. Third, if we cannot assume that a rule of law is democratic or that political democracies have a democratic rule of law, we have to investigate the extent to which a particular rule of law engages a project for democracy. Finally, a rule of law so engaged *is* necessary for full democratic citizenship. This necessity is easy to show. We can imagine fair trials occurring under nondemocratic regimes and unfair trails under democratic ones. However, we cannot imagine anything other than a sham democracy without fair trials. Therefore, a democ-

racy must secure the legitimacy of law on its own terms of citizenship. If not, it becomes discredited.

My argument about the need to link the study of democracy to that of citizenship depends on a substantive conception of the latter. By "substantive," I refer to the array of attributes, resources, and processes citizenship entails and the manner in which they are available to people. I find three dimensions of citizenship particularly significant in bringing this substance into focus: the legal-institutional, the moral, and the performative. I shall conclude with a brief discussion of the latter two.

The moral dimension refers to the meaning of the particular kind of belonging in society that citizenship entails. This meaning is grounded in democracy's classic legacy of opposing the inequalities of legalized status hierarchies with the equalities of universal membership. This moral consideration brings into focus a set of fundamental problems for contemporary citizenship: in every kind of democracy, even the most effective and meaningful, the moral universe of citizenship is inherently disjunctive. On the one hand, the citizen's sense of equal dignity is absolute in democracy, irrespective of any personal status other than citizenship itself. In this form, citizen dignity demands an equalization of rights regardless of other differences in race, gender, culture, and so forth. On the other hand, such a politics of equality also entails the value of individual worth, in the sense that each person is equally distinctive and unique. This unique moral sense does not depend on the market value of individuals but on the absolute right of citizens to a measure of well-being needed to cultivate their distinction. In this sense, citizenship demands a differentiation of rights on the basis of salient differences. As Charles Taylor (1992) has analyzed forcefully, such disjunction between equalization and differentiation generates deep conflict in most contemporary citizenships.

An analysis of the moral dimension of Brazilian citizenship reveals that, historically, the relation between citizenship as a universal equality and citizenship as a status of special treatment has been one of contradiction. The universal conception figures prominently in Brazil's constitutions and rhetoric of nationalism and modernism. However, the differential conception has been the norm of social practice as well as of much legislation that differentiates categories of persons entitled to rights. Even when rights expanded under the corporatist state of Getúlio Vargas in the 1930s and 1940s, it did so framed in terms of special entitlements. That is, Brazilians became entitled to rights because they were certain kinds of persons, such as registered worker, female, university graduate, property owner, and retiree. Hence, registered workers have rights to employment benefits others do not, women can retire five years earlier than men, college graduates have a right to a private jail cell, and only the literate could vote until 1985.

Thus, historically, rights in Brazil are generally targeted for specific

social groups, who in turn view them as their private privilege—privilege in the Hohfeldian sense of freedom from the claims of others, absence of duty to them, and immunity to their legal power. In this sense, Brazilian citizenship is rooted in difference in such a way that different treatment usually means discrimination for some and the absence of accountability for others. Morally, therefore, Brazilians traditionally formulate citizenship as a principle and practice of special treatment and privilege, not as a measure of common ground. Citizenship reminds people more of what they are not and do not have in common. It defines most citizens as "others" in a hierarchy of special treatment and (dis)privilege, and considers the law what such others "get"—a formulation of citizenship perfectly embodied in the Brazilian saying "for friends everything, for enemies the law."[17]

Finally, the performative dimension of citizenship refers to the practices without which citizenship has no substance at all. They range from voting and paying taxes to reciting oaths of membership (such as the US "Pledge of Allegiance") and stopping at a traffic light. No matter how apparently trivial, these practices establish the habit of citizenship among people by eliciting—through either obligation or choice—the individual recognition of a set of rulelike conditions to which people must subscribe in their interactions.[18] Such performances relate the three principal agents of citizenship—the state, the individual citizen, and groups of citizens—in an inherently antagonistic triangulation, for two reasons. First, although individuals may think of their citizenship as protecting them from state intervention and abuse of power, the state also tries to turn people into "good citizens" by imposing specific kinds of citizenship performances on them, such as voting, military service, orderly public behavior, and paying taxes. These impositions set the standards of conduct to which the state holds citizens accountable, establishing the terms of obligation and resistance.

Second, the civil right of each citizen to associate with others generates collective organizations of unequal capacities. As collectivities act to defend and advance their interests, these capacities are set against each other in the arena of citizenship.[19] This second type of conflict is especially evident in liberal democracies where the state is committed to a constitution that proposes equal rights and due process but is not committed to providing citizens with equal means to realize those rights. As a result, the inequalities of class transform the formal equalities of citizenship into substantive differences, as those who have the social and economic means to take advantage of their formal legal rights outperform those who do not. Thus the poor are typically formal citizens without much substantive citizenship, who are not able to perform their citizenship effectively. In Brazil, both rich and poor assess citizenship in terms of each other's performed advantages. In large measure, their reactions—for example, social movements among the poor and criminalization of the poor—both expand and erode Brazilian citi-

zenship. Citizenship necessarily develops, therefore, by simultaneous expansion and erosion, by generating new inequalities, powers, and contestations. Such imbalances constitute its dynamism and thereby the contours of democratic development.

Conclusion

At the beginning of the twenty-first century, perhaps half the world's electoral democracies and two-thirds of those in the third wave have severely impaired civil citizenships. Their experience of democracy is so disjunctive that its traditional conceptualization in terms of political membership in the nation-state is as unconvincing theoretically as it is unfaithful to the new empirical conditions. Indeed, we now know that the condition of formal membership without much substantive citizenship is characteristic of many societies that have recently become politically democratic in Latin America, Africa, Asia, and Eastern Europe.

My objective in pushing democratic theory beyond the political is to open up the study of democratic projects to the specificities of different cultures and societies. It is to suggest a theoretical framework that accounts for actual variation in the experience of democracy. Calling a democracy civilly disjunctive refers to specific aspects of a complex project. It does not condemn the entire project. Moreover, it does not suppose that becoming civil means necessarily becoming just like some other democracy. Civilly disjunctive democracies are democracies nevertheless. The problem is to account for their disjunctions from within the process of democratization without disrespecting their democratic intentions or predetermining the antidote to their perversions on the basis of convergence to ideal types that are modeled on particular North Atlantic examples, such as US or European liberal democracy. If, as I think, such convergence is unlikely, then democratic theory and research must adapt to the development of new and ever-changing configurations of citizenship.

Notes

1. Although there was a net gain of sixty-eight electoral democracies during this twenty-eight-year period, seventy-six changed from nondemocratic to demo-

cratic political systems: eight had been formally democratic in 1972, became author-itarian, and then redemocratized by 2000. International watchdog organizations use standard criteria of electoral procedure and political freedom to arrive at the number of electoral democracies in the world. As will become clear, I am critical of the elec-toral approach. I use its data to grasp both the importance of elections and their limi-tations in evaluating democracy. In this chapter, I use the research that Freedom House has compiled since 1973 in annual world surveys of political rights and civil liberties. Thus, in my analysis, the attribution "democracy" is not a matter of a coun-try's self-nomination. For example, although the governments of the Democratic Republic of Congo and Egypt declare themselves democratic, international organi-zations disagree and do not count them among the world's 120 electoral democra-cies. With regard to the number of waves of democratization since the late eigh-teenth century, Samuel Huntington (1991) argues for three waves (and, thus far, two reversals), while Philippe Schmitter (1993) proposes four. At this point, the phrase "the third wave" has caught on.

2. I resist the temptation to call this particular kind of disjunctive democracy "uncivil." It would be a useful shorthand, especially as it evokes related notions of civility and *civitas.* However, I have decided that its common association with "uncivilized" renders it too problematic, too dismissive of entire societies. Furthermore, the use of corresponding neologisms such as "unpolitical" and "unso-cial" to refer to other kinds of disjunctive democracies makes little sense. Although I have used "uncivil democracy" elsewhere (e.g., Caldeira and Holston 1999), I have changed my mind.

3. I refer readers to my forthcoming book, *Insurgent Citizenship,* for an extended discussion of these four points, set within the historical and ethnographic context of Brazil.

4. These dichotomies are usefully analyzed in Bobbio 1989, pp. 1–43.

5. A example of this perverse conjunction occurred in Brazil in the first week of October 1992. During that week, the democratically elected National Congress voted in exemplary democratic fashion to suspend democratically elected president Fernando Collor de Mello from office and to send him to the Senate for impeach-ment. He resigned and was replaced by his vice president. The entire process fol-lowed constitutional provisions to the letter. A few days later the military police massacred 111 unarmed prisoners at São Paulo's House of Detention during a prison rebellion. The media graphically presented the slaughter and its aftermath of butchered bodies to the public. Even though human rights organizations documented the systematic execution of prisoners and numerous incidents of grotesque violence, the public mostly supported the police action, as opinion polls and street demonstra-tions indicated at the time. Two years later, the commander of the police operation ran for a seat in the state assembly, using the number "111" to identify himself as a candidate on the ballot. He placed second in the election, was declared the alternate, and actually served when the elected deputy was selected for a post in the state administration.

6. At the height of police abuse, in 1992, the military police in the metropoli-tan region of São Paulo killed 1,301 civilians "in the line of duty." By comparison, in the same year, the New York City police killed 27 and the Los Angeles police killed 23. After an intense international campaign against police violence in São Paulo, the number of civilians whom the police killed dropped to 183 in 1996. But in 2000, the number rose again, to over 400. These civilian deaths in São Paulo are not due to the increased violence of criminals, as the military police and media crime-mongers claim. See Caldeira 2000 for an analysis of these data. These num-

bers suggest more a regime of terror than one of law embedded in an electoral democracy.

7. Sometimes, however, media exposure of police violence results in public outrage. In 1998, an amateur videotaped a police shakedown in a poor neighborhood in Diadema in São Paulo. As broadcast repeatedly on television, it showed the police beating and shooting a man who would not give them money and who was obviously not a criminal or a suspect. The public were outraged because they saw an "honest worker" abused by "corrupt police." But more typical was a video shown a few months later on national television that showed a policeman gunning down two men as they sat on a motorcycle after someone told him that they might have been involved in a bank robbery. The policeman was universally acclaimed even though in the video he makes no attempt to subdue the two men without gunfire, even though the two men do not appear to reach for guns but rather to raise their hands, and even though their guilt was not evident or later established. Rather, the two dead men were characterized as "marginals anyway," and this seemed sufficient justification.

8. Police killings are justified through the dehumanization of citizens as "criminal suspects." This dehumanization regularly occurs in the "tough talk" of official policy. A few days after policemen killed thirteen *suspected* drug dealers in the shantytown of New Brasília in Rio, the governor of Rio issued the following statement: "These violent criminals have become animals. . . . They are animals. They can't be understood any other way. That's why encounters with them can't be civilized. These people don't have to be treated in a civilized way. They have to be treated like animals" (May 11, 1995, cited in Cavallaro [for Human Rights Watch] 1977, p. 10). It was never shown that those killed were drug dealers, and it was immediately evident that some of the victims were not criminals of any sort.

9. Between 1965 and 1990, for example, Americas Watch registered the murder of almost 1,700 rural workers in Brazil. Of these cases, there have been only 26 trials and 15 convictions (Americas Watch Committee 1991). The conclusion is certain: hired guns murder with near impunity in rural land conflicts. So do police. The general sense is that the legislature passes laws that the courts cannot or will not enforce. In such circumstances, the law and the justice system become remote from the actual problems of social life. In Brazil, 72 percent of those involved in criminal conflicts do not use the justice system to resolve their problems, according to data from the 1990s.

10. The survey does not rate the performance of governments per se and does not base its evaluation on governmental intentions or constitutions. Rather, it evaluates the realization of political rights and civil liberties for citizens of a country or territory, as this realization may be affected by governmental and nongovernmental factors. The survey uses an eight-question checklist to determine the realization of political rights and a thirteen-question checklist for civil liberties. Based on raw scores for these questions, each country receives one rating for political rights and one for civil liberties, on a scale of 1–7. Category 1 represents the closest and category 7 the furthest from the ideals suggested by the checklist questions, beginning with free and fair elections for political rights, and individual freedoms for civil liberties. The survey understands political rights as those that "enable people to participate freely in the political process" and civil liberties as "the freedoms to develop views, institutions and personal autonomy apart from the state" (Freedom House 1997, p. 572).

The overall objective of Freedom House is to use the twin scales of rights and liberties to determine the "degree of freedom" present in each country. For this pur-

pose, it divides the world into the three supracategories of "free," "partly free," and "not free." It considers "free" those states that have an average of 1.0–2.5 for both scales, "partly free" those that have an average of 3.0–5.5, and "not free" those that have an average of 5.5–7.0. In the case of countries with an average of 5.5, the determination of "partly free" or "not free" is made according to the total number of raw points. In all of the surveys, all countries rated "free" are electoral democracies. Some countries rated "partly free" are also electoral democracies. Thus, in 1996, there were 79 electoral democracies among 79 free countries and 39 electoral democracies among 59 partly free countries. For my purposes, however, this overall categorization of freedom is not useful, because we find civilly disjunctive democracy in both free and partly free countries.

11. Thus there were 15 in 1996 among the 79 free electoral democracies, including Greece, Israel, Bolivia, Malawi, Mongolia, and the Philippines. All 39 partly free electoral democracies were also civilly disjunctive. In 2000 there were 18 free and 33 partly free civilly disjunctive democracies; in 1986, 13 and 8 respectively; and in 1972, 10 and 2 respectively.

12. In its confederated system, Swiss communes and cantons rather than the nation and its individual members are the primary bearers of rights. In this way, Switzerland presents an alternative model of direct democracy to the Anglo-American one of liberal democracy based on elected representative government and individual rights.

13. Although I am indebted to Marshall for pointing the way to expand the analysis of citizenship beyond political institutionalization, I do not share his historical perspective in at least five ways. First, he explains the development of British citizenship as a three-stage sequence that expands progressively and cumulatively from the civil to the political to the socioeconomic over three centuries. His history is all one of expansion. In contrast, I view the development of citizenship and democracy as always disjunctive. They both expand and erode, progress and regress, in complex ways. Second, I do not view the three-stage historical sequence that Marshall plots as the norm of development. In fact, although it may be an accurate description in some cases, such as Britain, in general it is not. Rather, the spread, timing, and substance of citizenship vary substantially with historical and national context. In most emerging democracies, including Brazil's, political and socioeconomic rights develop long before civil rights, and in any case not in discrete or linear sequences. Thus the aspect of timing is usually different from the sequence Marshall proposed for Britain, and needs to be evaluated in each case. Third, Marshall always treated citizenship as national, as rooted in the unit of the nation-state. As I argue here, this assumption is mistaken in some cases and increasingly unconvincing in many more. Moreover, the city remains crucial to the emergence of new forms of citizenship (see Holston 1999). Fourth, Marshall analyzes the exercise of collective rights exclusively in terms of social classes. It is more evident today than when he wrote that groups based on difference-specific identities also claim rights, and that such group-claims contest the liberal theory of difference-neutral citizenship. Finally, when he discusses it at all, he treats the illegal as an aberration, external to the construction and operation of law. I view it as central (see Holston forthcoming).

14. Among the forty-three countries with a majority Islamic population, Freedom House concludes that there are six electoral democracies, namely Albania, Bangladesh, Kyrgyzstan, Mali, Pakistan, and Turkey.

15. Such accounts are frequently used in theory, policy, and the popular press to argue that Islamic religion and culture contradict the premises of democracy and

that therefore most Islamic countries "appear to have little prospect of transition to even semidemocracies" (Diamond, Linz, and Lipset 1988, p. xx). Tending to view Islamic culture as discrete, uniform, and coherent, the culturalist explanation attributes the apparent lack of democracy to norms and practices inherited from the weighty past of tradition—Samuel Huntington's 1993 essay on the "clash of civilizations" is a notorious recent example. In a recent publication, for example, Bernard Lewis (1996), a renowned scholar of Islam, distinguishes multiple meanings of the term "Islam" and evaluates the compatibility of each with democracy— though, paradoxically, he accepts only the minimalist "liberal" definition of democracy. On the one hand, he claims to identify such antidemocratic aspects in the Islamic world as "the absence of the notion of citizenship," observing that "there is no word in Arabic, Persian, or Turkish for 'citizen,'" and that there is "from the beginning . . . an identification of cult and power or religion and state." Given such verities, one might well wonder how he would account for those Islamic countries that are electorally democratic (e.g., Turkey, Albania, and Mali), just as one might question that the lack of a word necessarily means the absence of a concept or the inability to develop one.

16. I want to stress, however, that I am not saying in any way that such popular decisionmaking is necessarily just or equitable. Quite the contrary. People often use democratic powers to segregate, discriminate, dismantle, and privatize—as do homeowner associations from coast to coast in the United States, for example. The use of democratic powers and participation to segregate is a basic problem of contemporary democracy that we must engage and theorize.

17. See my forthcoming book, *Insurgent Citizenship,* for an in-depth study of this Brazilian formulation of citizenship.

18. Those who have lived in countries, like Brazil, in which it cannot be taken for granted that cars will stop at a red traffic light, understand in no uncertain terms that such practices are not trivial performances of citizenship. Indeed, I would argue that in contemporary cities, traffic constitutes perhaps the most important public space of citizenship, where its substance is tested through countless negotiations of right and power between anonymous citizens.

19. In his analysis of nation building and the extension of citizenship to the lower classes in Europe, Reinhard Bendix (1977, pp. 89–126) dissects this conflict in terms of what he calls the "plebiscitarian" versus the "functional" principles of citizenship—though he does not conceive of them as performatives.