Preface

This book expands on and reinterprets my previous analysis on democratic innovation. My two previous books *Democracy and the Public Space in Latin America* and *Participatory Institutions in Democratic Brazil* have been part of the wave of books on the positive elements of innovation and participation. This book takes a more cautious approach based on both recent developments in Brazil and Latin America and the expansion and diffusion of democratic experiences in Europe and the United States. It follows the same analysis of previous books in the sense that I still regard democratic and participatory innovations in public policies as the greatest achievement of Latin American democratization processes. However, I propose in this work to qualify an acritical process of expansion of democratic innovation and to differentiate democratic innovation from judicial innovation. My point is that democratic innovation in public policy is bottom-up and democratizing, and in the worst situation it does not produce any damage to the democratic culture. Conversely, judicial innovation is top-down and linked to legal corporations. Drawing on the Brazilian experience since 2013, I show in the book that there has been a connection between innovation at the judicial level and the strengthening of non-democratic actors at the judicial level. At the extreme, these actors are willing to challenge main tenets of democracy and even the rule of law itself.

I wrote this book during a short stay at Wagner Graduate School of Public Service at New York University (NYU). I am very grateful to Salo Coslovsky and Gianpaolo Baiocchi for a warm reception at NYU. A number of people at NYU and the New School helped me to reach a final format of the book. Sonia Ocaño gave me very useful comments on the book’s central argument and helped me incorporate the argument on the judicial system. Other people made useful comments during presentations of the book’s argument. I would like to thank Andrew Arato and Carlos Forment who discussed the book’s argument on the Brazilian judicial system with me at the New
The ideas presented in the book are the result of several debates and interactions with people in Brazil and Latin America. In Brazil, Rogério Arantes and Marjorie Marona helped me to formulate the criticisms on the expansion of Brazilian judicial institutions. Yves Sintomer welcomed my criticism on the de-politicized expansion of participatory budgeting in Europe. Brian Wampler provided useful comments and criticism on several ideas presented in the book. Rocio Annunziata and Isidoro Cheresky encouraged me to learn more about participatory budgeting in Argentina. Alberto Olvera helped me understand the transformation passed by the Federal Electoral Institute (Instituto Federal Electoral – IFE). Felipe Hevia was kind enough to share with me his work on accountability in Mexico. Anthony Pereira has been following and encouraging my work on Brazil since we met at the New School during the 1990s. I am very grateful to all of them for helping me to make this book more comparative.

I also want to thank the Brazilian CNPq (Conselho Nacional de Desenvolvimento Científico e Tecnológico – National Council for Scientific and Technological Development) for several grants to study the Brazilian judicial system and for the grant that allowed the creation of the INCT (Instituto Nacional de Ciência e Tecnologia – National Institute for Science and Technology), Institute for Democracy and Democratization of Communication (Instituto da Democracia e da Democratização da Comunicação).

Barbara Lamounier and Priscila Zanandrez helped me with the tables and the biographical references for the book. It has been a pleasure to work with them. Colleen Brennan helped me in improving the English in the manuscript. Ana Faria joined me again in an enjoyable and productive stay in New York. It has been a pleasure to share time and experiences with her during all our stays abroad.