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.

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