

Politeja

No. 6(81), 2022, pp. 43-60

<https://doi.org/10.12797/Politeja.19.2022.81.02>

Licencing information: CC BY-NC-ND 4.0

Raúl ZAMORANO FARIÁS 

Center for Theoretical and Multidisciplinary Studies in Social Sciences (CETMECS)

National Autonomous University of Mexico (UNAM)

Member of the National System of Researchers (SNI)

rzamorano61@gmail.com

DEMOCRACY ON THE PERIPHERY OF MODERN SOCIETY

STRUCTURES, SEMANTICS AND EXPECTATIONS¹

ABSTRACT The problem of social order in the periphery of modern society is problematized on the conceptual architecture of the General Theory of Social Systems (TGSS), tracing the semantic and expectative forms of the structures' institutionalization, and the reproduced and parasitized artifacts in those structures which, paradoxically, construct the functional and differentiated preeminent order in the *modernity of modern society*. The capture of the state apparatus by particular structures has been one of the characteristics that define the articulation of order in the region. Structures (family, group, clientelistic inclusion networks) that have been stabilizing, and even define the expectations that guide the assumptions of functional differentiation, operating factually with the logic of a stratified social order, promoting clientelist relations and practices and excluding exclusivity that, rather than weakening, strengthens the 'citizen' experience, promoting the permanent oscillation between 'legality' and illegality that permeates deeply the organic and structural interstices of the social order in this periphery.

Keywords: Democracy, structures, semantics, expectations, social order

¹ This research was presented at the International Seminar Deconsolidation of Democracy in Latin America, at the Uniwersytet Jagielloński – Kraków, on 28 May 2021 and is part of the research project Observations from the Periphery of Modern Society.

INTRODUCTION

The elites and the inclusion networks in the Latin American region do not defend the assumptions of modernity in front of the pre-modern clientelist stratification, what they do is using it without any complex, and that's what they call democracy.

Nexus (2014)

When the democratic expectation imagines and admires itself as an idea, it is necessary to explain why this idea does not work, even when its structural presuppositions continue to function, reproducing and stabilizing itself, especially if in the *modernity of modern society*, it is admitted that democracy is an achievement, *an evolutionary acquisition*, loaded with evolutionarily improbable assumptions.²

From a sociological observation, thinking about evolution necessarily involves thinking about the functional differentiation of society and its operational closure, as well as the self-construction of complexity, social order and democracy, in view of the fact that an evolving systems is the one that has reaffirmed its limits respective to its environment and on this differentiation its elements reproduce themselves autopoietically, which means that it generates its own structural complexity in the process.³

If the characteristic of society and of the modern social order is given by the disillusionment of the supposed natural order and, moreover, if the democratization of the political system and the positivization of law have evolved thanks to the permanent irritation and mutual stimulation in the construction of the differentiated social order, *how is democracy possible in the periphery of modern society?* That is, how did the assumptions of functional differentiation, structural complexity and expectations work in the democratic order on this side of the world?

The question presupposes the differentiation of society from the world, presupposes that democracy exists as an evolutionary acquisition, which makes it possible to problematize the conditions of possibility of its existence and the expectations that this generates. It is then questioned not for the *must be* (prescription) or for what *democracy is* ontology), but rather for the ways *in which* it operates and which have been evolutionarily the available social structures that have been stabilized for that purpose.

² N. Luhmann, *Teoría política en el Estado de bienestar*, transl. by F. Vallespin Oña, Madrid 1993; idem, *Sistemas sociales. Lineamientos para una teoría general*, México 1991; idem, *Complejidad y modernidad. De la unidad a la diferencia*, Madrid 1998; idem, *La sociedad de la sociedad*, México 2007.

³ N. Luhmann, *La sociedad de la sociedad...*, p. 100; idem, *¿Cómo es posible el orden social?*, México 2010; idem, *The Differentiation of Society*, transl. by S. Holmes, Ch. Larmore, New York 1982. Society is not an object but the result of the differentiation operation between system/environment based on communication. Society as an "object" is rather the origin mark composed by the State/society or community/society distinction, a mark that constituted one of the strongest and most widespread epistemological obstacles in sociological reflection. N. Luhmann, *Niklas Luhmann. Teoría de los sistemas sociales*, México 1998, pp. 51-67.

Structures that make it plausible that also, in this periphery of modern society, democracy stabilizes and functions as it does and, furthermore, semantically orients the social order and in the same way, the expectations.

In this regard, the periphery of modern society is supposed to mean a type of social order whose central characteristic is given by stratified order relations, so that the sense of operation pre-eminently tends to strengthen social relations between layers (courts, religious groups, clans, families, classes and even mafias), which, when stabilized, articulate the structures that determine the expectations and semantic descriptions of that social order, as well as what should be understood by politics, law, public opinion, justice, freedom, participation, democracy, etcetera.⁴

In the historical-comparative perspective, we must analyze the conditions of possibility, the production and stabilization of semantics and structures in the process of functional differentiation of the periphery of modern society, as well as its improbability and normalization, which is always the product of the evolutionary becoming.⁵

BASIC CONCEPTS

As Elias points out,⁶ society generates descriptions of itself or, as Koselleck says, generates semantics. *Semantics* is the construction of social meaning that produces what it uses as a reality. These communicative meaning's formulas, denoted by the term *semantics*, exactly indicate the condensation of a confirmation of meaning, given by its recursion and its stabilization in the expectations' form endowed with a certain generality that constitute the conditions of possibility that facilitate the structural organization of society.⁷

So the social structure and the semantics are forms of meaning or 'forms of the ordering of meaning.' The former (structure) corresponds to the differentiation of the action, while the latter (semantics) corresponds to the differentiation of the experience. From a sociological perspective, the historical construction makes it possible to analyze the self-referential phenomena of meaning, the differences and the complexity

⁴ It is enough to observe in our days and in different countries of the region how these groups operate to impose not only their 'narrative,' but what really must be done to 'save democracy,' either from the government (Brazil, Colombia, Chile, Uruguay, Paraguay, Panama, Haiti, Ecuador, Nicaragua), or against the 'populist' government in power (Mexico, Peru, Argentina, Cuba, Bolivia).

⁵ R. Koselleck, *Futuro pasado*, transl. by N. Smilg, Barcelona 1993; N. Luhmann, *La sociedad de la sociedad...*

⁶ N. Elias, *El proceso de la civilización. Investigaciones sociogenéticas y psicogenéticas*, México 1994.

⁷ N. Luhmann, *Complejidad y modernidad...* According to the principle of differentiation, the semantics of modern society can be admired or criticized; in contrast, segmental societies with all their institutions, their possibilities of expansion and contraction, their paralleling of causality and magic, and their reciprocity as a way of resymmetrizing temporal and social asymmetries are meant to remain as they are. N. Luhmann, *La sociedad de la sociedad...*, pp. 472, 518.

to observe precisely the forms of stabilization of expectations.⁸ The differentiation of society is then directly related to the repertoire, to the availability of structures and semantics (communications), because they reproduce and stabilize the meaning and they are used to operationalize and self-describe the reality of the world order, orienting the expectations and the plausibility to construct expectations and in this way they work because they are functional to the system.⁹

Following the Luhmannian grammar, for the conceptual architecture of the General Theory of Social Systems (TGSS), expectations are selective structures that regulate the *ego-alter* relationship (the old *double contingency* problem in Parsons). Structures are themselves a communicative expectation that condenses meaning and whose result is that, ultimately, the fundamental structures of communication are only expectations: what is expected to be as necessary even when it is not carried out (which, in the case of normative expectations – from the legal point of view – could carry the risk of a sanction).¹⁰

Then *structures* establish the conditions that delimit the sphere of relation of the operations of a system while *semantics*, that set of premises of meaning worthy of being conserved, stabilize descriptions; operations that certainly cannot be thought without another fundamental category: time (Prigogine, Elias, Koselleck, Luhmann).¹¹

Evolutionarily, the *ethos* of modernity crystallizes primarily from the development of the conception of the individual, signed by the increase in complexity and where, temporarily, is generated the passage from the stratified social order to the social order differentiated by functions. What stands out in this process as one of the first conquests of modern politics is the stabilization of the monopoly of resorting to violence, which can no longer be left to the discretion of the powerful but must be an exclusive prerogative of the State.¹²

If in the stratified society the upper stratum dominates and produces the self-descriptions of the society, and this is the predominant characteristic of the stratified social order, the elite (king, prince, lord paterfamilias) is exposed to rivalry, permanently facing the danger of a violent death, so the domination has to be proclaimed, structured, as a right and, consequently, anyone who tries to oppose the elite will always find

⁸ Idem, “Sinn, Selbstreferenz und soziokulturelle Evolution,” in idem, *Ideenevolution. Beiträge zur Wissenssoziologie*, ed. by A. Kieserling, Frankfurt am Main 2008, pp. 7-71.

⁹ Structures as a recursive condensation of conditions that delimit the scope of the relationship of the communicative operations of a system, which are maintained and repeated in various operational situations enabling the autopoiesis of the system. Idem, *Sistemas sociales...*

¹⁰ Ibid.; N. Luhmann, *Die Politik der Gesellschaft*, Frankfurt am Main 2000; idem, *El derecho de la sociedad*, México 2002; idem, *La sociedad de la sociedad...*

¹¹ The *fourth dimension* that Einstein enunciates in his famous theory of special relativity (1905). I. Prigogine, ¿Tan sólo una ilusión? Una exploración del caos al orden, Barcelona 2004; N. Elias, *Sobre el tiempo*, México 1989; R. Koselleck, *Futuro pasado...*; N. Luhmann, *La sociedad de la sociedad...*

¹² N. Luhmann, *Sociología política*, Madrid 2014; idem, *La política como sistema*, México 2004; G. Corsi, “Ética y política,” *XVI Congreso Internacional de Filosofía “Filosofía: razón y violencia”* (24-28 de octubre), México 2011.

a rival who has to present legal arguments. Thus, the legal/illegal code will be stabilized as the ordering code of politics, so that all political rivalry will be semantically subject to this distinction.¹³

The above implies that the democratization of politics is based first of all on the recognition and *legal legitimation of the opposition*, that is, on the recognition of dissent (no longer consensus and violence), which forces to build and generate the conditions aimed at the acquisition not of the pact, but of the rational consensus. This presupposes that it is no longer the nature, but the reason, that intrinsic quality of human beings, which guides their choices and behaviors, which should lead to build a sensible, rational and democratic society.¹⁴

In principle, modern democracy is, then, the politics of *institutionalized conflict* and not a pact between lords. It is the recognition of dissent (the recognition of the other as a legitimate one) as a possibility to build possibilities, especially after Weber reaffirms that the will to consent is not only unnatural, but also becomes increasingly unlikely as organization and administration increase.¹⁵ That is, as functional differentiation and gradients of social complexity increase.

In general and as an evolutionary acquisition, from the modern normative tradition, the substantive meaning of the semantics of democracy describes a form of social coexistence in which its members are free and equal and the social relations are established according to contractual mechanisms (*rules*). Democracy is not determined by the place that it occupies (*stratum*); democracy is the government of the people, it is a regime of autonomy, of *self-constitution of self-limitation* and limitation of power,¹⁶ of the recognition of the opposition and the structuring of rights and duties that are established based on rules as fundamental expectations.¹⁷

Parallel to that, from the technocratic viewpoint, democracy has also been conceptualized as a system of government in which the rulers are responsible for their actions in the public sphere before the citizens, acting indirectly through the competition and cooperation of their elected representatives, to activate a process aimed at producing binding decisions, and where the central nucleus is oriented by the political equality of the participants in the elective process, which presupposes that compliance and the existence of basic institutional guarantees must be secured. Therefore, the government is a minority government and democracy is a *polyarchy*, a system in which power,

¹³ N. Luhmann, *El derecho de la sociedad...*; idem, *Teoría política...*

¹⁴ I. Kant, "Beantwortung der Frage: Was ist Aufklärung?" *Berlinische Monatsschrift*, no. 12 (1784), pp. 481-494. According to Kant, the appeal to an autonomous individual capable of endowing himself with universal laws relates to the moral and political law through a process of an opinion formation and a general will; what happens then in a situation in which even the formation of an autonomous individual and his personal will are not guaranteed, much less the formation of a general democratically instituted will.

¹⁵ G. Corsi, "Ética y política..."

¹⁶ C. Castoriadis, *La institución imaginaria de la sociedad*, México 1989.

¹⁷ G. Sartori, *Ingeniería constitucional comparada. Una investigación de estructuras, incentivos y resultados*, México 1996.

influence, authority and control are diffused among a variety of groups, associations and organizations, removing it from any single center.¹⁸

Even in our days, a democracy that transcends the procedural regulation must articulate structures available for the reproduction not only of the political system, but also of the citizenship of citizenship, as well as the materialization of the constitution,¹⁹ of that *unofficial right* as Teubner points out.²⁰

Contrary to the late modern tradition, according to Luhmann, democracy is not a normative or technical-bureaucratic precept to prescribe or to *perform* the social order. Democracy is an evolutionary acquisition of modern society. For this reason, democracy does not have to do with argumentative rational solutions but with keeping communication possibilities open. Modern democracy is then the operative expression of the differentiation of a functional system, the political system, to keep the future open to decision processes that are based on decisions that it has selected to produce new possibilities and generate possibilities to produce possibilities.²¹

If for the normative conception, the political power responds operatively to the hierarchical power code, it is relevant that the ruling power cannot establish itself as a total and all-encompassing supreme authority, in that *factotum* that controls the totality of the subjects (predominant characteristic of the stratified social order) because it has time limit and its authority limited by its code. Consequently, this means that people rule over people in a necessary and permanent relationship between government/opposition,²² every time that the binary code of government and opposition articulates – operatively – the form, paradoxical in itself, that the opposition that has no power of government can, precisely for this reason, assert the power of the not powerful.²³

The position that previously corresponded to the higher power (king, lord, caudillo) is now occupied by public opinion that can favor either the government or the opposition, thus generating the dynamics of communications that open possibilities and expectations about who will take the decisions, regulating the code and the possibility of switching positions through elections. This, certainly, presupposes the recognition of the operational functionality of the political system and, in fact, of the opposition, because without opposition there can't be democracy.

As presuppositions, these evolutionary acquisitions will also be present in the constitution of national States in Latin America, where the conditions and probability to build and stabilize these structures will depend on their evolutionary specificity.

¹⁸ R. Dahl, *Polyarchy: Participation and Opposition*, New Haven 1971.

¹⁹ N. Bobbio, *L'età dei diritti*, Torino 2005; D. Grimm, *Constitucionalismo y derechos fundamentales*, Madrid 2006.

²⁰ G. Teubner, *O direito como sistema autopoiético*, transl. by ?, Lisboa 1993 (Tradução do original alemão *Recht als Autopoietisches Systems*, 1989).

²¹ N. Luhmann, *Die Politik der Gesellschaft...*

²² *Ibid.*, pp. 104, 105, 353; *idem*, *Teoría política...*

²³ *Ibid.*, p. 163. Luhmann points out that the resulting structural invention has been called democracy for accidental historical reasons. *Ibid.*, p. 165.

PERIPHERY OF MODERN SOCIETY

Since the 16th century, Latin America has settled in the process of functional differentiation of the global society as part of the periphery. That is to say, on the basis of the readjustment of the existing social structures,²⁴ carried out by the conquerors and, generally, by pacts agreed between them and local leaders, the region becomes part of the global society. In this context, the social organization consolidated itself and was guided by dependency relations in the image and similarity of the stratified relations of Spain and Portugal (family and groups) and regional (imperial).

As has been pointed out elsewhere,²⁵ in the Latin American and Caribbean region, under the control and aegis of the elites descended from Spanish imperialism and on the basis of segmental social relations, the strengthening of local powers and afterwards the predominance of family members and their clientelist networks, that is, of structures that settle and articulate in a stratified social order, to organize the way in which the functional differentiation will be oriented and the central assumptions will be stabilized in the process of building the modern State.

Although the presuppositions of the *ethos* that modernity carries (*liberté, égalité, fraternité: démocratie*), are not absent in the region and will be shouted in the wars of independence, in fact, the creole elites and the power groups fought to seize and to control the incipient State, that organization constituted by a set of bureaucratic institutions, through which to exercise legitimately the use of force and the sovereignty of its command (of their morals, of their ideology). In this process, the Spanish elites will be gradually, but not totally, substituted by the local oligarchies, which structurally and semantically build a highly exclusive State, marked by the absolute concentration

²⁴ The emperor, the priests, the *intermediary and the law that is always obeyed, but not fulfilled*. The latter, perhaps two of the most lethal and successful structures in the evolution of Latin American modernity. Paré points out that the position of *intermediary* constituted an instrument of the local power group, because in fact the intermediaries operated as mediators between one group and another, however, they did not exercise independent power, but were subordinate to the group of power of belonging. This structure was taken up by the Spanish with the figure of the *cacique*; first, to designate some of the authorities that separated the Indian population from the colonial administration, second, for their function, which is fundamentally to collect tribute, provide manpower to the conquerors and in general control the native population (L. Paré, *Caciquismo and political power in rural Mexico*, Mexico 1975, pp. 36-70). As benefits for their services, the caciques received (and continue to receive) the power to take advantage of all opportunities to enrich, increase and exercise their power (L. Meyer, *El Estado en busca del ciudadano. Un ensayo sobre el proceso político mexicano contemporáneo*, México 2005, p. 37 *passim*). Then, the practice that the norm is not complied with, will be stabilized in the 'ancestral' modern axiom, which Getúlio Vargas (1930-1945) raised to the rank of unofficial law in Brazil: *For my friends everything, for my enemies the law*.

²⁵ R. Zamorano Fariás, *Civilizzazione delle aspettative e democrazia nelle periferie della società moderna*, Lecce 2003; idem, "El sistema político como institucionalización de las expectativas," *Boletín Mexicano de Derecho Comparado*, vol. 43, no. 128 (2010), pp. 895-921; idem, *Observando el orden social en México. El sistema de la política y el sistema del derecho*, México 2017; idem, "Differentiation and Political De-differentiation in the Periphery of the Modern Society," *International Journal of Law and Public Administration*, vol. 4, no. 1 (2021), pp. 21-33.

of political power of a few families,²⁶ installing from their origin and in that logic presidential political and centralistic regimes.

The social stratification that existed at the time of state formation was thus decisive for the political constitution of societies structured according to the pre-modern logic. In fact, the political structuring was not established in operational continuity between the constitutional norm and the state institutionality, in practice a parallel political regime was combined, basically illegal, but endowed with clear and publicly known rules, based on an absolute presidentialism that, on the one hand, nullifies the division of powers and leaves that 'citizenship' that is not legally recognized through corporate ties (particularist/personal relationships) unprotected and, on the other, will later be deployed in the figures ranging from the patron of the estate (Central America), the military praetor (dictators), the paternal leader of the shirtless (Juan Domingo Perón in Argentina), the satrap (Patricio Aylwin Azocar in Chile), to the narco-presidents (Álvaro Uribe in Colombia, Felipe Calderón Hinojosa in Mexico), and where the structures to *dispose of the law* are always at hand.²⁷

In the new State, evidently, that 'citizenship' was circumscribed only to an 'immense minority', the rest of people continued to be subjects of the lord, the priest or the politician or, in the 'best' of cases, tolerated as 'opposition', as a 'tolerated dissent', for which the recognition of a 'symbolic citizenship,' that is a constitutional formula, expresses universal content, but without any operational effect,²⁸ except for the exercise of illegal practices that will be trafficked based on the legality. That is, they operate only *symbolically*. Exactly that *symbolic constitutionalism* which fulfils only a *symbolic-ideological* function.²⁹

It is clear that toleration is the passion of the inquisitors, but it does not constitute any recognition of the differences. Furthermore, where the opponent is not to be tolerated or considered as a citizen, he will be systematically and legitimately annihilated.³⁰

²⁶ The revolutionary processes of the nineteenth and twentieth centuries will reproduce the concentration of political and economic power of colonial structures, which constitutes the breeding ground for the development of internal colonialism, thesis developed by Stavenhagen (1963), on the writings of Lenin. "Siete tesis equivocadas sobre América Latina," in R. Stavenhagen, *Sociología y subdesarrollo*, México 1981.

²⁷ Let us remember that, in the empire of Brazil, the constitution of 1824 recognizes the existence of four powers: the legislative, the executive, the judicial and the *moderating power*, which is above the other powers. This structure, in varieties and with different names, has been applied during the last two centuries in the countries of the region, the best-known *coup d'état*, the most current *impeachment* or, literally, *availability of the law* to violate the law. (Brasil, Colombia, Chile, or Mexico the INE: Instituto Nacional Electoral).

²⁸ As Loveman points out, the constitutions in the Latin American region have always served to change things, but without anything changing. B. Loveman, *The Constitution of Tyranny: Regimes of Exception in Spanish America*, Pittsburgh 1993. A paradigmatic example is the Mexican Constitution of 1917 and, at present, the transition from the Rule of Law to the *Rule of Law of Exception*, elevated to 'constitutional' status as a *permanent exception*, which facilitates coups d'état of a new type: Honduras (2009/2018), Paraguay (2012), Brazil (2016-2018), Ecuador (2018), Argentina (2017-2018), Chile (2018), Bolivia (2019-2020).

²⁹ M. Neves, *A constitucionalização simbólica*, São Paulo 1994.

³⁰ 19th century: Chile, Argentina, Uruguay, southern Brazil and the Amazon, Guatemala. On this, illustrative read D.F. Sarmiento, *Facundo o civilización y barbarie*, Buenos Aires 2018; V. Pérez Rosales,

In general, from the very constitution of the Latin American State – although those who govern will assume modernization, development, and defense of the Rule of law and democracy as political discourse – in practice, they reproduce the patrimonial character of stratification and participation limited (exclusive and exclusive inclusion), accessible only to restricted aristocratic and power groups, in such a way that the same stratification is stratified, and this stratification of differences coexists, in turn, with large differences between center and periphery, which they stabilize due to the level of functional specification reached by the different social systems in the region.³¹

With their varieties in form, these are the basal assumptions on which the structures that guide, when they do not determine, the social order and the expectations of democracy on the periphery of modern society.

STRUCTURES AND SEMANTICS IN THE PERIPHERY

In fact, these are the structures that have stabilized as a product of the level of functional specification reached by the different social orders in the region and that operate as semantics to ‘guide’ the ‘citizen’ expectations, already established in the processes of independence, modernization and social differentiation, that were followed neither by the operational stabilization of social complexity nor by the assumptions of the *ethos* that modernity carries, which, among other things, needs social structures that enable its operational deployment.

On the contrary, by not detaching themselves from the atavistic colonial structures, clans and families stabilized structures of social differentiation of a stratified type with functional differentiation, guaranteeing precariousness as an institutional structure, which not only constitutes – and has constituted – an impediment to the same institutional construction but rather reinforces stratification, reproducing the assumptions and the networks of clientele interaction that determine and replicates the construction of social order in the region.

Using this logic, it’s reproduced a *structural* patrimonial *drift*, also determined as a *cultural appropriation* by political elites, articulated on the basis of authoritarianism and patrimonialism of families and groups, that in order to maintain illegality more or less within tolerable limits creates networks of favors, privileges of office and power and defense, and even produces its own *intellettuali organici* as already denounced by Mariátegui (1905)³² as well as, incidentally, that conglomerate of judges and magistrates

Recuerdos del pasado (1814-1860), Santiago 2000; or M.A. Asturias, *El señor presidente*, Madrid 1997; R. Faoro, *Os donos do poder. Formação do patróinato político brasileiro*, Rio de Janeiro 1998 and, at present, it is enough to listen to the rants of the ‘organic intellectuals,’ from Vargas Llosa, Juan Guaidó to Aguilar Camín and a very long etcetera, who promote the new inquisitorial flames.

³¹ R. De Giorgi, “Latinoamérica entre disensos y consensos. Nuevos abordajes en la sociología jurídica,” *VI Congreso Latinoamericano de Sociología Jurídica*, Argentina 2015, p. 7; R. Zamorano Farías, *Civilizzazione delle aspettative...*

³² J.C. Mariátegui, *7 Ensayos de interpretación de la realidad peruana*, Lima 1928.

to keep the institutionalized structures of the stratified social order well oiled: a Judicial Power with political ends to protect the nepotism and the 'businesses' of these elites (Argentina, Mexico, Colombia, Brazil, Chile, Guatemala, Paraguay, Peru),³³ while the 'citizens' comply, obey and also compromise or, otherwise, are annihilated by the 'reason of the State' (Central America, Colombia, Chile, Brazil), deepening the *script* that stabilizes clientelistic and corporate relationships and fear as a form of social control.³⁴

As has been pointed out, the power groups' capture of the state apparatus is an important characteristic in the political history of this region, to generate structures where inclusion and exclusion are historically determined, so that the modern political system is unable to observe itself through the consensus and dissent distinction. The political system cannot watch itself without a recognized public opinion (citizenship) through the consensus and dissent distinction (government/opposition), and rather remains linked to the original distinction of power and violence;³⁵ closing all possibility of anything different. The future is closed and the present is determined, which is, certainly, another stratified social order's characteristic.

Therefore, since the eternity of the present must be maintained, it is not by chance or a product of the 'wild' spirit of these lands that more than 182 *coup d'état* were executed there between 1902 (Cuba) and 2019 (Bolivia).³⁶ These have been organized by local groups and elites with the support of the US government and the OAS, to maintain and 'save democracy' and its structures.³⁷ In parallel, backed by these democratic structures, for more than one hundred years, the police, military, paramilitary forces and private guards of families, leaders, governors and presidents have left an endless trail of blood and horror in their wake. Thousands of massacres, torture, disappearances, bombings and mass graves must be counted in his medical record, and always to maintain and 'save his democracy' and the pact between gentlemen. This is how modernity operates on this periphery of modern society.

³³ In Mexico, well into the 21st century, a grotesque example of colonial chieftainship can be seen in governors, University Rectors, Faculty Directors, the President of INE, and in every existing 'autonomous' body.

³⁴ This is not an isolated and specific malpractice, it is not dysfunctionality in the political or legal systems, or a 'failed state,' it is the orientation with which the region's political systems function and self-reproduce. Nor is the way in which the legal system functions abnormal; it is characterized precisely by operating meta-constitutionally, by applying powers beyond the constitutional text that, although not expressly established in the constitution, are part of the cultural and political context that allows *the law to be available at will*.

³⁵ R. De Giorgi, "Latinoamérica entre disensos y consensos..."

³⁶ The research and systematization of *coups d'état* in the region was carried out by Erick Gasca Villa, whom I acknowledge and thank for his work.

³⁷ Since 1946, the region's military's training has been carried out by the sinister Western Hemisphere Institute for Security Cooperation (School of the Americas), in which they are trained to rape, destroy, dismember and kill any woman, man or child in the fight against communism (the records are there); always with the support of the *Ministry of the colonies* (OAS), whose last act was to endorse the *coup d'état* and the removal of the democratically elected government of Evo Morales in Bolivia (2019).

DEMOCRACY AND EXPECTATIONS IN THE PERIPHERY

Observing the institutionalization of expectations in the peripheral states of modern society avoids equating preconceived notions about what a State and democracy 'should be' and, instead, the operational dynamics of how these have stabilized and work are apprehended. In other words, how, on the recursive basis of practices (structures) expectations are created and what is expected about democracy based on those practices.

If every social order evolutionarily creates and institutionalizes expectations that make the social order' structuring possible, the fundamental point is the sense of objectification of the recursive operation supported by practices that, when reintroducing those operations again, institutionalize them;³⁸ so that this allows us to observe how even corruption is built and stabilized, and not only as a cultural script (or deviation), but also as a structure that guides expectation and social order.³⁹

The limit of expectations is found, precisely, when it is determined *a priori*, marked by ascription, rank, class, group, family, which makes it impossible to institutionalize a type of expectation other than those sanctioned, structured and reproduced semantically *a priori* to describe that social order and that, in the case of deviation from the established, guarantee that the other is eliminated. It is also undeniable that the alternative with no alternative is just observance, which evidently defines a stratified social order (or a religious creed). Then, both the deviation (without alternative) and the observance (without options) lead to an unspecified space, because reference points for the subsequent behavior are renounced, closing each possibility, link with the future,⁴⁰ and evolutionarily stabilizing the variety, but not the variation, because there is no possibility of selecting anything different, determined even by the complexity's level.

As can be seen, the structuring of the differentiated social order in the region preserved the stratified structures. These forms of private power and inclusion networks have been reproduced, operationally, in a prominent and permanent way, especially in the system of politics and law; disposing of the law and colonizing politics (legal/not legal, government/opposition), decisively superimposing the misunderstandings and the prevalence of clientelistic relationships and personal or family power, relationships

³⁸ H. von Foerster, *Las semillas de la cibernética*, Barcelona 1991, p. 224.

³⁹ R. Zamorano Farías "El sistema político como...", pp. 899-901; idem, *Observando el orden social...* The success of deviant behaviors can be explained by virtue of the fact that illegality functions as a motivator for those involved, it generates social trust. Recall that cognitive expectations are those that learn from practice, from doing and from what is expected from that doing even when it does not happen, therefore, the disappointment of expectation allows learning. Normative expectation is counterfactual, it does not change and is maintained against the fact but allows reflection. N. Luhmann, "Causalità nel Sud," in G. Corsi, R. De Giorgi, *Ridescrivere la Questione Meridionale*, Lecce 1998, pp. 91-121.

⁴⁰ Ibid.

that framed in the 'arbitrary' availability of the law they are used not only by the caudillos, and politicians, but by whoever can use them.⁴¹

This diffuse superposition's forms of private power on the code of politics, law, science, art, education and even religion not only orients the way in which functional systems operate in the region, but they also determine and reproduce normative and cognitive expectations which, therefore, are defined in a heteronomous way. With this, the relationships of underinclusion and overinclusion are generalized in the systems and the operational abnormality is institutionalized as factual normality, reducing exclusive overinclusion and increasing exclusive underinclusion.⁴²

As Neves points out, overinclusion occurs when inclusion is defined as access to the returns of a social system and, at the same time, as its *dependence* (groups, families, networks), while underinclusion defines "citizens" that don't have rights and cannot carry them out, but they have obligations and responsibilities in front of the State. In this way the marginalized are integrated into the legal system as debtors, guilty, defendants and convicted.⁴³ Consequently, they are objects of law, but not subjects of law.⁴⁴ Due to this structural cause, a large part of the population remains excluded because the predominant forms of differentiation are not defined: functional or stratified.

If the over-included have no responsibility in front of the State, but only rights and enjoyment of their rights, the under-included are not considered by the State, because they are not subjects of law (citizens in modern semantics) so that both types of relationships are found excluded from the system of law, some above it and others below it. In other words, the presupposition of functional differentiation is understood, but in fact, it is evident that the operative pre-eminence is determined by structures that respond to a stratified social order, so that, and for the social order to continue to function, these structures must then be reinforced and not those that are presupposed by the modern legal system and its legal/non-legal code.⁴⁵

This does not mean denying the functional differentiation of modern society. On the contrary, it is a request to observe its operation and the available social conditions (structures) that in fact operate and reproduce, on that basis, differentiation and the

⁴¹ M. Neves, "Los Estados en el centro y los Estados en la periferia: algunos problemas con la concepción de Estados de la sociedad mundial" in J. Torres Nafarrate, D. Rodríguez Mansilla (eds), *La sociedad como pasión. Aportes a la teoría de la sociedad de Niklas Luhmann*, México 2011, pp. 201-236; R. Zamorano Farías, "El sistema político como ...," pp. 899-901; idem, *Observando el orden social...*

⁴² M. Neves, "Los Estados en el centro..." pp. 215, 217.

⁴³ An example among many others, the countless violations of the euphemistically called human rights and crimes against humanity against the 'objects of law': crimes committed in the region by military dictatorships (1952-1990) and by narco-presidents (Ayotzinapa, Mexico 2014), for which no one directly responsible has been brought to trial – with little difference – (except in Argentina), such that nothing has ever been solved and nothing will ever be solved (in this respect, Chile remains a 'paradigm'). These are verifiable facts, not opinions or ideology.

⁴⁴ Ibid., pp. 219, 220; R. Zamorano Farías, "El sistema político como..." pp. 913-915; idem, "La relación entre el sistema de la política y el sistema del derecho en México," *Boletín Mexicano de Derecho Comparado*, vol. 49, no. 147 (2016), pp. 303-333.

⁴⁵ Idem, "El sistema político como..." p. 899.

democratic social order. In this regard and as an empirical background, it is enough to observe the events that occurred nowadays in Colombia, Peru, Chile or Mexico, where to reinforce the structures of democracy and law, criminal hysteria was unleashed against the bulk of the population (Colombia, Chile) or, of a democratically elected president and within the framework of the rules that the elites and local caciques manage from the colony (Peru), or in Mexico, against the president who is endorsed only by 33 million votes, but that not even his political party supports because he is also part of the networks, the power groups and the clientele that must safeguard the atavistic power structures of the gentlemen (as historian Lorenzo Meyer rightly pointed out to the press after the Consultation Popular to prosecute former presidents in Mexico on August 1, 2021).

However, it is not about perversions or anomic deviations, but only about the stabilization and generation of private social structures, personal schemes and devices, which have a naturalized form of the functionally differentiated structures to generate trust and replace the uncertainty of the law (*to my friends all*), and at the same time closing the possibilities of building decision possibilities, producing unique and specific horizons.

It is precisely for this reason that, for the groups and networks of power, as well as for their clientele, these existing differences must be maintained and brutally reinforced. The above presupposes, in fact, that the forms of inclusion or exclusion, even that the recognition of individuality, of the person, of decision-making autonomy, are not constructed, but are simply determined. If for the colony, the 'other' stabilized in the semantics of the 'Indian,' of the heretic, at the limit of the 'tolerable,' in the modern and democratic Rule of Law, the 'other,' as legitimate other, at the limit exists only as a rhetorically symbolic figure: *it is literally a symbolically symbolic citizenship*.

This does not mean that we are now behind the materiality of the lost or abducted bodies by modern heteronormativity, as the idiocy affirms, nor that the available structures have problems in fulfilling their limiting function or that they are far from coordinating the functional autonomy of social systems, as is often argued by trying to balance the balance of the ought to be. Rather, it shows the evolutionary result of the articulation of a social order that operates with particular structures of groups and power networks within an order that presupposes universal and depersonalized interests, as well as undetermined forms of inclusion and exclusion. That is to say, a functionally differentiated social order that has articulated structures based on particularistic and patrimonial logics and that works as it does.

If social structures and systemic differentiation are clearly defined and operational, social trust allows us to reduce and redirect uncertainty in the face of possible disillusionment.⁴⁶ On the other hand, when it is articulated and is supported by on assumptions ones, where even endorsing responsibility for the decision ownership is diffuse and the behavior is completely arbitrary, the difference between the public interest and the private interest is permanently obscured, and the reductive selection of the political

⁴⁶ N. Luhmann, *Confianza*, Barcelona 1996.

system is hypertrophied in the obliteration not only of the regulations, legally established for such purposes, but also elementary cognitive expectations.

Certainly, on the periphery of modern society, the social order is differentiated by functions, and it is clearly possible to distinguish science from economics, law from art, education from policy, health from economics, citizenship exists in the constitutional texts and in a virtual way at least, or in a symbolic way (unless they have *amicus curiae*), there is a separation between the church and the state (although they continue to swear by God). But the fun part – if you enjoy black humor – is looking at the availability and type of operational structures to fulfill those functions.

We essentially witness the stabilization of clientelistic relationships and inclusion/exclusion networks which articulate and control the structures of differentiated systems through the preeminence of the exchange of favors, clientele or patrimony. We witness the institutional elasticity of the State, which paradoxically has a functionally differentiated society as a general framework and as an external environment, and what these “elastic” operations significantly affirm is that these networks are supported by the placements occupied by those involved in their respective organizations, each time that the ability to proceed legally/illegally is provided by the positions held in the organizations and can be requested,⁴⁷ which forces the public to try to belong and link to the various networks (strata or corporate groups).

In fact, the patrimonial closeness/distance distinction determined by position becomes a simplifying substitute of the abstract notions of role/program of functional differentiation, so that personal influence, due to the closeness/distance with the group, the party, the leader, the caudillo or the director of the Faculty is more important than any legal norm and also generates a greater social trust.⁴⁸

Even if these parasitic networks that coexist with the symbolic and fragile structures of the differentiated systems in the peripheral States presuppose the functionally differentiated environment and, therefore, are built and articulated thanks to heterogeneous elements that go from the family to the group, organizations or institutions and all kinds of identities. Then the inclusion networks intertwine with the designs for the identity of the groups, the institutions, the ideologies and the histories in an attempt of mutual control, which constantly breaks down on the identities at stake but on it recruits its following motives. In this articulation of identity without identity, it is possible to observe how networks (groups) produce convincing motives to help shape the identity of other groups and the public in such a way that when faced with the threat of violence, the on the scene of authority, specialized knowledge or the ability to take responsibility, has the role to make an offer of inclusion to society through this networks, so that all other possible resources lose importance and, therefore, scope.⁴⁹

Precisely in the segmental society, the claim of leadership in the direction of political differentiation meets resistance, or at least latent animosity that is easy to

⁴⁷ Idem, *Niklas Luhmann. Teoría de los sistemas sociales...*, p. 182; idem, *Complejidad y modernidad...*

⁴⁸ R. Zamorano Farías, “La relación entre el sistema de la política y...” pp. 317, 323, 326.

⁴⁹ D. Baecker, *Form und Formen der Kommunikation*, Frankfurt am Main 2005, p. 140.

organize, exemplified in the form of cacique societies, so that differences in wealth and rank between families cannot really be reliably avoided, and when this happens it can be the occasion for patron/client relations to crystallize, which in turn pave the way for the centralization of leadership roles, all of which also confers immunity from normative systems, always implacable of those not included.⁵⁰

Inclusion networks thus manage to institutionalize expectations of participation, democracy, citizenship, law, using the universalist presuppositions of functional differentiation to build chains of reciprocity, of interests, of particularistic patron/client relationships, using and alienating the resources of the systems functional for cross connections and for network maintenance.⁵¹ It is not by chance then that well into the 21st century, the members of the elites and local power networks, when they deem it necessary, start their crusades and processions to request the intervention of the Pope, the King of Spain, the President of the United States or the Secretary of the OAS or, again of the military, to end governments that are corrupting this order and social morality, ending the faith, the pristine and ancestral democracy and the *endearing* 'perfect dictatorship', according to the Mexican words, 'intellectual graduate' in history and promoter of *coups d'état*, Enrique Krauze.⁵²

So, it is not that *history repeats itself as a tragedy or a farce*, or *that it continues to be told by an idiot*, nor that it is lived even as in colonial times, we are so modern that we have lost ourselves in our modernity, but the cultural script that recursively reproduces itself on the structures that articulate the semantic descriptions of the periphery of modern society continues to function and determine coordination on the basis not of differences but of patrimonialists and groups' pacts, of exclusive and exclusionary values and ideologies; two of the primary ways in which the stratified society is organized and self-described.⁵³

CONCLUSIONS

Some final remarks.

1. The reflection and the sociological-political analysis of the social order and democracy in the modernity of modern society and in its peripheries is not exempt from observing with current theoretical devices the phenomena of *how*, and on the basis of what availability structurally, practices and expectations in the construction of social order and democracy in the region are stabilized. That is to say, to overcome the old formulas of traditional political thought that pave the way, whether of

⁵⁰ N. Luhmann, *La sociedad de la sociedad...*, p. 519.

⁵¹ *Ibid.*, p. 181; R. Zamorano Farias, *Observando el orden social...*

⁵² While his friend and leader of Spain's Vox party, Santiago Abascal, is creating an international institution to combat the 'communist drift' in Latin America (press conference 30 August 2021).

⁵³ N. Luhmann, *Protest. Systemtheorie und soziale Bewegungen*, ed. by K.-U. Hellmann, Frankfurt am Main 1996.

- lamentation, the protest against the lost ontology or the prescription on the correct *should be*, all of which contribute little to scientific reflection and problematization.
2. Understand peripheral States, but not in a relationship of dependency or value position, because the periphery of modern society conceptualizes a type of order whose pre-eminent characteristic is articulated on the basis of forms that develop in the field of the personal relationships and not in that of the organization, and where these stratified operational structures, parasitize and dispose of the socio-structural differences produced by modernity itself – and with respect to itself paradoxically on the presuppositions of the functional differentiation of the systems. For the same reason, by no means does this imply that the periphery is less important than the center in this type of differentiation, since this would be equivalent to grasping this form of differentiation in a false way, according to the hierarchical rank relationship model.⁵⁴
 3. Precisely, the foregoing allows us to transcend the worn-out rhetoric on the correct order of the State and, rather, observe the internal dynamics and how these, in their recursion and availability, stabilize, without losing sight of the fact that they are States that work, and that despite their differences, they produce a social order that is in not unsuccessful (it operates as it operates), since it is based on the autopoietic reproduction of a social system which is either autopoietic or, otherwise, it would disintegrate: since there are no middle terms. States are not more or less autopoietic, or with a syndrome of ‘incompleteness’ of autopoiesis, in which case, it would be better to observe the incompleteness of the person who proposes it, as Heisenberg points out.⁵⁵
 4. It is therefore a question of observing and problematizing the problem of how, in this periphery, the networks of family, group, clientelistic and patrimonial inclusion are evolutionarily stabilized and parasitically expanded in the functionally differentiated order to preserve their reproduction. Networks that take advantage of the modern functional differentiation and the opportunity of opportunities, stabilizing the duty to be teleological and moralizing, as an elementary way to guide the expectations and semantics of the social order. Replacing and operatively closing the presuppositions of differentiation but that, nevertheless they work because they are advantageous and operationally more useful for social coordination, each time they provide greater confidence than the official norm and whose disappearance would cause even more than one catastrophe.⁵⁶
 5. In the absence of binding normative structures and of fragile legitimate institutional representations, client networks are the political intermediaries par excellence between the State and the social organization, consolidating hybrid forms of pre-modern social coordination which coexist with the social coordination logics of the modern State; a modern State with a social order conceived under criteria of modernity that, in its operations, is guided by the partial logic of centers of personal regulation, with the operational pre-eminence of criteria of the stratified order.

⁵⁴ N. Luhmann, “Causalità nel Sud...”

⁵⁵ J. Navarro Faus, *El principio de incertidumbre de Heisenberg*, Barcelona 2017.

⁵⁶ R. Zamorano Farías, *Observando el orden social...*, p. 168.

The inventory of regional history makes it possible to see precisely how these criteria constitute the naturalized *modus operandi* inherent to the structures of this periphery of modern society, of a periphery that, however harsh it may seem, can be more beautiful than the nostalgic tones of naivety...

BIBLIOGRAPHY

- Asturias M.A., *El señor presidente*, Madrid 1997.
- Baecker D., *Form und Formen der Kommunikation*, Frankfurt am Main 2005.
- Bobbio N., *Letà dei diritti*, Torino 2005.
- Castoriadis C., *La institución imaginaria de la sociedad*, México 1989.
- Corsi G., "Ética y política," *XVI Congreso Internacional de Filosofía "Filosofía: razón y violencia"* (24-28 de octubre), México 2011.
- Dahl R., *Polyarchy: Participation and Opposition*, New Haven 1971.
- De Giorgi R., "Latinoamérica entre disensos y consensos. Nuevos abordajes en la sociología jurídica," *VI Congreso Latinoamericano de Sociología Jurídica*, Argentina 2015.
- Elias N., *El proceso de la civilización. Investigaciones sociogenéticas y psicogenéticas*, México 1994.
- Elias N., *Sobre el tiempo*, México 1989.
- Faoro R., *Os donos do poder. Formação do patróinato político brasileiro*, Rio de Janeiro 1998.
- Foerster H. von, *Las semillas de la cibernética*, Barcelona 1991.
- Grimm D., *Constitucionalismo y derechos fundamentales*, Madrid 2006.
- Kant I., "Beantwortung der Frage: Was ist Aufklärung?," *Berlinische Monatsschrift*, no. 12 (1784), pp. 481-494.
- Koselleck R., *Futuro pasado*, transl. by N. Smilg, Barcelona 1993.
- Loveman B., *The Constitution of Tyranny: Regimes of Exception in Spanish America*, Pittsburgh 1993.
- Luhmann N., "Causalità nel Sud," in G. Corsi, R. De Giorgi, *Ridescrivere la Questione Meridionale*, Lecce 1998, pp. 91-121.
- Luhmann N., *¿Cómo es posible el orden social?*, México 2010.
- Luhmann N., *Complejidad y modernidad. De la unidad a la diferencia*, Madrid 1998.
- Luhmann N., *Confianza*, Barcelona 1996.
- Luhmann N., *Die Politik der Gesellschaft*, Frankfurt am Main 2000.
- Luhmann N., *The Differentiation of Society*, transl. by S. Holmes, Ch. Larmore, New York 1982.
- Luhmann N., *El derecho de la sociedad*, México 2002.
- Luhmann N., *La política como sistema*, México 2004.
- Luhmann N., *La sociedad de la sociedad*, México 2007.
- Luhmann N., *Niklas Luhmann. Teoría de los sistemas sociales*, México 1998.
- Luhmann N., *Protest. Systemtheorie und soziale Bewegungen*, ed. by K.-U. Hellmann, Frankfurt am Main 1996.
- Luhmann N., "Sinn, Selbstreferenz und soziokulturelle Evolution," in idem, *Ideenevolution. Beiträge zur Wissenssoziologie*, ed. by A. Kieserling, Frankfurt am Main 2008, pp. 7-71.
- Luhmann N., *Sistemas sociales. Lineamientos para una teoría general*, México 1991.
- Luhmann N., *Sociología política*, Madrid 2014.

- Luhmann N., *Teoría política en el Estado de bienestar*, transl. by F. Vallespin Oña, Madrid 1993.
- Mariátegui J.C., *7 Ensayos de interpretación de la realidad peruana*, Lima 1928.
- Martuccelli D., *¿Existen individuos en el Sur?*, Santiago 2010.
- Meyer L., *El Estado en busca del ciudadano. Un ensayo sobre el proceso político mexicano contemporáneo*, México 2005.
- Navarro Faus J., *El principio de incertidumbre de Heisenberg*, Barcelona 2017.
- Neves M., *A constitucionalização simbólica*, São Paulo 1994.
- Neves M., *Constituição e direito na modernidade periférica: uma abordagem teórica e uma interpretação do caso brasileiro*, São Paulo 2018.
- Neves M., “Los Estados en el centro y los Estados en la periferia: algunos problemas con la concepción de Estados de la sociedad mundial,” in J. Torres Nafarrate, D. Rodríguez Mansilla (eds), *La sociedad como pasión. Aportes a la teoría de la sociedad de Niklas Luhmann*, México 2011, pp. 201-236.
- Nexus, *Cuaderno de notas*, 2014. Unpublished manuscript.
- Paré L., *Caciquismo y poder político en el México rural*, México 1975.
- Pérez Rosales V., *Recuerdos del pasado (1814-1860)*, Santiago 2000.
- Prigogine I., *¿Tan sólo una ilusión? Una exploración del caos al orden*, Barcelona 2004.
- Sarmiento D.F., *Facundo o civilización y barbarie*, Buenos Aires 2018.
- Sartori G., *Ingeniería constitucional comparada. Una investigación de estructuras, incentivos y resultados*, México 1996.
- Stavenhagen R., *Sociología y subdesarrollo*, México 1981.
- Teubner G., *O direito como sistema autopoiético*, Lisboa 1993.
- Zamorano Farías R., *Civilizzazione delle aspettative e democrazia nelle periferie della società moderna*, Lecce 2003.
- Zamorano Farías R., “Differentiation and Political De-differentiation in the Periphery of the Modern Society,” *International Journal of Law and Public Administration*, vol. 4, no. 1 (2021), pp. 21-33, <http://dx.doi.org/10.11114/ijlpa.v4i1.5189>.
- Zamorano Farías R., “El sistema político como institucionalización de las expectativas,” *Boletín Mexicano de Derecho Comparado*, vol. 43, no. 128 (2010), pp. 895-921.
- Zamorano Farías R., “La relación entre el sistema de la política y el sistema del derecho en México,” *Boletín Mexicano de Derecho Comparado*, vol. 49, no. 147 (2016), pp. 303-333.
- Zamorano Farías R., *Observando el orden social en México. El sistema de la política y el sistema del derecho*, México 2017.

Raúl ZAMORANO FARÍAS – PhD in Legal Sociology from the Centro di Studi Sul Rischio, founded by Niklas Luhmann (Università di Lecce, Italy). He is Professor-Researcher at the Center for Theoretical and Multidisciplinary Studies in Social Sciences of the National Autonomous University of Mexico (CETMECS) and a member of the National System of Researchers of Mexico. As a visiting professor, he carries out teaching and research activities in various academic institutions, especially in Italy, Brazil, Argentina, Cuba, Peru, Costa Rica, Mexico, and Chile, and has international scientific publications related to the General Theory of Social Systems.