

Threatened Democracy and the Reconstruction of Public Justification

Democracia Ameaçada e a Reconstrução da Justificação Pública

Karol Ryszkowski(1); Neuro José Zambam(2)

1 Has a postdoctoral degree in Banking Law at the Faculty of Law and Administration at the Jagiellonian University, under the auspices of the President of the Narodowy Bank Polski. PhD in Legal Studies – the field of Private business law granted by the Resolution of the Council of the Faculty of Law and Administration at the Jagiellonian University of March 26, 2018 on the basis of the doctoral dissertation entitled The procedural public policy clause in the Polish commercial arbitration law in relation to other legal systems (C.H. Beck, Warsaw 2019), supervisor Professor Andrzej Szumański, Ph.D., full professor of the Jagiellonian University. From 1st October 2018 to the present time Assistant professor at the Faculty of Finance and Law, Cracow University of Economics. Lawyer at the civil law notary office for many years. ORCID: <https://orcid.org/0000-0003-2744-3533>.

E-mails: karol.ryszkowski@uek.krakow.pl; ryszkowskikarol@gmail.com

2 Has a postdoctoral degree in Philosophy at the University of Vale do Rio dos Sinos (UNISINOS). PhD in Philosophy from PUCRS. Professor and researcher at the Southern Faculty - IMED of Passo Fundo, acting in the Law Course and in the Postgraduate Program in Law. Member of the Working Group, Ethics and Citizenship of the National Association of Postgraduate Philosophy Programs (ANPOF). Researcher at Southern College. Leader of the Study Group, Multiculturalism and Legal Pluralism. Coordinator of Amartya Sen's Brazilian Center for Justice Theory Research: interfaces with law, development policies and democracy. ORCID: <https://orcid.org/0000-0001-5960-4237>.

E-mails: neuro.zambam@imed.edu.br; neurojose@hotmail.com

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Abstract

Threats and tensions which exist in the daily lives of democracies demand their revitalization. The general objective is to defend public argumentation as the most important characteristic for the affirmation of democracy, its original characteristics and the adequate mechanism for the construction of references that legitimize and dynamize social justice considering the new contexts of globalization, technology and communication. The established criterion of the majority is insufficient today. Democratic actions should be mediated especially by public argumentation and social participation with up-to-date methods and instruments aimed at correcting the fanaticism and self-interest rooted in leaders and institutions.

Keywords: Public argumentation. Participation. Politics. Information technology. New technologies. Equity. Contract Law.

Resumo

As ameaças e tensões que existem no cotidiano das democracias exigem sua revitalização. O objetivo geral é defender a argumentação pública como a característica mais importante para a afirmação da democracia, suas características originais e o mecanismo adequado para a construção de referências que legitimam e dinamizam a justiça social diante dos novos contextos de globalização, tecnologia e comunicação. O critério da maioria estabelecido é insuficiente atualmente. A ação democrática deve ser mediada principalmente pela argumentação pública e pela participação social, com métodos e instrumentos atualizados, voltados para a correção do fanatismo e do interesse próprio enraizado em lideranças e instituições.

Palavras-chave: Argumentação pública. Participação. Política. Tecnologia da Informação. Novas Tecnologias. Equidade. Direito contractual.

1 Introduction

The problem surrounding the crises of the modern democratic system can be summarized in the following question: Why does democracy suffer recurrent crises in different countries with the potential to substantially undermine their structures and sometimes the solutions are equitable and sought in their structure and tradition without serious consequences and in other circumstances the democratic routine is abruptly, obscurely and prolonged interrupted with unforeseeable consequences for the present and future generations?

In the history of mankind there are countless difficult situations which have called the idea of democracy for: the permanent reconceptualization of the democratic system, the search for the best solutions to social problems, the valorization of the person as a citizen, better functioning of the institutions and (considering the current international context) to cooperatively integrate people and nations for common projects, without disregarding the structure of nation-states. The theme involving the legitimacy and stability of modern democratic societies returns to the surface with greater intensity, the more the circulation of information and knowledge of the controversial and unequal reality is part of the everyday social life, political relations and everyday relations.

Democracy has traditionally been associated with the rule of law, that is, its functioning and decision-making should be based on the constitutional body which provides the clarity as regards the guarantee of fundamental rights, the mission of the institutions, the electoral system, the economic structure, the responsibility of the State and, consequently, duties inherent in the members of the society. This set of indications represents the importance of a well-designed National Constitution, with clear definitions and the necessary conception of social justice and forms of participation.

With this should be associated the necessary assent of the population to the content of the Constitution that can occur through the delegation to a group of constituents with concomitant forms of participation, as occurred in Brazil, with the manifestation of will through plebiscites or other specific ways of each context.

National Socialism, an embarrassing episode by its nature, the conception of the society, the vision of the person and the dire consequences, rooted in racism, the objectification of the person, the instrumentalization of the state and the classification of people by belonging to a race or by blood or were structured through a solid legal framework that legitimized actions of the system and its rulers.

The reference to this recent historical occurrence, in the initial context of this approach, aims to record the seriousness of the instrumentalization of democratic institutes and the insufficiency of solid legislation, both from the conceptual point of view and from the operating mechanisms, so that guarantee the democratic stability of a nation.

This is the part of the context which concerns contemporary democratic societies needs to be critical evaluated in the view of their political maturity and in order to avoid repeating of the embarrassing historical facts or the demeaning setbacks.

The general objective of this article is to defend the public argumentation as the most important characteristic for the affirmation of the original characteristics of democracy and the appropriate mechanism for the construction of new references capable of legitimizing its performance, power and dynamics in the face of the new ways of communication and the communication contexts. The need for an active and effective citizen's participation is required.

The specific objectives are:

a) Exposing main global concerns or demands to democratic societies; b) Basing the conditions for the stability and legitimacy of democracies in the current period of the accelerated globalization and unilateral threats; c) Indicating references that can meet today's challenges and affirm historical conditions for their stability, especially new forms of public participation and argumentation. In conclusion, it asserts its priceless moral, political and legal value and the continuing need for its justification and reinvention.

This approach proves that that democracy is a political system acquired with the effort, renunciation, lives and struggles for humanity and possible for all societies without preconditions. We are equally convinced that it is a moral value that shapes the social, political and cultural action of its members. Its legitimacy is directly associated with the legal framework, the broad and the free participation of all, the guarantee of fundamental rights, the transparent functioning of institutions and the exercise of public discussion, among other important dimensions.

This method of analysis is deductive and its premise is the foundation of the model of democracy from the conception of Amartya Sen, whose empirical and theoretical research understand democracy as the moral value and its adoption and organization of one of the greatest achievements of humanity in the world in the last 200 years. This premise enables the critical and constructive dialogue with other conceptions and information about social reality. Moreover it aims to avoid constructing, affirming or legitimizing understandings dominated by fanaticism or anchored only in common sense whether academic, social, or the interests of corporations or institutions.

Reframing democracy in the current context is the condition for its social, political and legal survival.

2 Democracy and global demands

At the beginning of this century, there were many perspectives that populated the Theories of Justice of the world's most renowned thinkers, as well as minds of ordinary people, about problems of the world, and specifically the future of democracy, conditions of democracy and justice at the global level. Martha Nussbaum summed up these difficulties by naming three areas whose solutions to justice are difficult or even impossible: disabilities and inequalities, justice in relation to questions of origin and nationality of people, and the nonhuman treatment of animals (NUSSBAUM, 2007).

In earlier times, John Rawls (2000, p. 36) highlighted other issues that humanity should be concerned with in the face of scenarios of divergence and plurality inherent in democratic societies: "Among our most basic problems are race, ethnicity and gender".

From the controversial climate after World War II, the significant part of the countries have structured their relations based on democracy with diverse government systems, such as presidential republics, parliamentary republics and monarchies, among others. This political and administrative configuration seemed to guarantee the conditions of the social, legal, political and administrative stability for a long future period, as well as established basic references to add stability to its legitimacy. This required the legal framework sanctioned by legislation guaranteeing the most important rights and the fulfillment of duties, mechanisms and instruments for social participation and decision-making through regular consultations and elections, a balance between powers and the constitution of public reason with conditions to aggregate citizens around a common conception of people, state and fundamental principles, among the different prerogatives.

Public reason could make a decisive contribution to the formation of a common identity among the active members of societies, especially their leaders, as a point of reference for the most important decisions and a reference for times of difficulty or crisis (RAWLS, 2000).

Reality, however, as it stands today, indicates that these achievements made with effort by countless people and leaders indicate the impotence of the democratic structure has built in the last period and the aggravation of contradictions and inequalities that threaten both the stability and the legitimacy of democracies with their institutions and structures both at national level and in international relations.

Below there are some areas which, from the symbolic point of view and from the national and international conjuncture, require a special care, a clarification and a perception in view of the guarantees of continuity of democracy as the system capable of structuring social relations between nations in fair, equitable way, guided by the exercise of fundamental rights and freedoms.

a) Human rights: The visibility and controversies on this subject have different dimensions, from an ignorance accompanied by the prejudice or the repulsion without even reasonable or acceptable references to debate and fair justification, to the defense of the declaration and its implementation as a solution for all areas of concern. Moreover it includes human suffering or numerous violations of human dignity itself.

Human rights rhetoric is fundamental to the understanding, the affirmation and the development of democracy in the world. The Universal Declaration of Human Rights from 1948 with its universal character affirms the value of the person and main prerogatives of the social balance, the personal fulfillment and has references to legislation. In this context its moral imperative and the legal character are affirmed.

Sen (2000, p. 264) understands its importance for the political organization of the democratic society in a non-reductionist way, but with character of moral value.

Indeed, it is better to conceive of human rights as a set of ethical claims, which should not be identified with legislated legal rights. However this normative interpretation doesn't need to nullify the usefulness of the idea of human rights in the kind of context in which they are commonly invoked. Freedoms that are associated with specific rights may be the appropriate focal point for the debate. We have to judge the plausibility of human rights as a system of ethical reasoning and as the basis of political claims

The indispensable contribution of human rights to the success and the renewal of democracy calls for the condemnation, overcoming and prevention of harmful practices against its orientation, especially the shameful continuity of torture, murders, human trafficking, poverty and illiteracy, arbitrary arrests, prejudice and other forms of exclusion. With equal intensity, its acceptance is reinforced as guiding the human and social conduct, which contemplates its valorization and the acceptance in the different areas: moral, legal, economic and, especially, as the most important theoretical foundations of the updated democratic culture.

b) Migrants, Imigrants, stateless and other segregated: living in borderline situations has always been a challenge for social stability and organization of societies throughout history. However, there have always been differences or inequalities that make up social dynamics, and for which democracy has instruments and mechanisms with conditions to build fair and equitable relationships regardless of context.

The new ways of migration, immigration and movement of people in the world, whether through the process of globalization or caused by wars, violence, terrorism or expulsions, constitute new features that symbolically demonstrate, on the one hand, the increase of inequalities and exclusions and, on the other hand, incredible expressions of hatred, prejudice and intolerance in the current period.

Exclusion levels of this group of people reach individual intimacy, family relationships and their cultural affiliation. The symbol of this wickedness was widely expressed in the photographs that “viralized” in the media by the picture of the Syrian boy threw into the Turkish Sea, as well as father and daughter threw into the Caribbean Sea. Modern democracies have been powerless to meet these requirements for the number of reasons.

Sen (2011, p. 388) demonstrates the timeliness of this theme for modern democracies and the necessary effort to understand and to evaluate not just the rules of operation: “The practice of democracy can undoubtedly help to promote greater recognition of identities. pluralism among human beings. [...] Much will depend on the vigor of democratic politics in generating values of tolerance, and there is no automatic guarantee of success by the mere existence of democratic institutions “.

The different forms of expression and segregation, as well as the persistent trend of the difficulties of governments and leaders have a big impact on denial of the construction of solutions to the mentioned situations, which easily conceal petty, individualistic domination and similar interests responsible for the isolation of others (well represented in cultures, countries and economic interests in building walls in different parts of the world). Economic and political individualism is the source of the most harmful forms of human suffering, as well as of the democratic instability.

c) Poverty and the social development: Levels of social and economic inequality give rise to numerous problems that directly affect the functioning, justification and functioning of democracies. The contradiction of this reality lies in the concentration of income and wealth in hands of the few and their power of domination and manipulation of others (KUJAWA; ZAMBAM, 2018). Sen (2000, p. 210) portrays this contradiction when addressing the theme of collective famines: “They kill millions of people in different parts of the world, but they do not kill rulers. Kings and presidents, bureaucrats and chiefs, leaders and military commanders are never the victims of collective famines.”.

The consequences of high levels of poverty and inequalities are noticeable in large spaces of the social intercourse. It is specifically noted in levels of the education, the health care, and the social welfare. Sen (2000, p. 109) characterizes various aspects of this exclusionary and violent phenomenon for both self-realization as well as the social participation and levels of development.

From this perspective, poverty should be viewed as the deprivation of basic capacities rather than as low income, which is the fundamental criterion for identifying poverty. The perspective of poverty as the capacity deprivation involves no negation of the sensible idea that low income is clearly one of the main causes of poverty, as lack of income can be the main reason for a person’s capacity deprivation.

Regarding to democracy, poverty levels affect the conditions for participation in the public debate, the quality of social intervention, such as knowledge of laws and rights, and drastically avoid the contribution to development policy, among many other consequences. From an individual point of view, poverty precludes those elementary dimensions that are representative of other forms of the segregation, the exclusion and the violence, for example, the conditions of a person to present himself publicly in any environment.

d) Education and health conditions: Quality levels of education and access to good health care systems are key indicators for assessing the quality of democracy. This approach highlights the recurring concern of Sen and other leaders committed to democracy not restricted to legislation and the other formal aspects of its organization and functioning. For example, the electoral system or the judiciary may function well from the formal point of view, but it may be manipulated by petty interests or centralized and closed ideologies under the goals of despotic groups or leaders. There are numerous cases in the world that portrays such a context.

From this perspective, the insistent citation in Sen's work (2000, p. 114) in the state of Kerala, India, stands out as an example of the transformative potential of well-formulated public policies aimed at overcoming inequalities and the consequent sedimentation of routine. Democratic: "[...] Kerala has heavily relied on expanding basic education, health services and equitable land distribution for their success in reducing poverty".

Limited conditions of access to high quality education, its denial manifested in high levels of illiteracy, the exclusion of health care systems and other similar rights, have been classified among the main obstacles to the social participation, self-realization and the quality of life of women in the society. This phenomenon is the most burdensome in the democratic society because it hinders the realization of one of its most expensive characteristics, which is the effective participation, the access to basic social rights and the condition of citizenship as a subject of rights.

e) International institutions and agreements: The consistent institutional apparatus in pluralistic, conflicting and sometimes highly competitive society, because it is composed of numerous divergent conceptions, calls for the existence of well-organized institutions that mediate needs, associations and interests within them. Equally, vigorous agreements are needed at national and international levels that can build references for the solidarity and the cooperative coexistence, as well as resolve conflicts, correct past excesses and guide tolerance as the reference for the democratic conduct.

The lack, weaknesses or obstacles to high-level agreements, treaties, meetings, conferences and studies are detrimental to democracy, as is the exercise of diplomacy restricted to bureaucrats, diplomats, officials or personalities.

Sen (2011, p, 438) highlights the relevance of this prerogative to conditions of human coexistence and social equity, as well as points out that conditions of communication and integration available today require creative actions, agreements and diplomacy:

Our involvement with others, through commerce and the media, is enormous in the modern world, and our global contacts in the field of literary, artistic and scientific activities, furthermore, do not allow us to expect any proper consideration of the various interests and concerns are probably limited to the citizens of a given country, ignoring all others.

The necessary regulation of social organization and entities responsible for mediating in conflicts and interests requires the vitality of democracy from the existence of institutions with moral and political respect for the transmission and sealing of agreements. From another perspective, the content of agreements needs to be publicly known in order to be recognized and materialized in people's daily lives. The revitalization of the UN, the credibility of the rulers and the constant strengthening of public argumentation, are updating and legitimizing dynamics of democracy in the current historical context, as well as are avoiding limited conceptions.

f) Public reason and constitutional dynamics: The theme of democratic public reason was founded by Rawls as one of the most important features of democratic societies and its content is the reference to the legislation, the constitutional control, functioning of institutions, and the moral and the political conduct of citizen's members of societies (RAWLS, 2000).

The construction of this set of references aims to set the pace for action, to make legal and political decisions, and lead the Constitution towards the social balance, the identity of the vast majority of citizens and stimulate the most important social institutions.

In this context, the implementation of democracy through the public debate in the light of the conditions of social justice acquires special significance and promotes the building of political dynamics, social stability, legal and moral legitimacy and inspires public policies necessary to overcome inequalities and to support tolerant coexistence between differences.

Sen (2011, p. 360) highlights the importance of this dynamics for social justice:

The key role of public argumentation in the practice of democracy puts the whole subject of democracy in the close relation to the topic [...], that is, justice. If requirements of justice can only be assessed by the public argument, and if this argument is

constitutively related to the idea of democracy, then there is a close connection between justice and democracy, which share discursive characteristics.

The current context of the demand for more democracy, its renewal and knowledge of the countless difficulties that plague it, also presupposes the recognition of human capacity, in the constant exercise of citizenship, to build alternatives for functioning, renewal of social, political and legal foundations, as well as overcoming the serious problems, which present themselves. The construction of public references, both enlightened and publicly owned, is essential for the preservation and dynamics of democracy as one of humanity's fundamental achievements for its political organization, citizens' integration and the necessary self-realization. Guarantees of fundamental rights and the exercise of freedoms in the face of the many emerging opportunities are proof of the current state of democracy and its ability to renew.

3 Democracy and public argumentation

The idea of democracy that enchanted Classical Greece five centuries before Christ had a special impact on the social situation of countless people and countries by encouraging them to construct the social architecture based on the public debate and the concrete exercise of fundamental freedoms, especially the exposure of individual conceptions without embarrassment or censorship that might exclude, inhibit or embarrass citizens.

However, in Athens and the surrounding area conflicts, contradictions and divergences were visible and somehow did not even embarrass the leaders and politicians of the time. The status of Athenian citizen reserved to a number of men able to honor this mission or responsibility, excluded contingents of women, slaves, prisoners, foreigners and others (cf. TILLY, 2013)¹³.

From this context, also as a consequence of other older traditions, cultures and conceptions, humanity has assimilated the understanding and importance of the citizen, the subject of rights, the State and other fundamental features of human coexistence and political action in societies characterized by inequalities and differences. With equal vigor developed necessary values and principles such as tolerance and human dignity.

1 3 “However, before we rush to define the Greek city-states as the original form of democracy, we must think about one fundamental fact: about half of the population of Athens consists of slaves. Slaves had no right to citizenship; the citizens were their owners and they were the mediators of any relationship with the Athenian state. Foreigners, women and children also did not qualify as citizens. Only free adult men had citizenship”. (TILLY, Charles. *Democracia*. Tradução de Raquel Weiss. Petrópolis: Vozes, 2013, p. 40).

In order to respond to the demands of pluralism, conducting the public debate aims to build, at the time, space for expression of will, expression of social demands and dynamics of evaluation of actions of politicians, leaders and institutions. As Sen (2011, p. 187) explains, it is necessary to overcome isolationism and closed concepts to circles with limited interest: “The liberation of the positional isolation may not always be easy, but it is the challenge, which is ethical, political and has to be incorporated. We must go beyond “that judge” who freely offends “that humble thief”.

This metaphor represents how many open and reflected conceptions are needed for dynamic, integrated, and tolerant societies. This privilege is best seen when there is a closeness between nations, cultures and countries that requires solutions to common problems or other dimensions that may interest or influence everyone.

The creation of new spaces for relationships, discussions, participations and decisions demonstrates that the vitality of democracy, its values and institutions must be saved. The new information and communication technologies that can enable public consultations, referendums and can change in the way institutions function, as well as public resources and policy management, represent human potential and the potential of new social dynamics.

Once again Sen (2011, p. 205) calls for a new face of democracy:

The neighborhood that builds our relationships with distant people is of wide importance for a general understanding of justice, particularly in the modern world. We are linked to each other through exchange, trade, literature, languages, music, art, entertainment, religion, medicine, health care, politics, news, media and other ties.

Public argumentation, flourishing in this environment of multiple relationships and interests, contributes to the coordination of social activities through the exercise of reason, the perception of individual limits and the need to consider the position of others with the equal value and the relevance. The perception of these conditions of intervention of people and groups not guided by self-interest, fanaticism, parochialism and other reductionisms that isolate and enclose the citizen in new areas of exclusion and prevent learning and growth with others. From what can be concluded: “Public discussion and deliberation can lead to an understanding of the role, scope and meaning of particular functioning and their combinations.” (SEN, 2011, p. 276).

Strong trends widely observed in the current period of political isolation from leaders dominated by the narrow interests outlined above, symbolized by the growth of control walls, the disclosure of a sense of hatred and restrictive policies of social, political and legal integration policies, demonstrate the need for reaction, renewing and building up-to-date pacts between people, nations and leaders frankly committed to democracy.

The emphasis on the public debate and the use of argumentation as a strategy for participation and the construction of solid arguments is a contribution accessible to all and a condition for courageous and fearless confrontation with pseudo interests and leaders that favor new forms of hatred, segregation and self-promotion.

4 The tradition and the needed reinvention of democracy

Understanding the difficulties and, especially, the shortcomings of modern democracy affected by the crisis of authentic leaders guided by democratic parameters, manipulation or instrumentalization of institutions and the disregard for legal architecture, participation and the exercise of freedom, require well-reasoned positions, considerations about weaknesses that have reached its dynamics and the contextualized and shrewd strategies for its reinvention.

Democracy is not the property of the culture, the country, or the merits of the personality or the government, but the collective work of countless actors who, with greater or lesser expression and the confrontation with countless obstacles, raised it to the category of moral value, or that is, to universal recognition. From what can be deduced from the need for renegotiation, there is again work, mission and universal responsibility. Demand is becoming more urgent with the conditions of communication, knowledge, cooperation and recognition among people served by available resources.

With equal energy, knowledge and understanding of its tradition contribute to the necessary evolution in the new contexts. Recognition of history, its trajectory with its respective hits and limitations avoids the repetition or deepening of its ills. The following is a set of possible strategies and guidelines to foster the public debate, the exercise of public argumentation, the construction of up-to-date strategies and the proposition of well-founded and up-to-date actions capable of bringing together important portions of the population and the creatively interfering for the resignification of democracy with its values and institutions.

Initially, Mounk's position is emphasized (2019, p. 32), which presents three strategies for dealing with crisis of democracy. First, it highlights the ominous drama of income concentration and the responsibility of the nation state for its solution. The equitable distribution of economic development is a necessary strategy. In Brazil, the strengthening of far-reaching social programs accompanied by other emancipatory public policies is of fundamental importance, since inheritance and grand fortunes cannot continue without due political and legal treatment.

Secondly, the updating of the meaning of the effectiveness of the nation state understood as a reference for the identity of citizens, the equal exercise of rights and the sense of belonging and acceptance of those who want or need to integrate. The nation would be renewed as a space for the cultural, ethnic and political diversity.

Thirdly, Mounk highlights the space of freedom is necessary for social and people's equity, which has become possible thanks to new technologies. However, it is necessary to recognize the seriousness of these means of spreading hatred, fake news and other actions that are detrimental to society, institutions and justice at all levels.

The education of the population, especially of the young, for effective and responsible democracy includes the ability to avoid the pitfalls of communication in the service of current politicians, perverse economic interests and doctrines that represent new forms of slavery, the exclusion and the domination of people, groups and countries.

There are other perspectives, both of traditional and contemporary, that require a new moral, institutional and political posture in order to strengthen democracy, social justice and the population, which can be highlighted, also in the face of various requirements: the situation of people with severe needs, impoverished or victims of suffering, such as migrants, immigrants, stateless persons, those with special needs, victims of hunger, violence, torture, endemic or functional illiteracy, among others. In this context, which includes human suffering, the resumption of human rights and both national and international security institutions or networks is urgent.

The continuous development model demonstrates numerous evidences of its expiry. Among denunciations of the need for care and responsible action Francisco was revealed with an ardent appeal to humanity in the Encyclical *Laudato Sí*, from the metaphor "Common House", highlighting the need for cooperation, respect and recovery of the universe and its environmental and natural resources.

The routine crises of democracy, in which it may appear to be particularly serious, reinforce the call for solutions with the necessary sense of historical patience, political sensitivity and cooperation between different actors. Caution, tolerance, and the pursuit of participation must strive for the exclusion of political juggling and other precipitations. Such demand implies striving for participation, e-updating rights guarantees, improving the conception of state and updating the legal and institutional framework by means of structures that cope with new social arrangements with new institutions and legislative structures that meet current requirements, especially globalization, as well as highlighting international trade and the prevention of war and other preventable dramas.

5 Final considerations:

Among many observations, criticisms, atrophies, crises, disappointments, disruptions or other adjectives that may portray the context of concern, lack of secure and sometimes embarrassing references that characterize dynamics of democracy in the current context, stand out among the many insights. A relevant and a representative question of this problem to which an immediate answer should be

given: taking into account the history of democracy from tradition, and especially in recent times, we anticipate its end in the hands of new despots or corporations guided by individualism and self-interest. However, will it be a serious period, that it can be rebuilt and able to build mechanisms and instruments of renewal and add updated dynamics to the current context?

If the option for the capacity for renewal of democracy prevails, which actors will drive this revival and with what motivations and resources?

Anthropological and sociological traditions portray rites of passage as periods of enchantment, fear, suffering and, finally, with significant and transformative achievements of life and reality. The current stage of democracy demonstrates, from empirical perceptions and the previously reported approach that we are in one of these periods of serious transformation with the feelings of a demanding and threatening rite of passage. The conditions of possibility are both ambiguous and misleading.

From another perspective, there are many instruments and resources that, when used appropriately, can bring together people, groups, institutions and other entities not even imagined in previous periods. As an example, the extraordinary resources offered by new information and communication technologies capable of mobilizing crowds, supporting effective participation and clarifying the needs of groups and communities can be mentioned. Manifestations which were once identified by overcoming many forms of exclusion or physical suffering as better wages or working conditions are now replaced by protesters aiming at sectorial goals and with different but strongly representative perspectives, gender issues, animals rights and the preservation of natural resources. Are these the new actors in the reconfiguration of democracy and public argumentation?

Perception, taking into account tradition since the emergence of the idea of democracy and its transformations, demonstrates existential and political vacuums, without which the system loses its dynamics and the social structure loses its vigor. The absence of leaders and institutions with moral and political authority or the ability to aggregate people, groups and countries indicates an insensitive and insecure reality. The weakness of legislation, internal agreements and international relations, as well as volatile convictions, indicate the lack of long-term reasons and objectives necessary for the formation of democratic public reason and the overcoming of serious threats to social stability and legitimacy.

Serious problems such as human trafficking, environmental deterioration, violence, tolerance of torture, the destruction of politics with its traditions and references, the new forms of terrorism, the manipulation of religions, the constant displays of fanaticism and inability to exercise public argumentation and violence against women, minorities, cultures, migrants and others are symbolic and real demonstrations of gigantic commitments for the future.

The need for “salvation” from democracy is a necessary demand in the world, especially in countries with this rooted tradition and now in situations of severe political, social, legal and cultural embarrassment.

From another perspective the call for their deep renewal is, with equal commitment perceived empirically and in the face of new contexts. Mention of the new actors, especially those who have not had adequate expression and exposure so far, turn out to be the new protagonists.

The moral, cultural, political and legal value of democracy has brought with it its history of conflict and crisis, the affirmation of values and conditions for overcoming threats without renouncing the most important foundations. It is up to society as a whole the creation of new environments, updated strategies, reinvigorated values, correction of institutions, renewal of legislation and affirmation of the rights, freedoms, values of the person, equity, nations and many other prerogatives in an integrated and revitalized way in today’s economically globalized context which is full of hitherto non-existing threats Moreover the role of equity should be strengthen not only in democracy as a whole, but especially in justice systems because as Ryszkowski said (2011, p. 62) “You can pass a sentence that is consistent with the law, but it is unfair. The conclusion drawn from the maxim “*Summum ius summa iniuria*” supports the principle, which states that not everything permitted is fair (*Non omne quod licet honestum est*)”.

Future vigor or atrophy of democracy depends on the vitality of the present.

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