INTRODUCTION

Demarcating rights in divided social worlds
An introduction to the moral economy of constitutional struggles

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This article outlines a framework for studying practices of boundary-making as pivotal to the various ways in which “rights” become objects of contention and sources of narrativization in contemporary constitutional democracies. Firstly, we reconsider the dynamics of boundary-making that underline polarization by drawing on the notion of “moral economy”. This concept is well-suited for making sense of how social groups draw lines of demarcation through the appropriation, circulation, and confrontation of values and emotions. However, we argue that the concept must be enriched by acknowledging the generative role of narratives. Hence, we introduce the notion of “narrative boundaries” for comprehending how moral economies are produced by storytelling practices. Based on this, we explore the paradoxical moral economy of constitutional struggles. While the discourse of rights pursues modes of inclusion, the struggles over their demarcation often result in narratives that build fences that reinforce the division between almost irreconcilable normative worlds.

Keywords: constitutional struggles, polarization, rights, narrative boundaries, moral economy

1. Introduction

Democracies are experiencing a resurgence of polarizing political disputes over the principles and values that should organize social life (Calhoun, Gaonkar and Taylor 2022; Levitzky and Ziblatt 2019; Przeworski 2019). The Brexit referendum in the UK, the peace treaty in Colombia, the referendums for a new Constitution in Chile, the Supreme Court’s overturn of abortion rights in the US, and anti-immigration and refugee policies in Hungary and across the EU, among many other examples worldwide, are expressive of the many ways in which deep-seated
normative conflicts in society turn into political disputes about the demarcation of rights. Despite the specificity of national contexts and issues at hand, most of these cases underscore confrontations between divergent accounts of moral worth around different social objects, such as self-determination, peace, bodies, citizenship, human dignity, and more. These conflicts also reveal power struggles over the boundaries that define modes of belonging, recognition, and inclusion. Against this background, this special issue makes an original contribution to the interdisciplinary field of language and politics, as it brings into dialogue empirically oriented approaches to narratives and contemporary discussions on the moral universe of constitutional struggles.

This article aims to outline a general framework for investigating such contemporary “constitutional struggles” by resituating the question of boundary-making as pivotal to exploring the various ways in which “rights” become objects of contention and sources of narrativization in contemporary democracies. In an era marked by political polarization and democratic backsliding, mainstream survey-driven research has played a crucial role in identifying the ideological, affective, and opinion-based triggers of partisan divisions and attitudinal extremity (Iyengar et al. 2019). However, those survey-driven studies have paid insufficient attention to the non-mensurable, discursive boundary-work performed by social groups where conflict erupts between divergent normative commitments. While boundaries are often presupposed as external indexes or inner mechanisms of the moral psychology of groups (Greene 2013; Sustain 2009), their social process of demarcation and discursive juxtaposition are rarely subjected to conceptual elaboration and empirical examination (but see Alexander 1992; Lamont and Molnár 2002). Recent sociological and political science literature has nonetheless engaged more directly with boundary-making practices to both understand the proliferation of conflicts over political membership and come to terms with the rise of populist, far-right narratives (Engelken-Jorge, Forchtner and Özvatan 2023; Hochschild 2016; Illouz 2023; Polletta and Callahan 2017; Revers 2023; Smith 2020; Ugur-Cinar 2024).

In light of this, we propose to examine constitutional struggles beyond mere conflicts over constitutional texts or institutional designs. Instead, we examine them in terms of social and symbolic boundary struggles over the values and principles that shape the normative foundations of a social order. From this perspective, constitutional struggles are not reducible to mere legal devices and procedures, as a legalistic and formalistic approach would assume. Instead, they encompass broader discursive struggles over the very demarcation of rights, that is, controversies over the question of “who” is the subject worthy of recognition and respect (Honneth 1995; Ricoeur 2000). As different actors envision and defend rights as binding claims or seek to challenge and undermine their nor-
mative force within the political community, they deploy narratives that elicit the formation of borderlines, which not only divide identities but also shape social practices and interpersonal relations, political conceptions of peoplehood, orders of recognition, and normative justifications for protecting certain forms of life in the name of arguably higher values (Fassin 2018; Forst 2017; Ugur-Cinar and Smith 2015). This means that the linguistic operation of marking out boundaries is a social process which, as Charles Tilly argues, is both symbolically and materially embedded in “the adoption and modification of shared stories” (Tilly 2002, 11). Thus, narrativization is not merely a mode of external representation but an integral component of political struggles.

By examining the role of stories in the demarcation of rights, we can recognize the narrative partitioning of the social space into different, sometimes irreconcilable normative universes. In other words, the proliferation of stories about rights puts into motion a process of “normative mitosis” (Cover 1983, 31), in which rights themselves function as a narrative boundary – an in-between friction zone that simultaneously separates and communicates “our understanding of the world that-is with our projections of worlds-that-may-be” (Cover 1985, 185; emphasis added). This does not mean that narratives concerning rights are inherently exclusionary. Rather, it recognizes that while the crafting of shared stories is indispensable for sustaining plural political communities, the democratic vibrancy that accompanies the proliferation of stories also coexists with the inescapable potential for such narratives to engender virulent, exclusionary consequences (Smith 2003).

In the following, we advance this argument in a three-fold manner. In the first section, we conceptually reconsider the dynamics of boundary-making that underline polarization by drawing on the notion of “moral economy”. This concept is well-suited for making sense of how social groups draw lines of demarcation between different identities and forms of life through the appropriation, circulation, and confrontation of values and emotions. However, we argue that the concept of moral economy must be enriched by acknowledging the generative role of narratives. Hence, in the second section, we introduce the notion of “narrative boundaries” as a general heuristic for comprehending how moral economies are linguistically produced by stories and storytelling practices. Based on this conceptualization and several empirical examples, in the third section we explore the paradoxical moral economy of constitutional struggles. While the discourse of rights pursues modes of inclusion, the struggles over their demarcation often result in narratives that, instead of mode of relationality, build fences that reinforce the division between almost irreconcilable normative worlds.

Overall, this introductory paper to the special issue on “Narrative Boundaries: Constitutional Struggles in an Age of Polarization” brings into focus the
dilemmas faced by contemporary democracies in enacting and sustaining the very idea of rights within the context of divided, almost unbridgeable social worlds.

2. The debate on polarization: The need of a moral economy perspective

“Polarization” serves as the conceptual lens through which many scholars and media pundits observe the intractable crisis tendencies afflicting contemporary democracies (Schedler 2023). This concept describes the dynamic of accentuation of differences between groups and the loss of unity within a system. It refers to “a process whereby the normal multiplicity of differences in a society increasingly align along a single dimension, cross-cutting differences become instead reinforcing, and people increasingly perceive and describe politics and society in terms of “Us” versus “Them” (McCoy, Rahman & Somer 2018, 18). In this sense, polarization resembles several terms central to political analysis, such as “conflict”, “antagonism”, and “cleavages”. It also carries a normative appeal given its reference to the pernicious consequences of extremely partisan divides within the population, such as the gradual undermining of rules and pluralistic institutional arrangements that make public life and democratic decision-making possible (Pierson and Schikler 2020, 53).

The political symptoms of such deterioration are manifold: backlash against liberal values, sectarism beyond party alignments, conspirative and provocative rhetoric, electoral instability and unpredictability, social antagonism and violence, authoritarian and uncivil attitudes, inter-group resentment, distrust in public institutions, and policy gridlock. Moreover, current dynamics of political polarization seem to have attained a rather nihilistic, destructive dead end as people are not only drifting apart between irreconcilable normative worlds but, in many cases, take pleasure in devaluing the values that sustain those very worlds as if they were a matter of personal taste or instruments for political gain (Brown 2019).

Concern with polarization has been long enough in the social sciences to suggest the existence of a well established tradition of polarization studies, not to mention the rich genealogy of the problem of “division” inherent to democracy as developed within political theory (Stravavakis 2018). According to Giovani Satori’s groundbreaking conceptualization, polarization is distinct from the normal fragmentation produced by cultural pluralism and social heterogeneity. It is rather an effect of the inner competitive dynamics of the political system which occurs “when we have ideological distance (in contra-distinction to ideological proximity)” and “the polity contains parties that disagree not only on policies but
also, and more importantly, on principles” (Sartori 2005 [1976], 120–21). As the spectrum of political opinion drifts further apart, polarization also becomes a factor that shapes the everyday conduction and experience of politics in a way that resembles an “inflationary disequilibrium” which fosters a “politics of outbidding” the opponent (Sartori 2005 [1976], 124). In this form, polarization becomes “the best explanatory variable” to account for the workings and disorders of democracy (Sani and Sartori 1983, 337).

In recent years, the conceptualization of political polarization has moved beyond Sartori’s classical model of ideological preferences, while its empirical scope has been expanded with the development of a repertoire of attitudinal measures and behavioral methods (Schedler 2023). A breakthrough came with the conceptualization of “affective polarization” as a qualitatively different logic of group division and partisan identity (Iyengar, Sood and Lelkes 2012; Iyengar et al. 2019), characterized by “an emotional attachment to in-group partisans and hostility towards out-group partisans” (Hobolt, Leeper and Tilley 2021, 2). This conceptual model emphasizes the “relational” nature of polarization as an intersubjective process of identity-making which, at a micro-level, “feeds on people’s fear of being excluded from social and political power structures”, and, at a macro-level, builds on “formative rifts” that crystallize “long-standing and deep-cutting divisions that either emerged or could not be resolved during the formation or fundamental re-formations of states” (Sommer and McCoy 2019, 14–15).

This type of polarization often “begins with a discursive element deepening, or even exploiting, existing social cleavages and/or resentments” (McCoy, Rahman & Sommer 2018, 22). This is the case of movements that mobilize scripts that galvanize returning to a previous social condition considered normatively better and challenge “broadly shared understandings of what is considered politically legitimate” (Alter and Zürn 2020, 567), or groups that exploit social stereotypes that create enclaves of opinion and sociability around people’s identities, interests, and values (McCoy and Sommer 2019).

Between these two conceptual models, ideological distance and affective animosity between groups, the moral dimension has become a salient feature of contemporary dynamics of polarization (Downey 2022). As McCoy and Sommer (2019, 236) have argued, the dividing line between political camps regularly takes the form of a moral boundary that reflects “competing value systems”, “visions of democracy”, “definitions of citizenship” and “what rights should be afforded” to different social groups. The hardening of those boundaries can become damaging for democratic life as “finding policies acceptable to all major political forces is difficult and may be impossible” (Przeworski 2019, 149).

Although recent studies aim to take issue of the moral divisions of the political world (Garret and Bankert 2020; Greene 2013), there is a rather restrictive view
of the field of moral disputes, as arguments stress either that moral issues have become more politicized or that polarization is driven by the moralization of politics. This predominant view in the literature is partly due to a bias towards the quantitative measurement of morality in terms of objectifiable patterns of cognition, personal convictions, and discrete judgments. This reflects a conception of morality abstracted from the social space within which actors make claims imbued with normative expectations, grammars of worth, and implicit concepts of justice (Boltanski and Thevenot 2006), but also from the structural inequalities and hierarchies of power that determine the central or peripheral positions from which individuals experience and represent their place in already divided social worlds.

As democratic politics depends on moral frameworks, narratives, and evaluations to sustain its legitimacy, it is no wonder that polarization is deeply intertwined with the circulation of moral languages, denunciations, and judgments. However, polarization studies pay scant attention to the non-mensurable, discursive boundary-work performed by groups when conflicts arise around moral experiences of injustice and marginalization, demands for inclusion and membership, and the recognition of principles and rights deemed valuable for social life and the treatment of human beings. Here, the concept of “moral economy” may assist us in making better sense of the activity of boundary making that underlies the contemporary landscape of polarizing political disputes.

The notion of moral economy, originally coined by the historian E. P. Thompson and later reappropriated by numerous scholars (Loraine Daston, James Scott, Didier Fassin, Steffen Mau, Marion Fourcade, Andrew Sawyer, among many others), refers to the disputes surrounding the definition, worth, and distribution of both symbolic and material goods in society, but it also captures the ways in which these disputes shape, reproduce, and establish boundaries that both divide and bring together social groups. Accordingly, for Didier Fassin (2009, 2020) the distinctive analytical locus of the concept is neither the worldview of a particular group (moral background) nor the ordering of a specific domain of action (moral order), but instead the relational, often frictional process of “production, circulation, appropriation and contestation of values as well as affects, around an object, a problem, or more broadly a social fact” (Fassin 2018, 4). Thus, from a moral economy perspective, key questions are: what values do people attach to different social objects –such as life, peace, democracy, knowledge, property, nationhood– whose meanings are subject to variations in time and confrontations between agents? How do people value the reality of those objects in concrete situations and

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1. For informative overviews and critical reconstructions of the concept, see Booth (1994), Fassin (2009), Götz (2015), and Palomera and Vetta (2016).
everyday relations? What conceptual distinctions, encoded meanings, categories of worth, and justificatory logics do people draw upon to demarcate boundaries, sustain the normative worlds they inhabit, and project those they imagine?

In contexts characterized by high political polarization and deepening social divisions, various groups construct and perform symbolic boundaries between people – albeit in differential ways and from different positions– in relation to specific objects of moral contention. As the concept of moral economy suggests, this boundary-work entails practical struggles over what a polity defines as good or bad, legitimate or inappropriate, and worthy of inclusion or exclusion. Examining how social actors and individuals draw these lines of demarcation allows us to capture the dynamic processes through which they “compete in the production, diffusion, and institutionalization of systems and principles of classification” (Lamont and Molnár 2002, 168). It also helps us elucidate how these “social communities build familiar stories, the rich narrative forms, that guide their everyday, taken-for-granted political life” as much as the attempts to transform it (Alexander 1992, 294).

Building upon this idea, we argue that the concept of moral economy can be enriched by acknowledging the generative role of narratives. While the discursive foundation of moral economies is often presupposed, we need to further specify the narrative dynamics that shape the moral texture of the boundaries that articulate value disputes, whereby actors position themselves, categorize others, assess social experiences, and envision possible futures. In the following section, we introduce the notion of “narrative boundaries” as a general heuristic for comprehending how moral economies are discursively produced through stories and storytelling practices (Eder 2006; Gubrium and Holstein 2009; Krzyżanowski and Krzyżanowska 2022).

3. Narrative boundaries: Exploring the work of stories

Storytelling practices are intricately linked with boundary formation, as they thrive and operate in “the zone where people make discontinuous, public, collective claims on each other” (Tilly 2002, 12). By telling and sharing stories, individuals and social groups situate themselves in a temporal space, activate modes of relationality, and reinforce inclusiveness and strangeness (Somers 1994). In so doing, the very construction of stories becomes an integral part of the moral struggles concerning how to live together (Smith 2007; Zigon 2012) and how to justify political orders (Forst 2017).

While the boundaries established by these stories may not always be explicit, the differences they convey become symbolically intelligible in the modes of sense
making, representation, and emplotting of their components (Ricouer 1984; Labov 1972; Toolan 2001; Forchtner 2021a), materially embedded in the socio-technical networks and wider social discourses through which they circulate and acquire traction (Wodak et al. 2009; Reisigl and Wodak 2009), and morally consequential in the positioning of values, emotions, and structures of feeling that divide social groups through strategies of demarcation that become operative as narratives in the political sphere (Forchtner and Kølvraa 2012; Frei 2015; Illouz 2023). Accordingly, we can conceptualize narrative boundaries as story-assemblages that delineate a zone of representations and evaluations about events, objects, and identities, which afford people means to encode categories of legibility and worth as much as procedures of erasure and misrecognition, enabling both inclusionary value commitments and exclusionary normative judgments. In this context, narratives serve to establish “points of difference” but also “points of contact” between opposing sides (Smith 2007, 39).

If we consider that moral economies are shaped through the intricate layers of stories and storytelling practices, as we argued earlier, it becomes crucial to conceptualize the boundary work that narratives perform within specific historical and political contexts. Drawing on a broad literature of narrative analysis, we can analytically distinguish at least four interrelated ways in which this narrative work unfolds: (i) temporalization, (ii) subjectivation, (iii) categorization, and (iv) stylization. We do not intend to draw a strict distinction between them, but to identify elements that shape the formation of narrative boundaries in moral disputes over the demarcation of rights.

A primary mode of boundary work is related to the temporalization of experience, as narratives articulate “a perceived sequence of non-randomly connected events” (Toolan 2001, 6). The ways in which events are described and ordered, along with the meanings bestowed to them, configure narrative accounts that draw boundaries between how people experience those events (Smith 2007). Paul Ricoeur has referred to these acts of configuration as “modes of emplotment” (1984, 66). Since plots often develop in response to contentious, traumatic, and life-and-death disrupting historical events, the boundaries they convey are neither rigid nor insurmountable. Rather they have a degree of openness that prompts different modes of remembrance (Labov 2013; Wagner-Pacifici 2017), as individuals and social groups try to recall certain historical elements while leaving others aside.

Narrative boundaries are established not only when the sequence of events is structured differently but also when plots vary in their central and peripheral elements—that is, “cardinal functions” and “catalyses” (Barthes 1975). The former is harder to dispute and omit than the latter. For instance, in contemporary modes of remembering, events of collective violence, such as genocides and human
rights violations, are often recalled as cardinal functions within narrative accounts of “bitter pasts” (Eder 2006). Conversely, omissions and certain forms of silencing at the level of catalyses can serve as a bridging mechanism between opposing stories, fostering reconciliation and inclusionary narratives (Smith 2007; Frei 2020).

The boundary work of temporalization is closely connected to the issue of where and how the story begins. This is exemplified by the case of the founding stories that shape the creation and enforcement of political constitutions. As will be discussed in the case of the Hungarian constitutional narrative on migrants and asylum seekers (Luining and Van Hout, this issue), the search for new beginnings may lead to the exclusion of certain groups by reinforcing nativist identity markers that delineate, both morally and legally, those who do not belong to the imagined community of proper citizens. This dynamic of connecting causes and effects within a temporal frame is also present in how the pro-Brexit narratives crafted an idealized, exclusionary understanding of the nation by recounting a moral tale about the rise, decline, and recovery of Britishness (Bonet, this issue).

Last but not least, narrative sequences are inseparable from an evaluative element, “a socio-emotional concept” (Labov 1997, 399), which underlies the narrator’s intention to guide their audience in comprehending the story. Emplotted sequences, therefore, rely on the temporalization of events and the evaluations attached to them. As Polleta asserts, “plot gives stories not only a configurational dimension but also a projective one, and these two dimensions are inextricable” (2002, 33). This dual aspect serves to either unite or differentiate social groups.

A second mode of boundary work involves subjectification, that is, the process through which individuals position themselves within the continuum of transmitted, remembered, contested, and experienced events. As people embrace, adapt, and believe in certain stories, they become attached to specific identity narratives that define them as subjects and puts them on a certain side of history (Andrews 2007; Ricoeur 1984). In doing so, subjectification plays a key part in reinforcing symbolic boundaries within the social sphere. Various social contexts, including family, ethnic, religious, class, and national environments, as well as gender regimes, come into play – often intersecting – by providing spaces for the circulation of certain stories while hindering the dissemination of others (Cornejo et al. 2021; Welzer, Moller and Tschuggnall 2002).

The transmission of stories can be interrupted by personal and collective experiences, a point vividly illustrated by Gwen Burnyeat’s article in this special issue. She explores the biographical journey of a Colombian cattle-rancher who navigated the symbolic boundaries amid the wave of violence and divisions that swept through the country. In the context of the 2016 Referendum, which shaped new constitutional horizons and aimed to establish principles of lasting peace, this case illustrates how personal stories intersect and “reverberate” with the narratives
offered by both sides, contributing to the emergence of new meanings. Moreover, the case demonstrates the dilemmas involved in the efforts of traversing the “narrative wars” that tear apart social groups into distinctive normative universes.

Placing oneself in the history of events and sharing a version of them produces an emotional resonance that nurtures a sense of belonging both at individual and group levels (Deppermann 2015). This process of subjectification—concretized in indexical claims such as ‘I was there’—also forms contentious lines of demarcation between generations: those who were not there cannot comprehend what we lived through (Frei 2020).

A third mode of boundary work consists in categorization. As Critical Discourse Analysis (CDA) has shown (Reisigl and Wodak 2009; Forchtner 2012; Forchtner and Kølvraa 2012), categories play a pivotal role in the positioning of groups on opposing sides. De Fina and Georgakopoulou (2011, 71), who integrate narrative and discursive perspectives, argue that narratives work through modes of categorization that “lay bare the basic assumptions and stereotypical views that members of a group hold with respect to themselves and others.” Categorization is facilitated by a range of linguistic artifacts, including adjectivizations, indexicalization (‘we, the people’), as well as means of nominalization and predication (Reisigl and Wodak 2009). These linguistic devices aid both narrators and their audience in identifying positions, whether explicitly or subtly, and enable them to deploy strategies of legitimation, social interpretation, and moral evaluation (Lamont, Beljean, and Clair 2014).

In this regard, narratives invariably entail classification struggles. Categorizations are based on hierarchical, moral, binary oppositions, which are also crucial for reaffirming social boundaries (De Fina and Georgakopoulou 2012, 171). As individuals or groups ascribe essential categories to things that place them into distinct groups (or simply believe in the reality of those codified attributes), a space of contention emerges over the symbolic authority, practical adequacy, and social operation of those very claims dividing reality (Bourdieu 2018).

In this special issue, Le Cheng and Xiaobin Zhu’s article shows how judicial narratives within the US Supreme Court’s Dobbs Opinions delineate boundaries between two distinctive moral economies around abortion, one categorizing it as a “crime” and the other as a “right”. In the case of the Brexit Leave campaign, Alma-Pierre Bonet shows how nativist “enemy narratives” raise potential fears related to migration and Turkey’s incorporation into the European Community. Similarly, the study on the 2020 referendum for a new Constitution in Chile explores how the circulation on social media of different moral narratives regarding property, particularly the right to homeownership, led to distinct forms of nominalizing such a right, differentiating “owned house” as opposed to “decent house”. Symbolically, what is considered sacred and worthy on one side may be
deemed polluted by the other (Alexander 2006). These articles highlight that categorization, by accentuating the corrupt nature of those on the opposing side of the boundary, allow individuals in creating symbolic and everyday distance.

A fourth mode of boundary work emerges from the *stylization* of social and political reality produced by narrative genres (Forchtner 2016, 2021a). Canonical genres serve an essential role in structuring both literary and historical narratives (Frye 1957; White 1973). They also function as cultural resources that individuals can draw upon to recount their personal trajectories, whether in a tragic, comic, or romantic fashion (Bruner 1991; Gergen 1988). These modes of storytelling not only “make narratives recognizable” (Polletta 2002, 34) but also endow them with a certain “degree of prefabrication” (Toolan 2001, 4). Sociological studies have examined civil society conflicts through the lens of opposing narrative genres (Jacobs 1996; Jacobs and Smith 1997), as well as discussions about the lessons learned from past wrongdoings (Forchtner 2016). The mentioned CDA toolkits provide a practical framework for conducting in-depth textual analysis of these genres (Forchtner 2021a, 2021b).

While none of the papers in this special issue directly address the study of constitutional struggles through the lens of “narrative genres”, they all touch upon a dimension central to this approach, namely, the staging of the symbolic divisions of society through the discursive investment in narrative forms.

4. **Demarcating rights: The paradoxical life of constitutional struggles**

The moral economy of constitutional struggles revolves around disputes concerning the normative configuration of collective life. These conflicts bring to the fore the fact that the *normative* form of the social worlds that people inhabit emerges out of conflicts about the *form* of the normative within society (Cordero 2019, 16). This formulation means that, since there is no foundational or essential value but a multiplicity of meanings for defining a “world of right and wrong, of lawful and unlawful, of valid and void” (Cover 1983, 4), the ability to sustain and create a “normative universe” is not exhausted by a system of laws, formal institutions, codified rules, and legal devices. It is rather shaped by the creation, circulation, and contestation of narratives (Forst 2017). This is how Robert M. Cover, the American legal scholar, expresses it in his seminal article “Nomos and Narrative”:

Th[e] objectification of norms to which one is committed frequently, perhaps always, entails a narrative –a story of how the law, now object, came to be, and more importantly, how it came to be one’s own. Narrative is the literary genre for
the objectification of value [...] The narratives that any particular group associates with the law bespeak the range of the group’s commitments. Those narratives also provide resources for justification, condemnation, and arguments by actors within the group who must struggle to live their law. (Cover 1983, 45–46)

By situating constitutional struggles within this narrative framework, it is possible to contemplate a generative process of social objectification of normative meanings and value commitments around which groups cohere and live, as well as struggle and split apart. In such a process of “normative mitosis”, as Cover calls it, narratives bring us closer to the performative power of legal languages and concepts but also take us beyond them, to places and experiences that the law leaves unmarked (the unlawful or extralegal).

While it is common to circumscribe constitutional struggles to judicial actors and doctrinal debates about constitutional texts and institutional designs, our proposal is to view them more broadly as collisions of normative worlds. Indeed, many political disputes in countries around the world “have become saturated with constitutional language, and even radical social and political movements are constrained to engage with law and constitutional structures” (De 2018: 3). However, it is crucial to distinguish constitutional struggles from mere conflicts over a “constitutional text” in isolation, for they are entangled with the “problem of concretization” of values and principles that shape the normative foundations of a social order in different moments and contexts (Neves 2022). The social texture of those struggles is linked to the frictional interplay of narratives that try to define and justify the nature of the polity as much as to ascertain the very boundaries of legal discourse (Blokker 2017, 199; Menke 2020, 71).

This friction zone, where law meets non-law, is the boundary space from which people appropriate, circulate, and dispute the values and affects that breathe life into their normative worlds. It is a zone filled with stories people teach, learn, and tell about themselves and the world they inhabit, which in turn become formative of identities that provide groups with modes of self-understanding but also with tools for contestation of fundamental principles and institutions (Blokker 2017, 192). These stories set into motion meanings and practices which facilitate translation and diversity but also perpetuate domination and oppression; they stimulate difference and inclusion, yet also foster inequality and exclusion; and they breed ground for social innovations but also for the fortification of social boundaries. As demonstrated by the articles in this special issue, local and national political contexts create specific junctures for the formation and circulation of polarizing narratives, thereby crystallizing underlying moral economies.
The articles in this special issue thus contribute with distinctive ways of addressing this narrative dimension of constitutional struggles in terms of boundary making. Through empirically grounded analyses, the five contributions explore how various narrative dynamics shape moral-legal controversies over the demarcation of rights. They unpack the ways narratives temporalize these disputes, constitute subjects and forms of identification, and mobilize codes of moral classification.

Luining and Van Hout’s examination of the Hungarian Supreme Court’s illiberal rulings on migration and asylum policies draws on the idea of narrative subversion to observe how those rulings, instead of simply rejecting the jurisdiction of established EU legal concepts, shift their inclusionary normative meaning according to ethnonationalist mythical stories which, by emphasizing the preservation of an historical identity, become the formative basis of a populist constitutional imaginary. Burnyeat’s paper places the focus on the narrative “reverberations” of the macro-political ‘narrative wars’ of the Colombian 2016 peace referendum through everyday experiences of identity boundaries. Her work shows the biographical embeddedness of these narratives as a mode of subjectivation and explores the challenges citizens face when trying to bridge seemingly insurmountable moral boundaries in contexts already divided by war. Bonet investigates the system of nativist classifications mobilized by political elites supporting the Brexit campaign to leave the European Union. In the article, he reconstructs the narrative purification of the boundaries of British national identity through the utilization of “enemy narratives,” particularly those centered on fears related to immigration. Frei et. al. examine the narrativization of the right to decent housing as a pivotal issue during the 2020 referendum on a new constitution in Chile. The paper sheds light on how, within the polarized digital environment of social media, struggles over the meaning of property, tenure, and dignity culminated in a narrative collapsing, where diverse normative worlds were amalgamated into a singular, dominant story where the right to become a homeowner not only becomes a mode of emplotting personal histories within the process of constitutional change, but also a boundary between almost unbridgeable moral views on social life. Cheng and Zhu propose a model of narrative cycles to elucidate how the moral classification of abortion in the US could enforce the transformation of what was considered as a “right” of women into a punishable “crime.” Their analysis of U.S Supreme Courts’ rulings reveals not only a change in the constitutional interpretation of abortion rights but also a narrative reconfiguration of moral boundaries that has the potential to instigate gender segregation.

These stories are not simply made from above in a fictional manner –albeit they may mobilize mythical elements, imaginary projections, surreal interpretations, fallacious explanations, and unfounded claims– but are socially embedded...
in the moral economy of rights, to “the degree to which ordinary people know about rights, talk about rights, and, at times, make legal claims to their rights” (Taylor 2023, 10).

Rights are the normative materials at the center of these constitutional struggles. As they shape, directly or indirectly, everyday expectations and behaviors in relation to what the law is and does, “rights are situated at the limit of law” (Menke 2020, 5), like a mediating interface between the world of juridical forms and what society values, esteems, and identifies as worthy of protection. In the moral economy of constitutional struggles, the social life of rights demonstrates to be a deeply paradoxical endeavor. For rights are a mode of recognition that results from acts of equalization between subjects (Honneth 1995), although at the same time, prompt hierarchies that reinforce separation and classification. This duality is rooted in the fact that “the more highly specified rights are as rights” for certain social groups, “the more likely they are to build a fence insofar as they are more likely to encode a definition” that demarcates what those social groups are and what we would like them to be and do (Brown 2000, 231). As we will observe in this special issue through stories about bodies, peace, property, nationhood, and citizenship, the demarcation of the form of rights, namely to whom and how they apply, is intertwined with the practice of storytelling. This is a special kind of discursive performance through which individuals and collectives insert themselves into the social space with a narrative identity (Ricoeur 2000).

The moral ordering of the language of rights in social and political conflicts crystallizes the responses our societies produce in relation “to what is intolerable about the state of the contemporary world” (Fassin 2012, 252). Yet it also reveals the precarious status of rights themselves in delineating the boundaries of our normative worlds. For the very stories that we live by can promote “group fantasies” that separate the rights of the “the established” and “the outsiders” (Elias 1994), fostering the belief in the lesser human worth of certain groups and the supposed entitlement to exclude them. The challenge of sustaining the very idea of rights within the context of divided, almost unbridgeable social worlds depends on the ability of our public narratives to recognize the boundaries that seem impassable for each group, thereby fueling feelings of fear and repulsion toward Others.

While the instrumentalization of fears is a hallmark of authoritarian and neofascists politics today, democracy requires creating space to address fears directly through narratives that build bridges between moral worlds. If it fails to do so, as Norbert Lechner warns, “fears will prevail behind our back, and we will then succumb to the worst of them: the fear to imagine other possible societies” (Lechner 2023, 142).
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