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SOCIETAL ACCOUNTABILITY IN LATIN AMERICA

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In Argentina, the unsolved murder of a teenager triggered social protests that eventually led to the trial and indictment of her assailants and the resignation of a provincial governor. In Brazil, press reports of governmental corruption and public demands for due process led to the 1992 impeachment of President Fernando Collor de Mello. In Colombia, the introduction of a constitutional mechanism for the protection of fundamental rights resulted in more than 200,000 legal actions, including indictments for malfeasance in office and for violations of due process. Nongovernmental organizations (NGOs) like Alianza Cívica in Mexico and Poder Ciudadano in Argentina organized campaigns to monitor elections and the financial assets of elective officials. These cases show new ways in which citizens are exercising control of government in many of Latin America's democracies.

Citizen action aimed at overseeing political authorities is becoming a fact of life and is redefining the traditional concept of the relationship between citizens and their elected representatives. The emergence of rights-oriented discourse and politics, media exposés of government scandals, and social movements organized around demands for due process are only some of the examples of this new *politics of societal accountability*. We contend that the nature of the new democratic regimes and the scope of citizens' rights are being shaped by this set of conflicts and struggles.

In spite of the scope of these phenomena, recent evaluations of the institutional performance of Latin American democracies have belittled the significance of societal mechanisms of accountability. Current debates on the nature of these regimes tend to view the weakness of traditional mechanisms of accountability as their defining characteristic. The unconstrained behavior (*discrecionalismo*) of many elected presidents, the politicization of the judiciary, and widespread corruption in public administration are frequently cited as evidence of such weakness. There is no doubt that these are powerful indicators of the institutional deficits currently confronted by Latin American democracies. Yet by focusing on traditional mechanisms of accountability—elections, the separation of powers, and the existence of a system of checks and balances among the various branches of government—this analysis ignores the growth of alternative forms of political control that rely on citizen action and civil-society organizations.

Democracy, Accountability, and Civil Society

According to Guillermo O'Donnell, accountability has two dimensions: horizontal and vertical.¹ The horizontal dimension is largely concerned with the effective operation of the system of checks and balances and with due process in governmental decision making. The vertical dimension focuses instead on elections and other mechanisms that citizens use to control their government.² There is widespread consensus in most scholarly literature on Latin American democracies that governmental accountability in both dimensions is sadly lacking.

The literature on “delegative” or “illiberal” democracies has called attention to the weaknesses of horizontal mechanisms of accountability in Latin America.³ Although power is divided, the judicial and legislative branches are not considered fully legitimate mechanisms for controlling or limiting the actions of a delegative executive; instead, they are perceived as obstacles that hinder governmental effectiveness and undermine the will of the majority. This results in presidential *discrecionalismo*, which openly erodes a central feature of horizontal accountability: the existence of effective governmental checks and balances.

Other authors have observed that even where electoral mechanisms are in place and functioning (insofar as free and fair elections regularly take place), vertical mechanisms of accountability show signs of being ineffective. Policy switches, and thus an incongruity between a candidate's electoral mandate and his subsequent governmental policies, are a common phenomenon in contemporary Latin America.⁴ Alberto Fujimori in Peru, Carlos Menem in Argentina, and Carlos Andrés Pérez in Venezuela are all examples of elected presidents who abruptly abandoned

their electoral promises, switching to a radically different set of policies once the election was over. If presidential authority cannot be tied to campaign promises or platforms, then the ground for electoral accountability disappears. Without a specific mandate from the voters, there is no way to judge its fulfillment. Voters can only select individuals—not policies, programs, or platforms—and thus they give the winner a “blank check” to rule as he sees fit.

The preceding arguments all focus on specific cultural, political, and institutional features that inhibit the development of effective horizontal and vertical mechanisms for controlling power in Latin America. They suggest that if those obstacles or deficits can be overcome in the near future, more representative and accountable democracies will emerge in the region. By contrast, Adam Przeworski, Susan Stokes, and Bernard Manin concentrate on the structural weaknesses of elections as mechanisms for controlling governments.⁵ In their view, elections are ineffective mechanisms of accountability because we can never know whether they are enforcing prospective or retrospective controls. If that is the case, voters cannot force governments to act responsibly.

What factors make voting an inefficient control mechanism? First of all, voters have only one shot at punishing or rewarding numerous governmental decisions. Therefore, elected officials know that voters lack adequate instruments to control each of their decisions; indeed, they know that most of their decisions will not be controlled. Second, voting is a decentralized strategic action.⁶ Since citizens cannot coordinate the orientation of their votes, the power of voting as a control mechanism is lost. Finally, shortages of information prevent voters from having an adequate standard for evaluating government performance and decisions.

In sum, scholars generally agree that both horizontal and vertical mechanisms of accountability are weak in Latin America. The concept of societal accountability addresses the two sorts of arguments presented above. First, it puts forward an alternative mechanism of control that, if taken into account, would lead to a different diagnosis about the overall state of accountability in Latin American democracies. Second, societal initiatives can address some of the structural problems that beset elections as mechanisms of accountability.

The traditional understanding of the concept of accountability has largely ignored civil society. The notion of societal accountability aims to bring lessons drawn from the abundant literature on civil society to bear on the current debates on accountability.⁷ Through a multitude of monitoring and agenda-setting activities, civil society adds to the classic repertoire of electoral and constitutional institutions for controlling government.⁸ Studying civil society's efforts to hold government in check can shed new light on current debates on democracy and accountability

So how is this form of control exercised? First, societal mechanisms control by *exposing and denouncing wrongdoing*. Exposés bring issues to light in ways that the citizens can relate to, and thus help put them on the public agenda.¹⁴ As a result, the number of matters for which public officials can be held responsible increases. Second, societal mechanisms control because they can *activate the operation of horizontal mechanisms*. Social mobilization around particular demands, media coverage and investigations, and the initiation of proceedings in oversight or judicial agencies put corrupt politicians at risk of losing their reputations or even of being taken to court. In democratic contexts, where the political life of elected officials depends on their getting as many votes as possible, they can be expected to avoid committing certain acts if they fear high reputational costs. Yet public officials will not always evaluate these risks in the same way. In some cases, the efficiency of societal mechanisms depends on how public officials weigh the risks of engaging in corruption against the benefits. In other cases, however, societal mechanisms activate horizontal ones that do not depend on a cost-benefit calculus.

So is societal accountability an effective instrument of control? Ultimately, of course, this is an empirical question. On the one hand, given the penalties that societal accountability may impose, public officials may conclude that it is more convenient to abandon certain practices that bring about reputational or judicial costs. On the other, since public officials can anticipate which activities or policies may bring about social penalties, this could lead to the development of more sophisticated and subtle procedures to “survive” accountability, as José María Maravall has warned.¹⁵

Societal mechanisms appear to be most effective where social-mobilization strategies interact with legal actions and media exposure. The media observe and report about the organization and mobilization of civil society; civil society informs and is informed by the media, and, at the same time, it activates legal actions and forces state institutions to take up once-neglected problems.

The Table on the following page describes the different mechanisms and resources through which each type of accountability can take place.

How Societal Accountability Works

Next, we want to consider some examples of how societal accountability is developing in Latin America, in order to identify the different types of control that are being exercised, the different actors exercising control, some of the institutional changes that have facilitated the emergence of these forms of control, and the way in which societal mechanisms actually operate.

Some developments in societal mechanisms of accountability are

TABLE—TYPES OF ACCOUNTABILITY

	WHO CONTROLS?	MECHANISMS FOR CONTROLLING POLITICIANS	MECHANISMS FOR CONTROLLING BUREAUCRATS
H O R I Z O N T A L	Executive Branch	• Veto	• Policy Setting • Regulation • Administrative Oversight • Nomination & Demotion of Personnel
	Legislative Branch	• Impeachment • Investigative Commissions • Veto Override	• Policy Setting • Regulation • Administrative Oversight • Nomination & Demotion of Personnel
	Judicial Branch	• Judicial Review	• Judicial Review
	Oversight Agencies	• Enforcement Power • Investigative Power	• Enforcement Power • Investigative Power
V E R T I C A L	Political Parties w/ Parliamentary Representation	• Political Representation • Policy Setting	• Regulation • Policy Setting
	Citizens	• Vote	
	Civic Associations, NGOs, & Social Movements	• Social Mobilization & Public Exposure • Investigation by Oversight Agencies • Agenda Setting	• Social Mobilization & Public Exposure • Investigation by Oversight Agencies • Agenda Setting
	Ombudsmen*	• Exposure • Litigation	• Exposure • Litigation
	Media	• Investigation & Public Exposure • Agenda Setting	• Investigation & Public Exposure • Agenda Setting

* Although many oversight agencies can be considered part of the system of horizontal accountability, it has to be taken into account that some, such as ombudsmen, also operate as agents of vertical accountability, given that they are activated through specific citizens' claims.

related to specific institutional modifications. Indeed, in some Latin American countries, recently modified constitutions have introduced new legal institutions that allow citizens and collective actors to claim and petition for constitutional rights that they consider to have been violated. Colombia's constitution, for example, has created the *acción de tutela*, an institution that allows citizens to demand that their fundamental rights be protected. A study conducted by the Centro de Estudios Sociojurídicos of the Universidad de los Andes in 1995 showed that 65,000 claims had been filed since the creation of this new institution.¹⁶ In Brazil, a similar trend can be observed: An increase in the use of the *Ação Direta de Inconstitucionalidade* was noted after the 1988 Constitution expanded the number of actors who could make use of them.¹⁷ Moreover, national ombudsman's offices have been created in

Argentina, Peru, Brazil, Colombia, and Mexico. In many of these countries, regional, provincial, and municipal ombudsman offices have also been created, and claims made by citizens to these offices have increased.

To control policy outcomes and the performance of public officials, "soft" resources such as social mobilization have also been used. Although social mobilization can take place in conjunction with a legal strategy, this has not always been the case. Indeed, many campaigns demanding information about the financial assets of public officials or denouncing electoral fraud or violations of environmental rights did not intend to bring about legal claims. In other cases, however, social mobilization had both legal and political goals. Police abuses, corruption of public officials, and electoral fraud are now in the public eye because NGOs like Nucleo de Estudos da Violencia and Viva Rio in Brazil, CELS (Centro de Estudios Legales y Sociales) and CORREPI (Coordinadora contra la Represión Policial e Institucional) in Argentina, Alianza Cívica in Mexico, and many others have been able to document their existence and to mobilize intense public support. These organizations have not only succeeded in placing such topics on the public agenda; they have also become credible and authoritative advocates regarding them.

As we have already noted, to be effective, "societal accountability" requires media visibility. In several Latin American countries, the media are playing a central role in exposing abuses and keeping governments in check. Many of the civic and social demands for legal equality, due process, and judicial independence began exerting considerable pressure on governments only after significant media coverage. In some cases, journalists have uncovered evidence of dubious behavior by high-ranking public officials; in others, media investigators have used hidden cameras to catch low-level bureaucrats, such as employees of a pension fund agency, in the act of soliciting or receiving bribes.¹⁸ In spite of its effectiveness, however, the use of the media as a control mechanism raises certain problems, because media accusations, even if unsubstantiated, create the perception of guilt. When the media are effective in drawing attention to a case, the rules of evidence are turned on their head: Those accused of corruption are perceived as guilty until "proven innocent." Consequently, recognition of the media's new role as a mechanism of control and accountability cannot ignore the risks that this may pose for individual rights.

A paradigmatic example of how the different dimensions of societal accountability work and interact is provided by a case in Argentina. In September 1990, the body of a high school student, María Soledad Morales, was found in the outskirts of the capital city of the province of Catamarca. Soon afterwards, the local society mobilized to demand that justice be done. So-called *marchas de silencio* (silent marches) were

held in the city's main square to press for a speedy and impartial investigation and a fair trial. Impartiality was especially important, because there were rumors that the son of provincial congressman Angel Luque was involved in the murder. Between 1990 and 1996, a total of 82 silent marches were held in Catamarca and another 25 elsewhere in the country.¹⁹ Although the initiative was launched by the victim's family and friends, the movement they began was highly successful in drawing public support and the endorsement of various sectors of Catamarca society. Parallel to the marches, a nongovernmental Commission for Justice and Truth was created to act as a societal watchdog of the police investigation and the judicial proceedings. This commission provided an important complement to the mobilizational strategy.

Media attention was the third element that contributed to the success of the cause. The local press was receptive to the movement's charges, and the silent marches served to draw the attention of the national media and public opinion. This was crucial for "nationalizing" the case, turning a story that might have remained in the police section of provincial newspapers into one of most significant political events of the day. When the trial finally started, the media (in this case, television) played a crucial and unexpected role.

The second stage of the María Soledad case began with the broadcast of the trials on national television. Whereas, in the first stage, the media were crucial in giving voice and visibility to the case nationwide, in the second, they acted as a guarantor of transparency and due process. A gesture made by one judge during the trial showed that the court was taking procedural decisions that were systematically favoring the defendant. This gesture led to an immediate reaction by the courtroom audience, who denounced the attitude of the magistrates. When the tribunal then decided to suspend television coverage of the audience to prevent further incidents, massive demonstrations broke out, questioning the decision and demanding that the trial be broadcast live. A few days later, the magistrates in question stepped down and the trial was suspended. A new trial with new judges was finally begun in August 1997, resulting in the conviction of the accused in February 1998.

What does this case show us about the workings of societal mechanisms of accountability? First, it shows the fruitful combination that results from social mobilization and extensive media coverage. Second, it reveals that public officials are likely to pursue strategies to "survive" accountability. Third, it shows that social mobilization can activate horizontal mechanisms at both the local and the national level. In this case, the National Congress appointed a special commission to analyze the provincial situation, and the provincial administration eventually was removed through federal intervention. Finally, the case illustrates the impact that societal mechanisms of control may have on vertical (electoral) mechanisms. In the 1991 election, for the first time in the

history of Catamarca, the Saadi family, which had dominated local politics since the late 1940s, was defeated.²⁰

Questions for the Future

Where does this quick overview leave us? The numerous and diverse examples presented here show that accountability can take place through paths different from the ones usually acknowledged by democratic theory. These alternative mechanisms perform an important role that needs to be addressed by students of accountability. In addition, the examples show that the state of accountability in Latin America is not as bleak as most of the literature would suggest. A more complex interpretation of the quality of Latin American democracies is required. Yet the acknowledgment of alternative mechanisms of control leaves open a number of questions that future empirical research will have to address. Among them we would like to emphasize the following:

1) *The ways in which societal accountability provides control and results in efficient outcomes.* Without coercive power of their own, what degree of control can societal mechanisms achieve? If societal mechanisms cannot enforce institutional punishments, how do they control? We have already noted that although societal mechanisms do not necessarily result in institutional changes, they often bring about modifications in the political agenda. If that is the case, how are we to evaluate the efficiency of these mechanisms?

2) *Risks deriving from the clash between representative and societal mechanisms.* Since actors using societal mechanisms do not need to legitimize themselves through the electoral process, their exercise of societal accountability may produce undemocratic results and overstep constitutional guarantees. Therefore, the legal framework within which civil-society intervention is possible and the internal accountability of civil-society organizations are both issues that deserve further consideration.²¹

3) *The conditions (institutional, political, cultural, and historical) that shape the emergence and working of societal mechanisms of accountability and access to them.* Differences among countries in the way these mechanisms have developed are related to specific social and institutional conditions, as well as to the legacies of the past. Some conditions facilitate their establishment, while others preclude them. But which conditions have which effects, and how do they operate?

The analysis of societal accountability is a pending task of democratization studies. Much more work is needed to understand how nontraditional forms of control operate and how they contribute to the development of more accountable governments. The findings of such research can help us rethink established assumptions, both on the problem of political accountability and on the nature and dynamics of new democracies.

NOTES

The authors would like to thank Andrew Arato, Guillermo O'Donnell, Adam Przeworski, J.B. Thompson, and Augusto Varas for their helpful comments and suggestions.

1. See Guillermo O'Donnell, "Horizontal Accountability in New Democracies," in Andreas Schedler, Larry Diamond, and Marc F. Plattner, eds., *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder, Colo.: Lynne Rienner, 1999).

2. O'Donnell briefly acknowledges the emergence of nonelectoral vertical mechanisms such as the workings of social demands and of an independent media. *Ibid.*, 180.

3. See Guillermo O'Donnell, "Horizontal Accountability in New Democracies"; Guillermo O'Donnell "Illusions About Consolidation," *Journal of Democracy* 7 (April 1996): 34–51; Guillermo O'Donnell, "Delegative Democracy," *Journal of Democracy* 5 (January 1994): 55–69; Michael Shifter, "Tensions And Trade-Offs In Latin America," *Journal of Democracy* 8 (April 1997): 114–128; Laurence Whitehead, "The Alternative To 'Liberal Democracy': A Latin American Perspective," in David Held, ed., *Prospects For Democracy* (Stanford, Calif.: Stanford University Press, 1993); and Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76 (November–December 1997): 22–43.

4. See Susan C. Stokes, "What Do Policy Switches Tell Us About Democracy?" in Adam Przeworski, Susan C. Stokes, and Bernard Manin, eds., *Democracy, Accountability, and Representation* (New York, Cambridge University Press, 1999).

5. *Ibid.*

6. Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991), 12.

7. An excellent theoretical synthesis of the concept can be found in Jean Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge, Mass.: MIT Press, 1992). For an analysis of the relevance of the concept in processes of political democratization in Latin America see Sonia Alvarez, Evelina Dagnino, and Arturo Escobar, eds., *Cultures of Politics, Politics of Cultures: Re-Visioning Latin American Social Movements* (Boulder, Colo.: Westview Press, 1988); Leonardo Avritzer, ed., *Sociedade Civil e Democratizacao* (Belo Horizonte: Del Rey, 1995); Larry Diamond, "Rethinking Civil Society: Toward Democratic Consolidation," *Journal of Democracy* 5 (July 1994): 4–17; Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: John Hopkins University Press, 1999), ch. 6; Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead, *Transitions from Authoritarian Rule: Tentative Conclusions* (Baltimore: John Hopkins University Press, 1986); Philip Oxhorn, *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile* (University Park, Pa.: Pennsylvania State University Press, 1995); Enrique Peruzzotti, "Civil Society and the Modern Constitutional Complex: The Argentine Experience," *Constellations: An International Journal of Critical and Democratic Theory* 4 (April 1997): 94–104; Enrique Peruzzotti, "Constitucionalismo, Populismo y Sociedad Civil," *Revista Mexicana de Sociología* 61 (October–December 1999): 149–72; and Enrique Peruzzotti, "Towards a New Politics: Citizenship and Rights in Contemporary Argentina," *Citizenship Studies* (forthcoming).

8. The definition of an organized civil society says nothing about the ideological orientation of its actions. It only highlights the organizational requirement and the fact that its members perceive themselves as legitimate possessors of, and petitioners for, rights. For an analysis of the emergence of rights-oriented discourse and politics within civil society, see Enrique Peruzzotti, "Towards a New Politics: Citizenship and Rights in Contemporary Argentina."

9. This feature resembles the "fire alarm" mechanisms of control developed by Matthew McCubbins and Thomas Schwartz. See Matthew McCubbins and Thomas Schwartz, "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms," *American Journal of Political Science* 28 (February 1984): 168.

10. Albert O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations and States* (Cambridge, Mass.: Harvard University Press, 1970).
11. Adam Przeworski, "Democratization Revisited," *Items* 51 (March 1997): 10–11.
12. Recent experience shows that international actors are also playing a role in the exercise of control. Not only transnational NGOs but local NGOs and social movements have designed strategies to activate the oversight mechanisms of international agencies. See Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y.: Cornell University Press, 1998).
13. Andreas Schedler, "Conceptualizing Accountability," in Andreas Schedler, Larry Diamond, and Marc F. Plattner, eds., *The Self-Restraining State: Power and Accountability in New Democracies*, 19–28.
14. To use Margaret Keck and Kathryn Sikkink's terminology, this phenomenon implies "framing," that is, putting particular events into a wider cognitive frame capable of linking and organizing specific experiences into a broader interpretative understanding. See Margaret Keck and Kathryn Sikkink, "Transnational Advocacy Networks in the Movement Society," in David Meyer and Sydney Tarrow, eds., *The Social Movement Society: Contentious Politics for a New Century* (Lanham, Md.: Rowman and Littlefield, 1998), 225.
15. José María Maravall, "Accountability and Manipulation," in Adam Przeworski, Susan C. Stokes, and Bernard Manin, eds., *Democracy, Accountability, and Representation*.
16. Centro de Investigaciones Sociojurídicas, *Incidencia Social de la Acción de Tutela* (Bogotá: Universidad de los Andes, 1995).
17. Rogerio Bastos Arantes, *Judiciario e Política No Brasil* (São Paulo: Editora Sumaré, 1997).
18. Some exposés have led to indictments while others have not. The Argentine newspaper *Página 12* published exposés in the "Swiftgate" and "Yomagate" cases that implicated high-level public officials and led to their resignation and to legal actions. Similar cases in which media exposés have led to legal processes or to the removal of public officials have taken place in Brazil (where in 1992 press reports started the processes that led to the impeachment of President Fernando Collor de Mello) and in Venezuela (where in 1993 press reports led to the removal of President Carlos Andrés Pérez). In Peru, the news weekly *Si* published a story about the case of "La Cantuta" that led to an investigation of the massacre of a group of college students by military squads. See Silvio Waisbord, "Investigative Journalism and Political Accountability in South American Democracies," *Critical Studies in Mass Communication* 13 (March 1996): 343–63.
19. The marches drew large numbers, at one time reaching 30,000 people in a province whose total population is 210,000. Eventually, silent marches were organized all over the country, particularly after the media "nationalized" the case.
20. The patriarch of the Saadi family, Vicente Leonides, was governor of Catamarca on two occasions and served twice as Catamarca's representative in the Senate. His son Ramón was elected governor in 1983 and reelected in 1988, succeeding his father, who was governor between 1987 and 1988. After the federal intervention that removed Ramón Saadi from power, his attempts to become a national senator were thwarted by the resistance of the other senators who had to approve his credentials. It must be noted, however, that in the 1999 elections he was elected as representative of Catamarca in the House of Representatives.
21. Andrew Arato, "Accountability and Civil Society," paper prepared for the conference "Políticas de Control Ciudadano en Latinoamérica," Universidad Torcuato Di Tella, Buenos Aires, May 2000.