

**HORIZONTAL ACCOUNTABILITY AND
NEW POLYARCHIES**

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Abstract

The present text asserts that many new polyarchies, in Latin America and elsewhere, present the historically rather unusual combination of the coexistence of political freedoms with weak 'horizontal' accountability. In order to account for this mix, the text delineates three great traditions, or currents—democracy, liberalism, and republicanism—that, although partially overlapping, are distinct and have made different contributions to the emergence of polyarchy in the Northwestern quadrant of the world. Further on, the paper notes in many new polyarchies the relative strength of the democratic current jointly with the scant weight of the liberal and republican ones. In light of these considerations, the text concludes with some suggestions for enhancing horizontal accountability in these latter cases.

Resumen

El presente texto afirma que muchas nuevas poliarquías, en América Latina y en otras regiones, presentan la históricamente inusual coexistencia de libertades políticas con débil 'accountability' horizontal. Para dar cuenta de esta combinación, el texto describe tres grandes tradiciones o corrientes—democracia, liberalismo y republicanismo—que, aunque parcialmente superpuestas, son distinguibles y han hecho contribuciones diferentes a la emergencia de la poliarquía en el cuadrante Noroccidental del mundo. Más adelante, el trabajo señala la conjunción de corrientes democráticas relativamente fuertes y corrientes liberales y republicanas de escaso peso en muchas nuevas poliarquías. A la luz de estas consideraciones, el texto concluye con algunas sugerencias para aumentar la 'accountability' horizontal en estos casos.

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My interest in what I have labeled 'horizontal accountability' (O'Donnell 1994) stems from its absence. Many countries, in Latin America and elsewhere, have recently become political democracies, or polyarchies. By this I mean that they satisfy the conditions stipulated by Robert Dahl for defining this regime type.¹ Satisfying these conditions is no mean feat: some countries continue under authoritarian rule, and others, even though they hold elections, do not satisfy the conditions of fair and free competition stipulated by the definition of polyarchy.² In the present text I do not deal with the latter cases; my focus is on those that are polyarchies, in the sense just defined, but have weak or intermittent horizontal accountability. This refers to almost all the Latin American countries, including some rather old polyarchies such as Colombia and Venezuela.³ This category also pertains to some new Asian polyarchies such as the Philippines, South Korea, and Taiwan as well as, increasingly, an old one, India, and some of the few postcommunist countries that might qualify as polyarchies—Russia, Bielorrussia, Croatia, Slovakia, and Ukraine,⁴ and perhaps also Hungary, Poland, and the Czech Republic.⁵

By definition, in these countries the electoral dimension of vertical accountability exists. Through the means of reasonably fair and free elections, citizens can punish or reward incumbents by voting for or against them, or the candidates they endorse, in the next election. Also by definition, freedoms of opinion and of association, as well as access to varied sources of information, permit articulating demands to, and eventually denouncing wrongful acts of, public authorities. This is helped by the existence of a reasonably free media, also entailed by the definition of polyarchy. Elections, social demands that can usually be voiced without risk of

¹ See, especially, Dahl (1989, 221). The attributes stated by Dahl are: 1) elected officials; 2) free and fair elections; 3) inclusive suffrage; 4) the right to run for office; 5) freedom of expression; 6) alternative information; and 7) associational autonomy. In O'Donnell (1996), following several authors cited there, I have proposed adding: 8) elected officials (and some appointed ones, such as high court judges) should not be arbitrarily terminated before the end of their constitutionally mandated terms; 9) elected officials should not be subject to severe constraints, vetoes, or exclusion from certain policy domains by other, nonelected actors, especially the armed forces; and 10) there should be an uncontested territory that clearly defines the voting population. These ten attributes I take as jointly defining polyarchy.

² These cases are called "electoral regimes" by Karl (1986).

³ The exceptions are Costa Rica, Uruguay and, with the important caveat resulting from the constitutional privileges retained by the armed forces, Chile.

⁴ As argued by Merkel (1996). On South Korea and Russia, see Ziegler (1998); on the latter, see also Merritt (1997).

⁵ In view of sharply conflicting opinions about this matter and my own lack of direct knowledge, I prefer to suspend judgment as to the degree to which these countries may or may not have achieved reasonable degrees of horizontal accountability, comparable to those of Uruguay and Costa Rica.

suffering state coercion, and regular coverage by the media of at least the more visible of these demands and of apparently wrongful acts of public authorities are dimensions of what I call 'vertical accountability.' These are actions performed, individually or by some kind of organized and/or collective action, with reference to those who occupy positions in state institutions, elected or not.

Of course, what is arguably the main channel of vertical accountability, elections, occur only from time to time. Furthermore, it is not clear to what extent they are effective as a mechanism of vertical accountability. Recent analyses⁶ sound a skeptical note about the degree to which elections are truly an instrument with which voters can punish or reward incumbents, even in formally institutionalized polyarchies.⁷ However that may be (and I will not pursue this issue here), it seems clear that the conditions that prevail in many new polyarchies (inchoate party systems, high volatility of voters and parties, poorly defined public policy issues, and sudden policy reversals⁸) definitely diminish the effectiveness of electoral accountability.

On the other hand, the impact of social demands and of the media, insofar as they denounce and/or demand restitution or punishment for allegedly wrongful actions by public authorities, depends to a large extent on the actions that properly authorized state agencies may undertake in order to investigate and eventually punish the wrongdoings. In the absence of such actions, social demands and media coverage, especially if they are abundant and refer to issues that are considered important by public opinion, tend to create a climate of public disaffection with the government (and sometimes with the regime itself), which may obstruct its policies and lead to its defeat in the next round of elections. But public disaffection does not necessarily trigger appropriate public procedures, even if existing legislation requires them. When, as often happens in the new polyarchies, there is a generalized feeling that the government repeatedly

⁶ Przeworski and Stokes (1995) argue that, on one hand, "democratic institutions contain no mechanisms for enforcing prospective representation" and, on the other, "retrospective voting, which takes as information only the past performance of the incumbent, is not sufficient to induce governments to act responsively." The authors list some institutional innovations that might ameliorate this problem but, as we shall see, the effectiveness and even the very creation of these institutions should not be taken for granted under the conditions in which many new polyarchies function. In turn, looking at the functioning of governing parties in Spain but drawing more general conclusions, José María Maravall (1996, 5) argues that voters' control of politicians faces extremely difficult, if not insurmountable, "problems of information, monitoring, and commitment." But see also Klingeman et al. (1994) and Keeler (1993) who show that, by and large, in formally institutionalized polyarchies the policy positions presented in the electoral platforms of parties are quite good predictors of their policy orientations when in government. In contrast, in Latin America, at least in the last two decades and in the context of the implementation of neoliberal economic policies, as Przeworski and Stokes (1995), among others, make clear, this predictability has been almost entirely lacking.

⁷ I use this term for consistency with the arguments I develop in O'Donnell (1996). For the purposes of the present paper this term can be understood to include most of the old polyarchies, those that the current literature considers to be highly institutionalized.

⁸ See, for Latin America, Shugart and Carey (1992), Mainwaring and Scully (1995), and Mainwaring and Shugart (1997).

indulges in corrupt practices, the media tend to become surrogate courts. They expose alleged wrongdoings, name those supposedly responsible for them, and give whatever details they deem relevant. Some corrupt officials are thus spared the penalties that would have probably resulted if the courts and/or other public agencies had intervened. Others, however, who may be innocent of any impropriety, as well as those against whom no wrongdoing could have been proved, see themselves condemned by public opinion without having had anything resembling due process for their defense.

— II —

The existence of vertical accountability entails that these countries are *democratic*, in the specific sense that citizens can exercise their participatory right of choosing who is going to rule them for some time and can freely express their opinions and demands. But the weakness of horizontal accountability entails that the *liberal* and the *republican* components of many new polyarchies are feeble. This statement springs from my belief that polyarchies are the complex synthesis of three historical currents or traditions: democracy, liberalism, and republicanism. Here I depart from most current discussions, which tend to see polyarchies as tensioned between just two poles: liberalism vs. democracy, or liberalism vs. republicanism. Furthermore, some of these discussions see these currents, or traditions, as mutually exclusive. I think, rather, that even though their boundaries tend to blur in some authors and political discourses, there are not just two but three traditions, which have converged into the formal institutions and to some extent (varying across time and countries) into the practice of modern polyarchies. I also believe that this convergence is partially contradictory, in the sense that some of the basic principles of each of these currents are inconsistent with the basic principles of at least one other. This inconsistency gives to polyarchies, together with some of their predicaments, their uniquely dynamic and open-ended characteristics.

By the liberal component that has been injected into modern polyarchies I mean, basically, the idea that there are some rights that should not be encroached upon by any power, prominently including the state. By the republican component I mean, basically, the idea that the discharge of public duties is an ennobling activity that demands careful subjection to the law and devoted service to the public interest, even at the expense of sacrificing the private interests of the officials. Both the liberal and republican traditions posit a crucial distinction between a public and a private sphere, but the implications of this split are very different. For liberalism the area of proper and eventually fuller development of human life is the private sphere. This is the reason for liberalism's inherent ambiguity toward the state and, more generally, the public sphere: on one hand, the state has to have enough power to guarantee the freedoms enjoyed in private life and,

on the other, it has to be prevented from succumbing to the ever-present temptation to encroach on those same freedoms.⁹ For republicanism the area of proper and fuller human development is the public sphere. It is there that the exacting demands of dedication to the public good require, and nurture, the highest virtues. If liberalism is basically defensive, republicanism is basically elitist: whether democratically elected or not, those who claim that they have the right to govern because of their superior virtue are inclined to look down on those who devote themselves to the lesser undertakings of the private sphere. In its turn, the democratic tradition ignores these distinctions: factually there may be private activities but, first, those who participate in the collective decisions are not a virtuous elite but those same who may undertake an active private life¹⁰ and, second and foremost, as Socrates and others discovered, the *demos* can rule over any matter—it has the right to make decisions on whatever issues it deems appropriate.¹¹

These traditions and the principles that define them are different and have different origins: democracy in Athens; republicanism in Rome (and according to some authors also in Sparta), and later in some medieval Italian cities; liberalism in feudal society and, later and more pointedly, in the England of Locke and the France of Montesquieu. In some important aspects these traditions are conflictive. At the very least, the values attached to the public and to the private spheres by liberalism and republicanism lead to diverging, if not opposing, conclusions about political rights and obligations, political participation, the character of citizenship and of civil society, and other issues that are the very stuff of political debate.¹² On its side, democracy is not dualistic, it is monistic; it knows of no valid limits or distinctions between a private and a public sphere. Furthermore, in democracy the exercise of public duties does not require, as in republicanism, that those who discharge them are particularly virtuous and fully dedicated; rather, the ultimate democratic procedures, rotation or selection by lot,¹³ presuppose that all are roughly equally qualified for those roles. Finally, when it comes to voting the democratic principle is strongly majoritarian, in a double sense. First, short of unanimity the collective will of the *demos*

⁹ I believe that this inherent ambiguity is an important reason for the primarily defensive character of liberalism, in spite of recent efforts to cast it in a more positive, close to republican, light; see, for example, Macedo (1992). I hasten to add that this does not deny that some of the 'negative liberties' and constitutional constraints typical of liberalism can have empowering consequences for their individual or institutional carriers, as argued especially by Holmes (1988, 1995a, and 1995b).

¹⁰ In the words of Pericles, as rendered by Thucydides: "Our public men have, besides politics, their private affairs to attend to, and our ordinary citizens, though occupied with the pursuits of industry, are still fair judges of public matters" (Thucydides 1951). Before Pericles, Athens had adopted the radical innovation of paying the equivalent of a day's work for taking part in its various decision-making institutions, thus making possible the participation of its poor citizens; see Hansen (1991).

¹¹ On this matter, see Finley (1973 and 1984) and Jaeger (1946); although somewhat reluctantly, Hansen (1991) agrees with this view.

¹² In this respect, although they present the issue as between two terms, not three as I am doing here, I have found Walzer (1989), Taylor (1990), and Offe and Preus (1991) particularly useful.

¹³ See Hansen (1991) and Manin (1996).

has to be identified, and some kind of majority is the commonsense criterion for such identification when all members are considered equal. Second, as already noted, whatever is decided does not recognize barriers, other than those established for the workings of the *demos* itself.¹⁴ In contrast, even though they trace and value it differently, the dualistic split postulated by liberalism and republicanism entails the idea of limits, or boundaries, which should be strictly acknowledged. This dualism of liberalism and republicanism led them to adopt the mechanism of political representation while, on the other hand, the monism of democracy—as practiced in Athens and as Rousseau, consistent with this premise, concluded—makes it alien, if not hostile, to the very idea of representation. The directionality of rights and obligations is also different: liberalism basically attaches defensive rights to individuals placed in the private sphere; republicanism basically attaches obligations to individuals placed in the public sphere; and democracy basically asserts the positive right of participation in the decisions of the *demos*.

But there is an important convergence. Democracy, in its equalizing impulses, liberalism, in its commitment to protect freedoms in society, and republicanism, in its severe view of the obligations of those who govern, each in its way supports another fundamental aspect of polyarchy and of the constitutional state that is supposed to coexist with it: the rule of law. All citizens are equally entitled to participate in the formation of collective decisions under the existing institutional framework, a democratic statement to which is added the republican injunction that no one, including those who govern, should be above the law, and the liberal caution that certain freedoms and guarantees should not be infringed. We shall see, however, that the actual effectiveness of the rule of law registers important variations across different kinds of polyarchies.

— III —

Let us now look at these currents from another angle. In part, democracy and republicanism embody two commonsense views of political authority. In relation to democracy: why should those who are in charge of the common good accept restraints on what they decide? In relation to republicanism: why should those who are more virtuous than the rest be prevented from governing for the sake of the common good? Instead, liberalism is profoundly counterintuitive: only in a small part in the world, influenced by the traditions of feudalism, conciliarism, and natural rights and shocked by the horrors of religious wars, was it persuasively argued that there were rights that should not be infringed upon by any public or private agent.

¹⁴ By this I mean that the decisions of the Athenian assembly were subject to revision by the *Dikasterion* (People's Court) in terms of their conformity with written laws, but these controls were by and from the public sphere, without purpose of protecting private rights against the *demos*. On this and related matters, see again Hansen (1991).

On the other hand, liberalism cannot justify the coercive exercise of political authority over a territory except by recourse to the artificiality of a foundational social contract. In its turn, republicanism does not go beyond an assertion that is typical of all kinds of authority:¹⁵ that it is *for* the good of the subjects of its rule. But this stream contributed another historically counterintuitive idea: that part of the required virtue of the rulers is that they should subject their actions to the law, no less and even more than ordinary citizens. Democracy, on its part, introduced long before liberalism and republicanism another counterintuitive novelty: that it is not only a type of rule that is *for*, but also *from* and, albeit in actual practice more disputably, *by* those who in some sense¹⁶ are members of a given polity.

These three currents have combined in complex and changing ways throughout the history of the formally institutionalized polyarchies that nowadays exist in most of the highly developed countries. Consequently, it is mistaken, albeit often tried, to postulate a certain dimension as the 'basic' or more fundamental foundation of polyarchy. The exaggerated assertion of liberalism becomes liberism,¹⁷ the discourse of economic *laissez faire* and oligarchic rule of those entrenched in their privileges. The risks of majoritarian democratic rule have been too exhaustively discussed to merit treatment here. Republicanism, if it becomes the dominant principle, tends to become the paternalistic rule of a self-righteous elite. Polyarchy is a complicated and at times exasperating mix, but it is vastly preferable to types of rule based exclusively in only one of its main component traditions.

At this moment I wish to emphasize three considerations that follow from the preceding:

1. The need to distinguish the different ways in which liberalism and republicanism predicate a boundary between a public and a private sphere, as well as to contrast such a split with the monism of the democratic tradition;
2. the radical, counterintuitive, and historically original discoveries entailed by the postulation of a sphere of protected rights by liberalism, of subjection of the rulers to the law by republicanism and, by democracy, the assertion of those subject to rule as the very sources of such rule;
- and 3. the complex and changing mix of these three elements is an important element for characterizing polyarchies, the really existing democracies of the modern world.

¹⁵ That I know of, with the sole exceptions of concentration camps and of punitive conceptions of what prisons are about.

¹⁶ I say 'in some sense' because in itself the democratic principle is mute about who should be members, or citizens, of its *demos*. But this need not concern us at this moment.

¹⁷ As Giovanni Sartori (1987), recalling a term coined by Benedetto Croce, has expressed. In Latin America, this has been the main guise of liberalism.

— IV —

It may well be asked what the preceding discussion has to do with horizontal accountability. The answer is that polyarchy is the condensation of various historical processes, many of them concomitant with a phenomenon, capitalism, that also first emerged in the same part of the world where liberalism was born. Even though at a very high (and often not terribly useful) level of abstraction one may speak of capitalism as a single entity, many valuable efforts have been devoted to the comparative study of various kinds of capitalism. These studies spring from the recognition that a series of historical and structural factors has determined the emergence of specific configurations that, even though they share the generic characteristic of being capitalist, exhibit important variations, and that these variations must be taken into account when aiming at an adequate description and/or assessment of the tendencies of change of the given cases. The same happens with polyarchy. All cases in this *genus* belong there because they share the attributes specified at the beginning of this text. Using this definition we can perform two basic operations. One is similar to the one we perform when, armed with our preferred definition of capitalism, we distinguish between societies that are capitalist and those that are not (or were not) capitalist; in our present subject matter we can similarly differentiate the set of cases that are polyarchies from the set of all other cases that are not. The second, and for the purposes of this paper more interesting, operation is to look within the set of polyarchies and ask what differences exist among these cases and what accounts for such differences. This is the route I am taking here.

This is not the place nor the author for undertaking the Weberian task of discussing the factors (indeed including capitalism) that contributed to the emergence and expansion of polyarchy.¹⁸ I just want to note that among those factors the three currents I sketched above must be included. These currents and their basic principles are not just ideas floating in an abstract space; they were memorably stated by some authors, discussed and revised by many others, inspired innumerable discussions and tracts, were evoked in the most varying circumstances and rituals, imbued constitutions and innumerable pieces of legislation, and through all this have profoundly influenced, although with varying intensity from country to country and period to period, the repertoire of political thought, debate, and policy.¹⁹

¹⁸ Among contemporary works in this vein, mention should be made of the excellent study by Rueschemeyer, Stephens, and Stephens (1992); for Latin America the most important and comprehensive reference is Collier and Collier (1991).

¹⁹ Or, as John Rawls (1985, 225), says in a similar context, these are "basic intuitive ideas that are embedded in the political institutions of the culturally plural societies of the modern West...and in the public traditions of their interpretation." Of course, it is difficult to identify authors who argue from only one of these streams, especially among the more creative—and

In particular, these currents converged in the constitutions and a good part of the legislation of a peculiar entity, one that came into full existence more or less simultaneously with liberalism and capitalism but after democracy and republicanism were initially formulated: the territorially based state. If each of these currents has its own logic, in the sense that it articulates reasonably consistent principles and corollaries, the state also has its own logic and one that also is partially inconsistent with these three currents. This is a complicated issue into which we do not need to go here. Suffice it to note two points. One is that most of whatever law exists is law issued and/or backed by the state—or, more precisely, as continental theorists have long recognized and Anglo-Saxon ones too often forgotten, the legal system is one of the constitutive dimensions of the state.²⁰ The second point is that another face of the state, its bureaucracies, are crucial seats of the power resources that come into play when issues of horizontal accountability are at stake.

Like capitalism, states exhibit great variation across time and space. Even though not much can be added at the high level of generality on which I have placed myself here, it seems obvious that variations in kinds of both capitalism and state will have significant consequences for the *kind of polyarchy* each country has and on the ways it is likely to change. The problem is that, in contrast with the various useful comparative typologies of capitalisms and states we have, there are few of polyarchies and most of these focus mainly, if not exclusively, on the formally institutionalized cases.²¹ This problem is even more acute if we take into account that in polyarchies the relative weight of the liberal, the republican, and the democratic currents exhibits important variations across time and space.

Let me illustrate the latter point. One may say that in the history of the United States the democratic component has been relatively weak, while the republican and especially the liberal ones have been strong;²² in France the democratic and republican components have been

hence less simplistic—ones. But some names stand out: Thucydides/Pericles, Rousseau and, in his own way, Marx in the democratic stream; Hobbes, Locke, Montesquieu, and Constant in the liberal; and Cicero, Sallust, Livy, and the Machiavelli of the Discourses in the republican stream. But notice that I am arguing that the degree to which these currents actually imbued the practices, not only the formal institutions, of various polyarchies has varied quite widely.

²⁰ I develop this argument in O'Donnell (1993).

²¹ Prominently the work of Arendt Lijphart, beginning with his seminal *Democracies* (1984).

²² Rereading *The Federalist Papers* I was once again struck by the immense wisdom with which Madison stated and combined liberalism and republicanism. Just to insert one citation that condenses the former: "The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government" (Madison et al. 1961, n. 10, 78). In relation to what I call below the encroachment dimension of republicanism, let us again hear Madison when he is discussing the various "departments" projected for the constitution: "none of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it" (n. 48, 308); and "Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place... the private interest of every individual may be a sentinel over the public

relatively strong, and the liberal weak;²³ in contemporary Germany, probably as a reaction to the democratic emphasis of the Weimar period, the liberal and the republican ones predominate; while in many new polyarchies both the liberal and the republican components are weak—the democratic one is not terribly strong, either, but its relative effectiveness stands in stark contrast to the weakness of the former.

— V —

Even though the differences I have noted are highly simplified, they suggest that there are important historically textured variations in the kinds of existing polyarchies, just as is the case in relation to types of capitalism and states. Polyarchies are complex and unstable mixes of the four elements—the three traditions and the state—that I have sketched. Many political struggles can be read as arguments about which should be a more proper mix at any given time in a certain country. Each of these streams stresses diverging values and, ultimately, different views of human nature. After Britain began to develop practices and institutions that nowadays we recognize as forerunners of polyarchy, it drew the often admiring attention of intellectuals and political leaders of other countries. Diffusion, first from Britain and later on from the United States and France, has been a major factor in shaping the polyarchies that emerged later—after the originating countries, polyarchy has never been a truly homegrown product.²⁴ The main actors in these originating countries looked to Greece and Rome for the concepts, edifying examples, and cautionary disgraces stemming from their respective traditions. Some of these actors, in Britain and in the United States and later in France itself, obsessed with the horrors that the claims to the democratic principle and to republican virtue had produced during the French Revolution, reinforced or reformulated their belief in some sort of liberal formula for averting these risks. Since then and up to today, when other actors in other countries aimed at establishing polyarchy, they had in mind those original polyarchies, their founding myths, their 'classic' thinkers, and the power and prestige of the originating countries.

rights" (n. 51, 323). As is well known, the federalists were avowedly antidemocratic; only later on, in a long process that arguably was only completed with the civil rights struggles of the 1950s and 1960s, were more democratic elements introduced in to the United States' constitution, legislation, and jurisprudence; see Wood (1991, 1992) and Fishkin (1991).

²³ Among the many sources that could be cited in support of this statement, see the discussion by Rosanvallon (1994) of the meaning of elections in nineteenth-century France as contrasted with the Anglo-Saxon cases.

²⁴ I do not ignore the fact that several small European countries established very early and original polyarchies. But within the scope of the present paper I do not deal with these countries because, with the partial exceptions of Belgium and the Netherlands, they did not have the imperial influence that Britain, France, and the United States did.

The latecomers,²⁵ as shown by some of the oldest (and least effective) constitutions in the world, those of Latin America in the nineteenth century, found themselves with what they felt were almost ready-made institutional packages, which in most cases were chosen depending on which of the formal or informal empires the latecomers belonged to. Both East and South, the transplantation of constitutions and legislation and the initial hopes that these institutions would be the great propellers toward political and economic modernity have created what perhaps is the most persistent, and often heated, cultural and political debate in these countries: the ways to evaluate and eventually close the visible gap between the *pays légal* and the *pays réel*²⁶ that resulted from those transplants. Irrespective of the position taken on this issue, it has a strong factual grounding that has been commented upon by legions of politicians, historians, novelists, and social scientists: the big difference that often exists between formally prescribed rules and norms, on one hand, and what most people most of the time do, on the other. As a consequence, whether one might want to firmly establish the *pays légal* or to organize political life around the traditions of the *pays réel*, the successful navigation of the existing social and political world requires keen awareness of both codes and their interlacings. This is true everywhere; but in general it is more true the further away we get, in time and in space, from the geographical core in which the three currents of polyarchy originated.

The fact is that, for a long time and with only few exceptions, outside this core none of the counterintuitive principles of democracy, liberalism, and republicanism fared well. Many kinds of rule continued or emerged East and South but few of them were polyarchies, even though (interestingly enough, witnessing the particularly strong influence of the democratic tradition) some of them appealed to elections to provide a mantle of legitimacy for the rulers. These various kinds of authoritarian rule denied the protective frontiers of liberalism, although out of expediency or impotence they tolerated a varying range of autonomous activities in society. Also, even though, as I have suggested, republicanism can be conceived in an authoritarian way, most authoritarian rulers were not at all republican. Rather, they behaved in ways that, following Max Weber and Juan Linz,²⁷ may be labeled neopatrimonialist, if not in some cases sultanistic: they claimed (as I have noted all kinds of authority do) that they were *for* the common good of the population, but they considered themselves *de legibus solutus* (i.e., not obligated to obey the law) and often ignored to their personal advantage the ethical injunctions of republicanism.

²⁵ Some European latecomers, not only as polyarchies but also as territorial states, Italy and Germany, were devoured by fascism and until World War II inspired authoritarian, not polyarchical alternatives. Nowadays, by contrast, the great influence of Germany in Central/Eastern Europe is evinced by the high rate of adoption of its main constitutional and electoral rules by many of these countries.

²⁶ My use of the French terms of this dichotomy shows that even in this very early polyarchy the issue was a major one—from which only Britain and the United States were spared.

²⁷ Weber (1978, vol. I, 226–37 and vol. II, 1006–69), and Linz (1984). For an interesting reelaboration and application to Latin America of these concepts, see Hartlyn (forthcoming 1998).

However, in some of these cases elections, albeit not competitive, were held, and even in countries (such as under the typical military *Junta* of Latin America) where elections were suppressed, the population could look back to periods when elections had been reasonably fair (that is to say, in their memory, 'democratic' times) but when not much liberalism or republicanism had been effective.²⁸

Even though, as noted, rotation and lot, not elections, are the truly democratic procedures, it is the latter that have become identified with 'democracy,' both in many theories and what I take is an almost universally widespread common sense. This view is reinforced when—in what I gather is a mix of simplism and cynicism—many governments certify as democracies countries where this kind of election is more or less plausibly considered to be held, even though, as in the cases of Yeltsin and Fujimori, the executive runs roughshod over congress and the judiciary. One way or the other, in the historical memory of many populations and in the expectations of many actors, the idea of 'democracy' (i.e., polyarchy) has become closely identified with the process—elections—into which the democratic principle has been interpreted in modern times. The consequence is to blur the perception of the no less constitutive role that liberalism and republicanism play in polyarchy. We shall see that this creates problems when, among other things, we want to discuss horizontal accountability.

— VI —

I have gone swiftly through several important and complicated issues, each of which calls for a huge bibliography. But I needed this *tour d'horizon* to give some context into the theme of the present text. Now I define what I mean by horizontal accountability: it is the existence of state agencies that are legally enabled and empowered, and factually willing and able, to take actions that span from routine overseeing to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may, presumably, be qualified as unlawful.²⁹ Such actions can affect three main spheres. One, democracy, is impinged, for example, by decisions that cancel freedoms of association or introduce fraud in elections. These

²⁸ In various works (especially 1988) Alain Touraine has insisted on a similar view, which I elaborate in O'Donnell (1988, chapter 1).

²⁹ This definition entails that I am excluding from consideration what Paul Collier (1991) calls "agencies of restraint." I am concentrating here on actions or omissions that are presumably unlawful, not on the constraints that may result from, say, granting autonomy to a central bank or accepting various forms of economic conditionality in agreements with international agencies. These decisions are 'regime neutral,' in the sense that they may be adopted either by polyarchical or by authoritarian regimes. Admittedly, an argument might be made to the effect that the credibility of these agreements is enhanced if they are made by proper polyarchical procedures, but the example, among others, of Pinochet's Chile recommends adding a *ceteris paribus* caveat to such an assertion. Furthermore, not every new polyarchy has proceeded in a lawful way when making such decisions.

are important actions, but I will not consider them here because they entail the abolition of polyarchy, and hence the exclusion of the given case from the set I am discussing.³⁰ Another sphere is the liberal, infringed when, say, state agents violate, or allow private actors to violate, liberal freedoms and guarantees such as the inviolability of the domicile, the prohibition of domestic violence and of torture, the right of everyone to a reasonably fair trial, and the like. In polyarchies (not necessarily in authoritarian regimes) most of these actions are perpetrated at the frontiers between the state apparatus and the weaker and poorer segments of society, usually by officials of low rank and not directly accountable to the electoral process (even though when these phenomena become widespread and systematic, they usually include the participation or connivance of higher placed officials).³¹ The third sphere affected is republicanism. It refers to actions by officials, elected or not, most of whom are highly placed in the state or the regime. These actions entail serious disregard for the demands placed on these officials by the republican tradition; i.e., to subject themselves to the law and/or to give determinate priority to public interests, not to their private ones.

For certain conceptions of political authority, which I call 'delegative,' not to say anything of those that are directly authoritarian, it is this republican dimension of restraint that is the more counterintuitive. Why recognize powers other than one's own when one is, presumably, trying to achieve goals that are conducive to some aspect of the public good? And why not benefit personally and one's family, clique or business associates while in public office, if at the same time one is (at least supposedly) aiming at some aspect of the public good? This is a topic that has interested me for a long time. In countless conversations along many years and several countries, I have been impressed by how much an affirmative answer to the preceding questions was the commonsense one for my interlocutors. Notice that these were not crooks, or that they did not respond as if they were: they were trying to contribute to some kind of common good while at the same time trespassing the republican boundaries. They were not alone; families, party and clique members, and/or business associates assumed that the officials would behave in this way, and would have strongly condemned them if this had not been the case—there are strong normative expectations that they behave in such a way. For all these actors, informal rules prevailed over formal ones as a matter of fact, with no detectable bad conscience. But formal rules were not

³⁰ It goes without saying that this does not mean that I consider the role of electoral courts and watchdogs unimportant. Rather, I consider this role so important that, when these institutions and their domestic and international allies cannot guarantee fair elections, the given countries cannot be considered polyarchies.

³¹ Paulo Sérgio Pinheiro and his collaborators (1991, 1996, 1997) in Brazil have been producing valuable work about these matters. In Méndez, O'Donnell, and Pinheiro (forthcoming) we and our collaborators look at the situation that presently prevails in Latin America in relation to various ethnic minorities, women, behavior of the police, conditions of imprisonment, and the like. The best that can be said about these matters is that the liberal guarantees are partial and intermittent.

entirely immaterial; they had to be taken into account and ways found such that their violation or circumvention would not provoke damaging consequences for the officials and their affiliates.

I recur to this admittedly undisciplined ethnography because it tells us something important: plain crooks who do not have the slightest intention of serving some aspect of the public good are, indeed, a serious and often pervasive problem in many countries, polyarchical or not. But they are the tip of an iceberg; I am persuaded that many of the deficiencies of horizontal accountability are the product of manifold actions that take, by those who commit them and by those who somehow are related to these actions, as an obvious matter of fact that republican injunctions are something to which at most one should pay lip service³² and, eventually, take into account for preventing damaging consequences.

The main issue here is about boundaries, or limits, in two related senses. One is the already noted, liberal and republican, split between a public and a private sphere. The other, closely related to these two currents, is entailed by the definition of horizontal accountability I have proposed: for this kind of accountability to be effective there must exist state agencies that are authorized and willing to oversee, control, redress, and/or sanction unlawful actions of other state agencies. The former agencies must have not only legal authority for proceeding in this way but also, *de facto*, sufficient autonomy with respect to the latter. This is, of course, the old theme of the division of powers and the checks and balances among them. It includes the classic institutions of the executive, the legislative, and the judiciary, but in contemporary polyarchies it also extends to various overseeing agencies, ombudsmen, accounting offices, *fiscalías*, and the like. An important but seldom noticed point is that, if these agencies are to be effective, they very rarely can operate in isolation. They can shake public opinion with their proceedings, but normally their ultimate effectiveness depends on decisions by courts (or eventually by legislatures willing to consider impeachment), especially in cases that are salient and/or involve highly placed officials. Effective horizontal accountability is not the product of isolated agencies but of *networks of agencies* that include at their top—because that is where a constitutional legal system ‘closes’ by means of ultimate decisions—courts (including the highest ones) committed to such accountability.³³ We shall return to this topic, because it gives us a glimpse of some of the peculiar

³² There is a dictum of the colonial times of Hispanic America referring to the King's legislation that tersely synthesizes this: "*La ley se obedece pero no se cumple*," which rather freely translated means "The law is acknowledged, but not implemented."

³³ As is the case with other assertions I make here, this one implies a much larger and more complicated topic. Briefly, it means that the legal systems of polyarchies are supposed to 'close,' in the sense that all decisions by state officials must be made according to law and are ultimately controlled by constitutional rules, including the making of new laws or regulations. Authoritarian rulers, instead, are *de legibus solutus*: there is always the possibility that the absolutist king, the vanguard party, the military *Junta*, or the *caudillo* may act discretionally, without backing or reference to existing law.

difficulties, and some of the possibilities, implied by the purpose of enhancing horizontal accountability.

The basic idea is the prevention, and eventual sanctioning, of the actions to which the officials I characterized above are commonsensically prone; i.e., their *extralimitation*, the transgressing of the limits of their formally defined authority. To be autonomous, institutions must have boundaries; these boundaries must be acknowledged and respected by other relevant actors; and still other actors must be available to defend and eventually restore the boundaries if they are transgressed.³⁴ At the level of the three³⁵ major institutions of polyarchy, as Bernard Manin has shown,³⁶ the wisdom of the Federalists provided not for the rather mechanical division of powers proposed by their opponents but for institutions that partially overlap in their authority. This produced an arrangement that, by building several strong powers that partially intrude into each other, enhanced the autonomy of each of them with respect to what would have resulted from a simple separation of such powers.

— VII —

I have noted problems that stem from what I suspect are widespread and deep-seated views about the exercise of political authority in many countries, polyarchical or not. An additional problem results from the monistic bent of democracy, particularly as interpreted in many new polyarchies. Plebiscitarianism, caesarism, populism and other cognate terms have deep historical roots in many of these countries. Nowadays, when they have become polyarchies, these terms can be read in a delegative code: democracy is about electing in reasonably fair elections who is to govern the country for a certain time; governing is what is done by the executive; whoever is elected has the right and the duty to look after the good of the country as he³⁷ and his direct collaborators see fit; and if the electorate are unhappy with the performance of the government, they can vote it out in the next elections—no less and not much more.³⁸ In this view, evidently shared by many political leaders and an indeterminate but surely not insignificant part of public

³⁴ Arthur Stinchcombe (1968) usefully remarks, although he puts this issue in terms—legitimacy—I would not use here, that the authority of state agents do not depend so much on their individual power but on their ability to mobilize other centers of power in support of their claims; the ability will be limited, “for this backing will be available only on terms accepted in other centers of power” (159–63).

³⁵ I say ‘three’ following the conventional usage. However, in most polyarchies, in good measure for the purpose of enhancing horizontal accountability, these institutions are actually four, as results from the division of the legislative into a senate and a chamber of deputies, or equivalents.

³⁶ Manin (1994).

³⁷ I use the masculine because, with the exceptions of Indira Gandhi and Isabel Perón and the more doubtful one of Corazón Aquino as delegative rulers, it is almost always a ‘he.’

³⁸ For further discussion, see O'Donnell (1994).

opinion in many new polyarchies,³⁹ the existence of powers that are sufficiently autonomous with respect to the executive, especially when or if they are supposed to exercise controls over the latter, is an utter, unalloyed nuisance. In the short term, the common sense of the delegative executive wanting to discharge the broad responsibilities with which he feels he has been exclusively charged, is to ignore those other agencies and, in the longer run, to exert himself in eliminating, coopting, or neutralizing them. Starting from a delegative conception of its own authority, the executive has strong incentives to proceed in this way: as long as it is successful, it has more freedom for making decisions. For this purpose, the executive can rely on similar conceptions of authority held by other officials⁴⁰ and, presumably, on the agreement with this view by no small part of public opinion. With the good conscience resulting from its felt obligation to attend the public good, a scarcely liberal and republican executive will attempt to maximize its power by eliminating or denying the validity of other, potentially controlling state and social powers—the monistic logic of the *demos*, transplanted to the logic of delegation, reverberates here.

At this point I should add that what I have said does not mean that the executive is all-powerful. As some authors have noted,⁴¹ this kind of executive finds limits, even among its political allies, in various kinds of power plays during which legal rules may be invoked. But the crucial difference is that these rules are instruments of such plays, not ones that, by being acknowledged in their independent validity, set the legal parameters of stabilized institutional interactions. Another limitation springs from the sheer size of some countries and/or their federalism,⁴² both of which tend to allow for the existence of local powers, often no less delegative and unaccountable than the central one, among which intricate power relations exist that often partake of a rather unabashedly instrumental utilization of legal rules.

It may be that in the long run the executive would maximize its power by subjecting itself to horizontal controls but in these cases, except for some economic issues where these

³⁹ Even though this might be an extreme case, in a survey I applied in 1991 in the metropolitan area of São Paulo (n: 800), 57% of respondents “agreed completely” and 16% “agreed in part” to the statement “Instead of political parties, what is needed is that the people follow a capable and decisive man who achieves national union,” and 45% “agreed completely” and 16% agreed in part with “It is preferable to have a government that imposes its will, if it makes fast decisions.” (“*Em vez de partidos políticos, o que é preciso é o povo seguir um homem competente e decidido que faça a unidade nacional,*” and “*É melhor um governo que imponha a sua vontade, desde que tome medidas logo*”; my translation).

⁴⁰ An Argentine anecdote: when criticized for the rather blatant subservience of the Supreme Court to President Menem, a judge of this Court argued that, since Menem had been elected by a majority of Argentines and consequently embodies (*encarna*) the popular will, it would be improper for the Court to interfere with his policies.

⁴¹ See, for example, Palermo and Novaro (1996). Scott Mainwaring insisted on the same point in a personal communication.

⁴² For recent analyses of federalist patterns and some implications relevant to the present discussion, see Gibson (1997) and Mainwaring and Samuels (1997).

advantages may be quite immediate and visible,⁴³ in each round of decisions the path of nonaccountability seems to be the dominant strategy. In contrast, it is not obvious what the incentives of other state agencies to resist or sanction unlawful actions by the executive (or another institution, such as congress) may be. The problem is further complicated if we remember that to a large extent the effectiveness of horizontal accountability depends not just on single agencies dealing with specific issues but on a network of such agencies that includes courts committed to supporting this kind of accountability. Proper incentives for building sufficient institutional autonomy must, consequently, be spread and coordinated through several state agencies. But if in addition we note that Menem, Fujimori, Yeltsin, and other delegative leaders are very good at dividing and conquering those agencies, clearly it is no easy task to build adequate autonomy and incentives in them.

There are two main directions in which horizontal accountability can be violated. Even though in some cases these directions may in fact coincide, they are distinct. One consists of the unlawful encroachment by one state agency upon the proper authority of another; the second consists of unlawful advantages that a public official obtains for him/herself and/or for associates of some kind. Let me call the first kind 'encroachment' and the second, even though it covers some behaviors that do not truly fit the term, 'corruption.' Liberalism fears the direct and indirect consequences of encroachments by rulers and thus coincides with republicanism in expecting that they are subject not only to the existing law, as the latter would demand, but to a kind of law that protects the freedoms and guarantees that liberalism cherishes. But liberalism in itself does not have much to say about corruption. Republicanism, in its turn, prohibits encroachment and very broadly and strongly condemns corruption (*corruptio optimi est pessima*) even understanding by it, in its more classical versions, the same neglect of public affairs on which liberalism looks so benevolently. Finally, the monistic view of democracy ignores the very idea of encroachment.

There is another aspect of democracy that makes an important contribution to horizontal accountability. This contribution derives from democracy's notion that political authority comes *from* all and each member of the *demos*: if this is the case, those citizens who temporarily—by rotation, lot, or election—happen to be in charge of public affairs must make their decisions having in view the good of all. Furthermore, if power is from all and if every citizen is at least potentially a participant in the making of collective decisions, then—as it was in Athens—all decisions must be public, in the double sense that the process that leads to them is open to broad participation and that the content of the decisions is made available to everyone. Even though these democratic expectations do not bear directly on horizontal accountability, they have the consequence of

⁴³ This is another reason for differentiating this kind of issue from the unlawful ones I discuss here.

demanding a high degree of transparency in political decision-making, which has at least a potential anticorruption implication. By contrast, in itself liberalism is indifferent to the requirement of transparency, and in some cases it may gladly waive it if this seems conducive to better protection, while presumably virtuous republican rulers tend to find excellent reasons for the nontransparency of their decisions. Somewhat curiously, on one hand the monistic democratic principle does not interpose obstacles to encroaching but, on the other, it fosters a jealous attention to corruption. If we take into account that in new polyarchies it is the democratic current that it is the stronger, there may be a reverberation of this predominance in the attitude of (apparently) many of relative indifference towards encroachments by a delegative executive but much less tolerance for its suspected corrupt acts.

However, I suspect that in the long run encroachment is more dangerous than corruption for the survival of polyarchy: a systematic utilization of the former simply liquidates polyarchy, while a systematic spread of the latter will surely deteriorate polyarchy but does not necessarily eliminate it. Furthermore, encroachment places a stronger obstacle than corruption to the emergence of the relatively autonomous state agencies acting according to properly defined authority that characterizes formally institutionalized polyarchies. In these latter cases, probably it is no accident that there is more corruption than encroachment. In contrast, against encroachment the democratic current provides little help in cases, such as those of many new polyarchies, where the liberal and the republican components are weak.

— VIII —

But in relation to these problems there is some good news. Even if it mixes in complex and often ambivalent ways with the above-noted views about how public duties should be discharged, in many new polyarchies there is, more than in any preceding period, a generalized mood of condemnation of at least one aspect of unlawful behavior by public officials. I refer to corruption, the spread of which survey after survey show to be a major concern in these countries. We know that what counts as corruption in country A may be perfectly legal and morally permissible in country B; but there does seem to be a basic core—directly embezzling public funds or taking bribes—that seems to be considered condemnable in most if not all countries.⁴⁴ The present text is not specifically about corruption, even though this plague is in part expression

⁴⁴ The use of the word 'directly' points to the larger latitude that exists in some countries for actions that in others would still be considered the unlawful, albeit indirectly derived, enrichment of a public official, such as 'consultancies' provided by associates of officials to business dealing with their agencies or various kinds of *pantouflage*. Another caveat: in the text I mean by 'bribes' those that in a given culture are considered large or for some reason morally outrageous; giving some money to a petty official for accelerating a bureaucratic process or to a policeman for avoiding a speeding ticket is hardly considered condemnable in many countries.

and in part consequence of feeble horizontal accountability. The point is that, insofar as some forms of corruption become highly visible and are condemned by most of public opinion, they can provide a handle for thinking more positively than I have done up to here about how to enhance horizontal accountability.

Another piece of good news is that, largely as a consequence of the manifold abuses perpetrated during the preceding periods of authoritarian rule, in many new polyarchies various organizations have emerged (some of them human rights organizations that have broadened the initial definition of their mission) that vigorously demand that state officials respect the basic liberal freedoms and guarantees of (mostly) the weak and the poor. Other organizations supervise elections and undertake other democratic tasks such as trying to educate the population in the knowledge and exercise of their political rights. Still others act as republican watchdogs of the lawfulness of state actions in terms both of their possible encroachment over other state agencies and of appropriate ethical conduct by public officials.⁴⁵ As already mentioned, these actions have limited effects if properly authorized state agencies do not take them up. But, jointly with journalistic reports, these actions highlight wrongful doings that otherwise would go unnoticed and provide potential allies for state agencies that, even against strong odds, might decide to undertake appropriate action.

— IX —

What can be done to enhance horizontal accountability? This is a matter about which, at least in the short term and in most cases, it is difficult to be very optimistic. All I can offer at this point are some modest and scarcely original suggestions:

First, give opposition parties that have reached some reasonable level of electoral support an important, if not the main, role in the direction of agencies (*fiscalías*, as they are usually called in Latin America) that are in charge of investigating alleged cases of corruption. However, nothing guarantees that in these matters the opposition is any better than the government,⁴⁶ or that the latter, as has happened in several new polyarchies, will not ignore, deprive of necessary resources, and/or coopt such agencies.

Second, it is no less important that agencies that perform an essentially preemptive role, such as General Accounting Offices or *Contralorías*, are highly professionalized, endowed with resources that are both sufficient and independent of the whim of the executive, and insulated as much as possible from the latter. In its turn, this does not prevent corruption from penetrating

⁴⁵ It terms of the argument I am presenting here, it may be of some interest to note that in all countries with which I am familiar the division of labor among these organizations follows quite closely this tripartite—democratic, liberal, and republican—pattern.

⁴⁶ In which case, for example, it may use these positions for blackmailing the government.

these agencies or the executive from coopting them or the alternative to the executive for determining the budget of these agencies, congress, from being as anxious as the former to eliminate or neutralize them.

Third, of course, it would help a lot to have a judiciary that is highly professionalized, well endowed with a budget that is as independent as possible from the executive and congress, and highly autonomous in its decisions with respect to both. But such 'autonomy' is tricky: it may facilitate the control of the judiciary by a political party or faction or coalition of not very commendable interests or may promote a privileged and archaic self-definition of the judicial corporation and its mission, without any accountability of its own to other powers in the state and in society.⁴⁷

Fourth, these and similar or concurrent institutional devices have, as we have seen, serious and not too unlikely drawbacks. But implementing these devices in a Madisonian spirit of sober mistrust of the republican inclinations of everyone is preferable to the situation presently existing in many new polyarchies, where such institutions do not exist or have been rendered ineffective by delegative presidents and acquiescent legislatures.

Fifth, referring now to the liberal side of horizontal accountability, especially the one that deals with the manifold encounters of the weak and the poor with state agents, it is abundantly obvious that there is a world to be done there, as the works already cited show. This is perhaps the hardest problem of all: in societies marked not only by pervasive poverty but also, and even more decisively for our theme, by deep inequalities, how to ensure that the weak and the poor are at least decently treated by those agents?⁴⁸ This theme is just too complicated to be dealt with in a paper mainly concerned with the republican dimension of horizontal accountability.⁴⁹

Sixth, reliable and timely information is essential. A reasonably independent media and various research and dissemination institutes should play an important role, but this does not fully substitute for the existence of agencies that should be publicly supported but independent from the government, charged with gathering and making widely available data on a broad set of indicators—including but not excluding economic ones. Which those indicators should be, the

⁴⁷ Brazil is an example of this. The Brazilian judiciary has obtained a very high degree of autonomy in relation to the executive and congress, but no visible improvement in its (in most cases extremely poor) performance has occurred. But the judiciary has used this autonomy for assigning to judges and other personnel extremely high salaries and, especially in the case of high courts and some state courts, enormous privileges.

⁴⁸ I allude here to Avishai Margalit's (1996) interesting idea that a decent society is one that has institutions that do not humiliate its members; for commentary and doubts about this notion, see the special issue of *Social Research* (spring 1997).

⁴⁹ I discuss some aspects of this theme in O'Donnell (1997).

methodology of their collection, and the periodicity with which they are gathered and the ways in which they are diffused should be decided by a pluralist, not purely governmental authority.⁵⁰

Seventh, in all these matters we can hope for very little without the lively and persistent participation of the domestic actors—the media and various social organizations of vertical accountability—I have already mentioned. Transnational organizations and networks are helpful, too. But their injunctions and recommendations risk being dismissed as undue or insensitive 'external' interference if they are not adopted and, so to speak, 'nationalized' by domestic agents. The impact on public opinion all these actors can produce on issues of, at least, high corruption and egregious encroachments provides support that may be crucial for state officials willing to pursue horizontal accountability. This is tantamount to saying—and I would like to stress this conclusion—that the effectiveness of horizontal accountability is to a significant extent contingent on the kinds of vertical accountability—including but by no means exclusively, elections—that only polyarchy provides.

Finally, I evoke a factor that is not easy to pin down but that I do believe is important: individuals, especially political and other institutional leaders do matter. Even in countries with a tradition of widespread corruption and repeated encroachments, the good example of highly placed individuals who act, and persuade that they act, according to the liberal and republican injunctions can generate perhaps diffuse but still valuable public opinion support. No less importantly, these attitudes may encourage other strategically located individuals or agencies to risk taking similar positions. Why and how such leaders emerge is a mystery to me. The melancholy fact is that they do not seem too abundant, or successful, in most new polyarchies and that, when they reach the highest positions, they do not always live up to the expectations they raise while aiming at these positions.

These reflections and their not very optimistic mood reflect a problem to which I alluded above: the incentives for many powerfully positioned individuals and their affiliates to continue with their scarcely liberal and republican practices are extremely strong, and the prevailing democratic component of the overall situation, especially when read in a delegative code, does little to ameliorate this situation. In contrast, except for particularly altruistic individuals, the incentives for pursuing horizontal accountability are weak, especially if, as I have insisted, achieving a significant degree of such accountability requires the coordination of several

⁵⁰ It is surely no accident that in one of the two more fully democratic countries in Latin America, Costa Rica, an independent group, jointly sponsored by the Office of the Ombudsman, the Council of National Universities, and various social organizations, issues every year a valuable and widely discussed report (*Estado de la Nación*) of the kind I suggest above. Presently this same group, led by Miguel Gutiérrez Saxe and Jorge Vargas Cullell, is exploring the publication of another report, specifically aimed at assessing changes in the 'quality of democracy' in this country.

agencies, each of them subject to *divide et impera* strategies.⁵¹ The issue, finally, is the one that Madison and his allies tried to resolve: how to build powers that in a liberal and a republican mood check the trespassing temptations of other powers and that still satisfy the democratic demand of having effective governments that do not forget that they owe themselves to those who are the source of their claim to rule.

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⁵¹ Further research on this emerging theme of horizontal accountability in new polyarchies will have to take into account the interesting literature about the controls that, especially, the United States Congress attempts to exercise over the executive, including the semi-autonomous agencies of the latter. Insofar as it mainly focuses on congress, this literature touches upon only one—and not the most decisive one in new polyarchies—of the institutions of horizontal accountability. But, in particular, the distinction that some of these authors make between controls in the form of 'police patrols' and of 'fire alarms' seems to me very suggestive; see, especially, McCubbins and Schwartz (1984); McCubbins, Noll, et al. (1987); Kiewiet and McCubbins (1991); and Tsebelis (1993). Even though this matter requires more detailed analysis, I suspect that the effectiveness of the permanent preventive mechanisms characterized as 'police patrols' and, even more, of the presumably more effective mechanism of 'fire alarms' (by which various actors, private and public, occasionally find reason to trigger mechanisms of horizontal accountability) presupposes the existence, authorization, and empowerment of the very public agencies whose absence or weakness or cooptation define the problems I discuss in this text.

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