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Horizontal Accountability in New Democracies

[Guillermo O'Donnell](#)

My interest in horizontal accountability stems from its absence. Many countries, in Latin America and elsewhere, have recently become political democracies, or to borrow Robert A. Dahl's term, "[polyarchies](#)," satisfying the criteria of fair and free political competition that Dahl stipulates. ¹ This is no [mean feat](#); even some countries that regularly hold elections fail to meet these criteria. My focus here, however, is on countries that do qualify as polyarchies, but have weak or intermittent horizontal accountability. This description fits almost every Latin American case except Costa Rica, Uruguay, and (perhaps) Chile, and includes such long-established polyarchies as Colombia and Venezuela. It also describes such new Asian polyarchies as the Philippines, South Korea, and Taiwan, as well as the older Asian polyarchy of India. Finally, the description applies to a number of postcommunist countries that might qualify as polyarchies, such as Croatia, Russia, Slovakia, and Ukraine; and perhaps also to countries, such as the Czech Republic, Poland, and Hungary, which clearly are polyarchies.

Reasonably free and fair elections provide a means of [vertical accountability](#) in these countries, along with freedoms of speech, the **[End Page 112]** press, and association, which permit citizens to voice social demands to public officials (elected or not) and to denounce these same officials for wrongful acts that they may commit. [Elections, however, occur only periodically, and their effectiveness at securing vertical account-ability is unclear,](#) especially given the inchoate party systems, high voter and party volatility, poorly defined issues, and sudden policy reversals that prevail in most new polyarchies. As for social demands and media coverage, in the absence of duly authorized state agencies of investigation and oversight capable of parceling out responsibility and sanctions, they are extremely important, but sometimes they risk merely creating a climate of public disaffection with the government or even the regime itself.

Just as vertical accountability implies the presence of *democracy*, the weakness of

horizontal accountability implies a corresponding weakness in the *liberal* and also the *republican* components of many new polyarchies. Polyarchies are complex and at times uneasy syntheses of these three components--not two, as the more common analyses of liberalism versus republicanism or democracy versus liberalism would suggest. Each of the three components is the product of a distinct historical and intellectual current. The democratic tradition springs from ancient Athens; republicanism's roots lie in pre-imperial Rome and certain medieval Italian cities; and the liberal tradition has beginnings traceable to the feudal societies of medieval Europe, and later and more pointedly, to the England of John Locke and the France of the Baron de Montesquieu. The three traditions are partly contradictory, for each has basic principles that are inconsistent with the basic principles of at least one of the other currents. The tensions thus generated give polyarchies much of their uniquely dynamic and open-ended character.

Stated simply, the liberal component embodies the idea that there are rights which no power, prominently including the state, should violate. The republican component embodies the idea that the discharge of public duties is an ennobling activity that demands exacting subjection to the law and selfless service to the public interest. Both the liberal and the republican traditions distinguish between a public and a private sphere, but to different ends. For liberalism, the private sphere is the proper arena in which to pursue the fullness of human development. Hence liberalism's inherent ambivalence toward the public sphere and more particularly the state: the latter must be strong enough to guarantee the freedoms enjoyed in private life, yet limited enough to prevent it from encroaching on those same freedoms.² Republicanism, by contrast, holds that wholehearted dedication to the public good--not the lesser undertakings of the private sphere--is what demands and nurtures the highest virtues. Meanwhile, the democratic tradition ignores these distinctions. Those **[End Page 113]** who participate in the collective decisions are not a virtuous elite and do not renounce an active private life.³ Moreover, as Socrates and others discovered, the *demos* has an unencumbered right to decide any matter it deems fit.

The differing values attached to the public and private spheres by liberalism and republicanism lead to diverging 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; nonetheless, both currents posit the duality of public versus private life.⁴ By contrast, the purely democratic current is monistic, rejecting both the liberal and the republican versions of the public-private distinction. Democracy in this strict sense does not share republicanism's insistence that those who discharge public responsibilities be particularly virtuous and singlemindedly dedicated to public life; rather, the most characteristically democratic procedures, rotation or selection by lot, presuppose that all citizens are roughly equally qualified for those roles. Nor does democracy share liberalism's conviction that there are private or individual rights that raise decisive barriers to what the *demos* may decide.

In contrast, liberalism and republicanism both seek--each in its own way and for its own reasons--to establish sharp limits, or boundaries, between the public and the private spheres. Consequently, representative government is a republican and liberal, but not a democratic notion. As for rights and obligations, liberalism is basically concerned with the private rights of individuals; republicanism with the public duties of individuals placed in the public sphere; and democracy with the positive right to take part in the decisions of the *demos*.

But there is an important convergence. Democracy's concern with equality, liberalism's commitment to freedoms in society, and republicanism's severe view of the obligations of rulers all support 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 collective decisions under the existing institutional framework, a democratic rule to which is added the republican injunction that no one, including those who govern, is above the law and the liberal caution that certain freedoms must not be infringed. We shall see, however, that the actual effectiveness of the rule of law varies significantly across different kinds of polyarchies.

Three Converging Currents

Democracy and republicanism embody two common-sense views of political authority. Democracy asks, why should those who are in charge of the common good accept restraints on what they decide? **[End Page 114]** Republicanism asks, why should the best not govern on behalf of the common good? Liberalism, by contrast, is profoundly counterintuitive. It arose in a small corner of the world influenced by the traditions of feudalism, conciliarism, and natural rights, and shocked by the horrors of religious warfare. Only there--in Western Europe, beginning about the sixteenth century--was it successfully argued that there are rights that no public or private agent should violate. Liberalism cannot justify the exercise of political authority over a territory (which always involves coercion or its threat) except by recurring to the artificial device of a foundational social contract. Republicanism does not go beyond an assertion that is typical of nearly all kinds of authority--namely, that it is for the good of its subjects. But republicanism contributed a historically counterintuitive idea of its own, the notion that virtuous rulers should subject themselves to the law no less and even more than ordinary citizens. Earlier, democracy had introduced another counterintuitive novelty: rule not only *for*, but also *from* and *by* those who are members of a given polity.

Over the last several centuries, these three currents have combined in complex and changing ways. Any one of them carried to an extreme would become a threat to polyarchy, and no single one can be said to be more basic than the other two. This is fortunate, for while polyarchy is a complicated and at times exasperating mixture, it is vastly preferable to a regime based exclusively on only one of its component traditions. Democracy without liberalism and republicanism would

become majority tyranny; liberalism without democracy and republicanism would become plutocracy; and republicanism without liberalism and democracy would degenerate into the paternalistic rule of a self-righteous elite.

The various historical currents that have come together to form polyarchy are not mere abstractions, but rather form lively traditions. They have been memorably formulated, discussed, and revised by brilliant authors; have inspired innumerable discussions and tracts; have been invoked in the most varying circumstances and rituals; have imbued numerous pieces of legislation and whole constitutions; and through all this have profoundly influenced political thought, debate, and policy.

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. Each of these currents has its own logic, articulating reasonably consistent basic principles and their corollaries, but the state also has its logic, one that is partially inconsistent with these three currents. States exhibit great variations across time and space. These variations, like the differing strains of **[End Page 115]** capitalism that have been found in various times and places, have significant consequences for the kind of polyarchy that any given country has, and for the ways in which it is likely to change. ⁵

Polyarchy's Latecomers

Thus polyarchies are complex and unstable mixtures of four elements--the three political traditions and the state. Many, if not all, political struggles can be understood as arguments about what is the best mix at a given time in a given country. Each element brings diverging values, reflecting different views of human nature, into play. After Britain began to develop what we now recognize as foreshadowings of polyarchy, it drew much admiring attention from intellectual and political leaders in other countries. Diffusion, first from Britain, and later on from the United States and France, has done much to shape subsequent polyarchies--outside of the North Atlantic world, polyarchy has never been a truly homegrown product. Around the globe, countries seeking to establish polyarchies of their own have looked to the foundings of the original modern polyarchies, their "classic" thinkers, and the power and prestige of their political traditions. The founders of the original polyarchies looked to Greece and Rome for concepts and examples, whether edifying or cautionary. Later, the French Revolution served as a cautionary example, not only in Britain and the United States but even in France itself, as observers appalled by the Jacobin link between democracy and republicanism reinforced or reformulated their ideas about how to maintain liberal safeguards against such risks.

Polyarchy's latecomers--including the Latin American republics that to this day feature some of the world's oldest (and least effective) constitutions--often adopted

without much variation the institutional ensembles already familiar to them from the formal or informal empire to which they belonged. The newer polyarchies of the global east and south have looked to transplanted laws and constitutions to serve as engines of political and economic modernity, sparking persistent and often heated debates over the gap thus created between the *pays légal* and the *pays réel*. This gap--long discussed by politicians, historians, novelists, and social scientists--between formal rules and what most people most of the time actually do, has raised never-ending debates as to whether it would be better firmly to establish the *pays légal* or organize political life around the *pays réel*. One way or the other, successful social navigation requires keen awareness of both the formal and the informal codes, as well as their interlacings. This is true everywhere, but nowhere more pointedly so than in those countries that are furthest removed from the geographical and historical core areas of polyarchy. **[End Page 116]**

For a long time and with only few exceptions, none of the counterintuitive principles of democracy, liberalism, and republicanism fared well outside these core areas. Many kinds of regimes persisted or emerged east and south, but few were polyarchies, even though some paid homage to the power of the democratic tradition by seeking a mantle of legitimacy through elections. These various kinds of authoritarian rule denied the boundaries advocated by liberalism, even if expediency or impotence caused them to tolerate a varying range of autonomous activities in society. Although republicanism, as we saw, 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, can be called **neopatrimonialist**, if not **sultanistic**.⁶ They claimed to rule for the common good, but held themselves above the law, and often ignored for their personal advantage the ethical injunctions of republicanism. Yet elections were sometimes held, even if they were not free and fair. Moreover, in some countries where elections were suppressed (such as in Latin military dictatorships) people could remember "democratic" times of reasonably competitive balloting, even if little in the way of liberalism or republicanism had ever obtained.

While rotation and lot are the most primally democratic procedures, it is voting that has become identified with democracy according to both scholarly and common-sense notions. The pervasive modern tendency to identify "democracy" (i.e., polyarchy) with elections has obscured the no less constitutive roles played by liberalism and republicanism. A simpleminded failure to appreciate these latter (mixed with a dash of cynicism) helps to explain why so many Western governments are willing to grant democratic bona fides to countries that hold plausible elections, even when, like Russia's Boris Yeltsin and Peru's Alberto Fujimori, the victorious chief executive runs roughshod over the legislature and the judiciary. Nor is this the end of it, for as we shall see, the underappreciation of liberalism and republicanism creates serious problems when we want to discuss horizontal accountability.

Making Accountability Effective

This hasty *tour d'horizon* of several important and complicated issues, each of which merits a huge bibliography, provides a necessary context for my discussion of horizontal accountability. This kind of accountability depends on the existence of state agencies that are legally empowered--and factually willing and able--to take actions ranging from routine oversight to criminal sanctions or impeachment in relation to possibly unlawful actions or omissions by other agents or agencies of the state.⁷ [End Page 117]

Such actions or omissions can be seen as harmful from the democratic, the liberal, and the republican points of view. Democracy is impinged upon, for example, by decisions that cancel the freedom of association or introduce fraud into elections. These are obviously important decisions, but I will not consider them here because they entail the abolition of polyarchy and, consequently, the exclusion of the given case from the set that I am discussing here. The liberal dimension of polyarchy suffers if state agents violate or fail to enforce guarantees against invasions of the domicile, domestic violence, torture, or punishment without a fair trial. In polyarchies most of these actions are perpetrated at the frontiers between the state apparatus and the weaker and poorer segments of society, by officials of relatively low rank who are not directly accountable to voters.⁸ (When these phenomena become widespread and systematic, however, they usually include the participation or connivance of higher-placed officials.) Republicanism is damaged if public officials, elected or not, refuse to subject themselves to the law, or prefer private interest to public duty.

For those who hold conceptions of political authority that I call "delegative,"⁹ to say nothing of out-and-out authoritarians, this republican dimension of restraint is the most counterintuitive. Why recognize powers other than one's own when one is striving for the public good? Why not help yourself, your relatives, and your associates while in office, if at the same time you are (at least notionally) aiming at some aspect of the public good? This is a topic that has interested me for a long time. In countless conversations over many years in several countries, I have been impressed by the degree to which my interlocutors took such thinking for granted as plain common sense. The people with whom I spoke were not crooks, or at least did not respond as if they were: they were trying to contribute to some kind of common good even as they trespassed against republican boundaries. They were not alone; their families, fellow party and clique members, and business associates assumed that the officials would behave in this way, and would have strongly condemned them had they not. Everyone matter-of-factly assumed that informal rules trumped formal ones; I could detect no signs of bad conscience. Formal rules retained significance, but basically as hurdles that officials had to learn to circumvent without provoking damaging consequences for themselves or their affiliates.

The lesson that I draw from this admittedly undisciplined ethno-graphy is that plain crooks, who have no intention of serving any aspect of the public good and who indeed are a serious problem in many countries, are only the tip of the iceberg. I am persuaded that many of the deficiencies of horizontal accountability flow from the persuasive view that republican injunctions are to be paid lip service, and then avoided whenever possible. **[End Page 118]**

The main issue here is about boundaries, or limits, in two related senses. One is the already noted public-private distinction as pro-pounded by liberalism and republicanism. The other, which is derived from these two currents, is entailed by the notion of horizontal accountability that 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 if need be sanction unlawful actions by other state agencies. The former agencies must have not only legal authority but also sufficient de facto autonomy vis-'a-vis the latter. What I am talking about, of course, is nothing new and goes under the familiar headings of separation of powers and checks and balances. It includes the executive, legislative, and judicial branches, but in contemporary polyarchies also extends to various oversight agencies, ombudsmen, accounting offices, *fiscalías*, and the like. An important but seldom noticed point is that these agencies can only rarely be effective in isolation. Their proceedings can move public opinion, but normally their ultimate effectiveness depends on decisions by courts (or eventually by legislatures willing to consider impeachment), especially in major cases. Effective horizontal accountability is not the product of isolated agencies, but of networks of agencies (up to and including high courts) committed to upholding the rule of law. We shall return to this topic, because it gives us a glimpse into some of the peculiar difficulties, as well as possibilities, that come with the task of enhancing horizontal accountability.

The basic idea is to prevent, or at any rate sanction, the improper actions to which officials of the sort whom I characterized above are prone. 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 redress those boundaries if they are transgressed. ¹⁰ At the level of the three major institutions of polyarchy, as Bernard Manin has shown, the wisdom of the American Federalists provided not for the rather mechanical division of powers proposed by their opponents, but for institutions that partially overlap in their authority. ¹¹ 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.

Limiting Executive Power

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, polyarchic or not. An additional problem results from the monistic bent of democracy, particularly as interpreted in many new **[End Page 119]** polyarchies. Plebiscitarianism, caesarism, populism, and other such tendencies are deeply rooted in many countries. Seen through the lens they provide, democracy takes on a delegative cast: Reasonably free and fair elections are held to decide who is to govern for a certain time; governing is what is done by the executive, who has the right and duty to look after the good of the country as he or she sees fit; if the electorate grows unhappy, it can vote out the government in the next election--no less and not much more. In this view, apparently shared by significant numbers of political leaders and citizens in many new polyarchies, the existence of powers that are autonomous with respect to the executive, especially when or if they are supposed to exercise controls over the latter, is an utter nuisance. In the short term, delegative executives tend to ignore such agencies, while elimination, cooptation, or neutralization are the preferred longer-term strategies. As long as the executive's policies succeed, its freedom of action remains broad, all the more so when officials in other branches and substantial portions of the public at large agree with a delegative conception of authority. With the good conscience resulting from its felt obligation to pursue 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 powers. The monistic logic of the *demos*, transplanted to the logic of delegation, is in evidence here.

None of this means that the executive is all-powerful. This kind of executive comes up against limits, even among its political allies, in the course of power plays that often involve the invocation of legal rules. ¹² But the crucial difference remains that these rules are instruments in such power plays, not independent norms that set the legal parameters of stabilized institutional interactions. Other limitations spring from the sheer size of some countries and from federal arrangements: the existence of local powers, themselves often delegative, unaccountable, and adept at the instrumental use of legal rules, can represent a check on the central executive. ¹³

It may be that in the long run the executive branch would maximize its power by subjecting itself to horizontal controls, but undermining horizontal accountability remains the dominant strategy. As for other state agencies, their incentives to resist or sanction unlawful actions by the executive (or, as sometimes happens, by the legislature) are not obvious. To complicate the problem further, we should remember that the effectiveness of horizontal accountability depends on networks of properly committed agencies (including courts)--networks that delegative leaders such as Fujimori, Yeltsin, and Argentina's Carlos Menem are skilled at disrupting through divide-and-conquer tactics.

Why, after all, should we expect something like horizontal accountability to exist?

Authoritarian rulers face no obligation to obey **[End Page 120]** the existing law or to accept a careful separation between the public good and private interests. In polyarchy, the mainstay of horizontal accountability is the high value that both liberalism and republicanism place on the rule of law. ¹⁴ Of course, the force of either current's injunction to honor the rule of law depends on the relative strength of that current in defining the prevailing conception of political authority.

There are two distinct (though sometimes coinciding) ways in which horizontal accountability can be violated. The first, which I call "encroachment," occurs when one state agency trespasses upon the lawful authority of another. The second, which I loosely term "corruption," occurs when a public official obtains illegal advantages, whether for personal use or for the benefit of associates. Liberalism fears encroachment as a threat to freedom, but has little to say about corruption. Republicanism, in its turn, prohibits encroachment and strongly condemns corruption (*corruptio optimi est pessima*). Indeed, the more classical versions of republicanism tend to view the very neglect of public affairs upon which liberalism looks so benevolently as itself a form of corruption.

Democracy's monistic view, finally, ignores the very idea of encroachment, even though there is another aspect of democracy that makes an important contribution to horizontal accountability. Holding that political authority comes *from* each and every member of the *demos*, democracy demands that those who--by rotation, lot, or election--are in charge of public affairs must act on behalf of 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 in Athens--all decisions must be public both in their content and in the process that is used to reach them. Even though these democratic expectations do not bear directly on horizontal accountability, they have the consequence of demanding a high degree of transparency in political decision making, and transparency creates a climate in which corruption does not thrive. Liberalism as such is indifferent to transparency, and in some cases may gladly waive it if it seems conducive to better protection. Presumably virtuous republican rulers, meanwhile, have a way of finding excellent reasons for the nontransparency of their decisions. Somewhat curiously, then, the monistic principle of democracy interposes no obstacles to encroachment but fosters hostility to corruption. Perhaps, then, it is not surprising that in new polyarchies, where the democratic element predominates, we see relative indifference to executive encroachments but much less tolerance for corruption.

I suspect, however, that in the long run polyarchy has more to fear from encroachment than from corruption. The former intrinsically threatens to eliminate polyarchy, while the latter does not (though it will surely weaken it). Furthermore, encroachment raises a stronger obstacle to the emergence **[End Page 121]** of relatively autonomous state agencies acting according to properly defined authority that characterizes formally institutionalized polyarchies. In such polyarchies it is probably no accident that, in my admittedly impressionistic opinion, there is much more corruption than encroachment. Where the liberal and republican components

are weak, however, as in many of the new polyarchies, the democratic current per se is little help against encroachment.

Enhancing Accountability

But not all the news is bad. Survey after survey has shown that in many new polyarchies official corruption is a major concern, and one notes an unprecedentedly strong and widespread mood of condemnation of it. Despite some differences, most if not all societies seem to agree in damning certain behaviors, including direct embezzlement of public funds and the solicitation and acceptance of major bribes. Although corruption is not my primary topic here (even though this plague is both an expression and a consequence of feeble horizontal accountability), it is worth asking whether the widespread condemnation aroused by some of the more highly visible forms of corruption might provide a handle for thinking more positively than I have done so far about the prospects for improving horizontal accountability.

Nor is that all the good news. On the liberal front, many new polyarchies can boast various organizations (some of them human rights groups that have broadened their mission) that first arose to oppose or rectify authoritarian abuses, and now vigorously demand that postauthoritarian officials respect basic rights and freedoms, especially of the weak and poor. Other organizations enhance democracy by monitoring elections or teaching people their political rights and how to exercise them. Still others act as republican watchdogs, guarding against both illegal encroachments by one state agency on another and against unethical conduct by public officials. Although watchdog groups often lack bite if their efforts are not followed up by properly authorized state agencies, such groups can, in conjunction with conscientious journalists, highlight wrongful doings that otherwise would go unnoticed, and provide potential allies for state agencies that might want to undertake appropriate action. Such tactics can be particularly effective when a case involves high-ranking officials, large amounts of money, or both.

What more can be done to enhance horizontal as well as vertical accountability? All I can offer at this point are some modest and scarcely original suggestions:

- 1) Give opposition parties that have reached some reasonable level of electoral support an important role in directing the agencies (such as **[End Page 122]** Latin America's *fiscalías*) charged with preventing and investigating corruption.
- 2) Ensure that preventive agencies like general accounting offices or *contralorías* are highly professionalized, adequately and independently endowed with resources, and insulated from political interference.
- 3) Take similar steps regarding the judiciary, with this caveat: "Judicial autonomy" is tricky; it could mean that the courts will become dominated by a political party or coalition of not very commendable interests, or that judges will adopt a notion of

their powers and mission that leaves no room for accountability to other powers in the state and society. ¹⁵

4) Despite the risks and potential drawbacks of these and similar institutional devices, their implementation in a Madisonian spirit of sober mistrust of everyone's republican inclinations 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 compliant legislatures.

5) For the sake especially of the weak and poor in the many new polyarchies marked by poverty and profound inequalities, do the utmost to shore up the liberal side of horizontal accountability. There is a world of work to be done in this most difficult area to help ensure that the weak and poor are at least decently treated in their manifold encounters with the state and its agents. ¹⁶

6) Encourage domestic actors--especially the media and the various social organizations working on behalf of vertical account-ability--to remain active and persistent. Transnational organizations and networks can be helpful too, but their ideas and actions risk being stamped as "meddling" unless domestic agents take them up. Public opinion can be crucial to the pursuit of horizontal accountability, a conclusion that is tantamount to saying--as I must emphasize--that the effectiveness of horizontal accountability depends to a significant degree on the mechanisms of vertical accountability (including but not limited to elections) that only polyarchy provides.

7) Because of the vital role of information in making possible both kinds of accountability, new polyarchies need not only independent media, research, and dissemination institutions, but also agencies independent of the government that gather and publicly circulate data on a broad range of indicators, economic and otherwise. ¹⁷ The list of indicators to be studied, the methodology to be used, and the schedule for the gathering and publication of data should be agreed on by a pluralist and not a purely governmental set of decision makers.

Finally, there is another factor that is important but hard to pin down. I speak of the importance of individuals, especially political and other institutional leaders. Even in countries where corruption and encroachment are widespread, the good example of highly placed **[End Page 123]** individuals who act--deliberately and publicly--according to liberal and republican injunctions can be highly valuable in shaping public opinion. No less importantly, such leadership can 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 truth is that they do not seem to be too abundant or successful in most new polyarchies, and that, when and if they reach the top, they too often fail to live up to expectations.

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, especially when read delegatively, is little help. In contrast, the incentives for pursuing horizontal accountability are weak, especially since, as I have insisted, achieving a significant degree of such accountability requires the coordinated efforts of several agencies.

¹⁸ The problem, in the last analysis, is the one that Madison and his allies tried to solve: how to build powers that in a liberal and a republican mood counter the trespassing temptations of other powers, yet honor the democratic demand that governments never forget that they owe their authority to the governed.

[Guillermo O'Donnell](#) is Helen Kellogg Professor of Government and International Studies at the University of Notre Dame. The present essay has been abridged from a longer paper that he presented at a June 1997 conference cosponsored by the International Forum for Democratic Studies and the Institute for Advanced Studies (Vienna). A more extensive and fully annotated version of this essay will appear, together with comments by Philippe Schmitter, Richard Sklar, and Marc F. Plattner, in *The Self-Restraining State: Power and Account-ability in New Democracies*, a volume edited by Andreas Schedler, Larry Diamond, and Marc F. Plattner that is forthcoming from Lynne Rienner Publishers.

Notes

¹. See esp. Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 221. The attributes that Dahl lists 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 my essay "Illusions About Consolidation," *Journal of Democracy* 7 (April 1996): 35-36, following several authors cited there, I proposed adding: 8) elected officials--and some appointed ones, such as high-court judges--who cannot be arbitrarily terminated before the end of their constitutionally mandated terms; 9) the freedom of elected officials from severe constraints, vetoes, or exclusions imposed by nonelected actors, especially the armed forces; and 10) an uncontested territory that clearly defines the voting population.

². I believe that this ambiguity is an important reason for liberalism's primarily defensive character--which endures despite recent efforts to cast it in a more positive, close to republican, light. See, for example, Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (New York: Oxford University Press, 1991). I hasten to add that this does not preclude 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 Stephen Holmes in "Precommitment and the Paradox of Democracy," in Jon Elster and Rune Slagstad, eds., *Constitutionalism and Democracy* (Cambridge: Cambridge University Press, 1988), 195-240; and *Passions and Constraint: On the Theory of Liberal Democracy* (Chicago: University

of Chicago Press, 1995).

3. Pericles, as rendered by Thucydides, told the people of Athens, "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." *The Peloponnesian War* (New York: Random House, 1951). Before Pericles, Athens had adopted the radical innovation of paying the equivalent of a day's wage for taking part in its various decision-making institutions, thus making possible the participation of its poor citizens; see Mogens H. Hansen, *The Athenian Democracy in the Age of Demosthenes: Structures, Principles, and Ideology* (London: Basil Blackwell, 1991).

4. In this respect, although they present the issue as between two terms, not three as I am doing here, I have found the following extremely useful: Michael Walzer, "Citizenship," in Terence and Hanson Bell Russel, eds., *Political Innovation and Cultural Change* (Cambridge: Cambridge University Press, 1989), 211-19; Charles Taylor, "Modes of Civil Society," *Public Culture* 3 (Fall 1990): 95-118; and Claus Offe and Ulrich K. Preuss, "Democratic Institutions and Moral Resources," in David Held, ed., *Political Theory Today* (Stanford: Stanford University Press, 1991), 143-71.

5. To illustrate, one may say that in the United States the democratic component has been relatively weak, while the republican and particularly the liberal element has been strong. In France, the democratic and republican components have been strong and the liberal weak. In contemporary Germany, probably as a reaction to the democratic emphasis of the ill-fated Weimar Republic, the republican and liberal elements predominate. In many new polyarchies, meanwhile, the democratic component, while shaky in itself, is still much stronger than the exceedingly frail republican and liberal elements. Even though the differences that I have noted are highly simplified, they suggest that there are important historically rooted variations in the kinds of presently existing polyarchies, just as there are in the kinds of states and capitalist economies that one finds in today's world.

6. Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (2 vols., Berkeley: University of California Press, 1979), 1:226-37, and 2:1006-69; and Juan J. Linz, "Totalitarian and Authoritarian Regimes," in Fred Greenstein and Nelson Polsby, eds., *Handbook of Political Science* (Reading, Mass.: Addison-Wesley, 1984), 175-411. For an interesting reelaboration and application to Latin America of these concepts, see Jonathan Hartlyn, *The Struggle for Democratic Politics in the Dominican Republic* (Boulder, Colo.: Lynne Rienner, forthcoming).

7. I am excluding from consideration what Paul Collier, "Africa's External Economic Relations: 1960-90," *African Affairs* 90 (July 1991): 339-56, calls "agencies of restraint" since my focus is 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 polyarchic or by authoritarian regimes.

[8.](#) Paulo Sérgio Pinheiro and his collaborators in Brazil have been producing valuable work about these matters. See Pinheiro, "The Legacy of Authoritarianism in Democratic Brazil," in Stuart S. Negel, ed., *Latin American Development and Public Policy* (New York: St. Martin's, 1991), 237-53; "Democracies without Citizenship," *NACLA Report on the Americas* 30 (1996): 17-23; and "Popular Responses to State-Sponsored Violence in Brazil," in Douglas Chalmers, et al., eds., *The New Politics of Inequality in Latin America: Rethinking Participation and Representation* (New York: Oxford University Press, 1997), 261-80. In Juan Méndez, Guillermo O'Donnell, and Paulo Sérgio Pinheiro, eds., *The Rule of Law and the Underprivileged in Latin America* (Notre Dame: University of Notre Dame Press, forthcoming) we and our collaborators look at the situation that presently prevails in Latin America in relation to various ethnic minorities, women, police conduct, prison conditions, and the like. At best, we find, liberal guarantees are enforced partially and intermittently. In contrast, these weaker sectors of the population do not suffer direct curtailment of the political freedoms that go with polyarchy.

[9.](#) For further discussion, see my essay "Delegative Democracy," *Journal of Democracy* 5 (January 1994): 55-69.

[10.](#) Arthur L. Stinchcombe, *Constructing Social Theories* (Chicago: University of Chicago Press, 1987), 159-63, uses a term ("legitimacy") that I would not employ in this context, but nonetheless usefully notes that the authority of state agents depends less on their individual authority than on their ability to mobilize other centers of power in support of their claims.

[11.](#) See Bernard Manin, "Checks, Balances, and Boundaries: The Separation of Powers in the Constitutional Debate of 1787," in Biancamaria Fontana, ed., *The Invention of the Modern Republic* (Cambridge: Cambridge University Press, 1994), 27-62.

[12.](#) See, for example, Vincent E. Palermo and Marcos Novaro, *Política y poder en el gobierno de Menem* (Buenos Aires: Grupo Editorial Norma, 1996).

[13.](#) For recent analyses of federalist patterns and some implications relevant to the present discussion, see Edward Gibson, "The Populist Road to Market Reform: Policy and Electoral Coalitions in Mexico and Argentina," *World Politics* 49 (April 1997): 339-70; and Scott Mainwaring and David Samuels, "Robust Federalism and Democracy in Contemporary Brazil" (paper presented at the Sixteenth World Congress of Political Science, Seoul, South Korea, August 1997).

[14.](#) Although the whole issue of the rule of law is obviously relevant to the present discussion, here I cannot go beyond some very generic assertions. I discuss this matter in my essay "The (Un)Rule of Law and Polyarchy in Latin America," in

Méndez et al., eds., *Rule of Law*, where I also look in more detail at the liberal dimension of accountability.

[15.](#) Brazil is an example of this. The judiciary there has obtained great autonomy in relation to the executive and Congress, but there has been no visible improvement in its performance, which remains mostly poor. But judges and other court personnel collect extremely high salaries, and senior judges enjoy enormous privileges.

[16.](#) I allude here to Avishai Margalit, *The Decent Society* (Cambridge: Harvard University Press, 1996). Margalit argues that a decent society is one whose institutions do not humiliate its members.

[17.](#) 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 ombudsman, the Council of National Universities, and various social organizations, issues a valuable and widely discussed annual report (*Estado de la Nación*) of the kind that I suggest above. Presently the same group, led by Miguel Gutiérrez Saxe and Jorge Vargas Cullel, is exploring the idea of publishing another report specifically aimed at assessing changes in the "quality of democracy" in Costa Rica.

[18.](#) Further research on this emerging theme of horizontal accountability in new polyarchies will have to take into account research on the controls that the U.S. Congress attempts to exercise over the executive branch, its semi-autonomous agencies included. Of course the legislature is but one, and not the most decisive, of the institutions of horizontal accountability in new polyarchies. Nevertheless, the distinction that some authors make between "police patrols" and "fire alarms" seems to me very suggestive. See especially Mathew McCubbins and Thomas Schwartz, "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms," *American Journal of Political Science* 28 (February 1984): 165-79; and George Tsebelis, "Monitoring in Networks and Hierarchies: Congress and Organizations," in Fritz W. Scharpf, ed., *Games in Hierarchies and Networks: Analytical and Empirical Approaches to the Study of Governance Institutions* (Boulder, Colo.: Westview, 1993), 351-85. Even though this matter requires more detailed analysis, I suspect that both the effectiveness of permanent preventive mechanisms ("police patrols") and "fire alarms" (by which various actors, private and public, occasionally find reason to trigger mechanisms of horizontal accountability) depend on the very sorts of public agencies whose absence, weakness, or cooptation in new polyarchies defines the problems that I am discussing.