Accountability Deficits of Delegative Democracy

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The post-consolidation debate in Latin America revolves around questions of institutional betterment and democratic deepening that drives us to rethink to what extent are inherited notions of democracy useful for framing such an agenda. Once the attention focuses on democratic deficits and the need to democratize existing democracies, the minimalist approach to democracy that influenced the literature on transitions and consolidation loses its conceptual appeal. If the notion of polyarchy –understood as a regime based on regular, free, and competitive elections and of a set of constitutional freedoms that make them possible—was useful as a minimum criteria for determining the end of a transition from authoritarianism (the holding of free and competitive elections) as well as the success of the process of regime consolidation (the regular holding of free and competitive elections), it is of limited value when the issue at stake is how to deepen existing democracies. Democratic minimalism establishes too low of a benchmark for evaluating the kind of political and institutional reforms that are the concern of a period that requires a stronger notion of accountability.

The regional debate on democratic deficits was strongly influenced by the work of Guillermo O'Donnell. His concept of delegative democracy inaugurated a fruitful debate about the peculiar nature of some of the new democracies and the troublesome accountability deficits which that subtype of polyarchy exhibited. Departing from the notion of delegative democracy, the chapter will describe O'Donnell's arguments about the need to strengthen legal controls on government to improve the overall functioning of the principle of democratic accountability. At the same time, it will argue for a need to address the deficit of political accountability of delegative polyarchies, a deficit that has been largely under-conceptualized in the debate on delegative democracy. Such under-conceptualization is rooted, I argue, in the predominance of a common electoral understanding of political accountability that is shared by delegative and representative

models of polyarchy alike. To properly address such deficit, it is necessary to break with the minimalist stress on elections as the quintessential mechanism of accountability to propose a broader notion of democratic accountability that could properly tackle many of the challenges of any project of democratic deepening faces. This is done in the last section, which introduces the concept of 'mediated politics' as a theoretical framework for analyzing the practice of democratic representation. The idea of mediated politics conceives democratic representation as the product of a multiplicity of interactions that take place in various 'partial regimes' that serve as a point of encounter between a plurality of constituencies and the political system. The goal of this conceptual exercise is to highlight another troublesome (vertical) accountability deficit which was not properly addressed by O'Donnell's analyses: the hostility of delegative democracies toward mediated politics.

O'Donnell on delegative democracy

The concept of delegative democracy sought to draw attention on the bifurcation of the path towards democratic institutionalization in the continent. On the one hand, there were a set of countries such as Chile and Uruguay where the democratizing dynamics led to the establishment of representative democracies. On the other hand, there were a group of countries –Argentina, Peru, Brazil in the late 1980s and 1990s; Argentina, Venezuela, and Ecuador nowadays—that exhibited a peculiar form of polyarchy that greatly differ from the latter's classic representative variant. The concept of delegative democracy sought to conceptually delimit this latter subtype of polyarchy which in O'Donnell eyes was characterized by the presence of regular, free and competitive elections, the existence of basic political freedoms, and a notorious concentration of power in the Executive.

The focus of O'Donnell's analysis is the forms of self-understanding and behavior of the Executive, forms that at least during the inaugural moments of those administrations are shared by important sectors of the electorate. Those form of self-understanding presuppose a peculiar notion about the nature of political representation which is predicated on the following assumptions: 1) it considers elections the only relevant point of contact between

represented and representatives; 2) the electoral mandate presupposes an act of blind and full delegation of power from the citizenry to the Presidency, 3) the Executive is conceived as the representative actor by excellence (weakening the legitimacy claims of the other institutional actors of the representative system which are considered obstacles that conspire against the proper exercise of democratic representation by the President); 4) the behavior of the Executive divorces itself from any notion of accountability except the electoral one. The end result is a radical form of democratic elitism in which the practice of representation becomes a solitary and un- consulted exercise that falls in the shoulders of the presidential figure. The success of that sort of administration depends on the creativity that the president exhibits when confronting the manifold problems that affect society.

The delegative variant of polyarchy exempts the Executive from the manifold controls that are generally present in its representative variant. Under representative democracy the act of electoral delegation takes place in an institutional setting characterized by the separation of powers and the presence of multiple mechanisms of checks and balances among state agencies. Accountability mechanisms constitute a safeguard to ensure that representatives use the powers that the citizenry has temporarily bestowed on them properly. Under delegative democracy instead, the electoral triumph is considered an authorization to act in unrestricted way: the Executive demands to the electorate an act of trust in her political skills and to the other branches of power their political subordination to give the most ample maneuvering margin possible to the presidency. In this model, the elected president appears as the sole interpreter of the nation's interests:

"La concepción central de la DD es que la elección da al presidente el derecho y la obligación, de tomar las decisiones que mejor le parecen para el país, sujeto sólo al resultado de las futuras elecciones presidenciales."[1]

What leads to this particular interpretation of the representative contract? In O'Donnell's view, delegative forms of self-understanding are the product of contexts of crisis (of a socio-economic, political, or even of a military nature) in which large sectors of the population feel threatened. The presence of a generalized concern with the effects of the

crisis in society creates a political conjuncture that prompts the emergence of a delegative leader which sees herself as the 'piloto de tormenta' that will lead the country out of the crisis. Delegative democracy, O'Donnell argues, is born and lives of crisis:

"Las DD suelen surgir de graves crisis…. Estas crisis no sólo resultan de datos objetivos. También dependen, al menos en cuanto a su profundidad y consecuencias, del grado en que son consideradas como tales por buena parte de la opinión pública, hasta el punto de convencerse de que se irá agravando inevitablemente si no se producen cambios drásticos en la conducción de los asuntos nacionales. Finalmente, para que la crisis desemboque en una DD también hace falta que aparezca un líder que se ofrece como quien puede y sabe cómo resolverla, y en base a ello gana elecciones o revalida la posición de gobierno que ya tiene."[2]

In a similar way to the 'ceiling consensus' that gave way to the emergence of bureaucratic-authoritarian regimes, the diverse crises that affect the institutional edifice or the social fabric of contemporary democracies foment, under specific circumstances, a social demand for order which is the material from which the delegative leader will build her political legitimacy. Like in any other 'ceiling consensus,' the legitimacy that emerges from such situations is of a negative nature: social support to an administration is not founded on the presence of a shared normative criterion which serves to validate --simultaneously limiting and strengthening—political authority but fundamentally rest on a temporary demand for order.[3] In this sense, delegative democracies face similar problems than bureaucratic-authoritarianism when confronting the challenge of their institutionalization. In fact, O'Donnell refers to DD as a non-institutionalized form of polyarchy that –although it presupposes a minimum of democratic institutionalization--is unable to generate processes that could contribute to its institutional strengthening. On the contrary, the dynamics of this subtype of democracy tend to lead to recurrent crises and reproduce a situation of low institutionalization.

According to O'Donnell, the political capital bestowed in delegative leaders rapidly erodes once the situation of crisis is overcome. That is in his view the Damocles' sword that is always threatening this form of leadership. It is no coincidence that delegative presidents always try to keep the flame of crisis alive:

"…el lenguaje de la crisis –la pasada y la que se puede resurgir--, la invocación de los miedos que ella suscita es una crucial constante de estos discursos. Aunque la crisis haya pasado, las DD intentan reavivar una situación de permanente emergencia, de abismos y siniestras fuerzas que nunca dejan de acercar; esto justifica la proclamada necesidad de contar con poderes extraordinarios y la consiguiente hostilidad hacia los 'estorbos' que plantean las instituciones de representación y de accountability".[4]

 What serves to consolidate the initial position of delegative leaders is also the source of their future weakness: once the social sensation of emergency dissipates, the early social support to the Executive disappears. Instead, a plurality of demands starts to proliferate in the public realm, including demands for governmental accountability. Styles and behaviors that were until recently celebrated (or tolerated), began to lose their social appeal, prompting hostile reactions from the media and the citizenry. The high levels of popularity that usually characterize the initial period of this sort of government are followed by an abrupt decline of social support and for a "… cascada de deserciones de quienes hasta hace poco proclamaban su lealtad al líder."

The time-span of all delegative experiences is consequently framed by two crises: the original one that fomented the emergence of a delegative leadership and a final one that expresses a shift of social humor that announces the fate of the administration. In O'Donnell's view, the societies in which this form of democracy predominates are trapped in a vicious circle of recurrent crises and chronic institutional weakness.

The debate on horizontal and social accountability

O'Donnell's emphasis on the institutional deficits of delegative democracy and their consequences for the public life of those regimes opened a very fruitful agenda of research

on democratic accountability. He contributed to set the parameters of the debate by proposing an analytical framework to analyze the diverse forms of democratic accountability. Following a spatial metaphor he argues that accountability initiatives either operate within a horizontal axis of intrastate agencies or on an external vertical actor. The horizontal and vertical planes of O'Donnell's conceptualization of accountability correspond to the distinction between state and civil society.[5] Horizontal accountability refers to a complex system of intrastate exchanges among a network of agencies and mechanisms. Vertical mechanisms instead refer to accountability initiatives that are pushed by citizens, either as voters or as members of civil society. They can be exercised through the institutional mechanism of regular, free and competitive elections or through the informal influence of civil society and the media in the public sphere.[6]

In O'Donnell's conception, the concept of horizontal accountability does not cover all of the interactions or exchanges that state agencies or powers develop with one another but only those that are exclusively oriented to the punishment of allegedly unlawful behavior, whether on grounds of encroachment or corruption.[7] He defines horizontal accountability as the

"…existence of state agencies that are legally enabled and empowered, and factually willing and able, to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that might be qualified as unlawful."[8]

O'Donnell wants to call attention on the linkages between legal and political accountability, arguing that deficits of administrative, legal, and constitutional controls on the Executive respectively weakens the liberal and republican dimension of democratic rule. First, the lack of legal controls undermine the principle of separation of powers and mutual checks and balances resulting in a subtype of presidential regime characterized by excessive Executive dominance. The existence of effective mechanisms to redress encroachments by the Executive over the jurisdiction of the legislative or judicial power (or of any other agencies that are part of the intra-state mechanisms of legal oversight) help maintain a healthy political and institutional equilibrium among state powers, indirectly contributing to

the agenda of political accountability. If those mechanisms lack power, then the whole edifice of representative democracy is resented.

Second, the weakness or absence of institutions capable of enforcing the rule of law affect the autonomy of civil society and the rights of citizens, particularly of those who belong to disadvantaged groups. Mechanisms of legal accountability are crucial to prevent or to sanction unlawful encroachments by state agencies or public officials on citizens. This deficit translates in continuing human rights violations by state agencies under democratic rule and the negation of civic rights to significant sectors of the population[9].

Third, agencies of legal accountability contribute to strengthen the autonomy of the democratic state by preventing or sanctioning misuse of public office by unscrupulous elected officials, bureaucrats, or its colonization by social groups. The rule of law constitutes the state as a public institution.[10] Its absence directly affects the authority and capacities of the democratic state.

The concept of social accountability grew as a specification of O'Donnell's typology to emphasize the role of civil society and the media played at denouncing and exposing unlawful state behavior to force the activation of horizontal agencies of oversight. It sought to expand what was then a debate that largely focused on formal institutional mechanisms, calling attention to the emergence throughout the continent of a variety of civic initiatives whose common denominator was to expose all sorts of governmental wrongdoing. The politics of social accountability –Smulovitz and I argued- played a crucial role at calling attention about the legal accountability deficit of current democracies and, as such, introduced a novel and healthy social cry for the rule of law.

The politics of social accountability should be seen as part of a broader process of cultural and political innovation in Latin America whose goal is to constitutionalize political power. Those developments are the outcome of processes of collective learning that took place after several societies in the region underwent through the traumatic experience of political violence and state terrorism. It is in this context that the discourse and politics of human rights makes its entrance, exposing the crimes of dictatorships and introducing the novel

language of rights. The discourse and politics of human rights introduces a liberal concern for the legal regulation of state/civil society relations to prevent discretional state interventions on the social sphere as experienced under authoritarianism. It values the protective role of constitutional rights as the only institutions that could ensure the institutionalization of a democratic civil society[11].

The politics of human rights would be soon be complemented by the politics of social accountability. The latter introduces a republican concern with the principle of separation of powers and of checks and balances. It seeks to constitutionalize the state emphasizing the need for an autonomous judiciary that could ensure the effectiveness of rights and prevent or sanction other acts of unlawfulness committed by public officials. It also seeks to force the Executive to respect the jurisdiction of the other branches and agencies that integrate the horizontal web of accountability mechanisms.

Both forms of politics represent a key point of inflexion in the political culture of a region whose democratic tradition have had an ambiguous if not hostile relationship with constitutionalism, introducing an accountability model of representation that openly challenges both populist and current delegative forms of self-understanding[12]. To what extent are those politics able to promote a process of political change that could break the vicious circle that entraps those societies whose pattern of democratization is dominated by the delegative form of democracy? There is no easy answer to the above question. One can nevertheless suggest two possible outcomes. On the one hand, the strength, constancy, and political skills of all those actors pushing for governmental accountability sets into motion of virtuous circle of 'stimulation and induction' between social and horizontal mechanisms that eventually is able to break with the perverse dynamics that helped reproduce delegative democracy. O'Donnell himself suggested this pattern, arguing that if a scenario emerges where social actors stimulate horizontal agencies to fulfill their mandate and role with responsibility, the latter would necessarily induct more initiatives of social accountability, setting into motion a dynamics that would end in the establishment of a representative form of polyarchy[13].

On the other hand, the politics of social accountability can provide a presence that is crucial to prevent the fall of delegative democracy into more authoritarian variants. In this

scenario, social accountability initiatives are a barrier against the further deterioration of the institutional scenario –and under certain circumstances they accelerate the crisis of delegative leaderships-- yet they are not powerful enough to promote the transition to a representative form of democracy. In such a context, the politics of social accountability simply follows –without altering it--the political cycle that characterizes delegative democracies. As Osvaldo Iazzetta rightly argues, delegative democracy is the product of a double and contradictory social impulse in which the same society that demands and tolerates the discretional presidential style that characterizes those regimes are the same one that, once the crisis is over, starts to express discomfort and fatigue with the previously celebrated or tolerated behaviors[14]. One can consequently think of a scenario in which the politics of social accountability simply accompanies the cycle: media exposes and social mobilizations become more active and effective during the fatigue period, contributing to the political eclipse of an administration that is losing social support. But they are impotent during the height of the delegative period, that is, in the contexts of crisis that usually give birth to delegative forms of leadership.

Analyses of social accountability and human rights politics drew attention about specific forms of legal vertical accountability that could improve the performance of democratic regimes in the region by respectively reinforcing the liberal and republican components of the political system. They also serve to expand traditional understandings of legal accountability beyond the horizontal web of state agencies, showing specific ways in which civil society and the independent media contribute to its workings and enforcement. But in themselves, those forms of civil society politics, even if successful, will only partially address current deficits of delegative democracies.[15] Delegative forms of democracy are not just characterized by the weakness of its liberal and republican dimension but also of its democratic one. This 'other' deficit of delegative democracy is the focus of the next section.

The democratic deficit of delegative democracy

The rich debate that O'Donnell's opened with the suggestive concept of delegative democracy served as an important call of attention about the legal dimension of the democratic state, a dimension that had traditionally been relegated from political and academic analyses in Latin America. It was a crucial reminder of the need to develop equilibrium among the republican, liberal, and democratic components that make up contemporary democracies. In this sense, the concept and subsequent analysis on legal accountability broadened and enrich existing understandings about democracy, and more specifically, about the nature of the democratic state. However, the focus on legal deficits of the state –including works on social accountability—left aside another crucial aspect of the notion of democratic accountability: its political dimension. Not that such dimension was absent in the previous debate; in fact, O'Donnell highlights as one of the most distinctive aspects of delegative democracy its hostility towards representative mediations. Delegative leaders are hesitant to subject themselves to legal and constitutional rules that might limit their authority but are also reluctant to share power with other representative institutions like congress and political parties. Presidential leaders in delegative democracy are unwilling to subject their proposals to the filtering mechanisms of structures of political intermediation, privileging instead a closed and secretive pattern of decision-making.

O'Donnell also observes the hostility of delegative leaders toward political parties and calls attention to the fact that delegative democracies usually emerge in countries that lack an institutionalized party system[16]. Yet, this political dimension of accountability is not properly addressed in his typology of diverse accountabilities, which tend to be biased towards the legal dimension of the concept. The three main forms of accountability that are at the center of his analysis as well as of the literature on social accountability (legal horizontal, vertical electoral, vertical legal) are far from exhausting all the dimensions of the concept: the scheme requires further specification, particularly in relation to the vertical political axis.

The lack of an exhaustive conceptualization of the political dimension of the concept of accountability is not just a problem of O'Donnell's typology but a more generalized problem of the literature on democratization. Such conceptual gap can be explained by the influence that minimalist models exerted on earlier formulations of the concept of

democracy. A main premise of such model is that free and competitive elections are the quintessential element of democratic representation. Consequently, the success of any democratizing process is to be measured in relation to the extent that is able to ensure the regular holding of free and competitive elections and a reasonable degree of public liberties. While such model might have provided a useful yardstick to respectively indicate the closing of the period of transition and consolidation, it is inadequate to evaluate the challenges of a stage where the issue is no longer how to stabilize but rather how to deepen democracy. The most palpable indicator of the limitations of the minimalist model is that the very concept of delegative democracy fulfills the minimum criterion of the minimalist canon.

The main limitation of the minimalist model for thinking an agenda of democratic deepening is its marked skepticism regarding the potentials of democracy. It 'realist' vision of democracy requires the disposing of those normative principles that could orient a process of further democratization of existing regimes. The origin of this particular conception of democracy can be traced back to Joseph Schumpeter's critique of classical democratic ideals. His 'realist' vision of democracy supposes the abandonment of a crucial feature of any normative conception of democracy: popular sovereignty. Present day democracies, Schumpeter argues, no longer institutionalize the government of the people but that of politicians. Democracy allows citizens to choose those who will govern them but it is no longer a regime that expresses their will[17].

While ulterior authors working in that conceptual tradition attempted to moderate some of the aspects of the Schumpeterian model by seeking to introduce some notion of accountability, they did not do away with the initial skepticism of the former regarding the potentials of democracy for citizen accountability. The following statement by Adam Przeworski clearly illustrates such skepticism,

"Democracy may be the best form of government that was ever invented, but it is congenitally, structurally weak as a mechanism of control over government. This is just the way life is."[18]

Present versions of democratic minimalism do not completely reject the idea of governmental accountability, rather they consider unlikely that the latter might be accomplished through elections. The latter are considered a structurally inadequate tool for citizens' to exert control over governments. This is why authors like Przeworski, Manin, and Stokes consider more productive to reorient concerns about institutional betterment in a horizontal direction. The demand for greater horizontal controls of democratic minimalism brings that literature close to the concerns of the delegative democracy (and social accountability) argument. This is not surprisingly given that the concept of delegative democracy was elaborated by contrasting it with the representative version of polyarchy.

There is, to be true to O'Donnell, an additional concern for vertical accountability that is not present in contemporary minimalist authors. Such concern expresses itself in the author's references to the deficit of mediations of delegative democracies that weakens the citizenship principle. This is a point that needs further development if we do not want to constrain the concept of democratic accountability to the limited parameters of democratic minimalism. An agenda on democratic deepening should not be solely focus on the accountability deficits of delegative polyarchies but should reflect about the deficits of the representative variant of polyarchy as well[19].

If delegative democracy characterizes not only by the absence of horizontal intra-state controls but also of vertical political mediations, then it is not enough to accomplish a transition from a delegative to a representative form of polyarchy. It is also necessary to promote a simultaneous transition in the direction of an establishment of a complex and plural field of mediated politics that could improve the political responsiveness of existing regimes. O'Donnell was right in stressing the differences that exist between the minimalist representative and the delegative versions of polyarchy. But that should not lead us to overlook the coincidences between them. In fact, not only minimalist and delegative but also populist regimes share a similar disdain for mediated politics.

Representative Democracy as Mediated Politics

If the task of strengthening the democratic legality of the state was accompanied by a sustained effort at theorizing about the crucial constitutive role that constitutional and legal norms play in any democracy, the chore of elaborating a notion of democratic representation that could orient the agenda at democratic deepening is not less demanding. In this last section, some guidelines are suggested to orient such an agenda.

The first step towards a reconstruction of a notion of democratic representation that could guide the efforts at democratic deepening in contemporary Latin America is to question conceptual models that reduce democratic representation elections and electoral politics. As Michel Saward rightly argues, the notion of representative democracy is more exhaustive than that of electoral representation for it refers to a broader process of formulation and reception of claims that, in great part, takes place between elections and outside electoral channels.[20]

Electoral representation is always partial and incomplete as it is any process of electoral delegation. No citizen completely delegates political power but in those issues in which she feels strongly, it engages in collective forms of action with other citizens. A model of democracy that requires a process of complete delegation –such as the one described by O'Donnell—is a problematic one and supposes an unjustified excess of trust in the personal qualities and abilities of the presidency. If elections are the only legitimate channel of communication between citizens and their representative, the vote becomes an act of political abdication through which the citizenry forfeits to the elected representatives the full control of the political agenda[21].

If elections are not the quintessential feature of democratic representation, then what distinguishes representative from other forms of democracy? Following Nadia Urbinati, we consider the distinguishing feature of representative regimes its preference over indirect over direct forms of democracy.[22] Institutionally, the latter translates in the promotion and development of a broad field of mediated politics. What does the concept of mediated politics refers to? The concept is predicated on two features that must be present for the proper exercise of democratic representation: a) on the one hand, it supposes the existence of a political and institutional framework that encourages the formation of a variety of associational formats that give birth and express different constituencies, b) on the other

hand, it also requires the creation of a plurality of formal and informal arenas that serve as points of encounter between those constituencies and different elements of the political system. This emphasis on mediating structures breaks with dichotomous conceptions of state/civil society relations to concentrate on the points of contact between them[23]. It is precisely in those interactions that the creative element of democratic representation lies.

The idea of mediated politics breaks with the individualist vision of representation as resting in a one to one personal relation between a principal (the voter) and its agent (the representative)[24] highlighting instead the associational dimension of the political process. The effective citizen, to borrow Philippe Schmitter's expression, is the one that joins an association that promotes the specific claims of different constituencies[25]. Schmitter claim is supported by the large literature on pluralism, neo-corporatism, social movements, and civil society theories which –despite their disagreements and different conceptual focus-- share the belief in the indispensability of social groups to democratic agency.

From this perspective, the practice of democratic representation is seen as resting on a complex social ecology of actors that develops in different representative 'circuits' or 'partial regimes'.[26] The electoral is one of those circuits and political parties and legislatures crucial institutional mediations. However, there are additional circuits that are also relevant and that play its role in the political process. First, there is the functional circuit of private interest representation which many consider an informal complement to territorial representation.[27] Second, there is a more recently addition of circuit of public interest representation organizations that have expanded the traditional understanding of lobbying to include new actors and themes. Fourth, there is the circuit of newly created policy councils, communal councils, indigenous councils, and other arenas of institutionalized participation.[28] Finally, one should not forget about the crucial role played by an autonomous and pluralistic public sphere. It is precisely in such a variety of circuits and arenas and on the interactions that take place among them and the state institutions where the practice of democratic representation takes place. Delegative democracies, by resting solely on a questionable use of the electoral circuit, impoverishes the quality of democratic representation for it deprives the political process of an alternative set of arenas that give expression to a plurality of constituencies and claims. When properly designed

and regulated—an active and independent field of mediated politics is a crucial asset in the promotion of more inclusive, public, and deliberative political processes.

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The concept of delegative democracy served to open up an important regional debate about the nature and dynamics of contemporary Latin American democracies. Focusing on a number of problematic cases, O'Donnell rightly called attention on how the absence of horizontal controls on the Executive affected the dynamics and quality of democratic representation. This chapter wanted to call attention to another significant deficit of delegative democracy as expressed in their hostility towards most forms of mediated politics. While the question of the horizontal deficits of accountability received much attention and lead to a rich corpus of literature on the contribution of legal mechanisms of accountability to democratic representation, the other deficit of delegative democracy remained under-conceptualized. The latter was in part due to the predominance of a purely electoral conception of political accountability that reduced representative democracy to electoral democracy. By suggesting an alternative framework to think about representative democracy, the chapter also hopes to contribute some theoretical tools to help us reflect about the pending tasks at democratic deepening.

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[1] Guillermo O'Donnell, "Nuevas reflexiones acerca de la democracia delegativa" in Guillermo O'Donnell, Osvaldo Iazzetta, and Hugo Quiroga (coords.), *Democracia delegativa*, Buenos Aires: Prometeo Editorial (2011), p. 21.

[2] Guillermo O'Donnell, "Revisando la Democracia Delegativa"(2010) in www.escenariosalternativos.org

[3] For the notion of negative legitimacy (to describe Argentine political dynamics in the period of the 'impossible game') see Enrique Peruzzotti, "The Weimarization of Argentine Politics and State Autonomy" *Thesis Eleven* 34 (1993). There is however a crucial difference between the ceiling consensus that gave rise to the bureaucratic-authoritarian interventions and the one the feeds delegative democracies: in the latter case, the demand for order supposes a minimum respect for some basic democratic criterion (even when under certain circumstances the exercise of delegative leadership might even suppress that agreement as the case of Fujimori in Peru illustrates). In contrast to the historical context that gave rise to bureaucratic-authoritarianism, DD take place in societies that have undergone through a process of collective learning that contributed to the institutionalization of democracy.

[4] O'Donnell, "Nuevas reflexiones", p. 25

[5] Guillermo O'Donnell, "A Response to my Commentators," in *The Self-Restraining State. Power and Accountability in New Democracies*, ed. Andreas Schedler, L. Diamond, and M. F. Plattner (Lynne Rienner, 1999), 68.

[6] Guillermo O'Donnell, "Horizontal Accountability in New Democracies," in *The Self-Restraining State. Power and Accountability in New Democracies*, ed. Andreas Schedler, L. Diamond, and M. F. Plattner (Lynne Rienner 1999), 29-51; Guillermo O'Donnell, "Horizontal Accountability: the Legal Institutionalization of Mistrust," in *Dissonances: Democratic Critiques of Democracy*, ed. G. O'Donnell (South Bend, Indiana, University of Notre Dame Press, 2007), pp. 77-98.

[7] O'Donnell, "Horizontal Accountability in New Democracies", p. 35.

[8] O'Donnell, "Horizontal Accountability in New Democracies", p. 38.

[9] See, Juan E. Mendez, Guillermo O'Donnell, Paulo Sergio de Pinheiro, eds., *The (Un)rule of Law and the Underprivileged in Latin America* (South Bend, Indiana: The Hellen Kellogg Institute for International Studies – University of Notre Dame Press, 1999); Guillermo O'Donnell, *Dissonances: Democratic Critiques of Democracy*, (South Bend: University of Notre Dame Press, 2007); Peruzzotti and Smulovitz, *Enforcing the Rule of Law*, op. cit.; Niels Uildriks and Nelia Tello Peon, eds., *Mexico's Unrule of Law: Implementing Human Rights in Police and Judicial Reform under Democratization (*Lexington Books, 2010); Daniel M. Brinks, *The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law* (Cambridge: Cambridge University Press, 2007).

[10] Guillermo O'Donnell, *Democracia, agencia y estado. Teoría con intención comparativa*, Buenos Aires: Prometeo Libros (2010), p.159.

[11] It is no coincidence that the concept of civil society becomes popularized during processes of democratization. The idea of civil society as crucial arena for innovation that could promote the democratization of existing democracies will emergence as a crucial aspect of the agenda of radical politics. The project of reconstruction of civil society reoriented radical politics both in a post-statist and a post-revolutionary direction. It was argued that a politics of civil society should be build around the notion of political self-limitation to avoid the negative experiences of revolutionary and populist politics. For an analysis of the impact of the concept of civil society in the analysis of processes of democratization in Latin America see Enrique Peruzzotti and Martín Plot (eds), *Critical Theory and Democracy. Civil Society, Constitutionalism, and Dictatorship in the Democratic Theory of Andrew Arato*, Routledge (forthcoming)

[12] For the challenges that accountability claims pose on delegative democracies see Enrique Peruzzotti, "The Nature of the New Argentine Democracy. The Delegative Democracy Argument Revisited" *Journal of Latin American Studies*, vol. 33:1, pp.133-155. I have also discussed the problems it poses to a populist project of democratic deepening in Enrique Peruzzotti, "Populism in Democratic Times: Populism, Representative Democracy, and the Debate on Democratic Deepening" in Cynthia Arnson and Carlos de la Torre (eds.) *Populisms of the XXI Century*, Baltimore: The John Hopkins University Press (forthcoming).

[13] Guillermo O'Donnell, "Notes on Various Accountabilities and Their Interrelations" in Peruzzotti and Smulovitz, Enforcing the Rule of Law, p. 337-9. Smulovitz and I also envisioned the possibility of a virtuous circle but also warned about the possibility of social cries for accountability degenerating into a troublesome form of anti-politics. See Peruzzotti and Smulovitz, *Enforcing the Rule of Law,* p.349; and particularly Enrique Peruzzotti, "Demanding Accountable Government: Citizens, Politicians, and the Perils of Representative Democracy in Argentina" in Steven Levitsky and María Victoria Murillo (eds.) The Politics of Institutional Weakness. Argentine Democracy, State College: The Pennsylvania State University Press (2005), pp.229-249 and "Media Scandals and Social Accountability. Assesing the Role of the Senate Scandal in Argentina" in Peruzzotti and Smulovitz, *Enforcing the Rule of Law*, pp. 249-271.

[14] Osvaldo Iazzetta, "La democracia delegativa y su cara estatal. Un abordaje del caso argentino" in O'Donnell, Iazzetta, and Quiroga, *Democracia delegativa*, op. cit., p. 108.

[15] As Lucy Taylor argues, those type of civil society politics serve to protect due process and delimit the jurisdiction that regulated the policy-making process but have no say in the content of those processes and policies. Lucy Taylor, "Re-founding Representation: wider, broader, closer, deeper" *Political Studies Review* 8:1 (2010).

[16] O'Donnell, "Nuevas Reflexiones" p. 24.

[17] Joseph Schumpeter, *Capitalism, Socialism, and Democracy*, New York: Harper and Brothers (1950), pp. 284-5.

[18] Adam Przeworksi, "Social Accountability in Latin America and Beyond" in Peruzzotti and Smulovitz, *Enforcing the Rule of Law*, p. 325.

[19] Undoubtedly, the development of a democratic legal state to ensure the oversight of public authorities, the workings of the system of mutual checks and balances, and the rights of all citizens would represent a major accomplishment for a region like Latin America, characterized by the chronic weaknesses of all institutional checks to the authoritarian tendencies of the presidency. The relevance of such an agenda in any debate on democratic deepening is out of the question. The same can be said regarding the accomplishment of regular, free and competitive elections. However, those are partial aspects of an agenda on democratic accountability that should include other important dimensions such the development of adequate linkages between society and the state to ensure political responsiveness to citizen's claims.

[20] Michel Saward, "Authorization and Authenticity: Representation and the Unelected", *The Journal of Political Philosophy*, 17.1, pp. 1-22.

[21] Again, as previously argued the latter arguments are not meant to underestimate the relevance of elections or the great accomplishment that the institutionalization of regimes that allowed for regular, free, and competitive elections had in region like Latin America. But, as O'Donnell's argument of delegative democracy highlights, the existence of regular, free, and competitive elections does not necessarily result in adequate democratic representation.

[22] Nadia Urbinati, *Representative Democracy. Principles and Genealogy*, Chicago: University of Press (2006).

[23] The stress on state/society linkages should not be read as meaning that any form of linkage or interaction is per se legitimate. Rather, the emphasis on the relevance of the field of mediated politics for the practice of democratic representation should be seen as a call to inquire about the nature of those manifold dynamics to determine to what extent they comply by norms and principles of open, free, and inclusive deliberation. This is a debate that has been central in the evaluation of new mediating structures such as policy councils or participatory budgeting.

[24] H. F. Pitkin had already argued about the inadequacy of extrapolating such metaphor to the analysis of representation. Representative government, she argues, involves a public and institutionalized process that involves diverse actors and arenas. Such complex scenario cannot be

adequately grasped with a model built around the idea of a person to person relationship. See H. F. Pitkin, *The Concept of Representation*, Berkeley: University of California Press (1967), p. 221.

[25] Philippe Schmitter, "A Crisis of Real Existing Democracy or a Crisis of Representation? Or a Crisis of the Channels of Representation?, or a Crisis of One Channel of Representation?" paper prepared for the workshop *Rethinking Representation: A North-South Dialogue*, Bellagio Study and Conference Center, 30 September-3 October 2008.

[26] Schmitter, "A Crisis of Real Existing Democracy or a Crisis of Representation?". The concept of 'partial regimes' is developed by Schmitter in Philippe Schmitter, "The Consolidation of Democracy and the Representation of Social Groups" American Behavioral Scientist, 1992, 35, p. 422. The term 'circuits' is taken from Benjamin Arditi, who develops a similar conception in Benjamín Arditi (ed) *Democracia Post-liberal? El Espacio Político de las Asociaciones*, Barcelona: Editorial Anthropos (2005).

[27] This has been the argument of authors like Claus Offe and Philippe Schmitter. See Claus Offe, *Contradictions of the Welfare State*, and Philippe Schmitter, "Neocorporativism and Democratic Theory", *Social Research*.

[28] Significantly, Brazil --the country that according to O'Donnell successfully completed the transition from delegative to representative democracy—is a case that differs from the other examples of delegative democracy in the fact that it consciously expanded the field of mediated politics not only by adding a new political party that would play a crucial role at democratizing the party system but by also developing a new set of mediating structures oriented to incorporate the poor into the political process. For an analysis of such processes, see Leonardo Avritzer, *Participatory Institutions in Democratic Brazil*, Baltimore and Washington DC: The John Hopkins University Press/Woodrow Wilson Press (2006).