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SCANDALS AND SOCIAL ACCOUNTABILITY

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While there is an extensive literature on political scandals, most of it largely concentrates on exposés that are the result of intra-elite fights, that is, of dynamics that are the outcomes of conflicts within the political camp. In contrast, this chapter seeks to highlight a subtype of political scandal that originates in civil society initiatives. The fact that the origin of the exposé is external to the political system makes the dynamics of such scandals more difficult to control by governments than those that are expressions of conflicts within the political field.

Scandals prompted by civil society actors have played a major role in Latin America since the last democratizing wave, generating a stream of bottom-up revelations that exposed the illegal and often openly criminal behavior of state agencies. Frequently, those exposés gained the attention and mobilized the support of post-dictatorial societies where a novel social cry for justice and accountability prevailed. In this way, Latin American civil societies have played an active political role in matters of governmental accountability, to the extent that the literature has enlarged the traditional state-centered conceptual framework of governmental accountability to include the notion of social accountability. Social accountability politics refers to civic exposés of governmental wrongdoing that reach public notoriety thanks to the concerted efforts of a wide variety of civic actors such as advocacy NGOs, informal networks of friends of families of victims of human rights violations, and mobilized sectors of the public.

The proliferation of social accountability initiatives brought to the fore numerous examples of governmental wrongdoing that resulted in the infringement of basic human rights in a way that mobilized the convictions of significant sectors of society that other types of political scandals could not do. The chapter presents the emergence and workings of social accountability politics in Latin America and analyzes the contribution of the concept to the analysis of political scandals.

Accountability deficits in new democracies

Debates on Latin American democratization, particularly in the Southern Cone, took place in a political environment tainted by the legacy of massive human rights violations committed by the military. Between the 1970s and early 1980s, the region witnessed the rise of a new breed of authoritarian regimes that implemented a system of state terrorism against their alleged opponents that included forced disappearances, torture, and other forms of repressive activity.
It is against that background that the third democratizing wave took place on the continent. In this respect, such a particular context set it apart from other democratization experiences in the region. Perhaps the most notorious feature of the last transitions from authoritarian rule to democracy was the growth of concern for the rule of law among important sectors of the citizenry. In light of the recently lived experiences of state terrorism, the question that figured prominently in the public agenda was how to erect constitutional safeguards strong enough to prevent similar episodes of state violence in the future. The “Never again!” slogan become the banner of a continent-wide human rights network that played a significant symbolic and political role by introducing a liberal and republican concern on rights and checks of government in those traumatized societies (Peruzzotti 2002).

Academic debates reflected those concerns, arguing for the need of a stronger model of democracy than a purely electoral one. The holding of free and competitive elections, many argued, could no longer be regarded as the exclusive yardstick to evaluate the success of a process of democratization (O’Donnell 1999, 2003; Schedler, Diamond, & Plattner 1999). Democracy should also mean accountable government, that is, the establishment of rule-of-law-abiding administrations to guarantee the enforcement of citizens’ rights. It is in this context that the quality of democracy approach (QDA) emerges, establishing itself as the dominant subfield of democratization studies. QDA engaged on a critical reading of ongoing processes of institutionalization, focusing on the institutional deficits that many of the newly consolidated regimes exhibited, particularly in the area of governmental oversight.

Accountability became the buzzword of democratization studies, structuring the research agenda of QDA. A direct correlation was established between the performance of democratic governments and the strength of institutional checks on power. Guillermo O’Donnell, perhaps the most influential figure of QDA, placed the concept of accountability at the center of democratization literature’s concerns. According to his diagnosis, new democracies were affected by serious accountability deficits: he considered that the geographical spread of electoral politics that resulted from the third wave of democratization had not been followed by a concomitant expansion of rule-of-law institutions (O’Donnell 1999). From his standpoint, the transitions to democracy were not yet over, despite the regular celebration of free and competitive elections: in his view, there was a need for a second transition that would endow those political regimes with an effective system of governmental controls.

O’Donnell proposed an analytical scheme to classify accountability mechanisms and organize them along a horizontal/vertical axis. The term “horizontal mechanisms of accountability” referred to the intra-state system of mutual checks and controls that are frequently found in representative types of polyarchy. “Vertical mechanisms” denote instead the intervention of an external accountability agent rooted in society, be it the electorate, organized civil society, or the independent media (O’Donnell 1999, 2003). In his view, many of the transitions from authoritarianism established “delegative democracies,” that is, a peculiar subtype of polyarchy that combined strong vertical electoral mechanisms with a defective structure of horizontal accountability. The outcome of such an arrangement was the establishment of a political scenario where the presidential figure governs unconstrained by the usual checks and balances of representative government. O’Donnell considered that the best antidote to overcome those deficits was the developmental of strong horizontal controls. He consequently argued for the strengthening of rule-of-law institutions in three directions:

1. Prevention of unlawful executive encroachment over the jurisdiction of legislative, judiciary, and other state agencies whose operations are crucial for the proper functioning of the horizontal system of intra-state controls;
(2) Protection of individual civil rights and the autonomy of civil society;
(3) Avoiding the capture and colonization of state agencies by unscrupulous groups or public officials.

O’Donnell referred to those processes that would result in the strengthening of horizontal accountability mechanisms in terms of a second transition. Unlike the first transition from authoritarianism to democracy, the second one referred to a shift from one subtype (delegative) to another subtype (representative) of polyarchy. He envisioned this second transition as a process that did not require a dramatic restructuring of the constitutional landscape. On the contrary, he considered that from a purely formal perspective the constitutional structure of delegative democracies did not fundamentally differ from those of representative ones: both constitutional designs predicate the need for mutual checks and balances and (in presidential systems) for realizing the principle of separation of powers. From his perspective, what really sets apart delegative from representative polyarchies is the distorting role that “informal institutions” exert upon governmental mechanisms of legal accountability. Under delegative democracies, informal institutions overrule the logic and structure of formal constitutional arrangements. To put it in O’Donnell’s words:

A non-institutionalized democracy is characterized by the restricted scope, the weaknesses, and the low density of whatever political institutions exist. The place of well-functioning institutions is taken by other non-formalized but strongly operative practices—clientelism, patrimonialism, and corruption.

(O’Donnell 1999, p. 163)

Delegative democracies, he argues, are constantly torn by the contradiction between what constitutional provisions say and what the dynamics of power actually do. This is why for QDA the main issue confronting such sorts of regimes is how to bring to life existing constitutional arrangements; in other words, how to promote the coupling between constitutional precepts and really existing political behaviors. The most pressing challenge that delegative regimes face is how to “activate” the dormant machinery of horizontal accountability, that is, how to force constitutional, legal, and administrative mechanisms that are already in place to live up to their constitutional mission. The dilemma posed by QDA inevitably redirects the focus of attention from the realm of formal institutions to that of society: if the locus of informal institutions is the social realm, perhaps we should pay greater attention to the dynamics that take place within civil society. The latter forces us to expand our understanding of accountability beyond the traditional focus on formal state mechanisms to evaluate the role that informal social practices play in the hampering or promotion of governmental accountability.

Social accountability or the broadening of O’Donnell’s notion of limited government

The concept of social accountability was developed as a specification of the accountability framework proposed by O’Donnell: it calls attention to a subset of non-electoral vertical initiatives steaming from civil society and media organizations that gave birth to a novel form of politicization. The politics of social accountability described a universe of civic initiatives whose common denominator was the denunciation of governmental transgressions of the rule of law in two of the areas that troubled O’Donnell (infringement of civil rights and governmental corruption). A main predicament of the social accountability argument was that civil society initiatives
and media exposés were a crucial external leverage that through mobilization and media pressure would force reluctant horizontal agencies to investigate and punish wrongdoers (Peruzzotti and Smulovitz 2006; Smulovitz and Peruzzotti 2000).

How does social accountability operate? First, social accountability initiatives expose and denounce wrongdoings. The exposure of specific cases of governmental wrongdoing allows the identification of real victims and victimizers, as well as the scope of the specific damage and harm done. Public denunciations signal the existence of issues in ways the citizenry can relate to, and thereby place specific issues in a wider picture. Second, the framing of those episodes is linked to a broader problem of ineffective institutional checks of governmental authorities. If, as Michelle Bonner argues, discursive frames provide clarity regarding what is deemed appropriate behavior, then the politics of accountability involves a discursive definitional struggle over what constitutes governmental wrongdoing. Bonner refers to this dimension of social accountability politics as “discursive accountability”: in addition to the politics of shaming, she argues, social movements contribute to:

the reframing of acts once deemed acceptable, albeit unfortunate, as incidents of wrongdoing. For example, together they can shift the dominant frame for understanding protest policing from law and order to civil rights . . . they create a cognitive environment where it is understood that repressive protest policing is no longer acceptable. (Bonner 2014, p. 26)

Calling public attention to an issue may produce changes in the social appreciation of a particular phenomenon, transforming it into an issue of a more general and public interest.

Third, there is expansion of the accountability agenda. Once specific acts of governmental wrongdoing become new issues on the public agenda, the number and scope of topics under surveillance increases. The reframing that discursive accountability produces, adds new items to the catalogue of behaviors that authorities might be held accountable for (Bonner 2014, p. 27). Therefore, signaling and exposing illegal behaviors in the public space produce two different sort of outcomes: on the one hand, it sets into motion an informal mechanism of signaling and oversight around specific instances of wrongdoing; on the other hand, the cumulative effects that the repetition of cases have can result in the expansion of the issues under surveillance, adding new areas for which public officials are held responsible. Problems that until recently had not been visible now occupy a prominent role in the media and public sphere thus expanding the scope of conflicts and issues public officials are obliged to answer and inform the public about.

Fourth, social accountability initiatives frequently force the activation of horizontal agencies of oversight. The process of activation can take place in a direct or indirect way. A process of indirect activation occurs as a response to public shaming. The public exposé of a case, combined with social mobilization, generates reputational costs on public authorities. The latter might try to minimize them by making (or reversing) decisions in ways that may appear responsive to the perceived public flaws. Those decisions could entail the activation of judicial procedures, the creation of parliamentary investigative commissions, or of policy changes. Instead, a direct activation takes place due to the filling of legal petitions by the claimants of social accountability initiatives. The initiation of legal or administrative proceedings (combined with informal social and media pressure in the public sphere) is likely to make it difficult for courts or other accountability agencies to remain indifferent to social claims (Smulovitz and Peruzzotti 2003).

Social accountability was conceived as a challenge to the pernicious role that informal institutions played in reproducing the structure of delegative democracy. It was the belief that those
civic initiatives would serve as a society-wide system of alarms that would be able to detect more efficiently governmental acts of wrongdoing and bring them into the public light. By repeatedly exposing the public to specific instances of wrongdoing, citizens would gain consciousness on how rule-of-law deficits affect the quality of democratic life. The assumption was that social accountability initiatives could be a force strong enough to challenge the logic of delegative democracy: If the public scenario is increasingly populated by social accountability initiatives, the workings of informal institutions will be hampered. If both illegal activities of public officials as well as the complicity of organs of oversight are exposed, the costs of engaging in the type of behaviors that helped reproduce delegative regimes would increasingly rise, making it difficult to uphold the informal structures that fed delegative dynamics, opening the path for the second transition (towards a representative type of polyarchy) to take place. Guillermo O’Donnell himself saw that outcome as a probable one, arguing that the proliferation of a diverse array of social accountability initiatives could trigger a “virtuous cycle” of induction and activation that would gradually shorten the gap that existed between formal and informal institutions:

The existence of at least some horizontal agencies that are willing and able to carry out their responsibilities . . . is an important element of social accountability induction . . . But the same holds true in the opposite direction. The existence of certain social accountability demands, especially if they are well organized, continuous, and present in the media, is surely an important source of stimulation for some horizontal agencies to assume their responsibilities.

(O’Donnell 2006, p. 339)

In this way, the “gymnastics” of social accountability politics would add muscle to the network of horizontal agencies, helping to reduce the gap between formal institutions are informal behaviors that was presented as the defining feature of delegative democracies.

Who are behind social accountability initiatives? The concept originally referred to civil society and independent journalism acting in the public sphere. The politics of social accountability can be considered as a particular expression of the so-called “politics of influence” of civil society (Cohen and Arato 1995): the organized civic actors and watchdog journalism that seeks to exert indirect influence on government by mobilizing the convictions of the general public on matters of governmental accountability. The denunciation and exposé of different forms of governmental wrongdoing in the public sphere, by promoting a public outcry for justice, would exert pressure on the political system, particularly over the suspected wrongdoers and the officials whose responsibility it is to oversee and eventually punish such sorts of transgression.

Social accountability initiatives follow a reactive logic: they are expressions of outrage from sectors of the public not only over concrete acts of governmental wrongdoing but also about the impunity that usually surrounds these acts. For the most part, initiatives are known by the name of the victims (such as the María Soledad or Cabezas case) or by the addition of the suffix “gate” to certain corruption scandals (such as Armsgate). Exposés of specific instances of public wrongdoing are consequently at the heart of social accountability initiatives. By bringing episodes of governmental wrongdoing into the public light, media and social mobilizations show in very concrete ways how accountability deficits affect the workings of democratic institutions and the lives of common citizens.

Scandals are the privileged weapon of social accountability politics. Through moral shaming, the actors behind such initiatives seek to challenge the structure of political opportunities that help reproduce the problematic structure of delegative democracies. O’Donnell considered that a key problem of delegative democracies was the alleged inaction of horizontal agencies
when confronting specific acts of illegality by powerful governmental actors, and that such inaction was considered unproblematic due to the predominance of a political culture in which accountability issues were largely ignored. The predominant cognitive frames that one finds in horizontal agencies, the media, and public opinion under delegative democracies are pivotal in reproducing those informal institutions that ensure the reproduction of that sort of regime.

Informal institutions are the main target of social accountability initiatives: behaviors that were historically tolerated, ignored, or celebrated were exposed and questioned under circumstances that frequently involved greater public pressure and media scrutiny on accountability matters. Increased awareness of accountability issues eroded the social tolerance that existed towards certain types of behavior and made the usual strategies of inaction unsustainable. If the proliferation of governmental wrongdoing was to a great extent fomented by the inaction displayed by those agencies responsible for the oversight and sanctioning of such behaviors, then the extension of social watchdog initiatives in society will exert direct pressure on those agencies to fulfill their constitutional duties, prompting the activation of investigations, legal procedures, and sanctions. Oversight agencies were subjected to social oversight, making it increasingly impossible for them to reproduce their habitual strategy of “non-activation.” In brief, initiatives of social accountability were perceived as a crucial external force that, through social mobilizations and media exposés, would awaken an otherwise dormant network of intra-state controls.

Social accountability and political scandals

What does the concept of social accountability add to the literature on scandals? Is there anything specific to the type of scandal that this sort of politics generates? Before addressing such questions, it is necessary to revisit the original formulation of the concept. When first coined, the term “social accountability” indistinctively included under its conceptual umbrella both media and social exposés as examples of social accountability in its workings (Smulovitz and Peruzzotti 2000). Retrospectively, such a formulation is in need of revision, for experience has shown that media exposés of corruption and denunciations of human rights violations express two very different logics at work, and that those differences can be traced back to the politics of sources (Waisbord 2002, 2006).

Scandals regarding sex or official corruption can usually be traced back to power struggles within the political field (Ginsberg and Shefter 1999; Jiménez 1995, 1996; Lowi 1988; Markovits and Silverstein 1988). Those scandals are portrayed as a drama of coverings up and disclosures that fundamentally involve actors that occupy relevant positions within the political field. Scandals are one of the many weapons of a “politics by other means” that insiders employ to confront their rivals either within the administration or in the opposition (Ginsberg and Shefter 1999). Who are the actors behind such disclosures? The “usual suspects” are opposition parties, media insiders, and fundamentally members of government. Political scandals frequently convey a behind-the-scenes logic of power games within members of the political field. While society is not necessarily absent in political scandal dynamics (given that it is an indispensable component of such public drama, for without social outrage there is no scandal), it does play a passive role. Within this framework, society is portrayed as “public opinion”; that is, as an audience with outrage or reprobation it grants the entity of scandal a certain validity of disclosure.

Social accountability initiatives introduce a different political logic to the conventional understandings of political scandals. While media exposés were a key element of social accountability initiatives in Latin America, for the most part they differ in one important aspect from political scandal that reflects intra-elite rivalries: they are guided by a bottom-up logic, that is, they are not initiated by a leak to the press on the part of anonymous “whistle-blowers”
but by ordinary citizens. The latter introduce a distinctive feature that sets this type of scandal apart from those that are heavily reliant on official sources. In his analysis of the “politics of sources” in contemporary Latin America, Silvio Waisbord has called attention to the dependency of the region’s media on “off the record” official sources, a dynamic that in his view establishes a perverse trade-off between journalists and informants in which “reporters do not have to reveal their sources and the latter are able to steer coverage” (Waisbord 2002, p. 98). Far from expressing a social logic that seeks to challenge the role of informal institutions, those type of interactions are but an expression of the role that informal institutions play in the reproduction of delegative democracies. While on the surface they appear as instances of democratic accountability, the ultimate beneficiaries of those actions are primarily powerful political insiders and secondarily that select group of journalists that have privileged access to official sources.

In a scenario where political scandals are conceived as one of the strategies of the visibility management of political elites, the role of watchdog journalism is reduced to performing as a mouthpiece to specific political interests. As Waisbord eloquently argues:

The range of elite confrontations constraints the repertoire of watchdog journalism. The fact that watchdog journalism rarely touches on business malfeasance or social inequalities is not only the result of editorial disinterest in those subjects, but also of newsgathering conventions . . . Exposés also reflect the boundaries of the disputes among powerful actors over turf and interests. Such disputes do not question social inequalities and are focused on individuals rather than institutions.

(Waisbord 2002, p. 115)

If we otherwise restrict the concept of social accountability to initiatives that are exclusively powered by civil society, the role of political scandals changes. Society-driven exposés add a specific subtype of political scandal: those where the primary sources of information are neither political insiders nor the media but civil society. Social accountability exposés expand the repertoire of watchdog journalism by bringing the voices and claims of grassroots groups into the public sphere. Unlike official corruption scandals, the denunciations that are brought about by social accountability initiatives help expose deep seated social inequalities that result in the uneven distribution of rule-of-law institutions. As O’Donnell argues, rule-of-law deficits are not equally distributed but affect particularly the poor. The acts of governmental wrongdoing that are brought to the fore by social movements refer to the infringements of the civic rights of common citizens in poor communities. Cases of police brutality, for instance, figure prominently in this literature (Bonner 2009a, 2009b, 2014; Denissen 2008).

The concept of social accountability adds organized civil society into the analytical framework, calling attention to a subset of political scandals that are powered by a bottom-up logic thanks to the active intervention of organized groups such as social movements and advocacy NGOs. In such a rendering, society is not reduced to an audience whose reactions determine whether a certain disclosure bears the status of a scandal, but is in fact the main protagonist. Human rights scandals are triggered by collective actions on behalf of specific sectors of civil society that resort to the media to gain symbolic representation and legitimize their claims (Porto 2012). For the most part, those scandals follow a similar script: they originate in a crime that mobilizes the primary networks of the victim; generally, family, friends, and neighbors that through mobilization are able to bring other sectors of civil society to their cause (frequently engaging public advocacy NGOs, professional organizations, or trade unions). Through sustained mobilization, they are able to place the case as a prominent topic in the national public
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agenda and garner support from the general public that frequently joins them in their claims and mobilizations.

From the above description, it becomes clear that the dynamics of civil society promotes scandals which greatly differ from those mostly involved in internal struggles within the political field. If the latter are expressions of horizontal conflicts within the political camp, the former adopt the logic of society versus state/political system. Experience shows that those sorts of scandals are less amenable to elite manipulation, given that the sources of information are not leaks from official sources but rely on autonomous sources in civil society (Peruzzotti 2006; Waisbord 2002). They can also result in the advancement of governmental accountability.

Notes

1 For the concept of informal institution, see Helmke and Levistky (2006).

2 The analysis of the journalism field in Latin America gave rise to some questions that would force a narrowing of the concept to initiatives that are fundamentally spawned from civil society. I will return to this issue below.

References


