

**CONCEPT PAPER:**  
**ACCOUNTABILITY & SOCIETY**

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## INTRODUCTION

In recent years, a growing number of authors and practitioners have offered up civic engagement as the solution to the double crisis of states and markets in the developing world. This school of thought argues that failed markets can be corrected through pro-active consumers who search out alternative sources of private goods and altruistic social organizations that overcome the free-rider problem for public goods. In addition, it defends the position that failed states can be reconstructed through the action of an informed citizenry that knows its rights and requires the government to uphold them. Although the forty years after World War II were characterized by a faith in state intervention and the last twenty years have been marked by the acceptance of the market model, it appears that the next wave of development thought will be grounded in a solid commitment to civic engagement.

We should welcome this paradigm shift as an opportunity to rethink accepted categories and as a chance to give a dynamic boost to development thinking. Nevertheless, as with all new concepts and intellectual fads, we need to carefully analyze and evaluate the many meanings and practices embedded in this new current of thought. The present Concept Paper attempts to clarify one aspect of the growing literature on civic engagement: society's role in improving government accountability. The paper does not seek to impose a single, restricted definition of "social accountability" on the diversity of pro-accountability activities taken up by society. Instead, it surveys a wide variety of literatures and practices and carefully outlines various categories and types of societal participation. Each one of these categories has particular strengths and weaknesses that should be taken into account by development professionals who consider tapping into the energies of society to improve government accountability.

The first section below discusses both the concept of accountability and the problems that exist with the most widespread of all accountability mechanisms: democratic elections. It starts by proposing a core definition of accountability as "a proactive process by which public officials inform about and justify their plans of action, behavior and results and are rewarded and punished accordingly". It then identifies three structural problems with elections as accountability mechanisms: information asymmetry, an *ex-post* evaluation bias, and "externalism". The existence of these three problems is what justifies the development of innovative pro-accountability initiatives. If free and fair elections were enough to assure disciplined and responsive government there would be no need to design new institutions and strategies.

In the second section, the paper begins by outlining the four general strategies governments can take to boost accountability. These are: "Command-and-Control", "Marketization", "Independent Pro-Accountability Agencies", and "Civic Engagement". It then moves on to explore what I will call "Civic Engagement for Accountability" in depth, identifying five different forms it may take: "Participatory Local Development", "Administrative Procedures", "Social Protest", "Participatory Monitoring & Evaluation" and "Co-Governance". The text carefully evaluates the strengths and weaknesses of each one of these categories of participation.

The third section then discusses the crucial questions of when, where and for what types of development projects each category of participation is most effective and adequate. What are the costs and benefits of the different types of civic engagement for

accountability? What are the best “entry points” for initiating pro-accountability reform grounded in societal participation? Finally, the paper concludes with a brief survey of the ground that has been covered and identifies a series of key questions that should be discussed by practitioners before embarking on pro-accountability reforms.

## I. ACCOUNTABILITY

There are three fundamental threats to the construction of good governance and the rule of law in the developing world, namely *corruption*, *clientelism* and *capture*. All three of these phenomena refer to the use of public office for private gain and their impact goes far beyond the simple diversion of funds. Corruption, in addition to directly enriching individual bureaucrats, distorts markets and hampers service delivery (Rose-Ackerman, 1999). Clientelism, in addition to unfairly channeling public resources to specific client groups, alters the dynamics of political competition and leads to the ineffective provision of public services (Fox, 1994). Capture, in addition to providing rents to specific economic actors, also greatly alters markets and worsens the position of consumers, workers and the environment *vis á vis* corporations (Stigler, 1971).

It is generally accepted that the best way to combat this three-headed monster and thereby guarantee the public interest character of the state is by strengthening government “accountability”. But what exactly does this concept mean? In its most literal sense, the term accountability means little more than the “ability” or the “possibility” that someone or something can be “accounted for” or “counted up”. Under this minimalist understanding, all that the accountability of government would imply is the most basic form of bookkeeping (e.g. this many miles of highway were built last year, this much money was spent, this number of students attended public schools, etc.). It might also require the existence of someone who could possibly view the accounts if he or she so wished, a principle of “minimal exposure” if you will, but not much else. Transparency, punishment, performance, corruption, external surveillance, the public interest, power, and principal-agent relationships are all left out of this basic understanding of the concept of accountability.

Such a definition is clearly insufficient. Basic bookkeeping plus minimal exposure are not powerful enough levers to achieve the lofty goals of good governance and the rule of law that the World Bank seeks to promote. If my colleague at the Public Works Ministry knows that I built 300 miles of highway last year, would this in itself promote good governance? What if my 300 miles were made out of below standard concrete? What if the budget had called for me to build 1,000 miles? What if my colleague is actually my subordinate whose job depends on his maintaining favor with me? Clearly we need a much more robust definition of accountability in order for this term to do the work we expect of it.

The conceptual task therefore is to build up a workable definition of accountability that has sufficient leverage and clarity so as to irrefutably push towards good government and the rule of law. But where should our conceptual construction project begin and where should it stop? The first element that most authors include is punishment or sanction. As Robert Behn has argued, “Those whom we want to hold accountable have a clear understanding of what accountability means: Accountability means punishment” (Behn, 2001:3). Andreas Schedler also incorporates this element into his definition of accountability, including both *answerability*, or “the obligation of public officials to inform about and to explain what they are doing” (Schedler, 1999: 14) and *enforcement*, or “the capacity of accounting agencies to impose sanctions on powerholders who have violated their public duties”(Schedler, 1999: 14).

As we can see from this second definition, once we start building in new elements to the concept it is very difficult to resist the temptation to push further. For instance, Schedler's definition adds in the key concepts of "information", "explanation" and "accounting agencies". Here the author encourages us to go beyond the relatively passive requirement of minimal exposure to include a more pro-active opening up on the part of public officials. It is not enough for bureaucrats to leave their ledgers open on their desks so that passersby can catch a glimpse of their reports. They must actively inform, explain what they are doing and perhaps even justify why in comprehensible language. In addition, Schedler's reference to accounting agencies introduces the element of the participation of an external actor. For the author it is not sufficient for the members of a government agency to be in full communication with each other. For accountability to exist there must also be a vigilant eye that gazes in from the outside.

Richard Mulgan's definition of accountability emphasizes precisely this external nature of the accountability relationship. He argues that accountability includes three central elements: 1) "It is *external*, in that the account is given to some other person or body outside the person or body being held accountable" (Mulgan, 2000:555) ; 2) "It involves *social interaction and exchange*, in that one side, that calling for the account, seeks answers and rectification while the other side, that being held accountable, responds and accepts sanctions" (Mulgan, 2000:555); 3) "It implies *rights of authority*, in that those calling for an account are asserting rights of superior authority over those who are accountable" (Mulgan, 2000:555). This third element of Mulgan's definition introduces a crucial new element to our discussion: "superior authority". According to Mulgan, accountability necessarily implies power. Only when the observer stands above the observed can we speak of accountability. Indeed, following this line of thinking, other authors argue that accountability can only exist as an element of a "principal-agent relationship" (Moreno, Crisp & Shugart, 2003). Might it be that we can only speak of accountability when the actor being held accountable is directly at the service of the actor calling for the account?

I would argue that although externality and superior authority are indeed often important elements of accountability relationships, they are by no means necessary in order for accountability to exist. "Internal" accountability relationships are widespread, for instance within a sports team, a government agency or even a single individual. The coach of a team evaluates each player's performance and rewards or punishes them depending on the results, but so do each one of the players. External audit agencies often hold government agencies accountable for their actions, but so do fellow colleagues within a single ministry. In the extreme case, can't an individual hold herself accountable for her own actions by, for instance, punishing herself with extra work if she fails to uphold her promise not to smoke?

"Horizontal" accountability relationships, between two actors of equal authority, are also common. Can't one legislator hold another legislator accountable for whether or not she upholds the party platform during her floor votes? How about the relationship between an *Ombudsman* and an executive agency or between two twin brothers? We should not confuse sanctioning power with superior authority. The fact that I can punish you does not necessarily mean that I am above you. My punishment might be more effective if I am indeed in a superior position, but I can still observe, evaluate and punish if we are equals.

This brings us to another crucial question. Independently of *how* public servants are held accountable, what can they be held accountable *for*? Here there are two broad schools of thought. One current equates accountability with honesty and rule following. Public servants should be evaluated, rewarded and punished based on the extent to which they desist from corrupt and illegal practices. This is an essentially “negative” and process-based view of accountability in so far as it requires public servants only to restrain from certain activities. A second current defends the idea that accountability also implies the affirmative task of effective performance and pro-active decision making (Paul, 1992). What use is it for a public servant to follow the rules and not accept bribes if her actions and decisions do not lead to effective policy outcomes? The only problem here is that there may be a trade-off between “accountability for rule following” or “legal accountability” (Ackerman, 2004a) and “accountability for performance”. Indeed, this is what Behn characterizes as “the accountability dilemma” (Behn, 2001). The discretion that allows bureaucrats to focus on performance and to discover creative ways to solve problems might also open up room for increased malfeasance. Nevertheless, as we will see below, one of the best ways to overcome this dilemma is through the active participation of civil society.

The *temporal* dimension is another important aspect of accountability. Specifically, are there such things as “*ex-ante*” or “simultaneous” accountability, or is all accountability necessarily *ex-post*? It is extremely difficult to defend the position that accountability can only be exercised after the fact. Human and institutional behavior is a flux of conceptions, ideas, actions, and justifications and can be evaluated at any moment. For instance, there is no need for an agent of accountability to wait until the highway is already built in order to ask for information and explanations and evaluate the answers given. How was the strategic plan developed? How are the workers organized at the construction site? How do the engineers respond to unexpected circumstances? The *ex-post* purist would argue that each one of these evaluations is, in the end, performed after the fact, that it is impossible to evaluate something that doesn’t already exist. This may be the case, but such stretching of the concept of *ex-post* leaves it with little or no specific value. If everything is *ex-post* then accountability is of course necessarily also *ex-post*, but this leaves us with a meaningless tautology.

The Administrative Procedure Act (APA) and National Environmental Policy Act (NEPA) in the United States are excellent examples of effective *ex-ante* accountability mechanisms. Before agencies can put new regulations into effect they are required to give complete information as to their content, justify them based on cost-benefit analysis and even defend them in court if questioned by civil society groups. Such accountability mechanisms have been criticized for unnecessarily slowing down government action, as agencies spend significant time and resources justifying their behavior and responding to criticisms, but this is a very different point from affirming that such forms are not accountability relationships at all.

One other important distinction present in the literature is that between accountability and “*responsiveness*”. Some scholars argue that there is a radical split between these two concepts, that responding to the demands of citizens is very different from being accountable to them. For instance, Bernard Manin, Adam Przeworski and Susan Stokes have claimed that “a government is ‘responsive’ if it adopts policies that are signaled as preferred by citizens” (Manin, Przeworski & Stokes, 1999:9) while

“governments are ‘accountable’ if citizens can discern representative from unrepresentative governments<sup>1</sup> and can sanction them appropriately, retaining in office those incumbents who perform well and ousting from office those who do not” (Manin, Przeworski & Stokes, 1999:10). The problem with such a radical distinction is that it conceptualizes government as an entity that citizens “alienate” or throw up into the air at each election and then try to discipline or control at the next. From this perspective accountability can only be exercised externally and *ex-post*. Citizens are only empowered to sanction the government after it has “performed” by changing their vote during periodic elections.

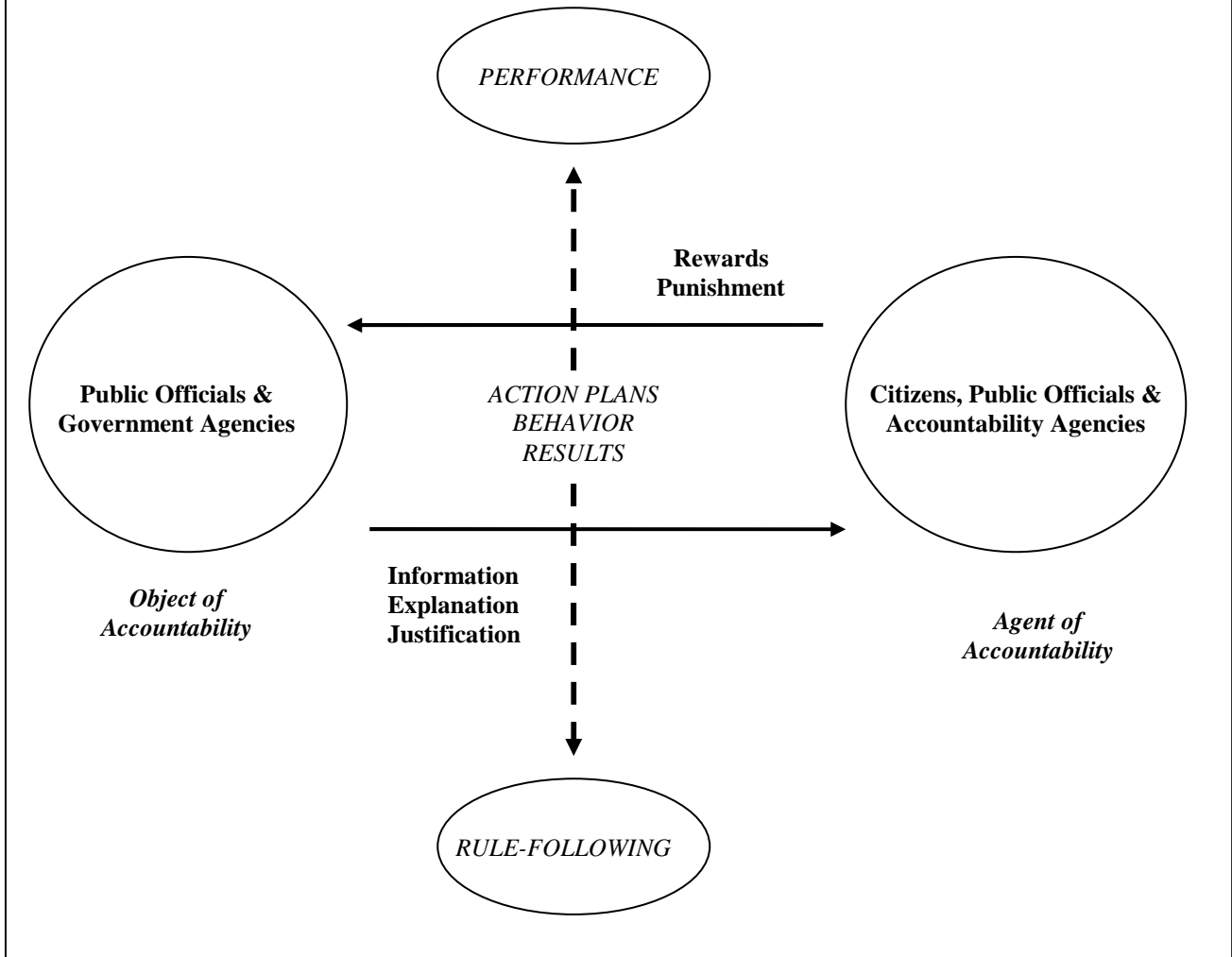
The contrary point of view sees government as a part of the polity itself, not an external actor that the citizens lift up above them and then try to control after the fact. This alternative conceptualization of government envisions a constant give and take between state and society and the exercise of accountability both before and during the exercise of public authority. Here “responsiveness” and “accountability” are still two different concepts, the former referring to the motivation for an action or decision and the latter referring to the quality of the action or decision itself. Nevertheless, they are inextricably linked since a government that opens itself up fully to scrutiny and sanction before, during and after it acts will necessarily also take very seriously the interests and demands of citizens. Indeed, when citizens are empowered as agents of accountability and they exercise this authority the government has no choice but to be responsive to their needs.

The above discussion brings us to settle on a definition of accountability that includes pro-active behaviors like information and justification, the evaluation of performance in addition to rule-following, the calling to account before, during and after decisions are made, and, of course, the application of rewards and sanctions. We can therefore define accountability as a *pro-active process by which public officials inform about and justify their plans of action, their behavior and results and are rewarded and punished accordingly*. Figure 1 below summarizes our discussion of accountability up to this point:

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<sup>1</sup> The authors define “representation” as “acting in the best interest of the public” (Manin, Przeworski & Stokes, 1999:2).

**Figure 1: The Core Elements of Accountability**





But why worry about accountability as a specific target of intervention? Aren't free and fair elections enough? Citizens elect representatives and then supposedly hold them accountable for their behavior at the following election. The representatives in turn appoint and hold bureaucrats and the members of the judicial branch accountable for their behavior. Such an "accountability chain" is supposed to assure good government and the rule of law since the jobs of all public officials ultimately depend on the popular vote.

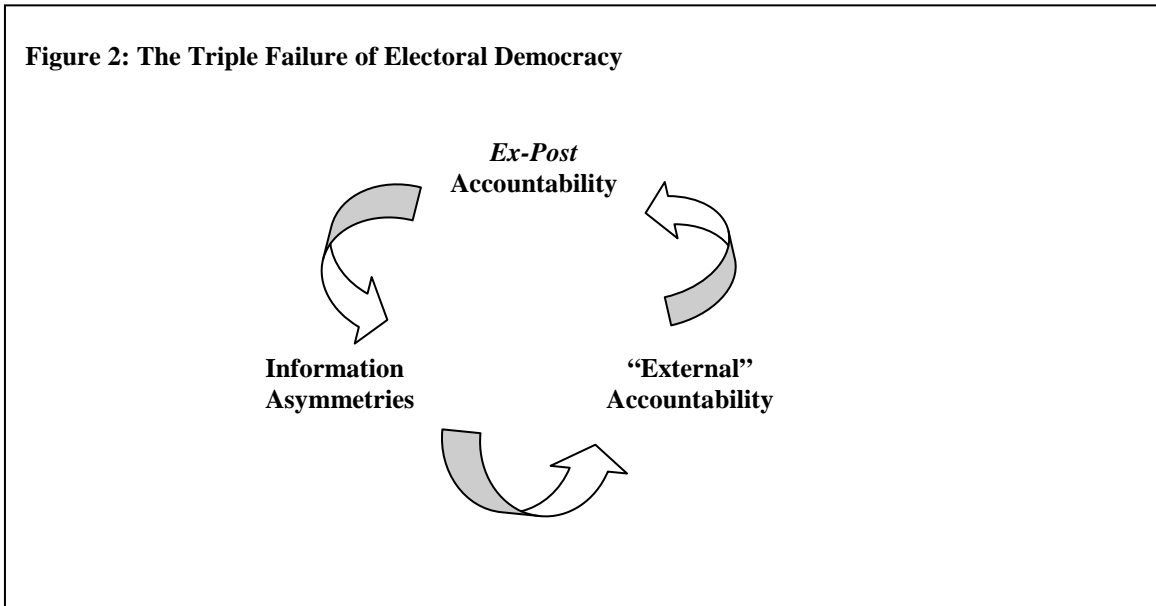
Unfortunately, empirical research has shown that the accountability that public officials are exposed to through the celebration of periodic elections is not enough to guarantee good government and the rule of law (Geddes, 1994; Varshney, 1999; Przeworski, Stokes & Manin, 1999; Stokes, 2003). There are three central problems with elections as accountability mechanisms. First, there is a profound problem of *information asymmetry* both between elected officials and the electorate and between bureaucrats and elected officials. It is simply impossible for citizens to be aware of each and every decision that an elected representative makes or for an elected representative to be aware of every act performed by unelected public servants. Add to this the media's consistent manipulation of information and the ability for both elected and unelected officials to intentionally hide important facts and the interference present in the accountability chain becomes formidable. Instead of a crystal clear fiber-optic line of communication between public officials and citizens we have something more like a garbled telegram that can be deciphered in multiple ways. Under such circumstances the "moral hazard problem" raises its ugly head. Why would a bureaucrat follow the dictates of an elected official or an elected official the dictates of the citizens if it is much easier and lucrative to take advantage of the communication breakdown and follow one's own interests and agenda?

The second problem with elections as accountability mechanisms is that they only operate *ex-post*. As discussed above, such monitoring and enforcement after the fact is indeed an important type of accountability. Nevertheless, it is only one part of the larger accountability landscape. In so far as we conceptualize government as something that should be in constant contact with the public we need to imagine and to construct *ex-ante* and simultaneous accountability mechanisms as well. If we rely exclusively on *ex-post* accountability we in effect "alienate" our voice by delegating our authority entirely during the periods between elections. This would not be a problem if the government were occupied by perfectly honest politicians and civil servants with whom we agree on all issues, but in the real world it is important to maintain a significant connection between citizens and government in order to prevent public officials from behaving as short term dictators between elections.

Third, elections only allow citizens to exercise accountability "*externally*", from "outside" of government. Elections are grounded in a clear split between state and society. Citizens send representatives to the capital through their vote, but do not participate themselves in the tasks of government. The public may be consulted before decisions are made and it may change its vote in the next election, but it is excluded from playing a direct role in decision making. Under formal representative democracy citizens do not have any concrete authority over government.

The above three problems are intimately connected in an interlocking negative feedback loop (See Figure 2 below). First, since citizens are external to government it is

much more difficult for them to have access to adequate information and to exercise accountability in anything other than an *ex-post* fashion. Second, citizen’s lack of information prevents them from effectively exercising *ex-ante* or simultaneous accountability or participating directly in the tasks of government. Third, the limitation to *ex-post* accountability makes citizens feel that they are unimportant for the functioning of government, thus minimizing the number and force of citizen demands for information and inclusion.



Although most institutional reformers agree that corruption, clientelism and capture are the central motivating forces for pro-accountability reform, the diagnoses as to exactly *why* governments continue to suffer these problems even under democratic conditions are extremely weak. Indeed, often there is no diagnosis at all. This leads to a confused, piecemeal approach to accountability reform in which the horizon of honest and well functioning government is clear but the path that leads there is unclear or even contradictory. Those diagnoses that do exist tend to ground their analysis in problems with the “political culture” of third world countries (i.e. the citizens and bureaucrats of developing countries are somehow fundamentally dishonest) or in problems linked to poverty (i.e. we can’t expect poor people or institutions to place anything but their own survival and well being as their first priority). These types of diagnoses are problematic both because they lead to the fatalistic conclusion that in the end the struggle is hopeless and because they refuse to accept the fact that there are also significant problems with government accountability in the developed world. We need a broader diagnosis that identifies the core accountability gaps in electoral democracy in general, thereby setting the stage for creative new solutions in both the North and the South. The above discussion attempts to lay out such an agenda by identifying three specific problem areas where pro-accountability reformers should focus their efforts.

## II. PRO-ACCOUNTABILITY REFORM & CIVIC ENGAGEMENT

The celebration of free and fair elections is a necessary but not sufficient condition for the establishment of good governance and the rule of law. The challenge for pro-accountability reformers is to construct innovative ways to break with the negative feedback loop outlined in Section I. The present section begins by briefly outlining and evaluating the four general strategies governments can take to boost government accountability: “Command-and-Control”, “Marketization”, “Independent Pro-Accountability Agencies”, and “Civic Engagement”. It then moves on to explore the Civic Engagement strategy more in depth, identifying five different forms it may take: “Participatory Local Development”, “Administrative Procedures”, “Social Protest”, “Participatory Monitoring & Evaluation” and “Co-Governance”. For each one of these categories of civic engagement I identify their strengths and weaknesses as well as explore the extent to which they successfully fill the three accountability gaps of information asymmetry, *ex-post* evaluation bias, and “externalism”.

### A. *Command-and-Control*

In the contemporary world of “flexible government” the strengthening of the command-and-control functions of government has fallen out of favor. Nevertheless, such “old” public management strategies like civil service reform and the improvement of internal auditing, evaluation and surveillance are absolutely central elements of any pro-accountability reform package. If the central administrative apparatus does not have sufficient strength and legitimacy to control its own employees other pro-accountability reforms will surely fail.

With regard to civic engagement in particular, societal actors are much more willing to participate if they see that they are not replacing but complementing the activities of government and if they are able to dialogue with government representatives who are serious about their jobs. Also, societal actors are easily disappointed if the government is not able to “deliver the goods” at the end of the day, a situation that could leave state-society relations even worse than if no attempt to reach out had been attempted in the first place.

Nevertheless, this does not mean that developing countries should wait until they have a solid bureaucratic apparatus before initiating reforms grounded in civic engagement. As we will see below, the active involvement of society and the strengthening of the state apparatus are not mutually exclusive or even contradictory initiatives. If institutions are properly designed, a virtuous cycle that reinforces both state and society is possible. The empowerment of society does not have to pass through the weakening or reduction of the size or the capacities of the state. Indeed, research shows that exactly the opposite is the case (Ackerman, 2004b). Both state and society are best strengthened by establishing mechanisms that allow each side to stimulate the other, thus creating a positive feedback loop that can lead to significant improvements in governance in the short, medium and long terms.

## ***B. Marketization***

The most popular recent wave of public administration reforms emphasizes both the privatization of public services and the imitation of private sector management techniques by government. These two strategies are analytically and empirically distinct. It is one thing for the government to sell off government monopolies and it is quite another for the government to run itself like a business. Nevertheless, both strategies look to improve the accountability of service provision by introducing the discipline of the market. Privatization introduces the market in a single act while strategies such as managed competition, subcontracting, deregulation of government procedures, and flexibilization of government labor markets introduce market behavior in a more piecemeal and indirect fashion.

The important issue here is that marketization should not be confused with civic engagement. Although they both look to tap into the energy of society to improve accountability, each reform strategy has a very different logic. While marketization seeks to send sections of the state off to society, civic engagement seeks to invite society into the state. While marketization is grounded in the discourse of consumer protection and empowerment, civic engagement is based in the language of citizens' rights and basic necessities.

Civic engagement has a few important advantages over marketization. First, civic engagement retains the comparative advantage that the state has over the market in the provision of public goods, natural monopolies, basic necessities, and goods that require long term planning and development. Second, it keeps transaction costs to the minimum by permitting the focused coordination of multiple programs with parallel goals. Third, it avoids the inequality producing effects of market based service delivery.

State reformers should remember that the New Public Management (NPM) can be applied in a wide variety of ways. As B. Guy Peters (2001) has pointed out, NPM is a catch-all term that actually holds within it four different models of government: "Market Government", "Participative Government", "Flexible Government" and "Deregulated Government". Pro-accountability entrepreneurs should think twice before assuming that marketization is the best and only way to apply the NPM. Careful attention needs to be put on the type of good or service being provided, the increase in transaction costs marketization might provoke, the possible loss of strength in the accountability signal when "citizens" are replaced with "consumers", and the potential for increases in inequality that can arise from marketization. In the end, the "participative" model of the NPM frequently can be even more effective than the "market", "flexible" or "deregulation" models.

## ***C. Independent Pro-Accountability Agencies (IPAs)***

One of the most popular pro-accountability reforms in recent years has been the creation of Independent Pro-Accountability Agencies (IPAs) (Ackerman, 2003). IPAs are autonomous public institutions that are responsible for holding government

accountable in a specific issue area<sup>2</sup>. Examples include autonomous corruption control bodies, independent electoral institutes, auditing agencies, human rights *Ombudsmen*, and “Public Prosecutors”. In the last decade there has been a veritable explosion in the creation of such institutions in the developing world. In Latin America, Belize, Brazil, Columbia, Costa Rica, Chile, Peru and Mexico have all created or revived one or more such independent institutions in the last decade. This trend is also present in Asia, Africa, Australia and Eastern Europe. Some recent examples include the new *Ombudsmen* in Poland (Founded in 1987), the Philippines (Founded 1989) and South Korea (Founded in 1994), the National Counter Corruption Commission in Thailand (Founded in 1998), the Independent Commission Against Corruption in New South Wales, Australia (Founded in 1988), the Public Protector in South Africa (Founded in 1994), and the Inspector-General of Government in Uganda (Founded in 1996) (Pope, 2000). Another indicator of this trend is that over 80 countries currently have a national *Ombudsman* while only a dozen had one only 20 years ago (Bennett, 1997).

Some countries have distinguished themselves as especially innovative cases in the creation of new pro-accountability institutions. Thailand’s 1997 constitution created seven different such institutions: a National Counter Corruption Commission, an independent Electoral Commission, an Ombudsman, a Constitutional Court, an Administrative Court, an environmental review board responsible for evaluating the environmental impact of public projects, and a consumer review board which involves consumer representatives in the design of consumer protection laws (Pratijarn, 2002; Unger, 2003). Hungary is another fascinating case in so far as it has recently established four different ombudsmen, one for human rights protection, a second for national and ethnic minorities, a third for data protection and freedom of information, and a fourth for education (Rose-Ackerman, 2004). In Latin America, the Chilean *Contralor* (Siavelis, 2002), the Peruvian Ombudsman (Santistesvan, 2000), the Brazilian *Ministerio Público* (Bastos, 2002, Sadek & Batista Cavalcanti, 2003) and the flurry of new agencies recently created by the Mexican government (Ackerman, 2003) stand out as particularly interesting cases.

The creation of so many new agencies bodes well for the improvement of governance since it strengthens and expands the structure of checks and balances that has historically been less than adequate in the developing world. Most importantly, these institutions correct for the *ex-post* bias of electoral accountability. While elections occur only periodically, IPAs are always watching, judging and punishing. They are therefore an excellent antidote for the “delegative democracies” that tend to spring up even where democratic elections are relatively free and fair (O’Donnell, 1994).

Such agencies also help confront the problem of information asymmetry both by directly providing information and by evaluating the validity of the information that other agencies and actors provide to the public. Independent audit agencies and human rights *Ombudsmen* are crucial actors in the public debate about government performance in many countries. Independent “Information Ministries” and media *Ombudsmen* often play a central role in guaranteeing the provision of adequate and objective information.

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<sup>2</sup> These have also been called “Horizontal Accountability Agencies” (O’Donnell, 1999), “Counterbureaucracies” (Gormley, 1999), “Oversight Agencies” (Mainwaring, 2003) and “Superintendence Agencies” (Moreno, Crisp & Shugart, 2003).

IPAs also play a crucial role in bridging the gap between government and society. Institutions like *Ombudsmen* and “Public Prosecutors” are explicitly designed to facilitate the involvement of societal actors in holding government accountable. But even institutions like electoral institutes and auditing agencies which are not by nature designed to incorporate citizen participation are often able to break with the culture of bureaucratic isolation in innovative ways. Here Mexico’s Federal Electoral Institute (IFE) is a particularly important case in point (Ackerman, 2004b). In general, IPAs are organs of “the state” that defend the interest of society at large above and beyond the specific orientation of the individuals and parties that occupy “the government”. Therefore, IPAs are in essence about constructing bridges between government and society.

The performance of IPAs varies widely between countries. Indeed, it would be safe to say that there are as many cases of IPAs that serve to help governments avoid accountability as there are IPAs that successfully strengthen government accountability. In many countries there is a long tradition of creating new “independent” bureaucracies in response to problems in order to make the government appear as if it were committed to resolving the issue at hand, whether it be corruption, human rights violations, free and fair elections, etc.. Such institutional innovations often successfully deflect criticism from the central bureaucracy, thereby permitting the government to avoid a full reform of the state. The transparency and openness to participation also varies widely between IPAs. For instance, while *Ombudsmen* tend to be open and to provide much needed information to the public, auditing agencies tend to be much more closed lipped.

Research shows that there is a direct relationship between the effectiveness of IPAs and the level and intensity of their interaction with society (O’Donnell, 2002; Ackerman, 2003; Moreno, Crisp & Shugart, 2003; Sadek & Cavalcanti, 2003). Those IPAs that take their role as bridges seriously are the ones that fulfill their mandates more effectively, while those that separate themselves from either the government or society tend to end in isolation and ineffectiveness. Here we see that so called “horizontal” and “vertical” accountability cannot be so easily separated. The strength of government accounting agencies depends on their connection with society at large.

#### ***D. Civic Engagement for Accountability***

Civic engagement is a highly effective way to strengthen government accountability. As discussed above, civic engagement does not contradict command-and-control strategies nor is it the same as marketization. “Civic Engagement for Accountability” can be defined as the *active participation of citizens in the investigation, evaluation, or judgment of the plans of action, behavior and results of public officials or bodies and the corresponding application of rewards and punishments.*

A great variety of activities from street protests to participatory budgeting fit under this definition. Each form of civic engagement has specific strengths and weaknesses and is appropriate in particular contexts. Below I present a categorization of five different types of civic engagement for accountability and briefly analyze the pros and cons of each.

*i. Participatory Local Development*

The most common form of civic engagement for accountability is the participation of communities in the implementation of local development projects. There is now extensive evidence that such “co-production” greatly improves the effectiveness of service delivery and significantly reduces the possibility of corruption. As Peter Evans has written,

the image of the good bureaucrat—carefully insulated from constituents—has its usefulness, but openness to the role of the ‘coproducer’...may be the best way to increase effectiveness and ultimately the best way to preserve the integrity of increasingly besieged public institutions (Evans, 1996b: 1131).

For instance, Elinor Ostrom has documented how the involvement of citizens in the planning and implementation of water and sanitation projects greatly improved their effectiveness and reduced corruption in urban Brazil (Ostrom, 1996). Jonathan Fox’s work on the use of World Bank funds for municipal development projects in Mexico comes up with similar results (Fox & Aranda, 1996; Fox, 2002). Wai Lam has written about how community participation in irrigation programs in Taiwan has made service delivery much more efficient and effective (Lam, 1996). Judith Tendler’s path-breaking work in *Good Government in the Tropics* (1997) also demonstrates the salutary effects of the co-production of services by street-level bureaucrats and societal actors. Richard Crook and James Manor’s volume on decentralization in South Asia and West Africa comes to similar conclusions about the impact of “co-production” (Crook & Manor, 1998).

The only problem is that this approach to civic engagement for accountability is limited in scope in so far as it circumscribes societal action to specific local services and to the implementation phase of government projects and leaves out the important discussion of the legal institutionalization of participative mechanisms. Although it is nice for the government to involve local actors in the implementation of local development projects, it would be much better if they could participate in the original planning of the development strategy at the national level and even better if their participation was endowed with legal status.

National development planners like to make it appear as if bad performance and corruption were elements that snuck in at the implementation end of service delivery. But the truth of the matter is very different. Bad performance is just as frequently attributable to faulty grand strategy as it is to inefficient service delivery and corruption is just as likely to arise at the commanding heights of government as it is at the level of street-level bureaucrats. In order to improve accountability citizens should be given an institutionally legitimate voice in the core of government itself.

*ii. Administrative Procedures*

One way that governments have sought to institutionalize citizen voice in the central tasks of government is through the passage of administrative procedure acts that require agencies to notify the public, as well justify and defend any new rules or regulations before putting them into effect. For instance, the United State Administrative Procedures Act (APA) passed in 1946 obliges federal agencies to publish proposed rules

and decisions and open them up for “public comment” for at least 30 days before they take effect. During this period individuals and groups may question the legality of the rule or decision based on constitutional principles or on the statute that supposedly empowers the agency to make the rule/decision. Afterwards, the agency must respond to these challenges and justify that its rule is legal, “reasonable” and constitutionally sound. The rules, decisions and justifications can then be appealed to and ultimately decided on by the Supreme Court.

As administrative law scholar Jerry Mashaw has written, with the APA we demand that bureaucrats, “must not only give reasons, they must give complete ones. We insist that they be authentic by demanding that they be both transparent and contemporaneous. ‘Expertise’ is no longer a protective shield to be worn like a sacred vestment. It is a competence to be demonstrated by cogent reason-giving” (Mashaw, 2001: 26). The APA therefore brings societal actors into the most intimate chambers of the state and forces bureaucrats to face up to and justify themselves before society. Through the APA Congress has “responded to its own relative impotence by giving outsiders access not only to the bureaucracy but also to courts” (Rose-Ackerman, 1995: 16).

In recent years, many other countries have designed and implement similar laws. Jeeyang Rhee Baum (2002) has documented the process by which APAs were approved in Korea in 1994 and 1997 and Taiwan in 1999. Nuria Cunill (2000) documents how a great number of Latin American countries, including Guatemala, Mexico, Nicaragua, Peru and Uruguay, have also recently passed administrative procedure acts. Nevertheless, many of these acts do not put a many powerful legal resources in the hands of citizens and the distance between law and its firm application continues to be large for many of these countries.

Unfortunately, the central strength of this form a civic engagement for accountability, its institutionalized legal character, is also its weakness. Since this sort of accountability requires the filing of complex legal suits the actors who can best use it are those citizens or groups who are already empowered within the political system. This sort of citizen based accountability is therefore not particularly well designed for including the poorest and most oppressed members of society.

### *iii. Social Protest*

More political forms of societal participation such as mass mobilization and media exposés are also effective ways for society to improve government accountability. Catalina Smulovitz and Enrique Peruzzotti distinguish this form of accountability from the electoral and the horizontal forms by calling it “societal accountability”. They define this as,

a nonelectoral, yet vertical mechanism of control that rests on the actions of a multiple array of citizens’ associations and movements and on the media, actions that aim at exposing governmental wrongdoing, bringing new issues into the public agenda, or activating the operation of horizontal agencies (Peruzzotti & Smulovitz, 2000b: 150; 2002; 32).

For example, in their analysis of the social response to two extra-judicial killings in Argentina, the authors have documented how the combination of mobilization, legal action and media exposure can effectively guarantee that the judicial system operates



impartially, even when the perpetrators are well connected or even part of the government apparatus itself (Peruzzotti & Smulovitz, 2000a, 2000b, 2002). Sylvio Waisbord has complemented this analysis by focusing on the role of investigative journalists and media scandals in obliging public servants and politicians to be more accountable (Waisbord, 2000).

This literature is a welcome addition to the accountability debate since it obliges us to look beyond “well behaved” local participation in specific government projects to a more openly political and even confrontational engagement with the government apparatus as a whole. It therefore demonstrates that [the](#) effectiveness of “state-society synergy” is by no means dependent on the existence of consensus, value sharing or even trust between state and civil society actors. Indeed, conflict and suspicion are often more successful at [producing](#) state-society synergies.

Indeed, as Catalina Smulovitz has pointed out elsewhere, it is often the case that “the social trust that results from value-sharing weakens citizens’ oversight and control capacities of what rulers do, and increases, in turn, the chances of opportunistic actions by one of them”(Smulovitz, 2000:14). We should be careful not to fall prey to depoliticized or neutral ideas of civil society that see “cooperative” or “moderate” forms of social organization as the only ones that can positively influence the construction of accountability arrangements. Smulovitz has made this point very clear. “I am not arguing, as some have [e.g. Almond & Verba, 1963; Weingast, 1997], that an autonomous civil society is important because citizens share values that sustain the benefits of self-restraint. I am arguing that an autonomous civil society is important because it implies the existence of multiple external eyes with interests in the enforcement of law and denunciation of non-obedience” (Smulovitz, 2000:4).

The problem with this approach to social accountability is that it lacks institutionalization and is based on an arms length relationship between state and society. Protests are by definition carried out by individuals and groups who feel that they are excluded from the government. While this is often the only recourse left to citizen groups, it is more of an indication of a failure of effective civic engagement for accountability than it is of its success.

#### *iv. Participatory Monitoring & Evaluation (PM&E)*

Direct monitoring of government by societal actors as well as popular votes on particular issues or policies are additional pro-accountability mechanisms. This sort of civic engagement increases the frequency and the clarity of the accountability signals that citizens [send to](#) public officials. Examples of such participation include everything from surveys and “scorecards” that monitor the effectiveness of public services, to media exposeés of bureaucratic wrongdoing, to the organization of plebiscites and referendums. As Jonathan Fox has written, “civil society demands for state accountability matter most when they empower the state’s own checks and balances. By exposing abuses of power, raising standards and public expectations of state performance, and bringing political pressure to bear, they can encourage oversight institutions to act, as well as to target and weaken entrenched opponents to accountability”(Fox, 2000: 1). Here the idea is not the direct sanction of public wrongdoing by society as with social protest, but the more indirect mechanism of pressuring existing agencies to do their jobs [effectively](#).

The problem with this form of civic engagement is that like administrative procedures it tends to limit the universe of actors to already empowered citizens and groups. For instance, although “scorecards” collect the views of the public at large, they are usually designed and run by NGOs or consulting firms in a top-down fashion. This greatly limits public “ownership” of the results and makes it difficult to create widespread pressure on ineffective bureaucracy. When this is combined with the fact that PM&E programs are usually not equipped with legally institutionalized means to sanction inefficient, ineffective or corrupt bureaucrats, the limits of this strategy become clear.

In the end, as Robert Jenkins & Anne Marie Goetz have argued, such initiatives are grounded in a fundamentally naïve view of politics and bureaucratic inefficiency. Such accountability mechanisms “can be considered ‘weapons’ only if the politicians and bureaucrats in question are ignorant of the service-delivery problems in the first place. Most, in fact, are already aware of the dismal state of public amenities in India’s slums. (Jenkins & Goetz, 1999: 619). Bureaucrats need to be made *directly* accountable to the citizenry and the best way to do this is to allow citizens to get involved in the activity of auditing from the *inside* and to directly *confront* bureaucrats with their complicity in the lack of performance or the corruption that exists in the delivery of public goods and services

#### v. *Co-Governance*

The best way to strengthen accountability through civic engagement is by incorporating societal actors directly in the core functions of the government. This form of civic engagement explicitly violates the separation between state and society. For instance, Ernesto Isunza has recently written about “transversal accountability” in which societal actors participate directly in the leadership and operation of state pro-accountability agencies (Isunza, 2003). This parallels Anne Marie Goetz and Rob Jenkins description of the “The New Accountability Agenda” (Goetz & Jenkins, 2002a) which emphasizes “hybrid” or “diagonal” forms of accountability (Goetz & Jenkins, 2001) in which “vertical” actors carry out intra-state “horizontal” accountability functions. In a similar spirit, Leonardo Avritzer has put forth the idea of “participatory publics” which occur when societal participatory practices are taken up by and embedded within the state (Avritzer, 2002). Archon Fung and Eric Wright have also followed this line of research in arguing for “empowered participatory governance” which expands the sphere of democratic participation beyond formal electoral politics to involve society at large in deliberation over the design and operation of fundamental government services such as schooling, policing, environmental protection and urban infrastructure (Fung & Wright, 2001). In addition, Jonathan Fox has argued for an “interactive approach” to state-society relations which envisions the improvement of accountability through the participation of society in the core functions of government (Fox, 2000).

Examples of this form of accountability include participatory budgeting, citizen controllers, citizen councils, and citizen advisory boards that fulfill public functions like auditing government expenditures, supervising procurement, or monitoring elections. The Porto Alegre Participatory Budget, Mexico’s Federal Electoral Institute, and Hungary’s Environmental Council are a few of the many concrete examples of how such

co-governance is possible (Ackerman, 2004b; Rose-Ackerman, 2004). What brings together all of these experiences is that they fully institutionalize citizen participation inside the core of government itself. Citizens are not just consulted, surveyed or permitted to supervise from afar, but are invited into the state to share the tasks of governance. In the end, this form of civil society participation is special because it “represents a shift towards augmenting the limited effectiveness of civil society’s watchdog function by breaking the state’s monopoly over the responsibility for official executive oversight” (Goetz & Jenkins, 2001: 365).

The problem with this form of pro-accountability reforms is the risk of false representation. Who can guarantee that those citizens chosen to participate in councils or those individuals who show up at participatory budget meetings represent the interest of the public as a whole? Aren’t these spaces easily manipulated by clientelistic political parties and opportunistic community groups? This issue is always latent with such initiatives and it is the responsibility of the government side of these strategies to design the co-governance mechanism in such a way so as to avoid such problems of capture.

### III. ENTRY POINTS & PRACTICAL LESSONS

The first lesson to learn from the above discussion is that transparency and information are not enough. Opening up the dark chambers of the state to the eyes of the public is a major move forward, but it is only a first step. Governments cannot expect information provision to single handedly and spontaneously generate positive feedback loops between state and society. Governments need to be encouraged to directly stimulate the participation of society and to institutionalize mechanisms of state-society relations. *Ex-ante* and simultaneous accountability need to be strengthened and citizens ought to be invited inside the state. All three of the problems described in Section I should be confronted simultaneously. One element is not enough. If the rest are not included in designing pro-accountability strategies the isolated element will quickly come back to life like a lizard that has lost its tail. Accountability reform demands holistic solutions.

Poor people are exceptionally willing and able to work with government in constructive ways once they perceive that their participation can make a difference. In addition, effective societal participation is by no means limited to the provision of basic services. The poor care about much more than simple survival and local issues. It is a grave mistake to think that the poor are incapable of mobilizing themselves in the pursuit of larger social goals.

Therefore, the very first step for government reformers looking to construct civic engagement for accountability is to trust and actively involve societal actors from the very beginning of the process. Reformers should not wait for civil society to start trusting government nor should they wait to involve society until after the government has already designed a new participatory mechanism “from above”. The earlier societal actors are involved in the design process the more effective participatory measures tend to be.

The best “entry points” are therefore those where there are previously existing social demands and practices surrounding a particular accountability issue. This does not mean that civic engagement for accountability is only effective where there is a highly developed middle class, a lack of social conflict or in relatively “simple” policy areas. Normal citizens are extraordinarily capable of participating in highly complex tasks and there is no need for civil society to already be “well behaved” or “unified” prior to the implementation of innovative participative mechanisms. What this does say is that such mechanisms are most effective when state reformers respond to demands articulated by society and actively work with society to design and implement the participatory schemes. This is far more important than searching for locations where there is strong “social capital” or an absence of clientelism.

Once initiated, the best way to assure the sustainability of a participatory framework is through its full institutionalization. Both those reformers who pursue limited schemes and those who engage with society more fully should grant these participatory structures official, legal status soon as possible. There are three different levels at which participatory mechanisms can be institutionalized. First, participatory mechanisms can be built into the strategic plans of government agencies and rules and procedures can be mandated that require “street-level bureaucrats” to consult or otherwise engage with societal actors. Second, specific government agencies can be

created that have the goal of assuring societal participation in government activities or act as a *liason* in change of building links with societal actors. Third, participatory mechanisms can be inscribed in law, requiring individual agencies or the government as a whole to involve societal actors at specific moments of the public policy process.

Although the first level of institutionalization is more or less widespread and the second level is relatively common, the third level is extremely rare. There are of course some important exceptions. Nevertheless, these exceptions only prove the rule that participatory mechanisms are usually vastly under-institutionalized, depending too much on the ingenuity and good will of individual bureaucrats.

Why this is the case is more or less evident. Law making under democratic conditions involves the messy process of legislative bargaining and a full role for political parties. State reformers and multilateral agencies tend to shy away from such arenas, especially when they are dominated by opposing parties or factions. Therefore, reformers usually settle for executive procedures, special agencies or innovative individual bureaucrats to carry out their participative strategies.

This is a mistake. If dealt with in a creative fashion partisanship can be just as effective as isolation in the search for effective accountability mechanisms (Ackerman, 2004). It is absolutely crucial to involve political parties and the legislature in order to fully institutionalize participative mechanisms through the law.

Legal institutionalization is important but it is not enough. Both the executive branch as a whole as well as the project directors and street-level bureaucrats need to be committed to the importance of the participatory mechanisms. Otherwise, the law risks becoming dead letter. This is particularly crucial in situations where the government as a whole has a low level of legitimacy. In such cases the immediate assumption of the population is that “participatory mechanisms” are only sophisticated new forms of “reverse vertical accountability” (Fox, 2000) or manipulation of the people by the government. This can easily create a negative feedback loop between state and society that can undermine even the most sophisticated and powerful new law.

There are a few strategies that state reformers can use in order to prevent such a downward spiral from occurring. First, individuals with highly respected track records, well developed administrative capacities and creative intelligence should be chosen to lead the implementation of the law in the executive branch. Second, civil society organizations should be invited to help train both government bureaucrats and societal actors in the art of participation and group decision making from the very beginning of the implementation phase. Third, a concerted attempt should be made to involve the widest diversity of perspectives possible from organized and unorganized civil and political society.

Finally, we should question the commonly accepted idea that the absence of partisanship and political conflict is the only fertile ground for neutrality and accountability. Professionalism and independence is necessary but by no means sufficient to assure the long-term survival of accountability. In order to survive, pro-accountability structures need to be legitimated by society both at their founding moment and during their everyday operations. This requires the multiplication, not the reduction, of “external eyes” and the diversification, not unification, of political and ideological perspectives. Indeed, sometimes the most effective strategy for state reformers might be

to stimulate dynamic social movements and social protest and let them take the lead in pressuring and [undermining the power of](#) recalcitrant elements of the state.

Table 1 summarizes some of the most important lessons that emerge from this Concept Paper:

**TABLE 1: SUMMARY OF LESSONS FOR WORLD BANK STAFF**

ENTRY POINT	DESIGN	IMPLEMENTATION	OTHER
1) Consider comparative advantages of participation v. marketization..  2) Respond to societal protest and demands.  3) Search for previously existing societal practices.	1) Work closely with societal actors in the design of participative mechanisms.  2) Fully institutionalize mechanisms through the law (engage with the legislature and political parties).  3) Full opening holds much more potential than partial opening	1) Information & transparency should be complemented by outreach and active stimulation of societal participation.  2) Encourage training of public officials by societal actors.  3) Select highly capable and reputable individuals to lead civic engagement for accountability initiatives.	1) Participative mechanisms should be seen as complements, not replacements, for professional, well-financed bureaucracies.  2) The multiplication of plurality and partisanship is often more effective than isolation.

## IV. CONCLUSION

This paper has argued that the active involvement of civil society and the strengthening of the state apparatus are not mutually exclusive or even contradictory initiatives. If institutions are properly designed, a virtuous cycle that reinforces both state and society is possible. This is particularly important to emphasize today given the thrust of much of the NPM literature that proposes the devolution of state responsibilities to social actors via the market.

In addition, this paper questions those strands of the “old” public management literature that emphasize the insulation of bureaucracy from societal actors. As Robert Kaufman has recently argued,

The implication of accountability reform is different, however, when it refers to the establishment of popular assemblies and other forms of direct grassroots participation in administrative decisions. Although some forms of inclusion, such as partnerships with non-governmental organizations (NGOs) may enhance capacity, others, such as popular assemblies, may be a step backward in terms of the efficiency, effectiveness, and even the accountability of state organizations (Kaufman, 2003: 284).

We need to challenge this sort of circumscription of societal participation to “well behaved” or “enlightened” actors like NGOs and work for the full inclusion of the citizenry as a whole in the core activities of government.

In the end, one’s definition of accountability will depend on one’s vision of the role of the state. In so far as one conceptualizes the state as fundamentally an obstacle to development, as a predator that must be controlled in its unceasing desire to take over the market and the private sector, one will tend to grasp on to a more external, ex-post, legal, hierarchical vision of government accountability. In so far as one imagines the state as a possible facilitator of development, as a central actor in the provision of public goods and the stimulation of investment and citizen participation, one will lean towards a more ex-ante, performance based, pro-active, horizontal concept of accountability.

This paper encourages the latter strategy. Such initiatives are usually more difficult to implement, but they are well worth the effort. By transgressing the boundaries between state and society institutional reformers can unleash invaluable pro-accountability processes which are almost impossible to tap into through less ambitious strategies.

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