

O'Donnell and the Study of Latin American Politics After the Transitions

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Resumen

El artículo define y muestra las conexiones entre los conceptos fundamentales del análisis de regímenes políticos, desde Schumpeter a Linz. El análisis provee el contexto para resaltar cambios y continuidades en el trabajo que Guillermo O'Donnell dedicó a la política post-transicional, incluidas las nociones de democracia delegativa, zonas marrones e instituciones informales. El texto plantea que si estas nociones son combinadas con la sociología política de Max Weber, el último trabajo de O'Donnell en realidad implica una ruptura con el paradigma de la democratización. Su trabajo dejó de centrarse en cuestiones de acceso al poder y pasó implícitamente a estudiar cuestiones de ejercicio del poder.

Palabras clave: Régimen político – Democracia – Patrimonialismo – América Latina

Abstract

This article defines and shows the connections between the essential concepts of analysis of political regimes, from Schumpeter to Linz. The analysis offers the context to stand out changes and continuities of the

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studies that Guillermo O'Donnell dedicate to post-transitional politics, including notions such as delegative democracy, brown regions and informal institutions. The text sets that if those notions are combined with Max Weber's political sociology, the latest study of O'Donnell really implies a breaking with democratization paradigm. His labor abandoned issues to power access and started to be implicitly related to issues of exercise of power.

Keywords: Political regime – Democracy – Patrimonialism – Latin America

IN 1956 the British philosopher W. B. Gallie referred to democracy as a prominent example of an “essentially contested concept” (1956: 184). Yet in the 1980s and 1990s, a relatively strong consensus about the meaning of democracy emerged within the field of comparative regime analysis. This has occurred specifically in conjunction with the development of an extremely influential series of studies of the dramatic regime changes experienced in Southern Europe, Latin America, and in many other parts of the world between the mid-1970s and the early 1990s.¹

The point of departure for the “de-contestation” of democracy within the study of national political regimes was the definition advanced by Joseph Schumpeter.² Analyses of regime change sharing a Schumpeterian understanding of democracy are usually characterized as employing a *procedural* approach to the study of politics. However, this paper suggests that the convergence in the views of regime analysts is even stronger and more specific than has traditionally been recognized. The key point is that the field of comparative regime analysis has not focused on *all political procedures*, but only on the procedures related to the *access* to political power. This comprises a subset of institutions that can productively be distinguished from the institutions concerned with the *exercise* of political power. This paper will show that the distinction between procedures of access and procedures of exercise is valuable in two ways. First, it helps to capture the full significance of a

¹ Though this literature is immense, the inescapable references are LINZ (1978) on the breakdown of democracy, D. COLLIER (1979) on the rise of authoritarianism in Latin America, and RUSTOW (1970), and O'DONNELL and SCHMITTER (1986) on the transitions from authoritarianism to democracy. PRIDHAM (1996) is a collection of the most influential articles on democratic transition and consolidation. For recent reviews of the literature on transitions, see SIN (1994), MUNCK (1994), and R. COLLIER (2000).

² SCHUMPETER 1942/1947: 269. For the argument about “decontested concepts,” see FREEDEN 1994: 156-158.

Schumpeterian approach to democracy; in particular, it provides a better sense of what that approach includes and excludes, and adds precision to the characterization of the literature on regimes. In addition, it helps to clarify an important shift that has recently occurred in the analysis of Latin American politics, especially the attempts at conceptualizing the “post-transition” dynamics of new democracies in the region.

The argument of this paper is twofold. First, a shared concern about the access to state power in different political settings is the single most important common denominator in the field of comparative regime analysis. Despite terminological variations and differences in emphasis, following Schumpeter’s original definition, the concepts developed by regime analysts seek to describe the diverse forms of access to state power across countries and over time. To trace the emergence of the focus on access to power within comparative regime analysis, this paper will analyze Robert A. Dahl’s and Juan J. Linz’s discussion of the concepts of polyarchy and authoritarianism, which clearly are the field’s alpha and omega.

Second, an important shift of focus, including centrally Guillermo O’Donnell’s recent contributions, has occurred in the study of Latin American politics. The topics that have begun to concern an increasing number of students of Latin American politics since the mid-1990s—notably the institutionalization of clientelistic practices, political corruption at the level of both national and local officials, and the tendency of elected authorities to circumvent political and administrative controls on their actions—are problems related to the *exercise* of state power. A central goal of this paper is to show that there are good theoretical reasons to keep these problems conceptually separated from the issues of access to political power that have traditionally concerned regime analysts. In addition, this paper will explore the theoretical gains of employing Max Weber’s ideal types of patrimonialism and bureaucracy to deal conceptually with the different ways in which power is exercised.

I. Focus on Access to Power

From Schumpeter’s Democracy to Dahl’s Polyarchy

The concept of democracy advanced by Schumpeter (1942/1947: 269-283) was a major influence on the authors who established the field of comparative regime analysis, such as Seymour Martin Lipset (1959: 71), Linz (1964: 295), and Dahl (1971: 1-5). Schumpeter’s impact on these

authors is usually characterized in two complementary ways. On the one hand, Schumpeter's contribution is described as the first systematic presentation of a *procedural* definition of democracy, in the sense that his concept of democracy deliberately avoided any references to substantive policy outcomes.³ On the other hand, his work is considered as the basis of the *competitive* model of democracy, in that for him the specific procedure that distinguishes democracy from other political regimes is the competition for electoral support among a plurality of political actors.⁴ These two ideas—democracy as procedure, and democracy as electoral competition—became “ineliminable features” of the definition of democracy employed by regime analysts.⁵

However, a third, more implicit, contribution of Schumpeter is fully as important as the other two for understanding the theoretical goals and conceptual strategies of regime analysts. In the key passage of his analysis, Schumpeter stressed that electoral competition, the distinctive attribute of democracy, is a procedure for “producing governments,” more precisely, a mechanism through which “individuals acquire the power to decide.”⁶ To use a term that O'Donnell and Schmitter (1986: 78) would employ three decades later, it may be argued that Schumpeter viewed democracy as a particular solution to a central issue in any political process: the *access* to political power. Thus, when a country is characterized as a democracy in Schumpeterian terms, attention focuses on the form of access to power: all that is said about that country is how political actors reach the highest positions within the state, namely, by competing in free and fair elections. Countries with any other form of access to power—such as “military insurrections”—do not qualify as democracies, and Schumpeter groups them together under the broad category of “autocracies” (1942/1947: 275).

³ SARTORI 1987: 152; DAHL 1979: 97 ff.; HUNTINGTON, 1989: 15; COLLIER and LEVITSKY 1997: 431.

⁴ HELD 1987: 143-185; SARTORI 1987: 152-156; ARBLASTER 1987: 49-50.

⁵ On the notion of “ineliminable features,” see FREEDEN 1996: 60-64, esp. 61-62. According to Freedden, “ineliminable features” characterize de-contested concepts. It is convenient to insist that the de-contestation of democracy I am referring to is restricted to a very specific intellectual current within comparative politics. In other intellectual currents of the social sciences, in philosophy, and, most important, in everyday language and political discourse, democracy remains an intensely contested concept.

⁶ Schumpeter's complete definition of democracy is: “democracy is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote” (SCHUMPETER 1942/1947: 269).

This observation adds precision to previous characterizations that depicted Schumpeter's work as a procedural/competitive approach. The crucial point is that Schumpeter did not refer to all political procedures, but just to a specific *subset* of them: by focusing on competition as a mode of access to power, he was silent about a wide gamut of procedures related to the *exercise* of power. In other words, Schumpeter's democracy explicitly describes a set of rules that determine how top governmental positions are filled, but it has no implications about the rules, formal or informal, that elected authorities follow in the exercise of power (except, of course, for the respect of the rules of access).

It is important to note that the approaches to democracy criticized by Schumpeter, which he grouped together under the label "classical theory," did not focus on the procedures of exercise either. Rather, they focused on concrete policy outcomes, and defined democracy as the congruence between those outcomes and citizens' preferences. Hence, neither Schumpeterian nor rival approaches to democracy have paid attention to the institutions regulating the exercise of power.

Although Dahl's famous concept of polyarchy is more specific than Schumpeter's democracy, it is squarely in the tradition of the focus on access to power. Polyarchy is a mode of access to power that is not only competitive but also inclusive, in that all adults have the opportunity to participate in the electoral competition for governmental positions.⁷ Hence, whereas Schumpeter's concept of democracy is defined solely by free competition, polyarchy is two-dimensional: it includes free competition and universal participation (Dahl 1971: 4-6; 1979: 110-112; 1989: 121-122, esp. 128).

One of the most influential contributions of Dahl's discussion of polyarchy was the identification of the concrete institutional features that set it apart from other forms of access to power.⁸ Access to power under polyarchy

⁷ Dahl specifically argues that "since a regime might permit opposition [competition] to a very small or a very large proportion of the population, clearly we need a second dimension [...] A scale reflecting the breadth of the right to participate in public competition would enable us to compare different regimes according to their inclusiveness" (1971: 4).

⁸ To a great extent, this contribution specified and systematized institutional conditions already implicitly included in Schumpeter's original formulation. Schumpeter mentioned almost all the institutional requirements listed by DAHL (1956: 63; 1971: 3; 1989: 221) in the course of a two-page long discussion of the "concept of competition for leadership." He stated: "If, on principle at least, everyone is free to compete for political leadership by presenting himself to the electorate [conditions 1, 3-4 in Dahl's formulation] this will mean a considerable amount of freedom of discussion for all. In particular it will

combines seven attributes: (1) elected officials; (2) free and fair elections; (3) inclusive suffrage; (4) the right to run for office; (5) freedom of expression; (6) alternative information; and (7) associational autonomy (Dahl 1971: 6).⁹

Obviously, these attributes derive from the dimensions of competition and participation. Whereas attributes 1 and 2 characterize polyarchy as a mode of gaining political power based on electoral competition, attributes 3 and 4 specify the element of participation: all adults may participate in the competition for power not only as voters (3) but also as candidates (4). In the context of Dahl's conceptualization, the civil and political liberties intuitively associated with the meaning of democracy (5-7) are viewed from the perspective of the struggle for gaining access to power: they are understood as the institutional conditions required for the electoral competition to be free.¹⁰

Democracy's Surrounding Concepts: Linz on Authoritarianism and Collier on Political Regime

If "authoritarianism" is the conceptual contrary of democracy *par excellence*, it is precisely because it characterizes an alternate mode of access to power. The systematization of the concept of authoritarianism is due to Linz (1964; 1975), whose original objective was to call attention to the political dynamics of certain countries, in particular Spain under Franco, in relation to which other concepts were either too general (such as autocracy) or inappropriate (totalitarianism). Linz's focus on access to power becomes clear if we analyze what he considered the key dimension for differentiating authoritarianism from democracy, namely, pluralism.

According to Linz, in contrast to democracy's "almost unlimited pluralism," the "limited pluralism" of authoritarian regimes means that the

normally mean a considerable amount of freedom of the press [conditions 5 and 6]" and "freedom of assemble [condition 7]" (SCHUMPETER 1942/1947: 271-272).

⁹ This list reflects Dahl's most recent formulation (1989: 121-122). With minor differences, it first appeared in DAHL 1956: 63.

¹⁰ This conceptual connection between civil liberties and the competition for power was even more emphatically pointed out by Linz, who defined democracy as that regime that "allows the free formulation of political preferences, through the use of the basic freedoms of association, information, and communication, *for the purpose of free competition* between leaders to validate at regular intervals by nonviolent means their claim to rule" (LINZ 1978: 5; emphasis added).

opportunities for opposing government and achieving political power are legally or *de facto* controlled by the rulers and restricted to a small set of political actors. “Monism,” in turn, is the complete elimination of pluralism that characterizes totalitarian regimes. Linz claimed that in authoritarian regimes “rulers ultimately define which groups are allowed to participate [in politics] and under what conditions.” Moreover, in contrast to democratic regimes, “in authoritarian regimes the men who come to power do not derive their positions from the support of [electoral constituencies], but from the trust placed in them by the leader, monarch or junta” (Linz 1964: 300; 1975: 266).

Hence, what distinguishes authoritarian regimes from democracies is the form of access to political power. In the passage quoted above, the mechanism of designation appears as the main alternative to free elections. But, of course, the implicit idea is that authoritarian rulers in charge of the designation were not themselves designated in the first place —but probably were not chosen in free elections either. In the case of the juntas, for instance, the mechanism of designation starts to work after the armed forces gained access to power through a *coup d'état*.¹¹

¹¹ It bears mention that Linz also employed two additional dimensions for building his typology of political regimes that did not involve access, namely, mobilization vs. demobilization, and ideology vs. mentalities. However, Linz’s additional dimensions have received scant attention by subsequent studies on regime change. Several reasons may help to explain why these dimensions did not crystallize as important conceptual tools in the field of comparative regime analysis. First of all, both the mobilization/demobilization dimension and the ideology/mentalities dimension are only relevant for differentiating authoritarianism from totalitarianism, whereas studies of regime change, both in Southern Europe and Latin America, focus particularly on the democracy/authoritarian contrast, in relation to which the access variables are the only really crucial ones. Besides, Linz himself hesitated about the viability of advancing an operational definition of the ideology/mentalities distinction, and he did not deal with it in a systematic fashion. In particular, he claimed that the difficulties of gathering empirical data on mentalities make this “dimension turn out in practice to be less helpful” (1975: 277, see also 269). On the other hand, in many occasions Linz stated that pluralism was the most important criterion within his typology, and that the scores of the regimes along the mobilization dimension are the “result” of the degree of pluralism (1975: 270). However, what seems to have been the strongest reason in the field of comparative regime analysis for restricting the focus to issues of access is the well-known recommendation of using “minimal definitions” (SARTORI 1975: 34; Linz 1975: 181; Karl 1990, 2; Alvarez, Cheibub, Limongi, and Przeworski 1996: 4; Di Palma 1998: 28). According to this recommendation, forcefully defended by Linz himself, it is productive to exclude from the definition of democracy and authoritarianism the characteristics of the society and the economy that may be treated as potential causes or consequences of the core features of each regime type (LINZ 1975: 181-182). Of course, what the discussion of this paper reveals is that regime analysts excluded from the definitions of

The focus on the institutions of access to state power as a distinct sphere within the political system was developed further in Collier's discussion of the concept of political regime (Collier 1979: 365-367). The concepts of democracy and authoritarianism are conventionally viewed as hierarchically subordinated to that of political regime, in relation to which they would be specific forms or examples.

According to Collier, the central element of this overarching concept of political regime is the "method of selection of the government," with free elections and military coups being alternative forms of that method, which obviously constitute different modes of access to power (Collier 1979: 402-403).

In order to grasp the significance of Collier's discussion of political regime, it is important to remember that his analysis was motivated by the fact that, following O'Donnell's initial formulation (O'Donnell 1973), different scholars used the concept of bureaucratic-authoritarianism to call attention to many different traits of Latin American political systems, including the governing coalition, the form of regime, prevailing public policies, and the form of state. It was Collier who insisted in treating separately the regime/access aspect of bureaucratic-authoritarianism, as opposed to its character as a coalition, and to the public policies adopted. Given how important the concept of bureaucratic-authoritarianism was in the field, this was in effect an important further step in advancing a focus on an access conception of regime—in contrast to other features of the political system that Collier argued should be treated as conceptually distinct.

Putting the Access Framework into Work: the Study of Transitions

As noted above, O'Donnell and Schmitter (1986) were the first authors to explicitly characterize their approach to regimes in terms of "access" to power. In particular, they defined regime as the set of "patterns, explicit or not, that determine: (a) the forms and channels of *access* to principal governmental positions; (b) the characteristics of the actors who are admitted and excluded from such *access*; and (c) the resources or strategies that they can use to gain *access*" (1986: 78; emphasis added).¹²

democracy and authoritarianism not only features of the society and the economy, but also all political issues that are not strictly related to the procedures of access to power.

¹² The different forms of access (dimension a) that O'Donnell and Schmitter consider in their essay are free and fair elections versus *coups d'État*, which in turn determine the

Given this conception of political regime, it is not surprising that, to characterize specific types of regime, O'Donnell and Schmitter relied on Dahl and Linz's access-focused concepts of democracy/polyarchy and authoritarianism.¹³ As is well known, O'Donnell and Schmitter's work, together with Rustow's seminal article (1970), had a large impact in encouraging the adoption of the Dahl/Linz conceptual framework in subsequent literature on regime change and the transitions from authoritarianism in particular.¹⁴ From the perspective of this paper, an important implication of O'Donnell and Schmitter's influence is that, despite significant differences among regime analysts in how they *explain* the transitions to democracy,¹⁵ these analysts converge in that they *describe* these transitions as a process of change in the institutions of access to political power. No matter how much accounts differ in their identification of the most important actors promoting or preventing regime changes, but they invariably ascribe to those actors—whether individual leaders, political groups, or social classes—opposing preferences about the prevailing form of access. They thus characterize the process of regime change as a struggle for opening or blocking the access to power. By way of recapitulation, Figure 1 provides a summary of the focus on access to power that has been a common thread through the works of these several authors.

strategies of access (dimension c): electoral campaigns versus military insurrections. Dimension (b) in O'Donnell and Schmitter's conceptualization is very similar to the notion of participation/inclusion in Dahl's typology. It basically distinguishes regimes that include all the adult population from those that exclude the people who do not have some specific "characteristic"—such as being an affiliate to the dominant party or a member of the armed forces.

¹³ Following what became a standard practice among regime analysts, they used "polyarchy" and "democracy" interchangeably. Regarding the concept of authoritarianism, they retained only the access dimension of Linz's definition, and discarded the secondary ones. The reasons for their choice appear to be parallel to Linz's reasons for the same choice discussed above.

¹⁴ Other works on the so-called "Third Wave of Democratization," such as Diamond, Linz, and Lipset (1990), and Huntington (1991), which are also considered pioneers of the transition literature, rely on a conceptual framework almost identical to the one presented by O'Donnell and Schmitter. It is noteworthy that this framework was already outlined in a series of notes that O'Donnell wrote between 1977 and 1979 and that served as one of the basic background documents for the Woodrow Wilson Center Project that produced the volumes on transitions. Some of those notes appeared in Argentina (O'Donnell 1979).

¹⁵ A frequent disagreement refers to the relative importance of historical-structural factors (Rueschemeyer, Stephens, and Stephens 1992) vis-à-vis short run strategic actions of political elites (Przeworski 1992).

Figure 1. Focus of Definitions of Democracy and Authoritarianism

	Procedures		Extra-procedural dimensions
	Access	Exercise	
“Classical Theory” criticized by Schumpeter		↑ These definitions make no reference to the procedures related to the exercise of power ↓	Correspondence between political outcomes and social preferences
Schumpeter	“Mechanisms of acquiring the power to decide”		
Dahl	“Competition [for power] and participation [in government]”		
Linz – Aut/ Dem	“Limited vs. unlimited pluralism”		
Linz – Aut/Tot	“Limited pluralism vs. monism”		“Mobilization vs. demobilization” “Mentalities vs. Ideology”
Collier	“Method of selection of the government”		
O’Donnell and Schmitter	“Patterns of access to government”		

II. From Access to Exercise in the Study of Latin American Politics

Though regime analysis has been marked by its efforts on the study of issues of access to power, a significant departure from this trend becomes apparent in the mid-1990s, including centrally O’Donnell’s more recent work. O’Donnell’s recent contributions have encouraged an important shift in the study of Latin American politics: from a focus on the transitions to democracy to a focus on the quality of democracy. In particular, O’Donnell has dealt with two major sets of problems: the pervasiveness of clientelistic practices and political corruption at the level of both national and local officials, and the tendency of elected presidents to circumvent the controls of other branches of government. Although this latter issue in part involves legislative-executive relations, O’Donnell’s concern has increasingly focused on the judiciary.¹⁶

¹⁶ This shift of focus becomes evident when his first text on the quality of democracy (1995/1999b) is compared with the most recent ones (1999b; 1999c). This shift is in

In order to conceptualize these two sets of problems, and to provide the building blocks for what he visualizes as a broader theory of democratization, O'Donnell has advanced three distinctions: 1) horizontal accountability vs. vertical accountability, 2) formal institutionalization vs. informal institutionalization, and 3) democratic regime vs. democratic state.¹⁷

O'Donnell and the Study of Democratic Politics after the Transitions

1. Horizontal Accountability vs. Vertical Accountability. O'Donnell distinguishes two basic institutional forms for monitoring the actions of political authorities. The key mechanism of "vertical accountability" is the electoral process, and its effectiveness depends upon the enforcement of the civil and political rights that are required for elections to be free and competitive. The main agent of control in this form of accountability is, thus, the electorate, which can punish governments by choosing candidates of the opposition. By contrast, "horizontal accountability" refers to the control exerted by different branches of the government on one another, which includes the expectation that relevant agencies of these branches will "call into question, and eventually

part due to a change in O'Donnell's personal interests. But it is also due to the diminishing incidence of the "rule by decree" that characterized Argentina and Brazil in the early 1990s, which was the major problem of accountability in the sphere of executive-legislative relations.

¹⁷ The distinctions between "delegative democracy" and "representative democracy" (1995/1999a) and between "brown areas" and "blue areas" (1994/1995a) are also important in O'Donnell's program. Regarding the notion of "delegative democracy"—which certainly commanded a lot of attention from students of new democracies in Latin America, Eastern Europe, and Asia—it is important to note that O'Donnell built it on the basis of the distinction between horizontal accountability and vertical accountability. Delegative democracy is a regime with effective vertical accountability and weak horizontal accountability, so the analysis of these different forms of accountability really will cover the meaning of "delegative democracy." Besides, for reasons that will be analyzed below, in subsequent works O'Donnell replaced the notion of "delegative democracy" with the notion of "informally institutionalized democracy." In relation to the notion of "brown areas," it is a metaphor that O'Donnell subsequently refined by introducing the notion of "informal institutions." Although his text on "delegative democracy" (1995/1999a) was published after the article that introduced the distinction between democratic regime and democratic state (1994/1999a), O'Donnell wrote it in 1992, before all his other contributions analyzed here. That is why I take the distinction between vertical accountability and horizontal accountability as the starting point of my summary.

punish, improper ways of discharging the responsibilities of a given office” (O’Donnell 1995/1999a: 165; see also 1999b: 38). Thus, whereas vertical accountability describes a relation between the state and citizens, horizontal accountability involves relationships *within* the state.

O’Donnell’s new contributions highlight the failure of horizontal accountability. In particular, O’Donnell calls attention to the weakness of the judicial systems in Argentina and Brazil in scrutinizing and sanctioning fraudulent actions of public officials. Another central concern has been the tendency of the executive to rule by decree and implement policy without significant participation of the congress, a practice that was particularly prominent in Argentina under Menem and Brazil under Collor. These problems, of course, are not new, as O’Donnell explicitly notes.¹⁸ What, according to O’Donnell, is definitely new is the specific *combination* of weak horizontal accountability and effective vertical accountability in several countries that were part of the recent global trend of democratization (1995/1999a: 159). In light of the standard conceptual framework of regime analysis summarized in the previous section, O’Donnell underscores the fact that because vertical accountability is effective in these countries, they do qualify as democratic regimes (1994/1999a: 133; 1996/1999a: 175-177). Hence, he is concerned with problems of horizontal accountability in countries that *are* democracies.

To the extent that many of the controls that the congress and the judiciary are expected to exert on the executive are established by the constitution, O’Donnell argues that the failure of horizontal accountability in newly democratized countries raises a crucial question. Does the lack of horizontal accountability mean that these unconstitutional relations among governmental branches are not institutionalized, or is it possible to think about alternative patterns of institutionalization?

2. Formal Institutionalization vs. Informal Institutionalization. To address the question about the existence of alternative institutional patterns, and further specify his characterization of new democracies, O’Donnell relies on the distinction that organizational theorists

¹⁸ The topic of horizontal accountability directly echoes the classical discussion of “checks and balances” by Montesquieu and Madison. O’Donnell explicitly quotes the Federalists (1999b: 48, fn. 22).

conventionally make between formal institutions and informal institutions. However, O'Donnell uses this distinction not only to refer to a contrast between the rules officially sanctioned by the state and the rules that officials and citizens actually follow. Informal institutions, in O'Donnell's framework, centrally involve particularistic criteria of administering public resources, particularly, public funds and appointments. In concrete terms, this means that, under informal rules, the allocation of public resources is not governed by impersonal criteria, such as efficiency, fairness or merit, but by personal ties. Accordingly, state officials regularly use their positions to favor relatives, friends, and partners in private economic affairs. These practices are certainly found in any political system, but O'Donnell's point is that they are especially prevalent in Latin America (1996/1999a: 181).

O'Donnell argues that because public officials do not observe the formal rules of horizontal accountability established by law, this does *not* mean that the behavior of those officials is not institutionalized (1996/1999a: 180-181, 189, fn. 14). The crucial point is that "new polyarchies actually have two extremely important institutions. One is highly formalized, but intermittent: elections [i.e., vertical accountability]. The other is informal, permanent, and pervasive: particularism (or clientelism, broadly defined), which encompasses various sorts of non-universalistic relationships, ranging from hierarchical particularistic exchanges, patronage, nepotism, and favors to actions that, under the formal rules of the institutional package of polyarchy, would be considered corrupt" (O'Donnell 1996/1999a: 176).

On the basis of this observation, O'Donnell describes countries like Argentina and Brazil as "informally institutionalized democracies," a characterization that stresses that they have institutionalized *both* the mechanisms of polyarchy for the selection of top political authorities *and* a wide set of particularistic arrangements for the regulation of other political spheres such as the allocation of public funds and the recruitment of lower-ranking state officials.

Two points about O'Donnell's argument must be underscored. First, by stating that informal practices are "institutions," O'Donnell calls attention to the fact that problems such as corruption and nepotism are not isolated episodes in specific governments, but a long-standing and stable feature of several new democracies. According to O'Donnell, those practices are a recurrent and generally accepted pattern of policy-making (1995/1999a: 166; 1996/1999a: 180-182). Second, O'Donnell advances what he calls a "positive description" of new democracies, i.e., a description that not only points to the *absence* of an attribute—in this case, horizontal

accountability; but also specifies the attribute that replaces it— i.e., particularistic/informal institutions.¹⁹

3. Democratic Regime vs. Democratic State. To locate the issue of informal institutions within a broader conceptual framework, O'Donnell advances the distinction between democratic regime and democratic state. A good point of entry to this distinction is to enumerate the set of citizenship rights that, according to O'Donnell, are relevant to each concept. The rights relevant to a democratic regime are those included in Dahl's notion of polyarchy, ranging from freedom of expression and association to the right to vote and run for office in open elections. O'Donnell makes clear that the informal institutions discussed in the previous section do *not* undermine polyarchic rights.²⁰ Although O'Donnell has not offered yet a systematic inventory of the rights that would define a democratic state, he forcefully argues that informal/particularistic institutions cancel some citizenship rights that mainstream definitions of democratic regime have failed to recognize. Broadly speaking, O'Donnell is concerned with the rights of citizens to a fair treatment by public agencies, including centrally the courts, police departments, hospitals, and schools. He pays special attention to the right not to be subjected to illegal violence and other forms of mistreatment by the police, the right to the fair enforcement of property law, and the provisions that may serve to protect the economic and social position of the underprivileged—especially of peasants vis-à-vis landowners— but that are routinely not enforced.²¹ This

¹⁹ It must also be noted how O'Donnell's argument stands in relation to other approaches that do acknowledge the importance of informal institutions in Latin American politics, especially those stemming from the cultural tradition. In contrast to these approaches, O'Donnell is quick to point that informal institutions are not the entire story, because the specific subset of institutions related to the selection of political authorities does work according to formal prescriptions.

²⁰ The point simply is that O'Donnell is not interested in the cases where the specific rights of polyarchy are at risk, and, following regime analysis' framework, he considers that those cases are perfectly described by the conventional concept of authoritarian *regime*.

²¹ These rights, as O'Donnell carefully notes, are *not* the economic or social rights associated to the Welfare State. They are just rights included in the civil law of most countries, which parallel the provisions that Marshall called "civil citizenship," as distinct both from political citizenship (which overlap with the rights of polyarchy or a democratic regime) and social citizenship (the rights provided by the Welfare State). See Marshall (1992). This distinction is crucial for O'Donnell's argument that his concept of democratic state does *not* include features of the economy and the society.

latter set of rights is obviously important but, according to O'Donnell, the failure of the state to protect it does not affect the capacity of citizens to participate freely and openly in the process of elections.

Thus, O'Donnell argues that the expansion of the rights associated to a democratic regime that most countries of Latin America experienced in the 1980s and 1990s was not accompanied by the strengthening of a broader set of citizenship rights. It is precisely to convey this duality that O'Donnell advances the distinction between democratic regime and democratic state: he argues that "informally institutionalized democracies" have a democratic regime but have not developed a democratic state. When dealing with concrete cases, this distinction allows O'Donnell to affirm, for instance, that even though Argentina and Brazil qualify as democratic regimes (which sets them apart from countries where elections are not fully competitive, such as Mexico and Peru), their states are authoritarian, calling attention to the contrast with advanced societies that presumably have reduced substantially the incidence of particularistic institutions (O'Donnell 1996/1999a: 141-143).²²

Restructuring O'Donnell's Concepts: From Access to Exercise

In this section I will analyze O'Donnell's contributions in light of the distinction between access to power and exercise of power. I will argue that this distinction not only clarifies O'Donnell's research program but also shows that his departure from classical regime analysis is even more drastic than he suggests. I will first focus on his distinction between state and regime, and then I will make some observations about different types of failure of horizontal accountability. In the course of the analysis of both topics, I will make clear that the informal institutions identified by O'Donnell are primarily institutions of exercise of power.

1. State and Regime. The distinction between state and regime has a long and fruitful trajectory in the study of Latin American politics (Collier 1979: 370, 402-403). This section offers a refinement to this tradition by showing that the *analytical relation* between regime and state is one of a

²² Collier and Levitsky (1997: 447-448) describe this conceptual strategy as a "way of making a more differentiated assessment of what is deemed to be an incomplete case of democracy, specifically by establishing a higher and lower standard for democracy [democratic state versus democratic regime, respectively] and declaring that these countries meet only the lower standard."

part-whole relation. This clarification will bring to the surface the conceptual framework in which those notions are implicitly embedded.²³

If the concept of state advanced by O'Donnell is adopted, according to which the state is *both* the organization that controls the means of coercion within the territory defined by its boundaries *and* the legal order enforced by that organization (O'Donnell 1995/1999a: 134-137), then the regime may be seen as an *aspect*, or part, of the state. The political regime is a set of procedures— for instance, the entire electoral process —that is organized and regulated by the state.²⁴ If the regime is an aspect of the state, then to argue that one set of rights is associated with the regime, whereas another set is associated with the state does not present the distinction as sharply as it can be drawn. Put differently, by claiming that informal/particularistic institutions involve the state, whereas the fairness of elections is an issue of the regime, as if it were *not* related to the state, O'Donnell tends to overlook the analytical relation between state and regime. More important, as students of regime change have also been concerned with state institutions (since the regime is a part of the state), O'Donnell obscures how important and radical his shift of focus really is.

The crucial point to understand O'Donnell's departure from regime analysis is, then, to identify which specific aspect of the state is analyzed in each case. The distinction between access to power and exercise of power is the key in this respect. Whereas, as noted above, the phenomena studied by regime analysts, such as the breakdown of democracy and the transition from authoritarianism, involve a change in the form of *access* to state power, the informal/particularistic practices analyzed by O'Donnell can be seen as a form of *exercise* of state power. They are a mode by which public officials administer state resources.

It is important to insist that both the form of access and the form of exercise are procedural aspects of the political process. Particularistic practices of exercise —very much like free and fair elections— constitute “institutions” as O'Donnell noted, and are not a matter of isolated decisions or particular governments. Hence, O'Donnell is not promoting a return to

²³ For interesting examples about the negative consequences of isolating the concepts from their broader semantical context, transforming them into “gross concepts,” see Shapiro 1989: 51-60.

²⁴ O'Donnell declares that the broader set of rights he is concerned with is a component of the state precisely because it forms part of the state's legal system (O'Donnell 1994/1999a: 135-136). Thus, the argument that the regime is part of the state is based on the same criterion employed by O'Donnell.

the “classical theory” of democracy criticized by Schumpeter, which focused on substantive policy outcomes. On the other hand, he is not introducing features of the economy or the society within his definition of democracy: he emphasizes that the institutions he focuses on are eminently political. These observations help to restate, with greater precision, the importance of the access/exercise distinction for pinpointing how exactly O’Donnell’s contributions stand in relation to regime analysis. Both O’Donnell and regime analysts focus on political/state institutions. Yet, whereas regime analysts focus on institutions of access, O’Donnell focuses on institutions of exercise.

2. The Failure of Horizontal Accountability as a Problem of Exercise.

The access/exercise distinction can also shed new light on O’Donnell’s discussion of horizontal accountability. My general argument is that the access/exercise distinction *cuts across* the horizontal accountability/vertical accountability distinction, and, more important, that it contributes to identifying with greater precision the problems of intrastate relations and informal institutionalization with which O’Donnell is concerned.

2.a. The Judicial Branch. A key instance of horizontal accountability overseen by the judiciary is central to the access to power, namely, the commissions of electoral justice, which supervise the fairness of the electoral process. In fact, electoral justice works reasonably well in the countries of Latin America, except for the cases of Mexico pre-2000, Paraguay, and Peru, which for that and related reasons do not qualify as democracies. This observation highlights how the distinction between access and exercise may be more precise for mapping the “problematic” features of Latin American politics than the distinction between horizontal accountability and vertical accountability. The crucial point is that the agencies within the judicial branch that are weak are those in charge of monitoring how authorities exercise political power, whereas those related to the access, including centrally the commissions of electoral justice, work relatively close to the formal prescriptions.

2.b. The Legislature. The basic point about the legislatures as an instance of horizontal accountability is that their failure to control the executive may reflect two different types of problems. The first type of failure takes place when the president, resorting to violence or the threat of it, *de facto* deprives the legislators of their constitutional powers. In the second type of failure the legislators *are* relatively powerful actors within the political process, but instead of monitoring the activities of the other branches of government, tend to use their positions to collude with the executive and

other state officials in the expansion of the informal institutions analyzed by O'Donnell. In this case, legislators give up their surveillance responsibilities in exchange for public resources for their clientele.

If we take into account that, in contrast to all other agents of horizontal accountability, legislators are elected authorities, then it becomes clear that the crucial problem in the first case is that the form of access to power moved in an authoritarian direction. By contrast, the second situation does not entail any change in the form of access to power. Rather, the lack of horizontal accountability in this case is a problem of exercise of power.

Although O'Donnell does not differentiate the failures of horizontal accountability in this way, two recurring observations in his work indicate that he is interested in the contexts where the lack of horizontal accountability is more related to problems of exercise than to problems of access. First, O'Donnell explicitly declares that Peru under Fujimori was not a democratic regime and, as a consequence, he excludes it from the subset of informally institutionalized democracies he is interested in, beginning with Argentina and Brazil. Although most judgements about the relative power of the legislatures *vis-à-vis* the president in Argentina and Brazil must wait until better measures are available, the differences between these cases and Peru after Fujimori closed the congress seem clear enough to reject any mechanical claim the sense that the Argentine and Brazilian legislatures were deprived of political authority. In fact, if O'Donnell considered that they do not have a significant degree of political influence, he would have also excluded Argentina and Brazil from the set of democratic regimes. Second, O'Donnell is concerned with the members of the congress in Argentina and Brazil who are almost exclusively dedicated to the "exchange of 'favors' with the executive and various state bureaucracies." Of course, "brown legislators," as O'Donnell's characterizes them, require regular access to public resources (1993/1999a: 140).

Thus, O'Donnell does not focus on whether the members of the congress in Argentina and Brazil have effective power or not. He almost takes for granted that they do have power, and as they obtained it by means of free elections, the access dimension in these countries remains unaltered. The really crucial issue, which reveals the importance of the access/exercise distinction, is how members of the congress *exercise* the power that free elections have assigned to them.

To recapitulate, I have suggested that O'Donnell has helped to open a new discussion on the quality of democracy in Latin America, and that

major parts of his analysis can be conceptualized more sharply if they are understood as involving the exercise of political power. In fact, it is the focus on the exercise of power that ultimately distinguishes O'Donnell's contributions from the literature on regime change, which, as shown in the first part of the paper, centered on the issues of access to power. In the remainder of the paper I will push the discussion a step further and ask whether these issues of exercise of power are, in fact, most usefully understood as involving questions of democracy and democratization.

III. Democratization or Bureaucratization?

When the topics of exercise are the *central* research problem —as it seems to be increasingly the case in the study of Latin American politics— a promising conceptual strategy is to make use of the distinction between *patrimonialism* and *bureaucracy* advanced by Weber (1978: chaps. 10-13). In the same way that the access dimension is most usefully conceptualized as raising issues of democracy/authoritarianism, the issues of exercise can productively be analyzed in terms of patrimonialism/bureaucracy.

According to Weber, “the genuinely patrimonial office differs from the bureaucratic one” in that the former “lacks the bureaucratic separation of the ‘private’ and the ‘official’ sphere.” In more concrete, organizational terms, the lack of separation between public resources and private property means that under patrimonialism “office is treated as a benefice, as a purely personal affair of the ruler, and political power can be exploited by means of contributions and fees” (1978: 1028). The concomitant proliferation of “favors, promises and personal privileges” is, of course, the common element of the whole array of “informal institutions” mentioned by O'Donnell, from clientelism to the most blatant episodes of corruption (Weber 1978: 1041).

Likewise, from the standpoint of Weber's typology, the failure of the state to provide basic public goods —as well as to enforce the specific set of citizen rights that O'Donnell is concerned with— is a direct consequence of patrimonialism. Given that, in a patrimonial administration, political authorities use appointments to lower ranking positions as a source of patronage, officials in charge of public services normally lack the “technical training and occupational specialization” that characterize a bureaucratic administration (Weber 1978: 220; 1028-29). Since most part of state resources is consumed in particularistic exchanges with powerful

actors in the society, patrimonial administration is antagonistic to a fair provision of public goods.

Hence, according to this conceptualization, transformations in the mode of exercise of political power, in particular the struggles for eradicating patrimonial practices, are a matter of *bureaucratization*, rather than of democratization. In this way, the problems related to the “quality” of the institutions of exercise that contemporary literature on Latin American politics is concerned with are placed in a new, although classical, theoretical framework —they are moved from Dahl’s domain to Weber’s domain.²⁵

Characterizing Countries in Terms of the Dimensions of Democratization and Bureaucratization

The distinction between access and exercise may help to bring into sharper focus the different configurations of political structures in Latin America. For instance, in countries like Argentina, Brazil and Uruguay the perils of a reversion to a previous form of access to state power have been significantly dissipated since the late 1980s. Free and fair elections have replaced military insurrections as the main form of gaining access to political power in these three countries, which places them close to Costa Rica, the case with the longest tradition of democratic access in the region. Chile displays the first contrast along the access dimension. In this country democratically elected authorities must share their political power with some legislators that have not gained access to their positions by means of an electoral competition. Indeed, they were designated by the preceding military government, and the fact that they have not been removed from their positions is conventionally viewed as evidence that the threat of a military coup is still an important feature of Chilean politics. In Paraguay, the threat of a military coup (and not necessarily an actual insurrection) is increasingly a way of influencing policy decisions. In Peru and Mexico pre-2000, despite all their differences,

²⁵ Two observations about Weber’s distinction between patrimonialism and bureaucracy are in order. First, Weber understood patrimonialism and bureaucracy as polar forms of administration, a distinction that is independent from his typology of legitimate domination or authority (Roth 1968: 194-97). Whereas the latter emphasizes subjective motivations, and relies on an interpretive approach, the former is purely institutional and only focuses on procedural aspects that are empirically observable.

the access to political power was far from being as competitive as it is in Argentina or Uruguay.

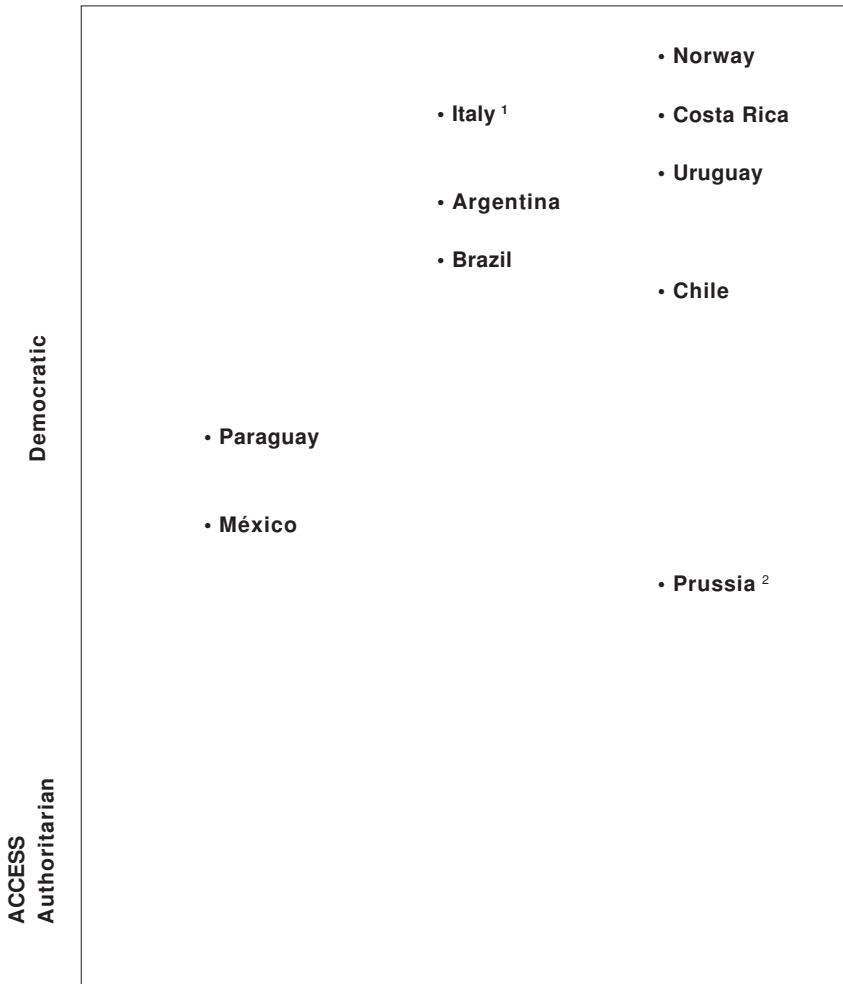
When the cases are sorted in relation to the forms of exercise of political power, a different picture emerges. For instance, political power in Chile is exercised in a bureaucratic fashion. The transparency in the administration of public finances, the professional training of state officials, and the effectiveness of the checks on the behavior of political authorities, are features that distinguish Chile from its neighbors, with the exception of Uruguay. Thus, whereas the access to power in Chile is less democratic than in Argentina or Brazil, the exercise is much more bureaucratic. In turn, the pervasiveness of patrimonial practices of exercise places Argentina and Brazil close to cases like Paraguay, and Mexico and Peru pre-2000, irrespective of the differences between both groups of cases in terms of the access dimension. Thus, only Uruguay and Costa Rica seem to combine a democratic access with a bureaucratic exercise.

Figure 2 shows how the access/exercise distinction may help to identify different combinations of political arrangements. To further illustrate the potential usefulness of the access/exercise distinction, the figure includes familiar cases outside Latin America as comparative yardsticks—contemporary Norway, Italy from the return to democracy to the late 1980s, and Brandenburg-Prussia. As each of these cases displays a different combination of rather extreme values along the dimensions of comparison, they provide good evidence supporting the argument that the institutions of exercise may vary independently from those of access. Norway has reached unparalleled levels of democratization and bureaucratization, Prussia was highly bureaucratic and authoritarian, and Italy, at least up to the early 1990s, has been one of the most prominent cases of patrimonialism among advanced democracies (Shefter 1977/1994: 30-38).

Explaining Transformations of Access versus Exercise

The most important reason for carefully distinguishing the issues of democratization and bureaucratization is that the changes in the form of access to power and the changes in the form of exercise of power have different explanations—i.e., they are the outcome of divergent causal processes. The experience of Modern Europe is very clear regarding the divergence of the processes of bureaucratization and democratization. The timing, actors, and causes involved in each process were significantly different.

Figure 2. Access to Power versus Exercise of Power



Patrimonial
Bureaucratic
Administration
Administration
EXERCISE

¹ Before the “mani pulite” process of the late 1980s.

² 17th and 18th centuries.

Broadly speaking, two sociological traditions can be invoked —the society-centered perspective and the state-centered one— to explain the emergence of bureaucratic administration in Europe. Despite their huge differences, both perspectives stress that the process of bureaucratization *preceded* democratization, and are unequivocal about the fact that each process were set in motion by *different causes*.

According to the society-centered perspective, stemming from the works of Marx and Marshall, the causes of the transformation of the exercise of political power —the elimination of patrimonial practices and the expansion of bureaucratization— must be traced to a particular stage of economic modernization, namely, to the rise of the capitalist enterprise, which requires the predictability of state activities in order to maximize its profits (Jessop 1977). On the other hand, the state-centered approach, associated to the works of Hintze (1970) and Tilly (1975), explains bureaucratization as the result of geopolitical competition. In order to avoid the costs of being surpassed by the military capacities of their neighbors, the European states eliminated traditional practices of extracting resources from the society and recruiting their administrative staff, and replace those practices with other, more modern and efficient ones.

Therefore, no matter which perspective is adopted in order to account for the bureaucratization of the European states, its timing, causes, and leading actors were different from those of democratization. Democratization, in the most premature case, began two centuries later and it was associated to the political organization and activation of the middle-classes and industrial workers through mass political parties. The demands of these parties focused on the opening of the access to the resources of the state and the incorporation of their constituencies into the political process —claims that had little to do with those advanced by capitalists and military bureaucracies in previous times.

To sum up, the bureaucratization of the state differs from the expansion of opportunities of access to political power. The reason for this difference is that the actors interested in the bureaucratization of the state are not the same as those who are willing to fight for democracy. Likewise, the actors negatively affected by patrimonial practices are not necessarily the same as those excluded by authoritarian regimes. Every change in the institutions regulating state-society relations, either in the access dimension or in the exercise dimension, entails a clash of interests. Those changes only take place if there are actors interested in bringing them about and, equally important, if they are powerful enough to achieve their objectives.


This reasoning leads to a simple observation regarding Latin American politics: in most countries of the region actors appeared who were interested in democratization, and, in different junctures, they acquired the power to force a reform in the intended direction. By contrast, why were patrimonial powers so strong—or their antagonists so weak—in Argentina, Brazil, and Mexico? What happened in Chile, Costa Rica, and Uruguay, where patrimonial powers were defeated? It is quite clear that countries can be bureaucratic and democratic at the same time if bureaucratization precedes democratization. This is a central lesson to be drawn from the European experience. But we know little about the development of the countries that have democratized the access to power in a context where patrimonialism is the prevailing form of exercise. Can these countries become bureaucratic? What is the weight of the trajectories and the sequencing of the processes of democratization and bureaucratization? This is perhaps the central question posed by the Latin American experience.

The strategy of restricting the focus of the authoritarianism/democracy distinction to the topics of access, and employing the patrimonialism/bureaucracy to deal conceptually with the institutions of exercise, also helps to transform intuitive concerns of current literature on Latin American politics into a series of more precise research questions. To begin with, how do the problems of exercise of power affect the form of access? Under what conditions does democratization favor bureaucratization? Conversely, in which cases do patrimonial practices of exercise threaten the stability of democracy? Is it possible that patrimonialism, far from stimulating an authoritarian regression, actually increases democracy's life expectancy by incorporating into the democratic process actors that would become disloyal to democracy as a form of access if they were deprived of the benefits derived from clientelistic practices of exercise? How can we explain that some of the most powerful political leaders and parties in the continent—actors who resolutely encouraged the transition to democracy in the 1980s, and who certainly are the best positioned to defend it against an authoritarian regression—have strong vested interests in the reproduction of patrimonial forms of exercising power?

IV. Conclusion

This paper introduced the distinction between access to power and exercise of power as a way to clarify some significant trends in the literature on regimes. It showed, first, that the literature on regimes has

traditionally focused on issues of access to power, reflecting the consensus that developed around a Schumpeterian understanding of democracy. Second, it argued that recent departures in the analysis of Latin American politics, in which the work of O'Donnell has played a central role, can best be understood as focusing on the distinct issue of exercise of power.

Overall, the exercise of power is a topic that, in comparison with the study of issues of access to power, has been relatively neglected. Drawing upon O'Donnell's work, this paper stressed the importance of the problems of exercise. Indeed, it may be argued that the study of the exercise of power is one of the greatest challenges faced by students of comparative politics. This paper has explored the Weberian distinction between patrimonialism and bureaucracy as an analytical tool that may prove useful in helping to meet this challenge. 

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