In recent years, a very lively debate about the public status of civil society organizations has emerged as a result of the increasing questioning by governments and multilateral agencies of the role and activities of certain type of civic associations. The impressive proliferation of a multitude of advocacy organizations and of different sorts of NGOs in the domestic and global arenas have generated justified concerns about the nature and consequences of their activities on domestic representative institutions as well as has raised doubts about the representative claims and the accountability of those civic associations. For many years, particularly when those organizations largely operated under authoritarian environments, the issue of the representativeness and accountability of civic actors could be easily brushed aside given the illegitimate nature of the domestic governments and the continuous threat they represented to any form of autonomous social activity that dare to challenge and expose their abuses. However, the increased presence of democratically elected governments in developing countries makes it difficult to keep avoiding an attentive and thoughtful analysis of the relationship between civil society actors and representative institutions. In many of the new democracies, elected officials are skeptical of the self-abrogated claim of NGOs and advocacy organizations to ‘represent’ the citizenry, civil society, ‘the poor’ or any other specific constituency. After all, they claim, they were elected in honest elections in which the whole citizenry participated (under the equalitarian principle of one citizen one vote) and their behavior is under the constant supervision of accountability agencies to assure that their policies and decisions are responsive to the public. In contrast, they argue, most of the organizations that operate in civil society are directed by a cadre of self-appointed leaders, many of them are not even membership organizations, and are not subject --as politicians are—to the scrutiny of formal mechanisms of legal and political accountability.

To address the complex question of the ‘representativeness’ and accountability of civic actors, it is necessary to frame the debate within a broader discussion about a) the nature of the representative bond that binds politicians and citizens together and the role of civil society under representative democracy, b) the different forms of developing accountable institutions both at the state and societal level, and c) the opportunities as well as tensions that arise as a result of the increasing role played by a new set of civic actors in the political life of many democracies, particular in new or unconsolidated democracies where representative arrangements are still poorly institutionalized. While it is not the intention of this article to tackle all of the above questions, the following pages concentrate on the thorny issue of what constitutes the
I. Civil, Economic and Political Society

The concept of civil society refers to the associational dimension of citizenry, that is, it points to the self-constituted activities of associated citizens, being it in the form of social movements, voluntary associations, advocacy organizations, NGOs, informal publics, etc. As an arena of social interaction, civil society differs from other forms of associational mediations that stand between the individual citizen, the market and the state, mainly political parties and interest groups organizations. Political parties and interest groups organizations represent a form of associational life oriented by a strategic logic of power that must be distinguished from the multiplicity of forms of collective action that are present in civil society. It is in this sense that Jean Cohen and Andrew Arato distinguish between civil, economic and political society as distinctive sets of associational mediations. They describe political and economic society as mediating structures that are “directly involved with state power and economic production which they seek to control and manage” and that thus differ in their behavior and structure from the self-constituting activities and voluntary organizational forms of the citizenry. Political parties and interest groups act as aggregating and filtering mediating structures that serve to express, channel, and process social demands.

Many usages of the term “civil society” fail to make this distinction and consequently include within the former concept political parties, trade unions or business organizations. I will maintain the distinction made by Cohen and Arato since it contributes to a better understanding of the complex terrain of social, economic and political mediations that are present in today’s representative democracies. Such a set of distinctions also helps to sort out the status of different arguments about the representative role and the accountability of civil society actors.

The concept of civil society not only designates a plurality of associational forms that emerge as the result of the self-constituting forms of action of autonomous citizens but also to a specific set of institutions that makes those activities possible. Two different aspects of the term civil society must be then distinguished: a) an “active” dimension that refers to the multiplicity of associational forms that act within the terrain of civil society (informal publics, NGOs, social movements, voluntary associations and any other forms of collective action that might contribute to the reproduction, defense or expansion of civil society), and b) a “passive” dimension that refers to those institutions that
differentiate and stabilize civil society as a distinctive and autonomous sphere of social interaction. What are the institutions that constitute the social as civil society? Fundamental rights. Rights do not simply guarantee the negative liberty of private individuals but also secure a distinctive social realm of positive freedom: civil society. “The rights to communication, assembly, and association, among others, --Andrew Arato and Jean Cohen argue-- constitute the public and associational spheres of civil society as spheres of positive freedom within which agents can collectively debate issues of common concern, act in concert, assert new rights, and exercise influence on political (and potentially economic) society”.

Fundamental rights are able to play their role as institutions as long as there is an autonomous juridical system that can make them effective. The latter suggest that rights can only flourish in a constitutional form of state that provides a secure legal system and effective mechanisms of accountability. It is only with the establishment of a modern constitutional complex that the institutional preconditions for the flourishing of modern societies are established. The process of constitutionalization can be understood as a double institutionalizing movement that simultaneously establishes a modern legal state and a modern civil society. Any unilateral understanding of constitutionalism as limited government neglects the role played by the former at constituting the realm of the social as a civil society. In fact, a central goal of democratizing movements in authoritarian contexts or in processes of democratic consolidation is to carve out an institutional setting that could allow for the legal stabilization of an autonomous civil society. The politics of rights and of social accountability represent two paramount forms of constitutionalizing demands by civic actors that by aiming at establishing a system of fundamental protective rights and a depoliticized legal system, contribute to develop the institutional preconditions for the consolidation of an autonomous civil society.

II. Representation and Accountability

One of the elements that distinguish liberal representative democracies from other type of regimes is their combination of an institutional framework of authorization of political power with one oriented to ensure the responsiveness and accountability of those authorized agents. The representative is someone who has been authorized to act with relative independence of the electorate. In so far as representative democracy implies the existence of a fundamental gap between political representatives and citizens it requires the existence of institutional mechanisms to ensure that such separation does not result in unresponsive or illegal governments. The central question addressed by the concept of accountability is precisely how to regulate and reduce the gap between representatives and represented while simultaneously preserving the distance between political authorities and citizenry that characterizes the relations of representation.

In any democratic state there are two key accountability relationships: those that regulate the exchange between citizens and politicians, and those that regulate the
interactions among public holders\textsuperscript{7}. The concept of accountability refers to the ability to ensure that public officials are answerable for their behavior, in the sense of being forced to inform and justify about their decisions, and of being eventually sanctioned for those decisions. It involves a certain type of exchange or relationship between two autonomous actors, one of which holds a claim of “superior authority”\textsuperscript{8}. As Richard Mulgan argues, accountability is external, that is, it entails an act of control by someone that is not part of the body being held accountable. Accountability refers to a certain type of interaction: it is a two-way social exchange (the seeking of answers, response, rectification, etc.).

Finally, accountability presupposes rights of superior authority, in the sense that those asking for accountability have the authority to demand answers and impose sanctions\textsuperscript{9}. The latter must not interpreted as necessarily having the ability of formal enforcement or sanctioning power, it can also refer to a moral claim to assert rights or to denounce wrongdoing based on the normative claims that legitimate the representative contract.

The accountability of political power can be established on legal or on political grounds. The notion of legal accountability refers to a set of institutional mechanisms aimed at ensuring that the actions of public officials are legally and constitutionally framed. Through the separation of powers, the recognition of fundamental rights and the system of check and balances, modern constitutionalism establishes the institutions that enable to curb the arbitrariness of state power. The constitutionalization of state institutions by public law parcels state power into a judicial, legislative and executive branches and delimits state activity into rigorously circumscribed competencies. In addition, fundamental rights provide institutional safeguards against unlawful encroachments by state officials against citizens. While these constitutional and legal regulations might generate compliance, they require mechanisms of accountability for those cases in which public officials engage in improper or illegal actions. As Mulgan argues, in its core sense, mechanisms of legal accountability “are confined to that part of the law which lays down enforcement procedures”\textsuperscript{10}. For mechanisms of legal accountability to function effectively, institutions with the capability to call to account and to impose sanctions for those cases where officials step outside due process or constitutional prescriptions must exist. The latter can refer to agencies specialized in demanding accountability (like audit offices, administrative tribunals, ombudsmen, etc.) or institutions that while not primarily agents of accountability --since they perform a variety of functions-- play an important role in upholding constitutional and procedural rules (legislatures and the legal system)\textsuperscript{11}.

The concept of political accountability refers instead to the responsiveness of governmental policies to the preferences of the electorate. Political accountability is intimately intertwined with the concept of democratic representation. It refers to a particular type of relationship that results in the act of delegating authority to a representative body, where the represented holds a claim to superior authority over those to whom it has temporarily delegated its power. A government is politically accountable if citizens have the means for punishing unresponsive or irresponsible administrations. It is usually assumed that political parties represent the essential institution of political
representation and that elections are the main mechanism of political accountability that the citizenry has as its disposal to reward or punish politicians. Elections provide a regular mechanism for citizens to hold governments responsible for their actions, forcing out of office those incumbents who did not act in the best interest of voters or reelecting those who did12.

Current debates on representation tend to conceptualize representation as a relation involving two actors, the individual voter and its representative, failing to incorporate the civil society variable into the analysis of accountability. The next section aims at bringing civil society into the analysis of representative relations and describing innovative ways of civil society politics aimed at making governments accountable. To focus on the complex interactions between civil society and representative institutions entails a move away from predominant individualistic and election-anchored analyses of representation13. If representative government refers to a form of dynamic interaction between the political system and its constituents --the latter not viewed as a single or unified actor but as a plurality of diverse individual and social actors-- then the lenses must be placed in the complex set of in-put/out-put relationships of mediated politics that contribute to feed, shape and reproduce relations of representation. It is therefore necessary to shift the analysis from an exclusive focus on the activity of representing and broaden the approach to include the self-constituting associative practices and politics of civic associations, social movements, NGOs, and informal publics, i.e., the activities that the constituents unfold during the exercise of representation oriented to maintain the latter responsive and accountable.

III. Civil Society and Representative Institutions: The politics of social and political accountability

If political representation refers to a bond between represented and representative, it is necessary to analyze not only what the representative does but also what goes on within the constituent side of the equation. Relations of representation require not only a degree of independence on behalf of the political representative but also “independent action and judgment” on the part of the represented14; it is thus necessary to pay attention to the different forms of politicization that take place within civil society since they are a constitutive aspect of mediated representative politics. That entails addressing the multiple ways by which organized or mobilized citizens attempt to improve the responsibility and responsiveness of elected officials. A relational and dynamic understanding of representative relations requires a sociological analysis of the complex interactions that unfold in the public sphere between constituents and representatives.

To emphasize the relational and active dimensions of representation15, it is necessary to shift the analysis away from an exclusive focus on the activity of representing to include the constituent side of the equation. The former can neither be ignored nor reduced to the image of the isolated voter that occasionally voices its opinion
at the ballot box: it also encompass the self-constituting associative practices and politics of civic associations, social movements, NGOs, and informal publics, i.e., the “activities of the constituents.” It is in those multiple associational terrains in which a plurality of constituencies shape and voice their opinions throughout the duration of the representative tenure. When those associational layers play an active role in the public sphere, they contribute to shape the opinions of the general public, pressuring representatives to act in a responsive manner. In brief, a proper functioning of representative arrangements requires both active representatives and constituents. The concept of civil society indicates the social arena in which different constituencies are self-constituted.

Since Tocqueville, the literature on civil society has emphasized the role that a dense associational structure plays as an additional sociological counterweight to the state. Civil society as the terrain of organized citizens, it is generally argued, is an essential complement to formal mechanisms of democratic representation. However, many of those analysis fail to specify the specific ways in which civil society contributes to the workings of representative arrangements, and more specifically, to improve and increase governmental accountability. There are two ways in which society can complement and enhance the workings of existing mechanisms of accountability:

a) By adding new voices and concerns to the political agenda, thematizing novel issues, and criticizing existing public policies and legislation (literature on civil society and new social movements), and,
b) By denouncing violations of rights or breaches of law and due process by public officials as well as by efforts to develop strategies oriented to improve the workings of the mechanisms and agencies that regulate and frame the behavior of political representatives (literature on the politics of human rights and of social accountability).

The first group of activities and initiatives revolve around issues of political accountability and has been widely analyzed by the literature on social movements and on civil society. Many of the social movements (ecological, feminist, peace, youth, anti-globalization, etc.) that have emerged in different democratic societies in the past three decades express identities and claims that were not represented or adequately processed by the then existing mediating structures of political and economic society. The politics of those actors tended to bypass the available channels of political participation and interest mediation to develop alternative forms of civic engagement and of social expression. Environmental organizations, the peace movement, human rights movements, anti-globalization protesters, etc. illustrate efforts to include into the political agenda concerns that had been largely overlooked by the ‘screening’ structures of interest pluralism and competitive party politics. More recently, the literature on civil society, particularly those studies that focus on the role of NGOs and advocacy organizations, calls attention to another type of civic actor that either claims to represent particular
constituencies that tend to be marginalized by existing structures of representation or to act as public-interest advocacy groups. The broad spectrum of civic actors that are present in civil society act as a “sounding board” that by developing campaigns to draw the attention of decision-making authorities to previously ignored issues, play a crucial sensor role that helps the political system to remain responsive to the current concerns of the citizenry. 

There is a second group of societal initiatives that focus instead on the legal dimension of the concept of accountability. This sort of demands has been recently analyzed by the literature on social accountability. The concept of social accountability draws the attention to the initiatives of control exercised by actors such as civic associations, NGOs (both local and transnational), social movements, and the media that were commonly neglected by the literature on accountability. Traditionally, analyses of mechanisms of legal accountability focused exclusively on the interactions that took place within a group of intra-state actors and on mechanisms (parliamentary investigative commissions, the courts, electoral authorities, etc.) that belong to a broader system of division of power and of checks and balances within the state. However, the emergence of strong human rights movements in different national and regional contexts and latter of a variety of civic initiatives organized around a common concern for ‘constitutionalizing’ the workings of the state called attention to innovative forms of civil society based politicization organized around demands for accountable government. The politics of social accountability involve civic efforts whose goals are: a) to monitor the behavior of public officials and agencies to make sure they abide by the law, b) to expose cases of governmental wrongdoing, and, c) to activate, in many instances, the operation of horizontal agencies, such as the judiciary or legislative investigation commissions, that otherwise would not be initiated or would be initiated in biased way. By exposing cases of governmental wrongdoing, human rights violations, activating reluctant state agencies of control, and monitoring the operation of those agencies, civic actors are making a crucial contribution to the enforcement of the rule of law.

The above-described civic initiatives not only adds new resources to the classic repertoire of electoral and constitutional safeguards against unresponsive and irresponsible government but can also, on occasions, compensate for many of the built-in deficits of those mechanisms. However, the different forms of political intervention of civil society are not always seen in a positive way. Many times, social actors are questioned in regards to their representaive credentials by political elites.

IV. The ‘Representativeness’ of Civil Society Actors

On many occasions, economic and political elites react to the different forms of civil society-based politics by turning the civic claims for greater accountability and responsiveness against the claimers and questioning their legitimacy as well as their representative character. Who do they represent? Who appointed them? To whom are
they accountable? Those are common questions raised by elected authorities, corporations or bureaucrats when confronting challenges by specific social actors. The following excerpt from a *The Economist* editorial helps to illustrate the type of counterclaims that are raised against civil society movements and associations:

“The increasing clout of NGOs, respectable and no so respectable, raises an important question: who elected Oxfam, or, for that matter, the League for a Revolutionary Communist International? Bodies such as these are, to varying degrees, extorting admissions of fault from law-abiding companies and changes in policy from democratically elected governments. They may claim to be acting in the interests of the people—but then so do the objects of their criticism, governments and the despised international institutions. In the West, governments and their agencies are, in the end, accountable to voters. Who holds the activists accountable?”

The above paragraph raises important questions about what constitutes the most adequate form of relationship between civil and political society under representative democracy. A common response to civic attempts to make governments more accountable is that political parties—not NGOs or advocacy organizations—are the quintessential instruments of “social accountability.” Adam Przeworski has recently developed this argument to challenge the theoretical status of the concept of social accountability: party politics—which is guided by the democratic principle of one man one vote—he argues, still “provides the most equalitarian mechanism of access to politics” and should therefore remain the privileged vehicle of citizen representation in the public realm. While he acknowledges that parties might have lost part of their past flavor and appeal, he still considers them as preferable to civic organizations which he sees as being always guided by particularistic interests. In Przeworski’s view, a greater voice and presence of NGOs or civic associations in political affairs, especially if it comes to the detriment to political parties, will have an inevitable non-egalitarian effect on the overall political process.

Even if one accepts Przeworski’s argument about the equalitarian dimension of party politics, there are many indications about their present decline. There are many authors who argue that political parties no longer stand as the central mediation between citizens and state due to the emergence of a new tier of mediating structures. Such arguments seem to indicate that the centrality of political parties as the fundamental mechanism for the mediation and aggregation of the cacophony of demands that is present in any complex society might be historically circumscribed to a very definite historical period. Bernard Manin, in his interesting analysis of the evolution of representative government, limits the leading role of parties to one of three stages of representative government, which he terms “party democracy.” In the other two periods, that respectively predated and followed party democracy—‘parliamentarism’ and ‘audience democracy’—the role of parties, at least, in the form of permanent organization that Przeworski is referring to, is greatly diminished.
Representative democracy, Manin argues, predates the emergence of political parties. The so-called period of parliamentarism is dominated by the activities of political entrepreneurs or notables and the absence of any permanent type of permanent mediating political organization between voters and government except for the parliamentary arena. During this period, parties did not constitute a permanent political mediation that citizens could appeal to, since these ad hoc committees only came to life to support an individual candidate to run for office in a specific electoral contest. These electoral clubs or committees would be immediately dismantled once the electoral act was over. The citizenry could not count on them to demand accountability in the period between elections. If confronted with an insensible or irresponsible government, citizens were forced to resort to other venues (the press, social mobilization, etc.) to make visible their claims. It is only after World War I that political parties positioned themselves as the most important linkage between the citizenry and the political process. Parallel to the development of mass parties, the period also witnessed the emergence and consolidation of a group of large and powerful interest group organizations. Trade unions and business organizations constituted an informal and competing system of mediation organized, not around territorial lines as parties but around a functional logic.

The centrality that both interest group organizations and mass political parties enjoyed as political intermediaries, Manin argues, does not longer holds in current “audience democracies”:

“...We are witnessing today perhaps less a crisis of political representation than a crisis of a particular form of representation, namely that established in the wake of mass parties. Is it possible that the various developments affecting representation today signal the emergence of a third form of representative government, one that possesses as much internal coherence as parliamentarianism and party democracy?"

Nowadays, political parties or trade unions are forced to compete for citizen’s allegiance with a new set of contestants (NGOs, social movements, civic associations, mass media organizations, etc.) that seem to be quite successful in attracting public attention and channeling the political energies of considerable sectors of the citizenry. Political parties, Philippe Schmitter argues, are less capable of performing the functions that have historically played (electoral structuration, symbolic integration, governing function, and aggregative function) and consequently they no longer stand as the most important representative linkage between citizens and the political process. Declining rates of voter turnout and of party-identification, the weakening of the parties’ capacity for symbolic integration and political aggregation, as well as the difficulties they faced in sustaining effective governments are indicative of a generalized crisis of representation and intermediation through partisan channels. Increasingly, Schmitter argues, political parties are encountering the competition of other forms of intermediaries, mainly social movements and interests groups organizations.
The growing public presence of interest groups organizations as well as the tensions and challenges they posed to representative institutions has been extensively analyzed by the literature on pressure groups politics and on neo-corporatism\textsuperscript{32}, so they will not be addressed here. The analysis will rather focus on the role of different associational forms emerging from civil society. Two questions will guide the analysis: first, who are these new civic contestants and how they differ from other mediational forms? Second, what are their claims to representation?

Parties and interest group organizations might have provided in the past the quintessential institutions of political mediation and interest aggregation. Today, however, such role is being challenged by a new set of contestants: NGOs, transnational organizations, civic associations, etc. The past decades have witnessed the emergence of a variety of forms of self-constituted action and associational forms that represent innovative forms of civil society-based politics\textsuperscript{33}. The literature on new social movements and latter on civil society, described the emergence of an ample spectrum of novel forms of civic engagement. More recently, analysts have called the attention to the impressive expansion of the NGO sector at the global and domestic level\textsuperscript{34}.

To important sectors of the citizenry, social movements, NGOs, advocacy organizations appear as an alternative and more attractive mode of collective action than political parties and interest groups. Many of the actions of NGOs, social movements, civic associations, and of independent publics aim at reconstituting and strengthening an autonomous civil society while simultaneously struggling to open existing structures of representation to new voices and demands. Those actors develop new venues of social expression against what they perceive to be an ossified set of political mediations that has became incapable of providing a focus of symbolic identification and an effective mechanism for the collective articulation and aggregation of social identities and interests\textsuperscript{35}.

What are the representative claims of civil society organizations? The question raises an important problem that is at the heart of current debates about the legitimacy and accountability of civil society actors. Elected officials, it is generally argued, are periodically appointed through regular and contested elections and are therefore representative of society at large and accountable to the citizenry. Civic organizations, instead, can never make such a claim to universality. The groups of civil society refer to a far narrower world of citizens than representative authorities and therefore can never claim greater representativeness than parties or legislatures\textsuperscript{36}. They are self-appointed and self-constituted associational forms and they are not formally obliged to give periodic accounts to the citizenry at large as political representatives do. NGOs, advocacy organizations, voluntary associations might develop formal accountability mechanisms in their dealings with their funding agencies, their members, or their beneficiaries but even if that is the case, those mechanisms of accountability are still geared to specific constituencies not to the citizenry at large.

To analyze the important question of the representativeness of civil society actors, it is important to differentiate the different types of claims that frame the public
interventions of many of these civic actors. The emergence of citizens and civil society organizations organized around demands for governmental accountability, for instance, introduces a form of politicization that differs from that of party politics or special interest representation. In contrast to parties or pressure groups politics, civic initiatives of control of public authorities do not based their interventions in the representative character of their demand or in the extended nature of their voice. Their legitimacy rather derives from procedural or counter-majoritarian claims. For example, the claims that frame the demands of the network of NGOs and advocacy organizations that are carrying out initiatives of social accountability in the new Latin American democracies cannot be equated to those that guide special interests-group politics nor do they compete with the political role of parties. To denounce human rights violations by state authorities, to call attention upon the deficits in the performance of agencies of accountability or to demand access to official information cannot be described as the selfish strategic action that Przeworski attributes to civil society actors. Those initiatives are not guided by self-interest but appeal to the normative principles of democratic institutions. In such cases, the question of whether they are an extended voice or who do they represent is irrelevant, for what these actors are denouncing are either breaches of law, rights or due process by public authorities. It does not matter if these groups only reflect a minority’s concern or are not extended in large sectors of the citizenry for these are forms of politicization that are not demanding responsiveness but legal accountability\textsuperscript{37}.

It is when civil society engages in initiatives that are aimed at making certain government or administration \textit{politically accountable} that the issue of their representativeness becomes relevant. In this role, social movements or NGOs speak as representatives of certain constituencies and therefore challenge the representative claims of the political system. But even within this group of organizations, a distinction can be made on whether their public interventions are oriented by particular or universalistic claims. Again, the many analyses of post-materialistic social movements or of the manifold NGOs that operate in the national and transnational arenas tend to emphasize the differences between the legitimacy claims of these actors from those of interest groups organizations. The legitimacy of many NGOs or social movements is precisely built on being ‘value-driven’ organizations rather than strategically driven ones\textsuperscript{38}. To equate civil society to the logic of interest group politics is certainly an unfair and inadequate simplification of the immense forms of collective action and associational forms that develop within the social arena. The fact that NGOs and advocacy organizations cannot abrogate the same degree of representativeness than democratic institutions does not mean that they always represent particular voices or selfish narrow interests, as suggested by Przeworski.

Issues of general concern guide many of the civil society actors that play an active political role in the public sphere. Their politics should be consequently differentiated from more limited forms of interest group politics. Following a distinction drawn by E. E. Schattschneider, it could be argued that certain associational forms emerging from civil society fall into what he terms public interest groups, that is, they represent issues
and agendas that go beyond the self-interest of the organization and of its members. The claims of these social actors appeal to universalistic principles. To exemplify the distinction between a special and a public interest group, Schattschneider compares the National Association of Manufactures to the American League to Abolish Capital Punishment: the first organization represents the specific interests a closed group (only manufacturers may become members of the organization) while the membership of the second one is not restricted to persons on death row or in jeopardy of the death penalty but is open to whoever opposes capital punishment. Public interest organizations’ advocacy agenda is not guided by the defense of specific interests nor is likely to personally benefit its members.

Civil society should not compete with representative institutions but rather complement their workings: being on the constituent side of the representative equation, the goal of civic associations and publics should be primarily to give voice and expression to constituencies or issues that are being overlooked by the political system. In this way, civil society can make an important contribution towards the improvement of the legal and political accountability of public officials. Issues such as extent of the organization’s membership, the internal rules for the appointment of their authorities or spokes-persons, or the support they draw on the public might help to strengthen these actors legitimate status of spokes-persons for certain issues or constituencies, yet they are not going to help them to develop a degree of representativeness comparable to those of democratic representative institutions. Having say so, it is important to analyze the different ways to increase the transparency and accountability of civic organizations.

V. The Accountability of Civil Society Actors

It is necessary to adopt a different approach to the question of the accountability of civil society organizations than the one adopted to analyze the accountability of political representatives, for civic actors cannot be subjected to the same yardstick employed to evaluate political parties or parliament. Civic associations are not accountable the way representative institutions are for they lack a central element of such relationship: the existence of an equivalent to the electorate. As mentioned above, the notion of accountability cannot be separated from the concept of the representative contract that binds governmental authorities to the citizenry. This presupposes a form of interaction in which one of the actors poses claims of superior authority and the capability to demand answers and impose sanctions because they have temporarily delegated their authority in a certain group of representatives.

In the cases in which the power held by the authorities of certain organization has not been delegated by the local constituency that is the target of its programs and interventions, we are dealing with a situation in which the defining aspect of the accountability relationship (delegation of authority) is absent. Such a situation inevitably conditions the exchange between the organization and its “clientele.” Usually, the
growing debate about the accountability of NGOs centers on the development of strategies of self-control on the part of the organization or in the development of empowering strategies “from above” aimed at strengthening the standing of its beneficiaries. Such an approach cannot be properly equated to a relationship of accountability. The development of score-cards, communications campaigns, consultations or other forms of obtaining feedback from the beneficiaries of a program stop short of being an exchange between equals, even least an exchange where the beneficiaries are exerting rights of superior authority because they delegated their power to the representatives of certain NGO or some multilateral agency. At this respect, one should wonder whether, in the strict sense of accountability, there could be something like ‘downward accountability’; accountability, to use the same metaphor, is always ‘upwards.’

The relationship of NGOs to donors is different. In the latter, there is an original act of delegation of power --in this case is not political but economic power-- that conditions the NGO-donor exchange. The economic dependency of NGOs from external sources forces them to compete in an international market for funds. Consequently, this type of organizations is subject to a form of market-driven accountability: in general, donors impose certain conditions that grantees have to meet in order to be eligible for funding, such as the existence of an independent board, of transparent mechanisms of accounting, of internal appointment procedures, of certain standards regarding their performance and the quality of their service delivery, etc. Donors have the opportunity of exercising ex ante and ex post accountability. In the first case, the establishment of filtering mechanisms to the pool of prospective applicants plays an important screening function. In the second case, the existence of evaluation procedures as well as the possibility of exercising sanctioning power also acts as an important mechanism of accountability. Since the evaluation the donor makes about the performance of certain organization will determine whether they will continue or not supporting the former’s activities, the organization has an incentive to guide their actions taking into consideration the eventual reaction of the funding source. In this case, as with elections, the “rule of anticipated reaction” applies: anticipating the likely response of the donor agency at the moment of evaluating the final report, the organization decides to behave in a responsible manner.

Lastly, we can think about a third form of accountability of NGOs and civic associations that is geared to the citizenry as a whole. Given that the public sphere is the main arena of operation of civil society actors, and that an organization’s reputation is its main asset, the different civic associations that operate in the public sphere cannot be oblivious to the beliefs and reactions of the citizenry at large. In this case, there is not a formal bond between citizens and civic associations as there is between voters and politicians but rather a more tenuous form of relationship. In contrast with the accountability relationship that develops out to the representative contract, the bond that ties civic actors to the public at large is not based on an original act of delegation of power and consequently, there are no formal mechanisms to punish breaches of trust by
these organizations. Yet, given that the main media of these organizations is their credibility and reputation, they are compelled to maintain such a precious and indispensable resource for the organization by upholding certain standards of behavior. When they engage in questionable practices or acts of corruption, the threat of a scandal that might deplete the organization’s reputational capital acts as an informal yet effective deterrence mechanism. The fact that these mechanisms are informal does not mean that they are weak or toothless: a scandal can have devastating effects on a civic organization since it could irreparably damage its public image and prestige. Given that these organizations mostly operate in the public sphere where they try to mobilize convictions in public opinion, the building of public credibility and respect is crucial to the success of their mission and activities. Reputation --not material or political resources-- is the single most important resource of civic actors. By destroying its public reputation, a scandal can destroy a vital resource for any civic organization. Once the credibility of an organization is undermined, it is very difficult to reconstruct. The informal sanction can have more devastating effects than losing a grant or having to pay a fine to a governmental agency for it destroys a resource that takes many years to build and that once is gone it is very unlikely to return.

VI. Concluding remarks: improving the institutional quality of the associational terrain of civil society

So far, civil society demands for greater transparency and accountability have fundamentally focused on limiting arbitrary government; i.e., their central aim is to constitutionalize the workings of the state. Little has been done, however, to address the problem of social authoritarianism within civil society. If, as argued above, a civil society represents an specific form of society that aims at molding social relationships around the normative principles entailed in modern constitutionalism, the question of how to democratize social beliefs, practices and associational life should also constitute a key priority of any civil society oriented politics. Could we turn the politics of social accountability inwards to raise issues about the lack of transparency of certain organizations, to question unethical behavior by civic leaders or organizations, or to expose cases of civic corruption and wrongdoing? A politics of social accountability turned inwards is not only feasible, it is also the most adequate way of dealing with the issues about the accountability, transparency and quality of the associational structure of civil society. Such a politics would imply a process of self-transformation of civil society to improve the quality of the existing associative network. By adopting a societal road to institutional transformation, civil society can avoid the dangers of a statistic approach to the problem and the risk of paying a substantial price in terms of societal autonomy. It could also serve to moderate some of the undesirable “side-effects” of market-driven mechanisms, like organizational self-encapsulation and the development of a class of
civic officials that live off funding from public, donor, governments or multilateral agencies. In brief, the concept points towards a reflexive form of civic engagement aimed at curbing the sources of social authoritarianism within civil society.

A politics of social accountability that focuses on the quality of the associational structure of certain civil society should consider two types of problems, that parallel the issues about legal and political accountability that we have previously distinguished in reference to the state. The question of the legal accountability applied to the organizational structure of civil society implies a conscious effort on shaping the institutional environment and organizational characteristics of civic associations to make them more transparent and accountable to the general public. A politics that focuses instead on the political side of the accountability issue would be rather concerned with improving the representation of currently voiceless or marginalized groups. Both agendas raise important issues, among them:

a) The improvement of the institutional quality of the organizations operating within a certain civil society to increase the accountability of civic leaders to their respective memberships and to the public, the establishment of more transparent mechanisms of decision-making, of financial administration, and the regulation of the lobby or advocacy activities carried out by the NGOs and civic organizations;

b) The need to confront existing imbalances of resources, power and influence among organized and non-organized groups within a civil society and among different organizations;

The first question addresses problems that are general to any organization, indistinctly of their nature or of the arena in which it operates. In the case of voluntary membership organizations, the establishment of democratic mechanisms for the appointment and control of the officials has been one of the classical solutions to develop more accountable leaders. Furthermore, in voluntary association there is always the possibility of exit, that is, the members can opt to leave the organization if the former does not meet their expectations. In the case of highly professionalized and non-membership NGOs, the danger of establishing a class of civic officials that is more interested in their personal well-being and professional success than in the organization’s mission is an ever-present possibility. Organizational imperatives and personal interests might lead either to the bureaucratisation of the sector, thus turning it unresponsive to their beneficiaries, to the citizenry at large, or the subject of privatizing practices by professional civic elites that use the organization for their personal self-advancement.

The second point raises the important question of the representativeness of the existing network of civic associations. The response to such a question and the way to address those deficits will differ accordingly to what is considered the most proper form of relationship between civil society and representative arrangements. I would argue for the need to establish a form of articulation that respects the institutional and functional
boundaries that separate the political system from civil society but that simultaneously increases and improves the input/output relations between both spheres. Furthermore, it is necessary to act in the primary environment of action of civil society and democratize and increase the openness and accessibility of the public sphere. The initiatives to address the imbalances of political accountability within civil society should rely on a set of mechanisms to redress underrepresented or marginalized constituencies and to foster greater diversity of voices while preserving the realm of civil society as a field of creative self-constitution of new actors and voices.

If we are thinking, instead, about a model of devolution to civil society of some of the functions delegated to political society or to incorporate civic actors to the existing structures of interest intermediation, as is defended respectively by certain strands of neo-liberalism, advocates of ‘co-governance’ or some proponents of ‘associative democracy’, then the issue of how to make this organizations accountable should be posed in different terms. If civic associations assume public functions and act as partners in governance, then a different yardstick should apply and formal mechanisms to regulate and monitor their activities must be established to be able to hold these actors accountable. One might wonder whether these ‘societal’ actors actually represent a new organizational tier aimed at expanding the system of private interest representation with a new category of public interest organizations. If this is the case, what differentiates these novel groups of associational mediations (in terms of their validity claims and of their organizational structure) from those of the first generation of neo-corporatist structures? Finally, if these organizations represent a new type of mediating structure (that on many occasions simultaneously operates at a global and domestic level), can they still be legitimately considered a part of civil society? We may be witnessing the migration of some actors that originally emerged from civil society to the intermediary structures of political and economic society. Those organizations would eventually become the latest tier of intermediary organizations, adding new voices to a space that had been previously dominated by interests groups and political parties. The answer to the question about the accountability of such actors must consequently differ from the solutions that are being proposed for civil society organizations.

* * *

The analysis of the tensions, conflicts and complementarities between civil, political and economic society is unavoidable if we want to reach an adequate understanding of the representativeness and accountability of civil society actors. The theoretical task that still lies ahead is to engage in a detailed sociology of civil society (that includes both domestic and transnational actors) to better understand the horizontal linkages among different associational and organizational forms within civil society as well as the vertical linkages that some of these organizations establish with global organizations and domestic representative institutions. A mapping of the increasingly complex and heterogeneous terrain of contemporary civil societies is indispensable for
understanding the validity and extent of the claims to representation of some of these new social actors as well as the consequences of their activities and demands on ‘traditional’ representative structures.

Endnotes

1 Jean Cohen and Andrew Arato, Civil Society and Political Theory, Cambridge, MIT Press,

2 Ibid. p. x.

3 Within the sphere of interest representation there are two distinctive patterns of interest aggregation: the pressure politics of pluralism and the negotiated bargaining of neocorporatism. Both patterns of interest intermediation refer to the establishment of permanent, specialized and professionalized intermediary organizations that find themselves in a Janus-like position of having to mediate between their members and their state interlocutors. Such a Janus-like position forces them to transform the art of association into the art of organization (and thus altering the virtuous circle between voluntary associability and democracy postulated by most theories of civil society). In corporatism, furthermore, there is also a radical redefinition of the relationship between state and society—in the sense that a limited number of interest associations attain a semi-public status— that runs contrary to the ideal of an autonomous civil society. See Philippe C. Schmitter, “Democratic Theory and Neocorporatist Practice”, Social Research, Vol. 50, #4 (Winter 1983).


9 Ibid. p. 555. This is an aspect of the notion of accountability that is sometimes overlooked when the concept is ‘exported’ into other areas of social life, like the current debate about the accountability of NGOs towards its donors, members or clients. I will return to this issue in the last section of the paper.


11 Mulgan, op. cit.
12 For a recent and rather skeptical discussion on the role of elections as mechanisms of political accountability, see Adam Przeworski, Susan C. Stokes, and Bernard Manin, (Eds.), *Democracy, Accountability and Representation*, Cambridge, Cambridge University Press, particularly chapter I.


14 Pitkin, op. cit. p. 209


16 The media, which is not going to be analyzed in this article, is the other central actor of this informal system of governmental accountability. For the notion of the media as a fourth estate, see Julianne Schultz. *Reviving the Fourth Estate: Democracy, Accountability and the Media*, Cambridge, Cambridge University Press, 1998.


18 For the notion of informal societal sensors see Jurgen Habermas, *Between Facts and Norms*, op. cit., p.359.


24 Bernard Manin, p. 194. The founders of representative government regarded the division into parties or factions as a threat to representative democracy. Similarly, the emergence of mass parties was viewed by many as the demise of representative government and the initiation of new and troublesome form of democratic politics

25 “Before organized groups rose to a position of predominance, i.e., in the epoch which came to an end at the latest at the outbreak of World War I, parliament was both meeting ground and decision-forming organ
for the national community as a whole. It was the center which forged the general rules to prevail in the competitive game, out of the multitude of divergent individual interests…” Otto Kirchheimer, “In Quest of Sovereignty” in Frederick S. Burin & Kurt L. Shell (Eds.) Politics, Law and Social Change. Selected Essays of Otto Kirchheimer, New York, Columbia University Press, 1969.


28 Manin, p. 196

29 Manin’s analysis tends to overlook these associational changes taking place within the societal realm and focuses mostly on the passive audience role of the citizenry. In his view, party organizations lose political preeminence due to the mediatization and personalization of politics that brings back into center stage a feature of the stage of parliamentarism: the personal nature of the representative bond that binds citizens with representative institutions (Manin, p.219). Rather than signaling the rise of new mediating structures, Manin sees the current stage as characterized by the weakening of organizational mediations and the establishment of direct communication between the candidate and the electorate (Manin, p. 220). For a similar diagnosis, see Thomas Meyer and Lew Hinchman, Media Democracy. How the Media Colonize Politics, Cambridge, Polity Press, 2002.

31 Schmitter, “Parties are not what they once were”, op. cit., p. 84.


33 For new democracies see the above quoted literature on social accountability. For the old democracies, see Russell J. Dalton, Susan E. Scarrow, and Bruce E. Cain, “Advanced Democracies and the New Politics,” *Journal of Democracy*, vol. #


organizations, which form part of or are linked with a transnational network of organizations that operate at a global level, the constituency of the NGO might be broader than that of a state, yet they fall outside of the structures of representative democracy that are still largely tied to specific nation-states. For a very interesting analysis of the features of transnational contention, see Sidney Tarrow, “Global Social Movements, Complex Internationalism, and North-South Inequality”, paper prepared for presentation to the Workshop on Contentious Politics, Columbia University, October 27, 2003.

37 The extent of the voice is important for strategic reasons: the more these groups are able to mobilize convictions in public opinion, the more visible and vocal those demands became and consequently, the more public pressure will be on public authorities to address them.

38 Riddel, 1999.

39 Schattschneider, op. cit. p. 25-26. In fact, when speaking of NGOs, particularly of developmental NGOs, it is usually argued that they are organizations geared to serving the needs of third parties. See Iain Atack, “Four Criteria of Development NGO Legitimacy,” World Development, Vol. 27, #5, p.856.


43 The repetition of exposes of wrongdoing involving civic associations if they are not followed by civic initiatives to curb corruption and develop better preventive mechanisms can eventually affect the reputation and credibility of the very arena of civil society.