

# ACCOUNTABILITY STRUGGLES IN DEMOCRATIC ARGENTINA: CIVIC ENGAGEMENT FROM THE HUMAN RIGHTS MOVEMENT TO THE NÉSTOR KIRCHNER ADMINISTRATION

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Argentina's current democratic period, inaugurated in 1983, has differed markedly from the country's previous democratic experiences as a result of a new form of relationship between citizens and politicians, particularly the emergence of a more sophisticated and demanding citizenry determined to translate preexisting ideals of democratic representation into a novel civic concern for governmental accountability. The dramatic experience of state terrorism under the last military dictatorship, which governed the country from 1976 to 1983, gave rise to a new actor—the human rights movement—which would play a crucial pedagogic role in Argentine society, introducing a much-needed concern for rights and the rule of law into the country's political culture. The emergence in broad sectors of Argentine civil society of a new civic sensibility regarding breaches of law by public officials resulted in the rise of a new breed of civic politics aimed at improving the accountability of government.

This paper analyzes the fate of the civic politics of accountability at different historical moments. I do not intend to provide an exhaustive account of civil society in Argentina: there are a number of very significant social movements and initiatives that will not be included here, such as trade union politics or the movement of the unemployed. The focus is rather on a particular subtype of civic initiatives: those that express or are organized around claims for more accountable government.<sup>1</sup> The

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1 By limiting the analysis to the politics of social accountability, I am leaving aside a social movement that was active throughout the 1990s and during the Néstor Kirchner administration: the organizations of the unemployed. An extensive literature analyzes this important social actor. For a good overview and interpretation of the movement, see Svampa and Pereira 2003.

article is divided into four sections that chronologically describe what I consider to be four distinctive moments of civic engagement in Argentina. The analysis begins with the emergence of a human rights movement during the last dictatorship to highlight the significance of this actor and its contribution to a new democratic political culture organized around a concern for rights and constitutionalism. The focus then shifts to the second generation of civic actors who engaged in a politics of social accountability—initiatives organized around a common cry to improve governmental transparency and accountability. The third stage deals with the crisis that shocked the country in 2001–02 with the sudden eruption of massive protests demanding the resignation of all elected officials and the subsequent establishment of popular assemblies in several of the country's main urban centers. The last section deals with the aftermath of these dramatic events, and specifically with the fate of social accountability politics under the Néstor Kirchner presidency .

## **I. THE POLITICS OF HUMAN RIGHTS AND ITS SIGNIFICANCE FOR THE EMERGENCE OF NEW FORMS OF CIVIC POLITICIZATION**

The emergence of a human rights movement represented a cultural turning point that profoundly transformed Argentine political identities and democratic traditions (Peruzzotti 2001; 2002). The politics of human rights altered well-established features of Argentine political culture, delegitimizing entrenched political identities and introducing a rights-oriented discourse, which in turn established the legitimacy of claims to consolidate a representative form of democracy in Argentina and create the cultural and institutional conditions for an autonomous civil society.

The Argentine human rights movement was composed of a series of organizations that were either formed or reached public notoriety during the military administration that governed the country between 1976 and 1983. In 1976, a military junta took power, establishing a system of state terrorism that led to the clandestine abduction, detention, torture, and murder of thousands of Argentine citizens. It was in this context that the birth of the human rights movement took place. The movement consisted of a heterogeneous conglomerate of family-based groups, religious organizations, and civil liberties associations that developed in isolation: neither the Catholic Church nor trade unions, political parties, or lawyers' associations provided significant support to the human rights cause. The manifest refusal of the Catholic hierarchy to endorse the movement's activities eliminated the possibility of using the Church as a protective umbrella organization for the cause, as in Chile and Brazil. It was only after the beginning of authoritarian liberalization that the politics of the movement began to exert some influence on Argentine society; by the end of the dictatorship, the human rights movement had managed to generate widespread popular support for its cause. Human rights issues occupied a central place on the agenda of most political parties and became a pivotal concern of Raúl Alfonsín's presidency (1983–89), when the historic trial of the military juntas took place.<sup>2</sup>

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2 Upon taking office, Raúl Alfonsín signed a decree ordering trials of both the military juntas and the leadership of the terrorist organizations. The trial of the juntas' nine commanders

The significance of the movement's struggle goes beyond the successes and setbacks of its demands for justice and retribution: its discourse and practices acted as a catalyst for political learning, triggering a profound renovation of the country's democratic tradition. The human rights movement inaugurated a new form of politics that introduced a healthy concern for rights and constitutionalism in Argentine political culture. By questioning all forms of state authoritarianism, be it military or civilian, the rights-based politics and discourse of the human rights movement transformed Argentine democratic traditions, reuniting two elements that the populist political culture that had shaped previous processes of democratization had kept apart: democracy and the rule of law (Peruzzotti 2002:83). This cultural shift transformed preconceived populist notions about the nature of representative government: the revalorization of rights and constitutional guarantees redefined the representative contract from an authorization view to an accountability view. Constitutional mechanisms and guarantees are no longer perceived as "obstacles" or "formalities" that delay or prevent the full realization of popular aspirations; rather, they are now seen as indispensable protective institutional barriers against state despotism.<sup>3</sup>

The "accountability" model breaks with the "blank check" attitude of political delegation and introduces a combination of institutional and non-institutional mechanisms to ensure that representatives are held accountable throughout their period in office. Institutionally, the elected official is monitored and controlled by what Guillermo O'Donnell has termed "vertical and horizontal mechanisms of accountability"; that is, by the vote and by the system of separation of powers, checks and balances, and due process, respectively.<sup>4</sup> Extra-institutionally, citizens and civil society organizations in the public sphere can contest the decisions and denounce the unlawful actions of public officials (Cohen 1999:216; Peruzzotti

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started on April 22, 1985, and lasted five months. The members of the first three juntas were individually charged with specific crimes such as abduction, torture, and murder. The court returned its verdict on December 9, 1985: Jorge Rafael Videla and Emilio Massera, the former commanders of the Army and the Navy, respectively, during the worst years of the repression, were given life sentences. For an interesting analysis of the trial and of human rights policies under Alfonsín's administration, see Nino 1996.

- 3 Peronism was the most influential democratizing force in contemporary Argentine history, although it promoted a very ambiguous form of democratization. It is usually seen as having exercised a democratizing influence through its promotion of social legislation and its support of the trade unions. However, Peronism was antagonistic toward liberalism and the rule of law. The democratic ideal that Perón promoted entailed a plebiscitarian redefinition of the political landscape to the detriment of the separation of powers and civic rights. It was also hostile to any idea of an independent civil society: the generous social legislation that Peronism introduced was not aligned with any conception of social rights or of an autonomous civil society but rather aimed to consolidate a system of state corporatism.
- 4 The concept of horizontal accountability refers to the operation of an intrastate system of checks and balances aiming to control or punish actions or omissions by state agents or agencies that might be considered unlawful. Vertical accountability refers mainly (although not exclusively) to elections as a mechanism of political control. See O'Donnell 1999.

and Smulovitz 2006). Both institutional and extra-institutional mechanisms are crucial for institutionalizing and strengthening mechanisms of political distrust that can help reduce the inherent risks involved in the act of political delegation.<sup>5</sup> The “accountability” model of representation therefore presupposes a redefinition of the representative relationship: it is no longer based on mere trust in the personal qualities of those in power; rather, trust is transferred to a set of impersonal safeguards that protect the citizenry against eventual breaches of trust by authorities. There is no longer a direct relationship of trust between represented and representatives, but the generation of political trust is now institutionally mediated: the existence of working safeguards against unresponsive or irresponsible behavior on the part of officials generates social trust in representative institutions.

The above-mentioned changes in political culture led to a more critical civic and electoral attitude among citizens toward both representatives and representative institutions: the represented is no longer a passive subject but assumes an active monitoring role. This attitudinal change should not be misinterpreted as a sign of political cynicism or disbelief in politics. Actually, it is the result of both the leveling-off of higher expectations in elected representatives and public officials and of an enhanced trust in institutions.

The emergence of a more sophisticated and vigilant electorate and citizenry resulted in two fundamental political developments that respectively address the two dimensions (political and legal) of the concept of accountability: a) the so-called “electoralization” of politics<sup>6</sup> and b) the politics of societal accountability. The first development illustrates the introduction of a concern for political accountability into electoral politics.<sup>7</sup> The erosion of populist allegiances created conditions conducive to the emergence of an independent electorate (Peruzzotti 2001:140–141). Many voters, especially non-Peronist ones, are no longer linked to parties by strong and unreflective bonds of loyalty, but exercise a discriminating attitude at the ballot box and are willing to switch parties and candidates if the representatives do not meet their expectations. While Peronism still retains a significant proportion of loyal voters, the independent electorate has become a significant political force in recent years.<sup>8</sup> Yet it is the politics of accountability

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5 For the notion of institutionalized mechanisms of distrust see Sztompka 1999; O'Donnell 2003. See also Rose-Ackerman 2001:543.

6 I am borrowing the term from Diego Miranda (2002).

7 The concept of political accountability refers to the responsiveness of government policies to the preferences of the electorate. It is usually assumed that free competitive elections are the central institution for this type of control. See Peruzzotti and Smulovitz 2006.

8 The growth of an independent electorate is mostly an urban, middle-class and non-Peronist phenomenon. The increased electoral significance of this group does not necessarily represent a challenge to Peronist electoral hegemony given the fragmentation of opposition forces and the difficulties they encounter in presenting a unified political alternative. The collapse of the *Unión Cívica Radical* (UCR) after the demise of the De la Rúa administration was not followed by the creation of an opposition party that could contribute to balancing the political system. As a consequence, the non-Peronist middle-class electorate (which was the

that is the most interesting phenomenon in understanding new patterns of civic protest and engagement in Argentina.

## II. THE DEVELOPMENT OF A POLITICS OF SOCIAL ACCOUNTABILITY

The “politics of social accountability” refers to the emergence of a novel concern for legal accountability<sup>9</sup>: citizens are eager to protect themselves from the hazards of electoral delegation by developing a social and institutional setting that can lower those risks. This entails addressing the institutional deficits and malfunctioning of horizontal mechanisms of accountability. Parallel to the concern for political accountability expressed in the “electoralization of politics,” Argentine society witnessed the emergence of numerous civic initiatives organized around demands for more transparent and accountable government. Those initiatives range from case-based social movements, like the ones spawned by the murders of José Luis Cabezas, Omar Carrasco, María Soledad Morales, or Walter David Bulaccio<sup>10</sup>, to professional NGOs that develop programs and initiatives to control and monitor government agencies. The emergence of a more inquisitive type of journalism provided a crucial ally to this form of politicization, helping expose innumerable cases of governmental corruption or wrongdoing. Uniting all of these heterogeneous actors and initiatives is a common concern for the legal dimension of governmental accountability. They involve a diverse set of activities 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) in many instances, to activate the operation of horizontal agencies, such as the judiciary or legislative investigation commissions, that would not otherwise be initiated or would be initiated in a biased way. The emergence of a politics of societal accountability is directly linked to the above-mentioned changes in the public’s attitudes toward the exercise of representative government. Its ultimate objective is to guarantee the operation of horizontal mechanisms of accountability within the state to ensure both the effectiveness of rights and the proper functioning of representative institutions.

There are three major protagonists of the politics of societal accountability in Argentina:

a) *NGOs and advocacy organizations*. The post-human rights movement stage has been characterized by the consolidation of a specialized group of NGOs and civic associations that show a common concern for increasing the transparency and accountability of representative government. In recent years, these associations—

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protagonist of the *cacerolazos*) ended up, to quote Juan Carlos Torre (2003), in a situation of “political orphanhood.” As a result of the fragmentation and weakness of non-Peronist electoral forces, the PJ (*Partido Justicialista*) “emerged as the de facto dominant party” (Levitsky and Murillo 2008:23). For a good analysis of the emergence of an independent electorate see Torre 2003; 2005.

9 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.

10 I will return to an analysis of this type of initiatives in the following pages. A brief description of some of these individual cases can be found in the next three footnotes.

such as *Poder Ciudadano*, *Fundación para el Ambiente y los Recursos Naturales* (FARN), *Conciencia*, *Coordinadora contra la Represión Policial e Institucional* (CORREPI), *Coordinadora de Familiares de Víctimas Inocentes* (COFAVI), *Asociación por los Derechos Civiles*, and *Centro de Estudios Legales y Sociales* (CELS)—have launched a variety of initiatives to make the exercise of political power more transparent and to increase citizens' monitoring of state agencies or officials. The initiatives range from campaigns to demand public disclosure of senators' and deputies' assets to the surveillance of police behavior and reporting of police abuses.

b) *Social movements that emerged as the result of specific cases of wrongdoing by public authorities.* Throughout the 1990s there were numerous movements and rallies that demanded truth and justice in several cases of human rights violations. Several of those initiatives galvanized large sectors of the population, who marched in the thousands to support the movements' demands for independent justice. Perhaps the most notorious violations were the murder of schoolgirl María Soledad Morales in the northwestern province of Catamarca<sup>11</sup>, the death of Army private Omar Carrasco in an isolated garrison of the Patagonian province of Neuquén (Behrend 2006), and the assassination of news photographer José Luis Cabezas in the summer resort of Pinamar.<sup>12</sup> These three highly publicized murders gave rise to calls for justice and to extensive social mobilization to demand guarantees by the authorities for proper police investigations and judicial procedures, since there were strong indications that authorities had been involved in the cover-up and mishandling of the initial investigations. In other words, citizens were demanding from accountability agencies their unbiased performance.

c) *Watchdog journalism.* In the past decade the appearance of a more inquisitive type of watchdog journalism resulted in numerous exposés of government corruption and wrongdoing (Waisbord 2006). It was under the administration of President Carlos Menem (1989–99) that investigative journalism gained national notoriety by disclosing countless episodes of official corruption. One of the first scandals surfaced in 1991 when the newspaper *Página/12* revealed that the then U.S. ambassador to Argentina sent a letter to the government in which he accused high-ranking officials of soliciting bribes from the U.S.-based Swift Corporation to allow the import of machinery. Only months later, the president's sister-in-law, Amira Yoma, was implicated in a drug-money laundering scandal. Shortly afterwards, two of Menem's close aides were involved in the sale of spoiled milk to a federal nutritional program for poor children. Another prominent member of the administration, the head of the national agency of social services for senior citizens (PAMI), had to step down due to accusations of receiving bribes from favored providers. In 1995, a major scandal

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11 The María Soledad case refers to the demand for justice in the case of the rape and murder of a high-school student in the province of Catamarca. For an analysis of the case, see Smulovitz and Peruzzotti 2003.

12 The case refers to the murder of press photographer José Luis Cabezas in January 1997. From early on, his murder was linked to his photographs of Alfredo Yabrán, the head of a vast business empire who always attempted to avoid public exposure. For a detailed analysis of the case, see Behrend 2006.

broke out due to revelations by the *Clarín* newspaper that Argentine weapons were being sold to Ecuador. Argentina was one of the guarantors of the 1942 peace treaty between Ecuador and Peru. Months later, the media revealed that a much larger sale of weapons to Croatia had taken place in 1991, in violation of a United Nations embargo. Political scandals were not limited to the Menem administration. In fact, the most significant scandal would take place under De la Rúa's government. As will be seen in the next section, the case of the Senate scandal provides important clues for understanding the anger directed against political representatives which has propelled the most recent wave of civic protest and mobilization in Argentina.

The politics of societal accountability represents an important sub-institutional complement to institutionalized mechanisms of accountability and has helped to schematize and limit different forms of state abuse of public power. Its contribution to the agenda of legal accountability is threefold:

First, it plays a crucial *signaling function*. The reporting of specific cases of wrongdoing provides a vivid illustration of certain shortcomings in the performance of horizontal agencies or representative institutions. Media attention is crucial for making a demand or voice visible to public opinion and political authorities. The activity of watchdog journalism is central for this form of politicization, since the work of independent journalists helped uncover numerous cases of governmental corruption or gave voice to mobilized social actors. Social mobilization and media exposure serve to signal an accountability deficit, transforming it into a more general issue on the public agenda. The response generated by cases like Bulaccio<sup>13</sup> or Carrasco served not only to highlight a specific and extreme instance of abuse of power or wrongdoing by state agencies, but also to direct the public attention, respectively, to the persistence of questionable yet long-established institutional practices of police violence against young people in low-income neighborhoods and of the mistreatment of, and violence against, conscripts. The mobilization and social response that both cases generated were decisive in putting institutional misconduct into the spotlight and simultaneously transforming the social appreciation of the issue.

The impact that those cases had on public opinion helped create a new social sensitivity to ingrained (and largely ignored or socially tolerated) institutional behavior. The "denaturalization" of these phenomena contributed to transforming the social perception of the problem, encouraging the organization of other protest movements against police or military violence. The new movements then began to frame the issue in the newly discovered discourse of rights and accountability. For instance, an immediate reaction of the families whose sons were receiving military training in the same Army unit as Carrasco's was to refuse to send them back to the barrack after the conscripts' leave of absence was over. The fear that this reaction might spread throughout the nation forced a rapid response from Army Chief Martín Balza, who flew to Zapala in Neuquén province to meet with the parents and to assume personal responsibility for the conscripts' safety (Behrend 2006).

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13 The death of a teenager, Walter Bulaccio, as a result of police violence gave rise to a movement that demanded justice for the murder and an end of police violence against young people.

Second, through political pressure and symbolic sanctions, social initiatives might force the *activation of an otherwise reluctant network of horizontal agencies of accountability*. In many cases, societal mechanisms go beyond the signaling function and directly affect the workings of horizontal agencies or the careers of officials under suspicion. They do so by exerting symbolic sanctions against those agencies or officials that social mobilization or media accusations have placed in the spotlight. The high costs in terms of political reputation that civic mobilization, *escraches*<sup>14</sup>, or press exposure usually involve may force reluctant agencies or officials to make or reverse decisions so as to appear responsive to accusations of institutional failure. Such decisions may entail the initiation of judicial procedures and parliamentary investigation commissions, or requesting the resignation of officials under suspicion. For example, the notoriety of the Carrasco case and the reputational implications it had for an institution that was attempting to change its public image—tarnished by its involvement in the massive human rights violations during the last dictatorship—forced the Army chief to address the crime and to put an end to any type of cover-up maneuvers by the institution: the military officials who were directly responsible for the death of Army private Omar Carrasco were tried and sentenced to prison (Behrend 2006).

Third, it can lead to the *establishment of permanent societal watchdog organizations* that monitor the performance of specific public agencies. For example, an important accomplishment of a group of social movements that emerged as a consequence of cases of police brutality and violence was the creation of two organizations for the supervision of the police force (CORREPI and COFAVI). Not only do these organizations provide legal assistance to victims' families, they also actively monitor the behavior of the police, acting as external "fire alarms" that are set off whenever new violations of human rights by police officers occur.<sup>15</sup> They have forced legislators to review the existing legal framework that regulates the police. Some of these social watchdogs provide important support to case-based social movements: for example, a local newspaper's coverage of the initial accusations made by Carrasco's father alerted local human rights organizations to the case. They not only decided to provide the legal defense of the family in local courts, but also brought the case to the attention of the defense ministry and the National Congress (Behrend 2006).

As previously argued, the emergence of these forms of politicization is directly linked to the consolidation of a new representative ideal that places great trust in democratic institutions. The politics of social accountability serves to test whether the actions of political representatives and non-elected officials abide by the

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14 The term *escraches* refers to a form of symbolic punishment of individuals suspected of corruption or human rights violations who have either benefited from an amnesty law or were never judicially punished. A group of activists will visit the supposed culprit's residence or place of work and publicly denounce the person. This strategy of public shaming was first implemented by human rights organizations against perpetrators of human rights violations who had been absolved by an amnesty decree or by the Law of Due Obedience which was in force from 1987 to 2003. The method was later adopted by other organizations.

15 For the concept of fire alarms, see McCubbins and Schwartz 1984:168.



normative principles embedded in liberal representative democracies. As Claus Offe argues, those practices function “to authenticate the core assumptions that turn out to be capable of withstanding and disconfirming trust.” Offe defines “trust” as “the residue that remains after the propensity to distrust has turned out to be unfounded” (Offe 2001:76). It is by strengthening mechanisms of institutionalized distrust and sanctioning situations of breach of trust by specific public officials that the politics of social accountability contributes to building and generalizing social trust in political representatives.

There are, however, two possible dangers arising from such politics. The first one has to do with cases when institutional mechanisms and political society fail to adequately address demands of social accountability. If public officials systematically disregard civic claims for greater transparency, a democracy might witness a sharp decline in citizens’ confidence in political representatives. As Sztompka argues, “if failure is widely perceived, generalized trust is replaced by pervasive distrust” (Sztompka 1999:145). The second danger is related to the number of disclosures of illegal behavior on the part of representatives. For generalized trust to pervade, institutional mechanisms of distrust must be activated sporadically. A public scene that is characterized by the profusion of denunciations and scandals and by a hyperactivity of institutions of control signal to the average citizen that breaches of trust are pervasive, feeding a culture of civic distrust (Sztompka 1999:146).

Both developments were present in the Argentine scenario. On the one hand, there was a generalized perception among the citizenry that on many occasions, particularly those that involved accusations of high-ranking members of the administration, agencies of distrust were reluctant to fulfill their controlling role, or that they readily yielded to political pressure. On the other hand, throughout the 1990s, the Argentine public was bombarded with numerous allegations of illegal or corrupt behavior by public officials. The extent and periodicity of media revelations throughout the period of Menem’s rule contributed to the emergence of a shared public sentiment that corruption was widespread in his administration. The third stage of civic engagement in Argentina was marked by a growing division between Argentine civil and political society that was largely fed by the reluctance of the representative parties to respond to persistent demands for a more accountable and transparent government.

### III. FROM THE POLITICS OF SOCIAL ACCOUNTABILITY TO THE CACEROLAZOS AND ASAMBLEAS

The electoral coalition between *FREPASO* and the *Unión Cívica Radical*<sup>16</sup> expressed sympathy for the demands for greater transparency and accountability, raising hopes for their implementation among large sectors of the electorate. Named *Alianza por el Trabajo, la Justicia y la Educación*, the coalition offered a chance to restore the bond

16 The Radical Civic Union, once led by Raúl Alfonsín, is a traditionally anti-Peronist liberal socialist party. *Frente por un País Solidario* (Front for a Country in Solidarity) was a political party founded by progressive Peronists in 1994 and disbanded in 2007.

between disaffected sectors of the citizenry and the political system, a relationship that had been seriously eroded by the profusion of corruption scandals in the Menem era. Unfortunately, the expectations generated by the electoral triumph of the *Alianza* in 1999 were short-lived. In the initial months of the De la Rúa administration, a major scandal involving the government bribing opposition senators in order to pass a labor reform law led to the breakdown of the coalition and killed hopes for institutional and political reform.<sup>17</sup> The hope for change rapidly turned to disappointment and frustration. The mid-term legislative elections of October 2001 showed a dramatic increase of blank and null votes. The results of the elections were an early warning of the gap that had opened between broad sectors of the electorate and the political class. The warning was ignored. A few weeks later, Argentine political leadership was shaken by an unprecedented wave of civic mobilization aimed at ousting it from power.

The first sign of the erosion of the representative link was in the results of the October 2001 legislative election, in which more than 40% of the electorate either abstained or cast null or blank votes. All in all, the Radicals and Peronists lost 4.7 million votes compared to the previous election in 1999 (*La Nación*, October 10, 2001). The two great novelties of the election—the large number of null or blank votes and the high percentage of abstentions—illustrated two different ways in which society was expressing its disappointment. Abstentions represent an exit strategy: the choice not to vote signals a cancellation of the representative contract by the represented. The protest vote, by contrast, is a voice strategy that remains within the framework of existing representative institutions.

The discontent suggested by the October 2001 electoral results would become vividly and tragically palpable less than two months later, when thousands of angry Argentines took to the streets and plazas of the country demanding the resignation of all of the country's political representatives, banging pots noisily in an expression of protest known as *cacerolazo*.

Starting on December 14, attacks on stores and lootings occurred in several urban locations across the country, including Concordia, Mendoza, and Santa Fe. One third of the reported 289 episodes of violence occurred in Greater Buenos Aires, particularly at La Matanza and Moreno.<sup>18</sup> The police presence and reaction to the lootings was uneven: while in some cases the police deterred the crowds or played

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17 The Senate scandal was triggered by an editorial written by a renowned political journalist who alleged that a group of Peronist Senators had received substantial bribes in exchange for their support of a labor reform law. A few days later, the same newspaper published an off-the-record interview with a member of the Senate in which he not only admitted receiving a bribe to pass the new labor legislation but also declared that bribery was a regular procedure in the Congress. This was not simply another corruption case but an event that created serious doubts about the operation of the Argentine representative system. In contrast to many of the previously mentioned corruption exposés, the Senate scandal affected the credibility and reputation of the entire political society, not just some isolated members. For a more detailed analysis of the scandal, see Peruzzotti 2006.

18 On the food riots and looting of December 2001, see the excellent analysis by Auyero 2007.

a dissuading role, there were many other cases of evident police inaction. Faced with increasingly massive looting, especially in Greater Buenos Aires on December 18 and 19, and the passive attitude of the provincial police force, which allowed Peronist political brokers and looting crowds to move freely from one store to another (Auyero 2007:6), the De la Rúa government decided to declare a state of siege, calling in the federal police to contain riots and looting in urban areas. The presidential announcement of the state of siege on national television generated an immediate popular reaction. Without any previous planning or coordination, a multitude of citizens expressed their disappointment with the governing administration by once again banging pots and pans in their residences and in the streets of the major urban centers. Spontaneously, thousands of Argentines took to the streets and plazas of major cities to demand the resignation of the president and his cabinet. In Buenos Aires, a massive and spontaneous concentration in Plaza de Mayo was met with a violent repression by police forces, taking the lives of many protesters. Far from demobilizing, the population participated in a second massive nationwide *cacerolazo* on December 20 that forced De la Rúa's to step down half-way through his four-year term.

While the Peronist leadership secretly commended the *cacerolazos* that paved the way for their premature return to power, they would almost immediately and tragically grasp that the target of the protest was not confined to De la Rúa's administration, but extended to the whole political class. Far from disappearing after the appointment of new authorities, the rallies and protests grew in breadth and anger, opening a period of political turbulence and turmoil. Massive *cacerolazos* affected the career of the recently appointed Adolfo Rodríguez Saá, who resigned on December 31—only seven days after being named interim president by the National Congress. In its initial months in power, the menace of the *cacerolazos* represented a latent threat to the stability and continuity of Eduardo Duhalde's administration.<sup>19</sup>

The epicenters of civil unrest were the city and province of Buenos Aires, where hundreds of *cacerolazos* and rallies took place between December and March. Other major cities, such as Rosario, Córdoba, and Mendoza, also witnessed a considerable number of protests. Yet, after an initial period of proliferation of *cacerolazos* and attempts to turn them into a weekly event, this form of protest gradually vanished from the public stage. The end of the *cacerolazos* did not imply, however, an end to

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19 As the number and intensity of the *cacerolazos* declined over time, the concern of the Duhalde administration shifted to the problem posed by the rallies and demands of the unemployed movement or *piqueteros*. The number increased substantially in the year 2002, reaching a record number of 2,336, or an average of 194 roadblocks a month. The killing of two protesters during a demonstration in April sent a dramatic warning to the government about the political damage that the blockades could exert on the Duhalde administration. The government's response was to dramatically increase the number of unemployed benefits that were distributed not directly to the beneficiaries but to the different picketers' organizations. From May to October, the number of individual benefits payments jumped from 1,100,000 to 2,050,000. The strategy paid off: during the same period, roadblocks declined from 514 to 86 per month. (Peruzzotti 2009:50)

social protest. The climate of mobilization inaugurated by the December protests gave birth on the one hand to a heterogeneous multitude of vocal groups and rallies and on the other hand to the establishment of popular assemblies in some of Argentina's main cities. Lastly, it fueled a remarkable increase of activism on behalf of the unemployed.

Part of the social energy unleashed by the *cacerolazos* was subsequently channeled through a spectrum of more focused groups and organizations. On the one hand, the economic measures of the Duhalde administration spawned a wave of mobilization in sectors of society that were directly affected by them, mainly but not solely among depositors and debtors. On the other hand, there were numerous social initiatives that targeted certain institutions or political figures. Most notably, some of them demanded the removal of the nine justices of the Supreme Court; there were also numerous *escraches* and attacks directed against specific political figures. Most of those initiatives can still be understood in a framework of social accountability: the organizations of *ahorristas*, *llaverazos*, and *deudores*, for example, resorted to legal and social mobilization to protect their rights against what they considered a breach of private contracts and a violation of constitutional guarantees by the authorities. The *escraches* and mobilizations against the Court justices, the legislative, and other bodies entailed a severe—often violent—condemnation of the workings of horizontal institutions.

The most notorious development of the post-*cacerolazo* period, however, was the proliferation of popular assemblies in a vast number of Buenos Aires neighborhoods and in other large urban centers, such as Rosario and Mar del Plata. The establishment of neighborhood-based popular assemblies took place in January and February on a public scene still dominated by the *cacerolazos*. In a certain way, the *asambleas* were an outgrowth of the latter, since they developed as a result of neighbors meeting in the streets to protest. Like the *cacerolazos*, these associational forms developed spontaneously and from below without the intervention of any organized social or political group. Since a central aspect of the movement, as of the previous *cacerolazos*, was a radical critique of political parties and representative institutions, the assemblies adopted a loose horizontal, participatory, and deliberative type of structure to avoid the “dangers” of delegation.

Initially, the assemblies consisted of a loose congregation of neighbors who met to express their anger with the current social and political situation and to demand the resignation of all political representatives. By the end of February and early March, many *asambleas* had established various commissions to deal with specific issues that affected the neighbors in the locality (soup kitchens, press and communication, health, unemployment, the exchange of goods and services, etc.). As had previously happened with the *cacerolazos*, the wave of civic effervescence that fed the assemblies gradually faded. Attendance at the weekly meetings drastically declined. The significant burdens of active participation took their toll on assemblies, leaving only a nucleus of neighborhood and leftist party activists. The attempt at recapturing delegated power in grass-roots organizations that would establish a fully participatory and consensual process of decision-making proved not only burdensome

for ordinary citizens but also generated innumerable internal conflicts and eventually fragmentation and demobilization.

During Eduardo Duhalde's term (January 2002—May 2003), the menace of destabilizing popular protests remained a latent threat to the stability and continuity of his administration. In fact, the mobilization of organizations of the unemployed that turned sour as a result of the killing of two militants by the police forced Duhalde's hand in shortening the administration's term and calling for anticipated presidential elections.<sup>20</sup> Duhalde was faced with the task of finding a candidate within the Peronist party who would be willing to challenge Carlos Menem, who immediately announced his intention to try for a third re-election. The search for candidates proved to be more difficult than it was originally envisioned: Duhalde's initial choices—Carlos Reutemann and José Manuel de la Sota—refused the offer. In the end, Duhalde opted for Néstor Kirchner, who at the time was a figure with little public recognition.

The 2004 elections were characterized by a fragmentation of the political spectrum: there were three competing Peronist tickets and three candidates who, although representing different political parties, shared a common Radical origin. The first electoral round showed a certain parity of forces among the main candidates, leading to the close victory of Carlos Menem (24.4%) over Néstor Kirchner (22.2%) that forced a runoff between the two. Menem's decision to back out of the second electoral round once he realized that Kirchner's victory was unavoidable left the newly elected president with a weak electoral mandate. Kirchner was forced to court public opinion and provincial bosses to strengthen his political standing and to broaden his slim base of electoral support.

The electoral results showed that, ironically, the after-effects of a crisis fueled largely by civil discontent against a political class that was viewed as unresponsive and unaccountable ended up strengthening the political standing of precisely those sectors of political society that were most hostile to the cry for transparency. The more independent sectors of the electorate found their electoral standing weakened by the fragmentation of its vote into a myriad of candidates and parties.<sup>21</sup> The *Union Cívica Radical* suffered a dramatic loss of its electoral base (its share of the presidential vote falling from its 1983 peak of 52% to a meager 2% in the 2003 elections), while all the newly created non-Peronist parties seemed unable to consolidate a nationwide political structure, remaining strong only in some metropolitan areas. The Peronist party instead retained a relevant electoral and territorial power base, its political structure mainly consisting of a network of governors that controlled significant territorial and institutional resources.

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20 For a discussion of different aspects of the crisis see Fiorucci and Klein 2006; Epstein and Pion-Berlin 2006.

21 While this segment of the electorate would lose electoral power due to its dispersion, it retained a significant influence over political opinion. See Cheresky 2006.

#### IV. CIVIC ENGAGEMENT UNDER THE PRESIDENCY OF NÉSTOR KIRCHNER

The inauguration of Néstor Kirchner as president on May 25, 2003 ended the institutional crisis that had been brought about by the resignation of President Fernando De la Rúa in December 2001. While Kirchner's election ended the period of institutional exceptionalism caused by the crisis of 2001–02 by channeling political dynamics back into a regular electoral calendar, it did not resolve the root causes that had led to the crisis. Kirchner's administration reverted to many of the questionable actions and styles of his predecessors, launching a strategy to disempower civic associations organized around demands for greater accountability. In this sense, it would be erroneous to identify his government as a local embodiment of a new style of progressive politics: Kirchner's presidency was characterized by a blunt concentration of presidential powers, constant resort to emergency legislation and executive decrees, and repeated encroachments on judicial autonomy (Levitsky and Murillo 2008). Far from triggering political reform and institutional betterment, the response of the political system to the *cacerolazos* was a deepening of the discretionary style of politics.

To consolidate his power, Kirchner developed a dual strategy. First, he established himself as the new leader of the *Partido Justicialista* in order to weaken and displace the territorial power of Duhalde and of the remaining Menemists.<sup>22</sup> Second, Kirchner courted the non-Peronist electorate, in particular those progressive sectors which the crumbling of the *Alianza* left politically orphaned. This dual strategy appealed to two very different groups and forced Kirchner to walk a thin line between a "progressive" discourse to appeal to the independent electorate and to traditional pork-barrel policies that would buy political support within the party and national structure. A major problem of this strategy was that it demanded contradictory measures: on the one hand, an emphasis on institutional transparency and reform; on the other, the use of questionable traditional methods to build political capital within society.

Kirchner proved adept at walking this line, and was able to acquire significant support from both groups. He successfully managed to obtain control of the party and to generate significant public support. How did he manage to do that? The political and economic conditions that led to his election victory helped him in his double task of strengthening electoral and territorial power. Firstly, the scale of the crisis had generated a demand for order across wide sectors of society; those afraid of the tendencies that the crisis had unleashed in civil society were ready to return to political society as a guarantor of order. Secondly, after Eduardo Duhalde's administration finished the dirty work of economic restructuring, the economy began to show signs of significant recovery. The decision by Kirchner to retain Duhalde's finance minister, Roberto Lavagna, in the same post and the fiscal restraint showed by his administration helped to consolidate an impressive trend of growth. The

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22 A central aspect of this conflict was over the control of the vast clientelist machinery controlled by the Peronist apparatus in the province of Buenos Aires.

economic recovery certainly served to build political support and to place other types of institutional demands in the background. Third, Kirchner also developed a political strategy to position himself as a progressive leader mainly through his politics of human rights. I shall briefly review this latter strategy, since it was the one that helped to build the progressive image of the administration.

In his efforts to strengthen his political standing, Kirchner sent strong signals to the new “orphans” of Argentine politics.<sup>23</sup> While the independent electorate lost clout due to the fragmentation of its vote, it still remained a crucial social counterweight to government in the realm of public opinion. Since its inauguration, the Kirchner administration was particularly concerned with courting and eventually winning over part of this sector of the public. To accomplish this task, Kirchner carefully launched an ostensibly progressive agenda that consisted in drawing a clear line between his administration and that of Carlos Menem. By exaggerating his political differences with the Menem administration and his neoliberal program, Kirchner succeeded in positioning himself as part of a new brand of regional leaders who came to power to implement a left-leaning political agenda. In another move, he announced a series of measures that specifically catered to demands for institutional improvement, including: the appointment of a member of ARI<sup>24</sup> as head of the PAMI (*Programa de Atención Médica Integral*, the largest public social services agency in Argentina and a symbol of corruption) with a mandate to clean up the institution; an initiative to impeach the most controversial justices of the Supreme Court; a decision to establish a more public and transparent process to appoint future Court nominees; and the lifting of any legal obstacles that might prevent the administration of justice in cases of past human rights violations by the military. All of these actions helped boost his public image and, in a very short time, established an impressive base of public support.

The politics of human rights played a crucial role within the Kirchner administration, since they helped the government build a progressive image and generate support from leftist parties and the progressive sectors of the electorate. Such politics proved to be an easy way to get progressive credentials in the arena of

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23 The project of the so-called *transversalidad* aimed at expanding the government's political base beyond the boundaries of the captive sectors of the electorate and of the party's traditional territorial bases. The project also reflects a more significant problem of the post-crisis political scenario: the emergence of an abyss between the political resources that are needed to win the presidency and the symbolic resources that are required to establish a good relationship with the general public. Kirchner's aim was to connect the electoral and institutional resources of the Peronist Party with political legitimacy in the public sphere. This project seems to have been abandoned under the presidency of Cristina Kirchner, who has prioritized control over, and reinforcement of, the Peronist apparatus. The tone of presidential discourse also indicates an abandonment of attempts to court the independent urban sectors, especially given the re-emergence of *cacerolazos* during the crisis generated by the conflict between the agrarian sector and the administration of Cristina Kirchner.

24 *Afirmación para una República Igualitaria* (ARI), literally “Support for an Egalitarian Republic,” is a left-of-center political party that grew out of parts of the disintegrated *Alianza* and, in 2007, became part of the new Civic Coalition.

institutional reform without having to engage in any significant political reform in the present: by redirecting claims for rights and justice to the past, such policies helped to build bridges between the administration on the one hand and the network of human rights organizations and important sectors of the independent electorate without having to initiate reforms that would entail a limitation of presidential powers.

Simultaneously, Kirchner initiated an institutional concentration of power and an unabashed confrontation with Duhalde for control over the main institutional resources of the *Partido Justicialista*. While the two agendas—human rights and concentration of power—seem to be in conflict, the president had two advantages: firstly, the extent and depth of the crisis had generated a demand for economic governability that made demands for institutional improvement recede to the background; secondly, a favorable international context contributed to significant economic recovery and sustained growth. Both factors openly undermined the relevance of claims for institutional transparency and accountability. In addition, Kirchner did take some initiatives that resonated with the social calls for institutional improvement and reform. The already mentioned decision to remove an unpopular Supreme Court and to name new justices, for example, helped him win the support of the urban middle classes who during the *cacerolazos* had demanded the resignation of all the Court justices.

However, the discourse of institutional reform was short-lived. Calls for political reform, greater transparency, and limitation of power were rapidly banished from official discourse, giving way to a series of measures and practices that concentrated power in the executive and limited the influence and authority of the legislative and judicial powers. The use and abuse of executive decrees, the approval of so-called “superpowers” that gave the executive greater discretionary power over budgetary decisions, and the reform of the Council of Magistrates were measures aimed at strengthening and concentrating power in the figure of the president. All that survived from the initial package of presidential announcements and gestures toward institutional reform was the government’s policy of retributive justice for human rights crimes committed by the dictatorship.<sup>25</sup>

The sense of emergency and the subsequent demand for governability and strong leadership that the socioeconomic crisis generated among large sectors of society helped alleviate the political costs of these measures. This was not without historical precedent: during the initial years of the government of President Menem, demands for governability also remained in the background due to the dimension and consequences of the hyperinflationary crisis of 1989. The demand for greater governmental accountability was displaced by a demand for economic governability.

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25 However, the government did not take a substantive stand on present-day human rights issues such as police reform and the current trend toward criminalizing political protest. A general criticism from rights-oriented groups is that the government selectively used a policy of co-optation of certain groups of unemployed organizations while repressing and criminalizing those who refuse to enter into the clientelist arrangements proposed by the government. See for example the interview Svampa 2006.



The departure of Finance Minister Domingo Cavallo in 1996, however, entailed the tacit recognition that the period of economic emergency was over, leading to the gradual reappearance of calls for better government and to media reports of public wrongdoing. Did the departure of Minister of the Economy Roberto Lavagna in 2005 similarly usher in a post-emergency period of renewed calls for greater governmental accountability? While elements of a politics of social accountability eventually reappeared at the end of Kirchner's term, there were other factors that undermined the reemergence of significant initiatives in this regard. The first one was the stunning economic recovery that took place under Kirchner's administration. As in the first years of the Menem-Cavallo tandem, positive economic results inevitably delayed or undermined citizens' calls for governmental transparency or accountability.<sup>26</sup>

A second difference is that the Kirchner administration developed a series of relatively successful initiatives to weaken those actors who had previously driven such initiatives. Who were the main protagonists of the politics of accountability in the previous decade?

The first actor was a network of civic organizations and NGOs that acted as informal watchdogs of government on issues such as police violence, human rights abuses, and judicial independence and performance. Under Kirchner, this network was unlikely to recover the significance it had had during the 1990s. The government developed a series of initiatives and policies aimed at co-opting and dividing this sector. In contrast with the unity it showed in confronting and denouncing breaches of due process and rights by the Menem administration, this group of organizations was now divided in relation to its attitude towards Kirchner. An important and visible group of human rights organizations and leaders were co-opted by the present administration and spoke out in the defense of the government's political position and decisions.

The second actor, a watchdog media, was also less relevant than in the 1990s. Again, the government implemented a series of measures aimed at controlling the public agenda through the development of rewards for supportive journalists and punishment of critics. The discretionary use of public advertising to exert pressure on media companies, and pressure and threats against journalists by public officials are part of a series of mechanisms aiming to raise the costs of independent and critical journalism. It was only at the end of Néstor Kirchner's presidential tenure that Argentina witnessed a reappearance of media exposés of government corruption, such as the ones that forced the resignation of the then-Minister of the Economy

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26 I will not focus on the electoral dynamics of this period, although it is worth mentioning an episode that was crucial in curtailing the political ambitions of Kirchner, who was tempted to modify the constitution to permit unlimited reelection of the executive. When Carlos Rovira, the governor of Misiones province and an ally of Kirchner's, attempted to rewrite the provincial constitution to abolish term limits for himself, he was defeated by a strong opposition campaign lead by a Catholic priest. Rovira's defeat was read by Kirchner and other governors as a warning against overblown political ambitions. Plans to abolish term limits on a national level as well as in some other provinces were abandoned. See Levitsky and Murillo 2008:20.

Felisa Miceli in 2007, the Skanska bribery case involving the minister of planning, or the scandal generated by the attempt by an obscure Venezuelan-American figure linked to Hugo Chávez to illegally bring US \$790,550 in cash into the country, allegedly to finance the presidential campaign of the first lady, Cristina Fernández de Kirchner.

Protest movements were the third actor. Since they are more unpredictable and difficult to prevent, protest movements are also the type of civic actor that posed the most problems to Néstor Kirchner's administration's efforts to manipulate and dominate the public agenda. During his tenure, Kirchner faced three major civic movements that bear some resemblance to the social accountability protest movements of the 1990s: the parents of the *Cromañon* victims, the Blumberg movement, and the environmental assembly of Gualeguaychú.

The *Cromañon* case was a fire that killed nearly two hundred young people who were attending a rock concert in a nightclub in Buenos Aires that was in flagrant violation of the city's fire code. The emergence of a vocal movement composed of victims' families who demanded the resignation of Mayor Aníbal Ibarra, a close political ally of the president, represented a significant challenge to the administration, which initially closed ranks with the mayor. Once the government realized that Ibarra's fate was sealed, it quickly attempted to dissociate itself from him. Ibarra was eventually removed from his post by the Buenos Aires legislature.

A second major challenge was the tough-on-crime movement started by the entrepreneur Juan Carlos Blumberg after his son was kidnapped for ransom and murdered. Blumberg posed a problem to Kirchner, since his demands resonated with parts of the independent public opinion that the government was courting. Blumberg organized a series of massive rallies to demand tougher legislation on crime and criticize the government's inaction. The government's response to the movement shifted over time from an initial attempt to meet some of its demands for a tougher penal code to an open confrontation in which it linked Blumberg's discourse to that of the military dictatorship.

The third movement was organized around environmental demands. The conflict was triggered by two European firms' decision to build two pulp mills on the Uruguayan bank of the Uruguay River, which constitutes a natural border with Argentina. The news generated resistance in Argentine coastal towns opposite where the mills were to be located. Starting in 2003, local residents conducted blockades of the international bridge that links both countries, creating a major diplomatic conflict. In 2005, residents created the *Asamblea Ciudadana Ambiental Gualeguaychú* that continued these activities. Thus the conflict rapidly turned into a major issue on the national political agenda and a political challenge for the administration. As the conflict escalated, and in view of the proximity of legislative elections, the Kirchner administration openly sided with the *Asamblea*. The then-Minister of Foreign Affairs, Rafael Bielsa (who was also running for mayor of the city of Buenos Aires) met with the Assembly, praising the people of Gualeguaychú for their civic organization and courage. After an informal accord between Presidents Kirchner and Tabaré Vazquez to suspend construction for ninety days failed, the Argentine government brought

the issue to the International Court at the Hague in May 2006. The submission was preceded by a massive rally in Gualeguaychú, presided over by President Kirchner and attended by 19 provincial governors. Kirchner encouraged nationalist discourse and redirected citizens' anger and demands from domestic politics to Uruguay. The internationalization of the conflict and the polarization of surrounding discourse along nationalist lines contributed to defusing the potential domestic costs of the conflict to the administration. It also contributed to boosting the image of a defender of national interests that Kirchner had consciously constructed in his negotiations with the International Monetary Fund and other lenders on debt default.<sup>27</sup>

## V. CONCLUDING REMARKS

The accountability model of representation is inextricably tied to the legitimacy of the new Argentine democracy: finding ways of assuring governmental responsiveness and responsibility through institutional safeguards has been one of the central concerns of Argentine citizens following the horrors of authoritarianism. While Argentina has made important achievements in the spheres of rights protection and governmental accountability, there is still a notable deficit, particularly concerning control over the executive. The failure of political society to adequately respond to demands for greater governmental accountability explains in part the dramatic lapse of citizens' trust in their political representatives that fueled the events of 2001–02. It also serves to highlight that, under specific circumstances of governmental unresponsiveness, demands for accountability can take on worrisome features, promoting a wholesale rejection of politics. The economic and social crises that followed the events of the summer of 2001–02 diverted the attention of the population to more pressing matters. The politics of social accountability disappeared from the public scene for most of the Néstor Kirchner administration except from the isolated cases described above.

With Cristina Fernández de Kirchner in the presidency, investigative reporting and civic protests reappeared. The new president was immediately challenged by exposés of governmental corruption and by a more mobilized society. Yet the main challenge to her administration came not from civil society but from interest groups: the mobilization of agricultural producers against a new governmental taxation scheme led to a long political conflict that reawakened some of the discourses and demands of the politics of civic accountability. The administration's heavy-handed reaction to the protest generated a response from the urban middle classes, who mobilized in support of the agricultural producers. There were *cacerolazos* against the president as well as massive rallies in cities such as Rosario and Buenos Aires to back the agrarian organizations against a government that was increasingly perceived as authoritarian and confrontational in its reactions and discursive style. The conflict dealt a dramatic blow to the president's initial popularity: Cristina Fernández de Kirchner faced a sharp erosion of public trust in her administration. At the heart of

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27 For a more detailed analysis of the conflict, see Palermo and Carlos 2007.

civic unrest was a challenge to a political style that relies on an extreme concentration of power in the executive at the expense of other actors and institutions. The agrarian conflict, which initially started as a rent distribution problem, eventually became a conflict about the political behavior of the ruling couple.

Are we witnessing the dawn of a new cycle of the politics of social accountability? It is still too early to determine. It is also difficult to say which forms social accountability initiatives will assume in that possible new cycle. Future accountability struggles need to reflect on past failures and accomplishments to reinvent themselves: firstly because political authorities have learned how to respond to previous tactics and initiatives, and secondly in order to avoid feeding negative forms of politicization that can be detrimental to democratic legitimacy and only contribute to widening the representational gap. The direction of future initiatives should attempt to productively establish links with those sectors within political society that are open to an agenda of institutional reform. Simultaneously, political parties need to reinvent themselves by cultivating ties with society. No democratic representation can flourish in a landscape in which parties turn their back on society while citizens reject political parties. Until that basic connection that is at the heart of the idea of democratic representation is restored, the notion of accountable government will remain a much-desired but unfulfilled promise in Argentina.

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