Metrics & Democratization:

Law, Technology & Democratic Expertise in Postwar El Salvador

by

Jason Marc Cross

Department of Cultural Anthropology
Duke University

Date: _____________________

Approved:

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Orin Starn, Supervisor

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Diane Nelson

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Irene Silverblatt

________________________________________
John Conley

Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
Cultural Anthropology in the Graduate School
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The dissertation is an ethnographic study of the role of monitoring standards on democratic governance reform in El Salvador since the 1992 end of a 12-year civil war. The study looks at the development and implementation of monitoring and evaluation models for rule of law, citizen participation and accountability reforms, in order to understand the impact of standards on the local adaptation and global circulation of democratic reform programs. Although governments, non-governmental organizations (NGOs), and foreign aid agencies routinely use monitoring standards to assess institution reform, little attention has been paid to the effects of monitoring procedures themselves on the social process of democratic governance. Through practices of standardization, however, law and technology are often used together to construct the expertise that democratic institutions increasingly require for political participation. The legacy of democratic reform in El Salvador is particularly important because the country served as a laboratory and poster-child for democratization models most recently applied to U.S. efforts in Iraq and Afghanistan.

In-depth qualitative study of the development, circulation and use of monitoring standards reveals a formalization of ways of producing and contesting
knowledge deemed crucial for political communities – be they rural hamlets or national economic sectors. As with any institutional form, certain political possibilities are enabled while others are marginalized or constrained. However, beside the establishment of dominant frameworks for knowing about social realities and participating in decision-making governing those realities, monitoring standards provide means for the mobilization and advocacy of alternative perspectives and agendas. The dissertation presents a historical account of the institutionalization of monitoring standards that have become typical components of what international agencies promote as democratic governance. Ethnographic accounts of how these standards circulate and are used by governments, NGOs, citizens and social movements illustrate their ubiquity, flexibility and dynamism – from municipal finance and state decentralization, to human rights struggles over water privatization, mining, crime and pharmaceuticals. Research conducted before, during and after the 2009 election of the leftist FMLN party to the presidency captures shifts in the use of monitoring standards as social movement activists move into government.
Dedication

For Cristina, Roy & Tico – Los Mapaches
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1. INTRODUCTION: IMPERIAL EXPERTISE & PARTICIPATORY DEMOCRACY

February 24, 2004, a large non-profit applied research firm called Research Triangle Institute International (RTI) found itself at the center of public controversy. Local news coverage showed dozens of anti-war protesters picketing its North Carolina headquarters. “War profiteers!” Chants and signs hovered along the entrance to the firm’s 180-acre campus of secure office buildings amidst low hills and tall pine trees.

During the March 2003 invasion of Iraq, as tanks rolled and helicopters skimmed the frontiers, RTI leadership was in final talks with U.S. State Department officials over its bid for the largest of the democratic governance contracts that would be offered for reconstruction by the U.S. Agency for International Development (USAID). On April 11, 2003, the initial 12-month award for $167.9 million was announced – the first of nearly a decade of development and reconstruction contracts that the firm would administer. Public attention over RTI’s

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1 Dissertation research was supported by the following grants: a Fulbright-Hays Fellowship for Doctoral Dissertation Abroad; a National Science Foundation (NSF) Dissertation Improvement Grant; the NSF Graduate Research Fellowship; a Duke Graduate School International Research Fellowship for Advanced Students; and a Duke Center for International Studies Graduate Research Fellowship.
work in Iraq was initially dwarfed by controversies over other contractors. Large logistics and infrastructure companies such as Bechtel and Halliburton offered tales of corruption. Security contractors like Blackwater presented intrigue and tragedy.

With the absence of weapons of mass destruction, and claimed links between Saddam Hussein and Al-Qaeda undeniably refuted, the chief justification proffered for invasion and a continued war amidst a growing insurgency became democracy, freedom. But this program of liberation was not a matter of lifting fetters and letting be. Iraqis were treated as though they needed to be “taught to be free” – or so it seemed to many – though not all – of the war’s critics. For those invested in the business of democratization, it was a challenge of building the “capacity” to be free – by which they meant institutions and practices that can harness democratic participation for public good. It was in this context that RTI drew greater scrutiny from the growing anti-war movement. The Iraq war had become a war for Iraqi democracy – and RTI was at the vanguard of the democratizers.

What, however, would this project of democratization look like on the ground? Where would US government officials and democracy contractors look for inspiration? RTI had been one of many USAID contractors administering democratic governance programs in developing countries and Eastern European countries transitioning from communism. They joined other development firms in post-war
reconstruction in the Balkans. But Balkan reconstruction developed in the shadow of the EU, a factor that would make post-conflict democratization outside of Europe a very different process. In the spring of 2003, one country’s recent experience with post-war democratization continued to be mentioned: El Salvador.

1.1 The Salvador Option

In 1992, peace accords ended a twelve-year civil war in El Salvador. The war was fought between a coalition of Marxist, social democrat, and liberation theology-inspired rebels known as the FMLN and state and paramilitary forces aligned with center-right parties supported by the United States government. Beginning in the midst of war, El Salvador underwent governance reforms sponsored by development institutions like the U.S. Agency for International Development (USAID) and World Bank that aimed to strengthen democracy and foster economic development, typically combining monitoring standards with laws that decentralize authority. While the legacy of 30 years of reform continues to be debated in El

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2 For many, “the war” lasted longer than twelve years, with cycles of popular mobilization, state repression, and insurgent violence dating back to the 1960s.

3 Frente Farabundo Martí para la Liberación Nacional (Farabundo Marti National Liberation Front).
Salvador, the Salvadoran experience is often treated as an exemplar, informing democratization programs throughout the world.

To governance professionals, El Salvador offered an illustrative example of post-conflict democratization that integrated formerly warring factions into a liberal democratic process coupled with the “Washington consensus” (Williamson 1990) economic policies of deregulation and free trade. For neoconservative factions in Washington DC, El Salvador’s democratization signaled the path to follow for winning hearts and minds. The country’s solid alliance with the US in regional diplomacy, including ongoing Central American free trade agreement talks, as well as fixations on dominant measures of success like GDP per capita growth and the expansion of American-style fast food chains and shopping malls encouraged talk of replicating the Salvadoran approach in the Middle East.

Then in the Vice Presidential debate of 2004, Dick Cheney responded John Edward’s criticism of the Bush administration approach to Iraq and Afghanistan saying:
Twenty years ago we had a similar situation in El Salvador…. [G]uerrilla insurgency controlled roughly a third of the country, 75,000 people dead, and we held free elections. I was there as an observer on behalf of the Congress.⁴

The human drive for freedom, the determination of these people to vote, was unbelievable. And the terrorists would come in and shoot up polling places; as soon as they left, the voters would come back and get in line and would not be denied the right to vote. And today El Salvador is a whale of a lot better because we held free elections.

The power of that concept is enormous. And it will apply in Afghanistan, and it will apply as well in Iraq.⁵

Three months later, Newsweek magazine published a story titled “‘The Salvador Option’; The Pentagon May Put Special-Forces-Led Assassination or Kidnapping Teams in Iraq.”⁶ The article detailed senior defense department discussions over Iraq strategy that explicitly looked to adapt paramilitary tactics from the US led counter-insurgency war in El Salvador. In 2013, following a trail of clues exposed by Bradley

⁴ Note Cheney’s invocation of ethnographic authority. He was there. Edwards was not.


Manning’s release of secret documents via WikiLeaks, the Guardian and BBC released news stories and a documentary showing how the Rumsfeld defense department brought in a retired special forces colonel to train and coordinate Iraqi paramilitaries: James Steele. Steele’s most important credential? From 1984 to 1986, he was commander of US Special Forces in El Salvador as they shifted their counter-insurgency strategy from total war toward a combination of targeted combat and intelligence operations coupled with local development and democratization programs. The lead Guardian story opens:

The Pentagon sent a US veteran of the “dirty wars” in Central America to oversee sectarian police commando units in Iraq that set up secret detention and torture centres to get information from insurgents. These units conducted some of the worst acts of torture during the US occupation and accelerated the country’s descent into full-scale civil war.7

The Iraq war was especially controversial in El Salvador, as the then ruling conservative ARENA party joined neighboring Honduras in the US led “coalition of the willing,” sending a small contingent and suffering 25 casualties. Debates in El Salvador about the war in Iraq never mentioned comparisons with the recently ended civil war at home. Throughout the 10 years of field research for this project, I

never met a Salvadoran official or development professional aware of these comparisons outside of my mentioning them or learning about US media stories. In Iraq, Afghanistan, Washington DC, and North Carolina’s Research Triangle Park and Fort Bragg however, El Salvador seemed to offer the key to realizing economic and political freedom abroad as dreamed and desired by American policymakers, investors and warriors.

Meanwhile, El Salvador offered Latin American leftists and activist allies in Europe and the US two seeming contradictory lessons. On the one hand, post-civil war economic growth concentrated among the upper-class masked increased inequality and crime. The deepening of economic and social vulnerability among the majority poor signaled the failure of neoliberal economic policy as a development tool and the failure of liberal democracy to promote human rights.\(^8\) The focus of media and policy institutions throughout the 2000s on Salvadoran gang violence and migration amplified hemispheric discussions of El Salvador offering a preview to the

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\(^8\) See the controversy surrounding the 2004 United Nations Development Programme report entitled *Democracy in Latin America: Towards a Citizens’ Democracy* (UNDP 2004). In the words of then UNDP Administrator Mark Brown, “the Report warns that the proportion of Latin Americans who would be willing to sacrifice a democratic government in exchange for real social and economic progress now exceeds 50 percent” (UNDP 2004, 15).
kind of globalization awaiting the classes left behind by trickle-down development models.

On the other hand, El Salvador offered scholars and activists a case study of insurgent success and a beacon of hope for organizing progressive political agendas through liberal democracy. The FMLN insurgency fought US-backed government and paramilitary forces to a standstill – several times falling just shy of victory due to influxes of US military support, covert operations and threats of full-scale military intervention. The UN brokered peace agreement created the institutional infrastructure for an open political process and culture to emerge from centuries of violent autocratic rule. The social movements behind the insurgency then turned toward building and expanding the FMLN as an electoral political party that leveraged local and national electoral wins to institute some of the of social programs that inspired revolutionaries to take arms so long ago. These activists and their allies in the international community also established a sort of “social justice

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brand” for the country, built around the inspiration of assassinated martyrs such as Archbishop Oscar Romero, popular social struggles against difficult odds, and the ultimate enactment of progressive reforms via electoral victories. Over twenty years after the 1992 end of the civil war, “political tourism” still makes up a significant component of cultural exchange, study abroad, and even vacation programs among foreigners fitting El Salvador into their Central American travel plans.

For a new generation of US activists that came of age in the Reagan era, and for those still protesting US policy since Vietnam, the war in El Salvador was a focal point for the anti-war movement (Coutin 1993). “Money for jobs, not for war. US out of El Salvador!” was a chant that helped define many a political identity in the 1980s. The “outlaw” Sanctuary Movement emerged in the 1980s among progressive US religious communities to provide refuge for Central Americans – a majority Salvadoran – fleeing political violence. This was despite the US government’s denial of political asylum for Central Americans during much of the 1980s. This movement

In the words of an activist and organizer of human rights delegation visits with an NGO.

In 2010, the bestselling Lonely Planet travel book company named El Salvador to its “Top 10 Countries” to visit, writing: “El Salvador sneaks up on you: in lefty lounge bars in San Salvador, at sobering war memorials and museums, and along lush cloud-forest trails; it’s a place of remarkable warmth and intelligence, made all the more appealing for being so unexpected.” http://www.lonelyplanet.com/travel-tips-and-articles/15809
established a significant part of the organizational infrastructure and networks that continue to promote immigrant rights in the US today.

For the multilateral development agencies and conflict resolution professions, El Salvador offered another touchstone. The Civil War was the first civil war ended by a United Nations (UN) brokered process. The negotiation assistance and post-conflict demobilization support provided by the UN set a standard that was followed throughout the 1990s and 2000s in Europe, Africa, and Asia. The UN Truth Commission for El Salvador, with a mandate to establish the truth behind “serious acts of violence” during the war, was the first of a global trend to establish truth commissions to investigate and report the facts of political violence for the public record (apart from criminal law proceedings), from South Africa to Peru, East Timor to South Korea.

1.2 A Model of Empire or Liberation?

How did El Salvador become a model for early 21st century debates about the shape and direction of political and economic governance? What does El Salvador’s experience teach us about the impact and workings of democratization programs and the ethical question animating debates about democracy promotion – are they
new modes of empire or tools for liberation? This dissertation is a response to those very questions.

There are two principal ways of inquiring into the place of El Salvador in contemporary debates about regional and global political and economic change. One approach turns to the material realities and experiences of Salvadorans and asks whether and how the society has been transforming a few steps ahead of the curve in global governance trends. This tack confirms the notion that El Salvador has insights that (when properly contextualized) may be of value for those pondering other places. Another approach is to focus on the political, economic and media elites that represent El Salvador as an important referent for trends and events elsewhere, perhaps even on the other side of the world. This method emphasizes the social construction of commensurability, the practices that make a place as different as El Salvador even comparable with Iraq or Afghanistan.

This dissertation research began by exploring both approaches. Soon, it became apparent that answers that emerged when investigating one path would also be key in explaining answers provided in the other. The inequalities that have torn communities and bodies apart are also buttressed by symbolic associations with El Salvador among global elites that craft trade agreements, channel aid flows, and allocate migrant rights. Similarly, economic reforms that make life saving medicines
available and novel grassroots structures of political accountability also gain support from the special place that El Salvador has among generations of global activist networks that now reach into the very heart of UN agencies, the world’s richest foundations, and even the power structures of both Washington DC and Caracas, Venezuela.

This dissertation thus examines El Salvador as a society and as an idea. More than an imagined community of Salvadorans (Anderson 1983), it is imagined as such by the transnational professionals who manage the uneven rights and privileges of a globalizing world (see Coutin 2007).

The answer to the pressing question of whether democracy promotion advances imperial agendas of transnational control or empowers authentic participatory democracy is – in short – that it does both. A central thesis of this study is that aspects of each face of democracy promotion – empire and liberation – are crucial to understanding the social transformations that come in tandem with democratization programs. They are especially key to explaining the growing prominence of politics of expertise – conflicts over standards of know-how required to participate in decision-making. These standards are often embedded in metrics and various tools used to monitor and evaluate society. These standards have very real effects on the kinds of democracy that emerge and the kinds of lives –
opportunities and risks – that people pursue as a result of that democracy’s decision-making via the force of law and technology.\textsuperscript{12}

An early finding of this study was that expertise in the democracy business often travels by way of documents, measurements, programming models, mottos and rules of thumb that help constitute democratic practices as they circulate democratic standards. Even as RTI was applying lessons learned in El Salvador to its projects in Iraq and Afghanistan, few RTI employees were even aware of the new Middle Eastern contracts, and only a handful with experience on the ground in El Salvador ever played a role in designing or implementing the new programs.

\begin{flushright}
\textsuperscript{12} The “force of law and technology” combines Jacques Derrida’s observations on the force of law (1990) with Lawrence Lessig’s proposition that “code is law” (1999) and the broader sociology of technical standards (see Busch 2011). Technology and law both regulate behavior via the exercise and threat of violence (ride a bicycle incorrectly and feel what I mean) – violence deemed legitimate and even inherent to the nature of the order of things. That violence, however, lacks a self-consistent principled foundation. This realization opens both law and technology up to deconstruction. It also highlights the contingent social construction of the violence that governs even while taken for granted. Pragmatism, though humbler in epistemology, often serves to reify that order with its urgency of action. The notions of justice that justify that order do not disappear with the deconstruction of their foundations. If anything, they typically shift toward notions of becoming, ideals to come (see Derrida 1990). As we shall see, this “force of law and technology” is especially the case with respect to modern procedural democracy’s emphasis on rules and technique (elections, referenda, polls) to express/construct a public and represent that back toward the same public (see Warner 2002).
\end{flushright}
While democratic reform models circulate globally, their viability often depends on their adaptation to local contexts and the sufficient involvement of different sectors so as to avoid open conflict – the vernacularization of democratic governance. This flexibility to local circumstances is a guiding principle for most democratization professionals I met, one often missed from both critics and supporters of these programs from afar. This study therefore examines whether, and how, monitoring standards promote the localization of democratic governance. This invocation of flexibility however raised more questions demanding explanation:

How are democratization reforms promoted by international institutions linked to local social conditions by the expertise and monitoring standards required for political representation and decision-making in accord with formal models?

Does the coupling of laws and technology via monitoring standards affect the beliefs and choices that inform democratization in El Salvador and elsewhere today?

In other words, how do the tools used to evaluate and deliberate market democracy reforms predispose certain political choices and social futures?

\[13\] The term vernacularization is borrowed from Merry’s study of the global circulation of human rights (2006b).
This study is not an argument against the use of metrics or democracy promotion – though there may be aspects of how either are done that some readers may consider setting aside as a result of the analysis below. It is a study of how metrics and democratization operate in today’s world – of how they empower us and how they limit us. As a result, it is an argument for scholars to not take metrics and democratic practices for granted as natural phenomena. It offers evidence and reasons for understanding them as socially constructed in various ways to various effects. When scholarship in any discipline fails to account for the social construction of metrics and democracy, it can contribute to their abuse and the impoverishment of their promise and potential. Often unwittingly, and sometimes intentionally, it can promote structurally biased democratization programs and metrics that can oppress as much or more than they liberate.

1.3 Research Problem: The Role of Metrics in Democracy

At the beginning of this project, the grand question of whether democracy promotion programs in El Salvador were liberatory or imperial demanded more precision. To begin with, what were democracy promotion programs? What did they do? The anthropological response is, go there, find the people who run what people call democracy promotion programs and see what they do. I did that, and was
surprised to find that most of what people did – the international democracy experts, the local activists, the participating community members – was measure stuff, report to each other their measurements, talk about the measurements and how to measure better, and report to each other on how they were talking about measuring and learning to measure better. They were doing metrics.

One gut reaction to this realization (shared by many informants when talking about moments of disillusion), is to see the entire business of democracy promotion as a kind of scam. Paid staff get salaries. Participating community members get the prestige and relationships that motivate their volunteering. And instead of solving problems everyone is measuring, reporting, monitoring, and evaluating.

After that initial response, however, I recognized that people of all sorts of political affiliations and social class positions expressed the sense of greater inclusiveness in the political process than decades before, though not necessarily the economy. When it came to public institutions, there appeared to be a growing responsiveness to local concerns. It seemed that this metrics business may just be important to examining what democracy promotion programs are about. After all, it’s what the democracy promoters do.

Documenting what democracy promoters did, I followed the metrics. By metrics, I include quantitative and qualitative accounts in the form of statistics,
narrative reports, evaluations, and rankings. These are the knowledge production tools that render knowledge and provide access to the institutions of democratic governance.

Elections are the emblematic illustration of government by metrics. If anything, they are vast choreographed measurements of voters’ preference on election day. However, if elections set the course for the ship of state, most of democracy promotion funding and labor goes into the day-to-day sailing and maintenance of the ship. In fact, the meaning and practical effect of elections depend entirely on the kind and scope of democratic practices that govern the days and institutions without elections. Failure to grasp this commits what Terry Karl called the “fallacy of electoralism” when critically assessing US State Department policy in El Salvador in the 1980s (Karl 1986).

So while I studied and observed elections in El Salvador as an election monitor – and they form an important part of the story presented below – I focused the study on three areas by which the dominant foreign aid agency had organized it’s democratization efforts: (1) citizen participation; (2) rule of law; and (3) accountability & transparency. Citizen participation programs include NGO training and citizen councils that approve development plans. Rule of law initiatives promote the reliable application of formal law through programs like judicial training and
legal reform. *Accountability* and *transparency* efforts focus on activities disseminate government information and expand the scope of public participation in decision-making.

Rather than assess democratic governance according to external standards, this study describes and analyzes the social life of governance programs, looking at what democratization has meant on-the-ground and changes in political and economic decision-making that it has brought about. Focusing on program implementation, the research examined the role of monitoring technologies in processes that change how people assess and participate in politics.

### 1.4 Toward an Anthropology of Democracy & Technology

This study aims to contribute to a better understanding of relations between theories of democracy and the institutionalization of democratic practice. As liberal democratic routines and discourse, from elections to public participation, are coupled with notions of modernity (Taylor 2004) and access to development resources (Trubek & Santos 2006), the globalization of democratic governance models becomes a central concern of both proponents and critics of state reform (Sassen 2006).
Various strands of anthropological research are only recently organizing into an anthropology of democracy that can provide insight into the social life of democratic institutions and process (Paley 2002). Julia Paley’s research on how various social sectors in Chile maneuver to affect legislation is a compelling example (Paley 2004). Here, Paley uses ethnography to develop an alternative theory of “accountable democracy” to Jurgen Habermas’ influential notion of “deliberative democracy.” Yet as an attempt to reconcile empirical and normative accounts of law and democracy - “between facts and norms” - (Habermas 1996), Habermas’ model still invites ethnographic scrutiny of the grounded relation between fact-making and norm-making. Recent studies of liberalism and globalization (Rose 1996; Santos 2002) highlight how such relations are mediated by technical instruments and expertise, while others show how they are constantly contested (Paley n.d.).

Focusing on the roles of law and technology in monitoring standards in development and democratization in Latin America, this research studies relations between fact-making and norm-making by integrating three fields of anthropological inquiry rarely considered together: development and democratization; law and governance; and science and technology. As Lewis Mumford’s classic history of technology, *Technics and Civilization* (1963), brought into relation the technical, aesthetic, economic and political dimensions of technological change and notions of society, this study similarly aims to examine how effects and
affect together inform the circulation and deployment of governance technique and expertise attached to monitoring technologies.

*Development & Democratization.* Most anthropological investigations of development have focused on the power of the idea of development to define societies (e.g. Escobar 1995; Ferguson 1990), the resulting formalization of life (Elyachar 2005; Scott 1998), and social movements that emerge as reactions to development (e.g. Alvarez, Dagnino, & Escobar 1998; Edelman 1999). Recently, anthropologists turned to studying democratization with similar approaches (Adams 1998; Caldeira 2001; Coles 2007; Paley 2001; Sivaramakrishnan 2000; West & Sanders 2003). However, little attention has been paid to the detailed operation of institutions that manage markets and government in these processes (Mosse 2005; Mosse & Lewis 2005). Particularly missing from previous work is serious attention to ways that development and democratization are affected by monitoring technologies central to the operation of institutions. An important question left unaddressed concerns how these technologies change political relations, and the long-term implications of that change. Additionally, the ways in which grassroots actors and movements redeploy monitoring technologies and their related laws are only beginning to be examined ethnographically in-depth (Santos & Rodríguez-Garavito 2005).
Law & Governance. Anthropological studies of law and governance have approached emerging institutions by addressing state transformations (e.g. Coronil 1997; Chatterjee 2004; Das & Poole 2004; Ferguson & Gupta 2002) and the rise of novel transnational orders, from finance (Dezalay & Garth 1996, 2002; Maurer 1997) to human rights (Merry 2006a). While the rubric of legal pluralism addresses overlapping normative orders (Merry 1988; Benda-Beckman & Benda-Beckman 2007; Santos 2006), recent work documents the centrality of expert knowledge in managing multiple orders (Mitchell 2002; Pottage & Mundy 2004; Ong 2006). Michel Foucault’s notion of governmentality treats such expertise as constitutive of institutional operations and legitimacy (1991; see also Cohn 1996). Some classic studies of institutions aim to understand the routines and rationales governing institutional operations (Douglas 1986; Fitzpatrick 1992; Herzfeld 1992; Weber 1978). Other work concerns the use of knowledge and expertise to govern the social world by ordering expectations and bodies (Agrawal 2005; Collier, Maurer & Suárez 1995; Coutin, Maurer & Yngvesson 2002; Perry & Maurer 2003). Yet, few focus on relations between instruments of knowledge and the practices of those who use them (for notable exceptions, see Riles 2000, 2004). After recognizing that authorized knowledge produces both social orders and subjects who realize themselves through such knowledge, further research is needed to examine specific practices through which such political subjectivity emerges (Comaroff & Comaroff 2006; Latour 2002;
development and democracy globalize through forms of governance, the
instruments that circulate and their means of taking root therefore deserve greater
ethnographic scrutiny (see Li 2007; Tsing 2005; Twining 2004). Recent work in critical
studies of the international legal system highlight the need for such research,
because it is through knowledge practices that laws and states are made
commensurable and assessed, and then either assented to or contested (Anghie 2005;
Rajagopal 2003).

Science & Technology. Anthropological studies of science and technology
examine how technical instruments bring distinct communities into relationships via
shared investments in knowledge claims (Callon 1986; Galison 1997). Factoring in
the mobility of forms and the plasticity that enables relations across differences
(Latour 1987; Star & Griesemer 1989), this work offers useful concepts for analyzing
the circulation of political forms (cf. Anderson 1983; McLuhan 1964). Research also
highlights interdependence between science and democracy in managing conflict
and establishing facts (Ezrahi 1993; Haraway 1997; Jasanoff 2004; Latour & Weibel
2005; Shapin & Schaffer 1985). Yet, knowledge and technology have effects through
expertise that is itself conditioned on ethics motivating its use, meaning and
discretion (Bijker, Hughes & Pinch 1987; Redfield 2006; Zaloom 2006). Ethnography
is thus needed to understand techniques, meanings and ethics associated with
different uses of law and technology (Collins & Evans 2002; Jasanoff 2003; Kennedy 2004; Riles 2006).

This study advances understanding of the globalization of democratic institutions by combining approaches from these three fields of anthropological research. Examining how law, technology and development emerge together, the project will also contribute to theory and method within each field as approaches are reassessed to make sense of the globalization of governance models (see Ong & Collier 2005). As part of a group of anthropologists considering similar issues under the rubric of technologies of repair – toolkits of norms, knowledge and technology that circulate through institutional networks to manage post-conflict societies – the research aims to contribute to new approaches of studying the intersection of law, technology and development.

Examining the complex practices behind the production of reports that often serve as primary data for scholars (cf. Callon 1998), the research also raises new issues in Latin American and comparative studies of politics. Trust in contemporary democratic institutions throughout the hemisphere remains fragile, and notions of what institutional processes deserve the label “democratic” continue to be contested (UNDP 2004). Part of this situation may be due to the tight relation between political institutions, development financing, and assessments and metrics representing
democratic integrity that draw primarily from thin reports and monitoring procedures for their data, rather than in-depth exploration of the problems and experiences concerning citizens. The rise of new social movements and their impact on institutional change is partly a response to this institutional disjuncture from the concerns of citizens (Rubin 2004).

Central America additionally provides a revealing context in which to re-examine assumptions about democracy’s instruments. Democratization, here, arose in a nexus between counter-insurgency, development, and grassroots mobilization (Grandin 2006; Paige 1997; Schirmer 1998). El Salvador, in particular, has been a laboratory for experimentation with different governance models for many different interests (Gill 2004), from revolutionary organizing of guerrilla-controlled communities during the war, to counter-insurgency and post-war initiatives aimed at improving the reliability of elections and rule of law. If Latin America led the curve in neoliberal reforms that were fully globalized in the 1990s, El Salvador has been at the vanguard (Harvey 2005). However, it then experienced a governmental shift to the left in search of alternative paradigms of governance, as much of Latin America has.
1.5 Field Research Strategy & Methods

This study’s guiding proposition is that monitoring standards play crucial roles in the localization of democratic governance reform by being transportable and yet capable of being meaningful for local actors in a variety of ways. Beyond adaptation to local uses and meanings, monitoring technologies might enable relationships across social divides. They may thus foster democratic toleration of differences (Hickey & Mohan 2004; Peters 2000). However, they can also sustain inequalities by displacing the potential for open conflict to contests over the measurement and meaning of monitoring technologies (Cooke & Kothari 2001; Nader 1990, 1996). Meanwhile, relationships across divides mediated by monitoring technologies can transform identities and desires of participants in local politics, as well as notions of democracy itself.

The research approach is multi-sited and interdisciplinary. The monitoring standards under study are instruments designed to establish the basis for comparison across sites and periods of time for participants in reform. While comparison is inherent to assessments of law and institutions (Geertz 1983), the particular procedures, assumptions and instruments that manage those comparisons are this study’s objects of research (see Shore & Wright 1997). Multisited features of the research aimed to document how these means of comparison travel and are
transformed in specific contexts (Marcus 1998). In-depth ethnography of their development, application and adjustment brings to the study of law a method proven useful in the study of science and technology – qualitative research into processes of planning, experimentation and evaluation (Latour & Woolgar 1986; Knorr-Cetina 1999). As the discretion for applying these techniques is partially determined by the ideologies, expertise and connections of those in positions with authority, interviews of professionals in the policy arena situate the use of technologies and laws studied (Wedel 2001).

El Salvador proved to be an important site for the study of democratic governance, because of the variety of democratic claims during its civil war (1980-1992) and the country’s status as an exemplar of post-war democratization (Lauria-Santiago & Binford 2004; Wood 2003). As a hub for Central American governance and business, technical assistance flows both in from aid agencies, and out toward other Central American countries (Quan 2005). Meanwhile, the formalization of institutions coincides with the expansion of informal sectors and illicit migration, trade and finance, a trend growing worldwide (Moodie 2006; Pederson 2002).
I first traveled to El Salvador in 2004, for two months of ethnographic research on governance reforms administered by RTI. I accompanied RTI staff in planning and coordinating projects, and in visiting communities to give technical assistance training in governance reform. I interviewed participants in communities, as well as professionals in NGOs and consultant groups that worked with RTI. I later interviewed USAID staff in Washington, DC, and reviewed documents at the USAID archive. I noted a sharp difference in the understanding of projects, between those monitoring them from a distance - through reports and measures - and those
negotiating their implementation. Much of the governance literature relies on categories derived from the very procedures and models designed to simplify reality in order to be useful for policy. I then set about the task of providing one of the first qualitative accounts of the social life of these models and procedures, their meanings in different contexts and their effects on the imagination and deliberation of political alternatives.

I returned to El Salvador for two weeks in 2006 as an elections monitor. In that visit, I also interviewed staff in RTI and several affiliated NGOs, mapping out how the governance reform climate had changed since I had been there last. RTI’s operations were shrinking, with greater roles being played by Salvadoran NGOs and consultants. In 2007, I returned for three weeks of research, establishing relations in the municipalities I would make the focus of the study, and interviewing democratization professionals with RTI, other NGOs and in government agencies. These professionals were enthusiastic about the project, knowing well the artifice of reports and measures that often inform evaluations.
It is difficult to understand the specific character of institution reform in El Salvador, or anywhere, without mapping out social movements that are asserting their claims through such reforms, or are contesting and complicating their very implementation (Hess 2007; Keck & Sikkink 1998). Throughout my research, I have also maintained contacts and conducted interviews with activists in social movements that are contesting the models of citizenship and governance promoted by USAID funded projects and the liberal character of government reforms. I have interviewed staff and researched the activities of such groups as Red Sinti Techan,
Red de Consumidores, APROCSAL, CARECEN and Enlaces America. I also attended international forums such as the VI Mesoamerican Forum, and the IV, V and VI World Social Forums. In these forums, the organizations attempt to coordinate their activities with movements and NGOs in other countries, whether in opposing the Central American Free Trade Agreement (CAFTA) (Spalding forthcoming) or exchanging strategies and contacts for promoting alternative public policy.

Figure 3: Map Showing El Salvador's Departments
Before embarking on a year of field research in El Salvador, I completed a
nine-month internship at RTI headquarters in Durham, NC. The participant
perspective I gained helped me design questions and interpret responses in El
Salvador. I spent the summer of 2008 in Washington, DC, interviewing
democratization professionals and researching archives at NGOs and agencies, in
order to place the El Salvador findings within the context of global democracy
promotion. I also visited the Army War College in Carlisle, PA, to interview military
historians and research archives documenting shifts in counter-insurgency strategy
in the 1980s that gave a central role to democracy promotion, and that were
developed in conjunction with U.S. policy in El Salvador (U.S. Army & U.S. Marine
Corps 2007).

From January 2009 to January 2010, I conducted the majority of the research
living in San Salvador. The timing was opportune. Early 2009 saw presidential,
legislative and municipal elections that led to changes in government. The FMLN
candidate won the presidential election and FMLN officials were appointed to head
executive branch ministries. Researching the history and contemporary practices of
market democracy reforms during the year of this election illuminated emerging
trends in Latin American regional governance, and provided insights relevant to the
study of the transnational circulation and localization of governance reform
programs, while states attempt to both comply with international obligations and
attempt to make their reforms adequate to the demands and realities of their citizenry. Since officials and citizens exercise discretion in deciding upon these reforms, it is important to understand how factors such as law and technology can frame and constrain the expertise they may exercise with any given choice.

Being based in San Salvador facilitated research with NGOs, agencies and governance consultant groups. I regularly traveled to the three municipalities that were the focus of the research, each 30 to 45 minutes from my home near the University of El Salvador.

The three municipalities I studied were selected for a variety of conditions and their relevance to national politics. Santa Tecla, a city adjacent to San Salvador, hosted right-wing support during the war, but has been governed by the leftist FMLN party for the last decade. Its mayor was active in national decentralization reform and led a decentralization reform movement within the FMLN party. On March 9, 2014, that FMLN mayor, Oscar Ortiz, was elected Vice President of the country. El Carmen, a rural town, is governed by a woman of the right-wing ARENA party. Suchitoto, a FMLN municipality, is at the center of national debates over water decentralization plans that build upon the “Local Democratic Governance” initiative. Each municipality has been active in governance reforms since the 1990s.
I also visited the capital of neighboring Honduras twice. With the help of local research assistants, I gathered data and documents and interviewed professionals working on democratization reforms in these countries. Since USAID and partner NGOs increasingly plan and program on a Central American regional basis (USAID 2003), it was helpful to understand how the approaches implemented in El Salvador are similar and different from those of neighboring countries. Additionally, it was important to understand how programs that are formally similar may have very different social lives on the ground.

A combination of ethnographic, historical and legal methods were used to examine the role of monitoring standards in democratic governance. Participant-observation and interviews focused on local participation in governance reforms, and reform design and implementation by agencies and NGOs. I used semi-structured and unstructured interviews to ask participants about their knowledge and attitudes regarding reforms, their possible involvement, and their reasons for participating. When responses referenced knowledge formalized in monitoring standards, follow-up questions examined the use of those technologies. Interviews gathered data about social relations to analyze how participants become involved in governance reform. Repeat interviews included life histories to understand how 20 years of governance reform fit into life experiences informed by the civil war and prior.
I used a selective form of snow-ball sampling, making efforts to interview members of different stakeholder groups in the municipalities and among governance professionals.

Participant-observation was conducted during technical assistance trainings imparted by NGOs to local governments. I also accompanied officials, NGO staff, and local activists in daily activities. It was important to complement data collection through interviews with observations of activities referred to in interviews, so as to note how the relevant discourses of democracy are deployed in practice, and perhaps deviate from reflexive statements in interviews (Conley & O’Barr 1990). I observed governance forums such as budget hearings, citizen participation councils, and local legal proceedings, noting the use of monitoring standards.

Documents at institutional archives were used for discourse-analysis of ways that governance issues are framed in both technical reports and mass media (cf. Nelson 1999). Analysis established trends in the use and significance of governance reforms and monitoring standards. Oral histories from interviews provided context for interpreting these documents (see Moore 1986).

Legal analysis established the range of viable applications of democratic governance legal reforms by analyzing how much legal flexibility and discretion is allowed with relevant legislation, treaties and administrative policies. Establishing
the range of formal possibilities for complying with institutional reform laws will aid the analysis of monitoring technologies. For example, if a variety of formal possibilities contrasts with an actual clustering of applications associated with a particular monitoring standard or ideologies of expertise, then those standards deserved in-depth analysis, to consider whether and how they might be playing substantive roles in people’s participation in reforms.

In El Salvador, key informants and scholars in NGOs, universities and the municipalities helped put my data into context, and assess the fidelity of interpretations and the feasibility of plans. After fieldwork, I continued analysis of the Salvadoran data. In dialogue with these informants, I sought data to refute and confirm the project’s proposition and consider alternative interpretations of the roles of monitoring technologies. Analysis in this study is placed in the context of the transnational democracy industry, referring to prior research among organizations in Washington, DC, and Durham, NC.

Several long-term engagements apart from the Salvadoran field research have played important roles in teaching me about the potential roles of monitoring standards in the context of democratic practice. From 2002 to 2010, I was an active board member of a health and development NGO working in northwestern Ecuador. This involvement exposed me to the contested reliance on monitoring standards that
are used to establish bases for deliberations determining how to proceed from one stage of work to the next. From 2003 to 2008, I was active with a community-organizing coalition in Durham, North Carolina, Durham CAN (Congregations, Associations and Neighborhoods). My work with this coalition on living wages and access to healthcare for the uninsured illustrated how hegemonic forms of knowledge in a governance structure can be re-deployed by various groups to reframe the terms of political debate and renegotiate the viability of different possibilities.

In El Salvador, a diverse array of contacts helped me access different networks and provide valuable advice. My affiliation with the University of El Salvador’s Observatory of Public Policy and Health provided feedback from scholars concerned with public policy. The mayors of the municipalities welcomed my research. Staff at the Central American University Institute for Human Rights were interested in my work for their examination of elections and citizen participation through human rights instruments.

After the March 2009 election of the FMLN to the executive branch, a surprising opportunity to complement my field research with inside experience within the political transition emerged. I had been advising health policy researchers and advocates on intellectual property and pharmaceutical matters related to
CAFTA with my background in international intellectual property law. My friend and colleague Eduardo Espinoza, physician and director of the University of El Salvador’s Observatory of Public Policy and Health, was named Vice Minister for Health Policy for the country’s Ministry of Health and Social Welfare. His appointment was a significant policymaking signal since Espinoza was architect of the FMLN’s health systems during the civil war (both battlefield medicine and public health services in rebel controlled territory). The FMLN’s approach during the war was inspired by Cuban emphasis on primary and preventive health with a community organizing method of including people with various backgrounds and expertise in health promotion. Espinoza would bring this philosophy with him into the new Ministry of Health.

My work with Espinoza’s team before 2009 had focused on strategies to bring down the high cost of medicines in El Salvador that were a major barrier in access to health. Upon his appointment, I was invited to advise his team on these matters during the political transition and as they made passage of the country’s first comprehensive medicine regulation law a priority, one that would improve quality control and bring down prices. We did this. And that insider perspective on the political transition played an important complementary role to my field research as this study of monitoring standards and politics of expertise progressed.
Following my January 2010 return to the US, I returned for 10 days of follow-up research in October 2010. Throughout the period of study, I maintained regular contact with key informants and colleagues in El Salvador via email, monitoring political developments from afar.

1.6 Democracy & the Politics of Expertise: A Framework

This study’s foundational observations are that whatever activities people may characterize as democratic practices – from elections, to discussions among friends about where to eat dinner – requires some modicum of expertise to participate and administer. Expertise is relative (the Ph.D. physicist may not get far alone in the jungles of Ecuador). For democratic practices, it could be shared language, or some minimum technical capacity to move about (e.g. get to the polls). The more specialized the expertise, the less inclusive the practice. The broader the participation, the more accessible or common that expertise must be.

Furthermore, skill with the relevant domains of expertise confers advantages that help one get one’s way – both skill in the accepted style of participation and in understanding the way that democratic practices are administered. In an election, my candidate can have a better marketing team. I may also benefit from
understanding the procedures for managing uncertain ballot markings and have election attorneys at polling locations to persuade officials to interpret the rules one way over another. If other candidates do not match that move, my candidate gains another advantage. In discussions with friends, I may be more persuasive due to rhetorical skill or the unspoken understanding among everyone that I have one extra ticket to share for the Duke-UNC basketball game. I may also gain advantage if I understand the expected attitudes of my circle of friends more than another (our own unwritten procedural rules). Among an ironic hipster cohort, too much enthusiasm for a restaurant could be read ironically and make my properly tailored description of my desired restaurant appear even better by contrast.

Whatever the vision or practice of democracy, democratic expertise is required. As with all kinds of expertise, there is a politics of expertise insofar as decision-making results in conflict or potential conflict. This includes the invisible exercise of power: when resistance is nowhere to be seen, and even when consent and acceptance is explicit and public. That means that politics of expertise are ever-present, even when conflict over expertise is not. Power, over national budgets, declarations of war, or even the evening’s selection of restaurants is exercised via expertise in several ways. (1) By way of the consequences of decisions that affect people. (2) Via the choices not taken and the subsequent maintenance of systems that impact people (a sort of “power opportunity cost” to use the economist’s jargon). (3)
In the management of the people and perspectives that may be involved in decision-making, (4) Via the administration of the decision-making system.

This kind of expertise involves the power of standards. In his recent book on standards, Lawrence Busch describes them as “means of partially ordering people and things so as to produce outcomes desired by someone” (2011). Standards are thus constructed, via combinations of social order and the physical attributes of tools, by law and technology together. The study of standards do more than point toward the co-production of social organization and norms on the one hand, and science and technology on the other (as the co-productionist school of science and technology studies associated with Sheila Jasanoff has thoroughly done). The social study of how standards construct and manage politics of expertise offers potential avenues for examining their contestation. Crafted with law and technology, legal change or technological innovation can change the character and relevance of key standards.
1.7 On the Technomagic of Democracy

In our age of biopolitics and governmentality, the coordination of political subjects is managed through bodies of what Michel Foucault called knowledge-power. Concepts and injunctions that specify features of populations are enacted practices that while making epistemological claims – in the very act of naming – carry normative implications about how power can and ought to be exercised. Norms and ‘the norm’ are effected by the technical application biopolitical knowledge – geared towards populational categories that are not abstractions apart from everyday life as much as they are concepts that resonate for subjects as the names for essential features of life itself, demanding its security and promotion (Foucault 1991: 99, 102-103). Biopower thus acts for the sake of life itself, and in so doing it incorporates the active agency of those invested in living (see Agamben 1998). The ‘living condition’ of biopolitical subjects is thus increasingly understood through the terms, categories and regulations developed to maintain the life of the population (Foucault 1978: 143-145). More specifically, governmentality, rules the horizons of political life through diffuse state and non-state institutions, entities, practices and movements.

Contemporary democracy discourses appear to animate the current terrain of biopolitics and governmentality. Democratic governance operates as a frame for
adjudicating political fact and politically effective action, parallel in many ways – if not an intimate component of – technoscientific norms of what is popularly considered the distinct realm of “science and technology.” The life of one’s community is at stake (at whichever scale conceived). These stakes are too high for ultimate responsibility and rule to be laid at the feet of anyone except the community itself. One might characterize this as a biopolitical imperative for self-determination.

Enter the dilemmas and paradoxes of democracy. The imperative to safeguard the community is as real as any other socially effective fiction, and yet, so is the heterogeneity of interests and visions of any community as such. Democratic practices and procedures attempt to resolve this tension by providing means of expression for the preferences of subjects sufficient enough to produce a modicum of what can be recognized as satisfying the biopolitical imperative for self-determination.

The dominant technical discourses establishing the political “order of things” are an important component of the relative correspondence between the expectations of citizenry expressing their voice and notions of self-determination. These discourses provide common a common lexicon for communicating about practical concerns. This lexicon, however, does more than name. Through its deployment in practice, it produces the very objects that become central preoccupations for citizenry and officials alike (e.g. poverty measured by welfare statistics or visual spectacles of
decrepitude; homeland security tracked by instances of terrorist violence). The naming of phenomena is intimately related to, and in ways co-produced with, modes of intervening and acting in the world to manage or manipulate them (Foucault 1970: 250-302). Such discourses frame reality, center and bring into focus certain objects and relationships, while marginalizing and excluding others (3-16). Moreover, these discourses establish the pressing issues that become what Bruno Latour calls “obligatory passage points”, terms that competing discourses must somehow address in order to be considered legitimate and be taken into account within the broader field of deliberations and contestations (Latour 1987: 150, 245).

Democratic practices can also be thought of as technoscientific practices, a concept providing us with useful analytic tools. Whether through elections, committee deliberations, or mass protests, the various modalities of democratic practice exhibit features at the core of what is increasingly called technoscience (see Latour 1987: 174-175). Donna Haraway uses the term “technoscience to designate dense nodes of human and nonhuman actors that are brought into alliance by the material, social, and semiotic technologies through which what will count as nature and as matters of fact get constituted for – and by – millions of people” (Haraway 1997: 50-51). Democratic practices produce representations of popular will and preference (as measured facts). The actual relationships, efforts, deployment of material tools, and deliberations that go into producing these representations also
help produce the very social facts of popular preference for which these representations stand.

These practices translate diverse and diffuse interests. They lash together various interests and subjects in alliances that strengthen the tactical likelihood of that coalition’s position defining the terms of the subsequent representation of popular will – “offering new interpretations of these interests and channeling people in different directions” (Latour 1987: 117). Of purportedly self-evident significance, issues and procedures that define the terms and frames of political debate are thus obscured. What is practically relevant for political action are the investments in and effects of attention to particular issues (2-3, 81-82). That the issues themselves represent complex, varying, nodes of strategic alliance is occluded. For example, an issue stands in the foreground and is variably invoked as a figure demanding moral and just attention for the sake of the health and life of the political community. As such, issue politics help produce the biopolitical polity, calling forth with urgency the need to attend to the life of the political community, while themselves being conditioned by the political forms deemed possible by such a biopolitical scope of political possibility.

Democratic practice as means of biopolitical governance needs to be understood however as produced by the subjects who actualize their subjectivities
through them. Louis Althusser’s notion of interpellation, or the hailing of subjects via ideological state apparatuses (ISAs) privileges the agency of supra-local interests and relationships of production (be it the state in its now more diffuse reach through the supposed ‘private sphere’) (Althusser 1971: 118). Yes, subjects appear to be hailed into particular roles. But subjects actively reach out towards the spaces in between ISAs in order to assert their autonomy and own agency. In fact, ISAs depend on these assertions of autonomy in order to produce subjects that take on those hailed roles as their own, as exercises of preference and freedom, rather than functional positions within a hidden nexus of production and control. Furthermore, such exercises of supposed autonomy produce the effect of a perceived limit to state (in Althusser’s sense) power and reach, something crucial to the legitimation of managerial power, be it state, market or of some other broader network of interests (for an illustrative example of state negation of a certain set of destructive practices by way of the promotion of life-affirming agendas, see Nelson 2009).

Haraway’s use of the figure of the “modest witness” helps illuminate another central feature of the authorization of modern knowledges and frameworks of order that is common to practices traditionally distinguished as epistemic/technical on the one hand, and political/governmental on the other (Haraway 1997: 23-39). The figure and practice of the modest witness was central to the empiricist objectifications of the world of modern science. To witness experimental effects was
to provide a basis for confirmation or refutation of a theory about the world. To witness, however, is also to make a claim to witnessing. Witnessing, if it is to mean anything beyond the viewer, is testifying – and as such is an utterly relational condition. The rise of modern science involved the elaboration of elaborate procedures and habits for managing the vast and variable witnessing of the world among those involved in the ‘scientific enterprise’. The 17th century rise of scientific witnessing in the West was also accompanied by, if not co-produced with, the rise of ostensibly representative claims to political rule via theories and attitudes towards sovereignty that grounded political claims to authority as in some manner representative of popular interest or will. For example, absolutist theories grounding kingly authority in divine governorship or security derived from original social contracts, to the expansion of the active role of local and regional representative structures, from diets and assemblies, to local councils, operated as means of both legitimation and governmentality (see Foucault 1991; and Weber 1968, 901-1212). As the modest witness became central to the public legitimation of science, so did it authorize and produce modern modes of governance.

Democratic governance is thus technoscientific in a phenomenologically parallel sense to that which is typically considered science and technology. The practice of witnessing produces a reality – a set of claims deemed as both legitimate and the terms by which legitimate communication ought to occur if it is to be
‘realistic’ and ‘significant’. Witnessing involves some recognition of an event or relationship external to the witness, an experience that in the West has produced subjective personhood as much as it has constituted objective knowledge of an external reality. In the traditional epistemic sense, the witness confirms or refutes a claim. In a Latourian moment of translation, the witness also positions herself with respect to an array of possible claims and attitudes towards reality – making more than a mere statement, but also strengthening some alliances over others.

Similarly, the political modest witness acts as a witness to her own preferences and values, refuting or confirming the prior understanding of others of what is popularly willed. In that same moment, a strategic position is staked out as well, hailing (in Althusser’s sense) a series of identifications and attitudes that go well beyond the contingent, reflective moment of political expression. Furthermore, a witness also witnesses the expressions and claims of others, reifying their political identifications as well.

Haraway’s discussion of the modest witness, however, goes beyond mere recognition of a social technology for hegemonic subjection. She identifies the relationality of the witness as one that is inherently transformative. Recognizing the making of the self in the translations behind the fictions of representational transparency, Haraway pushes aside calls for greater reflexivity and affirms the
recognition of “diffraction” – “the production of difference patterns in the world” (Haraway 1997: 268). Witnessing practices change us and others in ways that exceed the bounds of the managerial rationalities animated and by our practices of witnessing.

Judith Butler writes of vulnerability derived from primary sociality as grounding the possibilities of communication and broader social relations (Butler 2004: 20). In ways similar to the proposals Haraway makes for recasting the modest witness as a technopolitical figure, Butler harvests the ineluctable failures of representation as an ethical and political injunction. Such failure calls toward relationship to others that ought to include an explicit awareness of the limits of representation and an openness towards the irreducible communicability and relationality that is ultimately the primary message of attempts at communication and understanding. To represent otherwise, as is the norm and dictum of the day, is to effect and erase violence by way of the very concrete impacts of policies and actions that not only operate with a sort of representational certainty about the world and its subjects but with representational hubris, to devastating effect (139-148). An ethics attends to the failures of representation in its partial and at most approximate exchanges with others may minimize the erasures that follow from representational rigidity in the midst of inequalities of voice and power.
Now that the practices, expectations and statements of democratic discourse have been characterized as thoroughly enrolled in productions of truthfulness and subjectivity as much as hope and desire, we might shift the discussion from tropes of technoscience to meditations on technomagic. Technique, whether that of the professionalized universal expert of development programming or the local experts of programming implementation, must ultimately be coordinated with hosts of embodied understandings, as well as social and non-human processes and entities in order to produce effects that will pass for an adequate approximation of what is to be expected from such expertise (Mitchell 2002, 10). While “science” is ultimately embedded in similar webs of complexity, talk of scientific procedure and truthfulness often evade linkages to webs of power, kinship, wealth, and the politics of temporality implied in notions of hope and expectation. “Magic,” however, is a term that in both anthropological and popular parlance always indexes the critical existence of relationships beyond those accompanying qualifiers that describe any magical process, event or relationship. Michael Taussig’s own classic characterization of the colonialist and political economic legacies and relations present in Andean cosmology includes a simultaneous explanation of labor politics expressed in rituals and symbols and a description of the subjective investment in magical practices that linked participants to their immediate stakes and interests as well as hopes and desires in the future (Taussig 1980, 195).
An additional reason for shifting the metaphors and analytics from the technoscientific to technomagical realm of democracy is to intentionally exoticize and make strange and inviting for interrogation that which is among the most taken for granted discourses and organizational frames of modernity. Democracy’s own rhetorics of transparency and mechanisms for accountability can also make it one of the most opaque and inaccessible ideologies to examine critically. In a sense, this analytic shift inverts the move made by Roberto González in his ethnography of Zapotec ‘science’ (2001). Part of González’s approach in that book is to make legitimate by ‘cosmopolitan’ standards the local science of the Zapotec community he studied. Acknowledging, rather than erasing, the continual presence of orientalist histories and legacies in the ways in which “magic” is discussed vis-à-vis science in both academic and non-academic circles, an examination of the technomagic of democracy may invite fresh perspectives to bear on the study of what may be more than a central organizational form of late modernity, what might be considered its political theology.
1.8 Overview of Chapters

After this introductory chapter, the second chapter details the history of democratic reform movements in El Salvador. It pays special attention to the role of democracy promotion in 1980s counter-insurgency strategy, and the post-war programs that incorporated different combatant groups into a reform process that prioritized monitoring processes and practices. Additionally, the chapter describes grassroots movements prior to, and during, the war that developed their own monitoring procedures through which they interpreted the post-war set of practices as a deepening of participatory democratic initiatives they had themselves constructed. The overview of democratic reforms then concludes with a description of the drama surrounding the 2009 election of the FMLN to the executive branch.

The third chapter focuses on citizen participation programs at the local, municipal and national levels. It examines the role of technical measures, reports, and other documentary “metrics” in translating, mediating and circulating different conceptions of civic participation, past and present. More than mere instruments, these technical practices are meaningful in variable ways for actors involved in democratization projects, from development professionals and government bureaucrats to activist citizen groups or uninvolved peripheral community members. Various hopes animate people’s investment in democratization projects in
ways that grant these metrics substantial power, even de facto legality. These metrics thus play an important role in enabling and disabling different forms of citizenship and state functions; in fact, they are often designed to have such an effect.

The fourth chapter addresses monitoring standards in the context of rule of law reforms. Here monitoring activities date back to the documentation of human rights abuses before, during and after the civil war. Monitoring procedures thus become a key forum through which contestations of what constitute human rights and legal facts play out. The chapter discusses a series of cases: the role of the Human Rights Ombudsmen’s Office and human rights NGOs; migrant rights; social struggles over water privatization and mining; debates about gang and crime policy; and the Salvadoran experience of the June 28 coup in neighboring Honduras. The chapter shows that the more legislated and specified a particular legal rule, the more that monitoring procedures become the terrain for contesting alternative interpretations of the administrative implications of that rule.

The fifth chapter focuses on accountability and transparency reform initiatives, particularly those emphasizing the strengthening of civil society organizations impacting health policy. While calls for transparent institutions invoke notions of openness and disclosure, specific transparency programs require certain procedures and expertise for access to desired knowledge. These technical requisites
distinguish a range of transparency mechanisms that are invoked in unison for rhetorical effect, but which demand different patterns of practice and understanding to be deployed and valued. The case of research, activism and government regulation concerning access to medicines in El Salvador shows how several transparency mechanisms inform the emergence of cultures of accountability – where subjects are expected to be held accountable, and where they are expected to expect as much. The chapter focuses on the different ways in which research and monitoring practices are used by health movements, drug companies and government agencies in contesting intellectual property regimes, trade agreements and pharmaceutical oligopolies. By focusing on ways in which these procedures are designed and used, the chapter discusses how transparency programs provide new forums for intervening in the knowledge politics of governance.

The sixth chapter is the conclusion, summarizing the analysis presented in the earlier sections and drawing out the implications for political theory and public policy. The ethnography provides a qualitative look at how legal and technological governance practices emerge together and depend on each other for their reliability and efficacy, as they rework social relations, historical legacies and desired futures. Those practices however emerge through actors and institutions that are themselves assemblages of diverse interests and forms of knowledge. The dissertation therefore calls for a reassessment of democracy itself, from theoretical preoccupations with
representativeness and popular control, toward a more functional analysis of how democratic institutions manage the co-existence of multiple modes of knowledge.
2. Insurgency, Democracy & the Legacy of War

To many observers, El Salvador’s Civil War illustrates a transition from earlier kinds of total war. Building upon strategies pioneered by the FLN in Algeria’s War of Independence and the global anti-Vietnam War movement (Connelly 2002), the FMLN and its allies were able to make creative use of law and technology in ways that impacted both grand strategy and local battlefield tactics. Before defense policymakers adopted the term, both sides in El Salvador’s Civil War grew adept at ‘lawfare’. In lawfare, combatants use law to achieve strategic and tactical ends, often in combination with media campaigns that highlight non-compliance with international law and leverage diplomatic and public relations costs that can also lead to financial damage and even command ordered limitations on battlefield tactics (see Dunlap 2001; Kennedy 2006). With lawfare emerging as a central part of asymmetric warfare in the 2000s, military strategists mined the US experience in El Salvador for lessons to learn (see Kaplan 2013). Democracy programs and reforms in El Salvador developed in this context of insurgent innovation and counter-insurgent response. As the FMLN gained popular support and legitimacy via its calls for and practices of participatory local democracy, so would the counter-insurgency invest more and more into competing local democracy programs. By the end of the war,
while the warring factions disagreed about a great deal, they both claimed to have fought for and continue to stand for “democracy.”

This chapter describes the relationship between insurgent and counter-insurgent democracy via the history of a half-century struggle for an inclusive polity and economy that built off of earlier struggles and tragedies. The chapter explains the exploitative agricultural economy that supported oligarchic rule for nearly two centuries. It then describes peasant worker organization in the shadow of the cold war and the impact of liberation theology in the rise of revolutionary social movements. The chapter then discusses various strategies in the civil war – by both insurgents and counter-insurgents – that led to the development of the democratization model that would gain significant international aid support in the aftermath of the war. A section on the 1992 Peace Accords and post-war reconstruction is followed by an overview of the country’s political history through the 2009 election of the FMLN to the presidency and the 2014 election of a former FMLN guerrilla commander as president.
2.1 Reform or Revolution?

In her fin de siècle critique of Eduard Bernstein’s revision of Marxist theory and practice for an era of liberal partnership in running the state, Rosa Luxemburg clarified her position as follows:

It is absolutely false and totally unhistorical to represent work for reforms as a drawn-out revolution, and revolution as a condensed series of reforms. A social transformation and a legislative reform do not differ according to their duration but according to their essence [emphasis in original]. The whole secret of historical transformations through the utilization of political power consists precisely in the change of simple quantitative modification into a new quality, or to speak more concretely, in the transition from one historical period, one social order, to another (Luxemburg 2004, 156 [originally published 1899]).

In Reform or Revolution, Luxemburg did not argue against campaigns to legislate social reforms. Rather, she championed them. Her critique focused on the tendency by Bernstein and other Marxists with growing roles in public affairs to emphasize the cumulative achievement of reform as the socialist goal. Luxemburg argued that the struggles to achieve reform were means for deeper transformations of political and economic culture. Revolution, in her theory of Marxism, was more than cumulative reform – it entailed qualitative change in how people relate to each other in politics, the economy and society. This criterion would be the test of whether social changes that emerge from the old order bring forth a new order, or merely
save the fundamental character of the old. For Luxemburg, it was the difference
between advancing socialism or saving capitalism when achieving institutional
reform.

There are two core theses in Luxemburg’s tract that are key to understanding
the last half-century of Salvadoran history. The first concerns strategic and
evaluative debates about whether desired institutional changes advance
fundamental changes for society, or maintain the established order by providing it
means of adapting to new times. Such debates are common to most movements for
social change since well before their Marxist versions, and they played a significant
role in the development of Salvadoran social movements, insurgent strategies, and
post-war social reform. They were prominent among right-wing debates about how
much change to accept in mitigating challenges to the establishment. They were also
central to counter-insurgency policies that sought to weaken support for
revolutionaries while retaining the economic structures that motivated revolution in
the first place.

The other thesis is Luxemburg’s argument that revolution, whether brought
about via established institutions or created apart from them, involves qualitative
changes in how people relate to each other – how they work, desire, create,
communicate, participate in politics. Institutional reforms are required for this kind
of deep change – for it arises from the struggles for their achievement and the daily practices and habits of mind and action that result. In short, revolution is change in political and economic culture. Institutional change is necessary for that, but insufficient. The hopes and motivations that animate participation in those new institutions are key too. As we will see, the activists, soldiers, development professionals, priests, entrepreneurs, and government officials crafting the recent decades of Salvadoran history have had their eyes on just that. Whether socialist, capitalist, liberal, conservative, developmentalist, insurgent, or counter-insurgent, the policies and events detailed below are struggles over the character and trends of Salvadoran political and economic culture.

This chapter sets the scene for the post-war ethnographic studies presented in subsequent chapters. It also tells the history of El Salvador and its place in the world in a way that recognizes the role of law, technology and various politics of expertise in advancing key forces in that history. As such, it offers historical evidence for the larger thesis of this dissertation: That El Salvador’s democratization exemplifies a growing global trend whereby political institutions and strategy increasingly rely on standardized law and technology. This makes the kind and extent of political participation increasingly dependent on the types of expertise relevant to those standards. These politics of expertise are becoming more central than before to Luxemburg’s concerns. The kinds of consciousness and social organization that they
promote, limit, enable, or curtail will more than ever before make the difference between reform and revolution.

2.2 Legacy of Civil War

In 1992, Peace Accords were signed that ended a brutal civil war in El Salvador. For some, the war lasted 12 years from the explosion of open armed conflict between the Salvadoran state military and a revolutionary coalition known by their acronym the FMLN. For others, the war was much longer, with beginnings dating back to massive disappearances in the 1970s and the initial organization and operations of armed resistance groups.

State power had for generations been concentrated among the political and economic elite, justifying and maintaining great inequality. An eclectic mixture of secular Marxists, liberation theology inspired Catholics, and social democrats organized for radical revolutionary change. In the late 1970s, state repression escalated. After the assassination of Archbishop Oscar Romero on March 24, 1980 by state-backed paramilitary, open civil war erupted. The United State played a prominent role in the war. Following the Nicaraguan revolution, U.S. government officials feared a series of revolutions throughout Central America. In the words of
one informant working with the Salvadoran military during the war: “For Washington, El Salvador could not fall, would not fall.” The U.S. supported the Salvadoran state with military training, advisors, and large quantities of foreign aid, much of it direct military aid. Throughout the 1980s, El Salvador, a small country, with a current population of 7 million, was the third largest recipient of US aid after Israel and Egypt. A former Salvadoran diplomat put it thus: “for some U.S. military strategists, it was an opportunity to get right what they got wrong in Vietnam.”

Part of the explicit counter-insurgency strategy advocated by U.S. advisors was to address the social conditions thought to be feeding popular support for the FMLN – the ‘hearts and minds’ front. Humanitarian relief, development, and democracy strengthening projects were key initiatives aimed at both improving democratic processes in El Salvador and providing political alternatives for key actors in the civil war. The U.S. supported regular elections that, while boycotted by the left, aimed at building the legitimacy of the electoral system. Also, the U.S. supported reforms in the criminal justice system geared towards improving institutional and public accountability, as well as reducing the impunity with which many state agents committed human rights violations. Such human rights oriented programs were important to the Reagan administration as much of the international coverage of, and opposition to, U.S.-backed military and paramilitary operations
was advanced by the growing international human rights movement (Carothers 1993).

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<tr>
<th>Politico-Military Organization</th>
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<tr>
<td>Popular Forces of Liberation (FPL) 1970</td>
<td>Popular Revolutionary Bloc (BPR) 1975</td>
<td>Popular Forces of Liberation (FPL) 1970</td>
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<td>National Resistance (RN) 1975</td>
<td>United Popular action Front (FAPU) 1974</td>
<td>Armed Forces of National Resistance (FARN) 1975</td>
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<td>Communist Party of El Salvador (PCS) 1930</td>
<td>Nationalist Democratic Union (UDN) 1967</td>
<td>Armed Forces of Liberation (FAL) 1979</td>
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<td>Revolutionary Party of Central American Workers (PRTC) 1976</td>
<td>Popular Liberation Movement (MLP) 1979</td>
<td>Revolutionary Party of Central American Workers (PRTC) 1976</td>
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In 1992, with the signing of the Peace Accords, foreign aid agencies working in El Salvador turned to post-conflict reconstruction, reconciliation, and
development. Alongside external pressures for institutional reform were strong
demands from within for the transformation of the Salvadoran state. These calls
primarily came from movements aligned with the FMLN. Activists on the left
understood well relationships between public knowledge and the exercise of power.
Support for decentralization, greater transparency, and anti-corruption was
accompanied by calls for the revelation and recognition of atrocities committed
throughout the period of political violence. As part of the Peace Accords, the FMLN
and the Salvadoran state agreed to a United Nations administered Truth
Commission, whose report was issued in 1993, a year after the end of open hostilities
(From Madness to Hope 1993; see Popkin 2000). While the Salvadoran Truth
Commission was the first in what has now become a standard protocol for
addressing collective memories of political violence, in different ways the dynamism
of everyday life and everyday politics presents venues where the legacy and
significance of those violent days is constantly remade and reappraised.¹

¹ Since 1992, the FMLN has operated as a political party, gaining increasing political
representation in the national Legislative Assembly and at the head of municipal
governments, despite the continual splintering off of factions not in line with the
central party leadership. The right-wing party, ARENA, created during the civil war
in opposition to a center-right party seen to be too lenient on the insurgency and too
willing to restrict the military’s operational freedom, controlled the national
presidency and significant portions of the legislature and municipalities until the
March 2009 election of FMLN candidate Mauricio Funes as President. Several
smaller parties are active and can often sway a vote or policy direction when they
Situated on the Pacific Coast of Central America, El Salvador is about the size of Massachusetts. As its neighbors, Guatemala, Honduras and Nicaragua, El Salvador has had a tumultuous social and political history. Drastic economic inequality, and decades of authoritarian rule by a series of governments headed by allies of the country’s economic elite, brought about social tensions, social movements calling for radical reform, and harsh state repression in the 1970s. From are aligned with one of the two dominant parties. El Salvador’s economic productivity has continued to grow in the last decade, averaging a 2% annual GDP per capita growth rate, well above trends typical of most Latin American countries. Economic inequality, however, has worsened with a stable GINI index of 53, despite economic growth in terms of GDP (UNDP 2003). A significant problem for the small country is the growing power and activities of illegal gangs, who are prominent players in the region’s illegal drugs, arms and sex trades. El Salvador has also suffered the consequences of severe damage caused by several hurricanes and earthquakes in the last decade. Remittances from Salvadorans working abroad, which made up 16% of GDP in 2004, are central to sustaining the economy, especially in poor communities (CIA 2004).

In late December 2004, after vitriolic political debate, El Salvador’s legislature ratified the United States – Dominican Republic – Central American Free Trade Agreement (US-DR-CAFTA; commonly referred to as CAFTA). The treaty liberalizes trade and finance relations among the United States, the Dominican Republic, El Salvador, Guatemala, Nicaragua, Honduras, and Costa Rica, with terms similar to the North American Free Trade Agreement (NAFTA). This treaty is now in effect in all signatory countries. While many continue to debate whether the treaty is good or bad for El Salvador overall, most agree that it accelerates processes of economic and social restructuring. Governance reform initiatives have no choice but to orient themselves towards the likely realities and transnational relationships that follow the implementation of CAFTA.
1980 to 1992, the country underwent a brutal civil war. Opposition movements formed a coalition front, the FMLN, fighting against government forces which depended greatly on U.S. training, equipment, and advisors in its counter-insurgency campaign. Before and during the war, “death squads”, shown to have been linked to government military units and some prominent factions of the country’s economic elite, “disappeared” or assassinated people believed to have been associated with the opposition. When the Peace Accords were signed in 1992, approximately 80,000 Salvadorans had been killed in the war. The United Nations Truth Commissioned cited right-wing factions with responsibility for 90% of documented war atrocities.

Since 1992, the FMLN has operated as a political party, gaining increasing political representation in the national Legislative Assembly and at the head of municipal governments, despite the continual splintering off of factions not in line with the central party leadership. The right-wing party, ARENA, created during the civil war in opposition to a center-right party seen to be too lenient on the insurgency and too willing to restrict the military’s operational freedom, has controlled the national presidency and significant portions of the legislature and municipalities since the end of the civil war. Several smaller parties are active and can often sway a vote or policy direction when they are aligned with one of the two dominant parties. El Salvador’s economic productivity has continued to grow in the
last decade, averaging a 2% annual GDP per capita growth rate, well above trends typical of most Latin American countries. Economic inequality, however, has worsened with a stable GINI index of 53, despite economic growth in terms of GDP. A significant problem for the small country is the growing power and activities of illegal gangs, who are prominent players in the region’s illegal drugs, arms and sex trades. El Salvador has also suffered the consequences of severe damage caused by several hurricanes and earthquakes in the last decade. Remittances from Salvadorans working abroad, making up 16% of GDP in 2004, are central to sustaining the economy, especially in poor communities.

In late December 2004, after vitriolic political debate, El Salvador’s legislature ratified the United States – Dominican Republic – Central American Free Trade Agreement (US-DR-CAFTA; commonly referred to as CAFTA). This treaty will not go into effect until the U.S. Congress ratifies the treaty. Ratification is expected soon. The treaty liberalizes trade and finance relations among the United States, the Dominican Republic, El Salvador, Guatemala, Nicaragua, Honduras, and Costa Rica, with terms similar to the North American Free Trade Agreement (NAFTA). While

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many debate whether the treaty will be good or bad for El Salvador overall, all agree that it will accelerate processes of economic and social restructuring. Governance reform initiatives have no choice but to orient themselves towards the likely realities and transnational relationships that are expected to follow the implementation of CAFTA.

2.3 Memory Effects

The University of El Salvador campus, in San Salvador, was frequently closed and occupied by the Salvadoran military throughout periods of civil strife before and during the civil war of 1980-1992. One can still spot damage from bullets or explosions on certain buildings. Walking around the university’s campus with Ernesto, a former FMLN guerrilla who was among the first of the FMLN to take jobs in the Salvadoran government after the war, working for the Supreme Court, we chatted about the losses and gains of the struggle. Much of the political mobilization of the left before the war revolved around the great inequalities of Salvadoran society, and the structural violence that liberation theology had named for the organizing left. Reactionary political violence brought tensions to an explosion and open war. To what ends? Was it all worth it, with poverty indices for many sectors comparable to those of the prewar period? Ernesto criticized the continual rule of
right-wing party coalitions, despite the growing electoral representation of the left. He lamented what he saw as the subservience of Salvadoran leaders to dictates from Washington, the Central American Free Trade Agreement looming over the region. Yet, he had to affirm, and strongly, his appreciation of the fact that he could openly say these things, vote how he wanted, organize meetings of the like minded, and not fear that a torture chamber or bullet to the head awaited him. Some semblance of democracy was achieved, whatever that might be worth. For him, the question “was it worth it” didn’t deserve much more of an answer than “perhaps.” What mattered was working, hoping, for further change. For many former FMLN fighters like Ernesto, the revolution continues through their activism and advocacy work for social justice.

Ernesto returns to his office, where he works as a lawyer for a coalition seeking to guarantee health access for all Salvadoran’s in the face of pressures to privatize the health system. The funding behind the coalition, the United States Agency for International Development (USAID); the funding behind the health system privatization consulting group, USAID. This fact does not bother him. The processes of deliberation and debate that they enable, he says, give him hope that state reforms will be cautious and responsive to public needs. Ernesto, like many others in El Salvador and throughout the world, find hope in the very democratic political forms that he openly criticizes as instruments of rule by domestic elites and
foreign powers. What is it about democratic discourse and practice that so often produces such sentiment and investment?

The subsequent sections explores people’s investment in democratic practices and discourses by discussing what I call memory-effects and affective ambivalence in the mediation of past, present and future in contemporary El Salvador. As I highlight in my discussion of elections, the recognition of an ostensibly democratic form is often a mediation of desire-ridden notions of the past and future, history and hope. The politics of memory thus inhabit moments where people intentionally commit and submit to a collective reconfiguration of the body politic through a democratic ritual, procedure or process.

Cultural studies of memory often collapse very different experiences and productions of pasts into a very general notion of “memory.” In an effort to better understand the very different politics animating very different modes of memory-making and memory-recognition, I distinguish between what I here call memory-effects and affective ambivalence. Together, these terms refer to aspects of what is commonly called memory. Distinguishing them in analysis, however, may help clarify different sorts of politics accompanying a variety of different memory encounters. Memory-effect refers to the outcome of some practice, process or relationship that produces what is commonly recognized as memory. This term
foregrounds the constructedness of memory and the momentary validity of any characterization of a memory. A memory may or may not be held in similar terms moments before or moments afterwards. This also recognizes the context-sensitivity of memory making. By affective ambivalence, I am referring to people’s passionate and simultaneous investment in different, often incommensurable, views and positions. This affective ambivalence may be important in understanding how themes, tropes and patterns for remembering the past can change and yet remain compelling, viscerally rooted representations of the world and self.

I discuss five cases from my field-research in which I argue that memory-effects and affective ambivalence are present in very different ways from case to case. These differences also inspire discussions of memory-effects in five very different analytic languages, begging serious reconsideration of memory studies that rely on primarily one set of research methods and one analytic frame.
2.4 Memorializing

Memory and the Ambivalence of Fixity: Juana’s story illustrates ambivalence amidst memorialization.

In 1981, Juana lived in the rural northern region of El Salvador called Chalatenango with her husband and 3 children. One day, her 15 year-old son, Luis, never returned home. She heard that he had been abducted, as were many in those days for the slightest suspicion of subversive conduct. She never saw her son again. Juana says that over the years she has heard various “things from people who know people who know people,” but never specified what those reports were. Juana does indicate her belief that it was some arm of, or group allied with, the Salvadoran government. For her, Luis has been missing since 1981. Although he likely did not survive his ordeal, Luis is marked with the status of “disappeared” in the Salvadoran political scene. Absent some indication that he died, his status will continue to be that of “disappeared.”

The years following Luis’ disappearance were tumultuous years of depression and mere survival for Juana and her family. She fell into a deep depression that became entangled with drug dependency. Her family, like many throughout the 1980s, moved several times to avoid the gun-battles of the civil war. Her recovery in the late 1980s was spurred by her involvement with a support-group
of parents who had lost children in the war and were self-medicating as a way of coping. As others reached out to her when she reluctantly first got involved, she reached out to other new members as they joined. Juana refers to these experiences with a mix of sadness and pride. She claims that she gained a sense of “fixity” in the world as she helped other parents. Prior to that, she says, the world seemed to lack any order through which to imagine a place in it. She talks with multiple emotions seeping through her voice about how she would compare her situation to those of others who knew that their loved ones were dead. She envied their possibility of reaching closure, of “having a place to take flowers.”

Juana then tells me about the Memorial Wall. A black wall with 25,000 inscribed names was built in 2003 in a central park in San Salvador – in a style similar to the Vietnam Memorial in Washington, D. C. It is a memorial officially dedicated to the civilian victims of the war, although the significance of “civilian victim” is often taken to mean something much broader than what the government authorities that constructed it necessarily intended. The names include those killed and disappeared. Juana complains about how “they” had to fight the government in order to get the memorial built, crossing political road-block after road-block. “But now, she has somewhere to take flowers,” she says.
Juana also has complicated emotions when discussing the work of Probusqueda, an organization that connects Salvadoran parents and disappeared children who were sold by the military or paramilitary into international adoption. She is a strong supporter of the organization’s work and also has hopes that its investigative arm might someday shed light on what happened to Luis. However, since Luis was 15 when he was disappeared, it is inconceivable to Juana that he would have been sold off in any way in which he couldn’t have made contact himself. The parents of children who were disappeared at a young age are capable of sustaining a hope of their child’s survival that Juana cannot reasonably match. However, Juana is herself passionately ambivalent about simultaneously wanting to know that Luis is dead, and in an absolute sense not wanting to know that – it is “her greatest desire and her greatest fear,” she says.

Juana’s passionate wanting to both know and not know illustrates what I’m wanting to explore as a condition of affective ambivalence – holding rationally irreconcilable positions from the depths of one’s heart. This condition seems to be a central aspect of the “fixity” that Juana has found in the world. The Memorial Wall is both comforting and disturbing for her; it is a place to take flowers and a public reminder of her impossible desire to both have closure and to never achieve closure. What then is the memory-effect of the Memorial Wall for Juana? It seems that the space and place dedicated to the memorial serves as a public recognition of truths
that needed no corroboration for her or other parents in similar positions. While the wall likely does have pedagogical value in prompting the continual teaching of what happened in the midst of the political conflict, it does not play an epistemic role in making the reality of what happened more true or certain for Juana. The value appears to lie in the gestures of recognition that are opened up by the space: her gestures towards Luis, those of others towards the many who were killed or disappeared and their loved ones left behind. What is the character of “truth”, in memorials conceived and lived in these conditions? It seems to be bound up with politics of recognition that are played out through the gestures of recognition that are tacitly encouraged or discouraged by the presence or lack of such memorials.

This reflection on gesture and memory raises the value of approaching memory as a sensory, performative and embodied condition of relating to the past.

Performing Memory: Miriam’s story shows how memory is sensory, performative, and embodied in our actions.

I first met Miriam in 2004, during my first research trip to El Salvador. A democratization professional, I accompanied her to several field projects and observed numerous workshops, trainings and meeting facilitations of hers. In one long car ride, she shared that she was a singer, loved music, and loved singing. Yet, she had not sung since the end of the civil war in 1992. She explained that
throughout the war she and many others sang for peace, for justice, to honor those
dying and suffering in the war, to mobilize resistance to the state, and to sustain
dreams of a better social order. The act of singing was bound up with emotions
associated with those earlier purposes of the songs. Miriam talked about how it
wasn’t even the words of the songs themselves, but that the association with painful
emotions tied to the war occurred with the sensation of projecting through her vocal
chords as she would when singing. As dearly as she missed it, it was too painful.

When I saw Miriam during a short research trip in 2006, I was surprised to
hear that she “had a gig” at an event where, coincidentally, I was already scheduled
to be present. She explained that she had gotten back together with some musicians
with whom she performed in the 1980s several months before. They have been
playing publicly several times a month and re-released a collection of recordings
from the 1980s. Miriam says that she was inspired by her work with a network of
women organizers from a rural region where she had been doing research and
conducting trainings. These women suffered greatly during the war, Miriam said.
They worked all sorts of positions in liberated zones with minimal state presence,
keeping schools running, clinics operating, and various services available to some
degree. After the war, they continued to juggle the demands of motherhood and
advocates for their communities. Despite suffering from the economic and social
hardships of a worsening rural economy, these women continued to organize and
inspire hope among fellow community members. Miriam tells how these women were doing work that they had done throughout the civil war, with terrible associations attached to certain activities and spaces. Miriam says that working with these women and coming to understand that their daily practices were themselves imbued with painful emotions mixed together with hopes and desires for a better future helped her accept the pain that would accompany singing. Miriam now speaks of this pain as being a valuable component of the remembering.

I saw Miriam and the music group perform. The songs were revolutionary songs from the 1980s, singing questions interrogating the structural violence of rampant poverty and growing inequalities. Throughout the performance, and throughout our subsequent conversations, Miriam emphasized that these songs were both valid commentaries on today and necessary tributes to those who suffered and died in standing up to the social order that they identified as responsible for suffering and conflict.

Miriam’s story highlights dimensions of memory which are often underscored in discussions of the politics of memory: the multisensory associations with past experiences and their salience in certain performative contexts. The way Miriam describes it, painful emotions are directly associated with the sensations of singing, not with imagery evoked by song, but by the sensations of making song
itself. Here, memory-effects arise directly from performative acts; they are not mediated by visual representations, but present as feeling. This case also calls attention to sensory associations with past events beyond the archetypical memory form of imagery. Here, it is the sense of touch that is bound up with the performance of song that produces memory. How is such an embodied form of memory-recall/production different from those organized around imagery? Are traumatic associations of this type experienced as somehow more immediate, more authentic, more consistent because of their literally visceral quality? What is affective ambivalence like in what seems like an unmediated recollection? And what secret mediations hide behind the production of the sense of non-mediation?

*Memory as Dialogue and Dialectic:* Ernesto’s experience below demonstrates how memory operates via dialogue and co-construction.

Ernesto grew up in the midst of the civil war. A child of union organizers in the 1970s, he and his family escaped violent repression several times, only to find themselves in the midst of organizing one of the parties that came to comprise the FMLN coalition. Ernesto saw the war from many different perspectives: child behind the lines, persecuted citizen, soldier on the front, intelligence gatherer and message runner in the middle of San Salvador, a soldier with the Sandinistas in northern Nicaragua, a trainer, and a young diplomat, traveling back and forth
between El Salvador, Nicaragua, Cuba, and Warsaw Pact Countries. At the end of the war, Ernesto was among the young cadre of FMLN leaders selected to play a central role in the post-conflict transition by taking a job opened up to a FMLN activist at the Salvadoran Supreme Court as part of the reconciliation process. Ernesto was approached by senior FMLN commanders and encouraged to join 2 other FMLN activists in taking jobs at the Supreme Court. The initial post involved mainly clerical work, but eventually led into a legal research position that amounted to clerking for Supreme Court judges. After years of working at this position, and having nearly completed a legal education, Ernesto left the court, somewhat unsatisfied by the comfortable middle-class life he had fallen into. He was not sure what was next, but found himself doing some short-term work with health NGOs with which he had long-standing relationships going back to the war. This eventually led to his current position as attorney for several health NGOs and coalitions. Ernesto believes that his ability to build coalitions and facilitate meetings among diverse stakeholders in the health sector has benefited from his own experience of multiple positions and stakes during the war and in the post-war transition.

One night, at a local bar in the neighborhood of San Salvador where we often met to chat, Ernesto pointed out another man across the bar, roughly his age, late thirties. It was Manuel. Ernesto explained that, through happenstance, he and
Manuel figured out over beers that they were on opposite sides at the same battle. It was a drawn out military engagement, in sharp contrast to the fifteen-minute “strike and fall-back” engagements common for both sides in the war. Ernesto proceeded to tell how strangely exhilarating it was to have a night-long conversation with Manuel about that battle. Together, they recalled specific moments, shared strategies from each side, and told each other about the losses they witnessed. Manuel was a gunner on a Salvadoran military helicopter. Ernesto was at that time in an infantry squad manning a trench in a semi-urban setting. They may or may not have been shooting at each other at a given moment. Ernesto explains that it is not uncommon for ex-fighters in the war to meet those who fought on the other side and have a strange feeling of suspicion that they may have shot at each other at some moment. What was not as common, and strange exchange of mutual recognition, was talking about the particular battle with someone who likely was firing at you. The possibility that one may have injured or killed someone dear to the other, Ernesto said, was in the air but never mentioned. Ernesto also mentioned the uncanny effect of recalling these events in a conversational format. A battle is an exchange he said. The geopolitical facts of a battle follow from both sides reacting to each other. Ernesto explained that the conversation had a similar character. Events and emotions came up in an exchange where each shared some moment or feeling with the other.
While it is not necessary to have such a dramatic dialogue to illustrate the point, the trauma and pain associated with such a battle highlight an aspect of memory that is often, and perhaps inherently so, dialogical, if not dialectical. The conversation elicited and produced a particular recollection of events among former foes who explicitly shared the idea that their past engagement was a tragic result of circumstances beyond them. To greater or lesser degrees, at the moment, they each believed in what they were doing. The mutual recognition that war is a hell beyond any adequate justification that they knew of provided a common reference for sharing an appreciation of their joint victimization.

This exchange indexes ways in which memory is beyond us in more than any temporal sense, but in an utterly social sense. There are certain views of events that can only arise in some dialogical process. Whether or not there is a dialectic of historical understanding or political rapprochement is an altogether different inquiry with questionable relevance. At the very least, certain memory-effects – that is recollections and associated emotions and dispositions towards others – are perhaps uniquely dialogical in that they not only depend on the project of an audience, but an open reception to that audience’s own recollection and associated stakes and emotions.
Technology and Memory Mediation: The election account below illustrates how technology mediates memory on election day.

Elections are social technologies that purport to measure the collective will of a political entity and to give expression to that will via some pre-established standard for translating those election results into binding referenda, or the appointment of political representatives in some representative body or post. As they measure, they also produce political subjects and structure political temporality. Here, I want to focus on the relationship between the production of political subjects and political temporality. Social cosmologies in the modern world are often temporally marked by political elections. The rhythms of executive administrations or changing legislative make-ups divide up the calendars of popular culture and dictate the terms of social production and survival.

After observing the 2006 national elections in El Salvador, and reflecting on the 2004 Presidential elections in the United States, I began considering what strikes me as both a technical and magical effect of elections concerning temporality and subjectivity. In a 24-hour period, or longer when results are contested, entire political cosmologies can be transformed. It is not only the present configuration of political power that is changed, but the past and the future (as experienced in any present) as well. The facts and processes preceding the election are radically
changed afterward. Insofar as the elections are considered to be technically legitimate by the majority of a population and consented to, then hosts of events in the past, from the high profile to the mundane, are recast in order to explain the electoral outcome. Trends leading to the possibility (if not the teleological necessity) of the electoral outcome are mapped onto several temporal stages beforehand. The future itself is also recast. The possibilities and probabilities of what is expected to come, and what alternatives are deemed viable in the new political milieu are changed. This cosmological transformation happens through a variety of political spaces: mass media, families, circles of friends, political parties. By way of their immediate investment in the campaigns and outcomes of an electoral process, these groups are invested in elections results.

This electoral transformation of past, present and future may be a key aspect in the power of elections to produce political subjects that can both be divided in terms of ideology and policy, yet share a sense of the same imagined community (see Anderson 1991). Perhaps more than any common values, principles or avowed history, the imagined “we” of the late-modern political community may have more to do with a shared political landscape, or ideoscape. Here, I do not refer to common investments or positions, but to a shared range of possible commitments and shared sense of the relative distance or proximity of the positions from each other, as well as a similar sense of the relatively rising dominance of one position over another.
Elections, I would argue produce shared political cosmologies more than necessarily express them as preexistent. The magical memory-effect, however, is that after the fact, the outcomes are deemed as preexistent and the past is mined for the veins and layers that must have been the foundation for such an electoral outcome.

_Memory and Meta-Narratives:_ The description below of how solidarity delegations manage the discussion of memory highlights how memory is constructed within larger meta-narratives.

My observations of the 2006 national elections in El Salvador were conducted with a delegation affiliated with the Center for Solidarity and Exchange, an organization with a long-standing partnership with Salvadoran leftist movements. The elections observation delegation was granted official observer status by the Salvadoran Supreme Electoral Tribunal. Observation teams spent several days training and then several days meeting with elections officials in their assigned municipality. Observer teams were present at a voting site from the moment that elections officials entered and began setting up (5:30am), through the commencement of voting (scheduled for 8am, though our site was not ready to start until 9:15am), until the ballots were counted, the tally sent to the Supreme Electoral Tribunal, and the ballots sealed in boxes secured by the civilian police for transport to the Supreme Electoral Tribunal. Observer teams noted any irregularities in their
notes and the following day drafted a report on the preparatory and voting activities at their designated voting site. These reports would be pooled together, summarized in an executive summary, bound together and presented to the Supreme Electoral Tribunal and the mass media at a press conference.

Many of the participants in the observer delegation with the Center for Solidarity and Exchange, as well as many of those working with other organizations, were from the United States, Canada or Europe. The majority were North American. Many had long-standing relationships with U.S. organizations that had been part of the solidarity movement in the 1980s and 90s. Many of the younger participants expressed solidarity with Salvadoran leftist politics. Several Salvadorans who helped coordinate the observer delegation reported to me that they were appreciative of the effort and solidarity, as well as feeling awkward about being the object of scrutiny and observation. One off-the-cuff remark described the delegations as a form of “political tourism.” In some ways, this term captures much of what is going on when these delegations are organized and visit.

Foreign participants in these delegations tend to understand Salvadoran politics through the prism of their own metanarratives of late-twentieth century U.S. imperialism or Cold War realpolitik. Conversations that Salvadorans have with foreign observers often adjust to fit these expected frames. The subtleties of
contemporary Salvadoran politics and Salvadoran-U.S. relations (and the two really are inseparable in many ways) melt away into populist rhetoric of institution-capture by “the elites” and the struggle for “the people” to exercise their voice through the democratic system that in theory is supposed to provide for that but in practice rarely does. A decade and a half after Salvadoran politics was continually forced into boxes defined by Cold War logics and discourses, contemporary Salvadoran politics is translated into the terms of the globalization debates animating both financiers and social justice activists in Europe and North America. This globalization frame also has its temporalities that affect the memory-effects that are possible around the foreign observers, motivated by what they feel is solidaristic understanding for “the Salvadoran people”, and armed with official observer badges that grant them security access only one level below that of the elections board of an entire department (the largest political subdivision below the nation-state).

What gets remembered and how is often related to the broader metanarratives informing the dynamics of collective memory. Here, by metanarrative, I refer to overarching narratives the structure of which determines the bounds of what specific narratives can portray. Presentations made to groups of elections observers continually cast Salvadoran politics and history in ways that were intelligible to an audience concerned with a purportedly universal process of neoliberal globalization sustained by political and economic elites to the detriment of
the poor and marginalized. The motivations for many people’s volunteering the
time and expense as volunteers was bound up with that narrative and its capacity to
identify if not “good” and “bad” actors, at least the “victims” were clear. Side
discussions about competing camps within the FMLN were often unintelligible or
expressly uninteresting to observers.

The political economy of these observer delegations provides an insightful
context for the degree of apparent authority and legitimacy granted them among
Salvadoran activists. Many observers are members of churches or organizations
sympathetic to the plight of the marginalized in El Salvador. Many of the NGOs
sponsoring observer delegations get the majority of their funding from institutions
in the United States and Europe that exercise their solidarity with “the Salvadoran
people” by helping fund organizations they deem to be advocating on behalf of the
marginalized. Many observers come, take many photos, go back home, give
presentations on “the situation in El Salvador” and in various degrees help to raise
funds for those Salvadoran NGOs affiliated with their elections observer delegation.
The disparities in influence between possible metanarratives in El Salvador likely
has as much to do with inequalities within political camps as inequalities between
opposing sides.
2.5 Conclusions and Implications

I have described the recognition of what is commonly called memory in five different settings in very different ways. My terminology sometimes veered away from use of the term “memory” and at other points embraced the ambiguity which gives the term its referential accuracy – for memory is many different things, in different times and places.

What is the value of such reflection on the multiple possibilities for making and recognizing memories for my research project focused on understanding the production of a recognizable-as-such democratic society? The significance has to do with the ways in which differently situated actors in contemporary El Salvador come to evaluate a practice, process or procedure as more or less democratic. This is an inherently comparative process. This comparison involves looking at the past and looking outward to other political systems. Foreign experts similarly make their evaluations via their own understandings of the Salvadoran past and other political systems. Therefore, a particular consciousness of the past is somehow ever present in the evaluation of governance institutions by a “democratic” standard.

This chapter’s cases also highlight the value of approaching the subject of memory from a variety of perspectives, being open to the many different valences and forms in which what gets included and cut out from a moment’s historical
consciousness is selected and formed. Attention to the relations between memory-effects and affective ambivalence also provides a way of keeping in mind the very high stakes with which people remember and forget. When the stakes are real, the contextual validity of a memory is likely to be real too.

Roque Dalton’s poem, The Warrior’s Resting Place seems on point (Dalton 2013):

**The Warrior’s Resting Place**

The dead are getting more restless each day.

They used to be easy
we’d put on stiff collars flowers
praised their names on long lists
shrines of the homeland
remarkable shadows
monstrous marble.

The corpses signed away for posterity
returned to formation
and marched to the beat of our old music.

But not anymore
the dead
have changed.

They get all ironic
they ask questions.

It seems to me they’ve started to realise
they’re becoming the majority!
3. Citizen Participation by Metrics

This chapter focuses on citizen participation programs at the local, municipal and national levels. It examines the role of technical measures, reports, and other documentary “metrics” in translating, mediating and circulating different conceptions of civic participation, past and present. More than mere instruments, these technical practices are meaningful in variable ways for actors involved in democratization projects, from development professionals and government bureaucrats to activist citizen groups or uninvolved peripheral community members. Various hopes animate people’s investment in democratization projects in ways that grant these metrics substantial power, even de facto legality. These metrics thus play an important role in enabling and disabling different forms of citizenship and state functions; in fact, they are often designed to have such an effect.
3.1 Tools of the Democracy Business

“We knew the projects were part of the counter-insurgency. Yet we also decided that we could take advantage of the opportunities they presented our communities and movements to help build the democracy for which we were fighting.”

This was stated by a former leftist guerilla commander and current mayor, discussing an early local democratic governance program sponsored by USAID during the final years of the Salvadoran civil war. He went on to outline twenty years of selective participation in USAID democracy promotion activities that he claimed helped build democracy from below. A process that helped culminate in the March 2009 election of the leftist FMLN party to the presidency.

In what George W. Bush used to call “the global democratic revolution,” the El Salvador democratization experience figured as a paradigm for post-conflict reforms. Dick Cheney’s discussion of El Salvador in the 2004 Vice Presidential debates indexes the ways in which democratization programs throughout out the world are increasingly informed by what experts deem as parallel experiences elsewhere. The USAID contract for municipal democratic governance strengthening

in Iraq was awarded in large part to the contracting firm’s experiences and purported successes in El Salvador. The transfer of expertise, however, is not necessarily of the human kind. No one recently involved in the firm’s El Salvador operation is working on the Iraq project. Few in the Iraq project have had direct experience with the El Salvador programs. The transfer of expertise is primarily one of documents, measurements, programming models, mottos, and rules of thumb.

Anthropologists of the globalization of institutions and social movements have tended to base their research on two different scales of study: the study of localities interacting with global processes, or the study of transnational institutions that govern such processes. Sally Merry’s discussion of “mapping the middle” (2006b) in the study of human rights movements calls attention to the study of intermediary scales of organization and practice in globalization – e.g. contracting NGOs, networks of professionalized experts and other social formations that mediate between particular forums with transnational scope and local agendas and social realities. These intermediary relations are constituted not only by circulating ideas and personnel, but also by technical artifacts and procedures (Riles 2006a). This study addresses the role of formalized measuring, monitoring and documentary techniques in the circulation of democratization reforms by examining their legacy and role in the democratization of El Salvador. These instruments play a central role
in the co-production of regimes of knowledge and social order through which
cultures of governance expertise and governed routine emerge (see Jasanoff 2004).

This analysis focuses on the role of the operational plasticity inherent in
program models and diagnostic standards and explores their relevance for
citizenship, legal and epistemic pluralism, and the viability of liberal democratic
forms in El Salvador. Drawn from research among several local governance projects,
ethnographic evidence suggests that the plasticity of these techniques and
technologies of mediation facilitate experimentation with various democratic
practices in ways under-recognized in the democratization literature.

The ambiguity and plasticity of these standards also enable a variety of
different conceptions of democracy and participation to be read into the technical
representations, such that diverse sectors build their political, conceptual and
emotional investment in common practices that are deemed democratic by each
group for very different reasons. Furthermore, although semiotically flexible, the
material characteristics and political salience of these representations enable and
disable different forms of citizenship in a locale. I want to particularly point out that
there are relations between effect and affect, social functions and meaning, that
deserve ethnographic scrutiny in order to better understand how democratic
discourses and practices are capable of reconfiguring relations of knowledge and power as they change local political culture.

The measures and technical tools mentioned in this chapter are understood in heuristic terms by many who use them. At the same time, they lash in meanings and hopes through which participants understand their own agency in the reforms of a democratizing El Salvador. The study’s title “metrics and democratization” is an intentional nod to the legacy of Lewis Mumford’s *Technics and Civilization* (1934), a history of technology that traced the emergence of notions of machinery in material and mechanical application as well as in the West’s aesthetic imaginary. Such attention to the intertwined character of effect and affect – momentary instrumentality and hopeful idealism – in the democratization tool-kit can offer provocative insights and questions concerning the production and recognition of particular governance practices deemed to be democratic. It could also help critically examine democratization studies’ own mediations of hope and instrumentality in examining the dominant limit-concept of contemporary secular theology, democracy itself (Taylor 2004).
3.2 Citizen Participation Contracting

A transnational industry of think tanks, aid agencies, for-profit and non-profit NGOs, and consulting firms circulate programs and models for strengthening democratic institutions and processes. These programs and models are constituted by couplings of expertise and standards that inform activities that aim to strengthen civil society organizations, accountability procedures, rule of law, and electoral process. Rather than uniform model replication, practitioner reports and ethnographic studies reveal diverse reformulations of the democratization packages in circulation at local and national scales of implementation. The social life of these mobile democracy tool-kits are remade by changes in the meaning and structural roles of these programs in relation to domestic and regional political agendas. Instead of the spread of a particular ideological and institutional system as accounts of neoliberal governance sometimes present, democracy promotion trends seem to be providing new institutional terrain through which diverse political movements with both traditional and novel elements are organizing in new ways.

In the early 1990s, theories and discourses of “democratic development” were circulating in the halls of development planners and had much currency among on-the-ground foreign and local grassroots development workers, who tended to be inspired by the discourses and practices of participatory development.
USAID, developed a series of projects aimed at strengthening Salvadoran democratic governance following the 1992 peace accords ending the 12-year civil war between leftist guerillas and a U.S.-backed right-wing government. These projects involved initiatives to strengthen civil society groups, citizen participation at the community and municipal level, state decentralization, transparency and oversight mechanisms, technical training for government officials, and legal reforms aimed at making public entities more efficient and accountable. The guiding theory of these institutional reforms is that the decentralization of state functions required building distributed and counter-balancing state-society capacities, at local, regional and state scales.\(^2\) An

\(^2\) The last decade of democratic governance programs in El Salvador included initiatives that were similar to programs being implemented elsewhere in Central America, through increasingly coordinated efforts supported by USAID, European and Japanese bilateral aid agencies, the Inter-American Development Bank, and the World Bank, among other smaller supporters. From 1997 to 2004, USAID implemented numerous activities organized under the program title “Democratic Consolidation and Governance.” While continuing to sponsor judicial strengthening programs developed under Judicial Reform II, USAID extended its operations to the technical support of local governments granted increased autonomy and local authority through a series of legislative reforms decentralizing governmental power in El Salvador (reforms, themselves supported by USAID). Citizen participation programs organizing communities to participate in participatory development planning, forming community development committees with diverse stakeholder representation, and fostering mechanisms of public accountability (e.g. public budget hearings) are transforming political culture in some municipalities. People are experiencing forms of political expression and organization that were institutionally discouraged prior to these programs. Political advocacy on public issues by NGOs are also supported under a civil society strengthening component of the governance program.
important component of the democratization reforms was a program called the “Municipal Development and Citizen Participation Project” (1994-2002). The program that followed-up on this project was called “Democratic Local Government Activity” (2002-2005). The primary USAID contract for this project went to the International Development Group of the Research Triangle Institute (RTI) International, a large non-profit research firm based in Durham, North Carolina.

In studying the development, implementation and legacy of democratic governance reforms, I conducted participant-observation and interview research

The mutually compatible character of these various governance reforms applies insights confirmed in recent empirical studies about the importance of incentives for citizens to use the law and to demand institutions for its enforcement and development.2 “The close fit between supply and demand for formal legal rules appears to be a crucial condition for improving the overall effectiveness of legal institutions, which over time will foster economic development” (Berkowitz, Pistor and Richard 2001).

The broad scope of democratic governance reforms directly addresses the key variable of legal culture. As was dramatically learned by many international legal reformers and investors following the collapse of the Iron Curtain, changing laws, institutional structures and even bureaucratic practices does not necessarily mean that reforms will have their desired effect. There are particular legal cultures that exist as a result of peoples’ past experiences with institutions. In contexts where the law’s effects are only rarely consistent with its rhetoric, it should not come as a surprise that popular attitudes towards the law see it primarily as an obstacle or tool, rather than a set of rules and procedures in which to be invested for one’s benefit and the benefit of one’s society (Newcity 2001). Citizen participation initiatives, when coupled with public accountability procedures, help change that legal culture.

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around RTI-administered projects in the summer of 2004, with follow-up research in the spring of 2006 and summer of 2007. For eight months from 2007 to 2008, I worked as an extern at RTI’s headquarters gaining in-depth practical understanding of the administration of governance and development projects. I spent the year of 2009 conducting field-research on democratization in El Salvador, including fieldwork in communities where RTI projects had been conducted in the past.

Throughout my fieldwork, I traveled to numerous communities and observed a variety of meetings facilitated by RTI. Some were small board meetings and others open community hearings. I also interviewed personnel in other NGOs that work with RTI affiliated projects or engage in similar activities.

RTI staff make visits to provide individual trainings for public officials or private individuals that are playing leadership roles in participatory governance structures. RTI’s vision, self-representation, and institutional ethics revolve around the figures of “advisor” and “facilitator.” Staff who facilitate meetings or train others in accounting and accountability methods talk about themselves as providing enabling “technical support.” The particular social skills that they teach are represented in technical reports as “tools” or “instruments” made available to independent communities for use toward their own ends. In casual conversations and interviews, RTI staff discussed their work in terms of tools for grass-roots led
change; but they did so in highly personalized terms, mentioning particular parties, officials and sectors with which they were working. These “leaders” themselves are viewed as serving their communities to the extent that they utilize these tools towards the enactment of participatory governance structures, decision-making and expectations.

Several RTI staff, and many in Salvadoran NGOs with which they work to implement specific components of projects, tend to have activist backgrounds in the left. Many were members or leaders in the FMLN during the civil war. When discussing their thoughts concerning their USAID funding of their work, or the broader elaboration of their program policy in USAID offices, they would acknowledge ambivalence about fitting into US strategic designs while emphasizing the self-evident value of the democratic practices they were fostering. Time and time again, the very forms of citizen participation encouraged by their work was mentioned as proof of the local authenticity of the democratic order being produced. In many ways, the revolutionary organizing of prior decades, particularly in providing public services in “liberated” zones with minimal state presence, also provides a narrative that for many in the democracy industry meaningfully grounds democratization efforts in the experiences and hopes of the Salvadoran people.
Tropes and notions of “hope” figure prominently in the discourses of democratization professionals and their community partners. An informative and deliberative budget hearing, the balancing of a municipal budget, the continual existence of a community development committee involving members of various political parties and social sectors; such “achievements” are often said to provide hope or confirm hope in “democracy” and “development”.

### 3.3 Measuring, Reporting, Mediating

The main set of activities with which participant communities in the democratic governance program work with RTI and associated NGOs is in the production of a Participatory Strategic Plan (PSP). These plans are developed with a participatory methodology that intends to identify and then include the variety of social sectors and interest groups in a community. In committees, community members identify community problems, prioritize them, and eventually develop a plan for addressing them, often through the partnering of public and private entities. An important part of the Participatory Strategic Plan is the diagnosis of a community’s own levels of community participation. RTI developed a scoring manual to guide such a diagnosis, measuring such phenomena as “scope and formal organization of civil society groups”, or “prioritizing projects with gender sensitive
perspectives”. These measures provide the means for tracking and comparing “progress” on each scored theme.

Community members and RTI staff described to me a variety of ways in which the activities and terms of reference in the PSP are meaningful for participants. For some, the measures, and sometimes the entire process, was instrumentally viewed as a means towards some desired material or political outcome (such as acquiring funding). For others, the process and discourse resonated with their own desires for a more “democratic” society. Those seemingly invested in the democratizing character of the process were quite often most concerned with what one person described as a “democratic responsiveness to people’s needs.” Still, others valued the procedural changes they thought might come about from the participatory character of the evaluation process.

While a variety of meaningful relations to the process existed among community members, a common theme was the invocation of a “hope” for a better, different future associated with the PSP. Now, “hopeful” discourse and an “eye towards the future” are central tropes in development-NGO-speak, and most community members I have encountered have had sufficient interaction with NGOs and government agencies to be proficient in the lingo. While long-term field-work is necessary to disaggregate the mere talk from that which they walk, my preliminary
assessment is that people’s investments in the PSP and other democratic governance reform projects are “hopeful” and temporally oriented towards futures that are imagined together with their own political, familial and personal projects. With 1 in 3 Salvadorans working in the USA, the political economy of remittances, distant loved-ones and consumer desires interact with the local politics of party-affiliation and public service provision.

More than mere heuristics for community organizing, the PSP measures became de facto law in El Salvador. With the decentralization of state functions, infrastructure development moved to a system whereby municipalities apply for funding for specific projects to the national Social Investment and Local Development Fund (FISDL). This Fund, adopted the RTI developed measures for participation, requiring that communities develop a PSP, according to the RTI manual’s criteria, in order to qualify for funding for municipal infrastructure development. A cottage industry arose around the elaboration of these plans. NGOs or consultant groups with past experience in RTI administered programs compete to provide municipalities with the participatory processes and plans required by the Fund, all doable, they claimed, in 6 months. Later many municipalities, NGOs and consulting agencies began working within a 3-month window. These PSPs illustrate how the seduction of democratic hope can be
intertwined with the coercion of governmental regulatory requirements and the commodification of democratic forms.

Another practice RTI promotes that is common to the democratic governance strengthening toolkit is that of “self-reporting.” In a plethora of contexts, officials in the public and private spheres are expected and often mandated to present reports on their own activities.

Governance reform programs in El Salvador work with local officials to expand self-documentation of official activities. Besides the typical transparency justification of “leaving a paper trail”, these practices are often justified in trainings for their reflective and self-assessment utility. Officials are encouraged to reflect on what they learn about their own behavior, the constraints and challenges they face, the consequent outcomes of their decisions. The ever-possible reviewability of these reports also produces potential holding to account by a possible external reviewer – a sort of temporal panopticon; one never knows when one might be audited (see Strathern 1999).

Among community organizations advocating for local or national social reforms, self-reporting often constitutes a demand in public policies that are advocated – from land titling and education commitments to paved roads and budget hearings. Local activists want public agencies and relevant private
companies to document and report outcomes and processes. Here, part of the value of the reporting is establishing some baseline of knowledge for understanding what is going on. In a jobs placement campaign seeking to require a percentage of new hires to be from a local labor pool, knowing how many interviews of local candidates result in hires is important information. However, another important role is played --- that of instilling a routine through which someone in an agency or company has to document and report what is at issue. That provides a contact person, an opening for local activists to meet with someone in agencies or companies through which they can have relational meetings and build social capital.

In the town of El Carmen, self-reporting and record keeping dominated the democratization agenda. I accompanied a governance consultant, Antonio, on a series of trainings there.

Antonio had worked with RTI in earlier stages of the democratization projects in the 1990s and early 2000s. By the mid 2000s, professionals with RTI work experience were moving to positions within well established Salvadoran NGOs that had developed a large portfolio of democratization work, like FUNDE – in large part due to partnerships with RTI. Some co-founded new startup NGOS, while yet others adopted the corporate form of the consultant firm. These startup NGOs and consultant firms continued provided training and coordination services for USAID
and other foreign aid funded democratization projects, often as subcontractors to
global intermediary NGOs like RTI. Antonio was now working with an RTI spin-off
consultant firm, AV Consultores.

Lucia, was a member of El Carmen’s city council and a close adviser to the
mayor – both members of the conservative ARENA party. Her background in the
private sector had mainly been in commercial real estate development. Now she was
the municipality’s key liaison for democratization projects – from overseeing the
development of a PSP to improvement of internal administration. “Nobody used to
keep documents here” she expressed to me during a workshop. “Now we’re able to
see what we’re doing so that we can plan to do better. ”Lucia’s priorities for El
Carmen were improvements in systematic record keeping. Computers screens in
every office shined with Microsoft Excel spreadsheets, growing with new inputs.

Antonio gave a series of trainings to municipal employees and interested city
council members about implementing and managing reporting systems. “It’s easy to
get too much information that then doesn’t inform at all,” Antonio would often say.
“It’s important to understand why you want to know certain things, for whom you
want to present that later, what they want to do with that information.”

These trainings emphasized a shift in thinking about bureaucratic
information among local officials. While the official theme was “reporting and
documentation,” Antonio would often discuss broader political processes in the municipality. ARENA’s electoral victories in the municipality required a larger political tent. Gone was reliance on the traditional conservative politics of using fear, patronage, and nationalism to mobilize poor voters to elect economic elites to “promote what is good for the nation, for all” in the words of an ARENA city council member. Electoral victory required inclusion of small-scale neighborhood elites, traditionalist patriarchs with large extended families, entrepreneurs in the informal sectors who may be poor but are invested in the commercial ethos of the ARENA platform. This meant an ARENA city council that was much more diverse than those of a decade earlier, with members having varied degrees of formal education and wide economic gaps between council members. Additionally, the PSP process and various municipal government outreach events meant more need for information to be presented in ways that community members with various backgrounds would be able to understand and discuss.

Antonio’s work then, was geared toward having the municipality identify the data that would be important for internal administration and that which would be most conducive to color pie graphs and charts for the Powerpoint presentations that officials would ultimately have to give.
Another part of the democratization toolkit is “the public hearing.” Institutions conducting public hearings organize forums for receiving input from members of the public. Sometimes the input is specifically solicited, sometimes the floor open to whomever shows up.

After the proliferation of post-war democratic governance programs, budget hearings have been instituted in most municipal governments. Uncommon before 1992, government officials read off proposed municipal budget allocations, justifying priorities. Local citizens are invited to appear, listen and take turns giving feedback in an open forum. However, who shows up, and how they question, support or contest proposed budgeting decisions generally correlates with having some clear-cut political stakes at play. And so wrangling between citizens over specific budget items, or past government performance, intertwines with all sorts of local political, commercial and familial agendas and alliances to turn the budget hearing into a forum for both argumentative contestation, and the performance of political power via the display of alliances and resolve by way of who speaks, with what passion, in what sorts of alignments.

Where local government is popular and has a strong community organization base, actions are planned out to perform the sort of political power and policy positions that activists and officials want to foreground for local officials and
the media. These actions, however, are part of broader processes of decision-making – often taking place alongside of on-going negotiations or collaborations with between officials, businesses and community organizations on the very topics being publicly contested in the public hearings.

These hearings thus provide particular avenues for the exercise of politics -- not only with respect to the alignment of groups and interests, but the exercise of a knowledge politics over the governmental knowledge through which institutions decide and legitimate their courses of action.

In Santa Tecla, an urban municipality that is part of the larger San Salvador metropolitan region, budget hearings are more celebratory than dialogic. The discussions happen behind the scenes. The municipality has been governed by a popular FMLN mayor and city council since the late 1990s. Measured by municipal votes for legislative seats, the municipality mirrors the general political affiliations in El Salvador, with roughly 1/3 voting left, 1/3 right, and 1/3 for a variety of center parties. The FMLN municipal leadership, however, typically wins with 60-70% of the municipal vote.

The size of the municipality means that much more of the political wrangling and public participation occurs via intermediary organizations. The Citizen Participation Committee for the municipality includes around 50 representatives of
various sectors of society. Each municipal precinct has a member, and the major
economic and community organizations – from the chamber of commerce and
unions to the senior center and schools. Municipal community organizers work to
recruit involvement and representation that is an approximate balance of political
backgrounds in the municipality. People know each other’s politics, but the ethos of
the Committee is to set party allegiance aside and focus on specific issues of public
concern. A certain degree of self-selecting among those amenable to this style of
engagement helps maintain a working relationship, with weekly 2 hour Committee
meetings, plus whichever subcommittees and events members are involved with.

The Committee is thus politically diverse in a way that the city council is not,
with El Salvador’s one-party takes all municipal system (which is changing to a
pluralist city council system in 2015). In a strictly legal sense, the Committee’s
recommendations on budget allocations are advisory and the municipal government
is not bound to take them into account. However, the local legitimacy and popularity
of the mayor’s administration appears to be partly due to their inclusion of the
Committee in strategic planning and crisis response, including a wider segment of
local sectors than is typical of the representation afforded via the formal municipal
winner takes all elections.
Budget hearings occur in two very different scales. Every year, there is a large citizen assembly in a large gymnasium with 600-800 participants from throughout the municipality. This hearing is more of a large presentation to the community – reporting on achievements and challenges of the prior year and presenting anticipated budget plans for the coming year. The presentation also gives an overview of neighborhood budget hearings and opportunities for citizen involvement.

Sitting among community members in the large citizen assembly is like attending a fair. Coffee and snacks are provided. Friends and family gather while children run around. Then, taking their seats, all are attentive when municipal leaders and the Committee begin their presentations. The presentation slides are full of photographs of municipal events from throughout the year. So in addition to responding with applause to graphs showing gains in percentage of the municipality with street lights, new public parks, and expansion of the water system, people giggle, point and wave as photos of friends and family appear on slides next to tables and charts of citizen turnout to neighborhood budget hearings. Technocracy in these assemblies, is embedded in neighborhood fun and festivity.

In contrast to the large citizen assembly, neighborhood organization meetings host budget hearings at earlier stages in the budget process. These are
more open and deliberative sessions. There may be 10 or 15 community members, or 50 to 70. The municipality presents preliminary plans and solicits feedback. The local neighborhood organizations are formally autonomous from local government, citizen associations that are sometimes incorporated as community associations and sometimes legally informal. These organizations do often get administrative and organizing support from the municipality though. In 2009, Santa Tecla’s Office of Citizen Participation had 24 fulltime community organizers paid and trained by the municipality. These organizers received training and were managed within a framework that emphasized playing a supportive and empowering role for local citizen groups. These organizers work with neighborhood associations in organizing meetings and helping them liaison with the municipal government more generally.

In the neighborhood meetings, the discussion of budget priorities blends into an open discussion of community problems. Often, concerns about crime and infrastructure needs dominated neighborhood meetings I attended. I realized that the continual work of the Citizen Participation Committee impacted the ways that neighborhood meetings played out. Rather than feel that it was the only moment to express concerns to the local government. Community members could process and discuss issues afterward and then contact various members of the Committee via their neighborhood representatives or representatives of economic sectors. In one meeting, Alejandro – an older man who ran a small pupusería and convenience store
– mentioned to me “I’m going to have to talk with some of the Committee members about this.” He was referring to a planned roll out of street lights that missed streets with large squatter communities. “They need light more than those of us who can turn on lights in the front of our house.” Alejandro did not mention the issue in the neighborhood meeting, but the following week two Committee members brought it up. The Committee recommended that the municipality shift plans to provide lighting to the streets Alejandro had mentioned, and the city government changed plans accordingly.

Another common democratization tool are monitoring and evaluation procedures, or “M&E” in NGO-speak. M&E procedures are systematic plans for gathering data about programs or institutional activities as they are in action. They provide information for assessing progress and for attempts to understand distinct roles and causality attributable to different aspects of what is going on.

M&E is now a standard requirement of most major international agency grant-making. Recipients of major grants and contracts, and their subcontractors are expected to incorporate some M&E into their work plans and routines.

In El Salvador, besides satisfying these external formulaic requirements, professionals in the democratization business promote M&E practices as a form of situated actor learning. A resulting tug of war often emerges between the
Washington-centric reporting demands of officers in a USAID office in the US Embassy, and professional desires for the categories and frameworks of M&E data collection and analysis to be primarily useful and informative for local, situated actors (these professionals themselves being cynical and dismissive of attempts to fetishize aggregates of M&E data into authoritative representations of what projects are accomplishing on the ground).

A recent US Office of the Inspector General audit of an RTI administered USAID project on Municipal Competitiveness focused on the exclusion of indicators that RTI staff judged to difficult to meaningfully measure. A key finding of the audit was that the RTI designed “performance indicators did not measure promotion of investment and trade” (Office of Inspector General 2013). The audit quotes the Municipal Competitiveness Project award document stating that it strives to build stronger municipalities that will generate more income, create more employment, and promote private investment and trade” (4). The audit indicates that USAID-El Salvador staff “could not identify readily available sources for municipal data, and since they considered that the effects on trade and investment were indirect and long-term, they did not develop specific indicators for these goals.”
The audit then continues by stating that “Despite these challenges, indicators to track progress toward the goals are needed to evaluate the program’s success. While precise data at the municipal level may not be readily available, the mission could use data from other sources to develop at least indirect indicators of progress.”

The project’s mission included promoting private investment and trade. Some measure of this had to be constructed despite the judgment of RTI and USAID staff.
on the ground in El Salvador that such an indicator could not be meaningfully constructed from available data. Still, the protocol required its construction, even from indirect indicators having a tenuous relationship with the trends the new indicator would represent.

These kinds of ethnographic inquiry into the development and use of technical instruments used in democratic governance programming illustrate and help explain just how such instruments work as what I here call ‘technologies of mediation.’ By technologies of mediation, I am referring to how measures, reports, charts, and other technical indicia are simultaneously material and social means of producing an effect. The explicitly avowed function of these instruments is informational and representational. That is, they tell their users something about their social reality such that what is considered progress can be measured and the interrelations between social factors grasped for programming and policy deliberation and development. In addition, though, these instruments provide a mediating function. By way of their characterization as technical and purportedly a-political representations, they are capable of simultaneously being read by hosts of different political interests and groups attaching a variety of often incommensurable notions of significance to the representation. And insofar as these instruments are central references in a governance structure, network or process, they thus mediate
between different political interests and conceptions of both democracy and good governance.

Professionals that develop these instruments and the variety of actors that use them tend to understand them to have operational plasticity – that is the interpretation and application of these reports and measures is quite flexible. This is said to allow for corresponding practices to be appropriate to the local realities of a place or process. An additional effect of this ambiguity and plasticity appears to be the facilitation of experimentation with a variety of democratic or governance practices that can yield results that more or less comply with the technical representation to which actors are constantly referencing.

These technologies of mediation can thus be understood to be operating as “boundary objects.” The term boundary objects arose in science and technology studies as a way to explain how actors and groups living in different social worlds manage to maintain their diversity and cooperate by way of common reference to particular “ideas, things, people, or processes” (Gieryn 1995, 414-415). Star and Griesemer defined the concept as “objects which are both plastic enough to adapt to local needs and the constraints of the several parties employing them, yet robust enough to maintain a common identity across sites.... They have different meanings
in different social worlds but their structure is common enough to more than one world to make them recognizable…” (1989, 393).

However, an inverse set of effects and consequences of these technologies of mediation also deserve ethnographic study. Insofar as forms are capable of only so many readings and effects, and that external variables and network effects will cause certain interpretations and uses to predominate, these technical instruments also limit the scope of democratic practices that are conceivable and practicable in a particular context. They channel political possibility in specific directions by establishing the terms to which legitimate democratic practices must refer (Hess 2009). They can reify concepts and structures into an existence beyond the diverse conditions that originally spawned them. And they quite often marginalize and erase alternative visions and practices of governance and democracy (Santos 2005).

### 3.4 Technical Mediation and Democratic Possibilities

Insofar as democratic processes mediate between different interests, values and agendas, we can consider democracy as a specific ideology mediating forms of legal and epistemic pluralism. Legal pluralism is a term used in sociolegal studies to refer to the co-existence of different legal traditions in particular locales. A weaker
form would restrict recognition of a “legal tradition” to those that are formalized in some institutional way. An example of this weaker form of legal pluralism would tend to restrict the concept to examples where state law and some form of customary law both have jurisdiction. A strong form of legal pluralism would recognize diverse patterns of more or less enforced community norms, which often are cross-cutting and place actors in a variety of different networks of community norms at once. This stronger version of legal pluralism often includes an emphasis on the mutual construction of co-existing legal traditions. For example, strong legal pluralists would emphasize how the actual practice of state law in any locale is likely highly influenced by various community norms concerning honor, family, political loyalties, legitimate exchange, etc. To recognize that community values and norms have a specific “legality” is to acknowledge both that they are negotiated and that such negotiation tends to comply with patterns and expectations of what is normative, as well as legitimate means of dealing with disputes. By focusing attention on how democratic practices mediate between different forms of legal pluralism at local, regional, national and transnational scales, it may be possible to appreciate ways in which citizenship is often enacted in ways that simultaneously affirm a sense of agential action and rootedness in tradition and community.

The discussion of the effects and affects of technical instruments relate to the viability of different forms of legal pluralism in specific localities and distributed
networks in several ways. While the scope of the concept of legal pluralism remains a topic of debate in sociolegal studies (see Merry 1988; Tamanha 2000; and Teubner 1992), the significance of technical mediation holds whether one adopts the stronger version legal pluralism entailing ever-changing co-constitutive normative orders or the weaker version discussing co-existing orders recognized as law in their particular context. What matters for the following discussion is that in Salvadoran social and political life, as in most social realities, people behave in ways that negotiate their positions between cross-cutting sets of rules, expectations, obligations, promises and notions of self-hood and allegiance (to the state, their family, their profession, a local political party network, their God, etc.).

A list of ways in which technical instruments can enable and disable different forms of legal pluralism in a locale might include the following factors:

*Materiality.* The very textures and properties of the material components of the technical instrumentation can have effects and appeal to affect. By materiality, I here include the standardized logics that are conventionally coupled with the use of certain materials (e.g. writing and language, or numerals and arithmetic). Reliance on double-entry book-keeping will not allow hosts of statements that do not comport with the matching of tallies at the end of specified rows. In addition, the materiality of certain instruments lends a concreteness to the associated practice that can make it
feel more real, more legitimate, once ‘grasped.’ Here, much can be learned from the field of science and technology studies in describing and analyzing processes that produce a range of acceptable statements about a reality, while constrained and directed by the material world or networks of actants with which those processes are engaged (see Latour 1987).

Performativity. As people use technical instruments, they perform, demonstrate to themselves and others, that very use. This is especially so with the use of governance oriented instruments, where the typical user is envisioned as an official or a citizen exercising their official citizenship. Even with more mundane technics, to recognize the performativity of instrumental mastery is to acknowledge that in the agential actions of the everyday, people’s sense of self and their relations with others are being reconfigured around the presence of the subjectivity (political and social) that is being enacted (see Butler 1997; cf. Althusser 1977).

Practice/routine/habit & expectations. The presence of technical instruments can change the regular practices, routines and habits of social life. I say “presence” in order to include the impact of the knowledge of their potential use, as well as the effects of their actual use. Public disclosures and audits impact reporting and management practices, not so much by the actual review of practices, but by the ever-present possibility of such review. Changes in routine and habit also alter
expectations of oneself, others, and impersonal entities (the state, the weather, a war) concerning the future, the present, and sometimes even of the past (as when one “realizes” that a past event could have, or should have, gone another way) (see Bourdieu 1977; de Certeau 1984).

_Context specificity._ The actual use and social significance of any technical instrument, however variable, will be highly specific to its particular context of use. By context, I do not mean to localize the analysis, but to refer it to the more salient factors impacting the actors and processes with which the instrument is engaged. This can extend beyond borders, as with the fact that Salvadoran politics and economics are inextricably bound up with the realities and experiences of migrants and émigrés working in the U.S (Coutin 2007).

_Network effects, coordination interoperability and path-dependency._ This is the “everybody is doing it, so I should do it too” effect. Network effects are those effects that follow from a set of activities being coordinated in a network, in particular the demands placed on a new network partner in order to interface. The use of certain technical instruments may require minimal conditions for separate instruments to be deemed compatible. This may be as simple as requiring certain formularies, or as complex as a specific accounting methodology. Insofar as a governance network can exclude participation based upon seemingly a-political technical requirements, a
path-dependency concerning subsequent reforms can be built into a political environment by way of existing network effects. These effects can be strong or weak, but are usually not in themselves determinative (Hess 2007).

As technical instruments have their effects, the relations between co-existing legal and normative orders is reconfigured in ways specific to a locale and participating professional networks. Boaventura de Sousa Santos’ notion of interlegality, or the field of co-constitutive legal orders and differentially applied notions of legitimacy, presents an optic through which to see how people’s legal subjectivity and range of legal options are similarly reconfigured (Santos 2002). A distributed and locally variable scaling of legal and normative orders is itself a central component of the decentralization of governance and the production of liberal citizenship. Governance discourse, and increasingly Salvadoran participants in contemporary liberal politics themselves, foreground this distributed and decentralized characterization of the state. Democratic governance programs, among their other functions, are instilling a conception of citizenship that characterizes citizens as constitutive of the state. Rather than an external entity to which they are related by rights and duties, Salvadorans participating in governance promotion programs increasingly see themselves as the state.
The changes in the character of local legal pluralism brought about by democratic governance programs are in many ways designed to have this transformative effect. I do not mean to say that the transformation is necessarily intentional, although professionals involved in the projects often talk about their jobs in terms of “changing political culture.” At the very least, the guiding principles of fostering collaboration among different political and economic positions at the local, municipal and state levels is normally interpreted according to paradigmatic arrangements common to U.S. and European governance structures. Governance professionals help localities make sure that “the right combination” of government officials, trained professionals, business interests, neighborhoods, and significant collective entities are represented. Assistance-providing professionals often measure success by this standard of “political diversity and tolerance.” In contrast, local participants often couch their evaluations in terms of the provision and maintenance of public services.

Revisiting debates about the scope of legal pluralism by way of empirical analysis of the effects of the technical instruments of democratic governance promotion may ultimately prove illuminating. The political concern with recognizing a plurality of normative orders that motivated the development of the concept of legal pluralism may be interestingly re-examined after considering that contemporary governance discourses dominant in development and
democratization programming are themselves oriented towards recognizing and harnessing the legitimacy of these plural and cross-cutting orders.

The mediation effects of the metric practices described above are well captured by the notion of network power. David Grewal’s 2008 book *Network Power* develops a conceptual model of the power exercised by standards that coordinate interactions in a globalizing world. Grewal writes that a “standard defines the particular way in which a group of people is interconnected in a network. It is the shared norm or practice that enables network members to gain access to one another, facilitating their cooperation. A standard must be shared among members of the network to a sufficient degree that they can achieve forms of reciprocity, exchange, or collective effort.” (21) Examples range from languages and currencies, to technical measurements and international treaty obligations.

Standards often have intrinsic functional reasons for their development and early adoption. As more people adopt a standard however, the relative value of the standard shifts toward the connectivity it provides with an ever growing group of adoptees. This expands possibilities for coordination, exchange and collaboration. However, the more dominant a standard, the more alternative standards are marginalized or eliminated. The concept of network power gets at this aspect of the
role of standards in a globalizing world: how freely chosen standards also reduce choice and foreclose alternative possibilities.

Access to, and use of, these standards – whether linguistic, technical or legal – requires forms of expertise for participation. These forms of expertise often lie in the private spheres of technocracy, commerce, and expression. However, these standards and the expertise required to access them rely on public institutions and power. So Grewal ultimately proposes political agendas that directly engage in network power politics in order to advance a normative agenda fomenting diversity and human rights at global and local scales.

3.5 Conclusions and Implications

Ethnographic and professional accounts of democracy promotion programs however, reveal a wide variety of adaptations to the toolkits and standards that circulate among democratization professionals. Additionally, once implemented and adopted in vibrant local contexts, the medium or long-term outcomes may surprise the policy makers and governments that initially promoted and financed their circulation. The recent electoral victory of the former Marxist guerillas in El Salvador
providing one example, or the current configuration of the Iraqi government being another.

That said, how much variation and diversity is sustainable within the dominant liberal democratic model? And how do liberal constitutional configurations segment certain political issues away from the realm of more contested, diverse politics – such as economic or environmental governance.

Greater comparative analysis of the insights of ethnographic research on democracy promotion might thus benefit from attempts to grasp the power of institutions and networks that connect different cases, as much as it is from the important work of highlighting diversity behind the universalist façade of a global democratization industry.
4. Rule of Law & Human Rights: Whether the State

OAS

The president of my country these days is called Colonel Fidel Sanchez Hernandez but General Somoza, the president of Nicaragua is also president of my country. And General Stroessner, the president of Paraguay, is somewhat president of my country too, though not as much as the president of Honduras, General Lopez Arellano, but a bit more than the president of Haiti, Monsieur Duvalier. And the president of the United States is more president of my country than the president of my country, the one who, as I said, these days is called Colonel Fidel Sanchez Hernandez.

(Dalton 2013)

This chapter addresses monitoring procedures in the context of rule of law reforms. Here monitoring activities date back to the documentation of human rights abuses before, during and after the civil war. Monitoring procedures thus become a key forum through which contestations of what constitute human rights and legal facts play out. The chapter discusses a series of cases: the role of the Human Rights Ombudsmen’s Office and human rights NGOs; migrant rights; social struggles over water privatization and mining; debates about gang and crime policy; and the Salvadoran experience of the June 28 coup in neighboring Honduras. The chapter
shows that the more legislated and specified a particular legal rule, the more that monitoring procedures become the terrain for contesting alternative interpretations of the administrative implications of that rule.

‘Rule of law’ reforms have presented a paradox for revolutionaries and human rights activists organizing for a deeper democracy than that offered by elections and market choice. On the one hand, they share radical criticisms of the law’s cooptation by economic elites and its focus on the foundational rights of market actors – property and contract (see Pashukanis 2001 [1924]). On the other hand, having experienced asymmetric use of arbitrary force in the days of the death squads before and during the civil war, they appreciate the shield that rule of law reforms present against arbitrary violence.

FMLN strategy during the peace negotiations focused on achieving rule of law reforms as an insufficient but necessary condition for their planned electoral approach to social reform. With time and effort, activists and FMLN leadership believed that they could work through a democratic system that provided both fair elections and protections against arbitrary violence to achieve their social reform agenda. For the human rights community, the civil and political rights protected by a rule of law agenda would open the path toward securing economic and social rights.
Rule of law and human rights, however, are more than legal principles – they are flexible symbols invoked to by various parties to claim both political and universal legitimacy for their agendas. Throughout the 2000s, much of Latin America was rocked by political struggles over this tension between the constituent power of the popular movements demanding structural reforms and the constituted power of the legal order put in place before, and through which these popular movements were organizing, via reinterpretation of older grants of rights, novel legislation, and increasingly constitutional conventions to re-write the legal and political frameworks (see Negri 1999).

El Salvador’s struggles in the 2000s turned less on formal constitutional debates, and more so on the differing interpretations of the structure of the state itself – over state powers and discretion administered at local, national and global scales.

4.1 From Legal Reform to Law and Development

Development theory has shifted its understanding of law from a conception of an autonomous “legal” sphere that impacts economic prospects to a notion of law
as part of a political culture that involves various different practices that together regulate freedoms and opportunities as well as the means of political representation.

This section reviews recent trends in legal reform in El Salvador. From the 1980s to the present, legal reforms in El Salvador have progressively played greater roles as features of broader governance strengthening initiatives. This is a result of internal national changes following the end of a brutal civil war, as well as changing conceptions of the relationship between legal reform and local development practices among those who market international development expertise. Legal reforms are increasingly coordinated with local governance projects, civil society strengthening initiatives, and citizen participation programs as part of an overall process of decentralizing the means and institutions of governance. With the regional liberalization of trade and investment regimes following the onset of the Central American Free Trade Agreement, time will tell whether the decentralization of governance in El Salvador will result in institutions that are more responsive to their citizenry as they face the challenges of globalization, or less so in the face of the demands of speculative investment markets and fickle trade and production regimes.
While the phrase “rule of law” is ubiquitous in international development and international relations literature, its meanings are variable and often contested.\(^1\) In stricter uses of the term, reference is made to social order that abides by the explicit terms and norms expressed in formal law. Broader uses of the phrase identify relative orders of more or less efficient and fair patterns of expectation and behavior that result from a legal system that is considered legitimate by its subjects and adequate to their social needs. These two poles of description, however, beg each other’s terms. An order that is abided by is operating with a de facto legitimacy. While an order that is considered legitimate demonstrates its legitimacy by its subject’s abiding by its norms. Key to translating between these two poles is the need to adequately address people’s investment in a legal order, their expectations of it and their perceived role within it – in a nutshell, their legal culture.

Whether or not the word “culture” is used, a conception of culture that references the habits, expectations and hopes of members of society increasingly appears to underlie evolving policies linking law and development. In contrast to the “law and development” movement of the 1960s and 1970s, when the “legal” sphere was often treated as a separate institution that interacted with the “economic”

via its efficiencies or inefficiencies for transactions and expectations, “the law” is increasingly being treated as a part of culture along with economic values and practices. Current development initiatives involve legal reforms that are increasingly coordinated with management and citizen participation programs that often go under the rubric of “democratic governance” programs. Together, these programs are changing civic cultures.

Development rhetoric increasingly invokes democracy and development as mutually reinforcing means and ends to each other. Legal reform, as a component of broader governance strengthening initiatives, may be a key link between democracy and development. For political systems to be responsive both to people’s needs and the exigencies of global markets, laws and procedures must be in place to guarantee the accountability of public and private entities. Legal reform can also facilitate citizen participation in policy development and local and regional management by distributing governmental authority to more locally accountable entities. The effectiveness of the changed laws and procedures, however, also

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3 See Amartya Sen’s *Development As Freedom* (1999) for an influential and robust exposition of this position.
depend on the citizenry’s investment and participation in governance, lest state
decentralization become a means for greater corruption and avoidance of
accountability.

El Salvador is a country that is undergoing many governance reforms
intended to strengthen both its economy and democracy. Questions remain about
whether these reforms will succeed in fostering more dynamic and responsive
governance, or only dissipate the power and representativeness of what governance
structures did exist prior to recent trends in governance reform.

An important factor in El Salvador’s experience of legal reform and
governance strengthening has been its transnational relations. These relations refer
to its geopolitical importance for global powers during and after the Cold War and
its economic roles in the globalization of production and labor markets. Much of the
financing and expertise behind current reforms are provided by multilateral and
bilateral aid missions. While European and Japanese aid programs are prominent,
and the Inter-American Development Bank and World Bank provide the greatest
amount of funding, the U.S. Agency for International Development (USAID) plays a leading role in guiding the direction of these reforms in El Salvador.\textsuperscript{4}

### 4.2 Legal Reform in the 1980s and 1990s

At the beginning of the civil war in the 1980s, El Salvador’s legal system retained many features that had been in place since the 19\textsuperscript{th} century, a Spanish derived system of civil codes and investigative procedures entrusted to a judiciary that was itself appointed by the legislature. The legal system was quite unresponsive to the common citizenry. It was sustained throughout most of the twentieth century in part due to the strongly undemocratic character of Salvadoran politics of the time, providing no institutional pressure for change. Systematic efforts at reforming the legal system arose in the midst of the civil war, as a result of both internal attempts to mitigate the abuses of power of certain arms of the government (e.g. the military) and economic elite, as well as pressure from the

\textsuperscript{4} Numerous personal communications to this effect by prominent democratization and development professionals when I was in El Salvador in July, 2004, conducting preliminary research for this dissertation project.
United States (the government’s main backer) to respond to accusations of rampant human rights violations.\textsuperscript{5}

From 1984-1993, USAID implemented the Administration of Justice (AOJ) Project (sometimes referred to as Judicial Reform I). In contrast to early “law and development” programs that focused primarily on legal education, this program provided technical assistance for the restructuring of core institutions in the legal system. The El Salvador AOJ project involved forming a separate Commission to Investigate Criminal Acts, a commission for legislative reform, a special unit for judicial security, and improving judicial administration and training.\textsuperscript{6} These reforms were intended to grant the judiciary greater autonomy and ability to enforce the minimal protections granted Salvadoran citizens from arbitrary detention and commonly associated rights violations. These programs failed, in part due to the U.S.’s backing of the program and the common perception (on both sides in the war) that the U.S. was a party to the conflict, with its considerable support of the


\textsuperscript{6} Ibid., pp. 57-58.
Salvadoran military’s counter-insurgency operations that were associated with most documented cases of atrocities and violations of human rights.  

Although the FMLN pushed for greater judicial reforms during the peace negotiations, the Peace Accords of 1992 did include some reforms that granted the judiciary somewhat greater autonomy (e.g. 2/3 legislative majority for election of justices to the Supreme Court; increased budget; and additional training). Following the 1992 Peace Accords, the United Nations Observer Mission in El Salvador (ONUSAL) assisted somewhat with the implementation of these measures by providing guidelines and handbooks for the judiciary and police. In 1992, the U.S. and the Salvadoran government agreed on the implementation of the USAID backed Judicial Reform II (JRII) Project (1992-1997), providing technical assistance, incorporating legal professionals and civil society groups in political processes intended to remove legal and political barriers to the improvement of procedural

Margaret Popkin cites a USAID report identifying the effects of U.S. military support as the cause of the program’s failure, and not deficiencies in the program’s plan. “The report noted that U.S. financial support for an army that failed to comply with the principles of the rule of law meant that AID-sponsored efforts were necessarily perceived by Salvadorans (on all sides) as an instrument of counterinsurgency. As a result, any discrete institutional modifications AID might be able to achieve would encounter great resistance and the risk of their possible neutralization through strategies designed to undermine the real application of the new norms.” Ibid., p. 70.
guarantees and equality before the law, and expanding institutional capacities for reform.\textsuperscript{8}

Judicial Reform II was somewhat more successful than its predecessor program. This is likely due to several factors that were mutually supportive. First, the country’s civil war had ended and a period of national reconstruction had set in. For the sake of a peaceful future, people’s ideas and attitudes were changing, making the reforming of institutions less disruptive. Political opposition groups, many affiliated with the FMLN, were now participating in the political process, and bringing much pressure for institutional change to bear upon government organs.

U.S. efforts to facilitate legal reform were also of broader scope and more systematic. The inclusion of civil society, through the activities of NGOs, was an important part in building Salvadoran ownership over these reforms and involving a diverse array of political visions to participate in the reform process. Many of the most active development and democratization NGOs in El Salvador evolved from participatory development and community organizing initiatives among the FMLN throughout the war.\textsuperscript{9}

\textsuperscript{8} Ibid., 101, 198-199.

\textsuperscript{9} It is not uncommon to find that prominent directors, or project coordinators, among various Salvadoran development NGOs were “comandantes” in the insurgency
In the 1990s, development programming for institutional reform and civil society strengthening came to be theorized, modeled and implemented under the rubric of “Democratic Governance” programs. These programs fostered both judicial reforms of the sort mentioned above and broader legal reforms that would empower greater sectors of society to play more prominent roles in national, regional and local governance. These programs were coordinated with projects that strengthened citizen participation and civil society activities at the grass-roots level. This integrated character of the Democratic Governance paradigm, whether explicitly intended or not, set out to change political (and thus legal) culture.

4.3 Human Rights Cultures & Professions

The Human Rights Ombudsman’s Office created after the war initially played an intermediary role in providing justice during post-war demobilization. It served as an anchor for registering a wide variety of human rights violations before, during the war. Many express a sense of continuity between their “struggles for justice” as fighters during the war and as development workers in the post-war period. (From personal communications during my field research in El Salvador in July, 2004).
during and after the war. Still seen as an institution not fully captured by party politics among centrist Salvadorans today, the Ombudsman himself intervenes to mediate public political disputes and reminds TV viewers during these dramas of the importance of maintaining commitments to preserving human rights and avoiding violence. On the local level, the satellite offices of the organization have helped promote and institutionalize a human rights consciousness among everyday citizens that increasingly reaches into economic and social policy.

I met Alex in at the Santa Tecla Human Rights Ombudsman’s office in March 2009, while I was organizing an election observation delegation’s role in the city. He was head of the local Human Rights Ombudsman’s Office, and running in and out of the understaffed and seemingly overwhelmed office. He was welcoming of the monitoring delegation and invited me to visit throughout my stay to learn about the office’s work. I expected the office to be consumed with war-era searches for the disappeared, or current investigations into mysterious disappearances amidst the violence and fear of local gangs.

Instead, I found the office almost entirely preoccupied with what international human rights activists categorize as economic and social rights. For comparison with US institutions, the office and its staff seemed to be part social worker support, part public defender and legal aid services, part community
organizing training institute, and part policy watchdog. The office’s mandate was broad and required local mediation roles and witnessing and documenting key local events around elections. It also served as an entry point to navigating the legal system for the poor who could not pay for private attorneys. The ethos in that office combined attention to personal cases with the desire to help those they served develop skills to better work with neighbors and develop systems to address their concerns on their own.

One case that preoccupied the Alex for 3 months, during which I visited every other week or so to chat, was the case of a woman cheated out of her home by a man who misrepresented a contract’s terms to her. Alex’s support for this woman engaged the formalities of the legal system, but his appeals to officials were couched in substantive ideas of justice, repeatedly invoking “human rights” beyond legalistic terms to stand for the broad principle that inequalities in literacy, income, understanding of the law should not be taken advantage of in cases such as these. While the letter of the law might be seen to uphold the contract, in Alex’s words, the law that “respects human rights cannot.” This deployment of human rights discourse was more than an invocation of economic and social rights principles and language. It also complemented a role for the state that the Human Rights Ombudsman’s Office embodied as mediator between the power exerted via the increasing economic inequality in Salvadoran society.
An expanding scope for human rights discourse in economic affairs emerged in discussions and interviews with human rights attorneys at the University of Central America’s Institute for Human Rights (IDHUCA, Institute de Derechos Humanos en la Universidad Centroamericana), the leading human rights center tolerated by the regime during the war (generally allowed to operate, with the infamous exception of a Salvadoran army unit’s systematic execution of the Jesuits who ran the Institute and their household staff in 1989). With Salvadoran migration playing such a significant role in society, the Institute initiated a Migration Program that focused on human rights issues in migration.

At one meeting there in 2006, three Institute staff engaged in an open discussion about their frustrations in dealing with the international human rights community. For years, they had struggled to convince allies in the major US and European human rights organizations to address migration. By the early 2000s, these allies were beginning to address migration, in part as a response to the growth of immigrant rights movements in both the US and Europe. However, there was a disconnect between the global human rights NGO and the local approach that turned out to be more than philosophical.

The staff were critical of the limitations of ‘northern’ attention to civil and political rights of migrants – their “negative theory of rights.” They explained that
the US and European human rights lawyers seemed locked into a “negative theory” of rights, referring to a notion of human rights that emphasizes human autonomy and being “left alone.” This was in contrast to the “positive theory of human rights” anchored in a fundamental commitment to the dignified life of all.

They continued, saying that whether or not American and European lawyers started off or grew up with this negative conception of rights (and the IDHUCA staff disagreed on this point), their professional training as lawyers and the limited kinds of work they could do as human rights lawyers focused on litigation and administrative law seemed to cultivate such a view. The contrasted their understanding of the lives of their northern counterparts with the wide variety of work that they engage in as human rights lawyers in El Salvador, ranging from administrative filings and litigation to community trainings and organizing, the counseling of victims and victim families, the political organizing of social movements. They then added another point, saying that the liberation theology foundation of the human rights movement in their country played a major role in determining a “positive theory attitude” among activists, even secular lawyers. They explained how the priests who “taught” peasants, college students, union activists, and guerillas about human rights did so via the Catholic idea of “God’s grace.” Everyone has God’s grace, his unconditional love, and thus God desires all to live
and promote dignified lives for everyone. “Everyone has human rights because of that grace.” That requires, they explained, a commitment to dignity for all.

During the violence of the war, such differences in understanding of human rights seemed marginal. When confronting torture, executions, disappearances, the northern and Salvadoran human rights alliance could combine these different notions of human rights with little tension. Torture violates individual autonomy, AND conflicts with grace-derived dignity for the person tortured. Little need for theoretical synchronization to be on the same page with respect to what was to be done in fighting for human rights.

Migration, the group then explained, was highlighting the tensions between their views. The northern lawyers wanted to focus on the violence that was typical of migration experiences, especially for women. They also focused on the vulnerability to violence and exploitation for undocumented immigrants in the US. The Salvadorans saw that work as important. However, they saw migration as a human rights issue demanding scrutiny and action around the recently implemented CAFTA treaty, and other trade and investment rules that they argued disposed the poor of El Salvador toward embarking upon the dangerous path of migration. Their failure to convince the major US and European human rights organizations to fully commit to advocacy on international trade policy indicated to them a divergence
sharper than a difference in tactical priorities – they saw it as two sometime compatible, other times conflicted, worlds of human rights law and practice.

4.4 Decentralization & Legal Culture

The last decade of democratic governance programs in El Salvador included initiatives that were similar to programs being implemented elsewhere in Central America, through increasingly coordinated efforts supported by USAID, European and Japanese bilateral aid agencies, the Inter-American Development Bank, and the World Bank (among other smaller supporters). From 1997 to 2004, USAID implemented numerous activities organized under the program title “Democratic Consolidation and Governance.” While continuing to sponsor judicial strengthening programs developed under Judicial Reform II, USAID extended its operations to the technical support of local governments granted increased autonomy and local authority through a series of legislative reforms decentralizing governmental power in El Salvador (reforms, themselves supported by USAID). Citizen participation programs organizing communities to participate in participatory development

planning, forming community development committees with diverse stakeholder representation, and fostering mechanisms of public accountability (e.g. public budget hearings) are transforming political culture in some municipalities. People are experiencing forms of political expression and organization that were institutionally discouraged prior to these programs. Political advocacy on public issues by NGOs are also supported under a civil society strengthening component of the governance program.\textsuperscript{11}

The mutually compatible character of these various governance reforms applies insights confirmed in recent empirical studies about the importance of incentives for citizens to use the law and to demand institutions for its enforcement and development.\textsuperscript{12} “The close fit between supply and demand for formal legal rules appears to be a crucial condition for improving the overall effectiveness of legal institutions, which over time will foster economic development.”\textsuperscript{13}

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\textsuperscript{11} USAID, Data Sheet for El Salvador, Program Title “Democratic Consolidation and Governance” (2004).
\textsuperscript{13} Ibid, 15.
\end{flushright}
The broad scope of democratic governance reforms directly addresses the key variable of legal culture. As was dramatically learned by many international legal reformers and investors following the collapse of the Iron Curtain, changing laws, institutional structures and even bureaucratic practices does not necessarily mean that reforms will have their desired effect. There are particular legal cultures that exist as a result of peoples’ past experiences with institutions. In contexts where the law’s effects are only rarely consistent with its rhetoric, it should not come as a surprise that popular attitudes towards the law see it primarily as an obstacle or tool, rather than a set of rules and procedures in which to be invested for one’s benefit and the benefit of one’s society.\textsuperscript{14} Citizen participation initiatives, when coupled with public accountability procedures, help change that legal culture.

In 2003, USAID published a *Regional Strategy for Central America and Mexico FY 2003-2008*. USAID is now planning its activities in Central America at a regional level, opening a regional office in 2003 at the U.S. Embassy in San Salvador, El Salvador.\textsuperscript{15} The governance programs mentioned above will continue in some forms under USAID’s “Ruling Justly” program (2005-2008). The emphasis of the next few


\textsuperscript{15} With CAFTA on the horizon, such a regional approach should come as no surprise.
years of governance reform, however, will be on improving accountability and transparency in public management, developing alternative dispute resolution institutions and practices, and promoting the devolution of responsibilities and resources to local authorities. The focus of both judicial and management reforms will be on anti-corruption objectives and initiatives.

The emerging emphasis on anti-corruption initiatives deepens and consolidates the legitimating effects of local governance projects. Increased civic participation requires a practical responsiveness to that civic involvement at all levels of governance if it is to be sustained by the citizenry. Key to this process is a truly independent judicial system that may, along with party and electoral politics, assure that public accountability is consequential. There are two types of consequences here that are central: 1) legal and political consequences that follow the exposure of activities that are illegal or recognized abuses of power; and 2) the consequential improvement of public governance. If properly brought about, each consequence ought to strengthen the other.

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16 USAID, Data Sheet for El Salvador, Program Title: “Ruling Justly” (2004).

17 Thomas Carothers identifies such reforms as the deepest. Unfortunately, they are also the hardest and least likely to be implemented in comparison to reforms that focus on the redrafting of laws or the training of legal officials. “The Rule of Law Revival,” (1998) pp. 3-4.
With the onset of CAFTA, and the regional liberalization of trade and finance, it is possible that these governance measures may end up having the opposite effect, since they also serve to reduce transaction costs and financial risks for transnational business players. If market demands and dynamics result in the popular perception of decreased security and representation, then the governance reforms of the past decade may lay the groundwork for their own demise.18 The ability of national and newly empowered municipal governments to meet their citizen’s needs in this new context will greatly depend on both the extent of flexibility inherent in the emerging decentralized model of national and regional governance and the sensibilities of the emerging political and legal culture of the new El Salvador.

4.5 Water Wars Amidst Decentralization

In the mid 2000s, policy debates about how to improve the management water services in the country erupted into a heated controversy at the crossroads of

18 See the controversial UNDP report on democracy in Latin America, where more than half of Latin American’s surveyed responded that they would prefer an “authoritarian” regime over a democratic one if they could “resolve” their economic problems. United Nations Development Program, Democracy in Latin America: Towards a Citizen’s Democracy (2004).
disputes over water privatization, state decentralization, trade agreement investment rights, the human right to water, and authoritarian use of anti-terror laws to suppress political protest. For many involved on the same side, the understanding and motivations of their involvement turned out to be quite contradictory. But their strategic alliance revealed a commitment to negotiating the compromises of water reform under a different set of policy value priorities.

In my first round of outings with RTI staff in the summer of 2004, one of the citizen participation programs that RTI was administering under a combination of USAID and World Bank contracts focused on pilot programs for the local administration of water services. Some of the participating municipalities were off the service grid of the centralized National Administration for Water and Sewage (ANDA). Others were part of the ANDA network but unsatisfied with the services of ANDA. The farther away from San Salvador you community, and therefore the more difficult and costly to ferry community members to demand repairs and service improvements, the more dissatisfied communities typically were.

The community water management projects were deploying varying models for communities to manage their local water system, typically by creating a municipal water company that would have a governing board that was supposed to be representative of the political and socioeconomic diversity of the community. The
water board would oversee the design of pricing and management policies, and the hiring of staff to administer the systems. Local management and accountability was expected to improve the efficiency of the water systems and make their operation more responsive to community needs and priorities. Surplus revenue provided capital for the next round of infrastructure expansion and improvement. These pilot programs coincided with national water reform negotiations around the gradual decentralization of water services from ANDA’s central authority (or at least those parts of the water system outside of the metropolitan regions where ANDA could operate with greater efficiency and responsiveness).

In 2004, I observed four RTI workshops with local water boards at various stages in the development of their municipal water systems. These workshops focused around technical issues in water system administration and practical aspects of the board’s own operations via meetings, public hearings, and documentation of deliberations and decisions. The boards involved leaders from various political parties. At times, there were tensions that indexed broader community disputes. But generally the attitude among participants was cordial and collaborative. The workshop facilitator, Anita, played an important role here. Respected among most participants for her own competence and respect of their varying views and backgrounds, she ran workshops an engaging, sometime humorous manner (see Ballester 2012).
One evening, after a rural water management workshop, I was riding back to San Salvador with Anita in a pickup truck, bumping along dirt roads on the way to the nearest highway. In 2004, the country was awaiting the US ratification of the CAFTA treaty for its gradual implementation. Aware of the “water war” in Cochabamba, Bolivia, and disputes over water privatization and investor rights in Argentina, I asked Anita if people were concerned about CAFTA opening the door to similar conflicts over water in El Salvador. Anita thought it an interesting question. She was well aware of the water disputes in South America. A former guerilla herself, she kept apace of emerging social movements elsewhere in Latin America.

That summer of 2004, Anita thought that those kind of disputes over privatization would not emerge in El Salvador. “These projects are about community management, community democracy over water.” The municipal water companies were legal vehicles for managing community participation in water management in institutions independent of the local city councils determined by winning-party-take-all local elections. I pointed out that the ‘privatizations’ in South America were merely concession contracts. Could the investment chapter of CAFTA encourage foreign companies to bid to manage local water systems, consolidate services across contracts, and progressively come to manage more of the water systems under
contracts that if revoked opened El Salvador to costly investor-state arbitration – ala Bolivia. “Interesting…” Anita said, “no, not here.”

On July 2, 2007, the conservative President Antonio Saca was scheduled to give an elaborate speech and press conference in the town of Suchitoto, announcing a new water decentralization plan for the country. Hundreds of protestors blocked the road leading into town, a coalition of groups including the ANDA workers’ union, and local community organizations, all opposed to “water privatization.” Riot police stormed the blockade, firing tear gas and rubber bullets. They arrested 14 protestors. Government authorities then charged the detained under a 2006 anti-terrorism law modeled on the US Patriot Act. The protestors were held for weeks without access to counsel, and they faced up to 60 years in prison under the government’s interpretation of their protest as falling within the anti-terror law’s notion of a threat to national security.

The day of the protests, the central government claimed that the protestors had attacked the police before the tear gas and shots were fired. Videos posted on Youtube and then circulated via multiple media soon showed otherwise. The videos were shot by Suchitoto teenagers that had been involved in a video-documentary project run by Dutch college students. With cameras and skills at their fingertips, the students brought a global eye to bear on police not used to the public attention. By
the end of the day, the video was posted and circulated. The government lost the
ability to frame the event to the right-leaning national media because the teenager’s
videos spoke volumes more. The police crackdown and subsequent application of
the anti-terror law drew international criticism, including a letter that held
Salvadoran media attention by 40 members of the US Congress urging charges be
dropped. In February 2008, the anti-terrorism charges were dropped and the case
was moved from the newly created Special Terrorism Court to the local Justice of the
Peace, where the remaining charges were dropped.

I arrived in late July 2007 for a short research trip and was immediately
immersed in the national drama surrounding the water
privatization/decentralization policy and the detainment of the protestors under the
anti-terror law. I knew that the largest concentration of RTI administered water
programs were in municipalities around Suchitoto, including Suchitoto’s own
system. In reviews of the various pilot programs, those of the Suchitoto region were
praised by RTI and USAID staff as the most successful in broad-based community
involvement and effective and efficient management. I was surprised to learn that
the major community organizations in the region that had been involved in the
protest made up a core back-bone of the anti-water-privatization movement.
I traveled to Suchitoto for several days of interviews with community organization leaders and local activists and government officials in the FMLN dominated region. Many of the local community organizations dated their founding to the war, often created in refugee camps in Honduras and then repurposed as they managed the return of peasant communities in the midst of the war to rebuild their homes and communities in the shadow of ongoing conflict. They were key coordinators of post-war demobilization and reconstruction. And in the RTI programs, they were central participants in both local governance programs and those piloting local water management. Were they opposed to decentralization of water services after all?

“No, no, no.” “We’re for real decentralization, not fake decentralization,” said Paco, the director of a prominent organization. “We learned how to manage our own systems. And when we do that well, we invest in our own community, in our own system.” He explained further, “the President’s plan is a false decentralization. He decentralizes responsibility, and work to the communities. But he centralizes the savings and control.” Paco was referring to Saca’s proposal for a national water reform that would regulate the various community water systems, sending some of the net revenues to ANDA to provide service support for the decentralized systems. Many activists feared that the law was a pretext for privatization. They claimed that the central government’s standard setting would provide the basis for eventual
removal of community control and concession out to a large transnational water manage firm of the sort that had attracted controversy elsewhere in Latin America. CAFTA heightened this concern by granting foreign investor privileges that would make ratcheting back steps toward privatization especially difficult once taken.

The proposed water decentralization law, the protests, the crackdown and detention all gathered momentum for a national movement claiming “water as a human right.” This new frame brought together a variety of smaller interests and movements: ANDA public workers union; communities with effective local water management; critics of CAFTA and privatization policies; and the broader human rights movement in the country that was already very present in debates about economic policy and public service provision.

Saca’s proposed water reform languished in the legislature and was not considered by the following President Funes.

4.6 Mining & Investment Law

While the water decentralization debate called attention to the way that CAFTA’s provisions could complicate societal deliberations about the structure of
the Salvadoran state inward, controversy over gold mining policy highlighted how Salvadoran state authority has also been fragmented and delegated outward.

In the mid-2000s, the Canadian mining company, Pacific Rim, was making preparations to develop a large gold mining operation in the department of Cabanas under the name of El Dorado. They had an exploration license and were preparing for the grant of an exploitation license. However, despite cooperation by the Saca administration and heavy investment in securing local support for the promised development impact, a movement emerged to halt the mine.

The National Roundtable Against Metallic Mining emerged as an alliance of regional community organizations concerned about the health risks and social and environmental disruptions, with national groups opposed to extractive development projects such as mining. As the 2009 Presidential election polls continued to show an advantage for the FMLN, the Saca government ultimately decided to deny a mining exploitation license to Pacific Rim. The Roundtable had mobilized marches and events, as well as a sophisticated policy advocacy campaign with environmental health studies raising concerns about the health impact. The debates about the mining operation also aggravated community disputes, as some members saw opportunities for development and profit where others feared risks and exploitation.
The Saca administration, however, was fearful of costing the ARENA presidential candidate public support via an unpopular permit for Pacific Rim.

Joaquin, was an leader among national environmental groups. Focused on urban environmental risks over the years, he had lost touch with his mountain community roots. However, the planned El Dorado mine drew him back into relationships with communities that he had not been closely connected to since the war. His role in the Roundtable was primarily that of broadening the coalition to include movements and NGOs close to the FMLN party apparatus and leadership – and therefore close to the legislative levers of power the party held in 2008. When the Saca administration announced the denial of an exploitation license, he was ecstatic. Recalling the day he learned about the decision, “I was not quite sure we would be able to do that. Saca did not have to listen to us. But by convincing more people, and having the [Presidential] polls close, he had to.” For Joaquin and his colleagues, the Salvadoran democracy they were struggling to define had offered the marginal communities from the mountains the opportunity to weigh in and stop the mine.

“Then came ICSID, the World Bank.” Joaquin was referring to an investor-state arbitration claim that Pacific Rim filed against the government of El Salvador under the investment chapter of CAFTA. The International Center for the Settlement
of Investment Disputes, or ICSID, is a facility that is part of the World Bank Group. It offers administrative support and procedural rules for investor claims against states under bilateral investment treaties, or the investment chapter of larger trade agreements. The entire investor-state arbitration system is increasingly drawing criticism for conflicts of interest in its operation, its relative lack of transparency compared to other proceedings involving states, and its growing use by corporations to challenge national regulations that affect profitability of their status quo business models. Pacific Rim’s claim against El Salvador, still proceeding through the ICSID system as of this writing, is roughly $315 million, under the rules permitting claims for anticipated profits.

“How much of a democracy can we have if our own government’s decisions get reviewed by some fancy lawyers in Washington?” contemplated Joaquin, over a cool beer at the café he runs that is now a hub for traveling activists and artists passing through El Salvador.

While the Salvadoran government spends what will likely total millions of dollars in its defense, the Roundtable organizes within global anti-mining networks and circles critical of the investor-state arbitration system. A key ally is the Center for International Environmental Law (CIEL) in Washington DC, where lawyers specialized in investor-state disputes work with grassroots movements in countries
defending these disputes to draft amicus briefs and present views and evidence from civil society. The CIEL attorneys worked with Roundtable leadership to draft and submit a amicus briefs in the case in March and May 2011.

The case continues to work through the ICSID system. In 2010, another mining company, Commerce Group had begun an investor-state arbitration case against El Salvador for revocation of a mining permit due to demonstrated pollution and health impacts resulting from a metallic mining pit. But in 2013, ICSID dropped the case due to Commerce Group’s failure to pay fees to continue the case. In August, 2013, an Italian energy company filed an ICSID claim against El Salvador over a dispute concerning a geo-energy plant structured under a partnership set up by an ARENA government in 2002 with demonstrated corruption and conflicts of interest. The proliferation of investor-state arbitration cases mean more for governments than simply paying for and conducting their defenses – under the possibility of losing and paying large sums in damages. Increasingly, regulatory lobbying and policy debates are occurring in the shadow of such suits, with the implicit and sometimes explicit threat that after a government reaches a regulatory decision, the company could always call it into question via an investor-state arbitration claim.
4.7 In the Shadows of Violence

The largest shadow that hovers above Salvadoran politics and policymaking is the shadow of violence. Memories of the war are still raw, without any significant judicial accounting for the mass of atrocities, and contemporary party politics still oriented around symbols and discourses from the era of war. The gang violence that emerged in the late 1990s, in part as a result of US deportation policies for the children of the civil war that fled the violence of the 1980s, has dominated many people’s lives (see Zilberg 2011). The poor neighborhoods experience the most violence. The less-poor neighborhoods and emerging middle class move in fear in public spaces after dark (Moodie 2010). Meanwhile, a US funded militarized approach to Central American gangs under the rubric of the Merida Initiative, heightened violence throughout the 2000s.

When the FMLN came to power in June 2009, there was a wave of enthusiasm for structural reform that challenged entrenched imbalances of power. But on June 28, 2009, events in neighboring Honduras cast a dampening shadow on that enthusiasm. The progressive reformer President Manuel Zelaya was deposed in a coup. While engaged in a national debate about the legitimacy of various approaches to modify the constitution so as to enable social reform, the economic elites across both of the major parties supported his kidnapping and deposing. The
coverage of these events in El Salvador by a right-leaning media was halting, just
weeks after the inauguration of the first FMLN President. News pundits openly
cautions the new president against “reaching too far too soon,” exhorts him to
“learn from the crisis next door.”

Meanwhile, the violence among the gangs, principally the MS-13 and 18th
Street gangs, provoked an initial militarization of public security. In a move that
would have been claimed to have violated the peace accords had the ARENA
government made it, the FMLN brought soldiers to the streets to support police
efforts. Unbeknownst to many, however, the government had initiated a secret
negotiation process involving leadership from the Catholic Church, Homies Unidos
(an NGO of led by former gang members seeking pacification and economic
alternatives, and the leadership of both gangs in Salvadoran prisons. These
negotiations treated the gang violence as conflict resolution professionals would full
blown civil wars. In March 2012, the two gangs announced a limited truce that
immediately cut the country’s murder rate in half. In time, the truce was extended to
more communities. The government attempted to invest in jobs for former gang
members. At times, the murder rate has spiked sparking fears of a breakdown in the
truce. At the moment of writing, March 2014, most experts fear the two-year old
trace has completed fallen apart. “The reduction of violence in gang controlled areas

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can only be temporary, until the government and economy provide serious alternative paths,” said Alejandro, an organizer with Homies Unidos.

4.8 Conclusions and Implications

The foregoing presentation discussed the transition in legal reform efforts in El Salvador from limited judiciary support initiatives to integrated transformations of legal and political structures and cultures under the rubric of Democratic Governance programming. The latter reform efforts were successful in part due to the mutually reinforcing compatibility of legislative reforms decentralizing power on the one hand, and judicial independence and local governance programs that heightened the autonomous exercise of authority among the newly empowered separate nodes of governance on the other. Additionally, the post-war participation of segments of society (marginalized before the war and excluded as rebels during the war) in the political process produced a political dynamism and demand for change at both the levels of institutions and political culture.

The struggles over the definition and application of human rights exemplify the transformations of law and governing institutions when participation is opened up to both broader swaths of society, and to the changing demands of the formerly
excluded upon experiencing organization and policy victories. Future research should attempt to distinguish between directly intended benefits of legal reforms articulated as part of broader governance initiatives, and positive effects that result from adversarial political processes working through these reforms. One of the benefits of such integrated approaches to governance and legal reform is the multiplicity of variables that can play critical roles in democratizing representational and regulatory systems. This benefit also poses a problem insofar as it remains difficult to identify what features of the reforms are actually working and which ones are saved from utter failure by other aspects of the governance program. The concept of culture, whether it is explicit in the assumptions guiding governance programming or not, helps direct the attention of policy makers and development professionals to the central role of people’s investment in and ownership of the institutions and norms that structure systems of governance. The concept of culture can also, however, serve as an analytic black-box in this role, deflecting our attention away from the details of the highly political processes where by people invest in and legitimate governance structures. For future reforms to be able to adequately adapt to the rapid and deep social and economic transformations likely to follow the regional liberalization of trade and investment, a better understanding of the distinct processes at work in El Salvador’s new governance regime will be crucial.
5. Transparency & Accountability in Health

This chapter focuses on accountability and transparency reform initiatives, particularly those emphasizing the strengthening of civil society organizations. While calls for transparent institutions invoke notions of openness and disclosure, specific transparency programs require certain procedures and expertise for access to desired knowledge. These technical requisites distinguish a range of transparency mechanisms that are invoked in unison for rhetorical effect, but which demand different patterns of practice and understanding to be deployed and valued. The case of research, activism and government regulation concerning access to medicines in El Salvador shows how several transparency mechanisms inform the emergence of cultures of accountability – where subjects are expected to be held accountable, and where they are expected to expect as much. The chapter focuses on the different ways in which research and monitoring practices are used by health movements, drug companies and government agencies in contesting intellectual property regimes, trade agreements and pharmaceutical oligopolies. By focusing on ways in which these procedures are designed and used, the chapter discusses how transparency programs provide new forums for intervening in the knowledge politics of governance.
5.1 Global & Local Accountability Networks

Programs designed to promote transparency and accountability in governance often blend with what are called “civil society strengthening” initiatives. These programs focus on building the organizational capacity of non-state actors to assess and advocate for policies, including policies governing the disclosure and use of information. Disclosure without organizations capable of accessing and making use of the information does little to hold actors accountable and inform improvements in governance.

However, USAID funded efforts to strengthen civil society in El Salvador occurred alongside crisscrossing global alliances, exchanges and relationship building across a variety of sectors. This chapter’s focus on health policy reform in the 2000s illustrates how global movement building and policy debates can affect the organizational and advocacy capacity of national NGOs. In fact, national level pharmaceutical policy reform was facilitated by the resources and momentum gained from the global movement addressing intellectual property and access to medicines, a movement that is itself bound up with the diplomatic impact of electoral shifts to the left throughout the hemisphere, that themselves have little to do with intellectual property.
It is a story of how non-intellectual property regional politics lead to political changes that promote global intellectual property reform movements that then support local non-intellectual property policy change. In the domain of health policy in El Salvador, this global context is important for understanding the particular policy changes that came about with the FMLN electoral victory in 2009.

This chapter draws from ethnographic research and legal advocacy experience on intellectual property and access to medicines in international negotiations and a healthcare reform movement in El Salvador. The analysis shows how domestic political shifts toward the left in Latin America enabled realignment in international diplomacy concerning intellectual property, and how that realignment then supported the development of access to knowledge movements within Latin American states – focusing on the case of access to medicines in El Salvador. Understanding this process requires more than an analysis of interests, but an exploration of the role of political subjectivity and imagination. For the international and domestic movements described entail the construction of novel frames for grappling with the politics of the global knowledge economy and the development of alternative discourses, institutions and political strategies to those of neoliberal orthodoxy.
5.2 The Role of Capacity Building for Movements

In the early 2000s, a USAID contractor, Creative Associates, was administering a civil society strengthening program in El Salvador. The program provided training in policy analysis and advocacy for NGOs that were playing a more prominent role in assessing and proposing policies. Among the NGOs receiving training and support was APROCSAL, a community-health worker organization with roots in the FMLN’s wartime health system that refit itself after the war to play a health policy watchdog role.

APROCSAL was active in building alliances across the health sector to advance public health priorities and oppose efforts at privatization of the health system that had gathered momentum under the ARENA governments of the late 1990s, with significant World Bank support. Roberto was a lawyer with APROCSAL who participated in the policy research and advocacy trainings. He recounts the workshops offered by facilitators the USAID contractor brought in as emphasizing the “WOLA model.” The Washington Office on Latin America was and is an active policy advocacy organization in Washington DC focused on US Latin America policy. During the war, it was active in lobbying for human rights accountability
among recipients of US support and in organizing opposition to the US role in the war.

“The WOLA model,” Roberto explained, “combined research on the policies with research on other parties involved. This helped you develop a strategy for promoting a policy that could get support from the parties you needed to make the policy happen.” A decade after the end of the war, and a USAID democratization program was using a case study of WOLA to promote an active civil society in El Salvador.

APROCSAL applied this WOLA approach under another USAID civil society project to bring various stakeholders in the health sector together to develop a proposal for the country’s first comprehensive medicine regulation law. The existing patchwork of laws and governmental regulation did little to assure quality control and even less to control prices. APROCSAL led this effort via its role at the helm of a coalition of public health advocacy groups by the acronym APSAL. Roberto was coordinating this effort with financial support of a USAID grant when a “problem” emerged.

APROCSAL and the APSAL coalition had been leading a national coalition in opposition to the privatization of the country’s health system. The most dramatic acts being the White Marches of 2002 when tens of thousands marched together with
striking health sector workers to oppose government efforts at privatization.

Leading those marches and speaking for the coalition opposing privatization was the same leadership involved in the effort to broker a proposed medicine law.

APROCSAL was approached by representatives from the US Embassy about “easing off of their public involvement with the White Marches, so they could focus on the medicine reform.” But Roberto and his colleagues at APROCSAL were confident that they could handle both, saying as much in response. The reply was an insistence that they select one effort to focus on, that the funding demanded that focus. The next day Roberto arranged for the transfer of remaining funds for the project back to USAID. APROCSAL continued to lead both efforts.

In 2003, the final White March culminated in political negotiations that ended steps toward health system privatization. That same year, the APSAL led working group presented a draft medicines law to the legislature. For the next six years, the draft law would sit there with little momentum.

5.3 Global Movements & Shifting Contexts

Electoral shifts toward leftist political parties and policies in Latin America in the 2000s mainly tracked national and regional politics. However, these political
realignments had significant impacts in diplomatic negotiations concerning global economic governance. One area in which the new Latin American lefts have had an impact is in the global governance of intellectual property (IP) concerning trade, health, education, the environment and indigenous knowledge. Diplomats, social movement advocates, and commercial lobbyists from a variety of Latin American states have led coalitions of states, movements and companies in contesting the dominant intellectual property maximizing regime enshrined in the World Trade Organization (WTO) and bilateral Free Trade Agreements (FTAs). They have resisted an IP maximalist agenda while developing and proposing alternative regimes governing access to knowledge that promote more open and collaborative approaches to the circulation of knowledge that are in greater tune with international human rights.

Latin American governments and movements that primarily orient themselves around domestic or regional issues, are exercising leadership in a global coalition of states and non-state actors contesting the hegemonic regime governing access to and use of knowledge enshrined in the WTO’s 1994 Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and expanded in numerous bilateral trade treaties via TRIPS-plus terms. An important corollary to these legal institutions is the ideological work done by development agencies in helping states adjust to and comply with the standards set by these legal instruments. The
“technical assistance” provided by agencies, consultancies and many NGOs help entrench what Christopher May has called “epistemic lock-in”; it globalizes and makes normative assumptions, and the content and methods of analysis, that together make an arbitrary policy produced by naked power politics seem both pragmatically sensible and to many moral.

The movements behind this coalition are often discussed as the access to medicines and access to knowledge movements. This process of contestation is notable beyond the opposition to the enforcement of rules written and preferred by the titans of corporate capitalism; it involves the elaboration and proposal of alternative treaties and regimes for managing access to knowledge and technology. It also involves the repoliticization and pluralization of knowledge practices under-girding the legal rules and commitments of international law and governance.

While researching intellectual property issues related to El Salvador’s compliance with CAFTA, I became involved with several diplomatic efforts to promote an alternative agenda in global intellectual property law. One was the advancement of the Development Agenda at the World Intellectual Property Organization (WIPO), the UN governance and coordination body for global intellectual property law and diplomacy. A coalition of countries led by Brazil and Argentina referred to themselves in negotiations as the Friends of Development
Group – the bloc included most Latin American countries and groupings from Africa led by South Africa and Asia led by India. This rhetorical deployment of development discourse in negotiations produced the effect of implying that those negotiating blocs in opposition to their proposals were therefore not “friends of development.”

The Friends of Development Group were contesting the strong intellectual property regimes codified in WTO and bilateral trade treaties. I was surprised to find that a key focus of their reform agenda was M&E promoted by WIPO. They wanted to amass data in order to contest the strong IP policy positions and make rigorous cases for the superiority of more open access and open source innovation models. The M&E programs and policies became central terrain for contesting the knowledge politics of the strong IP agenda. They sought reforms that would monitor the economic impacts of how IP can dampen innovation, by barring innovators from the building blocks of knowledge they might otherwise use. They also sought to broaden the range of outcomes and activities that might be considered of value in developing policy. For example, incorporating non-biomedical health treatments and technologies in assessments of healthcare resources available to societies.
The political leadership of this access to knowledge movement on the part of Latin American diplomats has affected global economic governance negotiations. Additionally, it has helped galvanize a discourse, network of alliances and institutional reforms for open access to knowledge that serve as alternatives to the logic of neoliberal economic governance focused on the “enclosure of the knowledge commons” and the commodification of knowledge-practices. This global movement has served as a reference and source of support for domestic social movements advocating for open access policies within Latin American states. These domestic movements provide concrete policy alternatives to the neoliberal formula of rule by commodification. These alternatives then support the mobilization of political movements organizing for alternatives to neoliberal regimes by providing concrete proposals and sites of struggle through which to imagine other worlds of possibility outside the well-entrenched neoliberal norm.

This diplomatic front illustrates how political possibilities opened and mobilized by domestic and regional politics can turn back toward global political economy via the ways in which new state leadership attempts to change global governance regimes. These initiatives not only advance domestic concerns, but can change the terms of global governance constraining the entire global south – and in so doing develop novel ways of organizing difference and coordination at transnational scales.
5.4 Building Research & Advocacy Capacity

In the mid-2000s, the momentum of the global access to medicines and access to knowledge movements inspired connections with local health policy NGOs in El Salvador. The leadership of APROCSAL mentioned earlier would become the coordinators for the Salvadoran branch of Health Action International, one of the key grassroots networks in the global access to medicines movement. Debates about CAFTA began to emphasize potential health system impacts via treaty provisions expected to strengthen patent monopolies behind high medicine prices.

The average price of medicines in El Salvador had for years been higher than in neighboring countries. The cost was a limitation on the ability of the health system to finance expanded services. The mid-2000s fusion of attention to CAFTA and policies affecting access to medicines spurred an initial study by the Observatory for Health Policy at the University of El Salvador, directed by Eduardo Espinoza, former architect of the FMLN’s health systems during the war. The study provided a baseline for future research to examine the impact of CAFTA. Similar efforts were discussed throughout Central America. Doctors Without Borders’ office in Guatemala was drawing public attention to the impact of CAFTA provisions on access to medicines (Godoy 2013).
Global attention to access to medicines issues made the theme a priority for some major foundations, most notably the Open Society Foundations, Rockefeller Foundation, MacArthur Foundation and Ford Foundation. The Ford Foundation funded several projects in the late 2000s in Central America that raised the policy profile of intellectual property and access to knowledge and medicines. One of these projects was a regional collaborative study of the various Central American pharmaceutical markets and the role of intellectual property and national regulation in price and availability. The coordinators were a pair of American academics from the University of Washington that wanted to use the collaboration to catalyze a regional network for both policy research and advocacy on these issues. They selected health policy research teams as partners in each country. In El Salvador, it Espinoza’s team at the Observatory for Health Policy.

Via a series of workshops from 2007 to 2009, the project gathered team members to design a shared research methodology that would inform a regional analysis and be a useful tool for national level policy reform. These workshops included participation by leading figures in the global access to medicines movement from organizations such as MSF and Knowledge Ecology International. The research involved price surveys and analysis of various health system documentation. It also involved a significant qualitative research component,
interviewing participants from various stakeholder organizations and mapping out their relative influence in policymaking.

While resources and institutional support for the Central American Ford Foundation were mobilized by interest in the anticipated impact of intellectual property provisions of CAFTA, the research team analyses began identifying national level barriers to effective generic competition that brings down the cost of medicines. That effect was strongest in El Salvador.

In El Salvador, an oligopoly of national pharmaceutical manufacturers and importers with distribution deals with the global pharmaceutical firms controlled the market. Part of the oligopoly was the result of corrupt use of state institutions. Under ARENA governments, procurement staff at the Ministry of Health and the Social Security Health System were expected to order medicines from only four distributors, three owned by the family of the former ARENA President Christiani, and one owned by the cousin of President Saca. Procurement staff knew better than to look beyond these four distributors, lest they lose their jobs. During the political transition, an additional layer of corruption was revealed when warehouses of expired medicines were discovered, leading to revelations that under the ARENA administrations, medicine deliveries from the distributors sometimes included significant amounts near expiration, which would then be warehoused or destroyed.
and replacement medicines procured from the same distributors, at additional public expense.

Under these oligopolistic conditions, off patent medicine prices remained high. There was not much room for patent monopolies to be the cause of high medicine prices. If anything, patents reduced the oligopoly rents that the national distributors earned. But the oligopoly allowed high prices to remain when drugs went off patent with the majority of the rents going to the distributors.

The Observatory’s research revealed another barrier to generic competition: lack of an effective quality control system. In order for generic competitors to drive down costs, consumers and their physicians must trust in the efficacy and safety of generic medicines. Of the Central American countries, El Salvador had the most ineffective quality control system.

The global access to medicines movement’s emphasis on competitive generic markets to yield marginal cost pricing depended ultimate on state policy to make those markets possible. First, it involved not using state procurement in discriminatory ways to prop up preferred firms. Second, it involved competition policies that reduced various private sector strategies for maintaining oligopolies, such as kickbacks and gifts to pharmacists and physicians for steering patients toward certain drugs. Third, and most importantly, it required a robust quality
control regime that would give patients and physicians confidence in the
substitutability of any generics that are authorized for the market. The initial
proposal for developing that system was the APSAL organized proposal of 2003.

Here, the global movement galvanized around the impact of intellectual
property on the price and accessibility of medicines provided the organizational
support to build the research and advocacy capacity of El Salvador’s health policy
watchdogs. In examining how best to bring down the cost of medicines, the
Observatory came back to a version of APSAL’s earlier proposal to build state
capacity to monitor and assure the quality of medicines. Here, APSAL’s motivating
concerns over the safety and efficacy of various medicines circulating in the market
overlapped with the economic policy priorities of the Observatory to bring down
cost. Both required a strong state institution to exercise that quality control role.

In Chapter 2, the reader was introduced to Juana, the mother of 15-year old
Luis who was disappeared in 1981. Over the years of traveling to El Salvador, Juana
and I became good friends.

While I was working with the Observatory and Ministry of Health on
developing a strategy for pharmaceutical reform, I learned that Juana had been
admitted to the hospital. She had metastasized cancer and her health would
deteriorate quickly. I was able to say good-bye at the hospital bed just hours before she died. The hospital was chaotic, understaffed, under-funded. A large part of the budget: medicines.

5.5 Assembling Accountable Institutions for Health

After the FMLN victory in the Presidential elections of 2009, Espinoza was appointed Vice Minister of Health Policy and most of his team at the Observatory moved with him to the Ministry of Health. His first priority was action on a new medicine law. I had the opportunity to work with his team on the research, analysis and strategy behind the law, sitting with the Vice Minister when we presented it to the legislature.

In February 2012, the Medicines Law was approved by the legislature, and that March signed into law by President Funes. It went into full effect in April 2013. The law created a National Medicine Directorate with full responsibility for the approval and testing of novel and generic medicines, with significant inspection and testing authority for post-approval quality control. The law requires physician prescriptions. Prescriptions must include the generic name of the medicine. The law limits prices with formulas based on the International Reference Price and average
prices in Central America. The law bans gifts or payments to physicians for preferential prescription and pharmacy sales practices. Since implementation, medicine prices have decreased an average of 35%, and some prices have gone down as much as 69%.

The new regulatory system monitoring medicines depends on the active involvement of both state and non-state entities. The active auditing and surprise inspections by the National Medicine Directorate aims to hold drug companies, distributors and pharmacies accountable to the standards set by the law. The system, however, also depends on the active monitoring and feedback by watchdog groups such as APROCSAL.

This approach by the new Ministry of Health to see a crucial role for outside watchdog and advocacy functions extends beyond the new medicine law. The ministry implemented a national health system reform that expanded the availability of services around the country. With Espinoza and his colleague’s experience during the war of using community organizing approaches for participatory health system management, they have attempted to build into the new health reform crisscrossing watchdog functions. In addition to the standard toolkit of audits and self-reporting for system accountability, they have tried to strengthen the capacity of community organizations and patient groups to hold their health service centers accountable.
This vision of transparency and accountability moves beyond the audit culture toward a more agonistic participatory democracy (see Connolly 2005).

5.6 From Exposé to Intervention: Transparency as Practice

While calls for transparent institutions invoke notions of openness and disclosure, specific transparency programs require certain procedures and expertise for access to desired knowledge. These technical requisites distinguish a range of transparency mechanisms that can be invoked in unison for rhetorical effect, but which demand different patterns of practice and understanding to be deployed and valued. These transparency mechanisms inform the emergence of cultures of accountability – where subjects are expected to be held to account, and where they are expected to expect as much. By focusing on ways in which these procedures are designed and used, the paper discusses how transparency programs provide new forums for intervening in the knowledge politics of governance institutions.

This chapter captures activist perspectives on transparency practices in ways that challenge a rethinking of the theory guiding social scientific and humanistic research on the roles and effects of transparency practices. Note my repeated invocation of transparency practice. The main thrust of this chapter is to argue that
transparency reforms in the public and private sectors are more about active practices of engagement with the knowledge politics of institutions, than they are passive displays of information. Essentially, shifting from tropes of revelation and exposé to tropes of intervention.

Governance studies, management studies and even the anthropology of institutions have tended to retain ocular, optic, visual metaphors and analytics for describing hosts of governance programs and reforms designated under the rubric of “transparency.” Critical reflection on the operations and effects of transparency programs then mirrors critiques and observations common to mass media studies – representational dissonances, the disciplining of populations, subject formation, the corralling of political imagination, the sociality of spectacle.

Yes. As recent ethnographies of development and other transnational institutions show, a lot of the design and implementation of transparency programs involves the formulaic recapitulation of forms – as technical conditions for other objectives, or as fetishized ends in and of themselves (see PoLAR ‘Transparency’ special issue, 2012; Heatherington 2011; Hull 2012). But to halt analysis here is to miss a crucial part of the story in the transparency business: that varied groups seek these programs with purposes and background experiences in mind.
Admittedly, some might read this as a normatively tinged account of transparency – in a word, contestation of knowledge politics is good, therefore the more procedures provide for that, the more transparent. But not all contestation of knowledge politics is good at all times for everyone.

What I’m getting at is the development of *analytical* definitions that allow analysts to move away from a transparency discourse analytics -- whereby anything invoking transparency *discourse* equally counts as transparency and we study the varied deployments of practices under that discourse. This not only seems counterintuitive from an actor perspective. It also hinders social analysis that might be sensitive to the roles, effects and meanings of transparency practices that motivate the investments that people and groups make in engaging with transparency activities. This panel’s framing description asks us to consider an analytic shift beyond transparency as an end, to transparency as a means – a beginning or cross-roads for different agendas – asking us to examine the hidden work that transparency tropes and programs *do*. The following examples suggest that what we’re talking about are norms and strategies for the contestation of knowledge politics governing institutions – in other words, politics of expertise.

Of the variety of procedures and disclosures that fall under the rubric of transparency, a common feature is the requirement of particular forms of expertise
in order to access and make sense of information. Such expertise need not be highly technical. It can be as simple as familiarity with basic common knowledge particular to a specific community – such as the value and opportunities of a village market to its participants. Often, for relevant information to be practically meaningful -- meaningful with respect to particular agendas or spheres of action – contextual understanding is required for both purported representational fidelity and for an assessment of the terrain of knowledge politics at play. Representational fidelity deals with the sufficient context for the information to tell you something about the reality purportedly represented. And the assessment of knowledge politics addresses the strategic savvy with which available information says something about the agendas, interests, frameworks, and ethics governing institutional decisions. These requisites of expertise, technical and contextual, distinguish a range of transparency mechanisms that can be invoked in unison for rhetorical effect, but which demand different patterns of practice and understanding to be deployed and valued.

Transparency mechanisms – via the ways they call forth and inculcate these technical and contextual practices of expertise – promote the emergence of cultures of accountability, where subjects are expected to be held to account, and where they are expected to expect as much. But noting the variety of specific practices of expertise, and the hosts of broader sociopolitical processes in which they are
interlinked, we should expect wide variability in the features and dynamics of cultures of accountability associated with transparency practices.

5.7 Conclusion & Implications

This chapter highlights several key findings concerning democratization programs aimed at strengthening transparency and accountability in governance. First, information made available via disclosure laws or even public databases are limited in the value if there are not individuals and organizations with the expertise to access, interpret and make use of that information. Second, successful strategies for developing research and advocacy methods may not be fully replicable, but sharing best practices can help organizations develop and apply strategic skills that can make all the difference in proposing or challenging policies.

Third, the capacity-building opportunities and resources for organizations involved in civil society strengthening programs often go beyond those identified and provided by a funder’s specific program. APROCSAL’s involvement in the USAID funded research and advocacy training program did not preclude involvement in other programs or political agendas, although pressure was exerted to attempt to influence their involvement in the White Marches. The story behind the
research and policy strategies that laid the groundwork for the 2012 Medicines Law includes a prominent role for the Ford Foundation funded advocacy network project. However, that project itself was enabled by the convergence of various policy and activist priorities: CAFTA, intellectual property and access to medicines. The implications for policymakers and activist within or outside the scope of formal civil society capacity building programs are that the possibilities and opportunities for resources and allies can often fall outside of the moment’s programmatic focus.

These examples presented in this chapter thus show how transparency programs provide new forums for intervening in the knowledge politics of governance institutions. In fact, to the extent that transparency reforms are understood as openings for interventions, we see such knowledge politics tending to result from the active promotion of such procedures. They are advocated for. Glimpsing the perspectives of actors who engage these transparency reforms invites consideration of their strategic character, over and above that of mere disclosure.
6. CONCLUSION: EXPERTISE & DEMOCRACY

The ethnography in the prior chapters provides a qualitative look at how legal and technological governance practices emerge together and depend on each other for their reliability and efficacy, as they rework social relations, historical legacies and desired futures in contemporary El Salvador.

We have seen how the idea of ‘democracy’ is one of the most wielded, contested and ambiguous in the contemporary global lexicon, and one with particular power in post-conflict societies such as El Salvador. It stands to represent what is popularly imagined as the most fundamental feature of modernist political life: that legitimate rule derives from the expressed consent of those ruled. Democratic practices are implemented through great varieties of institutions, procedures and mechanisms. But while elections of representatives, public accountability through ostensibly neutral legal systems, workers councils, mass protest, consensus building, and a plethora of other practices are touted by some as democratic expressions of popular will, they are condemned by others as utterly undemocratic shams and farces that serve to legitimate interests not explicitly represented in such deliberative processes.

Democratic practices incorporate subjects into the body politic in ways that privilege the life of the political community despite the continuation of agonistic
politicking that serve particular interests over others. Invocations of ‘democracy’ are often deployed in opposition to what in comparison might be considered ‘undemocratic’.

As such, democratic claims move towards ostensibly broader inclusion in political processes by excluding alternative political forms as unsuitable to the expression of voice and the realization of collective self-determination. These democratic claims also operate with a moral urgency similar to the normalizing operations of biopower described by Foucault. In fact, democratic practices and claims are thoroughly biopolitical in the ways in which the life of the moral and just political community is put at stake.

How do democratic hopes for political say and collective self-determination bind subjects to political projects that go well beyond their situated, immediate

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1 The qualifier “in comparison” is crucial. In order for any critical examination of democracy to keep from recapitulating fetishizations of democracy through inverse critique, it is important to keep in mind the situated, practical dimensions of the ways in which people invoke the term, even when highly fetishizing it. That there are limits, paradoxes, and even hypocrisies in any democratic practice via obvious or subtle hegemonies over thought or action is a condition (or “reality” as it’s often put) that few theorists, officials or citizens of any purportedly democratic community would contest. The central democratic question is thus a relative one, concerning means for community members to express their voice and collective self-determination through certain procedures and habits versus others that are available or possible. ‘Democracy’ as a social condition is thus better thought of as an adjective qualifying the comparison of practices as ‘more’ or ‘less’ democratic than each other. Despite the rhetorical fetishization of democracy as a noun – thing in itself – the general deployment of the concept appears to be this adjectival, qualifying sense.
interests? As a set of dogmas central to the secular theologies of late modernity, how are democratic realities produced through democratic hopes and how are subjects articulated between technologies of mediation and governance, on the one hand, and magical incantations of democratic possibility and achievement on the other? I suggest that to name as “paradoxical” the tensions between rule and governance on one hand, and participation and consent on the other, is to avoid the apprehension of deeper, more complex processes of subject making and coordination that these tensions index.

This dissertation’s focus on the politics of expertise surrounding metrics shows how contemporary democratic practices and expectations produce lives that count – in the multiple senses of lives that are of import, lives that are enumerated and measured, and lives that do enumerating and measuring. Rather than focus solely on the democratization projects that inspired the research questions, the dissertation explores a wide variety of instances where the politics of expertise surrounding democratic reforms are contested. These practices – common to most invocations of democracy – are themselves often mediated by techniques and

\[\text{This project is not a critique of democracy and the democratic hopes imbued in the deployment and meaning of the concept. Rather, it is a step towards a broader}\]

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instruments that enroll disparate effects and affects such that the fiction of a common political reality can be named and invested with the hopes and efforts of democratic subjects who can simultaneously recognize their differences while admitting to a shared political process, if not identification.

The politics of expertise surrounding democratization metrics in El Salvador illustrate how patterns of democratic practice emerge through actors and institutions that are themselves assemblages of diverse interests and forms of knowledge. The implications of the dissertation’s findings therefore call for a reassessment of democracy itself, from theoretical preoccupations with representativeness and popular control, toward a more functional analysis of how democratic institutions manage the co-existence of multiple modes of knowledge. In short, recasting democratic theory as politics of expertise.

critical examination of democratic practices that might help expand democratic imagination by problematizing analytically untenable distinctions between privileged forms of governance and marginalized or effectively erased modes of social organization. As a committed devotee to the democratic ethos myself, I envision the exercise as parallel to the investigations of devout theologians who critically examine the terms and implications of their faith without commitment to an apologist project, rather with the aim of helping better live up to the ideals of their faith.
6.1 Research Findings: Democracy as Politics of Expertise

Early research among professionals and communities involved in democratization programs revealed that the practices and ideas involved in the design, use and evaluation of monitoring standards were embedded in larger social processes of democratization that were central to the meaning and power of these specific tools of democratization. The project then shifted toward a broader study of the contestation of democratization standards. Whether M&E metrics or guidelines for policy advocacy, these standards are couplings of law and technology. They demand explanations and theory that account for the ways in which they are embedded within and harness the power of traditionally studied legal and technological phenomena: courts, laws, an artifact’s function, or the know-how required to use it. They also challenge typical understandings of law and technology. The monitoring standards discussed in this research often combine features of both law and technology and yet also resist reductive analysis that would focus on one dimension of the standard without attention to the other.

The research focused on the social life of monitoring standards, such as monitoring and evaluation procedures, in the implementation of democratic governance reforms in El Salvador. Although governments, NGOs, and foreign aid agencies routinely use monitoring technologies to assess institution reform, little
attention is typically paid to the effects of monitoring technologies themselves on the social process of democratic governance.

The research objectives were to examine the making, use, and meaning of monitoring technologies for diverse participants in democratic governance, in order to understand how these technologies affect local political culture and facilitate the globalization of specific forms of governance. The legacy of democratization in El Salvador is particularly important because the country often serves as the poster-child for post-conflict democratization and as a laboratory for decentralization policies with global reach. The research, in the words of one informant, “sheds light on the practices of those institutions that sing the song of transparency but are often among the least transparent.”

So what did I learn about the role of metrics in democratization? How do the accounts in earlier chapters help answer the questions that launched this study? Let us turn to each of the three main questions in turn.

*How have local political cultures and different social sectors’ expectations of politics and democracy changed with decentralization and governance reform?*

Political culture has changed in drastic ways since the end of El Salvador’s civil war. These shifts have accompanied decentralization and governance reforms,
but it is difficult to attribute causality to these reforms when so many other changes have been afoot as well. The mere fact that you can publicly disagree with the government and not fear being kidnapped or shot is a big change from pre-1992 El Salvador.

Political freedom, however, is clearly classed. The middle classes and political elites of all parties have access to the participatory structures and processes described in this ethnography. If poor communities happen to be situated at points of concern for the political elites (NGOs, politicians, formal sector companies) then they can translate that concern into forms of participation, as evidenced by the rural hamlets that became the beacon for the national anti-mining movement, or the poor patients with medicines priced out of reach. However, many Salvadorans lack access to this democracy.

Many live in poor neighborhoods ignored by elites, often governed by one of the competing gang networks present in much of the informal economy: Mara Salvatrucha (MS13) or Mara 18 (18th Street Gang). The violence in these neighborhoods, even under the 2 year truce, far exceeds the national averages. Temporary reductions in homicide rates following partial implementation of the truce did not eliminate extortion or various kinds of protection “taxes” that afflict poor workers and entrepreneurs trying to get by.
Paco was in his 60s, a security guard in a neighborhood in San Salvador where I lived by the national university. He was “lucky to have a job” he often said. It was a job where he was expected to put his life on the line to protect middle class members of the neighborhood. He worked 24 hour shifts every other day, rarely ever having a vacation. His salary averaged out to around $2/hour. Paco explained that he used to have a small convenience store in his town. He “wasn’t great at business,” he said, but he could support his family. Then in the early 2000s gangs started requiring “taxes” that made it impossible for him to keep the shop afloat. He “paid for a bit, but couldn’t do it.” When he stopped paying, his shop was burned down. “I was lucky to lose only the shop,” he said, holding his hand like a pistol. “That was when I came looking for this job.”

How do local political actors respond to the initial provision of training for new governance procedures, and how might they adapt procedures to local contexts?

Regardless of party affiliation, officials and activists across El Salvador are typically eager to engage in democratic governance training. Sometimes, among the most cynical, it’s a good opportunity for a nice lunch. For others, it offers various kinds of status and social connections. The ubiquity of democracy programs has made discourses of citizen participation, rule of law and transparency crucial to any political program. The content of these programs, however, can vary greatly.
Some municipalities emphasize and adopt a business mentality borrowed from the private sector to the way they talk about and implement reforms, as was the case with El Carmen. Others draw from the mass mobilization of social movements, as in the Suchitoto region where war-time resettlement laid the foundations of the dominant community development organizations today. And the urban experience of calibrating the varied but interdependent needs of labor and business lead to yet another approach grounded in deliberative debate in Santa Tecla.

*How are monitoring standards used by political actors in governance reform, and how do law and technology frame the perception and deliberation of options?*

The flexibility of the monitoring standards are crucial. They allow actors to be part of broader reform agendas and yet craft the local reforms to the realities on the ground. Or, rather, open the realities to crafting by multiple stakeholders in very uneven imbalances of power.

The ethnography shows how law and technology are both central to the power of these monitoring standards. They are tools for accomplishing tasks. They are also normative symbols, indicating a commitment to a purportedly universal project of democratization. That normative dimension opens doors that otherwise may be shut.
In this way, these standards operate as technologies of repair – packages of technologies, norms, and expertise circulating to help repair and reconstruct societies deemed in need. They operate as sociotechnical systems that couple the capabilities and limitations of both the materials and professional cultures that constitute them. Because technologies of repair often rely on normative claims to mobilize the human motivation, financial support, and legal access rights that give them institutional power and mobility, relationships between political norms and sociotechnical systems come into greater relief. Because sociotechnical systems are internally norm governed, and have their operational contexts determined by external normativities, the mobility and power of technologies of repair requires deeper understanding of the ecology of political norms and sociotechnical systems.

Via collaboration Lindsey Smith and Sarah Wagner, we developed the concept of technologies of repair in order to describe toolkits of norms, knowledge and technology that circulate through institutional networks to manage post-conflict societies. The rubric of technologies of repair brings methods from science and technology studies into the anthropology of institution reform, elucidating the globalization of models of governance via the coupling of technologies and social norms.
The framework highlights the intertwinement of sociotechnical systems and political norms, and addresses how this intertwinement relates to the construction and power of particular cultures of expertise. Analysis examines the dialectics between (1) how technologies of repair are internally norm governed and (2) how their capabilities within contexts are influenced by norms. These norms mobilize motivation for participation and legitimacy, financial support, and legal access rights – helping explain the particular power and mobility of the technologies and techniques considered.

6.2 Mediation & Hope

As discussed above, further comparative research is required to empirically inform an anthropological theory of the spread of democratic governance models. However, the research presented in this dissertation points toward the kinds of insights scholars are likely to glean from in-depth study of other cases. I summarize the emergent themes in three suggestive theses:

(1) Participation in practices that involve some sort of accounting of the social realities of community members, whether as an active participant or accepting recipient of reports or polls, produces lives that count in two crucial senses. This
accounting actively includes participants in the central political community whose collective agency is given primacy, as it also defines the hierarchies of lives that will matter under the political order.

(2) Participation in practices of counting or representation often involve some media or instrumentation that are critical means of translating interests among disparate agents. The political influence and power of such practices may be proportional to the flexibility and sustainable ambiguity of the instruments or media through which alliances are mediated or coordinated.

(3) There appears to be an integral relationship between the technical operation of instruments in democratic practices and hope. For those seeking a different future, their hopes may animate the social significance of democratic technics and practices. For those satisfied with the status quo, a similar hope for stasis may animate their involvement. All the same, a relationship involving hope and temporality appears to be a central part of the work that democratic instruments and practices do in producing a sense of collective representation and decision in the outcomes of the processes in which they are invoked.

These theses are not only applicable to the democracy industry that preoccupies my research. In various ways, they apply to many dominant forms of thought, practice and social organization that continually serve as both hegemonic
orders and means for the reinvention of social life. The task of examining these forms without repeating the tautologies by which they justify themselves (democratic practice by way of democratic principles, and vice versa) is a daunting one. It is here that ethnography has much to offer contemporary political theory. For the work of understanding and acting without recourse to first principles that restate the conclusions that originally animated one’s inquiry is the work of living and acting in the world of interwoven identifications, agendas, and hopes. Adding the tools of ‘situated listening’ to the theorist or strategist’s tool box, that is a contribution emerging ethnographies of democracy, technoscience, secular theology are well suited to make.

The night of March 15, 2009, Mauricio Funes of the FMLN was elected to the Presidency of El Salvador. I had been working since 4am that morning with an election observer delegation in Santa Tecla. At 11pm, I almost fell out of the van that dropped me off at my house, where I found Paco, the neighborhood security guard, in tears. I asked how he was doing, suspecting that as a former conscript in the army that he likely had rightwing traditionalist politics.

“We did it!” he exclaimed, beaming now through the tears. “They said we couldn’t do it but we did it. Now we have a chance to change this country, really
He echoed the mantras of “hope” and “change” that animated the FMLN campaign in ways similar to the Obama campaign had far north.

Five years later, on some fronts, much has changed. The health system has undergone a radical reform expanding access. The education system has expanded. Thousands of poor squatters received land title. For most of a 2-year gang truce, the national homicide rate was cut in half. And yet for many in the country, and many still moving along the migration paths that circulate 1/3 of its citizenry, it seems as if very little has budged.
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BIography

Jason Marc Cross was born May 11, 1977, in San Francisco, California. He earned a Bachelor of Arts with High Honors in Anthropology, History, Religious Studies & International Studies from the Schreyer Honors College, Pennsylvania State University, May 1999; a Master of Arts in History and Philosophy of Science from the University of Pittsburgh, December 2012; a Master of Arts in Cultural Anthropology from Duke University, May 2007; and a Juris Doctor from Duke Law School, May 2010. Jason was awarded a Fulbright-Hays Dissertation Fellowship, a National Science Foundation Dissertation Improvement Grant, a National Science Foundation Graduate Research Fellowship, a James B. Duke Fellowship, a Duke Endowment Fellowship, a Duke Law School Tuition Award, the Dean’s Award for Excellence in Mentoring from Duke Graduate School, a Foreign Language and Area Studies Academic Year Fellowship, a Foreign Language and Area Studies Summer Fellowship, an International Research Fellowship for Advanced Graduate Students from Duke Graduate School, and a Postdoctoral Fellowship in Science & Technology Policy at the Ford School of Public Policy, University of Michigan.