

PUBLIC ACCOUNTABILITY

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1. The concept of public accountability

Public accountability is the hallmark of modern democratic governance. Democracy remains a paper procedure if those in power can not be held accountable in public for their acts and omissions, for their decisions, their policies, and their expenditures. Public accountability, as an institution, therefore, is the complement of public management.

As a concept, however, ‘public accountability’ is rather elusive. It is an hurrah-word, like ‘learning’, ‘responsibility’, or ‘solidarity’ - nobody can be against it. It is one of those evocative political words that can be used to patch up a rambling argument, to evoke an image of trustworthiness, fidelity, and justice, or to keep critics at a distance.

Historically, the concept of accountability is closely related to accounting. In fact, it literally comes from bookkeeping. According to Dubnick (2002: 7-9), the roots of the contemporary concept can be traced to the reign of William I, in the decades after the 1066 Norman conquest of England. In 1085 William required all the property holders in his realm to render *a count* of what they possessed. These possessions were valuated and listed by royal agents in the so called Domesday Books. This census was not held just for taxing purposes, it established the foundation of the royal governance. The Domesday Books listed what was in the king’s realm; moreover, the king had all the landowners swear oaths of allegiance. In the early twelfth century this evolved into a highly centralized administrative kingship that was ruled through centralized auditing and semi-annual account-giving.

Nowadays, accountability comes in many shapes and sizes. It has moved beyond its bookkeeping origins and has become a symbol for good governance, both in the public and in the private sector. Here we will concentrate on *public* accountability.

What is ‘public’ about public accountability?

The 'publicness' of public accountability relates to at least two different features. First of all, 'public' relates to openness. The account giving is done in public, i.e. it is open or at least accessible to citizens. Therefore, we will only in passing take up the, often more informal, confidential, if not secret, forms of internal accountability. Secondly, 'public' refers to the public sector. We will concentrate on public managers, on officials spending public money, exercising public authority, or managing a corporate body under public law. We will therefore not discuss the public accountabilities of managers of purely private entities in great detail.

In order to get a clearer view of what this public accountability means for the modern public manager, we will distinguish several perspectives for analysing public accountability. First of all we will return to the rhetorical, evocative use of the word. Then we will analyse public accountability from an empirical, sociological perspective, as public accountability also stands for a number of institutional practices in which public managers have to give an account to a series of forums. Thirdly, we will look at accountability from an evaluative perspective, since accountability and blaming are closely connected. Fourthly we move on to a more prescriptive perspective and try to analyse the functions and dysfunctions of various forms of public accountability in general and of various specific instruments in particular.

2. Accountability as an icon

In the centuries that passed since the reign of William I of England, accountability has slowly struggled out of its etymological bondage with accounting. In modern political discourse, 'accountability' and 'accountable' no longer convey a stuffy image of bookkeeping and financial administration, but they hold strong promises of fair and equitable governance. Accountability has become a Good Thing, and, so it seems, we can't have enough of it (Pollit 2003: 89). The concept has become a rhetorical device; it serves as a synonym for many political desiderata. It holds the promise of equity and justice, of learning and improvement, of transparency and democratic oversight, and of integrity and ethical appropriateness.

Melvin Dubnick (2002: 2-3) has made a scan of the legislation that has been proposed to the US Congress in the past years. The word 'accountability' occurs in the title of between 50 and 70 proposed bills in each two-year term. The focus of these 'accountability bills' is extremely broad and ranged in 2001-2002 from the Accountability for Accountants Act, the Accountability for Presidential Gifts Act, and the Arafat Accountability Act, till the Polluter Accountability Act, the Syria Accountability Act, or the United Nations Voting

Accountability Act. The use of the term ‘accountability’ is usually limited to the title of these acts. In most bills the term rarely is mentioned again, let alone defined. It is merely used as a rhetorical tool, to convey an image of good governance and to rally supporters. Dubnick calls this the iconic role of the word ‘accountability’. Accountability has become an icon for good governance.

Anyone reflecting on public accountability cannot disregard these strong evocative overtones. It has made the concept less useful for analytical purposes and turned it into a garbage can filled with good intentions, loosely defined concepts, and vague images of good governance. Nevertheless, it is worth to save the concept from its advocates and friends, as Dubnick (2002) summons us. We then have to move from a rhetorical or discourse analysis to a more descriptive, sociological analysis.

3. Accountability as an institutional arrangement

Accountability as a social relation

‘Public accountability’ is not just another political catchword, it also refers to institutionalised practices of account giving. Accountability refers to a specific set of social relations that can be studied empirically. This raises taxonomical issues: when does a social relation qualify as ‘public accountability’? Which are the elements that have to be present in order to include a social relation in our set of institutionalised practices of account giving?

Accountability is usually defined as a social relationship in which an actor feels an obligation to explain and to justify his conduct to some significant other (Romzek & Dubnick 1998:6; Pollit 2003:89). This relatively simply defined relationship contains a number of variables. The actor, or *accountor*, can be either an individual or an agency. The significant other, which I will call the *accountability forum* or the *accountee*, can be a specific person or agency, but can also be a more virtual entity, such as, in case of devout Christians, God or one’s conscience, or, for public managers, the general public.

Figure 1 about here

The relationship between the actor and the forum, the account giving, usually consists of at least three elements or stages. First of all, the actor must feel obliged to inform the forum about his conduct, by providing various sorts of data about the performance of tasks, about outcomes, or about procedures. Often, particularly in the case of failures or incidents, this also involves the provision of justifications. This then, can prompt the forum to interrogate the actor and to question the adequacy of the information or the legitimacy of the conduct. This is the debating phase. Hence, the close semantic connection between ‘accountability’ and ‘answerability’. Thirdly, the forum usually passes judgement on the conduct of the actor. It may approve of an annual account, denounce a policy, or publicly condemn the behaviour of a manager or an agency.

In passing a negative judgement the forum frequently imposes some sort of sanctions on the accountor. These sanctions can be highly formalized, such as fines, disciplinary measures or even penal sanctions, but often the punishment will only be implicit or informal, such as the very fact of having to give an account in front of television-cameras, or of having your public image or career damaged by the negative publicity that results from the process.

The obligation that is felt by the accountor can also be both formal and informal. Public managers will often be under a formal obligation to give accounts on a regular basis to specific forums, such as their superiors, supervisory agencies, or auditors. In case of unpleasant incidents or administrative deviance, public managers can be forced to appear in court or to testify before parliamentary committees. But the obligation can also be informal, or even self imposed, as in the case of press conferences, informal briefings, or public confessions.

Finally, the conduct that is to be explained and justified can vary enormously, from budgetary scrutiny in case of financial accountability, to administrative fairness in case of legal accountability, or even sexual propriety when it comes to the political accountability of Anglo-American public officials.

This leaves us with a thin and a thick notion of public accountability. To qualify a social relation as a practice of public accountability, an actor should at least feel obliged to publicly explain and justify his conduct to a specific forum. This thin notion contains four elements: 1) public accessibility of the account giving – and not purely internal, discrete informing; 2) explanation and justification of conduct – and not propaganda, or the provision of information or instructions to the general public; 3) the explanation should be directed at a specific forum - and not be given at random; and 4) the actor must feel obliged to come forward – instead of being at liberty to provide any account whatsoever.

The thick notion would then add the full three stages of account giving: not just explaining, but also the possibility of debate, and judgment, including the optional imposition of sanctions by the forum.

The problem of many eyes: who is the accountee?

From a sociological perspective, public managers face multiple accountabilities. They may have to account for various elements of their conduct to a variety of forums. To make things even more complicated, each of these forums may have different expectations, based on different sets of norms, about the propriety of the manager's conduct, and may therefore pass different judgments. Public managers, therefore, face a problem of many eyes: who are they to account to and on the basis of which criteria will they be judged?

In the daily life of modern public managers operating in a democratic system, there are at least five different sorts of forums that they may have to face up to, and therefore also five different types of potential accountability relationships, and five different sets of norms and expectations.¹

Organisational accountability: superiors The first, and most important accountability relation for public managers is organisational. Their superiors, both administrative and political, will regularly, sometimes on a formal basis, such as with annual performance reviews, but more often in daily informal meetings, ask them to account for their assignments. This usually involves a strong hierarchical relationship and the accounting may be based on strict directives and standard operating procedures, but this is not a constitutive element.² Senior policy advisors and project managers, working in a highly professional setting, will often have a considerable amount of autonomy in performing their tasks, and yet may strongly feel the pressures of organisational accountability. Strictly speaking, this is not yet 'public' accountability, because these accountgivings are usually not accessible to the public at large.

Political accountability: elected representatives For managers in the public sector, accountability to political forums, such as elected representatives or political parties, can be very important facts of life. In parliamentary systems with ministerial responsibility and a general civil service, such as Britain and The Netherlands, this political accountability usually is exercised indirectly, through the minister. Increasingly, however, public managers too have to appear before parliamentary committees, for example in the case of parliamentary inquiries. In the American presidential system, senior public managers, heads of agencies for

example, are often directly accountable to Congress. In administrative systems that work with political cabinets and spoils, as for example in the US, France, or Belgium, public managers will also find they have an, informal and discrete, but not to be disregarded, accountability relationship with party bosses. Public managers, especially those with a professional or legal background, often find political accountability difficult to handle, if not threatening, because of the fluid, contingent, and ambiguous character of political agendas.

Legal accountability: courts Public managers can be summoned by courts to account for their own acts, or on behalf of the agency as a whole. Usually this will be a specialised administrative court, but, depending on the legal system and the issue at stake, it can also be a civil or penal court. In most western countries legal accountability is of increasing importance to public managers as a result of the growing formalisation of social relations (Friedman 1985; Behn 2001: 56-58). For European public managers in particular, the directives of the EU are an additional and increasingly important source of legal accountabilities. Legal accountability is the most unambiguous type of accountability as the legal scrutiny will be based on detailed legal standards, prescribed by civil, penal, or administrative statutes or precedent.

Administrative: auditors, inspectors, and controllers Next to courts, a whole series of quasi-legal forums, that exercise independent and external administrative oversight and control, has been established in the past decades - some even speak of an 'audit explosion' (Power 1994). These new administrative forums vary from national or local Ombudsmen and audit offices, to independent supervisory authorities, inspector generals, and chartered accountants. Also, the mandates of several national auditing offices have been broadened to secure not only the probity and legality of public spending, but also its efficiency and effectiveness (Pollitt and Summa 1997). These administrative forums exercise regular financial and administrative control, often on the basis of specific statutes and prescribed norms.³ This type of accountability can be very important for public managers that work in quango's and other executive public agencies.

Professional accountability: professional peers Many public managers are, apart from being general managers, professionals in a more technical sense. They have been trained as engineers, doctors, veterinarians, teachers, or police officers. This may imply accountability relationships with professional associations and disciplinary tribunals. Professional bodies lay

down codes with standards for acceptable practice that are binding for all members. These standards are monitored and enforced by professional bodies of oversight on the basis of peer review. This type of accountability will be particularly relevant for public managers that work in professional organizations, such as hospitals, schools, psychiatric clinics, police departments, or fire brigades.

4. Accountability as a scheme for blaming

Accountability as liability

Public managers may shrug their shoulders at the sociological variety of accountability and the accompanying obligations and relations. For them, they all have one thing in common: being held accountable means being in trouble. To quote Behn (2001:3): ‘They recognize that if someone is holding them accountable, two things can happen: When they do something good, nothing happens. But when they screw up, all hell can break loose. Those whom we want to hold accountable have a clear understanding of what accountability means: Accountability means punishment.’ Politicians and public managers, therefore, can get involved in extensive ‘blame games’, that involve presentational, policy, or agency strategies to minimize or avoid blame in case of failures and to maximize credits for successes (Hood 2002).

In the world of modern public administration, accountability relations are important venues for delivering blame in case things go wrong. Being accountable means being responsible, which, in turn, means having to bear the blame. This too raises important analytical issues, this time of a more normative and substantive nature: Who qualifies as the accountant, who is to be blamed, and on the basis of what criteria?

To start with the latter, accountability, not as a social relationship, but as a state of liability, involves three elements. First of all, to be liable, one has to have contravened some norm by one’s conduct. With legal, administrative, and professional accountability this will often be a formalized norm; with organisational and political accountability, the norm may be more vague and unwritten or can even be established after the fact. Secondly, there usually must be a causal connection between the conduct of the accountant and things that have gone wrong. In most western societies, actors will not be held accountable for outcomes they had neither art nor part in, with the exception of certain strict liabilities and some forms of political accountability (ministers or heads of state may accept full political accountability

without having personally contributed in any way to a sorry state of affairs, for example when making up for mistakes made by their predecessors). Thirdly, the accountor must have had alternative options. Someone who couldn't help getting involved in the causal chain usually is not blamed. In order to be accountable you have to be *compos mentis* and not to have acted under *force majeure*.

The problem of many hands: who is the accountor?⁴

Accountability forums often face similar problems as public managers, but then in reverse. They can be confronted with multiple potential accountors. For outsiders, it is often particularly difficult to unravel who, and in what way, has contributed to the conduct of an agency and who, and to what degree, can be made to account for its actions. 'They often cannot even discover anyone whose contribution to the collective outcome seems significant enough to warrant credit or blame for it' (Thompson 1987: 40). Dennis Thompson has called this the *problem of many hands*: 'Because many different officials contribute in many ways to decisions and policies of government, it is difficult even in principle to identify who is morally responsible for political outcomes' (1980: 905).

The problem of many hands is first of all a practical problem. Large public organisations are surrounded by paper walls. From the outside, it is rarely possible at a glance to determine and to prove who was formally and actually in a position to take or withhold a dubious decision. Policies pass through many hands before they are actually put into effect. Decrees and decisions are often made in committees and cross a number of desks before they (often at different stages and at different levels) are implemented. Individual continuity is often lacking. New members of committees, of administrative bodies, and of departments conform to the traditions, rules, and existing practices (or what they think are the traditions, rules, and existing practices) and sometimes contribute ideas and rules of their own. However, they often leave before those ideas and rules can be put into practice, or before it becomes obvious that they did not work very well. Thus, the conduct of an organisation often is the result of the interplay between fatherless traditions and orphanized decisions.

This makes it also into a moral problem. In some cases there are more actors who satisfy all criteria for accountability; or, and this makes things even more difficult, the various criteria for accountability are spread across various managers or agencies. Who then, should be singled out for blame and punishment?

With large public organisations, there are four possible models of accountability, four strategies for forums to overcome the problem of many hands.

Corporate accountability Many public organisations are corporate bodies with an independent legal status. They can operate as unitary actors and can be held accountable accordingly. Most western countries accept corporate liabilities in civil, administrative, and even criminal law. Public organisations are usually included in these corporate liabilities, with the exception of criminal liability. Most European countries acknowledge penal immunities for all public bodies. Some, such as the UK, France and The Netherlands, accept criminal liabilities for local public bodies, but not for the organs of the state. Only Norway, Denmark, and Ireland accept criminal liability of both central and local government (Roef 2001).

This corporate accountability strategy is often followed by legal and administrative forums. They can in this way circumnavigate the troublesome issues of identification and verification of individual actors. In the event of organisational deviance, they can turn directly to the organisation and hold it to account for the collective outcome, without having to worry too much about which official has met what criteria for accountability. This strategy also assumes that the organisation, just as natural persons, will learn from being held accountable and will adjust its policies accordingly.

The problem with this corporate model of accountability is that the organisation is too often treated as a 'black box', as an entity hewn from a single piece. The personification of the organisation as a corporate actor disguises the fact that a complex organisation does not, unlike most natural persons, have a central core that reacts to incentives, draws lessons from the past, and regulates its conduct. External norms by no means always penetrate through into the organisation; and even if they do so, they tend to lose out to other objectives. Sanctions that are directed against the organisation often come too late, hit the innocent as well as the guilty, will be paid for by the public treasury, or cannot be made effective because of the actual or threatened liquidation of the public organisation (Bovens 1998: 53-73).

Hierarchical accountability This is the official venue for public accountability in most public organisations, and with regard to most types of accountability relationships, with the exception of professional accountability. It is particularly dominant in organisational and political accountability relations, for example in the Westminster system of ministerial responsibility. Underlying hierarchical strategies of accountability is a pyramidal image of complex organisations. Processes of calling to account start at the top. The external accountability for the conduct of the organisation lies, in the first instance, wholly with the minister, the director, or the commander in chief. The process of accounting can in principle

address the conduct of each part of the organisation and all of its policy, implemented or intended. The rank and file mostly do not appear before that external forum but hide behind the broad shoulders of the leaders, who, at least in dealings with the outside world, assume complete responsibility and take all the blame. The lower echelons can in their turn, however, be addressed by the leaders of the organisation regarding questions of internal, organisational accountability. In the case of hierarchical schemes, processes of calling to account thus happen along the strict lines of the 'chain of command' and the middle managers are in turn the persons addressed and internal forum.

Hierarchical schemes are by virtue of their simplicity and clarity highly attractive. Whenever one wants to hold someone to account for the conduct of a public organisation, one knows immediately whom to turn to: the political or organisational top. It is not necessary to penetrate the organisation and to unravel the intricate complex of powers and contributory actions. In practice, the system of ministerial responsibility has serious limitations. The lines to the top are long, much vital information comes too late or is incomplete, and many agencies have formal or informal discretionary powers. Political leaders are by definition outsiders in their own organisation. In Parliament there is a tendency to restrict political accountability to that business of which the minister has had personal knowledge and that he was in a position actually to influence. This is documented for the UK (Turpin 1994: 432), Australia (Mulgan 1997:32), and The Netherlands (Bovens 1998: 88). This means that in political practice, the hierarchical model has only limited power of control and preventive effects.

Collective accountability Public organisations are collectives of individual officials. Theoretically, a forum could therefore also apply a collective model of accountability. This a accountability strategy in which a forum picks any member of the organisation and holds it personally accountable for the conduct of the organisation as a whole, by virtue of the fact that it is a member of the organisation. Collective accountability has one big advantage over the other schemes, it makes quick work of the practical sides of the problem of many hands. In the case of misconduct on the part of an organisation, every member of the organisation can be held accountable.

The major difficulty with collective accountability lies with its moral appropriateness. Collective arrangements of personal accountability are barely reconcilable with legal and moral

practices and intuitions current in modern western democracies. In imputing accountability the behavioural alternatives, and the nature of the behaviour of the individual members of a collective should be taken into account. Applied to public organisations: it makes a substantial difference whether someone, for example in the cause of the Eurostat frauds, is the director of Eurostat who ordered secret accounts to be opened, the head of the financial department who condoned unofficial deposits, or a simple statistician who was simply collecting and processing data. Collective models are mostly not sophisticated enough to do justice to the many differences that are important in the imputation of guilt, shame, and blame. The chief moral objection to collective models is therefore that they are far too overinclusive. It is by no means true that all the members of a complex organisation in some measure meet the various criteria of accountability. Often an individual official, by 'simply doing his work', contravenes no specific norm or is in no way conscious of any such transgression. Many functionaries will by virtue of their activities make no causal contribution, or make only a very indirect causal contribution, to the offending conduct of their agency. And even if one makes such a causal contribution, it will often not be blameworthy. Also, it is highly doubtful whether collective accountability, if applied to public organisations, will give rise to learning processes and structural changes. After all, those who are held accountable are not necessarily the same people who have in their hands the key to changes and the ability to prevent the undesirable actions. Collective accountability will only be appropriate and effective in specific circumstances, for example with small, collegiate public bodies. An example of this is the Dutch Cabinet for which every individual minister is personally politically accountable.

Individual accountability This is the most specific strategy for the attribution of blame. In this strategy an attempt is made to do justice to the circumstances of the case. Each official is held liable in so far as, and according to the extent to which, he has personally contributed to the malperformance of the agency. With this model, junior officials are not spared; the forum does not need to restrict itself to the general managers of the organisation, but can hold to account each official of whom it might be supposed that he was involved in the misconduct. Furthermore, the imputation of responsibility will differ from person to person, whether one is at the top or at the bottom of the organisational hierarchy, one is judged on the basis of one's personal conduct.

This strategy can often be found in parliamentary inquiries and congressional hearings and is also typical for professional accountability, which operates on the basis of a strictly individual responsibility.

This strategy fits best within the Western moral tradition, strongly influenced by Kant, which in the case of punishment and the ascription of guilt takes personal characteristics and behaviour as its point of departure. From a preventive perspective, this model would seem to be more helpful than the others. After all, the degree of imputation is related to the actual influence that an official has exercised or could have exercised. This means that there is a real chance of learning effects and prevention. No one asks the impossible of functionaries; one is, and will continue to be responsible only for those changes in the structure or in the conduct of the complex organisation that lie within one's own powers.

However, the model assumes that individual public managers have sufficient opportunities within their organisation to make up their mind and to act accordingly. The hierarchical relationships within complex organisations, the powerful social pressure to conform to the aims and practices of the organisation, and manifestations of 'groupthink' and 'peer-group pressure' can form real obstacles for individual officials who intend to act in a morally acceptable way. An individual duty to behave heroically is, however, untenable. A certain measure of internal openness, the possibility to voice dissident opinions and the existence of places of refuge within or outside of the organisation are important preconditions for adapting individual schemes of accountability to public organisations. Hence, internal or external venues for exit and voice, such as whistleblowing provisions, are an important complement. If these conditions are not satisfied, then individual accountability quickly leads to a situation in which too much is morally asked of people and in which the 'small organisation man' is held disproportionately heavily to account (compare Bovens 1998: 113-134).

5. The functions and dysfunctions of public accountability

Why do we need public accountabilities?

Public accountability is not just the hallmark of democratic governance, it is also a *sine qua non* for democratic governance. Modern representative democracy can be analysed as a series of principal-agent relations. Citizens, the primary principals in a democracy, transfer their sovereignty to political representatives who, in turn (at least in parliamentary systems) confide their trust in a cabinet. Cabinet ministers delegate or mandate most of their powers to the thousands of civil servants at the ministry, which in its turn, transfers many powers to more or

less independent agencies and public bodies. The agencies and civil servants at the end of the line spend billions of taxpayers money, use their discretionary powers to grant permits and benefits, they execute public policies, impose fines, and lock people up.

The first and foremost function of public accountability therefore is *democratic control*. Each of these principals in the chain of delegation, wants to control the exercise of the transferred powers by holding the agents to account. At the end of the line of accountability relations stand the citizens who judge the performance of the government and can sanction their political representatives by 'voting the rascals out'. Public account giving, therefore, is a necessary condition for the democratic process, because in the end it provides political representatives and voters with the necessary inputs for judging the fairness, effectiveness, and efficiency of governance.

Secondly, public accountability functions to enhance the *integrity* of public governance. The public character of the account giving is a safeguard against corruption, nepotism, abuse of power, and other forms of inappropriate behaviour (Rose-Ackerman 1999). The assumption is that public account giving will deter public managers from secretly misusing their delegated powers and will provide overseers, be they journalists, interest groups, members of Parliament or official controllers, with essential information to trace administrative abuses.

The third function of public accountability is to *improve performance*. Public accountability is meant to foster institutional learning. Accountability is not only about control, it is also about prevention. Norms are (re)produced, internalised, and, where necessary, adjusted through accountability. The manager who is held to account is told about the standards he must hold to and about the fact that in the future he may again (and, in that case, more strictly) be called to account in connection with his conduct. In such cases, outsiders are often addressed as well, particularly those outsiders likely to find themselves in a similar position to that of the person or persons being called to account. Parliamentary inquiries into policy fiascos, for example, cast their shadow ahead, way beyond the particular incident - especially when they are broadcasted on prime time - and may prompt large numbers of public managers in similar positions to adjust their policies and procedures.

Together, these three functions provide a fourth function of public accountability: to maintain or enhance the *legitimacy* of public governance. Governments in western societies face an increasingly critical public. The exercise of public authority is not taken for granted. Public accountability, in the sense of transparency, responsiveness, and answerability,

functions to enhance the public confidence in government and to bridge the gap between citizens and representatives and between governed and government.

Finally, in the incidental case of tragedies, fiascos, and failures, processes of public account giving have an important ritual, purifying function, they can help to provide public *catharsis*. Examples of this are the parliamentary inquiries, official investigations, or public hearings in case of natural disasters, plane crashes, or railroad accidents. Also, the South African ‘truth commissions’, and various war crime tribunals, starting with the Tokyo and Nuremberg trials up to the Yugoslav tribunal, at least partly, are meant to provide this function (Dubnick 2002: 15-16). Public account giving can help to bring a tragic period to an end and can allow people to get things off their chests, to voice their grievances, to give account of themselves and to justify or excuse their conduct. The fact that, in the end, a balance is drawn up makes a new beginning possible. Processes of calling to account create the opportunity for penitence, reparation, and forgiveness and can thus prevent the past remaining a burden on the shoulders of all those involved and on their mutual relations. One can start up one's life again, ‘sadder and wiser’ perhaps, but not full of resentment and bitterness, of a sort that could seriously frustrate every form of cooperation.

Functions	Dysfunctions
Democratic control	Rule-obsession
Integrity	Proceduralism
Improvement	Rigidity
Legitimacy	Rising Expectations
Catharsis	Scapegoating

Table 1: Functions and dysfunctions of public accountability

Excess of accountability:

Public accountability may be a good thing, but we can certainly have too much of it. Each of these functions of public accountability can easily turn into dysfunctions if public accountability is too zealously pursued (see table 1). Too rigorous control will squeeze the entrepreneurship out of public managers and will turn agencies into rule-obsessed bureaucracies. And, as Mark Zegans observed, ‘rule-obsessed organizations turn the timid into cowards and the bold into outlaws.’ (quoted in Behn 2001: 30). Too much emphasis on

integrity and corruption control will lead to a proceduralism that seriously hampers the efficiency and effectiveness of public organisations (Anechiarico & Jacobs 1996).

Too much emphasis on accountability and transparency can lead to suboptimal and inefficient decisions instead of improved performance (Adelberg & Batson 1978; McLaughlin & Riesman 1986; Jackall 1988: 77-82). In situations in which resources are scarce, a large measure of accountability can lead to an inefficient distribution of those resources. Adelberg & Batson, two social psychologists, constructed a situation in which test subjects had to distribute scholarships to impecunious students, while there was not enough money to guarantee a reasonable grant to all those applicants who satisfied the formal requirements. It seemed that those who knew that they would have to account for their decisions after the event, regardless of whether this accounting was to be to the students or to the grant-givers, made much less efficient use of the scarce resources at their disposal than those who did not realise that their actions would be scrutinised. The first group tried to forestall any possible dissatisfaction (and any criticism of their own behaviour) by giving each applicant approximately the same amount. However, that procedure led to a situation in which most students received a grant that was so low that they had no real chance of continuing with their studies. The other group, however, felt itself under less pressure to honour the principle of equality and made a clear choice. They gave the applicants who were most in need of support a grant that was large enough to enable them to continue with their studies; the rest got nothing. Instead of everybody getting too little, some received enough. A small measure of accountability thus led to a more efficient use of the funds. If accountability is pursued too harshly, public managers may thus learn the wrong thing, they learn to avoid risk taking, to pass the buck and to shield themselves against potential mistakes and criticism (Behn 2001:11).

Similarly, there is no absolute commensurate relationship between transparency and legitimacy. Too much emphasis on accountability and openness may lead to rising expectations instead of increased legitimacy. Moreover, transparency does not guarantee a favourable press. Each imperfection, each transgression of rules and regulations, however unimportant they may be, each dispute about a decision, can be ruthlessly exposed as a sign of irrationality or deviance. After every affair and fiasco, but even in routine situations, journalists and researchers can always find procedures and rules that have not been followed by the book. Who wants to find fault with a public agency can always find an opportunity. Increased transparency may thus turn public accountability into a politics of scandal and decrease the legitimacy of governance.

Finally, tribunals and truth commissions may lead to scapegoating instead of forgiving and in lieu of catharsis we may get blaming games in which public managers function as lightning rods for politicians (Ellis 1994; Hood 2002).

6. Shifts in public accountability

From vertical to horizontal accountability

In most western countries, the dominant public accountability relationships traditionally have been vertical in nature. This has been particularly true for countries with a parliamentary system that operates on the basis of the doctrine of ministerial responsibility, such as Belgium, The Netherlands, Germany, and the countries of the former British Commonwealth with their Westminster system, such as the UK, Australia, and New Zealand. Formal public accountability is predominantly exercised through the ministerial responsibility to Parliament. Public managers are not politically accountable, for them organisational accountability prevails, they are accountable only to their direct superiors in the chain of command. Only the apex of the organisational pyramid, the minister, accounts for the organisation in Parliament or in the media. Public accountability thus follows the chain of principal-agent relations (see figure 2).

Figure 2 Vertical accountability about here

Over the past decades, this Weberian, monolithic system of hierarchical organisational and political accountability relations has given way to a much more diversified and pluralistic set of accountability relationships.⁵

First of all, the rise of administrative accountability relations, through the establishment of ombudsmen, auditors and independent inspectors, does not fit within the top-down, principal-agent relationships. Although most of these administrative forums report directly or indirectly to Parliament or to the minister, they often do not stand in a hierarchical relationship to the public managers. Some of them, such as ombudsmen, do not even have formal powers to coerce the public managers into compliance. Most of these administrative accountability relations are a form of *diagonal* accountability, they are meant to foster parliamentary control, but they are not part of the chain of principal-agent relations.⁶

Secondly, accountability forums increasingly adopt an individual model of accountability. They are not satisfied with calling the agency or its minister to account, but also turn to individual officials. This rupture with the Weberian doctrine started in military and penal law in the Nuremberg and Tokyo Trials after the second world war. The excuse of superior orders lost much of its legitimacy, first in the military sphere, but gradually also in the civil service (Bovens 1998: 122,153). Nowadays, individual public managers cannot always hide anymore behind their agency or their superiors and can be held accountable by civil courts or sometimes even by penal courts for their personal contributions to organisational misconduct. Parliamentary committees of inquiry are not satisfied with the official view of the department, but do not hesitate to summon individual civil servants to be questioned in their hearings.

Thirdly, the rise of quasi autonomous or independent agencies has weakened the legitimacy of the Weberian system of political control through the minister (Van Thiel 2000; Pollitt 2001). Although ministers remain answerable to Parliament for the performance of these agencies, they have far fewer powers of oversight and control. This partly explains the rise of administrative accountability relations and causes a pressure for the creation of shortcuts to Parliament. In the case of quangos, the doctrine of ministerial responsibility can be counterproductive. It shields the agencies from parliamentary scrutiny because the minister is structurally uninformed about their daily operations or because the information that is accessible will only become available to Parliament after it has passed through the bottleneck of the ministry. Hence, heads of autonomous agencies are sometimes made directly accountable to Parliament.

Fourthly, there is an urge for more direct accountability relations between agencies on the one hand and citizens and civil society, including the media, on the other hand. The latter should become forums of political accountability, and agencies or individual public managers should feel obliged to account for their performance to the public at large or to civil interest groups, NGO's, or charities. This is horizontal accountability in the true sense, as the complete hierarchical chain, including Parliament, is surpassed and the agency or the manager is directly accountable to the citizenry. So far, this urge has not yet resulted in firmly institutionalised practices of horizontal accountability, but the establishment of citizen charters, focus groups, and citizen panels is a first step in that direction.

Some advocate an even more radical break with hierarchical accountability in favour of '360-degree' accountability in which not only every individual public manager is accountable to everyone with whom he works, but also vice versa: 'each individual who is

part of a public agency's accountability environment would be accountable to all the others.' (Behn 2001: 199-201).

Figure 3 horizontal accountability about here

Privatisation and public accountability

So far we have concentrated on the accountability relations of public managers. However, both the increasing use of private companies in the provision of public services and the privatisation of public organisations, raise questions about the public accountability of private managers (Leazes 1997; Gilmore & Jensen 1998; Mulgan 2000). What does the NPM-driven shift from public to private service delivery mean for the various forms of public accountability which we have discussed here?

Obviously, the most important consequence is a decrease in intensity and scope of political accountability. Private or privatised organisations are not subject to direct political accountability – that is what privatisation usually is about, freeing organisations from the perceived burdens of political control. There is no direct ministerial responsibility to Parliament for the performance of these private bodies and they have far less stringent duties to report to the general public about their performance. For those companies that have issued shares on the stock market, shareholders stand in a somewhat similar accountability relation to the general managers as citizens with regard to politicians. They usually have the right to certain reports and they may even have the right to pose some questions at general meetings. The degree of scrutiny and the level of disclosure, however, is far less than required of politicians and public managers. Freedom of information Acts do not apply, and 'private sector directors or managers do not open themselves to the same degree of media interrogation as politicians must accept, even on matters of clear public interest.' (Mulgan 2000: 94). Another, major difference is that this 'private' form of public accountability is limited to shareholders, there is no general right for citizens to make inquiries into the affairs of private companies, even if they affect their lives.

In a similar way, private managers are usually not subject to the same legal and administrative accountability relations and standards as public managers are. Private sector companies are not subject to the stringent principles of administrative law, Ombudsmen and

audit offices have no jurisdiction, and there are fewer, or less accessible, mechanisms for external complaints and redress (Gilmore & Jensen 1998: 249; Mulgan 2000: 90).

One may speculate whether the trend towards reinventing government will eventually lead to a reinvention of public accountability relations for private bodies delivering public services. Gilmore and Jensen (1998), for example, advocate a protocol for the establishment of appropriate accountability relations in the case of government transfer of authority. And Mulgan (2000: 94-96) sees some signs of convergence between the public and the private sector, resulting in the extension of public accountability concerns into the private sector.

ICT and public accountability

(To be elaborated on the basis of Meijer 2003 and Meijer and Bovens 2003).

7. The predicament of public managers

For public managers public accountability is an important, if not omnipresent, fact of life. Although reporting has always been an important element of the managerial tasks – see the ‘R’ in Gulick and Urwick’s PODSCORB-acronym – it is not exaggeration to say that nowadays much of the daily work of public managers consists of managing processes of account giving.

ICT supported performance indicators and benchmarking systems have only increased the demands of their organisational superiors for frequent management reports and have accelerated the cycle of planning and control. The increasing political role of the media, with their bias for incidents and personal tragedies, has increased the importance, but also the volatility of political accountability. Public managers have to be constantly alert to the media, because the agenda of the media determines in large part the agenda of their political principals. Increasingly too, they may find themselves to be the subject of media attention and political scrutiny.

The litigation and audit explosions necessitate them to be alert to legal and administrative accountabilities. They may be faced with lawsuits and may have to coach staff members who represent their agency in court or consult with lawyers about legal defences and litigation strategies. They have to work their way through rituals of verification, compliance visits, and auditing operations. And the shift to horizontal accountability gives rise to new accountability relations. Panels of citizens and customers are emerging as new forums of

accountability, interest groups demand to be treated as relevant stakeholders, and in the background the danger of negative publicity is always looming. Although some of this accountability management is largely symbolic or ritualistic, most public managers cannot afford to neglect or ignore it. Public accountability may be the complement of public management - it certainly is the predicament of public managers.

References

- Adelberg, Sheldon & C. Daniel Batson (1978). 'Accountability and Helping: When Needs Exceed Resources', *Journal of Personality and Social Psychology*, 36:343-350.
- Aldons, Malcolm (2001). 'Responsible, Representative, and Accountable Government', *Australian Journal of Public Administration*, 60/1: 34-42.
- Anechiarico, Frank & James B. Jacobs (1996). *The pursuit of absolute integrity: How corruption control makes government ineffective*. Chicago: University of Chicago Press.
- Behn, Robert D. (2001). *Rethinking Democratic Accountability*. Washington, D.C.: Brookings Institution Press.
- Bovens, Mark (1998). *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations*. Cambridge: Cambridge University Press.
- Bovens, Mark (2003). *De digitale republiek: Democratie en rechtsstaat in de informatiemaatschappij*. Amsterdam: Amsterdam University Press.
- Day, Patricia & Robert Klein (1987). *Accountabilities: Five Public Services*. London: Tavistock.
- Dubnick, Melvin J. (2002). 'Seeking Salvation for Accountability', paper presented at the 2002 Annual Meeting of the American Political Science Association. Boston.
- Dubnick, Melvin J. (2003). 'Accountability and Ethics: Reconsidering the Relationships', in *Encyclopedia of Public Administration and Public Policy*. Marcel Dekker.
- Dubnick, Melvin J., and Barbara S. Romzek (1993). 'Accountability and the Centrality of Expectations in American Public Administration'. *Research in Public Administration*. Volume 2: 37-78.
- Ellis, Richard J. (1994). *Presidential Lightning Rods*. Lawrence: University of Kansas Press.
- Friedman, Lawrence M. (1985). *Total Justice*. New York: Russel Sage.
- Hood, Christopher (2002). 'The Risk Game and the Blame Game', *Government and Opposition*, 2002/1:15-37.
- Gilmore, Robert S. & Laura S. Jensen (1998). 'Reinventing Government Accountability: Public Functions, Privatization, and the Meaning of "State Action"', *Public Administration Review*, 58/3: 247-258.
- Jackall, Robert (1988). *Moral Mazes: The World of Corporate Managers*. New York/Oxford: Oxford University Press.
- Leazess, Francis J. (1997). 'Public Accountability: Is It a Private Responsibility?', *Administration & Society*, 29/4: 395-411.
- McLaughlin, Judith B. & David Riesman (1986). 'The Shady Side of Sunshine', *Teachers College Record*, 87:471-494
- Mulgan, Richard (1997). 'The Processes of Public Accountability', *Australian Journal of Public Administration*. 56/1: 25-36.

- Mulgan, Richard (2000). 'Comparing Accountability in the Public and Private sector', *Australian Journal of Public Administration*, 59/1: 87-97.
- Pollitt, Christopher & Hilikka Summa (1997). 'Reflexive watchdogs? How supreme audit institutions account for themselves'. *Public Administration*, 75/2: 313-336.
- Pollitt, C., K. Bathgate, J. Caulfield, A. Smullen & C. Talbot (2001). 'Agency fever? Analysis of an international fashion'. *Journal of Comparative Policy Analysis: Research and Practice*, 3:271-290.
- Pollitt, Christopher (2003). *The Essential Public Manager*. London: Open University Press/McGraw-Hill.
- Power, Michael (1994). *The Audit Explosion*. London: Demos.
- Power, Michael (1997). *The Audit Society: Rituals of Verification*. Oxford: Oxford University Press.
- Radin, Beryl A., and Barbara S. Romzek (1996). 'Accountability Expectations in an Intergovernmental Arena: The National Rural Development Partnership'. *Publius: The Journal of Federalism*, 26/2: 59-81.
- Roef, David (2001). *Strafbare overheden: Een rechtsvergelijkende studie naar de strafrechtelijke aansprakelijkheid van overheden voor milieuverstoring*. Antwerpen: Intersentia.
- Romzek, Barbara S. (1996). 'Enhancing Accountability', in James L. Perry (ed.), *Handbook of Public Administration*. Second edition. San Francisco: Jossey Bass.
- Romzek, Barbara S. (1998). 'Where the Buck Stops: Accountability in Reformed Public Organizations', in Patricia W. Ingraham, James R. Thompson, and Ronald P. Sanders (eds.), *Transforming Government: Lessons from the Reinvention Laboratories*. San Francisco: Jossey Bass.
- Romzek, Barbara S. and Melvin J. Dubnick (1998). 'Accountability', in Jay M. Shafritz (ed.), *International Encyclopedia of Public Policy and Administration*. Volume 1: A-C. Westview Press.
- Rose-Ackerman, Susan (1999). *Corruption and Government: Causes, Consequences, and Reform*. New York Cambridge University Press.
- Thiel, Sandra van (2000). *Quangocratization: Trends, Causes and Consequences*. Utrecht: ICS.
- Thompson, Dennis F. (1980). 'Moral Responsibility of Public Officials: The Problem of Many Hands', *APSR* 74: 905-916.
- Thompson, Dennis F. (1983). 'Ascribing Responsibility to Advisers in Government', *Ethics* 93: 546-560.
- Thompson, Dennis F. (1987). *Political Ethics and Public Office*. Cambridge Mass: Harvard University Press.
- Turpin, C. (1994). *British Government and the Constitution: text, cases and materials*, second edition. London.

¹ These forms are adapted from Romzek & Dubnick 1987 and Romzek 1996. See also Behn 2001: 59 and Pollitt 2003: 93.

² Here I differ from Romzek & Dubnick (1998), Behn (2001) and Pollitt (2003), who would call this hierarchical or bureaucratic accountability. I find these terms misleading. The defining element is not hierarchy or bureaucracy, but the intra-organisational nature of the forum. Some of the other forms of accountability involve strong elements of hierarchy too and, on the other hand, many public managers operate in organisations that do not qualify as bureaucracies in the Weberian or Mintzbergian sense.

³ The rise of these administrative watchdogs raises interesting reflexive issues: how do these accountability forums account for themselves? See Pollitt & Summa (1997).

⁴ This paragraph is adapted from Bovens (1998).

⁵ See Mulgan (1997: 25-26) and Aldons (2001) for an overview of the Australian discussion; see Bovens (2003: 46-67) and Algemene Rekenkamer (2003) for the Dutch discussion.

⁶ I owe this term to Thomas Schillemans.