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Analysing and Assessing Public Accountability. A Conceptual Framework

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Abstract

It has been argued that the European Union suffers from serious accountability deficits. But how can we establish the existence of accountability deficits? This paper tries to get to grips with the appealing but elusive concept of accountability by asking three types of questions, thus providing three types of building blocks for such an empirical study.

First a conceptual one: what exactly is meant by accountability? Accountability is often used in a very broad sense, as a synonym for a variety of evaluative, but essentially contestable concepts, such as responsiveness, responsibility and effectiveness. In this paper the concept of accountability is taken in a much more narrow sense: a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences.

The second question is an analytical one: what types of accountability are involved? On the basis of the narrow definition of accountability, a series of dimensions of accountability will be discerned, that can be used in the description of the various accountability relations and arrangements that can be found in the different domains of governance.

The third question is an altogether different, evaluative question: how should we assess these accountability relations, arrangements and regimes? The paper provides three perspectives for the assessment of accountability relations: a democratic, a constitutional, and a cybernetic perspective. Each of these three perspectives may render different types of accountability deficits.

Keywords: accountability, governance, democracy, political science, law, sociology

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1 Accountability and European governance¹

In Europe, there has long been a concern that the trend toward European policymaking is not being matched by an equally forceful creation of appropriate accountability regimes (Schmitter 2000). Accountability deficits are said to exist and even grow, compromising the legitimacy of the European polity (Bergman and Damgaard 2000; Harlow 2002; Curtin 2004; Fisher 2004; Van Gerven 2005, 63-103). But how can we make a more systematic assessment of the various public accountabilities regarding, in this case, the exercise of European governance, and establish whether and where accountability deficits do exist?

Accountability is one of those golden concepts that no one can be against. It is increasingly used in political discourse and policy documents because it conveys an image of transparency and trustworthiness. However, its evocative powers make it also a very elusive concept because it can mean many different things to different people, as anyone studying accountability will soon discover. This paper nevertheless tries to develop an analytical framework for the empirical study of accountability arrangements in the public domain. It is partly written as the conceptual framework for a larger empirical study into the existence of accountability deficits with regard to European governance.

The paper tries to get to grips with the appealing but elusive concept of accountability by asking three types of questions, thus providing three types of building blocks for such an empirical study.

First a conceptual one: what exactly is meant by accountability? Accountability is often used in a very broad sense, as a synonym for a variety of evaluative, but essentially contestable concepts, such as responsiveness, responsibility and effectiveness. In this paper the concept of accountability is taken in a much more narrow, relational sense.

The second question is an analytical one: what types of accountability are involved? On the basis of a narrow definition of accountability, a series of dimensions of accountability will be discerned, that can be used in the description of the various accountability relations and arrangements that can be found in the different domains of governance. Taken together, these two building blocks provide a descriptive framework for more systematic mapping exercises.

The third question is an altogether different, evaluative question: how should we assess these accountability relations, arrangements and regimes? The paper provides three perspectives for the assessment of accountability arrangements: a democratic, a constitutional, and a cybernetic perspective.

¹ This paper to some extent builds on a chapter on public accountability which has been published in E. Ferlie, L. Lynne & C. Pollitt (eds.), *The Oxford Handbook of Public Management*, Oxford: Oxford University Press 2005 and on a Dutch paper which was published in: W. Bakker & K. Yesilkagit (red.), *Publieke verantwoording*, Amsterdam: Boom 2005. Earlier versions have been presented at Connex-teammeetings in Leiden, Belfast and Mannheim. I thank Carol Harlow, Paul 't Hart, Peter Mair, Yannis Papadopoulos, Richard Rawlings, Helen Sullivan, Thomas Schillemans, Marianne van de Steeg, and Sonja Puntsher-Riekmann for their valuable comments on previous versions of this paper.

2 The concept of public accountability

2.1 From accounting to accountability

The word 'accountability' is Anglo-Norman, not Anglo-Saxon, in origin. Historically and semantically, it is closely related to accounting, in its literal sense of 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 assessed and listed by royal agents in the so-called Domesday Books. This census was not held for taxation purposes alone; it also served as a means to establish the foundations of royal governance. The Domesday Books listed what was in the king's realm; moreover, the landowners were all required to swear oaths of fealty to the crown. By the early twelfth century, this had evolved into a highly centralized administrative kingship that was ruled through centralized auditing and semi-annual account-giving.

In the centuries since the reign of William I of England, accountability has slowly wrestled free from its etymological bondage with accounting. In contemporary 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. Moreover, the accounting relationship has almost completely reversed. 'Accountability' does not refer to sovereigns holding their subjects to account, but to the reverse, it is the authorities themselves who are being held accountable by their citizens.

Since the late twentieth century, the Anglo-Saxon world in particular has witnessed a transformation of the traditional bookkeeping function in public administration into a much broader form of public accountability (Harlow 2002, 19). This broad shift from financial accounting to public accountability ran parallel to the introduction of New Public Management by the Thatcher-government in the United Kingdom and to the Reinventing Government reforms initiated by the Clinton-Gore administration in the United States. Both reforms introduced a range of private sector management styles and instruments into the public sector (Pollitt and Bouckaert 2005), including contract management both within and outside the public sector, the use of performance indicators and benchmarks to evaluate and compare the effectiveness and efficiency of public agencies, to name but a few. Most of these instruments require extensive auditing to be effective.

This shift from financial accounting to performance auditing and public accountability can also be observed on the European continent, although the speed and scope differs. Countries with a strong tradition of administrative law and a strong *Rechtsstaat*, such as France, Germany and Italy, have, on average, been less vigorous in adopting these more managerially oriented styles of governance. Countries like the Netherlands, Sweden, and Finland are intermediate cases (Pollitt et al. 1999, 197; Pollitt and Bouckaert 2005, 98-99).

The emancipation of 'accountability' from its bookkeeping origins is therefore originally an Anglo-American phenomenon – if only because other languages, such as French, Portuguese, Spanish, German, Dutch, or Japanese, have no exact

equivalent and do not (yet) distinguish semantically between 'responsibility' and 'accountability' (Mulgan 2000; Harlow 2002, 14-15; Dubnick 2002).²

2.2 Accountability as an icon

In the NPM ideology, public accountability is both an instrument and a goal. What started as an instrument to enhance the effectiveness and efficiency of public governance, has gradually become a goal in itself. Nowadays, accountability has become a Good Thing, of which it seems we cannot have enough (Pollit 2003, 89). As a concept, however, 'accountability' is rather elusive. It has become a hurrah-word, like 'learning', 'responsibility', or 'solidarity', to which no one can object. 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 hold critics at bay.

Melvin Dubnick (2002, 2-3) gives a fine example of the evocative use of the concept. He has made a scan of the legislation that has been proposed to the US Congress. 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, to the Polluter Accountability Act, the Syria Accountability Act, and 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 is rarely mentioned again, let alone defined. It is merely used as an ideograph, as a rhetorical tool to convey an image of good governance and to rally supporters (McGee 1980). Dubnick calls this the iconic role of the word 'accountability'. Accountability has become an icon for good governance both in the public and in the private sector.

For anyone reflecting on public accountability, it is impossible to disregard these strong evocative overtones. As an icon, the concept has become less useful for analytical purposes, and today resembles a garbage can filled with good intentions, loosely defined concepts, and vague images of good governance. Nevertheless, we should heed the summons from Dubnick (2002) to save the concept from its advocates and friends, as he so succinctly put it.

My general aim in this paper is to make the concept more amenable to empirical analysis. For example, it has been argued that the European Union suffers from serious accountability deficits (Harlow 2002; Fisher 2004; Van Gerven 2005, 63-103). But how can we establish the existence of accountability deficits? This paper tries to provide some analytical building blocks for addressing these types of value laden questions. In order to get a grip on these sort of questions, it is important to distinguish between conceptual, analytical and evaluative issues.

² In Germanic languages, such as Dutch, there is a distinction between *verantwoordelijkheid* and *verantwoording*, which to some extent resembles the contemporary distinction between 'responsibility' and 'accountability'. But even here, both obviously are semantically closely related, they are derived from *antwoorden*, and therefore closely connected to 'responsibility'. In Dutch policy discourse, 'accountability' is, therefore, often left untranslated, because it is taken to stand for a broad, loosely defined trend towards a more managerial approach in the public sector. In Dutch the word *rekenschap* (*Rechenschaft* in German) comes closest to the original, auditory meaning of accountability.

First, the aim of this paper is to develop a parsimonious analytical framework that can help to *establish* more systematically whether organisations or officials, exercising public authority, are subject to public accountability at all. This is basically a mapping exercise – for example: what are the accountabilities, formal and informal, of a particular European agency? For this purpose we need to establish when a certain practice or arrangement qualifies as a form of accountability. In order to give more colour to our map, we also want to be able to distinguish several, mutually exclusive, types of accountability.

Secondly, and separately, this paper aims to develop an evaluative framework that can be used to assess these accountability maps more systematically. For this purpose we need perspectives that can help us to evaluate these arrangements: are the arrangements to hold the agency accountable adequate or not, sufficient or insufficient, effective or ineffective?

I will start with the analytical issues: which states of affairs qualify as ‘accountability’?

2.3 Broad and narrow accountability

In contemporary political and scholarly discourse ‘accountability’ often serves as a conceptual umbrella that covers various other distinct concepts. It is used as a synonym for many loosely defined political desiderata, such as transparency, equity, democracy, efficiency, responsiveness, responsibility, and integrity (Mulgan 2000b, 555; Behn 2001, 3-6; Dubnick 2002). The term ‘has come to stand as a general term for any mechanism that makes powerful institutions responsive to their particular publics’ (Mulgan 2003, 8).

Particularly in American scholarly and political discourse ‘accountability’ often is used interchangeably with ‘good governance’ or virtuous behaviour, as was already illustrated by the usage in the American bills. Accountability in this broad sense is a no-opposite concept, a concept ‘without specified termination of boundaries’ (Sartori 1970, 1042). For O’Connell (2005, 86), for example, accountability is present when public services have a high quality, at a low cost and are performed in a courteous manner. Considine, an Australian scholar, squares accountability with responsiveness, but in the very broad sense of ‘the appropriate exercise of a navigational competence: that is, the proper use of authority to range freely, across a multirelationship terrain in search of the most advantageous path to success’ (Considine 2002, 22). Koppell (2005) distinguishes no less than five different dimensions of accountability – transparency, liability, controllability, responsibility, responsiveness – that are each ideographs and umbrella concepts themselves. Such very broad conceptualisations of the concept make it impossible to establish empirically whether an organisation is accountable, because each of the various elements needs extensive operationalisation itself and because the various elements cannot be measured along the same scale. Some dimensions, such as transparency, are instrumental for accountability, but not constitutive of accountability, others, such as responsiveness, are more evaluative instead of analytical dimensions.

Accountability in this very broad sense is basically an evaluative, not an analytical concept. It is used to positively qualify a state of affairs or the performance of an actor. It comes close to ‘responsiveness’ and ‘a sense of responsibility’, a willingness

to act in a transparent, fair, and equitable way. Elsewhere (Bovens 1998), I have called this active responsibility, or responsibility-as-virtue, because it is about the standards for proactive responsible behaviour of actors. Accountability in this broad sense is an essentially contested concept (Gallie 1962, 121), because there is no general consensus about the standards for accountable behaviour, and they differ from role to role, time to time, place to place, and from speaker to speaker.³

In this paper, I will not define the concept in such a broad, evaluative sense, but in a much more narrow, sociological sense. 'Accountability' is not just another political catchword; it also refers to concrete practices of account giving. I will stay close to its etymological and historical roots and define it as a specific social relation - following, among others, Day & Klein (1987, 5), Romzek and Dubnick (1998, 6), Lerner and Tetlock (1999, 255), McCandless (2001, 22), Scott (2000, 40), Pollit (2003, 89), and Mulgan (2003, 7-14).

The most concise description of accountability would be: 'the obligation to explain and justify conduct'. This implies a relationship between an actor, the accountant, and a forum, the account-holder, or accountee (Pollitt 2003, 89). Explanations and justifications are not made in a void, but vis-à-vis a significant other. This usually involves not just the provision of information about performance, but also the possibility of debate, of questions by the forum and answers by the actor, and eventually of judgment of the actor by the forum. Judgment also implies the imposition of formal or informal sanctions on the actor in case of malperformance or, for that matter, of rewards in case of adequate performance. This is what I would call *narrow accountability*.⁴ Elsewhere, I have called this passive responsibility (Bovens 1998, 26), or responsibility-as-accountability, because actors are held to account by a forum, ex post facto, for their conduct.

2.4 Accountability as a social relation

Accountability in the narrow sense, as used in this paper, refers to a specific set of social relations that can be studied empirically. This raises taxonomical issues: when does a social relation qualify as a case of 'accountability'? Accountability will here be defined as *a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences*.

This relatively simple definition contains a number of elements that need further explanation. The *actor* can be either an individual, in our case an official or civil servant, or an organisation. With public accountability, the actor will often be a public institution or a government agency. The significant other, the *accountability forum*, can be a specific person, such as a superior, a minister, or a journalist, or it can be an agency, such as parliament, a court, or the audit office, but it can also be a more virtual entity, such as, in the case of public accountability, the general public.

The relationship between the forum and the actor often will have the nature of a principal-agent relation - the forum being the principal, e.g. parliament, who has

³ See Fisher (2004, 510) for similar observations about the use of 'accountability' in the European context.

⁴ In German or Dutch this comes close to *Verantwortung*.

delegated authority to a minister, the agent, who is held to account himself regularly about his performance in office. This is particular the case with political forms of accountability (Strom 2000; 2003). However, as we will see, in many accountability relations, the forums are not principals of the actors, for example courts in case of legal accountability or professional associations in case of professional accountability.

The *obligation* that lies upon the actor can be formal or informal. Public officials often will be under a formal obligation to render account on a regular basis to specific forums, such as supervisory agencies, courts, or auditors. In the wake of administrative deviance, policy failures, or disasters, public officials can be forced to appear in administrative or penal courts or to testify before parliamentary committees. A tragic example of the latter is the arms experts David Kelly, of the British Ministry of Defence, who was forced to testify before two parliamentary committees in the summer of 2003 about his press contacts regarding the Cabinet's claim that the regime of Saddam Hussein in Iraq could launch weapons of mass destruction – and who subsequently committed suicide. But the obligation can also be informal, as in the case of press conferences and informal briefings, or even self imposed, as in the case of voluntary audits.

The relationship between the actor and the forum, the actual account giving, usually consists of at least three elements or stages. First of all, it is crucial that the actor is 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 explanations and justifications. Account giving is more than mere propaganda, or the provision of information or instructions to the general public. 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.

Secondly, there needs to be a possibility for the forum to interrogate the actor and to *question* the adequacy of the information or the legitimacy of the conduct. Hence, the close semantic connection between 'accountability' and 'answerability'.

Thirdly, the forum may *pass judgement* on the conduct of the actor. It may approve of an annual account, denounce a policy, or publicly condemn the behaviour of an official or an agency. In passing a negative judgement, the forum frequently imposes sanctions of some kind on the actor.

It has been a point of discussion in the literature whether the *possibility of sanctions* is a constitutive element of accountability (Mulgan 2003, 9-11). Some would argue that a judgment by the forum, or even only the stages of reporting, justifying and debating, would be enough to qualify a relation as an accountability relation. I concur with Mulgan (2003, 9) and Strom (2003, 62) that the possibility of sanctions of some kind is a constitutive element of narrow accountability and that it should be included in the definition. The *possibility* of sanctions – not the actual imposition of sanctions - makes the difference between non-committal provision of information and being held to account.

However, 'sanction' has a rather formal and legal connotation. It would exclude important accountability forums, such as ombudsmen, who in many countries do not have the formal authority to sanction, but who can nevertheless be very effective in securing redress or reparation. Also, the term sanction would bias towards negative forms of scrutiny. Many accountability arrangements are not focussed on finding fault with actors - forums will often judge positively about the conduct of actors and will even reward them. I will therefore use a somewhat more neutral expression: the actor may *face consequences*.

These consequences can be highly formalized, such as official authorisations, financial rewards, fines, disciplinary measures, civil remedies or even penal sanctions, but they can also be based on unwritten rules, as in the case of the political accountability of a minister to parliament, where the consequence can comprise calling for the minister's resignation. Often the consequences will only be implicit or informal, such as the very fact of having to render account in front of television-cameras, or, as was the case with David Kelly, the total disintegration of public image and career as a result of the negative publicity generated by the process (March and Olsen 1995, 167). The consequences can also consist in the use of veto powers by the forum. It can authorize, block, or amend decisions made by the actor (Strom 2003, 62).

It is not necessarily the forum itself which can or will impose rewards, remedies or sanctions. Academic visitation committees at colleges and universities, that exercise heavy scrutiny in national research exercises, are very real accountability forums for academic researchers. They pass judgement on the basis of self-study reports and visits to institutions, but cannot always impose sanctions in the case of default, or material rewards in the case of excellence – apart from handing out stars. This is left to research directors, deans and chancellors. The same holds for many ombudsmen and for many chambers of audit. They can scrutinize agencies, expose waste or mismanagement, and suggest improvements, but they cannot enforce them. That is left to parliament which has the power to put pressure on the minister, who in turn can put pressure on the heads of the agencies involved.⁵

2.5 What is 'public' about public accountability?

A great many social relationships carry an element of accountability within. However, this paper solely concerns public accountability. 'Public' relates in this respect to a number of different aspects. In the first place, used in this context, 'public' should be understood to mean 'openness'. Account is not rendered discretely, behind closed doors, but is in principle open to the general public. The information provided about the actor's conduct is widely accessible, hearings and debates are open to the public and the forum broadcasts its judgement to the general public.

⁵ The example of the ombudsmen also shows that in some accountability regimes there can be a division of labour in the accountability process. Different arena's may take care of the different elements of accountability. For example, an ombusman, audit office, or an ad hoc committee, may gather the information about the conduct of an agency or civil servant. Its report will then be debated in parliament, which may consider the agency's performance to be inadequate, whereupon it is left to the minister, the media, or even the electorate to sanction.

In the second place, 'public' refers to the object of the account to be rendered. Public accountability mainly regards matters in the public domain, such as the spending of public funds, the exercise of public authorities, or the conduct of public institutions. It is not necessarily limited to public organisations, but can extend to private bodies that exercise public privileges or receive public funding (Scott 2000, 41). This also impacts on the accounting perspective. Public accountability implies the rendering of account for matters of public interest, i.e. an accounting that is performed with a view to the judgement to be passed by the citizens. In general, one could say that public accountability is accountability in and about the public domain.

2.6 What isn't accountability

Box 1 identifies seven constitutive elements of what I have called narrow accountability. To qualify a social relation as a practice of public accountability for the purpose of this paper, there should be an actor who provides information about his conduct to some forum; there should also be explanation and justification of conduct – and not propaganda, or the provision of information or instructions to the general public. The explanation should be directed at a specific forum - and not be given at random. The actor must feel obliged to come forward – instead of being at liberty to provide any account whatsoever. There must be a possibility for debate and judgment by the forum, and an optional imposition of (informal) sanctions or rewards – and not a monologue without engagement. Finally, to qualify as *public* accountability, there should be public accessibility of the account giving – and not purely internal, discrete informing.

Box 1: Accountability as a social relation

A relationship qualifies as a case of accountability when:

1. There is a relationship between an actor and a forum
2. in which the actor is obliged
3. to explain and justify
4. his conduct,
5. the forum can pose questions,
6. pass judgement,
7. and the actor may face consequences.

On this basis, an initial, rough selection can be made among the various administrative phenomena presenting themselves as forms of public accountability. For example, by no means are all of the innovations introduced under the guise of NPM able to be regarded as forms of accountability. Drafting citizen charters and protocols or implementing quality control systems and benchmarks do not constitute a form of accountability in themselves, as a relationship with a forum is lacking. Benchmarks and satisfaction surveys offer organisations the opportunity to gather information about their own conduct, but in most cases there is no formal or informal obligation to account for the results, let alone a possibility for debate and judgement by specific forums who can scrutinize the organisation. At most these surveys can be used as inputs for external forums, such as parliament, supervisory boards, or the media, who then can hold public organisations to account. Focus groups and citizen panels, such

as the People's Panel that was set up by the Blair government in the UK, may be considered to represent a forum, yet when solely used to test or evaluate products and services the organisation will rarely feel obliged to offer them any explanation or justification about its conduct, not to mention the fact that focus groups and panels have no authority to scrutinize the organisation. The Charter Mark assessments in Britain, in which public organisations volunteer for an extensive assessment of the quality of their public service delivery by independent Charter Mark Assessment Bodies, would probably come closest to (horizontal) accountability (Bellamy and Taylor 1995; Duggett 1998).

Transparency, which is often used as a synonym for accountability, is not enough to constitute accountability as defined here. Organisational transparency and freedom of information will often be very important prerequisites for accountability, because they may provide forums with the necessary information. However, transparency as such is not enough to qualify as a genuine form of accountability (Fisher 2004, 504), because it only sees to the element of publicness in public accountability, to the disclosure of information, the accessibility of the debates to the general public or the disclosure of the judgment. Therefore, public reporting, another offspring of the NPM reforms, does not in itself qualify as public accountability. Agencies make their annual reports, their assessment, and their benchmarks publicly available or they publish separate annual reports directed at a general audience (Algemene Rekenkamer 2004). But a public debate about the reported information will arise only if caught by the watchful eye of a journalist, an interest group or a lonely Internet activist, who in turn may stimulate a forum, such as a parliamentary standing committee, to hold the agency to account (Schillemans & Bovens 2004, 28).

Accountability should also be distinguished from responsiveness and participation (Mulgan 2003, 21). The European commission, in its White Paper on European Governance and some of the documents following it, sometimes tends to blur accountability with issues of representative deliberation (Harlow 2002, 185). It calls for more openness and a better involvement and more participation of a broad range of stakeholders in the EU policy process (European Commission 2003, 35-38) in order to enhance the EU's accountability. However, accountability as defined here, is in nature retrospective. Actors are to account to a forum after the fact. Responsiveness to the needs and preferences of a broad range of stakeholders and new forms of consultation and participation may be very important to enhance the political legitimacy of the EU, but they do not constitute accountability. They provide proactive inputs into the policy process and should be classified and studied separately for what they are: forms of consultation and participation. They lack the element of justification, judgment, and consequences.

The line between retrospective accounting and proactive policymaking can be thin in practice. It is perfectly sensible to hold actors accountable for their participation in decision making procedures: members of parliament may scrutinize ministers for their role in European councils; lobby- and interest groups may have to account to their members or constituencies for their stand in deliberative processes. Moreover, accountability is not only about control, it is also about prevention. Norms are (re)produced, internalised, and, where necessary, adjusted through accountability. The minister who is held to account by parliament for his conduct in the European Council, may feel obliged to adjust his policy, or parliament can decide to amend his mandate, if

his conduct was judged to be inadequate. Thus, ex post facto accountability can be an important input for ex ante policymaking.

Similarly, there is a fine line between accountability and controllability. Some would equate accountability with controllability. Lupia (2003, 35), for example, adopts a control definition of accountability: 'An agent is accountable to a principal if the principal can exercise control over the agent'. Accountability mechanisms are indeed important ways of controlling the conduct of public organisations. However, 'control', used in the Anglo-Saxon sense⁶, is broader than accountability and can include both ex ante and ex post mechanisms of directing behaviour (Scott 2000, 39). Control means 'having power over' and it can involve very proactive means of directing conduct, for example through straight orders, directives, financial incentives or laws and regulations. But these hierarchical, financial or legal mechanisms are not mechanisms of accountability per se, because they do not in themselves operate through procedures in which actors are to explain and justify their conduct to forums (Mulgan 2003, 19).

2.7 Relationships, arrangements and regimes

Accountability is a relationship between an actor and a forum. This can be an occasional, contingent and informal relationship, for example between a politician and an inquisitive host in a talk show on television. In the case of public accountability these relations often have been institutionalised. They have been laid down in rules; standing practices and fixed routines may be in place, or the accountability process may be laid down in fixed forms, values, and instruments. I call an accountability relationship that has taken on an institutional character an *accountability arrangement*. An occasional, self-instituted evaluation of an independent agency does not constitute an accountability arrangement; a recurring, protocolled national academic research exercise certainly does.

An accountability *regime* is a coherent complex of arrangements and relationships. An example of this is the political accountability of the members of Cabinet in a parliamentary democracy. This parliamentary accountability comprises a system of interconnected, standardized forms of accountability, including obligations to inform, interpellations, parliamentary debates and inquiries, that in the Netherlands have been laid down in the Constitution, the Parliamentary Inquiry Act, the rules of procedure for the Houses and in unwritten constitutional rules.

Accountability maps will often consist of various layers. Public institutions, such as the European Commission for example, may be subjected to various accountability regimes, such as a political regime to the European Parliament and the Council, a legal accountability regime to the European Court, and an administrative regime, comprising of accountabilities to OLAF, the European Ombudsman and the European Court of Auditors. Each of these regimes may, in turn, consist of various formal arrangements and informal practices and relations.

⁶ In French 'contrôle' has a much more restricted, reactive meaning. See Meijer (2002, 3).

3 Types of accountability

Public accountability comes in many guises. Public institutions are frequently required to account for their conduct to various forums in a variety of ways. Figure 1 can help in making a further classification according to type of accountability.

Figure 1

Figure 1 illustrates the various elements contained within the concept of accountability. There are four important questions to be asked in this connection.

The first question in relation to accountability is always: *to whom* is account to be rendered? This will yield a classification based on the type of *forum* to which the actor is required to render account.

A second, logical question is: *who* should render account? Who is the *actor* required to appear before the forum? In ordinary social relationships amongst citizens, it is usually clear who the actor is who will render account. This is a far more complicated question to answer when it comes to public organisations.

The third question is: *about what* is account to be rendered? This concerns the question of the aspect of the conduct about which information is to be provided. This can yield classifications on the basis of e.g. financial, procedural or programmatic accountability (Day and Klein 1987, 26; Sinclair 1996; Behn 2001, 6-10).

The fourth question regards that of *why* the actor feels compelled to render account. This relates largely to the nature of the relationship between the actor and the forum, and in particular to the question of why the actor has an obligation to render account. This will subsequently lead to classifications based on the nature of the *obligation*, for example obligations arising from a hierarchical relationship, a contractual agreement or which have been voluntarily entered into. This yields a classification based on spatial metaphors: vertical, horizontal, or diagonal accountability.⁷

3.1 To whom is account to be rendered: the problem of many eyes

Central to my definition of accountability is the actor-forum relationship. I propose therefore to elaborate first on the classification of accountability according to the question of to whom the actor is accountable. Public organisations and public managers operating in a constitutional democracy find themselves confronting at least five different types of forums and hence at least five different kinds of public accountability.⁸ I have deliberately used the words 'at least', as this classification is

⁷ Stone (2000, 42) uses a somewhat similar spatial metaphor, and distinguishes upwards (to higher authorities), horizontal (to parallel institutions) and downwards accountability (to lower level institutions or groups), without, however, defining what constitutes 'higher', 'parallel' or 'lower'. Moreover, he applies it to the 'to whom' question, thereby somewhat confusing the nature of the forum and the nature of the obligation.

⁸ See Day & Klein (1987); Romzek & Dubnick (1987); Romzek (1996); Sinclair (1996); Behn (2001, 59); Pollitt (2003, 93); and Mulgan (2003) for similar taxonomies.

not a limitative one.⁹ These forums generally demand different kinds of information and apply different criteria as to what constitutes responsible conduct. They are therefore likely to pass different judgments on the conduct of the public organisation or the public official. Hence public institutions are not infrequently faced with the *problem of many eyes*: they are accountable to a plethora of different forums, all of which apply a different set of criteria.

Political accountability: elected representatives, political parties, voters, media

Political accountability is an extremely important type of public accountability within democracies. Here, accountability often can be interpreted as a chain of principal-agent relationships (Strom 2000). Voters delegate their sovereignty to popular representatives, who in turn, at least in parliamentary democracies, delegate the majority of their authorities to a cabinet of ministers. The ministers subsequently delegate many of their authorities to their civil servants or to various, more or less independent, administrative bodies. The mechanism of political accountability operates precisely in the opposite direction to that of delegation. In parliamentary systems with ministerial accountability, such as the United Kingdom, the Netherlands, and Germany, public servants and departmental units are accountable to their minister, who must render political account to parliament (Flinders 2001; Strom, Müller, and Bergman 2003). In a certain sense, the people's representatives render account to the voters at election time.¹⁰ Thus viewed, each of the links in the chain is, in turn, not only principal and agent, but also forum and actor. It is only the two ends of the chain – the voters and the executive public servants – who do not exchange roles. In nations characterised by political cabinets and political appointments, such as the United States, France and Belgium, political parties and party barons often also function as important, informal political forums. In many countries, the media are fast gaining power as informal forums for political accountability (Elchardus 2002; RMO 2003).

Legal accountability: courts

In most western countries, legal accountability is of increasing importance to public institutions as a result of the growing formalisation of social relations (Friedman 1985; Behn 2001, 56-58), or because of the greater trust which is placed in courts than in parliaments (Harlow 2002, 18). These can be the 'ordinary' civil courts, as in Britain, or also specialised administrative courts, as in France, Belgium, and The Netherlands (Harlow 2002, 16-18). In some spectacular cases of administrative deviance, such as the *affaire du sang* (the HIV contaminated blood products) in France or the Tangentopoli prosecutions in Italy, public officials have even been summoned before penal courts. For European public institutions and EU member states, the Court of First Instance and the European Court of Justice are additional and increasingly

⁹ Sinclair (1996, 230), for example, also mentions personal accountability, in which the public manager is accountable to his or her personal conscience. However, I do not consider this as a form of *public* accountability.

¹⁰ This, at least is the theory. In political practice, the relations between voters and representatives do not always have a principle-agent or accountability nature because of prospective voting or because representatives have very broad unspecified mandates.

important legal forums (Harlow 2002, 147-159). Legal accountability will usually be based on specific responsibilities, formally or legally conferred upon authorities. Therefore, 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 the courts, a wide range of quasi-legal forums exercising independent and external administrative and financial supervision and control, has been established in the past decades - some even speak of an 'audit explosion' (Power 1994). These new administrative forums vary from European, national, or local ombudsmen and audit offices, to independent supervisory authorities, inspector generals, anti-fraud offices, and chartered accountants.¹¹ 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 scrutiny, often on the basis of specific statutes and prescribed norms.¹² This type of accountability arrangement can be very important for quangos 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 (Abbot 1988; Freidson 2001). 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 supervisory bodies on the basis of peer review. This type of accountability relation will be particularly relevant for public managers who work in professional public organizations, such as hospitals, schools, psychiatric clinics, research institutes, police departments, or fire brigades.

Social accountability: interest groups, charities and other stakeholders

In reaction to a perceived lack of trust in government, there is an urge in many western democracies for more direct and explicit accountability relations between public agencies on the one hand and clients, citizens and civil society on the other hand (McCandless 2001). Influenced by the debate on corporate social responsibility and corporate governance in business, more attention has been being paid to the role of NGOs, interest groups and customers or clients as relevant 'stakeholders' not only in determining policy, but also in rendering account (European Commission 2001; Algemene Rekenkamer 2004). Agencies or individual public managers should feel obliged to account for their performance to the public at large or, at least, to civil

¹¹ See for the rise of administrative accountability in the EU: Harlow (2002, 108-143), Magnette (2003), Lafan (2003), and Pujas (2003).

¹² The rise of these administrative watchdogs raises interesting reflexive issues: how do these accountability forums account for themselves? See Pollitt & Summa (1997) and Day and Klein (2001).

interest groups, charities, and associations of clients. A first step in this direction has been the institution of public reporting and the establishment of public panels. The rise of the internet has given a new dimension to this form of public accountability. Increasingly, the results of inspections, assessments and benchmarks are put on the internet. For example, in The Netherlands, as in the UK (Pollitt 2003, 41-45), the National Board of School Inspectors, makes its inspection reports on individual schools widely available on the internet. Parents, journalists, and local councils easily can compare the results of a particular school with similar schools in the region, because quantitative and comparative benchmarks are provided for, but they also have access to the quite extensive qualitative reports. Even though there is little evidence, so far, that many parents exercise exit or voice on the basis of these qualitative reports, local principals increasingly do feel obliged to publicly account for themselves (Meijer 2004).

It remains an empirical question to what extent these groups and panels already are full accountability mechanisms, because, as we saw, the possibility of judgment and sanctioning often are lacking. Also, not all of these accountability relations involve clearly demarcated, coherent and authoritative forums that the actor reports to and could debate with.

3.2 Who is the actor: The problem of many hands¹³

Accountability forums often face similar problems as public institutions, but then in reverse. They can be confronted with multiple potential actors. For outsiders, it is often particularly difficult to unravel who has contributed in what way to the conduct of an agency and who, and to what degree, can be brought to account for its actions. This is the *problem of many hands* (Thompson 1980, 905). 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. 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 orphaned decisions.

Who then, should be singled out for accountability, blame and punishment? With large public organisations, there are four accountability strategies for forums to overcome the problem of many hands.

Corporate accountability: the organisation as actor

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 immuni-

¹³ This paragraph is adapted from Bovens (1998).

ties 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). Legal and administrative forums often follow this corporate accountability strategy. 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 responsibility.

Hierarchical accountability: One for all

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 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 rank and file do not appear before external forums but hide behind the broad shoulders of the minister, the CEO or the commander in chief, who, at least in dealings with the outside world, assumes complete responsibility and takes all the blame. However, the lower echelons can, in turn, be addressed by their superiors regarding questions of internal, organisational accountability. In the case of hierarchical schemes, processes of calling to account thus take place along the strict lines of the 'chain of command' and the middle managers are, in turn, both actor and forum.

Collective accountability: All for one

Public organisations are collectives of individual officials. Theoretically, a forum could therefore also apply a collective strategy of accountability and pick any member of the organisation and hold 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. This makes quick work of the practical sides of the problem of many hands. In the case of organisational misconduct, 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. They are not sophisticated enough to do justice to the many differences that are important in the imputation of guilt, shame, and blame. It makes a substantial difference whether someone, for example in the case of the Eurostat frauds, is the director of Eurostat who ordered secret accounts to be opened, the head of the financial department who condoned the unofficial deposits, or a simple statistician who was just collecting and processing data. A collective accountability strategy will only be appropriate and effective in specific circumstances, for example with small, collegiate public bodies.

Individual accountability: Each for himself

During the judgement phase, which can involve the imposition of sanctions, hierarchical and collective accountability strategies often run up against moral objections,

as a proportional relation between crime and punishment is by no means always evident. An individual accountability in which each individual official is held proportionately liable for his personal contribution to the infamous conduct of the organisation, is from a moral standpoint a far more adequate strategy. Under this approach, each individual is judged on the basis of his actual contribution instead of on the basis of his formal position. Individual officials will thus find it impossible to hide behind their organisation or minister, while those in charge are not required to shoulder all the blame. This approach is characteristic for professional accountability. In the case of medical errors, individual physicians are called to account by the disciplinary tribunal, which attempts to establish precisely the extent to which the physician's individual performance satisfied professional standards.

3.3 Which aspect of the conduct: financial, procedural, product, and so forth

A condition for accountability was said to be that an actor must have an obligation to explain and provide justification for his conduct to a forum. There are many aspects to this conduct, making it possible to distinguish a number of accountability relationships on the basis of the aspect that is most dominant (Day and Klein 1987, 26; Sinclair 1996; Behn 2001, 6-10). This will often concur with the classification made according to type of forum. In the case of legal accountability, the legality of the actor's conduct will obviously be the dominant aspect while professional accountability will be centred on the professionalism of the conduct. Political and administrative accountability frequently involve several aspects. An audit by the Chamber of Audit, for example, may be classified as financial accountability if the focus is on the financial propriety of the audit, as legal accountability if the legality of the conduct is at issue, or as administrative if the central concern is the efficiency of the policy of the organisation. Another distinction found in the literature is that between accountability for the procedure or process and accountability for the product or content (Day and Klein 1987, 27).

3.4 The nature of the obligation: vertical, diagonal and horizontal accountability

Why would an actor render account to a forum? Very generally speaking, there are two possibilities: in the first place, because he is being forced to, or could be forced to and second, because he voluntarily does so. *Vertical* accountability refers to the situation where the forum formally wields power over the actor, perhaps due to the hierarchical relationship between actor and forum, as is the case of the executive organisation that is accountable to the minister or (over the head of the minister) to Parliament. The majority of political accountability arrangements, that are based on the delegation from principles to agents (Lupia 2003, 34-35), are forms of vertical accountability. In most cases of legal accountability too, the forum has the formal authority to compel the actor to give account, although this is not based on a principal-agent relationship, but on laws and regulations.

At the complete other end of the spectrum is social accountability. Here, a hierarchical relationship is generally lacking between actor and forum, as are any formal obligations to render account. Giving account to various stakeholders occurs basically on a voluntary basis with no intervention on the part of a principal. So far,

the obligation felt by agencies to publicly account for themselves is moral in nature, and not based on legal requirements. Such accountability could be termed *horizontal* accountability.

Administrative accountability relations are usually an intermediary form, with account being rendered to another public organisation that has been charged by a principal – parliament or minister – to supervise or monitor the agent's conduct. The National Ombudsman and the Chamber of Audit, inspectorates, supervisory authorities, and accountants stand in no direct hierarchical relationship to public organisations and have few powers to enforce their compliance. This could be described as a *diagonal* accountability system (Schillemans and Bovens 2004) because of the fact that it constitutes an intermediate form, namely that of accountability in the shadow of the hierarchy. The majority of supervisory authorities ultimately report to the minister or to parliament and thus derive the requisite informal power from this. These controlling agencies are auxiliary forums of accountability that were instituted to help the political principals control the great variety of administrative agents, but gradually they have acquired a legitimacy of their own and they can act as independent accountability forums.

Most forms of professional accountability also are more or less diagonal accountability systems of some kind. A strict hierarchy and a principle-agent relationship are absent, yet the external obligation to account is there.

Figure 2

3.5 Mapping accountability

A number of questions can serve as a guide in the empirical analysis of accountability relationships and arrangements. Obviously, the first question is whether a social relation or practice is an accountability relationship at all. This is a dichotomous exercise that follows the logic of either-or (Sartori 1970, 1039). The main question is: do the phenomena in my sample qualify as full accountability or are they something else, such as participation, responsiveness or transparency?

Next comes the question of the kinds of accountability concerned, and the way in which these can be classified: what types of accountabilities are present? Various classification options were suggested in the previous section. Box 2 gives an overview of the various dimensions of accountability that can be distinguished on the basis of the narrow definition of accountability that has been used in this paper. These are distinctive, unrelated classification dimensions. Each accountability relation can be classified on each of the four dimensions separately.

Box 2: Types of accountability

Based on the nature of the forum

- Political accountability
- Legal accountability
- Administrative accountability
- Professional accountability
- Social accountability

Based on the nature of the actor

- Corporate accountability
- Hierarchical accountability
- Collective accountability
- Individual accountability

Based on the nature of the conduct

- Financial accountability
- Procedural accountability
- Product accountability

Based on the nature of the obligation

- Vertical accountability
- Diagonal accountability
- Horizontal accountability

For example, one could classify the accountability of the president of the EU Commission to the European Parliament, based on article 197 of the EC Treaty, as political accountability because the European Parliament is a political forum; as hierarchical accountability because the actor, the president, acts on behalf of the Commission as a whole and has been given more extensive powers in the Nice Treaty to guide and control the other commissioners (Van Gerven 2005, 84); as financial or procedural accountability when the propriety of financial management by the Commission is at stake; and as vertical accountability because the European Parliament acts as a political principal and has the power to make its agent, the Commission, resign if the motion is carried by two-thirds of the votes cast, representing the majority of the members of the EP.¹⁴

Together, box 1 and 2 provide the tools for a mapping exercise. They can be used to take stock of the various formal and informal accountability mechanisms that a specific public organisation or sector is subject to.

¹⁴ EC Treaty article 201, second paragraph.

4 Assessing accountability

An altogether different exercise is the assessment of the adequacy of a particular accountability arrangement or of a complete accountability regime to which a particular agency or sector is subject. Here we leave the realm of empirical description and enter the world of evaluation and, ultimately, prescription. This is much more a matter of degree and these assessments follow the logic of more-or-less (Sartori 1979, 1039).

This evaluation can proceed at at least two levels. First of all, one could undertake a more internal, procedural evaluation of the propriety of a particular accountability mechanism or of a specific, concrete accountability process. This could be called procedural or internal adequacy.

Secondly, one could evaluate accountability arrangement or regimes on a more systemic level and focus on the external effects of the accountability processes. This could be called systemic or external adequacy. In this case the evaluation is based on the functions that accountability arrangements fulfil in political and administrative systems. I will discuss both types of assessments.

4.1 The internal assessment of accountability: Principles of good accountability

The internal evaluative perspective sees at the quality of a particular accountability process itself: does the procedure comply with the minimum due requirements of an accountability procedure? In a procedure-oriented analysis of this kind, the following questions come to mind: Is there (any guarantee for) an adequate and proper provision of information by the actor? Does the forum receive timely and sufficient information from the actor in order to enable a well-founded judgement of his conduct to be made? Carefully managed *embedded* press conferences, such as those held by the American military during the invasion of Iraq in 2003 may, in the nominal sense, represent a form of public accountability. However, the information provided was often scanty in the extreme, or biased in favour of the authorities, and there was little room for inquisitive probing by journalists, thus disqualifying this as good accountability.

Next, there is the question of due process during the debate about the actor's conduct. Is the forum prepared to allow the actor sufficient opportunity to explain and to justify his conduct, or does it immediately pass judgement? Has it been made clear to the actor what the standards are in relation to which his conduct will be judged? An example of public accountability arrangements where these requirements were violently trampled upon were the forced public accountability procedures in the former communist dictatorships, as described e.g. by Milan Kundera in his book *The Joke*, in which dissidents were publicly forced to present themselves as class enemies. Even in the democracies of the western world, instances of public accountability occur, such as political accountability to the media, in which the principle of hearing and being heard is wantonly disregarded.

The third question that arises is whether the forum is able to pass sound judgement. Is the forum sufficiently independent of the actor or is the actor in actual fact the judge in his own case? This can be an important factor in the case of self-appointed

panels and visitation committees. Yet the opposite can also arise, as in the case of a biased forum. Is the forum sufficiently neutral or has it exhibited a strong bias toward the actor? Do the facts warrant the judgement? Is the sanction adequate in the light of the judgement?

Box 3: Proper Accountability

Proper provision of information

- Does the actor provide information about his conduct in a timely fashion?
- Is the information reliable?
- Is the information sufficient?

Proper debate

- Is there sufficient opportunity to pose questions?
- Are both sides heard?
- Has the actor sufficient opportunity to explain his conduct?

Proper judgment procedure

- Is the forum independent?
- Is the forum unbiased?
- Are the standards clear?
- Do the facts warrant the judgement?
- Are the consequences proportionate?

This series of questions, respectively about the quality of the provision of information by the actor, the quality of the procedure, and the quality of the forum's judgement, afford a framework for a normative analysis of accountability procedures. These might offer a basis for the development of a coherent system of requirements for appropriate and proper accountability, the principles of good accountability.

4.2 Evaluating the external effects of accountability: Three perspectives

The key question is obviously what the actual effects are of the various types of accountability and how to judge these effects. At this level, inadequacies can either take the form of accountability deficits: a lack of sufficient accountability arrangements; or of accountability excesses: dysfunctional, negative effects of the accumulation of a range of accountability mechanisms. The former inadequacy can be hypothesized for various aspects of European governance (Arnull and Wincott 2002; Harlow 2002; Fisher 2004), the latter is increasingly reported by executive agencies and public managers (Anechiarico and Jacobs 1996; Power 1997; Behn 2001, 30; Halachmi 2002a; Tonkens 2003). The questions remains however: how do we establish whether these different sorts of inadequacies do exist?

For an institutionalised ideal that is so broadly supported and applied, there are very few references to be found in the literature that could lead to such an evaluation being performed, let alone any reports on systematic comparative research con-

ducted in this area. Authors such as Van Twist (1999), Behn (2001), Halachmi (2002b) and Mulgan (2003) offer discussions of the many dilemmas and design problems in the structure of accountability arrangements, but the underlying normative questions – what is the purpose of public accountability in a constitutional democratic state and what are the evaluation principles for accountability arrangements ensuing from this? – tend to be glossed over in these contributions.

So why is public accountability important? What is the purpose of the various different forms distinguished in this paper? In the academic literature and in policy publications about public accountability, three answers recur, albeit implicitly, time and again. Public accountability is important to provide a democratic means to monitor and control government conduct, for preventing the development of concentrations of power, and to enhance the learning capacity and effectiveness of public administration (Aucoin and Heintzman 2000). Each of these three answers yields a separate theoretical perspective on the rationale behind public accountability and a separate perspective for the assessment of accountability relations.

The democratic perspective: popular sovereignty

Public accountability is extremely important from a democratic perspective, as it makes it possible to call to account in a democratic fashion those holding public office (March and Olsen 1995, 141-181; Mulgan 2003). This is an approach that reaches back to the tenets of Rousseau and Weber, and has been theoretically defined using the principal-agent model.

Previously, we saw that the modern representative democracy could be described as a concatenation of principal-agent relationships (Strom 2000; Strom 2003; Lupia 2003). The people, who are the primary principals in a democracy, have transferred their sovereignty to popular representatives, who, in turn, have transferred the drafting and enforcement of laws and policy to the government. The ministers and secretaries of state in government subsequently entrust the execution of their tasks to the many thousands of public servants at the ministries, who proceed to delegate part of their tasks to more or less independent bodies and institutions. In due course, the public organisations and the executive public servants and the end of the chain have the task of spending billions in taxpayers' money, using their discretionary powers to furnish licences and subsidies, impose fines, and for jailing people.

Each principal in the chain of delegation seeks to monitor the execution of the delegated public tasks by calling the agent to account. At the end of the accountability chain are the citizens, who pass judgement on the conduct of the government and who indicate their displeasure by voting for other popular representatives. Hence public accountability is an essential condition for the democratic process, as it provides the people's representation and the voters with the information needed for judging the propriety and effectiveness of the conduct of the government (Przeworski, Stokes, and Manin 1999).

The constitutional perspective: prevention of corruption and abuse of power

A classic benchmark in the thinking about public accountability is found in the liberal tradition of Locke, Montesquieu and the American Federalists (O'Donnell 1999), to name but a few. The main concern underlying this perspective is that of preventing

the tyranny of absolute rulers, overly presumptuous, elected leaders or of an expansive and 'privatised' executive power. The remedy against an overbearing, improper or corrupt government is the organisation of institutional countervailing powers. Other public institutions, such as an independent judicial power or a Chamber of Audit are put in place next to the voter, parliament, and political officials, and given the power to request that account be rendered over particular aspects. Good governance arises from a dynamic equilibrium between the various powers of the state (Witteveen 1991; Fisher 2004, 506-507).

The cybernetic perspective: enhancing the learning capacity

In a cybernetic perspective on public accountability, the purpose of accountability lies more in maintaining and strengthening the learning capacity of the public administration (Van den Berg 1999, 40; Aucoin and Heintzman 2000, 52-54). Accountability is not only useful as a check, it also leads to prevention. Accountability forces administrators to trace connections between past, present and future ('t Hart 2001). An administrator who is called to account is confronted with his policy failures and he is aware that, in the future, he can be called upon again, even more pitilessly, to render account. The public nature of giving account teaches others in the same position about the accountability process. Parliamentary inquiries, for example – especially when broadcast on TV – cast their shadow well ahead, far beyond the concrete issue forming the subject of the inquiry, and can oblige numerous administrators and public servants to adjust their policies.

There is a longstanding cybernetic tradition in political science and related fields with which this idea neatly fits. At the heart of this tradition is the question of the extent to which political systems are capable of dealing adequately with changes in environment and with feedback about their own functioning (Deutsch 1963; Easton 1965; Luhmann 1966). In this context, Lindblom (1965) referred to the 'intelligence of democracy': the superiority of the pluralist democracy to that of other political systems lies in the greater number of incentives it contains to encourage intelligence and learning in the process of policymaking.

Public accountability is a crucial link in this cybernetic approach, as it offers a regular mechanism to confront administrators with information about their own functioning and forces them to reflect on the successes and failures of their past policy. Public accountability mechanisms therefore crack open political and administrative systems, especially where these tend to allow themselves to be guided by signals and initiatives from the very bosom of the system itself. Easton referred to this as being oriented toward 'withinputs' instead of 'inputs' and toward 'feedback' from the environment, while Luhmannians employ the graceful term 'autopoiesis' to mean the same thing (In 't Veld et al. 1991). In the learning approach, therefore, accountability is an essential part of what Argyris and Schon (1978) call 'deutero learning': an institutionalised capacity to learn.

These are three major perspectives on public accountability. Behind these three perspectives, however, lurks a far bigger, more abstract concern of public accountability. Public accountability is indirectly of importance because ultimately, it can help to ensure that the legitimacy of the public administration remains intact or is increased. This effect is partly the consequence of the other effects (democratic control, a power equilibrium and responsiveness enhance the legitimacy of the

administration) and partly an independent effect. Media, interest groups and citizens are all adopting an increasingly more critical attitude toward the government. Respect for authority is fast dwindling and the confidence in public institutions is under pressure in a number of western countries (Elchardus and Smits 2002). Processes of public accountability in which administrators are given the opportunity to explain and justify their intentions, and in which citizens and interest groups can pose questions and offer their opinion, can promote acceptance of government authority and the citizens' confidence in the government's administration (Aucoin and Heintzman 2000, 49-52).

In the incidental case of tragedies, fiascos, and failures, processes of public account giving may also have an important ritual, purifying function - they can help to provide public *catharsis*. Public account giving can help to bring a tragic period to an end because it can offer a platform for the victims to voice their grievances, and for the real or reputed perpetrators to account for themselves and to justify or excuse their conduct. This can be an important secondary effect of parliamentary inquiries, official investigations, or public hearings in case of natural disasters, plane crashes, or railroad accidents. The South African 'truth commissions', and various war crime tribunals, starting with the Tokyo and Nuremberg trials, and the Eichmann trial, up to the Yugoslav tribunal, are at least partly meant to fulfil this function (Dubnick 2002, 15-16). Public processes of calling to account create the opportunity for penitence, reparation, and forgiveness and can thus provide social or political closure (Harlow 2002, 9).

Box 4: The importance of public accountability

Direct

- Democratic control
- Checks and balances
- Improvement/learning

Indirect

- Legitimacy
- Catharsis

4.3 Evaluation frameworks for public accountability

The three perspectives outlined above offer more systematic frameworks to evaluate the effects of accountability arrangements. (The two other, indirect rationales for public accountability will not be further discussed, as these concern meta-effects that are difficult to evaluate, or play a role in special cases only).

The question central to the democratic perspective is whether the accountability arrangement adds to the possibilities open to voter, parliament or other representative bodies to control the executive power. Thus viewed, the main concern is that the accountability arrangements yield relevant information about the conduct of the government. The major issue in assessing accountability arrangements from this

perspective is whether they help to overcome agency problems, such as moral hazard (Strom 2003): do these accountability arrangements help to provide political principals with sufficient information about the behaviour of their agents and do they offer enough incentives to agents to commit themselves to the agenda's of their democratically elected principals?

From a constitutional perspective, the key question is whether the arrangement contributes to the prevention of corruption and the abuse of powers. This standpoint demands that public accountability forums be visible, tangible and powerful, in order to be able to withstand both the inherent tendency of those in public office to dexterously evade control and the autonomous expansion of power of the all-encompassing bureaucracy. The major issue from this perspective is whether accountability arrangements offer enough incentives for officials and agencies to refrain from abuse of authority. Does the accountability forum have enough inquisitive powers to reveal corruption or mismanagement, are the available sanctions strong enough to have preventive effects?

The cybernetic perspective obviously focuses on the question of whether the arrangement enhances the learning capacity and effectiveness of the public administration. This viewpoint will judge accountability arrangements and other feedback mechanisms to be successful if they generate feedback information and stimulate elite groups to reflect and to debate about the significance of this information with others (Van der Knaap 1995). The crucial questions from this perspective are whether the accountability arrangements offer sufficient feedback, but also the right incentives, to officials and agencies to reflect upon their policies and procedures and to improve upon them.

The central ideas, dominant evaluation principle, and a few concrete research questions that could be used in an evaluation study are provided for each perspective in the framework below.

<i>Democratic perspective: accountability and popular control</i>
<p><i>Central idea</i></p> <p>Accountability offers actors with democratic legitimacy possibilities to control administration, policy and organisation.</p>
<p><i>Central evaluation criterion</i></p> <p>The degree to which accountability arrangements or regimes directly or indirectly contribute to the possibilities for actors with democratic legitimacy to monitor, evaluate and adjust the propriety and effectiveness of government conduct.</p>
<p><i>Concrete evaluation questions</i></p> <p>a. Are there any accountability forums in which actors with democratic legitimacy participate and can the latter rely on having an adequate information position and enforceable sanction options at their disposal?</p> <p>b. To what extent do the accountability arrangements indirectly provide information to democratically legitimised actors about the propriety and the effectiveness of the conduct and actions of government bodies?</p>

c. To what extent does the accountability arrangement itself allow for the adjustment of the conduct of government bodies in the direction desired by the actors with democratic legitimacy?

d. Do the accountability arrangements offer enough incentives to agents to commit themselves to the agenda's of their democratically elected principals?

Constitutional perspective: accountability and equilibrium of power

Central idea

Accountability is essential in order to withstand the ever-present tendency toward power concentration in the executive power.

Central evaluation criterion

The extent to which accountability forums are able to contribute to the prevention of corruption and the abuse of powers.

Concrete evaluation questions

a. Do the accountability forums have a sufficiently adequate information position (availability of data, processing capacity)?

b. Do the accountability forums have enough inquisitive powers to reveal corruption or mismanagement?

c. Do the accountability forums have incentives to engage in proactive and alert account holding?

d. Do the administrative bodies have incentives to engage in proactive and sincere account giving?

e. Are the available sanctions strong enough to have preventive effects?

f. Does the accountability arrangement help to discourage corruption and improper governance?

Learning perspective: accountability and reflective governance

Central idea

Accountability is an essential condition for learning by administrative bodies and holders of executive positions.

Central evaluation criterion

The degree to which accountability arrangements stimulate administrative bodies and officials to achieve a higher awareness of the environment, increase self-reflection and induce the ability to change.

Concrete evaluation questions

a. Does the accountability arrangement contribute to the availability of information about former and current administrative actions for the administrative body involved and a wider range of administrative bodies?

b. Does the accountability arrangement stimulate internal reflection and the ensuing

learning conduct in administrative bodies and those holding public office?

c. Does the accountability arrangement stimulate the accountability forums and the administrative actors to (supervising) the institutionalisation and dissemination of lessons learned?

The existence of these various perspectives makes the evaluation of accountability arrangements a somewhat equivocal exercise. First of all, accountability arrangements may score well on one perspective, but not on others. For example, it can be argued that the accountability maps that are emerging around non-majoritarian European agencies are more up to standards from a constitutional than from a democratic perspective. Increasingly, the activities of these agencies are monitored by the Court of Justice and they have become subjected to scrutiny from the European Ombudsman and OLAF (Curtin 2005). However, the link with forums that are democratically legitimised remains very indirect.

Moreover, these perspectives need not always point in the same direction. What is considered beneficial from one perspective, may very well be judged detrimental from another perspective. For example, judicial review of laws and regulations may be considered as an adequate form of public accountability from a constitutional perspective, and at the same time as inappropriate form a democratic perspective, because it suffers from what Alexander Bickell (1962) has called 'the counter majoritarian difficulty': it limits the exercise of popular sovereignty through the legislative branch. Similarly, overly rigorous democratic control may squeeze the entrepreneurship and creativity out of public managers and may turn agencies into rule-obsessed bureaucracies. 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 administrative integrity and corruption control, which would be considered beneficial from a constitutional perspective, could lead to a proceduralism that seriously hampers the reflexivity, and hence also the efficiency and effectiveness, of public organisations (Anechiarico and Jacobs 1996).

To complicate things further, within each evaluation perspective there always remains the question of standards and levels of sufficiency. Behind each assessment ultimately lies a theory, often implicit, about what constitutes sufficient democratic control, or adequate checks and balances, or satisfactory reflexivity. What, for example, is a sufficient level of democratic control of European executive agencies? What should be the yardstick: the level of control of independent agencies in the average member state or should we develop an independent yardstick for European institutions?

5 Analysing and assessing accountability for European governance

It has been argued that the European Union suffers from serious accountability deficits (Harlow 2002; Fisher 2004; Van Gerven 2005, 63-103). But how can we establish the existence of accountability deficits? This paper has tried to get to grips with the appealing but elusive concept of accountability by asking three types of

questions, thus providing three types of building blocks for such an evaluation. First a conceptual one: what exactly is meant by accountability? Accountability is often used in a very broad sense, as a synonym for a variety of evaluative, but essentially contested and contestable concepts, such as responsiveness, responsibility and effectiveness. In this paper the concept of accountability is taken in a much more narrow sense: a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor can face consequences. This implies that the focus of accountability research should be on *ex post facto* processes in governance and not on *ex ante* inputs. The *ex ante* inputs in governance are very important for the legitimacy of the European Union, but they should be studied separately for what they are: forms of deliberation, participation, and control. Box 1 has identified seven elements that should be present to qualify a social relation or an institutional arrangement as a form of accountability.

The second question is an analytical one: what types of accountability are involved? On the basis of the narrow definition of accountability, a series of dimensions of accountability have been discerned, that can be used in the description of the various accountability relations and arrangements that can be found in the different domains of European governance. Taken together, these two building blocks provide a descriptive framework for more systematic mapping exercises: are the various institutions of the European Union subjected to accountability relations at all, and, if so, how can we classify these accountability relations?

The third question is an altogether different, evaluative question: how should we assess these accountability relations, arrangements and regimes? Three perspectives have been provided for the assessment of accountability relations: a democratic, a constitutional, and a cybernetic perspective. Each of these three perspectives may render different types of accountability deficits.

These building blocks cannot in themselves provide us with definite answers to the question whether there exist accountability deficits in European governance, because, ultimately, the evaluation of accountability arrangements in the European Union, to cite Elisabeth Fisher (2004, 511), 'cannot be disentangled from discussion about what is and should be the role and nature of European institutions'. In the end, the assessment of accountability cannot be separated from the vision one has about what constitutes adequate democratic control, sufficient checks and balances, or good enough governance in the context of European integration – should we, for example, judge the European polity as any other nation state, as a federal system, as an intergovernmental arena, or as a *sui generis* case?

These, often implicit, visions on the European polity ultimately determine whether one judges the glass of European accountability to be half full or half empty. However, these building blocks can structure the debates about accountability and ground them in empirical research – at the very least they can help to determine whether there is anything in the glass at all.

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List of Figures

Figure 1

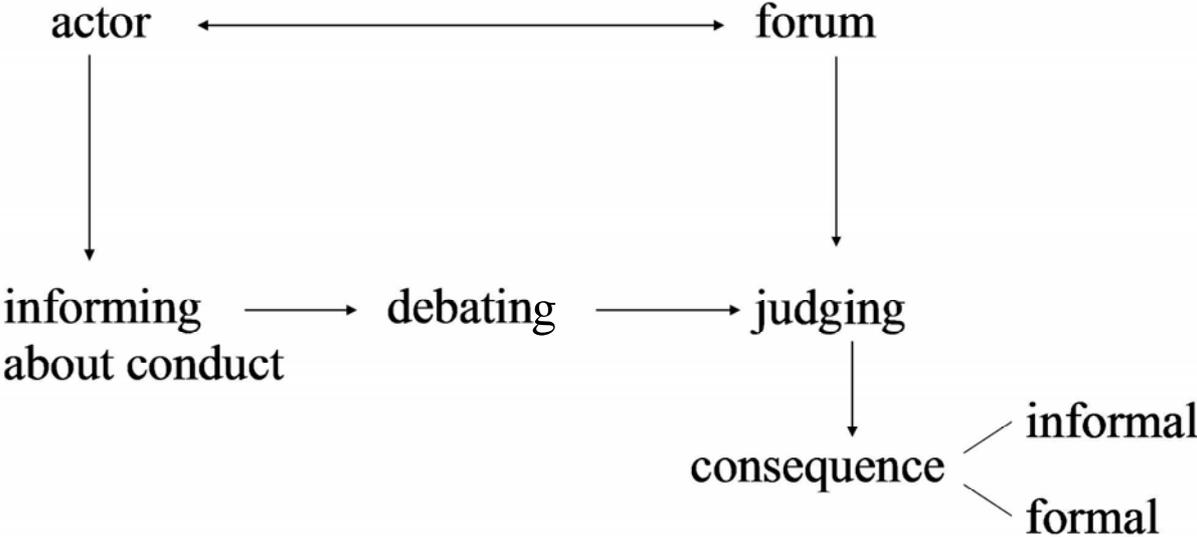


Figure 2

