

## DOES PUBLIC ACCOUNTABILITY WORK? AN ASSESSMENT TOOL

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In recent years, there has been a drive to strengthen existing public accountability arrangements and to design new ones. This prompts the question whether accountability arrangements actually work. In the existing literature, both accountability 'deficits' and 'overloads' are alleged to exist. However, owing to the lack of a cogent yardstick, the debate tends to be impressionistic and event-driven. In this article we develop an instrument for systematically assessing public accountability arrangements, drawing on three different normative perspectives. In the democratic perspective, accountability arrangements should effectively link government actions to the 'democratic chain of delegation'. In the constitutional perspective, it is essential that accountability arrangements prevent or uncover abuses of public authority. In the learning perspective, accountability is a tool to make governments effective in delivering on their promises. We demonstrate the use of our multicriteria assessment tool in an analysis of a new accountability arrangement: the boards of oversight of agencies.

### ACCOUNTABLE GOVERNMENT: TOO LITTLE OR TOO MUCH OF A GOOD THING?

Accountability is one of those golden concepts that no one can be against. Everyone intuitively agrees that public authorities should render account publicly for the way they use their mandates and spend public money. The power of government needs to be checked routinely if we don't want to wake up in an authoritarian regime one day. Accountability, defined here as 'the relationship between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences' (Bovens 2006), is widely seen as a tool for citizens to force those vested with public power to speak the truth. And since we know that power corrupts its holders and unchecked power corrupts more, the more accountability there is the better – or so it seems.

If accountability of and in government is what we want, it appears that we can look at the future with some confidence. In recent years, there has been a drive in many Western democracies to strengthen existing accountability arrangements and to design and add new ones. Not only has there been considerable growth in the number and scope of accountability arrangements, but also a accumulation of these arrangements. The ideas and impulses for increased control and accountability mechanisms have come partly from outside the realm of national government. Idea brokers in the 'new public management' mould, such as the OECD, have been instrumental in spreading the gospel about benchmarking, monitoring, accreditation, and planning and control cycles (Pollitt and Bouckaert 2004). Some of these phenomena would not technically qualify as accountability in terms of the definition cited above, but their intended impact upon public policy-makers and bodies is highly similar. Each forces them to describe and justify what they do, and how and why they do it, and each induces them to maintain proper standards of conduct.

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The growth of these accountability arrangements prompts a question: do they actually work in the intended fashion? This is not a moot issue. The nascent 'accountability industry' has its detractors. Some critics say that despite ongoing lip service to 'accountable government', many of the mechanisms for bringing it about are either sheer window-dressing or easily subverted by an all-powerful executive branch (Waterford 2006). At the other side of the spectrum, many public office-holders throughout the Western world routinely complain that the current accumulation of accountability arrangements has left them with an accountability regime (that is, the sum of all accountability relationships that they are required to manage) that defeats any reasonable purpose. To help resolve what today is largely an argument driven by impressions and incidents, we seek to develop an instrument for systematically assessing public accountability arrangements of whatever kind. This is important if we want to judge the soundness of these competing claims and make intelligent recommendations about the (re)design of the web of accountability arrangements surrounding public officials and institutions.

Firstly, we distinguish between a broad and a narrow concept of accountability. We then proceed by differentiating between two ideal-typical accountability failures: deficits and overloads. In search of an Archimedean point by which to judge whether and when these can be said to exist, we advance three different theoretical perspectives on public accountability: democratic, constitutional and learning. We show how these different 'logics' of accountability predispose towards different assessments of alleged accountability deficits and overloads. Each of the three perspectives spawns distinctive general assessment criteria. When applied to any particular accountability arrangement, they need to be operationalized to fit the specific situation at hand, for example, 'who' is accountable to 'whom', 'how' and for 'what'? (Mulgan 2003, p. 22). We shall demonstrate the uses and limitations of our approach by providing a brief example of assessing one particular accountability arrangement: the practice of board oversight on executive agencies operating at arm's length of the Dutch government. We conclude the paper by providing some key caveats and challenges for further work in this area.

## THE MEANINGS OF ACCOUNTABILITY: A TRANSATLANTIC DIVIDE

Anyone studying accountability will soon discover that it can mean many different things to many different people (Behn 2001, pp. 3–6; Mulgan 2003; Pollitt 2003, p. 89; Dubnick 2005). It is an evocative concept that is all too easily used in political discourse and policy documents because it conveys an image of transparency and trustworthiness. Moreover, 'accountability' often serves as a conceptual umbrella that covers various other, often highly contested, concepts. One of the reasons for this conceptual ambiguity and multiplicity is the fact that 'accountability' is an Anglo-Norman concept (Dubnick 2002), which has no semantic equivalents on the European continent. Other languages, such as French, Portuguese, Spanish, German, or Dutch, have no exact equivalent and do not (yet) distinguish semantically between 'responsibility' and 'accountability' (Harlow 2002, pp. 14–15; Dubnick 2002; Mulgan 2003).

Secondly, within contemporary Anglo-American political and scholarly discourse, 'accountability' seems to be an ever-expanding concept (Mulgan 2003). The term, to quote the Australian philosopher Richard Mulgan (2003, p. 8), 'has come to stand as a general term for any mechanism that makes powerful institutions responsive to their particular publics'. However, there is a pattern to the expansion. In the American academic and political discourse, accountability is used predominantly as a normative concept, as a set

of standards for the evaluation of the behaviour of public actors. Accountability or, more precisely, 'being accountable', is seen as a virtue, as a positive quality of organizations or officials. Hence, accountability studies often focus on normative issues, on the assessment of the actual and active behaviour of public agents (Koppell 2003; Dubnick 2005). Accountability in this very broad sense is basically an evaluative concept that 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. Accountability in this broad sense is an essentially contested and contestable concept, because there is no general consensus about the standards for accountable behaviour; in addition, they differ from role to role, time to time, place to place, and from speaker to speaker.

On the other side of the Atlantic, in British, Australian and continental European scholarly debates, accountability is often used in a much more narrow, descriptive sense. Accountability is seen as a social 'mechanism', as an institutional relation or arrangement in which an actor can be held to account by a forum (Day and Klein 1987; Mulgan 2003). Here the locus of accountability studies is not the behaviour of public agents, but the way in which these institutional arrangements operate. And the focus of accountability studies is not whether the agents have acted in an accountable way, but whether they are or can be held accountable *ex post facto* by accountability forums.

Both concepts, the broad one, in which accountability is seen as a personal or organizational virtue, and the narrow one, in which accountability is defined as a social mechanism, are very useful for the study of, and the debate about, democratic governance. However, they should be distinguished, since they address different sorts of issues and imply very different sorts of standards and analytical dimensions. In this paper we will focus on the narrow concept of accountability, using the Bovens 2006 definition: 'a relationship between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences'.

## ACCOUNTABILITY: OVERLOADS AND DEFICITS

Many contemporary public administrators complain about accountability overload (see Brennan 1999). They refer to the increasingly dense web of material and procedural law specifying criteria for administrative conduct. They say it has opened the door to judicial control practices that are minute, time-consuming and paralytic in their effects. They bemoan the expansive role conception of courts of audit, many of which have evolved from traditional 'accountants' to fully-fledged 'evaluators' (see Pollitt *et al.* 1999). These are said to superimpose their rationalistic ideas about public policy design and implementation on a world of administrative practice is complex, political, uncertainty-ridden, and somewhat murky. Employing rationalistic criteria audit offices are almost bound to find many instances of ineffectiveness and inefficiency. Furthermore, by widely publishing their mostly negative findings auditors provide journalists and parliamentary critics with a supply of cheap shots at ministers and bureaucrats. They also fuel public cynicism about government in general. Let us take this line of criticism at face value for a moment, and dissect its various components.

Firstly, from the public administrator's point of view, the sheer frequency of accountability routines can be seen as too high. Some commentators have quipped that they spend half their time explaining to all sorts of accountability forums what they intend to

be doing, and the other explaining to them why they did not get around to doing all these things. Adding new layers to the already voluminous cakes of accountability requirements brings little gains to the public interest and adds ever more red tape. The university administrators of various countries have, for example, complained bitterly about the never-ending wave of assessment exercises, since each entails different, partly overlapping, reporting requirements and generates its own 'circus' of preparatory meetings, dialogues with the accountors, responses to their draft reports, publicity 'fallouts' and 'follow-up' rituals. All that eats away at the time available to scholars for their primary duties in teaching and research.

Another source of irritation is the nature of the evaluation criteria and rules of interaction entailed in various accountability arrangements. Administrators deplore the uncertainty and costs associated with being forced to respond to unclear, unrealistic, impractical or ever-changing standards and 'rules of the game'. Administrative critiques of the modus operandi of courts of audit have already been mentioned. Likewise, the perceived volatility and the opportunism of political accountability forums in particular are seen as a major cost factor by both ministers and top civil servants ('t Hart and Wille 2006). Often with little or no prior notice, ministers and civil servants are required to appear in parliament to talk about what they feel are matters of 'detail' or mere 'incidents' in individual cases. They are obliged to answer hundreds if not thousands of written parliamentary questions each year, and they spend sometimes up to half of a normal employee's working week debating these matters with parliament. This is especially the case for ministers and bureaucrats responsible for media-sensitive, politically controversial policy domains such as criminal justice, health, and social policy.

One might dismiss these complaints. So what if administrators get nervous and irritated with accountability forums? This probably means they really 'bite'. Still, more and more, some of these criticisms have been echoed by scholars, who cannot be accused of self-serving bias. The notion that accountability obligations have progressed well beyond the point of diminishing returns has been put forward by various scholars. Behn (2001, pp. 11–13) talks about the 'accountability dilemma' that he feels is growing upon contemporary policy-makers. Halachmi (2002a, b), Jos and Tompkins (2004), and Dubnick (2005) remind us of the salience of the accountability paradox, which holds that more accountability does not necessarily produce better government. Accountability overkill discourages innovative and entrepreneurial behaviour in public managers (Anechiarico and Jacobs 1996; Power 1997). Others signal an 'accountability trap': as administrators are measured up more frequently and intensely, so do they get better in meeting the requirements posed by their accountability forums – but not necessarily performing better in the real world of policy-making and public service delivery (Meyer and Shaughnessy 1993; Van Thiel and Leeuw 2003). De Bruin (2000) demonstrates in great detail the various means by which a host of contemporary assessment and control mechanisms becomes subverted by strategic managerial behaviour. Others have developed entire catalogues of flaws that may prejudice the design and viability of accountability arrangements – including tunnel vision, ritualization, mutual stereotyping, defensive routines, and hostile behaviour – that serve to both hollow out and harden what was supposed to be a reflective discursive encounter between accountor and accountee (for further discussion of this terminology, see Pollitt 2003, p. 89). Finally, a recent volume of essays on public accountability is framed around the theme of an 'accountability crisis'. This is said to be a product of the current 'quickenings' and 'fragmentation' of public accountability discourse (Dowdle 2006, p. 10) that has spawned 'inconsistencies in the differing logics that underlie

[the very different] experiences' and visions of public accountability entertained by the many actors in contemporary governance systems (Dowdle 2006, p. 2). Simply put: too much disjointed accountability talk exists, something which undermines accountability practices.

We do not seek to judge the relative merits of these various claims; in any case, they are bound to be highly contingent upon domain-specific historical paths, cultural norms and institutional power constellations. But if for analytical purposes we take them at face value, we deduce an ideal-type of 'accountability overload'. This state looms when public office-holders or agencies are confronted with an accountability regime that: (1) imposes extraordinarily high demands on their limited time and energy; (2) contains a comparatively large number of mutually contradictory evaluation criteria; (3) contains performance standards that extend way beyond both their own and comparable authorities' good practices; and (4) contains performance standards that seem particularly conducive to goal displacement or subversive behaviour. The more of these four characteristics a given accountability regime can be said to possess, the higher the likelihood that it defeats its purposes. In short, accountability regimes are no exception to the more general behavioural modification rule that 'big sticks rebound' (see Braithwaite 1997, p. 314).

All this talk about accountability costs and overload should not blind us to the other end of the imaginary scale: the 'accountability deficit'. Historically, this has been the bigger concern, particularly with regard to the executive branch of government (Braithwaite 2006; Dowdle 2006). Generations of constitutional and political theorists have fired away at it over the centuries. It refers to a condition where those who govern us are not sufficiently hemmed in by requirements to explain their conduct publicly – to legal, professional, administrative, social or political forums who have some sort of power to sanction them. According to various scholars, accountability deficits can be found in various pockets of the public sector. One important area of concern has been the formidable growth in formal powers, numbers of staff and organizational complexity of the executive in comparison to the legislative. The (administrative) state is not dead – far from it. Day and Klein (1987, pp. 33–4) have summed it up as follows: 'The real difficulty comes ... when ... government departments become too large and too complex for ministers to accept personal responsibility for what is done in their name by their civil servants'. The balance between the two powers is said to have changed dramatically to the detriment of Parliament. The result has been that (in parliamentary systems) government is still formally accountable to parliament, but parliament's ability to effectively gain insight in and control of the executive is seriously hampered (Bovens 1998, p. 78; Behn 2001, pp. 76; Mulgan 2003, p. 74). Another particularly pressing area of concern is newly emerging theatres and practices of networked governance. These include multi-lateral and multilevel governance practices such as the European Union, where a whole chorus of scholars has lamented existing, and growing, accountability gaps (Curtin 2004; Fisher 2004; Arnall and Wincott 2001; Harlow 2002; Bergman and Damgaard 2000; Schmitter 2004). Likewise, various types of 'hybrid' organizations fusing private and public tasks and forms have been taken to task on the issue of accountability deficits (Martin 1997; Edeling *et al.* 2004). For example, Koppell (2003, p. 120) argues that although 'an appearance and infrastructure of control' may exist with regard to them, government-sponsored enterprises *de facto* have 'the resources, ability and position effectively to control their own controllers'.

As stated, these two ideal-types are the end of a continuum. Presumably, in an established democracy, most public authorities will be embedded in accountability regimes

that avoid both these extremes most of the time. Getting the balance right is difficult, but not impossible (see Mulgan 2002). Yet in times of internationalization, deregulation of public service delivery, the spread of quango's, 'hybrid' organizations and networks, the shape of executive power is constantly changing. The big question is: does executive accountability keep up with these developments? Some accountability arrangements may be hollowed out by these developments. Others may expand or become redesigned. New ones may be created from scratch. In such a context, periodic assessment of possible unintended effects and dysfunctions of new or evolving accountability arrangements is appropriate.

### **ASSESSING ACCOUNTABILITY: IN SEARCH OF CRITERIA**

The problem with most claims about the proportion of benign and pathological effects of public accountability arrangements is that few if any of the parties to the debate specify which standards they employ. The literature is remarkably light on assessment tools and methods. 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. However, they tend to gloss over the underlying normative questions – what is the purpose of public accountability in a constitutional democratic state and what principles for the assessment of accountability arrangements ensue from this? Page (2004) is an important exception, but the scope of his analysis is limited. His evaluation model focuses only on 'accountability for results' in the context of interagency collaboration in public service delivery. This leaves much ground uncovered.

So why is public accountability important, and how can we determine whether it is doing its job? In the scholarly literature and in policy documents about public accountability, three answers recur, albeit implicitly, time and again. One: the 'job' of public accountability is important to provide a democratic means to monitor and control government conduct. Two: accountability should help prevent executive abuses. Three: it should enhance the learning capacity and effectiveness of the executive branch and its partners in governance (Aucoin and Heintzman 2000). Each of these three answers springs from a distinct perspective on the rationale of public accountability, and consequently contains the roots for a distinct set of criteria for assessing accountability practices.

#### **The democratic perspective: control by citizens' elected representatives**

Public accountability is extremely important from a democratic theory perspective. It enables citizens and their representatives to make those holding public office answer for their deeds (March and Olsen 1995, pp. 141–81; Mulgan 2003) (see table 1). This idea harks back to Rousseau and Weber. These days it is often conceptualized in terms of a principal-agent model. It stipulates that a modern representative democracy can be described as a concatenation of principal-agent relationships (Strom 2000, 2003; Lupia 2003). The citizens, 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. Ministers subsequently entrust policy implementation to their ministries, who proceed to delegate parts of these tasks to more or less independent bodies and institutions. Public servants at the end of this chain of delegation end up spending billions in taxpayers' money, using their discretionary powers to, among many other things, furnish licences and subsidies, distribute benefits, impose fines, prosecute people, and lock them up if need be.

TABLE 1 *Assessing accountability: a democratic perspective***Democratic perspective: accountability and popular control***Central idea*

Accountability controls and legitimizes government actions by linking them effectively to the 'democratic chain of delegation'.

*Central evaluation criterion*

The degree to which an accountability arrangement or regime enables democratically legitimized bodies to monitor and evaluate executive behaviour and to induce executive actors to modify that behaviour in accordance with their preferences.

*Concrete evaluation questions*

- a. Are democratically legitimized principals informed about the conduct of executive actors, and about the social consequences of that conduct?
- b. Do the debates between accountability forum and actors focus on whether the behaviour of the latter accords with the democratically legitimized principals' standards and preferences?
- c. Does the accountability arrangement provide sufficiently significant incentives for executive actors to commit themselves to the agenda of their democratically legitimized principals?

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 (dis)pleasure at the ballot box. Hence, public accountability is an essential precondition for the democratic process to work, since it provides citizens and their representatives with the information needed for judging the propriety and effectiveness of government conduct (Przeworski *et al.* 1999). From this perspective, then, the quality of accountability arrangements hinges upon their demonstrated ability to consolidate and reaffirm the democratic chain of delegation.

**The constitutional perspective: prevention of corruption and abuse of power**

A second classic mode of thought about public accountability is found in the liberal tradition of Locke, Montesquieu and the American Federalists (O'Donnell 1999; Behn 2001, pp. 42–3). The main concern underlying this perspective is that of preventing tyranny by absolute rulers, presumptuous elected leaders, or by an expansive, decentred, perhaps partly 'privatized' executive power. In this perspective, good governance arises from a dynamic equilibrium between the various powers of – and increasingly beyond – the state (Witteveen 1991; Braithwaite 1997; Fisher 2004, pp. 506–7) (see table 2). The remedy

TABLE 2 *Assessing accountability: a constitutional perspective***Constitutional perspective: accountability and equilibrium of power***Central idea*

Accountability is essential in order to withstand the ever-present tendency toward power concentration and abuse of powers in the executive branch.

*Central evaluation criterion*

The extent to which an accountability arrangement curtails the abuse of executive power and privilege.

*Concrete evaluation questions*

- a. Does the accountability forum have enough investigative powers and information-processing capacity to credibly evaluate executive behaviour, particularly regarding conformity of executive action with laws, regulations and norms?
- b. Does the accountability forum have incentives to engage executive actors in relevant questioning and debate and is their interaction focused on conformity of actions with laws and norms?
- c. Does the accountability forum possess credible sanctions to punish and deter executive misbehaviour?

against an overbearing or improper government is the organization of institutional countervailing powers. Other public institutions, such as an independent judicial power or a court of audit, are to act as such, complementary to the voter, parliament, and political watchdogs. They are to be given the power to request that account be rendered over particular forms or aspects of executive behaviour. From the constitutional point of view, accountability arrangements are designed to 'keep the bastards honest'. They should prevent or at least uncover and redress abuse of public authority and other public resources.

### **The learning perspective: enhancing government effectiveness**

In the third, learning, perspective, the chief purpose of accountability is entirely different again. Accountability is seen as a tool to make and keep governments, agencies and individual officials effective in delivering on their promises. The purpose of public accountability is to induce the executive branch to learn (Van den Berg 1999, p. 40; Aucoin and Heintzman 2000, pp. 52–4) (see table 3). Accountability is effective when public authorities routinely generate and – after debate with accountability forums – act upon external feedback about their own performance (Deutsch 1963; Luhmann 1966; Behn 2001) – in short, to truly 'communicate' with 'outside actors' (O'Loughlin 1990). The possibility of sanctions from clients and other stakeholders in their environment in the event of errors and shortcomings motivates them to search for more intelligent ways of organizing their business. Moreover, the public nature of the accountability process teaches others in similar positions what is expected of them, what works, and what doesn't. Public performance reviews, for example, can induce many more administrators than those under scrutiny to rethink and adjust their policies. Accountability mechanisms induce openness and reflexivity in political and administrative systems that might otherwise be primarily inward-looking (In 't Veld *et al.* 1991). In the learning approach, therefore, accountability is an essential part of what Argyris and Schön (1978) call 'deutero learning': an institutionalized capacity to learn. Accountability is not so much an adversarial mechanism, as it is in the two other perspectives, but rather an 'exhortative' one. It is not about 'keeping the bastards honest' but about 'keeping the bastards smart and sharp'.

TABLE 3 *Assessing accountability: a learning perspective*

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#### **Learning perspective: effective governance**

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##### *Central idea*

Accountability provides public office-holders and agencies with feedback-based inducements to increase their effectiveness and efficiency.

##### *Central evaluation criterion*

The degree to which an accountability arrangement stimulates public executives and bodies to focus consistently on achieving desirable societal outcomes.

##### *Concrete evaluation questions*

- a. Does the accountability arrangement yield both actors and clients and key external stakeholders an accurate, timely and clear diagnosis of important performance dimensions?
  - b. Does the accountability arrangement provide a setting and a set of interaction routines which induces ongoing, consequential dialogue among executive actors and key stakeholders about performance feedback?
  - c. Is the accountability forum sufficiently strong to make accountors anticipate, yet sufficiently 'safe' to minimize defensive routines so that accountors adopt the lessons learned from performance feedback and stakeholder dialogue?
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## ASSESSING ACCOUNTABILITY: DEVELOPING THE PERSPECTIVES

The three perspectives outlined above offer more systematic frameworks for assessing the effects of accountability arrangements. For each perspective we briefly sketch below the central ideas, dominant evaluation principles, and a few concrete questions to be used in an assessment exercise.

The key concern of the 'democratic perspective' is whether the accountability arrangement adds to the possibilities open to voters, parliament or other representative bodies to control executive power. Thus viewed, the main criterion is that accountability arrangements should yield relevant information about the conduct of the government. The major test for an accountability arrangement is whether it helps to overcome deeply ingrained agency problems, such as moral hazard (Strom 2003). It should provide democratically legitimized principals (political or otherwise) with correct, timely and relevant information about the behaviour of their agents. This can only happen if it is designed and operated in such a way as to offer sufficient incentives to agents to succumb, preferably even commit themselves, to the oversight exercised by democratically legitimized principal(s).

From a 'constitutional perspective', the key question is whether the arrangement contributes to rooting out executive corruption and the abuse of powers. This requires that public accountability forums be powerful. They must be able to withstand the inherent tendency of those in the executive branch to evade or subvert external control. The major issue from this perspective is whether accountability arrangements offer enough incentives for officials and agencies to refrain from abuse of authority. Accountability forums should have enough investigative powers to reveal corruption or mismanagement, and their available sanctions should be strong enough to send shock waves throughout the system and make potential transgressors think twice before acting.

The 'learning perspective' judges accountability arrangements and related transparency mechanisms to be successful if they make public authorities more effective in achieving set goals and more responsive to the needs and preferences of their key clientele. They are to do so by generating clear, 'bottom up' feedback information, and by stimulating both accountees and accountors to reflect and to debate about the significance of this information, both separately and in dialogue with one another (Van der Knaap 1995). The crucial questions from this perspective are whether the accountability arrangements offer high-quality feedback, but also the right incentives to officials and agencies to reconsider the values and assumptions that underlie their policies, procedures and organizations. If accountability is to produce reflection and learning, it has to be: focused on issues that really matter to clients and other stakeholders; non-gratuitous in its forms and possible consequences (see O'Loughlin 1990); at the same time relatively 'safe' for all parties concerned so as to minimize the chances of defensive routines taking over the process (Argyris and Schön 1978). As we saw earlier, students of accountability regimes as learning cycles, such as Behn and De Bruin, tend to agree that it has proven very hard to get this delicate balance of desirable properties right.

## TOWARDS AN INTEGRATED ASSESSMENT

The existence of these various perspectives makes the assessment of accountability arrangements a somewhat equivocal exercise, since they 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 an adequate form of public accountability from a constitutional

perspective, and at the same time as inappropriate from a democratic perspective, because it suffers from what Bickell (1985) has called 'the counter majoritarian difficulty': it limits the exercise of popular sovereignty through the legislative branch. Similarly, overly rigorous democratic control may backfire when it generates 'rule-obsessed organizations [that] turn the timid into cowards and the bold into outlaws' (Zegans, quoted in Behn 2001, p. 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 organizations deemed essential by the proponents of the learning perspective (Anechiarico and Jacobs 1996). In short, like most other social phenomena, accountability is multifaceted, and cannot really be meaningfully assessed by means of a single criterion (O'Loughlin 1990; Romzek and Dubnick 1998).

Clearly, some form of multicriteria evaluation is called for, notwithstanding the inherent problems of such a method, such as unconscious and manipulated bias in the selection, operationalization, and weighting of criteria (Buckley 1988; Bovens and 't Hart 1996). Since some of these difficulties are quite fundamental, the best one can do is simply to acknowledge them and be transparent about the analytical choices made in developing one's assessment tools, and that is what we seek to do here. We proceed as follows. First we disaggregate 'accountability' into its three constituent parts; we then articulate evaluation criteria for each part using each of the three perspectives presented above; we then illustrate use of these three criteria sets in assessing specific accountability practices by means of an example.

For an accountability relationship between an actor and a forum to be operative, three components are essential (Bovens 2006): the actor should be obliged to inform the forum about his conduct; there should be an opportunity for the forum to debate with the actor about his conduct as well as an opportunity for the actor to explain and justify his conduct in the course of this debate; and both parties to the relationship should know that the forum or some third party is able to not only pass judgement but also to present the actor with salient consequences (see Day and Klein 1987, p. 5; O'Loughlin 1990; Romzek and Dubnick 1998, p. 6; Scott 2000, p. 40; Mulgan 2003, pp. 7–14). In any given accountability relationship or set of arrangements, each of these critical components are designed in and safeguarded to a particular degree. Moreover, each of these three evaluative perspectives on accountability implies a different set of concerns regarding each of these three components. Each represents a legitimate set of concerns regarding accountability, each has its own take on optimal as well as pathological (deficits and overloads) manifestations of public accountability. The big question is: how to utilize these perspectives in practice? As it stands now, each component of an accountability arrangement can be assessed with reference to three rather different, partially contradictory, criteria. There is normative tension here, particularly between the constitutional and the learning perspective: the former is about curtailing executive power by building countervailing powers that are as strong as possible, the latter is about creating a 'safe' atmosphere conducive to business-like re-examination of existing policies and practices. Assuming that each criteria set is pertinent to any public accountability relationship or arrangement to some degree or other, which is to prevail in any given case?

We think the most useful answer is: none. Rather than pinning them down by definition against one another, we propose combining the three criteria sets into an integrated assessment tool. To arrive at that, we will first analyse our case of an accountability practice of Dutch executive agencies.

### **An example: assessing boards of oversight for arm's-length agencies**

The rise of arm's-length governance in The Netherlands and other OECD-countries has roused a number of questions regarding their accountability (Van Thiel 2000; Flinders 2001; Pollitt and Bouckaert 2004). The appointment of boards of oversight has been one of the most common responses to perceived accountability deficits that might arise from granting much autonomy to agencies. These boards now operate in many countries, but their performance has not yet been studied widely (Cornforth 2002; Luursema *et al.* 2003).

The boards of Dutch agencies have a hybrid character. They have to be 'independent' in their judgement, yet at the same time they are supposed to function as advisors to management; in addition, they are appointed by the relevant minister. Their 'formal position' can be assessed from all of our three perspectives. From the democratic perspective, they may be seen as substitutes for the political principal, because they are appointed by him and have been given delegated powers of oversight that normally reside with the principal. From the constitutional perspective, they can be seen as safeguards against abuse of power, because they have to see to the 'proper execution of formal tasks' and they have to approve all major (financial) decisions. From the learning perspective, boards can be seen as quality improvers, since they are to give advice on all major decisions and board members usually carry a wealth of experience.

Taken together, this is a formidable task for a single body – even more so when we consider that, on average, boards meet only once every two months. Expecting boards to simultaneously substitute for the principal, prevent power-abuse *and* improve performance may be asking too much. Drawing on an in-depth field study of eight such boards, we now consider how to assess the accountability 'practices' that they have generated.

Boards and management generally meet once every two months to discuss 'everything that is important'. In the 'information' phase, they are informed on a broad basis. One respondent puts it like this 'We simply discuss all major topics and decisions before they are presented to the minister' (Respondent ('R' from now on) 01). Another respondent says: 'in principle, the board sees to the entire field of operations of our organisation' (R67). The locus of information is therefore generally as broad as can be expected of a body with a broad mandate.

The focus of attention of boards in the debating phase however is much narrower. The discussion between board and management is characterized by most respondents as 'open' and 'mutually respectful'. Boards focus primarily on potential (political or financial) risks and the internal governance of the agencies. Whenever an agency's management conflicts with its principal (minister and/or ministry), its board tends to side with management and will try to smooth things over. It thus acts as a buffer against any attempts by principals to tighten hierarchical control. In addition, discussions between boards and management tend to be future-oriented rather than focused on past performance. Respondents from both sides value the board's consultation and advice functions more than its scrutiny functions. As one manager puts it: 'It is not really that we have to ask their permission, it is more a consultative-sort of situation. Of course they have to approve of certain issues. And they do. But mostly they basically have their say. It is mostly feedback for management' (R22).

When it comes to consequences, boards prefer to use informal methods above the use of formal powers. In this respect they operate as other government-regulators (see Hood *et al.* 1999, p. 53). Besides, they are generally supportive of the decisions management proposes. As one respondent says: 'their advice usually strengthens what we already do' (R69).

This overall picture is one of boards operating close to agency management. The interaction between them is kept under wraps and thus creates a relatively safe environment for management. However, most interviewees clearly perceived it as an accountability relationship. This is largely due to the fact that however cooperative its stance may be, the board does maintain formal and informal links to the principal. Agency managers can thus not afford to ignore it. Moreover, they can use these links proactively. As one manager puts it: 'They can be important ambassadors for us' (R58).

All this suggests that the role of boards with respect to agencies most closely meets the criteria of the learning perspective. Boards tend to focus on their advisory, reflective roles. In the information phase, they receive all major policy documents at a point when they can still influence decisions. In the debating phase, they focus on the agenda of the agent and try to provide counsel. They are mostly described as 'sparring partners' who pose difficult questions about intended new policies and pinpoint risks and opportunities at hand. The agents take this counselling role seriously. For the most part they invest considerable time in the management of good relations with the board and indicate that they would never neglect it. This is due to the formal powers of the board but it is also due to the personal reputations of its members. The boards consist of 'weighty people, who naturally know everybody' (R16), one member is even described as a 'deity in this field' (R48). Through this mode of operation, boards have a significant, yet difficult to pin down, influence on strategic choices of the agent. Since their counsel is mostly informal, it is difficult to trace (R88). But all respondents indicate that they are important sparring partners to management who provide valuable feedback. The board-management nexus is a deliberative one, rather than a controlling one.

Current accountability arrangements between agencies and boards do not sit well with the other two sets of criteria. What stands out from a constitutional perspective is that boards concentrate hardly at all on preventing or uncovering irregularities. This is perhaps surprising, since boards are empowered by strong investigative prerogatives. They may demand access to the administration and buildings of the agency. Some boards may even 'hear' employees in closed meetings. In practice, boards hardly ever use these powers. In their interactions with management little if any attention is paid to questions concerning (im)propriety, abuse or corruption. This was highlighted in 2004 in a highly public row over housing expenditures of the social security agency UWV. According to the press and later according to parliament, the costs of UWV's new main office had been what was described as outrageous. The ministry was up in arms, the minister was put under severe pressure by parliament and the agency's director ended up having to leave. After the crisis, not only management but also the board were criticized. Why hadn't it prevented management's excessive spending on refurbishing the main office, the minister asked them in a public letter. It turned out that the board had approved of the general guidelines concerning the move to the new office but had failed to monitor UWV management's implementation of those guidelines. Its presence had had no preventive effect, much to the frustration of the minister. One interviewee in this case reflected: 'If you had asked me two and a half years ago, I would have said that it's a good thing to have a board for the agency. I never really thought about it anyway. It is only when something goes wrong that you realize that they are of no help' (R59).

Neither does accountability of agencies to boards satisfy the criteria offered by the democratic perspective. The introduction of boards grants the 'democratic chain of delegation' slightly more insight in the agent than it would have had otherwise, but does not contribute to the ability of the principal to steer or control the agent. Boards do increase

the information position of the minister, in two ways. They can first of all be informants to the principal. Board members occasionally meet in person with the minister or high ranking civil servants and thus provide some insight into the agency's operations. Secondly, boards often publish annual reports about their oversight and recommendations to the agency. They also have to approve of important decisions, and account for these choices as well. The principals use what they can see of the board's activities as a 'fire-alarm device': they scan for indications of problems. When boards make negative statements about the agency, according to a civil servant from the parent department who was interviewed, they would 'take it very seriously. Considering that the organisation would do everything to prevent this from happening (...) so if it does happen, we really have to take it seriously' (R35). In a way, boards thus operate on behalf of the principal. This is perhaps not surprising, since it is the principal who formally appoints them. However, this is not at all how the average board member interprets his own role. One stated poignantly: 'I'm not here to help the minister' (R67). Another echoed this: 'in no way do I feel myself to be an actor of the minister' (R85). When advising or steering the agent, boards do not necessarily steer management towards the principal's wishes. And when the agent clashes with the principal, the board tends to side with the agent, not with the principal. In one example, agent and board thought that funding levels to the agency from the department were clearly insufficient. The board issued the following formal advice to the agent: 'the board advises to stop operations in some areas when funding is insufficient. Be a tough negotiator'. In short: although boards may provide some useful information to the principal from time to time, they do not contribute to his control of the agent. Table 4 sums up our findings for the case of agency-boards. It reiterates, now in integrated fashion, the operationalized criteria of the three perspectives. For each criterion, the assessment emerging from the case exercise is briefly summarized.

The exercise shows that the tool facilitates a systematic and nuanced assessment of a given accountability arrangement. If so desired, these assessments could be 'hardened up' by quantification. For each cell in table 4 a score could be assigned, and intersubjectively validated by Delphi-type expert consultations. This would yield sum scores for each of the table's three columns. These scores could then be compared against scores obtained on the same dimension by other accountability arrangements.

What this approach does not yield, in and of itself, are final, integrated judgements (or scores). It all depends on the relative weight one chooses to assign to each of the three perspectives. Judgements of this kind will always reflect the ideology of the assessor in deciding which values matter most and which performance criteria are most salient given the kind of accountability arrangement under scrutiny. Our tool cannot resolve these normative riddles. All it does is provide a coherent structure for a multicriteria assessment that can be used for benchmarking purposes, particularly with reference to the accountability arrangements of highly comparable executive agencies (such as police forces, prison services, health-care institutions and school systems) and/or highly comparable types of accountability forums (such as boards, parliaments and audit offices).

## CONCLUDING REFLECTIONS

Designing, justifying and evaluating different modes of organizing accountability is an old but persistent challenge to scholars and practitioners of public administration. Debates about it have often stayed at the lofty heights of political, constitutional and management theory. This paper has sought to bring the matter down to earth. In our case of

TABLE 4 *Accountability components: criteria and summary conclusions for our case*

	Democratic	Constitutional	Learning
<i>Information provision</i>	Democratic chain of delegation is informed about the conduct and consequences of executive actors Slight: boards generate limited information for the principal	Forum gains insight into whether agent's behaviour is in accordance with laws, regulations and norms Slight: boards do receive much important information and have strong investigative powers	Information gathering and provision routines yield an accurate, timely and clear diagnosis of important performance dimensions Yes: information phase is relatively open and timed halfway through decision-procedures. This prevents closure and defensiveness of actor
<i>Debate</i>	Interaction concentrates on conformity of action with principal's preferences No	Interaction concentrates on conformity of actions with laws and norms No	Ongoing, substantial dialogue with clients and other stakeholders about performance feedback Yes: debate characterizes as 'reflection' on agenda of agent by reputable forum
<i>Consequences</i>	Ability of democratic chain of delegation to modify the actor's policies and/or incentive structures No: forum operates independent from principal Actor acceptance of principal's right to control its policies and performance	Forum should be able to exercise credible 'deterrence' <i>vis à vis</i> the actor Hardly at all: because forums tend to concentrate on issues of general policy Actor awareness that powerful watchdog(s) observe its integrity and check its powers	Sufficiently strong outside actors to make accountors anticipate, yet sufficiently 'safe' culture of sanctioning to minimize defensive routines Yes: exchanges are 'open and respectful', yet not devoid of political risks Actor commitment to continuous improvement by dialogue-induced focus on outcome achievement
<i>Cumulative effect</i>	No: forum sides with agent in case of conflict and may strengthen adversarial behaviour between principal and agent	Hardly at all: the forum is for the most part a sparring partner to management	Yes: whereas principal is concerned with control, boards put more weight on achieving goals and being an innovative agency

agency-boards, we showed how an accountability relationship explicitly designed to meet all three logics of accountability ends up scoring well on only one criteria set. The case exemplifies how our perspective can be used to arrive at a systematic intersubjective evaluation of a given accountability arrangement.

Not everyone will agree with our way of modelling standards for public accountability, and it is more than fitting that we should conclude this conceptual mapping exercise with a number of caveats: these can also be read as an agenda of the analytical challenges that lie ahead. Firstly, it should be noted that these three perspectives do not completely fill the normative space surrounding public accountability. From a broader regime perspective, public accountability arrangements may be judged according to their effects upon the legitimacy of the political system at large. Such a macro perspective has become increasingly salient in recent years, as mass media, interest groups and citizens in many Western countries have become increasingly sceptical about the political class and public institutions in general. Well-designed accountability mechanisms 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, may promote acceptance of government authority and the citizens' confidence in the government's administration (Aucoin and Heintzman 2000, pp. 49–52). Ill-designed or badly managed ones, on the contrary, may serve to reinforce the idea that the responsiveness of public officials and agencies is something of a charade. Likewise, in the event of major disasters, policy fiascos and scandals, 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 the case of natural disasters, plane crashes, or railroad accidents. Post-dictatorial 'truth commissions' in South Africa and various Latin American countries, as well as various war crime tribunals, are at least partly meant to fulfil this function (Barkan 2000; De Brito *et al.* 2001; Elster 2004). Public processes of calling to account create the opportunity for penitence, reparation, and forgiveness and can thus provide social or political closure (Harlow 2002, p. 9).

Secondly, the framework developed here is not impervious to the generic methodological challenges of evaluation research. Thorny issues of operationalization (including the eradication of possible contamination between the three criteria sets), measurement, multicriteria weighting, causal attribution, bias reduction, controlling comparison and the like await analysts seeking to apply this framework in empirical research (Rossi and Freeman 1993; Bovens and 't Hart 1996). And precisely because 'accountability' is such a feel-good concept and condensatory symbol in contemporary public management speak, the difficulties involved in treating it as all but that in rigorous research designs are bound to be considerable. Space constraints prevent us from addressing these matters in full here, but in our current research we aim to do just that. We can only hope that this article persuades some others to do likewise.

Finally, and most fundamentally, the accountability logics presented here are firmly grounded in monocentric, state-oriented models of governance, which presupposes that 'accountor' and 'accountee' are known, coherent, straightforward entities embedded in a single and clear-cut governance system. Contemporary theory and practice of public policy-making and public service delivery, however, stress their increasingly pluricentric, multilevel, networked, hybrid, and fluid nature (Rhodes 1997; Klijn and Koppenjan 2004).

Classic accountability dilemmas such as the 'many hands' problem take on an altogether greater poignancy in the case of decentred governance arrangements. Moreover, when public policy is produced in complex networks featuring multiple, overlapping coordination mechanisms, the very identification and make up of accountability relationships becomes problematic. Principal and agent roles are not always clear-cut, and may shift among the same set of actors depending upon the project, service or relational aspect at hand. Accountability easily gets lost in the cracks of horizontal and hybrid governance, and it is doubtful whether accountability arrangements designed on the basis of (combinations of) the three traditional perspectives outlined here are sufficiently robust to prevent this from happening. This is a major challenge for accountability scholars, one that is beginning to be taken up in the context of European governance (Curtin 2004; Fischer 2004; Benz 2007; Papadopoulos 2007) and public-private collaborative arrangements (Gilmour and Jensen 1998; Klingner *et al.* 2001; Whitaker *et al.* 2004), but it does not seem to have travelled well beyond that.

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