Despite democracy's recent proliferation, for marginalized people in developing countries the promise of accountable governance remains largely unfulfilled. This book analyses how and why conventional institutions of democratic accountability fail to advance the interests of the poor, and assesses the worldwide wave of experimentation with new methods for holding powerful actors accountable. The authors argue that while corruption is part of the reason why states, firms and international organizations can so often act with impunity, insufficient attention has been paid to the role of social biases in short-circuiting accountability institutions ostensibly designed to protect disadvantaged people. Efforts to combat these problems, they contend, have triggered the emergence of a 'new accountability agenda', involving increasingly unmediated roles for citizens and their associations in accountability processes; an expanded repertoire of methods for monitoring performance and enforcing sanctions; and more exacting standards of social justice against which powerful actors are judged. The book concludes with an assessment of the growing intellectual and political backlash against efforts to reinvent accountability.

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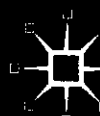**REINVENTING ACCOUNTABILITY**
Anne Marie Goetz and Rob Jenkins

REINVENTING ACCOUNTABILITY

Making Democracy Work for Human Development

Anne Marie Goetz and Rob Jenkins

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Reinventing Accountability

Making Democracy Work for Human Development

Anne Marie Goetz

and

Rob Jenkins

For Max and Nate, to whom we are jointly accountable

Contents

1
Introduction

Accountability is a perpetual struggle when power is delegated by the many to the few in the interests of governability. To complicate matters further, in most systems of government the task of holding accountable those to whom power has been delegated is itself delegated – again, to a relatively small number of individuals: senior judges, auditors-general, members of legislative public accounts committees. The question of who will watch the watchdog is as old as it is unavoidable.

To these perennial problems, globalization and political liberalization have added new ones. Powerful non-state actors capable of influencing the lives of ordinary people have multiplied, often act with impunity across borders and can evade the reach of conventional state-based accountability systems. The late twentieth-century wave of democratization has inflated ordinary people's expectations that governments will be held accountable, yet many democratic institutions cannot deliver on this promise. Poverty, insecurity, environmental degradation and social exclusion have persisted despite the demise of authoritarian rule in many parts of the developing world. Liberal political institutions have become discredited in the eyes of many who once placed their faith in them.

It is significant that critiques of democracy have, in many cases, been framed in terms of a pervasive lack of accountability. That the focus has been on the injustices visited on poor and marginalized communities represents a sea change in popular understandings of what democratic governments should be answerable *for*. Impatience with biased, ineffective and outright corrupt institutions has led people to seek new forms of engagement with existing accountability systems – and to invent new ones when necessity seems to dictate it. Where they cannot participate directly in closed official oversight processes, civic groups have often mimicked their functions through, for instance, people's audits of government spending or public hearings on the environmental impacts of proposed infrastructure projects. Technological change has helped: cyberspace provides new tools and arenas for the investigation and exposure of malpractice; even something as simple

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as photocopies of local government accounts in rural India, or the use of cell phones to report crime in urban Pakistan, can alter the nature of information exchange between citizens and public servants, undercutting the secretiveness that disguises incompetence and enables corruption to flourish. Through citizens' efforts to hold powerful actors to account, the meaning of accountability is changing.

This book reflects on a huge range of contemporary experiments around the world that cast themselves as efforts to hold the powerful to account. It sets out to describe, not prescribe. It does not specify even what an optimal level of accountability might look like in theory, let alone provide a practical remedy for the age-old dilemma of how busy 'principals' may exercise effective control over their far-flung 'agents'. It does not offer a primer on building good governance, particularly in newly democratizing countries, though its analysis of accountability failures may help to expose some of the limitations of conventional public-sector reform programmes. The book's purpose is not to declare definitively that some accountability initiatives adhere more genuinely to the essential meaning of the term accountability than do others, much less to insist that one or another method of achieving accountability is better. Its aim is both less and more ambitious: to make sense of the trend towards accountability-seeking in societies throughout the world. What can this amorphous mass of initiative – united only by a belief that the powerful must be held to account – tell us about changing perceptions of accountable governance?

Clearly people mean different things when they use the word accountability, or when they express the urge to hold someone or some institution accountable. This is almost inevitable given the plasticity of the term itself. But because holding delegated authority accountable is integral to the idea of government subject to popular control – to democracy – there is no escaping the idea of accountability. And because efforts to reshape democracy are found everywhere, so too are efforts to reinvent accountability. With this in mind, the book's underlying premise is that there is a contemporary global upsurge of efforts to reinvent accountability in practice, and that this requires us to rethink the place of accountability in theories of democratic governance.

Imperfect democratization and uneven globalization have highlighted the failures of conventional accountability mechanisms and the need for substantial institutional renewal. Nowhere is the task more urgent than in the developing world: this is where democracy faces its most serious crises, and where people will turn away from democracy most quickly if it continually fails to deliver accountable governance. However, in a globalizing world – with its diffusion effects and jurisdictional uncertainties – our analysis must encompass the many concerns that have been voiced about the future of liberal republican democracy in the advanced capitalist world as well. So while the book focuses on the poor in developing countries – those

for whom accountability failures have the most dire consequences – the analysis necessarily covers a broader canvas, occasionally examining accountability experiments in the north, and reflecting upon the evolution of ideas about accountability in the 'democracy and governance' sector of the development aid industry.

This chapter serves two main purposes. It previews, in the first section, the book's six main arguments, in the process outlining the structure of the chapters that follow. The second section introduces the idea of accountability – its component parts, the many meanings attached to the term and the distinctions that must be borne in mind when assessing efforts to operationalize it.

Summarizing the book's main arguments

Our first argument, on which the others must necessarily be built, is that something we call a 'new accountability agenda' is in the making. Despite the undeniable diversity among governance experiments that have sought to improve accountability, and the widely differing contexts in which they have been undertaken, it is possible to discern the defining characteristics of this new agenda. The three key elements of the new accountability agenda are explained in Chapters 4, 5 and 6, respectively, through an analysis of case study material drawn mainly from developing countries.

Many readers will question whether anything so grand as a new accountability agenda exists – a view that reflects a healthy scepticism about such bold claims. There are, after all, a great diversity of policy and advocacy agendas related to governance reform, and these are constantly in flux, changing in response to the unfolding of events. We argue that something like a new agenda is *in the making*, and we set out to identify its core features. Existing mainly in fragments of conceptual innovation and practical experiment, the basic elements of this agenda are nevertheless increasingly visible. Still largely an aspiration rather than a concrete reality, efforts to put the elements of the new agenda into practice are, however, more widespread than ever. In their most promising forms, these experiments offer disadvantaged people opportunities to operationalize rights and to shift the terrain of governance from technical solutions to a more immediate concern with social justice.

The new accountability agenda represents an *expansion* of accountability along the many dimensions of this concept. To put this slightly differently, there is now a wider spectrum of legitimate responses to the five fundamental questions that must be asked when seeking to understand the reality of accountability. The defining features of the new accountability agenda emerge from the answers to the questions:

1. *Who* is seeking accountability?
2. *From whom* (or what) is accountability sought?

3. *Where* (in which forums and over what extent of geographic coverage) is accountability being sought?
4. *How* (through what means) are the powerful being held to account?
5. *For what* (which actions, and against which norms) is accountability being sought?

Elaborating the contours of an emerging agenda along five dimensions is a daunting task. Fortunately, its inherent logic reduces the number of analytical categories considerably. For while the *impetus* for a new accountability agenda emerges from these five questions, its actual *manifestation* contains, in fact, only four key elements: (1) a *more direct role for ordinary people and their associations* in demanding accountability, across (2) a *more diverse set of jurisdictions*, using (3) an *expanded repertoire of methods*, and on the basis of (4) a *more exacting standard* of social justice.

These four elements of the new accountability agenda correspond to the questions 'who', 'where', 'how' and 'for what'. The fifth of the original questions ('from whom') becomes less relevant when we recognize that the actors from whom accountability is being sought are, more or less, the same as they have always been, and that it is the *new roles* being played by those who seek to hold them to account that is the most significant change underway. Thus *New Roles for Accountability Actors* is the subject of Chapter 4.

The nature of the accountability-seeking experiments allows us to reduce further the number of the new agenda's defining characteristics – from four to three. Two of the questions – *where* accountability is sought, and *how* – can be addressed in tandem because it is primarily in response to the changing nature of accountability *jurisdictions* (the 'where') that an expanded repertoire of tools has evolved (the 'how'). Chapter 5 thus elaborates the emergence of *New Methods and Shifting Accountability Jurisdictions*.

This leaves one of the original five questions remaining: *For what* are the powerful being held to account? This is arguably the dimension along which accountability is being most dramatically reinvented, and therefore where its implications for how democracy can be made to work for the poor most require fresh analysis. Chapter 6, on *New Standards of Accountability*, focuses on the changing norms against which the actions of power-holders are being judged.

Making sense of something as diverse and amorphous as the sometimes ill-defined pressure for greater justice in the world – which, arguably, is what this new agenda is all about – is a task fraught with methodological difficulties. Choices must be made. Accountability initiatives could, for instance, have been sorted according to the specific *activities* for which power-holders are being held to account, such as public spending, corporate behaviour and the promotion of national security, or the *instruments* used to promote accountability, such as market mechanisms and global treaties, or even the *actors* involved in these processes such as international organizations and

transnational civil society networks. But for their larger relevance to be grasped, it is necessary to situate them first within the currents of thinking and practice that comprise the emerging agenda.

We use a range of real-world examples – ordinary people seeking improved public services, or cleaner elections, or exposure and punishment of corruption – to illustrate the importance of each of the new agenda's key features. These are not necessarily *typical* of new accountability-seeking methods in general or in a particular context. In some cases they involve extraordinary risk-taking, such as when ordinary people expose the misdeeds of bureaucrats and politicians who can hit back and make their lives miserable. We examine these cases because they capture an emerging phenomenon that might be built upon to allow poor and marginal people to improve their lives. None of the experiments is *ideal*, either in conception or execution. Some of the most promising will be difficult, if not impossible, to replicate exactly. And while all are capable of helping to orient accountability towards the objectives of human development, some will be of more help than others.

While each of the three characteristics of the new accountability agenda is analytically distinct, in practice they tend to bleed into one another. In mid-2003, for example, the British government announced its intention to honour one of the ruling Labour Party's 1997 election manifesto pledges: to introduce legislation that would create a new category of criminal offence – 'corporate manslaughter'. Corporate executives have always been held legally accountable for financial outcomes, and firms have in recent years become increasingly accountable for environmental impacts. Executives have long faced the possibility of being sued individually for actions and decisions taken in their professional capacities – by shareholders, employees, and so forth. But the corporate manslaughter offence would allow company directors to be 'held to account for deaths caused through gross management negligence'. One lawyer who lobbied for the legislation bluntly described the changing standard involved: 'Fining companies is not enough. It is essential that directors can be prosecuted'.[1]

This example exposes the blurred conceptual boundaries between the new *roles* facing accountability actors, the new *methods* employed to constrain them and the new *standards* against which they are being judged. The power-holders targeted by the corporate manslaughter legislation were familiar enough, but were to be held accountable in a different forum (criminal rather than civil proceedings). The corporate manslaughter law is indeed a new mechanism, but of a classic type: national legislation implemented by the executive. At first glance, the novel aspect of this example is the higher standard of accountability to which corporate executives are being held; and yet, upon closer inspection, it becomes almost impossible to disentangle this new, more exacting standard from either the new roles into which the actors – courts, firms, executives – have been cast, or the shifts in the legal techniques employed. This essential ambiguity afflicts almost all of the case

study evidence discussed in Chapters 4, 5 and 6. Examples cited to illustrate new methods could, in some instances, have been as easily used to highlight the shifting roles of new actors. That many of the new agenda's manifestations display two or more features of the new accountability agenda demonstrates the tendency for these trends to reinforce one another.

The book's second main argument, elaborated in Chapter 2, which addresses a number of the theoretical concerns of the book, is that the role of globalization in generating the current wave of 'accountability-seeking' has been misunderstood. Democratic deficits have clearly resulted from the compromising of state sovereignty, the rise of corporate power and the indeterminacy of multilevel governance – all features associated with globalization, defined generically as 'the growth of worldwide networks of interdependence'.[2] But two refinements to this narrative are necessary. First, there is an issue of sequencing. Blaming globalization for the world's democratic deficits ignores the existence of flaws inherent in the two basic channels of democratic accountability – the vote and civil society pressure – both of which pre-date globalization. The second refinement arises in part from an awareness of the first: the need to draw attention to the role played by other aspects of globalization – that is, beyond simply its tendency to deplete sovereignty and blur jurisdictional boundaries – in driving demands for accountability. Globalization has been at least partly responsible for the worldwide proliferation of democracy in recent years – through the work of both intergovernmental organizations and transnational movements. This has brought democratic institutions to many poor and divided societies, precisely the types of environments in which democracy's inherent accountability shortcomings are most clearly visible. So, paradoxically, one of the main ways in which globalization has contributed to the worldwide wave of accountability-seeking is by spreading democracy – warts and all – not by undermining it.

The book's third argument stems from our analysis of the way that conventional institutions of democratic accountability fail the developing world's poor. By tracing a variety of deprivations back to systemic malfunctions in key accountability institutions – judiciaries, legislatures, human rights commissions, ombudsmen – we gain insight into how the resulting deprivations in one area of 'human development', such as access to basic services, can imperil the ability of poor people to protect other aspects of their well-being, such as livelihood security. This analysis, in turn, enables us to take issue with the existing literature, which tends to attribute institutional failure to 'capture' by elite interests. Our argument is that the preoccupation with capture obscures a second key reason why accountability institutions fail to work for the poor – that is, systematic 'bias' against marginalized social groups. The theoretical case for recognizing bias as an additional ingredient in analysing accountability failure is made in the latter part of Chapter 2, while the empirical analysis of the

causes, mechanics and human-development outcomes of institutional failure comprises Chapter 3.

Our fourth argument follows from the previous three. We contend that (a) an awareness of the key features of the new accountability agenda, (b) improved understanding of the reasons why this agenda has come into being and (c) a more complete appreciation of why conventional accountability institutions fail – that these three insights combine to reveal a more nuanced relationship between accountability and the 'human development' paradigm. Our point is that, when viewed in light of the accountability-seeking innovations analyzed in this book, certain facets of Amartya Sen's conception of 'development as freedom' can be further refined. Sen portrays accountability (the ability to sanction poor performance by rulers in an effort to improve it) as one of two core benefits of political liberty. The other benefit of what is also termed 'voice' is a 'constructive' one: the shaping of shared values through deliberation.[3] The case studies discussed in this book suggest that voice is not only a mechanism for directly holding powerful actors to account, but also contributes to accountability indirectly, by allowing communities to arrive collectively at the standards against which the actions of power-holders are to be judged. This is introduced in the discussion of theoretical issues in Chapter 2, and its further implications are addressed in Chapter 8.

The book's fifth claim – which emerges in the analysis of the case study evidence in Chapters 4 through 6 – is that those elements of the new agenda that are consistent with this understanding of accountability's place in the 'development as freedom' paradigm – particularly those promoting a more *direct* form of accountability – are engaged in a battle with other, more conventional and restrictive understandings of accountability. Many of the initiatives that profess to promote accountability target only very 'soft' aspects of accountability, or cling to traditional notions of how the powerful can be held to account, treating the structural difficulties of democratic systems as temporary glitches requiring the application of technical expertise. Such initiatives side-step institutionalized anti-poor biases that prevent accountability institutions from recognizing and responding to injustices that disproportionately, or even exclusively, afflict marginalized groups. The further implications of this argument are a key feature of Chapter 7, which treats the theme of 'gender and accountability' as a lens through which to view the changing nature of accountability in general, as well as some of the specific claims of this book.

Our sixth main argument is that various aspects of the new accountability agenda are fuelling a growing political backlash. The motives vary widely, and are expressed in numerous ways. We address three streams of criticism: (1) that the design of new accountability initiatives tends to depoliticize the activism of the poor, or at least to channel it into activities that fail to challenge the structural power of political elites; (2) that accountability

experiments stunt the growth of formal democratic institutions; and (3) that they further erode trust in public officials, stifling both initiative and the development of a professional ethos, both of which are necessary to produce better outcomes for the poor. These concerns, and some of the factors that may or may not affect their validity, are the subject of Chapter 8.

Introducing the idea of accountability

These days, no fiery demand for social justice – or, for that matter, sober discussion of public policy – is complete without an insistence that the powerful heed the voices of ordinary people, or that ordinary people be empowered to hold the powerful to account. Over the past decade, trailing in the wake of an amorphous 'governance agenda', the elastic concepts of voice and accountability have come to dominate not just the development discourse, but also the language of international politics, business and activism.

But the more talk there is of the importance of voice and accountability, the less these terms seem to mean, and the less relevance they appear to have for disadvantaged people. In the discussion that follows, we seek to define accountability and to illuminate some of the many usages of the term. In Chapter 2 we examine, among other issues, the meaning of voice and its relationship with accountability.

Accountability is often derided as a cure-all development buzzword, a fit subject for exhortation, but something that in most parts of the world is rarely achieved because it demands too much compassion of the powerful and too much undiluted civic virtue from ordinary citizens. To people weary of hearing about accountability – movements demanding it, governments promising to deliver it, aid agencies promoting it – the concept lacks both practical relevance and analytical content. The sheer ubiquity of the term means that there is much truth to these criticisms, but significantly less so if the virtuous connotations presumed in popular usage are replaced with a more clinical, value-neutral definition.

Simply put, accountability describes a relationship where *A* is accountable to *B* if *A* is obliged to explain and justify his actions to *B*, or if *A* may suffer sanctions if his conduct, or explanation for it, is found wanting by *B*.[4] Accountability is thus a *relationship of power*. But it denotes a specific variety of power: the capacity to demand someone engage in *reason-giving* to justify her behaviour, and/or the capacity to impose a penalty for poor performance. Crucially, this process is as much about public debate and discussion as it is the sheer imposition of will.

In formal accountability relationships it is often the less powerful 'principal' that holds the more powerful 'agent' to account: ordinary citizens vote political leaders in and out of office, the legislature acts as a watchdog over the activities of the executive, a tiny audit office demands explanations about the workings of a large public bureaucracy. Accountability institutions

are designed to support the rights of these less powerful actors in the accountability relationship.

On the basis of this rudimentary definition it is possible to discern two key conceptual distinctions.

The first is the distinction between the two *aspects* of accountability: (1) having to provide information about one's actions, and justifications for their correctness; and (2) having to suffer penalties from those dissatisfied either with the actions themselves or with the rationale invoked to justify them. These aspects of accountability are sometimes called *answerability* and *enforcement*. They can also be thought of as weak and strong forms of accountability. Being accountable in the sense of having to explain one's actions is a lot less onerous than being subject to sanction.[5] But, as indicated above, there is more than one component to answerability. A less demanding form would require a power-holder simply to furnish a rationale for his or her actions. But when this explanatory component to answerability is combined with an informational component – for instance, an obligation of full disclosure that requires the power-holder to reveal the evidentiary basis upon which decisions were taken, such as supporting documentation and testimony from people consulted – then the range of plausible rationales available to explain his or her actions can be dramatically reduced.

In practice, answerability and enforceability are equally important. Both are necessary; neither is sufficient. A system that provides for sanctions alone, without a formal process of reason-giving, can make judgements about either the validity of conduct or the appropriateness of sanction both less good and less fair. The ability to learn from mistakes is then also diminished. Moreover, there are often complicated divisions of labour in accountability relationships. Those entitled to demand answers from power-holders are not necessarily the same as those put in charge of deciding on and doling out penalties. In some instances, government agencies can enforce sanctions against politicians on the basis of explanations supplied to private agents in civil litigation. In other cases the information a firm provides to a regulatory agency can, when made public, stimulate a sanction in the form of a consumer boycott.

The second key distinction is between the two key *actors* in the accountability drama, between the *target* of accountability, the one obliged to account for his or her actions and to face sanction, and the *seeker* of accountability, the one entitled to insist on explanations or to impose punishments. Reality has a way of complicating definitional precision. Many public bodies, for instance, are both seekers and targets of accountability. Legislators are accountable to voters, but are also legally empowered to hold executive agencies to account.

In the standard 'principal-agent' model of accountability, the principal is trying to keep tabs on his or her agent, who has less (or no) stake in the outcome of the endeavour and so tends to pursue his own interest at the

expense of his principal's. In the version of accountability used in this book, the target and seeker correspond, respectively, to the agent (the one to whom power has been delegated) and the principal. Different terms are used in this book precisely because a key element of the new accountability agenda is the recasting of roles in accountability relationships. Many people seeking accountability do so without a clear legal standing as principals. Instead, they highlight their moral claim to demand answers or impose sanction on holders of power. Much of the accountability-seeking discussed in this book aims to empower a greater range of 'principals' to scrutinize 'agents' more effectively. An example is the way Public Interest Litigation provisions enable actors other than directly affected parties to bring cases to court. In short, the principal-agent framework is based on a formal contract model and thus does not help us to understand accountability relationships – or how to bring accountability to relationships – where power is not explicitly delegated.

A consideration of the *practical operation of accountability systems* highlights four further distinctions crucial to understanding how the concept of accountability is evolving in response to changes in the relationships between states and citizens, between public and private sectors and between states and global institutions.

First, actually existing accountability systems force us to confront the difference between *de jure* and *de facto* accountability. In the real world there is very often a difference between who one is accountable to according to law or accepted procedure, and who one is accountable to because of their practical power to impose a sanction. This is why the stripped-down definition of accountability is shorn of moral content: it does not specify who plays the roles of *A* and *B*, the targets and seekers of accountability. In principle politicians are answerable to citizens; in practice they are often more immediately concerned with the sanctions wielded by corporate interests, such as the withdrawal of campaign finance.

In aid-dependent developing countries, governments are, *de facto*, more accountable to external donors than to domestic institutions such as parliament, since the withdrawal of international grants and loans, or the threat of doing so if certain policy actions are not taken, constitutes a serious sanction. But, again, the reality is more complicated: when aid conditionalities are not fulfilled and donors do not deliver punishments as promised, developing country governments come to realize that their accountability to aid donors is less strict than it might seem on paper. Such governments might, in practice, only be required to 'answer to' aid donors – that is, to inform them of their actions (and inactions) and to explain the reasons for them, including the circumstances that led to non-compliance with conditionalities.

When we hear people talking about the need to increase accountability, they are usually referring to one of two things – either ways of making *de facto* accountability relationships correspond more closely with those stipulated in law, or else insisting that moral claims be encoded into law, or

at least followed in practice. Either way, the emphasis is on placing a check on the power of those whose actions affect people with relatively less power (who nevertheless possess certain rights).

In common usage, then, 'accountability' is shorthand for *democratic* accountability – accountability to ordinary people and to the legal framework through which governance is effected. Accountability is conventionally conceived as a way of providing citizens a means to control the behaviour of actors, such as politicians and government officials, to whom power has been delegated, whether through elections or some other means of leadership selection. That actors in the private sector have come to assume many more powers than they once did in large part explains why they have come to be seen as legitimate targets of direct, rather than mediated, accountability. Their manifest power over the public sphere – as well, of course, as the sense in which their capacity to act derives from the legal provisions defining permissible corporate activity – has subjected firms to a demand that they be treated as holders of the public trust, and therefore a growing insistence that they answer to ordinary people, not just state institutions, for their actions, and perhaps suffer direct sanctions as well.

The concept of accountability can also be firmly located within the framework of democratic rights and obligations. As one writer put it, '[g]overnmental accountability – that is, the duty of public officials to report their actions to citizens, and the *right* of citizens to take action against those officials whose conduct they consider unsatisfactory – is an essential element, perhaps *the* essential element, of democracy.[7] Because of its renaissance over the past decade, the term accountability is explicitly used in recent constitutions like South Africa's. But its basic components – such as the obligation on governments to inform citizens of their actions and to justify them – have been prominent at least as far back as the US Constitution, which, to take but two examples, requires the president, 'from time to time', to provide Congress with 'Information on the State of the Union' and, when vetoing any bill, to state publicly his objections to the bill, which are then to be published in the congressional journal.

The second distinction of relevance to the practical operation of accountability systems is between *vertical* forms of accountability, in which citizens and their associations play direct roles in holding the powerful to account, and *horizontal* forms of accountability, in which the holding to account is indirect, delegated to other powerful actors.[6] Elections are the classic form of vertical accountability. But also in this camp are the processes through which citizens organize themselves into associations capable of lobbying governments, demanding explanations and threatening less formal sanctions like negative publicity. Vertical accountability is the state being held to account by non-state agents.

Horizontal accountability, on the other hand, consists of formal relationships within the state itself. It exists when one state actor has the formal

authority to demand explanations or impose penalties on another. Horizontal accountability takes a large variety of forms. Executive agencies must explain their decisions to legislatures, and can in some cases be overruled or sanctioned for procedural violations. Political leaders hold civil servants to account, reviewing the bureaucracy's execution of policy decisions. Bureaucracies are themselves constituted according to accountability relationships, subordinates answering to their superiors in a chain of command that ultimately leads back to political representatives, who wield a variety of sanctions. Accountability systems also empower independent agencies, such as regulatory bodies, auditors-general and anti-corruption commissions, to engage in detailed scrutiny of the actions and decisions of bureaucrats and politicians. The judiciary subjects all of these entities, and the relations among them, to further mechanisms of accountability by assessing their conformity with legal norms and the constitutional division of powers. In short, governments constrain themselves, at least in theory, through a complex web of accountability relationships in which the right of seekers to demand information and explanations is matched by the obligation of targets to provide them, under threat of sanction.

The third key distinction that must be borne in mind when examining the operation of accountability systems is the difference between *ex post* and *ex ante* accountability. *Ex post* accountability is, in a strictly definitional sense, the only true form of accountability. Holders of power are expected to take actions, the impacts of which can be assessed only after the fact by accountability seekers, who may choose to impose sanctions if explanations for the decision, or its outcome, are deemed insufficient. But *ex ante* accountability does exist – for instance, when the decision-making process is subjected to questioning before a proposed action is finally approved, as when government spending plans must be defended under cross-examination by legislators, in which case the exercise of sanction can take the form of parliamentary rejection or substantial amendment. The distinction between *ex ante* and *ex post* accountability underscores the degree to which the frequency of scrutiny, and therefore the frequency with which power-holders must engage in public reason-giving, affects the capacity of accountability systems to alter the incentives facing power-holders.[8]

Pratap Mehta argues that one of the problems of associating accountability too closely with democracy is the failure to appreciate 'a series of tensions internal to the concept of accountability', such as the 'inter-temporal trade-offs' that arise in the process of trying to operationalize accountability. 'Policies that seem harmful in the short run may secure a better future in the long run. By which time horizons should we hold those in power accountable?' This is a good example of how reconceiving accountability can help to alter the criteria against which power-holders are judged.[9]

Fourth, accountability is not synonymous with either the widely used term 'responsiveness' or with a subjective sense of responsibility. Responsiveness

is the desired attitude of power-holders towards citizens: we wish them to be responsive to the concerns and problems of ordinary people, to listen with impartiality and fairness to divergent views and to subject all expressions of need and interest to publicly agreed rules for weighing the merits of competing claims. Conventionally, public-sector actors have a duty to be *responsive* to the members of the public with whom they interact, but to *account* for their actions to their managers, who in turn account to the legislature and the executive, to financial auditors and to higher court judges.[10] The responsiveness of public-sector actors is not governed by the same set or intensity of rules, checks and constraints as is the accountability of these actors.

The idea of responsibility is also closely related to accountability, and is also distinguished by the lack of formal compulsion. In other words, an actor may feel responsible for taking action to improve the lot of poor people, but may not be *required*, technically and legally, to account for her actions or non-actions. Responsibility, then, corresponds quite closely to the notion of moral accountability – being accountable to other people by virtue of a shared humanity rather than because of some formally stipulated contract that can be enforced according to an agreed set of standards. That businesses speak, mainly, of corporate social responsibility rather than corporate accountability is not a mere difference of terminology. It reflects a belief that measures taken to mitigate the ill-effects of business activity fall into the category of voluntary action.

The boundaries of accountability are, however, in a constant state of flux. Political engagement of late has been geared towards pushing voluntary self-regulation into enforceable commitments – though not necessarily through state regulation. The objective is to transform the grudging admission among powerful actors that their influence over the lives of ordinary people amounts to moral responsibility into a more concrete set of mechanisms for achieving accountability.

This last development moves beyond the issue of the accountability of market actors to the question of preventing abuses of power in a wide range of non-state institutions. There is a tendency in political science to reduce accountability to either a state-citizen or intra-state relationship, with accountable parties restricted to elected politicians and public officials. The result of this state-centric view has been a profound divide between the 'high' politics of the state and the 'deep' politics of society, with profound injustices in the latter arena – for instance in gender or race relations – escaping the accountability norms governing relations in the former. Thus Lonsdale notes:

> [i]t is quite possible to have accountability in … the high politics of the state, honest rulers and free elections, and yet profound injustice or irresponsibility in the deep politics of society, that is, the relations between rich and poor, powerful and weak.[11]

Power-holders in non-state relationships stubbornly resist the application of the concept of accountability to their actions. Accountability is not seen as relevant in relationships in the family or the religious or ethnic community where the mantle of authority is conferred by age or gender or kin hierarchies or spiritual conviction, not delegated by popular choice. If it is 'nature' or divine ordination, not popular choice, that justifies authority, dominant actors in these relationships hold themselves answerable to no person, certainly not to their subordinates, envisaging at best perhaps a temporally distant final accounting to a divine authority.

Struggles by feminists, religious reformers and human rights activists to check abuses of power in non-state arenas are complicated by the reluctance of public authorities to intervene in 'private' matters such as intra-family relationships or religious practice.[12] The subordinate members of these relationships, however, are increasingly subjecting the actions of power-holders to critical scrutiny. That this often involves references to human rights and to shifting standards of public probity demonstrates how far the idea of accountability has seeped into institutions beyond the public arena. While reforms to formal institutions may have few tangible spillover effects in these other domains – allowing power abuses to continue unchecked – informal power relationships do appear to spillover in the other direction, undermining formal accountability relationships, and thus preventing anti-corruption agencies, judiciaries and merit-based recruitment systems in the public administration from working effectively. In Chapter 7 we argue that the injustices in non-state social institutions must be addressed if formal accountability institutions are to serve the cause of human development.

<p style="text-align:center">*   *   *</p>

Having defined accountability, we are now in a position to analyse how and why it is being redefined. Chapter 2 sets forth the theoretical underpinnings of our central argument – that a new accountability agenda is in the making. In the process we examine the complex causes of failure in conventional accountability institutions. After then examining – in Chapter 3 – the consequences of these failures for human well-being, the remainder of the book analyses a range of accountability experiments in many countries around the world.

Through all the conceptual ambiguity one thing is clear: ordinary people and their associations are demanding more direct and meaningful engagement in accountability systems. Voting at election time is no longer enough, if ever it was. The result of these pent-up demands has been widespread experimentation with novel techniques for demanding answers and enforcing sanctions. Accountability jurisdictions are also in flux – simultaneously expanding across national boundaries and contracting to cover, in some cases, very small local areas. Perhaps inevitably, these trends have combined

to alter the standards against which the behaviour of powerful actors is judged. Popular understandings of accountability and the practices used in seeking it are undergoing profound change. The new accountability agenda is expanding the range of legitimate accountability-seekers. It is expressing dissatisfaction with weak or consultative versions of accountability that downplay the element of enforcement. It is exposing elite biases in the workings of conventional accountability institutions. It is promoting broad-based deliberation on changing standards of probity and justice in the actions of power-holders. It is also provoking a backlash, a topic covered in Chapter 8.

8

The Politics of Backlash: Critiques of the New Accountability Agenda

One indication that a new accountability agenda is indeed emerging is the political backlash it has engendered. The motives of the critics vary widely, and are expressed differently in different contexts. In this chapter, we examine three streams of criticism: (1) that the design of new accountability initiatives tends to depoliticize the activism of the poor, or at least to channel it into activities that fail to challenge the structural power of political elites; (2) that non-state-centred accountability experiments stunt the development of formal political institutions; and (3) that the increasing surveillance of officials stifles bureaucratic initiative and inhibits the development of a public-service culture more generally.

Our intention in this chapter is to define the contours of the backlash and to assess the validity of some of the stronger charges, without necessarily defending all aspects of the emerging accountability agenda. We pay particular attention to the third line of critique – which reflects the trade-off between control and creativity – both because it is the most compelling, and because there is some evidence that the proponents of the new accountability agenda have begun to accommodate these concerns. The ability to address this set of problems is important in its own right. But it also signifies the malleability of the new agenda, and the tendency for the reinvention of accountability relationships to become a continuous process.

Depoliticization

Pratap Mehta is among those who have argued that the prevailing discourse of accountability – as well as efforts to operationalize it – has tended to obscure the need for political struggle:

> harmonizing the different components of accountability cannot be done by conceptual fiat. It is an empirical matter that has to be addressed by

institutional design and more importantly, the *concrete work of politics*. But often in discussing these matters we assume that accountability is either one single thing, or that its various components all go together. Much of our discussion of reform seems to make this assumption and is impatient with the intrinsic messiness of accountability.[1]

In a similar vein, John Harriss has noted the depoliticising effects of approaches to improving governance that are aid agency-led, or participatory initiatives that are hosted and fostered by the state. Even where it is possible to discern certain social-capital-forming effects of accountability initiatives, there is no guarantee that civil societies so created will move beyond uncontroversial matters; their activities are unofficially circumscribed by the state's proximity. There is no reason, Harriss argues, that state-fostered civil society will *necessarily* take a depoliticised form. This will depend on the political soil in which such initiatives are planted. The People's Plan campaign in the south Indian state of Kerala has, according to Harriss, 'arguably...been responsible for "constructing social capital"', and of a substantial politically aware variety. The difference between the Kerala case and many others is that the former is situated amidst a 'political process in which different groups of actors at different social levels are all involved'; this has directed the People's Plan away from merely '"consolidating civil society", and towards politically directed state action.'[2]

Chandhoke, whose dissection of the pluralized state was discussed in Chapter 2, also pursues this line of criticism. She questions whether 'governance' reform, even when seeking to reengineer the relationships among key actors in public life, 'intensifies [the] trend to stifle democracy'. Chandhoke concedes that certain actors 'have initiated novel ways of resolving the problems of everyday existence of poor and impoverished people', but asks whether such efforts can 'substitute for an activity we call politics?' The fear of depoliticization is framed by an understanding of what it replaces:

> To be politicised is to be made aware of the rights that accrue to every human being by virtue of being human. It means that people who have been constituted as subjects and not as citizens by the policies of the state rise to demand justice, equality, and freedom; to demand that the state delivers what it has promised in theory.[3]

For Chandhoke, 'managerial activism is no substitute for self-determining and empowering action born out of specific experiences'. If we accept this premise, and the allied notion that often 'skilled professionals not only save the state from being accountable, they are not accountable to the people themselves', then the question arising is whether the new accountability agenda outlined in this book tends towards 'managerial activism' or 'self-determining and empowering action'. The inescapable answer is 'both' – or,

rather, that some elements do have the potential (perhaps even the natural inclination) to depoliticize, while others are nothing if not a 'demand that the state delivers what it has promised in theory'.

Further complicating matters is the fact that what starts as managerialism can catalyse something far more radical, just as the worst kind of bureaucratization can result from an initial act of political assertiveness. When agencies like the World Bank enter the 'accountability sector' in order to scale-up local initiatives there is every danger that the result will be not only depoliticization, but a rolling back of the conceptual scope of the ideas developed by earlier waves of experimentation. For instance, the Bank's internal Community of Practice on Social Accountability, established in late 2003, defines 'social accountability' in ways that downplay enforcement, and all but ignore issues such as police brutality and corporate environmental abuses.[4] Another example is the huge upsurge in citizen participation that arose in Montevideo (Uruguay) during the early 1990s under the auspices of the ruling Frente Amplio. Goldfrank found that in the process of institutionalizing these small-scale and often informal initiatives, executive agencies became privileged. This led political parties to dominate the process, with ordinary citizens and their local associations getting squeezed out.[5]

Initiatives that become routinized within state institutions – through, for instance, higher standards of transparency in local government bodies – are in one sense evidence of considerable accomplishment. Without legal codification of accountability procedures it is easy for impressive (and radical) experiments – often reliant on the charisma of a few individuals, or the capacity of an overstretched NGO – to wither after registering initial successes. But the opposite danger is that 'state-backed' mechanisms of accountability, which by their very nature must incorporate community-based organizations and local movement groups, might 'empty out forums of civil society'.[6] Baiocchi, for example, argues that crowding out civil society could ' "balkanise" political life' such that the capacity of activist groups to press forward on other aspects of their agendas is fatally undermined.[7]

These are legitimate concerns. But it would be a gross oversimplification to dismiss the full range of accountability initiatives surveyed in this book – or even the spirit underlying them – as an evasion of more fundamental political issues. To insist on the need for existing actors to be judged against new sets of norms is a fairly radical development, even when the mechanisms for achieving these objectives are, at this stage, less rigorous than one might have hoped. Accountability, as we argued in Chapter 1, is inseparable from the language of rights: it creates political entitlements (to obtain information, and to insist that officials engage in public reason-giving) and thus, by definition, imposes obligations on holders of power. Indeed, by taking part in experiments in operationalizing these ideas, there is every chance that the reverse direction of causality could be catalysed: non-political forms

of association may well find themselves increasingly drawn into struggles based on the assertion of non-negotiable rights. Accountability-seeking, depending on the form it takes, can be politicizing as well as depoliticizing.

But even to the extent this might be true it raises other criticisms. Moore's study of 'the drivers of pro-poor change' in Bangladesh represents, in a sense, the mirror image of Baiocchi's argument. Moore, like Baiocchi, worries about how the emerging accountability agenda will affect the civil society actors that are increasingly called upon to participate in it. But Moore's fear is not that political activists will be co-opted, but that developmental NGOs will become too political, or at least will be perceived that way. By getting caught up in efforts to promote accountability, Bangladesh's NGOs risk undermining their core competency – effective service delivery. In a highly polarized political environment, such as prevails in Bangladesh, NGOs that try to influence policy or seek to hold public agencies accountable for their failures can get labelled partisan. So while it is tempting for NGOs to assume additional responsibilities for improving governance, this also makes them vulnerable to political interference.[8] While Moore usefully highlights an important constraint on this type of activity, the questions are, again, empirical. The degree of NGO vulnerability to this sort of government backlash varies substantially – from sector to sector, country to country, organization to organization. There can be no blanket statements about such matters.

Stunted institutional development

The second avenue of criticism – that unconventional accountability experiments stunt the development of formal accountability institutions – also highlights the dangers of the new, more eclectic and dynamic approach to accountability-seeking. This category of concerns emphasises the new accountability agenda's impact on states themselves, rather than on the political activity of the poor.

Some critics of the policies pursued by the US-led occupying authority in Iraq argued that new, more exacting standards of accountability were applied to members of the country's former ruling establishment, and that this undermined the reconstruction effort. A US Major General serving in Iraq stated in early 2004 that, by disqualifying from public office the top three tiers of the Baath Party hierarchy, as well as disbanding the entire Iraqi army, the Coalition Provisional Authority had effectively raised the standards of accountability so high – to include anyone with even a tenuous link to the former regime's structures of power – that they had excluded from the new Iraq many of the administrators, professionals and potential leadership figures that the post-conflict Iraqi state desperately required. Another American officer outlined a more measured strategy: 'We need to draw up a list of those Baathists who must be held accountable for their crimes, but let the rest of the Baathists have a future in the new Iraq.'[9] The rather extreme accountability

policy that the CPA followed, because it sought to hold so *many* people accountable, and for actions guided more by the desire for survival in Saddam Hussein's Iraq than out of loyalty to his regime, ended up harming the institutional capacity of the post-Saddam government machinery.

While the Iraq case highlights the downside of new *standards* running ahead of practical realities – making it the reverse image of the idea, introduced in Chapter 6, that formal rules often lag behind shifts in popular expectations – a related critique focuses on problems with new *methods* for making the powerful answerable for their actions. The charge is that proponents of experimental techniques have been seduced by their own rhetoric about the reconfigured state. So in the thrall of the 'network governance' paradigm are these advocates that their accountability innovations frequently bypass the state, treating it as just one among many actors, when in fact it is the one agency that has the potential to provide credible guarantees to promote human development. From this perspective, doing an end-run around state institutions amounts to giving up on the possibility of improving them. When parliaments do not represent interests effectively, do not actively scrutinize legislative proposals and do not organize themselves in ways that can draw on the expertise supplied by civic associations – under such circumstances it is always tempting to create parallel structures that can channel at least some of the energy of civil society into deliberative processes.

The formulation of Poverty Reduction Strategy Papers (PRSPs) in low-income countries – now a requirement for continued access to concessional finance from the Bretton Woods Institutions (and, increasingly, from bilateral donors) – has followed just such a logic. During 2000–2002, Malawi's compromised and dysfunctional parliament was effectively bypassed in the consultation process that produced the country's PRSP.[10] Individual parliamentarians were invited to participate in various stakeholder forums, but parliament as an institution was considered incapable of organizing an effective process, even though in theory parliament would be expected to hold the government accountable for the policy and spending commitments outlined in Malawi's PRSP. Arguably, this approach triggers a form of 'path dependence', whereby the failure to work through parliament further ossifies this key institution, in the process increasing the necessity of constructing alternative non-state (or quasi-state) mechanisms – such as civil society monitoring committees – to perform the accountability functions that parliament has proven incapable of fulfilling. Predictions of institutional incapacity become self-fulfilling prophesies, placing an intolerable burden on underfunded, unelected, donor-reliant civil society organizations to undertake what should be one of the state's core responsibilities. Divested of its accountability function, parliament then becomes even less able to perform its rule-making function effectively. The further erosion of parliament's legitimacy increases the likelihood that the executive will bypass it in the future.

There is much truth in this line of criticism. But it must be placed in historical perspective. Innovations in the machinery for ensuring accountability have always been subjected to charges that they sideline basic democratic institutions. The creation of the Ombudsman's office in New Zealand in 1962 led to complaints that 'the adoption of an Ombudsman system will result in a loss of efficiency and a diminished sense of responsibility to the Minister'.[11] Three and a half decades later, it was fairly apparent that this particular prophesy had not come to pass.[12] Ministers may have become less responsible, but not because of the Ombudsman.

Perhaps the most common criticism of this genus is that, in the drive to exploit any opportunity to restrain the powerful, existing accountability institutions – rather than those newly minted to address emergent problems – tend to stray from their original mandates, warping the balanced development of democratic political systems. Ferejohn, for instance, has observed that the 'judicialization of politics' – a consequence of the failure of representative politics to provide clear direction for legislative rule-making – results in the 'politicisation of law'.[13] This echoes the longstanding complaint of American conservatives that socially liberal judges, in order to achieve their policy objectives, end up 'legislating from the bench'. Consequently, political energies are diverted from the hard work of building electoral support, and the impartiality of the judiciary becomes suspect.

Similar complaints have been found in a range of poor countries. One critique of 'judicial activism' in India took particular umbrage at a court order requiring vehicles in Delhi to convert to less-polluting fuels:

> The persistent justification of the [Indian] courts…has been that the courts have been forced to take an activist stance precisely because of executive or legislative failures. However this activism cannot substitute for the failed institutions…If indeed the executive or the legislature has become dysfunctional…the solution is not in expanding the judicial enterprise, but in restructuring the dysfunctional institutions…It could be argued that our critique of activism can be countered by a call to refashion the activist institution so that it is formulated as a hybrid institution, incorporating the functional characteristics of the institution it seeks to substitute. The courts could resort to…referendums to elicit popular preferences or create subordinate executive bodies, as is implicit in the offices of amicus and judicial commissioners. However, it needs to be noted that this type of hybridisation is the analogue of a constitutional coup where one institution seeks to replace another. Functionally it may promote efficiency, but this is potentially at the cost of liberty, a price that may become insupportable.[14]

The notion of a trade-off between liberty and hybridized forms of accountability mirrors, to an extent, Fareed Zakaria's conception of 'illiberal

democracy'.[15] Zakaria's fear is that the current emphasis on democratizing all aspects of political life is wreaking havoc with the mechanisms through which the rule of law is maintained. The implications of Zakaria's argument for the kinds of experiments outlined in this book are ambiguous. On the one hand, it is possible to interpret the new agenda as an attempt to democratize accountability institutions – that is, to bring people and their associations directly into formerly closed state-to-state channels of horizontal accountability. This could be seen as undermining those organs of the state that enforce the rule of law – courts, auditors-general, regulatory agencies. The daily grind of political activism, according to this view, can all too easily overwhelm the fragile structures of deliberative impartiality.[16]

On the other hand, most of the experiments reviewed in Chapters 4 through 6 – which, we must emphasise, are not a random sample, but were selected to illustrate features of an emerging agenda – are not, in fact, seeking to impose a tyranny of the majority, to settle partisan scores at the expense of the state's institutional inheritance. On the contrary: those promoting new approaches to checking the power of states, firms and other actors are acutely aware of the functions accountability institutions are supposed to perform, and yet do not. Hybrid forms of accountability seek not to override the rule of law, but to invest the process of rule-bound deliberation with *additional* checks, beyond those that exist. The focus is on institutions that should, in theory, be insulated from elite power, but that have in reality been either captured by elites, or else compromised by prevailing social biases. In other words, the goal is to make these institutions genuinely liberal, rather than liberal in name alone.

A subset of the accountability experiments reviewed in this book – particularly those discussed in Chapter 5 – are open to a related complaint: that the new agenda fails to place the nation state centre stage. This, in turn, stunts the growth of effective domestic institutions of accountability. Paul Hirst has argued that

> Really the question is: as the division of labour [between national, regional and global levels of governance] becomes all the more complex, how do you make the different levels answerable? I still think that the best chance we have is through democratic nation-states. At least with them we know what we are dealing with.[17]

Hirst's response sidesteps the profound difficulties (outlined in Chapter 2) of ensuring that elected representatives do what they promise. As Hirst puts it, '[d]emocracy at the crudest level means that you know who has made a decision, and the next time around you have a chance to throw him or her out if you don't like it'.[18] The problem is that a crude view of democracy is insufficient for the complex analytical task at hand. A more fine-grained analysis demonstrates how little resemblance there is between the purist vision of

electoral accountability and the concrete reality of democratic politics. Hirst's focus on national political systems implies that some of the accountability experiments outlined in this book would be an unnecessary distraction from the key element – the domestic arena. His argument is based on the somewhat optimistic assumption that 'we understand the national mechanisms of democratic accountability, and how to improve them. ...' But this need not preclude the reinvention of domestic accountability institutions. Ironically, Hirst's own model of 'associative democracy' provides an unusually well-elaborated model for how such a rethinking might work in practice.[19] To insist, as Hirst does, that transnational civil society is less effective than its advocates might wish, or that a more direct form of global governance is impracticable, is not the same as concluding that a centralized state, based on classically democratic institutions, is the only way – or indeed the most effective way – of increasing the accountability of power holders to the public.

Moreover, for the reasons outlined in Chapter 2, focussing accountability reform on state institutions and processes does not guarantee success. Where accountability experiments have demonstrably failed, it is not always because they have been lacking in the trappings of democratic legitimacy. New York City's system of 'community school boards' was established in 1969 as part of the wave of citizen engagement that swept American urban government during the late 1960s and early 1970s. By 2003 the boards had become, according to Samuel Freedman of Columbia University, 'wholly discredited' and 'largely disastrous'. This was despite the fact that they were elected bodies: 'The truth is that elections for the boards brought out less than 10 per cent of eligible voters. It would be surprising if more than a handful of parents could even give the address of their local board office.'[20] Freedman's proposed answer – 'recentralizing control...from neighbourhood bosses to accountable leaders' – does not appear to address the source of the complaint. It is unclear why higher-level politicians, responsible for any number of other issues besides school performance, would be any less likely to use the schools as 'a reservoir of patronage jobs'. The problem of inadequately informed, or motivated, voters would remain.

Another variety of criticism in this category is the complaint that the new accountability agenda is too *ad hoc* and fragmented to provide the unified, comprehensive coverage that all-encompassing state systems used to provide. There is no fixed point of reference, no foundational source of authority from which standards can be derived or procedures harmonized. Accountability gaps will thus remain unfilled. As with the other critiques outlined in this chapter, this line of argument is not without merit. The problem, however, is that there is little grounds for expecting a return to a neatly ordered, fully integrated, functionally differentiated system of accountability – if one ever existed. Just as systems of economic production have been revolutionized by information technology, closer relations

between manufacturing and marketing firms and the widespread availability of consumer finance, so have systems of accountability been subjected to radical transformations in the governance climate.

In fact, the transition from conventional state-dominated accountability systems to an uncoordinated set of overlapping initiatives involving a wider array of actors – each of which now plays several roles – parallels some of the changes that have characterized the behaviour of firms in recent years. The analogy is not as far-fetched as it sounds. Where manufacturers once themselves fabricated almost all of the parts of which their products were made, delivering to clients a complete system, they now increasingly assemble products from readily available components, supplied by a wide range of firms, each with its own specialized niche. Accountability, similarly, used to be something delivered, fully assembled, by the state – through its regulatory agencies, courts, bureaucratic reporting systems and so forth. The functions of answerability and enforcement came from the same supplier, so to speak, even if through different subsidiaries. But these days the components of accountability systems are contracted out to different actors altogether: one getting the contract for enforcement, another for answerability; one responsible for *ex ante* accountability, another charged with the provision of *ex post* services. The old anti-trust regulations separating suppliers in the horizontal and vertical sectors of the accountability industry have been effectively abolished. And the cross-border restrictions to the promotion of accountability are being lifted progressively, just as they are in international trade.

While it would be foolish not to recognize the extent to which all this functional differentiation and flexible specialization can increase the productivity of accountability institutions, neither can we downplay the risks. Just as when a computer-buyer purchases her laptop, printer, scanner, modem, digital camera and mouse from different suppliers, and finds that they are not fully compatible – and even worse, the support contract does not extend to the essential task of making the components work together – so do people in the new world of dispersed accountability-provision find themselves caught in situations where it is difficult to know where to point the finger of blame, or where to go for redress. As one critique of the operational implications of multi-level governance in the European Union put it:

> A further challenge to some applications of subsidiarity stems from the requirement of accountability. Subsidiarity can prevent the public from placing responsibility for actions on particular officials, who may appeal to vague and complex notions of comparative effectiveness and limited room for independent action. Such responses hinder accountable government.[21]

Moreover, the fragmented nature of today's accountability systems makes them even more prone to 'market failure' than private-sector activity is.

Where business suppliers will normally step in to fill an under-served market, responding to the price signals that accompany increased demand, there is in the process of producing accountability little to prevent an oversupply of voice-related initiatives, and an undersupply of enforcement. Accountability demand goes unfulfilled.

Above all, just as the global market provides almost unlimited consumer choice for those with disposable incomes, and not nearly enough drinking water for those without, it will take conscious interventions – by the state as well as other actors – to correct for the failure of new modes of accountability provision to work for the poor. It is not enough to expect the promising but incomplete profusion of initiatives surveyed in this book to reach a pro-poor equilibrium. The emerging agenda must be actively shaped if it is to have a positive impact on human development.

Perhaps the strongest argument against the 'dangers of institutional bypass' criticism is that it creates a false choice. Whether to seek accountability through state or non-state agencies is not an either/or question: pursuing non-conventional approaches to correcting institutional failures need not prevent governments, aid agencies, civic organizations or other actors from continuing the process of improving conventional mechanisms associated with democratic states. Experimentation with new modes of accountability has not led to an abandonment of efforts to redesign conventional institutions such as electoral systems, courts, bureaucracies and auditing agencies.

Arguably, the bulk of the world's efforts to improve accountability consist of what are by now fairly mainstream initiatives that attempt to repair these traditional pillars of accountability. Electoral reforms, such as variants of proportional representation systems and 'reserved constituencies' for disadvantaged groups, seek to remedy the defects found in existing voter–legislator relationships. Legal and judicial reforms, such as the creation of human rights commissions or specialized bodies for the promotion of women's interests, are state-led initiatives geared towards poor and vulnerable groups. Civil service reforms, such as results-oriented management schemes and market-based approaches to service delivery, continue to be undertaken in a huge range of countries. Finally, there is widespread investment in reforming formal oversight institutions, reflected in the worldwide spread of anti-corruption commissions, ombudsmen offices and auditors-general, and the proliferation of programs designed to increase the technical capacity of those that already exist. The old accountability agenda is alive and well and very much a majority taste.

Given all of this activity, surely the onus must be on the critics of the new agenda to demonstrate with empirical evidence how specific innovations (particularly those that involve the entry of citizens directly into what were once purely state-to-state avenues of horizontal accountability) *necessarily* undermine either the traditional public-sector reform approach or those based on market principles. In other words, there is no reason why we

should assume a zero–sum equilibrium in which any reform impulse must, of necessity, 'crowd out', others. At the very least, critics must consider the possibility that – in any given instance – the tendency towards crowding out could be offset, if not exceeded, by a countervailing 'crowding in' effect, through which non-traditional approaches to accountability-provision raise expectations among people and their associations – in the process holding conventional accountability institutions to a higher standard.

It is fashionable for criticisms of new accountability experiments – especially those that blur the distinction between vertical and horizontal forms of accountability – to refer to Samuel Huntington's long-held view that a 'surge of participatory democracy' can weaken government by overloading political systems with demands that make effective governance impossible.[22] While Huntington clearly highlighted an important and widespread phenomenon, his was not a statement meant to be applicable uniformly across space and time. In fact, Huntington's classic formulation of this dictum contains an important caveat: so long as increasing political mobilization and participation was accompanied by the creation of new institutions to channel and contain the resultant demands – whether for greater subsidies or for enhanced accountability – then increased participation in and of itself could not be considered a cause of system overload.[23] Moreover, Huntington explicitly stated that the institutions concerned need not be state institutions – but could in fact be quasi-state institutions. (India's Congress Party was one of the examples cited.) To the extent that new methods of seeking accountability develop into institutions – involving rules that shape the expectations of key actors in the oversight process – they therefore help to reduce the scope for the sort of negative side-effects highlighted in this stream of criticism.

Erosion of trust, initiative and professional ethos

There has been a backlash against the proliferation of information and reporting requirements in public administration: output targets, performance indicators, service charters and so forth. Critics complain that they are overly bureaucratic, excessively costly and infinitely manipulable.[24] As one study put it, 'what gets measured, gets done'.[25] These intrusive oversight methods reflect a loss of trust in the ability of officials to apply their professional judgement when responding to clients' complex needs. When the understandable desire to impose safeguards on the use of discretion begins to shade into systematic surveillance of all aspects of official work, the sense of lost public trust can produce a workforce unwilling to take initiative. The fear of lawsuits or of being transferred by a superior to a punishment post has thwarted many a creative official. O'Neill argues that 'new conceptions of accountability ... superimpose managerial targets on bureaucratic process, burdening and even paralysing many of those who have to comply'.[26]

Michael Power pursues an even larger claim, arguing that the emergence of what he calls 'the audit society' – a phenomenon that has arisen mainly in the United Kingdom and North America – has entrenched the idea of the audit as the primary 'principle of social organization and control'.[27] Arguing, uncontroversially, that 'the rise of auditing has its roots in political demands for accountability and control', Power then goes on to make the stronger assertion that 'by imposing their own values, audits often have unintended and dysfunctional consequences for the audited organization'. Among these is a loss of trust – and therefore investment – in individual competence and probity. Power makes a convincing case that the audit culture imposes serious costs for the functioning of economic and political organizations, and for society more generally.

A variation on this theme is the argument that the direct incorporation of citizens into accountability mechanisms reduces the effectiveness of public servants because of their reaction to the measures introduced to compensate for the lack of public trust.[28] Having had their integrity called into question through the imposition of micro-managerial forms of oversight, officials often respond by reducing their exposure to potential charges of impropriety. Prendergast found that when the Los Angeles Police Department was forced to investigate all complaints from the public – concerning alleged police brutality and violation of norms for conducting stop-and-search operations – officers, fearful of potential investigations, became less aggressive in the methods they used to combat crime. This may, or may not, have reduced the prevalence of police abuses, though the statistics did show a reduction in the number of incidents in which police officers used force or were involved in shootings. But where the system of automatic complaint-investigation was in effect, the number of arrests for serious crimes (especially those for narcotics-related offences) also declined, despite increases in these indicators in other cities, suggesting that it was not the incidence of the underlying criminal activity that declined, but simply the rate of enforcement. Particularly notable for this book's focus on vulnerable groups (who may not be in a position to hold the police accountable for *not* taking action to ensure their physical security) is the finding that police officers become especially timid in combating crime 'in cases where the victims of crime are diffuse, and are unlikely to complain about a particular officer's action'.[29]

This outcome highlights the perennial tension between wanting to make front-line service providers accountable to their hierarchical superiors, who remain responsible for enforcing standards, and wanting to furnish these outreach agents with the discretion they need in order to react creatively to client needs, which can vary enormously between localities and client groups. Because discretion can also provide cover for opportunistic rent-seeking by officials,[30] the 'New Public Management' has emphasized, wherever possible, competition with private sector providers,[31] complemented by

strict monitoring of quantifiable performance indicators and more minutely detailed systems of hierarchical accountability.[32]

All the emphasis on surveillance – whether through citizen oversight, new monitoring technologies, public–private partnerships or market-based mechanisms – downplays the importance of building cultures of probity and trusteeship in the public service.[33] While checks and constraints on discretion can, under certain conditions, minimize the scope for corruption, their controlling and punitive nature discourages public officials from using their moral agency in ambiguous situations, or building their personal and institutional resources to behave with probity when faced with ethical challenges.

An example of the 'controlling' impulse in public sector management, and its shortcomings, is the imposition of increasingly stiff constraints on the work of rural public health nurses in the south Indian state of Andhra Pradesh. Auxiliary Nurse-Midwives (ANMs) are a key part of India's public health service. They perform an outreach function to poor rural communities, and in the tribal areas of Andhra Pradesh's Visakhapatnam district they are essential for linking villagers to the health system. Their work is extremely demanding, requiring contact with and basic preventative and curative treatment of large numbers of people: each ANM must cover a population of 6000 people and visit 25 hamlets twice a month. These remote communities are scattered across inhospitable terrain that is ill-served by roads. Simply reaching them presents many dangers to women travelling alone. Pay is low, and money for travel expenses is inadequate. For these and other reasons, including low expectations and limited opportunities for client complaint, there are extremely high rates of absenteeism, sickness and under-performance among ANMs. Clients report brusque and dismissive behaviour by the ANMs. There are also frequent allegations that bribes are demanded for treatment, and that ANMs routinely sell their medicines, though they are supposed to be supplied free of charge.

To ensure that ANMs actually visited villages, a performance-related reform introduced in the 1990s required ANMs to keep records of local illnesses and to demonstrate public-health improvements. The idea was that the need to maintain records would at least force ANMs to visit the villages. It was subsequently reported that ANMs evaded this requirement by fabricating data or by gathering information from villagers who came to weekly markets in towns, rather than visiting them in their distant homes. In 2003, the District Health and Medical Officer (DHMO), the line manager of the ANMs, proposed a punch-card system at remote medical sub-centres to record the ANMs' visits and to measure the time they spent in the field. The DHMO proposed using new technology to scan the fingerprints of ANMs to make sure they did not send a proxy to punch their cards at the sub-centres; their salaries were to be cut if they did so. While the motivation for this proposal is understandable, it is based entirely on controlling and punishing

errant front-line worker, rather than sympathetically examining the practical constraints they face. It stood little chance of improving the quality of their engagement with clients.[34] In this case, attendance was to become the crude proxy measure of accountable behavior. This kind of reform is only likely to succeed for logistical tasks, not for actions that require the exercise of professional judgment.

These objections, as well as others based on an assessment of additional costs involved in the process of seeking accountability,[35] are valid. But just as it is important not to jettison the concept of voice in the rush to embrace the hard-edged certainties of accountability, it is also necessary not to abandon the instruments with which a more evidence-based approach to reason-giving and explanation-demanding can be constructed. More importantly, the practice of governance reform in many poor countries indicates an increasing awareness of the need to strike a balance between surveillance and relying on the professional discretion of state employees.

In contrast to the harsh dictates of the New Public Management approach there is a competing view that holds that a bureaucratic culture that respects the professional autonomy of bureaucrats and front-line service providers, giving them space to exercise discretion in their reactions to the needs of clients, serves the interests of democratic accountability better than one that stresses strict central control.[36] In the field of public service delivery, a few contemporary efforts to elicit a responsible use of discretion by front-line service providers are producing new standards of service provision and a new type of government worker, closer in training, character and commitment to the NGO workers with whom they have so often been unfavourably compared.

One example is the set of reforms designed to improve the responsiveness of public health service providers to their poorest clients in the Brazilian state of Ceara, where the standards of service delivery in a range of sectors improved dramatically during the late 1980s and early 1990s. Tendler documents the process by which reformist state governors turned around mediocre public agencies in the areas of health, agriculture, public works and small enterprise development. The result was more responsive and effective public services and better human development indicators in one of Brazil's poorest states. Most impressive of all were the reforms to a rural preventative health service, which in the space of five years increased preventative health coverage from 30 to 65 per cent of the state's population and contributed to a 36 per cent drop in infant mortality.[37]

This programme required the recruitment of thousands of new basic community health workers (mainly women) and hundreds of nurse-supervisors to carry out infant vaccinations and child preventative health campaigns. Recruitment of these non-tenured, low-skilled field workers from the same communities in which they were to work was conducted centrally by the office of the state governor. This bypassed the patronage systems of

the local mayor, and even the control of the health department. Not only was merit-based recruitment emphasized in the widespread publicity campaign that accompanied the programme's launch; unsuccessful applicants and community members were encouraged from the start to act as unofficial monitors of the programme and to report both poor performance and success stories.

Non-material incentives helped to develop job commitment and responsible use of discretion. The three-month training was more than tenured public-sector workers normally received. Health agents were immediately recognizable, thanks to their highly visible uniforms, and blue backpacks filled with supplies. The *esprit de corps* surrounding the health workers' 'social mission' earned them the respect of ordinary people, which in turn further contributed to their job satisfaction. Together, these elements produced an unusual sense of 'calling' in the health agents. The need to establish trust with clients prompted an expansion of the job into simple curative interventions such as removing stitches, treating wounds and taking sick children to hospital, as well as a range of socially supportive tasks such as cutting children's hair, helping with childcare or assisting with cooking or cleaning.

By instilling a sense of public ownership of the programme, the state government generated a willingness on the part of ordinary people to act as informal agents of accountability. Poor performance or rule-subverting behaviour by programme workers was exposed in public – a severe form of social sanction – the flip side of which were public prizes and celebrations reserved for particularly dedicated individuals or teams. Health agents were, over time, held accountable for higher standards of care: front-line workers were expected to demonstrate empathy, responsiveness and integrity. Field workers did not use their expanded discretion to limit their workload and constrain client demands, as is so often the pattern where service providers are over-worked and under-motivated.[38]

In this and other public services, the key to reforms was not, as in so many public-sector reforms, a standardization of tasks and a multiplication of reporting requirements upwards in the chain of command. Far more important were measures to build an ethos that prized probity and higher standards of care towards the programme's poorer clients. This was achieved in part through non-material status-linked incentives, and in part by rupturing the control of local politicians over budgets and personnel, through transparent recruiting, monitoring and rewards systems.

The notion that self- and peer-imposed constraints and a sense of 'organisational mystique' should act as an informal accountability mechanism that can raise standards is not new.[39] It is the basic rationale for the cultivation of elite work cultures in the civil service and other professions (such as law or medicine), where extremely difficult entry-level qualification tests, extended apprenticeships and peer review of performance are intended to promote high performance standards. What is new about cases such as

Ceara's health agents is the inclusion of lower-level bureaucrats or front-line workers into the public-service meritocracy, rather than relying on the more conventional top-down accountability tools usually deployed to control this category of staff.

Although they may seem to foster mistrust between public-sector actors, 'whistle blower' protection measures also seek to reward the exercise of a sense of trusteeship and responsibility. An example of this is the 1989 US Whistle Blower Protection Act, which protects those who make 'disclosures regarding illegality, abuse of authority, gross waste, gross mismanagement or substantial and specific danger to public health or safety'.[40] Though not especially new, the idea behind the Act reflects at least four of the concerns driving more recent concerns with accountability.

First, it conveys the message that public servants are expected to conform to high standards of probity, including intolerance for malpractice in their midst. Second, it opens to public scrutiny accountability relationships within the state, particularly the bureaucratic chains of command that can, in the name of administrative accountability, actually subvert the larger aim of making the state accountable to ordinary citizens. Third, though a piece of government legislation, the US's whistle-blower legislation has catalysed civil society activism. One example is the Government Accountability Project, or GAP, a US-based 'non-profit, non-partisan public interest group' that defends the rights of employees who 'blow the whistle' on illegal or potentially harmful activities of government agencies. Its main focus is on implementing the law in the United States, defending those punished for whistle-blowing and disseminating the idea internationally. And, fourth, whistle-blowing is embedded in the idea of international human rights. The GAP is in fact looking for test cases to develop precedents of whistle-blower protection as a human right in tribunals such as the Inter-American Commission on Human Rights and the European Court of Human Rights.

There are a wide variety of ways in which the legislation has been used. Whistle-blowers at a nuclear facility in Ohio alerted regulatory authorities to environmental and safety standards violations, and the resulting investigation helped to prevent the completion of a similar plant.[41] In South Africa, a whistle-blower act – the Protected Disclosures Act of February 2001 – has been particularly effective in encouraging employees to report fraud in the private sector.[42] Legal provisions that protect whistle-blowers cannot on their own create an ethos of public service, and arguably represent a form of additional, internal, surveillance over government servants. But they do represent a means for catalysing or drawing out an inchoate public-service ethos.

By way of conclusion

The criticisms outlined in this chapter are in some cases compelling. But whether the shortcomings of the new accountability agenda outweigh its

advantages in practice is something that is impossible to judge at a high level of abstraction. Local circumstances matter. It is an empirical, case-by-case question. Many criticisms of new experiments, even when based on a valid theoretical claim, derive their political power from the fact that they serve narrower interests. The heartfelt insistence that accountability should be undertaken through domestic institutions, for instance – based on the fine-sounding ideal that nations must determine their own fates – often conceal less noble motivations. It is, for example, plausible to argue that allowing claimants outside the United States to use the US Alien Torts Act to hold (even non-American) power-holders accountable risks stunting the development of institutions of democratic accountability elsewhere in the world. How will Venezuela ever strengthen its own judicial system when Miami-based relatives of people killed in anti-government rallies in Caracas find it easier to sue in US courts than to pursue actions in Venezuela itself? And yet institutional capacity-building arguments mask other, less disinterested objections. William Taft, a US State Department legal advisor, told a congressional committee in July 2003 that the use of US courts for such purposes was 'costly to the U.S. taxpayer and damaging to foreign policy and national security goals of this country'.[43] Taft himself had in 2002 argued – to a judge hearing a case in which ExxonMobil was accused of complicity in human rights abuses by Indonesia's military – that using the US courts to pursue this type of claim would hinder the US government's objective of fighting terrorism.[44] It is important to retain a healthy scepticism about what motivates critics of new accountability mechanisms: some genuinely seek to promote justice; others are more concerned with expediency.

As the backlash against an ever-expanding zone of accountability has intensified, it can be heard in sometimes surprising quarters. Civil society organizations, as we pointed out in Chapter 4, had found themselves in a role reversal in recent years: accustomed to being the demanders of accountability, NGOs had found themselves increasingly the targets. This element of the new accountability agenda – one of the 'new roles' for accountability actors – has triggered its own form of backlash. Perhaps the most outspoken is Stephen Tindale of Greenpeace UK, who according to a UNEP-backed study, 'argues that membership organisations that operate in democracies, where the right to protest and to free speech are protected, are entitled to do what they want so long as they do not break the law'.[45]

* * *

We cannot stress strongly enough that what we have termed the new accountability agenda is not a coordinated, complete or even internally consistent programme of action. It is emerging from a wide variety of spontaneous initiatives the world over. It has dramatic implications both for the way we think about accountability, and for contemporary approaches to promoting good governance.

The initiatives described in this book considerably challenge the classic distinctions through which accountability is defined. Citizen engagement in formerly closed state institutions of oversight, for instance, is blurring the conventional distinction between vertical and horizontal accountability mechanisms. Efforts to augment citizen voice in planning, auditing or determining service delivery standards are expanding space for *ex ante* accountability rather than confining them to *ex post* accountability. And new, more exacting standards of accountability, combined with a decreasing pubic tolerance for weak enforceability, are raising awareness (if not yet closing the gap) between *de jure* and *de facto* accountability.

For accountability to be truly reinvented – such that it revives ordinary people's belief that democracy can improve human development – both procedural and normative changes in the institutions of accountability are needed. Procedural changes would improve the access and voice of the poor within these institutions. Normative changes would require shifting attitudes about the ultimate measures and objectives of accountable public action. In other words, the standards of good practice in the work of public authorities must be measured in terms of their contribution to human development – not just efficiency or procedural correctness. Public actors must be accountable not just *to* the poor, but *for* human development.

Since accountability is about power (both limiting the arbitrary exercise of power and increasing the state's capacity to produce public goods), development agencies must examine accountability relationships beyond the citizen–state dyad. Efforts to improve accountability must incorporate an understanding of the multiple institutional arenas in which such relationships take place, as well as the potential for positive or negative spillovers (sometimes simultaneously) between them. They must also accept that the failure of existing accountability mechanisms stems not just from corruption, but from various forms of elite bias as well.

Finally, the focus on accountability cannot fully supplant the concern with voice. As we noted earlier, the provision of a greater quantity (or even quality) of voice will be insufficient on its own to rectify accountability failures, especially those that afflict the poor. But neither can the notion of voice simply be discarded. Accountability, by definition, implies voice – the accountable agency is 'answering to' an articulated question, traceable ultimately to a voice. It is also vulnerable to sanction, which must be ordered through the exercise of voice. The voices might not be directly those of 'the people', conceived collectively, but instead those 'representatives' who operate on the people's behalf, whether they are elected or not. That such actors will themselves need to be subjected to scrutiny and restraint underscores the extent to which accountability must be continually reinvented.