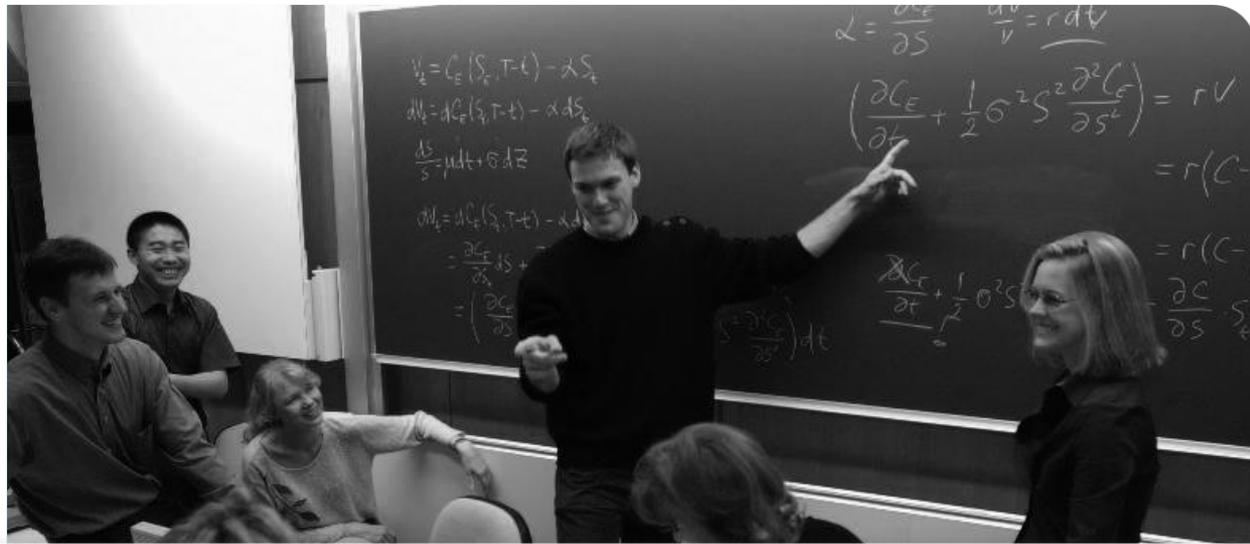


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# Some guidelines for the design of accountability regimes

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- Accountability as a **virtue** ≠ accountability as a **mechanism** (a specific type of social relation): „Utrecht“ school

Mark Bovens, Robert E. Goodin and Thomas Schillemans (eds.).  
*The Oxford Handbook of Public Accountability*. Oxford: Oxford  
University Press, 2014.

- **A relation in which an actor can be held to account by another actor (a “forum”) and face consequences**

### **Stylized time-line:**

- the first actor provides informations on (e.g. reports), and justifications for, her action or inaction
- the second actor evaluates them
- a debate may ensue
- the first actor is rewarded or sanctioned depending on the judgment of her performance and/or accounts by the second actor

**No necessary covariation** between these phases

- “**Who** is accountable **to whom, for what**, by which **standards**, and **why**”? (Bovens et al., p. 10)

- **Who**: an organization, an individual, individuals as members of organizations... ⇒ avoid « problem of many hands »

Dennis F. Thompson (1980), « Moral Responsibility of Public Officials: The Problem of Many Hands”, *American Political Science Review*, 74 (4): 905-916.

- **To whom** and **why**:

Because vertical relation of **delegation** (internal accountability of agents to principals: to the citizenry, to political superiors, to higher level administrative officials..)

Because **affectedness** (external accountability to stakeholders, third parties...),

Because necessity of checks/correctives to power: **horizontal accountability** to courts and auditing bodies, to professional community and « peers »...

- **For what:**

1. Responsiveness to principals' preferences
2. Formal respect of procedural rules (fairness, impartiality, proportionality...)
3. Performance and goal achievement
4. Adequate management of public funds (combination of 3+4: efficiency)
5. ...

- By which **standards:**

1. Political (for rule-making bodies)
2. Legal/judicial (for specific decisions)
3. Administrative/managerial
4. Professional (for individuals)
5. ...

- Importance of **sanctions** (and rewards: e.g. reelection, performance pay...), but more of their « shadow » than of actual use (« sword of Damocles »)  
⇒ incentive to take into account the preferences of the accountability forum (disciplining device)
- Debate on the **effectiveness** of « hard » (removal from office, budget cuts...) vs « soft » (« naming and shaming », reputational damage, distrust) sanctions
- Sanctions ought to be credible: accountability *de jure* ≠ *de facto* (on paper vs in practice)
  - **resources** matter: informational asymmetry between the actor and the forum impedes meaningful assessment of actor's conduct (« hidden » action and information)
  - **rational ignorance** of the forum: lack of time and low issue salience

## ⇒ **Question the fundamentals of accountability**

Accountability is often **mediated**

⇒ strengthening: e.g. forums with strong sanctioning capacities but limited time resources (legislative oversight committees) can benefit from forums without sanctioning capacities but with strong informational capabilities (investigative media: fire alarms, whistleblowing function of « watchdogs »)

⇒ but problem of self-proclaimed accountability forums (media, NGO...): rulers must be authorized to govern, and controllers must have a « license to control » (issued by whom?)

⇒ are they legitimized to hold accountable, and by virtue of what – ideally commonly accepted - principles?

## More is not better:

- If many accountability forums with different preferences, expectations and standards (« too many eyes »)  $\Rightarrow$  risk of dilemmas and « multiple accountability disorder » (MAD) solved to the profit of the most powerful forum(s)

Jonathan GC Koppell (2005), « Pathologies of Accountability », *Public Administration Review*, 65(1): 94-108 (on the ICANN)

- High complexity of accountability regimes (multiple actors and relations): interdependence can be  $>0$  (pooling of resources), but patchwork structure is  $<0$  (lack of coordination)

$\Rightarrow$  inflation may weaken accountability and « excess » accountability  $\Rightarrow$  collateral damage:

- risk-averse behaviour
- blame-shift (to the most exposed)
- culture of distrust

⇒ sanctions matter, but are an instrument, not an end: maximizing sanctions may be less appropriate than combining them with norms

⇒ inoculate a feeling of responsibility among rule-makers ⇒ control ought to be internalized ⇒ *self*-restraint not only as fear of the Damoclean sword but also as a correlate of adherence to values (logic of appropriateness supplements consequential logic)

⇒ role of learning and socialization mechanisms (invest in the long-term)

⇒ the appropriate route is not maximization, but the ***optimization of accountability!***