Democratic Process and Accountability in Public Administration

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Introduction

THE DIFFERENCES between public sector as regards public administration and private sector as regards business management vary in many areas, most of which can be attributed to factors such as profit motivation, monopolistic services and products, public expenditures, market-driven decisions and policies, the influence of interested groups and party politics, leadership styles, so on and so forth. Among these elements, one crucial factor in distinguishing public administration from business management is the existence of control and responsibility of governmental officers through the legal, political, public and administrative procedures as instruments of democratic process.

In addition, the concepts of control and accountability are rooted in the fundamental values of a democratic society. The underlying purpose of accountability should be found in principles of democracy, the rule of law and effective and good governance. Democratization has now transformed to a serious concern across the world, particularly in transition societies. The aim of this paper, thus, is to argue that the nature of accountability in public sector is deeply engaged into the democratic process. Accountability has an instrumental value in serving democratic procedure of government. In other words, accountability has a procedural character which is inspired by the methodic concept of democracy. Public administration, thus, should reflect such a procedural value to produce effective outcomes and secure legal, moral and rational justification for decisions and policies made by public authorities.

Notwithstanding, it should be pointed out that due to the conceptual, legal, political and moral issues around the nature of public power, its justification and the role of people’s participation in its exercise, the nature of arguments presented in this essay is more in a normative analysis than empirical survey. Therefore, this paper tries to give an account of democracy, and then to analyze the various conceptions of democracy. Its justification will be discussed briefly. Next, the concept of accountability and its different kinds are explained. The last two parts are devoted to the requirements of democratic accountability and a discussion regarding limitations of accountability of public officials. Finally, some conclusions are drawn.

Conceptions of Democracy

Democracy as it is known since the ancient Greeks, means rule by the people. However, democracy has undergone a long history and evolution and, thus, is considered as a contested and complex concept and reflects different ideals for different people and schools of thought. As far as this article is concerned, I try to summarize some of the significant conceptions of
democracy and finally draw a common basis applicable to the subject of democratic process and accountability in public administration (see Appendix 1).

Schumpeterian Democracy

Joseph Schumpeter defines democracy as an institution which enables individuals and groups to race for the people’s vote to acquire political decision-making power through the means of competitive struggle. He views democracy as “a political method, that is to say, a certain type of institutional arrangement for arriving at political-legislative and administrative decisions” (Lyland, 1995: 163). This theory refuses a substantive value of democracy and, instead, emphasizes the value of the process of democracy which is competition and participation, how limited its scope would be.

Populist Democracy

Populist democracy believes that there is more to the procedural aspect of democracy. In fact, it argues that the value of democracy lies in the idea of people ruling themselves as equal and free individuals, in contrast to the ruling of a minority holding the key political powers. In this sense, popular democracy equates with majority rule, that is the formal voting equality of every citizens of a society. However, governance through this simple majority rule provides an important implication for public administration: of whether administrators should merely be obedient of elected and representative politicians or guardians of democratic values and principles. It seems that this theory implies that the majority’s view and desired policies should be prioritized through the dominant party policies, legislative and administrative decision-making processes.

Liberal Democracy

As compared to popular democracy, this theory denies the majority will to be the ultimate value of a political system. There are some fundamental values such as liberties, rights, freedoms of thought, speech, press, associations, and holding public offices etc. These values cannot be overridden by popular will or transient political manifestation.

Accordingly, this theory gives priority to rights and liberties and hence, justifying the existence of external control and accountability through judicial review, checks and balances, separation of powers, the rule of law, and constitutionalism. In fact, this theory provides a justification for the protection of social and political minority groups. Therefore, the legal and political accountability of elected bodies to each other as a constitutional balance, or the responsibility of elected persons and institutions such as president, the legislature, and even bureaucrats to the non-elected judiciary, known as the guardian of democracy, is supported.

However, a controversy may arise between liberal theory and popular theory. This happens where popular will in the form of elected MPs’ legislation or a president’s policy undermines a basic right or liberty of individuals. Thus, liberal theory justifies judicial intervention and control. This theory also criticizes popular democracy on the ground that in
reality there is a slight chance for individuals to affect the outcome of governmental decisions. Therefore, they suggest that there has to be other effective mechanisms to guarantee better and justified decisions and policies. In this respect, participatory democracy offers a more effective instrument.

**Participatory Democracy**

Compared to ancient Greek direct democracy, unfortunately, modern representative democracies create very limited space and opportunity for meaningful participation. This theory holds that people should be more involved in making public decisions. This idea is able to provide a range of options to be considered, and preserves a minimum level of effectiveness of public use of resources and opportunities. In recent representative democracies, due to the lack of people’s participation, we face serious problems such as misuse of public powers, corruption and extensive violations of individuals’ rights and liberties by public officials.

Participation is based on the principle of equal rights of every citizen in taking part not only in the process of implementation but also in all the stages of setting objectives, policies and programs.

In addition, participation reduces the opportunities for the arbitrary use of power and public funds by public authorities. Therefore, this theory offers a system of procedural guarantee and accountability to ensure more informed, effective and rightful decisions. Public officials are not only accountable to administrative, political and legal institutions, but also to the public in various ways and forms such as consultation, public hearings and inquiries, consumers’ organizations, compensation, press, social and interest groups, etc.

**Deliberative Democracy**

This theory underpins individuals’ autonomy to shape their lives as long as they follow the rational deliberative process. In a good society people can reach autonomy not through the conflict and battle over common goods and interests, but through the public reasoning and argumentation. Therefore, people are engaged in making decisions collectively in a persuasive and reasoned argument and interaction.

This theory can be reconciled, in a limited extent, with liberal theory of democracy, searching for individual autonomy, with participatory democracy, pursuing the value of participation and with popular democracy, looking for popular and collective will. To fully realise the principle of autonomy requires the recognition of a domain for citizens to make real choices, which in turn calls for more collective participation. Collective will can be achieved through deliberative and reasoned arguments and participation.

In sum, democracy, in its limited sense, can be defined as “institutionally guaranteed equality in the procedures of decision-making,” so that every citizen has an equal right to take part in decision-making process to influence or shape the final decisions made by public authorities over the distribution of wealth, resources, opportunities, jobs and interests.
Justifying Democracy

There are some common denominators in these theories regarding the justification of democracy. First, they almost agree that in a society there should be a process through which people can make binding decisions taking into account individual interests. Democratic process is regarded as a method of social, administrative and political conflict resolution. It is presumed that democratic process is more probable to end up with relatively effective decisions than other alternative methods of decision-making.

Secondly, the participation of people in the democratic process of government is an effective method of reducing the abuse of public powers (Gutmann, 1993: 411). Thirdly, in a community of equals, the operation of democratic process can have a broader impact on the quality of community life. Fourthly, irrespective of any consequentialist considerations of the outcome of democratic process, it elevates the spirit of social interaction and solidarity, and social interaction among individuals and institutions though such a method is itself valuable and worthwhile.

And ultimately, democracy has an epistemic concept, meaning it is considered as a truth-finding approach in the socio-politico-administrative field. In other words, decisions which are made by a process of active participation and interaction are more probable to represent the reality and truth than those which are not: “the epistemic conception treats processes of decision making as, potentially, rational processes of the formation of common judgments” (Cohen, 1986: 34).

The Concept of Accountability

So far, we have found that to secure a more effective method of decision-making is through the democratic process. In this respect accountability serves the underlying values of democracy such as citizens’ rights to participation. Accountability of administrators internally and externally ensures the democratic process of government.

Therefore, as a seminal definition, accountability means to give account or explain ones decision or action to another authority and accept any consequences therefrom.

For public administrators or management, accountability functions as a means of monitoring any wrongdoing and to correct the mismanagement or maladministration and to pursue the efficiency, effectiveness, and responsiveness of government.

For lawyers, accountability means an instrument of control to keep the administrators within the rules, laws, legislation, and other governmental and administrative regulations. For them, accountability should serve the principle of the rule of law such as legality, natural justice and fairness, congruency to and consistency with legal principles, legislative intention and the established system of rights and duties. The legal consequence for this kind of accountability would be the nullity or voidness of administrative decision or action, inhibition, injunctions, compensatory damages, partial enforcement, and imprisonment, if the decision or action concerned is subject to criminal code and responsibility.
For politicians, accountability is for maintaining some political values such as representation, parliamentary or congressional legislation, loyalty to party, political objectives and solidarity, public opinions, and some constitutional principles such as the separation of powers. Political consequences of administrative wrongdoing may vary from budget cut-back, political responsibility of the minister concerned, political and public embarrassment, losing political integrity and trustworthiness, ministerial resignation, parliamentary questions, facing with parliamentary committees and public audit offices’ inquiries. These processes may finally lead to judicial proceedings against responsible minister or civil servants.

There is also moral responsibility in the sense that administrators are required to make rightful and good decisions and follow moral principles and professional codes of conduct. In this view, they have to justify their decisions and policy in terms of justified moral principles, justice and fairness, or professional and ethical standards.

Therefore, democratic values such as equality and fairness, participation, responsiveness, representation, the rule of law, and plurality are deeply rooted and reflected in all these forms of accountability.

As far as the accountability of public administrators is concerned, there are three main issues which should be addressed here. First, a more detailed analysis of the above administrative, legal and political accountability and their implications for administrators is undertaken. Secondly, the issue of the requirements of accountability such as transparency will be explained, and finally, the issue of limitations on the accountability of administrators will be discussed.

**Sorts of Accountability**

Administrators are now accountable to different bodies and institutions. In fact, the nature of accountability, whether legal, political etc. determines the bodies to whom they should be responsible such as judges, politicians, parliament, ombudsmen, and national audit officers etc. Thus, I will try to analyse the first issue regarding the kinds of accountability (see Appendix 2).

**Public Accountability**

This kind of accountability connotes that politicians and administrators, while making decisions which involve public and people’s rights or interests as stakeholders, have to explain to the public, in any way, why they have taken such decisions or policies. On the other hand, for an effective system of control, the public should have access to some social or political instruments to criticize such decisions and consequently to complement such process by resorting to other means of political, legal and administrative accountability. Therefore, public can react to and assess administrators’ decisions through the mass media, press, election and ballot box by replacing political leaders and policies, and pressurizing through the other organized social, economic or political groups.
Accountability to the consumer through the citizens’ charters regarding sorts of public products and services, quality and price, and the ways jobs and opportunities, licences and welfare are distributed equally and fairly are considered as such means of public accountability. Professionally also, administrators should respond to their own standards of conducts and administrative rules and procedures. It is on this basis that citizens are allowed to compensate for products or services that cannot satisfy or meet their needs and lives.

Administrative Accountability

This sort of accountability is aimed at non-political and non-legal authorities such as civil servants and top ranking administrators. They are responsible to departmental ministers, regulators, ombudsmen, public audit officers whose aims are to monitor and regulate the quality, efficiency, and the enforcement of statutory provisions and the fair distribution and allocation of public budget and expenditure.

Within the government departments, civil servants are responsible to top administrative officers and ministers, and outside the departments responsible to bodies such as parliamentary commissioners, public audit officers, ombudsmen and regulators or particular administrative agency or board. These agencies have been set up by the legislature to make inquiries and obtain information and finally to make regulations or judgments. Although their judgments may lack sufficient legal sanctions, they cause departmental embarressment and, to a limited extent, governmental changes in policy and decisions.

However, since the dichotomy of administrative/political is no longer unquestionable, some other issues of administrative accountability will be dealt with in the section regarding political accountability.

Legal Accountability

From this viewpoint, administrators are accountable to the courts and the judiciary on the basis of the requirement of the rule of law. As I mentioned earlier, judges in a democratic government see themselves as the guardian of democratic process and values such as consultation, rights, equality and justice and liberties of individuals. Public officials are required to follow legal provisions made either by the legislature or the courts’ precedents in their day-to-day decision-making including issuing licences, collecting taxes, making compulsory purchase orders, dismissals etc. Otherwise they will face with judicial review of their decisions raised by any stakeholders or affected parties.

The scope of judicial review depends on the extent of the violations of statutory provisions or established legal principles or the enfringement on individuals’ rights and interests. Compared with the previous concepts of accountability, this concept has a more extensive legal guarantee and effectiveness.

Therefore, public officials should be aware of the principles of judicial control which are applicable in at least two aspects of their decisions and conducts: first, through the
principle of legality, meaning that administrators’ authority are given by parliament or governmental regulations based on some particular factual and legal circumstances.

Thus, the judges try to ensure that the authority remains within the four corners or *vires* of what parliament has intended and expressed. The courts see themselves as the ultimate arbiter in determining the legal meanings and factual circumstances, contemplated in statutory or regulatory provisions and thus, their jurisdictions in law prevails over the administrators.

The doctrine of *ultra vires*, meaning outside jurisdiction and discretion, here is used to curtail administrative powers on the ground that the existence of such authority is only for the attainment of specific objects and not for any other irrelevant purposes (Street, 1930: 1-13). The legal consequence of an ultra vires act or decision is a nullity meaning that it has no legal effect.

The second ground under which the courts can question administrative actions and decisions is the principle of natural justice or procedural fairness in English law, or the due process of law in American law. Natural justice or procedural fairness mirrors the idea that a public official cannot be the judge of his or her own cause and that, before to make a final decision affecting a person or group’s rights and interests, a defense of their case and views must always be fairly heard (Wade and Forsyth, 1994: 464).

In other words, the judiciary tends to judicialize the process of decision-making powers of administrators through the medium of procedural fairness and adjudicative process.

Administrative decision-making is a complex procedure that include taking into account the objectives set by statutory provisions and other governmental regulations, collecting information, evaluating the possible alternative solutions, determining the best options available, assessing different ways of implementation of decisions, and appraising of the possible effects on public interests or relevant parties and individuals. The significance of the principle of procedural fairness is that it offers a level of protection for those individual and groups who think their rights and interests have been undermined through these administrative decision-making processes (Zarei, 1998: 134).

If a particular administrative decision has a substantial effect on the rights and interests of the affected party or individual, it will be unfair and unreasonable to deprive them of such rights and interests without providing them with a chance to defend their views (Wade and Forsyth, 1994: 334-35). Furthermore, with the increasing role of government and its intervention in different aspects of citizens’ lives, there must be some procedural safeguards against the arbitrary use of such powers. Thus, this view relies on a right-based theory of administration requiring a certain level of accuracy and appropriateness of decision-making process, and as a result, reassures a sufficient level of outcome by protecting the people against procedural injustice (De Smith and Brazier, 1989: 567-69).

The formula for maintaining such a sufficient level of the accuracy of result is based on the principle of proportionality between the relative importance of the interest or rights
involved and the level of the accuracy of the method of decision-making and ultimate objective or value of administration. Therefore, to satisfy the procedural fairness, a certain mode of participation is required as a significant aspect of instrumental rationality (Dworkin, 1986: 72-104).

Accordingly, procedural fairness allows more participation and participation prevents elements of arbitrariness and uncertainty. Moreover, participation, per se, would give rise to social and individual improvement which is the cornerstone of all open government. From this, a sense of legitimacy is found which justifies administrators’ decisions in terms of legally and morally acceptable principles which, in turn, ensures better decisions and outcomes (Galligan, 1986: 330-33).

From this, two modes of participation can be deduced: first, where administrative decisions are of individualized nature and where individual rights or interests are seriously involved. In this situation, procedural fairness requires that participation should take a modified form of adjudicative procedure. Secondly, where general interests of a community or groups of people are concerned, the procedural fairness requires a fair public hearing and consultation (Galligan, 1986: 337).

As a result, the principle of procedural fairness is very consistent with the underlying values of democratic process such as equal respect and concern for every citizen’s rights and autonomy embedded in the participatory, deliberative and liberal theory of democracy.

All in all, these values require public administrators, in deciding matters of public concern, not only to take into account effective use of resources in terms of a cost-benefit method of analysis, but to deal with some legal and moral implications of their decisions and policies. In other words, it is the principle of fairness which effectiveness should comply with.

Political Accountability

Political accountability is a sort of responsibility which a political authority like a minister owes to other external political institutions such as parliament, parliamentary committees and president. It is also like the accountability of local authorities to central government officials.

To improve an effective democratic political accountability, the structure of the political system should be decentralized, the election system should be reformed, political parties should be recognized and established, and freedom of information and press ought to be secured (Oliver, 1991: Chapter 1).

Public administrators are not politically accountable. Instead, ministers are accountable for decisions and actions made on their behalf to parliament, president, prime minister, ombudsmen, and public audit officers. The understanding of this political aspect of accountability depends on the relationship between civil servants and ministers and the
recent administrative and civil service reform and its impacts on the traditional concept of political responsibility (see Appendix 3). In light of recent reforms, it is assumed that civil servants should be more accountable and take more responsibility in exercising administrative powers.

In the traditional model, a minister is the head of his or her department, and takes formally all important decisions based on the advice of department officials. Civil servants are assumed anonymous, permanent, and politically neutral (Drewry and Butcher, 1991: 150-51; Kavanagh, 1996: 332). The minister should take constitutionally all blame for failure of his or her department officials, and if necessary to resign, redress and compensate (Turpin, 1994: 109-51). Civil servants are neither identified nor are they constitutionally answerable to parliament or parliamentary committees.

However, in reality, civil servants are not that neutral and anonymous. The ministers may be handicapped within the mechanism of bureaucracy, influenced, manipulated and filtered in determining policy issues (Drewry and Butcher, 1991: 157-59).

This is supported by the fact that ministers are confined by lack of time and knowledge. They come to power usually without prepared and defined policies. They have to rely on their official advisors and civil servants to transform their broad policy objectives into more realistic and executable plans and also for implementing such plans.

In this process, they may be controlled by bureaucratic techniques such as biased initial briefing, controlled information, mobilization of other departments against the ministerial policies, and leaking to the press to damage the public credibility of the ministers’ policy etc. (Drewry and Butcher, 1991: 157-59).

From this standpoint, it is hard to believe that civil servants are the true alter ego of ministers within government departments. Moreover, ministerial decisions and policies are, in fact, products of a long process of interaction between interdepartmental relations and external chain of reactions.

In addition, a drastic change in the traditional administrative paradigm has been taking place and a post bureaucratic reform paradigm has been shaping through a transformation beyond the traditional Weberian model. This Weberian model is said to have been “distilled from the concept of a rational/legal authority which is relied on rule-based hierarchies, the rule of law and the notion of active separation from the personal interests of individual holding it” (Massey, 1995: 23; Drewry, 1994: 158).

Compared to this paradigm, the new paradigm is characterized by being “anticipatory, strategic, result directed, based on executive leadership, market oriented, customer driven and entrepreneurial” (Overman and Boyd quoted in Massey, 1995: 16).
The core of this movement lies in the accountability of administration to laws, rules and regulations, judicial control over the process of administration, contracts and market forces, to citizens’ charter and codes of ethics. Therefore, the exclusive accountability of civil servants to ministers should be restructured in favor of more accountability of civil servants to citizens, courts and parliament (see Appendix 4).

Based on democratic process and in the light of these new changes in administration, the whole machinery of government in all its levels and corners including civil servants, administrative agencies, and non-departmental public bodies should equally be accountable to parliament, parliamentary committees, electorate, the courts, and citizens (Turpin, 1996: 35-47).

It is now evident that authority is shared by ministers, senior officials and other public servants, and this reality must be incorporated into the constitutional system. For this, there has to be a clarification of departmental structure to determine the extent of which powers is used by various government officials and in order to frame a meaningful and reformed accountability (Turpin, 1996: 40).

The recent administrative reforms such as the introduction of the Next Steps Agencies, contracting out of public functions, privatization of public services and management are also supportive of the doctrine of enhancing accountability. For instance, regarding the Next Steps Agencies, they were set up introduce a different way of conducting the business of government, distinguishing between policy issues and operational matters.

The central civil service is a small core engaged in servicing ministers and managing departments sponsoring for particular government policies and services. On the other hand, there is a range of agencies employing their own staff, contracting the delivery of special services based on a division of defined responsibilities between ministerial departments and chief executives of such agencies for operational matters (Drewry, 1994: 165).

Such a division of functions reduces the accountability of ministers in relation to the agency’s functions to a sort of explanatory and supervisory with regard to its efficiency and good financial management, and not for any decision made by the agency (Freeland, 1996: 19-30). It is, thus, suggested that the time the budget and objective of an agency were set up, MPs can raise questions directly to the chief executive of the agency and not to the minister concerned. Ministers are only invited to respond where the answers of the agency are not sufficient and satisfactory (Kavanagh, 1996: 327-28).

As a result, according to these reforms, the traditional hierarchical structures and procedure or rule-based accountability is moving towards a managerial and performance-based accountability. Therefore, civil servants are more accountable for results and controlling inputs and supporting against fraud and abuse.
Requirements of Democratic Accountability

Based on what were discussed so far, and in respect of the second issue of the requirements of accountability, i.e., to make public administrators democratically accountable, some requirements must be satisfied. Some of them are explained here.

*Decentralizing the Government Decision-Making Structure*

The traditional administrative structure is inconsistent with fragmentation and overlap of purposes and jurisdictions of administrative units. This traditional model, supports the simplification, centralization and unification of administrative authority and objectives, and views decentralization as obstacles to efficiency and accountability (Oakerson, 1989: 115-16).

However, in a theory of democratic administration, there is no need for an administrative strict hierarchical structure and accountability. Each administrative agency having a particular objective, is regarded as a unit of accountability. An executive agency is first given discretion and then is held responsible for the exercise of such discretion (Oakerson, 1989: 120-123). As stated before, in a state of fragmented authority, executive agencies are answerable for certain objectives to government departments.

In addition to the decentralization of decision-making structure, uses of different techniques improve the quality of decisions such as negotiation, collaboration, competition, and even litigation. These techniques maintain the element of third party involvement and contribute to the effective responsiveness and accountability (Oakerson, 1989: 126).

*The Flow of Information*

Due to the citizens’ democratic rights to have their views equally incorporated in the outcome of administrative decisions and policies, and to ensure an effective and deliberative participation, relevant information must be disseminated. Therefore, equality of citizens requires free and equal access to relevant information. The recognition of a range of options for citizens requires as wide information as possible to secure the equal rights of everyone in setting various available alternatives, in assessing such various options, in the main process of making decision, and ultimately, in implementing such decisions (Lyland, 1995: 57-58).

*Transparency*

Transparency can be viewed as a goal itself, meaning that rational decisions and actions are those whose goals and means of implementation are consistently clear (Sjoblom, 1999: 16). Thus, transparency is closely related to procedural values and as such is linked to the democratic process of an open government.

For an effective and enhanced system of accountability, we should take the principle of transparency seriously. But, transparency in what terms and with regard to what kind of
administrative values? Therefore, transparency and accountability are both instrumental to values of public administration and such values will determine the adequate mechanisms of transparency and, in turn, different mechanisms of transparency require different types of citizens’ participation.

For instance, efficiency, effectiveness and responsiveness can be viewed as performance measurement and procedural administrative values, compared to substantive administrative values such as rights, equal respect and dignity and citizen’s preferences. On the other hand, to serve administrative accountability requires the maintenance of efficiency, i.e., minimization of costs and careful administrative and fiscal use of resources; effectiveness, i.e., the relationship between planned policy objective and objective achievement; and responsiveness, i.e., having a receptive mind to the citizens’ needs, problems and preferences.\(^{10}\)

Therefore, these three exemplary administrative values represent various principles of accountability. For the realization of these values and subsequent effective accountability, different roles of administrators and citizens must be articulated. Thus, it is suggested that efficiency requires administrators to play the role of an adjuster of administrative costs and resources in relation to the citizens’ demand as consumers. In this respect, the appropriate method of participation is through the determination of choices concerning a particular public service or product.

The value of effectiveness requires public officials to function as reactor to the policy-objective and citizens’ role as clients. The proper mode of participation is through negotiation and dialogue having a major impact on the policy-goal formation. On the other, the value of responsiveness is profoundly rooted in the tradition of participatory democracy. Transparency in this sense requires the intervention by organized social, legal and political groups in policy-making process. In this method, citizens not only influence administrative services, but also participate in the procedure of producing services and in determining what sort of products or services should be produced (see Appendix 5).

**Challenges to the Accountability of Administrators**

The third issue is the question of challenges to and limitations on the principle of accountability. Some of these issues are addressed here briefly.

*The Limitation of Scope*

As discussed before, accountability has a procedural and instrumental value, serving democratic process of an open government.

However, some concepts of accountability that are applicable to administrative decisions and actions are of a rigid, legalistic approach, searching for the immediate body responsible for the fault, while maladministration may in fact be attributable to a causal chain of structural defects, ineffective policies and processes, and other internal and external pressures.
Therefore, while an effective means of administrative and public accountability can be an *a priori* mechanism of control, other concepts of legal and political accountability are of an *a posteriori* nature and fault-oriented.

*The Question of the Conflicting Viewpoints on Accountability*

The external view of lawyers and politicians should be assessed against the internal view of administrators. Control and accountability has different values and purposes for lawyers, politicians and public administrators.

While lawyers are interested in rules, regulations, individual rights and interest, public administrators are concerned with policy, discretionary powers to get jobs done, public interests, the use of more flexible devices such as guidance, codes of conducts, directives, negotiation and compromise (Harlow and Rawlings, 1984: 127, 129).

There is also a question of the effectiveness of legal and political accountability. It is argued that these mechanisms of accountability have failed to create administrative effectiveness in any significant sense. Civil servants are not taught to think like lawyers and politicians.

Therefore, it is unwise to expect that every judicial or political decision is automatically assimilated into the administrative process (Rawlings, 1986: 135-45). As a result, the question is how far administration is able to effectively correspond to these differing values, principles and expectations.11

*The Question of Effective and Efficient Accountability*

Insisting too much on accountability can be expensive and countereffective, meaning that it imposes unjustified burdens on public pocket or funds. In other words, as emphasized in the value of procedural fairness, the question is how far a society and government would like to spend for maintaining fairness and justice in incorporating these values in administrative and political decision-making processes.

Governance through participation, negotiation, compromise and intervention is time- and resource-consumptive and needs human efforts which consequently result in prolonging the process of decision-making and delay in arriving at consensual final outcomes. Therefore, “accountability, like administration is subject to a criterion of efficiency” (Oakerson, 1989: 114).

However, the ultimate argument revolves around the extent to which a political systemic inclined to take the value of fairness or cost-efficiency seriously. From a normative moral point of view, it is the value of fairness and equality which should prevail, while on a utilitarian cost-benefit analysis, it is efficiency which outweighs fairness and equal rights.

Moreover, it seems that there exists a dilemma in the sense that, on the one hand, accountability requires individuals and groups’ participation, and, on the other hand, enhancing
citizens' participation in setting goals, public services and products, reduce public administrators' accountability in taking the blame for making certain decisions and conducts. Therefore, the more active citizens' participation, the lesser the degree of accountability of administrators would be, unless for the way they implement such goals and policies. This situation makes some concepts of accountability meaningless in their legal and political forms.

Conclusions

From the above discussions, some conclusions can be drawn:

The minimal concept of democracy is the procedural form of competition, election or public deliberative interaction, and in a short term, participation in one way or another. On the other, the maximal concept of democracy is dependent on the ultimate values on which a theory of government inclines to uphold such as rights, autonomy, fairness and equality or popular will.

The value of accountability is at best appreciated and justified within democracies that give the priority to citizens' rights to equality and fairness. Thus, democratic process presupposes external as well as internal and effective checks on the exercise of public authority and the accountability of public officials in favor of such substantive values of democracy.

Traditionally, the dichotomy of administration/politics and law/administration were fully supported. However, it is now obvious that public administrators are acting within the legal, moral, and political accountability and context (Owen, 1998: 225). Although different concepts of accountability can be defined in their own terms, in reality it is far more difficult to separate administrative from political accountability, and both of them from legal responsibility, and all of them from moral accountability.

The implication of the application of different concepts of accountability to administration is that, public administrators are required to take into account various and sometimes contrasting values and demands of bureaucrat lawyers, politicians and public at the same time in their decision-making processes.

For an effective mechanism of administrative accountability, there needs to be some political and administrative reforms such as decentralization of the traditional political and administrative structure of decision-making, or the flow of information for an informed participation. Transparency is the predominant requirement of accountability. The ramification for administration is that, to fully realize the values of efficiency, effectiveness and responsiveness, some forms of participation including dialogue, negotiation, intervention and consultation with sufficient legal and political guarantees must be maintained.
ENDNOTES

1 For a summary of these views, see Gutmann, 1993: 411-21.
2 On the issue of guardian democracy verses representative democracy, see Goldstein, 1991: 125-51.
3 For this definition and other arguments in favor of democracy as procedural equality, see Lyland, 1995: 55, 51-75.
4 For a detailed arguments on the justification of democracy, see Lyland, 1995: 162-92.
5 For a similar definition see Oakerson 1989: 114.
6 For a general explanation of these concepts, see Oliver, 1991: 3-40.
7 For a very detailed analysis of judicial cases in this respect, see Zarei, 1998: 98-148.
8 For a comprehensive and articulate discussion of legal remedies, see Wade and Forsyth, 1994: 579-667.
9 For a comparative analysis of recent civil service reforms, see Curristine.
10 For an analysis of these values and relevant mode of participation, see Sjoblom, 1999: 18-25.
11 For some other challenges to the recent developments see Curristine, 1999.

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Goldstein, Leslie Friedman (1991), *In Defence of the Text, Democracy and Constitutional Theory*. USA.


