ACCOUNTABILITY AND PUBLIC ADMINISTRATION: CONCEPTS, DIMENSIONS, DEVELOPMENTS

Antonio Bar Cendón*

1. Introduction: Liberal State, Social State, Market State

The classic theories on the Liberal-democratic State conceived it as a complex structure of checks and balances, addressed mainly at preventing the abuse of power and at protecting the sphere of freedom and personal development that corresponds to each individual and to the society at large. This equilibrium was inspired by a negative conception of government and a reductionist philosophy of political power, the basis of which was in fact the prevention of its abuse. The State, therefore, was reduced to basically maintaining law and order and had very little capacity to directly intervening in the natural development of social and economic processes. Society developed autonomously and only demanded from the State the keeping of this autonomy. Both, State and society, acted within the limits of the Constitution and the law, based on the sacred principle of the rule of law.

The economic crises and the social convulsions of the first third of the twentieth Century meant the collapse of this system and the establishment of a new political system that, although based in the classic liberal pattern, replaced that negative and reductionist conception of political power by another one of a positive and expansionist character. The State becomes then a decisive actor in the social processes, intervening in an active manner in the economic development of society and in the personal development of the citizens themselves. The old Liberal State becomes now the “Social State”, or the “Welfare State”. Society ceases to demand autonomy and, on the contrary, requires a more active and extensive participation of the State, regulating, delivering services, and providing help and social benefits at all levels. Thus, the State now takes hold not only of the traditional law and order services, but also of new social services such as education, health, housing, social security, transports, but even of other kind of activities of purely economic content, such as banking, private insurance, and ownership of companies of every kind.

* Professor, EIPA, The Netherlands
As a consequence of this development, the State grew and, with it, the public administration, which became the manager of an immense amount of heterogeneous activities. The organic dimension of public administration ended up being so big and the administrative intervention became so extensive that critical analysts started to call the new system “Bureaucratic State”. But, paradoxically, it is in fact this very same expansion of the Welfare State what produced its crisis. The enormous dimension of the administrative apparatus, the enormous financial costs of its operation and of the services and benefits delivered, finally meant a dramatic reduction of its financial capacity and of the society’s capacity to support it.¹ Thus, in the mid 80’s of the last century most of the developed countries experienced a great contraction of their economies that limited the capacity of their Governments to assume the entire cost of the services rendered or promised to the citizens.²

This caused a strong reaction that begins to take place in the 70’s, is accentuated in the 80’s and became almost general in the 90’s of the twentieth Century: a reaction that seeks a reversion of the process followed until then and that aims at reducing again the dimension of the State and to increase that of the society. This reduction takes place mainly through a process of privatisation of goods and services held by the State –which becomes now a buyer or a renter of products and services that it used to deliver itself– and through substantial changes in the structure and dynamics of public administration. A dynamic that –under flashy names such as “reinventing government” or “new public management”– tends to follow principles and managerial guidelines developed by the private sector, and to consider the citizen more as a client than as a subject.³ This subjection of the State to the requirements of the market, in an economy characterised by globalisation and supranational competition, allows us now to speak of a “Market State” –at least in the developed countries of the western world.

All these changes affect not only the structure and operation of public administration, but also the performance of the system of checks and balances that characterised both the Liberal and the Social State and, among them, the basic principle of accountability of public administration.

The aim of this paper is to analyse the impact that such transformations in the structure and dynamics of public administration, mean in terms of accountability. In order to do this, however, it is necessary first to clarify the concept of accountability and its possible dimensions and forms when applied to public administration. Thus, the paper begins with a terminological and conceptual definition of the different dimensions of “responsibility”, followed by an analysis of the political, administrative, professional, and democratic forms of accountability; a study of the impact of the new public management techniques on the different forms of accountability; and it concludes with the consideration of a possible new model of administrative accountability, its content and conditions.

2. Responsibility as accountability

The term “responsibility” is not a single-meaning term. Its scope is even wider in languages like French or Spanish, where “responsibility” is used in relation to a very wide field of juridical, political and economic relationships, and, within them, to their respective different dimensions. In English, the existence of different terms to refer to the various dimensions of responsibility –“responsibility”, “accountability”, “liability”– allows a more precise application of the concept. However, this does not fully prevent any confusion and the debate about the application of one or another term to the different relationships of responsibility continues to take place within the field of public or administration.

From the point of view of public administration –not in abstract or philosophical terms–, it could be said that the term responsibility has mainly three different meanings:

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4 On the concept of responsibility, there is a large literature in the field of Theory of Law and mainly in the field of Penal Law. In this paper, a more modest perspective is taken, one adapted to the specific needs of the analysis of the concepts of responsibility and accountability in the field of public administration.

• **Responsibility as “capacity”**: It refers to the ability or the authority of the public servant to act. Responsibility in this sense implies the existence of a set of laws and regulations that define the capacity or the authority of the public official to perform his or her duties. A set of rules and regulations that operate both as an obligation to act –functions, duties– and as a limit for this action. In a more specific manner, responsibility is frequently used in this sense to mean a specific “task”, or the “authority” of the public official.

• **Responsibility as “accountability”**: It refers to the obligation that public officials have of providing information, explanations and/or justifications to a superior authority –internal or external– for their performance in the execution of their functions. In this sense, one can say that public administration is not an irresponsible activity, but rather is always a “responsible” one, for –even in non democratic systems– there is always the duty for public officials to give account for their activity and, therefore, to be subject to a judgement or evaluation of a superior authority. The difference lies, for sure, in the manner in which this accountability takes place –processes, criteria, before whom, consequences, etc.

• **Responsibility as “liability”**: It refers to the assumption of the consequences of one’s own acts and, sometimes, also of acts carried out by others, when these acts take place within the field of authority of the ultimate responsible administrator. The consequences of this dimension of responsibility are normally fixed by law and can vary a lot, depending on the legal order of each country. In general terms, these consequences may imply the imposition of a sanction –resignation, dismissal, disciplinary penalty, etc.– and the compensation for the damage caused, but they may also have positive implications for the official that acted correctly or in an exemplary manner.

Of course, the relationship of responsibility as liability implies the existence of a causal relationship, a necessary nexus between the action or omission of the public servant and its effects –responsibility understood as “cause”. But it is also required that the effects could be rightfully or legally attributable to the official who carried out the action or omission that caused them. That is to say, it is required that there has been an unlawful infringement of a command or formal provision; that it was possible to act otherwise; that there was a legal relationship between the agent and the official responsible, when they are different; and that damage has been caused.
To these different dimensions of responsibility, Bovens adds another one, that of responsibility as “virtue”. By this is meant the conscious and correct attitude or performance of the public official; in other words, that which takes into account all the possible circumstances and consequences of the action, and is also abiding by the law. In this sense, one can say that an official is “responsible” when he/she acts in a conscious manner and performs his/her duties in the correct and legal way.⁶

The concept of responsibility more relevant for the purpose of this paper is that of responsibility as “accountability”, since it is the one that is more meaningful for the analysis of the public administration’s performance, and is also more telling about the democratic character of any administrative system. On the other hand, the other two meanings or dimensions of responsibility converge in this concept and are also integrated within it. In fact, for an administrative official to be able to give account for his/her performance –responsibility as accountability–, he/she must be competent or invested of authority on the subject matter –responsibility as capacity– and he/she may be considered liable for the action or omission that took place and its effects or consequences –responsibility as liability. There is, thus, a logical concatenation between these three dimensions of responsibility and one follows the other in a necessary manner.

As Caiden puts it, taking the perspective of the individual official: “it is highly desirable to have all three terms conjoined. Public officials, who should take responsibility for all that is done in the name of the public [responsibility as capacity], should also be accountable to external bodies for what they have done or failed to do while in public office [responsibility as accountability ] and should be liable, legally and morally, for correcting or compensating for their wrongdoing as judged internally or externally [responsibility as liability]”.⁷

However, even when responsibility is understood only as accountability, it may appear in several different manners in reality. Thus, it can be manifested in different institutional forms; it may involve several different subjects; there may be several evaluation criteria; and there may be several


consequences to be drawn. All of this have made the literature to create numerous classifications of the various types of responsibility and accountability, according to different methodological criteria. For instance, Dwivedi and Jabbra distinguish between “administrative”, “legal”, “political”, “professional”, and “moral” accountability. Romzek and Dubnick identify “hierarchical”, “legal”, “professional”, and “political” forms of accountability. Bovens distinguish between “hierarchical”, “personal”, “social”, “professional”, and “civic” responsibility. Stone identifies “parliamentary control”, “managerial accountability”, “judicial” and “quasi-judicial review”, “constituency relations”, and “market accountability”. And in similar terms, although with a different perspective, Metcalfe understands that there is a correlation between the various forms of exercising authority –hierarchical authority, expert authority, influence, exchange– and the different forms of accountability. Accordingly, in his conceptualisation, “administrative accountability” corresponds to hierarchical authority; “professional accountability” corresponds to expert authority; “democratic accountability” corresponds to influence; and “responsiveness” corresponds to exchange.

Whatever the classification, though, there is in fact a certain coincidence among the different conceptions as regards the existence of at least two main forms of accountability, and even about the content of each one of them; that is: political accountability and administrative accountability. However, in my view, to these classic forms of accountability a new form should be

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10 M. Bovens, “Bureaucratic responsibility” cit.


added, which would take into account the goals of administrative action and which would judge it according to them; that is, the “democratic accountability”. This is a form of accountability that may be called “democratic”, not in the sense that the other forms of accountability are not, but because it establishes a direct relationship with the citizens, to whom public administration gives account directly. Democratic accountability, thus, judges the results of administrative action with the perspective of their incidence on individual citizens and on the social and economic life at large.

It is evident that other dimensions of accountability, which —as stated above— are frequently mentioned in the literature on this topic are also relevant. Nevertheless, from the point of view of public administration and its mechanisms of control and evaluation, which is the main concern of this paper, those other forms of accountability have a smaller relevance, for either they are not subject to these mechanisms of control and can only be exercised outside of them, or they can be integrated within the other classic forms of accountability. This is, very specifically, the case of professional accountability, which, in spite of being conceptually different, can also be exercised within the general framework of administrative action and accountability. It is precisely in this sense that it is taken into account and analysed in this paper.

Thus, in the following pages I will try to highlight the main characteristics of four forms of accountability: (a) political accountability, (b) administrative accountability, (c) professional accountability —within the framework of administrative accountability—, and (d) democratic accountability.

3. Political accountability

Political accountability takes place in a double dimension —vertical and horizontal. In its vertical dimension, political accountability is a relationship that links those in the high positions of the administrative structure; that is to say, those officials who are appointed and removed freely, according only to political reasons —positions of political confidence. This includes the Prime Minister or President of the Government, Ministers, and top positions of the public administration. As regards the top positions of the public administration, the title and the level of the positions concerned depends on the legal and constitutional provisions in force in each country. Thus, in some countries there is a very clear cut definition and separation between what is the Government and what is the public administration – this is the case, for instance, of most Anglo-Saxon countries—; whereas in other countries there is a intermediate territory between them, where
although the activity conducted can be labelled “administrative”, the form of appointment of those positions and their accountability is truly political.  

In its horizontal dimension, political accountability is a relationship that links the Government with the Parliament –sometimes as a college, sometimes its members in individual terms. But it may also include some of the positions at the top of the administrative hierarchical ladder. This, again, depends on the legal and constitutional provisions of each country. However, it is in fact more and more frequent to see high level administrative officials reporting and giving account directly to the Parliament for their individual performance or for that of their respective administrative units.

Parliamentary political systems differ here from presidential ones, for in presidential political systems this horizontal relationship of accountability does not have a permanent and direct character. The vertical relationship of accountability is among them, therefore, the only permanent and direct relationship of political accountability and, in any event, the most intense one. Thus, while in parliamentary systems the Parliament participates in the formation of the Government and controls its performance in a permanent and direct manner –through mechanisms such as questions, interpellations, votes of confidence, motions of censure, parliamentary committees–, in presidential systems the Parliament can only approve or reject certain appointments for high political or administrative positions and, only in very exceptional cases, force their resignation through the “impeachment” procedure. Nevertheless, even in parliamentary systems, the Parliament does not act in the same manner as any other mechanism of administrative control. It tends to focus only on specific issues, rather than continuously monitoring in full areas of government. Thus, its control power serves more as a deterrent to prevent malfunctioning of public administration, that as a means of correction through accountability mechanisms.

The realisation of this form of accountability is based on a very wide set of criteria, including technical and objective considerations, but more than

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13 The most frequently used titles for these high positions at the top of the public administration are: Ministers of State, Secretaries of State, Under-Secretaries, Parliamentary Secretaries, etc.; positions which are known in the British political system as “Junior Ministers”. In some countries, the intermediate territory is occupied by positions such as Secretaries-General, Director-Generals, etc.; positions which although are politically appointed and dismissed, the appointees tend to be senior civil servants only.

14 B. Stone, “Administrative accountability”, cit.
in any other criterion—principally in the relationship Government-Parliament—the horizontal dimension of political accountability is based on political considerations and on value judgements of an ideological or partisan nature. In the vertical dimension, inferior positions are accountable to superior ones, and the latter may supervise and control the performance of the former. In the vertical dimension, though, the realisation of political accountability is based on considerations of a technical or objective character, although always loaded with a certain political perspective. In both dimensions, vertical and horizontal, the consequences of political accountability may end up with the resignation or the dismissal of the official in question.

The main problem that the new lines of administrative reform cause for political accountability is the level of autonomy that is sought for administrative units and agencies. The questions arising here are thus, to what extent is the political authority responsible or accountable for the performance of the autonomous agencies? To what extent can the formal arrangements that might be established for this kind of accountability affect the performance of the autonomous units and agencies?

This, for sure, depends on the legal and constitutional framework of each political system. However, a common pattern tends to be applied in most of the countries, which consists of establishing a clearer distinction between the policy designing and general programming functions, and the administrative or executing functions. In fact, the increase of the autonomy of administrative agencies deepens in this dividing line and this, consequently, operates in a double direction: on one hand, the administrative agency is more independent in the performance of its tasks and, on the other hand, the Minister or corresponding political authority is relieved from any relation of accountability for the daily work of the agency.

In this context, it must be underlined here that the very same autonomisation of administrative units and agencies tends to enhance also their capacity for policy-making and programming within the general framework of that of the Government. Thus, at least to a certain extent, this divide between Government and administration as regards policy-making and programming is paradoxically blurred by the same accentuation of the separation of these functions.

Nevertheless, there still remains a relationship of accountability as regards the implementation of the designed policies and the political programming and, therefore, the attainment of the—in politically—established
goals. In this aspect there is, in fact, a clear relation of political accountability that links the managers of the autonomous agency with the relevant Minister or political authority. Thus, in this vertical dimension, the managers of the administrative agency have to give account for the attainment of the established objectives to the relevant political authority; and the political authority has also to give account for that same attainment to whom might be concerned, i.e. the Prime Minister. Logically linked to this kind of accountability is the right of ministers to appoint and dismiss the managers of the autonomous agency, and the right of the Prime Minister to appoint and dismiss the relevant Minister, on the grounds of the attainment of the political objectives programmed within the framework of his/her authority. And, in the horizontal dimension, the relevant Minister, the Prime Minister, or the Government at large, are responsible to the Parliament, which can demand any kind of explanation for the performance of the administrative agencies under their responsibility.

Thus, although it could be said that there is a certain transfer of responsibility from the autonomous agencies to the relevant political authority, this does not mean that they remain out of any control by the political authority. On the contrary, they are “politically” accountable to the political authority and, in some cases, they have also to give account to the Parliament directly. In this respect, although there is not a parliamentary procedure to dismiss managers of administrative autonomous agencies in parliamentary systems, it is not at all unusual that the Parliament may request the presence of these managers in public hearings and demand from them explanations about the performance of their agencies. Political accountability, therefore, does not mean irresponsibility for autonomous administrative units or agencies.

In the framework of political accountability, then, public officials are not rigidly constrained in their performance by a narrow legal or procedural setting, rather they enjoy a large decisional autonomy and act within a rather ample framework of political and/or programmatic guidelines issued by the superior authority in the hierarchical ladder. Political accountability, therefore, tends to use outcomes as the main parameter for evaluation or performance, rather than compliance with administrative rules and procedures. For this reason, public officials tend here to keep in mind the expectations of the elected authority and, ultimately, of the electorate itself, and to act accordingly, for their permanence in office –having been directly elected by the citizens or not– depends on it. Parliament and electorate,
therefore, are the main and ultimate reference for the control and the evaluation that takes place within the framework of political accountability. 15

The main characteristics of political accountability are then the following ones (see Table 1):
• autonomy or discretion of the agents involved –political authority and public officials;
• evaluation mainly for results;
• different realisation methods, according to the legal and constitutional system of each country;
• different consequences, according to the legal and constitutional system of each country;
• the hierarchical superior –in legal and political terms– as agent of the control, in the vertical dimension;
• the Parliament as agent of the control, in the horizontal dimension; and
• citizens –the electorate– as the ultimate reference for the control and the evaluation.

4. Administrative accountability

a) Different types of administrative accountability?

It is frequent in the literature about accountability in public administration to distinguish between administrative accountability and other possible manifestations of accountability, such as “hierarchical” or “bureaucratic” accountability, and “legal” accountability. 16 However, such a distinction is not very accurate since these suppose to be different types of accountability are, in fact, dimensions or aspects conceptually inseparable of the same concept of administrative accountability. They are aspects or dimensions that, on the other hand, cannot either be separated in practice, since they are functionally united. In other words, administrative accountability does not exist either without its hierarchical dimension or without a specific legal framework establishing its content and consequences. Separating and


### Table 1

**Characteristics of the different forms of accountability**

<table>
<thead>
<tr>
<th></th>
<th>Political accountability</th>
<th>Administrative accountability</th>
<th>Professional accountability</th>
<th>Democratic accountability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic operational principle</strong></td>
<td>- acting following the political and programmatic provisions adopted by the Government</td>
<td>- acting in full compliance with the legally established rules and procedures</td>
<td>- acting in full compliance with the technical rules and practices of the profession</td>
<td>- acting according with the needs and interests of social groups or society as a whole</td>
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<tr>
<td><strong>Internal accountability, to whom?</strong></td>
<td></td>
<td>- superior political authority</td>
<td>- superior professional organ or authority (technical evaluation)</td>
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<tr>
<td></td>
<td></td>
<td>- superior administrative organ or authority</td>
<td>- superior administrative organ or authority (administrative evaluation)</td>
<td></td>
</tr>
<tr>
<td><strong>External accountability, to whom?</strong></td>
<td>- Parliament</td>
<td>- external organs of supervision and control</td>
<td>- external organs of supervision and control (technical or administrative)</td>
<td>- social groups</td>
</tr>
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<td></td>
<td></td>
<td>- citizen as subject</td>
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<td>- society as a whole</td>
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<td>- courts of justice</td>
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<tr>
<td><strong>Subject matter</strong></td>
<td>- results of the administrative performance</td>
<td>- forms and procedures followed by the administrative action</td>
<td>- professional rules and practices followed</td>
<td>- results of administrative performance</td>
</tr>
<tr>
<td><strong>Criteria</strong></td>
<td>- political criteria</td>
<td>- formal criteria: compliance with established rules and procedures</td>
<td>- professional criteria: compliance with established rules and practices of the profession</td>
<td>- social impact of administrative performance</td>
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<td></td>
<td>- technical or objective criteria</td>
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<tr>
<td><strong>Mechanisms</strong></td>
<td>- internal supervision and control mechanisms (internal responsibility)</td>
<td>- internal supervision and control mechanisms</td>
<td>- internal supervision and control mechanisms (technical or administrative)</td>
<td>- mechanisms of civic participation</td>
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<tr>
<td></td>
<td>- parliamentary mechanisms of control (external responsibility)</td>
<td>- external supervision and control mechanisms</td>
<td>- external supervision and control mechanisms (technical or administrative)</td>
<td>- media and instruments of expression of the public opinion</td>
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<td>- administrative claims</td>
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<td>- information technology</td>
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<td>- judicial procedures</td>
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<tr>
<td><strong>Consequences</strong></td>
<td>- political criticism or recognition</td>
<td>- revision of the administrative act</td>
<td>- sanction or recognition of the official involved</td>
<td>- adoption of administrative act</td>
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<td>- resignation or dismissal</td>
<td>(confirmation, modification annulment)</td>
<td></td>
<td>- revision of administrative decision</td>
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<td>- sanction or recognition of the official involved</td>
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<td>- democratic legitimisation of administrative performance</td>
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<td>- compensation for the citizen</td>
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differentiating these aspects is thus not only a conceptual artifice, but it would also mean to empty administrative accountability of its own substance.

A different problem is posed by “professional accountability”. Professional accountability is, in fact, a special type of accountability relationship which can be conceptually and practically differentiated. Professional accountability is a form of accountability that normally takes place in the world of professions, outside the walls of public administration –professional associations, corporative bodies, collegia, etc. Nevertheless, in spite of the difficulties in combining them, professional accountability can also take place within the general framework of the operation and accountability of public administration. It is for this reason that professional accountability is here taken into consideration and analysed after administrative accountability.

b) Administrative accountability

Administrative accountability, like political accountability, takes place in a double dimension –vertical and horizontal. In its vertical dimension, administrative accountability is a relationship that links inferior administrative positions with superior –political or administrative– ones. And in its horizontal dimension, administrative accountability links the individual administrator and the public administration as a whole (a) with the citizen, as a concrete subject or user of the service, but also (b) with other external organs of supervision and control established to this purpose, such as oversight bodies, audits, comptrollers, “ombudsmen”, etc.

The criteria taken into account for the realisation of this kind of accountability are –in its classic formulation– only juridical, for they are fixed by law in specific terms. The content of this relationship of accountability, as much in its vertical dimension as in its horizontal one, can thus vary, depending on the legal and constitutional provisions in force in each country. However, unlike political accountability, administrative accountability presents a great homogeneity among the different national administrative systems as regards the criteria used for its realisation.

Thus, both the vertical dimension of administrative accountability and the horizontal one are based on strict and objective criteria of a legal and functional character, which take the form of obligations of doing or not doing that bind public officials. For instance, the duty of fulfilling all the obligations linked to the position; the duty of obedience and loyalty towards superiors; the duty of neutrality or impartiality; the duty of integrity; the duty of discretion; the duty of using appropriately public resources; the
duty of treating citizens, as much as superiors, colleagues, and subordinates, with attention and respect; and the duty to abide by the Constitution and the rest of the legal order. To which the corresponding duty of abstaining from carrying out any action that infringe these principles must be added.

The fulfilment of these duties and obligations is assured, in the vertical dimension of administrative accountability, through a wide set of internal mechanisms of control and supervision – inspectorates, comptrollers, audits, etc. The aim of these mechanisms is indeed to assure the strictest compliance of administrative performance with the established rules and procedures, and the correct use of public resources. In this respect, it is very common that mechanisms of financial control acquire a special relevance among the different instruments of control, by means of controlling expenditure ex ante. This allows them to condition administrative programming and performance to such an extent that –mainly when this includes a veto power– they become in practice the real policy-makers or programmers, thus inverting the logic of political and administrative direction and management.

The consequences of the realisation of administrative accountability in its vertical dimension are fixed by the legal order and take place through a set of internal procedures. In those cases where there is an infringement of law, they may take the form of disciplinary procedures and they may end, in most serious cases, in the expulsion of the official in question. However, the consequences of the realisation of this dimension of administrative accountability may also be positive, when the mechanisms of control or supervision acknowledge the correct performance or behaviour of public officials and administrative units. In these cases, the realisation of administrative accountability may also imply a prize or public recognition for those who have distinguished themselves in the exercise of public administration.

In its horizontal dimension, administrative accountability – besides being subjected to the legal principles described in previous pages– it is also based on other formal criteria, legally established, which frame the terms of the relationship between (a) public administration and the citizen, and (b) public administration and the external organs of control and supervision. This relationship is here a concrete relationship established on the occasion of a specific administrative act. The citizen, therefore, is here a concrete and identified individual – the user of the service or, in managerial terms, the client–, not the citizenry in global or abstract terms.
In this relationship between the administration and the citizen, the law fixes the rights and possible expectations of the latter and the functions and duties of the former—as much those that correspond to each administrative unit, as those that correspond to each public official. In fact, it can be said that, interpreted in such manner, administrative accountability provides the citizen with the highest guarantee of attention and equal treatment, as well as total certainty, at least, as regards the forms of his/her relationship with the administration—organs, procedures—and its possible results.

Nevertheless, this type of relationship of administrative accountability, formally and legally set, does not exclude the existence of another type of horizontal accountability before the citizens or social groups, such as the democratic accountability, which is analysed later. Thus, in spite of the similarities with the horizontal administrative accountability, democratic accountability differs from it for not being so formalised, for being realised before the citizens or social groups in general, and for being based only on the attainment of certain results through administrative action.

On the other hand, the horizontal dimension of administrative accountability implies also the existence of external organs of control and supervision, to which public administration has to give account for its performance. However, this type of organ, although frequent, does not exist in many countries. Where they exist, their structure and functions vary considerably from one country to another and, in any event, they are subjected to a specific legal setting, frequently established in the Constitution itself. This includes bodies such as independent commissions of supervision, parliamentary commissions, state organs of control, accounting or financial audits, courts of auditors, etc. The commonly called “ombudsmen” deserve separate mention. This last kind of institution is generally characterised by the broadness and flexibility of its procedures, by its accessibility, and by the lack of coerciveness of its decisions and recommendations. The latter is precisely the most relevant characteristic since, unlike most of the other external organs of control and supervision, “ombudsmen” usually lack the power to resolve or to impose their own decisions, which usually have only the form of recommendations and, some times, the form of a public denunciation of the acts of the administration. The effect of these recommendations or public denunciations, though, depends very much on the prestige and acceptance of this institution within each administrative system.

The consequences of the realisation of administrative accountability in its horizontal dimension are equally fixed by law and they are brought
about through internal administrative procedures and external control mechanisms. Ultimately, appeals and acts of control against public administration may end up being submitted to the decision of a court of justice through the relevant judicial procedures. In some countries, administrative matters fall within the competence of ordinary courts of justice, whereas in others they are allocated to courts specialised in administrative matters. The resolution of these procedures may mean the acceptance or rejection of the request filed by the acting citizen –concession, authorisation, compensation, delivery of the service, etc.–, but it may also mean the revising of an incorrect administrative act –adoption, modification, annulment– and a sanction for the official responsible.

From a practical point of view, however, the picture described above must be qualified, since some of its elements operate in fact in a way somewhat different from the one habitually used to describe them in abstract terms. For instance, as regards the duty of neutrality or impartiality that should govern the public officials’ performance and that of the public administration at large, it does not –neither should it– operate in absolute terms, since this would be contrary to the very idea of democratic government. That is to say, the public officials’ duty of neutrality or impartiality cannot prevent them from executing commands or instructions issued by their superiors in the implementation of the political programme of the Government in office: a programme that is, by definition, a partisan programme and, therefore, not neutral at all. Not executing these commands would imply an infringement of the duties of obedience or loyalty that equally bind every public official. Thus, the neutrality of public administration means, in this sense, the officials’ readiness to work with the different Governments and to carry out their different political programmes with full loyalty. Neutrality, in this sense, requires paradoxically loyalty to the Government in office, that is to say, non-neutrality. Bovens describes this paradox with an expressive sentence: “in the carnival of beasts, the functionary would go dressed not as grey mouse, but as chameleon”.  

However, the duty of neutrality or impartiality is fully manifested in the horizontal dimension of administrative accountability, that is to say, as regards the citizens. In this sense, public officials cannot differentiate or discriminate between citizens on the grounds of political ideology or affiliation, for they are equal before the law. Public officials must, therefore, maintain absolute neutrality in the delivery of administrative services. 

On the other hand, the horizontal dimension of administrative accountability acquires a larger dimension in decentralised systems, since it also covers the relationships among the different areas and levels of public administration, where it becomes complex or plural. That is to say, the horizontal dimension of administrative accountability also takes place within the relationships between the central administration and the peripheral one, as much as within those between the central administration and the autonomous units or agencies, and within those between the decentralised and autonomous units and agencies with each other. In this field, once again, the relationships between the different levels of government are fixed by law or the Constitution and, therefore, so are the relationships of administrative accountability and the specific content of each one of them. 18

The main characteristics of the classic conception of the administrative accountability are, thus, the following ones (See Table 1):

- full subjection of public officials and administrative units to a wide set of constitutional, legal, and administrative rules and procedures that govern tightly their performance;
- full subjection of public officials and administrative units to instructions and commands issued by officials and bodies superior in the hierarchical ladder;
- realisation of accountability, in its vertical dimension, through bodies and officials hierarchically superior and according to numerous internal mechanisms of supervision and control, among which mechanisms of financial control are specially relevant;
- realisation of accountability, in its horizontal dimension, through external bodies of supervision or control and courts of justice, either at citizen’s request or ex officio;
- evaluation based on the fulfilment by public officials and administrative units of the provisions and procedures set by formal rules and regulations, and also on the correct use of public resources;
- establishment by law of possible consequences of accountability, they being different from country to country. Consequences of administrative

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accountability may include a revision of the administrative act, compensation, and a sanction or a reward for the public official involved.

c) Professional accountability

Within the general framework of administrative action and accountability, a special problem is posed by the so-called “professional accountability”. This concept of accountability, first formulated by Romzek and Dubnik,\(^{19}\) refers to a special type of relationship of accountability, perfectly identifiable, that takes place primarily in the world of professions. However, professional accountability may also take place –and, in fact, it does– within the general framework of administrative action and accountability. This is due to the enlargement of public administration and to the increase in the complexity and technical specialisation of its tasks, which has meant the entrance in the administrative structure of a great number of professionals of high qualification and, therefore, to the development of numerous administrative activities of a professional character.

Professional accountability is characterised by the existence of a set of norms and practices of a technical or professional nature that govern the behaviour and performance of members of a certain profession. These norms and practices, as long as their respective profession is integrated in the organic structure of public administration, become also part of the set of rules, regulations, and principles that govern the operation of public administration in those areas where the profession is exercised. Members of the profession, thus, are subject to this normative set, but they move with full autonomy when performing professional activities, acting only according to their own criteria and professional knowledge. In any event, besides respect to the general legal framework of public administration, a special loyalty to the rules and principles –technical and ethical– that govern the profession, which, on the other hand, are fixed by the profession itself, is expected from them. These professional rules and principles have, therefore, both a technical and an ethical dimension. In fact, it is frequent for the organised professions to have their own codes of behaviour and codes of professional ethics, and to establish special mechanisms for their application and control. These professional controls, where they exist, tend to focus on the profession members’ compliance with the provisions of these professional rules and

\(^{19}\) B.S. Romzek, M.J. Dubnik, “Accountability in the public sector”, cit.
principles, as well as on the technical results of their performance, and they are carried out only by members of the same profession.

Professional accountability, therefore, has a difficulty in fitting into the general framework of administrative accountability, since it subjects professional performance not exclusively to the general rules and defining principles of public administration – legality, hierarchy, obedience, fairness, etc.–, but mainly to a set of professional rules and principles that are alien as regards the legal system of public administration, with which they collide in many aspects. The problem is, therefore, how to match the classic criteria that govern the operation and accountability of public administration with those that govern the operation and accountability of the integrated professions.

This problem, however, is not new, since in many countries highly qualified professional sectors, such as university education, scientific research, medical services, etc., have been included in public administration for many long years. In such cases, as in the new ones that can take place with the same character, the solution to the problem lies on the attribution to these professionalised sectors of public administration of full autonomy for the realisation of the relevant technical or professionals tasks; but, at the same time, maintaining the elements necessary for the existence of the administrative bond or relationship, such as the subjection to the general management of the public administration, the administrative status of personnel, etc.

Nevertheless, it is evident that no peaceful integration of professional sectors in the general framework of public administration can be carried out if the classic system of control and administrative accountability is maintained as the single and only system of accountability. On the other hand, it is similarly unsustainable to try to establish professional control and accountability as the only system of accountability for these professional sectors integrated in the public administration, excluding the classic forms of administrative accountability. Thus, professional activity in public administration requires a special model of accountability that must be integrated within the general framework of administrative accountability.

In this context, it can be said that, for the purpose of professional accountability, neither is there a single criterion of evaluation, nor can this evaluation be carried out by a single administrative organ of supervision or control. In the operation of these technical-professional administrative units, two different dimensions can be distinguished: one, which consists
of the technical-professional elements –the professional performance, in
specific terms–, and the other one, which consists only of the organic or
procedural administrative elements –the formal or legal dimension, or of
legality. The first dimension –professional acts and decisions– can only be
supervised or controlled by organs of the same professional character,
formed by members of the profession with technical knowledge on the
subject matter in question, who conduct their evaluation using only
professional criteria. Whereas the second dimension –the administrative
procedural or formal aspects– can be supervised or controlled by ordinary
organs of control of the public administration.

As a practical example, it can be said that, for instance, in a laboratory
of scientific research integrated in the organic structure of public
administration, technical or professional aspects such as the selection and
evaluation of research personnel and the control of their technical
performance, or that of the research activity conducted in that laboratory at
large, can only be carried out by organs of a technical or professional
character, formed by members of the same profession with knowledge on
the subject matter. Whereas other aspects of the laboratory’s activity, such
as budgeting and spending, recruiting and firing administrative staff, as
well as the fulfilment of the basic principles of legality of their operation
–respect of constitutional and legal rights and principles, such as non
discrimination, etc.– can and should be supervised and control by ordinary
mechanisms of control of the public administration.

Thus –contrary to what is maintained by some sectors of the literature–
the integration of professional accountability in the framework of
administrative activity does not fully exclude the existence of administrative
accountability. On the contrary, both can coexist at the same time within
the framework of the professionalised administrative activity. Administrative
accountability deals with the administrative aspects of the professional
action, in the terms described in the previous section of this chapter; and
professional accountability covers the technical or professional aspects, in
the terms described here.

Thus, described in a schematic manner, the main characteristics of
professional accountability are the following: (see Table 1):

• subjection of professional officials to a set of rules and practices of a
  professional character –technical and ethical– distinctive of the profession,
  which are established by the profession itself;
• autonomy of members of the profession in the exercise of their functions, where they act following their own personal criterion and professional knowledge;
• realisation of professional accountability, in its technical or professional dimension, through organs of technical-professional character, formed by members of the same profession;
• realisation of professional accountability, in its administrative dimension, through the ordinary organs of supervision and control of the public administration;
• evaluation based as much on the performance’s compliance with the technical rules and principles established by the profession, as on the performance’s technical results;
• the consequences of this process of accountability are those established by the legal order, they being different from country to country.

5. Democratic accountability

Besides the forms of public accountability already analysed in previous sections of this chapter –which are basically characterised by the clear definition of their principles of operation and of the mechanisms established for their realisation–, there is another form of accountability, which is less defined and which can be called “democratic”, since it is expressed directly as regards citizens or the society as a whole.

Democratic accountability, thus, entails the existence of a direct relationship between public administration and the society – a relationship in which the society is not only a passive object of the administrative action, but rather it adopts an active role, as much in relation to the adoption of administrative acts, as in relation to the request of accountability by the public administration.

Indeed, the growth of public administration and the arrival of administrative action to every possible aspect of the society, have caused the emergence of a participation process in which two different necessities converge: on one hand, the need of public administration to attain the largest possible support and social acceptance for its decisions; and, on the other, the need of society and specific groups within it to make sure that public administration takes into account and fulfil their own demands and interests. This participation process becomes a relationship of accountability where citizens and social groups transmute into agents of control of administrative performance, and public administration is forced to give account and to justify its acts before them. Citizens want today to have a
direct control over all those matters that affect directly their existence, such as security on the streets, education of their children, health, urban planning and housing, environment, etc. Therefore, public administration can expect from them the necessary support or collaboration only to the extent in which it can meet their demands and open itself to their participation. Citizen’s participation and control is, therefore, a fundamental element for the democratic legitimisation of administrative action. 20

Unlike the other forms of accountability analysed here, democratic accountability is not established in such a formalised and perfectly defined way. On the contrary, the elements of its process –agents of the relationship, evaluation criteria, control instruments, consequences– are not always well defined or specifically formalised in the legal order, and they can even vary on the grounds of the type of administrative action and, certainly, from country to country.

In any event, it must be underlined that this form of accountability within public administration is neither new, nor does it lack any formal or legal constraint. In fact, it is not uncommon to find –even in the most classic and bureaucratised models of public administration– instruments of civic participation in the administrative decision-making process. Thus, both in the formulation of regulations and in the adoption of other type of acts and administrative decisions, it is frequent to find a phase of the process which is address at public consultation and the reception of allegations made by individual citizens. And, certainly, this type of consultation is always formally foreseen and regulated in what refers to its procedure and consequences.

However, what is really new here is the fact that public administration have to give account directly to the citizens for its performance. It is not only that Government, as the supreme authority –politically– responsible for the performance of public administration, has to respond for the way in which it acts, as much to the Parliament as, ultimately, to the electorate. It is, in fact, –going beyond than the traditional view of public administration– now believed that administrative units and individual officials themselves may and must be held directly accountable to citizens for the managing

and the results of their administrative activity. Thus, administrative units and individual officials cannot anymore be considered free from any direct relationship of accountability of this kind with the citizens –beyond the one linked to specific infringements of rules and procedures, affecting a concrete citizen–, on the grounds that this corresponds to the Government and its relationship with the Parliament and the electorate.

The main goal or purpose of administrative action is the satisfaction of the needs and interests of citizens, within the general framework of the Constitution and the rest of the legal order. In this respect, administrative performance must be inspired not only by the respect of that juridical framework, but mainly by the attainment of the highest possible satisfaction of these needs and interests. Democratic accountability, therefore, focuses its attention on the results of administrative action, in their impact in social and economic life, that is to say, in their general innovative effectiveness. But it also focuses on the satisfaction of demands of citizens and social groups.

Citizens and social groups directly affected by public administration activity become, in this way, the new agents of the control of public administration, according to this new concept of democratic accountability. The mechanisms that citizens and social groups use to realise this form of accountability may be the same mechanisms that are also used for civic participation in the administrative decision-making processes: citizens’ committees, public hearings, consumers’ organisations, etc. 21

Besides these instruments of control of democratic accountability, another one, very effective indeed and of a growing relevance, has to be added: the media. In fact, the surveillance of the media exercise is more and more incisive and demanding in its scrutiny of public administration performance. This forces the affected administration units to give public account about their activities, to explain to them and to justify them, with hardly any room

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being left for administrative secrecy or discretion. Information technology, on the other hand, has opened the door to new instruments of communication, information and, therefore, citizens’ control over public administration activities. In this respect, it is not only that public administration is now more open and transparent that few years ago, it is that the citizens’ expectations have changed and they are now more aware, better informed, and more demanding of information, explanations, and justifications than they used to be. Thus, not only does public administration need to be efficient, but it also needs to prove it and to show it to the citizenry. Citizens require this, and information technology allows it.  

It can be said that there is today a real flourishing of instruments of supervision and control of administrative performance and that society is more and more aware of the relevance of this control, in order to assure the maximum efficiency of public administration. In this context, Power sustains that we live today in what he calls an “audit society”.  

In OECD’s words, public officials work today in a fishbowl, that is, observed from every corner.  

The consequences of the realisation of democratic accountability do not have a concrete legal profile and they depend on the character of the control and of the social pressure that public administration has to undergo. In any event, it is evident that the exercise of this control cannot include, from a formal point of view, concrete consequences other than, the adoption of certain decisions or administrative acts; the modification of acts or decisions previously adopted; the annulment of acts or decisions; or, finally, the opening of disciplinary processes against the civil servants involved in undue behaviour.  

However, the main general effect that is derived from the realisation of democratic accountability is the democratic legitimisation of public administration. This legitimisation is the necessary result of the direct implication of the citizenry in the adoption process of administrative acts and regulations, and in the control of their implementation. Thus, if it is true that democratic legitimacy means people’s support and cooperation,

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enhancing democratic accountability – as described here – cannot but improve the effectiveness of public administration.

The main characteristics of democratic accountability are then the following (see Table 1):

- officials and administrative units subjection to the needs and interests of social groups or society at large;
- relative autonomy of public administration since, although it is not formally or legally bound by the opinion expressed by social groups or society at large, the effectiveness of its performance depends on their support and cooperation;
- realisation of the accountability through mechanisms of popular participation in the decision-making process and in the implementation of administrative acts and norms, and through the media and other instruments of expression of public opinion (information technology);
- evaluation of administrative performance based on its outcomes, that is, on the satisfaction of the needs and interests of social groups or society at large;
- consequences of the realisation of democratic accountability are mainly the adoption, or not, of administrative acts, their revision (modification, annulment), the adoption of disciplinary acts, and the democratic legitimisation of public administration’s performance.

6. Accountability and new public management

a) The new forms of public management

The new forms of administrative management that – as has been mentioned in the first section of this chapter – started to develop in the 70's and 80's of the last century under names such as “reinventing government” or “new public management”, consist mainly on a set of strategic orientations, dynamic principles and organic or structural reforms. These reforms, however, have not been fully applied in every country, and even where they have, they have been applied with dissimilar intensity in the various sectors of the public administration. This makes the literature on the subject – mainly that addressed simply at describing those reforms – to be very uneven when highlighting the main features of the reform and the administrative changes introduced.

It is not the aim of this paper to study or even to make an exhaustive list of the many changes that the doctrine of the “new public management” has been proposing and has managed to apply since its beginnings. Rather,
the aim is only to mention briefly those reforms that might—and they do—affect the formulation and the realisation of the different forms of accountability in public administration, as they have been described in previous pages.

Thus, trying to simplify in few lines a question that already occupies a large number of pages in the specialised literature, and with the above mentioned perspective, it could be said that the “new public management” reform of public administration includes, at least, the following changes:

1. A substantial change in the strategic focus and in the culture of public administration, which are now focus primarily on the results of administrative activity, not on its compliance with formally established rules and procedures.

2. A process of deregulation or elimination of all those unnecessary rules and regulations considered restrictive of the capacity to perform of administrative units and individual officials; accompanied by a parallel process of simplification and improvement of regulations, as well as the consideration of the possibility of using other administrative alternatives but formal regulation.

3. A process of decentralisation and deconcentration of powers and competences aimed at increasing the capacity to act of lower levels of public administration and of the peripheral and autonomous administrative units. At the same time, and in parallel terms, a process of coordination and cooperation is developed, aiming at establishing and/or tightening relationships of collaboration and, even, codecision, with the decentralised units.

4. The confering of ample autonomy to public employees to pursue the programmed goals and targets. This means important changes (a) in the formulation of internal guidelines, which are now oriented at defining

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goals and objectives rather than at establishing concrete procedural guidelines; and (b) in the criterion for the accountability of public officials, which is now precisely the attainment of these results. To this, a change in the administration of human resources is added, that aimed at having more qualified and effective managers, at stimulating and controlling productivity, and at making public employment more flexible.

5. A management governed by the principle of economy and reduction of public expenditure. This means not only a restrictive attitude as regards public expenditure and a reduction in the number of administrative units, but also the pursuit of economic benefit where possible.

6. The introduction of private sector managerial practices and mentality. Thus, the licensing and contracting-out of public services; the privatisation of public enterprises; the use of market mechanisms, such as competition in the delivery of public services, charging for services, etc.

7. An administration oriented towards the full satisfaction of the citizen, who is now considered as a client or consumer of the public service. This includes the establishment of channels of direct communication between the citizen and the administration, aimed at defining the real needs of citizens and at facilitating their access to public services; but also the transfer of the direct administration of public resources or services to the citizens themselves, where possible.

8. An administration oriented towards the attainment of goals or objectives strategically defined, not simply guided by the execution of rules and procedural or budgetary principles. This means that the mission of administrative units is fixed in accordance with the attainment of certain social goals and, in any event, the logical sequence of its programming is: first, definition of the objectives to be attained; second, definition of the budget; and third, definition of the minimum guidelines or rules within the framework of which public officials will operate with full autonomy.

In fact, all of this implies a deep reconsideration about what public administration should really do or provide, and how should it be organised to this end. In any event, the reorganisation of public administration—as it is viewed by the new public management theories—aims at reducing severely its size and functions, limiting them to functions such as policy-making, strategic planning, enabling the delivery of services—rather than delivering them—, and reforming the public sector.  

In this line, see: OECD, Governance in Transition, cit.
pursuit of the maximum possible level of efficiency, efficacy and economy in the performance of public administration.

b) Impact in the dimensions of responsibility

This set of radical reforms in the structure and dynamics of public administration impacts directly on the principle of responsibility in public administration, in all of its different dimensions and forms. As regards the impact on the three dimensions of responsibility, as they have been described in previous pages –responsibility as capacity, responsibility as accountability, and responsibility as liability– one can say the following:

1) Administrative reform and responsibility as capacity

Firstly, as regards responsibility as capacity, the framework of the official’s performance tends to be fixed today in a more ample and flexible manner and, due to the intense process of deregulation that is followed in various administrative systems, there are less and less norms and procedures that determine their action in an inescapable manner. Thus, administrative units and individual officials not only have a larger autonomy, but also the parameters on which accountability is based are not so clearly defined and specific, and tend to focus on the attaining of results, more than in the compliance with the rules and procedures.

This, however, does not mean that the capacity to act of any public official is left fully unconditioned. Rules, instructions, procedures, programmes, and performance guidelines will always exist and operate as a framework –limit and orientation– for public official’s action. In fact, this is why strategic programming and direction acquire such a relevance in the new public management, since they establish goals and targets leaving at the same time a wide frame of autonomy for the civil servant’s performance. This, for sure, depends heavily on the legal and administrative system of each country and, within each of them, on the special arrangements of each department or administrative agency. In fact, it can be said that countries of the Anglo-Saxon world –mainly US, Canada, Australia, New Zealand and the United Kingdom– have already gone much further in this process of administrative reform than most of the countries of the European continent.

On the other hand, the void left by the deregulation process, tends to be filled by the formulation of codes of conduct and codes of professional ethics. However, although these codes respect the autonomy of public officials, due to their merely indicative and guiding character, they also
provide them with certain rules and principles that help them in the conduction of their administrative responsibilities.  

Thus, the normative framework that defines the public official’s functions or capacity to act is not left totally undetermined and, although the parameters for the evaluation of accountability have changed, in fact they continue to exist. Nevertheless, it is clear that, in any event, the formal criterion –compliance with rules, regulations, and procedures– is not anymore –nor can it continue to be– the only valid criterion for the evaluation of administrative performance.

2) Administrative reform and responsibility as accountability:

Secondly, as regards responsibility as accountability, the traditional public administration system imposed a hierarchical structure of accountability that went from the inferior positions of the administration up to the summit, at the top of which the relevant Minister, the Prime Minister, or the Government as a whole, were to be found. The characteristics of the accountability relationship, the forms of giving account and their consequences, were different according to the various levels of the hierarchical structure in which they could be realised –political accountability or administrative accountability. In any event, the agents and the procedures of the process of accountability, as well as the object, the evaluation criteria and their consequences, were perfectly defined and specified in the legal order.

However, in the new reformed public administration these elements of the accountability process can appear less defined or concrete. The problem emerges, due to, on one hand, the relevant role being granted to new agents of the relationships of accountability, and, on the other, to the existence of autonomous administrative units which are not integrated in the traditional administrative hierarchical structure. Up to now, in the framework of the classic public administration, the relationship of accountability was established primarily and ultimately in connection with the Parliament, with the superior organ in the hierarchical structure, and with the courts of justice. To these instances, other bodies of supervision

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and control –internal and external– were added: inspectorates of services, audits, financial controls, “ombudsmen”, etc. Now, the new forms of public management give citizens, both as individuals and associated with others, a larger role as clients or consumers of services and, therefore, as active agents in the request of accountability by the provider, that is, the public administration.

On the other hand, another problem also arises as regards the kind of administrative accountability that would correspond to the new autonomous agencies, which have recently flourished, and their management of the relevant public services. It is clear that their special character, sometimes commercial or quasi-commercial, does not allow a system of control and accountability similar to the one that is used for the ordinary administrative units, since it might harm the very autonomy that has justified their creation. Furthermore, the flexibility and broadness of their management criteria, do not allow either any other system of accountability but that which is only based on the results of their activity.

The solution to this problem, as regards the agents, the content, and the consequences of this kind of accountability relationship depends, in fact, on the manner according to which the autonomy of these entities and their dependence of the relevant ministerial department has been articulated legally and politically. In any event, it seems logical that, at least, three elements should always be present in the relationships between these autonomous agencies and the respective Ministry. First, the political responsibility of the directing or managing teams of these agencies as regards the Minister in charge of the relevant department; second, the corresponding political responsibility of the relevant Minister as regards the Prime Minister –or the Government at large– and as regards the Parliament; and third, the focus of this relationship of accountability should be placed on the general results of the agencies’ activities. And all of this because, if responsibility for managing or administration rests with the agency in an autonomous manner, policy-making and the definition of goals and targets, within the general framework of the Government’s political programme, rest with the relevant Minister.

The problem consist then in defining the value, content, and consequences of the new relationships of accountability required by the new trends of administrative reform, but also to find the necessary balance that should exist between the new forms of administrative accountability and the classic mechanisms of control. In any event, it seems evident that
a type of accountability so undefined in its forms, criteria, and consequences, such as the new one, cannot fully replace the classic forms and mechanisms of accountability. Otherwise, there is a serious risk of transforming what intends to be a very democratic exercise of responsibility into a practical exercise of irresponsibility.

3) Administrative reform and responsibility as liability:

Thirdly, as regards responsibility as liability, the traditional administration established a direct causal relationship between the effects and the action or omission of the relevant administrative authority. This meant that the consequences of the realisation of responsibility could be taken beyond the direct agent of the action or omission, up to the superior instance that could be considered as the source of the agent’s authority and, therefore, ultimate responsible for his/her action. All of this took place whenever there was a juridical relationship between the agent and the responsible authority, and when the agent acted within the framework of powers and competences of the responsible authority.

The main problem that the new trends of administrative reform poses for this dimension of responsibility is the autonomisation of the administrative management and, consequently, the accentuation of the cleavage between the policy-making and general programming functions, which correspond to the Government, and their administration or execution, which correspond to the public administration. A functional differentiation that paradoxically –as described before– enhances also the capacity of the autonomous units and agencies to define policies and programmes.

To this respect, however, the same could be said again here as what has been already said in previous pages about the accountability of autonomous administrative units and agencies.

c) Impact in the forms of public administration accountability

Out of the four forms of accountability that take place within the framework of public administration, as they have been described in previous pages –political accountability, administrative accountability, professional accountability, and democratic accountability–, administrative accountability is the one that experiences in a more radical and dramatic way the impact of the reforms introduced by the new public management. However, all four are in fact affected by these reforms.
1) Administrative reform and political accountability:

As has been seen above, political accountability is characterised, among other aspects, by the broadness of its evaluation criteria and by its focus on the results of the administrative activity (see Table 1). Its conceptual structure, thus, accepts with no problem the substantial principles that inspire the new administrative management: broadness and flexibility in the performance criteria, and valuation for results.

The aspect of political accountability which is more affected by the new reforms is, in fact—as has been said in previous pages—, the separation between the policy-making and the administrative functions, which is now deepened by the new concepts of governance and administration. The autonomy that is endowed to administrative units and the new autonomous agencies tends to make political accountability more remote and difficult to be realised. As a consequence, there is a certain danger for political authorities of loosing control over the administrative structure and, therefore, of diminishing of political accountability.

In any event, this depends heavily on the kind of legal arrangements that may be established in this regard. These arrangements, therefore, should give special attention to establishing the terms of accountability relationships between the political authorities and the administrative autonomous units and agencies.

2) Administrative reform and administrative accountability:

As said before, administrative accountability is the form of accountability that suffers more dramatically the impact of the new administrative reforms. In fact, it could be said that the theoretical conception of the new public management contradicts all the fundamental elements in which administrative accountability—in its vertical dimension— is based. Thus, classic principles such as compliance with administrative rules and procedures, as the basic operational and evaluating principle for the realisation of accountability; the lack of autonomy of administrative units and individual officials; and the strict subjection to the organic hierarchy, are reversed by the new public management principles, such as the focus on the results of administrative action, and the autonomy of administrative units and individual officials that is drawn from deregulation and decentralisation.

The main questions to be asked here are, thus, should administrative accountability be fully replaced by a new form of accountability adapted to the new principles of administrative management? Or is it possible to
support the coexistence of two models of administrative accountability— the classic and the new one— within the same administrative system? These questions are, at the same time, very easy and very difficult to answer. It is easy to answer because, in fact, the new administrative reforms do not impose on the old administrative structure and dynamics drastic options of the type of “all or nothing”, white or black. On the contrary, in none of the countries in which this process of reform has been implemented, has the old administrative model been fully replaced by the new one. In fact, the reform has tended to concentrate only or mainly in certain areas of public administration and, even where these reforms have been made, they have kept many elements of the old system. Therefore, the old model of administrative accountability remains and coexists with the new reforms in many countries where they have been introduced and in many areas of administrative activity.

But, these questions are also difficult to answer because, although the logic and progression of administrative reforms go in the direction of replacing the old model of administrative accountability, the new elements constitutive of the new model of administrative accountability are neither clearly defined, nor is there a wide consensus on the literature on the subject and on the solutions implemented in practice to this regard. It is difficult, therefore, to seek a radical substitution of something that has been working for so long and that, in spite of its evident deficiencies, has been good at guaranteeing fundamental principles—citizens’ fundamental rights, principle of legality, certainty about procedures and possible resolutions—and replacing it by something that is so open and undefined.

In any event, at the conclusion of this paper a definition of the general features of a new model of administrative accountability, adapted to the new trends of administrative reform, is attempted.

3) Administrative reform and professional accountability:

Professional accountability does not present any problem to the introduction of new public management reforms. On the contrary, it is perfectly adapted to them, since it is based on similar principles, such as the autonomy of professional officials and the evaluation of their performance on the grounds of its results. Their coexistence or integration in a new model of accountability based on the new criteria of administrative management does not cause any problem; on the contrary, it would allow it to be fully implemented in practice.
4) Administrative reform and democratic accountability:

With regards to democratic accountability, one can also say the same as what has already been said in relation to professional accountability. Thus, the conceptual structure of democratic accountability, based mainly on very broad criteria of evaluation and on evaluation by the results of administrative action, is perfectly adapted to the new principles and reforms of administrative management.

The substantial difference remains to be the type of agents that operate in each form of accountability; since, while in the democratic accountability the main agent is the collective citizen, in the administrative accountability—even in its new conception—the agent is a concrete citizen, the user of the service. (In the new public management terminology: the client).

7. Conclusion: A new model of administrative accountability?

As has been seen in previous pages, the new lines of administrative reform that are being introduced in many administrative systems collide with the basic elements that define the traditional model of administrative accountability and require the formulation of a new one. The questions that arise to this respect are, thus, which model of administrative accountability fits in a public administration in transition? Which, in any event, should be the general features of a new model of accountability in public administration?

The answer to the first question is, in fact, included in the solution that could be given to the second one, since it is difficult to imagine a new administrative system that would be built up on the total demolition of the old one. Any administrative reform has to be founded on the old administrative structures, many of which remain in its integrity afterwards—and this may even be seen in those countries that went further in the process of reform. On the other hand, the new structures of accountability that may be introduced should include forms of accountability that are fully congruent with the character of the activity of the administrative unit in question. 28

The problem that is posed here is, thus, twofold: on one hand, to find a model of accountability that could be adapted to the requirements of the new administrative management, being at the same time also applicable to remaining areas of traditional administration; and, on the other, to define

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this model in such a manner that it would not impose restrictions in the new administration that would reduce the main objective that is sought – the maximum possible level of efficiency and effectiveness of public administration.

(a) Thus, as regards the basic principle of operation and criterion for the evaluation of administrative accountability, it is clear that the compliance with the administrative rules and procedures cannot any more be the single or main operational principle and evaluating criterion. Performance according to the goals and targets established for each administrative unit within the general framework of the Government’s political programme is, without any doubt, something that takes public administration closer to the full satisfaction of the citizens’ needs and interests.

The problem, however lies with regard to the substance of those criteria to evaluate accountability. On this question, it should be underlined that economic or market-oriented criteria, which are heavily integrated in the concept of new public management, should not blur the perspective that, at the end of the day, public administration exists to manage general interests and, above all, is to manage with full respect to the fundamental rights enshrined in the constitution and, among them, the principles of fairness, neutrality, and equality of every citizen before the law.

(b) As regards the agents of the accountability relationship, it is clear that vertical mechanisms of supervision and control must be reduced and, in any event, reoriented in their operation and objectives, so as not to block administrative action and to direct it towards the attainment of established goals and targets. In this respect, it is important that the logic of administrative action is not inverted in such a manner that control takes precedence to policy-making and programming. This is, in fact, a very serious problem that affects the administrative system of most of European continental countries and which has became paradigmatic in the case of the European Commission. 29

As for the horizontal control, citizens acquire now a special relevance, since public administration must be especially attentive to the satisfaction of their needs. It is precisely here that the new concept of public management

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29 On this question, see Committee of Independent Experts, Second Report on Reform of the Commission: Analysis of current practice and proposals for tackling mismanagement, irregularities and fraud (Brussels, 10 September 1999).
stresses the consideration of the citizen as a client, meaning by this the transfer to public administration of the treatment and attention that customers receive, for commercial reasons, in the private sector. This is, in fact, more evident in those sectors of public administration where the delivery of services is carried out in a commercial or quasi-commercial manner and, therefore, it is necessary for the provider to attract the client to the service.  

Nevertheless, it is also important that the consideration of citizens as clients does not serve as a means to establish discrimination for economic reasons. Public administration has to make sure that the delivery of services has an universal dimension; that is to say, that public services reach all citizens and that no citizen is excluded from them without any legal justification.

(c) As regards the subject matter on which the relationship of accountability is established, it must be the results of administrative action, as much the direct or immediate product of the activity –the service delivered, or “output”–, as its impact on the general demands of society and, therefore, in the attainment of the general goals or objectives strategically defined by the public administration –“outcome”.

It is evident, however that, whatever the importance of the defined goals, not any means can be accepted for their realisation. Administrative units and agencies, as well as individual officials, must have the necessary managerial autonomy for the attainment of the targets that have been allocated to them. However, they must carry out their duties, not only in accordance with the established guidelines or programmatic provisions, but also in full compliance with the legal order –principle of legality of administrative activity.

(d) As regards the mechanisms for the realisation of administrative accountability, the new public management techniques do not require substantial changes in them, beyond the need already mentioned, to reduce the number of vertical mechanisms and to reorient their operation and objectives. The most difficult problem is posed here by the autonomous executive agencies and the commercial or quasi-commercial mechanisms of delivery of services, which, in fact, are not appropriate to be subject to the traditional instruments of supervision and control.

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30 OECD-PUMA, *Administration as Service: the Public as Client*, cit.
This problem, though, is simply a legal problem that may be solved in the manner that is considered more congruent with the respective legal order of each country. Nevertheless, special attention should be given to the fact that these processes of decentralisation and autonomisation, as well as those of contracting-out and allowing private delivery of public services, might give way to the creation of “irresponsible islands”, which escape any control or relationship of accountability and, therefore, cause the citizens unequal treatment or defencelessness.

(e) Finally, as regards the specific consequences of the realisation of accountability, they should not be different from those already established for the traditional model of administrative accountability; and certainly not in what refers to the rights or legal expectations of citizens.

The accountability of the public administration, thus, may and should change in many aspects of its formulation and dynamics, as it was stated in this paper. Nevertheless, it should not be accepted that these changes end in its radical reduction or in its making it inoperative or unsubstantial, for on the existence of a good system of administrative accountability depends to a large extent the effectiveness of the administrative system itself and, ultimately, the legitimacy of the political system at large.
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