

# AN IAD PERSPECTIVE ON ADMINISTRATIVE ACCOUNTABILITY

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*Abstract.* Accountability is the control side in a relationship of delegation. Its devices elicit information from the agents to prove that they meet key values and legitimate concerns. Expected to yield effective and democratic policies, it can spoil them instead — and the debate is still open on which facets exactly matter. The Institutional Analysis and Development framework suggests that convincing reasons lie in the institutional design. To it, institutions are effective as enforced instructions that restrain the players' strategies in an action situation — and their power varies with the contents and the completeness of their syntax. Following the framework, the article locates the critical juncture of accountability in the administrative sphere, and the roots of the dilemma in the distrust that accountability designs entail when they conceive the bureaucracy as an agent instead than as a trustee. Finally, it applies the Institutional Grammar Tool to the procedures that can mark the difference between the agent's and the trustee's design, in the prospect of empirical adjudication.

*Keywords.* Accountability - Administrative procedure - Blaming - Delegation theory - Institutional Analysis and Development framework - Institutional Grammar Tool - Policy effectiveness - Trust.

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## Introduction

A bulging discourse across disciplines recognizes accountability as an essential “virtue” of representative democracies (Bovens 2010, van Kersbergen and van Waarden 2004). On the normative side, the obligation to account marks the difference between democratic delegation and abdication (e.g. Strøm 2000, Manin *et al.* 1999). On the prescriptive side, accountability is expected to lessen corruption, arbitrariness and inefficiency in the policy-making while promoting learning and self-correction (e.g. Bovens *et al.* 2008, Ackerman 2004, Behn 2001, Mulgan 2000, Aucoin and Heintzmann 2000, Considine 2000). On a more general ground, accountability is associated to higher responsiveness and better “output legitimacy” of the political system (van Kersbergen and van Waarden 2004, Scharpf 1999). Evidence however tells that accountability cannot always keep all of its promises. Just the opposite, obligations to account can cause rigidities, turn means into ends, trigger deceiving games, and eventually divert what they were meant to steer straight (Hood 2011, Pollitt 2011, Weaver 1986). They have been found to work, though. When they circulate timely information on relevant policy risks and empower citizens, they can trigger consequential changes (Ackerman 2004, Fung *et al.* 2007, Fung 2013).

Mixed results partly mirror the intrinsic ambiguity of accountability as a concept (Bovens *et al.* 2014). In the span from public management to international relations, it has been understood as checks and balances; as the institutionalization of public reasoning, justification, storytelling to legitimize the decision-making; as practices for managing and possibly aligning legal, political, professional, managerial, public expectations; as the possibility for ordinary citizens to see misconducts and wrongdoings punished. Answerability, responsibility, liability, transparency, openness are all contents variously associated to the label, although their overlapping is far from perfect and accountability may still exist without one or more of them (Bovens *et al.* 2014, Held 2004, Kooiman 2003, Considine 2002, Behn 2001, Mulgan 2000, Schedler 1999, Fearon 1999, Manin *et al.* 1999, O’Donnell 1998, Romzek and Dubnik 1987).

Beyond fuzziness, however, a number of core points can be taken for granted. First, accountability is an institutional technology of control. Second, it is meant for getting information. Third, it applies to those who play as “agents” in a relationship of delegation and who, for such reason, have to give accounts. Fourth, it reveals how agents comply with an array of policy values — spanning from efficiency and sustainability to fairness, adequacy, effectiveness. Fifth, “account-givers” entail “account-takers”. Sixth, the relationship between takers and givers is defined by, respectively, rights of being accounted and matching obligations to account. Seventh, accountability is a mechanism that shapes the agent’s preferences and behavior: an agent is compelled to “internalize” some policy value as her main concern when she knows it as the yardstick against which she will be judged. Partly, hence, mixed results simply reveal that good accountability is a conditional state — depending on *who has the obligation to account, to whom, when, how, about what, and which consequences the “account-giver” has to face if she cannot meet the requests of the “account-taker”* (Marshaw 2006; Bovens and Schillemans 2011, Bovens *et al.* 2008, Bovens 2007, Mulgan 2003, Behn 2001, Romzek and Dubnik 1987).

A variety of studies have developed from this assumption, usually casting light on the accountability relationship from the viewpoint of one or more of the possible w-questions. These studies have been often meant to debunk some myth — such as, that more accountability is better, that sanctions are necessary requisites, or that account-takers are always eager to be informed (e.g. Schillemans and Busuioc 2015, Schillemans 2010, Pollitt 2011, Koppell 2005). They hence portray “good accountability” as a delicate equilibrium in the players’ strategies that can easily turn into a nightmare because of distrust (Hood 2011). Their findings put a further question forward, asking *what induces account-givers and account-takers to play “good accountability”, and what lead them astray instead.*

The question makes special sense in the light of the Institutional Analysis and Development framework (henceforth, IAD: Ostrom 1986, 2005; Ostrom *et al.* 1994), and of its Institutional Grammar Tool (hereafter, IGT: Crawford and Ostrom 1995, Ostrom 2005). The

framework is known for suiting the analysis of “social dilemmas”, of which accountability provides a further example. The IAD offers causal stories that make sense of dilemmas, and usable suggestions for fixing them. It considers that people’s strategies are molded by institutions-as-rules — sets of “constraints (spoken, written, or tacitly understood prescriptions or advice) that influence mutually understood actor preferences and optimizing behavior” within given “action situations” (Crawford and Ostrom 1995: 582, Ostrom 2005). Hence, it is the rules in use that spoil the match of the account-giver’s and of the account-taker’s strategies. Moreover, the framework comes with a sharp toolkit for analysis. The IGT understands rules as instructions that specify every aspect of a situation according to a general syntax. In a comparative design, its five key elements or “holders” — namely: *attributes, deontic, aim, conditions, or else* — expose meaningful differences in instructions which can justify differences in policy effectiveness across contexts.

This article elaborates on the hint that the IAD contributes to the understanding of accountability as much as the IGT complements the w-questions in analysis. Section 1 reviews the literature to justify the analytic focus on administration. It recognizes the kernel of democratic accountability in credible information at voters’ disposal on how policies meet an array of values and concerns — and reminds how such information is generated in the administrative dimension. Section 2 discusses how trust can turn accountability into a tragedy. A sketch of the game between bureaucratic agents and elected principals tells that accountability triggers distrust when is designed for securing the agent’s goodwill through information on past performance and sanction. Yet, trust can be built on intentions, too, and the tragedy avoided if the principal delegates accountability rights to separate “champions”, each in charge of checking whether the agent’s decisions meet a special policy value before enacting them. Section 3 considers that these different designs are embodied in five basic procedural provisions — administrative judicial review, impact assessment, audit, freedom of information, notice-and-comment rulemaking — that set the rights of courts, experts, and the general public to assess administrative decisions against the policy value of their concern. The

IGT is then applied to each so as to expose the possible variation in contents that future evidence can prove crucial to policy effectiveness. Some concluding considerations are left to Section 4.

## 1. Whose accountability makes a more convincing causal story?

Different literatures have probed the relationship of accountability and policy performance on different junctures of a delegation chain. Although each juncture imparts a special twist on policies, the one of elected politicians to bureaucracies promises to prove more crucial than others to policy effectiveness — so that if key players in it are properly held accountable, then the whole system improves. Let us see why.

### .1. Governments to voters

Bureaucracies are not the usual suspect in accountability literature. A robust stream instead maintains that the government matters most. The government is the agent of the political majority, selected so as to make their policy preferences true. Typical theories consider democracy secured when the citizens are given the means to hold their representatives responsible for the policies that they deliver — in a nutshell, if they can “throw the rascals out” of office with their vote (Strokes 2005, Miller and Wattenberg 1985). From such a perspective, competitive elections are the key device, as they compel the government to deliver consistently with the electoral mandate.

A whole host of empirical studies has tested the hypothesis, usually to validate the mechanism (e.g. Ashworth 2012). The common driving question asks if voters consider past policy performance when deciding whether to cast a ballot in favor of the incumbent. Findings tell that “economic voting” does have an effect on reelection, and that its effect is neater when political responsibilities are clearer and the chain of delegation straight — which is seldom the case, as departures occur under minority, divided, or coalition governments; when

competences are distributed across multiple overlapping jurisdictions; or whenever the chain of command to policy delivery displays a disjunction. Even under the most linear chain, moreover, politicians can still deliver short-term benefits with long-run adverse effects instead than effective policies (e.g. Fisher and Hobolt 2010). Incumbents find reasons for “pandering” voters whenever the latter “may not have learned whether the previously chosen policy was truly in their interests”, due to the lack of credible policy information at the time of election (Canes-Wrone *et al.* 2001: 533). Counterfactually, the incentive to pandering disappears when the electorate can learn that the incumbent’s policies meet their “true interest” (Manin *et al.* 1999:40).

Electoral accountability hence explains policy effectiveness under conditions that the government can actually secure responsive policies, and credible information about them. Yet, both credible information and policy responsiveness are generated beyond the government’s direct command.

## .2. Delivery systems to affected interests

The mismatch between what the government is held responsible for and what it actually can control shifts attention to the last junctions of the policymaking. The alternative discourse on accountability reasons that policy performance is ultimately shaped in the delivery system — where some established quality and quantity of a special good is actually made available to citizens at particular conditions (e.g. Ingram and Schneider 2006). In Ostrom’s terms, the delivery is the significant “action situation”, and its effectiveness is shaped by the rules of coordination in use. Indeed, scholars have found that producers can follow three distinct rationales of coordination — hierarchical, market and network — each capable of securing key policy values as well as the production of related policy information (e.g. Goodin 2003).

Conversely, each rationale has since long been diagnosed with systematic policy and information failure, too (Schrank and Whitford 2011, Wolf 1979). For-profit producers in

competitive markets are theoretically compelled to responsiveness and cannot hide the special performance information conveyed by prices: yet, they select their customers, and fail to produce those goods that cannot be effectively priced despite often being of public interest; moreover, predatory practices can spoil the advantages of fair competition. Cooperative networks develop around the commitment of non-profit producers toward specific policy goods of public interest, and toward the demands of special deserving beneficiaries — although they can prove opaque as for behavior, cost, and service information. Public producers in hierarchical arrangements behave according to standards, which make them fit to universal even delivery — yet nor to reveal the true production costs neither to secure that the goods will serve the beneficiaries as intended.

Success and failures are therefore ingrained in each rationale — and this may be enough for discharging the government from some policy responsibility. Yet, the IAD suggests these failures are far from inevitable. They rather depend on the rules, incentives and sanctions in force in the context — and, as such, can be changed for better. Such a belief is at the root of electoral accountability, too: customers, beneficiaries, taxpayers, the same producers who experience policy failures of some kind as unbearable — they all can become part of the electoral majority, endow politicians with the capacity to intervene on them, and punish them for inaction or poor solutions. Mandated politicians can put delivery problems in the government's agenda, and establish policy solutions — as taxes, fees, grants, exemptions, standards, contractual conditions, right auctions, vouchers, or whatever inducement or restraint changes the behavior of the actors in the delivery system for better (Hood and Margretts 2007, Salamon 2002). What politicians rather lack is the knowledge for designing and running any of these solutions. Such a knowledge usually lies in the bureaucracy instead.

### .3. Bureaucracies to elected officials

Since Weber, the “political master” only is a “dilettante” before the expertise of appointed officials with long experience of administration. The “tool-shapers” know how to design policy instruments; have preferences about when and how doing it; and, moreover, are

the ones actually keeping them up. If we maintain with Ostrom that failures occur because the restraints to the players in the field are ill-designed, then the tool-shapers are the ones who should be held accountable for it — and the ones whose accountability may prove harder, too.

The problem is especially visible in the evolution of ministerial responsibility in the British case — the archetype of the linear system. There, consequential decisions are taken by civil servants in ministry departments: and while ministers hardly be personally responsible for the details of administrative decisions, they still are expected to answer for them in parliament and the media, giving reasons for contents and, if necessary, impose remedies (Mulgan 2014). As Goodin notes: “while this is a good model of ‘responsible government’, in the sense of always giving us someone to blame, it is hardly a model of ‘accountable’ government, in the sense of giving us someone from whom a first-hand account can sensibly be demanded” (2003:370). The institution of agencies with mandate to govern special sectors, and subject to scrutiny from ombudsmen, parliamentary committees, auditors, and the public thanks to freedom of information legislation, can count as an attempt to define the responsibilities of the solution-shapers while shielding the political principal from policy failures. Yet, agencification and increased scrutiny rather raised the general suspect of a deficit of accountability in administration, and induced ministers and agency heads to “buck-passing” games (Hood 2011).

The solution-shapers appear as the key actors in the policymaking for which accountability is highly consequential yet the balance between liability and credible information is harder (Gains and Stoker 2009). As such, this special juncture provides the ground where accountability devices can make the highest difference to policy effectiveness. The next step is to understand how these devices can make such a difference.



## 2. How can accountability be policy-effective?

Accountability devices have been usually understood as the answer to an “agency problem”. The problem arises whenever “an agent is delegated, implicitly or explicitly, the authority to take action on behalf of another, that is, the principal” (Kiewiet and McCubbins 1991:239) but the principal has little information about motivation, action or performance of the agent and hence is concerned that she can drift from his intentions and so inflict him “agency losses”. When applied to the junction of politics and administration, common readings identify the agency problem in the tendency of the agent to develop her own policy preferences that fall short of the principal’s ambitions (e.g. Niskanen 1971). Control, and its feedback side of accountability, thus first are strategies to make “elephants gallop” (Rainey and Steinbauer 1999).

### .1. Performance and procedure

To align the bureaucratic agent’s preferences with his own, the political principal can set incentives and, more important, give her performance targets. As management wisdom maintains, performance measurement entails a powerful leverage for keeping the agent’s behavior oriented to effectiveness: “what gets measured gets done, what gets measured and fed back gets done well, what gets rewarded gets repeated” (e.g. Halachmi 2014). Common understandings of accountability add the further clause that what gets punished gets sidelined.

Exactly because of its power, performance measurement can fail in multiple ways. Performance can become disappointing if the obligation falls on top of further and contradicting requirements (e.g. Schillemans and Bovens 2011). But they also can prove deceptive when based on the wrong measure of the right thing, or on the wrong thing *tout court*— a likely case when indicators narrow on short term gains alone (e.g. Behn 2001, 2003). When performance is gauged as outcomes outside the control of the implementers, it may simply reward the “lucky ones” (e.g. Bertrand and Mullainathan 2001). When instead

performance is measured as some output under the full control of the agent, it may foster some unbalanced delivery of none's interest. A tight political command of performance may also rise expectations of laxer policies that undermine the credibility of the intervention (e.g. Kydland and Prescott 1977). Sanctions narrows the agent's attention down on some indicator — which may lead to the obstinate pursuit of actions despite looming failure in the hope of a change of fortune; or to “playing with numbers” and waste resources in the effort of “looking good” (e.g. Dubnik 2005; Pollitt 2003, 2011; Mulgan 2003).

The alternative solution to the agency problem rests on steering through best practices and processes instead (Pollitt 2011, Dubnick 2005, Behn 2001, Shapiro 1994). Under this strategy, the principal defines procedures to which the agent's behavior shall conform, in the belief that correctness will lead to the expected result or prevent undesired policy problems. Steering through procedures compels the principal to deal with “how-to” questions beneath performance generation, and wards off disproportionate expectations. Moreover, procedures can yield fine-grained and usable information about reasons for failure that can be used for improvement. As procedures change at a slower pace than the environment which they should fit in, they guarantee credibility — yet, at the cost of flexibility and effectiveness. Procedures shift the agent's attention away from performance, and narrow it down to correct behavior. When the two diverge, accountability criteria discourage the agent from addressing the mismatch and reinforces the tendency to ritualism intrinsic to organizations (e.g. Tetlock and Mellers 2011). Moreover, procedural accountability can be easily fooled by tactics of “cosmetic compliance” (Krawiec 2003), which leaves the principals with neither useful information on behavior nor performance. Even worse, procedural accountability requires a thorough system of oversight, the costs of which may far exceed the advantages of full compliance. In addition, oversight may return mixed rewards to the principal. It can reveal problems that open the opportunity for new law-making and rule-making, thus for signaling his activism to voters (Bawn 1997); at the same time, oversight can backfire as problems come with blame — unless a suitable scapegoat is found to be feeding to the public (Hood 2011,

Weaver 1986). The political principal himself may thus prefer to underinvest in oversight, and use selective forbearance for pandering some constituency instead (Holland 2016).

Even this cursory review highlights a twofold point. First, both performance and procedure have merits as steering strategies that the principal can deploy: the former better serves innovation, while the latter is more suited to stabilize expectations about processes. So, hardly any accountability system could go without one of them. Second and related, both performance and procedure can get out of hands and cause ineffectiveness. To many observers (e.g. Behn 2001, Pollitt 2011, Hood 2011), the twist is fueled by distrust — that standard principal-agent models postulates as intrinsic to the relationship, and that unfolds into a tragedy.

## .2. Principal-agent relationships as a tragedy of distrust

Indeed, in these models, the default assumption is of diverging preferences — so that the principal can neither expect that the agent's behavior will benefit him, nor that she will at least avoid to harm him (Gambetta 1988). Trust can however be cultivated under proper conditions: when sanctions apply to deter harmful moves; when information about past behavior circulates, so that expectations can be aligned; when intentions are revealed (Shapiro *et al.* 1998). Standard accountability is the technology that should warrant the agent's goodwill through a mix of *ex-post* information and sanctions. Paradoxically, however, such a mix pushes the players into mutual distrust even when at the beginning each considers the other trustworthy — as in cell *i* of Figure 1 below.

Figure 1. Accountability as the trigger of a principal-agent distrust tragedy

		PRINCIPAL & TAKER	
		<i>trust</i>	<i>distrust</i>
AGENT & GIVER	<i>trust</i>	(i) learning 8, 7	(ii) blame-shifting 0, 10
	<i>distrust</i>	(iii) concealing 10, 0	(iv) overload 0, 0

Under mutual trust, the collective welfare is highest yet individual payoffs are not. The agent reveals the details of failures to the principal who can learn and initiate a new law-making — and both share the blame, although the electorate will punish the principal who can therefore be tempted to capture the whole gains from accountability and shift the responsibility for failure on the agent alone (cell *ii*, Figure 1). By chastising the scapegoat, moreover, the principal may signal his activism to key constituencies without engaging into new and uncertain law-making rounds — which leaves the him far better-off. This, however, makes the agent worse-off, as she has disclosed her information, got punished for it, and no improvement of her situation will follow. In anticipation of blaming, the agent may thus choose to conceal information about design failures and problems so as to “look good” even to a seemingly trusting principals (cell *iii*). The smokescreen of good reports also allows her to go away with her practices, no matter how actually ineffective. Even though some producers or policy-takers signal some problem, formally good reports shield the agent from blame — leaving the principal worse off. Her payoffs are thus the highest — unless the principal, too, choose to distrust the agent (cell *iv*). This is when the principal’s attempts at getting the widest information and the best compliance escalate, and the agent overinvests her resources so as to circumvent and muddle through micromanagement, red tapes, and performance reports. Control definitely becomes the main concern of the two players, absorbing a

remarkable amount of resources at the cost of policy effectiveness — while distrust spreads around and lowers the legitimacy of both (Hood 2011, Pollitt 2011).

Principal-agent theory predicts a dismal scenario mainly due to its assumptions about the players and about the suitable devices for securing goodwill. The principal's stake always is the full control over the behavior of the agent who, on her part, has the full control on policy information. Accountability is an *ex-post* activity for imposing sanctions when procedural or performance standards are not met, yet which is vulnerable to the agent's tampering. These assumptions are not the only possible ones, however.

### .3. Institutional designs for trust(ees)

Delegation scholars (e.g. Gailmard and Patty 2013; Majone 2009, 2001; Huber and Shipan 2002; Lupia and McCubbins 1998; North and Weingast 1989) provide a fairly different model of the players in the politics-administration juncture.

They consider the principal to have policy intentions, priorities, and broad ideas about the distribution of costs and benefits that should follow from policy upkeep or change — but neither the expertise to shape the proper tools for intervention, nor reliable information about the actual dynamics in the delivery system. The agent has the expertise on policy instruments that the principal needs — although she lacks crucial information from the field, too. Policy information is instead in the hands of the ultimate policy-takers — producers, consumers, and affected interests within the delivery system — who also have legitimately intense preferences on which tools have to be changed and in which direction. The latter not only vote, but also press their claims direct to the principal, who may be incapable of resisting for reasons of consensus. When the principal passes the details of some instrument straight on the agent for implementation to meet pressures, he may be making room to policy capture rather than to effectiveness — and get later punished for poor results. Moreover, a principal permeable to pressures attracts the attention of competing interests, and continuous adaptations to opposite demands can make a policy solution to lose its credibility.

Delegation theory hence acknowledges that the principal has the legitimacy and the power for policy initiation, but that policy performance is in the hands of the agent. Expertise and disconnection from consensus make her better equipped to resist fleeting pressures while adapting policies to changing problems — which confers credibility and flexibility to her decisions (Gailmard and Perry 2013, Dessein 2002). A kind of control that fatally constricts her discretion — such as outright compliance with political micromanagement — would therefore not be in the principal's interest even if it were in his reach. Delegation of rulemaking responsibilities to the agent, moreover, shields the principal from the blame for policy failures, and increases his payoffs for cooperation. Delegation does not entail the necessity of abdication, however. The principal can rather rely on a subtler and more complex design that restrains the policy options available to his agent — better, his “trustee” — through administrative procedures (Majone 2001, McCubbins *et al.* 1987, 1989, 1999; Lupia and McCubbins 1994, Ingram and Schneider 1990). Statutory provisions can disintermediate and regulate the relationship between the agent and concerned publics by giving the latter — or special guardians of their interests — an institutional position as account-takers within the administrative process.

In so doing, statutory provisions fetch a fourfold gain to the principal. First, they let him save on the costs of direct oversight, because enfranchised publics will check the agent on his behalf — and more carefully because, in so doing, they guard their own core concern. Second, provisions keep the trustee sensitive to the preferences of the key constituencies to whom the principal wants to keep the policies responsive. Third, these provisions elicit information crucial to the viability of policy change, as enfranchised publics have to disclose it to the agent when they exercise their right to foster their special points into the administrative process. Fourth and related, they allow the principal to rake in the credibility of the results — of which he can make use as incumbent in next elections.

The advantages are not limited to the principals however. The enfranchised publics got a share of “political property rights” (Moe 1990) on public intervention as account-takers.

Although this position cannot secure their most preferred policy, it opens the opportunity for each to get credible policy information, and to mobilize for preventing their worst-case scenario. Finally, the trustee also gains from delegation design. Statutory provisions obligate her to make decisions that fit principles of administrative action; criteria of financial sustainability; standards of professional appropriateness; justifiability of distributive effects as enforced by courts, experts, public and private interest groups representing an array of actual and latent constituencies — from taxpayers to producers, users, future generations (Scott 2000, O'Donnell 1998). As these many “accountability vectors” also entail a special legitimacy each (Majone 2009), decisions that engage with these many assessments productively can also be more sensitive to side-effects, and prove more “right”.

Although this has been presented as an “auto-pilot” design, allowing post-legislative processes without the political principals (McCubbins *et al.* 1987, 1989), delegation does not necessarily end in bureaucratic dominance. The political principal sets the game, maintains his position, and can repeal political property rights. The process hence unfolds “in the shadow of hierarchy” (Schillemans 2008) — although the restoration of the principals’ command would imply the reversal to the principal-agent model, and its tragedy.

#### .4. The driving hypothesis

Multiple accountability vectors in the shadow of hierarchy may not be enough to secure the advantages of cell  $i$  in the trust game. Just the opposite, such a “redundant accountability regime” (Schillemans 2010) may still drive the agent into a “multiple accountabilities disorder” (Koppell 2005). The key point again lies on the mode by which the agent is required to give account (Dubnik 2005; Behn 2001).

Mere reporting — such as in common financial accounting — follows strict forms designed by the holder and hence necessitates conformity alone, frustrating the agent’s problem-solving capacities. It surrogates monitoring, and entails the subordination of the account-giver to the account-taker who so becomes a “quasi-principal”. Just the opposite,

account-giving as active reason-giving recognizes the agent as a trustee that provides the taker with the sense of her decisions. Here “account” is used as a linguistic device that provides the agent with the possibility of changing the understanding of some behavior or some performance so as to reverse the evaluation to the point of mystification. As a consequence, through reason-giving she can either build a fruitful dialogue that aligns her expectations with those of the holder, or use the discursive leverage to invert the direction of control (Dubnik 2005, Aucoin and Heintzman 2000). When applied ex-post, reason-giving may therefore still count as a circumventing strategy — as in cell (iii) of the principal-agent game.

What can avoid this shift, and lock the players in the more desirable cell (i) instead, is the timing of reason-giving. Recall that trust can be constructed and maintained by appealing to a third strategy — that is, by letting the agent’s intentions known. The agent can be made trustworthy by accountability devices that obligate to disclose intentions to the holders. Empirically, this applies when the agent has to disclose the rationale and contents of her drafts — and that she also has to seriously consider the reactions from unhappy holders to it, to the point of changing her proposal before putting her decision into action. So, disclosure warrants that trustee will not harm the holders’ core interests.

These arguments suggest a set of institutional conditions none of which can alone secure effective accountability, yet that can be expected to obtain when jointly present in a context (Ostrom 2005). Together, they define the hypothesis as in the following logical statement:

[Hp1] *If the administrative decision-maker is obliged to justify her intentions to separate account-holders, each fostering a special concern and whose judgements cannot be circumvented, then administrative decisions follow that contribute to high policy effectiveness.*

The counterfactual entails that a policy-effective accountability design is spoiled when the trustee has no formal obligations to account because of informal connections to the



political principals; or is only required to account passively as through reporting; or accountability is gauged as compliance to some prescribed behavior alone; or accountability is only due *ex-post*, or to a single dominant account-holder; or the trustee can easily disregard the account-takers' concerns. The hypothesis therefore requires that these different conditions and their counterfactuals are identified in each context and operationalized so as to prove their contribution to good policy performance.

### 3. Operationalizing accountability vectors through IAD and IGT

The IAD understands account-giving again as a special “action situation” — i.e., a role-playing game in which participants assume positions endowed with a given capacity to act in the pursuit of special goals, and payoffs are attached to each combination of possible alternative actions. Any element of the situation — from the players' access to a position, to the payoffs they get — is defined by the rules in use, which therefore shape the players' strategies and so are responsible of the outcomes. The IGT specifies that rules have the generative capacity of the instructions that they convey into a situation. Beyond the suitability of their contents to the actual distribution of resources among the players, their effectiveness rests on their syntax (Ostrom et al. 1994, Crawford and Ostrom 1995).

As “enforced prescriptions”, rules are statements establishing that participants, assigned to a position in virtue of their special characteristics [*attributes, A*], are obliged, permitted or forbidden [*deontic, D*] an action or outcome [*aim, I*] under given circumstances [*conditions, C*] — otherwise will face consequences [*or else, O*]. Applied to Hp1, this syntax allows to identify key functions and contents that can mark the empirical difference between a design “for trust” consistent with delegation theory, and a regime “doomed to distrust” as by the principal-agent theory. Moreover, it adds a further element for consideration. According to IGT, only when all the elements of the ADICO formula are properly specified the provision can unfold its constraining effects on people's behavior and obtain as expected.

Misspecification at best imply that “default conditions” hold instead (Ostrom 2005) — which may distort the prescription.

Thus, when *Attributes* are missing, the capacities related to a position may remain implicit, and no clear criterion applies for assigning the position so that anyone can hold it. A misspecified *alm* leads to the player’s complete freedom of choice among the actions or goals that she can pursuit. Lack of clear *Conditions* leaves the “when” and “where” of institutional statements uncertain, so that the default value is “always” and “everywhere” — which may escalate control costs. But it is the two remaining components of the syntax which more affect the cogency of statements. Without *Or-else* clauses, the default condition is that no consequence will be enforced if the player disregards the prescription related to the position she holds. Within IGT, those statements that have the ADIC form merely assert a “norm”, to which the players adhere when their personal beliefs make them doing so. If the *Deontic* element is missing, too, there is no modal operator connecting the position to the aim as a permitted, obligated, or forbidden choice. This weakens the capacities associated to the position because it negates them a normative foundation. Statements with an AIC shape, therefore, only provide the player with a position, a purpose, and a context — a broad “strategy” without anybody granting or defending it in case of controversy.

The IGT syntax thus provides a promising toolbox for refining Hp1 in the prospect of its empirical testing. It refocuses the research — from the players and the unfolding of the process, to the rules that establish their capacities to ask for information and pass judgments, and matching obligations to provide information and comply. These rules correspond to well-known “procedural tools” (Howlett 2000) — judicial review, impact assessment, auditing, freedom of information, notice-and-comment — each contributing to shape a special accountability vector — legal, expert, and public.

## .1. The legal vector

As integral part of the rule of law, regardless of legal tradition, courts have since long been given the right to decide on the acceptability of the bureaucracy's actions, and to check whether they do not exceed the mandate or otherwise represent an abuse of rulemaking power (Tate 1990). Their right is exerted through the instrument of *administrative judicial review*, which usually also recognizes courts the power of overriding faulty decisions. The modes however change. It can be entitled to courts before or after a decision has been enacted, and within the adjudication of an actual controversy; or in the abstract. Moreover, this right may be exerted by any court, or entitled to specialized courts alone, and apply to any decisions of any administrative body or allow exceptions instead. The courts may or may not refuse a ruling, the initiation of which may be automatic or follow from individual referrals. The cogency of judgements may also span from merely advisory opinions to binding invalidation of parts or whole decisions (Kitchin 1990). Finally, courts may focus their review on possible violations of basic individual rights, or on the breach of administrative principles — among which lawfulness, proportionality, fairness, and reasonableness (Shapiro 1988). The contents of these principles however change depending on the shape given to the two further vectors: thus, for instance, fairness means that procedures have been followed, but procedures may or may not include accountability to the publics and to the experts. Consistently with Hp.1, we may expect the legal vector to contribute to policy effectiveness when the judicial review is run ex-ante and activated by actual individual concerns; yet we cannot assume that it alone secures good policy results.

## .2. The expert vector

Experts provide an evidence-based appraisal of the contents of administrative action. In the accountability relationship, they are often considered as monitors establishing the credibility and reliability of policy information of interest to the principals when the connection between the trustee's decision and policy values is remote or complex (Flint 1988,

Lupia & McCubbins 1994). *Accountability through experts*, however, entails accountability to experts when monitors appraise the connection between policy values and the contents of administrative decision. As the connection is different for decisions about regulation and taxation — that impose private costs — and about expenditures — that decide of public costs instead — , the procedure for accountability changes accordingly.

*Impact assessment* is concerned with the capacity of regulation or taxation to promote economic and social welfare efficiently and effectively (Kirkpatrick and Parker 2004). It consists in a cost-benefit assessment that can fully question the opportunity, adequacy, and completeness of an intervention on the basis of evidence — or only some aspects of it. It may be run by administrative offices within the executive, or within accounting authorities. The assessment may have a broad or narrow breath as for the time horizon — short- or long-term — and for the kinds of effects considered — only economic, or also environmental, social, and distributive, with or without attention to special deserving groups. The assessment may pass through public consultations of the affected interests, or be run as desk-work on the basis of estimates, baseline assumptions, and econometric models (Starnová 2010, Fritsch *et al.* 2013). It may apply to any bureaucracy, or to those alone with a given mandate; and to any proposed or actual tool-change, or to major changes only. Impact assessments often constitute a requisite for a decision to pass; at the same time, are costly when properly run. Little surprise that they have been portrayed as opportunities to award resourceful interests with rents as well as to expose rents and capture — depending on whether they are handled as perfunctory authorizations or not (Radaelli 2010).

*Auditing* focuses on the effectiveness in the use of public monies instead. As such, it has been the key driver of much of budgeting and administrative reforms since the 1980s, as well as the ground for many of the considerations about agency accountability and its failures. The audit either discharges individuals of the use of public funding or assesses the merit, worth or value of public expenditure — either of all, or of those alone related to programs and projects. Although conceptually requiring independent auditors, it may also be

performed by offices within economic ministries (Furubo 2011). It conventionally applies at the operational level — *in itinere*, to monitor crucial variables; *ex post*, to verify the congruence of expenditure to expectations — although it can be also run with a more strategic aim and cover *ex ante* justifications of budgeting requests for policy improvement (Harmon 1995). It may narrow on detailed sub-program appropriations or widen to grasp the effect of program allocations, and assess them as compliance to expenditure procedures or in relation to outputs and outcomes (Lonsdale 2007). Poor performance may either lead to more funding or to expenditure termination, depending on the legitimacy of the program's aims; more often, it may be followed by more in-depth auditing activities, and by penalties for those in charge of the expenditures — which justify tricks and games and trigger escalations in the costs of control, goal displacement, and the like.

The expert vector appears as the more controversial contribution to the policy-effectiveness of accountability. Its procedures indeed have the power of ossifying behavior and generate perverse effects. Still, Hp1 allows to maintain that they can serve effectiveness, too, when they embody the legitimate concerns of affected publics and unveil risks and special distributional effects; when run as a strategic activity to justify cost allocation before than their management (Mayne 2007); and when their results are accessible to the public.

### .3. The public vector

Accountability to the wide public is the vector that has attracted the most of the recent scholars' attention, because of its connection to the promises of open and transparent government (e.g. Fung *et al.* 2013, Heald 2006).

The most diffused procedural instrument is the *freedom of information*. Recognized as a fundamental right by the United Nation's since Resolution 59(1), it has been differently embodied in regional and national standards — and often disregarded — until the recent wave of diffusion. Unsurprisingly, current portraits reveal meaningful variations across contexts (Mendel 2008). The right may be endowed to any concerned individuals, or to

citizens or residents, or to those citizens who can prove that the document directly affects some legitimate interest of theirs, or to recognized organizations alone representing their interest as in neo-corporative arrangements. It may follow from an obligation to publish any document, or to fulfill a request to which a fee may or may not be applied. Exceptions may or may not be allowed to special bodies or documents on the basis of sensitivity — as may be the case for military, judicial, diplomatic, commercial secrecy, or the individual right to privacy. Thus, a body can deny access: and negation may or may not have to be stated in a written note explaining the refusal, while the refusal may or may not give a right to appeal — to attorney general, courts, ombudsman, commissioner, head of office, or any special authority in charge of championing the right of access. The freedom of information may be a weak instrument indeed for securing the policy-makers' accountability to the general public; yet, it entitles them with the right to seek relevant policy information from the trustees as well as from experts and courts.

The instrument more closely associated to the trustee's accountability is the *notice-and-comment rulemaking* (Bingham *et al.* 2005; McCubbins *et al.* 1987, 1999). The procedure enforces the right of the general public to know the content of any, or major, change in current policies, and to address public comments to the issuing administrative body — who also has the obligation to answer. Comments may therefore either lead to changes in the draft, or be dismissed — and the latter option usually requires that reasons are provided. Discontented publics may be given no appeal, but can always lobby the political principal. The major expected effect is an improvement in the consistency of administrative action so as to prevent criticisms and resistances.

When the IGT is applied, the variation in procedure becomes a variation in syntax — as summarized in Table 1 below.

Table 1. The syntax of accountability vectors by key procedural tools

<b>Vectors</b>	<b>Legal</b>	<b>Expert</b>	<b>Expert</b>	<b>Public</b>	<b>Public</b>
<i>Syntax</i>	Administrative judicial review	Impact Assessment	Auditing	Freedom of Information	Notice-and- comment
<i>Attributes:</i> who	any court/ special courts	unit within the cabinet/ offices in line ministries/ independent authority	unit within economic ministry/ independent authority (non)/judiciary	any public body/ administrative body/ civil administrative body	any administrative body/ civil administrative body
<i>Deontic</i>	must (mandatory) /can (discretionary)				
<i>Conditions</i> how initiated	automatically/ after referral	as by administrative act/sectoral law	automatically/ by request of the principals	automatically/ by request of: anyone/ citizens/ stakeholders/ stakeholders' organizations	Automatically
<i>alm</i> what	review lawfulness	assess costs and benefits	assess merit, worth, value / discharge of responsibilities	release/ publish	publish / gather comments / answer comments
<i>alm</i> of what	any/special administrative decisions	all / major regulatory changes	all / program and project expenditures	any document	any draft
<i>Attributes</i> whose	any/some administrative bodies			their own	
<i>alm</i> about what	Infringements of: - individual right - administrative principles (consistency to mandate, proportionality, reasonableness, fairness, ...)	Economic, environmental, social, distributive effects in general/ on special groups In the short/ long run	procedure / outputs / outcomes subjective or objective standards/ targets	that does not violate security, commercial military or judicial secrecy, right to privacy, ...	all/ major policy changes
<i>alm</i> how	with/without hearings	with/ without public consultations	streams of data / reports	with/without fees	publicly reasoned
<i>Conditions</i> when	before/after a decision takes effect within/outside litigation	before/after passing a decision	always (monitoring) / regularly / <i>ad</i> <i>hoc</i> Proposed/ running budgets	within due time from the request/ the issuing of the document	before decision
<i>Or else</i>	nothing (advisory)/ annulled or overridden decisions (coercive)	nothing (advisory)/ decisions cannot be authorized	nothing / more audit/ heads' removal, sanctions / spending termination	nothing/ explanation of denial: uncontestable/ contestable	nothing/ decision cannot be enforced

## 4. Considerations, and future directions

The IAD framework advances a promising understanding of accountability as a different angle on the puzzling relationship between policy effectiveness and governance. It suggests that key players of the policymaking are those with the knowledge for setting the taxation, expenditure, and regulation tools that shapes the performance of the delivery system. It defines the causal power of accountability in those enforced instructions that compel the key players to show how their decisions take special policy values into account — and, before, to treat these values as their own. Moreover, its focus on designs highlights how accountability can embody two different understandings of democracy.

Indeed, if the political system is the authoritative allocation of values for a society through the policies it delivers, accountability reveals where the relative weight of these values is decided when they imply a trade-off. A first view maintains that proper weighting is made by the citizens as voters, who endow their deputies with policymaking powers and a mandate which bureaucracies have to abide by. The alternative view considers that neither election can establish the value weighting for each policy in full details, nor the citizens as affected interests usually accept the electoral weighting passively: rather, they keep trying to foster their concern through pressures on the whole of the policymaking process. The former view entails that accountability sticks the policymakers to the electoral mandate, and secures the political command on bureaucracies along a straight line of delegation. In the latter, accountability is meant for keeping pressures transparent and the decisions on instruments open to the reasons and checks of the publics beyond the broad indications from the political majority.

Both views can be given normative grounds as much as reasons for skepticism. Yet again, the IAD warns against beliefs in “optimal designs” as much as against disbeliefs — and makes a bold case instead for empirical adjudication on the basis of the observed productivity of institutions. “Without the capacity to undertake systematic, comparative institutional



assessments, recommendations of reform may be based on naïve ideas about which kinds of institutions are 'good' or 'bad', and not on an analysis of performance" (Ostrom, 2005:29).

The IGT syntax offers the suitable complement for operationalizing the two ideas: it provides a comprehensive and reasoned list of the elements that should be found in a context for accountability rules to be effective — and expectations of the effect from missing components. It makes comparison possible across contexts and time. It allows both the exploration of institutional diversity and the verification of hypotheses about the generative power of the different shapes accountability designs.

The IAD and the IGT together therefore promise a fruitful support to the research agenda on the policy effectiveness of accountability. The generative capacity of accountability procedures may be tested against a variety of outcomes — from regulatory effectiveness to corruption, financial and environmental sustainability, trust in government. At the same time, however, they open a further challenge. As Ostrom underlines, rules have configurational effects, as "...one small part of a rule configuration can strongly affect how the other rules impact the action situation. Scholars need to study the effects of a full rule configuration rather than assume that they can study the impact of one rule at a time — while assuming that the other rules are 'randomly distributed'" (Ostrom 2005:205). The further question hence asks which technique can better suit the configurational analysis of institutional designs for adjudication. Yet, that is definitely another story.

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