

Seeking Salvation for Accountability

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Prepared for delivery at the 2002 Annual Meeting of the American Political
Science Association, August 29- September 1, 2002, Boston. Copyright by
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(Updated with minor corrections on 9-16-02)

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This is a paper in defense of a concept that is threatened by its popularity and undermined by those who use it most. It is a call for a reexamination and reaffirmation of “accountability” from the perspective of its central role in modern governance. It is a plea for saving the concept of accountability from the abuses it suffers in the hands of friends and advocates. It is an effort at salvation for a concept that has lost its meaningful “soul” in a world filled with rhetoricians, reformers, and functionalists – all well intentioned, but each contributing to accountability’s fall from conceptual grace.

1. Accountability needs to be saved

What needs to be saved? Let’s begin with the “defining” (in the literal sense) premise of this presentation: what is this “thing” we call accountability that we seek to save? That question contains part of its own answer, for we should begin by distinguishing between accountability-the-word (*accountability_w*) and accountability-the-concept (*accountability_c*).

Signs of accountability: As a semiotic “sign,” *accountability_w* is capable of fulfilling three distinct roles: as symbol, as indicator, and as icon. Symbolically, it signifies most of what the *Oxford English Dictionary* attributes to it:

The quality of being accountable; liability to give account of, and answer for, discharge of duties or conduct; responsibility, amenableness. = [ACCOUNTABLENESS](#) [= The quality or fact of being accountable or liable to give account and answer for conduct; responsibility, amenableness (*to* a person, *for* a thing).] (OED 1989)

Most notable about the symbolic *accountability_w* is its synonymic nature – its capacity to stand in for so many other terms. As we discuss below, this characteristic of *accountability_w* makes it an excellent tool for rhetoricians who can use the term as a

stand-in for other words (e.g., responsibility, answerability, fidelity) either for stylistic variety or because of its facility to generate a desired affect in the target audience.

The indexical form of *accountability_w* is dependent on cultural and contextual factors, and here again the synonymic nature of the word comes into play. *Accountability_w* is regarded as an indicator of answerability, responsiveness, etc. But as will be elaborated below, it is also indicative of the conditions it promises to create. Used in the appropriate context, *accountability_w* holds the promise of bringing someone to justice, of generating desired performance through control and oversight, of promoting democracy through institutional forms, and of facilitating ethical behavior.

The iconic role of *accountability_w* is culturally contingent as well, for the power of the word's "image" is necessarily and almost entirely dependent on the perspective of the target audience. Words rarely achieve the status of icons, and when they do there is no pure form of iconic use. The famous "Hollywood" sign in southern California is a word iconized, although it is also symbolic and indicative. The Hebrew word for life or living, חַי (chai), is worn on necklaces and other jewelry and is regarded as an image invoking the meaning of God.

The iconic role of *accountability_w* is more limited in significance but much in evidence in the U.S. Congress, where the titles of a wide range of proposed (and sometimes passed) legislation are adorned with the *accountability_w* label. A quick count of titles placed in the House and Senate hoppers for the past several sessions of Congress indicate that the word is applied to 50-70 distinct proposals each two-year term. As reflected in the list from the current (107th) Congress (see Table 1), the focus of "ACCOUNTABILITY" bills can range from specific individuals (Yasir Arafat) and nations (Syria) to industries (electricity providers), agencies (the IRS and the INS), professionals (accountants and pharmacists), and the members of Congress themselves. When examined in detail, the content of the proposed legislation rarely mentions the term again,¹ except in provisions designed to change the titles of current laws so that they too can be adorned with the "ACCOUNTABILITY" élan.

¹ There are exceptions, of course. For example, the School Improvement Accountability Act (S. 125, 107th Congress) included provisions that articulated what "accountability" entailed, e.g. the meeting of performance standards set by the state "accountability" agency.

TABLE 1 HERE

Is the word worth saving? The problems associated with *accountability_W* are many, but for my purposes three need to be highlighted.

First, **the word's etymology does not encompass its conceptual history.** A survey of the family of terms associated with “account” in the *OED*² offers no references earlier than a comment circa 1260 related to giving an account of one's conduct. The first noted reference to *accountability_W* itself is noted as a history of Vermont published in 1794. Middle English terms related to *accountability_W* (e.g., *acompte*, *aconte*) can be traced to at least to the early 14th century, with references to the idea of “being accountable” (e.g., *acomptable*) finding more usage by the mid-15th century (McSparran 2001). There is little doubt these words were, in turn, derived from the Old French equivalents for “provide a count,” *comptes a rendre*. Nor, as we see below, does evidence that *accountability_W* was not used until relatively recent counter the fact that the concept itself was in effect several hundred years earlier.

In contrast to these etymological roots for *accountability_W*, the roots of *accountability_C* can be traced to ancient settings and biblical references, from Egypt (Ezzamel 1997) to Athens (Elster 1999; Roberts 1982). As we discuss below, the linking of the word to the modern conceptualization of accountability occurred under the rule of William I and his successors.

The second problem with focusing on *accountability_W* is its **notorious ambiguity** when treated as a word rather than a concept (Brooks 1995). Practical and scholarly applications of *accountability_W* have been appropriately called “expansive” (Mulgan 2000), and the term was nicely characterized by one analyst as “chameleon-like” (Sinclair 1995). This results from the synonymic nature of the terms, and has proven especially problematic to those attempting to operationalize the role of “accountability mechanisms” in social relationships; the typical response among those who require more

² See entries of “account” and related terms in (OED 1989).

preciseness has been to adopt a narrower definition, one usually confined to the act of “answerability.”³ As we will see, this solution has become part of the problem.

A third problem is that of “**incommensurability**” – or the inherent lack of common “language” that permits easy translation of the word across contexts and cultures. Specifically derived from geometry by Thomas Kuhn and applied metaphorically to scientific theories (Kuhn 1982), the idea of “terminological incommensurability” is relevant here because *accountability_W* has proven extremely difficult to translate into other languages, and by extension to other political and administrative cultures. In the major romance languages (French, Spanish, Italian as well as Portuguese), for example, various forms of the term *responsibility* are used in lieu of the English *accountability_W*. The result is that there exists little room in those languages for a possible distinction between the conceptualization of *accountability_C* and responsibility. Translating what is intended as the concept (see discussion below) into the word “responsibility” neutralizes or subordinates some meaningful differences. In northern and eastern European languages, the idea of accountability translates into terms closely related to account-keeping or making of reports. The Japanese, who have at least seventeen distinct terms they use to communicate the word “responsibility,” have only one equivalent term to *accountability_W* (*akauntabiritii*), but it is a transliteration of the English word adopted in light of the extensive contacts with the British and Americans over the past 150 years ((Dubnick 1998), pp. 69-70).

The “idea” of accountability: Shifting attention from the word to the concept overcomes – or at least makes irrelevant – all three issues and places the meaningfulness of accountability on somewhat firmer grounds. As a concept, *accountability_C* is an idea to which the word can relate, but not one it can effectively encompass within its definitional frame.

The nature and status of “concepts” are issues that linguists, cognitive scientists and philosophers are contending with on several fronts. The classical approach to the

³ For example, see the work of Tetlock in social psychology; (Tetlock 1983a; Tetlock 1983b; Tetlock 1985). Also see (Gilbert 1959).

subject, which has tended to equate concepts with words,⁴ has been found both wanting in substance and irrelevant in contemporary applications.⁵ Within the various contemporary schools of thought dealing with concepts, a concept is represented as a “prototype,” an exemplar, mental constructs, and as meanings that are emergent within and shared by communities of actors (e.g., (Johnson-Laird 1983; Lakoff 1987)). As important, concepts are most meaningful within broader intellectual contexts – e.g., they exist with “frames,” formats, schemes, webs of belief, paradigms, etc. (Kuhn 1970; Minsky 1974; Quine and Ullian 1978).

Approached conceptually, *accountability_C* emerges as meaningful in at least four such contexts. Within an **institutional frame**, *accountability_C* is manifested as rules and roles through which authority is “controlled” in order to render it “appropriately” exercised (Anechiarico and Jacobs 1994; Anechiarico and Jacobs 1996; Burke 1986; Caiden 1988; Carey 1978; Diamond 1999; Gruber 1987; Harris 1964; Khademian 1996; Laver and Shepsle 1999; Livingston 1976; March and Olsen 1989; Oakerson 1989; O'Donnell 1998; Rosen 1989). Within the context of **social transactions**, it emerges as a way for individuals to relate to one another – an ongoing process of account-giving and account-taking that is fundamental to the development and maintenance of trust (Benoit 1995; Crittenden 1983; Curran 2002; Green, Visser, and Tetlock 2000; Lerner, Goldberg, and Tetlock 1998; Orbuch 1997; Schönbach 1990; Scott and Lyman 1968; Tetlock, Skitka, and Boettger 1989) Within an **organizing/organizational frame**, *accountability_C* is the formation (“enactment”) of informal and formal mechanisms for dealing with expectations and uncertainty (Collins 1982; Garrett 2001; Gupta, Dirsmith, and Fogarty 1994; Kaufman 1973; Munro 1997; Pentland and Rueter 1994; Shapiro 1987; Weick 1995; Yakel 2001). And within context of **complex environments** of multiple, diverse and conflicting expectations, it is a means for managing an otherwise chaotic situation (Agranoff and McGuire 2001a; Agranoff and McGuire 2001b; Barth 1993; Barth 1995; Bar-Yosef and Schild 1966; Bundt 2000; Dubnick and Romzek 1991; Dubnick and Romzek 1993; Dunn and Legge 2001; Kearns 1994; Kearns 1996; Klingner, Nalbandian,

⁴ For example, see (Dewey 1997 [1910]), chapter 9.

⁵ The major challenges to the classical approach comes from both the rethinking of the Cartesian mind-body distinction (see (Lakoff and Johnson 1999) and the demands of the information sciences for better models of human thinking.

and Romzek 2002; Romzek and Dubnick 1987; Romzek and Dubnick 1994; Romzek and Dubnick 2000; Romzek and Ingraham 2000; Wirth 1991; Wood and Waterman 1993).

These various perspectives are no less subject to the criticism that each relies on a different understanding of *accountability_C* – and thus the concepts are subject to the same problems of ambiguity and incommensurability that plague *accountability_W*. But those seemingly distinct conceptualizations of *accountability_C* have the advantage of what Wittgenstein called “family resemblances” – they are related not by a common definition (which would reduce the concept to a word) or some common property, but by the relatedness we “see” in them, as we would see some resemblance among a group of very distinct individuals who are part of a family.⁶

The family resemblance among the various forms of *accountability_C* addressed by those who take the concept seriously is found in the equally important idea of “governance”: *accountability_C is a concept associated with governance activities* – that is, with the efforts to establish and maintain some form of governing order in a social context (Mulgan and Uhr 2000)⁷

It can be approached as a genre among those social patterns, processes and institutional forms that deal with questions of how to organize and implement collective action (Crawford and Ostrom 1995; Fligstein and Feeland 1995; Ostrom 1990; Ostrom 1999). What is distinctive about the accountability genre among other forms of governance solutions is its reliance on the existence of a “moral community”⁸ that shapes (and is shaped by) the expectations, rules, norms and values of social relationships. The moral basis of that community should not necessarily be equated with some higher order value; rather, it the term is applied here in a relativistic sense that builds on the assumption that social relations in any community are linked to a sense of what is morally required or appropriate in those relationships.⁹ *Accountability_C*, in other words, emerges as a primary characteristic of governance in contexts where there is a sense of

⁶ This view is elaborated in (Wittgenstein 1968), para. 65-67. The implications of this approach for social science are discussed in (Collier and Mahon 1993).

⁷ On the various “official” definitions of governance (e.g., USAID, UNDP and World Bank), see (Orr 2002).

⁸ See (Selznick 1992) and (Fukuyama 1995). There are other terms than have been used in related ways, e.g. “moral order” (Wuthnow 1987), “collective identity”(Melucci 1996).

⁹ Compare with (McMahon 1994; McMahon 1995).

agreement about the legitimacy of expectations among community members.

Conceptually, *accountability_C* can thus be regarded as a *form of governance that depends on the dynamic social interactions and mechanisms created within of such a moral community*.¹⁰

A Family History: The nature of *accountability_C* is reflected in its historical roots.¹¹ As already noted, mechanisms similar to those of today's accountability systems can be found in ancient regimes (Eisenstadt 1969; Elster 1999; Ezzamel 1997; Roberts 1982). The contemporary conceptualization, however, is traceable to England in the century following the 1066 Norman conquest, and more specifically from William I's efforts to establish and legitimize his rule over England through the end of Henry II's reign (1189).¹²

Twenty years after the Norman Conquest, William I ordered a detailed enumeration of all property in England requiring every subject to provide access to royal surveyors for the listing and valuation of all holdings. The resulting Domesday Books were not intended (as often assumed) as assessments of property holdings for revenue raising purposes (Hoyt 1950); rather, they involved an unprecedented census of the "realm" (that is, the king's property holdings – which was, in fact, everything in the realm) that is widely cited as a critical factor in the enduring power of central authority in Britain. The conduct of the survey sent a message to all William's subjects that the conquest was complete and a new ruling order was in place. Completed in an amazingly short time (one year), it relied on centrally-determined units of measure and jurisdictional reconfigurations that best suited the survey task rather than existing arrangements.¹³ Thus, not only were property holders required to "render a count" of what they possessed

¹⁰ It is always a risky business to offer definitions of otherwise vague concepts, and this should be regarded as a well intentioned example of *chutzpah*.

¹¹ This is a further elaboration of a conceptual history presented originally in (Dubnick 1998), pp. 69-72.

¹² It is more than mere coincidence the family of words associated with this concept begin to emerge in written records with greater frequency in the 1200s.

¹³ While the standards and units used may have been centrally determined, they were not necessarily uniformly applied. Historians note the wide discrepancies in the details among different jurisdictions found in the Books.

of the sovereign's realm, but they were to do so in the terms set by the king's agents. Medieval historians have rightly been in awe of what the Domesday Books represent.¹⁴

Beyond the Domesday surveys themselves, William took an additional and complementary step in 1086 when, after traveling about his kingdom as the survey was being conducted, he came "...to Salisbury at Lammas, and there his councillors [sic] came to him, and all the people occupying land who were of any account over all England whosoever's vassals they might be; and they all submitted to him, and swore oaths of allegiance to him that they would be faithful to him and against all other men."¹⁵ These actions, notes medievalist David Douglas "were exceptional in their nature, and of high importance."¹⁶ What it involved was the performative enactment of a governance system through the creation of a moral community based on sworn oaths of obedience. It was the first modern enactment of accountability as a foundation for governance.

Thus, in Salisbury, William I had asserted a form of accountability-based sovereignty over all holdings in the conquered realm. For in addition to having literally conquered them by force of arms, William was now establishing a moral relationship based on the fact that (1) he now knew (to the extent possible) what was his (i.e., everything in "realm" was now accounted for through the census) and (2) that he had established their sworn obligation to give him an accounting of all that to which he could possibly lay claim (again, meaning everything within the realm). What was theirs was his, and they were beholden to him for the use of all that was his. It was Leviathan six hundred years before Hobbes articulated the logic behind it!

During his relatively short reign, William I's successor, William Rufus, sustained his father's rule as much through coercion as through the sworn oaths of his subjects. Upon assuming the throne in 1100, Henry I demonstrated a greater appreciation of what took place in 1086 and relied more on William I's approach. He established a realm-wide

¹⁴ "As an administrative achievement," noted F. Stenton, "it has no parallel in medieval history." Still another authority (V.H. Galbraith) regards it as "marking an epoch in the use of the written word in government." Both quotes are cited in (Douglas 1964), p. 354.. Also see (Hollister 1961; Hoyt 1950).

¹⁵ (Douglas 1964), p. 355, quoting from chroniclers of the time.

¹⁶(Douglas 1964), pp 355-356. These comments from a historian noted for his restraint in attributing too much to what William actually accomplished. Among medieval historians there is a long-standing debate about whether William I's rule was revolutionary or based on a continuity of trends already present in pre-conquest England.

administrative system¹⁷ where centralized auditing and semiannual account-giving mechanisms took the place of armed force. By the 1130s, this had emerged as a highly centralized “administrative kingship” ((Hollister and Baldwin 1978), pp. 868-891) steeped in governance through accountability mechanisms. Building on those foundations, Henry II was able to structure a system that left much authority in local hands, but tied them firmly to the center through even stronger forms of institutionalized accountability.¹⁸ “The powerful kingship of the conquerors had not destroyed all other powers; but it had forced them to act, even when in opposition to it, only within the framework of the State” ((Bloch 1961), p. 431).

The point to be highlighted here is that the *concept* of accountability is related to the emergence as a historically distinct and meaningful form of governance, one that created a unique relationship between the governors and the governed based on norms and values established (i.e., imposed) by the ruler. *Accountability_C* thus has firm historical roots in post-Norman Conquest England, and it survived the shifts from monarchical to parliamentary to popular sovereignty. As significant, it was central to the British system of colonial rule right from the outset, and its Anglican (in the secular sense) distinctiveness is reflected in the governance systems of its former colonies, from the United States to India.

It helps to clarify the distinctiveness of *accountability_C* by noting that what emerged from these Anglican roots is very similar in form, but not substance, to the principal-agent (P-A) constructs of today. ((Eisenhardt 1989); on agential models in general, see (Emirbayer and Mische 1998)). But while P-A models provide effective analytic tools for the examination of *accountability_C* and other relationships (Mitnick 1980; Mitnick 1993; Moe 1984; Waterman and Meier 1998), it would be a mistake to think of them as providing *meaningful content* to *accountability_C*. In that sense, they are

¹⁷ Which include the duchy of Normandy as well as Britain.

¹⁸ James Given’s study of the imposition of British rule in Gwynedd (in North Wales) during the late 1200s provides insights into how this accountability-based governance operated. In contrast to the approach taken by the French (who would rely on established local ruling elites), the British engaged in “the total recasting of local political structures. Traditional mechanisms and techniques of rule would be abolished and replaced by ones modeled directly on those of the new masters. The governors who wielded these novel mechanisms of power would be either members of the outside ruling organization or local people who had been thoroughly educated in and assimilated to the outsiders’ norms.” See (Given 1990), p. 42.

to *accountability_C* what blueprints are to a real structure. What P-A stresses is a contractual relationship between two autonomous individuals. Central to the concept of *accountability* derived from those English roots is the existence of a moral community within which relevant relationships exist (Schweiker 1993; Shearer 2002; Smiley 1992).

So, what do we try to save? Based on the distinction made, it is clear that I regard *accountability_C* as a central idea that helps us analytically understand modern governance, whether it be used in public or private entities, whether it be put to the service of conquerors or democrats, whether it be the source of good or evil. Without the *concept of accountability*, we could not comprehend any of these phenomena.

Nor would we be able to pass judgment on them or the moral communities that create them. As a means through which modern governance operates, *accountability_C* was as pivotal to the Holocaust (Browning 1992; Goldhagen 1996; Hilberg 1992; Sofsky 1996) as it was to South Africa's transition from apartheid (Braun 2002; Doxtader 2001; Gibson and Gouws 1999). If *accountability_C* is emasculated through misapplication or misuse, we face the prospect of losing part of our capacity to reason about governance.¹⁹

We should also be very concerned about *accountability_w*, for the fate of the concept is closely tied to the *use* of the word. This is especially true in our "hyperreal" world where some moderately useful symbols are being transformed into empty icons flashed before us on all sorts of media (Fox 1996; Fox and Miller 1995). (Should there be a truth-in-labeling rule for legislative proposals?)

2. Save *accountability_C* from whom?

With friends like these...: Accountability_C has no "enemies" – no group of conspirators who are out to undermine its role as a term of governance. What it does have are "friends" who find it useful to rely on the word or a limited (and thus distorting) version

¹⁹ Here I consider the situation analogous to Alasdair MacIntyre's comments about our understanding of what has happened to the concept "virtue" in our scientific age; see (MacIntyre 1984), chapter 1. More on this below.

of the concept. These are the folks we need to be wary of in our effort to save *accountability_C*

Beware the rhetoricians: “We will hold them accountable!” It is the political mantra of our times. President Bush applies it to Enron and WorldCom executives as well as to the Taliban and al Qeda; every politician (including Bush) applies it to schools and teachers whenever they get the opportunity to do so; and angry citizens apply it, in turn, to all politicians. It is our rhetorical way of venting frustrations – of expressing a symbolic “promise” to make someone pay for a misdeed, whether real or perceived. And we are doing it with greater frequency.

To some extent, *accountability_W* has taken on a “life of its own” as a symbol detached from any specific meaning, yet with the capacity to generate a response when put to rhetorical or iconic use. The more this rhetorical form is used (let’s designate it as *accountability_{WR}*), the less credible the underlying concept seems.

There are, however, three major qualifications to that view.

First, in pointing out the inherent vacuity of *accountability_{WR}*, I do not mean to imply that the rhetorical term lacks any utility or potential value. To the contrary, like other rhetorical terms, *accountability_{WR}* is valued precisely because those who use it can rely on the target audience to fill that vacuum with a wide range of meanings that can produce something close to the desired response in the audience. Words, after all, are “speech acts” that have an impact on those who read them or hear them spoken (Austin 1975; Searle 1969), and the nature of those impacts can range from generating acquiescence to triggering “excitement” (Butler 1997; Edelman 1960). In that sense, there is at least functional value (in a social and political sense) to a term capable of being used rhetorically.

If that is the case, then the issue shifts to the value of rhetoric itself. The classical (i.e. Aristotelian) purpose of rhetoric is persuasion – that is, to convince the audience of a given position on some matter at hand. This is an important social and political function. Ideally, the persuasive argument would be based on reason (*logos*) or the virtuousness (character) of the speaker (*êthos*), but there was no denying the role and power of emotional responses triggered in the listeners (*pathos*) (Aristotle 1991; Dascal and Gross

1999; Gross and Dascal 2001). In an age of scientism, the status and credibility of rhetoric has suffered considerably, and its practitioners are often perceived as “manipulators” and “hucksters.” In contrast, in recent years there has emerged a growing appreciation of rhetoric (Nichols 1987; Perelman and Olbrechts-Tyteca 1969; Toulmin 1958) and its centrality in a wide range of activities, from philosophy and law to the social and physical sciences (Gaskins 1992; Gross 1996; Nelson, Megill, and McCloskey 1987). The value of *accountability_{WR}*, or any other term applied rhetorically, is therefore contingent on the context and standards for assessment. That said, we should not prejudge any particular use of *accountability_{WR}*. Its use is clearly justified in many circumstances.

Nevertheless, there is a cost to be paid in terms of the implications for the credibility of its non-rhetorical counterpart. Relying too much and too often on any word reduces its long term value and credibility.

A second qualification relates to the nature of the “rhetorical promise,” for not all such promises are similar. Some weigh heavier than others depending on what is said and who is saying it . Some promises are indeed empty, in the sense of lacking any specifics about how the promise would be carried out (Grant 1949). Other promises can be quite detailed, but one has to ask if the speaker has the capacity to implement the promised actions (Amossy 2001). These two factors create at least four types of rhetorical promises (see Figure 1): pure rhetoric, plans, commitments and obligations.

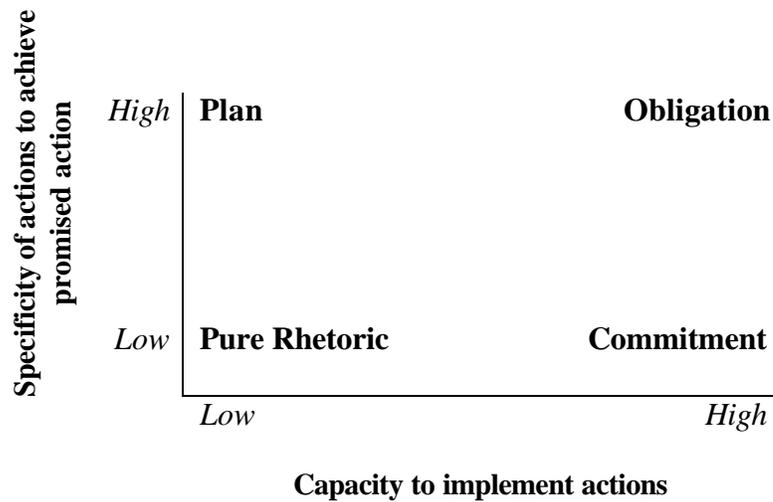


Figure 1: Types of Rhetorical Promises

In the case of *accountability_{WR}*, one can compare the almost identical promise to hold the 9/11 terrorists accountable²⁰ made by the U.N. General Assembly on September 12, 2001, and by George W. Bush on several occasions in the days that followed the attacks. Despite its good intentions, the General Assembly’s Resolution 56.1 (UN 2001) was purely rhetorical in both its lack of specific content and its inability to mobilize resources to carry out its promises.²¹ Bush’s promise-making use of *accountability_R*, however, carried significantly more weight as a commitment during those early response days, for even without laying out specifics his words were those of someone with the capacity to act (Bush 2001a; Bush 2001b; Bush 2001c). The promise emerged as plans over the ensuing weeks as the Pentagon and other agencies mobilized for action in Afghanistan and elsewhere, and in doing so established Bush’s promise as an obligation to pursue accountability.

²⁰ Expressed as the promise to the terrorists and their supporters accountable or to bring them to “justice.”

²¹ In contrast, the Security Council resolution of September 12 makes no such promise of accountability.

It is critical to underscore the point that the value of rhetorical promises is contingent on contextual factors. Although technically rhetorical, Bush's promise to hold the terrorists and their supporters accountable during the days immediately after 9/11 was necessary and appropriate, and it would be foolish to regard that or similar instances as a long-term threat to our understanding of *accountability*_C.

A third qualification is a warning that not all seemingly rhetorical uses of accountability turn out to be so. For example, eleven months after the terrorist attacks of September 11, several hundred family members of the victims filed a trillion dollar law suit against the Government of Sudan, several Saudi princes and Saudi banks, several "charitable organizations", Osama Bin Laden, and others with alleged links to the financing of the terrorist attacks. At the news conference announcing the law suit, Matt Sellitto, whose son was killed in the World Trade Center attack, stood before the television cameras and microphones and expressed the need for the controversial action:

It does not matter if the weapon of choice is a gun, a bomb, a box-cutter; a pen used to write a check or the computer mouse clicked to transfer funds. The banks, so-called charities and the individuals named in this action have the blood of my son on their hands, and they have the blood of more than 3000 precious, irreplaceable people on their hands. And *we will hold them accountable*.²²

For the media and general audience hearing those heartfelt words, there could be no question about the intended emotional impacts of Mr. Sellitto's statement. The phrasing was designed to indicate the families' determination to seek justice on behalf of their loved ones, and in that sense it represented a powerful cathartic act that also constituted a threat in the form of a promise of accountability against those they regarded as co-conspirators in the September 11 attacks.

Beyond the symbolic message, however, was a legal effort constituting a formal action to bring the named subjects of the suit before the courts for the purpose of holding them "accountable" *in legal fact*. *Accountability*_{WR} as used in this context was more than

²² Transcribed from a C-SPAN rebroadcast of news conference held on August 15, 2002 at Washington, D.C., the site of the filing of court papers.

rhetorical; it was a legal “term of art” – that is, a word that has a precise meaning within the context of the legal action being taken.

The suit was explicitly modeled after an earlier action filed against the Government of Libya by the families of victims of a bomb blast that destroyed Pan Am Flight 103 in December, 1988 as it flew over Lockerbie, Scotland. Faced with what they regarded as relative inaction by U.S. officials against Muammar Kaddafi and Libyan officials, the group comprised of Pan Am 103 families pursued the claims for justice in U.S. civil court actions. At the outset, there seemed little hope for overcoming the major obstacles posed by international and domestic legal doctrines that effectively prohibited suits against foreign sovereign states in American courts.²³ But by articulating their argument on a “narrow patch of legal ground,” the Pan Am 103 attorneys were able to establish a basis for having the case heard in U.S. federal district court.²⁴ In that sense, they had established achieved a form of legal “accountability” for Libya that put it on par with any other potential respondent to a claim made in a federal court.

In the legal action brought by the Sellittos and other families, the lead attorneys were those who had successfully brought Kaddafi and Libya to trial. Their primary objective was, in fact as well as words, to render the named defendants accountable. In that respect, Mr. Sellitto’s words were more than *accountability_{WR}*.

Beware the reformers: While the rhetoricians use *accountability_{WR}* to make promises, the reformers regard *accountability_C* as a source of promises that become the foundation for political action. There are four such promises that have been central to reform in different countries.

a. First, there is the *promise of “justice”* that emerges most often after tragic events (e.g., wars, plane accidents, military mishaps where innocent lives were lost, terrorist attacks) or in the transition to democratic regimes after years of oppression (e.g., post-Apartheid South Africa, nations emerging from behind the “iron curtain”). The response to both conditions is typically legalistic and sometime ritualistic in form. In

²³ The most explicit U.S. statement of the sovereign immunity doctrine relevant to such cases is found in *The Schooner Exchange v. McFadden and Others*, 11 U.S. 116 (Cranch).

²⁴ For the details behind this effort, see (Gerson and Adler 2001); specifically, see chapter 10.

these instances, *accountability*_C is relied upon, in part, as a formalistic means for dealing with feelings of anger and hoped for revenge. Domestically, we rely on our criminal and tort law systems to deal with the consequences of a great many tragedies, but not without controversy. On the one hand are issues over the explosion of litigation and the abuse of the tort law system to extract huge awards for sometimes trivial mishaps (e.g., the “hot coffee” suit against McDonalds) (Howard 1994; Lieberman 1981); on the other hand are complaints about the unfairness and inequity of alternatives to the courts (e.g., the current complaints against the administration of federal fund distribution to families of the victims of 9/11).

Internationally, the Nuremburg war crimes trials following World War II set a major precedent in world affairs for holding the leaders of countries accountable for treatment of their own citizens as well as for violations associated with conduct of the war (Bass 2000; Douglas 2001). Controversies surrounding the prosecution of war crimes and crimes against humanity have ranged from critiques of such trials as merely staged productions that have little to do with juridical justice (Arendt 1976) to the recent refusal of the United States to ratify the international convention on war crimes. The use of “truth commissions” as alternatives for “settling accounts” has proven no less controversial, particularly on the question of whether any such accountability mechanisms are capable of providing the justice demanded by victims (Minow 1998; Rotberg and Thompson 2000; Teitel 2000)

b. For a completely different group of reformers, accountability holds the *promise of performance*, in the sense of potentially assuring that those conducting the public’s business will do what is expected of them – and perhaps more. This is a promise of *accountability*_C drawn from the literature and mythology of private sector governance. In its earliest forms (Kanigel 1997; Taylor 1967) it was proffered as the promise of control, for it was assumed that close oversight and control determined performance. Influenced by the work of Chester Barnard and other management theorists (Barnard 1968; Scott 1992; Williamson 1995; Wolf 1974), the emphasis shifted to reforming public and private organizations to create working environments that promote performance. In recent years, the turn toward “new public management” approaches has transformed and challenged governance approaches in the U.S. and abroad to a degree that has challenged

many of the basic assumptions of administration and rendered standard practices of accountability irrelevant if not obsolete (Kettl 2000).

There are two areas where the reformers have been especially effective in promoting their views of *accountability_C*: management policymaking and educational accountability. By *management policymaking*, I mean those successful efforts to have accountability-related reforms adopted a government policy through executive action (e.g., the Clinton administration's National Performance Review, various programs for outsourcing and privatization and similar efforts to "reinvent government") (DiIulio, Garvey, and Kettl 1993; Forsythe 2001; Gore 1993; Gore 1996; Holzer and Callahan 1998; Kearney and Berman 1999; Thompson 1993) or through legislation (e.g., the Government Performance and Results Act) (Radin 1998; Radin 2000) And there has been no arena where the term, concept and rhetoric accountability has been more often applied than in education (Fenstermacher 1979; Fusarelli and Crawford 2001; Leithwood and Earl 2000; Ogawa and Collom 2000).

c. The *promise of democracy* forms another widely accepted role for *accountability_C*, and the focus of reformers tends to be on promoting *transparency*, *participation* and *answerability* (ideally electoral) in governance institutions (March and Olsen 1995). Typically regarded as secondary to other properties of democratic systems (e.g., (Braybrooke 1968)), accountability nevertheless is perceived as a salient feature of democracies (Gutmann and Thompson 1996; Held 1996), particularly in the modern administrative state (Dodd and Schott 1979; Redford 1969; Rosenbloom 2000; Skowronek 1982) and nations that have are transitioning from non-democratic systems (Przeworski, Stokes, and Manin 1999; Schedler, Diamond, and Plattner 1999).

The focus on accountability-related reforms has created several major dilemmas for democratic governance. Enhancing accountability through electoral reforms such as term limits or initiative and referenda poses significant challenge to the quality and capacity of public policymaking (Broder 2000; Ellis 2002), and the movements toward greater transparency and oversight often conflicts with efforts to meet the demands for improved performance (Behn 2001). Nevertheless, there exists an almost unquestioned assumption that the creation or enhancement of accountability mechanisms of any sort will result in greater democracy.

d. Finally, reformers see *accountability_C* as a key to preventing the abuse of power and the possibility of corruption. The *promise of ethical behavior* is based on the assumption that oversight and reporting will foster appropriate behavior on the part of public officials and others who work in the public sector (Rose-Ackerman 1999). While the presumed link between accountability and ethical behavior has not been deeply explored (see (Dubnick and Justice 2002)), the necessity of such controls is widely accepted, especially among those who fear the consequences of the administrative state (Finer 1941).

But there has also been concern that the use of accountability to prevent corruption has actually worked against effective governance. The “anticorruption project” that has its roots in 19th century governmental reform movements has become “panoptic” (Anechiarico and Jacobs 1994; Anechiarico and Jacobs 1996), the public obsession with the ethical agenda has spread to other sectors (private, non-profit, religious) as well (Morgan and Reynolds 1997).

Beware the functionalists: Finally we come to a group comprised of those whose interest in *accountability_C* is, in a real sense, primarily “academic.” This does not necessarily include all those who study accountability and related concepts, for there are many in the academic community who are more appropriately placed under the “reformer” category given the normative focus of their work. It does include, however, those who adopt theoretical and methodological perspectives that fail to consider the nature of *accountability_C* as a term of governance. Typically this leads to a narrowly drawn view of *accountability_C* as merely a behavioral or rational response to dilemmas or situations. *Accountability_C* is thus reduced to its pure social function. It is the effort to give an account of oneself or to make excuses; it is the need to be answerable or to deal with conflicting expectations.²⁵ Thus, in the effort to understand *accountability_C* as an empirical phenomenon, we have ignored its contextual nature and role in governance. It is little wonder that those who survey the literature come away with the impression that “there is no there there” (Mulgan 2000; Mulgan and Uhr 2000; Sinclair 1995).

²⁵ For relevant citations, refer to the discussion above regarding the context frames of *accountability_C*

3. The Roads to Salvation?

How does one go about saving a concept? Here are four suggestions drawn from the loose analogy of saving a soul.

First, try “behavior modification” in the form of making a commitment to stop dead in your intellectual tracks to reflect on the term “accountability” whenever you read, hear, or dare to speak it. As often as the term is used in our daily lives or heard on the media, you will find this can be extremely time consuming. If nothing else, it will give you an appreciation of just how pervasive the word – if not the concept – has become.

Second, whenever you can, try “intervention” with the individual who uses the term or concept inappropriately or too often. This is not likely to win you many friends (and may cost you a few) – but think of what you are doing for the good of the cause.

Third, consider forming or joining a collegial “support group” that might provide an opportunity to share in the collective frustration regarding the use and abuse of *accountability*_C.

Fourth, and a bit more seriously, consider the value refocusing your own analytic approach to the concept of accountability. Let me offer a quick example.

In considering the problems created by the synonymic nature of *accountability*_W, I have proposed elsewhere that we approach the idea of accountability as a distinct and inclusive concept along the lines discussed earlier in this paper. This somewhat radical association made between accountability and moral communities seems, at first blush, to make the problem of meaning even worse. To the contrary, it can help establish a meaningful framework within which accountability can be examined and its usage assessed. It posits accountability as a broad concept associated with more specific forms that are sensitive to different social contexts. This is captured by viewing accountability as an inclusive category (“genus”) containing more particular conceptual forms (“species”).²⁶ For example, Figure 2²⁷ organizes eight such “species” of accountability (amenability, answerability, liability, obedience, obligation, responsibility and

²⁶ This contrasts with approaches that regards accountability as a species of “responsibility,” e.g., (Bovens 1998; Spiro 1969).

²⁷ See (Dubnick 1998), pp. 77-80.

responsiveness) along two salient dimensions: the context or setting of the action (legal, organizational, professional, political), and whether the moral community’s expectations, rules, norms and values emerge from internal (moral pushes) or external (moral pulls) sources. Seen in this way, the concept of accountability is not perceived as synonymous with related terms, but instead constitutes a meaningful and useful idea in the constellation of governance institutions.

	Settings:			
	<i>Legal</i>	<i>Organizational</i>	<i>Professional</i>	<i>Political</i>
<i>Moral Pulls</i>	Liability	Answerability	Responsibility	Responsiveness
<i>Moral Pushes</i>	Obligation	Obedience	Fidelity	Amenability

FIGURE 2
Species of Accountability

Summing Up:

In the introductory chapter to his critique of contemporary moral philosophy, Alasdair MacIntyre asks the reader to imagine a world in which the natural sciences had been effectively lost to generations of thinkers, only to be the subject of a revival movement many years later. The revivalists, however, possess nothing more than fragmentary knowledge of the subject, and the intellectual milieu in which the natural sciences had thrived was incomprehensible to them. They might be able to make sense of some of the terminology they have uncovered, but the value of the knowledge is limited by their inability to appreciate the context and complexity of today’s sciences (MacIntyre 1984).

For MacIntyre, that imagined condition described the current state of moral philosophy, and if we are not more attentive to *accountability_C* and its role in governance

we could be faced with a similar future. Students of accountability are growing in number, and the intellectual power being applied to the topic is impressive. At the same time, the term has emerged as tool of rhetoric and reform that is sapping the concept of its meaning and value as an important term of governance. The current research agenda needs to be more attuned to the special nature of accountability, or we will soon find ourselves in a position similar to that of moral philosophy.

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TABLE 1: Proposed “Accountability” Legislation, 107th Congress*

*As of August 15, 2002

ACCOUNTABILITY for Accountants Act of 2002 (Introduced in House)[H.R.3617.IH]	Executive ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.5088.IH]
ACCOUNTABILITY for Presidential Gifts Act (Introduced in House)[H.R.1081.IH]	Federal Reserve Labor-Management Relations ACCOUNTABILITY Act (Introduced in House)[H.R.2304.IH]
ACCOUNTABILITY in Testing Act of 2001 (Introduced in House)[H.R.1163.IH]	Immigration Reform, ACCOUNTABILITY, and Security Enhancement Act of 2002 (Introduced in Senate)[S.2444.IS]
ACCOUNTABILITY of Tax Dollars Act of 2002 (Introduced in House)[H.R.4685.IH]	Immigration Restructuring and ACCOUNTABILITY Act of 2001 (Introduced in House)[H.R.1562.IH]
Advancing Truth and ACCOUNTABILITY in Campaign Communications Act of 2001 (Introduced in Senate)[S.93.IS]	International Military Education and Training ACCOUNTABILITY Act of 2001 (Introduced in Senate)[S.647.IS]
Agency ACCOUNTABILITY Act of 2001 (Introduced in Senate)[S.849.IS]	Law Enforcement Discipline, ACCOUNTABILITY, and Due Process Act of 2001 (Introduced in Senate)[S.840.IS]
American Competitiveness and Corporate ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.5095.IH]	LAX Noise Community ACCOUNTABILITY Act (Introduced in House)[H.R.2429.IH]
Andean Region Contractor ACCOUNTABILITY Act (Introduced in House)[H.R.1591.IH]	Media Marketing ACCOUNTABILITY Act of 2001 (Introduced in House)[H.R.2246.IH]
Arafat ACCOUNTABILITY Act (Introduced in Senate)[S.2194.IS]	Medicare+Choice ACCOUNTABILITY Act of 2001 (Introduced in House)[H.R.2127.IH]
Assuring Honesty and ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.4593.IH]	Monetary Freedom and ACCOUNTABILITY Act (Introduced in House)[H.R.3732.IH]
Barbara Jordan Immigration Reform and ACCOUNTABILITY Act of 2002 (Referred to Senate Committee after being Received from House)[H.R.3231.RFS]	Nursing Home Staffing ACCOUNTABILITY Act of 2002 (Introduced in Senate)[S.2879.IS]
Children's Health Insurance ACCOUNTABILITY Act of 2001 (Introduced in Senate)[S.1070.IS]	Persian Gulf War POW/MIA ACCOUNTABILITY Act of 2001 (Introduced in Senate)[S.1339.IS]
Coal ACCOUNTABILITY and Retired Employee Act for the 21st Century (Introduced in House)[H.R.3813.IH]	Pharmaceutical Fiscal ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.4998.IH]
Commission on the ACCOUNTABILITY and Review of Federal Agencies Act (Introduced in House)[H.R.5090.IH]	Polluter ACCOUNTABILITY Act (Introduced in House)[H.R.4572.IH]
Comprehensive Fiscal Responsibility and ACCOUNTABILITY Act of 2001 (Introduced in House)[H.R.1270.IH]	Postal ACCOUNTABILITY and Enhancement Act (Introduced in House)[H.R.4970.IH]
Comprehensive Holocaust ACCOUNTABILITY in Insurance Measure (Introduced in House)[H.R.3408.IH]	Public Health Emergencies ACCOUNTABILITY Act (Introduced in Senate)[S.1650.IS]
Congressional Pay Integrity and ACCOUNTABILITY Act of 2001 (Introduced in House)[H.R.241.IH]	School Improvement ACCOUNTABILITY Act (Introduced in Senate)[S.158.IS]
Congressional Pension ACCOUNTABILITY Act (Introduced in House)[H.R.4672.IH]	Self Sufficiency and ACCOUNTABILITY Act of 2002 (Introduced in Senate)[S.2624.IS]
Contractors ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.5292.IH]	State and Local Law Enforcement Discipline, ACCOUNTABILITY, and Due Process Act of 2001 (Introduced in House)[H.R.1626.IH]
Corporate and Auditing ACCOUNTABILITY, Responsibility, and Transparency Act of 2002 (Introduced in House)[H.R.3763.IH]	Stock Option Fairness and ACCOUNTABILITY Act (Introduced in Senate)[S.2760.IS]
Corporate and Criminal Fraud ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.4098.IH]	Syria ACCOUNTABILITY Act of 2002 (Introduced in Senate)[S.2215.IS]
Corporate Fraud ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.5118.IH]	Taxpayer Protection and IRS ACCOUNTABILITY Act of 2002 (Reported in House)[H.R.3991.RH]
Department of Veterans Affairs Research Corporations ACCOUNTABILITY Act of 2002 (Introduced in House)[H.R.5084.IH]	Torture Prevention and ACCOUNTABILITY Act of 2001 (Introduced in House)[H.R.3158.IH]
Disaster Relief Charities ACCOUNTABILITY Act (Introduced in House)[H.R.3192.IH]	Truth and ACCOUNTABILITY in Accounting Act of 2002 (Introduced in House)[H.R.3970.IH]
Electricity Information, Disclosure, Efficiency, and ACCOUNTABILITY Act (Introduced in Senate)[S.1231.IS]	Truthfulness, Responsibility, and ACCOUNTABILITY in Contracting Act (Introduced in House)[H.R.721.IH]
Excellence and ACCOUNTABILITY in Education Act (Introduced in House)[H.R.340.IH]	United Nations Voting ACCOUNTABILITY Act of 2001 (Introduced in House)[H.R.1302.IH]