0. Introduction

New models of business-like governance evoke new opportunities and challenges to public accountability. The overall democratic quality of performance-oriented governance is contested and anything but clear. We concluded from our exploratory interviews with prominent players concerning PPP policy in Flanders that there seems to be a public accountability paradox. The number of accountability mechanisms did increase rather than decrease. Many officials even complain about accountability overloads. Yet, and therein lies the paradox, well informed observers perceive public accountability as highly problematic. The wide range of accountability mechanisms apparently does not lead to a satisfying 'state of accountability'. Public accountability as a normative end is insufficiently achieved. This remarkable inconsistency between accountability as a mechanism and as a normative end constitutes the main focus of our research.

The challenge is to uncover the dynamics that explain the complex relationship between accountability mechanisms and their normative goals. Nevertheless, before we can explore the accountability paradox empirically, we need to develop our understanding of the elusive notion of public accountability. Defining and making operational 'public accountability' will be the main goal in this paper. We can distinguish three subordinate goals. Firstly, we study the distinction between accountability as mechanism and as normative end. Secondly, we want to clarify the seemingly natural relationship between public accountability and democracy. Although public accountability is an important democratic value, both concepts can not be used as interchangeable synonyms. There is more to public accountability than democracy, but there is also more to democracy than public accountability. In other words, not all accountability mechanisms are democratic by nature and

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accountability is merely one of the many democratic values. Yet, the interaction between democracy and public accountability is important and needs to be explored. Thirdly, we want to establish which role public accountability can play in a contemporary democratic framework? How much public accountability will suffice today as democratic threshold? It is often claimed that public accountability as such does not lead to real consequences. How can we make sure that public accountability is more than just a paper exercise and delivers a *real* democratic contribution?

The first section of the paper attempts to capture the basic notion of public accountability. We draw on the Atlantic divide in the literature to refine our understanding of accountability as a mechanism and accountability as a normative end. The second section describes the dynamic interaction between public accountability and democracy. The definition of democracy determines the function and importance of public accountability. Public accountability, in its turn, can play different roles in a democratic framework. The third section stresses the growing importance of public accountability in modern democratic states. The fourth section develops some criteria, from a public accountability perspective, by which we can evaluate the democratic quality of governance models. The final section is a conclusion.

1. Public Accountability

1.1 Searching for a definition

Public accountability is a conceptual cornerstone of public governance because it deals with the processes whereby those who exercise public authority are held to account. Public authorities should be answerable for the way they use their discretion and spend public money. The problem of public accountability is a consequence of the delegation of authority to a wider range of actors through legislation, contracts or other mechanisms. Confidence in accountability mechanisms is a necessary condition for legitimate delegation of public authority. The tensions between the requirements of responsibility or accountability and those of effective executive

action can reasonably be described as one of the classic dilemmas of public administration (Barberis, 1998; Behn, 2001; Bovens, 1998; Deleon, 1998)

While everyone agrees on its desirability, the interpretations of public accountability are manifold and complex. An important part of the academic literature defines public accountability traditionally as a principal-agent relationship, seeing the problem in terms of limiting the degree of discretion exercised by the public authorities and designing mechanisms to ensure that they serve their public. For example, Mulgan (2000) points out that the 'original' sense of accountability has a number of features: (1) it is external, (2) it involves social interaction and exchange and (3) it implies rights of authority. Those calling for an account (accountee) are asserting rights of superior authority over those who are accountable (accountor). He regrets that recently accountability has increasingly been extended beyond this core sense. Many authors, however, stress that this hierarchical conception of public accountability is becoming less suitable to grasp the nature of present-day governance. Due to the growth in size and complexity of modern public governance, there seems to be an urgent need to rethink public accountability and discuss what an effective and legitimate regime of public accountability should look like nowadays and in the near future (Barberis, 1998; Behn, 2001; Braithwaite, 1999; Considine, 2002; Dowdle, 2006b; Hodge & Coghill, 2007; Scott, 2000; Stone, 1995). Philp (2009) argues that the tendency to see accountability as a principal-agent relationship should be resisted in principle, because it treats contingent conditions as necessary conditions. According to him, public accountability is essentially a descriptive claim. Whether we want more or less of it however will be driven by normative commitments. Those two dimensions should be separated.

Some authors, like Schillemans (2008), emphasise the promising nature of new horizontal forms of accountability. These accountability processes are horizontal because public accountors account for their behaviour towards accountees that are not their hierarchical superiors: for instance clients, stakeholders and peers. As mentioned above, the literature on accountability traditionally focuses on hierarchical or vertical accountability arrangements. Although the importance of this traditional

approach of public accountability must not be neglected, a full appreciation of the 'real' nature of public accountability should also include new, more horizontal ways to hold public authorities to account. The complex interplay between traditional and new public accountability raises important questions about how the diverse arrangements are to be chosen and combined to maximize public accountability without impairing governance effectiveness and efficiency (Considine, 2002; Dowdle, 2006a; Harrington & Turem, 2006; Hodge & Coghill, 2007; Jos & Tompkins, 2004; Mashaw, 2006; Scott, 2000, 2006).

Given the variety of conceptual approaches, it is instructive to use a minimal definition. A frequently used, more descriptive definition is presented by Bovens et al. (2008): "*the relationship between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences.*" According to Bovens accountability has three indispensable components: (1) the actor should be obliged to *inform* the forum about his conduct, (2) there should be an opportunity for the forum to *debate* with the actor about his conduct as well as an opportunity for the actor to explain and justify his conduct in the course of the debate and (3) both parties should know that the forum is able to not only pass *judgment* but also to present the actor with certain *consequences*. In other words, accountability is retrospective or ex post as opposed to ex ante control.

1.2 Atlantic Divide

Bovens et al. (2008) observed an Atlantic divide in the accountability literature. In the American academic and political discourse, accountability is used predominantly as a normative concept or as a set of standards for the evaluation of the behaviour of public actors. In British, Australian or continental European debates, accountability is often used in a narrow, descriptive sense. Accountability is seen as a social mechanism, as an institutional relation in which an actor can be held accountable. The focus here is on the way these institutional arrangements function, instead of on the behaviour of officials.

Both views can be separated, but may be more useful when considered together (Mashaw, 2006). They are different sides of the same coin. Discussions about accountability mechanisms may benefit from a perspective on the normative ends these mechanisms are supposed to serve. Alternatively, norms and values need to be connected into actual mechanisms in order to understand how values come about and change. Normative and descriptive perspectives are distinct but can be complementary. We briefly elaborate on these two approaches of accountability issues and try to make them more concrete.

1.2.1 Accountability as a mechanism

The operationalisation of the instruments and mechanisms for accountability is pretty straightforward. A good starting point is presented by Mulgan (2003). He makes a distinction between political, judicial and other mechanisms. The most important political accountability mechanism is the general election where citizens hold the government to account directly through their vote. Between elections, much accountability activity is focused on the legislature which has the constitutional power to scrutinise the actions of the executive through various channels: accounts and reports, ministerial responsibility, committee investigation, constituency representation and policy dialogue. The notion of ministerial responsibility deserves a special mention because of its pivotal place in formal political theory (Hodge & Coghill, 2007). Ministers are accountable to the public, via the parliament, for their own decisions and for the work of their departments. The public officials are accountable to their political chiefs through a pyramidal chain of delegation. Ministers, departments and public officials are increasingly held to account both through and by the mass media.

Secondly, judicial review through the legal system and the courts can be a very powerful form of external review of executive action. Though the powers of courts are extensive, their scope is rather circumscribed. A general increase in judicial activism and a greater reliance on judicial solutions to policy issues have enhanced

considerably the importance of courts as avenues of public accountability (Behn, 2001; Harlow & Rawlings, 2007).

Thirdly, Mulgan identifies other types of external review and scrutiny such as audits, regulatory bodies and ombudsmen. Citizens also have direct access to government agencies through various complaints and grievance procedures and through the exercise of freedom of information rights. Mulgan (2003) concludes by saying that public officials are also accountable individually within their own organizations.

As mentioned above, Mulgan (2003) defines public accountability in a hierarchical way. Therefore, his overview of possible accountability mechanisms includes the traditional ways to hold public actors to account, but is incomplete and becoming more inadequate to describe present-day governance. Many authors extend the spectrum of possible public accountability mechanisms. Stone (1995), for example, mentions five dimensions to accountability and adds to the political (parliament and constituency) and judicial dimensions the growing importance of managerial and market accountability. The managerial dimension means strategic control, self-evaluation, periodic external evaluation and rationalization of responsiveness. Market accountability is responsiveness of service providers to a body of sovereign consumers. Other authors present similar 'enlarged' classifications, with all kinds of small variations and different accents (Dowdle, 2006a; Klingner, Nalbandian, & Romzek, 2002; Mashaw, 2006; Scott, 2006; Sinclair, 1995).

Hodge and Coghill (2007) go one step further and document an even wider variety of actors and institutions (ranging from hard to soft mechanisms) that have a responsibility in accountability; amongst others: parliament, courts, auditors, regulators, markets, customers, peers, media, charters and ethical procedures. As mentioned above, also Schillemans (2008) pays particularly attention to arrangements of a horizontal nature. He mentions five different horizontal mechanisms: (1) boards of stakeholders, (2) boards of commissioners, (3) boards of experts, (4) independent evaluation committees and (5) special ombudsmen or independent complaints office. These broad interpretations of accountability

mechanisms are justifiable, as long as the minimal requirements mentioned in Bovens' definition (2008) are fulfilled.

1.2.2 Accountability as a normative end

For what the normative dimension of accountability is concerned, there is a tendency to use mechanisms that are *assumed* to serve normative ends as operational phenomena. As a results, the research design risks to mix-up accountability perspectives. The question thus is whether we can formulate a number of criteria to describe a 'state of accountability', without referring to actual instruments and mechanisms?

Three studies on accountability identify sets of values from which criteria for assessing accountability can be derived. Scott (2000) clarifies the complex concept of accountability by asking who is accountable, to whom and for what? This last question is of particular interest here. The range of values for which accountability is rendered can be placed in three categories: economic values, social or procedural values and continuity or security values. Behn (2001) makes a similar distinction: accountability for finances, accountability for fairness and accountability for performance. Finally, Bovens et al. (2008) formulate a comparable set of perspectives on public accountability in a constitutional democratic state. The democratic perspective stresses the importance of control by citizen's elected representatives. Second, the constitutional perspective aims at the prevention of corruption and abuse of power. Public accountability should withstand the constant tendency toward concentration and abuse of power. Third, the learning perspective should enhance government effectiveness. Public accountability provides feedback to increase effectiveness and efficiency.

From these studies, we infer that good public accountability has three dimensions. First, we want to hold public authorities accountable for a variety of well-established rules and procedures to prevent unfairness or abuse of power. Second, we as citizens (or by means of elected representatives) want to have the final say because

the ultimate authority and ownership of the state rests with the citizens. It is not enough that public authorities act fairly and legally, citizens should be able to control and elect the public authorities in a meaningful way. The demand for a democratic process is of course closely linked with the value of fairness or equity in the conduct of government. These two dimensions are concerned with how government functions. But we also care what government actually accomplishes. Third, we want to hold public authorities accountable for their results.

For what public accountability as mechanism is concerned, it was necessary to make a distinction between traditional hierarchical and new horizontal accountability mechanisms. Yet, for what public accountability as normative end is concerned, such a distinction is not necessary. The three possible goals remain in place, but the emphasis will vary depending on which mechanism is used.

2. Public Accountability and Democracy

The next section explores the complex relationship between public accountability and democracy. Although public accountability and democracy are closely related, it is important to make a distinction between the two concepts (Philp, 2009). On the one hand, the previous section shows that the democratic control by citizens and their representatives is one of the main driving forces behind public accountability. To secure such democratic control an elaborate record of accountability mechanisms is designed: periodic elections, parliamentary reports and questions, committee investigation, etc. However, this democratic accountability is merely one (indeed important) dimension of public accountability. In other words, not all public accountability mechanisms are inspired chiefly by democratic aspirations. There is more to public accountability than democracy. On the other hand, there is also more to democracy than public accountability. Both concepts are intertwined, but have to be treated separately. Let us now focus on the role that public accountability plays in a democratic framework.

2.1 Which democracy?

Public accountability should be considered in relation to different notions of democracy because conditions for public accountability vary with the different notions of democracy (Hanberger, 2009). The role that public accountability can play depends largely on how democracy is conceived. The body of literature on democracy is however very large and heterogeneous. First, we must obtain some degree of structure in this complex body of democratic thought. Second, we can point out how public accountability is influenced by the notion of democracy. In other words, we need to consider more closely what is meant by democracy in order to grasp the real nature of public accountability.

2.1.1 Liberal Democracy

When people generally think about democracy, they actually mean the liberal notion of democracy which defines democracy as a political system in which the members of a territorially defined political community govern themselves either through direct citizen participation or through the election of representatives. Broadly speaking it is possible to distinguish two main liberal paradigms (March & Olsen, 1995; Mouffe, 2006; Sörensen & Torfing, 2008b). The first paradigm, sometimes called 'aggregative theories', regard democracy as a way of producing both political equality and individual liberty by the traditional institutions of representative democracy. Political power is equally divided among the citizens by means of general elections, and the maximum level of individual liberty is ensured by means of various forms of minority protection and a large private sphere. Individuals are portrayed as rational beings, driven by the maximization of their own interests and acting in a basically instrumental way. The other paradigm, 'integrative theories', regards democracy as a way to substitute instrumental power struggles with reasoned deliberation directed towards the identification of the common good. Democratic institutions must guard the interest of the common good against the individual interests of citizens.

The way this pursuit of the common good is best realized gave rise to two important 'movements' within the large family of integrative theories. First, the 'participatory theories' seek to limit power of governments by maximizing the direct input of the

public. Some proponents of direct democracy assert that citizens can only fulfil themselves as human beings through active participation in the political processes. Others claim that participation is required to make the government responsive to the people's needs and wishes. Most agree with both positions and regard the minimally politically active role of citizens in 'aggregative theories' as simultaneously endangering their personal integrity and their political liberty. Individual liberty in its extreme manifestation leads to individualism, atomism and political apathy which undermine the proper functioning of liberal democracy. Intensive citizen participation and a strong civil society are the best guarantee for decisions in the interest of the common good. Second, the concept of 'deliberative democracy' is closely linked to participatory theory but emphasizes another idea. Its central claim is that democracy is defined by the existence of a free, inclusive, rational debate among citizens that determines the basic thrust of public policy. In the course of this debate, citizens exchange views, persuade or are persuaded on the basis of sound reasons, and reach conclusions that represent a mutually agreeable position at the very least, and perhaps a vision of the common good.

Although the aggregative and the integrative theories of liberal democracy differ in several respects, they share the basic view that liberal democracy calls for a clear dichotomy between the public and the private, or between state and society. According to these 'traditional' theories of liberal democracy the question about the democratic quality of new forms of governance is answered univocally. Those performance-oriented governance models are a threat to liberal democracy because they undermine the borderline between the public and the private. This explains partly why so many authors have complained about existing and growing democratic deficits and accountability gaps in new forms of governance (Behn, 2001; Braithwaite, 2006; Dowdle, 2006a; Koppell, 2003; Mulgan, 2003; Papadopoulos, 2003, 2007; Pierre, 2000; Pierre & Peters, 2000; Rhodes, 1997). First, they form a threat to political equality because they undermine the sovereignty of the people and their elected representatives. Second, they are also a threat to individual liberty because the private sphere is invaded and reduced by political decision-making.

Third, they sacrifice the promotion of the common good to the promotion of particularistic interests.

2.1.2 Post-liberal democracy

These new forms of governance might enhance performance, but they are a threat to liberal representative democracy. However, are they also a threat to democracy as such? Sörensen and Torfing (2008a) claim that while a traditional liberal approach to democracy leads to an overly negative evaluation of the democratic problems and potentials of governance networks, a more complex and optimistic view is reached when taking a post-liberal approach to democracy. In the last two decades new theories of democracy have surfaced that in different ways transcend the traditional liberal theories of democracy. They renounce the traditional institutions of representative democracy and attempt to develop new, innovative institutions of democracy. They also challenge the ideas that democracy needs a sharp dichotomy between public and private and is limited to decision-making within a territorially defined political community.

Sörensen and Torfing (2008a) suggest to divide the emerging post-liberal theories of democracy into four groups according to whether they take departure from a conflict or coordination approach to governance and whether they hold a calculation or a culture view of human action. Although their effort produces some clarity and insight, it comes with some degree of oversimplification as its price. Not every new theory of democracy fits neatly into one of the groups. Moreover, and this is more important, not every new theory really succeeds into transcending the traditional liberal approach to democracy. Let us illustrate this by some examples. Eva Etzioni-Halevy (1993) reformulates traditional democratic elite theory and emphasizes the need for competition as a means for balancing elite power. The horizontal balancing of powers between different elites needs to be supplemented by the vertical balancing of powers between established and emerging elites and sub-elites. Archon Fung and Erik Olin Wright (2001) have developed a model of democracy they refer to as 'Empowered Participatory Governance' which is largely inspired by the deliberative

model of democracy. They mention three guidelines that are to be followed when designing democratic institutions capable of effectively solving defined problems: solve practical problems and deal with concrete situations, guarantee bottom-up participation of the relevant stakeholders, use deliberative problem solving. March and Olsen (1995) stress the importance of a shared sense of connectedness and collective identification necessary to realize the citizen participation and public debate for a proper functioning democratic society. These three so-called 'new' approaches of democracy build further upon the foundations of respectively the aggregative and integrative liberal theories of democracy. Although they formulate important criticisms and propose interesting adjustments of the traditional theories, they do not really get detached from their intellectual ancestors.

Sörensen and Torfing (2008a) also mention some theories which do transcend the traditional liberal democratic theories. For instance, Paul Hirst (1997) presents an associative model of democracy which suggests that publicly founded, self-regulating voluntary associations can fulfil an important role in providing public services. This democratic movement from below will form a necessary supplement to the existing representative democracy. Another interesting theory is presented by Chantal Mouffe (1993; 2006) who claims that the principal democratic task is transforming antagonistic friend-enemy relations into agonistic relations, whereby people disagree but respect another's right to voice dissimilar opinions. The political dimension, which is by nature contingent, has to be fully recognized and may not be evaded by searching in vain for a rationalized consensus. While both theories indicate important ways to escape the dominant liberal democratic thought, neither succeeds in formulating a fully developed post-liberal model of democracy. In the third section of this paper we present a recent example of such a complete post-liberal democratic theory which can guide us, when confronted with important challenges like constructing actual innovative perceptions and institutions of democracy.

2.2 Public accountability as democratic value

2.2.1 Public accountability in traditional liberal theories of democracy

After the overview of the different models of democracy, we now can address the question of how public accountability is influenced by these notions of democracy. The role that public accountability can play depends largely on how democracy is conceived. Democratic theory offers an abundance of democratic values, standards and norms against which public policy can be measured. Public accountability is one of those important democratic values (Barberis, 1998; Esmark, 2008; Hanberger, 2009; March & Olsen, 1995; Mouffe, 2006; Philp, 2009; Sörensen & Torfing, 2005), but some democratic theories rely more than others on the notion of holding public authorities to account. In aggregative theories public accountability is one of the crucial building blocks of the democratic framework. Public accountability is deeply rooted in the liberal doctrine of representative government. It is part of the broader system of checks and balances which are the bulwark against tyranny. The capacity of governments to seriously infringe the rights of citizens and damage their interests justifies correspondingly stringent guarantees of accountability to prevent governments from abusing their extraordinary powers. This liberal demand for an accountable government is reinforced by the assumption that the ultimate authority and ownership of the state rests with the citizens.

In integrative theories, however, public accountability is merely one of the many dimensions of the proper functioning of a democratic society. Both participatory and deliberative theories focus mainly on *ex ante* input of citizens or elected representatives, while public accountability is in essence *ex post* scrutiny and justification. One could argue that, in view of Bovens' definition of public accountability and its emphasis on 'deliberation' in the second phase, deliberative models of democracy are especially suited to explore the notion of public accountability. However, 'deliberation' means different things. In deliberative theories of democracy, citizens address political problems and questions through reasoned public discussions and debates which ultimately will lead to a universally accepted consensus. Public accountability also has a phase of public deliberation, but in this case the accountor tries to explain and justify his or her conduct to the accountee.

The accountee is afterwards able to pass judgment and present the accountor with certain consequences.

So, the traditional liberal models of democracy are not suited to really grasp the nature of how public accountability actually works in the new forms of governance. If we evaluate present-day governance in terms of public accountability from the perspective of aggregative theories, then the results are generally negative. Since the formal hierarchical notion of accountability, which is based on popular sovereignty and ministerial responsibility, conflicts with complex present-day governance. Consequently, it is increasingly rendered meaningless and outmoded. If we evaluate it from the perspective of integrative theories, then the results are not only negative but the focus on public accountability is also jeopardized. Then, why do we have to emphasize public accountability? Why is it so important to single out public accountability as democratic value? Why not take participation as reference?

2.2.2 The rise of public accountability

Recently there has been a renewed interest in ways to hold public authorities to account. The number and scope of these accountability arrangements have grown considerably. Power (1999) calls this the emergence of the audit society. He saw a trend towards an extended use of audit mechanisms being applied to public service delivery. Advocates of the New Public Management, such as the OECD, have been very persuasive in spreading the mantra of auditing, benchmarking or monitoring (Pollitt & Bouckaert, 2004). Some even suggest that the whole NPM-agenda not only will lead to more efficiency but also to more accountability (Bishop, Kay, & Mayer, 1994; Osborne & Gaebler, 1992; Savas, 2000). Freeman (2006), for instance, considers privatization as a mechanism for expanding public accountability through a process of 'publicization', which means that private actors increasingly commit themselves to traditionally public goals as the price to perform functions that might otherwise be provided directly by the state.

In brief, we can reasonably assume that the enduring focus on value for money, performance and results will only accentuate public accountability as the predominant democratic value. Effective and efficient governance requires giving enough autonomy to public managers to let and make them manage, which eventually results in an increased emphasis on ways to hold them accountable for their conduct and performance.

Many authors have recently claimed that existing public accountability mechanisms must be strengthened and new ones must be developed. For instance, Scott (2000) uses the concept 'extended accountability' to argue that the recent public sector reforms have led to more dense networks of accountability. Traditional accountability mechanisms are only a part of these complex networks. Previously immune actors are now being called to account, the range of values accounted for is extended and new bodies for calling to account are developed. Scott (2000) identifies at least two different models of such complex structures of extended accountability: interdependence and redundancy. Hodge and Coghill (2007) present a four-layer pyramid of the forms of accountability observed in a privatized state, with traditional formal mechanisms at the top and many more public accountability mechanisms below ranging from hard to soft. They specifically mention the paradox that in the midst of privatizing government operations, there is a need to strengthen public accountability mechanisms. Freeman (2000) suggests the notion of 'aggregate accountability' to illustrate the variety of accountability mechanisms which also include new informal, non-traditional and nongovernmental mechanisms. Behn (2001) introduces the notion of '360° accountability', which means that each individual who is part of a public agency's accountability would be accountable to all the others. In sum, all these authors stress the complexity of public accountability regimes. This complexity is a reflection of the need to incorporate multiple expectations and perspectives (Klingner et al., 2002; Koppell, 2003, 2005).

3. Monitory Democracy

In the previous section we have explained why traditional liberal theories of democracy are no longer suited to address newly emerging questions and problems

concerning public accountability. Yet, we have stressed that there is a growing interest in ways to hold public actors to account. Post-liberal theories of democracy are supposed to guide us, but so far those 'theories' provide only vague suggestions and directions. John Keane (2009), however, presents in '*The Life and Death of Democracy*' a grand overview of the past, present and future of democracy. After eras of assembly and representative democracy we are entering a new era of democracy, where the public scrutiny and public control of all kinds of decision makers is primordial. Keane calls this emerging form of democracy 'monitory democracy'. It is defined by the rapid growth of many different kinds of extra-parliamentary, power scrutinising mechanisms. "*(...) the years since 1945 have seen the invention of about a hundred different types of power-monitoring devices that never existed within the world of democracy. These watchdog and guide-dog and barking-dog inventions are changing both the nature political geography and the political dynamics of many democracies, which no longer bear much resemblance to textbook models of representative democracy, which supposed that citizens' needs are best championed through elected parliamentary representatives chosen by political parties.*" (Keane, 2009) He describes monitory democracy as a 'post-Westminster' or 'post-parliamentary' form of democracy in which power-monitoring and power-controlling devices have begun to extend sideways and downwards through the whole political order. Some examples of such extra-parliamentary power-monitoring institutions are: public integrity commissions, judicial activism, local courts, workplace tribunals, consensus conferences, advisory boards, parliaments for minorities, public interest litigation, citizens' juries, citizens' assemblies, consumer protection agencies, focus groups, deliberative polling, online petitions, social fora, independent public inquiries, think-tanks, human rights watch organisations, open methods of coordination and negotiation, peer review panels, experts' reports, summits, public consultation schemes, open houses, participatory budgeting, vigils, 'blogging' and other novel forms of media scrutiny.

According to Keane, democracy is coming to mean more than elections, political parties and parliaments, although nothing less. They lose their pivotal position in politics, but they do not disappear or decline in importance. Democracy is no longer

simply a way of handling the power of elected governments, by electoral, parliamentary and constitutional means. The emerging power-scrutinising institutions share some essential qualities. First, they are committed to providing publics with extra viewpoints and better information about the conduct and performance of various governmental and nongovernmental bodies. Second, they are geared to the definition, scrutiny and enforcement of public standards and ethical rules. Third, they are further defined by their overall commitment to strengthening the diversity and influence of citizens' voices and choices in decisions that affect their lives. Keane (2009) claims that: "*The number and range of monitory institutions so greatly increases that they point to a world where the old rule of 'one person, one vote, one representative', which is the central demand in the struggle for representative democracy, is replaced with the new principle of monitory democracy: 'one person, many interests, many voices, multiple votes, multiple representatives'.*"

Although Keane is convinced that democracy can be improved by changing people's perceptions, and by humbling those who exercise power over others, and that the seeds of greater public accountability can be planted everywhere, he pays also attention to several counter-trends and difficulties within the current, unfinished phase of democracy. He stresses that there are no built-in historical guarantees for democracy. One of the main merits of Keane's monitory democracy is that he provides a comprehensive and coherent conceptual umbrella to cover a wide range of present-day trends. The changing (i.e. extending) nature of public accountability and its respective potentials and problems is placed in a broader perspective, without compromising the straightforwardness of his argumentation. His model of monitory democracy is a useful necessary supplement for ideas and concepts suggested by authors like Scott (2000), Freeman (2000), Hodge and Coghill (2007), and Behn (2001). Yet, this dynamic interaction also works in the other direction. Keane's monitory democracy needs the elaborations and specifications put forward by these authors, because otherwise it remains largely on the surface. For instance, Keane mentions the rise of new power-scrutinising mechanisms which supplement the more traditional institutions of representative democracy. However, he does not explain thoroughly how all these mechanisms are going to interact. Are they going to

reinforce or counteract each other? What are the possible problems and potentials of this interplay between new and old instruments? How do we make sure the end result is a positive sum game? As mentioned above, Scott (2000) identifies at least two different models of extended accountability, interdependence and redundancy, to explain the relationship between different kinds of accountability mechanisms. Scott (2006) explores the complexity of accountability regimes by stressing their spontaneous emergence. He suggests that diffuse modalities of control bring with them, to a greater or lesser degree spontaneously, variety in the ways of holding actors to account. These spontaneous hybrid accountability regimes, which are so typical for contemporary governance, are challenges instead of something to be afraid of. The mixing of control will itself generate the proper mix of accountability structures, according to him.

4. Which criteria for good public accountability?

After presenting Keane's interesting post-liberal theory of 'monitory democracy' and describing its use, we want to close the circle and establish the role of public accountability in such democratic framework. How do we know when there is enough public accountability to be called 'democratic'? Where lies the minimum threshold? In other words, this fourth and final section attempts to develop some criteria, from a public accountability perspective, by which we can evaluate the democratic quality of governance models.

Esmark (2008) claims that the democratic norm of accountability is fundamentally premised on the idea of representation. Keane (2009) also stresses that all of the new power-scrutinising experiments in the name of the people or citizens empowerment rely inevitably on representation. In other words, 'monitory democracy' thrives on representation. The democratic promise invoked by the norm of accountability is not one of direct or participatory democracy, but instead one of proper functioning representation. The concept of representation has played and continues to play an important role in concretizing democracy, namely the idea that those potentially affected by decisions have the opportunity to express their opinions. Not everyone has the opportunity to participate directly in the political arena, but

everyone has representatives who can. In other words, groups of citizens have the opportunity to authorize and hold their representatives accountable in various ways. This can be done by means of elections or by other arrangements. Although *direct* public participation and deliberation are important democratic values, we can reasonably assume that our forms of *indirect* public participation and deliberation (i.e. political representation) are going to expand given the enormous complexity of present-day governance. New forms of representation are emerging in the everyday practices of public policy, where governance extends to experts advisory bodies, stakeholder roundtables, citizens' forums, networks of corporations, etc. They all make public claims to represent particular interests. In most cases these new forms of representation are self-authorized, which means that they lack formal authorization from those they represent (Hendriks, 2009; Keane, 2009; Mansbridge, 2003). Vibert (2007) calls it the rise of the unelected.

Therefore, a first crucial criterion to assess the level of public accountability is the presence of proper **representation**. Those people whose rights or interests are affected by political actions or decisions ought to have the possibility to hold those political authorities to account for the way they been treated. If we evaluate a particular policy structure or domain, we first and foremost must check if all relevant parties are represented and have the possibility to hear and be heard. The citizens, by means of their elected or non-elected representatives, must be present in the arenas where the decisions are made. This criterion is clearly fundamental (Esmark, 2008).

The following criteria are also important but subordinate. The second criterion is **transparency**. This requires that those affected, or at least their representatives, have sufficient access to the relevant information. It is preferable that those affected have direct access to this information, but it is not absolutely necessary. As long as their representatives have this access, the minimum requirement of transparency is guaranteed. The representatives are expected to communicate openly with their 'constituents'. Transparency has both a passive and active dimension. A transparent public authority grants access to the public, press, interest groups and other parties

interested in its activities. Those parties must have the opportunity to examine and research. In addition, public authorities are also subject to regular reviewing and questioning. They have to respond actively to the questions and remarks of researchers. The third criterion is **deliberation**. The representatives of those affected need the opportunity to voice their opinions, solutions, remarks and criticisms. This is an elaboration on how the interests of those affected are best represented. They deserve a genuine discussion, in which arguments of both sides are taken seriously. Their presence at the decision-making table is not enough, they must have the opportunity to speak and discuss. Again, the representatives are expected to discuss and communicate with their constituents. The fourth and final criterion is **responsiveness**. Without the possibility of those represented to correct or influence the conduct of the representatives, by facing them with certain consequences, public accountability remains without real value. The representatives must also be able to correct or influence the decision-making arena in some way. The mere revelation of wrongdoing or poor performance does not constitute public accountability. Consequences must be attached to performance in the form of professional rewards or setbacks, added or diminished budget authority, increased or diminished discretion, or reduced or increased monitoring. There is a hierarchy of possible consequences, ranging from the ability to shame to formal sanctions like dismissal. These subsequent criteria correspond with the three phases of Bovens' definition of public accountability and elaborate them: information, debate and consequence.

5. Conclusion

The main challenge of this paper was developing our understanding of public accountability by making it operational. There is a strong feeling that there is something wrong with the way public authorities are being held to account in new forms of governance. Yet, there is a broad variety of public accountability mechanisms and tools. Therefore, it is necessary to unravel this paradox and revisit the notion of public accountability.

The traditional hierarchical approach to public accountability is ill-adapted to the complexity of present-day governance. Many authors have correctly argued that the notion of public accountability has to be extended and welcome a lot of new instruments to hold public authorities to account. Although the traditional hierarchical instruments are still important, they have to be reinvented and supplemented to remain relevant.

Democratic control by citizens and their representatives is one of the three normative goals of public accountability. Yet, like the traditional approach of public accountability is superseded, the traditional liberal democratic framework is increasingly becoming less suited to evaluate new forms of governance. If one uses an outmoded frame to assess the present situation, then one is likely to be disappointed. Therefore, the conclusion that new forms of governance create a democratic deficit is omnipresent. However, they may be a threat to liberal representative democracy, but are they also a threat to democracy in general?

Post-liberal theories of democracy are less hostile towards these new forms of governance. For instance, Keane's monitory democracy stresses the rapid growth of extra-parliamentary, power scrutinising mechanisms. Democracy is no longer about elections, political parties and parliaments but about the proliferation of new, various devices to control public power. Public accountability becomes the predominant democratic value in the new era of monitory democracy. The crucial question becomes then: how to combine these various power-controlling instruments to maximize the public accountability, without impairing governance performance?

When is there enough public accountability to pass the 'democratic test'? In other words, what defines the hallmark of good public accountability? We mentioned four criteria, of which the first one is primordial. First, all parties whose rights or interests are affected by political decisions must be *represented* in the decision-making arena. This can be done by means of elected or non-elected representatives. Second, the decision-making process has to be *transparent*. Those affected by the decisions must have access to the relevant information (at least indirectly). Third, the

representatives must be able to defend the interests of the affected parties in a fair and open *discussion*. Fourth, those affected must have the possibility to correct or influence the conduct of the representatives by facing them with certain *consequences*. Those representatives must also be able to correct or influence the arena. Bearing these four criteria in mind we can begin to explore the public accountability empirically, by applying them to the analysis of four case studies of PPP in Flanders.

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