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ONE CHEER FOR HIERARCHY – ACCOUNTABILITY IN DISJOINTED GOVERNANCE¹

RICHARD MULGAN

Abstract

The recent trend to devolved and decoupled governance has raised issues of accountability. Are networks of independent actors and agencies more or less accountable than traditional government hierarchies under political control? The same question has long been posed of federations versus unitary systems. Accountability itself is a contested term with different versions placing more or less emphasis on external scrutiny versus internal responsibility and on rectification. Networks are stronger in the communicative stages of accountability (information and discussion) provided that the networks themselves are open and transparent. Hierarchies, however, offer better prospects of rectification, being less prone to buck-passing, provided that the head (as in ministerial responsibility) is personally accountable for exercising the obligations of collective accountability.

Keywords: accountability; responsibility; networks; hierarchies; federalism

INTRODUCTION: SINGLE OR MULTIPLE ACCOUNTABILITY?

How can government institutions be made accountable to the citizens they are meant to serve? This is a broad question that raises most of the issues of modern democracy. In

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1 This article was first presented as the keynote address to the New Zealand Political Studies Conference held in Auckland in April 2003.

representative democracies, formal power lies with governments but ultimate direction is supposed to rest with citizens. The task is therefore to make governments accountable to citizens, a principle that underlies most of the processes we associate with democracy such as elections, parliamentary scrutiny, media commentary, public consultation and so on. All such processes offer opportunities to call governments to account, though they often promise more than they deliver. This article focuses on one aspect of this problem, one concerning the structure and design of government institutions. What type of government organisation offers citizens the best hope of holding their governments accountable? In particular, should government functions be carried out by tightly structured hierarchical organisations in which each official answers to a superior through an internal chain of command and the person (or group) at the top answers for the whole? Alternatively, is accountability better provided by more devolved structures where no one person or group is clearly in charge and where responsibility for providing particular services is shared between more or less independent actors and agencies?

The issue has risen to prominence in the last ten years or so as a result of the widespread restructuring of government institutions and the move away from government departments as the main method of delivering public services. Governments are now placing much more reliance on purchasing services from more or less independent providers, including executive agencies, statutory authorities and private organisations, both commercial and nonprofit. The main rationale has been to reduce costs and improve services, arguments that have been fiercely contested on both sides. But there have also been concerns about accountability, again with advocates on each side claiming that the changes either increase accountability to the public² or decrease it.³

Government departments under political control are classic examples of hierarchical organisations where the members are linked by formal control structures in superior/subordinate relations and where accountability is channeled through the top. The new arrangements, however, tend to dispense with direct hierarchical control. They rely instead on various forms of agreement between legally independent players, linked together in a cooperative enterprise or partnership. Such relationships have come to be known as 'networks', understood as structures of collective action and decision-making in which formally independent groups or individuals cooperate for shared purposes.⁴

NETWORKS

The building blocks of networks are primarily institutions, such as government departments, statutory authorities, executive agencies, public and private companies and nonprofit organisations. Typical examples of networks are (i) a telecommunications network, where government communications policy is the joint responsibility of a minister and department,

2 See, e.g., New Zealand Treasury, *Government Management* (Wellington: The Treasury, 1987); D. Osborne and T. Gaebler, *Reinventing Government* (Reading, Massachusetts: Addison-Wesley, 1992).

3 See R. Mulgan, 'Contracting out and accountability', *Australian Journal of Public Administration*, Vol. 56, No. 4 (December 1997), pp. 106-16; R. A. W. Rhodes, *Understanding Governance: Public Networks, Governance, Reflexivity and Accountability* (Buckingham: Open University Press, 1997), pp. 101-3.

4 C. Hay, 'The tangled webs we weave: the discourse, strategy and practice of networking', in D. Marsh (ed.), *Comparing Policy Networks* (Buckingham: Open University Press, 1998), pp. 33-51.

a statutory regulator and a telecommunications company partly in government ownership; (ii) an aged care network, where caring for the elderly and infirm is the shared responsibility of a minister and government department, public and private hospitals, government monitoring agencies, and health professionals; (iii) an anti-terrorism network, where security policy is the shared responsibility of several ministers and government agencies at different levels of government, federal, state and international.

Networks are commonly contrasted not only with hierarchies but also with markets. Markets, like networks, also involve relationships between independent actors linked through agreements rather than by control structures. But in markets, the parties are assumed to act out of their independent self-interest and the terms of the market exchange are limited and clearly specified, typically in a detailed contract. Network members, by contrast, cooperate in shared values and objectives and engage in open-ended partnerships over a substantial period of time. The difference can be made in terms of two types of contract⁵ – the classic contract, like a sales contract, where everything is spelled out in advance, and the relational contract, like a partnership or employment contract, where the parties agree to cooperate and to work things out as they go along. The line between markets and networks is not clear-cut, with limited market-style relationships sometimes shading over time into partnership arrangements. Nonetheless, the difference in principle is important, particularly in relation to accountability. Market-style relationships are much more straightforward. Each party's obligations are clearly specified and each can be held clearly accountable in terms of the contract. In networks, however, obligations are not specified in advance, except in general terms, and responsibility for particular policies or decisions is shared among several parties, making accountability much less straightforward.⁶

Reforms to the state sector have involved market-style contracting as well as networks, particularly for outsourcing the more routinised forms of service such as cleaning and rubbish collection. Notoriously, of course, the New Zealand reforms of the late 1980s and 1990s attempted to build a whole new structure on market-style contracts which would supposedly clarify accountability. As critics pointed out, however, most complex governmental tasks could not be reduced to specific contracts. Relationships between ministers and department heads or between different public agencies could not be treated as arrangements between parties with divergent interests who agreed only to fulfil the stated terms of a contract. In practice, the new structure was sustained not by the strict enforcement of the letter of the contracts but more by the shared values and close personal links within New Zealand's policy elite.⁷ Arguably, the whole edifice was actually a collection of networks masquerading as a system of markets. Experience elsewhere confirms that when governments share their functions with other independent organisations, the complexity of the tasks and of the relationships generally means that the appropriate model is that of a network or partnership rather than a market-style contract. The original New Zealand faith in the specificity of contracts and the consequent clarity of accountability seems increasingly to have been a blind alley that other jurisdictions were prudent to avoid. So we are generally justified in

5 J. Boston, J. Martin, J. Pallot and P. Walsh, *Public Management: The New Zealand Model* (Auckland: Oxford University Press, 1996), p. 31.

6 B. Radin and B. Romzek, 'Accountability expectations in an intergovernmental arena: the National Rural Development Partnership', *Publius*, Vol. 26, No. 2 (1996), pp. 59-81.

7 R. Mulgan, 'Democracy in retreat? Assessing New Zealand's political experiments', *New Zealand Studies*, Vol. 8, No. 2 (1998), pp. 12-21.

seeing the main contrast in the method of delivering public services to be between hierarchical government departments and networks of independent agencies.

The term 'network' used in this way is comparatively new, part of the plethora of new jargon surrounding the privatisation of the state, along with 'steering not rowing', the 'hollowed-out' state and the new 'governance'⁸ – all nineties catch-phrases. But though the term 'network' is comparatively new and many of the quoted examples arise out of the recent restructuring of the state, the phenomenon itself is far from recent. Networks have been an inevitable part of all systems of government at all times and certainly predate the rise of the modern hierarchically structured government. The creation of centralised, professional bureaucracies in the nineteenth century can be seen as an attempt to impose centralised, hierarchical order on haphazard networks of boards, guilds, cooperative societies and so on.⁹ In Westminster systems, centralised bureaucracy facilitated the development of ministerial responsibility as a means of organising government and bringing it under political control. But in spite of such reforms, many network-style arrangements continued. In most Westminster countries, as well as in the United States, many areas of public policy, such as education, health and roads, have long been conducted by networks or partnerships between government departments and more or less arms-length boards and corporations. In Australia particularly, the cooperation was seen as a favoured method of keeping the politicians out of day-to-day decisions while still leaving general policy in government hands.

Moreover, federal systems such as the United States, Canada and Australia have always involved policy cooperation between independent levels of government. Indeed, federal systems are themselves classic instances of network structures. Longstanding debates about the relative merits of federal versus unitary systems have raised the same basic question of accountability in essentially similar terms. Does the division of powers in a federal system make it easier or harder for citizens to hold their governments accountable compared with unitary systems under a single chain of central control? So we see that the question of the comparative accountability in networks compared with hierarchies is in fact not really a new question at all. As often in the study of politics, the terms may be new and also the favoured examples. But the central issue itself is perennial.

ACCOUNTABILITY

Some preliminary remarks need also to be made about the other key term in our question – 'accountability'. As with other key democratic values – 'freedom' and 'equality', not to mention 'democracy' itself – its meaning is contested. Moreover, its admission into the pantheon of democratic values is relatively recent. The French Revolution was not fought for 'liberty', 'equality', 'fraternity' and 'accountability'. Indeed, French and the other languages of continental Europe do not appear to have a clear equivalent for 'accountability', which is an English-speaking preserve. Though the term has been around in English for some time, its widespread use beyond the more restricted contexts of financial accounting started only in the mid-1980s as part of the new public management. As an illustration, the

⁸ Rhodes, *Understanding Governance*.

⁹ M. Flinders, 'The enduring centrality of individual ministerial responsibility within the British constitution', *Journal of Legislative Studies*, Vol. 6, No. 3 (2000), pp. 73-92.

Report of the Royal Commission on the Electoral System, published in 1986, makes only passing and occasional reference to 'accountability'¹⁰ and does not mention it at all in the introductory statement of general values.¹¹ A year later, however, in the Treasury's post election manifesto, *Government Management*,¹² 'accountability' is a central, organising concept.

Definitional issues could take up a whole article in themselves so some summary conclusions will have to suffice.¹³ The core sense of accountability is the obligation to give an account of what one has done. It implies a social relationship between the person giving the account – the accountor – and the person to whom account is given – the account-holder who holds the accountor to account. Like freedom and equality, accountability must be identified contextually – *who* is accountable *to whom* and *for what*. For this reason, again as in the case of freedom and equality, it does not make sense to talk of an unqualified increase or decrease in accountability as such. One must always specify what type of accountability – of who to whom and for what – is being increased or reduced.

The meaning of 'accountability' is contested in two main areas, both of which have an impact on the debate at hand. One concerns the inclusion of sanctions or penalties. Most people agree that accountability includes the process of giving information and reporting on performance, features often identified with the concept of transparency. It also often requires justification of action through the giving of reasons, which can in turn involve public debate and dialogue. But are these functions of information and discussion sufficient to guarantee accountability? In many cases, particularly when mistakes have been made and things have gone wrong, we want to see something more than just transparency and communication, important though these functions are. We want appropriate rectification through the provision of compensation for victims and penalties for those responsible. Without such responses, accountability seems frustrated. Particularly when an institution has caused a major disaster and loss of life, heads should roll. If heads stay stubbornly in place, as often happens, we think that accountability has been denied. In other words, accountability implies an element of retributive justice. Some versions of accountability, however, exclude rectification and insist only on the communicative aspects of information and discussion.

The second area where the meaning of accountability is contested is in its relationship to personal responsibility. Again to simplify drastically, personal responsibility normally refers to the capacity to perform actions for which one can be praised and blamed. It implies voluntary action, the capacity to make informed choices and so on. Personal responsibility in this sense refers to what may be described as the internal, psychological features of voluntary action. Accountability, on the other hand, at least according to the view being suggested here, involves interaction with an external authority who has the right to call one to account. We are accountable to someone else for the way in which we exercise our personal responsibilities.

This division of linguistic labour between responsibility and accountability is by no means universally accepted. In the first place, responsibility has often been taken to include

10 Royal Commission on the Electoral System, *Towards a Better Democracy* (Wellington: Government Printer, 1996), p. 12.

11 Royal Commission on the Electoral System, *Towards a Better Democracy*, ch. 1.

12 New Zealand Treasury, *Government Management*.

13 R. Mulgan, "Accountability": an ever-expanding concept?, *Public Administration*, Vol. 78 (2000), pp. 555-74; R. Mulgan, *Holding Power to Account* (Basingstoke and New York: 2003), ch. 1.

the external as well as the internal aspects. Before the recent rise of accountability as a term of fashion, responsibility was the main word used for the duty to answer to others and this usage still survives. After all, the obligation of ministers to answer to Parliament has traditionally been known as ministerial responsibility, even though these days it is just as likely to be described as ministerial accountability.

Secondly, accountability has moved in the opposite direction, colonising the internal aspects of responsibility. For instance, some analysts talk of personal accountability, meaning the duty to answer to oneself or to one's conscience regardless of any scrutiny by others.¹⁴ Just because no one else can call us to account, the argument runs, it does not follow that we are unaccountable. This view commends itself to committed professionals, such as voluntary social workers, who like to think of themselves as acting responsibly and therefore being accountable even when they are not actually subject to external scrutiny. Most people, however, appear to hold to a more restricted view of accountability that confines it to the interpersonal processes already mentioned. Accountability is thus identified with the external, scrutinising processes of informing and discussing, culminating, where necessary, in rectification.

INFORMATION AND DISCUSSION

So much for terminological preliminaries: now to the question at hand. What type of organisational structure offers the best prospects for holding government accountable to the citizens for the policies it decides and the services it provides – a hierarchy with a single point of authority or a network with dispersed authority? The question is best approached in two parts, looking first at the communicative stages of accountability, that is, information and discussion, and then at the final stage of rectification. In relation to communication, hierarchies usually tend to channel all accountability through the head of the organisation, making the head the only person who can answer to the public on behalf of the organisation. Though many individual members may have contributed to a collective action, it is the head who usually takes responsibility in the sense of performing the expected accountability functions of providing information, justifying decisions and replying to public criticism. Such functions may sometimes be carried out by designated subordinates, such as public relations officials or media spokespeople, but these people always act strictly on behalf of the leadership. The reasons for such a concentration follow from the structural imperatives facing the organisation and its leaders, particularly the need for corporate unity and central control. Unity demands that the organisation speak with one voice. Central control demands that this voice be that of the leadership. These imperatives, for instance, provide the rationale for ministerial responsibility, which is a classic instance of single-point accountability designed to reinforce top-down hierarchical control.

However, the disadvantages of such centralised monopoly of accountability are well-known. It is much easier for organisations to control the flow of information to the public if

14 See P. Day and R. Klein, *Accountabilities: Five Public Services* (London: Tavistock, 1987), p. 229; D. Leat, 'Voluntary organizations and accountability: theory and practice' in H. K. Anheier and W. Seibel (eds.), *The Third Sector: Comparative Studies of Nonprofit Organizations* (Berlin: Walter de Gruyter, 1990), pp. 141-53; A. Sinclair, 'The chameleon of accountability', *Accounting Organizations and Society* Vol. 20 (1995), pp. 219-37.

there is only one recognised source and that source is the organisation's head. In the name of organisational unity, subordinate members are muzzled when they might be able to throw valuable light on an issue. The public are thus deprived of the chance to see the whole picture. Ministerial responsibility has often been used as a device for shielding public servants from scrutiny and for covering up inconvenient and politically embarrassing facts. Similarly, with respect to the discussion stage, those in charge have a better chance of controlling the terms and direction of public debate if they have sole responsibility for presenting the case on behalf of the organisation. Alternative views within the organisation are suppressed and public scrutiny correspondingly blunted.

Networks, on the other hand, provide a welcome release from the straightjacket of such monopoly. No one person or institution is wholly in charge but responsibility is shared between several more or less independent partners. Such devolution immediately opens up the possibility of multiple sources of information and multiple contact points for discussion. Federal systems, for instance, where functions are shared between more than one level of government, provide members of the public with alternative points of access. Interested citizens or groups who are baulked by a minister or department at one level can approach the relevant counterpart in the other level and can often hope for a more sympathetic hearing. Similarly, where government services are provided by a partnership between a government agency and a private organisation such as a nonprofit charity, aggrieved citizens have the chance to complain to both institutions. They thus have a greater chance of getting a fair hearing or of eliciting relevant information. In general, plural points of access reduce the likelihood that authorities can control the flow of information and the direction of debate.

Moreover, the internal dynamics of networks, with the looser relationships between the constituent members, tend to encourage a more open and critical dialogue between the members than is found in hierarchical structures.¹⁵ Because each side contributes from a different standpoint with differing interests, they need to watch each other and keep each other honest. Network members, in other words, are accountable to each other. They may be cooperating for some shared objectives but they also need to be sure that their own values and perspectives are not compromised. Federal systems, for instance, are marked by continuous, robust debate between central and state governments. Similarly, networks of professionals engaged in social service delivery engage in mutual interrogation, testing and questioning each other about their respective contributions to a common project. Such debate is often carried on in the public domain and thus provides openings for the wider public to become better informed and to share in discussion. In this way the internal dialogue and accountability that characterise networks can spill over into accountability to the general public. Instead of closed hierarchical systems that can control the outflow of information and direction of debate, networks provide devolved structures that can be both more porous and more amenable to influence.

On the whole, then, in very general terms, networks may be said to have the edge on hierarchies in facilitating information and discussion. In practice, however, the contrast is not always so clear cut. Hierarchies, for instance, may be made more open by exposing their members to alternative accountability mechanisms. In all Westminster countries, for instance, ministerial responsibility has been significantly modified by the progressive opening up of

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15 J. Braithwaite, 'On speaking softly and carrying big sticks: neglected dimensions of a republican separation of powers', *University of Toronto Law Journal*, Vol. 47 (1997), pp. 305-61.

additional channels of accountability. Public servants are now directly investigated by ombudsmen and parliamentary committees as well as being subject to Freedom of Information legislation and to judicial review of administrative actions. Public servants are now themselves much more openly accountable than their predecessors of fifty years ago.

Each of these innovations was resisted at the time on the ground that it would weaken ministerial responsibility and undermine the authority of ministers. These fears have generally proved unfounded. Ministers still bear the brunt of public questioning and still retain authority over their departments. That they do so is largely because the additional avenues of accountability have been carefully constrained in order to protect the overall right of ministers to control their departments. The elusive and flexible distinction between 'policy' and 'administration' has allowed public servants to avoid publicly contradicting their ministers, while ministers themselves are still expected to answer for the whole range of departmental actions. The conventions fray at the edges, of course, most recently in New Zealand with the Corngate press conference.¹⁶ The new procedures have provided ministers with new possibilities of deflecting inquiries to public servants.¹⁷ But such opportunities are rarely taken up because they tend to undermine the more important power of hierarchical control which ministers generally wish to retain. In this way, we see how the hierarchical principle and the value of transparency are in tension and there is a limit to how much openness a hierarchy can tolerate and still remain effective.

Networks, on the other hand, are not universally transparent. Whether they actually deliver greater accountability in practice depends on the degree of openness within the network itself. In federal systems, for instance, where the networks consist of elected politicians rather than appointed officials, there is a greater chance of exposing the members to external scrutiny. Politicians are accustomed to facing public questions about their activities and they run the risks of political damage if they refuse to answer. Similarly, members of community action groups, with a strong commitment to grass-roots representation and feedback, are likely to report back regularly to their membership, thus acting as conduits of information and argument to a wider public. In such cases, accountability may be said to be compounded. Members of the network are themselves externally accountable for the way in which they hold each other accountable within the network.

On the other hand, networks may be structures of exclusion as much as inclusion.¹⁸ Indeed, the normal connotation of the term 'network' suggests informal links that are used to pursue personal agendas. It conjures up an image of a charmed circle of those in the know, insiders advancing their interests at the expense of the general public. Some policy networks are of this type, where governments negotiate policies with a few favoured movers and shakers without revealing any of the substance of the discussion to the wider public. In Australia, for instance, policies on media ownership are notoriously carried on between a small group of ministers and representatives of the two media magnates, Murdoch and Packer. Similarly, networks of appointed officials from different organisations or levels of government tend to be highly opaque, a criticism frequently made of decision-making in the European

16 C. James, 'A new "Wintringham doctrine"', Address to Centre for Public Law, 2002, http://www.synopsis.co.nz/random_thoughts

17 E. McLeay, 'Cabinet' in R. Miller (ed.), *New Zealand Government and Politics* (Auckland: Oxford University Press, 2001), p. 93.

18 Rhodes, *Understanding Governance*, p. 58.

Union.¹⁹ Just because decisions are made within a loosely structured group of mutually accountable people does not mean that the interests of public accountability are necessarily served. The same point applies to networks of professionals, such as academics and doctors. Strong patterns of peer review and mutual accountability may be practised between members of the profession. But if the professionals do not recognise any accountability to the public for the way in which they hold each other accountable, the public is effectively excluded. Professional accountability may in fact become a means of avoiding public accountability through entrenching the profession's right to self-scrutiny. The generalisation that networks facilitate transparency and public debate needs to be qualified by a proviso that the networks themselves must be open and transparent.

RECTIFICATION

We come now to the other main element in accountability, rectification when mistakes are made. If the pluralism of networks offers advantages at the communication stages, the monolithic structure of hierarchies provides the edge in terms of rectification. Responsibility in hierarchies is centred in a single identifiable head who is clearly obliged to take action. He or she is expected to exercise collective responsibility on behalf of the organisation, to accept that mistakes have occurred, to initiate inquiries and to impose remedies including penalties for those personally responsible. Because these obligations clearly lie with the organisation's head, he or she cannot easily deflect them on to someone else. Moreover, the head of a hierarchy normally has the capacity to issue binding directions including the provision of remedies.

With networks, by contrast, the very openness and looseness that facilitate information and discussion become impediments in relation to accepting responsibility and imposing remedies when things go wrong. Where no one person or institution is clearly in charge – the defining characteristic of networks – it follows that no one can be called on to take responsibility and answer to the public. Buck-passing becomes a natural and rational response from each network member who carries only a share of the blame and who can see no reason to accept blame on the part of the rest.²⁰ Moreover, even if blame can be successfully allocated, the lack of any single line of control impedes the chances of successfully penalising those responsible and compensating any victims. If no one has the power to issue instructions that carry authority throughout the organisation structure, rectification is likely to be frustrated. In this respect, then, the lack of hierarchy becomes a handicap. The head of a hierarchy is in a position to impose remedies and deliver satisfactory outcomes in a way that no individual network member can.

Again, the contrast needs to be qualified. Buck-passing is far from unknown on the part of heads of hierarchical organisations, certainly in relation to allocating personal responsibility for collective failure.²¹ The head may refuse to accept personal responsibility, shifting the

19 C. Harlow, *Accountability in the European Union* (Oxford: Oxford University Press, 2002).

20 C. Hood, 'The risk game and the blame game', *Government and Opposition*, Vol. 37 (2002), pp. 15-37.

21 M. Bovens, *The Quest for Responsibility - Accountability and Citizenship in Complex Organisations* (Cambridge: Cambridge University Press, 1998); R. Gregory, 'Political responsibility for bureaucratic incompetence: tragedy at Cave Creek', *Public Administration*, Vol. 76 (1998), pp. 519-38.

blame unfairly on to subordinates who are often unable to answer. Alternatively, the head may make a fine show of accepting all responsibility himself or herself when he or she is clearly blameless. In this way, the guilty are protected and the public's desire for punishment is frustrated. The ACT territory government in Canberra has recently provided nice illustrations of each tactic in response to local tragedies. Under a previous Chief Minister, Kate Carnell, the implosion of the old hospital was openly promoted as a public spectacle but went badly wrong, killing a school girl picnicking with her family among the invited crowd. Though the event had been clearly inspired by the Chief Minister's addiction to media stunts and photo opportunities, she refused to take any personal blame, placing all responsibility on subordinates, thus provoking much public anger. In early 2003 the newly elected Chief Minister, John Stanhope, had to deal with the fatal bushfires. Serious questions were raised about the competence of the local fire and emergency services and whether they had prepared properly for such a crisis. The new Chief Minister could not himself have been expected to know what should be done. But he insisted on taking all blame himself as the elected leader and would not allow any criticism of his professional officials, again to public anger.

At least in these cases, elected leaders are subject to a degree of public questioning. In other instances, the closed nature of hierarchical organisations allows them to stave off any pressure to respond satisfactorily. One thinks of churches protecting child-abusing priests and armies covering up war crimes. Again, much depends on the degree of compounded accountability to which the organisational head is subjected. Hierarchies are most likely to deliver satisfactory remedies when the head of the organisation is himself or herself accountable for carrying out the duties of rectification. Failure to provide answers, to allocate blame or to impose solutions must itself be subject to effective scrutiny. Such scrutiny is certainly applied to ministers who are exposed to intense media and parliamentary scrutiny and ultimately to the voters. It is for this reason that ministers are such effective agents of rectification, especially when they are not themselves personally to blame and have little to lose personally by exposing the culprits in their departments.²² Their capacity to issue binding instructions enables them to act as forceful agents of accountability on the public's behalf. The political costs of covering up are much greater than those of openly acknowledging departmental mistakes and proceeding to rectify them.

Hierarchical leadership can thus deliver effective rectification if leaders themselves are held personally accountable for how they exercise the obligations of collective accountability. The importance of hierarchy in reducing ministerial buck-passing is confirmed by what happens when ministers are required to operate in network-style relationships. In federal systems, for instance, ministers are often unable to rectify policy outcomes because these outcomes are the result of actions by more than one level of government. In Australia, for instance, ministers of health in Commonwealth and State governments continuously blame each other for the mounting crisis in public hospitals and quite understandably so. Neither side has full responsibility and so neither side can actually impose any solution. The upshot is endless toing and froing while the public's demand for remedies is frustrated.

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22 R. Mulgan, 'Processes of accountability', *Australian Journal of Public Administration*, Vol. 56, No. 1 (March 1997), pp. 25-36.

Ministers also operate in network-style relationships within a single level of government when delivery of government policy has been devolved to an independent statutory authority or to a private contractor. Here, too, ministers may find themselves unable to impose remedies. Indeed, recent experiments in disaggregating government departments and allocating the functions of purchasing and providing services to different agencies provides many examples of ministers attempting to wash their hands of responsibility for unpopular outcomes.²³ Often the minister may be within the strict letter of the contract. If service provision is the responsibility of the service provider then it is the service provider who should be held accountable for mistakes. Such responses, however, have not gone down well with the public who still expect ministers to front up and provide remedies. Being fobbed off with the head of a statutory authority or a private contractor is unsatisfactory precisely because such people are much less accountable. They can get away with refusing to comment publicly in a way that elected politicians cannot.

Indeed, pressure from public expectations has often forced governments to step back from the more extreme versions of purchaser/provider separation. It is now accepted that ministers will be held accountable for the full range of decisions that occur within their general portfolios. In turn, if ministers are to carry the can, they need to be protected from adverse surprises and need the power to enforce solutions, requirements that inevitably lead to re-imposition of hierarchical controls, whether formally or informally. In this respect, we can see that the hierarchical power of ministers is critical to their rectificatory role and tends to be reinforced by public demands for accountability.

CONCLUSION: ONE CHEER FOR HIERARCHY

Thus, neither hierarchies nor networks are free of problems in relation to accountability. While hierarchies can abuse their tightness of control to impede access to the public, networks are also problematic. They are prone to two possible weaknesses in relation to accountability, a tendency to exclusivity in communication and a problem of shared responsibility which encourages buck-passing. The extent of such weakness varies not only with individual circumstances but also with the perspective on the concept of accountability itself. As mentioned earlier, the meaning of accountability is contested. The version being adopted in this analysis emphasises the external nature of accountability – the need to account to others, particularly the public at large and its representatives. It rejects the notion of purely internal accountability, such as a sense of personal commitment or responsiveness to perceived public need. It also sees rectification and the imposition of sanctions as an integral part of accountability and is not limited, as are some versions, with just the information and discussion stages. These two points of difference, significantly, bear on the relative strengths of hierarchies and networks in relation to accountability. A stress on externality and rectification highlights the areas where hierarchy tends to be comparatively strong. Conversely, stressing commitment and responsiveness and downplaying rectification allows networks and self-regulating professions to appear in a more favourable light. Indeed, a number of recent network

23 R. Mulgan, 'Public accountability of provider agencies: the case of the Australian Centrelink', *International Journal of Administrative Sciences*, Vol. 68, No. 1 (2002), pp. 45-59.

theorists have adopted just this line, arguing that commitment and responsiveness need to take the place of control-based types of accountability and are in fact alternative forms of accountability.²⁴

However, such an identification is open to challenge. Members of the nonprofit sector are certainly known for their comparatively high levels of altruism and personal integrity. But to describe these values as forms of accountability obscures the extent to which the nonprofit sector is not subject to public scrutiny and cannot actually be called to account by the public it serves. In their dealings with charities, the public has to rely more on the grace-and-favour altruism of service providers and on their willingness to serve the public without the pressure of external scrutiny. Such reliance may often be justified and may indeed be essential for charities to fulfil their missions. But it does not involve accountability as normally understood. The view submitted here, at least, is that accountability requires external scrutiny and the capacity to impose remedies. On this understanding, nonprofit organisations and their internal networks are often highly unaccountable, for better or worse.

So one cheer at least for hierarchy, provided always that the persons in charge are themselves kept accountable, as elected politicians can be, and provided also that accountability through the chain of command is supplemented by alternative channels particularly for information and discussion. If this sounds like a defence of ministerial responsibility, it is meant to be, up to a point. It is not a defence of Westminster ministerial responsibility in the sole and exclusive sense that has sometimes been used to inhibit all other channels of accountability. Rather it is a defence of ministerial responsibility suitably assisted by other means of finding out what is going on and of provoking public discussion, including parliamentary scrutiny, investigation by ombudsmen and auditors, consultation with interest groups and not forgetting the vital contribution of whistle-blowers. At the centre of this array of competing and overlapping avenues of inquiry should lie the backbone of political control. Only this type of control can provide a sufficient response to public pressure, particularly in the face of administrative error. Such structures are not unique to Westminster systems but are found wherever government services are under the direct control of elected leaders.

If such a conclusion also sounds like a criticism of federalism, it is that too, but again only up to a point. The criticism that federalism divides responsibility and therefore impedes accountability is far from new. Indeed, in Australia, it was a familiar refrain of an earlier generation of political scientists.²⁵ Today, however, the criticism is viewed as an instance of outdated 'colonial cringe' which indicates undue subservience to inappropriate Westminster models.²⁶ Instead, federalism is generally embraced for its greater openness and pluralism. However, the pendulum may have swung too far in the other direction. Federalism does

24 See M. Considine, *Enterprising States: The Public Management of Welfare-to-Work* (Cambridge: Cambridge University Press, 2001); M. Considine, 'The end of the line? Accountable governance in the age of networks, partnerships and joined-up services', *Governance*, Vol. 15, No. 1 (2002), pp. 21-40; R. Agranoff and M. McGuire, 'Big questions in public network management research', *Journal of Public Administration Research and Theory*, Vol. 11, No. 3 (2001), pp. 326.

25 See L. F. Crisp, *Australian National Government*, Fourth edition (Melbourne: Longman Cheshire, 1978); G. Sawer, *Australian Federalism in the Courts* (Melbourne: Melbourne University Press, 1967).

26 See B. Galligan, *A Federal Republic* (Cambridge: Cambridge University Press, 1995); M. Painter, 'Federal theory and executive federalism' in J. Halligan (ed.), *Public Administration under Scrutiny* (Canberra: Centre for Research in Public Sector Management, University of Canberra, 1996), pp. 77-96; J. Uhr, *Deliberative Democracy in Australia* (Cambridge: Cambridge University Press, 1998).

cause some problems for accountability. Conversely, some virtues attach to unitary systems and to the concentration of accountability they make possible. This is not so much a preference for Westminster traditions *per se*, but more for the principles of hierarchical control subject to accountable political leadership. That such principles emerged in the nineteenth century alongside the development of representative democracy is hardly surprising. They provide the best means of making government bureaucracies responsive to the public. As with other hard-won institutions dating from that great era of reform, such as public service boards and government auditors, we dismantle them at our peril.