



# **The reputational basis of public accountability**

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# The reputational basis of public accountability

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## Abstract

This paper identifies and explains two core puzzles of accountability. The first is the misfit between behavioural predictions of the hegemonic political science framework for talking about accountability, namely principal-agent, and empirical findings. The second puzzle is the unrivalled popularity of accountability, given an empirical track record documenting how supposedly accountability enhancing measures often lead to opposite effects. To make sense of these puzzles, the paper considers what a ‘reputation-informed’ theoretical approach to public accountability can offer. We argue that accountability is not about reducing informational asymmetries, containing ‘drift’, or ensuring that agents stay committed to the terms of their mandate. Instead, accountability – in terms of both holding and giving – is about managing and cultivating one’s reputation vis-à-vis different audiences. It is about being seen as a reputable actor in the eyes of one’s audience(s), conveying the impression of competently performing one’s (accountability) roles, thereby generating reputational benefits.

Accountability-related studies usually start with the assumption that ‘holding to account’ is a good thing. After all, it is hardly controversial to suggest that those that are granted discretionary power should report on their conduct. Such a starting position, however, raises two puzzles.

One puzzle is the misfit between the hegemonic<sup>1</sup> political science framework for talking about accountability, namely principal-agent, and empirical findings. For the principal-agent based literature, accountability is about ‘holding to account’ in order to reduce information asymmetries, thereby containing ‘bureaucratic drift’<sup>2</sup> (Hammond and Knott 1996; McCubbins et al. 1987, 1989). It is about ensuring that those office-holders vested with discretionary powers are kept on a ‘leash’, whether in terms of administrative controls (‘deck-stacking’), dealing with attentive watchdogs (‘police-patrols’), or granting affected constituencies information and other rights so that they can operate some ‘fire-alarm’.

Such a theoretically informed view of accountability measures is challenged by empirical studies that highlight the pro-active way in which some actors engage in accountability-related activities. Regulatory agencies are found to provide information or engage in account-giving processes that go beyond their mandatory requirements; politicians appear keen to ‘give account’ of their actions in order to appear legitimate to the wider public. Dominant theoretical accounts are further challenged by studies locating the source of accountability ‘deficits’ or ‘drift’ with account-holding principals and forums, and not, as expected, with account-giving bureaucratic agents (Busuioc 2013; Brandsma 2013; Schillemans and Busuioc 2015). While it is assumed that they are interested in accountability processes, those supposed to be holding others to account are reported to lack interest in accountability processes and to be less than diligent in enacting their duties.

The second puzzle is that accountability has become ‘a Good Thing, of which it seems we cannot have enough’ (Pollitt 2003: 89). However, as studies of performance management have shown, the way people are held to account matters – incident data is eliminated or delayed, hospital statistics are massaged, resources are re-allocated to hit a target but miss the point, and spin-doctors are deployed in order to appear appropriate and compliant. Being held to account is also said to have an impact on professional values, potentially turning ‘honest triers’ into ‘reactive gamers’ (Bevan and Hood 2006; see more generally Behn 2003; Heinrich and Marschke 2010; Hood 2006; Hood and Dixon 2010; March and Sutton 1997). Furthermore, external demands become internalised and create strain (Messner 2009). Others have similarly noted how depleted intrinsic motivation, due to increased controls and a corresponding reduction in policy autonomy, can lead to self-selection as a member of the bureaucracy of ‘policy slackers’ rather than of ‘zealots’ (Gailmard 2010; Gailmard and Patty 2007). Therefore, the second puzzle is the unrivalled popularity of accountability, given an empirical track

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<sup>1</sup> 1 For a meta-analysis on the dominance of principal-agent based approaches as a predictive theory of accountability, see Schillemans 2013. See also Olsen 2013 and Schillemans and Busuioc 2015.

<sup>2</sup> Bureaucratic drift refers to y be reproduced, stored in a rnact outcomes different from the policies preferred by those who originally delegated poweromes outcomes different from t: 25).

record that documents how supposedly accountability-enhancing measures lead to gaming, cheating and slacking and a decline in moral responsibility and/or intrinsic motivation.

These two puzzles reveal a contrast with one world seeing accountability as essential, because it has a rather negative view of political and bureaucratic life. Accountability is there to reduce the possibilities of ‘shirking’ and ‘drifting’. The other world, often without using the word accountability, has a positive and benevolent view of political and bureaucratic life, but suggests that accountability-related measures have their own distorting effects. In sum, those believing that accountability is a ‘good thing’ are therefore faced with the following problem: those supposedly holding to account are not particularly interested in this task, while those supposed to give account do so through distorted information, and/or with motivation-depleting results.

This paper considers what a reputation-informed approach to public accountability can offer as an alternative to principal-agent informed approaches in order to make sense of these puzzles. In doing so, it responds to calls in the literature about the need for competing theoretical approaches to accountability (Olsen 2013; see also Skelcher 2010), given the shortcomings of the dominant principal-agent paradigm as a predictive model of accountability. We argue that the way actors present themselves (as individuals and as organisations) to, and are perceived and assessed by, a wider set of audiences matters. From this perspective, accountability is not about reducing information asymmetries, moral duties, containing agency losses, or ensuring that agents stay committed to the original terms of their mandate. Instead, accountability – in terms of both holding and giving – is about sustaining one’s own reputation vis-à-vis different audiences.

This does not exclude the possibility that the design of accountability mechanisms may initially have had something to do with ideas about how to hold those with discretionary power to account. However, actual practice is often not about giving account for one’s conduct or about overseeing the conduct of another party, but about managing the expectations associated with one’s role, i.e. one’s appearance. In other words, it is about advancing one’s standing in the eyes of one’s audience(s) and about being seen as a reputable actor, i.e. conveying the impression of performing competently one’s (accountability) roles (Goffman 1959: 243), thereby generating reputational benefits.

Thus, whereas accountability-related debates regard the interaction between the account-holder and the account-giver as central, this paper suggests that this is, at best, one interaction among many. It happens to be an interaction that may (or may not) offer the potential to manage and/or enhance one’s reputation. Moreover, principal-agent accounts emphasise the role of formal structures and incentives for ensuring post-delegation control and compliance. In contrast, a reputational perspective suggests that formal structures are much less deterministic of accountability practices and outcomes.

In the next section, we explore the implications of a reputation-based perspective for accountability. We then move to a discussion of accountability-givers and

accountability-holders or ‘accountability forums’ (i.e. bodies tasked with holding to account). An accountability forum can be synonymous with the principal (the original delegator of power) from the principal-agent model, but not necessarily so (Bovens 2007). Forums are often third-parties with an oversight mandate. Some forums, however, such as auditors, the media, complaint-handlers and others, were not involved in the original delegation of powers. We reflect on the implications of our approach with respect to both types of account-holders: third-party forums and principal-forums. The accountability literature also talks about ‘actors’ rather than ‘agents’, among other things in order to indicate a broader span of relations than the contractual relationship of principal-agent. We use the term ‘actor’.

### **Reputation and accountability: niche monopolies, audiences and interdependencies**

Much has been said about accountability as an end – although what the end actually is might be disputed, depending on one’s choice of perspective (Bovens 2007; 2005). Similarly, accountability has been seen as a means to achieve particular conceptions of government or public service (Hood 2010; Lodge and Stirton 2010; Mashaw 2006). While for actors seeking to maintain or enhance their reputation, accountability is not a goal in itself, meeting expectations in terms of being held to account may very well turn into a primary objective. In other words, while accountability objectives do not arise independently of reputational concerns, giving account of oneself, according to set criteria, serves as a way of justifying one’s existence and can therefore become central to an organisation and an individual’s sense of identity.

Reputation-based accounts have witnessed a recent uptake in popularity, largely following on the coat-tails of Dan Carpenter’s *Reputation and power* (2010). More generally, by building on the work by Goffman (1959), the importance of maintaining an appearance regardless of formal legal provisions has been highlighted, especially in the work on enforcement (Hawkins 1984). Recently, reputation-based accounts have been used to explain varieties in organisational responses to external audiences (Maor 2007; Maor et al. 2013; Gilad et al. 2015), how and why regulators may prioritise some roles and functions over others (Gilad 2012) or to study regulatory interactions ranging from enforcement interactions (Etienne 2015; Gilad and Yogev 2012) to divergences in co-operation practices among turf-conscious bureaucratic actors (Busuioc 2015).

Following Goffman, reputation management is about the management of day-to-day appearances in front of diverse audiences. Appearing to be successful in a successful way (i.e. persuasively suggesting that one is more than fulfilling one’s role expectations) establishes a good reputation. A strong reputation for competence is a ‘valuable political asset’ (Carpenter 2002: 491). It is the source of bureaucratic power, allowing agencies to foster their autonomy, build alliances, enlist political support, and ultimately, help to ensure their survival (Carpenter 2002, 2010; Maor 2013). Such a reputation involves ‘a set of beliefs about the unique and separable capacities, roles and obligations of [an agency], where these beliefs are embedded in audience networks’

(Carpenter 2010: 45). Such a definition has three implications for the development of a reputational account of public accountability.

One implication is that accountability-holding and -giving is about maintaining, if not enhancing other's beliefs about 'unique capacities, roles and obligations'. In line with James Q. Wilson's notion of jurisdictional turf, reputation management is not about empire-building in terms of budgetary size or jurisdictional scope (Wilson 1989). Instead, organisations and individuals will focus on their 'core tasks' that they feel comfortable in controlling and that help them differentiate themselves from other organisations, cultivating so-called 'reputational uniqueness' (Carpenter 2010). In other words, they will seek to avoid interdependence in order to differentiate themselves – but also not to be accountable for others' performances – and they will reduce their exposure to tasks that are likely to cause them grief. Organisations therefore seek to occupy popular niche monopolies rather than interdependent, highly adversarial areas with conflictual objectives.

How account-giving and -holding is performed is shaped by specific competencies that allow organisations to present themselves in a positive light. Carpenter (2010) suggests that reputation is built around a number of competencies. These include issues of technical competence, i.e. a reputation for subject expertise, issues of moral competence in making decisions that are not perceived as objectionable in the light of wider societal norms and conventions, procedural competence in terms of following the 'right' rules, and 'performative' competence in terms of achieving supposedly popular policy outputs and/or outcomes. The presentational focus is therefore on those aspects that support the appearance of success. Thus, we expect an emphasis on procedural appropriateness in the ways of doing things when it comes to activities that might be controversial in moral terms – and where professional and performative issues might be contested. An emphasis on moral aspects features where the overall performance cannot be observed in inputs, outputs or outcomes. Technical elements, i.e. the significance of a high level of professionalism, is emphasised when it is possible to point to the high degree of 'ex ante' training and corps-building that may then be used to discount a lack of evidence in terms of outputs or outcomes. Thus, reputation enhancement seeks to minimise controversy by emphasising aspects that are difficult to dispute. For example, the growing popularity of checklists and other 'rationalising' and 'formalising' (risk-based) strategies among agencies is illustrative of presentational attempts to emphasise particular competencies so as to silence criticism and re-define the 'parameters of blame and accountability' (Black 2010; see also, Hood and Rothstein 2001; Power 1999;).

The second implication is that accountability-related performances are taking place in front of different audiences i.e., 'any individual or collective that observes a regulatory organization and can judge it' (Carpenter 2010: 33). Accordingly, relationships with different audiences differ, ranging from the political, legal, economic and social to the professional. It is the appearance before audiences that matters and that provides 'affirmation' of an agency's status. These audiences matter in varying ways at different points – challenging the way in which, in turn, regulatory (and other arm's length) agencies (and individuals within them) seek to present themselves, as discussed above.



The ‘politics of differentiation’ (Carpenter 2010: 55) therefore dictates a level of reputational ambiguity, with agencies presenting different faces to a range of audiences: representing themselves on technical, moral, procedural or performative criteria, or all of them at once or at various points in time (Carpenter 2010: 45–7). If none of the various audiences care about whether accountability is given or held, then reputation enhancement will be sought elsewhere. Formal provisions are only of limited interest (again in contrast to principal-agent and transaction-cost based arguments). They may define routine interactions, but they can hardly account for the intensity and direction of accountability-holding and -giving, especially at times of intense political heat.

This process is not always necessarily conscious or strategic. Actors can well come to internalise audience expectations and to this extent, the relationship can come to be *constitutive*. In Goffman’s words, the actor ‘can be taken in’ by their own act/performance (1959: 30; 86), incorporating the standards s/he maintains before others ‘so that his conscience requires him to act in a socially proper way’ (p. 86). A reputational perspective is compatible with both a logic of appropriateness as well as one of consequences; while some actors may have incorporated (moral) standards and become transformed in the process, others will maintain standards they do not actually believe in ‘because of a lively belief that an unseen audience is present who will punish deviations from these standards’ (Goffman 1959: 87). The loss of audience support/endorsement will be a powerful ‘civilizing influence’ even in the absence of internalised expectations.

A third implication is interdependence as a result of ‘networks of audiences’. Audiences communicate and cannot be separated easily although each of them will seek confirmation on its preferred aspect. Interdependence also matters in terms of being able to develop such a reputation. First of all, organisations usually consist of diverse individuals with different reputational concerns. For example, a prison’s overall reputation may be based on escapes, suicides and riots. However, within a prison, security guards will seek to establish their reputation on the basis of security, psychologists on the basis of ‘rehabilitation’, and finance officers on the basis of enhancing ‘value for money’. Furthermore, the reputational evaluation of a performance of any one agency is shaped by, if not dependent on, the perceived performances of others. For example, an economic regulatory agency for water is likely to be dependent on the performance of environmental regulators and of the water industry itself. Similarly, the presence of a crisis in financial markets may be seen both as a problem of the national regulatory regime for financial markets (usually consisting of financial regulatory agencies and central banks) as well as a consequence of regulatory approaches in other jurisdictions.

The overall implication of an emphasis on reputation, audiences, and interdependence is that the immediate social interaction between account-holder and account-giver is only one aspect in the overall reputation management of any one party. To represent oneself – individually and organisationally – is not about ‘giving account’ or ‘holding to account’. For those giving account, it is about conveying the impression of running a competent organisation to much wider networks of audiences that might be only loosely

connected to the formal political-institutional accountability mechanisms that principal-agent is so fond of. For those holding to account, their interest is in appearing to be holding to account by showing that ‘something is being done’, even if at times they lack much interest in the actual performance of the entity that is being held to account. For instance, post-crisis accountability often has a symbolic and cathartic function (Boin et al. 2005), it is about identifying culprits, blame games and framing contests rather than an opportunity for reflection and learning. The repeated, but usually limited moments of account-holding and -giving are, for both parties, about signalling one’s status and appearing reputable.

If bureaucratic and political lives are about the management of appearances and the pursuit of esteem, then where would we predict more or less intense interest in giving account and holding to account? After all, individuals and organisations seek to find out about each other, and they seek to avoid embarrassment and humiliation. The political and social arena of account-holding and -giving represents a situation where gaffes or shots in the foot, whether intentional or unintentional, are unlikely to be met by an understanding environment. Whereas, up to a point, accidental misfortunes will be forgiven in the contexts of theatres or social encounters (such as dresses being stuck on stage, walking-gear being insufficient during collective hiking activities), in adversarial contexts, the definition of the situation (that defines what kind of professional status is being sought to be maintained) is to exploit such apparent weaknesses (some differences may exist in the case of politically more consensual systems). Furthermore, given interdependence, a shot in the foot may not even be the result of one’s own activities, but they may be the result of being caught in the foul-ups of others.

### **Reputation-sensitive actors, forums and principals: re-framing expectations of accountability behaviour**

Having explored the broad contours of a reputation-based account, we now look at the way in which such an account informs expectations regarding account-giving actors, and account-holding forums and forum-principals and their implications for our initial puzzles. We discuss each accountability party in turn.

#### **Actors**

As noted, principal-agent based arguments suggest that agency power is based on information asymmetry. Exploiting this information asymmetry, by concealing or manipulating information or by overwhelming account-holders with information, is seen as the source of agency power. In contrast, a reputation-based approach would argue that it is appearance and presentation that matters, and in particular, it matters how these are appreciated by networks of audiences. In other words, reputation, the result of the receptiveness by an audience to one’s appearance, is the source of organisational power (Maor 2013). Avoiding accountability requirements in order to preserve information asymmetries is, according to a reputational perspective, not necessarily strategic. Instead, the organisational focus is on adopting strategies that serve to enhance one’s reputation which may involve ‘giving account’.

Accountability has become a prevailing norm of good governance in public discourse, ‘an icon’, a ‘golden concept’ ‘that can be used to patch up a rambling argument, to evoke an image of trustworthiness, fidelity and justice, or to hold critics at bay’ (Bovens 2007: 449; Koop 2014). In this context, being (seen to be) accountable increasingly carries important reputational benefits, whereas being perceived as unaccountable comes with reputational costs. Given the normative discourses linked to the virtues of accountability, being (or appearing) accountable has therefore become an important strategy in the organisational repertoire for reputational accrual and reputational risk management.

Furthermore, reputation-based benefits of giving account flow not only from the ‘normative value’ of accountability, but also from appealing to particular audiences. Accountability serves to keep an organisation in audiences’ line of vision (which can be important in terms of resources or task allocation), as well as to offer a means to build (alternative) constituencies and support. Moreover, the accountability process, through its emphasis on dialogue (Bovens 2007; Mulgan 2000;) also offers actors the opportunity to communicate with their audiences, to track shifts in their expectations, and to shape and construct audiences’ expectations.

These patterns can be distinguished in terms of levels of intensity, and in terms of focus of account-giving.

#### *Intensity of account-giving*

From a reputational perspective, it is not unusual for actors to endorse account-giving opportunities where they see them as helpful in advancing their reputation and managing ‘reputational risk’.<sup>3</sup> Specifically, we expect more pro-active account-giving in areas of higher *reputational investment* for organisational actors: *where ‘core tasks’ (i.e. key organisational objectives) are at stake*—and implicitly, also higher reputational risks and benefits—*and/or in response to other heightened reputational threats* (e.g. due to recurrent criticism, moments of high political controversy/salience etc.).

Behavioural patterns, consistent with these expectations, have been reported among actors in a host of empirical studies. Maor et al. (2013) and Gilad et al. (2015), for instance, have found differential levels of responsiveness among actors when it comes to reacting to external criticism as agencies are more likely to respond to criticism in core functional areas where they are seen to have a weak or evolving reputation. They are less likely to do so when the ‘bad press’ concerns core aspects in which they have a strong reputation (‘ad hoc criticism’). They will nevertheless have a higher propensity to react when the challenge (e.g. by media, political actors) is intense and/or persistent (Maor et al. 2013). Similarly, Koop (2014) finds that politically salient agencies (those subject to most parliamentary questions and media coverage) are more likely to initiate additional voluntary accountability procedures that go beyond statutory procedures.

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<sup>3</sup> On reputational risk more broadly, see Power et al. 2009.

Defensive account-giving behaviour is also an important reputation-fostering strategy for actors facing recurrent ‘moral’ criticism regarding their lack of a democratic mandate to take potentially far-reaching decisions. As a result, these actors are exposed to enhanced reputational risks. For example, central banks, regulatory agencies and other appointment-based institutions that are said to be ‘suffering’ from ‘accountability deficits’ have regularly come under intense attack as a result. If alternatives, such as highlighting the value of ‘expertise’ over ‘representativeness’ are not successful, or if other reputational factors cannot be marshalled, such as those highlighting ‘good’ performance, procedural appropriateness or technical brilliance, then engaging in ‘voluntary accountability’-type activities may appear desirable. Seeking accountability by, for instance, initiating and binding oneself to new mechanisms of giving account, or jump-starting or activating existing procedures, is an important strategy for such actors to manage reputational risks and demonstrate that account-giving is being taken seriously.

Accountability-seeking behaviour, beyond and above formal requirements, has been widely documented among agencies at both national and supranational level. A variety of agencies have been found to volunteer additional information, to actively solicit accountability from their account-holders, and to even initiate new accountability arrangements beyond formal obligations. In the EU context, such a pro-active approach has been adopted by the European Central Bank (ECB), for instance. The ECB reportedly initiated new arrangements of parliamentary accountability in the form of regular hearings of its president before the European Parliament’s Economic and Monetary Affairs Committee (Jabko 2003: 719–21). This was voluntarily adopted by the ECB despite the absence of a formal obligation to do so.<sup>4</sup> Furthermore, European agencies have instigated new practices of accountability. For example, hearings of agency heads in the early days of the EU agencification process emerged in the absence of any formal obligations (Busuioac 2013). Agencies have also reportedly lobbied the parliament for a more intensive use of existing procedures, namely parliamentary visits and hearings (ibid).

Patterns of instituting new accountability ties and engaging in accountability seeking-behaviour are also reported in various national contexts. In the case of Dutch agencies, Schillemans (2007) documents agency initiatives to set up new ‘horizontal’ forms of accountability. Likewise, again in the Dutch context, a different study finds that voluntary accountability practices are prevalent among agencies. The adoption of a variety of practices occurred in the absence of legal requirements (Koop 2014). In the US context, Magill (2009) reports extensive practices of voluntary accountability. For instance, the Food and Drug Administration (FDA) is said to have adopted notice and comment procedures on its guidance documents in the absence of such requirements in the Administrative Procedure Act. Reiss (2011) finds accountability-seeking behaviour among three US agencies (the FDA, the Environment Protection Agency and the Internal Revenue Service, IRS), leading her to observe that ‘the history of these

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<sup>4</sup> Such behaviour can be best explained as an attempt to generate reputational benefits flowing from parliamentary accountability as well as additional networks of support to reduce potential interference from national governments.

agencies shows the persistent phenomenon of agencies seeking to increase their accountability' (Reiss 2011: 647).

For all its potential benefits, a strategy of seeking accountability is also potentially risky, especially as future repercussions are uncertain. As actors volunteer additional information or even bind themselves to new accountability ties, such efforts can potentially turn out to have negative reputational consequences in the long run. For instance, as a result of changes in the political climate audiences might sour.

Voluntary accountability can be beneficial as it allows agents to sign up to procedures of their choice.<sup>5</sup> It allows them to draw reputational benefits, while controlling, to some extent at least, the mechanisms through which they are being made to make, or making themselves accountable. This entails voluntarily choosing to sign up for less stringent procedures that might otherwise be imposed. Alternatively, agents sign up to stringent procedures under terms that are favourable to the agency (even if only in terms of timing). In both scenarios, agents are in a position to showcase themselves in a positive light. For example, Koop (2014) notes how the overwhelming majority of voluntary procedures adopted by agencies were of a less stringent nature compared to statutory obligations. Even though some procedures carried the potential for sanctions (e.g. client-satisfaction evaluations), these were reportedly weaker than their statutory counterparts. Moreover, voluntary accountability simultaneously helps actors to target specific audiences in order to reap maximum reputational benefits.

Volunteering information beyond formal requirements allows agencies to demonstrate good will, while controlling which information they release. Such pro-active strategies can act as a reputational shield, warding off the external imposition of more stringent accountability procedures. For instance, the ECB's voluntary agreement to hearings of its president before the European Parliament arguably demonstrated a modicum of accountability, while avoiding the potential imposition of stricter external requirements in a climate of growing criticism of its lack of accountability. Likely negative side effects were reduced through the arguably rather 'soft' symbolical nature of the procedure which the ECB chose to sign up to (i.e. voluntary hearings): 'the "dialogue" is not very constraining and the ECB sees it as a way to increase its legitimacy and to defend its independence' (Jabko 2003: 721). Moreover, simultaneously, it was also beneficial for the European Parliament's reputational status as ECB's exclusive account-holder: 'the European Parliament accepted to play the game in return for its privileged oversight role' (Jabko 2003: 721).

### *Focus and approach*

Accountability-seeking behaviour is likely to be geared towards some audiences rather than others as they vary in terms of their potential effects (Carpenter and Krause 2012; Maor 2013) and as account-giving is shaped by the internal diversity of views as to

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<sup>5</sup> Voluntary is defined here in the narrow sense as being not obligated by legal mandatory provisions. The mechanisms that turn individuals and organisations to account for their activities beyond the minimum required may not be perceived as perceived as s. The mechanisms that tuorganisation or individual concerned.

‘who counts’ in terms of external audiences. In short, some audiences are more likely to matter for an actor’s survival than others. Appointment powers, the power over the agency’s purse strings, involvement in agency decision making, sunseting, or other powers that may allow for reversals of actors’ decisions, are in the hands of specific audiences. Parliamentary disapproval can (albeit in some political systems more than in others) result in budget cuts, making an agency’s operational functioning difficult. Agencies, therefore, prioritise their accountability-giving/seeking behaviour towards those key audiences on whose positive endorsements they are dependent. However, an audience’s hold over the actor will not necessarily be linked to formal powers and controls. For instance, with its reputation heavily dependent on professional endorsement of its expertise, a food safety agency will be highly responsive to scientific food safety organisations even in the absence of any formal powers over such an agency.

In the age of the ‘audit society’ (Power 1999), focusing on some audiences to the detriment of others, or in fact even evading (some) accountability obligations, is arguably not altogether ethically unjustifiable or problematic as it can allow organisations to cope with overloads and ‘to move forward and “get things done”’ (Messner 2009: 934). This is particularly the case given the burdens of multiple and conflicting accountabilities (Koppell 2005, Romzek and Dubnick 1987). Reputation focuses organisational attention and equips organisations with a rationale for prioritising among multiple external accountability demands.

At the same time, the need to be responsive to particular external audiences will also be moderated by internal processes. After all, organisations, and the staff within them, have dominant self-perceptions about their appropriate role. It is unlikely that organisations will seek to display account-giving behaviour in ways that do not conform to the internal self-perception of the organisation. This dynamic is central to the world of the reputational basis of accountability: internal dissent is likely to lead to leakages (i.e. conflict moving front stage) and therefore the avoidance of humiliation and embarrassment will lead to attempts at imposing tight controls on internal discipline (Goffman 1959: 207–12). As a result, the need to account externally for one’s performance is turned into an instrument of punitive and risk-averse control within organisations.

### **Forums**

Most of the literature on accountability assumes that account-holders monotonically exercise their accountability roles, and accountability questions are focused on the behaviour of the account-giver/actor. Unlike the ‘principal’ of the principal-agent model, forums are, as noted, not necessarily ‘invested’ in the delegation process (Schillemans and Busuioac 2015): Accountability forums can include the principal but are not restricted to this (Bovens 2007); they are often third parties assigned with monitoring duties who have not delegated anything of their own. In other words, unlike a principal, these third parties do not stand to gain or lose out should bureaucratic drift

occur. The forum does not have a direct interest in the stewardship exercised by the agent and cannot be assumed to have an interest in ex post monitoring. As forums lack a principal's incentives, we cannot rely on principal-agent assumptions to derive expectations of forum behaviour. Empirical studies suggest that actual forum behaviour repeatedly departs from such assumptions.

### *Intensity of account-holding*

While forums might not be principals, they are, however, organisations. As organisations, their behaviour is shaped by reputational calculations; account-holders need to maintain their appearance and reputation. Hence, whether accountability forums 'care' about accountability, maintain an interest in discharging their duties, and to what extent, will be linked to their reputational concerns. Organisations 'prioritize the execution of those tasks or the underpinning of those traits that are core to their identity and reputation (...)' and that 'in prioritizing their tasks regulators will seek to enhance and protect their core identity – reputation' (Gilad 2012: 161, 160). After all, attention is a 'scarce resource' and therefore in limited supply (Jones and Baumgartner 2005; Workman et al. 2010).

As with actors, for forums we expect more intensive account-holding in areas of higher *reputational investment*, when *accountability is a core task for account-holders* and/or, as we see later below, with respect to *other heightened reputational risks*. Reputational costs and gains are heightened for organisations when core tasks, as opposed to an incidental/secondary task, are at stake. Accordingly, so-called 'institutions of accountability' (Mulgan 2000), forums whose primary function is to call public officials to account (e.g. ombudsmen, administrative tribunals, auditors), are more likely to be vested in account-holding than those forums which have a 'partial or incidental accountability role' (e.g. legislators, the media). In other words, we expect to see a prioritisation of accountability roles by forums, when these are central to organisational reputation-building efforts.

These insights help to make sense of 'divergent' forum behaviour that is repeatedly established in empirical studies. For example, so-called 'forum drift' is reported (Schillemans and Busuioc 2015): accountability forums systematically fail to read the information provided, to ask questions, and/or to sanction agency misbehaviour despite formal duties in this regard. In other words, accountability tasks are given limited or no attention by a whole host of accountability forums.

Political forums, for which accountability is often one of several functions, are notorious in this regard. In their study of twenty UK agencies, Hogwood et al. (2000) report low levels of interest among political forums in holding agencies to account, except for a minority of politically sensitive agencies. There is 'minimal direct contact' between agencies and ministers or Parliament. Other authors similarly speak of directorates that 'can operate in an enclosed world with [their] own procedures and values' (Dudley 1994: 233) or agencies that 'languish in obscurity' (Pollitt 2006: 29), with most agencies operating at the periphery of political attention (Schillemans 2011). These types of accounts are not limited to ministerial or parliamentary accountability. A

lack of interest in demanding and enacting accountability has also been documented among other forums. These include management board representatives of European agencies (Busuioac 2013) or ministry superiors of national representatives in EU comitology committees (Brandsma 2013). What all these forums have in common is that accountability-holding is a non-core or an incidental task. Members of a forum who are embedded and employed in ministries and agencies at the national level, and meet only sporadically at the supranational level, will not stand to gain or lose reputation-wise from failing to diligently discharge their peripheral oversight duties at a different level of governance. Similarly high-level legislative forums will not necessarily stand to lose reputationally from failing to enact oversight functions vis-à-vis obscure, low salience agencies.

Nevertheless, even secondary tasks carry a potential for reputational risk when they catch public and/or media attention. Thus, forums – including partial ones – much like their account-givers, will and do pay attention to issues *that carry the potential of increased reputational risk* (other than core tasks) due to increased salience or heightened controversy. And indeed, political salience is repeatedly found to be positively related with higher levels of interest (and, in other accounts, control) over agency behaviour (Egeberg and Trondal 2009; Dudley 1994; Hogwood et al. 2000; McCubbins et al. 1989; Mulgan 2000; Pollitt 2006; Pollitt et al. 2004; Verhoest et al. 2010). The same study of Hogwood et al. (2000: 221) reported high moments of salience for a minority of agencies, noting a focus on ‘politically hot issues and constituency cases.’ In his study of minister-agency relations, Pollitt (2006: 41) contends that: ‘on the whole, political actors do not take much interest in agencies unless and until disasters, scandals, or breakdowns come along’; ‘the moral of the story is that, when embarrassments, scandals, or disasters occur, politicians and the media suddenly take an enormously detailed interest in organizational activities they have never asked about before’ (Pollitt 2006: 39). Similarly, Dudley (1994: 234) recounts how the UK transport minister’s attention was determined primarily ‘by the level of political salience rather than official organisational arrangements’. While ‘she chose not to take control in areas of low political salience’, in a case of high national political salience (...) she considered that the prestige of the government was at stake, and was not prepared to remain on the sidelines’ (Dudley 1994: 233). Again, this is not related to actor accountability as such, but to the forum’s management of its own reputation for competence through avoiding visible failures.

For ‘institutions of accountability’ such as courts, ombudsmen, and auditors, in contrast, accountability is a core task. Their organisational reputation is exclusively built on their competence in discharging their (distinct) accountability-related role. The manner in which they discharge their accountability responsibilities is thus crucial to their reputation-building efforts. Moreover, if found slacking, the reputational costs would be very high. We, therefore, expect ‘institutions of accountability’ to be diligent accountability forums, intensively demanding and enacting accountability. For instance, a study of EU agency accountability has found how, full-time account holders such as the European Ombudsman, the Court of Justice or the Court of Auditors were diligent account-holders, pushing their accountability mandates above and beyond formal



requirements. This contrasts with partial account-holders such as management board representatives or European Parliament committees, among which forum neglect of accountability processes was reported (Busuioc 2013).

### *Focus and approach*

The focus and approach of account-holders is guided by reputational concerns rather than simply by concerns as to how to ensure optimal levels of control. As discussed, organisations act in pursuit of a unique reputation and seek to occupy niche monopolies. We, therefore, expect ‘institutions of accountability’ to define a ‘niche’ role for themselves which allows them to differentiate themselves from other account-holders. Such niche building can be observed in a range of areas. For example, Barberis (2008) notes a ‘functional differentiation of accountability’. Furthermore, Bovens (2007) highlights how different forums require different types of information and evaluation criteria, while Black (2008) points to different legitimacy claims underpinning different accountability mechanisms. For instance, the European Ombudsman, which acts as an accountability forum towards EU institutions, bodies and agencies, has built a strong profile on issues of access to documents. While its case load is varied, this has been part of a conscious institutional effort – reflecting its ability to partially set its own agenda – to pro-actively single out this area as a key element of its work.

The need to cultivate a unique reputation also drives forums towards defining their focus and approach so as to steer clear of the domains of other account-holders with potentially overlapping mandates. The Financial Ombudsman in the UK is said to have adopted an approach that emphasises informality in the interaction with complainants as well as individual dispute resolution to differentiate itself from the civil courts and the financial regulator (the then Financial Services Authority), respectively (Gilad and Yogev 2012). The European Ombudsman has differentiated itself from the EU’s Court of Justice, describing its role as ‘life beyond legality’ (as opposed to ‘legality’), and as a ‘magistrate of influence’ (as opposed to the Court’s adversarial approach). It stresses its unique ability to (partially) set its own mandate, to look into aspects of organisational culture and other systemic issues, to exercise political pressure and offer different types of redress (Magnette 2003). Similarly, the Internal Audit Service of the European Commission engages in co-ordination with the European Court of Auditors to avoid duplication and overlaps in their respective roles as financial accountability forums. To that end, they have reportedly adopted an informal role division (Busuioc 2013).

A forum’s chosen approach towards accountability is further motivated by the need to minimise potential reputational damage. Given that being seen as ‘demanding accountability’ is what matters, we expect a prioritisation regarding salient and visible instances of misbehaviour. Etienne (2015), for example, describes how inspectors tasked with incident detection effectively narrow their inspection mandate by focusing on ‘visible’ incidents, i.e. incidents noticeable to the outside world as opposed to those that occurred on the perimeter of the facility. In other words, inspectors’ monitoring and policing are not guided by an inherent interest in incident detection at large, or risk prevention, but by an interest in maintaining an appearance of ‘being in control’, so to minimise their own reputational risk, associated with visible instances of non-detection.

Similarly, Dudley (1994: 224) has shown how the UK Transport minister exercised little, if any, control vis-à-vis a low salience body ‘towards which he or she should have executive power, and at the same time became intimately involved in an organization where the arm’s length principle should prevail’, given the latter’s political salience.

### Forum-principals

We now turn to those forum-principals, i.e. account-holders, which have delegated powers/tasks to the agent and are involved in monitoring post-delegation. This is the situation that closest matches the assumptions modelled in the principal-agent literature. Again, even when assuming this particular constellation, taking reputation as a central motivating theme challenges a number of key orthodoxies.

First of all, a principal-agent largely assumes ‘principal supremacy’ (Meier and Krause 2003: 301) in the contractual relationship. Although a level of ‘agency loss’ inevitably occurs, normally it is the will of the principal that is to prevail. Seen from a reputation-sensitive approach, however, ‘principals’ rarely, if ever, reign supreme. Like any organisation, principals will necessarily be in a dependent relationship with their audiences and require (a degree of) support from them to be able to undertake desired action. Principals have audiences to please and cannot afford to be perceived as being blatantly illegitimate. For instance, ministerial interventions in the activities of an independent regulator and/or attempts to disband an under-performing regulator can backfire if such actions are regarded as unhelpful meddling by the industry, financial markets, the larger public, or other members of a coalition government.

In some cases, these (principal) roles become ever more confused. For example, a parliamentary ombudsman is not just a regulator of individual parliamentary behaviours, but s/he is also a creature of parliament at large. In terms of reputation, such a body faces considerable difficulties – being seen as ‘accommodating’ will raise criticism by politics-sceptical publics, being adversarial will not find much enthusiasm among parliamentarians and, thus, risks alienating a key audience.

Due to interdependence, the roles of account-holder and -giver are not necessarily one-directional either. As both parties relate to wider and overlapping networks of audiences, the views and expectations of these audiences also matter, thus potentially placing the account-giver in a far more influential position than the account-holder. An adversarial interrogation style may be seen as ‘reputation-harming’, especially where ‘expertise’ is held in higher regard than ‘democracy’. For example, financial markets, newspapers, and other audiences may have only limited time for forum-principal’s grandstanding when the account-giver is seen as more competent and legitimate. Moreover, as observed earlier, under conditions of interdependence, the reputation of the principal can depend on the performance of the actor, restricting its space for action and acting as a check on its ability to reign supreme. Punishing an agent can be reputationally costly for the principal: poor agent performance can reflect badly on the principal. Brandsma (2013) for instance, reports principals’ lack of willingness to use

formal sanctions in practice; according to his analysis, a misbehaving agent is simultaneously an indication that the principal is doing something wrong as a manager.

In short, a reputation-based account suggests that the talk of principal and agents, and the implicit hierarchy in that relationship, cannot be fully sustained under the conditions of audience networks and interdependence. While such account-holders might be 'invested' in oversight by virtue of their investment in the delegation process, their account-holding behaviour will nevertheless still be considerably shaped by reputational concerns.

Finally, the broader climate of acceptability is relevant for both third-party forums and forum-principals and constrains the actions they can undertake in exercising their oversight functions. As audiences' preferences undergo significant shifts, the principal's style of holding to account is likely to alter to reflect such changes in audiences' preferences. For example, before the financial crisis, it is unlikely that a 'harsh' enforcement style by forum-principals or third-party forums would have gone down nicely, as this would have flown in the face of the dominant worldview of their key constituencies that favoured a 'finance friendly' approach. However, that emphasis on 'light touch regulation' quickly gave way to demands for tough enforcement action after the crisis (to which the UK financial regulator responded). Similarly, in tax enforcement, the way in which the UK tax authority (revenue and customs) went about its business in settling with large corporations early rather than pursuing them through the courts for much higher damages, may have appeared legitimate to its audiences at one point. But once public opinion turned on multinational tax-gaming corporations, it was impossible for such account-holders not to be responsive to such public views. The fact that such contrasting perspectives on what actions were seen as justifiable were not recognised as inconsistent account-holding by external audiences reflects the secondary role that consistent account-holding actually plays when it comes to moments of exchange.

In sum, a reputation-based perspective highlights the various ways in which different participants respond to demands for holding to, or giving, account. This approach helps illuminate and is given considerable support by a considerable amount of empirical literature. A reputation-based account suggests that individuals and organisations will concentrate on some aspects of their overall existence and attempt to build a unique reputation for competence, while trying to minimise reputational damage. For actors, this involves defensive or pre-emptive accountability-seeking in areas of high reputational investment (for instance, involving reputational damage with respect to core competences), choosing the forums and methods through which account is given (so as to maximise reputational benefits of accountability and minimise its costs), and choosing whether some voluntary information will advance the presentation of itself. For forums including principal-forums, reputational concerns will guide their attention and prioritisation of accountability duties as well as chosen focus and approach in a manner that the dominant principal-agent framework, and related accountability approaches informed by it, have been unable to capture.

## Conclusion

A reputation-based argument challenges the normative assumptions of those that regard accountability as a 'virtue'. While accountability has turned into some form of modern-day deity that enjoys universal appeal exactly because it means different things to different audiences, it is the effect of accountability-related demands on reputational concerns that makes it a powerful force in shaping individuals and organisational behaviours.

Reputation enhancement and the presentation of self are moments when parties are held to account by other parties. Such moments of account-holding and -giving are about the ability to present a persuasive face to audiences in order to enhance one's reputation and gain autonomy and/or other associated benefits i.e. power and authority etc.. Actors gain a reputation by appealing to some audiences rather than others. Accountability-seeking behaviour may support this endeavour as opposed to only strategies aimed at preserving informational asymmetries or ducking accountability.

A reputation-based perspective offers a rival approach to principal-agent based approaches to accountability. The latter is based on hierarchical relationships, assumptions of information asymmetry and goal-conflict problems. It assumes that formal mechanisms address the tension between democratically mandated 'responsiveness' (of agents to principals) and safeguarding 'expertise' (of agents insulated from election-seeking politicians). None of these basic assumptions exist in a reputation-based account in which power is granted and/or withheld by audiences that may well possess no formal powers; actors and audiences are often in a co-dependent, rather than hierarchical relationship and the source of bureaucratic power is reputational rather than stemming from the preservation of informational asymmetries. An attempt to incorporate or combine the insights of the two literatures would entail relaxing fundamental assumptions of the principal-agent model, thus compromising its much cherished 'parsimony' (Wood 2010) as well as the distinctiveness of either approach.

An argument that focuses on reputation and that suggests that accountability is not at the heart of account-giving and account-holding does not exclude the possibility that 'more' accountability is possible as a result of the adoption of new, denser accountability ties. An increase in the overall level of accountability can emerge as a side product of account-givers and account-holders seeking to please particular audiences. Once such steps have been taken, even if they are of a voluntary nature, it is difficult for such decisions to be reversed. Therefore, any decision to 'give more' or to 'hold more' to account will have long term repercussions, especially when extensive account-giving behaviours are directed at well mobilised constituencies that themselves might be eager to demonstrate their competence.

Where, then, does this leave those observers who are interested in 'institutional design'? In our view, formal structures can be seen as primarily having a stage-setting type function, creating the venues in which 'accountability holding' and 'giving' take place. They set the scene for those participants who need to present themselves to their

audiences at particular times. In order to explain and predict actual accountability behaviour (also in terms of intensity, focus and approach), we need to pay closer attention to the reputational gains at stake for organisations, rather than focusing exclusively on formal obligations. This entails reflecting on who the relevant audiences are and whether ‘accountability’ brings reputational gains to the respective actor and/or forum vis-à-vis their relevant audience(s). In terms of design, an implication of this could be that to provide incentives to accountability participants to engage seriously with their formal responsibilities beyond routine interactions, could entail attaching concrete reputational incentives to accountability structures. In any case, if ‘accountability’ is to continue to be seen as central to a ‘good governance’ agenda, then a more careful consideration of the reputational incentives at stake for different participants will be essential.

A reputation-based account resolves the two puzzles noted at the outset of this paper. In an effort to manage and cultivate their bureaucratic reputation, actors may well choose to be accountable, even in the absence of any formal obligation to do so, and forums might not actually enact their role to hold to account even though they are formally mandated to do so. And despite negative and perverse effects, they will continue to re-enact the performance, given its reputational benefits.

In sum, a reputational approach stresses that organisations and individuals are in a continuous struggle for recognition and support. Support denial is distressing and humiliating. Account-holding and -giving may be a focusing event in the life of organisations, but these moments are, ultimately, about enhancing organisational reputation rather than opening oneself up to scrutiny and deliberation for the sake of normative ideas about democracy.

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