

Michigan Journal of International Law

Volume 24 | Issue 4

2003

The Concept of Accountability in World Politics and the Use of Force

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Recommended Citation

Robert O. Keohane, *The Concept of Accountability in World Politics and the Use of Force*, 24 MICH. J. INT'L L. 1121 (2003).

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THE CONCEPT OF ACCOUNTABILITY IN WORLD POLITICS AND THE USE OF FORCE

Robert O. Keohane*

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Harold K. Jacobson was a deeply democratic individual, in his own personal style as well as in principle. He did not seem to have an authoritarian bone in his body. Jake was the epitome of reasonable persuasion, eschewing the temptations of prestige and the perquisites of power. He consistently sought to enhance understanding of issues so that public policy could be improved.

It is not surprising, therefore, that at the time of his sudden and untimely death, Jake was working on what became *Democratic Accountability and the Use of Force in International Law*, co-edited with Charlotte Ku.¹ Throughout his life, Jake was interested in how international institutions and law could prevent the use of force by states when possible, coordinate effective responses to it, and when force was necessary, use it in limited and responsible ways.

Most of the chapters in *Democratic Accountability and the Use of Force* are devoted to description and analysis of *national* systems of democratic accountability in nine countries that have historically been important to United Nations peacekeeping and peace-enforcement efforts. Ku and Jacobson also ask about the extent to which the procedures and practices of the Security Council meet standards of democratic

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1. *DEMOCRATIC ACCOUNTABILITY AND THE USE OF FORCE IN INTERNATIONAL LAW* (Charlotte Ku & Harold K. Jacobson eds., 2003).

accountability. That is, they focus in part on the international dimensions of the problem of accountability. However, they never define accountability—they do not elaborate what they mean by it, nor do they develop a typology that would enable us to understand the multiple forms accountability may take, both in contemporary democracies and in world politics.

Instead, Ku and Jacobson begin with Robert A. Dahl's discussion of the five criteria of a democratic polity: effective participation, voting equality, enlightened understanding, control of the agenda, and inclusion of adults.² But as Ku and Jacobson clearly state in their conclusion, four of these criteria (all but "enlightened understanding") "can only be met at the national level."³ In other words, Dahl's criteria for democratic accountability are largely irrelevant to international institutions and to world politics. World politics is organized around states, which are not equal. Furthermore, since states vary in size as well as in the quality of their internal practices, there is little normative reason for treating them as equals, despite the (non-democratic) tradition of sovereignty. Giving equal votes to China and Cameroon would violate the principle of individual equality so dear to democrats.

Dahl concludes that international organizations are "bureaucratic bargaining systems," rather than democracies or proto-democracies.⁴ In one sense, this conclusion is indisputable: international organizations cannot meet the conditions of democratic accountability that are appropriate to the domestic level. But, it begs the key issues. Anyone who understands international interdependence and globalization recognizes that sustained cooperation in world politics requires international institutions.⁵ Yet, international institutions will never be democratic, even on the standards applicable to very large states. There is no coherent public with a public space, individuals do not have sufficient incentives to pay attention to policy issues at the level of international institutions, and opportunities for participation by ordinary citizens are very limited.

Accountability can operate, however, without democracy. Non-democratic institutions, such as well-functioning Weberian bureaucracies, hold officials accountable. So do courts, which are not inherently democratic. In another way, markets hold firms and their leaders accountable for performance, without meeting democratic criteria.

2. *Id.* at 10.

3. *Id.* at 368.

4. Robert A. Dahl, *Can International Organizations be Democratic? A Skeptic's View*, in *DEMOCRACY'S EDGES* 19, 33–34 (Ian Shapiro & Casiano Hacker-Cordón eds., 1999).

5. See ROBERT O. KEOHANE & JOSEPH S. NYE, *POWER AND INTERDEPENDENCE: WORLD POLITICS IN TRANSITION* (3d ed. 2001); ROBERT O. KEOHANE, *AFTER HEGEMONY: COOPERATION AND DISCORD IN THE WORLD POLITICAL ECONOMY* (1984).

Practices of accountability, therefore, can be more or less democratic, depending on whether higher-level power wielders are held accountable to larger groups of people who are individually less powerful. Systems that hold elites accountable to non-elites are, at least to some extent, democratic. Systems that fail to hold elites accountable to non-elites, even though they may hold lower-level officials accountable to higher-level ones, or firms to markets, are not democratic.

My purpose in this article is to complement the argument of Ku and Jacobson by theorizing accountability, and in particular, by invoking a typology of accountability that is, unlike Dahl's analysis, relevant to international institutions such as the United Nations Security Council. Having developed my argument and my typology, I will reanalyze the practices of the Security Council, as described by Ku and Jacobson. To what extent could Security Council practices be improved to make its members more accountable, even if strictly democratic accountability is not feasible?

The best tribute I can pay to Harold K. Jacobson is to seek in this way to extend and enrich his own analysis of accountability. Over the more than thirty years of our friendship, I never saw Jake bristle at criticism or become defensive. He always wanted to explain the past, in order to deepen his own understanding. The last thing he expected or desired was complacent acceptance of his own arguments as true and complete. Engaging in constructive extensions of his work, even with its implied criticism, seems to me a more fitting memorial to the Jake I knew than simply to praise his scholarship.

This paper proceeds as follows. In Part I, I discuss a pluralistic theory of accountability. I begin by defining accountability in a standard fashion, emphasizing two conditions: the availability of information to accountability-holders, and their ability to sanction power-wielders. I then proceed to discuss a pluralistic conception of accountability systems. Part II then develops a typology of eight accountability mechanisms, all of which are found in democratic societies, but not all of which are democratic *per se*. Part III builds on the Jacobson-Ku discussion of the current practices, relative to accountability, of the Security Council and asks how they could, from the perspective of accountability, be improved.

I. A PLURALISTIC THEORY OF ACCOUNTABILITY

There is wide agreement on how to define accountability. The concept of accountability derives from Old French equivalents for *comptes à*

rendre, meaning the rendering of accounts.⁶ Not surprisingly, standard definitions of accountability emphasize both information and sanctions. "Governments are 'accountable' if citizens can discern representative from unrepresentative governments and can sanction them appropriately."⁷ "A is accountable to B when A is obliged to inform B about A's (past or future) actions and decisions, to justify them, and to suffer punishment in the case of eventual misconduct."⁸ "To be accountable means to have to answer for one's action or inaction, and depending on the answer, to be exposed to potential sanctions, both positive and negative."⁹ "The very essence of accountability" is that the "initiative must be held by the questioners."¹⁰ All satisfactory definitions of accountability include, explicitly or implicitly, two essential features: *information* and *sanctions*.

Since accountability is a relational term, a person or organization has to be accountable *to someone else*. It is therefore essential, in thinking about accountability in a given situation, to distinguish between power-wielders and the accountability holders to which they are held accountable. Accountability is a matter of degree. For a relationship to be one of accountability, there must be some provision for interrogation and provision of information, and some means by which the accountability-holder can impose costly sanctions on the power-wielder. But there is no presumption that the accountability holder knows what information to ask for, that all information desired by the accountability-holder will be provided by the power-wielder, or that the accountability-holder's sanctions will be effective in changing the power-wielder's behavior. In addition, imposing sanctions is often costly to the accountability-holder as well, tending to limit the extent to which they are employed.

6. Mel Dubnick, *Clarifying Accountability: An Ethical Theory Framework*, in PUBLIC SECTOR ETHICS: FINDING AND IMPLEMENTING VALUES 68, 70 (Charles Sampford & Noel Preston eds., 1998).

7. DEMOCRACY, ACCOUNTABILITY, AND REPRESENTATION 10 (Adam Przeworski et al. eds., 1999).

8. Andreas Schedler, *Conceptualizing Accountability*, in THE SELF-RESTRAINING STATE: POWER AND ACCOUNTABILITY IN NEW DEMOCRACIES 13, 17 (Andreas Schedler et al. eds., 1999).

9. Ronald J. Oakerson, *Governance Structures for Enhancing Accountability and Responsiveness*, in HANDBOOK OF PUBLIC ADMINISTRATION 114 (James L. Perry ed., 1989). In most discussions of accountability, sanctions imply punishment rather than reward; but what constitutes a punishment and what constitutes a reward depends on a baseline of prevailing expectations, which may depend on evaluations of past performance. An exclusive emphasis on punishment, ROBERT D. BEHN, RETHINKING DEMOCRATIC ACCOUNTABILITY 222, n.15 (2001), begs the question of how the baseline is established.

10. JOHN UHR, DELIBERATIVE DEMOCRACY IN AUSTRALIA: THE CHANGING PLACE OF PARLIAMENT 176 (1998) (summarizing Normanton's thesis on public accountability).

A. *Accountability as a Power Relationship*

Accountability relationships are closely related to power relationships. Since accountability requires some ability of accountability holders to sanction power-wielders, a relationship of accountability can only exist if the accountability holder can exercise some degree of influence over the power-wielder. This is a truism: a *logical implication* of how I have defined accountability as a relationship. At the extreme point, when nominal accountability-holders have no ability to punish decision-makers, power-wielders will not have to explain their policies and will not be accountable at all. Stalin was nominally an agent of the Supreme Soviet, but the member of the Supreme Soviet who demanded accountability of Stalin would have had a short life expectancy. Clearly, power relationships will affect whether a nominal accountability system is effective (that of the Soviet Union under Stalin's Constitution was not), and the distributional gains and losses that ensue.

One feature of an accountability relationship is that actors demanding influence do so by using normative language. Non-elites, and competing elites, assert their rights to control the behavior of power-wielders; and as we will see, different actors compete for access to power-wielders. Cast in the language of power, an accountability relationship is a relationship in which an actor making a normative claim that it should have influence over another actor actually has such influence; and in which the actor subject to influence has significant discretion. Power relationships that are not accountability relationships include direct supervision of a subordinate who does not exercise discretion, and exercise of power without a normative claim that one has a right to do so.

By my definition, almost all collectivities are accountable to some extent, since almost all collectivities are subject to some form of influence from people making normative claims. The validity of such claims, however, can be contested. From a normative standpoint, the relevant question is whether the type and extent of the accountability relationships is appropriate. Are the mechanisms of accountability that are actually applied, the most effective ones with the least significant negative side effects? And is the right amount of accountability demanded of power-wielders? In view of tradeoffs between accountability and efficiency, it is possible to have too much accountability as well as too little.

B. *Authorization and Contestation*

An institutional analysis of accountability needs to examine not only relationships of accountability *per se*, but also the politics of

authorization and reauthorization. Actions of authorization are actions that create authority relationships.

Authorization refers to whether a rights-holder has given her right to act to another person.¹¹ A power-wielder can be authorized or unauthorized to carry out certain actions; and we can know this by consulting rules and procedures for authorization. An authorized power-wielder may or may not be accountable. Hobbes's sovereign, for instance, is authorized to act on behalf of a set of people, but is not accountable to them. Complaints about lack of accountability often do not question that certain power-wielders are authorized to act for others, but object that those for whom they act have insufficient knowledge of their actions and are not sufficiently able to sanction them.

Constitutional systems often authorize power-wielders to carry out tasks for which they are deliberately not held accountable. It would be inappropriate to regard the United States Supreme Court, while exercising constitutional review, as the agent of the public. When the Court strikes down a legislative act, it is not acting as an agent, but as a trustee of the public good, defending principles traditionally conceived of as valid, even in the face of public hostility.

The authorization problem is how to establish institutions that maintain a sufficient degree of accountability, for the system as a whole, without hobbling the ability of power-wielders to act on behalf of the society, often in ways that require improvisation. Madison's institutional solution to this problem is the most famous: to establish formal organizations in which "ambition [is] made to counter ambition. The interest of the man must be connected with the constitutional rights of the place."¹² The endurance of the American Constitution, despite a plethora of opportunists and scoundrels in office from time to time, is testimony to the success of this design.

In world politics, as well as in weakly institutionalized domestic regimes, existing authorizations are typically fragile, and often contested. The politics of competition for access becomes a continuing activity. Who gets the ability to influence the power-wielder? In weakly institutionalized systems, the struggle is ongoing, only temporarily resolved in accordance with power relationships. Indeed, we can think of an *authorization-reauthorization cycle*. After the authorization of a set of accountability relationships, actors engaged in the process will evaluate how those relationships are working from their standpoints. Actors that perceive themselves as disadvantaged by these arrangements, and that think they have sufficient political resources to alter or overturn them,

11. HANNA FENICHEL PITKIN, *THE CONCEPT OF REPRESENTATION* 43, 51 (1967).

12. *THE FEDERALIST* NO. 51, at 349 (James Madison) (Jacob E. Cooke ed., 1961).

will devise strategies to do so. If successful, some form of reauthorization will take place, and the cycle begins anew.

The politics of accountability in such systems is profoundly different than in highly institutionalized systems. In constitutionalized systems, the politics of accountability is highly institutionalized, with established relationships. But in weakly institutionalized systems, the politics of accountability is a struggle over what those relationships will be in the first place, and is therefore much more fundamental.

C. Pluralistic Accountability Systems

In discussing the overall patterns of accountability within a governance structure, I will refer to the *accountability system*. The accountability system is the set of accountability mechanisms, and their interactions, that characterize a given governance system, from the relationship between the electorate (if any) to the highest political officials, all the way to the relationship between a working-level bureau and its clients. The notion of an accountability system has its roots in the debates in the field of public administration running from Woodrow Wilson to Herbert A. Simon.

The classic public administration view of accountability, pioneered by Wilson in the 1880s, rested on the proposition that "the more power is divided the more irresponsible it becomes."¹³ According to this *unitary theory* of public administration, unity of command down the hierarchy is a necessary precondition for both efficiency and accountability. Unity of command makes it possible to attribute responsibility for actions, and to hold the responsible agents accountable.

In 1948, however, Herbert Simon showed that several principles of the classic works of public administration were contradictory.¹⁴ For instance, the principle of unity of command contradicted the principle of specialization. Unity of command would mean that specialized departments (e.g., of accounting) could not exercise authority over accounting offices within other departments (e.g., a school), thus reducing the impact of specialized expertise on the accounting practices of the school. The so-called "principles" such as unity of command, specialization, and limiting the span of control of administrators, are actually competing criteria, which are in continual tension with one another in public administration. Likewise, agencies and firms can organize themselves by

13. VINCENT OSTROM, *THE INTELLECTUAL CRISIS IN AMERICAN PUBLIC ADMINISTRATION* 24 (1973) (summarizing the basic propositions of Woodrow Wilson's paradigm for creating a science of administration).

14. HERBERT A. SIMON, *ADMINISTRATIVE BEHAVIOR* 20-26 (1976).

purpose, process, clientele, or place, but not simultaneously. Choices have to be made.

Simon's critique helped to foster what could be called a *pluralistic* theory of administration. Such a model of administration involves dispersion rather than concentration of authority among units with overlapping jurisdictions, whose conflicts over jurisdiction are subject to judicial remedies.¹⁵ This model takes into account the crosscutting nature of issues, which implies the fragmentation of administrative jurisdictions. Pluralistic theories of administration call for complex governance structures, unlike the simple, unified centers of command and control prescribed by orthodox administrative theory.

In this model,

[i]mplementing agencies, not 'the government,' are regarded as the basic units of accountability. Vertical hierarchy is augmented by multilateral arrangements in which implementing agencies are subject to multiple constraints of different sorts, both political (sometimes electoral) and legal. The links between governance and administration are many.¹⁶

In a pluralistic model, accountability applies not only to hierarchical superiors and electorates but also to specialized agencies within the larger organization, to courts, to distinct organizations with overlapping areas of responsibility, and to a variety of constituencies, some of them organized into nongovernmental interest groups. These accountability relationships are likely often to conflict with one another, since the principals have different interests, values and purposes.

The unitary theory of public administration ultimately rests on a unitary theory of sovereignty, which was rejected by the founders of the United States.¹⁷ Such a theory may be relevant for parliamentary systems, but does not describe practice in the United States, and certainly does not remotely describe governance arrangements at the global level, where sovereign authority is notably lacking. Hence, the pluralistic

15. OSTROM, *supra* note 13, at 89–92. Vincent Ostrom describes what I am calling a pluralist theory as a theory of democratic administration, and traces it to Hamilton, Madison, and Tocqueville. Such administration is open to broad participation by members of the community and their elected representatives, under the framework of law. As Tocqueville commented, "a genuine hierarchy among officials" did not exist among American local officials, each elected to a different office for a fixed term; hence the judicial power was extended into the electoral world. ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 70 (Harvey C. Mansfield & Delba Winthrop eds. & trans., 2000).

16. Oakerson, *supra* note 9, at 118.

17. See BERNARD BAILYN, *THE IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION* 201–29 (1967).

theory of public administration is more relevant than the unitary one as a basis for the analysis of systems of accountability.

The theory of pluralistic accountability has the further virtue that it points to a further problem: that of *collective responsibility*. In a pluralistic accountability system, there are many decision-makers, or core groups, and it is difficult to identify responsibility for action and inaction. Derek Bok eloquently indicts Congress for its lack of collective responsibility:

Instead of being collectively responsible for the programs they enact, members of Congress are individually accountable to their constituents (and perhaps, in some degree, to their contributors) [Individual] accountability . . . does nothing to make [members of Congress] collectively responsible for compiling a strong record of bills that successfully accomplish important public purposes. On the contrary, opening more of the work of individual lawmakers to public scrutiny often exposes them all the more to the centrifugal pressures of special interests and constituent groups that make it so difficult to agree on well-crafted, coherent legislation.¹⁸

Congress is divided by political parties and ideology; but it produces outcomes as a collective entity. *Networks* are linked sets of actors (individuals and organizations) that do not necessarily share a common organizational structure, but whose actions have results. The results of foreign aid in developing countries, for instance, may be attributable more to the whole network of relationships involving donors and recipients, than to any one set of actors.¹⁹

From the standpoint of *external* principals, the problem of accountability then becomes one of attribution of responsibility to members of teams, or to participants in a collectivity or a network. In a liberal, individualistic political system, individuals are the basic unit of analysis. They are rewarded and punished, whether directly (as individuals) or indirectly (as members of organizations). Responding to this problem of attribution in the context of American governmental administration, Eugene Bardach suggests peer accountability and greater involvement of consumers or clients or customers as two ways to evaluate collaborative activity.²⁰ The basic point is that participants within the organization must have both the required information and incentives to demand

18. DEREK BOK, *THE TROUBLE WITH GOVERNMENT* 131 (2001).

19. S.M. RAVI KANBUR ET AL., *THE FUTURE OF DEVELOPMENT ASSISTANCE: COMMON POOLS AND INTERNATIONAL PUBLIC GOODS* (1999).

20. EUGENE BARDACH, *GETTING AGENCIES TO WORK TOGETHER: THE PRACTICE AND THEORY OF MANAGERIAL CRAFTSMANSHIP* 144 (1998).

accountability. Unlike outsiders, they can identify who is responsible for results or for failures: they have information as a result of their organizational activity. Precisely because they are likely to suffer if their organization does badly (insofar as accountability operates at the level of the organization), they have incentives to help correct the problem at the individual level.

Pluralistic accountability systems are messy. But, the nature of world politics means that any accountability arrangements at the international level will be pluralistic. And since they will not be highly institutionalized either, they will be particularly messy. Yet, the alternative is not well-institutionalized democratic accountability, but little meaningful accountability at all.

II. EIGHT ACCOUNTABILITY MECHANISMS

We know that in complex systems, accountability will be highly imperfect. How, then, can we analyze the potential for accountability in a complex system?

I proceed by seeking to identify the types of accountability that operate within contemporary democracies. My criteria for identification focus on the *mechanisms used to sanction agents*. Sanctions are central to accountability, and mechanisms for sanctioning available to accountability holders are a key to the operation of accountability in a pluralistic administrative system. Without mechanisms for sanctions, demands on power-wielders for answers are unlikely to be very effective. Furthermore, these mechanisms differ institutionally, such that they may be distinguished relatively clearly from one another.²¹

There are eight different mechanisms for sanctioning identified in Appendix 1. We can imagine situations in which each mechanism links one agent with one principal, although many actual situations will be much more complex. Appendix 1 provides a schematic view of the eight types of accountability in their simple, pure forms: as Weberian ideal types. For each type of accountability, it indicates the power-wielders and accountability-holders, and the mechanisms that impose costs on power-wielders. Appendix 1 also provides examples of situations associated with each type of accountability.

In discussing Appendix 1, it is important to note once again that not all forms of accountability are intrinsically democratic. Accountability is

21. It is true that for each type of accountability, the principal also needs sufficient information to be able to attribute responsibility to particular agents. But informational channels do not appear to be as distinct as modes of sanctioning. Thus, modes of sanctioning are employed for the typology of accountability mechanisms.

an essential aspect of democracy, but it exists, in some forms, in all political regimes. This article considers accountability in general, not the specifically democratic variety.

Hierarchical accountability is a characteristic of bureaucracies and of virtually any large organization. Superiors can remove subordinates from office, constrain their tasks and room for discretion, and adjust their financial compensation. Hierarchical accountability, as I use the term, applies to relationships within organizations.

Supervisory accountability refers to the practice of authorizing one collectivity to act as the accountability holder with respect to specified power-wielders. One prominent example of supervisory accountability is the requirement in representative democracies that executives answer to legislatures for their actions and inactions. Legislatures can change the mandates of executive agencies, and can exercise fiscal control. Legislative accountability is particularly strong in parliamentary systems, where only the legislature, not the chief executive, is directly elected. As Laver and Shepsle state, "the essence of parliamentary democracy is the accountability of the government (also called cabinet, executive, or administration) to the legislature."²² Supervisory accountability is also exemplified by the operations of boards of directors of firms or boards of trustees of universities, foundations, and other non-profit entities.

Electoral accountability is also a distinctively democratic form of accountability. In democracies, electorates determine whether officials secure their reelection. Since officials typically seek reelection or election to a higher office, this potential sanction is regarded as a powerful inducement for them to explain their actions to electorates and serve their electorates' interests. In this conventional view, much of the activity of elected officials takes place "in the shadow of elections," with the awareness that potential opponents may publicize their actions, if these seem likely to be unpopular with their electorates.²³ On the other hand, some recent work suggests that even in democracies, there is much less retrospective electoral accountability than the conventional view suggests.²⁴

In a sense, this failure should not be surprising in light of democratic theory. Theorists such as Alexis de Tocqueville and John Stuart Mill emphasized in the mid-19th century the importance, for effective control of government, of alert and involved citizens and of a habit of voluntary

22. Michael Laver & Kenneth A. Shepsle, *Government Accountability in Parliamentary Democracy*, in DEMOCRACY, ACCOUNTABILITY, AND REPRESENTATION, *supra* note 7, at 279.

23. See DAVID MAYHEW, CONGRESS: THE ELECTORAL CONNECTION (1974).

24. See José Antonio Cheibub & Adam Przeworski, *Democracy, Elections and Accountability for Economic Outcomes*, in DEMOCRACY, ACCOUNTABILITY, AND REPRESENTATION, *supra* note 7, at 222–49.

civil association. Alexis de Tocqueville observed that “[t]he inhabitant of New England is attached to his township not so much because he was born there as because he sees in that township a free and strong corporation that he is a part of and that is worth his trouble to seek to direct.”²⁵ Democracy, in Tocqueville’s view, also relies on the existence of multiple voluntary associations,²⁶ linked to political associations in multiple ways. In the words of John Stuart Mill, “the rights and interests of every or any person are only secure from being disregarded when the person is himself able, and habitually disposed, to stand up for them.”²⁷

Fiscal accountability describes mechanisms through which funding agencies can demand reports from, and ultimately sanction, agencies that are recipients of funding. This form of accountability was fundamental to the emergence of parliamentary power in England during the 17th century, and is central to the control exercised by Congress over the executive branch in the United States. It is particularly important for international organizations such as the United Nations and the World Bank, which rely on government appropriations to fund substantial parts of their activities.

Legal accountability refers to the requirement that agents abide by formal rules and be prepared to justify their actions in those terms, in courts or quasi-judicial arenas. In the 1830s, Alexis de Tocqueville observed how important courts were for administration in the United States.²⁸ This tradition continues, and has only been reinforced in recent years. The Administrative Procedures Act of 1946, with its legal requirements for “notice and comment” by agencies to the public, and for judicial review, illustrates the operation of legal accountability.²⁹

Market accountability is a less familiar category, but an important one.³⁰ It is important to emphasize that this form of accountability is not to an abstract force called “the market,” but to specific principals, whose influence on their agent is exercised in whole or in part through markets, and the information communicated through them. These principals in-

25. TOCQUEVILLE, *supra* note 15, at 63–64.

26. *See id.* at 496–500.

27. JOHN STUART MILL, CONSIDERATIONS ON REPRESENTATIVE GOVERNMENT, in REPRESENTATION 177, 178 (Hannah Fenichel Pitkin ed., 1967).

28. *See* TOCQUEVILLE, *supra* note 15, at 70.

29. Matthew D. McNollgast et al., *Administrative Procedures as Instruments of Political Control*, 3 J.L. ECON. & ORG. 243, 263 (1987); MARTIN SHAPIRO, WHO GUARDS THE GUARDIANS? JUDICIAL CONTROL OF ADMINISTRATION 43–44 (1988); JERRY L. MASHAW, GREED, CHAOS AND GOVERNANCE: USING PUBLIC CHOICE TO IMPROVE PUBLIC LAW 165 (1997).

30. Joseph S. Nye has emphasized the role of market accountability, and I am indebted to him for my inclusion of this mechanism. *See, e.g.*, MARKET-BASED GOVERNANCE: SUPPLY SIDE, DEMAND SIDE, UPSIDE, AND DOWNSIDE (John D. Donahue & Joseph S. Nye, Jr. eds., 2002).

clude investors in equities and in bonds, whose actions may punish firms, by reducing stock prices and access to capital in general. More indirectly, they include consumers of products sold in markets. As Albert O. Hirschman has pointed out, pressure on organizations from markets typically takes the form more of “exit” than “voice.”³¹ Investors and consumers abandon the firm more often than they vote out its management or demand changes in practices. Investors may also stop investing in countries whose policies they dislike. Market accountability is more indirect than the five forms discussed above, since specific demands to explain policies may not be a very important aspect of the process. Nonetheless, markets provide a mechanism for sanctioning that can be quite effective. The impact of financial markets on self-reporting is indicated by the much greater volume of information that is available from publicly held, than from privately held, firms.

Participatory accountability arises as the result of demands for explanation of professional performance or bureaucratic action. Professionals claim expertise, for which validation is required. The response of professional societies and networks to demands from outsiders for validation is typically some form of peer review. Hannah Arendt described bureaucracy as “rule by Nobody.” She declared that, “[i]f . . . we identify tyranny as government that is not held to give account of itself, rule by Nobody is clearly the most tyrannical of all, since there is no one left who could even be asked to answer for what is being done.”³² One response to this potential lack of accountability on the part of bureaucratic organizations is to devise arrangements that designate as principals people who are within the organization, or who work closely enough with it so that they can hold individuals responsible for their actions.

When participatory accountability operates, agents are answerable to other people participating with them in a decision-making process. The accountability holders in relationships of participatory accountability can be coworkers, clients or professional peers. The key point about participatory accountability is that the accountability holders work closely with the authorized wielders of power and observe their behavior first hand; they are not hierarchically superior to power-wielders. Participatory accountability provides a potential link between collective and individual accountability.

My final category is *public reputational accountability*. In a sense, this category could be misleading. Isn't reputation involved in all the other forms of accountability? Superiors, legislatures, electorates, courts,

31. ALBERT O. HIRSCHMAN, EXIT, VOICE AND LOYALTY: RESPONSES TO DECLINE IN FIRMS, ORGANIZATIONS AND STATES 40 (1970).

32. HANNAH ARENDT, CRISES OF THE REPUBLIC 137–38 (1969).

fiscal watchdogs, markets, and peers all take the reputations of power-wielders into account. The category of public reputational accountability, however, is meant to apply to situations in which reputation, widely and publicly known, provides a mechanism for accountability even in the absence of other mechanisms. For instance, the United States Supreme Court is deliberately shielded from the other types of accountability. Its members do not have to answer to Congress except in cases of alleged severe malfeasance. They are not accountable to hierarchical superiors, executive or judicial, nor to the electorate, since judges serve for life. They face no fiscal constraints, since under the Constitution their salaries cannot be reduced during their terms of office.³³ Outsiders are not privy to their deliberations, and they are not accountable to markets. Nevertheless, it could not properly be said that Supreme Court justices are entirely unaccountable. They are expected not merely to make decisions but to justify them in writing. Their opinions are minutely examined and criticized by other justices, legal scholars, and members of the public. The reputations of particular justices rise or fall depending on these evaluations. For justices of the Supreme Court of the United States, a devastating critique of an opinion may surely constitute a sanction.

These types of accountability are not mutually exclusive, but overlap. That is, a given process of accountability may involve several types. For instance, when a legislature holds an executive agency accountable for a set of regulatory decisions, it may do so through fiscal measures, and the effect of its actions may be to alter the agency's reputation. In their analysis of what they call "extended accountability" in east central Europe after 1989, David Stark and László Bruszt analyze "the embeddedness of the decision-making center in networks of autonomous political institutions that limit the arbitrariness of incumbents."³⁴ Incumbents continually have to negotiate with these institutions in order to maintain sufficient credit to be effective. Madison, Tocqueville and Mill would all recognize the process.

A priori, it is hard to make judgments about the effectiveness of these eight types of accountability. Indeed, since they seem to work best in combination, and embedded in appropriate institutions both of government and civil society, the question may be pointless. Even taken by themselves, it appears that the degree of control associated with each type of accountability can vary from very effective to very ineffective. Hierarchical control, for instance, is not necessarily more effective than reputational control. Indeed, those of us who work in universities have

33. U.S. CONST. art III, § 1.

34. DAVID STARK & LÁSZLÓ BRUSZT, POSTSOCIALIST PATHWAYS: TRANSFORMING POLITICS AND PROPERTY IN EASTERN EUROPE 188 (1998).

all experienced organizations whose nominal hierarchies are ineffective, but in which reputation serves as a powerful incentive. Issues of effective control involve difficult issues of influence, which require more sustained discussion than simply to be asserted as aspects of typologies.³⁵

Appendix 2 portrays the different transmission belts and catalysts distinctive to each form of accountability. The transmission belts or accountability mechanisms, which appear in the last column, define each type of accountability, as noted above. For each set of transmission belts, there are distinctive “catalysts,” or signals that activate the accountability mechanisms. Organizational hierarchies respond to performance evaluations. Legislators and courts respond to “fire alarms”—protests and demands from constituents about, and lawsuits over, the operation of a bureaucracy.³⁶ Markets respond to shifts in profitability and market share. Customers and clients may react through “exit” or “voice.”³⁷ The public reacts based on how their leaders’ performances match up to expectations. These catalysts are illustrative rather than comprehensive; the point is that different mechanisms of accountability involve different catalysts for action. In interpreting Appendix 2, however, one should not forget that agents can often shape the institutional constraints—including the catalysts and transmissions belts—within which they work.

III. POLITICAL ACCOUNTABILITY AND THE SECURITY COUNCIL

Jacobson and Ku criticize accountability in the Security Council on several grounds. My purpose in this section is to reanalyze the issue of the accountability of Security Council practices, using their description

35. See, MELVIN J. DUBNICK & BARBARA S. ROMZEK, *AMERICAN PUBLIC ADMINISTRATION: POLITICS AND THE MANAGEMENT OF EXPECTATIONS* 76–83 (1991); Barbara S. Romzek, *Enhancing Accountability*, in *HANDBOOK OF PUBLIC ADMINISTRATION* 97 (James L. Perry ed., 2d ed. 1996). Melvin Dubnick and Barbara Romzek have devised a fourfold categorization of accountability, which assumes that hierarchical accountability involves a higher “degree of control” than what they call professional accountability (which encompasses aspects of participatory and reputational accountability), and legal accountability involves more control than what they term political accountability (which encompasses electoral and legislative accountability). If they are only referring to nominal control—minuteness of supervision—their statement seems to be correct. But if they imply that effectiveness varies in this way, the inference is questionable. Indeed, they claim that where professionals are involved in public administration, loose supervision will generally be *more* effective than close supervision. Tocqueville’s discussion questions the assumption that legal accountability implies more effective control over elected officials than political accountability, except in cases of malfeasance: “In reality, the elected magistrate has nothing to expect or to fear except from the electors when all public offices are the product of election.” TOCQUEVILLE, *supra* note 15, at 70. The Dubnick-Romzek typology omits my categories of fiscal and market accountability.

36. Matthew D. McCubbins & Thomas Schwartz, *Police Patrols versus Fire Alarms*, 28 *AM. J. POL. SCI.* 165, 166 (1984).

37. HIRSCHMAN, *supra* note 31, at 4.

of actual practices but applying my typology, presented above, of accountability mechanisms.

Jacobson and Ku point out that in a variety of ways, Security Council practices do not meet standards of *democratic* accountability. The Security Council fails on the standard of equitable representation, because its voting is based on the sovereign equality of states, Europe is over-represented, and five states have the extraordinary privilege of the veto. However, I have argued above that it would be unrealistic to expect the Security Council to meet democratic standards. The more relevant question is whether the Security Council meets pluralistic standards of accountability.

Of the eight mechanisms I have outlined, three seem of little relevance to the Security Council. The Security Council is not subject to external legal constraints: the International Court of Justice does not review the “constitutionality” of its acts. Nor is the Security Council significantly accountable to financial markets, especially when compared other international institutions such as the World Bank. And, of course, there are no meaningful popular elections that enable voters to hold Security Council participants accountable.

The other five mechanisms, however, are all relevant. The Security Council operates through instructions to the Secretary-General, and its efficacy therefore depends on *hierarchical accountability* within the United Nations system. If the Secretary-General does not control his subordinates, Security Council authority is, in practice, weakened. Jacobson and Ku point out two deficiencies in hierarchical accountability. First, civilian control is weak in UN peacekeeping and peace-enforcement operations. Indeed, the nine states considered in their study “have never given up command of their forces” nominally assigned to the United Nations.³⁸ They comment, “When the UN asks individual states or coalitions of states to undertake military actions, reporting arrangements are generally extremely loose and the UN’s ability to influence implementation limited.”³⁹ Secondly, there is little tradition of personal accountability within the UN bureaucracy. Citing the failure of UNPROFOR to protect “safe areas” in Bosnia, and the lack of punishment of responsible officials for this failure, Jacobson and Ku comment: “As yet, . . . there is no such accountability within the UN, and establishing responsibility in the way that it is established in democracies proved impossible.”⁴⁰

38. Ku & Jacobson, *supra* note 1, at 371.

39. *Id.* at 372.

40. *Id.*

Supervisory accountability—by which the Security Council holds the Secretary-General himself accountable—appears to be more effective. Secretaries-General serve for five-year terms, and their reelection is subject to Security Council action, including the veto. Secretary-General Boutros Boutros-Ghali was not reelected for a second term, as a result of the negative views of the United States.

The *fiscal accountability* of the Security Council is both formal and informal. Formally, the General Assembly has the responsibility to approve the budget of the United Nations.⁴¹ Indeed, this is the only serious way in which the Assembly can hold the Security Council accountable, since the Assembly cannot make any recommendations about disputes being considered by the Security Council,⁴² and the Council only has a perfunctory responsibility to provide annual reports to the Assembly.⁴³ In practice, this constitutional division of authority means that the budget, including budgets for actions authorized by the Security Council, is not subject to the veto. Not surprisingly, permanent members of the Council have not always been happy with their budgetary assessments, and have on occasion sought, outside the Charter, to bring pressure to bear by withholding contributions. The Soviet Union sought to hold the United Nations accountable for its operations in the Congo in the early 1960s, leading to the “Article 19 Crisis” in 1964–65 over its non-payment of dues.⁴⁴ The United States also engaged in a long struggle over its non-payment of UN dues, as a result of Congressional actions beginning in the mid-1980s.

One might expect that the Security Council would be subject to *participatory accountability*, as a result of pressure from other states. In particular, it might be expected that countries contributing troops to UN peacekeeping operations would have a substantial voice in how their military forces were employed. However, Jacobson and Ku point out that, in a formal sense at least, they do not have such a voice:

Article 32 of the Charter requires that parties to a dispute be represented (without vote) in the Security Council. Troop-contributing countries do not have a similar privilege. Unless it happens to be a UNSC member, a country that contributes forces or financial resources to UN operations has no vote in deciding how to use them. Among the countries in this study, this issue has been of particular concern to Canada and India. In the late

41. U.N. CHARTER art. 17, para. 1.

42. *Id.* art. 12, para. 1.

43. *Id.* art. 15, para. 1.

44. Robert Owen Keohane, *Political Influence in the General Assembly*, 557 INT’L CONCILIATION 43 (1966).

1990s, almost two-thirds of the military personnel involved in operations under UN command came from countries that were not members of the Security Council. They have no say in the initial mandate and rules of engagement, nor are they present if the Council modifies the mission in the course of a military operation.⁴⁵

Participatory accountability need not be democratic in a strict sense. Its absence from Security Council procedures is a striking indication of the self-protective way in which the Permanent Members have guarded their privileges.

Finally, the most important mechanism of accountability for a well-functioning Security Council is *public reputational accountability*. Public reputational accountability does not depend on institutionalized channels. Even without those channels, if sufficient information is available, individuals, NGOs, and other governments can criticize the reasoning and evidence of members of the Security Council, as commentators on the decisions of the Supreme Court of the United States can do. However, in their most telling criticism of Security Council practices, Ku and Jacobson point out that “the Security Council’s proceedings are frequently not transparent Lack of transparency confounds democratic accountability by limiting possibilities for understanding the bases and purposes of UN-authorized military operations.”⁴⁶ Actually, lack of transparency confounds not just democratic accountability, but *any* meaningful accountability. This absence of accountability was especially egregious in the case of the Rwanda operation, since before the killings began, the Security Council “rebuffed and quietly buried Belgium’s request to strengthen UNOMUR.”⁴⁷

Ku and Jacobson observe that lack of transparency extends to the actions of individual states, authorized by the Security Council to take action involving military force. Often, they say, reports to the Council on such operations have been perfunctory.⁴⁸ Hence, states performing military action at the request of the Council are not held accountable for their activities.

45. Ku & Jacobson, *supra* note 1, at 358–59.

46. *Id.* at 359–60.

47. *Id.* at 368.

48. *Id.* at 360.

IV. CONCLUSION

Harold Jacobson was perceptive in choosing to focus on issues of accountability. With Charlotte Ku and other collaborators, he produced a valuable book exploring gaps in both national and international accountability with respect to the use of force.

The Jacobson-Ku findings are actually more significant than their own argument suggests, since it is not merely the case that the Security Council does not meet standards of democratic accountability. Cynical observers of world politics could all easily respond that "of course world politics does not meet democratic standards." But a more thorough analysis of accountability, as carried out in Parts I and II of this Article, demonstrates that accountability is not merely a democratic concept. There is a broader, pluralistic theory of accountability that applies to a variety of non-totalitarian but not perfectly democratic states, and that is also relevant to world politics.

Even under these pluralistic rather than democratic standards, the United Nations Security Council displays a low level of accountability. Ku and Jacobson are right to be critical. Many realistic improvements may be instituted, even without assuming a transformation in the structure of world politics making legal or electoral accountability relevant to the Security Council. Hierarchical accountability may be strengthened, giving the Secretary-General more authority over his staff, and thereby reducing his ability to evade accountability himself for the actions of his staff. Participatory accountability may be improved by enabling states participating in Security Council military actions, and financing them, to have more information and a greater voice in their proceedings. Finally, and most important, increasing the transparency of Security Council processes would enhance the potential for public reputational accountability. Weak as it may be, increasing such accountability would enhance the prospects for publicizing inaction before it is too late, and for probing the motives for action by the Council. By understanding and explicating the various mechanisms by which pluralistic accountability may work, scholars can expand their imaginations, and suggest practical ways for the Security Council to become a more effective trustee for the interests of the people of the world.

APPENDIX I
EIGHT MECHANISMS OF ACCOUNTABILITY

Mechanism	Accountability Holder	Power-wielder	Cost to Power-wielder	Examples
Hierarchical Supervisory	Leaders of organization Legislatures or Boards	Subordinate official Cabinet officer or executive head of an organization	Loss of career opportunities For Prime Minister or executive head, loss of office; for President, reduced influence	Any bureaucratic organization Cabinet government in England; Congressional oversight of Executive in US, boards of IMF and World Bank
Electoral	Electorate	Individual official	Removal from office	U.S. Congressional elections
Fiscal	Funding agencies	Funded agency	Budget restrictions	Congressional "power of the purse"
Legal	Courts	Individual official or agency	From restriction of authority to criminal penalties	Administrative Procedures Act (APA) in United States
Market	Equity and bond-holders	Firm	Loss of access to, or higher cost of, capital	Refusal of capital markets to finance firms in troubled industries, or developing country governments during world financial crises
Participatory	Peers within organizations or professional networks	Individuals within organizations	Effects on reputation and possible career opportunities	Procedures for customer evaluations of firms or peer review of professionals
Public Reputational	Peers and diffuse public	Individual or agency	Diffuse effects on reputation, prestige, self-esteem	Greenspan and Fed; U.S. Supreme Court

APPENDIX 2
ACCOUNTABILITY: CATALYSTS AND TRANSMISSION BELTS

Mechanism	Accountability Holder	Power-wielder	Catalysts*	Transmission Belts
Hierarchical	Leaders of organization	Subordinate official	Performance failures	Markets and media
Supervisory	Legislatures or Boards	Cabinet officer or executive head of organization	Expressions of public dissatisfaction Interest group "fire alarms"	Committee hearings Media
Electoral	Electorate	Individual official	Expressions of public dissatisfaction	Organized party competition
Fiscal	Funding agencies	Funded agency	Failure to attain goals New goals or priorities by funding agencies	Budget allocations
Legal	Courts	Individual official or agency	Interest group "fire alarms" Auditing and monitoring: "police patrols"	Legal processes such as lawsuits, indictments
Market	Equity and bond-holders	Firm	Declines in profitability and market share	Public reporting Analysis by brokerage and rating firms
Participatory	Peers within organizations or professional networks	Individuals within organizations	Dissatisfaction of clients and customers: "exit" and "voice"	Informal communication across and within organizations
Public Reputational	Peers and diffuse public	Individual or agency	Failure relative to public expectations	Media Organized campaigns of support or opposition

* Examples are *negative catalysts*, where performance is below expectations and there is dissatisfaction by the principal. Such responses may be offset by positive evaluations, also part of a process of accountability.