

# Accountability in Comparative Governance: A Flawed Paradigm?

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## *Abstract*

This article critiques the accountability paradigm as expressed in the broader field of comparative political studies. While recognizing the multiple merits of accountability as a new paradigm in comparative governance, we argue that the latter lacks conceptual clarity despite its recurrent use by scholars, the media, and public figures. We present examples of its contested meaning, failures to deliver on promises, and adverse consequences on liberal, emerging or post-conflict democracies. Specifically, we explore the potentially 'dark side' of accountability as a vehicle in the rise of global populism and highlight practices that undermine other political values, such as political learning, consensus-building, and citizens' rights. Finally, we argue for a nuanced disaggregation of the concept, distinguishing accountability as a principle of non-impunity, and accountability as a form of bureaucratic organization and control in comparative politics.

## **Introduction:**

“There is little doubt,” claims Matthew Flinders, “that the concept of accountability appears to be emerging as the *über*-concept of the twenty-first century,” a concept against which no one can be (Flinders 2014). Enthusiasm for the “golden concept” of accountability in various settings has spawned a host of bureaucratic instruments, waves of truth-seeking initiatives, and a powerful, pervasive discourse. Despite – or because of – its ubiquity, there is a great deal of scholarly and practical disagreement about its content and scope (Mulgan 2000; Behn 2001). Alongside this ambiguity, people have high expectations for policies of accountability, for example, that more robust institutional arrangements will encourage the integrity of public officials, or that accountability instruments will improve the performance and efficiency of government. In this article, we aim to highlight the drawbacks of a uniform focus on accountability. Amongst other problems, we argue that accountability makes negotiations among

domestic political actors more adversarial and often punitive, limiting the prospect of positive learning, while also precluding the consensus required for effective reform across a wide range of cases presented in comparative politics. Public figures frequently agree that accountability is a desirable public good, but they cannot agree on what it is or how to achieve it. Part of the difficulty of realizing this essentially contested concept lies in its multiple and often incompatible aims.

Ambiguity lies at the heart of what we elect to call the “flawed paradigm” of accountability.<sup>1</sup> Typologies of accountability proliferate, distinguishing, for instance, between political, legal, professional, social and administrative accountability (Bovens 2007). Indeed, Lindberg, in a review of the literature, counts over 100 subtypes and variants of ‘accountability’ (Lindberg 2013:3). Rather than create a new typology to add to the many (useful) existing ones, we focus on a fundamental tension at the heart of the concept as it is used in comparative governance: the distinction between *accountability as the principle of the non-impunity of high office* and *accountability as a mode of bureaucratic organization and control*.

Although scholars and practitioners frequently cite the unintended consequences of individual mechanisms of accountability, such as the disproportionate financial cost of its instruments or the excessive bureaucratization of public life, we attempt to address the entire paradigm. We outline the pitfalls of the accountability paradigm in comparative governance and democratization studies by shedding light on the tensions and trade-offs

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<sup>1</sup> We defend the use of the term “paradigm” on the grounds of its observed pervasiveness and also because of correlated phenomena such as the emergence of the “audit society” (Power 1997). We refer specifically to what Onora O’Neill describes as the “shift from cultural and social approaches to compliance to widespread reliance on formalized structures of accountability and corresponding duties of accountability” (O’Neill, forthcoming).

that arise from demands for accountability, particularly in times of crisis. Part of the problem we argue is the lack of specific understandings of accountability across different interrelated fields for instance: comparative political economy, direct democracy and transitional justice/peace and conflict studies. We also highlight the hazards with the “collective obsession with accountability” (Dubnick 2014) and argue that these hazards result, in part, from an expectations gap that emerges when a pervasive discourse of accountability muddies the meaning of the term. We explain the expectations gap and explore three inter-related sets of value conflicts in post-crisis accountability, drawing on diverse examples from liberal, emerging and post-conflict democracies. In so doing, we demonstrate the unintended consequences of the ambiguity of the term.

### **Accountability: Unpacking an *Über*-concept**

At its most basic, ‘accountability’ refers to a relationship of account-giving between two or more actors. In comparative governance, the key relationships of accountability exist between citizen and government, between the different branches of government, and between the civil service and elected officials. Accountability is maintained through a variety of structural arrangements, such as separation of powers, and elections. For instance, different arrangements arise from variation in executive format, determining whether or not a president or cabinet is politically accountable to the parliament. But in each of these cases, variation in the structure of the relationship is designed to delimit the scope of each actor’s decision-making power according to a constitutionally defined role, and to protect citizens’ capacity to remove incumbents from office if citizens deem their performance inadequate. In practice, public accountability is

maintained through a vast array of mechanisms beyond elections and structural arrangements, including standards and auditing practices in bureaucratic settings, and prosecutions and truth commissions following crises.

As noted above, there have been numerous scholarly attempts to map the concept of accountability. Amongst the many typologies used to disaggregate the concept, we find two recurring metaphors. The first is a spatial metaphor, a distinction between *horizontal mechanisms* (administrative instruments, such as audits and inspections, and other institutions providing checks on power, such as high courts, opposition parties, or central banks) and *vertical mechanisms* (electoral or structural arrangements making representatives accountable to citizens) (Diamond 2004). The second, temporal metaphor distinguishes between *punitive* (retrospective or “post-factum” mechanisms, such as trials, investigations, and consequent sanctions) and *preventative* (prospective or “pre-factum” tools, ranging from routine audits and inspections to performance measures and reporting) modes of accountability. In practice, most contemporary public accountability instruments are horizontal and prospective; this has evolved alongside the growth of the post-Second World War administrative state. These mechanisms are used to ensure appropriate behavior and performance by bureaucrats and other public officials in liberal democracies, and they complement sanction-based mechanisms, such as investigations following a scandal.

Despite both falling under the rubric of accountability, these two types of metaphors reflected two very different logics: accountability as a principle of the non-impunity of high office, and accountability as a mode of bureaucratic organization with a particular aim (usually efficiency and high performance). This distinction becomes

clearer when we look at a multiplicity of political settings, including routine administration (the administrative state) and moments of crisis (transitional settings and economic crisis). In administrative settings, such as public bureaucracies, ‘accountability’ comes to mean a form of bureaucratic organisation aimed at increased efficiency and maximising performance. This might also aim at minimizing misconduct, but again with the ultimate aim of efficiency as the primary underlying value. Here, it is more accurate to speak of a wide set of interlocking account-giving relationships with multiple, often competing, principals and agents, and accountability is pursued through such tools as reporting requirements, standards, and audits.

In the sphere of Transitional Justice (TJ), a post-crisis setting dealing with the aftermath of Human Rights abuses, the underlying values are peace and justice rather than efficiency. Accountability means ‘an explicit acknowledgement by the state that grave human rights violations have taken place and that the state was involved or responsible for them’ and includes ‘the recovery and diffusion of truth, criminal prosecution, reparations, and efforts to guarantee non-repetition’ (Skaar, Garcia-Godos, and Collins, 2016: 33). As noted by TJ scholar Ruti Teitel, “punishment dominates our understandings of transitional justice [as] emblematic of accountability” (Teitel, quoted in Skaar, Collins, and Garcia-Godos, 2015: 30).

But while the two meanings are eminently distinguishable in theory, in practice they can be elided through the solutions designed to prevent future abuse. For instance, following financial crisis, the gross misdeeds of bankers or public officials might be punished through prosecutions. But state might also address these breaches of accountability by establishing new regulatory regimes and transparency frameworks.

These policy responses reflect, at once, a desire for retribution, justice, and learning or reform. In the best situations, these goals dovetail. However, they often conflict. The trade-offs associated with accountability following Human Rights crises have been widely debated, especially through the ‘peace versus justice’ debate (see, inter alia, Kim and Sikkink 2010; Snyder and Vinjamuri 2003). Similarly, public administration scholars have documented the many value conflicts that occur in bureaucratic settings. Much ink has been spilt describing the red tape and inefficiency that accompany administrative accountability mechanisms, leading to a slew of terms, such as “bureaupathology” or “multiple accountability disorder (MAD)” (Koppell 2005; Giblin 1981).

What joins these two distinct principles is the way that public expectations can mediate the success of any given tool of accountability. Whether or not accountability arrangements *work* depends significantly on the expectations of all actors in the context. Here, the concept of “accountability space” is useful: Dubnick argues that because of the multiplicity of actors and expectations in most public accountability settings, we gain analytically by thinking of an accountability space rather than a specific relationship or set of relationships between principals and agents (Dubnick 2011). It is this insight that leads us to focus on the *setting* (routine administrative or post-crisis) rather than the specific *tool* of accountability (e.g., an audit or prosecution).

Since accountability has come to embrace distinct meanings for different audiences, it remains an ambiguous, elusive, and politically contested concept. The ambiguity has had two immediate effects: an expectations gap and irresolvable value tensions. Below, we explore these ‘pitfalls’ through cases from societies either emerging

from conflict or severe financial crises focusing on three areas: public expectations/populism, political learning and the human rights tradeoffs involving accountability and its pitfalls.

### **The Expectations Gap: The discourse of accountability and public expectations**

In consolidated democracies, accountability mechanisms are intended to bring about better performance in public administration, while in fledgling democracies, they are used to restore justice and trigger catharsis in societies traumatized by past human rights violations. More broadly, organizations committed to promoting accountability measures in public life do so in the belief that they bring legitimacy to, and trust in, state institutions. Yet these expectations are not always met. The literature evaluating the effects of retrospective accountability policies in times of transition suggests that prosecutions can be easily politicized, undermining political stability and precluding any real sense of justice; in fact, truth commissions might intensify existing resentments. Moreover, both administrative and punitive (retrospective) tools are used towards multiple ends: improved performance, justice, democratic integrity, and political learning. These are all valuable goals, but in practice, they are not always compatible, and each has a different relationship with the quality of democracy. When policies of accountability aim simultaneously at all of these goals, it is no wonder that the results often disappoint.

The expectations gap stems, in part, from the different meanings attached to “accountability” by citizens and public officials. David Mathews’ “tentative hypothesis is that institutions think of accountability in informational terms while citizens think in

relational terms” (Mathews 2011). So while we see widespread demands from angry citizens for “accountability” in the form of sanctions following crises or scandals, this does not sit well with the institutional or administrative solutions proposed by governments to prevent future crises. This difference matters because it creates a gap between citizens’ expectations of punishment and what governments can realistically achieve with any particular accountability reform. When this expectations gap arises, it can deepen existing political rifts and create new tensions. In democracies, citizens’ expectations are important, not only because they shape political elites’ responses, but also because they set a high, albeit often unrealistic, bar that governments need to reach to accommodate public calls for accountability.

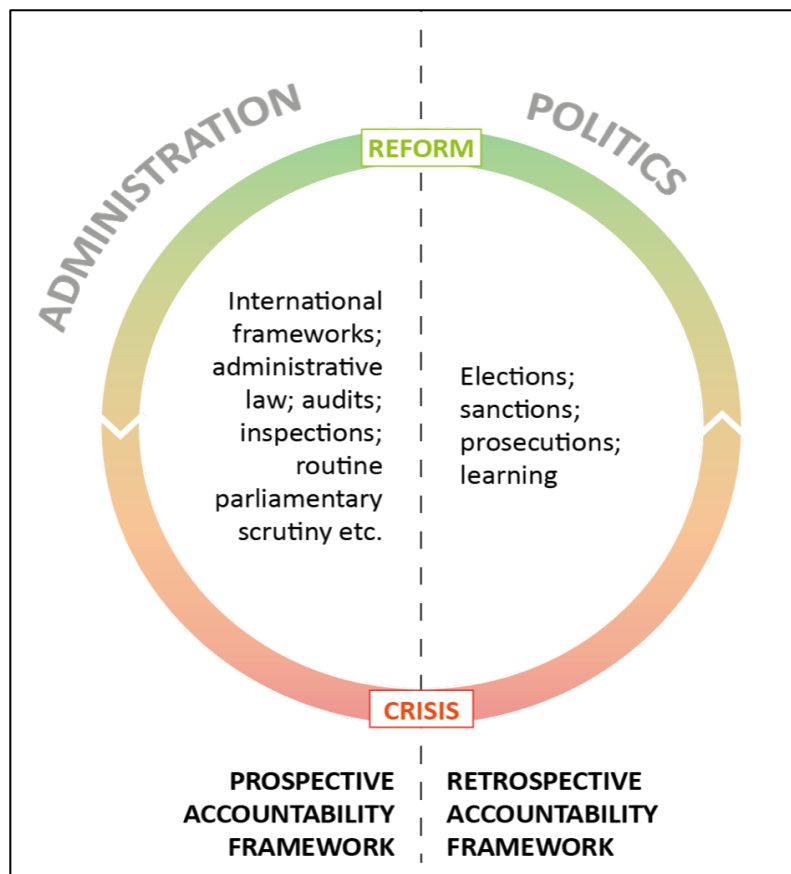


Figure 1: The Accountability Cycle: Prospective vs. Retrospective Perspectives



Crucially, public expectations are not static; they change over time in response to past state action and the perceived fairness of punishment (see Capoccia and Pop-Eleches, 2016, for an account of the importance of fairness perception on the efficacy of TJ tools of accountability). Figure 1 gives a dynamic picture of how the different kinds of mechanisms collectively create an “accountability space” in which crises unfold. Crises occur in the context of a framework of laws and bureaucratic structures that have often resulted from previous crises. Take, for example, the way the US Glass-Steagall Act resulted from the stock market crash of 1929. Although it protected the international financial system for decades, it evolved over time to become all but non-existent; as a hollowed-out framework, it became the regulatory backdrop to the financial crisis of 2008. The left side of the graph highlights the accountability space of non-crisis periods, characterized by a prospective accountability framework and dominated by bureaucratic actors. The right side shows how demands for both retrospective accountability and effective reform (based on learning from past policy failures) intensify following a crisis or a critical juncture, but unfold in the context of certain moral and social expectations. When scholars focus on one side of the figure or the other, they miss the way that the (temporally) preceding accountability space shapes popular and elite expectations of behavior. The dialectical relationship between these phases and types of mechanisms is circular, with crises recurring over time.

Note that in this article, we do not review the overall balance sheet of specific institutional mechanisms’ effect on democratic outcomes; important work in this area has been and continues to be done in the field of public administration, especially by

members of the Utrecht School (Bovens, Schillemans ‘t Hart 2008), and in the Transitional Justice literature (e.g., Skaar, Garcia-Godos, and Collins 2016). Instead, in what follows, we focus on three value tensions that surface alongside demands for accountability at critical political and economic junctures. More precisely, we highlight the tension between sanctions and learning, justice and rights, and populism and stability as potential conflicts that arise within the paradigm of accountability. These three examples illustrate three types of tensions. The first (sanctions versus learning) demonstrates a case of competing goals. The second (justice versus rights) is emblematic of the underlying value conflict that can arise. The third (populist calls for accountability versus stability) occurs when the discourse of accountability is used for immediate political gain. Our case study approach allows us to show that the decisions made during transitions and major crises or critical junctures often have a long-term impact on the quality of democratic institutions (Bermeo 1992; Diamond 1999; Przeworski 1991), respect for the rule of law (O’Donnell, 2004), and human rights (Sikkink 2011; Olsen, Payne, Reiter 2010). This is particularly evident with the rise of direct democracy (Qvortrup, 2018) and the use of referendums to increase accountability at all levels of public life but often with unintended consequences.

### **Accountability through Sanctions vs. Accountability for Learning and Reform**

In moments of crisis, citizens and elites alike call for punitive sanctions of those deemed responsible. Yet instruments of accountability to which elites turn are more often tied to processes of reform and learning. This tendency has been intensified with the neoliberal management reforms associated with New Public Management and is reflected

in both the structure of the tools which make use of such technologies as performance indicators, regular audits, the discourse surrounding their development and adoption. For instance, in the ‘Reinventing Government’ reform rubric of the 1990s, the role of US federal inspectors general was redefined; from punitive “gotcha” figures, they evolved into “in-house management consultants” (Hilliard 2017). This and similar *de facto* expansions of the meaning and uses of accountability has created a tension between expectations of accountability *as a sanction* and accountability *as a source of learning and reform*.

Learning from the past is a critical element in modern democracies, especially in times of crisis or transition (Bermeo 1992). The comparative experience of a number of European countries shows that understanding how institutions failed in the past is seen, at least by some political elites, as necessary to craft effective reforms. Unfortunately, the call for retributive sanctions by political parties playing a “blame game” as a strategy to deflect public scrutiny or by the general populace looking for a scapegoat can clash with genuine attempts to learn, deliberate, and reform. In turn, this impedes the capacity of governments to generate a sustainable post-crisis stability. Many elites want to learn from the past to avoid a return to crisis conditions. They want to know how the relevant institutions failed to prevent the disaster and how to avoid a similar one in the future. In addition to learning, there can be a concomitant punitive function. The Pecora Commission, set up in the United States to identify the causes of the 1929 Wall Street Crash, not only shed light on the causes and made suggestions for innovative institutional change, but also led to high profile resignations (Pecora 1968). Acting on the Commission’s findings, the authors of the Glass-Steagall Act (mentioned above)

separated commercial from investment banking, protecting democracies from another global financial crisis for several decades. An emphasis on performance (in this case, both personal and institutional) need not necessarily be in conflict with the quality of democracy, and in the best of moments, these aims dovetail.

But not always. Iceland's post-financial crisis experience exemplifies the tensions that may arise between retrospective accountability policies and a political desire to learn from the past. In October 2008, Iceland's three major banks collapsed within a week, leading to the third largest corporate bankruptcy on record. Reykjavik experienced an unprecedented wave of popular protest; public pressure on politicians to explain the causes of the crisis was one of the first reactions. Accordingly, a truth commission, the Special Investigative Commission (SIC), was established to document the reasons for the meltdown. To carry out its demanding task, the SIC was given reinforced investigative powers, including but not limited to subpoenaing witnesses, seizing evidence and searching premises. Obstructing its investigation was punishable by up to two years imprisonment (Kovras, McDaid, and Hjalmarsson 2017). It is worth noting that the Commission was geared toward uncovering the causes of the crisis and offering recommendations for reform, not scoring political points or prosecuting individuals. Moreover, setting up the SIC was the decision of the incumbent party, largely seen as responsible for the crisis, and was supported by cross-party consensus. This mattered tremendously for the legitimacy of the inquiry and its ability to restore trust.

It was decided that the proceedings would take place behind closed doors, and witnesses were given guarantees that their statements could not be used against them before any court of law. These incentives were to ensure that participants felt

comfortable enough to share their knowledge and to “avoid rehearsed, standardized responses that are designed for media headlines and shifting responsibility on to others” (Kovras, McDaid, and Hjalmarsson 2017). When the microphones were turned off and the official interview was over, witnesses were encouraged to talk “off the record” to help commissioners understand the logic of their decisions. In short, the structure of the investigation separated partisan and punitive motives from the learning process. This accountability space permitted a politically productive resolution to the crisis.

The example of Iceland suggests an important dichotomy in understanding accountability. On the one hand, calls for accountability could evolve into new healthy administrative practices, strong institutions and even novel technologies that enable prospective gains for the entire society as well as better governance with minimum clashes with other priorities and core democratic values. On the other hand, accountability could degenerate into a discourse serving partisan interests, retrospective thinking and electorally appealing yet populist formulas as suggested by recent examples in the US, India, and Brexit referendum campaigns (Adeney 2015; Richards and Smith 2017). The promise of accountability as partisan discourse could be a particularly powerful tool in majoritarian elections and referendums aiming either to promote fast change or to postpone any solutions by appointing committees that would only deliver their results in the distant future. Yet as the examples cited in this article suggest, the results could very often fall short of expectations.

Taking into account the wider discursive setting allows us to consider a further challenge to fostering public accountability: overcoming the tension between individual and collective responsibility. For a growing body of scholarship, financial crises are not

necessarily caused by criminal activities punishable by law but can be traced to an entrenched culture of “excessive risk taking” fostered in financial institutions and banks (Laeven and Levine 2009). In such contexts, it is difficult to prosecute those responsible, and it can be counter-productive if prosecutions impede attempts to reform regulations. Prosecutions and trials are highly visible, public and adversarial procedures; documenting the past in order to learn often requires protection for participants.

Crafting reform policies frequently involves offering incentives to those who possess valuable information, including provisions for immunity, anonymity and a depoliticized environment. Yet this is at odds with certain values and processes that accompany calls for accountability, such as transparency, visibility, identifying perpetrators, and initiating criminal action. For instance, trials can, in theory, shed light on the past. However, in criminal proceedings, the scope of criminal accountability is very specific and proves the guilt or innocence only of the individual(s) on trial. As such, trials explore individuals’ actions (or omissions), not broader institutional or regulatory failures. Wider cultures of corruption that provide the moral and social setting for individual misdeeds are elided when these common accountability strategies are used, heightening a tension between individual and collective responsibility. Equally important, this type of post-factum accountability is adversarial and provokes defensive responses. Individuals with valuable knowledge frame their testimonies to minimize the prospect of punishment, side-lining information not directly related to the proceedings but potentially useful for broader learning purposes.

If political elites pursue punitive accountability following crises to accommodate public calls for justice, they will render the prospect of political learning and effective

reform less feasible. The ensuing tension creates a challenge for them: how can they balance the competing political goals of justice and reform? One way is to explore potential sequences of different policies. In Iceland, bankers and politicians were prosecuted, but only after the publication of SIC's final report shedding light on the broader institutional and regulatory failures behind the collapse; thus, their personal misdeeds were contextualized in a wider political narrative. Since 2011, more than 57 individuals have been convicted, with roughly half sentenced to serve time in prison. It would have been extremely difficult to convince the same number of individuals to share the same quality of information with the commission had the prosecutions occurred simultaneously. This example suggests that a broader consensus based on shared lessons on the causes of a crisis has to precede accountability practices and not the other way around.

### **Accountability as Justice vs. Accountability as Rights**

Beyond its critical importance for comparative political economy studies, the accountability paradigm has shaped related areas in human rights, transitional justice and conflict studies. Since the Second World War, a discourse of accountability has pervaded post-crisis reckoning and transitions to democracy, and it has been increasingly codified in international frameworks and standards. The plethora of instruments and processes designed to bring accountability to societies in transition forms the backbone of transitional justice (TJ). The transitional justice literature explores the impact of human rights prosecutions in times of transition on the quality of the emerging democracy,

including respect for human rights and the rule of law (Sikkink 2011; Olsen, Payne, Reiter 2010). As a growing number of repressive leaders and warlords end up in jail, a “justice cascade” has gained momentum in the policymaking world, sparking the interest of academics (Sikkink 2011). Most major international organizations and think-tanks have added criminal trials to the toolkit of post-conflict democratization (United Nations 2006).

In a nutshell, most proponents of transitional justice see a positive relationship between policies of accountability and the transition to democratization. Punishing perpetrators or documenting human rights violations not only addresses victims’ rights but has the potential to restore trust between state and society. Accountability policies, in theory, should be transparent, depoliticized and regulated by rules set in law. When politics fails to settle a crisis, the law is brought in as a seemingly impartial arbiter to redress victims’ legal rights.

Still, in transitional settings, victims often have different priorities and conflicting sets of rights (Kovras 2017; Hall, Kovras, Stefanovic, Loiszides 2017). And victims do not always prefer “accountability” as such, at least not in the punitive sense of the term. For instance, when the relatives of those who disappeared during a period of violence or state repression are faced with the choice of prosecuting those allegedly responsible for the abduction or learning about their loved ones’ whereabouts, they do not necessarily prefer the former. Hence, the pursuit of justice under the rubric of accountability may directly conflict with citizens’ most urgent needs and preferences. In practice, the outcomes of accountability-driven actions are often co-opted for political use; the divide between politics and legalism can be tenuous.



The post-conflict experience of Cyprus is especially relevant to our argument. During two waves of violence (1963-1974), approximately 2,000 persons went missing from Greek-Cypriot and Turkish-Cypriot communities. After the *de facto* division of the island in 1974, the problem of the missing was the most pressing political and humanitarian problem on the island, as families looked for their loved ones. Relatives were left with unanswered questions. Are they dead or alive? If they are dead, where are they buried? Without conclusive evidence, they were trapped in an emotional limbo and unable to move forward. The Committee on Missing Persons (CMP), a UN-led humanitarian committee set up in 1981 to find the missing, remained a dead letter for years. Greek-Cypriot relatives and the Republic of Cyprus brought a number of cases to the European Court of Human Rights (ECtHR) seeking the truth about their missing relatives. Although the Court made some landmark rulings, such as acknowledging the right of the families to “know the truth,” and condemning Turkey for failing to carry out an effective investigation, most families remained in a state of ignorance. Yet in 2005, in an unexpected move, the leaders of the two communities decided to resume the activities of the CMP. Since then, it has become a tremendously successful bi-communal project, exhuming more than half of the 2,000 missing persons and identifying most of them, allowing thousands of families to start the healing process.<sup>2</sup>

Although explaining this fascinating policy change is beyond the scope of this paper, it is worth highlighting an important aspect of the CMP very common across other post-conflict societies. Due to the clandestine nature of the crime of the missing, identifying victims requires eyewitnesses (often perpetrators) to come forward and share

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<sup>2</sup> Specifically, 1,119 victims were unearthed and 701 identified by November 2016 (CMP 2016; Loizides 2016).

information about gravesites. Yet revealing potentially incriminatory evidence deters eyewitnesses from collaborating. To overcome this obstacle, the CMP has offered immunity from prosecution and ensured anonymity and confidentiality (Kovras 2017). A number of countries around the world, such as Northern Ireland and Colombia, have used a similar formula to deal with victims of clandestine political violence (Dempster 2016).

This is often perceived as “impunity” by human rights watchdogs and international advocacy networks and, therefore, as conflicting with a more abstract commitment to accountability. In an illustrative example, Amnesty International attacked the “Law and Amnesty Law” adopted in 2005 in Colombia to deal with the disappeared, on the grounds that it “fails to comply with international standards on victims’ right to truth, justice and reparation” (Amnesty International 2005). In fact, Human Rights Watch went so far in its pursuit of accountability in Colombia that it opposed the negotiated settlement during the peace referendum of 2016, siding with its extreme right-wing opponents; at the same time, the US State Department refused to issue visas to FARC members, undermining President Santos’ plans to sign the agreement at UN headquarters ahead of the referendum vote.<sup>3</sup> The Colombian case is not unique. Examples from other post-conflict societies most recently in N. Ireland (e.g. the IRA “on-the-runs”) and the Balkans (e.g. the 2018 North Macedonia naming agreement also to be debated in a popular referendum) suggest the inherent tensions between accountability as a paradigm for comparative governance and the often controversial yet necessary requirements of peace mediations.

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<sup>3</sup> Likewise, the Human Rights Watch condemned amnesty attempts in Tunisia arguing that these will bring a final blow to its democratic transition.

The examples cited above also raise important political, ethical and legal questions. For instance, what happens when a particular set of international accountability norms clashes with another set of citizens' rights? The experience of the families of the disappeared in the aftermath of state repression is illustrative. On the one hand, according to the international legal framework, states have a duty to carry out an "effective investigation" and to "prosecute" those responsible for the crime (International Convention for the Protection of all Persons from Enforced Disappearances 2006). On the other hand, the families have the right to "know the truth," including the right to have access to and obtain information about the death of a loved one (see *Kurt v. Turkey* 1998; *Cyprus v. Turkey* 2001). Families have an overlapping "right to reparation" which includes the right to identify and bury their loved ones (International Convention for the Protection of all Persons from Enforced Disappearances 2006). In effect, these rights conflict with international standards of retributive accountability as supported by, for instance, Amnesty International. The two sets of rights are mutually exclusive in this case.

The effectiveness of an exhumation policy rests on the absence of criminal proceedings, and any effort to prosecute individuals is achieved at the expense of forensic truth, as eyewitnesses will be understandably reluctant to continue to share information that would incriminate them in the future. This is common knowledge among members of the CMP. As a Turkish-Cypriot member of the CMP stressed: "This project is working because grassroots people are giving us information and if we start dealing with punishment, these people are not going to give us any more information. It is not time to do it [criminal investigations] now" (Personal Interview 2008).

In other words, accountability norms and what victims want frequently clash, and despite Amnesty's vocal support for punitive accountability, victims may prioritize other results. Although the families in Cyprus are very familiar with the legal instruments and have brought their cases to domestic and international courts, none, from either side of the divide, has initiated a legal proceeding. The puzzle is even more intriguing when we consider that 700 families have now identified the victims and no longer depend on the testimony of perpetrators. They could go to court and seek punitive accountability through the justice system. But they know that even one prosecution will bring the process to a halt, and hundreds of other families will be left trapped in ambiguous loss. In effect, they prioritize the right of those other families to learn the truth about the whereabouts of their loved ones over their own right to seek legal redress and justice.

A recent quantitative survey of victims in Bosnia, highlights a similar pattern (Hall, Kovras, Stefanovic, Loizides 2017). Evidence from Bosnia demonstrates that exposure to direct violence and loss is associated with support for retributive justice measures, while greater present-day interdependence with perpetrators, particularly among displaced persons returning to their homes, is associated with support for restorative justice measures. In Bosnia, a tough resolve approach towards former war criminals, particularly in local police units, was instrumental in facilitating voluntary peaceful return. While accountability at some levels facilitated the peace process, Bosnia also benefited from restorative justice initiatives aiming to reconcile its three communities through power-sharing arrangements. In fact, as the cases of Cyprus and Colombia suggest, improving intercommunal relations following ethnic cleansing may rely on restorative justice mechanisms. When faced with competing values, citizens do

not automatically prioritize accountability over such things as equal opportunities or material rewards. Often against the wishes of ‘accountability zealots’, citizens and local leaders understand the costs of the uncritical adoption of a very narrow set of accountability standards in the name of justice and human rights.

### **Accountability as Populist Resource vs. Accountability as Source of Stability**

While public administration scholarship has advanced our understanding of the unintended consequences of administrative mechanisms of accountability, much of the political force of accountability lies in its popular use. The very discourse of accountability can be both a popular (often populist) resource and a source of improved governance. Conventional wisdom assumes countries with weak institutions and legacies of politicization of justice are likely to misuse accountability processes. When legal tools become partisan tools and committees of inquiry or prosecutions are used to score political points, the instrumental use of justice fails to bring real accountability and discredits the entire judicial institution. Populism trumps stability.

Popular calls for accountability intensify at critical junctures, such as during political transitions that mark the end of a period of state repression or in the aftermath of economic, environmental and other disasters (Boin, McConnell and ‘t Hart 2008). Public demands to diagnose what went wrong and to hold those responsible to account dominate public debates, constraining the range of policy responses available to political elites. In theory, this process is crucial for the restoration of trust between state and society. But an over-emphasis on policies of accountability makes negotiations among political parties adversarial, confrontational and often punitive, limiting the prospect of harmonious

decision-making, and the consensus needed for effective reform. In times of crisis, demagogues ride the tide of popular discontent and hijack calls for accountability to play the blame game against opponents, further trimming democratic legitimacy.

Consider the comparative experience of post-recession Europe. In the recent economic crisis, political elites in Greece, Ireland, Cyprus, and Spain had a major dilemma. They had to address growing popular pressure to find those responsible and hold them to account (Pegasiou, 2013; Kovras et al., 2018). This was visible in the waves of street protests and the emergence of new, pro-accountability social movements. At the same time, political elites sought a basic consensus to legitimize fundamental policies of institutional and economic reform. A quick economic recovery requires effectiveness and continuity in decision-making, more achievable when supported by a broad spectrum of political elites. Inclusivity in the decision-making process is paramount for democracy to be legitimate and for institutional reforms to succeed (Campbell and Hall, 2017).

Greece provides a further illustration of this tension. Because of its large public debt, with the recession, it experienced a major economic shock and faced external economic supervision. This was followed by a prolonged political crisis, violent street protests, and the electoral rise of the far right (Sotiropoulos, 2018; Papadimitriou, Pegasiou & Zartaloudis, 2017). New populist political parties sprang out of grassroots mobilization; some had electoral success. The push for accountability in a party system dominated by two mainstream parties – both seen as responsible for the crisis – became central promises in electoral campaigns.<sup>4</sup> The excessive focus on retributive policies to

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<sup>4</sup> In the period between 2009-2016, more than 120 bankers, former politicians, businessmen and civil servants were prosecuted or convicted on charges related to the economic meltdown.

address the past torpedoed any efforts to act in concert across the political spectrum and curtailed the legitimacy of even the most basic decisions. The most emblematic case in Greece is that of Andreas Georgiou former statistics chief found guilty by Greek courts of inflating the 2009 budget deficit to force Greece to seek additional bailout aid. The trial was condemned by EU officials as an intervention to the independence of statistical authorities, a key pillar of the Euro and described by the international media as a Kafkaesque form of political and judicial persecution.<sup>5</sup>

Moreover, in Greece calls for accountability precluded any form of broad cross-party consensus, led to the rapid succession of governments and to polarization, instability, and the fragmentation of the Greek political system. In times of economic stress, effective governance often necessitates consensus with the opposition – who may have skeletons in their closets. Threats of retrospective retribution (exposing the skeletons) frame political debates in a confrontational way, however, precluding consensus.

This dilemma is not limited to economic crises. It is equally applicable to countries in political transition. The debate between backward-looking accountability and forward-looking reconciliation was first identified in the transitology literature (inter alia, O'Donnell, Schmitter and Whitehead 1986; Linz and Stepan 1996). It is now commonly understood that negotiated transitions are more likely to consolidate democracy if they are based on the inclusion of as many parties as possible. Bringing contentious issues to negotiations, like accountability for past crimes, increases the risk of alienating powerful actors who have something to hide. To avoid going to jail, they may prefer to become

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<sup>5</sup> <https://www.thenationalherald.com/171005/former-chief-statisticians-case-will-examined-eurogroup/>

spoilers and derail negotiations towards transition. For example, while the UN was brokering a peace agreement in Northern Uganda, based on an amnesty to induce key actors to sit at the negotiating table, the International Criminal Court (ICC) indicted Joseph Kony, a local warlord. The peace talks immediately collapsed, and hostilities continued for years, taking a heavy toll in human lives (Vinjamuri 2010). As the case suggests, pushing for accountability can remove the political flexibility, inclusivity, and consensus required to support democratization. This conclusion is supported by the Spanish and Irish cases. In Spain, the transition from Francoism in the mid-1970s was only possible because of a broad political consensus to support democracy and the cautious decision to skip accountability (Linz and Stepan 1996). In Northern Ireland, a decision to avoid dealing with the past set the stage for a non-violent transition to inclusive power-sharing and led to an unprecedented period of democracy, peace, stability, respect for human rights, and prosperity (McEvoy and Mallinder 2012).

## **Conclusion**

As Dubnick and Frederickson observe, “We commonly equate democracy with accountable governance,” but the whole-hearted pursuit of accountability may lead to conflicts and value tradeoffs (Dubnick and Frederickson 2011). Most notably, the inevitable gap between the promise and the reality of accountability stemming from its conceptual ambiguity both in the abstract and in practical application can undermine any beneficial effects on democracy. In times of economic stress or ongoing democratization, inclusivity and a minimum level of consensus are required for democratic decision-



making to be legitimate and effective. Yet accountability processes can exclude and threaten powerful actors, creating instability and thwarting decision-making.

And as the discourse of accountability expands, it is increasingly becoming an instrument for populists and demagogues to polarize public discourse, penalize policymaking, or persecute dissenting voices. Recent examples, from India's Modi to the rise of Trump as well as Brexit, point to the close interplay of accountability and populism. All of these curtail the legitimacy of a democracy in crisis and hinder both the development of representative as well as deliberative approaches to democratic decision-making. This could curtail not only specific forms of democratic participation such as (e.g. referendums following Brexit and its subsequent accountability expectations gap) but also harm democracy and trust in its institutions more generally.

Should accountability or other competing yet equally important values be prioritized during crises or at transitional moments? Social scientists and policymakers lack the strong empirical data required to make assertions; most relevant studies are limited in scope or cannot adequately define and measure concepts such as "successful transition," "lasting peace," or quality in terms of human rights, security, and development indices. We do know that in Northern Ireland, Cyprus, Spain, and more recently in Tunisia, providing guarantees against prosecution allowed initially for stability, and in many cases perpetrators and others to come forward with vital information, bringing closure to decades-old traumas.

Although many of the goals of accountability are indispensable to the health of democracy, their pursuit often leads to conflicts and trade-offs, with moral and pragmatic disadvantages. We argue for a nuanced disaggregation of accountability practices that

recognizes the distinct principles – non-impunity and bureaucratic organization – underlying the many policies and instruments used in its name. Accountability as partisan discourse could be a particularly powerful tool in majoritarian elections aiming to promote fast change, yet as this article suggests, the results could fall short of expectations. By way of contrast, calls for accountability could evolve into new healthy administrative practices, strong institutions and importantly novel technologies that enable prospective gains for the entire society as well as better governance with minimum clashes with other priorities and core democratic values. Calls for accountability need to be weighed against the possibility of failure to deliver on promises and/or the possible consequences on liberal and emerging democracies. In short, accountability, in its administrative, structural, and political forms, needs to be tempered by a consideration of its attendant pitfalls, the contradictions it engenders, and the unrealistic promises made in its name.

## References

Adeney, Katharine. "A move to majoritarian nationalism? Challenges of representation in South Asia." *Representation* 51.1 (2015): 7-21.

Amnesty International, "Colombia: Justice and Peace Law Guarantees Impunity," Press release, April 26, 2005.

Behn, Robert, *Rethinking Democratic Accountability* (Washington, DC: Brookings, 2001).

Bermeo, Nancy, "Democracy and the Lessons of Dictatorship," *Comparative Politics* 24.3 (1992): 273-291;

Boin, Arjen, Allen McConnell and Paul 'T Hart (eds.), *Governing After Crisis: The Politics of Investigation, Accountability and Learning* (Cambridge: Cambridge University Press, 2008).

Bovens, Mark, Thomas Schillemans, and Paul 'T Hart, "Does Public Accountability Work? An Assessment Tool." *Public Administration* 86.1 (2008): 225–242.

Capoccia, Giovanni and Grigore Pop-Eleches, "The Consequences of Punishment: Transitional Justice and Democratic Support in Post-War Germany," paper presented at the annual meeting of the American Political Science Association, 2016.

Committee on Missing Persons Fact Sheet, November 2016, available at: [www.cmp-cyprus.org/nqcontent.cfm?a\\_id=1](http://www.cmp-cyprus.org/nqcontent.cfm?a_id=1) (last accessed: November 28, 2016).

Campbell, John L. and John A. Hall, *The Paradox of Vulnerability: States, Nationalism, and the Financial Crisis*. (Princeton: Princeton University Press, 2017)

Cyprus v. Turkey (Application no. 25781/94), judgment of May 10, 2001.

Dempster, Lauren, "The Republican Movement, 'Disappearing', and Framing the Past in Northern Ireland," *International Journal of Transitional Justice* 10.2 (2016): 250-271.

Diamond, Larry, "The Quality of Democracy," *Journal of Democracy* 15.4 (2004): 25-26.

Diamond, Larry, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999);

Dubnick, Melvin J. and H. George Frederickson, *Public Accountability: Performance Measurement, the Extended State, and the Search for Trust* (Dayton, The Kettering Foundation, 2011), 18.

Dubnick, Melvin J., "Accountability as a Cultural Keyword," in Bovens et al., *Oxford Handbook*, 649-654.

Dubnick, Melvin J., "Move Over Daniel: We Need Some 'Accountability Space'," *Administration & Society* 43.6 (2011): 704–716.

Flinders, Matthew, "The Future and Relevance of Accountability Studies," in Mark Bovens, Robert E. Goodin, and Thomas Schillemans, *The Oxford Handbook of Public Accountability* (Oxford: Oxford University Press, 2014: 661).

Giblin, Edward J., "Bureaupathology: The Denigration of Competence," *Human Resource Management* 20.4 (1981): 22-25.

Hall, Jonathan, Iosif Kovras, Djordje Stefanovic, and Neophytos Loizides, "Exposure to Violence, War-Related Losses and Attitudes Towards Transitional Justice: Evidence from Post-Dayton Bosnia and Herzegovina," *Political Psychology*, forthcoming 2017.

Hilliard, Nadia, *The Accountability State: U.S. Federal Inspectors General and the Pursuit of Democratic Integrity* (Lawrence, KS: University Press of Kansas, 2017).

- Kim , Hunjoon, and Katherine Sikkink, “Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries,” *International Studies Quarterly* 54.4 (2010): 939-63.
- Koppell, Jonathan, “Pathologies of Accountability: ICANN and the Challenge of ‘Multiple Accountabilities Disorder’,” *Public Administration Review* 65.1(2005): 94-108.
- Kovras, Iosif and Neophytos Loizides, “The Greek Debt Crisis and Southern Europe: Majoritarian Pitfalls?” *Comparative Politics* 47.1 (2014): 1-20.
- Kovras, Iosif, *Grassroots Activism and the Evolution of Transitional Justice: The Families of the Disappeared* (Cambridge: Cambridge University Press, 2017).
- Kovras, Iosif, Shaun McDaid, and Ragnar Hjalmarrsson, “Truth Commissions after Economic Crises: Political Learning or Blame Game?” *Political Studies*, forthcoming 2017.
- Kurt v. Turkey (Application no. 2476/94), judgment of May 25, 1998.
- Laeven, Luc and Ross Levine, “Bank Governance, Regulation and Risk Taking,” *Journal of Financial Economics* 93.2 (2009): 259-275.
- Lindberg, Staffan, “Mapping accountability: core concept and subtypes,” *International Review of Administrative Sciences* 79.2 (2013): 202-226.
- Linz, Juan J., and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-communist Europe* (Baltimore: Johns Hopkins University Press, 1996).
- Loizides, Neophytos, *Designing Peace: Cyprus and Institutional Innovations in Divided Societies* (Philadelphia, PA: University of Pennsylvania Press, 2016).
- Mathews, David, Foreword, in *Accountable Governance: Problems and Promises* by Melvin J. Dubnick and H. George Frederickson (London: ME Sharpe, 2011), ix.
- McEvoy, Kieran and Louise Mallinder, “Amnesties in Transition: Punishment, Restoration, and the Governance of Mercy,” *Journal of Law and Society* 39.3 (2012): 410-440.
- Mulgan, Richard, “Accountability: An Ever Expanding Concept?,” *Public Administration* 78.3(2000): 555-573.
- O’Donnell, Guillermo, Philippe C. Schmitter, and Laurence Whitehead *Transitions from authoritarian rule: Southern Europe*, Vol. 1 (Baltimore: Johns Hopkins University Press, 1986).
- O’Donnell, Guillermo A. “Why the rule of law matters.” *Journal of democracy* 15.4 (2004): 32-46.

Olsen, Tricia D., Leigh A. Payne, and Andrew G. Reiter, "The Justice Balance: When Transitional Justice Improves Human Rights and Democracy," *Human Rights Quarterly* 32.4 (2010): 980-1007.

Onora O'Neill, "Trust, Trustworthiness and Accountability," in Nick Morris and David Vines (eds.), *Capital Failure: Restoring Trust in Financial Services* (Oxford: Oxford University Press, forthcoming).

Papadimitriou, Dimitris, Adonis Pegasiou, and Sotirios Zartaloudis. "European Elites and the Narrative of the Greek Crisis: A Discursive Institutional Analysis." *EUSA Fifteenth Biennial Conference on*. 2017.

Pecora, Ferdinand, *Wall Street Under Oath* (London, UK: Cresset Press, 1968).

Pegasiou, Adonis. "The Cypriot economic collapse: More than a conventional South European failure." *Mediterranean Politics* 18.3 (2013): 333-351.

Personal Interview, Nicosia, 7/16/2008.

Power, Michael, *The Audit Society* (Oxford: Oxford University Press, 1997).

Przeworski, Adam, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991).

Qvortrup, Matt, *Government by Referendum* (Manchester: Manchester University Press, 2018)

Richards, Dave, and Martin Smith. "‘Things were better in the past’: Brexit and the Westminster fallacy of democratic nostalgia." *British Politics and Policy at LSE* (2017).

Sikkink, Kathryn, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W.W. Norton, 2011).

Skaar, Elin, Jemima Garcia-Godos, and Cath Collins, *Transitional Justice in Latin America: The Uneven Road from Impunity towards Accountability* (London and New York: Routledge, 2016).

Snyder, Jack and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28.3 (2003): 5-44.

Sotiropoulos, Dimitri A. "Political party–interest group linkages in Greece before and after the onset of the economic crisis." *Mediterranean Politics* (2018): 1-21.

United Nations, "Rule of Law Tools for Post-conflict States: Truth Commissions," HR/PUB/06/1 (2006).

Vinjamuri, Leslie, "Deterrence, Democracy, and the Pursuit of International Justice," *Ethics & International Affairs* 24.2 (2010): 191-211.