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ACCOUNTABILITY IN URBAN SOCIETY

Public Agencies Under Fire

Edited by
Scott Greer
Ronald D. Hedlund
and
James L. Gibson

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ACCOUNTABILITY IN URBAN SOCIETY

Public Agencies Under Fire

Volume 18, URBAN AFFAIRS ANNUAL REVIEWS

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CONTENTS

Preface □ <i>Ann Lennarson Greer</i>	7
Introduction: The Accountability of Institutions in Urban Society □ <i>Scott Greer, Ronald D. Hedlund, and James L. Gibson</i>	9
PART I: Accountability and Professionalism in the Delivery of Services	13
1 □ The Assault on Human Services: Street-Level Bureaucrats, Accountability, and the Fiscal Crisis □ <i>Michael Lipsky</i>	15
2 □ Professional Self-Regulation in the Public Interest: The Intellectual Politics of PSRO □ <i>Scott Greer</i>	39
PART II: Accountability and Political Institutions	61
3 □ A Reconceptualizing Legislative Accountability □ <i>Ronald D. Hedlund and Keith E. Hamm</i>	63
4 □ Accountability in the Administrative State □ <i>David H. Rosenbloom</i>	87
5 □ Performance Indicators in the Court System □ <i>James L. Gibson</i>	115
6 □ Accountability of the Courts □ <i>Stephen L. Wasby</i>	143
7 □ Accountability in Policy Process: An Alternative Perspective □ <i>Virginia Gray</i>	169
PART III: Accountability Controls	179
8 □ Administrative Accountability: Administrative Discretion, Accountability, and External Controls □ <i>Stephen H. Linder</i>	181

9 □ Legislative Accountability: Electoral Margins, District Homogeneity, and the Responsiveness of Legislators □ <i>James H. Kuklinski</i>	197
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10 □ Interest Groups and Accountability: An Incompatible Pair □ <i>Michael A. Baer</i>	217
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11 □ Fiscal Accountability: The Role of the Auditors □ <i>Floyd E. Stoner</i>	225
--	-----

PART IV: Research Designs for Studying Accountability	247
--	------------

12 □ Assessing Program Accountability: Research Designs □ <i>David Nachmias</i>	249
--	-----

13 □ Evaluation and Accountability □ <i>Thomas E. James, Jr. and Ronald D. Hedlund</i>	273
---	-----

14 □ Are Traditional Research Designs Responsive □ <i>Robert K. Yin</i>	293
--	-----

The Authors	301
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PREFACE

□ A MAJOR REASON for having a university-based research center is to provide a source of uncontaminated information and a neutral arena in which major issues may be addressed. For this reason the Urban Research Center of the University of Wisconsin, Milwaukee, sponsored a Conference on Institutional Accountability in Urban Society in the spring of 1977. Although this is an issue of great saliency today, it is not one which elicits broad academic concern; thus we felt it was a part of the Center's mission to focus attention on the problems of accountability.

The Conference stimulated a considerable intellectual interest which has resulted in a number of essays on the subject, and in this volume. I am sure all the contributors are aware of the complexities of the problem and of the difficulties in conceptualizing it; this volume can only be a beginning, an opening of a serious discussion. On one hand, custom has lagged far behind our emerging dilemmas; on the other hand, intentionally crafted social devices for guaranteeing accountability are as likely as not to formalize the techniques of evasion.

At the same time we consider accountability we must be concerned with the protection of properly placed trust; it is the lubrication that allows the society to act. Indeed, trust is the means for transforming accountability into individual responsibility, without which no governance can be effective and equitable. Thus our problem is far more than that of setting up an infinite regress of auditing agencies; it is one of creating a moral culture for a high technology, large-scale society which is, in the nature of things, delegated.

These essays address only a part of the problem; they are heavily biased toward the public realm. This is because most writers who address the problem have the government in mind. It is, however, worth remembering that a very large part of our actions which should be held accountable are in the private realm, from commerce to the family, and that these actions count heavily. Corporate thievery and inept parenting are both enemies of the society; no policemen can control them, but an awareness of the public's concern through social devices may keep them within bounds. Torn between *laissez faire* and the social contract, we continue the task of the American citizen—to do the impossible.

May I extend my personal gratitude to George Keulks, Dean of the Graduate School at the University of Wisconsin, whose interest in this topic was a source of early inspiration and continued support. Thanks are due also to the State Legislative Leader's Foundation and to the Wisconsin Center for Public Policy, groups which helped to make the conference possible, and most importantly to the editors of this book who brought the amorphous topic with which we began into focus with this volume.

—Ann Lennarson Greer
Urban Research Center
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Introduction:

The Accountability of Institutions in Urban Society

SCOTT GREER
RONALD D. HEDLUND
JAMES L. GIBSON

□ ONE CAN FIND THE ROOTS OF CONCERN with accountability in the predictions of Max Weber and others long ago. Though Weber typically overestimated the efficiency of the formally organized society, “the bureaucratic solution,” he nevertheless pointed out the main danger; that in the interests of the existing bureaucratic structure and its goals, the very meanings and values of the larger society would be jettisoned. Certainly there are many indications today that a large and influential body of notables and common citizens are disturbed by the imputed lack of accountability—read this irresponsibility—of the very public organs and publicly certified professions which are supposed to care for their needs.

In the practice of medicine today we note the rapid increase in legal action, in findings for the layman, and in the size of awards for malpractice. This, together with the strong governmental move to establish mandatory peer-review among medical practitioners and the strong thrust for responsible health planning by hospitals and others at the local level, indicate widespread dissatisfaction with the way these ancient licensed and subsidized public servants are behaving. The same is true for the law, where “legal malfeasance and malpractice” are becoming well known concepts. And, in lesser degree, even the practitioners of higher education are under fire and in the courts over such matters as truth in labeling, unfair discrimination for ethnic reasons, and malfeasance. (Malpractice has not yet been alleged, since nobody knows just how important formal education is to the development of competence.)

All of these developing trends reflect a discontent with the terms of trade. They indicate a strong belief among many that they are the victims of broken bargains—by doctors, hospitals, attorneys, and professors.

The same trend occurs in the movement toward a more rigorous standard of performance by the legislative, judicial, and executive branches of government at every level. Nader's Raiders are only one edge of a movement which criticizes the practice of governance: from the demand for "sunshine laws" in legislatures to insistence on "zero base budgeting" in bureaucratic agencies, an influential section of the citizenry is concerned with performance and accountability. Again, one suspects that they are unhappy with the terms of trade, disturbed by *broken bargains*.

One can think of a number of reasons for this growing distrust of duly constituted authority. Certainly the breakdown of a community, in which the subcommunities of government and the professions once not only had integrity, but had an interleaving integration with the broader middle-class society, is critical. Much malpractice adjudication can be explained in this way. The sheer scale of the society and of the public agencies is certainly a contributory factor: the citizen becomes anonymous client and source of revenue to the agencies and they become vested interests to him. At the same time, the increasing internal inclusiveness of a mass democracy leads to a wide distribution of "rights" among populations which, in the past, were held politically inert by exclusion on grounds of class, race, sex, or age. The agencies and professions lose their middle-class base of support, while new challenges come from the once excluded, the "insulted and injured" of this society.

Thus there is a widespread demand for a better bargain, better terms of trade between agency and citizen, and *one which can be enforced*. The question is: How to legislate and administer accountability? It is a bureaucratic solution to problems posed by formal organization of basic functions; we move from a set of morals which are no longer relevant or effective toward a set of rules which we hope will cure the malaise brought about by rule-ridden groups and organizations. We use bureaucratic strategies on the bureaucrats.

In doing so, however, we find that every strategy has serious flaws. We try to evaluate the quality of service by structure, by process, and by output. In the structural approach we ask: are the necessary resources present in sufficient numbers? The buildings, machinery, chemicals, and bodies with appropriate certificates? And if they are—still the question arises: what difference does it make? In the processual evaluation we ask: did the various actors do all they were supposed to, without wasting resources on the superfluous? Did they give the test, check the statute, handle the legal cases on time, consider and act on the bills before them? And if they did—still the question: what difference? The third strategy of accountability holds the actor responsible

for the *outcome* of his actions. This is the most critical matter of all: only from gauging outcomes can we measure what the agency produced. Only as it relates *to* outcome does either structure or process standard have validity. Yet to evaluate outcome is the most difficult type of evaluation. We must know exactly what we expect, and control for a host of variables which affect the difficulty of producing it.

In our society, with its disintegrated class system and folk society, we adopt bureaucratic strategies to cope with the problems of controlling formal organization. In that case we had better keep in mind the immense capacity of social beings to cope with new controls, to manipulate them, trick them, and turn them to their own ends. One can imagine new structures of accountability which would allow rote performance, an expensive acquisition of structural furniture, an expensive performance of unnecessary procedures, for the simple purpose of protecting "doctor, lawyer, merchant, thief."

At the same time, the residual commitment to duty and concern with outcome, whether legislative program or medical case, may be further eroded by the intrusion of such rules. Thus, ironically, the introduction of new modes of accountability may increase needless activity and expense and destroy trust, while evading the basic problem they were meant to solve. Once more, social mechanisms may produce results 180 degrees away from what was intended.

The problem, then, is to prevent the self-fulfilling prophecy which, assuming accountability is lost, uses rules of accounting which effectively lock the door through which the virtue disappeared. How shall we approach this problem?

First, we believe that for any system of maintaining or increasing accountability to have the effects intended, it must be more than a maze constructed to channel individual behavior. At key points in certain roles there must be a personal, moral engagement with the rules of the game, and these must be at least cognate with the morality of most people involved as clients, citizens, or governors. In short, between the principle and mechanism of accountability and its end product, justice, there must be responsibility in the individual and structured group. Furthermore, between formal accountability and individual responsibility, there is another key link: trust. Any effective system of accountability must regard social trust as the basic resource for social responsibility on all sides.

The exciting thing about the move toward greater accountability is that it recalls very basic moral demands of human society. The frightening aspect of the moment is the possibility that it may further destroy our stores of social trust which, unlike the economist's postulated "free givens," are socially earned and can be socially destroyed in short order.

In attempting to deal with these demands for accountability, the public sector first needs to consider several perplexing questions:

- What is accountability?
- To whom are public officials and agencies accountable?
- For what actions should the public sector be held accountable?
- Under what conditions should the private sector be subjected to accountability controls?
- What are the problems inherent in understanding accountability?
- How can progress be made in understanding accountability through research?
- What is a reasonable research agenda for studying accountability?

The chapters in this book do not address all of these questions; nor are the solutions proposed definitive. Nevertheless, as an initial step in that direction, they attempt to foster dialogue and provide tenable directions for the public sector in responding to this crucial concern.

Part I

Accountability and Professionalism in the Delivery of Services

Introduction

□ A LINCHPIN IN MANY ARGUMENTS progressing from the way things are done to the accountability of the doer is the notion of professionalism. This term has been applied to occupations as far apart as physicians, Chicago Flat Janitors, and athletes. It includes notions ranging from “playing for payment” to that of a self-regulating collegium which ensures that all members will place the code of practice above all else. Eliot Friedson argues that “the most strategic distinction lies in legitimate organized autonomy—that a profession is distinct from other occupations in that it has been given the right to control its own work” (Friedson and Lorber, 1972: 71). In return, the public has a right to assume that the members of the profession will establish and maintain the highest standards of work.

In this section the professions are examined from the viewpoint of those concerned with accountability to the public. Michael Lipsky, in his discussion of “street level bureaucrats,” deals with “low level” workers in the human services who, despite their status, must exercise high degrees of discretion. Such workers cannot be held accountable by bureaucratic control methods, he argues; therefore it is much more to the point to encourage their vocation, their professional commitment to doing their work well. Efforts at bureaucratic control, he argues, are not only inappropriate but are apt to reduce the quality of the services and increase the real cost of the enterprise. The complex struggle among civic departments, public service unions, and struggling administrators does not produce a clear picture of accountability, but it does give a clearer notion of the problems faced in achieving it.

Scott Greer, in his discussion of professional self-regulation in the practice of medicine, operates in a more clinical fashion. First he details the reasons for the present dissatisfaction with the cost, quality, and accessibility of medical services. The technological revolution in medicine, the enormous shift in societal norms which changed medical care from a privilege to a right, and the over-all transformation of urban society are some of his concerns. Looking at the past grounds for confidence in the medical system, he concludes that they cannot be easily reintroduced. Instead, he examines at some length the radical governmental innovation, the Professional Standards Review Organizations. Using general propositions from social science, he attempts to estimate the degree to which the remedy is appropriate for the malady. Can a program mandated by the government but administered by those it is meant to regulate actually produce publicly acceptable accounting? As cynics might say, can we solve the ageless problem of who shall guard the guardians by simply making some of the guards delegates of governmental power? His solution rests upon an improvement in social theory and innovations in social practice.

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The Assault on Human Services: Street-Level Bureaucrats, Accountability, and the Fiscal Crisis

MICHAEL LIPSKY

□ THIS CHAPTER EXAMINES the current application of administrative measures to secure accountability among lower level workers in certain public agencies. I argue that bureaucratic accountability is virtually impossible to achieve among lower level workers who exercise high degrees of discretion, at least where qualitative aspects of the work are involved. Nonetheless, public managers are pressured to secure or improve workers' accountability through manipulation of incentives and other aspects of job structure immediately available to them. When considered along with other objectives public managers seek, the result is not simply ineffectiveness but an erosion of the foundations of service quality.

People are accountable when there is a high probability that they will be responsive to legitimate authority or influence. This definition of accountability directs attention to two important aspects of the concept. First, accountability is a relationship between people or groups. One is always accountable *to* someone (or groups), never in the abstract. Although the term is sometimes used loosely confusion results unless we specify both parties in the accountability relationship.¹

Second, accountability refers to patterns of behavior. Only if a pattern of behavior exists can predictability, and therefore accountability, exist. In practical terms this means that efforts to change or improve accountability cannot succeed unless patterns of behavior change or improve. For example, medical review boards and civilian police review boards will not increase

accountability unless general relationships with patients and citizens change. This is no more than saying that laws are only effective if they not only punish transgressions but also deter illegal behavior generally.

From this perspective, attempts to increase accountability through administrative controls may be seen as efforts to increase the congruence between worker behavior and the preferences of agency executives through the use of sanctions and incentives available to the organization. However, to utilize organizational incentives and sanctions, at least the following conditions must prevail. These conditions are the prerequisites of a bureaucratic accountability *policy*.

1. Agencies must know what they want workers to do. Where the objectives are multiple, they must be able to rank their preferences.
2. Agencies must know how to measure workers' performance.
3. Agencies must be able to compare workers to one another, to establish a standard for judgment.
4. Agencies must have incentives and sanctions capable of disciplining workers. They must be able to prevail over other incentives and sanctions that may operate.

Manipulation of administrative controls is not the only way to secure accountability. Recent efforts and speculation have also focused on improving accountability through recreating the conditions of a market economy (for example, voucher proposals), changing the governance of programs (for example, school decentralization), and through seeking judicial relief. Considerable emphasis has also been placed recently on improving accountability by enhancing employees' professional training, status, and (thus) obligations to service provision.

Of all these, efforts to obtain bureaucratic accountability are most important. They represent the range of actions thought to be available to people who manage public agencies, and represent the normal route to governmental accountability. Reformers may have other ideas, but public managers normally have only the tools of bureaucratic accountability to apply, as they wait for the dust of reformers to settle.

The preconditions of an accountability policy may exist in many bureaucratic contexts, but there is an area of public policy in which they do not. These are the contexts in which public policy consists of interactions between public employees and citizens, and in which public employees have broad discretion in taking action or making decisions. Bureaucratic accountability policies in these contexts tend to undermine rather than enhance service quality. Efforts to improve accountability may systematically *decrease* service quality when certain conditions of public bureaucracy prevail.