

## **An Analysis of Bureaucratic Accountability in the American Public Sector and Its Implications for the Saudi Bureaucracy**

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**Abstract.** The objective of this article is to critically analyze the concept of bureaucratic accountability. While the subject of bureaucratic accountability is not overlooked by scholars of Public Administration, it is poorly understood by practitioners of government. The study is divided into four sections. First, the constitutional background of bureaucratic accountability is reviewed. Second, aspects of accountability of bureaucrats are examined. Third, analysis and synthesis of holding bureaucrats accountable are presented. Fourth, accountability implications for Saudi bureaucracy are discussed.

The mechanism for analysis is assessing the American public sector, by examining the role of the constitution, the three branches of government (executive, legislative, judicial) the interest groups, the media, and the political parties. The analysis presented in this study concludes that a delicate balance between accountability on one side and responsiveness, innovation and adaptability on the other is to be maintained. Another conclusion is concerned with exploring aspects of Saudi accountability indicating a possibility for improving bureaucratic accountability for the purpose of enhancing performance in government agencies.

### **Introduction**

The concept of bureaucratic accountability is poorly understood by government practitioners and often confused with other aspects of administration such as administrative responsibility [1; p. 131 - 175], administrative morality [2; p. 102 - 108], administrative ethics [3; p. 7], and administrative efficiency and performance [4; p. 56 -5 8].

There is little agreement amongst public administration scholars on delimiting the concept of bureaucratic accountability [5; p. 275-302]. While some writers stress the managerial process of direction and oversight associated with the hierarchical chain of command [6; p. 23], others emphasize the strength of external as well as internal systems of accountability [5; p. 277].

However, a definition of accountability can be presented in association with the construct of answerability. Shafritz defines accountability as “the extent to which one must answer to higher authority - legal or organizational - or one’s action in society at large or within one’s organization [7; p. 4]. Samuel considers accountability as “holding individuals and organizations answerable for performance measured as objectively as possible” [8; p. 186].

The essence of accountability defines the issue of accountable “for what” which assigns at least four requirements on public administrators throughout the bureaucracy: make law work as designed with a maximum rate of efficiency and effectiveness; exercise lawful and perceptive administrative discretion; propose new policies and suggest changes in existing policies and programs as required; and enhance citizen confidence in the bureaucracy<sup>1</sup> [9; p.4].

Efforts to hold the bureaucracy accountable have dominated the institutional reform agenda at both the U.S. federal and state levels. Chief executives have advocated administrative reorganization, budget reform, and civil service reform through executive orders. Legislators have selected actions for clearer statutes of oversight, annual appropriations, legislative vetoes (acts nullifying administrative rules or regulations), and sunset laws (acts imposing termination of an agency program on a fixed date). Judges have enlarged the concept of procedural process to include due process - no person should be deprived of life, liberty or property without due process of the law. New techniques of accountability have also evolved such as ombudsmen (official whose job is to investigate the complaints of the citizenry concerning public services) sunshine laws (requirement that government agencies hold their formal business meetings open to the public), freedom of information statutes make information maintained by the bureaucracy more available to the public, and whistle blowing, an individual publicly blows the whistle if his organization is involved in corrupt, illegal fraudulent or harmful activity [3; p.4-5].

The primary aim of this article is to examine the construct of bureaucratic accountability from the view point of the American public sector. A secondary objective is to explore the applications of bureaucratic accountability to the Saudi public sector.

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<sup>1</sup> For thorough description of bureaucratic accountability see [2] and for analytical essay of controlling the bureaucracy see [3].

The vehicle for diagnosis is based on the constitutional background of accountability enabling the study to juxtapose aspects of bureaucratic accountability and to present synthesis of holding bureaucrats accountable. The study is explorative, analytical and qualitative in nature.

### **The Constitutional Background of Bureaucratic Accountability**

By definition, at a philosophical level, power implies certain elements of tyranny, even if it is legitimate and democratic. Government and bureaucracy have been historically viewed as a source of tyranny. The founding fathers of the United States were quite aware of it, as it can be seen from the Federalist Papers.

In the fifty-first of their famous Federalist Papers, James Madison and Alexander Hamilton point out:

If men were angels no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control of the government; but experience has taught mankind the necessity of auxiliary precautions [11; p. 337].

As a result, the Federalist suggested three measures to avoid tyranny and executive abuses. First, the establishment of a system of representation which would provide “. . . in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable . . .”. Thus “. . . society itself will be broken into so many parts, interests and class of citizens that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority . . .” [11; p. 339]. Such an outlook justifies the bicameral system of the federal legislature.

The second safeguard for accountability is that authority is to derive from the people. Delegated responsibility for the exercise of the people’s authority is to be through period election [11; p. 325]. Third, liberty is to be secured in part from the functional separation of power into legislative, executive and judicial branches; and in part from the division of power between two levels of government such as federal and state governments [11; p. 229].

Some of these rights operate to restrain majorities; some are designed as a check upon the federal powers. The separation of powers is specifically meant to diffuse authority and to achieve a kind of “balance” of competing forces while assuring stability.

It is to be observed that at various times in history individuals exercising legislative, executive and judicial powers have usurped power and abused it. James Madison even

cautioned against legislative usurpation [11; p. 225]. Thus the founding fathers of the United States were suspicious about a strong executive - and a bureaucracy that goes with it.

Alexander Hamilton, however, pointed out the need and rationale for a strong executive: "A feeble executive implies a feeble execution of government . . . and a government ill-executed, whatever it may in theory must be, in practice, a bad government . . ." [11; p. 445]. Hamilton, therefore, pleaded for a strong "single executive and a numerous legislature . . ." as ". . . it tends to conceal faults and destroy responsibility . . .". Furthermore, he pointed out:

. . . the plurality of the executive tends to deprive the people of the two greatest securities they can give for the faithful exercise of any delegated power, first, the restraints of public opinion, which lose their efficacy, as well as bad measures ought to fall; and secondly, the opportunity of discovering with facility and clearness the misconduct of the persons they trust, in order either of their removal from office, or to their actual punishment [11; p. 459-460].<sup>2</sup>

As indicated by many analysts, the events leading to the resignation of former President Nixon and the conviction of aides might support Hamilton's stand for a strong executive and myriad legislatures; their misconduct and abuse of power were identified and they were removed from the office [5; p. 50].

Today we look at the issue of bureaucratic accountability from the above-mentioned constitutional perspectives, starting with the philosophical orientations of the founding fathers. The legislature is expected to make public policy and the executive is expected to carry it out. The legislature is expected to be the primary source of legislation, financial authorization and performance review, that is, accountability of the executive. A proper executive is seen as the one responsible for the effective and immediate response to legislative command. Constitutionally and theoretically, that is the bottom line of bureaucratic accountability.

Thus, the ideas and values of the founding fathers have definitely shaped the process of bureaucratic accountability; and consequently it affected the constraints on the exercise of power by bureaucrats. It can be inferred that the founding fathers viewed human nature as essentially flawed with self-interests as the prime motivator. However, their view can not be regarded a modern view of rational self-interest in the spirit of gamesmanship; it was a self-interest with invidious selfishness. While there are selfishness and greed among public officials and common citizens alike, it was those vices among public officials that they regard most dangerous.

Nevertheless, it is to be argued that the authors of the constitution were concerned about

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<sup>2</sup> For a review of constitutional background regarding accountability, refer to the Federalist Nos. 39, 48, 51 and 70.

the accountability in the exercise of governmental authority by the president, the Congress, and the judiciary but not very much about the bureaucratic agencies. Furthermore, while the Article II, Section I, of the Constitution states that "the executive power shall be vested in a President of the United States of America", it leaves the term "power" undefined.

The president, Congress and the judiciary all have certain amount of overseeing authority over bureaucracy. Under normal conditions, both Congress and the president are entitled to oversee bureaucratic actions; but when legal challenges are posed, the judicial branch can also oversee bureaucratic practices. Bureaucratic agencies are subject to many legal questions; for example, courts may give rulings on the validity of statutes and executive orders under which an agency acts. Moreover, chief executives (such as the president and governors), legislators or courts may question an agency on its propriety or fairness - whether an agency is acting within the limits of intent of statutes and rules, or whether its administrative procedures are fair, or whether there are conflicts among the statutes and rules.

Accountability and control of government authority applies to all branches of democratic system. But bureaucracy, being mostly unelected raises special problems. The solutions to these problems can be found in the rules, according to McCurdy [13; p. 17]. Similarly, Berkely suggests that it is legalism in general and law in particular that influence and control the operation of public institutions in the proper direction [14; p. 358]. In essence, bureaucracy is made subordinate to law to ensure its accountability.

### **Aspects of Bureaucratic Accountability**

There are many aspects to accountability. At one level it indicates that an entity like bureaucracy is not beyond control of other political entities in a check-and-balance system (as it is the U.S.), and therefore it is not beyond the control of the governed. At another level it indicates that to the extent bureaucracy enjoys delegated authority and discretion in deciding making, it is also bound by the responsibility to comply with general will of the governed. As Schubert states, such approaches assume that it is possible to decide the public will and the point at which accountability has been achieved and maintained [15; p. 167].

However, while in theory it may be possible to define these principles, in practice it is rather difficult to achieve accountability with a considerable degree of certainty. For instance, political conflicts over the criteria of accountability make it difficult to set definite parameters for bureaucratic accountability. In a sense, election results can be interpreted as representing the will of the majority, and consequently, bureaucratic accountability can be considered as the accountability to the elected chief executive - president, governor or mayor, who sets and / or upholds policies and standards. On the other hand, adversaries of the chief executive power would resist the executive position and look for alternatives through legislature and judiciary in setting new standards for bureaucratic accountability.

In light of the above-mentioned factors, the crux of the issue is not a matter of bureaucracy being or not being accountable [16; p. 83], but rather defining the issue of accountable “for what” with rigidity. A governmental bureaucratic organization can only be accountable to officials and institutions within and outside itself. Moreover, it is almost implausible to view a complex bureaucracy as a whole; because its subsystems are autonomous in character to a great extent from their own bases, priorities, and programs. Thus, the issue of bureaucratic accountability becomes clouded with all these limitations.

Still, with all these constraints, it is feasible to set practical frameworks for the bureaucratic accountability at seven levels.<sup>3</sup> Table 1, depicts the suggested framework of bureaucratic accountability with its levels and mechanisms.

1. First, internal accountability which is conducted within the structure of bureaucracy is practiced through the process of direction and control associated with the hierarchical chain of command. It is expected that subordinates are to obey the legitimate orders of superior authority. The subordinate is obliged to follow orders from supervisor through the system of standard operating procedures or stated rules and regulations [17;

**Table 1. Framework of bureaucratic accountability in the American public sector**

Accountability level	Mechanism for accountability
1. Internal accountability within the bureaucracy	Organizational structure, standard operating procedures, Civil Service Reform Act of 1978, code of ethics, internal audit and performance measures.
2. Executive branch	The power to appoint and dismiss bureaucrats, the Executive Office of the President (EOP), the Office of Management and Budget (OMB), the Office of Personnel Management (OPM).
3. Legislative branch	Appropriations power, oversight by standing committee, General Accounting Office (GAO), legislative veto, advice and consent, sunset laws.
4. Judicial branch	Due process, the Administrative Procedures Act of 1946, substantive requirements of the law, adversary procedures of judicial trial.
5. Interest groups	Subsystem or “iron-triangle”.
6. Mass media	The Freedom of Information Act, sunshine laws, ombudsmen, and whistle blowing.
7. Political parties	Partisan interest, partisan pressure, and party platform.

<sup>3</sup> Some writers label similar frameworks as political accountability.

p. 229]. The Civil Service Reform Act of 1978 constitutes the most comprehensive law concerned with internal accountability [18; p. 31]. Code of ethics, internal auditing [19; p. 53] and performance measures [20; p. 18 - 24] are other examples of internal accountability.

2. Second, the executive branch through the presidential powers can perform the following tasks: (1) the president has the power to appoint and dismiss bureaucrats, which gives him the ability to staff the key positions in the executive branch; (2) through the Executive Office of the President (EOP), the president can make known his standards and preferences; (3) the presidential influence in initiating and making law concerning bureaucracy can be used in controlling bureaucratic operations; (4) there is congressional delegation of authority to the president to formulate rules and regulations under which the bureaucracy functions; (5) the presidential offices, particularly the Office of Management and Budget (OMB) [21; p. 436, 22; p. 16, 23; p. 58], and the Office of Personnel Management (OMP) can form directions for the bureaucracy and control it to a great extent; (6) with great access to media, the president can take issues concerning bureaucracy and shape the public opinion on the matter; and (7) the president has the executive power to initiate bureaucratic restructuring [6; p. 94]. The presidential power is part of the external accountability.

3. Also, at the political front the legislative branch represented by the Congress has certain tools for overseeing the bureaucracy, such as (1) the appropriations power and the fiscal well-being of an agency can be controlled; (2) oversight by standing committees and the power to conduct legislative postaudits of an agency's spending through the General Accounting Office (GAO); (3) legislative veto - a statutory measure that allows the president to put forth a proposal subject to the approval or disapproval of congress - and the congressional hearings where bureaucrats can be called upon before congressional committees or independent review to answer their actions [24; p. 82]; (4) advice and consent, senate confirmation hearing for appointment of presidential nominees and special investigative committees, where activities of agencies can be scrutinized. These methods are not perfect ones; but they provide Congress with opportunities to maintain a certain level of control over bureaucracy [25; pp. 154-184].

4. Judicial branch through the judicial review is another instrument for holding bureaucratic agency and bureaucrats accountable. Courts review actions of administrative officials and the Federal Tort Claims Act of 1946 permits the federal government to be sued in the same fashion as private individuals with a few specific exceptions [26; p. 812]. If bureaucrats are contested by parties affected by their actions, courts can make decisions to whether the administrator interpreted the law correctly, whether he applied or failed to apply the law, whether he acted within or beyond the authorized power, and whether the administrator acted capriciously [9; p. 96]. Courts review bureaucratic actions based on procedural ground through the due process mechanism as promoted by the

Administrative Procedures Act of 1946 (whether the agency's administrative procedures are fair, or whether there are conflicts among the statutes and rules) and substantive requirements of the fundamental constitutional law and of the statutory law (whether an agency is acting within the limits and the intent of statutes and rules).

5. Yet at another level, bureaucrats and bureaucracy are held to account by the interest groups; and it can be seen that in some cases these groups maybe more effective than the president and Congress. For instance, an administrative agency is obligated to its clientele with the support of legislative committees or subcommittees in a subsystem; and it results in a mutually reinforcing accountability [27; p. 12, 28; p. 85]. However, it cannot be considered as very effective with reference to the whole political system. It is a noncentralized approach, and making an agency accountable within its own subsystems or iron-triangles does not guarantee that it would be accountable to others outside the subsystem such as the public interest.

6. Mass media help to hold bureaucratic agencies accountable. News media interest in the field is founded on the powerful ethics of American journalism, which help media to take an adversarial relationship to bureaucracy, and thus function as a watchdog. Media have been successful at it; and the Watergate exposures are brilliant example for holding high ranking officials accountable for their actions. The legal framework through which the media can hold bureaucrats accountable include the Freedom of Information Act, sunshine law, ombudsmen, and whistle blowing [29; p. 6].

7. For the political parties, whether Democrats or Republicans, their platform and partisan interest in winning elections call for the process of looking into the accountability of various bureaucratic agencies. Actions of agencies always direct or indirect impact on various interest groups, which are the constituents of the political parties; and therefore the political parties have to keep a close watch on the activities of bureaucratic agencies for the sake of political expediency. Hence political parties have become watchdogs on bureaucratic agencies and as a consequence constitutes a crucial component in ensuring bureaucratic accountability. Nonetheless, many analysts feel that the influence of the parties and party leaders in this matter is greater at state and local levels than at the national level as state and local bureaucratic decision making is often more "openly politicized" and therefore it is more susceptible to partisan pressure; and state and local party organizations tend to be stronger and more effective than national party committees in many cases [15; p. 87].

Regarding bureaucratic accountability to the public at large, general public mostly do not have much direct access to, or control over, bureaucratic entities; however, public outcry over bureaucratic actions or inactions are found to be effective to secure the public interest to some extent. This is mostly achieved through public pressure on other government agencies which have control over the particular agency in question; and the



other agencies could exert influence on that agency. Yet, such pressure has not kept over a sufficient period of time to obtain effective results.

### **Analysis and Synthesis**

Accountability and responsibility have to be put in the broader context to policy-making: that is, they must be looked at from perspective of the goals sought in policy-making. However, such an approach would take issues of accountability and responsibility beyond the horizon of mere organizational aspects. The scope and width of bureaucratic accountability and responsibility have become more complex as the constituencies in the area of public responsibility have extended to accountability, responsiveness, competence, fairness and efficiency.

Constitutional democracy of the United States established a systematic consideration for responsible government and bureaucracy in terms of "to whom" and "for what" [30; p. 54]. According to Lucas, the central core of the construct of responsibility is that I can be asked the question "why did you do it / and be obliged to give an answer" [31; p. 5]. Administrative responsibility is a normative and value-laden concept. It evokes connotations of accountability, responsiveness, competence, fairness and efficiency [32; p. 20, 33; p. 54, 34; p. 364]. It is apparent that some of these values may be contradictory or at least incompatible with each other. For instance, the objective of responsiveness - meeting the demands and preferences of the citizens - may not fulfill the goal of accountability in the sense of direction and control. Similarly achieving the notion of efficiency can hinder the pursuit of social interest. The element of fairness as a function of justice can obstruct the accomplishment of the value of competence. The focus here, however, will highlight the dynamics between accountability and responsiveness.

Basically, it is the centrality of law and the concomitant responsibility for the execution of the law that required the development of modern bureaucracy in its sophisticated form. Bureaucracy is expected to meet the need of the public rather than create special objectives because, by definition, bureaucracy is an impersonal system based on law. Weber's model shows that the basis of bureaucratic system is law and written rules with bureaucrats totally separated from ownership but receiving only wages. Hence, theoretically, bureaucrats face very limited conflict of interest in dealing with the public or their clientele; and they are technically, under no other pressure except to obey the rules. Therefore, law and accountability should go hand in hand in which accountability, embedded in the law, is ought to be ensured and reinforced by the organizational structure of bureaucracy.

Accountability, in its basic form in the United States, points to the fact that bureaucracy should be answerable to other governing institutions and to the public. However, it is difficult to put this concept into practice due to the large sized and decentralized nature of government and bureaucracy.

Making bureaucrats accountable to clientele groups and public interest groups, which have grown in phenomenal proportions in the last three decades, increase the complexity of the situation. It has expanded the bureaucratic accountability to the larger political system. In this context, there is a reasonable doubt that whether Congress is still able to provide effective oversight over administration, especially in terms of maintaining accountability to the larger political system; even the congressional oversight committees tend to act within narrow frameworks.

In looking at the accountability of bureaucracy, one factor that is often overlooked is the responsiveness of bureaucracy to the public. A very basic issue here is whether they — accountability and responsiveness — are contradictory. The important question in this matter is, whether a bureaucrat must rigidly follow the law and the orders, or he must be responsive to the needs of the clientele/public, or he must follow his personal moral-ethical code and do what is “right” irrespective of the law and the orders. But this is a subjective issue. It depends on how the bureaucrat as a social individual perceives the organizational goals, and the terms and requirements for change in the status quo. In essence, in such a situation an independent action calls for the subjective interpretation of objective reality by the bureaucrat.

A rigid adherence to accountability reduces the responsiveness of bureaucracy and therefore its effectiveness. So at the operational level, the issue would boil down to finding a golden mean between accountability and responsiveness. Responsiveness reflects the relationship between citizens and government by responding to the demands and preferences of the people. It calls for prompt acquiescence by the government to popular demands for policy change. This is associated with innovation and adaptability, which calls for change (at least in terms of principles of cybernetics); and changes are a requirement for effectiveness. Although the term effectiveness becomes a moot point, it has different meanings to different people. Effectiveness from the legalistic viewpoint (which focuses on the law and the orders of the superiors) may be quite different from the viewpoint of a public interest group or individuals who seek immediate responsiveness.

One way to look at this issue is to consider “strict accountability” and “complete responsibility” as the two extremes of the same continuum [28; pp. 329-394]. In this paradigm, the area of strict accountability covers the actions clearly mandated or forbidden by law, rules and /or regulations, while the area of complete responsibility covers the individual decisions and actions not entirely covered by law, rules and/or regulations.

The focus on the idea of rigid accountability would place the commitment to law, rules and regulations above the factors of individual freedom of action within the bureaucracy; since only the duly elected political representatives have the authority to formulate laws or guidelines for bureaucratic actions and the important issue is to keep bureaucratic agencies and bureaucrats strictly within the sphere of their competence and delegated

power. Furthermore, where public policies are concerned, it is the elected representatives who are responsive and not the bureaucrats. However, on many occasions the goals of bureaucratic accountability and individual freedom within the bureaucracy will conflict. It is because accountability takes precedence over all faculties and human potential, which could be demanding to individuals within the organization. For instance, accountability principles can neglect the fulfillment of the higher levels of individuals' needs within the organization.

At another level of analysis, the focus on the bureaucratic responsiveness does not mean that it is diametrically opposed to accountability. In fact, it attempts to achieve accountability in a different way. It is concurrent with the view that long-range goals in a democratic society are best served when the bureaucrats are sensitive and responsive to the needs of their clientele. Only if bureaucracies are responsive to change and bureaucrats within the organization are free to act in response to the changing needs, the social purposes of organizations will be served. Moreover, only by ensuring more freedom for the organization as well as for bureaucrats within it, the true accountability of the bureaucracy to the public can be achieved.

Thus, the author subscribes to the notion that a delicate balance between bureaucratic accountability on one side and responsiveness, innovation and adaptability on the other is to be maintained. After all, the bureaucracy is not made for the bureaucracy's sake. And accountability is not the goal of a bureaucracy, and therefore we can not have accountability for accountability's sake. Above all, we have to keep it in mind that bureaucracy is a social organization with definite social goals and accountability only one of its parameters.

It is common that when bureaucratic accountability is discussed, the assumption is made that accountability is a political, administrative, economic and social need, and it is essential to keep bureaucrats under control as they naturally tend to go astray unless they are under constant control. This is, in fact, a negative, pessimistic worldview which calls for perpetual caution. The founding fathers, in general, subscribed to this view. After all, they were the product of the puritanical belief system which held human being as essentially sinful. The result was a government based on the system of checks and balances.

However, many present-day scholars question this negative attitude and suggest that it is a wrong assumption that administrative discretion is normally abused and often bureaucrats act irresponsibly. Goodsell, for instance, states that bureaucracies and administrators generally do not deserve such criticism; and despite certain inevitable shortcomings inherent in complex organizations, bureaucracy and bureaucrats in the U.S. have performed a remarkable service. Goodsell contends:

Any large administrative apparatus, including that found in the United States, is riddled with individual instances of inefficiency, maladministration, arrogant behavior, irresponsible management, and abused power. My point is simply that . . . these deficiencies are particularized rather than generalized and

that they occur with tolerable ranges of proportionate incidence. They do not constitute a comprehensive inadequacy or overarching threat within the society or political system. Bureaucracy is, instead, a multitudinous, diverse reality in which is found a vast mix of performance and quality. Within this mix, acceptable and responsible conduct is far more common than unacceptable or irresponsible behavior. The drumbeat of anti-bureaucratic criticism . . . supports a powerful myth that wildly exaggerates shortcomings in the government's performance and invariably underestimates government's achievements [35; p. ix].

Administrative discretion is one of the cornerstones of an effective administrative system and without such a power a bureaucracy is likely to lose its vitality to a great extent.

In fact, in many instances, administrative discretion is considered more beneficial to public administrators than legislators. Gordon [16; p.88-89] provides three reasons for it: (1) administrators are sometimes "better situated" than legislators to make decisions on the basis of the "broader" public interest; (2) often interest groups usurp public power through congressional committees, exercising considerable influence through both subsystems and issue networks; and (3) legislators are strongly inclined to look after their own policy priorities and constituency interest, and in that process pressure the administrators to conform to their wishes. Thus, legislators, acting primarily in their committee roles, can pressure administrators to take action that are more narrow and limited than would be if it had been left to the discretion of administrators alone. This viewpoint, however, does not justify a complete autonomy for bureaucrats as there are some chances for malfeasance and abuse of power. But, from a social psychological viewpoint, it is necessary to place enough / greater faith in administrators in order to enable them to act responsibly and to establish a reasonable balance between accountability and responsibility.

### **Implications for Saudi Bureaucracy**

Bureaucratic accountability in Saudi Arabia is distinctive in many ways. Difference, however, does not imply that the system of accountability is more or less effective in either country, but rather a distinction in style and content. Accountability of bureaucracy is a by-product of the evolution of mainstream culture, political, social, economic and administrative structures [33; p. 6, 34; p. 295]. It is possible to devise a framework for bureaucratic accountability in the Saudi public sector at eight levels. Table 2 displays the suggested paradigm.

The mainstream culture of Saudi Arabia is founded on Islam. Saudi Arabia is a modern society whose constitution is the holy Quran and its guiding principle is the Islamic Sharia law. While separation of church and state and exclusion of religion from public life is the norm in western countries - U.S. included, Islam is a way of life in Saudi Arabia. The concept of accountability in Islam is addressed on two levels. One level is that every

**Table 2. Framework of bureaucratic accountability in the Saudi public sector**

<b>Accountability level</b>	<b>Mechanism for accountability</b>
1. Islamic accountability	Self - accountability and Self-control
2. Internal control within the bureaucracy	Hierarchical chain of command, standard operating procedures, code of ethics, Department of Financial Representation, Central Department for Organization and Management, and Civil Service Law of 1977.
3. The Executive branch	The King, the Council of Ministers, the Commission on Impeachment of Ministers, the Grievance Board, the Investigation and Disciplinary Board, the General Auditing Bureau.
4. The Legislative branch	The Consultative Council ( Majlis Al-Shura).
5. The Judicial branch	The Ministry of Justice and its four classified courts, the Grievance Board, the Commission on Cases of Forgery, the Commission on Cases of Bribery, the Disciplinary Council for Civil Servants.
6. Interest groups	Associational and professional groups such as the Saudi Chamber of Commerce and Industry.
7. Mass media	Newspapers
8. Political parties	The open door policy, the King, the Crown Prince, and governors hold regular public audiences for citizens.

individual is accountable for his own behavior and conduct. The second level involves the accountability for individuals and objects under their charge [30; p. 196-197]. Hence, public officials in Saudi bureaucracy are self-accountable for their behaviors and actions. As institutionalized by Islam, self-accountability is a very powerful mechanism for holding bureaucrats accountable. Other qualities of administrative responsibility such as competence, responsiveness, fairness, hard work, and virtue are also emphasized by Islamic Shariah.

The Saudi Administrative structure is similar to that of other developed governing systems with regard to internal accountability. It is the answerability within the administrative system in which one employee is answerable to the authority of another. If things go wrong, someone must be held accountable. This incorporates the assignment of sanctions in case of rule violation or malfeasance [30; p. 7] . Internal accountability is practiced through the hierarchical chain of command, standard operating procedures, code of ethics, audit assignment of the financial transaction through the Department of Financial Representation as part of the Ministry of Finance and National Economy, and applications of the Civil Service law of 1977, and the Central Department for Organization and Management (CDOM).

In addition, bureaucracy can be held accountable by the executive branch through the King - the head of the Council of Ministers. The King has a vested power to appoint and dismiss ministers and high government officials. The Council of Ministers in the Saudi government is the most powerful institution in the country. It exercises executive, legislative and advisory functions. The council formulates statutes and rules governing major functions of the bureaucracy. There are several agencies attached to the President of the Council of Ministers to aid him in holding bureaucracy accountable. These organizations are as follows:

- The Commission on the Impeachment of Ministers [36; p. 37-38].
- The Grievance Board.
- The Investigation and Disciplinary Board.
- The General Auditing Bureau [37; p. 248-252].

Equivalent to legislative bodies in other countries, a new Consultative Council (Majlis Al-Shura) has been established.<sup>4</sup> The Council is comprised of a president, vice president, and ninety members appointed by the King. Majlis Al-Shura expresses its views on public policies and national issues assigned to it by the King and the Council of Ministers. Based on the law under which Majlis Al-Shura was created, it is authorized to do the following:

- (a) Discuss the general plan of economic and social development and make appropriate suggestions regarding them.
- (b) Study regulations and statutes, international treaties, and agreements, and concessions and make appropriate suggestions regarding them.
- (c) Interpret laws and regulations.
- (d) Discuss annual reports submitted by ministers and other government bodies, and make suggestions regarding them [38].

The Council can hold Saudi bureaucracy accountable by requesting the participation of government official at its regular meetings to discuss their bureau plans and performance. It also has access to government documents and statements that would expedite its oversight function [30; p. 157].

The Saudi judicial system plays a role in controlling bureaucrats. Public officials can be sued for misconduct and impropriety. The legality of bureaucratic decisions can be challenged on procedural and substantive ground. The judicial system is classified into four categories under the supervision of the Ministry of Justice: the Supreme Judicial Council, Courts of Distinction, General Court, and Summary Courts [39; p. 406]. In addition to these legal institutions, other judicial agencies were established as specialized bodies in charge of handling designated functions within the bureaucracy. These organizations are:

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<sup>4</sup> Issued by a Royal Decree No. A 191 (1992).

- The Grievance Board.
- The Commission on Cases of Forgery.
- The Commission on Cases of Bribery.
- The Disciplinary Council for Civil Servants [30; p.162].

Interest or pressure groups as known in developed nations may not be found in Saudi Arabia. However, some associational or professional groups can be recognized holding bureaucracy accountable to some degree. Examples of those associational groups are the followings:

- Saudi Chamber of Commerce and Industry.
- Saudi Accounting Society.
- Prince Salman Social Center for the Elderly.

Saudi mass media, particularly newspapers, have a recognizable role in holding bureaucracy accountable. It can take an adversarial position to bureaucracy, and hence function as a watchdog for citizens. Newspapers are allowed to permit citizens to express their views - praise, criticisms, suggestions, recommendations - regarding the performance of bureaucracy.

The political system in Saudi Arabia is more distinctive than that of other countries. While political parties are integral part of democratic governing systems and play a role in holding public officials accountable, Saudi Arabia does not depend on political parties for controlling public agencies. It does have, however, one of a kind of mechanism of expression surpassing the instrument of political parties commonly practiced in other countries. Individual citizens, groups, associations can meet directly the King or Crown Prince or any governor (Emir) through the open door policy in which they hold regular public audience and citizens can petition for their needs and demands.

In conclusion, the systems of bureaucratic accountability in Saudi Arabia can be improved for the purpose of enhancing performance in government agencies. Advanced techniques such as oversight by standing committees, advice and consent, and sunset laws can be adopted and modified to fit the particular situation of the Saudi bureaucracy.

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## تحليل المساءلة البيروقراطية في القطاع العام الأمريكي وكشف تطبيقاتها في البيروقراطية السعودية

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**ملخص البحث.** تهدف هذه المقالة إلى تقديم تحليل نقدي لمفهوم المساءلة البيروقراطية، والتي على الرغم من أنها من المواضيع غير المغفلة من قبل علماء الإدارة العامة، فإنها غير مفهومة بشكل جيد من قبل ممارسي الأعمال الحكومية.

تنقسم الدراسة إلى أربعة أقسام، بينما يستعرض القسم الأول المرجعية الدستورية للمساءلة البيروقراطية، فإن القسم الثاني يفحص سماتها البيروقراطية، ويقدم القسم الثالث تحليلاً لكيفية وضع البيروقراطيين وتوحيدهم تحت المحاسبة، والقسم الرابع يناقش تطبيقات المساءلة البيروقراطية في القطاع العام السعودي.

آلية التحليل تعتمد على تقويم القطاع العام الأمريكي عن طريق تقصي دور الدستور، ودور السلطات الحكومية الثلاث (التنفيذية، والتشريعية، والقضائية)، ودور جماعات الضغط، ودور وسائل الإعلام، وأخيراً دور الأحزاب السياسية.

تستنتج هذه الدراسة أهمية وجود توازن دقيق ومستمر بين المحاسبة البيروقراطية من جهة والاستجابة والتجديدية والنهائية من جهة أخرى. كذلك تتوصل هذه الدراسة عن طريق كشف تطبيقات المحاسبة البيروقراطية في القطاع العام السعودي إلى إمكانية تحسين المساءلة البيروقراطية بهدف رفع مستوى الأداء في المنظمات الحكومية.