An Ethics Course is not enough
Bringing back values in the domain of Public Administration

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Intro

In this paper I like to sketch the development of Public Administration in Western-Europe and on the other side of the pound, in the Anglo-Saxon world. One thing has become clear, the Anglo-Saxon, to some observers the American, model became the dominant one in these areas. And even outside the Western world. Some observers indicate it as a global trend (Kettl 2005). What model do I mean and what were the characteristics of it? And did it perhaps lead to consequences we can have second thoughts about? OK, by hindsight, but nevertheless. Weren’t there some insights in what was developed in continental Europe that were worthwhile and that should get attention again?

History

By the Anglo-Saxon model I refer to the variant that was developed in the United States at the end of nineteenth century. The work of Woodrow Wilson is often marked as a starting point of modern Public Administration. His inspiration came for an important part from the British tradition. Bagehot, a constitutionalist, was one of the hero’s of this young scholar (cf. Thorsen, 1988). What the discipline was called, is for us, the grandchildren, not so clear. Constitutional law, some observers say, although it was a discipline that hardly existed on the British islands. Staatslehre, the Germans would call it. However, the modern thinking about public administration was characterized by a social science orientation. It became empirically oriented. Research orientation and research methodology were important innovations, the fruits of which we still can benefit. This orientation, however, was not so much present in Wilson’s work, but for sure in the twentieth century.

That was quite a difference with what already existed in continental Europe. During ages there had been all kind of efforts to study the public sphere. Plato’s The State and Machiavelli’s Il Principe changed the thinking of the Western world. More recently, one of the most well known efforts of systematic study was the ‘Kameralistik’ in Prussian Germany. Dominant in countries like Germany and France was thinking on state and government combined, based on a philosophical tradition, with a strong legal character. There were strong relationships between public law and public administration. In a number of European countries, Public Administration found a place in the legal tradition. And important in this context, it had a normative content. Its main methodology was argumentation. The central focus was how to organize the public sector, best taking the legal context into account. Lorenz von Stein was to some extent in Germany what Wilson was in the U.S. This approach is still strong in the Southern part of Europe. But in the Northern part and in many other parts of the world the Anglo-Saxon model became in the twentieth century by far the dominant one (Kickert etc. 1995; also Kettl, 2005).

An important characteristic of the Anglo-Saxon model was the distinction between politics and administration. It can be considered as a late product of the Trias Politica, an political philosophy developed in Europe and laid down in the constitution of The
United States. The distinction meant the separation of the ‘what’ and the ‘how’ question. Politics had to tell what had to be done and the administration had to figure out how that could be realized best, swiftly, efficiently. Public Administration as a consequence seemed to be a neutral, value free, almost technical activity. Nuts and bolts, it was coined by our American friends. Optimizing was the key word. It meant fixing the best means to stated goals. In particular economists were fans of that kind of problems. However, the question ‘how to..’ turned out to be normative enough.

Most ideas we have about the organization and functioning of the world of public administration are what Hood and Jackson (1991) called doctrines. To call them theories is perhaps too much honor, despite the frequent use of the term paradigm. We have not seen so often a field of study with so few theories and so many paradigms and paradigm changes. Perhaps, these ideas also are of more significance than policies. They are not only the action theories of politicians and administrators. Also people from the discipline of Public Administration hold these ideas about what to do in the public sector. It is worthwhile to study these doctrines, Hood and Jackson state, as basic units of analysis for administrative science. In particular the argumentation and acceptance of these doctrines should be subject of study. Because doctrines turn out to be bundles of societal and political values. We have to analyze them thoroughly. I try to do so in this paper.

**Embedded in political philosophy**

Most doctrines are derived in one way or another from political philosophical ideas. For a long time during the last century, political philosophy was not a very popular activity in the social sciences. Some, in particular in the second half of the twentieth century, stated that political philosophy was dead. If there was one dominant conviction, than it was pragmatism. It was a product of the nineteenth century, and of the American context (cf. Menand, 2001). The behavioral approach made empirical research the most important activity that could be done in academic efforts. The ideal was not a discussion about normative ideas, but the value free research, determining the facts and acting on basis of these facts. The pragmatists had established that line of activity. And a lot of interesting, remarkable and unexpected insights were the result. The effects of big ideologies of the twentieth century made the inclination to refrain from normative discussions even stronger.

Political philosophy in the US went further than refraining from normative ideas in the public sphere. The procedural republic was the result of pragmatic heritage. The republic of citizens became the procedural republic (Sandel, 1996). There was a wonderful and still relevant idea behind it. The idea is that we have different conceptions of the world, of society, on the relevance of the local community, on faith or the family. We all hold values, but we differ in our values. The relevant question is: how do we cope with that? How do we act under circumstances of diversity? One way is to fight it out, to favor certain values and repress others. It’s another word for the civil war. If we want to prevent that, or don’t want to repeat that, than we can agree on leaving out the value discussion. We can imagine a neutral state. A state that does not interfere in the values people have. Individual rights were primal. In principle the state should not interfere in those rights. Sandel makes clear that the defendable aim of staying out of value discussions did not result in a neutral state.
Time and again, the efforts to refrain from value judgments resulted in value judgments.

The procedural republic was a kind of Holy Grail and suffered the same fate: it was never found. First, because the laws passed were not value neutral ones. They had consequences for the value positions of citizens, companies and societal organizations. Second, because how intensively judges tried to stay in line of the rules and procedures, the results were not value neutral. They lead to sustain circumstances and relationships that nowadays we consider as immoral or abject. Not the judges failed; they applied the law the best they could. What was not realized enough beforehand is that procedures and legality have societal effects on their own. They implied the allocation of societal values to individual people. To a certain extent Easton’s formulation that the function of the state was to allocate authoritatively societal values reversed the insight. Because a state that was no longer able to do so, stopped to be a state. Values, it turned out, seem to be inevitable in the public sphere. Public administration was dealing with it.

Two variations in Anglo-Saxon P.A.

Within Anglo-Saxon Public Administration two variations developed itself. The first one was within Political Science, where modern Public Administration was created. The politics – administration distinction, law making and the execution of laws, was its product. The separation of the ‘what’ and the ‘how’ question was possible in practice, given the existence of the democratic state of law. It was not something found in heaven. But it could exist, because there were well considered thoughts about organizing the state already. That had to do with ruling according to the law, with no state power could be exercised without a legitimation by the law. It had also to do with placing citizens in the center of governing processes. It is superbly phrased in the US constitution: “We the people…”. As simple as that: not some divine power or the king, far away from dictators trying to place themselves above the law. Some kind of representation was presupposed. We do not discuss here what kind of democracy it was, whether it was enough or that perhaps other types are more preferable. Politics and administration could be separated because democracy was institutionalized as the dominant way of governing.

We can formulate it differently. The distinction between politics and administration would be empty in another context. It brings public administration organizations and the people that work in these organizations in the position to serve as a slave of the powerful. And meanwhile the administration functions as the instrument to suppress those not in power. We can see this phenomenon in the real world, public functionaries shooting their fellow citizens or torturing opponents of the regime. But that kind of administration has little to do with what the people that made that distinction had in mind; governing based on the rule of law, the rules as a product of democratic decision making.

The importance of public administration was augmented by the distinction also: “It’s harder to run a constitution than to frame one”. So, there was a lot of important work to do for people in public administration and those in the discipline. But the relationship between practice and the discipline was not a nice fit. Studying the public sector was attractive for political scientists. Research was attractive anyhow,
whatever. Problems of governing, the different forms of government, bureaucracy, one by one they were nice subjects. But the idea to train people for the public sector was not well conceived by the political science community. And the application of insights on ‘how to run a constitution’, the role for advisors and consultants, also attracted a smaller crowd. For political scientists an advisory role was not a daily experience (Waldo, 1948).

But competition appeared around the corner. A field of study that had experience both with teaching and consultancy with regard to organizations: Business Administration. The result was the Science of Administration. It was the little brother of the Scientific Management Movement. The ideas were quite comparable, but in a public variation. It fitted perfect in the pragmatic tradition: empirically oriented, counting, measuring, with no other value than its search for the optimal solution, given already established goals. And these goals were determined by others. Administrative science became a rather technical field, trying to find optimal solutions for organizational problems.

But as Simon (1947) illustrated so beautifully, it contained a lot of normative ideas. Proverbs, he called them, unproven normative ideas about how to organize best, of little meaning and contradictory to each other. His solution was to intensify empirical research on basis of solid theory. In Public Administration, there should a rigorous distinction between factual and value premises. The distinction between Politics and Administration lingered on. A psychological oriented laboratory and the Nobel Prize for economy became Simon’s future.

The Science of Administration was strong in the United States between the twenties and the fifties of the last century. It put a lot of emphasis on dealing with the management variables in a public context. Organizational Management in the first place. But also what was called Personal Management and what we call Human Resource Management now was a part of it. Financial Management was to some extent a somewhat separate track, populated by economic oriented researchers. But nevertheless it was a part of what together was indicated as Public Management. And, to keep in mind, law was not a part of this approach in Public Administration.

A distinction with many meanings

During time the distinction between politics and administration became associated, as Dwight Waldo (1948) had indicated with a lot of other meanings. Administration was about facts and politics about values. Politics stood for value rationality, and administration for goal rationality, after the famous distinction of Max Weber between Wert- and Zweckrationalitaet. So what politics was doing was strategic, and administration concentrated on the operational side of governmental processes. Politics was attentive to the changing moods in the country and focused on power relations. It created volatility in the public sector, while administration was the continuity factor. While politics found its power base in democratic legitimacy, administration was founded in professional legitimacy. It should have been a warning that Public Administration was not such a value-neutral affair. Because a multitude of values became attached to this distinction. In part, values that were not intended when the distinction was made.
Two worlds were created, separated from each other, with different rationalities, power bases, sources of knowledge and time horizons. And, as doctrines have normally, there were a lot of presumptions. First, that it was possible to separate the ‘what’ and the ‘how’ question. And second, that those were the questions politics and administration stuck to. So, administration refrained from goal setting and politics from interfering in the implementation processes. Third, that both politics and administration stayed in their own domain and did not claim its own superiority over that of the other. It was not exactly what history showed. Politicians claimed that their domain was superior to the activities of public officials and organizations (cf. Ringeling, 2004). The point was defensible as long as they stayed on their own domain. But problems with answering the ‘what’ question and interference in the answering the ‘how’ question undermined the legitimacy of this conviction. I will come back to this development.

Political Science, part 2

It lasted till the fifties of the last century before the political scientists came back on the stage. They had a new subject to bring in: the study of public policy. It combined two things: the empirical study of problems in practice and the possibility to improve their societal relevance by giving advice to policy makers and administrators. Those were the weak points of political science in the first half of the twentieth century. But now the discipline could improve its position. Real world problems could be studied and be researched for better solutions. Speaking truth to power, as Wildavsky (1989) phrased it, was their duty. Giving rulers advice was no longer out of the question (cf. Behn, 1978; Meltsner, 1990; Bardach, 2007). The public policy schools popped up in a lot of places in the US. The same did the consultancy bureaus specializing in this kind of activity. Competition could be found in the world of the economists. Even the central question became comparable to what was already fashionable in Public Administration: how to improve government performance, given goals stated by others. So the central problem stayed the same: it was directed towards optimizing. The pragmatic orientation could be continued.

Thinking in Public Administration has detached itself from the question how the goals were set and the rules were made. That was the domain politics was about. Administration was a different game. It made the field move in a more and more technical direction. Neutrality, in particular to politics and political leaders and as a consequence to political and societal values was stressed. There the tensions with the political context in which the discipline was founded could be seen. But as long as the political system was democratic, the tensions were not there. An interesting parallel developed itself between a value neutral Public Administration and Weber’s model of bureaucracy (cf. Ostrom 1973). Because both models presupposed the neutrality of public organizations. Neutral as well to those in power, as with regard to the citizens they had to serve. I don’t have to iterate upon the fact that the first, the neutrality to the ideas of those in power, went awfully wrong in the last century.

Both the line of thinking within the Anglo-Saxon model as in the Weberian bureaucratic model neglected the idea that political decisions can not only be wrong, that politicians hold views and make decisions about goals, that cannot be realized or are harmful to other goals they stated. That is wrong in a technical sense. History learned us that politicians can have convictions that are wrong in another sense, that
there are situations in which their ideas are morally reprehensible. The goals can be wrong in a normative sense. And what also remained out of sight was the possibility that politicians don’t have relevant answers any more. That the time of the big stories is over (Bell, 1965; Frissen, 2009). Perhaps, public officials in their day to day cooperation with their political superiors noticed that. Later on, with the rise of New Public management, they draw the obvious conclusion. But in Public Administration, it was an ill considered point. A little look outside the study would have brought these insights, but it did not happen. At the beginning of the Twentieth century as well as nowadays. Ostrom’s (1973, p. 131) remark:

“The public servant in a democratic society is not a neutral and obedient servant to his master’s command. He will refuse to obey unlawful efforts to exploit the common wealth or to use the coercive capabilities of the state to impair the rights of persons, ...”.

was all but a common conviction in the discipline.

**Entanglement between politics and the political**

The consequence of the line of thought in Public Administration was that administration was subordinated to politics. Politics had the primacy (Ringeling, 2003). And politics was institutionalized politics in a democratic state of law. The laws in one way or another were the expression of the will of the people. And the Demos was superior to the Technos. The Demos got institutionalized in various ways, as political movements, parliaments, political parties and general elections. The Technos was instituted by public bureaucracy, and professional training for government officials, in particular in governmental institutes. The confusion was the result of the connection between the political and political institutions. The idea was that organized politics had the primacy over the administration, over other societal institutions. But that is not what political philosophers like Arendt and Berlin had meant. Not the politicians had the primacy, neither a cast of professional representatives. Not the actors but a domain: the political. And the political is about political values, about our differences of insights with regard of political values, about diversity. Political philosophers made clear that the political has the primacy over the societal, over the administrative. They made clear at the same time that participating in the political discourse are not alone the political representatives, but also other actors. First and most important what Van Gunsteren (1998) named the neo-republican citizens. Neo-republican citizens are characterized by the fact that they are not only governed, but that they also govern themselves. They carry out their duties as a citizen by participating in the discourse about the political. So, citizens are not governed only, they are more than voters, but co-producers in the public domain. There is not a monopoly for representatives. They have a unique position. But others actors hold unique positions too.

What is the position of the professional bureaucracy in this reasoning? Is its only function to implement what has been decided by others actors? Or is there more than that? There were other reasons to look to Public Administration and the distinctions that we make again.

1. History learned us that ‘following orders’ was not enough for legitimating abject practices. So, there is a normative barrier.
2. At the same time professionalism became more and more important in the public bureaucracy, as well on specialized policy fields as on a more general level in Public Administration and Public Management.

3. Behind Public Administration, Public Management and in particular New Public Management are a number of normative ideas. It is the reason for Hood and Jackson to indicate them as doctrines.

New Public Management is such a doctrine, like a lot of other ideas we have in Public Administration. Characteristic for these doctrines is that they contain values. Let us look in more detail to it with regard to NPM.

**New Public Management**

This original distinction of politics and administration was intensified with the rising of New Public Management. It derives from the conviction that the market is superior to the state. The doctrine contained that the best state is a small one, and in the pragmatic tradition, that the best small state is a procedural one. There is little doubt that government is in an awkward position when it would be left to the adherents of NPM. Because they have a superior model for organizing public tasks, and that is not public organization, but the market. So as a consequence the role of the state is additional. When the market fails, for market believers almost impossible, but if..., than it can be argued that the state has reason to come in and compensate for the market failures (cf. Wolf, 1988). But governmental intervention is not an optimal solution. It is a second best. It always leads to market inefficiencies. Public organizations, due to lack of competition do not produce goods and services efficiently. Governmental intervention brings unnecessary costs to business. Here we see the influence of pragmatic thinking and neo-liberalism intertwined. It was the spirit of the eighties when Thatcher and Reagan came into power. ‘Government is not the solution, it is the problem’, the American president said. That’s interesting as a starting point for reflecting about Public Administration and the construction of Public Administration programs.

So the Grace commission (1984) put into words what many policy makers in the beginning of the eighties thought: ‘Run government as a business’. Not only the market, also the business model should be an example for the public sector. It was the era of deregulation, in particular of the business sector. But also privatization was a hot issue. Governmental organizations were brought to the market. Furthermore public tasks were outsourced in order to be produced more efficiently. Government was ‘reinvented’ (Osborne and Gaebler, 1992). Government should steer, not row, was the device. The post service became in a lot of countries a private firm. Public transportation became a business. There was hardly a task for government on the domains of education, housing, public health or infrastructure. Private organizations would perform so much better.

**Basic insights of NPM**

New Public Management is used as a term to indicate the doctrine of government that was developed in the Anglo-Saxon countries from the nineties on. Its content
implied according to Hood and Jackson (1990, p. 178; also Kettl, 2005, pp. 1-2; Pollitt et al. eds., 2007, pp. 4-5) a number of shifts in thinking about public organization.

First, NPM implied a shift from policy and policy making to management of public services. Policy advisors were out, legal specialists also, managers were in. More emphasis was laid on the management of organizations and on the management skills of public officials. A consequence of that, the struggle between professionals and managers came later.

Second, there was a shift from aggregation to disaggregation of public service organizations. Former unitary bureaucracies were split up in divisions. Relative independent organizations were constituted, with specific tasks instead of general competences. Inter-organizational structures between public, semi-public, private and voluntary organizations were developed. A bigger appeal on market organizations was the result. Also internal markets and competition were promoted.

Third, in the slipstream of the organizational changes contracts and contract-like relationships became important. Contracting out, and outsourcing became catchwords for politicians, administrators and managers. It changed the task of public organizations from doing the job to organizing the job.

Fourth, a shift away from planning and stimulating public welfare was visible. Planning became an unpopular word anyhow, with one exception: ‘planning and control’. But that was a management device. Cost-cutting was the goal, in almost all cases in order to fight a budget deficit. It marked a shift from input and process to output in control. Only the second half of the term ‘planning and control’ really got significance. Measurement and quantification were characteristic for this development.

Fifth was a shift from provision to delivery, separating it from production and laying the production in the hands of public service organizations, working according to specific delivery standards and judged by performance indicators. All in an effort the build a post-bureaucratic public administration (Heckscher, 1994; Kamarck, 2007).

As far as there are public tasks, government is the provider of goods and services. And the consequence is that the citizen is a client. An involuntary one, as Lipsky (1980) learned us, but a client of the provisions of government nevertheless is a client. From good reasoning came the insight that involuntary clients had to be treated even better than voluntary ones, although that was not so widespread among the officials of public bureaucracies. So delivery became the central problem. Governmental organizations were delivering goods and services. That had to be done in the most efficient way. Well, the solution for that way of delivery was close by. Because what was more efficient than the market? In particular when compared to the state, the market was superior.

So, basic for New Public Management was a depreciation of the state. The best state was a small state, an idea that is repeated by politicians again and again. There were circumstances that it was defendable that the state intervened in the working of the market. The circumstances were called market failures (Wolff, 1988). The idea itself, that the market could under certain circumstances fail, was only said in soft tone. But
it was not denied, it could happen. And then the state could step in. Its interventions would be market inefficient anyhow. Like the instruments it used. Law, for instance, was considered as an inflexible and inefficient instrument. But these interventions could be acceptable under circumstances and preferably only temporarily. Following the idea that perhaps the government had to steer and not to row, market organizations had to do the rowing (cf. Osborne and Gaebler, 1992). So privatization and outsourcing were the roads to follow. What governments did, market organizations in most cases could do better.

Values of NPM

New Public Management is part of the pragmatic tradition. But that did not mean that this line of thinking is without values. The aim to stay away from value discussions did not mean that this approach was without values. Values were more implicit and not the subject for analysis and discussion. But clearly values were there. Effectiveness and efficiency became a kind of super-values, of a higher order than other values. Cost-cutting was a central aim. So efficiency mostly meant cost-efficiency. Or better, lowering the costs of the public budget, because politicians were convinced of the idea that it was possible to do governmental tasks cheaper. They had to, in order to bring the budget in balance. Without knowing exactly how to reach more efficiency.

Hodgkinson (1978) had made clear long ago that such an order of values does not exist in theory. It did in practice. Politicians without any other idea than to stay in power, said that a more efficient government was possible. Mostly they meant cost-efficiency by that, or better that government had to cost less, and they did not tell how that efficiency should be reached. The adherents of New Public Management had two super-values, effectiveness and efficiency. They superseded all other values. Efficiency became a cult, detached from the goals it had to serve (cf. Stein, 2001). Because of its superposition, value conflicts, so crucial for the discourse in the public realm, remained out of sight. It belonged to the political realm anyway. It had an interesting consequence. Because, when value conflicts are out of sight, the question raises what purpose politics has. And exactly that happened in the world of the NPM disciples: we don’t need politics anymore (cf. Bouckaert and Politt, 2001). What is even more fascinating is that politicians followed that line of thinking. Their discussions became more and more technical, concentrating on the discovery of optimal solutions instead of making clear which values had to be taken into account. More and more, the ‘how’ question was part of the discourse in the political domain.

So, in the end, management became a value on itself. Public managers were considering politicians more and more as a nuisance. Politicians hardly were necessary anymore, when they were discussing the same topics as public servants did. Kettle (2005, p. 68) even reverses the traditional relationship between politics and administration:

“Public management is inevitably about politics. Thus management reform is also about political reform, and political reform cuts directly to the core issues of the relationship between government and society”.

10
The democratic Rechtsstaat

The continental tradition has something to offer. Not that it is better than the Anglo-Saxon one. But perhaps it stresses some points that seem to be overlooked or have gotten too little attention. If we agree that the state is not only permitted when the market fails, what is its justification? And if we agree that the state is not limited to fulfilling economic functions, why is the state there? And is it every state or only states of the Western type, democratic states, build on the rule of law, how contrary these terms are already.

The values of the democratic Rechtsstaat imply the legality principle. It’s the rule of law. So, it is a government based on rules, on what we call the law. And the law is not something invented by a political leader trying to be better off. The law in principle is the result of a democratic decision making process. What some people call formalism, and others bureaucracy, led to predictability and reliability of public organizations.

To its values also belongs the separation of powers because the state power can be a brutal power. Power corrupts and absolute power corrupts absolutely, is an old political science wisdom. So the state was made less powerful by splitting it in different functions. And more than that, checks and balances were invented in order to prevent that each power could go its own way.

Connected to it is the protection of citizens by the law and the independent judgments on that by courts. Judicial control done by independent courts is a crucial characteristic of this type of state.

And the democratic Rechtsstaat brought us the idea of fundamental, universal rights that could be claimed by individual citizens as recognition of their liberty and their position in the public realm.

These are the relatively easy values. But behind it is a much more fundamental idea: it is the coping with diversity, the same idea behind the procedural republic. We have different values about life, the world, about politics and the central task for the state is how to cope with that.

Diversity

The democratic Rechtsstaat offers opportunities to cope with value diversity in society and in the political realm. It organizes societal diversity in two ways: by the rule of law and by participation of its citizens. The rule of law offers citizens fundamental rights. Citizens have the opportunity to organize themselves, without state interference. The power of the state is limited by these rights, by the rule of law and by independent judicial review. This is a great achievement, how imperfect everyday practice may be. There are still too many countries struggling to reach such a situation.

But the significance of the democratic Rechtsstaat also has its limits. It offers partial answers to the big problems concerning the public sphere we will differ about. There are those enduring questions that have been discussed and will be discussed in the future. Questions like the relationship and linkages between state and society,
between public and private, between democratic and bureaucratic governance, between politics and administration, between central government and decentralized government, and between efficiency and other values. To all these questions we have answers. But the answers differ between citizens and in time. The answers we formulate, are temporary ones.

So it is unlikely that there will be one answer to these questions for all time and places, for citizens in one country as well as in another. Not only don’t we share a common history. It is also likely that we will have different practices of public administration in the future. Diversity is a value in itself. It should not be threatened by a universal public administration doctrine that has a strained relationship with the democratic Rechtsstaat.

And this has consequences for what we teach and study in Public Administration. Diversity in part is a consequence of the plurality we can find in political communities. So diversity is also a consequence of the democratic character of decision making processes. The output and outcomes are different as a result of different histories, different political-administrative systems and different preferences (cf. Pollitt, Van Thiel and Homburg eds., 2007). The results are not easily to export from one country to another and from one world to another, the way the decision making processes are institutionalized. We should welcome the diversity in the field, admire it instead of striving toward uniformity.

Tensions between values

When we compare the values of the democratic Rechtsstaat with the values of New Public Management, there are a number of observations to make (cf. Raadschelders, 2003; Zouridis, 2009).

First, public organizations are not organizations that are only implementing the goals set by others in the most efficient way. Not in practice as we all know or presume to know, but also not in theory. Public organizations are organizations that have values of their own. First and most important, they are solidified values themselves. Each of them is organized to promote a certain value. Elsewhere I have argued that the institutionalization of values in public organizations replaced the struggle of private organizations with each others, of citizens against citizens (Ringeling, 1993). I will let that subject rest now. But public organizations have to promote a certain value. That has nothing to do with the kind of procedural values where missions statements are full of. As the vice-president of the Dutch Council of State, Tjeenk Willink (2010, p. 22) remarks, the market orientation hardly leaves any space for the values and the identity of public institutions.

So, some funny thing happened on the way to the Forum. And perhaps it was not even funny. What we lost out of sight during the development of Public Administration was looking to the state as a state. In NPM, the state became a business. In the rest of Public Administration there was hardly a conceptualization of the state. We even did not talk about the state, but spoke of government. That sounded more neutral, more friendly. Not as harsh as ‘the state’. And it enabled us to talk about governing problems, about steering. Those are subjects of high relevance. But the state as state disappeared out of sight. And so the values connected to it. We had to leave
the Weberian bureaucracy behind us. Law had more or less disappeared out of the curricula of P.A. Instead we discussed about policy instruments in order to make it an optimizing problem again. And the time spirit made clear we should refrain from rule making, because it was not an efficient instrument. Deregulation was the flag that was waived. We also lost the view on the values of law. It was a good illustration of Fischer’s (1990) insight that values oppress each other, that stressing efficiency will limit the significance of other values.

The law, however, is not an optimizing problem (cf. Zouridis, 2009). It is not the question how to make government more efficient by means of the rule of law. It is dubious whether we can even speak about the efficient implementation of a law. Because public law is not a handy instrument, a tool easily to apply (cf. Ringeling, in: Salamon ed., 2002). The law is an expensive phenomenon, full of contradictions, and it gives actors the possibility to contradict. Law is the way in which public ideals are realized as well as prevented. Who has only eyes for effectiveness and efficiency has no idea where the state is for.

In its eagerness to reinvent the state, New Public Management lost the sight on what was so special of the public domain. It was not able to come to grips with the public character of public organizations. The movement had hardly an idea about the publicness of the state (cf. Habermas, 1969), except its complementary position to the market. And it could not cope with diversity either. Who thinks in terms of optimizing has problems with the possibility that different acting practices can coexist. It is a limited doctrine, based on a neglect of the differences of public and private organizations. With Allison (1979) we can remark that it is targeted at all the unimportant respects that public and private organizations are fundamentally alike.

Bringing values back in

There had been major efforts in the history of thinking about the public domain to reintroduce the value-problem. Already Vincent Ostrom made clear that the concentration on the bureaucracy side of public administration made the discipline blindfolded for the democratic aspect of it (Ostrom, 1973). Ostrom should get the honor he deserves. That means that Public Administration should involve more than making the public bureaucracy work better. The subject of Public Administration is not only management of public organizations. It is not only a organizational theory for the public sector. It is about how the democratic Rechtsstaat works and should work. It is about organizing democratic decision making and the rule of law. Ostrom’s insights meant a redefinition of the domain of Public Administration.

To the extent his argument attracted attention, the wrong consequences were drawn. Ostrom did give reason for that. Because in opposition to the bureaucratic state, he developed a model of the democratic state. That democratic state, however, was one based on individual welfare. His preferred methodology was public choice theory. His unit of analysis was the individual, optimizing his position. So, he replaced the institutional level of bureaucracy by the individual level. It was defendable when he had replaced it by the institutional of citizenship. But he did not do so. And he traded in the classical implementation of the law by economic theory on maximizing individual welfare. Not bureaucracy, but the market became the device for improving individual welfare in the eighties. The democratic character of government seemed to
be lost out of sight. Or, it was reasoned, markets are more democratic than bureaucracies. Questionable was whether, if that was true, it also was the case for artificial public markets with involuntary clients. It is questionable also, because law making can be considered as a product of democratic decision making. But the development was unmistakable towards the market.

Some years later Forrester and Fischer asked for analyses of the normative aspects of public policy (cf. Fischer and Forrester ed. 1987). The idea was to bring values back in. How important this idea was, it remained limited to the field of public policy. And even within that field, there was only limited adherence. Most studies were concentrating on given goals, goals given by the responsible politicians. Evaluation studies became an industry, evaluating what was accomplished of these given goals. Too seldom researchers asked themselves the question where the goals came from and whether the results of a policy had to do with these goals and with the circumstances in which the policy was implemented.

It is possible to conclude from the foregoing analysis that the pragmatist claim did not succeed. It was impossible to keep values out of the practice of public administration. And it was impossible to keep it out of the discipline. So I argue to discover the setting of administration again, we have to scrutinize the values in which public administration is embedded, to analyze the values of the doctrines that are applied in the public sector and to reflect about new relationships between politics and administration.

When we do so, it turns out that next to developments and values that we can see globally we discover ideas that have everything to do with the political-administrative system that we study. What we discover are universal values as well as regional or national ones. We discover global trends on one side, and diversity on the other. And the development is not one in which globalization is the only development that counts. We have to take the diversity of Public Administration into account, not as a temporary phenomenon, but as something that follows from the values we stand for, locally, regionally, nationally and internationally.

A state is a state is a state

What did we observe in this paper? The attempt to keep values out of Public Administration failed empirically on a number of points. First, public organizations play an important role in the allocation of values in society. The idea that they ‘only’ implement the law, is a misunderstanding. Policies can be implemented in a number of ways. Furthermore, public organizations have more or less discretion at their disposal. Third, public organizations are not only involved in the implementation of policies, but also in the formulation of policies. They interfere in the setting of goals. They became active in the political discourse. The study of these organizations is an incomplete study when we leave values, and what is more than that, different values out of consideration.

But the attempt to leave values out of the study also failed in a normative sense. Opting for one administrative doctrine or the other implies the embrace of political values. And the rejection of others. We demonstrated that insight by
analyzing the conflicting values of the Rechtsstaat on one side, and the values of New Public Management at the other side.

We can conclude that there is no value neutrality in the practice of public administration. And Public Administration that refrains from studying these value problems is a lame duck. It is not able to study the object in its full range.

The analysis of the values of doctrines in Public Administration, discussion about values should be in the heart of the discipline. Political philosophy has to be part of the curricula. That is more that a short course in governmental ethics. Attention to normative and political-philosophical questions is about the fundamentals of the field we study. More attention for these problems is a necessity in the field of Public Administration.

But we have at least two additional insights. First, there are more doctrines in Public Administration than New Public Management. They all have their set of values and each have to be studied in that way. They should be studied in particular with regard of their relationship with the democratic and juridical basis of the state. That makes us aware of the tensions between values promoted by the democratic Rechtsstaat and the doctrine of New Public Management.

Second, in the field of Public Administration more attention has to be given to problems that have to do with the rule of law, with legal processes and even more important with the legal character of government. We can phrase that also in another way by saying that elements of the continental tradition have a place in the field. It enables us to study the state as a state, not a kind of crippled business, not as a stand-in in case the market fails. Neither is it the place for optimizing individual gain. It offers us the possibility for having attention for value as well as democratic issues. Because these issues are of fundamental significance for the practice of public administration. Public Administration without knowledge of the juridical character of the state, how regulation works, what its functions are, is an incomplete study. It should prevent us from developing doctrines about public organization that conflict with the values of the democratic Rechtsstaat.

Third, by doing so, there will also be opportunities to study issues that are related to the phenomenon of diversity. That citizens hold different values, we already know for a long time. Respect for it was one of the reasons for the development of pragmatic thinking. But in Public Administration that diversity seems to be replaced by an almost universal scheme derived from economic neo-liberalism. New Public Management put that scheme into words. We differ in a lot of aspects in our thinking about government and governing. Whether there will be one scheme in the future is not only dubious. It is also dangerous. The Rechtsstaat offers the opportunity to cope with the diversity of values. Connected with it are ideas about universal rights and democratic processes. That is what should be central in our study of Public Administration, in order to realize that more is needed than an ethics course.
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