

# **Public sector reform, administrative models, and traditions: explanations of last resort**

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“Before entering on that study, however, it is needful: (I) to take some account of what others have done in the same line; that is to say, of the history of the study”. (Woodrow Wilson, 1887.)

## 1. *Introduction*

Past events and experiences, for better or worse, are important for comprehending current problems in the public domain and for finding appropriate solutions to deal with these challenges. Nevertheless, how knowledge of history exactly can help us to understand today's complex administrative reality is an altogether different question. In this paper, we concentrate on the question how historical analysis helps our understanding of the nature and direction of public sector reform. In addition, we want to assess whether and how public sector reform varies in West European countries given the unique political-administrative structure and tradition in each country.

Addressing this we are confronted with complex conceptual challenges such as the relationship between historical change and contemporary public sector reform. In addition, concepts and explanations used in the current debate have been vague or indeterminate. Terms such as ‘administrative model’, ‘administrative tradition’ and ‘administrative culture’ are used as synonyms. In addition, they are often utilized as explanations of last resort that is when other explanations do not suffice. In order to examine these issues, we will first provide an analysis of what exactly concepts such as administrative traditions and models mean.

Another point that merits attention is the one-sided and mono-dimensional interpretation of the ‘reform’ concept. In many analyses, reform is rather narrowly defined in terms of public management but this term includes a wider range of different types. It is important to recognize different reform types, because the occurrence and success of reform might vary with national traditions and models. Especially in Anglo-American literature there is a tendency to point to the success of the managerial reforms in the English-speaking world as compared to (mainly) southern and middle European lagging continental systems (See for instance Pollitt & Bouckaert, 2004). Does this claim hold true or is it just a myth constructed and coveted in a mainly Anglo-American reform-oriented community?

The structure of this paper is as follows. First, we will discuss the reform concept and look into the different dimensions of reform. We will primarily concentrate

on administrative reform and not so much on policy change. Having thus defined reform for the purposes of this paper, we will examine the historical dimension involving the influence of administrative traditions and models on different types of reform. For reasons of limitation, we focus on the legal dimension when assessing the effects of administrative traditions and models.

## 2. *Public service reform*

Examining the level and intensity of public sector reform in political-administrative systems all over the world, it is hard not to be overwhelmed by the extent to which - at least on paper - all levels of government confess themselves to reform. It almost looks, as it is the ultimate criterion of decent government (Van der Meer 2009). Peters and Pierre even exclaimed, "Except perhaps during major wars there has never been the extent of administrative reform and reorganizations that has been occurring during the period from approximately 1975 onwards" (2001). Similar remarks have been made about the scope of civil service system reforms across the globe. The intensity and proximity of contemporary experiences can be so overwhelming that the beholder can be blinded by the perceived uniqueness and singularity of events. However, do these observations about a new and unprecedented wave in reform efforts hold true? Consider the following observation: "...if difficulties of governmental action are seen to be gathering in other centuries they are to be seen culminating in our own." This was written by Woodrow Wilson, so it seems there is a timeless element to change. In terms of administrative history, we probably have to tone down the presumed distinctiveness of reforms in terms of their number, of their level of penetration, and of their intensity. An imaginary French or Prussian observer would hold the same sentiments witnessing the revolutionary changes in administration under respectively Napoleon and the reformer of the Prussian government and bureaucracy Freiherr Vom Stein in the early 19<sup>th</sup> century. A brief glance in the yield of recent work done by (administrative) historians and like-minded experts makes it abundantly clear that large-scale reform plans and initiatives have been common to governments and administrative systems of all times and certainly since the late Middle Ages. A number of examples will illustrate this. The wave of redesigning political-administrative systems started in the 1780-1820 period all over Western Europe. Around the middle of the 19<sup>th</sup> century the institutional structure of governments were redesigned in many countries. Domestic

turmoil (1848) and/or because of the rise of the nation-state and the creation of new states (Belgium, Germany, Italy, the Balkan states etc) prompted widespread reform comparable to what happened after the fall of the Wall in the 1989. Reform was not confined to creating a new political and constitutional infrastructure (including inter-governmental relations and structures), but also included the introduction of the rule of law and - on the continent – of the *Rechtsstaat*. The introduction of the *Rechtsstaat* led to a ‘Weberian’ bureaucratic revolution in 19th century Europe. The development of the (democratic) *Rechtsstaat* in continental Europe occurred almost simultaneously with the ascent of legal bureaucracy and it is mirrored in comparable (government) reforms in Britain grounded in the Rule of Law concept. With this bureaucratic revolution, comprehensive efficiency and effectiveness (often in terms of rationalisation) have been well documented for the last hundred years for many (Van der Meer 2002; Hood 1998; Raadschelders and Rutgers 1996; Van der Meer and Raadschelders 1998; Van de Berg, Van der Meer & Raadschelders 2005).

Reform is thus ubiquitous and really of all time. In general, most European countries have a tradition of reform with respect to their constitutional design, their institutional frameworks and their respective national political-administrative models. Much of the current reform efforts and debates are confined to the managerial dimension. This is a rather limited and misleading. In reality public sector reform is composed of a series of intertwined reform dimensions (Peters and Savoie 1998; Toonen 2001; Van der Meer; 2002). To understand the extent and the dynamic of reform in various European countries over time we have to consider:

1. The demarcation between the public and private realms of life (thus determining the scope of the state) involving issues as privatisation and deregulation;
2. The distribution of power between central and subnational levels of territorial (general purpose) and functional government (specific purpose);
3. The relations between government at large and the public (i.e. people as subjects, citizens and customers);
4. The relations between political officeholders and the public;
5. The relations between political officeholders and career civil servants;
6. The relations between career civil servants and the public;

7. The personnel management system including changes in the legal status of civil servants, optimising the size and functional distribution of the civil service, introducing HRM and management development programmes;
8. Internal management procedures and structures associated with NPM including decentralising and disintegrating the (former integral) system of internal management, handing over power to the line manager, introducing civil service leadership and civil service empowerment.

This listing includes the overall institutional arrangements (1, 2 and 3), the specific relations between the main individual actors (4, 5 and 6) and the two features that enable government to do its work (7 and 8). Before we can say more about this we have to examine the historical dynamics behind reform and particularly the role of administrative traditions and models.

*3. Institutional opportunities and constraints; types of administrative systems and historical context; historical legacies and state traditions.*

The quote from Woodrow Wilson (1887) in the introduction has been taken from an extensive introductory historical section arguing for the need of a study of administration in the U.S.A. It illustrates the fact that when the modern study of government and administration started the (comparative) historical dimension was included as an integral element in the U.S. and in Europe. In addition, the historical approach was combined with a comparative approach, rather customary in academic studies of society in the 19th and early 20th century, again, both in the U.S. as well as in Europe. See for instance the historical and cross national approach of Weber. What happened with that historical-comparative approach after the Second World War? Pollitt and Bouckaert (2004:160) point to a ‘history is dead, everything is new literature’ attitude and that both with regard to private and to public sector management. Management is be confronted by new challenges due to rapid environmental changes and cannot but be “rapidly leaving old concerns behind” (Pollitt & Bouckaert 2004). Perhaps such an a historical attitude can be found among private and public managers, and perhaps to lesser extent in those units of academe that study NPM. Nevertheless, assuming an a-historical attitude does not make it true. In addition, can we afford an ahistorical attitude?

A historical approach to public administration never really was absent, certainly not in Europe (we refrain from listing many studies) and not even in the United States (for overview (see Raadschelders, 2000)). However, we do see a revival of historical (institutional) approaches in the past two decades or so. The publication of several new journals testifies to some degree of interest (e.g., *Journal of Policy History* since 1989; *Journal of Management History* since 1994; and *Management and Organizational History* since 2006), a major yearbook (*Jahrbuch für Europäische Verwaltungsgeschichte* since 1989) and two handbooks (Finer, 1997; Raadschelders 1998). Both in Europe and the U.S. administrative history studies have been increasing in the past decade, yet it remains in the fringes of the study as a whole.

Having a past or being embedded in time is hardly a sufficient reason for contemporary PA experts to be involved in studying the historical dimension of current government and administration apart from pleasing the antiquarian appetite. What is the usable benefit? According to general wisdom past choices influence present-day issues and problems. Contemporary public policy and organization are embedded in the past. It is often pointed that this is the reason why the “current generation of citizens, public servants and future leaders in politics and administration would benefit from knowledge about the making of the administrative state and the role it played in shaping today’s society” (Raadschelders 2003..). This view of the use of history opens important, and often unanswered, questions. Can we learn from history and, if so, what is it exactly that we learn that is beneficial? Indeed one could even accuse proponents of historicism of some degree of naivety. Wisdom from the past could easily be supplemented by folly of the past given (see also Raadschelders 1998), for instance, experiences in the Balkan and Russia, where an approach is promoted to obliterate certain aspects of the past. In addition, elements of normative and prescriptive use of history can easily be involved. Often history or historical experience is used to make a point or reach a conclusion that needs authoritative blessing and what is more authoritative than Time itself? Although history as an instrument for justifying present-day action can be seen as an essential component and elaboration of “tradition”, a normative or prescriptive view should be handled carefully by PA experts in order to avoid getting involved in supplying legitimisation grounds for government.

History is meaningless without a framework that helps to explain the importance and impact of time. How can we use the temporal dimension more thoughtfully in explaining the current political-administrative realities and challenges? Atten-

tion should be paid to the exact content of the effects of temporal dimensions on our understanding of current situations and problems. As Lynn argued: “gaining perspective on the importance of the past depends on attempting to understand... how history affects the comparative evolution of state and governmental” (2006, p...). Kickert and Hakvoort point to the fact “that (the) institutionalized context of a particular state and administration is relevant for the form and content reforms assume there, and for their success and failure” “(2000: 223).

Determining how history exactly affects the evolution of reforms, requires empirical observation (Lynn 2006). However, gathering empirical evidence is only relevant after defining the relevant dependent and independent variables (Rose, **year**). For our purposes, our object of study is the comparison of the level, content and mode of political-administrative reform in various western European countries. Reform is seen as an intentional process of change in order to improve the institutional design of the public sector. The adjective ‘institutional’ refers to characteristics as persistency, external recognisability and reproduction of relevant rule systems thus give structure and meaning to processes of (public) governance. Institutional arrangements do not appear unexpectedly. The evolution of state and government, and thus institutional development, is considered and perceived as a series of decisions in time regarding, affecting, and - from time to time - redeveloping the institutional design of a certain polity; building upon to the norms and values germane to a particular system. It is here that the historical-institutional dimension enters our discussion of reform. Decisions are made over time. Events take place that have a bearing on the institutional design of a given administrative system. However we might desire it, we can never (completely) escape the choices made in the past given the fact that we cannot reinvent society and the organizational structures we live in. Education, enculturation in a wider sense, and socialization moulds the individual as a social being and encapsulates them within the institutional framework of society. Paths of past institutional choices possibly constrain present-day options, but they may also inform them (i.e., experience). What the social scientist regards as constraint (as expressed in the concept of ‘path-dependency’) is evidence of continuity in the eye of the historian. At the same time, change occurs always and everywhere but never in the same way. To the historian it does not appear as unusual that continuity, diversity, and change are each manifest in any time (Thølfesen, 1967). Social scientists prefer a stronger contrast between periods of status quo and times of rapid change. Hence, the distinction between

evolutionary and punctuated changes (Lynn 2006; Baumgartner and Jones 1993; Bezes & Lodge 2007). Following Darwin, evolutionary change is gradual, with the organism adapting to changing environmental circumstances. What drives evolution is small, continuous, and individual change. In public administration, this approach is visible in Lindblom's incrementalism. But, Darwin's nephew, the statistician Francis Galton, disagreed and argued instead that long periods of stasis are punctuated by relatively brief periods of rapid, that is, large and discontinuous change (Gregory, 2008:474). Stephen J. Gould called this 'punctuated equilibrium', a terms happily embraced by historical-institutionalists. The notion that any period has signs of continuity, diversity and change has been discarded too quickly.

Path-dependency reveals itself in administrative traditions, administrative models and the values and norms they embody. Terms as traditions, models and culture are not clear-cut but rather fuzzy. Perhaps this explains their popularity and usefulness. The concept of tradition is often discussed and invoked but is generally not delineated. Tradition is regarded as custom, practise, handed over time through processes of socialization and enculturation. Tradition is considered to provide structure and meaning to and thus simplify human interaction. Tradition can also be defined as an inheritance from the past and thus having a contemporary dimension. For instance, Raadschelders (2007) contends that traditions provide a way of organizing and comparing potentially complex social realities and are developed on the basis of 'what is'. The latter is quite interesting as traditions are thus reformulated and conceived from the present situation. We have to careful when invoking (administrative) tradition, given that tradition can be (re)invented or pointing to an imaginary past or myths (Hobsbawm 1983). For instance, in many countries and cities the precise origins of institutional arrangements and the meaning of particular events have been lost in the mists of time. In order to upgrade history and boost citizen moral a loftier past was created or annexed. Notwithstanding the invented nature of 'new'' traditions they operate as a binding force within a certain polity. In the public domain these administrative traditions shield governmental structures and processes from unwanted change. Because there is a preference for continuity of the work of government, Ruggie argued that bureaucracy is more pervasive than political systems and/or constitutional arrangements (Ruggie 2003: 178). We return to this issue in the next section.

Apart from administrative tradition, there is a vast and growing literature that points to the importance of the characteristics of (political-) administrative models for

the content, direction and success of reform initiatives. Interestingly, the importance and existence of administrative models and traditions are emphasized in fields of comparative politics and public administration, actual attention and thorough analysis of how the characteristics of these models and traditions affect, stimulate or hinder reform is conspicuously missing. There are two related sets of difficulties involved.

The first problem relates to what constitutes an administrative system. The word system implies certain 'wholeness' or some elements that can be defined as a 'whole' for analytical purposes. Say, a particular national system in which a certain degree of coherence between various components is supposed to exist and more or less fixed. We argue that any model of an institutional system should include the political system, the bureaucratic system, the state system, interaction patterns with society, and the legal system.

A second problem is the grouping of national models into families of systems. In the field of comparative government, we generally find the following classification: an Anglo-American model, a continental model divided in Napoleonic (or French inspired) and a Germanic *Rechtsstaat* models, a Scandinavian model, and some indeterminate mix model such as in the Netherlands. This modelling in families of systems is rather superficial and very traditional

We should consider the conceptual dimensions lying behind these models. Global configurations of civil service systems as developed by respectively Heady (1996) and Morgan (1996) are of limited use since Western countries are lumped together in one cell or element of the configuration. They do not provide the kind of detail desired. Then again, scholars from Western countries may be too much inclined to overestimate differences between their countries. B. Guy Peters uses of the following dimensions: the boundaries and the relationship between state and society, the political-administrative focus on management or on law, the relationship between politics and bureaucrats, and the degree of uniformity (Peters 2003). Steen et.al. (2005) look at role and position of state, the role of law and legal foundation, political-administrative relation, and intergovernmental relations. Pollitt and Bouckaert (2004) point to the state structure, the executive government, the administrative culture, and the diversity of policy advice to typify public administration systems. Their work concentrates on the administrative system in a more limited sense. Combining the different approaches, we can distinguish seven dimensions to be considered in any modeling of state and administrative systems: the structure of state, the relationship between state and socie-

ty, the features of the political system, the nature of administrative systems, intergovernmental relations, political-administrative relations, and legal foundation. We will take a closer look at these legal traditions and reforms.

#### *4. The legal dimension of reform*

For comparative purposes, it is important to realize that there are certain basic differences in the role which legislation -both as an activity as well as in terms of specific laws and regulations - plays in state affairs. In this respect, we can speak of legal models with certain traditions embodying a more or less persistent legal culture. Often a crude division between civil and common law systems is introduced in which the former is more formalistic and less flexible. But is this assessment valid? We have to consider different dimensions of legal systems in order to understand possible effects of the legal system on the content, direction and speed of reform.

A starting point is how *res publica* or 'common interest' translates in legal terms. In political theory and public administration, the relationship between state and society, and how this influences conceptualization in the study of public administration (Stillman 1990; Rutgers 2004), has received ample attention in the last decades. In this literature, time and again the differences between Anglo-Saxon common law based and Continental European (mainly codified and Roman law based) civil law interpretation of state concepts are expounded (Dyson 1980). Allegedly, states with a civil law tradition have closer links to society. The state is more than a mere collection of individuals. This perception has particularly been manifest in the German organic state theory. Societal development is thus both an endeavour and interest of the state and of the individual. In this tradition, a more active role is expected of the state and its government. In the inductive (presuming pluralist) public interest models the role of the state is more limited and even the existence of an institutional state concept is doubted (e.g., America's stateless origins). To what extent is this normative political-theoretical reading of the relation between legal tradition and the size of government empirically valid? If it is true, we might imagine common law systems less prone to government expansion and more inclined to public sector contraction than civil law systems. However, we have to realize that concepts of state(lessness) are grounded in deeply treasured beliefs and convictions. How, could one, for instance, in the early USA cherish a (strong) state conception given the Revolutionary and republican ide-

ology and after fighting of the outrages and presumptions of King George of England (See for instance Stillman 1990; Rutgers 2001)? Oddly enough, that presumed statelessness is also considered relevant in the British case. British statelessness has its treasured moments in the myth of the Freeborn Englishman dating to the Saxon resistance to the feudal Norman rule, the Magna Carta and the Glorious Revolution. From Britain, this conception reached Australia, Canada, Ireland, New Zealand and the U.S.. But the idea that the public interest model features limited government might hold true with respect to a limited *social-economic interference* during the Reagan and Thatcher eras in respectively Britain, New Zealand and, to lesser degree, the USA, but from a historical perspective –and now we do have to look back- this argument looks rather weak. The New Deal in the USA and the development of the welfare states anywhere are important examples. The situation in Australia and New Zealand has not been very different. For instance, government intervention in health care and education involvement in the UK has been (and still is) quite high. The same applies to education (in terms of personnel size) in the USA. Comparative figures regarding the number of civilian government employees in the UK, France and the USA are quite comparable and in some cases even higher than for instance Germany and the Netherlands (Van der Meer 2008). Thus, public interest systems with a common law origin and the civil law ‘statist’ countries with statute law origins have both experienced big government. The emphasis on personnel cuts and less policy interference is rather limited to social-economic policies and does not include, for instance, national security policies. Particularly in the UK and New Zealand (not so much the USA) cuts and changes have been made in personnel size and in operations of government. Part of its relative success can be explained by financial-economic necessity and political leadership.

In addition to conceptualizing the state in a legal perspective, we have to consider how and to what extent these legal models and traditions affect reform? This relates to the varying constitutional designs and principles within legal systems. In constitutions, whatever their characteristics might be (see below), at least part of the institutional design of the political-administrative system and of its relation to society is prescribed. These prescribed components are important as they –at least partially- describe how changes in those institutions can be realized. In addition to this constitutional level, from a collective choice perspective we might look at how reforms in general have to be legislated as parts (particular the administrative systems) are not

included in the (formal) constitutional design. It is argued that reforms in some political-administrative systems have to be 'legislated' in order to be effective, while other systems do not or do it differently— by, e.g., outlining a general framework. Can this division be allocated along the lines of a common law versus civil law traditions as is sometimes proposed? The answer has to be negative. When looking at the constitutional dimension we have the distinction between written and unwritten or codified and uncodified constitutional systems. This distinction does not run parallel to differences in law systems and traditions. The USA has a written constitution<sup>1</sup> while the UK has a series of written documents that together serve as constitution, yet both are considered common law systems in terms of origin.

Whether or not a constitution is written does not have much consequence for reform capacity. Much more important are the rules contained in the constitutional design regarding the necessity of qualified majorities and special procedures needed to change the constitution. This becomes even more important when constitutions have more encompassing list of topics and detailed regulations within the text. In constitutional systems with elaborate and complex constitutional change processes reform of the political-administrative system will be more difficult than in simple majority systems. The UK might be an example of an easy constitutional system while the USA has complicated systems just as most of the other constitutional systems. Nevertheless, in the UK this flexibility has become more and more limited as major changes (devolution and, often, European treaty proposals) require a referendum for getting popular support. Then, while in some continental-European countries extensive constitutional texts exist, this is certainly not a common feature. The constitutional stability, particularly in the North-West, shows that detailed constitutional design does not inhibit change. In addition, for instance in the case of the Netherlands, we find a de-constitutionalization process. An additional element is found in the process of legal or judicial review often in the responsibility of constitutional courts. These constitutional courts play an important role, particularly in federal systems where sovereignty issues have to be mediated between semi-sovereign states and in countries that adopted democracy rule after a dictatorship when still some doubts exist concerning the quality of the political process. These review procedures can seriously limit and impede gov-

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<sup>1</sup> H. Patrick Glenn in his 'Legal traditions of the World' argues that the legal system of the USA has increasingly become more 'civilized: In many respects US law represents a deliberate rejection of common law principle, with preference being given to more affirmative ideas clearly derived from civil law' 248.

ernment's freedom to introduce institutional change from the centre. Again, this is not confined to a particular system.

In addition to these constitutional dimensions, we have to consider the effect on the form that legislation takes at the non-constitutional level. An 'act of parliament' does not have the same operational meaning everywhere as a vehicle for administrative change. In continental-European systems detailed, instrumental and enforceable legislation by which the legislator tries to directly affect and even determine operational action, is said to play a more important role than in Anglo-American traditions. But is this really true? In systems of statutory regulation by means of framework-law, the basic idea is that laws and regulations may shape outcomes, but not determine them. Through legislation, the general constraints and conditions are formulated within which operational action is taking place. In many continental systems there is potential for non-legislated reform of even constitutional proportions. In addition, in Westminster models an Act of Parliament is necessary to legitimize state activity and induce change. In systems that operate from the idea of an organic or 'living constitution' even fundamental changes and transformations of the system may take place without parliament actually paying attention. Ziller (2003) argues that ...' law as such is not an obstacle to administrative reform, nor to the introduction of management: it is a set of tools which can be used well or badly according to the legal education of those who have set up and implement new modes of management.'" Another dimension with respect to the relation between legal tradition and reform has to do with the primary role orientation of the civil servants: are they legal experts in a civil law tradition or managers in a common law tradition? A problem is that no distinction is made with respect to different levels of government. In all systems local government and regional field agencies have always been relatively more service and performance oriented than national institutions. Likewise, within both civil and common law much variation is seen across policy areas. But the notions that in the Rechtsstaat model reforms have to be prepared in law and that legally trained civil servants may have difficulty adapting to a more managerial or performance-oriented perspective is quite interesting (Pollitt & Bouckaert, 2000:53-54). It is argued that there is ample evidence when one takes the rise in popularity of NPM ideas in the UK, New Zealand and to lesser extent other Anglo-American countries during the 1980s and 1990s in consideration. But is that reform capacity due to their system of common law and their management orientation? As argued, the harsh economic climate and the dire

financial and budgetary conditions in these countries fostered radical reform. Helped by strong political leadership and supported by a societal sense of urgency, a rigid political-administrative and societal mould that hampered socio-economic and public sector reform was broken. This would explain the relative strong position of Britain and New Zealand in the managerial reform ratings. However, the reform record before the 1980s is rather weak. The UK has a tradition of slow and incomplete reform as slow implementation of the Northcote-Trevelyan civil service reforms in the 19<sup>th</sup> century showed (Greenway 2004). Only in 2010, the last recommendation in the report was put into effect by the enactment of the Constitutional Reform and Governance Act 2010 giving the civil service a statutory basis; a basis the police force and the military already had. In the USA the load of proposals on paper was not matched by real (administrative) reform. In addition, one has to point out that the managerial perspective on public administration has always been endemic to these nations. Therefore, in a certain sense framing reforms in a managerial perspective is more business as usual in the UK and New Zealand, perhaps only a little more radical. Thus, managerial style reforms are customary and more easily introduced there than in countries with a continental policy or legal leadership orientation. In those countries, reform has often taken a different and wider shape as can be witnessed in the respective administrative histories of these countries (Raadschelders & Bemelmans-Videc, 2007)).

Then, what are the effects of the presumed legal orientation of continental civil servants on the level of reform? In Northern European countries, the early development of a relatively strong bureaucracy and administrative elite has historically lead to a situation where 'political control' could be kept at arms length, preventing clientele and political spoils systems to penetrate bureaucracy. There a legal (and policy oriented) approach dominated, where actors (politicians, civil servants, third sector bodies) were expected to behave according to the spirit of the law. The rule of law in this tradition is not one of being a straightjacket, but rather one of facilitator in the pursuit to meet societal demands. On the other hand, in systems like Italy, Spain, Portugal and Greece, but also Belgium, the bureaucracy traditionally has always had a low status, partly because civil servants were/are generally appointed through patronage. But, paradoxically, government officials and civil servants regard themselves as the neutral servants of the state. In an effort to gain legitimacy, but also by professional conviction "They perceive their roles in formal legalistic terms as interpreters of the law and most senior civil servants will be trained lawyers." (Page, 1995b: 278). In such sys-

tems, law serves as the alpha and omega of reforms that are being approached in legal rather than in policy terms. Law easily becomes a vehicle for the politics of reform. However, it is obvious that the legal reality may differ substantially from the social, the political and the bureaucratic realities.

## 5. Conclusion

In the introduction we argued that knowledge of history could help us to understand today's complex administrative reality. In this paper, we focused on how historical analysis helps our understanding of the nature and direction of public sector reform. Our main question was to what extent public sector reform varies in Western countries given variation in administrative tradition and political-administrative models. Within public management literature, the notion has become quite popular that to a large degree differences in legal setting, systems and traditions are responsible for the level of reform and the ease with which reform can be implemented. A well-known example is the suggestion by Pollitt and Bouckaert (2004) and Painter & Peters (2007) that countries with civil law and often *Rechtsstaat* traditions are slower to respond to social, economic, and political change than, e.g., Anglo-American states based on common law traditions and public interest models. In the 1960s, the Westminster model was believed to be a superior model for reform, the best of what democracy could establish. Nowadays, the virtues of the more Germanic *Rechtsstaat* model are rediscovered and not only in Europe (Verheijen, 2007). Even in American public administration, hesitant steps have been taken not only to reacquaint with the 'state' but also to revalue the importance of the study of (administrative) law to the study of public administration. Much of the attention for reform has always been on the day-to-day basis of immediate decisions. It has concentrated on cures at the operational level and, in some countries at the level of collective choice, joint decision making and public policy. With the exception of a few countries, reforms in the Western world have even less affected the political system (Raadschelders & Bemelmans-Videc, 2007) and the constitutional foundation. Reforms have taken place within a stable constitutional and political context. While there are distinct national reform patterns, the overall institutional pattern of Western administrative systems still very much resembles the Weberian bureaucratic model. Many of the attempts to arrive

(again) at general civil service 'core departments' actually seem to amount to an effort to restore the traditional elite of general administrative specialists once labelled 'bureaucracy'.

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