

# **Distinctiveness in the Study of Public Management in Europe. A Historical-institutional Analysis of France, Germany and Italy**

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## **Abstract**

This paper presents three clear examples of distinctive approaches to the study of public management, that is, in France, Germany and Italy, three countries with peculiar legalistic state traditions. Per country first a historical sketch of state and administration is given, then the administrative (public management) reforms are described, subsequently the state of art of administrative sciences, and finally the specificness of the study of public management. The historical-institutional context of a particular state and administration apparently does influence not only the form and content of the administrative 'public management' reforms but also the scientific study of public management in that country.

## **1. Introduction**

This article is the result of an inquiry for the differences and specificities of various national approaches to the study of public management in continental European countries. Early 2004 I have asked a large number of colleagues (in Sweden, Norway, Denmark, Belgium, Germany, Switzerland, France, Italy and Spain) a number of questions: what are the typical subjects and themes of courses and programmes on 'public management' in your country, how do they overlap with, complement or differ from the usual Anglo-American issues? What are the different approaches to public management in different universities and institutes in your country? What are the well-known national textbooks, how do they correspond with or differ from the main-stream North-American textbooks on public management?

The inquiry did reveal distinctive approaches to public management in different countries, mainly due to their particular historical traditions of state and administration. In this article I present three clear examples of distinctive approaches to the study of public management, that is, in the European countries France, Germany and Italy, which all three have peculiar and specific state traditions.

At first hand one would assume that the convergence of administrative reforms in Western countries towards one common 'new public management', by implication has led to a likewise convergent common scientific approach of public management. And to a large extent that is true indeed. Managerial reforms were inevitable because of the underlying budgetary stress. Hence the need for more effectiveness and efficiency, more productivity, more value for money. Hence the emphasis on result orientation, performance indicators, steering on outputs and outcomes. The development since the early 1980s of a management science specific for the public sector, has therefore led to

commonalities also. Most main-stream Anglo-Saxon textbooks on public management pay ample attention to output budgeting, steering on results, client orientation, competition and market testing, and to the usual facets of management: strategic, organisational, financial, personnel, and information management (see e.g. the well-known books by North-Americans like Bozeman (1989), Denhardt (1993), Lynn (1996), Rainey (1997), Straussman (Bozeman and Straussman, 1990), or by British like Ferlie (1996), Flynn (1990), Pollitt (1990), or by the Australian Hughes (1994)).

Elsewhere (Kickert, 1997, 2000) I have argued that the different historical-institutional backgrounds of European states and administrations do affect the form and content of their administrative reform. Western states and administrations do considerably differ in many relevant respects. That influences the path of their administrative 'public management' reforms.

In this article I will show that the historical-institutional context of a particular state and administration also influences the form and content of the scientific study of public management in that country. The study of public administration is dependent on the object of study. That is why the study of public administration in different Western European countries differs per country (Kickert and Stillman, 1999). A recent survey of Public Administration education programs in European countries (Hajnal, 2003) showed three distinct clusters: continental European countries with a strong political science component, Nordic countries with a stronger emphasis on business administration, and Southern countries with a predominance of law in their curricula.

Here I will show that the study of public management is also influenced by the particular institutional context of state and administration in the respective country. Although American, English, French and German textbooks on 'public management' at first sight show a remarkable similarity, a closer look reveals important underlying differences which are related to their distinct political-administrative contexts and traditions.

Due to size limitations this survey will neither include the Nordic countries nor the Netherlands, but be restricted to three countries that clearly have peculiar legalistic traditions, that is, France, Germany and Italy. Per country I will start with a brief description of its state traditions, then sketch the administrative reforms (public management in practice), subsequently indicate the state of the art of administrative science, and finally discuss the specificness of the study of public management. That places the study of public management in the respective countries in a threefold context: the context of the study of Public Administration, the context of public management in the practice of administration, and the historical context of state and administration.

Although I thus have tried to somewhat systematise this survey, it nevertheless is a qualitative and impressionistic overview. As Bouckaert, the discussant of my presentation at the international research seminar on public management (IRSPM) at Budapest in April 2004, remarked, the identity of public management schools can be distinguished much more systematically, e.g. into skills/science, disciplinary approaches, generic/specific, and scope of schools. Pollitt and Bouckaert (2004) have carried out a systematic comparative analysis of the influence of types of politico-administrative regimes on public management reforms. My objective here is more modest, that is, to

show the national distinctiveness in the study of public management in three large European countries. Although probably well-known to the inhabitants of those countries, my impression is that this is hardly known to the outside international, predominantly Anglo-American, community.

## **2. Legalistic state traditions**

The three countries chosen in this survey – France, Germany and Italy - have specific and peculiar institutional state contexts, but all three have a strong legalistic tradition in common. This tradition has its roots in 19<sup>th</sup> century history of state formation, particularly in the establishment of the Liberal ‘Rechtsstaat’ in continental Europe. In view of the apparent importance of this historical tradition in present-day France, Germany and Italy, I will begin with a brief historical sketch of the legalistic tradition of state and administration.

Although the establishment of the Liberal ‘Rechtsstaat’ is presented here as a fundamental turning point it should be noticed that the shift from monarchy to Liberal ‘Rechtsstaat’ in historical reality was not that direct and abrupt. The French revolution abolished the Bourbon monarchy, but was a decade later followed by the Napoleonic Empire, after which the monarchy was restored, albeit constitutional. Only a few revolutions and empires later was the Liberal ‘Etat de droit’ established in France. Prussia and Italy also have moved on peculiar historical paths towards a Liberal ‘Rechtsstaat’.

### *Liberal Rechtsstaat*

In the historical development of continental European states and administrations, the establishment of constitutional democracy in the 19<sup>th</sup> century has marked a fundamental turning point (Finer, 1954; Heper, 1987; Page, 1992). The establishment of a constitutional Liberal ‘Rechtsstaat’ marked the end of absolute monarchy. Parliament and the rule of law made an end to the absolute powers of the King (in historical reality this shift took many steps. Early 19<sup>th</sup> century constitutional monarchs long continued to rule autocratically). The constitutional Rechtsstaat became a safeguard against the powers of the King. Not only against excessive power but sometimes primarily against excessive spending by the King. Excessive state expenditures were not infrequently the main reason for the Liberals to curb the absolute power of Kings.

The Liberal constitutions introduced the legalistic ‘Rechtsstaat’ thinking about state and administration (notice though that Napoleon’s ‘code civil’ provided a basis for the development of the French ‘Rechtsstaat’ and that Italy followed the Napoleonic model). Parliament became the highest sovereign authority in the state. Legislation became the fundament of state and administration. Administrative action should henceforth be based on constitution, laws and regulations. Administration should be based on the primacy of the law. Constitution, laws and regulations became the exclusive source of administrative action. The key tasks of state and administration were narrowed down to legislation and execution of laws and regulations. Administration was restricted to merely executing

legislation, and administering rules and regulations based on the law. In the Liberal 'Rechtsstaat' every free citizen possessed legal security and equality before the law. Therefore, the law gained the monopoly of the only relevant expertise for the effective functioning of the state. This led to the 'Juristenmonopol' (monopoly of lawyers) within continental European administrations. State officials were predominantly lawyers.

The dominance of juridical thinking in North-Western European countries like the Scandinavian ones and the Netherlands, more or less lasted until the Second World War. There the post-war creation and expansion of welfare states put an end to the dominance of administrative lawyers and marked the beginning of social scientific study and support of the state.

In France, Germany and Italy the dominance of administrative law has not vanished. As will be shown later on, that legalistic thinking can clearly be recognised in the French and German textbooks on public management. Neither has the introduction of public management in Italy broken the monopoly of administrative lawyers and legalistic thinking.

### *Modern Bureaucracy*

The establishment of Liberal constitutional democracies also marked the beginning of modern bureaucracy. At the times of absolute monarchy state officials were the personal servants of the King. Even in the epoch of constitutional monarchy at the beginning of the 19<sup>th</sup> century Kings often continued to consider ministers and officials as their personal servants. With the coming of the Liberal constitutional democracy that situation changed. The King was no longer in personal control of the state and administration. Parliament became the highest authority in the state (though the early 19<sup>th</sup> century constitutional monarchs remained highly autocratic and often disdained parliament). Ministers were no longer personal servants of the King but were responsible and accountable to parliament. Officials changed from personal servants of the King into servants of the impersonal state. The new state officials were no longer members of well-to-do families that had delivered officials generation after generation. State officials became educated and trained professionals.

It is no coincidence that the 19<sup>th</sup> century witnessed the beginning of professional bureaucracies, like the transformation of the British civil service into a meritocracy after the Northcote-Trevelyan reform of 1853. Serving the state was no longer the prerogative of the gentry. A qualified, non-political, administrative class educated in liberal universities was to replace the aristocracy (Drewry and Butcher, 1988).

The characteristics of this modern professional bureaucracy were that officials had to be properly educated and trained, and possess the proper expertise. The membership of some noble, wealthy or otherwise important family no longer sufficed to become a state official (this also was a gradual shift. Early 19<sup>th</sup> century constitutional monarchs still frequently raised loyal supporters to peerage and appointed the new nobility in state functions). The state administration changed into a meritocracy. In France the transformation into a highly qualified bureaucracy happened under the Imperial regime of Napoleon in the early 19<sup>th</sup> century (Thuiller et Tulard, 1984). In Prussia the mighty and professional state

bureaucracy was created by the Hohenzollern Rulers in the 17<sup>th</sup> and 18<sup>th</sup> century already (Hartung, 1950).

Another of its characteristics was that officials henceforth occupied an impersonal formal position. They were no longer personal servants of the King, but fulfilled an official, formally described task in the state administration. The impersonal formal position was accompanied by a formal and life long appointment. No longer could the King or other rulers hire and fire officials at their free will. Servant of the state was a formal and protected position. Likewise did officials henceforth receive a regular salary and pension. Payment of officials was no longer the personal prerogative of the King.

In order to further minimise any personal influence of political rulers on the functioning and career of state officials, their career path in the administration's hierarchy was henceforth determined by seniority only. Their career did no longer depend on the judgement and appreciation by the King or any other political rulers. Their career was guaranteed, certain and predictable.

Notice that this historical description of modern bureaucracy as official impersonal servants of the 'Rechtsstaat' exactly coincides with the well-known characteristics of the ideal type model of 'bureaucracy' that the sociologist Weber (1922) constructed early 20<sup>th</sup> century. Weber pictured a bureaucracy as a form of legal-rational authority which is precise, stable, disciplined and reliable, and superior in efficiency. Legality and legitimacy are the main traits of bureaucracy. Its characteristics are rules and regulations, hierarchy and accountability, and official documents. Weber described the positions of officials in a bureaucracy exactly as the previous historical sketch: professional training and expertise, impersonal formal position, formal tenured appointment, regular salary and pension, career in hierarchy (see e.g. Stillman, 1992).

As we will see later on, this situation of an official legalistic bureaucracy, protected against personal influence of political rulers, still prevails in continental Europe, and e.g. in Italy to an extreme extent.

### **3. Public Management in France**

#### *State and administration in France*

During the 'ancien régime' of the Bourbon monarchy, public offices could be bought from or gifted by the crown and were even hereditary. Public offices became saleable and hereditary property and due to their considerable purchase prices had to yield major sources of private income. Offices were sold to the highest bidder, not necessarily to the best qualified. State officials and public administration were distrusted and despised by the French population.

The origin of the highly qualified and esteemed French administration lies in the period of Napoleon Bonaparte's reign, at first as consul, soon afterwards as emperor. The administration of Imperial France under Napoleon was transformed into a highly qualified bureaucracy (Thuillier et Tulard, 1984). Public offices required formal entrance examinations, and high qualifications were needed to acquire the function. Public officials were

qualified, effective, and furthermore cost-efficient and hard working. Since Napoleon the 'haute fonction publique' gained high popular esteem. In view of the tradition of strong central state steering ('étatisme') France gradually became an 'administrative state' run by an elite of high officials.

Another characteristic of French administration is the rather fluid osmosis between politics and administration. There is no strict separation between politics and administration. Members of the 'grand corps' can acquire a political function and afterwards return into the administrative functions of the corps. As a matter of fact many ministers, premiers and presidents are former 'haute fonctionnaire public', member of a 'grand corps' and 'ancien élève' of the 'Ecole Nationale d'Administration' (ENA). Another argument adding to the 'administrative state' is the custom that top-officials near the end of their career acquire (well-paid) top-positions in private business, that is, are appointed by the government as 'président-directeur-général' of one of the many large nationalised state companies - the so-called 'pantouflage' (Rouban, 1998).

A small elite of ENA-trained top-officials run both the public administration, and the government and politics, and the private business sector. In France the administrative elite governs the whole state, economy and society. Hence the allegation that France is an 'état administrative'.

#### *Administrative reforms in France*

The French state and administration typically reflects the Napoleonic model (Wright, 1990; Wunder, 1995). The nation is united and the state serves the general interest. The administration is powerful, centralised, hierarchical, uniform, depoliticised, accountable and controlled. The administration is trained and qualified, possesses expertise, and is organised in professional 'grand corps'.

The power of the state was strengthened under the Fifth Republic, established by General De Gaulle in 1958 (Wright, 1989). National plans gave directives and indications for the economic and social developments. National government planning ('Commissariat Général du Plan') reached its heydays in the 1960s and 1970s (Bezes, 2002a). These were the times of rationalisation of government activities, the creation of economic models, the use of economic forecasting models, the development of sociological studies of administration (notably by Michel Crozier). In 1968 the 'Rationalisation de Choix Budgétaires' (RCB) was established, more or less resembling the North-American Planning Programming and Budgeting System. In the 1970s the issue of administrative reform reached the French political agenda (Bezes, 2002b). Attacking the huge, slow, inflexible state bureaucracy became a political issue. Laws were made to protect the citizens against the administration. Decentralisation of the state and administration became a priority. And politicians wanted to restore the political control of the state's machinery (Bezes, 2002b).

The nationalisation of industry in the beginning of the 1980s increased the public sector. National banks got a firm monetary grip. Government further expanded the role of administration. The civil service permeated all levels of social and economic decision-making, both public and private. The Fifth Republic had, however, also ensured the democratic control and political subordination of administration. The power

administration was also weakened by its internal divisions. The administration is not a coherent unity, but complex, diverse and fragmented. The alleged and potential power of administration may be huge, its effective power is less (Wright, 1989).

Besides the strong central state steering, other characteristics of the 'specific French model of administration' (Muller, 1992) are its strong sectoral corporatism and compartmentalisation, and the typical 'territorial administration' of regions, 'départements' and municipalities.

The traditional Napoleonic model has undergone great pressure (Wright, 1990). Some characteristics have remained unchanged, like the strong role of administration, uniformity, the expertise and 'grand corps', but the administration has also had to adapt to the external pressures. First to the political and social pressures on its fragmentation and juridification. However, due to the economic recession and budgetary crisis, above all to the pressures on efficiency and productivity. Privatisation, contracting-out and deregulation were also carried out in France. The fiscal crisis and budget retrenchments forced French administration to introduce a more businesslike, managerial style of governance.

In his survey of administrative modernisation in France, Rouban (1997) also emphasised the specificity of French administration. The classical French notion of 'service public' (see further on) was still alive and prevented the government from outright neo-liberal 'management' reforms. The prominent role that higher civil servants play in French administration implied the preservation of a social balance within their ranks. Their purchasing power had dropped. They increasingly quitted the public service for better paid jobs in the private sector. Their ranks were submitted to a growing politicisation. Their career perspectives had deteriorated.

Rouban (1997) distinguished four periods of modernisation. First the period 1984-86 when the economic crisis ended the illusions of the Socialist government. The increase of the civil service was severely reduced. Modernisation initiatives were taken. A policy of better quality and less costs was introduced in the public service.

Secondly the period of 1986-88 when the Right came to power and explicitly developed a neo-liberal reform programme. The civil service was severely criticised for its excessive costs and archaic culture, and hence developed a defensive response that prevented major reforms from actual realisation.

The third period 1988-92 when the Socialists returned to power and Rocard became prime-minister, formed a break-through in modernisation. A major mark stone in the reforms has been the 'Renouveau du Service Public' launched by the 'circulaire' of prime-minister Rocard in February, 1989. This reform consisted of the following reforms: 'cercles de qualité' (similar to total quality management), 'projets de service' (increase of managerial autonomy for executive agencies), 'centres de responsabilité' (management contracts between ministry and agency, plus client orientation). The management knowledge and insights were at first mainly to be found with external experts, advisers and consultants, but gradually disseminated into the administration (Bezes, 2002b). According to Rouban (1997) this modernisation was a compromise between the progressive introduction of public management and the preservation of the traditional public legal and financial framework.

In the following fourth period the attention shifted from administrative to state reform ('Réforme de l'État'). The afore-mentioned 1994 report Picq on state reforms, the 1995 commissariat for state reform, and the tri-annual plan on state reform in 1996. The subject gained an increasing importance within the administration, and was increasingly institutionalised (Bezes, 2002b). It became a political hot issue. Several prime-ministers put 'réforme de l'Etat' on their own political agenda (Bezes, 2001). The reforms were not only of the public management type, such as result-oriented budgeting, customer orientation, management contracts, human resource management, and the more. The attention shifted towards more fundamental state reform. Deconcentration and decentralisation of central state functions were addressed (e.g. the 1992 Act on Territorial Administration). The 1994 report Picq on state reforms addressed questions about the future global role of the state, and a commissariat for state reform was created in 1995, which published a tri-annual plan on state reform in 1996.

After the Juppé government in 1995 added the more fundamental issue of 'state reform' to the 'public service reform', the Jospin government in 1997 opted for a 'state reform' based on two main missions: proximity of the state (deconcentration and decentralisation), and a more effective state. The Raffarin government continued straightforward along these lines, and announced in 2002 its three main reform objectives: a better effectiveness based on the diffusion of a managerial culture in administration, an improvement of human resources management, and an improve in customer satisfaction by the simplification of regulations. The Raffarin state reform consists of three core-themes: effectiveness, proximity and simplicity.

According to Chevallier (2004) the 'Réforme de l'Etat' has gained strong political commitment (the Raffarin government has a 'ministre de la Fonction publique, de la Réforme de l'Etat et de l'Aménagement du Territoire' assisted by a vice-minister for state reform) and has increasingly been institutionalised in the administration, in which the three 'trans-sectorial' ministries (Finance, Public Function, and Home Affairs) have played an important role (Bezes, 2002b). Chevallier (2004) characterised the state reforms by three essential aspects. First a reconsideration of the missions of the state. The role of the state in economy, social security and the more, has become more modest. The 'regulating' state can devolve its operational executive tasks to independent bodies. Second the principle of proximity. The traditional centrally controlled territorial administration has been enforced by deconcentration and decentralisation. Thirdly the need for effectiveness, such as e.g. the three E's of public management, value for money, service quality, customer satisfaction, result oriented budgeting, etc. French state reforms were not cosmetic and superficial but quite fundamental (Chevallier, 2004; Rouban, 2003).

#### *Administrative sciences in France*

In his overview of French administrative sciences Chevallier (1999) distinguished a number of different approaches.

First the legal approach of administration which still plays a dominant role in France like in other Mediterranean countries. The approach is based on administrative law. The legal approach is normative, and hardly empirical.



Secondly the managerial approach which was a reaction to the dominance of administrative law. Principles of management (in French 'gestion') were to be applied to the public sector. At first there was strong resistance against this allegedly typical private business management approach. The introduction in French administration in 1967 of the 'rationalisation of budgetary choices' (RCB) enhanced the influence of the management approach. The existence of renowned business schools like the 'Hautes Etudes Commerciales' (HEC) and the 'Ecole Supérieure de Sciences Economique et Commerciales' (ESSEC) also gave it further impetus. Handbooks on public management started to be published in the 1980s. In 1983 a journal on public policy and management ('Revue Politiques et Management Public') was established (edited by Gibert). Thirdly the sociological approach. Within political science a subfield of political sociology developed, with an interest in the functioning of administration and of the administrative actors. In view of the dominance of top-officials in French administration it is not surprising that sociological studies were performed about their characteristics and functioning. Besides political sociology, also organisation sociology became a strong field of study in France. French organisation sociologists like Crozier are world-wide known, as is the 'Centre of Sociology of Organisations' (CSO). Finally Chevallier (1999) distinguished a fourth approach, that is, the emergence in the 1990s of public policy studies. Following the American public policy schools the study of 'politique publique' was introduced in France as a new paradigm (Thoenig). Especially the policy evaluation studies became influential in French administration.

### *Study of public management in France*

Let me begin by making clear that French textbooks on public management resemble the Anglo-American ones in many respects. French books treat the same usual array of management issues and aspects, like strategy formation, financial, personnel and information management, accountability and control, client orientation and marketing, and implementation and evaluation. However, notwithstanding the obvious similarities, the French approach of public management has a peculiar specificity (Thoenig, 1988).

Public management is presented as the modern alternative to the traditional legal form of public governance (Auby, 1996). Managerial rationality is presented as an alternative to the juridical one (Chevallier et Lochak, 1982).

Traditional 'gestion publique' is strongly juridical, based on principles of equality and the 'intérêt général' (general interest). It is highly centralised and is uniform in the whole of France. It possesses 'tutelage' over other instances. Public personnel have the 'statut de fonctionnaires'. There is a strict financial accountability (Gibert et Thoenig, 1993; Guillaume et al, 2002).

On the other hand, modern 'management public' is based on principles of effectiveness and efficiency. It is decentralised. It has more year planning. It uses contracting-out. Important aspects are quality, marketing and customers (Auby, 1996).

The French term 'gestion' normally refers to the restricted view on private business management as running the business. The French term 'management' refers to a broader view on management, both public and private (Auby, 1996).

French textbooks on public management are deeply concerned with the fundamental distinction between private and public management (Alécian et Foucher, 2003; Auby, 1996; Gibert, 1986; Guillaume et al, 2002; Laufer et Burlaud, 1980; Santo et Verrier, 1993). It is impossible to regard public management as the simple straightforward application of private business management onto the public sector. The public sector is fundamentally different from the private. Of course the public-private distinction is not an unknown subject in administrative sciences, but the French treatment of the subject is remarkably different from the way mainstream Anglo-American textbooks cover the distinctiveness of the public sector (see e.g. Rainey, 1997: chapter 3).

In the French discourse on the specificity of public sector management, the classical French notion of 'service public' plays a crucial role, not only in the first French textbook of Laufer et Burlaud (1980), but also the recent textbook of Alécian et Foucher (2003). The term cannot simply be translated into public service, it has a much more profound meaning. The importance of the French term 'service public' is related to the notion of legitimacy of the state (Gibert, 1986). In the period of the Night-watch state ('État-Gendarme') its legitimacy was based on the source and nature of power: the 'puissance publique' (public power), the authority of the state. In the Welfare state ('État-Providence') the legitimacy is based on the intended objectives of power: the 'service public', the core tasks of the state. The French concept of 'service public' consists of two ingredients: first the state tasks are of 'intérêt général', and secondly these tasks are carried out by 'l'administration'. That is the fundamental specificity of French public sector management as compared with the private business management ('gestion'). The French 'Rechtsstaat' serves the general interest, provides legal security and equality, possesses discretionary powers, and its officials have legal status.

Although French authors apparently are aware of the Anglo-American body of knowledge on public management, this French discourse on the public-private distinction has no parallel with any English counterpart. Not surprisingly, as Anglo-Saxon states have no legalistic tradition of administrative law.

The French discourse on the public-private distinction explicitly presents public management as a fundamentally opposed to administrative law (Caillose, 1989; Chevallier et Lochak, 1982). Administrative law has hindered administrative reforms, with its abundance of laws and regulations. It has resulted in a crisis of bureaucracy. The formalistic principles of administrative law are fundamentally opposed to the managerial principles of effectiveness and efficiency. The three E's versus legalism.

Another example of legalism is the legal status of French public officials ('le statut de fonctionnaires') which offers them strong protection. The powers of the trade unions are strong. Legal equality and security are important public values. There is a strict division between work ('emploi') and 'grade'. Even without work an official retains his grade. Personnel management in French public administration is certainly incomparable with Anglo-Saxon.

Public management is positively approached from the 'gestion' perspective, that is, the application of business administration to the public sector. From the political science and

sociology perspective it is approached in a much more negative, critical and sceptical way.

Another impression is that public management seems mainly to be applied to public state enterprises, including the ones that have recently been privatised. Most practical examples and case studies in the French textbooks are Air France, SNCF (railway), gas and electricity. Due to extensive nationalisations in the past France has a relatively large number of state enterprises. In other countries these sorts of enterprises are of old private or recently privatised, and would therefore not be the subject of public management. The impression is made that public management has systematically been applied in public enterprises, but that the inner chore of French administration has less been affected. Public management seems well grounded at the periphery of the state, but what about the centre of the state.

#### **4. Public Management in Germany**

##### *State tradition in Germany*

Germany has a strong and special tradition in the development of its concept of state (Benz, 2001). The German philosopher Hegel in 1812 published his theory on the state based on legal philosophy. In his view the state stands above the civil society. Contrary to the particular interests of individual citizens, the state serves the general interest. In Hegel's view the state is the 'Verkörperung der sittlichen Idee' (the embodiment of the moral value). The state stands for harmony and unity. The individual citizen is 'Untertan' (state subject, literally meaning submissive).

Hegel's concept of the state was a model of the 'Preussischen Obrigkeitsstaat' (Prussian authority state). Hegel actually was professor in Berlin, the capital of Prussia. One should realise that the German state formation in the 19<sup>th</sup> century was not achieved by the Liberal bourgeoisie as elsewhere in Europe, but by the hegemony of the Prussian elite, in particular by the iron chancellor Bismarck (Hartung, 1950). Unlike France, the German state formation was not based on a revolution of the bourgeoisie. The German state developed a different relation to democracy. State and civil society were separated, and the individual citizen was subject to the state ('Untertan'). The state was a purely legal entity, where administrative law ('Verwaltungsrecht') was absolutely dominant. This legalism explains for the fact that the state and administration also continued to function in times of political breakdown, like in 1918 and 1945.

With the establishment of the democratic state after the Second World War, Germany gradually departed from this state tradition (Jann, 2003). The democratic failure of authoritarian Nazi governance brought Germany the determined will to establish a democratically controlled 'Rechtsstaat'. In post-war Germany a neo-corporatist type of social market economy ('Soziale Marktwirtschaft') developed. In the 1960s and 1970s the German state, like many other Western welfare states, got more and more involved in government planning. These were also the heyday of reforms in government and administration. The economic recession and fiscal crisis of the 1980s also hit the German

welfare state. Retrenchments, privatisation, deregulation and debureaucratisation were to lead to a 'lean state' ('Schlanker Staat').

### *Administrative sciences in Germany*

In the post-war democratic Germany political science was mainly considered as a science of democracy, and administrative science ('Verwaltungswissenschaft') was considered as a science of reform (Seibel, 1989; Benz, 2004; Bogumil, 2004). Administrative science wanted to offer an alternative to the hitherto dominant administrative law approach. The strictly legalistic view on state and administration, by some perceived as the formal disguise for state crimes in the past, had to be replaced by another approach. The civil service ('Beamtentum') was to be fundamentally changed. The era of reform which started in the late 1960s also explicitly intended to break through the dominance of the legalistic view, which was considered as a main obstacle for modernisation of state and administration. Administrative science was supposed to become the academic backbone of a renewed civil service (Seibel, 1989). The attempts to drastically reform the civil service however failed. Recruitment of lawyers remained the standard for the West German civil service. The 'Juristenmonopol' still exists.

The 1970s showed the rise of administrative science. A separate curriculum for administrative science was founded at the University of Konstanz in 1973. A postgraduate curriculum started in 1976 at the Graduate School for Administrative Sciences in Speyer. Administrative scientists were actively involved in the many advisory committees on state and administrative reform at the time.

However, administrative science did not succeed in establishing a recognised academic institutional position. Neither in regard to the still prevailing public law discipline, nor in regard to political science, which itself had only a marginal existence in German academia. The 1980s showed a fall-back of administrative science, both quantitatively and qualitatively (Seibel, 1989; Bogumil, 2004).

The German 'Wiedervereinigung' (unification) in 1989 necessitated a complete reconstruction of the state and administrative apparatus in the former Eastern 'Länder'. This of course gave a major new impetus to administrative research and teaching. At the new university of Potsdam a curriculum for administrative science was established. A second trend which formed an important support for administrative science in the 1990s was the widespread municipal reform according to the 'neues Steuerungsmodell' (NSM). Almost all larger West German cities were involved in NSM-reforms, and various 'Länder' were also carrying out such reforms (Reichard, 1997). The move of the capital, government and almost entire national administration from Bonn to Berlin, was hardly paralleled by any reform. In administrative science public management became an attractive subject, especially as it contrasted so strongly with the legalistic bureaucracy tradition (König, 1997).

### *Study of public management in Germany*

In his survey of public management research and reform in Germany, Austria and Switzerland, Reichard (2003) argued that the subject is extensively studied in Anglo-

Saxon countries, as well as in Scandinavian countries and the Netherlands, but much less so in the German speaking part of continental Europe, where administrations have strong juridical traditions and heavily rely on legislation and regulation (although less so in Switzerland).

Reichard (2003) distinguished three main schools of public management in Germany. First the juridically oriented administrative sciences. This main stream still plays a dominant role in Germany (and even more so in Austria). One of the first published and widely used German textbooks on administrative science ('Verwaltungslehre') used this perspective (Thieme, 1984). König (1997) also has discussed the tension between the strong legal state traditions in Germany and the adoption of businesslike management models.

Secondly the political science based administrative sciences. The three main institutes of administrative sciences are the Graduate School at Speyer, and the universities of Konstanz and Potsdam. At other universities and polytechnics smaller political science institutes or individual professors exist. Not surprisingly, political scientists have a critical attitude towards public administration in general (Ellwein, 1994), and public management in particular (König, 1997, 1999).

Thirdly Reichard (2003) distinguished the public business economics approach ('Betriebswirtschaftslehre der öffentlichen Verwaltung'), of which he himself in Germany is a major representant and author of a widely used textbook (Reichard, 1987). Another brief German introduction to public management was written by Budäus (1994). This business economics oriented approach to public management uses the internationally well-known and usual Anglo-Saxon concepts of strategy, planning, decision-making, budgeting, personnel, accounting and control (Reichard, 1987; Budäus et al, 1998). A Swiss-German representant of this business economics oriented approach to public management is Schedler (1995), who played a major role in the dissemination of these ideas in the practice of Swiss administration. Although Switzerland has less strong juridical traditions than Germany, the tensions between new public management, state and law are apparently relevant enough to be discussed (Mastronardi and Schedler, 1998). In a recent textbook on public management (Schedler and Pröller, 2003), which does treat the usual themes like marketing, consumers, budgeting, information, personnel and the more, also separate attention is paid to the relations with state and law.

In his survey of public management education Reichard (1998) sketched the German case. Public management is mainly studied at the German polytechnics ('Fachhochschulen') and in departments of business administration and economics departments. At Reichard's own university of Potsdam a public management program started in 1994.

According to Reichard (2003) research on public management is rather fragmented and dispersed. Typical research themes in public management are:

- 'Gewährleistungsstaat' (guarantor state)
- result orientedness
- account and control
- public enterprises
- non-profit organisations

Apart from the first research theme all seem to belong to the 'Betriebswirtschaftslehre' approach.

Switzerland is in a position comparable to Germany. In the mid 1990s many municipalities and some cantons such as Zürich, Bern and Luzern, have carried out public management reforms ('wirkungsorientierten Verwaltungsführung'), more or less along the same lines as the German 'neues Steuerungsmodell' of reform (Schedler, 1997). The reforms consisted of financial and personnel management, contract management and global budget. Contrary to Germany the reforms do also take place at the federal government level.

Reichard (2003) argued that the situation in Germany, Austria and Switzerland is more comparable as they all three have in common that their states are federal with strong local emphasis, that they have strong legalistic traditions, that their budgetary crises were not so strong and occurred relatively late, that new-right neo-liberal ideology was hardly influential, and that their common language facilitates the dissemination of ideas.

## **5. Public Management in Italy**

Although I can read French and German, I am not able to read Italian, so my treatment of the Italian case had to be based on secondary English and French sources.

### *State formation in Italy*

In Italy a united nation state was only established in the second half of the 19<sup>th</sup> century (Clark, 1990; Smith, 1997). A nationalistic movement led to a revolt, the 'Risorgimento' (1848-1870), led by Mazzini and Garibaldi. National unification was taken over by the Piedmonte Kingdom (Northern area around Turin), which ultimately succeeded to occupy the entire peninsula, after military assistance from France and Prussia. So the 'Risorgimento' in 1870 led to the Kingdom of Italy, a constitutional Liberal democracy, supported by the Northern towns. The rest of Italy considered the nation formation as a military occupation by the Northern Piedmonte, with foreign military help. Real unification and nation state formation was a long process, in which education in the national language and military conscription have played a major role. The division between the prosperous industrial Northern Italy and the poor rural South, with the administrative centre Rome in between, still exists today.

The parliamentary democracy after the First World War led to such unrest and chaos that the call for rest and order culminated into a dictatorship. With the help of industrials and large landowners, and not hindered by police, army and government, the Fascist terror movement in 1922 led a march of the black-shirt militias on Rome. The government resigned and the King appointed Mussolini to prime-minister. The seizure of power by Mussolini soon led to a Fascist dictatorship which was only ended in 1943 when the Allied troops marched up after their landing in Sicily. The King fired Mussolini as premier and Italy quickly reached an armistice in the idle hope on post-war benevolence

of the Allied victors. The Nazi's promptly reacted with an occupation. A bloody partisan war of armed resistance groups followed.

The trauma of Fascist dictatorship has further enhanced the traditional distrust and dislike of the state by the Italians. Italians of old have a strongly individualistic 'civic culture', in which the family stands central, and a very moderate 'collectivistic' attitude (Putnam et al, 1993). Rules and regulations are made to violate them. The trauma of Fascism and Mussolini has of course pressed its mark on post-war politics. The King, who had not offered resistance to Mussolini, was sent away and a Republic was announced. Parliamentary democracy was henceforth considered a valuable good.

### *Post-war politics in Italy*

After the end of Fascism and the Second World War, Italian politics became dominated by three large parties, the Christian-democrats, the Socialists, and the Communists. Although the first post-war cabinet was a co-operative grand coalition aimed at the common restoration and renewal, the Communists were soon excluded from government power. Political parties in Italy are not only advocates of a political ideology, but above all machines that provide jobs, pensions, payments, seeds, insurances and the more. Clientelism and patronage are major features of politics in Italy, and by implication is corruption. Italian parties are certainly not homogeneous but strongly divided in factions that compete for power and resources. The internal party divisions usually are much stronger than the rivalry between parties. The divisiveness of politics is furthermore enhanced by the parliamentary division into sectoral commissions, which rather autonomously carry out their own relevant legislation (Clark, 1990; Ginsbourg, 1990). Popular dissatisfaction with the Italian political system has resulted in a rather revolutionary reaction in the 1970s with many protests and riots. This roaring period was in Italy even accompanied by violent terrorism. The popular dissatisfaction has again resulted in the 1990s in a massive protest, this time against the widespread corruption, the so-called 'tangentopoli' (investigated in operation 'clean hands' by the Milanese magistrate Di Pietro) (Morlino and Tarchi, 1996). The electoral punishment of the Christian-democrats resulted in the political outsider and entrepreneurial private businessman Berlusconi coming to political power (Smith, 1997).

The political system changed in the 1990s (Ferrera and Gualmini, 2003). In 1993 the electoral system changed from plurality to majority, leading to a political bipolarism with two dominant party-coalitions, resulting in a more stable parliament and government (Cassese, 2002). The traditional five parties evaporated in the 1994 elections. The traditional political establishment more or less vanished. New parties (e.g. 'Lega Nord' and 'Forza Italia') emerged. Governments got a stronger grip. The 'technical' cabinets of Amato, Ciampi and Dini were less influenced by party politics. The first 1994 Berlusconi government was unstable, but his 'house of freedom' coalition won the elections in 2001 with an overwhelming majority. Prime-minister Berlusconi exercised strong personal leadership, which was unique in Italy (Ferrera and Gualmini, 2003).

### *Administration in Italy*

After the Second World War the ruling Christian-democrats had inherited an old-fashioned, slow, legalistic, overstaffed civil service, which was commonly considered to rather sabotage than support modernisations (Cassese, 1984; Clark, 1990). The answer of Christian-democrat politics and government was to circumvent the official administration ('sottogoverno'). Political control over a ministerial department was strengthened by creating ministerial cabinets, which personally assist the minister, and factually guide and control the department. Furthermore most departmental top-officials were political appointees. Nevertheless civil service and the regular administration were still considered incapable of doing anything more than simple executive routine works. Politicians have therefore created a 'parallel administration' to carry out the really important post-war social, economic and welfare planning and policy-making. A huge and complex apparatus of public bodies, agencies, para-statal entities, public enterprises and the more, was established, thereby by-passing the regular civil service. No need to say that all senior positions in these organisations were political. Agencies, positions and jobs were divided over the political parties (and internal party-factions) so that everyone acquired a piece of the cake. The lack of effective democratic and especially financial control over this multitude of agencies, allowed the politicians to generate sufficient political funds. Political control over local government, health care, public transport and the like, implied the control over an enormous amount of jobs, which could be given to political supporters and clients (Cassese, 1984; Clark, 1990).

The Italian civil service has a number of characteristics (Cassese, 1984, 1993; Clark, 2000; Sotiropoulos, 2004).

First it has a huge size with an excessive amount of staff, the more so in the South. Do realise that teachers, nurses, railwaymen, postmen etc. are also part of the civil service. Nevertheless its size is enormous compared to other Western European countries. Secondly the civil service consists predominantly of Southerners. Civil servants usually come from Southern, conservative, low class backgrounds. Due to the high unemployment in the South, civil service positions often were the only guarantee for job and career security. Northerners could get better paid jobs in trade and industry. Southerners chose for income security, notwithstanding the relatively ill payment. Party patronage provided the jobs for loyal followers. Although entrance into the civil service is officially regulated via formal examinations, in the South the majority of new civil servants did not pass that formal route, but the political one. A civil servant is ill-paid and has low-status. Civil servants are not interested in good work performance. Side-jobs are not unusual. The service quality and cost-efficiency of the civil service are notorious. Thirdly civil servants are mainly recruited from lawyers. Italian universities have exceptionally high numbers of law students. Lawyers consequently suffer from high unemployment. Acquiring a job in the civil service often is the only employment possible. The legalistic attitude of lawyers combined with their low class, backward Southern origins, makes the civil service conservative, slow, inefficient, and opposed to reforms.

In his analysis of the higher civil service, the public law professor and minister of the Civil Service from 1993 to 1994 in the Ciampi government, Cassese (1999) called it an 'ossified world'. The higher civil service is not part of the political leadership unlike the



top-officials in France and Britain. The failure of the ‘Scuola Superiore della pubblica amministrazione’, to meet its original objectives as training and selection school for top-officials, illustrates the difference with ENA in France (Della Cannanea, 1998). There is a strict division between politics and administration. Officials have a high job and career guarantee, but have hardly any power or status. Top officials have an absolutely secure career perspective. Periodical promotions are based on seniority only, and not on performance evaluations that could be politically endangered. As a consequence top-officials are old before acquiring senior ranks, and therefore only remain shortly in top-positions (Cassese, 1984). Everything in the civil service is formally, legally regulated in order to ensure absolute security and political non-interference. The majority of top-officials are Southern recruited lawyers.

Politicians have no influence on this rigid, inflexible, non-adaptive, reform-opposed system. Politicians exercise influence by political appointments or dismissals of top-officials, and by creating their own ministerial cabinets. Most importantly politicians have circumvented the rigid civil service by setting up a parallel administration of public bodies and agencies.

Top-officials are well aware of this dead-lock. Distrust of politicians, sabotage, and extremely juridical behaviour are the result. In return for absolute job and career security top-officials have lost all power and influence. Policy-making is not carried out by officials. Preparation of legislation is done in the ministerial cabinets. Officials only perform executive routine work. And even that is sabotaged. Many laws and acts are not implemented and executed by the administration.

In order to realise its political plans and policies the government mainly uses the instrument of legislation. The number of laws, decrees and regulations passed in Italian parliament is relatively huge. This however mainly enhances the influence of parliament over administration, and even further diminishes the government’s influence. The administration is without guidance (Cassese, 1984).

### *Administrative reforms in Italy*

The 1990s were the era of state and administrative reform in Italy. The political turmoil and social uproar against political corruption (‘tangentopoli’) formed a fertile ground for reforms. Successive civil service ministers carried out a wide number of far-reaching state reforms. As mentioned before the electoral system was modified from a proportional into a majority system, resulting in a more stable parliament and government (Ferrera and Gualmini, 2003). Fundamental state reforms were the strengthening of local and regional government by decentralisation e.g. in the ‘Bassanini laws’ of 1997 (Bassanini, 2002). The national executive was also restructured. The power of the prime-minister was enhanced and the number of ministries was reduced.

An important administrative reform was the distinction made in 1993 between government steering and policy-making on the one hand, and executive management and administration on the other (Battini, 1998; Cassese, 2002). The latter became the exclusive responsibility of officials. Their labour conditions were privatised. Their job was no longer based on the ‘public function statute’ but on a contract. In 1998 the

executive management tasks and responsibilities of the 'dirigenza' (higher civil service) were further specified.

Another important reform for the functioning of the higher civil service was the legalisation in 1998 and 2002 of political nominations of top-officials (Cassese, 2002). Officials had an absolute secure career perspective, promotions were exclusively based on seniority, so top-officials were old and could only be replaced upon retirement. With the 1998 law the 55 highest top-officials (secretary-generals and heads of departments) could be appointed by a new government within 90 days of its instalment. Directors were to be nominated for a maximum duration of two to seven years. And 5% of the 'dirigenza' could consist of external appointments. The 2002 law went even further. Division heads could also be appointed within 90 days of a new government's instalment, and the maximum duration for director-generals was reduced to three years, for directors to five years. Now 10% of the 'dirigenza' was to be externally appointed. According to Cassese (2002) the main reason for this reform was that the newly created political parties wanted influence, jobs and power. The effect was that top-officials became highly dependent on their minister and consequentially had to be absolutely loyal. A side-effect was that a function had now to be paid double, both for the predecessor who was sent on study-leave, and his successor. According to Cassese (2002) this reform broke the traditional dead-lock of a civil service with career security but without power. Officials have gained the power over executive management and their salaries have been doubled.

In his analysis of the reforms in the 1990s Capano (2003) distinguished four main parts in the reform measures.

First the decentralisation of the state to regions and municipalities. The imbalance between strong central state power – most tax collections are central – and decentral government - where most public expenditures take place - was redressed. This decentralisation of authority was accompanied by a management reform of local government. Emphasis was put on new city managers, better accounting and control, and performance related payment was introduced.

Secondly central state administration was reformed. The notorious fragmentation and lack of co-ordination, was countered by a reduction of the number of ministries, and by eliminating duplications and segmentation. Businesslike management was introduced in executive agencies.

Thirdly the civil service was reformed. A clear separation between politics and administration was made. And a privatisation of the working relationships and labour conditions was introduced.

Fourthly a simplification of regulation and administration was carried out by a reduction of the number of laws and regulations, by simplification, and by deregulation.

Capano (2003) showed that the usual list of public management principles, such as result-orientedness, value for money, citizen-customer orientedness, customer satisfaction, service quality, performance control, performance-related payment, and temporary contract, all played an important role in these reforms.

Capano (2003), however, reached the conclusion that in actual fact nothing much really changed, that the hegemony of the legalistic paradigm was not broken. Public management reforms have not become a new administrative paradigm in Italy, have not

replaced the traditional juridical paradigm. The reforms have been adapted and incorporated in the legalistic paradigm. Reform in Italy, as any other government activity, exclusively takes place by legislation, regulation and decree. This observation is shared by others (Panozzo, 2000) who stipulate that the introduction of businesslike management techniques like accounting ('controllo di gestione') is based on an economical frame of reference that is completely different from the juridical way of thinking. Accountability based on economical effectiveness and efficiency is contradictory with legal accountability. The accountability reform has however been translated by the lawyers into their juridical language, as the reform had to be framed in legislation. Economic management discourse was translated into legal discourse. The reformers did not want that to happen. The reform was meant to break down the legalistic monopoly. Apparently that failed.

### *Study of public management in Italy*

The Italian administration is dominated by lawyers and obsessed with legalism. No wonder that the study of administration is still dominated by public law. Administrative law is still widely considered the most or even only relevant study of administration. Italian political scientists are hardly interested in the 'nuts and bolts' of administration, and prefer to concentrate on research topics that are more highly esteemed in their international scientific community. The mono-disciplinary disdain of political scientists for public administration is not unknown in the United States either. As a consequence a political science based administrative science, like in the United States and North-Western Europe, hardly does exist in Italy, with notable exceptions like the political science department at Bologna university (Capano, 2003; Gualmini, 2003 (an Italian book on comparative public administration); Lewanski, 2000).

The last two decades the study of public management has emerged at Italian universities. Not surprisingly the courses on and research in public management are located in university faculties of economics and business schools. A recent survey of courses in public management conducted by Professor Meneguzzo and other professors of public management showed that at 42 Italian universities (faculties of economics) 140 courses in public management and administration existed (report of preliminary results in May 2004), mainly in general public management, but also in planning and control, and in accounting. The survey showed 34 post-graduate master programmes and at least 4 Ph.D. programmes in public management and administration.

A distinctive approach to public management and administration in Italy is the so-called 'economia aziendale' approach (Cepiku and Meneguzzo, 2004). The translation of this term into business management or economics does not capture its Italian meaning. 'Economia Aziendale' is a holistic, interdisciplinary theory of economics and management of an organisation ('azienda'). An 'azienda' is considered as a social and economic unit that is autonomous, unitary, and evolutionary. The 'economia aziendale' approach encompasses the managerial (strategic and operation) aspect, the organisational (structure, HRM, planning and control, leadership etc) and the informational (auditing, accounting, communication). Its main difference with the Anglo-Saxon approach to

management is its generic, deductive character, as opposed to the empirical-pragmatic, inductive Anglo-Saxon one.

The most prestigious business school of Northern Italy is Bocconi university in Milan. Its public management department is an acknowledged authority in the field (its dean is Borgonovi). Italian professors of public management who are internationally active are Meneguzzo (1999), professor at the university of Rome, Lugano and Bocconi, Mussari (1997) professor at Siena university, and Marcon (1999) professor at Venice university, all in economics and management departments.

## **6. Discussion**

The purpose of this survey was to show that the study of public management in continental Europe does not always correspond with the main-stream Anglo-American approach, that there are specific different approaches in Europe. It is no coincidence that the differences show most clearly in countries with a strong still-prevailing legalistic tradition. For the main underlying watershed between continental Europe and the Anglo-Saxon world is the legalistic difference between public and common law. The British (national) civil service is certainly not inhabited by administrative lawyers, neither is the North-American. It seems almost self-evident that a management approach to administration is peculiar and different in France, Germany and Italy, three most legalistic states in Europe.

Remark, however, that the three countries do also differ amongst each other. France has a strong legalistic state tradition, and the 'état administrative' is dominated by high civil servants. The very top-officials in French administration are, however, not only administrative lawyers, but were educated at the 'instituts d'étude politiques' (of old called 'science po') and subsequently graduated at a 'grande école' like the 'Ecole Nationale d'Administration'. Public management seems a reform trend mainly reserved to executive administration and to public enterprises. And France is no front-runner in the EU-induced privatisations of national public enterprises.

Germany also has a strong legalistic state tradition, has a tradition of strong bureaucracy, and its (national) bureaucracy is still almost exclusively dominated by administrative lawyers. Germany, however, has a dramatic past of tensions between political democracy and legal administration, first during the chaotic Weimar Republic, then under Hitler's dictatorship. A sound and stable democracy was founded in Germany only after the Second World War. The fact that the legalistic administration had continued to function irrespective of the political rulers, was not generally appreciated. Yet the legalistic national bureaucracy was left more or less untouched. Its ability to escape reforms is exceptional. No substantial reform has taken place in national bureaucracy, neither after the 'Wiedervereinigung' (unification) nor at the 'Umzug nach Berlin' (the move of the capital from Bonn to Berlin). The fate of public management reforms has passed by national administration.

Italy does not have a strong state tradition. Italians have never liked strong central state interference, the more so since Mussolini's dictatorship. Political democracy was founded in Italy also only after the Second World War, although rather different from the Northwest-European type. The strong legalistic character of the Italian (national) bureaucracy seems primarily to serve the purpose of excluding any political interference on the career security of civil servants. The side-effect, however, is that the Italian civil service has lost all power and influence, and is by-passed by a parallel administration. Public management reforms have been legalistically translated into laws and regulations. Management seems reserved to the private trade and industry sector in the North. Public administration seems the reserve of Southerners.

Legalism in French, German and Italian administrations, do seem to have the common side-effect that managerial reforms are very hard to introduce and carry out.

Although some predict a move away from the traditional legalism in European administrations and a convergent move towards managerialism, that 'optimism' can be doubted. Naturally university programs in Public Administration should provide a modern education to future state officials and support the move away from traditional legalism towards more modern forms of administration. In North-Western European countries there are, however, indications that the neo-liberal, businesslike, managerial reform trend of the 1980s and 1990s is on its return. Signals of a counter-move are that governments in Britain, Scandinavian countries and the Netherlands are reconsidering the necessity of recent privatisations, are reducing the autonomy of some public bodies and agencies, are questioning the democratic accountability of excessive managerial autonomy, are protesting against excessive salaries of some new public managers, want the state to get more grip again, increase inspection and control. Such a call for more political accountability and control seems rather to fit the traditional legal frame of reference than the managerial one.

Presumably some conservative French, German and Italian administrative lawyers might hope that the American-imported fashion trend of public management will be a short-living whim that will soon blow over in 'civilised' Europe.

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