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# What Kind Of Justice Today?
# Expectations Of 'Good Justice', Convergences And Divergences Between Managerial And Judicial Actors And How They Fit Within Management-Oriented Values

**By Yves Emery and Lorenzo Gennaro De Santis[1]**

**Abstract:**

This research aims toward a better understanding of the organizational culture(s) of the judiciary in Switzerland by analysing what 'good justice' means nowadays in this country. It seeks to clarify whether, and to what extent, expectations of 'good justice' of judicial actors (judges without managerial experience) and of managerial actors (court managers) are similar and to describe possible managerial implications that may result from this. As judges are at the heart of the judicial organization and exert a strong influence on other groups of actors (Sullivan, Warren et al. 1994), the congruence of their expectations with those of court managers will be at the centre of the analysis. Additionally, referring to the conceptual worlds of Boltanski and Thévenaut (1991), we analyze how closely these expectations are to management-oriented values. We found that almost half of expectations are common to the two groups examined and the main quoted ones are compatible to new public management (NPM) concepts. On the other hand, those expectations shared exclusively by judges relate to the human side of justice, whereas those specific to court managers focus on the way justice functions.

**Keywords:**    good justice, judges, court managers, Switzerland, expectations, court culture

## 1. Introduction
Nowadays, organizations within the judicial branch are targets for modernization strategies inspired by the NPM. The new public management (NPM) movement started in the Anglo-Saxon world in the 1970s prior to spreading elsewhere. Its main claim is the superiority of private-sector managerial techniques over those of the more traditional public administration (Osborne 2006).

Its strategies, which consider justice systems as any other public service (Boillat and Leyenberger 2008), do not contest a basic principle of the third power—that judges are constitutionally independent and must be able to work free from any source of influence (Klopfer 2007; Langbroek 2008). However, courts and tribunals are organizations which must be properly managed in order to improve their efficiency, their efficacy and their accountability (Lienhard 2009), as well as the quality of justice and its 'customer' orientation. In this regard, management should have a supportive role in the courts to enhance justice quality as there would be no 'good justice' without good management of the tribunals. Judicial and organizational work are entangled and the organizational side of the court can guarantee judicial work only if judges are involved in it. According to Mattijs (2006), judges must assume some administrative tasks in both the organic and functional sense but a cultural shock for magistrates is deemed necessary for that to happen. If not, the disconnection between the administrative and judicial worlds may lead to profound misunderstandings between judges and court managers.

In practice, however, the proper interaction between judicial work and court management seems far more complex than expected (Lienhard and Bolz 2001; Amrani-Mekki 2008; Vauchez 2008). The problem comes from an inevitable conflict between goals, values and functions of each group (Cameron, Zimmermann et al. 1987; Langbroek 2008).

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[1] Yves Emery, Professor, Swiss Graduate School of Public Administration, University of Lausanne, yves.emery@unil.ch; Lorenzo De Santis, PhD Candidate, Chair of Public Management and Human Resources, Swiss Graduate School of Public Administration, University of Lausanne, lorenzo.desantis@unil.ch.

As judges are at the heart of the judicial organization and exert a strong influence on other groups of actors (Sullivan, Warren et al. 1994), the congruence of their expectations with those of court managers will be at the centre of our analysis, which focuses on the following research questions:

- What are the divergences and convergences when it comes to the expectations of 'good justice' according to judges without managerial responsibilities and court managers?
- How do these expectations fit with management-oriented values?

## 2. Theoretical Background and Review of the Literature

### *2.1* The Judiciary and (New) Public Management (NPM)
All public organizations are accountable to the citizens and governments for the way that they spend their money (Langbroek 2005). NPM techniques are aimed at rendering public institutions more efficient and thus, more valuable for the population (so-called 'value for money') and consequently are supposed to help politicians achieve good management of public resources by enhancing the legitimacy of public institutions. Not surprisingly, as NPM is the son of two opposites, namely the new institutional economics and the business-type managerialism (Hood, 1991), it created lively debates in both research and practice. As for its methods, Hood (1991) defines seven doctrinal components: professional management in the public sector, the use of measures and standards of performance, emphasis on outputs, disaggregation of units, greater competition, stress on private-sector styles and on greater discipline and parsimony in resource use. Others emphasise the centrality of quantitative measurement together with notions such as efficiency, effectiveness and economy. When applied to the judiciary, this led the chief justice of New South Wales to declare that, 'there is clearly a trade-off between efficiency and expedition on the one hand, and fair procedures on the other hand' (Spigelman 2001), p. 7.

This turns out to be valid as the quality of a judicial norm, a trial and a judgement can't be differentiated from the quality of their elaboration process and thus, from a good organization of the judiciary (Pauliat 2007; Cadiet 2011). As a consequence, separating the management of courts from the politics of the judiciary would be hardly possible (Pauliat 2005; Kirat 2010), underpinning that judges and court administrators work closely together to improve the quality of the courts.

Nevertheless, the generalization of NPM is far from evident as 'different administrative values have different implications for fundamental aspects of administrative design' (Hood 1991), p. 9, which means the particularities of each organization have to be accounted for. Overall, what Hamel calls the managerial model (Hamel 2011) can't be imported as a one size fits all but has to be tailored in order to fit with the mission and the culture of the targeted organization. As explained below, this argument is particularly important for the judiciary, an institution with a strong professional and administrative culture mainly inspired by traditional public administration values such as legality, equality, objectivity, impartiality and general interest (see 2.2). NPM encountered many problems when applied to the judiciary in general and to judges in particular. For instance, evaluation standards and indicators are more than instruments because they reflect what is deemed important and valuable for the internal actors of the tribunal. These values, expectations and quality criteria have to be accepted by judges and can't be imposed from management but by professional experts who are accustomed to the organization of the judiciary and the aspirations of stakeholders (Böttcher 2004; Langbroek 2005). Even those in favour of the introduction of managerial techniques in the judiciary believe that indicators must be chosen with great care and their pertinence should be unanimously recognized in order to be accepted by all (Vicentini 2011).

The underestimated cultural dimension of NPM explains at least partly the difficulties encountered by its implementation in the judiciary (Lienhard 2009), as it can be considered a cultural project (Schedler and Proeller 2007; Bezes 2008) which may fail to consider some central principles of the justice system, such as freedom and equality (Frydman 2011). Values such as efficiency, efficacy, productivity, customer-orientation, or even return on investment are far from being prevalent in the judiciary and may lead to a cultural shock or even an identity crisis, as is the case in other administrative contexts (Giauque and Emery 2008; Rondeaux 2011).

Since managerial knowledge is usually not present in the judiciary, there is also the danger to render magistrates more dependent to court administrators (Schmetz 2006). In many ways, it is very important to determine a commonly accepted definition of an efficient court and in a broader sense, of 'good justice' (Wipfli 2006).

## 2.2. What Do We Know About the Culture of the Judiciary?

### *2.2.1. General Concepts and Determinants of 'Culture'*
Organizational culture can be defined as 'a patterned system of perceptions, meanings, and beliefs about the organization which facilitates sense-making amongst a group of people sharing common experiences and guides individual behaviour

at work' (Bloor and Dawson 1994), p. 276. Put differently, culture is central to the understanding of any organization's functioning.

The determinants of culture are manifold and there is usually no uniform culture in one organization but a mosaic of (sub-)cultures (Matz, Adams et al. 2011). During the seventies and eighties, scholars pointed out the importance of the national level (Hofstede 1980) as well as the organizational level through the concept of organizational or corporate culture (Deal and Kennedy 1982; Schein 1990). More recently, Bouckaert classifies culture from a public administration point of view in four categories: macro (civilisation, place and structure), meso (professional administration), micro (organizational level) and nano (offices, job clusters) (Bouckaert 2007). Others put the emphasis on several levels and describe administrative culture as an aggregate of various elements such as social values, economic and political cultures and other sources of influence (Dwivedi and Gow 1999). Institutions (as the judiciary) strongly contribute to shaping the culture of any organization (as courts), as they represent a continuous sociological interaction process between actors who enact the values, norms and objectives related to their mission (DiMaggio 1991; Bloor and Dawson 1994; Hall and Taylor 1996).

### 2.2.2. Focusing on Judicial Culture
There is little knowledge about culture within the justice system. Comparative research has been done in several countries (Bell 2006; Vigour 2006), and also focused on specific (court) organizations (Ostrom, Hanson et al. 2005). Most of them try to explain the link between court culture and performance (Ostrom, Ostrom et al. 2007; Matz, Adams et al. 2011), therefore considering culture an antecedent of court performance.

Previous studies researching the culture of the judiciary analyzed the relationships between internal actors of courts (lawyers, judges, attorney, parties etc.) but rarely included external stakeholders (media, citizens etc.). Even though Eisenstein and Flemming mention the idea of a national culture and common values, the core of their research is on county legal culture which they define as the values and perceptions of the principal members of the court community about how they are expected to act and how they believe they act in reality when performing their tasks (Eisenstein, Flemming et al. 1988). Furthermore, others only consider informal relations between judges, lawyers, defence attorneys and prosecutors in their research (Church, Carlson et al. 1978). More recently, some authors focused their conceptualisation of court culture on the importance of cooperation and coordination between judges, prosecutors and defence attorneys in the efficient resolution of criminal affairs (Ostrom, Hanson et al. 1999). This is probably related to the belief that getting the consent of internal stakeholders is more relevant than the one of others (Langbroek 2005). What Church (1985) calls the local legal culture is this mix of attitudes and practices which influence, among others, the pace of litigation and corresponds to Bouckaert's meso and micro levels. In this regard, the cultural dimension of courts is crucial as it is one of the key factors linked to a successful implementation of managerial values and methods into the judiciary and most of the time, those in charge of introducing changes within tribunals are precisely court administrators. Burke and Broccolina (2005) try to integrate both approaches, saying that court culture as defined by Ostrom (2005) is complementary to local legal culture discovered by Church (Church 1982; Church 1985).

### 2.2.3. Judges and Court Managers
It is interesting to note that professional standards of judges and managerial expectations of court administrators may contradict each other (Kirpatrick, Ackroyd et al. 2005; Emery and Giauque 2012; Fortier and Emery 2012), leading to possible value clashes. This is extremely important if we consider that judges, maybe more than any other public servants, have a very strong common identity as they are being educated as members of a group of remarkable professionals (Langbroek 2005). Expanding the influence of new role expectations from different internal (stakeholders) and external actors (e.g., politicians, citizens, lawyers, attorneys, clerical and managerial staff) that potentially conflict with judges' professional ethos and their vision of 'good justice' may gradually transform the culture of the judiciary.

Despite the fact that justice management is seen as being subordinated to the judiciary, management-related expectations of 'good justice' may have a non-negligible influence on it (Kirat 2010; Poltier 2012). When it comes to court administrators, if we except the study of Cameron and Zimmermann dated from the pre-NPM era (Cameron, Zimmermann et al. 1987), they are rarely considered as actors who influence court culture to our knowledge, although they are probably those with the best bird's-eye view of court organization, practices and values.

To the opposite, a flow of literature says that giving more managerial power to certain judges may lead to bad management and cause problems in terms of the independence of some judges towards those who consider the new management as nothing else than a sophisticated way to retain power (Jeuland 2011; Labrusse-Riou 2011). Legendre quoted in Jeuland (2011) even goes further arguing that management is in direct competition with the law. In all cases, the additional problem of the blurring frontiers between judicial and administrative duties has to be considered (Poltier 2012).

Some Authors put in opposition the efficiency of the tribunal and the institution itself, defending the idea that judicial life is now more focused on the former rather than on the way the organizations of the judiciary and the social relations within them function (Labrusse-Riou 2011).

Similarly Mattijs say that judges will try to please the chiefs of courts in one way or the other when their work is assessed on quantitative standards only (Mattijs 2006) and some drifts can consequently be expected (Piraux and Bernard 2006). Justice should therefore be managed in such a manner that other worlds, such as the economical one, don't interfere with the judiciary (Rousseau 2011). If those spheres are mixed up, there is a risk that the use of the scarcity of resources' concept would weaken the rational-legal foundation of the administrative bureaucracy, which guarantees judicial security (Serverin 2011).

This may be the reason why judges tend to appoint court administrators who are 'non-threatening individuals who will not actively seek reform or disturb the status quo' (Berkson and Hays 1977), p. 87. More recently, the experience of a Belgian court sent a contradictory but nevertheless promising message. The relationship between the president of the court and the new human resources advisor went from the withdrawal of the former HR advisor, due to the lack of legitimacy of his position, to 'the shared conviction of the complementarity of the two functions, which together with trust and mutual support, will lead to a true partnership for a common and shared construction'[2] (Dewart and Leroy 2013), p. 22. Nonetheless, the introduction of NPM-like techniques may eventually lead to cultural resistance by further polarizing the relations between judges and court managers.


## 3. Contextual background: NPM and Court Management in Switzerland

The NPM movement appeared in the 90s in Switzerland as a reaction to the perceived weaknesses of public sector organizations (input-oriented, rules predominance etc.) and to the excessive political control of operative decisions (Schedler 2003; Lienhard, Ritz et al. 2005) with the aim of increasing the performance of public services and rendering them more efficient and effective (Emery and Martin 2010). The Swiss context is rather receptive to private sector methods and values (Thom and Ritz 2013). The reforms conducted in the country include, among other things, the search for an increased efficiency, a decentralisation process, the flattening of hierarchies together with the introduction of market-type mechanisms (Schedler 2003).

Nonetheless, the implementation of NPM programmes is happening at a much-reduced pace as compared to what was initially anticipated (Emery and Giauque 2012). Many advocates of public sector reforms deeply underestimated the importance of administrative culture and the institutional dimension of reforms in Switzerland (Giauque 2013), considering NPM only as a set of managerial techniques. In that respect, it is not surprising that the judiciary has been one of the latest institutions to have experienced NPM (Wipfli 2006). Nevertheless, a culture shift seems to have happened in Switzerland's court management practices. In the canton of Vaud, second instance judges (tribunal cantonal) failed to be elected by the political authority as they were believed to lack some of the required competences for the positions to be filled[3] showing a shift toward skills rather than political affiliation and a traditional routinized election. The recent issues of an overloaded justice system in Fribourg brought court administration back into the spotlight.[4] Finally, the management of the justice system in Geneva was heavily criticized by a recent report published by the Court of Auditors.[5]

In Switzerland, a nascent literature exists when it comes to court management. It focuses on reforms from the perspective of constitutional and administrative law (Lienhard 2011; Poltier 2011), on organizational, structural and leadership aspects of the court (Wipfli 2006; Mosimann 2011; Poltier 2011), on the effects of the recent unification of Swiss procedural laws on the organization of the tribunals (Berne 2011) or on the implementation of NPM instruments into courts following the reorganization of judicial institutions (Berne 2011). Moreover, certain authors investigated the degree of autonomy required for court administration to guarantee the independence of the judiciary (Poltier 2012) or the way courts' workload is managed (Lienhard and Kettiger 2009). Moral dilemmas and stress experienced by judges were also investigated by some scholars (Ludewig 2009), but we could not find publications comparing the expectations of judges and court managers in Switzerland.


## 4. Methodology

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[2] Freely translated from French by the authors.
[3] http://www.arcinfo.ch/fr/suisse/vaud-les-candidats-au-tribunal-cantonal-tous-recales-566-1197103 [dernière consultation le 28.06.2013]
[4] http://www.rts.ch/info/regions/fribourg/4980074-la-justice-fribourgeoise-fonctionne-bien-mais-est-surchargee.html [19.06.2013]
[5] http://www.cdc-ge.ch/fr/Publications/Rapports-d-audit/2012.html (11.07.2013), report Nr.54.

This research is part of a larger study on the cultural aspects of the judiciary in Switzerland, which is itself performed under the umbrella of an extensive national research project on court management across the country.[6] The larger study involved approximately 80 semi-structured interviews of which more than 70 have already taken place in seven cantons[7] in the three linguistic regions of the nation with both internal (judges, clerks, court managers, general secretaries, attorneys) and external actors (politicians, lawyers, journalists and researcher) of the tribunals.

For the present paper, we analyzed 18 in-depth interviews lasting on average one hour. Court managers and judges without any managerial experience from ten Swiss courts in the three linguistic parts of the country were questioned according to the inductive methodology (Strauss and Corbin 2004) to obtain an overview of the main expectations related to a 'good justice', until saturation appeared.[8] During the interviews, respondents described and defined the qualities required for 'good justice' and whether they think there is a plurality of role expectations from the main stakeholders to be considered.

Due to the relatively small number of interviews taken into account, we decided not to disaggregate the results according to the characteristics of the respondent or the courts in which he works. We will perform this in the next phase of the research when data will be analyzed with a more quantitative approach. At this point, we will also investigate the values underlying the expectations found in the present work.

The audio recordings were transcribed and coded with the NVivo 10 software in order to identify the main expectations that came out of the statements of participants. Subsequently, we classified interview sections (phrases or entire paragraphs) in 27 different 'knots'. Each knot corresponds to one argument that was individualized as important for 'good justice' by a respondent. Some expectations formulated by one participant can be competing or complementary, as the interviewees were asked to describe how 'good justice' should be according to them first, and then what they believed these expectations were for the other stakeholders. An interviewee could obviously mention several arguments, but one argument mentioned several times by the same respondent was counted only once. We eventually put the knots in an order according to the amount of respondents who mentioned each argument. Since the amount of interviews was somehow modest, we believed that a classification in three different groups of frequency (see Table 2) was sufficient.

We must add that the interviewees did not necessarily mention the exact term as such, but we coded similar ideas in the same 'knot'. Afterwards, we formulated a definition of the term inspired by the citations of the participants.[9] Finally, we are aware that some expectations are very similar and could be potentially combined but we refrained from doing so as we wanted to analyze the discourse of the interviewees as subtly as possible. In the next phase of the research, a quantitative methodology using factory analysis will allow us to identify similar and competing values.

In order to analyze the management-orientation of these expectations, we used the theoretical approach developed by Boltanski and Thévenot (1991)[10] who classified the reference worlds to which people relate when they justify their actions in collective contexts. Their typology is made of ideal-type reference worlds (civic, commercial/business, domestic, industrial and others, see below), inspired by political philosophies that have marked history (Giauque 2004). NPM-inspired reforms have been analyzed by several scholars using this metodology as a direct confrontation between the civic world (the classical Weberian administration) and the commercial/business world, the latter being supported by management initiatives (Giauque and Caron 2005; Meyer and Hammerschmid 2006; Rondeaux 2011). This kind of classification will help us determine the spheres of legitimisation to which judges and court managers appeal when they define what 'good justice' means for them and whether those are similar or not. Additionally, this will allow us to discover how our results relate to previous analogous studies in the public sector.

More practically, we performed a review of comparable studies before brainstorming among the members of the research team to finally allocate the expectations in the various universes following the methodology of Boltanski and Thévenot (1991).

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[6] See : www.justizforschung.ch
[7] Fribourg, Vaud, Luzern, Valais, Jura, Neuchâtel, Ticino
[8] This means that interviews were stopped when no new arguments were put forward by the interviewee.
[9] For example, if a judge said "good justice has to be quick" and another explained that "celerity is the most important parameter for the users of justice" we would classify both sentences under the knot "fast".
[10] See also the English translation : BOLTANSKI, L., THEVENOT L., 2006, *On justification : Economies of Worth*, Princeton, Princeton University Press

| | Industrial world | Civic world | Commercial/ Business world | Domestic world |
|---|---|---|---|---|
| Higher common principle | Efficiency and 'functional' performance | Representative collective bodies | Competition and market value | Personal relationships, hierarchy, tradition |
| Succinct presentation of each world | Inspired by machines, the industrial world places functional performance, professionalism, appropriate action and perfecting resources at the heart of its legitimacy | Expression of democratic action, legitimised by legislation, the civic world is based on the emblematic figure of the citizen | Devoted to the market, competition mechanisms surrounding potential 'clients' and profitability are the central themes of the commercial world | Inspired by the family, the domestic world reflect benevolent relationships that animate a collective entity, a milieu, a community |
| Typical organizational form | Plant | Public sector organization | Enterprise | Tribe |

**Table 1: Main reference worlds by Boltanski and Thévenot (1991)**
Management-oriented values are obviously related to the industrial and commercial worlds, the industrial one referring to the more classical 'Taylorist' approach while the commercial universe has more to do with NPM-inspired techniques.


## 5. Results and Discussion

The following Table 2 gives an overview of the main expectations mentioned by our interviewees, classified by decreasing frequency:

+++ : frequently mentioned (by at least two-thirds of the interviewees)
++ : mentioned sometimes (by more than 1/4 of the interviewees)
+ : mentioned by one or two interviewees


| | Main expectations related to *good justice* | Expectations of judges | Expectations of court managers |
|---|---|---|---|
| 1 | **Fast** Justice must solve problems as fast as possible in order to avoid troubles to the parties due to lengthy procedures. This is what people call the « celerity » of justice. | +++ | +++ |
| 2 | **Client-oriented** Justice is a public service whose aim is to satisfy the needs of the citizens. | +++ | +++ |
| 3 | **Open to the public and the media** Justice has to explain what she does to the public in a comprehensible manner via the media. | ++ | +++ |
| 4 | **Independent** Justice has to be independent from any kind of political pressure. | ++ | ++ |
| 5 | **Transparent** Justice must be transparent when it comes to the way it works. Hiding things to the citizens is not conceivable anymore. | ++ | ++ |
| 6 | **Humane** | ++ | |

| | Main expectations related to *good justice* | Expectations of judges | Expectations of court managers |
|---|---|---|---|
| | Justice is not simply the application of the law. It has to carefully take into account that its raw material is *human beings* and it may have heavy consequences on their lives. | | |
| 7 | **Close to the people**<br>Justice must be close to the citizens it serves. It must try to understand what the "man of street" lives when it deals with him. This is the idea of a "street-level" justice. | ++ | + |
| 8 | **Personalised**<br>Justice should consider as much as possible the particularities of every case and situation. It can't apply a "one size fits all" solution to all cases. | ++ | |
| 9 | **Receptive**<br>Justice must be receptive to what the citizens expect from it. It must have its ear open and listen to the requirements addressed to it. | ++ | |
| 10 | **Fair**<br>Justice has to be fair both in the way it functions and in the manner it renders judgements. | + | |
| 11 | **Not too formalistic**<br>Justice shouldn't be too fussy on the rules. It should apply a flexible system that allows to adapt procedures when necessary. | + | + |
| 12 | **Non-jurists, lay people, render judgements**<br>Even the "lambda citizen" should be permitted to render justice as it represents the "will of the people" as much as jurists do. | + | + |
| 13 | **Accountable**<br>Justice in its ivory tower is not accepted anymore. It is accountable towards society for both its judicial work and for the way it spends the money the State allocates to its functioning. | + | ++ |
| 14 | **Respectful of the procedures**<br>Procedures must be closely followed in every situation. | + | + |
| 15 | **Efficient**<br>Justice must use its resources with parsimony and take out the most of them. | + | ++ |
| 16 | **Impartial**<br>Justice has to be freed from any kind of pressures from the parties. It has to judge everyone with the same lenses. | + | |
| 17 | **Look for arbitration**<br>Justice should try to reconcile the parties instead of favouring trials. | + | |
| 18 | **Global quality**<br>A good quality justice is paramount. Attributes such as fairness, celerity and impartiality are parts of it. | + | + |
| 19 | **Treatment fairness**<br>Justice must treat all citizens in an equal mode. | + | |
| 20 | **Pragmatic**<br>A "smart" justice is needed. It has to adapt itself to the various situations it encounters in order to produce the best results. | | ++ |
| 21 | **Close to people (geographically)** | | ++ |

| | Main expectations related to *good justice* | Expectations of judges | Expectations of court managers |
|---|---|---|---|
| | Courts should be located as closely to people as possible. | | |
| 22 | **Efficacy** Justice has to reach objectives and must be able to improve its effectiveness. | | ++ |
| 23 | **Inspiring confidence** The whole justice institution must inspire confidence and must be perceived as reliable by the citizens and parties. | | ++ |
| 24 | **Easily accessible** Access to justice must be easy, without any barriers. | | + |
| 25 | **No corrupted** Justice has to be free from any sort of corruption. | | + |
| 26 | **Affordable (not too expensive)** The cost related to any procedures must be as low as possible (for the parties) | | + |
| 27 | **Solve all conflicts, all cases** Justice should try to solve any kind of conflicts, should give a clear answer to all situations. | | + |

**Table 2:** main expectations related to 'good justice', as quoted by judges and court managers

## 5.1 Discussion

A careful analysis of the transcripts showed the issue that is the most frequently (+++) quoted by judges as well as by court managers is the one of celerity (fast justice), followed by the notion of justice as a public service oriented towards clients. We then have a group of arguments mentioned by some interviewees (++) including: open to the public and the media, independent, and transparent. These five expectations were shared by our two groups of actors, and without considering the frequency of these expectations; about half of the expectations (12 out of 27) were common. Except for the issue of the independence of justice, which is the most frequently quoted when it comes to managerial initiatives within the judiciary (Lienhard 2009; Lienhard 2011), the four remaining items give a picture of a modern public service, customer-oriented and fast; a picture which would perfectly describe agencies managed according to NPM principles (Pollitt 2006). These features of good justice uncover a judicial culture which seems to be at least compatible with managerial values and initiatives.

It is interesting to note that other judges' expectations (++), not shared with court managers, focus more or less on the human side of justice (humane, personalised, receptive), whereas other court managers' expectations not shared with judges are more or less related to an efficient functioning of justice (pragmatic, geographically close to people, efficacy, inspiring confidence). According to this second category of expectations, the managerial orientation seems to be supported by court managers rather than by judges, who support the humane side of justice. This argument, where judges expressed their apprehension against a strong focus on productivity through workload indicators, is frequently mentioned in the literature (Böttcher 2004).

Finally the last group of statements used to define 'good justice' by judges (+), which don't overlap with those of court managers, are the following: fair, impartial, look for arbitration, and treatment fairness. They are all related to the judicial core process which involves constitutional guarantees (Tophinke 2013) and are frequently incorporated in ethical codes. The same expectations for court managers are: easily accessible, not corrupted, financially affordable and solve all conflicts, which is a mix of different qualities of justice more or less customer-oriented (except not corrupted of course). In that sense, these first results are in line with other evaluations of NPM projects conducted in Switzerland, showing that customer-orientation is one of the main consequences of these reform initiatives (Ritz 2003; Giauque and Emery 2008).

We will now focus on the classification of judges' and court managers' expectations according to the worlds of Boltanski and Thévenot (1991).

| Industrial world | Civic world | Commercial (business) world | Domestic world |
|---|---|---|---|
| Fast | Open to the public and the media | Client-oriented | Humane |
| **Industrial world** | **Civic world** | **Commercial (business) world** | **Domestic world** |
| Efficient | Independent | Not too formalistic | Close to the people |
| Quality | Transparent | Close to people (geogr.) | Look for arbitration |
| | Fair | Efficacy | Inspiring confidence |
| | Non-jurists render judgments | Easily accessible | |
| | Accountable | Financially affordable | |
| | Impartial | Personalised | |
| | Respectful of the procedures | Receptive | |
| | Treatment fairness | Solve all conflicts all cases | |
| | Not corrupted | | |

**Table 3:** Classification of judges' and court managers' expectations according to the worlds of Boltanski and Thévenot (1991)

One would expect to find the civic world as the dominant one when it comes to ideas of 'good justice' as it is representative of collective bodies and is based on the figure of the citizen. These results are not in line with those of similar research conducted in Switzerland five years ago (Emery, Wyser et al. 2008): the dominant world was the industrial one, followed by the civic and the domestic world. It is therefore very interesting that the dominant worlds of reference from internal actors of the judiciary are civic and commercial, almost well-balanced. This hybrid culture is archetypical for what we call the post-bureaucratic environment (Emery 2013). According to Boltanski and Thévenot, the so-called conventions which may then be used by judges and court managers to sublimate the potential conflicts between these two logics will be decisive for a successful reform agenda in the judiciary. The same proposition is also expressed by many authors dealing with court culture, who emphasise the importance of a shared vision about what 'good justice' means (Langer 1994; Klein 2002) .

Nonetheless, the expectations mentioned most frequently by judges and court managers (fast and client-oriented) relate respectively to the industrial and commercial worlds. This is significant if we consider that the majority of values embedded in NPM indeed relate to those worlds as well. This seems to confirm the idea of a new managerial logic invading the judiciary expressed earlier and gives interesting clues about the evolution of its culture.

The other world that emerges in this analysis is the domestic one. In this universe, the main principle is based on personal relationships that animate a collective body. It is not by coincidence that this universe is the one where we find the majority of expectations from judges after the civic one, as the underlying image of a 'caring justice' has been mentioned by several judges. According to an experienced judge, 'we should render justice without using any legal argument, without any judicial procedure…', and just listening to humane feelings. This is probably an enduring feature of good justice supported by judges, which may notably impede management initiatives.

**6. Conclusions, Limitations and Further Research**
The way judges and court managers define 'good justice' is one of the central elements of a court culture, since it will have a strong impact on the particularities of the latter and will legitimate and influence judicial actors in the way they conduct their daily business.

If we accept the idea that judges' professional culture represents a part of their identity (Bouckaert 2007), we may suppose that the industrial and commercial worlds will be increasingly important for judges in the future compared to expectations focused on the civic universe. This suggests that classical values of the judiciary, inspired by the civic world,

are going to be potentially colonized by more private sector-orientated expectations as the former would no longer be in total adequacy with the current society (Emery and Giauque 2012).

Additionally, as the impact of court organization on the reputation of the judiciary has been reinforced (Langbroek 2011), the importance of the industrial and commercial universes go without saying. Still, the importance of the civic world prevents governments from focusing only on the economical angle (Langbroek 2005). Moreover, the blurring boundaries between administration and judicial work (Poltier 2012), the presence of a public ethos which should guarantee that administrative acts are performed with embedded values such as equity, ethics and justice (du Gay 2009) and the reduced pace to which NPM programs are implemented in Switzerland may reconcile those three worlds and lead to a 'hybridized' court culture.

In this paper, we discovered that court managers and judges have relatively similar expectations when it comes to good justice, uncovering a relatively homogeneous court culture in Switzerland. Nevertheless, some non-surprising divergences have been noticed, with managers focusing more on the 'economical' angle of the judiciary while judges gave more importance to the judicial 'core business' of the institution. When it comes to management-oriented values, we found a judicial culture that seems at least not incompatible with the concepts coming with new public management, although the more traditional civic world which puts the citizen at the centre is still very present in the minds of judicial actors. When compared to other studies in the Swiss public administration, where the industrial world is dominant, it seems that the judiciary is a special case with its focus on the economical and civic worlds, leading to their rapid hybridization. Deeper studies are obviously needed to validate the hypothesis of a Swiss judicial culture somehow 'isolated' from those of other public administration services.

At this stage of our research, some limitations must be considered. We analyzed possible differences between the expectations of professional judges without management responsibilities and those of court managers of the judiciary around the issue of 'good justice'. This is only one aspect of the whole analysis planned in this research, and this paper alone does not pretend to uncover the underlying values of the judicial culture of Switzerland. The expectations and underlying values of other internal and external stakeholders will be considered in the next steps of the research to complete the analysis and to address the lack of court culture studies in Switzerland. In that perspective, the colonization process of management-oriented values may be even stronger than analyzed here.

Another limitation is the representativeness of our sample. This was limited when it comes to the representation of judges and court managers in Switzerland, as we use an inductive approach. Nevertheless, we are confident that the sample is large and varied enough to faithfully depict the idea of 'good justice' among the categories of actors surveyed, because of an emerging qualitative saturation of arguments (Martineau 2005). It also goes without saying that having questioned judges and court managers only once due to time constraint. It would be valuable to compare the above mentioned results with others at a later point in time, in order to analyze the process of cultural change.

To conclude, we believe that a macro-vision of the judicial institution is required to better understand its culture. This is the reason why, considering the reform agenda of the judiciary, we plead for the development of a new judicial governance, in the vein of new public governance proposed by Osborne (Osborne 2006), which would fully include the perspective of the various internal and external stakeholders and the complexity of today's multi-networked public administration bodies, to further develop 'good justice' for citizens.

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