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## The Legitimacy of Civil Services in the 21st Century

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### **Summary and Keywords**

For a lengthy period, governments worldwide believed that civil servants should be linked to the authority of the state and could not be compared to employees in the private sector. This group of public employees were perceived as agents of the “Leviathan” (Hobbes), intended to uphold the rule of law and to implement government policies. In this conception, where the state was separated from society and citizens, it was inconceivable that civil servants could be compared to other employees.

In the last decades, in almost all countries worldwide, reform measures have encouraged the change, deconstruction and decentralisation of the civil service on all fronts. In the meantime, there are now as many different categories of public employees as there are different public functions, organizations and tasks. Overall, the number of civil servants has decreased and some countries have abolished traditional civil service features. Moreover, working conditions and working life have changed. Thus, whereas for a long time, civil servants were very different from private companies, this is much less clear in the 21st century. Such a situation was unthinkable ten years ago.

Consequently, the traditional concept of the civil service as a distinct employment group and status is slowly disappearing.

In addition, current organizational reform trends make public administration as such a somewhat heterogeneous body. Today, civil services tend to be much more diverse, less hierarchical and standardized, more flexible, diverse, representative and less separated from the citizenry. Whereas the term bureaucracy represented clear values (“hierarchy, formalism, standardisation, rationality, obedience etc.), new reforms bring new values, but also more conflicting values and value dilemmas. Whereas most governments still agree that HRM policies should continue to be based

on rational principles such as the rule of law, equity and equality, the increasing popularity of behavioral economics and behavioral ethics and the trend towards the delegation of responsibilities to employees through different concepts such as engagement, life-long learning and competency-development illustrate that current trends run counter to classical bureaucratic styles. Moreover, digitalization and flexibilization trends are changing work systems and leading to an individualization of HR practices by facilitating the monitoring and measuring of individual efforts and engagement practices (Sundararajan 2016; Lupton 2016).

Thus, the problem with this description of the administration in the 21<sup>st</sup> century is obvious. Whereas the terms “bureaucracy” or “civil service” can be defined and broken down into concrete contents, this is much less the case with the definition of new civil service systems and new administrative models.

However, public organisations and civil servant’s stereotypes continue even though they were shaped in a world that no longer exists. Until now, many people still have the perception that civil servants work in an environment that is clearly separated from the private sector. Also, most public service motivation theories start from the assumption that civil servants are different because they are civil servants.

In the following, we will examine the relationship between the changing role and tasks of national civil services, and the impact of reforms on the classical civil service status, performance, motivation and working conditions of civil servants. Ultimately, we will address the changing legitimacy of civil servants in the 21<sup>st</sup> century?

**Keywords: politics, bureaucracy, governance, public management reform, human resource management, civil servants**

### **The historical foundation of the Civil Service**

Since Thomas Hobbes’ “*Leviathan*”, published in 1651, the monster *Leviathan* has become a synonymous for the powerful state with a strong undivided government and centralized civil services, an absolute sovereign that is ruling and protecting the country and being separated from the society. Until the early twentieth century, experts such as Wilson and Weber subscribed to Hobbes’ idea to which the public sphere should be separated from the private sphere, civil servants

should be treated different than private sector employees and rationality would be the guiding principle of any civil service system. In Germany, the introduction of the public law status was inspired by philosopher Hegel in his *Elements of the Philosophy of Right* (1820). Hegel's idea of the civil servant and the state as such was conceptualized as a Leviathan (Hobbes) which stood above the national society and citizens. Its main role was to protect the society by enforcing regulations to achieve fairness and to balance the diverging egoistic interests within the society.

Following this, the essence of administrative behavior was to follow rational principles, legally given orders and, ultimately, serving the liberal state which was based on the rule of law. In France, the emergence of independent and impartial civil services was also closely linked to the emergence of the Republican State and – in almost all western countries - the Nation-State. Consequently, at a minimal level, administration was considered to be good and ethical if it achieved the implementation and enforcement of the existing laws and policy goals of the Ruler or Government of the day. Moreover, ethically good or acceptable behavior was defined in terms of rationality, law obedience and impartiality.

As early as 1793, the British government developed a civil service code for the territory of India in which promotion was regularised in accordance with the rule of seniority as laid down in the Charter Act of 1793. It was regarded as a safeguard against favouritism and unfairness (Gladden 1972, 251). This was the beginning of career development based on promotion and seniority.

These three cases illustrate that the question who should be given a civil service status was linked to the task of exercising national public powers, safeguarding the general interest, maintaining order and security and a traditional nation-state philosophy. This link between civil service and nation-state can be observed until today in the public law status.

Until today, modern civil service systems can be defined as depersonalised systems (Bekke and van der Meer 2001) by the way of introduction of merit principles which were adopted – as a moral guardian to democracy – and which should shield employees from politically inspired employment actions. Instrumental in effectuating these changes was the establishment of the Rechtsstaat or in Anglo-Saxon terms the rule of law (...). This powerful idea had implications for the relation between government and the civil service system. (...). Step by step the legal position of civil servants in all countries was formalised and standardised (...) Merit instead of privilege was becoming the guiding principle (Bekke & van der Meer 2001, 278).

Thus, whereas modern liberal thinking suggested that politics should protect individual autonomy as much as possible and not try to form the character or cultivate the virtue of its citizens (for to do so would be to legislate morality (Sandel 2005)), things are different as regards civil service employment. Here, most political groups share the idea that government should not be neutral, but, instead, interfere strongly in employment issues. In some countries, state employment as such is loaded with moral discussions and the need to have neutral, loyal and impartial state servants. In his *Elements of the Philosophy of Right* (1820), the philosopher Hegel gives a characteristic epitome of the traditional civil service stating, that the civil [servant's] relationship to his office is not one of contract [...], the civil servant is not employed, like an agent, to perform a single contingent task, but makes this relationship [to his work] the main interest of his spiritual and particular existence [...] the task which the civil servant has to perform is [...] a value in and for itself (Hegel 1991). Hegel strongly alludes to a moral ethos, according to which civil servants serve their people out of duty and obligation. In some countries, civil service systems are still "surrounded" by this strong moral ethos.

In fact, since two hundred years, the need for a specific public law status, specific ethical requirements, organizational features and working conditions is justified because the quality of life of whole populations depends in many ways on those who work for government and on how government works as such. Moreover, public administrations and civil services have a democratic and ethical function; they should serve the society and the law and protect the populations. Consequently, almost all countries design their public organizations in specific ways because they expect a certain behavior on the part of civil servants would result from specific organizational (bureaucratic) features. Traditionally, a hierarchical and formalized organizational structure, clear and rigid career paths, life-time tenure, full-time employment, seniority, advantageous pension systems and standardized remuneration systems were introduced to reduce as far as possible the risk of too much political influence, corruption, misconduct, the exercise of private interests and instability of government. Consequently, the traditional argument for a specific organizational structure was to produce an certain ethical status for state employees who should be committed to the public good, neutrality, impartiality and to observing confidentiality and displaying expertise (Bowman and West 2008, 183).

In many countries, therefore, civil servants were working in bureaucratic and hierarchical organizations, had very specific recruitment procedures, specific ethical obligations, little mobility, varying working conditions and specific social security systems. Within this bureaucratic “iron cage”, where the civil service was indeed closed off and separated from society and citizens, it was not possible for civil servants to have the right to strike or the right to engage in collective agreements relating to working conditions.

Because of this specific treatment of civil servants, public perceptions arose of civil servants having different personalities, being motivated by different incentives, being more security-minded, more rule-oriented and not very innovative. Until today, many experts are also convinced that specific organizational structures and employment conditions “produce” a certain public service ethos and “public service motivation” for civil servants who – in exchange – are committed to the public good, neutrality, impartiality and to observing confidentiality and displaying expertise.

This specific link between bureaucratic HRM and civil services (Demmke and Moilanen 2013) has endured until today. Despite ongoing Governance, HR and digitalization reforms, Government civil service frameworks are still *specific* and *different* compared to other public employment and private sector features. They are also very *ambitious*. They want employment systems that guarantee observation of the fundamental values, administrative law principles and ensure a focus on effectiveness, efficiency and accountability. Government policies should also ensure equal treatment and fairness, be attractive and competitive with respect to the private sector policies while managing tax payers’ money as prudently and while also rewarding individual performance. Increasingly, employment structures should also be diversified and representative while ensuring the merit principle, the equality of chances and the principle of non-discrimination (which is being defined much broader than decades ago).

Because of the need to deliver these specific public tasks, no country worldwide refrains from specific public tasks which should be managed by civil services (and public administrations) and no government has been completely privatized.

## **The legitimacy of a specific civil service**

The term *civil service* is mostly defined more narrowly than the term public service. Broadly speaking, it concerns the collective administrative personnel of the government which is employed under a distinctive legal regime or statute. However, the civil service has also a dual meaning. First as a government institution the term is applied generally to the civilian officials of the Government. Secondly, it stands for a specific ethos and service to the State, and dedication to the service of the community. However, for a long time, the term civil service was neither a static nor a homogenous concept. Bureaucracies and Civil service systems are said to exist since thousands of years in China and Mesopotamia and then later on in ancient Athens and in Rome. In Europe, knights were the first civil servants. Later, civil servants were servants of the kings, queens, lords and royals; they had no rights and could be dismissed at any time. Although most of them belonged to the elite, they were paid at the good will of the monarch. Civil servant positions were bought, acquired or sold. Nepotism and other forms of corruption were normal. In all existing systems, servants at central governmental level were supposed to be loyal (in the beginning to the Monarchs), to pledge allegiance and to obey royal orders. Their main task was to collect taxes, to exercise police tasks, to prepare and manage wars and to protect the Monarchy. This historical “politicized” role of (civil) servants as dependent instruments of the Monarchy explains why later civil service concepts focused so much on rules, procedures and rationality. In fact, the objective was to make civil servants independent from particular and personal interests. Therefore, the public law status originates from the French revolution aiming to establish and guarantee a democratic society based on the principles of the French Revolution. Until today, no country has abolished the public law status (this also relates to Sweden with a very small civil service). The United Kingdom falls outside since the UK is one of the few countries without a public civil service law. However, the UK adopted a public statute in 2012.

Consequently, civil servants are treated differently because they bear special responsibilities for the public: They exercise public powers on behalf of the country. They spend public money for important government projects. They raise taxes. They hunt down criminals. They take decisions which have an impact on the fundamental rights of citizens. They decide on health and on risk protection. The level of power or responsibility awarded to the public officials is requiring the

imposition of some specific duties, rights and obligations for carrying out that role properly. For all these tasks, it is important that the public servants exercise their role properly, and act lawfully, honestly and loyally without acquiring any personal advantage. In short, this is interpreted as need to have a specific ethos because the exercise of public tasks requires fairness and leadership about many principles (equity, equality, non-discrimination, impartiality, loyalty and neutrality).

Next, the definition of who should be a civil servant has always been linked to the exercise of public power, the special nature of duties and the intervention in fundamental rights of the citizens. Thus, when defining a civil service status, the crucial question is to define who is “exercising public power”, “managing, controlling and supervising”, “safeguarding the society”, “preserving order and protecting society”? In some countries this is interpreted very broadly (like in Germany), or narrowly (like in Romania). Contrary to this, countries like Ireland and the Netherlands do not provide for specific rules and regulations as to whether central employment should be carried out by civil servants or by public employees. This led to the situation that, in Ireland, almost all Irish employees in the central civil service are appointed as “established civil servants”. On the other hand, in the Netherlands, almost all public employees have a civil service (*ambtenaren*) status. Consequently, International comparisons show that the percentage of civil servants varies enormously (currently between more than 90% in Croatia and 0,5% of the total public workforce in Sweden). Overall, the percentage of civil service employment is higher on central level than on regional and local level. Often, civil servants work in the central ministries, in the police, tax administration, judicial services and as judges. In most cases diplomats and soldiers have a specific, yet often also a special status. In more countries, teachers, professors and health professionals are excluded from having a specific status. Overall, civil service jobs can range from street sweeping to the exploration of outer space.

### **The legitimacy crisis of the civil service**

This fragmented (legal) situation has led to a situation that countries employ public employees and/or civil servants in many different sectors, functions, jobs and areas etc. Overall, the distinction between both legal regimes has become blurred during the last decades. For example, Austria employs civil servants under public law and public employees under labor law in the Austrian federal public service. The German regions (*Länder*) have their own civil services and enjoy wide



discretion in regulating the working conditions of their civil servants. This has led to an interesting (but also inconsistent) laboratory of civil service reforms. Whereas some Länder have sharply reduced the number of civil servants within their jurisdictions, others have increased the numbers. So far, the experts are split in two groups. Whereas the first group of experts believes that a specific status and specific working conditions are still needed to have an impartial, loyal and professional civil service, the other group points to the argument that all requirements as to an apolitical, ethical, committed and professional civil service can also be attained if public employees are employed under labor law.

The Austrian and German cases are representative for many countries who find it ever more difficult to define which public tasks should also be delivered by the public sector, whether these tasks constitute vital interests of the state and therefore, these tasks should also be managed by civil servants. As a consequence, more countries employ public employees and civil servants in the same posts, align working conditions amongst the two (or more) groups, shift and restructure public employment, which often leads to a shift from public law to labor law employment. Finally, cost saving measures force countries to employ public employees under labor law rather than civil servants. Moreover, especially in times of budgetary constraints, fixed-term contracts are used to substitute civil servants who are temporarily absent, e.g., in cases of sickness leave, maternity leave or parental leave. During the financial crisis (2008-2013) many countries recruited fixed-term workers who replaced more expensive civil servants (Demmke 2016). Overall these trends caused ever more inconsistencies as to the employment of public employees in civil service employment positions (and even in those cases where national civil service laws reserve specific functions only for civil servants). Therefore, in more cases, public employees carry out the same tasks of civil servants, in the same positions and sometimes even in the same offices. For example, in the Netherlands, approximately half of all teachers either have a public law status or are employed as employees subject to labor law. In practice, however, it is difficult to legitimize the different treatment of different employment groups in the same positions and jobs. Today, global consensus exists only about the need for a specific public status for judges.

In the meantime, derogation and flexibility clauses exist abound: civil service laws in most countries, sectors, institutions and organizations allow for the employment of labor law employees in civil service functions, subject to specific reasons such as specific organizational needs, replacement of sick people, and people on parental leave. When considering the current situation,

the following conclusion can be drawn: Although many countries employ civil servants and other public employees, this distinction becomes less decisive for deciding which tasks are carried out by whom (Demmke & Moilanen 2010, 192). The conviction is growing that public employees can exercise important state tasks just as well or badly as civil servants under public law.

In fact, a second trend can also be observed: alignment trends within the public sector and amongst public law employees and labor law employees. Overall, differences in working conditions amongst the different categories of public employees are getting less. In most countries, clear differences still exist only as regards job security, recruitment procedures and career development opportunities. Only few countries like Korea, Japan and Germany uphold clear differences between civil servants and public employees.

### **Are civil servants different because they are civil servants?**

The (future) legitimacy of civil servants depends not only on the specific nature of public tasks and the need to carry out public tasks by a specific body of personnel with a specific legal status and specific working conditions. Ultimately, the legitimacy of the civil service rests heavily on the answer to the question whether civil servants are different *because* they are civil servants.

In the United States, Kaufman's *The Forest Ranger* (1960) introduced the concept of an organizational culture and the idea that people are influenced by specific organizational norms and values. After Weber's concept of the bureaucratic "iron cage", Robert Merton (Merton 1987, 111) was the first scientist to analyse the connection between personality and bureaucratic structure. According to Merton, the bureaucratic structure exerts a constant pressure upon the official to be methodical, prudent, disciplined [...] An effective bureaucracy demands reliability of response and strict devotion to regulations (Merton 1987, 112).

In fact, the process of alienation of the individual's personality starts with a demand for control by the organization. This is implemented by an official through the rule compliance, with an emphasis on correctness. Therefore, individuals become defensive, rigid and reliable. Subsequently, this behavior (rigidity, slowness, resistance to change, attachment to rules, excessive discipline, need to control) was called bureaucupathic behavior (Thompson 1961).

Merton's explanations supported the view of the entrepreneur as an innovator and individualist and the civil servant as a conformist and someone avoiding innovation. At the same time, the notion of a bureaucratic personality and the belief that adult personality socialization develops through work organization emerged.

Increasingly, however, more authors claimed that these views were not correct. For example, Allinson found in his empirical analysis that officials were "more intellectually flexible, more open to new experience, and more self-directed in their values than are those who work in non-bureaucratic organizations" (Allinson 1984, 39). Allinson concluded in his study that the traditional image of the bureaucrat, with his dissatisfaction and insecurities reflected in pathological behavior patterns, is not generally applicable (Allinson 1984, 39).

As in the case of Allinson, Goodsell (Goodsell 1994) revealed that the empirical evidence reviewed to verify the "bureaucratic mentality" does very little to assure us that it actually exists. Bureaucrats have not shown to be less flexible and openminded than non-bureaucrats, and they do not appear more rule-oriented. Indeed, much evidence points to little difference between bureaucrats and ordinary people (Goodsell 1994, 123). In his polemic *The Case for Bureaucracy*, Goodsell presented interesting socio-demographic information and data about the average civil servant. He concluded that the average civil servant is in fact not much different to other citizens. Overall, comparability outweighs contrast (Goodsell 1994, 123).

A survey by van den Heuvel, Huberts & Verberk (2002) on the values of Dutch civil servants arrived at very similar conclusions. According to the authors, morality is not higher in the public sector as in the private sector (van den Heuvel, Huberts & Verberk 2002, 93). Overall, moral dimensions and criteria can be applied to all kinds of organisations (...) and business ethics and public sector ethics share at least some basic values and norms (van den Heuvel, Huberts and Verberk 2002, 4). More recently, a Finnish study concludes that traditional civil service values are still held in high regard, but economic values dominate and openness and innovativeness are gaining more importance. This confirms, both, trends towards the alignment of public and private sector values and the maintenance of traditional values (Finnish Ministry of Finance 2017, 42, 46). However, civil servants increasingly face specific value dilemmas when they must decide on issues where specific public values contradict with other values (for example the rule of law versus efficiency). Depending on the dilemma (for example citizens orientation versus standardized

treatment), these situations are valued differently and differ from situation to situation (van den Heuvel, Huberts and Verberk 2002, 114-115). In *Equity or Efficiency* (Fernandez-Guiterrez and van de Walle 2017) the authors conclude that especially top public-officials face equity-efficiency trade-offs and are more oriented towards efficiency than other officials (Fernandez-Guiterrez and van de Walle 2017, 20). However, it would be unfair to suggest that civil servants face more value conflicts than other public or private sector employees. It is perfectly possible, in the mixed economy of service provision, for an individual to take with them an ethos from one institution to another (...) whether in the public or private sector...The culture within the organisation is the crucial factor (House of Commons 2002, 4).

Decades ago, Simon claimed that it was false to assume that public and non-profit organizations cannot, and on average do not, operate as efficiently as private business (Simon 1947, 49). In “Administrative behaviour”, Simon wrote I used to think that organization was important, but now I think that it is much more a matter of personality. The important thing is the man. If he has drive, ability, imagination, he can work in almost any organization (Simon 1947, XV). Many people in both types of organizations virtually perform the same functions managers, secretaries, computer programmers, auditors, personnel officers, maintenance workers etc. (Rainey 2003, 60). Or more concretely, A government-owned hospital, for example, obviously resembles a private hospital more than it resembles a government-owned utility (Rainey 2003, 58). Therefore, factors such as technology, size, tasks, culture, leadership and environment may have greater influence on organizational characteristics than public or private ownership.

More recent empirical evidence also shows that existing differences in status, working conditions and ethical obligations do not translate in differences in workplace behaviour, ethical behaviour and performance. In *The Merit of Meritocratization: Politics, Bureaucracy, and the Institutional Deterrents of Corruption*, Dahlström et al (Dahlström et al. 2012; see also Rauch 2000) concluded: The empirical results show that some bureaucratic factors (most notably meritocratic recruitment) exert a significant influence on curbing corruption. However, other set of bureaucratic characteristics that constitutes the backbone of what the literature defines as “closed” bureaucratic structure (career stability and formal exams for bureaucrats) do not have any relevant effect. The second finding is surprising since “closed” bureaucratic structures have previously been praised as key deterrents of corruption (Dahlström, et al. 2012, 665).

## **Civil service ethics and public service motivation – different motivation, different ethics?**

The fact that civil servants are motivated to work in the civil service because of altruism, or a wish to serve the community, region or country is a long-standing claim. It is closely associated with the idea of civil service values, the civil service ethos, and the above-mentioned mythical link between the “Leviathan” and the civil service. It is also rooted in the understanding that the civil service is different from the private sector. Evidence about the importance of extrinsic factors (Crewson, 1997; Frank and Lewis (2004) showed that people who placed a high value on personal income were more likely to work in the private sector and who placed a higher value on job security in the public sector. In all countries, public employees were more likely to say they receive rewards in the form of perceived social impact and seek more altruistic and public service-oriented rewards than private sector employees (Bullock, Stritch and Rainey 2015, 1).

Still, public service motivation is only one motivator next to other extrinsic and intrinsic motivators (and it is still an open question how PSM relates to the other motivators). For a long time, the public sector offered some strong extrinsic motivators such as job tenure, automatic and seniority-based career and development opportunities and specific pension provisions. In the meantime (mostly because of budgetary constraints), governments worldwide are increasingly aware of the importance of supporting the intrinsic motivations of employees. PSM is only one element in the menu of (post-) modern intrinsic motivators such as commitment, engagement, autonomy, self-fulfillment and self-efficacy.

As such, public service motivation (PSM) refers to specific elements that motivate individuals to seek and continue employment in the public sector. Perry and Wise define it as “an individual predisposition to motives grounded primarily or uniquely in public institutions” (Perry and Wise 1990, 367-373). Although some have suggested that prestige may be a factor for the desire of public service, this also applies to those working in the private sector. The theory of public service motivation assumes that there are other motives unique to public employees, mainly that the public employee places the mission of the organization and the betterment of society over financial rewards, when compared to private sector workers. [...] In 1996, Perry developed a tool to define and measure PSM, a set of 35 statements relating to an employee’s predisposition to seeking work in and remaining in the public sector. These items are associated with six dimensions related PSM: attraction to public policy making, commitment to public interest, social justice, civic duty,

compassion, and self-sacrifice. Respondents state their level of agreement or disagreement for each of the 35 items on a five-point scale. Employees that score high on the scale show a greater level of PSM (Perry 1996, 5-22).

In *The Transformation of Governance - Who Are the New Public Servants and What Difference Does It Make for Democratic Governance?*, Park and Perry examine the relationship between the transformation of governance on the emergence of new public servants for service delivery and policy implementation (Perry and Park 2003). But who are now the agents of the state? How might the changed makeup of a new public service alter our expectations about democratic governance? [...] And are the new public servants, in the words of Charles Goodsell, “ordinary people? (Perry and Park 2013, 26-49).

According to Park and Perry, the most surprising result is how similar government public servants were to *both* for-profit public servants and for-profit, nonpublic services workers. (...) An implicit assumption is that for-profit workers are different from government employees who suffer from a “bureaucratic mentality (Perry and Park 2013, 40 and 41). The analysis suggests, however, that for-profit public services workers do not significantly differ in many respects from bureaucrats; they share very similar perceptions and attitudes.

Today, there exist various definitions of PSM, which itself is becoming a widely differentiated theory. Not only are the instruments often difficult to translate, but more importantly, the factorial structure of the measurement instrument sometimes differs across countries (Vandenabeele and van de Walle 2008, 223). For example, countries show very different public service motivation scores (Vandenabeele and van de Walle 2008, 229) and different institutions may account for different effects across regions (Vandenabeele and van de Walle 2008, 237). Also, different sectors, professional socialization and organizational characteristics account for a different influence on PSM. Moreover, differences in public service motivation become smaller due to the number of private sector employees involved in the delivery of public goods (Vandenabeele and van de Walle 2008, 235) and younger employees and employees with fewer years of service within the public service do less adhere to the public service ethos (Leisink and Steijn, 2008, 129). All of this suggest that PSM is in need for an institutional explanation of public sector motivation (Vandenabeele and van de Walle 2008, 235) and the very popularity of PSM theory (Ritz, Brewer and Neumann 2016) contributes to problems of its conceptualization (Bozeman/Su 2005). Whereas the early PSM literature focused on comparing differences in motivation and reward

preferences, more recent studies (Vandenabeele 2008; Steijn 2008; Christensen and Wright 2011; Rose 2012; Jorgensen, Kjeldsen, Pedersen & Vrangbaek 2013; Van de Walle, Steijn & Jilke 2015; Homberg, MacCarthy & Tabvuma 2015; Campbell & Tobin 2016; Mette Kjeldsen, Rosenberg & Hansen 2016; Ryu 2017) link PSM with public values, sector attraction, organizational performance, turnover intention, person-organization fit, job satisfaction, prosocial behavior and employee attitudes, leadership, individual performance and individual predispositions. In the meantime, Public service motivation (PSM) has a documented, positive effect on job performance and job satisfaction—especially in the public sector. However, organizational characteristics such as red tape, hierarchical authority, and the absence of organizational goal specificity, which are often more present in public sector organizations, may have negative influences on the PSM–job satisfaction and job performance relationship (Kjeldsen, Rosenberg & Hansen 2016). However, when studying PSM, researchers study values that may have different meanings, and public sectors that may look very different across countries, such that similar words reflect very different social realities” (Vandenabeele and van de Walle 2008, 227). Moreover, these values are not equally public in character in these various settings (Vandenabeele & van de Walle 2008, 223). For example, “compassion” and “self-sacrifice” are not significantly related to public sector employment (Vandenabeele and van de Walle, 2008, 236). Thus, so far, the concept has been applied far too homogenously (the concept as such was for a long time dominated by US approaches (Alonso and Lewis 2001; Brewer & Coleman 2000) and does not reflect the growing differentiation within the international public services worldwide. Moreover, it is far from clear whether a strong public service motivation is something positive or whether it may also contribute to unethical conduct. Having different motivational motives than in the private sector does not mean that public servants are better employees or that they act more ethically (Maesschalck and van der Wal & Huberts 2008, 157-177).

So far, the PSM concept does not include several other values such as integrity values like impartiality, democracy, honesty, transparency. Thus, values that focus on decision-making and on organizational aspects (Maesschalck and van der Wal & Huberts 2008, 162). It seems to be important to keep in mind that the sometimes fairly optimistic views of the consequences of public service motivation merit nuance. Public service motivation may lead both to ethically desirable conduct and to unethical or illegal behavior. Compassion, for instance, might threaten neutrality and lead to preferential treatment and the neglect of values such as lawfulness and responsiveness

to politics (Maesschack & van der Wal & Huberts 2008). Or, to put it differently: Even if research concludes that civil servants have specific motivational features, this does not mean that they act more ethically. Why then do we need civil servants?

### **Organizational innovation and outcomes - Legitimacy for what form of civil service?**

Also, developments in organizational theory has a tremendous importance for the legitimacy of civil service systems. Today, organizations in the national civil service systems differ from traditional Taylorism models to high-involvement- or high-job autonomy models with low hierarchies and high levels of job autonomy. Also, the role of employees varies from very paternalistic to very communicative and participative. As Gouldner claimed in the 1950s: there is not only *one* “bureaucracy”, but a plurality of bureaucratic systems (Bonazzi 2014).

Overall, different pressures, reform priorities and contexts suggest that organizational reforms in the field of civil services do not suggest a single direction of travel as countries differ markedly in their vulnerability to financial crisis and sovereign debt as well as key pressures such as demographic and environmental pressures. Moreover, different administrative cultures and leadership styles as well as different HR systems have a considerable impact on public management modernization paths. Likewise, the observation of highly regulated, but successful economies (for example in Germany) has given rise to the hypothesis of various viable models of public sector- and institutional performance. In the field of civil services, scholars often distinguished between two opposing organisational and legal models such as career versus position-based models, open versus closed models, Weberian versus post-bureaucratic models, continental versus Anglo-Saxon models or distinctions of the opposing legal systems: Rechtsstaat versus Public Interest models.

Most of these dichotomies define the Weberian - type, closed-, or career based Rechtsstaat models by the existence of many and strong employment rules, the existence of careers, high levels of job security, limited mobility between the public- and the private sector and overall, a high degree of differences between public sector employment features and private sector employment features. These systems would be more regulated, inflexible and closed than the position-, open-, post-bureaucratic models, less flexible and emphasizing law rather than management (Dahlström/Lapuente 2017, 37 and 38). As a consequence, Dahlström and Lapuente define these



systems as closed Weberian bureaucracies. At least in theory, a closed Weberian bureaucracy is a model which provides for the protection of the bureaucracy against the political and market influence through the establishment of careers and so-called corps and the recruitment into a career and not for a job. Institutional characteristics normally associated with this involve guaranteeing lifelong careers and specific legal protections for public employees that differ from those covering private sector employees. The means to achieving a better functioning are thus formal regulations (Dahlström & Lapuente, 2017, 54). Dahlström & Lapuente test how these closed Weberian models perform as regards three different indicators of the quality of government: corruption, government effectiveness, and, as proxy for administrative reforms, the prevalence of performance related pay in the public sector. For a measure of *closed Weberianness*, the authors rely on data from the Quality of Government Expert Survey (Teorell/Dahlström & Dahlberg, 2011). They use a number of items that related to the recruitment of officials, the existence of a career structure and the existence of specific employment laws (Dahlström/Lapuente, 2017, 49). As regards employment features, one indicator measures the existence of life-long careers and the other measures the protection mechanism (which means whether it is common that public employees are protected by specific employment laws). According to these items, the authors conclude that countries like Greece, France, Spain, Austria and to a lesser degree Japan, Korea, Germany, Belgium, Turkey and Italy belong to the group of closed Weberian's whereas New Zealand, the Czech Republic, Australia, Sweden, Denmark, Switzerland, Slovakia, Netherlands and Mexico belong to the "open group". This matches with empirical data (OECD 2016) which illustrates that there exist considerable differences amongst countries. Amongst OECD countries, Korea, Japan, Columbia, Australia, Israel and Germany have the highest number of differences between civil servants and public employees (OECD 2016).

Dahlström and Lapuente conclude that - overall - countries with closed Weberian structures do not perform well as regards the three indicators of the quality of government. For example, the authors note that there is no significant correlation between closed Weberian bureaucracy and corruption. In other words, neither life-long careers in the public sector nor enjoying special employment privileges seems to make the public administration of a country less corrupt (Dahlström & Lapuente 2017, 68). Thus, the protection of the bureaucracy through specific employment laws and lifelong careers does not correlate with government effectiveness (Dahlström & Lapuente 2017, 68).

## Legitimacy and unresolved questions

Obviously, more research is needed as regards the identification of variables and measurement of indicators of civil service systems. For example, in order to improve the level of analysis as regards the development of institutional features and the link between civil service and HR-reforms the number of variables need to be increased in order to cover different variables of work organization. One way of doing this could be by analyzing organizational and job characteristics (for example job autonomy, feedback, teamwork, learning culture, leadership styles, job intensity, stress levels and perceptions of organizational justice) that go beyond the simple open and closed narratives and could provide more insights on the quality of civil service systems and governance outcomes. So far, these indicators have been rarely analyzed in central public administrations and linked to the discussions about the Quality of Government.

Dahlström and Lapuente's findings are important in the sense that they illustrate shortcomings of the traditional bureaucratic systems while emphasizing the importance of merit-based structures. The author's also - indirectly - suggest that post-bureaucratic systems with less job security, less rules, more mobility, flexibility and other private sector like components may produce better outcomes. However, discussions in the USA about these trends (for example at-will employment and the decentralisation of HRM responsibilities to line managers) are very controversial, and remain a central topic of debate in politics and economics.

Mungiu-Pippidi (2016 21, 29)) concludes in her study on the *Quest for Good Governance* that these systems are not superior. In fact, the blurring of boundaries between the public and the private sector explains for higher levels of corruption and this applies mostly to those countries with a particularistic and open access order (Mungiu-Pippidi 2016)<sup>1</sup>. Therefore, Mungiu-Pippidi concludes that countries where particularism prevails are prone to corruption. Current reform trends deviate from ethical universalism and support particularism. Like this, bureaucracies are not the problem, but instead trends towards organizational differentiation and individual (political) discretion in HR policies.

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<sup>1</sup> Mungiu-Pippidi distinguishes between Governance regimes with a limited access order and an open access order and believes that the latter countries have a sharper separation between the public and the private sector.

In fact, one weakness of comparative studies in the field of civil services is the superficiality and generality of approaches. Still, many authors distinguish between “career” and “position systems, open or closed systems or “closed Weberian bureaucracies” and other (more open) administrative systems (Kuhlmann and Wollmann 2019; European Commission 2018). For example, Bossaert et al (2001) focused exclusively on civil service laws and Demmke/Moilanen (2010) on the existence of bureaucratic indicators. However, these dichotomies are a very simplistic description of contemporary civil services and organisational structures. In reality, national civil service systems show increasing within-group variation and between -group variation. In the USA, civil services in the states show vast differences (Kellough & Nigro 2006). Moreover, current organizational reforms are not towards one best-practice work system model but towards a hybridization of HR strategies, work systems and work organization (Thompson and Harley 2007). Arundel, Lorenz, Lundvall and Valeyre (2007) conclude that pure organizational types are unlikely to be found in the real world, and that each form of work organization tends to be associated with sectors and occupational categories (Arundel/Lorenz/Lundvall & Valeyre 2007).

Increasingly, civil service organizations combine elements of flexible, innovative and high-performance work systems with established tayloristic-, rule-bound, and traditional bureaucratic models. Also, working conditions differ for different types of employees. For example, whereas top civil servants increasingly enjoy modern work system contexts and specific working conditions, this may be different for lower-level employees.

Take the case of Germany: According to the classical typology, Germany is a “closed Weberian” country. However, Germany scores also well on almost all quality of Government indicators and other global Governance rankings. Evidence (OECD 2016) also shows that the German civil service offers very good working conditions and has modernized employment features (such as in the field of work-life balance) more than most of other countries. This suggest that there is no contradiction between “closed Weberian system” and reform-orientation and/or innovation of structures and policies. The German case show that it is possible to combine bureaucratic structures with innovative, highly skilled and learning forms of organisations.

Many scholars like Dahlström and Lapuente also follow very classical and popular perceptions and link systems with special employment laws with too much job security (which then is negatively related with government effectiveness). Current reform trends in almost all OECD countries are towards the relaxation of job security, also for civil servants. Overall, jobs in the

national central public administrations are not anymore “havens of security” (Demmke 2016) as more countries allow for the termination of civil service employment in more cases and situations (for example, in cases of poor performance). It is also questionable whether “privileges” and “specific labor laws” that do not apply in the private sector still exist and, if so, whether these produce negative outcomes.

In most countries, the terms of employment are very complex and vary from one HR issue to the next. This is not related to institutional structure. Today, important differences only still exist in recruitment procedures, job security, career development and pay. However, although in these fields, differences become less (nowadays performance related pay exists in almost all OECD countries). Current reform trends in other HR policies mitigate/alleviate these differences. Take the case of career development. Whereas in the past, civil servants were promoted automatically according to seniority, this is much less the case nowadays (mostly because seniority has discriminatory effects on younger employees). In the meantime, only a minority of countries apply seniority as an instrument in the field of career development. Take again the case of Germany: Earlier on, we have identified Germany as a classical Weberian system. However, even in federal Germany, some regions (Länder) have reformed and abolished careers and reduced the size of the civil service. Despite its traditional features and the fact that Germany is still one of the few countries worldwide where civil servants are not allowed to strike, decision-making in other employment matters and HR issues is highly participative and top-down decision-making by individual actors an exception (Demmke & Hammerschmid & Meyer 2006)

## **Conclusions**

Classical civil service features are in trouble, both theoretically and practically. At present, most discussed trends challenge the classical arguments for a specific civil service. Still, civil servants should carry out the “essential functions of the state” and “safeguarding the general interest”. However, these tasks and functions are impossible to interpret since many functions in the private sector also serve the general interest and are essential functions. While it is true that civil servants work with a view to protecting order, life and freedom, they have only taken on a job different to an employee working in a bank or a chemical plant who is fulfilling an equally valuable function in his or her job (which is essential to ensure the stability and preservation of the social system).

A doctor working in a private hospital therefore performs just as important a function as a public servant such as a police officer or tax official. In addition, it would be difficult to argue why teachers (if they are civil servants) should be civil servants with specific ethics in one country if they perform well in other countries without that civil service status. Thus, it is not possible to argue that civil servants are needed because they carry out more important tasks than private employees and only civil servants safeguard the general interest. And even if public tasks are specific, this does not require a specific civil service status or specific legal contractual status. Most specific ethical, HR or organisational requirements can be arranged in an ordinary employment law contract (which is often based on collective agreements). As we have seen, the traditional question of which tasks should be performed solely by civil servants has never been answered definitively. Therefore, countries employ civil servants in different sectors and functions. In some countries, the constitution provides for an obligation that certain public service tasks and functions should generally be carried out only by civil servants with a special status. However, increasingly, civil servants work side-by-side with public employees, or fixed term-contracts and all carry out the same tasks in the same offices while carrying out the same functions (OECD 2016). Evidence so far suggest that employees do not perform differently because of a different status. Therefore, it is becoming more difficult to justify why civil servants should be treated differently at all. In a growing number of countries, changes in the national civil service and also in HRM reforms also derive from the simple conviction that, as far as most of the civil service is concerned, there is no longer any cogent reason for considering the public function performed by the state to be of greater value than the functions designated to the private sector, so no greater value is attached to the public interest than to the private. However, this popular conviction challenges not only career systems, but also the justification for a specific civil servant status. When the state ceases to be above society and stands alongside it, a special relationship between public servants and the state seems superfluous. In addition, this makes civil servants with a specific legal status dispensable, as all you need is a public manager, technician, office worker, lecturer, specialist or secretary who must respect the law (and contractual provisions) like everybody else. Obviously, specific structural and organizational differences between public and private employment are not important for upholding specific ethical requirements and for carrying out public functions properly. Overall, there is no evidence that civil servants have different values than other public employees, are or corrupt and have conflicts of interests than other public

employees. Rather, it seems that value differences within the sectors are probably much more significant than differences between the sectors and amongst employees. Moreover, different types of organisation and of work and organisational culture, etc. affect the values of an employee more than the belonging to a sector. For example, an appropriate administrative culture, openness, accountability, fairness, leadership styles, communication patterns and legal correctness, meritocratic structures are more important than specific organisational structures and questions of status. Finally, professional values, organisational structures, education, skills, working conditions and living standard, etc. are factors that influence value developments regardless of whether an organisation belongs to the civil service or not. Also, Bureaucracies do not “produce” less corruption. Instead, Institutions guaranteeing a recruitment system based on merit rather than political considerations are (...) important resources for high quality government (Dahlström & Lapuente 2017, 2). The existence of meritocratic recruitment is, however, not correlated with highly regulated civil services. Instead, traditional civil service systems can coexist with high levels of politicisation, corruption and a low level of government quality. Thus, a closed Weberian structure, meritocratic recruitment and high-quality government do not necessarily go hand in hand ((Dahlström & Lapuente 2017, 10). Finally, the definition of who should be a civil servant has always been linked to the question of the special nature of the duties, the tasks concerned and the nationality criteria. Like this, the exercise of national sovereign powers should remain the preserve of national civil servants. In the meantime, most countries recruit and employ civil servants from other countries in their national civil services. So far, there is no empirical evidence that these “foreign” officials carry out their tasks different as national officials and suffer from “loyalty” conflicts and other conflicts of interests. A case in point are those countries who employ soldiers from other countries in the national armies and recruit civil servants from other countries even in those functions that should “safeguard the essential functions of the state”. The fact that civil servants should be loyal to the government of the day, neutral and impartial is still one of the most important prevailing principles in national civil service laws. Strangely enough, the words neutrality and impartiality are rarely defined. Today, because of the fact that politics and administrations are different elements of the same process, one may ask whether civil servants can and should be neutral at all, and – as paradoxical as it may sound – neutral for whom? One could probably agree about the need to have impartial officials in the sense of absence of corruption, political indoctrination, treating people without discriminating and by respecting values and the

law. Like other employees, civil servants can never be *neutral*. They bring their social origin, socialisation experience, attitudes and behaviour (elite officials, upper class, women are different, minorities). In times of decreasing social mobility, one need not be surprised to discover that the Civil Service also reflects and represents the basic inequalities than any other employment group. As we have seen, from a more neutral point of view, civil service reforms in most OECD countries are moving through a fascinating but also a disorienting period. Whereas the past organizational reform trends were characterized by a move away from the classical bureaucratic model, current reforms do not indicate convergence towards a more effective or even new administrative best-practice model (Demmke 2016). In fact, several reform trajectories exist which lead to a modernization of structures, processes and employment conditions, but these highlight the existence of alternative models rather than a shift towards one common civil service reform model. Although most governments want to get rid of classical civil service features, administrative reformers find themselves in the midst of an identity crisis in times of decreasing popularity of new public management models.

The current paradox is that, despite all changes that are leading to the “blurring of the state”, the de-standardization of HRM policies and the alignment of working conditions between the public- and private sector, the civil services still exists. Although the boundaries between the civil services and the societies are further eroding, the strong state has re-appeared in many public policies, for example in the fight against terrorism, cyber-crime, security issues, data protection etc. For example, Richardson (Richardson 2017) predict the return of impositional and hierarchical styles of governing and the re-emergence of the strong state, Leviathan, as security issues become ever more dominant.

This also suggest that civil services will not disappear. Because of this, there are reasons to expect that, also in the future, civil service policies will continue to apply some specific bureaucratic features that will remain in place to sustain the principle of rationality, separation between the public and private sector and to defend core democratic values like equality, fairness and legal security. In fact, it can be stated that many civil service systems are corresponding even better to a Rawlsian principle of justice than current employment features in the private sector. Thus, whereas most discussed trends challenge the classical arguments for a specific civil service, civil service policies will continue to apply some specific bureaucratic features that will remain in place

to sustain the principle of rationality, separation between the public and private sector and to defend core democratic values like equality, fairness and legal security.

No other institutional actor can combine expertise, continuity in office, professionalism with impartiality and fairness. However, this does not suggest that we plead for a return of the traditional concept of bureaucracy. Rather for better ex-ante evaluations of present reform processes. Overall, civil service reform is about political choices and civil service reform is also a political reform process.

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