

Autonomy, Integrity, and Values in Public Administration: A Dilemma and a Case

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Abstract

This article addresses a classic problem of public administration, which is the quest for institutional integrity in the presence of bureaucratic autonomy. It does so in combination with a history of ideas account of the subject with a case study of derailed autonomy at the expense of institutional integrity with particularly serious consequences in the form of human casualties. Referring to literature on public values and moral hazard under the condition of bureaucratic discretion, the article argues that harmonizing bureaucratic autonomy and institutional integrity requires commitment to public values that prioritize the protection of basic individual rights over temptations of pragmatic decision making. It is, therefore, a plea for linking traditional lines of thoughts on public administration with a more fine-grained assessment of the ambivalence of governmental agencies as both guardians of, and a menace to, rule-of-law-based protection of civic values.

Introduction

The decades-long dominance of private business-related thinking applied to public institutions known as the New Public Management (NPM) school fostered the notion of classic bureaucracy being outmoded and replaced by alternative modes of governance in the form of inter-organizational networks, blurring boundaries between the public and the private sector, public-private partnerships or linkages between public administration and service providing nonprofit or otherwise third sector-related organizations (cf., in a critical vein, [Olsen 2006](#)). The flip-side is that the scholarly discipline of public administration alienated itself to a considerable degree from its actual empirical subject. After all, the reality of public administration as the backbone of the executive branch of government continues to be shaped by traditional bureaucracy as a formal organization working with professional staff on the basis of parliamentary legislation and written rules, distinct competences of jurisdiction of branches and divisions in charge of regulating our daily lives and of providing

public goods and services. So the opposition of an allegedly post-Weberian state and the pure theory of bureaucracy may be just an artifact of scholarly discourse. As a matter of fact, classic bureaucracy is far less monolithic, hierarchized, and rule-bound than its stylized textbook version may make us believe. It comes with the nature of bureaucracy that it requires autonomy, discretion, institutional integrity, and a sense of responsibility among the leadership. To neglect these classic ingredients of bureaucracy may imply to neglect its classic virtues as well. The present article is intended to underline precisely this.

In what follows, I will address, first, the interrelatedness of autonomy, institutional integrity and responsible leadership in public administration, referring to related classics in the field. I will then discuss, more specifically, how institutional integrity and responsible leadership are interconnected through what has been addressed in recent debates as public values. The crucial argument is that, for the sake of institutional integrity, public administration leadership has to be based on an appropriate understanding of public values and

their specificity. Rather than broaden “pragmatically” the value basis of public administration as implicitly or explicitly suggested by the “New Public Value” school (cf. Bryson, Crosby, and Bloomberg 2014, for an overview), ranking of values in the sense of norms and guidelines is indispensable. It is imperative to differentiate between the very basic values of democracy and responsible government that form the core of institutional integrity of public authorities on the one hand and the diversity of second-order values that shape the environment of public authorities on the other hand. Protecting everybody’s physical security, safeguarding human and civil rights, enforcing the rule-of-law, guaranteeing due process, transparency and individual accountability of elected and appointed officials remain the bedrock of public administration however pluralistic and differentiated its organizational structure and the environment of societal values to which it is exposed.

Ranking of values is a matter of judgment while acting accordingly is a matter of “active” as opposed to “passive” responsibility in the sense of formal accountability (cf. Bovens 1998). Judgment requires intellectual capability, whereas appropriate action requires resolve and courage. What the article will also illustrate by way of a brief case study is that these core-ingredients of public leadership do not necessarily matter as an alleged alternative to classic Weberian bureaucracy but that they are, rather, the prerequisite of classic bureaucracy as the guardian of institutional integrity of the civil service and its trustworthiness.

Autonomy, Integrity, and Leadership: Classic Accounts

One of the ironies of public administration is that, while being a tool of government, it requires autonomy (cf. Carpenter 2001 for a comprehensive account, analyzing the exemplary case of the United States Department of Agriculture, USDA). Autonomy of public authorities is a functional necessity since binding legislation and rigid routines will not and must not eliminate administrative discretion. Moreover, when it comes to large and independent agencies autonomy usually includes the competence of self-regulation. Administrative autonomy has to be distinguished from institutional integrity, however. Integrity refers to the robustness with which public authorities “keep track” in the pursuit of the tasks and goals delegated to them and remain incorruptible in every respect. It is thus a core-ingredient of public values in rule-of-law based democracies. An independent judiciary is the classic example, but the notion of integrity pertains to any kind of “properly ordered and productive public

institutions [based on] established mechanisms of accountability” so that “the demands of citizens, rather than of clients or beneficiaries, are being met” (Moore 1995, p. 52). Institutional integrity of public agencies is the basis of the civic trust invested in them and thus a crucial prerequisite of what in the language of David Easton (1965) has been termed “diffuse support” or overall legitimacy of democratic government.

There is no linear causal linkage between autonomy and integrity since autonomy may work in both directions. A *low* degree of autonomy reduces the degree of discretion at the lower level and related principal-agent problems, so it should correlate positively with the maintenance of institutional integrity. By the same token, however, a *high* level of administrative autonomy may correlate positively with institutional integrity as well since it makes public authorities independent from external interference. Whether institutional integrity is strengthened or weakened by administrative autonomy, however, is a question of responsible leadership.

The ambiguous interrelatedness of autonomy, integrity, leadership, and responsibility in public administration has been illustrated by two classic case studies, Philip Selznick’s “TVA and the Grass Roots” (Selznick 1949) and Herbert Kaufman’s “The Forest Ranger” (Kaufman 1960), both dealing with authorities with a particular degree of autonomy.

Kaufman described the particular challenges any forest administration is facing. On the one hand, wood and timber is elementary raw material and an economic resource exposed to the temptations of over-exploitation. On the other hand, the reproduction of that resource is in the strategic interest of the very economy whose basic institutions—private business firms—are unable to secure sustainable reproduction due to the necessity of profit-based survival of the firms themselves. So sustainable reproduction of wood and timber is the classic case of a public good only the state and public administration can secure and it is only on the basis of administrative autonomy that this task can be successfully assumed by the relevant public agencies. What Kaufman analyzed in his book of 1960 were the mechanisms that guarantee that autonomy. He portrayed the individual forest ranger as the epitome of spirit, initiative, and loyalty that make the indispensable autonomy of the forest administration possible and viable. The forest ranger, equipped with profound education and skills acquired “on the job”, driven by a spirit of serving a noble cause which is preserving nature at its best, treated as an indispensable counselor to both superiors and the local community and, last but not least, wearing a characteristic uniform, a hat and a badge is, in Kaufman’s account, the backbone of an administration that manages to keep track in the

pursuance of its original goal in defiance of countervailing economic and political forces.

Kaufman's analysis of the US forest administration resonated with the earlier contributions made by Carl J. Friedrich and Philip Selznick to the literature concerning the role of the individual in securing responsibility and leadership in public administration. Selznick in his classic "Leadership in Administration" (Selznick 1957) stressed the linkage between institutionalization of purpose and value-based leadership in both routine and "critical" decision making. Leadership, according to Selznick, requires not just commitment to organizational goals but a deeper understanding of mission, values, and the necessity to defend the integrity of an institution. "Responsible leadership", Selznick wrote, "is a blend of commitment, understanding, and determination" (Selznick 1957, 142–3). Yet he added another lucid remark: "The responsible leader recognizes the need for stable relations with the community of which his organization is a part, although he must test the environment to see how real that requirement is." (ibid., 147) In other words: Stable and productive embeddedness of an administration in its societal and political environment must not affect its original purpose. Consequently, leadership in public administration entails the capability to distinguish adaptability from opportunism and organizational responsiveness must not undermine institutional integrity.

These insights were based on Selznick's seminal study "TVA and the Grass Roots" of 1949 through which he not only had revolutionized the notion of public administration in analyzing its nature as an adaptive social system interacting with the relevant societal and political environment but also portrayed the consequences of a loss of institutional integrity through inappropriate leadership. Tennessee Valley Authority (TVA) was one of the most important New Deal institutions created immediately after Franklin D. Roosevelt had become US president in 1933. It was an ambitious project in more than one respect. It was in charge of constructing a series of power plants along the Tennessee River, improving the rural infrastructure and thus the economic prospects of small farms whose tenants had severely suffered from the Great Depression. However, TVA was acting in a hostile environment of opposing agricultural interests. In what was meant as a smart move of political adaptation the leadership of TVA co-opted key-figures of the opposition into the organization's board. As a consequence, TVA's goals were diluted and the institution became a symbol of administrative "drift" or "agency capture."

Selznick's and Kaufman's studies were, therefore, mutually complementary analyses of successful and failed protection of institutional integrity under the

condition of accentuated administrative autonomy. In both cases, autonomy resulted from functional necessity. Handling a vast project like the combat against poverty and the risk of further regional economic decline through a unique and, at the time, entirely innovative federal administration required a strong authority empowered with substantial competences and discretionary leeway that had to include the competence to choose the organizational techniques and mechanisms required to make this new and gigantic governmental apparatus acceptable to its immediate societal and political environment. Similarly, running a successful forest administration required and requires a high degree of personal autonomy of the forest rangers in charge. They do their job literally in the woods where control of what they are actually doing is almost impossible and not even desirable given the ever-changing dynamics of local ecology that has to be balanced with the economic importance of wood and timber as well as with local aspirations and necessities in terms of raw material and hunting.

So unlike Crozier (1963) who in his own classic study on the "bureaucratic phenomenon" portrayed administrative autonomy as an extremely scarce resource in an organizational world otherwise shaped by strict, dense and rigid rules, and unlike James G. March and Herbert A. Simon (1958) who emphasized the open and unrestricted exchange of the administrative organization with its social environment, Selznick and Kaufman emphasized administrative autonomy as a principle problem affecting the administrative landscape in general. And they also stressed the necessity to safeguard the original purpose of public authorities against illegitimate and detrimental influence from outside the administration. It was, therefore, no coincidence that Philip Selznick in his second book emphasized the *defense of integrity* in a specific context, namely leadership (Selznick 1957, esp. pp. 119–33). Unlike administrative autonomy, which can be defined as a structural property of an institutional arrangement, institutional integrity is connected to the role and performance of functional elites. It is them who do or don't protect the mission and the original purpose of public authorities. Accordingly, very much depends on their own understanding of, and commitment to, the very institutional integrity whose preservation and protection is at stake.

The defense of institutional integrity of administrative units is thus a core-ingredient of responsible leadership. It might be reinforced or undermined though by other common traits of administrative behavior such as budget maximizing (Niskanen 1971) or bureaucratic politics (Allison and Halperin 1972). Budget maximizing and bureaucratic politics have been aptly characterized as crucial variants of institutional

selfishness, which itself is a necessary component of keeping the pluralism and “balance of power” among a variety of departments and segments of the governmental apparatus intact. Just like Anthony Downs wrote in his classic “Inside Bureaucracy” (Downs 1967), administrative departments and bureaus need advocates fighting for departmental interests, devoted to the department’s or bureau’s cause.

The definition of the cause, however, is necessarily value-based since it is linked to individual professional ethos in the sense of stewardship (cf. Davis et al. 1997): It entails the commitment to the relevant institution as the embodiment of a convergence of professional standards and the public interest (cf. Moore 1995, 52–6; Miller and Whitford 2016, 141–67). This convergence might or might not be supported by mere institutional selfishness in the form of bureaucratic politics or budget maximizing. Strengthening a department’s position through enhanced funds may strengthen the department’s ability to bring to bear its own institutional logic, but it may also work as an entrapment undermining institutional integrity. Similarly, enhancing the positional strength of a department is likely to strengthen its original institutional purpose, but it may also have the opposite effect as soon as the leadership is more interested in positional strength than in strengthening the ultimate purpose of the respective department or bureau. Institutional leadership in the proper sense as a defense of institutional integrity means, according to Selznick (1957, 119), safeguarding “the persistence of an organization’s distinctive values, competence, and role” (cf., in a similar vein, Miller and Whitford 2016, 232–4).

Integrity, Leadership, and Responsibility: Natural Tensions

The notion and necessity of leadership in public administration (cf. Hart and Tummers 2019 for a recent overview) refers to yet another key-concept of public administration, which is responsibility.

On the one hand, responsibility of public administration is an integral part of the principle of responsible government in general (cf. Friedrich 1937, 29–40, 224–46). It is only through a rule-of-law based administration that government is able to make promises to the people it can actually keep. In broad terms, responsible government entails the necessity and the ability of those acting in the name of the people to do justice to the will of the people. This is a question of effectiveness and legitimacy. In terms of effectiveness, responsible government has to rely on an organizational apparatus whose units and subunits are aiming at achieving the goals imposed by legislation and whose bureaus and office holders are being held accountable for both the

effective and efficient use of the resources—tax payer’s money, in a nutshell—entrusted to them. This is also part of the mechanisms through which government generates legitimacy, in accordance with a classic definition by David Easton known as output-legitimacy since it strengthens the support of government through delivering goods and services (Easton 1965, 27–9, 403–10).

On the other hand, responsibility of public administration also requires responsiveness in the sense that public authorities at all levels have to react, one way or the other, to desires and demands articulated in their immediate environment. These may be societal, economic or political demands and they may be legitimate or illegitimate and they, thus, may be more or less compatible with the original purpose of the respective authority or bureau. Delegating public service delivery to private nonprofit entities, for instance, may enhance civil society involvement for the sake of improved responsiveness while at the same time “hollow out” the state to the detriment of service quality and public accountability (cf. Milward 2014; Milward and Provan 2000). There is, accordingly, a latent tension between responsiveness and institutional integrity in public administration. Which was exactly Philip Selznick’s (1949) message: Public authorities have to mobilize support in the immediate societal and political environment while protecting the core of their purpose. Which primarily hinges on responsible leadership (Selznick 1957).

It is here where Selznick’s concept of institutional integrity and leadership overlaps with the contributions by Carl J. Friedrich to the issue (cf. Friedrich 1937, 224–46, and esp. Friedrich 1940). Safeguarding the institutional integrity of public administration is more encompassing a notion than formal accountability and responsiveness. Public officials may strictly and aptly observe the relevant standards and rules of accountability in terms of fiscal, judicial, parliamentary, or hierarchical control. They may also act in a responsive way relative to the demands and desires of the immediate societal, economic, and political environment they are exposed to. Yet, full accountability and responsiveness do not guarantee institutional integrity. What public authorities do or don’t may be entirely legal, efficient, effective, and compatible with societal, economic, and political demands and necessities and, nonetheless, undermining the basic values and original purposes of the bureau or office in question. Public authorities, within the range of their legal task and jurisdiction, may do just the minimum of what they are supposed to do and thus violate professional standards for which their administrative unit stands (e.g., standards of sound and error-proof engineering when it comes to the planning of public infrastructure or standards

of diligence when it comes to due-process routines). Public authorities also may act in full accordance with formal accountability standards and requirements of responsiveness and nonetheless undermine their own goals and purposes of the respective administrative units (e.g., state or municipal administration in charge of road safety yielding to public pressure to increase speed limit).

The difference between formal accountability and personal responsibility as a core-ingredient of leadership in public administration was the very subject of a controversy that became known as the Friedrich versus Finer debate (cf. Jackson 2009). Carl J. Friedrich (1940) stated in an influential paper that institutional controls of responsible government and bureaucracy necessarily remain insufficient due to the considerable discretion of public officials even under the condition of democratic government and the rule-of-law. Therefore, Friedrich wrote, institutional controls have to be complemented by the personal ethics of public officials and a related sense of responsibility. Friedrich thus made the assumption of responsibility an issue of leadership based on professional and ethical standards beyond formal accountability: an awareness of potential consequences of one's own decisions and the readiness to be held accountable for them (cf. Plant 2011)—which, by the way, was close to what Max Weber (2010 [1919]) had characterized as the core of an ethic of responsibility (*Verantwortungsethik*) as opposed to an ethic of conviction (*Gesinnungsethik*). British political scientist Herman Finer (1941) challenged Friedrich's emphasis of responsibility as an ethical standard rather than an institutional arrangement arguing that making responsible government and administration independent from the personal traits and virtues of elected and appointed officials was one of the great achievements of the age of constitutionalism. Responsible government and administration, according to Finer, had to rely on institutions that allow for correction and, if necessary, sanctions in case of noncompliance. It is this debate that formed the point of reference for the distinction between responsibility based on a sense of duty or public ethics and accountability in the sense of being answerable to a superior and/or a separate institution in charge of control and sanctions (cf. Finer 1941, 336, for a brief discussion of "responsibility" as opposed to "accountability"; cf. also Jackson 2009).

Leadership, Values, And Pragmatism: Specific Challenges

Given the tension between administrative autonomy and institutional integrity as well as the divergence of responsibility on the one hand and accountability and responsiveness on the other hand the notion of

leadership is intimately connected to the challenge and necessity of value-based judgment, prioritization and resolve. Safeguarding institutional integrity with the help of or despite organizational autonomy requires commitment to the purpose of the respective unit of public administration and a related professional ethos. This is what constitutes the value side of responsible leadership. Moreover, there are particular instances in which value-based commitment is particularly necessary for safeguarding institutional integrity. These might be instances of unusual complexity or newness or instances in which institutional integrity is being threatened by societal, economic or political influencers.

Whatever the nature of these challenges, responsible leadership requires the leader to recognize them. Recognizing means that a leader is able and willing to make the required factual and value-based judgments (cf. Berlin 1957). The factual judgment refers to the necessity to recognize the particular nature of a given situation, the value-based judgment requires to acknowledge that in that situation the question of institutional integrity is actually at stake. The judgment, therefore, needs to entail an intellectual ability of prioritization. As outlined above, institutional integrity may compete with pragmatic requirements of responsiveness. For the sake of responsible leadership, it might be indispensable to prioritize the values on which the very institutional integrity is based over secondary values and/or the desires and demands of the immediate societal, economic or political environment of a given authority. This is the point of reference of the more recent debate on public values (Bozeman 2007; Bryson, Crosby and Bloomberg 2014; Denhardt and Denhardt 2011; Moore 2014; Rosenbloom and McCurdy 2006; Stoker 2006; West and Davis 2011; Williams and Shearer 2011), although the very question of ranks and priorities of values is rather neglected in this strand of literature (cf. Bozeman 2007, 175–86, for a notable exception).

Finally, there is the necessity of resolve and courage. Value-based judgment and prioritization of values for the sake of institutional integrity is a necessary but not a sufficient condition of responsible leadership. Leaders may know that they should act, but they don't act anyway. There may be good reasons for inaction. Time and again leaders are facing the question whether "it is worth the effort" depending on the relative importance of an issue, the relative resistance against a decision the leader him- or herself considers to be best and appropriate and on the amount of energy to be spent in order to achieve the "right" decision. Moreover, many decisions in public administration are the result of cooperation and negotiation (cf. Benz 1994). This often implies a logic of package deals in the

sense that concessions to a more pragmatic solution at the expenses of a principled decision in area A may be made in the hope to achieve a more principled solution in area B. The question remains, however, whether or not leaders in public administration are intellectually capable and determined enough to identify a critical situation in which the defense of institutional integrity is at stake and where resolute action is indispensable.

So responsible leadership in public administration not only requires awareness of potential consequences of one's own decisions and the readiness to be held accountable for them as well as judgment and courage but also the willingness and ability to resist the pitfalls of pragmatism.¹ Starting with Herbert A. Simon's seminal book "Administrative Behavior" (Simon 1947) who directly referred to the founding father of philosophical pragmatism, John Dewey (Simon 1947, 93), pragmatic decision making in accordance with a logic of appropriateness rather than a logic of consequentiality is a dominant school of thought in the scholarly field of public administration (e.g., March and Olsen 1989, 21–6; Olsen 2008).

There is just a thin line, however, that separates "appropriate" decisions from mere opportunism. The *bounded rationality* theorem in accordance with Herbert Simon, James March and their followers explicitly rejects the notion of substantial rationality such as institutional and ethical integrity and it, consequently, does not offer any point of reference for the very sense of responsibility that according to Carl J. Friedrich (1940) should remain the essence of decision making in public administration. Amazingly enough, the fundamental divergence between the Friedrich-Selznick-Kaufman school of thought and the March & Simon paradigm of pragmatic decision making in public administration has been largely neglected in the relevant literature. However, the ability and willingness to distinguish between what, according to the circumstances, is appropriate and satisfying in terms of administrative behavior and decision making and what is inappropriate and unacceptable is precisely what distinguishes responsible leadership from opportunism and blame shifting (cf. Hood 2011).

That distinction is rather blurred by the recent debate on new public values or new public value governance (see above). Just in the Carl J. Friedrich, Philip Selznick, or Herbert Kaufman tradition, the new public value school of thought points to the role of the individual in public administration and of value-based individual action and decision making. The innovative

part is, however, the emphasis on value pluralism, institutional diversity, and the social construction of what relevant values actually are (cf. Alford and Owen 2008; Bozeman 2007; Moore 2014). The general thrust of this strand of literature is the notion of "what is public is ... going far beyond government", "citizens seen as problem-solvers and co-creators actively engaged in creating what is valued by the public and is good for the public" and that "government acts as convener, catalyst, collaborator, sometimes steering, sometimes rowing, sometimes partnering, sometimes staying out of the way," selecting "from a menu of alternative delivery mechanisms based on pragmatic criteria" which "often means helping build cross-sector collaborations and engaging citizens to achieve agreed objectives." Finally, "no one sector has a monopoly on public service ethos" so that "maintaining relationships [between the sectors] based on shared public values is essential" (all quotes from Bryson, Crosby, and Bloomberg 2014, 446).

So the "new public value" perspective is clearly shaped by a philosophy of value pluralism and, again, the related logic of appropriateness just in the March & Simon sense. Consequently, this literature does not only not contribute to a definition of the specificity of public values and the related ethic of responsibility but, instead, encourages the neglect of value-based professional ethos in public administration altogether.

Sacrificing Institutional Integrity Through Irresponsible Leadership: An Illustrative Case

Nature of the Case and Sequence of Events²

On July 24, 2010, a techno-music street parade known as "Loveparade" in the German city of Duisburg ended in a crowd panic that claimed the lives of 21 people and left more than 600 injured. The responsible organizer of the Loveparade was an event management firm, Lopavent GmbH (GmbH standing for *Gesellschaft mit beschränkter Haftung*, the equivalent to a British or US limited liability company). The event had several predecessors, mostly in Berlin and two in the cities of Dortmund and Essen. As a street parade, it required permission by public authorities, in this case, by the municipal administration of the city of Duisburg. Under the aegis of the head of division of security and law (*Dezernat für Sicherheit und Recht* or *Dezernat II*) the municipal administration convened a task force in charge of planning a preparation of the Loveparade in September 2009. It initially consisted of representatives of the Duisburg city administration,

¹ cf. Bozeman 2007, 100–12; Hildebrand 2005, 2008; H. Miller 2004; Shields 2003, 2008 for general accounts on the rule of pragmatism and public policy and administration; Ansell 2011, 63–83, and Kelemen and Rumens 2013 for pragmatism in organizations in general or Ansell and Boin 2017 for pragmatism and crisis management.

² I am indebted to Timo Wenzel for his assistance in mobilizing the relevant documents. Most of the documentary evidence is accessible at <https://search.wikileaks.org/?q=loveparade>.

the event management firm Lopavent, the owner of the compound envisaged for the concluding segment of the Loveparade and a public marketing firm (“Wirtschaftsförderung metropol Ruhr GmbH”).³

It soon became apparent that the envisaged compound for the final segment of the Loveparade was the critical factor as far as the security of the visitors was concerned. The number of visitors was calculated in the order of one million people and more. Moreover, not only the compound itself but also the routes of access and evacuation turned out to be especially delicate since they were leading through a tunnel of 24 meters width with one single ramp branching off to the compound itself. That ramp of 18 meters width had to serve as way in and way out creating the obvious risk of congestion given the expected size of the crowd that would have to use it. The related security risks were clearly articulated in the task force in charge of the planning and preparation of the Loveparade. According to the records, this happened as early as October 2009.⁴

It was also clear from the very outset, however, that the event enjoyed strong political support since it was an integral part of a publicity and marketing campaign not only for the city of Duisburg but for the entire Ruhr area. The *Ruhrgebiet*, the heartland of what used to be Germany’s coal mining and iron and ore industry, is a disadvantaged region that nonetheless had won the prize of a prestigious initiative of the European Union as a “European capital of culture”. The very “Wirtschaftsförderung metropol Ruhr GmbH”, the public marketing firm participating in the task force for the planning and preparation of the Loveparade 2010, was in charge of an entire program under the headline “Ruhr. 2010 Kulturhauptstadt Europas” [Ruhr. 2010 European cultural capital] of which the Loveparade was an integral part.

Political pressure to organize the Duisburg Loveparade 2010 under any circumstances still increased when the city of Bochum, also located in the Ruhr area and thus participating in the very same program, cancelled its own Loveparade scheduled for the summer of 2009. What was at stake in the perception of regional politicians was the prestige of the Ruhr area altogether as far as the capability of planning and organizing a spectacular event with a particular appeal to young people was concerned. When concerns about security issues connected to the Loveparade were voiced by the head of the Duisburg police department, public criticism was so harsh that even the resignation of the police chief was requested.⁵ When the task force for the planning and preparation of the Loveparade

met on October 2, 2009 the head of division of the Duisburg municipal administration (*Dezernat für Sicherheit und Recht* or *Dezernat II*) who chaired the meeting explicitly reminded the participants that after the cancellation of the Loveparade in Bochum at short notice the Duisburg Loveparade was definitely “politically desired”.⁶

However, it was only in early March 2010, more than 4 months into the planning process, that the municipal administration of Duisburg realized that the design of the Loveparade with the final segment being held on a closed compound with limited access and evacuation routes implied a transfer of jurisdiction for risk assessment and public permission to the office of regulation and supervision of construction [*Bauordnungsamt*]. The *Bauordnungsamt*—or *Amt 62* according to the organizational chart of the Duisburg city administration—clearly stated that permission could not be given for the envisaged event site. *Bauordnungsamt* officials also made it clear that violation of the relevant legal provision (the *Sonderbauverordnung Nordrhein-Westfalen* or decree for special construction of North Rhine-Westphalia, the state or *Land* where Duisburg is located) would make any official involved liable under criminal law.⁷ If there was a true locus of institutional integrity within the Duisburg city administration during the protracted process of planning and preparation of the Loveparade event it was this very *Bauordnungsamt* committed to the enforcement of the relevant safety regulation.

From this point on, four and a half months before the event in question, both the substantial security risks and the incompatibility of the conditions at the event site and the related legal stipulations were known to the officials in charge and documented in the files of the Duisburg city administration. In the files, it was also clearly stated that an indispensable prerequisite of any permission of the Loveparade was a formal application to be submitted by the event management firm Lopavent GmbH with substantiated documentation of the relevant security measures.⁸

This should have been clear enough. What followed instead, however, was a protracted process of planning and further preparations in which part of the Duisburg city administration sided with the event management firm Lopavent in the blunt attempt to manipulate the facts and figures of the Loveparade and to obstruct the clear and binding stipulation of the relevant security regulation while the office regulation and supervision of construction (*Bauordnungsamt*, *Amt 62*) remained determined to enforce the law.

3 Document no. 2 (see list of cited documents in the [Appendix](#)).

4 Document no. 4.

5 Document no. 1.

6 Document no. 3.

7 Document no. 5.

8 *Ibid.*

Ironically, the leading figure among those determined to ignore the law and to issue the permission to organize the Loveparade under any circumstances was the head of the division for security and law within the Duisburg city administration (Dezernat II). This man was a close associate of the mayor of Duisburg who had expressed unmistakably his will to have the Loveparade taking place in his city. Both were Christian Democrats. The opposite number as head of the division for urban development (Dezernat für Stadtentwicklung or Dezernat V) to which belonged the Bauordnungsamt or Amt 62 was a Social Democrat. He, however, kept a low profile and did nothing to buttress the position and action strategy of the Bauordnungsamt that belonged to his own jurisdiction.

Under the condition of this power asymmetry between those compliant with the legal security stipulations and those determined to obstruct them, the event management firm Lopavent GmbH managed to outmaneuver the Bauordnungsamt. The head of the division for security and law of the Duisburg city administration (Dezernat II), in transgression of his own competent jurisdiction, commissioned several separate expert reports that focused on crowd management issues. This was clearly intended to circumvent the unmistakable security stipulations of the law whose enforcement was, in turn, the task of the Bauordnungsamt. None of these expert reports that were submitted only in June and July 2010 and thus just a couple of weeks or even days before the Loveparade itself referred to the relevant legal provisions.⁹ Moreover, they were vague and peppered with salvatory clauses. But they nonetheless served as justification for the permission of the Loveparade, which was ultimately pushed through by the head of the division for security and law (Dezernat II) of the Duisburg city administration. Instead of backing the responsible unit of his own administration vis-à-vis an applicant—the event management firm Lopavent GmbH—the head of Dezernat II of the Duisburg city administration formed an alliance with that very private firm against the relevant security regulation and the administrative unit tasked with enforcing it.

The borderline between the rule-of-law and a compliant public administration and private interests was not only blurred, but the role and competence of public and private actors were virtually inverted. In a meeting on June 18, 2010, the representatives of the event management firm Lopavent GmbH admitted one more time that they were not able to guarantee more than one-third of the evacuation space on the event



Figure 1. Public-Private Coalition Building and Inter-Agency Rivalry in the Planning and Preparation Process of the Duisburg Loveparade of July 24, 2010.

site of what the legal security provisions required.¹⁰ While this was astonishing and yet another unmistakable sign that authorization of the Loveparade was just not possible, the head of the division for security and law of the Duisburg city administration (Dezernat II) instructed, again in transgression of his own competent jurisdiction, the office of regulation and supervision of construction (Bauordnungsamt) to “cooperate” with Lopavent GmbH and to support the latter in the development of a security concept for the Loveparade scheduled for July 24, 2010 (see figure 1 for an illustration). This not only meant to provoke a collision of interest—after all, the Bauordnungsamt as a public authority was tasked with drafting a security concept that it subsequently would have to evaluate and to certify—but also to task the Bauordnungsamt with a job it was not competent to do namely the development of an accurate evacuation plan on the basis of crowd management data and simulation models it could possibly not have at its disposal.

The representatives of the *Bauordnungsamt* participating in the meeting of June 18, 2010 articulated precisely this, but to no avail. Their superior, the head of the division of urban development (Dezernat V) construction affairs, supported this stance through a handwritten remark on the margin of the report written by the head of the *Bauordnungsamt* stating that the envisaged procedure was not conform to proper administrative practice and that the division of security and law—instead of his own division—would have to take all the relevant decisions.¹¹ This statement was right and wrong at the same time. While it was entirely correct that the envisaged procedure violated basic principles of proper administrative practice, the head of the division of urban development (Dezernat

¹⁰ Document no. 7.

¹¹ The German original read: Ich lehne aufgrund dieser Problemstellung eine Zuständigkeit und Verantwortung von [Amt] 62 ab. Dieses entspricht in keinerlei Hinsicht einem ordentlichen Verwaltungshandeln und einer sachgerechten Projektsteuerung. Die Entscheidung in allen Belangen obliegt [Dezernat] II. [Due to the nature of the problem I reject jurisdiction and responsibility of [office] 62. It is in no way in accordance with proper administrative procedure and an appropriate control of the project. In every respect, the decision lays with [division] II.] - Document no. 7.

V) was wrong in assuming that it was at his personal discretion to concede the jurisdiction for the relevant decision to the division of security and law. On the contrary, it was his own personal obligation to make sure that the *Bauordnungsamt* evaluated the Lopavent security concept in accordance with the legal requirements and, if necessary, to deny authorization of the Loveparade as soon as the requirements were not met. Instead, the head of the division of urban development affairs bluntly refused to be involved in the relevant decision making—a classic case of blame shifting that was itself improper and an act of irresponsibility.

It was, ironically, the private event management firm Lopavent instead of the authority actually in charge that filled the vacuum created by the failure of the head of the division of urban development (Dezernat V) to insist on a proper evaluation and certification of the security concept. Representatives of Lopavent GmbH participated in yet another meeting, held June 25, 2010 and devoted to the unresolved security issues. The prime purpose of this meeting was not the development of a security concept itself but an agreement on how to evaluate such a concept. That agreement entailed the intent to commission another expert report on the evacuation plan to be developed, according to the previous instructions by the head of the division of security and law of the Duisburg city administration (Dezernat II) in cooperation of Lopavent GmbH in cooperation with the *Bauordnungsamt* that ultimately would have to certify it. This agreement was, as it says in the minutes of the meeting of June 25, 2010, “approved” by the participating representatives of Lopavent GmbH.¹² So the private event management firm that, according to the legal provisions, was obliged to submit a security and evacuation plan and to have it evaluated and certified by the relevant public agency participated in deliberations whose subject was the very procedure of evaluation and certification whose result directly affected the private firm applying for permission.

Another telling detail of the replacement of what should have been an independent and unfettered examination by an irregular procedure was that the group of consulting engineers authorized to perform the evaluation of the security concept was, according to the information provided on their website, a spin-off of the chair of the very professor of physics at the University of Duisburg who himself was authorized to evaluate and to certify the report of the engineers who were his former students and PhD candidates. Not only was this series of collision of interests not corrected or terminated, they were, instead, literally designed and organized by the Duisburg city administration with the obvious intent to suspend the regular procedure of an

independent assessment of the security and evacuation concept for an event involving approximately one million visitors.

Exhausted by what may be called a war of attrition against an alliance of high ranking public officials and the private event management firm, the office of regulation and supervision of construction (*Bauordnungsamt*) finally gave in and issued the permission to have the Loveparade held as planned. That happened on July 23, 2010—24 h before the event. In revealing clarity, the wording of the authorizing permission made apparent that the security requirements of the relevant legal provision, the *Sonderbauverordnung*, were not met by the security concept submitted by Lopavent GmbH.¹³ In issuing the permission anyway, the *Bauordnungsamt*, under the relentless pressure of the head of the division of security and law of the Duisburg city administration (Dezernat II), made use of an administrative discretion whose existence it had explicitly denied so far.¹⁴

On the afternoon of July 24, 2010, panic broke out in the totally overcrowded tunnel leading to the event site and on the ramp that branched off to the actual compound where the final segment of the Loveparade was taking place. Most of the 21 casualties were caused by thorax contusion. The ramp, serving as access and exit at the same time, turned out to be a fatal trap without escape routes—a fact that was known to the private organizer and the relevant authorities of the Duisburg city administration from the very outset but had not prevented the relevant authority to issue a permission that should never have been given.

Case Analysis

However complex the organizational structure that shaped the planning and preparation of the Loveparade event of July 2010 in the city of Duisburg and however protracted and twisted the process of decision making within the Duisburg municipal administration prior to the event, the core of the disaster was irresponsible leadership in dealing with institutional integrity. Of course, there were competing and mutually incompatible incentive structures such as the necessity to enforce the existing safety regulation on the one hand and the economic and entrepreneurial interest of the private event management firm on the other hand. Moreover, the organizational structure was shaped by a hybrid arrangement between the municipal administration and a private firm in the form of a typical public-private partnership. Accordingly, there were fragmented accountability structures and split loyalties of staff members in each of the branches of that public-private conglomerate of planning and organizing. All this,

12 Document no. 8.

13 Document no. 12.

14 Document no. 6, p. 5.

however, clearly remained in the range of what accomplished and experienced leaders in public administration can handle. Basically, the decisive issue boiled down to a simple Yes or No question as far as the official approval of the Loveparade event was concerned and it was clear and obvious that it was the physical security of human individuals that was at stake. So why did the responsible leaders within the Duisburg city administration not assume their responsibility in making a decision that necessarily would have resulted in the interdiction of the Loveparade event?

Part of the answer is the mutually reinforcing influence of organizational hybridity and political pressure. The hybrid arrangement was the banal result of a public-private partnership of the city of Duisburg with a private event management firm, and as such, it was neither unusual nor particularly complex. Under the condition of strong political pressure to make the Loveparade happen under almost any circumstances, however, organizational hybridity became the driving factor of a conflict between two divisions of the Duisburg city administration. While the division for law and security (Dezernat II) sided with the private event management firm, the division for urban planning and the bureau (*Bauordnungsamt*) immediately in charge of controlling security issues and of the final approval of the Loveparade event found themselves increasingly isolated in their efforts to enforce the relevant security regulation. And yet even these conflicts were not unusual under the given circumstances and they easily could have been resolved through executive decision.

So the puzzle is why that decision was not taken. Certainly, there was an increasing amount of sunk costs along the path of protracted planning and preparation. A first full-fledged organization plan including security issues was submitted to the relevant authority as late as mid-June 2010 thus just 6 weeks prior to the event and it turned out to be peppered with flaws and insufficiencies. However, given what was at stake in terms of human security as well as the documented and unconcealed unwillingness of the private event management firm to comply with the existing security regulation the leading officials in charge virtually had no choice but to deny the approval of the Loveparade even at this late stage. After all, they too were completely aware of the insufficient status of the security planning and even of the inability and unwillingness of the private event management firm to comply with the relevant safety regulation. The immediately responsible head of division (Dezernat V) even remarked in a handwritten marginal note that the entire planning process was incompatible with the standard operating procedures of proper administration.

So, again, why did leading officials take a decision in full consciousness whose improper and illegal character was obvious and whose inevitable consequence was that human lives were put at risk? The

answer is that those officials lacked both judgment and resolve necessary for the defense of institutional integrity. Instead, they displayed what otherwise could have been praised as entrepreneurial leadership, but they did that under inappropriate circumstances. They made extensive use of administrative autonomy where the issue was institutional integrity. They were overly responsive to the pressure and expectations of their political and societal environment where they should have assumed responsibility for the enforcement of security regulation and the safety of tens of thousands of people envisaged to attend the Loveparade event of July 2010. They were committed to hyper-pragmatism and driven by a logic of appropriateness rather than the logic of consequentiality connected to the rule-of-law and related safety rules. These officials soon abandoned their monopoly in defining security standards according to unmistakable legal provisions and instead made the physical integrity of people negotiable through delegating their exclusive right of enforcement to the private firm bound by those standards.

In other words, these officials defined private sector individuals as “problem-solvers and co-creators actively engaged in creating what is valued by the public and is good for the public”. They acted as “convener, catalyst, collaborator, sometimes steering, sometimes, rowing, sometimes partnering, sometimes staying out of the way,” selecting “from a menu of alternative delivery mechanisms based on pragmatic criteria” which meant “helping build cross-sector collaborations and engaging citizens to achieve agreed objectives”. They thus firmly rejected the notion of the public sector having “a monopoly on public service ethos” (again, all quotes from Bryson, Crosby, and Bloomberg 2014, 446).

As a consequence, those officials were not able and not willing to walk the line between pragmatism and mere opportunism and blame shifting. They left defenseless the true defenders of institutional integrity—the handful of brave rank-and-file civil servants in the *Bauordnungsamt* directly in charge of safeguarding the physical integrity of citizens attending a public event. To that extent, the case is an illustration of what Miller and Whitford (2016, 53–99) classify as the moral hazard versus credible commitment problem when it comes to bureaucratic discretion: The political motive of elected municipal officials to organize a high visibility event outranked the expertise and professional ethos of rank-and-file civil servants committed to their legal and moral obligations in an almost classic sense according to standard public service motivation (PSM) literature (cf. Perry 1996). The politicization of the issue was such that neither the state diet or *Landtag* nor the government of North Rhine-Westphalia or the municipality of Duisburg commissioned an investigation into the origins of the Loveparade disaster—obviously

out of fear that the responsibility of the political stakeholders would also be revealed.

Conclusion

Just as Philip Selznick pointed out long before the managerial school of thought gained its strong foothold in the discipline of Public Administration, leadership in administration does mean securing the efficiency and effectiveness of public agencies, but above all, it means defending institutional integrity. However, the challenge to responsible leadership is not just fending off what threatens that integrity but to master the incentives to ignore those very threats. This is exemplified in this article through an extreme case of leadership failure in a situation characterized by high stakes of administrative decision making and a strict and binding regulatory environment for the sake of protecting human security. This underlines that the failure of leadership in the defense of institutional integrity is connected to a weak or absent sense of judgment and responsibility. Much depends on the ability of responsible leaders to rank the importance and legitimacy of the various mechanisms and organizational logics to which their respective institutional unit is exposed. Failure to perform this ranking of more or less legitimate incentives and requirements may be just as consequential as is the failure to recognize their variety in the first place. There is no recipe or routine for this kind of judgment, but it is the core ingredient of the very sense of responsibility emphasized by Carl J. Friedrich or Max Weber in defense of institutional integrity in which citizens in a democratic polity equipped with rule-of-law-based public administration necessarily invest their trust. So the above can also be read as a plea for linking traditional lines of thoughts on public administration with a more fine-grained assessment of the ambivalence of governmental agencies as both guardians of, and a menace to, rule-of-law-based protection of civic values.

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