

Hybridity and Responsible Leadership in Public Administration

Wolfgang Seibel

1. Hybridity and Administrative Responsibility

The empirical impulse of the discussion on organizational hybridity in public administration is that in a broad variety of public policy fields several sector-specific institutional forms overlap. Examples are tax-exempted foundations in the field of education or science, private voluntary associations providing public goods such as social services of various kinds or private goods such as housing provided by public enterprises or cooperatives (cf. in detail Seibel 2015a/b). Recently, scholars of public administration started to explicitly address hybridity as a phenomenon of public organization in general (cf. Denis et al. 2015).

There is good sense in acknowledging hybridity in public administration as a peripheral phenomenon relative to the core of classic, Weberian style bureaucracy, whose relevance, however, should be neither ignored nor overstated. At the same time, public enterprises or public-private partnerships, competition and rivalry or participation and civil society involvement in the hierarchical environment of public administration do challenge public administration precisely because they deviate from the routines and established patterns of classic bureaucracy and the way the latter is being regulated and managed. Hybridity in public administration represents the irregular as opposed to the regular, the unpredictable relative to the predictable, the opaque versus what is transparent, and structural complexity as opposed to the relative simplicity of monocratic bureaucracies. What one may derive from this is that hybridity in public administration creates a risk-prone environment that reduces the likelihood of successful coping with standard pathologies of conventional bureaucracy and increases the likelihood of new weaknesses and deficiencies to occur. Hybridity in public administration, so I claim, is a risk generator in its own right that weakens fundamental principles of administrative responsibility as a core ingredient of democratic government. This argument is presented in this paper, based on both theoretical considerations and an empirical illustration.

The normative yardstick of public administration being based on hierarchy, clear-cut jurisdiction and the rule of law is a consequence of public administration as a system of delegated resources and power. He or she who delegates power and resources has good reasons to ask for proper and reliable usage and the users have to *respond* to those demands. Today, we associate this problem with the microeconomic principal-agent literature (cf. Akerlof 1970; Grossman/Hart 1983; Holmström 1979); yet, the classic definition for the realm of public administration in a constitutional state and democratic government was given by Carl J. Friedrich in the 1930s in his seminal study on *Constitutional Government and Politics* (Friedrich 1937, 224-243). Friedrich characterized the modern constitutional state as being based on the dual mechanism of concentration and delegation of power and resources. Public bureaucracy, according to Friedrich, is the core of modern government since it is the organizational body to which power and resources are actually being delegated. A constitutional state is one in which the principle of responsible government is institutionalized and thus established as a covenant that binds every single member of the governmental apparatus. In the golden words of Woodrow Wilson the “indispensable conditions of responsibility” imply that

“public attention must be easily directed, in each case of good or bad administration, to just the man deserving of praise or blame. There is no danger in power, if only it be not irresponsible. If it be divided, dealt out in shares to many, it is obscured; and if it be obscured, it is made irresponsible. But if it be centred in heads of the service and in heads of branches of the service, it is easily watched and brought to book.” (Wilson 1887, 213-214)

However, institutionalization is a necessary but not a sufficient condition of responsible government and administration. Again, as Friedrich stated in an influential article of 1940, institutional controls of responsible government and bureaucracy necessarily remain insufficient due to the considerable discretion of public officials even under the conditions of democratic government and the rule of law. Therefore, Friedrich (1940) wrote institutionalized 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 (1988) had characterized as the core of an ethic of re-

sponsibility (*Verantwortungsethik*) as opposed to an ethic of conviction (*Gesinnungsethik*).

Hybrid arrangements are obviously the opposite of what Wilson had in mind when he wrote about clear-cut hierarchy and of “[power] centred in heads of the service and in heads of branches of the service” (Wilson 1887, 214) as a prerequisite of responsibility in public administration. Hybridity increases structural complexity in general and thus increases information asymmetries and related principal-agent problems. More specifically, multiple stakeholder arrangements akin to hybridity contribute to fragmentation and divided chains of command instead of monocratic hierarchies. This may turn into stakeholder’s veto player behavior and split loyalties of staff members. Divergent and inconsistent governance mechanisms weaken the commitment to dominant and legitimate mechanisms, for instance to the rule of law and relevant regulation derived from it in favor of business-like mentality or involvement in inter-agency turf wars. Also, enforcement of accountability through financial auditing, judicial control and parliamentary oversight may be fragmented and just concern separate segments of a hybrid arrangement.

In sum, hybrids create an unfavorable environment for responsible leadership through a variety of counterincentives. They increase the demands for control and make it easier to evade personal accountability.

Table 1: Hypothetical counterincentives for responsible leadership in hybrid arrangements

Risk factor	Potential consequences
structural complexity	increased information asymmetries and related principal-agent problems
multiple stakeholder arrangements	veto player behavior of stakeholders; split/divergent loyalties of staff
inconsistent governance mechanisms	tensions and conflicts among participants
fragmented accountability	selective enforcement through financial auditing, judicial control and parliamentary oversight

Source: Compiled by the author.

This, however, underlines that leadership does matter. Precisely because hybrids, despite their alleged proliferation, represent the exception rather than the rule in public sector institutional arrangements, their handling represents the very non-routine challenge that is praised in the literature as leadership’s finest hour (cf. Selznick 1957 for a classic account; see also

Bertelli/Lynn 2003; Fairholm 2004; van Wart 2003; Boin/'t Hart 2003, and 't Hart 2014 for similar assessments). What is more, their non-routine character may make hybrid arrangements attractive in the perception of leading staff since it can be linked to the notion of innovation, modernization, entrepreneurship and other alternatives to conventional bureaucracy. In a way, hybrids are sexy. They are particularly tempting when it comes to pragmatism and "pragmatic" problem-solving in public administration (cf. Hildebrand 2005, 2008; Miller 2004; Shields 2003, 2008). To discount those appeals and to resist the inducements that make the assumption of responsible leadership costly and the evasion from personal accountability easy is what characterizes leadership under such conditions. Awareness of potential consequences of one's own decisions and the readiness to be held accountable for them may, however, require particular intellectual and ethical traits of leaders such as judgment and courage.

The case outlined in the next section of this paper illustrates both the necessity of those traits and the potential consequences of their absence. It is an exemplary case that demonstrates how hybridity in public administration may increase the risk of irresponsible leadership behavior even when the stakes are high and clearly visible and when institutional mechanisms designed to secure accountability and responsible leadership are basically strong. At the same time, it is an "extreme case" (Gerring/Seawright 2007, 101-105) that is instructive precisely due to the selection bias on which it is based: When the incentives for irresponsible leadership behavior created by a hybrid arrangement are powerful and decisive even under unfavorable circumstances – high risks, strict rules, sound accountability standards –, they will be even more powerful under less restrictive conditions. What the case also illustrates is the decisive role of leadership behavior and the ambiguity of *new* public values that supersede the traditional values of commitment to the rule of law, professional standards, compliance with accountability requirements and, last but not least, a sense of responsibility.

2. Hybridity as a generator of irresponsibility: The Duisburg Loveparade disaster of 2010 as an exemplary case

2.1 Sequence of events and key decisions¹

On 24 July 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 organizer was an event management firm, Lopavent GmbH (GmbH standing for *Gesellschaft mit beschränkter Haftung*, the equivalent of 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*, in short: *Dezernat II*) the municipal administration convened a task force in charge of planning and preparing the Loveparade in September 2009. It initially consisted of representatives of the Duisburg city administration, Lopavent GmbH, the owner of the compound envisaged for the concluding segment of the Loveparade, and a public marketing firm *Wirtschaftsförderung metropoluhr GmbH* (cf. Document no. 2; see list of cited documents).

It soon became apparent that the envisaged compound was the critical factor as far as the security of the one million or more calculated visitors was concerned. 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. According to the records (cf. Document no. 4), this happened as early October 2009.

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 mi-

¹ 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>.

ning 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* was in charge of an entire program under the headline “**Ruhr. 2010 Kulturhauptstadt Europas**” (Ruhr. 2010 European Capital of Culture) 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 (Document no. 1). When the task force met on 2 October 2009, the head of division of *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” (cf. Document no. 3).

However, it was only in early March 2010, more than four months into the planning process, that the municipal administration of Duisburg realized that the design of the Loveparade (i.e. 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* (in short: *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; its officials also made it clear that violation of the relevant legal provision (the *Sonderbauverordnung Nordrhein-Westfalen* or decree for special construction of the state of North Rhine-Westphalia) would make any official involved liable under criminal law (Document no. 5).

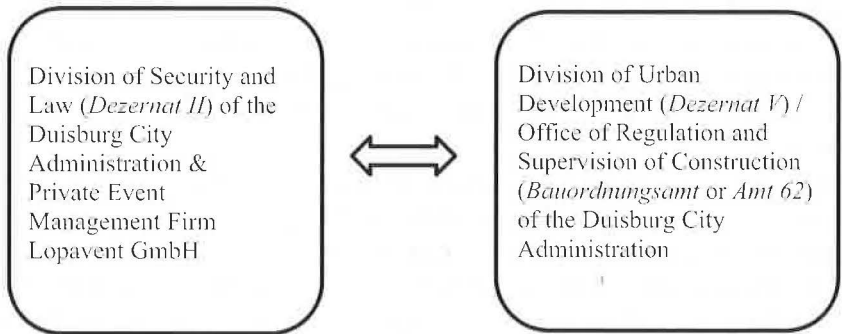
From this point on, four and a half months before the event in question, both the substantial security risks and the incompatibility of the conditions at the event site and the related legal stipulations were known to the officials in charge and documented. In the files of the Duisburg city administration, it was also clearly stated that an indispensable prerequisite of any

permission was a formal application to be submitted by Lopavent GmbH with substantiated documentation of the relevant security measures (*ibid.*). Notwithstanding, what followed was a protracted planning and preparation process in which part of the Duisburg city administration sided with the event management firm in the blunt attempt to manipulate the fact and figures and to obstruct the clear and binding stipulation of the relevant security regulation, while the responsible *Amt 62* remained determined to enforce the law.

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 city's division for *security and law* (*Dezernat II*). This man was a close associate of the mayor who had expressed unmistakably his will to have the Loveparade take place in his city. Both were Christian Democrats. His opposite number as head of the division for urban development (*Dezernat für Stadtentwicklung*, in short: *Dezernat V*), to which belonged the *Amt 62* belonged, was a Social Democrat. He, however, kept a low profile and did nothing to buttress the position and action strategy of administration belonging 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, Lopavent GmbH managed to outmaneuver the *Bauordnungsamt*. The head of *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 *Amt 62*. None of these expert reports submitted just a couple of weeks or even days (June and July 2010) before the Loveparade itself referred to the relevant legal provisions (cf. Documents nos. 9, 10, 11). Moreover, they were vague and peppered with salvatory clauses. Nonetheless, they served as justification for the permission of the Loveparade, which was ultimately pushed through by the head of *Dezernat II*. Instead of backing the responsible unit of the city administration vis-à-vis an applicant (Lopavent GmbH), he even formed an alliance with that very private firm against the relevant security regulation and the administrative unit tasked with enforcing it.

Graph 1: Public-private coalition building and inter-agency rivalry in the planning and preparation process of the Duisburg Loveparade of 24 July 2010



Source: Compiled by the author.

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 18 June 2010, the representatives of Lopavent GmbH admitted one more time that they were not able to guarantee more than one third of the evacuation space on the event site of what the legal security provisions required (cf. Document no. 7). While this was astonishing and yet another unmistakable warning that authorization of the Loveparade was just not possible, the head of *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 24 July 2010. 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 *Amt 62* 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 *Amt 62* participating in the meeting of 18 June 2010 articulated precisely this, but to no avail. Their superior, the head of the division of urban development (*Dezernat V*), supported this stance through a handwritten remark on the margin of the report written by the head of

Amt 62 stating that the envisaged procedure was not conform to proper administrative practice and that *Dezernat II* – instead of his own division – would have to take all the relevant decisions.² 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 *Dezernat V* was wrong in assuming that it was at his personal discretion to concede the jurisdiction for the relevant decision to *Dezernat II*. On the contrary, it was his own personal obligation to make sure that the *Bauordnungsamt* evaluated Lopavent’s security concept in accordance with the legal requirements and, if necessary, to deny authorization of the Loveparade as long as the requirements were not met. Instead, the head of *Dezernat V* 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 public authority actually in charge that filled the vacuum created by the failure of the head of *Dezernat V* to insist on a proper evaluation and certification of the security concept. Representatives of Lopavent GmbH participated in yet another meeting, held 25 June 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 (*Dezernat II*) in cooperation of Lopavent GmbH and the very *Bauordnungsamt* that ultimately would have to certify it. This agreement was, according to the minutes of the meeting of 25 June 2010, “approved” by the participating representatives of Lopavent GmbH (cf. Document no. 8). Thus, the private firm that, according to the legal provisions, was obliged to submit a security and evacuation plan and to have it evaluated and certi-

2 The German original (Document no. 7) reads: „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.].

fied 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 evaluate the security concept was, according to 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 *Bauordnungsamt* finally gave in and issued the permission to have the Loveparade held as planned. That happened on 23 July 2010 – 24 hours 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 (Document no. 12). In issuing the permission anyway, the *Bauordnungsamt*, under the relentless pressure of the head of *Dezernat II*, made use of an administrative discretion, whose existence it had explicitly denied so far (cf. Document no. 6, p. 5).

On the afternoon of 24 July 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 from the very outset but had not prevented the relevant authority to issue a permission that should never have been given.

2.2 Case Analysis

The planning and preparation of the Duisburg Loveparade of 2010 was a process in which hybridity in public administration came to bear and un-

folded its undesirable consequences in an almost classic fashion. This entailed both manifest and latent hybridity. The cooperation of the Duisburg city administration and the private event management firm Lopavant GmbH was a typical case of public-private partnership. It was manifest and as such uncontested. However, it turned out to be a permissive environment for irresponsible leadership characterized by risk taking behavior that inevitably put human lives in jeopardy and ultimately caused conditions on the ground that resulted in the death of 21 predominantly young people.

However, what exactly were the mechanisms that made reasonable people take disastrous decisions at the expenses of others and why did nobody seriously intervene to stop a disaster in the making despite early warnings and crystal clear-legal provisions that should have compelled the decision makers to prohibit the Loveparade altogether? And how exactly were those mechanisms connected to the hybrid nature of the organizational structure in which the decision making process was embedded?

Out of the above mentioned four risk factors of hybrid arrangements that potentially create counterincentives for responsible leadership – structural complexity, multiple stakeholder arrangements, inconsistent governance mechanisms, fragmented accountability – structural complexity and fragmented accountability were irrelevant. Quite on the contrary, the organizational structure was a simple hybrid in the form of public-private partnership and the jurisdiction for the authorization of the Loveparade lay with one single authority, the *Bauordnungsamt* or *Amt 62* of the city administration. The accountability structure was one-dimensional as well. The only relevant question was whether or not the security concept submitted by Lopavant GmbH was meeting the security standards laid down in of the relevant legal provision, the *Sonderbauverordnung Nordrhein-Westfalen*. However, the decisive factors that transformed a simple Yes or No question to be answered by one single authority in accordance with clear and unmistakable legal prescription into a quagmire of tensions and conflicts among the main participants and divergent loyalties of public officials were the multiple stakeholder logic of the public-private partnership and the inconsistent governance mechanisms that resulted from it.

Table 2: Hypothetical risk factors of irresponsible leadership in hybrid arrangements and their actual occurrence in the course of the planning and preparation of the Duisburg Loveparade of 24 July 2010

Risk factor	Occurrence in the course of the planning and preparation of the Loveparade
structural complexity	irrelevant
multiple stakeholder arrangements	split/divergent loyalties of staff
inconsistent governance mechanisms	tensions and conflicts among participants
fragmented accountability	irrelevant

Source: Compiled by the author.

Indeed, the problem was not the coexistence of governance mechanisms as such but their incompatibility. One mechanism was the rule of law that, if uncontested, would have ruled-out authorization from the very outset. There were, however, two powerful competing mechanisms that resulted from the multiple stakeholder logic akin to a public-private partnership. One was the economic and entrepreneurial interest of Lopavent GmbH to perform the Loveparade. The other one was a mechanism of political entrepreneurship and prestige-seeking. These mechanisms were not abstract structural imperatives, they were brought to bear by key actors with different levels of power resources and different options of coalition building. Those who promoted the Loveparade for the sake of profit and prestige could rely on the support of the public at large, the media, and the local and political elite across party lines. Hence, the almost natural alliance of the city mayor and his men with Lopavent GmbH. By contrast, those in charge of enforcing safety regulation and security measures were on the defensive from the very outset and had no political ally at all. They not even enjoyed the forceful support of the relevant head of division (*Dezernat V*) and immediate superior to the authority in charge, the *Bauordnungsamt*.

These structural and micro-political conditions created multiple stakeholder arrangements of second order and related split loyalties. What should have been one single authority committed to one single goal – to guarantee that the Loveparade would be planned and organized in accordance with legal security provisions – became fragmented into two opposing camps, the division of security and law (*Dezernat II*) – ironically, determined to *ignore* the law – and the *Bauordnungsamt* (*Amt 62*) initially determined to *enforce* the law. Needless to say, the staff of *Dezernat II* had to observe the stipulations of the relevant security regulation just like

the staff of the neighboring division (*Bauordnungsamt*). However, they were directly exposed to the political pressure exerted by their own head of division who made it clear from the very beginning that it was the political will of the city mayor and himself to have the Loveparade performed in Duisburg under any circumstances. So they were probably subjected to what is known as *group think*, a tendency to suppress a deviant opinion under the social and psychological pressure of a peer group (Janis 1982). The staff of *Dezernat II* could not afford to form its own alliance with the staff of the *Bauordnungsamt* due to their own immediate loyalty to their superior and, at least to some extent, their career options.

Split loyalties were also what the staff of the *Bauordnungsamt* was exposed to. On the one hand, these officials remained the true torch bearers of compliance with the relevant security regulation. On the other hand, they too were acting under the strong pressure of the alliance of Loveparade's political promoters urging them not to exaggerate their professional sense of duty (or zeal, as some critics probably thought). They probably also knew that they were running the risk of appearing as the proverbial nay-sayers and that their commitment to law enforcement was likely to be perceived by the outside world as narrow-minded bureaucratic stubbornness at the expenses of an innovative project of modern entertainment and youth culture.

Ultimately, split loyalties and political pressure made the essence of human security negotiable. The rule of law and the public interest amalgamated with the private interest of Lopavent GmbH to an extent that made the "public" and the "private" virtually indistinguishable. The public authority in charge of evaluating and certifying the security concept were corrupted. The corruption did not take place in the classic way of bribing public officials but in the more subtle form of subversion in the disguise of promoting a public event to the benefit not only of more than one million visitors but also of the city of Duisburg. The subversion, among other things, took the shape of the participation of the private firm in internal meetings whose purpose should have been the operationalization of security standards and the measures to enforce them, if necessary against the will of the very event management firm whose representatives at the same time were sitting in one and the same room.

The Loveparade disaster was thus far from unavoidable. Instead, it was the consequence of almost deliberate irresponsibility. What makes the case exemplary for the linkage between hybridity and the role of responsibility

in public administration is that core ingredients of both hybridity and irresponsibility are at display in an almost pure form. In this respect, the Loveparade case comes close to a natural experiment.

The decision makers in charge were not facing a particularly difficult or “wicked” problem. As mentioned above, the structure of the problem as well as the interests and strategies of the key actors were simple and easy to define. Moreover, the nature of the hybridity in question – a classic case of public-private partnership – is as clear and transparent as are the governance mechanisms and logics of action attached to it. Accordingly, the motivations of the actors involved and the respective patterns of justification are easy to define as well. It does not take much sophistication or empathy to understand why the private event management firm wanted to realize the Loveparade project in the city of Duisburg, especially after the failure to do so in the city of Bochum the year before. And, not surprisingly, local and regional politicians across the board were eager to support the project for the sake of enhancing their city’s and region’s prestige and general standing. The rank-and-file officials in charge of evaluating and certifying the security concept had to make sure that the relevant regulation was enforced. All of these actors knew that security was not just an abstract notion but that, in reality, it affected the physical integrity of hundreds of thousands of people.

So everybody knew the stakes involved, everybody knew the security risk zones that presented themselves on the compound envisaged for the final segment of the Loveparade and any key decision-maker knew about the incompatibility of those risks with what the law required in terms of security standards. So why then the series of disastrous decisions that led to a fatal outcome?

The hybrid arrangement of public-private partnership did not translate itself into unmanageable problems; they just implied a particular challenge to leadership performance. Even that challenge was not particularly dramatic; it ultimately came down to a Yes or No question: Whether or not to obey the law that required certain security standards to be met. What made the relevant decision dramatic was the failure of leadership, which consisted in a deliberate diffusion of responsibility – in other words: a diffusion that itself could have and should have been averted but was, in a way, suggested by the hybrid arrangement that shaped the planning and preparation of the Loveparade.

Meeting the legally defined security standards was the responsibility of the private event management firm. What occurred when key decision-makers within the Duisburg city administration adapted to the political pressure to make the Loveparade happen under any circumstances, is that they allowed the responsibility for the fulfilment of the security standards to be shifted to the city administration itself. This, in turn, created not only an inverted incentive structure since it alleviated Lopavent's obligation to deliver a sound security concept according to what the legal stipulations required. At the same time, it burdened the city administration with a task it was neither prepared nor equipped to assume, namely the co-development of a security concept whose main focus was crowd management.

As a consequence, a pattern of path dependency emerged. Precisely because the Duisburg city administration had abandoned the role of an independent public authority whose prime obligation was to declare compliance or non-compliance with security standards clearly laid down in the relevant legal framework and instead had assumed the role of a co-responsible co-organizer of the Loveparade, any exit option became increasingly costly in the course of the protracted process of planning and preparation of the event. While the hybrid arrangement as such certainly had created a permissive environment in which the initial diffusion of responsibility could easily take place, the anticipation of exit costs was a much more powerful and direct counterincentive to reasonable and responsible decision making.

This makes the role of leadership and leadership failure salient, which is at the core of the Loveparade disaster and, again, tightly connected to the phenomenon of hybridity. Obviously, the key public and private actors were not incompetent from a professional point of view. On the contrary, they were experienced and accomplished event managers and public officials. They did not fall prey to what is known as "skilled incompetence" (Argyris 1999) in the sense of the inability to break with professional routines whose skillful application is helpful and efficient under regular circumstances. Rather, the key actors displayed a clear understanding of the non-routine character of the task they had to assume, and they were eager to demonstrate their entrepreneurial capability and willingness to promote unconventional solutions. However, there is good sense in acknowledging that the failure of leadership was a composite of analytical incapacity, ethical insufficiency in the form of a lacking sense of responsibility, and a lack of civil courage.

Those public officials closely cooperating with Lopavent GmbH, despite or because of their obvious readiness to adapt the role of quasi-entrepreneurs as opposed to traditional bureaucrats, lacked, according to all evidence, an appropriate understanding of the pitfalls of the hybrid arrangement they were creating and sustaining. Accordingly, they probably also lacked an appropriate disposition to keep the undesirable effects of the hybrid arrangement under control. They were probably not even aware of those effects. As a matter of fact, no textbook knowledge is available when it comes to the nature and the pitfalls of hybridity in public administration.

The absence of awareness, as far as the pitfalls of the hybrid arrangement were concerned, was probably a contributing factor that explains naïveté in handling the situation; it could have been compensated by a sound sense of responsibility. After all, the stakes were high and sufficiently clear to everybody involved. What is more, the legal stipulations designed to protect the physical integrity of the visitors of a mass event such as the Loveparade were clear and strict. As the minutes of the relevant meetings show, the public officials in charge knew that Lopavent GmbH could guarantee only one third of the legally required evacuation and escape routes. The determination of public officials to deliberately circumvent the law is at the core of their ethical failure and the essence of irresponsible leadership.

3. Conclusion: Responsible leadership in hybrid arrangements, new public value governance, and the limits of pragmatism

The present contribution states that the responsible handling of hybrid arrangements and public administration is particularly challenging but feasible. The challenge is neither the increased structural complexity of hybrids relative to traditional public administration nor further risk factors such as multiple stakeholder arrangements, inconsistent governance mechanisms or fragmented accountability. Rather it is the inherent incentive to ignore these risks even when the stakes are high and risk management is made easy through appropriate regulation.

This is exemplified through an extreme case of leadership failure in a situation shaped by a typical hybrid arrangement of public-private partnership, high stakes of administrative decision-making, and a strict and binding regulatory environment. What makes the case of the Loveparade

disaster extreme (and thus exceptional) and, paradoxically, exemplary at the same time is that it demonstrates the force of hybrid arrangements as a permissive environment for irresponsible leadership behavior despite strong countervailing forces in the form of security issues and crystal-clear legal stipulation. This underlines the general hypothesis that it is not hybridity as such that generates risk zones of blurred responsibility and related administrative failure but the coincidence of hybridity and a lack of awareness combined with a weak or absent sense of responsibility. Keeping the undesirable effects of hybridity in public administration under control is thus an issue of both factual and ethical judgment.

The notion of factual judgment refers to the appropriate grasp of (A) the relevant institutional setting and its basic properties (e.g., the nature of hybridity and its inherent risks) and (B) the nature of the task at hand and the professional standards of handling it (e.g., managing crowds in a public space and related security regulation). This is not an impossible requirement at all since public officials are, in principle, used to it. It was Dwight Waldo (1948) who underlined that mediation and adjustment to contradictory organizational logics is what senior staff members in public administration do on a daily basis, given the necessity to reconcile the spheres of politics and administration. The political sphere is concerned with what is desired and accepted by the public and their elected officials. The administrative sphere is concerned with the technical and professional aspects of a distinct task. Accomplished leaders in public administration are well prepared to handle both. Accordingly, they should not be particularly challenged by the additional plurality, complexity and divergent or contradictory requirements that come with the proliferation of hybrid arrangements in the public realm and the more or less complex tasks attached to them. And that is what is basically illustrated by the above case study. Dealing with the challenges of additional complexity and diversity of hybridity or the technical aspects of a public event was the least difficult problem the key actors planning and preparing the Duisburg Loveparade had to deal with.

By contrast, ethical judgment remains crucial and delicate when it comes to the challenges of hybridity for responsible leadership. Ethical judgment refers to the values shared by public officials. Especially when dealing with additional complexity and diversity, 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 (cf. Moore 2014). Failure to perform this ranking of more or less legitimate incentives and requirements may be just as detri-

mental as is the failure to recognize their variety in the first place. Decision-makers within the Duisburg city administration should have made the physical integrity of ordinary people an absolute value and they should have ranked strict compliance with security regulation higher than prestige-seeking through a spectacular street event organized by a private entertainment company. There is no recipe or routine for this kind of judgment, it is the core ingredient of the very sense of responsibility emphasized already by Carl J. Friedrich (1940) or Max Weber (1988).

The micro-structure of what makes responsible leadership in hybrid arrangements in the public sector particularly challenging is characterized by deviances from the standard organizational behavior and classic decision styles of traditional administration. The features of hybrid arrangements appeal to a sense of innovation and anti-conservatism, non-bureaucratic behavior and civil society involvement in public affairs. The blurriness of organizational structures that comes with the proliferation of hybridity in public administration is thus complemented by an ambivalent psychological appeal to leadership mentality. Under these circumstances, the value basis of responsible leadership should be firm and unambiguous.

At first glance, this normative claim is in line with recent pleas for a “new public value governance” (cf. Bozemann 2007; Bryson et al. 2014; Denhardt/Denhardt 2011; Meynhardt 2009; Moore 2014; West/Davis 2011; Williams/Shearer 2011). Just in the Friedrich and Waldo 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/Hughes 2008; Moore 2013, 2014). Some authors (e.g., Moore 1995, 2014) acknowledge a hierarchy of public values among which, for instance, efficiency, accountability, justness and fairness rank higher than responsiveness or participation. But the general thrust of this strand of literature is the notion of “what is public is ... going far beyond government” (Bryson et al. 2014, 446), “citizens seen as problem-solvers and co-creators actively engaged in creating what is valued by the public and is good for the public” (ibid.) and that “government acts as convener, catalyst, collaborator, sometimes steering, sometimes, rowing, sometimes partnering, sometimes staying out of the way” (ibid.), selecting “from a menu of alternative delivery mechanisms based on pragmatic criteria” (ibid.), which “often means helping build cross-sector collaborations and engaging citizens to achieve agreed objectives” (ibid.). Finally, “no one

sector has a monopoly on public service ethos” (ibid.) so that “maintaining relationships [between the sectors, W.S.] based on shared public values is essential” (ibid.).

So the “new public value” perspective is clearly shaped by a philosophy of value pluralism (cf. Alford/Hughes 2008; Moore 2014) and pragmatism in public administration (Hildebrand 2005, 2008; Miller 2004; Shields 2003, 2008) and the related logic of appropriateness when it comes to public administration decision-making (cf. Hood 1991; March/Olsen 1989; Olsen 2008). There are instances of decision-making in public administration in which, by contrast, a logic of consequentiality is imperative: judgment of public officials based on basic values and a related public service ethos. Circumstances where human lives are at stake and legal provisions designed to protect them are in place are a clear case in point.

The relevant officials of the Duisburg city administration in charge of planning and preparation of the Loveparade event were, instead, driven by a logic of appropriateness and hyper-pragmatism. They soon abandoned their monopoly in defining security standards according to unmistakable legal provisions. They made the physical integrity of people attending a public event negotiable by delegating their exclusive responsibility for the evaluation and certification of security standards to a private firm seeking profit and prestige. 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” (Bryson et al. 2014, 446). They acted as “convener, catalyst, collaborator, sometimes steering, sometimes, rowing, sometimes partnering, sometimes staying out of the way” (ibid.), selecting “from a menu of alternative delivery mechanisms based on pragmatic criteria” (ibid.), which meant “helping build cross-sector collaborations and engaging citizens to achieve agreed objectives” (ibid.). They thus firmly rejected the notion of the public sector having “a monopoly on public service ethos” (ibid.). In other words, they did what the “new public value” school advocates for. As a consequence, those officials were not able and not willing to walk the line between pragmatism and mere opportunism and blame shifting.

So there is good sense in defining hybridity as a permissive environment for misguided pragmatism and irresponsible leadership. Obviously, the praise of pragmatism that characterizes the “new public value” school of thought is the opposite of what could strengthen the even more indispensable sense of responsibility among public officials. Rather than broaden

indiscriminately the value basis of public administration as suggested by the “new public value” school of thought, it is imperative to differentiate between the very basic values of democracy and responsible government and the diversity of second order values that necessarily shape the environment of every public administration. Protecting everybody’s physical integrity, 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.

References

- Akerlof, George A. (1970): The Market for “Lemons”: Quality Uncertainty and the Market Mechanism, *Quarterly Journal of Economics* 84, pp. 488-500.
- Alford, John/Hughes, Owen (2008): Public Value Pragmatism as the Next Phase of Public Management, *American Review of Public Administration* 38, pp.130-148.
- Argyris, Chris (1999): *On Organizational Learning*, Oxford, Malden, MA.
- Bertelli, Anthonoy M./Lynn, Laurence E. (2003): Managerial Responsibility, *Public Administration Review* 63, pp. 259-268.
- Boin, Arjen/t Hart, Paul (2003): Public Leadership in Times of Crisis: Mission Impossible?, *Public Administration Review* 63, pp. 544-553.
- Bozeman, Barry (2007): *Public Values and Public Interest: Counterbalancing Economic Individualism*, Washington DC.
- Bryson, John M./Crosby, Barbara C./Bloomberg, Laura (2014): Public Value Governance: Moving Beyond Traditional Public Administration and the New Public Management, *Public Administration Review* 74, pp. 445-456.
- Denhardt, Janet V./Denhardt, Robert B. (2011): *The New Public Service: Serving, Not Steering*, 3rd edition, Armonk, NY.
- Denis, Jean-Louis/Ferlie, Ewan/van Gestel, Nicolette (2015): Understanding Hybridity in Public Organizations, *Public Administration* 93, pp. 273-289.
- Fairholm, Matthew R. (2004): Different Perspectives on the Practice of Leadership, *Public Administration Review* 64, pp. 577-590.
- Friedrich, Carl J. (1937): *Constitutional Government and Politics*, New York, London.
- Friedrich, Carl J. (1940): Public Policy and the Nature of Administrative Responsibility, in: Friedrich, Carl J./Mason, Edward S. (Eds.): *Public Policy*, Cambridge, MA, pp. 3-24.
- Gerring, John/Seawright, Jason (2007): Techniques for Choosing Cases, in: Gerring, John (Ed.): *Case Study Research: Principles and Practises*, New York, Cambridge, pp. 86-150.
- Grossman, Sanford/Hart, Oliver (1983): An Analysis of the Principal-Agent Problem, *Econometrica* 51, pp. 7-45.

- ‘t Hart, Paul (2014): *Understanding Public Leadership*, London.
- Hildebrand, David L. (2005): Pragmatism, Neopragmatism and Public Administration, *Administration & Society* 37, pp. 360-374.
- Hildebrand, David L. (2008): Public Administration as Pragmatic, Democratic and Objective, *Public Administration Review* 68, pp. 222-229.
- Holmström, Bengt (1979): Moral Hazard and Observability, *Bell Journal of Economics* 10, pp. 74-91.
- Hood, Christopher (1991): A Public Management for All Seasons?, *Public Administration* 69, pp. 3-19.
- Janis, Irving L. (1982): *Group Think. Psychological Studies of Political Decisions and Fiascoes*, 2nd edition, Boston, MA.
- March, James G./Olsen, Johan P. (1989): *Rediscovering Institutions: The Organizational Basis of Politics*, New York.
- Meynhardt, Timo (2009): Public Value Inside: What is Public Value, *International Journal of Public Administration* 32, pp. 192-219.
- Miller, Hugh T. (2004): Why Old Pragmatism Needs an Upgrade, *Administration & Society* 36, pp. 234-249.
- Moore, Mark H. (1995): *Creating Public Value. Strategic Management in Government*, Cambridge, MA.
- Moore, Mark H. (2013): *Recognizing Public Value*, Cambridge, MA.
- Moore, Mark H. (2014): Public Value Accounting: Establishing the Philosophical Basis, *Public Administration Review* 74, pp. 465-477.
- Olsen, Johan P. (2008): The Logic of Appropriateness, in: Goodin, Robert E./Moran, Michael/Rein, Martin (Eds.): *The Oxford Handbook of Public Policy*, Oxford, pp. 690-704.
- Plant, Jeremy F. (2011): C. J. Friedrich on Responsibility and Authority, *Public Administration Review* 5 (3), pp. 471-482.
- Seibel, Wolfgang (2015a): Studying Hybrids: Sectors and Mechanisms, *Organization Studies* 36, pp. 697-712.
- Seibel, Wolfgang (2015b): Welfare Mixes and Hybridity: Analytical and Managerial Implication, *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 26, pp. 1759-1768.
- Selznick, Philip (1957): *Leadership in Administration. A Sociological Interpretation*, New York et al.
- Shields, Patricia M. (2003): The Community of Inquiry: Classical Pragmatism and Public Administration, *Administration & Society* 35, pp. 510-538.
- Shields, Patricia M. (2008): Rediscovering the Taproot: Is Classical Pragmatism the Route to Renew Public Administration?, *Public Administration Review* 68, pp. 205-221.
- Van Wart, Montgomery (2003): Public Leadership Theory: An Assessment, *Public Administration Review* 63, pp. 214-228.
- Waldo, Dwight (1948): *The Administrative State. A Study of the Political Theory of American Public Administration*, New York.

- Weber, Max (1988): Politik als Beruf [1919], in: Weber, Max: *Gesammelte Politische Schriften*, ed. by Johannes Winckelmann, 5th edition, Tübingen, pp. 505-560.
- West, Karen/Davis, Paul (2011): What Is the Public Value of Government Action? Towards a (New) Pragmatic Approach to Values Questions in Public Endeavours, *Public Administration* 89, pp. 226-241.
- Williams, Iestyn/Shearer, Heather (2011): Appraising Public Value: Past, Present and Futures, *Public Administration* 89, pp. 1367-1384.
- Wilson, Woodrow (1887): The Study of Administration, *Political Science Quarterly* 2, pp. 197-222.

Cited Documents

- [1] Letter Thomas Mahlberg MdB, 9 February 2009, *Brief an den Innenminister Dr. Ingo Wolf von Thomas Mahlberg MdB*, Internet: <http://www.cduduisburg.de/index.jsp?index=presseandmid=20andcontent=jaandid=147>, [last access: 11 March 2015].
- [2] Minutes, meeting of 25 September 2010, *Niederschrift über ein Gespräch zum Thema Loveparade 2010 in Duisburg*, Internet: <http://file.wikileaks.org/file/loveparade2010/loveparade-2010-anlage-03-protokoll-25-09-09.pdf>, [last access: 25 June 2016].
- [3] Minutes, meeting of 2 October 2009, *Ergebnisniederschrift zur Besprechung Loveparade 2010*, Internet: <http://file.wikileaks.org/file/loveparade2010/loveparade-2010-anlage-04-protokoll-02-10-09.pdf> [last access: 25 June 2016].
- [4] Presentation Lopavent, 29 October 2009, *Loveparade 2010 in Duisburg – Präsentation Lopavent*, Internet: <https://www.duisburg.de/ratsinformationssystem/bi/getfile.php?id=1458557andtype=do> [last access: 11 March 2015].
- [5] Minutes, meeting of 2 March 2010, *Niederschrift über ein verwaltungsinternes Gespräch*, Internet: <http://file.wikileaks.org/file/loveparade2010/loveparade-2010-anlage-20-protokoll-02-03-10.pdf> [last access: 25 June 2016].
- [6] Letter Bauordnungsamt, City of Duisburg, to Lopavent, 14 June 2010, *Eingangsbestätigung – Nachforderung fehlender Unterlagen von der Unteren Baubehörde*, Internet: <http://file.wikileaks.org/file/loveparade2010/loveparade-2010-anlage-24-nachforderung-fehlende-unterlagen-14-06-10.pdf> [last access: 25 June 2016].
- [7] Minutes, meeting of 18 June 2010, *Protokoll eines Gesprächs bei Lopavent*, Internet: <http://file.wikileaks.org/file/loveparade2010/loveparade-2010-anlage-25-aktenvermerk-und-ablehnung-dressler-18-06-10.pdf>, [last access: 25 June 2016].
- [8] Note for the files, meeting of 25 June 2010, *Aktenvermerk über ein Gespräch bei Lopavent des Bauamtes*, Internet: <http://file.wikileaks.org/file/loveparade2010/loveparade-2010-anlage-26-aktenvermerk-abnahme-sv-25-06-10.pdf> [last access: 25 June 2016].
- [9] Note for the files, 12 July 2010, Aktenvermerk, *Bewertung des Zu- und Abwegekonzpts durch Prof. Schreckenber*, Internet: <https://www.duisburg.de/ratsinformationssystem/bi/getfile.php?id=1458579andtype=doXIV> [last access: 25 June 2016].

- [10] Expert report, 13 July 2010, *Entfluchtungsanalyse zur Loveparade 2010 der Firma TraffGo HT GmbH*, Internet: <https://www.duisburg.de/ratsinformationssystem/bi/getfile.php?id=1458601andtype=do> [last access: 25 June 2016].
- [11] Expert report, 16 July 2010, *Stellungnahme zur Entfluchtungsanalyse durch Prof. Schreckenberg*, Internet: <https://www.duisburg.de/ratsinformationssystem/bi/getfile.php?id=1458602andtype=do> [last access: 25 June 2016].
- [12] Permission, dated 21 July 2010, issued 23 July 2010, *Loveparade 2010 Anlage 34 Genehmigung der Bauaufsicht mit Abweichungsgenehmigungen*, Internet: <https://file.wikileaks.org/file/loveparade2010/loveparade-2010-anlage-34-genehmigung-bauaufsicht-21-07-10.pdf> [last access: 27 August 2015].