5. Political philosophy and public governance: the quest for justification in ‘common good’ and in ‘social contract’ arguments and their significance for the debate on the organisation of the public sector

INTRODUCTION

Following up on the previous chapter centred on issues of ontology, this chapter turns to explore political philosophical issues. We focus the issue of the legitimacy of public governance, which we consider to be a theme of central significance – a perennial issue, and yet possibly nowadays even further accentuated by the multiple ‘crises of legitimacy’ affecting various jurisdictions and redefining the relation between (public) administrators and those who are administered – and one distinctively philosophical (leaving to other books, by other authors, to explore other entry points for bridging political philosophy and PA – amongst these: the topic of comparative political regimes and PA, first introduced by Aristotle, the notion of regime change, whose initial conception may be ascribed to Polybius, and the relevance for PA of the political thought of key philosophers like Christian Wolff – see Chapter 2 – and Georg Hegel – Chapter 3).

This chapter then tackles the key question of ‘justification’ – that is, what grounds the legitimacy of a political system? – to then delve into how political philosophical thought may shed light on a number of contemporary debates in public governance and management about how the public sector and public services ‘ought to’ be organised.

The puzzle of ‘justification’ – what justifies a political order and makes it ‘just’ – is a very old issue in philosophy and poses formidable questions to whichever set of doctrines is proposed to change PA (which is not the entirety of a political system, but an important part of it). Justification, roughly speaking, is concerned with ‘giving reasons to value something’, notably to value
Legitimacy is concerned with gaining the consent of the members on the very foundations of the polity under consideration, with being able to command loyalty to the political system from its participants. It is, in sum, one of the key public governance questions.

These are hugely problematic issues that have engaged political philosophers (and statesmen, and lawyers) over millennia. One additional problematic issue regards the specific meaning of the legitimacy of PA within the broader question of the legitimacy of the political system. On the one hand, legitimacy may be claimed to pertain to the political system as such, rather than to PA – PA as the organisation and processes of the public sector is to be seen as just a part or component of the broader political system. However, even going down this path of a narrower view of PA (an alternative and broader view is to conceive of PA to encompass more widely public governance systems and arenas), it may be argued that the functioning of the public sector and the reforms of it (administrative reforms, public management reforms, sectoral reforms) may have a distinct impact on the legitimacy of the political system: if reforms are attempts to ‘make the public sector in some sense work better’ (Pollitt and Bouckaert, 2004, p. 16), then it may be queried what ultimately ‘better’ means, which entails having a notion of what is ‘good’, and hence what are the implications of a ‘reformed public sector’ – and more broadly of reformed public governance – for the legitimacy of the overall political system. On the other hand, the legitimacy of PA in itself is a question in point: is legitimacy of PA derived from its subordinate status to politics (PA as subjected to political domination, as in a Weberian conception of bureaucracy, whose influence lingers well into our days and still retains a prominent position; see Rosser, 2018)? Is that the only criterion of legitimacy? Or should (highly problematic) concepts like that of public interest be evoked, as Herring (1936) does, and legitimacy of administrative action be derived from the fulfilment of the public interest and the effecting of public values (Bozeman, 2007; van Wart, 1998)?

Legitimacy is a central yet highly elusive concept for PA: Waldo makes the case that legitimacy is a historically contextualised state of administrative thinking and practice (Waldo, 1948/1984, 1971; for a highly valuable commentary, see Jordan, 2006). Albeit slippery to be defined, legitimacy is widely dealt with empirically by political scientists and public administrationists. At roughly the time the first edition of this book went to press, the American Society for Public Administration (ASPA) and the European Group for Public Administration (EGPA) dedicated the twelfth edition of the ‘Transatlantic Dialogue’ conference series to the theme of legitimacy. Determinants of legitimacy may be searched in such categories as ‘satisfaction’ by users of public services (van de Walle, 2018); trust (van de Walle and Bouckaert, 2003); performance, variously intended (Bouckaert and Hallighan, 2003; Rainey,
2003; van Ryzin, 2013; van Dooren et al., 2015); citizen engagement; equity in access to public services (Rutgers, 2008a); and social equality (for example, across generations with regard to who bears the costs of environmental protection, or in encounters with the state, Epp et al., 2014) – amongst others.

In this chapter, consistently with the general thrust of the book, we provide the reader with some, necessarily mostly introductory, examinations of the underlying philosophical grounding of legitimacy, that is, the political–philosophical issue of the quest for ‘justification’ (Bird, 2006) to then discuss applications to the issue of the legitimacy of PA within the broader political system. In the remainder of this chapter we outline a number of approaches to justification of a political system. Such approaches to justification can be grouped as follows: common good arguments, social contract arguments, the liberal proposal worked out by Rawls, and person-centred arguments (derived from the philosophical strand of personalism, see Chapter 3). We then make an attempt to tackle one, big question: how can legitimacy arguments found a theory of PA, or at least what linkages may tentatively be drawn between PA theories and underlying philosophical rationales for justification of the broader political system? And how can political–philosophical approaches to justification be employed to reckon doctrines about how the public sector should be organised and reformed? We confine our effort to an attempt to sketch some elements that may pave the way for continued, more systematic reflection and research on this major, but yet so far mostly overlooked, theme.

‘COMMON GOOD’ ARGUMENTS: PLATO’S CONCEPTION

One way of tackling the issue of justification is that of establishing whether the political order and public governance in a given jurisdiction advances the ‘common good’. The issue of the common good is a topic debated at least since the great philosopher Plato (see Chapter 2). A key issue discussed in his renowned work, The Republic, is the link existing between the ‘common’ and the ‘individual’ good. The history of the inquiry into the nature of the common good is the story of various efforts to confront and answer questions into the link between justice (in the sense of a just society) and considerations about the interests, happiness, well-being and overall enhancement of the lives of the people belonging to a community:

common-good arguments … form a very broad church and have come in many shapes and sizes. Despite these many differences, however, they share a distinguishing feature. They all assume that the value of political arrangements and forms of collective organization, along with the beliefs about justice and other ethical ideals that hold them in place, must ultimately be explained in terms of their contribution to the well-being and happiness of everyone living within them … in the words of
Plato ‘to determine which whole way of life would make living most worthwhile for each of us’ (1992 translation, p. 21). (Bird, 2006, p. 33, emphasis added)

In the remainder of this section it is discussed to some length the history of this important idea and how related key questions have been addressed, such as: how do we determine whether the life of someone else is enhanced in some relevant sense (which is the problem of the (in)commensurability of the well-being for different persons)? Compared to what? And how do we ensure that everyone’s interests are taken impartially into consideration? Like for most other fields of philosophy, the enduring merit of Plato is that of having asked the crucial questions – if not all of them, most of them. The first big question concerns the relation between the public and the private life. Nowadays, we are probably more accustomed – at least in Western societies – to separate the two: this is generally stated with sentences by and large formulated in such ways like: ‘in a liberal democratic society everybody has the right to live her or his own life, and none should prevent it, even if it is evident that somebody is making a mistake that would eventually harm her/him’. It is the idea that private life is an inner space separated (and protected) from somebody else’s influence, and notably from state’s influence. This might be called democratic justice, justice according to principles of liberal democracy that protect the individuals from external interferences. But the counter argument can be formulated as follows: ‘If I wrecked my life, what consolation is it that I did it “my way”? Doesn’t being implicated in our own failures only make our hells more hellish?’ (Bird, 2006, p. 38).

It is following this line of reasoning that Plato made the famous (some say infamous) argument that just selves and just societies are interlinked: that if a just society is one in which everyone lives well, then justice must have the property of enhancing the lives of all those who live it: justice – what justifies a political order and makes it just – is such that it enhances the lives of those that are socialised into it. It derives from this that such kind of justice would command the rational approval, hence the loyalty, of all those who belong to a political system informed by such kind of justice. But in order to realise such kind of justice, the inner world of the self and the outer public world cannot be separated, and justice becomes something that the individual possesses, not just a property of the political order. Connecting the self and the outer world entails that somebody – namely, for Plato, the philosopher – knows what is good for the self: an argument that attracted the darts of critics like Popper, who saw in Plato the theoriser of the totalitarian state – as well as the critique of ‘paternalism’ directed at Plato’s notion of common good (Popper contended that any society in which a superior – hence ultimately unchecked – authority imposes criteria of what is good for the entirety of the people will ultimately end up closing itself to the possibility of learning, adapting and remedial
action; he also argued that there is only one ‘open society’ which is formed by the interconnection of all the jurisdictions in the world which uphold this liberal, open-ended view of how to organise the political system, see Popper, 1963).

Plato indeed went down that route, and advanced a theory of the tripartite psyche (which is a way of addressing the second big question: in order to know what a just society is for us, we need to know who we are): each human being is for Plato endowed with three basic capacities and forms of action to which correspond three basic types of interests. At the first level there is the capacity to experience pleasure and pain, to which is associated the natural inclination to seek the former and avoid the latter – a first set of interests thus corresponds to this capacity, namely the satisfaction of certain physical needs and the removal of pain. At a second level, there is the capacity to throw yourself into projects – a second set of interests thus lies in recognition and appreciation by the others of our character, efforts and activities. At a third level, there is the capacity for intellectual curiosity, for investigating the world – a third set of interests thus lies in achieving knowledge and understanding.

This categorisation may well be challenged by more recent psychological theories about human needs (Maslow’s hierarchy of needs is a famous one and widely resorted to in management and public management studies; Maslow, 1943), but the basic philosophical argument made by Plato transcends the specific psychological model of the human being adopted. The argument is that for mobilising the capacities and being successful in promoting the well-being two requirements must be met. First, at the individual level all these capacities must be properly enacted and guided: this is a sort of politics of the self that requires reason (better in capital: Reason) to be in control of ourselves – it is virtuous behaviour that is required (Aristotle further developed this line of inquiry elaborating a full-fledged philosophy of virtues in Nicomachean Ethics). Second, Plato recognises the principle of social dependence: we all depend on each other for self-realisation, and yet the talents and skills for building a just society are not – for Plato – evenly distributed across the population (and this is the third big question that Plato set for the centuries to be discussed: to what extent are we ‘equal’ whilst being differently talented?). Thus, in order for a society to enhance the lives of all its members, given our interdependence, what is needed is that the political order reflects and incorporates into its very configuration the knowledge of what is good for the self: philosophical knowledge must shape the political order.

In order to achieve this goal, Plato drew a conclusion that has left the posterity perplexed: the suggestion that only intellectually gifted individuals should hold positions of political power. This is a disconcerting claim, and many would counter that intellectuals have not proven to be more capable than others in running the state and wielding political power in ways that have advanced...
the good for all. As we hinted at earlier, the very idea of concentrating too much power over individuals may also be challenged – trusting the state or public officials to impart how to live may be a terrible idea (the liberal critique). Equally, it may be argued that trying to prevent somebody from making a mistake is itself a bad idea, because, as the popular adage also suggests, making mistakes may at times be the only way to learn and improve (and by the way this may well apply to philosophers as well, who should allegedly be on the transmitting side of knowledge: when is a philosopher so ‘intellectually mature’ to be trusted to make judgements that advance the good of all?)

These critiques touch the crucial point of the liberty of the individual and the equality in rights and duties even if we are differently talented. However, focusing only on these issues may lead to formulating critiques quite conventional for the sensitivity of our epoch and ultimately to lose sight of the depth of the argument wrought out by Plato. Plato’s argument is not so much about the subjection of individuals to a superior enlightened power (this could be Plato’s riposte to the famous accusations made by Popper), rather it is about the key issue that individuals are socially dependent and about the profound sense in which just individuals and a just society are interlinked:

[O]n Plato’s account, then, being ruled by reason and wisdom is not necessarily the same as being ruled by one’s own rational judgements. Rather, in many cases it requires a settled disposition to defer to the rational judgements of better-qualified others. So, even as it enhances the quality of individuals’ lives by inducing the required psychological dispositions, being properly ruled by reason is for Plato an inherently social achievement … individuals are socially dependent in a strong sense. The achievement of their well-being depends crucially on the pattern of social forms surrounding them and the terms in which they are encouraged to participate in them. Properly understood, justice describes the conditions under which the terms on which individuals are encouraged to participate will tend to promote, rather than hinder, everyone’s well-being. It is in this sense a common good.3 (Bird, 2006, pp. 42–43)

If we search for an example of the significance of this conception that heavily involves the way in which public services work, we may think of education: the future life of a child is crucially dependent on the rational judgement of better qualified others – parents and school teachers working jointly for the enhancement of the life of an adult-to-be. A child may well have the right to ‘live life in her/his own way’, and may well need to ‘learn from one’s own mistakes’, but the outcomes of living void of the guidance and care of qualified adults may be tragic: a child is socially dependent in the strongest sense on others for her/his future life to be a full, accomplished one.

This is an inherently perfectionist research agenda, which assumes ‘that Plato’s ideal of a well-lived life is the ultimate end for the sake of which social and political arrangements exist and relative to which they ought to be evalu-
ated’ (Bird, 2006, p. 44), and that there is ultimately one human nature – the ‘essence’ of all human beings – possessing certain basic traits whose knowledge can be achieved, and the acquisition of such knowledge is a requirement for designing a better society where everyone can thrive.

Finally, it should be noted that other interpretations of Plato’s thought emphasised the importance of treating Plato’s claim about philosophers ruling society not so much in its literal sense (it is doubtful that Plato really considered its claim to be easy if at all possible to implement), but rather as a heuristic: a tool for critiquing extant governance arrangements by using as comparator the ‘ideal’ system of public governance if the philosophers were in the ruling posts. In this sense, The Republic is interpreted as a utopia (we revisit this interpretation of Plato’s work in a subsequent chapter when discussing utopian thinking taking the move from Thomas More’s Utopia).

UTILITARIANISM AS A VARIANT OF COMMON GOOD ARGUMENTS

Common good arguments rooted in the Platonic tradition have been critiqued on the ground they are based on ‘paternalistic’ considerations, whereby somebody who is allegedly ‘wise’ somehow determines what is ‘just society’ and ‘just political order’. It is also as a reaction to this paternalistic element that it is possible to see a set of common good arguments rooted in a distinct (and distant) stream of thought: utilitarianism. In a utilitarian perspective, ‘actions and practices are said to have “utility” to the extent that they bring about overall happiness, and “disutility” to the extent that they produce overall suffering’ (Bird, 2006, p. 47). The basic idea in this approach is that if the effects of some policy or institution on the utilities of the individuals who stand to be affected by it can be calculated, then some form of ‘aggregate utility’ can also be derived, and this aggregate utility can be used as a measure of the common good – but in this perspective rather than evoking philosophers’ wisdom, the assessment of what is good is made, literally, ‘on an individual basis’, leaving it to each individual to determine what is good for him/her.

It should immediately be pointed out that utilitarianism is not an advocacy of the selfish pursuit of one’s own interest, but is universalist in thrust – it aims to provide a criterion for designing any good society and its political institutions; it is a political philosophy for the betterment of political systems which takes the individual utility as its methodological point of departure, but its aim is providing concepts for reforming public institutions for the betterment of the lives of all its members, and in this sense it belongs to the common good family of theories.

The notion of utilitarianism is associated with the works of Jeremy Bentham, James Mill and John Stuart Mill, great social reformers in 18th- and
19th-century England. Bentham is credited to have minted the notion of ‘utilitarianism’, although the phrase ‘the greatest happiness principle’ was probably not his coin. Bentham was also highly concerned with prison reform, and he is (in)famous for having invented the *panopticon* (a word from the ancient Greek roughly meaning: ‘all visible’): a design of prisons whereby a warden can see every cell every moment. The rationale for the panopticon is that being potentially under the gaze of the authorities at every single moment acts (critics say: forces) to redress wrong behaviours, earn early release and ultimately inculcate appropriate behaviours. Whether pervasive social control is ‘appropriate’ and ‘just’ means to this end has been subject of debate ever since (CCTV controls, which are nowadays widespread especially in urban areas, are claimed to perform a similar function; technological developments like facial recognition and the possibility to collect and analyse massive amounts of personal data make the formulation of the problem of the panopticon of great actuality).

James Mill put centre stage the pursuit of one’s own interest by individuals in social analysis: ‘Like Bentham, he began with the simple thought that all of us naturally attempt to pursue our own interest’, which poses a problem for good government since ‘any group of persons with the power to do good with such means [that is, public powers] has the power to do harm. The central problem of government is to reconcile the interests of the public with the interests of those who hold power’ (Ryan, 2012, p. 697). Bentham and James Mill made a number of contributions, influential not just on English liberalism but also on the disciplines of politics and economics alike. By introducing the idea of ‘maximisation of utility’ they put the bases for the systematic treatment by economists of the notion of utility, a task carried out in innumerable studies (and still counting) over the subsequent two centuries. By putting the pursuit of happiness in political thought centre stage, they revisited from a new angle the old issue uncovered by Plato: the problematic relationship between happiness and freedom. If maximisation of happiness is the goal, then what is left of liberty? This was the ground on which Jeremy Bentham refuted the criticisms to the panopticon: reducing individual liberty is not an issue if it leads to increased happiness because liberty is ultimately instrumental to happiness, and hence liberty can be given up if the prize is increasing happiness and avoiding misery. Can there be serious political dissent amongst citizens of a political community if all can be reduced to its lowest common denominator of maximising everybody’s utility?

Before we examine further these crucial issues, we must turn to the third protagonist: John Stuart Mill. His father James was a dedicated yet severe mentor to John: at the age of three, John had already been introduced to the literacy of ancient Greek, at the age of six it was the turn of Latin. Not unexpectedly, John grew up well equipped to deploy reason for the betterment of life, but distraught in terms of how to balance the relationship of well-being
with liberty, autonomy, vitality, human dignity. John advocated a broader notion of utility and investigated the manifold and complex relations between people’s character and its political institutions, suggesting fitness between the two may be more important than abstract rational design: he was one of the first to hail Alexis de Tocqueville’s *Democracy in America* as a work of genius, and to realise how different institutions (and American institutions were very different from those of Victorian England) may fit the purpose of enhancing justice. The ‘national character’ becomes a vague but important factor weighed in by Mill, who picked from Hegel the distinction between the ethical rules a society actually follows and the rules it ought to follow, called ‘critical morality’. The ethical rules actually followed form an important part of the national character to be taken into account in designing institutions. But the most relevant part is the answer to the ‘ought to’ question: according to authors like Ryan, ‘[T]he essence of Mill’s utilitarianism was the claim that the true critical morality is the rules that would maximise human well-being if we all followed them’ (Ryan, 2012, pp. 708–9). This is a ‘thick’ version of utilitarianism: utility here is not confined to the merely useful in the ordinary sense; rather it also encompasses the noble, the just, the beautiful, the right. It is the combination of all these that forms what Mill refers to as utility – which is to say that for John Stuart Mill utility explains the right, the beautiful, the just, the noble. This assertion might be heavily criticised (such was and is the case), but the idea Mill wanted to put forward is that what the right, the beautiful, the just, the noble have in common is that they positively contribute to happiness, and for Mill utility is made by all those things and courses of behaviour that lead to enhancing happiness.

Within this frame, institutions cannot do much to enhance our lives. What they can do is providing individuals with resources (education, security, and the like) that may enable the pursuit of happiness; in the words of Ryan (2012, p. 719), ‘[W]e cannot become freethinking, imaginative, bold, and interesting on order or under tutelage’. This is a task for each individual to pursue over her/his life, and the state cannot prevent self-harm, in the forms of living a wretched life or simply an inadequate life for lack of commitment to our own self-promotion, although institutions perform the important function of sheltering our individual pursuit of these ends from the others harming us or impeding us to thrive. Mill assigns the state and the political system a much less ambitious task than Plato or Aristotle did: a more negative, limited conception of the state pre-empting potential harm done by others on the individual; a conception to which we are nowadays accustomed to think of in terms of the ‘liberal’ state.

Mill adopted a broader notion of utility than other forms of utilitarianism, often more concentrated on pleasure and pain, considered as more amenable to measurement (but is it so?). ‘Hedonistic’ variants of utilitarianism, in fact,
tend to boil down to summation of pleasures and subtraction of pains in an attempt to gauge the effect that given interventions – the delivery of policy provisions and public services – may have on individuals’ lives. However, it is questionable whether we can measure either pleasure or pain, and whether these two are commensurable and hence can be added (algebraically: summed or subtracted) in an equation conducive to the calculation of the utility of an individual. In attempts to overcome these apparently insurmountable hurdles, political philosophers like Singer have wrought out an alternative approach: to understand utility in terms of desire-fulfilment or preference-satisfaction (Singer, 1993). On this perspective, an individual is better off to the extent that her/his preferences or desires are satisfied. The advantage of this approach lies in that desires – differently from mental states like pleasure or pain which require fathoming into somebody’s mind – may be made explicit and are measured in terms of ‘satisfaction’ or ‘dissatisfaction’, measurements that nowadays abound through widespread instruments like ‘satisfaction questionnaires’ as widely used in public services as they are in private ones. Sophisticated models have grown in this area, combining observation of attitudes as well as behaviours, factoring in expectations (expectancy–disconfirmation models, e.g. van Ryzin, 2013) and other factors. Such models have accrued to a very significant body of knowledge in terms of measurement tools for detecting the satisfaction of consumers of public services as well as in terms of analysis of mechanisms potentially conducive to increased satisfaction (for an excellent review, see van de Walle, 2018).

However, two key conceptual problems remain. The first one is whether levels of human ‘fulfilment’ can be measured at all and compared with each other in order to be able to somehow rank them. Ultimately, the issue seems to be boiled down to a dichotomy: either utility is somehow amenable to measurement and can somehow be ‘scored’, or it becomes ultimately impossible to use it as criterion for gauging the effects of political institutions and administrative arrangements on the promotion of well-being, and hence as justification for a political order and its administration, and as a criterion for the design of the reforms of it. In fact, designed reforms must have the property of being at least potentially capable of bringing about a state of affairs that is ‘better’ than the extant one: but how to reckon the betterment if the bottom line – utility – cannot be measured for comparative purposes?

One ingenious way to at least partly deal with this issue is the criterion, contrived by the Italian engineer and economist Vilfredo Pareto, named ‘Pareto-efficiency’ or ‘Pareto-optimality’. It indicates an(y) allocation of resources whereby it is not possible to make any individual of the system better off without making at least one other individual worse off. Different formulations of the criterion have been worked out, but the key underlying idea in this approach is that ‘utility’ of different individuals do not get aggre-
gated: the criterion of Pareto efficiency enables to judge optimality without resorting to additions and subtractions of utilities of different individuals, which may be treated as incommensurable. The utilisation of the criterion of Pareto efficiency may be seen as one way for attempting to overcome the difficulties, inherent in the utilitarian perspective, of appraising aggregate utility. However, one critique to the criterion of Pareto efficiency came from 1998 Nobel Prize winner Amartya Sen, who aimed at demonstrating that under plausible conditions, a system reaching Pareto efficiency may produce inequitable allocation of resources.

The second conceptual problem, however, still stands, basically in the terms set out by Plato and Aristotle: at another and more fundamental level ‘satisfaction of expectations’ is not synonymous with ‘well-being’ and ‘fulfilment’ of one’s life – bringing us in a sense ‘back to square one’ in terms of the fundamental limitations of utilitarian approaches. The problem lies in the extent to which ‘satisfaction’ may be likened to ‘well-being’, what the ancient Greek philosophers referred to as eudaimonia (fulfilment, living a full life) – a notion that may be deemed to mean much more than happiness in the sense of an aggregate of states of satisfaction.

But what if the idea of rooting in ‘justice’ and ‘the common good’ the justification of a political system is abandoned altogether, possibly because it is deemed impossible to attain, and perhaps even dangerous? Why not leave the floor to the individual in deciding what justifies a political regime (rather than the philosopher speechifying about the common good or the economist–mathematician calculating utility levels)? This is, boiled down to its very gist, the logic of contractarian perspectives to justification.

SOCIAL CONTRACT PERSPECTIVES

A range of major philosophers, including Thomas Hobbes, John Locke and Jean Jacques Rousseau, fall in the opposite camp to the one of ‘common good arguments’ – the camp of those who tend to reject the assumption that ‘justice’ and the pursuit of the common good may provide justification of the political order, and seek the foundation of political institutions in some form of agreement, consent and choice by the constituents of the political community: the ‘social contract’.

The ‘contract’ in this perspective is purely hypothetical, not historical, and the situation in which individuals interact before the state is instituted is called by these authors ‘state of nature’. In the state of nature, individuals are prone to harm themselves. In this perspective, therefore, the state as political institution is in the first instance the product of a certain kind of voluntary agreement amongst the individuals who submit to its authority, and the state comes to be conceived primarily as a mechanism of dispute resolution, to bring order
and ensure peaceful co-existence amongst individuals (each individual should willingly submit for the authority of the state to be founded, according to Rousseau who introduced in this line of argumentation the notion of ‘general will’).

Although some authors like Hobbes seem to argue that the state’s authority is unlimited, for other key authors state’s authority is conditional. Kant introduced the key idea that the question should be asked ‘could a rational person have contracted into a system that allowed a state to do this?’, and when the answer was negative, the authority of the state would end.5

Authors in this strand formulate the argument in bleaker terms than Kant as the option between the lesser of two evils: the State is the Leviathan, an almost almighty presence intruding into individuals’ lives, yet the establishment of the state is condition for overcoming a ‘state of nature’ of perennial violence amongst individuals, which is even worse (this position is famously associated with the philosopher Hobbes, see Chapter 2). It should further be noted that for important authors in this stream the notion of ‘natural rights’ provides the underpinnings for both setting some limits to state action that cannot be overcome (the state cannot infringe natural rights), and for guiding state action (the state should safeguard and promote natural rights).

The gist of social contract arguments is that the state and public institutions are ultimately founded not on knowledge of what our ‘real interests’ and ‘real well-being’ are (a kind of knowledge which, authors in this stream stress, is hard and probably outright impossible to attain), but rather on our will, in a deliberate (albeit hypothetical rather than historical) choice to surrender to the authority of the state in order to preserve certain conditions for our individual lives – primarily safety and security. It is a choice between these (gloomy) alternatives that grounds the legitimacy of the state: the absence of the state is deemed to bring about a much bleaker state of affairs than it is for individuals to enter the social contract and accept state authority.

What implications can be drawn for the field of PA, and what strands in PA thinking are grounded in social contractual arguments? Early philosophers in this strand were more concerned with the fundamental relations between the individual and the state, and the justification of the very existence of the state, than with the everyday interactions between the state administrative apparatus and its citizens. However, such interactions are nowadays a major focus of analysis, and several studies track the implications for the legitimacy of political institutions of everyday encounters with PA by different sections and groups within the political system. As an example, Epp et al. (2014) have investigated the differences between perceptions of stops by police in the black and the white communities in the US and argue that different frequency and modalities of execution of such stops may engender a sense of distrust in polit-
political institution and ultimately rejection of their legitimacy, notably in certain age groups of the black population.

It is only more recently that political philosophers, notably John Rawls, have employed social contract arguments, especially those trailblazed by Rousseau, to develop an agenda to advance social equity that has been picked up by leading PA scholars like Frederickson for its specific implications for the field of PA – a theme which we develop in the next section.

The pendulum between common good arguments and social contract arguments is of course always swinging, and a range of criticisms have been moved to the contractualist approach too. As it has been argued, ‘the contractualist attempt to justify political institutions and arrangements without a systematic account of conditions of human flourishing [i.e. abstracting from any conception of well-being] are doomed to fail’ (Bird, 2006, p. 96), a line of reasoning which brings us full circle back to common good arguments. Are there alternatives to these two poles? Or should perhaps they be combined in some novel, creative form for providing an agenda for advancing justification and legitimacy of political institutions and PA? It is to attempts to tackle these questions that we now turn.

**RAWLS**

In his seminal work *A Theory of Justice* (1971), John Rawls makes a major attempt to revisit Rousseau’s thought and combine a foundation of society, political institutions and governance in a social contract perspective with the setting of conditions enabling the flourishing of human well-being, at least in the sense of the achievement of what he called ‘social primary goods’: rights, liberties and opportunities, income and wealth, and the social bases of self-respect. Rawls rejects any utilitarian perspective and focuses on ‘fairness’. Rawls’s theory – although centred on the political system as a whole and not directly concerned with PA – has major implications for any debate on the ultimate justification of public administration and public governance.

Rawls conceives of the social contract as a hypothetical meeting – a thought experiment – in which members define the ‘foundation charter’ of their society, to which Rawls referred to as ‘the original position’. Rawls intended the original position as ‘a voluntary scheme, for it meets the principles which free and equal persons would assent to under circumstances that are fair’ (Rawls, 1971/1999, p. 12).

Being an imaginary and hypothetical thought experiment, its design is within our control (Bird, 2006, p. 90). Rawls worked tirelessly over three decades to elaborate the conditions under which a societal and political system makes available to its citizens the social primary goods (Rawls, 1971/1999, 1993). One notable such condition is proceeding ‘behind the veil of ignorance’:
Rawls’s hypothetical contractors are deprived of any particular information about the society they are about to enter, about the precise social positions they occupy within that society, and about their own identifying attributes. The individuals in the original position deliberate behind a “veil of ignorance” (Bird, 2006, pp. 91–2). The purpose of adopting the criterion of deliberating behind the veil of ignorance is preventing individuals in the original position to advance specific interests and biases, based on their expected location in the society to be designed. In this way, the argument flows, individuals in the original position can be believed to select ‘correct’ principles of justice to allocate social primary goods because their choices would be taken from a fair and impartial standpoint from which to evaluate social institutions in terms of justice.

Rawls’ philosophy has profound significance for the issue of the ultimate justification of public administration and public governance arrangements, to which we return in the concluding section of this chapter.

PERSONALISM AND COMMUNITARIANISM

An additional perspective can perhaps be suggested. It takes as point of departure the philosophy of personalism, introduced in Chapter 3, which is based on the works of philosophers such as Emmanuel Mounier and owes to the contributions of Neo-Scholastic philosophers like Maritain and phenomenologists like Scheler, who applied the phenomenological method to the investigation of the essences of moral values. Contemporary authors whose works echo some of the tenets of this approach include Taylor (1989, 1997).

Personalism propounds a return to a radical humanism, emphasising the flourishing of the totality of the human person as opposed to any reductionism. ‘Reductionist’ is for Mounier any philosophy that furnishes a one-sided depiction of the human being. A key tenet of personalism lies in the assertion that a person can fully flourish and develop her/himself when striving to become another and better person. As we highlighted in Chapter 3, ‘quality’ of public governance in this frame is not about ‘satisfaction’, it is not about satisfying needs or meeting expectations; rather, it is about the flourishing as a person, by conceiving of a person, any person, as a ‘project’ in the literal sense of ‘to throw ahead’: the throwing of oneself beyond the current state (a notion in common with existentialism), for the ultimate goal of transforming into a better person. This is a conception of the fulfilment of life not dissimilar to what Plato and Aristotle referred to as eudaimonia, but in this philosophical perspective it takes a more dynamic, transformational accent, emphasising the potentiality of any human being of transforming oneself.

It also places a strong emphasis on the relational, inter-personal dimension of human life: personalism adopts an inherently relational conception of the
human being. It is only in the relations with others and the belonging to multiple and multi-level communities of persons that the individual person can accomplish her/himself and fully develop its vocation. It is a relational rather than atomistic conception of the human being and human flourishing.

We ask if this philosophical perspective can lead to a third position – a tertium – between common good and social contract arguments, in a similar vein to Rawls’ attempt but with a stronger emphasis on the relational dimension of human life as well as on the transformative potential of multi-level communities of people, from the family to humanity? Similarly, to common good arguments, personalism adopts an integral conception of human flourishing, and an ambitious one, inspired by ideals of perfection. It is in stark contrast with utilitarian notions, especially as manipulated by economists in classical economics. It comes closer to John Stuart Mill’s ‘broad’ conception of utility, but only up to a point, because while utility is somehow a ‘given’ in utilitarianism, the flourishing of the person is in personalism the product of relational, interpersonal dynamics, a conception that is instead closer to Follett’s thought. Moreover and relatedly, personalism demands a much greater role for politics than any utilitarian notion (which ultimately ‘may not know what to do with politics’, as Ryan (2012) puts it), although politics also play an ultimately subsidiary function in personalism, in the sense that the primacy belongs to the basic communities (family, associated life).

Differently from common good arguments, it is less aprioristic in defining what is good and just for the self, what enhances lives, because it is based on an inherently relational and transformational ontology – although an objection might be that such distinction is more a matter of grade than a fundamental difference, and along this line of reasoning this approach might be claimed to broadly fall into the broad family of the common good arguments for the justification of public governance.

Similar to social contract arguments, personalism takes as a starting point the freedom of the individual and the voluntary surrendering of part of one’s liberty to submit to state authority only insofar as this is necessary to bring about order and individuals’ safety beyond lower-level communities. Different to contractarian arguments, it conceives of inter-individual interactions not primarily as a menace, but rather as a constitutive datum of life and a condition of flourishing for any human being. It is by being embedded into communities that the human person may flourish. Personalism has in this sense also been qualified as a form of communitarianism.

However, before continuing with Mounier’s personalism, it should be clarified that the notion of communitarianism can also be interpreted in radically different ways. One such interpretation is nationalist-orientated and inspired anti-liberalism. For this perspective, individual liberty must be tempered by responsibility towards the community, usually conceived of at the national
level, as the national community: responsibility is first of all towards our children and our parents (family), then towards our local community, and then towards our nation-state. One can think of Carl Schmitt’s writings to this regard, in straight opposition to Kantian universalism, somewhat in line with Hegel’s notion of the state as a necessary reality to shelter, nourish and foster national cultures. In this line of argumentation, responsibility is not towards indistinct, universal human beings and human rights, but rather towards those with whom ethnic, linguistic or cultural ties can be bonded. This is a radically different interpretation of community than the one developed by Mounier, and it stands in outright contrast with the notion of open society as conceived of by Karl Popper and the Kantian universalist foundation of morality. Mounier’s personalism may be intended as an attempt to overcome the limits of the atomised individual of liberalism (at least of certain liberal interpretations of the individual), in order to account for the relational nature of the human being and the consideration that the full flourishing of the human beings occurs through relations to the others. However, personalism is also opposed to any notion of closed communities and in its ultimate thrust it is compatible with the notion of ‘open society’, the idea of one, universal society that is inherently open. Personalism gives rise to an open interpretation of community and communitarianism that profoundly differs from the Schmittian one, whereby community is defined by ethnic, religious or cultural–linguistic ties and bonds, which may take the form of the nation-state (nationalism) or ethnic-tribal or other bonds. Personalism is an approach to recognising the relational nature of human beings within a universalistic foundation of the dignity of each and every individual, and at the same time the multiple belongings of each human being to multiple communities, and the principle of responsibility towards each other that derives from it (in a vein similar to perspectives like the conception of responsibility elaborated by Paul Ricoeur).

DOCTRINES ABOUT PUBLIC GOVERNANCE AND PUBLIC MANAGEMENT REVISITED IN LIGHT OF THE JUSTIFICATION ARGUMENTS

Doctrines and practices of public governance and management reforms – such as the New Public Management (NPM) (Barzelay, 2001; Hood, 1991; Ferlie et al., 1996; Boston et al., 1996); the Public Governance approaches (Rhodes, 1997) and the ‘New Public Governance’ (Osborne, 2010) and the New Public Service (Denhardt and Denhardt, 2001/2015); the Neo-Weberian State (Pollitt and Bouckaert, 2004, 2000/2011); Digital Era Governance (Dunleavy et al., 2006); Democratic Governance (March and Olsen, 1995); and others – have been centre stage both in academic and practitioners’ debates about the organisation of the public sector and its relation to society and to the public over the
past decades. However, to our knowledge, only rarely, and usually in quite
fragmentary ways, have such doctrines been gauged on the bases of political
philosophical approaches to justification and legitimacy. The question con-
cerns the underpinning legitimacy criteria for the expected ‘results’ that certain
doctrines for reforming PA promise to attain; in other words, what dimensions
of performance do doctrines for reform uphold: what are the performance
improvements that are predicated to occur on adopting those reforms, by the
advocates of the reform doctrines considered.

In this section we sketch some initial, tentative analytical elements for
revisiting these doctrines about the organisation of the public sector in light of
the common good arguments as well as the social contract arguments, and their
variants and alternatives.

Although the issue developed in this concluding section of the chapter can
only be a bird’s-eye view, a number of interesting issues arise from revisiting
(from the standpoint of century-old, foundational philosophical debates) such
contemporary topics like the doctrines and practices about how to reform the
public sector, and very tentative propositions may be brought to the fore.

A first tentative proposition is that utilitarianism may be posited to be at the
root of much of the (NPM) movement and set of doctrines. We here define
NPM as a set of doctrines about the organisation (in the broadest sense) of the
public sector (following, for example, Barzelay, 2001; Pollitt and Bouckaert,
2011, Chapter 1). The NPM has been widely debated as a set of loosely coupled
doctrines; one way of summing it, as Dunleavy and Hood put it (Dunleavy and
Hood, 1994), is as ‘specialisation plus incentivisation plus marketization’,
namely a preference for organisational specialisation (the unpacking of large
public organisations into small, specialised ‘executive agencies’), incentiv-
isation (the systematic usage of incentives linked to extensive and intensive
measurement of performance, notably along the dimensions of the economy,
efficiency and effectiveness), and the predilection for the use of market-type
mechanisms over hierarchy or networks wherever possible in the restructure of
public services. The customer-user of public services and her/his satisfaction
becomes centre stage. The well-being of individuals tends to be boiled down
to them being ‘satisfied’, with a premium often put on those dimensions of
user satisfaction that are more amenable to some form of measurement. If
this line of interpretation of the NPM holds, then Singer’s desire-fulfilment
or preference-satisfaction approach to understanding utilitarianism (Singer,
1993) appears to be an apt interpretation of the underlying legitimacy crite-
ion of the NPM.6 A counter-claim might be that a thrust towards efficiency
and efficiency-related values lies at the core of the NPM (Hood, 1991), an
emphasis on doing more (or at least the same) with less, whereby rather than
user’s satisfaction it is reducing the amount of resources employed for public
purposes to drive NPM reforms. If this narrow interpretation of NPM were
adopted, then deeper issues of legitimacy might stop short, and some sort of agreement could be found around the basic idea that consuming less resources for producing the same output is ‘better’ than consuming more resources for the very same output and all else being equal; however, if NPM is interpreted more widely – as in our view it should be – as a theory of governing, then crucial questions about justification arise – concerns that have been widely discussed in the literature, but generally not in the terms of political philosophical justification (for an exception, Arellano-Gault, 2010). NPM-inspired recipes can hardly address the issue of how to improve lives in terms of fulfilment (living a full life, the eudaimonia); instead, they can claim to enable to engender some form of happiness in the sense of some aggregate of states of satisfaction. The question thus links to the broad issue of, first, whether ‘satisfaction’ suffices as criterion for justification; second, whether increased satisfaction has actually been achieved as an outcome of NPM reforms; and, third, whether losses along other dimensions which contend with satisfaction as legitimating criteria impinge on the legitimacy of NPM reforms and impair its outcomes.

To such challenging questions, NPM advocates may counter that such ambitious goals were never pursued by NPM proposers; rather, ‘doing better with less’ is the much more modest bar that reformers set for themselves; and ‘better’ in that frame was conceived as tantamount to ‘having users of public services to be more satisfied’. However, at least to the extent the NPM has been intended as more than a set of prescriptions for some form of improvement of the public sector, but as a theory of governing tout court, then the inability to address the issue of how to improve the well-being of everyone in the political community raises some fundamental issues in terms of ‘just’ society and social justice. Advocates of the NPM may counter that this ingredient – social justice – was deliberately left out of the NPM recipe; however, this poses formidable questions about the ultimate justification of reshaping the state and public governance according to NPM doctrines.

Beyond the debates strictly placed under the label of the NPM, it appears that a large part of the burgeoning literature about performance in public services (performance measurement, management and governance; for a systematic review in comparative perspective, see Bouckaert and Hallighan, 2008; van Dooren et al., 2015) tends to adopt utilitarianism as its implicit or, much more rarely, explicit philosophical premise. Debating on utilitarianism and its capacity to address fundamental questions of justification might thus be valuable addition to the performance in public services literature. Indeed, a major strand of scientific inquiry – Amartya Sen is a lead author here – aims at elaborating a wider array of indicators to capture the notions of ‘human welfare’ and ‘well-being’ beyond mono-dimensional (and hence necessarily more reductionist) interpretations of it – a strand of inquiry that not by chance can be located between economics and philosophy. Also related concepts like
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those of capabilities – to capture freedom as a constitutive trait of humanity and the potential of what a human being can achieve beyond what somebody is observed to be factually doing – have been employed to further bridge utilitarianism with broader conceptions of fulfilment that are inherent in common good approaches.

There is at least one strand of thought in contemporary public governance and management which, however, may be reckoned to have deep links with Plato’s original formulation of the common good argument rather than with utilitarianism: this is the ‘public value’ school of thought, initially associated primarily with Mark Moore and John Benington (Moore, 1995; Benington and Moore, 2011) and which has grown into a full-fledged stream of works (Alford et al., 2017; Hartley et al., 2017; Liddle, 2018), also by connecting with research on collaborative leadership and advantage (Crosby et al., 2017; Huxham and Vangen, 2005). The argument of this school, in a nutshell, is that where legislative mandates are weak, ambiguous or flexible, public managers have scope for taking strategic action to expand the wider public value of their organisations. Moore (1995) starts with a simple example/homily of a town librarian wondering about whether to expand the traditional scope of the library’s services to meet the wider needs of local children who need more intensive support, and in essence whether to act as a social innovator or to remain within a narrower prescribed role. Public managers are here seen as stewards of public value more than as loyal/unimaginative (depending on one’s view) agents of politicians. Here we find a link with the Platonic conception of ‘just’ society: public managers are called to act on the bases of their judgement about what is ‘good’ and ‘just’ for society, or at least that portion to which they can realistically reach out, and in this way they affect the lives of others; their wise judgement and action is a constituent of a more just society.

This attitude by public managers raises two issues. The first one is the compatibility of Plato’s argument with the notion of the legal and political subordination of the bureaucracy to elected officials, whose legitimacy for office-holding in turn emanates not from superior wisdom, rather from consensus and consent: the basic idea of Weberian origin that the bureaucracy is subordinate to political organs (ultimately to elective organs, in democratic systems) and to the law (in turn ultimately enacted by elective organs – though elective organs too have to abide by the law). In sum, the criticism goes, this ‘Platonic’ notion of how bureaucrats ought to interpret their role impinges on democratic accountability and hinders the processes of holding the bureaucracy to account democratically. Indeed, the public value approach has been critiqued by political scientists (Rhodes and Wanna, 2007, 2008; but see Alford, 2008, for a rejoinder) exactly on this ground: for its blurring of the politics/administration divide.
The same authors also critiqued the public value approach on another, related but distinct, ground – that of the motivations of bureaucrats. The criticism is that the public value approach takes an overly optimistic view of the motivations of public managers as unselfish ‘platonic guardians’ (which is literally the expression used by Rhodes and Wanna, 2007, although the piece does not delve further into the lineage in Plato’s conception of common good of the public value approach) and as neutral promoters of the common good, rather than as a special interest group, with its own expansionist agenda.

A third critique may be stacked to the other two: this regards the extent to which knowledge is actually possessed by the bureaucracy to such an extent to make bureaucrats ‘better informed’ than other parties and hence ultimately more just in making their decisions. True that one particular form of knowledge, technical expertise, is one of the key criteria for the recruitment of tenured officials in modern bureaucracies, but it is not the only one (for example, political appointment is also a criterion – with some empirical studies finding it may be on the rise in a number of countries; see Pollitt and Bouckaert, 2011, Chapter 4). More substantially, technical expertise is hardly even a remote proxy for the platonic ‘philosophical wisdom’ – although it is correct to qualify the statement by observing that nowadays hyper-complex societies surely require the provision of specialised, technical knowledge of a magnitude unthinkable in the epoch of Plato and Aristotle, and nowadays philosophical wisdom, much more than in the past, may also need to incorporate the findings of technical-scientific knowledge, although it is not defined by it.

It is philosophical wisdom – we may argue – that is the point of departure of a rejoinder to these critiques from a common good standpoint à la Plato. In Plato’s and notably in Aristotle’s conception, philosophical wisdom entails the practice of virtues – virtues are meant to shape the motives and behaviour of those who are virtuous. Philosophical wisdom is different from modern age scientific knowledge which is neutral in its applications and may be bent to both heavenly and hellish purposes. Wisdom is about understanding, an understanding that shapes the person and infuses its behaviours. ‘Real’ public servants across the world may have their special interests and advance their own agenda, but the common good argument asserts that philosophical wisdom is the guide to the common good, and power ought to be entrusted to those who wield wisdom, for our own well-being (we continue this line of reflection in a next chapter, in which we expand on virtue politics through a commentary to Ambrogio Lorenzetti’s famous frescoes The Good Government, where in the painting, Wisdom and Justice stand out as central virtues).

This leads to the final and most challenging critique for a Platonic conception of justice: how are those in power to be selected? This is the element in Plato’s argument that has aroused the toughest criticisms – up to the point of having been argued that Plato should be held intellectually responsible for
the totalitarianisms that have plagued the globe, notably in the 20th century, and slaughtered millions of innocent lives. Indeed, Plato’s argument may be manipulated by unscrupulous cantors of non-democratic and illiberal regimes to justify political decisions in the name of a self-ascertained common good. However, a response to this is that common good arguments do not place any absolute power on administrators in general, and non-elected bureaucrats in particular – conscious that virtues are in short supply and wisdom is hardly an easy-to-apply criterion for selection of office holders. Rather, a common good argument would call for wisdom to guide public action for those taking responsibility in public office, and notably for public servants in the countless circumstances where legislative mandates are weak, ambiguous or flexible – under such circumstances, public managers have scope for acting for advancing the common good.

If we now turn to other movements and sets of doctrines for the amelioration of public services, we can notice that much more nuanced are instead some of the premises underlying the approaches in the literature on Public Governance and on Democratic Governance, as well as – though from partly different premises – on the Neo-Weberian State, although overall they may possibly be leaning towards common good arguments à la Plato or social justice arguments à la Rawls, rather than utilitarianism as for the NPM.

The philosophical movement of personalism may also be a source here. We observed that ‘quality’ of public governance in the frame of personalism is not about ‘satisfaction’, it is not about satisfying needs or meeting expectations, rather it is about the flourishing as person, by conceiving of any person as a project of life, which is ultimately accomplished by transforming oneself into ‘a better person’. This is a conception of the fulfilment of life not dissimilar from what Plato and Aristotle referred to as eudaimonia. Public governance and public services can here be seen as one set of enablers: through education, through healthcare, through social care, through cultural services, and the like, a person is not just able to satisfy certain specific needs, rather s/he can ultimately become a better person. This occurs if the person is helped by the surrounding community – in this sense, personalism may have been a precursor of contemporary ideas about co-production, co-innovation and co-governance (Bovaird and Löffler, 2018; Torfing et al., 2012; Voorberg and Bekkers, 2018).

The one political philosopher whose thought has been tapped by prominent PA scholars for its potential implications for the field of PA is Rawls. Although his works are not directly about PA, scholars in the field have made references to Rawls’s thinking and how developing on his political philosophy might provide the ground for a theory of PA. One such argument is worked out by Esquith (2006) by revisiting the work of PA scholars David Hart and, notably, George Frederickson, particularly New Public Administration (Frederickson,
1980) and related works (Frederickson, 1976; Frederickson and Hart, 1985; Hart, 1974). A starting point lies in considering that the principles guiding justice as fairness are not only ideal guides for constitutional and legislative decisions, but – in the perspective of the ‘modern public administration’ that Frederickson advocates – they should also inform the organisational structure and designated powers used in public administration, as well as the ethical standards of behaviour of public servants. In this perspective …

[T]he new public administrator is not only guided by Rawlsian principles of justice and bound by a strong obligation to serve as a public administrator. The new public administrator must also be an active participant in a public dialogue that includes citizens themselves as well as legislators and other elected public officials about the need of citizens … Frederickson does not discuss exactly how the original position could serve as a device for guiding moral arguments [but] what was needed [Frederickson argued] was a more fine-grained descriptive theory that distinguished between different public goods and services. (Esquith, 2006, pp. 537, 541)

… in order for public administrators to be better able to identify distributional effects and counter the inequality effects they might have. For example, it may occur that rules in PA designed strictly for purposes of increasing organisational efficiency and effectiveness may engender unintended distributional effects, especially to the detriment of future generations: stemming these effects is (ought to be) a concern for the public administrator inspired by Rawlsian conceptions of fairness.

This line of argumentation seems to suggest that public administrators ought to take an active role towards effecting the principles of social justice. How practically to settle disagreements about ‘the good of the public and matters of fundamental justice in the public domain among citizens’ is open to discussion but, as Esquith suggests (2006, p. 544), Frederickson and other PA scholars have made a call for the use of ‘free public reason’ to the internal theoretical debates in public administration, for a dialogue amongst reasons that are put forward to address the constitutional essentials of the political societies in which we live and that are offered in a fair-minded, civil and tolerant ways, with the ultimate purpose of contributing to the advancement of a theory of PA that stems from ‘method of public reflection and self-clarification’ – which is another way of describing the Rawlsian original position (see also Denhardt et al., 2013).

In passing – but this is itself a theme for a whole other book – it is noticed that constitutional thinking across Europe and beyond, with the emphasis given to equality principles in the constitutional arrangements of many countries, is a major source that can be tapped for advancements in the elaboration of a theory of PA inspired by Rawlsian political philosophy.
Finally, radical positions emphasising the ‘minimal state’ as the outcome of reforms (for a discussion, see Peters, 1996; Pollitt and Bouckaert, 2000) tend to forgo attempts to entrust a reformed state and its public officials to advance any form of common good and instead disparage the significance of any attempt to reform it, assuming the minimisation of the state might itself lead to the betterment of the lives of the members of the political community. How this should occur and whether betterment is intended for all the members of the political community or for only some – possibly ‘the fittest’ to survive in the environment – is open for discussion.

In conclusion, this chapter aimed at providing an initial overview of the foundational issues underlying public governance and any doctrines that have the ambition to suggest how the public sector and public services ought to be organised, as part of the broader political system. This question is pitched at the level of ideas, and the investigation into the legitimacy criteria underlying a certain approach concerns mostly the level of the public debate, the rhetoric of reforms and the formally enacted reform acts rather than the factual level of what happens on the ground as an effect of the implementation of reforms of PA inspired by a certain set of doctrines. Methods of investigation here can mainly be analyses of text and interpretation thereof (hermeneutics) – akin to research approaches widespread in the field of the humanities – as well as methods apt at capturing opinions of insiders (and the larger public where relevant) in a given area of public debate and public policy, where the policy area here is the policy of reform of PA.

The chapter has reviewed common good arguments and social contracts arguments, expanding the former to encompass utilitarianism and the latter to include Rawls’s account, and then further expanding to discuss whether personalism provides an at least partly alternative standpoint. The field of PA, we argue, would benefit from engaging in philosophical issues of justification and legitimacy of public governance, public administration and public services management.

POSTSCRIPTUM: THE PROBLEMATIC LINK BETWEEN LEGITIMACY OF THE POLITICAL SYSTEM AND LEGITIMACY OF PUBLIC ADMINISTRATION

In this chapter we have made an attempt to analytically distinguish the legitimacy of the PA system in a given jurisdiction (Public Governance: its performance and its equity) from the legitimacy per se of the political system into which the PA system is embedded. We have dwelt on this point in the opening of this chapter, and it may be worth recalling the attention of the reader in conclusion. In fact, analytically distinguishing the legitimacy of the PA system in a given jurisdiction from the legitimacy per se of the political system into
which the PA system is embedded is only possible – if it is at all – to a certain extent: to another extent, legitimacy of PA is derived from the legitimacy of the political institutions into which it is embedded (of which it is a part), and the two – political system and PA – are intimately interconnected, in such ways that changes to one affect the other (for example, a would-be ruler aspiring to abolish the guarantees of liberal democracy will effect ‘reforms’ aimed at targeting the decision-making autonomy of public servants and the public service in ways that are detrimental to fairness and equality of citizens before the law).

Our claim is *not* that the legitimacy of the administrative system should be disconnected from the legitimacy of the political system; our argument is not about de-coupling the two in substantive terms, but analytically distinguishing between the two for purposes of investigation and comparative study – across diverse jurisdictions – of issues of legitimacy of PA and the reform doctrines that over time get proposed to reshape it.

We argue this analytical distinction may be useful, and we hope to have shown it throughout this chapter by discussing common good, social contract, social justice and personalism philosophical perspectives to the understanding of legitimacy of PA. The issue for PA scholars is being able to examine the nexus between doctrines of reforms of the public sector and public governance, on one hand, and legitimacy, on the other hand, by detecting what is the underlying legitimising logic and what are the possible estimated empirical effects of a reform of public governance which may increase or decrease its legitimacy in a given jurisdiction, and to do it to a certain extent irrespectively of the distinct issue of the legitimacy of the political system of the jurisdiction in which they are applied, though the two issues remain in other crucial regards inter-linked. This way, a comparative research agenda on the impact of the reforms of the public sector can be made to progress, potentially worldwide in its remit as it is able to analytically separate the evaluation of the effects of reforms of PA from assessments of the legitimacy per se of the political system in which the administrative system is embedded. We hope this approach may provide a fruitful research agenda for the evaluation of reforms of public governance and the doctrines which underpin them.

However, we also warn that PA is a normatively charged field of study and practice, and hence we also argue that the scholar-investigator will always have to re-connect the two dimensions: the legitimacy of the political system and the legitimacy of PA. In this sense, a scholar who believes in liberal-democracy (as does the author of this book) will always need to re-connect the two dimensions and eventually (normatively) assess a reform of PA for its broader effects on legitimacy encompassing both legitimacy of PA as such and legitimacy of the broader political system, from a liberal-democratic standpoint.
NOTES

1. Another key political philosophical question is why a political community comes into existence in the first place, and relatedly what are the bonds tying people in a community, why they give allegiance to and accept to be ruled by common institutions in the first place. However, these questions are further away from PA, as administration presupposes a political community and its core institutions to be in place first, before an administration at the service of political institutions is developed and reformed over time. Hence for the purposes of this book the core question is the legitimacy of public governance and public administration and hence of the doctrines that are invoked to change them over time.

2. 12th ASPA–EGPA Transatlantic Dialogue ‘How to Increase the Legitimacy of Government in Times of Crisis?’, Ghent, Belgium, 8–11 June 2016.

3. Huge questions have been raised over the centuries about this notion of common good. Christian thinkers in a certain sense relativised the thrust towards the common good: they did so by introducing a superior order – the divine one. The question of the common good became entwined during the medieval age with the question of the underpinnings of the justification of the positive law regulating a worldly political order residing ultimately in divine law (the law revealed by God) and in natural law (the law inscribed by God into the creation). Augustine, in *The City of God*, famously distinguished between the two cities: the City of God and the earthly city, the latter being the earthly kingdom which exists to promote peace in this world, and about which he stated that ‘[whilst] the goods of this world are as nothing to the ultimate good of union with God, they are not to be despised [and] earthly success and failure have earthly causes’ (Ryan, 2012, p. 174). The enhancement of the self that can be achieved by means of a more just society is but a temporary achievement – nothing compared to the enhancement of the person that stems from belonging to the Communion of the Saints – and yet is in itself a good to be pursued. At the same time, its relative status warns against the political system preventing individuals from pursuing the most important goal of life, that is, the communion with God – and hence limits have to be imposed on state action. It is for this reason that Augustine’s *The City of God* is also claimed to have introduced some of the seeds of toleration in Western society. Although toleration came by exhaustion in Europe only over a millennium later, with the end of the religious wars of the 16th and 17th century, it has been argued that this distinction between a worldly and a heavenly city played a key role in establishing religious tolerance and toleration in the way in which it later developed in the Western world.

4. I am grateful to Wolfgang Drechsler for having pointed me to this line of interpretation, notably as declined by the German philosopher Hans-Georg Gadamer.

5. To appreciate the logic of this argument, it may be contrasted with its opposite: Hegel’s conception whereby the essence of the state is the un-conditionality of our allegiance; the state is a necessity, in order to shelter the spiritual freedom that cultures promote – it is an instrument of the Absolute Spirit to develop itself through religion, art and philosophy.

6. A counter-claim might be that a thrust towards efficiency and efficiency-related values lies at the core of the NPM (Hood, 1991), an emphasis on doing more (or at least the same) with less, whereby rather than user’s satisfaction it is reducing the amount of resources employed for public purposes to drive NPM reforms.
7. An obvious major implication of this debate is the nexus between liberal-democracy and legitimacy: to what extent the legitimacy of a political system derives from its meeting the criteria that qualify it as liberal-democratic. Democracy (or absence thereof) is a property of the political system, with obvious huge implications for PA. The political philosophy literature identifies different forms of democracy: representative, deliberative, participatory, and direct – and huge debates surround the antecedents, features and effects of each of these forms, and their interconnections (and the extent to which they can be conceived of being complementary to each other, or at least partly displacing one another, e.g. direct democracy displacing representative democracy), and the extent to which it can be spoken of varied levels of quality of democracy, or the extent to which democracy is a binary value (either a political system is democratic or it is not).

To make a concrete example of how public sector reform doctrines have at times been explicitly tied to the issue of the democratic character of the political system in which PA is embedded, we can take the argument made by some key proponents of the notion of public value about its explicit and direct links with deliberative democracy and the notion of the public sphere (as conceived of in the life-long elaboration of these concepts by Habermas, 1987, 1996, whose thought has been introduced in Chapter 3). Hartley et al. have argued that one conception or approach to conceiving of public value is that ‘it connects public value with the contests, debates and dialogues in a democratic society which create and contribute to the public sphere – the space where public values are explored and contested and public value created’ (Hartley et al., 2017, p. 672). Interpreted this way, public value is defined as a ‘contested democratic practice’ (Benington, 2015, p. 29) and it is argued research using this conceptualisation of public value might focus on ‘examining whether and how public value is constructed and argued for by different agents and groups, in what organizational, institutional and social contexts, deploying what managerial, democratic or public arguments, on what basis, for what purposes, what individual or groups are included and excluded in discussions about public value in society, with what outcomes … There is considerable scope to undertake empirical research on the value added or on value to the public sphere … However, the notion of added value leads to the question of what counts as valuable, and behind that what is value, which is sometimes presented in terms of normative aspirations for a ‘good society’. While performance management scholars have examined activities and outputs from public organizations, there has been less research about the value created (or destroyed) in terms of legitimacy, trust, social justice and so on or on how public value is often co-produced with citizens and other partners and stakeholders’ (Hartley et al., 2017, p. 672). This excerpt clearly shows how the doctrine of public value has been elaborated in explicit reference to notions of democracy, and notably of deliberative democracy, as underpinning it, and with explicit consideration of criteria of advancing ‘legitimacy, trust and social justice’ as a way to gauge and assess normatively reforms of PA that are being proposed.

8. Interestingly, it can be observed this approach seems to be the one taken by the World Bank Governance Indicators (Worldwide Governance Indicators, WGI), which aim at assessing certain aspects of the ‘quality of public governance’ irrespective of normative considerations about the broader political regime of the country being considered.