Institutional reform, policy paradigm, and policy discourse. The case of Italian administrative reform during the 1990s: real change or the same old story?

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...in a complex world in which neither idol can be satisfied - perfect predictions are not possible nor are they likely to be believed by policymakers (who have alternative values to weigh or scenarios to consider), and perfect understanding is ephemeral, as any good deconstructionist can affirm - then it would seem foolish to set the two concepts at odds, in a zero-sum game, as opposed to use them to inform and support one another" (deLeon 1998, p. 157)

1. A conceptual overview

1.1. Administrative reform as institutional reform

The reform of public administration is never a simple matter, as all academics, policy-makers and administrators well know. Administrative reform constitutes a technical, political and symbolic need present on the decisional and governmental agendas wherever the government’s function is independent of society itself. Those reforms deliberately planned and put into practice by governments, involving a move away from the status quo (the institutionalised features of the organisational structure and processes of public administration), are exhausting, often painful, events: as they are being introduced, they run the risk of their initial objectives being distorted. In other words, such public policies are not at all easy to implement, and their planning is invariably the subject of controversy.

Administrative reform basically means that policy makers decide to deal with administrative questions in the constituent arena. As writings on policy classification show, the ideal type of constituent policy may be defined as that special group of relations between participants, the stakes in question and the decisional dynamics that characterise all sectorial and inter-sectorial public policies when the policy makers turn their attention away from decisions concerning policy content, towards the institutional, organisational and procedural methods by means of which these decisions are made (Lowi 1985; Capano 1996). That is, when the subject to be discussed is not so much the solution to problems, as the definition of the rules and the distribution of power that govern the decisional dynamics within a specific policy framework. As we all know, the

\(^1\) I would like to thank the University of Bologna for financing my research on Italian public administration reform, as well as the many managers and functionaries from various ministries and Emilia Romagna’s local government authorities who dedicated some of their precious time to the task of answering my questions, despite their not always understanding the point thereof.
decision to deal with one or more issues within the constituent arena, seldom produces the expected level of re-distribution. The constituent dynamics (within both sectorial and institutional policies) are characterised by an intrinsic tendency towards the development of some form of compromise or distribution; decisional deadlock in other words (Lowi 1972). This is what happens except when these dynamics arise within the framework of a structural crisis of the political system or of any given policy sector, caused by internal or external challenges\(^2\), or in the presence of a (political or policy) leader particularly able in acting as fixer of the decisional process.

The contradiction between the re-distribution aims and the compromise-distributive dynamic thus constitutes that intrinsic paradox of constituent policy that each attempt to reform a policy sector – or even political institutions – has to face up to. Clearly, the strength of this paradox depends on the policy sector in question and on its historical features (rules, participants, interactions among actors, procedures, definition of the problems, etc.). Moreover, there is a further constitutional feature of the constituent dynamics that appears in extremely binding forms both within institutional policies in the strict sense of the word, and within administrative policy; the recipients (i.e. the direct beneficiaries in the eyes of decision makers,) are the very policy makers themselves. More precisely, they are the politicians, as far as institutional policy is concerned, and politicians and bureaucrats as far as administrative policy goes. Of course, this increases the cogency of the paradox within the constituent arena for the above-mentioned types of public policy. It is no coincidence, therefore, that administrative reforms are often of a rhetorical nature (March and Olsen 1989), and produce merely symbolic results (Czarniawska-Joerges 1989; Lippi 1995).

This is the case, despite the fact that contemporary governments are constantly involved in attempts at reforming the public sector: in fact, every administrative system is subjected to the periodical, constant maintenance of its various component parts. At the same time, cyclical operations to radically reform public administration are performed: this does not involve the mere reorganisation or adjustment of certain parts, but a genuine modification of the constitutional principles of the institutional framework and of essential processes.

The dynamics of this, consisting of a series of incremental changes interspersed with attempts at more radical structural change, is characterised by a certain timing which varies from one country to the next. However, one feature that is common to all countries is as follows: the periodical attempts at a general reform of the country’s public administration are accompanied by a critique of the founding principles that had, up until that precise moment in time, sustained and guided administrative action. Plans for large-scale administrative reform are always presented as being based on “new” principles, on forms of action, institutional order and organisational method yet to be

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\(^2\) The political system’s internal crises can be traced back to the considerable degree of de-legititimisation of the constitutional form of that same system (as far as provoking the onset of civil war); the external crises, on the other hand, may be caused by both economic factors (international trends, the effects of globalisation, the effects of the co-ordination of different national economic policies, and so forth), and political ones (clashes between alliances, international crises, local crises, etc.). Policy crises can be the result of the internal process of excessive institutionalisation, which in turn may lead to the incapacity to react in an even adaptive fashion to external changes, thus gradually creating a deep dissatisfaction with performance; they may also result from an explosion of conflict between the major policy makers. External causes that may trigger off a policy crisis can be traced back to socio-demographic changes; to the effects of changes in other policy sectors; to the modification of the political context; or to the transformation of priorities among the general public.
tried out. In other words, every global, systemic administrative reform plan is presented in the guise of a new “paradigm”.

1.2. The connection between administrative reform, policy paradigm and policy discourse.

The concept of paradigm, as we all know, has been adopted by the social sciences (and in particular, by sociology and public policy analysis) from epistemology\(^3\). A public policy paradigm is the series of beliefs that the policy makers (those who materially formulate and implement policy) have with regard to:

a) those normative and ontological tenets, those fundamental values, based on a specific vision of the world, which underlie the individual and collective identities that, in turn, identify and govern the objectives to be pursued in a given public policy sector;

b) the causal theories underlying the construction of sectorial strategies for action;

c) the individual public policy instruments that are used daily within a given public policy sector (Hall, 1993; Sabatier and Jenskins-Smith 1993; Capano 1996, 1999 and 2000).

The concept of public policy paradigm\(^4\) represents an attempt to render cultural theoretical outlooks operative at the meso and micro levels of analysis of decisional processes: as we well know, these views may be of a political\(^5\) or anthropological kind\(^6\) - and then used in political science and public policy - and although their interpretative offerings are of considerable interest, they impose a macro perspective of analysis that fails to account for the processual complexity and the dynamics of long-term composite phenomena such as public policy. On the other hand, we believe that the concept of policy paradigm and its internal meanings increase the specific significance of the cultural variables, and thus underline the role played by ideas, beliefs and values in describing and explaining the contents of public policy processes.

In fact, this interpretative approach leads to the hypothesis that within each public policy sector there is a coherent series of beliefs about the “things” that have to be done, and about “how” they should be done, which is shared by the principal protagonists within that sector. The interrelationship between ideas determines the “right” (i.e. commonly-shared) definition of public policy, and of the instruments to be employed in assembling policy strategy. Thus the paradigm constitutes a system of

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3 This is an obvious reference to Kuhn, who, in the second edition of his most important work, in reply to criticism of the ambiguity of his definition of paradigm, submits the following basic meaning of the term, when he says that he used it to define “the entire constellation of beliefs, values and techniques shared by members of a given community” (1970, p.175); he goes on to specify that “a paradigm governs, in the first instance, not a subject matter but rather a group of practitioners” (1970, p.180).

4 In my view there is really no substantial difference between the concept of paradigm and that of “beliefs system” used by Sabatier in his many works (for a general review see: Sabatier 1999).


6 I refer, of course, to the Cultural Theory, thus the works of the anthropologist Mary Douglas (1987, 1992), and in particular to the fundamentally important work by Douglas and Wildavsky (1982). The most complete and recent use of Cultural theory in political science and public policy is that offered by Thompson, Grendstadt and Selle (1999).
meanings, and at the same time a series of institutionalised praxes. The conceptual structure of the paradigm explains its double-sided character: on the one hand, it provides the means with which to interpret reality and gives the participants an identity, and in doing so reveals its affective, normative nature; on the other hand, its provision of causal theories for practical intervention reveals its cognitive side.

The “things to be done”, that is, the values that need to be pursued in practice, constitute the hard core of the paradigm or system of public policy beliefs. It includes the basic, inexorable values that are to dictate policy strategy; values that cannot be negotiated, and represent the affective component of the system of beliefs, the one that holds together all those who adhere to a given paradigm. The affective component of the paradigm is therefore that which includes its dos and don’ts. “How” things are to be done constitutes the cognitive component of a policy paradigm; that is, the series of cause-and-effect relationships by means of which the participants formulate their general strategy of intervention and choose individual public policy instruments. The cognitive component constitutes what Lakatos defines as the protective belt of the paradigm’s hard core, and is composed of those beliefs underlying the choice of policy strategies and the best instruments to utilise in order to preserve the basic values of the paradigm. As Majone suggests (1991, p.293), the hard core of a paradigm has various protective belts surrounding it in concentric circles. Those protective belts situated the furthest from the centre are the ones containing beliefs about individual public policy instruments, that is, about what Sabatier calls the secondary aspects. The protective belt situated nearest to the hard core of the paradigm is constituted by the fundamental principles of the policy strategies. This proximity is justified by the fact that the relationship between the basic values and the constitutional elements of policy strategies is, of course, stronger than the one binding basic values to the technical-operative elements.

Clearly, the nearer you get to the hard core, the greater resistance to change you are going to encounter, provided that, contrary to belief in established values, belief in the means and ways of pursuing such values is negotiable (albeit with a different likelihood of success), in that the participants who share a given paradigm, in certain circumstances may be motivated towards modify the cognitive components of their own system of policy beliefs provided such changes do not affect the hard core, the affective component, the fundamental values of the paradigm itself. I believe that this hypothetical interpretation is more of use in analysing the processes of change, including those of administrative reform, than the Kuhnian version, as it enables us to understand the specific nature of the processes of change without having to adopt an evolutionary perspective a priori - i.e. change as an incremental process of slow environmental adaptation – or a punctuated equilibrium, revolutionary perspective, whereby change is seen as a cyclical break with continuity after a period of basic stability.

7 This is a partial reference to what Lakatos, and then Majone, proposed, since I think it more likely that beliefs in causal theories, together with policy strategies, albeit closely linked to the values of the paradigm’s hard core, are not an integral part thereof, but rather constitute the first, and thus the strongest, of the protective belts.

8 This interpretative approach is based on the formulation drawn up by Majone (1991) and on Sabatier’s work on the advocacy coalition model, and as such differs from the theoretical formulation and explanatory use offered by Hall (1993), which is much closer to the Kuhnian position, and thus is based on the view that sees political process of change and policy changes as punctuated equilibria. From the epistemological point of view, we are thus following in the footsteps of Lakatos (1968).
At the same time, the framework we are presenting here is of interest because it focuses on the cultural, ideational components of public policy processes, and thus of the process of reform. It sees the cultural and ideational dimension as a tie/opportunity for public policy processes, while at the same time organising the analysis of reality by focusing attention on those factors that may encourage or discourage a change in the cultural and ideational premises on the basis of which policy makers act. The policy paradigm concept, complete with its various modulations, highlights how public policies are pre-structured by a complex system of beliefs held by the policy makers, and how changes in the same policies necessarily imply a modification of some of the elements on which the paradigm is based. From this point of view, therefore, the reforms can consist in either a substantial change in the paradigm, or in a gradual adaptation, depending on the intensity and depth of the changes. Change will be greater the nearer it gets to the affective component of the system of beliefs, that is, to the underlying values of the paradigm. On the contrary, the change will be increasingly seen as an environmental adaptation the more it is limited to the cognitive component of the system of beliefs shared by the policy makers.

In other words, the change will be the greater, the greater the change in the “cultural” and cognitive premises by means of which the policy makers within a given sector interpret their reality and decide what action to take.

From the point of view of the dynamics of the change, the latter will be increasingly more radical (as far as the complete replacement of the previously-existing paradigm) the more difficult it proves for the old paradigm to overcome the anomalies present within the given context. From our point of view, one of the most important factors here is that of the presence or absence of an alternative paradigm. In fact, the crisis caused by these anomalies, which are disconcerting from the point of view of the institutionalised policy paradigm, do not necessarily lead to the creation of a new replacement paradigm unless such an alternative paradigm (shared by a cohesive network of policy makers), that challenges the basic values of the institutionalised paradigm, is already present in embryonic form. The lack of an alternative paradigm, in fact, gives the institutionalised paradigm a good chance to eliminate the anomalies by means of a process of adaptation in reaction to external inputs, involving the re-elaboration of some of its marginal elements. The presence of only one paradigm, unchallenged by any alternatives models, is what happens when the public policy sector is characterised by the presence of that type of relational network known as a policy community, that is, a network that is pretty resistant to the entry of other policy makers from outside. In such a case, the institutionalised paradigm may be defined as being “hegemonic”. However, in the case of crisis, the case in which at least one challenger exists is that of a public policy sector in which relations between policy makers do not lead to the formation of a single, cohesive community, but to the existence of at least two different, conflicting relational networks, one of which predominates over the other as it is legitimised by external resources. Here the institutionalised paradigm is no longer hegemonic, but simply “dominant”, and it has to continually face up to the presence of at least one challenger, which although in the minority, may, in situations of instability, encourage the dominant paradigm to modify some of its cognitive elements by means of

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9 This is an explicit reference to the theory of advocacy coalitions. Sabatier’s model assumes that the prevalence of one ideational network over another within a given public policy sector is structurally determined by factors external to the system itself (features of the socio-economic system, government preferences, public opinion, characteristics of other policy sectors, etc.).
an empirical demonstration of its errors and weaknesses\textsuperscript{10}. Moreover, the presence of at least one alternative paradigm constitutes the necessary (albeit not sufficient) pre-condition for the replacement of the dominant paradigm in the case of crisis within a given sector or system.

Administrative reform may therefore be seen as an attempt to replace the prevailing paradigm within public administration, in the case where collective, systemic dissatisfaction has arisen with regard to the efficacy of policy measures taken by the said administration. This is not a case of dealing with small anomalies or partial problems, but rather of restructuring the entire organisational and processual framework: these structural anomalies de-legitimise the existing paradigm, and thus call for a radically new solution. This process is strongly influenced, as we have seen, by the presence of at least one network sustaining an alternative paradigm. The resolution of the crisis of the institutionalised paradigm will depend on the presence or otherwise of an alternative paradigm. If the latter exists, then the “reform” may (although not necessarily) lead to a radical modification of the way “administration” is conducted; on the contrary, should there be no such alternative paradigm, then it may well be that the old paradigm proves capable of overcoming the crisis by means of a process of adjustment of its instrumental components, without the need for any radical transformation of its basic values\textsuperscript{11}.

It is clear that the presence of a monoparadigmatic hegemony, or the existence of a situation of paradigmatic asymmetric pluralism, is going to significantly influence the dynamics, contents and results of policy discourse. From the post-positivist perspective, discourse is defined as being “the specific ensemble of ideas, concepts and categorisations that are produced, reproduced and transformed in a particular set of practices, and through which meaning is given to physical and social realities” (Hajer 1993, p.44; 1995, p.264), and is “oriented towards reciprocal understanding, trust and, hence, undistorted consensus” (Dryzek 1990, p.38). From this point of view, therefore, discourse is seen as praxis from the moment in which it occurs and enables us to agree to construct reality by acknowledging the respective claims for validity (Habermas 1987, 1990, 1995). From my point of view, which is clearly non-positivist, but perhaps not post-positivist enough, although assuming that factors such as the social construction of policy problems, beliefs, the ideas and cultural premises for action, are not at all residual variables for the interpretation (or understanding) of social and political phenomena, I still claim that taking the argumentative approach to the extreme is misleading from the interpretative point of view.

If we assume that policy makers do not act as problem solvers, that is, using value-neutral scientific methods, but try to persuade the public, or to get mutually convinced, by making up stories, then we first have to ask ourselves where these stories originate from and how they are constructed. The answer, like it or not, lies in the reconstruction of cause and effect based on cognitive maps, frames, institutionalised paradigms that represent the cultural premises for the construction of narratives. These

\textsuperscript{10} Often the terms “learning” and “adaptation” are not seen as synonymous. The fact is that, as studies of organisation have shown (see Argyris 1999; Bateson 1973), whereas adaptation implies a simple, mechanical reaction to external inputs, leading to the modification of behaviour for purely strategic purposes, learning implies the knowing modification of the premises for action, and thus a change in the values and beliefs regarding a given matter.

\textsuperscript{11} The absence or presence of cultural pluralism is considered by the advocates of Cultural Theory to be a decisive factor in determining the direction and contents of policy and political change (see Hendricks 1994; Thompson, Grendstadt and Selle 1999; Lockhart 1999).
are not neutral stories at all; they are guided by a moral line, by values and beliefs. This means that the results of policy discourse are bound by the deep values of those paradigms supported by the policy makers, and that the common meanings formulated within the discourse arena are surrounded by an almost insuperable boundary constituted by the values underlying the identity and the sense of belonging of policy makers (regardless of their numbers), by highly institutionalised factors. To assume that “discursive interaction (i.e. language in use) can create new meanings and new identities, i.e. it may alter cognitive patterns and create new cognitions and positionings (Hajer 1995, p.59) means that it could be possible completely manipulating the various cultural components of the policy makers’ own paradigm, and thus also the deepest of all components, the affective component, and seeing institutions (policy paradigms are cognitive institutionalised structures\textsuperscript{12}) as an irrelevant influence upon agency. In my view, policy discourse is the practical framework within which agency either confirms or partially modifies the cognitive institutionalised structure, where, however, the agency’s chances of change, learning and modifying the cognitive elements of the policy paradigm are decidedly limited in the case of the presence of a hegemonic paradigm, whereas they are much greater in the presence of a multiparadigmatic decisional context. In fact, it is in the light of this framework that I am going to try and interpret Italian administrative reforms.

1.3 The hegemonic paradigm of Italian public administration

From one particular point of view, the history of public administration in Italy can be seen as the history of the progressive institutionalisation of a hegemonic paradigm that, at the same time as the jurisdictional establishment of the nation-state, was founded upon administrative law. It should be pointed out here that we are dealing with a phenomenon that has characterised other European administrations, rather than some kind of Italian eccentricity (Chevalier 1996; Jorgensen 1996; Seibel 1996). On the other hand, one of the guidelines of historical neo-institutionalisation (Immergut 1998, covers all such cases) lies in directing an analysis of socio-political phenomena and public policies to a long-term legacy; the prevalence of administrative law in governing the conduct and actions of public bodies has had an important influence on administrative reform not only in Italy, but also in other European countries with a similar tradition (Gualmini 2001).

In the Italian case, however, the institutionalisation of administrative law as a way of “being” and “acting” in public administration, and as a perspective from which to interpret the same administration, has constituted the basic process underlying the administrative reform policy paradigm shared by all those policy makers within the arenas where these reforms have been drawn up and implemented. The jurisdictional transformation of the state has been paralleled by the jurisdictional transformation of the way in which the actions of the public administration are viewed and judged: this extremely powerful process has historically prevented the establishment of the preconditions necessary for the birth of any alternative network supporting a rival paradigm.

\textsuperscript{12} Following the March and Olsen, being institutions, policy paradigms, like all political institutions, "simplify potential confusion of action providing action alternatives; they simplify the potential confusion of meaning by creating a structure for interpreting history and anticipating the future; and they simplify the complication of heterogeneity by shaping the preferences of participants " (1989, pp. 171-172).
The established values of the administrative paradigm have thus been the same as those diachronically absorbed into the juridical approach to public administration by means of a continual process of successive inclusion. The centuries-old values inherent in the administrative paradigm are:

- the role of law as an unavoidable expression of administrative action;
- the principle whereby actions are rendered subject to judgement before the law;
- the prescriptive identification of the functions of the decisional process (general decisions, aims, implementation and control);
- the separation of political decision-making from the administrative implementation of such decisions;
- the principles of impartiality and neutrality;
- the principle of legality as an essential instrument needed in order to achieve the objectives of administrative action;
- an emphasis on the overall coherence of the system (that is, of the legal system).

As regards the historically settled cognitive component, the following basic features of policy strategy, among others, have been established:

- the specialist subject of administrative law;
- the unilateral nature of administrative action and procedure;
- the predominance of government policy makers over their private-sector counterparts (be they groups or individual citizens);
- a deductive, hierarchical-consequential relationship between input (regulations) and output (administrative action);
- an emphasis on the importance of formal rules as the inevitable choice of instrument in administrative action;
- the considerable importance given to organisational structures, compared with the little or no attention paid to policy;
- the control of legitimacy.

These cognitive principles that have inspired action have slowly but surely been accompanied, and in some cases replaced by, other factors over the past thirty years, as a result of external pressures aptly re-worked and incorporated into the paradigm. These factors include: the involvement of citizens in the administrative process; administrative transparency; the agreement (contract, convention) as a suitable means with which to standardise and model administrative power; the pluralistic aspect of administrative law (Mannori and Sordi 2001); collective bargaining as an instrument of personnel management.

The judicial administrative model has displayed a considerable ability to withstand the challenge of innovation and those criticisms aimed at it from outside the administrative field, together with a unique capacity to reformulate and appropriate those conceptual challenges deriving from academic areas different from the field of law (business administration, economics, the theory of organisation, public policy analysis, sociology and psychology). Thus what we are faced with is a hegemonic paradigm that has proven itself capable of self-modification over time without having to replace its original fundamental values, but by adding other ones and rendering them consistent with its own specific characteristics and founding values. An hegemonic paradigm that has proven to be highly resistant thanks to the adaptation of its own constitutional logic when requested to do so by society and as a result of the diachronic emergence of new organisational and scientific concepts during the course of both
academic debate and the experience of national government. This is true, for example, of those demands for pluralism and jointly-agreed planning, participation, democratisation and transparency which society and the political sphere have advanced on more than one occasion. This is also true of certain new ideas concerning administrative organisation and processes coming from other disciplines and from the experience of other countries (examples include departmental structures, agencies, authorities, the concepts of efficiency and productivity, management control and economic accounting, and the evaluation of processes and results). The survival of this paradigm with its gradual hegemonic imposition, has had important consequences both for routine administrative practices and processes of reform.

First of all, the legal paradigm has constituted the shared framework around which a cohesive, strong and decidedly impermeable administrative policy community has grown up. The language and the legal perspective, with its fundamental values and its administrative culture, have represented the common code shared by the members of the policy community (politicians, public service employees, trade unionists, journalists and experts), in its various systemic formulations, and at the same time, the criterion for the access of external participants: in order to enter the community, it was necessary to demonstrate a knowledge of legal terminology, with all the socio-cultural implications this had (Capano 1992 and 2000).

Secondly, within the processes involving the formulation and implementation of the reforms, the hegemonic paradigm has made it possible to de-politicise elements of conflict, thus encouraging negotiations between participants and furnishing a resource that has proven indispensable in rendering any organisational and processual innovation in the administrative field compatible with the status quo (thanks above all to the sharing of a common language).

Thirdly, the hegemonic paradigm has played an often underestimated role in the concrete dynamics of administrative processes, where it has offered the long-established structure of inside interests, together with the structured relations between administration and external participants, a refined, complex symbolic technology with which to legitimise and pursue its own interests.

The hegemonic legal paradigm has therefore played a fundamental part in the processes of administrative reform and in the dynamics of routine, by means of its characteristic ideational and cultural component, since:

a) it has structured both insiders’ and outsiders’ perception of their own interests;
b) it has acted as co-ordinator of the actions of the various participants involved in administrative processes, playing a pivotal role in the coordination of collective action and in the dynamics of policy discourse;
c) it has constituted an extremely important resource for the social and political legitimisation of the administrative order;
d) it has supplied a collection of pre-set solutions to the ambiguities and uncertainties that characterise the decisional processes of advanced societies.

Of course, this paradigm has not managed to avoid being criticised and challenged, and has been repeatedly subjected to pressure and attempts to adjust it, if not to reform it. Notwithstanding this, it has managed not only to survive, but also to preserve its force. In order to understand and explain this phenomenon, we have the emblematic case of a reform process that was got underway at the beginning of the last decade, and is still going strong as I write.
2. The 1990s reforms

2.1. Action at last

For a good many years Italy’s administrative policy had proven totally incapable of resolving the paradoxical nature of its constitutional dynamics: numerous attempts to reform public administration had proven a failure from the very start, or had produced legislative output of a merely symbolic, distributive nature; and on the rare occasion that truly innovative legislation had been formulated, attempts to implement it had not been very successful at all (Cerase 1990; D’Albergo 1991; Capano 1992; Sepe 1995; Melis 1996).

At the beginning of the 1990s, when the entire Italian political system was going through a period of deep crisis, the administrative reform failures of previous years were replaced by a permanent cycle of reform introduced, above all, by the governments led by Amato and Ciampi (1992-1994) and by the centre-left coalitions (1996-2001). The decade that has just come to an end, and in particular the latter half of that decade, was in fact a triumphant period for supporters of administrative reform in Italy. Not one single sector of public intervention, not one central, peripheral or local organisational structure, not one decisional process or procedure managed to escape this increasing wave of change that swept over the formal rules employed. From the structure of central government, to the character of public office, from accounting procedures to the educational system, from the universities to political and administrative decentralisation: not one area of the public sphere remained, at least in theory, unchanged (Rebora 1999; Capano 2000).

At last, after decades of stagnation, the paradox of constitutional policy was overcome, and thus it became possible to “decide” to reform the country’s public administration. This break with the past was certainly facilitated by the financial crisis the Italian state was going through at the time, together with the deep crisis experienced by the Italian party system at the beginning of the 90s. It was no coincidence, in fact, that the governments led by Amato and Ciampi included administrative reform in their macro-economic policy designed to help remedy the nation’s financial plight. This initial process of reform was subsequently strengthened and “institutionalised” by successive centre-left governments: in their opening of a new political period they invested a great deal in administrative reform, something that happens in all western countries when governmental power passes over to the opposition. The party or coalition that wins an election always includes administrative reform at the top of its list of measures to be introduced, at least at the beginning of its mandate (Capano 1992, 2000). The centre-left governments, partly as a result of the considerable politicisation of the decentralisation issue, began the most far-reaching and ambitious project for administrative reform that had ever been attempted in the entire history of unified Italy. Moreover, decisional efficiency was increased by the fact that, unlike in the past, the 1990s saw the strengthening of the government’s legislative powers compared with the respective weakening of those of parliament: the administrative reforms were passed

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11 In order to understand this process of reorganisation of relations between Italian Government and Parliament, see Fabbrini (2000) and Capano and Giuliani (2001).
using *delegating laws*[^12] and *delegation*[^13]. After decades of immobility, politics had finally succeeded in doing its job, that of deciding things.

Although political contingencies explain why it was now possible to decide, and why the window was now open for change, they do not explain the nature and contents of the reforms being made. Political factors create the opportunity to choose, but only partially influence the contents of the decisions made. The latter depends above all on how the arena of policy discourse is structured, on whether it is structured, as we have mentioned above, by a hegemonic paradigm or by a multiparadigmatic situation.

### 2.2. Italian reforms and international trends

The Italian reforms introduced during the 1990s are part of an international trend characterised by a “new” solution to nations’ administrative problems. This solution has been labelled New Public Management, a definition that combines a variety of different, often contradictory, public management techniques, based on general principles that were already in existence: the managerial approach of the American school and classical organisational theory (Gow and Dufour 2000). A solution that, at least at the international level, seems to be shared and suggested as a programmatic move to all countries (OECD 1995). At the same time, over the last twenty years all western countries have proceeded to introduce important reforms of their public administration using strategies and contents that “programmatically” seemed to be inspired by the collection of organisational and institutional solutions contained in the NPM. The NPM suggests the use of the following instruments: privatisation; placing the emphasis on the citizen as client; de-centralisation; strategic planning and management; the creation of a competitive environment; the measurement of results; contracting out; public service management flexibility; the use of innovative accounting methods; personnel management based on wage incentives; the use of tariffs; the separation of politics from administration; financial efficiency; the considerable use of computer technologies (Hood 1991; OECD 1995; Peters 1997; Gruening 1998).

As you can see, this constitutes a wide range of different instruments, and thus it is no coincidence that each individual country has chosen to combine these instruments using clearly diverse methods and approaches (Olsen and Peters 1994; Hood 1996; Cheung 1997; Kickert 1997). Thus it is only normal to expect that the managerial paradigm has been defined in each country according to its specific structural and cultural characteristics. In particular, from our point of view the introduction of instruments for efficient management is closely linked to the nature of the administrative arena (the presence of a compact policy community or at least two networks of conflicting participants), and to the contents of the hegemonic or dominant paradigm within the administrative sector[^14].

[^12]: When Parliament delegates to Government the power to adopt legislative decrees (primary level regulation) in defined policy areas, pursuant to the principles established by parliamentary act.

[^13]: When Parliament authorises Government to substitute parliamentary laws with governmental decrees (secondary level regulation) in two main sectors: administrative procedures and the organisation of public offices.

[^14]: I do not underestimate the role of vested interests in the process of administrative reform. However, I would like above all to place the emphasis on the cultural and ideational components. For an interpretation that links ideas and interests within the context of Italian administrative reform, see Capano (2000).
From our point of view, therefore, what we need to do is to compare the innovations implemented in the Italian case, in order to see whether they are radically different from the previously-existing solutions, and whether they did in fact replace the latter, and to see whether the pre-existing values and beliefs concerning the nature of public administration and its actions have been nullified or considerably modified in favour of new values and beliefs.

As was mentioned in sub-section 1.3, assuming that in the Italian case a hegemonic paradigm had been institutionalised, then our hypothesis is that the 1990s reforms (which are still being introduced) do not so much represent a radical transformation of the hegemonic paradigm, or the result of a learning process, as a process of adaptation in response to challenges thrown up, and requests advanced, by the world outside. Thus what we are faced with is not radical transformation, but rather an intrinsically evolutionary process, despite the hopes and claims of the promoters of reform.

2.3. The contents of reform in the 1990s according to the reformers

Can the reforms introduced during the 1990s be seen as a radical change? Do they correspond to a change in the existing paradigm? It is not east to answer this, particularly as the reform processes, like all public policies, take time to take effect. Furthermore, such an assessment is even more difficult to carry out if we consider that the process (which actually got underway with delegating law 421/92, although previously announced in laws 142 and 241 of 1990) is characterised by the continual modification of the reform regulations. In other words, it is difficult to know what effects to look for, since the basic programmatic premises have been radically modified during the course of the last decade. However, in accordance with the logic of our reasoning, what we should be looking for are the organisational and functional principles pursued by means of this reform process, rather than the still rather unclear results of the reform itself. The important thing, in other words, is to identify the founding elements of the reforming paradigm in order to be able to compare them with those of the hegemonic paradigm to see whether what we have is a new paradigm, or simply the old one updated and adapted to fit the spirit of the age. Clearly, faced with this quandary the reformers themselves would not hesitate to reply that what is emerging is a new paradigm of administration, based on completely different principles and objectives than those of the recent and distant past.

I believe it would be a good idea, at this juncture, to report the reformers’ own words regarding the logic and contents of the global reform as it has been drawn up during the course of the momentous last five years. Our main sources of information will be the Department of Public Administration, together with the person who has been the Cabinet Minister for Public Administration in each of the five centre-left coalition governments during the course of the 13th legislature (1996-2001), Franco Bassanini (who we should not be surprised to discover is also Professor of Constitutional Law and an influential member of the administrative policy community).

The official documents (Bassanini 2000a, 2000b, 2000c, 2001; The Department of Public Administration 2001a, 2001b) present the founding principles underlying the strategy and contents of the reform: in other words, the causal story of the reform. I

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15 Table A (attached) gives a list of the main reform regulations.
would like to underline the most significant points regarding 4 important areas of reform here: devolution and so-called “administrative federalism”; the re-organisation of central government; the Civil Service Reform; the simplification of regulatory and administrative procedures.

As far as the process of political-administrative decentralisation is concerned, this has been guided by two separate areas of content. On the one hand, we have seen the beginning of a process whereby power has been delegated to the regions and to local authorities: in the eyes of the reformers, this process does not constitute “the third transfer of administrative functions to regional government and local authorities, but … a much more ambitious, radical operation, a new stage, as it has been called, in the institutional history of Italy” (The Department of Public Administration 2001b, p.19). On the other hand, the organisational and managerial capacities of local government have been strengthened through a reform of the system of checks and controls, the introduction of city managers, of managerial accounting and the chance to link managers’ salaries to their performance (Bassanini 2000b).

The reform of central administration, the first of its kind since Cavour’s days, involved “merging bodies with similar missions; eliminating duplication and segmentation” (Bassanini 2000a, p. 11); a “more flexible internal organisation”, with “freedom to choose between organisational models” (Bassanini 2000b, 11); the presence “of just one ministry for each mission: 22 ministries in 1990, 18 today, 12 in the year 2001”; the creation of numerous agencies, that is, of “company-like technical-operative structures” (Bassanini 2000b, p.11).

The reform of public sector employment focuses on the privatisation of the working relationship and the further emphasising of the separation of politics and administration. With regard to the first of these two changes, collective bargaining has been extended to virtually all public sector employees (except for small groups of individuals such as university lecturers and professors, prefects and members of the armed forces), devolving even the rules on the careers of public employees to employment contracts (Bassanini 2000b, p.17). As far as the second of the two features characterising public sector reform is concerned, the legal foundations of the separation of powers has been further re-enforced, whereby it is the duty of politicians to “define policies and strategies, assess results, appoint general directors but to have no further direct involvement in administration”, whereas administrative directors and managers “are given broader powers but also greater responsibility, and higher salaries linked to results and performance” (Bassanini 2000a, p.16).

The simplification process was based on the principles of reasonableness (the enforcement of self-certification, the increased interpretation of silence as assent, the formulation of consolidation acts that incorporate and co-ordinate all existing laws within a given public policy sector), and the planned introduction of an annual simplification law. At the same time, experiments have been conducted involving an analysis of the impact of this regulation process, characterised by the setting up of a “task-force of experts whose job it is to safeguard the quality of regulation” (Bassanini 2000b, p. 30).

The introduction of the above-mentioned principles is designed to transform public administration so that it “serves the citizen-user” (Bassanini, 2000b, p.18); this is to be accomplished by means of a “cultural revolution” based on “the quality of the service provided and on customer satisfaction” and “on a new form of control of performance, together with more efficient, less invasive, checks on legitimacy”. This
cultural revolution has to be accompanied by the promotion of “the professional betterment of public employees to be achieved through the introduction of an extraordinary training programme” (Bassanini, 2000b, p.18). This modification of the institutional objectives of Italian public administration, from a form of administration in which only the rules and procedures count for anything, to a performance-oriented administration, is being pursued through the use of the following instruments: the temporary nature of managerial posts and the “firing of incapable managers”; “performance-weighted salaries”; a thorough system of internal controls (strategic management and managerial accounting); citizen’s charters (Bassanini 2000b, p.19; Department of Public Administration 2001a).

As far as concerns the instruments employed, reformers underline the fact that they have not limited themselves to merely passing laws, but are also promoting the actual implementation of these same laws. In particular, they point out that the Department of Public Administration has created a process of support for innovation through: the setting up of professional networks (public relations officers, controllers, personnel managers, etc.); the creation of databanks for the selection and publicising of best practices; the creation of watchdog bodies designed to monitor the implementation of innovation; the writing of practical manuals which help guide innovation; the setting up of learning workshops and experimental projects (Bassanini 2001).

The first impression one gets from this declaration of criteria, principles and operative actions (of which we have given but a summarised account), is that we may find ourselves up against a radical change in the ways public administration is conceived and carried out. It would seem that the hegemonic legal paradigm has been replaced by a decidedly different model, at least in the intentions of the reformers. This radical change means that historically-rooted values and policy strategies such as legitimacy, accountability before the law, the coherence of regulations, together with strategic principles such as the control of legitimacy, the unilateral relationship between State and citizens, the sequential relationship between input and output, have been completely replaced by elements such as efficiency, inexpensiveness, effectiveness, results and assessment.

Indeed, the reform programme sees traditional administrative practices as one of the hardest obstacles to the implementation of the programme itself (and thus to the acceptance of the principles contained within the “new” administrative paradigm), where, for example, a certain stigma is attached to “the defence of the irremovability and irresponsibility of top civil servants in the name of administrative neutrality”, “the refusal of the culture of evaluation and merit” (Bassanini 2000a, p.24), “the survival of a judicial-based state-centred culture within administration, among ordinary magistrates and among those magistrates working in the financial and administrative fields” (Bassanini 2000b, p.21), and a deep “cultural change” is prescribed as an essential prerequisite for reform (Bassanini 2000b, p.51).

Thus in the view of the reformers, the inspirational principles and working instruments of the reform process over the last few years have been fundamentally different from those of the past, and have led to a real change in the paradigm that for over a century has monopolised administrative policies. In other words, the reformers seem strongly convinced that they have triggered an historical break with the past, starting with the replacement of the “old” legal paradigm by a “new” managerial model. Many observers have believed them, either criticising or heralding the “managerial revolution” in Italian public administration.
3. The alternative account: continuity and discontinuity in the hegemonic paradigm

3.1. The contents of the reforms

A change cannot be judged solely from the language used, from the fact that new words are employed. If that were the case, then there would be no doubt that the 1990s reforms would have represented a decisive break with the past history of administrative policy. A change of paradigm, a cultural transformation, cannot be evaluated and judged solely from the words used or the employment of new concepts, terms or standardised actions provided for by law. That would be too superficial an analysis of the reform project, the passive acceptance of its rhetorical dimension.

On the contrary, an evaluation can be made from two different points of view: on the one hand, by analysing if and how the new words, terms and concepts stand with respect to the founding logic of the hegemonic paradigm; in other words, by deciding how these terms and concepts relate to the previously-existing values, principles and beliefs. On the other hand, it can involve the observation of the dynamics by means of which the cultural “innovations” and new formal rules are dealt with as reform is implemented in practice.

As far as the first point is concerned, it should be pointed out that many of the solutions introduced in the complex reform programme were already present within the hegemonic paradigm. For example, one of the cornerstones of the reform package is the separation of politics and administration, with the emphasis on managerial responsibility. This principle is certainly one of the cardinal points in the NPM, but is definitely not a new feature of the history of Italian public administration. The attempt to construct a management structure with its own clearly-defined duties and responsibilities started some 30 years ago (with Presidential Decree no. 748/72, which set up public management), and it continued, in an up-and-down fashion, until the legislative breakthrough represented by Legislative Decree no. 29/93 – the first regulation reforming the public personnel system – and other subsequent innovations (from the introduction of managerial accounting in local authorities in 1995, to the fully contractual status of general executives in 1998).

The value of decentralisation is another thing that can hardly be considered a novelty to Italy’s public administration, and it is interpreted according to the hegemonic paradigm, since “administrative federalism” is a variation of a concept that focuses attention on the decentralisation of duties and roles without paying much attention to the concrete process of policy production. Furthermore, we would like to point out that, while in other countries political and administrative decentralisation is pursued by means of the granting of wide-reaching decisional powers, designed to give Government a more efficacious and incisive role (by steering at the distance), in the Italian case the concept of decentralisation loses its meaning as a strategy to be used to

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17 On the 8th March 2001, Parliament passed a law revising certain articles of the Italian Constitution; among other things, this provides for the institutionalisation of a para-federal decentralisation policy, it establishes the direct legislative powers of regional government (with the exception of those areas exclusively assigned to the State –as listed by this constitutional reform). Until this reform had been introduced, the Constitution envisaged that regional government could exercise primary legislative power over a highly-circumscribed, clearly-defined list of subjects.
draw up public policy, and becomes a value in itself. Hence the policy of granting local autonomy is conceived of in terms of the mechanical division of duties and the rational, sterile organisation of decisional procedures. The co-ordination of the system is left up to the system of legal rules and regulations, as has always been the case.

Another area of interest has been that of the reorganisation of the ministries: this operation has been based on a strong principle inherent to the hegemonic paradigm (the reduction of excess and duplication, the standardisation of those processes leading to administrative action, with the consequent reduction in the number of ministries). In other words, the reform of a structure that remains of the traditional ministerial variety; with a low degree of organisational flexibility, contrary to the claims of the reformers, since it was Legislative Decree 300/99 that established which ministries had to be organised along departmental lines, and which had to be organised along head-office lines. The creation of 11 technical-operative structures (agencies) has to be considered an important change. At the same time, however, it is useful to point out that the organisational format of the agency had already been introduced about a decade before in some sectors, and that these new organs showed a tendency to act in a bureaucratic fashion in true Italian ministerial style.

The principle of personnel management flexibility (with the due stress on the need to encourage it by means of complex systems of status attribution or financial reward), went hand-in-glove with one of the most deeply-rooted, albeit recent, beliefs, of the administrative policy community: the vital role of bargaining with the unions as a way of achieving flexibility in the management of human resources within the public administration sector. Clearly this factor clashes significantly with managerial principles, but this operational contradiction is well concealed within the regulations and public discourse (thanks to the use of terms such as participation, transparency and democratization).

The process of simplification has constituted a constantly-present item on the agenda of the administrative policy community (all of the Italian Republic’s legislatures have been witness to the presentation of bills regarding the simplification of the administrative process). There is also the fact that the process of elimination of certificates is nothing more than the enforcement of principles passed by law in 1968, presented once more, without any success, in 1988, and finally re-worked and pursued with greater conviction during the 1990s. It is worth pointing out the emphasis on the simplification of procedures and processes puts into practice some of the cornerstones of the hegemonic paradigm: in fact, the neutrality and impartiality of administrative action, together with the coherence of the legal system, can be best pursued if there are few, logically consistent regulatory inputs (thus avoiding the worst of all evils: administrative discretionary power). It matters little, then, if simplification and delegation have led not only to the improved efficacy of certain procedures, but also to a growth in the quantity of legislation!

Finally, to conclude this array of examples regarding the continuity or discontinuity between “old” and “new” paradigms, a mention should be made of the concepts and instruments of Microeconomics and of Management and Business Administration taken from the 90s reforms. In the view of many observers (scarcely attentive to be honest), the introduction of these working tools and the organisational values they represent, constitutes a watershed in the history of Italian administrative policy: it represents a break with the legal-theoretical tradition, and the introduction of instruments, concepts and methods from other fields, together with ways of
administrating aimed no longer at guaranteeing the conformity of deeds but at the effectiveness and efficiency of administrative actions. There can be no doubt that the instruments wielded by Microeconomics and Management and Business Administration (the latter above all in its more accounting-oriented form) constitute the strongpoint of the symbolism of the 1990s reforms (up until the end of the 1980s, the term “efficiency” was practically absent from any legal provision or regulation).

On the other hand, it was in fact during this decade that economic science was to join law as a subject deemed worthy of providing advice to the country’s leaders. In fact, it was the financial crisis of the early 1990s that led to a considerable increase in the number of economists (and of political economists in particular at the beginning) called upon to provide consultancy and advice to government ministers. We know that this legitimisation is based on the growing importance of economics in public life, and on the public perception of the “objectivity” of economic experts and advisors. Hence, once economic science had been socially and politically legitimised, it, together with all its various parts and its analytical perspectives,18, found itself having a vitally important resource with which to become the inspirational force behind public policy measures. The way was open for political economics, and it was shortly followed by Microeconomics and Management and Business Administration (which were to find a further source of legitimisation in the heated public debate over the merits and demerits of “public” and “private” operations).

Although we understand the structural characteristics of this gradual process of legitimisation, and their ability to influence events, we find it difficult to explain how the inclusion of concepts such as efficiency and effectiveness, and of instruments such as managerial accounting and cost-benefit analysis, in the reform project and its statutory outputs, failed to encounter resistance from the hegemonic paradigm. The truth of the matter is that the appeal to these new concepts and administrative instruments did not involve any transformation of the composition of the administrative policy community (the members of which continue to be, in the main, jurists or others who accept legal language as the standard point of reference and given paradigm for the interpretation of reality, when even the experts in Management and Business Administration, from the moment they are considered part of the policy community, accept the legal framework as the lowest common denominator).

In truth, this is due to the fact that the acceptance of the principles of Business Administration, duly reformulated and interpreted in legal terms, has led to the modification of the working principles of administrative action, touching upon the flexible part of the paradigm, its protective belt, alone. This has been a mainly painless operation, since on the whole the business-efficiency approach that characterised the contribution made by economists is, logically speaking, an inherent part of the legal paradigm, in that the setting of parameters for the inputs of this approach goes hand in glove with the deductive logic of the hegemonic paradigm. What we have here are two approaches that share the same viewpoint of action, and as a consequence the methodological conviction that there is a linear coherence and one-directional causality between the premises upon which action is based and its consequences.

In general, the passage has been from the principle of conformity to the law, regardless of the concrete results achieved at the operative level, to conformity to those operative criteria, established by deductive logic, as offered by the instruments available

18 In Italy, both at university level and at that of public perception, Business Administration is considered a branch of economics, and is referred to as the “Economics of Firms”.
to Management and Business Administration (Bifulco 1997; Capano 1998, 2000). From this point of view, for example, the fact that during the implementation phase, legal expectations regarding instruments and strategies such as managerial accounting (Gherardi and Lippi 2000; Lippi 2000; Panozzo 2000), the assessment of management results (Capano 1998), collective bargaining and personnel assessment (Capano 2001), citizen’s charters (Pasini 1999), are all interpreted in ways that do not correspond to expectations, is due to the re-elaboration performed by the hegemonic paradigm and the theoretical coherence of the legal system: thanks to the discretionary nature of the interpretation, it enables those bestowed with the duty to implement legislative innovations to normalise the real impact thereof.

In fact, implementation of the reforms (and of all public policies) necessarily implies the interpretation of the formally drawn up objectives on the part of those persons making up the policy implementation arena (which is clearly a discourse arena). Within this context, not only the cognitive maps of these participants (together with their own perceived interests) count, but so do their reciprocal interaction (designed to produce a meaningful form of implementation). The legal framework plays a vital role in this process: it not only constitutes a linguistic instrument shared by all the participants, but also a refined means of resolving any conflict and justifying a noticeable variance in the decisional equilibrium. The legal framework therefore binds the participants (in that there are certain things they cannot do), but at the same time it represents a significant opportunity to adopt the most convenient forms of implementation in a given context (a great many things can be done, provided they are based on a contextualised interpretation that conforms with regulations). Besides which, the fact that the efficiency approach has failed to engender any significant protest on the part of the administrative apparatus is a meaningful sign of the fact that this approach can be interpreted and metabolised by the institutionalised, hegemonic administrative culture. This is why managerial accounting is seen as an administrative procedure rather than as an instrument of organisation management; the collective bargaining of conditions of employment becomes an instrument guaranteeing the rights and privileges of employees, rather than an instrument of human resources management; the evaluation of the performance of management and employees becomes a way of distributing money, rather than a management tool designed to encourage learning; the citizen’s charters become a ritual, symbolic expression of good intent, and not a manual of fair conduct for organisations with respect to their own clients (Gherardi and Lippi 2000; Lippi 2000; Panozzo 2000; Capano 1998, 2001; Pasini 1999).

However, one could object that the 1990s reforms did manage to generate a new angle to the relationship between the State and its citizens: the inclusion of concepts and tools based on efficiency, taken from the experience of private enterprise, introduces a new direction to administrative action, with the emphasis now being placed on results, on the effectiveness and quality of action, on performance, on an understanding of the citizen as client, on contractual relations as an important criterion for interaction with the outside world. In other words, what we are faced with are new directions and values involving a radical transformation of the founding values of the hegemonic paradigm, its complete transfiguration into something totally different from what it has been up until now. However, these principles are reworked by legal logic, and put into a different context within administrative law, which remains a special branch of law albeit perceived in a more pluralistic form that renders it more in keeping with modern-day
society (which is too complex and fragmented to be able to tolerate a unilateral relationship with the State, and as a result with administrative law).

This reworking permits the re-contextualisation of new policy concepts and instruments within a grounded cultural framework, thus renewing the hegemonic paradigm by means of the gradual addition of new values and ideas on policy strategies and instruments without having to replace the old ones, but on the contrary, rendering them reciprocally compatible. Hence it is, for example, that values such as participation, contractual relations with external clients and employees, principle of rendering the administrative process public, transparency and instruments such as management targets and management control, are all brought together and declared in the form of procedural types characterised by the detailed prescription of plans and programmes, by complex procedural passages, where the set goals – quality, efficiency, performance – gradually recede as one moves down the decisional path. The new administrative procedure, that strictly aims at the substance of things, takes such a meandering, twisted direction that in the end all that remains is respect for procedures and regulations; that is, as has always been the case, for the "form" rather than the "content".

A paradigmatic and unwitting theoretical, prescriptive formulation of what we are saying here is fully expressed in an official document produced by the Department of Public Administration, where great emphasis is placed on the absolute importance of the principle of legality, reworked in the light of the newly-introduced innovations:

“The need to develop the working of the public administration in substantial terms rather than as the mere result of some regulation or other, in abstract, theoretical conformity with the law, has led us to rethink past decisions. The new model of administrative action shifts its focus away from a static, formal position to the dynamic aspect of the action and to the substantial results thereof. We are no longer dealing with the evaluation of the legal conformity of a statically designed, statically conceived administrative measure [...]. Administrative decisions must succeed in optimising the combination of interests involved in the exercise of public power. To this end, they must correspond to substantial parameters, expressed by those principles of economy, effectiveness and efficiency, expressed in article 1 of Law no.241/90.

The principle of legality thus takes on a substantial meaning, completely different from the formal, traditional one; it is transformed into a principle incorporating criteria on the basis of which, administrative decisions are not only formally legitimised, but also conform in substantial terms to the parameters designed to optimise results, parameters that indicate the correct and satisfactory distribution and utilisation of available resources. In this context, the term “means” refers not only to strictly economic ones but also to those of a procedural nature. [...] Hence the principle of rendering the administrative process public, which further develops into the principle of transparency, ensures the visibility of administrative action, and makes the participants, the contents and methods of action visible for all to see, so that citizens can evaluate the results achieved and ask that they be legally verified.

The principle of transparency is a means towards the establishment of democracy, “understood as a regime of visible powers”; it enables the right balance to be struck between guarantee requirements and the need for efficiency.

The principle of greater democracy guarantees the participation of citizens in the management of public power; this is no longer a preserve of the Administration, but the result of the active contribution made by those citizens involved. Participation contributes towards the formulation of alternative decisions based on the consent of
the interested parties, and in particular on the real possibility of agreements between the public administration and citizens [...].

The principle of the rightness of administrative action, based on the rule that an administrative process should be concluded by the implementation of a measure, expresses the necessity of the function as an instrument with which to achieve, in accordance with optimal criteria, the set targets and results in conformity with the public interest as laid down by law.

The principle of rightness is accompanied by that of the certainty of the timing of administrative action, and that of the rapidity of the same action [...] The need for rapidity and rationalisation, which both contribute towards the effectiveness of the achieved result, has meant a necessary reduction in the time required for the conclusion of a process, the standardised regulation of procedures of the same kind carried out by different administrations, a reduction in the number of processes and the grouping together of processes regarding the same activity.

Of all the above-mentioned principles and criteria for action, the principle of legality is further developed; it becomes, or rather remains, the main guideline for the exercise of public power” (the Department of Public Administration, 2001b: 39-40, our italics).

And so the circle closes, and all is preserved with the addition of one simple adjective that curtails, in both logical and conceptual terms, this explosion of complexity brought about by the introduction of new managerial principles, leading everything back to the coherence required by the legal system and by what remains its guiding principle and constitutional basis.

What we are dealing with here is a typical phenomenon of the history of Italy’s public administration and of administrative law as its form of expression, action and interaction. Nothing has been replaced, but simply re-elaborated and updated as a result of outside pressure and of the transformation of the socio-economic system. As has recently been remarked (and it no coincidence that the observation was made by two experts in the history of administrative law), “the administrative models do not replace one another, but flank each other, and are sometimes superimposed, the one on the other” (Mannori and Sordi 2001, p. 476). The same would seem to be the case with the hegemonic paradigm: it has absorbed the stimuli coming from the outside world, it has metabolised and de-contextualised concepts and instruments taken from other social sciences; it has re-established its own internal equilibrium and component parts without losing the thread that has accompanied it throughout its entire history.

3.2. The strategy of reform

The second point that has to be discussed is that of the strategy of reform. What we have here is a continuum, devoid of any kind of ambiguity. The new contents are rendered operative by means of a traditional instrument used in an extreme form, specially for the occasion: the instrument of law (Regonini 1998; Dente 1999). The entire reform process is a continuous, complex, reiterated series of laws of various importance, that constitute a somewhat worrying labyrinth. Each major law produces a considerable quantity of regulations, legislative decrees, circulars and orders. Each major law is modified a number of times during the course of a decade (e.g law 142 regarding local autonomy; or legislative decree 29/93 on the reform of public sector employment, or legislative decree 77/95 on local authority accounting), and this in turn means the modification of its respective decrees, regulations, orders, etc. While this approach means a worrying time for the reformers, also clearly shows their ability to
conceive innovative strategies designed to render operative those reforms that they believe to be revolutionary changes. Structural changes in established practice, routine and values are called for using old instruments that belong indeed to the very cultural tradition that they want to change.

The continual resorting to corrective measures, adjustments and the reworking of legislative reforms that have only just been passed is no coincidence. The logic remains that of the past: in fact, a necessary prerequisite for change is a legislative provision, and if the expected transformation does not come about, then the law has to be changed (provided the implementers are not accused of wilfully resisting implementation, although in this case a further law is often passed “forcing” those with the task of implementing the changes to adhere to the will of the law). Moreover, the legislative changes often derive not from a close analysis of the effects of the original laws, but simply from the frantic need to “draw up” a cohesive general framework of the “necessary form” of the administration. What clearly emerges is the hard core of the historical values of the hegemonic paradigm: the “law” as primary source of administrative action, the hierarchical relationship between decision and implementation, the desperate search for a flexibly coherent legal system (capable of containing and envisaging everything), its substantial anti-pragmatic, anti-empirical prejudice.

The contradiction between what is sought after and called for, and the strategy employed, is however something that the reformers are well aware of: in ten years of experience, they make true, yet surprising, claims such as “the reform has almost been achieved in its laws and decrees, but laws alone cannot change citizens’ lives” (Bassanini 2000a, p.44); “the implementation of the reform depends on millions of administrators and public employees. Some of them even try to hinder implementation”; “legislative formalism, bureaucratic centralism and the rejection of change are things that cannot be cancelled in a few months by laws and decrees” (Bassanini 2000b, p.51).

Laws do not change the lives of citizens, but the strategy of reform has only consisted in a flood of laws and regulations. Implementation of the reform depends on the administrators, but if the reform does not work, is that the administrators’ fault (or that of those citizens unaware of their rights or of the contents of the thousands of regulations issued). Legal formalism cannot be cancelled by laws and decrees (so why spend so much energy on promulgating them?), and yet the administrative reform process is characterised by a high degree of formalisation.

As we can clearly see, there is a continuous contradiction between what is announced and what is actually done, between what you would like of others, and what you cannot yourself obtain. This is clear proof of the fact that there has been no real

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19 This way of doing things characterises all the modifications made to the original reform laws. For example, legislative decree 29/93 reforming public sector employment, has been modified at least 6 times in 8 years, with no assessment of the actual effects these modifications have had on the original decree. The same method has been used with regard to national employment contracts for public service employees and executives: these contracts are drawn up without providing any analysis of the organisational effects of the previous contracts, evidently deemed unnecessary.

20 To give an idea of the quantity of regulations produced during the process of administrative reform, we only have to mention the fact that from 1997 onwards the government has issued at least 70 legislative decrees, approximately 200 secondary regulations (decrees promulgated by the President of the Republic, the Prime Minister or other ministers), as well as hundreds of circulars regarding the interpretation of the said regulations.
change in the underlying values and beliefs regarding “how” to administrate. Nothing has been learnt; there has only been adaptation.

In other words, the overall strategy of reform has been inspired by traditional bureaucratic principles, accompanied by some principles (not too distant from the latter) taken from New Public Management: the result is a kind of bureaucratic-managerial model whereby extensive written rules govern work and organisational behaviour. That is, a classical top-down model in keeping with the traditions of the Italian administrative policy community and its hegemonic paradigm.

However, it is interesting, and at the same time indicative, to note that the reformers claim that they have based themselves on the reforms introduced in the United States of America, starting from the Gore Commission: “The aims underlying the reform program have much in common with other countries’ reforms, and in particular with the Clinton-Gore program for reinventing the Federal Government in the United States started in 1993. In both cases, reducing the size of public administration is a key goal” (Bassanini 2000c, p.229). We all know that this is not so21, and that the principles underlying the American notion of “reinventing government” are completely different from those at the roots of the Italian reform programme22: anti-managerialism, pragmatism, the emphasis on outcome, the importance of frontline workers as significant participants in the reform process, the bottom-up logic of processes, the underlining of excess as a positive factor in processes, etc. (Gore 1993; Kettl 1998; Regonini 1998).23

Of course, the reformers could point out that they created instruments of support for innovation that prove the importance they gave to the practice of reform. However, if we look at how these instruments were used, and the results they are giving, the impression we get simply supports our previous observations. The monitoring of implementation is merely based on indicators of output and not of outcome, and in particular, it is performed in a purely sporadic, not very incisive manner (also because the majority of staff at the Department of Public Administration are busy writing up new regulations, while the majority of staff in the various public administrations are busy trying to interpret the regulations they are constantly inundated with). The experimental projects and learning laboratories, although having been widely publicised by the reformers, have had little actual effect. In fact, despite being based on the Reinvention Laboratories of the USA’s National Performance Review24, they have been developed along completely different operational lines from their American counterparts. The Reinvention Laboratories, in fact, are characterised by their great concern for “the micro-context of reform” (Arnold 1998) within a post-bureaucratic model of reform (Barzelay 1992), where considerable autonomy is granted to frontline workers, while the core of the system is limited to issuing general directives concerning the major goals to go for; in the American case, therefore, the laboratories produce innovation within a context in which formal rules are extremely limited, and where it is assumed that the reform is going to be designed according to the bottom-up approach.

21 “Reducing the size of public administration is a key goal” may well be true of many western nations, but certainly not for the USA, where the main objective is that of improving policies and services.

22 Besides which, we should point out that Osborn and Gaebler’s work “Reinventing Government” has been translated into Italian as “Dirigere e Governare” (Managing and Governing), thus completely changing the meaning of the English title.

23 The only real similarity with the American process is that constituted by the recently launched “e-government” programme.

24 It was renamed the National Partnership for Reinventing Government in 1997.
The pilot projects and learning laboratories in Italy, on the other hand, are characterised by the fact that they are tied to a reform process in which constant, strongly binding adjustments are being made; the result of this is that, for example, the learning laboratories do not aim to find solutions to the administrations’ needs (based on their history and their socio-economic context) as the solutions are already written in the reform regulations. The learning laboratories thus run parallel to normal administrative activity, in which the participants do not invent anything at all, but merely exchange experiences, that is, tell each other how they are implementing reform regulations within their own administrations. The experimental projects, designed to find innovative management or regulatory methods, have not had much success so far, partly because the proposals they have come up with have either not been implemented at all, or only formally so.

This is further proof of how the cultural transformation implicit in each real attempt at administrative reform is, even in the glorious 1990s, a far-off goal, one that may perhaps be achieved in the very long term as an unintentional result of the continual modification of the hegemonic paradigm.

It is no coincidence that the reformers are aware of the problems connected to the implementation of the reform, which they see, however, in the resistance of many participants (trade unionists, politicians, bureaucrats and even citizens) to the abandonment of well-consolidated practices (institutionalised interests and values), rather than in the contents and strategies adopted. Moreover, neither is it a coincidence that, convinced they have done the best they could (assuming a self-referential position typical of hegemonic paradigms), the reformers appeal to an external factor: the process of European integration. Neither is it a coincidence that the future of the reform lies in the “Maastricht approach”, where the Euro example shows that “Italy is a country capable of finding hidden human resources to face the most difficult tasks” (Bassanini 2000a, p.48); neither is it any coincidence that the Italian government itself is one of the major supporters of “European administrative space”, since, even though EC agreements never interfere with the organisation of the various European administrative systems, “the Italian government nevertheless believes it necessary to reach a homogeneous standard at the European level of the results of administrative action” (Bassanini 2001, p.67). The involvement of Europe seems to be a strong, definitive indication of the difficulties the reformers have in altering the dynamics of reform implementation, and thus in forcing policy discourses within the arena of implementation to break with the interpretative tradition that characterises them.

4. What can we learn from the story of Italian administrative reform?

In 1999-2000 I took part in a learning laboratory entitled “Rethinking public employment”, the objective of which was to stimulate the creation and spread of best practices within the field of personnel management. My role was to co-ordinate a workshop involving local administrators from the Emilia-Romagna region of Italy (one of the areas of the country known for its “good administration”). The participants were therefore all professionally well-equipped and motivated, but had one problem: just as the laboratory was being held, the decentralised collective bargaining was underway (that is, the process of implementation of the national public service contract). On the one hand, the participants (personnel managers within their own local authorities) were involved in this supplementary bargaining on the basis of existing constraints (national contract regulations, pressure from politicians and trade unions), while on the other hand, they were taking part in the laboratory where they had to come up with shared solutions that could not be employed within their own authorities.

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We have tried to show how the reforms of the 1990s have not implied a radical cultural transformation of the way administrative action is “defined” and “implemented”. The hegemonic paradigm has managed to overcome the crisis by means of a stubborn action involving the repositioning of its own values and of established public policy strategies, reworking and including stimuli, suggestions and technical proposals taken from the outside world, and in doing so has shown itself to possess considerable powers of survival. This clearly shows not only the cohesion and manipulatory capacity of the administrative policy community (which up until now has succeeded in broadening its scope, taking in and reworking concepts borrowed from Management and Business Administration, and Microeconomics), but also the absence of any alternative paradigm really capable of challenging the dominant one. This means that we are faced with a paradigm that is so all-pervasive that it can be “stretched” to cover even those operative anomalies mentioned by Hall (1993) as being the cause behind the process of paradigm shift.

The survival of the hegemonic paradigm and of the associated administrative policy community, is facilitated by the absence of a unified network which, even if in the minority, could openly challenge the values, strategies and fundamental solutions offered by the hegemonic paradigm. This absence is based, as we have argued elsewhere (see Capano 2000), on two main socio-cultural factors.

The first factor is the considerable degree of social and legal legitimisation enjoyed by both the hegemonic legal paradigm, and its supporters, the jurists (the politicians' consultants par excellence) as shown by the fact that even the new arrivals, the experts in Management and Business Administration and Microeconomics, have had to accept the legal language in order to be partially included in the policy community. That is without taking into account the fact that the planning of reform at governmental and parliamentary levels has been conducted, would you believe, by university professors of public and administrative law. Thus the members of the administrative policy community have been, and continue to be, at one and the same time advisors to the decision-makers and policy makers in their own right.

The second factor consists in the lack of visibility and social legitimisation of other disciplines dealing with administration, due both to their extremely limited numbers, and to the nature of university curricula covering the field of public administration, which consist in the main of law-related subjects. In other words, social sciences, politics and organisational studies have not succeeded in “including” their analytical instruments and actions in everyday practice. They have to a certain extended been “robbed” of some of their concepts by the administrative policy community; they have a marginal role to play in the universities (which continue to turn out graduates in public administration with a mainly legal education, and who thus represent an important resource for the survival of the hegemonic paradigm).

In the future these factors could change, although we doubt that this will happen. The reform of university teaching, which will get underway in the academic year 2001-2002, will preserve the status quo as far as administrative studies are concerned, and

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26 We have already mentioned Bassanini; however, all the chairmen of parliamentary commissions who have had the task of expressing their views on decisions regarding administrative reform have been professors of law. The majority of advisors to Ministers of Public Administration have been and are jurists (flanked by the occasional economist and the very occasional public policy scholar).

27 There are no more than 10 scholars in academic positions dealing with public policy analysis; there are no more than 20 scholars of public administration, in the Italian university system, with a background in political science, sociology or organisation theory, currently working in the universities.
thus we can justifiably expect no more than the merest modification of the marginal role of the social sciences with regard to those skills considered of importance by public administrations: legal studies will continue to dominate, flanked partially by management and business administration.

Not even a change in the government coalition (which many scholars – in particular Sabatier, in the policy studies' field - see as an essential factor in establishing the cultural hard core of reference of public policy) will modify the degree of legitimisation among those disciplines dealing with administration, since the historical legitimisation of legal studies involves the entire political class, regardless of individual members’ political colours.

Moreover, the cultural continuity that characterises the hegemonic paradigm, albeit with the above-mentioned ambiguities, can reassure all those implementing reform who share the founding values of the hegemonic paradigm.

Administrative policy discourse, at all levels of government and in all institutional contexts, thus develops within a highly institutionalised, hegemonic framework, since only one stable, commonly-shared paradigm exists. In this case, therefore, the chances of creating new meanings are extremely slim, whereas the chances of construing a consensual theory of the truth increase: however, this theory, based as it is upon a common language and upon shared basic values, creates a consensus regarding the interpretation of the problems and of the things to be done that only marginally differs from the existing status quo, and enables external challenges – both material and theoretical – to be dealt with without having to modify one’s own beliefs to any great degree; it also enables one to handle any ambiguities and anomalies by rationalising them with a certain ease, and to deal with systemic crises without paying too high a price. These dynamics are not modified if participation in the decision-making process increases, which is at one and the same time a joint cause and effect of the hegemonic paradigm.

Clearly this slow, gradual process whereby the hegemonic paradigm is modified by adapting to the outside world, may, in the long term, lead to radical changes coming about, but this will be an unintentional process of a structural nature. The policy discourse arena in this context plays but a marginal role. Things would be different if the policy sector had a multiparadigmatic character, but this would not seem to the case here, at least as far as current knowledge and the (too few) academic studies show.

At the same time, however, the hegemonic paradigm, comprising both the old and the new (albeit reformulated in a self-referential way), including the respective reform project, offers an opportunity for innovative behaviour, including that based on different cultural premises, at the level of a concrete system of action, behaviour that could establish in the long term alternative practices that clash with the traditional ones. The complexity and the quantity of administrative arenas, in fact, enables special niches to be created, where individual participants may act in an innovative fashion, triggering off a chain reaction. However, this has yet to happen (at least as far as we are aware). Nevertheless, this, rather than the process of European integration, could be the starting point for the next challenge to the hegemonic paradigm; perhaps this could be the point from which the cornerstones of an alternative paradigm are built, and perhaps from which the hegemonic administrative policy discourse could begin to be de-institutionalised. These are processes, however, that clearly cannot be forecast from a non-positivist position. As Boudon (1985) teaches us, it is a matter to chance.
Bibliography


Bateson G. (1973) *Steps to an Ecology of Mind*, Paladin, St Albans.


Capano (2001), *Le relazioni tra politici e dirigenti nella contrattazione integrativa*, Centro Di analisi delle Politiche Pubbliche, Forlì, mimeo


Dente B. (1999), In un diverso Stato, Bologna, Il Mulino, 2^ ed.


Habermas J. (1990), Moral consciousness and communicative action, Cambridge, Polity.


Majone G. (1991), Research programmes and action programmes, or can policy research learn from philosophy of science?, in P. Wagner et. al. (eds), Social sciences and modern States, New York, Cambridge University Press, pp. 290-306.

Mannori L. and B. Sordi (2001), Storia del diritto amministrativo, Bari, Laterza.


Oecd (1995), Governance in transition: public management reforms in the OECD countries, Parigi, Oecd.


Rebora G. (1999), Un decennio di riforme, Roma, Guerrini.


Table A  Administrative reforms in Italy during the 1990s. The main legislative steps (1992-2000)

<table>
<thead>
<tr>
<th>year</th>
<th>regulation</th>
<th>content</th>
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<tbody>
<tr>
<td>1992</td>
<td>Law no. 421</td>
<td>Delegating the government to reform the juridical status of public employment, to introduce innovations in the financial control systems of local government.</td>
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<td>1993</td>
<td>Legislative decree no. 93</td>
<td>&quot;Privatisation&quot; of public employment (except the university professors, the ambassadors, the Army, and the top level managers). Institution of the National Agency for the National Bargaining of public employment. New rules on the labor representation (changed two times in the same year)</td>
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<tr>
<td>1995</td>
<td>Law no. 273</td>
<td>To enforce efficiency in public administration</td>
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<td></td>
<td>Legislative decree no. 77</td>
<td>Introducing managerial accounting in local governments</td>
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<td>1996</td>
<td>Law no. 662 (Budgetary Law for 1997)</td>
<td>Adjusting many rules of legislative decree no. 29/93.</td>
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<td>1997</td>
<td>Law no. 59</td>
<td>Delegating the government to re-design the competencies of the Regions and local governments; to reform the bargaining system of public employment; to reform the macrostructure of government; to produce the Annual law of delegification (To enforce this delegating law more than 60 legislative decrees have been promulgated</td>
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<tr>
<td>1997</td>
<td>Law no. 94</td>
<td>Delegating the government to reform the budgetary procedures (it has been enforced by 3 legislative decrees emanated during the 1997)</td>
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<tr>
<td>1997</td>
<td>Law no. 127</td>
<td>The so called &quot;law on simplification&quot;. Hundreds of regulations changing rules in personnel system, bargaining system, control and evaluation systems, in administrative procedures.</td>
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<tr>
<td>1998</td>
<td>Legislative decree no. 80</td>
<td>Changing the legislative decree no. 29/93. Reinforcing the &quot;privatisation&quot; public employment.</td>
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<td>1998</td>
<td>Law no. 191</td>
<td>Changing some rules of the law 59/97 and of legislative decree</td>
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