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Creating Postmodern Hybrid Organizational Systems: Exploring the Philosophical Foundations of Administrative Theory Through A Review of Literature

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Creating Postmodern Hybrid Organizational Systems:

Exploring the Philosophical Foundations of Administrative Theory

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To Lorrie Ann, who made it possible,

as well as my parents for their continued support.

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SECTION ONE—*INTRODUCTION*

Purpose and Goals

Historically public sector organizations have adopted a positivist organizational model that relies on highly centralized decision-making structures. Does such a classical bureaucratic model serve government organizations well given the intrinsic lack of accountability in traditional hierarchical administrative organizations particularly in as much as positivist models openly conflict with the ideals of pluralist democratic political systems and processes? Hierarchical structures, by definition, depend on a centralized, and exclusionary, decision-making process that the positivist organizational model holds to be "efficient." In the highly diffuse, and decentralized decision-making processes of the political realm the classical positivist model cannot be readily sustained. Philosophically, can positivist models of public administration continue to flourish in a post-industrial, postmodern world?

Cultural context has long provided a framework for organizational structures. Organizational thought and structure has tended to reflect the prevailing philosophic schools of the day. Traditional government structures have been hierarchical with strict vertical and horizontal integration. Such organizational structures reflected the management systems employed by the private sector based largely on an industrial era of production-based organizational systems.

Now that the post-industrial, Information Age predominates the world economy, private sector organizational structures tend to emphasize disintegration, or decentralization, of management and decision-making processes while concomitantly stressing concepts of entrepreneurism, accountability, and globalization. Today's postmodern world demands that organizations: develop sophisticated communicative systems (supported by ever advancing

information technologies), heighten multi-cultural sensitivity in order to embrace cultural diversity, and promote collaborative decision-making schemes so as to encourage heightened levels of participation. Consequently, governmental structures are being recast in light of the evolution of social structures and shifting political decision-making models.

This essay shall first explore the continued evolution of administrative theory to draw parallels with erstwhile social, political, and economic trends, and thereby establish a periodicity of organizational theory. Tracking the historical context of organizational systems enables the researcher to establish the overarching philosophical frameworks of organizational theories in governance from inception to the contemporary period.

Next, it is essential to survey the public sector's adaptation of decentralized decision-making systems and postmodern organizational structures premised upon communicative systems, information technologies, and discourse driven collaborative approaches. A public sector organization will be examined, through two case studies, within the context of creating hybrid positivist and postmodern organizational systems that emphasize present societal values.

Lastly, postmodern administrative systems will be analyzed through the lens of citizen participation in order to gauge the effects of administrative bureaucracy on democratic processes. Postmodern philosophy tends to embrace inclusive processes and eschew outmoded, exclusionary positivist power-knowledge relationships. By extension, postmodern organizational systems tend to adopt inclusion as a primary value and encourage participatory processes.

An Overview of Organizational Theory and Public Sector Organizations

Max Weber is considered to be the father of the modern rational organization. Classical organizations were outlined by Weber who coined the term "bureaucracy" (Miller,

1963). The six principles of classical organizations are: 1. Areas of jurisdiction are fixed by laws and organizational regulations; 2. Authority rests in an extant hierarchy; 3. Management is based on information; 4. Expertise and training are essential to professionalism; 5. Organizational structure is rooted in the concept of career; 6. Management adheres to rules. These are the fundamental tenets of modern rational organizations. Philosophically, Weber was an apologist for capitalism in that his work extolled the virtues of an organizational system he saw as eminently rational and empirical. Weber's thesis came to light during the zenith of functionalism, witness Frederick Taylor and the movement in Scientific Management (Davis, 1996).

Luther Gulick refined Weber's model and adapted it to American public organizations. Gulick rose to prominence during the New Deal whereupon he stressed "efficient operations" in organizational structures (Davis, 1996). Gulick was a proponent of a strong centralized government with an increased role in the lives of American citizens. No doubt the backdrop of the New Deal provides the significant intellectual impetus behind Gulick's organizational theories. Administrative management was central to the disposition of new found government power.

Bureaucratic rationality and scientific management had a profound influence on the public administration theorists of the period. Gulick considered reified activity and ideology central to organizational efficiency (Davis, 1996). In other words, the vocational activity comes to embody a strictly abstract, or rational autonomy—ultimately rendering that activity devoid of its fundamental nature—severing the relationship between the task and its designed objective, or goal. The mechanization of organizational activity is merely a byproduct of what Gulick felt was the innately rational essence of organizational activity and

thereby the basis for its efficiency. Organizational tasks could be separated from human thought, values, and needs.

Subsequent to Gulick's seminal work on the empirical rational view of public administration organizations came the work of Herbert Simon. Simon stressed the rationality of the organization as, "synonymous with the efficiency of the administrative unit itself (Davis, 1996, p.98). The 'means-ends' reasoning process was central to Simon's emphasis upon the decision-making process. Hierarchical structure delimits individual decision-making through the authoritative structure—bounded rationality. Simon's model is predicated upon a system of 'satisficing,' whereby individuals choose courses of action that are satisfactory enough, given constraints upon available resources rather than a maximization of individual choices. Choice and politics are, theoretically, subjugated by the rationality of administrative management. Rationality rests upon a theoretical divide that persists between administration and politics. Simon's work corresponded with the prominence of post-War operations research and the subsequent rise to prominence of technical expertise.

Vincent Ostrom sought to humanize the work of Gulick and Simon by introducing a more democratic approach to public administration. According to Ostrom, traditional administrative theories that emphasize rational decision-making within hierarchical structures are incompatible with liberal, constitutional ideals. Democracy is lost in the labyrinth of organizational structures. A paradox is born of the monocentrism of hierarchical organizations and the fundamental emphasis upon individual liberties as expressed by citizen participation in the constitutional system.

For Ostrom the individual, not the system of management, becomes the basic unit of analysis (Davis, 1996). Authority does not rest within the hierarchy, rather Ostrom devises a

system of fragmented decision-making and an overlap of authority. Decision-making rests in individual choice and is patterned after traditional liberal-democratic schemes. The individual is the first level of sovereignty, community the second, then the state, and so forth. Enlightened self-interest becomes the guiding principle of decision-making. Ostrom relies upon an individual's cognition of the general welfare as in her/his self-interest. Human kind is considered social with personal and collective needs—requiring mutual effort. Ostrom formulated his organizational theories during the late Sixties and early Seventies, in an era of socio-political turmoil that challenged the very notions of public authority.

Chris Argyris explored organizational phenomenon under the aegis of humanistic-behavioral psychology and management. He emphasized organizational structures as systems. According to Argyris, organizations are normative in that social reality is a construct (Davis, 1996). The Humanist School makes human existence, and subsequent self-recognition the center of organizational structure. Quality of life, therefore, becomes a natural outgrowth of Argyris' theoretical framework.

Argyris decries formal organizational models as dysfunctional and unhealthy for the individual. The repression of interpersonal relationships decreases the capacity to learn and grow. Social awareness and action, however, must await the awakening of self-awareness. Collective action is thus a tacit agreement to achieve, or at least aspire to, self-awareness and is not necessarily beholden to common involvement. The cultural context under which Argyris operates is the humanist and existential period of the Seventies and Eighties.

Postmodernity: Philosophical Underpinnings

In the postmodern era new, value-based perspectives emphasizing culture and the importance of communicative systems constitute systemic upheaval. Public administration

has a new locus derived, to a great degree, of the omnipresence of information and the continued subjectivity of knowledge. Postmodernism forms the ideological underpinnings of the Information Age, and, as such, new ground for organizational theory and public administration.

The philosophical underpinnings of postmodernism currently contribute a great deal to organizational and administrative theory. The fundamental epistemic, ontological, and metaphysical foundations of postmodern philosophy derive of the structuralist school of philosophy that sought to remedy the abject nihilism that accompanied the subjectivism borne of the existentialist philosophy (Kurzweil, 1980). Structuralism sought the common bonds present in human relations, and in doing so applied an interdisciplinary approach to unraveling the fundamental questions of essence, meaning, language, and social institutions. Since many structuralist philosophers are also considered postmodern thinkers—especially Foucault, Lacan, and Derrida—the tenets of structuralism are expressed through current postmodern thought. Briefly, the key elements of postmodern philosophy require a précis of the major thinkers of the postmodern movement.

Fox and Miller (Lynch and Dicker, 1998) succinctly distill the essence of postmodern philosophy. Lacan proposes that institutions are the structures in which antagonisms are played-out, where interests are denied or fulfilled and values are upheld or denigrated, whereby an institution is a reflection of the dichotomous self. In the main, the divide between the conscious and unconscious. Moreover, for Lacan language is at the center of social structures.

Foucault views institutions as sources of domination (Lynch and Dicker, 1998). The system of power is a structure of the discourse, actions, and institutions of knowledge. Furthermore, knowledge is controlled through a system of power operating through rules of

exclusion. Organizations are totalitarian mechanisms of power and every social institution is a knowledge system that structures human domination.

Lyotard (Lynch and Dicker, 1998) holds that scientific knowledge has been reduced to commodity status, for it is a major force of production. Society is imagined as an objective reality, a unified totality in structural functionalism. In other words, the values are ignored in favor of 'facts'—what ensues is the perpetuation of the subject-object schism endemic Western society and philosophy. Who decides what knowledge is? For Lyotard this is a matter of political struggle. Science is but a tool of the power elite. Power produces the knowledge that affirms it—science, therefore, legitimizes itself out of necessity. Lyotard places narrative knowledge on par with science. The outcome of Lyotard's work is an acceptance of indeterminacy of cultural products and practices as the distinctive signature of postmodernity, beyond ideology, values, and judgment.

Rorty (Lynch and Dicker, 1998) embraces the pragmatists like Dewey who, "... turn away from the theoretical scientists and to the engineers and the social workers and to use science and philosophy as tools [to make people more comfortable and secure]" (Lynch and Dicker, 1998, p. 426). He sees pragmatism as a solution to the pitfall of subjectivism that post-Structuralism is unable to resolve.

Derrida (Lynch and Dicker, 1998) claims that language is largely symbolic so as to create an absence of both object as well as referential points, thereby allowing the existence of many different possibilities of interpretation. Thus, according to Derrida there can be no correct interpretation of words or even the intention of the speaker. Words are not constant but are historically and culturally conditioned and their relevance is determined by the context. Words are not immutable, rather a meaning vacuum exists—if no meaning is more valid than another then multi-cultural perspectives are all equally valid.

Finally, Baudrillard (Lynch and Dicker, 1998) asserts that discourse is indeterminable, meaning cannot be stabilized amongst multiple, often competing, interpretations. A line no longer separates reality from the image. Media can no longer be a "mediating" power between reality and perception. Rather, the medium has become the message, and more importantly a manipulative force.

The Interpretation of Language and the Signification of Knowledge

Postmodernism, and critical theory, are oft assailed as contributing much in the way of critique, but little in the form of substance to the realm of practical solutions for real-world predicaments. Yet, it is largely the pervasive positivist social framework that indicts the theory behind, and ready application of, postmodern thought. Essentially postmodern thought initiates through an entirely different perspective towards the estimation, investigation, and resolution of real-world dilemmas. It has been the relative failure of positivism, under the aegis of empirical science and expertise, to deal efficaciously with complex social problems that has lead to the inexorable embrace of postmodern philosophy, derived of the influence of the humanities, by the social sciences, thereby allowing the subsequent re-evaluation of the basic tenets of human discovery.

Postmodern thought eschews credulity of metanarratives and the fixing of implicit meaning. These two factors are intimately correlated by way of postmodern philosophy's embrace of language as both an instrument of enslavement and avenue to human freedom. Additionally, postmodernism universally recognizes the crisis in representation and the dilemma of subject-author. Language and knowledge are culturally conditioned and are at the center of the establishment and preservation of power throughout society.

Current knowledge is viewed as a condition of "language games." The positivist, Enlightenment view of a "grand theory" of knowledge promoting a singular vision of both

science and society has been thoroughly rejected by postmodern thinkers (Carlas and Smircich, 1999). Lyotard, advancing the seminal work of Wittgenstein, proposed that legitimate knowledge can only reside in "small stories" or "modest narratives." Such a situation allows multiple ontological and epistemological paradigms to coexist. The very nature of knowledge itself has come under scrutiny as postmodernism views knowledge as a process that constitutes itself and that which it purports to study. For organizational theory the implication is that organizations have come to be viewed as a socio-political system rather than an uninterested, fact-finding operation.

In postmodern terms the question of knowledge inevitably leads to an examination of the substance, or meaning, of language. There can be no essence with which to ground meaning. Therefore, the positivist conception of knowledge is made utterly invalid. Postmodernism renders language completely subjective. Words can continuously be reinterpreted. Even the author's intention is subject to constant scrutiny as any attempts by the author to elucidate specific intent are viewed as fodder for subsequent reinterpretation.

Consequently, language is a system of differences (Carlas and Smircich, 1999). Positivist thought relies upon the exclusion of one meaning in order to allow for the inclusion of another. This deliberate exclusion results in systemic self-perpetuation and the closing of the vocabulary of the profession. It is a process that preserves power in the hands of those that control the language and thereby much of the relevant discourse. What results is an institutional politics of knowledge-making. Lyotard supposed that the intercourse between institutions that define a particular knowledge, as well as the language through which that knowledge is created, constitutes an unstable system of signification. This intercourse among institutions is not determined by structural imperatives, nor higher order

power or authority, but emerges as individuals signify and resignify the social milieu (Carlas and Smircich, 1999).

Postmodern Methodologies

Without lifting the fog of positivism, as it were, individuals are subject to the insidious forces of control that belie the facade of neutrality that positivist thought seeks to impart. Positivist social systems convey an air of regularity and a condition of incontrovertibility, yet hold surreptitious effects that serve to render control over human action.

Jeremy Bentham formulated the basic tenets that later became the philosophical school of utilitarianism. Bentham, along with other prominent thinkers behind utilitarianism, sought to optimize social structures just as Frederick Taylor sought to perfect the structures of capital accumulation, mainly through the positivist principles of scientific management. For instance, the panopticon was envisioned by Bentham as a labor saving penal system that employed a guard within a watch-tower centered in a twelve-sided structure forming an efficient prison. The cells of the facility were to be back-lit so as to allow constant surveillance of the inmates, without the attendant visibility of the guard. With the passage of time the inmates would internalize the scrutiny of the guard whether or not there was a watch present. The prisoners' behavior would reflect the unceasing scrutiny. Conformity could thus be assured.

Foucault reconstituted the concept of the panopticon as a postmodern method of describing the internalization of the social forces of control (Kerr, 1999). For instance, in organizational terms the presence of "liberating" organizational systems, e.g. total quality management (TQM), just-in-time management, are mechanisms that subjugate the worker by placing the burden for oversight squarely upon the individual. These organizational

methods decentralize power, institutionalize new modes of control, and are in no way intended to truly eliminate hierarchy.

Foucault's research on political rationalities questions the very nature of the political. Rose distills Foucault's political thought to a simple formula in which, how power is transacted, the historical systems of expertise, and the ensuing social divisions that derive of liberal philosophy are the interrelated conditions that are requisite for "responsibilized" democracy (Barry, Osborne, and Rose, 1996). In essence, Foucault considers liberalism not as the absence of government but, instead, as the creator of society and its own self-legitimation. Stated otherwise, liberalism gives rise to a concept of society as outside the political realm. Yet, at once liberalism exerts control over society through the imposition of "neutral" expertise while professing the autonomy of social structures. And, the study of social systems, through the social sciences, allows the methods of social control to become legitimized via the perception of impartiality even as it provides the means to assess and regulate society.

Consequently, under liberalism the separation of the state and society is not a result of the absence of government, per se, but instead is the means to reconcile the inconsistencies of exerting control without the overt mechanisms of power, i.e. force. Rather than promote individual sovereignty over that of the state, liberalism creates a scheme to literally manage society. Hindess (Barry, Osborne, and Rose, 1996) astutely points to Locke's defense of parental power and his qualification that while individuals may have a right to natural freedom, they are born ignorant and without the use of reason.

Moreover, Foucault created a method of revealing the shortcomings of positivism through an investigatory process known as genealogy. Whereas positivist science seeks to establish a cause and effect relationship, genealogies serve to illustrate that the illusion of

cause and effect exists only due to the denial, or exclusion, of other possible stories. Genealogies allow a dislocation of subject from the relational institution (Boyne, 1990). Thus, subjectivity is not an origin. Rather, subjectivity is both the producer and effect of a set of particular narratives and practices. The crux of the genealogy is to show how "scientific" knowledge is simply a system of power relationships.

Foucault's anti-essentialist philosophy attacks the positivist rationale that all socio-political phenomena can be reduced to a transcendent or essential nature (Wilkin, 1999). This reductionism alludes to certain universal characteristics that transcend culture, history, and society. Also, positivism desires to reduce social studies to constituent components so as to produce a body of social sciences that is predictive and probabilistic. This apparent neutral objectivism is in actuality the misapplication of scientific authority to order society into simple components that deny society's diversity and complexity.

Additionally, Foucault continues his anti-essentialist thought by criticizing positivism's tendency toward biologism (Wilkin, 1999). Positivism purports to understand individual behavior and human motivations by reducing individuals to a set of fundamental biological drives. The outgrowth of biologism, as Foucault terms this phenomena, is that social institutions can be understood in terms of human motivations and the biological drives that shape those motivations. Foucault argues that under such ideology human action comes to be seen as a sequence of normalities and pathologies and, as such, a source of power and knowledge or a means of regulating society.

Dumm's (1996) Foucauldian genealogical study of prisons and democracy dislocates power from wherein it traditionally resides, namely with the state, and instead establishes a link between power and human desire. Thus, Foucault's concepts fully contradict the liberal supposition that individuals operate strictly autonomously while the state simply arbiters a

body of negative rights. For Dumm, as well as Foucault, personal liberties are not expressions of autonomy. Rather, society conditions political outcomes, whereby democratic politics are reduced to simply the politics of human desires (Dumm, 1996). As a result, any discussion of democracy, and operation of authority, cannot be readily distinguished from serious discussion of cultural politics.

The study of culture and language was the provenance of Wittgenstein's philosophy. Wittgenstein's language games serve to explain the nature of human expression. Each type of utterance, e.g. denotative, prescriptive, etc., has its own set of rules. These rules are not self-legitimating nor do they have an independent foundation. Rather, the rules are constituted in practice. Moreover, the rules are absolutely necessary for communication to take place. Language games form the basis for the postmodern attack upon metanarratives and universal meaning, for speech is seen as wholly pluralistic.

In his *Tractatus* Wittgenstein (1961) poses the dichotomy that the world is composed of facts, not of objects (Garver and Lee, 1994). Facts determine the veracity of propositions, while objects comprise the world and determine the meaning of signs. All signs have a correlate object. Therefore, within the world truth is an empirical phenomena and meaning is transcendental. For Derrida meaning is determined by structures. Thus, there can be nothing independent of structures. In other words, Derrida denies the existence of a practical world of fact as well as a psychological world interpreted through sensory data. The crux of these philosophical observations is akin to the theory of relativity and quantum mechanics undoing Newtonian determinism. Derrida regards all language as radically metaphorical. The upshot to Derrida's position is that truth cannot be determined. Words, as used in metaphors, have multiple meanings. Since context determines meaning a word can have multiple interpretations.

In contrast to Foucault's genealogy, Derrida relies upon deconstruction, or philosophical meditations, to analyze social phenomenon (Derrida, 1973). Deconstructions are close analytical readings of texts for language, especially that written in the margins, between the lines, as asides, and as footnotes to the main text (Derrida and Caputo, 1997). This method relies upon exposing the meaning that the author is attempting to obscure. The premise behind deconstruction is that language is always beyond the author's control. Such analysis discovers words that are central to the meaning of the text. Then, the analyst identifies an opposite word that may be concealed behind the central word. In this manner the analyst contemplates the meaning of both terms. Both terms are so rendered indistinct. Deconstruction aims to understand the constitution of textual knowledge, especially the exclusion of language that positivist knowledge requires in order to manipulate meaning.

Orthodoxy: The Failure of Positivist Administration

Fox and Miller (1995) categorize traditional administrative theory, that which is founded on neutral administration through technocracy and procedural democracy, as an orthodoxy that seeks to sublimate the innate conflict within the political process. Certainly, positivist administration has been discredited for its many shortcomings including allowing far too much, or too little, administrative discretion in policy formulation and implementation alike (Fox and Miller, 1995).

Orthodoxy, or positivist administration, is premised upon the representative-democratic accountability feedback loop. Unfortunately, the loop model fails to perform as promised in that the political aspect of the politics-administration dichotomy does not systemically support the democratic process. Indeed, the administrative system is mired in organizational processes, e.g. hierarchy, rules, etc., that alienate the citizen from the democratic system, whether that citizen is a member of the administrative organization, a

potential recipient of agency services, or simply as a member of the larger community with a vested interest in agency outcomes.

Furthermore, the imposition of ethics or performance criteria as methods of circumscribing administrative discretion only serves to proscribe the possibilities of increased democratic processes. Constitutionalism, whereby administrative systems are legitimized by means of reference to an higher order, is merely a vain attempt to rescue the foundering positivist administrative system. Unfortunately, constitutionalism does little to fundamentally alter the defective loop model. It merely shifts the focus from the genuine issue of unrealized democratic principles due to a well established power system, e.g. iron triangles, campaign finance, etc., to the fashioned argument of culpability of an entrenched bureaucracy.

Likewise, the communitarian response to the extant positivist administrative system is to replace the suspect conventions of the modern system with the principles of a fully energized civism. Communitarianism is historically, ontologically, and epistemological distinct from positivist administrative systems. According to communitarian thought, citizen action is a requisite for social, political, cultural, and individual fulfillment. Never the less, communitarianism is untenable from a practical perspective in that contemporary citizens may be unwilling or unable to devote significant temporal and financial resources towards achieving an enlightened participatory governance.

The Role of Language: Discourse and Administration

Postmodern philosophy, predominantly by way of the views of Habermas, Foucault, Derrida, and Wittgenstein, has made significant inroads into the study of both administration and organization. For postmodern thinkers, language and communication lie at the crux of wielding power, by structuring knowledge in order to control social systems. On the

contrary, language may also be considered a means of increasing democratization and participation through discourse and recognition of the subjectivity of knowledge.

Farmer (1995) calls for public administration to fundamentally alter the language of the discipline. In Farmer's scheme of reflexive interpretation the central subject is the underlying content of language. As a derivation of the deconstruction that Derrida employs as a method of uncovering hidden meanings and identifying alternate forms of knowledge, Farmer relies upon reflexive critical analysis to uncover signification in order to broaden the understanding of the essence of administration. Researchers in administration tend to see the world through the lens of administration, thereby excluding other viewpoints.

Additionally, Farmer assails what he asserts are the false assumptions, that underlie administration. First, Farmer identifies administration's preoccupation with particularism. The field segments meaning, e.g. public/private, and circumscribes study, e.g. national/sub-national. He proposes a focus on programmatic and political concerns in lieu of administrative function. Second, administration's obsession with scientism is in its own detriment. Administration assumes that methods applicable to the natural sciences will operate in the realm of social problems. The search for universal truth is a sham. Third, technologism, or the tendency towards embracing administrative fads, will not be the panacea for administrative ills. Administration is a low tech endeavor. Last, the positivist acceptance of capitalism as rational and a source for collective action, is absurd. Administration must empower public officials with true sources of legitimation.

Language forms one's theoretical framework, and constitutes the human world. Wittgenstein said, "... the limits of my language are the limits of my world... " (Wittgenstein, 1961; p.115). The import of Wittgenstein's observation is that facts can never be objective. Instead, they require an observer to express a proposition that is reflective of the observer's

constitution (the set of concepts and perspectives that comprises that person's use of language). Reflexivity supposes that administrative theory can incorporate alternate perspectives based on other's language, or sets of assumptions (Farmer, 1995).

Fox and Miller (1995) are interested in connecting with citizens through the transformation of knowledge, and language. Citizen mobilization is considered central to the process of governance, and transpires through the replacement of positivist, technocracy with an expanded discourse. Discourse theory focuses on the problems of public awareness. Words and symbols have been estranged from authentic discourse. Words have become self-referential, the narrowing of context so as to disallow outside interpretations through the monologic media of discourse. In other words, alternate meanings have been intentionally excluded in order to dictate the discourse. Public entrepreneurs engage in simulated politics through the manipulation of abstractions and symbols rather than engaging in substantive policy formulation.

Accordingly, Fox and Miller propose moving beyond traditional hierarchy and bureaucratic organizations, and advocate establishment of a public energy field. Within the realm of the public field no person may be excluded from the policy-making debate. Fox and Miller look to Habermas' theory of authentic speech sets for guidance. Authentic speech is predicated upon: A. the sincerity of the speaker; B. the clarity of expression; C. accuracy of claims made; D. relevance of utterances to the context of the discussion. When the presence of any of these principles is called into doubt, the speaker must support or withdraw the claim. In Fox and Miller's model the administrator's role becomes proactive simply by listening.

However, it may be difficult to simply accept the wholesale leap in thought that must inevitably accompany postmodern philosophy. Rather, it may be more prudent to adopt key

postmodern tenets while working within the extant positivist framework. The essay

proposes that many organizations have tacitly adopted and currently operate within such a

hybrid, or adaptive paradigm.

SECTION TWO—*PHILOSOPHICAL FOUDATIONS*

Positivism, the Market, and Postmodernism

As with prior philosophical movements, postmodernism did not completely supplant positivism. Quite the contrary, the two perspectives restlessly coexist. Postmodern organizational theories have been co-opted in part by a renewed positivist retort—theories that have adopted certain postmodern tenets. The positivist response operates under the premise of including market-based principles to allow for agency accountability, higher levels of participation, and increased efficiency in organizational structures.

Managerialism, or the new public management movement, proffers the image of government as a competitive model. The National Performance Review (now National Partnership for Reinventing Government) seeks to decrease administrative red-tape and devolve centralization in order to increase administrative discretion and release the stranglehold of central authorities (Rockman; Farazmand, 1997). Such attempts to recast government as marketplace are bound to revive questions of bureaucratic accountability and the lack of participatory structures. Peters (1996) justly asserts that managerialism renews the politics-administration dichotomy. As public servants are explicitly viewed in terms of managerial tasks, elected officials' reliance upon the expertise of the bureaucracy permits administrative agencies a very important hand in policy formulation. Again, the question of bureaucratic legitimacy surfaces with the exclusion of participatory governing structures.

Post modernism views the organization as a method of exerting control over the individual. The social construction of individualism is merely a method of exerting control through culture. For example, while the disintegrated management structures prevalent in high tech firms seem to allow individuals autonomy in achieving rewards and recognition, in

reality the firm, organizational structure, controls of what the rewards will consist, how much of the rewards are to be shared, and who ultimately receives those rewards.

Foucault's concept of power regime's is constructed to address these issues as a matter of relational processes. Modern thought conceives of the individual as separate from society. The differentiation of the personal self from the public self is a method through which individualization becomes palatable in the face of the reality of human interdependence. However, postmodernism insists that there cannot be differentiation between a public and a private self. Instead, all selves are social constructed by means of a subjective reality as part of a scheme to exert hegemony through the creation of a false individualism.

Feldman's (1999) critique of postmodern organizational theory revolves around postmodernism's conceptualization of the coterminous relationship of power and knowledge. The daily tension between thought and action reflects the conflict between knowledge and power. If power and knowledge are to be considered coterminous, the implementation of knowledge would necessarily exactly reflect its meaning. This is not the case. Knowledge of an external object is dependent upon internal awareness. The collapse of politics into culture implicitly adopts the Marxist belief that concepts could be implemented as conceived. This indirect relation to Marx causes postmodern philosophy to be an unwitting heir to the modern rationalism which it seeks to reject.

According to Horn (1995) legislatures are apt to produce vague legislation in order to delegate decision-making authority to administrative organizations. His approach derives of rational-choice theory, whereby individuals make rational choices given their level of information. Horn draws comparisons between organizational structures in state owned enterprises (those organizations that 'sell' services and are thereby not reliant upon tax

receipts) and private sector organizations including similar decision-making structures, levels of organizational stability, and levels of accountability.

Moreover, he admonishes legislators from protecting appointments with classification under civil service. The backlash is the removal of positions from classification (Horn, 1995, p.106). Still, Rockman (Farazmand, 1997) asserts that civil service systems are founded on principles that are antithetical to market competitiveness, that of legal authority. That legislatures rely upon the civil-service bureaucracy to constrain executive discretion and curtail appointment of political supporters, is as much a mechanism of organizational control as it is an attempt to promote a positivist system of governance. However, given the primacy of bureaucratic systems the legislature in turn is constrained by the power of organizational decision-making structures. In other words, the insular nature of the merit system makes the bureaucracy a powerful player in formulating policy as well as administering legislation. Accountability and efficiency are of necessity, according to Horn, built into the system. Hence, for the public management faction, the function of accountability is inherent within the established systemic separation of powers. Public management, as well as similar administrative movements, seeks to re-invent the status quo by retaining the positivist influences of the past, including the exclusion of truly democratic processes from the administrative realm.

The Paradox of Liberal Democracy

That positivist ideology still dominates American governance is by no means a revelation. The founding fathers of American constitutionalism were steeped in the contemporary philosophical movements of their day. Immanuel Kant's political theory establishes the basis for much of what American's consider to be the essential principles necessary to a functioning constitutional form of government. The virtues that Kant extols

in his political philosophy are an outgrowth of the Enlightenment and the belief in the perfectibility of social institutions through scientific advancement. Kant's political theory is comprised of four basic values (Sullivan, 1994): individualism—asserts the moral primacy of the individual against the claims of societal collectivity; egalitarianism—all individuals share the same moral status; universalism—affirms the moral unity of human-kind, and allows only a secondary significance to cultural forms and historic associations; meliorism— establishes the improvability of social and political institutions.

Kant, like Thomas Hobbes, rationalized the need for government by envisioning an aboriginal state of nature. The state, in Kant's political theory, is an outgrowth of armed conflict, seen as the need to protect lives and property. Government is a social contract necessary to constrain, otherwise, uncontrollable individual desires. For Kant, the state is regarded as a negative power, requisite to curb both individuals' transgressions against one another as well as a proscription on tyranny.

Kant's political philosophy resolves that the state's legitimacy comes not from the exertion of power, but on the rule of law. Kant regards the legal system as the ultimate authority for the state. It is Kant's universal principle of justice that forms the basis for a moral code with which every individual must abide. Yet, the universal principle of justice also provides for individual autonomy and individual dignity as moral authority against the unchecked power of the state. Consequently, the universal principle of justice forms both a legal and social bond that compels the state to safeguard individual liberties, and protects citizens from the state's absolute authority.

To a large degree Locke and Mill form the basis of liberal democratic support for American constitutionalism. John Stuart Mill, especially, extols the virtues of utilitarianism, a philosophy derived of individual self-interest. For Mill it is imperative that individuals self-

develop and almost any state intrusion into the process of self-discovery is detrimental to both the individual and the state alike (Valls, 1999). Philosophically, utilitarianism only consents to an infringement of personal rights whereupon the individual's liberties openly clash with those of another. Interestingly, Mill sees the state as an extension of society, generally regarded as a collection of individuals, and thus he considers political participation as essential to individual self-development. In addition, Mill does not draw a distinction between positive and negative rights and therefore does not utterly exclude government action, but on the whole Mill holds that laissez-faire is the preferred way to govern.

Likewise, John Locke advocates liberal democratic principles that emphasize the state of nature so as to properly ameliorate the inherent difficulties of human receptiveness to law, and hence governance (Myers, 1999). Moreover, Locke's rationalism is based on an acquired understanding of human nature. Most importantly, for Locke the explanation of individual agency and the rational pursuit of happiness stems from a foundation in natural science and, subsequently, an ability to recognize the human condition.

One of the paradoxes of a constitutional system of governance based upon the philosophical foundations of Mill and Locke becomes how to preserve individual self-interest while providing social goods, or collective action. The dichotomy of the individual versus the collective is a byproduct of the liberal democratic principles that stress self-interest. Locke goes to some length to unsuccessfully resolve the quandary. Locke asserts the premise of the king's prerogative, executive power in modern parlance (Pasquino, 1998). The executive function for Locke is not merely to administer the law, but has a distinct and emphatic responsibility to remain independent and adaptable in order to better face adversity. But, what of executive accountability? Locke viewed human virtue as a deterrent to vice. Rationalism in human kind would overcome malevolence. Failing human virtue,

however, Locke looked to the legislative function for oversight in order to curb executive excess. Therefore, Locke is often viewed as the consummate proponent of the separation of powers within government.

However, for Locke legality is not merely reducible to political legitimacy. Therefore, executive discretion is not immutable and can be opposed. Rather, Locke preferred to rely upon natural law as a foundation for political legitimacy. Constitutional organization relies upon the state of nature, and government must act, first and foremost, to preserve property. Locke was also concerned with the tyranny of the majority. A topic that, for the framers, came to dominate constitutional discourse. Locke's defense of freedom is bound up in a devotion to natural equality. While according to Locke, maximizing individual welfare results in maximizing overall welfare, nevertheless it is an apparent contradiction in both terms and deeds to suppose that general welfare can be tied to individual materialism, particularly when the implications of private ownership must often be addressed collectively (Kramer, 1998).

Technical Rationality and the Continuing Crisis in Public Service

The recent past has witnessed an erosion of public faith in the ability of government to provide appropriate, cost-effective, and efficient services (Berman, 1997). Peters (1999) cites decreases of citizen confidence in both the overall administrative system as well as the integrity of government officials. The failure of public administration can be characterized as the failure of the bureaucracy to retain public trust in the face of conditions adverse to the preservation of democratic processes. The conditions that inevitably lead to the erosion of public trust begin with incompetent public officials who abdicate their responsibility to make efficacious policy and allow administrative agencies far too much discretion in formulating, not administering, policy.

Or, as Caiden outlines (Jabbra and Dwivedi, 1989), politicos are too preoccupied with re-election concerns to root out administrative incompetence and malfeasance. Second, corrupt public servants, although present in far fewer numbers than would-be reformers would lead the public to believe, continue to weaken faith in the administrative system. Third, bureaucratic systems continue to promote an anti-democratic ethos. Disdain and outright hostility on the part of administrators towards the public attacks the very nature of public sovereignty. Fourth, bureaucratic inertia defeats attempts to restore democratic processes to administrative systems. The present hierarchical system of civil service and classification perpetuates an inability to reform bureaucratic systems. Finally, anonymity stymies bureaucratic reform. The anonymous bureaucrat follows rigid administrative rules or orders that emanate from somewhere within the hierarchy, while responsibility and accountability can be difficult to affix.

Indeed, legitimating administrative action has been a continuing source of frustration for citizens of liberal democratic states. Reconciling democratic processes with administrative activities, that often lack sufficient mechanisms to provide democratic representation and administrative accountability, is difficult at best. At worst, administrative activity can result in the execution of horrific acts committed by ordinary people during periods of moral inversion, e.g. the German civil service administering the pogrom that became the holocaust.

Positivism, in the guise of technical rationality, persists as the source of the malaise in American liberal democracy. For example, technical rationality tends to drive out considerations of ethics in administrative settings (Adams and Balfour, 1998). Consider that technical rationality seeks to promote "value neutrality" as a means of shielding apparent objectivity in administrative decision-making. Even the use of euphemism and technical

language, couched in terms of applied "expertise," is a method of excluding those outside the organization. Moreover, the use of language in organizations allows for dehumanization, and provides emotional distance from administrative actions (Adams and Balfour, 1998). In expressing the justification for the Final Solution to the "Jewish problem," Nazi Germany relied upon medical metaphors, e.g. blight, plague, infestation, etc., to qualify the extermination of millions people considered an undesirable, or surplus population. Similar terms are yet employed to describe today's slums.

Technical rationality, as symbolic of positivist philosophy, denies history, culture, and context in representing social phenomenon. Social problems cannot be resolved through scientific means. Unfortunately, government's continued reliance upon rigorous scientific research echoes the continued dependence of contemporary organizations upon positivist rationales rather than adopting an historical and cultural examination and reassessment of public sector organizations. Currently, modern organizations rely upon statistics and research-based expertise to manufacture, or contract, "data" in order to account for programmatic success or failure. That modern governance clings to a foundation in the social sciences while simultaneously encouraging greater applicability of the "hard sciences" is telling. Under modern, positivist philosophy science legitimizes itself even as the data it produces legitimizes organizational purpose. Administrative organizations rely upon expertise and a culture of professionalism to garner legitimacy in order to perform highly specialized functions.

Still, bureaucratic legitimacy is a dual-edged sword. On the one hand, technical-rationality provides a measure of professional, or practical, legitimacy. On the other hand, legal, or moral, legitimacy must emanate from constitutional or statutory law, or the very sovereignty of the state. Since the inception of American constitutional government, the

constant tension latent in the doctrine of separation of powers, generally manifested through litigation, has profoundly shaped governance. Often day-to-day governance resorts to little more than the blurring of the already abstruse lines drawn by the doctrine of separation of powers, i.e. a judiciary that legislates, a legislature that meddles in administration.

Legal legitimacy is a significant constraint upon organizational disintegration, the dissolution of rigid hierarchy, and increased administrative discretion. It is the basic structure of American government, enshrined in a series of legislative acts (e.g. Administrative Procedures Act, §1983 of the Civil Rights Act of 1871, etc.), that retards the effort toward reorganization (Peters and Savoie, 1996). Moreover, the enforcement of legal constraints on pubic sector organizations generally comes from legal claims made by private citizens through a judiciary that insists on a 'rational basis' for administrative action.

Representation and Public Sector Organizations

Interestingly, Ryden (1996) imparts to the Supreme Court the responsibility of establishing the operative framework of the American representational model. Traditionally, the Supreme Court has strenuously defended individual voting rights over nearly all other considerations in Congressional redistricting. Literally, the Court is inclined to support only the concept of one person, one equal vote. Accordingly, elections have long been viewed as aggregates of votes cast by individuals, to the exclusion of recognition of groups as possible representative mechanisms for clarifying or enhancing individual participation.

The Court has tended to discourage any institution from mediating between individuals and elected representatives. Again, the liberal tradition predominates the both the cultural and political landscapes. The Court has been predisposed to favor undirected, personal political activity, and principles of fair and effective representation displaced the concept of representation based on voting efficacy. More importantly, reliance upon the

primacy of individualism ignores the pluralist nature of modern policy making, whereby well-organized interest groups compete for the attention of elected officials in formulating public policy.

Representation, too, is paradoxical, at once serving the general welfare while simultaneously defending individual interests. According to Rosenbloom (1983) administrative theory should include three distinct approaches: managerial, political, and legal. Again, the primacy of legitimating administrative action is considered indispensable to any suitable administrative theory. In order to increase citizen participation within the positivist bureaucratic system Kirlin (1996) adopts four criteria that administrative systems must satisfy: 1. achieving a democratic polity; 2. adopting the lofty values, or value-based processes, that are essential to a democratic society over the preeminence of singular organizational cultures; 3. confronting the complexity of instruments of collective action; and 4. encouraging effective societal learning.

First, Kirlin finds fault in the tendency of administrative theory to concentrate exclusively on either the study of organizational systems or the policy-making process. It is his contention that administrative theory emerge from the analysis of both bureaucracy and especially polity. An efficient administrative agency is anathema if it is also in detriment to advancing the democratic process. Second, Kirlin seeks the preservation of democratic values including a political system that: can produce and effect collective choices, increase citizenship and political leadership, and ensure a limited government that allows for collective action without the intervention of public authority while simultaneously protecting individual liberties. Third, administration is an absolute necessity to the smooth operation of society and the conducting modern life , yet the complexity of social institutions too often blurs the line between the individual and the collective. Regulations, public-private

partnerships, as well as firms and associations operate according to an established framework. That framework can be influenced by those under its charge. The intricate systems and processes that organically stem from the policy-making process can be simplified so as to allow for increased citizen participation, e.g. referenda. Lastly, societal learning is imperative to achieving the desired results in the other three criteria and thus increasing citizen participation in governance. Kirlin cautions that scientific knowledge should not be considered a legitimating instrument of the policy process. Rather, societal values and customs, market considerations, the mass media, and public opinion can be regarded as paramount to quelling conflicting perspectives.

Once again, both praxis and theory would do well to eschew public management over consideration of public administration. Public administration theorists continue to attempt to resolve the age-old politics-administration dichotomy. In this vein, Kirlin (1996) develops the four criteria into the seven "big questions" that emanate from an analysis of administrative theory:

1. What are the instruments of collective action that remain responsible both to democratically elected officials and to core societal values?

2. What are the roles of non-governmental forms of collective action in society, an how can desired roles be protected and nurtured

3. What are the appropriate tradeoffs between governmental structures based on function (facilitating organizational tasks) and geography (facilitating citizenship, political considerations, and societal learning).

4. How shall tensions between national and local political arenas be resolved?

5. What decisions shall be "isolated" from the normal processes of politics so that some other rationale can be applied?

6. What balance shall be struck among neutral competence, representativeness, and leadership?

7. How can processes of societal learning be improved, including knowledge of choices available, of consequences of alternatives, and of how to achieve desired goals, most importantly the nurturing and development of a democratic polity?

Bardach (1998; p. 13) refers to the pluralism problem, "... governmental organization at any given moment is to some important extent an expression of the theory relied upon by some previous coalition of legislative victors attempting to embody its victory in institutions that will survive possible reversals of fortune.... ."

The fragmentation of society is an established postmodern phenomenon. How well a representative democracy deals with such fragmentation is crucial to insuring that collective outcomes for mutual benefit can be achieved. "Views will often diverge sharply on who or what is at fault and what should be done to fix the problem. There is no universal agreement on what counts as 'problem' and what as 'solution', or when the point is reached where the 'solution' becomes worse than the 'problem'" (Hood, 1998; pp. 24-5). Hood espouses a cultural theory framework to approach problem solving. Cultural theory proposes to 'capture' the variety of historical debates surrounding public administration by incorporating extant knowledge of organizational structures into a coherent whole. While the historical approach of cultural theory may be instructive as to why certain structural choices are made, the theory fails to impart what works in the context of praxis. Such is often the schism between theory and practice. Consequently, both praxis and theory suffer as a result of the rift in the study of administration between analysis of policy and administration.

Theory and Praxis: Melding Thought and Action

The fully positivist assumptions underlying the study of administration, specifically: the rationality of human activity; the absolute nature of organizations; the ability to achieve

consensus around organizational goals; and the permanence of the key tenets that shape administrative theory, inexorably lead to the ensuing crisis in administrative theory.

Predictably, the study of administration has long suffered from a major schism between the theorist and the practitioner. Generally, theorists are chided for indulging in seemingly untethered philosophical dalliances. This ontological rift stems from the vastly different operational and ideological approaches of the two conflicting factions. In essence the debate has been, should theory steer practice or does practice guide theory?

Regrettably, the contest between practitioner and theorist has very real implications for both the study of administration and policy-formulation in governance. Practitioners continue to cling to the theoretical positivist foundation of the existence of a singular, objective truth and a system of one-dimensional rationalism, whether or not this untenable framework is sustained in practice. Theorists struggle to secure reformation of organizations borne of a liberal democratic political system that operates within an established capitalist, market-driven structure.

Whether in the guise of constitutionalism, the new public management, communitarianism, or postmodern administration praxis relies upon theoretical framework to establish parameters for administrative action. The theoretical groundwork for administrative practitioners is rooted in the reality that most organizations continue to rely upon a hierarchical structure with which to act.

Osborne and Pastrik (1997) attempt to bridge the chasm between administrative thought and action and simultaneously span the void between positivist and postmodernist administration. While not a repudiation of prior work that set about reinventing government by incorporating market systems into the administrative process, the acceptance of many of the principles of critical theory allows an adaptive perspective in administrative

practice. The inclusion of politics into administrative practice allows for the diminution of the relevance of the politics-administration dichotomy. Osborne and Pastrik (1997) identify five "levers" that act as the "DNA" of an organization: purpose; incentives; accountability; power; and culture. These levers must be fundamentally altered for an organization to undergo reinvention. Five strategies serve to facilitate organizational changes. First, the core strategy entails clarification of organizational purpose. The consequences strategy involves active management in order to create consequences, or outcomes, that support organizational change. The customer strategy philosophically occasions achieving customer satisfaction. Meanwhile, the control strategy acts to empower organizational members, the community at large, and the organization itself. Finally, the culture strategy aims to alter organizational culture so as to break with organizational history and engage in new thought processes.

The five strategies for reinvention are all qualified with a recommendation for the application of, principally, postmodern principles. Primarily, Osborne and Pastrik encourage the inclusion of all relevant stakeholders in the reform process. Inclusion is founded upon heightened communications among the participating parties. Collaboration is central to successful reform efforts, and clearly, collaboration cannot occur without forthright communication.

In order to properly contrast the traditional, rational organizational system with a post-modern, hybrid methodology the essay presents two case studies. The context for each case study is a single agency, the US Environmental Protection Agency, establishing environmental regulations and subsequent enforcement measures. In one case, the agency relies upon traditional, rational measures to coerce enforcement. Whereas, in another case the agency adopts a collaborative posture through a flexbible interpretation of regulations.

SECTION THREE—*ATLANTIC STEEL: THE NEW, HYBRID E.P.A.*

The Case of the Atlantic Steel Project: The Premise and Legal Background

In conjunction with Jacoby Development, an international real estate developer renowned for large scale retail projects, the City of Atlanta, Georgia generated plans to remediate and redevelop an existing brownfield site located West of down town Atlanta. The Atlantic Steel site is a turn of the century steel mill that is to be redeveloped according to the principles of "new urbanism," involving mixed land-use. Mixed-use development encourages complimentary uses, such as residential and light retail/commercial, to coexist. These land-use principles are based on the concepts of the older urban neighborhood, that often had grocers, bakers, theatres, hardware merchants, etc., nestled into residential areas. Residents of these neighborhoods could walk to local merchants and purchase necessary accoutrements. New urbanism flies in the face of the prevalent, traditional Euclidean zoning schemes that pyramid and segregate land-uses, e.g. single family residential, low density multi-family, high density multi-family, light commercial, heavy manufacturing, etc..

The 138-acre Atlantic Steel site has been isolated from down town Atlanta by two interstate highways. In order to re-connect the Atlantic Steel site to the balance of the city, the development plans call for the proposed building of a multi-modal, e.g. shared pedestrian, light rail, and vehicular, span across both highways. The construction of the proposed span necessitates the infusion of federal highway monies. However, environmental organizations have publicly threatened to file suit in federal court to enjoin the EPA from releasing federal monies to build the inter-modal span in Atlanta.

The Clean Air Act requires all states to have implementation plans for achieving explicit clean air standards, 42 USC § 7410(a) (1999). Failure to achieve the compliance standards set by each state in its implementation plan for the EPA is a violation of the Clean

Air Act and is categorized as "non-attainment," 42 USC § 7501 (1999). Sanctions imposed upon states that are characterized as non-attainment regions, 42 USC § 7509(b) (1999), include curtailing federal highway funds as defined under 23 USC § 135 (1999). According to the EPA's own regulations a transportation project that does not meet clean air implementation plans does not qualify for federal highway funds, 40 CFR § 93.100. Therefore, in keeping with the strict letter of the law, the EPA is obliged to prevent the disbursement of federal highway funds for the construction of the multi-modal span across the two interstate highways.

However, under the Project XL criteria for innovative environmental enforcement procedures the EPA has the discretion to release federal funds for the construction of a multi-modal span at the Atlantic Steel site. Project XL is an experimental executive program implemented by the EPA to apply innovative collaborative techniques, e.g. self-auditing, to regulatory enforcement. When viewed under Project XL's flexible standards, exceptions to strict enforcement of the Clean Air Act can be instituted when the project is considered a transportation control measure, integral to public transportation, or a modification to the highway system to accommodate other modes of transportation, 23 USC §§ 104, 142 (1999).

Reinventing Government: Creation of an Hybrid Organizational Framework?

Project XL, along with the EPA's recent shift in regulatory policy towards environmental self-auditing, may be considered an expression of adaptive, hybrid organizational structures. Under the aegis of the Clinton-Gore administration, the initiative to "reinvent" government mandates federal agencies, through executive order, to submit plans so as to implement improved and effective customer service strategies. The National Partnership for Reinventing Government (NPRG), formerly the National Performance

Review, was created by the Clinton-Gore administration in order to trim federal budgets as well as to increase agency productivity and responsiveness.

Through executive order 12862, 11 September 1993, Clinton ordered that all federal agencies set measurable customer service standards and develop performance evaluation criteria with which to gauge the achievement of those standards. Furthermore, each federal agency was to produce and institute a customer service plan by 8 September 1994 that was to include the crafting of customer surveys and the establishment of benchmarks for all agency programs. The "reinvention of government" has been touted as efficient, achieving cost-savings and the easing of bureaucratic red-tape, and effective, by restoring the emphasis of government programs upon the citizens and constituents those programs were designed to serve. Recent, NPRG goals include achievement of customer service standards corresponding to those of private industry as well as the establishment of electronic access for information on nearly all government programs and realizing full electronic transactional capabilities.

Project XL: An Expression of Hybrid Organizational Systems

Project XL, short for eXcellence and Leadership [sic], is an Environmental Protection Agency federal pilot program that emanated from the EPA's Reinvention Action Council. The stated goals of Project XL (EPA website, 2000) are to:

- produce superior environmental results beyond those that would have been achieved under current and reasonably anticipated future regulations or policies;
- produce benefits such as cost savings, paperwork reduction, regulatory flexibility or other types of flexibility that serve as an incentive to both project sponsors and regulators;
- supported by stakeholders;
- achieve innovation/pollution prevention;
- produce lessons or data that are transferable to other facilities;

- demonstrate feasibility;

- establish accountability through agreed upon methods of monitoring, reporting, and evaluations; and

- avoid shifting the risk burden, i.e., do not create worker safety or environmental justice problems as a result of the experiment

If the applicants to Project XL are a community, the experiment should

- present economic opportunity; and

- incorporate community planning

While Project XL was conceived, largely, to reduce the onerous quality of bureaucratic government, the program has adopted both the posture and methods of postmodern administration. First, Project XL demonstration projects originate from the effected parties and not from the EPA. The central power of the EPA is not a coercive force requiring regulatory submission. Rather, EPA adopts a collaborative framework instead of the standard hierarchical intransigence.

Second, programs that fall under Project XL guidelines are to have broad stakeholder appeal. Involving stakeholders promotes cooperative attitudes among interested parties and encourages participants to be vested in the success of the project. Opportunities for public involvement are extended beyond the customary comment period or public hearing. The EPA views Project XL as a partnership among the federal, state, and local government as well as the local community and business interests.

Last, Project XL relies on the provision of universal information. The agency's increased emphasis upon communication, and communicative structures, is facilitated by exploiting electronic media. Moreover, the heightened reliance upon more sophisticated forms of communication translates into the development of multimedia permitting systems, and the exploration of cross organizational cooperative structures.

The EPA's stricture for Project XL experiments comes, in the main, as a directive that in order to qualify for Project XL, submitted projects furnish increased evaluative criteria and appropriate empirical data. Initially, prospective Project XL programs are required to demonstrate greater efficiencies and cost-savings. Later, Project XL programs are to illustrate continued synergies resulting from the EPA's allowance of flexible enforcement strategies. By all appearances, the EPA cannot has chosen not to abandon its techno-rational roots. However, in the case of Atlantic Steel, the EPA seems to have embraced the creative, and more relaxed, interpretation of standards of efficiency. It is exactly such a qualitative interpretation of the Clean Air Act even in the face of congressionally mandated enforcement that deviates from the agency's traditional, positivist scientific systems.

Agency Discretion vs. Legal Mandate: The Burden of Positivism

Court challenges to the release of federal highway funds may well come in light of the Atlanta region's non-attainment status, while the EPA's rationale behind the affirmation of the Atlantic Steel multi-modal bridge project, falls under the rubric of flexible Project XL standards. The agency's assertion that the entire Atlantic Steel project be viewed as a traffic control measure (given the site's proximity to down town Atlanta) along with the subsequent improvement in regional air quality that should accompany the project's reliance upon public and alternate forms of transportation, seems to be of a sufficient substantial interest to pass constitutional muster. In order to prove a substantial government interest, the EPA must rely upon a veneer of positivism, by clearly illustrating that the guidelines set by the Clean Air Act will be met through alternative means. Yet, the EPA is relying on postmodern principles of accepting alternate means, by collaborating with polluters who violate EPA's own "scientific" standards for air quality, of achieving the goal of clean air.

However, the EPA could face legal challenges to its exercise of administrative discretion and legal authority. For example, in *Action for Rational Transit v. West Side Highway Project*, 699 F.2d 614 (2nd Cir. 1982) the Court acknowledged, and upheld, the EPA's contention that New York State and the City of New York had alternative methods of financing public transit which allowed the EPA to use its discretionary powers to release federal highway funds for Westway construction. The case revolved around the issue of whether the EPA was obliged to prevent the disbursement of highway funds for a non-attainment region under 42 USC § 7509(b) (1999). Agency discretion may simultaneously be the EPA's best ally and worst detriment in approving federal highway funds for the Atlantic Steel span.

As far as EPA's decision to pursue the Atlantic Steel multi-modal bridge project under the aegis of the XL Project, the most serious challenge could issue from the Constitutional requirements of separation of powers (Hirsch, 1998). For instance, in *Chevron USA, Inc. v. NRDC*, 467 US 837 (1984), 104 S. Ct. 2778 (1984), 81 L. Ed. 2d 694, the Supreme Court unequivocally stated that an agency must follow its congressional mandate. The legislative powers, "herein granted shall be vested in a Congress of the United States," US Const. Art. I, 1. And, the President, and the administrative agencies under his charge, "shall take care that the laws be faithfully executed." US Const. Art. II, 3. Furthermore, Hirsch (1998) contends that a challenger must take up the admonishment of the *Chevron Court* and establish that the agency's actions were arbitrary and capricious.

The extant enabling legislation affirms that citizens have a right to sue EPA for non-enforcement of air quality standards, 42 USC § 7604(a) (1999). In *Citizens for a Better Environment v. Costle*, 610 F. Supp. 106, 15 ELR 20793 (ND Ill. 1985), the Court ruled that the EPA had failed to perform its non-discretionary duty by not following the agency's explicit

congressional mandate to insure air quality standards and thereby could be compelled to do so by the District Court, "any person may commence a civil action… against the Administrator [of the EPA] where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator… The district courts shall have jurisdiction [to] order the Administrator to perform such act or duty," 42 USC § 7604(a) (1999). Furthermore, the *Citizens* Court ruled that judicial review of the Administrator's actions in promulgating rules and regulations, including state implementation plans, was to proceed in the appropriate Circuit Court, 42 USC § 7607(b) (1999). However, the standard to be applied in judicial review of discretionary action remains that of arbitrary and capricious, 42 USC § 7607(d). Therefore, environmental organizations have successfully sued to force the EPA's enforcement of the Clean Air Act, 42 USC § 7401 et seq. (1999), providing the organization has legal standing and the court finds ripeness of the suit.

In *Council of Commuter Organizations v. Gorsuch*, 683 F.2d 648 (2nd Cir. 1982), the Circuit Court ruled impermissible the EPA's order to lift the moratorium on major new construction projects that would significantly increase air pollution. Highway construction is recognized by the Congress as a construction project that increases air pollution and as such subject to the construction moratorium, 42 USC § 7410(a)(2)(I) (1999). An environmental organization may successfully argue that the developer, the City of Atlanta, and the State of Georgia did not provide EPA sufficient proof that the Atlantic Steel project would not increase vehicular traffic in the metropolitan region.

Whether an environmental organization can raise a legal challenge as to the EPA's discretionary action in the case of Atlantic Steel revolves around the reasonableness of the justification for approving the multi-modal span. The concept that inner-city redevelopment

reduces vehicle trips is sound enough. Yet, the marketing behind the Atlantic Steel site as an amusement destination, e.g. night clubs, shopping, cinema, etc., tends to controvert the argument that the project, on the whole, should be considered a traffic control measure. The Atlantic Steel bridge could be targeted by environmental groups as falling under a pre-existing construction moratorium. Recently, Georgia has lost its battle to federally fund a multitude of transportation projects as a non-attainment region, *Environmental Defense Fund v. EPA*, 167 F.3d 641 (DC Cir. 1999). The Court's decision in *EDF v. EPA* was based on the finding that transportation planning and air quality management should proceed hand-in-hand. The Court saw EPA regulations that permit local approval of federally funded transportation projects, 40 CFR §93.121(a)(1), to be a clear violation of Clean Air Act requirements for broader, more comprehensive regional approval in the form of a currently conforming transportation plan and a clean air implementation plan, 42 USC § 7506(c)(4) (1999).

More importantly, a recent challenge to EPA's discretion in setting national air quality standards was upheld by the court once the EPA could not rationalize the thresholds that the agency had set for allowable ozone and particulate matter levels, *American Trucking Associations v. EPA*, 175 F.3d 1027 (DC Cir. 1999). In the *American Trucking* case the Court established that the Congress had stripped the EPA of the wide discretion of deciding which non-attainment areas should qualify for more time in reaching attainment, and therefore the *American Trucking* Court's decision specifies that national, universal air quality standards are simply beyond the realm of EPA discretion. Moreover, the *American Trucking* Court goes to great lengths to assert that the EPA could not quantify a standard for "adverse effects" of pollutants. The *American Trucking* Court has reintroduced the nondelegation doctrine (Sunstein, 1999). The issue of whether a tightening of environmental standards has a

sufficient enough environmental reward to warrant applicable sanctions, as in the *American Trucking* case, has ramifications for a broad range of discretionary administrative decisions vis-à-vis what constitutes arbitrary and capricious action on the part of the regulating agency. Sunstein (1999) reiterates the importance of bounding agency discretion with floors and ceilings, and encourages the acceptance of the nondelegation doctrine in cases that involve open-ended grants of authority.

The *American Trucking* case bodes well for possible legal challenges to the EPA's use of wide discretionary maneuvers along the lines of the XL Project designation of Atlantic Steel multi-modal span. A court challenge need only prove that EPA's actions were arbitrary and capricious based on the lack of quantifiable data.

Since the Project XL initiative is a creature of the executive branch a court may very well look askance at the EPA's use of such a wide berth in the exercise of agency discretion in enforcement of Clean Air standards, and rule the use of federal funds for the project as arbitrary and capricious. When agency discretion is viewed through the lens of the *American Trucking* decision and the re-establishment of the nondelegation doctrine in administrative decision-making, the EPA's decision to release federal monies for the construction of the Atlantic Steel bridge may be called into question by a court.

Nevertheless, the EPA position is buttressed by the decision of the Court in the *Action for Rational Transit* case that took a much more favorable view of agency discretion in not strictly enforcing Clean Air standards. Since the courts are proscribing agency discretion in the promulgation of rules and regulations, the legal challenge over the Atlantic Steel span poses an interesting constitutional question as to the power of the executive branch to interpret congressional mandates. There is no facile prediction for the outcome of the Atlantic Steel case.

Environmental organizations have of late, successfully pursued court challenges to EPA discretion in enforcement of Clean Air standards in the *Environmental Defense Fund* case. Yet another court has recently found EPA exceeded its allowable discretion in the *American Trucking* case. The EPA would do well to produce instances whereupon it has successfully applied Project XL, especially as applicable to air quality. And, the agency could generate traffic studies that support its insistence that the Atlantic Steel project will reduce vehicular traffic, and consequently emissions. A court will likely be swayed by such substantial evidence that Atlantic Steel redevelopment is a traffic control measure. Such "empirical" measures are sufficient to allay the judiciary's fear of agency subjectivism and thereby meet the established bounds of "scientific" data. Inevitably the all too subjective standards that government regularly applies must, at the very least, appear to have the semblance of empiricism upon them. Ultimately, the constitutional questions as to the separation of powers can only be settled by the courts.

SECTION FOUR—*C.E.R.C.L.A.: THE FAILURE OF POSITIVISM*

Superfund: The EPA's Positivist Failure

Conversely, some EPA programs that have relied heavily on prototypical positivist data collection, analysis, and interpretation have been assailed as both inefficient and ineffectual. Despite the EPA reliance on "empirical" data, the reality of operating in a postmodern world—politics, fiscal constraints, public opinion—has served to subvert the establishment of enforcement standards, program goals, and implementation strategies. The Superfund program is, perhaps, the single largest example of the inability of the environmental agency to rationalize a program in order to achieve a universally popular public policy objective.

Hazardous wastes are unpleasant remnants of the Industrial Age. Sites contaminated by industrial pollutants and subsequently abandoned are colloquially known as brownfields. Since the notoriety of Love Canal in 1978 and the corresponding federal response in 1980, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)—better known as the "Superfund" statute, environmental legislation and policy implementation has been mired in legal and political wrangling. The CERCLA statute was administered by the EPA. In the Superfund the federal government sought to create legislation that would allow: the coordinated cleanup of extant hazard waste sites; the ability to affix financial liability for toxic dumping; and attempt to prevent the wide-spread practice of dumping such wastes. Unfortunately, the Superfund has to a large extent thwarted the remediation and redevelopment of brownfields due in large part to the unintended implications of Superfund policy and EPA's intransigence on remediation standards (Revesz and Stewart, 1995; Davis, 1993; Barnett, 1994, Soesilo and Wilson, 1997).

The Superfund debate largely swirls about the issue of strict liability. No fault or negligence on the part of the potentially responsible party (EPA's terminology) need be demonstrated for liability to be assessed. In legal parlance this is known as strict liability. Also, liability is considered retroactive. In other words, wastes deposited prior to CERCLA enactment can form the basis for liability of remediation taken after enactment. Finally, liability is joint and several. Unless a defendant can illustrate "divisibility" any potentially responsible party can be singled out to bear the entire cost of remediation. Superfund liability includes current and past owners of the site, as well as transporters and producers of the waste--liability is assessed irrespective of role.

Critics of the Superfund program point to liability as a major deterrent to the purchase, financing, and remediation of brownfield sites to allow for redevelopment. Purchasers of real estate face the threat of buying potentially contaminated land and the subsequent liability claims (Revesz and Stewart, 1995). In order to properly claim the "innocent land owner" defense to avoid liability the potentially responsible party must establish that, at the time of purchase, the buyer did not know and had no reason to know about hazardous substances on site. Such a defense requires the purchaser to undertake extensive, and expensive, environmental assessments prior to purchase. Such expenses are rarely undertaken when development costs are already prohibitively high or on sites that may only yield marginal, it any, returns. As an extension to the constraints leveled by enforcement of strict liability standards, lending institutions could be exempt from liability when they do not participate in the management of a site or hold indicia ownership to protect a security interest. Nonetheless, the courts have been divided on the interpretation of this aspect of Superfund legislation (Revesz and Stewart, 1995). Therefore, lending

institutions are loathe to finance projects that involve convoluted legal issues and possibly a de facto liability claim.

Additionally, the insurance industry has been directly affected by Superfund policies. From 1973-86 the standard comprehensive general liability (CGL) policies included a pollution exclusion clause, that held insurance would only provide coverage to bodily injury and property damage claims in the event of "sudden and accidental" discharge of pollutants. In large part as a result of Superfund, insurers amended the clause to explicitly exclude all pollution-related liability (Revesz and Stewart, 1995). Moreover, Superfund has initiated enormous litigation vis-à-vis the liability of insurers under pre-1986 policies.

Finally, municipalities have been inordinately burdened by Superfund. Since many municipal waste facilities contain hazardous wastes, the cleanup costs are enormous. Cleanup costs are apportioned by two relevant criteria. First, if cleanup costs are assessed proportionate to the amount of waste to be cleaned, the municipality bears the lion's share of the cost. Meanwhile, assessment of costs according to the amount of hazardous substances in the waste facility contributed by each waste generator allows the generator to incur the greater cost. Assessment is often left to the discretion of the courts and as in the assignment of liability involves years of costly litigation.

Supporters of the Superfund program defend the basic features of the policy as essential to cleanup efforts relative to past hazardous waste sites. Strict liability, supporters assert, facilitates designation of responsible parties and assignment of costs. Further, Superfund provides strong disincentives in order to prevent the recurrence of indiscriminant hazardous disposal. Unfortunately, practice does not bear out the assertions of Superfund supporters. Rather, program detractors point to the myriad of deficiencies in Superfund implementation, e.g. excessive clean up and mitigation levels, unwillingness of EPA to

initiate new cleanup technologies, usurpation of state remediation programs, ceaseless litigation on liability, etc., as reasons to move from the contentious Superfund to more collaborative and flexible programs for remediation and redevelopment of brownfields.

A subheading in Soesilo and Wilson (1997, p. 8) reads, "How Clean is Clean?" The conservative approach is to remediate contaminated sites to a pristine condition. However, given the limited resources of any government program, the temporal constraints, and the sheer quantity of contaminated sites such an approach is impractical. The answer seem to lie in risk assessment based upon scientific standards and current and future land-use requirements (Soesilo and Wilson, 1997). Risk-based standards and site assessment are typically setting site remediation criteria. Institutional controls such as land-use restrictions are usually established to prohibit certain property uses that may degrade site mitigation as well as to minimize possible exposure.

Technical uncertainty still plagues risk-based and site assessment (Davis, 1993). Estimating risks and policy formulation and implementation are compromised by technical uncertainty. The completeness and validity of data submitted to environmental agencies can impede remediation efforts. Compliance with data generation improves through continued technological advances. Yet, uncertainty exists in the science behind site assessment. Issues of dose extrapolation (the toxicity values of chemicals), exposure evaluation of mixtures of chemicals, human exposure (extrapolated from animal studies, often on-site), mathematical models (to estimate the nature and magnitude of human exposure), and analytical methodology (laboratory results from field samples) can impact the process, results and conclusions of risk based assessments (Soesilo and Wilson, 1997).

As is the case with many government initiatives, the larger issue confronting remediation of toxic waste sites is cost. It is generally cheaper for commercial interests to

merely locate on suburban greenfields than redeveloping urban sites on contaminated land. Yet, brownfield redevelopment has been most successful where property values have escalated and even tainted land has become valuable. But, where developable land is not at a premium, government must often provide financial incentives for redevelopment to occur.

Greater flexibility is considered essential to successful brownfield remediation. Unlike the Superfund standard set in the late 1970's, current trends in hazardous waste site remediation are cost-efficient, situational, and cooperative. Limiting liability of potential purchasers of contaminated sites is of primary concern to lenders as well as to potential owners. Such limits on civil liability are often assured by states that generally provide economic incentives to commercial redevelopment of brownfields. Moreover, costs are contained through risk-based or site-assessment standards of remediation, whereby cleanup is brought to a level concomitant with prospective land-use. Also, government must engage in public-private partnerships to achieve brownfield remediation for cleanup, financing, and redevelopment. Finally, state and local dominion over policies and programs allows greater programmatic flexibility to be achieved with brownfield remediation not possible under the highly rigid standards, and centralized authority, of CERCLA.

SECTION FIVE—*EMERGING ORGANIZATIONAL SYSTEMS*

Positivist Contra Postmodern: Creating Hybrid Administrative Models

Public service organizations are evolving. The ontological roots of administration have long derived from attempts to reform governance. Consider Woodrow Wilson and the Progressive Movement. While public service organizations have not abandoned out-moded hierarchical organizational structures, nonetheless the public sector has come to embrace incremental innovation and evolutionary change. The implicit recognition of the significant revelations of the postmodern epoch have spurred an interest, from both theorists as well as practitioners, in revising administrative organizations so as to better perform the functions of governance.

First, the positivist hierarchical organizational model customarily employed by much of the public sector, by its very nature, fosters competition rather than collaboration. Positivist organizations are largely based upon the competitive environment that is essential to the Weberian model. The resultant territorialism and back-biting among, and often within, administrative agencies result in unrealized efficiencies. Bureaucracy, by vesting power in the hands of appointed officials, is inherently anti-democratic. Hierarchy, by excluding the voices of those outside the organization, is explicitly anti-democratic.

The American democratic political system is not oriented towards fostering a competitive hierarchical organizational model. Political processes are overtly diffuse and based on forming fluid coalitions around specific policy objectives. As a result, the focus of public administration has increasingly turned towards promoting cooperation, and collaboration. Working towards common goals, in a collaborative manner, results in policy implementation that usually works, for all parties become vested in achieving positive policy outcomes.

Secondly, the lack of a clear policy mandate from policy makers serves to impair an administrative agency's ability to promulgate efficacious policy. Here administrative discretion takes hold. While a legislature could, and sometimes does, lay out clear policy goals, generally the political fragmentation of legislative institutions does not serve a discernible, and singular public interest. Rather, legislative bodies are rife with divisiveness, strategic coalition building, as well as self-interested and self-serving politicians. Often, this diffusion of political power in policy-making circles leads to muddled policy goals. The nature of the political process does not readily lend itself to the strict positivist organizational system administrators hold out to be an ideal theoretical model.

Thirdly, traditional bureaucratic models ignore discourse within decision-making structures. The importance of communicative processes in modern society require discourse laden applications in organizational systems. Collaboration depends upon candid discourse. Traditional hierarchy, with its emphasis upon rigid decision-making structures predicated upon linear horizontal communication, cannot foster collaborative and democratic processes that, of necessity rely upon complex and inclusive communication networks.

Yet, public sector organizations are, for practical reasons, unable to completely abandon traditional hierarchical structures. By and large, the state's legal, or constitutional, infrastructure depends upon the separation of powers doctrine to thwart usurpation of power by any single governmental body. This mandated diffusion of power generally employs executive branch administrative agencies that are accountable to legislative authority. Increasingly, legislatures are overseeing administrative action to curb bureaucratic excesses. More often, however, judicial review of administrative activity reins in the harmful effects of administrative discretion run amok. In addition, the constraints of civil service

classification and rigid collective bargaining agreements serve to thwart revolutionary transformation of bureaucratic hierarchy.

Contemporary hybrid public sector organizational structures are now predicated upon several key, postmodern administrative tenets: communicating through information technologies (IT) in order to increase agency effectiveness and citizen participation; fostering collaboration amongst stakeholders to achieve mutually held policy goals; fostering policy objectives that promote comprehensive community goals and further democratic processes; and laterally and horizontally disintegrating governmental structures so as to achieve a collaborative decision-making process.

Government organizations are fundamentally information processing systems. Outputs in government are, largely, the result of the application of human resources to achieve policy objectives. The collective philosophy and institutional culture of any sizable organization can be indicative of the status of the human capital within that organization. Organizational philosophy and corporate culture often translate into decision-making systems whereby human resources are considered a, relatively, greater asset within the organization (Hall, 1991). If organizations are but decision-making systems, then the life-blood of those systems is the extant communicative network. When, if, and how well an organization communicates forms the basis for effective and efficient decision-making and policy implementation. Conversely, organizational frameworks form the basis of communicative networks. Decision-making is promulgated through formal communicative networks, e.g. meetings, hierarchy, and the implicit coercion in power relationships, or through the informal network of gossip, water cooler conferences, and coalitions within the organization.

The study of cultural hermeneutics provides a basis for advancing administrative communicative structures (McKinney and Howard, 1998). Hermeneutics comprises principles for enhancing understanding. It is a manner of interpretation that deals with understanding underlying or disguised meaning. Such an approach entails immersion in the cultural context of the speaker. Only by undertaking such deep readings of text will the researcher truly grasp the meaning of what is said. Communicative structures, based upon developing collaboration and enhancing cooperation, are essential for hybrid organizational systems.

Increasingly, government organizations are being hard pressed to provide more services with ever shrinking resources. Effective use of the workforce is key to engendering efficient implementation outcomes. The de-centralization of administrative functions of government organizations yields efficiencies in both the implementation of policy as well as the investment in human capital (Nigro, 1983). "Hierarchy tends to produce self-protective, obsequious, rule obsessed behavior[s]," (Zajac, Al-Kazemi, 1997).

From a public management perspective vertically decentralized decision-making structures allow for affective organizational commitment, as well as a strong bond between the employee and the employing organization (Nyhan, 1999). Affective commitment is based upon: a strong belief in, and acceptance of, organizational goals; willingness to exert effort on the organization's behalf; and desire to maintain membership in the organization. This sense of allegiance depends on the measure of trust that employees display towards the organization. Organizational leaders can elicit employee trust by encouraging open communication, discretionary decision-making, and employee participation through feed-back (Bell, 1997).

Although the horizontal system of governmental bureaucracy has been disintegrated so as to allow relatively expanded decentralized organizational decision-making, nevertheless such an accomplishment belies the continued reification within the vertical decision-making structures (at the point of citizen service or in the field). It is very likely, that governmental organizations are constrained as to the extent of employee discretion allowable in the pursuit of administrative activity, particularly at the point of service. Within a positivist, hierarchical structure standard operating procedures are not merely instruments of reification. Rather, they provide a measure of consistency, control, and continuity in organizational decision-making.

Can government organizations increase employee discretion while maintaining organizational continuity and policy-making consistency? The answer may be to allow heightened employee input at the inception of implementation processes so as to utilize a postmodern-positivist hybrid management technique known as back-ward mapping (Elmore, 1979).

Backward mapping is an inversion of the traditional hierarchical (top-down), rational implementation process. First, backward mapping a policy or program begins with the expression of specific outcomes and proceeds backwards (bottom-up) in order to elicit successful implementation strategies that fulfill those explicit outcomes. Bryson (1995) encourages a similar procedure in following the organizational strategic planning process. Unfortunately, while strategic planning itself may be an adaptive attempt to fuse postmodern principles to a thoroughly positivist, hierarchical organizational framework, the synergies from the two conceptualizations may be lost in the fixed rigidity of the strategic planning process as outlined by Bryson.

Planning is based on the capacity for organizational learning. It is at once both proactive and inflexible. Organizational goals are the centerpiece of planning functions (McKinney and Howard, 1998). Short-term objectives are gleaned from long-term operational goals. Implementation strategies are created to produce desired outcomes. Evaluation and assessment systems are utilized to measure progress towards those goals. Such a system is eminently rational and fundamentally untenable given both the unpredictability of external political forces brought to bear on administrative agencies, and the recalcitrance of hierarchical organizational structures.

Catalysts for Emerging Systems: Public Entrepreneurs

Public entrepreneurs are playing a role as catalysts for government reform and the application of fresh organizational perspectives. Melchior (Lynch and Dicker, 1998) describes public entrepreneurs as able to explain the dynamic nature of political transactions and thereby shift the preferences of policy actors by providing new information regarding political ends and means. Public entrepreneurs are able to organize resources in new ways in order to produce and distribute services more efficiently. In the public sector the creation of profit gives way to the creation of new delivery systems and increased political advantage for the entrepreneur. All this is viewed through the lens of a transactional model. The focus on transactions within the political system has an emotional appeal to political actors. Often, the public entrepreneur links issues together so as to form a broad coalition of supporters.

According to Melchior, two obstacles block the public entrepreneur from achieving policy goals: an entrenched bureaucracy that remains too rigid to cope well with the rapid pace of change in modern community politics; and the public sector's lack of efficiency in providing goods and services (can be countervailed through advances in IT and management control systems).

Reinventing government may be considered a euphemism for market-oriented, decentralized management control structures, in emulation of those of the private sector. However, the public sector would do well not to fully embrace market principles, for governance does not conform to many of the assumptions that underlie the market. Moreover, market principles tend to shift with the prevailing winds, and do not form an invariable source of validation for even the capitalist system. Therefore, the market should not be an ideological foundation for governance. For example, without the context of the capitalist system that forms the basis of private entrepreneurship, the pursuit of profit, public entrepreneurs are inevitably caught in the dichotomy of maximizing self-interest while simultaneously achieving collective policy goals. The market cannot be equated to the policy making arena. And, public entrepreneurs should likely be cast in an entirely different light, with corresponding alternative nomenclature.

Adaptive, or Hybrid, Organizational Systems

Balk (1996), however, does not apologize for public sector organizations. While positivist organizational theory derives, primarily, from economic institutions, government organizations intrinsically stem from political institutions. Irrespective of system origin, organizational effectiveness, in general, is a direct function of organizational flexibility. The rapidity with which an organization undergoes change when confronted by unforeseen circumstances speaks directly to the organizational structure. Adaptive organizational structures readily yield to flexibility by design and throughout the decision-making process.

Balk sees organizational structure along the lines of a micro/macro environment. External responsibilities are the manifestations of organizational behavior, e.g. professional competence, deference to executive authority, etc.. Balk cites the ethical exercise of power in government institutions as key to preserving the legitimacy and authority of the

organization. Furthermore, Balk asserts an internal responsibility within the organization whereby professionals are obligated to serve the best interests of the public; improve organizational effectiveness; enhance the role of government (presumably in a democratic fashion); either comply with, or reject, directives; and protect critical social values.

Public agency democracy rests upon a paradox. Central to the tension between compliance with, and opposition to, authority is the source of moral legitimacy. As expressed by Weber, the basis for order and consensus within a public organization is a network of role-directed responsibilities and behaviors. But, hierarchical structures serve to stifle any gasp of flexibility. According to Foucault, the hierarchical system is a power/knowledge regime that primarily serves to legitimize itself. Hence, how, either in the role of responsible organizational member or in the role of citizen, can a public servant express contention with agency policies? Reformers must act with "regime values" dedicated to maintaining fundamental political order (Balk, 1996). Organizational systems require constant internal corrections to adapt to evermore volatile circumstances.

Van Warts (1998) stresses a value-based system for public organizational structures in order to clarify organizational mission, goals, and methods. The five sources of value sets are personal values, professional values, organizational values, legal values, and public interest values. Sources compete for supremacy and can often conflict with one another. Administrators are expected to have 'civic integrity' an appreciation of the Constitution and the political-legal system with its underlying legitimacy (Van Warts, 1998). Civic integrity also includes cultural values such as honesty; consistency (to act from principle rather than whim); coherence (to connect examples with principles); reciprocity (the 'Golden Rule').

Van Warts' organizational values pays homage to the buzzwords of public management techniques, e.g. TQM, management revolution, re-engineering government.

Yet, in postmodern fashion, Van Warts emphasizes that decision-makers must constantly have an eye towards the citizens that government officials are charged to serve. The general public interest must not merely be a locus of establishing organizational goals, but a true source of administrative legitimacy. Although Van Warts' organizational theory rests on a positivist framework, the theory seeks to incorporate postmodern principles that address participation, communication, and consensus.

Organizational structures are divided into four categories according to Van Warts: rational style (theoretically value independent and analytical); hierarchical style (values predictability and security therefore tries to maintain a status quo); consensual style (reduces uncertainty through interaction, values affiliation and mutual dependence); and adaptive (learning oriented, values flexibility and change). Most organizations are hybrids of two or more or these organizational systems. Moreover, these categories operate within four cultures: rational, hierarchical, group/team, or adaptive (Van Warts, 1998, p.87-90). These and still other factors establish the basis for organizational values. Current trends include the disintegration of organizational structures, focus upon customer satisfaction, and adaptive, or flexible, systems that emphasize information technology. Van Warts (1998, p. 107) cites three important contributions of organizational values:

1. midlevel focus—reflect both a long-range environment and short-term disturbances

2. recognizes that organizations are an instrument of the public—healthy, balanced institutions serve the public interest well, while serving organizational needs

3. emphasize unique needs of the system and environment—organizations are a reflection of the changing needs of society, e.g. water-quality may be privatized.

The three concerns with a focus upon organizational values are:

1. midlevel focus may degenerate into a short-term focus or a crisis-of-the-day mentality

2. reification—organizations become self-perpetuating and self-serving

3. degeneration into bureaupathologies, a la Gerald Caiden (1991), whereby strong

   attributes become corrupted.

Similarly, the postmodern emphasis upon language and communication is permeating administrative organizational theory. Watson (Lynch and Dicker, 1998) assails the use of bureaucratese, or technocratic double-speak. He establishes a typology, of the misuse of language by administrative organizations, that includes: euphemism, words that soften or distort harsh realities; jargon, the specialized language that serves to exclude those outside of a specialized profession; complex syntax, structuring words so as to confuse, or obstruct meaning; voluminosity, the adding of redundancy to overwhelm the audience; and bloating, the creation of hyperbole to exaggerate importance. The use of bureaucratese depersonalizes the message, removes accountability, creates misunderstanding, and develops an exclusionary administrative process. Watson proposes that plain English replace bureaucratese. Likewise, he advocates the adoption of values and ethics into the bureaucratic vocabulary. Unlike Wittgenstein's proposed separation of metaphysical and practical language, Watson would encourage the ready application of plain-speak in order to create a new administrative mindset. An appreciation of the power of language and how it actually constructs administrative issues will serve to better democratize public sector organizations.

Technology holds promise for both improving administrative systems and allowing increased levels of participation. However, in and of itself, an IT focus is not enough. Rather, the laterally and horizontally disintegrated decision-making structure is an absolute requisite for implementing collaborative, team-centered approaches toward problem-solving. Therefore, public sector organizations are seemingly moving away from rigid hierarchy and

toward process-based organizational structures that emphasize greater flexibility. Key elements to implementation of process-based systems are: a systematic managerial knowledge of internal and external pressures (emphasis upon political pressure); organizational designs supportive of deployment of resources suited towards delivery adaptive, as well as strategic, implementation; and proper (read as complete as possible) information systems to enable new process designs (Osborne, 1998).

Osborne's scheme derives from both emergent strategies (bottom-up) and intended strategies (top-down). Emergent strategies (more like tactics) are very much fluid and incremental by nature, and arise from daily activities, while intended strategies arise from formal planning and are thereby structured towards achieving specific, relatively, long-range goals. Focusing on emergent strategies, "alters the traditional relationship between planning and control... where once control activities focused on implementing plans, this [new] view suggests how control systems play a role in strategic adaptation (Osborne, 1998, p. 487)."

SECTION SIX—*CONCLUSIONS*

Hybrid Organizational Systems: The Environmental Protection Agency

Typically, public sector organizations currently employ some type of hybrid organizational solutions to address the seemingly intractable difficulties of administration and government. Strictly positivist organizational structures have been thoroughly discredited as means to provide a serviceable framework for public administration. Hierarchy suffers from disallowing democratic processes and is no longer considered viable, or sustainable, as a method of promoting organizational efficiency or effectiveness. Given that empirical knowledge affirms power in a relationship of mutual signification, reliance upon positivist systems perpetuates an exclusionary social, economic, and political system.

The unremitting progression of the Information Age has witnessed significant cultural shifts that continue to render exclusively positivist organizations obsolete. Hierarchy can no longer be considered a legitimate or plausible method of structuring public decision-making systems. Rather, the postmodern world demands flexible, collaborative, and decentralized decision-making structures that support policy implementation in an era of fragmented and diverse perspectives wherein knowledge is commonly recognized as subjective.

Postmodernism seeks to understand the world as a series of inter-relationships. In turn, the interconnectivity of social interactions is predicated upon open and effective communications and forthright communicative systems. In essence, true democracy reflects the postmodern vision of communicative action. Democratic processes are a reflection of open and effective communication amongst the various participants.

Positivist systems are quite simply not enough. Although many public sector organizations may not be fully cognizant, they have already embraced and successfully

incorporated many postmodern tenets into the extant hierarchical organizational framework.

Postmodern organizational methods directly address the theoretical and operational voids

found in positivist era administrative systems, allowing adaptability, communicative

opportunity, and democratic participation.

The EPA is thoroughly rooted in positivist philosophical systems and hierarchical

organizational structure. With few exceptions, the agency depends on modern, empirical

methods to formulate policy and promulgate regulations. Contemplate the EPA's failure

with the Superfund program. Despite the extensive scientific data and technology that EPA,

and its minions, generated and relied upon to substantiate pristine levels of hazardous waste

clean up, the organizational effort expended was inadequate to surmount the doubts as to

the efficacy of the policy. Both in public opinion and in the minds of key decision-makers

the EPA was savaged as to whether the agency was going too far in its insistence upon a

fixed level of remediation, or not far enough. In addition, EPA's insistence upon a standard

of strict liability for Superfund sites produced an adversarial, needlessly, litigious relationship

with potentially responsible parties. As an unintended consequence the legal labyrinth that

Superfund wrought unexpectedly came to burden municipal landfills and individual property

owners. Most importantly, Superfund's rigid, positivist standards precluded the remediation

and redevelopment of many urban brownfields, keeping potentially developable and valuable

property perennially despoiled.

As a result of the reinvention of government, the EPA is now able to develop

significantly more flexible organizational instruments. Project XL, along with cooperative

regulatory systems and environmental programs, allow for the creation of a collaborative and

adaptive regulatory process between the regulating agency and regulated institutions.

Increased democratization of the regulatory process could be considered de factor result of

the new found emphasis upon collaboration and programmatic flexibility as those subject to agency regulation have a hand in formulating creative solutions to complex environmental issues. Habermas keenly recognized the link between collaborative decision-making and increased levels of democratic participation.

The Theory of Communicative Action

The philosophical middle ground between positivism and postmodernism, seems to be firmly held by Jurgen Habermas (Bohman, 1999). Habermas' philosophy is firmly rooted in the structuralist school. While his theory of communicative action essentially bridges modern and postmodern philosophies, Habermas thoroughly rejects rationality's façade of empiricism in favor of the methodological pluralism that postmodernism encourages. From a practical aspect, Habermas emphasizes the purpose and goals of constitutive forms of knowledge (Alexander; Mandlebaum, Mazza, and Burchell, 1996). His intent is two-fold. First, Habermas is interested in liberating individuals from relations of force, unconscious constraints, and dependence. Second, Habermas intends to increase mutual understanding and unimpeded communication, in order to effect truly democratic decision-making.

Moreover, Habermas proceeds to outline an area of study that he entitles critical reflective knowledge that forms the basis of a prescription for individual and societal action. Strategic action, the antithesis of communicative action, is premised upon power, influence, manipulation, and distorted communication so as to order participant behavior into conformance of desired objectives (Alexander; Mandlebaum, Mazza, and Burchell, 1996). Implicitly Habermas' critical reflective knowledge takes the form of the age-old dichotomy between social, or collective, action and individual self-interest.

From an eminently practical perspective, Habermas recognizes that democracy demands cooperation and collaborative systems. The theory of communicative action relies

upon forthright communication as the preferred method of achieving consensus through collaboration. Further, Habermasian communicative action is innately democratic for it absolutely insists upon allowing all parties with a legitimate argument to participate by freely expressing a point of view. For Habermas, consensus is borne of the willingness to hear and understand opposing perspectives (Skollerhorn, 1998). While Habermas' ideal speech situation has been assailed as unrealistic, and foundational, a lá Kant, it is essential to bear in mind that Habermas advocates reflective communication as a method of identifying and correcting communicative and ideological distortion in order to exploit latent individual moral and ethical principles.

Habermas seeks to reconcile the differences among various theories and across assorted disciplines. The theory of communicative action is founded on a concept of discursive practice that embraces a multi-disciplinary approach that unites, rather than fragmenting, the social sciences. This pluralistic approach to social research is reflected both in the spirit and execution of this essay in as much as it adopts a theory of hybrid organizational systems as well as the application of diverse, yet cohesive, theoretical frameworks. Habermas considers this discursive approach to inquiry to be methodological pluralism (Bohman, 1999). In addition, Habermas recognized that critical social theory had a sustained resolve to procure the achievement of the various epistemic goals of specific disciplines while simultaneously preserving essential critical self-reflection amongst the branches of social science. In this manner Habermas could attest to the relative legitimacy of each constituent knowledge form, theory, and methodological approach. Habermas' resourcefulness allows social scientists to combine seemingly disparate, even contradictory, methods, theories, and epistemic goals into a coherent whole, as is the case in the natural sciences.

Ultimately, Habermas seeks to preserve all fruitful avenues of inquiry within the social sciences. Habermas claims that by employing a discursive approach to social science inquiry, "... the normative contents of a humane social life can be introduced in an unsuspicious way by means of a communication theory, without having to smuggle them in secretly by way of a philosophy of history... there is no obligation to proceed only according to action theory, to speak only of agents and their fate, acts and consequences. It becomes possible also to speak of the characteristics of life-worlds in which agents and collectives or individual subjects move... (Dews, 1986; p. 113)" In one fell swoop Habermas condemns rationalism as well as the Hegelian branch of Western philosophy. Characteristically, Habermas adopts a structuralist stance as a method of unearthing the origins of social domination and communicative action as a means of efficaciously addressing the consequences of institutionalized power.

Habermas' theory of communicative action is eminently preferable to a strictly liberal positivist orientation. Rationalism, based on individual self-interest, is particularly detrimental to organizations involved in the planning and policy-making arena and overtly repugnant to democratic processes in general. In a system founded on self-interest policy issues quickly become mired in a zero-sum game whereby any party with a power-knowledge advantage secures at least partial benefit. Habermas' system of sincere debate allows parties to mutually reach a shared understanding. The practical difference in philosophical approaches is witnessed in the EPA's woeful entanglement with Superfund and the relative success of Project XL initiatives, like Atlantic Steel.

Regulation and the Democratic Process

Habermas' communicative theory may be considered an instrument for facilitating open and effective discourse in the context of creating a more democratic decision-making

process. In potentially exclusionary policy making arenas, such as administrative regulation and planning, discourse and collaboration are requisite for reinstituting democratic processes. Without the impetus to reconfigure the decision-making process, classical organizational systems will remain, for all intents and purposes, closed to those outside the immediate policy-making circle. In positivist, empirical terms the administrative agency has a question and comment period, while planning agencies rely upon the open-hearing to encourage public participation. Yet, are these heavily institutionalized methods of participation, in and of themselves, sufficient to cull participation and broaden democratization of the regulatory process? Generally, decisions that significantly impact an individual, a constituent group, or even an entire community are made without a sufficiently participatory process—witness the urban renewal debacle of the Sixties and Seventies and EPA's experience with the Superfund.

Hybrid organizational systems that de-emphasize hierarchical structures in favor of collaborative decision-making models are foundational attempts to redress the deficiencies that underlie traditional, positivist organizational systems with their reliance upon technical expertise, empirical knowledge forms, and implicit power-knowledge relationships. Classical organizations are inherently undemocratic in that they naturally engage in a, fundamentally, closed decision-making process. Adaptive, or hybrid, organizational systems are explicitly democratic by systemically necessitating participation of all interested parties through open discourse and active collaboration.

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