

Openness of Public Administration in Slovenia: A Desire or a Reality?

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Abstract

Throughout history public administration has faced various challenges. Today those challenges are visible in the need to connect public administration and successful democracy, which is evident in the emphasis of the idea of serving citizens and not (only) users. It is obvious that the answer can be found in the concept of the new public service. The authors focus on whether it is possible, in Slovenia, which is facing similar challenges as those of many other developed countries, to introduce the concept of the new public service formally or actually, especially the element of open public administration. The research has shown that in the last decade a lot has changed concerning this, but at the same time a lot has stayed the same. That is why the authors establish that the strength of the concept of the new public service lies within the formal aspect (the existence of the special document that demands the openness of public administration to users); on a lesser scale this actually exists. For this reason, open public administration in Slovenia is still an unfulfilled wish.

Key words: public administration; democracy; interest groups; new public service; participation

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1. Introduction

Studying public administration and its (possible) reforms have in the past focused on various views; from the possibilities and capabilities of the enforcement of the classic model of public administration (e.g. Weber 1918, 1919; Wilson 1887; Goodnow 1900), the question of the relationship between officials and politicians (e.g. Aberbach et al. 1981; Peters 1986), up to the enforcement of the ideas of the principles of private sector practice into public administration, visible especially in the form of the new public management (e.g. Hood 1991, 1995; Osborne and Gaebler 1992; Kickert 1997; Pollitt and Bouckaert 2004; Kettl 2005; Pollitt

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2007; Osborne 2009; Dahlström and Peters 2010), which is often labelled as “modernization of public administration”. As a part of the idea of the modernization also, lately well-established issues of connecting public administration and successful democracy (Ackerman 2000) are included, which is evident in the establishing of the concept of the new public service (e.g. Harmon and Mayer 1986; Habermas 1994; Perry 2007; Denhardt 1981, 1987, 1991, 1993, 1998; Denhardt and Denhardt 2000, 2003, 2007, 2011). Even though various historic concepts of public administration and research in the above-mentioned fields of public administration were launched and carried out in the developed Western democracies, that does not mean that the post-socialistic countries of Central and Eastern Europe were isolated in this view. However, it is true that research and debate on public administration in these countries intensified (only) during the 1990s, when the post-socialistic countries were actually faced with the two challenges of the administrative reforms.

A demand to stimulate the separation of politics and public administration on the one hand, and an attempt to be in contact with the managing and institutional reforms of public administration on the other, which, in the developed democracies, started in the 1970s and 1980s (Peters and Vass 2001: 83). Above all, we are thinking about the introduction of the concept of managing the new public management. With all reforms and the attempt of implementation it is important to realize that up to a certain point reforms or the implementation of new concepts of public administration in the various countries (can) be determined by the legacy, administrative tradition and individual institutional restrictions of the countries (Toonen 2001). Today public administration is under great pressure, because public service users have great expectations (Peters 2010: 642); especially when it comes to demands/expectations after themselves are included in public administration activities. Consequently, an idea of a participatory model of the management of public administration is being established, which enforces a possibility of the formation of the “new” relations between citizens and administration. This comprehensive idea of public administration is included in the concept of the new public service, which in opposition to the classic views of “closed” public administration, emphasises the “openness” of the administration towards the civil-social actors and civil servants.

In the article we have focused on the analysis of the (non)existence of the formal or actual elements of new public service in Slovenia. For the purposes of the research we have used various research methods and techniques (analysis of the existing analyses on the reform of public administration, analysis of formal documents, surveys among representatives of interest groups and civil servants and interviews). They have enabled us to analyse the existing state in this regard in Slovenia in the last ten years.

2. From Classic “Closed” Administration to Modern “Open” Administration

Classic, “closed” public administration is closely connected to the ideas of Weber and Wilson, which have through decades become dogma on which we should lean on when studying public administration (Verheijn 2001: 12; Haček 2005: 32), but unfortunately it does not suit today. It has not disappeared overnight, but the theories and practices of traditional public administration have become obsolete today (Hughes 2003: 17). The reason this has happened is that the modernization and globalization processes have influenced administrative activities, even

though the influences are hard to pinpoint (Evans 1997), “or we understand it, in one way, as the most inclusive and at the same time contradictory process of social change, which based on the mutual connection and, at the same time, dependence on the happenings on the world scale influences the administration” (Mlinar 2012).

Consequently the administration’s role has changed, greater emphasis is placed on the interaction and involvement of citizens, at the same time postmodern values have begun to emphasise the idea of discourse (McSwite 1997; Habermas 1994: 442). This way we can claim that the old values based on the emphasis of the control in administration, on its (too) large centralisation and rigidity and typical hierarchical organisation of administration, are already the past. They are supposedly replaced by the values which integrate democratic principles, at the same time focusing on establishing a constant dialogue with the users and civil servants, which should improve the efficiency and success of the administration and actual publicly beneficial service of the administration (Hood 1991), which is visible in the (experiment) of concept establishing of the new public service (in the following text NPS).

However, if we look closely, we can claim that a part of these values is included in the sole idea of managing of the new public management (in the following text NPM). But the new public management has undergone (r)evolution. In the year 2000, Janet and Robert Denhardt developed their movement, built on the work in democratic citizenship, their mastery in understanding contemporary public service. Therefore, they are convinced that today’s public administration and governance must be based on the NPS concept. Their belief was supported by Light (2007)¹ and Perry (2007).² And the important difference between this concept and NPM lies exactly in the development of public services and in the formation of such processes and programmes, which are destined to serve the needs of (democratic) society and not only to reach efficiency when the citizens are only the means to an end of the desired results. Even though the line between the NPM and NPS is very thin, Denhardt and Denhardt (2007: 60) as well as Perry (2007) clearly differentiate between both concepts. They stress that the goal of NPS is to serve the citizens and the users (NPM clearly stresses the idea of serving the users, which defines the “citizens” with the idea of consumerism) and in accordance with the NPS concept an individual citizen in the scope of a general contractual regulation “seeks protection and security and expects from the government to ensure service in an appropriate and righteous way” (Denhardt and Denhardt, 2003: 61). There are some differences between authors and their definition of the NPS. While Denhardt and Denhardt (2000) claim that the main emphasis of the new public service is that civil servants collaborate with citizens and in this matter provide case examples of a wide range of approaches to citizen engagement (Denhardt and Denhardt 2003; 2007; 2011),³ Light (1999) labelled it differently. The new public service was defined with four characteristics, which are diversity, the non-profitmaking sector, sectorial crossing and deep commitment to create differences in the world. His discussion is empirical and focused on elite personnel as members of the new public service. It is hard to compare both definitions of the new public service, but we can claim that the new public service contradicts the classic one and it is possible to say that the NPS puts back a special value on the citizen, who is delegated new power. It is the citizen who is the carrier of the values and norms in the NPS concept (Denhardt and Denhardt 2003: 166). The citizens are those who need to be enabled in a way back to the management of public administration, and if possible also the influence on decision-making. The citizens expect that the authority will

acknowledge them and take their wishes or interests into account (Denhardt and Denhardt 2011: 65–67). From the point of view of the state, this kind of openness of the modern state and public administration or civil servants is the way that enables formation and reaching of the public interest and public good. This means that the modern state is actually interested in greater participation of its citizens, at the same time enabling them a real influence.

2.1 Open Public Administration

Critics of the classic administration claim that the administration under its core principles (rigidness, reserve, control) has moved away from the need to listen to its citizens, which has led to the (modern) democratic deficit. It has become evident that the key problem in the establishing process of interest groups lies in the lack of stimulation and reduction of the inclusion of various interests of society. The solution can be found in the commitment to the idea of participation, active involvement or deliberation, whose fundamental idea is exactly that democracy is organized in the manner which would and will enable a wide discussion between different interested representatives of the government and society.

This kind of activity, according to Dryzek (2000), will lead to better or more rational and inclusive formation of public policies. It is also important that civil service is unified and includes understanding of publicly expressed need and interests.

It enables higher moral obligation of the citizens, as well as higher relevancy of knowledge and public consciousness. This can be reached with an altered relationship to the public and with the greater involvement of the civil society actors in civil service; at the same time the need to enlarge the openness of the government institution is already emphasised in the institutional view (Putnam 2000). Open public activity should ensure more involvement of the citizens and their participation in the processes of establishing public policies and at the same time offer citizens a chance to build public responsibility (Denhardt and Denhardt 2007). As this, the open administration is welcomed from the point of view of enabling democracy and the quality of establishing public policies and from the view of decision-making, as it enables a wide circle of actors, who are involved in the open discussions (Patten 2001). At the same time, the open and democratically consultative policy processes enable decentralization of the administration and wider spread of information among actors. The meaning of deliberate or discursive theory is exactly the emphasis of collective decision-making, with the opportunity for marginal or peripheral opinions (Patten 2001), so the administrations have to be open in order to come to the best possible decision (Held 1992). A condition to bring open administration closer to citizens is for them to have the opportunity to access administrative documents and administration activity. It is only in this way that the conditions are set under which citizens can participate and are active and in this way contribute to public policies (Lathrop and Ruma 2010; Maier – Rabler and Huber 2011). And as we predict that the openness of the administration changes the relations between the citizens and the government (Maier – Rabler and Huber 2011), we are of the opinion that quick reactions of the administration are needed to meet the (ever growing) demands of the modern environment. That is why also the civil servants in such an administration have to search for new possibilities and form (fast) alternative solutions of public policies (Barker et al. 1998; Harris 1999). In the postmodern times of ever-changing social circumstances the administration has to be able to communicate through

the use of various mechanisms with the users of public services (Mestre et al. 1997; Civelli 1997). The contribution of such an administration is that it helps transparency and social responsibility and it enriches the representative democracy, especially by establishing the connections of innovative forms of public working, or as Maier – Rabler and Huber (2011) call it, “democratic innovations”.

The pluralistic approach is important for open administration, which predicts that when the administration strives towards improvement of the relations with the users, it offers better opportunities for citizens to collaborate and it serves the citizens as strength (Denhardt and Denhardt 2003: 166), because there is a chance to pass and to voice their dissatisfaction (Crouch 2008: 140). As the concept of the new public service emphasises, with its element of openness presupposes the development of the citizens’ collaboration, shaping of the responsibility and the importance of administration to serve the public interest (Denhardt and Denhardt 2003: 166).

We should, as Coleman (2007) believes, overcome the democratic deficit in the modern democracies with citizens organizing open and critical discussions, where opinions would be exchanged, which is the true meaning of public administration (Denhardt and Denhardt 2003). And if we pose the question of how administrations can provide the openness of their working, we realize that there are certain models of good practices (OECD 2011), which all have in common the fact that administrations have to put more emphasis on the leaders of the administration, who have to have strategic abilities and encourage innovations in administrative working and at the same time take care of the collaboration between actors and form a partnership to make changes. The citizens have to have the right to access public information and to have access to policy-making processes. The most important thing is that these principles are not only written down, but they are considered and carried out in the (administrative) reality. In this context the formation of the openness of the administration and its integrity is an important goal, which can be achieved only with the stimulation of efficiency and that the administration is polite towards the users of the public services and that it creates their own services for the users and promotes transparency of their working.

Light (1998) was of the opinion that, for the stimulation of the efficiency with innovations in the public sector, it is necessary to take into account the outside point of view of administrative working and was thinking of new technology, for which he suggested it should be simpler, more transparent and also that it would prevent corruption. Great emphasis in ensuring openness must be put on the creation of human capital, as well as the internal view of administrative working. We are thinking of the professionalism of administration, the expert knowledge of civil servants, as well as the networking, creating “new” and democratic forms of connecting between the social actors. We call it the creative (re)-structuring of the administration. To provide the openness of administration, its integrity and transparency, a larger inclusion of the citizens in the processes of establishing public policies is predicted. Trust in public administration grows with these activities, the support for reforms would grow and with it basic/principal values (service legality). The administration has to be prepared to face new challenges and to strive towards change and to carry out the strategic direction and to be able to identify with the ever-appearing challenges of the modern world (OECD 2011: 7–8). The idea of how to engage public and other participants and at the same time reform traditional classic (closed) public administrations in the largest extent possible is a challenge. That is why administrations

have to develop consolidated programmes; establish well-defined public policies and systematically include innovations into the processes (we are talking about the elimination of administrative obstacles). They need to (re)-form the partnerships with the citizens and at the same time provide simplified policy-making processes. Various strategies must be developed in ensuring openness, focusing more or less on mobilization of the citizens/users: to cut the obstacles between the state on one side and the citizens on the other. The private sector must be included, as well as the civil society and interest groups, which is important because of the participation and sharing of opinions and enabling innovative solutions.

The public, involved with the enabling of public services, must be taken as a partner and as a key operator of public administration. It is because of this that administrations have to include all the participants on different levels, including local administration. Open administration, as such, will enable changes and striving towards the establishing of better public services and it will stimulate the solution of a certain issue. Administrations must also strive to make the results public, as this will help them to build (social) responsibility and create overall trust (indicators, discussions on standards, satisfaction, organized debates with the participant). The administration is an important factor of influence on the overall development of the society. And because the administration is basically policy – making and about realization of social benefits, it has to take into account to what extent the citizens/users are involved in the establishment of public service and also, what the results of reducing efficiency in relation to the user's satisfaction are. This is why governments and ministries have to put great emphasis on satisfying the needs of the citizens and specific interest groups.

In order for administrations to work openly they need to:

- expand and strengthen the administrative working with new (modern) technology;
- look after the open, accessible, responsive, professional and loyal civil servants;
- improve the strategic planning, representation of public administration, its coherency, use of information and social dialogue and practice communication most effectively with different social participants and their expert networks;
- stimulate the efficiency and present working;
- invite different participants to contribute to democratic administration with their proposals (OECD 2011: 11).

We are of the opinion that open and transparent public administration is important for two reasons. The first reason is that open administrations must strive to rebuild the trust in the administration and that they aspire to upgrade classically closed administration with modern informational practices, where the citizens will be able to be in contact with the public services with only one click and political means encourage the ability to change and for sustainable changes in the public sector with increased efficiency. The most important thing is to once again strengthen the integrity of the public sector and to promote the openness of the administration, regardless of different countries (OECD 2011). The administration presents the form of systematic integration of society; its administrative apparatus is not represented only through democratic institutions, but also through users, interest groups, and generally with trying to bring the administration closer to the citizens. That is why, in the light of ever-changing demands of the environment, open administration is good for the citizens as for administration and as such allows the citizens an opportunity to co-form more efficient administration (Maier – Rabler and Huber 2011: 185). For a successful formation of the relationship between

the administration and citizens a number of the conditions enumerated above must be met. But after all, it is of greatest importance that the emphasis is on various mechanisms and leverages which help to secure the openness. We are thinking of public debates, conferences, public dialogues, public consultations and establishing two-way communication, as well as electronic interaction. Societies which enable such information will encourage the development of knowledge for all groups in society. Simultaneously they will enable equivalent and unified access to all public information. It is also important for citizens to have free speech and universal development.

Open administration, for the advantage of citizens, needs to be directed to the development of the institute of the participation of users, to restore the relation between the users and administration. It is important that the citizens are involved in the policy-making processes and to improve them and keep improving them. It is an asymmetrical relation, where information comes back from the users to the administration. This relationship is important as it leads to the improvement and changing of existing public policies (Hogge 2010: 8). Generally speaking, open administration is an added value for the citizens, especially when they are able to participate, seek new opportunities and establish collaborative models (Coleman 2007: 377). The sole idea of an open administration is very topical, especially now, when countries are facing the long-reaching consequences of the global crisis. Administrations are wondering how to provide working public administrations and how to, despite the crisis, be efficient and to offer the users oriented service, but on the other hand to be open and transparent (Maier – Rabler and Huber 2011). Vertinsky (2009) adds that it is exactly the formation of collaborative models of cooperation that can lead to the reforming of public administration (OECD 2011) and to the improved participation of the users (Coleman 2007: 373), because today there is no longer a traditional, classic citizen, but a trans-local who pursues the idea of participation and emphasises diversity and who for his work, which is not limited to politics, but also social and economic life, anticipates or almost demands open administration.

As the fieriest advocates of the NPS believe, openness will strengthen democracy and will promote efficiency and effectiveness in the policy – making processes. In the last decade a rapid development of technology has also offered a kind of support in developing the ideas of open administration. Namely, a sizeable impact on making easier communication to the citizens by the public services has already been taken by e-government. E-government has great potential to allow citizens to become more involved in government and to be more informed about policies and public services (Muir and Oppenheim 2002: 175; Kakabadse et al. 2003: 47). It is seen as becoming an increasingly important part of the (open) policy-making processes. The initiative of the e-administration can also promote involvement of citizens with the quality participation in processes. In this connection it is significant for the public administration institutions (e.g. ministries, agencies) to provide websites where they can offer information and services directly to users. But in order for e-government to be wholly democratic, it must be fully accessible to all users. This is why the first precondition to encourage e-government ideas is to improve electronic support between public administration entities and to provide interoperability of registers and the integration of data sources by IT supported processes as well as to manage the information and communication infrastructure of the public administration and to provide support to users (OECD 2012). As shown by Chen et al. (2006), e-government has already been developed in many countries; therefore new technologies

in general have already shown important potential that they can offer in assuring ways for a higher level of political participation.

2.2 Open Public Administration – How to Guarantee the Quality of Democracy and Quality of Public Policies

Modern societies are highly differentiated and specialized in the perspective of individual activities and institutionalized structures. But it is all too simple to understand only the institutionalized process under the term modernization of society, as we are facing the increase of the influence of populist and authoritative forms in the wider European space. This implicates the increase of democratic deficit, and at the same time modern administrations are faced with the preservation of already achieved democratization so Bauman (2002) suggest for this “new modern” to establish new relations between the actors. The collaboration between the citizens (users) in the policy-making processes is a great challenge. That is why we believe open administration should be upgraded with inclusive administration. This means that we need to intensively train civil servants; on the other hand, we need to motivate and enable access for participation of the civil society. These are marginal groups and interest groups. For this purpose administration must be open and transparent and accessible for users of the public service with information of the public character (Axelsson 2010). We think that if the administration is open, consequently the participation of the users is enlarged, all these factors add to the quality of public service and to the even more efficient service of public administration (Jones et al. 2007). Despite the fact that the relationship between the actors in democratic societies is changing (Beck 2001), at the same time we realize that we cannot speak of the decline of democracy, but we are dealing with post-democracy, because we are living in a period when many democratic institutions are stronger than ever before. But in modern times, according to Keane (2009), many public policies hold no real content, which is why it is important that when it comes to establishing the content of public policies citizens are also included.

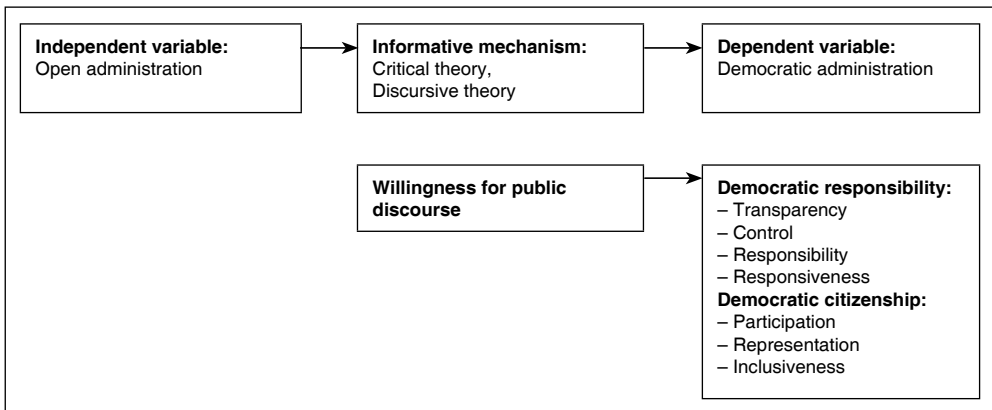
Actually, democracy works only when the right of the citizens to participate in the policy-making processes is fulfilled. For this to happen, each citizen has to have easy access to the administration. Ganapati (2011) dealt with this, when he claimed that modern technology has to be accessible to all citizens and that open administration has to be established, because it is important that the administration (consequently for openness) has to be close to the users (Cavaye 1995). Modern society is noted for dynamic changes, so a successful reaction to national or global challenges with the inclusion of the public is of utmost importance. This is also important for the development of democracy. It is participatory democracy that stimulates the formation of new relations and at the same time helps to revive trust in the system. The condition that must be met is the openness of administration, so citizens have the right to participate in the decisions that influence their lives. It is important that those for whom public policies are intended can, with their contribution, enrich the proposals of establishing policies and contribute to their more efficient execution. At the same time the co-determination must lead to changes for the better and establishing (democratic) administration (Denhardt 1981; Harmon and Mayer 1986).

According to Perry (2007), who also accepted the idea of the NPS, democratic administration (governance) can be explained in the easiest way with the democratic values and with

two key dimensions; these being democratic responsibility and democratic citizenship. For the fulfilment of the concept of open administration systematic preconditions are necessary; it is important not to forget about transparency, control, responsibility and responsiveness, as well as representation, participation and inclusiveness.

Regarding the described dimensions of administration it is possible to set a model (see Picture 1) where open administration is the independent variable and the model presents an extensive plan of how we can study the correlation of the variables.

Picture 1: Model of open administration



Source: Adapted for own analysis after Brezovšek 2009.

The model describes the assurance of openness of the administration through willingness towards public discourse and establishing discursive opinion, from the wide public to civil society, to the continuance of communication between the various actors in public debates and in the institutionalized state institutions. Where it is expected that society is free and open, it allows the actors the best possible participation in consensual decisions in the public sphere and the development of the optional discourse with wide notions of rationality (Brezovšek 2009). It is important for democratic responsibility not to forget transparency, here we are thinking of transparency in the sense of the interaction between the actors (in the social sense) and in the informational sense, when it is defined as information accessibility. From this the responsibility of carriers of the public functions and administration is evident, which contributes to the reduction of irregularity (Demšar and Boh 2008: 89–90). The democratic citizenship includes bearing in mind of the representatives, participation and inclusiveness when the role of civil servants in the administration is not cut down to responsiveness of users' demands or on the carrying out of the orders inside the organisational institution, but includes the strengthening of the relations between citizens and groups of citizens, stimulates the search for collective responsibility, develops public discourse and promotes the collective understanding of public affairs and searches for possibilities for inclusion of citizens into the government (administration) working. It is due to informational technology that public administration “caters” to the needs of the citizens in an easier manner (Snijkers 2005: 1–3).

This helps to reduce the democratic deficit. Open administration allows collaboration to a wide circle of subjects, when it is important that the public is allowed sustainable collaboration, with accepting suggestions and opinions of regulation or for a change of a certain question and to present the suggestions on regulation in the process of its preparation. This is the main goal of the concept of the new public service and the promotion of open administration, where citizens are (and must be) provided with spontaneous administrative working and that they can pass observations and suggestions in the earliest phases of the decision-making.

In reality, the concept of the new public service with its emphasis on openness is important for today's democratic administration, as modern administration has become complex (Brezovšek and Črnc 2010: 50–51). It has become evident that it is time to change bureaucracy with willingness to public discourse. It is expected from civil servants that they serve the citizens; they work adequately and according to rules (Harmon and Mayer 1986).

We are of the opinion that the Slovenian administration has to undergo the process from a traditionally closed and rigid administration and include new elements, which are mutually intertwined. We target especially access to information of a public nature, the chance to collaborate in decision-making and to co-decide on some questions with the jurisdiction of public administration, and to collaborate in the processes of regulation and access to forums. Within this concept of open administration the Slovenian administration has to comply with the principle of transparency, namely in the scope of informing the users, discussion with the users, delegate the jurisdiction for the users' decision-making and control the users who control the working of the administration (Trpin 2000: 411). At the same time, the administration in modern society has to take into account transparency and with it connected democracy, because of the need to provide a wide social consensus and legitimization of the decisions more and more interactions between various social actors are included. With the help of transparency some kind of pressure is put on the subjects in the system, so they can evolve new working in the course of optimization of working (Demšar and Boh 2008: 89–90).

Communication in the public sphere has to be absolutely thought out and reasonable and be based on rational argumentation (Habermas 1981, 1989, 1996; Bohman and Rehg 1997; Bohman 1999; Dryzek 2000), because the active public sphere, in which suggestions and preferences on public problems are formed, can provide legitimacy of democratic decision-making (Zolo 1992; Mayhew 1997). New conditions must be made with room for articulation and deliberation (Dewey 1999). Democratic organisation of the public and inclusion of the citizens into establishing processes are of key importance (Dewey 1999: 147).

Hereby we should be careful that the influence of the public is not limited only on support or refusal to the actors (Splichal 1997: 160), but also participation and inclusion of the citizens is important (Brezovšek and Bačlija 2010: 97). In the 1990s, in the scope of the OECD and the EU, an idea of the need of preparation i.e. Regulatory Impact Assessment has started to be implemented. This is the idea of assessment of the efficiency of regulations, based on which public policies in certain fields are passed or formed. It is mentioned here, as we are convinced that this kind of approach ensures the quality of the new legislation, on the other hand, it simplifies the legislative and at the same time subsequent assessment of the set goals. With this intention a series of processes were established on the grounds of the theoretical principles of deliberative democracy combined with the basic theoretical and methodical knowledge in the scope of political-administrative structures.

These processes should help in the search for answers about the practicability of the set goals of certain regulation and its estimated direct and indirect effects (Kustec Lipicer 2009).

Administration is not intended for itself, but its purpose is to serve the users. In Slovenia, not enough has been done to direct it towards the user, until now (Haček and Bačlija 2012: 119–127). We are of the opinion that more emphasis for establishing social responsibility should be put on the administration – user relation. And as open administration is welcomed from the democracy's view and quality, we believe that such administration should be present in Slovenia, so the actual state in Slovenia will be presented in the following chapters.

2.3 Open Public Administration in Slovenia?

Inclusion of the civil society actors and users into the processes of forming decisions in Slovenia is regulated by some legal and political documents (e.g.: Constitution of the Republic of Slovenia, Access to Public Information Act, The Decree on communication and re-use of Information of a Public Nature, Internal Rules of the Government of the Republic of Slovenia, Methodology for fulfilling and monitoring the Statement on the elimination of administrative barriers and cooperation with the interested public), which open new possibilities for the collaboration of (organized) citizens or the public with the setting up of the programming of documents and legal acts. The most important document in this respect is the Resolution on Legislative Regulation, passed in 2009. The resolution is the first document in Slovenia which regulates public inclusion in the policy-making processes in all fields. Even though it is not a legally binding act, its passing is of great importance, as it sets the standards for the legislative drafting which is the basis for the rule of law (Divjak 2011: 10). Operationalization of the possibility idea or obligation of collaboration of the public in the decision-making processes was passed by the Government of the Republic of Slovenia in April 2010.

It was passed with the corresponding changes of its internal rules with which it defined the obligation of those who make public policies to set up a report with the explanation of why some key suggestions and opinions of (the organized) citizens were not taken into account (Divjak 2011). In compliance with the Resolution on Legislative Regulation the public is allowed sustainable collaboration (the minimum recommendation is that the collaboration of the public with legislative drafting can take from 30 to 60 days⁴), which is possible in the way that the administration receives suggestions and opinions from the citizens for regulation or change of a certain question or with the presentation of the suggestions of regulation in the process of legislative drafting

The principle of openness is emphasized, which stresses the remarks and suggestions and opinions in the early phases of decision-making, and the principle of transparency. The benefit of the resolution bears importance in the simplification of the law norms and with the abolition of administrative obstacles and also in emphasising that the invitation to collaboration is carried out in such a way that ensures the response of the target groups and expert public and ensures that the wider public is informed. The characteristics of the resolution that were shortly introduced as “respecting its principles should stimulate the responsibility of all public actors in Slovenia for general legal culture, it should improve the respect of the country, as well as the general good” (Resolucija 2009: 7).

At the same time, we can claim that the principles of the resolution are the indicators of gradual formal assertion of the concept of the NPS, especially the principal of open public service in Slovenia. As mentioned, we are interested whether in Slovenia we can actually trace any NPS elements, particularly the aspect of open public administration. Our research is not the only one focusing on this, as there has been various empirical research on interest groups activity in the past (see Fink – Hafner and Krašovec 2005). The focus was put on interviews with members of Parliament (Zajc 1991, 1994, 2000; Krašovec 2003) or the representatives of interest groups (Fink – Hafner 1994, 1996, 1998; Krašovec 2003). Only some individual more narrow/sectorial research has also included among interviewees civil servants (e.g. Fink – Hafner 1995; Krašovec 2002; Kustec Lipicer 2006; Lajh 2006). Some of the general and for us more interesting findings from the above-mentioned research are: it is obvious that the number of interest groups trying to influence decision-makers is growing each year; decision-makers see the positive sides of working with interest groups, especially in the possibility to gain new information and professional knowledge for their decisions, and for the bigger chances for the quality decision implementation, even though there is some hesitation about the openness of the decision-makers towards interest groups (the use of unacceptable methods and techniques of persuasion). Some decision-makers are more open to interest groups than others (Parliament is more open towards interest groups working than government). Not all interest groups are strong enough (especially employers and employees and interest groups in the field of farming, health care and disabled persons interest groups are clearly the strongest) to exert influence in the policy-making processes to an important degree. As found by Fink – Hafner and Krašovec (2005), the openness of decision-makers does not necessarily translate into influence of interest groups; and even more, the openness of decision-makers is also sectorially determined. The data namely reveals that decision-makers in the fields where the employers, employees and disabled persons interest groups are working are open to interest groups (Fink – Hafner 1998; Krašovec 2003) to a greater degree than decision-makers in some other policy sectors. These fields are a part of the Ministry of Work, Family and Social Issues. On the other hand, Fink – Hafner (1994) found that in the fields of defence, international relations and internal affairs interest groups are rarely active and have little influence.

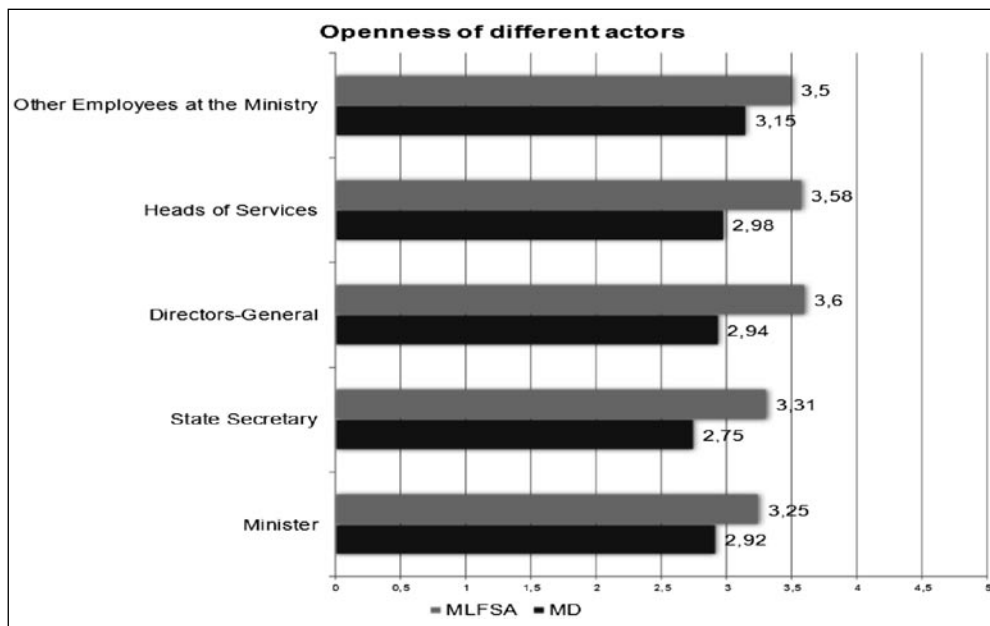
3. Methodological Explanation and Findings of the Empirical Analysis

The mentioned findings on the openness or reserve of decision-makers in certain fields of public policies and the findings of the research *Ogledalo vladi 2009/20011* (Mirror to the government) (Divjak 2011⁵) were used to select the public policies or ministries entrusted to the mentioned fields. In those fields the analysis of openness or the analysis of introduction of the NPS elements in public administration was also carried out on our side. In the same way as an example of open public administration we chose the Ministry of Labour, Family and Social Affairs (in the following text MLFSA), and as closed public administration, the Ministry of Defence (in the following text MD).⁶

The selection of two extremes (open/closed public administration) served as a control of the influence of legal and political acts, which stress the elements of NPS or open public administration in the year 2012. Actually, we could expect that it will be possible to recognise

the larger openness of public administration with the passing of the NPS concept or at least some of its elements into public administration. In the analysis we lean on the data gathered with empirical research, carried out from July to September 2012, and in which quantitative and qualitative research methods and techniques were used. The survey population were civil servants of the Ministry of Labour, Family and Social Affairs and the Ministry of Defence, and interest groups, working in the fields of the jurisdiction of both ministries. The survey was taken by 18.9% (63 civil servants) of predicted sample of the MLFSA and 32.2% (58 civil servants) of predicted sample of the MD. Among interest groups working in the MLFSA the survey was taken by 26.6% (12 interest groups) of the predicted survey population and 44.4% (8 interest groups) of the predicted survey population working in the MD. This shows that our empirical data can paint a picture, but due to the low percentage of the population taking the survey we have to be careful in generalising and drawing conclusions. The analysis has shown that in Slovenia we can talk about (partly) open public administration. Also the research has confirmed that the MLFSA is more open to interest groups than the MD. It is clear that the openness of civil servants to collaborate with interest groups is based on the position which they occupy in the public – political hierarchy (see Picture 2). The higher the public employee or official in the hierarchy, the less open he is to work with interest groups. Most of the time, interest groups call upon the Minister, as they believe that he has direct influence on the realisation of their wishes or demands. The same conclusions were drawn by Fink – Hafner

Picture 2: Openness of actors according to hierarchy – comparison of the MD and the MLFSA



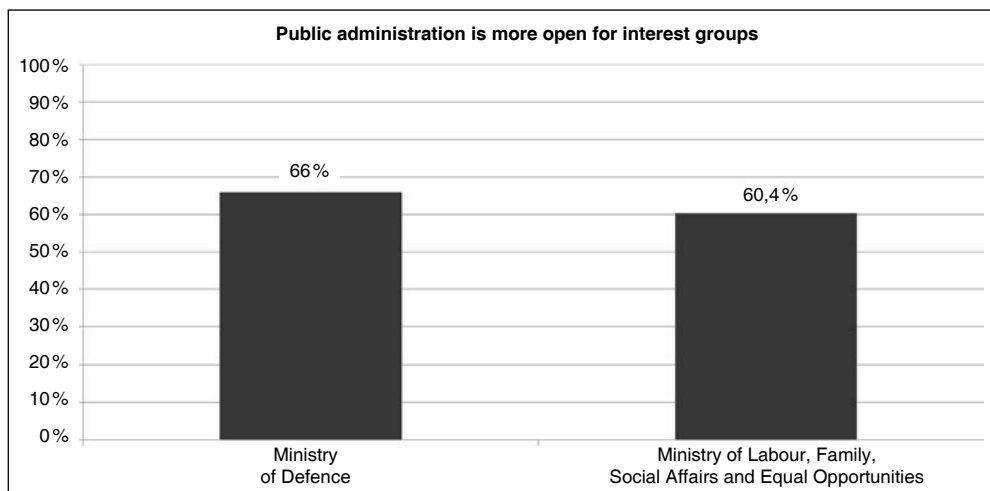
Source: Own analysis 2012.

The question they had to answer was: "Can you please evaluate how the stated actors in your ministry are open to the inclusion of interest groups in the processes of establishing public policies?" Use the scale from 1 to 5, where 1 means very open and 5 very closed. Data is shown by the (arithmetic) mean.

(1996); the main target of interest groups being government and individual ministries. Interest groups also call upon the Cabinet of the Government or the Prime Minister and certain offices and governmental agencies, legal secretaries and advisors, who are considered to be well-informed, on the other hand the decision-making is not in their domain and that makes collaborations easier. Interest groups call upon the influential public-social organisations in order to form a wide and joint public policy when it comes to questions of the same sort in some field, above all, if there is a common interest which they try to solve together.

In our analysis we have found, as did Fink – Hafner et al. (1996), that the National Council of the Republic of Slovenia is regarded to be a very open political institution. But despite interest groups calling upon the minister, according to them the least approachable⁷ are the government (President of the Government, Resource Ministers, Secretaries of State). The same results were shown in some previous research (Zajc et al. 1992, 1994; Fink – Hafner 1995, 1996). We have come to the realization that the established results are in opposition to the elements of the settled concept inside public service, when Brezovšek and Bačlija (2010: 115) claim that the task of the political authority within the concept is to offer better options for citizens working and that the ministries are accessible and open and responsive to the demands of the users of public services. The data shows that the majority of civil servants believe that public administration is more open towards interest groups today than it was ten years ago (what strikes us as interesting here is that civil servants in the MD (66% surveyed) have more widely than the civil servants in the MLFSA (60% surveyed) perceived more open public administration in the last ten years) (see Picture 3). On the other hand, interest groups are more reserved in evaluating the openness of public administration (even though 50% of the surveyed interest groups share this opinion), because only trade unions have come close to the opinion of civil servants about more open administration in comparison to that of ten years ago.

Picture 3: Openness of administration



Source: Own research (2012).

The question we posed: "According to your opinion has public administration become more open to interest groups?" scale 1 – yes; 2 – no. Data is shown by percent.

Civil servants in the administration of Slovenia, as reasons for gradual implementation of the elements of the NPS, visible mainly in the more open public administration to interest groups and their inclusion into the policy-making processes, the modernization of administration (ministries' websites, e-portal, e-administration, e-democracy, etc.), the process of globalization, as well as technological capabilities of better and faster informing of interest groups on administration, about the affairs which suit them, and all in all the increase in the demand for greater transparency of public administration. The opinion of civil servants is also interesting; they believe that interest groups are a lot more organized today than before and that could be the reason they count as (more) relevant actors. This factor can "force" civil servants to collaborate with interest groups. According to interest groups (4.08 of trade unions and 4.25 of other interest groups⁸) the reason that public administration in Slovenia has become more open today than it was ten years ago is the development of technology. Interest groups are of the opinion that e.g. the ministries' websites enable them to be more informed and aware and in this way they can follow the ministries' work and communicate with civil servants in an easier manner. Representatives of interest groups have revealed in interviews that they notice some changes in the way civil servants think, as they are starting to realize that collaboration is mutually beneficial. That is why the fact civil servants, to a small extent (only 4.47 in the MLFSA and 4.29 civil servants in the MD⁹), agree that collaboration with interest groups is necessary to obtain more information and to obtain the viewpoints from other perspective. At the same time, they believe that collaboration of interest groups is important and they state the need to establish resource policies in a more complete and professional manner, to introduce system changes, to make the service quicker and of greater quality and stress the need to excuse the existence of public administration to such an extent and to use public means more rationally.

As expected, those civil servants who are convinced that public administration should be open to interest groups are also the most open. But all interest groups who were surveyed claimed that the collaboration between interest groups and civil servants is of great importance. Interest groups are of the opinion that collaboration with civil servants can contribute to the establishing and passing of more quality policies and decisions. They also believe that their collaboration in the policy-making can contribute to legitimacy if the administration as well as governmental structures.

Our findings are similar to the findings of the above-mentioned research about the trend of the growing number of interest groups trying to influence decision-makers (Zajc 1991, 1994, 2000; Fink – Hafner 1996). Representatives see the reason behind the continuous increase in the number of interest groups in the increased attention of society and decision-makers to the civil society and an increase in the positive valuation of its activity. We have proven that we can talk about the increase of the openness of public administration to interest groups, but there are plenty of things in their relations that have stayed the same. Civil servants are of the opinion that all of this is happening only because of the pressure of interest groups and their initiative to collaborate with administration. The same happened in the mid-1990s (Fink – Hafner 1998: 840) and happened again in 2012.

Not much has changed in the view of the (non)-existence of the institutionalized forms of collaboration between public administration and interest groups (in the form of work groups, council of experts, commissions). Although the institutionalized access to public administration

is available to interest groups, this kind of institutionalized access to public administration is to a greater extent available to trade unions.

As mentioned earlier, the question of openness of public administration to interest groups is not the only important question, as the question of their influence on policy-making can be posed.

The research has shown that the petitions, opinions and positions that interest groups disclose to public administration are only partially considered (50%) and they emphasise that establishing of policies is actually carried out in narrow, closed circles of privileged decision-makers who are over-influenced by the ruling coalition. That is why interest groups are imposed with a thought that this is partially “consultation for the sake of consultation”, and that the representatives of interest groups are heard, but not listened to.¹⁰ Fink – Hafner (1998: 839) came to a similar conclusion.

In this case, some civil servants are very critical towards interest groups, as they believe that many put too much emphasis only on their selfish demands and want the benefits only for their own interest groups. In such an evaluation part of the answer to the question why civil servants only partially regard the initiative, opinions and standpoints of interest groups can be found. Representatives of interest groups are of the opinion that it is exactly this disobedience or noncompliance of their initiatives, opinions and standpoints of interest groups that is a key point preventing actual enforcement of the NPS concept in Slovenia to a greater extent.

The NPS concept stresses the meaning “of serving citizens”, greater emphasis on civil servants and administration on social responsibility towards the users, where citizens expect to be heard by the authority, and to react to their problems. Some of the representatives of interest groups have added the critique of public administration because of the relatively low level of professionalism and professional knowledge of civil servants and their undue “bureaucracy”. With the establishing of the NPS concept the conceitedness or remoteness of public administration or their employees towards the public must be outdone in the opinion of Brezovšek and Bačlija (2010: 11).

The main findings are shown schematically hereinafter.

Table 1: Schematic display of advantages, weaknesses, opportunities and dangers of collaboration between civil servants and interest groups in Slovenia

Advantages	Weaknesses	Suggestions
Ministerial websites, electronic business and other modern technology allow easier access for the users of public administration and influence them towards being better informed and enable easier communication with the civil servants.	Too much influence of the (each time) ruling coalition on the collaboration with the users of public services.	To continue the established cooperative, open and transparent and inclusive relation with the users of the public services.
Opportunities	Dangers	Name the representative in the organization who will work with interest groups.
Consistent following of stipulations of the Resolution on Legislative Regulation and other legal frames in Slovenia and inclusion of the key participants into the judgement of regulation and concern for the regard of the suggestions of the users of the public services.	Long-term noncompliance of the public can lead to the apathy of society (in a sense of feeling powerless, “as nothing helps if we are active and express our opinion, because nobody listens to us anyway”).	To direct more attention to the professionalism of civil servants and their constant improvement.

Source: Adapted from findings of our own analysis.

4. Conclusion

Public administration is an urgent condition for the functioning of modern societies in post-modern times and at the same time it is facing great challenges (Ackerman 2000). These challenges are above all the changing modern environment, Europeanization, globalization and social changes (current finance crisis). It seems that the answers (or at least part of them) can be found in the concept of the new public service which talks in favour of the idea of open administration and that the citizen is a social/legal and political being and that the administration has to serve the citizens and offer them a chance to (co)-establish interest groups.

In the article we were interested in whether in Slovenia, which is facing the same challenges in public administration and democratic society as many other developed countries, we can spot the existence of formal or actual elements of the new public service, especially the element of the openness of public administration. Based on the presented research and its conclusions we can claim that the NPS concept in Slovenia is already present to a certain degree. It is present especially in the existence of the legal act (Resolution on Legislative Regulation), which places the whole public administration to be more open to the public. The Resolution does not bear the power of the legal act, and Slovenia often has a problem with the implementation of policies (Kuster Lipicer 2007), but the Resolution has apparently changed the relationship between civil servants and interest groups. Both estimate that public administration today is more open to interest groups than it was ten years ago. We do not have any illusions that the document alone or in its entirety can explain why public administration is more open to interest groups (all in all, the research mentioned that interest groups are better organized than they were in the past, and that positive evaluation of the civil-public actor working has increased, etc.), but it certainly has played a role in this view. However, despite administration being more open, the traditionally more closed field of interest groups (defence) still remains more closed to interest groups than the traditionally more open field (labour, social affairs). A different picture is painted when we pose the question of the actual openness of public administration, especially in the view of regarding the initiative, opinions and suggestions of interest groups. We come to a similar conclusion as fifteen years ago – namely interest groups are heard, but not listened to. Despite the time gap, a similar picture is seen when it comes to the question of initiative of collaboration between both actors – the collaboration is still (too) dependent on the initiative of interest groups. This information comes as no surprise at all, if we take into consideration the fact that civil servants do not see great or important reasons (such as gaining more information and data on accepting quality decisions; chance of reducing the problem with the implementation of policies; more legitimate decisions). The government in Slovenia is facing how to maintain constancy and changes (connected to the unforeseen social environment) on one hand, and how to enable stability on the other hand.

Regarding everything that has been stated, we can claim that the concept of the new public service, especially the element of openness of public administration is still more of a wish than reality in Slovenia.

Notes:

1. Light (2007) also used the term NPS, but actually he understands it a little differently from Denhardt and Denhardt (2003).
2. Perry (2007: 5) expressed some second thoughts whether there is indeed some novelty possible to find in Denhardt's and Denhardt's (2003) as well as Light's (2007) terminology since already in 1970 the same concept was introduced by Mosher – he used the term “public service”.
3. As in earlier editions (e. g. Denhardt and Denhardt 2000, 2003, 2007) of Janet and Robert Denhardt's *The New Public Service*, even later in 2011 (Denhardt and Denhardt 2011) their framework is organized around a set of seven core principles: serve citizens, not consumers; seek the public interest; value citizenship and public service above entrepreneurship; think strategically, act democratically; recognize that accountability isn't simple; serve, rather than steer; value people, not just productivity.
4. The time frame was too narrow for many representatives of interest groups in our research.
5. The research of the Centre for Information Service, Co-operation and Development of NGOs Ogleđalo vladi has shown that the Ministry for Work, Family and Inner Affairs (also the Ministry of Public Administration, the Ministry of Education and Sport and the Ministry of Culture) compared to other ministries the results are good in the inclusion of the public into the processes of decision-making, while the Ministry of Defence (also the Ministry of Finance, the Ministry of Health and the Ministry of Higher Education, Science and Technology) does not reach the standards of responsive and open ministry (Divjak 2011). In doing so, it is important to know that in the years 2006 and 2010 the level of inclusion of the public in the processes of establishing public policies was generally low (Divjak 2011). The research Ogleđalo vladi reveals that between 2006 and 2011 there was no essential improvement in the openness of the ministries; even more, some of the ministries were more closed in 2010 than in 2006. Even though during those years the improvement of the practice and the awareness of the importance grew, the inclusion of public into the processes of establishing policies declined.
6. From the database which was at our disposal and we have worked with the tools of the statistical analysis, we have excluded only partially filled surveys.
7. The representatives of trade unions and other interest groups have evaluated the accessibility of various actors which they can turn to regarding their demands with a scale of 1 (completely inaccessible) to 5 (completely accessible). Data is shown by the (arithmetic) mean. Representatives of other interest groups evaluated the accessibility a little higher than the trade unions. The latter state that the most accessible are mass media, other interest groups and organisations (both 3.83) and experts and advisers (3.75), the least approachable is the government (3.25), national assembly (3.33) and the President of the Republic (3.42). The representatives of other interest groups evaluate very highly the accessibility of officials at the state level lower than the State Secretary (4.25), and other interest organisations and groups (3.88) and officials at the local level (3.88) and the President of the Republic (3.87). In their opinion the least approachable are the representatives of the government (3.25), court (3.25) and the state assembly (3.38).
8. Data is shown by the (arithmetic) mean.
9. Data is shown by the (arithmetic) mean.
10. The information that interest groups often try to influence public administration in an indirect manner through the mass media, as they did in the mid-1990s (Fink – Hafner 1998: 441), and still do today does not surprise.

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