

Rethinking the Conceptual Foundations of Public Administration: An Exchange

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Building Bridges over Troubled Waters: Merit as a Guide

The federal civil service has developed in fits and starts, with specific reforms fashioned in reaction to the particular political considerations of a given time. Yet the concept of merit has remained a central, albeit malleable, sometimes neglected, and perhaps quaint ideal. Reinvention, efficiency, and effectiveness must honor excellence and the notion of public service as a calling.

In 1883, nearly two years after President James A. Garfield had been shot by a federal office seeker who believed he had been treated unfairly in his job search, Congress passed the Pendleton Act. The act was intended to restore professional competence to the federal service and significantly limit the intrusion of politics into its composition and conduct. The Pendleton Act had three main provisions: (1) It provided that admission to the federal service be based on open, competitive testing; (2) it prohibited firing federal employees for any reason other than cause; and (3) it provided that no political pressure or coercion be exerted on federal employees for contributions or specific actions. The act also directed that federal work be arranged in hierarchical classes and that appointment and promotion occur in accordance with that structure. The Pendleton Act, in classic incremental American fashion, initially covered only 10 percent of new employees. Other members of the service could be “blanketed in” by special order of the president (Ingraham 1995; Van Riper 1958). Over time, and with ebbs and flows, they were. Seventy years later, during the Eisenhower administration, the system established by the Pendleton Act had expanded to cover 86 percent of the U.S. federal service (Pfiffner 2000, 30).

In this less than spectacular fashion, the administrative system that is now most frequently referred to as the *merit system* was born and grew. It never abolished patronage, nor was it intended

to. Its own top administrative unit—the Civil Service Commission—was oddly disjointed, having responsibility for both advising the president on political appointments and ensuring that those appointees did not intrude into the operations of the civil service.¹ The hierarchical classification system stipulated by the law ensured that bureaucratic processes and operations would be key characteristics of the system as it grew. Each of these contained the seeds of dysfunction. But more fundamentally, except for a brief time immediately preceding and following the passage of the Pendleton Act, the system did not earn the respect of the citizens whom it was designed to serve. Hugh Hecllo observes, “Repeatedly, the energy behind civil service reform has come from exploiting public dissatisfactions and distrust of government.... What the public is not prepared to accept, indeed what it has been persistently educated to reject in a political culture of bureaucrat bashing, is the idea that the civil service itself could be a high professional calling” (2000, 230–31).

Did the system, despite these problems, instill merit, the objective it sought? Should we now be referring to the contemporary civil service system as a *merit system*? Current interchangeability of the terms would suggest so. In fact, some debates about federal government reforms that are now on the table suggest that changing the procedures of the civil service system

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would fundamentally attack the concept of merit (Partnership for Public Service 2005). We know, however, that civil service systems are not meritorious in many ways. We also know that characteristics of systems that are designed to foster merit and those of systems notable only for bureaucratic features have become intricately commingled. Rendering civil service synonymous with merit has become commonplace but has caused untold

confusion, obfuscation, and dissatisfaction. Indeed, former President Jimmy Carter advocated for the Civil Service Reform Act of 1978 by arguing that there was “no merit in the merit system!” (Ingraham 1995, 76). The president was talking about the worst characteristics of a rigid civil service system and bureaucracy: excessive rules, slowness, and apparent lack of accountability and sensitivity to the world beyond bureaucratic boundaries. That does not characterize merit. Indeed, it is these dysfunctional bureaucratic characteristics of the civil service system that have been the targets of past and contemporary reforms, including those aimed at better presidential direction and control. Merit and meritorious service have not been maligned. That is also true in relation to the current emphasis on performance. These reforms do not undermine merit and are, in fact, compatible with merit *if public action is meritorious in pursuit of better performance*.

That is why merit needs to be considered separately as an end in itself. Merit is having not only the necessary skills and competencies to fill the job in question but also a *public service character*—a desire to act, not for individual self-interest but for a broader good. Merit is related to values, ideals, and ethics, to the appropriate role of the civil service in democracy, and thus to governance in a democratic society. For government, merit and meritorious service are the *objectives* of the civil service system; they are related to public service in the highest sense of the term. The confusion—and a good bit of the contemporary debate—arises when merit is used interchangeably with civil service to describe the administrative apparatus of government management. For example, the Office of Personnel Management’s history of the U.S. civil service is titled *Biography of an Ideal* (OPM 2003). Despite the frequency with which it occurs, existing structures, processes, and procedures should not necessarily be defined as the *merit system*. Many of these have been created or adopted, not in pursuit of merit but in accordance with the long-term impact of bureaucratization, standardization, and haphazard incremental policy development. Bureaucracy itself is not central to merit, although both emphasize neutrality and qualifications. A focus on these *commonalities* of merit and civil service, but not on the potential *separability*, deters the careful analysis that should be central to reform efforts today.

I argue here that because merit is a value, it can be pursued in a variety of ways. It does not reside in a specific mechanism, such as the civil service, for its pursuit.

Civil Service and Merit: Considering the Separability

Scholars and reformers alike have attempted to clarify the distinctions between civil service systems,

notable for their Weberian structures, and merit, whose emphasis is not on structure but on the value of public service, quality, and neutrality. Merit’s core features are qualifications, competence, and the absence of political favoritism. In 1935, Lucius Wilmerding, writing for the Commission of Inquiry on Public Service Personnel, was straightforward about the separate definitions and merit’s special features: “The civil service is the personnel of the administrative apparatus of government” (1935, 2). He then broached the subject of a *meritorious* civil service: “The real problem is to explain how men of *character* and *competence* are to be discovered and how, when discovered, they are to be induced to enter and remain in the public service” (1935, 8; emphasis added). The civil service system, in short, is the administrative system that governs the operations and procedures of daily government activities. Some kind of administrative apparatus has existed as long as governments themselves; some structure for carrying out the business of government will always be necessary. In the 21st century, enduring tensions between partisan politics and administration, the definitional difficulties of separating the merit system from the civil service system, and the disjointed growth of both merit and the civil service underpin most civil service reform efforts. But separating the two is a critical place to begin effective reform.

To deal first with basic definitions, *Merriam-Webster’s 9th New Collegiate Dictionary* provides this definition of merit: “to deserve or to earn; to be worthy of or entitled to.” This comports with the emphasis on neutral testing and fairness in promotion and reward in the civil service. It does not, however, convey the passionately moral dimension considered critical by many of the early merit reformers: “Office would rise in public respect, and government itself would have a higher dignity in the eyes of those who saw it spurning servility, while seeking the service of the ablest and the worthiest among its citizens” (Eaton 1880, 401).

Such a lofty purpose contrasts sharply with Merriam-Webster’s simple definition of civil service: “the administrative services of a government; *esp.* one in which appointments are determined by competitive examination.” However, even at the time of the government-wide reform in 1883 (there had been an earlier, even more limited merit experiment during the administration of President Rutherford B. Hayes), there was occasional reference to the *merit system* because it was hoped that the reforms would inject merit into a civil service dominated by patronage. But the fundamental elements of merit were competitive examinations, the absence of partisan political pressure, and the prohibition of firing except for cause. Even then, the underlying structure was assumed to be faulty.

Commingled Growth: Values to Principles; Clerks to Technicians

As part of a 1998 effort to reassess the impact of the Civil Service Reform Act of 1978—at that time, the first major reform of the civil service system in nearly 100 years—James Pfiffner considered the transformation of the concept of merit over the years. He noted that the merit principles—specific statements of the values inherent in the merit ideal—have grown along with the civil service: originally three, they now technically number nine, but with “subprinciples” reach 13 (U.S.C., Title V, § 2301). In their current form, they range from guaranteeing “fair and equitable” treatment to all employees and applicants to the protection of whistleblowers. Pfiffner also observes, however, that as the principles have grown in number, they have exhibited an increasingly negative stance. Their intent is now primarily to *protect* from specific actions thought to constrain individual rights rather than to *support* specific actions that would advance merit (Pfiffner 2000). Although this point might seem obvious, it is central to a better understanding of contemporary perceptions of merit. As merit has “aged,” the protections from politics it was created to guarantee have morphed into much broader protections.

The civil service has also undergone changes. It has increased in size and scope, reflecting the growth of government generally and the increasing complexity of the tasks assumed. The exact size of government is now difficult to ascertain because such practices as contracting and the use of temporary and part-time workers obscure precise numbers. Generally, however, the total size of government spiked during World War II, declined thereafter, and has remained relatively stable, at about 2 million, in the years since. “Reinventing government” initiatives led to a temporary reduction, but various post-9/11 measures created gradual increases (Kettl 2005, 363). What happened to the civil service *inside* those numbers, however, is as important as the total. In 1950, “more than half the classified civil service was in lower level clerical jobs, GS4 or below.... By the year 2000 [such jobs constituted] only about 15 percent” (Ingraham 2005, 300). Furthermore, by 2000, fully 10 percent of the total workforce occupied engineering and scientific positions (OPM 2005).

The mismatch between a rigid system of classification, a system of protections that contributed to rigidity and standardization, an increasingly professional and technical workforce, and the need for greater flexibility in recruiting, retaining, and rewarding the public service led to a predictable outcome: enormous fragmentation of the very system that standardization and rigidity were theoretically preserving. Though it symbolically continued to promote not only organization-wide but also government-wide standardization, the

practical impact of numerous decisions to create narrow exceptions was to promote unguided differences. A coherent approach to the ideal of merit—despite the consistent growth in its principles—was similarly dissipating.

Considering Merit and Fragmentation

Not all of the fragmentation is the result of recent events, however. Some fragmentation of a carefully bounded centralized model has always existed. The Pendleton Act contained language that gave special consideration to military veterans in both hiring and promotion. Special authorities for professionals tested elsewhere—lawyers, for example—have also existed for decades (Ingraham 1995). From the high of the 86 percent civil service coverage reported during the Eisenhower presidency, the number of federal employees covered by traditional civil service provisions had declined substantially to less than 50 percent by 2000 (OPM 2003). The abolition during the 1980s of the standardized examinations that had been designed to ensure merit and competence (but were found to discriminate against persons of color) was one contributing factor. A rapid growth in “excepted authorities”—means of appointment that did not require standardized testing—was another. The downsizing of government, use of temporary workers, and contracting for the provision of goods and services were also very significant contributors. The creation of an independent Postal Service, the hiving off of agency-specific personnel systems—most recently, the Department of Homeland Security (DHS) and the Department of Defense (DoD)—and a general sense that the old civil service system was a problem, not a solution, were additional evidence of the dissatisfaction.

The point to be taken here is that, although many of these actions were relatively small and considered isolated from other qualities of the civil service (the DHS and DoD are clearly the exceptions), their cumulative effect was serious distortion and lack of focus. Hugh Hecl (1977) summarizes the reason: “Most efforts to plan and coordinate the civil service system as a whole have been accepted only grudgingly, if at all, by Congress; by contrast, detailed administrative interventions on those personnel issues of particular interest to individual congressmen find ready acceptance on Capitol Hill.” The impact of these informal reforms was to create sets of systems that, in theory, continued to constitute a federal merit system. But did they? In a word, no.

Each of these exceptions contributed to additional rules, regulations, and oversight mechanisms in the civil service. Continued adherence to the idea of standardization created very strong structural disincentives to civil service reform, even in a fragmenting reality. Indeed, it is possible to categorize many of

the “flexibilities” adopted from the time of the Civil Service Reform Act onward as “rigid innovations”—that is, some relaxing of the rules and regulations but only within tightly prescribed conditions and oversight procedures and only in carefully (and centrally) selected cases.² Even innovation, in other words, proceeded in bureaucratic terms.

In recent years, the strong emphasis on performance has created new separations: distinctions between agencies that are high performers and those that are not. Performance *forces* reconsideration of the idea of merit and civil service as synonymous. “Competent and qualified”—cornerstones of early definitions of merit—become threshold conditions but not ultimate measures of success. Performance *on the job* becomes as critical as qualifications *for the job*. The performance focus (both individual and organizational)

has deepened over the past decade. It is very strongly reflected in the reforms at the DHS and DoD. It is the rationale for President Bush’s Management Agenda. Under the terms of the Bush administration’s proposed Working for America legislation, performance would move center stage, government-wide.

Many other voices have joined the chorus. In its report on *21st Century Challenges*, the Government Accountability Office argues, “In many cases, the government is still trying to do business in ways that are based on conditions, priorities, and approaches that existed decades ago . . . to successfully navigate transformations across the government, it must fundamentally examine not only its business practices, but also its outmoded organizational structures, management approaches, and, in some cases, outdated missions” (GAO 2005, 8). The Merit Systems Protection Board, a steadfast guardian of merit, observed, “If the new systems deliver what is promised, the human capital rules and regulations will be more flexible, managers will be more involved in and accountable for decisions, and HR staffs will receive the resources and support they need. If the new systems don’t deliver, we may miss an opportune time for change” (MSPB 2004, 11).

In the American tradition, however, one set of values and priorities has been quickly challenged and questioned by another. Federal unions, whose power and influence waxes and wanes with partisan political changes, but whose members have been steadfast supporters of the multiple protections now offered by the civil service, have vociferously opposed the performance focus and the move away from traditional processes and procedures. Union leaders have thus far

successfully challenged both the DHS and the DoD in court, significantly delaying implementation of the proposed reforms in those organizations. This has not been a friendly debate, and it has demonstrated very different views of the future federal civil service and the values and priorities within which it will operate.

This stand-off is not an aberration in the long history of merit in the federal government. Rather, it frames in nearly classic terms the long-held fear of political patronage and political intrusion into merit—as pursued by current structures of the civil service. Regardless of whether the unions’ perceptions are correct, they are framed precisely by the history and evolution of the debate: The sanctity of merit and (by association) the civil service can be ensured only if elected officials and their appointees operate with clearly defined boundaries and constraints. In

this view, flexibility is not the path to better performance or more effective government; it is simply an opportunity for political abuse of merit.

Considering Merit and Power

In these terms, contemporary efforts at reform can be viewed as purely political efforts to rebalance power in the executive branch. To some extent, they are (Ingraham 1995; Pfiffner 1988). The milieu in which the seeds of contemporary federal bureaucracy were planted was clearly one whose tensions could not be easily reconciled. As government grew, conflicts between the executive and legislative branches over appropriate direction and control were inevitable. Scott James recently wrote of the presidency that “its constituent elements emerged piecemeal over the long course of American history, the product of constitutional ambiguities, political and electoral necessity, developments in technology and social organization, and unvarnished presidential ambition” (2005, 4). Were we to substitute bureaucracy for the presidency in all but the last phrase, the description would be quite apt.

Furthermore, as patronage reached its peak during the 19th century, both the president and members of Congress were highly dependent on the practice for party building, reward of personal favors, and agency shaping. Abolishing patronage in favor of merit meant ceding a great deal of power—which largely explains the very limited way in which the reform was initially adopted. Over time, and notably with the growth of bureaucracy, the power of the president to appoint the political leaders of executive agencies, to direct modest program changes, and fundamentally, to monitor bureaucratic activities on a daily basis if desired was

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conceded to have an advantage in the direction and control department (but see Rosenbloom 2000). Carpenter argues, in fact, that

U.S. national bureaucracy is firmly rooted in the executive branch. This does not belie the forceful harnessing power of Congress . . . but various attempts to create more “legislative” forms of bureaucracy—in councils and committees, in independent commissions, and in government corporations—have been dwarfed by the continued growth of hierarchical and largely centralized executive departments. The executive nature of the U.S. administrative state remains its most enduring and telling feature. (2005, 65–66)

As a result, presidential power over the bureaucracy has become more apparent in policy debates. The number of presidential appointees steadily increased during the last half of the 20th century, as did the methods of appointment to those positions. The Senior Executive Service, created by the Civil Service Reform Act, contained a provision mandating that 10 percent of its ranks be filled by political appointment. When Scotty Campbell, the reform’s architect, declared it to be a reform that could serve both merit and presidential interests, Ronald Reagan promptly put that assertion to the test (Ingraham and Ban 1988). Reagan’s political management strategy was a clear effort to bypass career decision makers whenever possible (Ingraham and Ban 1986). Technically, he did not cross the political abuse line, but the clear attitude toward merit—as well as a neutral and professional civil service—was that they were not valued commodities. Such stark examples have not been as clearly present in more recent presidencies, but concerted efforts to better direct and control have continued.

In fact, presidential direction and control efforts are central to many of the debates about current reform and current definitions of merit. In a nutshell, the dilemma is this: The president’s legitimate authority to direct the executive branch must be recognized. The career civil service, whose legitimacy hinges on its members’ competence and expertise, has a legitimate duty to be responsive to those directives. But “loyalty that argues back,” as Hecla terms it, assumes a level of expertise that permits questioning political directives if they are questionable or unsound—and most assuredly if they are illegal (Hecla 1999, 132). If no dissent is tolerated, both merit and the civil service have failed. Eventually, the elected officials who have taken such a stance will fail as well. Thus, merit and effective political direction imply a level of mutual trust and respect.

But that mutual trust and respect must be earned and exercised in an intensely political environment. And

in that environment, most debates are about power. How do merit, the civil service, and the president fare in such debates? The sheer size of the bureaucracy, the legal insularity of its structures and members, and its stability over time create natural centers of power. For presidents with relatively short windows of opportunity for policy change, both bureaucratic size and insularity are natural challenges. Size and insularity become natural policy targets for change, not only in the arena of civil service reform but also in the arena of budget cutting and cost saving. So a core difference between merit and civil service deserves restating: The *size of bureaucracy* is not linked to merit. Decreasing bureaucratic size does not lead to decreasing merit. Decreasing bureaucratic insularity to improve responsiveness to presidential or congressional direction could be more directly linked to merit issues if due care is not taken. But if bureaucratic size and structure are serious problems, and the civil service is now notable for these bureaucratic characteristics, the structure of the service itself may be as much of a threat to true merit as improved political direction.

The reform problem is this: If the core elements of the merit ideal can be untangled from the mundane components of the civil service, and if the relationship between the president and the civil service system is one that necessitates both flexibility and responsiveness, can elements of reform that continue to preserve and value merit but also dismantle some of the civil service crust be defined?

Elements of Reform: Reinforcing the Bridge or Eroding the Foundation?

Performance and Merit Are Compatible

There is little doubt that efficiency as a measure of performance has always been important to both civil service systems and merit. It would be hard to argue, for example, that actions that purposely squandered public moneys are meritorious. Alexander Hamilton’s writings in the *Federalist Papers* and his actions after 1789 argued for both structures and actions that support a government that is able to meet citizen expectations (Carpenter 2005). Prior to the passage of the Pendleton Act, measures directed toward the more orderly classification and reward of federal employees were passed (Van Riper 1958). Scientific administration, however, was the real milestone in cementing efficiency and neutrality onto civil service. Woodrow Wilson’s work in this regard was very influential; so, too, was the work of early theorists who argued—convincingly, so it seems—that as in the private sector, government work could be standardized, measured, and reduced to its most simple and efficient level (Ingraham 1995, chap. 3). Oddly, some of the early debates about the issue occurred within government, between the Bureau of Efficiency and the Civil Service Commission. They centered on the most

effective *structures* for achieving efficient outputs (Van Riper 1958, chap. 12).

The relationship between merit and efficiency is somewhat more complex. Essentially, both competence and neutrality are the foundations of efficiency in that they permit the appropriate skills to be applied to the requisite task. In this sense, merit and bureaucratic theory are conjoined. That neutrality had become the ascendant value was startlingly clear in an annual report from the first director of the Bureau of the Budget, General Charles Dawes:

Much as we love the President, if Congress, in its omnipotence over appropriations and in accordance with its authority over policy, passed a law that garbage should be put on the White House steps, it would be our regrettable duty, as a bureau, in an impartial, nonpolitical, and nonpartisan way to advise the Executive and the Congress as to how the largest amount of garbage could be spread in the most expeditious and economical manner. (Ingraham 1995, 38)

Predictably, this crystal-clear definition was quickly challenged. Under President Franklin D. Roosevelt, effectiveness rose to at least par with efficiency; that is, considerations other than the purest efficiency measures became important. Various sets of reforms in the years since have emphasized broader civic definitions of efficiency and effectiveness, and meritorious conduct has been associated with both. The Civil Service Reform Act of 1978, for example, introduced *merit* pay, which was based on individual performance appraisals, but also provided protection for whistleblowers who publicized inappropriate—including grossly inefficient—actions and behavior in their organizations.

The advent of New Public Management reforms—contracting for services, performance contracts, clearer political direction—returned both efficiency and individual performance to the spotlight but also focused on organizational performance (Kettl 2005). This development again clearly linked individual performance to organizational mission—and organizational mission and performance to the broader public good in one important sense. In another sense, however, these reforms directly challenged definitions of merit that had come to rely on standardization, predictability, and broad security.

The problem in the United States was that the challenge was not supported by legislation. Expectations were government-wide, but the legislative actions that embodied them were most often agency specific. Changes in the federal government resulted from legislation directed at a single agency (e.g., the Federal Aviation Administration, the Internal Revenue

Service) or were broadly based in the demonstration project title of the Civil Service Reform Act. None was as sweeping as the changes adopted in the DHS and DoD. Those changes, in combination with those of the Intelligence Community, other proposed agency-specific changes (NASA), the Government Performance and Results Act, the Presidential Management Agenda, the Office of Management and Budget's Program Assistance Rating Tool program, and now the proposed Working for America legislation, are intended to bring the performance focus to most of government but within the context of a given agency's mission (Kettl 2005).

Has that focus obliterated merit? No, it hasn't. But it has sparked new thought about the ideal. The Office of Personnel Management, the Government Accountability Office, and many single agencies have proposals for "modernizing merit," that is, new ways in which government organizations must act to be effective. New competencies to support merit include better communication abilities, specialized coordination and collaboration skills, and an improved sense of partnering with other organizations and levels of government (NAPA 2002). The Government Accountability Office and the intelligence community speak of "transforming merit" and a "transformed government," respectively. Both emphasize changed structures of government, transformed management practices, and an emphasis on the networked nature of the contemporary world (Sanders 2005). All of these changes propose simplified and more flexible internal structures that will support more effective action and better performance—under the umbrella of merit.

For the civil service, the implications are profound. Chief among these is increased focus not only on individual performance but also on the potential for that performance to be assessed from an external perspective. This, indeed, is far removed from a definition of merit based on *protection* from external intrusion for a civil service accustomed to those protections.

Bureaucratic Clutter Is Not Merit, but Neither Is Rule Simplification without Direction

In the years since the Civil Service Reform Act of 1978, key elements of reform have emerged again and again. Two of the most prominent elements are simplification and flexibility. Simplification reforms—elimination of unnecessary rules and regulations, reduction of multiple overhead controls and appeal mechanisms, and elimination of processes that deter timely work—are intended to improve clarity about government operations, improve accountability through that better clarity, and enhance productivity. In other nations, such as the United Kingdom, simplification reforms have included the reshaping of large ministries, creating small, single-mission agencies

whose purpose, productivity, and remaining rules are easier to understand (Pollitt and Bouckaert 2004). In the United States, the reforms have focused on simple—and frequently symbolic—reduction of rules and other bureaucratic clutter.

The need for these simplification measures provides a classic example of the obfuscation of merit over time. It can be argued, for example, that if simplification creates new flexibilities within an organization, effective employees and managers use those flexibilities appropriately to achieve better public service. In this case, “appropriately” is the key word for merit—the meritorious employee acts in the broader interests of the program, the organization, and the government. Abolishing rules without clearly establishing new rules of the game, however, introduces not greater clarity but greater confusion. Furthermore, asking public service employees to act differently without changing the legal umbrella of legitimacy that shields them from reprisal is unfair. Many examples of this are provided by the Clinton administration’s reinventing government initiatives. When regulatory waivers for nonsense rules proved hard to come by in some agencies, leaders and managers who believed in the reform’s purpose had two choices: behave as usual and lose the opportunity, or seize the opportunity and take the risk of bureaucratic retribution from higher-ups in the organization. Sanders describes this tension: “There is a good reason why many reinvention efforts are clandestine. When they are not, some reinvention leaders pay the ultimate organizational price” (1998, 50).

This starkly describes the difference between merit and civil service. If “doing the right thing” is always defined as “just follow the rules,” civil service is fundamentally bureaucratic. The sense of broad common purpose that *should* underpin merit in the federal service is substantially diminished by such a punitive hierarchical setting.

Merit, broadly defined, rests on a foundation of common purpose among members of the public service, elected officials, and citizens. All of the relationships in this governance equation have some troublesome dimensions: interagency rivalry, political control, and multiple citizen expectations of public service value are all important issues and have been widely analyzed. Within the public service, the “common purpose” component is particularly troublesome in relation to public unions and their participation—or lack thereof—in reform activities. In the United States, the collective bargaining relationship is perceived to be confrontational, not consensual; that is to say, the assumption is that agreement will be reached with employers through conflict. When the employer is the public sector, the assumption is, therefore, that public sector managers and leaders will not act in the best interests of other public employees—union members.

Furthermore, because the scope of bargaining is limited, in practice these conflicts are waged over fairly narrow fields—work conditions, for example. Federal union membership is extensive if the count includes represented members, not just dues-paying members, but it varies substantially among the major federal unions. Collective bargaining ranges over a wide range of occupations (Ingraham 2005). Patent Office lawyers are unionized, many employees of the Border Patrol are unionized, and many lower-level employees of the Internal Revenue Service are unionized, for example. When current reform discussions began in the DoD, it was determined that negotiations would be necessary with literally thousands of bargaining units (Partnership for Public Service 2005). In short, the numbers are large and the dimensions complex.

Traditionally, however, it has been the stance of national union leadership to present a united front, built on a premise that resists organizational reforms and rule-reducing changes because it perceives that fewer rules will lead to greater political intrusion.

Change always introduces a lack of clarity that is anathema to collective bargaining agreements. Both the history and theory of the civil service demonstrate that if new operating procedures are not made clear, organizational resistance will increase. At a 2004 meeting at the Government Accountability Office, for example, Colleen Kelley, the national president of the National Treasury Employees Union argued, “The federal employee is not afraid of change if the change is fair and the changes are made clear” (GAO/ National Commission on the Public Service 2004, 9). This statement assumes that the old rules, however numerous, were clear. It also assumes that the path to change can be precisely specified. Again, both history and theory suggest the difficulty of meeting that challenge.

The changes that are now under way in both the DHS (MaxHR) and the DoD (National Security Personnel System, or NSPS) are instructive. Both move away from the strong role that collective bargaining has played in workplace conditions toward performance rewards and more stringent disciplinary systems. Both simplify and streamline disciplinary processes and keep them internal to the agency to a much greater extent. Both systems place a strong emphasis on performance management and performance reward and assess top management on their ability to make the new systems work. The NSPS emphasizes simplified hiring; both sets of changes turn their attention to promotion systems and eliminate automatic annual pay increases. The NSPS emphasizes, to a much greater degree than before, workforce planning with an eye toward workforce restructuring and potential downsizing (and additional contracting out). Both reforms would increase managerial discretion in these

matters very substantially. Both obviously move away from standardization toward agency-specific tailoring and away from predictability toward agility and responsiveness (Ingraham and Getha-Taylor 2005).

These components directly challenge what Kettl calls the federal government's—and certainly federal unions'—“bias toward permanence” (Kettl et al. 1996, 91). Separating merit from that permanence, however, produces different themes. These themes emphasize the contemporary balances between stability and flexibility, between political responsiveness and protection from political abuse, between permanent job security and national needs, and between “neutral” recruiting mechanisms and immediate demands for critical skills. These balances do not necessarily threaten merit, but in the context of changing times, they cannot allow for answers that remain firmly fixed over time. To strengthen merit, they demand a guiding set of clear values. The ideal of merit can provide that span. But both balance and merit demand a community of federal employees who agree on a common purpose and mission, which is necessary for a firm future foundation.

Some Fragmentation Is Necessary

Earlier, I argued that extensive and uncoordinated fragmentation of federal systems detracts from a coherent modern definition of merit. But there is another side to fragmentation that must be considered. Modern merit cannot be defined as one size fits all, except in the sense that *merit continues to govern all of the public service*. As the performance focus has come into sharper play, however, it has become very clear that performance—both individual and organizational—must be considered in light of agency mission. It becomes necessarily multidimensional, even within a single agency, because most government organizations and programs have multiple missions. With multiple missions, multiple implementation strategies, and therefore multiple means of pursuing merit, differences among agencies necessarily emerge. So, too, do different capabilities to engage in the pursuit of merit.

If merit is to be given a stronger footing for the future, it is necessary to ensure that this diversity contributes to a stronger core ideal, not to further incoherence and distance among agencies. Again, common values are critical. A commitment to public service and a broader public good, integrity in performing one's job to the best of one's ability, and performance in pursuit of agency mission are strong links to merit. Development of these strengths across government will strengthen merit's foundation, not erode it further.

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Because merit is a value, it does not and cannot reside in only one guise or only one place. Merit in pursuit of mission very strongly suggests that, as a value, it must be in many places throughout government, not as a rigidly standardized vision but as an objective that considers individual effort and performance—as well as organizational effort and performance—in pursuit of organizational mission and governmental effectiveness. A government whose agencies cannot meet performance challenges is not a meritorious government.

Conclusion

Throughout this essay, I have argued that effective consideration of reform of the federal service necessarily separates and preserves the ideal of merit from the bureaucratic structures that are often described as the *merit system*. Reform of the structures that characterize the civil service must be considered, but from a different perspective. Many elements of those structures have been widely conceded to be dysfunctional and costly, and in fact, some of them have already been reformed in single agencies. Others are current targets of change. None of the past or current changes proposes to abandon merit.

The global environment in which the U.S. federal service operates demands a new emphasis on the dimensions of merit that comport with its original intent: to guarantee the presence of a well-qualified, talented, responsive workforce that functions well in rapidly changing conditions. Recent analyses of the current global environment describe it as “permanent whitewater” or a “constant spin cycle” (McAllister, forthcoming; Sanders 2005). The old structures will attempt to withstand such turbulence in classic bureaucratic fashion: They will become *more* insular, *less* responsive, and *less* effective. Reforming them is fundamental to successfully meeting new challenges.

Current reform proposals envision a federal public service of the future that is different from today's service, but none advocates eliminating a well-qualified and competent federal workforce. None suggests that the entire workforce be employed “at will.” And none suggests that merit has run its course. Rather, contemporary views of merit envision it as the energizing force of the goals and ideas that guide reform. Merit as a value and an ideal can or cannot reside in mechanisms created to attain it, but those mechanisms can generate their own value by pursuing merit and effectively structuring the business of government. Sadly, in the federal government, the present civil service is not meeting these positive objectives. Simply put, the existing civil service structures and

processes are not providing merit a happy home. Some structure or set of structures is obviously necessary to carry the value forward. That is why both the ideal of merit and the best means of attaining it are critical elements of effective reform. Structural changes to the bureaucratic systems surrounding civil service should not proceed without the pursuit of merit as their most fundamental objective. But they must proceed.

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Notes

1. The Civil Service Commission was abolished by the Civil Service Reform Act of 1978. Its functions were assumed by the Office of Personnel Management, the Merit Systems Protection Board, and the Office of Special Counsel.
2. The exception here was the delegation of hiring authority from the Office of Personnel Management to the various federal agencies.

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