



## A Content Analysis of the Rule of Law within Public Governance Models: Old vs. New EU Member States

*Marko Ropret<sup>1</sup>, Aleksander Aristovnik<sup>2</sup>, Polonca Kovač<sup>3</sup>*

### Abstract

This paper aims to analyze the development of the rule of law and its key characteristics as a principle within public governance model (PGM) research. In the study, we analyzed two main EU cultural and geographical subgroups, selected old and new EU member states, in order to identify the main convergences and differences characteristic of the respective clusters. With the accession to the European Union, these acceding countries were to transfer EU law into national law and reform their governance models accordingly. The aim of the research was achieved by following an original methodology, encompassing 431 relevant scientific papers from the Scopus database. The known QDA Miner 5.0.11 software package was selected as the main tool for the analysis. The research questions were aimed at covering: (i) the role of the rule of law as one of the key governance principles in relation to the countries' historical legacy and different governance models, (ii) the relationship between the rule of law and other governance principles and (iii) opportunities for further research within the two selected geographical subgroups. The results, concerning the first research question, reveal a greater frequency of papers per year about the relevant PGM studies focusing on the old EU member states. Likely, due to a broader socio-administrative tradition within these countries, law-related topics are better covered. As regards the relationship between the rule of law and other governance principles, we have shown that the rule of law as a principle is importantly related to effective governance and PA reforms and must not be taken as an antipode to efficiency. In new EU MS, i.e. Central and East Europe (CEE), in particular the rule of law in administrative relations is also one of the salient elements of the on-going transitional development compared to the old Western democracies.

1 Assistant Professor and corresponding author, University of Ljubljana, Faculty of Administration, Ljubljana, Slovenia.

2 Associate Professor, University of Ljubljana, Faculty of Administration, Ljubljana, Slovenia.

3 Professor, University of Ljubljana, Faculty of Administration, Ljubljana, Slovenia.

However, within the processes of privatization, globalization and marketization, the rule of law is challenged; even with PAR that might undermine the core principles of democratic governance. While demanding further research, encompassing specific socio-economic needs of individual public administrations and an evaluation of legal and related highly important reform preconditions proves vital for tomorrow's public administration, more effectively and efficiently coping with the needs of the modern society.

**Key words:**

public administration, governance models, rule of law, efficiency, effectiveness, reforms, old and new EU MS, content analysis.

## **1. Introduction**

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Today's changing societal environment requires public administration systems to continually develop if they are to successfully identify and put in place public policies, strategies, mechanisms, legal, financial, and information-based foundations and other resources to address the complexities of modern dimensions. These are complex, such as multi-level public governance, delegation of powers and decentralization, business globalization, digitalization, the fourth industrial revolution, migrations, nationalism and interstate conflicts, environmental change and several others. It is thus no surprise that national public administration reforms are a key priority of the UN's 2030 Agenda for Sustainable Development, post EU 2020 strategy, and EU member states' national strategies (European Commission 2010; Aristovnik et al. 2016; Hammerschmid et al. 2016). Being able to meet the ever-growing demands to improve the authoritative decision-making and public services for citizens and other individuals, businesses and non-governmental organizations in relation to public administration is therefore strategically important for the public administration at the EU and individual member state (MS) levels (Hintea et al. 2015).

As regards the possible trajectories of PA reform, one finds many approaches offering integral answers in the context of contemporary administrative issues. The problem is that the public governance models we know of today remain overly idealistic and too general or partial, or do not give enough details concerning why and how any of them would ensure the protection of the stakeholders' interests (Pollitt and Bouckaert 2011; Kovač and Bileišis 2017). When implementing reform programs, the principle of the rule of law is especially important since it ensures that authoritative decisions are legally based and generally sound (Galetta et al. 2015). Still, in a time of highly complex public problems, accompanied by the processes of privatization, globalization, marketization, digitalization and limited resources, new governance models can increase the effectiveness of value creation and the multitude of new relationships. This can be done with different PA stakeholder actors challenging the rule of law with specific issues with regard to legal protection,

possibly undermining the core principles of democratic governance. Regarding the legal determination of public administration, and at the same time the resolution of interdisciplinary problems, reforms must be managed not only by regulation or management but holistically. On this basis, we recognize the fundamental requirement to critically analyze the dynamics of the development of the rule of law and related principles as the prerequisite for protection of stakeholders' rights and effective PGM reform implementation. Therefore, we continue by developing the theoretical framework (Section 2), explaining in detail the importance of the rule of law principle within PA development (Subsection 2.1) and the main challenges posed to the rule of law within modern governance models (Subsection 2.2). This is followed by a detailed presentation of the research problem (Subsection 2.3) and the research aim, accompanied by the research questions (Subsection 2.4). In the next section, the research methodology is described (Section 3). Then a presentation of the study's main results follows (Section 4). In continuation, a discussion highlights the importance of the main results (Section 5). Finally, there is a conclusion (Section 6), followed by acknowledgements, and references are provided.

## **2. Theoretical framework**

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### **2.1 The importance of the rule of law within PA development**

As regards state capacity with implications for the reform programs, the rule of law stands out as a most critical prerequisite. The rule of law is a traditional legal and administrative principle, aimed at limiting the power of the state, governmental institutions and officials in their relations toward citizens and other subjects and at ensuring that authoritative decisions are legally based. In its core meaning, it constrains authorities and individuals to keep them from misusing their superior position and enables all citizens and business to act under equal terms (Galetta et al. 2015). The rule of law is known in various administrative and political-legal legacies, from Aristotle's recitals and British Middle Ages theory (Dicey) to the 19<sup>th</sup> century German Rechtsstaat or French Etat de droit, emphasizing constitutional supremacy. Democratic participation, which is implemented through elections, gives stronger legitimization to the exercise of the legislative function. The guarantee of social rights represents a complementary legitimization of the judicial competence concerning the protection of fundamental rights. Despite the fact that in comparison with the member states the European "constitutional" system is staying behind with regards to this elaboration of the "rule of law", the fundamental elements of the "liberal democratic house" are represented on the European level as well (Mak 2008). In the process of designing reforms, attention must be paid especially to political and social obstacles, whereby the priorities must be focused on establishing the rule of law, improving service delivery and reducing corruption. In addition, The World Bank has put an enormous emphasis on a foundation of law, ensuring

a non-discriminatory policy environment. Hughes (1998) also underlines the emphasis on rule of law, arguing that rule of law is a prerequisite for markets to work (Elias Sarker 2006). Rules and laws are important for regulating the interactions between individuals, groups and organizations (Edquist 2010; European Commission 2014). This encompasses a fair and reasonable judiciary, the establishment of property rights, and the protection of property rights from criminals (Elias Sarker 2006). Good administration may be significantly aided by a general legal instrument, founded on the main principles of the rule of law, such as equality, lawfulness, impartiality, legal certainty, participation, respect for privacy and transparency; also that they protect the rights and interests of private persons and enable their participation in administrative decisions. Realistically, constitutionalism based upon the rule of law is the soundest means to build trust, therefore being a critical factor for government reform success (Koivisto 2014).

## **2.2 The challenges posed to the rule of law within modern governance models**

Governance model development within PA implies a transformation and renewed interpretation of the role that the rule of law fulfills. Based on technocratic bureaucracy following rational-legal principles as set out by Weber (Weberian model) the classic model of the operation of public administration is already around 100 years old. However, some of its elements, such as hierarchy, professionalism and political neutrality of the public administration that operates through legislation, are still indispensable today in many national and supranational public administrations (Hughes 2018; Pollitt and Bouckaert 2011; Bauer and Trondal 2015). On the other hand, it should be noted that certain elements of the Weberian model are becoming obsolete in terms of the challenges of modern society. A particular limitation is isolated governance, in which taking into account the needs of the citizens and business as a PA counterpart seems to be of secondary importance. Instead of flexibly and creatively solving social challenges, the model's focus is "the routine division of labor, depersonalization of civil servants and formalized communication" (Pollitt and Bouckaert 2011). Modern governance has recognized the need for systemic, inclusive and holistic approaches rather than largely operating in isolation from the environment. Consequently, alternative governance models started appearing in the 1980s with the intention to enable a better utilization of civil servants' potential in public administration and a better response to the challenges of modern society (Bach and Bordogna 2011). Great Britain and New Zealand were the pioneers of this movement called New Public Management (NPM), which later spread to many other countries. It is a new way of public sector governance that implements managerial methods from the private sector and market mechanisms (Bach and Bordogna 2011; Pollitt and Bouckaert 2011; Bovaird and Löffler 2012), which is a consequence of the requirements to cut public expenditure as a proportion of the

gross domestic product and to better integrate the voice of those addressed by the PA (recipients of public services) and civil servants.

In some countries, especially Western European continental ones, reservations about NPM started emerging after a decade of trial implementation. The serious criticism of the new public management was that it is against the precepts of democracy, which requires the rule of law, the legally sanctioned regulation of markets, the preservation of equity, and competent bureaucracies subject to control by statute and by judicial institutions (Kalimullah et al. 2012; Pollitt and Bouckaert 2011; Peters 2009). This resulted in the lack of integration of citizens and business, which were considered to have the role of “final customers”, and the fear that economic-financial interests (as an element from the private sector) would prevail over the public interest (Bovaird and Löffler 2012). Thus, countries in continental Europe (the Netherlands, France, Belgium, Italy and Germany at the state level, also Sweden and Finland) decided on incremental changes to the Weberian model that included new (neo) elements for more contemporary governance; especially on moving from a focus on respecting the internal bureaucratic rules to a focus on rules for externally meeting the citizens’ needs and desires through a culture of professionalism. This model, the Neo-Weberian model of governance, also complements the role of representative democracy with a series of mechanisms for the executive and legislative authority to consult directly with the citizens (Pollitt and Bouckaert 2011; Drechsler 2014; Bauer and Trondal 2015; Hammerschmid et al. 2016). The other alternative for comprehensive contemporary governance is the so-called New Public Governance (NPG). It is a modern governance model building on the theoretical assumptions of modern politics and society, especially the democratic sharing of the public administration’s formal power with all relevant stakeholders (Osborne 2010). It originates from Network Theory and presumes a plurality of co-dependent stakeholders who contribute to the quality formation of public services as well as a plurality of administrative processes that contribute information to the system of public policies. Other models have also emerged, e.g. Digital Era Governance and good administration within sound governance (Dunleavy et al. 2006; Kovač et al. 2016), although they are all driven by “needs-based holism”. Consequently, this leads to a complex reality where PA stakeholders find themselves engaged in numerous and diverse relationships, confronting the rule of law with specific challenges with regard to legal protection, ensuring clarity, transparency and legal certainty. Therefore, additional research would be needed in order to adequately depict the development of the rule of law within the numerous models, following the traditional Weberian bureaucracy (Kalimullah et al. 2012; Pollitt and Bouckaert 2011).

### **2.3 The research problem**

The research problem faced when analyzing models of public administration governance is the lack of studies examining the phenomenon with sufficient compre-

hensiveness, especially in Central and Eastern European countries (Koprić 2012; Kovač and Bileišis 2017). With the accession to the European Union, these acceding countries were to transfer EU law into national law and reform their governance models accordingly. Yet, EU-wide issues, such as the implications of the financial crisis, migration issues, rise of extremist right-wing parties, populism, ecological issues and others, make it a requirement to critically assess the implementation of the rule of law as the main prerequisite for protection of stakeholders' rights and effective PGM reform implementation. In the new member states, the situation proves acute due to mostly gradual and insufficient reforms, deepening the unfavorable outcomes. Compared to Western European countries, there is an essential difference in the CEE countries, as in the early 1990s these had just established a PA framework based on the rule of law, while shortly after this experiencing the challenge of introducing managerial systems and techniques in the PA (Kickert 2008). This duality frequently led to activities that have partly been complementary and partly contradicted each other due to the absence of evaluation and consensus in terms of implementation (Aristovnik et al. 2016).

To make the situation even more unfavorable, this research deficiency is accompanied by the growing complexity of public sector reforms (Christensen 2012). Another challenge is that existing studies in the field of administration are still primarily qualitative (Kovač and Jukić 2016), while there is a lack of quantitative studies based on statistically justified findings. As a result, identifying modernization trajectories towards an optimal model of governing is a complex challenge, especially considering the multitude of various possible governance models. Thus, for example Central European countries often use modified versions of the traditional Weberian bureaucratic governance model (the Neo-Weberian model), while modern paradigms of public sector governance are more characteristic of Great Britain and the USA (New Public Management or NPM, New Public Governance, hybrid models), based on an orientation to the user and the transfer of competitive elements from the private sector to the public one. Also frequent is the interweaving of different governance models. Elements of the modern models, such as effectiveness, strategic planning, rational assignment of resources and professionalism of officials, can thus also be found in traditional governance models (Guogis et al. 2012). On the other hand, despite the prevalence of NPM in the USA, traditional governance elements, such as a strong hierarchy, can still be found in such models (Frederickson 2005; Bauer and Trondal 2015). Further, the majority of field research and thus proposed new models address other regions and countries, leaving Central and Eastern European countries behind (cf. Hammerschmid et al. 2016; Bauer and Trondal 2015; Bevir 2011; Randma-Liiv 2008; etc.).

## 2.4 The aims of the research

Based on the depicted unexploited research potential of the role of the rule of law within different PGM, this paper aims to analyze the development of the rule of law

and its key characteristics as a principle within public governance model (PGM) research. In the study, we analyzed two main EU cultural and geographical subgroups, selected old and new EU member states, in order to identify the main convergences and differences, characteristic of the respective clusters. The research questions of this paper are several. Based on the research aim, at least three sub questions occur. First, what is the role of the rule of law as one of the key governance principles in relation to the type of countries with regard to their historical legacy and different governance models, especially taking into account if the country in question is an old or a new EU member state. Hereby, we presume the dynamics of principle coverage to indicate significant differences between the old and the new EU MS, where we expect the old EU MS to express a more stable understanding of the rule of law.

Second, the study tackles the question, what is the relation between the rule of law and other most emphasized principles of different reforms and governance models in contemporary society, in terms of the (old vs. new EU states') administrative legacies and evolving nature of any principle. We expect that – over time – the rule of law is less exposed, since other governance principles come into the first line of governing and managerial reforms, such as effectiveness and efficiency. However, one should note that only all principles together can contribute to systemic good governance. Third, we strive to verify opportunities for further research of the topic within the two selected geographical subgroups.

By dividing the content analysis into two EU subgroups, the studies, corresponding to new member states, were likely to reflect a lacking degree of principle implementation within PGM, as expected by their socio-administrative dynamics and issues faced. On the contrary, specific studies focusing on the old EU member states were mainly expected to reflect a broader socio-administrative tradition and therefore to encompass a more holistic, yet not optimum depiction of the rule of law principle within PGM research. However, a one-size-fits-all import of the (EU) law into national law often contradicts national legacies in respective countries. Hence, public administration reforms have different impacts, as illustrated by the understanding of the rule of law principle. Thus, the main differences in principle implementation within old and new EU member states were to be depicted in relation to reform efficiency, while also providing specific guidelines for further research in each of the country groups.

### **3. Methodology**

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The rule of law traditionally constrains superior stakeholders to abuse their position in relation to others in administrative affairs and highly contributes to an equal stand among competitors in the global market and within governing subgroups. However, the principle evolved over time through different cultural and political-administrative systems and nowadays represents a set of complementary (sub)

principles and special guarantees, such as proprietor rights, transparency, right to be heard and participate in public matters, judicial review, etc. Therefore, the principles of the classic “rule of law” paradigm provide reference norms, which have to be taken into account by the normative powers. In Central and Eastern Europe in particular, there are regional and historical specifics in governance developments, hence the rule of law presumably has a different role than in “old” MS. In addition, the so-called “legalistic culture” pursues only the formal elements of the rule of law as often characteristic of the CEE region (Koprić 2012; Kovač and Jukić 2016). This needs to be mitigated, since an over-detailed law hinders the resolution of complex administrative issues (such as migrations, digitalization, ecological changes, etc.).

Thus, our research faces the challenges to identify the main trends regarding the rule of law within PSG through content analysis of the relevant scientific articles on the field and to establish the presumed differences between old and new democracies or MS in the EU. Hereby, we follow several scientific research findings, for instance the analysis of convergences in (almost all) new EU MS as revealed by a comparative study on administrative reforms 25 years after accession (Kovač and Bileišis 2017). Based on the several established interrelated themes that best describe the logic of public administration reforms in the region, such as the near-immovability of initial institutional setups in the 1990s as the main governance “paradigm” setting process, the tension between pressures to reform internationally vs. regional or national, the lack of a “strategic” vision for governance reform, etc., the hypothesis on key differences among the old and new MS is reasonable enough. By old and new, we have taken primarily one objective criterion that is the year of entering the EU (before or after 2004, compare also Ropret and Aristovnik 2018). Furthermore, we also considered the combination of geographical affiliation with the CEE focus and past communist or socialist political and administrative systems. In sum, we have identified two types, old MS, entering the EU between the 1950s and 1995 and belonging to West, North and South Europe, vs. the 11 new MS in the CEE, with Cyprus and Malta.

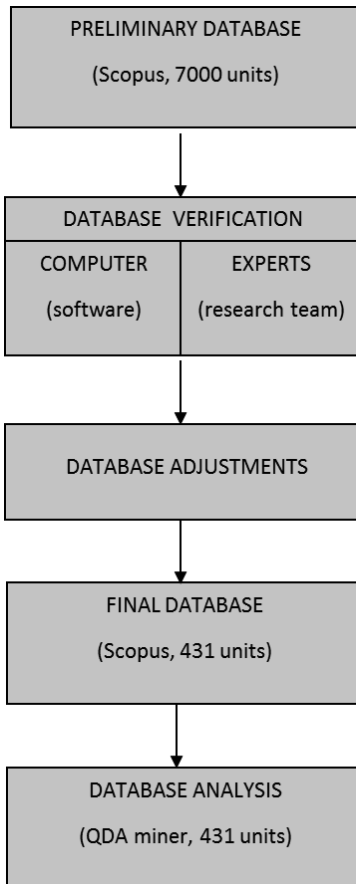
The aim of the research was achieved by following an original methodology (Figure 1) that encompassed three consecutive research phases. In the first phase, based on 100 keywords, all possibly relevant scientific papers in relation to public governance models were downloaded from the Scopus database. This resulted in over 7,000 papers within a timespan from 1994 to 2017 being downloaded. In the second phase, these papers were thoroughly evaluated with a view to narrowing the broad set of papers down to relevant ones. This was done by means of two complementary activities. First, a computer program was developed, enabling us to list the downloaded papers, based on the frequency of keywords used within the abstract, title and keywords. Consequently, papers with a focus on public governance models and main principles could easily be identified and separated from less relevant ones. Second, experts were asked to review the identified papers and provide information about any possible ones that were missing. The iterative process led to a final



database of 431 papers, representing input for the third research phase. This phase entailed the application of the method of content analysis.

The known QDA Miner 5.0.11 software package was selected as the main tool for the analysis. QDA Miner is a qualitative data and text analysis (TA) software package for coding textual data and annotating, retrieving and reviewing coded data and documents. Besides its text analysis features, QDA Miner also provides a wide range of exploratory tools to identify patterns in coding and relationships between assigned codes and other numerical or categorical variables (Suerdem 2014). Its seamless integration with WordStat, a quantitative content analysis and text-mining module, gave us flexibility for analyzing text and relating its content to structured information including numerical and categorical data.

**Figure 1**  
Summary of the research methodology



Source: own.

Content analysis (CA) was the chosen main method for analysis. This method provides a theory and set of techniques for extracting information from textual data regardless of the discipline. The method offers several advantages to researchers who consider using it, in particular, content analysis (Busch et al. 2012; Kovač and Jukić 2016):

- it can be used to interpret texts for purposes such as the development of expert systems,
- it is an unobtrusive means of analyzing interactions,
- it provides insight into complex models of human thought and language use,
- it looks directly at communication via texts or transcripts and hence gets at the central aspect of social interaction,
- it can allow for both quantitative and qualitative operations,
- it can provide valuable historical/cultural insights over time through analysis of texts,
- it allows a closeness to text, which can alternate between specific categories and relationships and statistically analyzing the coded form of the text.

Different from TA, CA aims to quantify and categorize the content or meaning of certain textual configurations (words, word combinations, sentences, etc.). There are many benefits to combining qualitative and quantitative content analysis techniques in this way. For example, quantitative content analysis may be useful as an exploration tool prior to qualitative coding by allowing one to identify subtle differences in word usage between subgroups of individuals, or to quickly find the most common topics of phrases. Restricting the analysis to segments associated with specific codes may also be useful to identify potential words or phrases associated with those codes. One may then use the QDA Miner text retrieval tool to identify other segments to which this code may be assigned. Quantitative content analysis may also be useful after qualitative coding has been performed (Suerdem 2014). In order for the analyses to be attainable, we created a QDA miner dictionary as presented in Table 1, encompassing the following categories (in capital letters) and category keywords (in italic letters).

In the continuation, the content analysis was performed, addressing: (i) the role of the rule of law as one of the key governance principles in relation to the countries' historical legacy and different governance models, (ii) the relationship between the rule of law and other governance principles and (iii) opportunities for further research within the two selected geographical subgroups.

**Table 1**  
QDA miner dictionary

<b>PUBLIC GOVERNANCE MODELS</b>	<b>GOVERNANCE PRINCIPLES</b>	<b>OLD and NEW (pre 2004) EU MEMBER STATES (in alphabetical order)</b>
<i>Weberian (bureaucracy)</i>	<i>Rule of law</i>	<i>OMS: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, United Kingdom</i>
<i>NPM (New Public Management)</i>	<i>Efficiency*</i>	<i>NMS: Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia</i>
<i>NWS (New Weberian State)</i>	<i>Effectiveness*</i>	
<i>POST-NPM</i>		
<i>Good Governance</i>		
<i>Digital-Era</i>		
<i>Alternative/hybrid</i>		

\* These two principles were chosen alongside the rule of law to cover primary and secondary dimensions of PA performance.

Source: own.

## 4. Results

The results of the research are presented in the following order: (1) the dynamics as regards paper frequency and citations over period of time (Subsection 4.1), (2) coverage of governance models (Subsection 4.2), (3) the relations between the rule of law and effectiveness and efficiency within the administrative development (Subsection 4.3); and (4) geographical coverage of the rule of law and connected governance principles (Subsection 4.4). Convergences and differences on the perceived role of the rule of law in new and old member states were examined accordingly throughout the analysis.

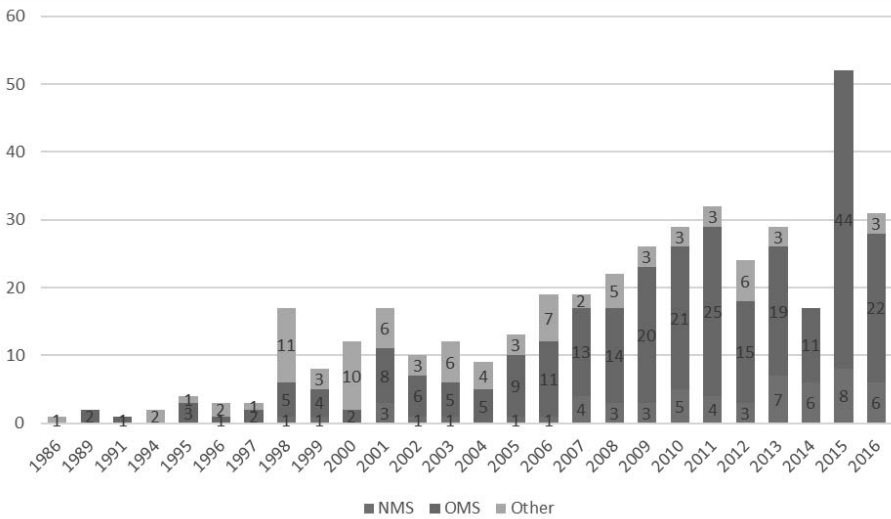
### 4.1 Paper frequency and citations over period of time

The research results of the qualitative analysis reveal several interesting insights into public governance model research. First, paper frequency over period of time, in order to reveal the time dynamics perspective in general. The research results reveal growing research interest in the studied topic (Figure 2). At the same time, the results clearly reveal a greater coverage of papers per year about the relevant PGM studies focusing on the old EU member states.

Concerning the influence of the papers, focusing on the rule of law principle within PGM, we were able to calculate the average number of citations within a paper per year: while up until 2000 the number reached less than 1, it rose to 1.8 until 2005, reaching a high of 3.0 in 2016. Consequently, it is indicated that in spite of the complex administrative reality, encompassing numerous governance models and (competing) principles, the rule of law has not lost any of its momentum and remains an important principle driving contemporary public governance development.

**Figure 2**

Scopus papers concerning PGM in the last three decades: number of papers per year in new EU member states (NMS), old EU member states (OMS) and other countries (Other).



Source: Authors' calculations, based on the applied database (N = 431).

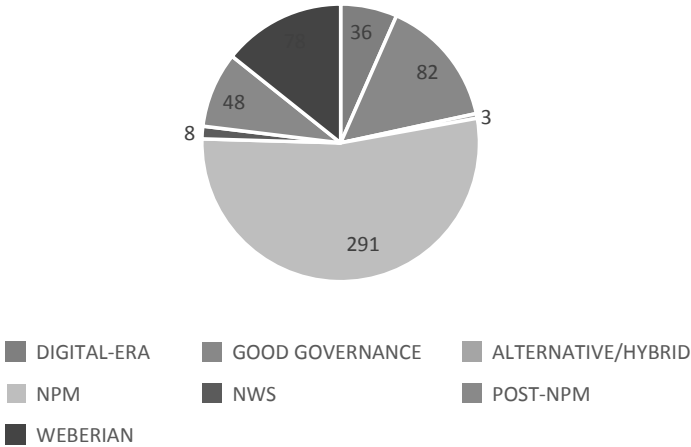
#### 4.2 Coverage of governance models

Interestingly, most of the papers focus on the New Public Management (N = 291) public governance model and subsequent critical rethinking, as indicated by post-NPM reforms (N = 48) and the Good Governance model (N = 82, see Figure 3). Most likely, this is due to the timeframe limitations of the study as the on-line Scopus database only lists papers within a timeframe of three decades, possibly inducing a bias towards NPM. The remaining papers mainly correspond to public governance models: the Weberian model (N = 78), the Digital-era governance model (N

= 36) and the Neo-Weberian State (N = 8). Yet, very few papers contributed ideas to alternative/hybrid governance models (N = 3).

**Figure 3**

Coverage of different PGM within Scopus database in the last three decades: number of papers. \*Note: A paper may cover more than one public governance model.



Source: Authors' calculations, based on applied database (N = 431).

Thus, the overall results of governance model coverage indicate the possibility of the prevalence of NPM core governance principles within the analyzed literature, those consisting mainly of effectiveness and efficiency (Peters 2009), potentially challenging the rule of law and other indispensable principles of good governance. This underlines the importance of our further analyses, evaluating the role of the rule of law as regards its relations with other good governance principles in the context of two different EU country clusters with regard to their historical legacy and governance models.

### 4.3 The relations among the rule of law, effectiveness and efficiency within PA modernization and reforms

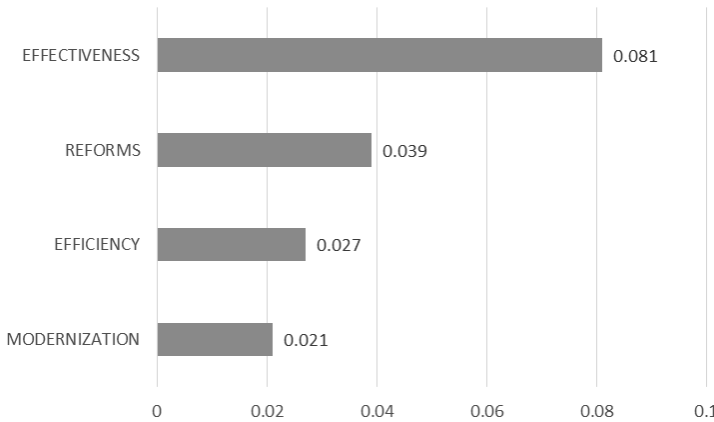
The above analyses reveal growing research interest in the topic of the rule of law within PGM and at the same time a possible focus on other (competing) principles. Therefore, the relations between the rule of law and these principles must be examined in detail to allow a properly balanced implementation and consequently sound PA modernization and reforms. As the administrative system identifies the principles of the rule of law, but also efficiency and effectiveness as the main prin-

ciples that must preside over public administration and civil servants’ activities and decisions (OECD 2017), these were considered in this analysis.

The proximity plot (see Figure 4) demonstrates values of Jaccard’s similarity index (J), which considers the similarity between two operational taxonomic units as the number of attributes shared divided by the total number of attributes present in either of them. Based on the presented figure, it must be emphasized that the rule of law as principle can be seen as clearly related to the governance principle of effectiveness (J = 0.081), and PA reforms altogether (J = 0.039), while a weaker link is also indicated with regard to (reform) efficiency (J = 0.027). This is in line with the rule of law’s function as a mechanism for (reform) reliability and predictability (OECD 2017). As such, the rule of law enforces that public administration ought to discharge its responsibilities according to law, opposing arbitrary power, cronyism and other deviations. Consequently, its significant implications on effective reform implementation cannot be overlooked.

**Figure 4**

The relations between the rule of law, effectiveness and efficiency within the administrative system development (Jaccard’s index). \*Note: Only statistically significant results are shown (P ≤ 0.05).



Source: Authors’ calculations, based on applied database (N = 431).

The importance of the relationship between the rule of law and the effectiveness principle can be supported on the basis of principle definitions. Namely, the greater the output for a given input or the lower the input for a given output, the more efficient the activity is. In contrast, effectiveness relates the input or the output to the final objectives to be achieved, i.e. the outcome (Pollitt and Bouckaert 2011). The outcome is often linked to important welfare or growth objectives, such

as quality, creation of value added, employee satisfaction, and output interaction with the social and economic environment (Aristovnik et al. 2016). Therefore, efficiency has a primarily economic sense, while effectiveness takes a much broader social and administrative perspective (Bartuševičienė and Šakalytė 2013). Based on the broadness of the effectiveness concept, it of course makes sense that it is found to be closely related to other principles. In addition, due to its welfare and growth objectives, it makes particular sense that effectiveness is importantly related to the rule of law, ensuring adequate protection of the numerous PA stakeholders' rights opposing arbitrary power, cronyism and other deviations.

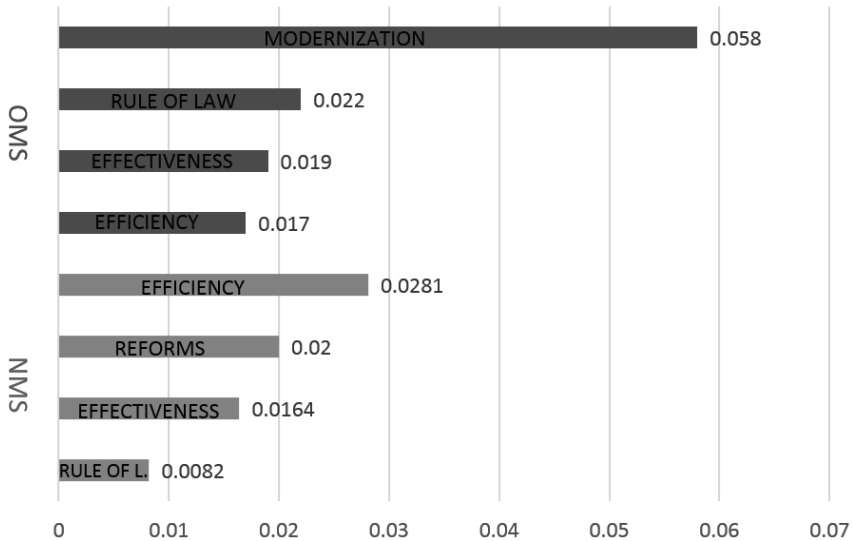
#### **4.4 Geographical occurrence of PA reforms, the rule of law, effectiveness and efficiency**

While the importance of the rule of law as a mechanism of predictability, impartiality and public interest protection, consequently leading to effective and efficient PA reforms, might not be questioned, the next step encompasses providing a picture of the principle's geographical coverage within different EU states. As described within Section 2, we analyzed two EU subgroups: the studies, corresponding to new member states and specific studies focusing on the old EU member states were mainly expected to reflect a broader socio-administrative tradition, and therefore encompass a more holistic, yet not optimum depiction of the rule of law principle within PGM research. From the proximity plot (Figure 5), it may be observed that literature concerning the PA in Old EU member states has a high occurrence of PA modernization ( $J = 0.058$ ) rather than reforms. Among the studied governance principles, the rule of law ( $J = 0.020$ ) and effectiveness ( $J = 0.021$ ) come out in a relatively balanced manner, followed by efficiency in the last place ( $J = 0.017$ ). Therefore, it seems these states have recognized the importance of the rule of law as the foundation for effectively implementing modern PA models, while the focus on PA efficiency is less prominent - presumably due to limited effects of NPM-led reforms, focusing on managerial efficiency, but lacking an interdisciplinary view, enabling the effective curing of societal "wicked" issues.

The situation proves different in new EU member states. Here, we can notice a focus on PA reforms ( $J = 0.02$ ) rather than PA modernization. This might well be because of the traditional status of these states as "laggards", therefore needing broader and deeper adjustments of existing PA systems. At the same time, the occurrence of the rule of law principle is relatively low in these states ( $J = 0.0082$ ), leading to missing expertise and further deepening the "reform" gap. Additionally, a focus on (short-term-oriented) PA efficiency is indicated ( $J = 0.0281$ ), while effectiveness as the primary dimension of performance still seems to be overlooked ( $J = 0.0164$ ).

**Figure 5**

Geographical occurrence of the rule of law, PA reforms, effectiveness and efficiency in new EU member states (NMS) and old EU member states (OMS): Jaccard's index.



\*Note: Only statistically significant results are shown ( $P \leq 0.05$ ).

Source: Authors' calculations, based on applied database (N = 431).

The results therefore indicate that there are significant differences between the old and the new MS, with the old MS expressing more attention and hence a stable understanding of the rule of law in connection to efficiency and effectiveness. Yet, the results, based on the old MS, support the idea that governance models in public affairs should be lawful, efficient and effective. Those global principles are sometimes in conflict, but one should strive to mitigate the gaps through trade-offs of one goal being prioritized at the expense of other. Nevertheless, on the whole governments must take care of democracy with the rule of law, efficiency and effectiveness simultaneously (Kovač et al. 2016). Such an approach apparently requires a change of the so-called “legalistic culture”, often characteristic of the CEE region (Koprić 2012; Kovač and Jukić 2016), as over-detailed law hinders the resolution of complex administrative issues.



## 5. Discussion

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The classic “rule of law” paradigm is based on liberal democratic values. The concept of liberal democracy has begun to appear at the end of the eighteenth century. It is traditionally associated with the qualification of a legal entity as a “State”, meaning that an entity is defined by the components of a defined territory, a population and effective control by a government. From the historical perspective, the theory underlying the classic “rule of law” paradigm has been considered a starting-point for the precision of the regulation of power within states. In this sense, the traditional “rule of law” principles interact in several ways. These principles in many cases complete and reinforce each other (Mak 2008).

However, the very point of PSG, in order to strive for an efficient implementation of public policies and public interest protection, yet not on account of the classic human rights, is to combine the application of several governance principles. The rule of law and efficiency are usually the most conflicting PSG principles exposed, but both of them are required to be respected. Hence, the guiding rule when understanding governance and PA-related reforms is to overcome the usually (too) narrow understanding of one or the other model (like Weberian or NPM), primarily only from the viewpoint of one science (political, economic, legal) instead of an interdisciplinary aspect (Kovač and Jukić 2016). Good administration/governance is a holistic concept that can be fully realized only when all its elements are balanced and interdependently achieved at least with a critical realization value. Due to changes in society, such as Europeanization and limited resources, public policies must be as lawful and efficient as possible at the same time. Thus, the respective research also describes the gradual development of PSG and relating principles in different European regions.

In this paper, we aimed to analyze the implementation of the rule of law and its key characteristics as a principle within public governance model (PGM) research. Thus, we were able to address the research questions on: (i) the dynamics of the rule of law principle coverage within literature, (ii) the relationship between the rule of law and other governance principles and (iii) opportunities for further research within the two selected geographical subgroups. We analyzed two main EU cultural and geographical subgroups, selected old and new EU member states, in order to identify the main convergences and differences. With the accession to the European Union, these acceding countries were to transfer EU law into national law and reform their governance models accordingly. Yet, EU-wide issues, such as the implications of the financial crisis, migration issues, rise of extremist right-wing parties, populism, ecological issues and others, make it a requirement to critically assess the implementation of the rule of law as the main prerequisite for the protection of stakeholders’ rights and effective PGM reform implementation. While our paper reveals growing research interest in the topic of public governance models and the rule of law as an inseparable principle, there are several research gaps, which we

think should be overcome in order to build an adequately holistic basis for effective and efficient governance.

First, concerning the question of the role of the rule of law in relation to the countries' historical legacy and different governance models, the results of our study reveal a greater frequency of papers per year focusing on the old EU member states. Likely, due to a broader socio-administrative tradition within these countries, law-related topics are better covered and their importance recognized. Irrespective of the identified different governance models within the timespan of three decades (Weberian model, NPM, post-NPM, Good Governance, Digital-era governance, Neo-Weberian state and others), accompanied by the processes of privatization, globalization and marketization, the number of studies and citations (see Figure 2 and explanatory text), covering the rule of law topic, indicates that it remains an inseparable part of sustainable administrative progress in EU member states. On the other hand, in NMS efficiency is more often in the core PA reforms and research. This shows that even before 1990, managerial concepts were, especially in more legalistic environments, not seen as a part of PA and public governance. Therefore, efficiency emerged as a new interesting value, even though at the expense of the rather neglected rule of law principle (Meyer-Sahling 2009; Bovaird and Löffler 2012; Aristovnik et al. 2016). Yet, the need for further PGM research within new member states is underlined by the fact that, compared to the good foreign practices of reforming public administration and developing new governance models, comprehensive interdisciplinary approaches are lacking in these countries (Kovač and Jukić 2016). In Slovenia and Croatia, for example, the activities have partly been complementary and partly contradicted each other due to the absence of evaluation and consensus in terms of implementation (Aristovnik et al. 2016; Koprić 2012). The lack of consensus and probably even more the lack of consistent and persistent coordination at the highest strategic government level concerning the reform goals and activities have led to conflicting measures being taken by individual ministries and agencies. The result is the inefficient utilization of resources, public borrowing, budgetary pressure to cut public expenditure, centralized bureaucracy and unsuitable accounting mechanisms (Aristovnik et al. 2016).

Second, as regards the relationship between the rule of law and other governance principles, we have shown that the rule of law as a principle is importantly related to effective governance and PA reforms and must not be taken as an anti-pode to efficiency. Consequently, these principles' significant implications on effective reform design and implementation cannot be overlooked. Yet, it seems this is not adequately recognized within both of the studied country groups. Concerning the PA in old EU member states, the rule of law stood out most strikingly, followed by effectiveness in second place, closely followed by efficiency. Therefore, it seems these states have recognized the importance of the rule of law as the foundation for effectively and efficiently implementing modern PA models. Contrary to this, a focus on (short-term-oriented) PA efficiency is indicated within our study, while

effectiveness as the primary dimension of performance still seems to be overlooked particularly in the new member states. This is also in line with the dominance of the New Public Management (NPM) public governance model within the studied Scopus database. Namely, NPM-led reforms, focusing on managerial efficiency, are already being recognized as lacking an interdisciplinary view, therefore not enabling the effective curing of societal “wicked” issues (Ropret and Aristovnik 2018). Limiting the study to parts rather than the whole system induces a lack of knowledge about the functioning of the system as a whole and, even more importantly, creates limitations and incorrect decisions in governing the system. In this respect, the rule of law represents the needed grounds for predictability and reliability, opposing arbitrary power, cronyism and other deviations. In new EU MS, i.e. Central and East Europe (CEE), in particular the rule of law in administrative relations is also one of the salient elements of the on-going transitional development compared to the old Western democracies. Therefore, it is an important part of PAR regarding contemporary governance models. The rule of law in any part or form is thus essential for the reforms and sustainable progress of supranational, national and subnational administrations worldwide. However, within the processes of privatization, globalization and marketization, the rule of law is challenged; even with PAR that might undermine the core principles of democratic governance. Thus the quality of the regulatory process may be considered a safeguard of the rule of law and a way to prevent state capture and corruption (Hoff and Stiglitz 2004, Meyer-Sahling 2009). Furthermore, synergistic involvement of legal, economic and political science aspects and methods must come forward in order for the PA reforms to be more effective (Bevir 2011; Kovač and Bileišis 2017).

Overall, the results should be understood in the sense that the standards connected to the rule of law, governing administrative relationships that have developed over the past decades more in depth in OMS but recently also in CEE, are now taken more or less for granted. Therefore, it is not surprising that among these, the most vivid are lawfulness, equality and similar values in OMS, while one can detect more focus on efficiency in NMS (characteristic of the individual countries as well as the CEE region; see Aristovnik et al. 2016; Kovač and Bileišis 2017; compare Figures 4 and 5). The persistent similarities between the countries are caused more by the fact that there is a lack of comprehensive reforms, rather than an existence of factors that create a process of convergence in administrative practices or individual principles’ prevalence. With respect to origins and ambitions for public administration reforms, the CEE is firmly peripheral to the countries to its West, which are more economically prosperous and more stable regarding human rights. The reform discourse in the CEE region is hence one of “catching up” (see also Hammerschmid et al. 2016; Bauer and Trondal 2015).

Third, as regards the question of further research opportunities, we must first recognize the limitations of our research. One important shortcoming stems from the fact that, due to limited available time and financial constraints, it was impos-

sible to encompass scientific papers from all relevant databases. Therefore, we opted for Scopus, representing the largest abstract and citation database of peer-reviewed literature. At the same time, we applied an original multi-phase approach; ensuring 431 highly relevant papers concerning PGM were encompassed, which was not done previously. Further, one of the limitations stems from the low number of papers available, especially in the new member states. Another limitation stems from the fact that country-specific studies might have given even more insights about the state of PGM research. Also possibly, one-size-fits-all import of the (EU) law into national law often contradicts national legacies in respective countries. Hence, (technocratic) public administration reforms often lack impact, especially in the new EU member states. For example, one-size-fits-all solutions neither take into account regional administrative traditions and cultures nor specific national circumstances (de Vries and Nemeč 2013; Hupe and van der Krogt 2013; Drechsler 2014). Consequently, additional empirical evidence on the influence of socio-economic context represents a highly promising area for further developing the governance models. Although the literature has yet to develop this aspect, the door is open to an examination of how different socio-economic issues have to be encompassed when developing adequately efficient and effective governance models. Therefore, we believe further research, encompassing specific socio-economic needs of individual public administrations and an evaluation of legal and related highly important reform preconditions, proves vital for tomorrow's public administration, more effectively and efficiently coping with the needs of modern society. Moreover, further research, revealing many layers of governance in connection to old vs. new EU countries can contribute to a highly desirable development of convergence in terms of minimal joint standards of effective governance.

## 6. Conclusion

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The relationship of public administration (or public sector) and governance models (PSG), such as the traditional or Weberian bureaucracy, New Public Management, Good Governance, etc. with the reforms and practices they refer to, are very complex. Thus, PSG, PA and its reforms need to be addressed interdisciplinarily to be successful in resolving cross-sectional and cross-border problems that have arisen in society. We have proven through a content analysis that there are significant differences between the old and the new EU MS, with the old countries expressing more attention and hence a stable understanding of the rule of law, particularly in connection to efficiency and effectiveness. On the other hand, in new MS efficiency and effectiveness are more often emphasized in the PA reforms due to a more formal and (except for Malta and Cyprus) socialist legacy of CEE with a lack of managerial approaches in PA. This has led to a changed paradigm after 1990, often on the account of the rule of law, which was additionally undeveloped. However, all these principles are of the same level of importance and must not be seen as conflicting or

superior and inferior ones; particularly since they all express a close connection to reforms and PA modernization in general. In reality, there are often and will always be trade-offs of one principle being prioritized at the expense of another, but legalism and neo-liberalism are the main sources of side effects and failures of the public administration reforms. Hence, these extremisms have to be bridged. Governments and public administrators must take care of democracy with the rule of law and efficient management simultaneously. Such an approach apparently requires change of culture in politics and public administration. Being a full member of the EU in this respect means harmonization within the EU values in terms of good governance and not just its legislation.

We believe further research, encompassing specific socio-economic needs of individual public administrations and an evaluation of legal and related highly important reform preconditions, proves vital for tomorrow's public administration, more effectively and efficiently coping with the needs of the modern society. All the examined elements are affected by changes in the economic and political situation of the countries. In this context, public administrators are expected to be particularly proactive. Likewise, it is expected that interactions between stakeholders are systematically directed, that collisions within society are coordinated and conflicts prevented and solved with a view to common prosperity. The core aim of good and sound PSG is the effective decision-making process to address, in contemporary times, increasingly complex societal issues. PA needs to face these, on national and EU levels alike.

## **Acknowledgements**

The authors gratefully acknowledge the financial support of the Slovenian Research Agency (reference code: J5-8238).

## **References**

- Aristovnik, A., P. Kovač, J. Stare and L. Todorovski (eds). 2016. *Slovenska javna uprava na razpotju strateških sprememb* [Slovenian Public Administration at the Cross-roads of Strategic Changes]. Ljubljana: Faculty of Administration.
- Bach, S. and L. Bordogna. 2011. "Varieties of New Public Management or Alternative Models? The Reform of Public Service Employment Relations in Industrialized Democracies." *The International Journal of Human Resource Management* 22(11), 2281–2294.
- Bartuševičienė, I. and E. Šakalytė. 2013. "Organizational Assessment: Effectiveness vs. Efficiency." *Social Transformations in Contemporary Society* 1, 45–53.

- Bauer, M. and J. Trondal (eds). 2015. *The Palgrave Handbook of the European Administrative System*. Basingstoke: Palgrave MacMillan.
- Bevir, M. (ed.). 2011. *The SAGE Handbook of Governance*. London: Sage.
- Bovaird, T. and E. Löffler. 2012. "From Engagement to Co-Production: The Contribution of Users and Communities to Outcomes and Public Value." *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 23(4), 1119–1138.
- Busch, C., P. S. De Maret, T. Flynn, R. Kellum, S. Le, B. Meyers, M. Saunders, R. White and M. Palmquist. 2012. "Content Analysis." Writing@CSU. Colorado State University. Available at <https://writing.colostate.edu/guides/guide.cfm?guideid=61> (last accessed 30. 4. 2018).
- Christensen, T. 2012. "Post-NPM and Changing Public Governance." *Meiji Journal of Political Science and Economics* 1(1), 1–11.
- Drechsler, W. 2014. "The Rise and Demise of the New Public Management: Lessons and Opportunities for South East Europe." *International Public Administration Review* 7(3), 7–27.
- Dunleavy, P., H. Margetts, S. Bastow and J. Tinkler. 2006. "New Public Management is Dead – Long Live Digital-Era Governance." *Journal of Public Administration Research and Theory* 16(3), 467–494.
- Edquist, C. 2010. "Systems of Innovation Perspectives and Challenges." *African Journal of Science, Technology, Innovation and Development* 2(3), 14–45.
- Elias Sarker, A. 2006. "New Public Management in Developing Countries: An Analysis of Success and Failure with Particular Reference to Singapore and Bangladesh." *International Journal of Public Sector Management* 19(2), 180–203.
- European Commission. 2010. *EUROPE 2020: A Strategy for Smart, Sustainable and Inclusive Growth*. Brussels: European commission.
- European Commission. 2014. *Promoting Good Governance: European Social Fund Thematic Paper*. Brussels: EC.
- Frederickson, H. G. 2005. "Governance, Governance Everywhere." In Ferlie, E., Lynn, L. E. and Pollitt, C. (eds.). *The Oxford Handbook of Public Management*. Oxford: Oxford University Press, 282.
- Galetta, D.-U., H. C. H. Hofmann, O. Mir Puigpelat and J. Ziller. 2015. *The General Principles of EU Administrative Law*. Brussels: European Parliament.
- Guogis, A., V. Smalskys and D. Ferraz. 2012. "Is there a New Governance Paradigm?" *Latvijas Zinātņu Akadēmijas vēstis* 60(1–2), 55–74.

- Hammerschmid, G., S. van de Walle, R. Andrews and P. Bezes (eds). 2016. *Public Administration Reforms in Europe, The View from the Top*. Cheltenham, Northampton: Edward Elgar.
- Hintea, C. E., M. C. Profiroiu and T. C. Ticiu. 2015. "Strategic Planning and Public Management Reform: The Case of Romania." *Transylvanian Review of Administrative Sciences* 11(SI), 30–44.
- Hoff, K. and J. E. Stiglitz. 2004. "After the Big Bang? Obstacles to the Emergence of the Rule of Law in Post-Communist Societies." *The American Economic Review* 94(3), 753–763.
- Hughes, O. E. 1998. *Public Management and Administration*. London: Macmillan.
- Hupe, P. L. and T. van der Krogt. 2013. "Professionals Dealing with Pressures." In M. Noordegraaf and A. Steijn (eds). *Professionals Under Pressure: Perspectives on Professionals and Professionalism*. Amsterdam: Amsterdam University Press, 55–72.
- Kalimullah, N. A., K. M. Ashraf and M. N. Ashaduzzaman. 2012. "New Public Management: Emergence and Principles." *Bup Journal* 1(1), 1–22.
- Kickert, W. (ed.). 2008. *The Study of Public Management in Europe and the US*. London: Routledge.
- Koivisto, I. 2014. "Varieties of Good Governance: A Suggestion of Discursive Plurality." *International Journal for the Semiotics of Law – Revue internationale de Sémiotique juridique* 27(4), 587–611.
- Koprić, I. 2012. "Managing Public Affairs in South Eastern Europe: Muddled Governance." In A. M. Bissessar (ed.). *Governance: Is it for everyone?* Hauppauge: Nova Science Publisher, 25–47.
- Kovač, P. and M. Bileišis (eds). 2017. *Public Administration Reforms in Eastern European Union Member States: Post-Accession Convergence and Divergence*. Ljubljana: University of Ljubljana; Vilnius: Mykolas Romeris University.
- Kovač, P. and T. Jukić. 2016. "Development of Public Administration and its Research in Slovenia through the Lenses of Content Analysis of the *International Public Administration Review*." *International Public Administration Review* 14(1), 75–114.
- Kovač, P., N. Tomažević, A. Leben and A. Aristovnik. 2016. "Reforming Public Administration in Slovenia: Between Theory and Practice of Good Governance and Good Administration." *International Journal of Public Policy* 12(3–6), 130–148.
- Mak, E. 2008. "The European Judicial Organisation in a New Paradigm: The Influence of Principles of 'New Public Management' on the Organisation of the European Courts." *European Law Journal* 14(6), 718–734.

- Meyer-Sahling, J. H. 2009. "Varieties of Legacies: A Critical Review of Legacy Explanations of Public Administration Reform in East Central Europe." *International Review of Administrative Sciences* 75(3), 509–528.
- Organisation for Economic Co-operation and Development (OECD). 2017. *Government at a Glance 2017*. Paris: OECD Publishing.
- Peters, B. G. 2009. "The Two Futures of Governing: Decentering and Recentering Processes in Governing." *The NISPACEE Journal of Public Administration and Policy* 2(1), 7–24.
- Pollitt, C. and G. Bouckaert. 2011. *Public Management Reform: A Comparative Analysis: New Public Management, Governance, and the Neo-Weberian State*. Oxford: Oxford University Press.
- Randma-Liiv, T. 2008. "New Public Management versus Neo-Weberian State in Central and Eastern Europe." *The NISPACEE Journal of Public Administration and Policy* 1(2), 69–81.
- Ropret, M. and A. Aristovnik. 2018. "Public Governance Models: A Systematic Review of 30 Years' Research." Paper Prepared for 26<sup>th</sup> NISPACEE Annual Conference: Public Administration for Well-being and Growth, Iași, Romania, May 24 – May 26, 2018.
- Suerdem, A. K. 2014. *Workshop in Applied Analysis Software*. Available at: <http://abicqu.webfactional.com/test/wp-content/uploads/2014/02/5.-Stata-Workshop.pdf> (last accessed 30. 4. 2018).
- De Vries, M. and J. Nemeč, J. 2013. "Public Sector Reform: An Overview of Recent Literature and Research on NPM and Alternative Paths." *International Journal of Public Sector Management* 26(1), 4–16.