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Beyond the "inherited model": public service bargains in the Commonwealth Caribbean

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BEYOND THE 'INHERITED MODEL': PUBLIC SERVICE BARGAINS IN THE COMMONWEALTH CARIBBEAN

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ABSTRACT

This article pays tribute to Professor Edwin Jones, the pre-eminent scholar of public administration and executive government in the Caribbean. We examine Jones’s work through the lens of “public service bargains”, the mainly implicit understandings between public servants, politicians and civil society, which underpin the workings of the executive. After demonstrating how such a perspective complements Jones’s scholarship, we examine three dominant administrative reform paradigms, ‘the managerialist state’, ‘the regulatory state’ and ‘the governance state’. In doing so we demonstrate how Jones’s work continues to offer a research programme for public administration in the Caribbean.

A persistent theme in the study of public administration in Commonwealth countries has been the acceptance, adaptation and rejection of British administrative ideas and practices in new contexts (Subramaniam 1977; see also Subramaniam 1983). For four decades, Edwin Jones has worked at the forefront of scholarly efforts to understand the adaptation of inherited British administrative institutions in the countries of the Commonwealth Caribbean in the late colonial and in the postcolonial era. His work stands out as among the most insightful political analyses of the region and its particular developmental challenges. This article pays tribute to Edwin Jones by re-examining some of the key themes in his work through the lens of public service bargains (PSBs), the evolving and mainly implicit exchange relations between public servants and those they serve. We show how a PSB analysis, along the lines developed by Hood and Lodge (2006), complements Jones’s nuanced understanding of the achievements,

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disappointments and surprises of administrative reform in the Commonwealth Caribbean. Our argument is that, in common with a number of other features of the inherited model, PSBs have been adapted to the Caribbean context with unexpected but also with (perhaps only in hindsight) predictable effects. The distinctive analytical lens afforded by this approach brings into clearer focus some of Jones’s most enduring insights, and points to the continuing relevance of his scholarship.

A PSB perspective also contributes to a further theme that has been central to Edwin Jones’s work, namely the nexus between administrative capability and socio-economic development. The second part of this article therefore considers three ‘faces’ of the contemporary administrative reform movement — which we label respectively the ‘managerial state’, the ‘regulatory state’ and the ‘governance state’. Each of these faces emphasises the development of a particular set of administrative competences and understandings of loyalty and responsibility — and at the same time pose particular challenges. Administrative reform implies a significant re-adjustment of relations between civil servants, politicians and civil society — and this readjustment across the three faces of contemporary administrative reform arguably often poses contradictory demands.

In many ways, this contemporary re-adjustment can be compared with the attempts in the 1970s at institution-building in Jamaica (and elsewhere in the Caribbean) which have been one central focus of Edwin Jones’s research in public administration. This article accordingly emphasises a central question that permeates Edwin Jones’s scholarship: how can we learn from the disappointments and surprises as well as from the achievements of earlier reform initiatives in order to build a public service capable of rising to the challenges of development in the region (see also Sutton 2006: 17).

The following should be understood as a dialogue and critical engagement with Edwin Jones’s work, as much as a celebration. Furthermore, although the perspective put forward here has important implications for policy, much intermediate work will be required in order to generate robust policy prescriptions capable of guiding reform initiatives. Notwithstanding this caveat, we hope that our argument is one with which Edwin Jones — and his
intellectual heirs and successors — would wish to engage. Such engagement, at the theoretical, empirical and applied levels represents a research programme in and for Caribbean public administration.

Public Service Bargains in Westminster-Whitehall and in the Commonwealth Caribbean

Elsewhere, one of us has (with Christopher Hood) defined PSBs as explicit or implicit agreements between public servants — the civil or uniformed services of the state — and those they serve. The other partners in such bargains consist of politicians, political parties, clients, and the public at large. They include formal and implicit understandings over duties and entitlements, for example over responsibility, autonomy and political identity (Hood and Lodge 2006: 6). As is the case with any form of organisational membership, the bargain is not a purely a result of the individual terms of employment and the informal understandings that underpin any (inherently incomplete) contract, but bargains are the result of historical evolution and any attempt at pointing to an exact point of genesis is unlikely to be fruitful.¹

Analytically, the focus here is on two key relationships: the relationship between senior civil servants and politicians, and that between top civil servants and organised actors within civil society. To understand the importance of these two bilateral relationships — to the character of administrative systems, their effectiveness and capability, and ultimately to reform outcomes — one must situate them within an overall analysis of intra-state and state-society relations.

The first dimension of the PSB in our analysis constitutes and regulates a reciprocal relationship between politicians and higher public servants, as expressed in both formal written rules and in informal customs, practices and institutions. This component of the

¹ We place senior core (home) civil servants, and those holding comparable positions in executive and regulatory agencies at the centre of our analysis, although the potential application of our approach is arguably much broader. It is, of course an empirical question how far the key bargains sketched in our analysis extend to (for example) the diplomatic corps, police and security forces, and the armed services (Huntington 1957, Finer 1962, Feaver 2003). A related question is how far the bargains can be said to extend ‘down’ civil service hierarchies to encompass ‘street level bureaucrats’ (Lipsky 1980).
PSB was earlier analysed by Bernard Schaffer (1973), and we can refer to this as the “Schafferian” dimension of a PSB. In Schaffer’s account, in return for agreeing to “anonymity, some sacrifice of political rights and proficient performance”, British civil servants were assured “prominent careers, honours and a six-hour working day when the middle classes wanted just that, and neutrality was possible, credible and inexpensive” (Schaffer 1973: 252). Schaffer’s analysis suggests how the Westminster-Whitehall model of a competent, neutral and serially loyal civil service was underpinned by “some quite peculiar conditions and, as it were, a highly complicated bargain” (ibid.).

A second dimension refers to the relationship between public servants and civil society. With a little artistic license, this second dimension of a PSB can be called “Hegelian”. For the philosopher Georg Hegel, the primary function of the civil service was to stand apart from the particularistic interests that motivated societal actors and thereby to secure the “universal interest” of the state. It is, first of all, the oversight of the sovereign and the countervailing influence of entrepreneurial capitalism organised into corporations that prevents this “estate” of middle-class civil servants from acting in an absolutist manner. Therefore, the civil service represents the

2 This distinction between Schafferian and Hegelian dimensions of a PSB differs from the distinction between trustee- and agency-type bargains in Hood and Lodge (2006, chapters 2 and 3) that also built on the ideas of Schaffer and Hegel. For an interpretation of Hegel’s views on the civil service, see Shaw (1992). Arguably, the Hegelian dimension (as defined here) of PSBs varies between top-level bureaucrats and street-level bureaucrats, the former dealing with organised society, the latter with organised society interests as well as individuals “on the street”.

3 “The particular functions and activities of the state belong to it as its own essential moments, and the individuals who perform and implement them are associated with them not by virtue of their immediate personalities, but only by virtue of their universal and objective qualities” (para. 277). “The task of upholding [...] legality and the universal interest of the state, and that of bringing these rights back to the universal, need to be performed by delegates of the executive power, i.e. the executive civil servants [...]” (para. 289) (Hegel 1991/1821, his emphasis).

4 “Members of the executive and civil servants constitute the bulk of the middle class, which embodies the educated intelligence and legal consciousness of the mass of the people. The institutions which prevent this class from adopting the isolated position of an aristocracy and from using its education and skill as an arbitrary means of domination are the sovereign, who acts upon it from above, and the rights of corporations, which act upon it from below.” (Hegel 1991/1821, para. 297)
"universal interest" of the state, it embodies the commitment that beneficial policies will be implemented fairly and in accordance with the "public interest". In return for this, individuals, interest groups and corporations submit to the rule of the state. In order to serve this mediating function, which Hegel terms _subvention_, civil servants receive salaries sufficient to make them financially independent, as well as a generous and secure (but forfeitable) pension entitlement, which serves also as a guarantee of good behaviour during their years of service.

Neither of the Schafferian nor the Hegelian dimension of the PSB is without its problems, even in the metropolitan context of the British civil service, as was noted by Schaffer's analysis of the "highly complicated bargain". With respect to the Schafferian part of the PSB, it has been observed that "ministers shuffle out of their part of the bargain, the demands of proficiency increase and even British civil servants no longer get their old guaranteed ration of honours" (Schaffer 1973: 252-3). For their part, civil servants are accused of not always fulfilling their duties of loyalty and competence in serving the government of the day. Equally, the same kind of shuffling can be seen in the Hegelian dimension if policies are formulated to benefit sectional client interests, or if civil society, for its part, acts so as to undermine, rather than to support, the authority of the state. Finally, it goes without saying that the two relational dimensions of the PSB may from time to time be in tension, if not in outright opposition to one another.

From a comparative public administration perspective, the key analytical issue is how differences in state-society relations across countries affect the PSB. What changes in the two key relational aspects — in how they are defined and understood, and how shuffling out (or cheating) is detected and punished — are brought about in their transplantation to a new environment? Indeed a key insight, which features prominently in Edwin Jones's scholarship, is that (what Schaffer calls) "peculiar conditions" gave rise to the differences between the original setting of British administrative institutions and the transplanted Commonwealth Caribbean contexts. The remainder of this section describes the adaptation of the PSB in the colonial and postcolonial Caribbean contexts, also highlighting the significant contribution made by Edwin Jones to this body of knowledge (in his individual and co-authored work).
An important difference in context to which Jones and Subramaniam have directed attention is the emergence in Jamaica and the wider Caribbean of a “derivative middle class”, which, in contrast to the metropolitan middle classes, existed “essentially as an administering class but was also conditioned by socio-historical factors associated with the culture of plantation slavery and peculiar adaptations of the Westminster framework of governance” (Jones and Subramaniam 1993: 65; more generally, see Subramaniam 1977). The existence of this derivative middle class has arguably had important consequences for both the Schafferian and the Hegelian dimensions of the PSB. This theme features prominently in Jones’s (and his co-authors’) analysis of administrative development in the pre- and post-independence era.

One the one hand, the high value placed on clerical, white-collar jobs, together with the relative paucity of alternative career paths, led to a somewhat unbalanced adaptation of the Schafferian dimension of the PSB, in which colonial ‘principals’ demanded absolute obedience from their civil service ‘agents’, yet did not fully renounce the principle of employment at will, nor were they fully committed to recruitment or advancement on merit. Dependent on public sector employment, and fearful for their positions, administrators were said to have developed an entrenched culture of “emphasis on administrative detail and obedience to pre-established procedures” that was antithetical to innovation and creativity in the public service (Jones 1974: 268, Jones and Mills 1976: 326). This feature of administrative culture, which Edwin Jones later labelled ‘administrivia’, persisted into the post-independence period, and proved to be a source of frustration for reformist politicians. The resulting souring of bureaucrat-politician relations is one source of disappointment in the public service in the early post-colonial period. According to Jones and Mills:

In their generalized search for power and influence over the policy machinery, certain ‘enemy relationships’ leading to acts of political ‘terrorism’ and administrative ‘sabotage’ developed between politicians and bureaucrats (Jones and Mills 1976: 330).

Such acts included sidelining of prominent civil servants, and their replacement with those more sympathetic to the ideological agenda of the government — and indeed the personality of particular ministers—of the day. For their part, certain sections
within the civil service resisted any measures that they perceived as a threat to their own personal or institutional survival. This resulted, as Jones has pointed out, in a highly personalised style of administration, by civil servants whose administrative style was founded on individual loyalty towards particular political parties, ministers or prime ministers.\(^5\)

In certain parts of the Commonwealth Caribbean, notably in Trinidad and Tobago and in Guyana, relations between politicians and civil servants were further coloured by considerations of ethnicity. For example, in Trinidad and Tobago, admission to the senior civil service was effectively reserved for Afro-Trinidadians following the idea that civil servants needed to be ‘one of us’ in terms of loyalty to Eric Williams’ PNM government. Such explicit policies became ‘convention’ during the times of near one-party rule until the mid-1980s, but then came under serious challenge once the PNM hegemony had been broken with conflicts between the diverse goals of ‘representation’, ‘merit’, ‘loyalty’ and ‘political legitimacy’ overshadowing the conflict regarding the underlying PSB between top bureaucrats and politicians in government.

In its adaptation to the Commonwealth Caribbean context, the peculiar state-society relations that resulted from the prominent derivative middle class also affected the Hegelian dimension in profound ways. Jones and Subramaniam draw attention to the essential lopsidedness of this derivative middle class of “lawyers, teachers, clerks and others, i.e. a class of salaried and professionals”. There was “... no corresponding economic middle class of distributors, retailers, servicemen and rentiers to balance this professional salaried class” (Jones and Subramaniam 1993: 654). A large state enterprise sector developed to compensate for the absence of a strong indigenous entrepreneurial sector in which the “major policy thrusts”, in Jones’s assessment, “tend to display a noticeable orientation towards the orthodox model of state bureaucratic capitalism” (Jones 1981: 29). Far from preventing public servants from “adopting the isolated position of an aristocracy and from using its education and skill as an arbitrary

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\(^5\) In the analytical framework of Hood and Lodge, one could speak of the replacement of a serial loyalty bargain (one where civil servants provide enthusiastic and loyal service to whoever holds political office) with one that emphasises personal loyalty (i.e. one where loyalty and issues such as career are closely tied to the survival of a specific political ‘master’).
means of domination” (as Hegel put it above), for Jones, this model of public enterprise threatened to lead to:

... the assumption of a privileged position of a narrow bureaucratic elite — their power base resting on their proximity to the state apparatus and command over technical skills (Jones 1981: 29).

As result, a situation arose whereby “state bureaucratic structures in the Commonwealth Caribbean” as Jones and Mills have argued, “function largely in the interest of powerful economic and political groups, as well as in favour of the bureaucratic bourgeoisie” (Jones and Mills 1976: 341). This analysis is pertinent for explaining later challenges to the authority of the state in cases of ethnic division, such as Trinidad & Tobago and, even more so, Guyana. In the case of the latter, one could even speak of an absence of any effectively operating bargain that went beyond ethnic and sectarian lines, thus Guyana could at best be defined as a ‘weak’ state, one that was tightly coupled to some parts of society, but hardly at all to others (Migdal 1988). The lack of legitimacy due to the asymmetric nature in which the Hegelian dimension of the PSB operated, is well expressed by Jones:

Because of selective state distributive policies, disillusionment emerges among certain sections of the population and the regime is called upon to make an unavoidable choice as to what class interests it is going to sponsor (Jones 1981: 30).

As with the Schafferian dimension, then, the Hegelian dimension has struggled to adapt to the Commonwealth Caribbean contexts because the peculiar state-society relations within the region did not support the original exchange relationship.

In summary, then, it can be seen that the analytical perspective offered by the PSB framework brings into sharp perspective, and expands upon several of the distinctive and problematic features of public administration in the Commonwealth Caribbean as identified in the work of Edwin Jones and his co-authors. In the next section this analytical framework is applied to three faces of the contemporary state, in order to demonstrate how the extension of this analysis can contribute towards the development of insights of continuing relevance to public administration in the Commonwealth Caribbean.
Three Faces of The Contemporary State in the Caribbean: A Public Service Bargains Perspective

For over four decades, Edwin Jones has chronicled the disillusionment with the state of postcolonial administration, as well as attempts at institution-building aimed at overcoming the shortcomings of the inherited model in the Commonwealth Caribbean context. His work exhibits a degree of sceptical realism that cautions against the ill-considered embrace of reform templates. This warning resonates with the contemporary era in which the countries of the Commonwealth Caribbean have been exposed to international development agendas and to the ideational currents among administrative reform movements, often expressed in universalistic, context-independent terms. While these have had a broad impact on public administration in the Caribbean at large, our present concern is with the impact of contemporary public service reform initiatives on the Schafferian and Hegelian dimensions of the public service bargain (and vice versa). The following discusses the three faces of the contemporary administrative reform movement (with ‘face’ denoting both the existence of advocacy of particular administrative doctrines as well as the presence of their institutional expression). These three faces are the managerial state, the regulatory state and the governance state. These are chosen, and their difference emphasised, because they are among the most prominent expressions of administrative reform at present — but we make no claims about the exhaustiveness of our analysis. Instead, the key idea is to offer how a research programme inspired by Edwin Jones’s work and refracted through the PSB lens can generate insights into contemporary reform debates and development challenges. Without careful attention to the dynamics inherent to any of the three faces on the Schafferian and Hegelian dimensions of the bargain, any public sector reform programme risks producing perverse effects. Two key determinants of reform outcomes highlighted by the PSB perspective are firstly whether the ‘re-negotiation’ of the bargain implied by the reform is consistent with broader patterns of state-society relations and second, whether the institutional framework of reform is capable of providing restraints against the inevitable temptation to shuffle out on the part of politicians, bureaucrats and societal groups respectively.
The Managerial State

Among the key themes in contemporary public administration has been ‘New Public Management’ with its supposed emphasis on efficiency and associated doctrines. In the often repeated phrase by Osborne and Gaebler (1992: 25), the managerial state “steers rather than rows”. Managerial reforms have been a key component in the administrative reform process in Jamaica, and have featured in public sector reform in the Caribbean more broadly, for more than two decades. A prominent example has been the introduction in Jamaica since 1999 of executive agencies, semi-autonomous administrative units responsible for the provision of particular services. At its most general, managerialism denotes an emphasis on improving efficiency in the delivery of public services within a setting where the traditional distinctiveness of the public sector from the private sector is being weakened and the traditional emphasis on the rule-boundedness of administrative behaviour is replaced with an emphasis on output-oriented performance controls. As in the executive agency example, this is often accompanied by a degree of fragmentation, intended to separate policy-making and service-delivery components.

A number of advantages for Caribbean public administration have been associated with such reforms, as well as a number of risks. Among the key advantages, Jones has identified the potential of such arrangements to overcome the ingrained and prevalent decision-making style of ‘administrivia’, or the “over-concentration on administrative detail” (Jones 2001: 30). At the same time, the risks of poorly implemented managerial reforms may counter-productively reduce the steering capacity of the state. Jones identifies in Jamaica’s structural adjustment programme of the 1980s the inherent dangers of over-emphasis on seeking improvements in micro-level efficiency, at the cost of neglecting the ‘steering’ or ‘balancing’ role:

A micro-level strategy is mainly concerned with the performance of parts of the system, rather than with the performance of the whole system... Because its concern has largely been concerned with cultivating micro-efficiency, it is a disjointed strategy (Jones 1996: 60).

Such a diagnosis of a risk of overall steering capacity in the face of autonomisation, fragmentation and individualisation within
executive government can also be viewed through the lens of public service bargains. In particular, such an analysis invites further inquiry as to what sort of ‘re-negotiation’ of the Schafferian and Hegelian dimensions of the PSB are necessary in order to move towards an ideal-type ‘managerial state’, and to what forms of shuffling out managerialism does give rise to.

Turning to the Schafferian dimension first, managerialism requires that civil servants recognise the authority of politicians to establish policy objectives, to set expected outputs (and outcomes) and to define service standards. For their part, politicians would have to accept public managers’ discretionary authority and autonomy to deliver on their objectives — to be ‘set free to manage’, in other words. Such arrangements represent a departure from the traditional Schafferian understandings, in terms of rewards, understandings of loyalty and competencies. In place of stable career structures, public servants take on a distinct ‘risk reward’ — potentially earning substantial performance-related rewards, but also facing severe penalties, including dismissal, for poor performance. Making public managers visibly accountable for the delivery of policy objectives is also a rejection of the traditional assumptions of anonymity of civil servants that in the Westminster system focused accountability for performance on ministers. Under managerial arrangements, public servants become highly visible executives, gaining public recognition, but therefore also having to face the prospect of public condemnation if things go wrong. And the managerial state demands a different set of competencies of public servants, namely those of delivery and execution, in place of the traditional emphasis on advice to ministers.

It is not difficult to identify the reasons why the managerial state — and the bargain implied by it — offers what at first sight appears to be an attractive deal both to politicians and bureaucrats. Politicians divest themselves of detailed decisions regarding operational matters and need not engage in micro-control, while also delegating responsibility (and thus blame) to public servants who have exchanged tenure for higher immediate gratification and greater public exposure. Public servants are promised executive pay and conditions as well as less meddling from politicians.

However, it is also possible to see why such a bargain, despite these apparent attractions, is vulnerable to the sort of shuffling out that Schaffer observed in an earlier era. Delegation of operational
responsibility to managers may prove to be a sham — not an unimaginable scenario given the history in the Commonwealth Caribbean of ministers insisting on personal loyalty from supposedly permanent civil servants, as well as temptations to micro-control and attention to ‘administrivia’. The mere appearance of delegation allows politicians to excuse themselves from public accountability and criticism, while in practice retaining a tight reign over operational activities. Indeed, in a small island setting, it may even be difficult for a politician to be able to delegate given continued media and wider societal demands that ministers will continue to intervene to ‘sort things out’. Politicians may also shuffle out of the performance part of the deal; a common experience in the supposed age of performance related pay has been civil servants meeting agreed targets, but nevertheless shoulderling the blame when a policy crisis arises, or seeing their reward expectations dashed by finance ministry interventions. For civil servants too, there is plenty of scope for cheating, for example by single-mindedly meeting targets, and thereby neglecting arguably more important policy activities, or by ignoring, misrepresenting, manipulating or in extremis fabricating information in order to appear to be performing well. Furthermore, Jones’s assessment that the structural adjustment reforms of the 1980s resulted in many cases in reduced steering capacity (noted above) could also be interpreted as a breakdown of the ‘managerialist bargain’, in which autonomous units respond to incentives rather than to system-wide objectives, defeating centralised steering capacity.

The managerial state also impacts on a number of distinctive parts of the Hegelian bargain. For public servants, managerialism implies a higher public profile in terms of taking responsibility for operational activities. Society receives the promise of improved public services in exchange for accepting a decreased distinctiveness of the public from the private sector, including for example the acceptance of a ‘profit-oriented’ public service, involving for example adopting private sector employment practices or in introducing charging for supposedly ‘public’ services. Again, such a bargain may have advantages to both sides — public servants enjoy higher public recognition and take credit for improvements at a time when societal actors have arguably become disillusioned with the continued failure of traditionally anonymous public
services to achieve development objectives. However, this managerialist version of the Hegelian dimension of the PSB faces its own risks of shuffling out both by public servants and by societal groups. At one level, it has been argued that managerialism leads to incentives to undersupply public services (see Dunleavy 1991: 241-7), while the exposure of national public administrations to transnational service providers with their vastly superior resources and expertise may lead to the exploitation by the latter of the former given dependency effects (Dunleavy 1994). At the more specific level, public servants may exhibit extreme risk aversion in the face of public criticism — hardly the entrepreneurial response that advocates of managerialism have suggested. And in an age of low trust in authority, it is questionable whether public servants (or politicians, for that matter) will garner credit for improvements in public services. In fact, the managerialist state may ultimately be one in which poor performance gets penalised, while good performance goes unrecognised.

In short, despite its nature as an international movement, managerialism is in practice very difficult to establish and maintain. It places highly demanding conditions on politicians, bureaucrats and societal actors alike — and it is therefore hardly a surprise that despite the stream of reform announcements and the mountains of once-glossy publications on 'NPM', actual public sector reforms following 'managerialism' have been far less prominent and sustained in the Caribbean and elsewhere.

The Regulatory State

Provision of infrastructure by private firms under concession from the state, and regulated by rate boards, and later by independent regulatory commissions has been part of the colonial and earlier postcolonial experience in the Caribbean. Since the 1980s, privatisation and structural adjustment processes have given rise to renewed interest in this approach to providing infrastructure services, and the role of the state as regulator has once again been at the forefront of scholarly and practitioner interest (offering a somewhat different interpretation of the role of the state encapsulated by the “steering rather than rowing” metaphor). This mode of expression of the often elusive ‘public interest’ in the delivery of privately provided services has also been of particular
concern in financial services, and a key claim of regulatory state theorists has been that this particular face of the modern administrative state has been increasingly prominent across diverse areas, often as the mirror-image of the retreat of direct state provision.

Similar to the managerial state, the regulatory state denotes a de-emphasis of macro-economic stabilisation and redistributive welfare policies in favour of a greater concern with competitive and economic efficiency. In terms of instrument choice, the regulatory state also implies greater use of legal authority and rule-making over public ownership and centralised administration. In the countries of Western Europe, a shift towards the regulatory state since the late 1970s was analysed in the seminal work of Giandomenico Majone (1994, 1996). In the Commonwealth Caribbean similar developments have been identified, as have the functional imperatives which are said to have given rise to this shift (according to Majone). At the same time, comparative case-study research in the region suggests that these developments have thus far been both partial and patchy, suggesting a degree of withering of the regulatory state in the Commonwealth Caribbean (Lodge and Stirton 2006).

That effective privatisation and regulatory reform depends on governments' ability to make credible commitments to investors has been the central analytic claim of an important body of literature in recent years, and the Jamaican experience of telecommunications reform has been an important case study (Spiller and Sampson 1996; Lodge and Stirton 2003). A good deal of attention has been paid to the Jamaican Office of Utilities Regulation which has become a blueprint for successful regulation in the international development literature. Similarly, in the Eastern Caribbean, ECTEL provides lessons in how micro-states can develop a common approach to the regulation of telecommunications.

These experiences have however not been all positive. Jamaica's telecommunications liberalisation has been widely hailed as a success, in particular in terms of establishing a cross-sectoral regulator, the Office of Utilities Regulation (OUR). However, the experience contrasts with that in other utilities sectors (electricity and water) where politicians were less willing to grant the OUR the type of regulatory bargain that it enjoyed in telecommunications.
following the enactment of the Telecommunications Act 2000 (see Lodge and Stirton 2007). Developments across all utility sectors in other parts of the Commonwealth Caribbean were also rather hesitant.

While the existing literature has debated the extent to which Caribbean states have moved towards becoming regulatory states and with evaluating the success or shortcomings in various policy sectors, less attention has been given to the explicit and implicit understandings between civil servants, politicians and organised civil society that underlie the regulatory state — and the significance of establishing and maintaining the credibility of such understandings.

In terms of the Schafferian dimension, politicians gain credibility for privatisation and regulatory reform programmes by delegating to regulators — constituted as non-majoritarian expert bodies — the responsibility for decision-making within a broad pre-established policy and legislative framework. In a regulatory role, public servants are neither mere instruments of executive policy, nor is their main duty to provide advice to politicians. Rather, particularly where markets are competitive, regulators are expected to act as specialist judges — in the sense of making impartial and independent decisions, based on knowledge and understanding of the technical intricacies of regulatory affairs.

Experience in the Caribbean and elsewhere points to the difficulty in establishing as well as maintaining such a bargain. It is not difficult to see how the various parties shuffle out of the regulatory bargain. Politicians undermine regulatory independence — for example, by procuring legislative changes to regulatory regimes that increase their powers of control post hoc, or by exercising their residual responsibilities so as to undermine the viability of the regulated industry. Equally, regulators may

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6 Even here, the OUR’s oversight of the telecommunications sector was severely hampered by the absence of effective competition law enforcement, following the decision of the Court of Appeal in Jamaica Stock Exchange v Fair Trading Commission CA Suit No 92 of 1997. This case found that it was procedurally improper for the FTC to act both an investigative and adjudicative role in competition matters.

7 This formulation follows Richard Posner’s characterisation of US regulatory commissions as a kind of ‘dependent judiciary’, under greater political control than the judiciary proper, but less so than the executive branch proper (Posner 1986: 571).
prioritise high-visibility symbolic activities over the complicated and often unpopular activity of controlling the market power of incumbents, or may become advocates of particular interests rather than neutral judges; in extreme cases regulators may directly challenge political responsibility for setting the regulatory framework, thereby upsetting their politically-led sponsoring departments. In Jamaica, the tension between the sectoral ministry's legitimate interest in setting the broad policy framework for the sector, and the threat to regulatory independence is vividly illustrated by the case of Office Utilities Regulation v. Minister of Industry, Commerce and Technology and A-G of Jamaica in which the Office of Utilities Regulation successfully challenged (on appeal) the legality of a direction issued by the minister on mobile termination rates, which the former perceived as an encroachment upon its jurisdiction. That the matter ended in court, in an action by one state agency against another, shows that such regulatory bargains are far from self-enforcing — though this should not be taken to imply that legal supervision of institutional relationships within the regulatory sphere necessarily undermines the legitimacy of the respective parties to any action.

On the Hegelian dimension, public servants in a regulatory role mediate between the interests of investors and citizen-consumers. This lowers the risks faced by providers of infrastructure services, but at the cost of insulating the oversight of such services from direct democratic accountability. Public servants are thus granted the authority to act as judges, with a pre-defined and accepted field of jurisdiction, which is kept at arms length from the (re)distributive demands of majoritarian politics. In place of traditional civil service anonymity, regulators are visible and outward facing; and despite broad formal powers, they often enjoy in practice highly restricted effective discretion. Scholars stressing the importance of regulatory 'embeddedness', i.e. the presence of strong ties based on mutual toleration and acceptance of the others' authority, similarly argue that the acceptance of regulatory decision-making is pivotal (see Stirton and Lodge 2002). It is therefore also not difficult to see how the different parties in


9 The move to the regulatory state means a shift of legitimacy derived through inputs (for example, via majoritarian devices) to one based on outputs (the provision of public services).
this Hegelian part of the bargain have incentive to cheat: public servants may not act in the public interest but become captured by the industry they regulate, or else become instruments of administrative expropriation of investors’ assets. Similarly, public servants under the regulatory bargain may be ‘let down’ by societal actors. Service providers may refuse to accept the autonomy and authority of regulators or actively attempt to undermine their expert competence — for example by directly appealing to politicians to interfere in regulatory decisions, by refusing to comply to regulatory decisions or refusing to fulfil their universal service obligations. Alternatively, societal actors and service users may exploit their informational advantages over regulatory bodies in order to pervert regulation in price-setting decisions.

In sum, regulatory public service bargains are therefore also open to various forms of shuffling out, of both the Schafferian and the Hegelian dimension. The bargain that underpins the regulatory state appears fragile, requiring both formal safeguards as well informal support for the respective roles and duties of each other. And, as in the case of the managerialist PSB, what is regarded as shuffling out (as opposed to legitimate ‘adversarialism’) is to some extent a matter of interpretation.

The Governance State

The term ‘governance’ has been associated with numerous causes and reforms and has enjoyed considerable popularity since the 1990s, although its key arguments go back to at least the 1970s. Edwin Jones has suggested that “governance seeks to redefine the traditional boundaries between government and society, emphasising the sharing of tasks and responsibilities for problem-solving” (Jones 1996: 64). Understood in this sense, the governance state can be differentiated from both the managerial state and the regulatory state, emphasising a shift from supposed hierarchical towards ‘networked’ forms of governing, and a greater emphasis on bargaining and negotiation with private and voluntary sectors, and with other societal groups over both policy means and ends.

The ‘face’ of the governance state has impacted on many multi-level developments in the Commonwealth Caribbean context. One cross-Caribbean development associated with the move towards governance has been the ‘regionalisation of governance’
beyond the nation-state, namely through the creation of a Caribbean Community (CARICOM) as a vehicle for Caribbean regional integration and for the advancement of co-ordinated approaches to issues of common concern within the region (see Cruikshank and Jones). At the same time, the governance state implies a variety of claims of a move towards greater involvement what in modern parlance has been defined as ‘civil society’ in the governing of Caribbean island states. One example of such a move has been the privatisation of essential public services. Another, and related development has been the rise of ‘public-private partnerships’ in varied forms — though this ‘rise’ has perhaps more often occurred at the level of rhetoric than reality. The ‘business improvement district’ idea imported into Kingston/Jamaica by USAID, with its emphasis on negotiated policy developments and co-financing, is one notable example of this variant of the governance state at the national level.

In many ways, the governance agenda pre-supposes a similar PSB as was said to underpin (neo-) corporatism: politicians and public servants co-opt the expertise and resources of civil society and (especially in the Caribbean context) other governments in addressing public problems, in return for which they relinquish assumptions of hierarchical control; in exchange for inclusion in the policy-making process, societal actors commit to governing processes, giving up the possibility of outright ‘refusal’ over outcomes.

With respect to the Schafferian dimension of the PSB, the governance-related idea of dispersed authority and the presence of networks demands that public servants exercise competencies as boundary- and system-spanners, in place of their traditional role (within the Westminster-Whitehall context) of providing expert advice to ministers. In the governance state, civil servants become key actors responsible for accessing the knowledge and expertise held within differentiated social systems, and co-ordinating policy across these social systems and within government. As ‘boundary spanners’, public servants are expected to be able to understand and access different systems of social knowledge rather than being regarded as ‘sole experts’ in their particular policy domain. In other words, the task for public administration is therefore no longer to be ‘best in world’, but rather knowing ‘who is best in world’ (see Hood and Lodge 2004). As with other faces of contemporary state, the
governance state is vulnerable to shuffling on the part of politicians and civil servants. Politicians may cheat to the extent that they attempt to re-assert hierarchical control, and to demand the pre-eminent attention of public servants.\footnote{Within CARICOM, national governments' continuing attachment to traditional conceptions of sovereignty illustrates the reluctance with which politicians give up hierarchical control.} For their parts, civil servants connive in this form of cheating if they continue to focus their attention 'upwards' (to their political principals) rather than 'outwards' towards civil society partners — or if they pay selective attention to some parts of civil society over others, for self-regarding reasons.

The hypothesised emergence of the governance state implies also a re-orientation of the public sector towards its putative 'partners' in the private and voluntary sectors and civil society actors (and \textit{vice versa}) — in other words, of what has been identified here as the Hegelian dimension of the PSB. There are indeed substantial pay-offs both to public servants and to its societal partners of such a radical re-orientation, most notably the mobilisation of societal resources towards developmental goals and the opportunity on the part of societal actors of involvement in the policy decision-making process. But as with the Schaefferian dimension of this bargain, the Hegelian dimension is vulnerable also to various forms of shuffling out—both by public servants and by societal groups. On the part of public servants, system-spanning modes of activity may become partial or biased, selectively involving certain groups, but not others, in the governance process. Such selectivity, according to Jones, was evident in attempts at public-private partnerships in Jamaica, which, he argues, have concentrated:

\ldots on facilitating mainly government-business interaction and co-operation. While other non-public actors such as trade unions are involved, they appear to behave and are often regarded as 'junior' partners in multilateral interactions. The most incoherent and often ill-formed partners, the communities, have been less integrated in the process (Jones 1996: 61).

As Jones's analysis here makes clear such selectiveness may be partly a consequence of shuffling out not only by public servants, but also by societal groups themselves. The latter may fail to involve
themselves fully in deliberative processes, or may be unwilling (or unable) to bind their members to an agreed policy. Similarly, societal actors may be unwilling to commit to agreed positions which could be seen to compromise their autonomy.

In other words, if governance is the response to a world that is supposedly increasingly complex and contested and where ‘hierarchy’ is disputed, then this has considerable implications for the type of public service bargains. As with the managerial or regulatory bargains discussed above, there exist various temptations and opportunities for shuffling out by the various parties to the bargain. And as with the previous two themes, the quest for a ‘new’ public service bargain may be less likely to lead to a new stable agreement, than to further complication and differentiation.

Conclusion

Edwin Jones has been a dominant intellectual force in the study of public administration in the Caribbean for the past four decades. This article has attempted to pay tribute to his contribution by reflecting on key themes through the perspective of the public service bargain. This perspective, we have argued, builds on Jones’s work to identify the mechanisms through which state-society relations in the Commonwealth Caribbean have resulted in a particular adaptation of the ‘inherited model’. In this concluding section, the discussion returns to two key themes that have been at the heart of Edwin Jones’s work and whose key insights continue to influence Caribbean administrative scholarship. First, we consider what the future may hold for the public service bargain(s) in the Commonwealth Caribbean, and its transplanted administrative institutions. Second, we conclude by discussing the implications of the above discussion are on development administrative capacity in the Caribbean in order to make a contribution to political, economic and social welfare.

Turning to the question of the future of the public service bargain in the Caribbean first, the discussion of the three faces of the contemporary state has pointed to diverse, partly mutually reinforcing, partly contradicting dynamics that are at the heart of contemporary public administration. As illustrated above, the peculiarly British Public Sector Bargain as defined by Schaffer (and
extended here along the Hegelian dimension) met with a very particular context in the Caribbean, given the so-called doctrine of preparation that greatly facilitated the emergence of a derivative middle class. In these conditions, the dominant Whitehall bargain met with considerable dissatisfaction — leading to various types of shuffling out by all parties to the bargain. Over the past half a century, therefore, the initial ‘de-colonialisation’ bargain has undergone adjustment, challenge and multiplication, leading to a context far removed from those conditions that gave rise to the initial PSB, or indeed its initial transplantation in the Commonwealth Caribbean. Given contextual change, for example of demographic and cultural nature, the internationalisation of national economies and the rise of new middle classes, the past won’t be the future; in other words, the type of initial public service bargain that was said to underpin the relationship between post-colonial bureaucrats, politicians and the wider society is unlikely to return.

If the past is not the future, then it is unlikely to be a uniform future either. The three faces of the contemporary state present rather different understandings of underlying bargains — both in terms of the relationships between politicians and top bureaucrats as well as between top bureaucrats and organised civil society. There are significant differences between the understandings of loyalty, competency and skill and reward that characterise ‘managerialist’, ‘regulatory’ and ‘governance’ bargains and therefore a single approach towards the future is unlikely to satisfy these functional demands. The future of the ‘Public Service Bargain’ in the Commonwealth Caribbean may therefore more plausibly lie in the multiplication of PSBs rather than convergence on any single supposed paradigm. In this future, different PSBs operate side-by-side, with some overlap (and possibly some underlap). The argument in favour of such a scenario is that the variety of demands on public administration requires a varied response that can only be met by a more diverse public sector. Multiplication brings, however, considerable scope for confusion and misunderstandings in addition to the inherent tendencies within PSBs for one or multiple parties to shuffle out in order to gain advantage. In that sense, not only is the future unlikely to be uniform, it is also unlikely to be stable. Such instability is even more likely given the relatively high pre-requisites that each one of these three PSBs pose on the
involved parties, for the political contexts of the Commonwealth Caribbean in particular, but also across politico-administrative systems more generally. In short, the future of the study of Caribbean public administration does not lie in the embrace of broad reform concepts and macro-theories, but instead in a Jonesian sceptical realism that is appreciative of the particular reform issues, of competing and contestable logics, pre-conditions and vulnerabilities.

Thinking about how one might counter the ever-present temptation of shuffling out goes to the heart of the second question to be considered in this conclusion: what are the implications of our perspective, and of Edwin Jones’s insights on which we have built, for building administrative capacity in the region? The answer to this question is twofold. One part of the answer is that capacity-building reforms must be undertaken in the spirit of sceptical realism towards the viability of particular reform proposals that characterises Jones’s work. In this same spirit, Sam Sieber (1981: 150-64) has noted how ‘over-commitment’ leading to disappointment is one of the mechanisms by which reforms become counterproductive: (over-) enthusiasm about reform initiatives that is met by lack of success is likely to cause not only disappointment, but disillusionment and alienation. A perspective that is sensitive to historical context, the underlying prerequisites, and to the availability of shuffling out strategies is likely to be less prone to over-enthusiastic advocacy, or to naïve acceptance of such advocacy. It is unfortunate that too many of contemporary ‘governance’ discussions in the Commonwealth Caribbean have engaged in this particular type of advocacy. Such non-critical endorsement or, the exact opposite, blank rejection of reform terminology is hardly peculiar to the Commonwealth Caribbean, but seems part and parcel of a supply (by international organisations, consultancies and bilateral supporters) and demand (by national elites seeking legitimacy and resources) interaction in development administration more generally.

Discussions regarding ‘administrative capacity’ and ‘efficiency and robustness of public service provision’ have received regular interest (and condemnation) by critics and supporters of particular administrative reform themes. However, a research tradition inspired by Jones’s contribution is alert to the dangers of such general discussions that do not go into the depth of the
demands particular reform themes place on existing arrangements within the public service. The discussion of the ‘managerial’, ‘regulatory’ and ‘governance’ states pointed to three popular discourses in contemporary public administration — discourses which require precision as to what they require of existing relationships, insights into the pre-conditions into which such concepts are being introduced and awareness for the relational implications of any reform themes for both the Schafferian and Hegelian aspects of the PSB. This is not to say that Caribbean public administration is uniquely prone to such erring ways in contrast to other contexts, it is to suggest that the Caribbean and the developing context makes these demands on careful analysis even more pertinent. Sensitivity to context, intellectual curiosity and sceptical realism have been central features of Edwin Jones's work — and these traits are as important as ever for the study and practice of public administration.

References


Más allá del ‘Modelo Heredado’: Regateos del Servicio Público en el Caribe de la Mancomunidad Británica

Martin Lodge y Lindsay Stirton

Este artículo rinde homenaje al Profesor Edwin Jones, eminente estudioso de la administración pública y del gobierno ejecutivo en el Caribe. Hacemos un análisis de la obra de Jones a través de la imagen que ofrecen los “regateos del servicio público”, el entendimiento esencialmente implícito entre los funcionarios públicos, los políticos y la sociedad civil; lo que subraya el proceder del ejecutivo. Luego de demostrar la forma en que tal perspectiva complementa la erudición de Jones, examinamos tres paradigmas de reforma administrativa que son dominantes, “el estado gerencial”, “el estado regulatorio” y “el estado de gobernanza”. Con ello demostramos la forma en que la obra de Jones continúa ofreciendo un programa de investigación para la administración pública en el Caribe.

Au-delà du « Modèle hérité » : les Pactes dans le Service Public dans la Caraïbe du Commonwealth

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