

Professions under siege

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Abstract

The purpose of this article is to analyse the effects of New Public Management (NPM) reforms on three specific professional groups. From this investigation it is clear that the assumptions inherent in the NPM reforms have resulted in a clear breach of what we theoretically refer to as the professional contract between the state and the professions. We show in this analysis that our studied professional groups have lost central aspects of their professional autonomy.

We problematize the perception that an ever-increasing demand for steering and control of professionals within the public sector should be perceived as something exclusively good. In addition to the costs of monitoring, the centrally important paradox of accountability should be taken into consideration, i.e. responsible interpretation and application of external accountability demands rest on the cultivation of the virtues that support good administrative judgement, the type of judgement that is threatened by the control-schemes presented in this article.

It seems evident that many of the most important features of our society are to a considerable extent dependent on the smooth functioning of the professions. (Parsons 1939: 457)

The public sector in Western societies has been the target for extensive public management reforms ever since the 1980s.¹ The claimed ambition of these reforms has been to reduce government costs and to improve quality. However, not only is it doubtful whether these ambitions have been realized – Hood and Dixon contest this in their recently published book (2015; cf Pollitt 2013) – but these reforms have had a significant impact on the professionals in the public sector. In recent years this has been not only of academic interest, and the conditions for public sector professionals have become a highly political issue in the Swedish context.² The objective of this article is to pin down the problems of public servants with different professional backgrounds that have surfaced

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2 See e.g. op-ed articles in the daily *Dagens Nyheter* 06/24/2013; 01/13/2014; 11/15/2015.

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as a result of the introduction of new management and leadership ideals in the public sector. Despite 30 years of obsession with efficiency, evaluations and new public management – why is the public administration still perceived as ungovernable? We argue that it is due to the way the professional work force in the public sector has responded to managerial trends, not to a lack of governing ambitions and stratagems.

Background

Who likes public administration and bureaucracy? These phenomena can sometimes be seen as a necessary evil (at best) and seldom as something of intrinsic value. This critical approach to public administration is historically quite new. The older perspective was much influenced by Weber and the view that a smoothly functioning public administration of loyal and well-trained public servants is at the core of both the State as such, and the democratic way of governance. Against this rather unquestioning attitude critical voices began to be heard in the 1960s and 1970s. In Sweden criticism came from two directions, which made it much harder for any defender of the “old”, positive, view of bureaucracy to find any support for that model (Granholm 1986).

The political left criticised the elitist public administration with its rather strict meritocracy, as perpetuating an air of privilege and a class society. The lack of democratic control of large government sectors fuelled an already existing mistrust of these institutions and their population. Could there not be hidden, political agendas among the public servants, and if so, was it not likely to be the middle-class or upper-class values that dominated those groups? The perception was that the political ambitions of the left could risk being stranded with a conservative public administration having little or no democratic legitimacy. A need for control and democratization of the administration therefore emerged, paired with a mistrust of public servants in general.

From the political right a different attack on public administration was launched. This assault did not use the terms of political theory, but instead turned to the language of economic theory. Public administration was not “efficient”. It did not produce public services cheap or good enough (value for money) and the public sector was thus seen as ungovernable, inflexible, too large, not mindful of costs, and not user-friendly towards citizens. A radical change was needed. It is perhaps no coincidence that this assault gained momentum after the economic crisis in the mid-1970s, as governments around the world had to give priority to the economy instead of social change. The sirens’ call of cheaper and better public administration – a more efficient bureaucracy – was (almost) irresistible.

It is against this background no surprise that major changes in how public administration was organized, managed, and staffed took place from the end

of 1970s and onwards, and this change of path is maintained today. Public administration was under siege from two different directions and was in a uniquely “vulnerable” position with few opportunities to resist change. In fact, change was also welcomed by many, as the hierarchical and formalist bureaucracy of Weber was not appreciated by all within the public administration. Internal pressure for change received strong support from the external critique, and the political movement towards a leaner, more efficient and more democratic bureaucracy. Much of this change has gone under the collective name of “New Public Management” (NPM) and it is to that theme that we now turn.

There is an extensive literature on how reforms based on ideas of New Public Management (NPM) have affected the organization and conditions of the public sector. These reforms have included changes toward performance management, pay-for-performance schemes and managerial ideals copied from the private sector. An important aspect of this managerial paradigm is the faith in generic management skills, applicable across a range of public and private sector organisations (Exworthy & Halford 2002: 133). In other words, we are talking about one single template for how work in the public sector should be organized, despite the variety of public service and goods to be produced in modern welfare states (Hood 1991). The aim of these reforms has – at least rhetorically – been to ensure efficiency and high quality in public service. Even though this literature does discuss the actual effects of these reforms on the public sector as a whole, we argue that these system changes have had a profound – but often neglected – effect on the autonomy of certain groups of professionals operating within the public sector. Undoubtedly, this state of things has been touched upon by commentators who have focused on public management (e.g. Exworthy & Halford 2002) thereby, at least indirectly, commenting on the development for the professionals within the public sector. Moreover, commentators have lately warned that management values and priorities have colonized or soon will colonize professional work, leading progressively to new incentives, perceptions of significance and mentalities (Broadbent & Laughlin 2002; cf Power 1999). However, what seems to be missing is a systematic empirical assessment of how, taken together, these managerial reforms affect the (working) conditions of professional groups within the public service (cf Muzio & Kirkpatrick 2011). A fundamental question is, for example, to what extent the professional autonomy of modern professions is limited or enlarged by the sum of these reforms? Hence the purpose of this article is twofold: by analysing the effects of NPM-reforms for three specific professional groups we aim to demonstrate what mechanisms are at play as well as to provide illuminating empirical evidence on the impact of the reforms on these groups. But first we need to clarify what we actually mean by professionalism and professional autonomy.

Professionalism and the professional contract

What is a profession? In general, it can be stated that we have left what can be termed an essentialist view on professions – seeing them as an empirical phenomenon with certain stable properties, based on a few well-defined groups such as doctors and lawyers. The emphasis has also been transferred from the essence of professions to the question of how professions become professions: to professionalization as a historical process (Freidson 1994; Torstendahl 2009). In the last 30 years there has been much discussion relating to the criteria of professionalism. *Education* is the least debated criterion. A professional group has a corpus of knowledge in common, which means that they must in some way acquire this knowledge, presumably through the existence of formalised education – professional schooling or university education, perhaps both. Another commonly stated criterion of professional status is the existence of *professional values*. Some groups on the labour market have been known to have formalised ethical codes, notably the medical professions.

A number of other criteria of a profession have been suggested: professions have been attributed with a certain type of standing on the labour market (self-employment), with an inherent drive towards autonomy, and with a certain type of organisation on the labour market (professional organisation, not organisation in trade unions), etc. However, there are problems with all these criteria, relating to the fact that they are closely tied up with a specific historical form of occupation, that we tend to think of as professional work, and which is still, no matter how we try to avoid the problem, based on a specific set of Anglo-Saxon occupational groups during a rather narrow historical period. It seems difficult to define the profession without referring (implicitly) to these professions. The Swedish sociologist Thomas Brante has recently suggested a solution to the problem of definition that attempts a more principled approach. Brante terms the professions “access points” to the highest knowledge that exists in a field and traces conflicts within the field of professions to the invisible ontological models on which each profession relies (Brante 2014).

What then is the real essence of professionalism? Professional work, based on a certain level of abstraction, is *discretionary* work, which means that each professional has to use his/her own judgement. This means that there has to be a common standard, according to which such decisions are measured. Professions can thus be defined by the existence of a clear view on what *constitutes good work*. Hence, the values of professionals in relation to work are absolutely crucial to the existence of a profession. Doctors have standards for the judgement of medical work; professors have standards for what good science is. The reproduction of standards is accomplished through work itself, through schooling and apprenticeship and through judging each other’s work. This now takes us back to the value issue. In our opinion, the values of professions have previously been discussed far too much in terms of morals, and far

too little in terms of *the definition of good work*. If we leave the issue of self-interest vs. public interest, we can discern a motive for autonomy other than self-interest, and that is power over the definition of good work. This is not necessarily the same as monetary interest or status interest, or rather, whether self-interest and the power to define the contents and meaning of work are intertwined is an entirely empirical question.

The relationship between professions and the state can be described as an informal contract, which is illustrated in Figure 1 below (Hasselberg 2012: 18).

Figure 1. *The professional contract*

<p>The professionals' responsibility: Commitment/vocation without high demands for financial remuneration.</p>	<p>The professionals' rights: Autonomy = control of the entrance to the profession, quality control, the professionals hold the manager positions.</p>
<p>The State's responsibility: To leave the control of the profession and its concrete work to the professionals.</p>	<p>The State's rights: Access to the professionals' work without the obligation to fully compensate the profession financially.</p>

A prerequisite for this informal contract has been society's trust in the professionals; a trust emanating from the specific and autonomously developed knowledge base upheld by the professional group itself – and often confirmed by the state through some kind of authorization of the professional jurisdiction (e.g. the certification of schoolteachers). The figure illustrates a balance between the two counterparts: the state – the political majority – is dependent on different professional groups for implementing policies of the welfare state (e.g. education, justice and health); on the other hand the professional groups' possibility of professional practice is dependent on the state's recognition of the professional jurisdiction (which leads to exclusiveness). The scope for professional judgement and the professionals' ability to organize their own work are central elements in this informal contract (Brante et al 2015). Hence, when deciding whether a specific profession has gained or lost autonomy as a result of management reforms we will base our argument on an assessment of their freedom to exercise their professional judgement as well as their freedom to organize their work. If a process has occurred, in which these freedoms have been impinged upon, we find reason to speak of *deprofessionalization*.

Professions under siege: indications of deprofessionalization

There is no doubt that professions have been subjected to severe and increasing pressure over the last two or three decades, although the terminology employed to discuss this problem can vary considerably from one researcher to another.

Krause (1996) does not discuss the decline in professionals' status he observes in terms of deprofessionalization, but the development he describes fits our interpretation of a process of deprofessionalization perfectly. To Krause the development of the professions is regulated by their relation to two entities: capitalism and the state. Whereas professionals in earlier periods were able to co-opt the state and use it for their own ends Krause finds that since the middle of the 1960s the state has become more and more active in curbing the autonomy of professionals. According to Krause state and capitalism have joined forces and the concerns guiding state action are the capitalist ideal of economic rationalization. Capitalism has begun to regard professionals as obstacles to economic progress. At the same time some professional groups have adopted the capitalist model itself and have imposed capitalist rationalization upon those lower in the professional pecking order. 'Throughout this study', Krause concludes, 'we have shown the ways in which formerly self-run professional groups have slowly been losing the ability to control their own associations, to control the workplace, to control the market for their services, and to control their relation to the state' (Krause 1996: 280f). To Krause, the professions are products of the university, in itself a remnant from the medieval guilds. Just as happened in the 19th century an invigorated capitalism is once again removing the guild properties of social institutions.

Neither does Freidson use the term deprofessionalization in this context. He does, however, distinguish the pressure that has transformed the professional world since the early 1980s as an 'assault on professionalism', where he describes exactly those tendencies that we label deprofessionalization (Freidson 2001: 179). A researcher who, on the other hand, does use the term deprofessionalization is Georg Ritzer, who finds it useful in describing the increasing external control and internal rationalisation of the profession of physicians. To Ritzer deprofessionalization 'involves a decline in the possession of, or in the perception that the professions possess, altruism, autonomy, authority over clients, general systematic knowledge, distinctive occupational culture, and community and legal recognition', in short; the reversal of a process of professionalization (Ritzer 2001: 186f). To Ritzer there are two levels on which deprofessionalization takes place. On one level professionals are subjected to increasing control by being forced to adapt to formally rational structures such as capitalistic and bureaucratic institutions. More external control means less power and a decline in power is a major aspect of deprofessionalization. At another level the professionals' own substantive rationality (based on the professions' own values such as altruism, authority and autonomy) is being supplanted by formal rationality (such as structures, rules and regulations).

According to Bottery & Wright it is 'globalisation', in terms of the attempt by governments to optimise their country's competitive ability, that drives deprofessionalization in general and teachers' deprofessionalization in particular. Education

is central in the post-Fordist attempts to reform welfare states into workfare states. In creating the fit workforce that is required to survive in global competition implementers are needed, not autonomous professionals (Bottery & Wright 2000: 17).

In short, there is in principle no lack of indications that deprofessionalization has been a trend in the Western world during the last few decades. Disagreement on this point stems more from the nuances in the analysis of the process than from genuine doubt about the change of professionalism. Steven Brint (1994) speaks of *expertism* as the phenomenon replacing *social trustee professionalism*, by which he means the same thing as we define as professionalism. *Expertism* implies an abandonment of professional *values* (“disinterested” service to society *and* high-minded ethical standards, Brint 1994: 203) in favour of the acceptance of a more instrumental view of professional expertise. A similar claim is made by those who take the standpoint that there is a *new professionalism* replacing the “old” professionalism (Evetts 2006a; 2006b; 2011; Torstendahl 2009; Muzio & Kirkpatrick 2011). To us however, professionalism with neither a value-system nor a mandate to live up to its demands effectively seems not so much a “new” professionalism but rather a lack of any professionalism at all.

Methodology and selection

In order to make an assessment of how public sector reforms influenced by NPM ideas have affected the autonomy of professional groups in the public sector, we need to specify what mechanisms either strengthen the position of the professional or weaken it. The professional groups that we have selected for this study are schoolteachers, judges and academic faculty. It is noteworthy that lawyers have always been “clear cases” of professional groups, while it is more debatable whether teachers and the academic faculty are “professions” or not. As we do not find that “essentialist” approach very helpful – but instead view professionalism as a process, see above – we will not argue further for the inclusion of the latter groups. It is, however, worth recalling that at the very beginning of academic interest in professional groups, teachers and scientists were mentioned as being such groups (see Parsons 1939: 457).

As already shown, our analysis is based on the Swedish case which we argue is a suitable one. First of all, it is a well-established fact that the NPM ideas found fertile soil in Sweden right from the beginning as the restructuring was closely linked to economy-wide reforms (Pollitt & Summa 1997; Barzelay 2001; Pollitt & Bouckaert 2011; Wockelberg & Ahlbäck Öberg 2016). The early implementation of these reforms means that any effects have had a comparatively long time to settle in. Second, another thing to take into account is that in the Swedish context the selected professions predominantly operate in the public sector, which serves our purposes since the overarching theme of our study

is about public management reforms.³ Also, the selection of professions covers both employment by the local government (schoolteachers) and by central government (university teachers and judges). It thereby reflects the fact that new managerial ideas have actually penetrated not only the “welfare state”-sector (operated on the municipal level) but also professions employed by central government.⁴

Which public management reforms?

Naturally we are interested in the general public sector reforms that reorganize or change the working conditions of those who work within the sector. On a general level, the reforms included decentralization and new management styles, a more individualized approach to the public employee and a shift in the relation between legal and economic instruments in how to govern the public administration, among others the result-oriented management and budgeting style. In short, one might say that we saw the rise of “economism” as *the way* to approach what public administration should do, and how. More efficient was also better, as efficiency was declared to be of intrinsic value to all public administration (and, indeed, to the whole public sector). This gives us a rough categorization into organizational changes, work-related changes and control-related changes that we will use below.

According to Hood’s cataloguing the doctrinal – slightly overlapping – components of new public management are a) ‘Hands-on professional management’ in the public sector, b) Explicit standards and measures of performance, c) Greater emphasis on output control, d) Shift to disaggregation of units in the public sector, e) Shift to greater competition in public sector, f) Stress on private-sector styles of management practice, and g) Stress on greater discipline and parsimony in resource use (Hood 1991). Twenty-five years later Pollitt makes the same specification of the NPM bundle (2014):

- Greater emphasis on ‘performance’, especially through the measurement of outputs
- A preference for lean, flat, small, specialized (disaggregated) organizational forms over large, multi-functional forms (e.g. semi-autonomous executive or regulatory agencies)

3 It is only recently that schoolteachers have had the opportunity to work within the private sector in Sweden.

4 As a background it should be mentioned that the Swedish public service can be classified as an open/position-based system, in which a specific career path and a strict separation between public and private employment have become the exception (Kuhlmann & Wollmann 2014: 82). What remains of the ‘old’ career-based system can be found within the judiciary, military and the police (i.e. 1 per cent of central government personnel in Sweden) (ibid: 31; Statskontoret 2015: 14).

- A widespread substitution of contracts for hierarchical relations as the principal co-ordinating device
- A widespread injection of market-type mechanisms including competitive tendering, public-sector league tables, performance-related pay and various user-choice mechanisms
- An emphasis on treating service users as ‘customers’ and on the application of generic quality improvement techniques such as TQM. This strand of NPM developed a little later than the initial push for greater efficiency.

The restructuring of the Swedish public sector during recent decades certainly covers most of these components. First and foremost, during the NPM era major changes have been made in the governing principles of the public administration in Sweden as there has been an early shift to result-oriented management and budgeting systems. Hence, the effect of result-oriented management, and an increased focus on output control will be investigated here.

Moreover, another tangible change in the Swedish setting is the introduction of new managerial ideals, where professional managers have been introduced in the public sector. In an analysis of the overall effects on the autonomy of different professions it seems reasonable to examine the significance of such a change. Also, in terms of organization of the work there has been a shift to disaggregation of units, i.e. a restructuring of the organization, which hypothetically could have an impact on the discretion of the professions. We are interested in the effects of the introduction of private-sector styles of management practices, the introduction of pay-for-performance schemes, on our chosen groups. Last but not least, the element of competition in the production and services of our selected public servants could potentially also have a conditional effect on the exercise of a profession, and here we are interested in the effects of turning citizens into customers (thereby implanting values based on supply and demand, rather than professional judgements).

In sum, we will organize our analysis of the effects of NPM-based public-sector reforms on our three professional groups under the following headings: *Performance management*, *Managerialism*, *Restructuring of the organizational units*, *Pay-for-performance* and *Citizen to customer*. The main question is, thus, what influence have these reforms had on the ability of our selected groups to practise their professional competence? Our point of departure is that the answer to this question is vital to an understanding of the trade-off between having a public service organized in a paradigm that strives for a “cogs in the machinery”-ideal (full control, from above) and a paradigm which accepts a greater element of professional discretion. The conclusion is that both paradigms are about efficiency, but they differ in terms of the qualitative assessment.

Performance management

Result-oriented management and budgeting or performance management has been a central reform strategy for the public sector in Sweden (Pollitt & Bouckaert 2011; Sundström 2015). The purpose has been “to replace the presumed inefficiency of the hierarchical bureaucracy with the presumed efficiency of the market” (Power 1997: 43). When comparing different policy fields, as in this article, it is striking how performance management has been introduced in different sectors, at different points in time and in different shapes but with highly similar end results for the professionals.

SCHOOLTEACHERS

The primary and secondary school system was an early target for NPM reforms. In the late 1980s several reforms were introduced simultaneously, in a fundamental reform of education. Between 1989 and 1990 three laws were passed that at one stroke transferred the responsibilities of primary and secondary education from central government to the municipalities and introduced management by objectives and results. Practically overnight, primary education shifted from being one of the policy areas most regulated in detail to being, beyond comparison, the most deregulated. The reform was accompanied by the disbandment of the state school agency which was associated with central governance and the erection of a new school agency with limited responsibilities and with the explicit objective of not interfering in municipal affairs (Stenlås 2009: 41ff; Ringarp 2011; SOU 2014:5).

The main driving force behind the changes was the Ministry of Finance which sought to try out new administrative ideas and found that the education sector provided opportunities for such an experiment. According to the Minister of Finance, the state no longer possessed the resources to guarantee primary and secondary education of equal standard all over the country. The municipalities were supposed to have better financial means (Ringborg 1997: 228; Jarl & Rönnberg 2010: 67ff; Ringarp 2011: 64ff).

With management by objectives and results (MBOR) the government’s responsibility would be solely to specify the goals. How the goals were achieved would be up to each and every municipality, and to each and every school. In theory it was a very neat solution to the problem of controlling a large and expensive education sector. Management by objectives and results seemingly suited the education sector perfectly, not least because school work was already ‘goal-oriented’. MBOR meant that state regulations could be abolished. Instead the Government specifies goals for decentralized units to carry out, but whether the goals have been achieved or not can only be determined *post facto* by evaluation. This formula seems to correspond well with the practices teachers already followed: they carried out continuous evaluations of the achievements of their students, such as when marking tests or setting grades. The gov-

ernmental committee that proposed management by objectives and results in the school system argued that the state had hitherto been unable to control what was happening in the classrooms. This would be remedied with the new management technique (SOU 1988:20: 64).

How, then, did MBOR relate to teacher professionalism? Performance management requires constant evaluation and Forsberg & Wallin (2006) claim that a ‘control regime’ has emerged in Swedish schools. With the decentralization in 1989–90 formulation of goals and evaluation became the most important steering instruments of the state. A central assumption is that evaluation provides knowledge that can be used to improve activities in the future. This is commonly formulated as ‘evidence-based knowledge’. Also the everyday decisions of professionals should ideally be based on ‘evidence’ that is provided by statistical evidence tests (Jarl & Rönnberg 2010: 170ff). These relations amount to a latent conflict between professionals who base their decisions on personal experience and intimate or tacit knowledge of their craft and external evaluators, managers and political decision-makers who demand ‘evidence’. Such a conflict will directly touch upon the issue of professional autonomy. It is, thus, highly problematical for professionals to assert professional discretion in a situation where direct control through ‘evidence’ is requested, especially since professional judgement often requires delicate consideration whereas the ‘evidence-based knowledge’ movement propounds a rather one-dimensional conception of knowledge (cf Lindgren 2006).

JUDGES

The position of judges in Sweden has undergone similar developments. On an organisational level, the administrative agency under the Government, the Swedish Courts’ National Administration (*Sveriges domstolar* [earlier *Domstolsverket*]), supports the courts in various ways, mainly with personnel but also with facilities and technical support. Resource allocation is done via the agency and the courts have little formal influence over budgeting and staffing, and even if informal contacts can compensate for this lack of direct control it is a sign of how the need to keep the activities of the public sector under financial control leads to less self-determination by the professionals “on the floor”. If, for example, a chief judge wants a new judge for his or her court and the agency does not agree, the conflict is resolved by the government.⁵ This can be interpreted as giving precedence to financial aspects. The constitutional independence of courts and judges, regulated in the Instrument of Government, Chapter 11, does not preclude the use of administrative and financial steering of the courts in such a general way (Bull & Sterzel 2010: 262f; SOU 2007:69).

It is also clear that the Government takes a more substantive interest in how the courts handle their caseload, without actually intruding into the specific

5 See Government decision 2010-12-16 Ju 2010/9784/DOM, p. 14.

judging activity. The problem of an inefficient legal system haunts almost every West European country. In Sweden, this has led to quite substantial interest in efficiency as output in terms of number of cases decided per time unit. This represents a much industrialised approach to the issue of justice. In the detailed appropriation directions from the Government goals are set for “production”.⁶ We can see that the target is that 75 % of criminal cases should not take longer than five months to decide. For civil proceedings, 75 % of these should not take more than seven months and “the main part” of administrative cases should be decided within six months. The appropriation document – 19 pages long – continues to list more specific goals for certain kinds of proceedings. Funds are allocated to the different areas and extensive demands for reports on progress are made, taking up about six pages of the whole document. A clear emphasis on production, that stands out because of the lack of any substantial discussion about quality. The latter is mentioned only in connection with the very general ambition to be more efficient without loss of quality.

In everyday work this focus on production leads to an almost obsessional focus on the number of cases “in docket” (the number of cases a court at any given time has to try). The control of inflow and output of court decisions becomes the most important part of the courts’ work. “Docket control” is the name of the game. The way this affects professional judgement was aptly illustrated in the fall of 2009 by a chief judge being convicted for 41 cases of misuse of public power (*tjänstefel*) for giving priority to new and easy cases in order to keep the balance of cases under control and thus letting some old and complicated cases wait.⁷ We see a professional identity under change: good judges are judges that “deliver” on time and the focus on quantity and factors that can be measured easily threaten to overshadow issues of quality and the factors leading to “good judgements”. In Swedish courts, too, therefore, a conflict between management by numerical objectives and internal professional standards is evident.

ACADEMIC FACULTY

In Swedish academia, the crucial overturn of the system happened in 1993, when the idea of throughput (*genomströmning*) was introduced as a means of distributing state funding to universities. Universities were no longer to be paid according to what courses they offered and what work they did, but in relation to how many students actually passed their exams. Students were thus on the conceptual level transformed to the “products” of the university system. Throughput goals were constructed and expressed as percentages of the

6 Typical examples are Government decision 2008-12-18, Ju 2008/10503/DOM and 2010-12-16 Ju 2010/9784/DOM concerning goals for 2009 and 2011.

7 See judgement of Örebro district court October 1, 2009, case B 989-09.

students that had to pass a course in order for the individual department to receive the stipulated means. A difference between basic and advanced courses was upheld, lower throughput demands being made as regards advanced courses (Government Bill 1992/93:1).

From the very start the new system had its critics. A major disadvantage was said to be that it gave incentives to the universities to pass students who had not reached an acceptable standard of academic achievement: to reduce the demands, give simpler tests, etc. The system put a premium on a stable output, but did not care what students actually learned. In terms of deprofessionalization, the most obvious consequence was that the focus in teaching shifted from quality (judgement of academic achievement) to quantity (number of students that passed). A sceptic may counter by questioning the compliance of faculty with this new standard. Can we say for sure that the incentives really worked? There are signs of their success, however. One such sign is the inclusion of speed of completion as a criterion of good work, which began to be applied to, for example, student essays. The quantity of time spent on a task has thus in some departments and faculties been accepted as a criterion of good science (Hasselberg 2012). This must be deemed a change of professional standards of university teachers. The throughput measurement was introduced at the elementary level but has now spread to the advanced level and thus affects the production of PhD theses. The quality of PhD theses is now an issue that is second to how many PhD theses are produced and how fast. Departments and disciplines that encourage PhD students to take their time to complete their theses are punished for their inefficiency. This means that scientific judgement (What is a good research question? What is originality? What is an acceptable minimum standard for a PhD thesis?) has been subsumed under an overarching standard of efficiency with time (in the end money). We can no longer argue convincingly that original work is better than mediocre work that has taken less time to produce. The definition of science itself has begun to shift, showing what Aant Elzinga calls “epistemic drift” (Elzinga 1985).

Managerialism

As part of the NPM package new forms of managerialism were introduced in the public sector. They were seen as facilitating a takeover from old-fashioned, bureaucratic managers and an injection of “the entrepreneurial vigour required to meet the needs of the public sector in the 1990s and beyond.” (Exworthy & Halford 2002: 2). Managerialism means that the management function is perceived as an occupation distinct from the profession that requires competencies other than the professional skills. ‘Management’ has become a field of its own and managers from one area can move to other areas with reference to their ‘management competence’. The basis of this perception of ‘management’

is that the ‘management competence’ has begun to be regarded as more important than the primary task of the organisation. This is what Exworthy & Halford (2002) refers to as the essence of ‘managerialism’.

As Pollitt has pointed out, one good reason for managerial intervention would be if managers knew more about (professional) quality than most of the professional service deliverers (1990: 439). However, Pollitt makes an important distinction between two kinds of managers: a) managers who have assumed their managerial role after a distinguished career in the profession they are supposed to manage, and b) managers who have little or no background in the relevant profession. The distinction is important, since the manager in the first case may have some claim to be able to make substantive judgements of the quality of the work of the professionals in the organization, while in the second case such a claim would usually be unjustified (ibid: 438). In the latter case it is easy to see that professionals and managers might have conflicting ideas on what constitutes work well performed (i.e. good quality).

SCHOOLTEACHERS

A few years ago it went without saying that a headmaster was a teacher who had advanced to that position. The recruitment to headmaster was made internally within the profession and ensured that the professionals were led by their peers. The knowledge of the conditions of work was shared between professionals and the leadership, as were the values that united the profession. In 1966, *Skolledarförbundet* (The Swedish Association of School Principals and Directors of Education), a union for headmasters, was formed but ever since then there has been controversy among headmasters about whether they should be regarded as an occupation distinct from the teachers or not (Ullman 1997). Jarl and Rönnberg (2010) describe a development starting in the early 1990s, in which headmasters are increasingly regarded as being a profession of their own. Over the same period management ideals have been actively promoted by the employers (Stenlås 2009: 85ff).

The development of managerialism in the education sector is evident in several ways. Headmasters have been a key group in the school reforms. They were the ones supposed to implement policy changes and it was crucial that they identified with the municipal administration rather than with the teachers of their respective schools. An education for ‘school leaders’ was instituted in 1967 but never attracted any attention. However, since 2009 the ‘school leader’ education has been enhanced and the question is now whether it will become a compulsory academic education (Ullman 1997: 239; Jarl & Rönnbäck 2010: 160ff). From 1990 to 2004 the number of headmasters increased from 1,657 to more than 8,000. At the same time the admission criteria for becoming headmaster were relaxed so that one no longer had to have a degree from a teacher’s college. Having ‘some kind of experience of education’ would be enough

(SOU 2004:116: 31f, 107). Moreover, in policy documents from the Swedish Association of Municipalities it is possible to discern a tendency to disregard the particular characteristics of schools and education and a wish to reduce them to one municipal activity among others (Collberg 2004: 19).⁸ These circumstances indicate that the ‘school leadership’ function has started out on a path of professionalization. State and local government are actively attempting to create a group of managers who are administrators rather than professional teachers. In consequence, value conflicts between school leaders and teachers and conflicts over the division of labour and authority in schools are to be expected (Persson et al. 2003; Jarl et al. 2012).

JUDGES

In contrast to the teachers’ situation, judges have long been exposed to a rather low degree of “management”. There has certainly been traditional hierarchy within the courts, but questions of leadership, steering etc., were not put on the agenda until long after NPM had reached other parts of the public administration. The ambition to make the courts more efficient has brought the issue of leadership and management to the fore, as is evident from a number of public inquiries into the issue of how to adapt the court to the demands of today’s society, held over the past 20 years (SOU 1994:99; SOU 2000:99; SOU 2003:102; SOU 2007:69; SOU 2008:106; SOU 2011:42). The overall impression of this almost obsessive discussion about the courts and the judges is that change seems to come only slowly (if at all) and in the face of considerable resistance from the judges themselves. However, change has come, as we shall see.

The criteria of a successful judge and a successful court are more and more equivalent with ‘efficiency’ (expressed in speed) in handling cases. In that context the chief judge of the court takes on a new role, no longer being the first among equals, but rather *the chief*. This new role consists of a responsibility for a more pronounced leadership, a mindfulness of the economic frames of the judging activity and a drive for (quantitative) results. This is also reflected in the way chief judges are recruited today, since such qualities are explicitly sought. That is, being the “best” judge is no longer the indispensable qualification for becoming chief judge. Nor is seniority the deciding factor. In order to get the best qualified leaders, external consultants have recently been used in evaluating candidates for such “un-classical” skills as are sought after. Thus, even if courts still recruit their leaders mainly from within the ranks of the judicial profession, the skills and values of the profession are being supplanted by the external values promoted by the judicial organisations (Ställvik 2009: 184).

8 Wahlström (2002) refers to a report that municipal administration managers are substantially more inclined than headmasters themselves to see headmasters as municipal managers among others and not as leaders of a specific professional task with governmental responsibility.

A notable exception that might be a sign of a new direction from which chief judges are recruited is the appointment of a new president of the Supreme Administrative Court in 2007, when the former chief judge retired. The new president's background was not primarily as a judge, but as a former minister of government and as a chief of police. The court was at that moment in a crisis, with a backlog of many thousands of cases and a number of legal actions brought against it due to the slow management of justice.⁹ The new president introduced a number of new methods of working, in which the common strand is a shared responsibility for the speedy handling of cases at the court, not only among the judges, but also including clerks and administrative personnel. A few years later the 'docket' was substantially reduced.¹⁰ Undoubtedly, this must be regarded as a successful instance of external recruitment, but if it opens the way to a wider use of such persons the fact that few persons excel in leadership, professional skills and organisational legitimacy at the same time must be borne in mind. We tend to think that this example is the exception that proves the rule that such managerial "transplants" generally fail.

In conclusion so far, compared to the situation in primary and secondary education, the judges seem to have better preserved their professional status since the leadership in the former two sectors no longer has to be internally recruited, whereas this is still by far the commonest route in the Courts of Sweden.

ACADEMIC FACULTY

In academia, the heart of collegial authority one might think, the first signs of a corporatisation of the university in Sweden occurred during the period 1991–1994, when a right-wing coalition was in government. Top-down decision-making was instigated and encouraged, however under a rhetorical cloak consisting mainly of the promise of the liberation of the university (Benner 2001, Ch. 2; Engwall 2007). However, the traditional collegial decision-making, causing much annoyance among reformers, prevailed in many respects. This type of decision-making has deep roots in the academy. It is based on the idea that the faculty as a collective is responsible for the quality of research and teaching. The joint decision-making of the faculty has had two goals: to maintain quality and to preserve social stability. Social stability has been maintained through a focus on consensus, respect for the right to differ and on "fairness" in the distribution of resources, etc. (Hasselberg 2015). These central characteristics of collegial decision-making have, during recent decades, become a

9 "Justice delayed is justice denied" as the legal saying goes. Article 6 of the European Convention on Human Rights guarantees parties before a court a decision within a reasonable time, something the court had obvious problems with at the time.

10 According to the Court statistics appearing in "Statistics Sweden" (Domstolsverket 2010: 26), in 2006 there were 7,891 cases pending for decision, while in 2010 there were 2,442.

core problem for reformers who have the ambition to create more company-like organisations. Collegiate decision-making does not promote change, and it does not promote efficiency as a goal in itself. Furthermore, it comes into conflict with the notion of top-down decision-making that is inherent in the idea of management. Collegiate decision-making is bottom-up, and it takes the interest of individual actors within faculty into account. The fact is of course also that the majority of decisions are taken at the level of the department, not, as strategic decision-making experts would assume, in the university board (Whitley 2008). Collegiate decision-making has continued to be a source of irritation to university reformers during the 1990s and onwards. This statement is valid for both left-wing and right-wing governments. The Social Democrats have tried to instil new values into the university system and make them servants of society. The Conservatives have tried to instil what they see as greater cost-effectiveness. What they have in common is the distrust of collegiate decision-making. Currently, the corporatisation of the university has reached new levels. At the current moment the focus is on academic leadership, i.e. on the “leaders” themselves, and what it takes to be an academic leader. An underlying assumption is that leaders have or should have both the power and responsibility for the development of the university. Academic officials are no longer “*primi inter pares*”, they are the ones that make the calls (SOU 2015:92).

The catalytic reform in terms of abolishing collegiate decision-making is the ‘Autonomy Reform’ of 2011, which in substance was a deregulation of the higher-education sector (Government Bill 2009/10:149). In its turn this has led to a higher level of regulation of decision-making within universities, since the only paragraph that regulates the existence of decision-making bodies within the universities simply states that decisions regarding teaching and research have to be taken by people with scientific training. A few years after the reform an investigation into the matter showed that the majority of Swedish universities had rapidly more or less abolished collegiate decision-making as a consequence of the reform (Sundberg 2013; 2014).

The restructuring of the organizational units

An effect and characteristic of NPM-inspired organizational reforms has been specialization and fragmentation of organizational units. As mentioned earlier, NPM has a preference for lean, flat, small, specialized (disaggregated) organizational forms over large, multi-functional forms (Hood 1991; Pollitt 2014), which will be illustrated by the following.

SCHOOLTEACHERS

The obvious restructuring of the organizational unit for the schoolteachers is the municipalisation of the school carried out in the early 1990s, which has

already been mentioned above. The purpose was to achieve less detailed steering in combination with introducing management by objectives and results, which, taken together, were expected to lead to a more efficient and rational school system. However, the move from central to local government employee did indeed change the prerequisites of the teacher profession; from then on the professional jurisdiction of the teacher profession was no longer protected, since teachers were now treated like any local government employee (SOU 2014:5).

Initially, the municipalisation reform was bitterly contested by all teachers. However, through a process of wage-bargaining, the government was able to secure the support of the Swedish Teachers' Union (*Sveriges Lärarförbund*), the union that organized the primary and lower secondary schoolteachers and the larger of the two teachers' unions. Resistance was thus offered only by the National Union of Teachers in Sweden (*Lärarnas Riksförbund*), the union organizing the upper secondary school and the high schoolteachers and the teachers with the strongest professional identity. The end result was that the reform could be implemented, despite opposition from a large proportion of the teachers (Ringarp 2011).

The aim of the government was to rationalize and decentralize education and little or no effort was made to understand the teachers' objections. Decentralization was supposed to move decisions closer to citizens. How could that not be desirable? The teachers, however, were now transformed from government employed public servants to municipal officers and moved from one tradition of public service to another. Proximity to decisions is not the same thing as legitimacy and sometimes the two are in direct opposition to each other. While public decision-making at state level generally enjoys a high degree of legitimacy, lack of legitimacy is often associated with municipal-level decision-making (schools, elderly care, healthcare). The reason is that the state administration in Sweden is historically associated with values such as equal treatment, impartiality, legal security and integrity. Such values cannot be created overnight by political decisions, but are built up over time and form an administrative tradition and a civil service ethos that has no equivalent in the municipal service. Moreover, the citizens are generally better informed in matters of national decision-making than in municipal matters, and that, in turn, contributes to legitimacy. Thus, it can be concluded that there is an error in the assumption that decentralization and proximity to decisions would strengthen the education system, and that the transformation of the teaching occupation from state public servants to municipal officers would not lead to significant 'value losses' not only for the teachers but also for the education system at large. These consequences were not observed at that time (Stenlås 2011: 78f).

JUDGES

During the last 10–20 years Swedish courts have undergone substantial changes in how work is organized. First of all, the courts are growing bigger and bigger, and fewer and fewer. Small provincial courts have been closed and the judges have been moved to bigger courts. In the last stage of such reorganisations, 23 Administrative County Courts were grouped into 12 Regional Administrative Courts (Government Bill 2008/09:165; SOU 2011:42: 112ff).

Inside the courts, the small working groups (*rotlar*) lose in importance as the larger departments (*avdelningar*) become the central unit of work. Judges are no longer heads of their own group (*rotel*), but parts of a larger department with many other judges (SOU 2011:42: 138ff). What we see here is the way in which judges are converted into *replaceable* figures in an industry of law. It is a more or less perfect parallel to the development of the private lawyer and the law firm internationally and in Sweden (Posner 2013: 245ff; Holvast & Dornboos 2015). This centralization has taken place in the name of efficiency, but it is also a classical indicator of deprofessionalization. The creation of larger work units and the replaceability of the individual professional serves to break down professional responsibility and the sense of control over the work and its content (not only its form).

This loss is furthermore exacerbated by a fragmentation of the work itself. No single judge follows the case in hand from the beginning to the end (Ställvik 2009). Instead, the rational way of dividing work is to let people specialize and to let them rotate so as to be as flexible as possible. One might say that both “Fordism” (specialization) and “Toyotism” (everyone is responsible for everything) have hit the judges at the same time. Again, this indicates deprofessionalization of the judges, as it means that they lose further control of the content of their own work. The cases are no longer “their” case, but just a case. In a recent report from the Swedish Courts National Administration on recruitment of judges it is obvious that the industrial way of approaching judging constitutes a problem if the best lawyers are to be attracted by a career in the courts (Domstolsverket 2011: 84). Former and present employees of Swedish courts have even described recent reforms in the internal division of work within the courts as resulting in feeling like being in a “factory”. The reforms have been initiated on the basis that there is no real connection between the constitutional guarantees of judicial independence, which is interpreted as concerning the content of the judging activity, and the organisation of work in courts (SOU 2011:42: 107ff). That assumption is, from a professional perspective, doubtful. The organisational form of work decides the content of that work to a certain degree, even if this can be difficult to show on an individual basis, judgement for judgement.

This development is even more pronounced in a newly publicised Swedish Government Official Report, in which a general leave to appeal for all cases

decided in the Court of First Instance is proposed (SOU 2010:44). This would transform the Courts of Appeal into places where the main part of the work would consist of a summary judgement of the decision of the Court below as to whether or not to grant leave to appeal. In the best scenario, this will free resources to deal more fully with the truly complicated cases, but in the worst case it will rather transform the Courts of Appeal into places where the majority of the work is brief and superficial and the District Courts even more into institutions for the mass production of that much sought-after commodity “justice”.

ACADEMIC FACULTY

The task of the university has been twofold ever since the creation of the modern research university a little more than one hundred years ago. The two main tasks have been teaching (the dissemination of knowledge) and research (the creation of new knowledge). The organisation of these two main activities has traditionally been very individualistic: individual faculty members have been solely responsible for their own work and for their use of time. Still, it must be stated that the dissolution of this model in some disciplines (medicine, parts of the natural sciences) began in the early 20th century, a major driving force being the capitalisation and mechanisation of scientific work. The need for more expensive equipment and more money became a powerful incentive towards more organised research: research teams organised as hierarchies, with team leaders, postdocs, PhD-students (Morris 2000). The extrapolation of this development is embodied by what has become known as “big science”.¹¹ Team-based research demands structures for decision-making and division of work. It is impossible to conceive team-based research as an activity performed by a number of individual professionals, all with total power over their own questions, theories, methods and results (Hasselberg 2012: 228ff).

This is not to say, however, that there have not been changes in the organisation of work at the university as a consequence of reforms in funding, management ideology and method of evaluation. But the two main types of work, teaching and research, have been affected in separate ways. The organisation of teaching has become more team-oriented, in line with what has happened in primary and secondary schools. This can partly be seen as a result of the bureaucratisation that has followed in the wake of more explicit political demands on university education. There are far more plans and policy documents that have to be taken into consideration now than 20 years ago, and teaching is also closely evaluated and scrutinized. This has created a need for more coordination. The organisation of research has, for one thing, been

11 A critical perspective on the relationship between big science and the governance of science can be found in Fuller 2000.

affected by the changed composition of research funding. Shrinking state grants have made universities more dependent on external sources of funds,¹² which have led to an increasing amount of time spent by individual scientists on writing research applications. The proportion of time spent on this, as well as the flood of applications that must be dealt with and evaluated by funding agencies, has led to much debate and discussion of how resources are spent. An effect that is less often acknowledged is that this also affects the organisation of research: it strengthens and increases division of labour as grant-seeking in itself has become a full-time job for prominent researchers, who as a consequence have less time to carry out their own research. We are witnessing a type of professionalization here: some tasks becoming so important that they give rise to specialisation and in the end new professional identities within faculty.

Deprofessionalization results in direct loss of autonomy by faculty. Within teaching this loss of autonomy takes the shape of an increased stress on co-operation and the formation of a collective judgement instead of an individual judgement. Within research individual judgement is still very much at the centre of decision-making, but the question is whose this judgement is. Professional judgement is today more and more confined to the higher ranks of the profession, to the established academic elite, and is also becoming increasingly tied to the ability to acquire and the right to manage research funding. A segment of the profession has become owners, while another segment is very clearly employed by the owners; and property rights have become an issue at the university (Hasselberg 2012).

Pay for performance

From the late 1980s individual salaries based on the pay-for-performance principle were introduced in the public sector in Sweden (Government written communication 1984/85:202; Ahlbäck Öberg 2012). Pay for performance was a part of the management by objectives and results parcel. It was considered by its proponents to facilitate management at individual level. Reformers influenced by rational choice ideals believed that by punishing deviant behaviour and rewarding compliant behaviour employees can be induced to do the right things. Thus, pay for performance was designed as a micro-level governance instrument in order to empower managers (Weibel et al. 2010). How, then, has the introduction of individual wages been effected in the three sectors that concern our study and what are the effects of the pay-for-performance principle on professional work?

12 One of the leading critics of the diminished proportion of grants that goes directly to universities and is not exposed to competition has been the former Vice Chancellor of Uppsala University, Bo Sundqvist, see Sundqvist 2011.

SCHOOLTEACHERS

Until the mid-1990s teachers' wages were set by wage scales and tariffs in which length of service and position determined which tariff was to be used. At that time both teachers' unions were opposed to the introduction of pay for performance. The employers, represented by the Swedish Association of Municipalities (*Svenska kommunförbundet*), wanted the same kind of wage agreement for the teachers as for the rest of their employees. A few years earlier the teachers' unions had opposed the municipalisation reform partly because of the expectations that it would lead to pay-for-performance pay. In the wage agreement of 1996 the unions finally agreed. Lärarens riksförbund (the National Union of Teachers in Sweden), the secondary schoolteachers union, hoped that it would lead to higher pay for their members (Parding & Ringarp 2008: 21). In the wage agreement of 1996 employers and unions agreed upon pay-for-performance payment for teachers as well. According to this agreement it was to be 'individual and differentiated and mirror objectives and results achieved' (Collberg 2004:11).

The problem with pay for performance among professionals, however, is that it replaces professional incentives to perform well with alien incentives. According to a professional logic, professionals perform according to values they have acquired during their training and their performance is subject to self-evaluation and scrutiny from their peers who more or less share the same values and in front of whom the professional would not want to underperform. Sennett has claimed that it is 'the ambition to do something well' and 'for its own sake' that is the prime source of motivation for professionals (2008:144). Pay for performance, on the other hand, is based on the notion that rewards are necessary to induce good work. Unless someone is properly rewarded he or she cannot be expected to perform well. Performance, in this case then, is subject to outside evaluation which means that professionals are expected to perform not according to their own norms for good work but according to someone else's norms. The argument above is not only applicable to the introduction of pay for performance in schools but serves to explain the mistrust of pay-for-performance schemes among established public sector professionals more generally (Weibel et al. 2010).

JUDGES

In 2008, individual salaries were for the first time accepted for judges in Sweden. This might be very unusual in an international perspective.¹³ However, the

13 See Neppi Modona et al. 2010: 10: "The remuneration should be based on a general standard and rely on objective and transparent criteria, not on an assessment of the individual performance of a judge. Bonuses which include an element of discretion should be excluded." The Venice Commission is an expert panel on democracy and rule of law under the Council of Europe, conducting comparative studies and identifying European standards on those subjects.

idea of individual salaries was introduced with a certain paradoxical twist. Everything except the judging activity itself can be a factor in determining individual judges' remuneration.¹⁴ What we thus see is a system of control that leaves out of consideration the very factor which is of greatest concern to us as citizens and which constitutes their unique role, namely to uphold the rule of law and to ensure that justice is done. As the quality of judgements cannot be measured easily and as such measurements might impact on individual independence, it is not to be taken into account. This is in no way a self-evident way of going about introducing individual remuneration. It is not unknown for professionals to be paid according to their skill or success: lawyers and medical doctors are examples. For those groups, it is clear that it is the core of their professional activity that is the basis for their financial rewards. When higher remuneration is instead based on all other skills and activities of a professional than the central one (deciding cases, teaching, curing, etc.), then there is a real threat to the professional values of the group. Excellence in the core activities is not directly valued by the employer and the question of whether that really is a way of protecting the judge's independence is open to discussion. From the professional perspective, either the professional skill of the individual should be the basis of his or her success in negotiations on salary or such individual concerns should play little or no role in determining the pay. Any other system, such as the Swedish system for judges' salaries, risks distorting the core values of the profession in a way that makes the profession as a whole less and less suitable to fulfil its public role. In the long run, this is detrimental to society as a whole, as the successors to "old" professionals will be less skilled, less conscientious in the execution of their duties and less independent of the political power of the day. The "new" professional will be good at many things, but excel at none, will think that results should be "good enough" and will be adaptable and flexible in responding to new priorities from the political sphere.¹⁵

ACADEMIC FACULTY

The Swedish universities, with few exceptions, belong to the public sector. This has resulted in the monetary compensation of university faculty having historically been firmly regulated, in accordance with the rest of the state. Salaries were set in relation to the position, nor the holder of the position. They were standard salaries, set in accordance with wage scales (*tarifflöner*), in which each position in the organisation was tied to a certain salary, in relation to the tasks to be carried out and the competence demanded. Each "grade" in the

14 Since 2013 the collective agreement on judges working conditions do allow for consideration of the quality of judging-activities in the negotiations on salary, but the impression of the authors is that this change has not had any major practical effect on such negotiations.

15 For a thought-provoking view on the growth of a new kind of state after the welfare state, a competitive state, see Pedersen 2011.

system was priced in relation to other grades, resulting in a complicated tariff. Collective agreements were used to adjust and alter salaries, when changes in the work demanded it. Salary changes were, for the individual, highly regulated, and followed a determined path where growing experience and more education would lead to transfer to a higher salary grade. The system took into account only formal merits (and work experience measured as period of employment), not personal qualifications.

In the 1970s this salary system began to erode, and it was finally abolished in 1994, when the introduction of the 'block grant system' (*ramanslag*) made it possible for public authorities to dispose of appropriations as they saw fit, as regards the proportion devoted to salaries and other costs. Many authorities had long before introduced individual salaries for the higher echelons of employees.

We know very little of how the basis for individual salaries is construed at the university, i.e. what types of performance actually motivate a salary trend that exceeds the average. No empirical investigations have been made in this area. There are no central directives that state the grounds for setting a salary, and it most probably varies from department to department. Still, there are good grounds to reflect on how this affects professional norms. The local character of salary setting in itself is cause for reflection. The salary is set through a process of negotiation, and is thus affected by competence in the negotiating sphere. In such a negotiation, arguments that may be based on simple, solid and visible "facts" come to the forefront.

Individual salaries thus alter the focus of professionals, shifting it from fulfilment of professional norms and standards to fulfilment of the wishes of superiors. It also shifts interest from sound professional judgement (giving a student *good* comments on a paper) to quantitative assessment (passing 25 student essays).

What one has accomplished in quantitative terms is easier to bring out than the fact that one has "sound professional judgement". Quantities rule over quality and formal merits over tacit knowledge. Individual salaries also create incentives for concentrating professional performance on tasks and areas that give easily measurable results, or that are stated as important by the management. A very recent development – again linked to the 'Autonomy Reform' of 2011 – is the demand for and in all likelihood also the financial reward for the ability to attract external funding. External funding has become so fundamental to the finances of the university as an institution that it is now considered a scientific merit to be successful in attracting money, and a merit that has an impact on recruitment.¹⁶

16 An example of this can be found in the "anställningsordning" [Rules of Employment] of Uppsala University, <http://regler.uu.se> [accessed 2015-10-20], p. 10.

Citizens to customers – supply and demand

Unlike other aspects of NPM, the introduction of the market mechanism as a tool for decision-making and distribution of resources does not aim at corporatisation (centralisation, planning, management, cost-effectiveness, etc.), but rather at the penetration of the supply-demand mechanism. The supply-demand mechanism does not create a planned economy – it produces the opposite result: forcing economic actors towards adaptability and flexibility. The supply-demand mechanism further forces all actors into the role of rational customer, maximising their own benefits, or rational producers, maximising their own profit. A common strategy for introducing market mechanisms into the public sector has been to identify external actors, who have previously been in a client relationship with professional groups as customers.

SCHOOLTEACHERS

The primary and secondary education sectors were among the first public sectors in Sweden to be affected by marketization schemes and the introduction of competition in the public sector. In 1992 the non-socialist government introduced new principles for the funding of primary and secondary education. On the one hand it gave students a free choice as regards which school to attend. On the other hand each school was awarded a fixed amount of money for each pupil. Schools were thus expected to compete for students and in order to do so they were free to develop different education profiles (Government Bill 1991/92:95). At the same time it became possible for anyone to start a school and compete with the public ones. Public schools were supposed to compete with each other as well as with the newly started private schools.

The private schools had a slow start. In 1999 only three per cent of students went to private schools but the number is steadily increasing. In the year 2011 close to twelve per cent of the students in primary education and twenty-four per cent of the students in secondary education went to privately owned schools (Skolverket 2015).

High hopes were tied to the introduction of privatisation and competition in the public sector – at least within the political elite. Competition within the public sector has been endorsed by all Sweden's political parties except the left-wing party. It has, however, been less popular among the professionals who occupy public sector institutions. Little research has been carried out on the success of the privatisation of the public sector in general (Hartman 2011a: 11f; 2011b: 262) and education in particular. It seems, however, that most of the arguments in favour of privatisation and competition have been impossible to substantiate, whereas quality deficiencies often seem to be directly related to competition and privatisation. Results within Swedish primary and secondary education have fallen steadily during the last twenty years – the same time period in which privatisation and competition have been encouraged.

Even if it is difficult to make a connection between these developments, it is clear that the competition has not improved school results, nor has it served to reduce costs – rather the opposite. Moreover, segregation and grade inflation are increasing problems that most likely are caused by school competition. It also seems as if the appearance of profit-maximising education conglomerates has affected education quality negatively (Vlachos 2011: 66). It is, thus, likely that professionals who observe increasing quality deficiencies in their everyday practice are more critical than decision-makers who attempt to find easy and ideologically correct solutions to complicated problems.

JUDGES

Care and education are central services of a welfare state, and the “output” is in some instances easy to commodify. It is harder to imagine justice as a product on the market. Even the rule of law has, however, lately been seen fit to be subsumed under the demand mechanism. The citizens have many expectations of the courts in a state based on the rule of law. To be treated with respect, to be listened to, and to be judged impartially within a reasonable time may be some of these. Whatever these expectations, the classical role of the courts has been a temple of justice, not the source of some kind of consumer product. Justice has been founded on divine, logical or democratic law, but always been handed down irrespective of what the subjects of law *thought* about that. Not so any longer. A recent Swedish public inquiry puts the public in the role of customers for what courts and judges do. Judges must therefore change, so that they can better meet the expectations of the public. Otherwise, the reasoning of the inquiry goes, the courts will lose legitimacy (SOU 2008:106: 14).

Hence, the courts have not been immune to the way current society seems to “commodify” the services of the public administration at large. In a recent public inquiry on how to make the courts work better, a significant part of the arguments for change was based on responses from “customers” of the courts’ services (SOU 2008:106). Of course, this can be seen as a rather mundane example of merely trying to adjust a very elitist and abstract operation to the “real” world of the people who have to enter the courts. On the other hand, the very labelling of persons before a court of justice as “customers” might signal that something more fundamental is going on. Few persons accused of a crime or in the process of a difficult divorce would see themselves as consuming justice in that situation. And dissatisfied customers do not enjoy the option of taking their business elsewhere. A new – and not very reassuring – role of the court system can be glimpsed in the new language.¹⁷ As a sign that the judges

17 It is already a fact that, in commercial disputes involving large/huge monetary interests, the parties concerned often seek to avoid using the court system for settling the case and instead use arbitration in different forms. The courts are the poor man’s solution. In that sense, the courts are already subject to a change in their role in the legal system.

themselves no longer have exclusive right to determine what constitutes “a job well done” – it fits well into our search for trends of deprofessionalization. A loss of control over the quality of work is implied in this development and it strikes at the very core of the professional identity of judges.

ACADEMIC FACULTY

The universities have been affected by marketization through the introduction of the idea of the student as a customer. However, other actors have also identified themselves as customers and started to voice their educational demands, for example the trade unions and the interest organisations of Swedish industry. The idea of regarding students as customers has not traditionally been inherent in the Swedish academic system, since universities are all publicly owned and managed, and university studies are free. Thus, the notion of consuming (paying for) one’s studies has not been self-evident. However, in the last decade the increasing stress on the relationship between higher education and the labour market that comes with the Bologna system has, together with the fact that most Swedish students finance their studies with state-subsidised loans that have increasingly demanding repayment terms, have pushed them towards a view of themselves as customers. The student customer wants an education that will lead to a well-paid job. S/he does not want to take courses or learn things that are not instrumental in reaching this goal. S/he is becoming increasingly strategic and immensely rational in his/her choices. The Swedish student unions have tried to press the universities to take more responsibility for the labour market value of university education (Stenlås 2011b).

As the Swedish universities have to a large extent functioned as an aspect of labour market policy during the period since 1990, students flowing into the system during periods of economic depression and out of the system when labour market conditions improve, growth cycles have also had a direct impact on “student demand”. Together with the system for distribution of resources (funding per capita and according to throughput) that has given the universities’ incentives to take on as many students as possible, periods of economic stagnation have given rise to an inclination to adapt to student “demand”. This inclination has in some instances resulted in an education that does not meet academic standards. The regional university colleges have been more prone to adapt than the old universities (see e.g. Högskoleverket 2011; Universitetskanslersämbetet 2014a, 2014b). Marketization has also contributed to destabilizing the academic disciplines, as they are more and more forced to define their core and periphery according to student demand. If students don’t want to take courses in medieval history, why should such courses be given? The curriculum is adapted to demand and ability to attract students. As in primary care and primary education, one of the most evident consequences is stratification and incompatibility of education/care.

Conclusions and discussion

The purpose of this article has been to analyse the effects of NPM reforms on three specific professional groups in order to point out what mechanisms are in play. From this investigation it is clear that the inherent assumptions of NPM reforms – to increase management, to apply continual external evaluations and audits, and to increase competition – have meant a clear breach of what we theoretically refer to as the professional contract between the state and the professions (see figure 1). We show in this analysis that our studied professional groups have lost central aspects of their professional autonomy, e.g. the right to assert what constitutes work well done (quality control) and to fill the manager positions with people with the same professional background.

The discretionary work of the professionals, built on judgements and decisions based on knowledge and experience, has been questioned because of its lack of transparency. This specific aspect has, accordingly, been the target of excessive external steering ambitions (Hasselberg 2010; Ahlbäck Öberg 2010; Brante 2015). From a democratic perspective it might appear quite reasonable to minimize the discretion of the professionals in the public sector, and to establish more external evaluations – thereby preventing these groups from departing from what the political majority has decided. This argument to counter technocracy has validity to a certain extent. However, it is a far too one-eyed understanding of what serves the democratic form of government best, especially considering the intensity of the control (a matter that we will return to below). From a democratic legitimacy point of view it should be acknowledged that the citizens' understanding of how well government works is heavily dependent on the functioning of our democratic institutions. Who the public servant is, and how well – with what expertise – he or she carries out the public assignment (e.g. in schools, courts and universities) has a fundamental impact on our understanding of quality of government (Rothstein 2009). In other words, to keep up a high quality in the government sector it is imperative that the specific position or job is perceived as attractive in order to attract “the best and the brightest” (Brans & Peters 2012: 8), especially since the attractiveness of the public sector has hardly been pecuniary. A loss of professional autonomy can, therefore, be detrimental to the fulfilment of ambitious policy goals. An all too present example of this in the Swedish setting is the decreasing attractiveness of the schoolteacher profession, which we see as a result of extensive steering ambitions from both politics and bureaucracy (Bertilsson et al. 2009; Bertilsson 2014; cf the development for the judges¹⁸). Hence, the technocracy-argument is not enough to understand the implications of professionalism on democratic governance.

18 “De mest lämpade flyr domaryrket” [“The best suited flee the judge profession”], in the daily *Svenska Dagbladet* 2015.

Moreover, it should be acknowledged that the rigorous form of control of the professionals in the public sector that has been developed has a price. An ever increasing amount of centralized control is, hence, not by definition something good – there is a trade-off that needs to be taken into consideration. Jos and Tompkins formulate this as a centrally important paradox of accountability: responsible interpretation and application of external accountability demands rest on the cultivation of the virtues that support good administrative judgement, but the institutions and mechanisms that are used to communicate these external standards, and that monitor compliance with them, often threaten the very qualities that support responsible judgement (Jos & Tompkins 2004: 256). As an alternative they argue that “[civil servant professional] commitments and capacities, [...] that ensure responsible action even when no one is watching, are essential to any system of accountability and yet are rarely considered as both traditional compliance-based processes and newer forms of performance-based accountability multiply (ibid: 276).” To this could be added that after 30 years of NPM-reforms we cannot even be sure that the promises of “a government that works better and costs less” have been achieved despite abundant reforms (Hood & Dixon 2015). The new control and management schemes that have been introduced to cut costs and to ensure efficient use of public funds are in themselves costly, and have ironically enough created new bureaucracies, or “management bureaucracies” (Hall 2012). In short, distrust costs.

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