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Without Blinders: Public Values Scholarship in Political Science, Economics, and Law—Content and Contribution to Public Administration

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How and why are public values studied within public administration’s cognate disciplines? This question is addressed through a qualitative analysis of 50 public values (PVs) publications in political science, economics, and law published between 1969 and 2014. The findings show that political scientists intuitively connect PVs to the actual public rather than to government agencies and employees, whereas legal scholars often view PVs as public interests or rights. Economists are mostly concerned with how PVs can be qualified vis-à-vis private “value” and values. In short, each discipline views PVs in accordance with its key foci and epistemologies; as such, “wearing blinders” is not exclusive to one discipline. Moreover, a citation analysis shows that PVs scholars in the field of public administration seldom engage with literature from these disciplines, and vice-versa, even though doing so provides opportunities for broadening the discipline’s understanding of PVs and how they conflict, across various stages and functions of policy and administration, in the pursuit of good governance.

Keywords: cognate disciplines, good governance, public values

Public values (PVs) have been among the most-studied topics in public administration (PA) since the start of the twenty-first century (Van der Wal, Nabatchi, & De Graaf 2015). Between 2000 and 2015 alone, PA scholars produced over 150 PVs publications, with a spike in publications from 2007 onwards. Rhodes and Wanna (2007, p. 406) indicate: “What is new is the rise of public values as ‘extraordinarily popular.’ Bold claims and great expectations are sometimes voiced regarding public values as an important theoretical and practical ‘guiding concept.’ ”

Despite the potential of such a public value perspective (PVP), however, “after 20 years the concept has not yet gained a consensus, being used by most authors as an unproblematic, everyday concept that can be used fruitfully in theory and practice” (Rutgers, 2015, p. 30). The field is fragmented and dispersed, and only recently have scholars begun to systematically compile

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and assess PVs scholarship (Rutgers, 2008, 2015) with rather pessimistic conclusions about its coherence and cumulative strength. Many different values are regarded as PVs, and the various interpretations compete for attention. Moreover, scholars embark on their research from divergent ontologies, making it difficult to weigh, reconcile, and integrate their perspectives and approaches (cf. Rutgers, 2008; Van der Wal, Nabatchi, & De Graaf, 2015).

Recently, Rutgers (2015, p. 40) has identified at least three usages of PVs: (a) in reference to a specific value (e.g., equity, accountability, lawfulness) as being important to “the public,” (b) as a second-order concept “to denote the totality of possible public values in the first sense,” and (c) as a specific approach to the study of public administration. In the same vein, Jørgensen and Rutgers (2015) speak of the new “public values perspective” in PA, in addition to more longstanding debates on administrative ethics (e.g., Bowman & West, 2015; Cooper, 2012), in which values are one of many key concepts, and of the mushrooming scholarship on public value (singular), focusing on managerial approaches and strategies aimed at value creation that move beyond New Public Management (Benington & Moore, 2011; Moore, 1995, 2013). Although Moore and others emphasize the importance of PVs in the process of public value creation, PVs may be viewed as inherently moral concepts—“important qualities and standards that have a certain weight in the choice of public action and decision making” (Van der Wal, De Graaf, & Lasthuizen, 2008, p. 468; see also De Graaf, 2005).

In part, the fragmentation and confusion are due to the many and varied interpretations and uses of both parts of the PVs concept—“public” and “values” (Jørgensen & Bozeman, 2007; Bozeman, 2007; Rutgers, 2015). The conceptual and theoretical diversity has created a rich and robust body of literature, but it has also limited conceptual consilience. A recent review of PVs publications showed that most PVs scholars do not use (clear) definitions, and rarely build on similar central works (Van der Wal, Nabatchi, & De Graaf 2015). Here PVs scholarship is quite different from scholarship on public service motivation (PSM), to name another popular and slightly related topic within PA, where over 80% of publications use an identical definition and measure, resulting in more conceptual integration and empirical progress (Ritz, Brewer, & Neumann, 2016), notwithstanding substantive criticism at the same time (Su & Bozeman, 2015).

The analysis presented in this article produced two additional findings of interest; first of all, there is substantive scholarship on PVs in various related disciplines, such as law and economics, and second, this scholarship emerged decades before PVs research started to mushroom in PA. These findings merit a more in-depth, qualitative content analysis of PVs scholarship in PA’s cognate disciplines, economics and management, law, political science, and, to a lesser extent, sociology (e.g., Fry & Raadschelders, 2014; Rutgers, 2004; Wright, 2011), since such an analysis may broaden understanding of the concept.

Moreover, “integrating results across different academic fields is a particularly important (perhaps even essential) objective for an interdisciplinary enterprise such as public administration” (Perry & Kraemer, 1986, p. 223). It is doubtful, however, whether PVs scholarship in PA leverages potential contributions from its foundational disciplines. Indeed, Wright (2011) suggests that PA scholars wear “public administration blinders” (p. 99) and typically “fail to reference related research in law, management, and political science” (cited in Perry, 2012, p. 479).

The current study systematically reviews debates and approaches to the study of PVs in economics, political science, and law in a content analysis of 50 PVs articles published between 1969 and August 2014. Two central questions guide the content analysis: Why are PVs studied? and How are PVs studied?

Next to analyzing these approaches and debates with the aim of fleshing out the “galaxies” in the PVs universe (cf. Jørgensen & Bozeman, 2007), that is, of qualitatively distinguishing various research clusters and maybe even schools of thought, the aim of this article is to better position PA scholars to interact more meaningfully with their peers in cognate disciplines. At the very least, the analysis will help the study of PVs to progress by shedding light on how scholars in disciplines that engage in substantive PVs scholarship use the concept, and how and where approaches differ and overlap.

First, the methodology and approach are described. The key findings are then presented, starting with a descriptive overview of some of the key features of the PVs literature in political science, economics, and law. The core of the article consists of a qualitative content analysis and ordering of PVs scholarship in these disciplines, guided by the two central questions. The conclusion compares key approaches and conceptualizations across the disciplines and by answering the question of what PA scholars can learn from this in their pursuit of a better understanding of how, and when, particular PVs contribute to good governance.

METHODOLOGY AND APPROACH

First, a comprehensive, multidisciplinary list of publications that address PVs was generated. This was the result of a broad web search using Google Scholar, which scans content in peer-reviewed and open-access journals, books, dissertations, preprint repositories, academic society papers, technical reports, and other materials (cf. Van der Wal, Nabatchi, & De Graaf, 2015). The key words “public values” were used in conjunction (i.e., the term was in quotation marks to find materials where the two words were used concurrently). The term “public value” was not included in the searches for two reasons. First, although many scholars do not explicitly distinguish between public values and public value (see Alford & O’Flynn, 2009), it can be argued that these are distinct, though related concepts (cf. Moore, 1995; Nabatchi, 2012a, 2012b). Second, Williams and Shearer (2011) recently released a content analysis and categorization of 74 scholarly publications on public value, and there is no merit in (partially) replicating their exercise.

The dates were limited from 1945 to 2014 (the search was completed on August 10, 2014). Although Google Scholar ranks documents based on citations, hits are not listed hierarchically (i.e., with the most frequently cited documents appearing first). Rather, “Google Scholar aims to rank documents the way researchers do, weighing the full text of each document, where it was published, who it was written by, as well as how often and how recently it has been cited in other scholarly literature” (Van der Wal, Nabatchi, & De Graaf, 2015). As Burright (2006) states, however:

Its lack of authority control for basic data elements such as author names and publication titles greatly limits its ability to sustain a serious scientific and technical research audience as an exclusive source of literature. Its speedy search engine and voluminous output are tradeoffs that a researcher must consider weighing against accuracy and thoroughness in a literature search. (p. 41)

For this reason, additional searches were executed using ISI Web of Knowledge (with “public values” in the topic category) and ProQuest (with “public values” in the abstract category). The initial Google Scholar database was then cross-referenced and missing publications were entered. Together, these three search engines identified 114 scholarly publications within the three disciplines. Subsequently, publications were coded as either focusing on PVs or simply mentioning PVs once or twice. Publications that “focus” on PVs use the concept as the central topic of discussion or analysis (and also reference the concept in their titles and/or abstracts).

In the end, from these three disciplines, 50 publications that actually focus on PVs were included. The publications had to have been formally published; “gray literature” such as conference papers was excluded, as were book reviews (cf. Ritz, Brewer, & Neumann, 2013). The Web of Science ISI indexing system was used to determine the discipline to which publication and author(s) belonged, if this was not immediately clear from the piece itself.

The next section presents the main findings. A descriptive overview of the key features of the publications studied is followed by a qualitative review and assessment of PVs scholarship in political science, economics, and law, which takes the form of a research synthesis rather than a meta-analysis (Cooper, 2010). In this way, various approaches within the disciplines were identified, and similarities and differences searched for, as well as ways to group and classify different research streams and schools of thought. In answering the “why” question, the focus is on the reasons and relevance distinguished by the authors and the arguments they elicit for studying this topic. In answering the “how” question, the focus is on ontological, epistemological, and methodological issues, looking at the concepts, methods, and concrete examples and definitions (if any) the authors use. For the initial analysis, the two guiding questions were broken up into seven more specific questions. The Appendix shows the rudimentary answers to these questions and how they compare across the three disciplines.

FINDINGS

The descriptive findings outlined in Table 1 point to three things in particular. First of all, writing about PVs in the three disciplines is not rewarded with many citations. A few exceptions aside, even the publications in reputable journals such as *Health Economics* or *Politics* from over a decade ago (sometimes going back more than 25 years) have until now received fewer than 100 Google Scholar citations, including self-citations.

A second, and perhaps related, finding is that writing about PVs appears to be a one-off endeavor for most of the authors involved. Only three authors, two legal scholars and one a political scientist, produced more than one publication on the topic in 45 years. This may be one of the reasons the rudimentary cross-citation analysis hardly produced any results: scholars in these disciplines do not build on each other’s work (Van der Wal, Nabatchi, & De Graaf, 2015).

Third and finally, PVs scholars in these disciplines seldom cite PA literature. They do reference public economics, public finance, and political economy works, but only from economics and political science journals, as well as ample sociological literature. This may be partly explained by the age of the PVs literature in these disciplines, which predates the PVs boom in PA. In fact, while PVs scholarship is a sunset industry in PA, the reverse seems to be true for the three disciplines studied here, particularly law. At the same time, this phenomenon may explain why more recent publications in economics and political science are the most highly cited within the sample, and generally engage PA literature more frequently than the twentieth-century publications.

Political Science

The earliest publication on PVs that was found in the literature search is a 1969 book chapter best situated within the scholarly domain of political science and titled “The Public Values of

TABLE 1
Descriptive Overview of PVs Scholarship in Three Disciplines Studied ($n = 50$)

<i>Discipline</i>	<i>Number of publications included (n)</i>	<i>Type of publications</i>	<i>Year of first and last publication included</i>	<i>Average number of Google Scholar¹ citations per publication</i>	<i>Most-cited publication within discipline (Google Scholar)</i>	<i>Average number of public administration publications cited per publication²</i>
Political science	12	Book: 1 Book chapter: 1 Journal article: 10	1969–2013	17.58	Papamichail & Robertson (2003): 60 citations Harrison et al. (2012): 60 citations	3.17 (0.3 excluding Barrett, 1995; Harrison et al., 2012)
Economics	12	Book chapter: 1 Journal article: 11	1977–2009	56.18 (19.89 excluding Corneo & Grüner, 2002)	Corneo & Grüner (2002): 439 citations	1.42 (0.27 excluding Chau & Huysentruyt, 2006)
Law	26	Journal article: 26	1982–2014	60.88	Eskridge, 1989: 428 citations	0

¹If Google Scholar did not recognize the document, we used Scopus. As some of the publications in the sample are books or book chapters, we decided not to use ISI Web of Knowledge for this exercise. The citation counts were conducted on November 24, 2014.

²Again, we used the ISI journal indexation category “Public Administration” to determine whether a cited journal article belonged to that discipline. This category also includes key public management, public policy, and nonprofit management journals. Several widely read PA journals are not ISI-indexed, but their names often serve as a determinant (e.g., *Public Administration Quarterly*, *International Journal of Public Administration*, and *International Journal of Public Sector Management*). The same applies, to a large extent, to books, book chapters, and research reports. If we were uncertain, we checked the affiliations of the authors in terms of department, school, and expertise. In the end, we were able to classify all PA publications cited as such.

the Private Association” (McConnell, 1969). This publication was the first to distinguish between PVs and private values, a division that remains at the core of subsequent writings. The author writes, “What I wish to do in this paper ... is to look at the list of virtues attributed to the private association and then to ask what are the public values that ought reasonably to be expected from it” (p. 148). Further in his analysis, McConnell (1969) asserts:

The preeminent public values of the private associations ... are order and stability. Perhaps to some degree the values of community, human warmth, and fellowship are also present in the private association. In the sense that order, stability, and mutual respect at a very minimal level are preconditions for liberty, this also is a value of the private association... The private association serves private as well as public values and it is proper that the right of men to associate should be protected. This is an aspect of individual liberty, and it is accordingly unnecessary to credit the association with virtues that are not its own. It has virtues that are real and some of these are public, but it is important to recall that these involve the payment of a price, and a large one. (p. 1679)

Since this 1969 publication, the term “public values” has increasingly appeared; this 1969 publication, however, did not spur more PVs research. According to Google Scholar, it has been cited only 11 times, with the first citation appearing 11 years later in 1980. Similarly, the next two publications in the sample are Pearce, Cunningham, and Miller (1971) and Dillman and Christenson (1974), and neither of these publications cites the other.

Key Question 1: Why Are Public Values Studied in Political Science?

It is possible to distinguish two key reasons for PVs scholarship in political science, explaining why political scientists argue that it is relevant to pursue this topic of study. Only the aforementioned McConnell discusses PVs in the context of the private sector, surprisingly arguing that the private sector plays a key role in upholding the tenets of a liberal democracy. Yet this approach is not shared by colleagues and thus does not merit a distinct category.

PVs Are Foundation of Liberal Democratic Societies and Civic Identities

Examples of PVs are freedom of opinion, assembly, fairness, justice, and equal respect for human dignity. Most of these values are termed “operative public values” or OPVs (Tyler, 1996), as they attempt to provide a framework for political self-expression to those cultures which embody the tenets of a liberal democratic society.

Parekh (1992) highlights a particular power asymmetry between diverse cultural groups in society, wherein domination is exercised through political control over premodern cultures, separatists, and culturally pluralistic liberal subcultures. Tyler (1996) suggests that his suggestion for overcoming these problems by adopting OPVs is inadequate. He argues that while a pluralist society expects its people to live authentic lives, they are also expected to deeply value the framework that provides them with this identity.

In addition, Seglow (1997) and Tyler (1996) reinforce the thought that OPVs ignore the possibility of values changing over time for reasons other than people belonging to culturally pluralistic societies (De Tombe, 2001; Tyler, 1998). While they propose that cultural pluralism cannot be sacrificed for the tenets of liberal democracy, Tyler (1998) reasons that liberal

democracies could be reformed to accommodate the legitimate demands of diverse groups, and the notion of OPVs is inadequate and contradictory in this context.

To Understand Public Representation and Administrative Action

The extent and appropriate use of public opinion in policymaking is a key topic issue in public management and governance; yet other than Nabatchi (2012) and Rutgers (2015), PA scholars have not tied participatory governance and democracy to PVs. Interestingly, this approach gained some traction in political science about two decades ago, with administrators—rather than just politicians—being considered important actors. According to Barrett (1995), the type of public representation reflected by administrators could determine how public opinion features in policy decisions. She asserts that while passive representation focuses on the personal and social characteristics of policymakers rather than the particular attitudes they hold, it is not guaranteed to meet the rights of people who are demographically different. Active representation by administrators, on the other hand, involves political decisions that are based on conscience (trusteeship) or directly on what the public dictates, and can therefore be considered an important public value (Barrett, 1995).

While discussing public representation, the relevance and difficulty of incorporating alternative values in the decision-making processes also gets highlighted (Papamichail & Robertson, 2003). Moreover, public opinion has always been preeminent in respect to policy matters of defense, finance, technology development, and economic attainment, according to Dillman and Christenson (1974). Aggregation of opinions by multiple stakeholders on issues which are ephemeral and dynamic may be complex and require harmonization (Costa & Carlos, 2001; Dillman & Christenson, 1974). For these reasons, several authors have suggested the need to evaluate the competing concerns of the public, and to introduce transparency in consultative processes to measure these preferences (Dillman & Christenson, 1974; Fischhoff & Baruch, 1996).

Key Question 2: How Are Public Values Studied in Political Science?

A common sentiment in political science PVs literature is that a better understanding of the conflicting values of various stakeholders will aid in the elimination of opaque decision-making processes and political alienation.

Views and Perspectives on PVs

In some studies, the unit of analysis is the individual (Dillman & Christenson, 1974; Papamichail & Robertson, 2003), and this brings out the apparent tension in balancing cultural relativism and the reasoned aggregation of values in a liberal democracy (Tyler, 1996). Others focus on the role of the public official and administrative institutions in incorporating public opinions in policy decisions (Barrett, 1995; Fischhoff & Baruch, 1996). Harrison et al. (2012) even recommend a public value framework (PVF) that is rooted in an analysis of specific stakeholder groups in order to understand conflicting concerns.

Discussed Specific PVs

Specific values regarded as PVs by political scientists are cultural relativism, liberal thought, freedom of speech, security, law and order, national unity, and societal development. Note that none of these is included in Jørgensen and Bozeman's inventory (2007) of the PA PVs literature.

Methodologies Used to Capture and Measure PVs

Dillman and Christenson (1974) employ a time-series analysis and statistical procedure factor analysis to understand whether values are general in nature, and what their hierarchy looks like. They do so in order to develop a framework for evaluating competing concerns without relying on single indicators. A similar behavioral model is adopted by Papamichail and Robertson (2003) in their study; in particular, they use process-modeling languages (PML) and decision support for processes (D2P) to raise decision-makers' awareness of the alternatives and to provide support for societal decision-making processes on contentious social issues such as low occupancy in schools and coastal pollution (Papamichail & Robertson, 2003).

Economics

The discussion of PVs in economics revolves around developing a valuation framework to quantify people's preferences (e.g., Araña & León, 2002; Corneo & Grüner, 2002; Roddewig & Rapke, 1993), in order to inform policymakers of the implicit costs and benefits not being factored into traditional economic models. The need to do this emanates from the concepts of pecuniary benefits, efficiency, and cost-effectiveness, which remain central to the economics discipline. However, this approach tends to overlook the inherent trade-offs between values (Chau & Huysentruyt, 2006). In an attempt to attach "value" to things and adopt a cost-benefit analytical framework, economists quite often ignore or underestimate how governments compromise public values like democracy, freedom, equality, and fairness (Chau & Huysentruyt, 2006; Corneo & Grüner, 2002). It is in this context that the study of PVs occupies a crucial position.

Key Question 1: Why Are Public Values Studied in Economics?

Within economics, PVs are studied in order to better understand two key issues related to public policy and public service delivery: the public response to certain policies and their alleged benefits and trade-offs in the allocation of resources, and the costs and benefits for different groups of recipients.

To Understand Public Responses to Policy Formulation (and Thus Voting Preferences)

Economists and policymakers are intrigued by the diverse responses to standard policies in similar contextual settings. What makes a redistributive policy fairly acceptable in some settings

and rejected in others despite having similar pecuniary benefits? Through the study of PVs, economists see opportunities for understanding and measuring public opinion in order to predict and evaluate public responses to policies. For instance, Corneo and Grüner's (2002) study proposes reasons that explain why people in socialist and communist regimes react differently to a redistributive policy when the pecuniary benefits remain the same. Engagement with a public value approach incorporates social rivalries and public value effect(s) that help in understanding some of these issues.

To Understand Trade-Offs in Public Service Delivery

As the nature of policy decisions requires choosing between diverse resource allocations and usages in a resource-scarce environment, PVs need to be considered in order (a) to have a complete valuation of both intangible and tangible costs and benefits, and (b) to understand the motivations of individuals for assessing the political feasibility of such decisions (Berrens et al., 1998). Examples of such decisions include (a) the trade-offs between government and NGOs selected on the rationale of efficient delivery, and (b) granting a tender to a particular NGO on grounds of cost-effectiveness (financial gains) over an NGO that is closer to the public values of government but less cost-effective than its successful counterpart (Chau & Huysentruyt, 2006). Increasingly, it is argued by economists within this strain of thought, policymakers are confronted with situations in which they have to make choices between PVs and economic values, underscoring the need to factor in the "costs" of compromise by incorporating a public value aspect in traditional economic models.

Key Question 2: How Are Public Values Studied in Economics?

Broadly speaking, PVs in economics are used in two ways: (a) in viewing values and putting them into context (Brookshire, Coursey, & Schulze, 1986); and (b) as specific examples of values explicitly mentioned in the text, such as efficiency and transparency (Bones, 2009).

Views and Perspectives on PVs

PVs are viewed in the context of valuation. They are studied with the aim of mapping intangible costs in order to achieve a holistic cost-benefit analytical framework. Specifically, PVs are conceptualized as measures of behavioral intention, public welfare, altruism (Araña & León, 2002), voting preference, willingness to pay (WTP) (Araña & León, 2002; Brookshire et al., 1986), construct validity, public trust, and public opinion (Bones, 2009). Tools employed by economists to map and measure PVs include social welfare function, contingent valuation, and Nash equilibrium.

Discussion of Specific PVs

Equity, efficiency, democracy, social rivalry, and empathy are some of the specific PVs that are frequently discussed by economists. They are studied to model costs in the form of compromises on values like democracy, freedom, equality, and fairness at different levels in

collaborative public service provision between government and private players who may be closer in terms of public values but less cost-effective than their winning counterparts. Beyond their pecuniary effects, PVs are also studied as motivations that shape individual attitudes toward redistributive public policies (Corneo & Grüner, 2002).

Methodologies Used to Capture and Measure PVs

In economics, PVs are captured through data collected in large international-level surveys (Corneo & Grüner, 2002) or national-level individual surveys (Berrens et al., 1998), popular opinion reflections in newspapers, interviews, and so forth. Corneo and Grüner (2002) and Berrens et al. (1998) tried to measure public support for different public policies. Based on a large international survey Corneo and Grüner (2002) concluded that in addition to “pecuniary self-interest,” PVs also had a significant influence on public support for redistribution programs. Berrens et al. (1998) conducted a similar analysis to understand which factors determine public support for a specific (environmental) policy change. They used contingent evaluation to measure behavioral intentions, in order to understand the relationship between expressed voting preferences and valuation preferences.

Law

Of the 26 law PVs articles, one is Canadian (Weinrib, 1989) and two are Dutch (Ambrus, Gilissen, & Van Kempen, 2014; Liivoja, 2012); the rest were all written by U.S. scholars and published in U.S. journals. Since most legal scholars study the law of their land, all of the studies are also about different areas of American law. Dutch legal scholars, for example, publish most of their work in Dutch journals, so the sample did not include any of their possible PVs studies. It is not known why no British studies came up during the search. As distinct from the other disciplines, authors reach conclusions based on argumentation rather than empirical research, and none uses a theory in the way a social scientist would understand the concept.

The law articles on PVs can be divided into four subcategories: statutory interpretation, alternative dispute resolution (ADR), water, and a combined cluster labeled general law. It is noteworthy that in the law literature, when it comes to defining what PVs are, there are very few references made to other works. The only exception is Eskridge (1989), who refers to three other publications (Cuevas, 1992; Park, 2010, 2012). Eskridge (1989) can be seen as the central work on PVs in legal studies, even though his article itself is referenced just a few times.

Key Question 1: Why Are Public Values Studied in Law?

Statutory Interpretation

Eskridge (1989) uses the concept of PV 285 times, more frequently than any other article studied here. At the beginning of the article, he makes clear why he studies PVs:

This article is an effort to explore the substantial role public values already play in statutory interpretation, the potential role they might play, and the values that ought to be considered.

Public values affect statutory interpretation through clear statement rules, rebuttable policy presumptions, and gap filling precepts, and as important background context wherein principles and arguments are suggested and tested. (Eskridge, 1989, p. 1009)

Cuevas (1992) has similar reasons, in his *Public Values and the Bankruptcy Code*, which deals with exactly what the title suggests it might:

The lower federal courts ... have used public values as a basis for circumventing strict statutory construction of bankruptcy statutes when public policy issues were implicated in the resolution of the issues before them. The purpose of this article is to examine under what circumstances a court should refrain from employing strict statutory interpretation and instead utilize public values to interpret the Code. (p. 647)

Recently, Park (2010, 2012) picked up on the PV concept as discussed by Eskridge. Park talks about the “public values approach”: “A number of legal scholars have argued that the law reflects important public values that are widely recognized by a community” (Park, 2010, p. 400). In Park (2012), the concept of public values enforcers is also introduced.

Alternative Dispute Resolution

Cohen (2011) is notable because—like the Eskridge articles—it really is, in large part, about the PVs concept, and is one of the few law articles studied here that proffers a clear definition and discussion of the concept. Cohen outlines his purpose in discussing PVs: “This essay revisits a longstanding debate about alternative dispute resolution (ADR) and public values. In the early 1980s, Fiss (1984) argued that ADR is unable to promote, and moreover is likely to undermine, popular commitments to public values” (Cohen, 2011, p. 100).

Water Rights

The reason PVs are used in legal studies on water rights is that the concept is used to conceptualize something that is in need of protection and would otherwise run the risk of damage:

Often environmental interests, such as water quality, habitat protection, and wildlife preserve, are more easily identified as “public values” because they provide broad benefits to everyone regardless of culture, religion, location, age, or occupation. Yet, one problem with environmental improvements benefiting everyone is that it is oftentimes difficult to determine who should pay for these benefits. (Brownlee, 2001, p. 667)

Legal scholars using the PVs concept in these studies, note that the distribution is about more than dividing the water among those who claim it. Brownlee (2001), using the PV concept 62 times, gives a genealogy of the PVs used in this subcategory.

General Law

The reasons that the PVs concept is used in the rest of the law articles differ widely. *Public Values and Private Justice: A Case for Mediator Accountability* (Maute, 1990) bears similarities to the arguments in relation to Fiss and is also in the area of conflict resolution and ethics. Another article in this “remainder” category is (Griffin, 1987), coming from yet

another, completely different area of legal studies, perhaps more in the realm of political philosophy. Griffin uses his own definition of PVs, but does refer to the ethicist Sagoff (1986). The article is more about a public values philosophy/approach/view than the PV construct itself. “This article performs the task of integration in order to reinterpret Rawls’s theory for the legal community” (Griffin, 1987, p. 717). Sarfaty (2012) mentions PVs but they play a minor role. He talks about the distortion of PVs, but does not define or explicate what this entails. Notably, Sunstein (1982) is the only author in this subcategory who frequently refers to “public value” in the singular. Another reason for using the PVs concept is given by Wendel (1999, p. 43): “Focusing on public values in this way offers an alternative to the endless debate over the extent to which a lawyer’s personal value commitments ought to influence her actions in the professional arena.”

Key Question 2: How Are Public Values Studied in Law?

As mentioned, the legal PV studies are essays; no social science research methods are used. But how are PVs conceptualized, and what specific PVs are mentioned?

Statutory Interpretation

“Public value” is mentioned 264 times in an article by Cuevas, (1992); of all the law articles considered here, this is the second-most frequent mention:

Public values, as I am using the term, are legal norms and principles that form fundamental underlying precepts for our polity—background norms that contribute to and result from the moral development of our political community. Public values appeal to conceptions of justice and the common good, not to the desires of just one person or group. (Cuevas, 1992, p. 700)

The nondiscrimination principle—people should not be penalized on the basis of their race, sex or sexual preference, ethnic background, or parentage—is an example of a specific public value.

Alternative Dispute Resolution

Fiss (1984)—the only legal study to define it this way—described public values as moral ideals about justice, rights, and social cohesion that a public should want to uphold, and that, in any event, the state is obligated to enforce (Cohen, 2011, pp. 100–101). According to Cohen (2011, p. 101), by resolving disputes according to individual preferences rather than state law, extra-judicial dispute resolution, Fiss (1982) reasoned, stands to replace public values with individual interests or at best individual morality and to replace state power with private social ordering. Hence Fiss (1982) declared himself *for* adjudication and *against* settlement.

Weinrib (1989) also comments on Owen Fiss’s earlier work. He is rather critical of Fiss, and the reason is interesting: he maintains that Fiss failed to define and explicate PVs, particularly where exactly PVs differ from values in general. A specific PV mentioned by Weinrib (1989, p. 16) is sexual equality. He uses this specific public value as an opportunity to criticize Fiss, because he sees sexual equality as a public value of America and Canada, but not of Iran.

Water Rights

Howe (1999) provides his own definition of PVs which makes it clear how they are used: values that are unlikely to be taken into account by private actors in the market process. According to Brownlee (2001, p. 658), sociological and public values, as opposed to economic values, are not measurable in monetary terms. Examples of specific PVs are often given in this subcategory include (scenic) beauty and environmental preservation (Brownlee, 2001, p. 653), navigation, fishing and other recreation, aesthetics, species biodiversity, water quality, ecological health, and ecosystem services (Craig, 2010, p. 53), recreation, scenic beauty, and fish and wildlife habitat (Grant, 1987, p. 681), conservation, aquifer protection, and instream flows (MacDougal, 1996, p. 1), and resource conservation, control of beneficial instream uses, and allowance of Native Hawaiian uses (MacDougal, 1996, p. 46); MacDougal calls these “protective values.”

General Law

Here again there is much variation within the subcategory. Griffin gives the clearest description:

Public values can be understood as the common goals or aspirations of our community, exemplified by the values contained in the Constitution. Despite the historical appeal of neo-republicanism, its proponents have not so far been able to provide much content to the concept of a public value. (Griffin, 1987, p. 717)

In a philosophical discussion on professional responsibility, Wendel (1999) defines PVs as the normative principles that justify the practice of lawyering in a democratic society. Specific values mentioned include fairness, equal access, and openness (Macedo, 1999, p. 448).

PVs Scholarship in Public Administration’s Cognate Disciplines: Lessons Learned?

Rutgers (2015, p. 26) concluded about PVs in PA studies that “the lack of clarity of the concept and the confusing use of the term are problematic.” It is now clear that PA is not unique in that respect.

Most of the specific PVs mentioned in political science, with the exception of democracy, are absent from the “Inventory” by Jørgensen and Bozeman (2007), which is oft-cited in PA. The values mentioned—cultural diversity, liberal thought, freedom of speech, security, law and order, and national unity—are considered important policy goals/outcomes in a polity; they are not so much process values of public governance. In terms of PVs, policy formation, execution, and oversight remain a black box. The same goes for most of the PVs specifically mentioned in law, such as (scenic) beauty, environmental preservation, navigation, fishing and other recreation, species biodiversity, water quality, ecological health, or recreation. Again, such specific policy goals or outcomes are not mentioned in the PA Inventory.

As such, the PVs referred to in PA’s cognate disciplines are public interests in the sense of interests that cannot be attached to specific individual interests and policy goals/governance outcomes generally considered important to society. They can all be placed in Jørgensen and

Bozeman's Inventory under the category "Public sector's contribution to society," and they are similar to the PV "common good," which is just one of the many values mentioned by Jørgensen and Bozeman.

A commonality between political science and economics is that PVs are used as a mechanism to help predict and evaluate (public responses to) public policy outcomes and how they affect voting preferences; the focus is on the (political) decision-making, on what goals to pursue—or what constitutes the Good Society or the Good Life—and on the outcome of governance. PVs are not about the policy process. The study of PVs in PA is different from the other disciplines in its attention to the other six constellations Jørgensen and Bozeman mention, which are "transformation of interests to decision," "relationship between politicians and public administrators," "relationships between administrators and their environment," "intraorganizational aspects of public administration," "behavior of public sector employees," and "the relationship between public administration and the citizens" (Jørgensen & Bozeman, 2007, p. 359). In short—perhaps unsurprisingly—PVs studies in PA are much more about the values of governance itself; outside PA, PVs are seldom about (the process of) administration.

The quality of governance can be assessed not merely by performance outcomes; procedural values that indicate the quality of the process are also at issue—values about the "rules of the game" (cf. Rhodes, 2007). These values are deontological in nature, whereas PVs that concern some policy end or even the Good Life or the Good Society are more consequentialist in nature. Huberts (2013) argues that PVs can be connected with various phases in the public policy process. He states that participation is of great importance during agenda setting and policymaking, but less so during implementation. For example, accountability is not a central value during the first two phases, but is certainly important during decision-making and implementation. Hendriks and Drosterij (2010) use a combined classification in which they connect values both to phases in the policy process and to particular aspects of public administration. They argue that a distinction can be made between values that are mainly related to the input to the policy process (responsiveness as the central value), values that are mainly related to the output of the process (with effectiveness as the central value), values connected to the rule of law, and values connected to the institutional system of governance (values such as resilience and checks and balances belong to the latter).

Thus, the outcomes of this analysis underline the fact that PA differs from its founding disciplines by its focus on the governance process. Is the PVs scholarship within PA blindered? It is, in the sense that it hardly engages with PVs studies in other disciplines. Even though some PA scholars use the PVs concept in similar ways to other disciplines—namely, focusing on PVs as desirable governance outcomes—it is in this area that PA can learn most from its cognate disciplines. For example, when they use PVs as evaluative tools to measure policy "value," (cf. Moore, 1995, 2013) or view them as democratic foundations that strengthen civic capabilities and reflect citizen preferences.

At this stage, one important limitation of the present study needs to be addressed. On the one hand, the restriction of the search of scholarly databases to the term "public values" may have led to the exclusion of important publications on "administrative values," "governance values," or "government values," to name a few. On the other hand, because public values is such a broad concept, the search method may have resulted in the inclusion of certain publications less relevant to the particular conception of PVs explored in this article. That

being said, however, comparing and contrasting how scholars in various disciplines use and study the specific concept of PVs was precisely the aim of the article. One can only imagine the number of (less relevant) hits generated by a search on the term “values” alone. Still, it is acknowledged that this analysis may not have captured all the scholarship on values related to public sector action and decision-making conducted in law, economics, and political science.

The Future of PVs Research in Public Administration

When Bozeman argued in 2007 that economic individualism should be counterbalanced by developing stronger discourses on public values that could compete with the prevalent economic reasoning, he may have had more allies among economists than he assumed. The current analysis shows some of them arguing exactly the same thing. Yet there is also much benefit to be gained from using the “value” concept rather than the “interest” concept to enlarge scientific understanding of the public governance puzzle and identify what contributes to good governance.

It is likely that a public value perspective (PVP), as put forward by Jørgensen and Rutgers (2015), can be developed into an important frame for PA research, because a better understanding of conflicting values in governance adds to discourses that emphasize conflicting interests (such as the more frequently used network theories). As a response to worries about democratic legitimacy in new governance networks (e.g., Sorensen, 2002; Sorensen & Torfing, 2005) and to general fears about PVs “being lost” in new organizational governance arrangements and views of public management (Jørgensen & Bozeman, 2002), many governments have adopted good-governance codes with lists of PVs characterizing the quality of governance (Jørgensen & Sørensen, 2013). However, acting in line with all of those values has become more difficult.

In daily practice, desirable PVs conflict, so choices have to be made (Van der Wal, De Graaf, & Lawton, 2011; De Graaf, Huberts, & Smulders, 2014; De Graaf & Paanakker, 2015); De Graaf, 2015). Most accounts of the policy process give little prominence to the role of values (Stewart, 2006), and even less to the conflicts of values. Yet from research it appears that those conflicts exist (Spicer, 2001; Wagenaar, 1999). Studying conflicting PVs in greater detail while specifying which values are more important in the various stages and functions of governance will enrich the PA field and may be aided by engaging with more diverse literatures beyond PA, as the analysis shows. Indeed, PVs are more than normative or ideal-type constructs; they are explanatory tools for good governance.

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APPENDIX

<i>PVs question</i>	<i>Economics (n = 11)</i>	<i>Political science (n = 12)</i>	<i>Law (n = 26)</i>
<p>1. Who are the key scholars in this discipline?</p> <p>2. Why are PVs studied (relevance, urgency, fears, tensions)</p>	<p style="text-align: center;">Giacomo Corneo Arrow, Peter A. Ubel Arana</p> <ol style="list-style-type: none"> 1. Public values are crucial for complete valuation of intangible and tangible costs and benefits in determining political feasibility of (redistributive) policy decisions 2. (Related) To develop value-based empirical framework for valuation that includes method to measure people's preferences, in order to inform policymakers of implicit costs and benefits not factored into traditional political economic models 3. Emphasis on pecuniary benefits, efficiency, and cost effectiveness as guiding principles tends to overlook trade-offs by government in compromising on public values like democracy, freedom, equality, and fairness 4. Engagement with public value approach incorporates social rivalries and effects that help understand support for, or protest against, redistributive policies. For instance, reasons why people in socialist and communist regimes react differently to redistributive policy when pecuniary benefits remain the same 	<p style="text-align: center;">Fischhoff, Harrison</p> <ol style="list-style-type: none"> 1. Advent of (neo-)liberal thought has brought about need to incorporate public interest and values into decision-making 2. Explores how cultural relativism makes it harder to incorporate and aggregate public values 3. To understand relevance of public values in private sector and how they complement or differ from each other in business/market scenario 4. To better understand role of public administrator 5. To study purposes of risk analysis in scientific research and understand political processes also explored 	<p style="text-align: center;">Eskridge, Fiss</p> <ol style="list-style-type: none"> 1. To explore substantial role public values already play in statutory interpretation, potential role they might play, and values that ought to be considered 2. Fears that alternative dispute resolution (ADR) undermines commitments to PVs. ADR stands to replace public values with individual interests or, at best, individual morality 3. To conceptualize something in need of protection that would otherwise run risk of damage: "Often environmental interests, such as water quality, habitat protection, and wildlife preserve, are more easily identified as 'public values' because they provide broad benefits to everyone regardless of culture, religion, location, age, or occupation. Yet one problem with environmental improvements benefiting everyone is that it is often difficult to determine who should pay for these benefits"

<p>3. Which specific values are mentioned?</p>	<p>5. To understand trade-offs between desired values and financial gains in PPPs when two competing NGOs with incongruent ideological values compete to deliver a public service provision</p> <ul style="list-style-type: none"> • Ethics, efficiency, public trust. 	<p>4. Different specific reasons by individual researchers, such as discussing ethics in legal studies</p>
<p>4. What are PVs? (main theoretical and conceptual underpinnings (maybe models) and what units of analysis are used?)</p>	<ul style="list-style-type: none"> • Social welfare function = PVE meaning effect of individual values on individual attitudes • Contingent valuation • Modeling allocation/distribution/decision process using concepts of game theory, Nash equilibrium 	<ol style="list-style-type: none"> 1. Nondiscrimination principle 2. Sexual equality 3. (Scenic) beauty, environmental preservation, navigation, fishing and other recreation, aesthetics, species, biodiversity, water quality, ecological health, ecosystem services, recreation, fish and wildlife habitat, social and cultural values generated by water, instream values and flows, conservation, aquifer protection 4. Fairness, equal access, openness <ul style="list-style-type: none"> • Not applicable • PVs are: <ol style="list-style-type: none"> 1. Legal norms and principles 2. Moral ideas 3. Values unlikely to be taken into account by private transactors in market process 4. Common goals or aspirations, normative principles
	<ul style="list-style-type: none"> • Passive representation wherein personal and social values are reflected in policymaking and active representation wherein these values are shared with, or in line with, constituency • Operative public values change over time and are difficult to conceptualize given cultural relativism of various groups. Rationalizing values is important. • Rationalizes how private sector brings values to public space by upholding certain values essential to liberal democratic setup. Argues against irregularities in this trend and points out through cases studies manner in which values diverge from expected results of private associations 	

<ul style="list-style-type: none"> Time series and statistical factor analysis to understand conflicting values of various stakeholders. PML (process-modeling languages and D2P (decision-for-decision support for processes) model which captures decision-making and processes at high level of abstraction and helps stakeholders evaluate alternatives for decision-making 		
<p>Four strong themes emerge:</p> <ol style="list-style-type: none"> PV's in a culturally pluralistic setting Public values in private sector (Different) role(s) of public servants and administrators Relevance of understanding role of public values and decision-making in context of social issues 	<ul style="list-style-type: none"> Valuation - appraising real estate prices- if public values should be component in final market value Evaluating partnerships/collaborative approaches of public service provision PPP model, role of competition and tendering in compromising public values In context of policy options affecting environment, public health policy, real estate, and political salaries—expenditure To understand public opinion/support for different policy decisions (particularly redistributive policies) 	<p>5. Which different topics are studied?</p> <p>6. What are the main research questions within these topics?</p> <p>7. Within each research question: How are PVs studied, defined, and categorized? How are</p>
<ol style="list-style-type: none"> Statutory interpretation, principle-enforcement Alternative dispute resolution (ADR) Water rights Family and medical leave act, mediator accountability, political philosophy, moral and civic education, regulation, distribution 	<p>No specific research questions mentioned in publications (this may be discipline-specific)</p>	<p>No specific research questions</p>
<p>Not so much about tensions among PVs, concept is often used to defend something that would otherwise</p>	<p>PV's are studied in terms of:</p> <ul style="list-style-type: none"> Passive and active democracy, exploring legitimacy and rationale of decisions taken when 	<p>Not so much about tensions among PVs, concept is often used to defend something that would otherwise</p>

(Continued)

<i>PYs question</i>	<i>Economics (n = 11)</i>	<i>Political science (n = 12)</i>	<i>Law (n = 26)</i>
conflicting values reconciled?	<ul style="list-style-type: none"> Model costs in the form of compromises on values like democracy, freedom, equality, fairness, etc., at different levels in collaborative public service provision (PPP) between governments and NGOs selected on the rationale of efficient delivery and in the choice of a particular NGO granted the tender for reasons of cost effectiveness (financial gains) over another NGO who is closer in terms of public values but less cost effective than its winning counterpart Establish other motivations (beyond pecuniary effects) that shape individual attitudes towards redistributive public policies namely social rivalry, PVs effect, pecuniary motives 	<p>democracy is demographically representative or is direct democracy (administrators are delegates, trustees and enlightened trustees)</p> <ul style="list-style-type: none"> Culturally pluralistic societal values cannot be operationalized as general public values, comparative concerns have to be factored in and reliance on single indicators has to be resolved. <p>Liberal democracies should be reformed to accommodate legitimate demands of such groups</p> <ul style="list-style-type: none"> Existence of private associations provides benefit of dividing power and avoiding centralized authoritative rule. They help in nation-building process but may also compromise larger public values of liberty, order, and stability 	<p>remain unnamed and thus not protected</p>