



RATIONALITY OF PUBLIC MANAGEMENT - A LOOK AT EXCEPTIONAL MEASURES IN A CRISIS ENVIRONMENT IN PORTUGAL FACING COVID-19

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ABSTRACT

The COVID-19 pandemic represents an unprecedented challenge for governments around the world. Despite the differences recorded in virus evolution and in the number of victims involved, it is consensual that Society is experiencing changes with consequences that are still unpredictable. Government responses have varied in terms of timing and content, which makes the sharing and reflection urgent. This article focuses on the Portuguese Public Administration's response, mainly on the areas of leadership, human resources management and education, aiming to identify a set of the most significant public measures taken within the management of COVID-19. The analysis of the exceptional measures allowed to conclude that the Portuguese public administration adopted management practices close to the market mechanisms, adopting

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private management tools, marked by flexibility, autonomy, decentralization. Another characteristic that stands out is the co-leadership between political and administrative authorities, i.e., a broader public management concerned with the sustainability of collective life.

KEYWORDS: Public administration, public management, efficiency, COVID-19 Pandemics, Portugal

RACIONALIDADE DA GESTÃO PÚBLICA – UM OLHAR SOBRE MEDIDAS EXCECIONAIS EM AMBIENTE DE CRISE EM PORTUGAL FACE AO COVID-19

RESUMO

A pandemia COVID-19 representa um desafio sem precedentes para os governos em todo o mundo. Apesar das diferenças registadas na evolução do vírus e no número de vítimas envolvidas é consensual que a Sociedade está a experienciar transformações com consequências ainda imprevisíveis. As respostas governamentais têm variado em termos de momento e conteúdos pelo que torna premente a sua partilha e reflexão. O presente artigo debruça-se sob o contexto de resposta da Administração Pública Portuguesa, com foco nas áreas da liderança, da gestão de recursos humanos e educação, pretendendo-se identificar um conjunto de medidas públicas mais significativas tomadas âmbito da gestão do COVID-19. A análise das medidas excepcionais permitiu concluir que a administração pública portuguesa adotou práticas de gestão próximas aos mecanismos de mercado, adotando ferramentas de gestão privada, marcadas pela flexibilidade, autonomia, descentralização. Outra característica que se destaca é a co-liderança entre as autoridades políticas e administrativas, i.e., uma gestão pública marcada pela preocupação com a sustentabilidade da vida coletiva.

PALAVRAS-CHAVE: Administração Pública, crise, gestão pública, eficiência, pandemia COVID-19, Portugal

RACIONALIDAD DE LA GESTIÓN PÚBLICA: UNA MIRADA A MEDIDAS EXCEPCIONALES EN UN ENTORNO DE CRISIS EN PORTUGAL EN COMPARACIÓN CON COVID-19

RESUMEN

La pandemia de COVID-19 representa un desafío sin precedentes para los gobiernos de todo el mundo. A pesar de las diferencias registradas en la evolución del virus y en el número de víctimas involucradas, se está de acuerdo en que la Sociedad está experimentando transformaciones con consecuencias aún impredecibles. Las respuestas del gobierno han variado en términos de tiempo y contenido, lo que hace que su intercambio y reflexión sean urgentes. Este artículo se centra en el contexto de respuesta de la Administración Pública portuguesa, centrándose en las áreas de liderazgo, gestión de recursos humanos y educación, con el objetivo de identificar un conjunto de medidas públicas más significativas tomadas dentro de la gestión de COVID-19. El análisis de las medidas excepcionales, permitieron concluir que la administración pública portuguesa adoptó prácticas de gestión cercanas a los mecanismos del mercado, adoptando herramientas de gestión privada, marcadas por la flexibilidad, la autonomía y la descentralización. Otra característica que destaca es el co-liderazgo entre las autoridades políticas y administrativas. Gestión pública marcada por la preocupación por la sostenibilidad de la vida colectiva.

PALABRAS-CLAVE: Administración pública, crisis, gestión pública, eficiencia, pandemia COVID-19, Portugal

1. INTRODUCTION

State intervention does not always develop within a framework of desirable social stability, formed by the set of norms that shape public action, social values and management methods or techniques in order to satisfy collective interests. Sometimes, such

action has to be developed and provide responses in a crisis environment, whatever its nature or cause.

In these cases, as the one reported, public action is compelled to provide a quick and effective response. Under these conditions, the structuring of public action may be affected, as it is not possible to observe its usual rationales. The logic of public intervention, normally designed to produce levels of well-being protracted over time, is conditioned by the urgency of collective needs, which can affect it in the name of instant and urgent interests (Parker & Hanmer, 1992).

In this exploratory study, of an essentially qualitative nature and developed from the perspective of management and public policies, we identified a set of public measures taken in a crisis environment, specifically caused by COVID 19, focusing on the areas of education and human resource management. Through it we seek to identify a possible guiding thread that allows us to perceive the rationality trait underlying public action in this specific context. And yet, explain the phenomenon from the identifiable rationality in the face of the critical incident (Flanagan, 1954; Hettlage & Steinlin, 2006).

The present article focus on how events triggered a particular public action or provision. We will make a narrative description of the facts under observation in order to identify the problems of systemic and institutional organizational adaptation in the face of this crisis (Hettlage & Steinlin, 2006).

2. RESEARCH GOAL AND ANALYSIS FOCUS

The goal of the present research is to analyse the concrete measures of public management in the face of this critical incident that profoundly affected collective life in all its aspects. Public management is the activity of public institutions that aims to satisfy collective needs. It must be developed according to the law and within a framework of efficiency, economy and effectiveness, to guarantee the maximization of this satisfaction and the rational use of available resources. The term public management appears to us as a set of analytical tools or action-oriented techniques and methods (Reed, 1989).

Public management has evolved according to paradigms that have progressed over time, based on values and theories that sought to make it more rational (Hood, 1991, 1992, 1995). With this, several management models have positioned themselves for the production of public goods and services, such as the bureaucratic model, the New Public Management (NPM) and, more recently, Public Governance. Today, alternative models are added to these, such as the market or network models.

In fact, the proliferation of public entities with responsibilities in the provision of public goods and services, as a result of the greater fragmentation of Public Administration, makes it necessary to have interorganizational coordination mechanisms. The fragmentation of the models of production of public goods was a NGP process, while interorganizational coordination, collaboration, trust and sharing are aspects of a way of organizing post-NPM public action.

The emphasis on professional management and results, the establishment and dissemination of performance measures, the focus on quality management, privatization, contracting-out and the creation of agencies, among others, characterized the NPM. NPM adopted management practices that are closer to market mechanisms and adopted private management tools in Public Administration. According to the OECD, NPM is characterized by an emphasis on performance management; greater flexibility and autonomy in financial management; greater autonomy in people management and personalized contracts; greater responsibility towards users and other customers of public services; greater decentralization of central government authority and responsibility to lower levels of government; increased use of market-type mechanisms, such as internal markets, user fees, vouchers, franchising and external contracting; and also privatization of market-oriented public companies (OECD, 1993) (Bovaird & Löffler, 2003).

Among other aspects, civil society participation is encouraged by bringing producers and consumers closer to public goods and services; risk-sharing and cross-checking; accountability mechanisms are strengthened; the decision-making process allows the greatest number of social actors to intervene in the production of the public good, either as co-producers, co-responsible (Moreira & Alves, 2009).

Governance as public, however, brought a new approach in defending stakeholder involvement; transparency; the egalitarian goals agenda; ethical and honest behavior; responsibility; long-term sustainability (Bovaird & Löffler, 2003).

It is on this assumption that we will develop our reflection. The analysis will indistinctly use tools, approaches and values from all models, depending on the needs of the study, without any preferences.

3. PUBLIC ADMINISTRATION AND THE PUBLIC SERVICE DELIVERY IN THE CONTEXT OF THE COVID-19 PANDEMICS

The first and most emblematic measure taken within the scope of public administration in Portugal during COVID-19 was the establishment, by the Council of Ministers, of a public health surveillance system, for the identification of risk situations, for the collection, analysis and dissemination of data relating to communicable diseases and other public health risks, as well as contingency plans in the event of emergency or public calamity situations. This had impacts inside and outside the structure of the State and public administration.

From this measure, countless others were taken in different areas of management and the provision of public services as different as the national health service, border control, national defense, the Courts, the internal administration and civil protection, the infrastructure, public transport services, agriculture, support for culture and access, in general, to public services.

The most emblematic measures have been taken in the public health sectors in particular, and in the functioning of public services in general:

a) In the national health and healthcare system, the creation of an exceptional regime in terms of human resources in this area, which includes:

- (i) suspension of overtime limits;
- (ii) simplifying the hiring of workers;
- (iii) enhancing worker mobility;
- (iv) reinforcement of the hiring of retired doctors without being subject to age limits.

A disease prevention regime was also created for professionals in the health sector directly involved in the diagnosis and specialized laboratory response. And another exceptional regime for the purchase of urgent goods and services by organs, agencies, services and entities of the Ministry of Health.

b) The measures for the organization and functioning of public services, including consular services outside Portuguese territory, included:

(i) The suspension of all classroom teaching and non-teaching activities in schools at all levels of education as of Monday, March 16, 2020;

(ii) The reorganization of public services, namely through the reinforcement of public service by digital means, telephone service and electronic response to contacts via e-mail, as well as the establishment of physical frequency limitations in public services;

(iii) The acceptance by the public authorities, and for all legal purposes, of the display of official documents whose validity period expired during the period of validity of the exceptional legislation or in the 15 days immediately before or after;

These measures forced the restructuring of working conditions from the residence of the respective employees, with reinforcement of local operational resources (involving the provision of computers and computer resources and access to data networks) and connections by electronic means to the public employees of the public services.

When analyzed in a more global perspective, these measures reflect not only the existence of interorganizational coordination mechanisms, typical of the NPG, but also evidence the effective capacity of the public administration to organize itself in a context as different as a pandemic can generate. Support a strengthening of the rationality of public action adapted to times of crisis as advocated by Hood (1991, 1992, 1995).

In line with that advocated by NPM, Portuguese public administration adopted management practices closer to market mechanisms by investing in private management tools. These measures show greater flexibility and autonomy in financial management; greater autonomy in people management and personalized contracts; greater responsibility towards users and other customers of public services; greater decentralization of central government authority and responsibility to lower levels of government (OECD, 1993) (Bovaird & Löffler, 2003).

Finally, we identified characteristics that the public governance ideas brought, materialized in the involvement of stakeholders; simplification of bureaucratic procedures (e.g., hiring), transparency; reinforcement the focus on ethical behavior and collective and individual responsibility, as well as the concerns about the sustainability of collective life in the long term (Bovaird & Löffler, 2003). The measures suggest that

public management and public governance practices were indistinctly adopted without distinction, which proved to be compatible and / or partially complementary.

4. POLITICAL AND ADMINISTRATIVE LEADERSHIP IN HANDLING THE COVID-19 OUTBREAK: THE CASE FOR A CO-LEADERSHIP AND GOVERNANCE APPROACH

A particular salient issue in the management of the COVID-19 crisis in Portugal during the first two months was the co-leadership between both the political and the bureaucratic authorities. Past research on the so called “political-administrative divide” has normally stressed the divergence of goals and confrontation between bureaucrats and politicians in public policy management and public governance literatures, also known as the “bureau-politics” phenomenon (Rosenthal, ‘t Hart & Kouzmin, 1991).

The first evidences from the Portuguese response to the COVID-19 crisis, though, seems to indicate that political and civil servant authorities have collaborate regularly and from the beginning. Some of the beginning evidences of this collaboration are: (1) the daily “Press Conferences” always with a representative member of the Health Ministry and a member of the Health General Directorate (DGS, *Direção Geral da Saúde*); (2) the briefing meetings of the President of the Republic of Portugal and The Prime Minister with Public Administration Authorities members, as well as subject matter experts such as scientists in several matters like health, virology, but also economics and other, that occurred always before the “State of Emergency” Declaration or any other political measure; (3) the long and numerous meetings between the President of the Republic of Portugal with several stakeholders of the Portuguese society, including industry leaders (e.g., cultural associations leaders, CEOs, union leaders, etc.) before the announcement of the State measures to fight the COVID-19 outbreak.

As Rosenthal and collaborators (1991, p.331) have stressed, “under critical circumstances, the lines between political and administrative roles and activities tend to be blurred”, but in the first times of the Portuguese response to the pandemic crisis the political and the administrative roles seemed to be clearly defined and worked in collaboration. It seemed to reflect a clear distinction between the political-charismatic and the bureaucratic-administrative authorities described by Max Weber (1968), but one that collaborate well in the decision-making process, given their clear separation, contribution and role in those decisions. The virtues of this decision-making model of collective and complementary leadership have been addressed by Lopes (2014) regarding the governance of the Marquis of Pombal during the response to the 1755 Lisbon earthquake, and seems quite appropriate to understand the effective part of the Portuguese response to the COVID-19 pandemic at least in the first two months of fight of the pandemic.

In addition, as the examples of the evidence above reveal, a “multi-actor perspective” seems also appropriate to describe the Portuguese response to the COVID-19 crisis in the first two months (cf. Rosenthal et al., 1991). These examples show that, in addition to political and bureaucratic actors, a myriad of other “stakeholders” should be involved in the decision-making process, including civic society forces, economic agents and different political parties in the parliament. This fact, contributes in a two-fold way to Public Administration research. First, it somehow validates the “New Public Governance” approach that has been proposed in the recent decades as an

alternative to post-bureaucratic perspectives such as the New Public Management approach (e.g., Osborne, 2006; Peters & Pierre, 1998), while at the same time stresses the virtues of bureaucracy for public response effectiveness (cf. Olsen, 2008). Second, it calls Public Administration researchers to deepen the actual and real-world idea of “Public Governance”. Complex decisions in uncertain times require multiple angles of analysis, and Public Governance can guide us into a better knowledge of what that kind of approach to public administration can actually be. We see a fruitful research area that of public governance and we are hopeful that the study of the different COVID-19 Governance models can inform decision-makers in future global and national crisis and outbreaks for a better management of those societal challenges.

5. EDUCATION IN THE COVID-19 CONTEXT

Several critical incidents have occurred in the Portuguese education context that can be used to highlight how Portugal has managed the pandemic situation in this dimension. The first one was the Government’s decision to close all schools, the second one was to maintain distance learning solutions and the third one the gradual reopen of several school years.

Even though the government was in charge of the decision, it awaited the recommendation of the National Council for Public Health, which was against the closure of schools and all other public and private establishments without the express authorization of health authorities. Nevertheless, the prime minister met march 12 afternoon with all parties with parliamentary seats. Therefore, schools closed on March 16, 2020 while the news were released by the Prime Minister on March 12. The state of emergency was decreed in the same week. It is estimated that in Portugal, 2 million of students are at home with no face-to-face lectures (UNESCO, 2020). This was the formal data, however, earlier that week due to the number of confirmed cases of covid-19 infection in Portugal, there are teachers and students from basic, secondary and higher education schools, which has motivated the voluntary closure of several institutions from north to south of the country and also children’s stay at home by parent’s decision.

As a result of this decision of schools closed an exceptional family support for workers was defined. For example, due to health authorities or government decisions to close educational establishments, workers who are employed and absent from work in order to take care of their children or other dependents minors, under the age of 12 or with a disability/chronic illness regardless of age, only earn 2/3 of their basic salary.

Only on March 27, the Ministry of Education published the Roadmap with 8 Guiding Principles for the Implementation of Distance Learning in Schools⁵ with the aim of ensuring that all children and all students continue to learn in the present context, this roadmap is an instrument to support the Schools in designing the best strategy and plan for distance learning. These guidelines envision different phases of preparation, internal debate, reflection, survey and definition of technological means among many other factors, letting each School, based upon the phase they are at and

⁵ https://www.dge.mec.pt/sites/default/files/roteiro_ead_vfinal.pdf

its reality, to reflect on the principles presented and on the development of their distance learning plan.

These were considered as temporary measures, however the development of the number of confirmed cases and deaths, and also the social isolation policy that seems to have good results, indicate that the situation would have to remain like this for a longer period of time.

On April 13, Decree-Law 14-G/2020⁶ was published, establishing exceptional and temporary measures in the education area, in the context of the COVID-19 disease, in middle and high school. These measures set the non-presential teaching modality as a response to the maintenance of learning during the pandemic. Schools are given autonomy to define and implement a teaching plan with methodologies adequate to the available resources and assessment criteria.

The additional measure "Studying at home" was introduced on April 20th, with classes on television during the day, for students from the 1st to 9th grades as a way to consolidate content and learnings.

The Decree-Law leaves open the possibility for the 11th and 12th grades, as well as the day-care centers to resume their teaching activities on May 18, as pointed out by the media, for older people that have to take exams and June 1st for younger people. Even if the classes in person require contingency measures (e.g. use of material and protection and rules of social distancing). Exams have been cancelled and will be considered the internal grades of the schools. For the entrance exams to higher education, the schedule has been adjusted and exams are now scheduled for July (1st phase) and September (2nd phase).

In Higher Education, the Ministry in charge issued a statement on April 17, 2020 with recommendations and clarifications to scientific and higher education institutions, focusing on the development of plans for a progressive removal of the containment measures motivated by the COVID-19 pandemic, including the phased reactivation of teaching and non-teaching activities with the presence of students. Institutions are preparing for their phased implementation by May 4, 2020.

The foundations for maintaining education in emergency or crisis situations - situations where children lack access to their national education systems due to man-made crises or natural disasters (Pigozzi, 1999) - are applicable and visible on a daily basis in Portugal: the community-based approach to education, meeting the psychosocial needs, rapid response. Education in these situations can help to provide a sense of normality, restore hope, support psychological safety, protect the investment that children, families and nation have made in children's education (Sinclair, 2001).

6. TAX OBLIGATIONS IN THE COVID-19 CONTEXT

The pandemic has had an extraordinary impact on the economy. Very significant declines in GDP are expected, unparalleled in the 20th century. The portuguese state has adopted a very wide range of measures to support and stimulate economic activity. In order to maintain the possible normality, several tax support measures were taken

⁶ <https://dre.pt/home/-/dre/131393158/details/maximized>

to aid companies and taxpayers, in the domain of the “most representative taxes of the portuguese tax system.

Thus, several tax measures were taken that, taken as a whole, can be aggregated around the following axes:

Personal and corporate income tax

On the one hand, the law has allowed deferral of compliance with formal tax obligations, such as the submission of income tax returns for both companies and individuals. On the other hand, it has made the payment of income tax more flexible for both legal persons and individuals. Thus, the law allowed, among other measures:

- the postponement of the deadlines for the payment of installments of tax on the income of legal persons on account of the tax due at the end, throughout the year 2020.

- the extension of the deadline for submitting the annual income tax return for individuals and the payment of corporate income tax to 31 July 2020.

- the fractional delivery of corporate income tax that has been withheld at source when made by taxpayers who (i) have achieved a turnover of up to € 10,000,000.00 in 2018, or (ii) whose activity falls within the sectors of economic activity closed because of the pandemic, as well as (iii) taxpayers of this tax who have restarted activity on or after January 1, 2019, can be made in installments in three or six monthly installments, interest-free. This measure was also extended to natural persons who carry out an activity subject to this tax.

VAT exemption and flexible payment of taxes and submission of declarations

Within the scope of the general consumption tax in force in Portugal, the VAT - Value Added Tax, the law has eased the delivery dates for declarations (monthly or quarterly), for calculating turnover flexible, extending the payment terms of tax due to the state.

It also came to extend some tax exemptions to certain transfers of goods free of charge to the State, to social solidarity institutions and to non-profit non-governmental organizations, for later making available to people in need. For this purpose, people in need were also considered those who are receiving health care in the current pandemic context, whose status is equated to victims of catastrophe.

The calculation of the amounts of business volumes and calculation of tax payable to the state can now be calculated based on the State's computer records, without the need to be documented during 2020. Periodic tax returns delivered can be replaced / rectified without penalty or interest.

Social Security

In the field of social security, the law has postponed the deadlines for submitting income statements and paying contributions when companies declare that their turnover has been reduced by at least 20% or 40% depending on the size of the company. Thus, contributions from the employer's responsibility, due in the months of March,

April and May 2020, could be paid in the following terms: (i) One third of the value of the contributions in the month in which it is due, and (ii) the amount of the remaining two-thirds paid in equal and successive installments in the months of July, August and September 2020 or in the months of July to December 2020, without interest or penalties.

The benefits paid due to unemployment were also extraordinarily extended, as well as all the benefits of the social security system that guarantee subsistence minimums whose concession period or renewal term ended before June 30, 2020.

Reassessments of conditions for maintaining the benefits of the social security system were also extraordinarily suspended until June 30, 2020.

7. CONCLUSION

The present research aimed to analyze the concrete measures of public management in the face of the so called COVID-19 Pandemics. The analysis of the most significant measures taken allows us to conclude that the Portuguese public administration has adopted management practices close to market mechanisms by adopting private management tools. Such measures show greater flexibility and autonomy in financial management; greater autonomy in people management and personalized contracts; greater responsibility towards users and other customers of public services; greater decentralization of central government authority and responsibility to lower levels of government, in line with that advocated by the OECD and some more representative quoted doctrine. It also showed that political and techno-bureaucratic authorities were fast to cooperate and overcome the “political-administrative divide” that often populates public management context and *praxis* in “normal times”.

The analysis of the measures taken in the first weeks of the Pandemics showed some of the characteristics of public governance, including the greater involvement of stakeholders; simplification of bureaucratic procedures (e.g., hiring), greater transparency of procedures; in the reinforcement of the ethical behavior of all those involved; greater collective and individual responsibility showing bigger concerns about the long-term sustainability of collective life. The evidence thus suggests that public management and public governance practices should be adopted without distinction, which prove to be compatible and/or partially complementary.

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