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文官行政中立*

困境的檢視與概念的新詮

許立一**

摘要

本文並不將行政中立之概念局限於一般廣為認知的政治中立之層次，認為其實則應將行政人員參與政策制定過程所抱持的態度與實際的作為併聯思考。職此之故，作者就一般所認知的行政中立之意涵，檢視其理論與實務二個層面之困境，指出其定義應參酌時代思潮以及實際情勢，從更具倫理意涵的角度，予以重新詮釋，希冀能對今日的公共行政行為提供新的思考方向。

關鍵詞：行政中立、政務官、事務官、公平正義、公共利益、功利主義、利益走私。

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**The Dilemma of Administrative Neutrality:
Re-examination and Re-Interpretation**

by

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Abstract

The main purpose of this paper is to clarify the concept of administrative neutrality on the one hand, and build a framework in which the competing concepts are reconciled on the other. Traditionally, the concept of administrative neutrality was embedded in the orthodoxical dichotomy between politics and administration. This argument has long been challenged by Waldo, Rosenbloom, and others. This paper attempts to pinpoint the difficulties facing the traditional concept, and further release the dilemma by more ethical and normative implications.

Key Words: Administrative Neutrality, Political Appointee, The Career, Fairness and Justice, Public Interest, Utilitarianism, Interest Smuggling.