
Historical and Legal Approach to the Study of Public Administration

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Abstract

The study of History is often cited as important to understand the present as well as the future. The study of public administration also cannot be complete without understanding the evolution and progress of civilizations. The Historical approach to public administration focuses on the administrative systems, process and policies practiced in the past and then try to interpret them relevantly in the context of present times. There are two sides of the coin which the scholars have argued, while this approach may provide rich details regarding what worked and what not in the past but authors like John Pierre and B Guy Peters say that the study of history cannot provide any usable information which can be used now and the students of public administration should not have such misconceived notions. The important point to note is that scholars should know when to revisit the past and when to disassociate from it to draw pertinent theories and conclusions.

Keywords: Public Administration, Legal Approach, Study of Public Administration

1.0 INTRODUCTION

Public administration is like any other administration which is carried out in public interest. Before we dwell deeper into understanding public administration it would be beneficial to try and see how different authors have tried to define what administration is. Marx defines administration as - Administration is determined action taken in pursuit of a conscious purpose. It is the systematic ordering of affairs and the calculated use of resources aimed at making those happen which one wants to happen. Frederic k Lane defines administration as organizing and maintaining human and fiscal resources to attain a group's goals. A complete definition for public administration however is difficult to arrive at due to the sheer number of tasks that fall under it. Some academicians argue that all the government related work falls into this category while other choose to argue that only the executive aspect of government functioning comprises of public administration.

According to L D White, Public administration consists of all those operations having for their purpose the fulfillment or enforcement of public policy. On the other hand, as per Woodrow Wilson public administration is a detailed and systematic application of law. One can also say that public administration is nothing but the policies, practices, rules and regulation etc, in action. Now can public administration be divorced from social and political systems; certainly not and therefore emerged another definition provided by F. A. Nigro who argues that public administration is essentially a cooperative group effort in public setting. Secondly, it covers all the three branches of government machinery, the executive, the legislative and the judicial. He further added that since public administration plays a crucial role in formulation of policies therefore it is a part of the political process as well (for e.g. Bills and Acts). Negro also said that public administration is different from private administration in numerous ways and that it interacts with various private groups and individuals in providing services to the community.

Also, on the nature of public administration there have been two popular views, one being the Integral view and the other one is the Managerial view. The Integral view is all encompassing and consists of sum total of all managerial, clerical, technical and manual activities and employees form all levels. This view was endorsed by L D White and Dimock. It may differ from one agency to another depending on their sphere of work. On the other hand, the Managerial view, as the name suggests says that the public administration involves only the managerial activities. This view was supported by Simon, Smithburg, Thompson and Luther Gulick. After having said that; the word administration itself is highly contextual, and may vary in meaning and definition from one organization to another.

So if you want to understand it from the context and setting of an organization, it can be roughly explained that; the top leadership or the Board decides the vision, mission, short and long term goals and

the business unit heads then draw out action plans and create or reform processes, allot responsibilities, direct planning, get people on board and start working towards achieving those set goals as per defined guidelines. So, the Board can be the Government and the Business Unit Heads and their teams can be the public administrators who are the implementers and actually the people who run the show.

2.0 NATURE AND SCOPE OF PUBLIC ADMINISTRATION

Bureaucracy is not an obstacle to democracy but an inevitable complement to it (Joseph A. Schumpeter). The above quote by Schumpeter can call for a heated debate on its relevance and credence. However, there is no denying that bureaucracy; since a couple of centuries or so; has been an integral part of the Government, the State the people and the way they function with each other. Public administration is the single most important aspect of bureaucracies across the world; be it a democratic, socialist or a capitalist state, more so in a socialist state, as all aspects of the citizen life are influenced and decided by the government. There has been considerable shift in the way the public administration was carried out in ancient and medieval times when the initiatives were nothing more than sporadic administrative functions like maintaining law and order and collecting revenues with little or no welfare activities. The people who carried out those activities were selected by the monarchs and were no better than their personal servants.

With changing times, the objective of public administration also underwent a change and by the nineteenth century; an organized approach to public servants and public administration was adopted. This approach was based on an exhaustive legal framework replacing the patriarchal and hereditary function with bureaucracy. The advent of this new approach to public administration happened due to many reasons. The foremost being the Industrial revolution. With Industrial Revolution, the Government forayed into trade and commerce; which was followed by Imperialism, Nationalism and Internationalism which added on to the widening avenues of Government duties and responsibilities. The times today are again vastly different from what existed a century ago and once again the scope of public administration has also undergone a shift, it's difficult to decide whether it is paradigm or not. However, the increasing awareness amongst people especially in the developing countries [for e.g. The Right to Information Act or RTI act in India] and an acquired knowledge of rights, privileges and laws amongst the people of developed countries [for e.g. the debates on The Health Care and Education Reconciliation Act of 2010] have thrown new challenges for the public administrators and policy makers.

The demand for unified national services, the conflicting interests between the various economic sections of the society and with global migration and subsequently globalization; the protection of the interests of the multi-ethnic groups of the society have kept the public administrators occupied. Administration matters so much because it is not enough to make policies and laws on paper. The interpretation and translation of those policies and laws into actions and carrying them out is the difficult part. The public administrators therefore have to play an important role in running the government as machinery. Bureaucracy has often been sneered and ridiculed at but if the administrative work is stopped, nothing really would be happening. In almost all the countries the number of people employed in public administration work is appalling like in USA the figure roughly stands at 2036000 civilians excluding the employees of Congress and Federal courts, in England the figure runs into several thousands and in India the civil services exam itself draws lakhs and lakhs of applicants while the selection percentage is meager [for e.g. the 2006 numbers for selection in the UPSC was 383983 applicants and 474 actually recommended for posts.]

The various important roles that public administration plays, the most important one are implementing laws and policies and acting as their adjudicators. It is therefore important that the reader approaches the study of public administration with an open mind and without prejudices to appreciate the full nature, role, importance and relevance of the bureaucracy.

3.0 PUBLIC ADMINISTRATION: AN ART OR A SCIENCE

At a first glance it seems easier to accept public administration as an art. It is just the administration of Government affairs and for most part it does not follow the laws of Science like absence of normative value, predictability of behavior and universal application. So, does that mean we cannot list it into a respectable category of scientific subjects? There are many authors who ferociously defended it

and argued that public administration as an area of study is indeed a Science. The earliest of them was Lorenz von Stein in 1855, a German professor from Vienna who said that public administration is an integrated Science and viewing it just as administrative laws was a restrictive definition. In modern times, categorizing public administration as Science found favor with many, the most important one being the father of American public administration, President Woodrow Wilson. We shall read more about the Wilsonian view of public administration in the next article, however he mainly emphasized that the objective of administrative study is to discover what government can properly and successfully do and how it can do those things with utmost efficiency with least possible cost of money or energy.

After Wilson another important argument came from Frederick Taylor who wrote a book called *The Principles of Scientific Management* (1911) in which he proposed to discover one best way of doing things/operation and thus save on cost on time and energy. Luther Gulick and L Urwick collectively published, *Papers on the Science of Administration* which reaffirmed its status as a Science. W F Willoughby stated that public administration like Science has certain fundamental principles which can be generally applied and therefore it is a Science.

However, there still remain certain aspects to be established before public administration can be actually and in real terms, be classified as a Science. The places of normative values in public administration should be clearly defined. More efforts should be put in to understanding the human nature and dynamics at play in public administration. Lastly, the principles of public administration should derive references from across the worlds, cultures, type of states etc to make them more universal and free of cultural, religious and political biases. The advent of the modern welfare state itself has added, to the changing approach to public administration. The kind of activities and sphere of works have never been more varied and dynamic and there has been a never before interest in actually improving the efficiency of the government.

Subject matter experts like Frederick Taylor have opened ways to exploration, experimentation, observation, collection of data and analysis based on which principles and laws can be made. There are increasing number of authors like Metcalfe, Fayol, Emerson, Follett, Mooney, and more recently Drucker etc who have written on the subjects of administration. In-fact Drucker wrote a book called "The Age of Discontinuity" and one of the chapters of the book called *The Sickness of Government* became the basis of the New Public Management theory popular in 1980s which emphasized the market oriented management of the public sector. So, one can safely say that with the changing times and more and more studies carried out in the field of social sciences, administration and human relations, the subject of public administration can no longer take the shelter of art and would have to emerge stronger with relevant and fundamental principles like that of Science.

3.1 Public and Private Administration

The expansion of public sector into industrial enterprises has been into practice for quite some time, a little over half a century now. The public sector organizations in order to function efficiently are borrowing heavily from the business knowledge, administration and process orientation of the private organizations. However, there still remains a considerable difference between these two administrative practices. It would be interesting to learn about both similarities and differences between these two to arrive at a better understanding. Let us first understand the differences and see what the authors and subject matter experts have to say about it.

According to Paul H. Appleby the public administration is different from private administration in three important aspects, the first is the political character, secondly the breadth of scope, impact and consideration and public accountability. These differences seem very fundamental and very valid in the light of our own exploration of the subject in previous articles. Josia Stamp went a step further and identified four aspects of difference of which the only one similar to that of Appleby's is that of public accountability or public responsibility as Stamp identifies it. The other three are:

- Principle of uniformity
- Principle of external financial control
- Principle of service motive

Herbert Simon cited very practical and easy to understand differences based on popular beliefs and imagination and therefore might seem more appealing. He said that public administration is bureaucratic while private administration is business like. Public administration is political while private administration is apolitical. And finally; the aspect most of us would swear by that public administration is characterized by red tape while the private administration is free of it.

The management Guru Peter Drucker sums up the difference in more comprehensive manner. He says that the very intuition which governs both kinds of administration is different from each other. While the public administration functions on service intuition the private administration follows the business intuition. They also have different purposes to serve, with different needs, values and objectives. Both of them make different kind of contribution to the society as well. The way the performance and results are measured is different in a public administration than that of private one. Let us now understand the similarities between the two and see to what extent and in which areas are they similar. You would be surprised to know that there are many similarities between the ways in which a public and a private administration functions. The similarities are so much that some subject matter experts and authors like Henry Fayol, M P Follet, Lyndall Urwick do not treat them as different. Fayol said that all kinds of administration function on some general principle irrespective of them being public or private. The planning, organizing, commanding and controlling are similar for all administrations.

The above arguments and several other points suggested and illustrated by other authors as well clearly point out that there are more similarities between the two administrations than what we see and understand.

- The managerial aspects of planning, organizing, coordinating and controlling are the same for public and private administration.
- The accounting aspects like maintenance of accounts, filing, statistics and stocking are the same. Both of them have a hierarchical chain of command or reporting as the organizational structure.
- Both get influenced, adopt and reform their own practices in the light of best practices of the other. They also share the same pool of manpower
- And lastly they share similar kinds of personnel and financial problems

4.0 WOODROW WILSON'S VISION ON PUBLIC ADMINISTRATION

Woodrow Wilson was the 28th President of USA (1913-1921) and is often addressed as the father of American Public Administration. Wilson and his contribution to the subject of public administration is widely read and referred to. He was one of the first political leaders who emphasized the need to increase the efficiency of the Government. Wilson argued that administration is the most obvious part of the Government and the least discussions happen around it. He further says that despite being the executive, the operative and the most visible side of the Government and being as old as the Government itself it has remain hidden from the scrutiny and inspection of writer, authors and subject matter experts where it should have been the centre of debates and researches. He shows little appreciation towards the obsession regarding the constitution of Government, the philosophical approach towards the existence of State, the sovereignty or some greater meaning lying at the heart of the Government. Basically what he meant was the know-how of the actual business of Governing people and how that can be made more efficient.

In the context of the early 20th century USA and the world in general, Wilson and his ideas regarding administration made sense. Life had changed much since the good old days of farms and cattle and now there were complexities of trade and commerce, stocks and bonds and financiers and then the national debts, the ever increasing conflicts between the capitalist class and the workers. In the light of these developments, ways the Government can function also needed a change which unfortunately was not assessed adequately resulting in inefficiency and wastage of resources. In addition to above aspects, the Government's sphere of work was expanding, like the postal service in America and rail-road lines in Europe. So, if the transition was happening at the grass root level say for example to manage rail-road, national commissioners were made in addition to older state commissioners, the resulting extension of administrative function became a matter which needed to be delicately handled and not carried out in haste.

Wilson also clarified that the studies conducted in the field of public administration were mostly carried out by French and German academicians and were therefore not entirely relevant and suited to the needs of the American people and State in its original form. He suggested that any principle adopted from Europe would have to be Americanized and modified for the complex and multiform state and a highly decentralized form of Government in the USA. Wilson had carefully studied the administrative practices of not just France and England but a small nation like Prussia and praised the ruler Frederick the Great who regarded himself as the chief servant of the people and his office as a public trust. He also wrote favorably of Napoleon and his recasting of French administration after ending the monarchical rule. He however; wrote harshly about the ways of English administrators and those of his own country; pointing out that their history was not of administrative development but of legislative oversight. There was little progress made in Government organizations but vast leaps taken in law making and political criticism.

While reading Wilson one cannot help but wonder that whether enthroning public opinion in the matters of Government a wise decision at all? The dark side of it is that it becomes a larger obstacle to manage; since any change or reform proposed needs to get pass veto at so many levels. To sum up, Wilson proposed a very no-nonsense and businesslike approach to administration which should be free of shackles of political doctrines.

5.0 CONCLUSION

The study of history of administration does not become any lesser important even in the light of above contrasting argument. It remains important because developments in society over time and ages have a lasting effect on the quality and quantity of public services delivered. This approach helps the scholars and students to understand that how the Government adjusted its administration and functioning with changing times and what ramifications it had. The study of the past also provides crucial information regarding why some methods, policies, systems etc were adopted and which needs did they address.

With the importance of historical approach established in studies of public administration, we shall now see what the legal approach to public administration was. Taking the legal route to public administration would venture into the formidable legal structure and organization of public bodies. As the name suggests, this approach associated itself with laws, rules, regulations, codes, official duties etc. It also described the power, limitations and discretionary powers of the authority and judicial decisions. Many countries especially in Europe like Germany, France, Belgium and others have adopted the legal route to study public administration.

It works well for these countries as they have two distinct divisions of laws, the constitutional and the other administrative. The constitutional law mainly dealt with the interrelation of power between the legislative, executive and judicial branches of the Government while the administrative part concerns itself with the functioning of the public organizations.

The legal approach throws light on the legal framework in which the public administration operates but excludes other important and informal aspects like sociological and psychological dynamics at play and therefore is considered an incomplete approach by many scholars. However, there were many other takers for it and in USA, Frank J Goodnow, was an important advocate of this legal approach. In his book *Politics and Administration*, he challenges Montesquieu's theory of separation of power in the book *Esprit De Lois* which proposed three branches of power; legislative, executive and judiciary but highlighted the independence of judiciary from administrative as the sole recognition of judicial power. According to Goodnow, this in itself was not sufficient and that extreme form of this theory was incapable of application to any concrete political organization. Goodnow and his further work have greatly influenced the way the American Public Administration shaped up in the later years.

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