

**mgr Przemysław Charzewski**  
**Department of Public Administration**  
**Faculty of Law, Administration and Economics**  
**University of Wrocław**

## **ACTIVITIES I**

### ***Credit requirements. Course characteristics. Public administration vs. private administration***

#### **Course credit requirements:**

- 1. Maximum 2 absences. Overtime absences are made up at consultations. Each missed absence is half a grade lower.**
- 2. Active participation in classes.**
- 3. A dissertation on innovation in regional management in a selected EU country sent by e-mail before the end of the course (approx. 6-8 A4 pages including a bibliography)**

#### **Ladies and Gentlemen,**

This course aims to familiarise you with the contemporary realities of public management in the regions. A reality of an interdisciplinary nature, which includes both legal and non-legal elements.

You learn about the differences between public and private administrations. You get to know the specificity of the activities of public and private entities in the public space and the problems related to their cooperation. You understand decentralisation and the importance of self-government, including regional self-government.

Regions will be the focus of our attention here. This is because of their contemporary socio-political and economic importance. Globalisation, in the era in which we live, is also of significance.

The latter is finally complementary, being the cause of innovation in many fields of our life activity. These innovations also relate to management processes and touch on both the purely social and technological spheres. Above all, however, they contribute to blurring the lines of the traditional divisions between the public and private sectors on the subject that interests us. They do not, however, make either of them perfect. You will see this especially at the meeting devoted to the basics of public management, where you will learn about the multitude of concepts that have emerged since the 1970s in Western Europe and overseas.

Of course, you will only learn about the most important ones in order to gain an overview of the reality and understand the evolution of public management over the years. Later, we will dedicate one class to strictly participatory concepts. These are particularly important because they are our current reality.

I will probably also take this opportunity to mention the issue of administrative policy, which goes hand in hand with public governance. Related to both of these is a third issue that will preoccupy us here, namely, regional policy.

The characteristics of the subject are necessarily brief. Our whole course will cover several topics. We will close the whole with an appropriate summary. The course itself I tried to design from general to specific. For this reason, we will first go into the differences between public and private administration. Above all, we will try to clarify these concepts.

Public administration can be distinguished in at least several contexts. For example, the Wrocław textbook on administration [Boć 2013] distinguishes sociological, political, linguistic and legal contexts. Nevertheless, the organisational context can also be distinguished [e.g. Habuda 2009, p. 34.]. Separately, attention should be paid to the views on bureaucracy related to the latter [e.g. Supernat 2005, pp. 585 - 587].

In sociological terms, therefore, we shall define public administration as *the satisfying of collective and individual needs of citizens arising from coexistence of people in communities, taken over by the state and implemented by its dependent organs, as well as by organs of local self-government*. At the same time, as explained by J. Boć, the phrase *taken over by the state* means first of all that it does not refer to the area of postulated needs, which may be socially reported as requiring the intervention of state bodies. It also means the absence of a fixed scope of administrative activity, which is in fact changeable [Boć 2013, p. 19.].

The political context is more complex. Here, J. Boć pointed to the separation of the following approaches [Boć 2013, pp. 21 - 22]:

- a) *Public administration as an area of all pre-election relations, including arrangements aimed at the personal staffing of public administration positions (of all elected one-person and collegiate local government bodies), as well as arrangements aimed at the formation of electoral programmes;*
- b) *Public administration as a field of relations and situations in the search, filling and dismissal of public positions in the state to the extent that this is not explicitly regulated by law;*

- c) *Public administration as the field of manners and content of influences that may be exerted on public authorities and their employees to the extent that this is not regulated by law or that this is not contrary to law, and within the limits of the law;*
- d) *Public administration as a field of substantive influence on activities that regulate the tasks of public administration to the extent that this is not regulated by law or where this is not contrary to law and within the limits of the law;*
- e) *Public administration as the field of all unregulated behaviour aiming jointly at the establishment of a normative act or an act of internal law. It should be remembered, moreover, that it is the parliament that is the field of the real political struggle;*
- f) *Public administration as the ways, means and procedures of transforming partial and total objectives considered important or necessary by social groups or peoples in order to build concepts for transforming and advancing the structure and functioning of the state and all within its operating public facilities including all types of self-government;*
- g) *Public administration as a field of ways to express, motivate and promote distinct and considered important public objectives;*
- h) *Public administration as a field of decision-making arrangements based on non-absolute forms of collective social expression (especially referendum and consultation);*
- i) *Public administration as a field of decision-making arrangements for speeding up or delaying processes that have their basis in existing law, as well as a field for setting priorities in situations where only certain tasks can be carried out; finally,*
- j) *Public administration as a field of arrangement for near and further reforms in the state.*

The linguistic context is related to etymology. For public administration is a concept with its Latin roots. Therefore, below I will present individual Latin terms and the content attributed to them [Boć 2013, pp. 23 - 24]:

1. *ministrare* - meant an executive servile activity implementing someone else's will, often based on specific assumptions or directives;
2. *dominare* - in Ancient Rome it was used to define the position of the master of the house, to whom family members and slaves were subordinate;
3. *imperare* - meant military authority, legitimising the giving of orders to soldiers;
4. *regnare* - included the attributes of royal power.
5. The prefix *ad* - in the modern state was used to emphasise multiformity. In particular, in combination with *ministrare*, it emphasised the many-faceted nature of servile and auxiliary activities, or those serving to realise someone else's will. Moreover,

*administratire* formed in this way also meant activity which did not end with one-off acts. It encompassed executive activity of a systematic nature, undertaken on a relatively permanent basis and with the help of more or less related detailed activities.

Of course, it is important to bear in mind the historical evolution that has taken place. Today, public administration and the scope of its tasks are also evolving, as we will see in the following classes, specifically dedicated to public management.

Let us now turn to the legal context, which is closest to me personally as I am doing my doctorate at the Faculty of Law, Administration and Economics, although I do not hide my sympathy for the holistic approach, which usually seems to be the best reflection of reality.

We already know that the content of the concept of public administration is evolving and changing over time. The same applies to public administration understood in a legal context. At one time I myself attempted to create a sufficiently broad definition of public administration. Of course, I was not 100% successful.

My definition was as follows: public administration, *is 1) executive and organisational activity, 2) performed in the public interest, 3) on the basis and within the limits of universally binding law, 4) by state, governmental, local governmental administrative bodies and - administrative entities carrying out their activities in agreement, as well as a valid legal relationship of a contractual nature, with the relevant public administrative bodies competent in a given field of public affairs, which are responsible for the proper implementation of the obligations of entities other than traditional public administration* [Charzewski 2018, p. 188 no. 3 (2)].

The definition by J. Supernat proves to be an appropriate supplement here. Supernat, who in turn defined public administration in the European sense as follows: *public administration is the satisfaction of collective and individual needs of inhabitants, resulting from the coexistence of people in communities, taken over by the state and realised by its dependent bodies (central and local) and by its independent bodies (decentralised agencies), as well as - within the framework of delegation - by local government bodies and bodies of non-state organisations (supra-state organisations)* [Supernat 2020, p. 114].

We can also distinguish, of course, the traditional on the ground of the science of administrative law e. g., negative-subjective, positive-subjective definitions [e.g. Majchrzak 2017, p. 12]. For you, however, they will not be of great importance, so I will allow myself not to refer to them further.

Finally, we have public administration in an organisational context. Here, a short, condensed German definition proposed by H. Maurer will be worth quoting: *administration in*

*the organisational sense is the organisation of administration consisting of administrative entities and bodies and other administrative units.* He also distinguished definitions in the material and formal sense. Nevertheless, for your needs we will stop at the above one [**Maurer 2003, p. 21**].

From the perspective of organisational and management sciences, the following issues are of interest in turn: **1) the** relationship between administration, leadership, management, decision-making and power in theory and practice, as well as **2) the** issue of bureaucracy.

On the first point, L. Habuda is in favour of assuming that what is at stake is the coordination of multiform activities so that they contribute to the success of the whole to the greatest possible extent. This success, in turn, would be measured by the efficiency of achieving objectives. The basic instrument for achieving coordination are, in turn, power relations, without which there would be no administration, management or decision-making [**Habuda 2009, p. 79**].

We are also faced with the problem of efficient administration. Here, L. Habuda cites M. Weber, who wrote that bureaucratic administration means ruling through knowledge which is a source of enormous power, which the bureaucracy or the master who wields it usually tries to augment through official knowledge acquired in the course of office or through familiarity with files [**Weber 2002, p. 167; cited after: Habuda 2009, p. 78**].

Further attention is drawn to the attributes of legal rule by M. Weber and his concept of the bureaucratic administrative staff. The former consist of: **1) the** requirement of continuous and rule-compliant handling of official matters within the limits of competence, **2) the** principle of official hierarchy, **3) the** technical or normative character of the rules of conduct, **4) the** principle of complete separation of the administrative staff from the ownership of material and financial means of action, **5) the** exclusion of the possibility of appropriation of the official position by the person occupying it, **6) the** principle of written documentation of administration, **7) the** multiplicity of forms, of which the structure of the administrative staff in the form of bureaucracy is the closest to the pure type of rule [**Weber 2002, pp. 162 - 163; cited after Pakula 2005, pp. 56 - 57**]. The bureaucratic administrative staff, in turn, was to consist of individual officials who: **1)** are personally free and subject only to substantive official duties, **2)** were employed on a contractual basis, **3)** are remunerated with fixed monetary salaries, **4)** can be dismissed in certain circumstances, while they themselves can always give notice, **5)** consider their position as their main profession, **6)** have career prospects, **7)** are completely separated from the means of administration and cannot appropriate their position, **8) are** subject to strict discipline and control [**Weber 2002, p. 164, cited after Pakula 2005**].

Of course, M. Weber's assumptions go back to the 19th century, so one should exercise restraint in referring to them. Certain issues, however, as we have certainly seen, have not lost their relevance.

We can also point to examples of views on the borderline between political science and organisational and management science. For example, similarly to M. Weber, W. Wilson - the later American president - conducted his research in the 19th century. He wrote in his well-known article that public administration is a field of business, isolated from political disputes and even in a certain sense from constitutional issues. Despite this, however, he believed that it remained part of the political life of society [**Wilson 1887, pp. 209 - 210, no. 2**].

The above cross-section of views on public administration must make it clear that it is difficult to provide an exhaustive definition. Public administration is studied by many social sciences, and even in legal sciences it is not always perceived in the same way.

The late representative of the Wrocław school of administrativism, F. Longchamps, who created timeless definitions of the system of public administration and the phenomenon of public administration, has made a great contribution to the science of administration. He defined the system of public administration as *a set of behaviours of people in administration and the factors affecting these behaviours* [**Longchamps 1991, p. 74 and others**]. The phenomenon of public administration was, in turn, treated by him as: *a cultural action, i.e. a human action which introduces a change in reality, and for which it is possible to determine a certain attitude to a certain value* [**Longchamps 1991, p. 74**], and *a cultural action in a public position, i.e. in such a social position in which, according to social conviction, the acting party has either an advantage over others, or the exclusive use of particular means and enjoyment of particular protection* [**Longchamps 1991, p. 80**].

Finally, we are left with private administration. This one differs from public administration in the following points: **1)** its objectives of action are narrow, while those of a public administration are broad, **2)** it performs mainly tasks of an internal nature, **3)** its actions are oriented towards the protection of the private interest, while those of a public administration are oriented towards the protection of the public interest, **4) the** objectives of a private administration are determined by the market, while those of a public administration are determined by the state, **5) the** activities of private administration are mainly governed by civil and commercial law, while those of public administration are governed by administrative law (public administration also has administrative authority), **6) private administration** is conducted on behalf of the owner, while public administration is conducted on behalf of the state, **7) private administration** is dependent on the owner and private enterprise. It is therefore

of an impermanent nature. Public administration on the contrary. It is oriented towards permanence and continuity in carrying out its statutory tasks [Boć 2013, p. 71].

We automatically feel that the above specification of the activities of public and private administrations is only a model today. In practice, these boundaries are blurred. This is evidenced by the problem of privatisation in the public sector and its scope. This topic will be further developed at one of our future meetings. In the meantime, I would like to thank you for listening to this - I hope - short reading and I invite you to watch the video to which I have posted a link on the MS Teams group.

### **Bibliography:**

- Boć J. 2013, Konteksty wyróżniania administracji publicznej, [w:] Nauka administracji, red. J. Boć, Wrocław
- Charzewski P., E-urząd jako odpowiedź na współczesne wyzwania zarządzania publicznego w samorządzie gminnym, „Miasto. Pamięć i Przyszłość” 2018, nr 3/2, red. J. Korczak, Wrocław
- Habuda L. 2009, Decentralizacja vs. centralizacja administracji w strukturze zasadniczego terytorialnego podziału kraju, red. L. Habuda, Toruń
- Longchamps F. 1991, Zarys nauki administracji, Wrocław (reprint)
- Majchrzak B. 2017, Istota administracji publicznej, [w:] Nauka administracji, red. Z. Cieślak, Warszawa
- Maurer H. 2003, Ogólne prawo administracyjne/Allgemeines Verwaltungsrecht, tłum. i red. K. Nowacki, A. Kisiel, M. Rynkowski, Wrocław
- Pakuła A. 2005, Kierunek administracyjny, [w:] Nauka organizacji i zarządzania, red. A. Chrisidu-Budnik, J. Korczak, A. Pakuła, J. Supernat, Wrocław
- Supernat J. 2005, Zarządzanie, Wrocław
- Supernat J. 2020, Pojęcie administracji publicznej – „państwowe”, „powszechnie, pojemne i ponadczasowe” oraz „pozapaństwowe”, [w:] Układ administracji publicznej, red. J. Korczak, Warszawa
- Weber M. 2002, Gospodarka i społeczeństwo. Zarys socjologii rozumiejącej, tłum. D. Lachowska, Warszawa