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DEMOCRACY TO COME



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ADMINISTRATION AS A SYSTEM
OF SOCIAL REGULATION

Theoretically speaking, administration is a complex concept which has at least two basic explications: a) the administrating of commodities, i.e. the performing of activities of technological regulation in the work process on the basis of specialised experience and knowledge (e.g. industrial production), and b) the administrating of people, i.e. the execution of decisions on the basis of political authority and force (e.g. the rendering of orders and the execution of force).

Contemporary theories on the need of a separation of administration and government appeared at the beginning of the nineteenth century, along with the idea that "administrating people should be replaced by administrating commodities"¹. The idea that administrating should replace governing, was outlined in the solidaristic theories of administration as an implement of social regulation and public services, formulated by the social-functionalists at the beginning of the twentieth century. According to these theories, from which sprung the contemporary theory on administration as an implement of social regulation, administration is no longer (and cannot be) a part of the state as an organisation with a so-called monopoly of force and coercion in the hands of the ruling class, as was until recently stressed.

The determination of a theoretical concept of administration is a very complex methodological procedure, due to the possibility of identifying at least two basic approaches: a) a legal-political, and b)

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a socio-technological approach. However, in order to determine the contemporary theoretical concept of administration, the contemporary theoretical concept of a complex administrative system as an instrument of social regulation which has been designed by the help of methodology of cybernetic modality has also to be understood.

The concept of a legal state (*Rechtsstaat*) and the principle of the Rule of Law, are the great acquisitions of modern civilisations.² In relation to administration, a vital importance of a legal state is in that it obtains legality (lawfulness) of administrative decisions. Without a legal state, a contemporary administration system is not possible.

As an invention of the nineteenth century, the concept of a legal state comprises the normative model of regulation of social relations, according to which, legal norms, presented in laws and other general subordinate acts of law (e.g. regulations, decrees and statutes) prescribe the rules of social behaviour. On the basis of general legal norms, particular law norms are brought, presented in particular legal acts (e.g. court sentences and administrative decisions) which directly affect human behaviour.

However, the concept of a legal state in its original sense, which means that a government procedure is justified by the very fact that it is legal, i.e. in concordance with the regulations, could not be realised today without endangering democracy.³ For those reasons, it is sufficient to mention the Nazi regime, as well as other regimes based on racism, for, the realisation of the concept of a legal state today cannot represent the aim, but only the necessary prerequisite of the Rule of Law, and the realisation of constitutionalism and legality, justice and impartiality.⁴ In contrast to this original concept of a legal state, contemporary theories presume that in the execution of government authority, beside legality, there is also a necessity for legitimacy, i.e. the justification of its action in any particular case. Therefore, any procedure (e.g. the passing of a law, decrees or individual acts) does not become legitimate solely by the fact that it was carried out by the government or any of its bodies, but the justification of each particular procedure or act must be valued also on the basis of the justification of its content.

In regards to the administration, this means that administrating does not become legitimate (justified) by the very fact that it is carried out legally. Because of this, today it is considered that the concept of legality of administrating must cede to the concept of legitimacy (justification) of administrating. As it is emphasised, the legitimacy

of governing cannot be found in its founding, but in its performing. This reversed order of thinking, not only puts under doubt the traditional legal positions involving the relationship between law and administration, but also greatly changes the general view on administration. In that sense, "administration ceases to be a servant to an already set legal system, and becomes an initiator of social trends, within which it takes a significant, if not the most significant, position".⁵

In opposition to these "state" and "class" administrative models, the administrative models which prevail in developed nations today (especially in Europe) ensue from the concept of a social function of the state and administration, and their role in the creation of a general social benefit (*bono publico*). The concept of a social function, i.e. the social role of the administration, presumes that administrating cannot be reduced to the execution of power (in the sense of giving orders, and the applying of force towards citizens), but that administrating primarily means the carrying out of public services, as the activities which create and secure the conditions which are necessary to the citizens for living and working, and which contribute to the general development and social progress as a whole.

According to this theory, whose creator was the well-known French legal thinker Leon Digi (1859-1928), in the conditions of material and cultural social development, state authority is transformed into a public service, with the task of obtaining the conditions which are necessary for the development and the social progress within the areas of education, social policy, health services, scientific research, environmental protection, economic development and others.⁶

Consequently, within the social theory and practice of developed nations, today it is especially emphasised that the contemporary concept of an administration which renders public services has ensued from the comprehension of a state as the organisation whose social function is to carry out public services. Thus, "contemporary constitutional and administrative systems are based on the concept of the state as an organisation which renders public services".⁷

The socio-technological theories of administration link the theoretical concept of administration with so-called organised labour. According to this view, administrating is not an activity which only the state (i.e. the authorities) is involved with, for it is appropriate for every form of organised labour. In that sense, administrative activities

which are performed by the state, i.e. the state's administration, succumb to the same principles of a specific technology of the labour process, which is labelled as management.

Historically speaking, socio-political theories originate from the so-called administrative pragmatics, as an assemblage of multiple administrative techniques, experiences and methods of a pragmatic and applicable character. The Camaralists, the early medieval representatives of the direction of administrative techniques, used and developed techniques and methods of the so-called pure administrative experience in the carrying out of state, i.e. police affairs, as administrative affairs were called at the time. In the late medieval period, especially in France, Germany and Austria, the term police had a wider meaning, indicating the administration as a whole.⁸ Thus, caution is necessary, and the works from that time entitled as police sciences should be understood as works which relate to the administration, not to the police in the contemporary sense.⁹ The Camaralists faithfully and uncritically registered all the activities which they performed as royal or csarist officials (in principle, every task worked on was equally relevant) and on the basis of generalisation of those experiences, created entire systems with blueprints for "good management". They expostulated on their conclusions in the exercise books and textbooks for the new generations of loyal government officials and, among others things, recommended that the citizens must always be in relation to the ruler in such a correlation that the proportion of citizen resistance is less than the force exerted by the government.¹⁰

New theories, techniques and methods of management, begin to appear, at the beginning and the mid-twentieth century, as responses to administrative problems in connection to complex industrial and economic systems. Beside politicians and lawyers, now economists, technicians, and engineers start to get involved with administrative problems. It is emphasised that in large and complex technological systems (e.g. industrial plants), each working operation has its own technical optimum, i.e., a theoretically determined point in which the relation between invested funds, time, labour and other factors, on one hand, and, the effect, namely, the results, on the other hand, is the most optimal. This is also the basis of the theory of the so-called scientific organisation of labour, which views the administrative problematic primarily as issues of organisation, i.e. the selection of optimal techniques and methods of organisation.¹¹

The original theories of a scientific organisation of labour, were however, subjected to constructive criticism as being excessively abstract and insufficiently realistic, considering that, by insisting only on the issues of organisation, they do not notice, nor take into consideration two very significant realistic elements, i.e. human beings with complex psychology, on the one hand, and society as the social environment of the organisation, on the other hand.¹² The psychological criticism of the scientific organisation of labour emphasises that in the management of the organisation, the "psychological reality" must be taken into consideration, i.e. the motives, reactions and behaviour of individuals who in the process of labour realise a so-called social code and interpersonal relations.¹³ On the other hand, sociological criticism emphasises that within the management of the organisation social reality must be taken into consideration, i.e., the influences, limitations, and stimuli which affect the organisation and which come from the social environment.¹⁴

Socio-technological theories determine the theoretical concept of administration as a continuous activity which comprises particular functions – planning, directing, controlling, assessing and again directing. In the endeavour to increase the degree of rationalisation, efficiency and economy of the administration, a particular "list" of administrative activities has been made, typical for every form of administration, whether carried out within a business corporation or a government body. The list of administrative activities has been summed up in the well-known acronym POSDCORB which stands for the followings: planning, organising, selection of professionals, directing, co-ordination, reporting and budgeting.¹⁵ The results of the contemporary socio-technological approach to administrative problems have shown that even within the government, administrative activities cannot any more be exclusively viewed as one function of the carrying out of government power, but rather as a system of activities which serves the realisation of set aims. Due to this, the state administration must be viewed in a wider social context, and not exclusively in the context of power exertion. Thereby, the so-called state administrative function, understood as a specific function of power, must be redefined in the sense to represent only one of numerous administrative functions which the state realises.¹⁶

The theory and practice of administration in the organisations in general, and within the state specifically, in the last twenty years have obtained a specific dynamism with the new developments of

standards of administrative efficiency¹⁷ and administrative technology.¹⁸ Complex administrative techniques and methods today are highly developed, following the improvement of their original pragmatic orientation not only by elements of psychological and sociological research, but also by a methodology of a general theory of system, on the one hand, and by the latest informative technology on the other hand.¹⁹

Therefore, contemporary socio-technological theories in the determining of the theoretical concept of the term of administration start from the theory that administrative activities cannot be reduced to just one function of state power, yet that they must be viewed from the perspective of carrying out multiple and complex administrative functions.

Based on the previous theory, it can be concluded that the traditional legal-political, as well as contemporary socio-technological theories of determining of the term of administration, have, however, an inherent ("innate") insufficiency. Thus, both theories are methodologically unable, by their theoretical view of the content of the concept of administration, to express the completeness of administration as a complex social phenomenon which, among other things, manifests itself in various political ("power"), legal ("functions"), psychological ("people"), social ("organisation"), technological ("labour process"), and other elements. Due to this, the endeavours in determining the modern theoretical concept of administration have turned to the latest methodological scientific-research achievements, presented in a general theory of system. As a result of this, theoretical and methodological presumptions have been created, based upon which it is possible to determine a modern theoretical concept of administration, starting from the premise that administration is a complex administrative system for social regulation.

As opposed to traditional and recent legal-political and socio-technological administration theories, the modern theoretical concept of administration takes as its basis the fact that administration is a complex administrative system of human co-operation for social regulation.

The modern theoretical approach in the determination of the administration concept starts from the standpoint that administration represents a complex and dynamic system, namely, a system of administrating. The expression 'system' in the most general sense of

the word, could be defined as a totality constituted of parts, on the one hand, and a totality which varies from its environment, on the other hand. In that sense, "administrative systems are systems of human co-operation, while systems of human co-operation are a type of system".²⁰

The system of human co-operation presumes different forms of human behaviour for the constituting of their relations within the labour process, in the aim of realising an effect (e.g. production, cultural development, environmental protection, and others). Being that the forms of human behaviour are motivated by desire (or need), to establish co-operation with other people, it ensues that behaviour of one person is always orientated towards the corresponding behaviour of another.²¹

The concept of social regulation ensues from the circumstance that people in society realise their interests within relationships of mutual co-operation, as well as within mutual conflicts. The competing of individuals and social groups for relatively scarce materialistic and social goods manifests itself as either domination (when the interests of one are realised at the expense of others), or as compromise (when the interests are realised only in part, never entirely). In that sense, the concept of social regulation starts from the standpoint that administrative systems, as systems of human co-operation, have as an aim the neutralisation of contingency²², i.e. of the negative effects of uncertainty which ensue from possible illegal behaviour of others within social interaction.²³

A general economic and social development,²⁴ along with a large degree of state interventions and normative regulations, points to the circumstance that social regulation in the conducting of public affairs, cannot be observed any more as a marginal activity in relation to the basic social processes. The social regulating which is conducted by the administration now becomes the basic social process, and thus constitutes an essential presumption of economic efficiency, cultural development and general social progress in the conditions of a developed industrial and urbanised society.²⁵

By the end of the nineteenth and at the beginning of the twentieth centuries, administration appears as the initiator and co-ordinator of socially necessary and useful services (in medicine, education, traffic, communications, communal services and suchlike), and yet the attributes of power, although not entirely disappearing, no longer represent the basic content of the state's administration activities.

Administrative functions not only become more numerous, but also more complex and difficult. There is hardly one activity in the work of state administration or in production which had been simple before, and yet now it becomes even more complex. A classic example of a successful state intervention in the process of social regulation is "the benefit, economy, and efficiency of the US state postal service at the end of the last century".²⁶ These circumstances also indicate that the problems of administration in economy and public services become more complex and numerous, as well as that the general principles and the technology of administration of the state and economy are mutually converging more and more.²⁷

The 20th century marks the appearance of the first complex analyses of administration in contemporary industrial society, which combine both political and technological standpoints, and which also put as a central issue the relationship of administration and political power. Starting from a content unification of the technology of administration as numerous and complex administrative functions in the "public" (state), as well as in the "private" (business) sector, the former theoretical concept of state-legal administration is replaced by the so-called, target-rational (*zweckrational*) concept of modern organisation of administration.²⁸ This model stresses the dual role of administration: on one hand, administration can be observed as an instrument for exerting political power ("administration as power") and on the other, as an organisation for the realising of public services ("administration as service").

The results of these studies, particularly the so-called large administration systems (e.g. sanitary service, state administration, industrial corporations, traffic networks, urbanised conglomerates and similar) indicate that in complex contemporary conditions of life the administrating cannot occur haphazardly, but by definite rules. In that sense, administrating, as a professional, rational and continuous activity, can be performed only by professional and de-politicised administrative clerks. On the other hand, as the setting of political aims is not a matter of professionalism but of politics, administrative clerks have no need to engage in politics, because this is the task of politicians.

In these circumstances, administration realises its own social function, not as an instrument of power, but primarily as a regulator of social processes. In the complex and dynamic conditions of contemporary life, it is precisely administration that is the

organisation which disposes with large professional know-how, as well as human potential and material resources for effective social regulation. At the same time, along with the increase in the importance of the role of administration as an instrument for social regulation, its role as an executor of political power and force decreases.

The theoretical concept of administration as a system for social regulation means, therefore, that the administrative activities in the regulation of social processes are not perceived as administrating people, but rather as a process of legitimate influence on human behaviour, according to the standards set in advance. As has already been indicated, the concept of administration as a system for social regulation starts from the point of view that administration, as a system of human co-operation, has for an aim the neutralising of negative effects of uncertainties (contingencies), which ensue from the potential unlawful behaviour of others in social interaction, and not the establishment of the domination of the state over people, by applying authoritative means and methods of power exertion.

(Translated by Elze Holt)

Notes

1. Claude Henri de Saint-Simon, "The Catechism of the Industrialists", *Selected Works*, Zagreb, 1979, pp. 206-231.
2. Cf. Lord Lloyd of Hampstead, M.D.A. Freedman, *Lloyd's Introduction to Jurisprudence*, London, 1985.
3. Cf. "The foundations of modern democracy - a selection of the Declaration and Charter on Human Rights" (1215-1989), Beograd, 1989, et al.
4. Cf. Danilo Basta, Duter Miller, "A Legal State - the origins and the future of an idea", Beograd, 1991; Vladan Vasiljevic (editor), "Legal State", Beograd, 1990, et al.
5. Serge Alain Mascheriakoff: "The Vagaries of Administrative Legitimacy", *International Review of Administrative Science*, Vol. 56, No. 2, 1990, p. 309.
6. Cf. Leon Digi, "The Transformation of Public Law" (1913), Beograd, 1929.
7. David Rosenbloom, "Public Administration and Law", New York - Basel, 1982, pp. 3-4.
8. The ancient Greek word polis which meant the city-state of the time (Athens, Sparta etc.) has been retained until today in all world languages, albeit in a narrower meaning. Thus polis, i.e. police today usually means a specialised, "lightly armed", subsystem of administration whose aim is the maintenance of the daily "public order and peace".
9. Cf. Nicolas de la Mare, *Traite de la police*, 1705; Gotlieb von Justi, *Grundgesetze der Polizeiwissenschaft*, 1765; Joseph von Sonnenfels, *Grundgesetze*

- der Polizei, Handlung und Finanzwissenschaft, 1770-1776, etc. (Eugen Pusic, "Administrative Subsystems" I, Zagreb, 1985, p. 257; Slavoljub Popovic, "Administrative Law", Beograd, 1989, pp. 120-121, et al.)
10. Joseph von Sonnenfels, Grundsätze der Polizei, Handlung und Finanzwissenschaft, Band I, Vienna, 1796, p. 42; (Eugen Pusic, "The Problems of Administrating", Zagreb, 1971, p. 13).
11. Cf. Frederick Taylor, "Principles of Scientific Management" (1811), New York, 1967; Henri Fayol, "Administration Industrielle et Générale - Prévoyance, Organisation, Commandement, Coordination, Contrôle" (1916), Paris, 1941; Pavle Dunitrijevic, "The Organisation and Method of Work of Public Administration", Beograd, 1959, et al.
12. Cf. Don Martindale, "Institutions, Organisations and Mass Society", Boston, 1966; Mijat Damjanovic, "Organisation and Administration", Beograd, 1982, et al.
13. Cf. Elton Mayo, "The Human Problems of An Industrial Civilisation", New York, 1933; Robert Merton, "Bureaucratic Structure and Personality", 1940; Chris Argyris, "Personality and Organisation", New York, 1957, et al.
14. Cf. Philip Selznick, "Foundations of the Theory of Organisation", 1848; Talcot Parsons, "Structure and Process in Modern Societies", Glencoe, 1960; Michel Crozier, "Le Phénomène Bureaucratique", Paris, 1963; Herbert Simon, "On the Concept of Organisation Goal", American Science Quarterly, June 1964; Fred Emery, Eric Trist, "The Casual Texture of Organisational Environments", Human Relations, 1/1965, et al.
15. Cf. Luther Gulick, Lyndal Urwick, "Papers on the Science of Administration", New York, 1937.
16. Cf. Herbert Simon, "The New Science of Management", New York, 1960; Eugen Pusic, "Administration", Skolska Knjiga, Zagreb, 1961; Dragoljub Kavran, "Administration Science", Beograd, 1992, et al.
17. Cf. James March, Herbert Simon, "Organisations", New York, 1958; Dwight Waldo, "The Enterprise of Public Administration", Novato, 1980, et al.
18. Cf. James Emery, "Organisational Planning and Control Systems - Theory and Technology", New York, 1969.
19. Cf. A. Mlezinek, A. Komhauser, L. Sturm, "Technick und Informationsgesellschaft", Alsbach, 1987; Klaus Grimmer, "The Use of Information Technology in Qualitative Administration Work - Organisational, Economic, and Service-Related Aspects", European Centre for Research and Documentation in Social Sciences - Vienna, 1987, et al.
20. Eugen Pusic, "Administrative Systems" I, Zagreb, 1985, pp. 9, 11.
21. Eugen Pusic, "Administrative Systems" I, Zagreb, 1985, 1985, p. 33.
22. Cf. Eugen Pusic, "Administrative systems" I, Zagreb, 1985; Herbert Werlin, "Contingency Theory: The Wrong Door", International Review of Administrative Sciences, Vol. 55, No. 1, 1989, et al.
23. Eugen Pusic, "Social Regulation", Zagreb, 1989, pp. 339-340.
24. Cf. John Naisbitt, "Megatrends - ten new directions of development which change our lives", Zagreb, 1985.
25. Cf. Eugen Pusic, "Social Regulation", Zagreb, 1989.
26. Cf. Woodrow Wilson, "The Study of Public Administration" (1887), Washington D.C., 1955.

27. Cf. "The Administrative Implications of Regional Economic Integration: The Case of the European Community, ISAA, Brussels, 1990; Stevan Lilić, "The Starting foundations of the Technological Transformation of the Administrative System", Legal Life, No. 1-2, 1991, et al.
28. Cf. Max Weber, "Economy and Society", (1921), Beograd, 1976.

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FOREWORD

All countries of central and eastern Europe that, in the wake of the great historic collapse in the last decade of the 20th century, were faced with a search for their own economic and political identities, are endeavouring to gain an insight into the true nature of the causes of that dramatic collapse and the essence of its particular implications for each given country. Of particular interest is a country that was the first to indicate a flight from rigid communism. That country had sufficient innovative capacities to search for its own development model; it enjoyed the respect of the less developed and the affinity of the most developed countries of the world. But, finally, that country found itself caught up in a terrible civil war, to which the countries of Europe, and then, through many UN peace-making and military missions, the whole world worked to put a halt.

After the collapse and disintegration of SFR Yugoslavia and the separation of four federal members (Slovenia, Croatia, Macedonia, Bosnia and Herzegovina), only FR Yugoslavia (an unstable federation of Serbia and Montenegro) expressed the desire for state and legal continuity with the former federal state. FR Yugoslavia, a state creation still not recognized by the international community, condemned to complete isolation and a system of destructive sanctions, persistently steered by a doctrinarian and conservative leadership, has found itself in an exceptionally difficult position. Over the course of time, all the vital functions of the legal state system and the economic and social systems have ground to a halt; forces of chaos and repression have prevailed. All the sins of a poverty-stricken, immature and disoriented society have poured forth.