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DEVELOPMENT OF ADMINISTRATIVE SCIENCES IN THE 19TH CENTURY

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Abstract. The basic conditions for the development of modern administrative sciences arose with the emergence of the constitutional state with its guarantees of respect for the rights of the individual, the functional and organizational division of public authorities and the mechanisms for controlling the legality of the functioning of the state apparatus. The concept of the constitutional state was derived directly from the ideology of the Enlightenment, based on the social contract theory, the doctrine of the law of nature and the theory of the division and control of public authorities. It was implemented at the earliest in revolutionary France, and during the nineteenth century it was embraced by all – except Russia – European countries, which by the end of this century adopted the construct of a constitutional state of law.

Keywords: administrative law, administrative science, history of administration

INTRODUCTION

The basic conditions for the development of modern administrative sciences arose with the emergence of the constitutional state with its guarantees of respect for the rights of the individual, the functional and organizational division of public authorities and the mechanisms for controlling the legality of the functioning of the state apparatus. The concept of the constitutional state was derived directly from the ideology of the Enlightenment, based on the social contract theory, the doctrine of the law of nature and the theory of the division and control of public authorities. It was implemented at the earliest in revolutionary France, and during the nineteenth century it was embraced by all – except Russia – European countries, which by the end of this century adopted the construct of a constitutional state of law.[1]

[1] A. Dziadzio distinguishes thirteen elements of a constitutional state ruled by law: 1) primacy of the constitution and laws, 2) binding of the state apparatus by laws passed by the parliament, 3) the judicial-constitutional protection of the legality of laws, 4) sovereignty of the nation, 5) separation of powers, 6) independence of the judiciary, 7) independence of courts,

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With the emergence of the constitutional state, the need arose to define its functions and scope of influence, especially in internal relations, and to regulate by law the relationship between the citizen and the administrative bodies of the state. In the first half of the nineteenth century, views on public administration and the role of administrative law were strongly influenced by liberal doctrines, which strove to limit the influence of the state on citizens' lives as much as possible. This was the result of both a reaction to the arbitrariness of the police state of the earlier century, and the conviction of the need to ensure the widest possible autonomy for the individual, especially in the area of economic relations (*laissez-faire, laissez-passer*). As a consequence, the interest of administrative sciences scholars of that period focused, above all, on the issues of the organisation and forms of action of administrative structures, on their mutual relations, and on questions of order and protection of the state in internal relations. As a result, the science of administrative law was clearly overshadowed by the science of constitutional law, and both were often treated combined as the science of political law or public law [Zimmerman 1959, 10–15; Izdebski 1997, 84–97].

It was not until the second half of the 19th century that, due to rapidly developing demographic, economic and urban processes, the need arose for the establishment and expansion of many new public services, as well as for the detailed regulation of various areas of social life, especially in the economic and social spheres. This led not only to a significant increase in administrative legislation, but also to a re-evaluation of the tasks and objectives set for the state's public administration. The protective and order-enforcement functions clearly began to give way to distributive functions, turning into state interventionism. This new administrative policy of the state was characterised by an emphasis on public interest at the cost of limiting the subjective rights of the individual. This tendency was counterbalanced by the simultaneous expansion of local government institutions, activating society in the field of public affairs management to a previously unseen extent. At the same time, the complication of social and economic relations and the increase in the administrative activity of the state entailed the necessity of developing new theoretical constructs and formulating new concepts regarding the functions of state power, providing an impulse for an interest in administrative-law problems, and fostering development of the theory of administrative law as an independent scientific discipline [Jeżewski 2004, 59–61; Gromadzka-Grzegorzewska 1985, 21; Malec and Malec 2000, 117].

8) catalogue of civil rights and freedoms, 9) the judicial-constitutional protection of fundamental rights of citizens, 10) civil liability of the state for illegal actions of its officers, 11) secular character of the state, 12) local-government structure of the state, 13) administrative judiciary [Dziadzio 2005, 177–85].

The most important achievement of the constitutional state, in terms of the issues in question, has been to subordinate public administration to the rule of law and to make administrative law a system of rules that are bilaterally binding. In accordance with the principle of legality, the application of the constitution superior to all national legislation, led not only to the separation of the legislative and executive functions of the state, but, above all, to the subordination of the entire administrative apparatus to the law. The administration of the constitutional state was supposed to act on the basis and within the limits of the law. In terms of administrative law, the principle of legality meant that the law in force was binding not only on the addressees of administrative decisions, but also on the authorities of the state administration.[2]

The dynamic development of administrative regulation of the constitutional state led to the emergence of classical areas of administrative law at the end of the 19th century, encompassing the political system law, including law on officials, the administrative substantive law, and the administrative procedure. The establishment of the latter was closely linked to the institution of the administrative judiciary and the establishment of legal rules for intra-administrative proceedings [Izdebski 1997, 64–65].

As in the previous era, France and Germany remained the forerunners of modern administrative sciences in the 19th century. For political reasons (the fragmentation of German states), these trends had previously appeared in France, where traditionally the focus was on practical issues of continuously systematized administrative law, then included into theoretical constructions. In Germany, until the second half of the 19th century, administrative law issues were overshadowed by the interest in the science of administration and its close relationship with the concept of the rule of law (*Rechtsstaat*). Thus, as Wojciech Witkowski notes, "[...] the characteristic feature of the German science – still valid to date – has become the desire to create an administrative theory, in which administrative law is recognized only as one of the branches of law, regulating the public administration system and its effect on third parties, characterized by superiority, expressed in the form of an administrative

[2] J. Malec attributes the following six essential features to administrative law, functioning in a constitutional state governed by the rule of law: 1) the administration should act under and within the framework of legal provisions established through legislative procedures by the constitutional organs of representation of the nation – parliaments; 2) the rules of administrative law must be of a bilaterally binding nature, i.e. they must bind both citizens and state administration bodies; 3) the statutory specification of the scope and forms of administrative interference in the sphere of rights of citizens; 4) the principle of scrutiny of the legislative body of the superior administrative apparatus of the State using the instruments of constitutional and parliamentary accountability of ministers; 5) the lack of codification of administrative law, resulting from the wide scope of regulation and permanent development of relations in this area of law; 6) administrative judiciary as an instrument for citizens to review unlawful administrative decisions [Malec 2003, 103].

act" [Witkowski 2007, 57]. For these reasons, France can be considered the homeland of modern science of administrative law, while German countries may be considered the homeland of the science of administration.

The development of modern administrative sciences in France can be divided into two periods. In the first one, covering the first eight decades of the nineteenth century, the primary aim of French legal scholars was to seek to scientifically systematise the existing rules of administrative law and then to give it doctrinal features. This tendency stemmed both from the tradition of French police science, deprived of abstract theoretical concepts, and from reliance on the abundant judicature of the Council of State and the case law of administrative courts, the main source of French administrative law of the period, because of the weakness of parliamentary legislation. It gave the French doctrine its characteristic practical dimension, but also restricted it in principle to the science of administrative law, with a vivid deficiency on the part of the science of administration. The most prominent representatives of the French science of administrative law of this period were: Charles–Jean Bonin, Louis–Antoine Macarel, Louis Marie Cormenin de la Haye, Francois–Rodolphe Dareste, Anselme–Polycarpe Batbie, Joseph Marie baron de Garando, Georges Dufour, Leon Aucoc, Thomas Ducrocq and Antoine Fransois Vivien [Bonin 1808; Macarel 1852; Cormenin de la Haye 1840; Dareste 1862; Batbie 1868; Idem 1976a; Idem 1976b; de Gerando 1842; Dufour 1848–1854; Aucoc 1869–1870; Ducrocq 1887–1905; Vivien 1859]. All these scholars tried to determine the principles of the system of French administrative law, but they faced difficulties in defining firm and immutable criteria which, in view of the diversity and variability of administrative rules, would be of a quite stable nature.[3]

A new stage in the development of administrative sciences in France was opened by the work of Eduard Laferrier, a professor at the Paris School of Political Science. The breakthrough came in 1888, when his fundamental study "Treatise of Administrative Jurisdiction and Litigation" [Laferrier 1888; Idem 1854–1858; Idem 1851–1852] was published. Assuming that the source of administrative law is primarily the case law of the administrative courts, Laferrier's thesis was that French administrative law is the law of the administrative court, and that all the criteria for the construction and division of the institutions of this law boil down in practice to the issue of the jurisdiction of

[3] For example, Dufour discussed administrative law matters in alphabetical order, and Cormenin adopted alphabetical order to classify administrative courts case law. Others, such as Dareste, referred to the civil law models (the Napoleonic Code), dividing administrative law institutions according to the criteria of *personae*, *res*, *actiones*. Similarly, Batbie described administrative law institutions using a diagram: the subject of the right, the object of the right, the way in which the proceedings were conducted. By contrast, Macarel used as the basis for the division of administrative law the manner in which the general needs of society: material, intellectual, internal and external security are met [Gromadzka-Grzegorzewska 1985, 26].

administrative courts. Applying the method of analysing individual grounds for challenging particular forms of public administration activity before administrative courts, Laferrier was the first to classify types of administrative disputes before the Council of State. This made it possible to formulate the basic doctrinal tenets of administrative law, and consequently gave the science of administrative law the value of a fully scientific discipline. As part of this doctrine, the basic elements of the French theory of administrative law were devised, such as the concept of public services, the classification of administrative acts or the judicial review of the administration. Emphasising the importance of Laferrier's work in the process of laying scientific foundations for the administrative law system, J. Langrod stated that: "[...] just as there would probably not have been such a development of our science in the nineteenth century without the police scientists of the eighteenth century, so again, without Laferrier's impulse and intuition, our science in the middle of the twentieth century would perhaps still have persisted in the stage of collecting documentation of existing solutions, without effective attempts to develop an actual theory of administrative law" [Langrod 1948, 77].

Although Laferrier did not establish his own school of administrative law, his work was continued by prominent scholars such as Maurice Hauriou, the author of "Principles of Public Law" from 1910, Leon Duguit – "General Transformations of Public Law" from 1913, or Henri Fayol, the forerunner of the theory of organization and management in public administration, with his "General and Industrial Management" from 1917 [Hauriou 1910; Duguit 1913; Fayol 1917].

An undeniable achievement of the French legal and administrative literature of the 19th century was the distinction between the terms "administration" and "police" and the indication of the place of administrative law in the general system of positive law. When distinguishing between legislative, judicial and executive powers, the French police scientists divided the latter into governmental and administrative powers. In this approach, public administration also included the police treated only as a specialised part of the administrative apparatus set up to protect the order and internal security of the state. Due to its functions, the police were divided by French scholars in the field into administrative (*police administrative*) and judicial (*police judiciaire*), subordinating the latter to the judicial bodies. The first was to act through negative measures to prevent law infringements and the second was to act towards restoring the infringed law. The concept of administration in the subjective sense means all public services of the State, their structure and the internal construction of executive and managing bodies of the State and, in the material sense, the scope of its regulatory functions. Hence, a clear distinction in French literature between the science of administration and the science of administrative law. Administrative bodies were divided as follows: 1) due to

functions – into active, advisory and judicial bodies, 2) due to the nature of the activities – into administrative and police bodies (while maintaining the division of the latter into administrative police and judicial police).[4]

The place of administrative law in the general system of law was defined by French lawyers by dividing all positive law into public law and private law, then by dividing the former into internal law and international law. Within internal public law, they distinguished constitutional law and administrative law. In the latter, they distinguished three groups of provisions: 1) concerning the organisation of public administration (systemic administrative law), 2) governing relations between administrations and citizens (substantive administrative law), 3) defining the procedure for resolving disputes between the administration and citizens arising in connection with the administrative activities of the State (formal administrative law).[5]

Following the findings of M. Gromadzka-Grzegorzewska and W. Witkowski, one can conclude that the characteristic features of the French science of administrative law in the nineteenth century were the following: 1) it was confined to the French domestic law because of the conviction of the national nature of the law, reflecting specific political, social and customary conditions, and hence the comparison between domestic and foreign institutions was considered to be irrelevant; 2) they concentrated research efforts almost exclusively on issues of administrative law, with a clear deficiency on the part of the issues of the science of administration; 3) they rejected the comparative method in favour of the legal dogmatic method, but broadly understood: not only as a study of positive law but above all as an analysis of the case-law of the Council of State, thus making administrative law a separate discipline of study; 4) particular emphasis on the issue of administrative judiciary – almost all the works of scholars in the first half of the 19th century boiled down to this issue. Other questions of administrative law were treated as ancillary, clarifying or complementary to the primary issue of administrative justice; 5) the practical dimension of research on administrative law issues, understood as the flexible formulation of concepts and theoretical constructions – the vague concepts of public services, public utilities, infringed interest. As a result, the institutions of administrative law used to be presented not so much as they could be seen in the light of the provisions of positive law as they were formulated in the practice of the authorities or courts [Gromadzka-Grzegorzewska 1985, 27–29; Witkowski 2007, 56].[6]

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[4] A summary of the achievements of the French science of administrative law of the 19th century has been presented in: Langrod 1961.

[5] This classification remains valid also in the contemporary French science of administrative law [Debbasch 1966, 9–13; Rivero 1977, 14–21; de Laubadere 1982, 11–22].

[6] It is worth noting here that the impact of the administrative law theory on administrative practice in France was negligible until the mid-20th century. This resulted both from the Napoleonic

The development of German administrative sciences in the first half of the 19tth century was definitely much slower than in France. This was due to the political fragmentation of Germany, which prevented the creation of a nationwide theory of administrative law, as well as the instability of the constantly reformed administrative structures of individual German states. For this reason, the interests of German scholars of this period focused mainly on the science of administration, using in this respect the rich legacy of German police scientists of the previous century.[7]

The forerunner of modern science of administration in Germany was the professor at the universities of Tübingen and Heidelberg, Robert von Mohl (1799–1875). In his fundamental two-volume work, "Police science according to the principles of the constitutional state," published between 1832 and 1834, he contrasted the police state with the theory of the state ruled by law (*Rechtsstaat*), which combined cameralist-police elements with liberal ideas [von Mohl 1832–1834].[8] While not questioning the dominant role of the state in the sphere of administrative governance of the state, von Mohl placed particular emphasis on the legalism of the state apparatus and the pragmatism of the operation of public administration, aimed at respecting the individual interests of citizens. Hence, he strongly emphasised such issues as constitutionalism, local government, the hierarchical nature of sources of law, or – most importantly – a bilaterally binding system of administrative law norms. These ideas were not popularised in Germany until the second half of the 19th century, becoming elements of German legal positivism [Gromadzka-Grzegorzewska 1985, 33; Witkowski 2007, 57].

Lorenz von Stein (1815–1890), professor at the University of Vienna, is widely regarded as the founder of the German science of administration. In his fundamental "Science of Administration," published in eight volumes between 1865 and 1884, he presented a systematic description of all state activities, which he considered as administration (*Verwaltung*) [von Stein 1865–1884; Idem 1876]. In his understanding, administration encompassed all (excluding legislation) spheres of state activity (*Vohlziehende Gewalt*), i.e. along internal administration also the judiciary and finance. As a consequence of such a broadly defined concept of administration, the study of

tradition of the approach to public administration without its formal and legal aspects – i.e. only as a centralised and bureaucratic executive apparatus, strictly subordinated to the political will of the government, excluding the wider involvement of local authorities, and from the one-sided creation of theoretical structures of administrative law – i.e. only from the point of view of judicial review. The issue is discussed in more detail by: David 1965, 214–24.

[7] Examples include the works by: von Mohl 1829; von Pozl 1856; von Ronne 1856; Behr 1868; Zimmermann 1845.

[8] The most prominent works of this author see: von Mohl 1862; Idem 1859, known from the translation into Polish by Professor A. Białecki 1864. This paper uses a reprinted edition of that work with notes made by: Bosiacki and von Mohl 2003.

administration according to Stein is a study of state activity whose task is not only to describe the individual branches of public administration, but above all to point out those elements which are common to them. Clearly influenced by liberal and social ideas, Stein put forward a thesis that the modern state should not only be a state governed by the rule of law, but also a social state, in which the interests of the state and society would coincide. As a result, abandoning the police-science concept of treating the police as the entirety of the state's activities towards social life, he introduced a distinction of the police into: the security police (*Sichercheitspolizei*), whose task is to maintain legal order in the state, and administrative police (*Verwaltungspolizei*), whose aim is to anticipate and eliminate threats hindering social development (where there are no such threats, there is no police) [Izdebski 2000, 217; Baszkiewicz and Ryszka 1973, 381].

Stein was able to smoothly combine research on administration with research on administrative law, defining the latter as a system of legal norms on the basis of which the internal administration of the state is performed. He was the first one in the German area to use, following French scholars, a method of scientifically structured description according to sectors of administrative law. He presented in detail the legislation defining the structure and forms of administrative activities in different areas of life and then grouped them into three branches of administrative law, divided according to the criterion of the spheres of activity of the executive power into: 1) norms governing the activities of the public administration with regard to the individual, 2) to economic life and 3. to social life. Stein's indisputable achievement was to indicate the functions of the public administration in a modern state ruled by law and its natural development trends [Langrod 1961, 27; Gromadzka-Grzegorzewska 1985, 36; Leoński 2000, 4]. This way of thinking was continued by such Stein's successors as Georg Meyer, Edgar Lonning, Theodor Inama von Sternegg and Ludwik Gumplowicz [Meyer 1883–1886; Lonning 1884; von Sternegg 1870; Gumplowicz 1881].

The final emergence of the science of administration as an independent field of knowledge in the Austro-German area took place at the beginning of the 19th century. It was owing to three scientists – Ignaz Jastrow, Fritz Stier-Somlo and Max Weber. The first of them, in his work entitled "Social Policy and the Science of Administration," published in 1902, justified the separateness of the science of administration from the science of administrative law due to different aims and research problems [Jastrow 1902]. According to Jastrow, the aim of the study of administration should be to create an ideal administration model, and its subject should be two basic problems: how the state is managed and how to manage the state. Jastrow's thought was creatively developed by Stier-Somlo in his treatise from 1917 entitled "The Future of the Science of Administration" [Stier-Somlo 1917, 37–75]. He introduced the

concept of "administrative knowledge" (*Verwaltungwissenschaft*), comprising three independent administrative disciplines: science of administration, administrative law science and administrative policy. In this triad, the science of administration was to be a critical descriptive science, presenting the institutions and organization of administration, both in theoretical and practical terms [Leoński 2000, 5–6; Witkowski 2007, 58].

The emergence of the science of administration as a separate discipline in Germany was complemented in the early 20th century by the work of Max Weber (1864–1920), a sociologist not directly associated with the administrative sciences.[9] His contribution was the creation of a model bureaucratic system as a basis for the organization and functioning of the modern public administration of the state. Weber's basic thesis was that the modern state requires an administrative apparatus based on organizationally and factually specialized structures and operating rationally and effectively. Only such an administrative apparatus can guarantee social order, in which the fundamental rights of citizens will be respected. According to Weber, the key features of such a system are: 1) the professional nature of the public administration along with fixed remuneration for the staff, 2) specialization in the handling of certain categories of cases and the associated horizontal and vertical division of labour, defined by positive law, 3) hierarchical structure and 4) the existence of formal and uniform general rules of operation of all administrative structures, ruling out arbitrariness of administration bodies towards citizens [Weber 2002, 693–726]. A special role in such apparatus is played by professional officials who carry out their functions "impersonally," only implementing strict dispositions of positive law. The Weber's administrative model was, by definition, emotionally neutral, i.e. it defined only a certain type of organization of the administration, and did not prejudge its possible flaws, which may occur in a particular administrative structure. This model, although not without criticism, remains valid to modern times [Olbromski 2007; Malec 2007; Hausner 2007; Jabłoński 2007; Rubisz 2007].

The emergence of the German theory of administrative law took place in the second half of the 19th century. It was rooted in the departure in the study of administrative law from the descriptive method and its replacement by the formal and dogmatic method, widely used in the disciplines of German private law. This approach to the study of public law in Germany was first applied by Paul Laband in his fundamental work "Das Staatsrecht des Deutsche Reiches" [Laband 1879]. The application of the formal-dogmatic method reduced the research problem of administrative law exclusively to the analysis

[9] The fundamental work by Max Weber see: Weber 1956, published by Johannes Winckelmann, and encompassing in a new systematic edition the Weber's manuscripts published insuccessve parts since 1920. This edition, translated by Dorota Lachowska, bears the title: "Gospodarka i społeczeństwo. Zarys socjologii rozumiejącej" [Weber 2002].

of the rules in force, leaving aside the assessment of their rationale and function. This was the way the foundations were laid for the development of legal positivism, which characterised Austrian and Prussian public-law literature at the turn of the 20th century. The decisive factor inspiring the emergence of this direction of research in administrative sciences was the fact that the German science of public law was largely influenced in the second half of the nineteenth century by the civil-law school of the Pandectists. "The influence of the Pandectists," wrote Francis Longchaps de Berier, "the application of their concepts and their way of thinking to public law, the imaginative and creative application thereof gave rise to the great dogmatic construction and the famous legal method which prevailed in public law in the last decades of the nineteenth and the beginning of the twentieth century" [Longchamps de Berier 1968, 26].

This new, positivist approach to research in administrative sciences was promoted in Germany by the creator of the Prussian model of local government and administrative judiciary Rudolf Gneist (1816–1895). Although in his works he focused almost exclusively on the issues of local government and administrative judiciary, which were essential elements of his concept of the state ruled by law, it is widely recognized that he made great contribution to the methodology of administrative sciences [Gneist 1872; Idem 1871; Idem 1879; Idem 1882]. Unlike other authors of this period, he did not perform systematic descriptive analyses, nor did he develop abstract deliberations on institutions of administrative law, but all his works were based on the normative material of the applicable law and adherence to the positivist principle that "all philosophical considerations in the law and state sciences result mainly from insufficient knowledge of the facts" [Gromadzka-Grzegorzewska 1985, 36]. Unlike Stein, Gneist saw the science of administration in a narrower sense, without the judiciary. Moreover, he argued that the state becomes a state ruled by law only when it has both the conditions for the correct formulation of the state's will and the conditions for the correct implementation of that will. For the study of administrative law in Germany, Gneist's works became an impulse to deepen and expand the research base, especially towards studies on the guarantees of the legal situation of an individual vis-à-vis the public administration [Maciąg 1998, 120–22; Weber1968, 89–91].

The first attempts to create a system of administrative law in Germany were made by F.F. Mayer and O. von Sarvey [Mayer 1862; von Sarvey 1880; Idem 1884]. However, it was only in 1895 that the first study on administrative law based entirely on the formal-dogmatic method was developed. It was Otto Mayer's two-volume manual "Deutsches Verwaltungsrecht," written on the basis of his lectures at the University of Leipzig [Mayer 1895–1896].[10]

[10] Equally important, for giving German scholars an opportunity to learn about the French "regime administratiff," was the study by Mayer 1886.

Mayer's contribution was to create basic theoretical constructs of the general pat of administrative law, made on the basis of similar civil-law constructs, adapted to the needs of public law. They were based on both the legislative material of the applicable administrative law and the case law of administrative courts, but always analysed by him in terms of their general legal structure. Mayer clearly separated the science of administration from administrative law, excluding the latter from the sphere of management. For this reason, Mayer's work has played the same groundbreaking role in German administrative law science as Eduard Laferrier's earlier work in France, and his achievements in this field have become, as M. Gromadzka-Grzegorzewska noted, "[…] a bridge linking the period of the formation and crystallization of German administrative sciences with the period of their full development" [Gromadzka-Grzegorzewska 1985, 38].

The system of German administrative law created by Mayer became a classic example of the application of the formal-dogmatic method in the science of administrative law, especially in its general part (the method of systematized description continues to be used in the detailed part of administrative law). This model was followed by almost all of Mayer's successors, such as Fritz Fleiner, Walter Jellinek, Karl Korman, Ernst Bernatzik, Rudolf Hermann von Hernritt, or Josef von Ulbrich [Fleiner 1911; Jellinek 1927; Korman 1911; Idem 1914; Bernatzik 1896; von Hernritt 1909; Idem 1921; Idem 1925; von Ulbrich 1903–1904].

CONCLUSIONS

To sum up, it should be said that German administrative thought in the 19th and 20th centuries was characterised by an unprecedented diversity of research approaches and interests, and an abundance of published literature on the subject. This made it the second, next to the French, mainstream of European administrative thought, constituting a point of reference for all the legal and administrative literature in other countries. An unquestionable achievement of the German scholars became the separation of science of administration and science of administrative law into independent research fields, differing in terms of their subjects and research methods. The interest of German science of administration in the issue of guaranteeing subjective individual rights within the public law resulted in creation of the construct of a constitutional state ruled by law, complemented at the end of the 19th century by modern concepts of local government and administrative judiciary. However, no uniform concept of the science of administration has been developed in the German literature. Some authors, such as Stein, saw it in a broad sense, while others, such as Gneist, in a narrower sense. However, regardless of these differences, all German authors of that era were unanimous that the science of

administration covered not only governmental but also social activity in the field of internal governance of the state. On the other hand, the distinguishing feature of the German science of administrative law was primarily the use – following the civil-law model – of a formal and dogmatic method limited to both the analysis of positive law and the creation of theoretical constructions. Nevertheless, M. Gromadzka-Gorzewska is right when stating that "[...] a common feature of the German legal-administrative literature was a certain chaos, confusion, lack of firm roots in a uniform systemic basis, and hence the resulting hectic search for models whether in the police scientists, in French authors, or in the English administrative practice" [Gromadzka-Gorzewska 1985, 38].

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