

## The Public Administration Discipline in Slovenia: Between Legal and Administrative Sciences

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### Abstract

The article analyzes the historical development of public administration as a discipline in research and study programs situated between legal and administrative sciences in Slovenia as part of the Central European political and legal environment. Public administration in Slovenia was initially, and still is, primarily law-driven, but an integrative and furthermore interdisciplinary approach to public-administration studies is considered to be an inevitable trend due to its complex character. However, as indicated by the presented results of research on Slovene administrative study programs and teachers' habilitation areas, combined with the classification of researchers' scientific achievements, carried out in order to establish the state of the art of administrative science, research and study programs are developing rather in the framework of administrative-legal science. Hence, as grounded by historical, comparative and empirical analyses of the present study programs, habilitation and research areas in Slovenia, critical assessment of their design and classification leads us to draw several conclusions. Primarily, law is not sufficient, although, simultaneously, in the CEE area it is an indispensable basis for the study of a law-determined public administration. Both mentioned imperatives should systematically be taken into account in future (supra-) national field classifications as well as in the planning and accreditation of study programs and research in the field.

### Key words:

public administration, administrative science, law, interdisciplinarity, research, study programs, Slovenia.

## 1. Introduction – theoretical basis

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### 1.1 Conceptual framework of the research problem

The research and study programs of public administration (PA) within different social frameworks are based on numerous sources and developmental determinants. However, a series of dilemmas systematically arises in both academic debates and PA practice. Some of these dilemmas relate to the disciplinary nature of PA, which is not only a subject of research but also its epistemological and ontological meta-framework. If the research and study of PA is intended to identify and solve the key problems of public governance, it is supposed to have a scientific foundation. Only a scientific approach based on universally recognized theories and methods can, in fact, generate the new knowledge necessary for a true contribution to social progress (cf. Nemeč et al. 2012, 19). In such a context, the position of administrative science is inevitably closely related to the understanding of PA as a social subsystem and the role of the state and its administration within the society. Recently, under the core claim of the Neo-Weberian State, the notion of good governance and, within it, good administration is prevailing. Thus, modern doctrines perceive public governance – i.e. the development and implementation of public policies of general interest – rather differently than traditional ones.<sup>1</sup> Among the main processes of today and hence regarding the urgent redefinition of social relations, emphasis is placed on the growing extent and significance of administrative-executive relations between the rulers and the ruled, considering their democratization, public participation and the delegation of decision-making powers from the parliament to administrative authorities. Only in such a manner is it possible to concertedly and rapidly respond to current social problems, e.g. sector-specific and cross-border environmental protection in the event of acute risks to the environment or a significant reduction of funds for social services in times of economic crisis. Another phenomenon that can be observed is the delegation of PA tasks to persons/bodies outside the administration, either public institutions (e.g. professional regulatory agencies), NGOs or individuals and private companies carrying out administrative activities (e.g. health care and municipal utility services). Despite country-specific differences, a number of convergence processes are identified (Schuppert 2000, 277 or Peters and Pierre 2005, 270), including the differentiation and pluralization of administrative systems, privatization, regulatory reform, globalization, etc. A further fact to consider is the transfer of sovereign powers and governance to a

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1 Cf. Bučar 1969, 24–25, Godec 1993, 19–64, Pavčnik 2007, 406. Contemporary governance is conducted through networking and open structures rather than authoritatively and from top to bottom (Bevir 2011, 289). In a system of good governance, the state exercises authority and protects the public interest by means of PA but is not the exclusive bearer thereof. In their relations with the rulers, the ruled play numerous roles (Pusić 2002, 248–250, 314, Kovač and Virant 2011, 31–36, 257, Rose-Ackerman and Lindseth 2011, 336–342): subjects, source and partly wielders of political control over the authorities, users of public services and citizens as partners of the public administration.

supranational level, particularly within the European Union (cf. Künnecke 2007, 167–172, Rose-Ackerman and Lindseth 2011, 350). Finally, as regards Slovenia and other post-socialist countries, the still ongoing transition processes also need to be mentioned, e.g. the transition from a reactive to a proactive administrative culture and professional settlement of social problems, and the implementation gap with regard to the declared goals (Kovač and Virant 2011, 84, 209, Koprić 2011, 18).

The evolution of PA into cooperative good administration is both a tool and a target by means of which and toward which the state can transform its public-administration model from mere administering to integral governance and social progress. As a function of the government's expanded role and position in society, the study of PA has grown significantly (Raadschelders 2011, 1). Given the role and significance of PA in contemporary society, over the past twenty years and during the transition processes a considerable increase in the number of administrative schools and study programs was recorded particularly in CEE countries (Hajnal 2003, 252). This leads to three key questions addressed in this article, in addition to an overview of the results of the analysis of the development and current state of affairs of administrative science vs. legal science in Slovenia. These questions are the following:

- Has the scientific research and study of (public) administration recently achieved the developmental plateau of an autonomous administrative science (*Verwaltungswissenschaft*)?
- Which “mother disciplines” (cf. Raadschelders 2011, 2), i.e. original or primary disciplines, within the origins of PA are the most emphasized in Slovenia (i.e. law, management or policy science), and how are they supposed to resolve administrative dilemmas in the future in theory and practice?
- Given the trends in PA, do research and studies show administrative science (in Slovenia) to have an inter- or (merely) a multi-disciplinary character?

## 1.2 PA as an autonomous (administrative) science

In order for a science to be recognized as autonomous, a few systemic assumptions are necessary.<sup>2</sup> A (new) science is, as argued by meta-scholars, formed as separate from other disciplines following the cumulative establishment of the following: (1) the objective and purpose of the study field, (2) the subject matter of analyses with its own paradigm or theory, (3) methods, scientific instruments and sources, the latter in terms of institutions and resources (faculties, researchers, assets and equipment) and in terms of their critical mass for the evolution of the academic

2 Cf. Zelenika 2004, 14–20, and Raadschelders 2011, 4–12, who list the elements of ontology, epistemology and methodology. Zabel 2009, 287–288, defines (social) science additionally through the principles of generality, legality, (self) criticism and dynamics as a community of knowledge or understanding of a specific phenomenon or area related to nature, humans, or a society that is systematically arranged.

community (networks of institutions and researchers, publications, etc.; cf. Zabel 2009, 296). Only these aspects together create the conditions needed to acquire new knowledge that derives from previous theories and repeatedly verifiable objectivized methods applied to achieve an internally consistent set of insights into the subject of study in order to solve real life problems.

A basic dilemma for PA is whether it is (only) a synthesis of the findings from other sciences or an autonomous science of its own. Or in other words (cf. Magiera et al. 2008, 802, Pusić 2002, 56): is there one or several administrative science/s? As regards synthetic sciences such as PA, it is crucial whether their multidisciplinaryity has been upgraded in the sense of (1) integration and (2) interdisciplinarity.<sup>3</sup> It is in fact important that the mere summing-up of the contents and methods of individual sciences (from multidisciplinaryity) has gradually been overcome (to interdisciplinarity). The integrative nature of PA – either deriving from law (as in most of Europe) or political-science/administrative techniques (such as in the USA, for example) – leads to the development of an interdisciplinary administrative science, even though integration at the level of a merely multidisciplinary approach to PA should not be confused with synergistic added value, when one could speak of the interdisciplinarity of/in PA. Namely, according to Schuppert (2000, 41–45), administrative science is an intersection of law, sociology, political science, economics, as well as organizational theory, decision-making theory, computer science, etc.; thus, it may also be described as an integrative science (*Integrationwissenschaft* or *Querschnittwissenschaft* or *Kreuzwegwissenschaft*). However, in terms of development, we witness in PA a transition from the initial integration of PA's mother disciplines into interdisciplinary administrative science, but in parallel in time and space, its disintegration and differentiation (Pusić 2002, 53, 59). PA – seen as a homogeneous social phenomenon – and the needs of practice, which for effective implementation of public policies calls for people with a comprehensive and theoretical understanding of the structure and modus operandi of PA, are indeed powerful integrative or anti-disintegrative forces.

However, integration on the level of interdisciplinarity is of great importance to PA, since the most complex and dynamic societal (so-called wicked) problems cannot be tackled by only a multidisciplinary approach. According to Raadschelders 2011, 178–200, interdisciplinarity is present where a certain notion – the subject of a discipline – is studied and taught with a specific combination of proce-

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3 Cf. cross-disciplinary publications on PA in political-science journals and vice versa by Raadschelders 2011, 30. As regards the disciplinary orientation, a number of different notions arise in the scientific literature (from a- and extra-, to intra-, multi-, cross-, inter- and transdisciplinarity).

dures and methods, as well as in terms of its own substantive interest or problem.<sup>4</sup> Being an interdisciplinary science, administrative science should serve as a bridge between different disciplines (*Brückenbegriffe*, cf. Schuppert 2000, 46, who indicates six basic PA areas: public tasks, forms of operation, governance, responsibility, organization, and communication with decision-making and procedures). Yet the relation between the primary or original disciplines (e.g. law, economics, political science, sociology, etc.) and the “new” interdisciplinary science (e.g. administrative science) evolves, generally speaking, over consecutive stages: from co-dependence, i.e. superiority or subordination, through independence, i.e. adjustment, to interdependence, i.e. synergetic upgrading into a new value. These stages are typical of the development of the entire sphere of science, evolving from uniqueness in ancient times, through differentiation in the Middle Ages, to a combination of further differentiation and integration in the 19<sup>th</sup> century (cf. on science as societal subsystem in Zelenika 2004). Administrative science has been or would be acknowledged as autonomous when all the above-mentioned elements have been met, as occurred in Western Europe from the 18<sup>th</sup> century on, mainly in the early and mid-20<sup>th</sup> century.<sup>5</sup> According to Wright (2011, 98), research on PA is (today) “largely isolated” from the law, management and political science that formed its foundation. On the other hand, some argue that especially *academia* might reconsider claiming administrative science or public administration as a discipline being independent from PA’s original disciplines (such as political science in the US, cf. Meier 1997, 194).

According to the majority of scholars, particularly in the German environment and in the countries influenced by Central-European traditions, we can confirm the existence of administrative science as an integral and interdisciplinary science. First, it is characterized by an autonomous subject of examination, parts of which are dealt with by other sciences, although not holistically. The subject of examination of administrative science inevitably depends on the definition of PA (cf.

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4 *Ibid.*, 181: “The ultimate test of the quality of interdisciplinarity studies, though, is when they result in an understanding of a particular phenomenon that is more comprehensive than what is possible through a disciplinary approach.” Cf. Wright 2011, 96: “... regarding the degree to which [PA] does or should incorporate values and lessons from other academic disciplines, this study provides a systematic assessment of the field’s reliance on research and theory from the fields of ...” Transdisciplinarity, as a future possible upgrading of the existing interdisciplinary administrative science/s, on the other hand, implies the development of a wholly new discipline with its own paradigm, research core, values and instruments. Pusić (2002, 39) in this respect underlines that we could talk of an independent (administrative) science, based on the existence of specific social phenomena as the substrate under examination, the social distribution of work, specific techniques and methods, the social importance of the discipline and the subject studied thereby, the dual understanding of PA as study vs. science (German *Lehre* vs. *Wissenschaft*, Slovene: *veda/stroka* vs. *znanost*, Croatian *nauka* vs. *znanost*), its historical development and experience-based prescriptive results.

5 With von Stein, Duguit, Berthelemy, Mayer, Kelsen, Jellinek, etc., in the German environment mainly under the influence of police science with Sonnenfels (more in Pusić 2002, 45–52, Schuppert 2000, 41, Godec 1993, 24, for Austria in Magiera et al. 2008, 779, for Slovenia Bučar 1969, 79–82, Godec 1993, 5–16).

Pusić 2002, 38–66, Schuppert 2000, 41–48). Being the subject of a multi-, and above all interdisciplinary study, administrative science involves the following areas of PA: administrative organizations, their tasks, forms of operation, organization, human and other resources, even aspects of constitutional law, local government, etc. The concept of PA indeed varies over time since the society and its subsystems, such as public administration, are constantly changing, causing a relativization and redefinition of the related scientific disciplines and the relations among them. Therefore, as regards PA, it is necessary to consider the profound and interdisciplinary “science of the future” as a supplement to the “science of the past” (Magiera et al. 2008, 766). More recently, PA has been characterized by changes in the sense of decentralization and privatization or a plurality of providers in the public sector, new governance doctrines (New Public Management and Governance) and internationalization or supranational governance in the EU.<sup>6</sup> Yet all these trends lead to the need for an increasingly integrative study of PA. In this context, a secondary question often arises, namely whether administrative science only covers PA or whether (and to what extent) it also covers private administration, considering that the two – particularly in terms of management – indeed have some points of contact.<sup>7</sup>

Second (even if we argue that PA has no specific *materia*), it is typical of administrative science – compared to other sciences – to examine PA by means of a specific methodology and perspective (cf. Schuppert 2000, 45). In this regard, administrative science, just like sociology or economics, falls (predominantly) under the empirical social sciences (Meier 1997, 194), as opposed to, for example, law with its normative method. As regards the method, it is important that administrative science has tasks of its own, aimed at improving the effectiveness of the public policies which PA designs and implements, as well as its own functioning and organization. Administrative science comprises three task groups: (1) a cognitive one

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6 For details, cf. Magiera et al. 2008 (e.g. regarding the European Administrative Space, with increasing importance placed on public governance through governing by administrative acts and procedural instruments, pp.129, 141, 803, etc.), cf. Rose-Ackerman and Lindseth 2011, Bevir 2011. Particular emphasis should be placed on the integrative study of PA through reforms or modernization in the public sector in Western and Eastern Europe in particular (Magiera et al. 2008, 199, 763, cf. Nemeč et al. 2012, Koprić 2011, Kovač and Virant 2011). A significant contribution thereto was made by international organizations and networks operating in the area of PA, such as IIAS/EGPA, EPAN, and NISPACEE.

7 However, in PA public interest needs to be considered a specific category of public governance and thus the subject of PA studies. The entirety of institutional and instrumental public governance is in fact related to the definition and protection of public interest (Bučar 1969, 35–39, 67, 83–84). In this respect, Schuppert (2000, 800) underlines that the public interest is concretized through the designation of protected goods, in an administrative procedure by the authoritative position of PA. Given the specifics of PA as an advocate of the public interest and its role in public governance, most – mainly German – authors do not consider business administration to be a part of administrative science, while others argue that given the functional and not organizational definition of administration as a subject of administrative science, the science of business administration should also be considered to be a subject of administrative science (Godec 1993, 9).

involving the examination of the observed phenomena, processes and causality, (2) a creative one on the development of forms of work, models and solutions, and (3) a doctrinal one involving the submission of empirical generalizations and new knowledge to administrative experts, civil servants and the general public (Godec 1993, 9–11). Thanks to micro and macro analyses (i.e. the study of administrative institutions and the relations among them) and, occasionally, meta-analyses of PA, it allows specific and multifaceted research of individual social segments i.e. everything that arises in relation to administrative operations (Vavpetič 1972, 12). Administrative science should thus be understood as an empirical-analytical and critical-normative scientific discipline.

## 2. The development of PA studies, law, and administrative science in Slovenia

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### 2.1 The prosperity of administrative science in former Yugoslavia (1950s–1980s)

From the 15<sup>th</sup> to the beginning of the 20<sup>th</sup> century, Slovenia was under the political and administrative rule of the Austrian empire, even though in terms of nationality and language it belongs to the Slavic group. It was not until 1918 that Slovenes joined Croats and Serbs in a common state until Yugoslavia's dissolution in 1991. These changes profoundly affected the perception of the role of PA in the system of authority. Nevertheless, PA – both as a discipline or a subject of research – in the Germanic and Central European area is typically related to law and legal science in order to ensure legal certainty in the sense of the *a-priori* and predictable restriction of authority (Peters & Pierre 2005, 267). Therefore, in this space (Austria, Germany, Switzerland, and Slovenia, Croatia, Hungary, etc.) – contrary to Anglo-Saxon theory and case-law – law is considered a scientific discipline in itself (*Rechtswissenschaften*), with particular importance attached to the distinction between public and private law.<sup>8</sup> It could be argued that law should therefore be taken into account, but the risks that arise when PA studies are over-oriented toward legalism should not be disregarded. Law should not be considered to be a monopolistic instrument

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8 Cf. Künnecke 2007, 3–22, Schuppert 2000, 35, Peters and Pierre 2005, 265. Raadschelders 2011, 41, stresses that *science* in the Anglo-Saxon world is not completely equivalent to the German *Wissenschaft*, where it is defined as a “*branch of knowledge or learning*” or, the “*systematically organized whole of knowledge and of the rules, regularities, theories, hypotheses, and systems through which further knowledge can be acquired.*” From the viewpoint of political science, particularly in US theory (Peters and Pierre 2005, 270–275, McCubbins et al. 2007, 19), PA is examined rather as a consequence of or a tool for exercising state authority within society and public governance. The main difference between (central) European and the Anglo-Saxon systems, regarding such, is that given the lack of distinction between public and private law in the latter, administrative law in the USA or UK is not developed at all or focuses more on the protection of the individual's rights as regards administrative agencies and judicial review, than on regulating administrative relations.

for policy development. However, precisely because of the above restrictions, law – as the science of origin from which public administration as a discipline evolved – became the cradle of a new science in Slovenia, developed through specialization and the implementation of multi- and interdisciplinary approaches.

Thus, the 1950s saw the emergence of an administrative science that would develop autonomously with its substance beyond legal science, as launched in the former Yugoslavia by the Ljubljana, Zagreb and Belgrade scholars from their respective law faculties. This period was characterized by comprehensive theoretical and practical study of PA based on the uniform need for an integrative analysis of PA issues. Interest in PA began to grow precisely in the 1950s with the establishment of the universal social need for closer cooperation between administrative practice and social-science theory, since PA had been entrusted with new and increasingly diverse tasks.<sup>9</sup> Several forms of integration can be observed in the development of PA in Yugoslavia (cf. Pusić 2002, 53): from the expansion of individual disciplines, mainly administrative law and administrative techniques, and programs in schools and institutes to balance several disciplines, to comparative analyses of the same administrative institutions in different administrative systems, and the design and confirmation of assumptions regarding the legality of administrative organizations and activities with governance theories. In institutional terms, the beginnings were reflected in the establishment of PA institutes, while the majority of research achievements and the modernization of study programs dates from the 1970s and 1980s. In 1955, the Yugoslav Administrative Sciences Association was founded. Despite its socialist and self-government regime, Yugoslavia was very close to the level of development in Western Europe as regards independent university departments since the 1950s and the most notable administrative institutions (e.g. the *Ecole National d'Administration*, founded in 1945 or the *Deutsche Universität für Verwaltungswissenschaften Speyer*, founded in 1947). Individual parts of Yugoslavia, however, featured different developmental directions and thus different understandings and results of administrative science (in the sense of interdisciplinarity) or (merely) the integration of PA elements into other sciences (in the sense of multidisciplinary).

The most progressive of all PA schools was the Ljubljana School, represented by scholars from the University of Ljubljana's Faculty of Law. The following were the most important PA scholars in Slovenia: Vavpetič, Godec, Bučar, Šturm, Šmidovnik, Trpin, Pirnat, etc. In 1956 the Institute of PA in Ljubljana was founded, which published a magazine on PA and in the 1960s and 1970s carried out basic and applied research projects (cf. University web pages; from systemic theory in administration to the legal nature of administrative acts, public powers, the development of administration, public utilities, administrative efficiency, etc.). The same period saw the establishment of an independent School of Public Administration in 1957,

9 Vavpetič 1972, 5. Cf. Speyer on the evolution of the subject of administrative science based on practical needs and the internationalization of research and studies in Magiera et al. 2008, 794–797.

which in 2003 transformed into today's Faculty of Administration. After 2000, some private faculties were also established (in particular the Graduate School of Government and European Studies). In addition to professional education and training, ever since the 1960s the School of Public Administration has conducted a series of research studies with an interdisciplinary approach to individual notions in PA (e.g. discretionary or internal administrative acts in PA, municipal self-government, the management of documentary material, the new IT). In the late 1980s, the School began to organize national meetings, which evolved into the current main national scientific conference regarding such, known as "Slovene Administration Days", where experiences and advice are shared by academia and practitioners from Slovene and foreign scientific communities (e.g. from Austria and Croatia). A characteristic of the Ljubljana School was that it considered the legal aspects of PA to be part of a synthetic administrative science and, by incorporating administrative and legal sciences, thus regarded administrative science as an integral set of PA content studied both empirically and normatively (Vavpetič 1972, 6, Godec 1993, 7, cf. Pavčnik 2008).

At a meta level, in order to develop a science of administration and other sciences directly related to administration, a further categorization of administrative-legal science was important, especially in the Zagreb School of Yugoslav PA. The members of this school regarded PA as part of legal science, and despite a multidisciplinary approach and the introduction of additional elements, PA was studied within the study of law. New courses that were offered to students, some as electives, some even obligatory or developed subsequently into the PA direction within legal studies, were, for instance, Public Administration (not solely its legal regulation), Administrative Systems (with a focus on policy) and Legal Informatics (combining law and technology). The development of PA studies was thus oriented toward differentiation between administrative-legal and administrative-technical courses (Pusić 2002, 48). This gave rise to an administrative-legal science as a transitional science between legal and administrative sciences. Namely, the evolution of administrative-legal science in terms of administrative law incorporating PA rather than a holistic administrative science with administrative law being part thereof was preferred in the majority of Yugoslavia. Administrative-legal science deals with the norms of administrative law, as well as with administrative-legal relations and relationships arising in the application of the norms of administrative law. It covers legal and normative elements of PA functioning and structures, particularly relations towards the authorities in order to classify, interpret and improve law-driven aspects of administrative activities and parties to administrative-legal relations in terms of the public interest in ensuring the rule of law. It distinguishes itself from law, despite using both descriptive and prescriptive interpreting research methods on dogmatic, axiological and comparative levels, so that PA is not studied as an independent subject, but parts or individual notions thereof are studied in the in-

tersection between legal and administrative sciences.<sup>10</sup> However, some authors emphasized the interrelatedness of (administrative) law and PA, while others favored PA within political science.

## 2.2 The status of PA and related studies in Slovenia from 1991 to 2013

After the declaration of independence and the foundation of the sovereign Republic of Slovenia in 1991, and after gaining full EU membership in May 2004, the role of PA in society changed considerably. However, there was no substantial redefinition of PA research and study. Actually, owing to the rather objectively laid foundations of legal and administrative sciences, this was not even radically needed, at least not in the first years or straight away. It may critically be noted, however, that holding on to the existing approaches to PA study, while at the same time opting for an often formalistic modernization of programs for the purpose of international accreditation (as for example pointed out for CEE in Nemeč et al. 2012, 20), means that there is still much potential or even necessity for development.

As regards the major changes that occurred in independent Slovenia, the key institutions and certain acts of the national education and research policies should be mentioned. Government policies were supposed to be politically coordinated and directed by the relevant ministry (*Ministry of Education, Science, and Sport of the Republic of Slovenia*), both by way of higher-education legislation and strategies for the development of education and research. They are intended to be carried out by two independent, yet interrelated agencies for R&D (ARRS, *The Slovenian Research Agency*, founded in 2003) and for the quality of higher education (NAK-VIS, *The Slovenian Quality Assurance Agency for Higher Education*, founded (only) in 2008). In principle, they pursue their activities apolitically and professionally by means of implementing regulations, the allocation of funds via public tenders, and evaluation procedures. Unfortunately, however, practice has not met the systemic needs. Over the past two decades, the responsible ministry has undergone several transformations as to its area of responsibility and, consequently, its structure. Moreover, instability and dysfunctionality was brought into the system primarily by the fact that at one moment higher education and science were interconnected, and at the next they were detached, with higher education joining the lower education levels and science being attached to the fields of economic development or technology. The basic acts on higher education and research activity date from 1993 and 2002, and have frequently, yet only partially, been amended. The two decade-long strategies and resolutions on higher education, research and innovation drafted and adopted by the center-left government for the period 2011–2020 are today, considering the priorities and measures of the recent streamlining-oriented governments, virtually dead documents. Both agencies abstractly determine the procedures for

10 For more on this, see Bučar 1969, 70, Godec 1993, 6–12, also Pusić 2002, 46, 57, cf. Denkovič 1969, 356 on the interrelatedness but separation of administrative law and PA. See also Bučar 1969, 69, on PA in Yugoslavia from the aspect of political science.

co-financing research and scientific publications or meetings, evaluations, program accreditations and habilitations, and implement them in an explicitly formalistic way that is aimed at procedure and rules rather than at the substantive objectives of public policies.<sup>11</sup> Since 2003, in accordance with the Bologna reform, higher-education institutions and study programs have been accredited through the Slovenian Quality Assurance Agency for Higher Education (NAKVIS), first for a period of seven years for publicly valid degrees, followed by the procedure for extending accreditation with an interim evaluation. In 2011, there were approximately 100 accredited institutions in Slovenia, with a third of them being private institutions. The three largest universities with around 50 additional faculties or schools are also included in this number. Thus, there were around 800 accredited programs at the beginning of 2013. Also universities and faculties, which are faced with approximately 20–40 % cuts in budget funding, mainly in the context of the formalistically led Bologna “reform” and the extremely restrictive austerity measures for 2012–2014, are ever increasingly dealing with how to survive rather than with the development of content. Nevertheless, there have been certain steps in a positive direction in the field of PA, including the systemic internationalization reflected in active cooperation in cross-border research (e.g. in the 6<sup>th</sup> and 7<sup>th</sup> EU Framework Program for Research), as well as regarding networking within NISPACEE or EGPA and the acquired international accreditations for study programs (e.g. via EAPAA at the Ljubljana Faculty of Administration, 2008 and 2011, more in van der Krogt and Reichard 2012, 1–10). The EAPAA underlines the multi- and interdisciplinarity of study programs. However, one might not disregard the social and political context of (studies of) PA in the respective country. Or, as stated by Hajnal 2003, 253–256, the type of PA education offered (should) correlate(s) with the way PA is practiced in the field, since PA is as such “*a fundamentally national-level phenomenon, which should, therefore, be analyzed primarily on this level.*”

Despite the indicated characteristics, PA/administrative science has not (yet) been recognized as an independent science in Slovenia but is categorized subordinately and inconsistently. PA studies in Slovenia therefore are classified in numerous ways, i.e. according to:

- (1) the field of research classification of ARRS, under 5.04 Administrative and Organizational Sciences, parallel to 5.05 Law or 5.06 Political Sciences;
- (2) the Common European Research Classification Scheme (CERIF – CERCS), under S111 Administrative Law or S170 Political and Administrative Sciences;
- (3) the OECD and Eurostat classification (FOS 2007), under 5.5 Law or 5.6 Political Sciences or 5.9 Other Social Sciences;

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11 For instance, national and international accreditations are not unified, but there have been proposals in that direction (cf. Nemeč et al. 2012, 18). To implement an accredited program, the lecturer needs to hold an academic title (assistant, associate or full professor) from a university autonomously for a duration of five years. The employer automatically registers each lecturer with the Slovenian Research Agency (ARRS) as a researcher (cf. Leskovšek 2010, 90).

- (4) the ISCED, as applied in the national accreditation procedure of study programs, under (34) Business and Administration;
- (5) the Frascati Manual, also a basis for the national accreditation of study programs, under 5 Social Sciences.

In the field of research, PA is therefore most often associated with organizational-administrative or political sciences, while from the pedagogical point of view, it is classified most often as part of legal science. Inconsistencies may frequently be found elsewhere, as well.<sup>12</sup> Unfortunately, such a classification of science leads to division and mutual isolation instead of bringing about integration and progress.

If PA is not acknowledged as an autonomous discipline, this brings more disadvantages than advantages. Actually, the legal framework does not only signify that the majority of courses offered by study programs are law-driven, which would suit the social context of PA in the countries within this group, but represents a problem since no other aspects or subjects exist.<sup>13</sup> By analogy, research and study programs on PA were “modernized” in CEE and SEE transition countries and particularly in Slovenia in a similar manner as regards the public administration reforms and education and research policies, i.e. seemingly integrally, yet with relatively legalistic amendments to legislation and technical procedures, while leaving the administrative culture, values and administrative patterns unaltered. Considering their disciplinary classification, the lecturers, the content of the objectives, competences and courses, today’s study programs are, in their essence, in fact completely equal to those of decades ago. Even the Bologna “reform” did not bring about more than just a few cosmetic or partial amendments (e.g. formal definitions of competences, accreditations from the previous joint programs, and lectures being partially de-

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12 For example, see Wright 2011 or Hajnal 2003, who analyzed 191 study programs in 23 states and notes that there are three clusters of programs by country. These are groups where the prevalence is as follows:

- 1) Law in the Mediterranean area and Central Europe (Hungary, Poland, Romania, Serbia, Italy, Greece, Portugal, etc.);
- 2) (Corporate) management in Scandinavia, Bulgaria, and the Czech Republic;
- 3) Policy/political science, today also in previously “law-oriented” France and Spain.

However, probably due to the exclusion of the more established Germanic countries, which would otherwise belong to this group (Germany, Austria, Slovenia and others), the author rather unequivocally states (2003, 248, 250) that in the law-oriented cluster PA is merely considered a well-running machine executing detailed legal regulations. A similar classification of PA in research and accreditation categorizations as in Slovenia is also found in Croatia. On the other hand, in Slovenia public interest and its protection as the key specifics indicating that PA studies cannot be equated with business administration or management, is often disregarded, without respecting public administration as a social system of its own as opposed to business administration as merely an auxiliary function of a company (cf. Pusić 2002, 28, 62).

13 See Hajnal 2003, 247, 250. Cf. Koprić 2011, 15, who emphasizes the impact of administrative study programs on (overly) law-oriented reforms since more than one third of such programs in all the territory of former Yugoslavia are merely law-focused, and reform agents, as their graduates, act in terms of a *Juristenmonopol*. Similarly for the (over)dependence of PA studies on legal sciences in Austria, cf. Magiera et al. 2008, 790.

livered in English). In contrast to the content breakthroughs of decades ago, no new inter-/transdisciplinary administrative programs have emerged recently, nor have they been introduced into individual courses. To illustrate: the program Administrative Informatics, evidently striving for interdisciplinarity out of a need in practice, introduced by the Ljubljana Faculty of Administration in 2008, each year records a radical decrease in students – with approximately only 10 students enrolled in 2012, since according to the graduates, rather than having an added value compared to existing programs, this program is just the sum of the selected courses in it. The same can be observed at the Faculty of Law of the University of Ljubljana, which introduced a postgraduate program for administrative practitioners who are non-lawyers, but only traditional courses from other programs were transferred into it. Or: even in contradiction to the description stated in the syllabus of the new obligatory course Regulatory Policies introduced in 2009 (inspired by Anglo-Saxon and other European approaches to the complex study of PA as an autonomous study discipline, cf. Godec 1993, 77, Pusić 2002, 55, van der Krogt and Reichard 2012, 2), the content, lecturers, sources and exams thereof are, instead of being implemented integrally on the level of interdisciplinarity (in the 2<sup>nd</sup> cycle!), carried out solely as an economic, legal and political science triplet, namely as the sum of individual parts instead of providing synthetically generated new quality.

In the field of research, being the basis for a redefinition of study programs, it may be noted, however, that development has gone more or less in the direction of interdisciplinary consideration of PA, although it involves randomly chosen areas (e.g. e-government, regulatory impact analysis), and in most cases depends on the available European and national resources. The faculties, study programs, and institutes specialized in PA (i.e. not falling under legal sciences) in Slovenia did not undergo transition from a set of elements, contents and methods of individual disciplines to the synergistic effects of interdisciplinary studies, which is, for example, typical of the programs in Speyer or the development in Croatia (although under the Faculty of Law of the University of Zagreb still with an interdisciplinary department of administrative science, as opposed to only administrative law in Ljubljana, and the journal *Comparative and Croatian Public Administration*, and a PA postgraduate program, cf. Pusić 2002, 57, Koprić 2011). Thus, we cannot speak of a conscious and systematic national research policy or target-oriented interdisciplinary development of faculties' strategies, even though the decades-long heritage of administrative science in the territory of Slovenia and the internationalization with a comparative method, with the latter given considerable importance recently, in fact provide potential grounds to meet societal needs.

### **3. Analysis of the existing classification of PA studies and research in Slovenia**

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#### **3.1 On the methodology of research**

A study was carried out in 2009 in order to empirically assess the degree of development and the status of administration-related sciences in Slovene academia and practice, considering the Germanic-Yugoslav legacy of the past decades and the latest developments in public governance at the level of the EU. Its purpose was to establish the state of the art of administrative science in Slovenia – in terms of research, methodology and other features characterizing an autonomous science. A series of hypotheses were proposed (cf. Leskovšek 2010, 3, 89, 114). As regards the empirical part of the research, the main hypothesis was that despite the official classification under law, given the subject and methods of study, a considerable part – at least a fifth of study programs and research results – falls under administrative or administrative-legal sciences. Our aim was to establish whether the impression that, on the one hand, there is no interdisciplinary approach to PA (any longer) and, on the other, that law is not the prevailing or exclusive discipline for PA research and study programs, is correct.

The study involved five Faculties offering first- and second-cycle administrative-legal study programs in 2010 (8 altogether, with 54 courses on administrative law): two private faculties (the European Faculty of Law and the Graduate School of Government and European Studies), two Faculties of the University of Ljubljana (the Faculty of Law and the Faculty of Administration) and the Faculty of Law of the University of Maribor. The analysis also involved administration-related habilitation areas and scientific results achieved by 16 researchers who formally classify their work as legal, although they operate in the legal-administrative area (administrative law). An important aspect of research was the methodological combination of objective comparisons and analyses of data retrieved from public registers and the subjective self-declarations of the respondents (100 % response rate). Another relevant characteristic was the analysis of the two corresponding aspects of PA studies when and if speaking of (administrative) science, namely: (1) study programs and (2) scientific-research results. If we only compared the contents of study programs, we would disregard the assumption that PA studies – if they are to bring progress in the solution of complex governance problems – should be scientifically supported with genuine knowledge.

#### **3.2 The main findings of the research**

As expected, the study clearly revealed a very close connection of PA to law, which is typical of the Slovene political and administrative system. In the Central European setting, particularly under the influence of Austrian-German theory and patterns of governance, PA is above all law-driven and as such necessarily studied and taught

from a legal point of view. This is evident both in terms of institutions and content (see Table 1). Considering the primary purpose of analyses, which was to establish the actual state of affairs or viability of administrative aspects among those which are *de jure* nominally determined only as legal, we arrived at hybrid conclusions, since the trends observed are rather multi-faceted.

**Table 1**

De-jure vs. de-facto positioning of PA studies in Slovenia – Law (legal science), PA (administrative science), or AL (administrative-legal science)

Indicator <sup>15</sup>	Nominally	Actually <sup>16</sup>	Comments
<i>Faculties as providers of programs: No.</i>	Law: 3 PA: 2	Law: 4 PA: 1	Evident formal consistency of titles at non-law Faculties and their study programs as regards content (e.g. almost only legal courses in the study program "PA" at the Graduate School of Government and European Studies).
<i>Study programs: No. 1<sup>st</sup> + 2<sup>nd</sup> cycle</i>	Law: 3+2 PA: 2+1	Law: 4+2 PA: 1+1	Even study programs defined as legal ones incorporate approximately 20% of PA and AL courses, following two PA defined programs with approximately 40% legal (mainly AL) courses.
<i>Courses by lawyers: No. 1<sup>st</sup> + 2<sup>nd</sup> cycle</i>	Law/AL: PA:	29 + 17 5 + 3	The most common administrative courses, although part of a legal study program, include PA, followed by PA Theory, Administrative Systems, PA Modernization, Comparative PA, Administrative Science.
<i>Lecturers/researchers: No.</i>	Law: 16	Law: 11 AL: 5	Most lecturers/researchers are habilitated at the Faculty of Law, from which they graduated and by which they are mostly employed, even if at least three institutions in Slovenia offer habilitation programs on "PA", which in practice is not as distinguished as "AL".
<i>Habilitation areas</i>	AL/PA: 7	AL: 6 PA: 1	The prevailing habilitation areas are general legal/AL areas. But existing PA areas are inconsistent, overlapping, or imbalanced.
<i>Scientific publications: No.</i>	Law: 97	Law: 8% AL: 77% PA: 15%	According to the authors' self-declarations, the shares explicitly lean toward a cross-section between AL and PA, i.e. regarding administrative-legal science.
<i>Scientific and research projects: No.</i>	Law: 18	Law: 17% AL: 50% PA: 33%	In scientific and research projects, the share of AL content is lower, yet nevertheless accounts for 50% of formally legal projects, while a further 33% are inter-disciplinary administration projects (twice as much as for publications).

14 Study program indicators were taken from the websites of the Faculties, the Slovenian Research Agency, and the Slovenian Quality Assurance Agency for Higher Education for 2010/2011, scientific indicators for three full years (2007–2009; scientific articles, conferences papers, monographs and projects reports) were taken from ARRS and COBISS.

15 Following self-declaration by the lecturers (Leskovšek 2010; N=16/16), objective indicators from public databases and assessment within this article.

Detailed analysis and comparison of the selected indicators listed in the table reveal that PA in Slovenia is primarily law-driven but shows an evident excess of merely legal consideration. In fact, the hypothesis that a significant proportion of formally legal publications and research projects actually relates to administrative science or at least legal-administrative science was proven. In order to identify the state of administrative science in Slovenia, a similar survey should be carried out in the areas of organization, economics and political sciences (the Faculty of Social Sciences in fact provides the same PA habilitation area as the Faculty of Administration, even though they are both part of the same University). However, the respective empirical analysis shows that in total, 92 % of the publications classified only as legal are actually interdisciplinary administrative publications (while slightly less than 20 % relate to administrative but not legal aspects), corresponding to 83 % of such research projects (33 % of the total relate to administrative but not legal science). A significant share of the research results provided by lecturers of courses on administrative law and public administration should thus be re-classified from law to PA. Most study programs and research on PA falls under legal science (e.g. law, cf. Pavčnik 2008), but legal science is not the actual scientific framework of a significant share of research on PA, although it is classified as such. The latter gives the false impression that the development of administrative science nearly came to a halt, particularly if compared with the previous decades. This directly leads to a vicious circle: the fewer results a specific area produces, the lower the financial and human-resources support it will eventually obtain in the future.

Considering the state of the art in contemporary Slovene PA as a discipline, it may be concluded that the initial ambitions regarding integrative PA studies in the 1950s–1980s (the Ljubljana School in former Yugoslavia) resulted in the development of an autonomous administrative science. Owing to a series of reasons – from the politicization and thus the devaluation of administration, a legalistic approach and thus greater respect for the law and lawyers, to the undetermined categorization of PA in research and the accreditation of study programs in Slovenia and abroad – in the past two decades PA studies in Slovenia have taken a different turn. We can now speak of a certain degree of integration, yet more in terms of multidisciplinary and the differentiation of specific disciplines (cf. Pusić 2002, 49, e.g. public-sector economics, public management, administrative informatics, administrative-legal science) than in terms of an interdisciplinary administrative science. Despite the notable internationalization – both in research and studies – that calls for an interdisciplinary approach, Slovenia has assumed an excessively partial approach, whereby among several mother disciplines, it is the law that generates the most cross-disciplinary results. In the future, integration trends should be enhanced, based on the needs in administrative practice and comparative trends. In this regard, it needs to be ensured that no aspect – be it economic-managerial, political-sociological, organizational-informational or, considering the tradition,

especially the legal aspect – is neglected or unequally represented.<sup>16</sup> Moving from one extreme (law only) to the other (no law at all) cannot be successful even for countries that are not law-focused, and more attention should be devoted to balancing uniform standards and the understanding of the specific features of the country whose PA or PA study programs are at issue. Or as posited by Hajnal (2003, 254): “... the traditional, legalistic culture seems to be so deeply engraved and entrenched in the administrative cultures of the respective countries that their quick replacement by either public policy or managerialist paradigms seems improbable. ... Within the group of committed legalists, we can expect incremental development – more evolution than revolution.” PA or administrative science as its methodological framework should comprise a legal determinant since the legal regulation of public administration is an essential element of constitutional democracy and the rule of law (cf. Schuppert 2000, 42). At the same time, however, PA cannot be examined from a legal perspective only, since administrative science studies and creates not only the administrative-legal components of PA, but to a significant extent also the effectiveness of the administration and PA as a pillar of public governance. Such a combined approach would hopefully (cf. Nemeč et al. 2012, 3, Raadschelders 2011, 156) allow the exchange of researchers, teachers and students, academia and PA practitioners and the realization of concepts such as the European Higher Education or Administrative Space. Additionally, PA is concerned not only with how things are but also with how they might be, consequently PA is (Meier 1997, 195) “the science of the artificial for politics and administration”.

#### 4. Conclusion

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The analyses provided in this article led to an answer to the initial three questions arising with regard to the recent developmental plateau concerning administrative science in Slovenia, its multi- or interdisciplinary character, and the prevailing core discipline. While until recently Slovenia (and most of CEE) considered PA only to be a legal science, more recently part of an autonomous administrative science, and currently rather a multidisciplinary approach instead of an interdisciplinary administrative science, the guiding principle for the future is to regain a wider view that does not ignore law or any other integrative discipline in PA, but rather combines these components into an interdisciplinary science. The state along with the responsible ministry and the two regulatory agencies (the Slovenian Research

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16 This warning is not purely hypothetical, since sometimes, due to its focus on standardization so as to facilitate international exchange, such an integrative approach also disregards the social and political context of PA (studies) in the respective country. An example thereof is provided by the experience in EAPAA accreditation procedures at the Ljubljana Faculty of Administration, where one of the recommendations proceeded in the direction of excluding Administrative Procedure from being an obligatory course, even though such a course deals with the most common PA business processes in Slovenia, the EU and globally (cf. Peters and Pierre 2005, 284, Rose-Ackerman and Lindseth 2011, 342–354).

Agency and the Slovenian Quality Assurance Agency for Higher Education), as well as individual educational and research institutions, should in the future strive to not disregard the legal legacy and additional political-managerial context of PA. It would be wise to do so either within strategic planning or the classification of study and research areas, accreditation, and habilitation. In order for Slovenia to follow and participate in academic and practical developments abroad, a systematic reform of national education and research policies on and for PA is needed. The relevant policy makers, from the state to the university faculties, should not restrict themselves to considering administration from a legal point of view or the point of view of any other individual PA discipline if they want PA studies to contribute to the solution of the most complex supra-, infra-, and national governance problems and newly emerging PA notions. In order to overcome the mere parallel usage of traditional mother disciplines with paradigms and methods of administrative science, courage and integrity should also be demonstrated by individual researchers and lecturers.

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