Administrative Limits Revisited: A Senior–Junior Exchange

Kutsal Yesilkagit

University of Utrecht

The Limits of Administration: A Response to Christopher Hood

The development of states coincides with the continuous (re)definition of administrative limits, according to Kutsal Yesilkagit, in this response to Christopher Hood. Hood’s thought-provoking essay suggests putting the concept of administrative limits to greater use as an analytical concept and explores the idea of administrative limits from three basic ways of thinking: cybernetics, economics and cultural theory. This author critically analyzes one of Hood’s main conclusions—that different types of administrative limits may exist, and that “what kinds of limits we find where is likely to remain a central and contested issue in administrative analysis.”

B e faithful, o Niqmaddu, to the alliance of friendship with the Land of Hatti, and you will see then how the Great King deals with the kings of Nuhashshi, and the king of Mukish who abandoned the alliance of friendship with the Land of Hatti and became the enemies of the Great King their master” (quoted in Bryce 2005, 165). Thus wrote Suppiluliuma (ca. 1350–1322 BCE), one of the greatest kings of the Hittites, to his loyal vassal Niqmaddu. From a scarce number of sources arises a picture of a Hittite king’s life and work, which was largely about the conquering and reconquering of smaller rulers at the outer skirts of his heartland. This was no easy task. At the height of its power, the kingdom of the Hittites stretched from the Aegean coast of present-day Turkey to Syria in the south. When the king was on expedition in some part of the kingdom, riots and upheavals could break out in other parts. Geography put a hard limit on the administration of the Hittite rulers, which could be achieved only temporarily by treaties with vassal rulers or by the appointment of relatives as viceroys in conquered territories. Even still, the king’s administration could only monitor the behavior of his vassals, not that of the people of the vassal state itself.

Administrative limits are intimately derived from the capacity of public administration to discipline the lives of its subjects.

In this short comment, I will take issue with this conclusion and the reasoning used to arrive at it. Looking at the same phenomenon from different perspectives will, by definition, lead to the discovery of different types of administrative limits. In addition, the concept of administrative limits is a social construction for which, in contrast to the limits within the natural sciences to which Hood refers, no intersubjectively agreed-upon yardstick exists. I plead for a somewhat different approach. That is, I first will define “administrative limits” and then present arguments in favor of viewing administrative limits in this way. Administrative limits, I will argue, consist of two basic elements. The first is “disciplining powers,” a term that I borrow from Michel Foucault’s *Discipline and Punish* (1977); the second element is “territoriality.” To me, then, the limits of administration should be understood as a function of the disciplining powers of public administrations within a given territory.

The Limits of the Disciplining Powers of Public Administration

Administrative limits, I would argue, are intimately derived from the capacity of public administration to discipline the lives of its subjects. Technologies leverage the disciplining powers of public administration,
and hence play a crucial role in this process. Public administration's capacity to adapt to technological changes and its capacity to master new technologies is thus central to the expansion (or shrinking) of administrative limits.

The classic disciplining institutions of modern states are schools, hospitals, and prisons (Foucault 1977). Through the (threat of the) use of physical force, these institutions redress deviant behavior; put bluntly, schools deal with the behavior of the young before they reach a physical state in which they can harm the interests of the state, and prisons handle the behavior of the mature, upon whom the disciplining powers of schools (apparently) have failed. The disciplining powers of these institutions were (and still are) formidable: schools created nations and "turned peasants into Frenchmen" (Weber 1976; see also Gellner 1983). It is largely to the evolution and refinement of such disciplining institutions that we owe the modern welfare state. The disciplining powers of these administrative institutions were so formidable that the core of politics for the larger part of the nineteenth and twentieth centuries focused on gaining control over these institutions' design and functioning (Swaan 1988).

However formidable the disciplining powers of these institutions may be, the technology on which they rest is relatively primitive in light of today's technologies. What is remarkable, though, is the fact that the administrative design of schools, prisons, and hospital has remained more or less the same throughout the decades. As for schools, the "regulation" of the minds of youngsters may be an abstract enterprise, but it only requires a corps of trained instructors, lecturing materials, and proper housing. This does not imply that time has stood still. Schools as administrative arrangements have broken their limits as new pedagogical insights have enabled the inclusion of out-of-the-ordinary children with disabilities or learning disorders to be "disciplined" by similar administrative structures as ordinary schools. Progress within the medical sciences has drawn individuals with formerly unknown or poorly diagnosed diseases within the disciplining limits of modern-day hospitals. Both schools and hospitals, in other words, have been remarkably successful at adopting new technologies within their existing perimeters and stretching their limits far beyond the ones they previously had.

Technological progress has aided the growth of the disciplining powers of public administration in other ways as well. The advance of the "regulatory state" (Majone 1994) is spurred by the evolution of technologies that enable public administration to monitor and control the behaviors of groups that literally reside outside the walls of the administration. The regulation of (all kinds of safety) risks and markets has become the hallmark of the modern state. Scientific progress in fields as varied as nanotechnology and gene technology has generated risks that were unknown to humankind a century or even just several decades ago (Beck 1992). Political and administrative reflections on these developments have caused a fundamental rethinking of boundaries and linkages among science, politics, administration, and society. Among the visible consequences of this has been a rise in the number and types of independent regulatory authorities. These authorities are staffed by personnel who have command of advanced knowledge in fields as diverse as psychology, econometrics, and natural sciences. These bodies stretch their limits as they employ continuously refined instruments for risk assessment and management. In contrast to schools, hospitals, and prisons, the subjects of regulatory authorities do not need to be contained at the same location as the regulatory body in order to receive “treatment.” Regulatory technologies have thus caused a substantial expansion of the limits of administration in comparison to classic public administration.

In conclusion, disciplining is central to the idea of administrative limits. Disciplining is a function of technologies that enable monitoring and control. Hence, limit-breaking capacities ... are closely tied to the capacity of [public] administration to master ... new technologies.

Administrative Limits and Territoriality

What struck me most in Hood's essay was the absence of a proper discussion of the territoriality of public administration as a cause of the limits of administration. It is, in my view, impossible to make inferences with regard to the limits of administration without accounting for territoriality. The idea of administrative limits concerns public administration's disciplining powers over a subject group within a given spatial area. This sounds straightforward, but the idea that states employ the power of the sword to exert domination within a given territory is a contested issue.

Since the Peace of Westphalia (1648), states and their administrations have been recognized as the sole and sovereign powers of their designated territories. The sovereign state's administrative limits are determined by politically agreed-upon borders. However, the view that administrative limits coincide with the borders of national states is too simple, for two reasons. First, within the borders of national states, the question of what causes the limits of administration is vexed by the question of what constitutes the public and private domain within the national state. The public–private divide, despite the many acknowledged problems of making such a distinction (Weintraub and Kumar 1997), puts a limit on the powers of the state and the reach of public administration. The institutionalization of the rule of law—that is, the principles of the Rechtsstaat—and the emergence and institutionalization of representative democracy during the course of the nineteenth century were, in a similar vein, limits that were imposed on the powers of the administrative state. Constitutional limits on administration were followed by the rise of a private sphere inhabited by private groups with public goals active within a multitude of policy networks (Kooiman 2003; Rhodes and Marsh 1992). Within a given politically defined territory, then, administrative limits are defined by the capacity of public administration to discipline the behaviors of private parties with public goals.
A second development is the emergence of a transnational sphere of governance (Kohler-Koch and Eising 1999 Slaughter 2004). Climate change, financial markets, international trade, crime, and many other domains have become internationalized, pressuring national states to push their administrative limits outside their conventional territorial boundaries. Through the emergence of extranational modes of governance, territoriality in general and the idea of administrative limits in particular have gained a new cloak. Transnationalization opens up a world of new opportunities that limit expansion. Within the multilevel networks of policy making in the European Union (EU), for example, the administrations of leader countries have the opportunity to, under certain conditions, successfully “upload” their preferred policies to the level of the EU. When these policies are adopted by the EU, they are, in the end, “downloaded” by other, laggard member states and hence discipline the standards of policy making in other member states by the standards of its own (Haverland 2009). In a similar way, the U.S. Securities and Exchange Commission has exported its standards for the design and regulation of financial markets to developing countries and created a level playing field in dealings between firms within these countries and within the United States (Raustiala 2002).

In sum, networks that cross the public–private divide and/or national geographic boundaries have a profound impact on administrative limits. The rise of international and policy networks deems administrative limits a function of the capacity of public administration to cope with interorganizational linkages, organized at various levels of governance and around different issues. Well managed, networks can serve the endeavors of limit-breaking public administration without having to master and apply new(er) technologies that have profound disciplining powers. Instead of mastering new technologies, administrations can extend their disciplining powers by (co)directing institutions that are specialized for mastering technologies, such as universities and research laboratories, and outsource the data collection and analysis needed to discipline society to such institutes.

Conclusion
Since the time of the ancient states, the limit-stretching endeavors of public administration have been tremendous. Seeing how administrations have mastered new technologies and seeing that the limits of geography as “hard” limits on administration are being surpassed by the processes of internationalization and globalization, one may rightly believe that mankind has come very far in letting the work done by institutions overcome his own limits of rationality (Simon 1997). In contrast to Hood’s approach, I propose a less theory-driven start to conceptualizing and defining “administrative limits.” Understanding the “limits of administration” as a function of administrations’ disciplining powers and the territoriality of limits is a direction to pursue.

References

ASPA Members - Exciting New Benefit…!

Free Conference Podcasts

Log in at http://www.aspanet.org and find the link for the latest member benefit – free podcasts from ASPA’s recent conferences!