Historical Development of Public Administration in Germany and the Problem of the Subject: Before and After the Republic of Weimar

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ABSTRACT

Administrative science has a rich history and a robust tradition in Germany. This study shows that this tradition has lost its position to the law within the scope of the efforts of the bourgeoisie to participate in the state power through constitutional movements, and the administrative law is dominant in the field of administration. Besides, it will also demonstrate that the attempts to create administrative science separate from the administrative law were inconclusive in the context of the Weimar Period. First and foremost, the administrative science tradition's origin is briefly discussed in this context. Subsequently, the bourgeoisie's endeavour to gain a stake in state power is examined, as is the decline of the aforementioned tradition and the emergence of administrative law. In conclusion, the article investigates the unsuccessful endeavours to revive the tradition of administrative science. The study examines the period from the second half of the 19th century, when the new mode of production was evident and the constitutional movements developed irresistibly, to 1933, when the National Socialist German Workers Party (NSDAP) seized power, indicating a significant discontinuity in the field of administration. In this context, evidence suggests that the bourgeoisie has hindered the progression of the German administrative science tradition by employing legal mechanisms to distribute political power, resulting in the erosion of this tradition despite numerous efforts at revitalisation. The instances of the USA and France have been thoroughly examined within Turkish literature concerning discussions of objects. Nevertheless, the advancements in Germany, a nation with a significant administrative heritage and expertise, have yet to be thoroughly examined. Consequently, it is posited that elucidating the advancements in Germany may serve as a valuable complement to the influences emanating from Continental Europe, while also providing insight into the United States' impact on Turkey.

Keywords: *Administrative Science, Public Administration, Administrative Law, Prussia, Weimar Republic*

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I. INTRODUCTION

The subject matter of public administration has been extensively examined within Turkish literature. In the course of these endeavours, particularly at the onset of the methodical examination and instruction of administrative knowledge, the impact of France on the Ottoman Empire and the advancements in this realm have been revealed. Simultaneously, the increasing comprehension of public administration in the USA and its preeminence within the field in Turkey, alongside the issue of transference and debates regarding the subject matter of the discipline, have been examined.[1] Nevertheless, it is posited that examining the advancements in Germany, a nation with a significant administrative legacy and intellectual heritage, can enhance our understanding of the influences stemming from Continental Europe and elucidate the impact of the United States on Turkey. In this study, the evolution of the German tradition of "administrative science" (Verwaltungswissenschaft) and the object problem will be examined within the framework of object debates in Germany.

This article explores the era commencing in the 1880s, a time when administrative law (*Verwaltungsrecht*) began to take shape, extending through 1918 with the establishment of the Weimar Republic, and culminating in 1933 with the rise of the National Socialist German Workers' Party (*Nationalsozialistische Deutsche Arbeiterpartei-NSDAP*). The governance of the NSDAP signifies a profound departure from the established norms of German administrative law, as well as from the foundational principles of administrative science. Throughout this era, administrative law was perceived as a manifestation of liberal ideologies

[1] Can Umut Çiner, 'Güncel Fransız Yönetim Yazını' (2008) 3(8) *MSY Dergisi* 149; Can Umut Çiner, 'Fransız Yönetim Düşüncesinin Gelişimi: Polis Biliminden Örgüt Bilimine' (2009) 42(1) *Amme İdaresi Dergisi* 1; Birgül Ayman Güler, 'Nesnesini Arayan Disiplin: Kamu Yönetimi' (1994) 27(4) *Amme İdaresi Dergisi* 3; Birgül Ayman Güler, '1950'li Yıllarda Kamu Yönetimi Disiplini: Disiplinin Kuruluşu Nasıl Gerçekleşti?' (2008) 3(7) *MSY Dergisi* 6; Birgül Ayman Güler, 'Yönetim Bilimi ya da Kamu Yönetimi: Yöntembilimsel Özellikle Üzerine' in Fikret Kartal (ed), *Türkiye'de Kamu Yönetimi ve Kamu Politikaları* (TODAİE Yayın No: 386 2015); Koray Karasu, 'Kamu Yönetimi Disiplininin Kökenine İlişkin Bir Not' (2004) *Hacettepe Üniversitesi Yayınları* 225; Nuray Ertürk Keskin, 'Türkiye'de Kamu Yönetimi Disiplininin Köken Sorunu' (2006) 39(2) *Amme İdaresi Dergisi* 1; Nuray Ertürk Keskin, 'Türkiye'de Yönetim Biliminin Gelişimi: 1870-1910' (2008) 41(4) *Amme İdaresi Dergisi* 1; Gencay Şaylan, 'Yönetim Biliminin Evrenselliği ile İlgili Bazı Düşünceler' (1978) 11(2) *Amme İdaresi Dergisi* 3.

and subsequently dismissed. Consequently, the research is confined to the year 1933, a pivotal moment when the NSDAP ascended to power, marking a significant transformation.[2]

This framework will initially present the tradition of German administrative science, followed by an analysis of the object of administrative science, the development of administrative law, and its role within the field of administration. The central inquiry of the study pertains to the nature of the object of German administrative science and the transformations it underwent during the specified period. This analysis will explore the probable connection between the evolution of educational practices for individuals entering administrative roles and the waning of the robust tradition of German administrative science, particularly in light of the emergence of administrative law, shifts in production methods, and the rise of constitutionalist movements. Concurrently, the research inquiry also examines whether the experiences in Germany diverge from those in other nations exhibiting analogous developments.[3]

II. ADMINISTRATIVE THEORY TRADITION AND LAW

The generation of administrative knowledge within the German-speaking realm boasts a rich and enduring legacy. Nevertheless, a comprehensive exploration of this historical context will not be undertaken here.[4] The inception of the tradition known as Cameral-Polizey Science (Kameral-Polizeywissenschaft) can be traced to the 14th century. The concept of Policey or Polizey, which emerged anew in the 14th century with a distinct meaning from its application in Ancient Greece and Rome, encompasses the governance and management of all political, economic, and social responsibilities of the state. This notion, however, is entirely integrated within the persona of the sovereign or monarch.[5] Subsequently, the aggregation of Cameral Science or Cameral-Polizey Science, which

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[2] HC Jasch, 'Die Gründung der Internationalen Akademie für Verwaltungswissenschaften im Jahr 1942 in Berlin-Verwaltungswissenschaft als Herrschaftsinstrument und Mittel des geistigen Kriegsführung in nationalsozialistischen Staat' (2005) 58(17) *Zeitschrift für öffentliches Recht und Verwaltungswissenschaft* 710.

[3] Whether there is a difference between administrative science *(Verwaltungswissenschaft)* and administrative theory *(Verwaltungslehre)* is a controversial issue in German literature. However, both are used in the same sense in this study.

[4] Polizey regulations serve as decrees employed as an administrative mechanism to engage in various aspects of daily life beyond the confines of legal frameworks. Polizey Science, in conjunction with Cameral Science, represents the field in which insights regarding administration were systematically gathered from the 15th century through to the final quarter of the 19th century. For detailed information, see İsmail Bahadır Turan, *Kameralizm ve Devlet Bilimi. Alman Yönetim Düşüncesinin Tarihi: Kameral-Polizey Bilim'den Devlet Bilimi'ne* (Orion 2020).

[5] Ibid 128-146.

encompasses Polizey, initially identified the state, unified in the persona of the prince, as its focal point, thereby delineating the state as a distinct phenomenon.[6] Nevertheless, following the second part of the 19th century, attempts to articulate and restructure Cameral-Polizey Science in order to generate the requisite knowledge for administration in light of the emerging mode of production proved unsuccessful. The primary cause of this failure was that Cameral-Polizey Science, embodying the administrative expertise of the late feudal mode of production, was unable to align with the demands of the progressively ascendant capitalist mode of production. The endeavour to establish the Science of the State (Staatswissenschaft), which aimed to scrutinise the state and its institutions by positioning them as the focal point for generating the administrative knowledge requisite for the capitalist mode of production, ultimately faced disassembly and neglect.[7] By the conclusion of the 19th century, the discipline of administrative science encountered a significant downturn, overshadowed by the preeminence of administrative law within the domain. The decline occurred nearly concurrently across various Western centres.[8] At this juncture, it is essential to elucidate the preeminence of administrative law within the realm of governance in Germany, a nation with a significant legacy in the discipline of administrative science, by situating it within its historical framework.

The 19th century in Germany marked a significant era characterised by constitutional movements alongside the development of administrative science. Moreover, the 19th century witnessed the emergence of administrative law. In contrast to other European instances, Germany is distinguished by the concept of the state as politically structured through a robust administrative tradition and a society that possesses a relatively weak sense of consciousness. The distinction is regarded as the catalyst for the emergence of numerous significant administrative scholars or theorists, including Lorenz von Stein, Robert von Mohl, Rudolf von Gneist, and Otto Mayer, despite the limited number of state theorists originating from Germany.[9] In Prussia, where constitutional and parliamentary movements had not yet reached a level of maturity and establishment, one finds an authoritarian state that meticulously regulates every facet of existence and oversees the rhythm of daily life. Consequently, the notion of "governing" as an active endeavour, along with the idea of

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[6] Ibid 148-212.
[7] Ibid.
[8] Uğur Sadioğlu, 'Alman Parlamenter/Yönetsel Federalizmi'nin Kamu Yönetimi Sistemi' in Y Demirkaya (ed), *Cumhurbaşkanlığı Yönetim Sistemi: Kamu Yönetiminde Değişim* (Hiperlink 2018) 135-198.
[9] Michael Stolleis, *Geschichte des öffentlichen Rechst in Deutschland. Zweiter Band. 1800-1914* (C.H. Beck 1992) 229.

"administration," assumes a position of paramount importance. Consequently, the discipline of administration and its associated fields of study hold significant value within the realm of academia.[10] The comprehension of the "State of Law" (*Rechtsstaat*) remains nascent and in its pure essence. On one side, there exists the concept of the "Police State" (*Polizeystaat*), which delineates the governance of a monarch who engages in all facets of existence to guarantee the welfare and well-being of the populace, viewing this as the fundamental objective of the state through polizey regulations. This represents the "ideal police state", and this methodology has proven effective. In light of the necessity for the emerging "third stratum" to maintain autonomy in their will and actions, the emphasis shifts to the public interest and the orchestration of individual free initiatives, positioning these as the paramount responsibilities of the state, rather than the welfare and well-being of its subjects. The concept of such a society is fundamentally mechanistic and rooted in rationalism, akin to that of a police state. Nevertheless, it does not exhibit the same level of authoritarianism as regimes characterised by police state governance. This methodology facilitates engagement in the state's intentions, specifically through a parliamentary comprehension. In this context, the comprehension of the rule of law encompasses the notion that the state bears the sole responsibility for safeguarding individuals, thereby minimising its overarching purpose. This is the "ideal state of law". These two ideal types are in a relationship of complete opposition.[11] However, real life develops outside the ideal types. The constitutional movements represent the endeavours of the bourgeoisie to harness the emerging state power, thereby challenging the police state characterised by its interventionist and tyrannical nature. Conversely, the concept of law in its unadulterated state, which serves merely as a safeguard for individual security, lacks the capacity to effectively govern the complexities of social existence. Because it has excluded intervention in issues related to management from its responsibilities.[12] Consequently, a methodology that would integrate both concepts was essential. This methodology was devised by Mohl to harmonise the two concepts within the framework of the "science of the state"; however, the endeavour did not succeed.[13] The aforementioned development, alongside the ascendance of the rule of law and constitutional movements, has culminated in the emergence of administrative law, which now predominates within the

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[10] Turan (n 6) 243-308.

[11] Erich Angermann, *Robert von Mohl 1799-1875, Leben und Werken eines altliberalen Staatsgelehrten* (Hermann Luchterhand 1962) 101-104.

[12] Ibid 104.

[13] Turan (n 6) 262-277.

realm of administration. The emergence of legal principles similarly revealed its influence within the realm of education.[14]

During the final two decades of the 18th century, as Cameral-Polizey Science reached its peak, certain domains began to emerge more prominently within the broader spectrum of administrative sciences. Within this framework, alongside "finance" (*Finanzwissenschaft*), "economics" (*Nationalökonomie*), and "State Science" (*Staatslehre*), specialised domains of knowledge such as forestry science and veterinary medicine progressively developed into distinct branches of education.[15] Consequently, during this time, "Polizey Law" was incorporated into the curricula of university law faculties, though not without certain reservations. This advancement marked the inception of administrative law.[16] However, it should be emphasised that cameral-polizey science continued to be taught predominantly at universities.

On the other hand, in order to adapt to the rise of administrative law, cameral-polizey science was renamed as administrative science in the mid-19th century. Within this framework, the evolution and decline of administrative science can be situated between the years 1850 and 1918.[17] This era is intricately connected to the formation of the German Union, spearheaded by Prussia, alongside the constitutional movements that emerged within the German territories. Consequently, it is essential to recognise that the decline of administrative science in Germany, which once centred on the state, necessitated its retreat from the domain of administration to the realm of administrative law, should be understood within this context. Following the conclusion of World War II, the endeavour to revitalise administrative science within German literature, drawing upon a substantial repository of knowledge, encountered significant challenges. This was largely attributable to the prevailing influence of the American public administration paradigm.[18] Given that this topic warrants

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[14] Uğur Sadioğlu and Uğur Ömürgönülşen, 'Yerel Yönetim Personel Sistemlerinde Reform Çalışmaları: Alman ve Türk Deneyimlerinden Yansıyan Eğilimler ve Türkiye İçin Çıkarılabilecek Bazı Dersler' (2011) 4(1) *YDÜ Sosyal Bilimler Dergisi* 136, 137.

[15] Turan (n 6) 243-309; Hans Maier, *Die ältere deutsche Staats- und Verwaltungslehre (Polizeiwissenschaft), Ein Beitrag zur Geschichte der politischen Wissenschaft in Deutschland* (Hermann Luchterhand 1966) 285, 286.

[16] Stolleis (n 9) 230.

[17] Ibid 420.

[18] Jörg Bogumil and Jann Werner, *Verwaltung und Verwaltungswissenschaft in Deutschland. Eine Einführung* (Springer 2020) 22-31; Pascal Yves Hurni, Die Deutsche Verwaltungswissenschaft und der Ideenimport aus den USA (Unpublished doctoral thesis, Universität Bern 2014) 176-194; Hellmut Wollmann, 'Implementationsforschung-eine Chance für kritische Verwaltungsforschung?' in Hellmut Wollmann (ed), *Politik im Dickicht der Bürokratie. Beiträge zur Implementationsforschung* (Westdeutscher Verlag 1980) 9-48; Fritz

its own investigation, these developments are excluded from the current study at this juncture.

III. THE RISE OF ADMINISTRATIVE LAW AND ADMINISTRATIVE SCIENCE: OBJECT TENSION

In light of the evolving production methods that began to take shape in the second half of the 19th century within the German principalities, particularly in Prussia, there emerged a notable social dynamic. The educated class, characterised by a certain income level, known as the *Bildungsbürgertum*, alongside the burgeoning bourgeoisie, sought to engage in the governance of economic and social affairs. This new stratum aimed to assert and safeguard their interests, thereby gaining influence over the exercise of state authority, a role traditionally reserved for the aristocracy. During this process, the learnt segments of society, along with the emerging bourgeois class, assumed roles within institutions like the state and the military, positioning themselves as competitors to the nobility. Their aim was to actualise the principle of parliamentary supremacy over the monarchy to solidify their political authority. Akbulut contends that,

> "As capitalism establishes itself as the prevailing force within the political landscape, the legal framework necessitated by this emerging economic paradigm has led to a differentiation and division in the essence of political power."[19]

During the era of constitutional monarchies, the executive authority resided with the king, whereas the parliament, initially composed of aristocrats and later dominated by the bourgeoisie, represented the interests of the economically ruling class.[20] The friction and disputes between these two entities have culminated in the resolution of every aspect of human existence within the legal framework, aligned with the interests of the economically dominant class. The emerging mode of production necessitates a framework characterised by predictability, order, and uniformity across various domains, including the judiciary, military power, language, and beyond, throughout the nation. Consequently, it is imperative

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Morstein-Marx, *Amerikanische Verwaltung: Hauptgesichtspunkte und Probleme* (Duncker & Humblot 1963) 11-48.

[19] Örsan Ö Akbulut, 'Siyasal İktidarı Kullanma Aracı Olarak Başbakan' (2003) 36(1) *Amme İdaresi Dergisi* 59.

[20] Ibid.

that the executive and the legislature do not converge into a singular entity, but rather engage in collaborative efforts to manage state affairs.[21]

The transformations in political power, stemming from the emergence of a new mode of production, had a direct impact on the realm of administration. Initially, the aristocracy needed to re-establish their functions as the custodians of governmental authority. As previously noted, they were now compelled to distribute their authority to govern, which originated from their inherited privileges, with the enlightened members of the common populace *(Bildungsbürgertum)*. Furthermore, there is a notable trend wherein services that were once managed at the local level are progressively being executed at the central level or are being guided from the centre.[22] This second advancement has broadened the range of responsibilities for the state, thereby augmenting the demands placed upon individuals engaged in administrative affairs, in both practical and scholarly domains. Comparable advancements occurred in Germany. Nonetheless, what is distinctive for Germany is that while certain principalities like Hesse and Baden operate under a constitutional monarchy, other German states such as Bavaria, Sachsen, and Prussia lack a constitution altogether. This holds significance for comparative analysis and consequently enhances comprehension of the topic at hand. As the responsibilities assigned to the state expanded, administrative law proved inadequate in addressing them. Consequently, the objective was to create a connection between administration as an action and law, necessitating that individuals engaged in administrative entities possess a thorough understanding of legal principles. In this context, it is essential to examine the role and development of the administrative framework. To begin with, one can elucidate the matter concerning the training of staff engaged in state administration.

The developments in Prussia serve as a noteworthy model. Following 1806 in Prussia, the reforms led to the abolition of serfdom and labour obligations (*Oktober-edikt*) (*Regulierungsedikt*), established regulations for cities that enhanced local governance (*Städtereform*), reformed the administrative framework and addressed the issue of unaccountable ministries (*Organisationsedikt, Kabinettsedikt*), and transformed the internal administration. While the ministries of foreign affairs, finance, justice, and war were accountable to the monarch, they operated with a degree of autonomy. The economic

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[21] Ergun Özbudun, *Türk Anayasa Hukuku* (Yetkin 1990) 142, 143.

[22] Dieter Langewiesche, 'Staat und Kommune. Zum Wandel der Staatsaufgaben in Deutschland im 19. Jahrhundert' (1989) 248 *Historische Zeitschrift* 625, 626.

landscape underwent liberalisation through the dissolution of guilds that constrained trade, alongside the elimination of specific privileges held by the nobility.[23] In light of the previously addressed transformations, the Stein-Hardenberg reforms curtailed absolute monarchy and underscored the importance of the rule of law. Consequently, the dominance of jurists in the realm of administration can be ascribed to these reforms.[24] In this context, it was in 1817 that the personnel designated for administrative roles were mandated to possess an extensive understanding of legal principles. Conversely, the "Regulation on Qualifications for Senior Administrative Positions in the Administration (*Regulativ über die Befähigung zu den höhern Ämtern der Verwaltung*)" dated 14 February 1846 stipulated that candidates must possess familiarity with the "State Sciences", an understanding of fundamental economic principles, knowledge of police science and finance, as well as a general acquaintance with the auxiliary sciences of cameralistics. Nonetheless, the prerequisites for candidature in these roles were implicit yet essential components of legal education, including practical experience in the courts and the successful completion of the "Second Legal Examination" (*zweite juristische Prüfung*).[25] Up until the 1880s, possessing a foundational legal education entailed acquiring a broad understanding across various domains within the courts of first instance and criminal jurisdictions. Although the course "German State Law" (Deutsche Staatsrecht) became mandatory in 1844, it had not yet been clearly and rigorously categorised into "Public Law" (*Öffentliches Recht*), "State Law" (*Staatsrecht*), or administrative law. The absence of a constitution renders state law ineffective and fraught with political peril. Administrative law is merely a compilation of regulations, and candidates preparing for the "First Law Examination" (*erste juristische Prüfung*) are not anticipated to possess knowledge of it, as this subject is not part of the academic curriculum.[26] Furthermore, those in authority held the conviction that the political dilemmas and upheavals of the era stemmed from what they deemed "deviant," or rather, objectionable liberal perspectives. Consequently, the "General State Doctrine" (*Allgemeine Staatslehre*), which imparts liberal knowledge deemed politically contentious, presents a problematic course of study. In this particular context, prior to 1879 in Prussia, the examination for graduates who had finalised their studies in administration encompassed enquiries pertaining to state sciences, political law, and financial law.

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[23] Walter Reese-Schäfer, *Ideengeschichte als Provokation Schriften zum politischen Denken* (J.B. Metzler 2019) 51-63.

[24] Walter Norden, 'Zur Ausbildung der höheren Verwaltungsbeamten' (1929) 86(1) *Zeitschrift für die gesamte Staatswissenschaft* 108.

[25] Gesetz-Sammlung für die Königlichen Preußischen Staaten (PrGS) Nr. 14, 14 February 1846, 'Regulativ über die Befähigung zu den höhern Ämtern der Verwaltung' 199, 200.

[26] Stolleis (n 9) 232.

Subsequent to 1879, the final examination was confined solely to "state law and administrative law" as well as "state economics and political economy." Within this framework, cameral science progressively diminished in prominence in Prussia, as the study of law assumed greater significance in the education of state officials.

In southern Germany, the situation is different. The establishment of the "*Collegium illustre*" in Tübingen in 1559, the "*kurzpfälzische Akademie zu Lautern*" in 1774 which later became part of the University of Heidelberg in 1784, the "*Staatswirtschaftliche Institute*" founded in Marburg in 1789 and Gießen in 1777, along with the cameral-polizey science schools initiated in Stuttgart in 1782, collectively contributed to the postponement of state officials' education in southern Germany until the late 19th century.[27]

Terminological shifts persisted within the realm of education, as well as in the articulation of the competencies anticipated from state officials. In this context, following 1880, "polizey science" emerged as a widely recognised and comprehensive term encompassing "administrative doctrine" (*Verwaltungslehre*) and administrative law. However, from 1897 onwards, the term "polizey science" was eliminated from the domain of administrative law. Beginning in 1809, Bavaria implemented a standardised examination that assessed knowledge in legal studies, police science, and police law. By 1830, the scope of the examination expanded to encompass general law, specialised "Bavarian State Law," in addition to police science and police law. Subsequently, from 1893 to 1910, the discipline of polizey science was supplanted by the concept of "social law" (*Sozialgesetzgebung*) and administrative law, albeit the latter did not entirely align with its predecessor. Within this framework, the Prussian model, characterised by its focus on substantive-justiciable law and rigorous practical preparation for academic pursuits, served as a pivotal influence on the evolution of other German principalities during the latter part of the 19th century. Nonetheless, the heightened focus on legal aspects within the educational sphere, particularly regarding administrative issues, ought not to be conflated with the expanding domain of polizey law. The foundation of legal education lies in the integration of "civil law" and "criminal law," complemented by a broader educational framework rooted in humanist principles. Administrative law, conversely, is regarded as the comprehensive body of laws governing the principality, which can be acquired through practical experience in the field rather than

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[27] Turan (n 6) 167; Hubertus v Pechmann, 'Geschichte der Staatswirtschaftlichen Fakultäten' in Laetitia Boehmn and Johannes Spörl (eds), *Die Ludwig Maximilian Universität in ihren Fakultäten* (Duncker & Humboldt 1972) 127; Stolleis (n 9) 233.

through formal education.[28] The underlying reasons for the marginalisation of administrative law during the initial phase of training for officials destined for administrative roles, as well as in the examinations conducted for appointments, are profoundly intricate and cannot be solely elucidated through regulations or the viewpoints of selectors. This can be elucidated by the distinctions between principalities that possess a constitution and those that do not. In principalities governed by a constitution, there exists a significant focus on the principles of police law within the educational framework concerning administration. Conversely, in principalities devoid of a constitution, the administration supersedes the monarch and operates independently of the parliament. Consequently, in the principalities lacking a constitution, the emerging class of bourgeoisie and liberals sought to cultivate an education that could be imparted through civil law, promoting personal autonomy, respect for rights, and adherence to the rule of law. As the 19th century drew to a close, there was a notable shift in the perception of administrative law, marked by an appreciation for its scientific advancements and impact. The formation of the empire and the prevalence of more traditional political ideologies played a significant role in this progression.[29] It is essential to acknowledge that the connection between administrative law and administration is founded on two fundamental functions. The primary role of administrative law in relation to the administration is to implement the decisions made by parliament, while its secondary function involves overseeing administrative activities through judicial review. Consequently, in the lack of a constitution and parliament, the bureaucratic framework occupies this void.[30] In light of the aforementioned issues, it is evident that the curriculum for civil servant training evolved in accordance with constitutional developments and progressively transitioned towards the domain of law.

The advent of constitutional monarchies brought about a transformation in the legal framework. The rationale for the alteration, as previously noted, is the ascendance of the rule of law. In principalities and states such as Prussia, which lacked a constitution and, consequently, a parliament in the initial phase, the emerging bourgeoisie leveraged the rule of law to structure the economic and social domains in alignment with the demands of the new mode of production, while simultaneously seeking to minimise and steer the interventions of the administrative apparatus. Concurrently, with the emergence of the new

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[28] Stolleis (n 9) 235.
[29] Ibid 236.
[30] Fritz Ossenbühl, 'Die Quellen des Verwaltungsrechts' in Hans-Uwe Erichsen and Wolfgang Martens (eds), *Allgemeines Verwaltungsrecht* (Walter de Gruyter 1979) 55.

mode of production, both cameral-polizey science and the more specific domain of "cameral science," which encompasses theories related to economic and financial matters, are undergoing transformation. The responsibilities of the state and the breadth of the domains in which it will allocate resources and engage are expanding at an unprecedented rate. The newly established class requires regulations to mitigate ambiguity in the execution of these responsibilities and financial commitments.[31] One must acknowledge that the growing prominence of positivism plays a significant role in shaping the education of individuals destined for administrative roles and in the evolution of the academic landscape. Cameral-polizey science, representing the administrative knowledge of the Feudal/Late Feudal period, can be regarded as a corpus of understanding grounded in both art and practice. The newly rising class, the bourgeoisie, seeks that the realm of administration is not left to the will or abilities/arbitrariness of the monarchy. Consequently, comprehending the imperative of anchoring the domain of administration to unchangeable realities identified law as the most appropriate avenue for that era. Similarly, political and ethical doctrines were perceived as capricious intrusions, grounded in practice and lacking scientific knowledge. In the realm of academia, there is a preference for normative teachings over methods grounded in experience and observation. The distinction between normative and empirical enquiries became pronounced, leading to the prominence of normative law. Within the framework of positivist legal science, the law has formulated norms that exist independently of social reality, leaving no room for ambiguity. Thus, all actions of the state are integrated within legal relations, marking the inception of the supremacy of administrative law.[32] Nevertheless, cameral-police science did not abruptly vanish. Initially, it served as a supplementary discipline, subsequently attempting to function as a somewhat encyclopaedic repository of knowledge within the realm of state science, yet it faded away with the advent of a new era.[33]

IV. A PURSUIT TO REINVIGORATE ADMINISTRATIVE DOCTRINE

At this juncture, it is essential to succinctly address the role of the rational-monarchical bureaucracy in Prussia, which can be regarded as the foundation of the Weberian bureaucracy, subsequently transforming into a legal-rational bureaucracy with the shift to the

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[31] Turan (n 6) 148-309.
[32] Jörg Bogumil and Jann Werner, *Verwaltung und Verwaltungswissenschaft in Deutschland. Eine Einführung* (Springer 2020) 18.
[33] Turan (n 6) 195-243; Stolleis (n 9) 237.

new mode of production.[34] In the absence of a constitution, the administrative framework and its officials in Prussia effectively assumed the role of the constitution and operated in accordance with that premise. Despite the establishment of the parliament, the bureaucracy continued to function in a similar manner until the final quarter of the 19th century. The underlying reason for this situation is that a significant portion of the populace lacks representation within the parliament, which consequently possesses restricted authority to engage in the administration. The oversight of administrative actions by the judiciary was largely absent or significantly constrained prior to the 1880s. Consequently, efforts were made to secure the administration's oversight through internal mechanisms, including the implementation of a code of ethics for civil servants. Once more, the monarchical bureaucracy determines the legality of the administration's actions. As the governance structures remain predominantly under the control of the aristocracy, the bourgeois class endeavours to uphold equilibrium through the application of legal frameworks. In essence, the inquiry revolves around whether governance of the administration ought to be conducted via overarching legal frameworks or through a distinct specialisation, namely, administrative law. While the liberal faction seeks to prevent the justice / legal system from being stifled by administrative and political interventions, the conservative faction strives to safeguard the administration's capacity and adaptability to operate under a fixed legal framework. Consequently, both factions favoured administrative law, or, to put it differently, administrative law. This approach was also intended to sway judges and legal proceedings, essentially impacting the administration.[35] In accordance with these considerations, administrative law has progressively taken a prominent role within the realm of administration. Conversely, the enduring tension between the rule of law and administrative law regarding the selection of the appropriate field or tool for the regulation and guidance of the administrative framework has persisted over time. During the early 20th century, the concept of the rule of law, widely acknowledged at the time, started to be regarded as the foundation of administrative law. Nevertheless, in practical terms, the relationship between administrative law and the rule of law fundamentally hinges on the safeguarding of individual public rights. Consequently, administrative law, having achieved a degree of independence through the passage of time, has exerted influence within the realm of administration[36] In summary, the decline of cameral-polizey science and the ascendancy of administrative law

[34] Turan (n 6) 89-104.
[35] Stolleis (n 9) 238-243.
[36] Ibid 409.

within this domain can be attributed to the recognition of the interests of the emerging bourgeois class in the Prussian-German authoritarian state, which operated under the rule of law rather than through a government accountable to parliament, particularly in light of the unique developments occurring in Germany during the 19th century.[37]

In the early 20th century within the German Reich, university lectures and introductory courses focused on the examination of state administration through a legal perspective. To put it differently, the curriculum at universities was exclusively focused on administrative law. The concept of "doctrine of administration" (*Verwaltungslehre*) is explored in several contexts. Nevertheless, it may be perceived as an exceedingly nebulous notion, lacking a precise delineation of its subject and substance.[38] Another significant advancement can be observed in this context. Since the end of the 19th century, endeavours have been undertaken to safeguard and reformulate the principles of administrative theory. Certain initiatives were aimed at delineating the doctrine of administration as an independent field distinct from administrative law.[39] Stein, the driving force behind this initiative, along with Inama-Sternegg and Ludwig Gumplowicz, who aspired to emulate his path, endeavoured to safeguard and institutionalise the administrative doctrine as a distinct discipline. Ferdinand Schmid, for instance, imparts knowledge on administrative theory at the University of Leipzig and defends the notion of treating administration as a distinct scientific discipline. Drawing upon Stein's insights, Schmid perceives the state and its actions as the focal point of analysis.[40] Because the connection between administration and administrative law is not natural. Consequently, the instruction of administrative law within law schools, alongside its segmentation into sub-disciplines of state science, including economics and finance, has led to the supplanting of the traditional doctrine of administration. Jellinek further critiques the conflation of "state doctrine" (*Staatslehre*) and "State law" (*Staatsrecht*) as a prevalent error during this era. It is evident that "Administrative Doctrine" falls under the umbrella of "State Doctrine," while "Administrative Law" is encompassed within "State Law". This establishes a distinction between administrative doctrine and administrative law.[41] The alternative involves the endeavour to unify administrative law with its specific subfields under the

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[37] Bogumil and Werner (n 34) 18.

[38] Sigismund Gargas, 'Verwaltungslehre und Verwaltungsrecht. Eine methodische Untersuchung' (1903) 59(3) *Zeitschrift für die gesamte Staatswissenschaft / Journal of Institutional and Theoretical Economics* 426.

[39] Turan (n 6) 262-309.

[40] Ferdinand Schmid, 'Über die Bedeutung der Verwaltungslehre als selbstständiger Wissenschaft' (1909) 65(2) *Zeitschrift für die gesamte Staatswissenschaft* 193-223.

[41] Gargas (n 40) 427.

overarching concept of the "doctrine of administration" (*Verwaltungslehre*) or even the "science of administration" (*Verwaltungswissenschaft*). In this latter endeavour, administrative law will focus on adherence to legal standards, whereas the doctrine of administration in a more specific context, referred to as "administration politics" (*Verwaltungspolitik*), will concentrate on the practicality and effectiveness of administrative actions.[42] Nonetheless, while this classification appears to hold significance, it is not without its considerable issues. Administration may also be regarded as a form of "Social Policy" when considering its role in addressing and resolving social issues. Consequently, the initial aspect that requires elucidation is the definition of "Social Policy" (*Sozialpolitik*). During the specified timeframe, the management of the circumstances surrounding the emerging classes, particularly the working class, which encompasses substantial populations, is regarded as a paramount issue. Consequently, the primary focus of administration, viewed as the actions of the state, is comprehended as a collection of activities and concepts aimed at enhancing the circumstances of this class. The administration's focus is distinctly on identifying and executing strategies to avert a revolution sparked by discontented social classes. This represents the focus of administrative theory in a more specific context, namely "administrative policy". Nonetheless, various fields, including economics and finance, have already addressed these matters. In this context, "social policy" emerged as a superficial discipline.[43] The additional issue pertains to the equilibrium between the doctrine of administration in its specific context and the broader framework of administrative law. Economic issues are examined through the lens of economics and finance, while social issues are addressed by social policy, and legal matters are scrutinised under administrative law. In its pursuit to unify various disciplines under a singular framework, the principle of administration is rendered ineffective from the outset. To summarise, administrative doctrine should not be conflated with administrative policy. Consequently, in light of various endeavours in this realm, administrative law has increasingly gained prominence. Beginning in the 1850s, the influence of cameral-polizey science education waned significantly, as state scientific teachings were supplanted by legal doctrines in the training of state officials.[44]

During the interval between the two world wars, the approach centred on legal principles persisted. An intriguing circumstance during this transitional phase that illustrates this comprehension is the fact that Max Weber's book "Economy and Society (*Wirtschaft und*

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[42] Ibid 426, 427; Stolleis (n 9) 420.
[43] Gargas (n 40) 426-428.
[44] Ibid 426, 428; Stolleis (n 9) 420.

Gesellschaft)," which encompasses the theory of bureaucracy, failed to garner significant attention following its release in 1922. It was largely overlooked, primarily regarded as a sociology of domination/power (*Herrschaftssoziologie*), and did not hold substantial relevance for legal scholars concerning the understanding of administration. It was only subsequent to World War II that Weber's essential perspectives were introduced to Germany by the United States.[45]

From the establishment of the empire in 1871 to the onset of World War I in 1914, German administrative science remained largely insulated from international academic influences. In the realm of administration, there appears to be a lack of initiative to engage with foreign scholars or to incorporate or translate resources from beyond Germany's borders. Within the framework of democratic orientations, the United States serves merely as a point of comparison or reinforcement of perspectives when analysing the Anglo-Saxon legal and administrative system. In comparative studies, sources from France, Britain, Poland, the Czech Republic, and others are prominently utilised, whereas the United States holds a rather marginal position, often referenced solely as a favourable instance due to its liberal and democratic attributes, as well as its practices of decentralisation. During this time, there was a particular focus on the comparison of bureaucratic structures. Nevertheless, it is quite rare for German authors to acknowledge the contributions of scholars from abroad. The primary explanation for this phenomenon lies in the disinterest of German authors towards the examination of studies from other nations, particularly when considering the rich tradition and substantial body of knowledge within the field of administrative science. In summary, within the realm of German administrative science, external sources serve merely as references for comparative analysis of ideal types and do not contribute any novel insights or knowledge. The circumstances remained unchanged in the Weimar Republic from 1918 to 1933.[46]

The functions and duties of administrative lawyers and state lawyers in the collapse of the Weimar Republic and the subsequent formation and legitimisation of the Nazi regime are subjects of considerable debate. Nevertheless, this notion or conviction played a pivotal role in shaping the trajectory of administrative science in Germany following World War II.[47] As

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[45] Bogumil and Werner (n 34) 20.
[46] Hurni (n 20) 65-68.
[47] Michael Stolleis, *Öffentliches Recht in Deutschland. Eine Einführung in seine Geschichte 16.-21. Jahrhundert* (C.H. Beck 2014) 107-110.

noted, certain scholars like Schmid, who instructed in administrative science and statistics at the University of Leipzig, expressed concerns that the discipline of administration was often overshadowed in academic institutions, with a preference for administrative law. This was particularly evident in the scarcity of adherents to Stein, regarded as the progenitor of contemporary administrative education.[48] Stein's categorisation of administration into distinct domains such as justice, finance, and military was embraced by scholars of administrative law in both Austria and Germany.[49] Nevertheless, it was dismissed by the newly appointed instructors of administrative law. Schmid observes that this progression remains increasingly exacerbated. While the doctrine of administration was formally sustained through a continuous emphasis on its purpose, it evolved into a multifaceted discipline by being integrated into positivist administrative law. Indeed, during a span of merely four semesters from 1904 to 1906, the subjects of administration and police were imparted for six hours at the University of Berlin, one and a half hours at the University of Munich, and one hour at the University of Heidelberg. Despite the vast repository of knowledge, it was a significant error to marginalise the instruction of administration. The rationale behind this shift lies in the state's assumption of responsibilities that were once the domain of the private sector, religious institutions, and various associations, as well as the emergence of new duties prompted by the processes of industrialisation and urbanisation. The state engages in production activities at both central and local tiers, with its responsibilities expanding significantly. The inherent limitations of administrative law as a structured and established discipline render it incapable of addressing these responsibilities effectively. Due to the absence of action inherent in the realm of administrative law. A field of study that encompasses the complexities of political and social realities is essential. This represents the "Doctrine of Administration" as a field grounded in empirical and political analysis.[50] Nevertheless, it is widely recognised that administrative law has asserted its preeminence in the domain. The dynamics of this situation underwent a gradual transformation following the year 1933, when the National Socialist German Workers' Party (NSDAP) ascended to political authority. As previously noted, administrative law during the NSDAP regime emerged from dismissed liberal concepts and stood in stark contrast to the ideology of the NSDAP. Consequently, the NSDAP sought to highlight the legacy of

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48 Schmid (n 42) 193-195.

49 Lorenz v Stein, *Die Verwaltungslehre, Die vollziehende Gewalt, Erster Theil* (J G Cotta'schen Buchhandlung 1869).

50 Schmid (n 42) 202-205; Michael Stolleis, *Geschichte des öffentlichen Rechst in Deutschland, Weimarer Republik und Nationalsozialismus* (C.H. Beck 2002) 243.

administrative doctrine rather than the discredited liberal concepts to construct a national socialist society. Nevertheless, the tradition of administrative science employed by the NSDAP diverges significantly from the established German tradition of administrative science or theory. Nevertheless, these advancements warrant examination in a separate inquiry.

V. CONCLUSION

As the feudal mode of production began to dissolve in the German-speaking regions, there emerged a systematic compilation of administrative knowledge, referred to as Polizey, which became essential during the era when political authority was consolidated into a singular entity. Since these dates, particularly in the Duchy of Brandenburg and subsequently in Prussia, a body of administrative knowledge has been generated and systematically organised, which is of significant importance in the realm of cameral-polizey science. This body of knowledge was designed to be restructured and advanced in alignment with the demands of the emerging mode of production, leading to the inception of administrative science and its sub-discipline, administrative doctrine.

As the new mode of production emerged in the German principalities during the second half of the 19th century, a burgeoning class, the bourgeoisie, sought to engage in political power and influence the structuring of economic and social life. It was only through this approach that it could realise its objectives and engage in the structuring of economic, political, and social domains in accordance with its aspirations. The approach to achieving this was via constitutional movements. The bourgeoisie commenced employing parliamentary mechanisms and legal frameworks to counteract the dominance of monarchs and nobles who held exclusive control over governance. In the German-speaking regions, one observes two distinct instances in this regard: those possessing a constitution, characterised by a parliamentary system, and those lacking such a framework. In the principalities that possessed a constitution, the emerging class engaged in the exercise of political authority via the parliament and advanced the framework of administrative law. Conversely, in those principalities lacking a constitution, efforts to attain this objective were pursued through the application of the rule of law. Consequently, efforts to constrain and guide the authority of monarchs and nobles via legal frameworks resulted in the emergence of administrative law. In Prussia, lacking a constitution, the rule of law was initially employed

for this purpose, and with the formation of the parliament, administrative law gained prominence within the framework of the rule of law. Consequently, "law" was perceived as an instrument to meet the demands of the emerging mode of production, and the established administrative law, despite its robust tradition, effectively extricated administrative science from the domain of administration. The comprehension of the rule of law and parliamentary principles has significantly influenced the realm of administration, with law, particularly administrative law, taking a central role. In fact, a notable tension occurred between the rule of law and administrative law during the initial phase. The inquiry pertained to whether governance of the administration would be conducted via the overarching legal framework or through the distinct realm of specialised administrative law. The progressive faction sought to avoid overwhelming the legal system with an excess of administrative and political interventions. The conservative faction was reluctant to compromise the administration's capacity and adaptability to act through rigid legal oversight. Consequently, administrative law was favoured. Within this framework, endeavours to reinvigorate the doctrine of administration persisted for a time. Administrative law lacks a focus on action. Consequently, the notion of substituting administrative law with administrative theory, or rather, the concept of rejuvenating it, persisted for a period. During the transition to capitalism, the bourgeoisie's pursuit of state power highlighted the importance of a legal framework over administrative doctrine in their strategic actions. The objective was to curtail the authority of the sovereign. This methodology is similarly observed within the educational curricula at institutions of higher learning. The science of the state was fragmented and the analysis of its administrative matters through the lens of law continued to be a responsibility of administrative law. All matters pertaining to the state were examined through the lens of legal relations. This methodology persisted throughout the interwar period. Nevertheless, following the ascension of the NSDAP to power in 1933, which marked a significant shift in philosophical and methodological approaches within the administrative domain in Germany, the rejuvenation of administrative doctrine emerged as a focal point of discussion. Administrative law is often associated with liberal perspectives that are deemed contentious. Nevertheless, the NSDAP's endeavour to reinvigorate the tradition of German administrative doctrine proved to be ephemeral, and the NSDAP's interpretation of administrative doctrine diverged significantly from the established tradition. The aforementioned developments warrant examination in a distinct study.

REFERENCES

Akbulut ÖÖ, 'Siyasal İktidarı Kullanma Aracı Olarak Başbakan' (2003) 36(1) Amme İdaresi Dergisi 49.

Angermann E, Robert von Mohl 1799-1875, Leben und Werken eines altliberalen Staatsgelehrten (Hermann Luchterhand 1962).

Bogumil J and Werner J, Verwaltung und Verwaltungswissenschaft in Deutschland. Eine Einführung (Springer 2020).

Çiner CU, 'Fransız Yönetim Düşüncesinin Gelişimi: Polis Biliminden Örgüt Bilimine' (2009) 42(1) Amme İdaresi Dergisi 1.

Çiner CU, 'Güncel Fransız Yönetim Yazını' (2008) 3(8) MSY Dergisi 149.

Gargas S, 'Verwaltungslehre und Verwaltungsrecht. Eine methodische Untersuchung' (1903) 59(3) Zeitschrift für die gesamte Staatswissenschaft / Journal of Institutional and Theoretical Economics 423.

Gesetz-Sammlung für die Königlichen Preußischen Staaten (PrGS) Nr. 14, 14 February 1846, 'Regulativ über die Befähigung zu den höhern Ämtern der Verwaltung'

Güler BA, 'Nesnesini Arayan Disiplin: Kamu Yönetimi' (1994) 27(4) Amme İdaresi Dergisi 3.

Güler BA, '1950'li Yıllarda Kamu Yönetimi Disiplini: Disiplinin Kuruluşu Nasıl Gerçekleşti?' (2008) 3(7) MSY Dergisi 6.

Güler BA, 'Yönetim Bilimi ya da Kamu Yönetimi: Yöntembilimsel Özellikle Üzerine' in F Kartal (ed), Türkiye'de Kamu Yönetimi ve Kamu Politikaları (TODAİE Yayın No: 386 2015).

Hurni, Pascal Yves, *Die Deutsche Verwaltungswissenschaft und der Ideenimport aus den USA* (Unpublished doctoral thesis, Universität Bern 2014).

Jasch HC, 'Die Gründung der Internationalen Akademie für Verwaltungswissenschaften im Jahr 1942 in Berlin-Verwaltungswissenschaft als Herrschaftsinstrument und Mittel des geistigen Kriegsführung in nationalsozialistischen Staat' (2005) 58(17) Zeitschrift für öffentliches Recht und Verwaltungswissenschaft 709.

Karasu K, 'Kamu Yönetimi Disiplininin Kökenine İlişkin Bir Not' (2004) Hacettepe Üniversitesi Yayınları 225.

Keskin NE, 'Türkiye'de Kamu Yönetimi Disiplininin Köken Sorunu' (2006) 39(2) Amme İdaresi Dergisi 1.

Keskin NE, 'Türkiye'de Yönetim Biliminin Gelişimi: 1870-1910' (2008) 41(4) Amme İdaresi Dergisi 1.

Langewiesche D, 'Staat und Kommune. Zum Wandel der Staatsaufgaben in Deutschland im 19. Jahrhundert' (1989) 248 Historische Zeitschrift 621.

Maier H, Die ältere deutsche Staats- und Verwaltungslehre (Polizeiwissenschaft), Ein Beitrag zur Geschichte der politischen Wissenschaft in Deutschland (Hermann Luchterhand 1966).

Morstein-Marx F, Amerikanische Verwaltung: Hauptgesichtspunkte und Probleme (Duncker & Humblot 1963).

Norden W, 'Zur Ausbildung der höheren Verwaltungsbeamten' (1929) 86(1) Zeitschrift für die gesamte Staatswissenschaft 107.

Ossenbühl F, 'Die Quellen des Verwaltungsrechts' in HU Erichsen and W Martens (eds), Allgemeines Verwaltungsrecht (Walter de Gruyter 1979).

Özbudun E, Türk Anayasa Hukuku (Yetkin 1990).

Pechmann Hv, 'Geschichte der Staatswirtschaftlichen Fakultäten' in L Boehmn and J Spörl (eds), Die Ludwig Maximilian Universität in ihren Fakultäten (Duncker & Humboldt 1972).

Reese-Schäfer W, Ideengeschichte als Provokation Schriften zum politischen Denken (J.B. Metzler 2019).

Şaylan G, 'Yönetim Biliminin Evrenselliği ile İlgili Bazı Düşünceler' (1978) 11(2) Amme İdaresi Dergisi 3.

Sadioğlu, Uğur and Ömürgönülşen, Uğur, 'Yerel Yönetim Personel Sistemlerinde Reform Çalışmaları: Alman ve Türk Deneyimlerinden Yansıyan Eğilimler ve Türkiye İçin Çıkarılabilecek Bazı Dersler' (2011) 4(1) YDÜ Sosyal Bilimler Dergisi 129-171.

Sadioğlu, Uğur, 'Alman Parlamenter/Yönetsel Federalizmi'nin Kamu Yönetimi Sistemi' in Y Demirkaya (ed), Cumhurbaşkanlığı Yönetim Sistemi: Kamu Yönetiminde Değişim (Hiperlink 2018) 135-198.

Schmid, Ferdinand, 'Über die Bedeutung der Verwaltungslehre als selbstständiger Wissenschaft' (1909) 65(2) *Zeitschrift für die gesamte Staatswissenschaft* 193-223.

Stein, Lorenz v, *Die Verwaltungslehre, Die vollziehende Gewalt, Erster Theil* (J G Cotta'schen Buchhandlung 1869).

Stolleis M, Geschichte des öffentlichen Rechst in Deutschland. Zweiter Band. 1800-1914 (C.H. Beck 1992).

Stolleis M, Geschichte des öffentlichen Rechst in Deutschland, Weimarer Republik und Nationalsozialismus (C.H. Beck 2002).

Stolleis M, Öffentliches Recht in Deutschland. Eine Einführung in seine Geschichte 16.-21. Jahrhundert (C.H. Beck 2014).

Şaylan G, 'Yönetim Biliminin Evrenselliği ile İlgili Bazı Düşünceler' (1978) 11(2) Amme İdaresi Dergisi 3.

Turan İB, Kameralizm ve Devlet Bilimi. Alman Yönetim Düşüncesinin Tarihi: Kameral-Polizey Bilim'den Devlet Bilimi'ne (Orion 2020).

Wollmann H, 'Implementationsforschung-eine Chance für kritische Verwaltungsforschung?' in H Wollmann (ed), Politik im Dickicht der Bürokratie. Beiträge zur Implementationsforschung (Westdeutscher Verlag 1980).