



## **HISTORICAL ROOTS AND EVOLUTION OF THE INSTITUTIONS OF STATE (PUBLIC) SERVICES IN THE WORLD**

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### **ABSTRACT**

*The purpose of this article is to analyze the current situation of public services in the world, develop guidelines for civil servants on the classification of public services, develop proposals for improving the procedure for the provision of public services as the next step in building the institution of public services, improving the quality of public services.*

**KEYWORDS:***nation, region, public service, public management, industrialization*

### **DISCUSSION**

The term “public services” has spread globally in the last three decades thanks to the wave of administrative reforms in the spirit of New Public Management (NPM) that swept around the world and set the tone for modern public administration in both developed and developing countries. Despite its prevalence and general use, the term “public services” has not yet acquired a unified scientific content and is very poorly regulated by law, although in the last decade there have been national and regional trends in the world aimed at filling this gap. Moreover, in different regions behind these trends are different driving forces, factors and conditions, which determines the heterogeneity of the content of emerging concepts, legal doctrines and institutions. For example, in Great Britain, which is a recognized leader in the development of public services, this institution was historically formed in response to the growing needs of society for centralized social and communal services under the influence of the processes of urbanization and industrialization, which were actively gaining momentum in the second half of the 19th century. Therefore, the initial meaning that was embedded in this institution was clearly communal in nature.

In the United States, public services were originally defined as basic public utilities. In the 19th

century, such services were provided by private companies that operated on the basis of public contracts with municipal authorities. In the early 20th century, many states began enacting laws that empowered municipalities to unilaterally regulate utility prices. Subsequently, this issue was transferred to the jurisdiction of the state authorities, where special regulatory bodies were created - public utilities commissions. Thus, the growing administrative state expanded its social functions, taking control of traditional and new public services.

The formation of the institution of public services in Germany, of course, is due to the general features of the formation of the German national statehood, which happened relatively late, only at the end of the 19th century. A characteristic feature of the German way can be considered the dominant idea of the rule of law (Rechtsstaat) in state building, which served as a conceptual platform for the development of all public institutions, including public services. Legalism in the approach to building public institutions was largely due to the de facto monopoly of lawyers in public administration, traces of which remain to this day. A good illustration of German legalism in the approach to public services is the very fact that it has a separate judicial jurisdiction for labor and social disputes.



For France, the term “public services” is, in principle, uncharacteristic. Here the institution of public services was formed under the name service public, which means public service for the benefit of society. The French concept of public service was built around the idea of a strong state, designed to ensure the realization of the ideals of society and the satisfaction of its needs. The purpose of the public service is to ensure the public good. The public good is difficult to define unequivocally, but without it, public services are unthinkable for the French. The French doctrine of public services has always attached great importance to equality, legality and fairness. In France, public service rather early became regulated by administrative law and was subject to control by the administrative justice, headed by the Council of State. The French approach to the organization of public services in science is called statist, i.e. built around the state. Note, however, that the statist approach to public services did not prevent the French from delegating the functions of providing such services to private enterprises on the basis of public contracts. It was believed that the duty of the municipality is to ensure the provision of public services to the population, but not necessarily to provide them independently.

It is known that at the end of the 19th century, numerous municipalities (commune) in France often practiced outsourcing of water and sanitation, entering into contracts with private or public contractors. At the beginning of the 20th century, the intensification of economic life led to a blurring of the boundaries between the public and the private: administrative bodies more and more often concluded economic contracts like private individuals, and non-governmental organizations were often involved in the implementation of public functions, acting like administrative bodies. In 1921, the court distinguished between the concepts of a public service of a commercial and industrial nature and a “traditional” public service, which came to be called an administrative public service, and social public services (education, health care, social security) belonged to the category of an administrative public service. We can say that the formation of an administrative state and the expansion of its functions to meet the socio-cultural needs of the population is a common factor that determined the formation of the institution of public services in Western countries in the second half of the 19th and first half of the 20th centuries. Further development of the institution of public services is due to the growth of state regulation, the rise of humanistic ideals (in the post-war period) and the formation of the so-called “welfare state”. This trend dominated throughout the

Western world and peaked in the 60s and 70s of last century. The ideology of the welfare state strengthened and expanded the initial social meaning of the institution of public services in the West. A common doctrinal feature of the development of the institution of public services during the formation and flourishing of the welfare state was the belief in the indisputable superiority of the model of public services centered around the state. The general belief was that professional civil servants organized in a unified system of public administration can handle the provision of public services in the best way. Accordingly, the focus was on planning, organizing, managing, coordinating, budgeting, personnel policy and control functions. The improvement of public administration was carried out mainly in terms of the consolidation of organizational structures and the uniform regulation of administrative practice through administrative procedures.

The economic crisis of the late 70s put an end to the expansion of state participation in life support and gave rise to a public administration reform in the spirit of the New Public Management (NPM), which included the reduction of the state apparatus, increasing its efficiency by transferring business management to the rails, and expanding the forms private sector participation in the provision of public services. From this moment, a new stage in the development of the institution of public services begins: the issues of effective organization and management, public standardization of the quality of public services and their privatization in various forms come to the fore. The new approach called into question all the fundamental postulates and principles of traditional public administration. Thus, supporters of the new doctrine argued that the state bureaucracy, despite all its might, does not always work well and has many significant shortcomings. The search for the optimal regulation of public administration is a delusion, since real practice is changeable and dynamic. In general, the provision of public services by the state is not the only possible way: the government can act through subsidies, regulation of markets and public contracts, and not necessarily act as a provider of public services.

The neutral bureaucracy in fact turns out to be deaf to the new needs of society. Accordingly, effective mechanisms for democratic accountability are needed. In reality, officials are far from the ideals of traditional public administration: they do not act in the interests of society, but more often in their own interests or in the interests of the department in which they serve. Finally, public administration tasks require the participation of professional managers: it is not enough just to follow instructions, it is



necessary for someone to take responsibility for the result.

Thus, at the end of the 70s of the last century, the ideology of the welfare state and its characteristic traditional model of public services are beginning to lose ground to the new market-oriented doctrine of NPM, which captures leadership not only in science, but also in politics, becoming the banner of the neoliberal political forces that came to power in most Western countries. Having won first in the leading Anglo-Saxon countries - Great Britain and the United States, NPM quickly spread in all developed capitalist countries, and then covered developing countries in Asia, Africa, Latin America, Central and Eastern Europe and, as a result, ideologically defined reforms in the post-Soviet space. International organizations such as UNDP, IMF, World Bank, WTO, ADB and others played a large role in the global dissemination of NPM, which actively recommended reforms in the spirit of NPM to developing countries. Large regional organizations - OECD, APEC, EU, which purposefully promoted and implemented NPM in their spheres of influence - also contributed to the victorious procession of NPM. International consulting firms, which governments of many developing countries have resorted to when developing national programs for the modernization of public administration, also contributed a lot to the introduction of NPM. Despite the variety of terms denoting new approaches to the reform of public administration, the essence of them was the same: transformation of the state apparatus according to models borrowed from the private sector in order to improve the efficiency and quality of public services. Common features of NPM reforms are criticism of the state bureaucracy, its immense size and managerial inefficiency, corruption and self-interest of officials, calls for privatization, the introduction of market principles and business style in public administration, focus on the quality of public services, consumer expectations, and an emphasis on performance and the efficiency of public administration. To a large extent, NPM is based on the presumption of the superiority of market mechanisms over government ones. This meant that governments should learn from private organizations for good governance and adopt their business strategies and technologies. It was believed that by imitating business, the state can achieve the efficiency inherent in the market in providing services. In fact, the entire NPM approach can be reduced to two concepts: market and management. While NPM continued its expansion into developing countries, in the Western countries, since the late 90s of the last century, there has been a gradual departure

from its main ideas. The fact is that the practical consequences of the NPM reforms caused more and more doubts that building the public sector on the model of the private sector is really capable of solving social problems and ensuring the expected quality of public services. Nearly every line of NPM reform has found itself with unforeseen difficulties or far less value than expected. One of the main complaints about NPM models of public administration was that they reduce the potential of the individual citizen in solving social problems. The marketized structures of public services created under the slogan of customer orientation turned out to be even more deaf to the needs of the population than their predecessors, the bureaucrats. But it has become more difficult to combat violations due to the complication of the very structure of the modernized public administration.

It turned out that an extensive network of semi-autonomous agencies working in a business approach gives a citizen less chances to protect his rights and interests than a centralized bureaucracy. The obsession with cutting costs has often led to savings in quality in vital matters such as flight safety or hospital sanitation. These and other problems of NPM determined the relevance of searching for new approaches to the organization of public administration and, in particular, the system of public services. Today, new trends are gaining strength in Western countries, which are gradually acquiring conceptual design. The main ones are the following:

- Reintegration;
- Reorganization based on the needs of the population;
- Electronization.

Reintegration is understood as organizational decisions aimed at overcoming the administrative fragmentation generated by NPM reforms. Reintegration in the UK is seen, for example, in the curtailment or revision of agency. Several agencies have been merged into departmental groups. In addition, a number of public services are being integrated: for example, employment services and unemployment benefits in the system of the Employment and Pensions Department or the Internal Revenue Service and Customs Service in the national tax agency.

Since the late 1990s, New Zealand has been undergoing a process of strategic reintegration of the public sector, restoring its values and principles. In the United States, after the terrorist attack on September 11, 2001, the Department of Homeland Security was created, which united into a single system of 22 federal agencies that were unable to coordinate their actions in time to prevent threats to



public safety. Reintegration also includes the return of public services to the state. This happened, for example, with the British company Railtrack, which was effectively nationalized after bankruptcy in 2000. At first, instead of Railtrack, a government-subordinate non-profit organization was established, and in 2004 it was officially transformed into a public agency accountable to the Department of Transport.

Reorganization based on the needs of the population implies the consolidation of public services and related services around a specific segment of the population, based on its needs. A good example is the Pension Service of the UK Department of Employment and Pensions, which has consolidated all social benefits for the elderly into one structure. Another well-known example of needs-based reorganization and reintegration at the same time is the Single Window Centers and Internet portals of integrated public services. One of the first one-stop shops was Australia's Centrelink, which consolidated the public services provided by 20 agencies. Electronization has changed the face of modern public administration so significantly that it gave rise to talk about a new stage in the history of public administration - the era of electronic government. Today, most public services in developed countries are being converted into electronic format, as well as many intra-organizational processes of public administration. The creation of integrated databases of state bodies, in combination with electronic identification of users, transforms modern public administration into a network structure in which the distance between the consumer and the public service provider is reduced to a minimum, and the process of service delivery is accelerated as much as possible. Electronization, according to a number of scientists, is not only an independent trend in the development of public administration, but also an essential prerequisite for all other trends, which without ICT capabilities would form much more slowly. Speaking about modern trends in the development of public services, it is necessary to focus on the concept of "public value", which becomes central to the modern understanding of this institution. The idea of "public value" is gaining more and more popularity, despite the lack of conceptual certainty.

The doctrinal content of this concept is at the stage of formation. At the same time, some countries have already taken decisive steps towards the legal institutionalization of "public value". For example, in the UK in 2012 the Public Services Act was adopted, which stipulates the obligation of public authorities to consider the consequences for economic, social

and environmental well-being when entering into public contracts with public service providers. Thus, at the level of legal procedures, the institution of public value received official recognition. Scientists propose to understand public value as a complex of preferences of society as a whole, which depends not only on the direct results of state policy, but also on the level of public confidence in the authorities, citizens' confidence in honesty and fairness of government. At the same time, the collective nature of such preferences is noted, which is not reducible to the sum of individual benefits. Public value is revealed in the course of a public political process, and not only in the form of elections, but also in the course of public consultations and in other forms of public participation in government decision-making. Public value, according to scientists, lies at the heart of the new paradigm of public administration, which is conducive to cooperation, not competition. Particular attention should be paid to the fact that "public value" expresses collective, or public preferences, as opposed to the individualized consumer approach of NPM. Simply put, this is what society as a whole considers valuable and right, and not individual consumers of services. Thus, based on the new doctrine, public services are services provided to society as a whole, and not to individual consumers. The practical conclusion for the institution of public services is that in the coming decades it will develop in the logic of network cooperation and cooperation with the widespread use of information and communication technologies. Thus, it can be stated that the institution of public services on a global scale is at the stage of transition from new public management (NPM) to digital network governance.

Taking into account the special role of the Russian experience in the formation of the national concept of public services, let us dwell on it separately. In the Russian Federation, the institution of public services began to actively develop in the early 2000s in connection with the administrative reform. The Concept of Administrative Reform focused on improving the quality of public services and their accessibility to the population. At that time, there was no category of public or state services in the Russian science of administrative law. Therefore, the administrative reform was built in the ideology borrowed from the Western doctrine of NPM reforms. The peculiarity of the Russian approach consisted in the total legal standardization of public services through the publication of hundreds and thousands of administrative regulations. This is due to the fact that in the Russian Federation, unlike the Western countries, there was a huge gap in



administrative and procedural regulation, which was supposed to be filled in this way. In our opinion, this was a serious mistake caused by a misunderstanding of the conceptual differences between the institutions of administrative procedures and public (state) services.

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