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PUBLIC ADMINISTRATION AS THE SERVICE FOR THE COMMON GOOD

Introduction

In a modern state, public administration plays a very important role. It is difficult to imagine a state without the existence of its executive apparatus. What is more, the quality of the tasks it carries out, as well as the proper functioning of the state and its organs depend largely on the way public administration is organised. However, public administration should not appear as a soulless instrument in the hands of politicians or specific interest groups, but it should carry out tasks for the common good of the Republic of Poland. This means its operation should be linked with service to the entire community of the country.

It seems, therefore, that identification of administration with public service focused on satisfying the needs of all citizens is an approach which today is not only desirable, but indeed necessary to form a well-functioning state.

The purpose of the article is to show that public administration in a democratic country based on the rule of law should be equated with a public service aiming to achieve the common good and pursuing the interests of all citizens.

The concept of public administration

The term administration etymologically comes from the Latin word *ministrare* which means to serve (*minister* – a servant, an assistant, *ministare* – to serve, to perform, *administrare* – to administrate). Hence, administration is to operate for the benefit of all those who use its services. Therefore, it can be concluded that in its essence administration is service-oriented. In opposition to the administration defined this way are actions carried out in an arbitrary manner, aimed at achieving individual interests or serving the needs of selected interest groups.

There are many different definitions of administration in the literature. Most often they focus on two aspects. Firstly, it is understood as a specific organization, and secondly as the activity of that organization which was created for the implementation of specific tasks¹. These two meanings reflect the subjective and objective side of the concept, respectively. When analysing the concept of administration, it should definitely be assumed that it is a separate organization intended to implement tasks requiring joint action². “When we refer to an organization and activities undertaken by state institutions – says M. Stahl – we are talking about state administration”³. However, it should be remembered that in addition to state authorities, a certain type of public tasks may be performed by other entities that also use administrative power of authority to a certain extent. That is why the concept of public administration was introduced. It should be understood as “all organizational structures in the state and the people employed in these structures and fulfilling public, collective and individual, regulatory, rendering and organisational tasks designated for managing and decision-making entities”⁴. Therefore, public administration is a concept broader than the concept of state administration, since it includes both state administration and local government administration, as well as other institutions that use public authority in order to perform specific public tasks⁵.

The aim of public administration is to take care of the society’s needs by performing public tasks for the common good. It is emphasised in the doctrine that “contemporary public administration should serve mainly its citizens”⁶. This service for citizens may therefore be considered as the mission of the public administration. It is ensured by people performing tasks of this organization. It is people who “are the core of the administrative apparatus. The quality of tasks performed by public administration depends on their standards⁷, and human resources are the major asset of every organisation”⁸. However, one should agree with T. Górczyńska, who rightly claims that even the best theoretical assumptions, good law, well-thought-out structures and carefully prepared working

¹ J. Szreniawski, *Wstęp do nauki administracji*, Lublin 2003, p. 7.

² E. Ura [in:] *Prawo administracyjne. Część pierwsza*, ed. E. Ura, Rzeszów 1996, p. 17.

³ M. Stahl [in:] *Prawo administracyjne. Pojęcia, instytucje, zasady w teorii i orzecznictwie*, ed. M. Stahl, Warszawa 2002, p. 11.

⁴ E. Zieliński, *Administracja rządowa w Polsce*, Warszawa 2001, p. 12.

⁵ E. Ochendowski defines public administration in similar way. He claims that public administration is supervised in the broadest sense, that is by public authorities, but also by public-law entities and other government entities. E. Ochendowski, *Prawo administracyjne. Część ogólna*, Toruń 2001, p. 18.

⁶ *Nauka administracji*, eds. B. Kudrycka, B. Guj Peters, P.J. Suwaj, Warszawa 2009, p. 56.

⁷ A. Chochowska, *Międzynarodowe standardy służby publicznej i ich wpływ na krajowe regulacje dotyczące statusu pracowników samorządowych* [in:] *Lokalny samorząd terytorialny w aspekcie międzynarodowym*, ed. S. Faliński, Siedlce 2018, p. 148.

⁸ A. Jaxa-Dębicka, *Sprawne państwo*, Warszawa 2008, p. 22.

methods will not help to achieve desired effect if administrative personnel will not fully understand the nature and purpose of public service⁹. In view of the fact that public administration is to satisfy collective needs of citizens and its most important purpose is to perform public tasks, it can be concluded that the essence of administration is public service.

Administration and public service

If we identify the administration with public service it is necessary to clarify and discuss the latter term. The broadest meaning of service is the one proposed by M. Zdyb, who highlights the fact that “the term «public service» can be of a wide scope and, to some extent, it can be linked to all actions taken by a person aimed at the welfare of others (welfare of other people), regardless of the place in the social hierarchy or roles (functions) performed in the structures of the state. It is linked with responsibility towards others and a will to act for their benefit. That way it is a kind of challenge and task at the same time”¹⁰. In this sense public service is an activity aimed at the realisation of the common good. At the same time, the author emphasises that “prudent concern for the common good is sine qua non of public service. This approach means focusing on others, the ability and responsibility to make a commitment and to serve others”¹¹.

The essence of public service is understood as competent, impartial and apolitical performance of the tasks and functions of the state by the public administration and its officials. While performing tasks, the personnel should not be guided by the interest of the political side with which they sympathize, their own convenience or gain. They are obliged to work in the interest of the State – the Republic of Poland, which, as is stated in Art. 1. of the Constitution – is the common good of all citizens. A similar opinion in this case is expressed by the Constitutional Tribunal. It emphasises that the specific status of public (civil) service is linked with a necessity to provide a guarantee that its members will be guided by constitutional values providing the foundation of a democratic country, and will operate with a sense of dignity and honour resulting from the fact they serve the common good, which is the Republic of Poland¹². Therefore, con-

⁹ Cf. T. Górczyńska, J. Łętowski, *Urzednicy administracji państwowej*, Warszawa 1986, p. 36.

¹⁰ M. Zdyb, *Służba publiczna* [in:] *Prawość i Godność. Księga pamiątkowa w 70. rocznicę urodzin Profesora Wojciecha Łączkowskiego*, eds. S. Fundowicz, F. Rymarz, A. Gomułowicz, Lublin 2003, p. 349.

¹¹ *Ibidem*, p. 356.

¹² Cf. justification of the verdict of Constitutional Tribunal from 12 December 2002, K 9/02, OTG-A 2002, No. 7, Item 94.

cern for the common good is one of the basic tasks of public service. The good, not only of the state but also its citizens, depends on the degree of implementation of this obligation. It is therefore crucial that people involved in the public service perform the tasks in the spirit of respect for fundamental values so that the purpose of this service is not distorted.

Public service versus the common good

This association between public service and activities for the common good makes it necessary to define the concept of common good.

At the start it should be noticed that the germs of the concept of the common good appeared in works by Plato who created a term “the common interest”. The common interest according to Plato is visible in the existence of the state whose aim is citizen’s personal happiness. In Roman law there is a term *salus populi* (social prosperity). St. Thomas Aquinas understood common good as the order of the universe and its perfection. Father Jan Krucina indicates that St. Thomas understands the common good as the social order uniting the activities of individuals, which leads to people’s happiness in the community. In parallel to the concept of *bonum commune* as a social order, common good reflecting a similar meaning is the perfection of human nature, which is most fully realised in an ideal community. As a result, participants of social life achieve, in their specific manner, a perfection measured in their own way¹³.

Father A. Kość proposes a slightly different definition of the term common good. He claims that “common good is a collective quality with its roots in human nature and comprising perfection of many people, which they achieve by living together and sharing services of public institutions. The common good is also referred to as general good, public interest, public welfare, public good or general interest”¹⁴. Father S. Kowalczyk, on the other hand, claims that the common good “is a community of welfare that transcends the sphere of individual capacities, needs and values”¹⁵.

Personalistic concept of the common good is also worth mentioning. This concept differentiates two components of the common good: internal and external¹⁶. The internal element has an ontological and axiological character, where the common good is the integral development of the human being and the set of

¹³ J. Krucina, *Dobro wspólne, teoria i jej zastosowanie*, Wrocław 1972, p. 28.

¹⁴ A. Kość, *Podstawy filozofii prawa*, Lublin 2001, p. 240, cf. J. Krucina, *Dobro wspólne...*, p. 166–169.

¹⁵ S. Kowalczyk, *Człowiek a społeczność. Zarys filozofii społecznej*, Lublin 1994, p. 234.

¹⁶ Cf. J. Krucina, *Dobro wspólne...*, p. 70.

values necessary for this. In turn, the external element has a socio-institutional form, including a set of structures, institutions, economic and social conditions necessary to implement the common good¹⁷.

The concept of “common good” is contained in the Polish Constitution, which states that the Republic of Poland is a common good of all citizens. Therefore, public administration, as it was established to perform the tasks of the state, should perform them so as to serve the common good and all citizens. The supra-individual common good, which is the Republic of Poland, protects and helps to implement the good of the individual and minor communities¹⁸. However, in order for these goals to be achieved, public authorities in their actions must rely on socially accepted axiological foundations. If the country functions on the basis of the principle *everything for the state, nothing without a state*, then the state that should serve starts to govern by destroying those to whom it should serve, and it simultaneously destroys itself¹⁹. However, it is also dangerous when the state makes various ideas of freedom absolute. In order to implement the properly understood idea of the common good, the state must act jointly with citizens and smaller communities (local government units, professional self-governments, self-governments of entrepreneurs, etc.), taking into account moral values, as well. I agree with M. Zdyb who argues that “The common good is a synthesis in the operation of public authorities, to which all other social entities are to contribute”²⁰. The common good, as emphasized by Father A. Kość, applies in all manifestations of social life, although the term is most often used with reference to the country. However, the common good is never a perfect state, but a constantly redefined goal and at the same time gradually enhanced multidimensional well-being of citizens resulting from social peace, order, freedom and internal security of every citizen and the external sovereignty of the state²¹.

All the definitions presented above describe the common good in different ways. However, in these definitions one can find a common denominator – they all emphasize that the common good is not the good of the individual, but a supra-individual category, because it aims at the good of the whole society. It is worth noting that the common good has not only a legal or economic dimension, but first and foremost an ethical one. As M. Zdyb rightly observes – the common good cannot be separated from fundamental values, justice, truth and morality. These qualities are its essence²².

¹⁷ See: S. Kowalczyk, *Człowiek a społeczność...*, p. 236.

¹⁸ *Ibidem*, p. 200.

¹⁹ J. Majka, *Etyka, społeczna i polityczna*, Warszawa 1993, p. 246.

²⁰ M. Zdyb, *Dobro wspólne w perspektywie art. 1 Konstytucji RP* [in:] *Trybunał Konstytucyjny. Księga XV lecia*, Warszawa 2001, p. 200.

²¹ A. Kość, *Podstawy filozofii...*, p. 244.

²² M. Zdyb, *Działalność gospodarcza i publiczne prawo gospodarcze*, Kraków 2003, p. 55.

The concept of common good is closely related to the notion of public interest, which should be understood as the interest of all people living within a politically organized community, implementing specific legitimate interests of the general public organized in a specific form, with respect for individual's liberties as an inalienable part of the public good. Notably the realization and protection of such general interests should be unconditionally required in order to ensure the existence and life in peace, shared by a society made of groups, entities and individuals with diverse interests and needs²³. The jurisprudence of the Constitutional Tribunal also attempts to define the concept of common good (public interest, social interest). The Constitutional Tribunal emphasizes that "the common good of the Republic of Poland is the good of all citizens. It is a supra-individual value focused on the activities and goals of individuals. It is also a superior value in the sense that it integrates other values, including those that are a consequence of individual civil rights and freedoms"²⁴.

In order to realize the idea of the common good, understood as the welfare of all, it is possible to impose limitations on the use of rights and liberties by individual entities. The Constitutional Tribunal presented a similar opinion, saying that "the common good is also crystallised not only in the formally understood set of norms and principles – even constitutional – and in the procedural protection of rights and freedoms, but also in such understanding of those rights, where they are treated as the art of what is good and right. The Constitution is a complete entity. It is unacceptable to mix constitutional goals, means and values, in such ways that each of these live their own lives or rise above the others without a proper axiological justification. (...) The common good is secured primarily by the relevant state organs, including bodies authorized to institute laws. These bodies – in certain situations – if it is needed for protection of the common good, not only can but have to and are obliged to impose limitations on the exercise of one's liberties, if it is necessary for such protection"²⁵.

The common good should be considered not only in legal terms, but also in moral terms. I share the opinion presented on this matter by M. Zdyb, who states that "the common good cannot be separated from basic values, justice, truth and morality. These qualities are its essence. It has not only an economic, political or legal dimension but is also subject to ethical evaluations, which may significantly add to legal assessments, just as moral norms may complement the content of rights and obligations arising from normative provisions"²⁶. Understanding the common good only in legal or economic terms poses a risk that any wrongdoing can be legitimised.

²³ See: M. Wyrzykowski, *Pojęcie interesu społecznego w prawie administracyjnym*, Warszawa 1986, p. 36.

²⁴ Justification of the verdict of Constitutional Tribunal from 10 October 2001, K 28/01, OTG 2001, No. 7, Item 212.

²⁵ M. Zdyb, *Działalność gospodarcza...*, p. 55.

²⁶ M. Zdyb, *Dobro wspólne...*, p. 193.

The common good of citizens is the Republic of Poland. It is a supra-individual good. As M. Zdyb proposes, “the concept of the common good, which is the Republic of Poland, cannot be defined merely in mechanistic and quantitative categories. For its full-dimensional picture, it is necessary to consider all the interrelated aspects, including the moral sphere, determining the final content of the picture”²⁷.

Conclusion

The notion of common good belongs to the group of concepts which are indistinct (indefinite, indeterminate), but it is important if one wants to understand the essence of the operation of state institutions. It determines the area of admissible activity of public administration²⁸. The common good is a criterion for the integrity of state institutions²⁹. Attention to the common good is therefore the responsibility of the state and its administration. As it is often emphasized in the legal doctrine “the service-related function of public administration in a democratic state ruled by law is to contribute to the realization of the common good”³⁰. Furthermore, it is pointed out that public administration is treated as a public service as well as a servant of law – in the sense that it has to comply with it³¹. Public administration is a servant of the political system and the executive apparatus of political power³². The service-related role of public administration not only involves operations for the state, but also activities intending to meet the needs of citizens and to stimulate individuals and groups to take action³³.

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²⁷ *Ibidem*, p. 196.

²⁸ Cf. H. Izdebski, M. Kulesza, *Administracja publiczna – zagadnienia ogólne*, Warszawa 1999, p. 96–97.

²⁹ *Ibidem*, p. 53–54.

³⁰ K. Chochowski, *Administracja publiczna w służbie dobra wspólnego* [in:] *W służbie dobra wspólnego – ludzie, postawy i kompetencje w administracji publicznej*, Warszawa 2016, p. 15.

³¹ Cf. H. Izdebski, M. Kulesza, *Administracja publiczna...*, p. 100–101.

³² H. Izdebski, M. Kulesza, *Administracja publiczna – zagadnienia ogólne*, Warszawa 2004, p. 23.

³³ Cf. M. Kisała, *Administracja jako służba publiczna* [in:] *Teoria instytucji prawa administracyjnego*, ed. J. Niczyporuk, Paryż 2011, p. 139.

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Summary

In a modern state, public administration plays a very important role. It is difficult to imagine a state without the existence of its executive apparatus. What is more, the quality of the tasks it carries out, as well as the proper functioning of the state and its organs depend largely on the way public administration is organised. The purpose of the article is to show that public administration in a democratic country based on the rule of law should be equated with a public service aiming to achieve the common good and pursuing the interests of all citizens.

Keywords: public administration, common good, country

ADMINISTRACJA PUBLICZNA JAKO SŁUŻBA NA RZECZ DOBRA WSPÓLNEGO

Streszczenie

We współczesnym państwie administracja publiczna odgrywa bardzo istotną rolę. Trudno bowiem wyobrazić sobie państwo bez istnienia jego aparatu wykonawczego. Co więcej, od sposobu zorganizowania administracji publicznej zależy w dużej mierze jakość realizowanych przez nią zadań, a także prawidłowość funkcjonowania państwa i jego organów. Celem artykułu jest wykazanie, że administracja publiczna w demokratycznym państwie prawnym winna być utożsamiana ze służbą publiczną działającą na rzecz dobra wspólnego i realizować interes wszystkich obywateli.

Słowa kluczowe: administracja publiczna, dobro wspólne, państwo