

A PSYCHOLOGICAL INTERPRE- TATION OF THE ADMINISTRATION SCIENCE: THE REFORM OF THE REPRESENTATIONS

Gabriela GOUDENHOOF

Gabriela GOUDENHOOF

Lecturer, Political Sciences Department, Faculty
of Communication and Political Sciences,
University of Oradea, Romania
Tel.: 0040-359 462 939
E-mail: gabrielagoudenhoof@yahoo.com

Abstract

This article is a preamble to a future study of the social representations of the administration, which is at the moment in project phase.

We started with the idea that each doctrine or policy is based on a certain image of the reality, none other than the collective or individual representation of the problem and the public policies aim also towards the modifications of the social representations.

We analyzed a series of characteristics of the representations and we arrived at some hypotheses that might prove valuable both in the study of the administrative law and the making of the public policies: Individual representations, based on the collective ones, have the tendency to increase the positive aspect once the subject becomes from beneficiary of the administrative services, an active actor; the representations from the private administration area are less affected by preconceptions than the ones from the public area especially due to the idea of profit; the representations of the administration and beaurocracy are generally negative and are characterized by elasticity and recurrence, if they are not continuously sustained.

Reform measures taken in Romania in order to adapt to the European standards operate first and foremost at language level, this being also a manipulation form due to the fact that the representations are characterized by recurrence.

In the analysis of the elements of the administrative law and also in the complex game of the public policies, the analyzing of the representations regarding the administrating act can offer interesting answers to problems such as understanding the different administrative law schools, but also making the administrative act more efficient and optimizing it, or at least can offer another perspective upon this problem. We can notice the fact that there are individual and collective representations of the administration as a direct act of executing the public policies' schemes and another set of representations seeing the administration as an institution and the beaurocracy as its manifestation form. The individual representation is an intellectual, cultural and emotional construction, therefore it can be analysed at a psychological, intellectual and socio-cultural level. The collective representation has a cultural and traditional aspect that comes first and a degree of compliance to certain preconceived mental patterns more obvious than the individual representations which are defined through a more powerful individuality and originality of the image that results from them. The object of the representation in question, "the administration" as notion and phenomenon, has a certain specific character which is necessary to be taken into consideration before continuing the analysis of the representations.

In the Romanian political and juridical culture, the term administration has rather the old Latin etymological meaning (*administer*, -tri= n.m. administrator, assistant, helper, servant; (fig.) utensil, instrument; *administro*, -are, -avi, -atum= vb. to give a helping hand, to lead, to guide, to conduct, to fulfill), more close to the idea of *public/civil servant* and not that American nuance of "gold collars" or "white collar workers", the leading elite, unless we take into consideration the common collective representation of "office work", idealized as a clean, beautiful work.

In fact, *Dictionary of American Government and Politics*, (Shafritz, 1988) enumerates five meanings for the word „administration“: 1. The leadership and the guidance of the business, governments and institutions; 2. Collective term for all government machinery officials; 3. The performance and implementation of the public politics; 4. The mandate length of an executive chief, like the president, the governor or the mayor; 5. The monitoring of a dead person legacy in order to pay the tax and to split the heritage and the assets to the successors.

Doctrine wise, one must use the concept of "executive", as the preferred form of manifestation of the administrative law rules (Negulescu, 1934, apud Iorgovan, 2001, p. 4). The relation executive - administration is a synonymy one and the administrative fact or phenomenon evokes "any administrative activity" (Iorgovan, 2001, p. 5), the organizing of the necessary means to reach some objectives, the social values that aim towards the concrete achievement of the state power.

The French doctrine of the administrative law is focused on the idea of the public service and public administration as executive power. André Laubadère defines the administration as "*the ensemble of authorities, agents and organisms that are in charge, under the influence of the political powers to ensure the multiple interventions of the modern state*" (Laubadère, 1973, apud Iorgovan, 2001, p. 16). The idea of public service is essential and around it gravitate all the element of the administrative law. The author even titles the IIIrd volume from the Treaty, *The great administrative public services*.

Jean Rivero (1987, apud Iorgovan, 2001, p. 11) follows the same traditional line, emphasizing the significance revealed by the common language of the administration: to administrate, to warrant a business in the material way and organisms, structures that guide and execute the public problems in an organic way; by writing the term with capital letters it receives the meaning of public service, public administration.

The notion of public service loses importance with Georges Vedel, once that the administration has not only an executive role but also a legislative one, as long as the 1958 French Constitution "*recognizes the power of the administration to issue Regulations for subjects that are not reserved to the law*", hence gives a primary legislative power to the administration (Iorgovan, 2001, p. 20).

Ernst Forsthoff¹ estimates that it is easier to describe the administration notion than to define it. However, to clarify the situation, he compares the term to the private and public law, thus observing that in the private law the term is used to designate the operations (activities) done by a person usually with things that don't belong to that person (e.g.: the administration of the children's patrimony by the parents) while in the public law the notion of administration is used to designate the state activity or the activity of a state organ (Iorgovan, 2001, pp. 22-23); this distinction operates more on the subjects, the actors and less on the object. Also regarding the closeness between executive and legislative, the German doctrine makes an important step by giving the administration, together with the primary legislation mentioned by G. Vedel a direct legislative role through the activity to adopt normative acts, the law as an administrative act (Forsthoff, 1969, apud Iorgovan, 2001, pp. 46-51).

The Swiss doctrine defines the administration based on the triple distinction of the action object of the three organically separate powers.

The Americans operate in base of the public-private distinction that reveals characteristics such as the efficiency and the governing principles of the administration: "*In the public eye, the government administration is "bureaucratic"; the private administration is "expeditious"; the government administration is political; the private administration is non-political; the government administration is characterised by "formalism", the private one is not*" (Simon, 2003, p. 33). It is admitted the idea that a certain conviction exists that the governments' activity is inefficient and even corrupt, while this problem doesn't regard the private administration.

"A common stereotype representation is the one of a bureaucrat as an arrogant, lazily person, who swallows tax. Born from *laissez-faire* doctrine and following the frontier tradition, this attitude must be permanently taken into consideration by public administrators who are responsible for public problems" (Simon, 2003, p. 37).

¹ Ernst Forsthoff admits, in his paper, *Traite de droit administrative allemande (Lehrbuch des Verwaltungsrecht)*, the influence of the French administrative doctrine despite the fact that you couldn't find some categories (notions) at the language level in France or Germany, both of them having also distinctive institutions (for example the term *fiskus* which in german language is being directly taken from Roman law.

The Romanian culture doesn't situate the term on the same level. We can't help to notice that there are several attempts to code, to fix the terminology in the language. This effort is so intense, even if close to failure, that we can say the fact that the contemporary Romanian administration reform is rather a language reform than one that is situated at the institutions level.

In the commercial private law, the administrator term is used extensively while in the common language the notion is less capitalized. The lack of success of the term is easily noticeable also by its feeble usage in the language that is associated to the business environment, even if the Law no.31/1990, of the commercial societies established the administrator as the person or group of persons (depending on the society's form) with the task to represent the society in the relations to third parties and to fulfill the objective for which the society was made. The importance of the function is revealed by the regulation of the appointing procedures described in the constitutive act of the society:

There are three legal possibilities for nominate the administrators: "a) The administrators are designated in the Society Contract (by the common consent of all members). There reluctantly dismissal is possible only by exclusion; b). The shareholders administrators have been subsequently nominated by vote. They could be further revoked with the same procedure; c) The nomination of an simple employee (who's not a shareholder) as an administrator by shareholders vote" (Turcu, 1992, p. 141).

The refusal to use the administrator notion in the current language is justified also by its systematic and minimalist association with *the block of flats administrator* or owner association - function that is relatively small, described by Law no. 230/2007 regarding the making, organizing and functioning of the owners associations.

The "executive" meaning, as an essential function of the administrator is established both in the private and public law. Both the owner's association administrator and the commercial society administrator and the administration civil servant have executive functions. The first has in its competency the technical, accounting and cashiers administration²; the second, the commercial society administrator, must fulfill "the

² Art.35 from the Law no. 230/2007 about the seting up, the organisation and functioning the Associations of the lodging owners; article 36 gives a complete description of the administrator's atributions: "The administrator, a natural person or a legal entity, has, in the main, the following competences: a) servicing in a professional manner; b) the administration of the assets and of the liquidities; c) doing the necessary procedings in order to contract with suppliers for the utilization, development and the maintenance of the building, the carrying on and the monitoring of this contracts achievement; d) the assurance of knowing and observancing the rules and regulation about common property; e) the management of the way of achievement of the citizen's duties which the lodging owners have due to the public authorities. The citizens' duties are those established, according to the law, by the General Meeting of the lodging owners; f) the achievement of any other obligations specifically stipulated by law.

social will of any commercial society", "through executing acts" (Carpenaru, 1996, p. 203). According to the commercial society's law, each administrator has the right to represent the society³. In the case of the public administration the things are a bit more complex, due to the fact that the active subject of the juridical relation of the administrative law is, according to 1991 Romanian Constitution, the public authority⁴, by this meaning "first state organs and second local administration organs" (Iorgovan, 2001, p. 261), and on the other hand, due to the administration functions, upon which the debate is still actual. Of course, most important is the executive function of the administration with all the meaning of this mechanism that intermediates the execution of the political decisions (Alexandru, 2007, p. 76 sqq): preparing the political decisions, organizing the execution of the political decisions, direct execution of those, insuring the execution of the decisions, by persuasion or, in extremis by constraints, and last but not least, "bearer of the requests, desires and needs" of the governed by the ones that govern. There are also derivative functions of the administration, which aim to "preserve the material and spiritual values of the society", as well as organizing and coordinating those adaptation means necessary to the evolution of the economical and social mechanisms of the society.

The current tendency is to mainly emphasize the social character needed for the administration to have and which to push it from the political functions to the ones that aim to protect the communities in general and the society members especially. This tendency brings the bureaucracy and the public services from far away and inaccessible offices, no matter of the shade of the collars, in our house or on our tables to make our sleep or the difficult subsistence task easier.

The social perception of the administrative phenomenon is interesting if we admit that both the individuals and the collectives, regardless if we see them as communities or as organizations, are determined by the way they perceive, understand and represent the different phenomenon because the result of these processes is materialized in products that lead their actions. Karl Weick (1976, apud Scott, 2004, p. 101) sustains that "the agreements and the scenarios" are simultaneously result and vector of the actions "and the collective symbols can be used just as well for justifying past behaviors and

³ Excepting contrary terms and conditions stipulated into the Society Contract (article 45 from the Law no. 31/1990)

⁴ Public Authority is identified, in administrative law, with the guidance central and local authorities, who exercise the power, taking into consideration the triple separation of powers in the state: at the level of the authorities system which form it, the state or the state power express itself through the three fundamental powers: legislative power (law elaborating), executive power (public administration – applies the laws) and judicial power (justice – judging and punishing law violation). The executive power – is formed by authorities which compose the state administration. At the national or central level: The President of the Republic, The Government, The Ministerial Departments and the others Authorities of Central Public Administration founded at the Government's command. At local or territorial level: Local Committee, The Mayor and the System of Public decentralized Services, County Committee, The Prefect.

for orienting the ones from the present". We believe that the way people perceive the administrative phenomenon determines an action pattern shaped and adapted to this represented image and the administrative reform, for example, can't be accomplished only by reforming the language, regardless if the structure of the institutions is constant or variable, but it is necessary knowing the way the people understand the functioning of the administration, knowing the social representations of the phenomenon and a simultaneous action in modifying these representations if they are not apt to provide a satisfying image.

One can notice that a strange transgression of the representations happens when we move from group to individual, by this meaning that even though the individual may be part of a group with a certain representation of the phenomenon in general shared by the individual, as soon as this receives an active role, for example he becomes a public servant or gets a function or a responsibility within the administration, the individually abandons immediately and automatically the passive representation; he no longer sees himself in the image that he had together with the group and starts to have a more personal perception, to make a new product, different, to change the representation of the phenomenon. In contradiction with the artistic principle of distancing from the object for a better perspective, the individual has a better representation from inside, from very close; a better or more positive representation. The outside representation, belonging to individuals that never plaid an active role, other than being the beneficiaries of the administrative services, is one that is contaminated by prejudices, tainted by the social conformism.

From the perspective of a structural approach of the social representations, the hypothesis according to which there isn't apriori an objective reality and that any reality is "a represented one, that is closed to the individuals and groups, rebuilt in their cognitive system, integrated in their value system, which depends on the history and on the ideological and social context" (Abric, 2007, p. 450), it shows the need for analyzing these representations⁵ at the administrative law phenomenon level. However since any such representation manifests itself as an unbreakable unity of three elements: content, internal structure and central core, according to the author, the structural analysis needs to discover the three elements. Especially the central core holds the key to the problem, as much as it is made from significant that give meaning to the content of the representation. But since we don't want to do a structural analysis of the administrative phenomenon and we don't have the necessary data, we will resume to using the author's hypothetic apparatus for a theoretical reading of the phenomenon that present an interest. Thus we will see that there is a set of representations and that these are created only if an important stake exists, or better "when an object becomes a stake" (Clemance, 2007, p. 473). The importance that the Romanian administration has, is even bigger if we

⁵ Abric conceives the representations as a socio-cognitive system, "organized ensemble of informations, options, attitudes and opinions about an considering object".

consider that its reform and harmonization in the European system can be a way to obtain certain benefits and recognition but also its own scope for the modernizing and making the governing instruments more efficient. Or the increase of the importance of this stake makes and will certainly make in the future to focus, amplify and concentrate both the self representations of the ones that work in the administration and the ones that benefit from the administrative services. There is a risk however, the one that psychological would be overevaluating the options for an object that will certainly end up in diminishing the satisfaction of getting it. If this risk would get real, it would lead to an almost total lack of interest towards the system, much like the voting absence, thing that is mostly undesirable. So it can be taken into consideration as a possibility, the perspective that the interest for the administration should decrease and not increase as long as the debate upon the administration reform is amplified and lengthened, by this obtaining instead of the wanted perception modifications, the opposite effect. The lack of interest for the administration can also be of importance if it is desired that its reform should be done "cold", without temperamental implications artificially generated by a fashion of "democratic" and active involvement of the people by different expression forms such as the political referendum.

In the case that keeping the public away is not wanted, the action that has as purpose modifying the "public" representations on the administration makes sense if the image is a negative one and its improvement is desired. In order to understand how important a change of the representations on the administration is for Romania, it is enough to say that both inside and outside there is a precarious image of an administration that is corrupt, bulky, and opaque to changes. The bureaucracy as a manifesting form of the administrative phenomenon is even more negatively perceived and here, the differences in representations take us away from the American bureaucracies and closer to the Asian bureaucracies of the old mandarins. The comparison is, of course, exaggerated but its purpose is precisely to reveal the huge differences between the ways that people represent the administration structures. We must admit that despite understating the differences in perception, even in the American mentality the term has a negative connotation, for it designates a reality "that we all love to hate" (Beetham, 1998, p. 25). The confusion that lingers on the term comes from its polysemy. This term designates both a professional administration system and the reign of "the ones from the offices", of the clerks; simply public administration or inefficient and corrupt public administration; an institution that is extremely formal organized or a non democratic organization and the definitions don't stop here, but the negative meanings persist. That is why it is no wonder that bureaucracy was seen as one of the fundamental explanations for the current crisis of the Romanian administration. It is said that the power of the people in the offices creates a form of inertia against there is no fighting.

There are also opinions (Păunescu, 2008, p. 17) according to which the bureaucracy of the current systems can be good as long as it rationalizes the administrations, regardless of their type, public or private, but especially their organization, the reform meaning moving from a persona bureaucracy "of nepotism and patronage" to an impersonal one, which would substitute to the evil labyrinth of personal relationships. The all power

of the reason-legal authority is established in Max Weber's doctrine on bureaucracy. The author finds this authority in the superior evolution line of the historical authority forms; the modern administration systems are fundamented on the principles of this authority type⁶.

The true challenge is the way the administration reform will restructure the system on one hand, so this is simple and efficient and how this reform will be reflected in the representation level. Will this happen automatically? Will the administration wait for its beneficiaries to come into contact with the reformed administration and so these will change based on their direct perceptions the image of the administration or it won't have the patience to wait for this process, which is a lengthy one, to happen and it will force through an image reform, by acting directly on the representations trying to focus other elements in the central representations core, which is much faster? On another note what policy will the administrative management adopt: the reform of the reality and/or the reform of the reality simultaneously with the reform of the image? There will be of course temptations to simply reform the way the public sees the reality. It is one of the most used methods of public manipulations which can bring a certain immediate success but on the long term and under a critic scrutiny is doomed to failure.

The fear regarding the manipulation of the image of the administration is supplied by certain noticeable attitudes defined as "maximizing behavior" (Cerchez, 2008, p. 64), possible due to the temptation that the officials have to distort the information that they send to the superior political and institutional levels, so they present their activity in a better light. And this is not only an image manipulation, for it has a determining side on the reform itself through the attitude usually subjective of the clerks who mainly apply decisions that provide an advantage for them and delay or sabotage the ones that are perceived of having no advantage or might endanger their position in the system. The manipulation goes higher when there is the possibility at the administrative and government management to choose between alternative politics, the officials will choose the ones that are convenient of them, which put them or the interest groups that they represent at advantage (Downs, 1967, apud Cerchez, 2008, pp. 77-78).

On the other hand, the way that the bureaucrat himself perceives the bureaucracy and his own world is different than the collective representation which most likely he shared before he started to identify with a world that you can't consider as being corrupt and inefficient due to the self respect. A lot of time it was valued the image and condition of the "virtuous bureaucrat" which respects with scrupulosity the procedures, making them as a bible, ending up by transforming them from means to ends (Păunescu, 2008, p. 21). The divinization of the procedure and making them

⁶ Păunescu (2008, pp. 19-20) states these principles: demarcation of the competence areas, making an hierarchy of control, accomplishing a bureaucratic management based on the impersonal authority, funded on written laws and norms, separating the bureaucracies from the receivers of the production means, elaborating in writing of the administrative acts and decisions and appointing the "office" as the base unity of the bureaucratic organisation.

legitimate in an absolute way brought one of the two dysfunctions (Merton, 1940, apud Păunescu), the incapacity of the bureaucracy to solve problems, the other dysfunction being the maximizing tendency that we already spoke about.

Despite all these things, we must admit that bureaucracy isn't necessary itself non democratic (Beetham, 1998, p. 142). The author highlights a peril that Romanians seem to be oblivious to, considering it a virtue: the bureaucratic administration ends up opposing the democracy if, with no transparency gets such an independency that by creating the illusion that it works alone and autonomous it accomplished tasks that were forged outside, determined by a certain social and political context. The new pattern that seems to attract us is the so called *the new public management* (NPM).

NMP was perceived as a new reforming model, a new governing ideology even a new administrative thinking. This name was first used in Hoodin 1991 (State-Cercez, 2008, p.75 sqq) and talks about a multiple approach to the administration as "market based public administration", "managerially", "business governing", "post-bureaucratic paradigm" etc.; and which mainly represents "*implementing at the administrative level of the defining and reaching the objectives together with, at some authors, with a tendency to redefine the role of the state and an essay to expose the public offices activities to the market mechanisms in order to define their efficiency*".

Form the NPM point of view the Romanian public administration reform aims at three elements: public function⁷, decentralizing and defocusing the public services⁸, forming the public policies⁹. The author's conclusion is that NPM can't be adapted in a non critical way to the Romanian public administration reform and the gain was a concept one rather than a gain in the way of language reform we could say. To these three elements we could add developing the "managing imagination"¹⁰ and its extension to the entire organization's members (Vlăsceanu, 2003, p. 46), obtaining a diffuse collective imagination but active and efficient and the modification of the representation of the administration and bureaucracy. The managing imagination can play a vital role in a future where the game of representations can be the key to the Romanian administration revolution and its harmonization with the European administration principles.

⁷ The objectives of the public function reform could be: recruiting and forming of clerk's procedures, salary system, increasing the transparency and anticorruption measures (State-Cercez, 2008, p. 96).

⁸ The objectives are: judiciously spreading the competencies, increasing the regional financial autonomy of the territorial administrative units, transforming the prefects in high public functionaries (State-Cercez, 2008, p. 96).

⁹ Objective: "elaborating and implementing the standard procedure and methodology needed for the process of public policy elaboration ",making the institutions better, increasing the role of the technical and administrative personnel in creating the public policies and diminishing the influence of the political area. (State-Cercez, 2008, p. 97).

¹⁰ The managing imagination places the accent on the capacity to work with the information, promptly anticipate the tendencies, "*rapidly decentralise and recentralise*" (Vlăsceanu, 2003, p. 46).

On the other hand, the manipulation itself shouldn't be seen a negative. After all, the managers of the administration must use certain manipulation ways and know very well the phenomenon they try to change. What else is the prediction as economical and administrative technique but a knowing technique in order to make an action plan? And the difference between a "realistic plan" and a "vague desire" (Simon, 2003, p. 51) in administration study, which can lead to a healthy thinking and a good and positive rapport between the human dignity and the administrative manipulation ("cooperative administration").

"The study of the administration reveals techniques to influence the human behaviour. To accomplish an action program, the administrator tries constantly to foresee which will be the consequences and act thusly he will obtain the results he wants and discourage the others. Only this makes the difference between a "realistic plan" and a "vague desire". The rapport between human dignity and administrative manipulation must be one with mutual advantages, it is called "cooperative administration".

Regarding the representations we must signal a particular trait that we will name recurrence of the representations. We consider the representations to be elastic and recurrent therefore we can see the importance of the first images by comparison with the following ones. The trait of the recurrence manifests itself such as the first representation has a dominating effect on the ulterior ones. We noticed that there is the tendency that in time we go back to the first representation or to one similar to our first image as long as the new images of the ulterior representations aren't continuously supplied. People tend to give right to the first opinion, so the image of a corrupt administration, even if in time suffers modifications or replacements to a better image, tends to lose the war as long as the new image is not fixed through permanent relevant facts. If not, people decide that they were right when they blamed the administration and that the positive change of opinion is not but a manipulation result.

In conclusion we can say that behind all the doctrines of administrative law and administrative policies is the trust in a psychological and social funding of the reality and the decisions to establish the concepts, of thinking the doctrine and of options for certain policies are justified in the modification of the social representations regarding the administration (public or private).

Secondly in the private area the representations on the administration are affected less by prejudices; the field is exempted from the media bombing and also well motivated by a good cost-profit rapport. In the public area the prejudices are more obvious and the stakes are infinitely more numerous and important. The Romanian administration makes reforming measures and tries to adapt to the European standards being always supervised by an instance which is not authority but still is irksome.

Moreover, the modification of the individual representations happened when the subject goes from a passive actor, beneficiary of the administrative services to an active public clerk or with a certain responsibility in the administration

The representations on the administration and bureaucracy are generally negative even if the bureaucracy itself is not antidemocratic (being able to express a rational

management) and taking into consideration the frailty of the administration's image the public policies responsible are occupied with a modification at image level therefore representations, especially since the representations are elastic.

It is obviously that the reform is done first and foremost at the language level, this being a manipulation form because the representations are characterized by recurrence.

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