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Administrative state in comparative perspective

Państwo administracyjne w perspektywie porównawczej

Summary

This article offers an analysis of administrative state from comparative perspective as applied in the recent scientific research and literature.

Keywords

administration, state, comparison

Streszczenie

Artykuł przedstawia analizę państwa administracyjnego z perspektywy porównawczej w świetle ostatnich badań i literatury.

Słowa kluczowe

administracja, państwo, porównanie

Introduction

Knowledge of foreign administrative systems and comparative reasoning has always been of critical importance [Bignami, 2012]. An argument of special weight is here as follows: "history of public administration is (…) history of reception of foreign administrative institutions and solutions" [Izdebski, 2006, p. 63]. One example of reception of French and Belgian regulations in Italy is recalled by R. Caranta: "the readiness to learn from our neighbours was one of the key features in the formative era of Italian administrative law. When the Parliament of new Italy debated the reform of judicial review which was to become law in 1865, constant reference was held to the experiences of other European countries, notably France and Belgium. French administrative law was generally well known in Italy during all the second half of the XIX century" [Caranta, 2011, p. 2]. Today, a comparative approach may help public officials and civil ser-

vants interacting in the European administrative space understand their colleagues and adjust their line of argument accordingly [Bauer, 2015; Young, 2018]. This calls for thorough scientific comparative research providing deep structural knowledge of administrative systems across Europe and the world[1].

1. Administrative State and Comparative Approach

The recent excellent example offering a comparative approach to administration can be found in a collective book: *The Max Planck Handbooks in European Public Law. The Administrative State*, vol. 1, ed. by A. von Bogdandy, P.M. Huber, S. Cassese, Oxford University Press, Oxford 2017. Explaining the aim of the book, editors (being authors as well) stress in the *Preface* that a new public law is unfolding, namely European public law (*ius publicum europaeum*) – "one that establishes, guides, and limits the exercise of public authority in the European legal space" [Bogdandy, 2017, p. IX]. And although this new phenomenon is evident, its essence unfortunately is not. Therefore, the book aims to clarify the phenomenon and to this end it: "portrays the evolution and the *Gestalt* of states and administrations in Europe (*nota bene* the administrative state in America is also included – J.S.) through the analysis of specific legal orders and their comparison" [von Bogdandy, 2017, p. IX]. The exquisite analysis and comparisons contained in the book, being of importance for practitioners and academics alike, is a decisive motive for devoting this text to reviewing its content and main findings. Earlier two words about the very title of the book. The term „administrative state" was coined by the great American political scientist D. Waldo in 1948 in his book: *The Administrative State. A Study of the Political Theory of American Public Administration*. It succinctly expresses an exclusive link that has been established between the state and administration. In words of S. Cassese: "Where there is a state, there is an administrative system, and *vice versa*" [Cassese, 2017, p. 58]. Recently, public administration, being for a long time an exclusively national phenomenon, starts to cross its state borderlines becoming European and even global phenomenon [Egeberg, 2017; Klassen, Cepiku, Lah, 2016; Craig, 2011; Koopmans, 2011].

The book *The Administrative State* from 2017 actually includes analyses of ten states, namely nine European states: Austria (by E. Wiederin), France (by J.-B. Auby and M. Morabito), Germany (by A. von Bogdandy and P.M. Huber), Greece (by M. Ioannidis and S-I.G. Koutnatzis), Hungary (by H. Kupper), Italy (by B.G. Mattarella), Spain (by E.G. de Enterria and I.B. Iniesta), Switzerland (by B. Schindler), the United Kingdom (by M. Loughlin), and the United States (by W.J. Novak)[2]. Unfortunately, there is no chapter on Poland, although references to Polish state appear quite often across the book. Still, the

absence of separate Polish chapter is visible especially bearing in mind previous Polish contributions to *The Max Planck Handbooks* in the form of chapters written by Polish authors, recently by S. Biernat and D. Dąbek [Biernat, Dąbek, 2014]. The ten chapters pointed above being the main body of the book are actually not comparative ones but separate studies of evolution and *Gestalt* of the chosen administrative states. A comparative approach and analyses of these states are offered in the book earlier (three chapters[3]) and later (five chapters). From the perspective applied in this text two chapters are of special relevance and, therefore, of special interest, viz. *The Transformation of the Administrative State and Administrative Law* by J.-B. Auby [Auby, 2017] and *A Typology of Administrative Law in Europe* by M. Fromont [Fromont, 2017].

2. Developments of Public Administration and Administrative Law

Regarding the emergence and development of modern states and modern administration in Europe, J.-B. Auby (Auby, 2017) rightly stresses that modern public administration did not develop at the same speed and in the same way in European states: "The way it grew differed just like the formation of the states themselves" [Auby, 2017, p. 603]. The author sketches the spectrum going from British to French state history pointing here that the state in the United Kingdom was initially administered locally and remained so until modern times, while the French state developed on the basis of a political and administrative centralization. The other European states, can be situated at differed places on this spectrum[4]. Anyway, despite the differences in formation of public administration in different European states, all the states developed a modern-type public administration after the end of the eighteens century and in the course of the nineteenth century, providing it with numerous personnel organized according to the principles of rationality being later listed and explained in Weberian model of bureaucracy [Rainey, pp. 270–271]. And as administrative law is an outcome of the state's maturity it is not surprising that the idea an administrative law emerged together with the Weberian modern administration. With the flow of time it become universally accepted that public authorities and public action require the application of a certain number of rules of implementation, as well as a judicial mechanism for supervising public administration. *Nota bene*, today all European public administrations and administrative laws seem to have been undergoing similar transforming processes [Ongaro, van Thiel, 2018].

Analyzing the factors and the main lines of current developments in public administration and administrative law, J.-B. Auby identifies three evolutionary factors: globalization and Europeanization, a dissociation of society from the state, and a decentralization of power. Each of these factors in one way or another questions traditional forms

of administrative activity and transforms the relationship between public authorities and society (individuals, groups of people) [Auby 2017, p. 609].

One out of many examples of the impact of globalization and Europeanization on public administration and administrative law is internationalization of the sources of administrative law [Auby 2017, p. 610]. In all European administrative systems one can observe a massive intrusion of external norms and standards. The best examples thereof are international agreements concluded on issues relevant to public administration and administrative law and – in the field of Union law – secondary legislation [Wegner-Kowalska, 2017]. In case of the latter, the principle of direct effect of EU law (Schutze, 2017) and the doctrine of EU primacy [Arena, 2017] are of complementary importance. Regarding European administrative law, it integrated some strong points of national legal traditions into the new body of European law. Nevertheless: "the administrative law of the EU is not a juxtaposition of national systems: it is a separate system, still in an early phase of its development, but having its own particular role to play in the institutional framework of the Union" [Koopmans, 2011, p. 401]. One can also not to underestimate the influence of the European Union on the development of transnational administrative values [Goudappel, van den Brink, 2011].

The second factor identified by J.-B. Auby that contributes to the transformation of public administration and administrative law is a dissociation of society from the state or reducing the state's impact on society [Auby, 2017, p. 612]. This reduction is twofold as includes reducing the state's impact on the economy in favor of the market [Barak-Erez, 2010; Hunt, 1997; Auby, 2010 and – secondly – reducing the state's impact to the benefit of citizens [Poole, 2008]. The first reduction of the state's remit is featured mostly by privatization and deregulation or regression of public intervention. Privatization, with the United Kingdom playing a pioneering role, occurred in different forms, including not only outsourcing (contracting out) of some public functions and activities, but also total withdrawing certain activities from the domain of public intervention and transferring them to the private sector framed by new forms of regulation produced *inter alia* by decentralized agencies entrusted mainly with instrumental powers [Chiti, 2018]. The reduction of the state for the benefit of citizens is driven by a common movement to go beyond traditional requirements of representative democracy towards administrative democracy (administrative transparency, openness, participation, consultation, public debate, etc.) [Kmieciak, 2017; Szpor 2016]. This movement has been complemented and supported by the development of various legal arrangements, procedures and principles that confer new rights on citizens in their contacts with public administration [Kmieciak, 2014], sometimes in the form of special soft law [Craig, et al., 2017].

The third factor listed by J.-B. Auby's that contributes to the transformation of public administration and administrative is a decentralization of power [Auby, 2017, p. 614]. Reasons behind a movement towards decentralization (or against the centralization of power) are partly the same as the reasons relevant for reducing the state's impact on societies, but additionally embracing the idea that: "the more centralized the government is, the more easily it will find itself in conflict-of-interest situations" [Auby, 2017, p. 615]. Two types of decentralization can be identified across Europe: territorial decentralization and institutional one. Territorial decentralization and territorial pluralism have been thriving in many European states as the European legal environment is very favorable to this kind administrative evolution. It is encouraged both by the Council of Europe (especially through the European Charter of Local Self-Government) and the European Union (through regional funds and setting up the Committee of the Regions). It is also of importance that some states (e.g. the United Kingdom and Sweden) have a strong tradition of local self-government. One should also stress that territorial decentralization transcends the institutional morphology of administration enriching the basis of administrative law as the legislation on certain issues of administrative law depends now on local, regional or autonomous legislators [Dąbek, 2015]. Regarding institutional decentralization, the best example is the creation of decentralized agencies entrusted in some cases with true decision-making administrative powers [Chiti, 2018, p. 766].

3. Public Administration and Administrative Law in Liberal Democratic State

These days in free democratic states[5] there is no public administration without public law, esp. administrative law around which public law has developed. Institutional diversity typical for Europe is especially true with regard to the administrative law of European states. The cause of the diversity in administrative law lies, first and foremost, in: "the territorial and intellectual fragmentation of the continent, which for a long time impeded the exchange of ideas" [Fromont, 2017, p. 579]. Fortunately: "there are not as many administrative laws as there are European states" [Fromont, 2017, p. 580]. This is so due to the fact that there are states (great powers, source states, exporting states, archetypes) that propagated their own systems of administrative law throughout Europe through the influence of their legal scholarship and/or through their economic, political and military significance. The most important examples of states with seminal legal orders are France, United Kingdom and Germany [Fromont, 2017][6]. The observation that groups of states (importing ones) have grown around these source states and partly use the same legal institutions and principles takes M. Fromont to the following definition of the type of ad-

ministrative law: "an order of administrative law developed by a particular state that functions, at least in part, as a model for others" [Fromont, 2017, p. 580].

From the perspective of administrative state being responsible for a magnitude of administrative functions and tasks [Hofmann, Rowe and Türk, 2011, p. 57] and from the very concept of administrative law it is important to notice, how M. Fromont frames a relation between protection of the rights of citizens and the administrative organization and efficiency. M. Fromont is fully aware that administrative efficiency is important issue but nevertheless in free democratic states he gives the priority not to the instrumental function of administrative law but to the protective (safeguarding) one. Argumentation and a strong personal opinion deserve a quotation from him: "the protection of the rights and interests of the citizen is the *raison d'être* of a free democratic state. The administrative organization can certainly have an impact on the relationship between the public authority and the citizen, but it is not at the core of this relationship. In my opinion, the task of every jurist is to work comprehensively towards the realization of the protection of the citizen. Besides that, administrative efficiency is an important issue; however, this cannot lead to disregard of the central concern – the protection of freedom" [Fromont, 2017, p. 599]. One can agree with such a take as it doesn't disregard the fact that administrative law is a dual (double, dualistic) phenomenon and that good administration in terms of efficacy is also crucial for citizens [Supernat, 2016]. H.C.H. Hofmann, G.C. Rowe and A.H. Türk, discussing types of administrative tasks and administrative activity in the European Union, remark in passing that: "The administrative tasks should not (…) merely be seen as inexorably linked with a concrete measure, act, or specific step. Many tasks can be characterized as a form of management or organization, whether or not an identifiable measure or action emerges" [Hofmann, Rowe and Türk, p. 60]. Underestimating this remark would be a grave sin in administrative state.

Nota bene, a duality of administrative state and administrative law can be inferred from the dual nature of public administration: "Public administration is a political institution as it is *public*, and is, and should be, an effective institution as it is also *administrative*. The usage of the word 'public' in 'public administration' brings us many specific connotations, including: the rule of law, constitution, political power, democracy, input-oriented legitimacy, society-orientation, respect for human dignity and rights, accountability, transparency, participation, consensus, politics, policy, change, values, mission, steering, etc. On the other hand, the word 'administration' in the term 'public administration' typically produces rather different connotations, including: efficacy, effectiveness, efficiency, economy, output-oriented legitimacy, state-orientation, order, bureaucracy, bureaucratic power, management, planning, organization, motivation, coordination, control, division of work, hierarchy, centralization, unity of direction, policy implemen-

tation, predictability, stability, permanence, rowing etc." [Supernat, 2016, p. 51] One may add here that also good governance is a dualistic concept: a technical and a strong political one, esp. as understood by the European Commission: "Five principles underpin good governance (…) in this White Paper: *openness, participation, accountability, effectiveness and coherence*. Each principle is important for establishing more democratic governance. They underpin democracy and the rule of law" [European Governance, 2001]. The concept of good governance in this document found a superb explanation in the insightful text of D. Curtin and I. Dekker [Curtin, Dekker, 2005].

Conclusion

Assuming that the configuration of legal relationships between public authority and citizens is the decisive distinguishing feature of administrative law, M. Fromont identified three types (models) of administrative law: the French type of administrative law, the British type of administrative law and the German type of administrative law, pointing out that after the fall of communism states in Central and Eastern Europe (Poland among them) have relied upon the German model of administrative law [Fromont, 2017, p. 595]. The typology of administrative law in Europe submitted by M. Fromont is of necessity a simplified one. *Nota bene*, as any other typology or model. The typology is nonetheless helpful in elucidating the similarities and differences between administrative systems in Europe, which is the core of comparative research. Therefore, it can further comparative study of administrative states, which is absolutely necessary to preserve the national states committed to their own political and cultural traditions, and to address the structural transformation of public law and authority in Europe.

References

1. Arena A. (2018), *The Twin Doctrines of Primacy and Pre-emption*, [in:] R. Schütze, T. Tridimas (eds.), *Oxford Principles of European Union Law. The European Union Legal Order*, Vol. 1, Oxford University Press, Oxford, pp. 300–349.
2. Auby J.-B. (2010), *Contracting out and public values*, [in:] S. Rose-Ackerman, P.L. Lindseth (eds.), *Comparative Administrative Law*, Edward Elgar Publishing, Cheltenham, pp. 511–523.
3. Auby J.-B. (2017), *The Transformation of the Administrative State and Administrative Law*, [in:] A. von Bogdandy, P.M. Huber and S. Cassese (eds.), *The Max Planck Handbooks in European Public Law. The Administrative State*, Vol. 1, Oxford University Press, Oxford, pp. 601–630.
4. Barak-Erez D. (2010), *Three questions of privatization*, [in:] S. Rose-Ackerman, P.L. Lindseth (eds.), *Comparative Administrative Law*, Edward Elgar Publishing, Cheltenham, pp. 493–510.

5. Bauer M.W., Trondal J. (eds.) (2015), *The Palgrave Handbook of the European Administrative System*, Palgrave Macmillan, New York.
6. Biernat S., Dąbek D. (2014), *Polen*, [in:] A. von Bogdandy, S. Cassese and P.M. Huber, (eds.), *Handbuch Ius Publicum Europaeum*. Band V *Verwaltungsrecht in Europa: Grundzüge,* C.F. Müller, Heidelberg.
7. Bignami F. (2012), *Comparative administrative law*, [in:] M. Bussani, U. Mattei (eds.), *The Cambridge Companion to Comparative Law*, Cambridge University Press, Cambridge, pp. 145–171.
8. Bogdandy von A., Huber P.M. and Cassese S. (eds.), (2017), *The Max Planck Handbooks in European Public Law. The Administrative State*, Vol. 1, Oxford University Press, Oxford.
9. Caranta R. (2011), *The Present Situation of Comparative Administrative Law in Italy*. Annual Report – 2011 – Italy, Ius Publicum Network Review, December 2011, http://www.ius-publicum.com/repository/uploads/18_01_2012_9_55_CARANTA_EN.pdf, access date: 30.04.2018.
10. Cassese S. (2017), *The Administrative State in Europe*, [in:] A. von Bogdandy, P.M. Huber and S. Cassese (eds.), *The Max Planck Handbooks in European Public Law. The Administrative State*, Vol. 1, Oxford University Press, Oxford, pp. 66–78.
11. Chiti E. (2018), *Decentralized Implementation: European Agencies*, [in:] R. Schütze, T. Tridimas (eds.), *Oxford Principles of European Union Law. The European Union Legal Order*, Vol. I, Oxford University Press, Oxford, pp. 748–776.
12. Craig, P. (2011), *Shared Administration and Networks: Global and EU Perspective*, [in:] G. Anthony, J.-B. Auby, J. Morison and T. Zwart (eds.), *Values in Global Administrative Law*, Hart Publishing, Oxford and Portland, pp. 81–116.
13. Craig P. *et al*. (2017), *ReNEUAL Model Rules on EU Administrative Procedure*, P. Craig, H.C.H. Hofmann, J.-P. Schneider, J. Ziller, J.-B. Auby, D. Curtin, G. della Canaena, D.-U.Galetta, J. Mendes, O. Mir, U. Stelkend and M. Wierzbowski (eds.), Oxford University Press, Oxford.
14. Curtin D., Dekker I. (2005), *Good Governance: The Concept and its Application by the European Union*, [in:] D. Curtin, R.A. Wessel (eds.), *Good Governance and the European Union. Reflections on Concepts, Institutions and Substance*, Antwerp, pp. 3–20.
15. Dąbek D. (2015), *Prawo miejscowe*, Wolters Kluwer, Warszawa.
16. Davis D., Richter A., Saunders C. (eds.), (2015), *An Inquiry into the Existence of Global Values. Through the Lens of Comparative Constitutional Law*, Bloomsbury, Oxford and Portland.
17. Egeberg M. (2015), *EU Administration: Center Formation and Multilevelness*, [in:] M.W. Bauer, J. Trondal (eds.), *The Palgrave Handbook of the European Administrative System*, Palgrave Macmillan, New York, pp. 66–78.
18. *European Governance: A White Paper*, COM (2001) 428.
19. Fromont M. (2017), *A Typology of Administrative Law in Europe*, [in:] A. von Bogdandy, P.M. Huber and S. Cassese (eds.), *The Max Planck Handbooks in European Public Law. The Administrative State*, Vol. 1, Oxford University Press, Oxford, pp. 579–600.
20. Goodnow F.J. (1897), *Comparative Administrative Law: An Analysis of the Administrative Systems, National and Local, of the United States, England, France and Germany*, G.P. Putnam's Sons, New York.
21. Goudappel, F., van den Brink T. (2011), *Processes of Transnationalisation of Administrative Values: Administrative Regulation and Transparency in the EU*, [in:] G. Anthony, J.-B. Auby, J. Morison and T. Zwart (eds.), *Values in Global Administrative Law*, Hart Publishing, Oxford and Portland, pp. 373–392.

22. Hofmann H.C.H., Rowe G.C. and Türk, A.H. (2011), *Administrative Law and Policy of the European Union, Oxford University Press*, Oxford.
23. Hunt M. (1997), *Constitutionalism and the Contractualisation of Government*, [in:] M. Taggart (ed.), *The Province of Administrative Law*, Hart Publishing, Oxford, pp. 21–39.
24. Izdebski, H. (2006), *Introduction to Public Administration and Administrative Law*, Liber, Warszawa.
25. Klassen T.R., Cepiku D. and Lah T.J. (eds.) (2017), *The Routledge Handbook of Global Public Policy and Administration,* Routledge, New York.
26. Kmieciak Z. (2014), *Zarys teorii postępowania administracyjnego*, Wolters Kluwer, Warszawa.
27. Kmieciak Z. (ed.) (2017), *Partycypacja w postępowaniu administracyjnym. W kierunku uspołecznienia interesu prawnego*, Wolters Kluwer, Warszawa.
28. Koopmans T. (2011), *Globalisation of Administrative Law – the European Experience*, [in:] G. Anthony, J.-B. Auby, J. Morison and T. Zwart, (eds.), *Values in Global Administrative Law*, Hart Publishing, Oxford and Portland, pp. 393–406.
29. Longchamps F. (2001), *Współczesne kierunki w nauce prawa administracyjnego na Zachodzie Europy*, Kolonia Limited, Wrocław.
30. Ongaro E., van Thiel S., Massey A., Pierre J. and Wollmann H. (2018), *Public Administration and Public Management Research in Europe: Traditions and Trends*, [in:] *The Palgrave Handbook of Public Administration and Management in Europe*, Vol. 1, E. Ongaro, S. van Thiel (eds.), Palgrave Macmillan, London, pp. 11–39.
31. Poole T. (2008), *Between the Devil and the Deep Blue: Administrative Law in an Age of Rights*, [in:] L. Pearson, C. Harlow and M. Taggart, *Administrative Law in a Changing State. Essays in Honour of Mark Aronson*, Hurt Publishing, Oxford and Portland, pp. 15–43.
32. Rainey H.G. (1991), *Understanding and Managing Public Organizations*, Jossey-Bass Publishers, San Francisco-Oxford.
33. Schütze R. (2018), *Direct Effects and Indirect Effects of Union Law*, [in:] R. Schütze, T. Tridimas (eds.), *Oxford Principles of European Union Law. The European Union Legal Order*, Vol. I, Oxford University Press, Oxford, pp. 265–299.
34. Roosevelt F.D. (1999), *The four freedoms*, [in:] B. MacArthur (ed.), *The Penguin Book of Twentieth-Century Speeches*, Penguin Books, London, pp. 199–202.
35. Supernat J. (2016), *Good Governance and Public Administration*, [in:] R. Grzeszczak (ed.), *Challenges of Good Governance in the European Union*, Nomos, Baden-Baden, pp. 49–61.
36. Szpor G. (2016), *Jawność i jej ograniczenia*, *Idee i pojęcia*. Vol. 1, Wydawnictwo C.H. Beck, Warszawa.
37. Teitel R. (2015), *Global Constitutional Values in the United States*, [in:] D. Davis, A. Richter and C. Saunders (eds.), *An Inquiry into the Existence of Global Values. Through the Lens of Comparative Constitutional Law*, Bloomsbury, Oxford and Portland, pp. 393–416.
38. Waldo D. (1948), *The Administrative State. A Study of the Political Theory of American Public Administration*, Ronald Press Company, New York.
39. Wegner-Kowalska J. (2017), *Skuteczność unijnego prawa administracyjnego. Na przykładzie ochrony weterynaryjnej*, Wolters Kluwer, Warszawa.
40. Young E.A. (2018), *Comparative Perspective*, [in:] R. Schütze, T. Tridimas (eds.), *Oxford Principles of European Union Law. The European Union Legal Order*, Vol. 1, Oxford University Press, Oxford, pp. 142–190.

Notes

[1] The review of the evolution of the state of the art of research in public administration and management in Europe since the Second World War was submitted by E. Ongaro, S. van Thiel, A. Massey, J. Pierre and H. Wollmann, *Public Administration and Public Management Research in Europe: Traditions and Trends*, [in:] *The Palgrave Handbook of Public Administration and Management in Europe*, Vol. 1, E. Ongaro, S. van Thiel (eds.), Palgrave Macmillan, London 2018, pp. 11–39.

[2] Regarding the chapter on administrative state in America it is worth to mention that the first book on administrative law published in the United States applied a comparative perspective: F.J. Goodnow, *Comparative Administrative Law: An Analysis of the Administrative Systems, National and Local, of the United States, England, France and Germany*, G.P. Putnam's Sons, New York 1897. Deep interest in American administrative law revealed a leading Italian scholar F. Cammeo, who published in 1895 the book: *Il diritto amministrativo degli Stati Uniti d'America*.

[3] In one of these chapters, C. Schmitt's contribution to European public law in his highly influential monograph *The Nomos of the Earth in the International Law of Jus Publicum Europaeum*, published in 1950, has been recalled, see: A. von Bogdandy and S. Hinghofer-Szalkay, *European Public Law – Lessons from the Concept's Past*, [in:] A. von Bogdandy, P.M. Huber and S. Cassese (eds.), *The Max Planck Handbooks in European Public Law. The Administrative State*, vol. 1, Oxford University Press, Oxford 2017, pp. 45–56. C. Schmitt's philosophy of law and state was lately mentioned with certain distance and caution in Polish context by A. Zoll, see: *Werdykt wyborczy może odwrócić rzekę. Z prof. Andrzejem Zollem rozmawia Maciej Stasiński*, "Gazeta Wyborcza" 2018, No. 46 (9260), pp. 24–25.

[4] In case of German administrative law, the leading author was Otto Mayer (1846-1924) whose thinking was profoundly inspired by the French legal system. In matters of administrative law the French legal system (esp. the case law of the French Conseil d'Etat) had also high influence on the evolution of the European Communities. Thus, the concepts of *légalité* and of general principles of law in European administrative law owe much to the French administrative law tradition.

[5] As freedom can be understood in different ways in different contexts, it is worth to recall four essential human freedoms critical for free democratic states with their administrative systems and for judicial control over these systems (administrative and constitutional courts), as stated by F.D. Roosevelt in US Congress on the 6th of January 1941. These freedoms are as follows: freedom of speech and expression, freedom of religion, freedom from want and freedom from fear. The Roosevelt's address is *inter alia* available in *The Penguin Book of Twentieth-Century Speeches*, ed. by B. MacArthur, Penguin Books, London 1999, pp. 199–202. More on essential human freedoms from comparative perspective in constitutions of Australia, Brazil, Canada, China, Finland, Germany, India, Iran, Japan, South Africa, United Kingdom, United States, and Venezuela see: *An Inquiry into the Existence of Global Values. Through the Lens of Comparative Constitutional Law*, ed. by D. Davis, A. Richter and C Saunders, Bloomsbury, Oxford and Portland 2015. In the chapter devoted to the United States, R. Teitel wrote: "The overarching value articulated in the United States Bill of Rights of the 1789 Constitution is freedom. Even before the constitutional founding, the Declaration of Independence stated that 'Life, Liberty, and Pursuit of Happiness' were unalienable rights such that 'whenever any Form of Government becomes destructive to these ends, it is right of the People to alter or to abolish it (…) and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness'", R. Teitel, *Global Constitutional Values in the United States*, [in:] *An Inquiry into the Existence of Global Values*…, p. 394.

[6] F. Longchamps in his insightful pioneering comparative work on administrative law science in western Europe came to the conclusion that chosen as foci six primary subject matters (scope and system of administrative law, sources of administrative law, legal structure of administration, legal situation of an individual against administration, legal control of administration, and values of administrative law and administrative law science) would be discussed in the following seven states: France, Belgium, Austria, Western Germany, Switzerland, Italy, and England, see: F. Longchamps, *Współczesne kierunki w nauce prawa administracyjnego na Zachodzie Europy*, Kolonia Limited, Wrocław 2001 (originally published in 1968).