

AKSU Journal of Social Sciences (AKSUJOSS)
ISSN: 2504 – 933X
Vol.6,No.1 (June) 2025,pp.102-111
DOI: https://doi.org/10.61090/aksujoss.2025.017
URL: htpp://www.aksujournal.com/vol.6.1

Received: **April 28, 2025**
Accepted: May 6, 2025
Published online: **June 12, 2025**

Representative Bureaucracy and Administrative Discretion: Analytical Challenge in Sub-Saharan Africa

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Abstract
Public Policy is a 'political idea' which is easy to state by the political class but difficult idea to convert into reality to generate 'Pareto-optimality' for the entire society. Both in Nigeria and Kenya tax reform bills proposed were opposed by the Gen z who reasoned, that their parents were to bear the burden of the new tax in Kenya, while the northern governors and elites in Nigeria were the protesters. This affirmed one of the theses of this study, that each policy has target beneficiaries. The descriptive-study design was used as a data-gathering approach wherein we relied on secondary sources for data assemblage. The 'principal-agent' and 'public service motivation' theories were deployed as the perceptual prism of analyses. Findings indicated; that there are different beneficiaries of each public policy in society; policy administrators should possess administrative discretion to tailor public policies towards the intended beneficiaries; very often, the administrators are not allowed discretion as the executive drives the policy processes from the executive offices; (iv) these challenge arose from the absence of 'dichotomy between politics and administration' in the third world and specifically in Africa. Effective public policy in Africa would depend strongly on; (a) the top civil and public servants being made to know that their critical role is defining the pathway for the implementation of public policies (b) they should know how to identify and reach the social aggregates in the society, their recruitment to be merit-base and subjected to regular skill

acquisitions to meet changing times.

Keywords: Nigeria, Kenya, Genz, Tax-bills, Administrative discretion.

Introduction

The state everywhere, has the monopoly of hitherto private and community resources which were assigned to it in the 'social contract' entered into by all to form the political community away from the first society of men. The authority to harness all the resources for the benefit of all became the duty of the central state. Put differently, the state is in turn expected to use the resources to provide public goods and services to the generality of the populace to continuously add value to the lives of the citizenry. The active business part of governance is the conversion of political ideas or policy declarations on what is considered to be good for the society, into concrete actions, 'outputs and impacts' to affect the lives of the citizenry. The impact is expected always to be that which moves the citizenry from state 'A' which they were to 'B' presume to be better than the initial 'A'. This is the situation described as 'Pareto-optimality'. A Pareto improvement is defined as a change in an economic organization that makes everyone better off - or, more precisely, that makes one or more members of society better off without making anyone worse off. A potential Pareto improvement is, then, defined as a change which- if costless transfers of goods and or money among members of society are assumed to make everyone better off. It is in other words, a change which produces gains that exceed in value the accompanying losses; a change, therefore, such that gainers can fully compensate all the losers and remain themselves better off than before (Mishan, 1974 p14).

This falls within the realm of public policy actualised through the 'public bureaucracy' located within the structure of the 'ministries, departments and agencies (MDAs) of the state. Every political regime has a corresponding bureaucracy to support its policies. It was on this basis that Vilfredo Pareto in his sociological writings canvassed the idea of the power of the 'elites' in governance, while Gaetano Mosca in his 'ruling class' (1896) pointed out the fundamental role of the elites in every society. C. Wright Mill's *'The Power of the Elite* (1956) affirmed the capacity of the elites and their influences in all aspects of society. They collectively created the elite theory (Martindale, 1960), wherever there is government of whatever description, there is always a corresponding bureaucracy, which supplies the human resources that drive the MDAs according to the government goals and objectives in a particular area of the citizen's welfare.

Consequently, each political regime, creates a corresponding bureaucracy, to enable it to achieve its goal of governance in the most effective of ways. Thus, ranging from Monarchies through Totalitarian regimes to Democratic governments, and even feudal systems, there are often bureaucracies with unique characteristics to drive the public policy goals of their form of government. The earliest form of political regimes such as the feudal and Monarchical forms of government created 'a patriarchal administrative system which was based on sanguinary relationship and fidelity to the Monarchical or feudal lords. The experts in wars and other technical competencies were sourced from the patrimonial bureaucratic system. The hierarchical order in this system correlated with the degree of closeness to the Monarch or Feudal king, thus, it was hierarchical in content, professional in character with formalization of rules. Public policy implementation must have been efficient but not effective in this system.

The antecedent of this form of bureaucracy gave way to 'formal bureaucracy' associated with Max Weber in his seminal work 'The Theory of Social and Economic Organization 1922 (Self, 1979). Wherein he postulated that the phenomenon should consist of a 'clear chain of command from higher to lower authority (hierarchy). It should be replete with personnel who are specialist

in their various fields (specialization), formal rules should guide the behaviour of all within the system, while Impersonality should guide its operation to enable it to deal with the public(s) objectively. To obtain the human resources to support the political regimes, recruitment should be 'merit-based' to assemble the specialists and all operations should be in written files to enhance continuity should anyone be away. Members of the bureaucracy must see it as a career. It is these qualities that would enable modern bureaucracy to be able to deliver public good effectively to the public.

Modern bureaucracy has been accused of being the influence of the political executive when indeed they ought to be insulated from it. Consequently, it becomes elitist and serves the interest of the elites rather than everyone. The view that the modern bureaucracy of Weber does not serve everyone led John Donald Kingsley to generate the theory of 'Representative Bureaucracy in 1944 in the book of the same title. He posited in the theory that bureaucracy should reflect the social and political composition of the society it serves. It should ensure that various groups have representation and a voice in administrative positions because back in the day there were patronage bureaucracies which served specific regimes. While the government stood for all, the bureaucracies served specific interests. Kingsley et.al., then postulated the imperative of a diverse society having diverse bureaucracy to reflect the diversity of interests of the society.

The theory was to serve three (3) distinct purposes; (i) to increase representation of society diversity in bureaucracy; (ii) to improve the responsiveness of the bureaucracy to the needs of the social aggregate of the population and; (iii) to promote equity and inclusion and in the process reduce disparities in service provision. All these rested on the assumption that a diverse bureaucracy would better appreciate and address societal demands while diverse representation would generate better outcomes.

The modifications to this theory were made by David Levitan (1946) wherein he averred that public policy would be easily embraced when the demographic composition of the agency was similar to that of the society. Norton Long (1952) and Paul Van Riper (1958) both canvassed at different periods the idea that representative bureaucracy would provide symbolic legitimization of all public policy provided the agency which emerged from is diversely composed in population. In other words, diverse bureaucracy connects the citizens to government actions and policies.

Representative bureaucracy stands in contradiction to 'elite theory which averred that in every society political and social power revolves around (i) a small group of persons who influence the processes of decision-making and by implication public policy; (ii) the established societal norms are but elite preferences and they indirectly fill bureaucratic institutions with their agents (iii) that admission into the elite corp is restricted. All these make the bureaucracy work in their interest rather than for all. This is the crux of this study.

Statement of the Research Problem

The problem of this study hinged on the clash between 'the elite theory' which ensures that bureaucratic institutions are filled with its agents to work in its interest, versus, the theory of representative bureaucracy, which enjoined the social aggregates therein to direct public policy implementation in a way to meet the needs of specific social group other than that of the elites. The above position constitutes a problem because (i) the bureaucrats may not be aware that they are working in the interests of the elite corp in the face of 'no class consciousness' nor class polarity in the larger society. (ii) The second arm of the problem is that often the top bureaucrat (permanent secretary) who is the head of the bureaucracy has enormous power to direct the course of public policy as directed by the political heads. (iii) Administrative discretion which is the latitude or freedom to direct policy in a particular manner to meet the needs of the poor and

often excluded social group is vitiated by the presence of a political executive as minister, Secretary or Commissioner watching over the system. The minority representative in the bureaucracy has no way to direct policy processes to accommodate their interests. The visible outcome of this state of affairs is that very often public policy does not resolve public problems which affect the minority more than any social group. This is why many people engage in'anomic political participation' by rebelling against the state and its programs. It is instructive to note that in most African states, the executive drives the policy processes according to their preferences with no room for bureaucratic discretion.

Objectives of the Study

The general objective was to examine the feasibility of the presence of 'bureaucratic discretion' and its utility in the public administration of Nigeria and Sub-Saharan African states. The Specific Objectives are:

1. To evaluate if indeed the bureaucracies in Nigeria are representative of the social aggregate in Nigeria.
2. To ascertain if there exists administrative discretion in thebureaucracy.
3. To affirm if the social aggregate in the bureaucracy is conscious of theirminorities.
4. To ascertain if the executive offices direct the course of public policies in Nigeria.
5. To ascertain the conditions on which the dynamics of representative bureaucracy couldapply in Nigeria

Research Questions

Here we generate descriptive, comparative and explanatory research questions to guide the study thus:

1. To what extent are the bureaucracies representative of the population dynamics?
2. How do the administrators exercise administrative discretion in their duties?
3. Are the social aggregate in the bureaucracies conscious of their class status?
4. Why do executive office occupants direct public policy implementation?
5. Are the prescriptions of representative bureaucracy applicable inSub-Saharan states?

Theoretical Framework of Analysis

To analyze and explain the relationship between the variables, we settle for the 'principal-agent theory of analysis which was propagated by Messrs Michael Jensen, William Meckling (1976) and Stephen Ross (1973). The thesis of the theory considered, (i) the policy makers or the political class as the principals while their agents who are to implement the policies (administrators) on their behalf as the agents.(ii) The agent often has better information and data about the phenomenon in which public policy has been initiated much more than the policy-makers and should have the discretion and autonomy to adjust the policy to accommodate unforeseen circumstances.(iii) The agent's interest could differ from those of the principal thereby creating a conflict of interest. (iv)The principal would have given comprehensive directives on what to be done, yet the perception of the agent is different the agent has to stick to the instruction earlier given because of the hierarchy of authority and instruction as obtained in the civil service even when the instruction is to the contrary of what the objective condition on the ground depicts.

This theory indeed has raised the fact that the bureaucrats as agents have no discretion but the duty to comply with instruction from the political class. The approach of the principal is the

comprehensive rational strategy which is short of field experiences. However, the nature of the bureaucracy rests on strict compliance hence the autonomy to address unforeseen situations that were not anticipated is not allowed. This is the shortfall of this theory. We then adopted a second theory the public motivation theory. The theory was promoted by James L. Perry and Annie Hondegham (2008) in their work 'Motivation in Public Management: The Call of Public Service. They were later joined by Lois Recascino Wise. The substance of the second theory is; (i) the desire to serve the public interest as opposed to private gains is stronger (ii) that values, altruism and a sense of public duty are the drivers; (iii) the motivation correlates to job satisfaction and commitment (iv) work environment do support public service motivation and (v) the importance exist to engage individuals with high public service motivation. These theories were considered appropriate because very often in Africa, public servants work to serve their clannish rather than the national interest. This is a fall out of the considerable absence of nation and state-building in African states. This leaves people to look up to their ethnic cocoon rather than the state.

Methodology

Research Design

The plan of the systematic inquiry to guide the processes of obtaining data to validate the utility of 'administrative discretion' in the civil service of sub-Saharan states was conducted through the 'descriptive-analytical' blueprint which relied majorly on secondary data which were sourced from the existing pool of repositories of database on a variety of subject. The tools of this mode of design are numerous including surveys, use of questionnaires, interviews, observations and case-study. However, we settled for the 'case-study' method.

The Case Study

This is the investigation of a single instance of phenomenon as the basis of developing generalizations covering all the instances, in this sense, one of the empirical variants of the logical induction. The object of study is sub-Saharan Africa with about fifty (50) countries. This is too large in a single study, too costly to fund and too complex to handle. The need for a more manageable effort made this approach a categorical imperative (Obasi 2005 p56). This is focused on a single case, to enable an intensive examination of the phenomenon. It sought to uncover the observable pattern of the exercise of 'administrative discretion' among the civil service bureaucrats in sub-Saharan states. Consequently, we conducted an in-depth examination of the public administration systems of the Republic of Nigeria, Malawi, DR Congo and Botswana to cover the four (4) clusters of West, East, Central and Southern African states in sub-Saharan Africa. It also sought to establish if there existed class consciousness among the demographics constituting the social aggregates in the civil service bureaucracies in the states under study. It was considered the most appropriate strategy to confirm or vitiate the applicability of the theory of representative bureaucracy in the public administration of sub-Saharan states.

Procedure

We placed the research questions (5Nos) within the context of each of these sub-Saharan states to identify the pattern of their manifestation in these civil services to affirm or replicate the thesis of John Donald Kingsley, Krislov and Rosenbloom in the public administration of sub-Saharan states to affirm the practice of administrative discretion in Sub-Saharan civil services.

The Study Area: Population

The African Union prides itself as 55 member union with five (5) North African states above the Sahara desert which are not part of the population of study. The sub-Saharan African states are thus fifty (50), clustered into four zones thus;

i) West Africa with -ECOWAS 15 members with three renegade states
ii) East Africa has - EAC with 18 members
iii) Central Africa - ECCAS has 9states
iv) Southern Africa -SADC pull 5 states
Total of 47 with (SADR, Somalia, and Sudan) discounted.

Sampling technique

We settled for purposive or judgmental sampling to decide the Sample frame. This strategy accorded the researchers the use of their judgment in selecting one (1) sample from each of the four (4) clusters. Sample case studies- the application of the above procedures resulted in the selection of the following countries for study. i) West Africa – Nigeria; ii) East Africa –Malawi; iii) Central Africa -DR Congo; and iv) Southern Africa -Botswana

Study Samples

Four (4) Sub-Saharan African State
a) Botswana gained independence from Britain in 1966. Its machinery of Government consists of the civil and public services in the mould of the British administrative culture. A hierarchy of administrative roles (top-bottom) operates. The permanent secretaries who head the ministries, departments and Agencies are appointed by the president. It operates a state-led development. Development is guided by the National Development Plan (Ayeni, 2002 p.192-212).
b) Republic of Malawi - a former British colony. It operates 'development administration' as a mode of governance through the field services officers under the central government officials to whom through delegated authority the state and far-flung territory are administered (Adamolekun & Mvula, 2002 p.279).

c) Federal Republic of Nigeria: It has a federal structure with bureaucracy and responsibilities shared in the exclusive, concurrent and residual list between the three centres of governance. The civil service has passed through three (3) influences, the colonial, civil and military respectively. It has a massive 37 large bureaucracies for the 36 states, the federal capital and 744 local governments. The appointment of advisers to the government with strong technical skills in various disciplines has reduced the government's reliance on civil servants (Otobe, 2002 p 297). The 1988 civil service reforms politicized the service, the ministers became the chief operating officers, andthe permanent secretaries the director general of the ministries.

d) Democratic Republic of Congo gained independence on June 30th 1960. The administrative structure consisted of (i) the President and the Ministers who head the various government ministries and departments. There are 26 provinces headed by governors, the provinces are subdivided into territories, which are headed by territorial administrators appointed by the central government.

Data Presentation and Discussion of Findings

Table 1: -Indices of Bureaucratic Discretion in 4 Sub-Saharan State

	Civil Service origin	Education	Bureaucratic Discretion	Level autonomy	Civil Service Culture	Remark
Botswana	Britain	High	moderate	low	Top-down	The public administration is fairly efficient
Congo,	Belgium	Low	limited	low	Top-down	
D.R.						
Malawi	Britain	limited	limited	limited	Top-down	
Nigeria	Britain	High	Limited	limited	Top-down	

Source: Created by Frank et.al, 2025. *Scale of 1--10, High (8,9), Moderate (5,6), Limited(3,4) Low(1, 3) ^Low-at the lower end of the scale in terms of size and impact. Limited refers to the constraints to access resources or capacity. Moderate is steady, balanced not extremes. High in terms of intensity and importance.

The Root-Cause-and factor analysis paradigm provided the data in Table 1 above. The statistics about the themes of investigation are shown in Table II below.

Table 2: Case studies statistics

Themes	Percentage	
Education	50% 25% 25%	High (8,9) Low (1,3) Limited (3,4)
Bureaucratic Discretion	25% 75%	Moderate (5,6) Limited (3,4)
Level of autonomy	50% 50%	low (1,3) Limited (3,4)
Civil service culture	100%	Very high (100%)

Source:Frank et.al, desk research (2025).

The data distilled from the application of the case-studies approach was organized into the following themes;' civil service origin, education, bureaucratic discretion, level ofautonomy and civil service culture in the four (4) case studies. First, all countries except DR. Congo drew the civil service protocols from Britain, but Congo had Belgium as its source. The trend indicated that on '*education*' which fed the civil service with human resources, Botswana and Nigeria were categorized as 'high'(8,9), or 50 per cent out of the number of countries in the sample. DR. Congo was 'low'(1,3), 25 per cent and Malawi 'limited' (3,4) which is 25 per cent.

The level of *'bureaucratic discretion*' possessed in the public administration system was yet another category where Botswana had 'moderate' (5,6) 25 per cent, while the other three countries scored 'limited'(3,4) or 75 per cent. These countries had moderate and limited capacity to redirect public policies because of their unified system, civil service ethics and hierarchy. On the *level of autonomy* which exists within the political and administrative space, Botswana and D.R. Congo, recorded 'low' (1,3), while Malawi and Nigeria posted 'limited'(3,4) autonomy.

Thus, even where political autonomy as in DR. Congo, Nigeria and other states existed, it did not extend to policy redirection. Since they are 'developmental states' policies are driven centrally to avoid deviation.

In the civil culture, it was revealed that all the states adopted the Weberian bureaucratic model with its principles, the cardinal of which is hierarchy in which directives flow from the superiors to the lower levels for actions. It has no place for policy inputs from the lower levels. Every member of the sample scored 100 per cent in this category.

Validation of the Research Questions

Question 1: To what extent are the bureaucracies representatives of the population dynamics?

The population of any states consists of subgroups with different sociolect-economic status which are not given any consideration in filling vacancies which arise in public bureaucracies in Botswana. Entrants to the civil service go through seven stages which include; job advertisements on different media (newspapers, online job portals, and government websites). When applications are received and processed, shortlisting takes place and successful candidates present themselves for interviews which may be written or oral. They then go through the medical test of fitness before final selection and offer of an appointment. When they accept it and sign, an official letter of appointment is then issued and they go through induction programs detailing their responsibilities. We found this to be the standard recruitment process in the states hence, they are drawn from the entire population and represent the population aggregate and not a particular one.

Question 2: How do the administrators exercise administrative discretion in their duties?

Table 1 indicated that it is moderate in Botswana, limited in DR. Congo, Malawi and Nigeria because the system is hierarchical wherein instruction and decisions come from the above with little room for innovation at the lower level. This is drawn from the Weberian model which these countries have adopted. It is 'top-down' in nature and avoids the introduction of elements which may derail the course of the policy and vitiate the impact intended.

Question 3: Are the social aggregate in the bureaucracies conscious of their class status?

The concept of class consciousness in these states are issue that must not be discussed. In DR. Congo, Patrice Lumumba was overthrown and killed because of his radical socialist approach to governance. The former colonial masters of these states were all Western capitalist nations who were out for the exploitation of resources. In their educational system, they did not allow radical literature and Socialist teaching and thinking. Class consciousness is awareness of social divisions in society and belonging to a particular social rank (Mclean and McMillan, 2003 p 83). This was never the case, where it ever existed it was between Africans and the colonial masters and not among themselves.

Question 4: Why does executive office occupant direct policy implementation?

When the state is a 'developmental state' the government leads the processes, and to avoid sabotage or deviation from the course of the policy, they become the supervisor. Secondly, where the education of the civil servant was not given pride of place as in DR. Congo hence, skill gaps, the initiators of the policy would influence the entire processes to ensure compliance with the details. Thirdly, share greed to ensure the policy starts and ends in their villages, local government areas or clans. In a sub-national state in Nigeria (Akwa Ibom state) a governor site about twelve (12) industries, and he directed all to be located in his clan not even the local government area. This is true of DR. Congo under Mobutu and many other African states.

Question 5: Are the prescriptions of the representative bureaucracy applicable in Sub-Sahara states?

John Donald Kingsley postulated his theory in 1944 when he was studying British society with differential social aggregates. There have been no scholars who have the thesis prominence in Africa nor have tested the functionality of the theory in Africa until now. The theory had remained largely unapplied, hence, hardly anyone tried to propagate and popularize it in Sub-Saharan Africa as data presented herein has shown.

A further interrogation of the non-applicability of the theory in Sub-Saharan Africa revealed the following facts: First, the administrative literacy received by the bureaucrats in the various training organizations if any, may not have been synoptical enough to have revealed this administrative discretion privilege to the top bureaucrats, as applicable in advanced climes. As scholars such as Frank (2025) would say, the ignorance of the administrative executive corps on the subject has made it remain enigmatic. Second, the absence of bureaucratic discretion in Sub-Saharan African states rests squarely on the fact that they are all post-colonial states, characterised by the absence of the phenomenon of 'nation and state building'(using the power of the state institutions to craft national unity. State -building creating a legitimate an effective governance that works for all). The presence of these twin problems leaves the Sub-Saharan government suspicious of the bureaucrats and vice versa. Against the backdrop of these, the political leaders would not willingly allow the bureaucrats the discretion to direct the course of public policies in the states.

Challenges

It is the role of the top bureaucrats to design the strategies for the implementation of public policies in the state, especially where the realm of politics and administration has been separated. However, the tradition of not allowing them to do so has a colonial origin. The colonial masters did not trust that Africans would follow through with policy execution faithfully to the intended end which was exploitation. The executive then decided to follow through the whole gamut of policy processes. Today presidents, prime ministers, provincial governors local government chief executives, prefer a 'development-administration' strategy in governance. In this way, they would superintend the entire process even with the cognitive dissonance of unforeseen circumstances in a rational comprehensive strategy. This does not allow anyone else to feed inputs into the system.

In the second place, the prominent challenge is the skill gaps in the bureaucracy, where they are available there is a skill- mismatch. In D.R. Congo, education was not encouraged so there was a considerable skill gap to drive the bureaucracy. This is true of most bureaucracy in Sub-Saharan Africa many of which are not in the study sample but do exist. The rule-based nature of the civil service originates from the adoption of the Weberian model of administration. It emphasizes seniority and rigid compliance with procedures. This leaves no room for lower-level officers who may have credible inputs to make in the policy execution processes. This is a result of the centralization of the system of administration. There are modern innovations and initiatives in public administration. The lack robust training budget in most bureaucracies to send officers for refresher courses expands to narrow the skill gaps, which already exist in the bureaucracies of African states. Botswana which is doing pretty good in this area, have its public administration doing much better than others.

Public administration is embracing e-governance', which requires e-readiness. States in sub-Saharan Africa such as Nigeria are very far from the goal of e-governance because of the extensive digital illiteracy of the civil servants on the one hand, and the absence of basic infrastructure (e-readiness) on the other. However, many sub-Saharan African states (Rwanda,

South Africa, Tanzania etc) are making progress even as they were not in the study sample. These challenges need to be addressed incrementally to make way for bureaucratic discretion to take its place in the public administration of Sub-Saharan states.

Conclusion and Policy Prescriptions

We set out to ascertain the operation of the principles of bureaucratic discretion inherent in the theory of representative bureaucracy in the public administration of Sub-Saharan states. Out of 55 countries 4 were purposively chosen as a sample from four clusters of a group of states. The findings indicated low, weak, moderate and high presence of the variables of bureaucratic discretion in different degree bureaucracies of the sample states. This discretion is vitiated by the centralised and hierarchical nature of the phenomenon. The implications include the inability of lower-level officers to feed inputs into the policy processes and complying with whatever comes from the superior strategy is not right.

It is instructive to note that the dominance of the executive in the public policy implementation processes is because the states are developmental states, wherein the executive is desirous to drive the policy to its logical end to achieve specific goals. The expediencies of bureaucratic discretion are much, public administration in Sub-Saharan Africa would be better whenever its presence is expropriated for effective service delivery.

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