GOVERNMENTAL CONSTRAINTS: 
A FRAMEWORK FOR ANALYSIS

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Abstract

The notion that a national government could face constraints in its operations – apart from resource limitations – has received little formal theoretical treatment, especially in the field of public administration. And yet the government, like any other earthly agency, faces multiple constraints in its operations. Constraints impact state performance and they should be acknowledged in any meaningful evaluation of state actions. Some work on governmental constraints has been done by scholars from different disciplines (and sub-disciplines), such as comparative politics and international relations. These studies, however, do not embrace the broad perspective we believe befits the multifaceted nature of constraints on state operations. This paper articulates an interdisciplinary conceptual framework within which constraints on state operations can be characterized, categorized and analyzed. We presume a democratic polity, and advance the basic idea that government, as a social organism, can constrain as well as be constrained by others. Defining a governmental constraint as anything that is prescriptive, proscriptive or physically restraining, on state operations, we suggest three criteria for categorizing such constraints. Such a constraint can be formal or informal. It can be domestic or international, and finally it can be internal or external (to the government). In a liberal democracy the national constitution restrains the state from some actions (e.g. baseless detention of citizens), and also requires the state to carry out other actions such as maintaining law and order. In such a polity public opinion usually sways state actions. Moreover, with the rising international integration of markets, the national government is facing declining control over the national economy. Add on to these the conditionalities that accompany bilateral and multilateral aid and the situation starts to get crowded. All these are instances of the myriad constraints that the state faces in its operations.

Introduction

The concept of governmental constraints, i.e. constraints on government activity, has hardly received any interdisciplinary treatment. Hood (1976), for example, examines the factors that stand in the way of “perfect administration”, which presumes an already pre-set agenda for the government. Uhler (1989), on the other hand, explores the constitutional limits on governmental activity, especially through the budget, and we see this as an exploration of the agenda-setting and agenda implementation aspects of governmental action. These two authors’ efforts are the closest we have of the literature that has some bearing on this subject. Both of them, however, do not delve deep into the subject. Neither do they acknowledge the multifaceted nature of the phenomenon.

This paper suggests the concepts and issues relevant to a direct and comprehensive interdisciplinary treatment of this subject.

Two general presumptions underlie my effort: (i) Government is a social organism, and
so it can constrain as well as be constrained by others; and (ii) a constraint can proscribe or prescribe action. The usual conception of a constraint only acknowledges the former and ignores that a mandatory prescription is also a constraint.

In section II we advance the idea that a constraint is anything that is prescriptive, proscriptive or physically restraining, and illustrate using possibilities in a typical situation facing a democratic administration.

Section III suggests three criteria for typologizing governmental constraints. Thus a constraint can be formal or informal, it can be domestic (within the national boundaries) or international, and finally it can be internal or external (to the government). This categorization facilitates refined conceptual formulation and practical analysis of phenomena relating to this subject.

The impact of a governmental constraint has two dimensions: its incidence or point of impact, and its desirability. This is outlined in section IV.

In section V we reflect on the fact that an adequate conceptual treatment of this subject calls for inputs from all the social science disciplines.

Section VI concludes by underlining the fact that Government is a social organism, and as such it can constrain and be constrained. The need for further theoretical development and empirical research on this subject is implicitly underlined.

The Logic of Constraint
The conventional view is that a constraint is a restraining force, something that bars one from undertaking certain activities (Leftwich, 1979; Henderson et al. 1980). While this is largely true, it needs to be interpreted broadly when applied to Government. A Governmental constraint is anything that limits the government's range of options for action. The limiting is achieved through some prescription, or proscription or physical limitation, it being understood that this is not limited to the legal context. The constraint simply removes some element of choice or discretion regarding a specific agenda. It thus commits the government to a subset of the multiple ways of handling the matter. In this respect, inaction is recognized as an element in the choice sets relating to some issues, but not in some others. For example in a liberal democracy like the USA, the constitution restrains the government from baseless detention of citizens, but it also requires the government to maintain law and order. While the former is a proscription, the latter is a prescription. The possible impact of the mutual interplay of proscriptions, prescriptions, and physical resource limitations on governmental operating space can be complex.
A simplistic view is illustrated in the Figure below.

The Potential Impact of Multiple Constraints on Governmental Operating Space

A Typology of Governmental Constraints

Although there are myriad ways of typologizing limitations on governmental activity, I suggest three as the main ones.

First, a distinction is made between formal and informal constraints. Constitutional requirements on governmental conduct are an example of the formal type. The country’s political culture, as manifested through governmental responsiveness to swings in public opinion, is an example of the informal type. By and large, formal and informal constraints together are expected to constitute the largest proportion of the limitations any secular government faces. Moreover, it is within this categorization that a striking difference is likely to be observed between nations with different socio-political ideologies. What is permitted in an authoritarian country (e.g. detention without trial) may be proscribed in a liberal democracy. And what may be of crucial political significance in a democracy (e.g. public opinion) may be of little practical importance in a dictatorship.

Secondly, a distinction is made between those constraints whose source is within the country and those originating in the wider international environment. Domestic public opinion, to the extent that it impels government response, is a domestic type constraint, while the stringencies met through participation in bilateral or multilateral agreements are international type constraints. Similarly, constitutional limitations (e.g. in America only Congress can declare war, but the President can wage the war) are domestic constraints, while the erosion of the domestic efficacy of fiscal policy by the rising international interdependence of national economies epitomizes the effects of an international constraint. The worldwide revolution in communication technology is deemed to open up many avenues of cross-national interaction (Toffler, 1990) with
complex implications with respect to their impact on the operational space of national governments.

A third major line of distinction is between constraints that inhere in the substance or process of governmental activity itself, and those that are external to it. Defining the former as internal constraints, I see them as including the effects of intra-governmental relations (i.e. relationships between different sections or levels) such as, in America, the operational effects of the lodging of judicial, executive and legislative functions in three separate bodies. The operational effect of responsiveness to public opinion (in a democracy) on the other hand, is an example of external constraints. External constraints are phenomena which originate outside the precincts of government as an activity but influence its proceedings.

As sketchily illustrated, the above typology is useful for analytical purposes—both in terms of the nature and impact of the constraint and its incidence across different governmental sectors and national regime types. Overlaps between the different analytical types as suggested are expected to be widespread. For instance, global opinion such as is generated through 'Amnesty International' is international as well as informal and external.

The Impact of Governmental Constraints
In exploring the impact of governmental constraints, two major dimensions stand out (1) their incidence and (2) the desirability of their effects.

The incidence of a governmental constraint denotes two things. One is the area of governmental functions or set-up it affects. This ranges from the goals and objectives of governmental action, to the structure aspects, as well as operational processes and the persons involved. The key question is: where does the particular constraint have the greatest effect? The other aspect of incidence is the geographical spread and/or location of the impact. Is the impact localized to a specific area, or widely diffused in the territory? To lend dynamics to the analysis, this spatial/functional dimension of incidence could be given a temporal dimension: how fast and in what directions does a constraint travel once it is introduced at a specific point in time and space?

Concerning desirability, two aspects of the constraint are important: the magnitude of its effects and the direction of those effects (negative or positive, according to some preference scale) making definitive assessments here would be no mean task. Not only are the effects potentially indirect, invisible, and hard to identify and measure, government action or inaction also entails some resource costs in actual or 'opportunity costs' terms. A full assessment, therefore, requires application of a sophisticated cost-benefit calculus. Among the questions to be answered through such analysis would be the following: To what extent does the impact of a given constraint go towards addressing (or denying) the preferences of the people? Whom among the people, in particular? What is the macro impact of all the constraints impinging upon governmental operations in a given nation? What discernible patterns (in origin or effects) do the constraints exhibit across
governmental functions, geography, or the populace?

**What Theoretical Formulation?**

Basically a governmental constraint restrains or prods the application of political authority or a public resource in some given situation. The analytical situation thus closely resembles the constrained-optimization logic of neoclassical economics (e.g. see Henderson, 1980). But since the basic factor, political authority, cannot be measured on a continuous quantitative scale, any theoretical schema designed to handle governmental constraints cannot be fully depicted in the context of smooth, twice-differentiable mathematical functions. The schema has to allow for discontinuities and kinks. It has to draw ideas from the entire spectrum of social science theory economics, political science, sociology, anthropology, psychology, etc.

Moreover, just as the economy or polity is rampant with evasions, corruptible practices, and other types of malfunctions, it is expected that there could be cases of government evasion of constraints. In some cases, even total sidetracking of the constraints (e.g. the suspension of national constitutions that has been engaged in by some rulers around the world in the course of the last century). While a conceptual framework cannot possibly adequately cater for all manner of possible happenings, such malfunctions should be kept in mind while attempting to piece together its salient parts.

**Conclusion**

This piece outlines what could be the salient features of an interdisciplinary framework for the study of governmental constraints. The central thesis- that government is a 'social organism' like any other-and the derivations fly in the face of the traditional predisposition, which usually holds government in terms of its ability to constrain the people and institutions under it. Here it is proposed that the government faces multiple infringements and limitations, some inherent to it, but most emanating from outside it. The idea is to clearly identify these constraints, ascertain their nature, and index their effects as far as our current knowledge and techniques of social science theory and research permit.

Such constraints impact governmental performance, and they should be acknowledged in any meaningful evaluation of state actions.
References


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