Too Legal to Manage? Rethinking HRM in Highly Formalised Public Administrations

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Abstract: This article examines the tension between legal formalism and human-centred human resource management (HRM) in public administration. Drawing on a comparative, legally grounded analytical framework, it argues that many European administrations have become "too legal to manage"—where procedural safeguards designed to protect neutrality, merit and equal access inadvertently restrict managerial discretion, slow down recruitment, and weaken meaningful performance management.

The study combines normative legal analysis with selected empirical indicators from reliable international sources, including OECD Public Employment and Management data and Eurofound's European Working Conditions Survey. Five countries are analysed—Poland, Lithuania, Germany, the Netherlands and Spain—representing distinct administrative traditions and different degrees of HRM formalisation. This variation allows identification of both systemic legal constraints and their practical consequences for autonomy, well-being and workforce stability in core government.

The paper proposes two synthetic measures: a Formalism Index (capturing centralisation, recruitment rigidity, appraisal proceduralisation, pay-setting constraints and time-to-hire) and a Human Outcomes Index (autonomy, stress/pressure, turnover and candidate-to-vacancy ratios). Mapping the five countries on these axes illustrates where legal norms align with, or undermine, effective people management.

A key contribution is the development of the concept of legal elasticity—a model for adjusting HRM regulations within the principles of public service neutrality, transparency and accountability. The article identifies specific legal areas where proportional, evidence-based flexibility could enhance managerial capacity without jeopardising constitutional guarantees.

The findings advance comparative administrative law, offer actionable insights for governments seeking to modernise HRM, and reframe the role of law as both an enabler and constraint in contemporary public administration.