

tralization and decentralization must exist simultaneously among several jurisdictions with concurrent authority.¹³

The work of contemporary political economists, based on a paradigm derived from economic theory, challenges many of the basic assumptions in the traditional theory of public administration. Yet their form of analysis and many of their conclusions have a familiar ring to most Americans. This familiarity derives from the circumstance that many of the classical American political theorists were political economists and used a similar mode of analysis (V. Ostrom, 1987). In the next lecture I shall use the intellectual perspective provided by contemporary political economists to examine the work of these traditional American political theorists. From this perspective, we shall discover that these traditional political theorists have provided us with the basis for a theory of democratic administration which stands in contrast to the theory of bureaucratic administration.

4

A Theory of Democratic Administration: The Rejected Alternative

One of the major conclusions derived from the political economists is that overlapping jurisdictions and fragmentation of authority can facilitate the production of a heterogeneous mix of public goods and services in a public economy. This conclusion is contrary to the basic presumption in classical public administration theory that overlapping jurisdictions and fragmentation of authority are the principal sources of institutional failure in American government.

The pioneer scholars in American public administration rested their political analysis upon a basic paradigmatic choice which explicitly rejected the political theory used in the design of the American constitutional system as being inappropriate for the study of political "realities." In this lecture, I shall attempt to clarify the paradigmatic choice Wilson made in pursuing his political analysis. I shall go behind that choice and examine the political theory he rejected. In doing so, I shall advance the thesis that Wilson rejected a theory of democratic administration while propounding a theory of bureaucratic administration as the one rule of "good" administration for all governments alike.

Some Anomalous Threads of Thought

Wilson based his analysis on a political science that derived its paradigm from Walter Bagehot's *The English Constitution* (1964). Wilson's reliance on Bagehot led him to look for a single

center of power in the American political system and to conclude that Congress was "the predominant and controlling force, the centre and source of all motive and of all regulative power" (Wilson, 1956: 31) in American government. His search for a single center of authority was based on the assumption that "the natural, the inevitable tendency of every system of self-government like our own and the British is to exalt the representative body, the people's parliament, to a position of absolute supremacy" (Wilson, 1956: 203). The exercise of "absolute supremacy" in a single center of authority is the essential feature of Thomas Hobbes's *Leviathan* (1960). Bagehot and Wilson used an analytical paradigm similar to that of Hobbes for their political science.

Both Wilson and Bagehot, however, make anomalous allusions to the American constitutional system that are somewhat incongruous with the essential thrust of their analysis. Wilson, for example, concludes his essay "The Study of Administration" by reference to "the systems within systems" prevailing in American government. Local self-government is interlaced with self-government at the state and national levels. He then poses the question: "How shall our series of governments within governments be so administered that it shall always be to the interest of the public officer to serve, not his superior alone but the community as well, with the best efforts of his talents and the soberest service of his conscience?" (Wilson, 1887: 221). This would imply that the decisions of a public officer are to be governed by his or her moral choice based on considerations of conscience, the authority of political superiors, and the claims of the community. Such officers would indeed be governed by more than one master.

Bagehot, in turn, recognizes a basic difference in the conception of the English constitution as contrasted with the American constitution: "In one the supreme determining power is upon all points the same; in the other that ultimate power is different upon different points—now resides in one part of the Constitution and now in another" (Bagehot, 1964: 215). The English constitution was an example of the first type with "only one authority for all sorts of matters." The American constitution,

by contrast, had "one ultimate authority for one sort of matter and another for another sort." Bagehot described the American political system as a "composite" form of government in contrast to the English system as a "simple" or unitary type (Bagehot, 1964: 219).

Bagehot's references to the American constitutional system reflect substantial ambiguity. He attributes the design of the American system to a misunderstanding of the English constitution, which the Americans had attempted to copy in fashioning their own constitution. He has substantial doubts about the long-term viability of the American political system. "The practical arguments and legal disquisitions in America" reminded Bagehot of the problem confronting trustees in discharging a "misdrawn will" (Bagehot, 1964: 218). But Americans, like sensible trustees, could, he believed, make any constitution work (Bagehot, 1964: 220). Yet he concluded the introduction to his second edition by observing that the English constitution and the American constitution provide the two leading forms of "government by discussion" (Bagehot, 1964: 310). Government by discussion was, for Bagehot, a necessary condition for the development of a first-rate political community.

Rather than assume, like Bagehot, that the American constitutional system was based on a misunderstanding of the English constitution, perhaps we should consider the possibility that the designers of the American constitutions knew what they were doing and deliberately sought to base their political experiments on alternative designs (V. Ostrom, 1987). In that case we would expect the American political system to reflect the particular assumptions and concepts inherent in its design. When those assumptions and concepts diverged from the English model, we would expect the American political system to generate different patterns of conduct from those generated by the English system. We might, for example, expect the federal structure of the American political system to be necessarily characterized by **overlapping jurisdictions**. We might also expect a system of government that was designed to enforce provisions of constitutional law as against those who exercise governmental prerogative to be nec-

essarily characterized by a separation of powers among diverse decision structures in the national government and in other units of government. A federal political system with substantial **fragmentation of authority** at each of the different levels of government would then be expected to maintain a diversity of public enterprises, each concerned with securing the support of its clientele or constituency and exposed to a variety of legislative, executive, and judicial constraints. Together these diverse enterprises might be expected to develop multiorganizational structures analogous to public service industries. A federal system of administration would necessarily have recourse to overlapping jurisdictions where coordination would not be confined to command and control in a megabureaucracy but could be achieved by processes of cooperation, competition, conflict, and conflict resolution.

We find some confirmation for these conjectures about varying design characteristics for different political arrangements when we note that Max Weber associated bureaucratic administration with a system of rule based on a "monocratic" principle (Rheinstein, 1954: 350). A monocratic structure can be defined as one in which all functionaries are integrated into a hierarchy culminating in a single center of ultimate authority. Unity of command is most fully attained in a monocratic system.

Weber also makes passing reference to a form of public administration which he calls "democratic administration" (Rheinstein, 1954: 330–334) in contrast to "bureaucratic administration." The defining characteristics of democratic administration for Weber are (1) an egalitarian assumption that everyone is qualified to participate in the conduct of public affairs and (2) the scope of the power of command is kept at a minimum. Weber also indicates that "all important decisions are reserved to the common resolution of all." Common resolution is attained through assemblies or collegial bodies that constitute or represent the members of a community or an organization. The administrative functionaries in such a democratic organization, Weber further notes, occupy a position that is "always in suspense between that of a mere servant and that of master" (Rheinstein, 1954: 330).

Democratic administration for Weber is **not** a viable alternative to bureaucratic administration. He dwells upon the limitations of democratic administration by indicating that it can apply only to local organizations or organizations with a limited number of members. Democratic administration is identified as a "marginal-type case," which cannot be treated as a "**historical starting point** of any typical [or general] course of development" (Rheinstein, 1954: 331; my emphasis). Weber could not contemplate the possibility that democratic administration might be juxtaposed to bureaucratic administration as an alternative model for the organization of public administration in a democratic society.

Perhaps both Weber and Wilson erred in failing to consider democratic administration a viable alternative to bureaucratic administration. When Alexis de Tocqueville visited America, he was much impressed with the system of administration that he found embedded in democratic institutions.¹ Tocqueville undertook his study *Democracy in America* (1945) on the assumption that a great democratic revolution was sweeping through Western civilization.² He was concerned that this revolution would generate a new democratic despotism, which would enslave men and threaten the future of human civilization. Yet he saw hope in American democracy, especially in its structure of democratic administration.

Tocqueville recognized that if a new despotism were to be avoided, this democratic revolution would require a "new science of politics" to assist in the governance of democratic societies (Tocqueville, 1945: 1:7). He was concerned that individuals in a democratic society would "adopt the doctrine of self-interest" as their rule of action "**without understanding the science that puts it to use**" (Tocqueville, 1945: 1:11; my emphasis). If men understood the science of how to put the doctrine of self-interest to proper use in governing society, Tocqueville could contemplate a society

in which all men would feel an equal love and respect for the laws of which they consider themselves the authors; in which the authority of the government would be respected as necessary,

and not divine; and in which the loyalty of the subject to the chief magistrate would not be a passion but a quiet and rational persuasion. With every individual in the possession of rights which he is sure to retain, a kind of manly confidence and reciprocal courtesy would arise from all classes removed alike from pride and servility. The people, well acquainted with their own interests, would understand that, in order to profit from the advantages of the state, it is necessary to satisfy its requirements. The voluntary association of citizens might then take the place of the individual authority of the nobles and the community would be protected from tyranny and license. (Tocqueville, 1945: 1:9)

Tocqueville's vision for a democratic society suggests that the American experiment might be viewed as a "historical starting point," to paraphrase Max Weber, in the development of a general system of democratic administration. In a key transitional paragraph at the end of his first chapter on the geography of North America, Tocqueville observes: "In that land the great experiment of the attempt to construct society upon a new basis was to be made by civilized man; and it was then, for the first time, that theories hitherto unknown or deemed impracticable, were to exhibit a spectacle for which the world had not been prepared by the history of the past" (Tocqueville, 1945: 1:25). Three chapters later he contrasts European patterns of governance in which either a state rules over society or a system of government is constituted so that "the ruling force is divided, being partly within and partly without the ranks of the people." But he goes on to observe, "But nothing of this kind is to be seen in the United States; there society rules itself for itself" (Tocqueville, 1945: 1:57).

Tocqueville is asserting that a series of political experiments of Copernican proportions had occurred on the North American continent, enabling a people to use principles of self-governance to reach out and develop a democratic society of continental proportions. All prior human efforts to create polities of continental proportions had been organized as empires. Wilson draws upon the administrative structure fashioned by Napoleon and Frederick the Great and his successors to create great em-

pires as his model of good administration. He demonstrates no awareness that Tocqueville perceived the possibility of a different system of administration developing in a highly federalized democratic society.

Using Weber's defining characteristics, slightly modified, we would expect democratic administration to be based on (1) an egalitarian assumption that everyone is qualified to participate in the conduct of public affairs, (2) the reservation of all important decisions for consideration by all members of the community and their elected representatives, (3) restriction of the power of command to a necessary minimum, and (4) modification of the status of administrative functionaries from that of masters to that of public servants. If a system of public administration having these characteristics can operate within a legal order subject to a rational rule of law and can provide public services as efficiently as a system of bureaucratic administration, then democratic administration need not be viewed as a "marginal-type case."

To be an **alternative** model to bureaucratic administration, democratic administration would also have to display characteristics that would make us willing to reject Wilson's basic thesis that there is but one rule of "good" administration for all governments. We would expect to find elements of bureaucratic organization, but we would not expect to find those elements to be the **dominant** characteristics in a system of democratic administration. Instead of a fully integrated structure of command, we would expect to find substantial dispersion of authority with many different structures of command. The exercise of control over the legitimate means of coercion would not be **monopolized** by a single structure of authority. Democratic administration would be characterized by **polycentricity** and **not** by **monocentricity**.

Our search for a democratic theory of administration will begin with the works that Wilson rejected in establishing the foundations for his political science. I shall look first at the essays by Alexander Hamilton and James Madison in *The Federalist*. I shall then examine Tocqueville's commentary on democratic admin-

istration as contrasted to the patterns of bureaucratic administration found in France. French bureaucracy is indicative of Wilson's model of "good" administration.

Hamilton and Madison's Theory of Democratic Administration

Both Hamilton and Madison use the term "democracy" in a much more restricted sense than we use it today. Madison, for example, defines democracy as a society consisting of a small number of citizens who can assemble and directly administer their affairs in person (*Federalist* 10). Both Hamilton and Madison make frequent reference to the term "popular" government. The word "popular" derives from a Latin root, *populus*, which has much the same meaning as the Greek root, *demos*, from which the term "democracy" derives. Both terms refer to people in the sense of a community of people. For our purposes, I assume that "popular" government is roughly equivalent to the modern meaning of "democratic" government. In this presentation, I shall use Max Weber's defining characteristics and measure the democratic theory of administration developed in *The Federalist* by those defining characteristics.

Most students of American public administration are thoroughly familiar with Hamilton's essay on the constitution of the executive department and on administration in *Federalist* 70 and 72.³ Hamilton, in *Federalist* 70, contends that "energy in the Executive is a leading character in the definition of good government." He identifies unity in the executive as the first ingredient contributing to energy. By unity in the executive, Hamilton clearly means the exercise of control over the executive establishment in a single person as chief executive.

In *Federalist* 72, Hamilton addresses himself to the details of organization which fall within the province of the executive department. These include such operations as foreign negotiations, preparing plans of finance, spending public monies in accordance with general appropriations of the legislature, organizing

the army and navy, and directing the operations of war. In the discharge of these operations Hamilton observes: "The persons . . . to whose immediate management these different matters are committed ought to be considered as assistants or deputies of the chief magistrate, and on this account, they ought to derive their offices from his appointment, at least from his nomination, and ought to be subject to his superintendence" (*Federalist* 72). In these discussions of the national executive department, Hamilton's analysis uses language that conforms closely to that of the traditional theory of public administration.

If, however, we do not confine American public administration to national executive instrumentalities, we discover a different approach to problems of public administration in other portions of *The Federalist*. Extended commentaries on public administration are also found in Hamilton's analysis of problems of defense, internal security, and taxation. These commentaries use a language that is surprisingly similar to that of contemporary political economists.

Concurrent Administration in a Federal System

Hamilton's analysis of defense identifies the problem as one shared in common by the states. Spanish and British territories surrounded the American states from Georgia to Maine. Both Spain and Britain were major maritime powers, and a future alliance between them was possible. The danger was a common problem—a common threat to the security of the several states.

Hamilton asks whether the common defense should be secured by separate provision of the several states or by the common provision of the Union as a whole. If required to act under "the plan of separate provisions, New York," Hamilton observes, "would have to sustain the whole weight of the establishments requisite to her immediate safety, and to the mediate . . . protection of her neighbors" (*Federalist* 25). Smaller states with less extensive commercial interests might in the short run rely for their security on the defense measures of a stronger neighbor. The states shouldering a disproportionately large

share of the burden for defense, according to Hamilton, "would be as little able as willing, for a considerable time to come, to bear the burden of competent provision." If the larger states, then, acted to reduce their burden, insufficient provision for the common defense would follow. "The security of all would thus be subjected to the parsimony, improvidence, or inability of a part" (*Federalist* 25).

If the interests of the people in each state were purely defensive, the stronger states in providing for their own defense would assume a large part of the burden for protecting their weaker neighbors. The weaker neighbors, taking advantage of this opportunity, would make little provision for defense and gain a comparative advantage by enjoying the protection of others without bearing their proportionate share of the costs. The people in the larger states, perceiving their plight in assuming a disproportionate share of the burden, would reduce their expenditures for defense. Thus "the parsimony, improvidence, or inability" of each part to provide for the common good would lead to inadequate provision for the defense of the Union (*Federalist* 25).

If, however, two or three of the larger states were to assume a disproportionate share of the burden for defending American interests against external threat, those states need not limit their strategic opportunities to purely defensive actions. A disproportionately large military force in the command of two or three states might, Hamilton suggests, cause the other states to "quickly take alarm." Each would respond to the alarm by taking military countermeasures. Pretenses could easily be contrived to justify offensive action. "In this situation, military establishments, nourished by mutual jealousy, would be apt to swell beyond their natural or proper size; and being at the separate disposal of the members, they would be engines for the abridgement or demolition of the national authority" (*Federalist* 25).

This analysis leads Hamilton to the conclusion that the proper means for guarding against a common danger "ought . . . to be the objects of common councils and of a common treasury" (*Federalist* 25). Congress would serve as a common council to au-

thorize the creation of an appropriate force to assure the common defense of the American Union from resources provided by a common treasury contributed to by people in each of the various states through uniform measures of taxation.

Hamilton also recognized that each of the states would require a militia for its own internal security. In *Federalist* 29, Hamilton assumes the posture of advising a Federal legislator from his own state, New York, regarding the establishment of an appropriate mix of forces if the proposed Constitution were ratified. Hamilton's optimal solution is a mixed force composed of (1) a select corps of well-trained militiamen in each state available (a) for the defense of that state, or (b) for mobilization by the United States for the common defense, and (2) a necessary complement of national forces to man frontier garrisons and to provide for the common defense of all the states. The common defense and internal security of the United States would thus be provided for by a combination of forces maintained by the coordinated actions of the state and national governments. This solution, Hamilton concluded, "appears to me the only substitute that can be devised for a standing army, and the best possible security against it, if it should exist" (*Federalist* 29).

Both Hamilton and Madison extend their argument to suggest that the existence of a militia in each of the states might also be used as a means of security against a military coup. Hamilton notes that people in a unitary or monocentric state, having no other institutions of government available to them, "can take no regular measures for defence" against a military coup: "The citizens must rush tumultuously to arms, without concert, without system, without resource; except in their courage and despair. The usurpers, clothed with forms of legal authority, can too often crush the opposition in embryo" (*Federalist* 28).

In a federal system of government with its overlapping jurisdictions, Madison anticipates a different outcome to any effort to usurp political authority by military force:

The existence of subordinate governments, to which the people are attached, and by which the militia officers are appointed,

forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit. . . . Were the people to possess the . . . advantages of local governments chosen by themselves, who could collect the national will and direct the national force, and of officers appointed out of the militia, by these governments, and attached both to them and to the militia, it may be affirmed with the greatest assurance, that the throne of every tyranny in Europe would be speedily overturned in spite of the legions which surround it. (*Federalist* 46)

A federal system with its concurrent regimes or overlapping jurisdictions provides Madison with the happy circumstances that "the great and aggregate interests" of the American people could be organized in relation to a national government and the local and particular interests could be organized into numerous state and local governments. Madison was persuaded that "it is only in a certain sphere that federal power can, in the nature of things, be advantageously administered." Presumably "the nature of things" reflects events of diverse sizes and shapes. Jurisdictions of different scales can advantageously administer programs capable of dealing with different sized events. "The federal and State governments are . . . but different agents and trustees of the [same] people, constituted with different powers and designed for different purposes" (*Federalist* 46). Madison is not especially disturbed about the prospect of a rivalry between Federal and state agencies for popular support: "If . . . the people should . . . become more partial to the federal than to the State governments, the change can only result from such manifest and irresistible proofs of a better administration as will overcome all their antecedent propensities [to favor the states]. The people ought not . . . be precluded from giving most of their confidence where they may discover it to be the most due" (*Federalist* 46).

Hamilton is generally persuaded that in a federal system, with its concurrent structures of governmental authority, the people can be masters of their own fate by using one system of government to check the usurpations of the other: "The people, by

throwing themselves into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can make use of the other as the instrument of the redress" (*Federalist* 28).

In his analysis of the concurrent powers of taxation shared by the state and national governments, Hamilton rejects the assumption that a fully duplicate and separable system of tax administration will be established. Instead, he suggests that the national administration will work out cooperative arrangements with the states so that each can gain the advantage of joint action and avoid the prospects of mutually exclusive rivalry. Thus he anticipates that "the national legislature can make use of the system of each State within that State" (*Federalist* 36; Hamilton's emphasis). The use of the system internal to each state as an adjunct to national administration becomes readily available so long as each state does not possess a formal veto on national programs and so long as the national legislature has the independent authority to devise its own system of administration. Both are free to consider cooperative arrangements so long as each is free to consider alternative forms of action. Hamilton clearly anticipated the possibility of fiscal transfers occurring between different units of government to facilitate coordinated arrangements so one unit of government could take advantage of the capabilities afforded by other units of government (*Federalist* 36).

Principles of Self-Government

The system of administration which Hamilton and Madison envisioned in the American federal system was to operate in the context of a political system in which all units of government were to be fashioned upon principles of self-government (*Federalist* 39). Although Hamilton and Madison do not in any one place specifically enumerate the principles of self-government, the following principles discussed at various places in *The Federalist* might be included as among the principles of self-government applicable to each unit of government:

1. The terms and conditions of government derive from the right of the people to establish and alter those terms and conditions (*Federalist* 40).
2. The right of the people to establish and alter the terms and conditions of government is expressed through processes of constitutional decision making which require action by extraordinary decision rules. These decision rules have more demanding requirements than those necessary to enact ordinary legislation (*Federalist* 39).
3. The terms and conditions of government specified in a constitution or a charter are legally binding upon those who exercise governmental authority and are unalterable by those governmental authorities (*Federalist* 53).
4. The terms and conditions of government specified in a constitution or a charter assign both authority to act on behalf of the commonweal and limitations upon that authority. Limitations upon the authority of public officials to take collective action are specified as correlative to the rights of persons which establish constitutional grounds for individual actions against the usurpation of public authority (*Federalist* 78).
5. Each unit of government acts in relation to a defined constituency and exercises its jurisdiction in relation to persons as individuals. The selection of principal governmental officials responsible for taking legislative or executive action is based upon either direct or indirect election of constituents (*Federalist* 10, 16, 35, and 57–59).
6. The internal structure of each unit of government is devised so that collective decision making is allocated among diverse positions or decision structures. All important decisions are subject to consideration by the common council of those who depend upon election by members of the community. Dispersion of authority among diverse decision structures in any one unit of government is a necessary condition if the rules of constitutional law are to be enforceable as against those who exercise governmental authority (*Federalist* 47 and 80).
7. The authority allocated to the diverse decision structures

- in the larger units of government is so divided that each is able to exercise potential veto power in relation to the authority allocated to others. Collective action thus depends on the operation of concurrent majorities exercised by decision structures composed of members who are related to their constituencies through varying terms of office, modes of representation, and differently sized constituencies (*Federalist* 51–52, 56–58, and 73).
8. The legal and political competence of each unit of government is limited in relation to the legal and political competence of other units of government. Each person is a constituent member of several units of government. Local and state officials will act in relation to national problems; national officials will act in relation to state and local problems. If the domain of a smaller unit of government is insufficient to take account of the common interest among interdependent events, reference can be taken to the next larger unit to secure an appropriate scale of decision making (*Federalist* 10, 16, 46, and 51).
 9. Conflicts over jurisdiction among units of government, conflicts over constitutional limits upon the exercise of public authority, and conflicts over the provision of public services are all subject to judicial remedies before the regular courts of law (*Federalist* 80).

These principles of self-government are highly consistent with Max Weber's defining characteristics of democratic administration. Weber's egalitarian assumption that everyone is qualified to participate in the conduct of public affairs is reflected in the presumption that members of the community at large have an important voice in constitutional decision making, to elect public officials, and to hold those officials individually accountable for expressing the essential interests of constituents in major decisions. Individuals also have the prerogative to press for the enforcement of demands upon public officials through administrative, legislative, judicial, political, and constitutional remedies. Important decisions are reserved for consideration by members of the community and by their elected representatives.

The power of command is severely restricted by the scrutiny of officials in diverse decision structures within any particular unit of government, by the allocation of authority among different units of government, and by the presumption that the exercise of all governmental authority is limited by the terms and conditions specified in constitutional law. Finally, these various control mechanisms imply that administrative officials are obliged to serve members of the community rather than function as their masters.

In general, we might conclude that the principles of self-government discussed in *The Federalist* provide for a system of administration which is thoroughly embedded in a complex structure of democratic decision making. The American experiment can be viewed as a "historical starting point" for a generic type of administration to be characterized as "democratic" administration in contrast to "bureaucratic" administration. Hamilton's theory of administration in *Federalist* 70 and 72 might then be considered as a special theory of administration applicable to the Federal executive structure but not to the American system of government as a whole. The general conditions of hierarchical ordering within a bureaucratic system of administration can be significantly relaxed if public administration is organized in relation to the specific constituencies being served and if mechanisms of popular control, legislative surveillance, and judicial remedies are substituted for mechanisms of bureaucratic control. Processes of democratic administration necessarily depend upon mechanisms for democratic control being operable in the conduct of any public enterprise.⁴

Tocqueville's Analysis of Democratic Administration

Tocqueville in *Democracy in America* focuses his attention primarily upon the conditions of political organization within what he called the American "republics." His concern is primarily with the American states and with the systems of government within each state. He gives relatively less attention to the constitution of the national government and to its place in American

society. Tocqueville's work thus provides an important complement to *The Federalist* in elucidating the political relationship of the Union to the states.

Tocqueville recognizes that the American tradition of self-government grew out of the townships, took possession of the states, and then fashioned a national constitution predicated upon those republican principles which were current in the entire community before the constitution existed. The American constitution is a complex system, which, according to Tocqueville, "consists of two distinct social structures connected, and, as it were encased one within the other; two governments, completely separate and almost independent, the one fulfilling the ordinary duties and responding to the daily and indefinite calls of a community, the other circumscribed within certain limits and only exercising an exceptional authority over the general interest of the country. In short, there are twenty-four small sovereign nations, whose agglomeration constitutes the body of the Union" (Tocqueville, 1945: 1:59).

Tocqueville characterizes the political and administrative affairs of each state as being "centered in three foci of action": the township, the county, and the state (Tocqueville, 1945: 1:59–60). Each is governed on the principle that "everyone [i.e., every individual] is the best and sole judge of his own private interest, unless they are prejudicial to the common weal or unless the common weal demands his help" (Tocqueville, 1945: 1:64). The township in turn is independent in all that concerns itself alone and is subordinate to the state only in those interests that are shared in common. These principles are applicable to each of the several foci of action or centers of authority, which are available to each citizen in governing the diverse communities of interests that are shared with others in a town, a county, a state, and a nation.

The reiteration of the principles of self-government in each different unit of government means that public administration is confined to circumstances that keep centralization and hierarchy to a minimum. Instead of a single hierarchy of public functionaries, Tocqueville found that "the executive power is disseminated into a multitude of hands" (Tocqueville, 1945:

1:81). People participate in the execution of their laws by the choice of public executives as well as in the making of their laws through the choice of legislators. Political responsibility is secured **more** by the principles of election than by accountability to central authority through a single hierarchy of control. Popular political control pervades both the government and its administration.

Tocqueville recognizes that the use of popular elections to choose public officers, who are responsible for the execution of the law and for the discharge of public services, creates a problem of how to compel popularly elected officials to conform to the law. He found that conflicts among independently elected administrative officials are resolved by adjudication in the courts of law. "The courts of justice . . . alone can compel the elected functionaries to obey, without violating the rights of the electors." When elections, instead of the authority of command in a single administrative hierarchy, are the primary method for the control of administration, Tocqueville concludes, "The extension of judicial power in the political world ought to be in the exact ratio as the extension of the elective power; if these two institutions do not go hand in hand, the state must fall into anarchy or into servitude" (Tocqueville, 1945: 1:74).

As republican institutions are replicated in multitudinous units of governments serving as many different communities of interest, a rule of law can be sustained as conflicts between individual citizens and public officials or among public officials in different jurisdictions are adjudicated by courts of law. As Tocqueville noted, "In no country in the world does the law hold so absolute a language as in America; and in no country is the right of applying it vested in so many hands" (Tocqueville, 1945: 1:71). Thus the legal basis of a rational social order can be sustained by reliance upon the offices of the judiciary as an alternative to administrative functionaries in a Weberian bureaucracy.

The mandate of executive leadership can thus be constrained by popular election, legislative surveillance, and judicial remedies. Under such circumstances, elected executives can be required to function as public servants in their communities rather

than as the political masters over those communities. Americans have recourse to some eighty thousand hierarchies of diverse sizes rather than to a single overarching hierarchy of public authority.

The essential spirit of American democracy, for Tocqueville, is reflected in a system of democratic administration organized primarily by principles of voluntary association and of self-government. As a European observer, Tocqueville noted, "The appearance of disorder which prevails on the surface leads one to imagine that society is in a state of anarchy" (Tocqueville, 1945: 1:89). But a deeper look revealed an underlying order in the bustle of activity:

In America the power that conducts the administration is far less regular, less enlightened, and less skillful, but a hundredfold greater than in Europe. In no country in the world do the citizens make such exertions for the common weal. I know of no people who have established schools so numerous and efficacious, places of public worship better suited to the wants of the inhabitants, or roads kept in better repair. Uniformity or permanence of design, the minute arrangement of details, and the perfection of administrative system must not be sought for in the United States; what we find is the presence of a power which, if it is somewhat wild, is at least robust, and an existence checkered with accidents, indeed, but full of animation and effort. (Tocqueville, 1945: 1:91–92)

The uniformity of design, the minute arrangement of detail, and the perfection of administration associated with centralized administration in France had the opposite effect: "It excels in prevention but not in action" (Tocqueville, 1945: 1:90). The citizen in a centralized state would rather become "a passive spectator than a dependent actor in schemes with which he is unacquainted" (Tocqueville, 1945: 1:91). Perfection in centralized administration will lead to tranquillity without happiness, industry without improvement, stability without strength, and public order without public morality (Tocqueville, 1945: 1:90). In such circumstances ordinary citizens become indifferent to

the interest of the community in which they live (Tocqueville, 1945: 1:44).

If egalitarian conditions of life characteristic of democratic societies were combined with a highly centralized system of administration, Tocqueville anticipated that such societies would include "an innumerable multitude of men, all equal and all alike, incessantly endeavoring to procure the petty and paltry pleasures with which they glut their lives. Each of them, living apart, is a stranger to the fate of the rest; his children and his private friends constitute to him the whole of mankind. As for the rest of his fellow citizens, he is close to them, but he does not see them; he touches them, but he does not feel them; he exists only in himself and for himself alone" (Tocqueville, 1945: 1:318). Above this multitude of men Tocqueville sees

an immense and tutelary power which takes upon itself alone to secure their gratification and to watch over their fate. That power is absolute, minute, regular, provident and mild. . . . It chooses to be the sole agent and the only arbiter of [their] happiness; it provides for their security; foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritance: what remains, but to spare them all the care of thinking and all the trouble of living. . . . It compresses, enervates, extinguishes and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd. (Tocqueville, 1945: 1:318–319)

Such is Tocqueville's view of democratic society with a centralized government and a bureaucratic administration. The fully developed bureaucracy in a democratic society will generate, as Tocqueville foresees, a "species of oppression" which "is unlike anything that ever before existed in our world; our contemporaries will find no prototype of it in their memories" (Tocqueville, 1945: 1:318).

Tocqueville would certainly have rejected Wilson's presumption that there is but one rule of good administration for all governments alike. An "ultra-monarchical form of administra-

tion" combined with a republican constitution could only be a short-lived monster for Tocqueville (Tocqueville, 1945: 1:321). Mass societies dominated by highly centralized bureaucratic structures were the essential attributes of a new species of oppression that Tocqueville envisioned for the future of mankind.⁵

Tocqueville was persuaded that a large democratic society could be free **only** if men comprehend the **utility** of political forms or structures in the constitution of democratic systems of governance. He would certainly have agreed with Weber that a democratic system of administration in a free society must be based on (1) an egalitarian assumption that everyone is qualified to participate in the conduct of public affairs, (2) the reservation of all important decisions for consideration by all members of the community and their elected representatives, (3) restriction of the power of command to a minimum, and (4) modification of the status of administrative functionaries from that of masters to that of public servants.

Such possibilities can be realized only when careful attention is given to political forms that allow for concurrent action in several overlapping jurisdictions or concurrent foci of action: "Municipal institutions constitute the strength of free nations. Town meetings are to liberty what primary schools are to science: they bring it within the people's reach, they teach men how to use and enjoy it" (Tocqueville, 1945: 1:61). Under these circumstances, Tocqueville indicated that in a free democratic society "every man is daily reminded of the need of meeting his fellow men, of hearing what they have to say, of exchanging ideas, and coming to an agreement as to the conduct of their common interests" (Tocqueville, 1945: 1:xiv).

Restriction of the power of command also depends upon the fragmentation of authority among decision structures if the discretion of officials is to be limited by a rule of law. The power of the courts, in particular, must grow in proportion to the increase in popular control if democratic administration is to be the basis for a rational legal order (Tocqueville, 1945: 1:74). In short, Tocqueville anticipated that liberty could be sustained in an egalitarian society only if a system of public administration

were developed which would meet the defining criteria used by Max Weber in characterizing democratic administration. **Democratic administration cannot be separated from the processes of popular control inherent in democratic politics.**

The work of Hamilton and Madison and of Tocqueville involves the articulation of a theory of democratic administration when measured by the criteria specified by Max Weber. The American experiment, based on a theory of democratic administration, can thus be viewed as a turning point in pioneering a new course of human development. Democratic administration, through a system of overlapping jurisdictions and fragmentation of authority, acquired a stable form that provides an alternative structure for the organization of public administration. Democratic administration need not be a "marginal-type case" confined only to local organizations with a limited number of members. A democratic theory of administration is the approach that Wilson rejected while propounding a bureaucratic theory of administration as being universally applicable to all systems of modern government. I shall pursue some of the implications of a theory of democratic administration for the study of public administration in the next chapter.

5

The Choice of Alternative Futures

Some Opportunity Costs in the Choice of Paradigm

In the course of these lectures, I have examined the study of public administration from an assumption that the persisting intellectual crisis is a paradigmatic one as conceptualized by Thomas Kuhn in his *Structure of Scientific Revolutions* (1964). I have argued that Woodrow Wilson and his contemporaries made an explicit paradigmatic choice in rejecting the political theory articulated by Hamilton and Madison in *The Federalist*.¹ The political theory in *The Federalist* was dismissed as having no analytical relevance for understanding the "realities" of American politics except to explain the source of some of the pathologies in American government. That theory, according to Wilson, had "proved mischievous just to the extent that it had succeeded in establishing itself as realities" (Wilson, 1956: 187; my emphasis).

Wilson's analytical theory assumed that the natural and inevitable tendency in any system of government is to have recourse to some sovereign body that will exercise "ultimate supremacy" and have the last say in making collective decisions. It is in this sense that we speak of a government as having a monopoly over the legitimate exercise of authority and use of force in a society. Indeed, much of contemporary political science is based on this presumption.

In such a theory, the distinguishing feature of a democratic or republican form of government is whether ultimate authority