

Chapter 2

The journey from Westphalia to Philadelphia

Let us now continue with a historical overview of the Anglo-American administrative traditions that have shaped contemporary administrative systems. As we shall explore in greater depth, 'public' administration, as distinct from other forms of civil administration, is interconnected with democratic governance. Before examining these administrative traditions, however, let us begin with a brief discussion of the foundations of the modern state and the emergence of 'popular sovereignty'.

The origins of contemporary governance and administration are popularly attributed to the birth of the modern state that emerged with the Peace of Westphalia in 1648. Ushering to a close the devastating Thirty Years' War (1618–48), which had consumed most of the central continent of Europe, the terms of the Westphalian Treaty established new, internationally recognized territorial borders and gave newly created sovereign states the legitimate right to govern their peoples and lands. Under their sovereign authority, states could establish new centralized administrative systems, standards, and protocols for managing domestic and international affairs.

The political philosophy underpinning modern democratic administrative systems in countries such as Britain, the United States, France, and India is rooted in the notion of 'popular

sovereignty'. Presupposing that legitimate rule depends upon the 'consent of the people' (or consent of the governed), popular sovereignty and democracy are now often seen to go hand-in-hand. The seeds of popular sovereignty were planted with the English Civil War (1642-9) which resulted in the deposition of England's reigning King Charles I. Upon Charles I's death, England was declared to be a 'commonwealth' and placed under the supreme rule of the House of Commons for several years.

In large part because of the painful events that were first unleashed in 1642, the English philosopher, Thomas Hobbes, detested civil wars and the anarchy that he believed naturally followed. Hobbes reasoned that political and social stability within society depended upon the united rule of strong sovereign authorities. Accordingly, he argued, a regime's legitimacy extended from its ability to maintain political unity and secure a lasting peace. In 1651 Hobbes completed his most famous work *Leviathan*, in which he emphasized the importance of securing political and social order through a social contract. Under this arrangement, citizens collectively agreed to the rule of a sovereign central authority. A royalist, Hobbes argued that monarchies were best suited to these purposes. While (to Hobbes' delight) the English monarchy would eventually be restored, its sovereign power would be curtailed.

The slow journey toward popular sovereignty would continue with the Glorious Revolution of 1688. From then on, legal and administrative authority governing matters of taxation, royal appointments, war, ceremonial expenditures, and government budgets were transferred from the sovereign domain of the monarchy to the parliament. In this process, parliament would assume the major administrative functions of government. No longer subject to the 'arbitrary' and 'capricious' rule of an absolute monarch, these revolutionary institutional changes would create a greater sense of legitimacy and predictability in governmental decisions. These historic events, in turn, would ultimately help

shape the democratic character that public administration would assume in the century to come. Indeed, while Britain is formally a constitutional monarchy, norms and institutions of representative governance are firmly embedded in its political system.

Asserting that an absolute monarchy was incompatible with a justly governed civil society, the enlightenment thinker John Locke provided a provocative justification for revolution that would help lend credence to the notion of popular sovereignty. In his *Second Treatise of Government*, published in 1690, Locke made a sound case for limited government. Presupposing that all legitimate governments derived their authority from the implied consent of the people, Locke claimed that all men possessed natural rights, independent of the laws of any particular ruler or regime. Indeed, Locke insisted that 'the purpose of government' was to protect 'life', 'liberty', and 'property'.

Locke's philosophical views were arguably shaped by his own career as a public administrator. The prolific philosopher assumed a number of administrative positions, which included a diplomatic post in France, a position as the secretary to the Council of Trade, and a position of commissioner of trade and plantations in America. Locke believed that politically impartial administrators must govern within the rule of law in order to ensure that the interests of the people and the 'common good' were being served. At the same time, however, Locke was keenly aware that civil servants should be free to operate with some degree of administrative discretion and autonomy when carrying out their functions and mandates.

The early traditions of American public administration

Locke's ideas on limited government and popular sovereignty would influence both the American Revolution and the US Constitution. Upon gaining their independence from Britain, the

Americans preserved many of the ideas and traditions of English law, public governance, and administration. Indeed, Thomas Jefferson drew inspiration from Locke's philosophical arguments when drafting America's Declaration of Independence. Similarly, James Madison leaned on Locke's views of limited government and social contracts when framing the US Constitution a decade later. In turn, as we shall now see, Jefferson's and Madison's respective views on the role of government and administrative power would ultimately shape distinct administrative traditions that prevail today.

Public administration scholar Donald Kettl provides a lucid overview of the so-called Hamiltonian, Jeffersonian, and Madisonian traditions and explains their relevance to contemporary discussions and debates concerning public administration and civic governance. Acknowledging that a government strong enough to protect citizens' 'inalienable' rights was also powerful enough to strip them away, the founders sought to strike the correct balance between administrative efficiency and individual liberty. Consequently, they wrestled with administrative proposals that would promote effective government, on the one hand, while attempting to place strict constitutional limits on its power, on the other. They became embroiled in a protracted debate, which continues to this day, over how best to ensure public accountability.

Due to his strongly-held beliefs in the need for centralized (federal) national power, Hamilton was identified with a political faction that would become known as the 'Federalists'. Suspicious of centralized national power and fervently supportive of the sovereign rights of subnational authorities, Jefferson was identified with a rival faction known as the 'Anti-Federalists'. Falling somewhere in the middle between the Jeffersonian and Hamiltonian perspectives on governance and administration is the Madisonian tradition. Let us briefly examine each of these traditions in a little more depth.

Emphasizing the need to separate political and administrative powers among discrete institutions in order to prevent the abuse of political authority, Madison adopted the system known as 'checks and balances'. It involved separating national governmental power among three coequal branches of government: executive (president), legislative (legislature), and judicial (courts). The legislative branch was largely responsible for creating the laws, the executive branch administered the laws, and the courts adjudicated the laws. In actuality, however, the powers assigned to the three branches of government were partly blended so that no one branch could exert inordinate power over another. Any president who attempted to usurp too much power, for example, could be impeached by the legislative branch and removed from office. Similarly if the legislature were to enact laws that were deemed offensive to the Constitution, the nation's highest court could overturn them. In most instances, both the legislative branch and the executive branch had to reach a political consensus in order to enact a law.

In order to preserve the balance of power between the presidency and the US Congress, Madison's Constitutional design was set up in a manner that created a permanent sense of tension between these branches of government. The Madisonian system typically forces policymakers and administrators to reach broadly-supported political consensus in order to get anything done. To be sure, this process often involves protracted negotiations and long-fought compromises, making policy and administrative change slow and frustrating. In extreme instances, these tensions can evolve into intense and destructive conflicts. We saw one prominent example of this in our opening chapter with the 2013 budget standoff between President Obama and his partisan opponents in Congress. As the reader will recall, the failure of the executive and legislative branches to reach a budget compromise in that instance imperilled the entire global economy. When analysing the American system of checks and balances, however, it is important to keep in mind that Madison's focus was directed toward

minimizing the threat of tyranny rather than maximizing administrative expediency.

Contrastingly, adherents of the so-called 'Hamiltonian' approach advocated a strong 'federal' government that would inspire national unity and create a distinct American political identity. Hamilton believed that a strong and relatively autonomous executive was essential to a well-functioning administrative system in order to get things done. In the collection of essays known as the *Federalist Papers*, Hamilton argued that a powerful executive would best ensure national security and domestic tranquillity as well as promote consistency in the administration of laws. In one essay, Hamilton argued, assertively, that 'a feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution: And a government ill executed, whatever it may be in theory, must be in practice a bad government.'

Having advocated a more hierarchical top-down approach to administrative governance, Hamilton and his band of Federalists became associated with the expansion of strong national government and hence were viewed as potential enemies of states' rights. Hamilton saw America as a potential industrial power that would ultimately challenge Britain's hegemony throughout the world. To accomplish his vision, Hamilton looked to the central government to finance the industrial growth of the country. Toward that end, Hamilton later used his administrative power as the country's first treasury secretary to establish the first Bank of the United States in order to consolidate the nation's revolutionary war debts and stabilize its currency. In attempting to centralize control over the country's finances, Hamilton further extended the power of the national government.

An outspoken critic of large-scale government, Jefferson distrusted centralized authority. Indeed, he envisioned a republic whereby political and administrative power was largely reserved

for the states. Less focused on building the country into a major industrial power, Jefferson concentrated instead on providing states with the flexibility and autonomy to pursue their distinct destinies. While Hamilton believed in the virtues of strong executive power, Jefferson feared the potential for tyranny that might accompany vesting too much governing power and authority in a single administrative office. Guided by his natural mistrust of a strong monarch-like executive, Jefferson sought to entrust the nation's sovereign power to a more widely representative institution. Accordingly, Jefferson pressed for a strong legislative body where the states and their discrete interests would be adequately represented in the national policymaking and administrative decision-making process.

Proclaiming the virtues of limited government, Jefferson's followers insisted that government was a necessary evil to be viewed with suspicion and hence tempered through the rule of law. The Jeffersonian tradition became associated with bottom-up democracy where subnational state governments enjoyed wide latitude to adopt policies and apply them in ways that were consistent with local norms and customs. However, Jeffersonians sometimes overlooked the propensities for widespread political corruption in local governance and administration. Indeed, the Jeffersonian era would become associated with the birth of the spoils system whereby public employment and government services were administered on the basis of political patronage rather than equity and fairness. Indeed, by the time Jefferson completed his terms in office, nearly two-thirds of the government positions within his administration had been awarded to members of his own political party. The practice of appointing party supporters to federal administrative posts was often rationalized as 'responsive government'.

Ironically, Jefferson was perhaps among the least Jeffersonian presidents. Immediately upon assuming the presidency in 1801, he distinguished himself as more of a Hamiltonian executive

leader. During his time in office, the size and power of the US federal government increased dramatically. With the Louisiana Purchase from Napoleonic France in 1803, Jefferson's administration oversaw the acquisition of nearly 800,000 square miles of territory. Financed largely by London's Barings Bank, the \$23 million purchase represented one of the largest and most lucrative 'land grabs' in history. The massive acquisition would ultimately result in the addition of thirteen new states to the union. As growing numbers of people settled across the West, federal administrative agencies, such as the Federal Post Office, needed to be expanded significantly. Naturally, the size of government and the scope of executive power grew in tandem with the new administrative system. One well-known historian, Henry Adams, asserted that Jefferson wielded executive power 'more complete than had ever before been known in American history'. Sympathetic to the idea that empires require emperors to run them, many Hamiltonians quietly approved.

Jefferson assumed office with the intent of reducing the size of government and the country's public debt. Having inherited nearly \$83 million in public debt from his predecessors (largely left over from the revolutionary war), Jefferson was immediately compelled to modify his small-government agenda. Moreover, his administration was later forced to borrow an additional \$15 million in order to complete the Louisiana Purchase. Convinced that the modest number of civilian administrators serving in the federal government were indispensable to the service of the country, Jefferson looked elsewhere for the necessary cuts. Strongly opposing the proposition that the nation should maintain domestic peace and security by preparing for war, Jefferson made substantial cuts in the country's military expenditures. With these large cuts, a booming economy resulting from territorial expansion, and increases in tariffs on goods consumed by the rich, Jefferson's administration ultimately reduced the nation's debt by nearly 60 per cent.

Reflections for contemporary public administration

Contemporary debates over the proper size and scope of government and administrative power reflect (whether directly or indirectly) the core issues outlined in the Hamiltonian and Jeffersonian traditions. Consistent with Jefferson's reasoning that local governments are more representative of the character of the people, and hence more likely to be responsive to their concerns, political movements have urged the devolution of centralized sovereign political power and administrative authority to subnational governments.

Growing numbers of citizens in the United Kingdom have been pressing for greater political decentralization in certain areas of the country. In response to citizens' demands for more direct representation and greater political autonomy, a series of steps have been undertaken by the British Parliament to confer greater administrative and political authority to the Scottish National Parliament, the National Assembly of Wales, and the Northern Ireland Assembly. On 18 September 2014, a much anticipated referendum was held to determine whether or not to make Scotland an independent country. While 55 per cent of the electorate voted in favour of maintaining the status quo, significant numbers of citizens continue to feel very strongly that Scotland should be granted independence.

Arguing on the grounds that the particular needs and cultural values of citizens in Mississippi and South Carolina are radically different from those in New York and California, many local politicians and citizens have been pressing for greater states' rights. Again, as we saw in the opening chapter, Tea-Party-like groups in the US have been demanding that state governments be granted complete control over policy issues ranging from educational curriculum reform and reproductive rights to gun control and illicit drug use.

Public servants and citizens alike will continue to grapple with administrative dilemmas resulting from conflicts shaped by contending perspectives on governance. In recent years, the states of Colorado, Washington, Oregon, and Alaska have legalized the use of marijuana, while the US federal government and many other states have not. Naturally, this has created widespread confusion among public administrators and the multiple agencies involved in drug enforcement. Under the current jurisdictional division, for example, citizens may possess and use marijuana in the greater Denver metropolitan area. However, if a citizen should enter onto the physical premises of the Denver International Airport, which operates under the national airport authority, he/she may be charged with a federal crime. As we shall see in subsequent pages, administrative tensions between national and local jurisdictions will grow increasingly complex in the global age.