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Author(s): David H. Rosenbloom

Source: *Public Administration Review*, Vol. 43, No. 3 (May - Jun., 1983), pp. 219-227

Published by: Blackwell Publishing on behalf of the American Society for Public Administration

Stable URL: <http://www.jstor.org/stable/976330>

Accessed: 04/01/2010 12:03

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- cond ed. (Boston: Little, Brown and Company, 1976), p. 177.
69. E. E. Schattschneider, *The Semisovereign People*, p. 2.
70. See, for example, Seymour Scher, "Conditions for Legislative Control," *Journal of Politics*, Vol. 25 (August 1963), pp. 526-551; and John S. Saloma, *Congress and the New Politics* (Boston: Little, Brown and Company, 1969), pp. 140-151.
71. See, for example, Michael W. Kirst, *Government Without Passing Laws* (Chapel Hill: University of North Carolina Press, 1969).
72. For example, Wilson and Rachal, "Can Government Regulate Itself?"
73. Thanks to an anonymous reviewer for his/her suggestion of the term "preemptive creative redundancy."
74. The concept "polycentric problem" refers to the tendency of issues to be interrelated and consequently for the policy solutions of one problem to have implications for the others. For the frustrations involved in dealing with these problems as seen through the eyes of policy makers see: David S. Broder, *Changing of the Guard: Power and Leadership in America* (New York: Penguin Books, 1981).

Public Administrative Theory and the Separation of Powers

David H. Rosenbloom, Syracuse University

It has been recognized for some time that the discipline of public administration is plagued by a weak or absent theoretical core. This has led some to conclude, along with Robert Parker,¹ that "there is really no such subject as 'public administration.' No science or art can be identified by this title, least of all any single skill or coherent intellectual discipline." Others, including Frederick C. Mosher,² have considered it a "resource," that public administration "is more an area of interest than a discipline," since this enables the field to draw upon a variety of disciplines. Still others, such as Herbert Kaufman³ and James Q. Wilson,⁴ have argued that public administration faces a serious and seemingly irresolvable problem in continually seeking to maximize the attainment of mutually incompatible values. The contention of this essay is that the central problem of contemporary public administrative theory is that it is derived from three disparate approaches to the basic question of what public administration is. Each of these approaches has a respected intellectual tradition, emphasizes different values, promotes different types of organizational structure, and views individuals in markedly distinct terms. These approaches are conveniently labeled "managerial," "political," and "legal." They have influenced one another over the years, and at some points they overlap. Yet, their primary influence on public administration has been to pull it in three separate directions. Furthermore, these directions tend to follow the pattern of the separation of powers established by the Constitution. Consequently, it is unlikely that the three approaches can be synthesized without violating values deeply ingrained in the United States political culture.⁵

■ Public administrative theory contains at least three distinctive approaches. These can be labeled "managerial," "political," and "legal." Each has relatively separate origins, emphasizes different values, promotes different organizational structures, and views individuals in different terms. These three approaches reflect the constitutional separation of powers, which has tended to collapse into the administrative branch as a consequence of the rise of the contemporary administrative state. The development of a more coherent body of public administrative theory must recognize the utility of each of these approaches as they apply to various aspects of administration. The experience of practitioners, who are often perforce compelled to integrate these approaches on the job, can be an invaluable guide to such theory-building.

The Managerial Approach to Public Administration

Origin and Values

In the United States the managerial approach to public administration grew largely out of the civil service reform movement of the late 19th century. In the reformers' words, "What civil service reform demand[ed], [was] that the business part of the government shall be carried on in a sound businesslike manner."⁶ The idea of "businesslike" public administration was most self-consciously and influentially discussed by Woodrow Wilson in his essay on "The Study of Administration."⁷ There, Wilson considered

David H. Rosenbloom is professor of public administration, the Maxwell School, Syracuse University. He specializes in the politics, personnel, and law of public bureaucracy and is author, most recently, of *Public Administration and Law* (Marcel Dekker, 1983).

public administration to be "a field of business" and consequently largely a managerial endeavor. He also set forth the three core values of the managerial approach to public administration: "It is the object of administrative study to discover, first, what government can properly and successfully do, and, secondly, how it can do these proper things with the utmost possible efficiency and at the least possible cost either of money or of energy."⁸ Thus, public administration was to be geared toward the maximization of effectiveness, efficiency, and economy.

. . . public administrators make rules (legislation), implement these rules (an executive function), and adjudicate questions concerning their application and execution (a judicial function). The collapsing of the separation of powers has been well recognized.

The managerial approach was strengthened by Frederick Taylor and the scientific management movement.⁹ Taylorism sought to enshrine the values of efficiency and economy in a world view that promised to achieve harmony and affluence among mankind. Later, Leonard White's influential *Introduction to the Study of Public Administration*¹⁰ asserted that "the study of administration should start from the base of management rather than the foundation of law, and is, therefore, more absorbed in the affairs of the American Management Association than in the decisions of the courts." When the managerial approach to public administration was at the pinnacle of its influence in the 1930s, it was widely held, along with Luther Gulick, that "efficiency" was "axiom number one in the value scale of administration" and that politics could not enter "the structure of administration without producing inefficiency."¹¹

The essence of the managerial approach's values was captured by Simmons and Dvorin in the following terms: "The 'goodness' or 'badness' of a particular organizational pattern was a mathematical relationship of 'inputs' to 'outputs.' Where the latter was maximized and the former minimized, a moral 'good' resulted. Virtue or 'goodness' was therefore equated with the relationship of these two factors, that is, 'efficiency,' or 'inefficiency.' Mathematics was transformed into ethics."¹²

Organizational Structure

The managerial approach to public administration promotes organization essentially along the lines of Max Weber's ideal-type bureaucracy.¹³ It stresses the importance of functional specialization for efficiency. Hierarchy is then relied upon for effective coordination.¹⁴ Programs and functions are to be clearly assigned to organizational units. Overlaps are to be minimized. Positions are to be classified into a rational scheme and

pay scales are to be systematically derived in the interests of economy and motivating employees to be efficient. Selection of public administrators is to be made strictly on the basis of merit. They are to be politically neutral in their competence. Relationships among public administrators and public agencies are to be formalized in writing and, in all events, the public's business is to be administered in a smooth, orderly fashion.¹⁵

View of the Individual

The managerial approach to public administration promotes an impersonal view of individuals. This is true whether the individuals in question are the employees, clients, or the "victims"¹⁶ of public administrative agencies. One need not go so far as Max Weber in considering "dehumanization" to be the "special virtue" of bureaucracy or to view the bureaucrat as a "cog" in an organizational machine over which he/she has virtually no control.¹⁷ Yet there can be no doubt that a strong tendency of scientific management was to turn the individual worker into an appendage to a mechanized means of production. By 1920, this view of the employee was clearly embodied in the principles of position classification in the public sector: "The individual characteristics of an employee occupying a position should have no bearing on the classification of the position."¹⁸ Indeed, the strong "position-orientation" of the managerial approach to public administration continues to diminish the importance of the individual employee to the overall organization.

Clients, too, have been "depersonalized" and turned into "cases" in an effort to promote the managerial values of efficiency, economy, and effectiveness. Ralph Hummel explains,

At the intake level of the bureaucracy, individual personalities are converted into cases. Only if a person can qualify as a case, is he or she allowed treatment by the bureaucracy. More accurately, a bureaucracy is never set up to treat or deal with persons: it "processes" only "cases."¹⁹

"Victims" may be depersonalized to such an extent that they are considered sub-human, especially where physical force or coercion is employed as in mental health facilities and police functions.²⁰

The human relations approach to organization theory and some contemporary views argue that reliance on impersonality tends to be counter-productive because it generates "bureaupathologies."²¹ Nevertheless, the managerial approach's impersonal view of individuals is deeply ingrained and considered essential to the maximization of efficiency, economy, and effectiveness.

The Political Approach to Public Administration

Origins and Values

The political approach to public administration was perhaps most forcefully and succinctly stated by Wallace Sayre:

Public administration is ultimately a problem in political theory: the fundamental problem in a democracy is responsibility to popular control; the responsibility and responsiveness of the administrative agencies and the bureaucracies to the elected officials (the chief executives, the legislators) is of central importance in a government based increasingly on the exercise of discretionary power by the agencies of administration.²²

This approach grew out of the observation of some, such as Paul Appleby, that public administration during the New Deal and World War II was anything but devoid of politics.²³ Thus, unlike the origin of the managerial approach, which stressed what public administration ought to be, the political approach developed from an analysis of apparent empirical reality.

Once public administration is considered a political endeavor, emphasis is inevitably placed on a different set of values than those promoted by the managerial approach. "Efficiency," in particular, becomes highly suspect, as Justice Brandeis pointed out in dissent in *Myers v. United States* (1926):

The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy.²⁴

Rather, the political approach to public administration stresses the values of representativeness, political responsiveness, and accountability through elected officials to the citizenry. These are viewed as crucial to the maintenance of constitutional democracy, especially in view of the rise of the contemporary administrative state, which may be likened unto "bureaucratic government."²⁵

One can find many examples of governmental reforms aimed at maximizing the political values of representativeness, responsiveness, and accountability within public administration. For instance, the wide ranging academic controversy concerning the concept of "representative bureaucracy"²⁶ notwithstanding, the Federal Civil Service Reform Act of 1978 made it "the policy of the United States . . . to provide a Federal workforce reflective of the Nation's diversity" by endeavoring "to achieve a work force from all segments of society."²⁷ The Federal Advisory Committee Act of 1971 sought to enhance responsiveness through the use of "representative" advisory committees.²⁸ Earlier, the poverty and model cities programs of the 1960s sought to use "citizen participation" as a means of promoting political responsiveness in administrative operations. The quest for responsiveness has also blended into attempts to promote the accountability of public administrators to political officials through a variety of measures including greater use of the General Accounting Office,²⁹ the creation of the federal Senior Executive Service, and structural changes such as the establishment of the Office of Management and Budget, the Office of Personnel Management, and the Congressional Budget Office. "Sunshine" provisions such as the Freedom of Information Act and "sunset" requirements are

also examples of the attempt to promote political accountability. There is also a growing academic literature on the need to promote representativeness, responsiveness, and accountability in the modern administrative state.³⁰

It is important to note that the values sought by the political approach to public administration are frequently in tension with those of the managerial approach. For instance, efficiency in the managerial sense is not necessarily served through sunshine regulations which can dissuade public administrators from taking some courses of action, though they may be the most efficient, and can divert time and resources from program implementation to the deliverance of information to outsiders. Consultation with advisory committees and "citizen participants" can be time consuming and costly. A socially representative public service may not be the most efficient one.³¹ Nor is the intended shuffling of Senior Executive Servants from agency to agency likely to enhance efficiency in the managerial sense. Rather it is thought that by providing this cadre of top public administrators a wider variety of experience, they may come to define the public interest in more comprehensive terms and therefore become more responsive to the nation's overall political interests. Moreover, while various budgeting strategies and sunset provisions can promote economy in one sense, the amount of paperwork they generate and the extent to which they may require agencies to justify and argue on behalf of their programs and expenditures can become quite costly. Indeed, a quarter century ago, Marver Bernstein reported that "many officials complain that they must spend so much time preparing for appearing at Congressional hearings and in presenting their programs before the Bureau of the Budget and other bodies that it often leaves little time for directing the operations of their agencies."³² Managerial effectiveness is difficult to gauge, of course, but federal managers have long complained that their effectiveness is hampered by the large congressional role in public administration and the need to consult continually with a variety of parties having a legitimate concern with their agencies' operations.³³

Organizational Structure

Public administration organized around the political values of representativeness, responsiveness, and accountability also tends to be at odds with the managerial approach to organization. Rather than emphasizing clear lines of functional specialization, hierarchy, unity, and recruitment based on politically neutral administrative competence, the political approach stresses the extent and advantages of political pluralism within public administration. Thus, Harold Seidman argues that, "Executive branch structure is in fact a microcosm of our society. Inevitably it reflects the values, conflicts, and competing forces to be found in a pluralistic society. The ideal of a neatly symmetrical, frictionless organization structure is a dangerous illusion."³⁴ Norton Long makes a similar point: "Agencies and bureaus more or less perforce are in the business of building,

maintaining, and increasing their political support. They lead and in large part are led by the diverse groups whose influence sustains them. Frequently they lead and are themselves led in conflicting directions."³⁵ Roger Davidson finds a political virtue where those imbued with the managerial approach might see disorder: "In many respects, the civil service represents the American people more comprehensively than does Congress."³⁶

The basic concept behind pluralism within public administration is that since the administrative branch is a policy-making center of government, it must be structured to enable faction to counteract faction by providing political representation to a comprehensive variety of the organized political, economic, and social interests that are found in the society at large. To the extent that the political approach's organizational scheme is achieved, the structure comes to resemble a political party platform that promises something to almost everyone without establishing clear priorities for resolving conflicts among them. Agency becomes adversary of agency and the resolution of conflict is shifted to the legislature, the office of the chief executive, inter-agency committees, or the courts. Moreover, the number of bureaus and agencies tends to grow over time, partly in response to the political demands of organized interests for representation. This approach to administrative organization has been widely denounced as making government "unmanageable," "costly," and "inefficient,"³⁷ but, as Seidman argues, it persists because administrative organization is frequently viewed as a political question that heavily emphasizes political values.

View of the Individual

The political approach to public administration tends to view the individual as part of an aggregate group. It does not depersonalize the individual by turning him or her into a "case," as does the managerial approach, but rather identifies the individual's interests as being similar or identical to those of others considered to be within the same group or category. For example, affirmative action within the government service is aimed at specific social groups such as blacks and women without inquiry as to the particular circumstances of any individual member of these broad and diverse groups. Similarly, farmers growing the same crops and/or located in the same national geopolitical subdivisions are considered alike, despite individual differences among them. The same is true in any number of areas of public administration where public policies dealing with people are implemented. This is a tendency, of course, that fits the political culture well—politicians tend to think in terms of groups, e.g., the "black" vote, the "farm" vote, labor, and so forth. Indeed, this approach is so strong that some, such as David Truman,³⁸ consider it the main feature of government in the United States. Theodore Lowi argues that a central tenet of the contemporary American "public philosophy" is that "organized interests are homogeneous and easy to define, sometimes mono-

lithic. Any 'duly elected' spokesman for any interest is taken as speaking in close approximation for each and every member."³⁹ In this view of the individual, then, personality exists, but it is conceptualized in collective terms.

The Legal Approach to Public Administration

Origin and Values

In the United States, the legal approach to public administration has historically been eclipsed by the other approaches, especially the managerial. Nevertheless, it has a venerable tradition and has recently emerged as a full-fledged vehicle for defining public administration. It is derived primarily from three inter-related sources. First is administrative law. As early as 1905, Frank Goodnow, a leading contributor to the development of public administrative theory generally, published a book entitled *The Principles of the Administrative Law of the United States*.⁴⁰ There he defined administrative law as "that part of the law which fixes the organization and determines the competence of the authorities which execute the law, and indicates to the individual remedies for the violation of his rights."⁴¹ Others have found this broad conception of administrative law adequate for defining much of the work of public administrators and the nature of public agencies. For instance, Marshall Dimock writes:

To the public administrator, law is something very positive and concrete. It is his authority. The term he customarily uses to describe it is "my mandate." It is "his" law, something he feels a proprietary interest in. It does three things: tells him what the legislature expects him to accomplish, fixes limits to his authority, and sets forth the substantive and procedural rights of the individual and group. Having a positive view of his mandate, the administrator considers himself both an interpreter and a builder. He is a builder because every time he applies old law to new situations he builds the law. Therefore law, like administration, is government in action.⁴²

Taking a related view, Kenneth Davis argues that public agencies are best defined in terms of law: "An administrative agency is a governmental authority, other than a court and other than a legislative body, which affects the rights of private parties through either adjudication, rule-making, investigating, prosecuting, negotiating, settling, or informally acting."⁴³

A second source of the legal approach has been the movement toward the "judicialization"⁴⁴ of public administration. Judicialization falls within the purview of Goodnow's definition of administrative law, but tends to concentrate heavily upon the establishment of procedures designed to safeguard individual rights. Dimock succinctly captures the essence of judicialization:

Before the Administrative Procedure Act [1946] came into existence, decisions were made by the regular administrative staff, with the ultimate decision being entrusted to the head of the agency. Characteristically, it was a collective or institutional decision, each making his contribution and all checking each other. The decisions were made on the basis of statutory law, plus agency sublegislation, plus decided court cases. The system worked, and in most cases

worked well. Then the idea arose of using "hearing examiners" in certain cases where hearings were long and technical, as in railroad cases coming under the Interstate Commerce Commission. . . .

When the Administrative Procedure Act . . . was enacted, however, judicialization was speeded up, and now, like a spreading fog, it has become well-nigh universal. It began with hearing officers who were recruited by the U.S. Civil Service Commission and put in a pool, from which they were assigned to various agencies. . . . [T]he idea of courtroom procedure was still further enlarged when Congress created the office of "Administrative Judge," this being one who operates inside the agency instead of outside it, as in the case of the European administrative courts.

. . . In actual practice . . . the longer the system has been in existence, the more frequently the hearing examiner's recommended decision becomes the final decision.⁴⁵

Thus, judicialization brings not only law but legal procedure as well to bear upon administrative decision making. Agencies begin to function more like courts and consequently legal values come to play a greater role in their activities.

Constitutional law provides a third source of the contemporary legal approach to public administration. Since the 1950s, the federal judiciary has virtually redefined the procedural, equal protection, and substantive rights and liberties of the citizenry *vis-à-vis* public administrators.⁴⁶ The old distinction between rights and privileges, which had largely made the Constitution irrelevant to individuals' claims with regard to the receipt of governmental benefits, met its demise. Concomitantly, there was a vast expansion in the requirement that public administrators afford constitutional procedural due process to the individuals upon whom they specifically acted. A new stringency was read into the Eighth Amendment's prohibition of cruel and unusual punishment. Wholly new rights, such as the right to treatment and habilitation, were created, if not fully ratified by the Supreme Court, for those confined to public mental health facilities. The right to equal protection was vastly strengthened and applied in a variety of administrative matters ranging from public personnel merit examinations to the operation of public schools and prisons.

The expansion of the constitutional rights of individuals *vis-à-vis* public administrators has been enforced primarily in two ways, both of which enhance the relevance of the legal approach to contemporary public administration. The courts have sought to force public administrators scrupulously to avoid violating individuals' constitutional rights by reducing public officials' once absolute immunity from civil suits for damages to a qualified immunity.⁴⁷ With some exceptions, public administrators are now liable for damages if they "knew or reasonably should have known" that an action taken abridged someone's constitutional rights.⁴⁸ In the Supreme Court's view, this approach "in addition to compensating victims, serves a deterrent purpose"⁴⁹ that "should create an incentive for officials who may harbor doubts about the lawfulness of their intended actions to err on the side of protecting citizens' constitutional rights."⁵⁰ Consequently, the concept of administrative competence is expanded to include reasonable knowledge of constitutional law. In addi-

tion, in suits challenging the constitutionality or legality of public institutions such as schools, prisons, and mental health facilities, the courts have frequently decreed on-going relief requiring institutional reforms that place the judges in the role of "partner"⁵¹ with public administrators. Indeed, in some instances judges clearly become supervisors of vast administrative undertakings.⁵²

The legal approach to public administration embodies three central values. One is procedural due process. It has long been recognized that this value cannot be confined to any single set of requirements or standards.⁵³ Rather, the term stands for the value of fundamental fairness and is viewed as requiring procedures designed to protect individuals from malicious, arbitrary, capricious, or unconstitutional harm at the hands of the government. A second value concerns individual substantive rights as embodied in evolving interpretations of the Bill of Rights and the Fourteenth Amendment. In general, the judiciary views the maximization of individual rights and liberties as a positive good and necessary feature of the United States political system. Breaches of these rights may be tolerated by the courts when, on balance, some essential governmental function requires their abridgment. However, the usual presumption is against the government in such circumstances and, consequently, judicial doctrines place a heavy burden on official administrative action that infringes upon the substantive constitutional rights of individuals.⁵⁴ Third, the judiciary values equity, a concept that like due process is subject to varying interpretation. However, in terms of public administration in general, equity stands for the value of fairness in the result of conflicts between private parties and the government. It militates against arbitrary or invidious treatment of individuals, encompasses much of the constitutional requirement of equal protection, and enables the courts to fashion relief for individuals whose constitutional rights have been violated by administrative action.

One of the major features of the values of the legal approach to public administration is the downgrading of the cost/benefit reasoning associated with the managerial approach. The judiciary is not oblivious to the costs of its decisions, but its central focus tends to be on the nature of the individual's rights, rather than on the costs to society of securing those rights. This is especially evident in cases involving the reform of public institutions. As one court said, "inadequate resources can never be an adequate justification for the state's depriving any person of his constitutional rights."⁵⁵

Organizational Structure

As suggested in the discussion of judicialization, the preferred structure of the legal approach to public administration is one that will maximize the use of adversary procedure. The full-fledged judicial trial is the archetypical model of this structure. In terms of public administration, however, it is generally modified to allow greater flexibility in the discovery of facts. Juries are not used and hearing examiners often play a more

active role in bringing out relevant information. Although this structure is often associated with regulatory commissions, its general presence within public administration should not be underestimated. For example, it is heavily relied upon in contemporary public personnel management, especially in the areas of adverse actions, equal employment opportunity, and labor relations.⁵⁶ It is also common in instances where governmental benefits, such as welfare or public school education, are being withheld or withdrawn from individuals.⁵⁷ The precise structure varies from context to context, but the common element running through it is the independence and impartiality of the hearing examiner. As Dimock points out, to a large extent this independence undermines the managerial approach's reliance on hierarchy. Hearing examiners stand outside administrative hierarchies in an important sense. Although they can be told what to do, that is, which cases to hear, they cannot be told how to rule or decide. Moreover, for all intents and purposes, their rulings may be binding upon public agencies. This may introduce serious limitations on administrative coordination as the hearing examiner's interpretation of law and agency rules may differ from that of the agency's managerial hierarchy. Dimock summarizes the impact of the adjudicatory structure as follows:

The hearing officers and administrative judges are on a different payroll. Moreover, unlike other officials in his department or agency, the executive is expressly forbidden to fire, discipline, or even communicate with the administrative judge except under very special circumstances, which usually means when the judge submits his proposed order. Under the new system, the judge is isolated in the same manner as a judicial judge, for fear that improper influence will be brought to bear upon him.⁵⁸

To a considerable extent, therefore, this model is at odds with all the values embodied in the other two approaches: It militates against efficiency, economy, managerial effectiveness, representativeness, responsiveness, and political accountability. It is intended, rather, to afford maximum protection of the rights of private parties against illegal, unconstitutional, or invidious administrative action.

View of the Individual

The legal approach's emphasis on procedural due process, substantive rights, and equity leads it to consider the individual as a unique person in a unique set of circumstances. The notion that every person is entitled to a "day in court" is appropriate here. The adversary procedure is designed to enable an individual to explain his or her unique and particular circumstances, thinking, motivations, and so forth to the governmental decision maker. Moreover, a decision may turn precisely upon such considerations, which become part of the "merits" of the case. There are some outstanding examples of this in the realm of public administration. For instance, in *Cleveland Board of Education v. LaFleur* (1974)⁵⁹ the Supreme Court ruled that before a mandatory maternity leave could be imposed upon a preg-

nant public school teacher, she was entitled to an individualized medical determination of her fitness to continue on the job. In *Wyatt v. Stickney* (1971),⁶⁰ a federal district court required that an individual treatment plan be developed for each person involuntarily confined to Alabama's public mental health facilities. Emphasis on the individual *qua* individual does not, of course, preclude the aggregation of individuals into broader groups, as in the case of class action suits. However, while such a suit may be desirable to obtain widespread change, it does not diminish the legal approach's concern with the rights of specific individuals.

The Separation of Powers

Reflection upon these opposing approaches to public administration suggests that they cannot be synthesized for the simple reason that they are an integral part of a political culture that emphasizes the separation of powers rather than integrated political action. Thus, it is largely true that each of these approaches is associated with the values embodied in a different branch of government. The managerial approach is most closely associated with the executive. The presidency has taken on a vast number of roles and functions, but a major feature of its constitutional power is to make sure that the laws are faithfully executed. This is largely the role of implementation, which is the focus of the managerial approach's definition of public administration. The political approach, by contrast, is more closely associated with legislative concerns. It views public administrators as supplementary law makers and policy makers generally. Hence its emphasis on representativeness, responsiveness, and accountability. The legal approach is very closely related to the judiciary in its concern with individual rights, adversary procedure, and equity.

As Justice Brandeis pointed out, the founders' purpose in creating the constitutional branches was not simply to facilitate efficiency, coordination, and a smooth functioning of government generally. The purpose was also to create a system that would give each branch a motive and a means for preventing abuses or misguided action by another. This would prevent the "accumulation of all powers, legislative, executive, and judiciary, in the same hands," which, as Madison wrote in *Federalist* #47, the founders considered to be "the very definition of tyranny." But the separation of powers would also create a tendency toward inaction. Not only would each branch check the others, but a system of checks and balances would also serve as a check on popular political passions. Thus, the terms of office and the constituencies of members of the House of Representatives and the Senate differ from each other and from those of the president. The judiciary, being appointive, has no constituency *per se* and serves at good behavior, subject to removal by impeachment. Changing the staffing of the government as a whole, therefore, is something that can be accomplished only gradually. Altering its policy initiatives and directions drastically requires widespread consensus among the

citizenry. Importantly, some actions of the legislature, such as approving treaties, over-riding vetoes, and proposing constitutional amendments, require extraordinary majorities. This can enable a political minority to protect itself from a majority passion.⁶¹ Overall, the government was designed to be responsive slowly to relatively long-term public demands and to require the development of relatively broad agreement among the electorate prior to taking action.

. . . attention must be paid to the public administrative practitioners whose action is circumscribed by internal considerations of checks, balances, and administrative and political pressures. . . .

This model of government has not seemed well-suited to public policy aimed at widespread penetration of the economic and social life of the political community. It is weighted in favor of inertia and inflexibility. In answer to this problem, during the past century or so, the United States developed a large administrative apparatus to facilitate specialized, positive, and flexible governmental action.⁶² This phenomenon is commonly referred to as the "rise of the administrative state" and is hardly confined to the United States.⁶³ However, in this country it represents an effort to reduce the inertial qualities of the system of separation of powers. In essence, all three governmental functions have been collapsed into the administrative branch. Thus, public administrators make rules (legislation), implement these rules (an executive function), and adjudicate questions concerning their application and execution (a judicial function). The collapsing of the separation of powers has been well recognized. As Justice White wrote in *Buckley v. Valeo* (1976), "There is no doubt that the development of the administrative agency in response to modern legislative and administrative need has placed severe strain on the separation-of-powers principle in its pristine formulation."⁶⁴ This strain has also contributed to a "crisis of legitimacy"⁶⁵ in public administration because of the accumulation of legislative, executive, and judicial functions in administrative agencies runs counter to the deeply ingrained desire within the political culture for a system of checks and balances.

In a very real fashion, however, a system of checks and balances has devolved to the administrative branch along with the three governmental functions. Thus, as has been argued in this essay, the values associated with each function have been transmuted into distinctive theoretical approaches toward public administration. These approaches have different origins, stress different values and structural arrangements, and view individuals in remarkably different ways. This is precisely because each stresses a different function of public administration. Consequently, although there may be room for greater synthesis of these approaches, seeking to unify theory by allowing one approach to drive out the others would promote public bureaucracy in the most invidious sense of the term. Rather, the task is to

develop a distinctive theoretical core suitable to the political culture by building around the need to maintain values, organizational structures, and perspectives on the individual that tend to check and balance each other.

Precisely how such theory may be derived is, of course, not immediately evident or predictable. However, a few ideas come to mind. First, public administrative theorists must recognize the validity and utility of each of the approaches discussed here. Perhaps others can be added in the future, but the legitimacy of each of these is beyond question. Consequently, a definition of the field of public administration must include a consideration of managerial, political, and legal approaches. Second, it is necessary to recognize that each approach may be more or less relevant to different agencies, administrative functions, and policy areas. For example, regulation stresses adjudication and, consequently, probably should not be organized primarily according to the managerial or political approaches. Likewise, overhead operations most clearly fall within the purview of the managerial approach. Distributive policy *may* be best organized according to the political approach. Much more thought and research must be devoted to these matters before any firm conclusions can be reached. But clearly it is an administrative fallacy to try to treat all agencies and programs under a universal standard. This is one reason why the much vaunted "rational" budgeting techniques of PPBS and ZBB failed.⁶⁶ Third, as heretical as it will sound to some, public administrative theory must make greater use of political theory. As is argued here, the separation of powers goes well beyond the issues of legislative delegation and agency subdelegation—it reaches to the core of the leading theories of public administration. Finally, attention must be paid to the practical wisdom of the public administrative practitioners whose action is circumscribed by internal considerations of checks, balances, and administrative and political pressures generally. Individual public administrators are often called upon to integrate the three approaches to public administration and much can be learned from their experience.

Notes

1. Robert Parker, "The End of Public Administration," *Public Administration Review*, Vol. 34 (June 1965), p. 99; quoted in Richard Stillman, *Public Administration: Concepts and Cases* (Boston: Houghton, Mifflin, 1976), p. 3.
2. Frederick C. Mosher, "Research in Public Administration," *Public Administration Review*, Vol. 16 (Summer 1956), p. 177; Stillman, *Public Administration*, p. 3.
3. Herbert Kaufman, "Emerging Conflicts in the Doctrines of Public Administration," *American Political Science Review*, Vol. 50 (December 1956), pp. 1057-1073.
4. James Q. Wilson, "The Bureaucracy Problem," *The Public Interest*, Vol. 6 (Winter 1976), pp. 3-9.
5. See Gabriel Almond and Sidney Verba, *The Civic Culture* (Boston: Little, Brown, 1965), whose findings provide a useful outline of the values forming the core of the U.S. political culture.

6. Carl Schurz, *The Necessity and Progress of Civil Service Reform* (Washington, D.C.: Good Government, 1894), p. 3.
7. Woodrow Wilson, "The Study of Administration," *Political Science Quarterly*, Vol. 56 (December 1941), pp. 481-506 (originally copyrighted in 1887).
8. *Ibid.*, p. 481.
9. Frederick Taylor, *The Principles of Scientific Management* (New York: Harper and Bros., 1917).
10. Leonard D. White, *Introduction to the Study of Public Administration* (New York: Macmillan, 1926), pp. vii-viii. See also Herbert J. Storing, "Leonard D. White and the Study of Public Administration," *Public Administration Review*, Vol. 25 (March 1965), pp. 38-51.
11. *Papers on the Science of Administration*, ed. by Luther Gulick and L. Urwick (New York: Institute of Public Administration, 1937), pp. 192, 10.
12. Robert Simmons and Eugene Dvorin, *Public Administration* (Port Washington, N.Y.: Alfred Publishing, 1977), p. 217.
13. Max Weber, *From Max Weber: Essays in Sociology*, translated and ed. by H. H. Gerth and C. W. Mills (New York: Oxford University Press, 1958), pp. 196-244.
14. Peter Blau and Marshall Meyer, *Bureaucracy in Modern Society*, second ed. (New York: Random House, 1971), esp. p. 8. See also Victor Thompson, *Modern Organization* (New York: Knopf, 1961), pp. 58-80.
15. See Harold Seidman, *Politics, Position, and Power* (New York: Oxford University Press, 1970), Chapter 1.
16. See Eugene Lewis, *American Politics in a Bureaucratic Age: Citizens, Constituents, Clients, and Victims* (Cambridge, Mass.: Winthrop, 1977).
17. Weber, *Essays in Sociology*, p. 228.
18. Jay Shafritz, et al., *Personnel Management in Government* (New York: Marcel Dekker, 1978), p. 94.
19. Ralph Hummel, *The Bureaucratic Experience* (New York: St. Martin's, 1977), pp. 24-25.
20. See Erving Goffman, *Asylums* (Garden City, N.Y.: Doubleday, 1961), esp. pp. 1-24; *Halderman v. Pennhurst State School*, 244 F. Supp. 1295 (1977); *Holt v. Sarver*, 304 F. Supp. 362 (1970); John Hersey, *The Algiers Motel Incident* (New York: Knopf, 1968).
21. See Amitai Etzioni, *Modern Organizations* (Englewood Cliffs, N.J.: Prentice Hall, 1964), chapter 4, for a brief, cogent description of the human relations approach. Victor Thompson, *Modern Organization*, discusses bureaupathology at pp. 152-177.
22. Wallace Sayre, "Premises of Public Administration: Past and Emerging," in Jay Shafritz and Albert Hyde, eds., *Classics of Public Administration* (Oak Park, Ill.: Moore, 1978), p. 201. Dwight Waldo, *The Administrative State* (New York: Ronald Press, 1948), demonstrates how the basic value choices of managerial public administration are ultimately statements of political preference.
23. Paul Appleby, *Policy and Administration* (University, Ala.: University of Alabama Press, 1949); see also Theodore Lowi, *The End of Liberalism* (New York: W.W. Norton, 1969).
24. *Myers v. U.S.*, 272 U.S. 52, 293 (1926).
25. David Nachmias and David H. Rosenbloom, *Bureaucratic Government, U.S.A.* (New York: St. Martin's, 1980).
26. The literature here is too vast to cite in its entirety. See Samuel Krislov and David H. Rosenbloom, *Representative Bureaucracy and the American Political System* (New York: Praeger, 1981) for a recent discussion.
27. PL 95-454, sect. 3 and sect. 2301 (b) (1). See also *Givhan v. Western Line Consolidated School District*, 99 S. Ct. 693 (1979), which enunciates constitutional conditions permitting a public employee to act as a "representative" within a public administrative structure.
28. PL 92-463.
29. See William Keefe and Morris Ogul, *The American Legislative Process*, fourth ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1977), p. 407.
30. See Frederick Mosher, *Democracy and the Public Service* (New York: Oxford University Press, 1968); Ralph Hummel, *The Bureaucratic Experience*; Morris Janowitz, Deil Wright, and William Delany, *Public Administration and the Public* (Westport, Conn.: Greenwood, 1977); Lowi, *End of Liberalism*; William Morrow, *Public Administration* (New York: Random House, 1975); and Bruce Smith and James D. Carroll, eds., *Improving the Accountability and Performance of Government* (Washington, D.C.: Brookings, 1982).
31. This was an implicit assumption of the 19th-century civil service reformers, who argued that "as the functions of government grow in extent, importance and complexity, the necessity grows of their being administered not only with honesty, but also with trained ability and knowledge," Carl Schurz, *Congress and the Spoils System* (New York: George Peck, 1895), p. 4. See Harry Kranz, *The Participatory Bureaucracy* (Lexington, Mass.: Lexington Books, 1976); and Samuel Krislov, *Representative Bureaucracy* (Englewood Cliffs, N.J.: Prentice-Hall, 1974) for discussions of social representativeness and efficiency.
32. Marver Bernstein, *The Job of the Federal Executive* (Washington, D.C.: Brookings, 1958), p. 30.
33. *Ibid.*, pp. 26-37. See also Herbert Kaufman, *The Administrative Behavior of Federal Bureau Chiefs* (Washington, D.C.: Brookings, 1981), esp. chapter 2.
34. Seidman, *Politics, Position, and Power*, p. 13.
35. Norton Long, "Power and Administration," in Francis Rourke, ed., *Bureaucratic Power in National Politics* (Boston: Little, Brown, 1965), p. 18.
36. Roger Davidson, "Congress and the Executive: The Race for Representation," in A. DeGrazia, ed., *Congress: The First Branch of Government* (New York: Anchor, 1967), p. 383.
37. See Seidman, *Politics, Position, and Power*, chapter 1.
38. David Truman, *The Governmental Process* (New York: Knopf, 1951); see also Arthur Bentley, *The Process of Government* (Chicago: University of Chicago, 1908).
39. Lowi, *End of Liberalism*, p. 71. See also Grant McConnell, *Private Power and American Democracy* (New York: Knopf, 1966), chapters 4 and 5.
40. Frank Goodnow, *The Principles of the Administrative Law of the United States* (New York: G.P. Putnam's Sons, 1905).
41. *Ibid.*, p. 17.
42. Marshall Dimock, *Law and Dynamic Administration* (New York: Praeger, 1980), p. 31.
43. Kenneth Davis, *Administrative Law and Government* (St. Paul: West, 1975), p. 6.
44. Dimock, *Law and Dynamic Administration*, chapter 10.
45. *Ibid.*, p. 113. According to Charles Dullea, "Development of the Personnel Program for Administrative Law Judges," *Administrative Law Review*, Vol. 25 (Winter 1973), pp. 41-47, the title "Administrative Law Judge" was created by the U.S. Civil Service Commission.
46. The case law and literature are too voluminous to cite. See David H. Rosenbloom, *Public Administration and Law: Bench v. Bureau in the United States* (New York: Marcel Dekker, 1983).
47. See *Scheuer v. Rhodes*, 416 U.S. 322 (1974). See also Rosenbloom, *Public Administration and Law*, chapter 6.
48. *Wood v. Strickland*, 420 U.S. 308, 322 (1975); *Harlow v. Fitzgerald*, 50 Law Week 4815 (1982).
49. *Carlson v. Green*, 446 U.S. 14, 21 (1980).
50. *Owen v. City of Independence*, 445 U.S. 622, 652 (1980).
51. David Bazelon, "The Impact of the Courts on Public Administration," *Indiana Law Journal*, Vol. 52 (1976), pp. 101-110.
52. Abram Chayes, "The Role of the Judge in Public Law Litiga-

- tion," *Harvard Law Review*, Vol. 89 (1976), pp. 1281-1316; Roger Cramton, "Judicial Lawmaking in the Leviathan State," *Public Administration Review*, Vol. 36 (September/October 1976), pp. 551-555.
53. *Hannah v. Larche*, 363 U.S. 420 (1960).
 54. See for instance, *Branti v. Finkel*, 445 U.S. 507, 518 (1980), which requires the public employer to "demonstrate that party affiliation is an appropriate requirement for the effective performance of the public office involved" when making a patronage dismissal.
 55. *Hamilton v. Love*, 328 F. Supp. 1182, 1194 (1971).
 56. See Robert Vaughn, *The Spoiled System* (New York: Charterhouse, 1975); Richard A. Merrill, "Procedure for Adverse Actions Against Federal Employees," *Virginia Law Review*, Vol. 59 (1973), pp. 196-287.
 57. *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Goss v. Lopez*, 419 U.S. 565 (1975).
 58. Dimock, *Law and Dynamic Administration*, p. 114.
 59. 414 U.S. 632 (1974). Argued and decided with *Cohen v. Chesterfield Co. School Board*.
 60. *Wyatt v. Stickney*, 325 F. Supp. 781 (1971); 334 F. Supp. 387 (1972).
 61. See *Federalist* #10.
 62. See Peter Woll, *American Bureaucracy*, second ed. (New York: Norton, 1977). Woll is among several scholars with a constitutional focus who argue cogently that the administrative process is far more flexible than government according to the original constitutional scheme could be. See also, Davis, *Administrative Law and Government*. James O. Freedman, *Crisis and Legitimacy* (New York: Cambridge University Press, 1978), chapter 2, provides a brief description of the rise of the contemporary administrative state and the tension between its operation and the founders' concept of the separation of powers.
 63. Henry Jacoby, *The Bureaucratization of the World* (Berkeley: University of California Press, 1978).
 64. *Buckley v. Valeo*, 424 U.S. 1, 280-281 (1976).
 65. Freedman, *Crisis and Legitimacy*.
 66. Allen Schick, "A Death in the Bureaucracy," *Public Administration Review*, Vol. 33 (March/April 1973), pp. 146-156; "Budgeting Expert Calls Carter Plan 'Disaster,'" *Houston Post*, April 8, 1977, p. 14A, quotes Peter Phyr, originator of zero based budgeting, as calling the federal effort to institute ZBB all-at-once "absolute folly."

Intergovernmental Management: Perspectives from Human Services Problem Solving at the Local Level

Robert Agranoff, Indiana University
Valerie A. Lindsay, Illinois Bureau of the Budget

This paper attempts to define intergovernmental management (IGM). It is based on the findings of a study of local public officials as they face intergovernmental issues and seek to resolve problems. IGM has been one of the neglected dimensions of intergovernmental relationships, which has focused on structural, fiscal, and legal patterns.¹ The study referred to here, on the other hand, examines inter-jurisdictional problem-solving. As such, it provides an excellent opportunity to begin developing operating principles of management.

Although the research setting focused on interlocal human services, the concepts and approaches are presumed to be more general. This paper will "tease out" the important implications for managers as they attempt to accomplish tasks intergovernmentally at all levels. Thus, the approach to management, as well as to the interlocal modes highlighted, are presumed to represent IGM generally. Moreover, the substantive look at human services issues is a matter of focus, albeit an important one, since a large proportion of intergovernmental programs and problems falls into this category. The purpose of the article is to generate dialogue and

stimulate future inquiry into the administrative dimensions of intergovernmental affairs.

The question may appropriately be raised, what is IGM and how does it differ from intergovernmental relations (IGR)? IGR, which has been described as differing from traditional federalism, with its emphasis on independent levels and divided functions, focuses on actual relationships as governments share in the performance of expanded functions.² Wright, among others, has explained these relationships as involving multiple units of government and governmental actors as they pursue goals and develop and implement policy.³ The IGM component of IGR, then, places emphasis on the goal achievement component of these relationships,

Robert Agranoff is professor of public and environmental affairs, Indiana University, Bloomington, where he specializes in human services administration, intergovernmental management, and public management.

Valerie A. Lindsay is an analyst in the Illinois Bureau of the Budget, Springfield. She participated in this research while completing an MPA at Indiana University's School of Public and Environmental Affairs.