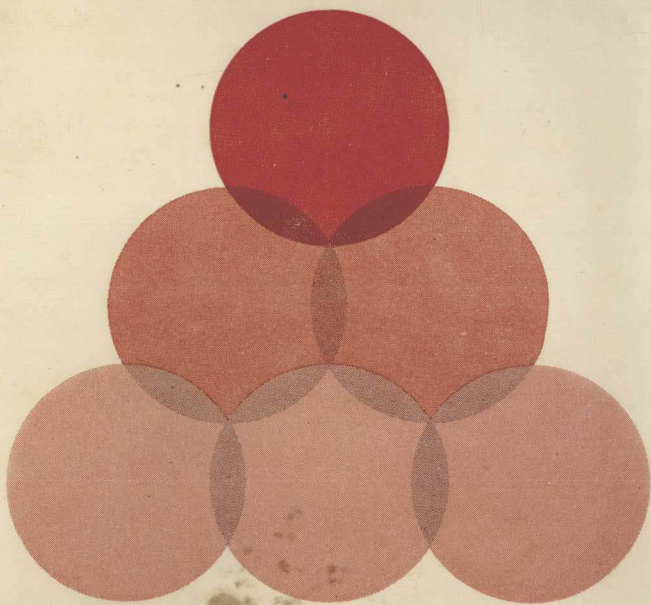


Democracy and the Public Service



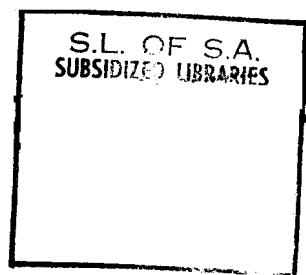
Frederick C. Mosher

Democracy and the Public Service

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To the memory of my father

WILLIAM E. MOSHER

who devoted much of his

thought and his life work

to

democracy and the public service

Prefatory Note

Some of the material on professional education and the professions in the public service, particularly in Chapters 2 and 4 which follow, grew out of research conducted in 1966 and 1967 with the support of the Center for Research and Development in Higher Education, the University of California at Berkeley.

I am indebted to Mr. Keith Axtell for his effective investigations during 1966 on employment practices of governmental agencies in their quests for professional personnel.

Finally, I should like to express my appreciation to Dean Stephen K. Bailey, Professor Roscoe C. Martin, and others at Syracuse University who encouraged this volume through their invitation to lecture at Syracuse in the summer of 1966; and to other faculty and student colleagues at both Berkeley and Syracuse for their sympathetic and critical hearing and reading of these remarks. I have taken advantage of more of their comments than I could possibly acknowledge.

Berkeley, Fall 1967

F.C.M.

Foreword

For the last several years the Maxwell Graduate School of Syracuse University has offered a graduate course titled Public Administration and Democracy. The course has occupied a prominent place in the school's curriculum from its inception, and more recently it has been made a requirement for those engaged in the professional study of administration. Its central purposes are to explore the relations between democracy and administration, to examine the seeming conflicts between the two, and in the end to reconcile the requirements of the administrative state with those of the democratic state.

From its beginning distinguished visitors have lectured in the course, and for the last few years visiting professors have shared equally in its conduct. From this sharing has evolved a plan to publish an annual volume based on the lectures delivered in the course by the guests. Each professor approaches the general subject from his own vantage point, contributing lectures harmonious with his personal experiences and observations and reflecting his own point of view. The general title of the series of books will be that of the course which provides the forum. Each volume will of course carry its own title, one appropriate to the subject with which it deals.

This is the first volume in the new series, Public Administration and Democracy. In it Professor Mosher has chosen to treat of democracy and the public service. His emphasis is on trends and issues in the American public service of today—

philosophical and ideological background, the various systems of public employment and the relations among them, the public service and the educational system, and the expanding roles of the professions and of collective organizations in the public service—always with an eye to their significance for the traditions, the institutions, and the practice of democracy in America.

Those concerned with public affairs are already in Professor Mosher's debt because of his growing list of probing, thoughtful publications. We at Syracuse University are pleased both to acknowledge that debt and to add measurably to it through sponsorship of this book.

ROSCOE C. MARTIN

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The Issues

THIS BOOK UNDERTAKES no very exquisite or precise definition of democracy. Nor does it aspire to comprehend all the facets of democracy: majorities and their powers; minorities and their protections; nominations and elections; political representation; the immunities of citizens; or even administration, viewed as a powerful and anonymous entity in its relations with individual citizens. My focus in this volume is upon the public service itself, and particularly upon the appointive public service, in its relation to democracy both as an idea and as a way of governance. For this purpose it seems unnecessary to dwell upon disputable definitions of polyarchy or consensual elite or similiar intellectual constructs. My premises are relatively clear and limited: that

1. governmental decisions and behavior have tremendous influence upon the nature and development of our society, our economy, and our policy;
2. the great bulk of decisions and actions taken by governments are determined or heavily influenced by administrative officials, most of whom are appointed, not elected;
3. the kinds of decisions and actions these officials take depend upon their capabilities, their orientations, and their values; and
4. these attributes depend heavily upon their backgrounds, their training and education, and their current associations.

Only recently have we had many studies about public executives—about who they are, where they came from, what kinds of preparation and experience they bring to their jobs; and what kinds of objectives they pursue. Many political scientists prefer to deal with the concepts and ideas of old thinkers, of whom few were concerned with administration; or with items they can count—citizen votes, legislative votes, or attitudes as measured through surveys. They have given rather little attention to administration and administrators as a significant element in government.

Perhaps the most concise, simplest, most widely accepted definitions of democracy were those implicit in the Gettysburg Address of Abraham Lincoln. Our nation was one “conceived in liberty and dedicated to the proposition that all men are created equal.” And our Civil War was to ensure the survival of government “of the people, by the people, for the people.” Clearly the one phrase of the triad which is distinctive for democracy is the second one, “by the people.” The first would apply to government of any stripe, and the third to any of paternalistic flavor. But what does “by the people” mean? By *all* the people? If not, by which people? The early, hopeful answer was the former—*all the people*, deciding matters through discussion and debate and vote as exemplified by the Greek city-state and the New England town meeting.¹ Even this elementary pattern could not by itself be fully effective in the community because meetings could not be assembled on the hour every day to handle the continuing problems of government. So was devised the method, once removed from the people, of governance by individuals elected by the people, answerable to them and removable by them—i.e. representatives. Preferably, such officers would serve short terms within narrowly circumscribed zones of discretion and would be forbidden to serve more than one or two terms in office. Although we commonly associate the

1. Though in neither case was participation open to anywhere near *all* the people.

elected representative officer with legislatures and chief executives, the basic concept has applied widely in this country to administrative and judicial officers as well.

Reliance upon popularly elected representatives is one step removed from direct participative democracy. A second step occurs when officers so chosen select and delegate powers to other officers, appointed and removable by them. As the dimensions of the administrative tasks of government grew these came greatly to outnumber the elective officers; and for a period in U.S. history, a substantial part of the public service were politically appointive and removable officers and employees. A third step away from direct democracy is taken with the designation of personnel who are neither elected nor politically appointive and removable, but rather are chosen on bases of stated criteria—social class or caste, family, general competence, specialization in given tasks and skills, etc.—and, once appointed, are protected from removal on political grounds. It is now of course clear that in every developed country in the world the vast majority of public officers and employees are in this category; that many of them command specialized knowledges and skills which give them unique competence in some subject-matter fields—competence that neither the people nor their elected or appointed political officers possess. It is also obvious that they influence—or make—decisions of great significance for the people, though within an environment of constraints, controls, and pressures which itself varies widely from one jurisdiction to another, from one field or subject to another, and from one time to another.

The accretion of specialization and of technological and social complexity seems to be an irreversible trend, one that leads to increasing dependence upon the protected, appointive public service, thrice removed from direct democracy. Herein lies the central and underlying problem to which this volume is addressed: how can a public service so constituted be made to operate in a manner compatible with democracy?

How can we be assured that a highly differentiated body of public employees will act in the interests of all the people, will be an instrument of all the people? My focus in the pages that follow is upon the appointive administrative services, those sectors that are twice and thrice removed from direct democracy. My primary concern is with our experience, our practices, and our directions in the United States; but I include some references to other countries for purposes of contrast and comparison.

In the paragraphs that follow in this chapter, I should like to state some of the principal themes and sub-issues which have underlain the basic problem as it has evolved in American thinking. My purpose is to define and to establish a terminology. All the topics suggested here are treated later on in various connections. They include: policy-politics and administration; responsibility; representation and representativeness; mobility; participation; elitism; the rights of public servants.

POLICY-POLITICS AND ADMINISTRATION

The concept that policy should be determined by politically responsible officials, institutionally separated from the execution of policy—i.e. administration—and the arguments attendant upon it are relatively recent in political and intellectual history. One finds little reference to them in the writings of the great political thinkers, and this perhaps reflects the general lack of concern about administration anyway. In much of this writing, there seems to have been an implicit assumption that administration is the obedient and willing pawn of whoever controls it; the primary issue then is the locus of control. The separation of policy from administration has been equated with the separation of the legislative from the executive power, but the identification in both theory and practice has been a very rough one. In our own Constitutional debates and early political history, it was hardly contemplated that the executive would be or should be

powerless on matters of national policy, and in fact certain specific powers with respect to policy were granted him in the Constitution itself. The emergence of the doctrine of institutional dichotomy between policy and administration seems both logically and historically to have followed two basic developments. First was the rise of representative democracy in the Western countries during the eighteenth and nineteenth centuries, expressed primarily through legislative bodies and the emergence of political parties. One of the chief objects of contest became the control of administration—of its positions, its powers, and its policy influence. Second was the recognition of the need for a permanent, protected, and specialized civil service. This recognition arose in some places (as in the United States) primarily from moral indignation at the corruption and excesses of political patronage, and in others primarily from the obvious necessity for adequate skills, knowledge, and experience within administration. How does one square a permanent civil service—which neither the people by their vote nor their representatives by their appointments can replace—with the principle of government “by the people”?

The responses to the problem took somewhat different forms and emphases in different countries, though all were essentially compatible. On the Continent and stemming principally from Germany and Austria, the principal emphasis was upon law—natural law and civil law. Administration is essentially the business of carrying out the affairs of state in accordance with law and due process. The laws expressing public policies are made by the people’s representatives in Parliament. In Britain, the Parliament, consisting again of elected representatives of the people, is supreme; the cabinet is a committee of Parliament, removable by the latter. The permanent civil service consists of neutral, impartial individuals who can and will serve any cabinet with equal loyalty and devotion. In the United States, we have taken something from both camps. Our government too is conceived as one of

laws rather than of men, and lawyers have long been the largest single occupational group in the top echelons of the public service. Our permanent, protected civil service, which, interestingly, does not yet include lawyers, would be impartial and neutral like its British counterpart. It would carry out policies determined elsewhere, either by the people directly (through initiative and referendum) or by their elected representatives in legislative bodies. In short, there would be a clean division between those responsible for determining policy (the people and their elected representatives) and those responsible for carrying it out (the appointive public service).

The developments in recent decades in the "real world" of government have brought to the policy-administration dichotomy strains which have grown almost beyond the point of toleration.² In fact, on the theoretical plane, the finding of a viable substitute may well be the number one problem of public administration today. But this concept, like most others, dies hard. There are built-in obstacles of motivation in favor of perpetuating it. By and large, legislators prefer not to derogate their importance by advertising that it is smaller than it appears to be, and when they do it is usually to denounce administrative (or judicial) "usurpation" of legislative power. Likewise, administrators—especially those in specialized professions—prefer not to advertise, or even to recognize, that they are significantly influencing policy for fear of provoking such charges. Finally, many students of government—as I have already suggested—prefer to study those subjects which are amenable to scientific, objective, and quantifiable treatment. A declaration that these topics are somewhat less important than they seem would be self-defeating. For all three groups—elected officers, appointed administrators, and political scientists—the policy-adminis-

2. These developments are discussed in subsequent chapters, especially 3 and 4.

tration dichotomy is a convenient crutch—or myth—to support and justify their current interests.

RESPONSIBILITY

Responsibility may well be the most important word in all the vocabulary of administration, public and private. But it has a confusing wealth of different meanings and shades of meanings, of which I here identify two. The first, *objective responsibility*, connotes the responsibility of a person or an organization to someone else, outside of self, for some thing or some kind of performance. It is closely akin to *accountability* or *answerability*. If one fails to carry out legitimate directives, he is judged *irresponsible*, and may be subjected to penalties. In a broad sense, the dichotomy between policy and administration depends upon objective responsibility; it assumes that the administrator will carry out policy determinations decided upon elsewhere, whether or not he likes or approves of them. Responsibility is also essential to predictability; if a person does not behave responsibly, his behavior cannot be predicted.

In the classical approach to organization, responsibility is the first essential of hierarchy. Viewing organization from the top down, as most classicists have, we may describe the organizational process in four steps:

1. the definition and delegation of duties (read responsibilities) to a subordinate
2. the provision to said subordinate of resources (in terms of money, people, facilities, and powers) necessary to carry out his responsibilities
3. the measurement and evaluation of accomplishments by the subordinate against his assigned responsibilities
4. the imposition of sanctions for failure to carry out responsibilities or rewards for performance beyond the "call of duty" (read responsibility)

Precedent to the steps listed above is the determination of purposes, which according to the classicists should be dic-

tated by legislative bodies. It should be noted too that authority in this system is a derivative of responsibility, not the reverse (Step 2). Authority should be provided from above to match responsibility—no more, no less. A great many—probably most—of the principles urged by organizational reform groups in recent decades stemmed from, or at least were consistent with, this view of responsibility in the organizational process. They include:

clear delineation of responsibilities
 responsibility to one, and only one, superior (unity of command)
 delegation of authority and means for carrying out responsibilities
 improved measurement of performance (including inspection)
 rewards and sanctions appropriate to performance

A quite different connotation attaches to the second meaning of responsibility, which is *subjective* or *psychological*. Its focus is not upon to whom and for what one *is* responsible (according to the law and the organization chart) but to whom and for what one *feels* responsible and *behaves* responsibly. This meaning is more nearly synonymous with identification, loyalty, and conscience than it is with accountability and answerability. And it hinges more heavily upon background, the processes of socialization, and current associations in and outside the organization than does objective responsibility. It introduces the possibility—indeed the inevitability—of competition and conflict among responsibilities. This was pointed out long ago by Chester Barnard,³ who observed that the higher an executive rose in the hierarchy the more complex were the competing senses of responsibility to which he was subject. Later Arthur Maass endeavored to identify and evaluate competing objects of responsibility of administrative agencies on the basis of cer-

3. In *The Functions of the Executive* (Cambridge, Harvard University Press; 1938), especially Chapter XVII.