Studies in Government and Public Policy

# To Run a Constitution

The Legitimacy of the Administrative State



John A. Rohr

# **To Run A Constitution The Legitimacy Of The Administrative State**

Stephen J. Rockwell

#### To Run A Constitution The Legitimacy Of The Administrative State:

To Run a Constitution John Anthony Rohr, 1986 In this synthesis of political philosophy public administration and American history Rohr seeks to legitimize the administrative state in terms of constitutional principle He tries to show that the fourth or administrative branch of government is compatible with the plans of the framers both Federalist and anti Federalist of the U S Constitution and of the Bill of Rights He argues that the combination of powers in administrative agencies does not violate the standard of separation of powers set forth in The Federalist especially by James Madison the higher reaches of the career civil service fulfill the framers constitutional design by performing a balancing function originally assigned to the Senate and the career civil service en masse heals the defect of inadequate representation in the Federal Constitution ISBN 07006029172995 **To Run a Constitution** John A. Rohr, 1986 Handbook of Organizational Theory and Management Thomas D. Lynch, 1997-11-20 Chronologically arranged to demonstrate the evolution of ideas this book explores major issues in public and government organization theory using classical philosophy Containing over 2000 bibliographic citations the book covers the influence Plato's ideas and Jesus teachings on public administration theory presents Machiavelli as the creator of the modern concept of public administration details the effect of mercantilism on political governance examines the ideas of Jeremy Bentham John Locke Adam Smith and David Hume in American government discusses the importance of Woodrow Wilson the Progressive Reform Era and the Bureau Movement <u>Judicializing the Administrative State</u> Hiroshi Okayama, 2019-05-10 A basic feature of on public administration and more the modern US administrative state taken for granted by legal scholars but neglected by political scientists and historians is its strong judiciality Formal or court like adjudication was the primary method of first order agency policy making during the first half of the twentieth century Even today most US administrative agencies hire administrative law judges and other adjudicators conducting hearings using formal procedures autonomously from the agency head No other industrialized democracy has even come close to experiencing the systematic state judicialization that took place in the United States Why did the American administrative state become highly judicialized rather than developing a more efficiency oriented Weberian bureaucracy Legal scholars argue that lawyers as a profession imposed the judicial procedures they were the most familiar with on agencies But this explanation fails to show why the judicialization took place only in the United States at the time it did Okayama demonstrates that the American institutional combination of common law and the presidential system favored policy implementation through formal procedures by autonomous agencies and that it induced the creation and development of independent regulatory commissions explicitly modeled after courts from the late nineteenth century These commissions judicialized the state not only through their proliferation but also through the diffusion of their formal procedures to executive agencies over the next half century which led to a highly fairness oriented administrative state Indian Affairs and the Administrative State in the Nineteenth Century Stephen J. Rockwell, 2010-06-07 Stephen J Rockwell analyzes the role

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