

Should we defend the administrative state?

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Key points

- Conservative efforts to “deconstruct the administrative state”
- Have led to an academic “defense of the administrative state”
- Problems:
 - Shifts and confusion in academic understanding of concept
 - Academic version has been domesticated, but the popular version has not
 - Political pitfalls of using a value-loaded concept
- Remedies:
 - Within academia: Adopt a broader vocabulary
 - In politics: different language to defend the public service

Origin of the concept

- Common belief: Waldo coined the term
- Reality: Waldo's book was part of a wider debate in the 1930s and 1940s
- Meaning: a *type* of state dominated by bureaucracy
- Tied to fears about the expansion of government

...and the business of government was not to encourage and to stimulate. Its business, rather, as Mr. Roosevelt himself pointed out, was "to administer" what we already have, but cannot have more of. Thus the doctrine arose of "The Administrative State"—an all-wise, all-powerful organism designed to parcel out among us the crumbs of an economic system in which loaves are no longer possible.

Saturday Evening Post,
October 1944

But this beating down and blowing under of the

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Shifts in meaning within academia: Timelessness?

- Concept first described a historically specific type of state
- Some more recent usages:
 - Modern administrative state
 - 19th century administrative state
 - Ancient administrative states
 - Minimal administrative states
 - Third World administrative states
- A definitional shift? But then:
 - Redundancy: *all* states are administrative states
 - Value loading: still *inherently* problematic?

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Shifts in meaning within academia: A type or part of a state?

- Initial conception: a *type* of state, with a bureaucratic “ruling class”
- More recent usages:
 - One “sphere of government”
 - One of several “governing institutions”
 - “the agencies, people and processes of the executive establishment” (Lewis)
- Definitional shift: now *part* of a state
- Implications for value-loading: the administrative state is always checked, even “besieged”

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Shifts in meaning within academia: Essential to the field?

- Before 1940s, scholars studied administrative systems, administrative machinery, administrative branch
- After 1940s, we often:
 - Define administrative state as the domain of study
 - Link vitality of field to vitality of administrative state
 - Perceive obligation to defend the administrative state
- Value-loading of concept is positive
 - “essential to civilized life”
- Has the administrative state become a mere synonym for the administrative branch?

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Popular understanding of concept remains unchanged

- Analysis of 26,073 original tweets from 15,018 accounts between August 2016 and July 2019
- Coding of tweets:
 - In 2016, 34% critical of government, 1% positive; remainder unclear or neutral
 - In 2019, 45% critical, 16% positive
- Adjectives associated with concept are overwhelmingly negative:
 - Top 15: modern, sprawling, intrusive, massive, federal, choking, American, malignant, unelected, unaccountable, growing, aggressive, deep, Progressive, corrupt

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Danger of using loaded words

- Frank Luntz:
 - “It’s not what you say, it’s what they hear.”
 - Advice to conservatives in 2005: talk about “Washington” rather than “government”
- George Lakoff:
 - Words trigger mental frames
 - Progressives should avoid “the use of conservative language and the frames that the language activates.”

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Remedy #1: More and better words

- Sometimes we are just talking about *the state*
 - Its political structure, functions and capabilities, strength and legitimacy
- Sometimes we are talking about *the administrative apparatus of the state*
 - Administrative system, administrative establishment, administrative estate, administrative capabilities, administrative capacities, administrative branch, administrative machinery
- Sometimes we are just talking about a *historically specific form of state*
 - Initial conception of the administrative state

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Remedy #2: In politics, choose words carefully

- If we want to defend the public service, do so in those terms.

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