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To Run a Constitution: The Legitimacy of the Administrative State

John A. Rohr

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In 1887, the centennial year of the American Constitution, Woodrow Wilson wrote that "it is getting to be harder to run a constitution than to frame one." The context for Wilson's comment was an essay calling for sound principles of administration that would enable government officials to "run" a constitution well. Wilson and his fellow civil-service reformers had a profound influence on the development of American administrative institutions. Unfortunately, the reformers paid more attention to the exigencies of running a constitution than to the Constitution itself. They and their intellectual progeny developed a theory of administration that was at odds with the theory of the Constitution. As a result, we find ourselves living today in what we often call an "administrative state"—a state seemingly bereft of legitimating principles grounded in the political thought of the framers of the Constitution.

In *To Run a Constitution*, John A. Rohr takes seriously two basic premises: d Tocqueville's belief that citizens are corrupted by ebeying powers they believe to be illegitimate, and the view that, despite present political sentiment, the administrative state is here to stay. The book focuses on the important question of whether the administrative state, an abiding presence in American politics, can be justified in terms of the American constitutional tradition.

In addressing this question, Rohr goes beyond considerations of case law to examine the principles of the Constitution both at its founding and in its subsequent development. Reying on the normative character of political "foundings," Rohr analyzes three significant founding periods: 1) the founding of the Republic, 1787-1795; 2) the foundin of public administration, 1883-1899; and 3) the founding of the administrative state, 1933-1941. He judges the last two foundings by the first in developing his argument that the modern administrative state can be justified in terms of the kind of government the framers of the Constitution envisaged.

On the eve of the bicentennial of the Constitution, Rohr's argument advances a new, normative theory of public administration that is intended to "support and defend the Constitution of the United States," in accordance with the oath of office taken by public administrators. It is critical reading for scholars in the fields of public administration, political science, and constitutional studies.

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