NAZI GERMANY AND PUBLIC ADMINISTRATION
1933–42: THE MOST IMPORTANT LABORATORY
FOR DEPRESSION AMERICA?

PAUL PETZSCHMANN

The inter-war period saw a flowering of comparative research on emergency administration in response to the Great Depression. This article argues that Weimar and Nazi Germany was an important point of reference for scholars comparing different policy responses to the Great Depression. Centralization and administrative discretion were considered pivotal for effective crisis governance, irrespective of the political context. The resulting administrative ideology was ignorant of the polycratic realities of the Nazi state and frequently lauded its hierarchical features while condemning the Weimar Republic as anarchic. Faced with the challenge presented by Nazism, of squaring efficiency and accountability in the context of New Deal America, scholars of public administration developed ideas for training a new type of civil servant who was capable of acting beyond the control of legislative institutions. By exploring the ambiguous relationship between public administration and Nazism, this article highlights the complex issues confronting scholars of public administration in times of crisis.

INTRODUCTION

In the current economic recession, comparisons with the Great Depression have become commonplace. During the 2008 American presidential elections, comparisons with both Weimar Germany and the 1932 US presidential race abounded (Horton 2007). American students of administration have frequently crossed the Atlantic in order to gain a new perspective on their own country (Rodgers 1998, pp. 84–85). During the Great Depression the exodus of German scholars fleeing the Nazi dictatorship stimulated the comparative study of political and administrative systems in the United States (Loewenberg 2006). Comparisons between policy responses to the Great Depression have been made for discrete policy areas such as public works programmes (Patel 2005), but have also depicted Nazi Germany, Fascist Italy, and New Deal America as crisis regimes with important similarities (Schivelbusch 2006). These recent accounts of structural similarity were prefigured by actual comparisons made at the time. The study of public administration is a case in point. Nazi Germany remained an important point of reference and comparison for public administration scholarship until the outbreak of the Second World War, perhaps a reason why these debates and those who contributed to them have been largely forgotten.

Many scholars argued at the time that administrative centralization, the sidelining of parliamentary politics, and the politically motivated ‘reorganization’ of the civil service – the apparent thrust of Nazi administrative reforms – were universal recipes for comprehensive reform. A lack of empirical knowledge about the inner workings of the Nazi regime combined with a functionalist view of administration led to ambiguous and even sympathetic assessments of the Third Reich prior to America’s entry into the Second World War. This is especially surprising in the case of German émigré scholars, many of whom had been forced to leave by the Nazis. For them the Nazi administrative state
was a symbol of continuity, operating a unitary and efficient civil service in line with a national tradition. This administrative nostalgia represents both a neglected prelude and important contrast to the later and more famous analyses of Nazi Germany’s precarious and polycratic nature (Fraenkel 1941; Neumann 1942; Reichardt and Seibel 2011).

In addition, the scholars at the centre of this article and their transatlantic comparisons provide a backdrop to more recent debates about the exceptional nature of the American state (Jacobs and King 2009), blurring the divide between an American ‘stateless’ and a German ‘stateness’ tradition (Rutgers 2001). Their work, while dedicated to issues of administration, was motivated by larger theoretical concerns about the changing relationship between state and society. I want to draw attention to these larger concerns of administrative scholarship as political thought; of interest not only to students of public administration but also to political theorists. Such an analysis can pave the way for a rapprochement of disciplines that have since parted ways (Gunnell 1993).

First, the article will introduce four German émigré scholars, highlighting similarities and differences in their views of the Nazi regime and its administrative policies. The administrative centralization of the Reich was regarded by them as the culmination of a process of national unification, the concentration of executive powers seen as an efficiency revolution very much in line with worldwide developments towards government by executives.

Considerably more controversial was the abrogation of democratic institutions. For some this corollary of Nazi administrative centralization was considered to constitute an only superficial, political change that lay outside the purview of administrative scholarship proper and was unlikely to affect the essence of civil service organization. Others were alarmed, less by the destruction of democratic institutions themselves, but by the long-term effect on bureaucracies. While the levers of the administrative machinery were to become ever longer, those commanding the machine were to be made relatively independent of democratic and judicial control. These at best ambiguous views of representative institutions were also in line with then-widespread fears about the totalitarian potential of mass electorates. This conceptual sidelining of representative institutions by students of public administration will be addressed in the second section of this article.

Administrative accountability to the public, then, had to be achieved by other means. I will discuss Carl Friedrich and Arnold Brecht’s arguments for administrative accountability as internal to the civil servant and the ways in which they weaved together older notions of public servants as representatives of the public interest with newer, efficiency-based arguments for administrative discretion as effective expressions of the public interest itself.

Considered together, these writings constrained the articulation of a coherent critique of the Nazi state. On the one hand, the continued identification of bureaucracy with the public interest demoted the role of legislative and judicial institutions. Their destruction in and of itself did not therefore signify a radical departure from precedent. On the other hand, the heroic depiction of administrators as impartial and competent policy-makers and guardians of the state meant that the nature and influence of the Nazi party and its anti-statist movement ideology remained hidden from view.

The depiction of Nazi administrative policy as relatively benign and largely insulated from the onslaught of National Socialist ideology was not limited to German commentators as a brief foray into American administrative science will show. Some American scholars of administration compared the centralizing features of the Nazi and and New Deal
states in ways that suggested that both Hitler’s Germany and Roosevelt’s America were engaged in parallel experiments in crisis governance. The idea of an objective ‘science of administration’ then in vogue, especially with radical supporters of the New Deal, made it possible for its adherents to disregard the political differences between these two regimes and concentrate on the similarity between their administrative regimes.

**THE GERMAN CIVIL SERVICE: A NATIONAL INSTITUTION**

The study of administration, of the civil service and of civil servants occupied a prominent place in German political thought. The administrative state was ‘a defining national institution’ (Caplan 1988, p. 1). Especially in times of regime change, economic upheaval, and political turmoil, the state and those manning its agencies were regarded as guarantors of stability and symbols of national continuity. This view continued to be held by German émigrés in the United States. Karl Loewenstein, Carl Joachim Friedrich, Arnold Brecht, and Fritz Morstein-Marx had followed different paths to arrive in America. Carl Friedrich, born in Leipzig in 1901, was, unlike the others, not a refugee. He first travelled to the United States in 1922 as a representative of the German Youth movement and in order to establish a youth exchange programme that was later to mature into the predecessor of the still existing German Academic Exchange Service. Married to an American citizen and unable to secure an academic appointment at the University of Heidelberg after completing his PhD, he managed to secure an instructorship at Harvard where he was promoted to the rank of Assistant Professor in 1927. The final break with Germany and German academia came after his securing a full professorship at Harvard in 1936 and his naturalization in 1938 (Lietzmann 1999, p. 22).

Karl Loewenstein, born in Munich in 1891, started his career as a successful attorney before becoming an academic specializing in comparative constitutional law. Forced to flee Germany because he was Jewish, Loewenstein worked at Yale Law School before securing an appointment in political science at Amherst College where he spent the remainder of his career. Like Friedrich he is best known for his classification of political regimes expounded in his *Verfassungslehre* of 1959 as well as in his role as an early proponent of constitutional patriotism (Müller 2007).

Arnold Brecht, born in 1884, was a prominent civil servant working at both the federal and state levels, serving under seven different Reich governments between 1910 and 1933. As acting state secretary in the Prussian government he was dismissed by the incoming Nazi government. He accepted an invitation by Alvin Johnson to join the New York ‘University in Exile’ – later New School for Social Research – and became one of the most prominent émigré scholars.

Fritz Morstein Marx was a high-ranking civil servant in Hamburg. He resigned from office in November 1933. Earning his PhD in law from the University of Hamburg under the supervision of the prominent legal scholar Albrecht Mendelssohn-Bartholdy, he had been co-editor of the *Hamburg-Amerika-Post* (later *Amerika-Post*), a magazine promoting cultural understanding between Germany and the United States until it was shut down by the Nazis.

Given the predominant experience of forced migration, their views of the Nazi regime were surprisingly ambivalent, their writings an exercise in detached observation rather than the outright condemnation one might expect. In spite of their many differences, their commentary and observation of the German state and its administration allows the construction of a composite picture of how administrative scholarship perceived National Socialism prior to the outbreak of the war.
Throughout the 1930s the study of administration displayed a heightened concern with institutional stability in the face of economic and political crises. The ubiquity of crisis-thinking invited comparison between the administration of democracies and dictatorships. Rather than categorical opposites of American democracy, European dictatorships were regarded as interesting ‘laboratories’. Their ruthless drives towards territorial centralization, combined with the construction of administrative hierarchies seemingly dominated by technocrats, seemed to make them crisis states *par excellence*. Stripped of formal judicial and parliamentary mechanisms, they were administrative states in the purest sense.

For German émigré observers, dictatorship was part of an international trend towards executive government. Rather than institutional outliers, dictatorship marked a point on a continuum, not an extreme, a developmental possibility inherent in all modern political regimes. Nazism did not constitute a break in German history because the strong administrative state remained its central feature. The exercise of a presidential dictatorship and rule through emergency decree had already characterized the Weimar Republic throughout its brief existence. Nazi dictatorship could even be described as a ‘reverting to type’ after a failed experiment with parliamentary democracy. As Carl Friedrich wrote in 1933, ‘... it is in its best established behaviour patterns that a nation seeks its salvation...’ (Friedrich 1933b, p. 201). In the case of Germany these well-worn patterns were seen as administrative.

Karl Loewenstein argued that ‘The essential justification of any political system is that of reflecting the norm of the national traditions...’ (Loewenstein 1937, p. 574). The best-established of these traditions was undoubtedly the administrative state, a ‘pillar of the German constitutional edifice’ (Loewenstein 1937, p. 572). Fritz Morstein Marx similarly declared that ‘Among the institutional elements of civic cohesion, the civil service ... has stood out for generations as one of the most influential forces in German life’ (Marx 1934, p. 467).

Yet in spite of these certainties, the role of administration and administrators was not uncontroversial. They were expressions of wishful thinking and nostalgia more than reflections of fact. Especially after the First World War and the Revolution of 1918, the role of the civil service in national life had become widely debated and challenged (Caplan 1988, p. 14). The expansion of the service had swelled the size of the German bureaucracy, mostly as a result of the expansion of welfare, the transport system, the postal service, and de-mobilization after the war (Caplan 1988, p. 51). Concerns about the political neutrality of civil servants in modern democracies more generally were widespread, although not necessarily warranted (Friedrich and Cole 1932, pp. 86–89). This sense of crisis in administration was heightened by the economic depression besetting Germany throughout the 1920s, becoming a worldwide phenomenon after 1929.

What guides administrative behaviour in situations lacking a positive legal norm or precedent? To what extent should administrators be able to exercise discretion and what role did precedent and tradition play under such circumstances? Grappling with these questions, scholars of administration often looked to the European dictatorships to provide, if not answers, at least clues regarding the developmental possibilities of executive government.

**THE NAZIS ‘REFORM THE REICH’**

The rapid dismantling of the Weimar constitutional edifice and the radical reorganization of German institutions by the Nazis were frequently commented on in political science and public administration journals. The look across the Atlantic continued a trend towards
international comparison that had begun in the early 1920s and was from the beginning placed in the context of crisis government. The resulting emphasis on administrative agency placed a premium on action and speed over legitimacy and procedure. The rise of European dictatorships was regarded as part of a universal trend, and German émigré scholars were called upon to interpret these developments for American audiences.

The territorial reorganization of the German Reich after 1933 was a case in point. As opposed to the United States, federalism in Germany was synonymous with decentralization and even fragmentation (Dorondo 1992, p. xvii). The Nazi-initiated centralization of administrative powers was regarded as relatively uncontroversial by German commentators, partly because of a long-standing association of regional particularism with feudalism and reaction (Bräuninger and König 1999, p. 211). The creation of a unitary state could be associated with progressive politics both during the Weimar Republic and after. While attempts to bring about comprehensive reform in the territorial organization of the Reich during the Republic had been largely unsuccessful, the Nazis seemed to make rapid headway in this direction, seemingly transforming Germany from a state with overlapping administrative structures, idiosyncratic territorial boundaries, and great disparities in population, territory, and wealth between states into a rationally administered whole.

For Arnold Brecht, who out of all German émigré scholars was most intimately familiar with the politics of territorial reform, retaining a federal structure was not in itself problematic as long as the relationship between central government and states remained flexible and was not regulated by a rigid framework of exclusive state rights as in the United States. Especially in times of economic emergency, these could negate the co-ordinating powers of central government. The federal structure of the Reich during the Weimar years had made it very difficult to implement social reforms on the scale envisioned by governments of the left – as in the case of unemployment relief and housing schemes (Brecht 1935, p. 349). Moreover, the combination of a decentralized administration with a proportional system of representation at federal and state levels had made coordinated state intervention almost impossible (Friedrich 1933b, pp. 194–96).

The enduring constitutional dualism between the federal government and the powerful Prussian State had led, especially since 1927, to effective deadlock.

In the eyes of Karl Loewenstein the centralization of administration under the Nazi policy of Gleichschaltung displayed clear rationalizing tendencies. He argued that the effective abolition of the German Länder was merely a moving in step with the times. National Socialism had largely overcome what he called the ‘sentimental residues of federalism’ against obstructive attempts by the Länder to preserve at least some of their administrative autonomy (Loewenstein 1937, p. 548).

The solution ultimately found seems logical and satisfies the end of maintaining the essential unity of political command while allowing for a certain elasticity of local enforcement. … This process, perhaps the most beneficial of all steps undertaken by National Socialism, is called ‘Verreichlichung’. (Loewenstein 1937, p. 551)

The establishing of an administrative ‘unity of political command’ was regarded by him as a step towards more efficient provision of public services in times of economic hardship. If anything, the implementation of a unitary structure of government had not gone far enough even under the Nazis. The retention of Prussia and Bavaria as nominally independent states with separate administrative structures after 1933 was regarded as an anachronism and an unnecessary duplication. Lowenstein argued that,

It would be more logical if the Reich government legislated on Prussia or Bavaria directly, as Congress legislates for the District of Columbia or the British parliament for Scotland and Wales. (Loewenstein 1937, p. 552)
As late as 1937 Nazi Germany was regarded by him as being on a trajectory towards a more centralized and therefore more rational administrative system similar to that of the United Kingdom and France. Only a unitary administrative structure would overcome the historical deficit of Germany’s late unification and its excessive regionalism.

Yet at the same time Loewenstein’s praise of centralization was also not unqualified as he recognized in the problem of accountability the Achilles heel of the Nazi drive towards centralization. While a unified administrative hierarchy might increase efficiency, it would eliminate many of the intermediary institutions that were part of the German political fabric. Indeed the Nazi ‘cure’ for territorial pluralism and its alleged inefficiency could be worse than the ‘problem’. Foreshadowing Franz Neumann’s Behemoth thesis, Loewenstein darkly concluded that the unitary and hierarchical character of Nazi administration might be chimerical. Echoing Max Weber, he argued that the selection mechanism of a party that rewarded loyalty over competence would always be inferior to that of parliament, resulting in the disintegration of the entire state machinery that was becoming dominated by party loyalists (Loewenstein 1937, p. 573). Like Weber, Loewenstein was not overly concerned with democracy for its own sake, but its capacity for selecting leaders. In the end, he argued, the political stability brought about by hierarchical centralization in a dictatorship would come at a high price in terms of quality of leadership, political and administrative.

Loewenstein’s mixed feelings regarding Nazi administrative ‘reforms’ illustrate the problematic nature of looking at administrative practices outside their specific context. While efficiency gains through administrative centralization were welcomed, in the context of a dictatorship these could undermine the integrity of the bureaucracy by hampering its competence and ‘regenerative’ capacity. Like Hans Gerth (1940) and Franz Neumann (1942) after him, Loewenstein realized that the rationalist promise of the Nazi Gleichschaltung was ultimately undermined by the fusion of state and party-political functions. In the end administration could not be separated from its political context. This insight enabled Karl Loewenstein to develop an immanent critique of Nazi centralization. This emerging contextual awareness put him at odds with Fritz Morstein Marx who interpreted Nazi administrative policy as aimed at nothing less than the preservation of the German state.

STABILITY AS HOMOGENEITY: FRITZ MORSTEIN MARX

Whereas for Loewenstein the stability of the state bureaucracy in the long run could only be ensured by a dynamic process that remained sensitive to Germany’s regionalist traditions and that ensured open competition as a principle of selection, for Marx political homogeneity was the overriding imperative:

... the ‘National Resurgence’ fulfilled a historical mission, for which the stage had been set since 1918, by creating and integrating, in terms of administrative adjustment, the German unitary state. (Marx 1937, p. 180)

For Marx, a former civil servant and professor of government at Harvard University, Nazi rule could be seen as a ‘restoration’, providing relief from what he regarded as the destructive political pluralism of the Republic. Article 129 of the 1919 Weimar Constitution had guaranteed civil servants the right to political expression and membership in political parties, which was construed by critics of the constitution as compromising the impartiality of civil servants and their loyalty to the state, thereby sacrificing them to particular interests (Caplan 1988, pp. 24–25).
Marx argued that the Nazi’s abolition of the entire parliamentary system preserved the political neutrality of the civil service and hence the essence of German statehood. In the absence of political parties there could no longer be a question of divided loyalties between devotion to professional duty and political conviction.

The disappearance of competing political parties means . . . salvation from the conflict of competing loyalties. A permanence of the one-party state will certainly ease transitional difficulties for the German civil service; for there is no more essential condition for the smooth functioning of the public service as the instrument of government than stability. (Marx 1934, p. 479)

As long as the Nazis ensured administrative continuity, the brutal reality of their rule could be portrayed as excesses committed by party hacks, unrepresentative of the fundamentally conservative character of the movement. The systematic purging of Jews and members of opposition parties from the civil service and the induction of Nazis purely on the basis of their ‘political qualifications’ did not constitute a threat to the integrity of the institution. As late as 1941, Marx claimed that the presence of NSDAP party members in the civil service served to throw the superior competence of the German civil servant into sharp relief (Marx 1941, p. 112).

The emphasis on homogeneity as set against the degenerative influence of party-political pluralism takes its cue from the political thought of Carl Schmitt. For Schmitt, the monarchy had created the German civil service and was a prerequisite for its neutrality and effective functioning, whereas the Republic had turned administrators into representatives of party-political interests (Marx 1934, p. 468; Schmitt 2004). Marx did not deny that party loyalty as a selection mechanism constituted a transformation of the German civil service. Yet contrary to Lowenstein, he did not regard Nazi civil service reform as unviable because he genuinely believed National Socialism could transform the German nation into a homogenous ‘Volksgemeinschaft’. This would in fact obviate the need for the civil service as a separate institution altogether:

The holder of the approved belief will know his way through the inspiration of faith. He can execute his faith without specific training. In a spiritually homogenous people, he can enforce the will of the leader without formal safeguards of ‘independence’ through life tenure. (Marx 1934, p. 480)

To use Jane Caplan’s phrase, ‘Politics without Administration’ could in fact become a reality (Caplan 1988).

Loewenstein promptly took Marx to task for taking Nazi propaganda at face value (Loewenstein 1936, p. 1189). He argued that the replacement of career civil servants with party loyalists, given wide discretionary powers under emergency statutes, had removed any institutional means of administrative accountability to the public (Loewenstein 1936, p. 1191). The abolition of statutory accountability mechanisms eroded the bureaucracy’s role as the primary political integrator of Germany’s regional differences and diverse political traditions that had included democratic and non-democratic forms (Loewenstein 1936, p. 1190).

Although they agreed that the Nazis attempted the creation of a unitary state, there was disagreement about its feasibility. On the one hand there were those like Marx who argued that Nazi Germany was moving towards a new political reality – the creation of a ‘new Leviathan’ and the creation of a classless ‘people’s community’. The more astute observers such as Loewenstein were more circumspect about the regime’s claim to have eradicated social pluralism. Although the Nazi state constituted a genuinely new phenomenon in some respects, there was increasing evidence that the effects of Gleichschaltung on the state bureaucracy ran counter to the regime’s intentions. Attempts at merging party and state,
replacing administrative accountability with loyalty to the leader, would ultimately lead to disintegration and institutional polyarchy.

Such debates among émigré scholars about Nazi administrative reform, especially in the wake of the 1937 Civil Service Act, were an important precursor to Franz Neumann’s famous characterization of Nazi Germany as a ‘Behemoth’ (Neumann 1942). Until then the perception of the German administrative state as an all-powerful Leviathan held sway not only among some German émigré ‘patriotic institutionalists’ (Ruck 1998), but also among American scholars of public administration.

THE ‘ADMINISTRATIVE SCIENCE’ MOVEMENT IN THE UNITED STATES

For many American students of administration, the German administrative state continued to provide an aspirational ideal in the face of what they considered the United States’ institutional underdevelopment. Unlike Friedrich they could not appeal to administration as the nation’s ‘best established pattern of behaviour’. For them, the study of administration did not simply serve the disinterested pursuit of knowledge, but was part of a wider mission of modernization. It took its starting point from the idea of administration as a universal science, a view already espoused by Woodrow Wilson:

So far as administrative functions are concerned, all governments have a strong structural likeness; more than this, if they are to be uniformly useful and efficient, they must have a strong structural likeness. . . . Monarchies and democracies, radically different as they are in other respects, have in reality much the same business to look to. (Wilson 1887, p. 218)

Fifty years later this view of administrative institutions as essentially homologous across national boundaries and differences in political systems still held sway, along with the idea that the United States might profit from adopting the administrative techniques employed by other countries, even if these were, to use Wilson’s famous expression, ‘murderous fellows’ (Wilson 1887, p. 220). Reporting from a conference on administration studies held in 1934 with the participation of representatives from Nazi Germany, Louis Brownlow stressed ‘the essential transferability of administrative techniques in spite of the important political differences’. He observed that

. . . the conference continued calmly and equably to discuss the methods of working toward more scientific administration, thus dramatically indicating the essential unity of the science and art of administration despite the widest and deepest differences in politics. (Brownlow 1936, p. 480)

It was precisely the scientific aspirations of public administration as an academic discipline that led to the excitement about Nazi Germany and the ‘experimental’ character of its policies in public administration circles.

In 1938 the administrative scholar James Kerr Pollock argued that Germany constituted ‘the most important social and political laboratory of our time’ (Pollock 1938, p. viii) as it offered scholars an opportunity to study the transition from a federal to a unitary administration. Dictatorship was a crucial component of this experimental set-up because it liberated administrative action from the usual constraints of legislative and judicial procedures, making possible such a radical transition. As Pollock’s colleague Albert Lepawsky argued,

The Nazis have acted where others have merely planned and studied. They have converted Germany from a federal to a centralized unitary state, destroyed state sovereignty, established Reich control over state legislation and appointments, and have installed in each of the states Reich governors with power to make ultimate political decisions. (Lepawsky 1936, p. 348)
Moreover, given the bureaucratic character of all modern states, democratic or not, the lessons learnt from this experiment might be usefully applied in the United States itself. Comparisons with the New Deal were rife, with Marx highlighting their shared ‘emphasis on allegiance devotion, and sacrifice and ... middle-class appeal’ (Marx 1937, p. 479). With the doctrine of ‘individualism’ judged as obsolete, dictatorship offered advantages in confronting challenges of collective organization that confronted all governments committed to large-scale reform in equal measure (Marx 1935, p. 213).

When it came to the specifics of learning from dictatorship, the German Civil Service Act of 1937 was treated as something of a foundational document. Translated by James Kerr Pollock – the ‘father of Michigan’s civil service’ (Anderson 1972, p. 1929) – into English, its preface contained the recommendation that some of its provisions should be adopted by the United States (Pollock and Boerner 1938).

Not even the Nazi purges of the civil service under the ‘Law for the Restoration of the Civil Service’ that disqualified Jews and members of opposition parties from the Civil Service influenced their views on the continuity of the German administrative rationality. Indeed the Nazi purges were unlikely to ever reach the extremes of the American spoils system and its irrationality of selection, because ‘On the whole ... the great mass of civil servants remains as before, and a complete purge, a la Americaine, did not take place’ (Pollock 1938, p. 105). The purges of the civil service by the Nazis and the political vetting of Washington officials were considered to be largely equivalent, differing only in scale, irrespective of the fact that in the United States these ‘purges’ were legitimated by elections. Continuity of personnel and technical competence rather than public accountability legitimated bureaucratic power, and the American spoils system constituted a much more fundamental violation of this principle than the racist purges of the Nazis.

Lepawsky’s comparative assessment of Nazi and American civil service yielded conclusions very similar to those of Pollock. Although political selection was clearly taking place in post-1933 Germany, under Nazi auspices the civil service had not yet sunk to the lows of the American spoils system. Despite political purges, ‘the administrative hierarchy and the traditional power of the permanent official remains intact in large measure’ (Lepawsky 1936, p. 347). He further argued that ‘Political “gleichschaltung” is the order of the day in Germany, but the process is limited by political expediency, and above all by the traditions of the German civil service’ (Lepawsky 1936, p. 347). The fact that Germany was a dictatorship did not seem to have had any bearing on the faith these scholars placed in the effectiveness and continuity of German administration and the potential benefits that the American administrative system could derive from its example.

With that the idea that administrative action should be held to the standards of legal due process and be subject to legislative oversight came under attack in one of the world’s oldest democracies. The modus operandi of parliamentary legislation, based on deliberation, consensus-building and formal procedure was regarded as an obstacle.

The fact that legislative functions were increasingly being performed by administrative agencies springing up in the wake of the first New Deal was further proof, if any were needed, of the inadequacy of representative government (Beard and Lewis 1932). It was argued that Congress had lost its legitimacy as the central organ and symbol of law-making because it could no longer solve the problems confronting twentieth-century government (Hart 1935). The challenges of economic recession could only be addressed by the executive if it was granted the necessary powers. In the words of political scientist Marshall E. Dimock,
To put control in the hands of one person is usually to get action. The man in charge does not have to waste precious hours or days waiting for others to meet, debate, adjourn, reconvene, consider at great length, and perhaps fail to come to an agreement. At best such delays are annoying; at worst they may lead to a virtual breakdown of the entire administrative process. With one person in command, there is no reason for them to occur. (Dimock 1937, p. 143)

A decentralized bureaucratic apparatus ‘tends to be very complex and to develop “red tape” . . . looseness and irregularities . . . which are so noticeable in the United States’ (Pollock 1938, p. 103). This was primarily due to the fact that the American administration was not organized along strictly hierarchical lines, allowing ‘boards, commissions, agencies, offices, or corporations to have an independent position’ (Pollock 1938, p. 103).

As opposed to the ‘patriotic institutionalism’ of German émigré public administration scholars, American interest in Nazi administrative reform was primarily motivated by efficiency gains that administrative centralization promised. Already during the 1920s under the influence of Frederick W. Taylor’s ideas, scientific management became an important idea in American public management (Lynn 2005, p. 39). Yet however different their motivation, they could all be seen as supporters of an administrative ideology that had taken hold across the Western World, including Germany, the United States, and Vichy France (Baruch 1997).

It provided a systematic blueprint of how administrative systems should be organized while being flexible enough to accommodate different national administrative traditions, uniting scholars with very different political beliefs (Freeden 1996). One of its core features was a technocratic functionalism that treated all administrative systems as fundamentally alike, irrespective of the political context in which they operated. It was also motivated by an obsession with administrative hierarchy that could ensure efficiency and symbolize national integrity. At the same time it sidelined parliamentary and judicial institutions as limiting the freedom of action competent bureaucrats needed in order to confront the challenges of the economic depression and political crisis in a proactive and dynamic fashion.

While this ideology was a prominent feature of the landscape of administrative thinking in the inter-war period, it went by no means unchallenged. Pendleton Herring (1936) and James Landis (1940), to name only two authors, were wary of the spectre of unchecked administrative managerialism that followed in the wake of the New Deal and worried about the lack of public accountability of newly created institutions. Nor were adherents of this administrative ideology unsophisticated supporters of dictatorship. While wary of parliamentary institutions and their potentially destructive role in undermining the unity created by a bureaucratic hierarchy, they were not dismissive of the idea of accountability as such. In the search for non-parliamentary accountability mechanisms, scholars once again mobilized concepts from Germany’s non-democratic past, injecting them with a dose of American pragmatism.

EFFICIENCY, NEUTRALITY, AND THE PUBLIC INTEREST

Much of Carl Friedrich’s writing in the United States attempted to show that a strong administrative state was compatible with American traditions. For him, the survival of American democracy in the long term would depend on a fundamental restructuring of the relationship between the state and its citizens. In developing his vision of an American administrative state he combined German integrationist thinking (Seibel 2010) that understood civil servants as acting ‘in the spirit of the public’ with American pragmatism. In his famous exchange with Herman Finer, Friedrich argued that administrators should
use their judgement in wielding the discretionary powers that were granted to them in the absence of legal precedent and specific administrative procedures.

In Friedrich’s view, the exigencies of the modern ‘service state’ placed a premium on action. Rather than worrying about accountability towards institutions such as parliaments and courts, the primary task of the administrator was ‘to ensure effective action of any sort’ (Friedrich 1940, p. 222). Modern government, especially in times of crisis, already made use of delegation, effectively sharing political responsibility between the political executive and administrators. Scholars of administration should recognize these new realities of government by eliminating the absolute distinction between politics and administration as both could now regarded as part of a ‘continuous process’ (Friedrich 1940, p. 225).

Although the debate about New Deal administrative agencies provided the impetus for this particular exchange, Friedrich’s earlier experience of emergency government in Weimar Germany informed his position in important ways. Modern government was the Weimar experience writ large. The failure of the first German Republic was merely one indicator for the breaking down of the distinction between policy-making and administration (Friedrich 1933a, p. 166). Emergency rule had strengthened the hand of expert administrators in the policy-making process and tamed the threat of interference by party politics and special interest groups.

Yet in the American context, which lacked a long-standing administrative tradition, this argument demanded a more in-depth exploration of administrative action and, more importantly, ways of justifying the legislative role of administrators in terms of the public interest. Friedrich sought to develop an internal conception of administrative accountability that harnessed the efficiency gains promised by emergency rule while avoiding the pitfalls of an administrative dictatorship. As Friedrich wrote in 1942,

> There is possible, however, a new concept of responsibility which rests upon the sense of workmanship in the common man, which makes him naturally turn to the expert. Thus bureaucracy and democracy are merged in a responsible government service composed of mutual servants. (Friedrich 1942, p. 39)

This somewhat cryptic passage needs to be understood in the context of his interest in the work of Thorstein Veblen and the notion of workmanship. Veblen’s ‘sense of workmanship’ tied requirements of efficiency to a shared conception of the public good. While the ‘common man’ might not be able to understand each and every policy detail, he is a good judge of the soundness of their underlying thrust and their overall ‘public utility’ (Friedrich 1942, p. 39). Trust in the bureaucrat is not blind but is based on a shared, organic pre-understanding of the public interest distinct from mere majority opinion.

> The common man’s sense of workmanship inclines him to expect from those who are responsible such guidance as only a real understanding of facts can give. … He expects the responsible official to resist such majority decisions as seem to him foolish, even to the point of resigning his post. (Friedrich 1942, p. 209)

With his strong emphasis on responsibility as internal, Friedrich invested the modern administrator with qualities Max Weber had used to characterize political leaders (Weber 1994, p. 352). Friedrich’s celebration of the common man, on the other hand, emphasized predominantly pre-rational and non-cognitive faculties, as a regularity of habit, a conservative stubbornness in the face of abstract designs as an important corrective to administrative high-handedness.

Such accounts of administrative responsibility relied heavily on the qualitative accounts of the bureaucratic personality and consequently emphasized the importance of selection and training. If accountability to the public meant awareness of and sensitivity to
public sentiment, then civil servants had to be more than just technical experts. What kind of person does it take to develop the requisite ‘sense of workmanship’ vis-à-vis administrative matters and how should they be selected and trained?

Arnold Brecht was the scholar most concerned with questions of the administrative ‘personality’ and consequently, with the ‘acculturation’ of civil servants. Like Friedrich he argued that there was no inherent contradiction between bureaucracy and democracy but that the relationship between the two had to be rethought to suit modern industrial societies. If anything, the increased demand for government intervention and for the provision of public services indicated that a strong civil service was the only way to adhere to the wishes of the electorate.

The American public had to give up on the nostalgic illusion of small government and the ‘irrational fear’ of bureaucracy. Brecht saw in the New Deal an opportunity to transform America’s relationship with bureaucracy and introduce a comprehensive system of recruitment that selects candidates based on criteria extending beyond technical competence. Indeed it was the public perception of a civil servant as a mere cog in the wheel of the government machinery, deprived of any opportunity to exercise initiative and judgement, that had deterred the country’s ‘best and brightest’ from administrative careers (Brecht 1936, p. 217). Civil servants should use their discretion and initiative not only because the realities of the ‘new democracy’ demanded it but also in order to attract and develop personalities equal to the challenges of modern government.

A liberal education, general acculturation, and the capacity for independent thinking were, according to Brecht, far more important than the qualities supplied by the mere ‘mechanical worker’ (Brecht 1936, p. 212). What marked an individual as suitable for the civil service were not only his technical competence but also his personality – comprising attributes such as solidity, incorruptibility, impartiality, intellectual brilliance, sacrifice, devotion, and allegiance (Brecht 1936, p. 212). In spite of the revolutionary underfoot in Germany, Brecht advocated the Prussian civil service as a model that could be adopted by American reformers. Rotating trainees through a variety of assignments at different levels of the administrative hierarchy could reduce the ‘unworldliness’ of the civil servant by exposing him to live life beyond the capital and developing the sense of ‘public spiritedness’ that was to enable him to exercise discretion in a responsible fashion (Brecht 1936, p. 220).

These rather old-fashioned accounts of administrators as representatives of the public interest were combined with strikingly modern arguments. Both Friedrich and Brecht argued that the administrative state would do well to actively shape public opinion, to put a case for the policies it was adopting with administrators establishing a direct relationship with the public at the same time. Brecht advocated treating citizens as ‘customers’, advocating a ‘customer orientation’ as the guiding ideal of modern administrators (Ruck 1998, p. 187). Friedrich advocated the use of methods employed by commercial advertisers in communicating policy, such as opinion polls and mail shots, in an effort to elicit public cooperation, an approach that he characterized as ‘mail order government’ (Friedrich 1942, p. 202). It is evident that scholars thought hard about how to square the circle between efficiency and accountability and saw themselves as unable to fall back on traditional solutions. Mixing different national traditions and adopting an experimental approach to exploring administrative techniques belie the notion that an all-pervasive ‘orthodoxy’ dominated public administration during the inter-war period (Bertelli and Lynn 2006).
CONCLUSION

The German sociologist and translator of Max Weber, Hans Gerth, stated in 1942 that ‘all modern states are now bureaucratic’ (Gerth and Mills 1942, p. 210). The ubiquity of bureaucracy had encouraged comparison with global economic crises and the exodus of European scholars providing an additional impetus. Bureaucratic modernizers across the western world grappled with the challenges arising from the seemingly dynamic and interventionist state bureaucracies of European dictatorships. The authors at the centre of this article were united in their advocacy for centralized administrative machinery equipped with wide-ranging discretionary powers. These were features that Nazi Germany was perceived to exhibit to an extraordinary degree. For many students of public administration, the Nazi regime was not ‘beyond the pale’. Much of their work was based on the assumption of an essential similarity between the administrative regimes of dictatorships and democracies.

In 1933 both Germany and the United States were in crisis. Their newly elected governments enjoyed widespread popular support and promised sweeping change. The perception was that their federal structures and ‘red tape’ prevented the effective implementation of radical policies. Whereas for German administrative scholars the Nazi regime raised questions of historical continuity, their American counterparts’ curiosity about the German ‘experiment’ was motivated by pragmatic concerns about the efficiency of the New Deal administrative machinery. Their common interest in the Nazi state, however, often lacked critical distance from as well as empirical information about its subject matter. Yet the myopia of public administration was also marked by a failure to take account of the radically different contexts in which administrative hierarchies operated in both countries.

For German émigré scholars this was compounded by nostalgia and ‘institutional patriotism’. While observers such as Brecht, Loewenstein, and Friedrich clearly recognized the risks that Nazism posed to ideals of administration, this did not lead to a more fundamental critique of the Nazi state at the time. Their internal account of administrative responsibility raised questions, especially since the Nazi dictatorship encountered little resistance from bureaucrats.

Yet their arguments about crisis governance were not simply blind alleys in the history of administrative thought. The administrative ideology described above remained influential in structuring post-war debates about the relationship between bureaucracy and democracy more generally. The perception of dictatorships as bureaucratic monoliths was to shape American views of totalitarianism and the state more generally throughout the Cold War (Ciepley 2006). In response to concerns about the state, administrative scholars became more interested in pointing out its risks (Downs 1967; Niskanen 1971). In post-war Germany the doctrine of administrative ‘integration’ most strongly associated with the views I have discussed here, together with its emphasis on administrative discretion, its legal anti-positivism, and its anti-parliamentary implications, became politically suspect (Seibel 2010). Post-war scholarship became aware of the politics–administration distinction as an important normative and constitutional principle, equating its complete dissolution with totalitarianism as such (Overeem 2008).

Many of the émigré authors at the centre of this article acted as policy advisers to the Office of Military Government, United States (OMGUS) and participated in the drawing up of plans for the reconstruction of German institutions after 1945. While a post-war Germany was to be democratic, its democracy was to be constitutionally as
well as administratively limited. In one of the most remarkable lessons drawn from the experience of Nazism, ‘parliamentary absolutism’ of the kind seen during the Weimar years was to be avoided by delegating legislative powers to executive agencies under the oversight of newly created constitutional courts (Müller 2009, p. 218). That their influence continues to be felt has been highlighted in the more recent controversy over the stance of one of the ‘founding fathers’ of German political science post-1945, Theodor Eschenburg, vis-à-vis the Nazi regime and his membership in the SS (Offe 2012)1.

The post-war administrative state followed blueprints developed by some of the administrative scholars I have discussed, combining pre-democratic conceptions of the public interest with notions of efficiency and ‘customer-orientation’ more reminiscent of the language of ‘New Public Management’. The year 1945 was marked by continuity as well as renewal as administrative orthodoxies – the idea of the Rechtsstaat in Germany, the politics–administration distinction in the United States – proved far more resilient than the more radical critics had anticipated. Such orthodoxies continued to curb ‘managerialist enthusiasm’ and its logic of efficiency and customer orientation (Lynn 2008, pp. 43–44), yet they also continue to blunt efforts at administrative reform in other parts of the world, for better or for worse (Cheung 2005). These national traditions of administrative thinking are key in understanding continuity and change and deserve our full attention.

NOTE
1 See https://www.dvpw.de/eschenburg-debatte.html

REFERENCES
© 2013 John Wiley & Sons Ltd.


