

The Public Governance Trilemma:

Democracy, Human Rights and Vincent Ostrom's Theory Of Public Administration Revisited

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Jennifer Brick Murtazashvili
University of Pittsburgh

Paul Dragos Aligica
University of Bucharest and George Mason University

Introduction

Democratic public administration

Vincent Ostrom's *The Intellectual Crisis in American Public Administration* (1973) was considered by all commentators a bold and ingenious attempt to inspire a paradigmatic shift in the field. Vincent Ostrom noted that public administration was going through a profound crisis. He advanced two propositions to overcome that crisis. The first was purely theoretical and methodological: Practitioners and students of public administration must rethink and reconstruct the theory underlying their field. The conceptual framework pivoting on bureaucratization theory adopted by the field at its inception as an academic discipline, was leading to a dead-end. Ostrom offered an alternative: a reconstruction based on the political economy and institutional theory apparatus associated, at that time, with the so-called "public choice revolution." But as *The Public Administration Theory Primer: Essentials of Public Policy and Administration*, by Frederickson et al (2012) noted, Ostrom advanced not only a theory and a method – a toolkit of the social scientist or practitioner, but also the foundation of an entire normative vision, a public organization paradigm shift. Ostrom argued for a *democratic theory of administration*, pointing out to a tradition that went back to Madison and the Federalist Papers, as an alternative to the bureaucratic and hierarchical theories dominant in the 20th century.

In *Preface to Public Administration: A Search for Themes and Direction*, Richard Joseph Stillman (1999) revisited the history of the field noting: "The most popular, widely discussed, and controversial public administration scholarly treatise in the 1970s, was probably Vincent Ostrom's *The Intellectual Crisis in American Public Administration* (1973) that frontally assaulted the Wilson-Weber paradigm while proposing a replacement paradigm, which he called democratic administration" (Stillman, 1999, 142). Stillman noted that the democratic administration paradigm attracted broad interest "because of its forceful attacks on traditional normative state-building and

state-maintenance doctrines within twentieth-century public administration.” That approach, he adds, was part of a revival of Jeffersonian republicanism, grassroots democracy, and the interest in the ideals of stateless society. By the mid-1970s, many agreed with Ostrom’s assessment of “an intellectual crisis” in public administration (both as an intellectual field and as an activity) and found his diagnosis convincing. However, few were ready to embrace the paradigm shift and the theoretical prescriptions he advanced (Stillman 1999, 143).

Our paper revisits Ostrom’s model of democratic public administration and uses it as a starting point and as a vehicle for reconstructing the problem of the tension between traditional bureaucratic or technocratic public administration and democratic polycentric public administration. We consider that Ostrom’s conceptualization offers a profound perspective into the relationship between public administration, democracy, and human rights via the aforementioned dichotomy between two types of administration.

In the emerging conceptual framework, while human rights are a parameter operating exogenously in conjunction with administrative formulas and models, democracy is not. In this formula democracy is an intrinsic and defining feature of one specific formula or model of administration. The triad of democratic administration, bureaucratic administration, and human rights creates a space of tradeoffs which unavoidably takes the form of a trilemma. The alignment and convergence of the three is very rare even in Western advanced industrial democracies.

The trilemma of governance is a universal feature of any system recognizing the importance of human rights and democracy. Acknowledging this reality helps us to better understand the constraints of any public administration reform or democracy promotion initiatives, be they in advanced industrial democracies or the developing world. Following the logic of the Ostrom, we get a better understanding why the idea of democratic administration is desirable, but its feasibility is strongly limited by the structural conditions in which any governance system has to operate, given the other two basic principles that have to be part of the picture.

To illustrate the various tradeoffs and tensions emerging in the triangle/trilemma, we use what the 2009 Noble Prize in Economic Sciences laureate, Elinor Ostrom, called the “extreme case” approach, an approach at the core of her influential *Governing the Commons* (1990). The case “is not chosen because it is representative for all forms” but because in it the process of interest “occurs in clarified even exaggerated forms.” The case of Afghanistan and the attempts to reform its (local) administrative system will help us to illustrate the conceptual, theoretical, and operational points of our argument, by bringing real-life empirical material to the forefront, in demonstrating both the theoretical and the applied relevance of the governance trilemma conceptualized on the lines inspired by Vincent Ostrom.

Vincent Ostrom and the Two Models of Public Administration:

Bureaucratic and Democratic

The Intellectual Crisis in American Public Administration started with an inventory of failures and disfunctions of public administration and public policy in the context of the United States during the 60s and the beginning of the 70s and with the observation that “the profession no longer has confidence in what it professes.” Administrative and policy theory had no viable solution to offer

to urban, social, environmental and race problems. All these problems explained Vincent Ostrom, were a symptom of a deep structural crisis.

Ostrom directly linked the crisis of the field and of the practice of public administration to the ideas which inspired the mainstream practitioners and students of public administration. The crisis was primarily of an intellectual nature. To fix things, one had to start with rethinking the theory they were using both in the conceptualization of the solution space and in their practice. More precisely, the conceptual structure based on bureaucratization theory had to be confronted with an alternative: “Fashioning the architecture for a system of democratic administration, explained Ostrom, will require different concepts and different solutions from those that can be derived from Wilson, Goodnow, W. F. Willoughby, White, and Gulick.” Instead, “a new theory of democratic administration will have to be fashioned from the works of Hamilton, Madison, Tocqueville, Dewey, Lindblom, Buchanan, Tullock, Olson, William Niskanen, and many others”. That was to say that “the theory of externalities, commons, and public goods; the logic of collective action and public enterprise; the concepts of public service industries; and fiscal federalism will have prominent places in that theory” (Ostrom 1973: 114).

One of the most remarkable features of Ostrom's approach was that a normative as well as a historical vision were involved in his perspective. First, that perspective took as a source of inspiration Hamilton and Madison and their radical idea that societies of men may be capable of establishing good government by reflection and choice. Self-governance is possible. Democracy is not an external appendage of the administrative apparatus, a qualifier or secondary feature of an otherwise autonomously operating system of governance. Democratic administration is the operationalization of self-governance. Democratic principles are intrinsic to a specific mode or system of governance but not necessarily to the other. Second, Ostrom was advancing a narrative of the evolution of human governance in which democratic administration was a new stage in this evolution. At a certain point in history the conditions are in place for the emergence of a new form of administration: “democratic administration” which is structurally different from the traditional, bureaucratic administration (Ostrom 1973: 114). The two may coexist but that coexistence is always a tense and uneasy one.

Public Administration scholars were first to recognize that what Ostrom called “democratic administration” had the features of a special formula of social organization, an ideal type of governance, not just a version of the standard model of administration. The bureaucratization perspective was built on a command-and-control hierarchy-centered framework. The Ostromian perspective put instead “a premium on competition, pluralism, open choices, and constitutional alternative modes of collective action that maximize personal liberties” (Stillman 1999: 189). Its features were fragmentation of authority, overlapping jurisdictions and constitutional limits “that sharply curtails public actions by promoting alternative, private nonprofit, or local options for collective action” (Stillman 1999: 189). While the bureaucratic model is “preoccupied with simplicity, neatness, and symmetry”, the democratic model is preoccupied “with diversity, variety, and responsiveness to the preferences of constituents”. The focus is not on bureaucratic command and control structures but on the self-organizing capabilities of social groups and communities and “the opportunities individuals can pursue in multi-organizational environments”. The Ostromian perspective embraces a vision of social order and governance in which the technocratic ideal is replaced by the Tocquevillian “science and art of association” in a variety of social settings.

In brief, Ostromian democratic administration was a distinct way of conceptualizing the relationship between democracy and public administration, between political theory and administrative theory. The democratic and the administrative dimensions were combined into a compounded construct, and were hard to separate. That was opposed to the standard way of looking at the relationship between the two in which democracy was firmly identified with the political system, a factor external to the administrative system. Ostrom thus suggested a truly radically different conceptualization.

Once the model of democratic administration articulated, we can turn again to the problem of diagnosing the crisis in public administration. As seen by Ostrom the most important cause was related to the fact that the democratic administration principles were dismissed and neglected, while the ideas inspiring administrative theory and practice were excessively shaped by a state-centric, “monocentric” vision, assuming a bureaucratic paradigm, centralized control, homogeneity of administrative structures and the separation of the political from the administrative. That was not an ideological critique. Setting aside philosophical and ideological differences, in the mainstream model two important operational aspects of successful public organization were overlooked: (a) the fact that different circumstances require different decision-making structure and (b) that multi-organizational arrangements might be possible within the same administrative systems. The bureaucratic paradigm was structurally unable not only to offer solutions but also unable to even identify problems. To understand why is that the case one needs to make a step further and look at the ways in which Ostrom articulated democratic administration and bureaucratic administration as correlated concepts. The two cannot be fully understood other than in conceptual and historical correlation.

The Intellectual Crisis in American Public Administration explains that for the American founding fathers, the political system and the administrative system were fully integrated. Tocqueville captured in illuminating ways this aspect and the nature of “democracy in America”. Yet, Woodrow Wilson’s work at the interface between political theory and public administration marked an important paradigm shift in American climate of ideas. Precisely that shift was foundational for the emerging field of public administration, while inspiring it to evolve distinctively from the larger political democratic process. Crucial in this development was the fact that Wilson’s assumption that “there is always a single center of power in any political system” was introduced as a basic postulate. All other levels and forms of governance and association were considered secondary to its “center of power.” Tocqueville’s insights regarding American democracy and its system based on the local and functional units governance were neglected as outdated or superficial. “The incommensurabilities between Tocqueville’s portrayal of democracy in America and Wilson’s portrayal were of radical proportions even though only fifty years intervened between those two presentations” (V. Ostrom 1971, 20–23; 1991a, 1991b, 5). Ostrom thus associated the movement towards the preeminence of bureaucratic administration with Wilson, both in historical and theoretical terms.

The core principle of bureaucratic administration was monocentricity. Once the monocentric presumption was embraced, that didn't mean that democratic administration had disappeared. Its principles continue to operate even if neglected and were most of the time in tension with the administration reforms pushing the bureaucratic monocentric model. Ostrom used the term polycentricity in order to contrast this principle with the Willsonian one. He identified the existence of “a system of ordered relationships underlies the fragmentation of authority and

overlapping jurisdictions that had frequently been identified as chaotic". The municipal governance in US has revealed at a closer inspection the resilience of "a set of ordered relationships that persists through time" and which have "many centers of decision making that are formally independent of each other" (V. Ostrom [1972] in McGinnis 1999b, 53). That pattern of governance was a bottom-up one, created in and by communities of independent citizens. That system was an embodiment of democratic principles.

Ostrom's concepts of polycentricity and monocentricity were articulated in a manner inspired by political economy and which were in fact transcending the disciplinary boundaries of politics and economics¹. Public administration is about organization of societies confronting the mundane task of producing and delivering public goods and services to their members and households. Democratic administration is based on the simple observation that people can develop complex institutional arrangements in order to produce and distribute precisely those goods and services. One may conceive a variety of situations in which command and control hierarchical principles are combined with other forms of coordination and cooperation. Patterns of order and governance may emerge among collective consumption and production units by cooperative arrangements, contractual agreements, competitive rivalry, and mechanisms of coexisting under conflict resolution. No single center of authority is coordinating all relationships in such a public administration system (Ostrom and Ostrom [1977] in McGinnis 1999b, 99).

The Ostroms were thus in search of a theory that "offers an alternative that can be used to analyze and prescribe a variety of institutional arrangements to match the extensive variety of collective goods in the world." That variety, that pluralism is the real domain of democratic public administration. The arrangements are small and large, multi-purpose or just focused on one good or service: suburban municipalities, neighborhood organizations, condominiums, churches, voluntary associations, or informal entities like those solving the common-pool resources dilemmas they studied and documented around the world. In conjunction, they create a space of competition and coordination, of checks and balances at multiple levels and of multiple forms of preference sorting and aggregation. Pluralistic polycentricity gives people the possibility to vote with their feet, to exercise the option of "exit" -- or at least to have the possibility of using a threat to exit as a means of checking and balancing the centers of power. One of the crucial implications was that no one administrative or institutional arrangement is "good" in all settings and

¹ This feature needs to be elaborated a bit more. To fully understand the pluralist and democratic dimensions of the administrative perspective advanced by Ostrom, who starting with the 70s had an increasingly influential partner in this enterprise in Elinor Ostrom, we need to keep in mind that that the approach advanced was challenging the basic dichotomy of modern political sciences, "states vs. markets". The conventional wisdom was that Smith's concept of market order was considered applicable for all private goods, while Hobbes's conception of the single center of power and decision applied for all collective goods. Typically, when market arrangements fail, the simple recommendation that "the" state should take care of the problems. But what if we need "a richer set of policy formulations" than just "the" market or "the" state? public administration as a field operates at the boundary between the two. it deals with the reality and with problems which include but transcend the two. Hence a crucial question: what if the theory and practice of public administration has to be rebuilt on an alternative to the basic dichotomy of modern political economy, the conceptions derived from Smith and Hobbes? For instance, the conventional wisdom assumes that natural resources and environmental problems should be solved in two ways. E. Ostrom's work has show that creative solutions to problems such as the depletion of common pool resources exist outside of the sphere of national governments but which do not pertain to the sphere of the pure market.

circumstances. Therefore we are dealing with a truly pluralistic theory of organizational and administrative arrangements. Pluralism is the foundation of democracy.

There is one additional element in the Ostroms' work which needs to be noted for its relevance for the issue of democratic administration. In their research of the production and delivery of public goods and services by metropolitan governance arrangements, the Ostroms have identified and highlighted the phenomenon of coproduction: Cases when the collaboration between those who supplied a service and those who consumed it was the factor determining the effective delivery of the service. Consumers have to function as co-producers. The client or consumer of the public goods created or distributed was part of the production process, "if there was to be any production at all" otherwise "the service may deteriorate into an indifferent product with insignificant value" (Ostrom and Ostrom [1977] in McGinnis 1999b, 93). Participation in the coproduction of public goods and services is not just on an appendage to basic production and distribution process. In some cases, it is a necessary factor if there is to be any production at all.

The phenomenon of coproduction is another technical element which supports the idea and the model of democratic administration. Coproduction means that the participatory element is intrinsic in many governance and administrative processes. In a sense, governance itself is a co-productive process. That puts the idea of democratic public administration in a strong position. Its nature is not purely ideal and normative-aspirational. It is based on the solid facts of coproduction as a reality of social life.

All of the above have helped us to get a better sense of the key argument that democratic administration is not bureaucratic administration plus some participatory elements. It is a different model -or ideal type- on how human societies deal with the challenge of public governance. Bureaucratic or technocratic administration -as an ideal type- is a model dominated by different principles. The shift from it to democratic participatory public administration brings with it a change of vision. "Seeing like a citizen" may be a way to define this new perspective associated with democratic administration. "Seeing like a state", assumes the synoptic and objectively informed view and may be a way to define the alternative.

Obviously, there is a tension between the two. Democratic administration is basically a bottom-up vision. On the other hand, the bureaucratic administration perspective is a top-down one with a strong social engineering presumption: Economic and technological efficiency, environmental goals, and social equality are to be achieved through top-down interventions and designs on the basis of technocratic and collective interests, all mobilized and rendered practical by expert knowledge and a command-and-control hierarchy of the governance authorities. In this respect, the Ostroms' view is not an outlier. There is a difference between "seeing like a citizen" and "seeing like a state". As noted by Abram Bergson, according to the technocratic-bureaucratic approach: "... the problem is to counsel not citizens generally but public officials". Furthermore, "the values to be taken as data are not those which would guide the official if he were a private citizen. The official is envisaged instead as more or less neutral ethically. His one aim in life is to implement the values of other citizens as given by some rule of collectivist decision making" (Bergson 1954: 233-52).

James Scott notes as well that what he calls “seeing like a state” is linked to a social engineering approach whose operation in practice is intrinsically connected to the standard bureaucratic forms of organization. To create a “social preference” and “collective social function,” for technocratic or bureaucratic purposes, the views and preferences of the citizens must be homogenized and objectified. Thus articulated, the ideal types of democratic administration and bureaucratic administration model illuminate reciprocally each other in profound ways. At the same time, they helps us to further identify at the level of principles why there is a deep tension between democratic administration and bureaucratic administration. Once seen in this light, the tensions between, on the one hand, the citizens views and their preferences-centered approach and, on the other hand, the technocratic bureaucratic view and the objective functions of efficacy, are unavoidable. To sum up, V. Ostrom has created the conceptual apparatus which helps us to note and explain why those tensions are an intrinsic part of any governance process that attempts to go beyond pure control and dominance by integrating in it democratic and human rights principles.

The Public Governance Trilemma

Framing the contrast between bureaucratic administration and democratic administration as two different ideal types, is a massive contribution. The two models of administration are the reflection of two different principles, always at work in different measures in the ways we analyze, design or evaluate public administration and governance systems. The first is the principle of normative individualism which puts the individual, (the citizen, the social actor) at the core of governance systems. The focus is on the individuals’ preferences and choice sets. The second principle shifts the focus on collective goods or the social welfare to be produced by the administrative arrangements. The focus is at the aggregated and social level. Democratic administration has as its anchor and reference point the subjective preferences and the wills of the individual citizens. Bureaucratic administration has as an anchor and reference point the technocratic standards for the delivery in efficacious manner of the goods and services.

The two emphasize thus two different underlying logics of the governance and administrative process. One puts at the forefront the preferences, autonomy and freedom of the individuals/citizens as they manifest in relationship to the co-production of collective goods and services. The other puts at the forefront the efficacy of the organizational and technological production and distribution of collective goods and services in accordance with social and technocratic parameters and standards. Seen in this light, both principles seem to be necessary, given the challenges implied by the administration of the complex domain of collective choice and collective action in which individual preferences and coordination of individual actors, households and communities are essential.

Obviously, there is a tension between the two. As we have seen, democratic administration is basically a bottom up process. On the other hand, bureaucratic administration is basically a top down one. The tensions and trade offs are natural and not surprising. These tensions are further amplified if we introduce into the picture a third element: human rights.

Human rights represent a third different principle at work in governance processes. Although taken for granted and incorporated almost unconsciously in our models of bureaucratic or democratic

organization, they represent a distinctive normative parameter which operates on the two, constraining their choice space. Human rights are first and foremost a set of moral demands, demands that should be institutionalized in our political life— within states and internationally. It is not the place to discuss here the foundational debate associated to arguments about their universalism and relativism. The philosophical justification of modern human rights is very diverse: human dignity, reason, autonomy, equality needs, capabilities and consensus, are all examples of the variety of ways in which a foundational justification is tentatively offered.

The UDHR document -which is an essential reference point as well as a vehicle in this respect- makes no attempt at explanation or justification. This was a deliberate strategy: to focus on norms or rules, leaving aside questions of justification and to create a practice and precedents (Langlois, 1990, 2009). Yet it is important to note that when it comes to their intellectual justification, universal human rights emerged out of Western intellectual and political traditions. As Langlois put it:

The sense in which these ideas are universal has neither to do with their history (which is one thread in the larger history of the West) nor with any form of global empirical reality (modern human rights are not found indigenously occurring in all human societies). Instead, the universality of these rights derived from their proponents' belief that human sociability should be articulated (at least in part) by the use of rights language, and that these particular rights should be the moral norms by which human behaviour is judged and evaluated (Langlois, 1990-1, 2009).

Human rights may be seen as a social construct. A social fact emerging out of the evolution of human societies and history. Their universality is always a matter of contention. But the creation of the international human rights regime in operation now for more than 70 years within states and internationally, has solidified their relevance. They have become part of the governance practice not only in the West but also (at least at the level of expectations and assumptions) all over the globe. There is now a “conviction that rights exist as moral demands that need to be translated into legal and institutional contexts” (Langlois, 1993, 2009).

From a practical standpoint that means that human rights have always to involve an effort of accommodation to local cultural, religious, social and historical circumstances. That brings to light an intrinsic dilemma associated to them: “The UDHR engages a universalist rhetoric to present a particular position, that of the liberal rights tradition”, but if that is the case, then “this position is normatively universal, to be sure; but it is not shared universally by all human persons, and the traditions and communities in which they live.” (Langlois, 1993, 2009). That reality manifests itself in practice, when it clashes with governance decisions.

The reason is straightforward: Human rights are always operating as constraints on political decision making and public policies. In other words, public administration as a structure and as a process has its choice set normatively circumscribed by the human rights principles. In our case, both democratic administration and bureaucratic administration are constrained by the presence of human rights superimposed on their conceptual and practical horizon. The stronger the presence the more the democratic and technocratic solutions have to be adjusted to these rights.

We have reached a point where we have all the building blocks on the table. We have identified an underlying conceptual framework in which democratic administration, technocratic administration and human rights represent three dimensions and at the same time three principles

of governance systems: (a) normative individualism - subjective individual preferences; (b) systemic efficiency - objective social standards of efficacy and (c) universalist normativism -- deontological rules. In conjunction, they define the sphere or space of governance systems and public administration. If that is the case that space is unavoidably challenged structurally with serious potentialities of tensions and tradeoffs.

As it has already been noted by Vincent Ostrom, the tension between democratic and bureaucratic administration is not a mere theoretical possibility but a reality which may lead to major structural crises. The underlying logic is evident starting at the micro level: For instance, a community may decide by democratic means, pursuing a democratic administration blueprint, to adopt a decision which reflects the preferences of the majority. Yet in technical or economic terms that decision may well be suboptimal on the standards of bureaucratic administration. The people's choice make little economic or technological sense. There are plenty of such situations when externalities, distributional or social costs or even technical standards are involved. At the level of practice, there is always some room of mutual accommodation and coexistence, but that room is always under constant pressure. The logic of democratic normative individualism is always impeding and challenging the technocratic logic of social efficiency and the other way round.

Things are even more complicated when the third element, human rights, is brought into the picture. One could easily imagine a variety of situations in which a direction of action is decided using the democratic administration principles via a collective decision-making procedure, but that course of action is not the socially optimal one, while, at the same time, it may not be in accordance with human rights principles. Public administration and public policy scholars are familiar with multiple such scenarios in the real-life practice of public administration both at the local and national level. And if one steps outside the traditional advanced industrial democracies such tradeoffs situations maybe even more salient and intense.

We are now in the position to offer the complete the picture of the trilemma which accompanies any system in which democracy, human rights and administrative governance have to coexist: Following Ostrom, we started by articulating a technical definition of Democratic Public Administration, which is based on normative individualism subjectivism, diverse and polycentric mechanisms of public goods and services production and delivery, preference sorting and aggregation, and associated countervailing powers checks and balances in specific social settings. Following the same logic, we articulated the paralleling definition of Bureaucratic or Technocratic Public Administration -pivoting on objective normative criteria based on effectiveness of problem solving, efficacy, cost effectiveness or other measures which either presume an objective social preference function or circumvent the problems of normative individualism assumptions. Last but not least, we have identified Human Rights as normative constraints of the choice sets of public decision-making mechanisms (be they technocratic or democratic).

With these parameters in place, it becomes evident that under the definitions (or parameters) specified above for the three building blocks of PA and governance systems, a trilemma is bound to emerge: The reciprocal reinforcement (or even the mere alignment) between the three is very rare, even on the standards of Western advanced democracies societies. Democratic administration based on normative individualism may or may not converge with the requirement of technocratic administrative decision making and may or may not satisfy the standards of administrative efficiency. At the same time, both forms of administration may converge or may not converge with the human rights principles.

Obviously, in an ideal world, there should be a convergence of the three. Individual citizens preferences should incorporate in a natural way the respect for human rights and the rationality of technical efficiency. Yet, such a convergence is always a desideratum but rarely a reality. More often than not, the three principles do not align or converge. A policy following the human rights principles may not be accepted by the community and may not be cost effective or may not satisfy technical or bureaucratic efficacy criteria. The social norms, as reflected by the community's democratic administration procedures, may reject certain ways of organizing things or of producing and distributing collective goods and services, under certain circumstances. That is the de facto condition of governance systems. Assuming away this reality is a naive and utopian attitude. Acknowledging its inescapable reality, should give us pause to think more profoundly about the feasibility of many of our most cherished ideals of governance.

The trilemma created by the interplay between democratic administration, bureaucratic administration, and human rights, thus emerges with conceptual clarity backed up by massive evidence coming from the practical experience. It poses profound moral, political, institutional, and technical problems. Those problems could not be resolved under one unitary overarching principle or governance formula. The trilemma is far from being a mere theoretical case. The observations of the existence of this trilemma reflect the day-to-day reality of the public administration in practice. Yet, in most cases, it remains an unstated assumption of our working public administration and public policy. It is however important to fully articulate it in the clearest conceptual and empirical manner. It is only when pushed from the background of our analysis to the forefront that we can understand its full implications. The most important of it is that governance systems are always social spaces of second-best solutions. Collective action arenas in public administration are always framed by architectures of decision making which are operating under constraints such as those revealed by the trilemma end that makes the maximization of any of the three elements an extremely unlikely and rare event.

In order to further make the case this paper will advance a step further and give a more concrete empirical content to the structure of tradeoffs which are at the core of our argument. In general, the practice of structural reforms and modernization of countries and societies outside of the sphere of advanced industrial democracies provides the most illuminating case studies for the trilemma.

To illustrate the various tradeoffs and tensions emerging in the triangle/trilemma, we use a case that might be methodologically identified as an extreme case: The case of Afghanistan. We use what the 2009 Noble Prize in Economic Sciences laureate, Elinor Ostrom, called the "extreme case" approach (*Governing the Commons. The Evolution of Institutions for Collective Action*, Cambridge University Press, 1990). Ostrom uses as a model the biologists' approach when they confront situations of studying poorly understood complex processes. The strategy is to identify cases "in which the process occurs in clarified even exaggerated forms." The case "is not chosen because it is representative for all forms." Rather, the case is chosen "because particular processes can be studied more effectively using it than using another." That is to say, the extreme case method selects a case because of its extreme value on the process of interest. To us, the process of interest is the aforementioned "governance trilemma": The structural tension between human rights, democratic public administration and bureaucratic or technocratic public administration. The case study of Afghanistan will help us to illustrate the conceptual, theoretical and operational points of our argument, by bringing real life empirical material to the forefront, in demonstrating

both the analytical and the applied relevance of the conceptual lenses of the trilemma which is at the core of our paper's argument.

Governance Reform in Afghanistan: Democracy, Human Rights and Good Governance

[Among these cases the case of Afghanistan stands out. It is not only that the contours and the contrasts are perceived with striking clarity but also the magnitude of the involvement in shaping reforms and governance modernization on the lines of the three principles is undeniable and vividly present in both academic circles and the public opinion.The American efforts to support the emergence of local governance regime which would combine the three elements democratic, technocratic and human rights principles is one of the best ways of presenting the concrete challenges in real life settings.....]

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Conclusions: A Domain of “The Second Best” and of “Faustian Bargains”

Democratic administration as advocated by the Ostroms is always a benchmark of Our notions and ideals of good governance. If we consider that the citizen, the individual, the human being is the foundational source and beneficiary of governance systems, one has to accept that priority of methodological individualism. In a sense, at the ideal level, democratic administration has built in it the notion of human rights and the primacy of the individual. However, human rights are both conceptually and in practice operating as an autonomous principle. Democratic administration, once operational, may generate decisions which undermine or neglect human rights. Bureaucratic administration may have similar outcomes for different reasons related to efficiency, social costs, collective benefits or technocratic stringencies. The elements of the trilemma are always present. In some cases, the three dimensions converge. However, in most cases the convergence is far from perfect or, in fact, divergence is dominant. Tradeoffs emerge and with them, situations emerge in which one has to accept that we have no choice but to operate in a universe of “the second best”.

Asserting dogmatically the primacy on a principle or another might sound good, morally and intellectually correct in some circumstances, but both for practical and theoretical purposes that stand can't take us very far. The problem is that our governance philosophies do not seem to be fully prepared to conceptualize and theorize sufficiently this state of affairs, this reality. It is in many respects a tragic situation. One is confronted with profound normative epistemic and praxeological limits. Recognizing that tragic reality should be a part of our training and of our professional mindset. In the field of public administration, we are always in a position to shape the public decision making -maybe not in the grand and glamorous scale as we are in international relations or geopolitics but nonetheless they may involve tragic choices in profoundly morally and real-world significant ways. We must think and act with greater responsibility and humility. This stance has deep normative and moral implications. To use Vincent Ostrom's terms, a “Faustian bargain [exists] in which human beings are required to have potential recourse to instruments of

evil to advance their joint or common good” (V. Ostrom, 1997, 121). The trilemma reminds us thus that, in all our endeavors, as theorists and practitioners of public decision making and collective action, we are always confronted --we like it or not, we acknowledge it or not-- with a Faustian predicament.

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