

The Bureaucratic Vocation

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The Bureaucratic Vocation: State/Office/Ethics

Abstract

This paper seeks to indicate how and why public bureaucracy has been and remains a cornerstone of the modern state and of representative democratic governmental regimes. It does so by highlighting both the constitutive role bureaucratic practices and ethics play in securing civil peace and security, and individual and collective rights and freedoms, for example, and how attempts to transcend, negate, or otherwise 'disappear' bureaucracy can have profound political consequences. The paper begins with a brief exploration of some of the tropes of 'bureau-critique' and their historical and contemporary association with key elements of anti-statist thought. It then proceeds, in section two, to chart how attempts to detach an understanding of bureaucracy from its imbrication in critical polemic and political partisanship can be best pursued by revisiting the work of Max Weber. Weber's great achievement, it will be argued, was to provide a definitive analysis of both the 'technical' and ethico-cultural attributes of public bureaucracy without falling into pejorative critique. In so doing, Weber's work provides a useful resource for exploring the limits and pitfalls of 'bureau-critique' historically and contemporaneously. The problems identified with politically partisan and critique-oriented understandings of public bureaucracy identified in the first two sections of the paper are then illustrated in section three with direct reference to specific episodes in German, US, and British political history. The paper concludes by re-emphasising the enduring significance and political positivity of the ethos of bureaucratic office-holding, not least in the context of the ongoing COVID-19 pandemic.

Introduction

Shortly after the election of Donald Trump to the Presidency of the United States in 2016, public bureaucracy began to enjoy a reversal of fortune. Almost overnight, its image was transformed from being seen as a thorn in the side of government to something akin to its saving grace. In the space of a few days following Trump's inauguration, the media was full of accounts detailing how bureaucracy and bureaucrats could serve as a bulwark against populism¹.

The very attributes of governmental bureaucracy that had earned it condemnation from across the political spectrum - its alleged inertia, red-tape mentality, and lack of responsiveness to political control - had suddenly become virtues. For some, not least members of the Democratic Party, this was often just a marriage of convenience: bureaucracy was as problematic as ever, but nevertheless preferable to the alternative now within sight. If bureaucrats had wrecked "good" policies, it was mooted, at least they might now save people from "bad" ones. But, as Bernardo Zacka² (see also Michael Lewis³) pointed out, 'for others, this shift' was not equivalent to an endorsement of a 'Deep State' manifesto, lionising surreptitious attempts to undercut the Trump administration's policies from 'within', but rather

entailed a newfound appreciation for bureaucracy: perhaps there was a sensible rationale behind red tape...and an independent-minded administrative apparatus. A culture of bureaucratic autonomy, after all, is not something that can be activated at the press of a button. If we want bureaucracy to be committed to a mission...we must be ready to accept it even when the political pendulum swings our way⁴.

This paper seeks to indicate how and why public bureaucracy has been and remains a cornerstone of the modern state and of representative democratic governmental regimes. It does so by highlighting both the constitutive role bureaucratic practices and ethics play in securing civil peace and individual and collective rights and freedoms, for example, and how attempts to transcend, negate, or otherwise 'disappear' bureaucracy can have profound political consequences. The paper begins with a brief exploration of some of the tropes of 'bureau-critique' and their historical and contemporary association with key elements of anti-statist thought. It then proceeds, in section two, to chart how attempts to detach an understanding of bureaucracy from its imbrication in critical polemic and political partisanship can be best pursued by revisiting the work of Max Weber. Weber's great achievement, it will be argued, was to provide a definitive analysis of both the 'technical' and ethico-cultural attributes of

public bureaucracy without falling into pejorative critique. In so doing, Weber's work provides a useful resource for exploring the limits and pitfalls of 'bureau-critique' historically and contemporaneously. The problems identified with politically partisan and critique oriented understandings of public bureaucracy identified in the first two sections of the paper are then illustrated in section three with direct reference to specific episodes in German, US, and British political history. The paper concludes by re-emphasising the enduring significance and political positivity of the ethos of bureaucratic office-holding.

Bureau-critique and its tropes

It is interesting to note how the comments of Zacka above, concerning the public bureau as something akin to a 'gyroscope of state', echo those of earlier analysts brought to acknowledge, sometimes against the grain of their own personal political predilections, that public bureaux are key instruments of a state's authority, and as such, are indispensable to the constitution and preservation of civil security and peace, and to the individual and collective liberties that derive from this⁵.

Thus, we find in 1950, for instance, the influential analyst of government, Carl Friedrich - himself no great fan of bureaucracy - nonetheless concluding in his book *Constitutional Government and Democracy*, that

A realistic study of government has to start with an understanding of bureaucracy...because no government can function without it. The popular antithesis between democracy and bureaucracy is an oratorical slogan which endangers the future of democracy. For a constitutional system which cannot function effectively, which cannot act with dispatch and strength, cannot live⁶.

Riffing on Friedrich's theme, Holmes & Sunstein (1999) have pointed out that bureaucratic practices in government may be considered the 'costs' that society has to bear in order to enjoy the liberties and security it values so highly. Not least because those rights, liberties and security are the product of 'vigorous state action'⁷. After all, as Holmes (1994) put it, 'statelessness means rightlessness'⁸. Stateless people, in practice have no rights': inhabitants of weak or poor states tend to have few or laxly enforced rights. Without centralized, bureaucratic state capacities, there is no possibility of forging 'a single and impartial legal system – the rule of law – on the population of a large nation. Without a well-organized political and legal system, exclusive loyalties and passions' are difficult to control. Seen in this light, the

unresponsiveness and impersonality of bureaucratic conduct bemoaned by so many critics becomes instead 'a condition of freedom'⁹.

Friedrich's book in effect indicated how bureaucratic practices in governmental administration can be seen to provide some useful illustrations of the 'conservation standards' appropriate to the political management of the state, including the management of 'change' within the state. In producing predictability in a state's decisions, public bureaucracy actually enhanced, indeed, constituted, the freedom and flexibility of those operating within the state's field of vision. Larmore (1987), again echoes Friedrich's point: 'to the extent that a state's decisions are less predictable, institutions in the rest of society are less able to plan their own activities. Thus, to a greater predictability in government corresponds a greater freedom of the other spheres of social life'¹⁰.

And considerably before Friedrich's time, we find, of course, Max Weber, indicating something remarkably similar; that a critical feature of the development of the state as a political apparatus of government is a bureaucracy that begins to operate in an impersonal manner, according to known rules and regulations, and in which officials are educated and obliged to separate their own political and personal interests from the office they happen to occupy.

Legally and actually, office holding is not considered ownership of a source of income, to be exploited for rents or emoluments in exchange for the rendering of certain services, as was normally the case during the Middle Ages...nor is office holding considered a common exchange of services, as in the case of free employment contracts. Rather entrance into an office...is considered an acceptance of a specific duty of fealty to the purpose of the office (Amstreue) in return for the grant of a secure existence. It is decisive for the modern loyalty to an office that, in the pure type, it does not establish a relationship to a person, like the vassal's or disciple's faith under feudal or patrimonial authority, but rather is devoted to impersonal and functional purposes...The political official – at least in the fully developed modern state – is not considered the personal servant of a ruler¹¹.

If a well-functioning public – state - bureaucracy with distinctive 'official' characteristics, such as those articulated by Weber, is so important for the constitution and maintenance of a state and by dint of this a 'civil society', we might then wonder as to why it is subject to near constant critique and, indeed, how the same problematizations of it appear time and again in many differing guises, despite the alternative dreams and schemes associated with them experiencing a reckoning with reality that has often been less than optimal¹²? One answer to

this lies with the ‘series of doubts and criticisms’ concerning ‘the State’, and the terminology and institutions associated with it since its inception that Skinner (1989) amongst many others has identified¹³. One major strand of ‘bureau-critique’, for instance, echoes a key element of ‘anti-statist’ discourse discussed by Skinner, one deriving predominantly from those – including both Left and Right of the modern political spectrum, for instance – for whom the ideal of popular sovereignty and the ‘self-governing republic’ continues to provide *the* benchmark of virtuous government, and against which the moral inadequacies of the state and its institutions can be registered. Here, the impersonality and formality of bureaucratic public administration has been a key object of critique. So, from this point of view, a privileged role is often attributed to bureaucracy in disenchanting something often referred to as ‘the life-world’. Here, ‘the’ process of ‘bureaucratisation’ is deemed to spread a disciplinary nexus into every nook and cranny of human existence. This leads to the domination of formal or instrumental rationality over more substantive values, thus undermining the possibility of meaningful moral action and effectively negating a popular capacity for ‘self-government’¹⁴. As Skinner would predict, though, these seemingly modern tropes contain uncanny echoes of those enunciated by critics of the state in early modern Europe. In his classic work *Bureaucracy*, Albrow (1970) quotes from a letter dated 1st July, 1764, written by Baron de Grimm, a French philosopher:

We are obsessed by the idea of regulation, and our Masters of Requests refuse to understand that there is an infinity of things...with which the government should not consider itself. The late M. De Gournay...sometimes used to say: “we have an illness in France which bids fair to play havoc with us; this illness is called bureaumania”. Sometimes he used to invent a fourth or fifth form of government under the heading of bureaucracy¹⁵.

A year later, we find the same author writing: ‘The real spirit of the laws of France is that bureaucracy of which the late M. De Gornay...used to complain so greatly; here the offices, clerks, secretaries, inspectors and *intendants* are not appointed to benefit the public interest, indeed, the public interest appears to have been established so that offices might exist’¹⁶. De Grimm’s missive evokes loyalty to the classical ideal of ‘the self-governing republic’ as the mainspring of ideological opposition to the idea of the state and its institutions. The complaint he makes against the body of governing officials he identifies is not that they are acting unlawfully, or outside of duly constituted authority, but rather that they are part and parcel of a ‘statist’ mode of governing that has become an end in itself, and which has negative implications for individual liberty and freedom. From its earliest deployment, then, the term

bureaucracy refers not only to an institution of state where an important role is in the hands of administrative officials; it also functions as a collective designation for those officials. Moreover, use of the term is not 'value neutral', it is almost always polemical and negative¹⁶. As we have suggested, such a stance has continued to occupy an important place in subsequent accounts of public bureaux deployed in twentieth and indeed twenty-first century writing, commentary, and party-political struggle.

Attempts to provide an alternative stance, one which sought to detach the idea and analysis of bureaucracy from the partisan, polemical context in which it first emerged, reached their culmination in the late nineteenth century, most notably in the work of Max Weber. In terms of the influence it has exerted, Weber's writing on bureaucracy is more significant than the sum total of the contributions that preceded and proceeded it. Weber is considered to have provided the definitive analysis of both the technical and ethico-cultural characteristics of public bureaucracy without sliding into pejorative critique¹⁷. Given its subsequent influence, it can come as something of surprise to learn that Weber wrote comparatively little on the subject of 'bureaucracy'. Reference to the topic can be found scattered throughout his massive, posthumously published two volume *Wirtschaft und Gesellschaft*¹⁸. But apart from that, focused discussion of bureaucracy is notable by its absence in much of his work. Crucial elements of his approach to the subject are however to be found in his political writings, and in particular, his essays, *Parliament and Government in Germany under a New Political Order* and *The Profession and Vocation of Politics*¹⁹. It is to Weber's work that we now turn.

Bureaucratic Office as a Vocation

Weber's stance towards bureaucracy is neither unequivocally celebratory nor overtly critical. Weber was not interested in offering a formal organizational theory of 'bureaucracy', but rather, as Wilhelm Hennis has suggested, with specifying the ethico-cultural attributes of bureaucratic conduct²⁰. In order to approach his work in this way it is necessary to focus upon Weber as a somewhat eccentric and isolated moral theorist in a tradition of the ethics of office²¹. For Weber, 'Office' was a set of duties and responsibilities, and subordinate rights and liberties asserted to be necessary for their fulfilment; these were manifested not in an individual, represented as a distinctive, reflective and autonomous 'self' but rather in a persona.

In Weber's account, the bureau is a distinctive life order, one which provides the bureaucrat with a particular ethical bearing or status-conduct. The ethical attributes of the good bureaucrat – adherence to procedure, acceptance of sub- and super-ordination, *esprit de corps*, abnegation of personal moral enthusiasms, commitment to the purposes of the office – are not some incompetent subtraction from a complete (self-concerned and self-realising) comportment of the person. Quite the opposite, in fact; they represent a positive moral achievement requiring the mastery of a difficult ethical milieu and practice – a form of *ascesis*²². They are the product of definite ethical techniques and routines – declaring one's personal interest, subordinating one's ego to the dictates of procedural decision-making, and so on and so forth – through which individuals develop the disposition and ability to conduct themselves according to the ethos of bureaucratic office²³. No less than any other form of instituted persona, the ethical attributes of the bureaucrat are the contingent and often fragile achievements of a particular organized sphere of moral existence. Thus, in his classic account of the 'persona' of the bureaucrat, Weber treats the impersonal, expert, procedural and hierarchical character of bureaucratic conduct as elements of a distinctive ethos²⁴. Here office constitutes a 'vocation', a focus of ethical commitment and duty, autonomous of and superior to the bureaucrat's extra-official ties. Indeed, for Weber, *the* crucial point of honour for bureaucrats is not to allow extra official commitments to determine the manner in which they perform the duties associated with their office. 'On the contrary', the bureaucrat 'takes pride in preserving his impartiality, overcoming his own inclinations and opinions, so as to execute in a conscientious and meaningful way what is required of him by the general definition of his duties or by some particular instruction, even – and particularly – when they do not coincide with his own political views'²⁵. 'The official has to sacrifice his own convictions to his duty of obedience'²⁶. This does not mean that officials only do the 'dull', routine work of public or state administration. Rather, independent decision-making and imaginative organizational capabilities - casuistry - are usually demanded of the bureaucrat²⁷. Indeed, as Weber made clear in his discussion of the ethos of bureaucratic office-holding, there will be many instances where our official obligations require us to pursue a course of action that conflicts with our own deeply held 'personal' views.

The key to understanding the ethos of bureaucratic office, Weber argues, resides in 'the kind of responsibility' associated with it: "An official who receives a directive which he considers wrong can and is supposed to object to it. If his superior insists on its execution, it is his duty, even his honour to carry it out as if it corresponded to his innermost conviction, and to demonstrate in this fashion that his sense of duty stands above his personal preference... This

is the ethos of office”²⁸. Without this ‘supremely ethical discipline and self-denial’, Weber continued, the whole apparatus of the state would disintegrate, and thus all the political benefits deriving from it, would too²⁹.

Thus, Weber argued that it was odd for the *literati* to criticise bureaucratic conduct as antithetical to the realisation of substantive ends³⁰; that is, as simply the organizational vehicle by which instrumental values supersede and/or eliminate all substantive values. Rather, the ‘formalism’ of bureaucratic conduct – its instituted blindness to inherited differences of standing and prestige – produces the very substantive effects – enhancing representative democracy and social equality, for example – that the *literati* claimed bureaucratic conduct would destroy³¹. In other words, the exclusion of extra official considerations from the conduct of official business, and the strictly formalistic impersonality with which that business was conducted – “*sine ira et studio*”, without hatred or passion, and hence without affection or enthusiasm – was a prerequisite not only of impartial, efficient, and effective administration, but also crucial to the production of mass democracy and increased social equality. This idea, that the ‘formal’ rationality of bureaucratic conduct gives rise to substantive ethical goals and effects, has been largely ignored by critics, however.

For this reason, then, it is not very productive to apply universal moral judgments to bureaucratic conduct *tout court* - to praise its impartiality or condemn its irresponsibility. Rather, as Ian Hunter has suggested

As their polyvalent and conflictual character testifies, such judgements do not concern the bureaucratic ethos as such, but the forms in which it impacts upon other conducts of life and departments of existence. In fact, the allegations of technicism and amorality characteristic of the critique of bureaucracy are symptomatic of a quite different set of problems. They refer – if a fever can be said to refer to a disease – to the relationship between the bureaucracy and a quite different sphere of existence, that of political leadership³².

In *Parliament and Government in Germany under a New Political Order* and *The Profession and Vocation of Politics*, Weber explicitly addresses the different kinds of responsibility that bureaucrats and politicians have for their actions. For Weber, the institutional and moral responsibility of these different official *personae* is to be understood in terms of the quite distinct duties attached to their particular responsibilities of office. By framing his analysis in terms of an

ethics of office, Weber is insisting on the irreducibility of different spheres of ethical life and the consequent necessity of applying different ethical protocols to them.

According to Weber, then, the bureaucrat or administrative official, on the one hand, and the politician, on the other, have very different purposes and forms of responsibility³³. Such differences are not to be deduced from the relative ‘interest’ or ‘complexity’ of the tasks each performs, nor from a mechanistic distinction between policy and administration, but rather, as we have indicated, from the demands made upon them by the distinctive offices they occupy.

Officials too are expected to make independent decisions and show organizational ability and initiative, not only countless individual cases but also on larger issues. It is typical of *littérateurs* and of a country lacking any insight into its own affairs or into the achievement of its officials, even to imagine that the work of an official amounts to no more than the subaltern performance of routine duties, while the leader alone is expected to carry out the ‘interesting’ tasks which make special intellectual demands. This is not so. The difference lies, rather, in the kind of responsibility borne by each of them, and this is largely what determines the demands made on their particular abilities³⁴.

Weber is clearly referring to ‘responsibility’ in a very specific sense. The term as he deploys it does not pertain to a simple division of organizational labour, in which bureaucratic officials are allocated the sole responsibility for administration, and politicians the sole responsibility for policy. Rather, ‘responsibility’ refers to a division of ethical labour in which official and political leader are subject to specific imperatives and points of honour and develop quite different capacities and comportments as a result of the demands of their respective ‘offices’.

Forged in the party system and tempered by the organized adversarialism of the Parliament, the politician belongs to an order of life quite unlike that of the bureaucrat. The party leader possesses the political abilities and ethical demeanour required by the unremitting struggle to win and regain power³⁵. As Weber makes clear, it is this, and not the trained expertise and impersonal dedication of the bureaucratic official, that equips the politician to pursue the worldly interests of the state in the face of a hostile and unpredictable political and economic environment³⁶. The honour of ‘the political leader, that is, the leading statesman’, consists for Weber, ‘precisely in taking exclusive *personal* responsibility for what he does, responsibility which he cannot and may not refuse or unload onto others’³⁷. By contrast, as we have seen, the crucial point of honour of the bureaucrat is to guard their impartiality and to act impersonally – not to allow their extra-official ties or enthusiasms to determine the manner in which they perform their official duties. The bureaucrat

takes pride in preserving his impartiality, overcoming his own inclinations and opinions, so as to execute in a conscientious and meaningful way what is required of him by the general definition of his duties or by some particular instruction, even – and particularly – when they do not coincide with his own political views³⁸.

In particular, Weber stresses the ways in which the ethos of bureaucratic office-holding constitutes an important political resource because it serves to divorce the administration of public life from private moral absolutisms³⁹. Without the historical emergence of the ethos and persona of bureaucratic office-holding, Weber argues, the construction of a buffer between civic comportment and personal principles – a crucial feature of liberal government, for instance - would never have been possible. Indeed, without the ‘art of separation’⁴⁰ that the bureau effected and continues to effect, many of the qualitative features of government that are regularly taken for granted – for instance, reliability and procedural fairness in the treatment of cases - would not exist.

Seen in this light, modern systems of government appear as irrevocably hybrid institutional milieux housing quite different and distinct ‘Official’ personae⁴¹. Here, as Weber argues, the persona of the bureaucratic official is and needs to be very different from the persona of the professional politician, not because the former ‘administers’ and the latter ‘makes policy’, for instance, but precisely because they are subject to different demands as a result of the purposes of the respective offices they occupy. For Weber, the blurring of official personae can create real political as well as organizational dangers. This is a point we will return to a little later.

Writing towards the end of, and again shortly after, the First World War, Weber’s key interests are in the survival of the German state. The central point for Weber was how to prevent the elimination of genuine political activity and leadership by the bureaucratic practice of ‘rule by officials’. This placed the question of the role and nature of parliament at the top of the agenda: ‘*How is parliament to be made capable of assuming power?* Anything else is a side issue’⁴².

For Weber, bureaucratic ‘officialdom had passed every test brilliantly wherever it was required to demonstrate its sense of duty, its objectivity and its ability to master organisational problems in relation to strictly circumscribed, official tasks of a specialised nature. Anyone who comes from a family of officials, as I do, will be the last to permit any stain on his shield’⁴³. The problem, though, was not whether bureaucrats were good officials *per se*, but in the absence of a body of political leaders, whether they were capable and competent to act as a certain sort of public office

holder: namely, as a political leadership. Weber's answer was clear, precise and in line with his thinking as an ethicist of office.

But what concerns us here are political achievements rather than those of 'service', and the facts themselves proclaim loudly something which no lover of truth can conceal, namely that rule by officials has failed utterly whenever it has dealt with political questions. This has not happened by chance. Indeed, to put it the other way round, it would be quite astonishing if abilities which are inwardly so disparate were to coincide within one and the same political formation. As we have said, it is not the task of an official to join in political conflict on the basis of his own convictions, and thus, in this sense of the word, 'engage in politics', which always means fighting⁴⁴.

He reiterates this point in *The Profession and Vocation of Politics*. Practicing bureaucrats do not make ideal professional politicians. Their respective offices differ, the competences, comportment and capabilities are quite distinct. To make one role stand in for the other is asking for trouble:

Precisely those who are officials by nature and who, in this regard, are of high moral stature, are bad and, particularly in the political meaning of the word, irresponsible politicians, and thus of low moral stature in this sense – men of the kind we Germans, to our cost, have had in positions of leadership time after time. This is what we call 'rule by officials'. Let me make it clear that I imply no stain on the honour of our officials by exposing the political deficiency of this system, when evaluated from the standpoint of success⁴⁵.

For Weber, claims to representational totality made by and on behalf of the state bureaucracy in early twentieth century Germany were politically (and organizationally) dangerous because they required bureaucrats to assume an office for which they were signally ill-equipped: to become professional politicians. The political stability and social dynamism he viewed as resting in part upon the separation and co-existence of these two distinct life-orders were threatened by a process of bureaucratic de-differentiation that seemed destined to produce a system of administration without government. It was this particular concern with the implications of the de-differentiation of offices and official personae that underlies one of Weber's most famous and dramatic epithets. As he makes clear in *The Profession and Vocation of Politics* and *Parliament and Government in Germany under a New Political Order*, the extensions of bureaucratic administration demanded, for example, by the romantic socialism of 'naïve littérateurs', and already evidenced in the practice of 'rule by officials', were

in the process of manufacturing the housing of future serfdom, to which, perhaps, men will have to submit powerlessly...if they consider that the ultimate and only value by which the

conduct of their affairs is to be decided is good administration and provision of their needs by officials (that is 'good' in the purely technical sense of rational administration⁴⁶).

With bureaucrats allowed or encouraged to take direct responsibility for the actions of the state, it appeared to Weber that an ethic of administration was fast freeing itself from its proper moorings and was set to efface government as a political process.

Rather than signalling an inherent antipathy toward bureaucracy *per se*, Weber is indicating that offices have limits. There is nothing here to suggest a universal or objectivist point of view, or an evolutionary or teleological trajectory, such that the essential trait of bureaucracy is to produce a 'shell of future servility' or (what has been mis-termed) an 'iron cage'. Instead, Weber indicates a specific instance which, if it is not countered, could become a trend in the domain of the political, as well as in other orders of life. As Mommsen (1987) has argued in this respect, 'these statements were intended to mobilize counter forces in order to arrest those trends'⁴⁷.

For Weber then, there are indeed limits to bureaucracy and bureaucratic conduct. These limits are not, however, the general and principled limits envisaged by humanist critics such as Bauman (1989) and Habermas (1986), for example, who demand that bureaucrats take individual moral responsibility for otherwise 'technicist' decision-making⁴⁸; that is, when they imagine bureaucratic conduct as an incomplete fragment of an ideally integrated rational and moral personality. The sorts of action specific to the office of the bureaucrat are not signs of a moral vacuum that must be filled by individual moral conscience before we can have a just – self-governing - polity. On the contrary, as Weber points out, bureaucratic conduct requires a specific kind of ethical work and casuistical competence which is formed and maintained in the life-order of the bureau itself. The bureaucratic office thus constitutes what Weber describes as a particular department of existence. It is, of course, not the only one. We have already noted that political leadership possesses its own office and exhibits its own specific form of organized rationality. The same can be said of the sort of humanist critique practiced by intellectuals such as Habermas and Bauman⁴⁹, not to mention the diverse forms of ethical life characteristic of religious sects, armies, families and legal systems, for example. The limits to bureaucracy and bureaucratic action are not therefore set by its place in a larger moral and ethical whole, but by the fact that no such 'whole' exists⁵⁰. The bureau is simply one among a plurality of organized forms of rationality. Its limits emerge – and

must be described – as the outcome of its purely contingent historical interactions with other orders of life.

Government without (bureaucratic) Administration

As indicated in the Introduction to this paper, the desire to dispense with or otherwise avoid bureaucratic administration has been a consistent trope over the last three decades not only in the worlds of government and commerce, but also within the field of organizational analysis itself⁵¹; furthermore, such ambitions are, again as noted earlier, frequently mooted without any sense of the often less than savoury outcomes that their previous encounters with reality had produced. In her history of state administration in Weimar and Nazi Germany, Jane Caplan (1988) argues that rather than being the epitome, or organizational handmaiden, of Nazism, as argued by Bauman (1989), for instance, bureaucratic practices of governmental administration were subject to continuous assault by the National Socialists as part and parcel of their attempts to establish a new political order. As she puts it

No one who has studied the intricacies and contradictions of policy in the Third Reich can doubt that this was a period of profound assault on the personnel and principles of the German Administration...the fragmentation of the apparatus of government, the chronic conflicts in policy-making and execution, and the persistent violation of procedural norms resulted from the destructive impact of National socialist rule on the standards of administrative practice previously developed in Germany⁵².

The loathing expressed towards state officialdom powered the visceral antagonism between the Nazi party as *Kampfbund* and the bureaucracy as a rule-bound system, epitomised in the National socialist contrast between the action-oriented street-fighting storm-trooper and the cosseted, apathetic, pen-pushing clerk. Even in the early 1930s, evidence was accumulating that the Nazis would not allow bureaucratic norms to stand in the way of their political agenda. The experience of Nazi rule at regional level before 1933 caused considerable disquiet among civil servants. In Oldenburg, for example, where the Nazis unexpectedly took power after the May 1932 elections, there was considerable political interference in administrative personnel policies. A freeze on most Civil service appointments and promotions was imposed and a number of officials were forcibly retired and party members were substituted⁵³. After the seizure of power in 1933, the politicization of the organs of state by the Party proceeded in earnest.

In a process parallel to the subjugation of the democratically elected assemblies, Nazi activists moved to gain control over the apparatuses of national, regional, and local administration by expelling known opponents and other unsympathetic civil servants from office, and by securing the appointment of politically reliable alternatives. Mixed in with this, and mocking the party's own virulent critique of alleged Weimar standards, was a spoils system for 'deserving' party members... These pressures frequently met resistance from civil servants dismayed at the violation of normal procedures, whatever their own proclivities⁵⁴.

In a complete reversal of Weber's bureaucratic ethos of office, the Nazis stressed that the relationship between official and political leader

Is not simply a legal or constitutional one, but is like that of a Germanic vassal, who for life and death in all circumstances and at all times knows and feels he is bound to his leader. Through his personal bond with the leader the civil servant receives a proof of trust, in the same way that members of the National Socialist movement and its formations are also bound by oath of loyalty to the Führer⁵⁵.

While it would be somewhat misguided to draw too strong a parallel between National Socialist and contemporary anti-bureaucratic tropes⁵⁶, there are more than faint echoes among the latter of what Caplan (1988) termed a fantasy of government without bureaucratic administration⁵⁷. Zacka (2017) and Lewis (2018), for instance, point to the often vituperative rhetoric employed by Trump and his campaign team to castigate bureaucratic administration in the federal government as a pernicious force in the lives of 'the people'⁵⁸. Likewise, they also indicate that some of the tactics deployed by the Trump administration against the federal bureaucracy do indeed have parallels with those described by Caplan; for instance, politically motivated attempts to vet career civil servants not deemed loyal enough to the President⁵⁹. Likewise, the Butler, Hutton, and Chilcot Reports in the UK all highlighted the remarkably informal way that the Blair administration conducted governmental business, seeking to bypass or otherwise transcend formal lines of bureaucratic authority – regarded as 'forces of conservatism' – and the distinctive role-specific duties and obligations attendant upon occupancy of a particular office, in the pursuit of an undifferentiated 'all on one team' mentality⁶⁰. Indeed, it is interesting to note that many contemporary commentators keen to contrast the virtue of previous political administrations with those of the present, rarely step outside the confines of policy to focus on their favoured regime's approach to governmental administration. So while Kennedy, Carter, or Reagan are positively invoked by Democrat or Republican-leaning commentators to castigate the Trump administration, for instance, they do so without due recognition of the manner in which each of their favoured paragons were

themselves far from immune from what we might term an ‘anti-bureaucratic’ stance, born of a populist attitude to government. Consider for instance, Carter’s 1976 campaign slogan “a government as good as its people”, or the equally populist anti-bureaucratic tone of Ronald Reagan’s 1981 inaugural address (let alone the details about the latter’s conduct of government business uncovered by, for instance, the Iran-Contra affair and numerous other scandals that beset that administration). More recently, a former member of the Clinton Administration, Robert Reich (2017), has invoked the ‘Camelot’ of the Kennedy administration, with its collection of great minds and noble public-policy aspirations, in opposition to what he considers to be the private-interest oriented, republic-wrecking stance of the Trump White House⁶¹. While the political differences and temperaments of the two Presidents are clearly quite distinct, their approaches to formal, bureaucratic administration in government might not be quite so stark. As H.R. McMaster (1997) points out in *Derelection of Duty*, Kennedy’s approach to national security decision-making, for instance, involved a marked preference for informality over and against formal administrative protocols. As he puts it:

The President’s personal style influenced the way he structured the White House staff to handle national security decision making. Having no experience (in an executive capacity)...Kennedy was unaccustomed to operating at the head of a large staff organization. He regarded Eisenhower’s National Security Council (NSC) structure as cumbersome and unnecessary. Immediately after taking office, he eliminated the substructure of the NSC by abolishing its two major committees: the Planning Board and the Operations Coordinating Board (OCB). Kennedy resolved not to use the NSC except for the pro-forma consultation required by the National Security Act of 1947. In place of the **formal** Eisenhower system, Kennedy relied on an ad hoc...style of decision-making in national security and foreign affairs. He formed task-forces to analyse particular problems and met irregularly with a “inner club” of his most trusted advisers to discuss problems **informally** and weigh the advantages and disadvantages of potential courses of action... Kennedy’s changes, his practice of consulting only with his closest advisers (those with whom he had established a good ‘personal’ relationship) , and his use of larger forums to validate decisions already made (in secret) would transcend his own administration and continue as a prominent feature of Vietnam decision-making under Lyndon Johnson.’⁶².

To a British audience, this paragraph bears a striking resemblance to the conclusions reached in the Butler Report concerning the informal ‘sofa-style of government’ practiced by the Blair administration in the lead-up to the decision to go to war with Iraq⁶³. Focusing briefly on the latter in more detail may well enable us to better hear the contemporary ‘echoes’ of earlier attempts to conduct ‘government without bureaucratic administration’ and the costs thereof.

'sofa-style' government: against 'the system of objective authority'

Many of the controversies surrounding the decision to go to war in Iraq as a result of the attacks in the USA on September 11th, 2001 have revolved around questions of formal authority and authorization and the duties and obligation of public office-holding. In the USA, considerable concern was voiced over the manner in which the threat posed by international jihadist terrorism was invoked by the George W. Bush presidency to bypass established lines of authority in various areas of government, not least in intelligence gathering and appraisal, and military interrogation, for example, in the pursuit of greater speed, flexibility, adaptation, and innovation in countering what was represented as an entirely unprecedented terrorist threat. The assumption here was that 'security' could only be assured if existing lines of authority were bypassed to accord with the urgency, novelty, complexity and so forth of that perceived threat. The aim of the measures advocated and enacted was to 'end business as usual, to cut through red tape, and give people the authority to do things they might not ordinarily be allowed to do...If there is some bureaucratic hurdle, leap it'⁶⁴. In the UK, the Hutton, Butler and Chilcot reports shed considerable light into the organization of government under the premiership of Tony Blair, indicating in so doing how constitutionally surprising and administratively disabling the Blair regime's informal 'style of organizing' and specific approaches to authority and authorization had proven to be⁶⁵. I will focus on each of these in turn.

In one way, the often rather unedifying picture of a far from 'joined up' administration in action that both the Hutton and Butler reports provided was neither that surprising nor particularly disturbing. Rather, insiders considered it indicative of the 'fog of government' that anyone who had any intimate knowledge of the workings of Westminster and Whitehall for any length of time would be familiar with. As Quinlan (2004) has pointed out, though, there were significant exceptions to that relaxed recognition⁶⁶. Of crucial import here was the evidence elicited by Hutton of the 'remarkable informality (to use no sharper term)' of how the business of government was transacted under the Blair premiership, which, as Quinlan indicates, 'was surely an uncomfortable surprise, even to cognoscenti'⁶⁷. The Butler Report also made much of what it described as the informal 'sofa style' of government operating in and around No. 10, Downing Street and voiced some remarkably adverse comment upon how the relationship had come to function between career civil servants, most especially those

working in the intelligence services, and figures in the Prime Minister's inner circle. That report ended with what was, in its context, a dramatically critical six-paragraph conclusion about the general way in which the Prime Minister had organized and conducted his administration.

One key facet of this, as a number of commentators pointed out, was a suspicious and hostile attitude towards traditional relations of formality and bureaucratic authority within governmental administration; this attitude derived in no small part from what Peter Hennessy (2004) as termed the particular 'pair of spectacles' through which the governing party viewed the purposes of governmental administration⁶⁸. Interestingly, the entire Labour shadow cabinet had been given 'pre-office' training in contemporary management and organizational thinking at Templeton College, Oxford in 1996, and the attempts to operationalize the norms and techniques introduced to them at this time – on 'change', 'culture', 'innovation', 'leadership', 'performance' and 'delivery', for instance – were core elements of the Blair 'style of organizing'. Hence the importance attached to cultivating an informal 'all on one team mentality' that overrode established distinctions of office, function, and authority; with inculcating a 'just do it' ethic among public servants; and with the unprecedented deployment of partisan appointments - special advisers and other 'irregulars' - in key positions in governmental administration, some vested with constitutionally anomalous powers to issue orders to civil servants (thus accentuating the problem of 'authentication' outlined by Chester Barnard (1968), for instance⁶⁹).

A cocktail of inexperience in government, suspicion of official machineries of administration, and a remarkably uncritical belief in the powers of their own favoured forms of managerial 'modernization' proved lethal to established conventions framing the conduct of governmental business, as the scene disclosed by Hutton, Butler and Chilcot made only too clear. Changes in the machinery of government, often it seemed reflective of a marked impatience with due process and collective, deliberative decision-making, appeared to have had some serious downsides, though, ones that could have been predicted in advance, if due consideration had been applied. As Quinlan (2004) argued, it was not at all clear that the changes initiated always rested upon 'sufficient understanding that existing patterns had not been developed without practical reason'⁷⁰ (for a similar take on the G.W. Bush administration's approach in the US, see, for instance, Holmes (2009)⁷¹). In that context, the revelations elicited by Hutton of the extent to which, under the Blair administration, the

traditional bureaucratic practices of careful and precise note-taking and writing of minutes had fallen into abeyance were both striking and worrying. It was seen most vividly, perhaps, when Jonathan Powell, the Prime Minister's (partisan and thus constitutionally and organizationally 'unauthenticated') Chief-of-Staff, disclosed to Hutton that, of an average seventeen meetings a day in Downing Street, only three were minuted. What Butler famously described as 'the informality and circumscribed character of the Government's procedures' seriously risked 'reducing the scope for informed collective political judgement'⁷². As another former Cabinet Secretary, (Lord) Richard Wilson (2004) commented in relation to this point, formal meetings and minute-taking, for instance, might seem overly 'bureaucratic' and thus very un-modern technologies, yet they play a crucial practical role in ensuring good government and provide a necessary underpinning for the realization of constitutionally sanctioned authority and accountability requirements by ensuring a proper record of governmental decision-making existed and that agreed actions are clearly delineated⁷³. Linked to this, both Quinlan and Wilson indicated concern with the government's near exclusive focus on 'delivery' at the expense of attention to due process. As Quinlan (2004) put it, a singular focus on delivery can easily

slide into a sense that outcome is the only true reality and that process is flummery. But the two are not antithetical, still less inimical to one another. Process is care and thoroughness; it is consultation, involvement . . . legitimacy and acceptance; it is also record, auditability and clear accountability. It is often accordingly a significant component of outcome itself; and the more awkward and demanding the issue - especially amid the gravity of peace and war - the more it may come to matter⁷⁴.

The informal and personalized ways of doing business established at No.10 also had serious repercussions for the possibility of the Cabinet exercising the constitutionally important role of 'collective responsibility' on what Butler described as the 'vital matter of war and peace'. As Hennessy (2004) argued

the Butler Report suggests that the reliance on 'unscripted' oral presentations from Mr. Blair and the ministers in his inner group on Iraq, without supporting papers ('excellent quality papers were written by officials but these were not discussed in Cabinet or Cabinet committee') meant that it was... 'obviously much more difficult' for Cabinet ministers on the outer rim to test out the evidence and arguments of the inner circle even though the discussion ranged over 24 meetings of the full cabinet⁷⁵.

Wilson (2004) agreed, adding that the danger of 'informality' is that it can 'slide into something more fluid and unstructured, where advice and dissent may either not always be

offered or else may not be heard. This is certainly a matter which engages collective responsibility'⁷⁶.

The demands of the 'just do it' ethic and the absence of thorough analysis and of the bureaucratic system for conducting it was conspicuously displayed in a number of other governmental farragoes. What Hutton and Butler suggested, though, was that this was not simply a reflection of the 'normal' complexities of governing, but rather a wide-spread feature of the 'New' Labour' style of government; a product, in large part, of its attempts to bypass established machinery, and the rules and procedures they gave effect to, in the pursuit of its own form of what Caplan (1988) described as 'government without administration'⁷⁷. In Quinlan's (2004) words, as a result of the Hutton and Butler enquiries it looked increasingly like the Labour government had little interest in or tolerance for distinctions of function, authority and responsibility (of 'office') 'between different categories of actor within the Government machine (except perhaps when political defences needed to be erected, as over the purported 'ownership' of the September 2002 dossier)'⁷⁸. Rather, 'there was a sense of all participants - ministers, civil servants, special policy advisers, public relations handlers - being treated as part of an undifferentiated resource for the support of the central executive'. In attempting to bypass established lines of authority – to 'jump the line' in Barnard's (1968) words – politics literally ran riot⁷⁹.

Concluding Comments

'Formalities and procedures were the wisdom of human organization and were in themselves civilizing instruments...a way of causing a pause in the impatience of things, so that everything could be properly checked and considered'⁸⁰

Over the last two decades there has been an upsurge of interest in the concept of 'office' within the humanities and social sciences⁸¹. This has had two notable dimensions. First, a rekindled interest in the moral attributes of public agency, of the ethics of 'office' and the conduct of 'office-holding', inspired not only by a number of well-publicised political controversies but also by growing ethical uncertainties related to controversial managerial reforms of a wide range of public institutions. For instance, while it used to be reasonably easy to outline the contours of the administrative state, to distinguish public administration from other forms of organised activity, and to identify the professional role of state bureaucrats, public administrators or career civil servants in the conduct of government, in recent times the public

administration as an institution of government (particularly, but not exclusively, its Anglo-Saxon variants), has been subject to extraordinary degrees of turbulence, not least as a result of its re-framing in terms of the principles of the so-called New Public Management and its progeny. As Gerald Caiden (2006) put it, there have been periods in the past when the public administration as an institution of government ‘has undergone considerable upheavals ... but rarely ... at so fast and furious a pace, rarely so radical and revolutionary’⁸². For Michael Lind (2005), this continuous reform of the public bureaucracy as an institution of state is best seen as a vast politico-managerial experiment ‘as audacious in its own way, as that of Soviet Collectivism’⁸³. And among its most significant consequences has been what Alan Supiot (2006) termed the *délitement* or ‘unbedding’ of public institutions⁸⁴. For Supiot, one significant casualty of this *délitement* has been a prized achievement of Western political and juridical practice—the distinction between a public office and the person who occupies it.

Initially intended to characterize the office of sovereign, this distinction signifies that the office does not die, that it has a dignity transcending the human being who provisionally occupies it and who must respect it. When that respect is erased, public office from the highest to the most modest, is perceived as the private property of the present holder who can use it as he sees fit⁸⁵.

The second significant strand of the recent ‘turn’ to Office is a historical, philosophical, and practical concern with the manner in which many prominent contemporary conceptions of moral agency presume a dichotomy between moral autonomy, on the one hand, and subordination to higher authority, on the other, such that to exercise moral agency and hold a subaltern status are represented as fundamentally incompatible⁸⁶. The now commonplace philosophical opposition between universalist deontology, on the one hand, and consequentialism, on the other, for instance, presumes just such a dichotomy between the principles of the right (*honestas*) and the useful (*utilitas*), respectively. In the tradition of the ethics of ‘office’ these latter doctrines are practically combined, as Wilhelm Hennis (2009) indicated only too clearly in reflecting on his own and Max Weber’s understanding of politics and bureaucracy as ‘vocations’, for instance⁸⁷.

If we turn, once again, to questions of bureaucratic ethics in government we can see how debilitating such a presumed dichotomy between ‘moral autonomy’ and ‘subjection to higher authority’ can be. Indeed, while the relation between autonomy and authority most certainly matters in this context, their practical ethical significance is often underplayed or misdirected

precisely because they are frequently discussed without reference to ‘office’. As John Rohr (1998), among many others, has noted, the New Public Management ‘movement’ had much to say about managing individual performance and responsibility for results, but nothing to say about how this relates to the function, duties, and obligations pertaining to the conduct of public bureaucratic office, no matter how ‘high’ or ‘mundane’ the latter may be⁸⁸. Why might this be significant? Well, not least because context is vital. After all, the public administration as an institution of state is at core a highly structured domain of offices; and because relatedly those occupying those offices do not do so as ‘individuals’ but as ‘personae’ tied to roles – to their official duties, obligations, and associated areas of autonomy and discretion. Ethics in public bureaucracy is thus primarily about meeting the demands of *official*, not individual, personal responsibility and accountability. And while ethics in this context does indeed involve ‘choices’, such ‘choices’ are not purely personal ones, but *official* ones: choices facing us in our official role as professional public servants, however humble our particular stations may be⁸⁹. As Weber indicated, ethical problems emerge primarily in relation to uncertainty – ‘Fraglichkeit der Situation’ (‘the uncertainty of the situation’) – over what types of conduct our professional role or office might require of us⁹⁰. In his discussion of the ethos of bureaucratic office-holding, Weber indicated that there will be many instances where our official obligations require us to pursue a course of action that conflicts with our own deeply held ‘personal’ views⁹¹. But, putting it very crudely, we are not employed in a ‘personal’ capacity, but as an official with specific duties, rights and obligations pertaining to that role. We are not expected to act out our own personal agenda, but to act as agents of the ‘public interest’ as determined by duly constituted public authority. This is not to reduce matters simply to ‘obeying orders’, for ethical questions arise precisely because duties in office can conflict, and because there can be contradictions among the duly-constituted authorities. In short, casuistry shadows the whole repertoire of practice, and it constitutes a necessary, indeed crucial, dimension of public bureaucratic reasoning and conduct, most significantly when people are caught between conflicting patterns of duty in relation to their official duties⁹². The point though is that the primary ethical question for public servants is not: ‘What is my *personal preference* as to this or that course of action?’ Rather it is: ‘What is my *duty or responsibility as a public official* in relation to this or that course of action?’⁹³. Much of the moral hoo-ha and fog-horning pertaining to public service ethics or ‘ethics in government’ could be avoided if more attention was paid to the ‘ethics of office’, where expectations about the right conduct pertaining to public persona – whether ‘political’ or ‘bureaucratic’, for instance – derive from the nature of the specific office in question. This

approach to questions of ethics undercuts the ‘autonomy vs authority’ distinction and indeed all other ‘one size fits all’ principled positions on ethical conduct, deferring instead to a wide range of clusters of ethical duties and obligations varying with different types of public office. While the tradition of the ethics of office is largely absent from most histories of ethical thought, the tradition has survived so long in practice because it matches the living realities of those involved in public service, where what is considered appropriate ethical conduct for officials derives substantially from the nature and function of the office they happen to occupy⁹⁴. Take the occupant into a different public office and you probably change most of their official ethical obligations.

What therefore connects these two strands of the renewed interest in ‘office’ and its ethics is a focus on the forms of moral agency appropriate to the performance of public offices. This in turn has a double-edge. On the one hand, a recovery of, and renewed focus upon the ethics of office is held to assist in equipping public servants with a language, habits of thought and practical techniques, through which they might meaningfully reflect upon the responsible conduct of their distinctive and non-reducible official duties. It thus enables officials to avoid unnecessary abstraction in ethical thinking by keeping a focus on concrete circumstances and the immediate responsibilities of their office or role. On the other, it also provides a resource for public discussion of ‘ethics in government’ which can avoid the convenient but simplistic abstractions of (post) Kantian de-ontology, on the one hand, and utilitarianism, on the other, neither of which accounts well for the ethical complexity of the world of public service, and much else besides.

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² Zacka B (2017) Bureaucrats to the Rescue, *Boston Review*, 21 September. Available at: <http://bostonreview.net/politics/bernardo-zacka-bureaucrats-rescue> (Accessed January, 2019)

³ Lewis, M. (2018) *The Fifth Risk* London: Allen Lane

⁴ Zacka B (2017 p. 4) Bureaucrats to the Rescue, *Boston Review*, 21 September. Available at: <http://bostonreview.net/politics/bernardo-zacka-bureaucrats-rescue> (Accessed January, 2019)

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