(if they have one) or to their consciences, by working as hard as they can to execute the policy of one party and defend it against the Opposition, and then reverse the roles completely when the Opposition becomes the government". [Rose, 1969]

Even with goodwill, impartiality can come under strain. As has been noted elsewhere:

"Commitment and dedication can suffer if there are abrupt and frequent reversals of policy; in administration, as in parliamentary democracy, there has to be respect for, and observation of, a minimum level of agreed conventions. Strain can also result from other factors. Thus a political utterance clearly at variance with facts known to the civil servant may not put his or her loyalty or silence at risk, but it can make civil servants sceptical of the political process" [Murray, 1982]

We have accepted without much question the tradition of political impartiality of the civil service which we inherited from Britain, a tradition which is admirably summarised in the following words from a recently retired Permanent Secretary to the Treasury

"The line which separates the politically committed and publicly responsible Minister from the neutral permanent official is drawn at a particularly high level in Britain. In practically no other country is there so little change in the administrative apparatus when a government takes office" [Wass, 1983]

This is not to suggest that we go to the opposite extreme of a spoils system. It is, however, salutary to remind ourselves that in other countries the divide between the civil service and politics is not quite so clearcut and absolute as it is here.

I am not aware of any comprehensive analysis of the European practice in this respect, but from the limited information available I am struck by the marked contrast between the Irish (and British) conventions, and those which obtain elsewhere in Europe.[1] In *Government and Administation in Western Europe* [Ridley, 1979] we learn that:

In France, "most civil servants are allowed to join political parties and participate in their activities; they obtain leave to fight elections and, if elected, to serve in parliament" (p.97)

In Germany, "from B7 (undersecretary) all civil servants are 'political' i.e. they can be pensioned off at the Minister's discretion. In filling such posts, Ministers may appoint someone from outside the department who may not necesarily have the ordinary civil service qualifications – about one-third of appointees to these positions are outsiders (p.141).

"*In Germany*, civil servants and politicians are overlapping, not exclusive, categories" (p.147).

In Belgium "It is widely acknowledged that the (civil) service is highly politicised, that appiontments and promotions are partly determined by political affiliation and that the behaviour of civil servants is influenced by their partisan preferences" (p.221)

In the Netherlands "Ministers may not sit in Parliament and . . . there is a strong tradition that Ministers should be specialists in the work of their ministry. This often means that they are actually civil servants from within the Ministery . . ." (pp.229/30)

Other sources confirm these statements. We learn that:

In France "it has become difficult to draw a clear distinction between administrative and political posts – the distinction has in any case become somewhat academic because civil servants are now appointed to what are really political posts, previously held by Parliamentarians only" [OUP, 1982]

In Germany "it is accepted that certain jobs in the civil service, especially at senior levels, are liable – and likely – to change with administrations" [Neville-Jones, 1983]

The civil servant/politician is not confined to continental Europe. *In Japan* "The civil service head of a Japanese Department is a Vice-Minister and he generally goes on to become head of business or full Minister. Many Japanese Prime Ministers have been former civil servants" [Pliatzky, 1984].

Public administration in the United States of America is popularly identified with the spoils system but, given the complexity and scale of the public sector, it is not surprising that the spoils are contained, to some extent, within the civil service: "One-third to one-half of the 600 non-career supergrade posts and anywhere from one-fifth to two-fifths of the higher political appointments are usually filled by career civil servants" [Heclo, 1977].

There is, of course, one way in which politics *could* leave its imprint on the Irish civil service. Recruitment is removed from political patronage by being channelled through the Civil Service Commission. Promotion at the top is a matter for ministers and – in the case of departmental secretaries – for the government. I readily acknowledge that, with one or two doubtful exceptions over a long period, I am not aware of any senior appoint-

ments which were due to political influence. Whether this is a testimony to the system, or a reflection of my naiveté, I leave it to others to judge. The Ministers for the Public Service has introduced (incidentally, without consultation with staff) some major changes in the system of senior promotions in the civil service. It is to be hoped that the new system will maintain the long standing tradition of political neutrality in these matters. Let us take warning from the doubts being expressed in Britain of Mrs. Thatcher's active involvement in senior promotions there. As one commentator put it:

> *"Intervention by politicians in promotion, even if it does not have a straight party political character, tends to politicise the civil service and thus calls into question the constitutional convention that senior officials are the neutral servants of successive governments"* [Ridley, 1983]

The discussion so far has centred on some aspects of the relationship between the civil service and politics. Others would see this relationship in quite a different light. For them, civil servants are policy makers and are therefore, engaged in politics. Let me now turn to this argument.

Civil Servants and Policy Formulation

I sometimes think that the old scholastic disputation about the number of angels who could fit on the point of a needle is a disputation about reality compared with the argument about the role of the civil servant in the formulation of public policy. It is no help to be reminded that a British observer has dismissed the difference between "politics" and "policy" as "verbal hypocrisy" [Chapman, 1963]. There is, of course, no difficulty in rejecting the argument at either extreme – for example, that civil servants have no function whatsoever in regard to policy or, alternatively, that ministers have only formal, but no real, functions in regard to such decisions. The problem is to locate where precisely, or even approximately, between these two extremes the truth is to be found. An easy answer is to say that everything depends on the specific case being considered and that the answer will change over time and with the circumstances and personalities involved. True enough – but one must still search for some general principles, however weak and shortlived. The late Sean Lemass formulated such a principle in an interview published in 1968:

> *"The end product of every investigation or study carried out in a Government Department should be a Ministerial or Government decision. I think it was John Fitzgerald Kennedy who said that a function of the Civil Service expert was to examine a question to a conclusion, while the function of the political head of his Department was to examine it to a decision. Whether in the formulation of new policies or the fulfilment of older ones, the mainspring of activity in every*

> *Department of Government is the Ministerial decision. On the Minister's capacity to give speedy and clear decisions on matters coming up to him from the Department and also the extent to which the understanding of the Minister's aims permeates all its activities depends the effectiveness of every Department. In the same way, new ideas emerging from Departmental studies makes no progress until the Minister gives them his endorsement and support"* [Lemass, 1968]

I suspect that this formulation owes much to Mr. Lemass's forceful personality and his commitment to action. An American study suggests four competing theories to explain what is at issue:

Theory I:
Politicians make policy; civil servants administer.

Theory II:
Both politicians and civil servants participate in making policy – civil servants bring facts and knowledge; politicians, interests and values. Civil servants bring neutral expertise – will it work? – while politicians bring political sensitivity – will it fly?

Theory III:
Both bureaucrats and politicians engage in policy making, and both are concerned with politics. The real distinction between them is this; whereas politicians articulate broad, diffuse interests of unorganised individuals, bureaucrats meditate narrow, focused interests of organised clienteles. In this interpretation of the division of labour, politicians are passionate, partisan, idealistic, even ideological; bureaucrats are, by contrast, prudent, centrist, practical, pragmatic. Politicians seek publicity, raise innovative issues, are energising to the policy system, whereas bureaucrats prefer the back room, manage incremental adjustments, and provide policy equilibrium (per Webster's "a state of balance between opposing forces or actions").

Theory IV:
Suggests speculatively that the last quarter of this century is witnessing the virtual disappearance of the Weberian distinction between the roles of politician and bureaucrat, producing what we might label a "pure hybrid".

> . . . . the notion that in behavioural terms the two roles have been converging – perhaps reflecting, as some have argued, a "politicisation" of the bureaucracy and a "bureaucratisation" of politics. [Aberbach, Putnam, Rockman, 1981]

I can well understand the puzzlement and frustration of the public at statements such as this. Whom, they want to know, are we to blame, or, perhaps very occasionally, to thank? Where do we find the seat of power? If policies should be changed, who is responsible for making the change? I can offer only a personal, tentative, and, doubtless, biased answer. In our system of parliamentary democracy I see the responsibility for policies lying primarily with ministers, not alone in a formal, legal sense, but also in a practical sense. Civil servants, however, have their own responsibilities. They cannot adopt a passive role, content to operate existing policies without regard to their continuing validity or relevance, refusing to consider whether changes are required by changing circumstances. They have a responsibility to advise ministers on the need for change and to press this advice as forcefully as they can. They can do no more. In this they resemble the ancient Netherlands Order of the Golden Fleece, a company whose duty it was to give advice to the Dutch ruler to be backed by solemn oath to speak freely, honestly, and under privilege.

This is not an original or even a particularly useful way of explaining the complicated relationship between civil servants and politicians. It certainly will not please those who see in the civil service the real or permanent government of the country, who regard civil servants as possessing, in Stanley Baldwin's phrase regarding the press, power without responsibility – the prerogative of the harlot throughout the ages. It is a far cry – at the other extreme – from Lenin's boast that: "We will reduce the role of State officials to that of simply carrying out our instructions as responsible, revocable, modestly paid foremen and accountants." [McLellan, 1983]

The more interesting question is whether civil servants do, in fact, discharge the limited, though important, responsibility I have mentioned. Not all would be willing to award a pass mark to the civil service on this question, or even to give it E for effort. Have they, however, ever stopped to ask themselves why people, whose commitment and ability are not in question, may fail in this important respect. I myself have no doubts where the fault lies. The sheer pressure of detail on Ministers and senior civil servants has prevented both from developing that most useful of attributes – clear vision over long distances. Only those who work at, or close to, the centre, can have any idea of the maelstrom in the middle. The Devlin Review Committee, which reported as long ago as 16 years, sought the remedy in the concentration of policy-making in small ministerial units called Aireachts, while the execution of policy would be entrusted to executive units for which ministers would have no day-to-day responsibility. This recommendation has not yet been implemented. The to-ing and fro-ing on this issue reminds me of the man with a headache who convinces himself that by combing his hair he is getting close to the

problem, failing to recognise that he is as far away as ever from a solution.

Civil Servants and Ministers

Everything done by a department is done in the name of the minister who is legally and politically responsible for its acts and omissions. Carried to its logical conclusion, this doctrine would bring all public sector business to a virtual standstill. Only a massive system of delegation makes sense of this legal fiction. I stress the fictional aspect of this responsibility because very few, if any, ministers have, in fact resigned because of it in over 60 years of self government. But a price has had to be paid. Much of the criticism of the civil service stems from procedures and practices derived from the outdated and irrelevant concept of ministerial responsibility. I say this, not to absolve the civil service from all responsibility. Their responsibility – as it was mine when I was a civil servant – is to devise and press for a workable alternative rather than passively accept the defects of the present system. The public is getting the worst of both worlds – a system unnecessarily complicated and inflexible because of the doctrine of ministerial responsibility, yet one which lacks the drive and punch which full acceptance of ministerial responsibility would ensure.

An unsatisfactory feature of the present system is the difficulty of apportioning blame when things go wrong. I have in mind not so much executive errors as policy mistakes. Some ministers are inclined to blame the pianist, not his score, when the music does not please. Stronger ministers are, of course, in no doubt where the buck stops. Let me quote Sean Lemass once again:

> *"The effective Minister is one who gives all proper weight to the advice and opinions of his top officials but who, nevertheless, takes his own decisions, in accordance with the policy of his Government, and thereafter ensures that his decisions are fully carried out. Ministers who are considered by the public and their political associates to be competent and effective Ministers are those who remain in full control of their Departments in all aspects of policy making"*

The late Richard Crossman was equally definite:

> *". . . . it is our (politicians') job to have creative ideas and bring them in. What's a (political) party for except to be the vehicle for creative change? That's our function – to provide the catalyst in Whitehall – and also the instrument of change. Why should I expect the civil service to do it? . . . . I am not surprised not many creative ideas come out of the British Civil Service. Nor do I blame the civil servants for this"* [Crossman, 1972]

William Rodgers, a former British Minister, was no less emphatic:

"The last resort of an incompetent minister is to blame his civil servants. The last resort of a government that has failed is to make the Civil Service, as a whole, the scapegoat". [Rodgers, 1982]

The Civil Service and Parliamentary Democracy

The massive increase in the size of the public sector, the extension of its frontiers, the many demands on a minister's time, apart from running his department, and many other factors have serious implications for parliamentary democracy. They have led to frustration and remoteness, indeed alienation, between those who govern and those who are governed. In the vivid imagery of Tom Barrington (1982):

"It is as if an ice flow were to crack and break, leaving government on the one part and governed on the other, each drifting steadily, inexorably apart".

The growth in the size of the public sector has blurred the difference in functions between civil servants and politician in regard to policy formulation. It has tilted the balance of power between the two, and tilted it to the detriment of the politician. It has extended the time required not alone to prepare a comprehensive economic and social plan, but also to test and validate the plan in practice. Time is further extended by what I can only call the passion for consultation and the search for consensus, where diminishing returns have long since set in. I am most familiar with the phenomenon in the economic sphere in organisations such as the Committee on Industrial Organisation, the National Industry and Economic Council and the National Economic and Social Council. I would guess that NESC is approaching the two million word mark — if only words alone were enough!

The factors I have mentioned put a premiuim on long-life governments and underline the problem created by recent short-lived governments. The life of a government has been described as comprising three periods – those of euphoria, remorse, and preparation for the next election. Recent governments have telescoped the three periods into one. It is easy to forget that in the last five years we have had five Ministers for Finance and that, in the same period, only two ministers have brought in more than one budget. We have had seven Transport Ministers in the last ten years or so. What price fiscal and transport policies?

In some countries, though not so far in Ireland, these developments have led commentators to urge that civil servants should see themselves as more than servants of the government of the day. Civil servants, on this argument, should balance their responsibility to transient politicians with a responsibility for the permanent interests of the country. This is a sophisticated gloss on the old argument which exalted civil servants at the

expense of ministers who were dismissed as birds of passage. I am sceptical, indeed afraid, of this line of argument. I leave aside such difficulties as how to identify the permanent interests of the country and how to serve them rather than the policies favoured by the government of the day. My opposition stems rather from democratic principles. If the government policies are faulty, the electorate, not the civil servant should attempt to replace them by other policies. Whatever functions the civil service has in regard to policy formulation – and I have made it clear that its role is not passive – they do not extend to substituting its own judgement and decision for those of the electorate. To proceed otherwise, even assuming it were possible, would be to make a mockery of parliamentary democracy.

I accept that things may be ordered differently elsewhere. *In France,* for example, civil servants "have traditionally seen themselves as servants of the state, serving a national interest they define themselves, rather than the simple instruments of party politicians". [Ridley, 1979]. And *In Germany* "The Civil Service Law of 1953 incorporated the requirement that the civil servant should be an active defender of the democratic order. Civil servants regarded themselves as a supplementary source of leadership to party politicians because they were servants of the state which stands above politics". [Southern, 1979]

It is wise, however, to bear in mind that this is not the only way in which civil service traditions and practices elsewhere differ from those in Ireland. The approach elsewhere to the wider responsibilities of civil servants has to be seen in the context of attitudes elsewhere to civil servants and politics, to which I referred earlier. If a similar approach were to be adopted in this country, it could not simply be superimposed on the existing system. Other rules of the game would perforce be changed; it would remain to be seen whether, on balance, the national interest would best be served.

Let me emphasise, however, that I appreciate, while not wholly accepting, the viewpoint of those who contend that, under the present ssystem, the responsibilities of the civil service are vague and often unenforceable. My contention is simply that the answer does not lie in making the service answerable to some ill-defined concept such as the public interest.

Conclusion

My aim in this article has been to show how the civil service relates to politics, or, as I would prefer to put it, how it fits into the system of government. I have tried to show that many simple statements about this relationship are just that – simple. Indeed, if I had to choose one word to describe the relationship, it would be ambiguous.

The Minister for the Public Service has announced that a White Paper will be published on civil service reform. One of his suggestions, if adopted in the spirit as well as in the letter, could have far reaching results. He has suggested the abolition of the concept of the minister as a corporation sole, the concept which is the legal basis of ministerial responsibility. Past experience leads me to doubt whether politicians will readily relinquish their hold on the reins which control the public service. To abolish legal constraints is one thing, to relinquish political power is another. This reluctance may reflect, in part, pressure from the electorate and the politicians' need for re-election, a pressure and a need all the greater in our system of proportional representation.

Tadhg O'Cearbhaill, former Secretary of the Department of Labour, has shrewdly pointed out that:

> *". . . there is one reality which will have to be recognised. It is that the public, and particular sections of it who may feel aggrieved from time to time, are acutely aware of their elected Parliamentary representative and they expect him to advance as best he can the interests of those who elected him. Any Civil Service reform that fails to take account of that reality cannot be expected to endure".* (1982)

It is an intriguing thought that the remedy – or the beginning of the remedy – for the problems of the civil service may lie in the hands of the electorate.

NOTE

[1] *This is not the only instance in which the administrative system which we inherited from Britain differs from those elsewhere. The British system of Permanent (Departmental) Secretaries is rarely found in Mainland Europe – a factor not without significance for the issue of ministerial responsibility. Administrative law is a Continental, not British, concept. The role and status of the Treasury is rarely paralleled elsewhere in Europe. Different does not, of course, mean better.*

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