

REITH LECTURES 1983: Government and the Governed

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Lecture 3: The Privileged Adviser

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In the competition I took in 1946 to enter the Civil Service, the candidates were asked to give their reasons for applying. Most of us gave fairly conventional answers, but one, perhaps a little less orthodox with his background in the commandos, said quite simply ‘to stop the worst excesses of the Labour Government’. The constitutional niceties of this remark, and—taking a rather wider canvas—the role of the Civil Service in helping to deliver efficient and responsive government, are the questions I shall be considering in this lecture.

Whatever the form it has taken, the Civil Service has played for a long time a key part in the government of this country. It existed long before we had any politicians, at least as we understand the term today. What distinguishes a civil servant from a politician is not only the degree of his involvement in the political process, the struggle for power and office; but equally important, the degree of public responsibility he must accept for the acts of government. Though we now try to draw a sharp distinction in this country between the politician and the civil servant, the dividing line can easily become blurred. In some countries, notably the United States, the senior civil servant has many of the attributes of a politician and vice versa.

For the past 100 years or so, we have sought in this country to sharpen the separation of the official from the politician by requiring of the official two qualities: political neutrality and recruitment on the strict basis of merit. The aptness of this was argued in the Northcote/Trevelyan report of 1854, a report which had been prompted by public disquiet over the inefficiencies of the government in its handling of the Crimean War. Political patronage had led to nepotism and to the use of the Civil Service as a source of sinecures for those to whom Ministers had some personal obligation. The motive for the reform was the promotion of efficiency, and efficiency was thought to be best secured by taking the politics out of administration. Between 1870, when the Northcote/Trevelyan reforms were fully implemented, and the beginning of the Second World War, the principle of a politically neutral, career Civil Service went unchallenged. The improvement in the quality of the administration over what had preceded the reforms was plainly visible, and most observers accepted that Britain had the best Civil Service in the world.

Today that judgment is challenged. ‘Taking the politics out of administration’ is seen by some critics as a veiled means of ensuring that the values and attitudes of a permanent higher Civil Service are insidiously imposed on the Ministers it serves. The continuity of tenure of office creates a presumption of continuity of policy. And a reforming government, which by virtue of its election to office must be presumed to reflect the public mood, will be frustrated—so the argument goes—by the cleverness, the conservatism, and the lack of public sensitivity of its official advisers. We all enjoy Sir Humphrey Appleby’s cynical manipulation of Jim Hacker. But how many

of us believe it to be a portrait, perhaps a little exaggerated, of reality? And I wonder, too, how many of us, half believing it to be true, are secretly a little bit pleased that it is?

The line which separates the politically committed and publicly responsible Minister from the politically 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 new government takes office. Officials who advise in favour of a particular policy and devise means of implementing it, cheerfully accept the same responsibilities in regard to diametrically opposite policy when the government of the day changes. Foreigners find this incomprehensible and wonder how our civil servants can retain the commitment and the dedication they need to do their job in the face of such sharp political shifts in direction. And many of our own citizens ask whether senior civil servants are not all modern equivalents of the Vicar of Bray.

In our system, the central government machine of over 600,000 people has at the top only 100 or so politically appointed Ministers and special advisers. The rest are permanent officials. Of course, the great majority of these have jobs which call for no political judgment: paying social security benefits, collecting taxes, servicing the armed forces and so on. But the senior ranks of the administration group, numbering about 3,000, are operating every day in the field of public policy: working closely with Ministers, advising on delicate political matters and identifying initiatives to be examined and followed.

The presumption on which the system operates is that the Civil Service is unswervingly dedicated to the democratic parliamentary process and to the paramountcy of Ministers in decision-taking. The professional ethic it has embraced requires it to give unqualified loyalty to its departmental Ministers and to seek to the best of its ability to put the government's policies into execution. In advising Ministers it should take their political objectives as given and regard it as its duty to secure those objectives in the most efficient and publicly acceptable way. This apparently rigorous definition of its role, however, begs a number of questions. Where, for instance, do political objectives end and administrative methods begin? The definition I have given neatly presupposes that Ministers define their objectives, and officials devise ways of implementing them. In practice, that distinction function is frequently blurred. Ministers do not always define their political objectives, or if they do, they define them in terms which permit quite a lot of discretion in their interpretation. On the other hand, administrative methods are often highly charged political issues. The way a tax is administered may greatly affect the political standing of the government; and the use of some administrative techniques may be anathema to Ministers. So in the real world Ministers and civil servants are inextricably mixed up with each other. And they can only function on the basis of a close and harmonious partnership in which each has the trust of the other.

In recent years this trust has not always been taken for granted. Richard Crossman was perhaps the first politician to express misgivings about the subordination of civil servants to their political chiefs. Running through his diaries there is a suspicion that civil servants are seeking all the time to substitute their own value judgments and their own policy preferences for those of their Ministers; that because they are more familiar than politicians with the machinery of Whitehall, and because they have—or

so it would seem—a common perception of what is desirable, they are able to outmanoeuvre Ministers at the political game. As an instance of how this is done Mr Crossman cites the existence of a network of Whitehall relationships at official level which cuts across departmental boundaries and leads to the formulation of a Whitehall view which is accepted by all senior officials, whatever department they are in. This view is then presented to each departmental Minister in a quite disingenuous way, as though it had emerged from the departmental machine as a straightforward attempt to further the Minister's interests.

Some support for this view was thought to be given by the unauthorised disclosure, in early 1979, of confidential correspondence I had been having with Sir Peter Carey, my opposite number in the Department of Industry. The correspondence was about the effect on the national economy of the substantial government help which was being given to what the Treasury regarded as uneconomic industrial projects. I had referred in my letter to the need 'to secure a higher rejection rate' of applications for assistance, and I had done so without reference to my Minister. Here was a Whitehall conspiracy unmasked: the mandarins were secretly ganging up on the Cabinet! The reality, however, was less sensational. I never had any expectation that Sir Peter Carey would surrender any part of his Minister's position and this indeed proved to be the case. Even more important, my correspondence with him was only a skirmishing, a reconnaissance if you like, as a preliminary to my submitting the issue to my own Minister to whom I was able to give a conspectus of the sort of opposition he would encounter from his colleagues if he decided to act on my advice.

But leaving this incident aside, who is right: the theorist who argues that the official is the creature and servant of the Minister, or the cynic, who argues that Whitehall manoeuvres the politicians? The answer, in my view, is that the theorist is by far the closer to the truth. But he is not wholly right, for a number of reasons.

First there is the problem of ends and means to which I referred a moment ago. Given the balance between Ministers and officials, roughly 100-3,000, a great many decisions on the dispatch of government business have to be taken by officials without reference to Ministers. Officials will be guided by known ministerial attitudes and objectives, and a skilled civil servant will get a great deal of satisfaction from the correct reading of his Minister's mind, even in ambiguous circumstances. I myself had to take a number of quite political decisions in 1976, when I represented the government at the meeting of the International Monetary Fund in Manila and began the process of negotiating the financial assistance we needed. Of course I reported back to my political chiefs on what I was doing, and I had anyway secured the necessary authority for the way I was to conduct the discussions with the Fund and with our other potential creditors. But the execution was mine and the objective I aimed at was to say what I thought Mr Healey would have said, had he been able to attend the conference. On other occasions I have had to act for my Minister when I was far from clear what position he would have taken. At such moments I had to do what I thought was right and rely on the confidence that I felt my Minister had in me. So we come back once more, to this all-important issue of trust between Ministers and their advisers.

But even granted a large measure of mutual trust, the senior official cannot always escape his own value judgments and preserve intact his neutrality on policy

objectives. You will remember my saying that policy objectives are issues for ministerial choice and decision. They are at the heart of politics. But true as that is, it is sometimes difficult for civil servants to stand back and not seek to influence decisions on those objectives. Long exposure to a problem may have led them to the conclusion that a certain policy course is in some sense ‘right’ for the country and that any other course is ‘wrong’. This amounts to what one of my predecessors, Lord Bridges, once described as the departmental view: an opinion about policy which is widely shared at official level throughout the whole department. It may be difficult for permanent officials to avoid coming to this sort of conclusion. They are, after all, greatly experienced in policy analysis and evaluation. They are usually highly intelligent people with a strong sense of public service and a commitment to the long-term well-being of the country. These are commendable characteristics, but they carry with them the risk that the political sense of officials may be unduly sharpened and lead them to overstep the boundaries of their proper role. While most civil servants have no difficulty recognising limits to their authority, many are confronted at some point in their careers with a Minister who wishes to do something they consider to be thoroughly inefficient if not perverse.

Now, a good official will not normally take a single apparently perverse decision by his Minister as the final word: he will seek to bring him round to his own way of thinking. Indeed, if his professional conscience drives him to argue for a course of action—within the framework set by Ministers—he believes to be right, it is positively his duty to face any unpopularity he may be courting. A wise Minister will respect an official who does this, and realise that an apparently tiresome adviser may be the best safeguard against his own folly. I like to think that our Civil Service resembles the ancient Netherlands Order of the Golden Fleece, a company whose duty it was to give advice to the Dutch ruler and to be bound by solemn oath to speak freely, honestly and under privilege. But if he fails to persuade his Minister on a particular issue, what should a civil servant do? As our system operates, his duty is to accept, as phlegmatically as possible, the verdict of the publicly accountable Minister. However, there are those who believe that the Civil Service should, as they put it, ‘fight for the policies it believes to be right’; and there has been some discussion as to whether a civil servant who feels strongly that his Minister is doing the wrong thing in a particular matter, should not have some sanction or recourse.

Let me say at once that I do not believe there can be any justification for civil servants fighting for the policies they believe to be right by underhand means: by the sort of briefing of the press and of the Opposition which disgruntled members of the Armed Forces are alleged to have undertaken when their particular service was under threat. But what about the possibility of a more reputable means of appeal, involving, perhaps, some modification to our existing procedures? One such means would be to entitle a senior official who considers that his Minister has acted perversely to make his position known to some parliamentary body. The idea may seem quite novel, but it is worth recalling that under our system as it stands, a Permanent Secretary may dissociate himself from a decision where a Minister has acted improperly or unlawfully in the matter of public expenditure. The Permanent Secretary (or the Accounting Officer, as he is known for this purpose) is required to take steps which will bring the matter to the attention of the Public Accounts Committee. If a senior civil servant also had the right—to be used of course only in extreme circumstances—to inform the appropriate parliamentary body of his strong dissent from the Minister’s

policy decision on grounds of efficiency, that could act as a brake on a perverse course of action by the Minister.

This is a possibility which many officials, and, indeed, some commentators outside government, would like to see implemented. It would put senior officials in something like the position of the judiciary who can, if appealed to, review certain ministerial decisions where there has been irregularity in the procedure by which they have been reached. It is not, however, a mechanism that I think would work, and it would carry with it some serious objections. It would, for instance, give the unelected official more power than is warranted in a democratic system. The emergence in public of a strong difference between the Minister and his principal adviser would be damaging to the Minister's standing, particularly in Parliament where the Opposition would make maximum political capital out of his embarrassment; and it would also be damaging to the sense of mutual loyalty which should inform the relationship between the Minister and his advisers. For this reason it would give impetus to the case for placing the senior administrative posts of government in the hands of political nominees, who could be counted on not to rock the boat by publicly dissenting from some action by the Minister.

But what is a career civil servant to do if he finds himself having to implement a policy with which he may strongly disagree? As I have already said, his professional code requires him to carry out his instructions with complete loyalty. But how enthusiastically and how energetically should he be expected to do this? Enthusiasm may be asking rather a lot, but I have my doubts in any case about its place in administration: it can colour judgment and lead to unwise decisions. Even the politically committed should be wary of enthusiasm. But energy is a different matter. This is a question of conscience, and of dedication to the professional ethic. The energetic pursuit of ministerial objectives is something that must be required of officials. And this obligation on civil servants transcends by far any qualms they may feel about the rightness of policy. Pushed to extremes, of course, this sounds like the philosophy of Eichmann and of the German officials who loyally carried out the orders of the Hitler regime on the grounds that it was not their business to challenge government policy. I do not, however, accept the parallel. Notwithstanding the loyalty of a civil servant to the government, his conscience should clearly require him to oppose actions which are either unlawful, unconstitutional, or which involve some great affront to human values. In the last analysis he must be prepared to resign his appointment. But in such circumstances, I believe, he should be relieved of his normal obligation to refrain from commenting on policies for which he may have drafted official advice. But all this is to describe an exceptional situation. What the basic doctrine means, and it is important to understand this, is that the Civil Service cannot be thought of as an in-built safeguard against what some people might call the excesses of a radical or reforming government. The only effective safeguards, if it is safeguards we are seeking, have to be found in the political and judicial processes, or in the force of circumstances themselves—and let me say parenthetically that I have usually found that force of circumstances is the most effective safeguard of the three.

There are, however, those who doubt whether officials can be relied on to live up to the code I have described, and who wonder whether a permanent Civil Service is not bound to turn into some sort of priesthood: ignorant of the realities of the wider world, out of touch with the mood of ordinary people and wedded to its own value systems.

These critics have suggested that appointments to senior positions in departments should be made of political nominees. An incoming administration would not be saddled with all the officials already in post, but would be able to staff the top jobs with people who had been associated with the new Ministers and with the formulation of policy in Opposition. In this way, it is argued, departments would be given a strong steer in the direction of the new policy, and this would reduce the danger that officials would successfully obstruct its implementation. There would also be a better chance of maintaining the momentum of the new policy. All too often, it is said, policies lose their impetus as Ministers become burdened with the day-to-day business of running their departments, while lukewarm officials see the opportunity to allow 'dangerous' initiatives to die of inanition. If this argument were valid, the introduction of political appointees free from the cares of ministerial office would undoubtedly help to sustain the thrust of policy.

Before I deal with the political case for a development on these lines, let me question whether the appointment of outsiders would lead to a more outward-looking Civil Service. I and my former colleagues have long been exercised that Whitehall should be sensitive to public opinion and aware of the best practices of management outside. I believe that the system we have developed of secondments, of sabbatical absences, of interchange with other employment is beginning to generate a body of officials which is as responsive to outside influences as any in the rest of the world.

However, leaving aside the question whether the Civil Service is as outward-looking as, ideally, it should be, I have considerable doubt, if the aim is to introduce a greater political element into our Civil Service, whether we would best achieve this by having political appointees as part of the administrative hierarchy (as happens in the American system) or by having them as special advisers working with permanent officials, but not directly responsible for the implementation of policy. The system of special advisers is the one which has been developed in this country, particularly in the past 20 years, and it is now well established. I have no doubt that it is the better course. And I do not say this with the implication that it is the lesser of two evils. I positively believe that politically committed special advisers have a key role in the help a department gives to its Minister. They have a very special function in ensuring that the party political dimension of policy-making is fully taken into account at every working level in a department. They can also help the politically neutral officials to appreciate the subtleties and details of party policy to which they may well have contributed when it was worked out in opposition.

By contrast, a system in which political appointees automatically took over the top administrative posts in departments is open to a lot of objections. First, it would severely diminish the appeal of a career in the Civil Service, to which we surely want to continue to attract some of our brightest young men and women. No one, I think, is challenging the view that public administration is a vital function in our society and that we need competence at every level. I am convinced that if the opportunities to occupy the highest posts were denied them, the morale of our Civil Service would be impaired, and many who now think in terms of a public service career would turn elsewhere. This would have adverse consequences for the whole administration: its effect would be felt at every level.

In the second place, it would lead to the sort of administrative chaos which so often marks a new administration in the United States. It has been my experience to work with the senior members of several American administrations and I have always been struck by the time it takes them to settle into the unfamiliar environment of Washington and to learn the craft of executive government. This is in no way to criticise them. As businessmen or academics they cannot be expected to know how to run a government department any more than a civil servant can be expected to manage an industrial concern without a lot of training and experience. The mechanics, the procedures and methods of government, the constraints of the administrative process, all these things are new to outsiders; and because they are not familiar with them they make mistakes which experienced hands would not. One of the virtues of the British system is that we change governments smoothly, without the violent dislocation which is a feature of the Washington scene. It is the senior Civil Service's job to make sure that the transition takes place without a hitch, and it is to its credit that the record has been so good.

But there is another reason for hesitating before we politicise our top administrative posts and it is this. The time-horizon over which policy is formulated would become markedly biased towards the short-term. One of the advantages of a permanent cadre of heads of departments is that their very permanence inclines them to take the long view of the problems they are dealing with. They have to live with the consequences of decisions, often for many years. By contrast, a Minister's average stay in office is no more than about two years, and the political system under which he operates forces him to seek quick returns on anything he does. I saw many examples of ministerial indifference to reforms where the pay-off would have come only after a lengthy interval. Let me illustrate the point with an example. For many years officials in several departments have been concerned about the inefficiencies and misallocations generated by our system of housing finance, with its restrictions, its subsidies, its tax exemptions and so on. This system was originally justified 50 and more years ago by the considerable social benefits (what economists call 'externalities') which come from good housing, compared with the benefits to be derived from alternative ways of spending money. But as time passed, the trade-off between housing and other objectives of policy has changed, and with it the optimal balance of policy. But it has always been difficult to interest politicians in reform because of the slow rate of social pay-off compared with the short-term political costs of change.

I talked earlier on about the relations between civil servants and their political chiefs and I stressed the importance of trust. But there is one aspect of this relationship which has always worried me: can it become too cosy, too intimate from the point of view of efficiency? And what are the risks if it does?

It is difficult to convey to someone who has not experienced it how close a Permanent Secretary and a Minister can become. A Minister's job is a lonely one and his colleagues are not always his close friends and confidants. Indeed, they are sometimes rivals, on whom he cannot always rely for disinterested help and advice. By contrast, a senior official has no political ambitions and has a deep personal commitment to the success of his chief. They spend a lot of time together and share intimate thoughts. If the official's judgment is respected he comes to play a bigger part in policy formulation than any of the Minister's political colleagues. This can happen even with Prime Ministers, and many of you will remember Lord Feather's description of Lord

Armstrong as 'the deputy Prime Minister'. This may have been unfair, but it reflected the important part played by the Head of the Civil Service in advising the Prime Minister. In another context, some of the most important economic decisions of the past 15 years have been taken by the Prime Minister of the day and the Chancellor, supported only by one or two senior officials from the Treasury and the Bank of England. Small wonder that arrangements like these create difficulties for those Ministers in the Cabinet who feel they have legitimate claims to be consulted.

But if very close relations between politicians and civil servants can bring their problems, incompatibility between a Permanent Secretary and his Minister has, in my experience, been more troublesome. This problem can occur when a Minister inherits his top adviser from his predecessor. The present conventions make it difficult for a Minister to remove his Permanent Secretary, partly because of the desire of all concerned not to appear to be using appointments for the purpose of patronage, and partly because there is rarely another post to which the Permanent Secretary can be moved. In spite of these difficulties, I have no doubt that if incompatibility does arise, the Minister should be able to remove his Permanent Secretary.

The relationship, then, between a permanent, politically neutral and meritocratic Civil Service and the small political directorate of Ministers which oversees it, is crucial both to the successful working of our system of government and to its ability to respond to democratic pressures. Both sides must be sensitive to the dangers and pitfalls to which they are exposed. And above all, the country must be assured that the relationship is a healthy one. I do not really believe that it wants to have Sir Humphrey in the driving seat.