Introduction

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PROLOGUE

In one jurisdiction, a political adviser’s immediate response to the horrors of 11 September 2001 is to send out an email to civil servants suggesting that it is a ‘very good day’ to ‘get out anything we want to bury’. The following year, the same adviser reputedly sought to exploit the day of Princess Margaret’s funeral to release unfavourable statistics that would not reflect well on her minister’s stewardship of his portfolio. The head of communications in the department – a ‘permanent’ civil servant – responded with an email of his own: ‘Dear Jo, there is no way I will allow this department to make any substantive announcements next Friday. Princess Margaret is being buried on that day. I will absolutely not allow anything else to be.’

The Public Administration Select Committee of the House of Commons inquires into these ‘unfortunate events’ in the Department of Transport, Local Government and the Regions, and concludes in part that:

the handling of the events demonstrates serious flaws in the management and accountability of special advisers. The crisis was caused partly by the fact that Ms Moore took on a series of executive and, in effect, managerial tasks without reference to proper procedures. In addition, a number of civil servants abandoned professional standards by leaking information and misinformation in a way intended to undermine Ms Moore. Management found itself unable to prevent a catastrophic taking of sides at senior level in the department. (United Kingdom Parliament 2002, p. 5)

In another jurisdiction, the Government of the day, in the course of an election campaign, makes much of the fact that asylum seekers, attempting to enter the country illegally, are threatening to ‘throw their children overboard’. Subsequently it emerges that political staff in the relevant minister’s office were aware of the fact that photographs purportedly providing evidence of children having been thrown overboard were, in fact, of individuals being rescued following the sinking of their vessel. The responsible minister and indeed the Prime Minister, deny ever being
advised of the actual import and providence of the photographs. Issues of national security and border protection are to the fore in the election – the Government is returned.

A Committee of the Australian Senate inquires into the incident, and concludes that:

The Committee’s inquiry has highlighted a serious accountability vacuum at the level of ministers’ offices. It appears to be a function partly of the increased size of ministers’ staff, but more significantly of the evolution of the role of advisers to a point where they enjoy a level of autonomous executive authority separable from that to which they have been customarily entitled as the immediate agents of the minister. . . . The situation is that there now exists a group of people on the public payroll – ministerial advisers – who seem willing and able, on their own initiative, to intervene in public administration, and to take decisions affecting the performance of agencies, without there being a corresponding requirement that they publicly account for those interventions, decisions and actions. (Senate Select Committee on a Certain Maritime Incident 2002, p. xxxiii)

The country case studies in this volume report on other events and incidents, unfortunate and otherwise. Prime facie, the evidence would seem to suggest that the advent of political staff in executive government has not been without its problems. For those of a traditional persuasion, events such as these provide a strong argument for a return to the days of a more exclusive bilateral relationship between the public service and their political principals. But the evidence is not as condemnatory as these two vignettes might suggest. Indeed, the report of the Public Administration Select Committee referred to above also contained the following:

[W]e had a good deal of evidence that, in the vast majority of departments today, good sense, flexibility and loyalty of both special advisers and other civil servants to their Ministers have prevented trouble of this sort. . . . We also heard evidence from civil servants and others of the benefits that special advisers can bring: they can for example protect civil servants by carrying out work that might raise doubts about Civil Service neutrality. They may also provide valuable insights which can improve a policy by adding a political dimension. Policy has to work in the real world, and a good special adviser can help contribute to this reality check. In a well-managed department, good relationships between Ministers, special advisers and permanent officials can generate an excellent working environment. (United Kingdom Parliament 2002, pp. 14–15)

The intention in this collection is neither to praise nor to bury, although as will be clear from a reading of the case studies, the contributors to this volume – as befits individuals who, to varying degrees, are engaged at both an applied and a more theoretical level with issues of contemporary
governance in their respective jurisdictions – have clear views on the risks and opportunities presented by the advent of the third element, and on how both might be appropriately managed. Equally, there is no intention to understate the kinds of risks posed by such developments. One common feature across the country case studies is that there are risks to be managed, if not indeed evidence of an administrative malaise attributable to the actions of political staff (and their political principals) and/or dysfunctional relationships between political and administrative staffs. A key issue going forward is whether the existing institutional architecture within advanced liberal democracies of the kind that feature in this collection can accommodate the advent of the third element in executive government (and perhaps are challenged by that development). These issues, among others, will be addressed in the concluding chapter to this volume.

We do not deny the important issues of accountability that are raised by the advent of political staff in executive government (and with which respective legislatures engaged in response to the two incidents referred to above). But our canvas here is a more expansive one. This collection seeks to locate the advent of the third element in the broader context of relationships between political and administrative actors in executive government – a perennial but never more relevant issue for students and practitioners of public administration and policy alike. Moreover, while the two incidents cited above suggest that communications issues are a central consideration (as perhaps they are in most cases of administrative malaise) the focus in this collection is more on the role of political staff as actors within the policy process, and particularly in the formative stages of policy development, and the increasingly problematic stages of policy implementation.

In this introductory chapter our objectives are fourfold:

- To locate issues raised by the advent of political staff in executive government in the context of some enduring principles and conventions informing the practice of public administration in liberal democracies;
- To provide a framework within which to explore the issues raised by the country case studies that follow. In broad terms that framework is suggested by the imperatives of independence and responsiveness. More specifically, we focus on aspects of political neutrality, politicization, and modes of competence;
- To provide an overview of the country case studies that constitute the heart of this volume;
- To anticipate some of the key issues that are common to all of the case studies and to which we return in the concluding chapter – principally the drivers behind the advent of, and increased recourse
Partisan appointees and public servants to, political staff in executive government and the consequences for public administration and governance in the twenty-first century.

POLITICIANS AND PUBLIC ADMINISTRATORS: THE CLASSICAL FORMULATION

Our point of departure is provided by Northcote and Trevelyan, and their indictment of the British civil service as they found it in 1854:

Admission into the Civil Service is indeed eagerly sought after, but it is for the unambitious, and the indolent or incapable, that it is chiefly desired. Those whose abilities do not warrant an expectation that they will succeed in the open professions, where they must encounter the competition of their contemporaries, and those whom indolence of temperament, or physical infirmities unfit for active exertions, are placed in the Civil Service, where they maintain an honourable livelihood with little labour, and with no risk; where their success depends upon their simply avoiding any flagrant misconduct, and attending with moderate regularity to routine duties; and in which they are secured against the ordinary consequences of old age, or failing health, by an arrangement which provides them with the means of supporting themselves after they have become incapacitated. (Northcote and Trevelyan 1854, p. 4)

The indictment having been levelled, Northcote and Trevelyan observed that:

It cannot be necessary to enter into any lengthened argument for the purpose of showing the high importance of the Permanent Civil Service to the country in the present day. The great and increasing accumulation of public business, and the consequent pressure upon the Government, need only be alluded to; and the inconveniences which are inseparable from the frequent changes which take place in the responsible administration are matters of sufficient notoriety. It may be safely asserted that, as matters now stand, the Government of the country could not be carried out without the aid of an efficient body of permanent officers, occupying a position duly subordinate to that of the Ministers who are directly responsible to the Crown and to Parliament, yet possessing sufficient independence, character, ability, and experience to be able to advise, assist, and to some extent influence, those who are from time to time set over them. (1854, p. 3; emphasis added)

Northcote and Trevelyan’s singular contribution was to recommend, to a less than enthusiastic set of political principals, a move away from a system of patronage of the ill-equipped to one of appointment and progression on the basis of merit. And the durability of that settlement, or bargain, is reflected in the fact that Northcote and Trevelyan continue to be evoked as a benchmark against which contemporary principles and
practices of sound public administration – or, in the discourse of the time, good governance – might be assessed.

But there is a fundamental tension at the heart of the Northcote and Trevelyan settlement, and it is central to the issues traversed in this book. The tension is between the notion of a ‘sufficient’ degree of independence on the one hand, and the necessary capacity and propensity to serve those political principals ‘set over’ their administrative agents. In essence, what is at issue is the appropriate measure of responsiveness and independence on the part of administrative agents to and from their political principals. These matters are not new – indeed they enjoy a perennial status in the theory and practice of public administration and governance. But in the context of what has been a somewhat exclusive relationship between politicians and administrators they are given a particular salience by the advent of a third element in executive government; neither politician nor administrator: the political adviser. Issues of independence and responsiveness, and the extent to which the Northcote and Trevelyan institutional settlement may have been challenged (and perhaps even repudiated) by the advent of this third political element in executive government, are at the heart of this collection. For as Andrew Blick has observed:

Essential to an appreciation of the special adviser is an understanding of the emergence, during the nineteenth and the twentieth centuries, of a politically neutral, generalist, career Civil Service, dominated by the Treasury. The Northcote–Trevelyan report of 1854 has long been regarded by career officials as the foundation of their profession and values. It requires examination. (2004, pp. 30–31)

However, it may well be the case that the use of the word ‘settlement’ to characterize the import of Northcote and Trevelyan is an overstatement. As an Australian practitioner has recently observed in reference to the Northcote and Trevelyan legacy, ‘[w]e have still not resolved the tension between “due subordination” and “sufficient independence”, between “assisting” and “influencing”’ (Faulkner 2008, p. 1). While most of the case studies that follow are drawn from Westminster styled political and administrative systems, it would be wrong to see the core issues – contested as they are – as bounded by parliamentary systems of this kind. They are not. Indeed, the conceptual bifurcation between politics and administration has its genesis in a seminal contribution to the progressive movement in US public administration. There is a remarkable confluence between the normative import of Northcote and Trevelyan, Westminster conventions applying to relationships between administrative and political actors, and the principles advanced by Woodrow Wilson in his seminal essay, ‘The study of administration’. Wilson’s argument was for a ‘science
of administration’, one which would ‘seek to straighten the paths of government, to make its business less unbusinesslike, to strengthen and purify its organization, and to crown its duties with dutifulness’ (Wilson 1887, p. 201). Administration was to lie outside politics, with Wilson arguing that while ‘politics sets the tasks for administration, it should not be suffered to manipulate its offices’ (Wilson 1887, p. 210). The ideal would be a ‘civil service cultured and self-sufficient enough to act with sense and vigor, and yet so intimately connected with the popular thought, by means of elections and constant public counsel, as to find arbitrariness of class spirit quite out of the question’ (Wilson 1887, p. 217).

Again, the themes of independence and responsiveness are clearly evident, which reinforces the point that the question of how best to align political and administrative imperatives in executive government is not confined to parliamentary systems of the Westminster kind. Certainly, there are particular considerations associated with the partial application of the doctrine of the separation of powers in systems of that kind, but that notwithstanding, the case for a measure of independence on the part of administrative agents from political principals has a constitutional quality to it in both the Northcote/Trevelyan and Wilsonian formulations. In a somewhat more contemporary vein, that normative case is perhaps best expressed in Wildavsky’s (1987) admonition that public administration is required to ‘speak truth to power’. There is, then, a common point of confluence, and importantly, it shifts us from the particular features of distinctive forms of government to a generic space in which political and administrative actors engage in a policy process common to a range of liberal-democratic political and administrative systems.

NEUTRALITY, POLITICIZATION, AND DEGREES OF RESPONSIVENESS

In most liberal-democratic systems the normative ideal is captured by the notion of public or civil service neutrality. In Westminster systems in particular, one of the defining elements in the ‘family of ideas’ that constitute the Westminster type is that systems of this kind will be characterized by ‘a constitutional bureaucracy with a non-partisan and expert civil service’ (Rhodes and Weller 2005, p. 7). Two aspects of this definition have a particular salience: the constitutional status of the civil or public service, and the non-partisan and expert nature of those civil or public servants.

We have already foreshadowed the issue of the constitutional nature of the relationship between political and administrative actors, and noted that it is not confined to systems of the Westminster kind. Rhodes and
Weller’s use of the adjective ‘constitutional’ in reference to the role of the ‘bureaucracy’ in Westminster systems is not without significance. In a system in which, by definition, the doctrine of the separation of powers is repudiated (in part) by the fusion of the (political) executive and legislative branches, the bureaucracy plays the role of a constitutional counterbalance. As Wanna has observed:

> there are grounds to accept an independent, neutral, career civil service as an important attribute of Westminster and an institutional counterbalance to the majoritarian concentration of power in the executive – especially on independent, professional policy development and frank-and-fearless advice. (Wanna 2005, p. 175)

The counterbalance Wanna refers to takes specific constitutional form in the convention of public service neutrality and in a norm of bureaucratic independence (Sossin 2006).³

That the public service ought to be non-partisan and expert is also central to the Westminster family of ideas. In somewhat stark terms the distinction is drawn between political neutrality on the one hand, and politicization on the other. In the context of this collection, establishing the nature and extent of the risk – real or imagined – that political advisers in executive government pose to the impartiality of the civil service rests upon some reasonably firm determination of what is meant by the term ‘politicization’. Interestingly, a recent UK House of Commons Select Committee Inquiry suggested that orthodox definitions ‘hark back to Northcote and Trevelyan, whose seminal recommendations were intended to ensure that the civil service attracted able and energetic people’ (UK Parliament 2005, p. 1).

Traditional understandings of politicization have tended to focus on the bases on which top officials are appointed. Mulgan (1998, 1999) offers a good example of this approach and distinguishes between:

1. Partisan politicization: the appointment of people with well-known partisan tendencies who are likely to be unacceptable to an alternative Government;
2. Policy-related politicization: the appointment of people with well-known commitments to a particular policy orientation;

In this perspective, the procedures for – and, more pointedly, the decisions taken regarding – the appointment of the most senior civil servants...
are central to the politicization of the bureaucracy (and, by extension, to its insulation against partisan imperatives). But focusing exclusively on systems of appointment and reward for senior public servants draws an arc around ministerial advisers. Much of the literature has little to say on the trilateral relationship between ministers, ministerial advisers, and public servants. Consequently, the third element is frequently the elephant in the room. Plainly, however, in the context of this collection, one important question to be addressed is the extent to which the advent of political staff in executive government has resulted in forms of politicization other than the kind suggested in those more traditional approaches that have focused on formal appointment procedures. Indeed, there is a strong case to be made for a much more nuanced notion of politicization, and one that entertains, a priori, a distinctive procedural dimension (see Eichbaum and Shaw 2007, 2008).

Moreover, as Mulgan has noted (2006), there are other, less formalized, more subtle but nonetheless important issues suggested by the pressures (whether exogenous or endogenous) to politicize government. Politicization may be a consequence of the erosion of a necessary measure of distance between administrative agents and political principals:

The context of public service politicisation is to be understood within the context of the values associated with a professional public service. In order to be able to offer the same degree of loyal service to governments of differing political persuasions, professional public servants are expected to maintain a certain distance from the concerns of their political masters. ‘Politicisation’ is the term used to describe the erosion of such distance. (Mulgan 2006, p. 3)

Macdermott has recently characterized this erosion of distance, and consequential public administration failures, as being attributable to circumstances in which ‘responsiveness tips into complicity’ (2008, p. 2). The evidence does suggest that levels of responsiveness which result in public administration failures may be internally generated or ‘self-inflicted’ in circumstances under which public servants surrender the safety of distance in an attempt to best serve the wants of their political masters (see Mulgan 2006). But in the context of this volume, central questions are whether the advent of political staff may have reconfigured the balance between independence and responsiveness and, if so, with what kinds of consequences.

At the level of relationships between political and administrative actors in executive government one can identify different mixes of independence and responsiveness. In the best tradition of Northcote and Trevelyan, and indeed the Wilsonian contribution to the progressive movement in US public administration, ‘neutral competence’ has been defined as ‘the ability [of government officials] to do the work of government expertly, and to do...
it according to explicit, objective standards rather than to personal or party or other obligations and loyalties' (Aberbach and Rockman 1994, p. 461). In the context of policy development in particular, this is perhaps not too distant from what Plowden has characterized as ‘institutional scepticism’ (Plowden 1994). ‘Responsive competence’, on the other hand, suggests an appreciation of the reality of politics in policy making and governance (and the status of the electoral mandate in shaping the policy programme of the Government of the day). The picture is much more complex than that suggested by the oft-quoted maxim that politicians propose and public servants dispose, but it can be argued that responsive competence tends to give a relatively greater weight to policy implementation, relative to policy development in contemporary public administration. (We return to this issue in our concluding observations in this volume.) As a former Australian Prime Minister observed in 1993, referring to the public administration reforms in that country in the mid- to late-1980s:

Central to our reforms of the public service was the desire to ensure that the government of the country belonged to the elected politicians. We stated at the outset that a key objective was to make the Public Service more responsive to the government of the day, more responsive in the sense that it would be better able to recognise and achieve the Government’s overall policy objectives. (Paul Keating, quoted in Macdermott 2008, p. 3)

There are perhaps risks at both ends of the scale: at one extreme of overreaching responsive competence leading to responsive incompetence (Aberbach and Rockman, 1994, p. 466), and at the other of neutral competence leading to resistant scepticism. As Aberbach and Rockman observe in relation to the US system of public administration (and the comment is applicable across a range of political systems):

Just about everyone agrees that neutral competence is desirable, and for the most part possible, at lower levels of administration where tasks are relatively easy to define and lines of control are clear. The issue is where in the bureaucratic hierarchy and in what positions the emphasis on neutrality should give way to an emphasis on responsiveness. (1994, p. 463)

The advent of political staff in executive government may be viewed as an institutional change designed to effect a movement along the continuum between neutral competence and institutional scepticism on the one hand, and responsive competence on the other. Equally (and this issue, too, we return to), it may be seen as an adaptive mechanism which has had the consequence of better allowing those vested with the responsibility – constitutional or otherwise – to tender neutral competence to do so safely and well.
THE COUNTRY CASE STUDIES

This is a book about the tension between independence and responsiveness in executive government. We seek to illuminate the nature of that tension in contemporary public administration and governance by reference to the advent of a relatively new and distinctive institutional actor in executive government: the political adviser. In the chapters that follow, we track the emergence of the political adviser in a number of jurisdictions – the United Kingdom, Canada, Australia, New Zealand, the Republic of Ireland, and the United States.

Each chapter follows a similar pattern. First, the institutional arrangements within executive government are summarized, following which an outline is provided of the particular role played by political staff – that is, staff typically employed on fixed term contracts and working to members of the political executive. The background to and drivers behind the advent of political staff are then rehearsed, and the contribution such staff make in the context of the policy process (including the relationship between political and permanent/professional staff in the civil or public service) is examined. Finally, the nature of the accountability arrangements that apply to political staff are detailed.

The United Kingdom

As Andrew Blick notes in People who Live in the Dark, there is a long-standing tradition in the British context of political leaders appointing aides and advisers from beyond established circles of influence (2004, p. 30). The most recent manifestation of this takes the form of the special adviser – a constant and ever more influential institutional fixture in British politics and policy making in the modern era since the Wilson Labour Party Government of the 1960s.

In Chapter 1, Paul Fawcett and Oonagh Gay identify three themes that have been particularly evident in the evolution of the civil service since the mid-20th century:

1. The injection of specialist policy advisers into the civil service;
2. The growth of a cadre of assistants to prominent MPs who then followed their leaders into Government on a personal basis;
3. An emphasis on creating a specialist Prime Ministerial office to support the role.

As Fawcett and Gay note, ‘special adviser’ as a term can be dated from the 1960s at which point in time individuals were appointed directly by
ministers to assist them with policy development and media management. The employment of such individuals – contra Northcote and Trevelyan – was not regulated by Civil Service Commissioners responsible for the maintenance of the principle and practice of appointment on merit.

In recent years, as Fawcett and Gay observe, special advisers have been the ‘lightning rod’ for debate regarding the politicization of the civil service, a debate that has involved the executive and the legislative branches of government in the UK, advisory and oversight committees of various kinds, the news media, and the community at large.

Having reviewed the history of political advisers in the UK government, Fawcett and Gay provide an overview of the capacities, capabilities and role of special advisers. They identify two streams in the literature that has sought to illuminate and analyse the role of the special adviser in British politics and governance. The first of these is analytic and starts from the premise that it is possible to categorize advisers on the basis of their functional role. As Fawcett and Gay note, the generic term ‘special adviser’ masks significant differences in function and role depending on the location of political staff of this kind within executive government. There are marked differences as between special advisers co-located with their ministerial principals in departments of state, those located in Number 10, and those based in the Treasury. There is, moreover, a difference in the role (and significant differences in terms of potential risks arising from engagement with established administrative actors) of the technical specialist, for whom partisan affiliations and activities may be less relevant, and what former Cabinet Office Permanent Secretary Sir David Omand describes in Chapter 1 as the ‘chefs de cabinet and progress-chasers’.

Fawcett and Gay chart the growth in special advisers and analyse the backgrounds of those appointed to positions of this kind, before advancing three reasons for the increase in their numerical strength (and influence): the professionalization of politics, a lack of trust and confidence in the permanent civil service, and the need to respond to the demands of, and manage, a 24-hour media environment. While all three are significant, and speak to the key issues traversed in this collection, it has been the last of these drivers that has commanded the most attention in the British context. The ‘unfortunate events’ at the Department of Transport, Local Government and the Regions, the circumstances surrounding the death of Dr David Kelly in the summer of 2003, and the imprint left by both the personality and institutional role of Alastair Campbell all form part of the narrative exposition in this chapter. The chapter also examines the influence that the institution of the special adviser has had both on public policy and the permanent civil service, before reflecting on some of the challenges of accountability and the emergent British regulatory regime
that have sought both to clarify the nature of the role, and establish appropriate boundaries and rules of engagement in a political and administrative system that continues to evoke the principles and standards of Northcote and Trevelyan.

Canada

In Chapter 2, Peter Aucoin suggests that the advent of political staff – referred to in the Canadian context as “exempt staff” – is but one aspect of what he has labelled the New Public Governance. This new mode of governance, he argues, manifests itself in the concentration of political power in the centre, increased political attention being directed to the staffing of the upper levels of the public service, an expectation of public service enthusiasm for the agenda of the Government of the day (with associated pressure to provide a ‘pro-Government spin’ on what might otherwise be non-political government communications), and increased weight being given to political factors in the development of public policy. In short, Aucoin’s view is that there has been a significant diminution of Westminster principles and practices in the Canadian context and an incremental progression towards the more politicized institutions and processes one finds in Canada’s proximate southern neighbour (and which are discussed more fully by Guy Peters in his contribution to this volume).

Aucoin suggests, too, that a resiling from some of the Westminster virtues reflects aspects of the Canadian institutional topography: a concentration of power in the office and person of the Prime Minister (with a tendency for Prime Ministerial government to supplant Cabinet government per se), and the responsibility of the Prime Minister for the staffing of the deputy minister cadre. In a formal sense these institutional arrangements hold out at least the prospect for some measure of orthodox politicization: political considerations trumping merit in the appointments process of senior members of that public service.

In the Canadian context, the office of the Prime Minister is a powerful one. As with a number of the jurisdictions discussed in this collection, Canada effectively operates with a two-party system, but unlike most members of the Westminster family the parliamentary caucuses of the two major parties do not possess the capacity to dismiss a Prime Minister as party leader. Moreover, the Prime Minister not only has the power to appoint and dismiss ministers, and assign portfolio responsibilities, but also to appoint deputy ministers and associate deputy ministers (the two top tiers of the Canadian public service). Aucoin argues that this concentration of power – a move from Cabinet government to a form of courtier government – has had its effects on both the role and influence of political staff.
Aucoin notes that as part of the Canadian public service bargain – in which ministers gave up the power to staff the public service – ministers retained the right to employ a private secretary, an official who assisted the minister with his or her ‘partisan-political’ functions. Such staff were ‘exempt’ from the standard statutory provisions relating to the staffing of the public service at large. While not considered as public servants per se (inasmuch as political neutrality is neither a requirement nor, one imagines, necessarily viewed as desirable), such staff are paid from the public purse. As with political staff in other jurisdictions, their appointment and tenure is contingent on that of their minister. Until 2007, however, such exempt staff – provided that they had been employed for a period of no less than three years – were entitled to be appointed to a public service position at an equivalent level of rank. As Aucoin observes, this unique feature of the Canadian system means that – in an institutional sense – the ‘professional public service’ has been subject to a risk of partisan-political influence in a more subtle manner than some of the standard accounts of politicization would suggest.

Aucoin maps the history of partisan-political staff from the 1950s and 1960s and the incremental growth in numbers over this period. As was the case in Australia under the Whitlam Government (see Maria Maley’s chapter in this volume), on coming into power in 1984 the Mulroney Conservative Party Government chose to expand the number of partisan-political staff as an explicitly preferred alternative to the ‘systemic’ politicization of the senior ranks of the public service that one finds in the US and in some European countries. And while the growth in numbers has not been strictly linear, Aucoin notes that in recent years the total number of exempt staff has exceeded 500.

The existence of partisan-political staff in the Canadian context is, as Aucoin observes, evidence of the fact that the permanent or professional public service is, by definition, non-partisan and politically neutral. But as he also notes, institutional arrangements and aspects of political culture in the Canadian context have resulted in an expansion of the ‘political arm of government’, with partisan-political staff acting as a useful – or even necessary – counterweight to the ranks of the non-partisan public service. The issue is whether political and administrative systems (responsive and ‘neutral’ competence) are in a state of balance, or whether the political arm risks subverting the integrity of the public service. The tension between responsive and ‘neutral’ competence underpins Aucoin’s analysis of recent developments in the Canadian context, including the report of the Gomery Commission, and the response to the recommendations of that Commission by the Harper Government.
Ministerial advisers of the political kind have, in a formal sense, been a feature of the Australian institutional topography since the election of the Whitlam Labor Party Government in 1972. Maria Maley reviews the history of ministerial advisers in the Australian federal government noting that, notwithstanding a measure of opposition to the introduction of political staff on the part of the permanent public service, they have become a permanent fixture.

Governments of both the left and right have had recourse to ministerial staff of a political kind, and as Maley notes, a principal imperative in the Australian context has been a desire on the part of Governments to exercise greater political control over the bureaucracy. That imperative, however, has tended to result in an accommodation with – rather than a complete repudiation of – Westminster principles, practices and institutional arrangements.

The Hawke Labor Party Government, elected in 1983, made a conscious policy choice not to proceed with a manifesto commitment to create a political tier at the upper levels of the Australian Public Service (a US-styled system of politicized appointments), and opted instead to increase the number of political appointments into ministers’ offices. A separate legislative platform for appointments of this kind was provided by the Members of Parliament (Staff) Act 1984, a statute that has been the subject of some attention on the part of Australian legislators in the period since its passage, as the role and accountability of political staff has become an issue of public debate. Again, as Maley notes, the Act was designed to allow for a greater measure of political capacity within executive government, while at the same time maintaining the principle and practice of public service neutrality. A notable feature of the Australian arrangements, however – although not, in the light of the other case studies in this volume, an exclusive one – is a legislative facility that permits public servants to ‘disengage’ from the permanent or professional public service, work in a political advisory role for a period, and ‘re-engage’ afterwards. The institutional settlement arrived at by the Hawke Government in the early 1980s has endured in the period since (although, as Maley notes, the process of institutional shaping and reshaping is a continuing one), and it has also defined the principal way in which Governments have sought to assert political control over the bureaucracy.

As with the other case studies, the advent of political staff in ministerial offices is part of a wider and inter-related constellation of institutional changes. Successive Australian Governments have prosecuted an Australian variant of the New Public Management (NPM), institutional
changes have tended to increase the power of the Prime Minister as a political and policy actor, and an increased emphasis on policy and programme implementation (and additional capacity in these areas) has also altered the balance between political and administrative actors.

But as Maley points out, the initial institutional settlement of the Hawke years was an incomplete one. And the actions of political staff (and their ministerial principals) in a number of highly controversial episodes over the past seven years have highlighted significant weaknesses in the accountability of political staff, and the need to ‘regulate’ the actions of such staff more effectively. The Australian Labor Party committed itself to addressing this lacuna in the accountability arrangements for political staff in the course of the 2007 Australian federal election, and with the election of the Rudd Labor Party Government there was an expectation that the weaknesses in that earlier institutional settlement would be addressed. In this respect, and as Maley explains, the introduction of a dedicated code of conduct for ministerial staff, a code that came into effect on 1 July 2008, represents an important new development in Australia’s institutional arrangements.

New Zealand

In Chapter 4, Chris Eichbaum and Richard Shaw note that New Zealand has also seen an increase in the number and influence of political advisers in executive government, with the kind of consequential sensitivities regarding relationships between political and administrative actors common to the other jurisdictions surveyed in this collection, and the implications for governance more generally.

What makes the New Zealand experience somewhat different is the overlay of a significant constitutional change: the adoption in 1993 of a German-styled Mixed Member Proportional electoral system, and a shift – to date at least – from single-party majority Government to multi-party Governments of various forms.

Notwithstanding the adoption of a proportional electoral system, with the not unexpected changes to the party system (in particular a movement away from a pure duopoly) New Zealand still manifests, and in a normative sense asserts a commitment to, defining features of Westminster political and administrative arrangements. More specifically, it retains a commitment to a politically neutral and expert public service. While the New Zealand variant of the NPM (which predates the adoption of that descriptor) did see a move away from permanency on the part of those heading administrative departments and ministries, and a move away from a unified career structure in the core public service, in every
other salient respect New Zealand’s system of public administration and management continues to be predicated on merit-based appointment provisions, and a politically neutral and expert public service enjoined (on a quasi-constitutional basis) to protect the public interest, while being appropriately responsive to the Government of the day.

But as Eichbaum and Shaw note, the New Zealand variant of the NPM – ‘the New Zealand model’ – was one characterized by a particular relationship between doctrine and design, in which the former was particularly influenced by rational actor accounts of the relationship between political principals and administrative agents. That being the case, the leitmotif of New Zealand’s public administration reforms was one that entertained an additional character on the political and administrative stage, one that was neither politician nor administrator, but that assisted in aligning the actions of the latter with the preferences of the former. Clearly the advent of a new electoral system – with spheres of activity which, of their very nature, precluded the participation of politically neutral public servants – was also a factor. In this respect New Zealand shares with the other jurisdictions reviewed here the challenges associated with policy complexity, a changing configuration of role and influence as between state, market, and civil society, and new modes of governance.

The New Zealand case study draws on data generated by survey questionnaires completed by senior public servants, political staff (‘ministerial advisers’ in the New Zealand context) and Cabinet ministers. On the basis of an analysis of this data, the authors discuss aspects of policy (and political) capacity and capability within executive government, the contribution of ministerial advisers to the policy process, their impact on relations between political and administrative actors within executive government, the threat posed by such advisers to the political neutrality of the public service (and the integrity of Westminster-style institutions of policy advice and implementation), and issues of accountability and regulation.

Republic of Ireland

While the establishment of an independent Irish state in 1922 represented a clear break in constitutional arrangements, in Chapter 5, Bernadette Connaughton notes that the principle and practice of political neutrality on the part of the civil service was inherited without question. Moreover, she suggests that this principle is so ingrained in the Irish civil service that overtly political advice and loyalty of a partisan kind is only to be found from outside the ranks of the civil service.

In the case of Ireland, the third element in executive government has been a feature since 1973. But as Connaughton observes, the advent of
political staff in the Irish context owes as much to the exigencies of the Irish electoral and party systems as it does to a desire on the part of political principals to assert some measure of control over bureaucratic agents.

One political party – Fianna Fáil – has dominated Irish politics in recent times and, as Connaughton notes, the party has not been out of office for more than one term in the period since 1932. A lack of trust in the civil service – as a driver of the development of a distinct political capacity in executive government – has tended to be associated with other parties (and in particular parties of the centre-left) participating in coalition Governments of differing compositions over time. While the left has been somewhat sceptical of the capacity and capability of the civil service to be appropriately responsive to and accept responsibility for the implementation of their policy agenda, Fianna Fáil has been less inclined to seek contestable advice or second guess the civil service. Not surprisingly, therefore, where large political staffs have been appointed – as was the case in the Fianna Fáil–Labour coalition of 1993–4 – this has predominantly been at the behest of the Labour Party as the junior coalition partner.

Political staff have been designated both as special advisers (as is the case in the UK) and as Programme Managers. The latter date from the Fianna Fáil–Labour coalition of 1993–4, and were initially viewed as an Irish variant of the European style chef du cabinet. Tasked principally with oversight of the implementation of the Government’s programme, Connaughton notes that they were:

perceived as a combination of advisers and managers operating along the lines of an underdeveloped ministerial cabinet system and within the blurred borders between politics and administration. They constituted a new management structure that would enable ministers to take strategic political decisions with minimal damage to the cabinet’s operational morale and cohesion.

The advent of political staff in Ireland has been variously perceived as constituting a threat both to the political neutrality of the civil service, and as contributing to political instability from time to time. In respect of the former, an entitlement on the part of political staff to permanent civil service positions at the end of their period of employment has raised the spectre of a form of ‘back-door’ politicization. Interestingly, the process has also operated in the opposite direction, with Fianna Fáil tending to recruit political staff from the ranks of the civil service.

While special advisers were provided with specific statutory recognition (and a role description) in the Public Service Management Act of 1997, the number of special advisers decreased in the post-1997 period. However, the current Government (Fianna Fáil–Progressive Democrats–Greens) has appointed a full complement of political advisers.
Drawing on extensive interviews with special advisers, conducted over the period from late 2006 through to early 2007, Connaughton discusses their role, interactions between special advisers and their civil service counterparts, and the risks of politicization.

The United States

It is an often cited fact that a change of President in the United States occasions significant shifts in the composition of those at the senior levels of the federal public service (with over 4000 positions changing with a change in Administration). This kind of system, it is argued, stands in stark contrast to the kind of permanency and political neutrality associated with Westminster styled systems, with their capacity for amassing a greater store of institutional knowledge over time, and for checking the majoritarian excesses of Governments (typically formed under constitutional arrangements that offend against the doctrine of the separation of powers) by way of ‘institutional scepticism’.

But the contrast tends to mask significant points of commonality between the US and other members of the Westminster family. For one thing, the need for effective methods of policy making are common to both (captured by the requirement that Governments are provided with the advice that they need to hear, as well as – or perhaps in sharp distinction to – that which they want to hear). Indeed, Woodrow Wilson’s admonition that ‘politics sets the task for administration, it should not be suffered to manipulate its office’ (1887), and Wildavsky’s enjoinder to ‘speak truth to power’ (1987) are, in substance and normative import, qualitatively no different to the Westminster test that sound policy advice should be ‘free, frank, and fearless’.

Yet there are differences. As B. Guy Peters reminds us in Chapter 6, it is over 30 years since Hugh Heclo coined the term ‘A Government of Strangers’ to describe the executive branch of the federal US government. Heclo, as Peters observes, was concerned with the ‘revolving door’ of politically appointed officials who would be recruited into the executive branch, with their tenure tied to that of the Administration. Contra Northcote and Trevelyan and Westminster conventions and principles, these ‘officials’ were neither politically neutral, nor permanent, and in a traditional sense, not appointed on the basis of merit. Peters notes that there are now more political appointees than there were when Heclo first drew attention to this engagement of strangers, that their influence is now more pervasive, and that political dimensions are tending to dominate the policy process at the expense of effective policies. This growth in influence and reach on the part of political staff has been characterized as the
‘thickening’ of the federal government. For Peters, that thickening has in recent times been associated with a situation in which partisan loyalty has trumped competence in the making of political appointments.

While Peters focuses on the array of advisers within the executive branch, he also notes that the US Congress employs far larger staffs than any other legislature in the world – a reflection in no small part of the clear separation and tension between the executive and legislative branches in the US system of government – and that the US system is characterized by policy networks that span government and non-government institutions.

He suggests that political appointees in the Washington bureaucracy tend to have three roles: managing particular government programmes, monitoring bureaucratic agencies to ensure that the Administration’s policy and political priorities are to the fore (an enforcement role) and, third, providing political and policy advice. The political imperative of exerting control over bureaucratic actors – particularly in organizations tasked with the more politically sensitive areas of policy – is evident in the United States, as it is in a number of the other case studies in this volume.

The ‘politcization’ of advisory and support structures is, as Peters notes, most marked in the Executive Office of the President (EOP), and while that Office does contain some career officials, the larger part of its 1700 staff are selected on the basis of political criteria. Indeed, the EOP, with policy advice structures mirroring those in the executive branch, provides a further layer of contestability (if not separation) in the US system. As Peters notes, this ‘mirroring principle has been designed in part to ensure that the President is not dependent upon advice from departments, reflecting a rather high level of distrust of the permanent bureaucracy and the persistence of their “departmental views” in a number of policy areas’. In the concluding chapter of this volume we return to the patterns of similarity and difference across the country cases; at this point, suffice to say that there are parallels here with the tendency for Prime Ministers in Westminster systems to increase capacity – including political capacity – at the centre of government as a check against the predations of departmentalism.

Rehearsing another recurrent theme, Peters observes that the shift towards higher levels of politicization in advice reflects a need ‘to balance the values of “neutral competence” with those of “responsive competence”’. In this vein, Chapter 6 examines the drivers behind both the greater recourse to political staffs in the US system, and the tendency to blend administrative and political roles. Peters also identifies a number of problematic aspects of the US system – including a diminution over time in the effectiveness of the policy making system, a retreat from professionalization on the part of members of ‘political’ policy elites, and a move
away from a consensual style of policy – before reflecting on the challenges posed by a system that will increasingly require a higher level of analytic policy capacity, and a reduced focus on serving partisan interests.

CONCLUSION: DRIVERS AND CONSEQUENCES

The country case studies that follow provide a rich seam of evidence, analysis and commentary, and in the concluding chapter to this volume we attempt to draw out common issues and themes. The focus is particularly on drivers and consequences; on why there has been increasing recourse to political staff in executive government, and with what kinds of consequences.

At one level the issues are those suggested by the two overarching themes that have informed this introductory chapter: independence and responsiveness. The ‘downside’ risks have already been alluded to, namely that increased recourse to political staff may result in responsive competence that overreaches into responsive incompetence, or the narrowing or erosion of the ‘safe’ distance between political principals and administrative agents. In essence, this risk may represent a failure on the part of appointed administrative staff to properly speak truth to power.

At another level, especially when one departs from a set of benign assumptions regarding the proclivities of administrative actors, neutral competence and institutional scepticism may simply mask the budget maximizing and bureau shaping tendencies of ‘rational’ administrative actors pursuing sectional interests: the triumph of vested interests over the public interest. Viewed through this lens (which does not require a full and complete surrender to public choice accounts of bureaucratic behaviour), increased recourse to political staff may simply be an appropriate way of ensuring that political principals are better able to secure and monitor appropriate bargains with administrative agents. In this context the advent of political staff might be viewed as one manifestation of the NPM. And in a similar vein, one may perhaps view political staff as an adaptive response to the inadequacies and unintended consequences of particular varieties of the NPM; in circumstances under which public administration/management reforms have seen a loss of horizontal coordination across government, recourse to political staff may reflect one means of ensuring better capacity and capability across the whole of government.

The advent of the third element in executive government may also suggest a move away from a Westminster styled bilateral monopoly (in which ministers and their senior permanent officials are the only actors) to a much more polycentric and contested policy environment. In this kind of
context, political advisers may be either policy initiators in their own right, and/or policy brokers working across a range of sources of policy advice (from both the government and the non-government sector). Moreover, recourse to political staff may well reflect a transition from hierarchical (and relatively orderly and ordered) systems of policy advice (characterized by some as being consistent with the Westminster mode of government) to the kind of more nuanced and contingent forms of policy making and implementation suggested by networked, market, and community modes of governance.

In the context of Westminster styled political and administrative systems (and all but one of the country case studies falls within this family), a key question is whether the advent of political staff constitutes yet further evidence of the repudiation of the so-called Westminster model, or whether the core features of that model – including the principles and conventions that go to relationships between political and administrative actors – are proving to be resilient and enduring in the face of this and other changes.

The increased salience of policy implementation per se, and the desire on the part of Governments to build additional implementation capacity and capability, may also provide a further explanation for greater recourse to political staff. As we note in the concluding chapter to this volume – and in the light of the lessons to be drawn from the country case studies – resorting to political staff may be viewed as part of a wider process of lifting implementation capacity and capability in the face of the need to ensure that Government commitments are met, and that implementation challenges associated with greater policy complexity and ‘wicked’ or messy policy issues are met. In this sense recourse to political staff may provide a relatively soft and non-structural means of lifting implementation capacity and capability.

While the focus of this collection is as much on the role played by political staff in the policy process, all of the country case studies engage, quite properly, with issues of accountability and transparency. The risk that political staff may pose to what one writer has recently characterized as the principle of public integrity is not to be minimized (Mulgan 2008). Whether by virtue of the fact that systems of public accountability have failed to keep pace, or that political executives have resisted attempts (particularly on the part of legislators) to appropriately hold political staff to account, these case studies raise important issues – and the potential for useful policy transfers – regarding public integrity and accountability.

Finally, while the country studies provide an opportunity to distil patterns of similarity, they also illuminate the circumstances which may give rise to the need for the kind of capacity and capability offered by political staff. Whether those circumstances are suggested by a transition to a new Government following a long period of incumbency on the part of a
Government of a different political hue (and a low level of trust between political and administrative actors, particularly in the formative stages of a new Government), or the requirement to adapt to the exigencies of a changed electoral system, the case studies that follow provide insights of both a particular and a more general kind.

NOTES

1. See the commentary on Northcote and Trevelyan in Blick (2004, p. 31–5).
2. Former British Prime Minister Tony Blair, reprising the influence of Northcote and Trevelyan on the occasion of the 150th anniversary of the publication of their report, touched on the vexed relationship between independence and responsiveness that is central to the Northcote and Trevelyan settlement, when he commented that ‘No government owns the Civil Service. It belongs to the public that it serves’ (Blair 2004, p. 8).
3. Sossin suggests that the norm, or convention of bureaucratic independence suggests a spectrum of separation between bureaucratic and political decision-making. Kenneth Kernaghan has outlined the content of the convention in an oft-cited list of six key principles:
   1. Politics and policy are separated from administration; thus, politicians make policy decisions and public servants execute these decisions;
   2. Public servants are appointed and promoted on the basis of merit rather than of party affiliation or contributions;
   3. Public servants do not engage in partisan political activities;
   4. Public servants do not express publicly their personal views on Government policies or administration;
   5. Public servants provide forthright and objective advice to their political masters in private and in confidence; in return, political executives protect the anonymity of public servants by publicly accepting responsibility for departamental decisions; and
   6. Public servants execute policy decisions loyally, irrespective of the philosophy and programmes of the party in power and regardless of their personal opinions; as a result, public servants enjoy security of tenure during good behaviour and satisfactory performance (in Sossin 2006, pp. 29–30).

Sossin also suggests an important omission from the list: ‘The Convention also includes the duty of public servants to question, and if necessary, to decline to follow instructions which are motivated by improper partisan interests’ (2006, p. 30).

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