Bureaucrats have had a bad press: they've been blamed for everything from the recession to 'economic nationalism'. Ian Hunter and Jeffrey Minson suggest that many of the 'remedies' to bureaucracy may be worse than the 'disease'.

Nearly everyone agrees that public service bureaucracies need reforming. But to what extent and in what directions? Should they be made to 'perform' like corporations in the private sector? Or should all bureaucracies—both private and public—be made more 'democratic' and hence more attuned to equity and social justice? Here we want to focus on the second question, and in particular to show the resistance of bureaucracy to democratisation. However, we also want to suggest in passing that the 'corporatisation' of bureaucracies may represent a variation on—rather than a transformation of—their fundamental nature. As a reference point for the issues involved we will focus on the post-Fitzgerald Report reforms to the public service in Queensland.

The question of whether and how to democratise bureaucracy is a perennial one, but it remains important, not least for the anxieties and confusions it generates in the relations between ethics, politics and government. Of course, a good deal depends upon the level at which the question is pitched, and especially on what is understood by democracy. Current discussions usually conflate two quite different senses in which bureaucracies might be made more democratic. Seen from one aspect the issue might be one of ensuring the formal accountability of various public service bureaucracies to parliament, and hence in some sense to 'the people'. But the question is also often posed in terms of the personal ethics of bureaucrats. In this case making bureaucracies more democratic means encouraging bureaucrats to take individual ethical and political responsibility for their decisions.

Clearly these different interpretations involve two very different diagnoses and cures for the problem of unelected bureaucratic government. The former sees the problem as one of the mechanics of government, something that might be redressed through a renovation of Westminster conventions—for example, the greater use of expert parliamentary subcommittees to open the higher echelons of the public service to parliamentary scrutiny. The second line of analysis leads in quite different directions; it construes the problem in terms of the failure of bureaucracy to conform to the ethical and political principles of individuals. Here what is envisaged, presumably, is transforming bureaucracies into little theatres of bureaucracy—for example, by introducing democratic decision-making procedures that will allow bureaucrats to connect the objectives of government to their ethical and political principles as citizens.

Failing to differentiate these different levels and kinds of analyses not only obscures the relation between bureaucratic government and democratic politics, it also generates quite unreal ethical-political proposals to make bureaucracy subject to democracy. Michael Pusey's *Economic Rationalism in Canberra* epitomises this kind of failure. Pusey's central argument—that the Australian state has lost its 'nation-building' capacities because its senior bureaucrats have lost their moral and political faculties—is a clear example of the attempt to analyse the shortcomings of bureaucratic government in terms of the moral and intellectual shortcomings of bureaucrats. For Pusey the problem—of which 'economic rationalism' is a symptom—is that the 'technocratic' discipline of economics has divorced bureaucrats from the ethical and political principles that should govern their decisions. These principles, which Pusey locates in culture, community and ordinary life, provide the values for which bureaucrats should have (corporate) personal responsibility. The absence of such responsibility has transformed the bureaucracy into a value-free instrument, ideal for dismantling the welfare state and unleashing socially rapacious market forces.

But this alleged failure to embody the collec-
tive moral personality of the community is not the only way in which the non-democratic character of bureaucracy can be attributed to the moral shortcomings of bureaucrats. Sometimes it's not the absence of values which is held to be the problem, but their presence—where they are of the wrong kind. This is the way Helen McKenna, editor of an important public policy journal, saw the problem in her presentation to a public seminar, held by Queensland's Electoral and Administrative Review Commission (EARC) to develop a code of conduct for public officials.

According to McKenna, the professional ethos of the Australian public service merely expresses the cultural values of white, anglo-saxon, Protestant males and is therefore out of touch with contemporary social and political reality. In a society where women have assumed a more prominent role in the public sphere, where multiculturalism has fragmented communal values, but where the community (apparently) demands that public officials take personal responsibility for their actions, the professional ethic of public servants has become an obstacle to democratic government. If they are to avoid the misguided professionalism of 'Nazi' public servants—in providing technically competent policy advice to the government of the day come what may—Queensland's bureaucrats need a code of conduct that will allow them to bring their personal and political values into play in making ethically difficult decisions.

We will return to EARC's code of conduct for public officials below. For the moment, a particular case may provide us with an initial insight into the limits of these proposals for a more democratic and organic bureaucracy. In August this year The Australian reported on a decision of the Tasmanian Ombudsman, concerning a senior public servant who had refused to implement a policy requiring the installation of condom vending machines at Hobart's Elizabeth College. Commenting that "the purpose of colleges is to educate students, not to stop them getting pregnant," the
public servant argued that he was prevented from adhering to this policy of the government of the day by his religiously-based moral convictions. In ruling that the bureaucrat had acted improperly, the Ombudsman formulated the following general dictum: “A public servant’s moral views are not an appropriate basis on which to make an informed administrative decision.”

One doesn’t have to travel as far as Bosnia to suggest that community values may be less benign than McKenna presumes. Neither need one be a dedicated pessimist to wonder whether history will ever deliver community consensus on divisive moral issues. But these doubts prompted by the Tasmanian case are only pointers to a far more fundamental problem with the Pusey and McKenna diagnoses of bureaucracy ethical malady. In proposing that the non-democratic character of bureaucratic government derives from its failure to express the values of bureaucrats as citizens or community members, these diagnoses make a number of implausible assumptions. In particular, they assume that the ethical domain is unified and that the role of the bureaucracy in a democracy is to function as the instrument of this moral will.

The model for this unified moral domain—which Pusey locates in ‘culture’ and ‘ordinary life’—is the philosophical ideal of the integral moral personality whose actions are determined by fundamental moral principles. What the Tasmanian Ombudsman is objecting to, however, is in fact the failure to distinguish between the different conducts required in discrete ethical domains. It is precisely by claiming to act on conscience—that is, as a unified moral personality—that the public servant in question fails to honour the duties and capacities (the ethical persona) invested in him by his office. The moral and intellectual conditions of bureaucratic judgement do not and cannot lie in the moral and instituted ethos of bureaucratic office. While acting in his official capacity the public servant’s moral comportment must be governed by the ethos of his office, not by the ethic of his religious beliefs. In making this demand the Ombudsman is insisting on norms of conduct first described in Max Weber’s classic theory of bureaucracy.

Weber refused to accept that there was a unified moral personality underpinning and unifying human action, and this refusal is sometimes traced to his Nietzschean leanings. Still, in the case of his account of bureaucracy, this ethical particularism is less philosophically than sociologically and historically based. For Weber, the differentiation of public administration from private conscience is not a moral failure but a historical achievement rooted in the sociological organisation of the bureaucracy itself.

According to Weber, modern bureaucracies, unlike patrimonial officialdoms, are not characterised by the official’s personal loyalty to the chief or lord. The actual organisation of the bureaucracy—fixed salaries, tenure, strict jurisdictional demarcation, hierarchical organisation, procedural operations—creates the social circumstances in which the official’s first loyalty is to the office itself. Weber also emphasised that in modern bureaucracies access to office is dependent on trained expertise, and that the official’s capabilities are the result of ‘habitual virtuosity’ in specialised office routines—the recording and storing of data on files, procedurally determined analysis and decision-making.

What Weber called the ‘ethos of office’—the capacity of public servants to comport themselves according to the routines, norms and objectives of the bureaucracy itself—thus cannot be seen as simply the expression of WASP values. Neither can it be understood as the corporate failure of bureaucrats to act on the principles of a collective moral personality located in culture, community or the ‘public sphere’. Weber sees the bureaucratic ethic as a positive and irreducible human comportment arising for the technical-ethical organisation of the bureaucracy itself.

For Weber, bureaucratic ‘faculties’ of analysis, decision and action do not derive from the conscience and consciousness of individual bureaucrats but from technique-based intellectual practices built into the organisational routines and structures of the bureaucracy itself. This then is the ultimate reason why it makes no sense to assess the non-democratic character of bureaucracy in terms of its failure to represent a more fundamental political will or ethical principle. The conduct of bureaucrats in their official capacities is not the expression of a fundamental moral personality (the community, the people) to which they might be held ethically responsible. Rather, this conduct is part of an ethical and intellectual comportment arising from the bureaucracy as an autonomous ‘life-order’ and as a set of administrative techniques.

If Weber is right then it’s vain and fruitless to attempt to judge and govern the conduct of bureaucrats according to criteria deriving from other departments of ethical life. This is particularly the case where the proposed standards are derived from the overly ‘principled’ character of these ethics that makes them incapable of comprehending the specific character of the bureaucratic ethos and its radical independence of religious and humanist moral absolutes.

In this regard it needs to be kept in mind that at the time of its historical emergence—in the period of the European religious civil wars, fought in the name of various moral absolutes—it was precisely the bureaucracy’s capacity to divorce public administration from private moral passions that made it the privileged instrument of a new and radically pragmatic statecraft. This is not to say that all attempts to found government on
religious or humanist principle lead straight to Bosnia. It is to say though, that the capacity of bureaucracy to divorce politics from absolute principles—and thereby raise the survival of the state itself into the touchstone of political morality—is a contingent historical achievement that those of us who live in pacified societies should not take for granted. We are in no danger of forgetting the evils—including those caused or exacerbated by democracy—against which they offer protection.

This might seem a vast backdrop against which to stage our return to EARC's proposed code of conduct for Queensland's public servants. In fact the distances involved are not as great as they first appear. The need for a review of the existing codes of conduct for public officials was firmly signalled in the 1989 Fitzgerald Report, a document which has acquired a political status in Queensland public life verging on that sometimes according to constitutions. It is not only that all political parties swear to uphold its recommendations. 'Fitzgerald' has also functioned as a symbol of a more general spirit of political renewal which has had effects in domains about which the report itself had little to say. For example, that the introduction of 'corporate' models of management into the Queensland public service has been accompanied by attempts to reform and strengthen equity and merit-protection systems, is at least partly the result of the post-Fitzgerald climate of reform. This context has also provided an ideal environment for reform proposals, like McKenna's, aimed at bringing bureaucracies into line with community values.

Clearly much of the impetus for EARC's review of current codes of conduct for public officials is a reaction to the corruption associated with the Bjelke-Petersen government. Nonetheless a good proportion of the recommendations coming out of the Report are anything but local in their provenance. In fact the proposed codes basically out of the Report are anything but local in their provenance. In fact the proposed codes basically represent a reassertion of the classic Weberian anti-patronage ethos of bureaucratic office in the face of a previously established culture of cronyism. Thus a good proportion of the Report's recommendations is devoted to clarifying the duties of officials in relation to matters such as gifts, loans and entertainments, registerable interests, political activity, use of official influence to secure promotions, transfers, appointments and so on.

In a similar fashion, the Report emphasises the importance of respecting the merit principle, especially in personnel decisions internal to the public service. This is partly intended as a counterweight to trends favouring the politicisation of the public service; but it is also a response to 'corporate' managerial trends away from precise definitions of official tasks, tenure and promotion on the basis of seniority in favour of setting broad objectives (accomplishment of which is left to the initiative of officials).
personal values can and must figure as one ingredient at least in the public servant's deliberations in respect to ethical problems which arise in the context of their work.

This is perhaps a case in which the Report writers have been poorly served by the language and thought of modern 'personalist' moral philosophy. Such philosophy is constitutionally incapable of distinguishing two quite different senses in which values might be 'personal'. Values may also be personal in the sense of simply providing a focus for individual moral commitment and ethical action. Clearly the two senses are not identical. Individuals can and do find a (personal) focus for moral life in ethoses that derive from impersonal ethical institutions, rather than their own individual moral reflections. It is in this sense that bureaucrats can and should be personally committed to the ethos of their office even though that ethos lies outside their personal moral predilections or principles.

The implication of this is that a single individual may be implicated in multiple ethical 'personalities'. This can lead to confusion, particularly where our habits of ethical reflection assume the existence of a single unified moral personality or conscience. Neither is the confusion helped by the existence of values that overlap different ethical personas or domains; for example, honesty and integrity, which are required in public service and in private friendships. But it is made much worse by the feeling that the ethos of bureaucratic office at bottom amounts to nothing more than a set of formal procedural rules which are devoid of substantive ethical values and hence of anything capable of engaging officials' personal commitments. Something like this feeling is responsible, at least in part, for the EARC Report's attempt to pretend that its code of conduct really derives from a higher code of ethics 'proper', a set of fundamental principles appropriate to a democratic society.

Certainly, bureaucratic ethics can never be reduced to formally-defined conduct—least of all in the era of new managerialism. There may also be good and practical reasons for attempting to incorporate into the Code more general principles of democratic conduct which are distinct from the traditional bureaucratic ethos. Such principles might for example help to facilitate the procedures of Freedom of Information and Judicial Review, by framing them in terms of the rights of citizens to initiate reviews of bureaucratic decisions. Yet such principles will themselves necessarily be limited by the bureaucratic character of the review procedures. Review requests are indeed passed to the officer responsible for the decision in question. But in reviewing the decision the officer is not required to bring it before the bench of his or her 'innermost' conscience, only to decide whether it was taken with due care in accordance with promulgated policy guidelines. Verification is provided by the officer's supervisor.

The notion that the bureaucracy is a substantive ethical domain in its own right, and the associated idea that individuals are involved in multiple ethical personas and modes of conduct, are no doubt difficult to assimilate, particularly from the perspective of a personalist morality committed to the generalisation of democratic participation. However, the attempt to democratise bureaucracy by grounding it in personal morality may in fact squander an important ethical and political resource: the bureaucracy's capacity to divorce the administration of public life from moral absolutes with their incentive to social fanaticism.

It is encouraging in this regard that, in some other social and legal domains, commentators have been arguing for an approach similar to the one we have been advocating. The American philosopher Amelie Rorty, for example, argues that taking a less fundamentalist view of the rights of the person might lower the social temperature of the abortion controversy:

In the case of the abortion issue...apparently conflicting intuitions on the primacy of theological, biological or sociopolitical criteria for personal identity might be reconciled by regionalising their respective dominance. Even if a particular sectarian theology classifies the fetus as a person, nothing follows about the propriety of importing that particular theological conception to legal and political contexts. However detailed and articulated it may be, a theological doctrine does not, by itself, establish the propriety of its dominance in a non-theocratic legal system.

Similarly, in a non-theocratic administrative system, the bureaucracy occupies an autonomous ethical region that should be strenuously defended against both religious and humanist moral fundamentalisms.

To conclude, there may be a compelling case for making certain bureaucracies more accountable and responsive to the publics they serve. It is even possible that some services currently performed by big state bureaucracies might be better run by smaller civic ones. This is a pragmatic question concerning the efficiency and equity of service delivery, rather than an issue of principle. Whatever the case on this issue, it is important not to lose sight of the bureaucracy's crucial civic and ethical role in separating public administration from moral absolutism. Our concern has been to remove bureaucracy from the 'amoral' limbo to which so much contemporary thought on the shape of 'a democratic society' consigns it, to restore to it something of its civic autonomy and ethical gravity.

IAN HUNTER and JEFFREY MINSON teach in Humanities at Griffith University.