

Promiscuously Partisan? Public Service Impartiality and Responsiveness in Westminster Systems

Abstract

Public servants in Westminster countries are being drawn into the limelight by demands from their political masters that they publicly defend policies. Critics suggest these conditions undermine the capacity and willingness of senior public servants to manage the enduring Westminster tension between serving elected governments and remaining non-partisan. Interviews with senior officials from Australia, Canada, and the United Kingdom challenge this pessimistic view, showing that officials consistently stress the importance of not ‘crossing the line’ when dealing with their elected masters. Two exploratory case studies are presented – one of an Australian ministerial department (Treasury) and another of a Canadian quasi-autonomous agency (Statistics Canada) - in which public servants faced pressure to defend controversial government policies. These cases show how contemporary public servants actively interpret, establish and defend the line between appropriate responsiveness and inappropriate partisanship in Westminster systems.

Introduction

The governance environment of the twenty-first century has changed in ways that are drawing the once secretive mandarins of Westminster countries into the public eye. An increased emphasis on transparency and accountability has seen senior public servants face intense public questioning from parliamentary committees (Grube 2014). A 24/7 news media aggressively pursues drama, conflict and scandal in government (Hajer 2009; Savoie 2008). Politicians stand accused of inappropriately pressuring public servants to promote and defend government policies (Aucoin 2012; Bakvis and Jarvis 2012). Senior officials are taking on more public speaking roles, leading Rod Rhodes (2011, 9) to argue that “nowadays, senior civil servants speak in public almost as often as ministers.” Former Australian Public Service Commissioner Andrew Podger recently argued that it is no longer tenable “...for senior officials to keep their heads down, say as little as possible in public and discourage their staff from any public engagement” (Podger 2014).

These developments worry some prominent commentators, who fear that these new pressures undermine the cherished Westminster tradition of permanent, “impartially loyal” public services. The idea of a permanent civil service is a cornerstone of Westminster governance. Unlike governments that come and go, public services are supposed to endure, providing a source of continuity, reflective experience and stability. Public servants ideally act as the “custodians” of Westminster traditions, educating incoming governments on the importance of established conventions (Wanna 2014). Yet critics of recent developments, including the late Peter Aucoin (2012), and Donald Savoie (2003; 2008), argue the capacity of public servants to act as custodians of proper practice has all but broken down, especially amongst the senior ranks. These developments allegedly began with the new public management, when the established balance of power between the political and bureaucratic executive was altered in favour of politicians. But the shift has continued, to the point that the top echelons of public services in most Westminster countries now face real pressure to be “promiscuously partisan” (Aucoin 2012). Ralph Heintzman argues that senior public servants have in fact lost sight of the

importance of maintaining a “boundary” line between “political and public service values” (2014, 11).

Despite the seriousness of these alleged developments, there is a relative dearth of substantial empirical evidence to back up claims of promiscuous partisanship and a collapse of administrative impartiality. In particular, there is a lack of evidence from public servants themselves on whether they recognise the portrait of promiscuous partisanship that has been applied to them. To begin to address that question, in this paper we ask: *how are senior public servants responding to new pressures to publicly promote and defend government policies?* We draw upon in-depth, semi-structured interviews with 42 senior public servants in Australia, Canada and the United Kingdom. Our interviewees were current and former staff from a variety of ministries and agencies. We asked them about their experiences in publically explaining, advocating for, and defending government policies, and the extent to which they exercised their own judgment when doing so.

We argue that the critiques offered by Aucoin, Savoie and others realistically capture the pressures public servants face but then overstate the extent to which public servants are cowed and unable to resist government pressure to play partisan roles. Public servants continue to reflect on the distinction between appropriate responsiveness and inappropriate partisanship, and although they vary in where they ‘draw the line’, all have an ethical commitment to avoiding both the perception and the reality of political involvement. In the latter part of the article, we test that commitment through two case studies that help to outline how public servants actively balance responsiveness with public independence. The first case is the public disagreement between the Australian Prime Minister and Treasury Secretary during that country’s 2013 election, and the second case is the 2010 resignation of the Canadian Chief Statistician as a protest against government interference in official statistics. In both cases public servants acted as reflexive practitioners: they tried to determine how to be both impartial and loyal in the context of unprecedented pressure to publically support the government of the day.

The paper is organised as follows. In the next section we examine existing theories that provide frameworks for understanding administrative responses to political pressure in Westminster systems, contrasting the theories of Aucoin, Savoie, and Rhodes and his collaborators. Following this we present the findings of interviews with senior officials in which they were asked to reflect in general on contemporary pressures to support the government of the day in overt ways, whilst still independently asserting their non-partisan status. The next two sections present the Australian and Canadian case studies. In the conclusion we reflect on the implications of our findings for the future of impartial loyalty in Westminster systems.

Theorising Administrative Responses to Political Pressure

The contemporary pressures under which senior public servants in Westminster systems operate have been widely documented (Aucoin 2012; Bakvis and Jarvis 2012; Bevir and Rhodes 2010; Rhodes 2006; 2009; Rhodes, Wanna and Weller 2008; 2009). In this section we explore how researchers have characterised the ways public servants are responding to these pressures. We categorise these into three broad theoretical perspectives: an *institutionalist* approach, reflected most clearly in Aucoin’s (2012) notion of the “new political governance”; a *rationalist* approach; exemplified in Savoie’s work on the breakdown of the “traditional bargain” (2003) and the rise of “court government” (2008); and an *interpretivist* approach, embodied in work by Rhodes, John Wanna and Pat Weller (2009), Mark Bevir and Rhodes (2010), and Rhodes (2011), which

suggests public servants are responding in reflexive and creative ways to these developments. As we show below, the institutionalist and rationalist approaches underestimate the degree of agency remaining to public servants, who we suggest are neither obedient ciphers nor predictable opportunists. The interpretive approach, in contrast, suggests public servants continue to play an important role in shaping the relationship between political and administrative elites as their beliefs about what Westminster *is* lead them to pursue particular behaviours in practice.

Institutionalist approaches: Institutionalism has become a dominant paradigm for explaining the evolution of government systems, including bureaucracies. Although there are many variations on the institutionalist theme (for discussions see Bell 2011; Schmidt 2010), they share in common a belief that established structures, which can be “hard” (e.g. laws and organisational hierarchies) or “soft” (e.g. prevailing discourses and established conventions), strongly determine how actors behave, especially when confronting novel situations. Aucoin (1995; 2012) takes up an institutionalist approach in his analysis of changing pressures in Westminster public services. His early work addressed how new public management reshaped the relationship between governments and public services (Aucoin 1995). He concluded that NPM did not represent a fundamental dismissal of Westminster, nor a breakdown of the important distinction between political and public service roles. Rather, it reflected an effort to formalise and institutionalise these distinctions, using mechanisms such as performance targets and contracts, in a context where public bureaucracies had grown vastly bigger, making the traditional mechanism of ministerial oversight unworkable (Aucoin 1995). However, in more recent work, Aucoin argued things had taken a turn for the worse:

Over the past three decades, however . . . NPM has transformed into a form of politicization that explicitly runs counter to the public service tradition of impartiality in the administration of public services and the nonpartisan management of the public service. This politicization I call New Political Governance (NPG). I do so to distinguish it from the initial NPM efforts of political executives to control their public service bureaucracies and not be undermined or obstructed by them as in the “Yes, Minister” script (Aucoin 2012, 178).

The consequences of NPG for the Westminster ideal of impartial loyalty are said to be grave:

In contrast to legitimate democratic control of the public service by ministers, NPG constitutes a corrupt form of politicization to the extent that governments seek to use and misuse, even abuse, the public service in the administration of public resources and the conduct of public business to better secure their partisan advantage over their competitors . . . At best, this politicization constitutes sleazy governance; at worst, it is a form of political corruption that cannot but undermine impartiality and, thereby, also management performance to the extent that it assumes management based on nonpartisan criteria (Aucoin 2012, 178; see also Bakvis and Jarvis 2012, 17).

Aucoin argues public servants in this context are forced to be political actors. Senior appointments are “personally politicised” meaning they are made and unmade at the behest of first ministers. There is also an “an assumption that public service loyalty to, and support for, the government means being promiscuously partisan for the government of the day”, which is intensified by the centralisation of messaging and the “continuous campaign”. These new pressures are backed by a range of new institutions, introduced by governments and foreign to the Westminster pantheon, including communication shops in central agencies that aspire to control all government and public service messaging, partisan political staff in ministers’ offices, and temporary contracts for top officials. Aucoin argues “the pressures contributing to NPG . . . are virtually the same everywhere, affecting all Western democracies”. “The consequences and responses vary, however” and Aucoin sees differences in “institutional features” as the key factor in determining how far NPG progresses. New Zealand, for instance, is seen to have largely escaped NPG, because it institutionalised a process for independent appointments of top public

servants (ibid, 188).

Rationalist approaches: Other theorists deemphasise institutions and stress the role of environmental conditions and individual actors who are driven largely by conceptions of self-interest. This approach is encapsulated in Savoie's work on the evolution of public service roles in Canada (2003; 2008) and the United Kingdom (2008). Savoie argues that the Westminster model is not defined by a particular set of institutions. Instead, its core characteristic is an absence of institutions - or rules - and an overwhelming reliance on loosely defined, flexible conventions (Savoie 2003, 5). In this context, stability and change are a product of interactions between actors and the broad political and governance environment in which they operate. Savoie's work draws on the "bargain" metaphor (see also Hood and Lodge 2006), to suggest there was a "traditional bargain" forged and upheld during the "golden age" of Westminster public service (the post World War Two years), captured in the notion of ministerial responsibility and public service permanence/anonymity (Savoie 2003, 17). In recent decades this bargain has broken down because of societal and political shifts, as well as NPM reforms. In this new context, actors see their self-interest differently. Politicians feel they can gain by attacking civil servants, and ministers increasingly "show no remorse" when "pointing the finger" at their unelected subordinates (Savoie 2003, 10). In response, rational officials do not fight back, but become adept political strategists: "successful deputy ministers today have developed a capacity to detect and manage emerging political crises" (Savoie 2003, 19).

In later work Savoie gives particular attention to the increasing aggressiveness of the media, who seek out scandals, happily identify public servants, and routinely accuse them of wrongdoing (2008). This pressure has been compounded by the steady concentration of power in the "court" of the prime minister, meaning the only way to survive and thrive at senior levels of public services is to demonstrate and display personal loyalty to the PM by championing the government's policy agenda and fending off persistent media criticism. Savoie suggests this scenario has destroyed prospects for impartial loyalty, since the "[b]oundaries between the political and administrative worlds have collapsed, especially when dealing with the media." This ultimately harms good government as public servants now constantly struggle to "reconcile the relentless demands and attacks of the media with sound policy planning and long term thinking" (Savoie 2008, 158). A rationalist account thus suggests public servants are behaving to protect their own careers, individually exploiting the new political conditions for their own personal gain, at the expense of the Westminster tradition of civil service impartiality.

Interpretivist approaches: The third major approach to studying public service behaviours in contemporary Westminster systems focuses on the cognitive and intersubjective processes whereby actors make sense of their worlds, attempt to solve problems and bring coherence and stability to erratic settings and conflictual situations. According to this approach, Westminster cannot be reduced to a set of institutions, nor a series of power bargains (though these may be present and important). Westminster instead is understood primarily as an idea or construct that is shared amongst key actors. Westminster is a "tradition", defined as a "set of inherited beliefs about the institutions and history of government" (Rhodes, Wanna, and Weller 2009, 27). This interpretivist approach is summarised in the introductory chapter of this special issue.

These scholars have explored bureaucratic responses to the new pressures empirically, using elite interviews and ethnographies (see for example Bevir and Rhodes 2010; Rhodes 2011). Their accounts of public service responses are less clear-cut than the institutionalist and rationalist portraits. Actors are observed in the process of creatively defining and redefining Westminster traditions in response to dilemmas. In the wake of NPM, Westminster is being invoked by senior public servants to reassert the importance of independent and permanent

public services, but it is also being reinvented, with officials updating the meaning of constructs like impartiality and loyalty for the demands of the twenty first century (Rhodes, Wanna, and Weller 2009). Westminster public servants are therefore found to be reflexive, meaning they can understand, reflect on, and change their behaviour in response to criticism. Thus an interpretivist approach suggests Westminster public servants are not powerless to confront the pressures they face, because they retain a high degree of agency in how they construct their worlds.

Practitioners Interpret New Pressures and Roles

To empirically test the purchase provided by these three theoretical lenses, in this section we draw on interviews with senior public servants in which we asked them about the new pressures they face to more publically perform their roles in ways that are supportive of the government of the day. Our data were drawn from 42 semi-structured interviews conducted with current and recently retired senior public service leaders in Australia (n=9), Canada (n=22) and the United Kingdom (n=11).¹ The interviews were conducted between 2010-2015. Interviewees included senior officials who have served as heads of ministerial departments and/or statutory agencies (n=31) along with a smaller group of lower ranked senior managers (n=11) – focussing mainly on the Statistics Canada case study outlined further below.² All interview respondents were guaranteed anonymity, so the data referred to in the sections that follow have been de-identified.

If the institutionalist and rationalist accounts are correct, the relentless, omnipresent pressure on mandarins to support government policy and take political flak should have largely undermined the distinction between appropriate responsiveness and improper partisanship in the minds of officials. On the other hand, if the interpretivists are right, we should expect to see senior officials actively thinking about new pressures, trying to determine what they mean for established practice, acknowledging criticisms and dangers of “business as usual”, and attempting reflexively to chart a new course of practice. As we demonstrate below, our data do not fully support institutionalist and rationalist theories, but fit closely the interpretive position.

Interviewees acknowledged that the new pressures on public servants are real and powerful, but they are not uniform. The strongest pressures appeared in Canada, where public servants painted a picture of the Harper government’s style that was similar to the portraits provided by Aucoin and Savoie. In the Canadian context, the mandarins reported being increasingly reticent about making appearances in public because of the strong centralisation of messaging, and the increasing political belligerence towards public servants who did not toe the line. Reflecting on the Harper government, one interviewee commented: “I would say there's quite a chill over senior public servants or any public servants for that matter, talking publicly. And that I think is a change. It wouldn't have been a big deal like 10 years ago, 15 years ago” (Interview 1). This chill extended to public service interactions with the media: “Nobody talks to a journalist without it going through a minister’s office, the Communication shop, and in most

¹ Due to space constraints, only 12 of the 42 interviews are explicitly cited here, but the citations selected are representative of the broader sample. All interviews were audio-recorded and professionally transcribed.

² Sample selection for the 31 secretary level interviewees was based on those who had held such a position at some point over the past two decades. This allowed us to assess change over time in the interpretations of senior public servants themselves about their own roles, covering a two-decade period in which critics argue that a marked deterioration in standards has occurred. In each jurisdiction, the sample included leaders from central agencies – such as the Cabinet Office or equivalent – as well as those from bigger service delivery agencies such as Education or Health. This was to allow an assessment of whether distance from the centre had an impact on individual interpretations of whether “the line” between partisanship and appropriate responsiveness should be drawn.

cases the only people who talk to the media are the Communications people. And that's been a very big change, and in the Harper government" (Interview 2).

Whilst these political pressures were strongly on the mind of Canadian public servants, other jurisdictions noted similar pressures. In Australia there was - at the time of interviewing - a perceived threat to the employment security of senior public servants who made politically ill-chosen comments. This was partly driven by the Gillian Triggs affair of 2015, during which the Prime Minister and Attorney General publicly attacked Professor Triggs, the statutorily independent Human Rights Commissioner, for criticising the government. Also high in the minds of public servants were the sackings of senior officials deemed to have been too publically associated with the policies of the previous government:

I suspect that fairly recent events, particularly a perception caused by the dismissal of four departmental secretaries after the last election, and it was largely those secretaries who did have a fairly high profile...I think that had an effect on the Commonwealth Government bureaucracy and senior public servants of probably a much greater level of caution of speaking publicly than had existed in the ten or 15 years before that. (Interview 3)

In the UK, interviewees certainly recognised the same pressures, but on the whole did not evince the same degree of fear about the impact on their ability to maintain their independence. Officials described themselves as quite prepared to "advocate, explain, defend, promote the government of the day's policy" (Interview 4), but remained clear that this would be done in non-partisan ways in keeping with Westminster tradition. This affirms that, while these pressures are to be found across the Westminster world, they differ between countries and also incumbent governments.

Theories of new political governance and court government argue traditional demarcations between responsiveness and partisanship have broken down. In contrast, we found these distinctions alive and well in the minds of senior officials, who consistently spoke of the importance of respecting "the line": "I think for us, it's important we're seen as being impartial and not overstepping the line and for me, it's a very clear line" (Interview 5). There was a spectrum of views on where to situate this line between appropriate behavior and inappropriate or partisan activity, but interviewees consistently used the adjectives "political" and "partisan" to denote activities that were on the wrong side of the line.

Some interviewees were self-described "traditionalists": "I'm like the traditionalists. I think the faceless bureaucrat is an objective I want to aspire to. Ministers are the ones who should get the attention and have a profile in a public place" (Interview 6). At the other end of the spectrum were officials we call "enthusiastic explainers." These public servants saw it as a major part of their job to be a conduit for the government, but expressly in a non-partisan way. "[I]s your job to communicate what the government's trying to achieve in a non-partisan way? I think that's actually part of the job...that deputy ministers have a big job to go out and be reaching out and to both communicating out to Canadians and also to listen to bring back in" (Interview 1). Despite disagreement on the precise location of the line, all interviewees felt there was still a meaningful and important boundary, which should at all times be respected.

Institutionalist and rationalist approaches portray public servants as either disempowered victims of political manipulation, or opportunists who act primarily out of self-interest. Either way, their agency is circumscribed. In contrast, we found that interviewees consciously allowed themselves room for free action, whilst keeping a weather eye on the comfort levels of their minister with this behaviour. For example, interviewees talked about the importance of giving speeches for explaining government policy and developing connections and relationships with

crucial stakeholder groups in the community. When giving public speeches, most interviewees adhered to a line on their responsibilities that meant that they should keep their minister informed of what they were doing or were likely to say, *but not seek their permission or their guidance in choosing their comments*. When quizzed on why, one Canadian interviewee said: “I would as a courtesy, so there’s no surprises” (Interview 1), and one Australian interviewee confirmed that “[e]very speech I gave was sent to the [minister’s] office at least 24 hours before hand” (Interview 3).

Those that didn’t regularly clear their speeches reflected that it perhaps had been an oversight. Indeed, the most cautious traditionalists were at pains to ensure anything they said publicly would not discomfort their minister. One UK interviewee stated that they “would never have given any of those speeches which were likely to get a public profile in any way, without clearing them with the minister and there was no real difficulty about that” (Interview 7). Others were prepared to defy the displeasure of their minister in order to guard their right to present certain facts in a non-partisan way. These accounts reveal a degree of agency. The practices surrounding speeches are not exclusively deferential, even under the most controlling governments, but nor are they rebelliously independent. Public servants are conscious of the potential for perceptions of political bias to arise, as well as the possibility of political blowback, but rather than simply avoid these risks, they devise ways to balance and manage them.

These accounts give us insight into how public servants characterise their own motivations and behaviours in response to new pressures. In order to test how these interpretations are reflected in the actual behaviour of senior public servants when confronted with dilemmas, we now turn to two in-depth case studies. The first is the public conflict between Australian Prime Minister Kevin Rudd and Treasury Secretary Martin Parkinson during the 2013 federal election; and the second is the controversy surrounding the Canadian Conservative Government’s decision to scrap part of the country’s population census in 2010. The first case involves a ministerial department, while the second involves a quasi-autonomous agency. These two cases therefore give us scope to take into account the effect of different degrees of institutional autonomy in our discussion of responses to new political pressures.

Case Study 1: Prime Minister Rudd and the Treasury Figures

On 29 August 2013, in the heat of an election campaign that the polls suggested he would lose, Australian Prime Minister Kevin Rudd held a press conference in Melbourne. Accompanied by his Treasurer Chris Bowen and Finance Minister Penny Wong, Rudd was determined to attack the economic credibility of the Abbott Opposition. Referring to the Opposition’s recently released policy costings, Rudd told the assembled journalists, “it is quite clear that there is now a massive \$10 billion hole in the \$30 billion that they are claiming” (Rudd, Bowen, and Wong 2013). Treasurer Bowen went further by explaining how public service advice had been central to revealing the error: “There is an error of \$10 billion... This is based on advice from the departments of Treasury and Finance and the Parliamentary Budget Office which we are releasing today” (Rudd, Bowen, and Wong 2013).

Finance Minister Wong followed by releasing a Finance Department document about the likely budgetary impact of a specific Opposition promise to cut the number of public servants. This was accompanied by information from the Parliamentary Budget Office to back up the point that the savings projected from the proposed job cuts were much less than the Opposition was suggesting. At each point, Rudd and his two ministers emphasised the independent and

authoritative nature of the public service advice they were using. In response to one journalist's question on the Government's record on budget projections, Treasurer Bowen said: "In relation to costings, the Department of Finance and Department of Treasury are the Government's costers and I would invite you to look at their methodology which is very, very sound and which is very respected." (Rudd, Bowen, and Wong 2013).

Treasurer Bowen conceded, in response to questioning, that it was unusual to release advice given to ministers by their departments. "As I said before, releasing advice to Ministers is not something we do lightly. It's something we do after consideration" (Rudd, Bowen, and Wong 2013). Media outlets immediately seized on the comments from the press conference, with ABC news bulletins running with the story that the Prime Minister was claiming to have found a \$10 billion hole in the Opposition's costings. Importantly, these stories also noted the fact that the claims were based on Treasury analysis. As was noted in an ABC radio news report, "We've got copies of Treasury minutes and minutes from the Parliamentary Budget Office which have costed various measures that were announced yesterday by the Opposition." (ABC 2013).

Late on the afternoon of 29 August, several hours after the Prime Minister's press conference, the departmental secretaries of Treasury and Finance took the extraordinary step of issuing a media release to suggest that their advice had been misrepresented.

There have been a series of reports today regarding costings undertaken by the Department of the Treasury and the Department of Finance and Deregulation... These costings were not prepared under the elections costings commitments process outlined in the *Charter of Budget Honesty Act 1998*. At no stage prior to the Caretaker period has either Department costed Opposition policies. Different costing assumptions, such as the start date of a policy, take up assumptions, indexation and the coverage that applies, will inevitably generate different financial outcomes. (Parkinson and Tune 2013)

The Parliamentary Budget Officer, Phil Bowen, also put out a media release directly refuting the propriety, and accuracy, of the Government's claim.

When an individual parliamentarian or a political party chooses to publicly release a PBO costing that has been prepared on a confidential basis for them, it is inappropriate to claim that the PBO has costed the policy of any other parliamentarian or political party. Unless all of the policy specifications were identical, the financial implications of the policy could vary markedly. (Bowen 2013)

Immediately, the media story changed from focussing on Rudd's claims about the alleged \$10 billion "blackhole" to how the government had been openly rebuked by its own public servants. The newspapers the following day universally saw the government as having paid the price for being too tricky for its own good. The headlines told the story: "Treasury Pans Rudd Claim on \$10b flaw" (Kenny 2013); "Treasury backlash against \$10b hole" (Wright and Probyn 2013); and "Treasury Torpedoes Budget Attack" (Greber and Coorey 2013). The Government tried to brazen it out (see Lane 2013) by calling on the Opposition to release their full policy costings to clear up the dispute, but the damage had been done. In the words of one journalist, the intervention by the mandarins "signalled that a line had been crossed" (Shanahan 2013). But what exactly is the nature of that line, and what was it about the government's action that crossed it?

This was in the end not simply a dispute about costings, but a wider conflict over what public servants could legitimately be asked to do under the Westminster system. To quote Australian journalist and professorial fellow Michelle Grattan, "The departments and PBO heads are not trying to be political. Their intention is the opposite – they want to show they're apolitical" (Grattan 2013). Grattan concluded that Parkinson had been very clear in his intent:

“He and his public servant colleagues understand how the system should work – they have stood up for their own reputations and those of the organisations for which they work” (Grattan 2013). The actions of Parkinson, Tune, and Phil Bowen, demonstrate that public servants are capable of understanding the consequences of living in a mediatised world every bit as much as their political masters. They recognised that the actions of ministers in publicly releasing their advice placed them in the position of having to publicly adhere to the lines that they believed Westminster convention demanded of them. They demonstrated that responsiveness still has limits, and their actions were a corrective to any impression that structural and cultural changes towards an expectation of promiscuous partisanship have entirely stripped away the individual agency that senior public servants are willing and able to exercise.

In interviews with recently retired Australian senior public servants, they universally defended the actions of Parkinson and Tune, whilst recognising the complexity of the situation. Said one: “I think that what they did in that very difficult environment was correct because they needed to correct what was the advice they had given, and hadn’t given....Very unusual but I think in that instance it was really crucial because of the way in which in my view the advice that was given was clearly being abused for party political processes within an election campaign” (Interview 8).

The case highlights again the limitations inherent in Aucoin’s NPG thesis, and Savoie’s court government thesis, for capturing fully how ministers interact with senior public servants in Westminster systems. If, as Aucoin’s critique implies, institutional structures give senior public servants no choice but to act as the subservient lackeys of a dominant executive, how and why could Parkinson and Tune stand their ground without having to resign, or even be cast as having overstepped their roles as senior bureaucrats? The case suggests that senior public servants, with a clear idea of where “the line” is, still retain the institutional authority to act to defend it. The mediatised environment meant that this tension was played out on a public stage, rather than privately in a minister’s office, but the action was seen as legitimate by the media, academic commentators, and public servants alike.

Savoie’s conception of court government played out through an all-dominant prime ministerial office also does not provide a complete story. It is certainly possible to argue that Parkinson and Tune judged from the polls that Rudd was about to lose and made the strategic choice that their self-interest lay in publicly rebuking the prime minister in order to better position themselves to serve the incoming government. The first problem with this is that it undermines the thrust of Savoie’s argument about an all-powerful prime minister’s office. Clearly a prime minister who is publicly rebuked by senior mandarins is not all-powerful. Secondly, whilst strategic self-interest might have formed part of their decision-making matrix, it simply cannot explain all of Parkinson and Tune’s actions. Parkinson was told by the incoming government that he would be sacked within the year, hardly a result suggesting that he was pursuing a savvy agenda of career self-interest.

The most promising theoretical framework for explaining this episode remains an interpretive explanation that allows for the intelligent exercise of individual agency by the secretaries involved. Yes, they clearly recognised that they had the institutional power to act, and that it was strategically viable to do so given that a change of government was likely, but their beliefs about where the “line” resides in a Westminster system drove the outcome. The interview data from senior public servants highlights that they are constantly calibrating and weighing the complexity of modern government against the continuing power of Westminster traditions as they interpret them. When they need to act to defend their interpretations of those traditions, they will do so. Their preference is to do so privately, working in partnership with the minister to

avoid public disputes. But where that is not possible, they are willing to stand their ground publicly.

Case Study 2: Cancelling the Canadian Census

The previous case study explored bureaucratic responses to political pressures in the case of a ministerial department. What happens when an arm's length agency confronts similar pressures? Here we examine the sudden and highly controversial Canadian government decision to terminate the "long form" component of Canada's national census,³ announced in late June 2010. The long form census is the administrative responsibility of Statistics Canada (StatCan), an agency that has historically enjoyed significant operational autonomy from Canadian governments (Worton 1998). After outlining the key events of the episode, we explore how well Aucoin's institutionalism, Savoie's rationalism, and Rhodes et al's interpretivism fit the case.

In accordance with statistical legislation,⁴ the Cabinet of Stephen Harper's Conservative government was asked in January 2010 to approve of the 2011 Population Census, a decision that is typically perfunctory. It did not, and in June, the Minister responsible for the census and StatCan, Tony Clement, announced the cancellation of the long form census and its replacement with a voluntary "National Household Survey". The government justified the decision on the grounds that compelling people to divulge the details of their living arrangements, with the threat of jail time, was unacceptable. The minister suggested he had received numerous complaints from constituents, though he was unable, under subsequent questioning, to show evidence of significant public concern. The government's announcement was met with a firestorm of criticism from across the political spectrum. Feeling the pressure, the Minister claimed Statistics Canada advised him that switching from a compulsory census to a voluntary survey would not harm the validity of the data. The Chief Statistician and Head of Statistics Canada Munir Sheikh then took the extraordinary step of resigning because of this ministerial assertion (Interview 9), and subsequently proclaimed publicly that his agency never gave such advice.

Superficially, this chain of events appears to confirm Aucoin's argument about new political governance and the importance of institutions. Although an autonomous agency by convention, StatCan lacks formal institutionalised independence; the minister can instruct the Chief Statistician on all matters, and as a Deputy Minister, the Chief Statistician can be dismissed by the government.⁵ Furthermore, there is evidence that Statistics Canada was placed under pressure by new institutions of the kind Aucoin singles out, including the Harper government's centralised communication shop, to defend the government's decision. According to documents obtained by the media under access to information provisions, communications staff within the Prime Minister's Office and Privy Council Office spent months devising a "media plan" before the announcement of the decision. Documents show StatCan was directly involved in the development of the media plan to combat political criticism of the decision:

... a handful of senior Statistics Canada officials were working closely with the Privy Council Office and [the Minister's] staff on a communications plan two months before the decision was made public — and were even strategizing how to stagger emails informing staff members and others of the news (Postmedia News 2011).

³ The short form component was a short questionnaire mailed to all households, while the long form was a much longer demographic survey mailed only to one in five households to save costs.

⁴ *Statistics Act 1970-71-72*, c. 15, s. 20.

⁵ *Statistics Act 1970-71-72*, c. 15, s. 4, 7.

These documents show political staff in the Minister's office actively instructed StatCan staff to remove references to the government's decision in their messaging so as to deflect criticism:

Two of Clement's staff members instructed Statistics Canada officials to delete the phrase "as per government decision" . . . "This would bring the letter more in line with the communications strategy I discussed earlier with StatsCan officials," wrote Erik Waddell, Clement's director of communications. The phrase "as per government decision" is blacked out repeatedly in the documents released to Postmedia News (Postmedia News 2011).

Similarly, ". . . the first item on a July 6 memo outlining Statistics Canada's 'key messages' for media read: 'The government is not interfering with Statistics Canada's affairs'" (Postmedia News 2011). StatCan officials were thus under political instruction to participate in a public defence of the policy change, and to use strategic timing and wording to deflect criticism from the government.

These new institutional pressures also help to explain why the government was successful at getting its change through, where previous governments that had tried to cancel the census had failed. In 1984, the incoming Mulroney Government announced it was cancelling the long form census. Yet it quickly backtracked because, according to an interviewee, other ministers objected at the time, and pointed to the importance of the data (Interview 10). This observation is supported by the first hand account of the responsible minister in the Mulroney Government (Currie 2010). Yet ministers also objected in 2010, to no avail. According to an interviewee, following the Cabinet meeting at which the long form census was not approved, the ministers for Finance and Industry communicated their concerns directly to the Prime Minister:

. . . letters had gone from the Minister of Finance and the Minister of Industry to the Prime Minister expressing their concern about this . . . It caused a fair stir at a stratospheric level of the bureaucracy, when you get Ministers writing or communicating in some formal fashion to the Prime Minister saying this has serious issues related to it (Interview 10).

Yet the Prime Minister held firm, and the ministers subsequently made no public protests. The existence of a powerful central communication shop likely played a part in dissuading these ministers from taking their objections further.

These events also lend support to elements of Savoie's rationalist theory of court government. A major factor in dissuading internal opposition in 2010 was the concentration of power in Prime Minister Harper's court (see also Flanagan 2009; Martin 2010; Wells 2013). As a result, ministers not only had fewer powers to object, but also faced a much stronger imperative to keep the PM's favour. Thus when the PM rejected their protests, the ministers behaved rationally, at least from the point of view of their short term, personal self-interest, and fell into line behind a dominating PM.

Yet while institutionalist and rationalist explanations capture some aspects of the controversy, they do not account for how StatCan officials behaved. Despite the sustained political pressure on staff to endorse and defend the government decision, agency officials did not (Interview 9). Official documents show that when the Chief Statistician was asked to explain the reason for the decision, he instructed the questioners to direct their enquiries to the Minister (Postmedia News 2011). This explicitly contravened the central communications strategy, which sought to remove references to the cancellation being a government decision. Furthermore, Sheikh's resignation does not fit with Savoie's suggestion that senior officials increasingly seek their own personal advancement by serving the immediate interests of the government at the expense of their colleagues.

We cannot then conclude StatCan officials were helpless victims or rational opportunists. An alternative interpretivist explanation would suggest that when public servants operate in these situations, with few rules but serious pressures to deviate from conventions, they act reflexively to rethink and reinvent traditions for the new circumstances. We find evidence for this in the census case. According to an interviewee, during the controversy senior StatCan officials became increasingly concerned that they were being drawn into a public defence of the government decision, and that this might go beyond the line of appropriate involvement and damage the agency's credibility (Interview 11). Adding to this, there was serious disquiet within the agency, with staff upset that a government could summarily terminate their flagship product without consultation, on such a flimsy justification (the privacy objections) (Interview 9). To deal with these immediate threats, the Chief Statistician began working with the Privy Council Office and Prime Minister's Office on a statement that would clarify Statistics Canada's position on the technical merits of the policy change. They came to a settlement:

. . . an agreement [was] brokered between Munir and the Clerk and the PMO . . . He would do a statement to StatCan, to the staff, which of course would leak. It was almost negotiated line by line (Interview 10).

In this statement, the Chief Statistician would explicitly affirm the agency's view that a voluntary survey was inferior to a compulsory census, putting responsibility clearly on the government for the cancellation decision (Interview 10).

Perhaps to pre-empt this statement, the very next day Minister Clement claimed in an interview that StatCan had advised him a voluntary survey was as good as a compulsory census (Chase 2010). In response, the Chief Statistician privately confronted PCO officials and demanded public clarification from the Minister, or alternatively that he be allowed to contradict the Minister: "Munir told the Clerk that the minister had to retract at least two of the statements then, or he had to be able to contradict them" (Interview 10). Sheikh's requests were turned down. Furthermore, the Clerk now withdrew the agreement on the wording of the internal statement, that had only just been finalised:

[Munir] was told . . . between the Clerk and Munir there was no agreement. And I think the Clerk had actually pulled something, a critical sentence out of Munir's statement that had been previously agreed to (Interview 10).

At this point Munir Sheikh resigned, and shortly thereafter appeared at a House of Commons Industry Committee hearing concerning the census decision. His testimony before this committee was highly critical of the merits of the government decision and flatly contradicted the Minister's assertion that StatCan had advised in favour of the cancellation (House of Commons 2010, 1044). Meanwhile his successor as Chief Statistician, Wayne Smith, gave an interview that confirmed the agency's preparedness to implement the government decision, but implied that the agency had not recommended the decision:

[Wayne Smith] was very careful. That interview he gave . . . I thought it was extremely well done . . . The critical phrase in Smith's interview is, "while a survey can't do what a census does this will be useful for many users". That is to the letter the phrase that Munir resigned over. So in his first public statement Smith put it out (Interview 10).

These senior officials were not hapless victims of government control nor opportunists ready to sell out their organisations and principles. They did not oppose government policy publically, but they took substantial risks and paid substantial prices. They did this in the process of feeling their way through new terrain, trying option after option that might allow them to retain a distinction between government policy and administrative advice. In the final analysis, when they felt

Ministers were crossing the line, the Chief Statistician resigned rather than being seen to acquiesce.

Holding the Westminster ‘Line’

In Westminster systems, which retain strongly embedded traditions about the non-partisanship of public servants, bureaucratic actors are very aware of the risks involved in being drawn into public political battles or being seen as inappropriately advocating on behalf of the government’s political agenda. The interview data and the case studies from Australia and Canada reflect how the actions of senior public servants seeking to protect their independence can be understood as efforts to publicly maintain the traditional line between responsiveness and politicisation. Such efforts have become more complicated because public servants are not only having to negotiate the normal tensions between loyalty and impartiality, but are having to do so in public and through the lens of the media.

In 2002, the outgoing UK Cabinet Secretary Sir Richard Wilson reflected on some of the dangers inherent in this shift:

Senior civil servants often work closely with politicians in an intensely partisan political environment. We have always done so. We are impartial but we cannot ignore politics or pretend that they do not exist.... We ought perhaps to ask whether the dangers of drawing civil servants into the political arena are growing. The political environment now includes much more news coverage around the clock, more competitive, more aggressive, more questioning, less respectful of authority. The public profile of civil servants is becoming more prominent. Our degree of scrutiny by Parliament is becoming more real, not least as Select Committees grow in importance. Our actions are becoming subject to greater public comment, as if we were figures in our own right rather than servants of the government. We have a strong gene against this. (Wilson 2003)

Wilson’s comments reinforce two crucial aspects that underpin the pressures examined in this article. Firstly they stress the extent to which public service anonymity has been a central feature of Westminster tradition up to this point. So embedded are the beliefs and practices that encourage anonymity that they are part of Westminster DNA, or as Wilson suggests, “we have a strong gene against this.” The second and corollary point is that once battles between ministers and public servants are played out in the public domain rather than the privacy of ministerial offices, negotiating mutually acceptable compromises becomes more difficult. The inherent tensions in the relationship between ministers and civil servants are now being played out on public stages, under the watchful gaze of a “less respectful” media. It is this increasingly public nature of the bureaucracy’s role that forms the backdrop for many of the pressures identified and examined in this article.

Aucoin and Savoie, through their arguments on New Political Governance and Court Government, have correctly drawn attention to the institutional shapes and questionable behaviours that have accompanied some of these pressures. For example, in an environment characterised by intense media scrutiny, it is perhaps unsurprising that “communications shops” have become such a central part of the armory of executive government. This in turn is linked to the need to control the message in a single, unified way, which has been one crucial contributor to the more general centralisation of power in the offices of prime ministers. In other words, the pressures that act on public servants are not felt by them in isolation, but impact equally on other actors within the core executive and beyond. The pressures are undoubtedly real, and are reflected in both the interview data and the case studies examined here.

We do not argue that such institutional changes, or the self-interested behaviour that may accompany them, should be discounted, or that they are not in many ways dangerous trends. They are an essential part of understanding the context within which public servants work. Rather, we suggest that in identifying these pressures, such institutionalist and rationalist analyses have too readily assumed that institutional shapes and behavioural incentives will automatically dictate what follows. There are undoubtedly examples of mandarins who have skated up to and even crossed the line into a form of promiscuous partisanship. Equally, it would be absurd to suggest that self-interest is not part of the decision-making matrix that senior public servants apply. But isolated cases should not be taken to equal the systemic end of vital Westminster traditions – at least not yet.

The evidence we have presented here suggests that there remains a strong ethical awareness amongst senior public servants in Canada, Australia and the UK about how far they can legitimately allow themselves to be pushed under a Westminster system. Even in the face of increasing political pressure, institutionalised through more powerful executives – where the rewards are perceived to flow from toeing the party line – public servants continue to demonstrate independent, reflexive agency. Without exception, our interviewees were reflexive in their approach, constantly willing to examine their own beliefs and practices and calibrate them to perform their simultaneous duties of loyally serving the government of the day whilst remaining determinedly non-partisan. All agreed that the line between the two was inherently blurry, and some admitted to having sometimes come closer to that line than they would on reflection have liked, but all avowed the need to retain an individual sense of where that line is.

Much more work remains to be done to establish how institutional factors and self-interest interact with Westminster traditions in different circumstances to shape behaviour. For example, there are clearly different institutional imperatives impacting on the secretaries of mainstream departments as compared to leaders of arms-length agencies, some of whom are protected by statute from the political dictates of the government of the day. Equally, central agencies – like departments of treasury, and departments of prime minister and cabinet – are subjected to different institutional pressures than line agencies administering large government programmes in areas like health, education, or environment. It remains to be established whether treasury secretaries are better positioned than those in more peripheral departments to publicly stand-up to the government of the day because of their independent responsibilities as guardians of the public purse.

Self-evidently, maintaining the line does not always result in the kind of dramatic public confrontations represented in our two case studies. The Australian Treasury Secretary and the Canadian Chief Statistician could be said to have pursued options of last resort in publicly rebuking the government of the day. But the cases demonstrate that the assertions of interviewees that they are willing to protect the integrity of their departments or agencies when confronted with political pressure are grounded not simply in theory or good intentions, but are acted upon in practice. In holding the line on a daily basis, and in being willing to “go public” if need be when confronted with extraordinary circumstances, senior public servants are demonstrating the ongoing power of Westminster traditions to shape and re-shape behavior. They are saving the reflexive agency of administrative leaders from premature pronouncements of its death.

Interviews

- Interview 1. (April 2015) Senior public servant, Canada.
- Interview 2. (April 2015) Former senior public servant, Canada.
- Interview 3. (February 2015) Former senior public servant, Australia.
- Interview 4. (April 2014) Former senior civil servant, United Kingdom.
- Interview 5. (February 2014) Former senior civil servant, United Kingdom.
- Interview 6. (April 2015) Former senior public servant, Canada.
- Interview 7. (February 2014) Former senior civil servant, United Kingdom.
- Interview 8. (March 2015) Former senior public servant, Australia.
- Interview 9. (November 2012) Senior public servant, Canada.
- Interview 10. (November 2010) Member of federal government advisory group, Canada.
- Interview 11. (November 2012) Mid-level public servant, Canada.

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