

Loyal Contradiction within Bureaucracy

A declining scope for loyal contradiction (including appraisal) through ex ante voice towards the political and organizational leadership of and colleagues within civil service systems? An agenda for comparative research and analysis.

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Frits van der Meer & Gerrit Dijkstra. Institute Public Administration, Faculty Governance and global affairs, Leiden University; f.m.van.der.meer@fgga.leidenuniv.nl

Central to this paper is an examination of possible declining latitude for expressing (loyal) contradiction to the political officials, the administrative leadership and colleagues through ex ante voice within public organisations. In our research, loyal contradiction has been discussed in relation to the appraisal function of the civil (public) servants. First a conceptual analysis is provided. We discuss key concepts as loyal contradiction, appraisal and (ex ante) voice. For our analysis, we have introduced a triple distinction with respect to the nature of obstacles to loyal contradiction, namely civil servants not being allowed, not being willing and not being able to provide contradiction. Loyal contradiction is not only addressed to the political and bureaucratic leadership but also to the fellow workers. Relevant causes have been discussed and summarized in a scheme using both triple subdivisions,

In addition, we have looked into explanatory factors causing that potentially limited (and decreasing) scope. Besides personal characteristics of actors involved, relevant explanations are to be found in pressures leading to short term decision making. The emergence of an enabling state, the effects of new public management practises, societal pressures and 'mediacratization' are but a few of the other and associated causes.

As loyal contradiction is considered essential for maintaining organizational performance and legitimacy, a declining scope will in the end be self-defeating to management and politics alike. By looking into the mechanisms that determines (stimulates and limits) this scope for loyal contradiction in organizations through ex ante voice, we might also provide insights how to guarantee this, what we consider, essential civil

service function and obligation. This content of this paper serves as the start of a comparative research agenda.

Prologue

A classic example of the importance of (loyal) contradiction often utilized in educational and training programs can be found in the Challenger disaster on January 28, 1986. The space shuttle Challenger exploded merely 73 seconds after its launch with disastrous personal and organizational consequences. On closer inspection, it transpired that leaking rubber rings were the main cause of the disaster. A technician who had reported that this problem could occur had to suppress this information. Within the NASA leadership, urgency was felt to deliver and satisfy the demands of budgetary sponsors. Subsequently, the launch could not be postponed with the dire effects as we have come to know. The decision-making process leading up to the Challenger disaster is considered a classic example of groupthink and the absence of and difficulties associated with organizational learning (see for instance Janis 1972; 't Hart 1990).

Later on February 1th 2003, again a fatal accident occurred now involving the space shuttle Columbia. Also in this particular case technicians were pressurized by management not to report on prevailing problems. In both cases, NASA technicians were aware that fundamental problems were extant. These technicians were to some extent also prepared to convey this information to the outside world by voicing contradictory positions to the official NASA managerial points of views. Nevertheless, it was not appreciated and these countervailing opinions were suppressed. The technicians could

choose between exit, voice and loyalty options, but they picked loyalty with its (afterwards) detrimental consequences.

This dilemma of (mainly ex ante) voice or choosing for conformity is widespread in public administration and provides the context of this paper. We will examine a (possible declining) opportunity for (loyal) contradiction (including appraisal) through voice within public organisations. We also will have a closer look at explanatory factors behind that limited (and decreasing) scope. As loyal contradiction is considered essential for maintaining organizational performance and legitimacy, a declining scope will be self-defeating to management and politics alike.

Introduction¹

The role and position of public servants within the political administrative system and society at large have been defining topics within public administration (Raadschelders 2003). Training and educating civil servants has even been a driving force in establishing such a field of study in various state systems (Van der Meer, Dijkstra & Kerkhoff 2016). For reasons of expediency, the term public servant in this research is considered to be identical to the civil servant concept as used in comparative civil service system research (Bekke, Perry & Toonen 1993; 1996; Van der Meer, Raadschelders & Toonen 2015).

The importance of civil servants in public service delivery has been argued over again by practioners and in academia alike (Weber 1976 (1921), Van Poelje 1933, Rose 1984),

¹ We would like to thank Jos Raadschelders for his comments on an earlier version of this paper.

Van der Meer, Raadschelders & Toonen 2015). In past decades, emphasis has been put on fundamental changes in the role, tasks and position of (the) civil service (systems) as a direct result of fundamental changes in the system of governance. This transformation has become apparent in a multilevel character and the rise of the enabling state as will be discussed and explained below. In some branches of organizational and public management literature, the position of bureaucracy as a fundamental carrier and embodiment of government has come under scrutiny given a perceived shift from government to governance (see our discussion in the next paragraph). At the same time more is expected of the involvement and the input of an empowered, proactive and professional civil service from a governance system wide perspective (Van der Meer, Van den Berg & Dijkstra 2012). Below, we will go into this paradox more in depth. Ironically given the need for a more proactive service the actual room for manoeuvre and voice of civil servants has come under severe pressure stemming from politicaladministrative strains and societal performance requirements. This pressure would both discourage and severely limit the actual scope for civil servants of articulating their professional opinions through loyal contradiction appraisal and voice. Connected, it would have encouraged the emergence of an obliging can-do civil servant obedient to the will of their political and/or bureaucratic masters.² In this paper, we will examine these issues by focusing on the following questions:

'What is the scope for loyal contradiction (including appraisal) through ex ante voice towards the political and organizational leadership of and colleagues within civil service systems? What can explain potential problems obstructing the expression of these

² This rather has the appearance of the return of a rather primitive version of the formal-legal model as formulated by B. Guy Peters or Model I of Aberbach, Putnam and Rockham.

professional opinions? Finally, has a change occurred in terms of a decline of space available when comparing the present situation to the recent past and in addition what could assist us when explaining such a possible trend?

If a decline has become more noticeable over the last decades, we have to look into relevant explanations. We will do so below by pointing to and examining internal and external political-administrative and societal changes. Some cautionary remarks are in place. These concern potential difficulties regarding the availability of empirical material concerning the state of affairs in the past. They might be responsible for possible pitfalls when looking for historical accurate and non-anachronistic interpretations when endeavoring on a comparative historical analysis. We will start our analysis from the perspective of Western countries and taking variations in political administrative models in this area into account. We will make observations to what extent this topic is culturally defined and also briefly extend it to 'so-called nonwestern' environments. In answering our research questions, we will address the following topics. First, we will start with providing the context of our research: the rise of the enabling state against the background of a multilevel governance system and study its consequences for the position of public officials. Then we will present a conceptual analysis of what is understood by the terms voice, appraisal and loyal contradiction in the context of this paper. Loyal contradiction might be viewed as an awkward contradiction in terms. Besides examining the role of and limits to contradiction within the civil service, we will discuss the issue of being loyal to and contradicting whom? Relevant forums involve

the relevant political office holders, political institutions, the bureaucratic work envi-

ronment (superiors and colleagues) and last but not least society. Having presented this framework, we will provide some answer to the questions raised above.

Defining the Context: The Rise of Multilevel Governance and the Enabling State and in Relation to the Position of Public Officials

In our introduction, we have referred to fundamental changes in the system in governance in recent decades with the necessary consequences for and thus providing the context of the (changing) role and position of the civil service within that framework. There are two concepts that are of particular significance in this context. The first concept relates to a transition from a government centered form to a multilevel form of governance (MLG) (Peters & Pierre 1998; Bellamy & Palumbo 2010; Rhodes (1996; 1997) and related to that the rise of an enabling framework state (Raadschelders, Van der Meer & Toonen 2007). These interrelated developments brought along major implications for governments and the demands made to their civil service systems. Elements of multi-level governance arrangement governing the public domain through a network of public and private organizations on various levels of scale can historically be found in a varying degree and form in most countries (Van der Meer 2012). Nevertheless, the fundamental change has been a decrease in emphasis on the dominance of government actors particularly at the central level and an increasing relevance of decentralized, international and foremost private actors working together in a network setting. This transition coincided with a changing role for government(s) becoming manifest in the rise of an enabling framework state.

The idea behind the enabling state concept is that governments should concentrate on creating and supplying necessary good conditions for citizens, civil society and market parties. This might imply a smaller government in terms of size but not to its leverage and being pro-active. By doing so, the latter can take care of their own and communal interests⁴ (see also Page & Wright 2007; Van der Meer 2009). The emphasis on the relationship with the private segments of the public domain underlines the multilevel governance context. Those enabling conditions are often conveyed through the concepts of good governance and institutional capacity (Van der Meer 2009; 2012).⁵ The role, tasks, attitude and position of civil servants within public governance would have developed towards a facilitating and an intermediary role between the political and administrative divisions of government and even more crucially between government and society (Raadschelders & Van der Meer 2007, Van der Meer 2012, and Page & Wright 2009). That new role would require an enhanced and transformed civil service expertise and new competencies suited to that new role and thus empowering civil servants. As in generic management literature, the empowerment of staff members helped by a transformative leadership has become popular at least in (formal) public management writing and management seminars either to promote organizational effectiveness or civil service responsibility (Denhardt 2009; Denhardt & Catlaw 2015). Linked to this new civil service proficiency, civil servant autonomy had to grow as well. This pertains to a professional autonomy within the confines of an impartial discharge

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³ From this perspective, the title of the Page & Wright volume on the rise of an enabling state might come over as a bit misleading.

⁴ The term *good governance* has been introduced in the 1989 World Bank Report on sub-Saharan Africa. In this report the central elements of the enabling state concept can be found.

⁵ The good governance concept first surfaced in PA and PM literature in a World Bank report on the need for adequate institutional government capacity in societal and economic development in Sub Saharan Africa from 1989

⁶ These traditional tasks often termed classical involving internal and external law, safety and order tasks. These are part of this enabling role

of affairs within the confines of a democratic Rechtsstaat ⁷ and it is bound by considerations of a political-administrative nature and an apprehension of societal cares and concerns (Van der Meer, Van den Berg & Dijkstra 2012). In short, as a direct result, the role of civil service is argued to have grown in importance and influence (Van der Meer, Raadschelders & Toonen 2015).

On the other hand and perhaps a bit paradoxically, a countertrend has emerged in recent years threatening the very position of the civil service in government in a fundamental way. This involves a potential loss of its substantive professionalism and the degree of assigned autonomy that was and is considered essential both in professional and academic circles. The origins of this countertrend are rooted in exactly the same advancement of the enabling state and the changing MLG system. First, the rise of the enabling state has coincided with and has been reinforced by an intensified and ever increasing popularity of an output orientation in measuring government performance Page & Wright 2007; Van der Meer 2009; 2012). That concentration on performance management has been the outcome of the dominance in the public sector of new public management approaches since the 1980s. Secondly, separated from a possible authoritarian leadership style and personality, an intensifying degree of political administrative risk avoidance can likewise produce negative consequences (also including creating a culture of fear) and thus in- and even prohibiting contradiction. Related to the risk avoidance issue, we will also want to point to an anti-bureaucratic sentiment that has always been noticeable in the past but that has become stronger since the 1980s and more recently almost the dominant orthodoxy. That anti-bureaucratic sentiment was and still is in some quarters a powerful vehicle in the battle against big govern-

⁷ Approximately equal and to equated to a state conveying and embodying the rule of law.

ment. Without delving too much in this subject matter, a strong wish in politics, segments of the media and also society has develop in order to control government and in particular bureaucracy. Measures aimed at reducing its size and costs and also to limit its presumed power over political decision making were introduced with the objective to erode its monopoly on expertise and advice. Finally from a societal point of view', the objective and main driving forces were to roll back its perceived grip on society seen as a threat to individual liberty and citizens' self-determination. The latter was reinforced by some quarters in politics in an attempt to isolate itself from society and the media criticism as a part of the public sector blame game.

In short, these developments are seen to have strained and imposed more and severe (self) limitations on an independent and impartial civil service system input in policy-making process and public service delivery. As a consequence, the thought has developed (as formulated in our introduction) that the available leeway and margin within the civil service system for articulating professional opinions through loyal contradiction, including appraisal and ex ante voice towards the political- administrative leadership and co-workers have been reduced. This core civil service task is thus supposed to have come under pressure and from a time perspective declined in modern government. As a result, a new more compliant 'can do civil servant has been in the making or returned to the field: a servant in the more negative meaning of the word 9Van der Meer, Dijkstra, Van den Berg 2012). As will be elaborated below voice has to be understood within the context of this paper not only as ex post but primarily as ex ante. In the next paragraph we will examine this issue more in detail and will also look into the possible explanations and, if and when relevant, possible ways out.

Loyal contradiction, appraisal and voice

The preferred and actual role, tasks and functioning of (senior) civil servants within the decision-making process and regarding public service delivery have been core issues in administrative sciences and practioners in the public sector since the end of the 19th century (Self 1972: Raadschelders 1998, Van der Meer & Kerkhoff 2016; Van der Meer, Dijkstra & Kerkhoff 2016). Based on these analyses, the observation of the crucial role played and to be played by civil servants also had, as argued, a profound effect on the content and form of the relevant curricula both in pre- and post-entry education and training programs. This development holds true for almost all countries; though the exact content and institutional form of education may differ according to the system of state⁸ (Kickert 2011, etc.). In relation, issues of loyal contradiction, appraisal and voice have been essential topics in classical studies and texts of public administration and political science literature when discussing the position and attitude of bureaucracy in political-administrative relationships. For a perceptive analysis see for instance Peters Self's Administrative theory and politics: an Enquiry into the Structure and Processes of Modern Government (1972). Sometimes, though perhaps a bit too strong the motto speaking truth to power is used. Loyal contradiction, appraisal and external voice have mostly been associated in political science and public administration academic work with in particular the Westminster model and to an extent an informed

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⁸ We refer to differences and variations in state systems and design though the variation in classifying these systems of state (see Kickert 2011, Kuhlmann & Wohlmann 2014, Bouckaert & Kuhlmann 2016 and Painter & Peters 2010 is rather extensive and unsatisfactory (see for criticism of these classifications Van der Meer, Raadschelders & Toonen 2008).

⁹ It said to be of a Quaker origin. See also Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis*. 1979. Little, Brown, The question remains whose truth; what is truth consisting of and who is and has the power.

reading of the Weberian approach to bureaucracy and politics (Page 1985). But this perspective is too 'European' centred given its relevance and occurrence in many so-called non-western systems.

Terms as loyal contradiction, appraisal and voice are in need of some further explanations as their exact meanings might not be self-evident. They even might seem to be contradictory. When using the word 'voice' the work and approach of Albert Hirschman 'Voice, Exit and loyalty' springs to mind (1970). It revolves around an action that can shape as an opinion that is expressed –here in case of a bureaucratic context- in case of an unsatisfactory situation, idea or proposed course of action. A person of groups of actors or even an organization can express their opinions in order to alleviate or mend that negative situation. Alternatively, he or she (etc.) can exit the organization or withdrawal. Or finally stay and keep silent from a perspective of loyalty. The voice option can imply whistle-blowing. 10 For our purpose we have to adapt these concepts. Here we already want to mention that voice in the context of this paper the emphasis is on ex ante voice instead of the ex post voice of Hirschman. We will return to ex ante voice below. We do not refer here to the instrument of administrative sabotage in order to confront what is considered (by civil servants as) an undesired and even illegitimate course of action by the political and/or administrative leadership. Voice, exit and loyalty are still within the established order. Of course there are boundary issues. For in stance an exception could be external ex post voice which is going against standing political and administrative orders. Nevertheless this is still an expression of

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¹⁰ Interesting enough to well into the modern times (the tradition ending in the 18th century, the jester was the only person at court who could speak the truth to the master/royal with impunity. Nowadays mainly seen as a clown he also had in mediaeval times the task to hold a mirror to the master of the day.

opinions and much narrower that the whole gamut of possible actions of sabotage. The ethical and moral dilemma's associated with sabotage as an administrative course of action is given the necessary limitations not the central issue discussed in this paper; how interesting that might be.

But to return to our main argument, the term 'loyalty 'as used in this paper also needs further explanation. In general usage, the term loyalty has a positive overtone (see also Yang & Rutgers 2016). A crucial question that does arise in this context relates to the concern loyal (ty) to whom? To use a now less burdened historical example, this particular problem became manifest at the FBI during the time of the Watergate scandal. FBI employees had to swear an oath (or promise/affirm loyalty) to the Constitution, to serve in the (general) interest in accordance with the rule of law and in service to democratic values and therefore expressly not solely to the president himself. This is the core of 'All the Presidential Men' written by Bernstein and Woodward in 1974 and sequent Pakula 1976 movie. More recent examples from the United States are also abundant for instance regarding to the Comey issue during the election and his testimony regarding the o relations between Russia and the Trump entourage during the 2016 presidential elections and previous to the presidential inauguration of Donald Trump. The term 'contradiction 'on the other hand has to a certain degree a rather negative connotation. From its particular meaning and use within the context this paper with the addition of the adjective 'loyal' it becomes clear that this term can be considered rather in a more positive than in a negative way; hence the adjective 'loyal'. In regular usage, contradiction can seem to convey the view that the officer or official inappropriately contravenes the expressed and legitimate view and will of political and bureaucratic officials higher in the hierarchy. From the example in the case of Watergate

After all the views and the actions of the political and administrative executive can be in conflict with the public interest and even with constitutional values as has been the case in the Watergate affair. The same applies even more strongly in absolute loyalty in authoritarian settings as can be learned from the Friedrich- Finer debate on the nature of administrative responsiveness and accountability with its overtures to the failing role of bureaucracy in World War 2 dictatorships is also pointing to these issues. See also the insights of Von Borch (1954) and E.N. Peterson (1966) on bureaucracy in the Nazi era. Returning to our main argument and looking at it from this particular line of reasoning, contradiction strongly shows resemblance to voice again. Voice will be examined below more in detail below.

The use of voice in this paper is, as said, somewhat different from the Hirschman approach in the sense that here it has a much wider and more extensive connotation. Here, voice is understood as being a central core responsibility of a public official in order to offer alternative, counter and even dissenting arguments or to raise possible difficult and awkward questions in order to sharpen and improve a certain policy position, an implementation practise or any other course of action proposed by the (political) leadership and colleagues. By formulating possible question marks and looking for alternative courses of action, a mirror is shown to the person with a (not necessarily end) responsibility for the part of decision making. The primary objective is to enhance the quality of that particular course of action. In addition from an (organizational) political point of view it also involves the issue of (political) survival. The qualification 'improved' refers to certain desired standards and wishes of the decision maker but it also refers to improve in terms of the general (public) interest. So it is not solely an ex

post phenomenon as in the case of how voice customary is understood but also and even predominantly an ex ante duty. Regarding the issue of the final responsibility this phrasing might perhaps look a little bit cryptically. Advice remains only advice and leaves in end the final say to the decision maker perhaps better informed and more able to take the decisions, in the seat of power.

Having said this, we do here encounter a major and fundamental difficulty when we keep in mind the issue where the final responsibility does reside. We need to know what the sources are of and the legitimization of civil servants providing these counter arguments and opinions? Do they spring from personal held convictions and beliefs? Can they be traced to a more 'objective' civil servants' professionalism with all its varied content depending on the type of bureaucracy and the state system, model and its culture and traditions. Or do they belong to the existing set and repertoire of organizational convictions, opinions and interests? We will not delve too deep and too far into this particular subject matter but it is however important to take this point in account as it leads to discussions on the legitimacy of the role and function of the civil service system. In its slipstream discussions on politicization and representative bureaucracy as control mechanism in case of a negative apprehension of the dominant sources of civil service opinions become relevant. As a consequence, the institutional design parameters greatly influence the leeway for loyal contradiction, appraisal and ex ante voice.

This idea of ex ante voice as defined above is closely associated with the concept of appraisal. Appraisal is understood to involve the weighing and giving advice on policy alternatives by civil servants towards (a) political officeholder(s). It also contains the

element of (loyal contradiction as described above. The adjective 'classical' (as used earlier in this section) might sound as a euphemistically worded alternative adjective for the adjectives old-fashioned and outdated. In effect, in modern public management literature the movement from policy advice including appraisal to management as a core activity has be argued rather convincingly albeit on a normative and/or prescriptive level. For instance, the demise of the Westminster model during and in the aftermath of the Margaret Thatcher era has often been identified as a well-established fact; though the discontinuity to be seen in empirical work is less manifest and clear-cut as recent research shows (Page 2010; see also the Governance issue on the Westminster model volume 29, Issue 4 October 2016). Discontinuity and rupture is given their sensationalist nature often more interesting to the ambitious opinion maker and aspiring academics than continuity. Regardless, what the exact level of continuity during the last decades has been, there is ample evidence that the managerial position of public officials in the political-administrative systems of many Western industrialized states is argued to have become more important in the policy process and the public service delivery (Van der Meer, Raadschelders & Toonen 2015). Factors explaining these developments are situated in the profound changes in the nature of the system of public governance as described above.

To continue with our discussion of appraisal in the context of loyal contradiction, this civil service tasks to provide counter arguments, a wider perspective and even a possible level of contradiction has been, as said, at the core of bureaucracy since the early beginning all over Europe. When focusing on Northwestern and Central Europe, be it countries with a Germanic Rechtsstaat tradition or a British style Westminster model, a neutral and impartial civil service did develop during the course of the 19th century

(Raadschelders & Rutgers 1996). Both the Weberian bureaucracy and the Anglo-Saxon public interest models considered an appraisal role for civil servants as essential. The development of an impartial, neutral bureaucracy based on the rule of law and staffed by official with the characteristics of the Bureaukratische Verwaltungsstab described by Weber in Wirtschaft und Gesellschaft was a crucial precondition for the development of this core responsibility. Even the iron chancellor Otto von Bismarck did demand open and communicative role and attitude of his closest staff was demanded. The same has been said of Abraham Lincoln (Burlingame: 2008). Crucial, however and we will return to this as one of the possible factors explaining the increasing difficulty with this civil service requirement and role is that it should be discharged in privacy and the closed confines of ministerial and civil service discussions. It is important to mention that appraisal and loyal contradiction through internal voice – are something quite different from whistle blowers activities that are not only limited to political office holders and the immediate staff, but also to all line interaction within bureaucracy and horizontally between colleagues. It is thus more intricate than a mere interaction issue between the political officeholders and the top bureaucrats.

The level to what extent voice and appraisal has faded is still somewhat in the open as for instance likewise (see above) the idea of a presumed demise of the Whitehall model has been criticized and put into perspective. But conceptualizing appraisal merely in policy advisory tasks is too limited. Appraisal is only one part of the picture. It goes much farther and is not only confined to the grand circles of political-administrative relations. Voice also involves the matter of loyal contradiction. These words of loyal contradiction might sound a little bit puzzling. The basic idea is that in order to be effective as a good civil servant and also as a good 'servant' to the political master of

the day, the civil service leadership, the immediate colleagues and/or the public, staff members have to (be able to) give their honest and frank opinion on policy and other organizational issues in order to let leadership get to know positive and/or negative (side) effects of a certain course of action. Looking from a similar perspective, it is essential to show the leadership both administrative and political pitfalls on the shorter and longer run.

At the same time, there are multiple forms of appearance of that deficiency or decline of expressing voice. These multiple forms pertain to civil servants not being allowed to express their honest opinion and concerns, but might also has involve what we can name as the Pirovitch complex that they might refrain from it for a variety of reasons of being scared or not disposed to these activities¹¹.

In addition and even more interesting they might be not able to express the opinions by lack of expertise, experience, political-administrative skills and societal pressure. Why that might be the case will be explained more in detail below. In addition, restrictions to loyal contradiction do not only pertain to and manifest it in the relationships between top civil servants and political officeholders though most attention in political administrative science and public administration literature is directed at this particular relationship. It is also relevant a perhaps even more to relationships within bureaucracy itself. This involves both loyal contradiction and voice in vertical or hierarchical chain relationships but also in horizontal perspective between colleagues. We will discuss this triple division below.

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¹¹ Pirovitch was a clerk in the movie shop around the corner who when-ever the own-er/manager Mr, Matuschek would ask his staff for an honest opinion fled out of side afraid to upset his boss fearing to meet his displeasure and the dire consequences.

To what extent has this scope for loyal contradiction decreased seen from a historical perspective? Without the availability of abundant empirical material, this question might seem rather hard to answer. There is often a tendency to exaggerate or embellish the situation in an often-imaginary past as it is quite useful to contrast that golden age to current everyday life befitted with existing problems and undesirable situations. This mechanism is quite ubiquitous in many fields of life but also present in some less informed, ahistorical studies of government when at random history is invoked. For instance it has become quite customary to compare normative ideas and perceptions regarding the role and place of bureaucracy within the system of government and in the policy making process and the provision of public service delivery in years gone by with the empirical situation of present-day. An example of this can be found in the changing nature of political administrative relations over time relevant to our topic where a shift from a formal-legal towards more fusion or even administrative state models (to mix the Peters 1988 and the Aberbach, Putman and Rockham 1981 approaches) is presumed.

Things might have changed over the years but these conclusions are often not founded on available empirical research and evidence but instead of a change from a normative (legal) to an empirical (political science) academic perspective (see Rosenthal 1973; 1983). Then again, we have to say that available empirical evidence in administrative historical research is rather scanty given the current research directions in administrative history. Some material can however be found in rather fragmentary and idiosyncratic administrative history studies where often attention is concentrated on attention-grabbing and prominent issues that might not be necessarily the regular state of affairs. Nevertheless, well reported and documented political-administrative crises in

many countries point to a rise of incidents involving a reduction in the leeway for loyal contradiction and ex ante voice and a spread of a culture of fear within organizations.

Additional examples are provided in the next paragraph.

Explanations for (a decline) in the scope for loyal contradiction including appraisal through voice in civil service systems

In the previous paragraphs, we have introduced and discussed questions relating to a (declining) scope for loyal contradiction towards the political administrative leadership and colleagues within civil service systems on a conceptual level. In order to address these issues more fully and find explanations why that scope might be limited and has potentially declined, we will have to look into the nature and causes of this limitation to articulation and 'conveyance' of professional opinions though ex ante voice . How this scope for expressing these opinions is designed and determined, differs across countries and over time according to amongst others a variation in political-administrative and societal settings. We will discuss the relevant factors that are either conducive to or limiting that scope.

For addressing these issues, we will first introduce a three-way subdivision of types of relationships as the relevant explanatory factors might differ according each of the following three forms of relationships¹²:

sions.

¹² A fourth and from the angle of this paper rather intriguing dimension would involve the relationship between politics bureaucracy and the private public domain: civil society, citizens etc. Also in this case it is a two-directional relationship. It is stretching our discussion a bit too much given (also) limitations of space in this paper, but it has bearings on the other dimen-

- 1. The relationship and direction of interaction between (mainly but not only senior and top) civil servants on the one hand and political officeholders and political representatives at relevant levels of government on the other.
- 2. Internal hierarchical relationships within bureaucracy itself: between leaders and subordinates at all levels of the hierarchical chain.
- 3. Horizontal relationships between colleagues at an equal hierarchical level within the organization.

As argued in the previous paragraph, we also have to keep a triple division in mind regarding how and why opinion articulation might be hindered as applicable explanatory factors might differ according to the relevance of nature and source of those limitations:

- a. Limitations regarding voice pertaining to civil servants not being allowed to express their honest opinion and concerns, but it might also has involve
- b. The Pirovitch complex involving civil servants might refrain from it for a variety of reasons being scared or not disposed to these activities.
- c. Civil servants not being able to express these kinds of opinions by lack of expertise, experience and political-administrative skills.

On basis of these classifications we can develop the following grid on direction of relationships and nature of inhibitions against appraisal and loyal contradiction for use in empirical studies. At the end of this paragraph we will provide a (provisional) filling in of the empty cells in scheme 1.

Scheme 1: Nature of limitations to opinion articulation (loyal contradiction) and direction of relationships civil service systems (CSS) towards the political leadership (1), the administrative leadership (2) and colleagues (3)

Nature limitations to	1 CSS - Political leader-	2 CSS- Administrative	3 CSS - Colleagues
loyal contradiction	ship	leadership	
/direction relationships			
A Not being allowed			
B Not willing			
C Not being able			

We will begin with examining obstacles civil servants can experience when wishing to articulate their professional opinions through voice, appraisal and loyal contradiction towards top civil servants, political officeholders and other political representatives at various levels of government. These difficulties, as said, can pertain to the situation that civil servants are not being allowed to express their free and unrestricted opinions and concerns.

As a first possible explanation, we can point to the particular character, disposition and behavioural treats of the (political and administrative) leadership of the day. This might be less attractive to social scientists than to historians given the idiosyncratic method of explaining. Nevertheless personalist aspects should not be overlooked even from a social science perspective. We could go to discuss a complete negative (pathological) disposition of authoritarian personalities as elaborated in the petty tyrant concept described by Ashforth (1994) and developed later through an extensive branch of

leadership studies. In addition, the effects of a general societal decline of a routine acceptance of political authority of an officeholder might increase their (the political leadership) uncertainty towards and enlarge lack of confidence in bureaucratic officials. The issue of political survival will be discussed below, but associated with survival is the inclination towards personal and political face saving. Rather incorrectly, facesaving is a phenomenon often considered of less importance in a western cultural setting which would be characterized by a-personalist (personal and) organizational culture. That a-personalist culture - if it ever did exist outside the text books- it can certainly be considered to be on the retreat given the felt need for image protection and utilizing and/or offsetting (social) media influences. The wish for personal face- saving is thus one of the relevant explanations.

To return to political (leadership) uncertainty as an explanatory factor, the popular notion of dominating bureaucratic power might also lead to an antibureaucratic attitude and fear by politicians. From the 1970s onward there is empirical evidence in many countries of the rise of such distrust (Raadschelders & Van der Meer 1999). Though it is on first impression rather amusing, the anti-bureaucratic sentiment in the popular BBC sitcom Yes Minister is telling. ¹⁴ Often political-administrative sensitivity is considered an essential attribute for (senior) civil servants. This implies these (high ranking) civil servants should know and realize the importance of political (not necessarily the party political) dimensions of working for and in government. Likewise, po-

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¹³ Avoiding this cliché we see that our line of reasoning regarding our research question is pertaining to a wider set of state systems in East and West.

¹⁴ Interesting enough one of the writers was an adept and fan of Margaret Thatcher one of the leading politician distrustful of bureaucratic power and voice; in fact distrustful of any other competing view within her cabinet and government. Perhaps a bit apocryphal the story runs that Margaret Thatcher when being prime minister remarked any other opinion is allowed as long it is mine.

litical office holders should have an administrative or bureaucratic sensitivity; knowing these dimensions of the business of government. The level to which political office-holders do possess this ability may differ according to:

- a. Again, the personality of the political officeholder;
- b. The nature (both in structural and cultural of the political administrative system;
- c. In connection with that the level and form of politicization
- d. The model of state (including political administrative tradition) the politicaladministrative system is belonging to.

Apart from personal traits of the political leadership and the institutional design elements discussed above there is also other factors influencing the 'allowableness', space and permissibility for giving voice, appraisal and expressing words of loyal contradiction. First, we have to direct attention towards a (n increasing) short term orientation of political officeholders as an explanatory factor. In classical PA and political science literature the different time frames of politicians and civil servants are using, have been seen as causing major differences in attitude and task related motivation. Elections with their specific time frames and the in principle appointment for life of civil servants were provided as one of the reasons. The validity of this line of reasoning is of course dependent on having a party political neutral and above all permanent (senior) civil service. This is an important caveat. The permanency of the civil service and of the appointment to top civil servant positions is deeply rooted in a Weberian or Westminster style neutral civil service.

Nevertheless empirical evidence tends to show, that perhaps with the exception of the most politicized spoils and ministerial cabinet systems and managerial systems utilizing predominantly flexible and short term appointments that difference in timing between political office holders and administrative officials is still visible. 15 Having said this, given this increasing orientation on short term results and performance the limitation on loyal contradiction and appraisal through ex ante voice can become quite understandable. The same is said of the effects of 'mediacratization'. ¹⁶ Media scrutiny of ministerial performance and crises do force political officeholders to concentrate on getting these direct results and showing an impressive performance record. In addition, a similar media focus on political party action and performance in combination with an intensifying parliamentary (formal) scrutiny of the executive is driving political officeholders in the same direction. Likewise, also societal pressure is pushing political officeholders in a similar direction to go for quick action and results. The interconnected nature of all these fore-mentioned developments is rather conducive for an emphasis on a short term orientation (see also Van der Wal 2017 a and b; 't Hart 2014). In short from this political orientation is quite understandable that loyal contradiction could easily be seen as an unnecessary and unwelcome obstacle hindering direct action that has to be avoided at all costs and all instances. What has been said here equally applies to the bureaucratic leadership in relation to its immediate staff. Also they have to deliver and they can use the cloak of political authority as they are being located closer to the heart, ear and mind of the political officeholders.

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¹⁵ The vault lines between politics and administration in the highly politicized systems is of course visible at a lower hierarchical level where the same discrepancy becomes visible.

¹⁶ This also includes social media. Here, mediacratization is not meant as an absolute rule of the media but of their increasing importance. Mediacratization is derived from mediacracy (a nice pun to meritocracy which can be something completely different) See for coining the term 'mediacracy' Kevin Phillips (1975) *Mediacracy: American Parties and Politics in the Communications Age.* Garden City: Doubleday.

Above we have referred to the so-called Pirovitch complex that civil servants might refrain from voice, appraisal and loyal contradiction for a variety of reasons being scared or not disposed to these activities. This is quite interesting because it seems to be much closer to the classical and many thought redundant and old fashioned idea of the bureaucratic personality. Bureaucrats would be to say the least not the most of entrepreneurial and outspoken of all types of employees. Not working for a commercial business that has to survive the entrapping of the market mechanism, he or she is performing in the role of a servant to a political officeholder and whose wishes and ideas are considered paramount. This subservient position towards the political officeholders finds its origins in the supposed authority, relationships and the legitimacy of his/her position in vested in that official given an 'anointment' by the public and/or a supreme¹⁷ being. This all would be instrumental in shaping this bureaucratic personality. The concept of public servant is used here with an emphasis on servant with the connotation of submissive attitude. That negative stereotype is in contrast with the also popular (and contradicting the previous image) concept of an all-powerful servant using/appropriating his master's and society's powers. Interestingly enough the idea of a proactive, empowered, professional, entrepreneurial civil servant operating rather autonomously and independent in his/her network setting in an emerging multilevel governance system looks more closer to a usurping power concept than the subservient servant idea but yet...

Being pro-active etc. does not necessarily imply that one will speak out to the political leadership or a higher authority in the bureaucratic chain when confronted with the

¹⁷ See quite interesting the Dutch formula for royal orders by grace of God etc. dating to divine sources of royal power.

necessity to do so. Perhaps in this respect a more instructive notion might be the observation that civil servants more in the direct surroundings of the political officeholders are under more direct scrutiny and vulnerable to political intervention and reprisals. Civil servant working at a greater distance from politics and the core department for instance in implementation offices and agencies might enjoy a larger degree of autonomy; at least where the leadership of those offices is concerned. With the decentralization of management responsibilities and the loosening of central control under the introduction of new public management (NPM)¹⁸ the possibility of creating empires under the sun with an autonomous and even autocratic leadership has increased. The latter could be diminishing voice lower in the chain. Mentioning new public management with its accent on output orientation, we return again to the emphasis on short term results and as a consequence limitations being put on voice, appraisal and loyal contradiction. Returning to the position and attitude of top civil servants above we have remarked that civil servants more in the direct surroundings of the political officeholders are under more direct scrutiny and vulnerable to political intervention and reprisals and preferred civil servant behaviour as conforming courtiers (courtiership) is stimulated. There is an expression in Dutch that is fitting and could be translated in English as: cowardice is clothed in royal fur¹⁹ meaning that contrary to expectations free minded conversation at the top level is rarely seen thus stimulating group think and the possibility on the longer or shorter run of a political crisis. This is perhaps too negative a portrayal of reality. Situations might differ and also here the personality aspect is important. Nevertheless with the arrival of more managerial inclined

¹⁸ Below we will deal with the effects of NPM on the stands of field knowledge and expertise

¹⁹ Lafheid gaat gekleed in hermelijn. Hermelijn is ermine; the traditional fur for the robes of royals.

civil servants also according to some sources less independent top civil servants have arrive to the political administrative scene. In addition to the arguments given above, we have also to mention the effects of politicization of a system in this respect. In particular, we have to look at the number and role of political appointees, members of ministerial cabinets and other politicized support structures. To a varying degree according the pertinent political administrative system design they can function as a blockage between the political officeholders and bureaucracy. At the same time a high degree of political loyalty might diminish the extent of loyal contradiction.

Last but not least, we have to point to the third case when civil servants not being able to express the opinions by lack of expertise, experience and political-administrative skills. The explanation stems from the effects of new public management (NPM) and the rise of the enabling state. Through privatisation, agentification and other NPM like reforms, implementation and the practical field knowledge has diminished or even disappeared. In addition cutbacks on staff may have negative effects on available civil service expertise (Van der Meer 2012). Besides the issue of deficient expertise (its sources will be discussed below in detail, there is the issue of deficient organizational and moral courage of officials. This closely related to the category 'not willing' but here it has less of an intentional meaning. Finally, there is the point of a lack of access to leadership given structural (of both a political and bureaucratic nature) and cultural (in terms of organizational and personal openness) limitations.

We will expand on this line of reasoning involving the effects of NPM on civil servants 'not being able' to speak out given deficient levels of knowledge and expertise by also pointing to recent evidence in the Netherlands and other Western countries. As direct

consequence of the introduction of NPM in Netherlands (and in many other countries) parts of the administration (in the central government: the ministries) have been hived off though agentification or (partial) privatization. ²⁰This hiving off mainly relates to the implementation of policies and the direct delivery of public services. As a consequence knowledge and expertise relating to policy implementation at the various policy directorates has virtually disappeared or at least was seriously reduced. Often socalled organizational interface structures were created to alleviate a hard split between policy making and delivery units. These interface relationships and monitoring of service delivery outputs could hardly tackle these deficiencies. Less information and understanding of field and implementation issues automatically also implies less information that can be used in order to support voice and loyal contradiction. Not only the actual implementation and service delivery services but also the supervisory inspection functions were organizationally located at arm length of core governmental and bureaucratic organizations. As a consequence the information deficit in the core bureaucratic organizations did increase and accordingly the capacity for voice and loyal contradiction.

Another aspect of NPM producing an effect in the same direction has been caused by the mobility schemes within government. In order to combat organizational compartmentalization the idea is that senior but also lower ranking officials should not be too long staying in a specific job at a particular place. Instead they should leave after a couple of years and have to rotate between different organizations by changing functions. For among others these reasons, a Senior Public Service (in Dutch Algemene

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²⁰ Partial privatization points of production privatization though contracting out through mainly public tendering whereas provision decisions by and large remain public.

Bestuursdienst or ABD) was introduced (Raadschelders & Van der Meer 1999; 2014; Van der Meer & Dijkstra 2012; Van der Meer, Dijkstra & Kerkhoff 2016). This increased horizontal mobility was combined with the idea that a top official had to be an effective and efficient manager and not necessarily a top specialist in the particular policy domain (s) he is working or a having a generalist policy advisory knowledge. In addition this increased mobility would enhance political control over the top civil service and limit their service monopoly. Because of this development, loyal contradiction and voicing professional opinions was limited in a twofold way. First this could entail that senior civil servants could possess limited knowledge with respect to the organizational domain they were appointed and, secondly, that their bond with and knowledge of the organization and the attached policy area official service to which they were assigned could also be limited in nature.

To use the Dutch tax service as an example that recently triggered a wide public and political debate did revolve around major delivery problems at that organization.

These problems led to the premature resignation of a secretary of state (staatssecretaris) and some of senior civil servants working at this directorate-general. According to an official investigation report a major cause situated behind these organizational problems was a lack of scope for (loyal) contradiction and voice. This lack of room for loyal contradiction and voice was largely explained not primarily by the personal approach and management style but mainly by an insufficient organizational working knowledge of senior civil servants in charge of the Tax Office and the large organizational distance between the leadership of the Tax Office, the political executive and the rank and file of the organization. This was enhanced by a closed organizational culture

at the top. This is but only one of many examples and not only pertaining to the Netherlands...

Another relevant aspect of NPM from the perspective and objective of this paper has been the introduction of performance management. Employees in the public sector need to have a regular performance assessment. Much can be argued for such an assessment be it that can only reasonably be done in quantifiable terms. The latter is rather problematic in case of this chore/duty of loyal contradiction and voice. The result has been that loyal contradiction within public organizations remains not only unrewarded, but it is often also implicitly or even explicitly discouraged. Finally, as a result of NPM in the wake of retrenchment policies from the 1980s, many cuts have been made to the public service; particularly reducing staffing levels and investment in training budgets. These budget cuts have thus meant that the bureaucracy came even further under pressure and that important expertise diminished or even (largely) disappeared. Once again, this meant that the required expertise for voice and (loyal) contradiction was reduced.

Finally, what is very important with respect to voice and appraisal being heard is that those expressions have to be made behind closed doors as openness can a negative effect on the sender and the willingness of receiver to listen. Currently in many countries, a new wave of initiatives has been and is developed directed at more government transparency through open government initiatives. Many countries (including at least the countries belonging to the European Union) have such laws. It has become almost a test for decent government and a hallmark for good governance in recent years. The trend over the past few decades is thus clear, more and more public sector documents

should be made public. Of course this has important benefits to democratic governance and also to a more responsive service delivery. A democratic rule of law benefits from openness. But there are also ample drawbacks. The concept of 'documents' that have to made actively public is increasingly extended among other things (in the Dutch case at least) also to emails. The result may be that within the civil service more and more officials refrain from voicing their professional opinions, on paper, in a digital form or by e-mail. The same applies to the potential receivers of these messages.

After all, these views can easily reach the media whether or not after legal intervention. Of course, contradiction in an oral form is always still possible, but it must be clear that from the point of view of the organisation of contradiction this legislation also negative aspects giving its fleeting and ephemeral nature.

In conclusion to this transparency issue, civil servants expressing their particular opinions in the open when those views are contrary of those of the political officeholders have always been dealt with in a resolute way given the negative external effects for the political officeholders in the media, society and other political quarters. Thus legislation directed at introducing almost an absolute degree of transparency in government decision-making – particular in the phases before an official document is issued - would be detrimental to civil service voice, appraisal and loyal contradiction as that voice etc. will not be send or received given again those external political, media and societal effects. Civil servant will then become more careful to express their honest opinion and political officeholders to ask or accept it. Paradoxically, overemphasizing transparency will diminish attempts to enhance the quality of public service delivery and decision making.

As a conclusion of this paragraph, we can finalize scheme 1 presented above

Scheme 2: Nature of limitations to opinion articulation (loyal contradiction) and direction of relationships civil service systems (CSS) towards the political leadership (1), the administrative leadership (2) and colleagues (3)

Nature of limitations to loyal contradiction	1 CSS- Political leadership	2 CSS- Administrative leadership	3 CSS- Colleagues
/direction relationships			
A Not being allowed	Risk aversion and short decision making- given a need for political survival.	 Risk aversion and short decision making- given need for administrative survival and Courtier-ship to political and bureaucratic leader- 	 Emphasis on bureaucratic and professional autonomy The need for preserving congenial working relationships.
B Not willing	 Administrative survival and preservation Culture of fear Courtier-ship to political and bureaucratic leadership. 	ship. 4. Administrative survival and preservation 5. Culture of fear 6. Courtier-ship to political and bureaucratic leadership.	 Organizational survival and self-preservation Culture of fear Emphasis on bureaucratic and professional autonomy The need for preserving congenial working relationships.
C Not being able	 Deficient expertise Deficient organizational and moral courage; Lack of access to political leadership given structural and cultural limitations 	 Deficient expertise Deficient organizational and moral courage; Lack of access to administrative leadership given structural and cultural limitations Administrative 	1. Deficient expertise 2. Deficient organizational and moral courage; 3. Lack of access to colleagues given structural and cultural limitations

Summary and conclusions

In this paper, we have examined the issue to what extent and how the expressing of voice by officials within government and civil service systems has become more problematic and which explanations can help us to understand this phenomenon. The central questions in this paper have been formulated as: what is the scope for loyal contradiction (including appraisal) through ex ante voice towards the political and organizational leadership of and colleagues within civil service systems? What can explain potential problems obstructing the expression of these professional opinions? Finally, has a change occurred in terms of a decline of space available when comparing the present situation to the recent past and what can help us to explain such a possible trend? Though in the enabling framework state operating in a MLG context the need for more civil service autonomy bound by the rule of law and a linking-pin position between government, politics and society through a public service attitude has increased a counter trend more directed a limiting and controlling that civil service (system)position and autonomy has become visible. As argued in our paper, the growing dominance of performance management, and an increased level of political administrative risk avoidance has had negative consequences to this effect. Tied to this risk avoidance there has also been a rise in a political craving for controlling bureaucracy and reduce its assumed monopoly on expertise and advice by creating and using alternative sources (Peters & Pierre 1999). This all leads to the conclusion that the opportunity and available room for articulating voice including a commitment to appraisal and loyal contradiction towards the (political) leadership and colleagues has lessened. The concept of voice as used in this paper is used in a much wider sense than in the

well-known conceptualization of Hirschman. It includes providing counter arguments

or raise difficult question in order to sharpen a policy, an implementation practise or any other course of action. By formulating question marks and looking for alternative courses of action a mirror is shown tot the decision making with the idea that that course of action can be improved. Improved according to the standards and wishes of the decision maker but also improved in the general interest. The basic idea is that in order to be operating as a good civil servant and also as a good employee of the political master or the civil service leadership or the immediate colleagues staff members have to give their honest and frank opinion on policy and other organizational issues in order to let leadership get to know positive and/or negative (side) effects of a certain course of action. Also it is important to show the leadership both administrative and political pitfalls on the shorter and longer run. In addition, limitations to loyal contradiction and appraisal through ex ante voice do not only pertain to and is manifest in the relationships between top civil servants though most attention concentrates to it in political administrative science and public administration literature but also is relevant perhaps in some cases even more to internal relationships within bureaucracy itself. We have introduced a triple division as the explanatory factor might differ according each of these dimensions the relationships between top civil servants and political officeholders and political representatives, internal hierarchical relationships within bureaucracy between leaders and subordinates at all levels in the hierarchical chain and horizontal relationships between colleagues on an equal level. We also remarked, that a fourth and from the angle of this paper rather intriguing dimension can be distinguished involving the relationship between bureaucracy and the private public domain: civil society, citizens etc. It is stretching our discussion a bit too much given also limitations of space in this paper, but it has bearings on the other dimension. As argued in our paper we have to keep the three types of relationships in consideration as the explanatory factors show also variation with respect to voice limitationss pertaining to civil servants not being allowed to express their honest opinion and concerns, but might also has involve the Pirovitch complex that they might refrain from it for a variety of reasons being scared or not disposed to these activities and finally civil servants not being able to express the opinions by lack of expertise, experience and political-administrative skills.

As said extremely important with respect to voice and appraisal being heard is that those expressions are made behind closed doors as openness has a negative effect on the sender and the receiver. Civil servant might become more cautious to give their views and political officeholders might be more refraining from asking or accepting it. Thus this overemphasis on transparency will diminish any attempt to enhance the quality of public service delivery and decision making.

At the beginning of our discussion, we have argued that though this feeling of a diminishing scope has increased nevertheless a comprehensive empirical overview and a deeper theoretical background to this issue is absent. Making a contribution to fil that gap has been the prime aim of this paper. We intend to use it as a starting point for a comparative (empirical) research agenda as loyal contradiction is essential for maintaining organizational performance and legitimacy and a declining scope will in the end be self-defeating to management and politics alike. By looking into the mechanisms that determines (stimulates and limits) this scope for loyal contradiction in organizations through voice we might also provide insights how to guarantee this, what we consider, essential civil service function and obligation.

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