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Re-Instating an Ethic of Office? Office, ethos and persona in public management

Paul du Gay

CRESC, Open University

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> But the law is the law, duty is duty, and a man defrauds his own name if he but once neglects his office
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> Ronan Bennett, Havoc In Its Third Year

In recent years there has been a considerable upsurge of interest in the concept of 'office' within the social sciences, humanities and among scholars of public law and public management (Thompson, 1987; Minson, 1993; 1998; 2004; Condren, 1994; 1997; 2004; Orren, 1994; Uhr, 1994; 2000; Dobel, 1999; du Gay, 2000; Geuss, 2001; Sabl, 2002; Loughlin, 2004). Although there are a number of disparate, often discipline specific, factors contributing to this renewed focus, two rather more general aspects of the 'turn' to office stand out. First, a rekindled interest in the moral attributes of public agency inspired not only by a number of well publicized political controversies - from the sexual scandals that beset the Clinton administration in the USA, to the Hutton and Butler enquiries in the UK into events surrounding the decision to go to War in Iraq - but also by growing ethical uncertainties attendant upon a rapid and equally controversial series of managerial reforms of a wide range of public institutions. Secondly, a historical, philosophical and practical concern with the manner in which certain prominent contemporary conceptions of moral agency presume a dichotomy between moral autonomy, on the one hand, and subordination to higher authority, on the other, such that to hold a subaltern status and to exercise moral agency are represented as fundamentally incompatible (Schneewind, 1990)

Although it would be somewhat problematic to conjoin both of these strands into something akin to a unified field, there are nonetheless clear points of connection between them. One crucial area of overlap concerns the forms of moral agency appropriate to the performance of political and governmental offices.

Thus, in his remarkable study of the language of 'Office' in seventeenth century political argument, the historian Conal Condren (1997) indicates how and why it is difficult, if not impossible, to make defence of office in early modern political argument register in terms of modern expressivist understandings of liberty and resistance. Rather, he is careful to show how early modern conceptions of 'liberty, discipline and submission to authority' were entirely 'compatible, closely related notions' (1997:462). In arguing that liberty of office presupposes subordination to a higher authority, Condren also suggests, with Hobbes foremost in mind, that the modern depiction of subaltern status and moral autonomy as mutually exclusive, and the consequent dismissal of the ethics of office as morally bankrupt, is politically disabling, particularly so when it comes to exploring civil ethics of state (Condren, 2002:70–72). This is an important point, one with much contemporary relevance, as I will indicate towards the end of the paper. For Condren (2004) ethics of office may well involve the exercise of judgement but such judgements are not personal in the sense of being about the free and full exercise of an individual's authentic moral conscience or 'self'; rather they are choices facing individuals as the embodiment of a distinctive persona - an official. When it comes to office, he suggests, 'allowable liberties are the functions of obligations' (1997:472), including obligations to specified authority.

This paper seeks to make a case for the continuing indispensability of office-specific conceptions of moral agency in the realm of governmental and political action. Its main focus of concern, however, is with the office of the state bureaucrat, career civil servant, or public administrator. This category of 'person' has been the object of significant practical reform

over the last two decades, and serious debate continues concerning whether such incessant reform has undermined key aspects of the role and function of the office to which this persona is attached. Indeed, rhetorics of office have played and continue to play an important part in framing debates about the status of recent reforms of the state administration as an institution of government.

In seeking to show the continued relevance of office based conceptions of moral agency to the practice of state administration and to the status conduct of the public administrator I will have cause to question some of the assumptions underpinning contemporary reforms of state bureaux and the norms of conduct they advocate. I suggest that many of the experiments in public management that have been foisted upon state bureaux over the last two decades have had the effect of undermining the 'core business' of public administration: running a state and operating a constitution. I begin, however, by introducing the idea of the state as structure of offices and by focusing, in particular, on the purposes and status of the office of state bureaucrat.

Offices of State

According to Quentin Skinner(1989; 2002), among many others, the idea of the modern state was developed slowly, and with some difficulty, to facilitate the construction of a single integrated system of authoritative political and legal decision-making over a given territory and subject-population, and to offset the continuing subversive or anarchistic potential of the long-standing viewpoint that derived political authority, in one way or another, from the people over whom it was exercised. At the centre of this novel idea was the concept of sovereignty, of ultimate worldly authority over people and territory, and its firm location within specific institutions and decisions: the right to be obeyed without challenge. 'The entity in which that right inhered', as John Dunn (2000: 80) indicates, was no longer envisioned as a particular human being.

> but as a continuing structure of government, decision-making, legal interpretation and enforcement, which was sharply distinct from its current human incumbents. Such a structure could take in or lose subjects or territory without altering its identity. It could change its system of rule or legal adjudication almost beyond recognition, and yet remain intractably itself.

And, as Udo Wolter(1997:18), for instance, has argued, a central feature of this sovereign entity is the institution of office. According to Wolter (1997), the sovereign state is an abstract structure of offices endowed with all manner of powers, warrants and resources which are to be sharply distinguished from the contingent human occupants of these offices. Office is therefore an institution that the state and other juristic bodies of public law make use of in order to accomplish certain purposes. Sovereign and fiscal tasks are delegated to a persona - the 'office-holder' - for a portfolio of responsibilities which is delimited, amongst other things, by norms of competence. These persons - state functionaries or bureaucrats - are subject to official duties which result, inter alia, from legislation, constitutional dictat or official instructions, 'as for example concerning due execution, incorruptibility, or impartiality' (1997: 19).

For Wolter (1997: 19–21), the concept of office can be delineated and analysed along two axes. First, organizationally, in terms of the office as instituted competence. Here, the modern state accomplishes its tasks and objectives through a division of labour. Therefore, the idea of office presupposes the existence of a large number of offices which work together in something akin to a 'permanent structure of offices' (Wolter, 1997: 19). The definition and distribution of the functions of an office result from the establishment of specific

competencies. In so far as the office fulfils a function of state, it is defined in relation to competencies and therefore made independent in an abstract sense. This requires, first, a fixed definition of responsibilities, and, secondly, the co-ordination of offices in a hierarchy. Because the office is a function of state, it is also equipped with authority. If the office fulfils duties on behalf of the state, the state has to grant to the office those means which are qualitatively equivalent to those of the state. In other words, the office has the 'official authority' to order and enforce everything that is necessary to fulfil its duties as bound by the limits of its competence (Wolter, 1997: 19–20).

Secondly, Wolter traces the concept of office in relation to the persona of the office holder, in terms of the regulation of status and duties. The abstract existence of the office, he argues, makes it qualitatively different from any natural person. It is constructed precisely in order to make the activity of the state independent of the insufficiency of any human being, and to achieve substantive effects despite the individual imperfections of any particular office holder(see also Kallinikos, 2004). The office is therefore a fundamentally impersonal institution. This means, negatively expressed, that the office cannot be treated as a personal possession or tradable good. More positively, it means, for instance, that the maintenance of the office holder has to be secured independently of the income of the office, and that the 'depersonalisation' of the execution of official duties has to be ensured through the regulation of official duties.

Thus, in his classic dissection of the vocation of bureaucratic office holding, Max Weber (1978 II: 959) writes

> Legally and actually, office holding is not considered ownership of a source of income, to be exploited for rents or emoluments in exchange for the rendering of certain services, as was normally the case during the Middle Ages...nor is office holding considered a common exchange of services, as in the case of free employment contracts. Rather entrance into an office...is considered an acceptance of a specific duty of fealty to the purpose of the office (*Amstreue*) in return for the grant of a secure existence. It is decisive for the modern loyalty to an office that, in the pure type, it does not establish a relationship to a *person*, like the vassal's or disciple's faith under feudal or patrimonial authority, but rather is devoted to impersonal and functional purposes...The political official - at least in the fully developed modern state - is not considered the personal servant of a ruler.

For Weber, the institutional and moral responsibility of the different officers of state - rulers, political leaders, bureaucrats - is to be understood in terms of their quite distinct duties attached to their particular responsibilities of office.

According to Weber (1978II:958ff), the state bureaucrat or administrative official, on the one hand, and the politician or ruler, on the other, have very different purposes and forms of responsibility. Such differences are not to be deduced from the relative 'interest' or 'complexity' of the tasks each performs, nor from a mechanistic distinction between policy and administration, but rather from the demands made upon them by the distinctive offices they occupy.

> 'Officials' too are expected to make independent decisions and show organizational ability and initiative, not only countless individual cases but also on larger issues. It is typical of littérateurs and of a country lacking any insight into its own affairs or into the achievement of its officials, even to imagine that the work of an official amounts to no more than the subaltern performance of routine duties, while the leader alone is expected to carry out the 'interesting' tasks which make special intellectual demands. This is not so. The difference lies, rather, in the kind of responsibility borne by each

of them, and this is largely what determines the demands made on their particular abilities (Weber, 1994a: 160).

Weber is clearly referring to 'responsibility' in a very specific sense. The term as he deploys it does not pertain to a simple division of organizational labour, in which bureaucratic officials are allocated the sole responsibility for administration, and politicians the sole responsibility for policy. Rather, 'responsibility' refers to a division of ethical labour in which official and political leader are subject to specific imperatives and points of honour and develop quite different capacities and comportments as a result of the demands of their respective 'offices' - their placement within what Weber describes as different 'life orders'.

In his classic account, Weber (1978, II:978ff) treats the impersonal, expert, procedural and hierarchical character of bureaucratic conduct as elements of a distinctive ethos. According to Weber, the bureau comprises the socio-technical conditions of a distinctive organization of the person. Among the most important of these are, first, that access to office is dependent upon lengthy training, usually certified by public examination; and second, that the office itself constitutes a 'vocation', a focus of ethical commitment and duty, autonomous of and superior to the bureaucrat's extra-official ties to kith, kin or conscience. In Weber's discussions of bureaucratic office-holding as a vocation, these conditions mark out the office as a particular sphere of life and provide the office-holder with a distinctive ethical bearing or status-conduct. In particular, Weber (1978, II:983ff) stresses the ways in which the ethos of bureaucratic office-holding constitutes an important political resource because it serves to divorce the administration of public life from private moral absolutisms. Without the historical emergence of the ethos and persona of bureaucratic office-holding, Weber argues, the construction of a buffer between civic comportment and personal principles - a crucial feature of liberal government - would never have been possible. Indeed, without the 'art of separation' (Walzer, 1984) that the state bureau effected and continues to effect, many of the qualitative features of government that are regularly taken for granted - for instance, reliability and procedural fairness in the treatment of cases - would not exist.

As Weber makes clear, the crucial point of honour for bureaucrats is not to allow extra official commitments to determine the manner in which they perform the duties associated with their office. 'On the contrary', the bureaucrat 'takes pride in preserving his impartiality, overcoming his own inclinations and opinions, so as to execute in a conscientious and meaningful way what is required of him by the general definition of his duties or by some particular instruction, even - and particularly - when they do *not* coincide with his own political views'(Weber, 1994a:160). Without this 'supremely ethical discipline and self-denial', the whole apparatus of the state would disintegrate (Weber, 1994b:331).

It is the relationship between extra official commitments, broadly defined, and the independent obligations of office that has preoccupied many of the contemporary critics of state and bureaucracy. It is to the work of these critics that I now turn.

Contemporary Challenges to State and Bureaucracy

As Richard Chapman (2000:4) has reported, the original Society of British Civil Servants had as its motto (when mottoes, as opposed to visions, were in vogue) 'We serve the State'. It is indicative of how far we have travelled that it is impossible to imagine a similar body today choosing to deploy the 'S' word to frame its 'core business' (Walker, 2004). A document produced by the UK Cabinet Office (1999) entitled 'Vision and Values' provides the more appropriate contemporary comparator. Here we find the Civil Service's mission defined thus: 'to make the UK a better place for everyone to live in, and support its success in the world. We want to be the best at everything we do'. A more vacuous statement it is hard to imagine.

But a more telling example of the eclipse of the state in contemporary public management discourse it would be difficult to find.

Given the contemporary obsession with 'society' as the source of public policy, most notably in contemporary theories and programmes of 'network governance'(Rhodes, 1996; 2000; Stoker, 1998; 2000), it seems that reasons of state are always bad reasons(Kriegel, 1995). This gradual occlusion of the concept of the state in recent political and public management thought, most especially, but not exclusively, its ethical component, has condemned a whole body of practical thinking concerning the problems, purposes, techniques and comportments appropriate to the responsible running of a state, if not to oblivion, then certainly to a shadowy existence in the interstices of various machineries of government adopted by many actually existing states (Geuss, 2001; Minson, 1998). In particular, it has condemned the ethos of bureaucratic office to the dustbin of history, representing it not only as morally bankrupt but also as organizationally redundant.

Exactly why state and bureaucracy find themselves in this position is not too difficult to discern. After all, opposition to the idea of 'the state', and to 'bureaucracy', has long been a feature of a wide variety of political discourses. Over the last thirty years or so, however, it has enjoyed a remarkable resurgence in popularity. One of the most prominent of the many recent criticisms directed at the 'cold monsters' of state and bureaucracy concerns their presumed negative consequences for personal liberty. Whether couched in predominantly managerialist or economistic terms - states and their bureaucracies hinder the unique virtue and efficacy of a capitalistic organization of production - or in relation to populist criteria of political right - only governments that are responsive to, and thus accurately and sensitively express, the opinions and judgements of their own citizens can be fully entitled to their obedience - states and bureaucracies are seen as undermining freedom.

Underlying the first of these conceptions, we might contend, is the assumption that economic freedom, and the efficiency of governmental policy, is a function of the state's subordination to the laws of the 'free' markets. For the second, the guiding assumption is that the justness of governmental policy is directly related to the degree of the bureaucracy's subordination to the popular will. Both strands of critique can be easily traced in recent and on-going experiments in reforming state bureaux, most particularly, but not exclusively, in their Anglo-American variants. So, for instance, contemporary demands for more 'responsive' public management and the mechanisms devised to achieve this end, frequently contain two distinctive elements. On the one hand, the 'unresponsiveness' of which many democratic populists complain often appears to be based upon on the assumption that it is impossible to justify substantial governing power being allotted to unelected officials. Thus the ceaseless demands for 'modernization' and 'reinvention' of state bureaux made by advocates of enhanced democratic rule, are based on the belief that bureaucracies should be more 'responsive' to the wishes of their political superiors and to the people they ostensibly serve. When applied to machinery of government, this understanding of 'responsiveness' is thought, for instance, to entail the development of policies and practices that remove 'obstacles' between government and governed ('sunshine' laws requiring that governmental deliberations be conducted in public; increasing 'deliberative democracy' and 'client participation' in agency decision-making).

On the other hand, the 'unresponsiveness' of which many managerialist or economistic critics of state bureaucracy complain centres on the presumed 'inefficiency' of grant-incomed state bureaucracies as compared with organizations exposed to the vicissitudes of market competition. When applied to the machinery of government, this understanding of 'responsiveness' entails, *inter alia*, the development of market-type mechanisms ('internal-markets', quasi-autonomous agencies, and Public Private Partnerships (PPPs)) that will help stimulate efficiency, competition and profitability (in no matter how opaque a manner)in and among state bureaux, vitalising the state service to provide what some advocates termed

'entrepreneurial governance' (Osborne and Gaebler, 1992; Osborne and Plastrik, 1997). In contrast to the democratic impulse, this approach to responsiveness highlights the need for managerial autonomy from political control so that services can be delivered to customers with maximum efficiency, as in any other business context [1].

As indicated earlier, both strands of critique can be traced in recent and on-going experiments in reforming state bureaux. The question that arises, though, concerns the effects of such demands on the character of bureaucratic office. What impact have attempts to institute more 'responsive' forms government had upon the capacity of state bureaucrats to live up to the obligations of their office? In particular, what effects have programmes designed to enhance 'responsiveness' had upon what Weber characterized as the separation of office and self?

Populist democratic critiques and the ethos of bureaucratic office

There are, of course, many different forms of populist democratic critique of state bureaux. Some critics approach the issue of enhanced 'responsiveness' by stressing the bureaucrat's independent obligation to act on the basis of their sense of individual and/or social responsibility. Here, bureaucrats are represented as influential participants in the policy process, who should be encouraged to act more freely on the dictates of their own consciences to ensure socially equitable outcomes (for a discussion see Uhr, 2001). Others encourage the adoption of relatively direct ways for members of the public to influence the behaviour of public bureaucrats, through the deployment of citizen-consumer charters for instance, or through associated devices such as the creation of various user groups that function as virtual boards of directors for public organizations (for a discussion, see Peters, 2000). Yet others, propose the enhanced use of political appointees and special advisers in an increasing number of government positions, thus ensuring that the will of the government can be enthusiastically promoted and its priorities enforced in the face of the perceived inertia represented by the 'forces of conservatism' inherent in state bureaucracies (for a discussion, see Jones, 2002).

What each of these critiques shares is an assumption that the justness of bureaucratic policy and practice is a function of the degree to which it is subordinate (i.e. 'responsive') to a conception of the 'popular will'. On the one hand this may be achieved through mechanisms such as the increased use of political appointees, in which the 'popular will' is effectively mediated through political elites of some sort. Responsiveness here is conceptualized as being to political leaders as representatives of 'the people'. On the other hand, mechanisms such as 'citizen-consumer' charters or client 'virtual boards of directors' suggest a more direct - though still mediated - form of popular control.

The idea of the bureaucrat acting on his or her own conscience in the service of individual moral and/or social responsibility appears at first sight to sit uncomfortably with either of these notions. However, the inculcation among bureaucrats of an office-independent, socially responsible muscle of the spirit suggests that the bureaucrat is in some sense reimagined as a representative of the people, continually conducting an inner moral audit, measuring their conduct not so much against the demands of their office, as against a wider conception of moral principle and socially beneficial outcomes. The 'responsiveness' here is to the bureaucrat's own conscience as evidenced in their moral conception of 'socially responsible' conduct. Only insofar as role or office based obligations are represented in terms of morally justifiable higher purposes - engendering social justice and civic renewal - should public bureaucrats regard them as an altruistic 'personal' responsibility (Minson, 1998).

While it often seems difficult to argue against populist, democratic mechanisms for holding bureaucrats to account - however they are understood - given the normative power associated with the democratic signifier, nonetheless there may be some significant problems with the

practical operation of such mechanisms when it comes to maintaining the separation between 'office' and 'self' that Weber characterized as a fundamental component of the operation of the state as a state. As we saw earlier, Weber's understanding of bureaucratic office is framed in opposition to theological or otherwise pre-modern understandings of office as divine right, personal possession or private property. It is also clearly distinguished from certain doctrines of popular sovereignty. As he makes clear, in *Economy and Society* and *Politics as A Vocation*, for instance, when you have a state as your form of political organization, and especially if you are living in a world of basically competitive states, the preservation and flourishing of your state gives rise to an independent set of reasons for action: those pertaining to the security of the state as its own *raison d'être*. Or what we have come to know as *raison d'etat*. If, in certain forms of populist democratic thought, 'public' means all that pertaining to the concerns of all the people, then when state officials come to take care of these public concerns it is clear that a transmutation of meaning and ethos is effected that is of fundamental significance(Geuss, 2001). For under these circumstances the term 'public' comes to refer to the offices themselves rather than the 'common concerns' or more specifically, the latter come to be seen exclusively in terms of the former. It is precisely a reversal of this development that I argue can be seen at work in the contemporary populist democratic critique of bureaucratic office.

Such thinking is evident when considering that loose form of populist 'direct democracy' associated with the mobilisation of the citizen/consumer, for instance. Here, there is an attempt to enable the 'public', conceptualized as consumers of public services, to exert some influence over the public policies and institutions that act upon them. One of the most pervasive of contemporary attempts to 'democratize' state institutions has been the instrument of the 'citizen/consumer' charter. That initial populist element in the 'responsiveness' regimen has been followed, *inter alia* by the mechanisms of the Complaints Task Force (Peters, 2000:131).The assumption guiding these experiments is that consumers of public services are not only capable of assessing the performance of many public organizations, but are the persons best placed to undertake this task. Not only this, they are also the persons most able to transform those assessments into enforceable decisions that will in turn help reform governmental operations and policies.

A related aspect of this democratisation agenda is the creation of various user groups that function as virtual boards of directors for public sector institutions. This form of democratic control has been particularly influential in areas such as housing, education and healthcare where governmentally constituted 'virtual consumers' are held to 'demand' greater control over the activities of service providers. The groups that function as the mechanisms of accountability are often elected from the relevant 'consumer' group - or client base - thereby possessing, it is argued, a democratic mandate for enforcing responsiveness over state providers(Peters, 2000; Runciman, 2005).

One problem, as a number of commentators have indicated (Plowden, 1994; Peters, 2000), is that a small, vocal and socially distinctive segment of the population can become the reference group for enforcing certain forms of accountability and judging aspects of official performance. That is, those citizen/consumers who feel that they have been wronged, or who have the requisite skills to complain effectively, become the measure of good and bad administration, rather than a professional or legal standard of some sort fulfilling this role. Here, the demands of office are transcended or trumped by the normative power of the direct democratic mandate. As Plowden (1994) for instance, has argued, respect for citizen-consumers preferences in this populist, direct democratic manifestation, is a tiger which, when taken by the tail, can pull governments and their officials in uncomfortable and sometimes undesired directions. He cites a classic case from the 1990s, when the then Conservative administration in the U.K. allowed some schools, still publicly funded, to opt out of control of elected authorities, and to come under the jurisdiction of local boards of governors (mainly parents), subject to ultimate final control by the then Department of

Education. This was wholly in line with Conservative thinking about 'responsibilisation', 'responsiveness' and centrally, 'consumer choice and satisfaction'. Great, then, was their concern when a school in a particularly deprived part of East London, largely populated by recent immigrants from the Indian sub-continent, fell under the control of some strident Muslim governors who were soon in conflict with the head teacher at the school, whose day-to-day activities they tried to control. The situation was only resolved when the Secretary of State for Education directly intervened (1994:307). Controversies such as this associated with experiments of this sort in various social policy fields indicate precisely what can happen when small and strident sections of the 'user' population are able to gain undue influence in decision-making (Bishop & Davis, 2001; Evans, 2003).

The danger with these sorts of programmes, and the assumptions informing them, is that an ethic of responsibility associated with an ethos of bureaucratic office is transmuted by mechanisms of populist participative democratic rule into an acceptance of private interest as the means, *inter alia*, of evaluating performance, of deciding when there has been a failure of administration, or of what particular policy objectives should be given greater or lesser organizational weighting. In other words, while more traditional approaches to institutional accountability, for instance, tend to focus on official failure to meet bureaucratically constituted - office based - goals of equality and fairness, standards built into more populist participative democratic mechanisms, especially where participation is by an 'active' minority, may well lead to the acceptance of arbitrary standards and thus of greater levels of inequality, except for those from the participating segment. They may also, over time, lead to the re-emergence of patronage and other forms of direct partisan involvement in administrative life, which the development of an ethos of bureaucratic office had helped to expunge (Chapman, 2004). According to Dobel(1999:41), for instance, the adoption of these mechanism can undermine the independent status of office so that the latter once again becomes something akin to a possession - in this case subject to 'consumer capture'.

Concerns about the erosion of an ethos of bureaucratic office also arise when discussion turns to the increased use of political appointees and special advisers in official positions within state bureaux. Here, as I indicated earlier, another form of a populist, democratic impulse can be seen at work.

The last three decades have witnessed a concerted attempt by governing parties in many different political contexts, to strengthen their control over state bureaux. These moves have been framed in terms of enhancing the responsiveness of the bureaucracy to the political will of those with a democratic mandate. One aspect of this particular trend has been the erosion of the powers of centralized staffing agencies which safeguarded public service recruitment and promotions from political or official interference; strengthening ministerial control of top departmental appointments by removing the need to consult an independent staffing agency; substituting short term contracts for security of tenure in top official posts; and generating the general attitude that party-political governments should not have to tolerate obstruction or inertia from conservative bureaucrats, and should instead surround themselves with enthusiastic, committed leaders who would champion their policies and ensure they were 'delivered'(Chapman, 2004). In attempting to achieve these ends, however, politicians and their advisers have arguably weakened the legitimate role of officials in government by undermining the ethos of bureaucratic office (Parker, 1993; du Gay, 2000; Chapman, 2004).

The increasing use of external appointments to senior civil service positions and, in particular, the appointment of those with known prior policy enthusiasms, gives rise to two particular problems [2]. The first is that of ensuring that standards in state service are maintained - that the obligations of office are lived up to; the second is that distinctions between office and self are not so blurred that the state service becomes a politically partisan institution.

In the United Kingdom, for instance, the political neutrality, or party political impartiality, of the British Civil Service, has flowed in no small part from its career basis (Bogdanor, 2001; Chapman, 2004). Career civil servants are expected to serve successive governments of differing party political hues. The key to being able to do this, as Weber indicated, is to cultivate a degree of indifference to the enthusiasms of all political parties; to display, in effect, party political impartiality. Traditionally, at least, civil servants have been trained to conduct themselves in such a manner. Indeed, in Britain, as elsewhere, people with strong party political or single issue interests have - until recently - been unlikely to be appointed to senior Civil Service positions, or to present themselves for consideration as candidates in the first place (Chapman, 1988). As a result, civil servants have been likely to greet the panaceas of all political parties with caution, if not scepticism. Inevitably, this leads them to embrace party political programmes with less fervour than party political enthusiasts would like. But this is part of their job, one assigned to them by the constitution. And in fulfilling this role they may be seen as servants of the state. It is precisely this etatist/constitutional role - an obligation of office - that is being affected by the appointment of political enthusiasts or loyalists to senior positions in the bureaucracy. New recruits coming from outside - whether from commercial organizations or social enterprises, will generally lack the traditional patterns of experience, such as those gained by being a private secretary to a minister, which help inculcate in civil servants those very conducts of impartiality. Moreover, someone recruited from outside the service by virtue of relevant knowledge and approved commitments is likely to arrive with all sorts of partisan baggage derived from their previous situation. That is almost inevitable, if 'new' civil servants are expected to be cheerleaders for government and act as committed champions of specific policies. It is not easy, however, for those same people to both fulfil such a role and at the same time conform to traditional practices of subordination and lack of constitutional personality, their views being those of their minister, and not their own.

As Bogdanor(2001:296) has suggested, it is not clear, therefore, how far outside recruitment to senior policy positions in the Civil Service can avoid the dangers of politicisation or at least a degree of prior policy commitment, incompatible with traditional notions of 'political neutrality'. The problem here, in effect, is that office and self become blurred, with the committed champion coming to see the office as an extension of themselves, thereby effecting a confusion of public and private interests and identities. Dobel (1999: 131) calls this 'zealous sleaze', a process whereby individuals come to see public office as an extension of their own will and ideological commitments. The introduction into state bureaux of too many people with prior policy commitments and enthusiasms sympathetic to the government of the day could therefore easily undermine the traditional obligations of office framing the conduct of the Civil Service as an institution of government. Similar objections can be concerning the increased use of special advisers, especially when, as in some well known cases in the UK, this category of actor has been allotted extraordinary powers to issue orders to civil servants, or has, through its gatekeeper role with ministers, effectively been able to negate the influence of civil servants in the area of advising on policy issues (Daintith, 2002; Jones, 2002; Oliver, 2003).

'Zealous sleaze' also arises as a problem when attention turns to the demand that state bureaucrats act 'outside of role', heeding their own consciences in the service of individual 'personal' or 'social responsibility'. Here, a long-standing critique of the one-sided instrumentalism of bureaucratic conduct joins hands with the neo-Aristotelian revival in the field of applied ethics. Encouragement is given to public officials to cultivate an independent mindset and commitments based upon wider moral considerations that transcend the office specific obligations of their given institutional milieu (Longstaff, 1994).

If the only *bone fide* kind of moral agency is vested in the idea of the morally autonomous, 'whole' person, then it is not difficult to see how the office or role based mentality of the bureaucratic ethos is deemed to fall considerably short of the ethical mark. The problem with

this approach is twofold. The first problem with this approach concerns its conception of 'the person', in the singular. Clearly, there is not simply one way in which values, for instance, may be personal. For example, values may be personal in the sense of issuing from processes of moral reflection that individuals, rightly or wrongly, identify with their own inner conscience. But values might also be personal in the sense of providing a focus for individual moral commitment and ethical action. These two senses are not identical. Individuals can and do find a (personal) focus for moral life in an ethos - of office, say - which derives from impersonal ethical institutions, rather than their own individual moral reflections. It is in this sense that state bureaucrats should be personally committed to the ethos of their office, even though that ethos lies outside their own personal moral predilections or principles.

Second, and relatedly, this approach reduces matters of public accountability and authority to matters of individual accountability and morality. This, of course, leaves the door wide open for people to see their institutional obligations in terms of their own moral predilections and thus to blur the distinctions between their sense of self and the obligations of the office they happen to occupy. As John Uhr(1994:166; 1999) has argued, ethics in government is about meeting the demands of public, not individual accountability. While ethics is certainly about individual choice, that choice is not the individual's own one, but an official one: a choice facing him or her in their role or office as a professional public servant. He concludes that the primary ethics question for public servants is not: what is my individual moral preference as to this or that course of action 'Rather it is: "what is my duty or responsibility as a public official in relation to this or that course of action"' (Uhr, 1994:166). We need only think for a minute about what might happen to social order if policemen were allowed to decide for themselves what rules to follow and which to set aside on the basis of their individual moral predilections, or if civil servants in departments of state had had individual moral discretion concerning what forms of types of authority to comply with or not.

Since discussions about the ethics of bureaucratic conduct inevitably focus upon the ethics of an office or role, then clearly the ethical template, if that is the right phrase, needs to be tailored to the demands of that limited role, rather than expanded to cover the multiple ethical 'personas' that any individual human being can be implicated in. As Weber (1994:362–363) famously put it, 'we are placed in various orders of life, each of which is subject to different laws'. Is it then possible, Weber asked, 'that any ethic in the world could establish substantively identical commandments applicable to all relationships, whether erotic, business, family, or official, to one's relations with one's wife, greengrocer, son, competitor, with a friend of an accused man?'(1994:357). Obviously state bureaux are no less in need of human beings who are in some basic sense 'sorted out' than other sorts of institution, but if, as John Rohr(1998:21) puts it, 'specific questions for government administrators must be postponed until they have first become well-integrated human beings, we may never get on with our work'.

The idea that the state bureaucracy is a substantive ethical domain in its own right, and the associated notion that individuals are involved in multiple ethical personas, obviously seems strange from the perspective of a personalist morality committed to the generalisation of populist democratic participation. However, this attempt to 'democratize' state bureaux, like the other populist impulses outlined above, may in fact undermine a rare and important ethical resource: the bureaucracy's 'official' capacity to separate administration of public life from moral absolutes and zealous principle. Something similar is at work in managerially framed demands for 'responsive' government. It is to those demands that attention now turns.

Managerialist critiques and the ethos of bureaucratic office

Underpinning both democratic populist and managerialist demands for 'responsiveness' is an assumption that politicians and bureaucrats have lost sight of their legitimate and effective roles in governance. As we have seen, some critics have framed this problem as one of a democratic deficit and have sought measures whereby elected representatives or citizen-consumers might tame the power of 'officials', enhancing their own status within government, and that of democratic rule more generally, as a result. Others have focused upon the need to exclude elected representatives from the day to day operation of state bureaux, thus enabling bureaucrats, reclassified as managers, to get on with the 'core business' of delivering services to customers with maximum economy and efficiency.

While it is undoubtedly true that this managerial imperative, like its democratic relation, is a multifaceted rather than monochromatic creation, there is nonetheless a general consistency and style to the various impulses one might usefully gather under its umbrella heading. In no small part, this is due to the *leitmotif* animating managerial reforms: the ideal of making government more businesslike.

The rhetoric and imagery of business discourse has had a profound effect on the ways in which state bureaux are conceptualized and their purposes and performances assessed. For over a century, it has been customary for politicians and state bureaucrats to speak fondly and freely of running government on a businesslike basis. By this, though, little more has normally been meant than the salutary aspiration that state bureaux should work more effectively. Recent enthusiasms for 'New Public Management 'have had a rather different intent. Here we see the ideal of 'being like a business' given a much more literal spin, one in which differences between administration as governance, and management as delivering services to customers, are elided. The conduct of government in all its manifestations, is represented first and foremost as a particular sort of managerial enterprise. Here, the statist and constitutional dimensions of the work of public officials disappear from view entirely. This contemporary managerial ideal has a number of components, but three in particular, stand out. We might label them: market creation; entrepreneurial conduct; and performance measurement (see Goodsell, 1994: 150–161).

A key feature of recent reforms of state bureaux has been the use of market type mechanisms to reform working practices and ethics, and to create competition within government itself. Internal markets, agencification, contracting out; market testing and private finance initiatives are but some of the techniques deployed by government to make the provision of public services more businesslike. Each, in their particular ways, involves the establishment of a system for the delivery of public services modelled on a conception of market relations (what we might term an 'imagined' or 'virtual' market), and thus has (in no matter how artificial a manner) the production of profit as one of its basic organizing principles (Scott, 1996).

Justifications for contracting out or 'outsourcing', for instance, frequently begin by invoking the purported failures of in-house systems of provision based on hierarchies of public offices. In assuming that office-holders are self-interested and opportunistic, public choice theories of bureaucracy, for example, on which much of the justification for contracting is based, turned traditional virtues of office based governance into their opposites: permanency was an invitation to complacency; the combination of 'purchaser' and 'provider' roles was regarded as being inevitably accompanied by inefficiency and ineffectiveness as incentives to perform were absent, and so on and so forth. One obvious remedy, given the assumption of inherent self-interest and opportunism, was to harness these capacities more productively through the use of competitive tendering and contracting out, or the development of internal markets again based on a contractualist logic (Le Grand, 2003). Not only would contracting reduce costs, due to downward pressure on prices from competitive tendering, it would result in

continuous quality improvement as providers sought to outdo each other in meeting service specifications.

However, it is clear that when the language of office-holding is replaced by that of market creation, in the form of contracting and competitive tendering, a number of profound consequences can flow for the structural and institutional integrity of public administrative activity, and the ability of public officials to live up to the demands of their office. First, in the name of (a distinctive understanding of) economy, efficiency and delivery, public offices and officials in many areas of activity have been replaced by contracted private agencies or businesses. Thus, public officials begin to lose many intrinsic aspects of their role, not the least of which being their status as 'authorities'. As government contracts out more and more of its activities, its constituent office holders really do begin to lose competence in the areas covered by contractors, areas within which until now public office holders have had unrivalled expertise. As Crouch (2004:100) has argued, 'as they become mere brokers between public principals and private agents, so professional and technical knowledge passes to the latter. Before long it will become a serious argument in favour of private contractors that only they have the relevant expertise'. Attempts by public officials to write codes of ethics that both defend traditional public service conduct and celebrate market-mimicking conduct, clearly testify to the nature of the choices that contractualisation brings in its wake. Attempts by contract mangers to adapt contracts to incorporate the more complex dimensions of public office-holding responsibilities, for instance, highlight both the difficulties of attempting to have your cake and eat it, and perhaps, more importantly, the inappropriateness of such instruments to the tasks in question. These tensions are made evident in the manner in which traditional forms of political accountability are mostly by-passed or supplanted by narrow, one dimensional mechanisms of contract enforcement and service delivery (Plant, 2003).

In sum, the replacement of the generic, comprehensive forms of supervision, accountability, regulation and teamwork inherent in a system of state service based on a structure of interrelated public offices, by the particularistic, task specific and often privatized forms inherent in the contract, represents 'a threat to the basis of ethical conduct in the mangement and delivery of public services' (Painter, 2000:181). This threat refers, primarily, to the ways in which the expert tasks, powers and responsibilities of government in a sovereign state - that forgotten 'core' business of public administration - are irreducible to business terms alone, much as they are to democratic terms. Such reductionism is often attractive - particularly to partisan reform enthusiasts - and clearly not impossible, but its costs are apt to be quite high. The point is that there are limits; limits, that is, to the extent to which the complex oscillations and balances between different ethical capacities within a given bureaucratic life order can be pushed in one direction towards any single vision of ordering without significant, perhaps pyrrhic, costs attaching to such an endeavour: whether that push is framed in terms of the demands of 'audit', 'modernisation', 'governance' or 'managerialism' (du Gay, 2000; Strathern, 2001). In the case of contracting out, such costs include not only the loss of public expertise and authority - a diminution of office-based competence - but vastly increased scope for patronage and private influence, as well as enhanced opportunities for and temptations to corruption - the blurring of office and self, and the re-emergence in suitably modern guise of office as a tradable good (Doig & Wilson, 1998; Chapman, 2004; Crouch, 2004).

A second central feature of the business management model is the role allotted to enterprise and entrepreneurialism when discussing the changing ethics required of 'new' public managers as opposed to that of public officials. Much like the discussion of 'markets', the enterprise evoked and praised in new public management discourses is of a hybrid or 'virtual' sort. It has little to do with business start ups or the model habiti of successful entrepreneurs. Rather the signifier Enterprise functions here as rhetorical move in a political polemic, 'sexing up' the content of what was, until comparatively recently, a largely non-emotive subject matter: namely public administration. Thus the category of entrepreneur, when

applied to public management, functions itself as an umbrella term for a range of measures deemed necessary to making state bureaux more businesslike. 'Leadership', 'innovation', 'creativity', 'risk taking', 'experimenting' and so on and so forth are all attached to the signifier to evoke new ideals of conduct to be embodied and expressed in the activities of public officials.

In recent years, the issue of 'executive leadership', for instance, has emerged as a hot topic within the field of public management. The British New Labour Government's White paper 'Modernising Government'(CM4310, 1999) and its related policy documents (Cabinet Office, 1999), for instance, places considerable emphasis upon the capacity of executive leadership to help change the culture of 'risk aversion' that it considers endemic to the British Civil Service. Thus, the White Paper states that officials must 'move away from the risk-averse culture inherent in government' and that this is to be achieved through removing 'unnecessary bureaucracy which prevents public servants from experimenting, innovating and delivering a better product'. As with a previous attempt to inculcate 'real qualities of leadership' amongst senior civil servants, the *Next Steps Report*(Efficiency Unit, 1988: para 35), quite what this means in the British constitutional context, where ministerial accountability is still assumed to be a crucial constitutional convention, is not at all clear. The business of a government department must, inevitably, be scrutinized in a different way from that in which shareholders of a public company judge the operations of a firm. As Bogdanor (2001:298), has argued.

> In the latter case, the net financial outcome of all the firm's operations over a period of time will be evaluated at the annual meeting of shareholders. Parliament, however, may scrutinize any single operation varied out by government at any time, and may do so some considerable time after the operation in question has occurred. This has obvious implications for record-taking and for the avoidance of risk. It makes it difficult for civil servants to be 'creative', or to display the 'leadership' so beloved of the management consultants - indeed, it might be argued that under... [this] constitution it is for politicians and not for civil servants to display leadership.

Seen in this light, the creativity and innovation demanded of public officials looks like an invitation to set aside the constitutional obligations of their office. Creativity is represented as something that is blocked by bureaucratic constraint and therefore bureaucracy must bow to its demands. The cases of WorldCom and Enron come to mind, where creativity was exhibited precisely by supplanting or subverting bureaucratic procedure. Public accountability also looks like one of the victims of this managerial demand. By encouraging all senior civil servants to become leaders and to take individual responsibility for their decision-making the managerialist impulse seems to wish to turn them into politicians. This makes the accountability enforcement rather difficult. With so many people being 'leaders' in the system of movement, where would the buck stop, exactly? It also encourages, *contra* Weber, individuals to identify the goals of office with their own sense of self.

A third key feature of the business model is the issue of performance and performance evaluation. In Britain, the current Labour government's obsession with 'delivery', combined with non-too-subtle distaste for the traditions of the state bureaucrats - that other governing profession - led it quickly to demand changes in the 'ethos' governing the conduct of civil servants. As the current Home Secretary, Charles Clarke, put it in 2002, 'what I think we'd benefit from is a more effective managerial quality at the top, and I'd say put the "just do it" ethic in, is the change that's needed' (BBC Radio 4: 25/07/02). Once again, the civil servant as part of an institutional 'gyroscope of state' and bulwark against, what Walt Whitman once called, 'the never ending audacity of elected persons', was to be reconfigured as a something akin to an energetic and entrepreneurial 'yes-person'. In order to be able to 'just do it', though, the variety of duties and obligations that bureaucrats were traditionally expected fulfil had to be transmuted into, or reduced to, the more modest activities of generic management.

In order for managers to 'really' be able to manage, a space had to be created permitting freedom from day to day supervision. This distance could not be total, however, only partial and this is where targets, audits and the other paraphernalia of 'responsibilisation' come into play. The increased use of devolved budgets, targets, performance evaluation and audit attest to managerial independence at the same time as channelling managerial freedom and shaping managerial action in specific directions (Power, 1997; Rose, 1999; Strathern, 2001).

One of the main features of the contemporary passion for 'performance' is its distinctive reductionism. The language of performance requires relatively simple, mainly quantitative measures to be created so that evaluation of success or failure can be unambiguously reached. But what if certain, perhaps crucial, aspects of a complex and contingent office -based role are simply not amenable to calculation in these terms? What happens to these in the performance mix? According to Power (1997) and Paton (2003), for instance, that which is not amenable to performance 'verification' is simply white noise, at best an irritation, at worst an irrelevance. As Paton (2003: 29) puts it

> The problem is that the language of performance takes no prisoners. Through its lenses, the world is straightforward, situations are or should be controlled, the issues are clear, the criteria unambiguous - and results have either been achieved or they have not. Uncertainty, patchiness, ambiguity, riders and qualifications - all these can be read as excuses, signs of weakness. 'Performance' is categorical - that is precisely its attraction.

And, some might argue, precisely its weakness. As suggested earlier, office based obligations tend to be plural rather than singular. A senior civil servant working in the institutional milieu of British Central Government has, traditionally at least, needed to be, *inter alia*, something of an expert in the ways of the constitution, a bit of a politician, a stickler for procedure and a stoic able to accept disappointments with equanimity (Chapman, 1988; Bogdanor, 2001). As an institution of government, the public administration in Britain therefore reflects and performs not simply bureaucracy but also politics, diplomacy and indeed certain forms of enterprise (clearly, an institution that in the immediate aftermath of the second world war, under extraordinarily difficult circumstances, succeeded in establishing the National Health Service, a new social security system, the expansion of education at all levels and the nationalisation of the major public utilities could hardly be considered to lack the qualities of managerial initiative and enterprise). However, reduction to any one of these various ethical capacities and comportments alone would undoubtedly damage the purposes the public administrator is charged with fulfilling. It would, in other words, have a significant impact upon their ability to live up to the obligations of their office. Such reductionism is not impossible but, as we saw earlier, its costs are apt to be high.

In his classic text *Bureaucracy in Modern Society*, Peter Blau (1956) indicated all too clearly what would happen if performance targets are allotted too much weight in framing the conduct of bureaucratic office. The lessons he outlined appear not to have been learnt. In their text *Re-Inventing Government*, Osborne and Gaebler(1992:157) commended Arkansas and Florida state administrations for removing funding from adult education programmes if 70% of their graduates failed to get jobs. Blau's argument was that organizations will respond by accepting recruits to the programme on a selective basis. His assumption is born out in the experience of professionals working throughout the British public sector, where, as Power (1997) and Miller (2005) for instance, have shown, meeting targets has had a profound impact on the ability of officials to live up to the plural obligations consequent upon their occupation of a given office. In the 1990s, for instance, the British Government's Child Support Agency was held to have found it easier to meet certain financial targets by attempting to gain increased sums from fathers who lived apart from their children but who were already making a contribution to their upbringing, rather than to seek new fathers who were absent and give no assistance (Jordan, 1994: 276).

As the House of Lords Public Service Committee (1998) commented on the increased use of 'performance management' techniques in the British Civil service, targets and performance 'aren't everything'. Because a system of government requires officials to act as custodians of the constitutional values it embodies, it cannot frame their official role or persona solely in terms of performance, responsiveness and meeting targets. The pursuit of more 'businesslike ' management in government, no matter how important it may be in and of itself, has to recognize the constitutional and political limits to which it is subject (Johnson, 1993: 194)

As I argued earlier, the managerial imperative, like its democratic relation, is a multifaceted rather than monochromatic creation. It is probably best not to overstate its singleness of purpose, or its technical homogeneity. Nonetheless, the transparency it demands in all its manifestations is more troubling than it might at first appear. It is certainly possible to view constructs such as 'customer satisfaction' - in both a managerialist and populist democratic manifestation - as relatively banal devices for increasing the efficiency and effectiveness of governmental departments and agencies by ensuring that officials include new calculations in the performance of their role. However, the language of the 'customer', as part and parcel of a distinctive way of conceiving of the activity of state service - that of a commercial enterprise - not only has clear limits in the public administrative context, but also has clear and present dangers for the ethos of office traditionally conceived. For the languages of managerialism, with their demands for explicit distinctions - between policy and management, and autonomy and authority, for instance - override and thus, in a sense, occlude many of the virtues of bureaucratic office, because the latter simply cannot be registered in the language managerialism insists on using. As John Rohr (1998:xi), for instance, has argued, this is a 'forest and trees problem of the first order... and underscores one of the most fundamental problems with the public management movement', namely its diminution of the statist and constitutional character of public bureaucratic office through the substitution of a language of political administration by a managerialist lexicon.

The ethos of bureaucratic office and State interest

Clearly, political circumstances change, and so should the machinery of government. After all, too narrow a focus on the inviolability of a set of pre-existing commitments can be just as problematic, politically and administratively, as too abstract a fixation on the imperatives of epochal change. Institutions must be allowed to adapt from their original purposes if the circumstances in which they operate have changed. This, though, begs a very large question. Have political circumstances changed so fundamentally that we can do away with office based conceptions of ethical agency?

To judge by the comments of some advocates of entrepreneurial government, or social governance, for example, many of the problems the state evolved to address have been solved; the only issues left to deal with concern better management of contracts, or how to make decision-making more 'deliberative' or 'participative'. These may be the 'parish pump' concerns of what has been epochally characterized as a fundamentally anti-statist age (Mulgan, 1994; Gamble & Wright, 2004), but are such assumptions warranted? Has the state and its hierarchically structured domain of offices been transcended?

We have been here before. Early in the twentieth century we find Max Weber railing against the various political romanticisms - anarchists, socialists, armchair litterateurs - who would do away with bureaucracy, law and other detritus of the liberal state in pursuit of their own radical 'visions'. Weber was quite clear that the ethos of bureaucratic office constituted a virtue that a liberal regime, with a parliamentary democracy and market economy, could not do without. As we saw earlier, he was adamant that 'without this supremely ethical discipline and self-denial the whole apparatus would disintegrate' (1994b:331).

To reiterate: for Weber, the state bureau comprises the social and cultural conditions of a distinctive and independent comportment of the person, one that is basically non-sectarian in character. Among the most important of these conditions is that the office constitutes a 'vocation' (*Beruf*) - a focus of ethical commitment and duty, autonomous of and superior to the holder's extra-official ties. For Weber, this marks out the bureau as a specific *Lebensordnung* or 'life-order', and provides the bureaucrat with a distinctive ethical bearing and status-conduct. The ethical attributes of the good bureaucrat - strict adherence to procedure, acceptance of sub- and super ordination, *esprit de corps*, abnegation of personal moral enthusiasms, commitment to the purposes of the office - are to be seen as a positive moral achievement requiring the mastery of a definite ethical techniques and routines - declaring one's 'personal' interest, developing appropriate professional relations with one's colleagues, subordinating one's 'self' to the dictates of procedural decision-making - through which individuals come to acquire the disposition and ability to conduct themselves according to the ethos of bureaucratic office(Weber, 1978 II; Minson, 1993; Hunter, 1994; du Gay, 2000).

In addressing the different kinds of responsibility that particular 'offices' make on those subject to their demands, Weber is insisting on the irreducibility of different orders of life and on the consequent necessity of applying different ethical protocols to them. Forged in the party system and tempered by the organizational adversarialism of the parliament, the politician belongs to an order of life quite unlike of the state bureaucrat. The party leader possesses the political abilities and ethical demeanour required by the unremitting struggle to win and regain power. As Weber makes clear, it is not the trained expertise and impersonal dedication of the official that equips the politician to pursue the worldly interests of the state in the face of hostile and unpredictable economic and political environment. At the same time, however, those very same capacities that enable to bureaucrat to live up to the demands of their office, and, in their different, but no less essential way, serve the interests of the state. The key to the 'self denial' that Weber recognized as a crucial feature of the performance of bureaucratic office, was a trained indifference - *sine ira et studio* - to party or partisan creed, combined with an attachment to the authority of the state, political order or regime. In other words, official indifference meant not being committed, by convictions guiding one's official actions, to the creed and platform of a political party, while being able without a crisis of conscience to further the policies of any current governing party. In this way, state bureaucrats were likely to greet the panaceas and enthusiasms of all political parties with caution. This was part of their job and in performing that role they could be seen as servants of the state. As Weber makes clear, it is the honour of bureaucrats not to allow extra official commitments to determine the manner in which they perform the duties associated with their office.

More recently, Michael Lind(2005:34–37) has written of the how the bureaucratic 'mandarinate' - that other governing profession - having helped to deliver the state from the dangers of 'mobocracy' in the early twentieth century, now finds itself scapegoated by a range of powerful forces; managerialist, populist, libertarian and religious. To the managerialist, the bureaucrat is an amateur; to the libertarian, a statist; to the populist, an elitist; and to the religious fundamentalist, a heathen. Lind (2005:37) asks the rhetorical question: 'What could be worse than a society run by such people?'. His answer is simple: a society run without them. The contemporary US, and to a lesser extent Britain, 'shows the consequences of turning a modern democracy into a mandarin free zone'. Lind is referring, in particular, to the vast social experiment with managerialism and populism that has taken place in these and other liberal regimes, an experiment 'as audacious, in its own way, as that of Soviet collectivism'(2005:37). Referring explicitly to developments in America Lind (2005:37) writes

> The US ship of state veers now in one direction, now the other. From a distance, one
> might conclude that the captain is a maniac. But a spyglass reveals that there is no

captain or crew at all, only rival gangs of technocrats, ideologues, populists and zealots devoted to Jesus Christ or Adam Smith, each boarding the derelict vessel and capturing the wheel briefly before being tossed overboard.

For both Weber and Lind, in their rather different ways, something important is being registered: the crucial role of the ethos of bureaucratic office as a sort of 'gyroscope of state', helping to provide, for example, the stability, continuity and institutional memory that were once deemed crucial to the realization of responsible and effective governance. It is precisely this etatiste role and status conduct that constitutes the distinctiveness and virtue of the ethos of bureaucratic office and yet is also exactly this, as we have seen, which cannot be registered in he pervasive languages of managerialism or democratic populism

How then do we recover and rehabilitate these 'virtues' in the context of the ongoing 'audacious' social experiment? Clearly, both Weber and Lind offer some important lessons. Another important source we might mine is that early modern tradition of political thought known as *prudentia civilis* or civil prudence, which sought to develop an ethic of state in the far from fertile context of enduring religious strife in early modern Europe. I turn to this strand of thought for two reasons. First because it offers a distinctive and coherent conception of the detheologized sovereign state as a structure of offices. Secondly, because it indicates how official non-sectarian comportments of the person can be formed, and outlines the positive political and governmental ends they can serve.

Civil prudence is associated with a strand of natural law, ethics and political thought which developed most forcefully in seventeenth and eighteenth century German states, through the work of Samuel Pufendorf, Christian Thomasius and others, but which has obvious (and acknowledged) antecedents in the work of *inter alia*, Jean Bodin and Thomas Hobbes (for an overview see Hunter, 2001).

Civil prudence was a practical ethic, a form of training in the arts of good government offered to princes, political advisers or counsels and other categories of governmental person. It provided a certain way of thinking about the purposes of government, forming a type of public conscience and professional character suited to hold office within a civil state. Its precepts and practices offered princes, officers and political advisers an immanent ethic of state, one reminiscent, *avant la lettre*, of Max Weber's 'ethic of responsibility', based as it was on an awareness of the existence of rival yet ultimate moral ends, and thus of the costs of seeking to pursue any one of them at the expense of the others (Weber, 1994a; see also Larmore, 1986). In so doing, *prudentia civilis* contributed to the early modern proto-liberal settlements that, in the wake of the Peace of Westphalia, helped to becalm the European wars of religion.

In civil prudential thought the civil state was conceived of as structure of offices - sovereign, political advisor, public official - each of which had its own purposes, modus operandi and associated register of vices and virtues. Individuals placed in different offices would need to learn to comport themselves appropriately and to 'regionalize their conscience' accordingly (Saunders, 2002). For instance, they would need to learn to distinguish their responses to questions facing them in an official capacity from other commitments they might have, whether in relation to clan, kith or religious belief, for example. In their official capacity, therefore, they had to learn to adopt a more or less finely honed posture of neutrality or impartiality towards controversial religious or moral matters.

According to civil prudential thought, the state should be indifferent to the private morality and beliefs of its citizens; it should be concerned only with their public conduct. However, if civil peace was threatened, the state reserved unto itself the right and duty to intervene by whatever means necessary to impose peace upon its subject population. It was the responsibility of the state, not the subject's own right, to judge the degree of jeopardy in every

case. The state carried (and must carry) the authority of its own subjects will and choice to make that judgement on their behalf, and to act decisively upon it. Indeed, each subject had a right against every other subject that it should do just this.

Early modern civil prudence therefore provided a series of axioms concerning the necessity for, and organization of, something approximating to the structure of the modern state, as a free-standing, independent entity. It indicated why and how the 'state' was an entity which can claim for itself a distinctive, overriding, civil authority. This authority is distinctive in three ways. First, the authority of the state is both binding and content independent. It is by no means the authority of the people who happen to constitute the subjects of the state, either individually or collectively. The conception of the state promoted by civil prudence therefore sets its face against civic republican doctrines of popular sovereignty. Secondly, the authority of the state is not congruent with the individual authority of the holders of the great offices of state. In this sense, civil prudence sets its face against theological and feudal conceptions. Thirdly, the state is conceived of as an abstract structure of offices, and associated with these offices are a vast array of powers, resources, mechanisms and techniques were which are not really under the individual control of the human being who happened to occupy the office at any given time, but which inhered in the very purposes and habitus of the office itself (Geuss, 2001).

This detranscendentalized conception of the state as a structure of offices offers some useful tools for challenging the arguments made by populists and by managerialist reformers. With regard to the former, for instance, civil prudence enables us to immediately point out that one of the main reasons for having a free-standing coercive structure called a state is precisely that it be devoid of popular control. The authority of the state and its office-holders cannot be the authority of 'the people' deemed to constitute the subjects of the state. Indeed, the basic fact of independence means that there 'is always going to be a gap between the political power of the state and the effective powers of the populace, and, on this argument, that is a good thing' (Geuss, 2001a:129). Put more bluntly, the concept of the state is an invention designed to oppose the doctrine of popular sovereignty. Thus, while some of the institutions of representative democracy may serve some very useful purposes - as information exchange fora, for instance - and some forms of democratic rhetoric might function as 'a useful social-psychological emollient'(Geuss, 2001a:129), helping to reconcile people to their de facto subjugation to an entity that has much greater power than they do and which doesn't always do or give them what they want, 'the hope that state-power could ever really be 'our' power or fully under collective control is completely misplaced' (Geuss, 2001a:129). More importantly, what Unger (1983) terms (and demands) the 'cracking open of everything to democratic politics' is potentially disastrous for security and social peace - the *raison d'être* of the state. For instance,

> One of the points of having police is that they can face down the local lynch mob. The police serve *this* function perfectly well even if they are the agents of a highly authoritarian and non-democratic central government. That means, though, that if the state as an institutional coercive apparatus which is beyond the control of its members has a rationale at all and is going to continue to exist, then the moralising ideal of full Rousseauean political autonomy is illusory…

(Geuss, 2001a: 129)

One lesson civil prudence offers to populist democratic reformers of state bureaux is that the sovereign state as an independent, abstract structure of offices retains pre-eminent value. Attempts to democratize state bureaux may, as Weber suggested, undermine a rare, reliable and important ethical resource: the state bureaucracy's capacity to divorce the administration of civic life from moral absolutes and zealous principle.

The dreams and schemes of managerialist reformers similarly fail to register the statist character of public bureaucratic office and so civil prudence has some useful correctives to offer them too.

In seeking to recast bureaucratic office-holders as generic managers, managerialists constrict their role in governance. They do so by evacuating the bureaucratic role of much of its determinate content. By conceiving of state bureaux as predominantly 'delivery' mechanisms, for instance, some of the crucial *etatiste* responsibilities of office become literally 'inconceivable'. In Britain, for example, the Blair government's informal 'all on one team' approach, combined with its singular focus on 'delivery' and its experiments with fostering a 'just do it ethic' among civil servants, has had some unfortunate consequences for the ethos of bureaucratic office and thus for the effective management of the state and for the provision of effective and responsible governance.

The revelations elicited by the Hutton Inquiry, into events surrounding the death of the government weapons expert, Dr. David Kelly, of the extent to which, under the 'New' Labour administration, the traditional bureaucratic practices of careful and precise note-talking and writing of minutes, had fallen into abeyance were both striking and deeply worrying. It was revealed most vividly when Jonathan Powell, the Prime Minister's (partisan) Chief-of-Staff, disclosed to Hutton that of an average seventeen meetings a day in Downing Street, only three were minuted. When role specific differences between politicians, special advisers and career state bureaucrats, for example, are elided, then detailed record keeping, it would appear, can be deployed more flexibly; perhaps, because it's assumed that everyone is obviously singing from the same hymn sheet, the need for things like minutes is less obvious. What the Butler report into the use of intelligence in the lead up to the invasion of Iraq famously described as 'the informality and circumscribed character of the Government's procedures' seriously risked 'reducing the scope for informed collective political judgement'. As a former Cabinet Secretary, (Lord) Richard Wilson (2004: 85) commented in relation to this point, formal meetings and minute-taking, for instance, might seem overly 'bureaucratic' and thus very un-modern technologies, yet they play a crucial practical role in ensuring good government and provide a necessary underpinning for the realisation of constitutionally sanctioned accountability requirements - of ministerial responsibility to parliament, for example - by ensuring a proper record of governmental decision-making exists and that agreed actions are clearly delineated.

Linked to this, Michael Quinlan (2004) has shown how the government's zealous managerialist focus on 'delivery' has occurred at the expense of attention to bureaucratic due process. As he puts it, a singular focus on delivery can easily 'slide into a sense that outcome is the only true reality and that process is flummery. But the two are not antithetical, still less inimical to one another. Process is care and thoroughness; it is consultation, involvement ...legitimacy and acceptance; it is also record, auditability and clear accountability. It is often accordingly a significant component of outcome itself; and the more awkward and demanding the issue - especially amid the gravity of peace and war - the more it may come to matter' (2004: 128). Too exclusive a focus on delivery can therefore have the effect of undermining other aspects of the role that an official is charged with undertaking.

What we see here, is a managerialist agenda constitutionally incapable of registering the statist - non-partisan - character of public bureaucratic office holding. By casting reasons of state and public administration in term of its own 'business' model, managerialist reforms have assisted in the politicisation of state service. In focusing exclusively - and simplistically - on 'delivery', such managerial reforms have enabled the governing political party to buttress its own power and influence at the expense of the proper exercise of sovereignty. The managerialist approach to government therefore has deleterious consequences for the maintenance of the 'independent' state oriented obligations of office, and for what Dobel

(1999:41) describes as a 'prized accomplishment' of modern political existence, the separation of public office and 'self'.

It is in this latter aspect of the authority of the state - the distinction between an office and its human occupant - that we encounter the crucial distinctions between individual and persona that preoccupy civil prudential discussions of the moral and ethical aspects of office holding.

One of the central figures of *prudentia civilis*, Samuel Pufendorf (1691) formulated a distinctive ethic of office through a doctrine of 'moral entities'. For Pufendorf, as Saunders (2002:2182–3) has made clear, moral entities are artificial sets of duties and capacities enabling human individuals to organize a particular civil existence. And moral 'personae' are the central 'moral entities'. A moral persona is thus the individual or individuals to whom a moral entity, or status, has been 'superadded' or attached, 'to develop the life of man and to reduce it to order'.

> [T]he way in which moral entities are produced can scarcely be better expressed than by the word imposition. For they do not arise out of the intrinsic nature of the physical properties of things, but they are superadded, at the will of intelligent entities, to things already existent and physically complete, and to their natural effects, and , indeed, come into existence only by the determination of their authors
>
> (Pufendorf, quoted in Saunders, 2002: 2182).

As Saunders (2002:2182) indicates, the notion of moral entities, for Pufendorf, 'detaches attributes designed to order civil existence from pre-existing theological essences...In this way, Pufendorf can formulate an ethics of civil conduct within the terms of natural law, re-conceptualized on the basis of juridical concepts of persona and office'.

As a result of this disaggregation of individual and persona, 'one and the same individual may sustain several persons together, provided that the various functions which attend such persons can be simultaneously met by the same person [individual]' (Pufendorf quoted in Saunders, 2002:2182). So the one physical individual cannot be 'both a master and a slave or a husband and a wife at the same time, but can be the head of a family, a senator in parliament or at the king's court a counsellor' (Saunders, 2002:2182–3). Furthermore, this pluralization of personae in relation to their specific purposes is given an extra spin by Pufendorf when he suggests that 'the obligations attached to any one state [status] may in their parts be derived from different principles' such that 'he who has gathered from the Sacred Scriptures the parts of the duties of priests, assuredly cannot deny that those priests are also obliged to perform such duties as are required by the constitutions of individual governments'(Pufendorf, quoted in Saunders, 2002:2183). For Pufendorf, then, 'there is no status morally so fundamental - including the clerical - that its rights transcend the rights attaching to all other statuses' (Saunders, 2002:2183).

Pufendorfian offices are not therefore predicated upon the existence of an integral, transcontextual moral agency. Rather in this civil prudential conception of offices, individuals are required to cultivate a plurality of functionally specific moral personae. It is these, and these alone, which form the locus of obligation for individuals *qua* moral agents. As Pufendorf suggested, it is the duty of citizens not to allow their spiritual zeal to overpower their civic demeanour; and as Weber later made clear, it is the honour of the bureaucrat not to allow extra official commitments to determine the manner in which they perform the duties associated with their office. It is precisely at this nexus, though, that contemporary democratic populist and managerialst programmes have some of their most deleterious effects.

In Britain, the Hutton and Butler enquiries, mentioned earlier, provided a welter of evidence concerning the manner in which partisan conviction, and a populist and managerialst 'pair of spectacles' (Hennessy, 2004) led the New labour government to view the British Civil Service

simply as a mechanism for delivering whatever it wanted. The demands of a managerialist 'just do it' ethic, combined with suspicion of established - deemed 'conservative' - bureaucratic procedure has been conspicuously displayed in a number of farragoes, from the shambolic attempts to abolish the post of Lord Chancellor and the appellate jurisdiction of the House of Lords, up to and including more recent parliamentary debacles over hunting with dogs, 'living wills' and 'control orders'. What Hutton and Butler suggested is that this was not simply a reflection of the 'normal' complexities of governing, but rather a wide-spread feature of a New Labour 'style' of governing ; a product of attempts to bypass established machinery of government, and the rules and procedures they gave effect to. It is reminiscent of what Jane Caplan (1988) in another context described as the nightmare of 'government without administration'. In Michael Quinlan's (2004) words, Hutton and Butler clearly indicated that the Labour government had

> Little interest in or tolerance for distinctions of function and responsibility between different categories of actor within the Government machine (except perhaps when political defences needed to be erected, as over the purported 'ownership' of the September, 2002 dossier). Not only in the interface with the intelligence structure and in the way Alastair Campbell operated within and beyond No. 10, but also in matters such as the saga of Jo Moore and Martin Sixsmith in the department of Transport, there was sense of all participants - ministers, civil servants, special policy advisers, public relations handlers - being treated as part of an undifferentiated resource for the support of the central executive.

Civil prudence required states to develop ideologically neutral judiciaries and bureaucracies - within the limits of the possible - and Weber stressed the importance of these institutions being protected from party capture once states acquired democratic electoral systems. What Quinlan's comments suggest is that a partisan ideological and managerialist approach to these institutions can quite easily undermine their 'independent' state oriented obligations of office. When a governing party exhibits no tolerance for distinctions between different offices of state, and the particular functions they fulfil, and sees them only in terms of what they can deliver for the party, then those offices are but a small step away from capture. Here 'office' is regarded as an extension of the governing party's own will and ideological commitments - even if that ideology describes itself non-ideological and supremely pragmatic, in the New Labour jargon 'what works is what's best'. This sort of capture has serious repercussions for the ability of a range of personae to live up to the demands of their particular offices, and therefore for those offices to fulfil their designated purposes. The treatment by a governing party of all manner of state offices as 'an undifferentiated resource' suggests a paradigmatic instance of what Weber (1994:357) termed 'unworldliness' - the desire to 'establish commandments of identical content' across different life-orders.

Similarly, as we saw earlier, such 'zealous sleaze' also arises from the demand that state bureaucrats act 'outside of role', heeding their own consciences in the service of individual 'personal' or 'social' responsibility. Here, officials are encouraged to develop an independent mindset and commitments based upon wider - transcontextual or even universal - moral considerations that transcend the 'instrumental', 'one-sided' obligations of their given official milieu. Rather than separating out extra official obligations from the conduct of official duties, bureaucrats are expected to incorporate such obligations into their official thinking. Neutrality or impartiality is registered as an impossible conduct, and indeed as a fundamentally unethical one.

Underpinning this demand is a conception of the human being as a morally autonomous 'whole' person whose ultimate arbiter of the true and the good is its own conscience. For Pufendorf, though, as we have seen, there is no status morally so fundamental, that its duties and rights transcend those attaining to other statuses. The 'person of conscience' does not then, trump all other personae. Indeed, if it did the functions that other personas were forged

to fulfil would find no means of expression. They would simply disappear. Are we really ready to live without the ethos of bureaucratic office and the persona that it gives rise to, for instance? The litterateurs or political romantics chided by Weber, and whose 'visions' for the body politic are still alive and well today, may well answer with a loud 'Yes'. But for those with less metaphysical inclinations, attempts to moralize, democratize or otherwise 'elevate' or transcend state bureaux might well appear to undermine an important ethical resource: the bureaucratic persona's 'official' capacity to separate the administration of public life from moral absolutes and ideological principle.

As I have attempted to show, civil prudence provides an ethical rationale for the pre-eminent authority of the state, and a role-ethical deportment whereby officers of the state responsibly exercise their various governing powers through adhering to the purposes and limits their offices bestow upon their persons. It is an immanent ethic in that it specifies normative limits for state action: the civil state binds itself to pursuing purposes and observing limits which are internal to its concept- securing social peace and the conditions for sociality - rather than defined by ideals of moral expressivism - an all pervading sense of community or an inalienable right to personal autonomy, for example (Larmore, 1986; Holmes, 1995; Minson, 2004) [3].

The lesson of civil prudentialism is that the sovereign state as a structure of offices provides the conditions under which subjects can enjoy civil rights and freedoms (including the right and freedom to sketch managerialist fantasies and populist democratic dreams in which the ethos of bureaucratic office has been superseded). Attempting to turn such dreams and schemes into practice is fraught with many dangers, as the forgoing analysis has testified. The central hazard, though, is that unworldly attempts to move beyond sovereignty and its offices can risk reproducing the very - unpredictable, hostile and insecure - conditions the state was first instituted to avoid.

Concluding comments

In this paper I have sought to make a case for the continuing indispensability of office specific conceptions of moral agency in the realm of governmental and political action. In particular, I have attempted to provide a number of arguments in support of the continued relevance of the ethos of bureaucratic office to the practice of state administration. In so doing, I have suggested that many of the audacious experiments in public management - whether couched in populist democratic or overtly managerialist terms - that have been foisted upon state bureaux over the last two-three decades have had the effect of undermining the 'core business' of public administration: running a state as a state. Slogans about the state being the servant not the master of 'the people' (Mulgan and Wilkinson, 1994) or those that espouse the managerial line of 'businesslike is best', have a way of trapping minds. And for such trapped minds, state bureaux can only be viewed as a profound disappointment, ripe for transcendence or radical reform.

How one seeks to deal with such disappointment is the crucial question. For democratic populists and managerialists this involves imagining the state and its offices as something other than they are. In particular they want the state and its bureaux to conform to or express some sort of principle. In so doing, as I have attempted to show they serve to evacuate state or public administration of its determinate content. The work of Max Weber and of that tradition of thought known as civil prudence offer an alternative way of dealing with such disappointment. At heart, this means coming to terms with the state's imperfection and accepting this as an inevitable part of its positivity. After all, as Pufendorf's work indicates, the state is born imperfect, 'for to be born it had to renounce perfection, its own and that of its subject population, making do instead with its capacity to enforce social peace and their

capacity to act peaceably' (Hunter, 2005:9). It is also imperfect because it is nothing more than a bundle of offices - political, legal, bureaucratic, military, police - reliant on contingent funding, fallible (or as we have seen, worse) management, and prone to varying degrees of dissolution arising from a host of sources (corruption, incompetence, ideological conflict, military disasters etc) (Hunter, 2005:5). And yet, what else can do its job? Certainly nothing sketched in the dreams and schemes of populist democratic critics and or their managerialist counterparts. So while they and the advocates of other visions - of global cosmopolitanism, or of religious fundamentalism, for instance - seek to move beyond the state and its structure of offices, for others it might be useful to follow in the footsteps of John Dewey for whom it was 'always important to rediscover the state'.

Notes

1. Interestingly, though, while both conceptions of 'responsiveness' are distinctive and non-reducible, they have often fed off of one another in specific programmes of administrative reform. Thus proponents of increased democratic control have often advocated managerialist measures to achieve their desired ends, while managerialist critics have themselves cited enhanced consumer choice as one of the 'democratic' outcomes of their favoured reform measures (du Gay, 2000; Peters, 2004).

2. In the United Kingdom, the current government has indicated its desire to open up more and more senior public positions to external competition. It wants to do this not only to attract the requisite talent able and willing to deliver its reform agenda, but also because an 'open' civil service is deemed to be preferable to a 'closed' civil service. As Bogdnaor (2001: 295) puts it, '[T]his argument would seem at first sight to be unanswerable. Yet, if the Civil Service is, as some former heads such as Warren Fisher and Edward Bridges believed, a genuine profession, ought it not in fact to be closed? It would not, after all, be very sensible to suggest to someone who objected to unqualified doctors or lawyers that he or she favoured a 'closed' medical or legal profession. For professions are, almost by definition, closed'. The big issue is whether the Civil service as a profession devoted to running a state and operating a constitution, based on its own particular expertise and obligations of office, is to survive or whether it is simply set to become a politicized vehicle for enthusiastically delivering the government's agenda.

3. By ' expressivism' I am referring to those critics who require a political order or institutional regime to express certain moral ideals - such as an all pervading spirit of community or an inalienable right to personal autonomy. Such critics assume that these domains should express the highest ideals of its members, and thus refuse to envisage the possibility that the political and institutional realms and other areas of life "may heed different priorities" (Larmore, 1987:93).

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