Assessing and Explaining the Latitude of Loyal Contradiction within Bureaucracy: A Conceptual Approach

Paper ASPA Denver, March 2018

Frits van der Meer & Gerrit Dijkstra.

Prof. dr. Frits M. van der Meer
Caop professor Comparative Public Sector and Civil Service Reform
Public Administration, Faculty Governance and global affairs, Leiden University;
Turfmarkt 99
2511 DV Den Haag
Kamer/room 4.123
31(0)70-8009405
f.m.van.der.meer@fgga.leidenuniv.nl
Summary

Central to this paper is a discussion of factors determining the latitude of civil servants for expressing (loyal) contradiction to their political officials, the administrative leadership and colleagues through ex-ante voice. In our research, loyal contradiction is discussed in terms of appraisal, ex-ante voice and trust. For our analysis, we have introduced a triple distinction with respect to the nature of obstacles to loyal contradiction, namely civil servants not being allowed, not being willing and not being able to provide contradiction. Loyal contradiction is not only addressed at the political and bureaucratic leadership and its constituent parts but also to the fellow workers. Relevant causes why the latitude might be limited and even is diminishing vary according this double triptychs. We have summarized these causes in a scheme accordingly. Next to personal characteristics of relevant actors involved, relevant explanations are to be found in pressures leading to short term decision making. The emergence of an enabling state, the effects of new public management practices, societal pressures and ‘mediacratisation’ are a number of the relevant causes. As a mirror image we have also presented conditions favoring loyal contradiction.
I’d say it would be best if men were born perfect in wisdom, but failing this (which often fails) it can be no dishonor to learn from others when they speak good sense." (Antigone by Sophocles (James O’Toole; 2008)

Introduction

The importance of civil servants in public service delivery has been argued over again by practitioners and in academia (Weber 1976 (1921), Rose 1984; Raadschelders 2003; Van der Meer, Raadschelders & Toonen 2015). It has been the impetus for the rise of PA as a field. The role, tasks and position of (the) civil service (systems) has changed as a direct result of fundamental societal changes in political-administrative system, the rise of multilevel governance and the emergence of the enabling state. From a governance perspective, more is expected of an empowered, proactive and professional civil service in terms of involvement and input (Van der Meer, Van den Berg & Dijkstra 2012). Ironically given this need for a more proactive service, the actual room for maneuver and voice of civil servants has come under severe pressure as a result of political-administrative strains and performance requirements demands and requirements in society. This pressure would both discourage and severely limit the actual scope for civil servants of articulating their professional opinions through loyal contradiction in terms of appraisal and voice. Connected, it would have encouraged the emergence of a (self) obliging ‘can-do’ civil servant obedient to the will of their political and/or bureaucratic masters. These issues are addressed by focusing on the following questions:

‘What is the latitude for loyal contradiction of civil servants through appraisal and ex-ante voice towards the political and organizational leadership of and colleagues within
civil service systems? What are the relevant factors determining this latitude and what can explain relevant problems limiting the articulation of these professional opinions and can we find a solution to address these possible problems?

If such restricted latitude might be the case and perhaps it has even become more restricted over time (see below), we have to look for relevant explanations. In answering our research questions, we will address the following topics. First, what is understood by the key concepts as voice, appraisal, trust considered here to be necessary preconditions for loyal contradiction? Loyal contradiction is related to a large number of different themes in public administration (and more general: social science literature) as for instance Hirschman’s Exit, voice and loyalty (1970), Speaking Truth to Power (in PA literature Wildavsky 1979), Group Think (Janis 1972; ’t Hart 1990) and organizational Learning (Argyris and Schön 1976). The next question is loyal contradiction to whom? We will look at relevant forums involve the relevant political office holders, political institutions, the bureaucratic work environment (superiors and colleagues) and last but not least society. Then we look into how the limited leeway for loyal contradiction can take shape: public officials not being allowed, willing or able to do so. The question what can help us to explain potential problems limiting these professional opinions will be the next topic. We will look at the emergence of an enabling state, the effects of new public management practices, societal pressures, political-administrative culture and ‘mediacratization’ as key factors. Finally we will look at possible ways out.
Loyal contradiction and its constitutive elements: appraisal, voice and trust

Loyal contradiction, appraisal and voice are considered crucial topics in classical studies and texts of public administration and political science literature when discussing the position and attitude of bureaucracy within government (See for instance Peters Self’s Administrative theory and politics: an Enquiry into the Structure and Processes of Modern Government 1972). Aaron’s Wildavsky’s dictum ‘speaking truth to power’ is often used in this context. It is said to be of a Quaker origin. The question remains whose truth; what is truth consisting of and who is and has the power. ‘Loyal contradiction, appraisal and external voice have often been associated in political science and public administration with the Westminster/ Whitehall model and to a certain extent a more informed reading of the Weberian approach to bureaucracy and politics (Kerr 2017; Page 1985). But this perspective is too ‘European’ centered given its relevance and occurrence in many so-called non-western systems.

Terms as loyal contradiction, appraisal, voice and trust are in need of further explanation as their exact meaning is not self-evident. They even might seem to be contradictory. When using the word ‘voice’ the work and approach of Albert Hirschman ‘Exit, Voice and loyalty’ springs to mind (1970). It revolves around an action taken or an expressed opinion here in case of a bureaucratic context-given a perceived unsatisfactory situation, idea or proposed course of action. A person or groups of actors or even an organization can express these opinions and thus take action in order to alleviate or mend that negative situation. Alternatively, he or she (etc.) can exit the organization.

1 Important to say is that when we discuss speaking truth to power as a civil service function we do not infer truth in absolute or objective understanding. It all remains of a subjective but hopefully well informed nature. We are more concerned with the expression of opinions that the content of these opinions themselves.
Or finally stay and keep silent or conform to the situation from a perspective of loyalty (see also Graham & Keeley 1992). That might imply an active loyalty or more in a negative way, a withdrawal, a retreat to one own inner core to become silent migration (Farrell 1983). The voice option can involve whistle-blowing. For our purpose we have to adapt this concept a bit. In this paper the emphasis is on ex-ante voice instead of the ex post voice as formulated by Hirschman. We will discuss ex-ante voice in detail below. We do not refer in particular to acts of administrative sabotage as an instrument to confront or offset what is considered (by civil servants as) an undesired or even illegitimate course of action by the political and/or administrative leadership (see O’Leary 2006). Voice, exit and loyalty are still within the established order. Of course there are boundary issues. A point of controversy in some quarters is still the ‘allowability’ of external ex-post voice in cases of strategic and vital interest of the state: see for instance the various Wiki-leaks cases. The major problem is who constructs, frames and decides what is considered strategic, vital and thus whether opinions and actions can be termed as ‘sabotage’. How interesting and important these issues are, the ethical and moral dilemma’s associated with ‘active and passive sabotage’ as an administrative course of action is given the necessary limitations not the central issue discussed in this paper.

‘Loyalty’, as used in this paper, is also in need for explanation. Conventionally, ‘loyalty’ has a positive overtone (see also Yang & Rutgers 2016). A crucial question that becomes relevant in this context concerns the issue of loyal (ty) to whom? The term ‘contradiction’ on the other hand has to a certain degree a more negative connotation. From its meaning in this paper with the addition of the adjective ‘loyal’, it becomes clear that this term can be considered in a more positive way. In regular usage, contradiction can
seem to convey that the officer or official inappropriately contravenes the expressed and legitimate view and will of political and bureaucratic officials higher in the hierarchy. In academic writing since World War 2 a central line has been that absolute loyalty should not always be seen in a positive light. After all, the views and the actions of the political and administrative executive can be in conflict with the public interest and even with constitutional values. The same applies even more strongly to absolute loyalty in authoritarian settings as can be learned from the Friedrich- Finer debate on the nature of administrative responsiveness and accountability with its overtures to the failing role of bureaucracy in World War 2 dictatorships is also pointing to these issues. See also the insights of Von Borch (1954) and E.N. Peterson (1966) on bureaucracy in the Nazi era. Returning to our main argument and looking at it from this particular line of reasoning, contradiction strongly shows resemblance to voice.

To a degree a departure from Hirschman’s approach, a much wider and more extensive an ex-ante and (intra) organizational connotation of voice is being utilized here. Voice is understood as a core responsibility of a public official in order to offer alternatives, counter- and even dissenting arguments or to raise possible difficult and awkward questions in order to sharpen and improve a certain policy position, an implementation plan or practice or any other course of action proposed by the (political and administrative) leadership and colleagues. By formulating possible question marks and looking for alternative courses of action, a mirror is shown to the person with a (not necessarily final) responsibility for that part of decision making or implementation. The prime objective is to enhance the quality of that particular course of action. In addition from an (organizational) political point of view it also involves the issue of (political and administrative) survival. The qualification ‘improved’ refers not only to cer-
tain desired standards and wishes of the decision maker but also to improvements in
terms of serving the public interest. So it is not solely an ex post phenomenon as is
how voice customary is often conceived but also and even predominantly from a norm-
mative perspective an ex-ante obligation. Regarding the issue of the final advice re-
ains only guidance and in the end leaves the final say to the decision maker perhaps
better informed and more able to take the decisions, in the seat of power.

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

This idea of ex-ante voice as defined above is closely associated with the concept of
appraisal. Appraisal is understood to involve the weighing and giving advice on policy
alternatives by civil servants towards (a) political officeholder(s). It also contains the
element of loyal contradiction as described above. The adjective ‘classical’ (as used earlier in this section) might sound as a euphemistically worded alternative adjective for the adjectives old-fashioned and outdated. In effect, in modern public management literature the shift from policy advice including appraisal to management as a core activity has be argued convincingly albeit on a normative and/or prescriptive level. For instance, the demise of the Westminster/ Whitehall model during and in the aftermath of the Margaret Thatcher era has often been identified as a well-established fact; though the discontinuity is less manifest and clear-cut as recent research shows (Page 2010; see also Grube & Howard 2016). Discontinuity and rupture is given their often sensational and catching nature often more interesting to the ambitious opinion maker and aspiring academics than looking at continuity. Regardless, what the exact level of continuity during the last decades has been, there is ample evidence that the managerial position of public officials in the political-administrative systems of many Western industrialized states is argued to have become more important in the policy process and the public service delivery (Van der Meer, Raadschelders & Toonen 2015). Factors explaining these developments are situated in the profound changes in the nature of the system of public governance have been described above.

Besides the elements mentioned above one crucial and vital element in our analysis is still missing: trust and distrust. Trust is to be seen as a basic requirement and even a precondition for accepting contradiction and making it to be perceived in the loyal category. Making it not overtly threatening to the position or the leadership or fellow workers and avoiding it to be seen damaging the internal self-esteem and the external appearance of actors are crucial elements. We return to this issue when discussing the need for safeguarding personal and political face. Confidentiality is therefore a crucial
precondition for trust and loyal contradiction as we will elaborate upon below. However trust in this matter is not a one sided relationship, it is of a reciprocal nature (Coulson 1998; Bouckaert 2012). In particular Bouckaert’s T(rust) 3 conceptualization (T3: Trust within the public sector Bouckaert 2012: 98-99) is relevant in this respect. Trust within the public sector. Trust between political officeholders and (top) bureaucrats. Trust between the administrative leadership and the rank and file and trust between co-workers on a horizontal level. Subordinates to political leaders and bureaucratic superiors should feel free to speak out without any dire consequences for position, career or personal and mental well-being. Both the latter and the fear of the political and the administrative leadership to lose face or experience a possible erosion or even loss of their position and survival inspires distrust and thus decrease the opportunity for and the acceptance of loyal contradiction. This is even more the case when the leadership is distrusting the civil service even to the extent that administrative sabotage (as mentioned earlier) is feared, expected or even presumed. We will return to the particular circumstances restraining or furthering that necessary prerequisite of trust being basic to loyal contradiction and in particular internal ex-ante voice.

To continue with the historical roots of loyal contradiction, this has been at the core of bureaucracy since the early beginning of modern administration and wide-spread over Europe, but also for instance in the classical Eastern civil service systems. Focusing on Northwestern and Central Europe, be it countries with a Germanic Rechtsstaat tradition or a British style Westminster model, a neutral and impartial civil service did develop during the course of the 19th century (Raadschelders & Rutgers 1996). Both the Weberian bureaucracy and the Anglo-Saxon public interest models considered appraisal a civil servant’s role essential. It is central to what is called the Trevelyan North-
cote settlement (House of Commons 2013). The development of an impartial, neutral bureaucracy based on the rule of law and staffed by officials with the characteristics of the Bureauratische Verwaltungsstab described by Weber in Wirtschaft und Gesellschaft was a crucial precondition for the development of this core responsibility. Even the iron chancellor Otto von Bismarck did demand open and communicative role and attitude of his closest staff was demanded. The same has been said of Abraham Lincoln (Burlingame: 2008) and Eisenhower and Reagan (O’Toole 2008). Crucial, however and we will return to this as one of the possible factors explaining an increasing difficulty with this civil service requirement and role is that it should be discharged in privacy and the closed confines of ministerial and civil service discussions thus in a situation of mutual trust. It is important to mention that appraisal and loyal contradiction through internal voice – are something quite different from whistle blowers activities that are not only limited to political office holders and the immediate staff, but also to all line interaction within bureaucracy and horizontally between colleagues. It is thus more intricate than a mere interaction issue between the political officeholders and the top bureaucrats. The evidence to what extent voice and appraisal has faded over the past decades is a bit sketchy and open to discussion given the limited historical sources available. Nevertheless, there are some clues as are to be found in for instance the cases of post-Thatcher and post-Brexit Whitehall (Kerr 2017), the post 2016 elections in the United States but also political-administrative crises in a country as the Netherlands.

But conceptualizing voice and appraisal merely in top level policy advisory tasks to the political officeholders is too limited. Appraisal is only one part of the picture. It goes much farther and is not only confined to the grand circles of political-administrative
relations. Voice also involves the matter of loyal contradiction. These words of loyal contradiction might sound a little bit puzzling. The basic idea is that in order to be effective as a good civil servant and also as a good ‘servant’ to the political master of the day, the civil service leadership, the immediate colleagues and/or the public, staff members have to (be able to) give their honest and frank opinion on policy and other organizational issues in order to let leadership get to know positive and/or negative (side) effects of a certain course of action. Looking from a similar perspective, it is essential to show the leadership both administrative and political possible pitfalls on the shorter and longer run. Interesting and important for our understanding of the concepts voice and loyalty it can also apply outside the own administrative organization and the own Ministers, especially focused on the public interest. Interesting in Report: “Accountability and Responsiveness in the Senior Civil Service: Lessons from overseas”, Institute for Public Policy Research (IPPR), Cabinet Office, London, June 2013. Page 120 - 121: Recommendation 6: Enable the civil service to support her Majesty’s opposition. “While this recommendation does not flow naturally from the accountability arrangements we have reviewed in other countries, it is an idea we came across during the research and it something we believe could have a positive impact in Westminster.”

Explanations for the latitude for loyal contradiction including appraisal through voice in civil service systems

What are the major causes situated behind this limited latitude for loyal contradiction? We will introduce a three-way subdivision of types of relationships as the relevant ex-
planatory factors might differ according each of the following three forms of relationships:

1. Between (mainly but not only senior and top) civil servants on the one hand and political officeholders, their political advisors and appointees at relevant levels of government on the other.

2. Internal hierarchical relationships within bureaucracy itself: between leaders and subordinates at all levels of the hierarchical chain.

3. Horizontal relationships between colleagues at an equal hierarchical level within the organization.

At the same time, there are multiple forms of appearance of how that deficiency in expressing voice may take shape. Again a triple division comes in handy regarding how and why loyal contradiction through internal ex-ante voice might be impeded.

   a. Civil servants are not allowed to express their opinion and concerns;

   b. Civil servants are not willing to do so.

   c. Civil servants not being able.

On basis of these classifications we present the following grid. At the end of this paragraph we will provide a (provisional) filling in of the empty cells in scheme 1.

Scheme 1: Limitations to loyal contradiction according to the direction of relationships within civil service systems (CSS) towards the political leadership (1), the administrative leadership (2) and colleagues (3) and the nature of the limitations to loyal contradiction.

<table>
<thead>
<tr>
<th>Limitations to loyal contradiction / direction relationships</th>
<th>1 CSS - Political leadership</th>
<th>2 CSS - Administrative leadership</th>
<th>3 CSS - Colleagues</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Not being allowed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
To start with civil servants not being allowed to express their professional point of views in the context of (appraisal and) loyal contradiction through internal ex-ante voice towards political officeholders and other political representatives at various levels of government. A first explanation is to be found in the personal disposition and behavioral treats of the (political and administrative) leadership of the day. In an extreme case, we could witness the actions of (rather pathological) authoritarian personalities as for instance elaborated in the petty tyrant concept described by Ashforth (1994) and developed later in an extensive branch of leadership studies. The same can apply in the case of the administrative leadership when being ‘dressed’ in derived political authority or managerial autonomy (see our NPM discussion below). In addition, the effects of a more generic (societal) decline of a routine acceptance of (political) authority of an officeholder might increase a situational uncertainty of the (political) leadership and thus increase the possibility of a diminished confidence and trust in bureaucratic officials. This applies for the relationship between political officeholders and top level) bureaucrats but also to the vertical and to an extent also the horizontal relationships within bureaucracy itself.

To return to political (leadership) uncertainty as an explanatory factor for limited latitude for loyal contradiction, the fear of dominating bureaucratic power. This might also lead to a diminishing trust and as a consequence an anti-bureaucratic attitude amongst (weaker) political leaders. From the 1970s onward there is empirical evidence in many countries of the increase of such political distrust towards the civil service (Van der Meer 2011). Though it is on first impression amusing, the anti-bureaucratic
sentiment in the popular BBC sitcom Yes Minister is telling. Often, political-administrative sensitivity is considered an essential attribute for (senior) civil servants. This implies these (high ranking) civil servants should know and realize the importance of political (not necessarily the party political) dimensions of their work. By doing so they can create ample political trust and thus leeway for advice that might otherwise be seen as confrontational. Likewise, political office holders should be receptive to those action of loyal contradiction by having an administrative or bureaucratic antenna; thus being knowledgeable of the ‘business’ of government. The level to which political officeholders do possess this ability may differ according to:

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

Connected to political survival is the inclination towards personal and political face-saving as a short term mechanism leading to limiting internal voice. Face-saving is often considered of less importance in a western cultural setting which would be characterized by a-personalist (personal and) organizational culture. Avoiding this cliché we see that our line of reasoning regarding our research question is pertaining to a wider set of state systems in East and West. That a-personalist culture - if it ever did exist outside the text books- can be seen to be on the retreat given the felt need for image
protection and utilizing and/or offsetting (social) media influences. The wish for personal face-saving is one of the relevant explanations but not only for limited latitude in the political–top bureaucratic relationship, but also in the hierarchical and horizontal relationships within bureaucracy.

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

Nevertheless empirical evidence tends to show, that perhaps with the exception of the most politicized spoils and ministerial cabinet systems and managerial systems utilizing predominantly flexible and short term appointments that difference in timing between political office holders and administrative officials is to an extent still visible. That qualification to an extent has to do with fixed terms of (not only top) civil servants under NPM-related mobility schemes as will be discussed below. Having said this,
given this increasing orientation on short term results and performance the restrictions on conveying internal ex-ante voice can become quite understandable. The same can be said of the effects of ‘mediacratization’. Media scrutiny of ministerial performance and crises do force political officeholders to concentrate on getting these direct results and showing an impressive performance record. In addition, a similar media focus on political party action and performance in combination with an intensifying parliamentary (formal) scrutiny of the executive is driving political officeholders in the same direction. Likewise, also societal pressure is pushing political officeholders in a similar direction to go for quick action and results. The interconnected nature of all these fore-mentioned developments is conducive for an emphasis on a short term orientation (see also Van der Wal 2017 a & b; ‘t Hart 2014). In short from this political orientation is quite understandable that loyal contradiction could easily be seen as an unnecessary and unwelcome obstacle hindering direct action that has to be avoided at all costs and all instances. What has been said here equally applies to the bureaucratic leadership in relation to its immediate staff. Also they have to deliver and they can use the cloak of political authority as they are being located closer to the heart, ear and mind of the political officeholders. Finally not being allowed to exert loyal contradiction with respect to horizontal relationships within an organization can be caused by an (over) emphasis on bureaucratic and professional autonomy. A rigid structure pertaining to the division of labor within the organization may have an augmenting effect. In addition, the need for preserving congenial working relationships is also an explanatory factor. With respect to the latter on all levels the desire to preserve a treasured status quo, modus operandi and believes can play a role to make ‘unallowable’ to challenge (see also O’Toole 2008).
Above we have referred to that civil servants might refrain from (‘being not willing’ to use) voice, appraisal and loyal contradiction for a variety of reasons as being scared, trying to please superiors or otherwise not being disposed to do so. This attitude seems to be much closer to the classical - and many thought redundant and superseded idea - of the bureaucratic personality. Bureaucrats would be to say the least not the most of entrepreneurial and outspoken of all types of employees. Not working for a commercial business that has to survive the entrapping of the market, he or she is performing in the role of a servant to a political officeholder and whose wishes and ideas are considered paramount. This subservient position towards the political officeholders finds its origins in the supposed authority, relationships and the legitimacy of his/her political position given an ‘anointment’ by the public and/or a supreme being. This all would be instrumental in shaping this bureaucratic personality. The concept of public servant is used here with an emphasis on servant with the connotation of submissive attitude. That negative stereotype is in contrast with the also popular (and contradicting the previous image) concept of an all-powerful servant using/appropriating his master’s and society’s powers. Interestingly enough the idea of a proactive, empowered, professional, entrepreneurial civil servant operating autonomously and independent in his/her network setting in an emerging multilevel governance system looks more closer to a usurping power concept than the subservient servant idea but yet...

Being pro-active etc. does not necessarily imply that one will speak out to the political leadership or a higher authority in the bureaucratic chain when confronted with the necessity to do so. Perhaps in this respect it refers to the notion that those civil servants in the direct surroundings of the political officeholders are under more direct scrutiny and vulnerable to political intervention and reprisals. Civil servant working at
a greater distance from politics and the core department for instance in implementa-
tion offices and agencies might enjoy a larger degree of autonomy; at least where the
leadership of those offices is concerned. With the decentralization of management re-
sponsibilities and the loosening of central control under the introduction of new pub-
lic management the possibility of creating empires under the sun with an autonomous
and even autocratic leadership has increased. This is reinforced by an emphasis on
more short term and flexible contracts and a lesser degree of legal protection as for
instance in the employment-at-will schemes can have a negative effect in the ‘not will-
ing’ category. The latter could thus also be diminishing voice lower in the chain.

Returning to the position and attitude of top civil servants above we have remarked
that civil servants more in the direct surroundings of the political officeholders are un-
der more direct scrutiny and vulnerable to political intervention and reprisals and pre-
ferred civil servant behavior as conforming courtiers (courtier-ship) is stimulated. Con-
trary to expectations free minded conversation at the top level is rarely seen thus stim-
ulating group think and the possibility on the longer or shorter run of a political crisis.
This is perhaps too negative a portrayal of reality. Situations might differ and also here
the personality aspect is important. Nevertheless with the arrival of more managerial
inclined civil servants also according to some sources less independent top civil serv-
ants have arrive to the political administrative scene. In addition to the arguments
given above, we have also to mention the effects of politicization of a system in this
respect. In particular, we have to look at the number and role of political appointees,
members of ministerial cabinets and other politicized support structures. To a varying
degree according the pertinent political administrative system design, they can func-
tion as a blockage between the political officeholders and bureaucracy. It could be
supposed that this political support system could provide ex ante voice that should be organized and stimulated in order to avoid courtiership and political compliance (see the Bismarck, Lincoln, Eisenhower and Reagan cases). At the same time a high degree of political loyalty might limit the extent of loyal contradiction.

Last but not least, we have to point to the third case when civil servants not being able to express the opinions by lack of expertise, experience and political-administrative skills. The explanation stems from the effects of new public management and the rise of the enabling state. Through privatization, agentification and other NPM like reforms, implementation and the practical field knowledge has declined or even disappeared. In addition cutbacks on staff may have negative effects on available civil service expertise (Van der Meer 2012). Besides the issue of deficient expertise (its sources will be discussed below in detail), there is the issue of deficient organizational and moral courage of officials. This is also closely related to the category ‘not willing’ but here it has less of an intentional meaning. Finally, there is the point of a lack of access to leadership given structural (of both a political and bureaucratic nature) and cultural (in terms of organizational and personal openness) limitations. As direct consequence of the introduction of NPM parts of the administration (in the central government: the ministries) have been hived off though agentification or (partial) privatization. This hiving off mainly relates to the implementation of policies and the direct delivery of public services. As a consequence knowledge and expertise relating to policy implementation at the various policy directorates has virtually disappeared or at least was seriously reduced. Often so-called organizational interface structures were created to alleviate a hard split between policy making and delivery units. These interface relationships and monitoring of service delivery outputs could hardly tackle these defi-
ciencies. Less information and understanding of field and implementation issues automatically also implies less information that can be used in order to support voice and loyal contradiction. Not only the actual implementation and service delivery services but also the supervisory inspection functions were organizationally located at arm length of core governmental and bureaucratic organizations. As a consequence the information deficit in the core bureaucratic organizations did increase and accordingly the capacity for voice and loyal contradiction.

Another aspect of NPM producing a similar effect is situated in mobility schemes already mentioned above. In order to combat organizational compartmentalization the idea is that senior but also lower ranking officials should not be too long staying in a specific job at a particular place. Instead they should leave after a couple of years and have to rotate between different organizations by changing functions. This increased horizontal mobility was combined with the idea that a top official had to be an effective and efficient manager and not necessarily a top specialist in the particular policy domain (s) he is working or a having a generalist policy advisory knowledge. In addition this increased mobility would enhance political control over the top civil service and limit their service monopoly. The same applies to an increased control of the administrative leadership regarding mobility at lower hierarchical levels. Because of this development, loyal contradiction and voicing professional opinions can be limited in a twofold way. First this could entail that senior civil servants could possess limited knowledge with respect to the organizational domain they were appointed and, secondly, that their bond with and knowledge of the organization and the attached policy area official service to which they were assigned could also be limited in nature.
Also the introduction of performance management has had likewise limiting effects. Employees in the public sector need to have a regular performance assessment. Much can be argued for such an assessment be it that can only reasonably be done in quantifiable terms. The latter is problematic in case of this chore/duty of loyal contradiction and voice. The result has been that loyal contradiction within public organizations remains not only unrewarded, but it is often also implicitly or even explicitly discouraged. Finally, as a result of NPM in the wake of retrenchment policies from the 1980s, many cuts have been made to the public service; particularly reducing staffing levels and investment in training budgets. These budget cuts have thus meant that the bureaucracy came even further under pressure and that important expertise diminished or even (largely) disappeared. Once again, this implies that the required level of expertise for needed for (loyal) contradiction is under pressure.

Important with respect to voice and appraisal being heard is that those expressions have to be made behind closed doors as openness can a negative effect on the sender and the willingness of receiver to listen. Currently in many countries, a new wave of initiatives has been and is developed directed at more government transparency through open government initiatives. Many countries (including at least the countries belonging to the European Union) have such laws. It has become almost a test for decent government and a hallmark for good governance in recent years. The trend over the past few decades is thus clear, more and more public sector documents should be made public. Of course this has important benefits to democratic governance and also to a more responsive service delivery. A democratic rule of law benefits from openness. But there are also ample drawbacks. The concept of 'documents' that have to made actively public is increasingly extended among other things (in the Dutch case at least)
also to emails. The result may be that within the civil service more and more officials refrain from voicing their professional opinions, on paper, in a digital form or by e-mail. The same applies to the potential receivers of these messages. After all, these views can easily reach the media whether or not after legal intervention on basis of open government acts. Of course, contradiction in an oral form is always still possible, but it must be clear that from the point of view of the organization of contradiction this legislation also negative aspects giving its fleeting and ephemeral nature.

In conclusion to this transparency issue, civil servants expressing their particular opinions in the open when those views are contrary of those of the political officeholders have always been dealt with in a resolute way given the negative external effects for the political officeholders in the media, society and other political quarters. Thus legislation directed at introducing almost an absolute degree of transparency in government decision-making – particular in the phases before an official document is issued - would be detrimental to civil service voice, appraisal and loyal contradiction as that voice etc. will not be send or received given again those external political, media and societal effects. Civil servant will then become more careful to express their honest opinion and political officeholders to ask or accept it. Paradoxically, overemphasizing transparency will limit attempts to enhance the quality of public service delivery and decision making. Summarizing, we can present these limitations and relevant in scheme 2 below:

Scheme 2: Limitations to loyal contradiction according to the direction of relationships within civil service systems (CSS) towards the political leadership (1), the admin-
istrative leadership (2) and colleagues (3) ) and the nature of the limitations to loyal contradiction.

<table>
<thead>
<tr>
<th>Nature of limitations to loyal contradiction/direction relationships</th>
<th>1 CSS- Political leadership</th>
<th>2 CSS- Administrative leadership</th>
<th>3 CSS- Colleagues</th>
</tr>
</thead>
</table>
| **A** Not being allowed | 1. Risk aversion and short decision making- given a need for political survival.  
2. Preserving a treasured status quo, operandi and beliefs | 1. Risk aversion and short decision making- given need for administrative survival and  
2. Courtier-ship to political and bureaucratic leadership.  
3. Preserving a treasured status quo, modus operandi and believes | 1. Emphasis on bureaucratic and professional autonomy.  
2. The need for preserving congenial working relationships.  
3. Preserving a treasured status quo, modus operandi and believes. |
| **B** Not willing | 1. Political survival and preservation.  
2. Culture of fear.  
3. Courtier-ship to political and bureaucratic leadership. | 1. Administrative survival and preservation  
2. Culture of fear.  
3. Courtiership to political and bureaucratic leadership. | 1. Organizational survival and self-preservation  
2. Culture of fear  
3. Emphasis on bureaucratic and professional autonomy.  
4. The need for preserving congenial working relationships. |
| **C** Not being able | 1. Deficient expertise.  
2. Deficient organizational and moral courage;  
3. Lack of access to political leadership given structural and cultural limitations. | 1. Deficient expertise.  
2. Deficient organizational and moral courage;  
3. Lack of access to administrative leadership given structural and cultural limitations. | 1. Deficient expertise.  
2. Deficient organizational and moral courage;  
3. Lack of access to colleagues given structural and cultural limitations. |
As a conclusion to this paragraph, we can reformulate the limitations as presented in scheme 2 presented above into possibilities to enhance to opinion articulation (loyal contradiction) and direction of relationships civil service systems (CSS) towards the political leadership, the administrative leadership and colleagues.

Scheme 3: How to enhance loyal contradiction according to direction of relationships with in civil service systems (CSS) towards the political leadership (1), the administrative leadership (2) and colleagues (3) and the nature of possibilities to enhance loyal contradiction.

<table>
<thead>
<tr>
<th>Possibilities to enhance loyal contradiction /direction relationships</th>
<th>1 CSS- Political leadership</th>
<th>2 CSS- Administrative leadership</th>
<th>3 CSS- Colleagues</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A Allowed</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Enhancing a willingness to take risks and long term perspective;</td>
<td></td>
<td>1. Enhancing a willingness to take risks and long term perspective;</td>
<td>1. Putting emphasis on shared responsibility and critical and open mutual responsibilities.</td>
</tr>
<tr>
<td>2. Speaking truth to (political) powers is allowed and encouraged.</td>
<td></td>
<td>2. Speaking truth to (administrative) powers is allowed and encouraged</td>
<td>2. Emphasis on the mutual responsibility for attaining the goals of the organization.</td>
</tr>
<tr>
<td>3. Creating a culture of political – administrative trust and candor;</td>
<td></td>
<td>3. Creating a culture of trust and candor within the hierarchical dimensions of bureaucracy</td>
<td>3. Creating a culture of trust and candor within the horizontal dimensions of bureaucracy</td>
</tr>
<tr>
<td>4. Encouraging a challenge to the given the status quo, modus operandi and believes.</td>
<td></td>
<td>4. Encouraging to challenge the status quo, modus operandi and believes.</td>
<td>4. Encouraging to challenge the status quo, modus operandi and believes.</td>
</tr>
<tr>
<td><strong>B Willing</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Stimulating an open culture for, by and through critical and pro-active and open political office holders and (top) civil servants.</td>
<td>1. Stimulating an open culture for, by and through critical and pro-active and open civil servants within the hierarchy.</td>
<td>1. Stimulating an open culture for, by and through critical and pro-active, and collegial civil servants</td>
<td>1. Developing and selecting 'strong'</td>
</tr>
<tr>
<td>2. Developing and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Selecting ‘strong’ and cooperative personalities within both the political and administrative leadership.</td>
<td>Selecting ‘strong’ and cooperative personalities within the civil service system.</td>
<td>and cooperative personalities within bureaucracy.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>3.</td>
<td>Encouraging and facilitating and willingness to take responsibility for political, organizational and societal goals.</td>
<td>Encouraging and facilitating a willingness to take responsibility for organizational and societal goals.</td>
<td>Encouraging and facilitating a willingness to take responsibility for shared organizational and societal goals.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C  Able</th>
<th>1. Enhancing and maintaining an appropriate level of (professional and political administrative) expertise.</th>
<th>1. Enhancing and maintaining an appropriate level of (professional and bureaucratic) expertise.</th>
<th>1. Enhancing and maintaining an appropriate level of political, administrative and moral courage;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Enhancing and maintaining an appropriate level of political, administrative and moral courage;</td>
<td>2. Enhancing and maintaining an appropriate level of administrative, internal bureaucratic and moral courage;</td>
<td>3. Creating and providing adequate access to political leadership taking away given structural and cultural limitations</td>
</tr>
<tr>
<td></td>
<td>3. Creating and providing adequate access to political leadership taking away given structural and cultural limitations</td>
<td>3. Creating and providing adequate access to administrative leadership taking away given structural and cultural limitations</td>
<td>3. Creating and Providing for Access to colleagues taking away given structural and cultural limitations</td>
</tr>
</tbody>
</table>

The approaches to creating a safe, reliable and open environment for taking away limitations to loyal contradiction thus vary to a large extent according to the dimensions of Allowability, Willingness and Ability. The approach and instruments to enhance that differs to a large extent according to the direction of relationship mentioned above.
Conclusion

By formulating question marks and looking for alternative courses of action a mirror is shown to decision makers with the idea that that course of action can be improved. Improved according to the standards and wishes of the decision maker but also improved in the general interest. Central to this paper has been a discussion of factors determining the latitude of civil servants for expressing (loyal) contradiction to their political officials, the administrative leadership and colleagues through ex-ante voice. In our research at, loyal contradiction is discussed in terms of appraisal, ex-ante voice and trust. For our analysis, we have introduced a triple distinction with respect to the nature of obstacles to loyal contradiction, namely civil servants not being allowed, not being willing and not being able to provide (loyal) contradiction. Loyal contradiction is not only addressed at the political and bureaucratic leadership and its constituent parts but also to the fellow workers. That triple division is necessary as the relevant factor explaining the latitude for officials can differ according to each of them. Relevant causes why the latitude might be limited and even is diminishing vary according this double triptychs.

Limiting that latitude, next to personal characteristics of relevant actors involved, relevant explanations are to be found in pressures leading to short term decision making, the effects of the rise of the enabling state, new public management practises, societal pressures and 'mediacratization'. Officials might also refrain from it for a variety of reasons as being scared for reprisals in terms of career and position. This implies that
more short term and flexible contracts and a lesser degree of legal protection as for instance in the employment at will schemes can have a negative effect. A more hedonist variant is to be found in officials trying to please the leadership and the other for personal benefits either for the personal gain or psychological gratification. Finally, civil servants could not be able to express these opinions due to lack of expertise, experience and political-administrative skills. As a mirror image we have also presented conditions favoring loyal contradiction. Regarding the dimension ‘allowability’ and ‘willingness’ we referred in scheme 3 to amongst others preconditions as creating trust and limiting distrust amongst relevant actors, and offering an open culture and discourse. In addition it entails encouraging challenging the status quo, modus operandi and believes; creating a culture of candor (Bennis et all. 2008). The ability dimension includes amongst others enhancing and maintaining an appropriate level of professional and political administrative expertise, access to decision makers and stimulating moral courage amongst the relevant actors;

Important with respect to loyal contradiction is that confidentiality and trust among the actors involved is a central prerequisite. Therefore those expressions of loyal contradiction are voiced and actions are taken in general behind closed doors. Even official meetings with a large and diverse composition might have a negative effect on both the sender and the receiver. Civil servant might become more cautious to give their views and political officeholders might be more refraining from asking or accepting it. Thus this overemphasis on transparency will limit any attempt to enhance the quality of public service delivery and decision making.
Furthermore, it is important to reiterate that when we discuss loyal contradiction as a form of voice and speaking truth to power as a civil service function we do not infer the meaning of truth in absolute or objective understanding. It all remains of a subjective but hopefully well informed nature. We are more concerned with the expression of opinions that the content of these opinions themselves. Being more informed on consequences and possible alternatives, these opinions can be (partially) rejected by officeholders, superiors or colleagues on grounds of policy, political expediency and other considerations.

Finally, as loyal contradiction is considered essential for maintaining organizational performance and legitimacy, a limited latitude and scope will in the end be self-defeating to management and politics alike. By looking into the mechanisms that determines (stimulates and limits) this scope for loyal contradiction in organizations through ex ante voice, we might also provide insights how to guarantee this, what we consider, essential civil service function and obligation. The content of this paper will serve as the start of a comparative research agenda.

**Literature**

- Bellamy, Richard & Antonino Palumbo (Eds.): *From government to governance*, Farnham: Ashgate
- Berg C.F. van den, Meer F.M. van der & Dijkstra G.S.A. (2015), Traditions, Bargains and the Emergence of the Protected Public Servant in Western Europe. In: Sager F,

- Bouckaert, G. (2012). Trust and Public Administration. Administration, 60(1)


- Kerr, J (2017), honest advice from civil servants is a tradition worth preserving, in Financial Times, January 6th 2017.


