

# Responsibility, Authority, and the Iraqi SIV Program

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“Visa program fails those who aided U.S.” proclaimed a column title in the *Miami Herald* on October 9, 2013. In that column, Trudy Rubin wrote that, “Early last week, with Congress in disarray over the government shutdown, something astonishing happened. ... one bill was passed by unanimous consent in both House and Senate.” That bill extended the Special Immigrant Visa (SIV) programs to Iraqi and Afghan citizens. The original SIV bill, established in 2008, provided a special opportunity for Iraqi (and later Afghan) workers who had assisted Americans, to obtain visas to immigrate to the United States. The SIV was limited to 25,000 Iraqi (5,000 per year from 2008 through 2012) and 8,500 Afghan immigrants. However, Rubin writes, “only around 5,000 visas have been issued.”

In a 2010 *New York Times* op-ed, Saurabh Sanghvi described the difficulties in more detail, likening the experience of applicants, “many of whom are on the run and often facing death threats”, to someone being audited by the Internal Revenue Service. Expected to recount information about their former employers that only top executives would know, applicants are forced to wait months for any response (if they are fortunate enough to receive one), rejected for letters of reference on the wrong letterhead, and then told to start over again without any explanation. Rubin notes that it is not unusual for applicants to be assassinated while waiting two or three years for a response. This is a clear case of bureaucratic failure.

In his piece, Sanghvi suggested several ways that the process could be simplified. Involved agencies could gather information on Iraqi (or by implication, Afghan) employees of Americans so that all claims could be quickly confirmed or denied. Applicants could be allowed

to submit applications by email rather than use the undependable Iraqi postal service. Rejected applicants could be provided with feedback that would help them reapply successfully. If these changes were implemented, wrote Sanghvi, any increased risk of fraud would be offset by better information flow. However, pressured by time, Rubin took a more direct approach. She suggested that President Obama follow former President Gerald Ford's lead, who "declared in May, 1975, that America bore a responsibility" to help the South Vietnamese who had worked for Americans. Then Ford followed his declaration with decisive action, airlifting more than 130,000 people to Guam where they were processed before being sent on to the United States.

The issues at stake in this situation are not new: they are issues of efficiency and effectiveness. However, as Woodrow Wilson pointed out in 1887, "The study of administration, philosophically viewed, is closely connected with the study of the proper distribution of constitutional authority. To be efficient it must discover the simplest arrangements by which responsibility can be unmistakably fixed upon officials; the best way of dividing authority without hampering it, and responsibility without obscuring it." (Wilson, 1887, p. 213) Without considering responsibility and authority, efficiency and effectiveness cannot be achieved.

Yet, even as he wrote that "large powers and unhampered discretion seem to me the indispensable conditions of responsibility" (Wilson, 1887, p. 213), he also suggested that there should be a "science of administration" (Wilson, p. 201). For Wilson, a science of administration went hand in hand with responsibility and the proper distribution of authority, but the link between the two was tenuous. By the late 1930s and early 1940s, Carl Friedrich and Herman Finer were finding that link difficult to justify. Friedrich emphasized the need for discretion on the part of public administrators, so he argued for responsibility and the power to interact directly with the public. Finer, on the other hand, emphasized the need for a scientific model of bureaucracy that set up rules and regulations to force administrators into a chosen

pattern. Any anomalous actions would demonstrate the failure of the administrator or of the rules - both of which should be amenable to correction.

In *The Bureaucratic Experience*, Ralph Hummel noted that “By keeping a precise and clear construction of reality in mind, and forcing reality to respond (or not) to it, and measuring the degree of congruence, the modern scientist freed himself of the complexity, confusion, and fuzziness of being fully immersed in reality.” (Hummel, 1994, p. 206) What attracted Wilson to a “science of administration?” And what continues to draw public administrators to science is its ability to simplify their relationship to reality, allowing them to focus on a limited set of factors at any one time. Finer’s definition of responsibility as “an arrangement of correction and punishment even up to dismissal both of politicians and officials” (Finer, 1941, p. 335) assumes such a reduced, bureaucratic construction of reality. Within such a framework, responsibility becomes a simple question of accountability that can be judged with certainty..

In contrast, Friedrich pointed out that responsibility depends on relationships and agreements between parties which “can only be partial and incomplete” (Friedrich, 1940, p. 3). Like Wilson, Friedrich recognized a close tie between responsibility and performance; “effective action” must include responsible “initiative” as well as adherence to a set of rules, for “An official should be as responsible for inaction as for wrong action” (Friedrich, p. 4). Jeremy Plant has argued that Friedrich’s responsible administration “is distinguished from simple bureaucracy by the use of, and legal control of, administrative discretion, grounded in the historical realities of a given constitutional framework.” (Plant, 2009, p. 473) In the expression of discretion, the administrator becomes functionally responsible, as well as personally responsible.

Intertwined with his conception of responsibility was Friedrich’s understanding that authority is distinguished from power. Plant noted that Hannah Arendt treats authority and power similarly, but whereas Arendt argued that political authority (neither coercion nor persuasion) is lost in the West because of the loss of a shared faith or tradition, Friedrich saw

hope in practical expressions of administrative discretion and constitutional government. He identified authority with communications that “possess the *potentiality of reasoned elaboration* - they are ‘worthy of acceptance.’” (Friedrich, 1959, p. 35, as quoted in Plant, 2009, p. 476) To communicate authoritatively, then, the public administrator must be granted discretion and is therefore functionally responsible - yet remains personally involved through responsible initiative.

Clarke Cochran adds to this picture of authority and responsibility by drawing out another key element of Friedrich’s conception of authority. The communications that possess the potential for “reasoned elaboration” do so “in terms of the values, beliefs, and interests of the political community to which they apply.” (Cochran, 1977, p. 548) Those shared values comprise a *tradition* that only has meaning in the context of *community*. However, Cochran finds two weaknesses to Friedrich’s conception of authority. First, it fails to look beyond community and tradition to reality and to thereby acknowledge other sources of authority. Second, it depends too greatly on an Enlightenment definition of human reason that implies either a detached objectivity or solipsism.

Cochran finds a solution to these weaknesses in the philosophy of Michael Polanyi. Like Friedrich and unlike Arendt, Polanyi finds a source of authority in western society and recognizes the importance of tradition and community in its establishment and operation. However, whereas Friedrich anchored his conception of authority in the potentiality of authoritative communication to “reasoned elaboration”, Polanyi anchored his in personal commitment and universal intent made possible by the structure of tacit knowing. Polanyi recognized both explicit and tacit knowledge but argued that even the former is made possible only by its roots in the latter.. There is always a subject (whether knower or doer) who attends from the subsidiary particulars to the focal or comprehensive whole and who indwells the particulars to draw out their meaning or skillfully use them to accomplish a purpose. Tacit

knowing is always personal, leading Polanyi to conclude that impersonal, detached objectivity, as assumed by Enlightenment reason, is impossible. (Cochran, 1977; Polanyi 1959, 1962/1958, 2009/1966, Polanyi and Prosch 1975).

Cochran suggests that authority in a Polanyian world has both vertical and horizontal dimensions. On the one hand it makes a claim with universal intent - the authoritative speaker claims “a personal contact with transcendent reality.” (Cochran, 1977, p. 71) On the other hand, it is possible “only on the basis of community and tradition.” (Cochran, p. 71) According to Polanyi, “A scientific communication is authoritative because it is in principle universal, because it makes contact with reality. It is genuinely knowledge and thus makes a claim on each person, not just those within the tradition. A scientific claim is made with universal intent; yet, since the contact with reality is personal, it is in fact meaningful only to a community of similar persons.” (Cochran, p. 71) Working from Wilson through Freidrich to Polanyi, it becomes clear that the same vertical and horizontal dimensions apply to public administration.

What does all of this tell us about the SIV program; what lessons can we learn to make the SIV or similar programs more effective? When “The Cartesian paradigm of systematic doubt predominant in epistemology cuts the link between authority and truth.” (Cochran, 1977, p. 557), authority is reduced to an instrumental tool of power, and responsibility is reduced to “an arrangement of correction and punishment” (Finer, 1941, p. 335). In such an environment, no exceptions to the rules can be tolerated; the absence of administrative discretion forces a fascination with details; and knowledge is hoarded to protect power. The end result is a pure bureaucracy that functions inefficiently and ineffectively.

The solution to the ills of the SIV program is not more rules, but more discretion. Given freedom and authority and taught responsibility, the bureaucrats handling the SIV program could begin to solve and resolve the hurdles they are forced to navigate. Smarter government in 2014

begins with a better understanding of responsibility and authority, and a study of the philosophy of Michael Polanyi is the foundation upon which to build that understanding.

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