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# ANALYSIS

## PATHWAYS TO ADMINISTRATIVE RESILIENCE: PUBLIC BUREAUCRACIES RULED BY DEMOCRATIC BACKSLIDERS AS A TRANSNATIONAL CHALLENGE

### EXECUTIVE SUMMARY

Populists in government pose a serious threat, not only to domestic democratic standards but also to transnational policymaking and concerted action. There is a linkage between radical illiberal reform agendas at home and the constraints these agendas produce for achievable governance solutions to international or transnational problems. We argue that there are pragmatic options available to democratic governments to preemptively strengthen and protect endangered national bureaucratic systems against populists' threats in areas like administrative autonomy, professionalism, management style, the legal basis of administrative action, as well as the international embeddedness of modern civil services. Democrats—especially in places where institutional traditions and trajectories are unstable—are well-advised to check their public administrations for potential vulnerabilities to populists' illiberal strategies. Specifically, they need to invest in securing the integrity of the bureaucracy and the institutional guardrails of their management systems, in boosting democratic ethics of civil servants and in fostering international networks.

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## 1: INTRODUCTION

The presidency of Donald Trump may be history; but that does not mean that the populist, or rather authoritarian, threat to democracies has vanished; quite the opposite. A global wave of democratic backsliding is currently rising and accelerating.<sup>1</sup> Fueled by authoritarian and populist governments, this wave endangers institutions conceived to protect (and restrain) liberal democracies.<sup>2</sup> The reasons for these developments are complex, but the outcomes are clear. Once in power, authoritarian populists attempt to re-write the “operational manual”<sup>3</sup> of their states, transforming political parties, legislatures, courts, as well as other formal and informal guardrails of democratic moderation.

While these dynamics have not remained unnoticed, another important aspect of the populist governing mode has so far remained in the dark: the relationship with the public bureaucracy.<sup>4</sup> This neglect is misguided. Since neither the delivery of promised policies, nor desired institutional reforms are achievable without the bureaucracy, public administration does constitute an impactful device for the populist quest to change the status quo. The relationship between populist governments and their bureaucratic apparatus is therefore of the highest importance—domestically as well as with respect to international policymaking. Because to the extent that populists succeed in transforming their national administrative systems, they also effectively reduce options and capacities of effective transnational governance in the process.

Therefore, we need to understand the linkages between the domestic and the transnational domains, and what kind of managerial changes populists in government are likely to impose on their national public administration systems. It seems clear: National public administrations remain key devices in any attempt to solve wicked problems “beyond the nation state”, be it as network hubs, experts, entrepreneurs, sponsors, monitors or facilitators of more permanent governance solutions.

Recent research suggests that the thrust of populist public administration strategies revolves around making the bureaucracy less democratic, less open to searching for best alternatives, less autonomous,

and less diverse. The state transformation populists seek is about converting bureaucracies into pure instruments for monistic rule, thus undoing the modern bureaucracy’s role as pluralist institution and guardian of liberal democracy. Given what we now know about populists in government, what lessons can be drawn about how to increase the capacity of a bureaucracy to bounce back or resist pressures of illiberal deformation? What fosters the resilience of administrative systems against the populist challenge? Protective measures are needed. However, to become effective they need to be pursued well in advance of populists’ advent into executive office. Given that protective measures only will have an effect in the medium- to long-term, good foresight and political capital is required to adopt the right mix of instruments early enough.

This Policy Analysis seeks to accomplish two things: to sharpen policymakers’ awareness of the challenge and to provide some pragmatic ideas how to confront it. But what exactly are common populist strategies threatening to transform public administration systems?

## 2: POPULIST STRATEGIES FOR ILLIBERAL ADMINISTRATIVE REFORM

Like all governments, populists in government are facing choices with respect to how to use their executive machinery. Depending on their general governance concepts (if they have any), different administrative options materialise for incoming populist governments. If they seek to sideline the established bureaucracy, they may design new institutions from scratch. But even if they decide to use the established bureaucracy, they must not resign themselves to accepting its current organisation. Rather, they can engage in molding the administration into new illiberal forms.<sup>5</sup> Present-day populists share a disdain of pluralism and expertise which emerges in, at least, five strategies they employ.

### **Transforming structure**

Centralising formal power by strengthening top-down command and control in central government, reducing horizontal power dispersion, and restricting lower-level and agency autonomy, where it constitutes a counterweight to central government.

### **Redistributing resources**

Steering administrative conduct through allocation of funds as well as administrative and informational resources, i.e., for instance, weakening specific units by reducing funds and staff numbers, leaving them out of information loops, or impairing their work by imposing excessive administrative demands.

### **Taming personnel**

Ideological cleansing of staff by intensifying patronage in recruitment and career progression beyond 'normal' spoils behavior, while weakening meritocratic and representative factors in personnel policy through excessive exhaustion of available or introduction of new politicization instruments. This may go so far as building parallel structures to compete with, and eventually dominate, the career structures.

### **Sowing illiberal norms**

Completely committing the administrative culture to the new ideological order by undermining the official neutrality of the bureaucracy or emphasising its instrumental character through, for instance, exercising informal pressure on staff.

### **Dismantling accountability**

Reducing the societal participation and responsibilities of service agencies vis-a-vis the parliament and other external controls, cutting back transparency and exchange of information with third parties and restricting media access.

These are common strategies populists use to transform national public administration systems.<sup>6</sup> They may resemble reform trends associated with governments considered firmly pluralistic. However, it is not so much the direction of these reforms but rather their comprehensiveness and depth which together make them deeply anti-pluralist. Moreover, modern bureaucracies are not passive, subordinate structures; they are themselves actors in policymaking. The administrative systems in modern democracies have undergone a liberal democratic transformation over the last decades. They cannot be reduced to a pure instrument in the hands of the rulers of the day. Rather, the bureaucracy itself constitutes a vital and autonomous institution of democratic life.<sup>7</sup>

One important trend, for example, has been reform aimed at increasing openness and accountability. Institutionalized access for civil society organizations, consultations with citizens,

transparency laws, and increased media scrutiny have put bureaucracies under stronger external control. It is thus unsurprising that populists in government clash with pluralistic, democratic features of the civil service. Whether, and to what extent, they actually achieve the transformation they seek depends however upon the institutional design of the government-administration relationship in a given country. Bureaucratic potentials and reactions are, therefore, crucial for the fate of populist initiatives.

## **3: RESPONSIVENESS OR RESISTANCE? BUREAUCRATIC STRUCTURES AND ORGANISATION UNDER POPULIST RULE**

The approaches populists adopt towards the established bureaucracy depend on their specific brand of populism. Important is not only the specific

populist ideology; the bureaucracy itself poses a complex challenge to populist regimes, for a number of reasons. Most importantly, public bureaucracies are inherently legalistic organisations. As such, their scope of action and the type of tasks they can be asked to carry out, and not carry out, are detailed in legislation and regulations. A populist leader ordering political and administrative action that falls outside that framework will immediately encounter opposition from the bureaucracy, and the populist leader may or may not accept that argument from the bureaucracy.

To some extent, it lies in the nature of populism *not* to acknowledge legal constraints on political action. Indeed, some populists specifically attack the legal framework of the bureaucracy, which they tend to portray as the epitome of red tape and bureaucratic rigidity. Seeking to portray themselves as outsiders to the political system and its elite, populists often make a point of challenging the rules of political and administrative processes on the grounds that they are “unfair”. Law and rules are often argued to be instruments by which the “Deep State” and “old elites” protect themselves from accountability and imposes its wishes on the rest of society.

Furthermore, the public service is usually characterised by normative frameworks of integrity, impartiality, accountability, and professionalism. As is the case with the legalistic nature of the bureaucracy, this framework, too, presents obstacles to the populist project in terms of ensuring responsiveness and loyalty to the populist regime. Unlike legislation and regulation, however, these normative dimensions of public administration cannot be abolished overnight. Instead, some populist regimes seek to ensure administrative loyalty by replacing career bureaucrats with loyal followers. The comparative evidence suggests that increasing the politicization of the bureaucracy—or increasing the number of politically appointed loyalists on strategic posts in the public service—is a common populist strategy to take control over the bureaucracy.

The extent to which populists in government may “achieve” their illiberal transformation of the civil service depends in particular upon how national administrations fare with respect to the following characteristics: professionalism and motivation, management culture and the propensity to politicization and patronage (as structures operating within a specific administrative system), as well as upon whether individual bureaucrats play along or not.

### **Professionalism and intrinsic motivation**

The professionalism of the civil service and its commitment to public service will influence the manner in which the institution as a whole, as well as individual public servants, respond to populist governments. The professionalism of the public service is related to the extent to which the service is merit-based and constitutes a career. Professional civil services will resent any attempts to undermine their involvement in, or control over, policy and management within the public sector. This professionalism and commitment may lead those populist politicians to characterize them as the “Deep State”, while the civil servants may see themselves as only doing their job.

High levels of intrinsic motivation and professionalism among public servants and the associated belief that they are in their positions to serve the public interest are also likely to engender more conflicts with populist political leaders. As well as serving the law, the civil servants consider themselves to be serving the public. This commitment to public service may be especially important at the lower levels of the bureaucracy—the street level bureaucrats. If populists with a right-wing ideology take power then street-level bureaucrats with commitments to their clients may be motivated to resist the actions of that government, and to continue to support their clients.<sup>8</sup>

## Management system and sensitivity to political level

What a bureaucracy does may also be important for its relationship with populist leaders. All bureaucracies are responsible for implementing the law and managing public programs, but those that focus on those basic administrative functions and do not involve themselves heavily in policymaking may be less influenced by the advent of populist politics. Administrative organizations—or those parts of the bureaucracy—effectively insulated from politics are more likely to resist populist pressures and to maintain something approaching business as usual.

The trend in public management reform over the past couple of decades has been towards increasing focus on results and performance while giving managers more autonomy in relation to the political level of government. The main role of elected officials in this management system is setting long-term objective of the public service; politicians in this system of management are removed from any operational role and several of their traditional levers to control the bureaucracy have been weakened or even abolished.<sup>9</sup> Ironically, while NPM reforms have triggered extensive debate about the loss of political control and accountability, they may help protect the public service from populist regimes ascending to power.

## History of politicization and patronage

Finally, some administrative systems have a history of being more influenced by political control and by patronage appointments than others. Although it appears that politicization is becoming more common in all political systems, patronage appointments are the norm rather than the exception in some countries. Many of the countries of Latin America, and in Europe several CEE countries, which already had high levels of patronage appointments in public administration prior to the surge in populist politics may be more susceptible to populist control.

Countries with a significant history of patronage appointments will find it more difficult to resist efforts on the part of populist leaders to take over administration using their own supporters in public service positions. These systems will already have numerous positions designated as being open to appointment. Further, having extensive patronage appointment in these administrative systems will not be seen as violating the canons of good government, as they might be in systems with more autonomous and professional civil services. Patronage will simply be business as usual, albeit with a rather different type of appointee.<sup>10</sup>

## 4: PLAYING ALONG OR NOT? POTENTIAL REACTIONS OF THE INDIVIDUAL BUREAUCRATS

In addition to the structural factors presented in the previous section, we need to consider the individual responses of bureaucrats and the ways in which they can cooperate with, or resist, populist governments that may in their view be undermining proper governance and administration. When confronted with challenges to their preferred policies, or their way of administering them, bureaucrats have essentially three options.<sup>11</sup> They can simply accept the directives of the government of the day and

implement changes to their ways of doing things—working. They can also choose to go slow, or not perform certain tasks—shirking. Or, they can attempt to undermine or refuse to perform certain acts—sabotage. If bureaucrats believe that fundamental legal or moral values are being violated by the policies of their government, they may choose to find ways to prevent those policies from happening, and may believe their actions are justified by constitutional, legal or moral principles.<sup>12</sup>

Against this background, recent research finds a pattern of contemporary populist rule of anticipating adverse bureaucratic reactions and therefore

taking recourse to centralising control over the bureaucracy, side-lining potential resistance (often via appointments of followers to strategic positions but also as rank-and-file) or outright creating from anew loyal structures.<sup>13</sup> There is little evidence of collective, let alone systematic resistance to populist transformations in any substantial way. After all, populists in government tend to bend the rules avoiding to blatantly break them. That makes it understandable that usual “no overt reaction of the higher civil service”<sup>14</sup> can be detected; and the more common reaction to growing demands of centralised control of the bureaucracy “is obedience, instead of either shirking or sabotage”.<sup>15</sup> Bureaucrats who are trained in loyalty and due process suffer from the ambiguity of the populist leaders and become insecure and uncertain if they disagree with the line of their government. They often appear to “internalise” their disagreement and the emerging incongruence. With the effect of ever lower moral, growing turnover and increasing lack of initiative.<sup>16</sup> There is no culture of resistance within the machineries of governments.<sup>17</sup>

As a consequence, in countries like Poland and Hungary civil servants flee into a passive role “as small cog in the big wheel of government”, i.e. “they are guided primarily by the desire to literally fulfil their instructions without too much concern for the efficiency and effectiveness of their activities”.<sup>18</sup> The exception of such “risk averse” behavior, becomes more likely when bureaucrats see the danger of bringing upon them individual culpability by following order which are apparently unlawful (and thereby risk even their jobs). Then the signs of shirking rise. In other systems—not least the United States—the opposition has been more overt. The different levels of resistance highlight a positive relationship between democratic and liberal traditions and bureaucratic resilience.

In sum, the administrative responses to populism for the most part displays conflict between norms and values both at the institutional and individual level. Democratic government is contingent on the loyalty of public servants in government and agencies, but that commitment becomes seemingly untenable when an elected government does not subscribe to fundamental ideas about democracy. At the institutional level, bureaucracies—and the

norms they represent and reproduce—can sustain a populist leader over a short term but are less likely to do so over an extended period of time. In the longer run, if populist governments pursue their illiberal project, democratic bureaucrats will be squeezed out of service (by their own choice or by structural gaming of populist governments). All in all, state bureaucracies per se are no hotbeds of active resistance towards illiberal rule; and even more important therefore become questions how to structurally and professionally prepare against populist take overs?

## 5: WAYS TO RESILIENCE

What can be done then to increase the capacity of a bureaucracy to bounce back or resist pressures of illiberal deformation? What fosters the resilience of administrative systems against the populist challenge? Options emerge in areas like administrative autonomy, professionalism, management style, the legalist basis of administrative action as well as the international embeddedness of modern civil services.

The question about populist take-over of public administration is to a large extent one about the relationship between politicians and the bureaucracy. Accordingly, the debate about the autonomy, insulation and responsiveness of the civil service may be revisited with view to balance the possibility of anti-democratic governments into our scholarly assessments. Considering what might be the lesser evil, this question is probably less posed in concerns of Max Weber, i.e. how to keep administration out of politics, than in those of Woodrow Wilson whose main concern was keeping politicians from interfering with management issues of what should be the responsibility of a professional bureaucracy.<sup>19</sup>

Against this backdrop, widening cautiously the autonomy of the civil service, might be an option to consider increasing resilience against illiberal government. This resilience may concern structural or de facto autonomy as well as informal or other forms of bureaucratic autonomy.<sup>20</sup> Three central relationships concerning the resilience debate are of importance here. First, we expect that civil service systems with a regulated internal labour market will be more resilient against authoritarian regimes than

those with more liberal markets.<sup>21</sup> A civil service system that allows less internal competition between individual employees, i.e. which is more regulated, will be less prone to authoritarian rulers' divisive approach to the bureaucracy.<sup>22</sup> Reducing the extent of patronage is also a good policy against swift populist takeover. Those administrative systems that have evolved an extensive patronage culture in order to keep their public service responsible to the politicians of the day, should reconsider this policy. As insulating the bureaucracy is making the populist claims of a "Deep State" more credible, a difficult balance has to be struck. Cushioning from top-down interferences should therefore go hand in hand with broadening citizens involvement and thus the bottom-up democratization of public service creation and delivery.

Second, another crucial characteristic of a civil service system in relation to authoritarianism is the institutionalized relationship—either formal or informal—to the prior democratic regime. Relationships between politicians and bureaucrats differ in time and space, while being constantly subject to change.<sup>23</sup> Changes from one "configuration" to another will be a function of how different the prior democratic configuration is from the envisioned authoritarian one.<sup>24</sup> In this respect, a shift from a regime in which political-administrative relationships are characterized by more politicized roles for the civil service are less resilient to a transition to authoritarian regime than systems where civil service is closer to the neutral<sup>25</sup> and professional<sup>26</sup> end of the administrative continuum.

Third, plausible factors in the political and institutional environment with relevance to liberal-democratic backsliding are, therefore, the international embeddedness of the state, the effective expertise of civil servants, the ties to the societal sectors, the type of civil service system regarding internal labour markets and role perceptions in politico-administrative relationships. While these factors primarily concern the bureaucracy, they also shape politicians' outlook and options. These environmental factors can thus not be subsumed under administrative characteristics but rather represent independent variables conditioning the interaction between politicians and the bureaucracy. For example, membership in the European Union

should be something of a shield against populist take-overs of government.

What has been said about the expertise of civil servants stretches into another category, i.e. professionalism and intrinsic motivation of civil servants, which also constitute characteristics of a civil service that hedges against undue requests by the government of the day. Most important appears to be the strengthening of individual and professional values by the right training—not least in ethics and fairness standards of a modern civil service—which could boost intrinsic incentives of civil servants to stand up against demands of populist governments of doubtful constitutional or legal character or inappropriate consequences. Empowering the individual civil servant will in turn strengthen the resilience of the administrative system as a whole.

A further recommendation can be given with view to the formal legal authority as a central characteristic of our civil services. Strengthening it should be part of each resilience toolkit. If due process and the boundaries of the actions of the bureaucracy to the rule of law are strengthened, this would raise obstacles for populist rules. As the disdain of many populists in government for the rule of law goes to the very core of the bureaucracy as an instrument of formal legal authority, strengthening this formal legal authority of the bureaucracy is one of the most promising tools to counter populist transformative demands. The irony is that features of the bureaucracy that entertain the cliché of red tape and bureaucratization serve as due process and thoroughness in applying the rules to a safety net against illiberal agendas.

Finally, there is an embeddedness configuration to take into account which comes in a federal and in a transnational shape. Federal systems in which state or provincial governments serve as a counterpoise to the center, limit the penetrating power of populist agendas. In the US, for example, liberal states such as California and New York did a great deal to oppose Trump policies, and California actually won on some environmental issues with a nationwide impact. A similar argument can be made with view to transnational hedging. State administrations with strong ties to international bodies and transnational networks might also have a resilience advantage over

state administrations with weak links beyond the domestic level. Active membership to international fora can be an antidote to authoritarian aspiration in at least two ways. On the one hand, it can bind the hand of the authoritarian rulers and limit their financial, economic and social policy options. At least as long as the populists do not dare to leave the international agreements on which this cooperation is based. Nationalistic populists are obviously more likely to take bold measures in this respect than other brands.<sup>27</sup> Foreign debts and high degrees of foreign investments in the country with an open economy constrain the discretionary room for authoritarian leaders to renege or to be unresponsive towards the worries of other democratic countries. While such embeddedness reduces the autonomy of the state in the international system, it may increase the state autonomy in its dealings with domestic groups. On the other hand, connectedness in the international realm ensures various parts of the state administration and policy sectors have an inflow of informational resources that can allow state administrations to counter the policy agenda of the authoritarian regime with alternative or superior information. At any rate, embedding states into international cooperation—especially for smaller ones with an open economy—even if not used as a strategy in its own right to increase resilience, has nevertheless some positive side effects in this respect.

Such are our recommendations to increase resilience in face of the populist challenge to transform national public administration systems. Our recommendations do however rely on two crucial factors. The first is that much weight lies on the shoulder of the “administrative person” in a very traditional and individual way. At a certain point the question whether a civil servant chooses exit, voice or loyalty as a response to demands s/he considers unethical or purely covered by the law becomes probably a weight too heavy to lift for an individual—especially if the environment is ripe for opportunists or even followers of the new political leadership. Bureaucracy has been constructed to overcome the limits of individuals—and therefore it is probably neither wise nor fair to build a rescue strategy in face of what is a system failure solely on the hope that the “honorable bureaucrat” will stand up against what is, after all, a democratically elected government.

The second caveat lies in the very nature of preparatory strategies. They need to be adopted well in advance of the advent of a populist movement coming into power. It is too late for them to be adopted, let alone having an effect, under a populist government. Given that most measures only will have an effect in the medium- to long-term, quite some foresight and political capital is needed to adopt them early enough. But even without concrete threats of a populist government, would-be reformers of public management may be well advised to heed the recommendations for fostering resilience of public administration systems—and consider their projects in the light of what may go politically wrong in their countries. If there is any lesson to be learned by recent research, the worst case is nowadays unfortunately less improbable than it used to be.

## **6: CONCLUSION: A “DOMESTIC FACTOR” OF TRANSNATIONAL POLICYMAKING**

The Trump Administration constitutes a case in point how populist domestic agendas and transnational politics are intimately interlinked. Approaching solutions in climate change, migration, international security, health, or trade policy were swiftly constrained by the fundamental unwillingness of the US federal government to engage in multilateral problem solving. It is interesting to study which parts of the US bureaucracy implemented Trump’s disrupting policies loyally and which did not, and what factors support such bureaucratic resistance. The point is that there are complex interdependencies between the domestic and the international, transnational domains and that national bureaucracies remain the crucial linkage between them. Neither transnational activists nor governing politicians and bureaucrats operate in a vacuum but in complex political and institutional environments, which structure their respective rooms of maneuver. To the extent that populists in government can transform their bureaucracy, they create repercussions at the international level—and, if worst comes to worst, they can sensitively belittle the available scope of transnational policy solutions. But this is not a one-way relationship. International embeddedness, at least for a certain period of time, may postpone and constrain radical



political agendas pursued by populists in government. State administrations with strong ties to international bodies and transnational networks might well be more resilient against authoritarian regimes than state administrations with weak links beyond the domestic level. Active membership to international fora can be an antidote to authoritarian aspiration in at least two ways. On the one hand, it can bind the hand of the populist rulers and limit their financial, economic and social policy options. Foreign debts and high degrees of foreign investments in the country with an open economy constrain the discretionary room for populist leaders to renege or to be unresponsive towards the worries of other democratic countries. While such embeddedness reduces the autonomy of the state in the international system, it may increase the state autonomy in its dealings with domestic groups. On the other hand, connectedness in the international realm ensures various parts of the state administration and policy sectors have an inflow of informational resources that can allow state administrations to counter the policy agenda of the authoritarian regime with alternative or superior information. States strongly embedded in the international system are more autonomous vis-à-vis authoritarian regimes and that, therefore, the bureaucracy in these states is better positioned to counter the undemocratic policy aspirations of authoritarian regimes.

To increase the resilience of democratic administration systems, policymakers should consider the following pragmatic countermeasures. First, raise the hurdles for administrative centralisation and resource reallocation; assure due process with respect to recruitment and career progression by expanding external scrutiny. Second, reinforce norm consciousness for the inalienability of democratic values by continuous training of staff. Third, make societal participation in administrative proceedings more often an obligation. Fourth, foster international networks of civil servants in order to strengthen their intergovernmental professional ties. Taking actions along these lines would toughen up the bureaucracy and thus make it harder for would-be anti-pluralists to succeed. Populist public administration policy is a threat to our democracies—and to policymaking domestically and internationally. Policymakers—especially in places where institutional traditions and trajectories are instable—need to be aware of the challenge and prepare their public administration systems to better stand potential democratic backsliding. The suggestions made in this Policy Analysis are modest and pragmatic. Their purpose is to stimulate the debate about the right toolkits.

## Endnotes

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