

CAN BUREAUCRACY SAVE LIBERAL DEMOCRACY? HOW PUBLIC ADMINISTRATION CAN REACT TO POPULISM

Established liberal democracies around the globe face waves of populism and the danger of democratic backsliding. As populist parties assume governmental powers, civil servants are confronted with a fundamental dilemma: Are they expected to serve their newly democratically elected principals, even when they strongly disagree with their illiberal ideologies? Or are they expected as servants of the state to actively resist the backsliding of democratic values and the rule of law? And, is resisting possible at all without resorting to non-democratic means? In this writing, the author discusses this vexing problem in the heart of the liberal democratic state and makes a plea for strengthening the democratic state responsibility of the bureaucracy.

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A couple of days before the U.S. presidential elections in November 2020, General Mark Milley, chairman of the Joint Chiefs of Staff, called China's People's Liberation Army General Li Zuocheng to reassure him that in case an attack was ordered by then the U.S. President, Donald Trump, he would warn him in advance. General Milley repeated this, two days after a mob of Trump supporters had attacked and ransacked the U.S. Capitol. The revelation of these actions, by the journalists Bob Woodward and Robert Costa, led as expected to heavy condemnation of the general's actions by Trump and his supporters, and President Biden was called upon to remove the general from his office.

In the saga that Trump's presidency has become, this event may seem just one more ripple in the pond. From a global perspective, however, it is an example of the situation in which civil servants in a number of liberal democracies that have come under the influence of populism find themselves. The electoral successes of populist parties in liberal democracies confront civil servants with a fundamental dilemma. Faced with populist and illiberal politicians in government, what should be expected of civil servants? Should they remain the loyal and neutral servants of the, after all, democratically elected politicians? Should they be the "adults in the room" and take away illiberal policies' sharp edges? Or, should they resist and outrightly sabotage the policies of the illiberal regime?

Populism is extensively studied and debated as the political ideology promoting nativist, racist and anti-elitist ideas, pitching 'the people' against 'the elites'. Less attention is given to how the rise of populism has upset the power balance within the heart of the democratic state, i.e., the relationships between politicians and bureaucrats. Many hope, whether or not in silence, that there are more civil servants like General Milley who will stand up at the right moment and guard and protect democracy. In this paper, I will somewhat temper these hopes and argue that populist incursions into the liberal democratic core of political-administrative relationships cannot easily be fenced off by assigning to the bureaucracy the role of guardianship. 'Protected democracy', the term that has often been used to legitimatize military tutelage, is not the sort of democracy that democracy-loving societies would want. As a result, what we need is more principled civil servants with a strong sense of what I will call 'democratic state responsibility', a recognition that besides the elected government, the civil (and military) bureaucracy is an equally important element of democracy.

Cracks Within the Liberal Democratic Political-administrative Contract

The relationship between elected politicians and bureaucrats in liberal democracies

has never been an easy one. Since the Liberal Revolutions of 1848, when power gradually shifted from monarchs to parliaments, elected politicians have always grappled with the problem of how to control the powerful bureaucracies. Following Max Weber (1921), many feared that the twentieth century would be dominated by bureaucracies and the establishment of *Beamtenherrschaft*.

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It was only after the bitter experiences of fascism during the interbellum and a devastating war in Europe, that democracy took hold in the West. A variety of political-administrative relationships evolved that were capable to serve as a foundation for the institutions of democracy and the rule of law. Although the ideal-typical liberal democratic relationship between politicians and bureaucrats – the loyal and neutral civil servant, subordinate to elected politicians – has never materialized in practice, because purely neutral advice is hard to come by, politicians and bureaucrats still found ways to peacefully co-habitate within the perimeters of the liberal democratic state. So, there emerged “iron triangles”, “issue networks”, or “villages” including politicians and bureaucrats where they joined forces, complemented one another and set policy goals and defined society’s strategies. Even the more “adversarial” types of political-administrative relationship fitted very well within the constitutional spectrum of liberal democracy.¹

The moment politicians like Donald Trump, Victor Orban, and the Kaczyński brothers came to power, such liberal democratic ‘contracts’ between politicians and bureaucrats became unilaterally terminated in those countries. Moreover, the foundations of liberal democracy itself were brought in danger by the very pillar of the state that was supposed to protect it against authoritarianism. Instead of protecting democracy against powerful, faceless bureaucrats, liberal democracy is in need to be protected against its elected officials. It is no longer the question of

¹ Peters, B.G. (1988). *Comparing Public Bureaucracies. Problems of Method and Theory*. Tuscaloosa & London: The University of Alabama Press. Heclio, H. (1978). Issue Networks and the Executive Establishment. In. A. King (ed.) *The New American Political System.*, Washington, D.C.: American Enterprise Institute.

how politicians can control and hold accountable bureaucrats, but whether unelected civil servants can possibly save democracy from illiberal and populist politicians?

Populist Strategies and Bureaucratic Resilience

In a recently published edited volume, *Democratic Backsliding and Public Administration*, an inventory can be found of populist parties' strategies to 'tame' the bureaucracy and bureaucracies' reactions against them.² As the various country cases in the book show, the most common strategies populist parties have employed thus far are the centralisation of the structure of government, the politicization or personalization of personnel appointments, and the re-allocation of financial resources. In Hungary for example, subsequent Fidesz governments have limited the number of cabinet portfolios through merging two or several existing ministries into superministries.³ On top of this, the discretionary budgetary decision-making authority of departmental heads were curbed. In the U.S., President Trump has been notorious for appointing heads of agencies close to his private entourage, thereby not shunning the appointment of members of his own family.⁴ And in Mexico, the undermining of the autonomy of public agencies was a well-tried strategy under the leftist-populist rule of President López Obrador. He "personalized" administrative decision-making, among other things, by creating new structures that were put under his direct control.⁵

The arsenal of appropriate reactions civil servants can employ to counter the populist strategies has proven to be small.⁶ One way to summarize these is through the options of 'exit', 'voice' or 'loyalty'.⁷ Principled civil servants have the option to resign and leave the civil service when they fundamentally disagree with the political ideology of an incoming government. They can voice their concerns and speak truth to power. Or, civil servants can remain loyal, abiding to the classic liberal democratic political-administrative contract that stipulates civil servants to act neutral and loyal to any democratically elected government, regardless of its political color. Another way to

² Bauer, M.W., Peters, B.G., Pierre, J., Yesilkagit, A.K., and Becker, S. (2021) *Democratic Backsliding and Public Administration. How Populists in Government Transform State Bureaucracies*. Cambridge: Cambridge University Press

³ Hajnal, G. and Boda, Z (2021) Illiberal Transformation of Government Bureaucracy in a Fragile Democracy: The Case of Hungary. In: Bauer et al, pp. 76-99

⁴ Moynihan, D. (2021). Populism and the Deep State: The Attack on Public Service Under Trump. In: Bauer et al, pp. 151-177.

⁵ Dussauge-Laguna, M. (2021). "Doublespeak Populism" and Public Administration: The Case of Mexico. In: Bauer et al, pp. 178-199

⁶ Of course, the extent in which civil servants may play any of these cards depends to a large extent on the type of political system in which they live. In political regimes where a certain degree of politicization in the appointment to public posts is an accepted norm, populists' politics towards the bureaucracy may be more accepted in systems where meritocratic regimes are more firmly rooted within the system.

⁷ Hirschmann, A.O. (1970). *Exit, Voice, and Loyalty: Responses to the Decline in Firms, Organizations, and States*. Cambridge, MA: Harvard University Press

classify bureaucratic reactions is by observing whether civil servants decide either to ‘work’, to ‘shirk’ or to ‘sabotage’.⁸ Whereas work is the equivalent to loyalty, shirking denotes foot-dragging, stall decision-making, or deliver sub-optimal policy advice to their political principals. Sabotage, finally, is about staging a “guerilla” against the government, aiming to torpedo its policies well before they reach the implementation stage.⁹

“Three decades of neo-liberal privatizations and the wholesale introduction of private sector management models have transformed the civil servants from servants of the state to its managers.”

Empirical evidence thus far indicates that the resilience of civil servants endures only in the short-run.¹⁰ It turns out that only a very small share of civil servants, and only those with a high degree of public service motivation, are willing to remain in office to sabotage a populist government’s policies. The majority opts for exit, studies show, which leaves the populist government more room for shaping the bureaucracy to their own likings. Another study found that the reactions of civil servants facing the dilemma are affected by their own value sets, their working conditions (e.g., having a tenured position or not), or having a position in which they enjoy a large degree of discretion or not.¹¹

Overall, the few studies thus far suggest that populist parties in government, provided that they can remain long enough in power, can prevail vis-à-vis the bureaucracy and rewrite the contract in their own favor. So, these studies paint a somewhat worrisome picture. Since liberal democracy is at stake, the question of how far bureaucracy can go to defend democracy against authoritarian tendencies becomes more prevalent. To put it differently, are there democratically acceptable pathways that bureaucracy can pursue without going over to the Dark Side, in order to resist and stall illiberalism?

⁸ Brehm, J. and Gates, S. (1997). *Working, Shirking, and Sabotage: Bureaucratic Responses to a Democratic Public*. Ann Arbor, MI: University of Michigan Press

⁹ Schuster, C., Sass Mikkelsen, K., Correa, I., & Meyer-Sahling, J. H. (2021). Exit, Voice, Sabotage: Public Service Motivation and Guerrilla Bureaucracy in Times of Unprincipled Political Principals. *Journal of Public Administration Research and Theory*. <https://doi.org/10.1093/jopart/muab028>

¹⁰ Ibid.

¹¹ Guedes-Neto, J.C. and Peters, B.G. (2021). Working, Shirking, and Sabotage in Times of Democratic Backsliding: An Experimental Study in Brazil. In: Bauer et al (2021), pp. 221-245

'Protected Democracy': Bureaucratic Guardianship to Preserve Liberal Democracy?

In his testimony to U.S. Congress, General Milley stated that “at no time [he] was ... attempting to ... usurp authority” (NBC News, 28 September 2021). In an attempt to reassure the public that his actions were in line with the civil-military chain of command, he told members of the Congressional hearing committee that he had acted in coordination with the acting Secretary of Defense. General Milley was, in his way, the proverbial “adult in the room”.¹² This brings us to the question of how far unelected officials can actually go in defying a democratically elected government’s decisions in order to preserve democracy.

History has ample examples in store of elites acting in the name of preserving or protecting democracy. Usually, these are situations in which military juntas, either acting on their own inner ideological compass or in concert with other elite groups in society, have overthrown democratically elected governments. There followed either extended periods of military dictatorship or shorter periods of military rule during which returns to democracy were engineered, albeit under new conditions dictated by the military regime. By and large, military interventions directed against the reign of a democratically elected incumbent have been justified by referral to the weakness of the incumbent to successfully engage with the country’s problems or, typically, by accusing the government of the day of squandering society’s true values. In such “protected democracies” civil-military elites in the end imposed “formal and informal limits on participation and programs for the unprivileged majority.”¹³

In “protected democracies”, political-administrative contracts are heavily skewed in favor of the bureaucratic-military elites. They become the self-proclaimed guardians “authorized to exercise [their veto] when some ... decision of the civil authorities seems to them to threaten what they think are the permanent interests of the nation.”¹⁴ As “iron surgeons”, they ‘correct’ “malpractices and deficiencies of former governments” and the “squabbling, corrupt, and excessively partisan politicians.”¹⁵ The ultimate step is taken when the military-bureaucratic elites come to see themselves as the praetorian guards of the state.¹⁶ Praetorianism does not

¹² New York Times, 5 September 2018

¹³ Drake, P.W. (2009). *Between Tyranny and Anarchy : A History of Democracy in Latin America, 1800-2006*. Palo Alto: Stanford University Press, p. 2

¹⁴ Finer, S. (1962). *The Man On Horseback: The Role of the Military in Politics*. London and Dunmow: Pall Mall Press, p. 36

¹⁵ Nordlinger, E.A (1977). *Soldiers in Politics: Military Coups and Governments*. Englewood Cliffs, NJ: Prentice Hall, p. 25

¹⁶ Huntington, S.P. (1968). *Political Order in Changing Societies*: New Haven: Yale University Press.

recognize democracy, and it has as its guiding principle the idea that the military-bureaucratic elite is the only embodiment of the state and the national interests. In a praetorian state, it is justified to take over the state unconstitutionally and to institute a series of drastic measures in order to change society as a whole, in accordance with the self-determined national interest.

As we can see, there is no shortage of role conceptions that legitimize bureaucratic elites to be proclaimed as the ‘protectors’ of democracy. The problem with the protected democracy paradigm is of course that the protectors’ understanding of democracy sharply deviates from the proper definition of liberal democracy. In the name of protecting democracy, various bureaucratic-military elites have created murderous dictatorships in countries like Chile and Argentina, curtailed fundamental freedoms, and imprisoned thousands of citizens, as was the case in Turkey during the early 1980s. The path to consolidated democracy has rarely been established by military rule or tutelage, and it cannot be expected that even the shadow of military-bureaucratic control can prevent or reverse democratic backsliding in established liberal democracies.

Democratic State Responsibility

We are left with a seemingly unsolvable conundrum. Liberal democracy has come under attack by the very group that is supposed to be its guardian, namely democratically elected politicians. It is in a sense ironic that we now look for ways in which the bureaucracy, the much-criticized moloch, can act as some kind of guardian of last resort to counter the ascendance of illiberalism. However, as empirical studies thus far have shown that there is not much reason to hope that bureaucratic resilience is short-lived if populist governments can perpetuate their rule over longer periods of time.

As a result of this reality and the fact that resorting to the dark side should never be considered an option, I think there is one viable way of halting the rise of populist parties to executive power. This option looks to the weak spot of bureaucracies in many current liberal democracies. Three decades of neo-liberal privatizations and the wholesale introduction of private sector management models have transformed the civil servants from servants of the state to its managers. The diffusion of business models has pushed constitutional norms, democratic values, and the rule of law out of the heart of the public administration. Across many different states, civil servants have come to see themselves as process, change or product managers, instead of as a cornerstone of the democratic state. This partly may explain why alarm bells remain silent when populist parties assume power: having no constitutional compass anymore, a populist government is just another government that requires

the managerial services of the bureaucracy.¹⁷ In such settings, therefore, bureaucratic resilience comes too late and is too little to turn the tide.

I therefore plea for raising among civil servants (and the military) a strong awareness of what I will call ‘democratic state responsibility’. ‘Democratic state responsibility’ refers in my view to a strong sense of responsibility of civil servants in democratic regimes to deliver their part of the contract in upholding the fundamental values of democracy and the rule of law. A strong sense of democratic state responsibility means that the civil (and military) bureaucracy needs to view themselves, and act upon that sense, as equals of elected politicians but who play a different part in the same script. The idea of democratic state responsibility has, admittedly, Hegelian and Platonic flavors.¹⁸ The idea of democratic state responsibility depicts the bureaucracy as a corps with a deeply institutionalized responsibility towards society and its citizens, independent of the politicians. In this view, civil servants are primarily the agents of the liberal constitution, rather than that of the government at the time.

It is not too late for infusing stronger public values into the bureaucracy. Of course, it all starts with effective citizenship lessons in primary and secondary schools for children who will go on to become civil servants someday. A thorough curriculum should be provided at institutions of higher education, especially at schools of public affairs, public administration, and public policy, in which constitutional theory, the history of state development, and public ethics become more prominent, along with courses in public management, budgeting, and human resources management. Finally, it is currently up to the top-level civil servants and the military to take on leadership in this regard. General Milley and many others like him whose actions have not been reported in the media, can show others the proper ways of protecting democracy.

¹⁷ Stoker, G. (2021). Public Administration: How to Respond to Populism and Democratic Backsliding. In: Bauer et al, pp. 246-266.

¹⁸ Contradictory, too, perhaps as both philosophers are strongly associated with a deep disdain for democracy as it represented a form of government that they knew.