

Is the 'Lackey-controller' Model an Innovation in Policy Analysis or Just a Wishful Thinking?

This paper deals with a new pattern of relationship which has evolved between politics and bureaucracy that has emerged in recent years in Swedish local government. The paper attempts to demonstrate that the way in which decisions are arrived at and implemented raise serious doubts about the legitimacy of local government decision-making. The social costs of decisions made according to the model outlined in this paper, are high and put a strain on the public budget which already faces numerous allocative and distributive failures. Moreover, it aggravates the lack of confidence which characterizes current public attitude towards the political system.

The paper starts with a case which illustrates this new pattern of making and implementing a decision in a local government. On the basis of the case study, the 'lackey-controller' model is presented in the second section. The third section takes up the wider political science aspects of the model. The concluding section takes up some implications of such a model for decision-making.

Bureaucrat turned lobbyist

About seven years ago the Mayor (Chairman of the municipal executive committee) of Umeå attended a meeting at the County Administration Board where the issue of a bypass for the present European Highway – E4 – was discussed. All those present at the meeting felt that the location of the E4 at present running through the central business district, did add to traffic problems in the city area. However, none except the Mayor felt the need of building a bypass in the immediate future. Bearing in mind the size of the municipality (then a population under 100 000) and many uncertain factors with regards to the future potential of city growth it was generally felt that the decision to build a bypass should be deferred to around 2010. Umeå's growth since the 1960s

has been mainly determined by the expansion of the University and the Regional Hospital. With the impending cuts in the public expenditure, the rate of the expansion of the University and the Hospital was expected to be modest. The Mayor was absolutely furious with the consensus about postponing the decision to a future date.

Upon her return to the Town Hall, the Mayor called upon two leading local government officials – the head of the Planning Department (abbreviated henceforth as HPD) and the head of the Highways Department (abbreviated as HHD) and demanded that they should start a process of persuasion among the municipal councillors, local government officials and all other persons who could possibly exercise any influence on the decision. The target of this lobbying, in the first place, was the leading members of the various political parties represented in the municipal council. No resources were to be spared in this process.

The persuasion took many forms. HPD and HHD had separate meetings with various persons concerned. They gave talks at party meetings. Much of the municipality's planning resources was diverted to the project of building a E4-bypass in the eastern part of the town with a new bridge across the Ume River which divides the town. These two persons succeeded in creating the impression that the road project was the most essential factor in the future growth of the town.

The project gave rise to a resounding citizen protest. Several local associations of householders in the eastern part of the town, which would be directly affected by the road project, formed a citizen movement (later came to be known as the 'E4-group'). Their protest lists were signed by about 6 000 persons. The Mayor, however, was reluctant to accept these lists accusing the E4-group of forgery. The Social Democrats were in power in the municipality and expected that the Social Democratic Government in Stockholm would provide resources for the road project from the special fund which was then allotted especially for large-scale infrastructure investments.

By this time HPD and HHD had succeeded in convincing the leaders of the Moderate Party

and the Liberal Party. There was an internal dissonance among the Christian Democrats on the appropriateness of the project. The Centre Party, the Left Party and the Environmental Party were against the project. In face of the extensive popular protest against the project, the Minister of Transport and Communication, who happened to come from the same county in which Umeå is located, requested more time for reflection. The pending 1991 General and Local Elections were one key consideration in the Minister's reaction.

In the 1991 Elections the Social Democrats lost nationally as well as in Umeå. An electoral study carried out by a researcher in Political Science at the University of Umeå showed that the road issue had a significant impact on the local election results (Lidström, 1991). However, the ex-mayor of Umeå, together with the Moderate and Liberal leaders, continued the crusade for the road project. By this time HPD and HHD had succeeded in persuading the Christian Democrats for the project. An interesting part of their lobbying among politicians was the employment of a locally well-known transport consultant who went around various political-party meetings assuring his listeners that as a 'neutral' consultant he had come to the conclusion that the project would result in extensive traffic, environmental and socioeconomic benefits. The non-Social Democratic Government in Stockholm, however, was not convinced about the basic data than available and despite intensive lobbying from several politicians and local government officials, the government refused to provide the necessary funds for the project.

At this juncture the road lobbyists changed their tactics and started their persuasion of the National Road Administration (NRA) and its regional office. To cut the story short, the former mayor of Umeå with her pro-road political comrades turned to the Director General of the NRA (now dismissed from his position for alleged default of public money). The Umeå project was not on the National Road Administration's long-term plan of priority projects. Doubts about the soundness of the project were raised by the Director of the regional office of the NRA. However, the Director General put the Umeå road project on the priority list. Now the issue was

partly moved from the political arena to the bureaucratic level. The Central Government does not normally 'interfere' in the operative functions of the national administrative agencies.

For the E4-group, the only way out was to have the decision about the project examined by a court of law. In order to make the citizens right to appeal to the court difficult, the local government in Umeå together with the regional office of the NRA divided the road project in several small components. A tactic which has been applied elsewhere in Sweden. The Planning and Building Act is quite indistinct with regards to who can be considered as the 'affected parties'. Moreover the Act stipulates that the citizens' right to appeal must first be examined by the County Administration Board which had since its initial negative stance been convinced to the contrary. The Board rejected the citizens' right to appeal claiming that the E4-group could not be considered as an 'affected party' since none of the households were located at a 'reasonably short' distance from the specific component of the project. The Central Government (since 1994 the Social Democrats have returned to power both nationally and in Umeå) upheld the County Administration Board's ruling. The entire project estimated at about 1 billion SKR will be implemented despite the fact that planning premises in Umeå have changed since the Mayor insisted on the road project. It might be of interest to note that the environmental impact assessment is faulty and the project lacks a socioeconomic cost-benefit analysis.

The two local government officials, who have all along acted as lobbyists, have been given higher wages, in fact one has been appointed as the head of a municipal company, and more power. One or two of the political leaders, who in face of being unemployed, were also given temporary employment in the local government.

The lackey-controller model

The model has two components: firstly to describe the local government official as a lackey and secondly as a controller. The local government official acts as a lackey vis-à-vis a 'power-

ful' politician but than has also the task of controlling the decision process by acting as a lobbyist. The model is based on the following premises:

1. The Mayor of the town has the possibility to determine the wages and tenure of the leading local government officials as has become quite a common practice in Sweden since the 1980s. The relationship between politicians and bureaucrats has changed significantly. A 'determined' mayor, as in the above case, can use leading officials at his/her discretion.

2. There are no centrally-decided, uniform and precise rules governing various public activities. During the 1980s many rules have been replaced by so-called framework legislations (e.g. the 1987 Planning and Building Act) which means that administrative agencies can and do put obstacles in conducting impartial legal inquiries.

3. Local government officials are not neutral and impartial civil servants appointed according to objective norms or principles (see, e.g. Rothstein, 1997b). In fact, their tenure is a question of pure personal choice on the part of one or several political leaders.

4. A majority of politicians, who by the way are free-time or part-time politicians, are regarded as 'weak' in the sense that they do not have the capacity and/or resources to appreciate all aspects of a major decision involving economic, social, environmental and technical consequences.

5. A successful lobbying by local government officials assumes that they have access to power normally accorded to politicians e.g. a promise of a temporary job in the local administration for a politician or other types of favours. Moreover they can employ external consultants, if need be, in order to increase 'pressure' on political groups.

Political Science Aspects of the lackey-controller model

The lackey-controller model as outlined above touches upon three issues in political science. All these three issues have been recently discussed in an anthology edited by Rothstein

(1997a). The first issue which Rothstein (1997b) himself discusses, is based on the assumption that in a representative democracy, elected representatives lack a complete control over the preparation and implementation of public decisions. Many decisions are left to bureaucracy and the legitimacy of decision-making depends on the premises governing the relationship between politicians and bureaucracy. The issue can be referred to as 'implementation legitimacy'. The second issue is discussed by Lundquist (1997) who suggests that the increased empowerment of bureaucracy raises serious ethical questions with regards to the behaviour of the public administrator. Lundquist emphasizes the need for developing a third criteria for bureaucratic decision-making besides effectivity and legitimacy. This can be called 'decision-ethics'. The third issue, discussed by Bergström (1997), has to do with the new management philosophy which increasingly characterizes public administration including the local government. The traditional factors which determined bureaucratic behaviour have been replaced by those which emphasize 'individualism' among public bureaucrats. This applies especially to public officials in leading positions whose terms of employment are determined on personal basis with considerable discretion left to the leading politicians, often the mayor in case of local government. The third issue can be described as 'corporate decision-making' (to apply a term used by one of the prominent 'gurus' of human resource management, namely Kanter (1983).

Implementation-legitimacy

Rothstein (1997b) presents six models which can be used to characterize decision-making in modern welfare societies. These models are based on different premises ranging from a Weberian model of bureaucracy relying upon precise and foreseeable rules to a model where decisions are made with the help of a ballot. The Weberian model can be considered as a 'perfect' model (comparable to economists' pure competition model) and in Rothstein's analysis, it forms the basis of reference for all other models. Rothstein rightly points out that in reality deci-

sion-making deviates from these models and may make use of features from several of these models.

Rothstein's central contention is that public decisions, in whatever fashion they are made, need to be legitimized since bureaucrats as opposed to politicians are not accountable to the electorate. Rothstein makes some important remarks in this context. The requirement of legitimacy implies that arbitrariness should be avoided. Even where specific situations require flexibility and thereby a measure of discretion, decisions should be made non-arbitrarily. The lackey-controller model involves a good deal of discretion but above all implied arbitrariness in the process of lobbying carried out by government officials. Another factor which Rothstein emphasizes, as a prerequisite for legitimacy, is foreseeability. Bureaucratic behaviour is shaped by explicit or implicit rules which seem to be almost absent in the lackey-controller model. Rothstein points out to the fact that professional bureaucrats have a knowledge-advantage over politicians and can make use of the administrative apparatus in order to propagate and get support for their views. This factor is important in the lackey-controller model but with one important additional aspect, namely that this advantage is misused by a politician who can manipulate leading officials whose tenure of appointment is determined by the politician in question. Lastly Rothstein makes the point that a bureaucratic decision can not be legitimized only by referring to the fact that a particular decision was made in a democratic order. In the case of the road project in Umeå, there was a majority in the municipal council for the road project. However that majority was manipulated by lobbying. Politicians have little influence over decisions where they lack sufficient knowledge. To be lobbied on the top of that as in the lackey-controller model calls into question the so-called democratic system.

Decision-ethics

Lundquist has made an important contribution in an area in political science which has been recently receiving increasing attention, namely

ethics of bureaucratic behaviour. Besides his paper mentioned above, he has written two other works which take up this issue (Lundquist 1988; 1993). According to Lundquist the empowerment of bureaucracy and the recent development of management culture raises ethical questions with regards to how public officials act. The priority given to efficiency and rationality criteria does not release public officials from moral considerations.

Lundquist puts forward three requirements with regards to the behaviour of public officials: 1. they should possess an appreciation and understanding of what is right and wrong, 2. they should have the necessary autonomy to do the right thing and avoid what they consider is wrong, and 3. they should have a causal insight into the consequences of their actions.

The appreciation of what is right and wrong implies that public officials in the lackey-controller model can not avoid the moral responsibility of their lobbying activities. They can not simply 'pass over' the ultimate responsibility on to the Mayor or any other senior person and declare that they did what they were asked to do. Quoting Hart (1984) Lundquist states that the moral responsibility is individual and cannot be transposed to someone else.

As far as the autonomy aspect is concerned, the lackey-controller model involves a kind of 'dualism': The public officials, in the lackey-controller model, are under pressure to carry out lobbying otherwise they may loose their position or higher wages or both. At the same time the public officials possess considerable autonomy in controlling the policy process. The pressure exercised by the Mayor can hardly excuse the public officials since ultimately it is a question of personal gains in form of higher position and higher wages.

The lackey-controller model does raise the issue of the need for a special code of conduct. Lundquist, however, rejects the idea of developing such a code of conduct because either it would be too general to be of any practical use or too specific to have a broad applicability. According to Lundquist if a public official finds him/herself in a situation which requires the demand for loyalty to a superior, regard for

public interest and compilation with the accepted norms of public policy-making, than personal moral conviction should guide the action. The conflict of loyalty does pose a problem but personal ethical judgement should prevail in such a situation.

The lag between decision and the final outcome(s) can be a long one as in the case of the road project in Umeå (the whole process has taken nearly a decade). Moreover, the lackey-controller model basically replaces the idea of sound judgement, based on thoroughly-prepared knowledge base necessary for a well-founded decision, by lobbying of persons who lack resources and competence to judge the consequences. This means that the behaviour of the public officials can not be excused by suggesting that the officials could not or did not possess the necessary causal insight in the consequences of their actions. Quoting Warwick (1981) Lundquist maintains that bureaucrats must always be 'truthful' and pay unconditional respect to the established norms of public decision-making. Lobbying of the type described in the lackey-controller model hardly fulfils these requirements.

Corporate Decision-making

In the preparation and implementation of decisions, bureaucrats have always played a decisive roll in a public policy process due to their access to expert knowledge and the machinery of public administration. Bergström (1997) presents three phases in the evolution of the role and influence of bureaucrats: 1. the classical phase with distinct roles for politicians (formulators of goals and makers of decisions) and bureaucrats (provider of knowledge base for decisions and implementers of decisions), 2. professional unionization phase during which bureaucrats strengthened their relative positions because of collective wage bargaining and increasing emphasis on professional status and 3. managerialisation phase which has meant that the premises for the recruitment of leading public officials has changed radically. Their wages are set freely. Their terms of appointment is temporary, subject to renewal periodically. Formal education,

length of public service and experience are deemphasized and 'personal ability' and 'leadership qualities' are held out. It is generally assumed in public administration that these leading officials would not be subject to the same type of political control as in the previous two phases. The status of leading public officials has changed from that of civil servants to 'corporate directors' (Lundquist, 1993).

No where is this shift to managerial bureaucracy as evident as in the lackey-controller model. In the case of the road project in Umeå the mayor was aware that she had a couple of 'directors' who would push through her political will. She was also conscious of the fact that most of the members of the municipal council were 'amateurs' without expert knowledge. They could be talked into accepting the highway project if adequate persuasion was carried out by the 'corporate directors'. The two leading public officials – in this case HPD and HHD – were, under the new recruitment conditions, ideal agents for co-ordinating and controlling the policy process which had little public support but which could, under the current system of representative democracy, be implemented if the resource-weak politicians could be cajoled in consenting to the Mayor's proposal. From the political science perspective a major issue is the possible impact on democracy. The development towards an elitist democracy under the current managerial philosophy can be further complicated by a strong-willed politician who happens to control the conditions of employment of leading public officials.

Wider Implications of the Lackey-controller Model

In recent years we have witnessed a major shift in the regional development ideology – from regional co-operation and co-ordination to regional competition and fragmentation. Under the pressure of globalization of economy, city regions are increasingly engaged in space-marketing (Ashworth & Voogd, 1990). Many city mayors and city managers are engaged in the search for 'flagship' investment projects (cultural monuments, highway-projects, sports are-

nas and so on) in order to enhance the status of the space under their jurisdiction. It is believed by these persons that investments in such flagship projects would enable their city-regions to compete in the new political and economic geography that globalization has given rise to. Many of these flagship projects have often very little public support (Bassett, 1993) but under representative democracy it is only a majority in the city council which needs to be convinced in the 'virtues' of such projects. If city-regions' leading politicians can, through lobbying the council members, manage to carry out their intentions, they are less inclined to listen to public critique of the projects. In the case of the highway project in Umeå, the Mayor mentioned in her reply to citizen criticism in a local newspaper that such issues were too complicated for ordinary citizens to understand and should be left to the discretion of leading politician(s) and public officials!

The second crucial ideological shift in the recent years has been from the 'provider' state to the 'collaborative' state. The latter implies that political leaders look for support from new coalitions and constellations. It has led to new forms of collaboration between mayors and leading public officials on the one hand and business representatives on the other hand. This form of collaboration which is often called 'negotiative policy-making' virtually shuts off public participation. Major decisions are made in closed meeting-rooms and their implementation is often carried out in the same fashion as outlined in the lackey-controller model (compare, e.g. Sahlin-Andersson's analysis (1992) of the Stockholm Globe Arena project).

The issues which the papers by Rothstein (1997b), Lundquist (1997) and Bergström (1997) raise are quite relevant with respect to these major ideological shifts which are taking place in Sweden and elsewhere in Western Europe (Healey et al, 1997). Implementation-legitimacy and decision-ethics are put into question by these new developments. Decisions made according to the premises of the lackey-controller model have and will result in a situation where public lack of confidence in the political system would turn into aversion. Recent

decision by the Swedish Government to appoint a Public Commission to look into the present crisis in democracy is a telling example of the dwindling confidence in the present political system. Neither Rothstein nor Lundquist question the current set-up of the representative democracy. In face of the new regional development ideology and new forms of interplay between public and private decision makers the issue of public representation becomes quite vital. Healey (1997) maintains that while 'representation' of the people in local governance would always be necessary, there is a need for a change in the representation system. The national political parties can not – at least at the local level – under present circumstances, play a legitimate role in local development policies. Recent surveys show that while the confidence in established political parties diminishes, more and more people are engaged in different networks in order to preserve welfare services, improve neighbourhood environment and look for new initiatives to secure jobs and material well-being. The institutional arena is changing rapidly at the city-regional level. New networks would like to play a role in local development but are prevented from doing so under the current political system. Perhaps the national political parties should be disallowed to play any role in local politics! The alternative is a continued legitimacy and moral crisis as policy processes increasingly follow the pattern outlined in the lackey-controller model.

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Liberalismens mangfold

ANNA-MARIA BLOMGREN: *Nyliberal politisk filosofi. En kritisk analys av Milton Friedman, Robert Nozick og F. A. Hayek*. Stockholm 1997: Nya Doxa.

1. Innledning

Anna-Maria Blomgrens fastslår at nyliberalisme "stiller individets frihet og retten til privateiendom i sentrum" (11). * Det vil si at nyliberale filosofer kretser rundt et to-delt tema: (i) ethvert individ bør ha frihet til å leve som det vil, så lenge det respekterer andres friheter til å gjøre det samme; og (ii) ethvert individ bør ha frihet til å erverve privat eiendom og bruke private eiendeler som det vil, så lenge det respekterer andres friheter til å gjøre det samme. Dette gjennomgangstemaet har karakter av å være en mellomstasjon i nyliberal tenkning. Det bygger på dypere premisser: "de etiske grunnene til individets frihet" (12),

og det leder til "normative anbefalinger" med hensyn til hvordan stansmakten bør organiseres – noen ganger "ren anarkisme", andre ganger "klassisk liberalisme" (12). Det leder dessuten til bestemte syn på individuelle rettigheter.

Blomgrens avhandling handler om mangfoldet innenfor liberal politisk tenkning. Hennes tese er at liberale filosofer har langt mindre felles enn hva man vanligvis tror (17). Det finnes, hevder hun, stor variasjon med hensyn til både de etiske grunnene og de normative anbefalingene.

For å underbygge denne tesen, utvikler Blomgren en typologi over tre idétradisjoner: naturlovstradisjonen, naturrettsstradisjonen og den utilitaristiske tradisjonen. Denne typologien brukes så til en artsbestemmelse av tre liberale filosofer: Milton Friedman, Robert Nozick og Friedrich von Hayek. Blomgren spør: Hvilken tradisjon hører disse filosofene hjemme i? Hennes svar er at de hører hjemme i helt ulike tradisjoner. Mot denne bakgrunn reiser hun et nytt spørsmål: Er det tilstrekkelig slektskap mellom dem til at vi kan samle deres respektive bidrag under fellesbetegnelsen "nyliberalisme"? Svaret er nei.