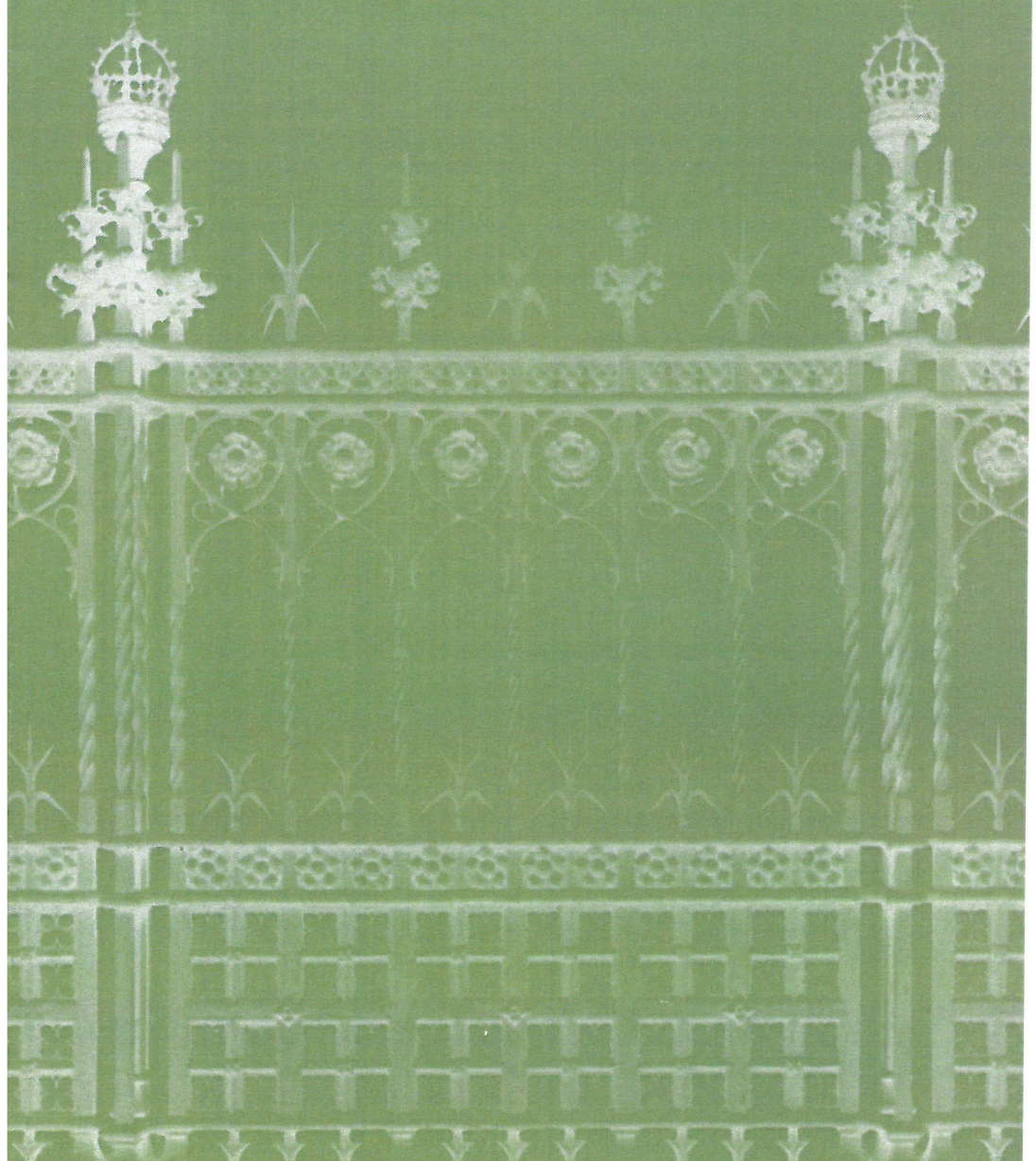


The Case for a Constitutional Civil Service

by Tony Benn



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The argument in outline

My thesis is a very simple one and can be briefly stated.

First, that the power, role, influence and authority of the senior levels of the civil service in Britain — especially now we are members of the EEC — have grown to such an extent as to create the embryo of a corporate state. This would threaten the workings of British democracy under which the people of this country are supposed to govern themselves through the Parliament they elect and the Ministers who are accountable to it.

Second, that the main responsibility for allowing this to happen must be shared by Parliament, by Ministers who have failed to speak out on this issue, and by successive Prime Ministers who have actually and positively encouraged this trend to bureaucracy because it reinforces the power of that office.

Third, that the time has come when major constitutional reforms are now urgently required.

These must restore the authority of the House of Commons, secure effective Ministerial control over the civil service and move towards a more constitutional type of premiership.

We must also discuss the reforms necessary to bring all this about, openly, as a central part of our national political debate.

Ministerial relationships with officials

There are conflicts and tensions within our political system which receive a great deal of public attention.

There are conflicts between the Government of the day, whichever it is, and the Opposition of the day.

There are conflicts between the Government and Parliament, taken together by the electorate to mean “them” versus “us”, the people.

There are conflicts between the front benches of all parties and the back benches of all parties.

There are conflicts between the elected Parliament and other centres of power in society.

There are conflicts between Britain and other foreign Governments or foreign interests.

There are conflicts between parties.

There are conflicts between class interests, as between capital and labour.

There are conflicts of ideology, both internal and external.

Each of these conflicts are quite familiar to political scientists and to the electorate as a whole.

But there is another relationship which has received far less public attention, except in Ministerial memoirs and some specialised writing, than its importance justifies. That is, the actual working relationship and the balance of real power as it exists between Ministers, who have been elected to Parliament to implement the policy espoused by the majority, and the most senior permanent Government officials within Government departments who have the major responsibility for public administration.

The case for a public discussion

It is often argued that this relationship is one that should remain confidential and that it is not right to bring it out into the open. The reasons for maintaining secrecy are various.

It is, for example, argued that it is in the national interest to preserve secrecy. Certainly there are areas of government which it is in the national interest to keep under the tightest veil of secrecy.

For example, defence plans, security arrangements, budgetary decisions, position papers for international conferences, commercial arrangements, personal data and any other matter where the national interest is directly concerned. But the relationship in practice between different parts of the Constitution is a legitimate – indeed essential – subject for public discussion and understanding.

It is also argued that revelations about this relationship will undermine the confidence of those officials and Ministers who have to work together.

It is true that in any relationship confidence must be maintained, and that that confidence requires a degree of personal trust, that those involved will exercise proper discretion in what they reveal at the time or later. But to extend that argument, which rests upon common sense and the decencies of personal relationships, to argue that the nature of relationship itself should be concealed is to argue that the public has no right to know what goes on in its name and is completely insupportable.

Ministerial memoirs or diaries are often criticised on the grounds that they undermine that relationship of confidence. I cannot share that view. It may of course be embarrassing to be mentioned by name in such memoirs. But democracy must mean that a society can learn by experience; and if that experience and the lessons from it are to be concealed by secrecy, that learning process becomes much harder.

The danger of memoirs seem to me to lie in quite a different direction. It is that the high drama that occurs during some of the great Whitehall battles are often so exciting that the clashes between individuals may blank out the real issues – reinforcing the false idea that it is the personalities that matter and not the constitutional issues. It is such gossip and malice that may undermine confidence, but not documented disclosure and proper analysis.

Civil servants sometimes argue that their special position makes it impossible for them to answer criticisms made of their conduct and it is therefore unfair to them to speak about their role. This argument, too, requires a proper response.

Properly presented, the case against civil service power does not hinge upon the conduct of civil servants as individuals, but upon the power granted to them by the Prime Minister or other Ministers. To that extent, there is no answer needed –

except in so far as civil servants, exercising their rights as electors, may wish to argue that the balance of power between the civil service and Minister is right; or that any failure should be attributed to the weakness or errors of the Minister. And, as I hope to show, very senior civil servants have said just that in their own memoirs.

Indeed, the power of the civil service to arrange for its view of policy to be transmitted discreetly to the media is every bit as great as is the power of Ministers, and in the case of the Cabinet Office, the Treasury, the Foreign Office and the Home Office, this delicate briefing of top opinion formers goes on a regular basis.

It is true that the most dramatic leaks which hit the headlines usually come from Ministers in pursuit of their personal, political or departmental interests; and in particular, come from the Prime Minister of the day who, through Number 10, is responsible for 90% of all the leaks which occur. But having said that, the editor of the *Times*, the *Financial Times*, the *Daily Telegraph* and the heavy Sundays and weeklies and their most trusted and senior correspondents are rarely left in any doubt as to where the Mandarins stand on any major policy issue.

The difference between Ministerial leaks and official briefings is that Ministers often have an interest in letting their own role be known, whereas senior officials have an equal interest in preserving their anonymity.

The civil service and Prime Ministerial power

My knowledge of the civil service derives entirely from my own personal observations as a citizen, as a Member of Parliament and as a departmental Minister.

I have always been treated with great courtesy, both personally and in the handling of many thousands of constituency cases which have involved contact with the public service at various levels. There have been very few occasions indeed when either my constituents or I have had any grounds for complaint about the conduct of individual civil servants.

The public image of the faceless, humourless, unimaginative civil servant is a gross distortion of the truth. Like any big organisation, public administration has its weaknesses and its failures. But in general, the civil service compares very well indeed in its conduct, its sense of responsibility, its dedication to the public welfare and its personal relations with the public, set alongside the behaviour of non-governmental organisations.

Moreover, the degree of accountability in the public services is far greater than exists in the private sector through the operation of market forces. All civil servants are Crown servants who see themselves in that capacity in their relationship with Ministers.

British governments are, in law, formed at the request of the Sovereign by an individual who is invited to form an administration, subject to his or her capacity to secure a Parliamentary majority to support it. Thus, the Prime Minister of the day is the head of that administration and his or her personal authority is the only authority explicitly ceded by the Crown to an individual.

The civil service accepts that authority and works under it and through it. All Prime Ministers then consolidate their authority over the civil service by taking over two key Ministerial positions – that of the First Lord of the Treasury, which controls finance, and that of Minister for the Civil Service, which controls appointments. It is, thus, in the interests of the civil service to serve the Prime Minister of

the day; and in the interests of the Prime Minister to have a strong civil service to support his or her personal authority.

All the issues of importance concerning the role, power, influence and authority of the civil service thus take you right back to the alliance of mutual loyalty and support between Number 10 Downing Street and the Mandarins. And nothing whatever can be done to change the present structure of power unless it changes the nature of that alliance by altering the power of the Prime Minister.

Other Ministers are, of course, appointed by the Prime Minister and require the formal approval of the Crown, but they hold their offices at the pleasure of the Prime Minister. So do the Permanent Secretaries, who enjoy a greater security of tenure and can and do regard the Secretaries of State and Departmental Ministers they serve as birds of passage, who like them, are expected to work for the Prime Minister. If the Prime Minister retains real personal confidence in the Ministers whom he or she appoints, then the Permanent Secretaries know it is in their interests to support them. But if the permanent officials have reason to believe that the Prime Minister has lost confidence in their departmental Minister, it is in their interest to by-pass him and his policies.

Moreover, the Permanent Secretary's network within Whitehall, in which the Secretary of the Cabinet is a key figure, can work very effectively to undermine the confidence of the Prime Minister in a Minister, whom the civil service dislike or distrust; and thus create an atmosphere favourable to a by-pass situation in which the Minister concerned can be slowed down, deflected, diverted, obstructed, or in the end, reshuffled or removed. It is very important that this should be clearly understood, because it places the main responsibility for making the necessary changes where that responsibility belongs — in the hands of the Prime Minister — and it makes intelligible the conduct of senior civil servants in their relationship with their Minister.

It also indicates that any reform of the work of the civil service would require a major change in the powers of the Prime Minister, as I believe it does. Such a reform is unlikely to be welcome to any incumbent of that office, or to the senior civil service. But it could be secured by public pressure through Parliament or the political parties.

The Mandarins in modern Britain work as closely with the Emperor or Empress who governs from Downing Street as can ever have occurred in Ancient China. Together they control the real levers of state power, many of which are so secret that most Cabinet Ministers do not even know of their existence; let alone how they are being operated.

The role of the manifesto in a democracy

For the administrative class of the civil service the problems of government are necessarily seen from the top and from the inside where power resides. But for the electorate as a whole, the system is seen from below and from the outside. There are pressing needs to be met, injustices to be corrected, and problems to be solved, and the ballot box is the main instrument for securing political change.

Seen from that viewpoint, the agglomeration of state power at the top and the secrecy with which it is surrounded is often seen as a major barrier to industrial, economic, social and political advance.

The Labour movement was established to shift the balance of power in favour of working people and their families. Labour history can only be understood in those terms. First, the struggle for free trade unions reflected in the campaigns against the Combination Acts. Then, the Chartist campaigns to extend the vote to working people, followed by the Suffragette movement to win the vote for women. In parallel with this came the establishment first of the Labour Representation Committee and then the Labour Party, and in 1918 the adoption of Socialist objectives.

In each election since then the specific programme for the following Parliament has been embodied in a manifesto put before the electorate for endorsement, with a view to implementation if a mandate is given. Thus, the manifesto, into which an enormous amount of detailed work has gone, once it has been adopted by the party leadership, and endorsed by the electorate, becomes the key link between the people and political power.

It is the belief that real change can be made peacefully through the machinery of Parliament and the work of Labour Ministers that makes the British Labour Party democratic; and explains why it has never adopted violent revolution as its instrument for social change.

It is, thus, of central importance for the maintenance of confidence in our system of Government that that process of social change can be made to work effectively and that the manifesto is taken seriously by Members of Parliament, Ministers and senior officials responsible for implementing it.

It is to that process of implementation that I now want to turn. For it is at the very moment when a successful party, with a manifesto, sends its Ministers into office that the role of the senior civil service comes into play.

Whitehall and consensus politics

How do the Permanent Secretaries view this process of party policy making? It would be a mistake to suppose — as some Socialists have suggested — that the senior ranks of the civil service are active Conservatives posing as impartial administrators.

The issue is not their personal political views, nor their preferences for particular governments, though as citizens they are perfectly entitled to hold such views and to vote accordingly. The problem arises from the fact that the civil service sees itself as being above the party battle, with a political position of its own to defend against all-comers, including incoming governments armed with their philosophy and programme.

Civil service policy — and there is no other way to describe it — is an amalgam of views that have been developed over a long period of time and, in the development of which, the civil service itself has played a notable role. It draws some of its force from a deep commitment to the benefits of continuity and a fear that adversary politics may lead to sharp reversals by incoming governments of policies devised by their predecessors, which the civil service played a great part in developing. To that extent, the Permanent Secretaries could be held to prefer consensus politics and hope they would remain the basis for all policy and administration.

As the word implies, consensus politics draw their inspiration from many sources in all political parties. The post-war consensus, which ended during the 1970s, was based upon the foundation laid by the Liberal Government of 1906 and especially

the work of Lloyd George at the Treasury and Churchill and Beveridge at the Board of Trade, who began the welfare state. It was added to by patient Fabian social planners and enriched by the bold interventionism advocated by Harold MacMillan in his book *The Middle Way* published in 1938.

Consensus politics was institutionalised during the war-time coalition, in which Winston Churchill, Clement Attlee and Sir Archibald Sinclair worked together with Ministers like Sir John Anderson who had been a Permanent Secretary himself. Despite the heated political debates of the 1950s and 1960s this broad consensus remained, in that the disagreements between the parties were contained within the framework of agreed objectives, i.e. full employment and welfarism; and the differences were largely then confined to the question of which party was to be privileged to administer this corpus of policy. This was the heyday of Butskellism.

The civil service laboured long and hard in support of this approach and helped to construct a top level corporate structure of Committees and Quangos, which brought together all those who could be persuaded to share their desire for the minimum of public controversy that is compatible with the acceptance of the two and a half party system. Thus, when the senior civil servants see a new government come into power with a policy that goes outside that consensus, there is an anxiety at the possible effect upon their policy; and plans are laid that would have the effect of containing this new surge of political power and diverting Ministerial energies into safer channels that do not disturb the even flow of established Whitehall policy.

The real political views of senior permanent officials are not normally made public. Any Minister quickly becomes aware of them by careful reading of the papers submitted to him by his own civil servants and in the flood of telegrams from our Ambassadors abroad, which are widely circulated to Ministers.

Some retired civil servants are willing to express their own views on the governments which they have served, as Lord Armstrong has done. But it is rare for a leak of an actual government paper to take place. That is why, when it does, it merits very careful study.

Last Spring Sir Nicholas Henderson's farewell despatch from the Paris Embassy was leaked to the *Economist* and it provides a classic and typical insight into the mind of the Foreign Office and Whitehall, corresponding closely to those expressed by the advocates of the proposed new centre party in Britain; hostile to the trade unions, passionately committed to the EEC, and pessimistic about the future of Britain.

Day after day, week after week, and month after month, the same analysis is fed to Ministers and it would be surprising if it did not have an influence. Its influence is all the greater because all these papers and despatches are heavily classified and the public do not know what officials really think; cannot challenge their analysis and are continually assured that the Mandarins are politically neutral, which they are not.

Civil service influence in practice

I have seen this process of civil service containment successfully practiced against both Conservative and Labour Governments over the last thirty years.

The bold challenge of the 1964 Labour Government, with its "new Britain"

manifesto was absorbed and defused by July 20th 1966, when the Treasury persuaded the then Chancellor to insist upon a package of economic measures that killed the national plan and instituted a statutory pay policy. It happened again when the 1970 Conservative Government was driven off its commitment to the philosophy developed at Selsdon Park and the then Prime Minister was persuaded to do a U-turn which took him back to the same policies that MacMillan had developed from 1962 to 1963; and that Wilson had been persuaded to follow from 1966 to 1970.

It happened again after the referendum in 1975, when the Labour Government was persuaded to abandon its 1974 manifesto and was diverted back to the policies of 1972-1974, as pursued by Heath. It will be interesting to see how long it is before the same pressures are successful in guiding Mrs Thatcher back to the well-trodden paths followed on the advice of the civil service by MacMillan, Wilson, Heath and Wilson.

It would, of course, be quite wrong to attribute all these policy changes to civil service pressures alone. All Ministers must take responsibility for what they do and all are subject to a wide range of other pressures besides those which come from Whitehall. But it is not a coincidence that governments of both parties appear to end up with policies very similar to each other; and which are in every case a great deal more acceptable to Whitehall than were the manifestos upon which they were originally elected.

It is also true that the central theme of consensus, or Whitehall, policies which have been pursued by governments of all parties for the last twenty years or more have been accompanied by a steady decline in Britain's fortunes, which has now accelerated into a near catastrophic collapse of our industrial base. The governments which followed these policies – especially 1964, 1970, 1974 and 1979 – have paid a heavy price in electoral terms, whilst those who furnished the briefing for the Ministers concerned have continued in power, subject only to the normal wastage occasioned by retirement at 60.

Whatever the future may hold for this Government, a new centre party is being promised which it appears will be dedicated to the pursuit of those same failed policies.

Apart from some Ministerial memoirs, and a few interesting revelations by retired civil servants, there has been no real examination of the role of the civil service during this period, or the methods it uses to secure Ministerial compliance with its policies. It is to these methods that I now wish to turn.

The Civil Service at its best

Where Whitehall agrees with what Ministers wish to do it can give formidable and effective assistance in the execution of policy. I can think of many occasions during my own ministerial life when such help was unstintingly given and with results that could not possibly have been achieved without it.

Whitehall, when it bends its mind to secure an agreed objective, is first-class in every respect. One such example I recite from my experience to prove that point – in the execution of the last Government's Oil policy, as set out in its 1974 Manifesto. As Secretary of State for Energy I could and did rely completely upon the dedicated work of those senior officials who had responsibility for securing

the compliance of the international oil companies with our requirements for 51 per cent participation; for the build up of BNOOC, and for the increase of the Petroleum Revenue Tax.

I must also add that the role of a Minister's Private Office is of crucial importance and, I have enjoyed full support from a succession of Principal Private Secretaries, who occupy a most delicate position between the ministerial and official hierarchies within the Department, poised between personal loyalty to the Minister whilst discharging their duties as officials. Without a helpful Private Office, no Minister would survive for five minutes in the battles that surge through Whitehall. I must pay tribute to the help given and believe that an expanded Private Office could form the basis of a real ministerial Cabinet.

How the Civil Service gets its way

The senior ranks of the Civil Service include people of the highest intelligence, with a great deal of experience of government, and with direct access to all the centres of power and influence in this country, in Europe, in the USA, and in many other places.

They are strongly organised within Whitehall through a network of official committees, co-ordinated by the Cabinet Office under the general direction of the Secretary of the Cabinet, the most powerful figure of them all. The minutes of these committees are not circulated to Ministers who are in general wholly ignorant about what is discussed, when, by whom, and with what effect.

The Civil Service as a whole accept this process as very natural; and since their own promotion depends upon the approval of their most senior colleagues, they tend to follow the lead given from above.

It is necessary at some stage in this Lecture to list explicitly the techniques that are used by Whitehall to get its own way. These techniques have emerged in some ministerial memoirs, or other books and articles by those who have had first-hand experience of what goes on at the highest levels of Cabinet policy-making. Unfortunately, the revelations are usually so dramatic that they obscure the techniques themselves. Let me therefore list those methods broadly.

Determined Mandarins have the power, and sometimes use it, to adopt some or all of the following methods:

a. By briefing Ministers

The document prepared by officials for presentation to incoming Ministers after a General Election comes in two versions, one for each major Party. A similar document is produced after a re-shuffle.

It is a very important document that has attracted no public interest, and it is presented to a Minister at the busiest moment of his life – when he enters his Department and is at once bombarded by decisions to be made, the significance of which he cannot at that moment appreciate.

The brief may thus be rapidly scanned and put aside for a proper reading when the pressure eases, which it rarely does. In fact this brief repays the most careful scrutiny because from it can be deduced the real policy of the Department which officials hope the new Minister will follow. It may be dressed up to look like a range of options for implementing his manifesto, but beneath that presentational language it reveals the Departmental view.

For example the 172 page Department of Energy brief for in-coming Labour Ministers in 1974, several of the 35 sections of which were marked 'Secret' or 'Confidential', included one sentence I want to quote. "In principle it is desirable that all new orders for base load Power Stations should be nuclear."

In fact this policy was not followed by the Labour Government which ordered the DRAX B coal-fired Station, but the brief correctly forecast both the sustained Civil Service opposition to the ordering of DRAX B, and also forecast the recent policy announcement of the present Government on nuclear power made late last year.

That is only one example, and there are many others.

In October 1974 after the second General Election I was reappointed to the Department of Industry and one of the briefing sheets in the package was headed 'For an in-coming Labour Minister – if not Mr Benn' – which indicated a premature hope of the reshuffle that occurred nine months later. It however gave me a useful insight into the policy which the Department hoped my successor would follow – as indeed he did.

I believe that academic research on the full set of briefs prepared by the Civil Service for Ministers in all Departments in all governments when they enter office and throughout their term since the War would offer a more accurate explanation of policies followed and why, than a similar study of the Manifestos upon which each Government was elected.

b. By setting the framework of policy

The key to Civil Service influence lies in its power to set the framework of policy. Lord Armstrong wrote very frankly about this power as quoted in the *Times*:

"Obviously I had a great deal of influence. The biggest and most pervasive influence is in setting the framework within which questions of policy are raised. We, while I was at The Treasury, had a framework of the economy basically neo-Keynesian. We set the questions which we asked Ministers to decide arising out of that framework and it would have been enormously difficult for any Minister to change the framework, so to that extent we had great power."

Thus Ministers are continually guided to reach their decisions within that framework. Those Ministers who seek to open up options beyond that framework are usually unable to get their proposals seriously considered.

c. By the control of information

The flow of necessary information to a Minister on a certain subject can be made selective, in others ways restricted, delayed until it is too late or stopped altogether.

Sir William Hayter, a distinguished former Ambassador wrote this in a letter to the *Times* of January 14th this year.

"The temptation to conceal from an unreasonable Minister facts which might tempt to confirm him in his unreason must have been very strong."

Geoffrey Moorehouse in *The Diplomats*, his recent book on the Foreign Office, was even more explicit in describing the renegotiations that preceded the EEC Referendum:

"Some of the home civil servants in the delegation from time to time quite deliberately kept their own Departments in London ignorant of what was going on in Brussels for a delicately balanced day or two, or even for a few vital hours. This

was not a betrayal of Whitehall; it simply meant that what Whitehall did not know Whitehall could not pass on.”

I can confirm all that from my own experience in relation to a number of critical issues involving foreign policy, economic and industrial policy and civil nuclear policy. The breaking of the oil sanctions on Rhodesia, the use of movements against Sterling, the protection of Treasury control of BP, the campaign for pressure water reactors and many other issues were dealt with in this way.

One example comes to mind over Defence. The first draft of the Defence White Paper that came to one Cabinet I attended showed such a large gap in the military balance between East and West as to arouse questioning. It turned out that in calculating the military strength of the West the Ministry of Defence had left out the French Armed Forces. When questioned the reason given was that NATO did exercise the same operational control over the French Forces as applied to the rest of the alliance.

In fact, of course, this crude misinformation was designed to win public support for a bigger Defence budget by suggesting a more serious imbalance than existed.

The Ministry of Defence were instructed to put the French back into the White Paper charts and they did. But, it was fortunate that someone had spotted it in time. The attempt to mislead both Cabinet, Parliament and public was inexcusable.

d. By the mobilisation of Whitehall

It is also easy for the Civil Service to stop a Minister by mobilising a whole range of internal forces against his policy.

The attempt by the then Foreign Secretary in 1975 to secure a separate seat for Britain at the North-South dialogue on Energy was systematically undermined by the Foreign Office which made no secret of its hostility to any move which might weaken its support for a Common EEC stance.

The normal method of mobilising Whitehall opposition is for officials to telephone their colleagues in other Departments to report what a Minister is proposing to do; thus stimulating a flow of letters from other Ministers (drafted for them by their officials) asking to be consulted, calling for inter-departmental committees to be set up, all in the hope that an unwelcome initiative can be nipped in the bud; or transferred to the safety of an official examination.

The techniques used include the preparation of statistics upon undisclosed assumptions such as an exaggeration of costs – used to delay the implementation of the Health and Safety legislation.

There may be a warning that “the lawyers advise that it would require legislation” following by a second warning that “the legislative time-table is so crowded that the measure is unlikely to get into the Queen’s Speech in the foreseeable future”.

Ministers can be briefed against each other. I will give some examples.

I recall one very minor occasion when Lord Brown (formerly Wilfred Brown of Glacier Metal) was Minister of State at the Board of Trade and wrote to me as Minister of Technology. My Private Secretary came to warn me that Lord Brown’s letter had been written by him personally and did not reflect the views of the Department. This warning was presumably to alert me to disregard it. Actually it served to remind me that the Civil Service did not expect Ministers to go beyond the advice of their officials and had ways of preventing any such initiatives from being successful.

In October 1977 a very senior official at the Department of Industry minuted his Secretary of State to alert him to an initiative I was taking about the restructuring of the Turbine Generator Industry. This minute was shown to me and it recommended a way of blocking my initiative and a draft that would do it. The minute then went on:

“If, however, you feel that you need to take a more active line in order to avoid being upstaged by Mr Benn, then the letter at E 5 would be appropriate.”

One of the most amusing examples occurred when my own Permanent Secretary in one Department was violently opposed to a course of action I had decided to adopt. He knew that the matter would come up at a Cabinet Committee attended both by me and by a Junior Minister in my own Department whom he rightly thought was more sympathetic to his view. He therefore briefed this Junior Minister against my view.

Unfortunately the Junior Minister concerned actually read out what he had been given and said that he ought to tell his colleagues that the Permanent Secretary did not agree with what the Secretary of State was advocating. Everyone looked rather embarrassed at this tactless revelation of what was going on.

e. By the mobilisation of external pressure

If Ministers require more pressure than can be generated internally then other resources may have to be brought into play.

A telegram from an Embassy abroad can be elicited to give a warning of the consequences that would flow from the pursuit of a certain course of action. NATO, the EEC or even the views of multinational companies or international bankers may be cited in support of a line of policy.

The IMF may actually have been informally encouraged to put pressure for public expenditure cuts upon the last Labour Cabinet, and I believe it was.

And these techniques can easily be reinforced by domestic pressures through the Press. I am certainly not suggesting anything as crude as a direct appeal to the Editor of the *Times*, the *Telegraph* or the *Economist*. But such an appeal would not be necessary since the mandarins and the media proprietors share the same analysis and the same social values and the same interests which at certain critical junctures can be very useful.

f. By the use of expertise

Most of my life has been in the Departments which have a high technical content – Post Office, Technology, Power, Industry and Energy. It is the task of Ministers in such Departments to interrogate their officials and the experts responsible until the political issues can be disentangled from the technical one.

Any lay Minister will start at a disadvantage in dealing with such matters. It would be a mistake to suppose that senior officials are any more expert than an experienced Minister. They may, however, seek to persuade a Minister that the experts must be right and that such technical decisions are non-political.

I recall receiving a long minute in my Friday box in July 1966 advocating the expenditure of many tens of millions of pounds on two new scientific projects – the High Flux Beam Reactor (HFBR) and the High Magnetic Field Laboratory (HMFL). My Permanent Secretary had written “I agree” and put his initials below.

I laboured over the paper all week-end, and in the end decided to ask him to

give me the reasons why this huge sum of money should be spent on these projects. Not having received a satisfactory answer I vetoed them. It was just a bounce and it had failed.

Nine years later a similar incident occurred. A paper was put before me to put before the Cabinet Committee recommending one or two courses of action on the Fast Breeder Reactor.

Option 1 was to build the Fast Breeder at a cost of about £2 billion. Option 2 was to pay about £1.5 billion for a watching brief which would allow us to be ready to build one later. Colleagues turned both options down, and the Cabinet office which had master-minded the operation realised that it had over-egged the pudding.

Sir William Hayter in his recent letter to the *Times* argued that:

“There can be no question of a manifesto commitment as between alternative nuclear reactors. And if expert opinion in this field is unanimous in favour of a particular course, is it likely that a Minister, and one without any scientific qualifications, would be right and all the experts wrong?”

This argument amounts to a declaration that democratic control cannot extend to technical matters and is only tolerable in the shrinking areas of policy that laymen can comprehend. It is a recipe for technocracy and the transfer of power to non-elected laymen in the persons of the mandarins.

g. By the use of the CPRS

One important innovation in Whitehall was the establishment of the CPRS which was intended to provide the focus for a broader, longer and more detached view of policy than could be obtained from Departmental Ministers or officials heavily pressed by the burden of on-going business.

Though this idea of a Think Tank has certain superficial attractions, it has in the event turned out to be a very different body. Those recruited into it include both Civil Servants and outsiders, and it has in practice become a powerful lobby for the Cabinet Secretary himself to whom it is responsible. The quality of its work reflects its small staffing.

It is much more avowedly political in its opinions and the head of it sits in Cabinet Committees with the status of a Cabinet Minister able to circulate papers and to speak.

The CPRS should be put under a Minister or disbanded altogether. Ministers should make time to be their own Think Tank and each Government should see its own Party colleagues outside Government as the best agency for stimulating its thoughts about the future.

h. By the use of patronage

One extra source of power available to the Civil Service lies in its strategic command of patronage.

Most public attention is focused upon the mere handful of appointments that are specifically in ministerial control. The use, or abuse, of the Honours List; or the charge of ‘jobs for the boys’ when a Party colleague is given a major post, attracts a great deal of Press attention. But thousands of run-of-the-mill appointments to Nationalised Industries and Quangos of one kind or another come from Civil Service lists and reflect Civil Service preferences, even if only because Ministers are too busy to concern themselves with such appointments.

Thus the Civil Service exercises an influence far beyond the confines of Whitehall, and can call upon the resources of its own appointees when it is necessary to do so.

i. By the use of national security

Another power available to the Civil Service is the use of security arrangements. MI5 reports to the Home Secretary and MI6 to the Foreign Secretary, and the Prime Minister exercises supreme responsibilities.

How close the control of these services by the Ministers responsible really is only those who hold those offices will know. But published information suggests that it may not be very effective.

The Maxwell-Fyffe directive of 1952 suggests that the Home Secretary is only brought in when MI5 wish to seek his advice.

“You and your staff will maintain well-established convention whereby Ministers do not concern themselves with detailed information which may be obtained by the Security Service in particular cases, but are furnished with such information only as may be necessary for the determination of any issue on which guidance is sought.”

Sir George Young, former head of MI6, recently said on BBC Radio 4 “The higher reaches of the Civil Service undoubtedly make most of the decisions for Ministers and put them in front of them and say ‘Minister do you agree?’”

It is, therefore, interesting to read that Barbara Castle records in her diary for October 31st 1968 that:

“Another glorious document has been circulated to me by our Security boys on the attitudes of the Communist Party during the engineering negotiations.”

It is widely believed that the Trade Union movement is subjected to very widespread surveillance.

My own limited experience on the fringe of these matters suggests that surveillance in Britain goes far beyond any justifiable definition of subversion and constitutes a secret control over political thought and action which is well within the legitimate range of democratic activity, and as such constitutes a very powerful source of Civil Service power.

The Common Market – buttress for bureaucracy

Britain’s membership of the Common Market has had the most profound influence upon our whole Constitution and method of Government.

Much public attention has been paid to the philosophy embodied in the Treaty of Rome, to the unfair budgetary contribution and to the absurdities of the Common Agricultural Policy. But the impact upon our own system of Government has passed with very little comment. Yet British entry marked the most profound change in our system of Government since 1066, or perhaps since the withdrawal of the Romans in 410.

We now have a written Constitution, a Constitutional Court and are governed by Ministers who legislate in secret, but can only enact legislation prepared by a Commission, made up of politicians appointed to be civil servants who enjoy the powers of both breeds. Whitehall is now busy adapting itself to these new arrangements and doing so with real zest. The Common Market is a Mandarin’s paradise. Not only has real power over many sectors of policy been transferred from London (where Ministers work) to Brussels or Luxembourg (which Ministers only visit)

but the head of COREPER is a permanent official working direct to the Foreign Office. Parliament is no longer sovereign and can thus be pushed into the background as far as the laws are concerned. If by chance British legislation were to conflict with EEC legislation, the latter would be upheld by the European Court and enforced by the British courts whatever Parliament said.

Every item of EEC legislation is executed under the royal prerogative of treaty-making powers; and is first negotiated by officials, often leaving Ministers with a mere power to approve or disapprove the package as a whole. As a result, the infection of Common Market bureaucracy has spread back into the heart of Whitehall from the source of the virus itself in Brussels.

The permanent secretaries who masterminded the preparatory work for all these activities through the Cabinet Office and the Foreign Office have now got a legitimate excuse to bypass and override departmental Ministers in the interests of co-ordination and the need to be good Europeans. Unless this process is stopped in its tracks, Britain could be governed by a Commission of permanent secretaries and Ministers reduced to ciphers able only to accept or reject what is put before them and the House of Commons will be a consultative assembly which can express its opinions but do little more.

To go into this in any detail would take too long, but it cannot be long before the British people realise that in the space of a generation this country has been transformed from being the centre of our own world-wide empire to being a colony in someone else's European empire; heavily taxed, externally controlled and governed by a form of indirect rule, on behalf of an imperial commission on the continent.

In saying that, I must acknowledge that a clear majority of the British Parliament voted for entry; and so did a clear majority of the electors in a national referendum. In the face of such an authoritative expression of British opinion, the civil service could legitimately argue that they were loyally implementing the decision reached. But it is not as simple as that. Geoffrey Moorhouse in his book is more explicit in identifying the role of the Foreign Office before the referendum.

The following three quotations from his book, *The Diplomats* are of the greatest public importance:

“there was absolute commitment to the work in hand, complete devotion to standing fast in the market. The renegotiation of terms, quite obviously, would have failed without them. The result of the referendum might easily have gone the other way, too. There is a percentage of any national vote which expresses a gut reaction of many people who are beyond the immediate influence of evidence and argument; the crucial voters are those who can be swayed this way or that by the tides of political presentation right up to the moment of ballot. It would be difficult to overestimate the influence on that floating vote of the civil service alliance in Whitehall, combined with the activity of the British Delegation in Brussels.”

Later, in the same chapter Moorhouse describes the way the civil service worked at that time:

“they saw it as legitimate and perfectly honourable practice to throw all their weight behind the emphasis on remaining in the Market, and to frustrate any attempts to turn the emphasis in the opposite direction. The codes of civil service say that at all times you support your own Minister in any conflict with another branch of government. That rule went overboard in Brussels.”

Finally, in the most revealing passage of all, Moorhouse says this:

“The diplomats have a concept of grand alliance which includes the integration of all things

national. The economic fusion will be followed by the financial, then the political. They do not doubt this for a moment: they see it as their job to help the process along.”

I believe that this assessment is correct. Many people consider that some of the most senior civil servants — and especially those in the Foreign Office — are in the process of transferring their real allegiance from the United Kingdom to the European Communities.

If that is so, the sooner the British people realise it the sooner they will understand what is happening to Britain and why.

The role of secrecy

Over all that I have described an official curtain of secrecy is supposed to be maintained. Why?

Everyone who has worked in Whitehall as a Minister or senior official knows very well what goes on and indeed may regard it as highly effective and praiseworthy. But the public at large are not officially permitted to know until 30 years later.

True, the curtain of secrecy is regularly punctured by ‘leaks’ and they cannot usually be authenticated or traced. Memoirs are documented but they come too late to alter the course of events.

Despite all this secrecy is effective in preserving the anonymity of most mandarins and the security of the papers they write. The public is effectively excluded from knowing what is going on when they might have some influence on events by studying and challenging official briefs and putting alternatives forward.

In whose interests is it that this secrecy should remain?

It is in the interests both of weak Ministers and strong civil servants, both of whom prefer to keep the public in the dark. Weak Ministers because they dare not invite challenges to their policy which they fear they could not answer; strong civil servants because their strength lies in that they cannot be challenged if they can remain anonymous.

Why Ministers accept Civil Service power

It is sometimes said that a strong Minister can always get his way with his department and that all criticisms made by Ministers about the civil service are a confession of weakness and an excuse for failure. But the problem is much deeper than that.

In the examples I have given I am not seeking to allocate blame nor make any excuses for failure. I want to explain how the system actually works as I experienced it. Why do Ministers accept all this? It is a good question.

Lord Armstrong in the passage that I have quoted on his work at the Treasury wrote this:

“We were very ready to explain it to anybody who was interested, but most Ministers were not interested, were just prepared to take the questions as we offered them, which came out of that framework without going back into the preconceptions of them.”

I suppose that is another way of saying that many Ministers are happy to take the line of least resistance. Some Ministers are genuinely persuaded that what they are advised to do by their civil servants involves facing “the harsh realities” and telling the people “the truth however unpalatable it may be”.

But whether the responsibility for allowing civil service power to be as great as it is lies with the Prime Minister, as I believe it does, with Ministers who are partly responsible, or with a Civil Service who use that power with such skill and effectiveness, the fact remains that the power is great and that its exercise raises questions of major public interest.

The Corporate State – a new form of feudalism

Ministers who have held office, as I have done, have a responsibility to describe it as it is, to point to its weaknesses and dangers and to recommend political reforms that would reduce or remove those dangers.

I have reached the solemn conclusion that what we have constructed in Britain is the embryo of a corporate state that more resembles feudalism than the democracy of which we often boast. Indeed the hierarchical character of the old feudalism which made its landlords into peers has been buttressed by adding bankers, industrialists, trade union leaders, ex-Ministers and ex-Permanent Secretaries to the Upper Chamber with an effective delaying veto over legislation from the elected Commons where that is thought necessary to defend their interest.

British corporatism, controlling a state function many times greater in real terms than it was fifty years ago is, of course, quite different from that developed in Central Europe between the wars which went fascist; and it is not at all the same as the corporate state set up by Stalin to build communism.

British corporatism has come into being to sustain a fast declining mixed economy and to seek to revitalise capitalism within the framework of a European union committed to that same end; hoping for the prosperity and super power status.

In this scenario of a British colony within a European super-state civil servants will be in charge, at the centre of a complex network of power structures representing industry, finance, the army, security services and possibly even the leaders of European Labour unions, if they can be inveigled in to join the club as associate members.

I am certain that there are millions of people – and I am one of them – who would not accept such a development. But if it is to be prevented, we must set ourselves new objectives and discuss them. In conclusion, it is to those objectives that I now want to turn.

A strategy for reform

If we are to reopen the campaign for democracy, certain things must be considered urgently.

a. *A Freedom of Information Act* – there must be a freedom of Information Act providing for a statutory right of access to knowledge about government and its workings, subject only to the accepted safeguards for information which it is in the national interest to keep secret.

b. *Stronger Parliamentary control* – by the development of Select Committees to probe into the heart of Whitehall policy making, including finance, foreign policy, defence and the security services.

c. *A constitutional Premiership* – by making the Prime Minister much more

accountable than he or she now is for the powers exercised and by moving towards a more genuine form of collective Ministerial responsibility.

d. *More Ministerial control over the civil service* – to secure compliance with the policies that Ministers were elected to implement. Proposals to this end have been widely discussed and would certainly involve making the most senior officials in each department more responsible to the Ministers whom they serve.

e. *The abolition of patronage* – by substituting advertisement, open selection, election or Parliamentary confirmation procedures to cover all public appointments.

f. *The amendment of Section 2 of the European Communities Act* – to restore full law-making and tax gathering powers to the elected House of Commons and the substitution of a new basis of European co-operation by accepting that this must rest upon a willingness of fully self-governing states to work together.

Conclusion – the case for democracy

In considering these issues, we do not want to find new scapegoats or pile the blame upon Ministers of civil servants who have let the system grow into what it is. What matters now is that we should examine what has happened to our system of government with fresh eyes and resolve to re-introduce constitutional democracy to Britain, so that the policies in the future will reflect the aspirations of our own people and not just the interests of some Mandarins, some Ministers or some Members of Parliament who now seem to strangely satisfied with the status quo.

In a period of rapid technical change it is essential that the machinery of government at all levels should be capable of reflecting the desires of the people expressed through the ballot box more expeditiously than is now the case. Indeed, it must, if we are to maintain the stability of our society.

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by Tony Benn

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