

Bob Gregory

A Ride on the RIDGEWAY BUS

‘And it took me back to something
That I’d lost somewhere, somehow along
the way.’

‘Sunday Morning Coming Down’, by Kris Kristofferson

Introduction

I grew up in Mornington, in those days a largely working-class suburb of Wellington, in the city’s south-western hills. My father was a government tradesman (for all of his working life). As it happens, a next-door neighbour was one of the three public service commissioners. It was the late 1950s, and after work my father and the commissioner would often ride home together on a Wellington Tramways bus, departing from Courtenay Place and winding upwards through the steep streets of Vogeltown towards the Ridgeway terminus. They were both happy to be called ‘public servants’, though carrying out entirely different roles in New Zealand’s

‘homely state’, as described by Janet Fraser, wife of former Labour prime minister Peter Fraser. My father and his fellow commuter were third-generation New Zealanders. Whereas the commissioner had received a tertiary education, my father, later a hungry reader, had left school at the age of 14. On the bus they talked mainly about how to coax the best vegetables out of their large and adjoining gardens. A spare man, the commissioner always alighted at the ‘penny section’, preferring to walk the remaining quarter of a mile to his house, instinctively frugal as well as mindful of his need for healthy exercise. Neither of them ever displayed or expressed any interest in sport, and they had not been caught up in the 1956 national obsession, All Black victory over the touring Springbok rugby team.

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Notwithstanding Mrs Fraser's sentiment, New Zealand in the 1950s was no democratic utopia. The nationwide industrial conflict of 1951 had demonstrated a government's readiness and ability to heavily suppress New Zealanders' civil and human rights, and although in those days there were no beggars on Wellington's main streets, unlike today, there was massive inequality between the largely non-Māori urban areas and rural Māori, before the latter began to migrate in large numbers to the towns and cities. Yet the welfare state, built

lack of manifest accountability: Cave Creek 22 years ago (14 dead), and more recently the Pike River mine (29 dead) and the CTV building collapse (115 dead), to mention just three deplorable cases. (Similar accountability shortcomings are apparent in the Hawke's Bay water contamination incident last year.) There is a dearth of even semi-intelligent current affairs commentary during evening prime time television, with the state broadcaster driven by commercial imperatives rather than public service values; the absence of any political party of the left that clearly and

other factors have given the 'homely' state today a much less comforting feel. As declining polling numbers have shown, in a country that could once boast of exceptionally high voting turnouts, today far too many New Zealanders appear to be switched off by 'politics', which they have come to associate with self-interested opportunism, deceit and naked personal ambition.

As I was reminiscing, along came two books – published almost simultaneously – which on the face of it have little or nothing in common. The first was *Hit and Run: the New Zealand SAS in Afghanistan and the meaning of honour*, by investigative journalists Nicky Hager and Jon Stephenson, and the second was *Making Sense of Corruption*, by Swedish political scientist Bo Rothstein and his research collaborator, Aiysha Varraich. Hager and Stephenson claimed that the New Zealand Defence Force (NZDF) hierarchy covered up from public scrutiny a botched raid involving the country's Special Air Service (SAS) personnel on a couple of villages in Afghanistan in August 2010, which caused a number of civilian deaths, including that of a three-year-old girl. The authors called for a full and independent inquiry into the matter, in the public interest, especially to see whether war crimes might have been committed.

In the second book the authors reason that, 'If corruption is a special form of decay of the political system, we need to know what the opposite of this process is ... in the absence of a single unified definition of corruption' (p.10). In their view, which they admit is 'far from uncontroversial' (p.102), the opposite of corruption is *impartiality*. The impartiality they are concerned about relates to the 'output' side of the governing process – that is, the system of public administration/management that implements public policy. In their words, 'impartiality is not a demand on actors on the input side of the political system but first and foremost an attribute of the actions taken by civil servants and professionals in public service, law enforcement personnel and the like (i.e. the actors on the output side)' (p.98). There can be no such thing as an 'impartial' public policy, only impartiality in its

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largely by the first Labour government of 1935-49, was founded on an enduring political consensus, embodying a strong commitment to fairness and social equity. While New Zealand had been a world leader in introducing live radio coverage of parliamentary sittings, virtually all political commentary was conducted through the provincial daily newspapers. For Wellingtonians, the *Evening Post* and the *Dominion* provided the daily frames of largely establishment political reference, while the only radio news bulletin of the day, at 9pm, was prepared by government officials (there was no television). The nostalgic notion of 'Mother' England remained an integral part of the collective Pākehā consciousness, and many people regularly tuned into the news on the BBC's World Service.

These memories were sparked by the invitation to discuss 'governance issues' for this pre-election edition of *Policy Quarterly*. In preparation, I noted down far too many to cover. They included the blame-shifting responses to tragedies that affect the lives of fellow New Zealanders, and the consequent

unambiguously promises to advance the interests of people who struggle to maintain decent living standards for themselves and their children; and the incarceration of growing numbers of young New Zealanders – disproportionately Māori – in more and more prisons. Not to mention issues of housing affordability, environmental protection, immigration, mental health care, and so on. Collectively, they show that the idea of egalitarianism as fairness is today not as strongly embedded in the national psyche as it once was, and with markedly increased income inequality there is today greater social distance between those who are privileged and those who are much less so.

The continuing dominance of technocratic neo-liberalism in New Zealand public policymaking since the mid-1980s, the betrayal of its own traditions by the fourth Labour government, the blindly ideological excesses of the National government's 1991 'Mother of all Budgets', the emasculation of trade unions under the Employment Contracts Act 1991, and

execution. Therefore, 'quality of government' can be 'operationalized and measured' only on procedural (administrative) and not on substantive (policy) grounds. In this, impartiality means that, 'when implementing laws and policies, government officials shall not take anything into consideration about the citizen/case that is not beforehand stipulated in the policy or the law' (p.136).

This approach does not imply that all public policies should provide equal treatment to all, only that all those who are directly affected by a policy should be treated impartially – without fear or favour, or consideration of any extraneous factors. They argue that while output impartiality in and of itself offers no guarantees against the adoption of morally reprehensible public policies (the Nazi perpetrators of the Holocaust could implement the 'final solution' impartially), nevertheless empirical research shows that higher levels of 'quality of government', but not representative democracy, are positively correlated with human well-being and political legitimacy, and also are more likely to produce 'morally good outcomes'. In short, the essence of 'good government' is to be found in due process.

Rothstein and Varraich argue that patronage, clientelism, patrimonialism and 'state capture' are all forms of corruption, even though officials who do not exercise impartial judgement and decision-making in their use of discretionary authority may not be seeking or accepting bribes or engaging in any other form of egregious malfeasance that is commonly understood to be corrupt. 'State capture' is largely a function of clientelism or patronage, whereby a mutually supportive and exclusionary relationship – often perfectly legal and institutionalised – is established, which 'excludes all citizens outside of the group from almost all parts of the political process in general' (p.95). Established institutions 'take advantage of and misuse the public trust' (p.96). For example, the presence of a manifest ideology within a country's judiciary, according to Rothstein and Varraich, would 'remove the impartiality that the institution is meant to exercise in its judgements' (p.96). In

their view also, conflicts of interest fall within the 'grey zone' of corruption, because they involve 'the distortion of impartiality' (p.97).

A corruptive failure of responsibility

Both books provide amply fuel for debate, in their own right, and the former has already generated a great deal of public discussion. On the other hand, discussion of the merits of Rothstein's and Varraich's arguments are likely to be confined to academics and others interested in the nature of governmental corruption and how to combat it. So what is the connection between the two publications?

Prime Minister Bill English has since rejected the call for a full and independent inquiry into the claims made by Hager and Stephenson. He was satisfied with

New Zealand citizens. Secondly, his decision smacks of clientelism, patrimonialism and state capture. It is clientelist to the extent that the NZDF and the political executive enjoy what they deem to be a mutually supportive relationship beyond direct public scrutiny. It is patrimonial in its arbitrary dismissal of the possibility that the SAS committed war crimes: that is, breached the rule of international law. And it is an example of state capture to the extent that all those citizens – even if a minority – who would like to determine the truth of this matter will be denied the opportunity to do so, thus greatly limiting their ability to engage in the political process.

It may be objected that if Rothstein's and Varraich's arguments are to be accepted, then 'corruption' can mean

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assurances given him, along with some video evidence, by the chief of the NZDF, Lieutenant-General Tim Keating, who, in a news media presentation, pointed out some geographical errors in the book, while conceding that there could have been some civilian casualties. However, English's decision not to hold a full and independent inquiry into the matters raised by Hager and Stephenson offends the principle of impartiality, as expressed by Rothstein and Varraich, and was thus corrupt and a manifestation of 'bad government'. First, it means, in effect, that New Zealand's head of government does not wish to determine – through a process that is and is seen to be impartial – whether soldiers acting with the approval of his office (in fact, his predecessor, (now Sir) John Key) were responsible for civilian casualties during the raids in question, and may therefore have committed war crimes, all in the name of

virtually everything and nothing, and that it is better, for both analytical and remedial purposes, that governmental corruption be understood as bribery, kickbacks and manifestly dishonest behaviour for private gain. As deputy prime minister, in 2009 Bill English paid back \$32,000 in parliamentary housing allowances to which he was not clearly entitled under the rules, after his claims on the taxpayer had been brought under public scrutiny by the *Dominion Post*. The extent to which this affair damaged his reputation is not known. However, it is unarguable that a prime minister, as head of government and *primus inter pares* among his or her Cabinet colleagues, while fully entitled – even constitutionally obliged – to act as a partisan politician, also has an obligation to impartially promote and protect the procedural safeguards that are essential in maintaining 'good government'.

One measure of a political community's commitment to seeking and maintaining 'good government' must be its manifest desire to protect the principle of impartiality, because if its political leaders are expected merely to act only as partisan political loyalists, then honour – a value that Hager and Stephenson are deeply concerned about – will have little relevance in the face of what may be widespread political mistrust and cynicism, with weakening political legitimacy. It seems plausible that the head of the government has a particularly important role to play, as a necessary but insufficient condition to safeguard against

Vietnamese 50 years ago – yet we perpetuate an Anzac narrative that (misleadingly) extols the defence of democratic freedoms, while not being strongly motivated at home in the defence of those perceived liberties.

A new face of patrimonialism?

As a public service commissioner, my father's bus companion was jointly responsible for running a personnel system from which political corruption in the form of patronage had been formally expunged since the introduction of the Public Service Act in 1913 (notwithstanding the continuation and growth of political

Today, according to Rothstein and Varraich we also see a hybrid system of 'neo-patrimonialism' – not just in the public sector – which has the external appearance of impartial, legal-rational administration but 'in practice, power within the system is exercised according to the personal preferences of the leader instead of following the prescribed laws in place' (p.92). Although the authors themselves do not say so, it can be argued that this form of corruption occurs whenever an individual is 'invited' to apply for a formally advertised position – which might have been created for the prospective applicant – and does so with a tacit understanding that he or she will be given the job in preference to other, perhaps equally qualified, applicants. In such cases, the formal rules of job specification and recruitment can be meticulously followed even though the substantive outcome is predetermined. Doubtlessly, over the decades legal-rational administration has always been imbued with various degrees of patrimonialism – 'it's not *what* you know but *who* you know', as the saying goes – but a widespread 'shoulder-tapping' approach to governmental employment, while it may be good for some individual egos, ultimately diminishes people's trust in 'the system'. At best, governmental appointments become increasingly restricted to a group of like-minded, 'politically sound' partisans. At worst, neo-patrimonialism can enhance the scope for 'trading in influence' in governmental decision-making.

If 'greed is good', so 'ego is good': as Rothstein and Varraich argue, economic interpretations of political and bureaucratic behaviour, especially in the form of 'public choice' theory, see all government officials as being egoistic rent-seekers whose behaviour greatly devalues the principle of impartiality (p.102). In this view, all are seen to be corrupt, and corruption becomes, at least implicitly, a normative default position, supplanting what was once quaintly known as 'the public service ethos'. It can also be argued that the impartiality embodied in the idea of 'political neutrality' may have segued from being faithful and dutiful service to the elected

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this. He or she must be and be seen to be fair, just and honourable. The honorific 'Right Honourable' should be manifestly justified rather than automatically assumed, lest the ancient proverb that 'a fish rots from the head down' is confirmed.¹

The prime minister was fully entitled to assess the political pros and cons of establishing a formal inquiry into the claims made by Hager and Stephenson. In doing so, he probably came to the view that a majority of New Zealanders, if they were interested at all in this controversy, probably have greater confidence in the integrity of the NZDF than in what they believe to be a partisan political agenda behind the authors' allegations. Ironically, New Zealanders are usually willing to buy into other people's wars one way or another – having been involved in a multitude of conflicts since our support of the United States' war against the

patronage in the appointments to the boards of many state agencies). The paradoxical idea of 'political neutrality' – whereby public servants are required to act as if they were faithful and dutiful partisans in serving whatever government of the day has been legitimately elected to office – had become well entrenched. This system was, of course, heavily bureaucratic and cumbersome, and amidst the neo-liberal fervour of the times few people lamented its passing when the State Sector Act 1988 came into force. Yet the unified state sector career service was squarely grounded on principles of transparency and fairness: a complex system of appeals was available to anyone who believed that as a state sector employee they had not been given a 'fair go'. While it was seen by many to comprise excessive red tape, for others it provided an essential procedural safeguard, at the heart of which was the principle of impartiality.

government of the day, to becoming a spurious justification for protecting ministers from legitimate public scrutiny, especially by an overly partisan manipulation of the requirements of the Official Information Act 1982 (Ellis, 2016; Rashbrooke, 2017).

Conclusion: how much do we care?

Barring the emergence of a major scandal that reeks of corruption as commonly understood, it seems unlikely that in 2017 the issue of 'good governance' in New Zealand, let alone arcane matters of 'honour', will feature as pressing election issues. We may rest assured that all is well, especially as the country is again ranked by Transparency International's Corruption Perceptions Index as the least corrupt in

the world. Right? A sense of nationalistic well-being and evaluations of 'good government' in 'Godzone' are probably much more dependent on New Zealand's international sporting success than on any concern over the ethical integrity of individual political leaders, especially at a time when favourable public images can be manipulated by sophisticated technological means.

New Zealand is now a far less insular and conformist society than it was in the 1950s, of course, but maybe we have not outgrown as much as we like to think we have either the authoritarian instincts that were displayed in 1951 or – relatedly – the national obsession with rugby that dominated the national psyche five years later. And it is much less likely today that

two people so separated in occupational status would not also be socially separated, and therefore less able – and willing – to talk together on the Ridgeway bus.

At that time those men may have expressed other priorities, but if I were pressed today to nominate a single policy initiative that would most significantly enhance New Zealand's prospects for both 'better governance' and a better society, I would suggest that, while simultaneously protecting and enhancing Radio New Zealand's resources, we find the means to establish a dedicated, enlightened and impartial public service television system.

¹ At the time of writing, the Todd Barclay affair, including Bill English's role in it, was still playing out in the news media.

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