THE POLITICAL THOUGHT OF F.A. BLAND

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CHAPTER ONE - INTRODUCTION

If the discipline of public administration has a forgotten man in Australia, that man must surely be Francis Armand Bland. Professor of Public Administration at the University of Sydney from 1935 until his retirement in 1948, Bland was a prolific writer and a well-known commentator on public policy and affairs, as the bibliography of his writings published in the June 1948 edition of Public Administration (Sydney) clearly attests. Yet with the exception of a short article by E.N. Gladden published in 1975, little has been written about Bland since the obituary in Public Administration (Sydney) in September 1967, noting his death in April of that year. Volume 7 of the Australian Dictionary of Biography, that in which Bland's life and work could appropriately have been recorded, contains no article about him; and such scattered references to him as one does encounter relate most often not to his scholarly work, but to his activities as Chairman from 1952 to 1960 of the Joint Committee of Public Accounts of the Commonwealth Parliament. As a personality in Australian intellectual life in the 1930s, Bland has recently received some attention in an unpublished doctoral dissertation, but his political thought has been subjected to virtually no sustained critical attention.

There are good grounds for remedying this omission, and it is the aim of this study to do just that. For Bland was on a number of grounds a most interesting and unusual figure, who bore, in the words of one acquaintance, "a touch
of greatness". An inspiring teacher - to J.D.B. Miller "an irrepressible wizard" - he introduced to the study of politics many who went on to distinguished careers in scholarship or in public life, and managed himself to achieve distinction in both spheres. He was actively involved in many groups which set out to encourage the spread of liberal ideas within the Australian community. But most of all, he was a thoughtful analyst of politics and public life, who identified a number of values which deserved to be cherished by an enlightened citizenry, and, to a greater extent than most political theorists, sought to identify appropriate institutions and forms of social organisation through which those values could be preserved, protected, and fostered - through which his hopes for a better social order could be realised.

Writing in 1948, R.S. Parker attributed to Bland a "cogent, integrated political philosophy" (8), and read in a broad sense, it is the validity of this assessment which my study is designed to appraise. However, at the outset, one point which in fairness to Bland must be made is that he was not by profession a philosopher. He took little or no part in the philosophical controversies centred on the views of John Anderson, Challis Professor of Philosophy at Sydney University from 1927 to 1958 (9), and wrote no systematic treatise on philosophical topics. "Nor", wrote his friend G.V. Portus, "is Blandee much attracted to philosophical speculation. His genius is of the practical variety. He is at his best when dealing with a situation rather than with a
theory." (10) Bland himself, writing to a friend in 1933, remarked: "Most of my articles are ad hoc" (11), (although the slight self-deprecation buried in this observation can be set against a later assessment: "I am really amazed at the diversity and even the quality of the addresses that I gave as illustrated in these files. And I typed the stuff myself, in the main." (12)). To approach his thought as if he were a Hobbes or a Hume, an abstract thinker at the very forefront of ethics and of political theory, would be to do him a serious disservice, and fundamentally to misread his writings. However, it would be equally wrong to treat Bland simply as an administrative historian. Although he shrank from utopian social engineering (13), he was by no means an atheoretical incrementalist (14), ready to welcome any change as long as it came in small doses. Rather, his views on politics and on the management of the state were allied to a particular constellation of values, which surfaced at different places in his writings. Bland was not a decisively original thinker - he never claimed to be - but he was a thinker, and one whose work succeeded in exposing possible tensions between different strands of political thought, and different values - for example, the possible tension between efficiency in management, on the one hand, and popular control of state enterprises on the other. One might equally add that very few political thinkers are decisively original, as originality for the most part consists in giving a novel twist to familiar ideas rather than in producing ideas which are wholly unanticipated.
Bland is also important, and worthy of study, because he was a man of influence, and the fact that his works have now been largely forgotten does not mean that they made a negligible contribution to the discipline of political science in Australia. Bland was not simply an Australian "Public Administration Pioneer"; he also augmented the thitherto largely institutional study of politics in Australia with a nascent behaviouralism, and thereby enriched his students' understanding of the nature of politics. He was a source of many ideas which have been taken up by subsequent writers, even though they may not have been aware of him as the source. He also made his mark, through his teaching, on public sector administration. A trivial example is provided by Ross Curnow's observation that "senior state public servants place greater emphasis on the normative aspects of the politics/administration distinction than do, say, commonwealth public servants. After all, many were taught or influenced by the late F.A. Bland."(15)

For these reasons, the time is certainly ripe for a studied judgment of Bland's contribution. For the student of Bland's thought, two kinds of material are available. The first consists of his published writings, stretching from 1918 to 1965. These were both wide-ranging in focus, and widely disseminated through popular journals of opinion for which Bland wrote. The second major resource for the study of Bland's thought is the set of Bland Papers in the Sydney University Archives. Although a number of Bland's
papers were destroyed by his son, Sir Henry Bland, following his death (16), those which survive constitute a massive collection, housed in 290 boxes and occupying 48 shelf metres. (17) Although the collection has not been systematically catalogued, each box carries a label stating in very broad terms the nature of the papers enclosed, and it has thus proved possible to extract from the collection a number of revealing items, including memoranda and correspondence, unpublished lectures and addresses in which Bland set out his ideas in some detail, and other material which throws light on his life, or his intellectual background and development. No doubt there is more to be learned from this source, but it has already proved a useful supplement to Bland's published works.

The detailed study opens with a chapter about Bland's life and career. It provides relevant information about his experience, about ideas accessible to him, and about circumstances in and occasions on which he developed and expressed his own ideas with the help of or on the basis of those he had derived from others. Bland's character as a practical political thinker dictates the organisation of the remaining chapters. As we have seen, he was not a philosopher and was not much interested in abstract speculation. He was concerned rather with the application of moral and political ideas and ideals to institutions and arrangements. At different times and in different form, he articulated various clusters of values which he had acquired at different stages of his formative years, and his
intellectual enterprise consisted not so much in seeking to resolve tensions which might exist between these clusters as in attempting to identify mechanisms by which these values could be realised. Naturally, in the course of his enterprise, he touched on many central problems of political theory, but often only peripherally. Therefore, these chapters are structured to take account of these major clusters of values - broadly put, the values of Christianity, freedom, democracy and efficiency in government - and of the policy recommendations in which they were reflected. In these chapters, Bland's values are identified, and the problems of social organisation to which they gave rise are highlighted, after which his proposed solutions to those problems are outlined, and appraised. This form of chapter organisation highlights both the consistent and systematic nature of Bland's intellectual enterprise, and the ultimate incoherence of the proposals which resulted from that enterprise - a point which becomes particularly clear in the concluding chapter, which looks back over the different clusters of values which Bland held and confirms the existence of some deep and fundamental tensions between them.

Chapter Three deals with Bland's Christian vision. Although his theological sophistication was doubted by at least one contemporary, he left a large body of exegetical writings, which provide at least some general indications of what he took to be the character of the individual, and the social obligations of the citizen, as well as the nature of
the ideal polity. These views influenced his attitude towards the institution of property, and along with J.S. Mill's arguments in *Considerations on Representative Government* made him a lifelong enthusiast for the expansion of local government - an enthusiasm which is explored in the chapter in some detail, as it provides an excellent illustration of the approach which Bland as a practical political thinker was to take when addressing many other problems of social organisation. Bland's Christian views also provided the premisses for one kind of attitude about the appropriate form and extent of state action - an attitude which stressed the need to protect the positive liberties of the individual.

Just as important as a source of such premisses, however, was Bland's valuing of what Berlin has labelled negative liberty, and it is this which is the central focus of Chapter Four. "I should have loved freedom, I believe, at all times," wrote Alexis de Tocqueville, "but in the times in which we live I am ready to worship it." (18) Particularly in his later years Bland came strongly to echo this view. He deplored what he saw as coercion of the individual by a state exceeding its legitimate functions, and saw division of state power through a federal system of government as an important means for protecting individual freedom, although as was the case with many of his practical proposals, his support for federal organisation reflected a concern to protect values beyond those which it was primarily suited to serve. He was horrified by the
activities of the wartime and postwar Labor governments in Australia, and in pamphlets such as his 1948 work Totalitarianism: Australia's Peril expressed fears for the liberty of the subject which raise important questions about whether his negative liberal values could be wholly reconciled with either his Christian or his democratic views.

It is his democratic views which form the centrepiece of Chapter Five. Like Schumpeter, he took an instrumental view of democracy, but his views changed over time, and he came to view democracy in his later years as much more circumscribed by limitations, by checks and balances, than in his earlier writings he had been prepared to do. Parliament, an institution he sought constantly to strengthen, he saw in this light as an institution to protect the citizenry against abuses of power. He also recognised the critical power which Parliament possessed because of its role in authorising government expenditure, and deplored the way in which the ubiquitous party system had largely emptied this historic and fundamental function of content.

Efficient budget formulation was an aspect of efficient policymaking, a value examined in Chapter Six of this study. Bland recognised Cabinet as the supreme executive body, in fact if not in law, and saw ministerial responsibility as the central feature of the Cabinet system. He appeared to take the decline of ministerial responsibility seriously, and put forward a number of proposals for means by which to
increase Cabinet efficiency. However, Bland drew a sharp distinction between politics and administration, and while he generally wished to enhance ministerial responsibility for what he saw as policy decisions, his aim was to exclude ministers as much as possible from what he saw as day-to-day administration, in order to foster its efficiency. This brought clearly to the surface the possible conflict between responsible, democratic government as a good to be valued, and efficient government as another good to be valued - a tension most clearly visible in Bland's writings about the statutory corporation.

Finally, although Bland did not accept Pope's view that "whate'er is best administered is best", he attached a great deal of importance to efficient execution of policy, which was why he resented the intrusion of "political" considerations into "administration". Chapter Seven continues the discussion in Chapter Six with a detailed examination of Bland's views on the public service, which were directed to ensuring for the public an efficient machinery for administration, but one not tainted by the flaws of "bureaucracy".

In conclusion, Chapter Eight sets out an elaboration of the tensions, evinced by the preceding chapters, between the different strands of Bland's thought, and suggests what can be learned from both the merits and flaws in Bland's arguments and general approach to thinking about values and about devices for furthering them.
It should be clear that it is no part of my task to discredit Bland as a political thinker. In the course of this study, many criticisms of his ideas and arguments are advanced. However, it is unlikely that he would have been perturbed by criticism. "I cannot pretend", he once remarked, "to be able to answer all the questions I have asked. That, after all, was not my intention. My main purpose...was to ask questions, to raise problems, and to offer some comments which might provoke a discussion." (19) Bland, I argue, failed to develop a cogent or integrated political philosophy, but his failure was an impressive one. Mary Warnock has censured certain philosophers who in her view "cheated by telling us to do only the things we would have done any way, like returning books we have borrowed. They did not tell us how to live, or how to treat other people in serious matters." (20) Bland, to his great credit, did try to tell us these things, and his energy in tackling difficult but important questions gave character to his work, and stature to his writings.
FOOTNOTES TO CHAPTER ONE


7. J.D.B. Miller, "A Tracery of Influences", Government and Opposition, vol.15, nos.3-4, Summer-Autumn 1980, pp446-456 at p447. I wish to thank Professor Miller for sending me a copy of this article.


9. For example, A.J. Baker, Anderson's Social Philosophy: The Social Thought and Political Life of Professor John Anderson (1st ed., Angus and Robertson, Sydney, 1979) makes no reference at all to Bland in discussing the controversies of that period.


17. As stated in a letter from the Sydney University Archivist dated 9 March 1982.


CHAPTER TWO - BLAND'S LIFE AND WORK

Francis Armand Bland was born on August 24, 1882 at Macdonaldtown in New South Wales. He subsequently wrote: "My grandfather came to Australia in 1849 and his name was Henry Stamper Bland. We trace our decent [sic] through the Irish family and in that case through the son of Dorothy Bland and Henry Crump. He went to Kent and assumed the name of Bland and took out his coat of arms, and as far as I know he married into the Stamper family, who were Bankers in the City, and my grandfather comes from that marriage."(1) Armand's father, C.E.Bland, had married a German, whose father, a German surgeon, had left Europe to escape service in the Franco-Prussian War. She was a most proper woman, an adherent to High Church doctrine who detested Roman Catholics.(2) As his father had gone on to the land, Armand received his initial education at a small country school at Greig's Flat(3), where his family lived from 1883 to 1888.(4)

In a lecture in 1951 about his early years, Bland remarked: "My earliest recollection of politics is hearing some of the emissaries of William Lane talking to my father and trying to get either recruits, or financial assistance for the New Australia scheme."(5) "My own life", he continued, "was changed by the Bank smash which uprooted me from a country farm and sent me to the city to get work in my early teens."(6) "I qualified as a teacher in 1896", he wrote, "but was unable to face exile in Tingha...".(7) Instead, Bland commenced a business career as personal clerk
to Mr G.H. Bosch (8) of Bosch Barthel and Company of Sydney, a position he held until 1899 when he transferred to the staff of N.F. Giblin, Official Assignee (9) On October 1, 1901, he joined the New South Wales Department of Taxation as a Junior Clerk, and in 1903 he transferred to the New South Wales Public Service Board as Secretary to R.F. Irvine (10) (who had in July 1900 been appointed secretary to the board of examiners for the public service, "with the responsibility of devising means of getting the personnel and guaranteeing the quality." (11)) Bland had not matriculated at the time he joined Irvine, but he made a strong impression on his superior, who later wrote: "As to his character, loyalty and zeal, I cannot speak too highly." (12) In turn, G.V. Portus was able to write that Bland "thought the world of R.F. Irvine and stuck to him through thick and thin." (13)

Before Bland joined Irvine, his superior in the Taxation Department, John S. D'Arcy, "piled work on Bland but loaded him even more heavily with exhortations, especially about the need to qualify for higher posts by undertaking a university degree. The upshot was that Bland, then in his early twenties, sought out a 'coach' (the late W.B. Newton) to assist him in his studies for matriculation." (14) He finally matriculated in March 1906, in which year he also became secretary of the several Local Government Examining Committees. (15) He also commenced studies at Sydney University as an evening student enrolled for the degree of Bachelor of Arts, and graduated in 1909. He subsequently
wrote: "I had mention in English, History and Philosophy...". He studied the history of the Industrial Revolution under Acting Professor Collier. He attended lectures on economics, and prepared essays for Modern History on the American "Declaration of Independence and how affected by conditions in England", for Philosophy on "Greek and Modern Conceptions of Education", and for Sociology on "The Relation between the Temporal and Spiritual Powers". In 1909, Bland attended lectures on the "Elements of Politics", given by William Pitt Cobbett, Challis Professor of Law at Sydney University, who from 1890 had been teaching Jurisprudence, Roman Law, Constitutional Law and International Law at the Law School. These lectures covered a very wide field: "Theoretical Politics", "Methods of Science of Politics", the nature of law and of morality, the organs and functions of government, "Liberty", "Justice", "Democracy", "Equality", "Progress", "Utilitarianism", Bentham's "Civil Code", "Laisser-faire", "Individualism", "Socialism", the "Debt of Socialism to Bentham", "Private Property", "Contractual obligations", and "Succession and Inheritance".

Upon finishing his Arts degree, Bland commenced studies for a law degree. He proved an able student. In a reference written in about 1913, Professor Sir John Peden wrote:"I have very much pleasure in testifying to the high opinion I have formed both of his ability and character. He is, in my opinion, a man of considerable intellectual capacity and attainments. He has a clear alert mind, grasps
and appreciates a point quickly, and can express himself simply and well." He continued: "At the intermediate Examination he was awarded Professor Pitt Cobbett's prize for Political Science (including, as treated in the Law School, some study of local legislation on social and economic matters); and in the Final Examination, which embraces the strictly professional subjects, he obtained Second Class Honours."(19)

After completing his LL.B., he went on to still more study. In 1912, he wrote: "Since graduating, I have been studying Social and Economic matters with Professors Irvine and Anderson and at present am collecting data for my Theses for the degree of M.A. on 'Industrial Evolution' and on 'Trade Unionism in Australia'. I am familiar with Industrial and Social legislation in the state....Having the 'Bar' as a goal, I have followed up debating regularly, and in addition have written a number of papers on current social matters."(20) Meanwhile, Bland was appointed on July 1, 1912 to be Assistant Examiner and Secretary to the Board of Examiners for the Public Service of New South Wales. By 1913 he could write, in an application for the position of Registrar of the University of Western Australia: "I am now eligible to practise at the Bar of the Supreme Court of this State, and of the High Court of Australia. In addition, I have taken a postgraduate course in Economics at the new Department of the University, and am now reading in that subject for the degree of M.A., for which I purpose [sic] sitting in March next."(21) "Prior to entering the Public
Service", he went on, "I had over five years' commercial experience and am a qualified accountant."(22)

In January 1914, he submitted his thesis, by then a single 80 page study entitled "An Examination of the Institution of Private Property", which he had written "in connection with the examination for the degree of Master of Arts in the School of Philosophy, Department of Economics, Sydney University". It was highly commended(23) by Professor R.F.Irvine, by then Professor of Economics, and by Professor Francis Anderson, Challis Professor of Logic and Mental Philosophy.(24)

Anderson was not an original thinker of great power, but Bland could scarcely have escaped receiving from him a powerful dose of recent English Idealist thought. Anderson was an ardent propagator of the ideas of the Oxford philosopher Thomas Hill Green, and in 1902 had published a small volume seeking to obtain for Green's ideas a wider currency in Australia than they had up to that time enjoyed. Green put forward a distinctive view of the nature of human freedom which envisaged that the intervention of the State might be necessary to ensure that individuals were in fact able to exercise the freedom which was rightfully theirs. This paved the way for the school of "New Liberalism" in which L.T.Hobhouse and J.A.Hobson were to figure prominently, but was distinctive also for the extent to which it was influenced by the Hegelian tradition, which before had not played a large part in British social and political philosophy. Anderson picked up these ideas, and
transmitted to his students Green's ethical theory of the State in undiluted form. The influence of the ideas which Anderson publicised is very clear in Bland's writings.

In 1914, the University of Sydney appointed Bland to a part-time lectureship in Public Administration, and there were already signs that his interest in pursuing an academic rather than public service or legal career was developing. He taught at Helensburgh and Wollongong. However, with the onset of the First World War, he faced heavy public service responsibilities, and it is therefore no surprise that it was not until 1918 that he published his first scholarly paper. He also had the domestic responsibilities of a wife and children, who accompanied him when, with his mother as well, he obtained leave from the public service and in 1916 went to England to undertake a postgraduate course at the London School of Economics and Political Science.

Bland later attested to the influence which this period of study had on him. He studied political science under Graham Wallas, from whom he took a course of lectures in Local Government. In 1919, he wrote: "In London I did special work for Professor Graham Wallas in Public Administration. As he had been Chairman of the Finance Committee of the London County Council, and more recently a Royal Commissioner into the Public Service I received much assistance from my association [sic] with him." Wallas was indeed a striking figure. He had joined the staff of the London School of Economics in 1895 as Lecturer in
Political Science, and between 1914 and his retirement in 1923, he was the first holder of the School's chair of Political Science.(30) The author of a major study of Wallas's thought has concluded: "In the study of politics, Wallas was a pioneer. His attempt to change the object of this study from formal institutions and principles to human beings and their actual behaviour was both revolutionary and influential."(31) David Butler has argued that Wallas's 1908 book *Human Nature in Politics* "still stands after fifty years as the classic appeal for a realistic approach to the study of politics."(32) Bland's own conviction that institutions could be no better than the people working within them is one example of a consistent application of Wallas's insights, but there were other respects, too, in which Bland took a path very similar to the one pursued by his mentor. Bland, like Wallas(33), combined the focus of the political theorist with the zeal of the moral reformer. Nonetheless, Bland was capable of viewing Wallas with a critical eye. Wallas was no friend of English Idealism(34), yet Bland was prepared to profit from the insights of an Idealist such as Green as well as of a very different thinker such as Wallas.

Furthermore, Wallas was by no means the only English political thinker with whom Bland came into contact. He also studied the history of political ideas under Goldsworthy Lowes Dickinson, and the political and economic history of nineteenth century Europe under Dr Knowles.(35) He attended lectures given by Sidney Webb, and also met a
number of stalwarts of the Workers' Educational Association, including G.D.H.Cole, R.H.Tawney and Albert Mansbridge(36), the last of whom was secretary and founder of the English W.E.A.(37) In July and August 1917, Bland was appointed a Lecturer in History and Resident Tutor at the Oxford Summer School by A.L.Smith, who was both Master of Balliol College and Chairman of the Oxford Tutorial Classes. From this point onwards, Bland showed an enthusiasm for adult education which he never abandoned. Thus, his stay in England played a considerable part in shaping both the concerns and the attitudes which were subsequently to surface in his publications. This is clear from R.S.Parker's assessment of Bland's political philosophy: "Firmly based in English political thought, it is an uncompromising version of John Stuart Mill, as interpreted and applied by the London sages, Webb and Wallas, and brought up to date by the prominent thinkers of the British Liberal Party. Bland's writings are studded with the brighter aphorisms of men like James Bryce, Ramsay Muir, Ivor Brown, Dicey, Lord Hewart, Barker and Beveridge, though he supplements these with much of the wisdom of the earlier and greater Fabians."(38)

In December 1917, Bland applied for a position as Lecturer in Economic History in Professor Irvine's Department. He had a postgraduate degree in the field, and in 1917 had become a Fellow of the Royal Economic Society in London(39), but nevertheless he failed to secure the position. A friend accurately observed of his return to
Australia at the end of 1917 that the fact that he was not a "returning prodigal son was made clear to him at least by the entire absence of anything resembling a fatted calf."(40) However, things soon improved. At the instigation of G.V.Portus, who had just become Acting Director of Tutorial Classes at Sydney University, Bland was offered an appointment for one year as Acting Assistant Director(41), and resigned from the public service to take up the position. At the end of 1918, he was appointed Assistant Director, and Editor of The Australian Highway, a magazine produced each month and notable both for the breadth of issues which it covered and the quality of the material which it carried. He was to hold both positions until 1935.(42) From 1918 to 1933, he also served as part-time Lecturer in Public Administration at the University, and from 1933 to 1935, full-time. But his duties in the Department of Tutorial Classes remained his major formal occupation.

The twenties were important years for Bland, and Portus was an important figure in Bland's life at the University. They worked together "to boost the idea of adult education and to gather students for the classes."(43) They also had to run the University side of the movement as administrators.(44) However, there were other interests which they had in common. Portus had in his youth been ordained a minister of the Church of England, although he proved to be, in his own words, a "backslider".(45) Bland was also an Anglican, although with "high church
He had been a member of the Synod of the Diocese of Sydney since 1912, was licensed as a local lay Reader in 1913, and served as lay secretary of the Sydney Diocesan Synod from 1921 to 1927, although Portus asserted that he was "quite definitely not theologically minded...". Both Bland and Portus were associated with The Morpeth Review, a national quarterly magazine founded by E.H. Burgmann in 1927 which published articles of a social and political nature, generally somewhat radical in tone, until in 1934, with Burgmann's election as Bishop of Canberra and Goulburn, it abruptly disappeared. The departure of Burgmann coincided with the departure of Portus, who early in 1934 became Professor of Political Science and History at the University of Adelaide. A former student of Bland's, J.D.B. Miller, has provided an assessment of the importance of Portus's presence for the development of Bland's thinking: "My guess is that, up to the time when Portus left Sydney for Adelaide..., he would have had a mildly leftward influence on Bland. After he left, there was no-one to exert such an influence, and Bland fell more and more into the company of his UAP friends." Bland's acceptance of an academic position gave him the opportunity to commit some of his ideas on politics to print. For someone with full-time teaching and administrative obligations, he proved remarkably productive, especially as the 1920s were difficult years for the family from a financial point of view. He published his first book, a 316 page volume entitled Shadows and Realities of...
Government, in 1923, as part of a series of works on economic, political and social affairs produced by the W.E.A. under the general editorship of Portus. It was dedicated to R.F.Irvine, and contained a bibliography of works by writers such as Beveridge, Herman Finer, Goodnow, Laski, Wallas and the Webbs. The very title expressed the need identified by Wallas to look beyond the facade of institutions in order to grasp the way in which government works. Bland wrote in the preface: "This essay was designed primarily for students at the Teachers' College, but it is hoped that it will make some appeal to that widening circle which, in every democratic country, is interesting itself in the efficient administration of public affairs."(52) This work was not revised, but it was followed by a number of other books, each of which appeared in more than one edition. (53)

Nonetheless, Bland's main occupation in the 1920s and early 1930s was his teaching. In the eyes of one scholar, he was "in teaching his subject disinclined to philosophize over the facts of administrative life, but intent above all else to impress his students with the need to acquire a sound understanding of what their work was all about and to make a real contribution towards shaping them into effective public servants."(54) From 1920, when the Faculty of Economics was established, until 1925, Bland taught two half courses, "Public Administration" and "Municipal Administration", the first jointly with another lecturer, the second by himself. In the first, he dealt with
"Principles of Public Administration in their application to specific problems in this State and the Commonwealth."(55) In his other half course he covered "Municipal Administration from the social and political point of view."(56) From 1925 he taught an expanded single full course entitled "Public Administration", which amalgamated the two courses which until then he had been teaching. With the introduction of a course for a Diploma in Public Administration in 1930, this full course was augmented by a further half course, "Public Administration II", concerned initially with three special topics: "(a) the administration of ameliorative legislation covering a survey of the measures, the agencies involved, and the difficulties encountered; (b) the financial administration of New South Wales, covering the Budget, its preparation, discussion, execution and examination; (c) the administration of transport, rail, road and ocean."(57) Mills and Butlin put the view that:

"Bland had a style of lecturing all his own. He prepared with great care, and revised in detail each year to the despair of the Faculty Office, what was called a 'synopsis' of his course. The name was by analogy with the summary outlines of courses used in the subject of Economics, but the resemblance ended with the name. Bland's was a complete text of full book length, in which Bland did his formal teaching duty by his students, and equipped them with a formidable array of references for reading. (He could hardly have believed that even his most industrious student could consult more than a small part of them.) His lecture began with the characteristic 'Well, peoples,' and was delivered - more than one student has coined the phrase - in machine-gun staccato, an outpouring of ideas, critical comment, anecdotes and factual record. After the first lecture or two, the student realised that
Bland meant it when he said that the 'synopsis' was meant to obviate note-taking, but that, unlike similar systems used in some other University departments, this did not mean that everything in the lectures was already in the typescript. In a sense nothing in one was in the other; the lecture was comment on, extension of, digression from the condensed material of the typescript, to which one could listen with close attention and interest."(58)

Bland was later implicitly to note the influence of his London years upon his own style of teaching: "It is not generally known that the teaching of Public Administration in Sydney conforms more to the lines laid down by Graham Wallas and Sydney Webb rather than to the lines followed by Willoughby and Munro in America."(59)

Bland was certainly not ignorant about developments in the United States. In 1929-30, he was Visiting Professor of Government at New York University. During his trip he was also invited to lecture at the Universities of Michigan, Pittsburgh, Minnesota and Chicago.(60) However, he did not form a favourable impression of the American polity. In a lecture to the Sydney University Economics Society on his return, he observed: "Its electoral methods, its corruption in politics, its belief in the sanctity of the popular voice, its administration of police and justice with its elected officials and judges filled me with consternation."(61) It is perhaps little surprise then that when he next was granted leave, in 1936-37, he returned not to the United States but to England. By then, his position was a more secure one than during his last venture abroad, for on March 1, 1935, Bland had been appointed to the first Chair in Public Administration at an Australian University.
The Premier of New South Wales, Bertram Stevens, had secured the passage through Parliament of a Vote for University finances sufficiently and specifically increased to permit the creation of such a Chair in the Faculty of Economics. The Senate of the University resolved in February 1935 both to create the Chair and to offer it to Bland. As the University's 1935 Report put it: "It was felt that no good purpose would be served by advertising the position throughout Australia or Great Britain since the Senate was convinced that the best candidate was Mr Bland..."(62) Bland was to hold the Chair until his retirement in June 1948 (63), at which time he was accorded the dignity of an Emeritus Professor of the University.

During his visit to England in 1936-37, he was actively involved in the activities of the Royal Institute of Public Administration, and he "inspired the formation of the New South Wales Regional Group of the Institute of Public Administration."(64) As his writings clearly show, this was a project dear to his heart. He founded the journal Public Administration and edited it from 1937 to 1948. It remains an important fixture on the Australian scholarly landscape, although since 1976 it has been known as the Australian Journal of Public Administration. He was also an office bearer in the New South Wales Regional Group, and was Vice-President of the Group at the time of his death.(65) It is by contemplating the wide range of organisations with which he was associated at the same time as he was fulfilling onerous teaching responsibilities that one can
gauge his immense energy. As well as in the Institute, he was an office holder at different times in the Workers' Educational Association, the Sydney University Settlement and the New South Wales Constitutional League, and a member of bodies as diverse as Moore College, the Round Table Group, the New South Wales Taxation Institute, and the New South Wales Bursary Endowment Fund. He was also associated with the Australian Institute of Political Science, and, from the end of the 1940s, with movements supporting the establishment of new Australian states.(66)

Bland's political associations were always with non-Labor parties. Bertram Stevens had been a colleague of Bland's in the New South Wales public service, and when he left the public service to pursue a political career, "he turned to Bland for help."(67) Given Bland's distaste for the way in which Labor under J.T.Lang had administered the state, it is no surprise that he responded actively. With the departure of Burgmann and Portus, and in revolt against subsequent wartime controls, he began to adopt a more uncompromisingly partisan public position. He had long been a controversialist, and had spoken out willingly on the radio and in the press on matters which concerned him. (Indeed, according to one source, J.T.Lang "instructed the Senate of the University to quieten Bland's public utterances under threat of withholding the Government grant to the University."(68)) Bland gladly entered the public arena to resist the expansion of the powers of the Commonwealth. "In recent years", wrote Butlin in 1948, "he
has been most familiar to the general public in his campaigns against increasing the powers of the Federal Parliament - Chairman of the N.S.W. Constitutional League (1944), of the Referendum 'No' Committee (1946) and of the N.S.W. Constitutional League (1947)."(69) Another contemporary wrote that as Chairman of the Constitutional League "he has written innumerable pamphlets, and, through the press, radio, and on the platform (including an open-air meeting at King's Cross) he has conducted a vigorous campaign against the Commonwealth's recent requests for additional powers by referendum."(70) He opposed with great ferocity the bank nationalisation plans of the Chifley Government, and denounced the idea before a large audience.(71)

In a sense, this period of partisan involvement marked largely (although not completely) the end of Bland's career of reflective scholarship. With rare exceptions, his publications from the mid-forties onwards display a more rancorous, disputatious tone than those of his earlier years. In one sense this is scarcely surprising, for the war had led him to a renewed perception of collectivism as destructive of both personal freedom and human dignity. He was greatly impressed by F.A.Hayek's 1944 study The Road to Serfdom(72), and quoted approvingly from it in his own writings. However, equally important in explaining the tone and content of his last writings was his increasing involvement in party politics. Having retired from his Chair and having relinquished the post of editor of Public
Administration, he managed at the age of 68 to secure Liberal Party preselection to succeed Sir Percy Spender as Member of the House of Representatives for the safe Sydney seat of Warringah. This decisive step, which opened a whole new career for Bland, came as the culmination of his increasing party-political partisanship. Indeed, in an almost prophetic letter in 1946, providing an affectionate yet highly critical analysis of Bland's paper "Federalism in Australia", one of his close friends had written: "I suppose what I mainly react from is the scare-mongering, election campaign tone of the whole thing. Except for the opening page or so, it is very reminiscent of the 'Speaker's Notes' the parties issued to the candidates at the New Zealand elections which I studied."(73)

However, Bland's parliamentary career was to prove an outstandingly constructive one. It started on a sad note, for his second wife, to whom he had been married for nearly forty years, died during the week in which he went to Canberra for the opening of the Twentieth Parliament, to which he had been elected by a comfortable majority. Undaunted, he threw himself into parliamentary activities, and remained for the duration of his career a busy and active member, notwithstanding major surgery in April 1956 at the age of 73. His central achievement was undoubtedly his securing of the revival by the Menzies Government of the Joint Committee of Public Accounts, through the passage by Parliament of the Public Accounts Committee Act 1951.(74) On September 25, 1952, Bland became a member and foundation
Chairman of the reconstituted committee, and he held those positions until March 10, 1960, when the final illness of his third wife forced him to relinquish them. His involvement with the Committee led him away from the party political partisanship which had characterised his activities for much of the second half of the 1940s, and allowed him as a parliamentarian to act very much as one from his earlier writings on parliamentary reform would have expected him to act.

The A.L.P. was initially skeptical about the re-establishment of the Committee. "This is not", stated Deputy Opposition Leader Arthur Calwell, "an honest attempt to investigate the financial affairs of the nation; it is a sop to the cerberus from Warringah."(75) However, Bland was able by his skilled and sensitive chairmanship to allay the Opposition's fears. In his final speech as Chairman, Bland remarked:

"The work of the committee has been very onerous. Upon appointment its members quickly come to the conclusion that they have to make sacrifices if they are to carry out the job which the committee must do. They have willingly done so. I shall mention one or two of the kinds of sacrifices which they have to make. Most of us like the full-bodied speeches which are made on party lines in the House. But a member of the Public Accounts Committee knows he cannot indulge in such full-bodied statements here in the House which touch the attitudes of some members on the opposite side. He quickly realizes that he cannot bully fellow committee members in the House and then expect to go back and sit at the committee table and have harmonious relations with them. So, the members of the committee have had to make a sacrifice and modify their language when dealing with certain things in the House. I myself had to decide that I would not talk on any subject in this House which might in any way affect my
relations with members of the committee."(76)

The best measure of Bland's success can be found in the observations of his nominal political opponents. A.V. Thompson, member for Port Adelaide, remarked: "I can say that I have never found another person with whom it was a greater pleasure to work"(77), and Labor Senator A.M. Benn commented: "Never have I been associated with a gentleman who was so conscious of his objective when he undertook any task. He was always conscious of what he was attempting to find and he worked positively towards that end...Professor Bland has been admired by nearly everyone for his work inside the Parliament and outside it. I know that as chairman of the committee he had no politics at all."(78)

The measure of Bland's achievement, on the other hand, is best put by Cosgrove, who concluded his 1966 study of the Public Accounts Committee in the following way:

"Before concluding, one should pay a tribute to the part played by Professor Bland. To date the Committee has been very much Bland's Committee. Among his major contributions to the success of the Committee have been the establishment of the Committee's independence and its right to make a broad interpretation of its terms of reference; an effective organisation including the devices of departmental observers and Treasury Minutes; and above all the creation of a Committee spirit which has enabled the Committee to enter the fringes of policy without dividing on party lines. During the 1951 Second Reading Debate Professor Bland was worried about the lack of a tradition to guide the Committee. Looking back, it is fair to say that the Committee now has a tradition, thanks largely to Bland himself."(79)
The substantive recommendations of the Committee, made in the 46 reports it produced while Bland was Chairman, lie beyond the scope of a study of Bland's political thought, for even when Bland himself wrote the reports, his views underwent the prismatic distortion of his role as Chairman, and therefore no particular report can be taken as an embodiment of Bland's view on the matter in point. Rather, in the way in which Bland acted as Chairman can be found evidence which reinforces the impression of considerable continuity in his ideas which derives from a detailed appraisal of his writings.

Bland was a parliamentarian in the best sense of the term, and his activities on the Committee and elsewhere were recognised when he was made a Companion of the Order of Saint Michael and Saint George in 1958. He left Parliament in 1961, at the age of 79. His retirement was an active one, for he served until 1964 on the Senate of Sydney University, a body of which he had been a member since 1944. However, he was justified in viewing his life's work as done. His last article, an essay appropriately enough on "Parliamentary Reform" was published in The Canberra Times on September 29, 1965, and just over eighteen months later, on April 9, 1967, Bland died, a highly respected figure, at the age of 84.
FOOTNOTES TO CHAPTER TWO


2. Interview with Sir Henry Bland, October 12, 1983.


7. Ibid.


13. G.V.Portus, "Bland and Adult Education", Public Administration (Sydney), vol.7, no.3, September 1948, pp135-140 at p139. This is presumably a reference to Irvine's resignation as Professor of Economics at Sydney University in 1922 after his adultery was brought to the attention of the University authorities. See McFarlane, op.cit., p438.

14. [Kewley and Spann], op.cit., p283.


20. Letter dated July 25, 1912. Barraclough, op.cit., p146 notes that Frederick Jordan, "then an Equity barrister, was willing to have Bland read in his chambers."


22. Ibid.


29. Ibid.


40. Barraclough, *op.cit.*, p146.


42. Butlin, *op.cit.*, p91. The *Australian Highway* was the journal of the Workers' Educational Association.


45. Portus, "Bland and Adult Education", p139.

46. Ibid., p139.

47. Butlin, op.cit., p92.


51. Interview with Sir Henry Bland, October 12, 1983.


this book a "Second Edition", possibly to exploit Bland's new status as the first Professor of Public Administration at an Australian University; the title page was the only one revised); Government in Australia (ed.): 1st ed., 1939; 2nd ed., 1944.


55. Quoted in Mills and Butlin, op.cit., p130.

56. Ibid., p130.

57. Ibid., p131.

58. Ibid., pp132-133.


60. Letter to Bland from the Executive Secretary, Institute of International Education, dated November 20, 1929, Bland Papers.


62. Quoted in Mills and Butlin, op.cit., p129.

63. He was originally to have retired on December 31, 1947, but he remained on until June 30, 1948.

65. [Kewley and Spann], op.cit., p283.


67. [Kewley and Spann], op.cit., p284.


70. Hearnshaw, op.cit., p156.


72. Interview with Sir Henry Bland, October 12, 1983.


75. Quoted in Cosgrove, op.cit., p33.


77. Ibid., p103.

78. Commonwealth of Australia, Parliamentary Debates (Senate) March 10, 1960, p85.


80. [Kewley and Spann], op.cit., p286.
CHAPTER THREE - CHRISTIANITY AND THE IDEAL POLITY

Bland's Christian commitment, in the form of his lifelong membership of the Church of England, was a very important influence on his thought about social institutions. "Only if the whole of life be influenced by the example of Christ", he wrote, "shall we be able to realize in our institutions the essentials of a righteous system of life, the essentials of a just order."(1) One friend's judgment, that his religion was sincere but combative(2), finds some support in Bland's insistence on the need for a radical approach to the organisation of society: "...if the Christian is to seek Christ's way of life, he must challenge the existing assumptions, and must insist upon the unity of life."(3)

Bland was not a literalist in his approach to the Scriptures(4), and commenced his exegesis from the position that "if we are successfully to transplant Christ's teaching for modern application we must penetrate beneath the incidental utterances to the principles involved."(5) If, he went on, "we can catch the essentials of Christ's way of life, we will have a liberated Christianity, contagious in its influence, inspiring in its example, and with an infinite capacity for expansion to meet the conditions of today."(6) However, he set out no technique which one might employ to discern from within the mass of incidental utterances in the Scriptures principles of general application. Without explicitly embracing the Thomist notion that there is a natural law consisting in the
participation of the eternal law in the rational creature(7), he did suggest that in the search for principles, "it is entirely contrary to Christ's teaching to rely upon the technique of prayer alone."(8) He also rejected the guidance of intuition: "If man is prone to create God in his own image, is it not likely that in the moral sphere the Highway which he tends to recognise as good may be the one which suits his own needs and hopes and habits?"(9) Bland looked for guidance to principles immanent in Christ's teaching. Nevertheless, the "patient, studious preparation for tasks ahead" which Bland explicitly commended to his audience could hardly be regarded without elaboration as a satisfactory method of identifying the principles underlying Christ's pronouncements - despite his earlier criticisms, it almost amounted to an invitation to intuitionism - and this left the foundations of Bland's exegesis not fully developed.(10)

His own patient, studious preparation led him to identify the ideal polity in Christian terms. He concluded "that Christ's way of life points the citizen to the Kingdom of God as the ideal polity, and that membership entails the devotion and discipline of full time service."(11) This, in turn, required "a never ceasing attack on every wrong institution until the Kingdom of God is established on earth and its principles influence every relationship of man with his fellows."(12) Bland interpreted Christianity and its message in terms of social relations and personal relations rather than simply in terms of the relationship of the
individual to God.

What, in Bland's view, was the nature of the Kingdom of God? Christ had proclaimed "The time is fulfilled and the Kingdom of God is at hand"(13), building on the Old Testament statement that "Thy Kingdom is an everlasting Kingdom, and thy dominion endureth throughout all generations."(14) To Bland, it had quite a concrete meaning. In an address in 1932, he observed: "I am using the term 'COMMUNITY' in the sense that MacIver has familiarised us with, as that type of society in which all the interests of man are integrated, and in which energies are released, and efforts are employed for common service. Christians call it 'The Kingdom of God'."(15)

This was not something rendered unattainable in principle by the Fall of Man, something equivalent to the Second Coming of which Mark writes "of that day and that hour knoweth no man, no, not the angels which are in heaven, neither the Son, but the Father."(16) Indeed, in 1936 Bland wrote:

"There was a time towards the end of the Great War when it looked as if we might arrest the tendency to disintegration, and transform the world society into a real community in which all interests would be integrated, all energies released and all efforts employed in a common endeavour: in which, in short, we might realise the Christian ideal of the Kingdom of God on earth."(17)

Bland saw the Kingdom of God as an ideal "for the accomplishment of which is demanded a standard of conduct, applicable not merely to personal actions, but to the whole
social order.”(18) "But God himself", Bland went on, "did not, and will not, impose it upon us by force. He wants men to seek it, and to strive to attain it."(19) This insight led Bland to consider on the one hand the character of the state, and, on the other, the obligations of the individual as a citizen. "The conception of the Fatherhood of God and the brotherhood of man", Bland wrote, "gives significance to our relations to our fellows just as it has given content to the functions of the State."(20)

In his approach to these problems, Bland was located in a tradition of idealist Anglicanism, concerned with social responsibility and indebted to Thomas Hill Green, whose "concept of 'positive freedom' provided intellectual support for the newly emerging welfare-state proposals...".(21) To Green, all moral participation in a social life was "the highest form of self-development, and to create the possibility of such participation was the end of a liberal society."(22) Bland lectured on Green's theory of the State in his 1956 Tutorial Classes Department course "Running a Liberal Democratic State", but his own idea of the state owed more to English pluralism than to the organic theories of the Neo-Hegelian writers. He wrote:

"Let us be clear what we as Christians think the State is. It is definitely not the same as society. It is simply an association like any other, economic, cultural, religious, through which men and women seek to obtain specific satisfactions. That is to say, it is not an end in itself, it is merely a means for the realisation of a given end. That end may be summed up as the provision of conditions which will ensure the good life. It certainly has a universality which no other association possesses. It must be clothed with the power of coercion, but
so are other associations. In any case the value of force may be exaggerated, for the more highly developed the community, the less the need of force. Men accept the commands of the State because they identify themselves with them. And in a really democratic community, they are able to identify themselves wholeheartedly with them because they themselves have willed the command. In any case, force can only enjoin formal and external obedience; it cannot enjoin a spirit or a belief. When the value of an act depends upon the spirit in which it is performed, then force is vain, even if it is wielded by the State. The most significant power possessed by the State is its ability to render justice impartially and to co-ordinate the activities of all the other associations. Beyond this the State ought not to go."(23)

As David Nicholls has written, "Idealist writers, including T.H. Green, F.H. Bradley and B. Bosanquet, it is true, recognised the importance of groups, but saw the state - in its idea - as embracing them in an organic unity."(24) Bland had no sympathy with this approach; he had been at the London School of Economics when L.T. Hobhouse, Martin White Professor of Sociology at London University, delivered as lectures his demolition of Bosanquet's Idealist theory of the State.(25) He followed rather the line of thought developed by R.M. MacIver and Harold Laski(26), for whom the state was "merely another group, alongside economic, cultural and ecclesiastical groups", and not, as it was for J.N. Figgis, "the community of communities".(27)

Bland took the view that the state could only act through a government (28), and from this flowed easily his definition of "Government" as "that body of persons to whom for the time being is committed the power of giving effect
to the purposes of the State."(29) Government, he added, "consists of a political arm which can wield its power only as long as it is upheld by the consent of the governed, and an administrative arm...".(30)

Bland's conclusion that the State should be limited to a justice-dispensing and coordinating role hardly followed from the argument which preceded it. However, when Christ said "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's"(31), he too rather begged the problem of identifying appropriate limits to state action, and left Bland the exegetist with very little to go on.

At one point, however, Bland seemed to ground state authority in some form of popular consent, thereby amplifying slightly the formulation just quoted. He wrote that

"...the peculiar function of the State is to give unity to the whole system of social relationships. All these associations have rules for determining the conduct of their members. Those of the State are called laws, and are universal in their binding legal force upon all members. But when you ask why the State possesses this power, it must not be explained merely in terms of sovereignty, but in terms of function. The State's claim to allegiance and obedience must be based upon its ability to persuade the citizen that it is accomplishing the things he thinks it ought to do. The State must make the individual feel that his own good is bound up with the rules it prescribes. The State maintains these rules, not for the sake of the rules, but for what they do for individual lives. The sanction of the rules is force, but force is devoid of moral content. And once you import a notion of moral purpose, might is not right."(32)
Bland's Christian faith also influenced his view of the way in which individuals should behave. Especially in his early writings, he took a grim view of the effects of unconstrained individualism. "If men were to act", he wrote, "as though pleasure were the sole motive of conduct, then human society as we know it would cease to exist. It would actually revert to that condition which Hobbes envisaged, where life was brutish, nasty and short." (33)

Such a pursuit of pleasure was the very opposite of the altruism which Bland preached. He argued that "emphasis should be laid upon the fact that Christianity is concerned with the whole man and his whole life, that it should teach that on two commandments hang all the law, and therefore that rights are meaningless apart from obligations, and that 'interests' can only enrich themselves by impoverishing others. Finally that it is not the 'government' which satisfies rights, but the other members of the community." (34)

The two commandments to which Bland refers are first, "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind", and, second, "Thou shalt love thy neighbour as thyself." (35) Of the second, Bland wrote:

"Here was a technique for synthesising all the activities of life. The Fathers of mediaeval Christendom embodied it in a philosophy of life. But it was not merely the possession of the philosophers. It was an outlook shared by the common man, a conviction which made all things hang together and gave meaning to all that he did. But the exaggerated individualism of the protestant Reformation shattered this unity of
life, and left vast forces of economic and social life uncontrolled by a common purpose....Property rested upon a functional basis, some useful work done for the Commonwealth. But with the break-up of Christendom, the principle of disruption which shattered its religious life expressed itself in economic disintegration. The spirit which said 'My religion is between myself and God alone' was translated into economic terms: 'A man can do what he likes with his own'."(36)

Bland rejected this position: "Where was the freedom of the worker when confronted with intolerable demands of powerful industrial combinations? The freedom to starve is no freedom, and freedom to live implies an economic position adequate to support that freedom."(37)

Bland's adoption of a positive notion of freedom - derived from "the wish on the part of the individual to be his own master"(38) - was a striking aspect of his thought. "Although freedom is claimed for thought and action", wrote Bland, "men are, in fact, unfree. They are enslaved by business and pleasure. The methods of large-scale industry have reduced them to a hitherto unknown condition of dependence. Individuality is crushed by gigantic corporations."(39) "True liberty", he continued, "is possible only when everybody is passionately anxious to provide conditions in which everyone has the opportunity of being his best self. Herein lies the true significance of the discipline of service which is perfect freedom."(40)

This is highly reminiscent of T.H.Green's view that freedom meant "the greater power on the part of the citizens as a body to make the most and best of themselves"(41), and it is here that Bland's debt to English idealism is most obvious.
These values coloured Bland's appraisal of property, and his consideration of the way in which the state should regulate it. For that the state had such a role, Bland did not doubt, notwithstanding his approving statement that "Vilfredo Pareto has pointed out that whatever the so-called form or type of government, in practice the government in every State is administered by an inner circle of privileged persons...". (37) Although government in Bland's view did not satisfy rights, it could impose duties:

"The purpose of industry is productivity, the satisfaction of the wants of men; but the motive behind the industrial organism is self-interest, with its complementary doctrine of competition. Competition and self-interest led under the approbation of the dominant philosophy of the early nineteenth century to a sacrifice of every other consideration but output. So serious were the results of this policy that the State was forced to step in. The whole trend of Labor organisation and industrial legislation has therefore been to combat the anti-social influences and disruptive tendencies manifested under a system dominated by the ideas of freedom of contract and free competition." (43)

A consequence, in Bland's opinion, of a decline in the positive freedom of the individual was the phenomenon of class struggle. "There are many factors", he wrote, "contributing to the aggressive class consciousness of today. It is not proposed to make an exhaustive classification of them, for that has often been done, but we may say that class consciousness and class conflict largely arise from unrest due to memories of the past, from outraged feelings because of the grossly unequal distribution of wealth and economic power, from the servile status and
dehumanized position of labour, and from the realization of the anomaly of autocratic control of industry in what is rapidly becoming a democratic world." (44) "The bitterness and severity of the initial struggle", he had earlier written, "have left their imprint upon the life of society and bequeathed us the legacy of the class struggle so clearly foretold by Karl Marx. 'Economists' have for some time been seeking a new valuation of industry. Old standards and their implications are being questioned. On all sides the enormous power of wealth has raised questions as to the validity of private property, and before the war a condition was fast being reached where the delicate equilibrium of society would be threatened."(45) Prudential reasons thus augmented the moral case for a critical reconsideration of capitalism and private property. "Whom the Gods would destroy", Bland wrote, "they first of all make mad, and the spectacle in Russia may yet be witnessed elsewhere if sanity be not restored to all classes, and especially to those in whose hands rectification lies. Nine-tenths of the profoundly thoughtful people throughout the world are convinced of the fundamental unsoundness of the existing order. But before any considerable change can be accomplished, it will be for them to convince all plain people that an order which gives greater sanctity to property rights than to humanity is rotten."(46)

"Accumulated wealth", wrote Bland, "has sanctity only so long as it functions for social wellbeing."(47) This view permeates the extended discussion in Bland's unpublished
M.A. thesis. He argued

"...whatever may be the advantages urged from a system of personal appropriation it is undoubtedly true that most of its benefits could be secured without carrying it to extremes. All that would be necessary to retain individual incentive would be to provide a sufficiently wide margin of personal appropriation... The lines pointed out by Bentham in advocating another doctrine are very a propos here, viz. that the state should provide subsistence for all, endeavour to produce abundance; maintain security, and foster equality so far as compatible with security."(48)

This did not entail a commitment to complete material equality: to Bland it was "impossible to abolish all inequalities of wealth since they follow the natural inequalities..., and it is not desirable since we have seen that it is the love of acquisition (however unworthy ethically) which provided the necessary stimulus for the present industrial system."(49) He saw serious difficulties confronting socialist control of the means of production, distribution and exchange: "Undoubtedly there is much discontent under present conditions, but it is spread over a very large area, and distributed both as regards subjects and objects; but under the Socialistic regime, who can say that all discontent would vanish. If there were any, what a load the governing authorities would have to carry! - There would be no relief by a change of employer, and an extension of police activities would be rendered necessary, at the cost of favours as the price of support."(50)
Bland therefore opted for a middle course:

"There is no panacea for all ills, and gradual evolution to higher and more intelligent forms of civilization is the only lasting cure for them. The present tendency seems to point to a policy of qualified individualism which has been described as a via media between the anarchy and brutality of unrestrained competition on the one hand, and the parasitism and tyranny of Socialism on the other. There is no doubt that the evils resulting from unrestrained competition should be reduced to a minimum, either by State regulation or by the pressure of other Agencies, but any system which neglects to take full account of the immeasurable importance of the individual is doomed to failure."(51)

He concluded with the view that "we must recognize, subject to the limitations already noticed, the right of private property; private enterprise, and freedom of contract. And finally while there can be no absolute statement as to the limit of State interference, the value of the State as a regulative and organizing agency representative of the whole mass of the people, must be recognised."(52)

In addressing the problems raised by the institution of private property, Bland was determined more to depict the range of solutions which presented themselves than to recommend any one. He demonstrated that a number of widely mooted proposals - such as Henry George's proposal for a single tax on land - faced great practical objections, and the broad tone of his dissertation on property is negative rather than positive. However, he did venture some recommendations of his own. He argued that "it is too late to make a very radical change in ownership of land, in most established countries. When population has become denser
land acquires a monopolistic character, and difficulties of finance render it impossible for the State to acquire this monopoly. In New countries, however, it would be quite possible to accustom the people to, say, the leasehold system, and it is very probable that good results could be obtained."(53) And as well as temporal constraints upon the holding of land, he also supported limits on the disposal of property by testament:"It would seem quite reasonable that the testator should not be allowed to deprive his wife and children of all share except where possibly they had other means of support."(54) He argued that upon the death of the testator, it was necessary "to divert a share to the State by death duties, graduated according to the value of the estate, and according to the number of dependent relatives."(55)

State regulation of property is simply the most obvious example of Bland's sanctioning of certain uses by the State of its power in the service of those Christian values which he cherished. As society developed, the institution of property came to be based not on power but on law, an institution in turn rooted in the need to ensure appropriate recognition for the individual citizen. "The fundamental contribution which Christianity made to citizenship", Bland wrote, "was insistence upon the incalculable value of the individual soul. It has already been indicated that emphasis upon individual faithfulness tended to blur the social implications of this doctrine."(56) He subsequently wrote: "It is unnecessary for me to remind you of the
numerous instances when Christ stressed the significance and worth of the individual soul....And yet, in some respects, the doctrine of human equality, the conception of the individual as an end in himself and not a means to the well-being of others, has tended at times to overshadow the significance of our obligations to and mutual dependence upon our fellows, and to lend support to a philosophy depicting men as a number of detached and competing individuals."(57) Bland saw the institution of law as an attempt to relieve this tension: "Actually, a working principle for reconciling individual and social duties was suggested at the very beginning of biblical history in the exclamation of Cain: 'Am I my brother's keeper?' The world has ever inclined like Cain to disavow trusteeship, but it has been necessary to regulate human relationships. To this end were laws made, and the 'rule of law' is of the foundation of English life. Law is simply an attempt to secure the frictionless working of social relations."(58)

However, Bland saw the Scriptures as a source of moral obligations wider in scope than the obligations imposed by human law. The ordinary citizen, he argued, "can go further, and he can so order his own life on the principle of his brother's keeper as to avoid giving offence. In other words, he can insist that citizenship shall stand not merely for 'the rule of law' but for higher standards of conduct and for greater sensitiveness of social consciousness."(59)
The notion of citizenship, an idea which can be traced back at least to Aristotle's *Politics*, was of great importance to Bland. In his view, it implied "both a privilege and a bounden duty of every adult to participate in public affairs"(60), for in theory "the citizens are ultimately the governors of the community, for Government is in accordance with popular opinion."(61) This is indeed not far removed from Aristotle's conception that "a citizen in the fullest sense is one who has a share in the privileges of rule."(62) However, Bland believed that the nature and purpose of citizenship had been profoundly influenced by our "belief in God as revealed to us by Jesus Christ."(63) "The ramifications of industry under mass production", he went on, "and the ever-increasing tendency of political societies to centralise control of all activities have reduced the individual, be he primary producer, industrialist, or citizen, to the [sic] insignificance, if not to impotence. The natural result of this process has been a flight from the duties of citizenship, because the individual feels that action is useless."(64) Coping with this flight, in his view, was "not merely a question of getting men to assume the responsibilities of citizenship by opening the door of their interests and training their understanding. There is a further problem which is linked with the question of human behaviour. Throughout the ages human nature has changed very little. But how men will behave under given circumstances is another thing."(65) "It would be easier", he continued, "if it were possible to induce men to submit to some over-riding principle, the principle of Christ's way
of life." (66) These insights shaped his views of the type of institutions which would best foster the emergence of the Kingdom of God on earth.

One strand of his thinking in this respect, his democratic theory, is so important as to merit special and separate consideration in Chapter Five; and in Chapter Four it emerges that Bland saw federalism also as a device by which citizenship could be nourished. However, an excellent example of Bland's character as a practical political thinker is in his advocacy of the increased use of local government institutions to encourage the development of concerned citizenship of the kind he advocated. He adopted such views not solely from a desire to encourage responsible citizenship. He was perturbed by concentrations of power, and, as emerges in the next chapter, saw division of power between different levels of government as an appropriate remedy for that problem. "It is one of the tragedies of our administrative history", he wrote, "not merely that the circumstances of the foundations of the Australian colonies demanded, at the beginning, a highly centralised, rigorous and authoritarian control, but that the impress of that early system of government should have persisted so long." (67) "Local Government Bodies", he wrote, "mean bodies subordinate to the State authorities but elected by qualified persons independently of control by the central authorities." (68) "Local government", he went on, "with its belief in local administration and individual responsibility is incompatible with a system of centralised control and
administrative uniformity."(69) Nevertheless, his belief that "the only satisfactory system which would bring responsibility to the people in the best way is a system of extended Local Government"(70) points to a concern to encourage citizenship as a significant spur to his advocacy, and it is with this in mind, and also as an example of his attempt to devise concrete political institutions in which his values could find expression, that his ideas about local government are here assessed.

Bland owed a considerable debt in his writings about local government to the ideas put down by John Stuart Mill in chapter 15 of his Considerations on Representative Government. Mill wrote that he had "dwelt in strong language - hardly any language is strong enough to express the strength of my conviction - on the importance of that portion of the operation of free institutions which may be called the public education of the citizens. Now, of this operation the local administrative institutions are the chief instrument."(71) Bland stood four-square with Mill on this point. However, while drawing on Mill's ideas for inspiration, he cast his particular proposals in a distinctive form.

Bland did not see local government as a cure for all ills. "What we seek", he wrote, "is the best return for the money we spend. And in asking the question 'Why not more local government?' it is not suggested that there will be less government; there will only be a better distribution of existing activities. If that were done, we would
probably get better government, in the sense that it would be closer to the people and more responsive to their needs, and better, because if people are brought more directly in touch with the results of government, they are more likely to insist that value be obtained for the taxes paid."(72) Bland also recognised that the path to more extensive use of local government would be a difficult one. "Unfortunately", he argued, "we have to reckon with an already operating system, and before it can be altered we shall have to displace vested interests and to convince many people that a change is desirable."(73) This recognition stemmed from his realisation that there was "no popular enthusiasm for local government in Australia" and that the "habit of reliance upon the central government for everything is fortified by an aversion for paying locally for services that can be financed by the central treasury."(74)

The scale of local government was of great importance to Bland, just as it was to Mill.(75) "'Local' government", Bland argued, "is not served merely by electing a Council by ratepayers or other electors. Size of area administered is fundamental and it must be such as to allow the closest possible contact between elector and representative."(76) Local government, he wrote, "means briefly the administration by locally elected bodies of that part of the whole government of the community which is entrusted to them by Parliament to carry out. The part should comprise all those matters in which local interest is predominant."(77) Bland did not provide a clear criterion by which to identify
the size appropriate for a local government area, for there is no objective method for determining when "local interest is predominant." What strikes one observer as being of purely local interest might appear to another as nationally or globally significant. Indeed, some writers, for example Dahl and Tufte, have denied that there is any optimal size for a political system. (78) Rather, they suggest, citizens of democratic countries "need to adapt democratic ideas and institutions to the fact that different problems are best met by units of different sizes." (79) However, as no two problems are likely to demand units of quite the same size for successful management, the functional and geographical scope of local government is likely to embody a series of complex compromises rather than an ideal solution, and Bland clearly appreciated that the situation was a fluid one. He grasped that "one function may require a different area from another" (80), and recognised that a conflict could exist in another respect: "[S]hould each service or group of services", he asked, "be regarded as a unit in itself, with an independent organ of government, or should the older principle of concentrating all the functions of government in a particular area in the hands of an all-embracing municipal body be retained?" (81) His answer suggested that the complexity of the problem rendered any general criterion undesirable. He argued that "no rule of thumb method of amalgamation is likely to be satisfactory. Area must be related to function, and, above all, area and function alike must be such as will envoke civic spirit and local enthusiasm, otherwise the foundations of local government
Bland also argued that "there must be an effort made to utilize to the fullest the capacities of local governing authorities in the general work of administration."(83) To this end he advocated the establishment of "Regional Councils" which would not be elected directly by the people, but "will be constituted [sic] by indirect election by the Councils of existing Shires and Municipalities."(84) "The guiding principle", he wrote, "should be that every area should have a general authority and no area should have, unless circumstances make it imperative, more than one authority."(85) Echoing a statement to be found elsewhere in his writings, he suggested that "Policy would be the function of the Council; administration, including complete control of personnel, the duty of the Regional Manager."(86) He noted that "all over the world it is the practice to use the local authorities for the administration of matters which are national in character, where the advantage of local administration outweighs any advantage accruing from central control"(87), and argued elsewhere that the "substitution of locally elected authorities for locally stationed central officials would be a distinct improvement."(88) However, Bland did not consider the negative aspect of this proposal. He accepted that such officials "would be able to exercise both discretion and initiative free from the restraints which are now imposed upon the district officials of the Central Government"(89), but did not grasp that one of the purposes of such
restraints might be to ensure that the State "render justice impartially", and that the citizen be confronted with a government of laws rather than men.

Bland put the view that Regional Councils should "be organised on the traditional principle of committees", each committee being "concerned with a separate function"(90), although limited by "the proviso that nothing could be done by the committees to render the Council financially liable without the express and prior approval of the Council."(91) "The Regional Councils", he argued, "should be given a general grant of powers, i.e. power to do anything that appears to them necessary and desirable for the good order and government of the area"(92), limited by a power of disallowance accorded to the Governor in Council "to check over-ambitious projects."(93) However, Bland also envisaged the continuation of existing Shires and Municipalities. "In addition to administering services of the nature mentioned on behalf of the Central Government, the Regional Councils would act as general overseers of the work of the constituent Municipal and Shire Councils within their borders."(94) Just what such work would be he did not make clear, for although he wrote that the Municipal and Shire Councils had to be retained "for the administration of the domestic services that are now committed to them"(95), he added that they should be maintained "also for the purpose of retaining an administrative authority close to the citizen"(96) - a purpose which might or might not involve the assumption of further functional responsibilities, as on
Bland's view, some functions exercised by the state government might demand a smaller policy-making and administrative unit than a Regional Council.

Bland's Christian commitment was one based on faith, not on some ontological or cosmological argument for the existence of God, and as was noted earlier, the theoretical bases for his exegesis were far from solid. Nevertheless, through his exegesis he was able to develop at least rudimentary notions of the character of the ideal polity, of the nature of the citizen and the worth of the individual, of the form and functions of the State, and of the social obligations of man to his fellows. In developing these ideas, he was aided by the attempts of earlier liberal thinkers such as Green, and consistently with his Christian view of the unity of life, he looked askance at the treatment of freedom as equivalent to the maintenance of property rights. To foster Christian citizenship, he advocated practical institutional reforms to increase the contact between citizen and representative, and although his proposals were not free of difficulty, they provide an excellent initial example of the general character of his enterprise.

Bland's affection for positive freedom necessitated a discussion of what the state should do. But Bland also showed a concern, which grew as he aged, about what the state should not do. It is to this concern that it is appropriate now to turn.
FOOTNOTES TO CHAPTER THREE


6. Ibid., p17.


10. Ibid., p160. The observations in E.D.Watt, Authority, (1st ed., Croom Helm, London and Canberra, 1982) p68 are pertinent: "Religious writings have been no more free than statutes from variety of interpretation. In all such disputes, legal or religious, the text can play the role of
a silent authority, but not that of a living arbitrator; there is no point in addressing a question to it, for it has already said its last word. Disputes which persist will have to be resolved by some other authority, if they are to be resolved at all (and if they cannot be resolved, we are again confronted with the odd notion of a divinely revealed message, the content of which it is perhaps unimportant, and certainly impossible, to determine)."


12. Ibid., p17.


15. F.A.Bland, "Life and Religion week at University", address to the Faculty of Economics, University of Sydney, June 24, 1932, Bland Papers.


19. Ibid.


22. George H. Sabine, *A History of Political Theory* (3rd ed., George G. Harrap and Co. Ltd., London, 1951) p610. At p609, Sabine also writes: "There was in Green's ethics, and in idealism generally, a religious element that had no counterpart in utilitarianism...".

23. Bland, "Religion and the New Social Order".


30. Ibid., p ix.


32. F.A. Bland, "Running a Liberal Democratic State", Lecture Eight, Tutorial Classes Department, University of Sydney, 1936, Bland Papers.

33. Bland, "Citizenship".


35. Matthew, ch.22, verses 37,39.

36. Bland, "Religion and the New Social Order".

37. Ibid.


40. Ibid., p204.


42. Bland, "Christianity and Politics". It is interesting that Bland was aware of Pareto's ideas, for it was only in 1935 that Pareto's Trattato di Sociologia generale was published in English translation as The Mind and Society (1st ed., 4 vols., edited by Arthur Livingston, translated by Andrew Bongiorno and Arthur Livingston, Jonathan Cape, London, 1935), and it was not until the publication of James Burnham's The Machiavellians: Defenders of Freedom (1st ed., Putnam and Co. Ltd., London, 1943) that Pareto's ideas received wide currency.


47. Ibid., p 5.

49. Ibid., p38.

50. Ibid., pp75-76.

51. Ibid., p80. My emphasis.

52. Ibid., p80.

53. Ibid., pp60-61.

54. Ibid., p64.

55. Ibid., p67.


59. Ibid., p159.

60. Ibid., p161.
61. Ibid., pp159-160.


64. Ibid., p161.


73. Ibid., p218.


79. Ibid., p135.


81. Ibid., p227.

82. Ibid., p228. In his paper "The Abolition of States, and the Increase of Powers of Local Government Bodies", he also wrote: "Everywhere there is much confusion because we fail to discriminate between the optimum size of political and administrative units. What may be an entirely satisfactory political unit may languish and stagnate if it also adopted [sic] as an administrative unit."

84. Ibid., p146.
85. Ibid., p145.
86. Ibid., p146.
87. Ibid., p147.
89. Ibid., p226.
91. Ibid., p148.
92. Ibid., p147.
93. Ibid., p147.
94. Ibid., p148.
95. Ibid., p144.
96. Ibid., p144.
Although Bland conceded definite functions to the State, his principal preoccupation from the late 1930s until his election to Parliament was his belief that the State was interfering with the freedom of the individual by stepping beyond the exercise of those functions which it could legitimately assume. The excessive claims of the State were an affront to the worth of the individual soul, and interfered with the negative freedoms of the citizen. But as well as exposing the citizen to coercion, excesses of state power limited the opportunity of the citizen's being his best self, by a different mechanism but ultimately with much the same result as did a dearth of state capacity. Bland brought this out well in a passage which he published in 1940. "If the State is the end, and man merely an animal", he wrote scornfully, "then he will be a wise animal if he chooses the type of government that will provide most efficiently and abundantly for his physical needs. But if man has been made in the image of God, then he is degrading that image and betraying his soul if he seeks material benefits at the cost of the surrender of his own initiative and judgment to an arbitrary government, however able and disinterested that government may be."(1) For Bland, the citizen himself was the appropriate judge of what being his best self would involve, and although the State could equip the citizen with a minimum degree of independence so as to give substance to the citizen's opportunity to make his own judgment, if it went beyond that point it could impinge on
the citizen's exercise of judgment in a quite undesirable way.

Bland's attitude to the State became progressively harsher. Even in 1943, he was still prepared to recognise that government control could have its virtues. This emerged clearly from a draft he prepared in February of that year: "Government control and regulation may enlarge, not diminish freedom. My freedom to travel is enhanced because I am compelled to obey the rule of the road. I obey because it is a rational interference with my liberty. There can be no liberty without law, although there can be law without liberty."(2) This echoed his much earlier statement that "Paradoxically true freedom is impossible without control"(3). Yet if R.S.Parker's argument that Bland was "inclined to regard every extension of state activity as a net limitation of individual satisfactions"(4) is untenable as a characterisation of Bland's early views, it captures well the thrust of Bland's arguments from the later part of the Second World War onwards. The impact of wartime controls in Australia was such that Bland's desire to see the positive liberties of the citizens satisfied came to be dwarfed by his concern at the way in which the power of the State was being used. This concern is well illustrated by an impassioned note which he wrote on Christmas Eve in 1943:

"Has it entered into the consciousness of those who today are plastering our markets, shops and business houses with edicts, prohibitions, commands and restrictions that they are not only disregarding the canons, but are poisoning our society! Are they aware that by appeals to informers, spies, evesdroppers [sic] and snoopers, and by the employment of an army of special agents
and even ardent agents-provocateur they are effectively introducing the Gestapo and O.G.P.U. to Australia? Every man's hand is being turned against his brother; every appeal to sentiment, every solicitation to good nature and friendship, even at this Christmas-tide of goodwill must be suspected as a trap and ruthlessly rejected. All that is worst in human nature is being brought out: all that is best is being distorted. Whatever the official justification there can be little doubt that conditions are being developed that will be fatal to the emergence of a desired New Order. Is it all worth it?"(5)

By 1955, Bland had moved well away from his position of February 1943. "The Government", he argued, "cannot give us freedom, although it can deprive us of it. The Government is not able to tell us what interpretation we shall place upon our freedom, and it is quite incapable of deciding what values we shall attach to our freedom or how they should be pursued."(6) This, read strictly, did not preclude an argument that even if a government cannot give us freedom, it can legitimately use its powers to prevent others from depriving us of freedom. However, although such an argument would have provided a link between Bland's earlier and later concerns, it was not one which in 1955 he cared to put explicitly.

At a philosophical level, the rejoinder to those who defended the unlimited extension of State power was clear: freedom was an ultimate and not an instrumental value. "Freedom", Bland wrote, "must be proclaimed as something that is good in itself: freedom to do well or do ill: to choose to be a slave or a free-man. For unless we admit the liability to error and way-wardness [sic] we shall never
know the responsibility for working out our own salvation. If it be otherwise, we must rest content with the safety, comfort and status of the bear in the zoo."(7)

Bland's concern at the power of the State also directed him to political solutions based on effective constraint of such power. He shared the view attributed to Hobbes that freedom consists in the division of political power into small fragments.(8) "A long line of English and American statesmen", he wrote, "Jefferson, Burke, Mill, Lincoln, Muir, Woodrow Wilson, Dicey and Roosevelt all agree that a wide dispersion and not a rigid centralisation of authority is essential for good government."(9)

One instrument which Bland at times considered was democracy, considered in the next chapter. However, the solution to which Bland gave pride of place was federalism, the strengthening of which he advocated in many articles and speeches - even to the extent of supporting in his later writings the establishment of New States "to develop resources that are now neglected; to break the domination of the metropolitan masses; to arrest the movement towards the centralisation of power; to afford groups the right of self-determination and to give substance to our protestations about opportunities for the individual to take an active part in affairs."(10) "Federalism", he wrote,

is more than a political and an administrative structure. It is more than a means for distributing the functions of government between the Commonwealth and the States upon the basis of capacity. It is not merely a protest against unification or a denunciation of the social and economic wastes of centralisation. It is an
expression of fundamental, liberal, democratic principles that stress the significance of the individual, and affirm the need to protect the individual by legal limitation of governmental powers."(11)

Federalism was a venerable solution to the perceived problem of the excessive concentration of governmental power. "Federalism", argued Carl J. Friedrich, "is an integral part of modern constitutionalism. A federal governmental structure provides a spatial or territorial, as distinguished from a functional, division of powers. Such a division operates as a rather effective restraint upon the abuse of governmental powers by the central as well as the local authorities." (12) Rudimentary federal governments were to be found in ancient Greece in the aftermath of the Peloponnesian War(13), but as Geoffrey Sawer argues, federal government, as that expression is now usually understood, "was devised by the Founders of the Constitution of the United States of America in 1787-8."(14) To another student of the subject, "the innovation involved in this new government is the crucial event in the history of federalism...".(15) "The Federalist Papers", argued M.J.C.Vile, "written in 1787-8 by Alexander Hamilton, James Madison and John Jay, urging the acceptance of the proposed Constitution, provide perhaps the greatest example of human reason attempting to combine the wisdom of tradition with the rational solution of new and unprecedented problems."(16) Bland thus set out his views in the context of the extensive experience of federal organisation in the
United States, and as a contribution to a literature already substantial by virtue of earlier works advocating a federal system of government. However, in contrast to Madison, Hamilton and Jay, Bland was an advocate of what Preston King has labelled "decentralist federalism". (17)

Bland commenced his argument by defining federalism. "Federalism", he wrote in 1946, "represents an attitude to and a belief in the desirability of maintaining that form of government associated with a Federal system. When people living in a number of independent States desire to retain all the advantages of political independence while having a common government for specifically defined functions, and where there is a strong sentiment in favour of union for some purposes while retaining the separate identity of the States to deal with other matters, the result is the creation of a Federal system of government." (18) Such a system would exhibit three essential characteristics: "(a) A written Constitution which distributes the powers and functions of government between Federal and State authorities. (b) A process by which the Constitution may be amended, but which cannot be exercised by one of the members of the Federation, whether Federal or State. (c) A Court which is entrusted with the interpretation of the Constitution, and with deciding conflicts arising between the several Governments, and the people affected by the actions of those Governments." (19) Finally, he remarked, for "the system to work effectively, there must be such a regard for the values of Federalism on the part of the public and
the several governments that there will be a sincere desire, as well as a determination to preserve it against competing forms and systems."(20)

Bland's approach to a federal system went beyond the simply legalistic, and showed an understanding of political realities of a kind which, for example, Riker found to be missing in the writings of K.C. Wheare.(21) Discussing the Soviet constitution, Bland wrote: "You can read the Constitution which is set out in every textbook, but you will not gain from that a real picture of how the government of Russia is carried on. And even in the relations between the U.S.S.R. and the autonomous republics you will have to be extremely wary in relying upon the constitution."(22)

Bland's case for federalism opened with the argument that because a federal system "requires a written Constitution that legally prescribes the powers of the Federal and State Governments, it best emphasizes the central theme of Liberal Democracy that the capacity as well as the powers of government are not unlimited: that there are things that not even a majority of voters may require a Government to do."(23) The mechanism of this limitation was that captured so well in the words of Lord Acton: "The federal system limits and restrains the sovereign power by dividing it, and by assigning to Government only certain defined rights. It is the only method of curbing not only the majority but the power of the whole people...".(24) Bland attached particular weight to the first of these kinds of limitations and argued that it is "likely that there will
always be some of the Governments in a Federal system imbued with a spirit of liberalism: if there is only one Government, the people will not have available legal and political protection against arbitrary action."(25)

The value of federalism as a remedy for the evils of excessive concentration of power has, of course, been challenged. "In a federal system of government", runs one version of the argument, "where people are held in utter confusion as to which government is responsible for what area of administration, there is ample opportunity for hidden economic interests and local tyrannies to amass and consolidate power almost unnoticed."(26) However, in the absence of further argument to establish that the amassing of power by hidden economic interests and local tyrannies will go further in a federal system than in a unitary one, this argument provides no basis for rejecting Bland's view that the existence of a multiplicity of centres of authority holds out at least the possibility that in the face of an onslaught by a government against the freedom of the individual, there will be at least one other government with which the individual can co-operate to resist the onslaught.(27)

For the most part, Bland endorsed federal organisation not as a necessary means and not as a sufficient means, but as a useful and plausible means by which to protect the freedom of the individual. At some points in his writings, Bland seemed to suggest that only federalism could provide effective protection for individual freedom. However, he
did not in fact go quite so far. "Today", he wrote in 1946, "a Government with a compact majority can do whatever it wishes to do. As in England, it is possible to change the whole social and economic system by ordinary legislative measures. If we lose our Federal system, we shall have a unitary system, and there will be no limit to the exercise of power by the Commonwealth Government."(28) However, the freedom of the individual does not rest upon institutional protections alone, and the fact that the formal powers of a government may be unlimited does not ipse facto diminish the freedom of the citizen; it merely heightens the capacity of the government to interfere with that freedom.

Writing explicitly about Australia's federal system, Bland also seemed to go further than to argue merely that a federal system is a useful device for the protection of individual freedom. In 1949, he published a pamphlet entitled What the Federal System Means to You, which drew for many of its examples upon the activities of the Chifley Labor Government. In it, he argued that "our Federal system is the best, and in these days of rigid party rule by socialist governments, the only system that automatically protects popular liberties. If we value our liberty and our freedom to live our lives in our own way, we must see to it that we allow nothing to be done, however speciously it is presented to us, to destroy our Federal system."(29) This, however, would not preclude the existence of a system in which liberty was protected, although not automatically. Federalism, it would seem to follow, is not the only bulwark
of individual freedom, which a tolerant political culture could equally protect. Bland was himself extremely sensitive to the fact that institutional arrangements alone might provide little or no protection against autocracy, and acknowledged when defining "Federalism" that institutional arrangements would need to be reinforced by appropriate public sentiments. His pamphlet, like many of his writings, can be seen as an attempt to rekindle appropriate civic sentiments within groups in which they had died down. To this extent, his position was similar to that subsequently adopted by Robert Dahl, who in defending the idea of polyarchal democracy wrote: "Because we are taught to believe in the necessity of constitutional checks and balances, we place little faith in social checks and balances. We admire the efficacy of constitutional separation of powers in curbing majorities and minorities, but we often ignore the importance of the restraints imposed by social separation of powers. Yet if the theory of polyarchy is roughly sound, it follows that in the absence of certain social prerequisites, no constitutional arrangements can produce a non-tyrannical republic." (30)

However, at one point Bland did go too far, by arguing that "a Federal system is essential for the preservation of democracy itself." (31) He continued: "In recent years there has emerged a debased form of democracy which looks askance at tolerance, compromise, and discussion as ingredients in the democratic way of life. In many of its aspects, the new democracy is akin to dictatorship, in which everything is
being determined and controlled by the masses. And Federalism Safeguards Democracy. Federalism is a force which moderates the absolute power of the masses. And indeed democracy requires this moderating influence. It requires to be repeatedly reminded that the decision of the majority does not constitute the essence of democracy but is really an expedient.”(32) But this does not show federalism to be essential for the preservation of democracy. A tolerant political culture with the necessary popular regard for the fallibility of the majority would seem capable of providing the necessary moderating influence even in the absence of the institutions of federalism which, as Bland himself noted, need to be backed by the right sentiments on the part of public and government if the system is to work effectively.

Bland was also concerned that a growth in the power of the State would stifle the development of an alert citizenry. Here one can witness a resurfacing in different form of his concern that man be able to exercise the privilege and bounden duty of every adult to participate in public affairs which the notion of citizenship implied. "Can it not be established", he wrote in 1928,

"that the idea of unification runs counter to the existing tide of political philosophy? Whatever we may say of the doctrine of self-determination, there is no doubt that it stands as a protest against both political and administrative centralization. It sees in centralization a tendency to restrict the political education of citizens in the actual exercise of government. There is abroad everywhere, as a result of the teaching of economics and politics, a restlessness among the younger generation which exhibits itself in a desire to have scope to give effect to their
ideas. If there were but one Parliament and one civil service, even with small local self-governing communities scattered throughout the Commonwealth, those opportunities would be more restricted than they are today."(33)

Unification appeared to Bland as a threat to the realisation of the individual's creative potential, which potential in Bland's view could better be realised if governmental institutions taking decisions of importance to the individual were proximate rather than remote. This was one specific ground upon which Bland attacked the centralism implicit in totalitarianism. Setting out his views in 1940, Bland wrote that he was "convinced that the most clamant need for Australian Democracy is to develop a determination to break away from the stranglehold of centralisation. Without it the ordinary Australian cannot assume the privileges and obligations of a responsible citizen, nor develop that vitality which will enable him to resist the encroachments and domination of an impersonal centralised government."(34) However, even in his 1948 polemic Totalitarianism: Australia's Peril he could write that no matter how genuine the desire of central authorities to satisfy the needs of people in remote areas, there would "be a tendency for popular participation and civic interest to be reduced if not specifically discouraged"(35), which shows that his concern to foster a concerned citizenry, although a relatively small focus of his worries at that time, was not altogether extinguished.
Bland's case for federalism was also grounded in the identification of diversity as a natural attribute of a free society. "It must not be forgotten", he wrote, "that the method of distributing the functions of government between Federal and State authorities is more than a device for limiting the powers of the respective governments. The purpose is to create an organisation that deliberately seeks to promote the maximum freedom of the member States to foster diversity of administration, while ensuring adequate unification in matters of common concern."(36) "Diversity, not uniformity", he continued, "is the law of life, and a policy which seeks to treat everyone and everything alike cannot be other than disastrous, and especially so in the circumstances of Australia."(37) "Federalists", he concluded, "cannot and will not agree that uniformity should be applied generally. They do not believe that the principle of diversity is something to be overcome at all costs. Rather do they recognise that principles are a sort of natural law to be persistently followed, and, as far as we are concerned, to be intelligently applied to the peculiar conditions of the Australian economy."(38) Bland's stress on the importance of diversity in administration is difficult to reconcile with the value which, as emerges shortly, he attached to the rule of law. But it also raises a further question: how to determine an "appropriate" mix of uniformity and diversity.
Bland did not regard this question as insoluble. "It seems to this writer", he wrote in 1928, "that from the conflict of opposing interests, there can be found a via media which will enable the Commonwealth to assume control of matters which are of National importance (and it is increasingly difficult to say in what the Commonwealth is not interested), and, at the same time, to conserve and strengthen all that is best in the State and Municipal areas."(39) This via media was not a path which could be traced a priori. "The distribution of functions under a federal system", he wrote, "allows the Commonwealth the opportunity for real leadership in national questions, while permitting the States the fullest freedom for the working out of their own domestic problems" - a point he seemingly amplified by referring nearby to "domestic problems within the competence of the States...".(40) It is not clear whether Bland meant by this that the Commonwealth in a federal system should be allocated only those powers necessary to protect the federal polity from collapsing in the face of external or internal threats - a criterion which points not to a fixed distribution of powers, but to one varying according to the degree of threat by which the polity might at a particular time be faced. It is, nevertheless, ironical that it was among other things the exercise of wartime powers, specifically granted to permit the defence of the Australian Federation from external threat, which led Bland to the view that centralist tendencies were abroad which put the freedom of the individual at risk.
As a practical political thinker, Bland paid a good deal of attention to the kind of official attitude which a unitary system might produce. To illustrate the problem, he recounted the following story: "'My good woman', said the Khalif in Damascus, 'I am sorry you were robbed in Isphahan, but I can't do justice all that way off.' 'Then why', said the suppliant, 'did you conquer all that way off.' That old story illustrates the perpetual defects of remote and centralised government, and adumbrates the official indifference to responsibilities engendered by centralisation." (41) The question of scale he regarded as an important one. "Redress of grievances arising from the action of officials", he argued,

"is becoming more and more difficult to achieve, since Ministers cannot be aware of everything that is being done by officials. The administration of the large State thus threatens the submergence of the individual in the mass, while the trend towards totalitarianism is more and more making him merely a means to achieve the purposes of the State. While the small State is not immune from these tendencies, it remains true that the smaller the State the less impotent the individual is likely to feel in the face of authority. General economic and social conditions are better understood, and their treatment by the Government can be more easily supervised, or at least, scrutinised by the individual. Since the closer the Government is to the individual the more responsive it is to criticism, freedom is enhanced." (42)

It is important to note, however, that the increased proximity of a Government to the individual might be a virtue only to the extent that the intentions of the Government were liberal rather than collectivist or totalitarian. It could be the case that a centralised
totalitarian system might experience problems in transmitting information about the activities of dissident individuals through a monolithic bureaucratic structure, in which case the breaking down of that structure into state and local units, better equipped to penetrate the private realm of the individual, might result in a diminution of freedom. Such a result would be merely a possibility, but it does serve to highlight some of the assumptions implicit in Bland's reasoning. An individual might prefer to be submerged in the mass to being picked out by an oppressive state government for detailed attention! Indeed, one could even envisage a situation in which the freedom of particular individuals might be secured only by usurpation by a central government of power over matters previously deemed to be the responsibility exclusively of state governments - a case which Robert Dahl has argued, taking for his example the treatment of non-whites by state governments in the American South.(43)

Bland then advanced some even more questionable claims. "There is likely", he wrote, "to be greater freedom from arbitrary action by the Government, and greater freedom in relation to other citizens in the small State than is possible in larger States. It is also more likely that the smaller state will evoke a feeling of responsibility from the citizen than will the larger State whose problems and administration must of necessity be remote from the lives of the majority of citizens....Remoteness tends to produce apathy because a man's interests are always directly
proportionate to his understanding. Apathy and indifference upon the part of citizens inevitably tend to produce irresponsibility on the part of a Government."(44) These claims he supported with the following argument: "Who is there who has not contrasted the vital interest displayed in municipal areas by ratepayers in any proposal to increase municipal burdens with the apathy of citizens generally to the implications of Federal finance? In the municipality, government and administration are stern realities."(45)

However, one might equally argue that if there is any simple relationship between "interests" and "understanding", it could take the opposite form - that is, understanding could be dependent upon the form and intensity of a citizen's interests, and unaffected by the distance from the individual of the Government vested with power to affect those interests. Were this the case, remoteness would produce neither apathy nor irresponsibility. Furthermore, the concern shown by the individual at the activities of the State might well depend upon the character of the policies executed by the State rather than the mere size of the State. Certainly the larger the polity, the more minute as a proportion of the citizenry would be the individual citizen, but this need not be the sole determinant of the feelings which the citizen bears towards the political system. For this reason, an observed difference between the attitudes of citizens to municipal and federal finance in a particular country is not conclusive; it might simply be that the functions allocated to municipal administration in
the polities which Bland had in mind enabled municipal authorities to affect the vital interests of the citizen in a way that those functions allocated to other levels of government did not.

In a number of works, Bland paid particular attention to what he saw as the administrative dimension of federal organisation. "Dissatisfaction with the federal system", he wrote in his 1944 introduction to Government in Australia, "springs on all sides from administrative shortcomings, and New States, Secession and Unification movements have arisen principally as a challenge to administrative practices and outlook."(46) Here Bland took up a theme which he had been pursuing for some time. A policy of centralization, he argued in 1934, "leads to congestion in legislation and administration, to deterioration in leadership, and to the undermining of the foundations of informed citizenship."(47) This claim mirrored his view that an increase in the proximity of Government to individual would be a virtue, but he augmented it with some distinct arguments. He was particularly concerned by the difficulty of effectively controlling a large and complex organisation which an electorally responsible minister might face. "If officials tend to act without regard to the rights of citizens", he suggested, "then we have a system of bureaucracy which simply means irresponsible or arbitrary government by officials. The further officials are away from Ministers, and the more they have to do, the more inevitable is it that we shall be bureaucratically and not popularly
governed." (48) However, Bland did not carry this concern through to its logical conclusion by arguing that a federal constitution should distribute functions to different levels of government according to the ultimate criterion of the scale of organisation which the distribution would create. After all, were this done, the system might become so diffused as no longer to merit the label "federal", which by Bland's definition covered a two-tiered system with one level accorded specified powers and the other residuary powers. Bland's views on "regionalism" are instructive in this context. "If a region", he wrote, "is thought of as an organic area with some community consciousness of needs and desires that mark it off from other areas, then regionalism requires that the administration should seek to give comprehensive expression to that consciousness." (49) It matters not that he did not specifically advocate the devolution of political power to the region; what is important is rather the recognition of the region as a distinct unit which could be the subject of a grant of constitutional power.

Bland also saw centralization as a source of immobility and inefficiency as well as arbitrariness: "By concentrating all real responsibility at the centre, we contrive to destroy capacity to take responsibility. For by refusing to allow an official to use his own judgment, we accustom him to avoid doing so. We encourage him to wait till things happen, and then to seek direction from above. We train him to accept delays as the law of official life,
and to emphasize always the narrow or sectional or departmental point of view. Thus instead of training administrators, we breed red-tape worms, and ludicrously miss the objective of efficiency and economy which we sought to reach by the path of centralization."(50) It is certainly plausible that at least some civil servants would be thus affected by administrative centralization. What is less obvious is that federal organisation per se would provide a solution to the problem. If the problem were rooted in the absence of effective networks of communication within an organisation, an appropriate remedy might be to seek to establish such networks rather than fragment the organisation. Not all problems are most readily solved by merely moving from a centralised administration for an entire country to centralised administrations within constituent states.

A tendency to fasten too quickly on federalism as a cure for problems in the running of the modern state is also apparent in Bland's discussion of legislative overload. "Even if it were possible", he wrote, "for one Parliament to frame and consider legislative measures necessary to the needs of today, in a very short time this would be impossible if the development of Australia reaches our expectations."(51) But once again, one might be able to relieve the burden upon Parliament by enlarging its membership, by increasing its sitting hours, or by making more extensive use of committees of the Parliament to scrutinise proposed laws - all possible remedies to a
problem of legislative overload which might be effective alternatives to the fragmentation of responsibility between central and state Parliaments.

Bland valued federal organisation for **instrumental** reasons only, and suggested various ways in which different levels of government might co-operate in order more effectively to serve the community. He argued that whether "we consider industrial legislation, social legislation like pensions, housing and health, the principle should be the same - local administration subject to Federal oversight. In this way it seems to me that immense savings would be effected and co-ordination secured. There is nothing to be gained by the current divergencies in legislative codes and administrative arrangements, which merely confuse and irritate. The central question is the service of the community, and this can best be done by concentrating the administration in one set of agencies."(52) Unless one bears in mind that Bland sought to draw a sharp distinction between "politics" and "administration", one could take this to contradict dramatically the rest of his argument, for a stress on confusion could easily be taken to justify a unitary system in which issues as to the location of constitutional responsibility could not arise. But it would be a mistake to read Bland in such a fashion. In the article from which the passage just quoted is drawn, he was concerned to identify ways in which the administration of matters falling properly within the policymaking competence of the **central** government could be most efficiently
discharged. The Federal Government, he wrote, "must have its own Treasury, its own Legal Department, but most of the other Departments might be administered by State officers subject to financial assistance from the Federal Government, and subject to inspection, audit and suggestion as to standards and policy. The Federal Government should lay down the policy, and that could be administered by local officials." (53) It would clearly be idealistic to expect that the problem of a conflict between the interests of the different levels of government would always be solved simply by the consultation and co-operation the need for which, according to Bland, is "one of the most important characteristics of the Federal system" (54), and Bland did not suggest that such co-operation would be easily-obtained (as opposed to desirable).

Bland's discussion of federalism as a device for the protection of the individual from state coercion sheds light in a number of ways on Bland's approach to political reasoning. It first reveals him as a thinker prepared to draw on the remedies which other writers had put forward as solutions to problems which he deemed to be still urgently in need of attention. Bland's discussion also demonstrates an interest not in how a system of government would work on paper but in how it would work in practice. Federalism was not morally ordained; its virtues were instrumental, and federalism was to be desired only to the extent that it could serve the ends to which Bland thought it an
appropriate means. However, Bland's more detailed discussion of federalism reveals another characteristic of his thought, which was touched on in Chapter One: his willingness to put a point of view rhetorically and his concern at times to raise questions rather than answer them. Having raised the problem of how best to protect freedom, Bland seized rather quickly on federalism as the proper solution. This is not to say that federalism might not have been a possible solution to the problem, but rather that it might not have been the only one, and that possible solutions to the problem which Bland discussed elsewhere in his writings when discussing other problems were passed over too rapidly in his discussion of the means by which freedom could be preserved. He also relied for substantiation of his argument on some broad assertions which, while possibly accurate characterisations of particular polities at particular times, are difficult to defend as general laws of politics.

Nonetheless, Bland did not go so far as to suggest that federalism was the only device available by which freedom could be protected. In his discussion of democracy, a concept to which he paid great attention, he put particular stress upon its value as an instrument for the protection of freedom, and it is therefore necessary to study Bland's views on democracy in some detail.
FOOTNOTES TO CHAPTER FOUR

1. F.A. Bland, "Does Totalitarianism Menace Australian Democracy?", Public Administration (Sydney), vol. 2, no. 2, June 1940, pp61-75 at pp63-64.


11. F.A. Bland, "Federalism in Australia", Public Administration (Sydney), vol. 6, no. 3, September 1946, pp152-161 at p155.


19. Ibid., p152.
20. Ibid., p152.


27. It might be added, in criticism of Maddox's argument, that where a system is unitary, it may particularly be the case that particular interests will seek to sway government to their cause, as lobbying costs may be lower than would be the case if the issue in point were one about which several different levels of government voiced concern. Furthermore, it is possible that the more levels a hidden interest group has to lobby, the smaller is the chance of its activities' remaining hidden.


32. Ibid, p161.

33. F.A. Bland, "Unification or Self-Government?", The
Australasian Journal of Psychology and Philosophy, vol. 6,

34. Bland, "Does Totalitarianism Menace Australian Democracy?",
p69.

35. F.A. Bland, Totalitarianism: Australia's Peril (1st ed., New


37. Ibid., p158.

38. Ibid., p157.


40. Ibid., p112.


42. Bland, "Federalism in Australia", p156.

44. Bland, "Federalism in Australia", p156.

45. Ibid., p156.


52. Ibid., pp115-116.

53. Ibid., p115.

54. Bland, "Federalism in Australia", p158
CHAPTER FIVE - DEMOCRACY AND ITS INSTITUTIONS

In a way it is misleading to speak of Bland's "democratic theory", for a marked shift in his notion of what constituted a democracy is apparent between his early and later writings. As emerges shortly, he came in his later writings to a view of democracy much more limited and constrained than that which he adopted in his earlier and more exuberant publications. First, however, it is necessary both to note the problems to which Bland saw democratic organisation as a solution, and to trace the connections between his democratic thought and his ideas about freedom.

As was mentioned in Chapters Three and Four, Bland saw democracy as related to freedom in quite specific ways, and regarded democracy as a peculiarly effective instrument with which both to defend the negative freedoms of the individual, and to encourage a civicly active citizenry. "Freedom", he argued in 1935, "inevitably leads to democracy as the system which enshrines the principle of individual responsibility, and is the best guarantee that law and government will, in the long run, rest upon the consent of the governed."(1) In 1940, he put particular emphasis upon the first of these functions:

"Earlier I said that we believed that Democracy was worth fighting for, but that it might not survive if it were inefficient. I do not want, however, to give you the impression that I believe that the primary purpose of democracy is to fashion an efficient government. Its primary purpose is to enable the people to become self governing and to make real in public and private life such things as justice, freedom, good faith,
truth, and the right of every individual, weak or strong to his own place in the sun."(2)

However, he did not neglect the second of these aims. "The function of democratic procedure", he wrote in 1944, "is to force those who have power to act according to the wishes of the people, or give up their power."(3) He took the view that "the basic idea in democracy is not equality but liberty. Equality is important, but it is not the fundamental problem in democracy. Democracy is an attempt to reconcile freedom with authority. That has always been the problem, and democracy has been the only method which has made any success of the problem."(4) This insight provided an important basis for Bland's support for democracy, and foreshadowed the instrumental valuing of democracy which is a notable feature of his writings on the subject.

This instrumentalism is perhaps the most striking aspect of Bland's democratic thinking. Democracy, he argued, is "not merely a matter of form of political institutions, it is essentially a matter of POLITICAL METHOD."(5) This he argued in 1935, eight years before Schumpeter, in his Capitalism, Socialism and Democracy, put the view that "Democracy is a political method, that is to say, a certain type of institutional arrangement for arriving at political - legislative and administrative - decisions and hence incapable of being an end in itself, irrespective of what decisions it will produce under given historical circumstances."(6) This instrumentalism suggests
that democracy was for Bland an institution of subordinate rather than direct value. Nonetheless, he spoke very highly of democratic government. "This form of polity", he argued, "seems to me to supply, better than any other, the opportunities for following Christ's way of life, though it is also more exacting upon the citizen." (7) However, he recognised that "because of the interplay of conflicting group interests, democratic government may not emphasize Christ's teaching of the unity of life, although at the same time it is an excellent system for recognising what is probably one of the most outstanding features of his teaching, viz, the doctrine of human equality in the sight of God." (8)

Bland adopted progressively more restricted views of what distinguished a democracy. "By democratic government", he wrote in 1933, "I mean a system under which the ultimate determining power is vested in the majority of citizens, in which each member is entitled to a share in the selection and control of the governing authority, and in which each member counts for one in the estimate of public welfare." (9) Several expressions in this formulation are not very clear. The statement that each member counts for one in the estimate of public welfare could be taken as an endorsement either of the formulation of policies according to a utilitarian calculus, or of the quite different value of the rule of law, as well as of the narrower view that no citizen should in an election be able to cast a vote of greater weight than that accorded to the votes of other citizens.
Furthermore, it is unclear whether Bland would regard as
democratic a system in which some form of constitution
limited the law-making capacity of the majority of citizens.
In one sense, the majority in this case would not possess
"ultimate determining power", as certain activities might
lie beyond its constitutional capacity; yet in another, it
would possess such power as long as no other body could
override its determinations in areas in which it was
constitutionally granted responsibility.

However, his early formulation also had illiberal
implications, which may ultimately have brought about his
change of stance. F.A.Hayek has argued that it "is at least
conceivable, though unlikely, that an autocratic government
will exercise self-restraint; but an omnipotent democratic
government simply cannot do so." (10) Bland found his way to
a similar conclusion:"Popular government", he wrote, "can be
even more arbitrary and tyrannical than other forms because
it claims to derive from popular support...". (11) By 1940,
he had come to view democracy as:

"...a temper of mind and a habit of free
discussion of ideas, of free competition between
ideas, and therefore of free discussion and
competition between political parties. Democracy
consists not so much in getting things done, but
in a certain way of doing things. It is not a
particular type of civilization, but a civilized
way of acting...Discussion and competition between
ideas, however, are not enough. There must be a
readiness to co-operate, a desire to discover the
general good for the whole community. This rules
out factions, for co-operation is impossible when
factions or groups make the advantage of the
faction or group the primary consideration." (12)
This conception of democracy might appear somewhat idealistic, positing as it does the existence of a consensus to attain a discoverable general good. However, Bland explicitly took democracy as an ideal rather than as a label for the existing political system. He wrote in 1936 that it was important "to distinguish the 'ideal' of democracy from the institutions that pass by that name. As an 'ideal' it is an emotional conception of a community still to be created in which all men and women have an equal right to share in the benefits of civilized life - security against arbitrary rule and violence [sic], adequate [sic] wealth and leisure, in order that each may have free play for whatever abilities [sic] they possess."(13) One observer, J.D.B. Miller, has remarked that by 1941, Bland had almost given democracy up as an effective form of government, and in 1944, Bland was himself prepared to argue "that, judged by democratic theory, our system of government has already broken down."(14) Nonetheless, even if Bland did come to harbour doubts about the possibility of approaching the democratic ideal in practice, he still devoted himself to providing detailed suggestions about the ways in which democratic institutions could be strengthened.

The bulk of Bland's writing on democracy consists of detailed proposals about the ways in which the institutions through which the views of the individual are articulated to the governing powers could be strengthened and rendered more effective. The institutions which he particularly had in mind were the institutions of Parliament. The spirit in
which Bland embarked upon a critical examination of Parliamentary institutions and practices is best captured by some remarks with which he opened his 1935 paper "Overhauling the Machinery of Government". "More discriminating and disinterested persons", he wrote,

"...know that no system can be better than the men who operate it; that if men are content merely to pay it lip-service, the best system will be paralysed. If, on the other hand, there can be infused into its working something of the spirit of service, then even a faulty system will be vitalized and transformed. Reformers, therefore, are sustained by a faith which believes that, given appropriate machinery, men will respond, and the standards of political conduct and capacity will be equal to the effective management of the ever-extending public estate. This paper is concerned to express these ideas. It will give scant attention to the views of the school which has surrendered to Caesar worship, or of that which is convinced that the present system will inevitably collapse and be supplanted by a Dictatorship of the Proletariat. Implicit in every suggestion is an intention to build new bulwarks for those fundamental liberties which many of us heedlessly hold, and to try to harmonize the general structure with the traditional architecture of our British parliamentary system."(15)

Bland identified the appropriate functions of a Parliamentary system in terms which reflected his concerns for freedom and democracy. "Even we who have grown up with our Parliament", he wrote, "often have distorted ideas of its functions. If we think of it as an institution for protecting the people against abuses of power or privilege, whether of government officials or other citizens, and for reflecting in legislation the wishes of a majority of voters, we shall not be disappointed when it fails to afford efficient and economical administration. For that we must
look elsewhere. "(16) The order in which Bland put these different values might indicate that he took the need to protect the people against abuses of power and privilege as a higher purpose of the institution of Parliament than the need to reflect in legislation the wishes of a majority of voters, wishes which could plainly prove highly illiberal. By 1955, he was prepared to argue that "the institutions of Parliamentary Government are restricted to maintaining a minimum standard of behaviour on the part of all as an indispensable condition of the enjoyment of freedom by anyone"(17), and even in 1930, he recognised that "We have accepted the principle of majority rule, not because a majority is right but because acquiescence in the principle enables government to be carried on peaceably. Even this is jeopardised when those who presume to speak for majorities become tyrannical and proceed to browbeat opposition."(18)

It was the fanciful character of various assumptions upon which, in his view, the whole practice of Parliamentary government rested which led him to consider Parliamentary reform. These fictions he saw as being "that man is a political animal and always acts rationally; that every man may exert an equal influence in the making of the laws which he is called upon to obey: that every man is capable of passing an informed judgment upon the various social, industrial and political questions which clamour for answer: that the party system represents an alignment of people on the basis of some principle."(19) However, he saw these as ideals - "the starting point for Parliamentary reform."(20)
The piecemeal engineering which he advocated would contribute to enhanced standards of government rather than lead to the attainment of perfection.

Bland's elaboration of the functions of Parliament was based broadly on its formal legislative functions. "For the protection of citizens against abuse of power", he wrote, "it has two weapons, control of funds, and the making of laws." (21) The weapon of control of funds is an ancient one in the Parliamentary arsenal. The Bill of Rights of 1689, the product of the Glorious Revolution and almost a century of struggle between the Parliament and the Crown, provided inter alia that "the levying money for or to the use of the Crown by pretence of prerogative without grant of Parliament for a longer time or in other manner than the same is or shall be granted is illegal." (22) Bland took this function very seriously. "Upon the vote of the annual appropriations", he wrote, "the whole machinery of government depends. If Parliament should withhold its approval no official of the government could be paid and the whole of their activities would cease. From this power it follows that Parliament can decide just what activities shall be pursued by the government, and we ought to have from its vote some estimate of the relative social worth of the various services maintained." (23) The centrality of Parliament to the process of law-making equally dates back at least to the Bill of Rights, for in that statute, the Parliament affirmed as a constitutional principle that "the pretended power of suspending of laws or the execution of
laws by regal authority without the consent of Parliament is illegal."

Despite his concern for these formal functions, Bland did not neglect several other important functions which have been noted by constitutional commentators. In 1867, Walter Bagehot argued that the "elective is now the most important function of the House of Commons." The whole life of English politics, he argued, "is the action and reaction between the Ministry and the Parliament." He also saw the Commons as performing an "expressive function" - "to express the mind of the English people on all matters which come before it", as well as a "teaching function" - "to teach the nation what it does not know", and an "informing function" - to lay grievances and complaints of particular interests "before the nation, which is the present sovereign." Many of Bland's arguments for specific reforms related as much to Parliament's inadequacy in fulfilling these informal political functions as to its failure in discharging its formal responsibilities of law making and of the exercise of financial control over the executive government. All these functions Bland saw as instrumentally related: "In our scheme of things," he wrote, "all the institutions of Parliamentary Government have, as their central purpose, the creation of conditions that will enable people to develop their personality and to foster their sense of moral values." The relationship which this end bears to the formal functions of Parliament is clearly brought out by Bland's remark at the same time
that "Liberty is not freedom from restraint: it is freedom from arbitrary restraint. People readily accept limitations upon their activities if they are rational: they resent those that are arbitrarily imposed in an authoritarian manner."(31) The idea of the necessity of law for liberty can be traced back at least to the writings of John Locke, who argued in his *Second Treatise of Government* that "the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom: For in all the states of created beings capable of Laws, where there is no Law, there is no Freedom. For Liberty is to be free from restraint and violence from others which cannot be, where there is no Law."(32) Bland's view of the way Parliamentary lawmaking could serve the end of negative liberty is thus based on a venerable tradition in liberal thought relating to the appropriate functions of law in civil society.

Bland went on to argue that as a result of certain developments, various defects in the working of the Parliamentary system had become apparent, but his critique did not conclude with this claim. "Some of the results of the Parliamentary system", he argued, "are directly referable to its methods. There is a growing conviction that it is time those methods were reviewed lest Parliament should completely forfeit the prestige which it formerly held. Not all the defects which have become manifest however are remediable merely by changing forms. Some go to the substance of our whole theory of democracy and the principle of representative government. No system can be
better than the men who operate it, and here as always it is the spirit which vitalises." (33) Accordingly, he continued, "the reforms which are suggested look forward to one major purpose: the making of public opinion informed and therefore Parliamentary action more effective. Government demands full cooperation, and must proceed from free discussion. Of fundamental importance therefore is the restoration of Parliamentary independence, and further the devising of machinery which will enable it to meet on equal terms the rising power of the administrative organ of the State." (34) This ideal of independence informed both his specific criticisms, and the specific remedies which he proposed.

The central problem confronting the Parliamentary system was the domination of the institution of Parliament by the Executive government. "The House", he wrote, "is no longer master in the legislative or administrative field but is subservient to the Cabinet or the Executive." (35) "The pressure of business", he went on, "requires that the ministerial programme shall take precedence over all other matters. Private member legislation has thus practically disappeared. The House is given a cut and dried programme. Votes are cast but discussion has little influence. If members show any inclination to independence, an urgent 'Whip' with a threat of dissolution and the resultant expense of an election quickly brings submission. Cabinet is thus almost complete master of the situation, and Parliament registers its wishes." (36) This theme ran through
his arguments almost from first to last. In 1923, he complained that "we find Parliament itself, owing to the operation of the party system and its own composition, unable effectively to control its Ministers."(37) In 1960, he concluded in a speech to the House of Representatives that there was "little doubt these days that the power of the Parliament over the Government is becoming more and more tenuous."(38)

He was also concerned with the implications for Parliament of the working of the party system, and, particularly in his later writings, of the "caucus" system of decision making within the Australian Labor Party. Parliament, he concluded in 1930, "is more and more falling under the sway of powerful sections who contemptuously boast of their successful 'lobbying'."(39) He recognised, of course, that it was "useless to urge the elimination of party politics."(40) Indeed, he argued that "in a system of representative government, some kind of party system is both natural and useful. Men separate into parties on the basis of their experience and temperament."(41) "But the party system", he went on,

"does not mean 'factional' politics, though that is an increasing tendency. If the State exists for the purpose of promoting the general good on the widest possible scale, there is no room for factions. Factions tend to neglect the general good and to promote sectional interests by devious means. Where that evil enters, factions multiply, and stable party government disappears. It is doubtful whether Parliamentary government can be really satisfactory where there are more than two main parties."(42)
This concern is reflected in his argument that the chief safeguards of the party system were: "1. That the difference between parties should be a difference of means, not of ends. The end of each should be the common welfare. 2. That there shall be a real difference of policy between the parties. 3. That parties should not allow any subscription to their funds to carry with it control over their policy. 4. That campaign expenses should be rigorously limited and controlled." (43) However, it is hard to see his attack on factions as anything more than an attack on party politics by stealth, for he did not show how the "general good" could be identified, and thereby left himself open to the objection that interests, even though they may be shared, are of their nature sectional, and that consequently party politics will unavoidably be factional.

The caucus system of the Australian Labor Party was a particular target of his ire. He decried as a departure from "conventional practice" the "policy of deciding issues in caucus before they have been submitted to Parliament. Allied to this is the pledge signed by caucus members that, irrespective of personal conviction, they will vote in Parliament in accordance with the decision of the majority in caucus." (44) "Since the pledge", he went on, "ensures a solid caucus vote, controversial measures are often enacted by a minority of Members of Parliament. Furthermore, the rules and practices referred to for organizing and regimenting caucus members are full of ominous portent to electors who are not without bitter experience of the ease
with which members who voluntarily forgo their own freedom of action justify the need to coerce other people."(45) His objections to the caucus system related to the inhibitions which it imposed upon the expressive function of Parliament. Replying to Professor L.F.Crisp, he wrote that "surely it is Parliament and not caucus that is the forum of the nation; after all, members in caucus hear only one set of political opinions."(46)

Bland was also concerned at the way in which the "changed type of representative"(47) had affected the independence of Parliament. "Universal franchise and payment of members", he wrote,

"have far-reaching influences...No member resident elsewhere than in the city where Parliament is meeting can attend to his business or profession with any success, and we shall have to resign ourselves more and more to a type of professional politician whose other activities are only an incident to his political duties...It is not suggested that the new members are less earnest, or less representative, than those they have displaced. They may be more so. But they are less independent. If they lose their seat, they lose their living, and that prospect is an effective restraint against any undue assertion of the supremacy of the House over the Cabinet. In addition many have been imbued in their functional organisations with the effectiveness of the principle of solidarity and the powerful advantage of majority rule, and are less sensitive of the rights and feelings of minorities. All this must have profound influence upon the tone and temper of Parliament. It becomes less and less a deliberative body and more and more an agency for giving effect to the desires of a section."(48)

This, of course, is a generalization, and in a narrowly divided legislature at a time when the political climate appeared unfavourable to the return of the Government in an
election, a backbench member might still be able to exert pressure in support of policies desired by his constituents by threatening to cross the floor. However, since the regular making of such threats would surely put a member's preselection at risk, Bland's generalization carries considerable weight.

Bland was further concerned at the pressures imposed on Parliament by a burgeoning administrative mechanism. "A vast and expensive machine", he wrote, "is necessary to provide all the services which modern communities require." (49) "It is popularly thought that Parliament controls the administration. But does it? Is it not even tending to resign some of its legislative functions to the Civil Service? That may be desirable and necessary. The Civil Service may be a more efficient legislative body, but if our theory of democratic government is to be realised, power must be subject to control."(50)

Finally, Bland argued that Parliamentary control was "weakened by the growing practice of Governments to spend money in anticipation of parliamentary approval. Estimates are presented which put the best construction on the financial genius of the Government to balance the budget, and items which should be included are reserved until it is seen how revenues are coming in. If revenues are buoyant, these expenditures are authorised and included in a statement known as 'expenditure unauthorised in suspense,' and it is argued that they represented 'unforeseen' items for which the Government found it necessary to make provision. But analyses of these expenditures by Auditors-General reveal that the greater proportion of these expenditures are supplementary to items actually voted by Parliament and should have been provided for in the original estimates."(51)
This, he argued, "reduces Parliamentary control to a farce." (52) If Parliamentary control were to be real, he concluded, Parliament "should resolutely set its face against continuing the practice of allowing the Government to spend money first and then ask for approval." (53)

This criticism relates more clearly than many of his others to the budgetary process of a particular system, but is worthy of mention at this point because it illustrates his perturbation at developments which threatened to undermine the capacity of the Parliament to use its formal constitutional power to bring an oppressive government to heel, and because concern at the mechanisms of Parliamentary consideration of financial legislation lay at the root of one of his major recommendations for parliamentary reform - the more extensive use of Parliamentary committees.

Bland was an ardent proponent of the use of Parliamentary committees to cope with some of the problems which had developed within the Parliaments with which he was familiar. In 1923, he argued that standing committees could be appointed "to watch the working and trend of departmental policy and the cost of Government..." (54) "The Committees", he argued, "would not supersede the Cabinet or Ministerial control of policy. They should consist of a small number of members chosen from all sides of the House and would comprise those members definitely interested in the particular departments. They would have access to official papers, have attached to them departmental officials, who would explain and advise, and they would continually inform
the House of the results of their investigations." (55) He foresaw a number of consequential benefits. Proposals, he argued, "would be considered on their merits and not according to their likely reaction upon party politics. The administration would gain from the breadth and precision of the discussions, and would become more efficient and economical. Parliament would have at its disposal a body of informed opinion instead of being entirely dependent upon the disclosures of the Minister. And many of the absurdities of the party system might be confounded, for mere opposition for opposition's sake would have no place. Hostile obstruction would be replaced by constructive criticism based upon a fuller understanding of the facts and principles concerned." (56)

Bland was particularly struck by the way in which such committees assist in the education of members, and in 1965 observed, in the light of his own experience, that through committees, members could obtain "access to information which would otherwise be unobtainable." (57) However, personal experience also alerted him to some of the limitations of committees. Discussing the Joint Committee of Public Accounts, he went on to say that "Parliament has not yet shown a capacity to get the best results from the activities of this Committee." (58) This was a matter he had addressed in an article in 1953, in which he put his finger on a major problem relating to the value of standing committees in arresting the decline of Parliament. The Public Accounts Committee might as an all-party committee, he wrote, "have some influence on the working of the party system, as affecting public finance. But having regard to its duties as prescribed by the parliament, it seems to be
limited to acting as a liaison between the bureaucrats and the people's representatives."(59) This points to the limitations, as a remedy for executive domination of Parliament, of standing committees of the type which Bland recommended. Except in an Upper House in which the government of the day lacked a majority, the terms upon which standing committees would be established would - as long as party discipline remained strong - be those acceptable to the executive government. One would therefore expect the work of standing committees to be confined to consideration of the least controversial items of government policy, rather than items to which a government would accept no alteration for fear of losing electoral support. Thus, although a committee system might well aid Parliament in the performance of its informal "teaching" function, it would be unlikely to abort the inroads into the formal constitutional functions of Parliament, inroads which were at the heart of Bland's worries.

Bland proposed as a second reform, although explicitly as "a preliminary step"(60), that "the life of each Parliament should be lengthened to five years, not only to lessen the feeling of immediacy which now overwhelms a new Government, but also to allow time for results to become apparent."(61) "It is imperative", he continued, "that Governments should have more time to mature their programmes, and to examine every situation before acting. A longer term would also tend to improve the status of the private member, for, relieved of the necessity of nursing
his electorate, he might be less likely to sink his independence in the party room and the House. Furthermore, with a longer Parliamentary term, the Government could afford to make more time available for the discussion of private members' business."(62) Against this, of course, it could be argued that a government might feel more willing to engage in capricious or autocratic behaviour if it were aware that a considerable time might elapse before the victims could express their concern at the ballot box. Furthermore, even were the maximum duration of a Parliament to be lengthened, a government could still discipline its backbenchers with threats to seek premature dissolution. Here again, Bland appears to have embraced rather too quickly a proposal for reform of the political system, without considering some of the pitfalls which might prevent the proposal's having the results he desired.

It is worth noting at this point that Bland was a determined critic of compulsory voting, which, he argued, "disregards our basic principle of liberty that man can only be his best self if he is free to reject the pressure of authority to compel him to act in a manner deemed best for him by authority."(63) "In my judgment", he concluded, "Parliamentary Government would operate more effectively if we abandoned compulsory voting, and relied upon a sense of duty rather than the fear of a fine to take the citizens to the polls."(64) However, he advanced this view rather cautiously, and argued as well that both compulsory voting and the broadcasting of Parliamentary proceedings should be
"submitted to an independent investigation, with a view to discovering what effect these two features of Australian politics have upon voters and the character of debates."(65)

Bland also proposed reform of the office of Speaker.

The Speakership, he wrote,

"should be removed from the arena of party spoils. In few of the Australian Parliaments has the Speaker the status originally associated with the office. He may be, administratively, the chief officer of the House, but it is doubtful whether he can claim to be the guardian of its privileges. And yet that is imperative, if machinery reforms are to achieve anything. If the office were made non-party, and a suitable member selected, the Speaker might be endowed with greater responsibility. For example, he might be authorized to determine the appropriateness of attempts to make all divisions a vote of confidence in the Government, a sanction too often used to stifle debate and to compel submission on the part of wavering members. He could declare that particular amendments were not of the essence of a measure, and thus enhance the independence of members. If he were, in fact, the chief officer of the House, and not merely a member whom the party found it expedient to placate, it would follow that normally he would not be opposed in his constituency. This, again, would raise his prestige and enhance his ability to guard the privileges of ordinary members."(66)

This was certainly a daring proposal in an Australian context. Bland proposed a Speakership of a kind even stronger than that which had evolved at Westminster.(67) However, he again skated over the difficulties associated with the proposal. It is doubtful whether a Speaker's ruling could undermine a Government's attempt to make a vote on a particular question a matter of confidence, for it is the credibility of the Government's threat to seek a dissolution, and not anything done by the Speaker, which
determines whether or not a question is one of confidence. Thus, although there might indeed be advantages in having a non-partisan presiding officer, the fundamental problems about which Bland was concerned would be likely to persist in spite of any such innovation.

Bland was deeply concerned at the effects on Parliament of the system of "authorising Ministers or officials to make regulations for giving effect to Parliamentary enactments",(68) and remarked that there was no need to "emphasize the malaise that the system has created in the community."(69) He argued that the duty of effective supervision over delegated legislation "should be entrusted to a Joint Committee of the Parliament. Here again our aim would be met by resuscitating the Senate Standing Committee appointed in 1930 and enlarging it to include members of the House of Representatives."(70) Experience as recorded in the impressionistic observations of one student of Parliament seems to have demonstrated the wisdom of this proposal:

"Probably the most effective continuing committee was established by the Senate in 1932, the Regulations and Ordinances Committee. It examines all subordinate legislation...to see that it conforms with various principles which the Committee established...The Committee can enforce its standards through votes of the Senate as a whole: under the Acts Interpretation Act the Senate can nullify any regulation or ordinance within fifteen sitting days of its approval by the Governor-General. The committee's non-partisan reputation helps ensure that it normally receives voting support from both government and opposition. In fact the committee's reputation is such that once it has made a recommendation against an ordinance or regulation, the Department concerned usually withdraws the ordinance or regulation and redrafts it in accordance with the committee's wishes - without the necessity of a formal Senate vote."(71)
Given the importance which Bland attached to Parliament's constitutional task of law-making, it is no surprise that as well as being concerned about regulations and ordinances, he was also concerned about Parliament's role in determining the detail of principal legislation. In particular, he favoured the admission of public servants to the floor of the Parliament as formal participants in the law-making process. "In the Legislature," he wrote, "the bulk of measures are highly technical. The underlying policy is usually discussed on the second reading speech, and if the House approves, it resolves itself into Committee for a freer discussion of the principles and details of the measure. No one who is familiar with the procedure of the House is unaware of the influential part public servants play in the preparation of Bills, second reading speeches, and the prompting of Ministers in Committee. But it is an unofficial part. Would it not be better for the officials to have their recognised part in the Committee discussions?"(72) "There is no reason", he continued, "to think that public servants would depart from their traditional policy of impartiality, but there is every reason to believe that their participation in the Committee discussions would give point and direction to the debate, and enable the House to avoid many inevitable pitfalls which are revealed in efforts to amend sections in the heat of argument. Here again it is expected that partizanship would be attenuated, and the independence of members strengthened."(73) This somewhat innocently assumes that public servants would be disinterested participants in the
legislative process; and the proposal almost certainly would also face problems of implementation. If a Cabinet indeed aspired to exercise dominion over Parliament, it is unclear why it would sanction interventions in Parliamentary proceedings, possibly damaging to its own legislative programme, by public servants.

Bland's worries about the diminished role of Parliament in the legislative process applied with particular force to budgetary measures, for he took the view that in the constitutional prerogative of the Parliament to accept or reject a Government's budget, there resided both a vital link in the chain of democratic responsibility between the government and the people, and a potent mechanism by which individual freedom could be protected. The budget system - the "complex of operations by which the financial affairs of a State are managed"(74) - could in his view be divided into "four distinct processes concerned with (a) estimating the needs and resources of the Government, (b) obtaining legislative sanction to these proposals, (c) executing the financial policy so determined, and (d) appraising its results".(75) The "Parliamentary stage", he argued "in theory is the most important."(76) Not surprisingly, he proposed that a Parliamentary Committee on Estimates should be set up, nominated by the Speaker according roughly to party strength, to "investigate the departmental case for expenditure."(77) He argued that for a Government, it was possible that "the mere necessity to comply with the ritual of submitting its Estimates" to the Committee "would restore
something of the old conception of Parliamentary control of the purse."(78) "These things", he wrote, are not mere forms. They are fundamental. They go to the substance of popular government. For infringing similar principles Charles I lost his head and George III the American colonies... We do not sufficiently appreciate the fact that a Government that can levy taxes at will and get supplies as a formality can ride roughshod over popular opinion, whether it is popularly elected or rules by Divine Right, and therefore it cannot be too often emphasised that the surest bulwark of our liberties still remains in the control of the purse."(79)

In this passage, Bland neatly encapsulated his case for democratic organisation as a means of reconciling freedom and authority. A democracy could accommodate the displacement and replacement by peaceful means of a government which proved a threat to the end value of individual freedom, and the familiar mechanism of the democratic system, the popular legislature, required the power in the form of financial control to effect such displacement where necessary. Bland's discussion of democracy confirms the impression that he was an incremental reformer, and a practical reformer - one concerned more to appraise and adjust the institutions which confronted him and his fellow citizens than to outline a Constitutional Code delineating institutional arrangements so radically different from those in existence as to stand no chance of being adopted. However, his discussion of Parliamentary
democracy by no means exhausted his discussion of the institutions of *government*, and it is on a discussion of these that it is now proper to embark.
FOOTNOTES TO CHAPTER FIVE


5. Ibid.


8. Ibid., p18.


12. F.A. Bland, "Does Totalitarianism Menace Australian Democracy?", Public Administration (Sydney), vol. 2, no. 2, June 1940, pp. 61-75 at p. 64.

13. F.A. Bland, "Notes for an Address to the Student Christian Movement", Thirroul, 10 April 1936, Bland Papers.

14. Miller's remark was made in discussion, 30 July 1982. Bland's comment can be found in "The Problem of Administration", p. 136.


19. Ibid., p. 17.

20. Ibid., p. 18.

22. I Wm. 3 and Mary, Sess.2, c.2.


24. I Wm. 3 and Mary, Sess.2, c.2.


26. Ibid., p151.

27. Ibid., p152.

28. Ibid., p152.

29. Ibid., p152.


31. Ibid., p149.


34. Ibid., p22.

35. Ibid., p18.

36. Ibid., p19.


40. Ibid., p20.

41. F.A. Bland, "Does our Existing System Hinder Citizenship?", Address at the Presbyterian Congress Hall, 15 November 1937, Bland Papers.


43. Bland, "Does our Existing System Hinder Citizenship?".


45. Ibid., p83.

46. Ibid., p83.


49. Ibid., p20.
50. Ibid., p20.


55. Ibid., p82.

56. Ibid., pp82-83.


58. Ibid.


61. Ibid., p155.
62. Ibid., p156.


64. Ibid., p152.

65. Ibid., p152.


69. Ibid., pp77-78.

70. Ibid., p79.


73. Ibid., p25.

75. Ibid., p12.


78. Ibid., p77.

CHAPTER SIX - POLICY FORMULATION AND ADMINISTRATION

Bland attached great importance to government's being efficient. His analysis was grounded in a never-fully-expressed notion of "good government", somewhat resembling James Fitzjames Stephen's bringing together of ends, means, and costs(1), and reflected his 1944 view "that administration is the essence of government."(2) However, it would be wrong to see Bland as concerned only with administrative problems. He wrote at length on the appropriate shape of the instruments of policy formulation, and identified principles which could force the executive government to remain responsible to the electorate for its actions. His difficulty came in reconciling these principles with other principles he advanced with the aim of ensuring the efficient management of public affairs, and he cannot be said to have effected a satisfactory reconciliation.

Bland's discussion took as its starting point the familiar institutions of executive government which the Australian colonies had inherited from nineteenth century Britain. The operative instrument of executive government, he wrote, "is the Cabinet, all the members of which are also members of one or other of the two Houses of Parliament."(3) "Ministers", he continued, "hold office only so long as they can command the support of a majority of the members of the popular House, and they are responsible for all the acts done by themselves and officials of the Crown."(4) Cabinet's working, he asserted, "is mainly a matter of convention, and
its efficiency a problem of personalities."(5) This was a source of some concern to him, for he took the view that when men "easily attain Ministerial rank without having had the discipline of responsibility either in or out of Parliament, they are inclined to under-estimate the value of conventions and traditions as well as the need for deliberateness in administration."(6)

A major problem confronting the Cabinet system, and one to which many of Bland's reform proposals were directed, was governmental overload. "It should hardly be open to argument", he wrote, "that the job which the Cabinet needs done is beyond the capacity of the private secretary or the personal staff. Government has changed its content, and its scope, and its conduct transcends party aggrandizement. Ill-considered developmental projects may, in a world of incipient self-sufficiency, disturb the whole national economy. Similar results may attend an unwise financial policy, or undigested schemes for nationalizing public utilities. Yet every session sees these launched on the legislative sea, where votes are cast, but discussion has little influence."(7)

Bland's concern about government's ability to cope with the legitimate demands facing it led him to put forward a number of concrete proposals for reform. First, he recommended that bodies be established which could furnish Cabinet with expert advice. In 1935, he argued that

"the Cabinet needs a special economic division similar to that which we have created for industry in the Council for Scientific and Industrial
Research. It will not be political, like the Loan Council, or the Agricultural Council, which determine policy, but a specialist bureau which collects and analyses data...It would comprise a small number of permanent men, expert in different fields, and its personnel could always be increased by drawing temporarily upon University staffs or other scientific bodies...The bureau would undertake research either at the request of Cabinet, or Parliament, or on its own initiative. Its material would, like that of the Statistical Bureau, be available to the Government, the public, or Parliament."(8)

"The investigations of such a bureau", he went on, "would also be of incalculable value in educating public opinion to the significance of cause and effect. It is an indispensable part of the machinery for enabling a control to be exercised on behalf of the people."(9) This last claim may have been a rhetorical flourish, for when he returned to the problem in 1948, he presented his argument in a rather muted form, arguing that "there should be available to the Cabinet competent advice on economic, statistical and scientific problems...Most commentators agree that the best results will be achieved if there is an effective tie-up between the Cabinet Secretariat and the economic and other agencies."(10) This way of dealing with the problem had more to commend it than his 1935 proposal, which treated the provision of advice on economic matters as a merely technical rather than deeply value-laden procedure.

Yet another guise in which Bland presented his beloved expert advising agency was as a "Bureau of Government Research", which he saw as having particular value in assisting in the preparation of the Government's budget. He
even went as far as to suggest that concerned taxpayers might choose to fund the bureau through private subscription: "If Governments continue to neglect to surround themselves with expert advisers armed with essential data, as many commercial and financial institutions are now customarily doing, it will pay taxpayers themselves to endow a Government Research Bureau with a staff versed in economics and political science. Such a Bureau would more than repay the annual subscription by exposing the results of ill-considered government finance. And since knowledge is power, once the results were clearly shown, it would be easy to promote reform by the sanction of public opinion."(11)

The problem of overload, in Bland's view, had come to afflict even the very process of Cabinet deliberations. He argued that because of "the ever-widening field to be supervised, and the need to co-ordinate the activities of the several departments, it is doubtful whether ordinary Cabinet deliberations are adequate. Every Minister is preoccupied with his own problems and only unusual situations will compel him to project himself outside his own immediate concerns."(12) The remedy for this problem was to move to smaller, functionally-based, decision making units. "The tendency", he wrote, "has been towards the development of an inner Cabinet which in turn creates problems of its own. Nevertheless this practice might well be extended to provide for the creation of Sub-Cabinets each charged with the oversight of specific groups of
departments."(13) He envisaged that the "number of matters that would have to come before the full Cabinet because of divergent views in the functional Cabinet Committees would be likely to be few in number, but the system would get over the difficulty of trying to handle all matters in a full Cabinet of unwieldy size."(14)

However, Bland was concerned not only by the introversion of Cabinet ministers, but also for their physical resilience. "A Cabinet of twenty members", he wrote "is much too large for effective discussion, and all the governments of the British Commonwealth have been realising it. Every Minister brings to the Cabinet table the measures, proposals and Bills that need Cabinet discussion, and meetings are strung out to the pitch of exhaustion."(15) This stimulated him to advance a suggestion different from that of the use of Sub-Cabinets: "The work of the Cabinet might be made more manageable if more use were made of private members. Here the technique of the committee system might be adopted. These committees might be entrusted with the task of reviewing certain functions of government and the manner in which these functions were administered. They would report to the Cabinet."(16) Bland did not state explicitly whether such committees would be Parliamentary committees or internal party committees, and consequently whether members would be drawn from all Parliamentary parties or simply those supporting the Government. However, he seemed to envisage the possibility of Opposition involvement, for he noted that "Mr Menzies
resorted to this practice when he was in office at the
beginning of World War II, and he induced the Opposition to
coop-erate in creating Joint Committees."(17)

Cabinet committees would not be able, of course, to
take the place of the full Cabinet on all matters, and Bland
did not suggest that they would. Politically controversial
questions would need to be considered by the full Cabinet
for prudential reasons alone. Nonetheless, a committee
system would provide a mechanism for processing the many
uncontroversial matters about which a Cabinet decision must
nevertheless be made. Equally, the utility of Parliamentary
committees would seem to lie mainly in areas outside the
normal agenda of political controversy; it is difficult to
conceive a government's allowing the Opposition any serious
input in the making of policy on politically contentious
questions. This would be less the case with respect to
governing-party committees. Such committees could provide
arenas in which potentially obstreperous private members
could air their grievances, discreetly and privately rather
than in the fishbowl of Parliament, and might prove less
subject to political tensions than Parliamentary committees,
although factional disharmony could well persist.
Unpalatable truths coming from basically sympathetic party
committees might also get a better hearing than if coming
from Parliamentary committees whose strictures Cabinet might
blame on the partisan input of Opposition committee members.
Peculiar burdens confronted an incumbent Prime Minister, and Bland argued "that there is urgent need that the Prime Minister should be relieved from some of the cares associated with his departmental portfolio. He cannot be expected to concentrate upon the general management of the affairs of the whole public estate, and at the same time be held personally responsible for specific domestic details."(18) The solution lay in the spreading of the burdens of office. "If the Prime Minister", wrote Bland, "takes another portfolio, such as Finance, then he should be given an Associate Minister, either as an Assistant or as a Parliamentary Under-Secretary, to relieve him of the major burden of the work, and thus permit his devoting himself uninterruptedly to a consideration of national issues."(19) Various such proposals have actually been adopted in Australia (20), but they have always foundered against the provision in section 44(iv) of the Australian Constitution, which bars from Parliament anyone holding an "office of profit under the Crown", the only exception being the Queen's Ministers of State - an exception which does not protect Associate Ministers, Assistant Ministers, or Parliamentary Under-Secretaries.

The burdens of ministerial office constituted one threat to an ideal the decline of which he viewed quite seriously - the ideal of ministerial responsibility. This ideal, he argued in 1935, "will be recognized as only a ghost of its former self. The decay of impeachment has destroyed that sanction, while party regimentation has
helped to sap the doctrine of its vital substance."(21)

Everyone knew, he wrote, that the Cabinet system

"sprang from a desire to bring the King's advisers into the open and to secure their answerability to Parliament and the people. Times have changed, and the need still remains, but do we recognise its importance? Ministerial responsibility was the outcome of that desire. But is not the theory that everything done by an official is done by a Minister constitutionally responsible to Parliament now almost a fiction?...In any realistic account of government to-day, we must considerably deflate that theory...Because we have substituted Ministers ruling by popular acclaim for Monarchs by divine right, we have not necessarily eliminated the possibility of arbitrary government."(22)

The idea of ministerial responsibility was one compatible with many of Bland's other values. It represents a use of checks and balances to prevent the concentration in the hands of the executive of power which could be used to interfere with the freedom of the individual. Were Cabinet not subject to the constraints of responsibility, it might well be able to perform capricious acts to the considerable detriment of individuals, through the exploitation either of prerogative or executive powers, or of powers delegated to Ministers by Parliament. The notion of ministerial responsibility is a complex one(23), and Bland did not explore in any detail the different ideas which have been run together in commentaries on the subject - ideas such as collective responsibility, personal responsibility, and responsibility for the acts of one's staff, either within the civil service or without. Nor did he argue that adherence to "responsibility" in some sense of the term would rectify all the problems afflicting executive
government. This caution was well-warranted, for a Minister might well act arbitrarily and yet survive simply because Parliament deemed his oppressive behaviour appropriate, either in general or in the light of particular circumstances. Nevertheless, ministerial responsibility was clearly not for him a trivial ideal, and he regarded its decline as a misfortune.

Nonetheless, in some of his writings he showed a willingness to compromise principles of ministerial responsibility in the hope of achieving efficient administration — specifically, by adopting the view that "politics" and "administration" should be separated. In an article on this subject, he wrote: "Very broadly it may be said that Politics is concerned with the expression of the popular will, and administration with its execution. Or, adapting Aristotle's classic phrase, the function of politics is to determine the principles by which we shall live in any community, while that of administration is to provide us with the facilities to live well. In other words, politics is concerned with the 'what' and 'when,' and administration with the 'how.'"(24) This was by no means a novel approach; rather, as Peter Self has written:

"The conventional view of the relationship between politics and administration is that of one between ends and means. Politics, in its more specific sense, is concerned with the uses of State power; or, if the word 'State' is regarded as monolithic or narrow, we can substitute for it the powers of all duly constituted public authorities, whether international, national or local. Many theories exist as to how political will is or should be derived; but, however these questions be answered, the conventional view of administration is that it is concerned with translating into
practice political decisions which are independently derived from other sources." (25)

This conventional view could be found in a book published in 1900 by Frank J. Goodnow, who wrote that "Politics has to do with policies or expressions of the state will. Administration has to do with the execution of these policies." (26) Bland showed his debt to Goodnow's work by referring to it in the Bibliography at the conclusion of his Shadows and Realities of Government. However, the view which Bland adopted had surfaced well before Goodnow's book appeared, and has been detected in inchoate form in Thomas Paine's The Rights of Man! (27) Thus, in drawing a distinction between politics and administration, Bland fell within a mainstream of thought on the relationship between the two, and, indeed, echoed Goodnow's formulation very closely.

Although Parker has rightly labelled Bland's paraphrase of Aristotle as "infuriating generalities", (28) it is only when Bland's argument is outlined fully that the depths of the difficulties confronting it can be properly appreciated. At the heart of Bland's argument was a desire to exclude politicians from the ordinary running of the instrumentalities of the state. "Politics", he wrote, "is asserting a right not merely to control all the functions of government but to dictate details of administration and is basing its desire to do these things, not upon judgments scientifically made, but upon opinions formed from mere influence, or determined by reasons of expediency. Nothing
but disaster can attend such a course."(29) "My own view", he wrote, "is that we shall have to discard the naive belief that only the elected political executive represents the popular will, and should be the sole base of political authority."(30) He sought to secure a balance between short term and continuing concerns; it was necessary to "secure due weight being given to the latest expression of popular confidence in a political executive, and at the same time ensure that the permanent and abiding will of the people, as represented by the independent official agencies, shall be safeguarded."(31) After all, he argued, the political executive "is 'the government of the day.' In practice it is primarily the mouthpiece of a political party. It cannot be said to represent all the people."(32)

To combat these disturbing trends, he argued, "we must first of all win recognition for the principle that there is an administrative function which is quite distinct from the political function."(33) The "slowing down or the restriction of political action", he continued, "is not something to be lamented. Our greatest curse is the light-hearted experimentation by political amateurs upon the body politic, and the sublime confidence which elected persons have in their own competence."(34) In putting forward these arguments, Bland was responding to what he saw as immediate and pressing problems. He feared that Sir Stafford Cripps and his sympathisers in Great Britain "would white ant the Public Service, and make it as in Germany and Italy, the pliant instrument of the political
Bland depicted his arguments about the proper relationship of politics and administration as part of the broad tradition of political thought concerned with preserving liberty through the fragmentation of power. Montesquieu's sympathetic and systematic exposition of the virtues of the separation of powers (36) had been echoed by Sir William Blackstone in his standard work, *Commentaries on the Laws of England*. "In all tyrannical governments", Blackstone wrote, "the supreme magistracy, or the right both of making and of enforcing the laws, is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together, there can be no public liberty." (37) It was on this tradition that Bland claimed to build. "In the modern State", he wrote,

"it is incontrovertible that Government is Administration. To the charmed trinitarian circle of the Legislature, the Judiciary and the Executive, must now be admitted another deity - the Administration. Although the political Athanasius may contend that this deity is of lesser substance, created by the Legislature and proceeding from the Executive, yet the man in the street is finding it necessary to salvation to approach it as co-equal with the others. It makes laws, it sits in judgment, and it executes, I had almost said, 'vengeance upon the evil-doer'. At least it regulates 'thy going out and thy coming in'...from the 'rising of the sun unto the going down thereof.'" (38)

The most pressing problem, he reiterated, was "to find the line of demarcation between politics and administration" (39), and shortly stated, he identified the apparent solution to the problem as one of "importing into
the whole administrative machinery the principles of the 'Rule of Law', which is one bulwark of our civil liberties. That is to say, we must banish arbitrariness, caprice, prejudice, and ineptitude from the administration of personnel, finance, technical and business undertakings."

It is clear from Bland's discussion that the problem of reconciling popular control of governmental agencies with disinterested management had no simple solution, and Bland's aim in raising the matter for discussion may well have been simply to secure it an airing rather than conclusively to solve it. Nonetheless, his discussion also exhibited a number of tensions, which mirror more serious tensions between the different clusters of values which he articulated.

An initial objection to the distinction which he sought to draw between "politics" and "administration" is that on his own formulation, the two overlap. Such overlap occurs when some expression of the "popular will" commands intervention by the elected government to ensure that policies be implemented in a particular way. Bland showed some awareness of this, and in a paragraph included in the typewritten draft of his article "Politics and Administration", he wrote:

"Not that it is possible clearly to delimit the two functions. Administration is effectively circumscribed by politics because the latter is the source of its authority. Politics, however, would be helpless without the arts of the administrator. Even in the elementary matter of ascertaining what people think of a political
proposal, or of a set of party candidates, the machinery which the administrator devises vitally affects the nature and the quality of the opinion expressed by the people. In the more complex relations which arise from the attempt to prescribe universal rules of conduct for citizens, the work of the administrator more completely conditions the aims of the politician. Here politics is often administration. It is this action and interaction of politics and administration which breeds conditions pregnant with such vital consequences to the people in the matter of government."(41)

Unfortunately, these important qualifications were omitted from the published version of his article, and do not appear to have greatly influenced the way in which he presented his case on a number of other occasions. This was a great pity, for the qualifications are so central as almost to wash away the rest of the argument. As Lasswell and Kaplan have written, "politics, in the sense of decision making, is a continuing process throughout the governmental act. Ends and means are here as elsewhere determined in conjugate relationships with one another."(42) Their insight points to practical as well as conceptual difficulties with Bland's broad recommendation, and these practical obstacles will be explored in a moment.

First, however, one might question Bland's attempt to locate his argument within the tradition of thought concerned with the separation of powers. After all, he himself was to write in 1947 that the "threats to individual rights and liberties come far more from officious and arbitrary administration than from arbitrary legislation"(43), an observation which could certainly
justify a stronger remedy than the "better internal organisation" (44) to which he looked in 1934 as a means for coping with bureaucratic despotism. Bland was certainly alert to the threats to individual freedom which an independent administrative corps could pose, and yet in his discussion of the separation of "politics" and "administration", he attached to such dangers surprisingly little weight. In particular, he skated very lightly over the problem of how an independent administration should be controlled in the event that it proved capricious – something distinguishing the administration from the Legislature, Executive, and Judiciary, whose caprices are subject to quite specific controls, and raising doubts as to whether the administrative function is of the same species as the legislative, executive, and judicial. Indeed, his approach involved the removal of checks upon "administration", and in no sense the imposition of constraints on the ability of management to interfere with personal freedom.

Bland's approach seems to have been grounded in his conception of the civil service as guardians, in some sense, of the "public interest". This was an idea which he adopted from his London mentor, Wallas (45), but his reference to "the permanent and abiding will of the people, as represented by the independent official agencies", is equally reminiscent of Rousseau's statement that there is "often a great deal of difference between the will of all and the general will; the latter considers only the common
interest, while the former takes private interest into account and is no more than a sum of particular wills."(46) Bland did not develop his argument by presenting grounds for concluding that there was a "permanent and abiding will" which merited reflection in particular institutions of the political system; as a result, the very notion of a "permanent and abiding will" remained unclear, haunted by the same problems that have dogged notions such as "the general will" or "the general interest". (47) Bland seems to have appreciated that the notion was a slippery one, and it may be that he desired no more than to dress up his personal preference in a garb which would ostensibly justify its being accorded some weight. "Insofar as there is any", he wrote rhetorically, "may we take it that the real popular will is to secure efficiency and impartiality in the administration of technical services, and that the popular support used to justify their reorganisation is only a fleeting whim born of some specific irritation, or some annoying decision of a statutory authority?" (48) Ironically enough, he himself had noted the danger that "the official may pose as representing the expression of the popular will, and cloak his action with Ministerial approval, whereas it may be nothing more than the expression of the arbitrary determination of the official"! (49) This points to the serious danger, inherent in the acceptance of a notion of a "permanent and abiding will", that a regime could rely on the alleged "permanent and abiding will" of the people to justify its own repressive policies.
Nor did Bland advance any grounds for concluding that, if indeed a "permanent and abiding will" existed, it was "represented by the independent official agencies". He was prepared to suggest "that the public may have to regard the public servant as safeguarding their interests as against the interests of the political party in power (the Government) just as they at present accept the Judiciary as their bulwark against arbitrary legislative or administrative actions of the Government."(50) However, the analogy between the Judiciary and the Civil Service is a misleading one, for the Judiciary is a constitutionally sanctioned constraint upon the Government, specifically designed to ensure that the actions of the Government remain within the law of the land. The Civil Service occupies no comparable position. As Parker has written:

"Within the ambit of ministerial departments proper, there is no constitutional basis for the doctrine of official independence. Certainly no such constitutional principle is created merely by the existence of independent non-political recruitment and permanence of tenure of public servants. Of course a public servant should resist a ministerial request for him to break the law; but so should a private citizen. Short of law-breaking, a public servant is constitutionally bound to obey his minister in the last resort. If he fundamentally disagrees with the minister's policy, he can only ask for a transfer or resign. He certainly has no constitutional right indefinitely to oppose his conception of 'the public interest', however sincerely held or expertly arrived at, to the determined wishes of the minister and elected government of the day."(51)

This indirectly points also to the danger that a public servant, in the belief that he was giving effect to "the public interest" or "the permanent and abiding will of the
people", might in fact be serving his own interests. Bland's inability to show an ability on the part of public servants to transcend their own interests and act in a disinterested manner is a distinct weakness in his case.

To take up a point foreshadowed earlier, one might also query the practicability of separating "politics" from "administration". A blending in practice of "political" and "administrative" functions does not, of course, show the functions to be conceptually indistinguishable (52), but there are grounds for believing that a practical separation of "politics" and "administration" will be achievable in only the roughest fashion. To start with, in a polity lacking a written constitution, the limiting of the executive to the "political" function would depend largely on the willingness of the executive to evacuate the "administrative" sphere. None of Bland's arguments suggests that such behaviour would be especially likely. Even were there a written constitution or Act of Parliament to deprive all excursions from one's area of responsibility - administrative or political - of legally binding character, the effect might be minimal. As Herbert Simon has stressed, all behaviour "involves conscious or unconscious selection of particular actions out of all those which are physically possible to the actor and to those persons over whom he exercises influence or authority",(53) and a political figure might be able to turn "administration" to his own ends by relying on authority not legal but charismatic in character.(54)
One of the most penetrating critiques of the attempted separation of politics and administration is that provided by Luther Gulick. The proposals advanced by Bland fall into the category of what Gulick called the philosophy of isolation: "If any government activity is bedeviled with the spoilsman and bad 'politics', let us take it away from the established city government, or state government, and set up a pure, new public agency, quite independent from the sordid influence of the established order."(55) Gulick pointed to some of the practical difficulties confronting such a philosophy. The first problem he noted was a grave one, with implications as to the very worth of independent agencies as a means to the end of good government. "People, with few exceptions", he wrote,

tend to group together for their own protection and advancement and to meet their craving for social outlet. While each individual is part of many such groups, there is none, unless it be the family, more important to him than his professional or trade group, his guild...It is a central dogma of each of these guilds, first, that what is good for them is good for society, and second, that they know their own business and that no nonmember of the guild is qualified to make any comments or suggestions about the policies or the activities of the guild...With such a foundation, then, of group consciousness, it is almost inevitable that each guild should desire to pull the government apart so that the guild may take to itself the management and the control of its special part of the governmental system. This makes for the isolation of functions."(56)

A group which sees itself as directly and immediately affected by the activities of an "independent official agency" has far greater incentive to seek in a range of ways to influence the manner in which an agency will carry out
its designated task than do those individuals who are affected less directly and lack the same incentive to engage in substantial lobbying. Such a group may be able to induce an agency to administer the broad policy guidelines laid down through the "political" process in such a way as to rob them of all content. The language of law, as H.L.A.Hart reminds us, is "open-textured", and all rules have a "fringe of vagueness"(57) which an agency suborned by an interest group could readily exploit. As Bland complained, "our rights and obligations are being decided by officials who interpret the laws which they themselves have framed, frequently again without ordinary judicial safeguards of open hearings, sworn evidence, and reasoned and published decisions."(58)

This characteristic of legal language also afflicts Bland's reliance upon "the principles of the 'Rule of Law'". Gulick has argued very strongly that "discretion, the use of judgment, is the essential element in the determination of policy. If any government employee, any one of our 'rulers', has discretion, he not only has the power, but is by circumstances compelled to determine policy."(59)

Liberal writers have therefore turned to the principle of the "Rule of Law" as a mechanism by which the exercise of discretion by individual officers can and should be limited, and Bland referred to the Rule of Law as "the supreme glory of the British Constitution".(60) According to F.A.Hayek, one of the most ardent defenders of this principle, the existence of the Rule of Law means "that government in all
its actions is bound by rules fixed and announced beforehand - rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances, and to plan one's individual affairs on the basis of this knowledge." (61) The roots of this doctrine, he demonstrated, were to be found in ancient times. (62) However, it was in A.V. Dicey's Introduction to the Study of the Law of the Constitution, first published in 1885 and known to Bland almost from the beginning of his academic career, that the principle received its classic exposition. The Rule of Law, according to Dicey, required "the absolute supremacy or predominance of regular law as opposed to arbitrary power, and excludes the existence of arbitrariness, of prerogative, or even of wide discretionary authority on the part of the government." (63) It also meant, he added, "equality before the law, or the equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts." (64)

Just how wide an official's discretion can be without undermining the Rule of Law is not clear. In his later years, Bland was led by his experience as a member of Parliament to modify somewhat his views on the virtues of the rigid application of abstract principles. "Principles", he argued in 1955,

"are, of course, impersonal, and officials tend to be unbending in their application of these principles to specific cases. Yet it is the specific case that contains the human factor. Hence there are appeals to members of Parliament to persuade the Minister to bend the rules in hard cases and to act with sympathy as well as equity. The member of Parliament has then to be the
irresistible force seeking to displace the immovable mass of officialdom: this is amongst the more important of the many roles the member of Parliament plays."(65)

In this passage, Bland put his finger on the very problem which vitiates the Rule of Law as a constraint upon bureaucratic and political caprice, for he was unable to set out any criterion by which one could identify the point at which an acceptable flexibility of discretion would begin to undermine the principle of the Rule of Law. One commentator has argued that the difficulties of the unpredictability of the manner in which discretion might be exercised are "overcome to a large extent if particular laws of an ephemeral status are enacted only within a framework set by general laws which are more durable and which impose limits on the unpredictability introduced by the particular orders."(66) Unfortunately, this solution is open to two criticisms. First, the difficulty arising from the open texture of the language in which a law is expressed persists whether the law is expressed in particular or general terms. Indeed, one could reasonably argue that the more general terms in which a general law is expressed would be less likely to have fixed lexical meanings than the more specific terms appropriate for the giving of specific orders or the exercise of discretion in a particular case. Secondly, for an aggrieved citizen to establish that an administrative discretion had been exercised improperly, an adequate mechanism of adjectival law governing the review of administrative discretion would have to be in place.
However, as a review body may exploit the open texture of the law in order to advance ulterior social or political goals, just as may the decision-maker of first instance, it is doubtful whether the Rule of Law can be established unless there is a broad consensus that adhering to the Rule of Law is a good thing. These difficulties are well illustrated by the famous English case of Liversidge v. Anderson. (67) There, the House of Lords was called upon to review an exercise of discretion by the Home Secretary under Regulation 18B of the Defence(General) Regulations 1939. The regulation read: "If the Secretary of State has reasonable cause to believe any person to be of hostile origin or associations or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm or in the preparation or instigation of such acts and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained." Eschewing the obvious interpretation, which Lord Atkin defended in a compelling dissent, a majority of judges held that the Secretary of State had reasonable cause for belief if he certified in proper form that he had reasonable cause for belief! Lord Atkin's rejoinder is of particular relevance to the general point involved: "I view with apprehension the attitude of judges who on a mere question of construction when face to face with claims involving the liberty of the subject show themselves more executive minded than the executive." (68)
The Rule of Law is also subject to the qualification that it is a purely formal value, which, as Joseph Raz notes, "says nothing about how the law is to be made: by tyrants, democratic majorities, or any other way. It says nothing about fundamental rights, about equality, or justice."(69) Even Hayek put the view that "general, abstract rules, equally applicable to all, may possibly constitute severe restrictions on liberty",(70) although he argued that this danger was diminished by the fact that for the Rule of Law to exist, these rules would have to apply "to the government as well as the governed."(71)

Nonetheless, it is not difficult to imagine laws, promulgated to defend the status quo (for example, forbidding "slander against the state") which would bind all persons equally, but only affect those seeking, however peacefully, to secure policy changes. For this reason, although the concept of the Rule of Law is certainly not without value (72), a judge might find himself compelled to choose between upholding the law and preserving the freedom of the individual, as might an administrative official. As John Finnis has written, sometimes "the values to be secured by the genuine Rule of Law and authentic constitutional government are best served by departing, temporarily but perhaps drastically, from the law and the constitution."(73)

However, the gravest weakness in Bland's argument for the separation of "politics" and "administration" lay in his failure to provide a solution for the problems which such a separation would present both for the concept of ministerial
responsibility, and for the democratic and ultimately liberal values which that concept had evolved to protect. It has been suggested that Bland's main concern was to exclude ministers from the day-to-day running of Government departments, whilst preserving for them the ultimate authority to resolve questions about departmental operations. (74) In his writings, however, he emphasized the former consideration very much to the exclusion of the latter, and he certainly would have had little time for the "Westminster syndrome" in Parker's sense of the term. Parker argued that the doctrine of ministerial responsibility formed "the first essential part" (75) of this syndrome, and went on to argue that the syndrome does not mean "that the minister should make 'only the policy decisions', or the 'important decisions'. It means that potentially the minister should be in a position to make any decision about anything done by the department (as distinct from appointments and careers of officials), from top to bottom. He is free to intervene anywhere at any time. He cannot intervene everywhere, being human. So he expects, and should make arrangements to ensure, that the department will always be doing what he would want it to do, and in the way that he would want. To sum up so far, the essential relationship contemplated by the Westminster syndrome does not assume a distinction of function between minister and official, but a distinction of status (elective versus appointive) and the right of the minister to have the last word." (76)

This, of course, would permit the very thing which Bland may have been seeking to prevent - the involvement of ministers in the day-to-day running of their departments if they were so minded. Bland's position made no concession to such involvement. "It cannot be too strongly emphasized", he
wrote, "that a minister's authority should be limited to directing whether or not a particular policy ought to be pursued."(77)

Bland was aware of the tension between on the one hand ministerial responsibility, and on the other hand the argument that "politics" should be separate from "administration". This surfaced most clearly in his writings on the statutory corporation, although it was also to be found in his writings on the public service. He was an important pioneer of the study of statutory corporations in Australia, as Geoffrey Sawer has recently noted.(78) It was his very sensitivity to the complexity of the different problems involved which rendered his writings on non-departmental government authorities so distinguished. One particular article, "Some Implications of the Statutory Corporation", was deservedly labelled "brilliant" by the late Leicester Webb.(79) In this article, Bland addressed a number of questions which in his opinion could not be "disposed of by a glib 'yes' or 'no'".(80) The first question to be addressed was indeed a fundamental one for Bland: "Do our objects in creating Statutory Corporations (to manage national undertakings) imply that government can be efficient if it ceases to be popular?"(81) This followed directly from his acute appraisal of the place of the statutory corporation in the constitutional landscape:

"The fact is that the Statutory government corporation is out of harmony, if not quite inconsistent, with the old theory of parliamentary government, and of ministerial responsibility. That theory asserted that the Government might be called to account for everything that happened.
But ought it to be called to account for the acts of a Corporation which Parliament has created with a 'responsible management'? And if the Government cannot be called to account for the actions of the Corporation, how is the Corporation itself to be kept in harmony with public opinion? This is the dilemma in which the statutory corporation places us."(82)

To this first question, and also to his second - "Do our methods of creating Statutory Corporations imply the existence of inconsistent political ideas?"(83) - he attempted only a tentative response. It was clear to him that the problem was embedded in the historical character of the governmental structure, for he argued that the "machinery of popular government has been designed for other ends than efficiency. If efficiency is secured, it is a by-product rather than the primary intention. It is the attempt to apply this system to the management of state business undertakings which creates our problem."(84) He affirmed that if the principle of the statutory corporation were to be accepted, it would be necessary "to discriminate quite sharply the separate functions of politics and administration."(85) Yet Bland himself provided an example which showed how this could constitute an affront to popular government: "In the hands of an independent railway commission the rate structure might be used to make the railway 'pay'. In the hands of a political executive, this may be unimportant, and the rates might be (one might even say have been) manipulated to the advantage of a political group, or, perhaps with more justification, to redistribute the burdens of government as between city and country."(86)
Such a redistribution might of course be a legitimate performance of an election promise, and it is no surprise that any failure so to redistribute the burden might quite properly expose a Government to heavy criticism. Nor was Bland especially sanguine about the inviolability of a statutory corporation once created. He observed that "it will be too often found that the Statutory Corporation is a veil for political control, which is the more sinister because the people have been led to believe that the corporation was 'independent'. Because we refuse to accept the implication of the Statutory Corporation, politics still influences administration." (87) The tension between the separation of politics and administration, and the tradition of popular government, was thus on Bland's account one which surfaced at a practical as well as conceptual level.

Finally, he turned to what was in a sense the key question: "Is it possible or desirable to create Statutory Corporations which are autonomous?" (88) His answer was a cautious one, but one which went a considerable way towards conceding the validity of the kinds of criticism noted earlier of the proposal to establish a separate and autonomous administrative sphere. "Those who believe in a planned economy or in the positivist State", he wrote, "will have no doubt that it is undesirable. And those who fear the excesses of bureaucracy as well as those who believe that good government is no substitute for self-government will also agree." (89) The autonomy of statutory corporations, he went on, "Can only be relative, and it must
be limited to the specific function to be discharged by the Corporation." (90) He recognised that "autonomy is affected by methods of appointment", (91) and that there were questions about the financing and personnel policies of statutory corporations which had to be answered. (92) "These and many other questions", he wrote,

"clamour for consideration, and the record of our attempts in Australia to create Statutory Corporations show how indifferently they have been answered. They are a grim reminder of the fact that we have been trying to gain the advantages of two systems which are mutually opposed. And they confirm the doubt whether it is possible, in any but a very few select cases, even to concede autonomy in administration. For government policy will constantly be affected by the way in which affairs are administered." (93)

However, he was not prepared to confront this problem head on. "Must we therefore conclude", he went on,

"that it is impossible to create autonomous Corporations for the management of our national services? They cannot be autonomous in matters of policy: that will be determined by Parliament at the behest of the political executive. They ought not to be autonomous in matters of administration because that would lead us open to the danger of official despotism. But we cannot leave control in the hands of the political executive if we wish to promote efficiency. Can we devise other means of control? I believe we can, and I am sure we must try to. As party politics are now developing, I am convinced that we shall have to discard the theory that, in administration, only the popularly elected executive represents the people's will, and should be the only medium for its expression. The Statutory Corporation may itself be an alternative, provided we can find a solution to the problem of appointing its members...the test is 'the public interest,' and that ought to be determined in a judicial fashion and not by direct party politics. It will mean the constitution of administrative tribunals, and we have already made a commencement with Public Service Boards, Arbitration Courts, Tariff Boards, and Taxation Tribunals. Given this system, we could easily confer the widest autonomy upon
Statutory Corporations in matters of administration, for if the public interest was challenged by any of their actions, the Government, or other interested party could bring a suit before the appropriate tribunal to remedy the alleged injury."(94)

Carried to its logical extension, this would seem to exclude "direct party politics" from all areas in which "the public interest" was involved, in which case it would be difficult to see what functions would be left to an executive with a popular mandate beyond that of a potential litigant with locus standi! As Parker wrote, the "mortal remains of A.V.Dicey might well revolve at the contemplation of this proposal to extend the Rule of Law by adopting the principles of droit administratif!"(95) However, Bland did provide a number of indications that he took the value of the statutory corporation to lie particularly in the field of state commercial undertakings, for which in his view "the ordinary processes of public offices were inappropriate."(96) Nonetheless, he did not go on to say that statutory corporations should be confined to activities of this kind.

Bland's discussion of responsible government, and of the separation of politics and administration, illustrates some of the pitfalls which can confront the practical political thinker. Although Bland articulated broad abstract values, his proposals for the organisation of government were very much responses to the particular
problems which he observed in the operation of the polity, and that the solution to one such problem might give rise to problems of a different kind is no surprise. What it does illustrate, however, is that there were tensions between the different clusters of values which he articulated, for only through inconsistency at this level could an appropriate solution to one problem be the source of another problem. This tension will be considered in more detail in the concluding chapter. However, any discussion of Bland's thought which did not note his detailed writings on bureaucracy and civil service structure and functions would be an unbalanced one, and it is to such a discussion that it is fitting now to turn.
FOOTNOTES TO CHAPTER SIX


4. Ibid., p384.


8. Ibid., p166.


13. Ibid., p89.


17. Ibid., p157.


23. For a valuable illustration of these complexities, see S.E. Finer, "The Individual Responsibility of Ministers", Public Administration (England) vol.34, Winter 1956, pp377-396.


30. Ibid., p73.

31. Ibid., p73.

32. Ibid., p73.

33. Ibid., p75.
34. Ibid., pp76-77.

35. Ibid., p66.


39. Ibid., p168.

40. Ibid., p169.

41. F.A.Bland, "Politics and Administration"(Typescript), Bland Papers.


52. See Landau, op. cit., p.196.


56. Ibid., p.56.


64. Ibid., p202.


68. [1942] A.C. 206, 244.


71. Ibid., p155.

72. See Raz, op.cit., pp219-223.


74. Interview with Sir Henry Bland, October 12, 1983.

76. Ibid., pp352-353.


81. Ibid., pp397-398.

82. Ibid., p397.

83. Ibid., p398.

84. Ibid., p399.
85. Ibid., p399.

86. Ibid., p400.

87. Ibid., p401.

88. Ibid., p398.

89. Ibid., p401.

90. Ibid., p401.

91. Ibid., p401.

92. See ibid., pp402-403.

93. Ibid., p403.

94. Ibid., pp403-404.


CHAPTER SEVEN - THE PUBLIC SERVICE

Bland, although not simply a student of public administration, did indeed devote a great deal of energy to the study of the organisation and the functioning of departments of state. His writings on the civil service display a considerable continuity, and themes to be found in his earliest articles and books recurred in his last works. He had great faith in the ability of public service departments to function as expert and impartial devices for the implementation of government policy, and was very much influenced by the ideas on civil service organisation which dated from the famous Northcote-Trevelyan Report. Nonetheless, he recognised that there were ways in which the ideal of an expert and impartial civil service could be undermined in practice, and he advanced detailed proposals designed to prevent this from happening. In doing so, he was able to draw not only on the works of earlier writers, but on his own lengthy experience as a public servant concerned with public service recruitment and operations. His writings on the civil service provide perhaps the best example of his attempt to specify institutions through which his values could be realised and illuminate his enterprise as a practical political thinker.

At the most general level, Bland's approach to the public service was outlined in the introduction to his book Shadows and Realities of Government. "The Public Service", he wrote, "is that large army of officials of all ranks which is engaged in performing the various tasks which the
community through its elected representatives has authorised."(1) His concern for "good government" was plain, and at one point he seemed to see a relatively limited task for the reformer: "We have merely", he claimed, "to examine the methods devised to ensure that the public gets efficient service."(2) However, his concerns certainly went further than this, and he also put forward the view that there were "much graver dangers than those which arise from official incompetence...Competitive examinations and the elimination of patronage have got rid of most of the artful and indolent, but the very factors which have contributed to improving the quality of public servants have also wrought a subtle change in the outlook of officials, and are tending to produce a bureaucracy."(3)

By this he did not mean a rational bureaucracy in Weber's sense.(4) For Bland a bureaucracy was something very much to be avoided. "A bureaucracy", he wrote, "is mainly distinguishable by its irresponsiveness to the popular will. The development of an expert official class, the multiplicity of departments, their imperfect co-ordination, the impossibility of adequate ministerial supervision, the unwillingness of Parliament to adapt its procedures to modern economic and social needs, all tend to widen the gulf between expert officialdom and the public."(5) "Nothing less than the comprehensive education of the citizens in public affairs", he concluded, "will suffice to lessen the gulf which is at present opening between the administrative expert and the citizen or his representatives."(6) Bland
bemoaned the fact that the public manifested an "incredible indifference to the more fundamental question whether the emergence of a highly expert civil service is likely to be subversive of popular liberties."(7) All these observations placed his ideas about the public service squarely in the context of the concern for liberty and democracy which in the following years he was to commit many times to print, and illustrate that his interest in the public service extended well beyond its mere mechanics.

Bland considered the role of the public service in a careful paper published in 1957. With the experience of contemporary states very much in mind, he stated that it was "obvious that the role of the official, both administrative and judicial, in totalitarian systems, is simply to ensure the achievement of the purposes of an exclusive party...In the Liberal Democratic State, the public servant must be loyal to any party that is in power."(8) However, he thought that "the word 'public' has a special significance. It suggests that an official is not the employee of a political party, but of the public. While the public servant must loyally serve the Government of the day, he owes a further loyalty to the public."(9) This is a striking claim, for such loyalties are relevant to public affairs only when they entail a public servant's defying an instruction from the Government of the day to act in a manner which, while not illegal, conflicts with the public servant's conception of the public interest. An observer sympathetic to Parker's view cited in Chapter Six (10) might well conclude that the
only course properly open to a public servant confronted with such an instruction is to resign. Bland, on the other hand, seemed to take the view that there should be scope for public servants to act in this way and yet remain within the service.

This, of course, reflected his desire to separate "politics" from "administration". However, Bland buttressed his argument with a specific reference to the economic role of government. The public servant had "come to supply the essential characteristics of continuity and competence."(11) He continued that "the processes of economic life depend upon stability and continuity of government policy. These processes are affected not merely by the nature of the activities which the government itself undertakes, but by the direct interference by the government in the affairs of private corporations and individuals. If economic processes are not to be imperilled, it is essential that entrepreneurs, whether government or private, shall be able to count on continuity of policy."(12) To ensure continuity, he proposed a "Supreme Administrative Council of State" to "adjudicate upon applications by the political executive to abolish, dismember, or reorganize agencies, such as Tariff Boards, Transport Commissions, or Water Trusts."(13) It would, he went on, "have jurisdiction over all that field which is now properly described as the New Despotism. That is to say it would decide upon alleged excesses of departmental regulation-making power."(14) Further, he wrote, "it would also have power to review all those
decisions of a quasi-judicial character now made by administrative officials, into which the ordinary courts will not inquire, such as censorship, and postal prohibitions."(15) However, Bland did not envisage its having jurisdiction over matters of internal departmental administration, which is an obvious - perhaps the very - area in which the public servant is likely to perceive a conflict between what is "politically" good for the government and what is "administratively" good for the "public".

His view of the public service's role was conditioned by an appreciation of the range of factors which distinguished public from private undertakings. He provided a number of grounds for concluding "that there are fundamental differences between the conduct of public and private affairs which must always make the former more expensive and less expeditious."(16) The first related to the sheltered character of many a public body. Few government offices, he argued, had "the test of 'profit' which is conclusive in private affairs of successful administration."(17) Second, the public sector was subject to peculiar requirements of public accountability. "Action", Bland wrote, "must be more deliberate, i.e. it 'slows up' the machine. More records must be kept to explain reasons for action. Responsibility must be concentrated which attenuates initiative. This is called red tape, but it is the price paid for the advantage of public discussion and criticism."(18) Third, protections had
to be built into public bodies to prevent their engaging in activities which at the very least could be dubbed "irregular". Bland wrote that in the matter of "recruitment, promotion and dismissal, machinery has to be devised to safeguard the public and its servants against nepotism and privilege. Pay, pensions, and privileges are probably above the commercial level for the lower grades, but below the level for the higher posts. Yet the public exacts a standard of conduct which is fastidious in the management of its affairs, and would regard it as eccentric if similar standards were applied in the conduct of a private business."(19) As an example, he wrote, "let the critic consider the universal practice in private business of paying 'commission' on business transactions and admit what would be said if a public servant acted similarly."(20)

Fourth, the sheer size of the public sector set it apart from most private enterprise, and Bland argued that "the magnitude of the State's operations introduces problems with which the private entrepreneur is often ignorant...When overlapping occurs the public service is accused of waste. Private enterprise justifies this in its own household under the name of competition, and when the waste becomes too serious, it either clamours for public ownership, as in the case of the coalmines or the 'buses, or escapes to the security of a combine under the mantle of rationalisation."(21) The final difference he noted was in the method of financial control. "The private entrepreneur", he wrote, "makes merry over the checks and balances imposed on the public servant. Branch,
Departmental, Treasury, Parliamentary and other approvals are required to expenditure, because the public servant is administering trust funds."(22) All these factors, in Bland's view, stood against "the contention that the public service can and ought to be organised and run on commercial lines."(23)

The lines along which the public service should be organised were determined by its principal role, and that, for Bland, was clearly to administer policy. This was a function at the very heart of government. He argued that "when the election is over the real work of government has only just begun. All that has been secured by the election is the possibility of a specific direction being given to public policy. Whether that will be possible or not depends upon the capacity of the representatives we have elected and the quality of the public service. For parliamentary government does not mean that Parliament governs us. It does not govern, and it could not if it tried. It merely provides the tone for government, and that tone will be reflected, not merely in legislation, but also in administration."(24)

The dilemma was how to secure efficient administration without producing a "bureaucracy". The central flaw of bureaucracy was irresponsibility. One remedy Bland was prepared at once to dismiss. "People fear bureaucracy", he wrote,

"because it challenges their enjoyment of those liberties which they fondly hope are safeguarded by the parliamentary system. There is now a tendency amongst writers on public administration to invest bureaucracy with a cloak of respectability by describing our system as 'Representative Bureaucracy'. But surely those two words are mutually contradictory. If a Civil Service is at once representative and responsible,
it cannot be bureaucratic. Both by derivation and usage bureaucracy implies irresponsibility, the power of the desk imposed upon those outside the bureau, an attitude of mind, and a determination to use official power arbitrarily for its own sake. Official convenience, rather than the public welfare and interest, is the characteristic of bureaucratic government."(25)

It is interesting to reflect on the circumstances under which a civil service would be "at once representative and responsible". If one followed Bland in discarding "the naive belief that only the elected political executive represents the popular will, and should be the sole base of political authority"(26), one might conceivably conclude that the civil service was representative, but to whom or what would it be responsible? Certainly not the government of the day, for the whole purpose of discarding this notion is to place certain civil service activities beyond the control of the government of the day. Furthermore, as the government of the day and the Parliament are institutions which, from the point of view at least of control if not also of access, stand between the citizen and the civil service, it is difficult to see how the civil service could be held directly responsible to the electorate. This does not mean that an attempt to separate "politics" and "administration" would necessarily result in the bureaucratization of the civil service, but it does suggest that a useful check against bureaucratization - the responsibility of Ministers of the Crown to the public for civil service administration - would unavoidably be destroyed by any such attempt.
As a final preliminary to the consideration of Bland's positive proposals for public service structure and operation, it is necessary to consider a number of identifiable evils which in his view rendered a civil service administratively inefficient. These he called "public service poisons". The first, not surprisingly, was politicization of the public service, either blatantly through such mechanisms as the "Spoils System", or by more subtle means. "I believe", he wrote, "that the poison of a politicalized public service is completely destroying the integrity, efficiency, and morale of the public service."(27) He deplored the fact that public servants had been permitted "to carry on political candidatures without first resigning from the Public Service. There was thus introduced a new and more potent poison into the public service system. It produced public service politicians."(28) Bland feared that the public "might come to question the impartiality and integrity of officials who openly avowed partizanship on the political platform."(29) He also feared the potential industrial muscle of the public sector workforce. He argued that "the growth of a politically active public service numerically strong enough to hold governments to ransom sets fresh limits to popular control"(30), and expressed concern at "the growing inclination of public sector unions and staff associations to affiliate with the trades and labour councils, the industrial organisation of the political Labour parties."(31) However, Bland was alert to the implications which steps to prevent the politicization of the public
service could carry for the enjoyment by public servants of their civil rights, and this became apparent in his discussion, considered in a moment, of the recruitment of a "distinct administrative class".

Bland excoriated the use of patronage in the public service, and noted with distaste that the politician "has always sought to enhance his position as a trafficker in appointments, for it increases the sense of dependence of some of his constituents in his favour."(32) His strictures against the "Spoils System" were particularly fierce. His critique was premised on a view of the desirable characteristics of the public servant. He argued that the citizen of a modern State "needs not merely the assistance but the protection of a type of administrative official whose sense of duty to the public will not let him sacrifice his honor to political popularity, or be deflected from the path of rectitude either by political intimidation or by specious promises of immunity from the consequences of irregular acts."(33) The "Spoils System", in his view, connoted "much more than the distribution of offices. It covers the whole sinister system of purchasing votes by pledges of political support to the demands of organised groups which are seeking unwarranted concessions or favours at public expense."(34) He painted a grim picture of the consequences of the "Spoils System":

"Instead of economical administration you get extravagance because of unnecessary appointments. Instead of efficiency you get incompetence because the appointments are political and not on the ground of merit. Instead of officials and representatives being able to devote their time
and energies to tasks for which they are specially fitted, they are diverted to matters for which they are not. Instead of honesty you get corruption. Instead of esprit de corps you breed suspicion and distrust. Instead of fearless decisions you get carefully calculated conduct. Instead of encouraging men to exercise initiative, you get paralysis, for to be conspicuous is to court victimisation."(35)

These criticisms were grounded in a sound appreciation of how the "Spoils system" had operated in practice in the United States.(36)

One liberal argument in favour of the "Spoils system" has been noted by Passmore: that "the spoils system weakens the power of government by diminishing its expertise."(37) Bland, however, saw the power of the administrative arm of government as rooted not only in its expertise but also in the increasing range of functions which the public service had assumed in the light of the growing demands upon government. Here he drew on Lord Hewart's appraisal of "The New Despotism", set out in a famous book published in 1929. "A little inquiry", wrote Hewart, "will serve to show that there is now, and for some years past has been, a persistent influence at work which, whatever the motives or the intentions that support it may be thought to be, undoubtedly has the effect of placing a large and increasing field of departmental authority and activity beyond the reach of ordinary law."(38) Bland read this as a denunciation of "the growing encroachments of the public service upon the functions of the legislature and the judiciary."(39) Having noted the vices of bureaucracy, Bland went on:
"The new despotism is more than this. It accepts popular control of government in theory but in practice it undermines it. Or at least it gives it an anaesthetic. It triumphs when it obtains powers hitherto exercised by the legislature and the judiciary, and wields those powers in such a way that public criticism is rendered nugatory, and judicial procedure discarded."(40)

"A beginning of its consideration", he argued, "must start from the acknowledged fact that Parliament today has neither the time nor the technical knowledge to do more than lay down guiding principles in statutes."(41)

The problem posed by the delegated powers of officials was not one which had emerged suddenly. However, the burdens of modern government had given it particular force. "For the past hundred years, at least," Bland wrote, "Acts of Parliament have authorized both specific and general regulation-making powers. That is to say, departments have had generous powers to enable them to implement the law, provided what was done was not inconsistent with the declared purpose of the Act. What is different is that the volume and type of regulations have increased enormously, and that in making them, the departments are more independent of popular control."(42) Worse still, from Bland's point of view, Parliament had "begun to pass Acts which give the departments power to make regulations to remedy omissions or deficiencies, which may subsequently be discovered, or even to amend the Act if, by so doing, it will be easier to carry out its intentions."(43) This despotic fabric was rendered seamless if the protection of the courts was taken away by a provision "that the decisions
of the minister on the interpretation of the objects and purposes of the Acts shall be final and conclusive, and shall not be challenged in the courts."(44) Nevertheless, Bland dismissed any suggestion that "our officials are engaged in a Machiavellian conspiracy to deprive citizens of their liberty"(45), as those officials were only discharging the duties which Parliament had thrust upon them.(46)

The New Despotism was a phenomenon to be ameliorated rather than expunged, for it found its roots in the changing character of the political system. Bland was fully aware of this. It was hopeless, he argued,

"to look for any reversal of the tendency to devolve upon departments subordinate law-making powers. The emergence of the Social Service State has made for an amazing growth in a body of law which affects most intimately the mechanism of social life. Because so much of that law is of a tentative character, both statutes and regulations must be capable of being readily adapted to a world which, in its social relationships, has become dangerously fluid. For ease in adaptation, and for enabling the framework of the law to be filled out in close consultation with the interests affected, regulations are immensely superior to statute law. In any case, it is useless to expect that Parliament would be able to devote the time, even if it had the necessary knowledge and detachment, to these tasks."(47)

"The regulation-making power of the departments", he concluded, "is here to stay. All that we can do is try to ensure that it is exercised reasonably."(48)

Bland suggested a number of ways in which this could be ensured. As noted in Chapter Five, he drew attention to the role which might be played by Parliamentary committees.(49) He endorsed new procedures providing for the publication of
draft regulations, "in order that objections to them may be considered and dealt with".(50) He called for two kinds of new provision in principal acts, requiring that "before regulations are made at all, representatives of the interests likely to be affected by them must be consulted"(51), and that "the regulations shall be laid upon the table of the two houses in draft and shall not become operative until a definite resolution approving them has been passed".(52) He also proposed a number of safeguards to deal with regulations after their promulgation. He recommended that to bring the regulations officially before Parliament and provide an opportunity to criticize them, there be a requirement that the regulations be "laid upon the table of the House when they have been made".(53) This should be augmented with a provision that "if within so many days after regulations have been laid before Parliament objection is taken to them, Parliament may present an address to have them annulled".(54) He expressed his support for "the power which the courts possess to declare ultra vires any regulation which is in excess of the powers conferred, provided the regulation is not specifically withdrawn by Parliament from the scrutiny of the courts."(55) Finally, while accepting that like the system of delegated legislation, "administrative tribunals have special advantages"(56), Bland proposed certain reforms to the procedures of such tribunals: "Every party to a dispute should be given the opportunity to state his case orally. He should know what case he has to meet. Reasons for decisions should be given, and made available to the
parties. A resume of leading cases should be published at intervals. Where a public inquiry is required to be held, and a report furnished to the minister who makes known the decision..., the report of the person hearing the inquiry should be made available in all but exceptional cases. And finally, there is the existing safeguard that the courts will keep administrative tribunals within their jurisdiction, and require then to order their proceedings in accordance with 'natural justice'."(57)

Bland did not go as far as Lord Hewart in indicting the use of delegated legislation and administrative tribunals, and his policy proposals went not to the dismantling of the institutions of the "New Despotism" but to the controlling of their effects. The proposals themselves were cautious, and all promised to impose some constraint, not necessarily great, upon the exercise by civil servants of powers vested in them by Parliament. Once again, Bland's commitment to a piecemeal rather than holistic approach is very obvious.

In the light of Bland's identification of the role of the civil service, and of the poisons which could interfere with the proper performance of its role, it is possible now to consider his positive proposals about organisation, recruitment and personnel - proposals directed at ensuring that the service fulfilled its role with maximum efficiency.
Bland wrote exhaustively on public service organisation, and delineated the scope of his inquiry with some care. He argued that the "organisation of that congeries of departments which is known as the Public Service must be considered from two points of view. There is the inter-relationship of the various departments and there are the internal arrangements of each individual department."(58)

In considering the former, Bland first outlined an ideal, and then suggested ways of encouraging its achievement. Wise administration, he wrote,

"consists in so co-ordinating the several activities of a business that each fits into its appropriate place, and conforms to the general pattern of the whole. Government has become so ramified, and is such a gigantic business that it is sometimes difficult for the observer to decide where the various sections fit in. Specialisation is necessary, but it is too often wrongly thought to involve separatism, whereas it can equally well be accomplished in an integrated system. I suggest that the setting up of independent and unrelated agencies whenever a new function is to be discharged should be avoided and would be avoided if the principles of management were properly recognised. But this recognition entails the drawing of a definite line of demarcation between politics and administration. This is most difficult to establish because Ministers are seldom disposed to disclaim omnicompetence."(59)

Bland's proposal to separate "administration" from "politics" has already been examined in detail; it is necessary at this stage merely to note that his arguments in favour of such a separation extended to departments of State as well as to government commercial enterprises. What is more interesting is his reluctance to see a proliferation of
new government agencies. One can envisage circumstances in which to establish a new agency would simply give rise to needless duplication, because the function could more easily be performed by an existing body. But equally, it might be desirable to establish a new agency to cope with a new government function even if it could ostensibly be handled by an existing body - if, for example, the Government suspected that the officers of the existing agency would be unsympathetic to the very idea of the Government's undertaking the new function. This is especially so when the function to be fulfilled is an advisory function, and indeed, the most reliable advice may be that which has withstood robust criticism from competing agencies.

Bland's approach was also much influenced by his belief that a "distinctive Australian contribution to public service organization is the creation of independent commissions charged with the recruitment, promotion, discipline, and organization of personnel, and with the efficient and economical organization and management of the various government departments."(60) This was the centrepiece around which his arguments about the organisation of the public service were structured. "I have long entertained the hope", he wrote in 1932, "that the Public Service Board might become the supreme administrative tribunal of the Government."(61) He was sympathetic to a board "on grounds of prestige, continuity of policy, complementary activities, and division of labour."(62) Bland attempted to reconcile his defence of unitary organisation
within the public service with his support for a federal distribution of functions within the polity as a whole. He argued that "it would be highly undesirable to constitute a single authority for the whole Commonwealth."(63) "Undue centralisation in Public Service organisation", he argued, "leads to officialism, formalism, and bureaucratic methods, the whole machine becoming cumbersome and inert. The existing State boundaries will be found to provide a useful line of division for effective management of government business operations."(64) He submitted that within each state the management of all departments could be "grouped with advantage under a single Board", but continued that even "within this limit, however, there must be a wise devolution of responsibility if the machine is to work efficiently."(65) He also proposed a mechanism for dealing with disputes:

"Provision should be made for a departmental Head to state within a specified time why he does not think a proposal of the Board of Management should be effected. If after further consideration the Board thinks it should, the matter should thereupon be referred to the Parliamentary Standing Committee, and the House should determine the policy to be pursued. If within thirty days after Parliament has received the reports a resolution of both Houses has not dealt with the matter, then the determination of the Board of Management should automatically come into force. In such a case if the departmental head still proved recalcitrant the Board should have power to remove him either by transfer or dismissal."(66)

Given the reality of Government domination of Parliament, this would seem little more than a recipe for bringing "politics" directly into "administration"! However, it does show that Bland gave prima facie priority to the
determinations of the body at the apex of the administrative hierarchy, and left little room for the formal devolution of power. He conceded that "the business of centralisation has been carried to extremes, Commissions are overwhelmed with detailed administration which should be left to the separate departments, and the very purpose for which Commissions were constituted has been defeated" (67), but he was unable to identify where the line should be drawn.

Within the Government as a whole, he recognised "two broad principles to guide in organising governmental activities - distribution according to persons or classes to be dealt with, and distribution according to the services to be performed." (68) Between these, however, it was "impossible to draw a rigid line of demarcation." (69) "It is therefore necessary", he wrote, "to differentiate between those functions which are of primary importance to a department, and those which are secondary, and if it be necessary for a department to undertake secondary activities for the economical and efficient performance of its primary functions, such distribution should be permitted, provided that the work is confined to that essential feature, and provided also that there is the closest collaboration between the departments which are undertaking the primary and secondary activities respectively. For it is clear that expert knowledge will be more fully developed when attention is concentrated upon a single service than when it is diffused over a number of problems." (70) In noting two possible bases of organization, Bland was following the
Haldane Commission Machinery of Government Report, and in preferring a functional basis of organisation, he took a defensible step.\(^{(71)}\) Furthermore, by denying the possibility of any rigid demarcation between the two principles of organisation, he anticipated some of the criticisms subsequently directed by Herbert A. Simon at attempts to discern basic principles for the allocation of government functions.\(^{(72)}\) Bland recognised that the choice of appropriate functional divisions was an historical-political rather than purely administrative matter. After noting the functional divisions of administration noted by the Haldane Commission, he observed: "Whether these will be under one or more Ministers, or whether one Minister will have to give attention to one or more of these divisions will of course depend upon the development of the particular State."\(^{(73)}\)

To conclude a discussion of Bland's views on the overall structure of the service, it is important once again to note his proposal of 1935 for a Supreme Administrative Council. This was not intended to displace existing agencies \(^{(74)}\). The Public Service Board, although renamed the "Bureau of General Administration"\(^{(75)}\), would be retained to deal with personnel administration, the oversight of office organization, the supervision of the preparation of Departmental Estimates, the gathering of statistical data, and public service arbitration.\(^{(76)}\) The Bureau would also provide a useful check upon the way in which budgetary measures approved by Parliament were executed. "While it ought not to be necessary", he wrote,
"to be continually devising checks, since the public is entitled to expect economical administration as the natural aim of every responsible official, this is a case where, because of the ramifications of governmental activities, some co-ordinating and over-riding agency seems to be required. It must be permanent and it ought to be independent of political intrigue...These considerations seem to point to a Bureau of General Administration...". (77) In Bland's view, the Bureau would complement usefully the work of the Auditor-General, of whom Bland wrote that the Parliament should "try to appreciate the principles which have made him their officer with the duty of reporting upon the faithfulness with which the Government has carried out the financial policy approved by Parliament." (78) The Supreme Administrative Council was to play a far less humble role, concerned with the choice of an appropriate functional division of agencies - a role which transcended the purely management role of the Public Service Board. However, there are grounds for querying the strength of Bland's commitment to this proposal. In discussing it in 1935, W. Macmahon Ball commented that the idea "that there should be a Supreme Administrative Council, glowering continually over the Executive, is likely to paralyse executive decisions." (79) There is no evidence that Bland accepted Macmahon Ball's criticism, but it is notable that in his lengthy 1944 introduction to Government in Australia, he made no mention of the proposal at all.
One obvious issue to which the creation of a separate Board gave rise was how to secure sufficient contact between the Board and individual departments to allow the Board efficiently to discharge its designated functions. "It is clear", wrote Bland,

"that if the Board is to exercise any effective direction or supervision of departmental organisation it will need assistance to keep contact with the officers and activities of the departments. Reports and recommendations from the departments may do much to keep the Board informed of what is going on, but personal contacts are essential to a proper understanding of relative efficiency of staffs and the suitability of office practices, systems and equipment. The limitations of time, numbers of staff and volume of business will prevent the Board from making more than a relatively small number of personal inspections."(80)

The remedy which he favoured was that recommended in New South Wales by the Allard Commission: to appoint "highly trained inspectors to the Board's staff to be, in effect, the eyes and ears of the Board in the several departments."(81) "This system", he noted, "was instituted when the 1919 amendments to the Public Service Act were made, with the result that the New South Wales Board is much more effectively equipped for its work of control than is any other Australian public service authority."(82) "To secure the maximum advantage", he had earlier written, "regular meetings between the inspectors should be arranged for the exchange of ideas, and provision should also be made for the redistribution of districts and departments."(83)
Bland saw a department as a hierarchy, at the apex of which stood the permanent head. Upon the permanent head fell the ultimate responsibility for the working of the department. "The constitution of a Board of Management", wrote Bland, "will not derogate in any way from the responsibility of the permanent head to see that his department is efficiently managed. It is not the business of the Board of Management to run the departments, but only to see that they are effectively run. The Board will establish standard units of cost, and uniform methods for the guidance of departmental officials, but it will rest with the latter to accomplish the results. For this reason, it is desirable that the whole of the officials from the Heads downwards should be appointed by the Board of Management."(84) However, he added that matters of "promotion, leave of absence, minor disciplinary measures and so forth might be left with the heads of departments subject to review if necessary by the Board of Management."(85) This illustrates the importance to Bland of appropriate personnel policies in the public service, a topic taken up shortly.

Before this, however, it is necessary to consider one almost corporatist recommendation which he made about departmental organisation - that "it is desirable to associate with all departments advisory councils representative of the various interests affected."(86) Bland himself wrote that there was "continual danger of breakdown not only in public but often in private business affairs, 
because responsibility cannot be fixed. This is the chief objection to advisory councils. They become a device to avoid personal responsibility. When a break down occurs it is impossible 'to hang anyone' because no one is personally responsible." (87) Apparently this objection was outweighed in Bland's calculus by the desirability of bringing departments close to the interests which their activities would affect. Yet Bland's proposal is open to an even more telling objection than that which he himself expressed. It is that many significant interests are diffused throughout the community and of their very nature not readily open to articulation within an advisory tribunal. As Mancur Olson has pointed out, the mere existence of shared interests will not necessarily give rise to collective action. (88) To take an example, local manufacturers share with employee organisations from the same industries a strong interest in the adoption of policies to prevent competition from lower priced imports of equal quality. The interest of consumers in securing the lower priced imports is much more thinly spread throughout the community and is much more difficult to express effectively to government. This does not mean that it is any less real. Bland was well aware that interest groups could be quite selfish and neglectful of the welfare of other citizens and community groups. This emerged from his 1927 article "The Public Service in Jeopardy", a scathing attack on Mr J.T. Lang, in which he recognised that the representative of an interest group appointed to an expert body "will be continually faced with a conflict of loyalties. On the one hand, the interests he
represents will be clamouring for his attention, and on the other hand there will be the exigencies of the service which he is supposed to be administering."(89)

Bland wrote extensively on public service personnel matters, an emphasis understandable on the part of one who believed that institutions could only be as good as the people who managed them. He saw the task of serving the public as a distinctive enterprise, to be undertaken by a carefully selected group of people. He outlined this vision when writing during the Second World War about the place of the administrator in a scheme of reconstruction. He recognised that both "the mentality and the methods of the war-time administrator, when carried over to reconstruction, may be destructive of the democratic way of life."(90) "The administrator", he went on, "must collaborate with the expert in defining the various fields of action, in determining the manner in which inquiries should be organized, in delimiting areas of inquiry and in analysing the results. He must then decide what legislative, financial and other measures should be recommended to implement the proposed plans."(91) "Public Service policy", he concluded, "must be altered to admit of the creation of a distinct administrative class, specially trained and recruited."(92)

Recruitment procedures were central to the establishment of any such class. If, Bland argued, the State were successfully to discharge the many and novel functions which it had been assuming, "the personnel of the
administrative division must be specifically recruited and
trained."(93) He was aware that the principle of open
competitive examinations had become widespread in Australia
(94). "Of course", he wrote, "no method of examination,
written, oral, physical or practical, will provide
infallible results, but if the tests are applied with
sympathy and vision they will prove a useful handmaid to
efficiency."(95) He regarded it as unfortunate when public
service examinations "corresponded to no definite terminal
points in the ordinary educational courses", as this
"necessitated special preparation for public service
examinations."(96) However, there was much more to an
efficient recruitment procedure than the mere use of
competitive examinations. Bland noted in 1928 that in the
majority of cases, entry to the service was limited to those
younger than 21 years of age. The result of this was that a
school leaver had to "choose between continuing his
education and foregoing a desire to enter the Public
Service, or entering the employment of the State and
attempting to complete his education by evening lectures.
The best students choose the former alternative, and are
lost to the Service of the State; only a few of those whom
the pressure of circumstances impels to forgo the
advantages of a University training, by seeking immediate
employment, subsequently face the task of evening
lectures."(97) Bland also expressed distaste for a system of
recruitment which "encouraged in-breeding by limiting the
bulk of the appointments to the lowest level of the public
service."(98) He preferred a much more discriminating
approach, which moved away from conceptions of the public service as a monolithic whole. He noted, seemingly with favour, a policy "to distinguish between the types of work required in the public service, and to make specific provision for recruitment for each type: to link recruitment deliberately with each stage of education, and for this purpose to recruit directly from both secondary schools and the University."(99) Co-operation between governmental and educational instrumentalities was something particularly to be fostered. There was, he wrote,

"perhaps insufficient interstate movement of population to justify a Commonwealth-wide recruiting authority and its creation might result both in unwise standardization and a cramping rigidity. Within State boundaries, however, a working alliance between a single recruiting agency and the educational authorities could avoid these dangers and could conceivably improve the standards with which recruiting agencies are now content. Entrance examinations could be related to educational stages and to the types of work for which recruits were required. But success at the appropriate examination could be taken as making the recruit eligible for subsequent transfer to any public authority in the State if his abilities were found to justify his being given wider scope."(100)

It was important also that recruitment be recognised as an important activity in its own right, and Bland noted sympathetically the view that the "problems of recruitment policy will never be suitably attacked until they are committed to an agency not immersed in the work of control and organisation."(101) He also tended to favour the appointment of permanent rather than temporary employees. He recognised that there were a number of factors which made the recruitment of temporary employees convenient - a "rush
of work, temporary absences of permanent staff, seasonal work such as census collections, work undertaken in a tentative spirit, new advances into the field of business enterprise which may be curtailed by another Government, or even the character of work which is unsuitable for 'career' employees"(102) - but nonetheless argued that "temporary employment has often been the Achilles heel of public service authorities."(103) To Bland, temporary employees had the effect of "disturbing the peace of promising juniors and the equilibrium of departmental organisation."(104)

In his alertness to the fallibility of the competitive examination methods, and in his recognition of the need to see examination procedures in the broader context of public service requirements, Bland exhibited a considerable grasp of the practical difficulties which any recruitment scheme would need to surmount. He was also alert to the connections between recruitment procedures and such matters as work classification, training and mobility, personnel control, and salary determination. Training he recognised as "only one factor in the complex scheme of personnel management and organization"(105), but nonetheless it was one to which he attached considerable importance. He derided the view that "State affairs, which are admittedly becoming more and more complex, may be safely entrusted to officials whose initial education has been narrowly circumscribed."(106) Training of officers, he argued, "should be undertaken both generally and specifically, and is quite independent of the system of recruitment."(107)
This was especially important in the upper echelons of the service. "Given expert and efficient directive ability," he wrote, "inefficiency in the ranks can be minimised, but an efficient rank and file is no safeguard against incompetence in command."(108) In order to preserve the quality of the administrative division, it "must be confined to the best intellects offering, and the State must afford opportunities for specific training."(109) One avenue worth pursuing was travel abroad, which could give officers with special gifts some "personal insight into other conditions."(110) However, the principal body with a role to play in the training of the administrative division was the University.

Bland was of the view that "the student who has been introduced to the major questions of government in his University course will be better equipped than one who has not."(111) In Shadows and Realities of Government, he noted that the "Universities are developing and their economic, political, and social departments need only to be strengthened to provide excellent training for the prospective administrative officials."(112) To obtain the best results, he went on, "a certain number of selected officers should be seconded every year to the University, but they should be enabled to devote their whole time to their studies. If they are compelled to attend to official duties in the daytime and the University in the evening, the benefits of the scheme would be endangered."(113) Naturally, Bland saw his own subject as of great value for public servants. "If Public Administration is becoming a science,
he wrote, "then it is obvious that the course must be one which makes the study of Public Administration its central feature." (114) He envisaged a three-year diploma course in Public Administration, with Public Administration, Economics, and Modern Political Institutions as compulsory subjects, and a further three subjects to be selected from Modern History, Economic History, English, Psychology, Statistics, Accountancy, Business Administration and Economic Geography. (115) It is clear from a glance at the contents of Planning the Modern State - a volume which began its life as a series of lectures delivered at Sydney University in 1934 - that Bland aimed to supply his students with the very knowledge which according to W.P. Butler a public administrator needs (116). On his appointment to the Chair of Public Administration in 1935, his opportunity to put into practice at the University his ideas about the education of public administrators was further enhanced. Given Bland's interest in training, it is of no surprise that he also attached great weight to the establishment of an Institute of Public Administration, or that his strenuous efforts to have one set up bore fruit. Bland saw the Institute providing "an incentive to study, a platform for discussion, and a pool from which we can draw the experience of those who have given a lifetime of effort to the community." (117)

However, neither recruitment nor training policies of the type recommended by Bland could be put to their best use in the absence of an effective scheme of job classification,
which he saw as an integral aspect of personnel policy. "Since the work of each department exhibits a certain similarity", he wrote, "careful classification of duties is essential." (118) This was of great importance to the maintenance of an efficient service. He argued that "the only satisfactory method of securing the highest ability in the administrative ranks of the service is by rigidly discriminating between the classes of work to be performed, and making initial appointments directly to those classes." (119) "It is wasteful", he wrote, "to appoint either an incompetent person, or one who possesses ability superior to the duties to be performed. The present system encourages both these courses. There is no rigid classification of positions, and there is no objective selection for them, other than is provided by the Grade Tests. Broadly speaking, there are three main types of position: routine, higher clerical, and administrative. Instead of recruiting all these by a single examination, there should be three separate competitions." (120)

Job classification is of considerable importance when it is an aim of policy that equal pay be accorded to those performing equal tasks. Bland held very strong views on the appropriate mechanism for determination of public service salaries, and identified the Public Service Board as the proper body to undertake salary determination. He hoped to prevent a recurrence of certain episodes which he himself had witnessed:

"Economic depressions such as that of 1901-03 which was the result of drought, were sufficient
justification for Cabinets to refuse to ask Parliament for 'additional funds' to meet increments. In 1932 they were the cause of drastic salary reductions...Politics, therefore, tended to interfere with administration in a field from which the very creation of the Board was intended to exclude it. To make public service salaries dependent upon the state of the public finances rather than upon the value fixed by the specifically constituted and qualified agency was to strike both at its prestige and its authority."

The evil of Ministerial control of salaries persisted "whether that is done by 'an authority directly under Treasury control' or by the Treasurer himself. In either case the effect is the same. Independence in administration disappears."

Bland was also rather skeptical about the assumption by arbitral tribunals of what he saw as properly functions of the Public Service Board. He devoted a whole chapter in Shadows and Realities of Government to the question "Arbitration Court or Public Service Board?" He did not object to arbitral tribunals as a derogation from the sovereignty of Parliament. How the establishment of either Public Service Boards or an Arbitration Court could be held to be an abdication by Parliament of its sovereignty he found difficult to see. "Both bodies", he wrote, "owe their creation to Parliament, and in acting thus, Parliament simply recognised a well accepted principle of division of functions. Its main function is legislative, not administrative."

Bland thought that the "device adopted by the Commonwealth Government of a Public Service Arbiter has much to commend it" but added that "unless he is completely untrammelled, and has a tenure
which will remove him from the necessity of placating ministers to secure reappointment, the system will be no advance upon the Public Service Board methods."(125) Bland was especially concerned at the effects of having two separate arbitration systems - Commonwealth and State - operating concurrently. "Imperative", he wrote, "as is the need for delimiting the State and Federal jurisdiction for industrial arbitration, it is even more urgent that it should be unified if public servants are to have access to arbitration. The difficulty seems to point to the desirability of appointing a single arbitrator to deal within the limits of each State with all officials of the Crown by whatsoever authority they may be employed."(126) How such a proposal could be put into effect he did not say.

He subsequently cooled in his attitude even towards a Public Service Arbitrator. He pointed to a vital anterior question: "Is the system of industrial arbitration equal to the task with which it has been burdened?...In industry the interposition of an arbitration tribunal between the worker and his employer is explicable. Is there a similar need in respect of public servants under the jurisdiction of Public Service Boards?"(127) He answered this in the negative:

"There is substance in the contention that, as the public servant is sui generis, his standards and conditions are adequately met by the original idea of a Public Service Board...The Board can be so organised as to deal directly with each and every official; the Court can only deal with groups in the mass and tends to legislate for the average. The procedure of the Board is calculated to evoke a desire for co-operation: that of the Court tends to foment a spirit of litigiousness which can be destructive of esprit de corps. Board activities are informal, speedy and inexpensive: cases before the Court are formal, protracted,
Bland was not insensitive, however, to the problems which had generated the demands that public servants be granted access to arbitral tribunals. "In their experience of boards and Governments", he wrote, "public servants have frequently felt impotent in the face of the arbitrary exercise of power. Arbitration Courts have afforded an appellate jurisdiction from Board decisions which could not otherwise be challenged. And they have also eliminated the element of Government caprice by substituting the award of the Court, with all its legal sanctions, for a condition in which pay was made dependent upon the provision of funds by Parliament. Any review of the application of arbitration to the public service will have to come to terms with these two aspects of the problem of security."(129) The structuring of institutions to deal with salary determination in the public service thus emerged as no easy task, and Bland wisely resiled from arguing dogmatically that any one possible form of salary fixing would in all circumstances be the best obtainable.

As emerges from the point just discussed, Bland had a genuine interest in the civil rights of public servants. This reflected no more than a consistent application of his concern for the individual, and the terms in which he voiced his concern have a familiar ring. If, he argued, "civil rights are denied, the man or woman is reduced to the level
of a chattel. If political rights are withheld the man or woman is severely restricted within narrow private interests, and their whole outlook may be contracted or stunted. Indeed there are few activities of life which exercise a more vitalising influence upon the community than full and free participation in politics."(130) However, he saw some areas in which the very nature of the civil servant's calling dictated that he or she should be treated somewhat differently from other citizens. "The objections which dictated the exclusion of officials from Parliament", he wrote, "lie also at the root of their exclusion from civil and criminal juries... It would be singularly inconsistent with English law for the State as accuser to submit the facts for the arbitrament of a panel of its own servants. There would be a distinct conflict in such cases between the interests of the juryman regarded as a civil servant, and his duties as a citizen."(131) He took a more tentative attitude towards the franchise, and argued that "the power to reward with political support parliamentary candidates who are prepared to further official demands is fraught with grave dangers. Yet it cannot be said that selfishness is a monopoly of state officials. Their economic interests may be in conflict with those of the community, but it is difficult to say where the line would be drawn if political selfishness was to be visited by disfranchisement. It would certainly be necessary to extend it to others than civil servants."(132) He was much less accommodating to civil servants wishing to pursue parliamentary honours. He noted the typical requirement
that public servants running for Parliament not use information acquired in the course of their official duty, but remarked that the "difficulty of maintaining that degree of reserve in an electioneering campaign which such a restriction entails is too obvious for us to believe that the restriction is effective"(133), and concluded that "whatever the result of the election might be, the mischief is farreaching, reacting upon both the public and the service."(134)

Bland saw fewer difficulties confronting the public servant who wished to become involved in municipal politics, but conceded that "if municipal politics develop along party lines and if the functions of the local governing bodies become extended to embrace many of those entrusted to them in other countries, it may become necessary still further to restrict the privileges of the civil servant lest in his capacity as a municipal representative he should be forced to support or acquiesce in a policy which would conflict with his duty to his department."(135) On the right of public servants to strike, Bland put the view that "public opinion and public sentiment are so vague, so unorganised, and so dependent upon vested interests for publication, as to be very inadequate safeguards against neglect of grievances"(136), and continued that in the circumstances of the time, "we find it impossible to differentiate in any way the position of the employee in private industry and that of the official of the State with regard to the right of association, and the right to use all the powers that
association gives for calling attention to his grievances."(137) It followed that even with additional safeguards, "it is impossible to deny the right to strike, if all other avenues have been explored and all other methods exhausted to secure the removal of conditions which are deemed intolerable."(138) Unfortunately, Bland did not go on to address the further question of whether a right to strike should entail the right to take such other steps - such as the coercion through picketing of potential replacement workers - as might be necessary to render the strike an effective tool for the rectification of grievances.

Bland's views on public service organisation, recruitment and personnel generally sat comfortably with his view that the role of the public service was to administer policy. They provide one of the clearest examples of his desire not merely to articulate values but to outline the shape of the institutions through which they best could be realised. To a large extent, Bland's discussion of the public service represented a solid attempt to shape institutions which could efficiently administer the policies of the government of the day. One might query, however, whether the development of a "distinct administrative class" of the type which Bland envisaged might not accommodate the emergence of a public service increasingly arrogant, increasingly convinced of its own wisdom, expertise and virtue, and increasingly - in Bland's sense of the
expression - bureaucratized. This criticism of Bland's argument closely mirrors the criticisms directed by various writers at Max Weber's notion of rational bureaucracy. (139)

One can also envisage circumstances in which "politics" might improve the efficiency of "administration" by intervening to secure a co-ordinated pattern of official behaviour. As noted earlier, Bland saw wise administration as consisting in efficient co-ordination, and outlined coordination roles for both a Supreme Administrative Council and a Bureau of General Administration. However, were these bodies to fall prey to that "peculiar form of jealousy and friction" which Gulick saw afflicting agencies working closely together in the same area (140), the onus would fall on the custodians of political authority to rectify the situation.

The main difficulty facing Bland's analysis of the public service, however, is its rather uneasy coexistence with his views on democracy and more fundamentally on liberty. This tension can now be explored in detail in the concluding chapter.
FOOTNOTES TO CHAPTER SEVEN


2. Ibid., p4.

3. Ibid., pp4-5.


10. See Chapter Six, footnote 51.

12. Ibid., p25.


15. Ibid., p173.


17. Ibid., p184.

18. Ibid., p184.


20. Ibid., p184.


22. Ibid., p184.

23. Ibid., p183.


28. Ibid., p91.


30. Ibid., p132.

31. Ibid., p132.


34. Ibid., p295.

35. Ibid., p295.


40. Ibid., p63.

41. Ibid., p65.

42. Ibid., p66.

43. Ibid., p69.

44. Ibid., p70.

45. Ibid., pp70-71.

46. Ibid., p71.

47. Ibid., pp71-72.

48. Ibid., p76.

49. See Chapter Five, footnote 70.


51. Ibid., p74.

52. Ibid., p74.
53. Ibid., p72.
54. Ibid., pp74-75.
55. Ibid., p75.
56. Ibid., p78.
57. Ibid., pp79-80.
64. Ibid., p143.
65. Ibid., pp143-144.
66. Ibid., p147.
67. Ibid., p139.
68. Ibid., p40.
69. Ibid., p40.
70. Ibid., p41.
75. Ibid., p174.
76. See ibid., pp175-178.


81. Ibid., p xviii.

82. Ibid., p xviii.


84. Ibid., p145. See also pp51-52.

85. Ibid., p145.

86. Ibid., p50.

87. Ibid., p51.


91. Ibid., p 70.

92. Ibid., p 72.


99. Ibid., p xx.

100. Ibid., p xx. See also Bland, *Shadows and Realities of Government*, pp 140-143.


102. Ibid., p xxii.

103. Ibid., p xxii.
104. Ibid., p xxii.

105. Ibid., p xxiii.


108. Ibid., pp31-32.

109. Ibid., p32.

110. Ibid., p35.


112. Bland, Shadows and Realities of Government, p34.

113. Ibid., pp34-35.


115. Ibid., p18

116. W.P. Butler, "Notes on the Teaching of Public Administration" Public Administration (Sydney), vol.30, no.1, March 1971, pp80-82 at p81. It should not be concluded, however, that Bland's courses were confined to supplying knowledge of this type: E.A. Lyall, "The Teaching and Practice of Public Administration - Integration or Disintegration?", Public Administration (Sydney), vol.31, no.1, March 1972, pp70-78 suggests at p73, footnote 8, that R.N. Spann's reservations about Professor Encel's labelling of early public
administration courses in Australia as narrowly vocational "probably owe something to his knowledge of F.A.Bland's courses at the University of Sydney".


119. Ibid., p57.


124. Ibid., p113.

125. Ibid., p114.

126. Ibid., p114.


128. Ibid., pp xxvii-xxviii.

129. Ibid., p xxviii.

131. Ibid., pp178-179.

132. Ibid., p180.

133. Ibid., p183.

134. Ibid., pp183-184.

135. Ibid., pp184-185.

136. Ibid., p189.

137. Ibid., p189.

138. Ibid., p190.


CHAPTER EIGHT - CONCLUSION

Bland's intellectual Odyssey was a long one, which led him past many treacherous issues in political theory and political science. As this study has demonstrated, some of his ideas he pressed consistently from the beginning to the end of his scholarly career, but others he altered as the circumstances of the day caused him to adjust his social and political priorities. This is an important insight, and one which only a proper attention to Bland's unpublished writings permits. Nonetheless, to this point a consideration of the coherence of Bland's views as a whole has been deferred, in order to enable his different values and the policy proposals in which they were reflected to be properly addressed. Now is the time for such a consideration.

A central conclusion to which the analysis in the preceding chapters points is that Bland's thought was afflicted with major unresolved tensions. Bland's approach as a practical political theorist left him vulnerable to this danger, for the great bulk of his enterprise was devoted to exploring ways in which his different values could be realised in practice rather than to reconciling blatant or latent conflicts between the different values which he articulated. Where he became aware of a conflict, he was often satisfied simply to note the problem. This may have reflected a genuine awareness of the difficulties with which his ideas as a whole were faced, but if so, it did not prompt any systematic attempt on his part to mould his ideas.
into a coherent shape.

A tension can be found, to begin with, between his Christian and his secular ideas. He himself recognised that democratic government, while supplying better than any other the opportunities for following Christ's way of life, might not emphasize Christ's teaching of the unity of life. More seriously, however, the account of democracy which he gave when reaching this conclusion put such stress on the ultimate determining power being vested in the majority that it gave rise to a different problem: that the majority might support the enactment of decidedly unchristian laws. Even the constraints on the majority which he later argued were necessary in a democracy were largely procedural rather than substantive, and Bland seems without justification to have concluded that a consensus which did not entail the violation of the moral commitments of one or more societal groups would always be possible in a community in which a "desire to discover the general good for the whole community" prevailed. The polity which best supplied the opportunities for following Christ's way of life threatened on the contrary to confront the individual with the unenviable choice of whether to follow the injunctions of the Scriptures or of human law. This danger, it is true, may inhere in the very idea of a distinct human government, and it could be that Bland had this in mind when noting that democracy might not emphasize Christ's teaching of the unity of life. Bland was unsympathetic to the idea of a "Church Party" in politics, and argued that the "Church's influence
in government must be a moral, not a political influence."(1) "No one", he went on, "has the right to say of any political programme 'This alone embodies the teaching of the Gospel'."(2) Yet when Christ said "In my Father's house are many mansions"(3), it is doubtful that he meant that there were not immanent in his teachings principles which could serve as a basis for ordering society, and in any case, it is not difficult to envisage situations in which conduct required by laws enacted by the majority or its representatives might violate a clear Scriptural proscription, even if the precise content of certain other Scriptural prescriptions remained open to legitimate doubt. Were the Church and the faithful then to defend their positions, their acts would indeed be moral, but inescapably political as well. Bland's view of democracy was an instrumental one, and he may have regarded temporal injunctions as subordinate to spiritual ones. However, he did not produce an explicit rule of priority to guide the citizen when Scriptural and temporal injunctions conflict.

A tension also remained unresolved between Bland's Christian commitment and the liberal values which democratic organisation could serve. While his "positive" notion of freedom might be seen as simply a dimension of his Christian values, his "negative" notion cannot. A "negative" notion of freedom on Bland's own formulation entails permitting the individual to act however he chooses as long as he does not fall below the minimum standard of behaviour indispensable for the enjoyment of freedom by anyone. To fail to love
one's neighbour, for example, might be an exercise of freedom which Bland as a liberal could not invite the State to punish, which might not impinge upon the enjoyment of freedom by another, but which might still violate the injunction in Saint Paul's Epistle to the Galatians: "For, brethren, ye have been called unto liberty; only use not liberty for an occasion to the flesh, but by love serve one another. For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbour as thyself." (4) Bland's difficulty sprang from his having defended freedom as something good in itself, without having demonstrated that man's exercise of his freedom would not be a barrier to the ideal polity, the Kingdom of God. In the "negative" sense of the term it clearly could be, as a free man could choose to devote his efforts to personal gain rather than "common service". As long as the human laws which may be necessary to sustain "negative" liberty do not demand a violation of Scriptural injunctions, the problem of inconsistency in the rules governing the moral action of the individual does not arise. However, if the problem does arise, it is much more acute than if the law is simply one democratically enacted and thus arguably subordinate, for the law is in this case furthering an end not obviously subordinate to the building of the Kingdom of God on earth. At a philosophical level, this inconsistency in Bland's thought was a serious one, although given his character as a practical thinker, it was not the one which showed up most obviously in his writings.
The inconsistency which his practical writings exposed was that between the values of efficiency and democracy. This inconsistency reflected Bland's wavering between a commitment to respect the interests of individuals and a commitment in some sense to further the general interest, a term which he never clearly defined. However, the inconsistency found concrete shape in the tension in his writings between popular government and the separation of "politics" and "administration". The possibility of a conflict between the two was something of which Bland was aware. "No one, of course, who believes in popular government", he wrote, "would think of suggesting anything which means substituting 'official' control for that of the people's representatives. The official must be on tap, not on top. But there is no reason why popular government should be inefficient." (5) Yet Bland's proposal to exclude popularly elected political leaders from the management of the "administrative" sphere of public affairs amounted to the very ill which he decried. Were a minister's authority "limited to directing whether or not a particular policy ought to be pursued", vital areas of the policy-making process would unavoidably be removed from the hands of the people's representatives. Implementation is one such area (6), and the "vital 'thinking' role of organized bureaucracy" (7) is another. In 1948, with in mind a desire "to improve our democratic form of government" (8), he wrote that it "is not enough that people should give their consent to, and have the right, through the electoral process, to pass judgment upon what is done: there must be the
opportunity for them to determine, not merely to influence, governmental policy and administration."(9) A formal placing of administration beyond the control of popular government would certainly defeat this intention, as the opportunity to determine implies the existence of an effective control mechanism. The placing of administration beyond the control of popular government furthermore threatens the democratic ideal of ministerial responsibility, for there is no reason to believe that a minister would willingly accept responsibility for "everything done by an official" if that official inhabited an administrative realm in which ministerial intrusion were prohibited.

Nor is it by any means clear that a separation of "politics" and "administration" would advance the higher end of liberty. Where a public service is well entrenched, and not particularly sensitive to the liberties of the subject, a vigorous interference by "politics" in "administration" may be necessary to protect personal freedom. On the other hand, the activities of a "politicized" public service may provide a bulwark against the tyrannical intentions of a despotic party, whether that party has come to power through popular election or not. Indeed, one can readily envisage certain policies the obstruction of which by a public service might be morally worthy. An extreme but instructive example of such a policy is the Nazi policy of extermination of the Jews of Europe, a "major administrative operation which, given the intricacies of modern society, involved countless decisions, instructions, circular letters and
correspondence."(10) It would have been interesting to read Bland's views on the merits of a public service politicized for liberty, but this was a possibility which - curiously given the times in which he lived - he did not address.

Nonetheless, although his writings were marked by these inconsistencies, they make up an illuminating collection, and illuminating because of his scholarly achievements as well as failings. This is partly due to the sheer range of his interests. He was no narrow specialist, intent only upon learning more and more about less and less. He volunteered his views upon many issues concerned with public affairs, and when invited, would address questions avowedly outside his bailiwick.(11) But it is also due to his thoughtfulness. As the preceding chapters have revealed, he devoted himself actively to analysing the problems of government, and to proposing ways in which these problems could be overcome or avoided. He did not seek the wholesale reconstruction of social institutions along lines of his own devising. He was content to opt for a modest incrementalism, and expressed himself fiercely only when he saw the actions of others as a threat to the fabric of a political order to which he was fundamentally committed. Even in his early writings, when he was struck by what he saw as the inhumanity of industrial capitalism, he eschewed the path of revolution.
This is not to imply that all his proposals were without flaw. Some which he advanced struck no resonant chord at the time, simply because the difficulties surrounding them were as noted in this study genuine; and they sank without trace. However, even these proposals were premised upon a critical analysis of political problems, and opened for debate the questions which Bland considered important. Furthermore, many of his contributions are, to use Gladden's phrase, of "continued relevance to the much different world of today."(12) Bland's most stimulating work, such as that on statutory corporations, was both insightful and perceptive, and an excellent example of his talents.

The defects of Bland's scholarship were the defects of its quality. He stood too close to the practical issues which concerned him to produce a cogent, integrated political philosophy. However, his work had distinct merits, and this study, by focussing on his values and his proposals for realising them, sheds light on the virtues as well as the vices of Bland's approach, and goes some way towards restoring the memory of the scholarly contribution of this forgotten Australian pioneer.
FOOTNOTES TO CHAPTER EIGHT


2. Ibid.


9. Ibid., p69.

11. For example, his article "The Sovereign State in the New World Order", The Australian Intercollegian, vol.46, August 2, 1943, pp88-91 was specifically requested by Margaret Holmes of the Australian Student Christian Movement.

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