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Bureaucracy: a moral perspective

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Introduction

My intention in this research report is to question the moral justification of bureaucracy. I am especially interested to discover what moral arguments *against* bureaucracy can be found. There has been comparatively little explicit treatment of the ethics of bureaucracy from a deontological perspective as opposed to a teleological perspective, and so my focus is on the former perspective in this research report. That is, my focus is on process-based moral problems with bureaucracy rather than on morally problematic results of bureaucratic systems. Throughout my research report, I use the example of a university to illustrate my arguments and points.

I do not claim to conclusively settle the matter of whether bureaucracy is morally justified. The substantive achievement of this research report, I believe, is to construct some coherent and hopefully powerful arguments against bureaucracy that raise important questions about its moral justification. If my arguments are successful, we have serious moral issues relating to bureaucracy that we should carefully consider. Even if my arguments do not conclusively show that bureaucracy is morally unjustified (and I do not claim that they do), if successful, they at least point out some serious moral defects in bureaucratic organisation.

In Chapter 1, I provide a summary of Max Weber's analysis of bureaucracy,[1] some brief arguments in favour of bureaucracy, and an overview of some result-based arguments against bureaucracy that I have found in the literature. The main considerations in favour of bureaucracy are that it is supposed to operate fairly and

[1] Max Weber, "Bureaucracy," Chapter XI in Guenther Roth and Claus Wittich, eds, *Economy and Society* Vol, 2 (Berkeley: University of California Press, 1978), pp. 956-1005.

efficiently. However, as some authors have suggested, bureaucracies might not in fact be able to be as efficient as one might suppose. It has also been pointed out that bureaucracies can have some unfavourable results for their participants. These are the sorts of result-based arguments against bureaucracy that I present in Chapter 1. I do not discuss them at length, since my main interest is in the deontological arguments. I merely point them out, to show that it is not altogether clear that bureaucracies have only good results.

In Chapter 2, I present and discuss the first of two deontological arguments against bureaucracy – the argument from fairness in the distribution of decision making power. This argument is inspired by Henry Richardson, who raises the worry that the existence of bureaucracies with significant decision making power in the realm of policy making poses a threat to truly democratic societies.[2] Bureaucrats have more decision making power than the average citizen of a democracy, and this leads to unfair and undemocratic decision making procedures. Richardson thinks that with some appropriate institutional reforms, we can avoid bureaucratic domination. However, I suggest that to the extent that we adopt Richardson's proposed reforms, we will be replacing bureaucracies with something else.

In Chapter 3, I present and discuss a respect-based objection to bureaucracy, the second deontological argument. I combine arguments from Kathy Ferguson, Georg Lukács, John Ladd and Henry Richardson to form a general respect-based objection to bureaucracy. This objection says that bureaucratic organisations treat all of their

[2] Henry S. Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (New York: Oxford University Press, 2002). Hereafter referred to as "*Democratic Autonomy*".

participants disrespectfully – they fail to treat their workers and their clients as autonomous agents, capable of making their own decisions on the basis of reasons.

In Chapter 4, I provide some suggestions of what a promising alternative to bureaucracy might look like if in fact it turns out that bureaucracy is so morally problematic that it should be replaced. I consider two different levels of a replacement – a policy making level, which is informed by Richardson's proposed institutional reforms, and a workplace organisation level, which I argue would be more respectful of both clients and workers. While I think that the first level could be applicable in many organisations of varying size and complexity, the second would seem to be more difficult to apply to very large and complex organisations. It would, however, be applicable to many organisations that are currently organised bureaucratically. I then consider a possible objection to my suggestions in this chapter, which is an adaptation of an argument from David Estlund, and argue that Estlund's argument does not constitute a conclusive objection on behalf of the friend of bureaucracy.

Chapter 1

Background: Bureaucracy, For and Against

In this chapter, I shall provide an analysis of the concept of bureaucracy and briefly discuss some reasons that it may be thought that bureaucracy is morally justified – namely, the fairness and efficiency in organisation that supposedly are the chief motivations for adopting a bureaucratic form of organisation. This part of the chapter will take the form of brief justification of each of the central features of bureaucracy that I mention in the analysis. I shall also review some result-based arguments against bureaucratic organisation. While my chief concern in this research is to consider deontological arguments against bureaucracy, it is worth taking note of some of the result-based objections to bureaucracy that others have come up with, and point out how they might be developed. It is worth pointing these out, as there has not been much work done on the ethics of bureaucracy to date. I do not have the space to carefully examine these result-based objections to see whether they are successful, but it is worth noting that there are various possible objections of this sort, and to distinguish them from the sorts of objections that I am primarily concerned with.

Bureaucracy: Weber's Analysis

Weber draws a distinction between a bureaucratic agency, which is a governmental organisation, and a bureaucratic enterprise, which is part of the private economy.[3] Among the most essential features of any sort of bureaucratic organisation, Weber mentions the centralisation of power and authority in organisation, hierarchical

[3] Weber, "Bureaucracy," p. 956.

structures within an organisation, detailed and methodical record-keeping, the complete separation of private and official matters in the life of an official, a high degree of specialisation at each level of the hierarchy, and an exhaustive, stable system of general rules governing any procedures to be dealt with in the system.[4] Expert knowledge of the general rules constitutes the required "expertise" that an official working in the system should have.[5]

According to Weber, as part of the hierarchical structure of a bureaucratic organisation, higher offices supervise lower ones. However, the allocation of tasks to each level of the hierarchy is fixed – a higher office cannot take on the tasks of a lower office.[6] Presumably, this is to preserve the high degree of expertise concerning the workings of each level at that level. An official working at a specific level of the hierarchy should have expert knowledge of the general rules governing any procedures to be dealt with by that specific level of the hierarchy. Weber notes that passing a specific examination, the content of which would be the relevant general rules, is often a requirement for obtaining a position within a bureaucracy; this is to ensure the necessary "expertise" in the official.[7]

It is important to note that, according to Weber, a bureaucratic system will function best if it is extremely impersonal; he says that it should be "dehumanized" as far as possible and should function "without regard for persons".[8] Weber thinks that a dehumanised form of organisation will be most efficient, because it eliminates any

[4] Weber, "Bureaucracy," pp. 956-958.
[5] Weber, "Bureaucracy," p. 958.
[6] Weber, "Bureaucracy," p. 957.
[7] Weber, "Bureaucracy," p. 959.
[8] Weber, "Bureaucracy," p. 975.

incalculable, irrational factors, such as human emotions.[9] Holding office in a bureaucratic organisation should be thought of as owing loyalty to that organisation itself and the purposes of the organisation – a kind of impersonal loyalty; loyalty should *not* be owed to any particular person within the organisation, such as an immediate superior.[10]

While the official is not required to be *loyal* to her superiors, she is *dependent* on them for her position in the organisation. This is because, according to Weber, officials within a properly bureaucratic organisation should always be appointed rather than elected. He goes as far as to say, "An official elected by the governed is no longer a purely bureaucratic figure," implying that appointment rather than election of officials is essential to bureaucracy.[11] As in the case of specific examination-based entry requirements mentioned above, appointment rather than election of officials is in the interest of ensuring that the new official meets the standard of expertise required by the organisation. Weber notes that election of officials would also pose a threat to the strict hierarchical structure of a bureaucratic organisation, because the dependence of the official on her superiors would be weakened.[12] Weber suggests that the salary of an official in an ideally bureaucratic organisation should be proportionate to the hierarchical level that the official occupies.[13] Increased security (in the form of a higher salary) at the higher levels of the hierarchy provides an incentive for officials to devote themselves to the organisation and its functions.[14] According to Weber, such salary incentives along

[9] Weber, "Bureaucracy," p. 975.
[10] Weber, "Bureaucracy," p. 959.
[11] Weber, "Bureaucracy," p. 960.
[12] Weber, "Bureaucracy," p. 961.
[13] Weber, "Bureaucracy," p. 963.
[14] Weber, "Bureaucracy," pp. 959, 963.

with the rules that govern the appointment of officials will best ensure the stable and successful operating of a bureaucratic system.[15]

In Favour of Bureaucracy: Fairness and Efficiency

Bureaucracy, in its ideal form, is supposed to be fair and efficient. The complete separation of private and official matters in the life of an official, and the general "dehumanising" of the bureaucratic system may be expected to ensure procedural fairness. Weber discusses legal systems and their functioning as an example of how the impersonality of bureaucracy would be fairer than some other systems.[16] The ideal of impersonality that is supposed to characterise bureaucracy entails that individual cases will not be subject to the personal feelings and beliefs of those administering the law; rather, each case will be dealt with according to pre-determined and rational sets of rules.[17] The exhaustive, stable systems of general rules and central importance of evidence (the rationale behind detailed and methodical record-keeping) should ensure that the law (for example) is carried out in a way that excludes the influence of the administrators' personal feelings and opinions.[18]

Weber also notes, in his discussion of the legal example, that a rational, rule-governed legal system will be the most efficient type of legal system as societies and cases increase in complexity.[19] The 'dehumanising' of bureaucracies is intended to increase efficiency as well as ensure fairness. By eliminating irrational human elements, bureaucracies can function according to systems of rules that can be calculated for

[15] Weber, "Bureaucracy," p. 968.
[16] Weber, "Bureaucracy," pp. 976-978.
[17] Weber, "Bureaucracy," p. 977.
[18] Weber, "Bureaucracy," pp. 975-978.
[19] Weber, "Bureaucracy," p. 977.

efficiency.[20] Any element that cannot be calculated or predicted should be eliminated from the system, as its incalculability and unpredictability renders the system less efficient; bureaucracies are supposed to be purely rational systems of organisation, so any *irrational* elements would naturally make the system as a whole less than ideal.

Similarly, the high degree of specialisation at each level of the bureaucratic hierarchy is meant to ensure maximal efficiency in dealing with large and complex matters of organisation. Weber notes that as societies increase in size and complexity, the amount of necessary administrative work increases and becomes more complex, and the most efficient way to meet these administrative demands is to increase the specialisation of the administrators.[21] It seems obvious that the best way to maximise expertise in administrators in such a situation is to limit their fields of specialisation – hence the rigid hierarchical structure of bureaucratic organisations. Finally, the centralisation of power and authority in organisation presumably ensures uniformity of procedure throughout the system. The entire hierarchy is controlled by one centre of power and authority, so the various branches of the system are not at liberty to adopt procedures of their own devising, which might vary in fairness and efficiency among the various branches.

So, it might be thought that bureaucratic forms of organisation in large and complex societies are justified in light of the advantages they have in terms of efficiency and fairness. Participants in any system of organisation, whether they are citizens of a state or students at a university, presumably would consider procedural fairness and efficiency in organisation to be morally relevant reasons for preferring a particular

[20] Weber, "Bureaucracy," p. 975.
[21] Weber, "Bureaucracy," pp. 969-971.

organisational system. If bureaucracy meets these requirements, then it may be supposed to be a morally justified form of organisation, especially if there is no alternative that would do better, as Weber certainly thinks is the case in any large and complex society. He says, "It is obvious that technically the large modern state is absolutely dependent upon a bureaucratic basis. The larger the state, and the more it is a great power, the more unconditionally is this the case."[22] In addition to the necessity of bureaucracy for the maintenance and running of any large society, Weber suggests that bureaucratic organisation is generally a prerequisite for the expansion and development of any large and complex society.[23] While it is largely agreed and generally accepted that bureaucracy is an inevitable and indispensable feature of modern society, the negative moral features of this type of organisation have not gone unnoticed. I turn next to a brief review of some result-based moral arguments against bureaucracy.

Result-based Arguments against Bureaucracy

1. Lukács: A Marxist Objection

Georg Lukács points out some similarities between bureaucracies and capitalist modes of production regarding their respective effects on participants, from a Marxist perspective.[24] Lukács notes that in a bureaucratic system of organisation, because tasks are always increasingly formalised and specified, the purpose for which tasks are to be carried out is always further removed from the individual in the system.[25] The results are reminiscent of the alienating effects of the capitalist division of labour

[22] Weber, "Bureaucracy," p. 971.
[23] Weber, "Bureaucracy," pp. 969-973.
[24] Georg Lukács, *History and Class Consciousness* (London: Merlin Press, 1968), pp. 83-110.
[25] Lukács, *History and Class Consciousness*, p. 99.

that Karl Marx described. Speaking of bureaucracy and comparing it to factory work under the capitalist mode of production, Lukács says:

> [T]here is an even more monstrous intensification of the one-sided specialisation which represents such a violation of man's humanity. Marx's comment on factory work that "the individual, himself divided, is transformed into the automatic mechanism of a partial labour" and is thus "crippled to the point of abnormality" is relevant here too.[26]

Lukács emphasises the similarity between a worker operating a machine in a factory and a person working in a bureaucracy – a similarity that, he notes, Weber pointed out.[27] The principle of rationalisation – the idea that an ideally functioning system and all its features and effects should be calculable and predictable – leads to the separation of and increased specialisation of tasks, so that the worker is eventually simply repeating purely mechanical processes.[28] Indeed, in such a system, whether it is a productive factory system or a bureaucratic system, the person involved becomes reduced to a mere part of the system, no different from the machines with which she works (or in the case of a bureaucracy, perhaps the forms she fills in and files).[29]

I think that there are two possible ways to interpret Lukács's objection – a teleological interpretation and a deontological interpretation. For the moment, I shall focus only on the teleological version, returning to the deontological interpretation in chapter 3. So, here we have one argument to the effect that bureaucracies have negative effects on the people who work in them. Writing from an explicitly Marxist perspective, Lukács is concerned that bureaucratic systems damage what is distinctively human in

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[26] Lukács, *History and Class Consciousness*, p. 99.
[27] Lukács, *History and Class Consciousness*, p. 96.
[28] Lukács, *History and Class Consciousness*, p. 88.
[29] Lukács, *History and Class Consciousness*, p. 89.

their participants. The sharp division of labour that bureaucracy entails because of its insistence on specialisation and hierarchy, and the highly formalised specifications of tasks in the form of rules, stunt the bureaucrat's capacity for creativity, and reduce her to a mere mechanism within the larger system that can be replaced, just as any other mechanical part of the system can be replaced. Furthermore, just as the effects of the type of labour in a typical capitalist factory extend into the non-working part of the life of the labourer, the analogous effects of bureaucratic organisations permeate the entire life of the person who works in a bureaucracy. The demands of bureaucracy that participants adopt a highly formalised, rule-based way of thinking in the context of the bureaucratic system leads to a general way of thinking, which excludes creativity, and that in fact comes to constitute a whole way of life, according to Lukács.[30]

2. Lukács, Stone and Castoriadis: Conflict and Frustration of Overall Aims

Lukács further notes that the increased specialisation that bureaucracy requires leads to each individual branch of the system developing on its own, in isolation of all of the other branches of the same system, and suggests that this may result in conflict between different branches of the overall system.[31] This would mean that individual bureaucratic organisations might develop on their own, and as a result might no longer be operating according to the same principles or for compatible purposes. Furthermore, I think it is even possible that different levels of the hierarchy within a single bureaucratic organisation might begin to develop their own procedures that would be incompatible with one another.

[30] Lukács, *History and Class Consciousness*, p. 98.
[31] Lukács, *History and Class Consciousness*, p. 103.

To be sure, this would not happen in Weber's ideal bureaucracy, because of the centralisation of power and authority that is supposed to regulate all of the branches of the system and ensure that they all serve the same purpose. It is a valid question, though, whether it is in fact possible to prevent this sort of problem from occurring in light of the high specialisation at each level of the hierarchy, and the fact that higher offices cannot take on the tasks of the lower offices, which seems to *imply* a certain degree of autonomous functioning at each level of the bureaucratic hierarchy.

A further aspect of bureaucracy that might contribute to the problematic autonomous development of a bureaucracy's various branches is the administrative secrecy that Weber mentions as being a characteristic feature of bureaucracy.[32] According to Weber, it is typical of bureaucratic administration that its workings are hidden from the public to avoid criticism.[33] Weber says, "Bureaucracy naturally prefers a poorly informed, and hence powerless, parliament – at least insofar as this ignorance is compatible with the bureaucracy's own interests."[34] Here, Weber seems to be referring to the tendency of bureaucratic organisations to hide information from those external to the organisation, but if Lukács is correct about the danger of individual branches of one organisation developing autonomously, perhaps there is also a danger of too much secrecy between branches of a single organisation. Assuming for the moment that such secrecy is likely to eventually characterise the individual branches of any large and complex bureaucratic organisation, the question then arises whether administrative secrecy *is* really compatible with the bureaucracy's own interests at all. It seems plausible that such secrecy would increase the autonomous development of individual branches, and it is all too easy to imagine this leading to the various

[32] Weber, "Bureaucracy," pp. 992-993.
[33] Weber, "Bureaucracy," p. 992.
[34] Weber, "Bureaucracy," p. 993.

branches eventually having conflicting aims, which would ultimately lead to the frustration of the aims of the organisation as a whole.

Clarence Stone considers a narrower version of this objection.[35] He considers the problems in bureaucratic ways of organising the provision of social services (specifically, welfare systems), and points to the lack of communication and agreement between the higher and lower levels in bureaucratic systems as one of the main problems.[36] It should be noted, however, that Stone does not see the problems with social service provision as unique to bureaucratically operated systems – he thinks that a market based approach would do no better.[37] To maintain focus however, I shall concentrate only on what Stone does say to criticise bureaucracy here.

Stone suggests that the reason why bureaucratically operated welfare systems are unsatisfactory may in fact be that they do not live up to Weber's *ideal* bureaucracy.[38] However, the specific aspects of these systems that he mentions as being most problematic certainly do seem to be parts of Weber's analysis of an ideal type of bureaucracy. For example, Stone points to the strict division and separation of matters to be dealt with, and the impersonality that characterises the systems, making relationships (and understanding) between clients and workers impossible.[39] While Stone may be correct that the impersonality (for example) of welfare systems is not

[35] Clarence N. Stone, "Whither the Welfare State? Professionalization, Bureaucracy, and the Market Alternative," *Ethics* 93 (1983), p. 588-595. Hereafter referred to as "Whither the Welfare State?"
[36] Stone, "Whither the Welfare State?" p. 591.
[37] Stone, "Whither the Welfare State?" p. 595.
[38] Stone, "Whither the Welfare State?" pp. 590-591.
[39] Stone, "Whither the Welfare State?" pp. 590, 592.

unique to bureaucratic welfare systems, it certainly would characterise an *ideally* bureaucratic welfare system.

Stone's criticism, as I understand it, amounts to recognition of the fact that it is not in fact possible to dehumanise an organisation that has essentially to do with human beings to the point where it will be optimally efficient. While Weber thinks that dehumanising organisations and making rigid divisions between types of tasks will maximise efficiency by ensuring predictability and calculability of results, perhaps assuming that such predictability and calculability is possible in essentially human matters is a mistake.

Particularly in the provision of social services, as Stone notes, but presumably also in other areas where bureaucratic organisation is prominent, problems to be dealt with are intricately bound up with one another and cannot be entirely separated from each other.[40] Furthermore, while human elements may be unpredictable and incalculable, ignoring them will not improve predictability and calculability (and hence efficiency) of results as long as they are present, which they will be as long as human beings work in and deal with bureaucracies. So, there is room here for an objection to bureaucracy on the grounds that by aiming for efficiency, bureaucracy in fact is bound to collapse into chaos and so defeat its own purpose – an objection somewhat similar to the one from Lukács above, but with a narrower focus.

Similarly, Cornelius Castoriadis suggests that bureaucracy is not morally justified. Specifically, he suggests that the bureaucratic structure of trade unions frustrates their

[40] Stone, "Whither the Welfare State?" p. 590.

purpose and ends up working against the interests of the workers that the unions are supposed to represent.[41] Castoriadis thinks that bureaucratic forms of organisation, being intimately linked with capitalist economic policies, are fundamentally antithetical to the interests of the majority of people (the workers), and that bureaucratic forms of organisation should therefore be replaced with something else.[42] This particular point from Castoriadis seems to be a narrower version of Lukács's objection – it highlights one particular case of a bureaucratic organisation frustrating its own purposes. As specific aspects of bureaucracy that lead to its frustrating its own purposes, Castoriadis mentions lack of knowledge among those within the organisation about what is happening in the organisation, leading to conflict within the organisation and chaotic planning.[43]

To sum up, if the autonomous development of various branches of a single bureaucratic organisation is a real threat to bureaucratic organisations in general, then even though one of the reasons that bureaucracy might be desirable is that it is supposedly the most effective way of ensuring *unity* in administration,[44] the bureaucratic structure itself may pose a threat to unity of administration. We have here a rather interesting result-based argument against bureaucracy – the suggestion that bureaucracies are likely to in fact frustrate their very own purposes! While I think this is a very interesting point that requires further examination, since my focus in this research is not on result-based arguments, I must leave this argument here,

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[41] Cornelius Castoriadis, "Wildcat Strikes in the American Automobile Industry," Chapter 1, *Political and Social Writings* Vol. 2, translated by David Ames Curtis (Minneapolis: University of Minnesota Press, 1988), pp. 3-13.
[42] Castoriadis, "Workers Confront the Bureaucracy," Chapter 2, *Political and Social Writings*, pp. 14-25.
[43] Castoriadis, "The Proletarian Revolution against the Bureaucracy," Chapter 6, *Political and Social Writings*, pp. 62-63.
[44] Weber, "Bureaucracy," p. 973.

having merely pointed it out. Whether or not this sort of objection turns out to be successful, the process-based objections discussed in chapters 2 and 3 below might go some way toward suggesting that bureaucracy is not morally justified. That is, even if bureaucracy can provide unified processes of administration, these processes themselves might be seriously flawed, from a moral perspective.

3. Ferguson: A Feminist Objection

Kathy Ferguson argues that bureaucracy is unjustified on feminist grounds.[45] According to Ferguson, bureaucracy produces the types of character traits that are generally associated with oppressed women in patriarchal societies or households in clients, managers, and all who work in bureaucratic organisations.[46] She suggests that bureaucracy creates and maintains the subordination of those dependent on it in much the same way as patriarchy creates and maintains subordination of women.[47]

When Ferguson speaks of the traits associated with "femininity", she refers only to those traits that are characteristic of women who are subject to some kind of domination, and which result from such domination.[48] These are, generally speaking, traits of subservience. Ferguson also sometimes speaks of the "skills of femininity", by which phrase she means the skills of coping with oppression and domination, and suggests that these skills are characteristic of people dealing with bureaucracy, as well as women dealing with patriarchy.[49] She describes such skills as a rational response

[45] Kathy E. Ferguson, *The Feminist Case Against Bureaucracy* (Philadelphia: Temple University Press, 1984).
[46] Ferguson, *The Feminist Case Against Bureaucracy*, pp. 92-93.
[47] Ferguson, *The Feminist Case Against Bureaucracy*, p. 83.
[48] Ferguson, *The Feminist Case Against Bureaucracy*, p. 92.
[49] Ferguson, *The Feminist Case Against Bureaucracy*, p. 121.

to a situation in which individuals find themselves to be powerless.[50] These skills are those of internalising and applying the perspective of a superior, and behaving accordingly.[51]

So, we have a result-based objection to bureaucracy from Ferguson on feminist grounds. If the power structures within bureaucratic systems are similar to relations of dominance and subordination between men and women in patriarchal settings, and they tend to produce traits in people that are characteristic of women coping with patriarchy, bureaucracy would certainly be unjustified for a feminist. It is worth noting, however, that this sort of objection need not rest on distinctively feminist grounds. A friend of virtue ethics, for example, could object to the effects of dealing with bureaucracy on a person's character if Ferguson is correct that dealing with bureaucracy tends to lead to traits of subservience.

4. Hine and Rourke: Stunted Emotions and Damaged Relationships

While the foregoing criticisms of bureaucracy are rather general, and attack bureaucracy as a whole, there have been some narrower, more specific objections to particular results of particular kinds of bureaucratic systems. Most of these objections are rather specific to particular contexts (e.g. business management), and so are criticisms of the results of bureaucratic organisation on a fairly small scale. I shall briefly describe some of these objections in this section, and indicate how they might be generalised to constitute result-based moral objections to bureaucracy in general.

[50] Ferguson, *The Feminist Case Against Bureaucracy*, p. 101.
[51] Ferguson, *The Feminist Case Against Bureaucracy*, p. 108.

James Hine points out that, often, business managers in bureaucratic systems suffer anxiety due to the lack of knowledge of what is going on in other branches of the system and the need to keep emotions separate from working life in a bureaucratic system.[52] Hine points out what he calls the "duality of formal rationality / lived emotionality that seems to represent managerial existence".[53] In other words, managers often have to hide and suppress their emotions, while the very structure and running of the bureaucratic systems they find themselves working in give rise to many negative emotions, such as anxiety that is due to what they do not know about happenings in other parts of the organisation, and feelings of failure for those who do not achieve their highest ambitions in the business.[54]

Hine then suggests that there is some tension between the purely rational ideal of bureaucratic organisations and facts about real life and human nature – we *do* experience emotions, even while immersed in a bureaucracy. In fact, bureaucracies tend to *produce* much anxiety (at least in the realm of business) because they involve so much secrecy about what happens in the various parts of the system that cannot be controlled by the individual, but that have a huge impact on her career.[55] In addition to producing negative emotions like anxiety, Hine notes that these emotions may lead to certain types of behaviour, which may be immoral.[56] Hine mentions political and competitive behaviour between managers that need not, but may well be, unethical.[57]

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[52] James A. H. S. Hine, "Success and Failure in Bureaucratic Organizations: The Role of Emotion in Managerial Morality," *Business Ethics: A European Review* 13 (2004), p. 230. Hereafter referred to as "Success and Failure in Bureaucratic Organizations".
[53] Hine, "Success and Failure in Bureaucratic Organizations," p. 232.
[54] Hine, "Success and Failure in Bureaucratic Organizations," p. 232.
[55] Hine, "Success and Failure in Bureaucratic Organizations," p. 239.
[56] Hine, "Success and Failure in Bureaucratic Organizations," p. 240.
[57] Hine, "Success and Failure in Bureaucratic Organizations," p. 229.

While Hine's criticisms of bureaucracy here are specific to bureaucratically organised businesses ("bureaucratic enterprises" in Weber's terms) and their effects on managers, the elements of the businesses that he criticises are common to bureaucracies of any sort. The two main elements of bureaucracy that Hine criticises are the lack of knowledge available to a given individual within the organisation about what goes on in its other parts and the requirement that emotions be hidden and suppressed by those working in a bureaucracy. Presumably, within any bureaucracy, the secrecy among its branches along with the need to suppress and hide one's emotions is likely to lead to anxiety and other negative emotions. This sort of consideration could be turned into a general objection to bureaucracy from a welfarist perspective (e.g. hedonism or preference satisfaction theory). Furthermore, if such negative emotions are likely to lead to immoral behaviour on the part of those working in a bureaucracy (as Hine seems to believe is the case), such considerations might be turned into objections to bureaucracy based on virtue ethics – if Hine is correct, it would seem that bureaucratic environments are not conducive to cultivating good moral character.

Francis Rourke notes that increasing bureaucratisation in most institutions often leads to animosity and hostility between the administrative and professional staff.[58] Rourke notes that modern bureaucratic organisations typically require the combined work of both professionals and administrators, and that their relevant roles are, in theory, complementary.[59] However, according to Rourke, in reality, professionals and administrators in a bureaucracy tend to become antagonistic toward each other.[60] One

[58] Francis E. Rourke, "Bureaucracy in Conflict: Administrators and Professionals," *Ethics* 70 (1960), p. 220. Hereafter referred to as "Bureaucracy in Conflict".
[59] Rourke, "Bureaucracy in Conflict," p. 220.
[60] Rourke, "Bureaucracy in Conflict," p. 220.

of Rourke's primary examples is that of an institution of higher learning, where the professionals are academics.

The main reason for the conflict between administrators and professionals in bureaucratic organisations, according to Rourke, is that the two groups have different primary aims – the administrators aim for "… uniformity and economy in the output of the institution", while the professionals are more concerned with using their peculiar professional skills.[61] In the case of a university, for example, the administrators presumably aim for uniformity and efficiency in producing qualifications, while the professionals (academics) aim to provide good education.[62] Rourke suggests that the conflict between administrators and professionals (particularly in universities) is exacerbated by the fact that with increasing bureaucratisation, administrators are becoming much more powerful and more valued than professionals, as is shown by the fact that professionals must eventually take on administrative roles if they are to further their careers beyond a certain point.[63]

The conflict between administrators and professionals that Rourke describes as being characteristic of modern bureaucratic organisations might be grounds for a welfarist objection to bureaucracy in general. Presumably, working in conditions where conflict is bound to arise is not good for the people affected by them, and this might be a reason not to adopt a bureaucratic structure for an organisation, at least if there is an alternative that would involve less conflict, all else being equal. The conflict between the two groups might also be supposed to hinder efficiency if it extends beyond mere subjective experiences of conflict to situations of actual conflict in the

[61] Rourke, "Bureaucracy in Conflict," p. 221.
[62] Rourke, "Bureaucracy in Conflict," p. 221.
[63] Rourke, "Bureaucracy in Conflict," p. 223.

running of the institution. Rourke seems to think that this does happen – he says that "… organizational life is in fact marked by pervasive and sometimes bitter disagreements between the two camps."[64]

Assuming Rourke is so far correct, and assuming the problem of conflict between the two groups is a serious moral issue, the question arises whether both administrators and professionals are essential elements of bureaucratic institutions – if we could do without one group, perhaps there would be no conflict of the kind Rourke describes. Obviously, any kind of bureaucratic institution needs administrators; they are the most strictly bureaucratic part of the staff of such an institution. So, the question is whether such institutions can do without professionals – could a university, for example, do without academics? The question may at first seem absurd, but Rourke makes a rather astonishing claim towards the end of his paper: "In view of the great extension in their power that has occurred in recent years it is easy and perhaps correct to conclude that the future belongs entirely to administrators."[65] This quote taken in isolation does not accurately reflect Rourke's view, but the prospect of a university devoid of academics is perhaps worth brief consideration, to see whether it would solve the problem of conflict between administrators and professionals.

Perhaps an institution of higher learning devoid of academics is not so far-fetched, particularly in light of the bureaucratic ideal of education. Weber draws a distinction between the "pre-bureaucratic" (not Weber's term) ideal of education, and the ideal of education that characterises more bureaucratised societies. While the former ideal is

[64] Rourke, "Bureaucracy in Conflict," p. 220.
[65] Rourke, "Bureaucracy in Conflict," p. 224.

the "cultivated man", the bureaucratised ideal is the "specialist".[66] As I understand it, what differentiates Weber's "cultivated man" from the specialist is that the ideal associated with the former is some kind of intrinsic value associated with education and knowledge, while the ideal associated with the latter has more to do with usefulness. If the bureaucratised ideal of education is that associated with the specialist, then perhaps the ideally bureaucratic institution of higher learning *would* have no need of academics. Teams of "specialists" could compose textbooks and prepare exams 'behind the scenes', and teams of administrators could ensure that textbooks are acquired and studied, and administer exams. In such an institution, there would be no academics around to be in conflict with administrators, and all proceedings would presumably be very efficient, economical and uniform.

This would seem to have solved the problem posed by Rourke's objection. However, it is worth noting that if Rourke's objection is serious, then bureaucracy would seem to *require* (at least to some extent) removing academics from universities to deal with the problem. Those of us that find plausible the idea that there is some intrinsic value associated with academia are likely to find the above described institution rather disturbing. That in itself might constitute an objection to bureaucracy (at least in the running of institutions of higher learning) from value theory. However, it does depend on Rourke's point turning out to be a serious moral issue – a very interesting idea that needs to be explored, but that goes beyond the scope of my focus in this research report. I should point out that Rourke himself in fact does not seem to think the problem of conflict is a very serious one. He ultimately suggests that generally, the conflict between administrators and professionals is "creative", and indeed

[66] Weber, "Bureaucracy," pp. 1001-1002.

necessary.[67] There remains the possibility, though, of a serious objection to bureaucracy being formulated on the basis of Rourke's paper.

In this chapter, I have summarised what I take to be the most important aspects of Weber's analysis of bureaucracy. I have also briefly addressed some arguments for and against bureaucracy. The arguments in favour of bureaucracy that I have dealt with are justifications of various essential characteristics of bureaucracy – justifications in terms of procedural fairness and efficiency in organisation. I then briefly described some result-based arguments against bureaucracy. The result-based arguments I have discussed are that bureaucracy is damaging to what is essentially human in its participants (Lukács), that the possibility of the autonomous development of individual branches of a single bureaucratic organisation, combined with certain essential characteristics of bureaucracy, might lead to a failure of the organisation to achieve its own aims (Lukács, Stone and Castoriadis), that bureaucracies tends to produce subservient character traits in both the people who work in them and who deal with them from the outside (Ferguson), and some narrower, more specific objections. The narrower objections to bureaucracy were that working in a bureaucracy is likely to lead to negative emotions, which may in turn result in unethical behaviour (Hine), and that possibly serious conflict may arise between groups of individuals working within a single bureaucratic organisation due to their respective roles in a bureaucracy (Rourke). Having pointed out these objections without developing them in any detail, I turn in the next chapters to a detailed discussion of some deontological arguments against bureaucracy.

[67] Rourke, "Bureaucracy in Conflict," p. 226.

Assuming for the moment that there are successful responses to all of the above teleological objections to bureaucracy, and that in the end, bureaucracy can claim the advantages of equality of treatment and efficiency in organisation, it may still be the case that bureaucracy is flawed on deontological grounds. It may be that there are negative process-based ethical features that outweigh the positive teleological features to such an extent that we have good moral reasons to adopt a different type of organisation. Even if we could find a way of eliminating all of the unfavourable results of bureaucratic systems, there may be something wrong with the bureaucratic process itself. In the following two chapters, I consider whether there is something about bureaucratic forms of organisation that makes them intrinsically unfavourable from a moral perspective, even apart from the negative effects they (perhaps contingently) have on the people involved in them.

Chapter 2

Deontological Argument 1: Fairness in the Distribution of Decision Making Power

In this chapter, I shall explore a process-based objection to bureaucracy that comes from Richardson.[68] To my knowledge, there are not many explicit deontological accounts of the ethics of bureaucracy, but Richardson does seem to suggest that bureaucratic organisations have the potential to have negative process-based ethical implications. His point is that the division of labour in complex societies (especially in the sphere of legislation), leads to a threat of those within the bureaucratic institutions having more power than the average citizen when it comes to making specific decisions about how to enact policy, and that this inequality in decision making power may be unjustified. His view seems to include the idea that such inequality in decision making power would tend to have bad results for most of the people affected by the decisions, as I will show in an example later. However, inequality in decision making power may be unjustified *regardless* of the consequences, or at least may detract from the attractiveness of a decision making system that tends to produce good results, but is in fact not fair.

My main focus in this chapter will be on the problem of unfairness in decision making power, and not on the results of the decisions, though I will mention results occasionally to illustrate points in the arguments. If such inequality in decision making power is indeed a real threat, it will turn out that bureaucratic organisations,

[68] Richardson, *Democratic Autonomy*; "Précis of *Democratic Autonomy*," *Philosophy and Phenomenological Research* 71 (2005): 187-195.

while being largely motivated by considerations of procedural fairness, may in fact constitute quite *unfair* procedures in democratic societies.

In what follows, I present and explain this objection in more detail, and with the help of an example, show how it might be broadened to apply to bureaucratic organisation in general, and not only to the sphere of legislation in a democratic society. I then present and discuss Richardson's proposed solution to the problem, and ultimately try to show that the objection from fairness to bureaucracy is successful. In fact, I shall argue that Richardson's objection is more of an objection to bureaucracy as such than Richardson himself realises. Before presenting the objection from fairness that I wish to discuss, however, it is worth taking note of a different possible objection from fairness, only to immediately set it aside.

Differences in the amount of knowledge that various officials within one bureaucratic system happen to have about the operations of that system may lead to different treatment of people dealing with the system from the outside, and this may be unfair. Ferguson makes a similar point, that people dealing with a bureaucracy from the outside might experience varying degrees of success in achieving what they are trying to achieve with the bureaucratic organisation, depending on the amount of experience they have had with similar bureaucracies.[69]

The general idea here is that varying amounts of knowledge about the general operating of bureaucratic systems may lead to different degrees of efficiency that clients experience in dealing with the system, and that these differences are perhaps

[69] Ferguson, *The Feminist Case Against Bureaucracy*, p. 144.

unfair because they are due to arbitrary factors, such as whether one has worked in a similar sort of organisation before. However, bureaucracies will naturally strive to avoid this sort of unfairness, and would take preventative measures against inequality of treatment of those dealing with them from the outside. The strict rules that are supposed to govern all procedures in a bureaucratic system, and the specific content of the expertise had by any official working in the bureaucracy, should ensure equal treatment of all those dealing with the bureaucracy. If functioning properly, a bureaucracy would not allow officials with varying knowledge of the way the system as a whole is supposed to work to treat those dealing with it from the outside differently, depending on their knowledge of similar systems.

It might be the case that in reality, this sort of inequality of treatment does characterise most existing bureaucracies, because they do not live up to the ideal, but I suspect that the preventative measures taken against this sort of unfairness are problematic in a different way. This will form part of my discussion of the main argument in Chapter 3 – the objection to bureaucracy from respect for autonomy. Very briefly, my point there will be that while a bureaucracy may treat everyone equally, the equal treatment that they receive may be quite bad treatment. I have mentioned this objection from fairness (equality of treatment) here only for the purpose of clarification – to differentiate it from the objection that chiefly concerns me in this chapter. I am not primarily interested in arbitrary inequality of treatment, but rather with arbitrary inequality of decision making power, the objection to bureaucracy that I present next.

Richardson: The Problem of Bureaucratic Domination in Democratic Societies

Richardson and Thomas Christiano sum up the problem very well in their respective overview of and commentary on Richardson's book, *Democratic Autonomy: Public Reasoning about the Ends of Policy*. Richardson describes what he sees as a major challenge to a satisfactory type of democracy: "How can we reconcile our hopes of collective self-rule with our need to rely on a large administrative apparatus to elaborate and implement policy?"[70] Christiano explains that while highly specialised division of labour is necessary in the running of a modern state, such division of labour in the realm of decision making brings with it the threat of bureaucratic agencies being left with quite significant decision making power as compared to the average citizen – the possibility of bureaucratic agencies being at liberty to make quite controversial decisions when specifying and implementing vague ends.[71]

The challenge, according to Richardson, is to find a more inclusive and evenly distributed way of deliberating collectively about the ends of policy – one that does not involve what Richardson calls "bureaucratic domination" in policy elaboration and implementation.[72] Domination, according to Richardson, is when some agent has the capacity to exercise arbitrary power over another. He says that to be dominated is to have "…no effective means of resisting arbitrary impositions, should they occur. Even if they occur only seldom, domination exists where some can exercise arbitrary power."[73] Richardson draws heavily on Philip Pettit's interpretation of domination.[74] An important difference between Richardson's and Pettit's interpretations of

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[70] Richardson, "Précis of *Democratic Autonomy*," p. 189.
[71] Thomas Christiano, "Democracy and Bureaucracy," *Philosophy and Phenomenological Research* 71 (2005), pp. 211-212.
[72] Richardson, "Précis of *Democratic Autonomy*," p. 189.
[73] Richardson, *Democratic Autonomy*, p. 33. Richardson cites Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).
[74] Richardson, *Democratic Autonomy*, pp. 28-36.

domination, however, is that whereas Pettit sees the capacity to dominate as the capacity to interfere arbitrarily, Richardson includes in his interpretation what he calls the "normative" element. That is, domination essentially involves the capacity to modify people's rights and duties – a capacity that has some kind of claim to authority.[75] Whereas any common criminal has the capacity to arbitrarily interfere with my life, for Richardson, this does not count as domination, because the criminal has no even vaguely legitimate claim to authority over me. When a *government* arbitrarily modifies my rights and duties, it does dominate me, because it does have some authority to legitimately modify my rights and duties (as long as it is just for the most part).[76] So, according to Richardson, the criminal merely interferes, while a government can truly dominate me, because it has the capacity to arbitrarily exercise normative power.[77]

It is perhaps worth pointing out, before I continue with Richardson's objection, that the sense in which Richardson uses the term "domination" here is not the same as the sense in which Ferguson uses it (see chapter 1 for a discussion of Ferguson's objection to bureaucracy). While Ferguson seems to be referring to the widespread tendency of people to adopt a distinctive bureaucratic-minded way of thinking in order to deal with and succeed in bureaucracies, Richardson is talking about the possibility of bureaucracies interfering with people's freedom in a way that is illegitimate, or arbitrary, when he speaks of "bureaucratic domination".[78] While these two senses of "domination" are similar to some degree, in that they are both concerned with illegitimate power, they differ in that while Ferguson seems to be

[75] Richardson, *Democratic Autonomy*, p. 34, Philip Pettit, "From Republic to Democracy: A Comment on Henry Richardson," *Philosophy and Phenomenological Research* 71 (2005): 196-203.
[76] Richardson, *Democratic Autonomy*, p. 34.
[77] Richardson, *Democratic Autonomy*, p. 34.
[78] Richardson, "Précis of *Democratic Autonomy*," p. 191.

speaking of the illegitimate power that bureaucracy (in quite an abstract sense) has over *everyone*, including all those dealing with the bureaucracy from the outside and the bureaucrats themselves, Richardson is referring to the illegitimate power that bureaucrats may have in comparison to the average citizen when it comes to specific, concrete policy decisions.

An individual's freedom is impinged upon when her fundamental individual rights are violated or when an agent (the term "agent" here includes persons, groups of persons, governments and other organisations) purports to put her under new duties, according to Richardson.[79] Richardson is concerned that bureaucratic agencies may have the capacity to impinge on citizens' freedom in ways that are illegitimate, or arbitrary. This is a threat because it is in effect the enactment of specific policies that determine how our rights and duties will actually be modified, and if the bureaucracies have more power in making these specific policy decisions, they dominate us.

Richardson largely works from the premise that democracy is justified, and is more justified than other types of rule, such as monarchy. His worry is that, while democracy is largely considered to be a desirable form of political authority, it is questionable whether democracy (in the specific sense of rule *by* the collective) is truly possible, given the discretionary power afforded to administrative agencies that is necessitated by the size and complexity of modern states.[80] Richardson is not suggesting that it is always a bad thing to leave some decisions to administrative agencies; he mentions some good reasons for leaving some decisions to such agencies, among them, cases where the agencies have required expertise in the matter

[79] Richardson, *Democratic Autonomy*, p. 26.
[80] Richardson, *Democratic Autonomy*, pp. 3-4.

at hand.[81] What is worrisome for Richardson is the threat of bureaucratic agencies using their discretionary decision making power arbitrarily, something that happens when the legislature is powerless to control what the bureaucratic agencies do.[82]

So, Richardson is not saying that bureaucratic agencies always or necessarily use their power to arbitrarily impinge on the freedom and fundamental rights of the citizens of a democratic state. Rather, he suggests that while democracy requires bureaucratic agencies, the *possibility* of bureaucracies arbitrarily interfering with us is an important issue to be considered. As I shall show later, however, Richardson thinks that with some appropriate institutional reforms, bureaucratic domination can be – if not removed – importantly diminished. So, for Richardson, it is possible to have bureaucracies that don't dominate us, because they don't have the capacity to arbitrarily modify our rights and duties.

Richardson analyses "arbitrary power" rather broadly as "power that does not appropriately track the interests, views, or will of the citizens."[83] He later gives a more specific definition of non-arbitrary power, drawing on what he calls the "liberal" interpretation of non-arbitrariness in this context – the interpretation of non-arbitrariness that he prefers. According to Richardson, "…political power is nonarbitrarily used when it is constrained to operate within fair procedures that respect persons as free and equals and provide adequate protection for their fundamental rights and liberties."[84] It is important that Richardson's favoured interpretation of non-arbitrary political power refers essentially to procedures – indeed

[81] Richardson, *Democratic Autonomy*, p. 4.
[82] Richardson, *Democratic Autonomy*, p. 4.
[83] Richardson, *Democratic Autonomy*, p. 7.
[84] Richardson, *Democratic Autonomy*, p. 47.

he prefers the liberal interpretation of non-arbitrariness to objectivist and welfarist interpretations because the liberal interpretation focuses on the processes of collective decision making rather than the content or form of the public good.[85] Richardson's reasons for rejecting the objectivist and welfarist interpretations of non-arbitrary power are largely that they would both allow for (and perhaps even favour) very unfair processes of collective decision making.[86] So, Richardson's liberal interpretation of non-arbitrary power is an important element in a process-based objection to bureaucracy.

Richardson suggests that democracy and bureaucracy are intimately linked, and cannot really be separated.[87] Drawing on Weber's discussion of the merits of a bureaucratic legal system (which I mentioned in chapter 1), Richardson says that bureaucracy is the best way to implement democracy in a modern society, and that the legitimate exercise of democratic power requires administrative agencies.[88] So, Richardson's concern is to spell out the conditions under which bureaucratic power in the specification and implementation of policy (which is necessary in a modern democratic state) will be legitimate, or non-arbitrary.[89] Richardson calls his preferred type of democracy "democratic autonomy", which he defines as "reasoned self-rule via democratic procedures".[90] He later gives a fuller definition of his preferred type of democracy, which incorporates what he sees as four essential elements in a satisfactory kind of democracy, namely, republican, liberal, populist and rationalist elements. The republican, liberal and rationalist elements of Richardson's preferred

[85] Richardson, *Democratic Autonomy*, p. 47.
[86] Richardson, *Democratic Autonomy*, pp. 41, 46-47.
[87] Richardson, *Democratic Autonomy*, p. 10.
[88] Richardson, *Democratic Autonomy*, p. 10.
[89] Richardson, *Democratic Autonomy*, p. 17.
[90] Richardson, *Democratic Autonomy*, p. 18.

democracy are most important for the present objection; the populist element, and Richardson's justification of it will be very important in chapter 3. His detailed definition of democratic autonomy is as follows:

> Reasoned self-rule is autonomy; reasoned political self-rule is democratic autonomy; and democratic autonomy that both protects people from domination by dispersing power and providing opportunities for contesting it and employs fair decision procedures that protect fundamental rights and liberties is democracy as democratic autonomy.[91]

According to Richardson, the extent to which bureaucracies have the capacity to interfere with us arbitrarily in the realm of decision making is crucially related to what we expect of them – specifically, how we expect that they should reason. The view that agencies should operate only according to the norms of instrumental reasoning Richardson calls Agency Instrumentalism (AI) – that is, reasoning only about means to achieve ends that have been specified for them.[92] Richardson defines instrumental reasoning as proceeding only from final ends, not being able to establish final ends.[93] To illustrate, an example of instrumental reasoning at the individual level would be if I reason about how best to acquire a book that I need. I begin the process of reasoning with a given final end (acquiring the book), and reason about various ways I might satisfy this end, or various means to this end (e.g. buying the book, stealing the book, or borrowing the book). Comparing the available means that I could employ to acquire the book, by considering the advantages and disadvantages of each course of action, is also a type of instrumental reasoning, as it still proceeds from the

[91] Richardson, *Democratic Autonomy*, p. 84.
[92] Richardson, *Democratic Autonomy*, pp. 114-118.
[93] Richardson, *Democratic Autonomy*, p. 100.

given final end (my need for the book).[94] The point here is that I cannot, by way of instrumental reasoning alone, establish *that* I should acquire the book.

While instrumental reasoning will inevitably form part of the role of administrative agencies in the elaboration and implementation of the ends of policy, Richardson thinks it is wrong to limit our expectations of agency reasoning to instrumentalist models alone. Real democratic deliberation must include reasoning *about* ends as well as about how best to attain them and we must expect that such non-instrumental reasoning extends to bureaucratic agencies.[95] Richardson says, "…we should think of agency deliberation as in some sense a continuation of the public's and the legislature's broader process of reasoning about what we should do – a process that is not instrumentally confined."[96]

One of the principal reasons for this claim is that purely instrumental reasoning does not allow for the intelligent combination of different final ends to arrive at new final ends.[97] By reasoning *about* final ends, we can collectively arrive at new ends, which are shared. Shared ends can be distinguished from shared intentions, according to Richardson, in that the content of what we agree on in the case of shared ends is more than just some course of action – in addition to agreeing on a course of action, we agree on *why* such a course of action should be adopted.[98] According to Richardson, it is inevitable that administrative agencies will *have* to do some final reasoning, and

[94] Richardson, *Democratic Autonomy*, p. 107.
[95] Richardson, *Democratic Autonomy*, p. 113.
[96] Richardson, *Democratic Autonomy*, p. 130.
[97] Richardson, *Democratic Autonomy*, pp. 114-129.
[98] Richardson, *Democratic Autonomy*, p. 174.

it is naïve and dangerous for us to expect that they will only reason instrumentally, proceeding from *our* ends.[99]

It is plausible to suppose that only by collectively reasoning about final ends can we come to agree on some of them. It is likely that in a diverse group of people, individuals within the group would initially have quite different final ends in mind, which may well be incompatible. Furthermore, these ends may be of a sort such that they can be attained only through cooperation and collective action, rather than by individual action alone. In this case, it seems that the individuals in the group would have to work out a way to achieve *some* end that they could all agree on as being worthwhile. Assuming that their initial ends were incompatible, and none of them were willing to accept one of the others' ends, this would entail that they would have to arrive at some *new* final end, different from all of the final ends they each initially favoured, if they are all to be satisfied.[100] Crucial here is Richardson's notion of "deep compromise".[101] While "bare" compromise does not involve any reformulation of individuals' final ends, but simply amounts to individuals agreeing to a lesser degree of satisfaction of their final ends, deep compromise involves revising one's final ends, in light of consideration of others' final ends, and so accepting a new final end that one otherwise would not have valued.[102]

It is important to note that even though the compromise in the case of deep compromise has to do with adjusting one's final ends, it would be a mistake to view this sort of compromise as "selling out" on what one truly finds to be important. The

[99] Richardson, *Democratic Autonomy*, pp. 116-118.
[100] Richardson illustrates such a situation with some very helpful examples of controversial matters in politics, such as homosexual marriages and abortion in *Democratic Autonomy*, pp. 148-151.
[101] Richardson, *Democratic Autonomy*, pp. 143-161.
[102] Richardson, *Democratic Autonomy*, p. 147.

new ends that are adopted as a result of the compromise are *real* final ends, and really are valued for their own sake. That they would not otherwise have been valued by the parties involved simply means that the parties have now become aware of additional values that are indeed important. This shows the importance of collective reasoning about ends to arrive at new ends that each can accept – it is through recognition of the reasons others give for their choice of final ends that one comes to alter one's own final ends.[103] So, it is essential that we reason together *about* our final ends if we are to agree on reasons for a particular course of action, assuming that we initially disagree about final ends – as we in fact often do.

Richardson provides a helpfully simple example of why it matters that we should agree on reasons for doing something (final ends), and not simply on a course of action (the means to an end). The example he gives is of deciding to paint a house.[104] Two people could agree that they should paint a house together, and so agree on a course of collective action, but they may have different final ends in mind that inform their decisions to paint the house. One might want to improve the aesthetic appearance of the house, while the other is concerned to ensure that the house is better protected from the elements. These different final ends would likely lead the two people to adopt different specifics in materials and method – for example, one would choose paint that looks good, and the other would choose paint that is durable.

Suppose that the most durable paint is a decidedly ugly colour, and that the most aesthetically attractive paint is not durable at all.[105] Now, if all that the two people have decided on is that they should paint the house together, and they simply begin to

[103] Richardson, *Democratic Autonomy*, p. 147.
[104] Richardson, *Democratic Autonomy*, pp. 174-175.
[105] This is my own addition to Richardson's example.

do so, in fact neither one of them will achieve her preferred final end in painting the house. Suppose they begin painting on opposite sides of the building, and only realise how what they are each doing differs from what the other is doing when they meet, halfway around the house.[106] In this case, *both* individuals' final ends would in fact be frustrated. Being half painted with durable, weatherproof and very ugly paint, and half painted with beautiful but very un-weatherproof paint, the house would be neither aesthetically pleasing nor protected from the elements. This is quite an extreme (but very clear) example of why it is important to agree on final ends rather than merely agreeing on a course of action when collective action is called for. The real source of the problem here is that both parties *assumed* that they were acting in accordance with the same final end, and so assumed that their respective decisions about painting materials would be coherent with the same end. It was naïve of them to simply suppose that they were painting the house for the same reason.

If the two people had reasoned together about *why* the house should be painted, they might have agreed on a type of paint that was acceptably attractive *and* acceptably durable. Note that this decision is not simply a matter of each of them accepting a lesser degree of satisfaction of her chosen final end. If they had reasoned together about the importance of painting the house, each would have become aware of the real importance of the other's end in painting the house, and so would truly value the new end that they settled upon – the end of rendering the house aesthetically pleasing *and* protected from the elements. That is, this would be an example of *deep* compromise, and not merely Richardson's "bare" compromise.

[106] Again, this is not part of Richardson's original example.

So, what does all this have to do with bureaucratic domination? Consider the following example. Suppose a university is considering implementing a new examination system – under the new system, students would complete all of their written exams on computers rather than writing them by hand. This particular university holds the ideals of democracy in very high regard, and so all of the students, academic and administrative staff vote on whether or not to implement the new system. For simplicity's sake, suppose the vote turns out to be unanimously in favour of implementing the new exam system. Thus, the university has collectively and democratically decided to implement the new system. Furthermore, suppose that each person who voted thought the matter through properly before voting – they all seriously believe that the computerised system should be implemented. Each of them has some end in mind that she believes to be important and worthwhile, and that each believes can be furthered by the implementation of the new system.

Because the university is very large, and because the implementation of the new system is bound to involve some complicated logistics, the task of organising the introduction of the system is delegated to a temporarily appointed "Computerised Exam System Committee". Among those on the Committee, there might be some computer experts, some experts on useful examination methods and structures, some members of the university's budget committee, a few academics, some students and some members of the university's SRC. Some of the important matters to be decided by the Committee are which computers to use in the exam rooms, how the furniture in the exam rooms should be arranged, and how the exams will be marked.

Everyone who has an interest in the matter voted for the implementation of the new system, but they may have had various ends in mind that informed their individual decisions to vote this way. Among these ends might be the following:

E^1: That better controls against cheating in exams are in place

E^2: That the university is more environmentally friendly

E^3: That the rooms where students write exams are more conducive to good writing

E^4: That the rooms where students write exams have a professional appearance

E^5: That a particular computer company should profit

Suppose each of these ends was held by at least one person who voted on the introduction of the new system. That is, each of them voted in favour of the computerised system because they each believed that their favourite of $E^{1\text{-}5}$ could be achieved by the implementation of the new system. For the moment, I leave it open as to what proportion of the voters had a particular end in mind, and indeed what proportion of the members of the Committee favour a particular end – I shall consider a few possibilities shortly. What is important is that whichever ends happen to be favoured by the members of the Committee will inform many decisions about the specifics of how to go about implementing the new system. Since everyone voted only on the course of action, and supposing none of them even voiced the ends that they had in mind when they voted, it is entirely arbitrary which ends are in the minds of those who land up on the Computerised Exam System Committee.

Suppose that it just so happens that the majority of the people on the Committee happen to favour E^5. Perhaps they each have a personal financial interest in the computer company. Intuitively, it seems that such an end should not even be a

legitimate reason to introduce the new system. Nevertheless, if E^5 is the end favoured by the majority of Committee members, this will certainly have an effect on the Committee's choice of computers. The inappropriateness of such an end is seen most clearly if we assume that the relevant company offers low quality computers at a high price. In such a case, it seems that the Committee is simply abusing its decision-making power. Even without this assumption, however, it seems that E^5 is not the sort of end that should inform the Committee's choice of computers. The case where E^5 makes it into the Committee as the dominantly favoured end looks like the worst case scenario, because the people who are making the decisions on behalf of everyone else are doing so purely on the basis of self-interest. E^5 is not plausibly thought of as an end that could even be *supposed* to be important to all concerned. Let us consider some alternative scenarios, to see whether they are any more attractive.

E^4 is an end that, if dominantly favoured by those on the Committee, and as a result informs the choice of computers, does not seem to be an illegitimate end in the way that E^5 does, as it could be supposed to be something that might matter to everyone involved. However, if E^4 does end up informing the Committee's decisions, these decisions might fail to satisfy the interests of those who favoured ends $E^{1\text{-}3}$.[107] The Committee may be entirely ignorant of the fact that the rest of the voters had different ends in mind when they voted and that many of them don't care at all whether exam rooms have a professional appearance. In this case, while the Committee is not making decisions on the basis of pure self-interest (they all truly believe that E^4 is an end that matters to everyone who took part in the voting), the situation seems to be unfair in that in fact a particular end has been furthered at the expense of many of the

[107] I exclude E^5 here, as I believe it is an illegitimate end that has no proper place in the Committee's decisions.

voters' favoured ends, and E^4 took priority over the other ends due to completely arbitrary factors. The majority of the voters who were not on the Committee might not be satisfied with the result, and regret their decisions to vote in favour of the implementation of the new system. If we assume that the majority of the voters really do not care about E^4 at all, a scenario where E^4 lands up being the dominantly favoured end by those on the Committee is not a very attractive scenario.

My intuition suggests that E^4 is not a very good candidate for a reasonably widely held *final* end, whereas E^{1-3} are more easily thought of as being reasonably widely held final ends. A final end, as defined by Richardson, is an end such that "(1) we would pursue it even if nothing else were thereby attained and (2) we find it appropriate to let this pursuit be self-regulating."[108] All the phrase "self-regulating" means here is that we refer to the end itself when judging how important it is to pursue that end.[109] As Richardson notes, an end can count as both a final end and as a means to some further end.[110] For example, E^2 might be valued for its own sake and because it is thought that an environmentally friendly university might attract more students.

So, a scenario in which at least one of E^{1-3} informs the Committee's decisions about the introduction of the new system would appear to be the most attractive sort of scenario, because these are ends that are more plausibly thought of as being supposed to matter to everyone involved, and they are more plausibly thought of as being valued for their own sakes (and so more important to the individuals who voted). For the sake of simplicity and clarity, in the following example I assume that all of the

[108] Richardson, *Democratic Autonomy*, p. 102.
[109] Richardson, *Democratic Autonomy*, p. 101.
[110] Richardson, *Democratic Autonomy*, p. 102.

members of the Committee just happen to favour one particular end, and that none of the voters who do not land up on the Committee favour that same end. I shall also assume that the most obvious and efficient way to further any one particular end excludes the furthering of any of the other ends.

Suppose all those on the Committee unanimously believe that the new system should be implemented because it will be more efficient at reducing the possibility of cheating than the old system was (E^1). As in the previous example, in this case the members of the Committee truly believe that they are making decisions about the implementation of the computerised system on the basis of an end that all those who voted would agree with. Furthermore, E^1 probably really *is* an important and worthwhile end that *should* inform decisions about the introduction of the new system. So, the scenario where E^1 informs the Committee's decisions looks like a pretty good scenario so far. However, assuming that all of the voters never considered E^1 at all, but prefer either E^2 or E^3, the situation is still not fair. Again, one end has been furthered at the expense of all others, and there is no non-arbitrary reason that that particular end was the one that informed decisions. The majority of the voters' ends land up being frustrated, even though they unanimously voted in favour of the course of action that has been taken (the introduction of a computerised exam system). Their mistake was in assuming that the Committee was only finding means to *their* preferred ends, and not recognising that the Committee would inevitably be reasoning about ends to some extent. If they had not made this assumption, they would have been in a better position to ensure that the Committee was combining their chosen ends in useful ways.

The problem becomes even more serious if we give the Committee a bureaucratic structure. To keep the example as simple as possible, I suggest we imagine that the Committee is simply split into two divisions, with someone acting as the head of the Committee, who is to authorise any decisions taken by either division. Division 1 is in charge of deciding on marking procedures, and Division 2 is in charge of which computers will be used and how to arrange the interior of the exam rooms. It just so happens that all those in Division 1 favour E^1 and all those in Division 2 favour E^2. None of those who favour E^3 are lucky enough to be on the Committee. Division 1 will thus choose computers and a layout for the exam rooms that are energy efficient (for example), and Division 2 will work out a marking process that is expected to eliminate (or at least greatly reduce) the possibility of cheating. Each division presents its choices, and reasons for its choices to the head of the Committee, who accepts them, seeing that they are all good pieces of instrumental reasoning. The head of the Committee gives the green light, and the introduction of the new system goes ahead.

It is not too difficult to see how things could go wrong from here. Suppose Division 2 decides that the most energy efficient way to arrange the exam rooms entails that computers must be placed close together, side by side, in rows. Those in Division 1 decide that it would be best to print all of the completed exams before giving them to the lecturers, to avoid the exams being electronically altered, either by students or by biased and unethical lecturers. Because of the layout of the exam rooms, students can easily see what others around them are writing, and effective invigilation is very difficult. In addition, the printing of all the completed exams ends up using much more paper than the previous exam system did. Further, it just so happens that the

layout of the room (which is very cramped) and the computers that have been chosen (which are slow and uncomfortable to use) are not at all conducive to productive academic activity. In this case, *everyone's* ends are left unsatisfied – the implementation of the new system has turned out to be a complete disaster for all concerned, despite the fact that everyone voted in favour of it.

The point of the example may seem quite teleological – the results of implementing the new system are unsatisfactory – but if we remember that $E^{1\text{-}3}$ are to be understood as *final* ends, we can see that there is something very wrong with the process. It is because of the process that every person's final end, something she believes to be truly important and worthwhile for its own sake, is frustrated. There has been no *collective* reasoning about ends either by the voters in general or by the representatives on the Committee. But the Committee members *have* been reasoning about ends – they had to, in order to make the decisions specific enough to be translated into actual courses of action.

The problem is that no-one *recognised* or *expected* that the Committee would be reasoning about ends, and so they were able to impose *their* particular preferred ends on the concrete decisions about the introduction of the new system. This means that whichever ends land up being furthered by the Committee's decisions may as well have been selected at random – it is entirely arbitrary which ends land up being imposed on everyone. As I shall show in the following section, Richardson thinks it is crucial that reasoning about ends happens at the level of the public at large (in this example, all students and staff at the university) and inevitable that such final reasoning happens at the agency level (in this example, the Committee). It is crucial

that we are aware of this inevitability, and in fact expect agencies to reason about ends. Reasoning about ends must take place at the more general level to ensure the right kind of representation in the bureaucratic agencies, so that reasoning about ends at the agency level can be adequate, as I shall explain more fully in the next section.

If the Committee's role is expected to be limited to instrumental reasoning alone, it cannot reconcile the different ends in the minds of the two divisions, because it is not allowed to reason about the ends themselves. Even the head of the Committee is not able to reconcile the different ends – her role is only to ensure that decisions are made in accordance with sound instrumental reasoning. While Richardson thinks that bureaucratic domination can be removed (or at least greatly diminished) by some institutional reforms, based on the expectation that reasoning about ends will occur at the agency level, I shall argue at the end of this chapter that Richardson's proposed institutional reforms, and indeed the expectation that reasoning about ends will occur at the agency level are in fact incompatible with bureaucracy as analysed by Weber.

To sum up, Richardson's point is that the problem of bureaucratic domination is most worrisome if the bureaucratic institutions charged with refining the vague ends of policy decided on democratically are *expected to* operate only according to the norms of instrumental reasoning. Our expectations of administrative agencies must include the expectation that they reason about ends, and we must structure administrative agencies so that we can check their reasoning about ends. If we do not expect that administrative agencies will reason about ends, we will not check that they our reasoning about *our* ends, and so they will be at liberty to impose their own ends on us arbitrarily, when specifying the vague ends we have given them. This is because,

according to Richardson, it is inevitable that the ends given to the bureaucratic agencies will be too vague to simply be implemented without the bureaucrats needing to make some important and controversial decisions about how to further specify the ends, so as to be able to implement them.[111]

For example, in the case of the new computerised exam system, there are several different ways that the end of acquiring computers could be further specified, which could each be informed by a different final end. It just so happened in my example that everyone in Division 2 thought that the appropriate final end was to make the university more environmentally friendly, and their choice of computers was informed by this. But the rest of the university's staff and students, not expecting the Committee to reason about ends, were not in a position to ask whether or not E^2 *should* have been the only end informing the choice of computers – they were not even aware that the Committee had chosen this particular end to inform their specific decisions. Division 2 was effectively imposing their preferred final end on the specification of how exactly to implement the new system, without even realising that everyone else preferred other final ends, and the reason they could do this was because they were expected to be reasoning only instrumentally.

If bureaucracies have the power to make important and controversial decisions about how to specify the ends of policy, which happens when we expect them to engage in instrumental reasoning alone, they have arbitrary power over the rest of the citizens of a democratic state. They have more than their justified share of decision making power. Apart from the possible unfavourable consequences of such a situation for

[111] Richardson, "Précis of *Democratic Autonomy*," p. 193.

individual citizens or groups of citizens, the process of decision making about policy in such a situation is unfair on a procedural basis – there is an unfair and arbitrary distribution in decision making power in many important matters. However, Richardson does not conclude that the problem has essentially to do with bureaucracy – he argues that with appropriate institutional reforms, bureaucratic domination can be avoided, while bureaucratic administrative agencies remain and are in fact necessary and useful. Later in this chapter, however, I shall suggest that the problem *does* essentially have to do with bureaucracy. I turn now to Richardson's suggestions of how we can keep bureaucracies from dominating us.

Richardson: The Solution

First, what needs to be in place for bureaucratic domination to be avoided is fair representation of citizens in the decision making institutions. According to Richardson, the crucial objects of representation are citizens' actual political views.[112] More specifically, what matters about citizens' political views is what their intentions are regarding what we should do, and it is these that must be fairly represented, by means of rough proposals that citizens make.[113] These will be informed by the final ends that individual citizens and groups of citizens value, and so there must be some reasoning about ends at this level. Further, Richardson argues, care must be taken to ensure that citizens' entire perspectives are fairly represented, as it is as a result of perspective that many of our political views and final ends come about.[114] Richardson suggests that the requirement of fair representation of citizens' views will be best satisfied if the representatives in the decision making agencies share these views and

[112] Richardson, *Democratic Autonomy*, p. 197.
[113] Richardson, *Democratic Autonomy*, pp. 196-198.
[114] Richardson, *Democratic Autonomy*, p. 201.

perspectives.[115] There should also be a very real possibility of direct communication among and between administrators and the rest of the citizens, as political views can change and evolve, and this possibility must not be ignored.[116] If representation is determined by citizens' proposals about their intentions, which involve their perspectives and final ends, then there should be fair representation *of* citizens' final ends within the administrative agencies.

Once all proposals have been fully examined and discussed, both by the citizens at large and by the administrators – a process of reasoning that will involve what Richardson calls "deep compromise" – majority rule can be used as a closure device, mostly to settle matters of whether to adopt a particular policy or not.[117] According to Richardson, majority rule can be used to legitimately settle such matters if:

> (1) [T]he process of debate allows for a fair hearing of all; (2) the process is contrived in such a way that majorities in formation need to take account of the views of the others; and (3) the formulation of alternatives and the process of debate is conducted in a way that encourages reasonable compromise among all participants, who may thus view themselves as cooperatively engaged in a process of determining "what we should do."[118]

If the process through which the option to enact a concrete policy is reached meets the above requirements, Richardson suggests that using majority rule as a final deciding factor as to whether or not to go ahead with the relevant policy should be legitimate. Indeed, it should be seen as legitimate even from the perspective of the losing

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[115] Richardson, *Democratic Autonomy*, p. 199.
[116] Richardson, *Democratic Autonomy*, pp. 201-202.
[117] Richardson, *Democratic Autonomy*, pp. 203-213.
[118] Richardson, *Democratic Autonomy*, p. 213.

minority, because the process treats everyone fairly – as free, equal and active participants in the decision making process.[119]

Most importantly, according to Richardson, we should not expect that rule-making within bureaucratic agencies will be limited to AI – that is, reasoning only about means to achieve ends that have been specified for them. Rather, such agencies should be expected to reason *about* ends as well, sometimes even establishing new ends in light of information about how different ends valued by the general public should be reconciled and combined, so as to treat all citizens fairly.[120] This is not to say, however, that the bureaucratic agencies should be at complete liberty to establish new ends – they should establish new ends only if that would be the best way of specifying rather vague ends that have been decided on collectively by the citizens.[121] So, while the bureaucracies do have significant decision making power regarding the ends of policy, their power is importantly constrained by the will of the public.

For example, in my case of the new computerised exam system from the previous section, we can suppose that some reasoning about ends did take place at the general level, and that it was collectively decided that E^1, E^2 and E^3 were the most important ends that should inform the specifics of introducing the new system. Assume that as a result, the voters' final ends are fairly represented by those on the Committee, because it was in fact their proposals that determined who would be on the Committee. Now, I assumed that the most obvious and efficient way to further any one end would be incompatible with the furthering of any other end, so the Committee will have to come up with some way of reconciling the three different ends, and this may mean

[119] Richardson, *Democratic Autonomy*, p. 212.
[120] Richardson, *Democratic Autonomy*, p. 216.
[121] Richardson, *Democratic Autonomy*, p. 216.

that they have to come up with a *new* end that in some way encompasses all three. However, the Committee should *not* be at liberty to allow E^5, for example, to inform their decisions when they realise that the three ends they have been given are prima facie incompatible. That would be the *worst* kind of bureaucratic domination. So, some appropriate constraints need to be in place to ensure that bureaucracies' reasoning about ends is of the kind that it should be. We can put these constraints in place only if we expect bureaucracies to reason about ends.

Richardson describes what he sees as the most important constraints that should be in place, but also notes that there must be real opportunities for contesting and changing policies that the bureaucracies decide on should they turn out to be unsatisfactory.[122] The business of administrative rule making, according to Richardson, *must* be limited to specifying policy decisions that *we* have collectively arrived at.[123] This does not mean that the agencies should be limited to purely instrumental reasoning; on the contrary, they should be allowed to reason about ends, sometimes arriving at new ends to guide the implementation of policies.[124] It means, rather, that the new ends that they arrive at when they do so should be arrived at through a process of reasoning about the various ends they have received from the public.

Once the agencies have received directives from the public, they go about the business of further specifying these directives. As noted, this will involve open ended reasoning that is nevertheless guided by the ends of the public. Their reasoning should not happen in isolation, however – Richardson suggests that their procedures

[122] Richardson, *Democratic Autonomy*, p. 216.
[123] Richardson, *Democratic Autonomy*, p. 218.
[124] Richardson, *Democratic Autonomy*, p. 218.

should include opportunities for the public to actively participate.[125] Richardson thinks that rulemaking at the level of the bureaucratic agencies should be what he calls "negotiated rulemaking".[126] Negotiated rulemaking involves representatives of interested public groups negotiating and debating with each other and with representatives of the agencies.[127] The process should be open to anyone who may want to participate in it, and so there should be adequate publicity about the process, and sufficient knowledge of the process should be readily available to any interested party.[128] In this way, the process of specifying policy directives is open to public participation, and so there is the opportunity for anyone to get involved to ensure that those in the administrative agencies are not imposing their own ends on the rest of us in specifying the ends of policy.

Richardson is quick to point out that we cannot ignore the point that bureaucracies typically have concentrated expertise in important matters, and that we do need to rely on their expertise to some extent.[129] He has some interesting ideas about what *sort* of expertise the bureaucracies should incorporate. Obviously, they should have some technical expertise in whichever sorts of matters specifically concern them, but Richardson suggests a different kind of expertise that they should have as well:

> What matters, for my purposes, is that there are good reasons for us to hope that agencies develop substantive evaluative expertise in the course of pursuing projects that we, through our legislature, have decided that they ought to pursue. Expertise in empirical matters is obviously important as well – just less controversial.[130]

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[125] Richardson, *Democratic Autonomy*, p. 222.
[126] Richardson, *Democratic Autonomy*, p. 222.
[127] Richardson, *Democratic Autonomy*, p. 220.
[128] Richardson, *Democratic Autonomy*, p. 221.
[129] Richardson, *Democratic Autonomy*, p. 223.
[130] Richardson, *Democratic Autonomy*, p. 224.

So, Richardson thinks that if agency reasoning is of the right kind, they will develop *evaluative* expertise – a kind of expertise that he describes as a deeper understanding of the variety of goods that they promote in a variety of contexts.[131] According to Richardson, this kind of expertise can develop only as a result of reasoning about ends in the process of specifying the ends they are initially given by the legislature, and it involves being able to see which features of a particular good is most relevant in a particular situation.[132] Different agencies will be primarily responsible for evaluating different kinds of goods, but they will all be generally responsible for the general good of the public as well.[133] It is important to keep real channels of public participation open at all times to ensure that the agencies' conception of the general public good adequately reflects their will.[134] It will be useful to illustrate the points in this paragraph with a brief and highly simplified example.

To return to my example of the introduction of the new computerised exam system, suppose that Division 2 is further subdivided. I shall consider only two subdivisions here: Division 2a is concerned with the layout of the exam rooms, and specifically is charged with the responsibility of making the rooms aesthetically pleasing. Division 2b is also concerned with the layout of the rooms, but is specifically charged with the responsibility of making the rooms conducive to good academic writing. So, each subdivision is primarily responsible for a particular kind of good.

In addition to some empirical expertise, perhaps in the form of some knowledge of interior design, each subdivision would have ideally developed some evaluative

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[131] Richardson, *Democratic Autonomy*, p. 225.
[132] Richardson, *Democratic Autonomy*, p. 225.
[133] Richardson, *Democratic Autonomy*, p. 226.
[134] Richardson, *Democratic Autonomy*, pp. 226-227.

expertise. So, Division 2a would have some kind of understanding of what sort of aesthetic features are appreciated in the university generally, and of what would be appropriate in the particular room. For example, while profusions of plants might be very aesthetically pleasing in general, they might not be appropriate for an exam room with limited space, and Division 2a should be sensitive to this point. Similarly, suppose it had been established that surrealist paintings tend to be very conducive to creative breakthroughs in academia, but rather distracting in situations where quick thought is called for. Division 2b should keep these points in mind, and should probably not cover the walls with surrealist art in this case. This would be the sort of evaluative expertise that the various subdivisions should have. It is plausible to suppose that this sort of expertise can develop only through the process of combining and reconciling different ends in different contexts. At the very least, it entails that the subdivisions are *aware* of the ends that are informing other subdivisions.

While Divisions 2a and 2b are primarily responsible for their own specific kinds of goods, they should both keep the general good of the university as a whole in mind. The ways that they choose to promote their specific goods should not be incompatible with one another, and they should not infringe on other important goods. For example, Division 2a should not go to such extreme lengths to maximise the aesthetic appeal of the rooms (even if this is important and appropriate) if doing so will be exorbitantly expensive and use money that otherwise would have gone to the Disabled Students' Programme.

Furthermore, we should all be able to trust that the agencies (in my example, the Computerised Exam System Committee) will keep in mind the goods that *we* have

indicated as being important to us.[135] According to Richardson, rather than trusting that the administrative agencies will arrive at the right decisions about the public good, we should trust that they go about the process of making their decisions in the right way.[136] This necessarily involves consulting with the public, according to Richardson, because the will of the public can change and evolve, and whether or not the agencies make their decisions in the right way depends on whether or not their reasoning reflects the will of the public.[137] Being guided by what the public has indicated as goods that are important to them, and reasoning in the appropriate ways outlined above, the decision making process that the agencies follow should be such that we can trust it, always keeping channels of communication between the administrative bodies and the general public open. By way of negotiated rulemaking and public hearings, it is Richardson's hope that our (the general public's) value judgements will make it into the agencies, and inform the agencies' decision making in that way.[138] Richardson thinks that if his suggested outlines of institutional reform provided here are properly filled in, we can avoid bureaucratic domination.[139]

Christiano: The Problem of Bureaucratic Domination Remains

Christiano expresses a worry that even with Richardson's proposed institutional reforms, the problem of bureaucratic domination remains. In fact, Christiano is rather sceptical about the role of open ended or non-instrumental reasoning in Richardson's account: "Giving an agency some right to take over decision making power over the ends the society pursues on the grounds of its expertise seems to me precisely the kind

[135] Richardson, *Democratic Autonomy*, p. 228.
[136] Richardson, *Democratic Autonomy*, p. 228.
[137] Richardson, *Democratic Autonomy*, p. 220.
[138] Richardson, *Democratic Autonomy*, p. 239.
[139] Richardson, *Democratic Autonomy*, p. 230.

of domination that Richardson has warned us against."[140] Christiano is here referring to the evaluative expertise that Richardson says should be present in bureaucratic agencies. His worry is that if we are to accept the right of bureaucratic agencies to make authoritative decisions about the public good because of their expertise in evaluating goods, we might end up in a situation where the bureaucracies promote a conception of the good that none of us actually agrees with, and that they do so with some legitimate claim to authority.[141] Given that Richardson favours a liberal interpretation of non-arbitrariness over an objectivist interpretation, such a situation looks like it would amount to domination, because of the assumed expertise of the bureaucracy when it comes to the *public good*.[142]

Christiano points out that even if the administrative agencies are guided in their decision making by goods that we have indicated as being important to us, if they are encouraged to engage in open ended reasoning about ends, there is always the possibility of the agencies supplementing *our* collective ends with controversial ends of their own, which Christiano says "would be a form of usurpation of the right of the people to rule".[143] This is because there are many different ways that our ends could be combined, adjusted and generally made to cohere with each other by the administrative agencies in the process of specifying them sufficiently for them to inform actual policies to be implemented, and some of the options might include *new* ends, which we might not agree with, but that the bureaucrats prefer.[144] According to Christiano, the very nature of open ended reasoning about ends that Richardson thinks should form part of bureaucratic reasoning actually gives the bureaucracies

[140] Christiano, "Democracy and Bureaucracy," p. 217.
[141] Christiano, "Democracy and Bureaucracy," p. 217.
[142] Christiano, "Democracy and Bureaucracy," p. 217.
[143] Christiano, "Democracy and Bureaucracy," p. 216.
[144] Christiano, "Democracy and Bureaucracy," p. 216.

considerably *more* discretionary power in setting the ends of policy, and thus in fact worsens bureaucratic domination.[145]

As already noted, Richardson's main reason for preferring open ended reasoning about ends to purely instrumental reasoning on the part of bureaucracies is that he thinks it is inevitable that the initial aims that we decide on would be far too vague and ambitious to be able adequately to inform actual policies to be implemented. Further, Richardson thinks it would be naïve to suppose that the general public *could* fully specify their ends so that the agencies would not need to do this. This is Richardson's "naiveté objection" to AI.[146] Christiano, on the other hand, thinks AI would be preferable to Richardson's proposed open ended bureaucratic reasoning.

While he concedes that it is unfortunate that bureaucracies will inevitably have some discretion over specifying our vague and ambitious ends on an AI model, Christiano thinks such a situation is preferable to one in which citizens are forced to give up their ambitious ends in the first place, as he thinks would be the case in Richardson's model of public reasoning.[147] He thinks that Richardson's proposal would amount to citizens having equal, but much less collective decision making power than they would have on his favoured AI model, and that it is better to sacrifice some equality in decision making power, while allowing the decision making power that we do have to remain significant.[148] That is, if we are forced to give up our initial ambitious ends, the decision making power we are left with is really not very significant. So, ultimately, Christiano prefers AI, along with the possibility of contesting bureaucratic

[145] Christiano, "Democracy and Bureaucracy," p. 216.
[146] Richardson, *Democratic Autonomy*, pp. 114-118.
[147] Christiano, "Democracy and Bureaucracy," p. 215.
[148] Christiano, "Democracy and Bureaucracy," p. 215.

decisions after the fact to Richardson's model of negotiated rulemaking, where we check the bureaucracy's reasoning, and participate in it throughout the process.[149]

Richardson responds to Christiano's worries. He points out that he does not think that the evaluative expertise that should be present in bureaucratic agencies gives them the right, or legitimate authority, to *overrule* the judgements of the public at large.[150] Further, Richardson's insistence on real channels of public participation throughout the decision making process should ensure that the bureaucracies do not actually overrule the public's judgements, even though they have no legitimate right to do so. So, Christiano's worry that the bureaucracies might supplement the public's ends with ends of their own that the public would not accept does not properly apply to Richardson's proposal. I suggest, moreover, that Richardson's proposal for negotiated rulemaking would do better to avoid this sort of occurrence than would AI, even with good devices for contestation, because negotiated rulemaking will do better to ensure that all parties are *aware* of the ends that other parties are considering. Under AI, it could easily happen that an end that is valued only by those in the bureaucracy would make it into the specification of the ends of policy without being noticed by the general public.

For example, the Computerised Exam System Committee in the case I described earlier in this chapter might be constrained in their reasoning by the dominantly favoured public end – suppose it is E^2. In the process of trying to find the most efficient means to this end, they might come up with two alternatives for a specific matter: they could buy computers from the company referred to in E^5, or they could

[149] Christiano, "Democracy and Bureaucracy," p. 217.
[150] Henry S. Richardson, "Response to Pettit, Estlund, and Christiano," *Philosophy and Phenomenological Research* 71 (2005): 229. Hereafter referred to as "Response".

buy computers from some other company. Suppose that either option would adequately satisfy E^2 and that both alternatives would satisfy this end to exactly the same degree – the computers from the two companies are qualitatively identical, and even cost exactly the same. Because many of the Committee members just happen to have shares in the former company, they decide on that option. However, the rest of the university would have preferred the other company, if they had known that their chosen end would have been satisfied by either option equally, perhaps because the company that was in fact chosen is engaged in some kind of unethical activity. As long as it is assumed that the Committee will not reason about ends, there is less of a possibility that the imposition of E^5 will be noticed in such a case – the general public will assume that the decision made by the Committee was, all things considered, the very best way of satisfying the end they had chosen.

So, while giving bureaucracies the power to engage in open ended reasoning about ends, and going no farther than that would certainly worsen bureaucratic domination, the addition of negotiated rulemaking – a crucial element in Richardson's proposal – goes some way to alleviating that particular worry. Furthermore, Richardson points out that the evaluative expertise that he thinks administrators should have must have been acquired in the process of pursuing a general mission that was given to them *by the public*.[151] That is, the mission of the relevant bureaucratic agency must have been decided by us, and we (the public) must have put that agency in place.[152] So, the evaluative expertise that the bureaucrats should have has been developed through the processes of reconciling and combining *our* chosen ends, and so their expertise is effectively about what *we* take to be important goods in various contexts. Thus,

[151] Richardson, "Response," p. 230.
[152] Richardson, "Response," p. 230.

Richardson is not forced to commit to an objectivist conception of the public good when he speaks of evaluative expertise.

As for the significance of our decision making power on Richardson's proposal, Richardson maintains that it will often be practically impossible for the public to set all of the significant ends of policy; some significant ends will *have* to be set by agencies delegated with this task.[153] Richardson points out that he does not think that bureaucracies should have *control* over the ends that inform policy, only that they should be expected to *reason* about the ends of policy.[154] His view is that it is inevitable that bureaucratic agencies will have to specify ends, and that we must recognise this fact when considering how agencies should reason – so, the difference between AI and Richardson's view of agency reasoning as open ended, not purely instrumental reasoning, is that Richardson claims that his view better fits the actual task that bureaucracies find themselves dealing with.[155] Richardson does *not* want to give bureaucracies any more *control* over the ends of policy, and so does not see his proposal as lessening the significance of the decision making power of the general public.

The matter of active participation in negotiated rulemaking processes as opposed to contesting agency decisions after the fact will be very important in chapter 3, and so I will not say much about it here. I will note here, however, that on purely consequentialist grounds, negotiated rulemaking seems intuitively to be better than AI with contestation devices. Prevention is often better than cure, so that preventing situations where the bureaucracies' particular controversial ends make it into the

[153] Richardson, "Response," p. 228.
[154] Richardson, "Response," p. 228.
[155] Richardson, "Response," pp. 228-229.

specification of the ends of policy seems preferable to situations where the bureaucracies' ends have made it into the detailed specification – situations which we would need to rectify by means of contestation. In general, I agree with Richardson's proposed institutional reforms and model of agency reasoning, and I hope I have conveyed some of their plausibility in this chapter. However, I shall argue in the following section that Richardson's proposals are in fact incompatible with the concept of bureaucracy, turning Richardson's argument into a more powerful objection to bureaucracy as such.

The Objection Strengthened: Richardson's Solution is Incompatible with the Concept of Bureaucracy

In this section, I shall attempt to show that Richardson's proposed solutions to the problem of bureaucratic domination are in fact incompatible with the concept of bureaucracy, by comparing them with the features of a bureaucracy as analysed by Weber, which I outlined in Chapter 1. This will mean that if we adopt Richardson's suggested institutional reforms, then to the extent that we do so, we will be replacing bureaucracy with something else. As long as *bureaucracies* exist and occupy a significant role in a democratic society, that society is subject to domination. I shall deal with the various aspects of Richardson's solution in the order in which they are given above.

First, let us consider the matter of adequate representation of the general public in administrative agencies. Recall that for Richardson, the appropriate objects of representation are citizens' entire perspectives and actual political views. Recall also

that Weber thinks that bureaucratic officials should be appointed rather than elected, to preserve the essentially hierarchical structure of the bureaucratic organisation.[156] It is difficult to imagine how we could ensure that the public's perspectives and political views are fairly represented if the "representatives" are appointed rather than elected. It might be suggested that perspectives could be recognised by those in the higher levels of the bureaucratic hierarchy, and that representatives could be appointed according to their perspectives as recognised by the upper level bureaucrats. However, I find it difficult to believe that this would be a very reliable way of ensuring accurate representation of perspectives. Assuming one knows one's own perspective best (which I think is plausible), it would be much more reliable for representatives to be elected, because people could choose representatives that they know share their perspectives to a significant degree. John Stuart Mill's contention that an individual knows her own interests best is in line with this idea – one's interests and perspective are presumably closely linked, and so choosing representatives that share one's perspective would go some way toward choosing representatives that share one's interests.[157]

Indeed, Richardson thinks that we have a basis for trusting bureaucratic decisions only if we have collectively put the bureaucracies in place, and given them our ends. Also, Richardson thinks that fair representation will be best if the representatives share our perspectives and views. Our particular perspectives and actual political views are rather complicated, difficult to discern from other perspectives, and influenced by a multitude of different factors. So, it is difficult to see how representatives of the kind that Richardson favours could be appointed by superiors.

[156] Weber, "Bureaucracy," pp. 960-961.
[157] John Stuart Mill, "On Liberty," in Louis P. Pojman, ed., *Political Philosophy: Classic and Contemporary Readings* (New York: McGraw-Hill, 2002), p. 127.

To return to my example of the computerised exam system, it is difficult to imagine how the head of the Committee could have sufficient knowledge to appoint the rest of the members of the Committee in a way that would ensure accurate representation of the general public's actual views. Even if she knew *what* all the possible final ends were, how could she know the proportions of people who preferred the respective ends? It is much more likely that adequate representation would be attained if we elected representatives who we have good reason to believe understand and to a significant extent share our perspectives and political views.

Richardson himself notes that political appointment might be problematic for adequate expertise in specific areas,[158] but the problem of appointment seems to be even more far-reaching to me, especially given that part of the officials' expertise should concern *our* chosen ends. Indeed, I find it doubtful whether Weber's insistence on appointment rather than election of officials in an ideal bureaucracy is compatible with democracy at all, and with Richardson's preferred type of democracy in particular.

Richardson also puts a great deal of emphasis on the importance of significant possibilities of direct communication between and among administrators and the rest of the public. But Weber describes administrative secrecy as being a characteristic feature of bureaucracy, and says that bureaucracy "naturally prefers" outsiders lacking in information about the workings of the organisation.[159] Richardson does allow for some cases where it would be appropriate for administrative agencies to hide

[158] Richardson, *Democratic Autonomy*, p. 229.
[159] Weber, "Bureaucracy," p. 993.

information from the general public, but he thinks that in general, the workings of the administrative agencies should be transparent: "The kind of publicity that I am seeking to explicate is … that policy *actually* be defended publicly, except in certain special cases."[160] Richardson thinks that the workings of an administrative agency should be transparent both among different branches and levels of a particular agency, and to those outside the agency.[161] In chapter 1, I pointed out that bureaucracy may favour secrecy in both of these respects, and so this is another aspect of Weber's analysis of bureaucracy that appears to be in tension with Richardson's proposed solution.

Richardson's model of agency reasoning – as open ended reasoning about final ends, involving deep compromise – does not seem to fit with Weber's analysis of bureaucracy. Weber says that bureaucracies include the essential element of exhaustive and stable sets of general rules that should govern any procedure to be carried out by the bureaucratic system.[162] This is one of the elements of bureaucracy that is motivated by the goals of predictability and calculability.[163] In contrast, Richardson's model of agency reasoning does not seem to describe the kind of reasoning that is characterised by strict predictability and calculability.

The open-endedness of Richardson's preferred type of agency reasoning means that the conclusions reached by the agencies are not *entailed* by their premises; there are various different conclusions (specifications) that could be reached from the premises (our vague ends that we provide the agencies with). Predictability and calculability

[160] Richardson, *Democratic Autonomy*, p. 182.
[161] Richardson, *Democratic Autonomy*, p. 246.
[162] Weber, "Bureaucracy," pp. 956-958.
[163] Weber, "Bureaucracy," p. 975.

seem more fitted to AI than to Richardson's model, and it doesn't even look like Richardson thinks calculability and predictability are appropriately expected of administrative agencies. Since calculability and predictability of results are central concerns of bureaucracy, this is a point where I think Richardson's proposed solution is at extreme odds with the concept of bureaucracy. One of Richardson's most pressing worries about bureaucracies as they currently are is that they are generally expected to reason in accordance only with the norms of an AI type of model,[164] and this seems to be just the type of model of agency reasoning that is *required* by bureaucracy, as analysed by Weber.

Richardson's conception of negotiated rulemaking, with its heavy emphasis on public participation and input is another aspect of his proposal that is at odds with Weber's analysis of bureaucracy. Weber's analysis emphasises the importance of expertise at each level of the bureaucratic hierarchy, including the condition that each particular kind of expertise must be *kept* at its specific level of the hierarchy, such that higher offices cannot take on the tasks of lower offices, despite their superiority.[165] If level-specific expertise is so important and authoritative that even superior levels of that same hierarchy cannot take over a lower level's tasks, how is Richardson's insistence on public input in administrative rulemaking to be reconciled with the concept of bureaucracy? Presumably, the general public would have much less (if any) of the relevant expertise (regarding the general rules) than higher levels of the administrative agency in question, and so public input in administrative rulemaking would be a terrible thing for an ideal bureaucracy. The tension between Richardson's publicity

[164] Richardson, "Response," pp. 228-229.
[165] Weber, "Bureaucracy," p. 957.

requirement and bureaucracy's tendency toward secrecy is relevant here too – negotiation requires publicity, but bureaucracy insists on secrecy.

The kind of expertise that Richardson thinks officials in administrative agencies should have – evaluative expertise – is very different from the kind of expertise that Weber talks about in the context of bureaucracies. The kind of expertise that Weber thinks bureaucrats should have amounts to extensive knowledge of the relevant system of general rules, a kind of expertise that could effectively be tested in an examination.[166] Richardson's evaluative expertise is something very different from knowledge of rules – it is a kind of sensitivity to what matters to people in various situations, and an ability to see the most relevant features of different goods when they need to be reconciled. Evaluative expertise, which can only be acquired through a process of actually reconciling different goods in different contexts, certainly does not seem to be the sort of thing that could be tested in an exam.

As I see it, the major difference between these two kinds of expertise is that evaluative expertise has essentially to do with especially *human* elements, while the bureaucrat's technical expertise is supposed to abstract from all human elements, because they are unpredictable. I think this point is supported by what Richardson has to say about the role of emotions in public reflection.[167] He thinks that our political views and ends *should* be, to some extent, informed by emotions.[168] But emotions, being unpredictable and often thought of as antithetical to rationality, are human elements that should be eliminated from an ideal bureaucracy.[169] If emotions

[166] Weber, "Bureaucracy," pp. 958-959.
[167] Richardson, *Democratic Autonomy*, pp. 190-192.
[168] Richardson, *Democratic Autonomy*, p. 191.
[169] Weber, "Bureaucracy," p. 975.

should have a role in the formation of our political views and ends, and these are precisely the objects of evaluative expertise, then emotions have certainly not been eliminated from agency reasoning, on Richardson's account.

In sum, many important aspects of Richardson's proposed solution to the problem of domination in fact turn out to be incompatible with the concept of bureaucracy. So, it seems that if we are to avoid domination, and we adopt Richardson's proposals about how to do so, we will be replacing bureaucracies with a different kind of administrative agency altogether. I think that Richardson's worry about bureaucratic domination is a serious one, and I find his proposed solutions to be promising. But what this indicates, I suggest, is much stronger than Richardson realises: bureaucracy is incompatible with Richardson's preferred type of democracy. I conclude that the objection to bureaucracy from procedural fairness brings to the fore a very worrisome feature of bureaucratic organisation in democratic societies – that we are dominated by bureaucracies in such societies. The arbitrarily unequal distribution of decision making power that comes with the existence and significant role of bureaucracies in democratic societies constitute unfair decision making procedures.

Chapter 3

Deontological Argument 2: Respect for Autonomous Agents

In the previous chapter, I developed an argument against bureaucracy based on the idea that bureaucracies with significant decision making roles in democratic societies constitute unfair decision making procedures – bureaucracies bring with them an unfair distribution in decision making power. I mentioned a different fairness objection at the beginning of that chapter – the objection from unequal and unfair treatment of people by bureaucracies – and suggested that the preventative measures that a bureaucracy would naturally take against such unfairness in treatment might constitute a separate problem of a different kind. That is the objection that I aim to develop in more detail in this chapter – that even a perfectly fair bureaucracy will treat people badly.

More specifically, I shall argue that bureaucracy has inherent moral flaws in that people will not be respected as autonomous agents when they come into contact with a bureaucratic organisation. My point applies both to those working in the organisation and to those dealing with it from the outside. The objection in this chapter is independent of the objection in the previous chapter – it does not stand or fall with the previous chapter's argument. The present objection differs from the one in the previous chapter in that it points to moral flaws in bureaucracies that affect *all* participants, including the bureaucrats, while the previous objection was primarily concerned with domination of those outside of the bureaucracy by those in them. Various authors have suggested problems with bureaucracy that I understand to ultimately be objections to bureaucracy from the requirement of respect for

autonomous agents. I shall outline these suggested problems, and combine them to form a substantive objection to bureaucracy on the basis of respect for autonomy.

In his commentary on Richardson's book, Christiano briefly mentions the "levelling down objection to equality."[170] Christiano says, "That objection says in this context that if the only way to have equal power over collective decision making is to have a lot less collective decision making power altogether then equality demands it."[171] I briefly mentioned this point in the previous chapter, and concluded there that this particular criticism of Richardson's argument was misplaced. However, it is a variation of this sort of objection that concerns me in the present chapter.

Rather than focusing on decision making power, I suggest that we re-construe the objection as having to do essentially with respect for autonomy. That is, the objection says that bureaucracy's insistence on uniformity of procedure (or equal treatment) requires disrespectful procedures (or bad treatment), if that is the only way to ensure uniformity (which probably is the case). Bureaucracy's insistence on efficiency, predictability and calculability will be relevant in addition to its insistence on uniformity and equal treatment. Indeed, all these requirements of an ideal bureaucracy seem to be related, and in combination lead to disrespectful treatment of everyone involved in a bureaucratic organisation, or so I shall argue in what follows.

While I see the present objection as being distinct from and independent of the objection in the previous chapter, part of it will draw on the aspect of Richardson's favoured type of democracy that I did not properly discuss there. As I noted in the

[170] Christiano, "Democracy and Bureaucracy," p. 215.
[171] Christiano, "Democracy and Bureaucracy," p. 215.

previous chapter, Richardson's favoured kind of democracy incorporates four elements – republicanism, liberalism, populism and rationalism. The republican and liberal elements of Richardson's conception of democracy most importantly influenced his interpretation of freedom as non-domination, where the idea of non-domination was given a particularly liberal interpretation.[172] The rationalism in Richardson's account plays its role in his focus on the importance of reasoning – more specifically, reasoning collectively – in an adequate democracy.[173] The populist element of Richardson's account will be of great importance in this chapter, as he bases his participation requirement on the requirement of respecting citizens as autonomous agents.

Before presenting Richardson's respect based argument, I shall offer re-interpretations of two other objections to bureaucracy, and a new objection from John Ladd.[174] The first is an objection from Ferguson, which claims that bureaucracy is disrespectful of the autonomy of its clients. In Chapter 1, I described a teleological objection to bureaucracy from Ferguson, but I think that much of what she says essentially involves the requirement of respect for autonomous agents, and does not necessarily rely on a feminist perspective (such as Ferguson's) in order to be forceful. The second objection is a re-interpretation of what I called Lukács's "Marxist Objection" in chapter 1 – a respect based interpretation of the objection rather than a purely teleological interpretation of it. I shall consider Ladd's objection along with the one from Lukács, as I think they are both centrally concerned with bureaucracies' treatment of the people who work in them.

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[172] Richardson, *Democratic Autonomy*, pp. 28-36, 47-52.
[173] Richardson, *Democratic Autonomy*, pp. 73-76.
[174] John Ladd, "Morality and the Ideal of Rationality in Formal Organizations," *Monist* 54 (1970): 488-516.

I shall then return to Richardson's respect based argument for populism (and active public participation in decision making), which seems to be a more all-encompassing version of the objection than either of the previous two, and show how it could constitute a respect based objection to bureaucracy. My adaptations of the arguments from Ferguson, Lukács, Ladd and Richardson add up to the argument from respect for autonomous agents against bureaucracy.

Ferguson: Bureaucracies oppress their clients, and so are disrespectful of clients' autonomy

Much of what Ferguson says to criticise bureaucracy seems to me to be focused on the notion of respect for autonomy – that is, much of her criticism seems to amount to the idea that bureaucracies constitute disrespectful ways of treating people. While Ferguson thinks that bureaucratic forms of organisation are oppressive of both clients and workers in the organisations, I shall concentrate only on what she says about the oppression of clients by bureaucracies here, dealing with workers in the next section. Ferguson argues that clients are oppressed by bureaucracies in much the same way as women have traditionally been oppressed in patriarchal societies:

> Clients occupy a radically subordinate place in relation to human service organizations, and to negotiate their role successfully they are in need of the same set of strategies and patterns of behaviour that characterize other subordinate groups, traits that, when found among the female members of the population, are identified as aspects of femininity.[175]

[175] Ferguson, *The Feminist Case Against Bureaucracy*, p. 128.

The strategies and patterns of behaviour that Ferguson thinks bureaucracies require of their clients seem to me to be essentially patterns of behaviour that display a denial of rational autonomy – the acceptance of one's role as that of a mere thing in relation to the bureaucratic organisation. As I understand it, this objection from Ferguson does not rely on a feminist perspective – while oppression of women is one kind of oppression, there are many others as well, and bureaucracy could be compared to any one of them. I shall now explain why I think Ferguson's argument has largely to do with the notion of respect for autonomy.

Ferguson suggests that the clients of a bureaucracy are not recognised as autonomous, rational individuals by the bureaucracy at all – not by those in the bureaucracy who deal with them directly (the "street-level bureaucrats"), nor by those higher up in the bureaucratic hierarchy.[176] One of the reasons for this is that there simply is no place in a bureaucratic system for acknowledging the perspectives of its clients. Bureaucracies are supposed to function according to purely rational, neutral, calculated rules with predictable results, and clients are motivated by personal, subjective and unpredictable values.[177] An ideal bureaucracy cannot recognise the perspectives of clients, as they are external to the rational system of rules, and so are unpredictable.

The unpredictability of clients' perspectives means that they cannot be included in the functioning of the system at all. This means that an ideal bureaucracy cannot treat clients as autonomous agents, as it cannot even *recognise* them as agents. Clients are in fact excluded from the actual functioning of a bureaucratic organisation, and so are

[176] Ferguson, *The Feminist Case Against Bureaucracy*, p. 134.
[177] Ferguson, *The Feminist Case Against Bureaucracy*, p. 137.

excluded from participating in it in any significant sense – they are reduced to merely passive elements in the system, and as Ferguson says, "… to be a recipient is also to be a spectator."[178] Ferguson says that by reducing people to merely passive recipients of bureaucracy rather than including them in it in an active sense, bureaucracies deny people (in this case, specifically the clients) the status of rational, responsible agents who can even consent to anything.[179] In this respect, Ferguson thinks that bureaucracy is comparable to terrorism.[180] Just as a terrorist disrespects my autonomy by denying me the possibility of making up my own mind, bureaucracies disrespect their clients' autonomy by denying them the opportunities to make up their own minds, or at least not giving their clients' rational choices any consideration or acknowledgement. The inability of a bureaucratic system to acknowledge its clients' perspectives means that it cannot but ignore (and so disrespect) their autonomy, to the extent that clients are unpredictable (which will probably be quite a large extent).

Ferguson even makes the radical claim that "… the clients are an interference with the worker's ability to complete the forms."[181] While this claim may seem rather extreme, the point is forceful: clients really cannot be seen as real participants in the bureaucratic system at all; they are essentially external to the system, and often complicate it and render its functioning less efficient and less predictable. This is the case even in organisations whose primary function has to do with human clients – even in those organisations whose primary function is to provide some *service* to their clients, Ferguson suggests that the clients occupy the "lowest rung" of the

[178] Ferguson, *The Feminist Case Against Bureaucracy*, p. 146.
[179] Ferguson, *The Feminist Case Against Bureaucracy*, p. 18.
[180] Ferguson, *The Feminist Case Against Bureaucracy*, p. 18.
[181] Ferguson, *The Feminist Case Against Bureaucracy*, p. 141.

bureaucracies' internal class structure.[182] The underlying point here is a rather disturbing one – Ferguson says, "… the situation is such that the bureaucrats come to see adherence to the rules as itself the goal. Thus the function of bureaucracy comes to be equated with its purpose…"[183] So, in the case of bureaucracies whose primary purpose would seem to be to provide clients with some kind of service, in fact the bureaucratic structure of the organisation leads to the internal, rule-based running of the system taking priority over the clients and their needs.

Whereas we would assume that a particular bureaucratic organisation is intended as the most efficient means to some further end, if Ferguson is right, it seems that bureaucracies tend to function as if there *were* no further end beyond the efficient running of the bureaucracy. While the initial reason for setting up an organisation might be to provide some service to clients, the closer the organisation comes to being an ideal bureaucracy, the less important those clients' needs become. Consider the following example, to illustrate the point.

I hope it is not wildly implausible to suggest that the two chief motivations for setting up a university would be to provide students with good higher education and to produce good academic research. One of these (the aim of educating students) would seem more clearly to be a kind of service that should be rendered to clients (the students, in this case). Any university would presumably need some sort of administrative procedures, and the friend of bureaucracy would no doubt recommend a bureaucratic structure for the administrative part of the university, saying that it will be the fairest and most efficient way to deal with the administrative tasks. Suppose I

[182] Ferguson, *The Feminist Case Against Bureaucracy*, p. 123.
[183] Ferguson, *The Feminist Case Against Bureaucracy*, p. 9.

am a member of a university's administrative staff, and a student comes to me, wanting to amend her registration. She had thus far intended to major in psychology, but has now realised that she values philosophy much more, and would like to major in philosophy. I am a "street-level" bureaucrat – it is my job to deal directly with students in such situations.

It is now the fourth day of the semester, and according to the university's rules, amendments to registration can only be approved during the first three days of the semester. I tell the student this, and tell her that she will just have to stick with psychology. She tells me that she could not have come to me before, because until today, she did not have sufficient information about the content of the respective courses to make up her mind properly. Being an expert on the rules governing registration amendment procedures, I know that there is nothing in the rules to accommodate this sort of problem, and so tell her that there is no way I can approve her amendment. My job is defined by, and depends on, expert knowledge of and adherence to these rules.

The student begins to cry. She tells me that she will be utterly miserable if she has to continue with psychology rather than philosophy, and that she truly feels that by doing so, she would be sacrificing her core values. I am rather taken aback, and quickly scan the condensed version of the university rules (I am still aspiring to become an *ideal* street-level bureaucrat) to see whether it says anything about students' core values. It doesn't. (Such things are not subject to prediction or calculation.) I feel a bit of sympathy for the student, seeing how terribly upset she is, but I know that such things as sympathy have no role to play in my job. I tell her that

there is absolutely no way that I can approve her amendment, and so she will have to either stick with psychology for the rest of the semester, or de-register and come back to do philosophy next year.

The student is still crying, but I do not say anything to console her, or apologise. That would just be a waste of time – it would do nothing to change the situation, and would take up time that should be spent on processing the long line of students behind her (or, better yet, processing all the amendment forms that have accumulated over the last three days). In fact, since it would be more in line with my role in an institution that aspires to being an ideal bureaucracy, I know that I should not even *feel* sympathy for the student, as this constitutes a failure on my part to completely separate the private and official parts of my life. I haven't quite reached this level of efficiency, but I am working towards it. Moreover, I really have nothing to apologise for; I am simply adhering to the rules, thereby doing my job as best I can.

The student is now faced with a horrible dilemma: either she continues with psychology, against her better judgement, or she de-registers. She knows that her parents will not be able to pay for her to study the following year if she de-registers now, and so effectively faces the dilemma of either majoring in psychology or giving up university altogether. The administrative body of the university, being a very close approximation of an ideal bureaucracy, has failed to respect this student's rational choice. Indeed, it is not capable of acknowledging this choice. From the perspective of the university administration, it is simply a matter of the student failing to meet the required deadline for amendments to registration.

The student, unable to face majoring in psychology, drops out. The university has failed, in this particular case, to fulfil one of its initial purposes – that of providing this student with a good education. We can even suppose that had the student been allowed to amend her registration, she might have gone on to produce some very good academic research on behalf of the university's philosophy department. In this case, the internal functioning of the university's administrative system has taken priority over the university's primary purposes of providing good higher education and producing good academic research.

It might be objected that the long-term *results* of this sort of scenario will better fulfil the university's two primary purposes, because many *more* students will receive good education and more good research will be produced if the university is efficiently organised, and that efficiency requires such strict adherence to rules. The point remains, however, that *this* student's rational choice has been disregarded. My point in the example was to illustrate how a bureaucracy should treat its clients if it is to approximate the ideal, and to show how this way of treating clients is intuitively very disrespectful of their autonomy. Regardless of the consequences, it seems that an ideal bureaucracy *cannot* respect its clients' autonomy, because it cannot recognise their perspectives, and resulting rational choices. So, even if the results of not respecting clients' autonomy are very good, there is an important moral point against bureaucracies here that is worthy of consideration.

Ferguson would say that the student in this example is being oppressed by the bureaucratic university administration, and that in order for her to negotiate her role successfully, she will need to adopt the strategies and behavioural patterns

characteristic of most oppressed groups. What are these strategies and patterns of behaviour? According to Ferguson, the "skills of femininity", or ways for oppressed people to cope with their oppression, are generally subservient character traits.[184] More specifically, these skills involve the oppressed party internalising, adopting and applying to their own behaviour the perspective of the oppressor.[185] Ferguson says that clients have to present themselves to a bureaucracy as deserving and eligible in order to succeed.[186] The implications of this requirement of success in dealing with a bureaucracy are far reaching, according to Ferguson: "The conformity that bureaucratic participation requires is … much more than skin deep; it affects the way one thinks, feels, responds to others, and conceives of and presents oneself."[187] Let us briefly consider what this means for our student, if she is to succeed as a client of the bureaucratic university administration.

If the bureaucratic organisation is the oppressor, the student must adopt its perspective, and behave accordingly. Adopting the bureaucracy's perspective will mean focusing exclusively on the rules governing registration amendment procedures, and behaving accordingly will mean ensuring that she adheres to these rules. So, the most relevant feature of her situation would be the deadline for amendments. This means that she *should* ideally have amended her registration before the deadline, even though she was insufficiently informed to make a fully reasoned decision at that point. Note that if she had decided to amend her registration before she had enough information to make a fully rational decision, she would be disrespecting her own capacity for rational choice. Given that she in fact missed the deadline, however,

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[184] Ferguson, *The Feminist Case Against Bureaucracy*, p. 121.
[185] Ferguson, *The Feminist Case Against Bureaucracy*, p. 108
[186] Ferguson, *The Feminist Case Against Bureaucracy*, p. 124.
[187] Ferguson, *The Feminist Case Against Bureaucracy*, pp. 192-193.

behaving in accordance with the oppressor's perspective would mean sticking with psychology. This is what she should do if she wants to succeed, assuming that giving up university altogether is not succeeding, just as admitting defeat does not count as succeeding.

So, now that she has missed the deadline for registration amendments, she should major in psychology *even though she knows better*. Even though it is against her rational choice, the only way to succeed in her dealings with the bureaucracy is to major in psychology. This would seem to be a clear violation of a negative duty to herself – she is using her own rationality merely as a means to the end of succeeding in her dealings with the bureaucratic organisation. We can easily imagine that such a decision would likely have terrible implications for the student's self-esteem, and affect the way she "thinks, feels, responds to others, and conceives of and presents [her]self."[188]

It might be objected that if success comes at such a high price in this case, perhaps success is simply not worth it. That might be true, but the alternative – admitting defeat and giving up entirely – is just as bad. She may not be using her own rationality merely as a means to some end, but she is disregarding an important rational choice – to study philosophy – altogether, and so is in some sense disrespecting her own rationality. So, it seems that in my example, our student has been forced into a vicious dilemma by the bureaucratic nature of the university's administration. Whatever she does, she fails to treat herself with sufficient respect.

[188] Ferguson, *The Feminist case Against Bureaucracy*, pp. 192-193.

Bureaucracy, in this case, has demanded of our student that she treats herself disrespectfully.

Lukács and Ladd: Bureaucracies are disrespectful of their workers' autonomy

In Chapter 1, I described an objection to bureaucracy from Lukács, calling it "Lukács's Marxist Objection". I presented the objection as teleological there – the central claim being that the effects on the worker in a bureaucratic system are similar to the effects on the worker in capitalist modes of production, as described by Marx. In this section, I shall consider a different interpretation of that objection – a deontological interpretation. For the sake of convenience, I reproduce an important passage about the similarities between capitalist modes of production and bureaucratic organisation again here:

> [T]here is an even more monstrous intensification of the one-sided specialisation which represents such a violation of man's humanity. Marx's comment on factory work that "the individual, himself divided, is transformed into the automatic mechanism of a partial labour" and is thus "crippled to the point of abnormality" is relevant here too.[189]

As I noted in Chapter 1, the worker in a bureaucratic system becomes reduced to a mere part of the system, no different from the other parts of the system, including the inanimate parts of it.[190] This is because of the high level of specialisation, strict hierarchy and separation of tasks that characterise a bureaucratic system. In effect, the worker in such a system is as replaceable as any other mechanism in the system – for example, in principle, it would not be any more difficult to replace a worker in a

[189] Lukács, *History and Class Consciousness*, p. 99.
[190] Lukács, *History and Class Consciousness*, p. 89.

bureaucracy than it would be to replace a computer. All that would need to be done would be to train the replacement, ensuring that she has expert knowledge of the rules that apply to her specific level in the bureaucracy. Let us return to the example from the previous section, where I was a staff member of the bureaucratic university administration.

As I noted in the previous section, my job in the university administration is defined by, and depends on my expert knowledge of the rules governing procedures to be dealt with by my level of the organisation. I recognise that I am merely a part of the system, a part that stamps forms, answers queries and so on. One of the reasons why I am so strict about the rules, as I was in the case of the upset student who had missed the amendment deadline is that I know that my failure to adhere to these rules would easily result in the loss of my job, because it would be easy for my superiors to train someone else to fill my position. So, I stick to the rules almost religiously, and my days at work really just consist of my repeating the same mechanical procedures. I give out forms, receive completed forms, stamp them if they meet the requirements set out in the rules, and send them off to my superiors. I deal with students as well, but this is also much like repeating a mechanical process, because all I can really do is answer their questions in light of my knowledge of the rules, and I do so as quickly as possible to maintain efficiency in the face of the constant long lines of students asking for help.

There is absolutely no room for creativity or initiative in my job – all my duties are clearly and formally specified in my job description. Hour after hour, day after day, I carry out my duties as specified by the rules. Clearly, the organisation I work for does

not regard me as an autonomous, rational agent, capable of taking initiative in a useful way, or making my own decisions about what would be helpful in a given situation. I am just a part of the system – indeed, my capacity for rational thought is being used merely as a means to the end of efficient adherence to the administrative rules of the university.

During the early days of my job, I was sometimes struck cold by the thought that, in principle, it would be easier for my superiors to replace me and all my colleagues should some disaster kill us all than it would be for them to deal with the loss of some original documents. I don't think about that anymore. In fact, as both Lukács and Ferguson suggest, my entire way of thinking, and indeed my entire way of life, has been transformed by my job – my way of thinking has come to exclude creativity, and my entire way of relating to others and the world in general is coloured by the bureaucratic mindset that has made itself part of my everyday life.[191] Ladd has more to say about just what it means for one's way of thinking to be so heavily influenced by working in a bureaucracy, and specifically, what it means for my status as a moral agent.

Ladd suggests that the very concept of a formal organisation, such as the bureaucratic administrative body I work for, in its ideal type excludes the realm of ordinary morality.[192] He says that in an ideally rational organisation, questions about what is *morally* right or wrong are misplaced and make no sense; the only way the concepts of right or wrong can properly be used is in relation to the specific goals of the

[191] Lukács, *History and Class Consciousness*, p. 98, Ferguson, *The Feminist Case Against Bureaucracy*, pp. 192-193.
[192] Ladd, "Morality and the Ideal of Rationality in Formal Organizations," p. 488.

organisation.[193] Ladd suggests that this feature of bureaucratic organisations leads to a highly problematic double standard in our thinking about moral issues – we use the rational (end-means) standard when dealing with organisations, but we have a more complex, demanding standard that we apply to individual people.[194] Furthermore, Ladd suggests, because formal organisations are taking over so many areas of our lives, we end up applying the "rational" standard more and more, and he thinks that this will lead to a breakdown of morality itself.[195] As I argue below, it seems that the purely rational standard properly applicable in a bureaucratic organisation seems to require that workers in such systems ignore the decisions they autonomously make.

When Ladd speaks of "ordinary morality", which he says has no place in formal organisations, he mentions "… the principles of obligation, responsibility and integrity."[196] Because an action can be considered "right" in the context of a formal organisation only if it is the most efficient way of bringing about some goal of the organisation, the only ethical theory that has any place in a bureaucracy (and a very limited place at that) is a very narrow kind of utilitarianism. Any other sorts of moral considerations should be excluded from bureaucratic operations, because they would be irrelevant to the goals of the organisation.[197] I return to the example of the student and myself as a staff member in a university's administrative body to explain why I think Ladd's argument essentially involves respect for autonomous agents.

Part of what it means to be a rational, autonomous agent is presumably to be capable of making up one's own mind about moral issues on the basis of reasons. So, part of

[193] Ladd, "Morality and the Ideal of Rationality in Formal Organizations," pp. 496-498.
[194] Ladd, "Morality and the Ideal of Rationality in Formal Organizations," p. 509.
[195] Ladd, "Morality and the Ideal of Rationality in Formal Organizations," p. 511.
[196] Ladd, "Morality and the Ideal of Rationality in Formal Organizations," p. 509.
[197] Ladd, "Morality and the Ideal of Rationality in Formal Organizations," p. 496.

what it is to be respected as a rational, autonomous agent is to be regarded as being responsible for one's own moral judgements and decisions. When I see that the student who wants to amend her registration is genuinely distraught by my inability to help her, my sense of "ordinary morality", or my own autonomous reasoning, may suggest that it would be appropriate to attempt to console her. In fact, my sense of "ordinary morality" may involve the notion of respect, and so may suggest that the morally best thing for me to do would be to listen to and acknowledge her reasons, and if it is reasonably within my power, do what I can to help her in her situation. If I cannot really help her, the respectful thing to do would seem to be to at least express regret that I cannot help her. This would be my rational and autonomous decision about how best to treat the student, and an organisation that respected me as a rational and autonomous agent would allow (and perhaps even encourage) me to act on this decision.

But as I noted earlier, acting on this decision would hinder my efficiency at my job. Whatever the specific goals of my organisation are, they inform the rules that describe my job. So, if my only obligation in the context of the organisation is to efficiently further the goals of the organisation, then my only obligation is to carry out procedures exactly as they are set out in the rules. Suppose it is not in the rules that I should apologise when a student is very upset. By apologising then, I would be doing something irrelevant to the goals of the organisation, and so it would not be morally right in the context of the organisation.

Suppose for a moment that I were in a position to help the student – I happen to know where they keep the stamps with yesterday's date on them, and I happen to know that

none of the forms will actually be processed for a few days yet. I know these things only because a good friend of mine works in a higher level of the bureaucracy, and she mentioned these things to me one night over a glass of wine. My colleagues in the level of the hierarchy that *I* work in do not know these things – I am the only "street-level" bureaucrat with this knowledge. I could stamp the student's form with yesterday's stamp, indicating that her amendment is approved, and slip it into the file of approved amendment forms, and no-one would be the wiser. In fact, my sense of ordinary morality has led me to the autonomous decision that this would be the right thing to do in this case. But in the context of the bureaucracy I work in, it would be very wrong of me to act on my autonomous, rational choice. It would be wrong of me to do so for two reasons.

First, it would be unfair – students in similar situations who happen to be dealing with my colleagues rather than me would not be able to be treated in the same way. It is only due to my special knowledge of the workings of the larger system (knowledge that I shouldn't even have, according to the bureaucracy) that I am able to help in this case, and doing so would be giving preferential treatment to this student. Second, my only obligation in the organisation is to ensure adherence to the rules, and by helping the student in this case, I would be acting *contrary* to my only obligation in the context of the organisation. Breaking the rules would seem to be the very definition of what it is for me to do something wrong in this context, and the context allows for no other considerations. So, it seems that in the context of the organisation, it would be *wrong* of me to act on my rational, autonomous moral decision. An organisation that demands this denial of my moral reasoning certainly does not respect me as an autonomous agent.

We can easily imagine how this situation might lead to my applying a "double standard" of the kind that Ladd describes regarding moral issues. At work, I am constrained to doing only what will efficiently further the aims of the organisation, i.e. following the rules as efficiently as I can. Outside of work, however, I might act on my own rational moral decisions, treating people with the respect I think they deserve. Further, it is possible that after many years of working in the organisation, and dealing with others like it outside of work, I might begin to stop making reasoned moral decisions on the basis of respect, and adopt the organisation-apt (end-means) standard in all areas of my life. This would seem to be a case of me giving up my capacity to make reasoned moral judgements altogether. Not only would the organisation have failed to respect my capacity for autonomous moral decisions, it would in fact have *damaged* that capacity.

Richardson: Bureaucracies, by excluding significant, active participation, fail to respect the autonomy of their participants

Richardson argues that a satisfactory kind of democracy must include a populist element. He defines populism as "… the view that voting is a method for citizens to participate in making law and that the law thus made is the will of the people."[198] He thinks that such participation is necessary if the state is to treat citizens as autonomous agents, deserving of respect. Richardson does not think that the will of the people is important because it is infallible in determining what we should in fact do.[199] Rather,

[198] Richardson, *Democratic Autonomy*, p. 58.
[199] Richardson, *Democratic Autonomy*, p. 62.

he thinks it is normatively significant in that appropriately acknowledging the will of the people is the only way the state can treat its citizens with sufficient respect.

As I noted in Chapter 2, Richardson adopts a liberal interpretation of non-arbitrariness – power is non-arbitrarily used when it is constrained by procedures of the right sort. Specifically, power should be constrained by fair procedures that treat citizens as free and equal, protecting their fundamental rights and liberties.[200] In his argument for the populist element in his favoured kind of democracy, Richardson takes this idea further, referring essentially to the requirement of respect for individual autonomy: "… the procedures of decision must be ones in which we respect individuals as autonomous persons."[201] This means that the decision procedure must regard individual citizens as being capable of making their own decisions on the basis of reasons.[202]

For a process to meet this requirement of respect for individual autonomy, it must actually take note of those individuals' views, and Richardson suggests that the only feasible way for the political process to do this is to encourage citizens to vote, and air their opinions in discussions.[203] So, rule *by* the people matters, according to Richardson, not because they necessarily do know best, but because it is the only way to treat them with sufficient respect as autonomous agents. In an attempt to convince us that this is what matters to us about rule by the people, Richardson suggests that a completely random rule-making procedure would not count as properly democratic.[204] In fact, we would probably prefer a public vote-based procedure to the purely random

[200] Richardson, *Democratic Autonomy*, p. 52.
[201] Richardson, *Democratic Autonomy*, p. 62.
[202] Richardson, *Democratic Autonomy*, p. 62.
[203] Richardson, *Democratic Autonomy*, p. 63.
[204] Richardson, *Democratic Autonomy*, pp. 63-64.

procedure *even if* the results of the two systems would be identical, and even if the random process were somehow informed by reasonable expectations of what most people want.[205] Such a random process, being impartial, could meet the requirements of treating people as free and equal, but in failing to actually consult them and include them in active participation, would fail to treat them as autonomous agents.[206] Richardson says, "What matters is that individuals are respected as autonomous and equal participants in the process of decision."[207]

Richardson describes his form of populism as "qualified" rather than "radical" populism.[208] That is, he does not think that all concrete decisions should be made by the people (his point that administrative agencies will inevitably have to make many actual decisions for us that I described in Chapter 2 shows that he does not hold the "radical" populist view). Rather, his version of populism only says that the will of the people (which is uncovered in fair processes of discussion in which individual citizens are allowed to express their opinions) must be expressed in the process of law-making.[209] For this to happen, though, citizens must *actually* participate in the process of making laws – it is not sufficient for the *possibility* of participation to exist.[210]

Richardson's case for active participation in decision making processes on the basis of the requirement that they be treated respectfully as autonomous agents is presented as essentially relevant to the right kind of democratically organised state. However, I

[205] Richardson, *Democratic Autonomy*, p. 64.
[206] Richardson, *Democratic Autonomy*, pp. 63-64.
[207] Richardson, *Democratic Autonomy*, p. 66.
[208] Richardson, *Democratic Autonomy*, p. 67.
[209] Richardson, *Democratic Autonomy*, p. 70.
[210] Richardson, *Democratic Autonomy*, p. 71.

think that his point can be applied to any situation where there is a large collection of individuals who are to be significantly affected by important decisions that need to be made regarding them. Many such collections of individuals are in fact organised along bureaucratic lines – I have in mind large businesses and organisations, and of course, universities. The point I wish to make in this section is that if Richardson is right about the need to treat participants (in his case, citizens) in some organisation (in his case, the state) with sufficient respect by including them in active participation in decision making procedures, then bureaucratic organisations in general fail to treat their participants (both clients and workers) with respect in one important aspect – that of respecting participants as agents capable of making their own, autonomous decisions.

Richardson says, "To treat someone as an autonomous citizen requires giving him or her an opportunity to offer reasons and, specifically, to offer reasons for the claims or proposals that he or she chooses to make."[211] More specifically, Richardson suggests that treating citizens with sufficient respect as autonomous persons in decision making procedures involves three requirements:

> (1) that the political process publicly address each citizen as someone capable of joining in public discussion; (2) that the political process solicit the participation of each citizen as a potential agent of political decision; and (3) that the political process treat individuals as "self-originating sources of claims," people whose claims "carry weight on their own."[212]

If we consider the case I have been using throughout this chapter – the student who comes to me, the bureaucrat, to amend her registration after the deadline, we can see

[211] Richardson, "Response," p. 221.
[212] Richardson, *Democratic Autonomy*, p. 63. Richardson quotes John Rawls, "Kantian Constructivism in Moral Theory: The Dewey Lectures 1980," *Journal of Philosophy* 77 (1980): 543.

that the bureaucratic structure of the university administration fails on all three counts, when it comes to treating both its clients and its workers respectfully. I suggest, furthermore, that no bureaucracy could treat its participants with sufficient respect, as described by Richardson.

In my example, the analogue of the political process that Richardson refers to would be the process through which the rules governing administrative procedures in the university are formulated. The analogue of the citizens would be all students and staff (both academic and administrative) at the university. The rule-making process in a bureaucracy, such as the one I am considering, certainly does not publicly address each participant as someone capable of joining in public discussion. On the contrary, the rules in a bureaucracy are laid down by the highest levels in the hierarchy, and are handed down to the relevant lower levels, in order simply to be learned and adhered to.

The rule-making process did not address me as someone capable of joining in the discussion when it was decided that the cut-off date for amendments to registration would be the third day of the semester, nor did it address the student, or anyone in a similar position. As I hope I have shown in my discussion of the example, the student is *not* regarded by the bureaucracy as someone capable of joining in discussion, as we saw when she began to offer reasons for her failure to meet the deadline. She was regarded, rather, as an external element, not properly part of the system, who failed to meet the requirements laid down by the rules. Furthermore, if I were to agree with the student's reasons, or have other reasons of my own to think that this particular rule was not a good rule, I would meet a similar response if I decided to voice these

opinions. In the bureaucratically structured organisation that I work in, I have no business thinking about whether or not the rules are *good* rules; my only business is to ensure that the rules are adhered to. Neither I, nor the student, nor anyone in a similar position to either of us was even aware of the process through which this rule and others like it were formulated. So, bureaucracy fails to meet the first of Richardson's three requirements for participants of a process to be treated with sufficient respect.

Similarly, the rule making process certainly did not solicit the participation of any of us as potential agents of rule-making decisions. As already noted, we were not even aware of the process, and even if we had been, and had tried to voice our opinions on the matters, our opinions would have been ignored. Again, the rules are simply given to us by the higher levels of the hierarchy to guide (or ideally, to determine) our behaviour within the system – a bureaucracy has no place for our participation in the rule-making process, and so would certainly not solicit it. So, bureaucracy fails to meet Richardson's second requirement.

Finally, we are not treated as "self-originating sources of claims" that have any weight on their own. In my example, the student's claim that she should not be forced to either major in psychology or drop out of university by the amendment rule doesn't make any sense in the context of the bureaucratic rules. The system cannot even recognise the claim, let alone regard it as carrying any weight. Therefore, it cannot treat the student as the 'self-originating source' of this claim – if it cannot recognise the claim, it cannot recognise the source of the claim either. Again, the situation would be similar if I were to make a claim to the effect that the rule is not a good rule – the system would not be able to make sense of my claim, and so could not treat me

as the source of a claim worthy of consideration in this case. So, bureaucracy fails to meet Richardson's third requirement.

Richardson's suggestion that a political process should treat citizens as autonomous agents deserving of respect by allowing and in fact soliciting their active participation in the process, when applied to rule-making processes in bureaucratically structured organisations in general, suggests that bureaucracies cannot treat their participants (either workers or clients) with respect, at least in one important aspect. Of course, someone may ask just why we should think this is such a serious problem, especially if the overall results of a less than ideally respectful system would be better than those of an ideally respectful one. Indeed, David Estlund asks just such a question,[213] which I present as an objection to my suggestions for a promising alternative to bureaucracy in the following chapter.

[213] David Estlund, "What's So Rickety? Richardson's Non-Epistemic Democracy," *Philosophy and Phenomenological Research* 71 (2005): 204-210. Hereafter referred to as "What's So Rickety?"

Chapter 4

What Might the Alternative Look Like?

In the foregoing chapters, I have presented some moral arguments against bureaucracy. I have suggested that bureaucracies dominate the rest of the general public in democratic societies, because they have an unfair advantage in decision making power, and that bureaucracies treat their participants (both workers and clients) disrespectfully. This naturally raises the question, if in fact there are strong moral reasons to replace bureaucracies, just what should replace them? In this chapter, I shall give some suggestions of what a promising alternative to bureaucracy might look like, if indeed it turns out that bureaucracies should be replaced. I do not claim to have shown conclusively that bureaucracy is so morally problematic that it *should* be replaced, but it is useful to have some idea of an alternative in light of the moral problems I have raised. The suggestions I give here will be largely informed by the problems I have pointed out in the foregoing chapters.

Bureaucracies are found in many different arenas – Richardson focuses on bureaucratic organisations in the realm of policy making, Hine focuses on bureaucracy in the context of business management, while Ferguson, for example, considers bureaucratic organisation generally. We might not be able to find an alternative that would appropriately replace bureaucracy in all of its contexts; we might have to find *several* replacements for bureaucracy that would be contextually appropriate. I shall focus on two levels of a replacement organisation. While I think the two levels are compatible and could well be used together in some kinds of organisation, the second level I describe here might not be applicable to very large

and complex organisations, such as government bureaucracies. The first level I shall discuss has to do with procedures for policy decisions in democratic societies, and also in smaller organisations that function (or perhaps should function) democratically. This will really just be a matter of making explicit, with the help of an example, the differences between bureaucratic organisations and the sort of organisation that Richardson favours in such a context (since I have argued that Richardson's proposed institutional reforms really amount to replacing bureaucratic organisations with something else). The second level has to do with the more day-to-day matters of business in an organisation, that is, the allocation of tasks and internal structures in the organisation.

The two levels I shall consider here are intended primarily to respectively answer my two main arguments against bureaucracy from Chapters 2 and 3 – the first level primarily avoids the fairness objection, and the second primarily avoids the respect-based objection. While the second level does well, I believe, to deal with both problems, I have doubts about whether it is applicable in very large contexts, which is why I present the two levels separately here. It is not that the first level entirely fails to meet the respect-based objection; I just think that the second level meets the respect-based objection more thoroughly than the first. Due to my doubts about its applicability in the context of very large and complex organisations, however, we might often need to settle for the first level, perhaps with a few elements from the second.

To focus my suggestions, I shall use the example of a university in both of the levels I consider. However, my example of the first level could be generalised, for example

to the government, as this level could be appropriate in very large organisations as well as smaller ones, like universities. I use the concrete example of a policy in a university here to keep matters fairly simple and clear. So, I shall focus on the policy making aspect of a university in the first example, and the more day-to-day organisation of work and service delivery aspects of a university in the second example. While the first level should be applicable also to larger scale bureaucracies, such as those involved in decision making at the governmental level, the second level might not be so easily applicable to larger scale bureaucracies.

Replacement Level 1: Making Policy Decisions

In large societies, we probably do have to leave some of the decision making to organisations that do so on our behalf. We could not possibly all be actively involved in making every little decision about policy. But Richardson thinks there are ways to ensure that these organisations make decisions in a way that adequately reflects the broader decisions that we *have* collectively made, and I suggest that to the extent that we adopt these reforms, we will be replacing bureaucracy with a different type of organisation. In this section, I shall describe such a replacement, drawing heavily on Richardson's proposed reforms. To illustrate the replacement, I return to my example from Chapter 2, of the introduction of a new computerised exam system in a university.

First, how should we decide who should be on the Committee? Richardson insists on fair representation of citizens' actual political views and perspectives.[214] Citizens'

[214] Richardson, *Democratic Autonomy*, p. 197.

political views are to be discovered through proposals that citizens make, according to Richardson.[215] So, the first step in deciding who should be on the Committee would be for rough proposals to be made by the students and staff at the university. It might be too much to expect that every *individual* come up with a proposal, so we could imagine that they come together in groups to draft proposals. Perhaps individuals with very strong views on the issue could make their views public, inviting others with similar views to join their proposal groups. So an academic who feels very strongly about good controls against cheating in exams could make her view public, and invite others to join her, and a student who feels very strongly about exam rooms being conducive to good writing could do the same, and so on. The rest of the university could choose which groups they join, depending on their own particular views on the matter, and if they do not find another group that they think shares their views, they are encouraged to start their own. Once everyone has found a group, each of the groups engages in some open discussion about the specifics of what they want, and collectively draft proposals about the introduction of the new exam system. In the process of discussion, the members of each group also begin to get some idea of who in the group could be trusted to represent the views of the rest of the members of the group, and they elect representatives.

At any point during the discussion process, any member of a group is allowed to question, challenge or object to points in the rough proposal, and the rest of the group must seriously consider these suggestions. This would constitute the possibility of direct communication among the general public and their representatives that

[215] Richardson, *Democratic Autonomy*, pp. 196-198.

Richardson says must exist.[216] Furthermore, because our views can change and evolve in the process of discussion, as Richardson notes, we should be able to leave our groups and join or even form different groups if we feel that the initial group no longer adequately shares our views.[217]

The representatives chosen by each group then come together and present and defend their proposals publicly. It is required that representatives present their proposals thoroughly, and answer any questions about them that might be posed. Once all proposals have been heard, the university at large votes for Committee members on the basis of the proposals they have heard. This should ensure that the members of the Committee adequately represent our actual views about the introduction of the new exam system. Ultimately, it should mean that our preferred final ends are accurately represented by the Committee, as the rough proposals we drafted were informed by our final ends. So, as long as we have all voted responsibly and with sufficient information about the introduction of the new exam system, we should be confident that the Committee members have been chosen in a fair way and that our final ends are accounted for.

Representation always brings with it the risk of *misrepresentation*, whether intentional or unintentional. However, in large institutions, like the fairly large university I am considering here and most democratic societies, representation is indispensable if we are to make decisions quickly. If every person were expected to individually defend her view, the process would become unacceptably time-consuming, given that decisions often need to be made quite quickly. Richardson's

[216] Richardson, *Democratic Autonomy*, pp. 201-202.
[217] Richardson, *Democratic Autonomy*, pp. 201-202.

insistence on negotiation, publicity and real opportunities for contestation should go some way to alleviate the worry that representatives might intentionally or otherwise misrepresent our actual views.

Generally speaking, elections should result in an accurate representation of the general public's views, both in content and in proportion. So, in my example, assuming that people would vote for candidates that they believe share their own views and perspectives, students would presumably vote for students, academics would presumably vote for academics, and so on. So, the numbers of academics and students on the Committee would be proportionate to the numbers of students and academics who voted. In some cases, there may be good reason to introduce constraints, however. For example, in this case, there may be good reason to think that there should be more academics than students on the Committee even though the students greatly outnumber the academics in the university. In such a case, constraints on who can be voted in to the Committee could be made by the head of the Committee, and then the rest of the university could vote according to the extent to which they believe particular candidates share their perspectives and views.

The business of decision making is now largely handed over to the Committee – they must decide on specifics such as which computers to buy, how to arrange the exam rooms, and marking procedures. This will mean that the Committee needs to reason together, taking account of the various final ends that they represent, and finding ways to make these various ends cohere in concrete courses of action. The reasoning process will often involve the Committee members in Richardson's "deep compromise" – compromise that often amounts to adopting *new* final ends that

incorporate the most relevant features of competing ends.[218] For example, the Committee members might need to adjust their initial final ends of promoting the aesthetic value of exam rooms and making the rooms conducive to good writing, so that neither one infringes dramatically on the other, adopting a new end that incorporates the value of both. I discussed this sort of matter in my example of Divisions 2a and 2b in Chapter 2.

Eventually, after discussing and reasoning about all of the various ends that they represent, the Committee members will arrive at some concrete course of action that could be adopted. For example, one of the concrete options they arrive at would be the option to buy computers from a particular company. Let us suppose that this option seems to be a reasonably good way of making most of the initial ends the Committee represents cohere with one another. The final step is for the Committee to vote for or against buying the computers from the proposed company. The vote takes place, and majority rule is used as a "closure device", as Richardson suggests.[219] Suppose the vote turns out in favour of the proposed course of action. If there were any that voted against it, though they are not in favour of buying computers from that particular company, they should be satisfied that the decision making process was fair, and that their views were taken seriously. Should the disagreement be a very serious one, the minority is allowed to appeal or contest the decision.[220]

It is crucial that the rest of us have the opportunity of contesting the Committee's decisions at any point of the process.[221] This means that the Committee's decision

[218] Richardson, *Democratic Autonomy*, p. 147.
[219] Richardson, *Democratic Autonomy*, pp. 203-213.
[220] Richardson, *Democratic Autonomy*, p. 216.
[221] Richardson, *Democratic Autonomy*, p. 222.

making process must be transparent – perhaps it should make its conclusions public at every significant step – and that there are real, significant channels of public appeal and contestation at every point.[222] This will allow for real negotiation, open to anyone who might want to participate, between us and the Committee members in making decisions about how best to go about introducing the new system.[223] As long as we recognise that the Committee is making decisions about how to reconcile our various ends, and that this process will often mean that they come up with *new* ends, we can make a concerted effort to check their reasoning about ends, and contest their decisions if we think they have departed significantly from the ends we gave them.[224]

As a result of the reasoning process that the Committee engages in, the members of the Committee will probably begin to develop what Richardson calls "evaluative expertise" – a kind of expert sensitivity to the most relevant features of various goods in various contexts.[225] While the Computerised Exam System Committee is a temporary organisation, the fact that its members begin to develop evaluative expertise might recommend them for positions on other decision making committees in the future. However, we should not simply assume that every Committee member would serve well on other policy specification committees in the future. We must be sure that they have carried out the task of reasoning about how to specify the ends we have given them satisfactorily, as this is the only way evaluative expertise can be developed. That is, just because we elected a particular person to be on this Committee does not mean that we cannot decide *not* to put that person on subsequent committees if we believe she would not usefully represent our actual views.

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[222] Richardson, *Democratic Autonomy*, p. 221.
[223] Richardson, *Democratic Autonomy*, p. 220.
[224] Richardson, *Democratic Autonomy*, p. 218.
[225] Richardson, *Democratic Autonomy*, pp. 224-225.

There are some important respects in which the above described decision making Committee differs from bureaucratic organisations that are worth making explicit. As I already noted in Chapter 2, Richardson's model favours election, while bureaucracy favours appointment of officials. But there are several other features of this type of organisation, specifically related to its structure and operating, that are very different from the structure and operating of a bureaucratic organisation.

First, there is no strict hierarchical structure in the Committee. On the contrary, each member should have an equal opportunity to state and argue for her position, and care must be taken to ensure that each member's views are acknowledged and seriously considered by the other members. While it might be necessary to introduce divisions and sub-divisions, these should not be understood as *vertical* divisions. Division 2b is charged with a specific task, but is not subordinate to Division 2a, or any other division or subdivision. If the Committee is very large, it might be necessary for each division and subdivision to elect a representative, or spokesperson, but they should not be seen as being superior to the rest of the members of their divisions. Such a spokesperson would act as the voice of her division, and would be constrained to adequately represent the views of the rest of the members of the division, who are ultimately constrained to represent the views of the rest of the university. Even if there needs to be a head of the Committee as a whole, she should not be seen as occupying the highest level of the hierarchy. Her role would be more a matter of ensuring that everyone is allowed their say, and that the public (in this case, the rest of the university) remains fully informed throughout the process.

Second, there is not an exhaustive, stable system of general rules governing any procedures to be dealt with by the Committee, of the kind that Weber ascribes to bureaucratic organisations.[226] The only "rules" will be guidelines for discussion that ensure the equal opportunity of any Committee member to voice and argue for her position, and to contest decisions or proposals, and requirements of publicity of the process. Serving on the Committee certainly does not amount to applying rules that have been calculated for efficiency and predictability. The expectation that Committee members should engage in open ended reasoning in fact is a point against introducing rigid systems of rules into the Committee's decision making process.

Third, it would not necessarily be a good idea for all, or even the majority of, members of a particular subdivision to have a very high degree of specialisation regarding the specific task that it is charged with. Because each division should keep in mind the tasks that other divisions have been charged with, and the general good of the university at large,[227] expertise or knowledge should be somewhat varied within any particular division. Murray Bookchin notes that roundedness is an important characteristic of participants in a good democracy, suggesting that too much expertise in a particular matter might be damaging to the overall character of a person (and, presumably, the decisions she would make).[228] Indeed Richardson's "evaluative expertise", being quite different in kind from the technical expertise that bureaucracies require, seems to be more of a broad understanding of various kinds of ends and contexts, rather than extensive knowledge of one particular field.

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[226] Weber, "Bureaucracy," pp. 956-958.
[227] Richardson, *Democratic Autonomy*, p. 226.
[228] Murray Bookchin, *Remaking Society* (Montréal: Black Rose Books, 1989), p. 177.

Finally, the sort of organisation I have described above would certainly *not* seem to function best if it was extremely impersonal, as Weber suggests is the case with bureaucracy.[229] Decisions made by the sort of organisation I have described are legitimate only if they are reasonably expected to adequately satisfy the ends that we, actual persons, have chosen, partly as a result of our particular perspectives, which are very personal. The publicity requirement also shows that such an organisation certainly should not function "without regard for persons".[230] The Committee is required to inform the public of every step of the decision making process, and must seriously address any worries that individual persons raise regarding any step of the process. The level of replacement that I have described here can be generalised to larger bureaucracies as well; indeed, Richardson primarily recommends these reforms in the context of government agencies.

Replacement Level 2: More Respectful Forms of Organisation

In this section, I shall describe what I take to be a more respectful form of organisation than a bureaucratic one, when it comes to the treatment of both workers and clients of the organisation. I return to my example from Chapter 3 for illustration. The type of organisation I shall describe here is quite similar to the kind of workplace organisation that Michael Albert and Robin Hahnel describe.[231] I shall describe how the administration of a university might work non-bureaucratically, and then explain why such a model would be more respectful of both clients and workers than a bureaucratically organised model would be.

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[229] Weber, "Bureaucracy," p. 975.
[230] Weber, "Bureaucracy," p. 975.
[231] Michael Albert & Robin Hahnel, *Looking Forward: Participatory Economics for the Twenty First Century* (Boston: South End Press, 1991). Hereafter referred to as "*Looking Forward*".

Albert and Hahnel suggest that workplaces would do well to incorporate democratic workplace councils and adopt job rotation strategies that would lead to more balanced "job complexes".[232] Various individuals' job complexes should be reasonably comparable with regard to both desirability and empowerment.[233] In other words, it should not be the case that some individuals in a particular workplace have very desirable, fulfilling and exciting jobs with great opportunities for empowerment, while others in the same workplace have very undesirable, unfulfilling and tedious jobs with little or no opportunities for empowerment.

To return to my example from Chapter 3, my workplace, being bureaucratically organised, does not come close to Albert and Hahnel's ideals. The jobs of the various employees of the university vary substantially in desirability and empowerment. My job of handing out, collecting and stamping appropriate forms, and answering students' questions in light of my knowledge of the university's administrative rules is closer to the end of the continuum of jobs that are undesirable, unfulfilling and tedious. Someone in a much higher level of the hierarchy – someone with real decision making power and more variety in what they do every day – presumably has a much more desirable, fulfilling and exciting job than I do.

A further aspect in which my job qualitatively differs from those higher up in the bureaucratic hierarchy, which Albert and Hahnel do not mention, but which I think is important is that, due to their positions in the organisation, they would seem to command more respect as autonomous agents in the organisation than I do in my

[232] Albert & Hahnel, *Looking Forward*, p. 21.
[233] Albert & Hahnel, *Looking Forward*, p. 21.

position. This is because they have decision making power (and so are to *some* extent regarded as being capable of rationally making their own decisions), and because they have a greater variety of tasks to perform (and so are not regarded as mere mechanisms in a larger machine-like organisation). My position, in contrast, includes no decision making power and consists of repetitive, mechanical procedures that require (and indeed allow) no autonomous decision making on my part. So, while the upper-level bureaucrats would seem to be treated with *some* respect by the organisation, the lower-level bureaucrats are not. This is an important qualitative difference between my job and that of someone in the higher levels of the bureaucratic hierarchy.

If my workplace were to be re-organised according to Albert and Hahnel's suggestions, there would not be such a huge qualitative disparity between my job and that of the person now occupying that higher level of the hierarchy.[234] First, there really would *be* no hierarchy. According to Albert and Hahnel, to eliminate workplace hierarchy, it is necessary (but not sufficient) to establish workers' councils that all workers would participate in.[235] Within a given workplace, a workers' council collectively and democratically makes decisions about such things as working hours and conditions, responsibilities, and any immediate problems that the workers find themselves dealing with.[236] So, the administrative body I work in would include a democratic workers' council that each of us is a part of, rather than the decision making hierarchy that now characterises my workplace. For example, as things are

[234] In what follows, I describe what the administrative body in a university might look like if re-organised along the lines of workplace organisation that Albert and Hahnel describe in *Looking Forward*, pp. 18-45.
[235] Albert & Hahnel, *Looking Forward*, p. 18.
[236] Albert & Hahnel, *Looking Forward*, p. 18.

now, I am allocated a specific lunch hour by my superiors. Under the new organisation, my colleagues and I would collectively coordinate our lunch hours.

Second, my job would not consist of the same repetitive and boring tasks that it does now. Rather, I would have a "job complex" would consist of a variety of different tasks. Part of my time would be spent as it is now, stamping forms and answering students' questions and so on, but I would also spend part of my time in other parts of the organisation, in the fees office and the financial aid office, for example. This would bring a bit of variety to my work, alleviating some of the monotony and tedium. I would also spend some time in discussion in decision making councils. This would presumably be the most fulfilling and empowering part of my work, where I would be able to have some input in actual decision making. Similarly, those that now occupy the higher levels of the hierarchy, who currently hold all the decision making power and do none of the sorts of tasks that I do, would also split their time between discussion in decision making councils, stamping forms, answering students' queries and the like.

Naturally, the rotation of tasks that would characterise the new organisation of the university's administrative body would require a significant degree of transparency among its various parts. For example, I would need to know something about the operating of the fees office, and the financial aid office, and about the general administrative issues that we discuss in decision making councils. So, there would be a freer flow of information between various parts of the organisation than there is now, which would allow all workers to sufficiently understand the system and its

workings.[237] This would, of course, mean that new workers would have to be given more extensive and comprehensive training than they are given at present.

In general, I think that Albert and Hahnel's suggestions are good ones, and that a workplace organised along these lines would be more respectful than a bureaucratically organised workplace. Before I explain why such a workplace would be an improvement, however, I wish to make one addition to Albert and Hahnel's suggestions. Albert and Hahnel's suggestions make my job in the university administration more varied, combating some of the tedium I currently face every day, and the possibility of participating in actual decision making would presumably make my work more fulfilling. However, mere rotation among the various administrative offices just for the sake of variety does not seem to be ideal. I would still be doing pretty boring tasks in the various offices a lot of the time, and my work in these offices would seem fragmented and lacking in a clear purpose.

I expect that one of the most crucial aspects of a good alternative to bureaucracy will be that those working in it perform more holistic, unified tasks with a clear purpose that they understand. So, I suggest that the best way to bring variety to the tasks that I perform in my job complex would be to make my job complex a complete process, a process that I understand every part of, and that I can consciously see through from beginning to end. Instead of alternating between working in the fees office, the financial aid office, the graduation office and various faculty offices, perhaps there shouldn't even be such divisions. Perhaps I should be assigned a certain number of students every year, whose administrative matters I am to deal with for the duration of

[237] Albert & Hahnel, *Looking Forward*, p. 30.

the time they spend at the university. That is, it would be my responsibility to ensure that these particular students are registered correctly, that their fees accounts are in order, that they are eventually put in the correct graduation ceremony, and in general, to deal with any administrative issues that arise regarding these particular students. The administration of other students would be assigned to my colleagues. In addition, we could all participate in decision making councils some of the time. In fact, we would probably all be in a better position to usefully participate in these councils, because we would each have quite a good understanding of the system as a whole.

In principle, the above described administrative system would be as fair as a bureaucratic one. All of my colleagues and I would still be constrained to adhere to common rules and procedures, and we would all have had the same training, and so we should all give students equal treatment. However, as I shall suggest later, this system would likely lead to *better*, more respectful administrative rules than the rules that come out of a bureaucratic system, because of the democratic rule making procedures in the new system. Since we are all adhering to the same procedures and rules, the system should be reasonably predictable as well. It might be a bit *less* predictable than a bureaucratic system because of the possibility of objecting to and sometimes changing rules and points of procedure, but as I pointed out in Chapter 1, Stone suggests (and I agree with him) that assuming that perfect predictability and calculability is possible in matters that essentially concern human beings might be a mistake, and that making such an assumption might actually hinder efficiency.[238]

[238] Stone, "Whither the Welfare State?" p. 590.

In fact, I am inclined to think that the sort of system I have described here would be likely to be *more* efficient than a bureaucratic one, at least in some aspects. For example, suppose I make a mistake when entering a particular student's registration information into the computer system (suppose I accidentally record her as being registered for a course that she did not intend to register for). This mistake leads to errors in other parts of the system as well, for example, it will lead to an error in the records of the student's fees account – her fees account would now include the cost of a course that she is actually not taking. If I was responsible for all of the administrative issues regarding this student, when I discover the error (perhaps because the student points it out to me), I could easily go back and fix the mistake in every part of the system in which it occurs. This would be a much more efficient way of dealing with the problem than is the current bureaucratic way of dealing with such mistakes, because in the bureaucratic system, much time consuming inter-office communication is called for to fix the mistake in all parts of the system. The new system would also allow for the student to deal with such mistakes in a less time consuming way – she would only have to point it out to me, rather than having to speak to someone in her faculty office *and* in the fees office (and whichever other offices have to fix the mistake).

As Albert and Hahnel point out, the absence of a fixed hierarchy does not eliminate the possibility of effective monitoring, discipline and evaluation.[239] Part of our job complexes might be to check and report on the work done by other workers. We could even make sure that these checks could be done without either party knowing whose work they are checking or who is checking their work. Problematic progress

[239] Albert & Hahnel, *Looking Forward*, p. 32.

reports would then be dealt with in the workers' councils, ensuring that everyone remains accountable for doing a good or a bad job, as Albert and Hahnel recommend if this is necessary to motivate workers to do a good job.[240] So, we need not worry that I or any of my colleagues would abuse our positions by giving preferential treatment to students, for example. I shall now explain, in light of the objection in Chapter 3, why the sort of workplace organisation I have described here would in fact constitute a more respectful form of organisation, in the case of both workers and clients. I shall first show why it is more respectful of workers, because this will have a great influence on the treatment of clients.

Recall Lukács's suggestion that a worker in a bureaucracy is really no different from any other mechanism in the system.[241] If the administrative body I work in were to be re-organised according to the above suggestions, it seems that I and my colleagues would begin to constitute much more important parts of the overall system than we do now. While I would still need to stick to the administrative rules of the university, under the new organisation, I would have a real opportunity to question and contest these rules if I think they are inappropriate or problematic. This would be done in the decision making council meetings. So, while I would not have complete autonomy in how I do my job, because I would still be constrained by rules and procedures, I would have *some* more autonomy than I do now, as I would be able to have some input in the making of decisions.

Furthermore, it would be somewhat more difficult to replace us, as the training process for new workers is more comprehensive and would take more time. It would

[240] Albert & Hahnel, *Looking Forward*, p. 35.
[241] Lukács, *History and Class Consciousness*, p. 89.

by no means be impossible to replace me should the need arise (that would be a very serious problem), but it becomes a more complicated matter than it is under the current bureaucratic organisation, where replacing me would just be a matter of finding someone who could quickly learn the relevant rules. Although all of my colleagues and I would have had the same training and would carry out the same procedures, meaning that we could take on each other's tasks if necessary, the numbers of students assigned to a single administrator should be limited so that administrators will not be too overworked. This means that if I were to be fired, the organisation would probably have to find a new employee to take over the administration of my assigned students.

As I argued in Chapter 3, the bureaucratic structure of an organisation often forces its workers to deny or ignore their own autonomous decisions, particularly when it comes to moral issues. The administrative body I work for, being bureaucratically organised, often forces me to ignore my autonomous moral decisions, as was the case with the student who wanted to amend her registration. Under the new organisation, I would be able to raise the issue of the amendment rule in a council meeting if I begin to seriously doubt its appropriateness as a result of my dealings with the student. We might even decide that while the rule is *in general* a good one, there are cases where it would be appropriate to make exceptions, and that this is one of those cases. This is something I will never be able to achieve if the organisation retains its current bureaucratic structure. The strict hierarchy prevents me from being able to effect any kind of change in the rules. So, unlike the bureaucratically structured organisation, the new form of organisation would not only *recognise* my autonomous moral

decision, but would often give me the opportunity to *act on* this moral decision, should everyone else agree that it is a good decision.

So, it seems that the new form of organisation would treat me, as a worker, more respectfully than the current bureaucratic organisation does. Furthermore, if my workplace were organised according to the suggestions in this section, I suggest that it is extremely likely that it would treat its clients more respectfully. Speaking of the worker in a participatory, non-bureaucratic workplace, Albert and Hahnel say, "Quality of product improves along with morale."[242] In this case, the "product" is really a service, so in this case it is the quality of the service rendered to clients that improves with the morale of the workers. My morale will no doubt improve under the new organisation, as the organisation now recognises me as an autonomous agent, and treats me with respect. It is not difficult to imagine how this would improve my treatment of the clients – in this case, the students.

Recall that I am no longer constrained in my work to only obey the rules handed down to me by my superiors. It is now part of *my* job to think about the rules, evaluate them, and suggest changes if I think they are appropriate. So, if I am to do my job properly, I really *should* be listening to and seriously considering the problems raised by clients, and their reasons, and I should even bring these problems and reasons up at meetings if I think they are serious. Because we make decisions democratically, and through discussion, we are no longer constrained in our rule making by what is strictly calculable and predictable, so we are no longer discouraged from taking our clients' viewpoints seriously, even though they are unpredictable. So,

[242] Albert & Hahnel, *Looking Forward*, p. 44.

I *should* listen to, and seriously consider, the student's reasons for wanting to amend her registration and for missing the deadline, and if I think her reasons are good reasons, I should do what I can to help her, which in this case would be bringing it up at the next council meeting.

I would not bring up *every* complaint from students at council meetings, only those that I think are very important. If a particular student were to feel that I had ignored a complaint that she thought was very important, she should be free to mention it to other administrators, (and indeed, to as many of them as she likes). It might be a good idea to make public the conclusions of our council meetings, so that students would be aware of which complaints had been dealt with and which hadn't. This might reduce the amount of complaints, as students might see that their specific complaints had already been made and were being considered. Since serious rule changes would take a lot of time to democratically agree on, it would not always be the case that the particular student who raises a particular issue would benefit from the rule change. She would, however, have had her point of view acknowledged and taken seriously, which is more than the current, bureaucratically organised system allows.

A crucial difference between the bureaucratic form of organisation and the new one suggested in this section is that in the latter, the clients would no longer be essentially external to the operations of the organisation, as they are in the bureaucratic organisation. My job (at least the administrative part of it) would, under the new organisation, be defined by efficiently dealing with administrative issues relating to *particular students*, or clients. Whereas with bureaucratic organisation, my job is defined by strict adherence to the rules, regardless of the particular students I come

into contact with, under the new type of organisation, my job description essentially refers to clients. So, under the new kind of organisation, it would be less likely that doing my job to the best of my ability, as specified in my job description, would lead to me treating clients disrespectfully.

More generally, the purpose of the organisation would now more explicitly concern its clients, as administrative rules would now be framed in such a way that they would centre around actual, whole, individual clients rather than fees accounts, registration forms, amendment forms and the like. Students would still need to fill out these forms, but a single administrator would deal with *all* of a particular student's forms, rather than each kind of form being processed by a different office. As a result, the students could present themselves to me and my colleagues as the persons they in fact are; they would no longer have to adopt an oppressor's perspective and present themselves as eligible and deserving of whatever they want done (by filling in the correct forms correctly at the correct time and handing them in at the correct office) as Ferguson says clients of bureaucracies must.[243] So, it seems that the new form of organisation would treat its clients as well as its workers more respectfully than a bureaucratic organisation would.

Finally, the democratic rather than hierarchical structure of my workplace under the new form of organisation would satisfy Richardson's participation requirement. The workers in the organisation are treated as autonomous agents capable of making up their own minds on the basis of reasons in the decision making process, because they are all included as active participants in the decision making processes. We could add

[243] Ferguson, *The Feminist Case Against Bureaucracy*, p. 124.

in the requirement that some representatives from the academic staff and the student body must also participate in the decision making councils, so that *all* participants in the organisation can take part in the decision making process. It is worth noting, though, that even if we did not have client representatives in the council meetings, the clients' perspectives would be likely to make it in to the meetings anyway, because of the focus on clients in workers' administrative tasks.

I think that the type of workplace organisation that I have outlined in this section could work well in the context of a university, and probably in other organisations of comparable size and complexity (as well as in smaller and simpler organisations). If we consider much larger and more complex bureaucracies, however, it is not so clear that my suggestions could work. For example, it is very hard to imagine getting rid of all the various bureaucratic branches of government (such as Home Affairs, the Department of Transport, the Department of Health and so on), and having individual workers deal with particular citizens' administrative issues from birth to death. So, when it comes to these very large administrative agencies, perhaps we shall have to settle for Richardson's institutional reforms for democratic decision making outlined in the previous section of this chapter, along with Albert and Hahnel's suggestion of job rotation, and give up my suggestion of unified, holistic tasks with a defined beginning and end.

However, it is worth noting that there *is* a conceptual possibility (and perhaps it is even a practical possibility) of my suggestion from this section being applicable in all contexts. I am referring to Bookchin's "libertarian municipalism", a form of social

organisation that he thinks should replace large state governments, and even cities.[244] In such a system, all decisions would be made in face-to-face assemblies of citizens, who would be organised into small, self-manageable groups.[245] The assemblies of citizens would be of a participatory democratic nature, but Bookchin would reject Richardson's reforms because Richardson allows for a lot of representation. Bookchin, on the other hand, rejects all forms of representation, and insists on direct participation.[246] While I am inclined to agree with Bookchin that direct democracy is preferable to representative democracy, such direct participation is just not feasible in large institutions and societies, as I noted in the previous section. If the whole of society were remodelled according to Bookchin's libertarian municipalism, then if there were indeed any need for administration, it could probably be done in a way that resembles the sort of organisation of administration that I have suggested in this section, and participation in decision making processes could always be direct rather than through representatives. That, however, is a very distant eventuality.

So far in this chapter, I have given some suggestions of what I believe would be promising ways of re-structuring and re-organising institutions that are currently bureaucratic. The most important aspects I have dealt with are related to the arguments in Chapters 2 and 3; a promising alternative to bureaucracy, I suggest, would incorporate a fairer distribution of decision making and a more respectful form of organisation than currently bureaucratic institutions do. I turn next to a possible objection to my suggestions.

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[244] Bookchin, *Remaking Society*, p. 184.
[245] Bookchin, *Remaking Society*, p. 194.
[246] Bookchin, *Remaking Society*, pp. 174-175.

Estlund: Why put so much weight on fair decision making processes and respect for autonomy if good results would not thereby be guaranteed?

Estlund suggests that there is a tension between the idea that government is legitimate only when it treats its citizens with equal concern and respect specifically by allowing collective deliberation to guide its decisions and the worry that democratic deliberation will not lead to good decisions.[247] Specifically, Estlund suggests that there is a tension between Richardson's insistence on the government sufficiently respecting its citizens by including their participation in the political process and his (Richardson's) worry that democracy is not primarily justified on epistemic grounds.[248] In other words, if it is unlikely (or at least not likely) that the general population would reach the *right* decisions, why should it be so important to include them in the political process?

For example, including citizens in all important decision making procedures might lead to some of their important rights not being fulfilled. Recall from Chapter 3 that Richardson's argument for citizen participation in decision making rests on respect for autonomy in the specific sense of being able to make decisions rather than on epistemic reliability. Estlund says, "Why think people have a right to make decisions even if they cannot make them well?"[249] Why should we think people should be allowed to make decisions if they are as likely as not to end up making decisions that will not fulfil their rights? Why should we worry about inequality in the distribution of decision making power if equality in decision making power is as likely as not to lead to bad decisions?

[247] Estlund, "What's So Rickety?" p. 205.
[248] Estlund, "What's So Rickety?" p. 205.
[249] Estlund, "What's So Rickety?" p. 205.

The problem is most serious in the case of collective decision-making, as opposed to individual decision-making, because minorities might be victimised by (bad) decisions made by the majority.[250] To illustrate this point, I return briefly to my example from Chapter 2 – the decision to introduce a new computerised exam system in a university. Suppose the decision was made according to Richardson's proposed guidelines – everyone was included in a fair process of discussion. It just so happened that a vast majority preferred E^4 – that the rooms where students write exams have a professional appearance.

Suppose that, as a matter of fact, E^4 is not objectively a very important end; the majority is mistaken on this point. Nevertheless, E^4 ends up informing all of the more specific decisions about the introduction of the new system, and this is perfectly fair. However, the end E^3 – that the rooms where students write exams are conducive to good writing – suffers a much lesser degree of satisfaction as a result. Now suppose E^3 is, objectively, the *only* really important end. There was only one student who believed this to be the case, and so her view did not have a very significant influence on the decisions. Why should we think that the situation *should* have turned out this way? Why should we think that the majority, who were in fact mistaken, have the right to impose their decisions on the one student who was *not* mistaken, even if the process was perfectly fair?

The notions of equality in decision making power and respect for autonomy on their own would not seem to do the required work here. Why should we give so much

[250] Estlund, "What's So Rickety?" p. 206.

weight to the capacity of the majority to make, in this case, bad decisions? It might even be the case that everyone (including the small minority who disagrees with the decision) will in fact be *harmed* by the results of the decision, and as Estlund points out, this would conflict with Richardson's appeal to the republican notion of freedom as non-domination.[251] Estlund says, "Equal concern for persons means concern for them both as agents, and also as recipients of law – often as the victims of bad government. The idea of equal concern cannot, by itself, explain why the right to democratic rule is more important than the right to be treated justly by government's decisions."[252]

I think that Estlund's objection can easily be applied to the possible alternative to bureaucracy that I have presented in this chapter. Very simply, the suggestion is that bureaucracies need not worry about treating their participants with respect as autonomous agents and giving them equal decision making power, because the consequences of *not* doing so (and sticking to the bureaucratic way of treating people and making decisions) are likely to be much better for all concerned. To adapt the last quote from Estlund above, perhaps we should consider the fact that equal concern for persons includes concern for them as recipients of administration, and that efficient and effective administration might be better in this regard than *ideally* fair and respectful treatment by administrative organisations.

Recall the case of the student who comes to me wishing to amend her registration after the deadline. Perhaps she has not been treated with much respect as an autonomous agent capable of making up her own mind. But it might be that the long

[251] Estlund, "What's So Rickety?" p. 206.
[252] Estlund, "What's So Rickety?" p. 210.

term and overall consequences of having the amendment rule in place, and adhering to it, are so beneficial that they outweigh the moral problem posed by the lack of respect shown to students such as this one. It might be that without such a rule (and many others like it), proceedings in the university would be so inefficient and chaotic that very few people could achieve any of their goals, including what I suggested are plausibly the two chief motivations for setting up a university in the first place – provision of good higher education and production of good academic research. Furthermore, it might be that only a select few (those occupying the upper levels of the bureaucratic hierarchy) are truly capable of making *good* decisions about administrative matters and rules. In that case, perhaps the significance of treating all participants with respect in the context of decision making procedures, and giving them equal decision making power, pales in significance when compared to the overall results of a bureaucratically structured administrative organisation.

Responses to Estlund's Objection

There are a number of different possible responses to the above objection. Estlund's preferred way to deal with the problem is to argue that "at least under favourable conditions, better policies would tend to be chosen by public processes of truth-seeking reasoning and deliberation."[253] This line of response might work in the context of collective reasoning about policy in a democratic society, but it might not work so well in the context of administrative rule-making. While it might be plausible to suggest that the general public, under favourable conditions, would be reasonably well disposed to reach good decisions by collectively deliberating about

[253] Estlund, "What's So Rickety?" p. 207.

what they should do regarding matters that affect them all in important ways, it is perhaps not so plausible to think that all participants in a bureaucracy (including all workers and clients, and probably all potential clients as well) would be well disposed to reach good decisions specifically about *administrative* issues. The friend of bureaucracy would no doubt suggest that some kind of administrative expertise is necessary for good administrative rule-making, and this is not something that the ordinary participant in a bureaucracy would likely have. I know what I *want* from an administrative system, but I might not really know what would be best overall, and I almost certainly don't know enough about the intricacies of administrative tasks to be able to come up with good rules to govern them. I probably am not even sufficiently informed about the intricacies of administrative tasks to be able to reliably judge which of two proposed rules would in fact have the best overall consequences.

While the problem of insufficient knowledge on the part of the general public applies to both the policy making case and the administrative rule-making case, I think it is more easily set aside in the policy making case. Assuming that there *are* some objective facts about better and worse policy decisions, the worry about insufficient knowledge need not be detrimental to the proponent of the epistemic reliability of democratic reasoning. As Estlund points out, "a normative conception of democracy is free to hold people and institutions to certain standards even if they do not meet them."[254] It is perhaps not unreasonable to expect of the average citizen of a democracy that she is more informed than she actually is. I think it is more questionable, however, whether it is reasonable to expect that the average participant in a bureaucratic administrative organisation is sufficiently informed about the

[254] Estlund, "What's So Rickety?" p. 208.

demands of the organisation to be able to reliably reach good decisions about administrative rules.

My point is seen most clearly when we consider how many different administrative organisations each of us participates in, and how different some of them are from others. Consider just two examples: a student at a university is a participant in both the university's administrative bureaucracy and the traffic licensing department (which is in fact only one part of a larger bureaucracy). Can she reasonably be expected to be sufficiently informed about both of these administrative agencies to be able to reliably reach good conclusions about the rules governing procedures in each of them, let alone all of the other bureaucracies she finds herself involved in? These would seem to be unreasonable expectations of the average participant in a bureaucracy. So, I don't think Estlund's preferred way of dealing with the problem works very well in the context of administrative rule-making.

I think that the best way to deal with the objection is to meet it on its own turf, so to speak. The objection raises the worry of unfavourable results of not relying on bureaucratically structured organisations even if they constitute an unfair distribution of decision making power and do not respect people as autonomous agents. I suggest that the best way to deal with the objection is to point to the unfavourable results of organisations that constitute unfair decision making procedures and fail to treat their participants with respect. As Ferguson and Lukács both suggest, and as I tried to show in my example of the student wanting to amend her registration, administrative organisations that fail to treat participants with respect are likely to have far reaching consequences for those participants' self-esteem, ways of thinking and indeed entire

ways of life. Similarly, an unfair distribution of decision making power might plausibly damage the self-esteem of citizens or participants, because they leave the general public feeling rather helpless and apathetic regarding many important decisions that will affect them in important ways. So, while ideally fair and respectful (but epistemically unreliable) rule-making procedures might have unfavourable results, bureaucratic rule-making procedures might *also* have unfavourable results of a certain kind, *and* they have the process-based moral flaws that I described in Chapters 2 and 3.

Furthermore, I think it is still an open question whether bureaucracies necessarily *do* have such good overall results that fairness and respect for autonomous agents pale in significance. I suggested some result-based arguments against bureaucracy in Chapter 1. My point is that, as far as I can tell, it is still an open question whether bureaucracies have better consequences than some democratic, respectful, non-bureaucratic alternative would have, and so my adaptation of Estlund's objection is certainly not decisive. Until such a time as that question *is* settled, the sort of alternative to bureaucracy that I have described in this chapter is worthy of serious consideration. At the very least, should it turn out that in fact bureaucracies *do* have such beneficial overall consequences that they do outweigh the deontological moral defects of bureaucracies that I have drawn attention to, if my main arguments have been successful, these deontological problems are still moral problems with bureaucracy. While my arguments in Chapters 2 and 3 might not show decisively that bureaucratic forms of organisation are morally unjustified, they do point out serious moral problems with bureaucratic forms of organisation, which might be remedied by the sort of alternative I have described in this chapter.

Conclusion

In this research report, I have considered some moral issues relating to bureaucratic forms of organisation. I have paid attention to deontological arguments against bureaucracy in particular. My aim has been to show that there are some serious deontological flaws in bureaucracy – in democratic societies, the existence of bureaucracies with significant decision making power constitutes a threat to our right to collectively rule ourselves, and bureaucratic organisations treat their participants (both workers and clients) disrespectfully.

I do not claim to have shown that bureaucracy, on the whole, is morally unjustified – that is still an open question. I hope I have shown, however, that we can and should question the moral justification of bureaucracy, because there do seem to be some serious moral problems inherent in it. While the overall results of bureaucratic organisation *might* in the end justify the existence and prominence of bureaucracy, it remains, to my mind, an open question whether they in fact do. Even if they do, if my main arguments here have been successful, they show that there are some real moral flaws in bureaucratic forms of organisation, and it is worth being aware of these, and perhaps reducing them wherever possible and reasonable. The best ways to do that, I suggest, is to incorporate more democratic decision making procedures and more respectful forms of work organisation wherever possible and reasonable.

Bibliography

1. Michael Albert & Robin Hahnel, *Looking Forward: Participatory Economics for the Twenty First Century* (Boston: South End Press, 1991).
2. Murray Bookchin, *Remaking Society* (Montréal: Black Rose Books, 1989).
3. Cornelius Castoriadis, *Political and Social Writings* Vol. 2, translated by David Ames Curtis (Minneapolis: University of Minnesota Press, 1988).
4. Thomas Christiano, "Democracy and Bureaucracy," *Philosophy and Phenomenological Research* 71 (2005): 211-217.
5. David Estlund, "What's So Rickety? Richardson's Non-Epistemic Democracy," *Philosophy and Phenomenological Research* 71 (2005): 204-210.
6. Kathy E. Ferguson, *The Feminist Case Against Bureaucracy* (Philadelphia: Temple University Press, 1984).
7. James A. H. S. Hine, "Success and Failure in Bureaucratic Organizations: The Role of Emotion in Managerial Morality," *Business Ethics: A European Review* 13 (2004): 229-242.
8. John Ladd, "Morality and the Ideal of Rationality in Formal Organizations," *Monist* 54 (1970): 488-516.
9. Georg Lukács, *History and Class Consciousness* (London: Merlin Press, 1968).
10. John Stuart Mill, "On Liberty," in Louis P. Pojman, ed., *Political Philosophy: Classic and Contemporary Readings* (New York: McGraw-Hill, 2002), pp. 95-129.
11. Philip Pettit, "From Republic to Democracy: A Comment on Henry Richardson," *Philosophy and Phenomenological Research* 71 (2005): 196-203.
12. Henry S. Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (New York: Oxford University Press, 2002).
13. Henry S. Richardson, "Précis of *Democratic Autonomy*," *Philosophy and Phenomenological Research* 71 (2005): 187-195.
14. Henry S. Richardson, "Response to Pettit, Estlund and Christiano," *Philosophy and Phenomenological Research* 71 (2005): 218-230.
15. Francis E. Rourke, "Bureaucracy in Conflict: Administrators and Professionals," *Ethics* 70 (1960): 220-227.
16. Clarence N. Stone, "Whither the Welfare State? Professionalization, Bureaucracy, and the Market Alternative," *Ethics* 93 (1983): 588-595.
17. Max Weber, "Bureaucracy," Chapter XI in Guenther Roth and Claus Wittich, eds, *Economy and Society* Vol. 2 (Berkeley: University of California Press, 1978), pp. 956-1005.