

The Japanese Civil Service: Paradox of a Reform Driven by but Ignoring Emotion

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Abstract

This essay, based on a public lecture, deals with the last Civil Service (CS) Reform in Japan, which had been attempted since the 1990s and was completed in 2014. Bureaucrats enjoyed a "summer" where they actively were engaged in policy-making. But a series of policy failures and scandals revealed in the 1990s were attributed to their excessive autonomy, and centralized personnel control by the prime minister was introduced. However, discourse analysis of the Diet (Parliament) during the period of Reform indicates that there was neither a shared understanding of the meaning of CS impartiality, nor of the values to be borne by the CS. The driving force of the Reform was mainly people's fury. It therefore resulted in relegating bureaucrats to being "lackeys" of the prime minister, ignoring their self-respect. This has given rise to various undesirable consequences. Will the CS see another "spring" in Japan?

Keywords: Japan; Civil Service; Civil Service Reform; Japanese Diet; personnel control; Westminster Model; Wittgenstein's language game; impartiality; bureaucracy

1. Introduction

Since the end of the 20th century, many early-modernized countries pursued Civil Service Reform to tackle perceived dysfunctions of the public administration. Japan was no exception; its reform of political structure started in the mid-1990s, then Civil Service Reform followed to complete the structural breakout from the postwar convention system.

I joined the Civil Service in 1986 and worked for 33 years as a legal official specialized in the Civil Service (CS) system and personnel policy-making. Almost half of my service occurred in the 20th century, the other half in the 21st century. The behavior required of civil servants has become completely different from that in the first half. It was almost revolutionary.

In 2015, when I was seconded from the government to Ritsumeikan University for one year to concentrate on research, I thought that it would be of some use to academically analyze what the Reform had brought to the Civil Service, utilizing my close observation. Hence, I started writing a thesis, published in 2020 (*Impartiality: The Bureaucratic Consequences of Political Leadership*), and I received a Ph.D. for it in March 2021. The current essay is based on a public lecture that draws on several parts of this thesis (which contains copious references and annotations, the most important ones being added to the bibliography below, even if not directly cited), as well as entirely new material.

My consistent research question during all this time has been under what conditions the

Civil Service can fulfill its role. To answer this question, that role must first be clarified. The originality of my thesis is that I demonstrated, using the framework of Wittgenstein's language game, that a shared understanding of what it was all about never existed during the Reform. Few have recognized this absence. What follows is an outline and overview of the Reform and my analysis thereof, primarily for a non-Japanese audience. The lecture style has been fully retained.

2. Bureaucrats in "Summer"

Before explaining the recent Reform, let us briefly look at the history of the CS in Japan.

The modern CS was established in the mid-19th century, modelled on Prussia, immediately after the Meiji Restoration in 1868, before the first Diet (Parliament) was called in 1890. Fully-fledged party politics was not realized until 1924. Reflecting this historical path, and not atypically globally, Japanese bureaucrats believed themselves to be above the Diet, and looked down upon party politics. This attitude is often called Transcendentalism in this context.

After defeat in the Second World War, democratization started under United States of America (US) Occupation, and the new Constitution was enforced in 1947. Public officials were changed from the Emperor's Officers to "servants of the whole community, and not of any special groups" (Article 15 II). The Civil Service Act was newly enacted, modelled on the US. But once Japan restored independence in 1952, the pre-war tradition of the CS returned. Thus, the CS system became a strange mixture; an open system in theory but a closed system in practice.

Japan quickly recovered from the devastation of the war and maintained a high level of economic growth. From 1956 to 1973, the average GNP growth rate was over 9%. It was called a "Japanese Miracle". After a recession caused by the Oil Shocks and yen revaluation in 1973, the growth rate slowed down, but still on average it was around 4%, until the bubble economy collapsed in early 1991.

There were several characteristics of the public administration during the period of economic growth. Firstly, there was no change of power. The Liberal Democratic Party (LDP) was formed in 1955 as a unification of conservative groups, and it mostly remained in power since its formation, obtaining a majority in free elections.¹

Secondly, under the LDP regime, bureaucracy maintained a very active role. Since the Meiji Era, the CS had been a prestigious profession, and top students from top universities, in particular from the law faculty of Tokyo Imperial University, had been recruited into it. This structure did not change much in the postwar time, even after all imperial universities omitted "imperial" from their names. The salary of the civil servants was rather humble compared with that of their ex-classmates in the private sector, but once they retired, posts outside of the government were prepared by the ministry. This system, called "golden parachuting", kept officials motivated to put in hard work and loyal to the ministry they belonged to. The more contributions an official made, the more rewards were given in the end.

Bureaucrats in Summer (or *The Summer of the Bureaucrats*) is the title of a well-known semi-fiction book by Saburo Shiroyama, published in 1975. It describes the role played by officials of the Ministry of International Trade and Industry² (MITI) in the Japanese economy. The main

1 The LDP was out of power in 1993-1994 and 2009-2012.

2 In 2001, its name was changed to the Ministry of Economy, Trade and Industry (METI).

character's model was Shigeru Sahashi, who became the permanent vice-minister of MITI in 1964. The typical line of the character is: "We are employed by the state, not by the Minister." It well represents the mentality of civil servants from the late 1950s to the early 1960s. After the LDP's dominance became clear, the CS came to collaborate with the LDP politicians and worked energetically as a coordinator of various stakeholders in society.

As mentioned, I personally joined the government in 1986, in the middle of the bubble economy. Many of my classmates also chose the CS. Nobody sought budget maximization for their ministry, whatever their textbooks of politics assumed; everyone was simply fascinated by the job to contribute to a better society and to design the future. We did not realize that winter was around the corner.³

3. Who Governs? Two Theories

Since the era of the "Japanese Miracle", a frequent question has been, "Who governs Japan?"

The most wide-spread theory was "Bureaucracy governs". This theory – let us call it Theory X – was proposed by Kiyooki Tsuji (1969, 1991) from Tokyo University. He insisted that bureaucracy enjoyed autonomy, without receiving democratic control, and that the CS designs the economy. Many foreign scholars who were puzzled by Japanese economic growth also supported this view. Famous examples are "Japan as Number One" by Ezra Vogel published in 1979 and "MITI and the Japanese Miracle" by Chalmers Johnson published in 1982.

But there was another theory, insisting that "Politics governs". It was proposed by Michio Muramatsu (1981, 2010) from Kyoto University.⁴ Let us call it Theory Y. Based on his research on US pluralism, he pointed out that Japanese bureaucrats were undoubtedly active but worked as an entrusted agent of the LDP, so they were not completely autonomous. The Principal's will is well understood in advance (anticipated reaction). Like a rugby "scrum", politics and bureaucracy are inseparably tied together by a shared aim. Another point was that the LDP did not behave as one team. The LDP was an aggregation of intra-groups, and each member became a client (called "zoku" or tribe) of partial interests and influenced the ministry in charge. Notorious sectionalism, or a silo mentality, of ministries was sustained by these tribes. Economic growth according to this theory was not attributable to MITI's one-sided planning; it was mainly due to the efforts of private companies, such as Honda, Panasonic, Sony, etc.

It is natural, therefore, that each theory issued different prescriptions when the Japanese public administration came to show what was perceived as dysfunctions in the 1990s. We will examine this later.

4. Bureaucrats in "Winter"

Summer does not last forever. In retrospect, the mid-1990s were the turning point. *Bureaucrats in Winter (or The Winter of the Bureaucrats)* is the title of a book by an ex-bureaucrat at the Ministry of Finance, Professor Hideaki Tanaka, published in 2019. He analyzed changes of the CS since the end of the 1990s and tried to come up with a recipe for solving dysfunctions. Numerous books have been published on the same topic, but the triggers pushing the CS into

³ "Administrative Reform" had started in the 1980s, but its nature was different from the one that was to come, because it was well organized by closed councils of stakeholders (Makihara 2013, 82).

⁴ Ramseier and Rosenbluth (1993) also take this position.

winter are commonly pointed out as follows.

a. The collapse of bubble economy caused a huge overhang of financial debt.

Japan was always a country of small government, both in taxation and the scale of its public sector. Increases in expenditure had been covered by high economic growth, but once stagnation started in 1991, the enormous burdens for social security caused by the low birth rate and increasing lifespans became tangible. The debt was worsened further by the clumsiness of the government in dealing with the financial sector.

b. The shrinking pie and globalization of economy weakened coordination between stakeholders.

The iron triangle between politics, administration and business worked well in the period of stable trickle-down. But increasing financial debt made it ineffective. In order to share the burden from a shrinking pie, centralized coordination came to be required instead of competition among ministries. The globalized economy accelerated this problem, because it was beyond control by prior coordination inside Japan.

c. Voters' behavior changed because of the end of the Cold War.

Japan never had a tradition of social democracy equivalent to Europe. Voters had no option but to vote for the LDP, unless they wished for a socialist regime. But after the collapse of the USSR, electorates started to vote without ideological concerns, sometimes to "punish" the LDP when they were not satisfied with specific policies.⁵ The government began to face continuous pressure from voters.

Government's reaction to these drastic changes was slow and obtuse. Many ministries, especially the Ministry of Finance (MOF), attempted to protect their vested interests at the cost of, as it turned out, ordinary people. Following the collapse of many major banks and security companies, the MOF was found to have neglected proper inspection because of corruption. Until that time, while politicians had been regarded as more or less corrupt, the CS had been regarded as arrogant but competent and clean. Its most prestigious Ministry crushed this long-standing reputation by its own hand. It was enough to shake the foundation of trust to the CS. Not only in finance, but also in other fields, scandals such as bribery from the construction industry, mutual entertaining of officials using public funds, HIV-tainted blood products, etc. were reported.

After such corruption and incompetence had been revealed, a reform of the CS became inevitable. Mass media, supported by numerous intellectuals, came to demand two things: To strip the CS of life-time privileges, especially golden parachuting, and to smash the iron triangle which had ignored the interests of common people. The latter required a fundamental reform of the political system. Therefore, CS Reform was positioned as the final piece to complete the large-scale structural reform, "new wine" to be poured into "new wineskins".

The idea was for "wineskins" to replace the fragmented decision-making in each ministry and the "tribe" members tied to it by the centralized initiatives of the prime minister. For that purpose, the Westminster model was adopted, i.e. a change from the medium-sized electoral district system, which had allowed plural LDP members to be elected with the help

⁵ In 1993, the Socialist Party (JSP) joined the non-LDP coalition government and was then given the premiership in the new coalition government with the LDP in 1994.

of intra-party bosses, to a single-seat constituency system, and to establish strong executive offices to help the prime minister's policy-making. The new electoral system of the House of Representatives commenced in 1996⁶, and the reorganization of ministries and agencies, with a strengthening of the Cabinet Office, etc., in 2001.

After these major reforms were achieved, the CS Reform bill to revise the Civil Service Act was submitted to the Diet four times, in 2009, 2010, 2011 and 2013. After the first bill was dropped, the LDP lost a general election, so the second and third bills were submitted by the DPJ (Democratic Party of Japan) government. But running the government was extremely difficult from 2007 to 2012, mainly because of *nejire kokkai* or the "twisted" Diet (Stockwin 2018), under which the majority of the Upper House (the House of Councilors) was taken by opposition parties. Thus, achieving CS Reform had to wait until the LDP regained the majority in both Houses. The fourth bill passed in April 2014 and came into effect one month later.

5. How the CS Should Behave: Language Game in the Diet

To understand the main "idea" of CS Reform, I conducted a discourse analysis of the Diet discussion from 1947 to April 2019.

The keyword I focused on was the "中立性 *chūritsusei*" (impartiality or neutrality) of the CS.⁷ Impartiality/neutrality is stipulated as one of the main norms of the CS in law or regulation in Germany, France and the United Kingdom (UK). In Japan, this word is not used in the Civil Service Act, but all newly recruited employees are obliged to swear an oath to implement their duty "impartially and fairly". So all textbooks of public administration state that impartiality is one of the essential norms for the CS. But this "common sense" is not shared outside of academia.

"Impartiality" of the CS appeared more than 1,500 times in the Diet discussion. Some said that impartiality should be observed, others insisted it was harmful. But surprisingly, this word was used in each speaker's own meaning. The "language game" (Wittgenstein 1953) had not been properly established. Everyone freely played their own game, based on their interpretation, without having a proper interpreter. It was like the situation when Humpty-Dumpty declared in *Alice through the Looking-Glass*; "When I use a word, it means what I choose it to mean."

According to my analysis of the Diet proceedings, one can categorize the usages of "CS impartiality" into five types.

- A:** CS should stand aloof above party politics;
- B:** CS should insulate itself from party politics;
- C:** CS should serve any government sincerely as an expert;
- D:** CS should obey any government, including the latter's party inclination;
- E:** CS should escape from politics.

⁶ 300 seats were allocated to single-seat constituencies, but 200 seats were kept for proportional representation in regional blocks.

⁷ C. Schmitt (1931) categorizes various concepts of the 'neutrality' of the state. In Japan, this was sometimes confused with the 'neutrality of the CS' (Shimada 2020a).

The vertical relationship between politics and bureaucracy expected by each interpretation is visualized in **Figure 1**. From the standpoint of the expected behavior of the CS, five types of impartiality can be located using two axes, i.e. the degree of autonomy and the degree of involvement in policy-making, cf. **Figure 2**.

Figure 1. Five different Interpretations of CS Impartiality: Expected Vertical Relationship

- A: Standing Aloof above Politics (Transcendentalism)
- B: Insulating from Politics
- C: Serving any Government Sincerely
- D: Obeying any Government
- E: Escaping from Politics

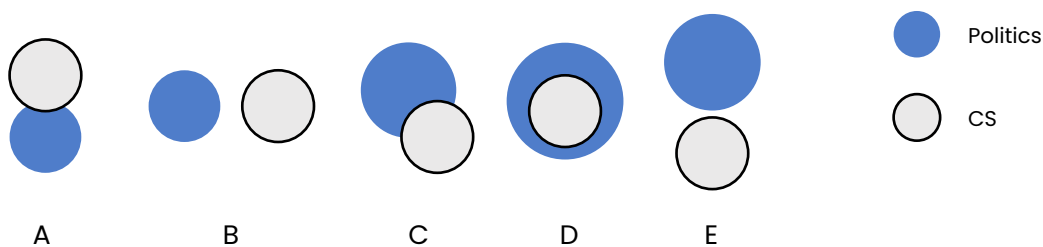
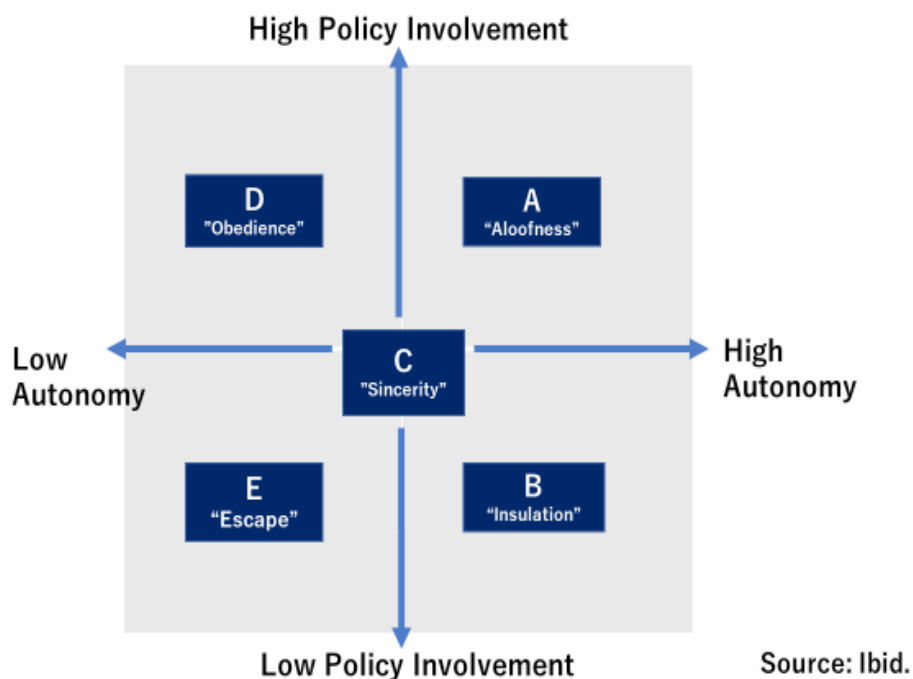


Figure 2. How the CS should Behave: Expected from Each "Impartiality"



Source: Ibid.

These types contradict each other, but very few seem to have realized this. Various combinations of "understanding impartiality" (word interpretation) and "how the CS should

behave" (value judgement) appeared. The recognition of the current situation also differed. Roughly speaking, the mainstream of the LDP, as well as those who supported the CS Reform, tended to use "impartiality" in the sense of either A or E and thought that the CS should move to D. In contrast, a small number of members interpreted "impartiality" as either C or B, and that the CS should be C in policy-making. But the players failed to see this axis of conflicts, so discussion never progressed and led to frustration. It was like the Tower of Babel. The debate on CS Reform remained emotional and lacked genuine communication.

6. The CS Relegated to Lackey: Original "Cocktail" into the Westminster Model

The main achievement of the Reform in 2014 was the introduction of centralized personnel management of high-ranking officials under the Prime Minister. For that purpose, the Cabinet Bureau of Personnel Affairs (CBPA) was established in the Cabinet Secretariat. Before the Reform, appointments were carried out within a ministry, under the name of a minister but in practice by means of peer review. Those who had gained respect among their colleagues as well as from "tribe" members, after working for two or three decades, were selected. But this autonomy came to be criticized as cultivating loyalty to their own ministry, not to the state as a whole. After the revision, all personnel of permanent vice-ministers, directors-general and deputy directors-general (about 600 posts) came to be under prior scrutiny by the Prime Minister and the Chief Cabinet Secretary (CCS).⁸

This new personnel style is not in the Westminster model; on the contrary, in the UK there is a long tradition for politicians to abstain from intervening in the personnel of the CS, up to the permanent secretary. Thus the CS Reform in Japan ended up pouring an original cocktail into the Westminster wineskins.

Under the new structure, those who are loyal to "tribe" members or vested interests are no longer treated favorably, while those who faithfully fulfill the Prime Minister's aspirations are rewarded. This idea goes well with Theory X, which attributed a series of policy failures to the autonomy of the bureaucracy. Controlling slack or drift in the bureaucracy was believed to be a cure-all. There were two implicit, rather bold assumptions behind this notion; that the Prime Minister represents the people as a whole, and that the CS is competent enough to achieve anything.

Once the new system came into effect, it became obvious that it sought the D type of impartiality. The Prime Minister can order officials to bring the exact outcomes he aspires to; if they cannot, they are regarded as disobedient and replaced. High-ranking officials should remain actively involved in policy-making, but they now are involved with no autonomy. Professor Naoto Nonaka called this turning the CS into "lackeys" (Nonaka 2020); the king makes wishes, lackeys realize them.

Let us compare this system with that in Germany, France, the UK and the US, from the standpoint of CS impartiality.

In Germany and France, the CS is supposed to represent the public good. So traditional "impartiality" is close to type A. But executive officials are under a special scheme to work

⁸ The Chief Cabinet Secretary is the head of the cabinet secretariat, a ministerial post for politicians. It has gradually become more important and is now often regarded as the No. 2 in the cabinet, after the Prime Minister.

as sincere supporters of the government of the time, sharing the same directionality. At first glance, this scheme looks similar to the new framework in Japan, but in these continental countries, the CS is given special social standing with economic security, like a life-time voucher. Bureaucracy is vested autonomy as a solid group in order to serve the state as a whole.

In the UK, impartiality of the CS is clearly type C. Policy-making is collaboration between politics and the CS, but each is expected to make different contributions. Each role is made clear in codes of conduct. Ministers have to respect informed and impartial advice from civil servants in reaching policy decisions. The CS bears the duty to speak truth unto power, giving ministers an honest opinion, including a polite "No" (Burnham and Pyper 2008, 3).

In the US, under the strict separation of three powers, policy-making is, in principle, the role of politicians and political appointees, whereas the CS is in charge of implementation. So the ideal relationship between politics and the CS is type B, i.e. Insulation. The word "impartial(ity)" is not used in law or regulation, but the concept of "neutral competence" for the CS is deeply rooted in the system.⁹

In these countries, impartiality is accepted as a main norm of the CS in practice. Its interpretation differs between countries, but its meaning is shared within each society. Each interpretation is sustained by the belief that the CS should bear values which cannot be realized by party

politics or the majority rule, yet which are important and beneficial for the country as a whole. In Japan, however, this belief has neither been imported nor recognized during the Reform, because it was driven by emotion. No other country demands the CS to be unified with politics as a convenient tool of the latter.

7. Consequences of the CS Reform

Now let us examine how the Japanese CS has been changed by the 2014 Reform.

7.1. Reaction to the Prime Minister's Implicit Will

Shinzo Abe was the Prime Minister at the time of enactment. Yoshihide Suga, who had closely supported Abe as the Chief Cabinet Secretary, succeeded Abe in 2020 (he stepped down in October 2021, just when this essay went to press). Several cases where nepotism or favoritism by the Prime Minister was suspected have been reported under these administrations.

Best-known is the Moritomo School case. State-owned land was sold to the school at an unusually low price (one-ninth of the one originally estimated). During the negotiation with the MOF, the President of Moritomo often boasted of support from Akie Abe, the Prime Minister's wife, showing off a photo taken together. Akie's secretary (an official sent from the METI) also made an inquiry to the MOF to check how the sale was progressing. When this deal was reported by the media, the Director-General of the MOF was called to the Diet but categorically

⁹ In reality, this principle of insulation or separation has never been observed, and type D of CS has been praised since the 1980s, mainly by rational choice institutionalists. However, since the beginning of the 2000s, various theorists, such as D. Carpenter (2001), G. Huber (2007), S. Gailmard and J. Patty (2007, 2013), etc., came to criticize such obedience as bringing harm and support the CS's behavior under certain autonomy (Shimada 2020b).

denied any political influence on this discount. Subsequently, the formal document recording the sale process was secretly rewritten to make it consistent with his answer; the names of Akie Abe and other politicians were deleted. The MOF's front-line official, who was forced to do this rewriting, committed suicide a few days later.

The second case concerned Kaké School, whose owner was a long-time close friend of the Prime Minister. The Ministry of Education, Culture, Sports, Science and Technology (MEXT), which had not given permission to any university to start a veterinary faculty for 52 years, gave a special permission to Kaké. The MEXT kept a record that they were told by a high-ranking official of the Cabinet Office that "giving permission is the will of the Prime Minister". The Chief Cabinet Secretary denied this remark, saying that the record in MEXT was forged for a sort of negative campaign.

Under the Suga administration, a serious case of breaching the Civil Service Ethics Act was brought to light. High-ranking officials of the Ministry of Public Management, Home Affairs, Posts and Telecommunications (MIC) were reported to have been invited to an expensive dinner hosted by a film corporation where Suga's son, an ex-secretary of his father when Suga was the Minister of MIC, was working. The company was under the supervision of MIC as the competent authority, so receiving such an invitation was clearly illegal. Many officials resigned after receiving disciplinary penalties.

In all of these cases, the reaction of the top officials involved was the same: They denied the Prime Minister's involvement, and refused further explanations in detail because of their "poor memory". They eventually received all the blame and resigned. But had they not been found out, those who had behaved in such anticipatory compliance with the Prime Minister's assumed reaction would have been promoted.

History shows that politicians tend to pursue their own interests; support from the majority is not the same as representing the whole society. Moreover, in the world of politics and governance, it is impossible to realize *every* aspiration. If anyone is forced to bring about certain outcomes by all means, the simplest solution is to "make up data when reporting results" (Krause and Meier 2003, 294-295).

7.2. Neglected Data and Limits of the CS

Another phenomenon is that the CS has come to strive to realize the Prime Minister's agenda, even at the cost of statistical evidence or their own health.

The Ministry of Health, Labour and Welfare (MHLW) became notorious in this respect. To realize the ambitious Work-style Reform, one of the core policies of the Abe government, supporting statistics on working hours in the private sector, was submitted to the Diet. But the figure was apparently unnatural. These statistics were later withdrawn, and the related revision was finally dropped. Another case centered on statistics of monthly working conditions of private companies, which had been the basis for determining employment insurance, etc. After the Prime Minister's Secretary showed dissatisfaction with the figure, its processing was changed in 2018 so that the growth rate of salary was moved up. In both cases, opposition parties suspected an intentional falsification to cater to the Prime Minister's wishes, but the MHLW denied such intention.

Another neglected factor is the limitation of resources, especially of time and health of the CS. Kasumigaseki, where most ministries are located (and also a term for central government as a whole, like "Whitehall"), has always been known as a "never-sleep spot", but the recent situation has become aberrant. In the office taking measures against the COVID-19 pandemic, for example, admittedly the extreme case of a large-scale emergency, one official was reported to have been forced to put in 378 hours of overtime per month in addition to working 7 hours 45 minutes a day.¹⁰ Although the government's guideline to avoid *karoshi* (death by overwork) sets 80 hours as the limit, this case was not exceptional. Officials in that section were reported to have also been harassed by the Minister.

Regarding the establishment of the Digital Agency, which had been given top priority by the Suga government, the bill was prepared with a speed "beyond the common sense of Kasumigaseki", which resulted in numerous mistakes. Ministers neither paid attention to the exhaustion of the CS, nor did they make any attempts at prioritization, for these are trifling matters for them compared with the sublime task to realize what voters aspire to.¹¹

7.3. Evasion of Competent Young People

The number of applicants for the CS has fallen since 2011, even after the recession started in 2018. The resignation rate of young officials has also been increasing. Moreover, the type of applicants has come to change. The majority of new recruits via the highest level of examination were traditionally Tokyo University graduates, but in 2018, only 20 percent of new recruits were from that university.¹²

Needless to say, there must be various reasons for the relative new unpopularity of the CS among young people, apart from the CS Reform. Mass media were concerned with this phenomenon and conducted various interviews and surveys. According to these, top university students regard the CS as unrewarding and uncreative, being forced to work long hours but being imputed with the blame from politics. That result coincides with similar findings from US research about the trade-off between political control and CS competence (Gailmard and Patty 2007, Huber and McCarty 2004, Stephenson 2007, etc.).¹³

An attitude survey conducted by the National Personnel Authority (NPA) in 2017 also indicates changes in young officials:¹⁴

10 <https://digital.asahi.com/articles/ASP353SJNP35ULFA00G.htm> (last accessed 20 May 2021).

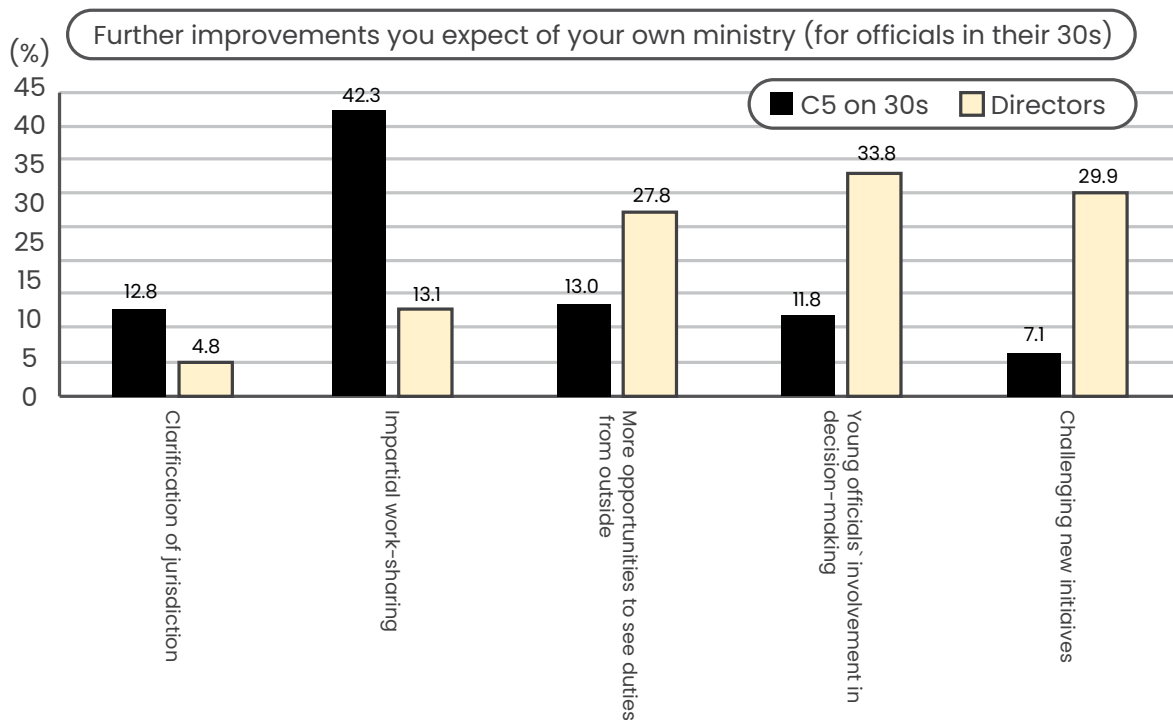
11 Civil servants are excluded from the protection of a compulsory upper limit of working hours, so that "ministers can order overwork when there is special or urgent need for the public service" (The National Public Service's Working Hours and Leaves Act, Article 13II).

12 Since Tokyo Imperial University, especially its Law Faculty, was established primarily for bringing up future bureaucrats, it was a shock to society that its graduates no longer gave priority to the CS (Shimada 2020a).

13 For details, see Shimada (2020b).

14 <https://www.jinji.go.jp/en/recomme/annual2017/pdf/05-2Part2.pdf> (last accessed 20 May 2021).

Graph 1. Extract Attitude Survey of the CS (Source: NPA 2017 Annual Report)



In the graph, black indicates the percentage of answers chosen by officials in their 30s, and white indicates those by their directors, to the question, “What do you expect of your ministry for further improvements for officials in their 30s?” This shows that young officials do not want to be involved in policy-making or challenge themselves with new tasks, contrary to their superiors’ beliefs. What young officials demand is a balanced amount of work and a clear range of responsibility. They are exhausted and declare, “We make policy as ordered by politics. Its result is none of our business.” While the Reform attempted to achieve type D of Obedience, what is appearing is type E of Escape.

8. Reform Driven by Emotion, Ignoring Emotion

In short, high-ranking officials have come to satisfy the Prime Minister, conjecturing his aspirations, and taking the blame when breaches of regulations are revealed. They have no other option for making their living, because they have been devoted only to the CS for over 30 years. Younger officials, in contrast, have come to dodge imputed blame. The CS has become less competent; data and records have become less reliable.

These consequences are not surprising. Aspirations were not always feasible. Nobody wants to be relegated to being a lackey. All of this is simple wisdom. The question is why such simple wisdom was overlooked during the Reform. Two reasons can be suggested:

Firstly, the Reform was led by the emotions of the people.¹⁵ As the discourse analysis in the Diet demonstrates, there was neither a rational analysis of the causes of policy failures, nor systematic research of precedents in other countries. The driving force of the Reform was

¹⁵ Makihara (2013) points out that the reforms since the 2000s differ from earlier reforms, which were investigated minutely by experts to keep consistency with other systems.

fury, "The elite officials should be punished, for they deliberately neglected their duty." All parties, both ruling and opposition, blamed the CS for policy failures. It was true that many high-ranking officials betrayed the trust of the people by pursuing their own interests. There is no room for excuses. But there were also other structural reasons why policies failed to satisfy people's expectations since the 1990s. Japan was bound by its own memory of past success. Fury of the people might be partially attributed to the tradition of paternalism; realizing the public good had been left to the CS since the Meiji Era and was not the business of the people.

Secondly, the Reform, ironically enough, ignored the emotion on the side of the CS. Officials were assumed to be emotionless machines or automata; if they were kicked hard, the proper product would come out. Mainstream academia supported this view. Since the

1990s, quantitative research came to sweep Japanese political science (Uchiyama 2003), unmeasurable factors of the CS, such as norms, culture, history, pride, sense of duty, patriotism, fight, etc. were condemned as "irrational" or "unscientific".

Another reason for ignoring the emotions of the CS was the spell of Max Weber's ideal type of bureaucracy. In his book *Politik als Beruf* in 1919, he said: "*Sine ira et studio*, 'without anger or partiality' – that should be the official's motto in the performance of his duties. He should therefore abstain from doing what politicians ... must always necessarily do, namely, to fight. For taking sides, struggle, passion – *ira et studium* – are the politician's element" (Owen and String 2004, 53-54).¹⁶ But "bureaucrats should" is not at all the same as "bureaucrats actually do" or "can". Officials in reality are made of flesh and blood, like employees in the private sector, and are easily hurt by politicians' bullying and infuriated by unreasonable insults, and they invariably take ownership of their projects. In addition, what Weber was talking about is the realm of implementation; he did not refer to the realm of policy-making. Insofar as the CS is required to be highly involved in policy-making, its job inevitably demands, and produces, a certain "politician's element".

I interviewed several high-ranking officials in 2015 and 2016 and found that all of them were split between their sense of honor and their actual duties. They undergo an emotional conflict whether to tell unpleasant truth to power or not, swaying between their long-cultivated passion as serving the public good and the new demand for obedience, which they perceive as contradicting the former.

9. What Values to Be Borne? To Fly out of Humpty-Dumpty's Bottle

If the consequences brought by the Reform are not what is desired by the experts' proposals or statements (Shimada 2020a, 129-159), the best way is to go back to the starting point and find out where one might have made a wrong turn. I have shown that in the Diet, while there were lots of remarks on the "impartiality" of the CS, real communication was impeded by Humpty-Dumpty-esque self-righteousness. To reach a mutual agreement, I suggest changing the questions as follows, "to show the fly the way out of the bottle", following Wittgenstein.

1. What values cannot be realized by majority rule?

¹⁶ Weber also mentions inevitable conflicts between the rational matter-of-factness of the bureaucracy and public opinion being born of irrational "sentiments" (Gerth and Mills 2009, 221).

2. To what extent should such values be borne by the CS?¹⁷
3. How can such values be ensured, when they conflict with the majority's aspirations?

It is still not easy to answer these questions, but one should recall at this point that Japanese political reform since the 1990s adopted the Westminster model. In the UK, the role of the CS in policy-making is formalized in the Civil Service Code. The duties of the CS include "basing advice and decisions on rigorous analysis of the evidence" (objectivity) and "acting solely according to the merits of the case and serving equally well governments of different political persuasions" (impartiality). In the Ministerial Code, Ministers are given the duty to give fair consideration and due weight to informed and impartial advice from civil servants in reaching policy decisions. There is no room for misunderstanding the expectation that the CS should "speak truth" to power.

To ensure this role, there is a tradition of political self-restraint from intervention in the selection of the CS, up to the top level, at least in theory, but also as concerns significant practice. After reforms under David Cameron, for instance, prime ministers can now select a permanent secretary for each ministry from short-listed candidates, but they are still excluded from the selection process. There are also various checking measures, from the judiciary to Select Committees of the Houses of Parliament, against the abuse of power by ministers.

Needless to say, this is not the only path to follow for Japan. Again, the reality in the UK surely diverges from the coded principles, and the Westminster System's downsides are well-known. But the most important lesson in the current context is that in the UK, there is no room left for misinterpretation of the values borne by the CS. Once a clear agreement on this is achieved in Japan, it will be much easier to keep checking comprehensively whether the reform goes in the right direction.

10. Conclusion: Will Bureaucrats See Spring Again?

The CS in Japan, after having enjoyed summer, is now in the middle of winter. CS reform was indubitably necessary in order to adjust to drastic changes in the domestic and international environments. But the actual CS Reform was driven by emotion, as Max Weber had predicted, and – therefore – resulted in a less competent CS. This emotion was caused by corruption in the CS, so it was a well-earned punishment. The real problem is that it also brought about undesirable consequences to the society as a whole, which needs a competent, motivated CS, not least in a country like Japan.

Will bureaucrats see spring again?

Spring will come if people accept that their own aspirations might not always be realized by the majority rule and find that the truth conveyed by the CS, even if unpleasant, will bring benefits to society at large in the long run – like a patient trusting a medical doctor who gives unpleasant advice. People know that doctors have their limits but still believe that relying on their expertise brings the best results possible at that time.

¹⁷ The CS is certainly not the only entity to bear such values, but one has to bear in mind that in Japan, change of political power seldom occurs, and judicial review is very weak.

But can the CS achieve such trust again?

I can think of one promising case. It is the change of people's attitude toward the Self Defense Force (SDF). The Constitution established after the Second World War stipulates that Japan retains no army, but facing the outbreak of the Korean War, the government formed the SDF, encouraged by the US. So the SDF was regarded with suspicion among the people, often associated with the atrocities of militarism before or during the Second World War. But following SDF participation in rescue activities, including the two great earthquakes in 1995 and 2011, its image has dramatically changed. Members came to be known for their sincere and devoted attitude toward suffering people, showing real sympathy for the weak. Nowadays, the SDF is consistently at the top of "trusted public entity" public opinion polls.

As for officials who are involved in policy-making, they have a long and brilliant history of being trusted as competent and unselfish. So why can they not regain this trust by showing real devotion to suffering people, like a medical doctor? It will be very difficult indeed, as Max Weber pessimistically stated, but it is not impossible.

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